

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
November 08, 2012**

This meeting date was changed from November 06, 2012 to November 08, 2012 due to the General election.

A meeting of the Fayetteville City Council will be held on November 08, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Town and Gown Advisory Committee Appointment: WILL HANSEN APPROVED**

Agenda Additions:

A. Consent:

- 1. Approval of the October 16, 2012 City Council meeting minutes. APPROVED**

2. **Amend Resolution No. 81-09, Animal Services Advisory Board:** A resolution amending Resolution No. 81-09 to reduce the total number of members of the Animal Services Advisory Board and re-designating certain membership composition of the board.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 200-12

3. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 201-12

4. **Fourth Judicial District Drug Task Force Training:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement Unit.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 202-12

5. **2012 Bulletproof Partnership Grant Award:** A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100.00 for the replacement of twelve (12) body armor vests for Fayetteville police officers, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 203-12

6. **Washington County Jail Services Interlocal Agreement:** A resolution approving an amendment to the jail services Interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 204-12

7. **Fayetteville Police Department Policies:** A resolution approving Fayetteville Police Department Policies 1.3.1 Use of Force; 84.1.1 Property Management, Acquired & In-Custody; 42.1.1 Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11 Use of Department Vehicles; 1.2.2 Warrantless Detention, Search & Seizure; and 42.1.1 Vice, Drugs and Organized Crime.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 205-12

8. **Margot Khavinson Estate Settlement Agreement:** A resolution approving a settlement agreement with the Margot Khavinson Estate, concerning condemnation litigation filed as part of the N. Garland Avenue Widening and Improvement Project in the total amount of \$18,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 206-12

9. **Bid #12-72 Pick-It Construction:** A resolution awarding Bid #12-72 and authorizing a contract with Pick-It Construction, Inc. in the total amount of \$343,900.00 for the construction of improvements to an aircraft hangar at Drake Field contingent upon a grant award, amending Resolution No. 95-12 to correct a transposition error regarding Task Order No. 9 to the contract with McClelland Consulting Engineers related to this project, approving application for and acceptance of an 80/20 matching grant from the Arkansas Department of Aeronautics to provide funding for this project and approving a budget adjustment authorizing airport fund matching expense and recognizing grant revenue, contingent upon approval of the grant application and receipt of grant funds.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 207-12

10. **Drake Field Fuel Sales:** A resolution approving a budget adjustment in the amount of \$27,000.00 to recognize revenue and associated expense associated with fuel sales at Drake Field.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 208-12

11. **Thrash Development:** A resolution approving a budget adjustment in the amount of \$15,000.00 recognizing revenue from Thrash Development for its contribution toward improvements to the East Avenue and Meadow Street sidewalks.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 209-12

B. Unfinished Business:

1. **RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins):** An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting. This ordinance was left on the First Reading at the September 18, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting. This ordinance was left on the Second Reading at the October 16, 2012 City Council meeting*

THIS ITEM WAS TABLED INDEFINITELY.

C. Public Hearing:

1. **Dynasty Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville. *This resolution was Tabled at the October 16, 2012 City Council meeting to the November 8, 2012 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 210-12

D. New Business:

1. **Tree Preservation and Protection Variance:** A resolution to approve a variance from the Tree Preservation and Protection Chapter of the UDC for LSD 12-4215 to allow off-site tree preservation, on and off-site mitigation tree planting and eliminating any further penalty for the removal of some canopy in 2008.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 211-12

2. **ADM 12-4254 (R-PZD 12-4079 Project Cleveland):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 12-4079, Project Cleveland, located at the Northwest corner of Razorback Road and Hall Avenue, containing approximately 2.71 acres, extending the time frame to obtain all necessary permits to begin construction by December 19, 2014.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5541

E. City Council Agenda Session Presentations:

1. **Economic Development Quarterly Report Presentation by Chung Tan and Steve Clark**

F. City Council Tour:

G. Announcements:

Adjournment: 7:45 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

Old business and new business.

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

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Subject:	Roll				
<u>Alderman</u> <u>Tennant</u> <u>arrived</u> <u>at 6:55 pm</u> <u>Alderman</u> <u>Kinion</u> <u>arrived</u> <u>at 7:00</u> <u>P.m.</u> <u>Alderman</u> <u>Ferrell</u> <u>was absent</u>	Ferrell	absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Mayor Jordan	✓			

8-0

Subject:	Town and Gown Advisory Committee Appointment				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Boudreaux			
<u>Approved</u> <u>Appointment</u>	Ferrell	absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	absent during the vote			
	Petty	✓			
	Tennant	absent during the vote			
	Mayor Jordan				

5-0

Subject:	Consent				
Motion To:					
Motion By:		Approve			
Motion By:		Boudreaux			
Seconded:		Gray			
<u>Minutes</u> <u>Approved</u> <u>passed</u> 200-12 thru 209-12	Ferrell	Absent			
	Adams	✓			
	Lewis	✓			
	Gray	✓			
	Boudreaux	✓			
	Kinion	Absent during the vote			
	Petty	✓			
	Tennant	Absent during the vote			
	Mayor Jordan				

50

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

Subject:		RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins)			
Motion To:			Move to later on agenda	3rd Read	Table Indef.
Motion By:			Gray	Lewis	Gray Lewis
Seconded:			Boudreaux	Petty	Tennant Gray
B. 1 Unfinished Business Tabled Indef.	Ferrell	absent	absent	absent	absent
	Adams	Withdrawn	✓	✓	✓
	Lewis	by Gray &	✓	✓	✓
	Gray	Boudreaux	✓	✓	✓
	Boudreaux		✓	✓	✓
	Kinion		Absent during the vote	✓	✓
	Petty		✓	Absent during the vote.	Absent during the vote
	Tennant		Absent during the vote.	✓	✓
	Mayor Jordan		✓		

6-0

6-0

6-0

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

Subject:	Dynasty Taxi				
Motion To:		Green & White Color	Approve		
Motion By:		Lewis	Boudreaux		
Seconded:			Petty		
C. 1 Public Hearing Opened Public Hearing Closed 210-12 <u>passed</u>	Ferrell	Withdrawn	Absent		
	Adams	by	✓		
	Lewis	Alderman	✓		
	Gray	Lewis	✓		
	Boudreaux		✓		
	Kinion		Absent during the vote		
	Petty		✓		
	Tennant		Absent during the vote		
	Mayor Jordan				

5-0

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

Subject:		Tree Preservation and Protection Variance			
Motion To:		Amend	Approve		
Motion By:		Boudreaux	Boudreaux		
Seconded:		Adams	Gray		
D. 1 New Business passed as Amended 211-12	Ferrell	Absent	Absent		
	Adams	✓	✓		
	Lewis	✓	✓		
	Gray	✓	✓		
	Boudreaux	✓	✓		
	Kinion	Abstain	✓		
	Petty	Absent during the vote	Absent during the vote.		
	Tennant	✓	✓		
	Mayor Jordan				

5-0

6-0

Subject:		ADM 12-4254 (R-PZD 12-4079 Project Cleveland)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Tennant	Gray		
Seconded:		Adams	Boudreaux		
D. 2 New Business 5541	Ferrell	Absent	Absent	Absent	
	Adams	✓	✓	N	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Boudreaux	✓	✓	✓	
	Kinion	N	N	N	
	Petty	Absent during the vote	Absent during the vote	Absent during the vote	
	Tennant	✓	✓	✓	
	Mayor Jordan	✓	✓	✓	

6-0

6-0

5-0



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: November 9, 2012

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 8, 2012

1. **Amend Resolution No. 81-09:** A resolution amending Resolution No. 81-09 to reduce the total number of members of the Animal Services Advisory Board and redesignating certain membership composition of the Board.
2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.
3. **Fourth Judicial District Drug Task Force Training:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement unit.
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Sondra Smith - RZN-12-4166 : 21 Acres at the end of Brookbury Crossing

From: Meggan Bell <megganbell1@gmail.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 10/30/2012 3:27 PM
Subject: RZN-12-4166 : 21 Acres at the end of Brookbury Crossing
Attachments: Bill of Assurance Ammendments-Revised.pdf

Please forward to the council members. Kristen Veltkamp and Charlie Collins, Brookbury's POA President, met with Mr Jarratt, Mrs Branch and Mr Riggins on Friday, October 26th. The following is the email Mr Collins sent back to them today.

Dear Mr. Jarratt,

Thank-you for agreeing to meet with Kristen and me last Friday. After meeting with our neighborhood boards one more time, it is clear that everyone is in agreement that the density is one of the issues. Several months ago, this may have been the primary issue, but as our neighbors have worked to better understand the development possibilities of this parcel there are several things that have arisen as important concerns including traffic, safety, and flooding. We have attempted to address these issues with the proposed Bill of Assurance amendments; however, it is the petitioner who must ultimately offer a Bill of Assurance that the city believes addresses these issues. The planning commission's recommendation to re-zone RSF-.05 was suggested based on appropriate density in light of the current circumstances surrounding this property, and yet the city planner admits that the flooding was not considered at that time. RSF-.05 was not the neighborhood's idea; however, we see the wisdom in it based on it being a very simple solution to control density to 10 homes or less which mitigates several of the other concerns.

We recognize, that this may not be feasible for this group of developers which is why we have attempted to address the majority of the concerns with our proposed BOA amendments and a density that falls somewhere in the middle. I have attached these amendments. At this time, the majority of neighbors support the planning commission's recommendation; however, if the petitioner is willing to include provisions for the major concerns (as proposed in our amendments) and can provide us with the signed Bill of Assurance that the petitioner plans to present to City Council on the 8th by Thursday, November 1, 2012 - we will seek support from the neighborhoods at large.

Regards,
Charlie Collins
Brookbury POA President

Meggan Bell
Communications Chair
Brookbury POA

Bill of Assurance Neighborhood Amendments

1. Petitioner agrees to seek a zoning classification of RSF – 2 as defined by the Code of Ordinance, of the City of Fayetteville for the Property. This zoning will only be agreed too along with the following conservation assurances (6, 7 and 8) in order to allow development with conforming setbacks and lot widths.
2. Petitioner agrees that the maximum number of single family residential homes (along with any permitted accessory structures) to be built upon the Property is in accordance with RSF-2 zoning requirements not to exceed 15 homes. No duplexes, multiplexes nor multi-family dwellings shall be permitted to be built at any time on this Property.
3. Petitioner agrees to adopt and file with the Washington County Circuit Clerk the Restrictive Covenants attached hereto as Exhibit A.
4. Petitioner agrees that each single family dwelling shall have a minimum square footage, as defined therein of 3,000 square feet of heated floor space and no duplexes, multiplexes nor multifamily dwellings shall be permitted to be built.
5. Petitioner agrees that each individual single family lot developed on the Property shall contribute its pro-rata share towards maintenance of and any other costs associated with the common areas and the creek-side area located on Brookbury Crossing.
6. Petitioner agrees to maintain ~~100'~~ waterside zone to the east of Flint Creek as a best practice in following the Streamside Protection ordinance; and agrees not to seek any waivers or variances (this is an additional ~~50'~~ of city streamside ordinance and/or ~~30'~~ on hillside).
7. Petitioner agrees to maintain a minimum of 25% of existing tree canopy per tree preservation ordinance on this 20.99 acre parcel of land and petitioner and all builders agree to maintain a minimum of 25% existing tree canopy per lot be maintained through the building process and or to mitigate back to 35% tree canopy per lot.
8. Petitioner agrees to conserve a minimum of ~~one-half~~ acre of park land where Brookbury Crossing meets the new neighborhood and agrees not to purchase the .023 acres/unit required by city ordinance back from the city for development. Petitioner agrees to provide an easement from the East and from the North to create natural walking trails from the surrounding neighborhoods to connect. Brookbury Woods POA and the new subdivision will agree to maintain this as part of their common area to separate with their dues.

Bill of Assurance

Neighborhood Amendments

9. All new utilities shall be constructed underground and all existing overhead electrical lines shall be re-routed underground if permitted by the electrical provider.
10. Prior to construction of any infrastructure, homes or improvements thereon, Petitioner will acquire separate and temporary access point through private property for any and all construction related traffic whether materials or laborers or any other type of traffic.
11. In the event that there is a violation of assurance #10 and damage is caused by construction related traffic on or along Brookbury Crossing, the Petitioner will remain responsible financially for all damages to the street and entryway whether caused by the Petitioner or any builder or entity involved in building any houses or improvements to the Property. Repairs to the front entry-way landscaping and sprinkler system shall be made by the Petitioner within 3 (three) days of an email notice from a representative of the Brookbury Woods Subdivision to (email address) _____. If repairs have not made within that time, Brookbury Woods may repair and bill to the Petitioner which shall be paid within 10 (ten) days. Petitioner agrees to make all final road repairs within 30 months of the beginning of development construction. . Petitioner shall keep sufficient funds in its account to make these payments until all payments due or construction is completed whichever is the latter. Lindsey & Associates agrees to guarantee such payments in event petitioners fail to make a payment.
12. ~~Blasting. A bond shall be posted or an insurance policy taken out by the Petitioner in the amount of one (1) million dollar aggregate to cover any possible damage done to existing homes in the Brookbury Woods Subdivision by blasting either by the developer or by any builder until all homes are completed. Blasting may only take place between 9 a.m. and 5 p.m. Monday through Friday.~~
13. Brookbury POA shall have a cause of action to enforce any of these Bill of Assurances including the right to seek an injunction and or damages.



Departmental Correspondence

LEGAL
DEPARTMENT

www.accessfayetteville.org

TO: **Mayor Jordan**
Don Marr, Chief of Staff
Connie Edmonston, Parks & Recreation Director
Alison Jumper, Park Planning Superintendent
Megan Dale, Urban Forester

Kit Williams
 City Attorney
Jason B. Kelley
 Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **October 19, 2012**RE: **Prior tree removal penalty**§167.04(D)(1) *Prior tree removal* states:

“If trees have been removed below the required minimum within five (5) years preceding application for development approval, the site must be forested to meet the percent minimum canopy requirements set forth in Table 1, plus an additional ten percent (10%) ...”

This is a **penalty** provision of the Tree Ordinance to **punish** persons for removing trees below the minimum canopy requirements before development. As a penalty provision it is not only strictly construed against the City, but **the burden is on the City to prove that a violation justifying the punishment has occurred.**

As Megan’s memo stated our January fly-over photos establish some tree canopy is missing on January 1, 2009 that we saw on January 1, 2008. I believe that Megan is correct when she says “Trees were removed without approval **sometime in 2008.**” If the trees were removed on January 2, 2008, the five year penalty period would be January 2, 2008 through January 2, 2013.

If the City could prove the trees were improperly removed on December 31, 2008, the penalty period would be December 31, 2008 through December 31, 2013. Unless the City can prove a later date than January 2, 2008 for the removal of the trees, the penalty period must end on January 2, **2013.** The City cannot assume the worst and basically extend the penalty period to six years when the ordinance states five years.

The applicant should not be informed that the correct penalty period does not expire until January 1, 2014.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**City of Fayetteville Arkansas
City Council Meeting Minutes
October 16, 2012**

A meeting of the Fayetteville City Council was held on October 16, 2012 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

America in Bloom Award – Cindi Cope

America in Bloom awards were presented to the City.

- Heritage Preservation
- Population Category Awards – Five Bloom Community
- Circle of Champions
- John R. Holmes III Community Champion Award Winner was Marilyn Heifner, Executive Director of the Fayetteville Arkansas Advertising and Promotion Commission.

Mayor Jordan thanked Cindi Cope and Marilyn Heifner for all their work for the City.

Agenda Additions: None

Consent:

Approval of the October 2, 2012 City Council meeting minutes.

Approved

Bid #12-62 B&H Foto & Electronics Corp.: A resolution awarding Bid #12-62 and authorizing the purchase of two (2) television studio camera systems from B&H Foto & Electronics Corp. of New York, New York in the amount of \$75,578.00, plus applicable taxes.

Resolution 196-12 as recorded in the office of the City Clerk.

Community Development Block Grant Program: A resolution awarding bid and authorizing the purchase of 1500 energy efficiency/weatherization kits from AM Conservation Group in the amount of \$55,500.00 plus applicable tax for use by the Community Development Block Grant Program.

Resolution 197-12 as recorded in the office of the City Clerk.

Zara L. Thomas Revocable Trust Settlement: A resolution approving a settlement agreement with Zara L. Thomas, Trustee of the Zara L. Thomas Revocable Trust U/D/T November 20, 1998 and of the Mary C. Thomas Revocable Trust U/D/T November 20, 1998, concerning condemnation litigation filed regarding the extension of Meadow Valley Trail (U of A Farm Trail).

Resolution 198-12 as recorded in the office of the City Clerk.

Arkansas State Highway and Transportation Department: A resolution approving payment of \$4,019,094.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to improvements to State Highway 16, and approving a budget adjustment.

Resolution 199-12 as recorded in the office of the City Clerk.

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

Unfinished Business:

RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins): An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A,

Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting. This ordinance was left on the First Reading at the September 18, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Gray: When were the traffic studies done?

Jeremy Pate: I will try to find that out.

Hugh Jarratt, representing one of the developers stated Mr. Peters with Peters and Associates who did the traffic study is here and will speak in detail about that.

The City Attorney said that the Bill of Assurance is not effective until it is presented to the City. He presented the Bill of Assurance and gave a brief description of the development. He stated we are requesting that this be amended to RSF-4 for discussion purposes. Compatibility with the surrounding neighborhoods was a concern. He explained the proposed lot and house sizes. This proposed development complies with the 2030 Plan, the Future Land Use Map and with the Master Street Map.

Ernie Peters with Peters and Associates Engineers gave a brief description of the development and the traffic study that was conducted. He stated this proposed development traffic study did not indicate any traffic problems.

Alderman Tennant: In looking at the completed Highway 265 did that change any of the assumptions of when that does become a four or five lane entrance and exit and you don't just have one lane to the right and one to the left to turn?

Ernie Peters: Certainly while it's under construction as it is now it's not an ideal situation.

Alderman Tennant: I mean completed.

Ernie Peters: With the full improvements that are under construction and will be completed we use less than 52% of the intersection capacity. We took into account all the lanes that are planned and the traffic signal control that is planned for that intersection.

Alderman Lewis: For the enduring green network and the plans that were developed by the Natural Heritage Association and the Green Infrastructure Group out of the Fayetteville Forward, that is part of the City Plan 2030.

Jeremy Pate: Not the exact map that they created. We created our own based on that. We use a tool when we are looking at parkland acquisition and the tree preservation area during development.

Eva Madison, resident of 2600 Candlewood and President of the Candlewood Property Owners Association spoke on behalf of her neighbors from Candlewood, Savannah, Covington, Brookbury, Jackson Place and other surrounding neighborhoods. She asked them to stand so the Council would know the magnitude of interest in this issue. She expressed her concerns about the density. She spoke against the RSF-4 zoning proposal.

Alderman Tennant: We heard a little about minimum square footage in Candlewood but do you know the true average square footage of the homes in Candlewood?

Eva Madison: No and we don't track that. Those homes along the creek because of the excavation that was required to build are almost all three story homes with walk out basements. Most of the homes adjacent to this are close to 6,000 square feet and there is one that is 11,000 square feet that sits on two lots.

Alderman Tennant: The idea that they meet the minimum or the median minimum is a little off set because there is nothing for sale that is under the 3,600 square feet that I can see.

Charlie Collins, resident of 3225 Piper Glenn and President of the Brookbury POA expressed his concerns and handed out a petition with 169 signatures in opposition to the rezoning to RSF-4 and in support of the recommendation of RSF 0.5 by the Fayetteville Planning Commission.

Kristin Beltcamp, a resident of Brookbury Subdivision and representative of the neighborhood expressed her concerns and spoke on the traffic study.

Alderman Ferrell: Do you think that when the road is complete with greater access on Highway 265 it will make any difference?

Kristin Beltcamp: Absolutely. She explained the differences it would make. She continued to express her concerns with the development and gave a brief presentation on the existing problems in that area.

Alderman Ferrell: Jeremy what is the situation today if there is building going on and they are going through a residential area and if there is damage from the equipment. How does that work today?

Jeremy Pate explained their assessment process when streets are damaged.

James McGinty, resident of 2902 Jamestown Road and President of the Homeowners Association at Savannah Estates stated our residents do not support this new development due to density and safety concerns. He went on to express their concerns with safety and stated the people in Savannah Estates recommend that you stay with the proposed development of RSF 0.5.

Alderman Tennant: Do you have any idea how many houses are in Savannah?

James McGinty: We have 106 lots.

Alderman Tennant: There is one exit out of Brookbury, how many do you have?

James McGinty: We have two exits and both go onto Skillern Road

Alderman Tennant: So you are a little larger than Brookbury home count wise but you do have two full exit roads out.

James McGinty: Yes.

Christine Smith, resident of Brookbury Subdivision passed out photos of the visibility coming down the hill and expressed her concerns with traffic safety.

Lauri Cavell, resident of Brookbury stated it doesn't make sense to put all these houses in this little area. She went on to speak against the development and the traffic in the area. She also voiced her concern about the over crowding in the schools on the east side of town.

Jimmy Roy, resident of Brookbury Subdivision spoke on the zoning considerations that were brought up by City Attorney Kit Williams at the Planning Commission meeting. He stated there is a traffic problem in the area. He also voiced his concern about emergency vehicle access. He spoke against the development.

Alderman Ferrell: Kit, does the presented Bill of Assurance to you seem legal and would you consider it "A" typical as a Bill of Assurance that we get?

City Attorney Kit Williams: It has been signed and it is permanent. A Bill of Assurance is permanent. As long as the zoning is in place then the Bill of Assurance is effective and enforceable.

Alderman Ferrell: My question is would you consider this Bill of Assurance an "A" typical Bill of Assurance that we deal with or a more typical Bill of Assurance?

City Attorney Kit Williams: No, I think it's fairly typical in that one of the major things that most Bill of Assurances do is control density and this one controls density. It is clear that it is limited to a maximum of 37 structures.

Bob Caulk, a Fayetteville resident and chairman of the Fayetteville Natural Heritage Association spoke on the project conducted by the association and stated our goal is to try to get to the point where conservation is part of the development process. He stated the proposed development is one that indicated a high potential of some kind of conservation treatment.

Hugh Jarratt: The developers are willing to change the Bill of Assurance to 21 homes if that is to be taken into consideration rather than 37.

Erin Setzer, a representative of the Jackson Place neighborhood stated every single one of us are asking please don't do this to us. She spoke about the existing problems in that area. Traffic, safety, density and flooding are problems.

Pam Jones, resident of 2953 Brookbury Crossing stated after I heard the compromise of 21 homes, to me that is a reasonable compromise. She went on to point out that everyone's concerns are legitimate.

Eva Madison: The average square foot for the homes in Candlewood is 5,483 square feet. Although we appreciate the compromise of 21 homes, we need to go back to our neighborhood to see if they agree with 21 homes. If there are 21 homes they don't need RSF-4.

City Attorney Kit Williams: I do want to agree with the last speaker in that we don't have a signed Bill of Assurance for 21 homes in front of us. Most of the people that are here were speaking on a different term and that might be something they want to think about.

Alderman Ferrell: Mr. Jarratt, bearing in mind what Kit just said, the offer that was just made, would that be to include the Bill of Assurance for 21?

Hugh Jarratt: Yes, I would amend it, get it signed, submit it to them and I can have it done tomorrow before the third reading.

Mayor Jordan: You can leave it on the second reading and go two weeks and it will come back to the Council.

Hugh Jarratt: The guy who can sign the Bill of Assurance is sitting here. We can amend it right now.

Alderman Lewis: There are a lot of other concerns besides the number of houses and actually it was just general density, not that many folks even mentioned an exact number. I feel like there are way more issues than that. I am wondering if you are going to meet with the neighbors and talk about everything.

Hugh Jarratt: Yes. He went on to list the issues that could be addressed.

Alderman Lewis: I would ask that we hold it here.

Alderman Tennant: I would reiterate what Sarah said about the interaction between the developer and all the residents. I have tremendous concerns about access so please work together because the residents have proven that they will go out of their way to work with the developer.

Mayor Jordan: As far as safety goes, the number one priority for a Mayor is to keep the City safe. I do have concerns when the Fire Marshall has concerns about keeping a neighborhood safe from a fire. Now that the density is lower I have to go back and look at that again.

Fire Chief David Dayringer stated the access provisions are in the code. The code is there to protect the citizens, its there to protect the developers and firefighters that get into these properties. He went on to discuss the existing codes.

Mayor Jordan: Okay, so you all just want to leave this on the second reading.

City Clerk Sondra Smith reminded everyone that the next City Council meeting is not in two weeks because there are five Tuesdays and due to the General Election the next Council meeting will be held on November 8th.

Don Marr explained the ordinance process and the reading process for ordinances and rezonings.

Mayor Jordan: The Council wants to hold it on the second reading.

This ordinance was left on the Second Reading

REO Holdings 1, LLC: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of \$31,712.00 for the construction of an eight-inch water main near Bridgewater Lane. *This ordinance was left on the Third Reading at the October 2, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting.*

David Jurgens, Utilities Director stated I put a couple of aerial photos on your table to explain why we are looking for this line to be upsized to an 8" and therefore why we are going through the cost share. He went on to give a brief description of the ordinance.

Alderman Lewis: So it's a lot split and those new houses need water.

David Jurgens: That's correct.

Alderman Lewis: It's not in the city limits but it's in the planning area?

David Jurgens: Yes Ma'am.

Alderman Kinion: It's not in the city limits but it impacts the city limits on the south side?

David Jurgens: It will impact the City limits back to the west. The dead end lines go over and we have a separation of our pressure plains in vicinity of Skillern and Oakland/Zion to the west of this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Petty voting no.

Ordinance 5536 as Recorded in the office of the City Clerk

Public Hearing:

Dynasty Taxi: A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville.

Mayor Jordan opened the public hearing.

Bryce Curry, owner of a Taxi Company: I object respectfully because there has not been notice provided as per the ordinance requirements.

City Attorney Kit Williams clarified the rules have changed and notice is no longer given by the City Clerk but instead by the applicant. Evidently Mr. Curry was not aware of that. I would recommend that we table this and give him an opportunity to give notice and to attend.

Alderman Ferrell moved to table the resolution to the November 8, 2012 City Council meeting. Alderman Tennant seconded the motion. Upon roll call the resolution passed unanimously.

Tabled to the November 8, 2012 City Council meeting.

New Business:

VAC 12-4221 (2111 Martin Luther King Blvd./Panda Express): An ordinance approving VAC 12-4221 submitted by Lorel Hoffman for property located at 2111 Martin Luther King Boulevard to vacate a portion of a water and sewer easement, a total of 2,039 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman 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 Tennant 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 5537 as Recorded in the office of the City Clerk

Arkansas Forestry Commission Memorandum of Agreement: An ordinance to waive formal competitive bidding and approve a Memorandum of Agreement between the Arkansas Forestry Commission and the City of Fayetteville to pay \$20,000.00 and \$24,995.00 respectively to Plan-It GEO to conduct a tree canopy analysis for Fayetteville.

City Attorney Kit Williams read the ordinance.

Megan Dale, Urban Forester gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. **Alderman Kinion** 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 5538 as Recorded in the office of the City Clerk

2013 Residential Trash Rates: An ordinance waiving the requirements of Fayetteville Code of Ordinances Section 50.40 (A)(4) for an automatic annual price adjustment of residential trash rates for fiscal year 2013.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I would like to recommend for those watching that there are three different cart sizes that you can get and I would encourage you to recycle so you can minimize the size of your cart.

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

Ordinance 5539 as Recorded in the office of the City Clerk

Amend Chapter 33: An ordinance amending Article XVI: City Council Street Committee of Chapter 33: Departments, Boards, Commission, and Authorities of the Code of Fayetteville to amend the Purposes, Powers and Duties of the City Council Street Committee.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance.

Alderman Ferrell: I think Chris did a good job of spelling this out and the Street Committee members fully realize that when we were going about our business sometimes we would wonder what action needed to be taken. So we needed this to be spelled out. One of the concerns as it was articulated to me was that if a Council member wanted to object or appeal something and send it to the Council then I feel like we have that right but I would be most willing to amend this and say any member of the City Council can appeal any advisory opinion sent to the City Council.

Alderman Boudreaux: This would be the best way to amend this. There are some issues that could or should have gone to the City Council. I think if there is some way we can put wording in there that makes it easier for an alderman to recognize that they can bring something to the full Council whenever it's an issue that involves the community more.

City Attorney Kit Williams made suggestions on how to make the motion to do that.

A discussion followed on the amendment.

Alderman Lewis: I don't understand the history or how the Street Committee became different from Water and Sewer Committee because everything comes to the Council.

David Jurgens: Every contract that's over \$20,000 always comes to the full Council.

Alderman Lewis: What we vote on is whether or not to move it to the Council. I don't understand why that would be different.

Don Marr: There was a memo passed out by Chris Brown which lists what items do not come to the full Council. He went on to read the list and clarify the differences between the various committees and their review process.

Alderman Ferrell gave an example of an item that went before the Water and Sewer Committee.

Alderman Lewis: I understand that but the difference that I am referring to is the internal versus the external. We outsource and there are a lot of contracts on the Water and Sewer Committee.

David Jurgens further clarified the types of items brought before the Water and Sewer Committee.

Alderman Gray: We just want it to be consistent and that is all I am asking for.

David Jurgens gave two examples of items that were brought before the full City Council.

Alderman Gray: This seems to me that there are things of that nature in the Street Committee that could be brought to the full Council and would help us all give better answers to our constituents.

Don Marr: A lot of this change has come through direction of the Council. The sidewalk plan and the road overlay plan used to be done at the Street Committee and it was changed and is going to the full City Council and you now see that each year. We don't always know what is going to be controversial. We like the language you are talking about because then an individual can take that forward.

Alderman Petty gave past examples of times when the Council did not take advantage of the option to have things come before the full Council. He stated it might be wise to amend these procedures. He suggested that all items going before the committees be placed on the Consent Agenda just to make everyone aware of the items and then they have the option of pulling it for discussion.

Alderman Boudreaux: Anytime there is an issue usually the Street Committee hears it a couple of times. This is giving the alderman the ability to review it.

Alderman Gray: I would like the standing committee's actions to be consistent.

Alderman Tennant: A longer consent agenda is not a bad thing because then we are able to pull something and change it. Most people have no idea when our committee meetings are or that they can come and discuss anything. I cannot explain to citizens why this committee is set up differently than the other committees. We should always be consistent.

Alderman Ferrell: Would that be internally driven?

Chris Brown: If you look at the projects that we have presented related to the Street Committee there are some items that it is very clear that they are operational and they are administrative items. I would suggest and what we can begin doing is spell out in the agenda which item is informational, which item is asking for recommendation and which one would go to Council and establish that in the Street Committee agenda and then it would be clear.

Don Marr explained the staff review process and the system used to place things on the agenda. He stated I believe if we do every item that is a significant amount of work for the Clerk's office and staff. I also believe that one of the things that I have had drilled in my head by all of you is the speed in which the process we try to get things moving. I believe it will impact that. I think it will be more time and more review and a longer time frame.

Alderman Petty: I agree with the intent behind your resolution but I think the language might be a little too strong where it says all recommendations. I would like to see some kind of logic for what comes forward out of the Street Committee.

Alderman Adams: Could we not simply solve this by having good charges to our committees? We have maybe failed to charge the committees clearly at the beginning. The committees are a great idea but we should know what our role is. I would like to see use solve this in a simple way.

Alderman Gray: Apparently it is not as easy of a decision to make for the Street Committee as it was for Water and Sewer. Maybe it just needs to be decided by staff.

Mayor Jordan explained the process of what things should come before the committees and City Council.

Alderman Tennant: Something that just needs to be done and wouldn't that fall under the idea of an informational item more than it would be something else? My question would be why those things couldn't be moved automatically to consent. How much more time would that take?

Don Marr: We can do it but my concern is that if we know that it's going to come to the Council on the Consent Agenda then citizens won't engage in a committee input process and then all these things get pulled from Consent and end up in discussion because they aren't vetted as clearly at the committee level. We can try it and if you see more items than you want to deal with then you will direct us to go the other direction.

Alderman Lewis: My intent was saying that I like this approach in Water and Sewer where it's the metric. If it costs a certain amount then it's a policy decision and it goes to Council. If not then it doesn't. I like the idea that any Council member can bring something to the Council if it is a topic. It's getting too much about oversight at this level and committees are for discussing and vetting ideas.

Alderman Ferrell: I don't think it's broke and needs to be fixed. I don't think we need to revamp the whole committee system. I would hope that our amendment would certainly make everybody feel like they are accessible through the system and I don't think we need to put City staff through anymore.

Alderman Kinion: I would like clarification on what the amendment is. I don't feel comfortable supporting a change because I do think that we do have the capacity and responsibility as an elected official to keep up with the committees and be forward thinking in our limited role to develop an expertise in the committees that we are on.

City Attorney Kit Williams: Sometimes something might come up that should involve more and maybe the entire City Council. I think that Alderman Ferrell's recommendation is a good one and it's a small incremental change to try to get at the one problem that you all have seen. He went on to clarify and read the proposed amendment.

Alderman Adams: Does that mean you need to add that everywhere throughout the code? Why just here?

City Attorney Kit Williams: This is the only committee that had a perceived problem.

Alderman Kinion: That is the only committee that has a perceived problem now. Let's talk about in the future if there is a perceived problem. If you put it in one place then we just start adding it and adding it. We already have the capacity to do this and the responsibility in my opinion.

Alderman Adams: I think so too. I don't think we need to give us that permission.

Alderman Boudreaux: I just want to make sure that we do have that ability. I did not feel like in previous years that I did have that ability to challenge my previous ward mate and bring something forward. I think this is not a bad idea and the only issue seems to be in the Street Committee.

Alderman Lewis: There is a description of the Council member's role and a description of each committee.

Alderman Ferrell: So have a handbook for aldermen and what their job is?

Alderman Lewis: Yeah, and make sure that's in there?

City Attorney Kit Williams: We certainly can, not every committee is in the code. He went on to explain the history of how certain committees came about. Here we have noticed one problem at the Street Committee so let's fix that and if you find other problems with other committees then let's fix them. The system seems to be working pretty well.

Alderman Lewis: I think the public cares about issues related to the streets and people see them. This is why this has come up.

Alderman Adams spoke on the positive outcome from alderman orientation. When the new people come on the Council the old people may assume that the new people just get it and it's hard. Whatever we do with this amendment lets also consider this in our new alderman orientation.

Alderman Tennant: I do think there is room to make incremental changes and I like this change. I do think it's necessary. I will support that.

Alderman Kinion asked for clarification again on the amendment.

City Attorney Kit Williams read the proposed amendment.

Alderman Ferrell moved to amend the ordinance as follows: **Subsection B.3. Any Alderman may appeal any recommendation to the full City Council. Alderman Boudreaux** seconded the motion. Upon roll call the amendment passed unanimously.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. **Alderman Boudreaux** 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 7-1. **Alderman Kinion** voting no.

Ordinance 5540 as Recorded in the office of the City Clerk

Amend Standing City Council Committees: A resolution to amend Rule E.1.a. Standing City Council Committees of the Rules of Order and Procedure of the Fayetteville City Council to clarify the advisory status of all committees.

Mayor Jordan: What do we need to do on this?

City Attorney Kit Williams: Maybe we should just table this and see how the new change will work and see if this needs to be brought back in the future.

Alderman Gray: That sounds great.

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

The resolution was tabled indefinitely.

Announcements

Adjournment: 9:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Add to November 8, 2012 City Council minutes.

Amended
3rd Quarter Nominating Committee Report
Town and Gown Student Representative

Due to the resignation of the student appointee, before the first meeting of the Town and Gown Committee the Nominating Committee recommends the following candidate for appointment:

Town and Gown Advisory Committee

- Will Hansen – One University of Arkansas Student Term Ending 09/30/13

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 08, 2012**

This meeting date was changed from November 06, 2012 to November 08, 2012 due to the General election.

A meeting of the Fayetteville City Council will be held on November 08, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Town and Gown Advisory Committee Appointment

Agenda Additions:

A. Consent:

1. Approval of the October 16, 2012 City Council meeting minutes.

2. **Amend Resolution No. 81-09, Animal Services Advisory Board:** A resolution amending Resolution No. 81-09 to reduce the total number of members of the Animal Services Advisory Board and re-designating certain membership composition of the board.
3. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.
4. **Fourth Judicial District Drug Task Force Training:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement Unit.
5. **2012 Bulletproof Partnership Grant Award:** A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100.00 for the replacement of twelve (12) body armor vests for Fayetteville police officers, and approving a budget adjustment.
6. **Washington County Jail Services Interlocal Agreement:** A resolution approving an amendment to the jail services Interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2013.
7. **Fayetteville Police Department Policies:** A resolution approving Fayetteville Police Department Policies 1.3.1 Use of Force; 84.1.1 Property Management, Acquired & In-Custody; 42.1.1 Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11 Use of Department Vehicles; 1.2.2 Warrantless Detention, Search & Seizure; and 42.1.1 Vice, Drugs and Organized Crime.
8. **Margot Khavinson Estate Settlement Agreement:** A resolution approving a settlement agreement with the Margot Khavinson Estate, concerning condemnation litigation filed as part of the N. Garland Avenue Widening and Improvement Project in the total amount of \$18,000.00.
9. **Bid #12-72 Pick-It Construction:** A resolution awarding Bid #12-72 and authorizing a contract with Pick-It Construction, Inc. in the total amount of \$343,900.00 for the construction of improvements to an aircraft hangar at Drake Field contingent upon a grant award, amending Resolution No. 95-12 to correct a transportation error regarding Task Order No. 9 to the contract with McClelland Consulting Engineers related to this project, approving application for and acceptance of an 80/20 matching grant from the Arkansas Department of Aeronautics to provide funding for this project and approving a budget adjustment authorizing airport fund matching expense and recognizing grant revenue, contingent upon approval of the grant application and receipt of grant funds.
10. **Drake Field Fuel Sales:** A resolution approving a budget adjustment in the amount of \$27,000.00 to recognize revenue and associated expense associated with fuel sales at Drake Field.

- 11. Bid #12-74 Vance Brothers, Inc.:** A resolution awarding Bid #12-74 and approving a contract with Vance Brothers, Inc. in the amount of \$72,470.00 for asphalt micro-surfacing, and approving a ten percent (10%) project contingency.
- 12. Thrash Development:** A resolution approving a budget adjustment in the amount of \$15,000.00 recognizing revenue from Thrash Development for its contribution toward improvements to the East Avenue and Meadow Street sidewalks.

B. Unfinished Business:

- 1. RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins):** An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting. This ordinance was left on the First Reading at the September 18, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting. This ordinance was left on the Second Reading at the October 16, 2012 City Council meeting*

Left on the Second Reading

C. Public Hearing:

- 1. Dynasty Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville. *This resolution was Tabled at the October 16, 2012 City Council meeting to the November 8, 2012 City Council meeting.*

D. New Business:

- 1. Tree Preservation and Protection Variance:** A resolution to approve a variance from the Tree Preservation and Protection Chapter of the UDC for LSD 12-4215 to allow off-site tree preservation, on and off-site mitigation tree planting and eliminating any further penalty for the removal of some canopy in 2008.
- 2. ADM 12-4254 (R-PZD 12-4079 Project Cleveland):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 12-4079, Project Cleveland, located at the Northwest corner of Razorback Road and Hall Avenue, containing approximately 2.71 acres, extending the time frame to obtain all necessary permits to begin construction by December 19, 2014.

E. City Council Agenda Session Presentations:

- 1. Economic Development Quarterly Report Presentation by Chung Tan and Steve Clark**

F. City Council Tour:

G. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

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

~~11/6/2012~~ 11-8-12
City Council Meeting Date
Agenda Items Only

**Development Services
Department**

Change the number and type of positions that comprise the Animal Services Advisory Board to aid in reaching quorum on a more regular basis.

Budgeted Item	Budget Adjustment Attached

Received in
Mayor's Office

ENTERED
10/16/17
JH

Comments: Staff recommends approval of the above changes to the Animal Services Advisory Board.



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council

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

From: Justine Lentz, Animal Services Superintendent

Date: October 3, 2012

Subject: Approval of changes to Animal Services Advisory Board

PROPOSAL:

The Animal Services Advisory Board was created by Resolution No. 81-09 on April 7, 2009. The board is currently comprised of nine positions:

- **One** Licensed veterinarian.
- **One** owner, operator or employee of a business related to the production, sale, distribution or care of animals or livestock.
- **One** representing Washington County.
- **One** with a background in finance
- **Two** members shall represent a nonprofit animal interest group or groups whose membership is comprised primarily of citizens of the City, and whose primary interest is the health and welfare of animals
- **Three** residents of the City of Fayetteville, who need not have any other affiliation, membership or association

The board has been having consistent issues with not having enough citizens apply to fill open positions and also with not having enough members able to make quorum for monthly meetings. Out of the last twenty-one meetings scheduled only twelve have been held.

At the September 10, 2012 meeting the board voted to recommend reducing the number of positions on the board from nine to seven. They recommended removing the Washington County and Finance terms and also changing the two nonprofit seats to general, citizen at large seats to allow for a greater number of interested citizens to be eligible to apply. The two citizens who currently hold the Washington County and Finance seats would take the newly created open citizen at large seats and then all board positions would be filled.

RECOMMENDATION:

Staff recommends implementing the changes voted on by the Animal Services Advisory Board: reducing the number of total positions from nine to seven by eliminating the Washington County and Finance seats and also changing the two currently empty nonprofits seats to citizen at large seats.

BUDGET IMPACT:

none

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 81-09 TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ANIMAL SERVICES ADVISORY BOARD AND REDESIGNATING CERTAIN MEMBERSHIP COMPOSITION OF THE BOARD

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Subsection 1(B) of Resolution No. 81-09 so that after amendment the subsection shall read as follows:

“B. The ASAB shall be composed of the following seven (7) members to be appointed by the City Council:

1. One (1) licensed veterinarian;
2. One (1) owner, operator or employee of a business related to the production, sale, distribution or care of animals or livestock;
3. Five (5) residents of the City of Fayetteville at large.”

Section 2. That the members of the Animal Services Advisory Board on the date of the adoption of this Resolution who were appointed as a Washington County representative or a person with a background in finance shall continue as members of the Board as residents of the City at large.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 81-09

A RESOLUTION ESTABLISHING AN ANIMAL SERVICES ADVISORY BOARD.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby establishes the Animal Services Advisory Board (ASAB) and sets forth the purpose and composition of its membership as follows:

A. The ASAB shall act in an advisory capacity to the Animal Services Superintendent, the Mayor, and the City Council on all policy matters pertaining to Animal Services Division activities, and work to stimulate and encourage communication with all members of the community to ensure that the programs, goals and objectives of the Animal Services Division are consistent with community needs and desires.

B. The ASAB shall be composed of the following nine (9) members to be appointed by the City Council:

1. One (1) licensed veterinarian;
2. One (1) owner, operator or employee of a business related to the production, sale, distribution or care of animals or livestock;
3. One (1) representing Washington County;
4. One (1) with a background in finance;
5. Two (2) members shall represent a nonprofit animal interest group or groups whose membership is comprised primarily of citizens of the City, and whose primary interest is the health and welfare of animals;
6. Three (3) residents of the City of Fayetteville, who need not have any other affiliation, membership or association.

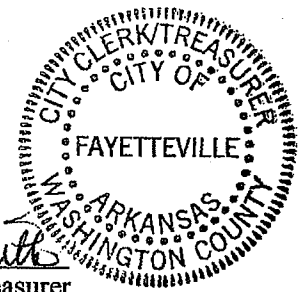
PASSED and APPROVED this 7th day of April, 2009.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

A. 3
Animal Services Donation Revenue
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/12
~~11/10/2012~~

City Council Meeting Date
Agenda Items Only

Justine Middleton

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Recognize donation revenue to Animal Services for the 3rd quarter of 2012. Approval of a Budget Adjustment in the total amount of \$10,732.00 including a grant from the ASPCA in the amount of \$5,000 to send all current animal control officers to national cruelty investigation training.

\$10,732

Cost of this request

\$

-

Category / Project Budget

Animal Services Donations

Program Category / Project Name

see attached detail

Account Number

\$

-

Funds Used to Date

Animal Services Project

Program / Project Category Name

see attached detail

Project Number

\$

-

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

W. C. Pate
Department Director

10-04-2012
Date

Previous Ordinance or Resolution #

Jim Kelley
City Attorney

10-4-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Bisher
Finance and Internal Services Director

10-5-2012
Date

Received in City
Clerk's Office

10-04-12 A10:04 RCVD

Don Man
Chief of Staff

10-8-12
Date

Received in
Mayor's Office

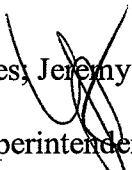
Donald Jordan
Mayor

10/8/12
Date

Comments: Staff recommends approval of the budget adjustment in the amount of \$10732

CITY COUNCIL AGENDA MEMO

To: City Council

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

From: Justine Middleton, Animal Services Superintendent

Date: October 3, 2012

Subject: Approval of a Budget Adjustment for Animal Services Division

PROPOSAL:

Animal Services would like to recognize donation revenue from the third quarter of 2012. These funds are donated by private citizens and organizations to benefit the animals cared for by Animal Services. This includes a grant from the ASCPA in the amount of \$5,000 to send all of our current

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Animal Services Donation Revenue for the third quarter of 2012.

BUDGET IMPACT:

Recognize Animal Shelter Donations in the amount of \$10,732

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$10,732.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE THIRD QUARTER OF 2012

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere gratitude for these donations.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 3 V12.0724
Animal Services Donation Revenue

Recognize and allocate donation revenue for the 3rd Quarter of 2012

EXHIBIT
A

City of Fayetteville Staff Review Form

A. 4
Fourth Judicial District
Drug Task Force Training
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012
City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Drug Enforcement
Division

Police
Department

Action Required:

Approval of a budget adjustment in the amount of \$2,000 to recognize contributions made by the Washington County Prosecutor's Office in support of training for the 4th Judicial District Drug Task Force.

\$ 2,000.00
Cost of this request

\$ 2,000.00
Category / Project Budget

4th DTF Training
Program Category / Project Name

2930-2960-5304.00
Account Number

\$ -
Funds Used to Date

Donation
Program / Project Category Name

12015-1
Project Number

\$ 2,000.00
Remaining Balance

Drug Enforcement
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City
Clerk's Office

10-17-12 P03:57 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members

From: Greg Tabor, Chief of Police 

Date: October 16, 2012

Subject: Approve a Budget Adjustment for training of the 4th Judicial District Drug Task Force

PROPOSAL:

The Washington County Prosecutor's Office has contributed \$2,000 to support the training of the 4th Judicial District Drug Task Force. These funds will be used to pay expenses for training our task force members. Training will include both classroom studies and field training.

RECOMMENDATION:

Staff recommends approval of a budget adjustment in the amount of \$2,000 to recognize contributions made by the Washington County Prosecutor's Office in support of training for the 4th Judicial District Drug Task Force. If you have any questions, please contact me at extension 500.

BUDGET IMPACT:

There will be no adverse effect on our budget as the increase in expenses will equal the increase in revenue.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,000.00 REPRESENTING DONATION REVENUE FROM THE WASHINGTON COUNTY PROSECUTOR'S OFFICE DRUG CONTROL FUND TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF TRAINING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE'S DOMESTIC HIGHWAY ENFORCEMENT UNIT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement Unit.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Key Code

Date

10-5-12

Fourth Judicial District
Drug Task Force Training
Page 5 of 6

Contact Name

Prosecutor's Drug Control Fund

Extension 579

Debit/Cash Account #

2930--0100.00

Credit Account #

2930-0993-4999.00

Project/Subproject #

12014-1

Description

4th DTF Highway Interdiction

Accounting Approval

PROSECUTOR'S DRUG CONTROL FUND
PH. 479-444-1570
280 N COLLEGE SUITE 301
FAYETTEVILLE, AR 72701

81-161/829
80022081

1062

DATE 10-4-12

PAY TO THE ORDER OF 4th JDTF \$2800.00

Two thousand dollars: 00/100 DOLLARS

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

MEMO Training

John Hunt
Karen D. Westfall

08 2901619 1062 80022081

FOURTH JUDICIAL DISTRICT DRUG TASK FORCE

100 A West Rock Street
Fayetteville, Arkansas 72701

October 4, 2012

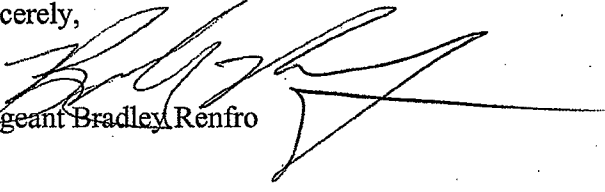
Karen Westphal
280 N. College
Fayetteville AR 72701

Dear Karen,

Earlier this summer, Sheriff Tim Helder requested \$2000.00 from your office to pay for training for the 4th Judicial District Drug Task Force's Domestic Highway Enforcement unit. We hope to hold our first training next week. This money will be used to pay for travel expenses for the Arkansas State Police Highway Interdiction Team members who will be conducting training with our unit.

If you have any questions or problems, please let call me at 479-601-3521.

Sincerely,


Sergeant Bradley Renfro

City of Fayetteville Staff Review Form

A. 5
2012 Bulletproof
Partnership Grant Award
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

November 8, 2012
City Council Meeting Date
Agenda Items Only

G. Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Acceptance of a 50% matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100 for the replacement of twelve (12) body armor vests for our police officers. *and approve budget adjustment. W*

\$ 9,100.00
Cost of this request

\$ 9,100.00
Category / Project Budget

Bulletproof Vest Partnership Program
Program Category / Project Name

1010-2920-5302.00
Account Number

\$ -
Funds Used to Date

Grant
Program / Project Category Name

07042-2012
Project Number

\$ 9,100.00
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

Chief of Staff

Date

Mayor

Date

Received in City
Clerk's Office

10-17-12 P04:10 RCVD

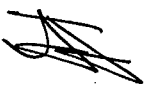
Received in
Mayor's Office

ENTERED
10/18/12
JAH

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: October 17, 2012

Subject: 2012 Bulletproof Grant Partnership Grant Award

PROPOSAL:

The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1998, the Fayetteville Police Department has obtained grant funding in excess of \$109,000 for the purchase of body armor vests through this partnership. The BVP program provides an important component to the continuing health and welfare of our Police Officers. Each body armor vest has a guaranteed life of five years. All state-of-the-art body armor is custom made to the exact specifications of the wearer to ensure all officers have our required level of protection and can take up to ten weeks for delivery. This grant funding by BVP will provide reimbursement of 50% (or \$4,550) of the City's expenses for the replacement of twelve (12) body armor vests for our police officers. All Fayetteville Police Officers have state-of-the-art body armor provided to them through grant and City funding.

RECOMMENDATION:

Staff recommends acceptance of a 50% matching grant award by the 2012 Bulletproof Vest Partnership (BVP) Program in the amount of \$4,550 for the replacement of twelve (12) body armor vests for our police officers

BUDGET IMPACT:

The City must match 50% (or \$4,550) of the total project cost of \$9,100. Currently, matching funds are budgeted in the Specialized Police Equipment project to meet this matching requirement.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2012 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$9,100.00 FOR THE REPLACEMENT OF TWELVE (12) BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a fifty percent (50%) matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100.00 for the replacement of twelve (12) body armor vests for Fayetteville police officers.

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

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 5 V12.0724
2012 Bulletproof
Partnership Grant Award
Page 4 of 6

Establish a budget for the 2012 Bulletproof Vest Partnership Program grant award.

From: BVP <bvp@usdoj.gov>
Date: 10/16/2012 3:54 PM
Subject: Bulletproof Vest Partnership FY 2012 Award Announcement

The Bureau of Justice Assistance (BJA) is pleased to inform you that your agency will receive an award under the Fiscal Year (FY) 2012 Bulletproof Vest Partnership (BVP) solicitation. These funds have been posted to your account in the BVP system. For questions regarding the BVP Program or your award, please do not hesitate to contact the BVP Help Desk at vests@usdoj.gov or 1-877-758-3787.

A complete list of FY 2012 BVP awards is available at: <http://www.ojp.usdoj.gov/bvpbasi/>

The FY 2012 award funds may be used for National Institute of Justice (NIJ) compliant armored vests which were ordered on or after April 1, 2012. The deadline to request payments from the FY 2012 award funds is August 31, 2014, or until all available 2012 awards funds have been requested. Please see the following websites for a list of NIJ compliant vests:

Ballistic Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-ballistic-armor.htm>

Stab Resistant Vests: <http://nij.gov/nij/topics/technology/body-armor/compliant-stab-armor.htm>

As a reminder, all jurisdictions that applied for FY 2012 BVP funding certified during the application process that a mandatory wear policy was in place for their jurisdiction. BJA will be conducting reviews of the mandatory wear policies as funds are requested from the BVP system. For more information on the BVP mandatory wear policy, please see the FAQs here: <http://www.ojp.usdoj.gov/bvpbasi/docs/FAQsBVP MandatoryWearPolicy.pdf>

Thank You.

BVP Program Support Team



Section Status > Application History

1. Registration

1.1 [Contact Information](#)

2. Application

2.1 [Application Profile](#)

2.2 [Manage Application](#)

2.3 [Review Application](#)

2.4 [Submit Application](#)

3. Receipts

3.1 [Manage Receipts](#)

3.2 [Review LEA Receipt](#)

3.3 [Receipt History](#)

4. Payment

4.1 [Bank Information](#)

4.2 [Print Bank Form](#)

4.3 [Request Payment](#)

4.4 [Payment History](#)

5. Status

5.1 [Current Status](#)

5.2 [LEA Status](#)

5.3 [Application History](#)

6. Personal Information

6.1 [User Profile](#)

6.2 [Change Password](#)

Previous Applications

Program	Date Approved	Amount Approved	Funds Available	Deobligation Date	Action
2012 Regular Solicitation	09/10/2012	4,550.00	4,550.00	08/31/2014	View Details
2011 Regular Solicitation	09/21/2011	4,550.00	0.00	08/31/2013	View Details
2010 Regular Solicitation	09/17/2010	9,100.00	0.00	08/31/2012	View Details
2009 Regular Solicitation	08/31/2009	19,599.91	0.00	09/30/2011	View Details
2008 Regular Solicitation	10/28/2008	16,033.56	0.00	09/30/2010	View Details
2007 Regular Solicitation	09/13/2007	4,200.00	0.00	09/30/2011	View Details
2005 Regular Solicitation	08/24/2005	7,700.00	0.00	09/30/2009	View Details
2002 Regular Solicitation	05/21/2002	48,925.00	0.00	09/30/2006	View Details
Totals:		\$114,658.47	\$4,550.00		



BVP HELP DESK
(Toll-Free 1-877-758-3787
(Toll 1-301-595-4595)

City of Fayetteville Staff Review Form

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

A. 6
Washington County Jail
Services Interlocal Agreement
Page 1 of 8

11/8/2012

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Support Services
Division

Police
Department

Action Required:

Approve a resolution extending the term of the Washington County Jail Services Interlocal Agreement for the 2013 calendar year with no increase in prisoner booking fees. The costs associated with this contract will be included in the 2013 Annual Budget.

\$ 313,200.00
Cost of this request

\$ -
Category / Project Budget

Contract Services
Program Category / Project Name

1010-2900-5315.00
Account Number

\$ -
Funds Used to Date

Services and Charges
Program / Project Category Name

Project Number

\$ -
Remaining Balance

General
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

10-19-12
Date

Previous Ordinance or Resolution #

Original Contract Date:

[Signature]
City Attorney

10-19-12
Date

Original Contract Number:

Paul a. Behn
Finance and Internal Services Director

10-22-2012
Date

Received in City
Clerk's Office

10-19-12 A09:24 RCV

[Signature]
Chief of Staff

10-22-12
Date

Received in
Mayor's Office



[Signature]
Mayor

10/23/12
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members

From: Greg Tabor, Chief of Police 

Date: November 8, 2012

Subject: Washington County Jail Services Interlocal Agreement

PROPOSAL:

The City of Fayetteville and Washington County entered into an Interlocal Agreement for Jail Services on October 19, 2004 with three subsequent amendments. The agreement allows that Washington County will provide jail space for City of Fayetteville prisoners in exchange of the City paying a set price for each booked prisoner. It is the desire of both Washington County and the City of Fayetteville to amend this Interlocal Agreement for Jail Services to extend the term of this agreement to include the 2013 calendar year with no increase in Schedule A which holds the price at \$60.00 per prisoner booking.

RECOMMENDATION:

Staff recommends approval of a resolution amending the Interlocal Agreement for Jail Services for the 2013 calendar year with no increase in prisoner booking fees.

BUDGET IMPACT:

There is no increase in per prisoner booking fee, however, we have had a significant increase in the number of arrests in 2012. Within the Department's 2013 budget, we budgeted the same amount of funds approved in the 2012 budget (\$258,950) and submitted a target overrun request in the amount of \$54,250 to meet the projected number of arrests. The total projected cost of the 2013 Washington County Jail Services Interlocal Agreement is \$313,200.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE JAIL SERVICES
INTERLOCAL AGREEMENT WITH WASHINGTON COUNTY,
ARKANSAS, CONTINUING FEES AT \$60.00 PER BOOKED PRISONER
FOR CALENDAR YEAR 2013

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the jail services interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2013. A copy of the contract amendment is attached as Exhibit "A".

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Approved 09/20/12 Ordinance No. 2012-55

FOURTH AMENDED INTERLOCAL AGREEMENT FOR JAIL SERVICES

THIS AGREEMENT, is made pursuant to Ark. Code Ann. §14-14-910, by and between the County of Washington, Arkansas (hereinafter referred to as the "County"), and the City of Fayetteville, Arkansas, (hereinafter referred to as the "City"), herein collectively known as the "Parties".

WITNESSETH:

WHEREAS, the Parties entered into an Interlocal Agreement for Jail Services dated October 19, 2004, which was supplemented by an Addendum on April 19, 2006, which was amended on January 10, 2005; January 20, 2011; and December 9, 2011.

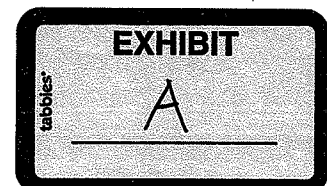
WHEREAS, the Parties desire to extend the Agreement, as amended for another year.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND OBLIGATIONS OF THE PARTIES CONTAINED HEREIN, BE IT AGREED:

1. Effective January 1, 2013, Section 5 of the Interlocal Agreement for Jail Services as amended, remains unchanged and reads as follows:

"5. DURATION. The initial term of this Agreement shall commence January 1, 2013, and shall expire on December 31, 2013. The County further agrees to make jail space for City prisoners an operational priority during the initial term and any subsequent term of this Agreement."

2. Effective January 1, 2013, Schedule A of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:



"SCHEDULE A

The current cost of keeping a County Prisoner in jail has been determined to be Sixty Five Dollars (\$65.00) per day, however, due to the fact that citizens of the City are paying a one quarter ($\frac{1}{4}$ %) sales and use tax, and due to the long and ongoing history of sharing resources between the Washington County Sheriff and the Fayetteville Police Department, the County shall charge the City Sixty Dollars (\$60.00) per booked prisoner.

The rate provided for herein shall not increase more than ten percent (10%) in any following years that this Agreement is renewed."

CITY OF FAYETTEVILLE

WASHINGTON COUNTY

LIONELD JORDAN, Mayor

MARILYN EDWARDS, County Judge

ATTEST:

ATTEST:

SONDRA E. SMITH, City Clerk

KAREN C. PRITCHARD, County Clerk

APPROVED as to form:

APPROVED as to form:

KIT WILLIAMS
City Attorney

GEORGE E. BUTLER, JR.
County Attorney

DATE: _____

DATE: 9-26-12



MARILYN EDWARDS
County Judge

280 North College, Suite 500
Fayetteville, AR 72701

WASHINGTON COUNTY, ARKANSAS
County Courthouse

RECEIVED

SEP 27 2012

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

September 26, 2012

Mayor Lioneld Jordan
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Washington County Jail Services Interlocal Agreement

Dear Mayor Jordan:

Enclosed is a copy of Washington County Ordinance No. 2012-55 entitled, "An Ordinance Amending an Interlocal Agreement for Jail Services with the City of Fayetteville for 2013."

Also enclosed are two copies of the Interlocal Agreement that have been signed by County Judge Marilyn Edwards.

Please return one of the agreements to me after it has been signed along with a copy of the City Council's action approving the agreement.

Thank you! Please do not hesitate to contact me if you have any questions.

Sincerely yours,

Karen M. Beeks
Executive Assistant/Quorum Court Coordinator
County Judge's Office

/kb

Encls.

- cc: Chief Greg Tabor, Fayetteville Police Department
100-A W. Rock Street, Fayetteville, AR 72701
- cc: Kit Williams, City Attorney
113 W. Mountain Street, Room 302-303, Fayetteville, AR 72701
- cc: Sheriff Tim Helder

ORDINANCE NO. 2012-55

BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

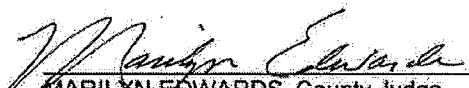
AN ORDINANCE AMENDING AN INTERLOCAL
AGREEMENT FOR JAIL SERVICES WITH THE
CITY OF FAYETTEVILLE FOR 2013.

WHEREAS, A.C.A. § 14-14-910 authorizes cities and
counties to enter into contracts to co-operate or join with each other to provide services;
such to specify the responsibilities of all parties; and,

WHEREAS, each of the governing bodies desire to amend
the Interlocal Agreement for Jail Services.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The Amended Interlocal Agreement for Jail
Services for 2013 attached hereto as Exhibit "A" and incorporated herein as if set out
word for word is hereby approved and the County Judge of Washington County,
Arkansas is hereby authorized to execute said Amended Interlocal Agreement for and
on behalf of Washington County, Arkansas.


MARILYN EDWARDS, County Judge

9-24-12
DATE


KAREN COMBS PRITCHARD, County Clerk

Sponsor: Butch Pond
Date of Passage: September 20, 2012
Votes For: 12 Votes Against: 0
Abstention: 0 Absent: 1

FILED
2012 SEP 24 AM 10:01
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

Approved 09/20/12 Ordinance No. 2012-55

FOURTH AMENDED INTERLOCAL AGREEMENT FOR JAIL SERVICES

THIS AGREEMENT, is made pursuant to Ark. Code Ann. §14-14-910, by and between the County of Washington, Arkansas (hereinafter referred to as the "County"), and the City of Fayetteville, Arkansas, (hereinafter referred to as the "City"), herein collectively known as the "Parties".

WITNESSETH:

WHEREAS, the Parties entered into an Interlocal Agreement for Jail Services dated October 19, 2004, which was supplemented by an Addendum on April 19, 2006, which was amended on January 10, 2005; January 20, 2011; and December 9, 2011.

WHEREAS, the Parties desire to extend the Agreement, as amended for another year.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND OBLIGATIONS OF THE PARTIES CONTAINED HEREIN, BE IT AGREED:

1. Effective January 1, 2013, Section 5 of the Interlocal Agreement for Jail Services as amended, remains unchanged and reads as follows:

"5. **DURATION.** The initial term of this Agreement shall commence January 1, 2013, and shall expire on December 31, 2013. The County further agrees to make jail space for City prisoners an operational priority during the initial term and any subsequent term of this Agreement."

2. Effective January 1, 2013, Schedule A of the Interlocal Agreement for Jail Services remains unchanged and reads as follows:

City of Fayetteville Staff Review Form

A. 7
Fayetteville Police
Department Policies
Page 1 of 48

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
Agenda Items Only

Greg Tabor
Submitted By

Police
Division

Police
Department

Action Required:

Staff seeks council approval to adopt Fayetteville Police Department Policies: 1.3.1, Use of Force; 84.1.1, Property Management, Acquired & In-Custody; 42.1.1, Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11, Use of Department Vehicles; 1.2.2, Warrantless Detention, Search & Seizure; and 43.1.1, Vice, Drugs and Organized Crime.

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

10-19-12 A09:30 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

To: Mayor Lioneld Jordan and City Council

From: Greg Tabor, Chief of Police 

Date: Thursday, October 18, 2012

Re: Police Department Policies

Recommendation:

Council approves a resolution adopting Fayetteville Police Department Policies: 1.3.1, Use of Force; 84.1.1, Property Management, Acquired & In-Custody; 42.1.1, Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11, Use of Department Vehicles; 1.2.2, Warrantless Detention, Search & Seizure; and 43.1.1, Vice, Drugs and Organized Crime.

Background and Discussion:

The Fayetteville Police Department is currently in the process of reviewing all policies and updating as necessary to conform to current practices and to comply with accreditation standards. 83.1, Collection and Preservation of Evidence and 43.1.1, Vice, Drugs and Organized Crime, are new policies. The remaining six policies have revisions recommended by CALEA assessors, and are needed for accreditation compliance. Those areas are highlighted.

Budget Impact:

None

RESOLUTION NO. _____

A RESOLUTION APPROVING FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.3.1 USE OF FORCE; 84.1.1 PROPERTY MANAGEMENT, ACQUIRED & IN-CUSTODY; 42.1.1 CRIMINAL INVESTIGATIONS; 83.1 COLLECTION AND PRESERVATION OF EVIDENCE; 44.1.1 JUVENILE OPERATIONS; 41.2.11 USE OF DEPARTMENT VEHICLES; 1.2.2 WARRANTLESS DETENTION, SEARCH & SEIZURE; AND 42.1.1 VICE, DRUGS AND ORGANIZED CRIME

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 Fayetteville Police Department policies 1.3.1 Use of Force; 84.1.1 Property Management, Acquired & In-Custody; 42.1.1 Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11 Use of Department Vehicles; 1.2.2 Warrantless Detention, Search & Seizure; and 42.1.1 Vice, Drugs and Organized Crime.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 1.3.1 Use of Force	Effective Date: May 1, 2012
Reference: 1.3.4, 41.3.5, General Orders 13, 14, 23, 29, 32	Version: Version
CALEA: 1.3	No. Pages: 8

I. PURPOSE

The purpose of this directive is to state the Fayetteville Police Department policy regarding the use of force, including deadly force, less lethal force and defensive tactics.

II. DISCUSSION

The value of human life is immeasurable in our society. Police officers have been delegated the awesome responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection must at all times be secondary to the protection of life. The officer's responsibility for protecting life must include his own.

III. DEFINITIONS

Deadly Force – Deadly force is that force which may cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

Physical Force – Physical force is any bodily impact, restraint, confinement or the threat thereof.

Reasonable Belief – Reasonable believe is fact or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury – Serious physical injury is bodily injury that creates a substantial risk of death; cause serious, permanent disfigurement; or results in along-term loss or impairment of the functioning of any bodily member or organ.

IV. POLICY

It shall be the policy of the Fayetteville Police Department that its officers shall not use more force in any situation than is reasonably necessary under the circumstances. [CALEA 1.3.1]

A. Use of Deadly Force

1. An officer may use deadly force to protect him or others if he has reasonable belief of immediate threat of death or serious physical injury [CALEA 1.3.2].
2. The use of deadly force should be prohibited in the apprehension of misdemeanants, since the value of human life far outweighs the gravity of a misdemeanor offense.
3. Deadly force shall never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. An officer shall either have witnessed the crime or have sufficient information to know, as a virtual certainty, that the suspect committed an offense for which the use of deadly force is permissible.
4. Officers shall not be permitted to fire at felony suspects when the officer believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force or when there is substantial danger to innocent bystanders. Although the requirement of using lesser force, when possible, is a legal rule, the other limitations are based on sound public policy. To risk the life of innocent persons for the purpose of apprehending a felon cannot be justified.
5. Officers shall not discharge a firearm at or from a moving vehicle except as the ultimate measure of self-defense or defense of another person.
6. Officers shall not fire their weapons to kill, but rather to stop and incapacitate an assailant from completing a potentially deadly act. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at "center body mass".
7. An officer may use deadly force to effect the capture or prevent the escape if the officer reasonably believes that the suspect has committed a felony involving the use or threatened use of deadly force and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.
8. In order to protect the community's interest when officers may have exceeded the scope of their authority in the use of deadly force and to shield officers who have not exceeded the scope of their authority from possible confrontations with the community, officers whose actions or use of force in an official capacity results in death or serious physical injury shall be relieved from line-duty assignment pending administrative review. [CALEA 1.3.8]
9. The killing of an animal is justified by the following conditions:
 - a. For self-defense,
 - b. To prevent substantial harm to the officer or another, or
 - c. When the animal is so badly injured that humanity requires its relief from further suffering
 - d. A seriously wounded or injured animal may be destroyed upon approval from a supervisor.
 - e. The destruction of vicious animals should be guided by the same rules set forth for self-defense and safety of others.
 - f. A use of force form and memorandum to the officer's direct supervisor shall be completed when an animal is killed.

B. Use of Physical Force and Less-Lethal Weapons

All police officers of the Fayetteville Police Department are directed to obtain defensive tactics training and certification to carry and use the departmental authorized less-lethal weapons. Officers will be issued copies of 1.3.1 and will be instructed in this policy. [CALEA 1.3.12] Defensive tactics and less-lethal weapons provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations that occur in the line of duty.

It shall be the policy of the Fayetteville Police Department that officers use defensive tactics and less-lethal weapons when warranted, but only in accordance with guidelines set forth in section 1.3.4.

All departmentally approved less-lethal devices are deployed as additional police tools and are not intended to replace firearms or self-defense techniques. Officers choosing to use these devices should not compromise their safety.

C. Firearms

1. Issuance of "Use of Force" policy: All officers of the Fayetteville Police Department shall be issued individual copies of and receive instruction on the department's policy regarding use of deadly force prior to being issued a firearm [CALEA 1.3.12]. Officers will receive in-service training on the department's use of force policy on an annual basis [CALEA 1.3.11].
2. Proficiency in Use of Agency-Authorized Firearms: Qualification with the issued service weapon is an essential job function of a Fayetteville Police Officer. Failure to qualify may result in the imposition of discipline, up to and including termination of employment. Additionally, failure to qualify with any other department-approved weapon would prohibit that officer from being allowed to carry that particular weapon [CALEA 1.3.10]. A certified weapons instructor shall conduct training and qualification [CALEA 1.3.11 a].
 - a. Officers shall qualify with the issued service weapon four times each year, at least one of which will meet the Arkansas Law Enforcement Standards and Training (ALETA) Standard Qualification Course of Fire for one target [CALEA 1.3.11 b].
 - b. On all other qualification relays, officers shall qualify with a score equal to or better than the established standard set by the Chief of Police in consultation with the Firearms Instructor.
 - c. Officers certified on the department-approved shotgun or rifle shall qualify annually.
 - d. All firearms training and qualification scores, including remedial training if necessary, will be documented and maintained by the firearms division until an officer separates from the department [CALEA 1.3.11 b].

- 1) An officer who fails to qualify with his/her issued handgun, shotgun, or rifle after two consecutive attempts shall be referred for immediate remedial training by a certified firearms instructor.
- 2) The firearms instructor providing the remedial training shall notify the officer's immediate supervisor and the Chief of Police in the event the officer is still unable to qualify at the conclusion of the extra training session.
 - a) Upon notification an officer has failed to qualify with their issued handgun, the supervisor shall immediately relieve the unqualified officer of the issued handgun and patrol duty, with pay. The unqualified officer will be directed to report to the training division the next working day for additional remedial training. The officer's authority to carry a firearm shall remain revoked until such time as the officer qualifies or that the determination is made that the officer is not responding to further training [CALEA 1.3.11 c].
 - b) Upon notification an officer has failed to qualify with a shotgun or rifle, the officer's authority to carry the firearm shall remain revoked until such time the officer qualifies. It shall be the responsibility of the officer to schedule additional remedial training and qualifications.
- e. Any officer who fails to qualify with their issued handgun, and receives remedial training more than once during a calendar year, shall be subject to disciplinary action. If an unqualified officer does not satisfactorily respond to remedial training and remains unqualified, the Chief of Police shall be notified in writing.
- f. Officers shall attain and demonstrate knowledge of the laws concerning the use of firearms and be familiar with and recognize safe-handling procedures for the use of these weapons.
- g. Any officer returning to duty after an absence exceeding three months shall report to the training division for remedial training and qualification prior to being permitted to return to full duty.
3. Except for general maintenance, storage or authorized training, officers shall not draw or exhibit their firearm unless circumstances create strong reasonable cause to believe that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
4. Warning Shots: Officers are not justified in using a firearm to fire a warning shot for any purpose. Warning shots endanger the lives of innocent bystanders and may also prompt a suspect to return fire [CALEA 1.3.3].
5. Off-Duty Possession of Weapons: It shall be the policy of the Fayetteville Police Department to permit full-time sworn members of the department to possess and carry a concealed weapon while off-duty within the corporate limits of Fayetteville. Officers should also be aware that Federal Law, known as the Law Enforcement Officers Safety Act of 2004, provides certified law enforcement officers with the right to carry a concealed firearm in any jurisdiction of the United States.
 - a. Officers are not required to carry a weapon while off-duty but may do so at their option.

- b. Officers exercising the option to carry a weapon while off-duty are authorized to carry their issued weapon.
 - c. Authorization for officers to carry weapons while off-duty shall be subject to the following conditions:
 - 1) Officers will be required to have in their possession the department-issued badge and official identification card.
 - 2) Officers in plain clothes wearing their firearms exposed to the public view shall display their department badge near the firearm in a manner that is clearly visible to the public unless special circumstances exist.
 - 3) Officers who choose to carry a weapon other than one issued by the police department shall qualify to demonstrate proficiency in the use of that weapon on an annual basis at their own expense.
6. Department-Issued Weapons and Ammunition: Reference may be made to section 41.3.5 for specifications of department-issued weapons and ammunition.
- a. All department-issued firearms will be inspected on an annual basis by a certified armorer and must be approved by the armorer before being issued and/or carried [CALEA 1.3.9 c,d,e].
 - 1) The firearms division will maintain weapons inspections reports.
 - 2) Weapons deemed irreparable will be removed from service with a report indicating such status.
 - 3) The firearms division will maintain a record on all weapons in service to include inspection date(s) and maintenance.
 - b. Officer Responsibility for Department-Issued Firearm
 - 1) Officers must take reasonable and adequate care of any firearm issued to them.
 - 2) In the event a firearm is lost, damaged, destroyed or stolen, the officer may be subject to financial liability and/or dismissed if a preponderance of evidence establishes negligence or willful destruction or damage of the firearm by the officer.
 - 3) In the event of the loss of department-issued firearm, the officer will immediately notify the shift supervisor who will in turn notify the Chief of Police. The supervisor will also notify local law enforcement authorities of the firearm loss and ensure that the loss is reported through the department's ACIC/NCIC terminal.
 - 4) Officers may choose to leave their issued handgun(s) in their locked lockers at the department. If officers choose to remove their issued handgun(s) from the department while off duty, it is recommended they be stored in a locked box, separate from the ammunition [CALEA 1.3.9 f].
7. Discharge of Weapon: If an officer, on or off duty, fires a department-issued weapon while acting in his official capacity (except for training purposes such as range qualifications) or in the event of an accidental discharge, the officer shall comply with the following:
- a. The officer who fired the weapon shall notify the shift supervisor as soon as practicable after the firing has taken place.
 - b. The supervisor shall make a preliminary investigation each time an officer under his command fires a weapon.

- c. The supervisor shall cause a report to be filed immediately with the Chief of Police regarding the firing of any weapon by police personnel [CALEA 1.3.6 a.].
- d. If during the performance of duty or on any occasion an officer fires a weapon and in doing so wounds or kills a suspect or perpetrator of a crime, the following procedure is to be followed immediately:
 - 1) Medical aid, to the extent possible, should be given to anyone injured [CALEA 1.3.5].
 - 2) The shift supervisor is to be notified immediately.
 - 3) The shift supervisor will notify the Chief of Police immediately.
 - 4) A shooting team, the members of which will be designated by the Chief of Police, will be called to the scene.
 - 5) The shooting team will be responsible for conducting a thorough investigation into the circumstances surrounding the shooting. The shooting team will, at the conclusion of the investigation, submit a report to the Chief of Police including relevant facts and circumstances surrounding the incident and a conclusion as to whether the discharge violates departmental policy.
 - 6) The shooting team will be functioning with the full authority of the Chief of Police. The team will be in complete control of the internal investigation. All officers, including shift supervisors, shall give the team their full cooperation. No one shall interfere with such an investigation.
 - 7) If the facts of the incident support a conclusion that the shot was the result of negligence, the officer shall be required to undergo firearms certification training again.

h. Firearms - The Fayetteville Police Department authorizes the following weapons and will govern proficiency requirements as follows for each weapon. Only agency personnel demonstrating proficiency in the use of agency-authorized weapons shall be approved to carry such weapons [CALEA 1.3.10]:

- 1) Each officer will be assigned and issued a service weapon that will be either the Glock model 35 .40 caliber semi-automatic pistol or the Glock model 23-C .40 caliber semi-automatic pistol [CALEA 1.3.9 a.]:
 - a) Officers must meet the qualification standards for their issued service weapon as previously stated in this policy [CALEA 1.3.11 b.] .
- 2) The rifle will be a AR 15 type short barrel rifle (SBR 11.5 inch barrel) or carbine (16 inch barrel) capable of semi-automatic fire in caliber 5.56 mm (.223 caliber) magazine fed. This rifle will be either of the A2 type with fixed carry handle with iron sights only, or the A3 flat top equipped with an Eo-Tec holographic sight and co-witness flip up iron sights [CALEA 1.3.9 a.]:
 - a) The AR15 rifle will be authorized for Emergency Response Team (ERT) members and for other selected sworn members of the department.
 - b) AR15 operators will be certified by the department with a

minimum of 40 hours of training on the AR15 type rifle and must pass a qualification course using both types of sights annually [CALEA 1.3.11 b.].

- 3) Shotguns will be Remington 11-87 gas operated semi-automatic 12 gauge shotguns. They will be either 14 inch barreled or 20 inch barreled. The Remington 870 12 gauge pump action shotgun used by ERT may be deployed using specialized ammunition as determined by the ERT Team Commander [CALEA 1.3.9 a.]:
 - a) Shotguns will be authorized for ERT members and for sworn officers.
 - b) Shotgun operators will have completed a 16 hour training course and be certified as a shotgun operator by the department. Shotgun operators must pass a qualification course annually [CALEA 1.3.11 b.].
- 4) Marksmen rifles will be either the Remington model 700 LTR bolt action .308 caliber or the AR10 style semi-automatic, gas operated, magazine fed .308 caliber rifle [CALEA 1.3.9 a.]:
 - a) Marksmen rifles will be authorized for selected ERT members.
 - b) Marksmen rifle operators will be required annually to qualify with each type of Marksmen rifle on a prescribed course or courses of fire [CALEA 1.3.11 b.].
- 5) Officers assigned to the 4th Judicial District Drug Task Force (DTF) will be authorized to carry the Smith and Wesson model 342 5 shot .38 special revolver [CALEA 1.3.9 a.]:
 - a) DTF officers issued this weapon will qualify annually on a qualification course designed for this firearm [CALEA 1.3.11 b.].
- 6) The aforementioned weapons when not in operation, other than department issued handguns, must be locked and stored in approved department arsenals or safes. While on duty, rifles and shotguns in marked patrol vehicles shall be carried in approved locking mechanisms. Officers will follow storage guidelines in this policy that apply to issued handguns [CALEA 1.3.9 f.].

- i. Use of Force Reports: The purpose of this section is to establish specific guidelines that define the situation when a Use of Force Report must be completed. Not every touching by an officer requires a report; circumstances that require a report are outlined in this section [CALEA 1.3.6].

All officers are directed to complete a Use of Force Report when the following criteria are met and turn it in to his supervisor before the end of his shift:

- 1) Situations that require supervisor notification and completion of the Use of Force Report [CALEA 1.3.6 b, c, d]:

- a) An officer exercising police authority uses force which causes death or any visible or apparent physical injury, or which results in the subject saying that he or she was injured.
 - b) An officer exercising police authority uses any object including but not limited to a hand, fist, foot or intermediate weapon to strike a blow to a subject.
 - c) An officer exercising police authority bodily removes or drags a struggling subject from one place to another, or forcibly places or keeps a person in a prone position.
 - d) An officer exercising police authority uses force during or after which a subject loses consciousness.
 - e) An officer uses any intermediate weapon.
 - f) An officer discharges a firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exception: range activity and other lawful and safe target practice) [CALEA 1.3.6 a.]
 - g) An officer points a firearm at anyone.
- 2) Officers should photograph and document any injury, or reported injury, on the Use of Force Report.
- 3) Use of Force Reports will be submitted by the shift supervisor to the department's administration [CALEA 1.3.7]:
- a. Each Use of Force Report will be reviewed by the division's respective captain and by the Chief's designated head of Office of Professional Standards (OPS) [CALEA 1.3.7].
 - b. The designated head of OPS will conduct an annual review and analysis of all Use of Force Reports and submit a report to the Chief of Police [CALEA 1.3.13].

POLICIES, PROCEDURES, AND RULES

Subject: 84.1.1 Property Management; Acquired & In-Custody	Effective Date: March 17, 2009
Reference:	Version: 1
CALEA: 84	No. Pages: 6

I. PURPOSE

The purpose of this directive is to establish a property management system for property acquired by and in custody of the Fayetteville Police Department.

II. POLICY

The Fayetteville Police Department will establish and maintain a property management system that will ensure continuity and consistency in the control and accountability of all evidence, lost and found property, and seized **property**, as well as all items retained for safekeeping or investigations in its custody.

This policy sets forth strict measures for the handling, security, and disposition of all such property in department custody.

A. Control of Property

1. Control: The department **Property and Evidence Division** shall maintain exclusive control and accountability of all found, recovered, and seized **property**, items kept for safekeeping, and evidentiary property.

- a. In no event will officers store evidence in their personal lockers or desk.
- b. All officers coming in possession of found, recovered, and or seized **property**, items for safekeeping, or evidentiary property shall record such property by way of an incident report, evidence submission or receipt form **before going off duty** [CALEA 84.1.1 a,c]. In addition, all officers shall deliver the property to Property and Evidence **personnel** as defined within this policy before going off duty [CALEA 84.1.1 b].
- c. The department recognizes exceptional circumstances may be present during which property might not be submitted to the Property and Evidence personnel before the officer goes off duty. **In such circumstances, in order to preserve the proper chain of custody, the officer should notify his supervisor, who will ensure another officer maintains the property in question until such time it can be presented to Property and Evidence personnel [CALEA 84.1.1 b].**

2. Submission of Evidence: Fayetteville Police Department personnel, with regard to all evidence, lost and found property, seized property, and items retained for safekeeping investigations will follow these guidelines [CALEA 84.1.1 d.]:

- a. Properly package each item;
- b. Items with blood and/or other bodily fluids should be air dried to prevent cross contamination before being properly packaged;
- c. Similar items may be packaged together;
- d. Certain types of items require additional security measures while stored in evidence. For that reason, the following items shall be packaged separately [CALEA 84.1.1 e.]:
 - (1) Narcotics/drugs;
 - (2) Firearms;
 - (3) Money, and;
 - (4) Jewelry;
- e. Properly label/identify each item on a Fayetteville Police Department Property and Evidence Submission Form;
- f. If submission occurs at a time when Property and Evidence personnel are not present, officers and other personnel will secure the evidence in an evidence locker [CALEA 84.1.3], and;
- g. If submission of biological and deoxyribonucleic acid (DNA) related evidence requiring refrigeration occurs at a time when the Property and Evidence personnel are not present, officers and other personnel will secure the evidence in the refrigerated evidence locker [CALEA 84.1.3].

3. Accountability: The utilization of property logs, property and evidence submission forms, inventories and other documents, shall ensure all records provide an up-to-date and correct accountability of found, recovered, items held for investigation, safekeeping and evidentiary property. The following information should be either placed on a Fayetteville Police Department Property and Evidence Form or recorded in the system by way of a receipt form or incident report for each item of evidence [CALEA 84.1.5]:

- a. Location of property within the department;
- b. Date and time property was received and subsequently released;
- c. Description, type and amount of property on hand;
- d. Chain of custody from the time property was received until final disposition should be maintained by an Evidence Submission Form, receipt form or incident report. There may be circumstances in which an item of property is not turned over to Property and Evidence personnel. These circumstances shall be documented in the incident report and the proper receipt form, for example:
 - Items returned immediately at the scene of collection;
 - Items sent to the State Crime Lab before it was entered as evidence (Property Evidence Submission Form required); and
 - Items going to the Criminal Investigation Division and returned to owner.
- e. The date and results of all inspections, inventories, and audits of record.

4. Property and Evidence Manager for Found, Recovered and Evidentiary Property: The Property and Evidence manager shall be designated as property custodian and held accountable for all property accepted by and stored in the department's property storage areas.

5. Receipt of Package Deliveries: Property and Evidence personnel are responsible for receiving all deliveries from the Arkansas Crime Lab. An entry should be made in the evidence tracking system indicating the receipt of the number of unopened packages.

6. Right of Refusal: Property and Evidence personnel will have the right to refuse acceptance of any item submitted improperly. Property and Evidence personnel will notify the appropriate supervisor and make arrangements for the submitting officer to make necessary corrections.

B. Appointment of New Evidence Manager - In the event a new Property and Evidence manager is appointed, a joint inventory with the new manager, a designee of the Chief of Police and the outgoing property manager shall be held to ensure proper documentation and accountability [CALEA 84.1.6 b].

1. The purpose of such an inventory shall be to guarantee the continuity of custody and ensure the system's integrity and property accountability.

2. The incoming Property and Evidence manager shall ensure all records are up-to-date and properly annotated.

3. All discrepancies shall be documented prior to the transfer of property accountability to the incoming Property and Evidence manager.

C. Inspection and Inventory –

1. The Chief of Police shall require the Property and Evidence manager to conduct a semi-annual inspection of recovered and evidentiary property to ensure adherence to procedure [CALEA 84.1.6 a]. This inspection shall verify the following:

- a. Department orders and directives concerning property management are being followed;
- b. Property is stored in such a manner as to protect it from damage and deterioration;
- c. Proper accountability procedures are being maintained; and
- d. Property having no further evidentiary value is being disposed of promptly.

2. The Chief of Police shall require an annual inventory of property and evidence held by the police department. This inventory will be conducted by the Chief of Police, or a designee not routinely or directly connected with control of the Property and Evidence Division [CALEA 84.1.6 c]. This inventory may be conducted with the assistance of the Property and Evidence Division personnel.

3. Unannounced inspections of the property storage areas should be held when the Chief of Police so directs, but at least once a year [CALEA 84.1.6 d]:

- a. The Chief of Police shall appoint an individual and a time period to conduct spot inspections.

- b. Property accountability and security procedures shall receive primary attention during spot inspections.
- c. The majority of the spot inspection shall consist of a random comparison of records with actual property items.

4. The Property and Evidence manager shall conduct an inventory count whenever a change in Property and Evidence personnel occurs.

D. Disposition of Found, Recovered, Seized and Evidentiary Property [CALEA 84.1.1 g]

1. All attempts shall be made to return found and recovered stolen property to its rightful owners [CALEA 84.1.1 f].

2. Evidentiary property may be returned to the owner prior to the court case with written permission from the prosecutor, lead investigator, or judge.

3. Recovered or evidentiary property returned should be photographed when possible. This photograph should include the person receiving the item, or the item with a valid driver's license or government issued identification of the person receiving the item.

4. Final disposition of all found, recovered, seized and evidentiary property shall be accomplished within six months after legal requirements have been satisfied. If the property in question is not returned to the owner, the Property and Evidence manager will obtain a court order to have property converted to departmental use, sold at auction or destroyed [CALEA 84.1.8].

5. Evidentiary property may be checked out to officers for court purposes. A record of chain of custody will be maintained by the Property and Evidence manager. Officers are required to maintain the proper chain of custody with the evidence, return it to the Property and Evidence Division after court, and provide the Property and Evidence manager with written correspondence to account for any items taken by the court as exhibits [CALEA 84.1.1 g].

6. Evidentiary property may be checked out to officers for purposes of examination. A record of chain of custody will be maintained by the Property and Evidence manager. Officers are required to maintain the proper chain of custody with the evidence and return it to the Property and Evidence Division after examination. Officers may temporarily lock property in approved lockers/cabinets within the CID lab but must maintain sole control of the respective key. [CALEA 84.1.1 g].

E. Training Aids [CALEA 84.1.4] - Narcotic detection training for police canines is vital to ensure the success of the canine program. The following procedures will be adhered to in order to ensure strict and correct accountability of narcotic training aids.

1. Each canine handler or trainer will check out narcotic training aids from the Property and Evidence Division as needed. The Property and Evidence manager will maintain records of these transactions as detailed below:

- a. Training aids shall be packaged and prepared by Property and Evidence personnel in the following manner:
 - The substance will be weighed and contained in a double heat-sealed plastic package;
 - The package will contain a clearly visible label identifying the substance, its weight, the date and time of packaging and the signature of the Evidence manager and witness; and
 - The label will have a specific training aid number unique to each training aid package.
 - b. Property and Evidence personnel will issue seized narcotics that have been adjudicated by the court for use in canine training.
 - The narcotic training aids should be removed from use in training at least every year and replaced with recently adjudicated narcotic items if possible.
2. A logbook will be created by the Property and Evidence manager and will be utilized to maintain a record of the training aid packages.
- a. It shall be the canine handler or trainer's responsibility to show Property and Evidence personnel the narcotic training aid packages every 30 days. Each package will be detailed in the logbook indicating the substance, training aid number and handler to whom the item is checked out.
 - b. Each package logged out to the canine handler or trainer will be checked against the logbook entry and for any apparent tampering or damage.
 - c. Property and Evidence personnel will sign and note the date and time of the inspection for each entry in the logbook.
 - d. Property and Evidence personnel will fully inspect the training aid packages to ensure their integrity. If any questions arise in reference to this inspection, the training aids will be logged into evidence and the canine supervisor will be notified.
 - e. If Property and Evidence personnel suspects the training aids to have been tampered with or if they are missing, the patrol captain will be notified immediately and will cause a complaint to be filed with the Office of Professional Standards.
 - f. If the packaging appears to have minor damage but the integrity is intact, Property and Evidence personnel will repackage the training aid and notify the patrol captain.

F. Storage of Property, Found, Recovered, Seized, Safekeeping, Investigations and Evidentiary Property [CALEA 84.1.1 e.]

1. Storage: All property stored by the department shall be held in designated secure areas [CALEA 84.1.2]. Items of in-custody property that, by their very nature, require extra security shall be stored in separate and locked locations within the evidence room, i.e. narcotic and dangerous drugs, firearms, money and distinguishably expensive jewelry [CALEA 84.1.1 e.].
2. Access: Access to all recovered and evidentiary property storage areas will be strictly limited to authorized personnel to prevent the alteration, unauthorized removal, theft, or other compromise of property stored by the department [CALEA 84.1.2].

3. Narcotics:

- a. Storage of narcotics and dangerous drugs shall be the responsibility of Property and Evidence personnel.
- b. Narcotic and dangerous drug evidence (capsules, pills, etc.) shall be counted and weighed by the submitting officer. The substance will then be sealed in a tamper-proof protective packaging and initialed by the officer on the seal. All drug evidence handled by the Fourth Judicial District Drug Task Force should have a Property and Evidence Submission Form completed prior to submission to the State Crime Lab. This form must be submitted to Property and Evidence personnel for entry into the system.

4. Perishable Items: All perishable items of evidence, such as blood or urine specimens, should be stored in a secure refrigerator in the evidence room whenever possible so their properties will be as unchanged as possible before they are examined in a laboratory or presented in court.

5. Money: Any time money is inventoried or seized, it should be counted in front of the person(s) from whom it is being taken. If this is not possible, the "two-man" rule will apply. In other words, a minimum of two officers will count the money and sign both the receipt and submission form. The money should be packaged separately from other evidence items. The amount and denomination of the currency should be recorded on a tally sheet. The tally sheet should be completed prior to removing it from the point of seizure and then attached to a submission form.

6. Vehicles or Other Large Items:

All vehicles or other large items seized as evidence in drug investigations or other felony crimes should have a Property and Evidence Submission Form completed and turned in to Property and Evidence personnel. Property and Evidence personnel will arrange to have the vehicle or other large items secured in the department authorized off-sight facility.

7. Evidence Not To Be Destroyed:

- a. Felony evidence listed below shall not be disposed of:
 - Homicide (solved or unsolved);
 - When suspect is incarcerated and an appeal is possible;
 - When no suspect and the statute of limitations has not yet run; or
 - Evidence is part of a suspected serial crime.
- b. Misdemeanor evidence listed below shall not be disposed of:
 - Property has not yet been held past the 30-day appeal period after the final disposition has been entered; or
 - The statute of limitations has not yet run.

POLICIES, PROCEDURES, AND RULES

Subject: 42.1.1 Criminal Investigations	Effective Date: May 1, 2012
Reference: 44.1.1, 82.1.1	Version: 1
CALEA: 42	No. Pages: 6

I. PURPOSE

The purpose of this directive is to establish procedures relating to the Fayetteville Police Department's Criminal Investigation function. This policy will provide guidance to both uniformed officers and officers specializing in investigations.

II. POLICY

A. Administration

1. Fayetteville Police Department will provide and support 24-hour service capabilities for its various criminal investigation functions [CALEA 42.1.1]:

- a. Supervisors assigned to each criminal investigation function of the police department will manage and maintain call-out protocol to include an on-call investigator duty roster.
- b. Prior to assignment to an investigative position, officers must understand the importance and necessity of an on-call function and agree and accept their individual role in this function.

2. Fayetteville Police Department will utilize a computerized case file management system to manage reports and investigations [CALEA 42.1.3 a.], [CALEA 82.1.5]:

- a. Information regarding status of cases will be systematically recorded and updated by employees assigned to the investigative divisions and overseen by investigation supervisors.
- b. Investigators will determine the status of each case [CALEA 42.1.3 b.]:
 1. Open/Active- Indicates a report has been submitted and may be, or has been, assigned for investigation.
 2. Cleared by Arrest- A suspect has been identified and arrested.
 3. Cleared by Exception- The case has been investigated to a satisfactory conclusion.
 4. Inactive- All available leads have been exhausted, but the case has not been brought to a satisfactory conclusion.
 5. Unfounded- Investigation has determined the offense did not occur.
- c. Case files should contain preliminary investigative reports, records of statements, results of examinations of physical evidence, case status reports, and other reports needed for investigative purposes [CALEA 42.1.3 c.].
- d. Case files will be maintained, updated, and primarily accessed by assigned investigators. **Case files must be secured when** not in use [CALEA 42.1.3 d.].
- e. Case files will only be purged under court order or in compliance with State or Federal guidelines [CALEA 42.1.3 e.].

- f. When closed or inactive case files are removed from CID for storage purposes, the case files will become the responsibility of the Records Division. The Records Division will maintain the case files in the off-site storage area and will be secured by padlock independent from the overall facility. The key will be maintained by the Records Coordinator and checked out to authorized personnel as needed [CALEA 82.1.1b.].

3. The following guidelines will apply to the intelligence function of the Fayetteville Police Department [CALEA 42.1.6]:

- a. The intelligence function of the Fayetteville Police Department will be maintained by the Criminal Investigation Division (CID). The administration of the intelligence function will be overseen by the lieutenant assigned to CID [CALEA 42.1.6 a.].
- b. The Fayetteville Police Department expects and requires that all levels of agency personnel value information that may be categorized as intelligence and report such information according to the requirements of this policy. All levels of sworn officers are required to report on intelligence matters to the CID. Non-sworn personnel may seek the assistance of sworn officers to collect and report information, or depending on the circumstances of the reporting person, non-sworn personnel of the police department may collect the information and report it to the CID [CALEA 42.1.6 b.].
- c. Training for sworn personnel on the identification, reporting, and dissemination of intelligence will be accomplished during the Field Training Officer Program [CALEA 42.1.6 c.].
- d. The CID lieutenant is responsible for the analysis, security, storage, and dissemination of intelligence information. The CID lieutenant will safeguard the integrity of all intelligence files, ensure that legal requirements are being followed, and ensure the security of these files. Intelligence files will be maintained separately from other agency records to prevent compromise of the integrity of the file system [CALEA 42.1.6 d.].
- e. The CID lieutenant will ensure that intelligence information will be limited to criminal conduct and activities presenting a threat to the community [CALEA 42.1.6 e.].
- f. Legal and privacy requirements of the intelligence function will be maintained by the CID lieutenant [CALEA 42.1.6 f.].
- g. The CID lieutenant will ensure that vital intelligence information is acted upon and successfully disseminated or transferred to corresponding components within the police department and to outside agencies and components where that information is practical, vital, as well as legally required [CALEA 42.1.6 g.].
- h. Intelligence information believed to be out of date or incorrect will be purged under the authority of the CID lieutenant [CALEA 42.1.6 h.].
- i. An annual review of procedures and processes of the intelligence function will be overseen by the CID lieutenant [CALEA 42.1.6 i.].

B. Operations

1. Officers in every assignment of the department shall value the importance of each investigation. The following steps will be considered in the preliminary investigation and documented when applicable [CALEA 42.2.1]:

- a. Securing the scene;
- b. Providing aid, to the extent possible, to the injured;
- c. Maintaining and protecting the crime scene and arranging for the collection of evidence [CALEA 42.2.1 c.];
- d. Observing all conditions, events, and remarks [CALEA 42.2.1 a.];

- e. Locating and/or identifying witnesses and suspects [CALEA 42.2.1 b.];
- f. Interviewing and obtaining statements from complainants, witnesses, and suspects [CALEA 42.2.1 d.];
- g. Determining whether an offense has been committed and the exact nature of the offense;
- h. Effecting an arrest at the scene or through immediate pursuit of the suspect;
- i. Furnishing other units with descriptions, method, direction of flight, and other relevant information;
- j. Accurately recording all pertinent information using prescribed reporting methods.

2. The following steps will be considered when conducting follow-up investigations and will be completed when applicable [CALEA 42.2.2]:

- a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations [CALEA 42.2.2 a.];
- b. Conducting additional interviews and interrogations [CALEA 42.2.2 b.];
- c. Seeking additional information from uniformed officers and informants [CALEA 42.2.2 c.];
- d. Planning, organizing, conducting searches, and collecting, preserving, analyzing, and evaluating evidence [CALEA 42.2.2 d.];
- e. Identifying and apprehending suspects [CALEA 42.2.2 e.];
- f. Determining suspect involvement in other crimes [CALEA 42.2.2 f.];
- g. Determining in detail the exact circumstances of the offense;
- h. Checking suspects' criminal histories [CALEA 42.2.2 g.];
- i. Recovering stolen property;
- j. Maintaining contact with case principals [CALEA 55.2.4];
- k. Reporting information obtained in investigations in accordance with departmental reporting methods;
- l. Preparing cases for court presentation [CALEA 42.2.2 h.].

3. Officers of the Fayetteville Police Department must understand that persons must be afforded certain constitutional rights in respect to interrogation and access to counsel [CALEA 1.2.3 b, c]:

- a. Interrogation refers not only to express questioning, but also to any words or actions on the part of the police, other than those normally associated with arrest and custody, that the police should know are reasonably likely to elicit an incriminating response from a suspect.
- b. When questioning a person in custody, officers shall provide the person with Miranda Rights. (For juveniles, see FPD 44.1.1.)
- c. Upon a person invoking their right to counsel, officers shall cease any line of questioning relating to an alleged criminal offense. Once a person has invoked their right to counsel, an interrogation may precede only in the following two scenarios: the interrogation is conducted in the presence of an attorney, or the person that has invoked his rights makes a self-initiated declaration to the officer that he wants to initiate further communications, exchanges, or conversations with the police. Prior to any discussion pertaining to an alleged criminal offense when a person makes a self-initiated declaration after having invoked his rights to counsel, the officer should discuss clearly and openly with the person that he invoked his rights to an attorney, is under no obligation to answer questions, and is entering discussion with the officer at his or her own prerogative and direction.

4. For each long-term multi-jurisdictional investigative task force of which the department is a participant, the department will ensure it maintains a directive that includes the following criteria [CALEA 42.2.5]:

- a. a written purpose [CALEA 42.2.5 a.];
- b. defining authority, responsibilities, and written agreements [CALEA 42.2.5 b.];
- c. evaluating results and the need for continued operations [CALEA 42.2.5 c.].

5. The following rules shall apply to the department's use of technical aids for the detection of deception [CALEA 42.2.6]:

- a. The Chief of Police may choose from a variety of devices used for the detection of deception;
- b. Use of these devices will be restricted to trained personnel that have graduated from the accepted training institutions and have demonstrated sound fundamentals in the use of equipment;
- c. Testing of juveniles requires both the consent of the juvenile and the juvenile's parent or legal guardian

6. The following procedures shall apply to uniform and non-uniformed personnel utilizing designated interview and interrogation rooms [CALEA 42.2.10]:

- a. In the presence of persons being interviewed, officers shall not enter the interview room with their firearms but may retain possession of other less-lethal weapons. Firearms shall be locked in departmental provided lock boxes [CALEA 42.2.10 a.].
- b. Detainees and arrested persons should be searched prior to being placed in an interview room. The room should be searched prior to and after the person has been in the room. Consideration shall also be given for possession of firearms to persons not under arrest [CALEA 42.2.10 b.].
- c. A detainee is under the immediate officer's care until that time he has verbally or physically relinquished control of the detainee to another officer, either for the purposes of interviews or transport [CALEA 42.2.10 b.].
- d. During interviews, there should normally be no more than one suspect and two investigators in the interview room. An exception to this rule is that suspects are afforded legal representation [CALEA 42.2.10 c.].
- e. All officers are provided with portable radios, and investigators are provided with cellular phones. Prior to interviews, officers should ensure they are equipped with one or the other as a means for summoning assistance. Interview rooms are equipped with real time audio and video. Officers and/or supervisors should be assigned to monitor video as an extra precaution during interviews of subjects in cases involving extraordinary security concerns. After hours, officers and detectives should make shift supervisors assigned to the station aware of interviews taking place [CALEA 42.2.10 d.].
- f. Supervisors are responsible for maintaining minimal furnishings in the interview rooms and should see that the rooms remain uncluttered. Interview rooms shall consist of one table and no more than three chairs. The soft interview room shall normally be used for interviewing victims and victims' family members. The soft interview room will consist of a table, two comfortable chairs, and no more than two additional chairs. All officers/detectives conducting interviews are responsible for inspection of the interview rooms and removal of hazardous items prior to interviews [CALEA 42.2.10 e.].
- g. Officers/detectives conducting interviews and interrogations should ensure that persons are afforded adequate access to restrooms, water, and breaks [CALEA 42.2.10 f.].
- h. Whenever practical, custodial interrogations should be electronically recorded.

7. Eyewitness identification is a frequently used investigative tool. The following is to establish procedures for the eyewitness identification of suspects through the use of photographic line-ups.

This department does not utilize physical line-ups. A witness' degree of attention and their opportunity to view the criminal during the crime, the accuracy of a witness' prior description of the suspect and their overall confidence regarding witness statement and conduct, and the length of time between the crime and subsequent identification should be considered relevant observations in considering a line-up [CALEA 42.2.11]:

- a. Photograph line-ups will consist of a minimum of six individual photographs (six is recommended). Only one member of the photographic line-up will be a suspect in the case. Each member of a photographic line-up should resemble the witness's description of the suspect's significant features, such as: age, race, facial features, weight, build, and any unique or unusual features. If possible, the photograph should be recent and resemble the suspect's appearance at the time the offense was committed. Photographic line-ups should be compiled using the same quality of photo, i.e. all black and white or all color, and not a mixture [CALEA 42.2.11 a.].
- b. If possible, photographic line-ups should be video and/or audio recorded [CALEA 42.2.11 b.].
- c. If the same photographic line-up is to be presented to multiple witnesses, then those witnesses should be separated before and during the administration of the identification process [CALEA 42.2.11 c.].
- d. Before a photographic line-up identification procedure begins, the witness should be informed that the offender may or may not be among the photographs shown. Also, before a photographic line-up identification procedure begins, the witness should be informed that they may take as much time as needed to review the line-up, and they are not required to make identification [CALEA 42.2.11 d.]. The officer presenting the line-up will be alert to the level of confidence expressed by the witness [CALEA 42.2.11 e.].
- e. The officer presenting the line-up is prohibited from indicating in any way the identity of the suspect. The witness should understand that their contribution is important whether they can identify the suspect or not and that the investigation will continue [CALEA 42.2.11 f.].
- f. All line-ups will be documented (along with the results) in a supplemental report added to the original investigative case file [CALEA 42.2.11 g.].

8. Eyewitness identification is a frequently used investigative tool. The following is to establish procedures for the eyewitness identification of suspects through the use of show-ups or field identifications. Because of the inherent suggestiveness of these types of identifications, they should be avoided if possible. However, circumstances are not always conducive to preferable identification techniques and sometimes necessitate the use of these types of identifications. When these show-ups or field identifications are utilized, or considered for use, the following conditions should be considered: the witness' degree of attention and their opportunity to view the criminal during the crime, the amount of time that the suspect was detained and brought before the witness and the length of time since the incidents passing is reasonable, a photographic line-up is impractical, the accuracy of the witness' prior description of the suspect, and there is an immediate need to arrest the suspect [CALEA 42.2.12 a.]:

- a. If possible, show-up / field identification line-ups should be video and/or audio recorded.
- b. The witness should be transported to the suspect's location in a police vehicle [CALEA 42.2.12 b.].

- c. If there are multiple witnesses, the witnesses should be separated in order to view the show-up/field identification individually [CALEA 42.2.12 c.].
- d. Before a show-up / field identification viewing, the witness should be advised the subject being viewed may not be the offender, and they are not required to make identification [CALEA 42.2.12 d.].
- e. The officer presenting the line-up will be alert to both: the level of confidence expressed by the witness, and the level of certainty demonstrated by the witness at the identification. This information should be documented in the officer's report [CALEA 42.2.12 e.].
- f. The officer presenting the show-up / field identification is prohibited from indicating in any way, the identity of the suspect. The witness should understand that their contribution is important whether they can identify the suspect or not and that the investigation will continue [CALEA 42.2.12 f.].
- g. All show-ups / field identifications will be documented (along with the results) in an officer's report and included in the investigative case file [CALEA 42.2.12 g.].

POLICIES, PROCEDURES, AND RULES

Subject: 83.1 Collection and Preservation of Evidence	Effective Date:
Reference:	Version: 1
CALEA: 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.5, 83.2.6, 83.2.7a,b,c,d, 83.3.1, 83.3.2	No. Pages: 5

I. Purpose

It is important the integrity of crime scenes be properly maintained and all items of evidence be collected, marked, maintained and processed in a professional manner to ensure court cases are not lost or overturned due to improper or incomplete police procedures. This policy shall apply to all members of the Fayetteville Police Department.

II. Policy

It is the policy of the Fayetteville Police Department to provide its employees with guidelines and procedures that incorporate the effective application of scientific methods for the collection and preservation process.

III. Procedure

A. Responsibilities:

1. The primary assigned officer is responsible for protecting a crime scene until relieved of the responsibility. Additional officers may be requested for larger or more complex scenes.
2. Personnel are subject to call out to crime scenes on a twenty-four (24) hour basis. A Criminal Investigation Division (CID) supervisor must approve requests for detectives and crime scene personnel [CALEA 83.1.1].
3. A detective or an accident investigator called to the scene will direct the collection and preservation of evidence.
4. Officers assigned to a crime scene shall provide assistance to the detective or crime scene personnel as necessary to include providing scene security, media relations, crowd control or any other duties as directed.

B. Crime Scene Processing: Patrol officers may process basic crime scenes. Crime scene personnel may process more complicated scenes or major case crime scenes. Basic steps for processing a crime scene may include but are not limited to [CALEA 83.2.1]:

1. Secure the scene:

- a. On arrival to the scene, officers must locate and assist any person who is injured, ill or needs assistance.
 - b. Officers shall initiate security measures to protect the scene. Officers must prevent unauthorized persons from entering the scene. A log should be kept of anyone entering/leaving a major crime scene.
 - c. Officers should not touch, move or pick up objects or disturb in any manner any article, mark or impression that may be related to a major crime. An emergency exception to this rule may be made when it is necessary to protect officers and bystanders or to protect the integrity of the evidence.
2. Assess the scene and determine the scope of the investigation.
 3. Conduct a detailed search to locate evidence.
 4. Record the scene [CALEA 83.2.2]:
 - a. Take notes of the location/condition of evidence.
 - b. Diagrams will be completed at all accidents and major crime scenes.
 - c. Photograph the evidence or video the scene if needed; photographic evidence will be completed at all major crime and accident scenes. Photographs and/or video should depict all possible elements of the crime.
 5. If liquids or body fluids are present, they should be collected and labeled prior to processing for latent fingerprints due to contamination issues.
 6. Process for latent fingerprint evidence [CALEA 83.2.3]:
 - a. Officers shall use issued print kits to process for latent prints.
 - b. Information about date, time and location the print was lifted, shall be documented on the print card.
 - c. Comparative prints should be taken from victims and witnesses if possible.
 - d. Print lifts should be submitted into evidence using proper evidence submission procedures.
 7. Collect/Package physical evidence [CALEA 83.2.1]:
 - a. Each item of evidence should be placed in its own appropriate container and appropriately sealed.
 - b. Documentation about the date, time and location the evidence was found and by whom should be placed on each container.
 - c. When available for comparative purposes, a known sample of the material or substance should be collected, packaged and maintained [CALEA 83.3.1]. Examples include glass, hair, fibers, wood, soil, tool marks and paint.
 8. Chain of custody/transfer of evidence in the field [CALEA 83.2.1]:
 - a. Officers and crime scene personnel must maintain a strict chain of custody on all items of evidence.
 - b. Personnel will document items of evidence collected by way of a CID 7 Receipt Form and/or Evidence Submission Form and in the incident report.
 - c. Personnel providing evidence to another officer or crime scene

investigator in the field must ensure the receiving person acknowledges the transfer of evidence.

- d. Both the personnel providing the evidence and the personnel receiving the evidence in the field will be required to document the transfer of evidence in an incident report.
9. Submit all evidence to the evidence room using the proper evidence submission procedures [CALEA 83.2.1].
10. An accurate synopsis of the evidence collection shall be included in an incident, accident or supplemental report and should include: [CALEA 83.2.6] [JH1]
 - a. Date and time of arrival on scene;
 - b. Specific list of evidentiary items collected;
 - c. Listing of photographs and any measurements taken, and;
 - d. Any other applicable documentation.

C. Computer Related Evidence [CALEA 83.2.5]:

1. Computers seized by department personnel shall be treated as evidence and processed according to the procedures outlined herein.
2. Absent exigent circumstances, only personnel who have been trained in computer seizures shall power off, disconnect, power on or access a computer system, recording device or recording media that is to be seized.
3. Only individuals who are trained in computer forensics shall examine computers, recording devices or recording media for the evidence contained therein. The Criminal Investigation Division shall be responsible for maintaining employees trained in computer investigations.
4. A CID supervisor shall be contacted when a computer is to be seized and processed. A computer forensic investigator may be assigned to assist in the seizure.

D. DNA Evidence [CALEA 83.2.7]:

1. Deoxyribonucleic acid (DNA) as an investigative tool is a major factor in solving cases when the offender is unknown. DNA results can be produced from very small or degraded samples. Types of biological evidence containing DNA are blood, semen, tissue, bones, teeth, hair, nails, and saliva.
2. First responders to a crime scene with potential DNA evidence[CALEA 83.2.7a]:
 - a. Officers and crime scene personnel should take notice of possible DNA evidence and initiate measures to protect it from contamination or being destroyed.
 - b. Officers and crime scene personnel should use appropriate biohazard protective gear, if necessary, for personal safety and to avoid direct contact with blood or body fluids.
3. Collection of DNA Evidence [CALEA 83.2.7b]:

- a. Tissue, blood stains and other body fluids:
 - 1) Samples are recovered by swabbing or collection of the stained item itself.
 - 2) The stain can be swabbed by using a sterile cotton swab or patch lightly moistened with distilled water. The swab/patch should be allowed to dry and placed in an envelope or other sterile container.
 - 3) If the stained item can be collected, it should be packaged in a clean paper wrapper or wrap. If the stain is wet, allow it to air dry before packaging.
 - 4) Each item of evidence will be labeled, marked and packaged individually and properly submitted to the Property and Evidence Division.
 - 5) Collected items containing suspected DNA material should never be placed in plastic.
- b. DNA samples from persons (Buccal Swab) [CALEA 1.2.8 a.]:
 - 1) A buccal swab is a search of a subject's mouth that may be collected by an officer, detective, or crime scene personnel, only by consent or search warrant.
 - 2) To obtain a buccal swab, a sterile cotton swab should be rubbed vigorously on the inside cheek lining (both right and left cheek) of a person for 20-30 seconds. The sample should be allowed to dry, placed into a swab box or similar container, properly labeled and submitted to the Property/Evidence Room.
 - 3) Buccal swabs should never be packaged in plastic.
- c. Bones, Teeth, Hair and Nails:
 - 1) Sterile latex gloves should be used to transfer the item of evidence onto a clean piece of paper, envelope or other sterile container.
 - 2) Each item of evidence will be labeled, marked and packaged individually and properly submitted to the Property and Evidence Division.

E. Training [CALEA 83.2.7c]:

- 1. All persons responsible for major crime scene processing shall receive specialized training to develop the following skills:
 - a. Recovery of latent finger/palm prints;
 - b. Recovery of foot, tool and tire impressions;
 - c. Photographing crime scenes;
 - d. Preparing crime scene diagrams;
 - e. Collecting, preserving and transmitting physical evidence, and;
 - f. DNA evidence collection.

2. All officers shall be trained in basic crime scene processing.

F. Equipment [CALEA 83.2.4]:

1. Patrol officers will be equipped with basic photography and fingerprinting equipment and other supplies used to collect and preserve physical evidence [CALEA 83.2.4 a., b., d.].
2. Personnel may use department authorized software for completing crime scene and accident sketches [83.2.4 c.].
3. The crime scene vehicle shall contain equipment and supplies that allows timely and effective processing of the scene to include:
 - a. Recovery of latent finger/palm prints [CALEA 83.2.4 a.];
 - b. Photography [CALEA 83.2.4 b.];
 - c. Diagram of the scene [CALEA 83.2.4 c.], and;
 - d. Collection and preservation of physical evidence [CALEA 83.2.4 d.].

G. Analysis/Examination [CALEA 83.3.2, 83.2.7d]:

1. Evidence requiring expert analysis/examination shall be submitted to the Arkansas State Crime Laboratory or other duly certified institution.
2. Evidence should be packaged in a manner that is consistent with the requirements of the receiving laboratory [CALEA 83.3.2 b.].
3. A Crime Lab Submission Sheet must be completed for those items of evidence requiring expert analysis and examination [CALEA 83.3.2 c.].
4. The investigating officer, detective, crime scene personnel, or Property and Evidence personnel must complete the Crime Lab Submission Sheet [CALEA 83.3.2 d.].
5. Employees of the Property and Evidence Division will normally transport evidence items to the Arkansas State Crime Lab for analysis/examination and ensure the chain of custody is maintained properly. It is recognized other members of the police department, such as detectives, may make a submission of evidence to the crime lab for analysis/examination. In such cases, that employee will maintain appropriate chain of custody [CALEA 83.3.2 a.].
6. Results of such analysis/examination shall be made in writing and filed with the appropriate incident report [CALEA 83.3.2 e.].

POLICIES, PROCEDURES, AND RULES

Subject: 83.1 Collection and Preservation of Evidence	Effective Date:
Reference:	Version: 1
CALEA: 83.1.1, 83.2.1, 83.2.2, 83.2.3, 83.2.4, 83.2.5, 83.2.6, 83.2.7a,b,c,d, 83.3.1, 83.3.2	No. Pages: 5

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 - 1) Sterile latex gloves should be used to transfer the item of evidence onto a clean piece of paper, envelope or other sterile container.
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E. Training [CALEA 83.2.7c]:

- 1. All persons responsible for major crime scene processing shall receive specialized training to develop the following skills:
 - a. Recovery of latent finger/palm prints;
 - b. Recovery of foot, tool and tire impressions;
 - c. Photographing crime scenes;
 - d. Preparing crime scene diagrams;
 - e. Collecting, preserving and transmitting physical evidence, and;
 - f. DNA evidence collection.

2. All officers shall be trained in basic crime scene processing.

F. Equipment [CALEA 83.2.4]:

1. Patrol officers will be equipped with basic photography and fingerprinting equipment and other supplies used to collect and preserve physical evidence [CALEA 83.2.4 a., b., d.].
2. Personnel may use department authorized software for completing crime scene and accident sketches [83.2.4 c.].
3. The crime scene vehicle shall contain equipment and supplies that allows timely and effective processing of the scene to include:
 - a. Recovery of latent finger/palm prints [CALEA 83.2.4 a.];
 - b. Photography [CALEA 83.2.4 b.];
 - c. Diagram of the scene [CALEA 83.2.4 c.], and;
 - d. Collection and preservation of physical evidence [CALEA 83.2.4 d.].

G. Analysis/Examination [CALEA 83.3.2, 83.2.7d]:

1. Evidence requiring expert analysis/examination shall be submitted to the Arkansas State Crime Laboratory or other duly certified institution.
2. Evidence should be packaged in a manner that is consistent with the requirements of the receiving laboratory [CALEA 83.3.2 b].
3. A Crime Lab Submission Sheet must be completed for those items of evidence requiring expert analysis and examination [CALEA 83.3.2 c.].
4. The investigating officer, detective, crime scene personnel, or Property and Evidence personnel must complete the Crime Lab Submission Sheet [CALEA 83.3.2 d].
5. Employees of the Property and Evidence Division will normally transport evidence items to the Arkansas State Crime Lab for analysis/examination and ensure the chain of custody is maintained properly. It is recognized other members of the police department, such as detectives, may make a submission of evidence to the crime lab for analysis/examination. In such cases, that employee will maintain appropriate chain of custody [CALEA 83.3.2 a.].
6. Results of such analysis/examination shall be made in writing and filed with the appropriate incident report [CALEA 83.3.2 e.].

POLICIES, PROCEDURES, AND RULES

Subject: 44.1.1 Juvenile Operations	Effective Date: May 1, 2012
Reference: 44.2.4	Version: 1
CALEA: 44	No. Pages: 3

I. PURPOSE

The purpose of this directive is to establish policies concerning the department's juvenile programs and the processing of juvenile offenders and victims [CALEA 44.1.1].

II. POLICY

A. ORGANIZATION AND ADMINISTRATION - The Fayetteville Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and victimization.

1. The Fayetteville Police Department shall maintain an investigative division with specializations associated with juvenile matters, this division will fall under the command of the Criminal Investigation Division (CID).
2. The responsibility of juvenile operations and delinquency prevention efforts is to be shared by all agency personnel and not just limited to the responsibility of CID. In particular, all patrol officers should familiarize themselves in proper handling of juvenile problems, both criminal and non-criminal.
3. The Fayetteville Police Department will strive to maintain a working relationship with other elements of the juvenile justice system, namely the Washington County Juvenile Court and the Washington County Prosecutor's Office.
4. An additional resource regarding Juvenile Operations is the School Resource Officer Division (reference can be made to FPD 44.2.4).

B. OPERATIONS

1. Encountering Abuse and Neglect:
 - a. Any time an officer encounters a juvenile who has been exposed to neglect or abuse, the officer shall report the neglect and or abuse to the **Arkansas State Police** Hot Line. Contacting the local DHS office or a local DHS employee does not fulfill the obligation of reporting to the hot line.

2. Taking Juvenile Into Custody - A juvenile may be taken into custody without a warrant:
 - a. Pursuant to an order of the court under Arkansas Code § 9-27-301 (Act 273 of 1989); or
 - b. By a law enforcement officer without a warrant under circumstances as set forth in Arkansas Rules of Criminal Procedure 4.1 (also see Policy 1.2.1); or
 - c. By a law enforcement officer or by a duly authorized representative of the Department of Human Services (DHS) if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger and that removal is necessary to prevent serious harm from his surroundings or from illness or injury and if parents, guardians, or others with authority to act are unavailable or have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and obtain an order of the court prior to taking the juvenile into custody [CALEA 44.2.2 b.].
 - d. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b.].
3. Alternatives to Arrests of Juveniles for Delinquent Acts - Officers making contact with a juvenile who has committed a delinquent act which does not involve a victim, (such as loitering, etc.) or an act whose victim does not wish to press charges may use alternatives to arrest [CALEA 44.2.1 a.] [CALEA 44.2.2 a.].
 - a. Alternatives to arrest include: verbal warning, referral to a School Resource Officer or other juvenile services office, conference with the juvenile's parent(s) or guardian, or report and referral to Washington County Prosecutor's Office Juvenile Division [CALEA 44.2.1 c.].
 - b. If alternatives to arrest are employed, it is not necessary to contact any officials with the juvenile court system.
4. Taking a Juvenile into Custody - With or Without a Warrant
 - a. No juvenile shall be incarcerated in the Washington County Jail. An exception to this is afforded to prosecutors under state law, when charging juveniles as adults [CALEA 44.2.2 c.].
 - b. The officer should always attempt to make contact with the parent(s) or legal guardian of any juvenile taken into custody and advise them of the situation [CALEA 44.2.2 e].
 - c. When a juvenile is arrested and taken into custody the officer should contact the juvenile intake officer of the Washington County Juvenile Court to discuss terms and conditions of release or detention. Officers will follow the direction of the juvenile intake officer of the Washington County Juvenile Court who will decide if the juvenile is to be released to a parent/guardian or is to be taken to Washington County Juvenile Detention Center. If the intake officer directs the juvenile to the detention center, the officer will take the juvenile to the detention center without delay, unless the juvenile is in need of emergency

medical treatment. If the juvenile is in need of emergency medical treatment, officers will follow FPD 71.1.1. At that point, the juvenile's medical care will receive priority. The intake officer of Washington County Juvenile Court should be notified of the juvenile's condition and assist in determining how the juvenile is to remain in custody during medical treatment or make additional release determinations [CALEA 44.2.2 d.]

- d. An alternative to taking a juvenile into custody is release of the juvenile through the use of a uniform traffic ticket/citation or an Arkansas Criminal Citation [CALEA 44.2.1 b.]. If the juvenile is to be released on a traffic violation that would go through Fayetteville District Court, it is not necessary to obtain the authorization of the Washington County Juvenile Court Intake Officer. However, if the juvenile is to be released on a criminal violation that would go through Washington County Juvenile Court, the intake officer should be contacted.
- e. Traffic Offenses - If a juvenile is taken into custody for a warrant on a traffic offense from another jurisdiction, the jurisdiction which issued the warrant should immediately be contacted to determine conditions for release. If the juvenile cannot be immediately released, the juvenile detention center should be contacted [CALEA 44.2.2 d].

5. Taking a Juvenile into Custody - Protective Reasons

- a. An officer may take into custody any "Dependent-neglected juvenile". "Dependent-neglected juvenile" means any juvenile who as a result of abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness is at substantial risk of serious harm. When determining to take a child into protective custody, officers will follow the legal guidelines of Arkansas law under Title 12-12-516. When necessary, officers may seek guidance from a supervisor [CALEA 44.2.2 b].
- b. Any officer taking a juvenile into custody as a "Dependent-neglected juvenile" should immediately contact the Washington County Department of Human Services. Custody of the juvenile will then be transferred to the Washington County Department of Human Services.

6. Investigation of Juvenile Offender- Interrogation [CALEA 44.2.3]

- a. Officers of the Fayetteville Police Department must understand that just like adults, juveniles must be afforded certain constitutional rights in respect to Miranda rights. When a juvenile is taken into custody for a delinquent act or criminal offense, a juvenile may invoke his or her right to speak to a parent or guardian in addition to standard Miranda.
- b. During an **interrogation**, the juvenile's parent or guardian must be present in the building; the parent or guardian must be aware the juvenile waived his/her rights; the parent or guardian must have had the chance to speak with the juvenile about the waiver and the parent or guardian should sign the waiver before an investigator questions a juvenile in custody.
- c. When questioning a juvenile in custody for a delinquent act or criminal offense, officers shall provide the juvenile his or her rights using the Juvenile Waiver of Right to Counsel form **and answer any questions that may ensure**

the juvenile understands his or her rights. Officers should refer to Arkansas Statute 9-27-317 that governs Questioning of a Juvenile.

- d. The duration of interrogation officers or detectives conduct will be reasonable in length. Officers and detectives must understand that the voluntariness of the juvenile's statement will be judged by the totality of the circumstances which may involve a review of several factors: Officers should take into consideration the age, intelligence, educational background, psychological state of the juvenile, mental capacity, including whether the defendant is nervous, physical condition and if an officer with training in youth matters is available or present. Officers should consider the juvenile's prior experience in the criminal system, whether the juvenile is suffering from any injury or pain at the time the statement is given, the time of day, any length of confinement, and whether the juvenile is tired and is desirous of sleep.
- e. During the interrogation, the juvenile should not normally be handcuffed unless they are a danger to themselves or others. Juveniles should not be threatened with bodily harm or made promises of leniency for cooperation.
- f. During interrogation of the juvenile at the Fayetteville Police Department, officers shall not enter the interview room with their firearms but may retain possession of other less-lethal weapons. Firearms shall be locked in departmental provided lock boxes. During the interrogation, there shall be no more than one suspect and two investigators in the interview room. An exception to this rule is that suspects are afforded legal representation, or accompanied by a parent, guardian, or other representative.
- g. Officers/detectives conducting interrogations should ensure that the juvenile is afforded adequate access to restrooms, water, and breaks.
- h. Officers/detectives should ensure the juvenile is familiar with English prior to conducting the interrogation. If the juvenile is not familiar with English and speaks another language, officers/detectives should make arrangements for an interpreter or arrange for an officer to conduct the interrogation in the juvenile's language.
- i. Juveniles who are in the custody of the Department of Human Services must be represented by their attorney ad litem before they can be questioned by police.

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.11 Use of Department Vehicles	Effective Date: May 1, 2012
Reference: 41.2.8, 41.2.13	Version: 1
CALEA: 41.3.1, 41.3.2, 53.1.1	No. Pages: 4

I. Purpose

The purpose of this policy is to establish guidelines for the use and operation of vehicles owned, leased or operated by the Fayetteville Police Department.

II. Policy

Officers and employees of this department shall operate department vehicles in a legal, safe and courteous manner. Employees shall not abuse or misuse department vehicles and equipment. Employees are responsible for the care and maintenance of vehicles in their control. Employees shall make proper use of vehicle safety equipment while operating department owned or authorized vehicles.

III. Procedures

A. Vehicle Safety Inspection - Patrol vehicles shall be inspected on a daily basis by the officer assigned to the vehicle. [CALEA 53.1.1]

1. Deficiencies shall be noted and brought to the attention of a supervisor to make a determination as to whether the vehicle should be removed from service until repaired. Repair requests will be completed on vehicle maintenance requests.
2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed.
3. The inspection will be documented on officers' daily activity reports.

B. Vehicle Equipment

1. Patrol vehicles will be conspicuously marked and outfitted with the following specifications: [CALEA 41.3.1]
 - a. Exterior mounted operational emergency lights
 - b. Siren
 - c. Agency's name in reflective materials
 - d. Unit number
 - e. Reflective striping on sides

2. Equipment required for patrol vehicles will be replenished or repaired upon inspection or as needed [CALEA 41.3.2].
 - a. The department will assign a primary and secondary supervisor to monitor equipment needs and deficiencies through the use of inspections and the daily vehicle inspection process. Assigned supervisors will be listed on the Duty Assignment Roster.
 - b. Vehicles will be inspected daily by officers assigned to the unit. Officers are required daily to report any vehicle deficiencies or deficient items in writing to their shift supervisor.
 - c. Those supervisors assigned as primary on the Duty Assignment Roster for unit supplies/unit inspections will oversee an annual inspection of vehicles and vehicle equipment and report the results through memorandum to the patrol captain.
 - d. Items reported as being deficient will be replenished by a shift supervisor through the Quartermaster System.
3. Equipment for patrol vehicles to maintain operational readiness includes but is not limited to [CALEA 41.3.2]:
 - a. Fire extinguisher
 - b. Tire deflation device
 - c. Spare tire/jack
 - d. 50 ft. measuring tape and rolling tape measure
 - e. Blanket
 - f. Crime scene tape
 - g. Paper towels and bags
 - h. Personal protective equipment – gloves, masks, shoe covers, tyvex suit
 - i. Radar unit and tuning forks
 - j. Digital camera
 - k. VL removal tool
 - l. Prisoner leg straps/belly chain
 - m. First Aid Kit
 - n. Disinfectant

4. Supervisor patrol vehicles will contain a door entry breaching kit. [CALEA 41.3.2]:

C. Take Home Units- Officers will be assigned either a marked or unmarked vehicle for use according to the responsibilities of the officer's position and the needs of the department (i.e. canine units, drug task force officers, etc).

1. To serve as a crime deterrent, take home units that are marked will be parked in the officer's driveway or an openly prominent location at the officer's residence.
2. The assignment of a take home unit is a privilege, not a right, and can be revoked at any time. Assignment of a take home unit is determined by the Chief of Police.
3. No alcoholic beverages are to be consumed or carried in take home units, nor are they to be driven after the officer has been consuming alcoholic beverages.
4. While off duty, officers will not take law enforcement action to address a minor violation. The off duty officer in a marked unit should be prepared to assist in traffic control on motor vehicle collisions until assigned officers arrive.
 - a. While off duty,

- b. Officers in take home units must carry their credentials and service weapon
 - c. While off duty, officers in take home units will dress in such a manner as to not discredit the department should they have to perform in a professional capacity.
5. Use of take home vehicles is limited to commuting to and from work, court, training, and other approved functions or other de minimis use.
6. Take home vehicles can be driven to department approved extra jobs requiring the performance of law enforcement duties.
 - a. Assigned vehicles will not be used to patrol private property. The vehicle will be parked at a suitable location while security/protective services are being performed.

D. Command vehicles are assigned to Captains whose responsibilities are critical to the operational efficiency of the police department, and the use of command vehicles is determined by the Chief of Police. Captains must be able to communicate with the department at all times and are subject to immediate response when needed. Command vehicles may be marked or unmarked as determined by the Chief of Police.

E. Special Purpose Vehicles [CALEA 41.1.3]

1. Motorcycles, bicycles, the ERT Transport Vehicle, and any other non-conventional vehicles shall be considered special-purpose vehicles of the Fayetteville Police Department and shall be treated accordingly.
2. The above mentioned special-purpose vehicles shall only be operated by authorized and assigned personnel that have completed or are undergoing required training as determined by the Fayetteville Police Department. In the event of a life threatening situation, sworn personnel not typically authorized may make use of a special-purpose vehicle.
3. The supervisor assigned over the unit of primary use of each special-purpose vehicle shall be responsible for required maintenance and for the determination and upkeep of required equipment to be kept in or on the vehicle.

F. Vehicle Operation

1. Employees shall operate department vehicles in a careful and prudent manner. Unsafe, negligent or reckless driving is prohibited. Traffic laws and department policies shall be followed unless emergency circumstances warrant otherwise.
2. Department vehicles will be kept clean and serviceable at all times (i.e. washed, vacuumed, fueled, etc).
3. Seatbelt usage – refer to 41.2.13
4. When parked and/or unattended, department vehicles, when practical, shall be properly secured by:
 - a. Locking the doors
 - b. Ensuring the windows are up
 - c. Ensuring any firearm in the vehicle is locked/secured

5. Due to the nature of law enforcement work, officers are allowed to eat and/or drink in department vehicles; however, the vehicles must be kept clean of debris and trash by the end of the shift.
6. Passengers will generally be limited to police officers, city employees or other governmental officials. However, limited transportation of others is permissible, such as the transportation of an immediate family member to school or work or other incidental transportation needs. Exceptions to this rule include detainees, persons needing assistance, persons authorized in a ride along, persons assisting the officer or other persons with approval of a supervisor.
7. Authorization and protocol for citizen ride along program are as follows:
 - a. An "Indemnify, Defend and Hold Harmless" agreement must be signed by the citizen wishing to participate in a ride along.
 - b. The citizen shall only be permitted to ride with personnel approved by a supervisor.
 - c. The citizen shall follow the directives of the patrol officer to whom they may be assigned.
 - d. The citizen shall remain in the patrol unit unless the officer directs the citizen that it is safe to exit the unit. The citizen shall not exit the vehicle on any "high risk" calls to which they may be assigned. This includes family violence calls unless no elements of risk are present nor are expected and only a reporting procedure is necessary.
 - e. Under no circumstances will a citizen be present in a patrol vehicle involved in any aspect of a pursuit.
8. Employees are prohibited from taking department vehicles outside the city limits of Fayetteville. Exceptions to this rule include:
 - a. Following up on an investigation, with supervisor approval
 - b. Police pursuit (Further reference can be made to 41.2.8, Pursuit policy)
 - c. Completing an assignment, with supervisor approval
 - d. Picking up supplies
 - e. Going to court
 - f. Take home units authorized by the Chief of Police
 - g. Attending meetings, training, etc.

POLICIES, PROCEDURES, AND RULES

Subject: 1.2.2 Warrantless Detention, Search & Seizure	Effective Date: November 15, 2011
Reference: 61.4.3	Version: 1
CALEA: 1.2.3, 1.2.4	No. Pages: 4

I. Purpose

The purpose of this policy is to establish guidelines for temporary detention, warrantless search and seizure decisions by officers in order to assure they are made in a manner consistent with constitutional guidelines, federal and state laws.

II. Definitions

Consent: Permission for an officer to search a constitutionally protected area given by a person with standing to grant it. Permission must be given without force, duress or coercion of any kind.

Field Interview: A field interview is a brief interview of a person to determine the person's identity and to resolve the officer's suspicions about possible criminal activity. A field interview is intended to resolve an ambiguous situation. A field interview contrasts with an investigative stop in that an investigative stop must be based upon reasonable suspicion of criminal behavior. A field interview may be conducted only with the voluntary cooperation of the citizen being interviewed and shall be immediately terminated if the citizen does not wish to speak.

Frisk: A frisk is a "pat down" of the outer garments for a weapon or contraband.

Investigative Stop: An investigative stop is the temporary detention of a subject when the officer has reasonable suspicion that criminal activity has occurred, is occurring or is about to occur and that the person to be stopped is involved or is a witness.

Probable Cause: Probable cause has been interpreted as facts and circumstances that amount to more than mere suspicion but less than proof beyond a reasonable doubt that would lead a prudent person to believe a crime has been committed or is about to be committed.

III. Procedure

A. Field Interview – The fourth amendment allows an officer to approach a person and ask if he/she is willing to answer questions, and to ask questions if the person is willing to listen and respond. The person shall not be detained and may leave at any time without answering questions. No stop or detention of a person or a driver of a vehicle is allowed. The person's

voluntary answers to such questions may be offered into evidence in any subsequent criminal proceedings. [CALEA 1.2.3a]

B. Investigative Stop – An officer may temporarily detain a person if reasonable suspicion exists that a crime has been committed, is committed or is about to be committed; or the officer reasonably suspects the person is illegally carrying a concealed weapon.

1. Officers may make such stops even if probable cause is insufficient to make an arrest.
2. The following factors may be considered in determining whether reasonable suspicion exists to justify an investigative stop of a person. These factors must be considered in view of the officer's training, knowledge and experience. All of the factors need not be present in order to establish reasonable suspicion:
 - a. The officer has valid knowledge that a person has a prior felony record.
 - b. The person fits the description of a wanted person.
 - c. The person has exhibited conduct in an attempt to conceal an object from the officer's view.
 - d. The person exhibits unusual behavior.
 - e. The area or time of day is indicative of possible criminal activity.
 - f. Hearsay information or an anonymous tip is acceptable dependent upon the content of the information and the degree of reliability. An officer must corroborate some of the hearsay information when developing reasonable suspicion to conduct the investigative stop.
3. An investigative stop must be conducted as briefly as possible. The stop must be restricted only to the time necessary to confirm or dispel the officer's reasonable suspicion of criminal activity.
 - a. Upon determining the basis for the stop no longer exists, the person detained will be immediately released.
 - b. The detention period may be lengthened only if the suspicion becomes reinforced with additional supportive information or if the officer develops probable cause.
4. Field Interview (FI) Cards: Officers are encouraged to conduct field interviews as an investigative tool, crime prevention and information in collecting, preserving and disseminating information on potential suspects or criminal activity. Officers shall document all field interviews on a "Field Interview" form in order to provide other officers and investigators with information concerning suspicious activities or persons. Completed field interview cards will be submitted to the Criminal Investigation Division (CID) for entry in to the department's Records Management System.

C. Frisk – Although an officer may have reasonable cause to stop an individual, there must be a separate belief, based on articulable facts, that the subject is armed and dangerous in order to justify a frisk. The purpose of the frisk is not to discover a crime, but to allow the officer to continue the investigation without fear of violence. [CALEA 1.2.4]

1. The frisk is limited to a pat down of the outer clothing.
2. If bulky clothing, such as a heavy overcoat, is worn the officer may require the subject to open or temporarily remove the coat in order to complete the pat down.

D. Search Incidental to Lawful Arrest – An officer shall search a subject incidental to that subject's lawful arrest for any weapons, contraband or evidence of the crime. The search shall be confined to the subject arrested and that subject's access area at the time of arrest [CALEA 1.2.5 commentary].

1. The search may extend beyond the arrestee's access area for other persons who the officer has reason to believe may endanger the safety of the officer making the arrest.
2. The search should be limited to locating and controlling the movements of such persons.
3. An officer should not make an arrest solely as a pretext to search for evidence.

E. Search by Consent – An officer may conduct a search of any person, place or thing without probable cause when the person having legal control over that area consents to the search. [CALEA 1.2.4]

1. Consent must be freely and voluntarily given. Consent must be granted by a person who appears to possess the competent mental ability and language skills to fully understand the circumstances.
2. Burden of proof consent was granted is on the officer.
3. Consent may be verbal or written. Officers must inform the subject he/she has the right to refuse a consensual search of a residence; such warning is not required for consensual search of a vehicle.
4. Consent may be withdrawn at any time by the subject.
5. Scope of the search may be limited in any way the subject wishes.
6. If the search exceeds the authorized scope, it is unlawful.

F. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as violent felony in progress. This exception only extends to the termination of the emergency. [CALEA 1.2.4]

G. Search of Vehicle under Movable Exception Rule – Due to the inherent mobility of a motor vehicle, the courts have historically held officers to a standard of probable cause for their search. There are conditions under which the officer does not need a search warrant in order to search a motor vehicle [CALEA 1.2.4]

1. The passenger compartment incident to and contemporaneous with the arrest of an occupant or the officer has reason to believe the vehicle contains evidence of the offense of the arrest.
2. Based on probable cause to believe the vehicle contains evidence of a crime or contraband. This search is only limited by the scope of where those items could be concealed.
3. In the event of a detention of the driver or occupant, and the officer has a basis for a frisk of that person, the frisk may extend into the vehicle to the areas where the subject might leap or lunge for weapon.
4. An inventory shall be conducted on all vehicles impounded by this department. Reference should be made to FPD 61.4.3 [CALEA 1.2.4]

H. Search at the Scene of a Crime – If a crime scene includes a constitutionally protected area, and the suspect might have a reasonable expectation of privacy, it will be searched pursuant to a search warrant. Exceptions include [CALEA 1.2.4]

1. Officers may conduct a protective sweep of a crime scene for their protection prior to securing the scene pending a warrant or consent.
2. Upon exigent entry, the scope of any search is limited to provide aid to those believed to be in need of assistance or to secure evidence in plain view. Once aid is provided, a search warrant must be obtained before searching for evidence or contraband.
3. Constitutionally protected areas may be searched with the consent of a person with standing to give it.
4. When the suspect is arrested in the crime scene, an officer may search the area under immediate control of the suspect contemporaneous with the arrest.
5. Officers may enter and search a constitutionally protected area under lawful exigent circumstances to include medical emergencies, or public safety issues such as a violent felony in progress. This exception only extends to the termination of the emergency.

I. Jail Booking Strip and Body Cavity Searches [CALEA 1.2.8]

1. Strip and body cavity searches during jail booking are sometimes necessary for officer safety, as well as the safety of the public, including other detainees. Such searches may be required to detect, secure and seize weapons, contraband or evidence of criminal activity. Body cavity searches are those that are conducted involving the anus or vagina.
2. Such intrusive searches shall be conducted only with proper authority, justification and within the policies and procedures of the detention center where the detainee is to be taken.
3. A strip search shall not be conducted unless there is a reasonable suspicion that such detainees are concealing weapons or contraband on their person [CALEA 1.2.8 a.].
4. A body cavity search shall not be conducted unless there is probable cause to suspect such detainees are concealing weapons or contraband and consent to search or a search warrant have been obtained.
5. For body cavity searches officers will notify county jail supervisors, and only a nurse or physician may conduct body cavity searches [CALEA 1.2.8 a.].
6. Officers involved in a strip search should ensure that the search is conducted by personnel of the same gender as that of the subject being searched and that the search is done out of the public view and with regard for human dignity [CALEA 1.2.8 b.].
7. Officers of the department that cause a strip or body cavity search to be conducted or that are involved in a strip search should include the details of the search in a report to include gender of the subject and identification and gender of personnel conducting the search [CALEA 1.2.8 c.].

J. Other Searches authorized by State and Federal Provisions [CALEA 1.2.4]

1. Officers may enter an open field and search it for items subject to seizure when they have reason to believe that the stated items are to be found at that location.
2. Officers may search public places, such as a public park, when they have reason to believe that the items subject to seizure are at that location.
3. Officers may search private locations open to the public, such as the lobby of a bank, when they have reason to believe that items subject to seizure are at that location.
4. Officers may seize items that are immediately apparent as evidence when they come into view and the officers has the right to be in the area at the time.
5. Officers may search abandoned property if it can be established that the owner or person in possession of the property intended to abandon it.

POLICIES, PROCEDURES, AND RULES

Subject: 43.1.1 Vice, Drugs, and Organized Crime	Effective Date:
Reference: 42.1.1	Version: 1
CALEA: 43.1.1, 43.1.5	No. Pages:

I. Purpose

The purpose of this directive is to establish procedures governing the flow of intelligence/information relating to vice, drugs, and organized crime. This policy will provide guidance in these matters to all personnel.

II. Policy

A. Processing complaints of criminal activity (intelligence/information)-The following procedures will ensure that intelligence/information received is recorded and investigated to the fullest extent possible:

1. Complaints of criminal activity (intelligence/information) received by departmental personnel regarding drugs, vice, and organized crime will be recorded utilizing Intelligence Reports and delivered to the Criminal Investigation Division (CID) and logged [CALEA 43.1.1 a.]:

- a. The complaint will be processed based on type and forwarded to the supervisor for review and assignment:
 - (1) Reports relating to vice, organized and all other crime will be provided to CID. Vice may include prostitution, illegal use/sale of alcoholic beverages, and gambling.
 - (2) Reports relating to drugs will be provided to the Drug Task Force (DTF).
 - (3) Reports relating to illegal alcoholic beverage issues will be provided to the Community Oriented Policing Division (COP).
- b. The following protocol will relate to assignments of complaints:
 - (1) Supervisors assigned to CID, DTF and COP will review each complaint and make determinations for assignment. Complaints should be assigned when the supervisor is able to establish enough information exists to warrant an investigation.
 - (2) Assigned personnel should investigate the complaint to the fullest extent possible utilizing the steps defined in 42.1.1 Criminal Investigations for preliminary and follow-up investigations [42.1.1].
- c. Personnel completing an intelligence report should consider the following and include in the report when applicable:
 - (1) Date and time of report;
 - (2) Source of information - anonymous reporters should be kept confidential;

- (3) Suspect information;
 - (4) Location of activity;
 - (5) Dates, days, and times of activities, and;
 - (6) Complete narrative of activity with consideration given to known associates, work, and vehicle information.
- d. CID will maintain a record of receipt and distribution of complaints received from citizens, department personnel and from outside agencies involving vice, drugs and organized crime [CALEA 43.1.1 b.] [CALEA 43.1.1 c.].
- B. Advising chain of command/Chief of Police-The following procedures will ensure that the respective divisions listed in this policy are reporting to their chain of command to include the Chief of Police [CALEA 43.1.1 d.]:
- 1. Supervisors assigned to CID, DTF, and COP will file a weekly report through their chain of command that will include:
 - a. Updates on major investigations when applicable;
 - b. Updates of incidents or personnel matters where there may be a question as to the agency's liability or those incidents which may result in heightened community interest [see also FPD 41.1.1];
 - 2. Information/Intelligence determined to be sensitive should be reported to the Chief of Police immediately [CALEA 43.1.1 d.].
 - 3. Supervisors assigned to these units will file an annual report focusing on the following:
 - a. Information/Intelligence assignments by number.
 - b. Information/Intelligence assignment clearance data.

City of Fayetteville Staff Review Form

A. 8
Margot Khavinson Estate
Settlement Agreement
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
Agenda Items Only

Chris Brown ^{CB}
Submitted By

Engineering
Division

Development Services
Department

Action Required:

Approval of a Resolution authorizing the settlement of the Margot Khavinson Condemnation Case on the Highway 112 (Garland Avenue) Project for a total of \$18,000.

\$ 10,000.00
Cost of this request

\$ 227,987.00
Category / Project Budget

Transportation Bond Program
Program Category / Project Name

4470.9470.5810.00
Account Number

\$ 197,148.42
Funds Used to Date

Land Acquisition
Program / Project Category Name

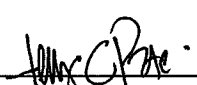
06035.2250
Project Number

\$ 30,838.58
Remaining Balance

Sales Tax Capital Improvements
Fund Name

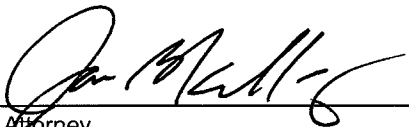
Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director

10-13-12
Date

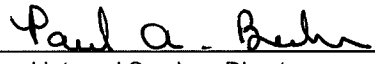
Previous Ordinance or Resolution #


City Attorney

10-19-12
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Services Director

10-19-2012
Date

Received in City 10-13-12 P04:45 RCVD
Clerk's Office


Chief of Staff

10-19-12
Date

Received in
Mayor's Office


Mayor

10/22/12
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

City Council Meeting of November 8, 2012

To: Mayor Jordan and City Council

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

From: Chris Brown CB

Date: October 18, 2012

Subject: Approval of a Resolution authorizing the settlement of the Margot Khavinson Condemnation Case for a total of \$18,000.

PROPOSAL:

Improvements to Garland Avenue (Highway 112) are planned as part of a City of Fayetteville and Arkansas State Highway and Transportation Department (AHTD) partnering project. Our agreement with AHTD provides that the City is responsible for 50% of the construction cost, up to \$1.5 million, and all of the cost of right of way acquisition and relocation of utility facilities.

Prior to construction work by AHTD, the City and local public utilities were required to relocate existing utility lines out of the widening area. In order to accomplish this work, it was necessary to acquire utility easements adjacent to the right of way. During the negotiations, Ms. Khavinson passed away, and her descendants took up the negotiations. The City was not able to negotiate a compensation agreement with Ms. Khavinson's heirs; therefore, the City Council authorized acquisition by condemnation at its March 6, 2012 meeting, and the City Attorney subsequently filed a complaint with the Circuit Court to acquire the necessary easement. The order of possession was received on this property after the complaint was filed and the City deposited \$8,000 with the Court as just compensation.

On October 17, 2012, City staff participated in a mediation conference with Oscar Blass, son of Ms. Khavinson, representing her estate, and Brenda Austin, Attorney for the estate. During this conference, a settlement agreement was developed, subject to approval by the City Council, whereby the City agrees to pay a total of \$18,000 for the necessary easement.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing settlement of the Margot Khavinson condemnation case and authorizing an additional payment of \$10,000. This is a fair and equitable settlement to both the City and the property owners, and avoids further staff time and litigation expense on this case.

BUDGET IMPACT:

Payment of the additional amount to the estate of Margot Khavinson will be made from the Garland Avenue Water and Sewer Relocations project of the Transportation Bond Program. There are adequate funds available for this payment.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH THE MARGOT KHAVINSON ESTATE, CONCERNING CONDEMNATION LITIGATION FILED AS PART OF THE N. GARLAND AVENUE WIDENING AND IMPROVEMENT PROJECT IN THE TOTAL AMOUNT OF \$18,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement with the Margot Khavinson estate, in a total amount of \$18,000.00 as full and final settlement of condemnation litigation (City of Fayetteville v. Blass, as personal representative of Khavinson, Washington County Circuit Court Case No. CV 2012-665-4) filed as part of the N. Garland Avenue Widening and Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional \$10,000.00 over and above the \$8,000.00 placed on deposit with the court.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

MEDIATION SETTLEMENT AGREEMENT

We, having participated in mediation on 10-17-12, and being satisfied that we have reached a fair and reasonable settlement, hereby agree as follows:

In full settlement of a lawsuit City of Fayetteville vs. Oscar Blass,
As Personal Representative of The Estate of Margot Khavinson Wash. Co.
CV 12-665-4 The City of Fayetteville agrees to pay \$18,000 plus full
costs of mediation and agree to level the easement area and reseed it
with grass and gravel the driveway. Oscar Blass in his capacity as
personal representative agrees to accept said sum in full and final
settlement of all issues in the lawsuit. This agreement is
subject to approval by the Fayetteville City Council and
the Probate Judge.

We recognize that James M. Hall has not given us legal advice or legal counsel, and that we have had the right to consult with an attorney at any time and to have an attorney review the terms of this Agreement before it is signed. We intend the above Agreement to be a legally binding and enforceable settlement agreement.

We intend the above Agreement to be a legally binding and enforceable settlement contract.

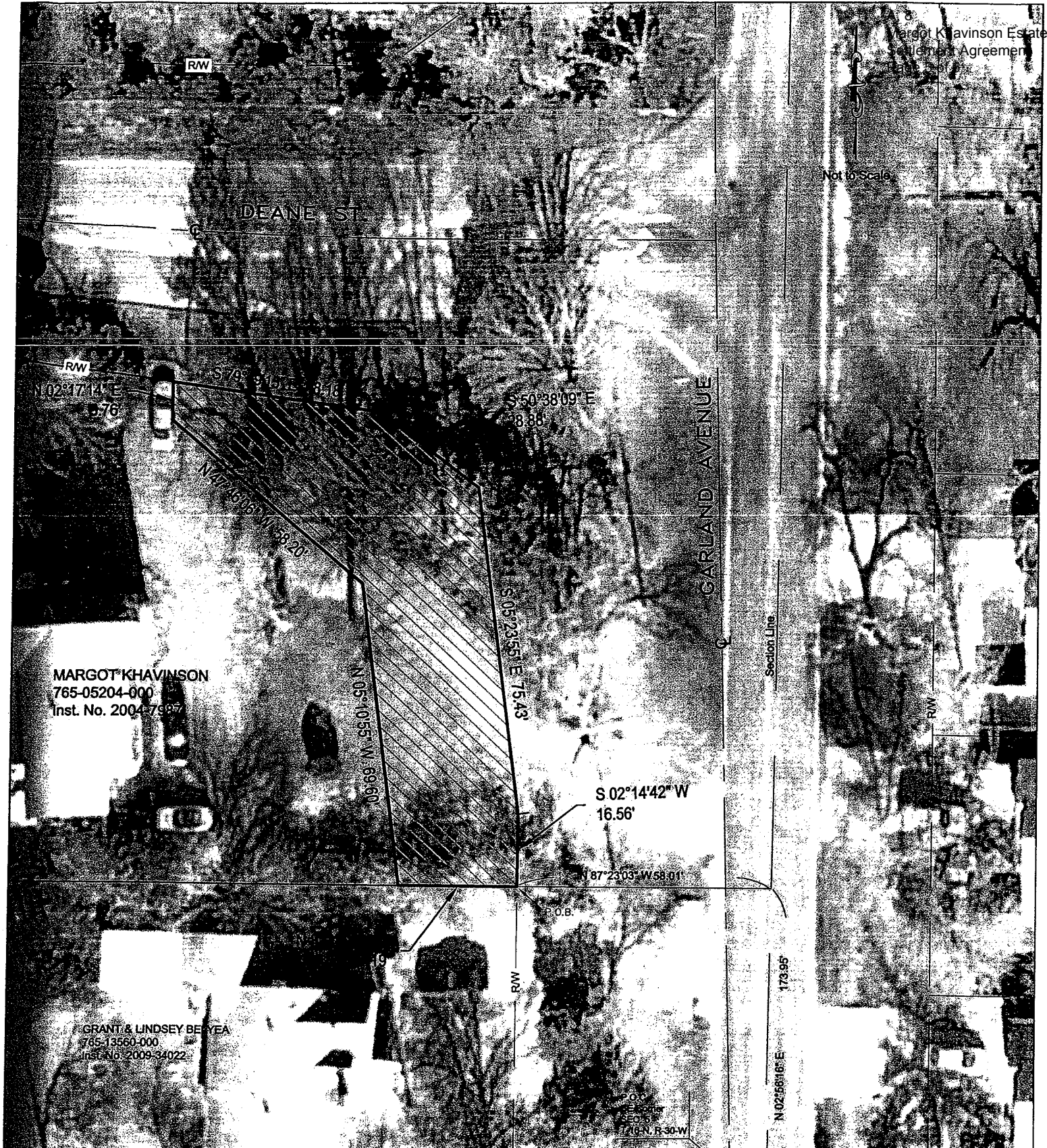
Date this 17th day of October, 2012.

Brida Austin atty for A John Kelley, atty for City

Oscar Blass
Oscar Blass

Chris Brown
Chris Brown, for City

James M. Hall, mediator



 PROP. UTILITY
EASEMENT—3,956 Sq. Ft.

EXHIBIT
SEP. 2011

UTILITY EASEMENT
MARGOT KHAVINSON

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: A Resolution to:

- 1) Approve a construction Contract with Pick-It Construction Inc, Contact: Nathan Ogden, 10024 N Campbell Rd, Fayetteville, AR 72701, 479-283-2329, nathan@pickitconstruction.com. Contingent upon grant award.
- 2) Correct a transposition error made to the Res. 95-12 amount of Task Order No.9 with McClelland Consulting Engineers.
- 3) Approve the application and acceptance of an 80/20 grant from the Arkansas Department of Aeronautics (ADA).
- 4) Approve a Budget Adjustment authorizing Airport fund matching expense and recognizing the state grant revenue contingent upon approval of the grant by ADA.

300,000 REVENUE

\$ 348,211.00

Cost of this request

\$ 32,504.00

Category / Project Budget

Executive Hangar Office Addition

Program Category / Project Name

VARIOUS

Account Number

\$ 32,504.00

Funds Used to Date

Airport Capital Exp

Program / Project Category Name

12011 1

Project Number

\$ -

Remaining Balance

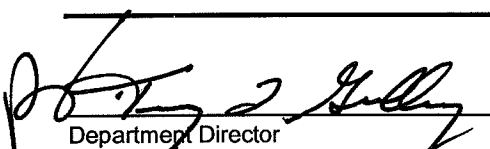
Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

 Department Director

 10-18-12
 Date

Previous Ordinance or Resolution # 95-12

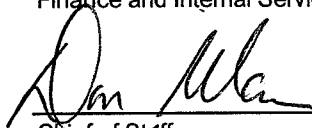

 City Attorney

 10-22-12
 Date

Original Contract Date:

Original Contract Number:


 Finance and Internal Services Director

 10-23-2012
 Date
Received in City
Clerk's Office

 Chief of Staff

 10-23-12
 Date
Received in
Mayor's Office

 Mayor

 10/24/12
 Date

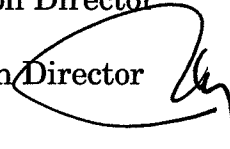

Comments:

City Council Meeting of: November 8, 2012
Agenda Item Number:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan
THRU: Chief of Staff
THRU: Staff/Contract Review Committee
THRU: Terry Gulley, Transportation Director
FROM: Ray M. Boudreaux, Aviation Director 
DATE: October 16, 2012

SUBJECT: Authority to apply for and receive Arkansas Aeronautics Commission Grant, for improvements to 4580 S. School, an aircraft hangar at Drake Field, Amend Res. No. 95-12 to correct a transposition error to the Task Order No. 9 total, and to award the contract for the work to PickIt Construction, the Low Bidder. Approval of a budget adjustment. Signature of the Mayor.

RECOMMENDATION: Approve application and receipt of an Arkansas Aeronautics Commission Grant for improvements to the Hangar leased to NFlight Technology at Drake Field, Amend Res. 95-12 to correct an inadvertent error in the dollar amount of the Task Order No. 9 submitted on the item, award of the contract to PickIt Construction, the qualified low bidder and approval of a Budget Adjustment. Signature of the Mayor on the grant application.

BACKGROUND: The City Council approved design and bidding services under Task Order Number 9 with McClelland Consulting Engineers via Resolution 95-12. The project has been designed and the bids were received October 11 with the low bidder PickIt Construction of Greenland. The Department of Aeronautics has requested the application although there are limited funds available due to reduced revenues to the Department. Chances are good that the grant application will be approved at the November 14 meeting of the Commission although not assured. In order to be considered at the November meeting, the application must be filed with the Arkansas Department of Aeronautics by the end of October. We will submit an application to be placed on the November agenda. Should the Council not approve the application, it will be withdrawn prior to the Commission meeting November

14, 2012. There was no Aeronautics Commission meeting in October nor is there a meeting in December. The bids are only good for 60 days necessitating the application to be filed with the Department by the end of October. This project will make improvements to the Hangar of approximately 3000SF of office and production space inside the Hangar. NFlight designs and sells camera systems for aircraft and conducts research and development for like systems for aircraft. The project has been on hold awaiting the Arkansas Department of Aeronautics receipt of funding. Funding is provided from sales taxes on the sale of aviation fuel and equipment and has been less than previous years due to the downturn in the economy. This application is for 80% of the project cost.

Total project including the design, engineering and project oversight is \$380,715.00 with \$80,715.00 to be funded as the local match from the Airport. We will bill the tenant NFlight Technology \$38,250.00 for the total cost of the fire suppression system to be installed with the project. This will reduce the total amount of airport funding to \$42,465.00 from the Airport fund balance. We anticipate additional savings through value engineering prior to contract award, thereby further reducing the Airport fund's portion of the project cost.

The project will not be pursued until grant funding is awarded from Arkansas Aeronautics Commission. Should the grant application not be approved by the Aeronautics Commission in November, the project must be re-advertised and new bids received. With City Council approval, we will leave the application with the Aeronautics Commission and re-bid the project once approved for funding. Arkansas Aeronautics Department requires that applications be based on bids.

<u>BUDGET IMPACT:</u>	Total project	\$380,715.00
	Aeronautics Commission Grant	\$300,000.00
	NFlight Technology (Sprinkler)	\$38,250.00
	Airport use of Funds Match	\$42,465.00

Attachments: Staff Review
Aeronautics Grant Application (2)
Budget Adjustment
Bid Tab
Contract for construction with PickIt Construction (4 originals)
Resolution 95-12 (approve Task Order #9)

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #12-72 AND AUTHORIZING A CONTRACT WITH PICK-IT CONSTRUCTION, INC. IN THE TOTAL AMOUNT OF \$343,900.00 FOR THE CONSTRUCTION OF IMPROVEMENTS TO AN AIRCRAFT HANGAR AT DRAKE FIELD CONTINGENT UPON A GRANT AWARD, AMENDING RESOLUTION NO. 95-12 TO CORRECT A TRANSPOSITION ERROR REGARDING TASK ORDER NO. 9 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS RELATED TO THIS PROJECT, APPROVING APPLICATION FOR AND ACCEPTANCE OF AN 80/20 MATCHING GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS TO PROVIDE FUNDING FOR THIS PROJECT, AND APPROVING A BUDGET ADJUSTMENT AUTHORIZING AIRPORT FUND MATCHING EXPENSE AND RECOGNIZING GRANT REVENUE, CONTINGENT UPON APPROVAL OF THE GRANT APPLICATION AND RECEIPT OF GRANT FUNDS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-72 and authorizes a contract with Pick-It Construction, Inc. in the total amount of \$343,900.00 for the construction of improvements to an aircraft hangar at Drake Field, contingent upon a grant award.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 95-12 by striking all references therein to \$32,504.00 and replacing them with \$36,500.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves application for and acceptance of an 80/20 matching grant from the Arkansas Department of Aeronautics to provide funding for this project.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A", authorizing airport fund matching expense and recognizing grant revenue, contingent upon approval of the grant application and receipt of grant funds.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 9 V12.0724
 Bid #12-72 Pick-It Construction
 Page 6 of 22

State Airport Aid Application – Page 1

The City/County of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Fayetteville Arkansas, Washington county.

Date of Request: 8/27/12

Name of Airport: Fayetteville Executive Airport, Drake Field, KFYV

Name and address of City/County Commission sponsoring request:

City of Fayetteville
113 West Mountain
Fayetteville AR 72701

Phone Number: 479-575-8330
Fax Number: 479-575-8257

Name and address of Engineering Firm (if applicable):

McClelland Consulting Engineers Inc
PO Box 1229
1810 N College Ave
Fayetteville AR 72703

Person to Contact about project:

Ray M Boudreaux, Director Aviation
4500 S School Ave Ste F
Fayetteville AR 72701

Phone Number: 479-718-7642
Cell Number: 479-601-3520
Fax Number: 479-718-7646

Contact Person: R. Wayne Jones, P.E.

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished:

Construct approximately 3000 sq ft office and 1000 sq ft upper storage area in the executive hangar located at 4580 S School Ave. The improvements will accomodate the expansion plans of a new aviation business.

State and Local Project Costs:
Please indicate:

- ☐ 50-50% Match
☒ 80-20% Match
☐ 90-10% Match
☐ 100%

Total Cost of Project 380,715
Local Share/Funds 80,715
Local Share/In-Kind _____
State Share 300,000

Federal AIP Projects:

AIP Number: _____

- ☐ 95-5% Match

Total Cost of Project: _____
Federal Share: _____
State Share: _____
Local Share: _____

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds: AR Dept Aeronautics, City of Fayetteville, and Lessee's Contribution

Source of In-Kind Services: Not applicable

Estimated starting date of project: December 1, 2012

Estimated completion date of project: April 30, 2013

Project will be for: New Airport ☒ Existing Airport

Is land to be leased or purchased? Not applicable

Description of land and cost per acre: _____

Provide the Federal AIP Grant Number (if applicable): _____

State Legislators for your area:

State Senator: Sue Madison - District 7

State Representative: Uvalde Lindsey - District 88

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor. Additionally, all hgr/building grant applications must include proof of insurance coverage.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that the sponsor shall start this project immediately upon award of grant. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur. Amendment requests are to be made only under extraordinary circumstances.

Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). Payment of grant funds are contingent upon the Department's annual appropriation.

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this _____ day of _____, 2012.

City of Fayetteville

Name of Sponsor

Authorized Signature

Lioneld Jordan, Mayor

Title

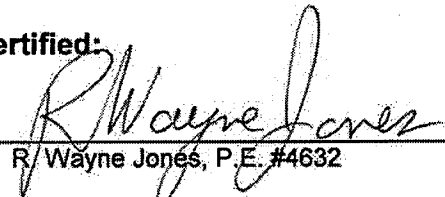
**BID TABULATION
 HANGAR "A" OFFICE RENOVATION
 FAYETTEVILLE MUNICIPAL AIRPORT
 CITY OF FAYETTEVILLE
 OCTOBER 12, 2012; 11:00 am**

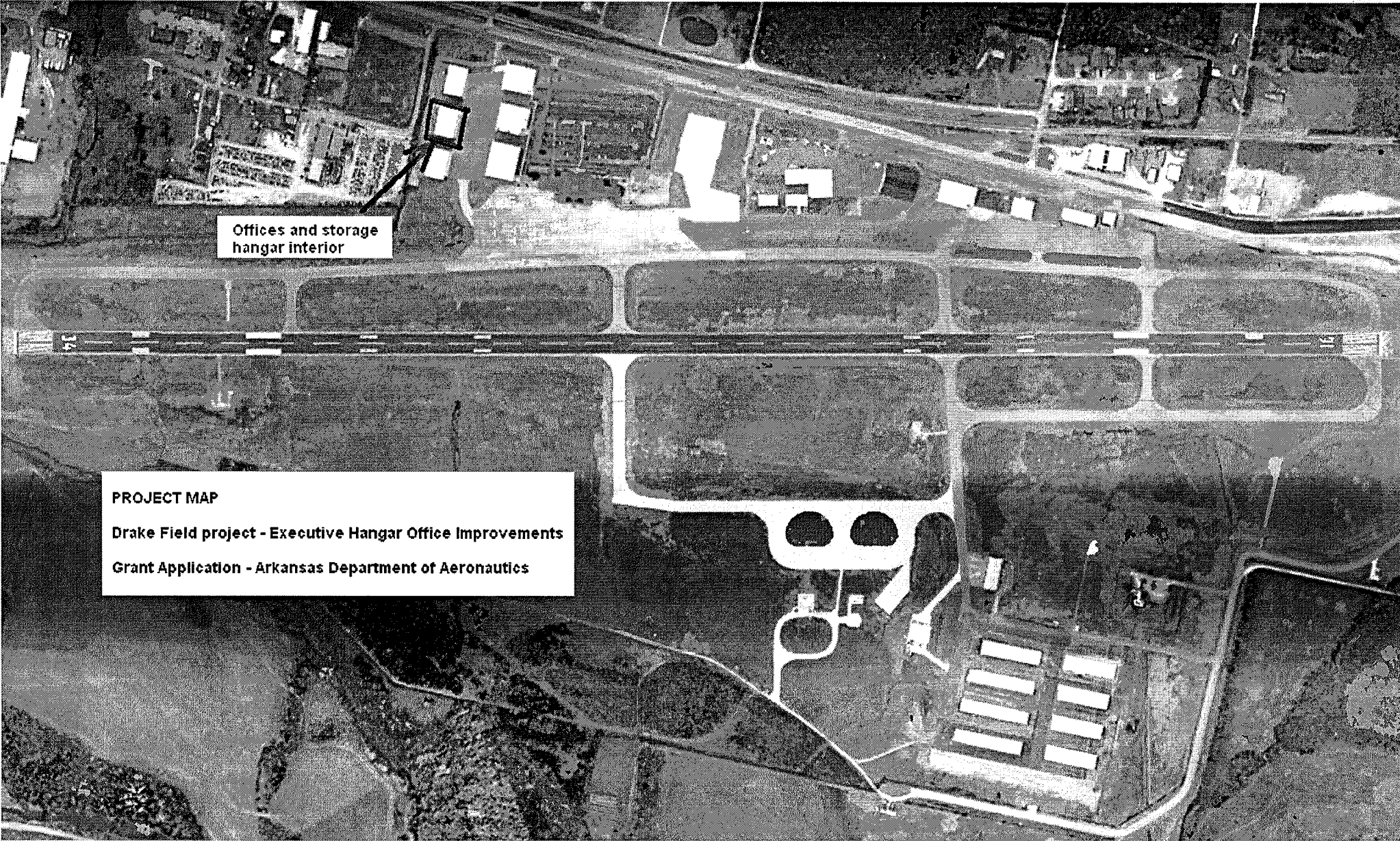
MCE PROJECT FY122126

BID No. 12-72

CONTRACTOR / LICENSE #	TOTAL BID	FIRE SPRINKLER PROTECTION SYSTEM	TRENCH EXCAVATION & SAFETY SYSTEM
Pick-It Constuction , Inc. #0140461212	\$343,900.00	\$38,250.00	\$500.00
Benchmark Construction #0033500413	\$374,200.00	\$32,516.00	\$200.00
Western Millwright Services, Inc. #005980413	\$467,254.00	\$58,445.00	\$100.00
Broadway Contracting, LLC #1201140313	\$535,456.00	\$32,516.00	\$1,000.00

Certified:


 R. Wayne Jones, P.E. #4632
 10-12-12
 Date



Offices and storage
hangar interior

PROJECT MAP

Drake Field project - Executive Hangar Office Improvements
Grant Application - Arkansas Department of Aeronautics

TERMINAL BUILDING LEASE AGREEMENT

LESSEE NAME: NFlight Technology LLC, Attn: Patrick Carter

Billing Address: _____ Home Ph: 479-684-8346
4500 S. School, Ste. N Work Ph: 866-901-8516
Fayetteville, AR 72701 Cell Ph: 479-684-8346

Home: 116 N. Brewer Ct., Fayetteville, AR 72701

Email: Patrick@nflightteam.com Emergency Contact: Matt Lynn

Social Security Number: 436-57-5875 Emergency Ph: 541-486-7250

Tax I.D. Number: N/A Date of Birth: 7 June 1984

This Lease is executed this 1st day of July, 2012, by and between the City of Fayetteville, 113 W. Mountain Street, Fayetteville, Arkansas 72701, hereinafter called the City, and NFlight Technology LLC, Attn: Patrick Carter, 4500 S. School, Suite N, Fayetteville, AR 72701, phone 866-901-8516 or 479-684-8346 hereinafter called NFlight Technology.

1. **Leased Premises.** The City leases to NFlight Technology, and NFlight Technology leases from the City, a corporate hangar located at 4580 S. School Avenue, Fayetteville, Arkansas, at Fayetteville Executive Airport – Drake Field, as reflected on Exhibit "A" attached hereto and make a part hereof. Leased Premise shall be for NFlight Technology's exclusive use.

2. **Lease Term.** Subject to earlier termination as hereinafter provided, the initial term of this Agreement shall be for a period of Ten (10) Years, beginning on July 1, 2012 and the Lease may be extended for two renewal options of ten (10) years each.

Rent will increase in accordance with the following procedure: With the increase in the CPI, plus 1% (see formula at Attachment 1), rent will increase at each two (2) year interval. At least sixty (60) days prior to the scheduled termination date, the City shall give NFlight Technology written notice of the monthly rent payable for the first two years of the extended renewal; at least thirty (30) days prior to the term expiration date, NFlight Technology shall give the City written notice if NFlight Technology exercises this option to extend. Rent for the extended renewal options will increase with the CPI, plus 1%, at each two year interval.

3. **Rental Fees.** During the term of this lease, NFlight Technology agrees to pay the City for the use of the hangar the sum of \$3,000.00 per month for one year, contingent on the Airport receiving an 80/20 Arkansas Department of Aeronautics grant to construct a two-story office facility within the hangar. The rent of \$3,000.00 per month will begin with the completion of the two-story office within the hangar in design agreeable to the parties. Occupancy Date for the \$3,000.00 rental amount will be filled in on the Lease at office project completion time: _____.

Expected completion date is the spring of 2013.

(Occupancy Date: month-day-year)

All subsequent monthly lease payments shall be due and payable in advance on or before the first day of each calendar month thereafter.

In addition to any remedy available to it hereunder, the City may impose as additional rent a delinquency charge on all overdue payments, at the maximum rate allowed by law

4. **Temporary Occupancy and Rent Provisions.** NFlight Technology shall have temporary rent provisions until the office addition in the hangar has been completed. NFlight Technology shall temporarily lease the hangar for \$1,200.00 per month, and also lease an office/kitchen area in the terminal building for \$1,000.00 per month with rent beginning as of July 1, 2012.

NFlight Technology will cease rental of the terminal building location when the office project in the hangar has been completed, and at that time the rent on the hangar will increase to \$3,000.00.

5. **Utilities, Maintenance and Janitorial Services.**

A. **By the City:** The City shall be responsible only for major maintenance of the existing equipment, i.e. replacement of heating unit and other equipment in place in the facility which includes, roof, hangar door motors, exterior walls, exterior plumbing, paved ramp and paved parking lot. The City agrees that if the roof or any part of the exterior walls or plumbing of said hangar thereof shall become defective or damaged at any time during the term due to ordinary wear and tear and not due to negligence of NFlight Technology, or NFlight Technology's agents or invites, upon notice from NFlight Technology, the City will immediately cause repairs to be made and restore the defective portions to good condition. If the damage is so extensive as to render the aircraft hangar at the airport untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, the City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth, above, or the City may, at its option, cancel this Agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted asset forth above. Routine maintenance of the hangar doors shall remain the responsibility of the City NFlight Technology shall not make any alterations

to the controls of the hangar doors without prior approval of Airport Administration.

The City will pay for water, sewer, light, heat, and air for the temporary use of the leased area in the terminal building.

The City shall maintain and keep in good repair so much of the Airport premises as are not under the exclusive control of NFlight Technology.

The City shall not be responsible for, or pay for any expense which might arise due to, the installation and / or removal of equipment used in NFlight Technology's business operation or signs.

B. By NFlight Technology : NFlight Technology shall provide for and supply at its expense all janitor service with respect to the hangar, and shall pay for all utilities serving the hangar, including, but not limited to heat, light, gas, electricity, and water, sewer and trash removal. NFlight Technology shall provide for any data or telephone utilities for the Leased area in the terminal building. NFlight Technology shall maintain Leased Premises in a clean, orderly, and attractive condition: not allow the accumulation of rubbish, trash, or other waste material on the Lease Premises and provide for and supply all janitorial service for their exclusive use area. NFlight Technology shall place any materials or trash in trash receptacles. Written approval from the Airport Director must be obtained prior to any improvements or additions to any part of the Leased Premises, or the installation of any attachment to the building (i.e. antennas, tower or signs). Any signs installed shall meet all of the City's Sign Regulations, and furthermore, any sign erected on, or attached, to the Lease Premises must have the prior written approval of the Airport Director.

NFlight Technology shall, at the termination, surrender or forfeiture of this lease, return said premises in the same or better condition the premises were at the beginning of the lease, normal wear and tear excepted.

6. **Hazardous Substances.** NFlight Technology shall not cause or permit any Hazardous Substance to be used, stored, on or in the Lease Premises without first obtaining the City's written consent. If Hazardous Substances are used, stored, generated or disposed of on, or in the Leased Premises, or in any Airport Drainage system or if the Airport property becomes contaminated in any manner due to NFlight Technology's actions, NFlight Technology shall indemnify and Hold Harmless the Airport from any and all claims, damages, fines, judgements, penalties, costs, liabilities, or losses including, without limitation and decrease in value of the Leased Premises, damages caused by loss or restriction of rentable, or usable space, as a part of the Leased Premises arising during or after the term hereof and arising as a result of that contamination by NFlight Technology, NFlight Technology's agents, employees, and invitees. This indemnification includes, without limitation, and all cost incurred because of any investigation of the Airport, or any

cleanup, removal, or restoration mandated by a federal, state, local agency or political subdivision.

6. Insurance.

A. NFlight Technology shall maintain in force during the Term and any extended term, public liability and property damage insurance in comprehensive form as reasonably may be required by the City and outlined in the Airport' Minimum Standards. The insurance shall be issued by an insurer licensed to do business in the State of Arkansas.

Concurrent with the execution of this Agreement, NFlight Technology shall provide proof of insurance coverage by providing a Certificate of Leasee's Insurance coverage, a copy of the declarations page on the insurance policy, and a copy of all endorsements. The Certificates of Insurance, or endorsements attached thereto, shall provide that; (a) insurance coverage shall not be canceled, changed in coverage, or reduced in limits without at least thirty (30) days prior written notice to the City; (b) the City and the Airport and their trustees, agents officers, servants, and employees are named as Additional Insured; (c) the policy shall be considered primary as regard to any other insurance coverage the City may possess, including and self-insured retention or deductible the City may have, and any other insurance coverage the City may possess shall be considered excess insurance only; (d) the limits of liability required therein are on an occurrence basis.

NFlight Technology agrees to indemnify, protect, defend and Hold Completely Harmless, the City and their trustees from and against all liability, losses, suits, claim judgements, fines or demands arising from injury or death of any person or damage to any property, including all reasonable cost for investigation and defense thereof (including attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to this Lease, provided, however, that NFlight Technology shall not be liable for any injury, damage or loss occasioned by the negligence of the City or its agents or employees; and provided further, that each party shall give prompt and timely notice of any claim made or suit instituted which in any way directly, or indirectly, affects, or might affect, either party, and each party shall have the right to compromise and defend the same to the extent of its own interest. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

B. **Workman's Compensation Insurance**, as required by Arkansas Law.

C. **Insurance on the contents within the Lease Premises** at all times during the term hereof, in amounts approved by the Airport Director.

8. **Use of Airport.** NFlight Technology is granted the use, in common with other Airport terminal tenants, of the Airport terminal building and grounds together with all facilities, equipment, improvements, and services which have been or may hereafter be

provided. NFlight Technology agrees to observe and obey the City's Ordinances and Regulations with respect to use of the Demised Premises and Airport; provided, however, such Ordinances and Regulations shall be consistent with safety and with all City, county, State, and federal ordinances, rules and regulations. NFlight Technology agrees to abide by the rulings of the Federal Aviation Administration with respect to the use of the Leased Premises. "*The Minimum Standards for Fayetteville Executive Airport, Drake Field*" herein referred to as Airport's Minimum Standards at the Fayetteville Executive Airport are made part of this lease by reference as if included word for word.

NFlight Technology will obtain and keep in force all certifications, permits and licenses required for the operation of NFlight Technology's business operation. NFlight Technology further agrees not to store any flammable material on the premises or in any way endanger or violate the provision of Fayetteville's property insurance policy or the requirements of same. Such violations shall constitute a material breach of this lease. Upon termination of the Lease NFlight Technology will leave all premises used in the same or better conditions as existed at the initiation of the Lease.

NFlight Technology shall not start or operate aircraft engines within the aircraft hangar leased hereby and shall not allow such operations by any other person.

9. Rights of Ingress and Egress. NFlight Technology shall have full and free right of ingress to and egress from the Leased Premises for NFlight Technology, its employees, customers, guests, and other invitees except as reserved below. Such rights shall also extend to persons or organizations supplying materials or furnishing services to NFlight Technology. The City reserves the right to close any means of ingress and egress, so long as other reasonable means of ingress and egress to the Leased Premises are available to NFlight Technology. The City may enter the Leased Premises at any reasonable time for any purpose necessary or incidental to the performance of City's obligations hereunder.

NFlight Technology shall take reasonable measures to insure that the conduct of their business does not adversely affect their neighbors or the common areas of the building. Excessive or objectionable noise, odors, or light fixtures shall not be allowed to escape from the premises.

10. Events of Default. The following shall be event of default under the lease, and include and one or more of the following:

A. Non-payment of the rental amount.

B. If NFlight Technology transfers, subleases or assigns, either voluntarily or by operation of law, any portion of its interest in this Lease without prior approval of the City.

C. NFlight Technology voluntarily abandons, deserts, or vacates the Leased Premises.

D. NFlight Technology shall fail to comply with insurance requirements.

11. **Termination.**

A. The City, or NFlight Technology, may terminate this lease at any time by giving the other party thirty (30) days written notice of termination.

B. On the expiration or other termination of this lease, NFlight Technology's right to use the Leased Premises shall cease, and NFlight Technology shall vacate the premises without unreasonable delay. All property installed, erected, or placed by NFlight Technology in, on, or about the premises leased hereunder shall be deemed to be personalty and shall remain the property of NFlight Technology. NFlight Technology shall have the right at any time during the term of this lease, or any renewal or extension thereof, and for an additional period of fourteen (14) days after the expiration of other termination of this Lease, to remove any or all of such property, subject, however to NFlight Technology's obligation to repair all damage, if any, resulting from such removal. Any and all property not removed by NFlight Technology prior to the expiration of the aforesaid fourteen (14) day period shall thereupon become a part of the premises on which it is located and title hereto shall thereupon vest in the City, or the City may require removal and restoration by NFlight Technology.

12. **Assigning, Subletting and Encumbering.** NFlight Technology shall not sublet the Leased Premises, not permit other persons to occupy the Leased Premises, not grant any license or concession for any part of the Leased Premises, or assign its rights under this Lease without the written consent of The City. No such subletting or assignment shall release NFlight Technology from its obligations to pay the rental set forth herein.

13. **Mailing and Notice.** Any notice or consent required by this Lease shall be sufficient if sent by Certified Mail, return receipt required, postage paid, to the following address:

CITY OF FAYETTEVILLE

Airport Administration Office
4500 S. School Ave., Suite F
Fayetteville, AR 72701
Phone 479-718-7642

NFLIGHT TECHNOLOGY LLC

NFlight Technology LLC
Attn: Patrick Carter
860 Highway 62 E., Ste. #1
Mountain Home, AR 72653
Phone: 866-901-8516

14. **Nondiscrimination.** NFlight Technology agrees that it will not, on the grounds of race, color, or national origin, discriminate or permit discrimination against any person or group of persons. NFlight Technology will assure compliance with all regulations in regard to Non-discrimination and Affirmative Action. NFlight Technology acknowledges that it is the policy of the Airport that it shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of all Airport contracts.

This agreement shall be construed under the laws of the State of Arkansas.

All the covenants, conditions, and provisions under this agreement shall extend to and bind the legal representative, successors, and assigns of the respective parties hereof.

IN WITNESS WHEREOF, the parties have executed this Lease on the day and year first above written.

The PK has received a copy of the Airport's Minimum Standards.
(tenant's initials)

THE CITY OF FAYETTEVILLE:

By: Lionel Jordan 7/13/12
Lionel Jordan, Mayor Date

ATTEST:

By: Sondra E. Smith 7/13/12
Sondra Smith, City Clerk and Treasurer Date

NFLIGHT TECHNOLOGY LLC

By: Patrick Carter 10 July 2012
Patrick Carter Date

Title: President

ATTEST:

By: _____
Date



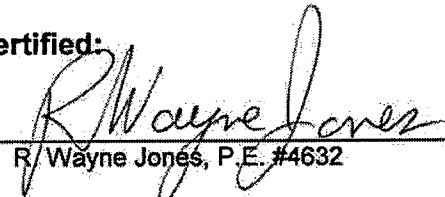
**BID TABULATION
 HANGAR "A" OFFICE RENOVATION
 FAYETTEVILLE MUNICIPAL AIRPORT
 CITY OF FAYETTEVILLE
 OCTOBER 12, 2012; 11:00 am**

MCE PROJECT FY122126

BID No. 12-72

CONTRACTOR / LICENSE #	TOTAL BID	FIRE SPRINKLER PROTECTION SYSTEM	TRENCH EXCAVATION & SAFETY SYSTEM
Pick-It Constuction , Inc. #0140461212	\$343,900.00	\$38,250.00	\$500.00
Benchmark Construction #0033500413	\$374,200.00	\$32,516.00	\$200.00
Western Millwright Services, Inc. #005980413	\$467,254.00	\$58,445.00	\$100.00
Broadway Contracting, LLC #1201140313	\$535,456.00	\$32,516.00	\$1,000.00

Certified:


 R. Wayne Jones, P.E. #4632
 10-12-12
 Date

CONTRACT

Reference Bid: 12-72, Construction – Drake Field

Contractor:

Term: Specific Project Only – No Revolving Terms

OCT 18 2012

AIRPORT

This contract executed this ____ day of November, 2012, between the **City of Fayetteville, Arkansas**, and **Pick-It Construction, Inc.** In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Pick-It Construction, Inc** at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 12-72 as stated in **Pick-It Construction, Inc** bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 12-72.
2. The City of Fayetteville shall pay **Pick-It Construction, Inc** for work as described in Bid 12-72, not to exceed **\$343,900**, based on **Pick-It Construction, Inc** submitted bid. Payments will be made after approval and acceptance of work, and submission of detailed invoice. Payments will be made within a maximum 30 days after acceptance of invoice. **Pick-It Construction, Inc** agrees to make detailed invoicing related documentation available to the City.
3. The Contract documents which comprise this contract between the City of Fayetteville and **Pick-It Construction, Inc** consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 12-72 with the specifications and conditions typed thereon.
 - B. **Pick-It Construction, Inc** bid proposal, including allowances materials, labor, and overhead.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and **Pick-It Construction, Inc** and may be modified only by a duly executed written instrument signed by the City of Fayetteville and **Pick-It Construction, Inc**.
5. **Pick-It Construction, Inc** shall not assign its duties under the terms of this agreement.
6. **Pick-It Construction, Inc** agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. **Pick-It Construction, Inc** shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, **Pick-It Construction, Inc** shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

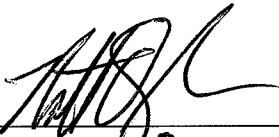
Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by **Pick-It Construction, Inc.**

8. **Pick-It Construction, Inc** shall furnish proof of licensure as required by all federal, state, and local agencies.
9. This contract may be terminated without penalty by the City of Fayetteville or **Pick-It Construction, Inc** with 30 days written notice.
10. **Freedom of Information Act:** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
11. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

CITY OF FAYETTEVILLE, ARKANSAS

By: 
NATHAN OGDEN, PRESIDENT

LIONELD JORDAN, Mayor

Pick-It Construction, Inc
Printed Contractor Name & Title

ATTEST:

ATTEST:


Company Secretary

Sondra Smith, City Clerk

10024 N. Campbell Rd.
Business Address

Date Signed: _____

Fayetteville, AR 72701
City, State & Zip Code

Date Signed: 10-18-12

RESOLUTION NO. _____

A RESOLUTION TO APPROVE TASK ORDER NO. 9 WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$32,504.00 FOR PLANS AND SPECIFICATIONS, CONSTRUCTION ADMINISTRATION AND RECORD DRAWINGS OF THE EXECUTIVE HANGAR OFFICE ADDITION PROJECT AND TO APPROVE A BUDGET ADJUSTMENT OF \$32,504.00

correct Total is \$36,500.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 9 with McClelland Consulting Engineers, Inc. in the amount of \$32,504.00 for plans and specifications, construction administration and record drawings of the Executive Hangar Office Addition Project and approves a budget adjustment of \$32,504.00.

PASSED and APPROVED this 15th day of May 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: A resolution to increase revenue and expense budget line items associated with fuel sales from the Airport's self-serve fueling station.

\$ -

Cost of this request

\$ 99,472.00

Category / Project Budget

Mat/Supp

Program Category / Project Name

VARIOUS

Account Number

\$ 77,952.00

Funds Used to Date

Airport Rev/Airport Admin

Program / Project Category Name

\$ 21,520.00

Remaining Balance

Airport

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

10-18-12
Date

Previous Ordinance or Resolution #

City Attorney

10-19-12
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

10-22-2012
Date

Received in City Clerk's Office 10-19-12 P03:02 RCVD

Chief of Staff

10-23-12
Date

Received in Mayor's Office

Mayor

10/24/12
Date

Comments:

CITY COUNCIL AGENDA MEMO - November 8, 2012 meeting

To: Mayor Lioneld Jordan

Thru: Don Marr, Chief of Staff

Thru: Terry Gulley, Transportation Director *TG*

Thru: Staff/Contract Review Committee

From: Ray M. Boudreaux, Aviation Director *RB*

Date: 10/17/12

Subject: Budget Adjustment – recognize revenue from fuel sales

PROPOSAL: Approve a budget adjustment to increase revenue and expense line items associated with fuel sales from the Airport's self-serve station. City Council approval is required to increase the Aviation Division budget.

RECOMMENDATION: Airport Administration requests approval of the budget adjustment. Fuel sales at the self-serve have outpaced the volume predicted during the budget process in mid-2011 resulting in increased expense for the purchase of the fuel inventory, and increased revenue from the sales. This budget adjustment recognizes the additional revenue received in order to offset the additional expense of the fuel inventory purchases.

BUDGET IMPACT: None. This budget adjustment is cost-neutral.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$27,000.00 TO RECOGNIZE REVENUE AND ASSOCIATED EXPENSE ASSOCIATED WITH FUEL SALES AT DRAKE FIELD

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$27,000.00 recognize revenue and associated expense associated with fuel sales at Drake Field.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

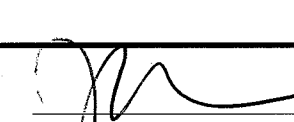
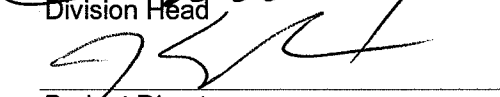
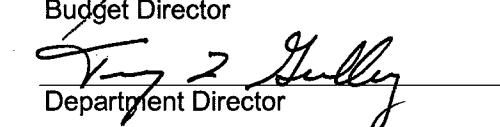
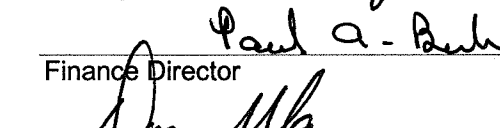
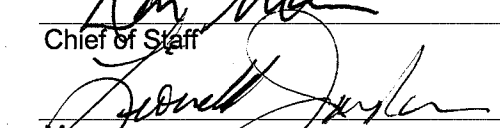
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

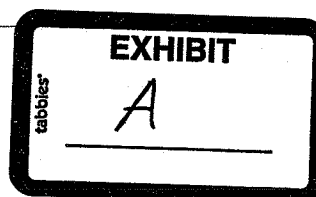
A. 1012.0724
Drake Field Fuel Sales
Page 4 of 4

Budget Year	Division: Aviation	Request Date	Adjustment Number
2012	Department: Transportation Services	11/8/2012	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
1	1
2	2
3	3
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100	100

To recognize revenue from the sale of aviation fuel from the airport's self-serve station in order to increase the expense line item budgets for fuel purchases and credit card fees. A current shortage and anticipated shortages in these accounts at year end is due to the increase in fuel costs and increase in the volume of fuel sales over and above what was predicted during the 2012 budget process.

	<u>10/17/12</u>	Prepared By:								
Division Head	Date	Reference:		jnicholson						
	<u>10-13-12</u>									
Budget Director	Date									
	<u>10/18/12</u>									
Department Director	Date									
	<u>10-22-2012</u>									
Finance Director	Date									
	<u>10-23-12</u>									
Chief of Staff	Date									
	<u>10/24/12</u>									
Mayor	Date									
		Budget & Research Use Only								
		Type:	A	B	C	D	E	P		
		General Ledger Date								
		Posted to General Ledger								
			Initial		Date					
		Checked / Verified								
			Initial		Date					

[illegible]

City of Fayetteville Staff Review Form

A. 11
 Bid #12-74 Vance Brothers, Inc.
 Page 1 of 24

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

11/8/2012

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid 12-74 Construction - Asphalt Micro-Surfacing and approving a contract with Vance Brothers, Inc. for the amount of \$72,470.00 and a 10% project contingency of \$7,247.00.

\$ 79,717.00
 Cost of this request

\$ 2,312,401.00
 Category / Project Budget

In-House Pavement Improvements
 Program Category / Project Name

4470.9470.5417.00
 Account Number

\$ 1,946,109.61
 Funds Used to Date

Transportation Improvements
 Program / Project Category Name

02052 / 1
 Project Number

\$ 366,291.39
 Remaining Balance

Sales Tax Capital Improvements
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry 2 Gulley 10-18-12
 Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 10-19-12
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Becker 10-22-2012
 Finance and Internal Services Director Date

Received in City 10-19-12 P12:41 RCVD
 Clerk's Office

[Signature] 10-22-12
 Chief of Staff Date

Received in
 Mayor's Office

[Signature] 11/23/12
 Mayor Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

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

Date: November 8, 2012

Subject: A resolution awarding Bid 12-74 Construction - Asphalt Micro-Surfacing and approving a contract with Vance Brothers, Inc. for the amount of \$72,470.00 and a 10% project contingency of \$7,247.00.

PROPOSAL:

Asphalt micro-surfacing is a polymer modified cold-mix paving system that can remedy a broad range of problems on streets.

Like its parent product, slurry seal, micro-surfacing begins as a mixture of dense-graded aggregate, asphalt emulsion, water, and mineral fillers. While conventional slurry seal is used around the world as an economical treatment for sealing and extending the service of both urban and rural roads, micro-surfacing has many added capabilities due to the use of high-quality, carefully monitored materials, including advanced polymers and other modern additives.

The application of the proper asphalt slurry system (micro-surfacing and/or slurry seal) will significantly extend the life of existing pavements by protecting the undersurface from damage caused by water seepage and oxidation.

RECOMMENDATION:

Sealed formal bids for the purchase of asphalt micro-surfacing were publicly read and the results are attached to this memo.

Staff recommends approving a resolution awarding Bid 12-74 Construction - Asphalt Micro-Surfacing and approving a contract with Vance Brothers, Inc. for the amount of \$72,470.00 and a 10% project contingency of \$7,247.00.

BUDGET IMPACT:

Funds for the purchase of asphalt micro-surfacing are available in the In-House Pavement Improvements project.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #12-74 AND APPROVING A CONTRACT WITH VANCE BROTHERS, INC. IN THE AMOUNT OF \$72,470.00 FOR ASPHALT MICRO-SURFACING, AND APPROVING A TEN PERCENT (10%) PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #12-74 and approves a contract with Vance Brothers, Inc. in the amount of \$72,470.00 for asphalt micro-surfacing and approves a ten percent (10%) project contingency.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 12-74
 DATE: 10/18/12
 3:30 PM
 CITY OF FAYETTEVILLE

Bid 12-74, Construction - Asphalt Micro-Surfacing

			Donelson Construction Co., LLC			Vance Brothers, Inc.	
Item	DESCRIPTION	Unit of Measurement	Estimated Quantity	Line Item Unit Price	Line Item Total	Line Item Unit Price	Line Item Total
1	Microsurfacing (18-22 lbs/SY)	Per Square Yard	23,000	\$3.19	\$73,370.00	\$2.89	\$66,470.00
2	Microsurfacing (in excess of 22lbs/SY)	Per Pound	40,000	\$0.07	\$2,800.00	\$0.075	\$3,000.00
3	Microsurfacing in Wheel Ruts	Per Pound	40,000	\$0.07	\$2,800.00	\$0.075	\$3,000.00
4	N/A: Bid Items removed per Addendum 4, Dated 10/16/12						
5	N/A: Bid Items removed per Addendum 4, Dated 10/16/12						
TOTAL BASE BID (Sum of Items 1-3):					\$78,970.00		\$72,470.00

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

CERTIFIED:

P.VICE, PURCH MGR

WITNESS

Julie Paladino

10/19/12
 DATE

City of Fayetteville
Bid 12-74, Construction – Asphalt Micro-Surfacing
Bid Form – REVISED PER ADDENDUM 4

Contract Name: Bid 12-74, Construction – Asphalt Micro-Surfacing
Bid Number 12-72

BID TO:

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

**REVISED BID FORM
PER ADDENDUM 4**

BID FROM:

Bidder:

Vance Brothers, Inc.
5201 Brighton
Kansas City, MO 64130

Section 1 – Intent:

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

Section 2 – Terms & Conditions:

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

Section 3 – Bidder's Representations:

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

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

<u>Number</u>	<u>Date</u>
<u>#1</u>	<u>10-1-12</u>
<u>#2</u>	<u>10-5-12</u>
<u>#3</u>	<u>10-9-12</u>
<u>#4</u>	<u>10-16-12</u>

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

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

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

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

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

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

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

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

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

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

1. L.) Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
2. M.) No Bid shall be based upon aggregate of Subcontractors performing more than 60 percent of the total Work.
3. N.) The experience, past performance, and ability of each proposed Subcontractor will be considered in the evaluation of Bids. Any Subcontractor so requested shall be required to furnish experience statements prior to the Notice of Awards.

Section 4 – Base Bid Price:

Line Item	Description	Unit of Measurement	Estimated Quantity	Line Item Unit Price	Line Item Total
1	Microsurfacing (18-22 lbs/SY)	Per Square Yard	23,000	\$ 2.89	\$ 66,470. ⁰⁰
2	Microsurfacing (in excess of 22lbs/SY)	Per Pound	40,000	\$ 0.075	\$ 3,000. ⁰⁰
3	Microsurfacing in Wheel Ruts	Per Pound	40,000	\$ 0.075	\$ 3,000. ⁰⁰
4	N/A: Bid Items removed per Addendum 4, Dated 10/16/12				
5	N/A: Bid Items removed per Addendum 4, Dated 10/16/12				
Total Base Bid (Sum of Items 1-3):					\$ 72,470.⁰⁰

Section 5 – Listing of Subcontractors:

I, the signed General Contractor, certify that proposals from the following subcontractors were used in the preparation of my proposal. I agree that if I am the successful bidder, and if the following subcontractors are approved by the City, I will not enter into contracts with others for these divisions of the Work without written approval from the City.

N/A

Section 6 – Contract Times:

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

B.) Bidder accepts the provisions of the Agreement referring to liquidated damages in the event of failure to complete the Work with the times specified in the Agreement.

Section 7 – Communications:

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

Tim Harra wood
Vance Brothers, Inc.
5201 Brighton KCMO 64130
Phone No. 501-231-8949
FAX No. 816-923-6472

Section 8 – SIGNATURE:

A.) This bid is being submitted in good faith, according to the entire bid package presented:

SUBMITTED on this 16th Date of October, 20 12

Arkansas State Contractor License No. 0057410413

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: _____ (SEAL)

By: _____

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

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 3: A Corporation

Corporation Name: Vance Brothers, Inc. (SEAL)

Date of Incorporation: 12-31-58

VANCE BROS. INC
CORPORATE SEAL
MISSOURI

VANCE BROS. INC. (816) 923-4325

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

By: [Signature]
(Signature – attach evidence of authority to sign)

Name (type or printed): Jeff Vance

Title: Vice President

VANCE BROS. INC
CORPORATE SEAL
MISSOURI

(CORPORATE SEAL) VANCE BROS. INC. (816) 923-4325

Business address: 5201 Brighton
Kansas City, MO 64130

Phone No.: 816-923-4325 FAX No.: 816-923-6472

City of Fayetteville
Bid 12-74, Construction – Asphalt Micro-Surfacing
Vendor References

The following information is required from all Bidders so all bids may be reviewed and properly evaluated.

COMPANY NAME: Vance Brothers, Inc.

BUSINESS ADDRESS: 5201 Brighton Kansas City, MO 64130

NUMBER OF YEARS IN BUSINESS: 54 HOW LONG IN PRESENT LOCATION: 54

TOTAL NUMBER OF CURRENT EMPLOYEES: 300 FULL TIME 300 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 20 FULL TIME _____ PART TIME

PLEASE LIST FOUR (4) LOCAL COMMERCIAL AND/OR GOVERNMENTAL REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed). Contractors shall have valid experience.

1. See attached
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

DATE COMPLETED

E-MAIL ADDRESS

3. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

DATE COMPLETED

E-MAIL ADDRESS

2. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

DATE COMPLETED

E-MAIL ADDRESS

4. _____
COMPANY NAME

CITY, STATE, ZIP

CONTACT PERSON

TELEPHONE

DATE COMPLETED

E-MAIL ADDRESS

Statement of Bidders Qualifications

References for Micro-Surfacing

City of Lawrence, KS Mr. Steven Lashley	2011 Micro-Surfacing Program 785-832-3137	\$906,980.57	August 2011
City of Midwest City, OK Mr. Vaughn Sullivan	Micro-Surfacing 405-739-1397	\$220,065.30	May 2011
Clay County MO Mr. Dwayne Jackson	Micro-Surfacing 816-407-3630	\$480,971.06	July 2011
Clay County MO Mr. Dwayne Jackson	Micro-Surfacing 816-407-3630	\$264,189.18	July 2010
Missouri Dept. of Transportation Mr. Larry Jacobson	Micro-Surfacing Nodaway County 660-582-3300	\$467,978.27	Oct 2010

City of Fayetteville
Bid 12-74, Construction – Asphalt Micro-Surfacing
Debarment Certification Form – THIS FORM SHOULD BE SUBMITTED WITH ALL BIDS

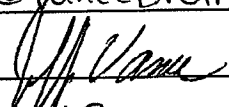
As A BIDDER on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Debarment:

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

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

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

NAME: Jeff Vance
COMPANY: Vance Brothers, Inc
PHYSICAL ADDRESS: 5201 Brighton
MAILING ADDRESS: P.O. Box 300107
PHONE: 816-923-4325 FAX: 816-923-6472
EMAIL: jvance@vancebrothers.com tharrawood@vancebrothers.com
SIGNATURE: 
DATE: 10-16-12

NOTICE:

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

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

City of Fayetteville
Bid 12-74, Construction – Asphalt Micro-Surfacing
Statement of Disclosure – To Be Submitted With ALL Bids

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

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

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

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

☒ 1.) NO KNOWN RELATIONSHIP EXISTS

☐ 2.) RELATIONSHIP EXISTS (Please explain)

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

- 1.) I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and
- 2.) My organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

Jeff Vance
Printed Name


Signature

10-16-12
Date

Bid 12-74, Addendum 1



Date: Monday, October 01, 2012

To: All Prospective Vendors

From: Andrea Foren, CPPB, CPPO – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 12-74, Construction – Asphalt Micro-Surfacing

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the bid form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-74, has the following modifications and clarifications:**

- 1.) The City will release all work presented in the at one time with a single Notice to Proceed.
- 2.) Work shall be completed within thirty (30) calendar days of Notice to Proceed.
- 3.) The City will not hold any retainage from payments associated with this project.
- 4.) There will be no liquidated damages associated with this bid.

Acknowledge Addendum #1:

Printed Name: Jeff Vance

Signature: [Handwritten Signature]

Title: Vice President Date: 10-16-12

Company: Vance Brothers, Inc.

Bid 12-74, Addendum 2



Date: Friday, October 5, 2012

To: All Prospective Vendors

From: Andrea Foren, CPPB, CPPO – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 12-74, Construction – Asphalt Micro-Surfacing

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the bid form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-74, has the following modifications and clarifications:**

1. Square yard quantities of microsurfacing were calculated based on the red highlighted areas in the drawings. The City may adjust the project limits based on actual field conditions. The actual square yardage of microsurfacing placed will be measured, and payment will be made at the per square yard price bid for the actual quantity measured.
2. The crack fill quantity provided is an estimate and would also be adjusted based on actual quantities.
3. Thermo striping has been applied and will need to be at least scuffed up for the material to adhere. The City shall be responsible for scuffing existing striping.
4. The City will be responsible for taking care of the grass covering the shoulders.
5. Contractor shall be responsible for killing and removing the grass from the streets and curb lines.

Acknowledge Addendum #2:

Printed Name: Jeff Vance

Signature: [Signature]

Title: Vice President Date: 10-16-12

Company: Vance Brothers, Inc.

Bid 12-74, Addendum 3



Date: Tuesday, October 09, 2012

To: All Prospective Vendors

From: Andrea Foren, CPPB, CPPO – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 12-74, Construction – Asphalt Micro-Surfacing

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the bid form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-74, has the following modifications and clarifications:**

1. Residual asphalt limits in Section 4.7.1 of the Specifications are hereby revised to 6.0% to 10.0% by dry weight of aggregate.
2. Section 4.6.1 is hereby revised to provide for a curing time so that normal traffic can be permitted in one hour instead of one half hour.
3. Replace section 12.2 Test Strip with the following:
 - a. 12.2 Test Strip. Prior to the application of the micro-surfacing mixture, the CONTRACTOR shall place a test strip, at a location established by the Engineer, to demonstrate the compatibility of the modified emulsion and the mineral aggregate under field conditions. This test strip shall also be used to demonstrate mix uniformity and compliance of the mix to the requirements of proportioning of the asphalt, mineral aggregate, mineral filler, polymer modifier, set-control agent and water. The test strip shall be at least 152 meters (500 feet) in length, and the width of one lane and shall consist of the application courses specified in the contract. The test strip shall be conducted at the same time of day or night the full production will be applied, in the presence of the Engineer and a Department Materials Laboratory representative, at least hours (24) hours prior to the CONTRACTOR'S intended start-up date for microsurfacing placement. The Engineer shall evaluate the test strip after has fully cured to determine that the mix design and materials are acceptable. A new test strip shall be performed when the test strip is deemed unacceptable, a change in the mix design become necessary or as directed by the Engineer. The establishment of a test strip will be considered incidental, however the approved test strip will be measured and paid for in accordance with the contract provisions for the actual square yards of micro-surfacing placed. Failure of the test strip shall require the CONTRACTOR to completely remove the test strip with no compensation for the labor, equipment or material to place, remove or properly dispose of the failed test strip. Method or equipment substitutions used and approved by the Engineer in the test strip, shall be used in field production.
4. Replace Section 21 with the following:
 - a. 21. Contractor Qualification Requirements.
 - b. 21.1 Bidders shall be qualified and experienced to provide the work presented in this bid. Upon request by the City after bid opening, qualification requirements are due within 24 hours of request. Qualification will be determined based on information provided as follows. All information is required for contract approval

- c. 21.2 The bidder shall submit a letter of verification addressed to the CITY stating the project(s), and agency contact(s) that satisfies the minimum work experience requirements described in paragraph 16.1 herein.

Acknowledge Addendum #3:

Printed Name: Jeff Vance

Signature: [Signature]

Title: Vice President Date: 10-16-12

Company: Vance Brothers, Inc.

Bid 12-74, Addendum 4



Date: Tuesday, October 16, 2012

To: All Prospective Vendors

From: Andrea Foren, CPPB, CPPO – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 12-74, Construction – Asphalt Micro-Surfacing

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the bid form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents, signed, and dated.

• **Bid 12-74, has the following modifications and clarifications:**

1. The bid deadline is hereby extended. All bids shall be received before **Thursday, October 18, 2012 before 3:30 PM, local time.** No late bids shall be accepted.
2. The bid form has been revised with this addendum. All bidders shall use the revised enclosed bid form. Failure to use the appropriate bid form can result in bid rejection.
3. Tack coat and crack sealing shall not be required and is hereby removed from all specifications.
4. The City anticipates this project going before City Council for award on Thursday, November 08, 2012.

TK Vance
Tim Vance
President
Vance Brothers, Inc
10-16-12



Project Check List

Bid 12-74, Construction – Asphalt Micro-Surfacing

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Information is shown below only as a matter of convenience. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

- ☒ 5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)
 - In lieu of a bid bond, the bidder may submit a cashier's check for at least five percent (5%) of the amount bid (inclusive of any deductive alternates) from a bank located in the State of Arkansas. Cashiers checks shall be made payable to the City of Fayetteville, AR.
- ☒ All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).
- ☒ All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.
- ☒ All bidders shall submit the following forms with each bid: Bid Form, any Addenda, Vendor References, Debarment Certification Form, & Statement of Disclosure.
- ☒ All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents
- ☒ All bid documents shall be delivered in a sealed envelope to the address listed below before the stated deadline on the coversheet of the bid. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractors License Number.

City of Fayetteville, AR
Purchasing Division – Suite 306
113 W. Mountain
Fayetteville, AR 72702

CONTRACTOR NAME: Vance Brothers, Inc.

ARKANSAS CONTRACTORS LICENSE NUMBER: 0057410413

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

KNOW ALL MEN BY THESE PRESENTS, THAT WE Vance Brothers, Inc.

5201 Brighton Avenue P O Box 300107, Kansas City, MO 64130-0107

as Principal, hereinafter called the Principal, and Liberty Mutual Insurance Company

175 Berkeley Street, Boston, MA 02116

a corporation duly organized under the laws of the State of MA

as Surety, hereinafter called the Surety, are held and firmly bound unto City of Fayetteville, Arkansas

113 West Mountain, Fayetteville, AR 72701

as Obligor, hereinafter called the Obligor, in the sum of Five Percent of Amount Bid

Dollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Bid #12-74 Construction - Asphalt Micro-Surfacing

NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligor in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligor the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligor may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 16th day of October, 2012

Brian Strick
(Witness)

Vance Brothers, Inc.

(Principal)

By:

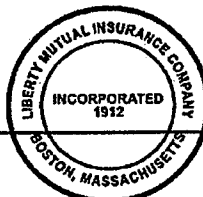
[Signature] Vice President
(Title)

VANCE BROS. INC.
CORPORATE SEAL

MISSOURI

VANCE BROS. INC. (816) 923-4325

Brenda L. Linze
(Witness)



Liberty Mutual Insurance Company

(Surety)

(Seal)

By:

[Signature] Attorney-in-Fact Brenda L. Linze

Surety Phone No. 617-357-9500

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

American Fire and Casualty Company
The Ohio Casualty Insurance Company
West American Insurance Company

Liberty Mutual Insurance Company
Peerless Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of Ohio, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, that Peerless Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Brenda L. Linze of the city of Kansas City, state of MO its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

Principal Name: Vance Brothers, Inc.

Obligee Name: City of Fayetteville, Arkansas

Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 2nd day of May, 2012.



American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
Peerless Insurance Company
West American Insurance Company

By: Gregory W. Davenport
Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON
COUNTY OF KING

ss

On this 2nd day of May, 2012, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, Peerless Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.



By: KD Riley
KD Riley, Notary Public, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, Peerless Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, Peerless Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 16th day of October, 2012.



By: David M. Carey
David M. Carey, Assistant Secretary

City of Fayetteville
Bid 12-74, Construction – Asphalt Micro-Surfacing
Draft Contract – Between City and Contractor

This contract executed this ____ day of _____, 2012, between the City of Fayetteville, Arkansas, and _____. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. _____ at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 12-74 as stated in _____ bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 12-74, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay _____ based on their bid proposal in an amount not to exceed \$ _____. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and _____ consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 12-74 with the specifications and conditions typed thereon.
 - B. _____ bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and _____ and may be modified only by a duly executed written instrument signed by the City of Fayetteville and _____.
5. _____ shall not assign its duties under the terms of this agreement.
6. _____ agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from _____ performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. _____ shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, _____ shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: A. 11 10/18/2012
P.O Number:	Bid #12-74 Vance Brothers, Inc Expected Delivery Date: Page 24 of 24

Vendor #:	Vendor Name: Vance Brothers, Inc.	Mail Yes: No: X
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Address: 5201 Brighton	Fob Point:	Taxable Yes: x No: No: X	Quotes Attached Yes: No: X
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City: Kansas City	State: Missouri	Zip Code: 64130	Ship to code: 104	Division Head Approval: <i>Vern 2 Gully</i>
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Requester: Ginny Gundlach	Requester's Employee #: 2283	Extension: 489
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Asphalt Microsurfacing (18-22 lbs/SY)	23000	SY	2.89	\$66,470.00	4470.9470.5417.00	02052 / 1		
2	Asphalt Microsurfacing (In excess of 22 lbs/SY)	40000	LB	0.08	\$3,000.00	4470.9470.5417.00	02052 / 1		
3	Asphalt Microsurfacing in Wheel Ruts	40000	LB	0.08	\$3,000.00	4470.9470.5417.00	02052 / 1		
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot						

Special Instructions:

Contract # _____, Per Bid 12-74 & Res _____

Subtotal: \$72,470.00
Tax: \$0.00
Total: \$72,470.00

Approvals:

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

City Council Agenda Items
and
Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
Agenda Items Only

John Nelson

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution approving a budget adjustment in the amount of \$15,000 recognizing revenue from Thrash Development for its contribution toward improvements to East Avenue - Meadow Street sidewalks.

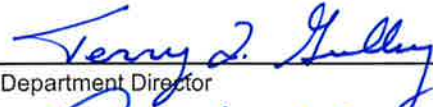
Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
02053	\$ -	Remaining Balance	Fund Name
Project Number			

Budgeted Item

☐

Budget Adjustment Attached

☒

 Department Director	10-19-12 Date	Previous Ordinance or Resolution #	
 City Attorney	10-19-12 Date	Original Contract Date:	
		Original Contract Number:	

 Finance and Internal Services Director	10-22-2012 Date	Received in City Clerk's Office 10-19-12 P12:42 RCVD 
 Chief of Staff	10-23-12 Date	
 Mayor	10/24/12 Date	Received in Mayor's Office 

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TGH*

From: John Nelson, Management Accounting Coordinator

Date: October 16, 2012

Subject: East Avenue – Meadow Street Sidewalk Improvements

PROPOSAL:

A resolution approving a budget adjustment in the amount of \$15,000 recognizing revenue from Thrash Development for its contribution toward improvements to East Avenue – Meadow Street sidewalks.

RECOMMENDATION:

Construction of a 231 linear foot sidewalk on the east side of East Avenue between Meadow and Center streets, and construction of a 176 linear foot sidewalk on the south side of Meadow Street between East and College avenues was completed in July 2012. Transportation Division crews also installed new curb, brick pavers, tree grates, and street lights. Thrash Development contributed \$15,000 toward the project as well as purchased three trees.

BUDGET IMPACT:

Construction of the sidewalk, curb and related improvements to East Avenue – Meadow Street sidewalks was funded by the Sidewalk Improvements capital project.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$15,000.00 RECOGNIZING REVENUE FROM THRASH DEVELOPMENT FOR ITS CONTRIBUTION TOWARD IMPROVEMENTS TO THE EAST AVENUE AND MEADOW STREET SIDEWALKS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the amount of \$15,000.00 recognizing revenue from Thrash Development for its contribution toward improvements to the East Avenue and Meadow Street sidewalks.

PASSED and APPROVED this 8th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V12.0724
A. 12
Thrash Development
Page 4 of 6

Budget Year 2012	Division: Transportation Services Department: Transportation Services	Request Date 11/8/2012	Adjustment Number
--------------------------------	--	--------------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

This budget adjustment recognizes \$15,000 contributed by Thrash Development for its contribution toward improvements to East Avenue - Meadow Street sidewalks.

<i>Terry 2 Gully</i> Division Head	<i>10-19-12</i> Date	Prepared By: John Nelson <i>jnelson</i>
<i>[Signature]</i> Budget Director	<i>10/14</i> Date	Reference:
<i>Terry 2 Gully</i> Department Director	<i>10-19-12</i> Date	Budget & Research Use Only
<i>Paul A. Bul</i> Finance Director	<i>10-23-2012</i> Date	Type: A B C D E P
<i>[Signature]</i> Chief of Staff	<i>10-23-12</i> Date	General Ledger Date
<i>[Signature]</i> Mayor	<i>11/24/12</i> Date	Posted to General Ledger Initial Date
		Checked / Verified Initial Date

TOTAL BUDGET ADJUSTMENT

		15,000	15,000		
		Increase / (Decrease)			
Account Name	Account Number	Expense	Revenue	Project	Sub Number
Sidewalk Maintenance	4470.9470.5418.00	3D 15,000	-	02053	1
Pymts by property owners	4470.0947.4420.00	RI -	15,000	02053	1
				.	.



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

8/21/2012

City Council Meeting Date
Agenda Items Only

Quin Thompson

Submitted By

Planning

Division

Development Services

Department

Action Required:

RZN 12-4166: Rezone S. of Brookbury Crossing & E. of Candlewood SD, 294: Submitted by Engineering Services Inc. for property located South of BROOKBURY CROSSING and East of CANDLEWOOD developments. The Property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE. The Planning commission recommended the property be rezoned to RSF-5, Single-family Residential, ONE HALF UNIT PER ACRE.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

08.03.2012
Date

Previous Ordinance or Resolution #

City Attorney

8-3-12
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

8-3-2012
DateReceived in City
Clerk's Office

Chief of Staff

8-3-12
DateReceived in
Mayor's Office

Mayor

8/6/12
Date

Comments:

Left on the second Reading at the Oct. 16, 2012 CC mtg.
 Implied to October 16, 2012 CC Mtg. at the 9/18/12 CC mtg.
 Tabled to September 18, 2012 CC mtg. at the 8/21/12 CC mtg.



www.accessfayetteville.org

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: July 25, 2012

Subject: RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins)

RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the subject property from R-A, Residential Agricultural to RSF-.5, Single-Family Residential, one half unit per acre. The applicant originally requested that the property be re-zoned to RSF-4, Single-Family Residential, 4 units per acre. This item was discussed at the Planning Commission meeting on July 23, 2012.

BACKGROUND

The subject property is located south of Skillern Road and east of Highway 265. The property is an undeveloped pasture and woodland with Flynn Creek traversing north to south on the east boundary of the site. The overall parcel contains approximately 20.99 acres. The applicant proposes to rezone the 20.99 acres, in its entirety, from R-A, Residential Agricultural to RSF-4, Single-Family Residential, 4 units per acre.

DISCUSSION

This item was heard at the Planning Commission meeting July 23, 2012. Staff recommended in favor of the proposed zoning. This site is designated as Residential Neighborhood on City Plan 2030 Future Land Use Plan. The property is surrounded on three sides by existing neighborhoods currently zoned RSF-4, Single-Family Residential, 4 units per acre. In staff's opinion the requested zoning is compatible with surrounding land use & density.

After significant public comment, primarily in opposition to the density & accompanying traffic through the Brookbury neighborhood, the Planning Commission forwarded the request to City Council with a recommendation to re-zone the property to RSF-.5, Single-Family Residential, with a maximum density of 1 unit per two acres. This lower density is equivalent to the maximum density requirement of the current R-A zoning on the property, but removes certain of the existing agricultural rights that come with an R-A zone. The primary concern of the Planning Commission was the lack of a second point of access to this property, which would place all additional traffic load onto the Brookbury neighborhood and Skillern Road.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4166, FOR APPROXIMATELY 20.99 ACRES, LOCATED TO THE SOUTH OF SKILLERN ROAD FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-0.5, ONE HALF SINGLE-FAMILY UNITS PER ACRE.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential Agricultural to RSF-0.5, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

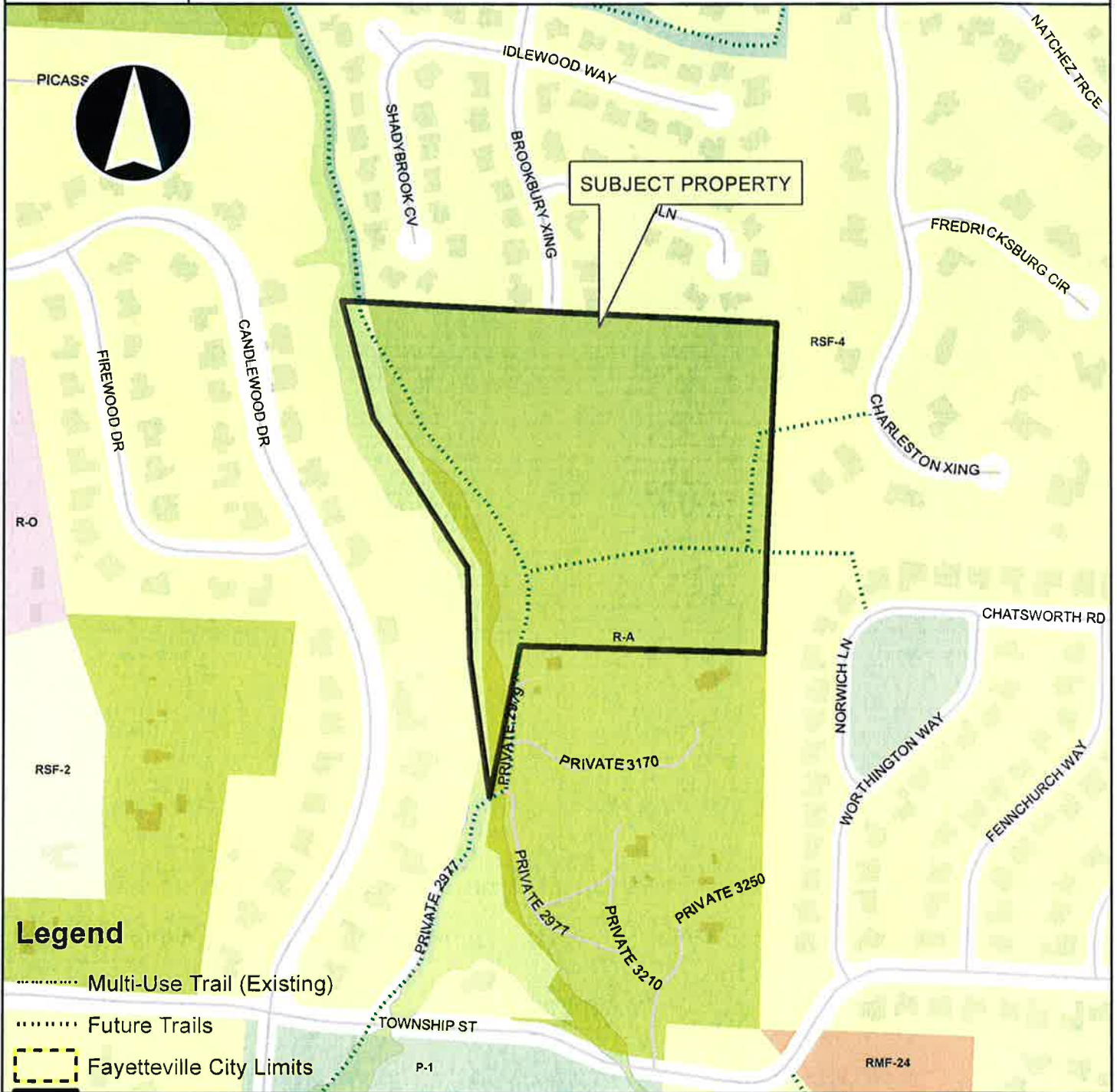
EXHIBIT "A"

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
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RZN12-4166

RIGGINS

Close Up View



Legend

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

Overview

RZN12-4166

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

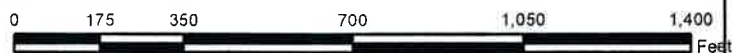


EXHIBIT "B"
RZN 12-4166

Legal Description to Accompany Rezoning Application for Parcel No. 765-13292-001

LEGAL DESCRIPTION - FROM DEED BOOK 94 PAGE 21919:

Part of the East Half (E 1/2), Southwest Quarter (SW 1/4) of Section Thirty-One (31), Township Seventeen North (T-17-N), Range Twenty-nine West (R-29-W), of the Fifth Principal Meridian in Washington County, Arkansas and being more particularly described as follows:

Commencing at the Southeast Corner of said East Half (E 1/2), Southwest Quarter (SW 1/4), thence North 01°14'02" East - 1,016.00 feet to the POINT OF BEGINNING, thence South 88°45'10" West - 658.17 feet, to the center of a road thence down the center of said road South 08°25'23" West - 420.00 feet to the center of a creek, thence along the center of said creek as follows: North 11°02'24" West - 381.44 feet, North 04°18'44" West - 246.70 feet, North 35°40'24" West - 480.96 feet, North 17°31'31" West - 330.46 feet, thence East - 1,179.15 feet, thence South 0°31'45" East - 596.50 feet, thence South 01°14'02" East - 300.00 feet to the POINT OF BEGINNING Containing 20.99 acres more or less subject to easements and rights-of-way of record.

HUGH JARRATT*
ATTORNEY AT LAW
1200 EAST JOYCE BLVD., 6TH FLOOR
FAYETTEVILLE, ARKANSAS 72703
TELEPHONE 479.521.6686 / FACSIMILE 479.527.8870

B. 1
RZN 12-4166 (South of Brookbury
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RECEIVED
JUL 30 2012
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

* Licensed in Arkansas, Oklahoma
& Missouri

July 30, 2012

City of Fayetteville, Arkansas
ATTN: City Clerk
113 W. Mountain Street
Fayetteville, AR 72701

RE: RZN 12-4166
South of Brookbury Crossing

Dear City Clerk:

Please treat this letter as a formal request on behalf of the applicant, Riggins Contruction, to appeal the Fayetteville Planning Commission decision regarding RZN 12-4166, a rezoning south of Brookbury Crossing.

Please place RZN 12-4166 on the agenda for consideration by the Fayetteville City Council on the first available meeting.

If there are any additional materials or information which you require, please let me know.

Thank you.

Sincerely,


Hugh Jarratt,
Attorney at Law

cc: Client



PC Meeting of July 23, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 12, 2012~~ Updated July 25, 2012

RZN 12-4166: Rezone S. of Brookbury Crossing & E. of Candlewood SD, 294: Submitted by Engineering Services Inc. for property located South of BROOKBURY CROSSING and East of CANDLEWOOD developments. The Property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Planner: Quin Thompson

BACKGROUND:

Background and property description: The property is zoned Residential-Agricultural and contains 20.99 acres located south of Skillern Road and the Brookbury development. The site is undeveloped pasture and wooded lot with access from Brookbury Crossing. The surrounding zoning and land use is depicted in *Table 1*. The western portion of the property adjacent to the Candlewood development is bordered by Flynn Creek.

Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Zoning and Land Use

Direction	Land Use	Zoning
North	Single-family residential (Brookbury)	RSF-4
South	Single-family residential	R-A
East	Single-family residential (Savannah)	RSF-4
West	Single-family residential (Candlewood)	RSF-4

Proposal: The owners of the 20.99 acres propose to rezone from R-A (Residential-Agricultural) to RSF-4, Residential Single-family/4 units per acre.

Public Comment: Staff has received significant comment from residents of surrounding neighborhoods concerning the rezoning request as well as the presumed development of this property. A copy of all written comments and e-mails are attached to this report. Many of the comments concern the limited access to the property through existing neighborhoods & traffic/streets in the area.

RECOMMENDATION:

Staff recommends forwarding **RZN 12-4166** to the City Council with a recommendation for **approval** based on the findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 23, 2012</u>	☐ Tabled	☒ <u>Forwarded</u>	☐ Denied
Motion: <u>Pennington</u>	Second: <u>Hoskins</u>	Vote: <u>8-1-0 (Chesser voted 'no')</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
☐ Approved ☐ Denied			
Date: <u>August 7, 2012</u>			

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scales and context, including single-family, multifamily, and row-houses. It encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood.*

INFRASTRUCTURE:

Streets: The site has access to Brookbury Crossing. Brookbury Crossing is a fully improved two lane city street which accesses Skillern road and Highway 265. Based on current development patterns, Brookbury Crossing can easily accommodate additional traffic without further improvements. Skillern Rd is relatively unimproved between Brookbury Crossing and Highway 265. Highway 265 is currently being widened to a 5-lane section in this vicinity. Street improvements will be evaluated at the time of development, and may include off-site improvements or the provision of additional points of access.

Water: Public water is available to the property. There is an 8" water main along Brookbury Crossing on the north side of this location. Public water main improvements will be necessary to provide fire flow for domestic service for any proposed development.

- Sewer:** Sanitary sewer is available to the site. There is an 8" main along Brookbury Crossing on the north side of this property. Public sewer main improvements will be necessary to provide service for any proposed development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** The Police Department does not find that this rezoning will affect calls for service or response times. A copy of the Police Department memo is attached.
- Fire:** This property will be protected by Engine No. 5, located approximately 2 miles away at the intersection of Crossover and Old Wire roads. Response time is expected to be 3 minutes to the property. The anticipated development of the property with more than 30 single family homes will require separate and approved fire access roads. The Fire Marshal has expressed concern over the limited access to this property related to future development plans. A copy of the memo from the Fire Marshal is attached, explaining Fire Code requirements pertinent to future development phase for this site.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Although a higher density zoning such as RSF-8 could be appropriate within the Future Land Use designation of Residential Area on the property, staff find that RSF-4 is consistent with the existing and surrounding land uses and infrastructure, particularly given the difficulty in access for this property. The property is surrounded to the East, West, & North by neighborhoods with RSF-4 zoning. The zoning will allow the owners to develop the property to a density and with a pattern similar to surrounding developments, if adequate access can be provided.

A primary guiding principle in the City Plan 2030 for new neighborhood development is to provide 'complete, compact, and connected' neighborhoods. The most difficult of these to achieve for this property is for it to be adequately connected, which is a result of previous decisions to not provide 'stub-out' streets from other properties as they developed. In fact, this condition may make it more difficult for the development to achieve desired density and still meet City requirements for access.

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

Finding: The proposed zoning is needed at this time in order for the property to be developed at the higher density requested by the applicant. It is not a reasonable expectation that this property remain with R-A zoning, allowing for typical agricultural uses, when surrounded on three sides by developed neighborhoods that are zoned RSF-4. In fact, staff finds the current agricultural zoning could become highly incompatible to surrounding neighborhoods if developed with many of the uses currently allowed in the R-A district. As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan.

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

Finding: The proposed rezone would not significantly increase traffic or congestion in the area. Highway 265 is currently being expanded to higher capacity. Skillern Road, which serves this property as primary access, is unimproved and currently experiences some congestion during peak periods. Improvements to this road would need to be evaluated with future development plans, so as not appreciably create or compound any dangerous traffic condition or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change to RSF-4 should have no discernable impact on public services as the site is directly adjacent to public infrastructure, however future development will require improvements to public infrastructure with potential requirements for off-site improvements.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff recommends in favor of the re-zoning request, with the understanding that development of this property is not being considered at this time. Concerns expressed both by the Fire Marshal and comments received from the public will be more appropriately considered during the [presumed] development phase to follow re-zoning, if the request is granted. It should be noted, specifically, that the single access point to the property may limit density to well below the four units per acre granted by the RSF-4 zoning district, due to safety & connectivity requirements.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

E) *Setback requirements.*

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required

setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)



www.accessfayetteville.org



B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Development/Riggins)
Page 15 of 192
FAYETTEVILLE FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Quin Thompson
From: Harley Hunt, Fire Marshal
Date: July 17, 2012
Re: RZN 12-4166

This development will be protected by Engine 5 located at 2979 N. Crossover.
It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.
The anticipated development of this property with more than 30 single family homes will require separate and approved fire apparatus roads as stated in AFC D107.1.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Battalion Chief Harley Hunt
479-718-7639
Fayetteville Fire Department



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 16 of 192
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

MEMORANDUM

To: Jeremy Pate
From: Captain Kenny Yates
Date: 7/13/12
Subject: RZN 12-4166

This document is in response to the request for comments on proposed RZN 12-4166 (S. of Brookbury Crossing / Riggins, 294) submitted by Engineering Services, Inc. for property located at south of Brookbury Crossing.

It is the opinion of the Fayetteville Police Department that this RZN (12-4166), will not substantially alter the population density. This RZN will not create an appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Charlie Collins" <clcollins6@cox.net>, "Jerilyn Nicholson" <jernic3@att...
Date: 7/6/2012 7:14 AM
Subject: surrounding Density - Proposed Riggins Development

Quin -

In response to the question I asked by email on 7/1 concerning whether the city had done an actual density study on the neighborhoods surrounding the property that Riggins Construction would like to have rezoned and then develop (your answer was "no"), I have spent some time at the Circuit clerk's office researching plats filed with the city. Here is what I've discovered:

Brookbury - 1.96 homes / acre

Covington - 2.2 homes / acre

Savanna - 1.2 homes / acre (Phase II Plat shows zoned R-1)

Candlewood - 1 home / acre (Plat shows zoned R-1)

Point: Compatibility with surrounding neighborhoods would seem logical to zone at RSF-2 rather than RSF-4 to ensure the developer is consistent with surrounding development.

I would greatly appreciate it if you would pass this information on the the Planning Commissioners as I think it makes a strong point.

Sincerely,

Kathleen Leatherby
Brookbury Woods POA Treasurer
2731 N. Brookbury Crossing
Fayetteville, AR 72703
(479) 444-6551 (h)

From: "Jerilyn Nicholson" <jernic3@att.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Kathleen Leatherby" <dkleatherby@cox.net>, "Charlie Collins" <clcollins...
Date: 7/7/2012 12:01 PM
Subject: requested rezoning at end of Brookbury Crossing

Mr. Thompson, my husband and I are residents of Brookbury subdivision & would like to offer the following comments in opposition to the proposed rezoning adjoining our neighborhood with access provided through our neighborhood.

Zoning: There is a discrepancy in the initial information we received on the existing zoning of the surrounding neighborhoods. The information was that all adjoining neighborhoods were zoned RSF-4. The final plat for Candlewood shows the zoning is RSF-1. Regardless of the existing zoning, what is "on the ground" is far more significant. The following is the actual density of the surrounding neighborhoods:

Brookbury: 1.96 homes/acre
Covington: 2.2 homes/acre
Savanna: 1.2 homes/acre
Candlewood: 1 home/acre

As is apparent, the requested rezoning would more than double the surrounding densities. The developer could develop the property today as it is currently zoned and be compatible with the adjoining neighborhoods. No one is disputing the right to develop.

Traffic/Density: The proposed rezoning would permit up to 80 homes on this property. Using the nationally accepted statistics on average daily trips (ADT), 80 homes would generate an additional 800 trips per day onto Brookbury Crossing, to say nothing of the construction traffic that would result. If you look at a Brookbury plat or an aerial photograph, you will see that all of the streets in Brookbury take access into and out of the subdivision via Brookbury Crossing. Brookbury has 97 homes. Thus, what the proposed rezoning would allow comes very close to doubling the traffic count on Brookbury Crossing. You will further note by looking at our plat that Brookbury Crossing is a relatively straight street from the entry to the subdivision to its present termination point, a cul-de-sac, where access is proposed into the undeveloped 20 acre tract. The entry to Brookbury is a landscaped boulevard and the streets are only 13.9' wide. House setbacks in this area are fairly minimal with the exception of one. The boulevard intersects with Skillern, also a narrow street with sight distance problems.

Brookbury is a neighborhood filled with children, joggers, walkers and bicyclists. To add the amount of traffic which the proposed rezoning would allow is not only dangerous and disruptive but "boggles the mind" in terms of quality of planning.

Our Property Owners Association (POA) is diligent about reminding the membership via email to maintain a safe speed on Brookbury Crossing since it is such a straight street and makes high speeds very possible. We will have no influence on any traffic coming from this proposed development since it will not be a part of our POA and our internal communication system.

Infill Development and Higher Density: I understand from the City that its goal is to encourage infill development at higher densities. Encouraging infill development is certainly understandable although higher density infill development is normally focused on the inner city level and we are clearly in the suburbs. In the case of this proposed rezoning, this approach seems somewhat short sighted and ignores the impacts of such an approach. If such higher density development severely impacts an existing neighborhood, it runs the risk of destabilizing attractive and very viable areas such as Brookbury. I think that might be called, "shooting yourself in the foot". The City has also espoused "green goals" such as preservation of trees and encouragement of wildlife habitat. The proposed rezoning would allow up to 80 homes on this tract. Such density seems very incompatible with such green goals. The 20 acres will be all but denuded.

Thank you for your thoughtful attention. These are critical issues to those of us who live here and we trust that you can appreciate our strong objections to the proposed rezoning.

Richard and Jerilyn Nicholson
3101 E. Summershade Drive
Fayetteville, AR 72703

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: <qthompson@ci.fayetteville.ar.us>
CC: "Charlie Collins" <clcollins6@cox.net>, "Scott and Meggan Bell" <scottme...
Date: 7/5/2012 11:20 PM
Subject: Rezoning - Riggins development
Attachments: DSCN4731.JPG; DSCN4730.JPG; DSCN4729.JPG

Quin -

I am submitting the attached photos as documentation of what has happened in the past when large commercial vehicles enter onto Brookbury Crossing. Not only is the landscaping disturbed, but the sprinkler heads close to the street are easily broken when run over. The turn onto Brookbury Crossing from a large vehicle that is east bound on Skillern can be difficult because of the sharp turning radius. Skillern is a narrow 2-way road with no shoulder and steep drop offs in some areas. If there is oncoming traffic, it's impossible for a large vehicle to swing out into the other lane to gain the wider radius it needs. Once school starts, traffic is often backed up on Skillern headed west (towards Crossover/265) all the way to Brookbury Crossing. Many of the construction vehicles will be arriving each morning about this same time. I will address the traffic issue further in a separate email.

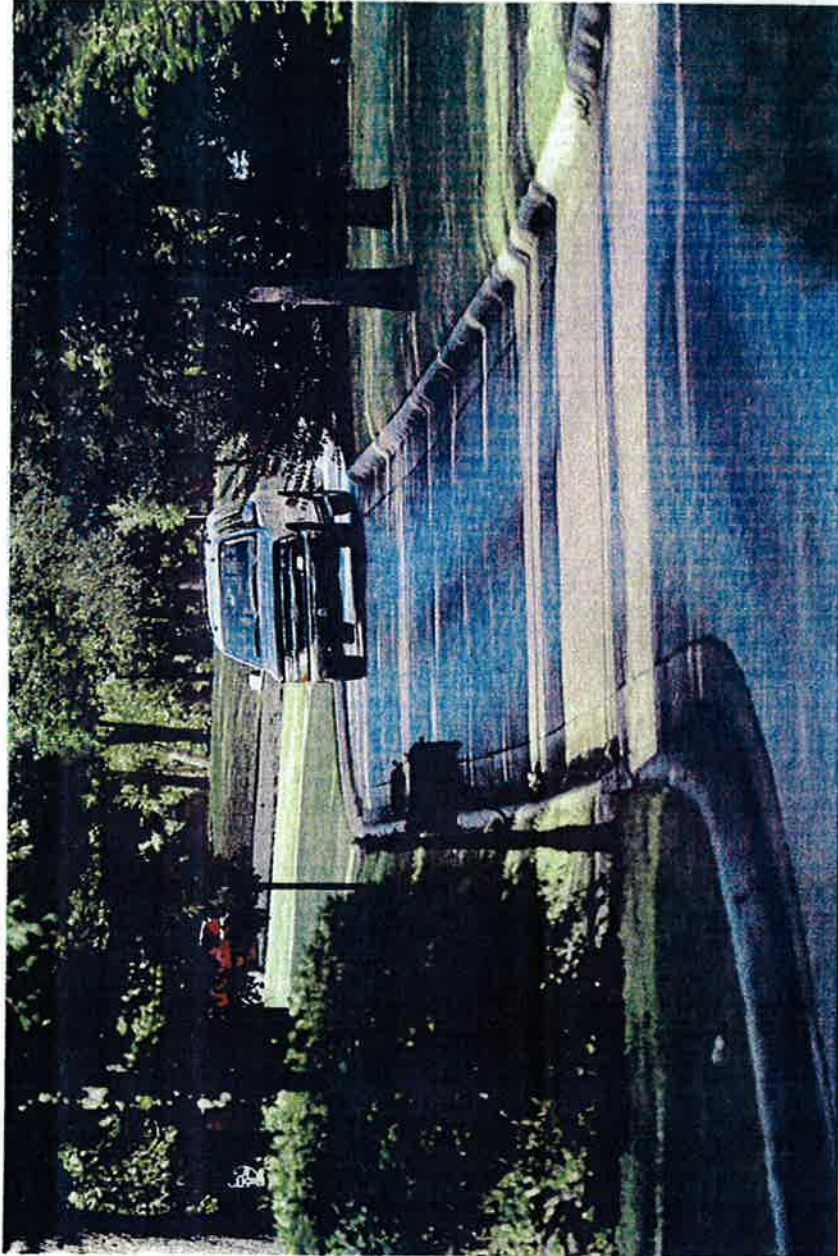
If the proposed rezoning request by Riggins Construction is passed (from RA to RSF-4) and construction begins using Brookbury Crossing as the access point; we expect a great deal more of this type of damage to the Brookbury POA landscaping for years to come. The Brookbury POA is not in a position financially to continually pay for repairs done by the ongoing construction of both the needed infrastructure and homes. It would be difficult to prove any damage done was associated with the ongoing Riggins construction unless we have an eye-witness each time that has the time to follow the vehicle to determine what it entered the neighborhood for. This then puts the financial burden on the POA. I am currently the Treasurer of the Brookbury POA and am the former Landscaping Chair so I'm familiar with all that is involved in both the landscaping and the financial end of maintaining our neighborhood.

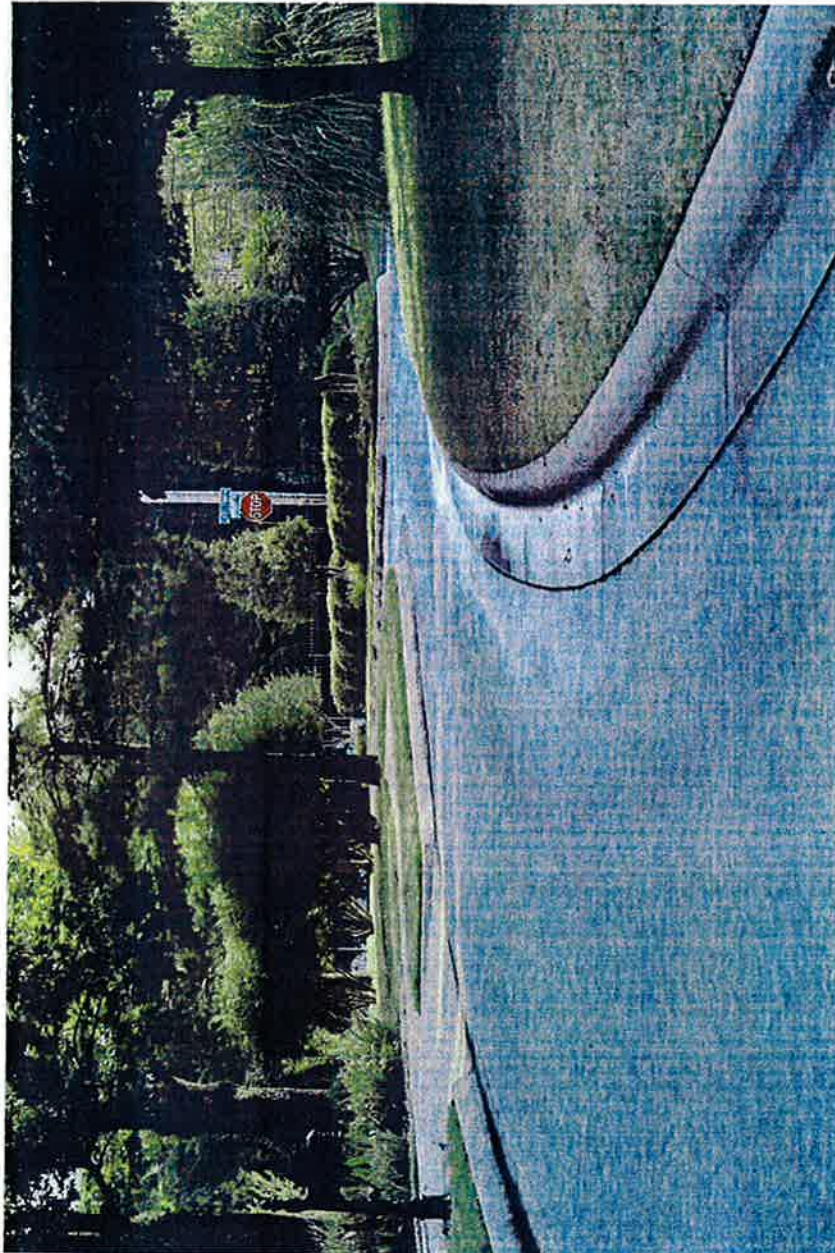
We hope the Planning Commission will take these concerns into consideration when considering the possible rezoning and development plans of Riggins.

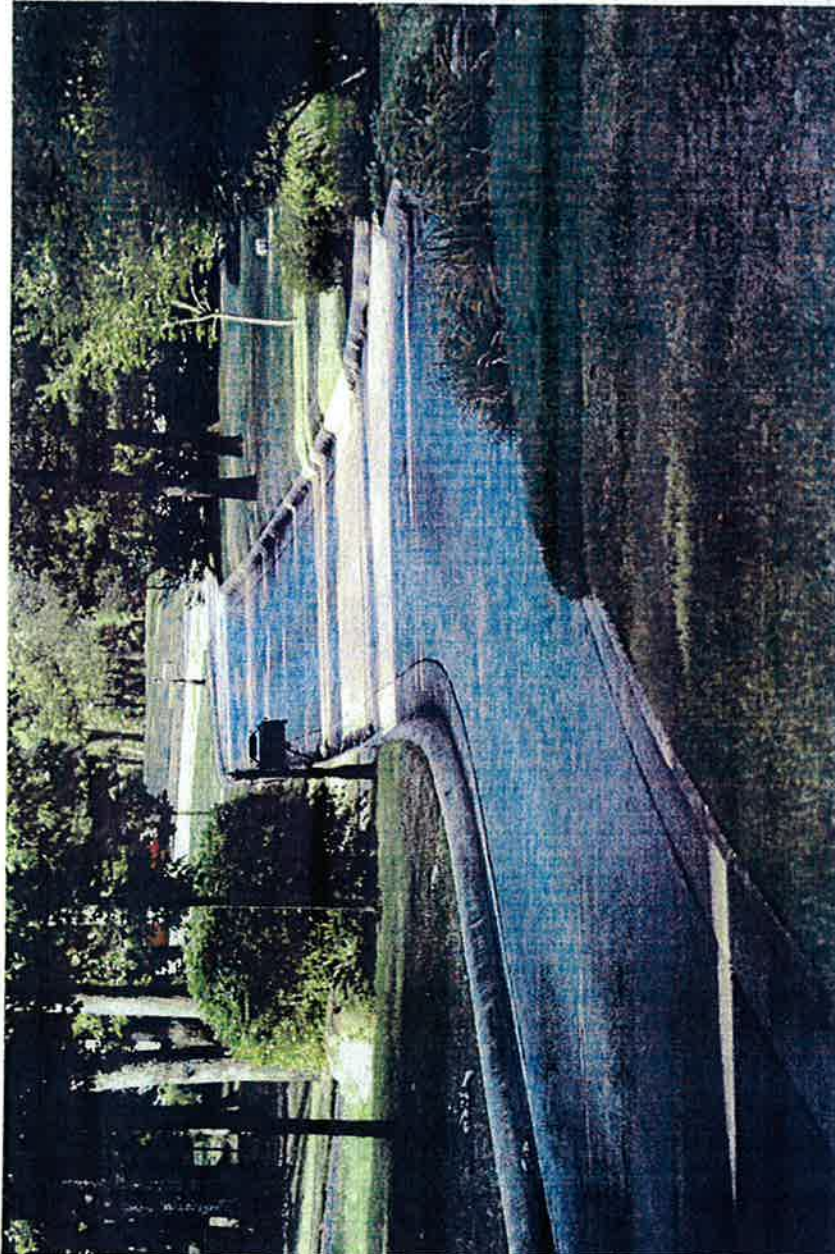
Kathleen Leatherby

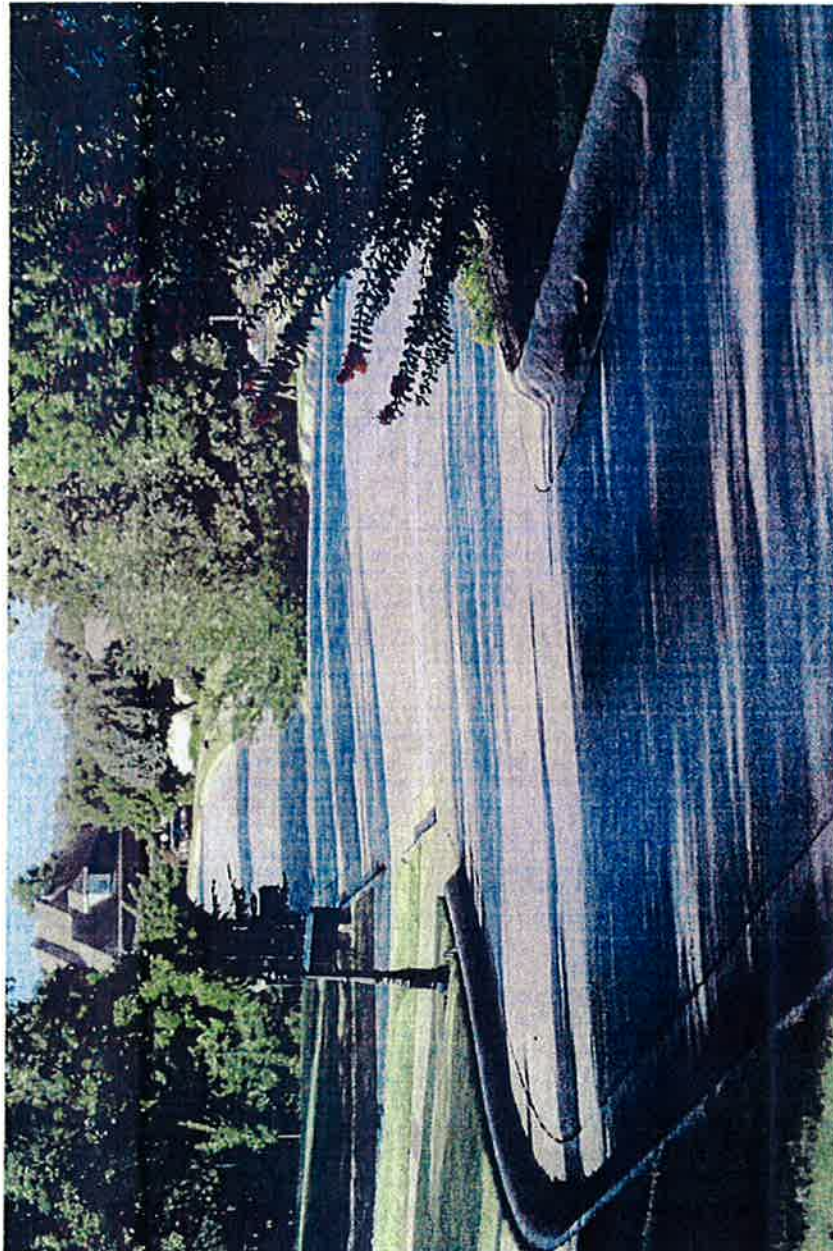
Treasurer, Brookbury Woods POA

2731 N. Brookbury Crossing

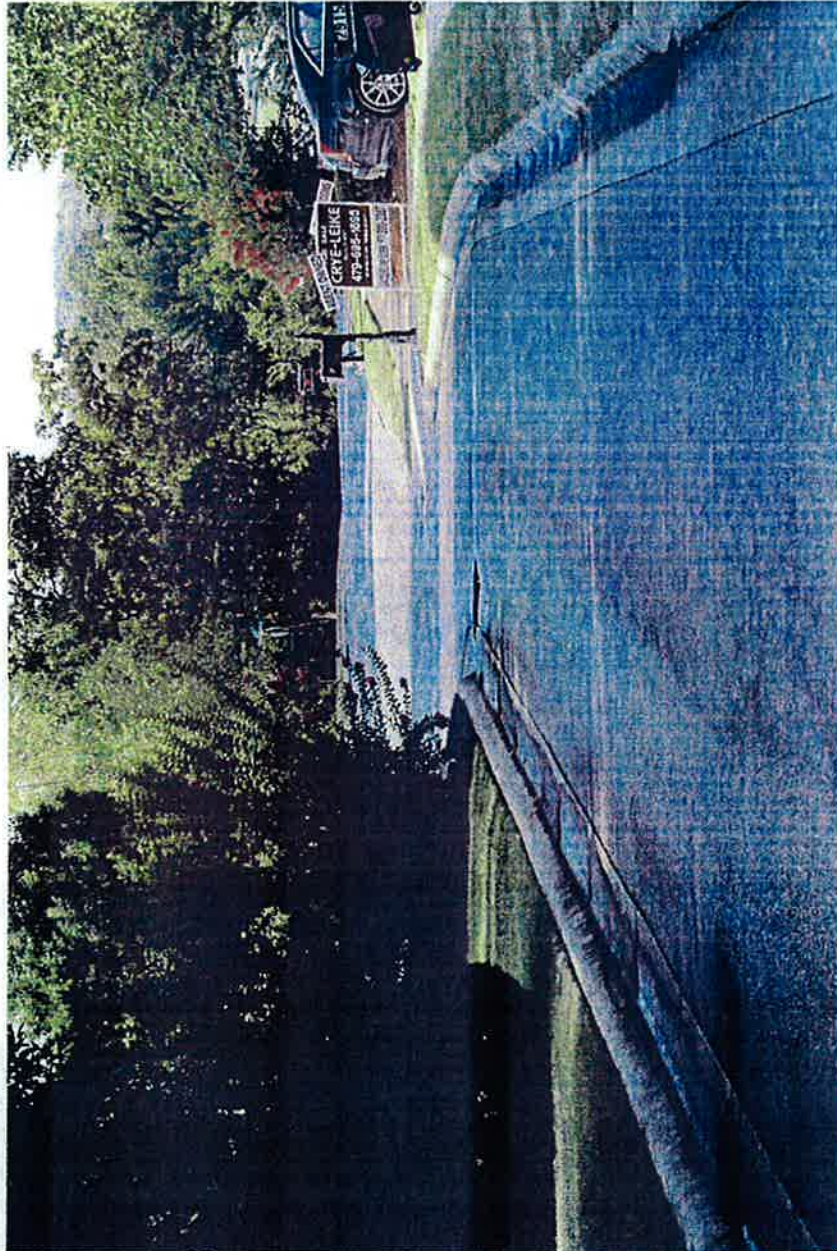












From: hogcrazy <hogcrazy_2000@yahoo.com>
To: <qthompson@ci.fayetteville.ar.us>
Date: 7/7/2012 7:36 AM
Subject: 20 acres Near Brookbury Subdivision

Dear Mr. Thompson:

As a landowner in Brookbury and one whose lot is right next to the 20 acres, I wanted to let you know of my thoughts.

As far as the zoning request for RSF-4, I realize the surrounding neighborhoods were zoned the same, this I was told, but they weren't built to those specifications. That is my concern. I would like this land to be developed in similar fashion to the surrounding neighborhoods. Both for continuity of the area and traffic concerns thru Brookbury.

I would like to let you know that I would be against RSF-4 zoning being approved and that a lower density zoning be approved instead. Why approve a zoning request that would allow up to 4 homes per acre when none of the surrounding neighborhoods were built to that density?

I also think the entrances to this area need to be addressed as Brookbury at this point will handle all the extra traffic.

Thank you very much.

Sincerely,

Linda Rogers

3285 E. Piper Glen

Fayetteville, AR 72703

From: "Kathleen Leatherby" <dkleatherby@cox.net>
To: "Quin Thompson" <qthompson@ci.fayetteville.ar.us>
Date: 7/8/2012 10:38 PM
Subject: Traffic back-up photo - Brookbury
Attachments: brookbury aerial.jpg; Brookbury-028.JPG; Brookbury-048.JPG; Brookbury-049.JPG; Brookbury-056.JPG; Brookbury-026.JPG

RE: Riggins rezoning request - South end of Brookbury Crossing

Quin -

As a member of the board of Directors for the Brookbury POA, I've had many neighbors share their concerns about the proposed rezoning and development at the south end of our neighborhood. One of the primary concerns that's been voiced is the volume of traffic that will be added - both from construction and the added homes. We have one entry / exit for the neighborhood that serves 96 homes. This one entry / exit presents a problem in the mornings once school starts. I have attached an aerial shot with the back-up of traffic at its worst highlighted in yellow. As you can see, it sometimes backs up all the way from Highway 265/Crossover to Brookbury Crossing. This makes it very difficult to get out of the neighborhood in the morning. If the RSF-4 zoning request is granted and Riggins is allowed to develop 70 additional homes (80 would be allowed but I'll be conservative given the need for easements, streets, etc.), based on the statistics you provided, this would add approximately 700 more trips per day on this single entry /exit. I have attached further photos to show the narrow split and curves at the entryway of Brookbury which add to the difficulty of seeing what's ahead (pedestrians, children, cars parked on the street, pets, etc.).

I've also had a neighbor share a story of having to wait over 10 minutes to exit Brookbury because of a large vehicle boxed in as it attempted to turn into Brookbury from Skillern without the proper turning radius. If this were an emergency situation, there is no alternative for a firetruck, ambulance or police.

We hope the Planning Commission will take all this into consideration when considering the number of homes that will be allowed to be built on the property in question and whether an alternative entry /exit is possible.

Sincerely,

Kathleen Leatherby

From: steve petruconis <srpconis@yahoo.com>
To: "cmonreal@ci.fayetteville.ar.us" <cmonreal@ci.fayetteville.ar.us>
CC: "qthompson@ci.fayetteville.ar.us" <qthompson@ci.fayetteville.ar.us>
Date: 7/1/2012 1:32 PM
Subject: Brookbury Crossing & Riggins Construction Land Development

Dear Ms. Monreal & Mr. Thompson:

Our names are Rosemary & Steve Petruconis and we reside at 2939 Brookbury Crossing, which is the third house on the west side of the boulevard as you enter the Brookbury development. We have learned that the City of Fayetteville will be considering changing the zoning status of the 21 acres of land immediately to the south of the Brookbury addition to allow Riggins Construction to develop homes under the RSF - 4 zoning designation. It is also our understanding that no entry/exit route is included in the proposed project other than the current Brookbury Crossing roadway.

Our primary concern is that Riggins would develop this property in a manner compatible with the adjoining neighborhoods and that it will consider adding an additional entry/exit route to help minimize the amount of traffic through our neighborhood. If an additional access route is not made a requirement in this project, all additional development traffic and residential owner traffic will pass directly in front of our home and others having an address on Brookbury Crossing. This will present a significant increase in the risk of potential motor vehicle accidents and personal injuries, in addition to wear and tear on the Brookbury Crossing roadway.

Brookbury Crossing is currently a very busy street because of only one entrance/exit route for the neighborhood. Adding potentially 80 more homes having one or more vehicles will unduly stress the current access route. We encourage you to require the additional or separate entry/exit route in this development if it is approved.

We thank you for your consideration of our request.

Sincerely,

Rosemary & Steve Petruconis
2939 N. Brookbury Crossing
Fayetteville, AR 72703

From: "Jerilyn Nicholson" <jernic3@att.net>
To: <qthompson@ci.fayetteville.ar.us>, <jpate@ci.fayetteville.ar.us>
Date: 7/19/2012 11:23 AM
Subject: rezoning request adjoining Brookbury Subdivision

I sent an email to Mr. Thompson a couple of weeks ago on this rezoning request, outlining some of my major concerns regarding this proposed rezoning. I wanted to get it to you early so that it would be included in the material given to the Planning Commissioners prior to the meeting. While I have contact information on the Planning Commissioners, there is only one person's email address listed and I hate to bother these folks by telephone with my added comments. Thus, I am sending this to you with the request that it be included in the information provided to the Commissioners, if there is still time to do so.

The feedback I am receiving from the city is that all of the issues that are of paramount concern to us will be addressed at the plat review stage if the requested RSF-4 zoning is approved. I would submit to you that the zoning dictates the parameters of the plat and should this rezoning be approved, the "die is cast". To not seriously consider the onerous effects this rezoning could have on Brookbury seems to be akin to putting one's head in the sand. I would add that the effects extend beyond Brookbury & include Skillern, Old Wire & Crossover. I would urge you and the Commissioners to face the issues head on now. I have always believed that it is better to be safe than sorry and I do indeed believe that such a rezoning, if approved, will provide ample opportunity to be sorry.

Thank you very much.

Jerilyn Nicholson
3101 E. Summershade

Public Comment for RZN 12-4166

Phone Message:

07-06-2012
Aaron Marooner
(479) 443-1997

Mr. Marooner(sp?), resident at Covington Park development stated that in his opinion the proposed rezone should be denied since the surrounding neighborhoods are not built to RSF-4 density.

Phone record:

07-07-2012
Manny Terminella
(479) 263-4749

Mr. Terminella had questions pertaining to city access requirements for new developments, specifically if the any future development on the subject property would be required to have more than one entry/exit. He owns property to the South and it would be necessary to cross his property if the developer wishes to have a South entry.

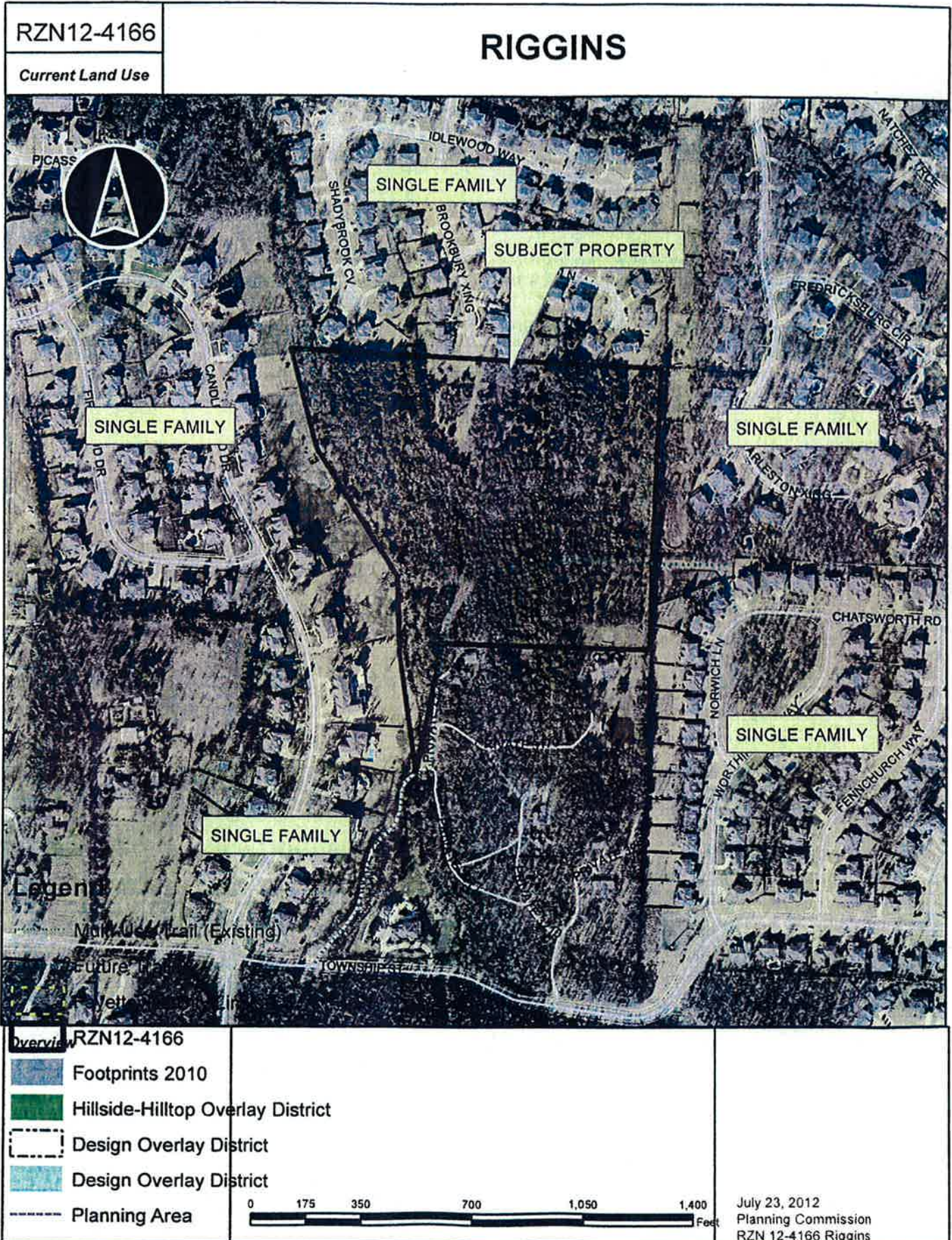
Staff responded that it is not a city requirement that a development have two entries/exits, but that once an entry/exit serves 80 homes, there are increased requirements according to fire code.

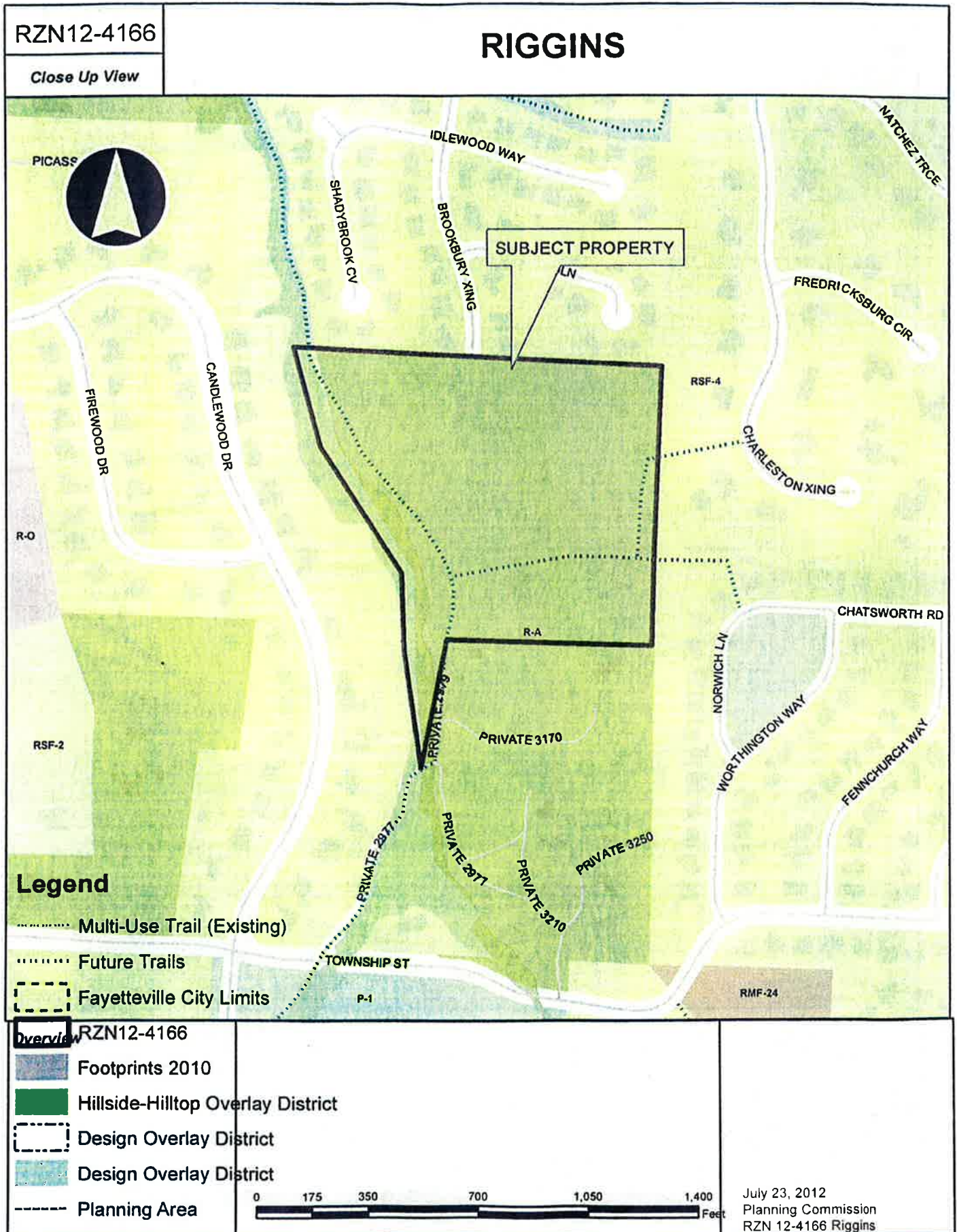
07-10-2012
Scott Stokenbury

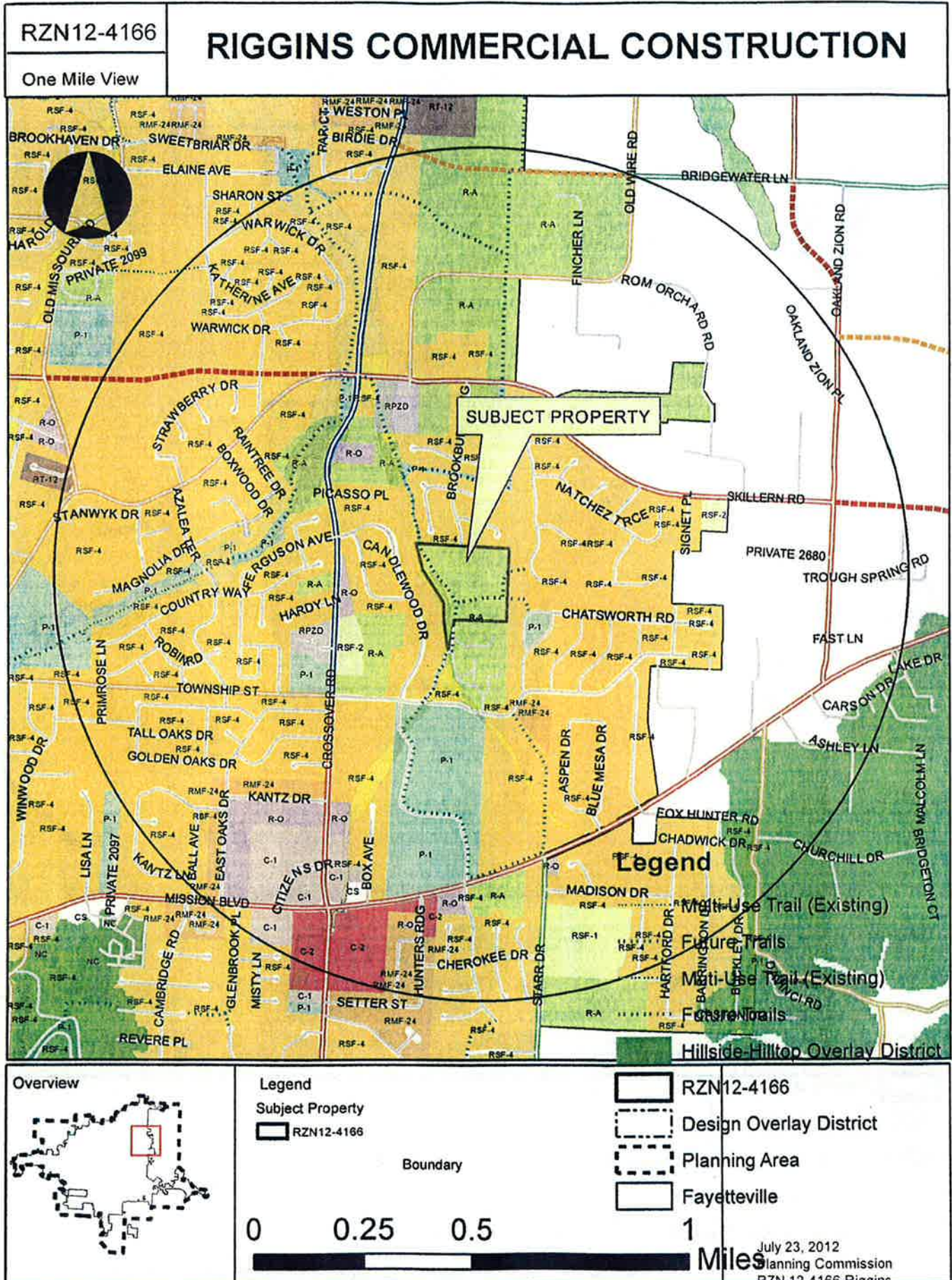
Mr. Stokenbury is a resident of Brookbury development. He called with general questions regarding the re-zoning request.

07-18-2012
Christine Smith

Mrs. Smith called to voice opinion against the requested re-zone, citing concerns about increased traffic and the likelihood that existing problems with high traffic speeds on Brookbury Crossing will be made worse. She is concerned about already difficult conditions caused by congestion at Brookbury Crossing, Skillern Road, and Highway 265 during peak traffic times







MINUTES OF THE PLANNING COMMISSION HEARING OF RZN 12-4166; JULY 23, 2012

RZN 12-4166: Rezone (S. OF BROOKBURY CROSSING/RIGGINS, 294): Submitted by ENGINEERING SERVICES, INC. for property located SOUTH OF BROOKBURY CROSSING. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 20.99 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Andrew Garner, Senior Planner, gave the staff report.

Mickey Harrington, attorney for the property owner, agreed with staff's comments.

Commissioner Winston requested the City Attorney mention the items that were allowed to be considered and discussed by the Planning Commission for a rezoning.

Kit Williams, City Attorney, discussed the items that were allowed to be considered in a rezoning and referred to a memo that he had prepared and distributed.

Public Comment:

Eva Madison, Candlewood Subdivision, spoke for the neighborhood. She discussed the proposal was inconsistent with the surrounding neighborhoods. She discussed the old R-1 zoning that is different than the current RSF-4 zoning. The proposed RSF-4 zoning is different than the surrounding properties.

Charlie Collins, 3225 Pipers Glen, POA President of Brookbury, discussed that it is virtually unanimous regarding the opposition to this rezoning by the surrounding neighborhoods.

Christin Bellcamp, President of Brookbury, agreed with the comments by Eva Madison. We have obtained 96 signatures to downzone our neighborhood to RSF-2. She discussed Brookbury Crossing was the sole means of access. She discussed that zoning and development are tied together. She discussed traffic flow problems, fire safety problems, and issues with density and compatibility. Skillern Road has traffic and site distance issues. Brookbury would not meet the fire code today as it has 95 homes on a dead end street. Adding approximately 40 more additional homes on this site, even with sprinkler systems, would be a problem. The private interest should not override the public interest for safety.

James McGinty, President of Savannah, discussed support for the residents of Brookbury and Candlewood. He discussed traffic on Skillern Road. Savannah will also proposal to downzone to RSF-2.

Jimmy Roy, 3074 Brookbury, read an exert from the City Attorney's memo, "public opposition that is ogical and reasonable" can be considered. He also discussed that traffic is a problem. There are too many homes.

Christine Smith, Brookbury and Idlewood Way, Brookbury is already in a dangerous situation. Children ar all crossing in a blind area. It is a 25 mph speed limit but people exceed the limit. It will be worse if Brookbury is extended. She discussed a dangerous intersection in the Brookbury neighborhood.

Jason Fourie, 3475 Township, asked if the actual density was considered.

Laurie Covell, teacher at McNair, discussed traffic issues that occurred when a truck for a pool construction blocked the round backing up traffic in Brookbury.

No more public comment was presented.

Commissioner Hoskins asked about the property owner information.

Micky Harrington responded that the owner is requesting the rezoning.

Commissioner Hoskins discussed that the lack of a street connection is a problem. A full-fledged connection is needed. This could potentially have 80 residences or 800 average daily trips. He is pro smart-development and until a complete connection is made he can't support this.

Commissioner Winston discussed the R-A is not appropriate as it is surrounded by neighborhoods.

Kit Williams, City Attorney, discussed that the old R-1 zoning was almost identical to the current RSF-4 zoning. It allowed up to four units per acre.

Commissioner Hoskins discussed surrounding properties have RSF-2 type density. He discussed the lack of cross connection.

Commissioner Winston discussed the need to disconnect the two things.

Commissioner Chesser referred to the City Attorney's memo and whether this request meets or does not meet those criteria. He requested all of the neighborhood representatives to come back up and answer a question. Would you be opposed to this if there were a second street connection?

Eva Madison responded that their arguments were made based on density.

Jimmy Roy discussed that safety, density, and traffic are their biggest issues.

Charlie Collins discussed that if it were only an additional 10 homes it would not be dramatically worse.

Commissioner Chesser asked the applicant about the proposed density and zoning.

Micky Harrington discussed that there are other issues besides density that require the RSF-4 zoning such as lot dimensions and lot size.

Commissioner Chesser asked about a connection Township.

Brian Moore, Engineering Services Incorporated, discussed that yes a connection to the south is our intent with a stub-out.

Commissioner Honchell thanked everyone one for participating and being here. He discussed that he won't be able to support RSF-4.

Jeremy Pate, Development Services Director, discussed the differences between RSF-4 and RSF-

2. He also discussed that if Brookbury were rezoned to RSF-2 it would create nonconformities because very few of the lots are large enough to meet the RSF-2 requirements.

Commissioner Hoskins discussed a need for RSF-4 zoning because of bulk and area regulations. He also discussed that a Bill of Assurance would be an option for the applicant to limit the overall density. He would support a rezone to RSF-0.5.

Micky Harrington discussed that they would offer a Bill of Assurance to limit the density to two units per acre.

Kit Williams, City Attorney, discussed that the Planning Commission cannot require a Bill of Assurance and that one has not been offered. It would have to be offered in writing and notarized.

Commissioner Pennington discussed that the rezoning would not be incompatible, but public safety is a concern and he would be in support of RSF-0.5.

Motion:

Commissioner Pennington made a motion to forward **RZN 12-4166 to City Council with a recommendation for RSF-0.5.** **Commissioner Hoskins** seconded the motion.

Commissioner Hoskins asked if RSF-0.5 would be considered a spot-zone.

Kit Williams, City Attorney, discussed that did not think an RSF-0.5 could be considered a spot-zone.

Commissioner Winston asked about fire code issues.

Harley Hunt, Fire Marshall, discussed the rationale behind the enforcement of fire access roads to this property and the existing condition that is already in place.

Upon roll call the motion passed with a vote of 8-1-0, with Commissioner Chesser voting no.

Sondra Smith - Fwd: Brookbury Crossing Rezone RZN 12-4166

From: Andrew Garner
To: Pate, Jeremy; Smith, Sondra
Date: 9/14/2012 9:06 AM
Subject: Fwd: Brookbury Crossing Rezone RZN 12-4166

FYI - The applicant is requesting this item be tabled again at the 09/18/2012 City Council meeting.

—
Andrew M. Garner, AICP
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701
Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

Telecommunications Device for the Deaf: (479) 521-1316

>>> Quin Thompson 9/13/2012 3:22 PM >>>
see below:

>>> "Hugh Jarratt" <hugh.jarratt@lindseymanagement.com> 9/13/2012 3:20 PM >>>
Jeremy & Quin:

On behalf of the proposed developer of the 20 acres located south of Brookbury Crossing, please treat this email as formal notice that the developer will request that this item be tabled for an additional two week period. I just received a draft copy of our traffic report and the traffic report will not be in final form in time for City Staff to adequately study the information contained therein prior to the City Council meeting.

Also, the developer is determining the feasibility and/or availability of a secondary access from the 20 acre parcel south to Township Road. This determination will require further information that will not be able to be put together prior to the City Council meeting.

If you have any questions, please let me know.

Thank you.

Hugh Jarratt

Traffic Study

Single-Family Residential Development

prepared for:

Riggins Construction

Brookbury Crossing and
Skillern Road

Fayetteville, Arkansas



Project No.: P-1586

September 17, 2012



PETERS & ASSOCIATES
ENGINEERS, INC.

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

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APPENDIX

Site Plan
Trip Generation Data
Vehicle Turning Movement Count Data
Capacity and Level of Service Calculations

INTRODUCTION

Peters & Associates Engineers, Inc., has conducted a traffic engineering study relating to a proposed 37 single-family lot residential development located at the south end of Brookbury Crossing south of Skillern Road in Fayetteville, Arkansas. Brookbury Crossing intersects Skillern Road approximately 1,300 feet east of the Crossover Road (Highway 265) and Old Wire Road intersection. The primary focus of this report is to assess traffic operational characteristics of the adjacent intersections in the vicinity proposed to serve the site. A reduced copy of the preliminary tract layout plan is included in the Appendix for reference.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Evaluate existing traffic conditions at the following study intersections:
 - o Skillern Road and Brookbury Crossing
 - o Crossover Road and Old Wire Road.
- Determine projected traffic volumes entering and exiting the proposed development at the nearby study intersections.
- Identify the effects on traffic operations for existing traffic in combination with site-generated traffic associated with the development as proposed.
- Evaluate traffic operations for the study intersections of Skillern Road and Brookbury Crossing and Crossover Road and Old Wire Road in the immediate vicinity of the site and make recommendations for mitigative improvements which may be necessary and appropriate for acceptable traffic operations.

In the following sections of this traffic study report are traffic data, study methods, findings and recommendations. The study is technical in nature. Analysis techniques employed are those most commonly used in the traffic engineering profession for traffic impact analysis. Certain data and calculations relative to traffic operational analysis are referenced in the report. Complete calculations and data are included in the Appendix of the report.

THE SITE

The location of the development is within the city limits of Fayetteville in Washington County, Arkansas. The proposed 37 single-family lot residential development located at the south end of Brookbury Crossing south of Skillern Road. The proposed development site location and vicinity are shown on Figures 1 and 2, which follow.

Access to site is proposed to be provided via the intersection of Skillern Road and Brookbury Crossing. There is an existing approximate 100 lot single-family residential neighborhood (Brookbury Crossing) that's access is currently served via Brookbury Crossing at Skillern Road. Typical AM and PM peak traffic periods of the adjacent streets are the traffic operating conditions which have warranted primary traffic analysis as a part of this study

Traffic Study

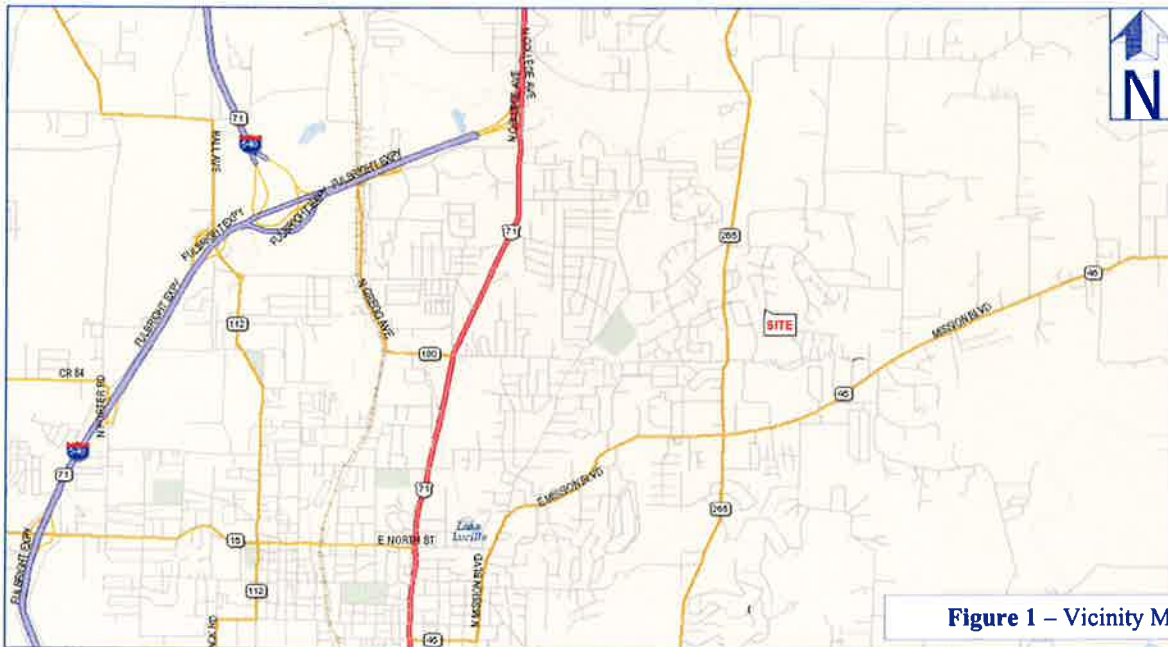


Figure 1 – Vicinity Map



Figure 2 – Site Location Map

STREET SYSTEM

Skillern Road, at Brookbury Crossing near the site, is a two-lane roadway consisting of a eastbound lane and a westbound lane. This roadway is asphalt and constructed with curbs and gutters along the south side and drainage ditches along the north side of the roadway in the vicinity of Brookbury Crossing. There are no sidewalks and the speed limit is 25 miles per hour in the vicinity of the study area. Skillern Road is classified as a Principal Arterial on the City of Fayetteville Master Street Plan (MSP).

Brookbury Crossing, at Skillern Road, is a two-lane roadway consisting of a northbound lane and a southbound lane separated by a landscaped median. This street is asphalt and constructed with curbs and gutters. The speed limit is 25 miles per hour. Brookbury Crossing is classified as a Local Street on the City of Fayetteville MSP.

The closest existing signalized intersections to the site is located approximately 1,300 feet west of Brookbury Crossing at the intersection of Crossover Road and Old Wire Road (analysis of this intersection has been included as a part of this study).

The following photos show the general layout of Brookbury Crossing and Skillern Road. These were taken at locations as indicated on the photo captions.

Traffic Study



Lewis Avenue

Looking east on Skillern Road
toward Brookbury Crossing.



Brookbury Crossing

Looking west on Skillern Road
toward Brookbury Crossing.



Looking south on Brookbury Crossing
from Skillern Road.



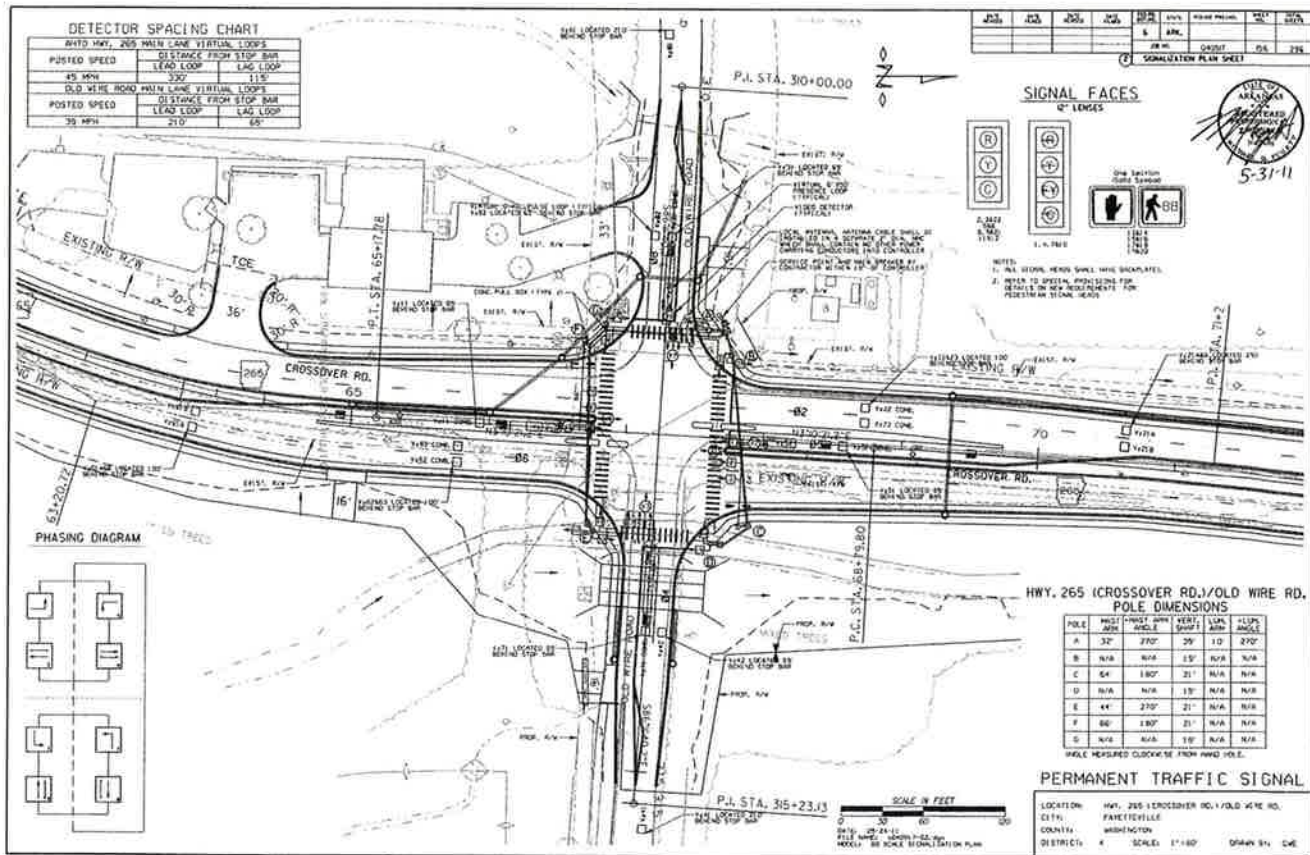
Looking north on Brookbury Crossing
toward Skillern Road.



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ENGINEERS, INC.

Traffic Study

Crossover Road (Highway 265) is currently under construction from Joyce Boulevard to Highway 45 as a part of the AHTD project 040517. The scheduled completion date of this project is September, 2013. Included in this AHTD improvement project is the intersection of Crossover Road and Old Wire Road. Crossover Road is currently being widened at Old Wire Road to provide two northbound lanes and two southbound lanes divided by a raised median with a northbound and a southbound left-turn lane at Old Wire Road. The east and west leg (Old Wire Road) at Crossover Road will each consist of a left-turn lane, a thru / right-turn lane and a receiving lane. The following graphic depicts the design concept for the planned roadway improvements at median breaks at Crossover Road and Old Wire Road.



Planned Crossover Road and Old Wire Road
 Intersection

Traffic Study

EXISTING TRAFFIC CONDITIONS

Traffic count data collected as a part of this study include AM and PM peak hours vehicle turning movement counts at the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road.

The peak hours vehicle turning movement count data at these intersections are summarized in the following peak hour turning movement Charts 1, 2, 3 and 4 and are presented in more detail in the Appendix of this report.

AM and PM peak hours vehicle turning movement counts made as a part of this study are shown on Figure 3, "Existing Traffic Volumes - AM and PM Peak Hours."

Traffic Study

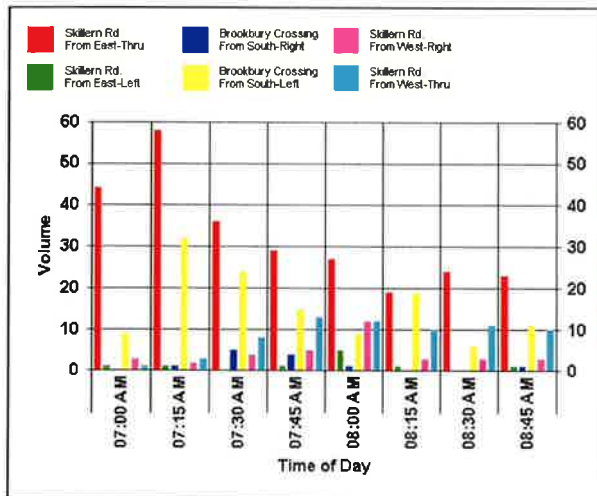


Chart 1
AM Peak Hours Turning Movement Count Data
Skillern Road and
Brookbury Crossing

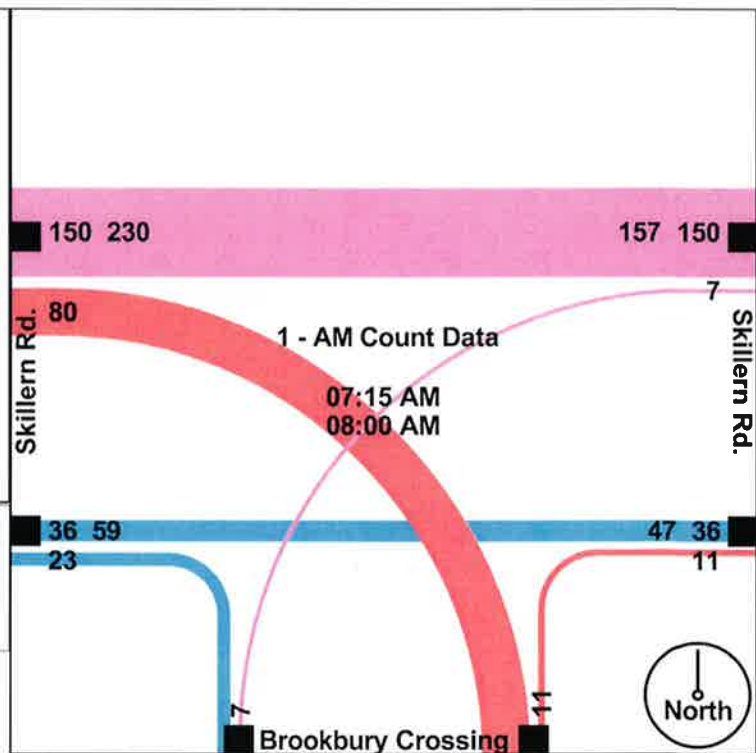
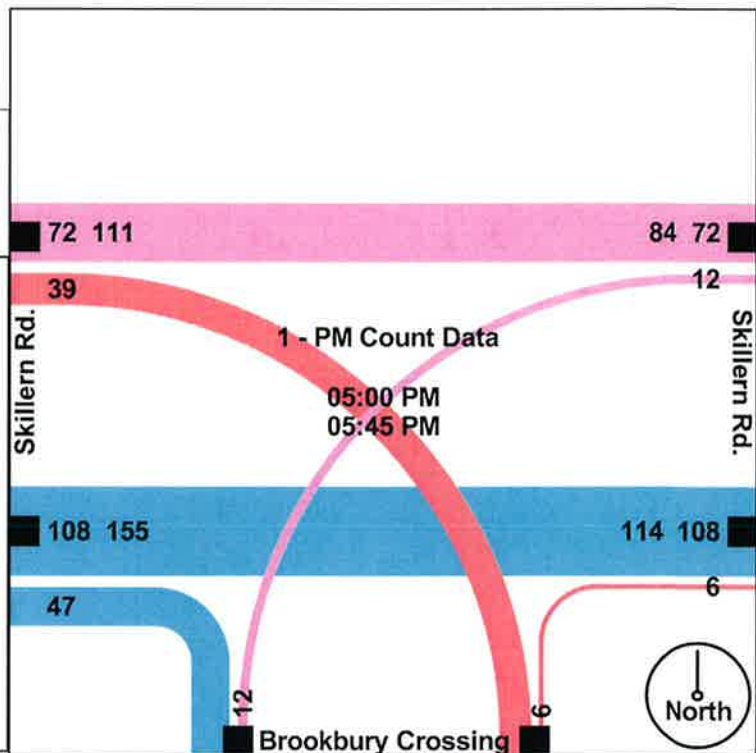
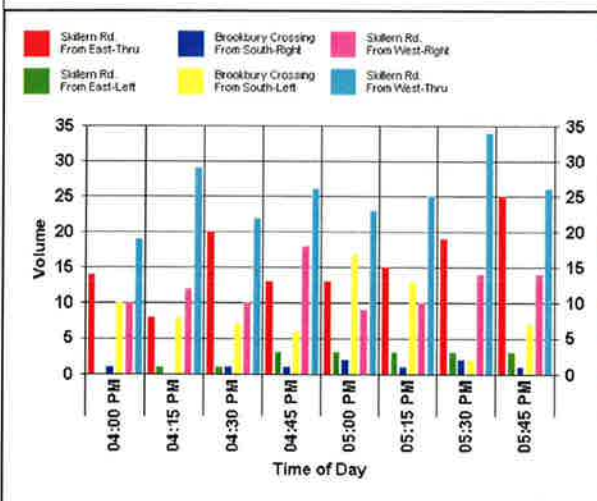


Chart 2
PM Peak Hours Turning Movement Count Data
Skillern Road and
Brookbury Crossing



Traffic Study

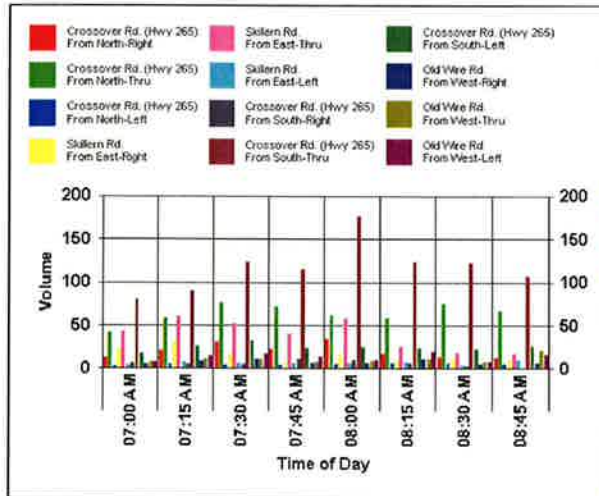


Chart 3

AM Peak Hours Turning Movement Count Data
 Crossover Road and Old Wire Road

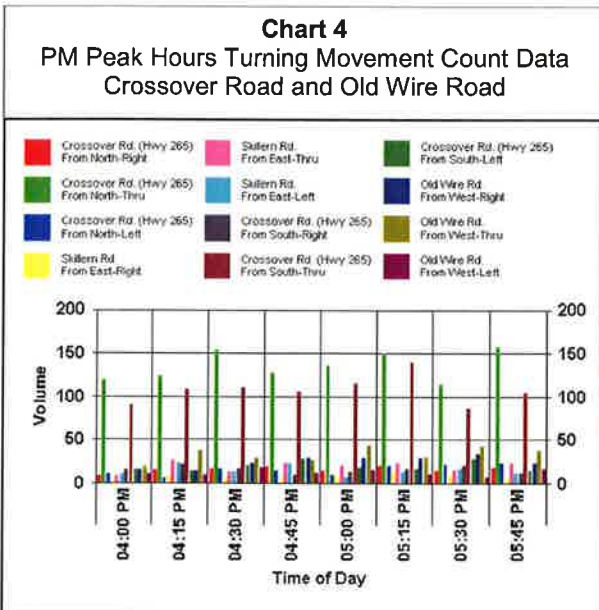
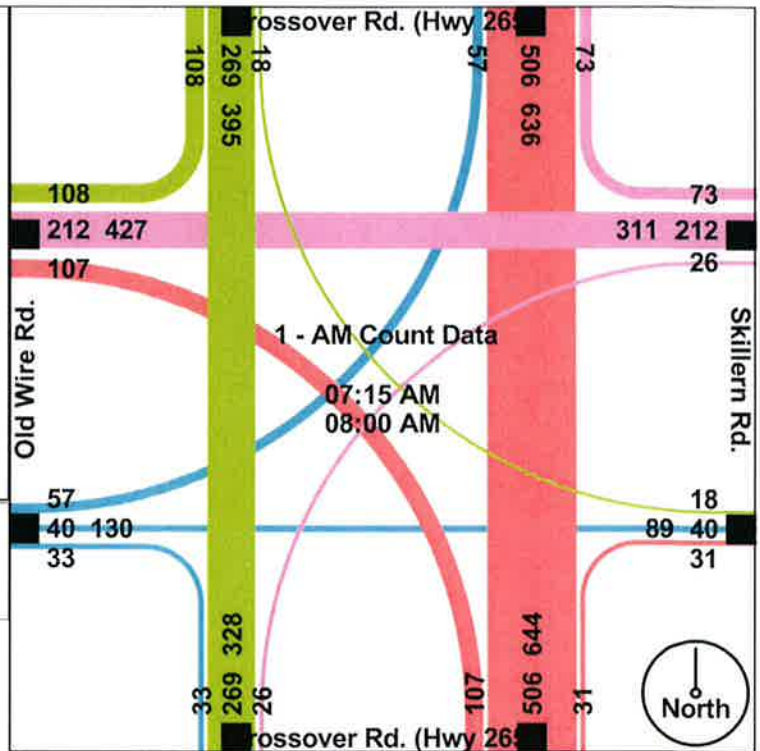
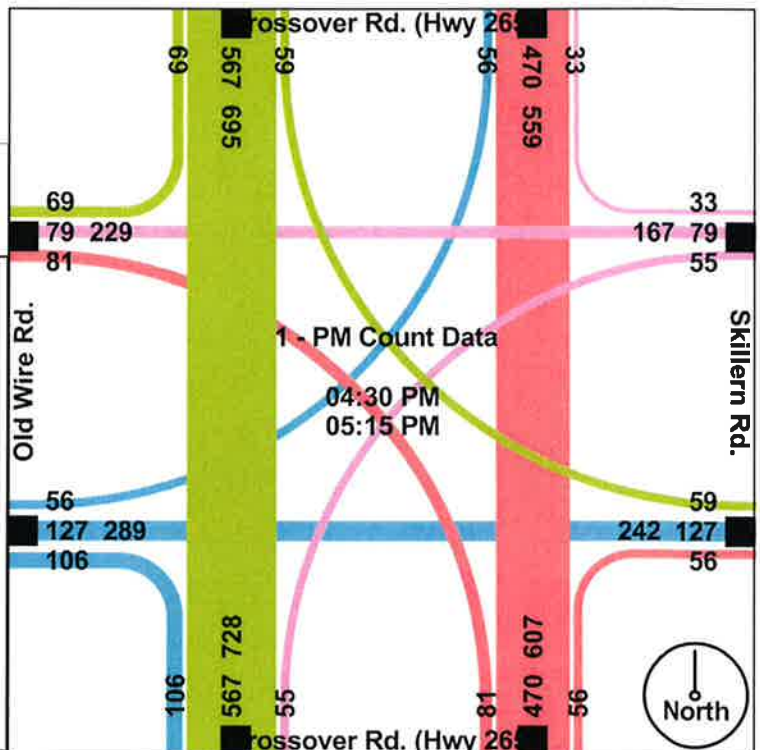


Chart 4

PM Peak Hours Turning Movement Count Data
 Crossover Road and Old Wire Road



Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report (8th Edition), 2008, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 6 by Microtrans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed single-family residential land-use of the proposed development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land use proposed for the development makes these calculations. Results of this calculation are summarized on Table 1, "Summary of Trip-Generation." These calculations indicate that approximately 28 net new vehicle trips (combined in and out) are estimated during the traffic conditions of the AM peak hour and approximately 38 net new vehicle trips are estimated during the traffic conditions of the of the PM peak hour are projected to be generated by the proposed 37 single-family residential land use on this site. The estimated typical weekday two-way, 24-hour volume is 354 vehicle trips.

Residential traffic, as will be the traffic associated with this site, ordinarily does contribute to the adjacent street traffic conditions during the on-street AM peak traffic hour and the PM peak traffic hour. Accordingly, both the AM and PM peak traffic periods of the adjacent streets in the immediate vicinity of the site are the traffic operating conditions which have warranted primary traffic analysis as a part of this study.

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
				ENTER	EXIT	ENTER	EXIT
Single-Family Residential	37 Lots	210	354	7	21	24	14
TOTAL ENTERING + EXITING				28		38	

Table 1 – Summary of Trip-Generation

TRAFFIC VOLUME ASSIGNMENTS

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of anticipated left and right-turns at the study intersections. Directional distribution percentages used in this study are shown on Figure 4, "Directional Distribution - Site Traffic." The directional distribution percentages for site traffic have been equated to percentage turns for each movement at the study intersections. These values are shown on:

- Figure 5, "Entering Traffic Percentage Turns"
- Figure 6, "Exiting Traffic Percentage Turns."

The projected traffic volumes shown on Figure 7, "Site-Generated Traffic Volumes - AM and PM Peak Hours," result from applying the projected entering and exiting percentages shown on Figures 5 and 6 to the corresponding projected site-generated traffic volumes summarized on Table 1, "Summary of Trip-Generation."

The site-generated traffic volumes shown on Figure 7 and corresponding existing background traffic volumes shown on Figure 3 have been combined and the results are depicted on Figure 8, "Projected Traffic Volumes - AM and PM Peak Hours."

Traffic volumes shown on Figure 8 are the values used in capacity and level of service calculations conducted as a part of this study for projected traffic conditions. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) and projected traffic associated with the developments has thus been accounted for in this analysis.

Traffic Study

CAPACITY and LEVEL OF SERVICE

Generally, the "capacity" of a street is a measure of its ability to accommodate a certain magnitude of moving vehicles. It is a rate as opposed to a quantity, measured in terms of vehicles per hour. More specifically, street capacity refers to the maximum number of vehicles that a street element (e.g. an intersection) can be expected to accommodate in a given time period under the prevailing roadway and traffic conditions.

Traffic operational analysis for the study intersections were evaluated based on the methodologies outlined in the Highway Capacity Manual, 2010 Edition, published by the Transportation Research Board. The operating conditions at an intersection are graded by the "level of service" experienced by drivers. Level of service (LOS) describes the quality of traffic operating conditions and is rated from "A" to "F". LOS "A" represents the most desirable condition with free-flow movement of traffic with minimal delays. LOS "F" generally indicates congested conditions with considerable delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in the average delay per stopped vehicle. Delay is measured in seconds per vehicle. The table below shows the upper limit of vehicle delay associated with each level of service for signalized and un-signalized intersections.

Intersection Level of Service Delay Thresholds

Level of Service

(LOS)	Signalized	Un-Signalized
A	< 10 Seconds	< 10 Seconds
B	< 20 Seconds	< 15 Seconds
C	< 35 Seconds	< 25 Seconds
D	< 55 Seconds	< 35 Seconds
E	< 80 Seconds	< 50 Seconds
F	≥ 80 Seconds	≥ 50 Seconds

Traffic Study

The LOS rating deemed acceptable varies by community, facility type and traffic control device. A LOS “D” is the desirable goal for movements at un-signalized intersections that must yield to other movements; however, a LOS “E” or “F” is often accepted for low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection or the location is deemed undesirable for signalization for other reasons. For signalized intersections, level of service and average delay relate to all vehicles using the intersection. LOS “D” is the typical desirable standard for signalized intersections. All study intersections were evaluated using the Synchro analysis software package based on Highway Capacity Manual methods. This computer program has been proven to be reliable when used to analyze capacity and levels of traffic service under various operating conditions. Detailed results for all capacity calculations are included in the Appendix. The adjacent street weekday AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- Existing traffic volumes and patterns.
- Directional distribution of projected traffic volumes.
- Existing and planned intersection geometry (including elements such as turn lanes, curb radii, etc.).
- Existing background traffic volumes and projected site-generated volumes for projected traffic conditions.
- Existing or planned traffic control.

Traffic Study

CAPACITY ANALYSIS

Level of Service Analysis Results

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic volumes, lane geometry and traffic control for the AM and PM peak hours for the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road.

As indicated in Table 2, "Level of Service Summary – Existing Traffic Conditions," all of the vehicle movements currently operate at what calculates as an acceptable LOS "C" or better for existing traffic conditions at the study intersections for the AM and PM peak hours with existing traffic control.

Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes - AM and PM Peak Hours."

EXISTING TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION	PEAK HR		PEAK HOUR - LEVEL OF SERVICE												
Skillern Road and Brookbury Crossing	AM	"STOP" SIGN		A		A			B		B				n/a
	PM			A		A			B		B				n/a
Crossover Road and Old Wire Road	AM	SIGNAL	B	B	B		C		A	B		A	B		B
	PM		B	C	B		B		A	B		A	B		B

Table 2 - Level of Service Summary - Existing Traffic Conditions

Traffic Study

Projected Traffic Conditions

Capacity and LOS analysis was performed for projected traffic conditions for the AM and PM peak hours for the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road (includes AHTD planned intersection improvements).

Traffic volumes used for these projected traffic conditions are shown on Figure 8, "Projected Traffic Volumes - AM and PM Peak Hours." The operating conditions projected to exist at the study intersections are summarized in Table 3, "Level of Service Summary - Projected Traffic Conditions."

As indicated in Table 4, all vehicle movements for the projected traffic conditions at the study intersections are expected to continue to operate at what calculates as an acceptable LOS "C" or better for the worst-case AM and PM peak hours.

PROJECTED TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION	PEAK HR		PEAK HOUR - LEVEL OF SERVICE												
Skillern Road and Brookbury Crossing	AM	"STOP" SIGN		A	A			B		B					n/a
	PM			A	A			B		B				n/a	
Crossover Road and Old Wire Road*	AM	SIGNAL	B	B	B	C	A	B	B	B	B	B	B	B	B
	PM		B	C	B	B	A	B	A	B	B	B	B	B	
*Includes AHTD planned intersection improvements.															
Table 3 - Level of Service Summary - Projected Traffic Conditions															

SUMMARY OF FINDINGS

Findings of this study are summarized as follows:

- For the development of the 37 single-family residential lots as proposed, approximately 28 net new vehicle trips (combined in and out) are estimated during the traffic conditions of the AM peak hour and approximately 38 net new vehicle trips are estimated during the traffic conditions of the PM peak hour are projected to be generated by the proposed land use on this site. The estimated typical weekday two-way, 24-hour volume is 354 vehicle trips.
- Capacity and LOS analysis results for existing traffic conditions for the study intersections indicate existing vehicle movements for existing traffic conditions at the study intersections presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.
- Capacity and LOS analysis results performed for projected traffic conditions for the AM and PM peak hours for the study intersections indicate vehicle movements at the study intersections are expected to continue to operate at what calculates as an acceptable LOS "C" or better for the worst-case AM and PM peak hours.
- It was found that no negative impact to traffic operations at the adjacent study intersections is expected to occur as a result of the additional traffic associated with the proposed site development. More than sufficient intersection capacity exists at the study intersections to accommodate the very modest increase in traffic volumes expected to result from the residential development as proposed.

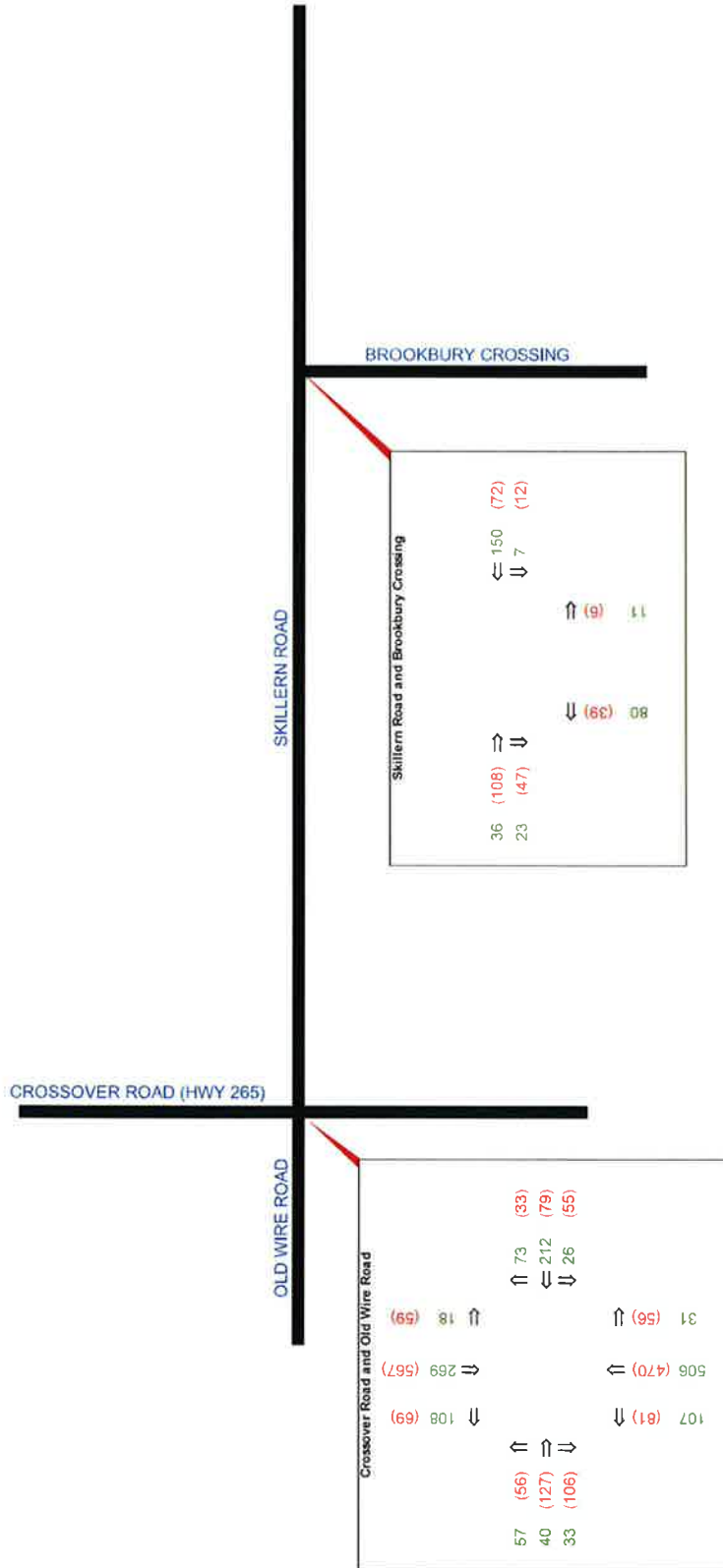
FIGURES





PEAK HOURS KEY

xxx = AM Peak Hour
(xxx) = PM Peak Hour



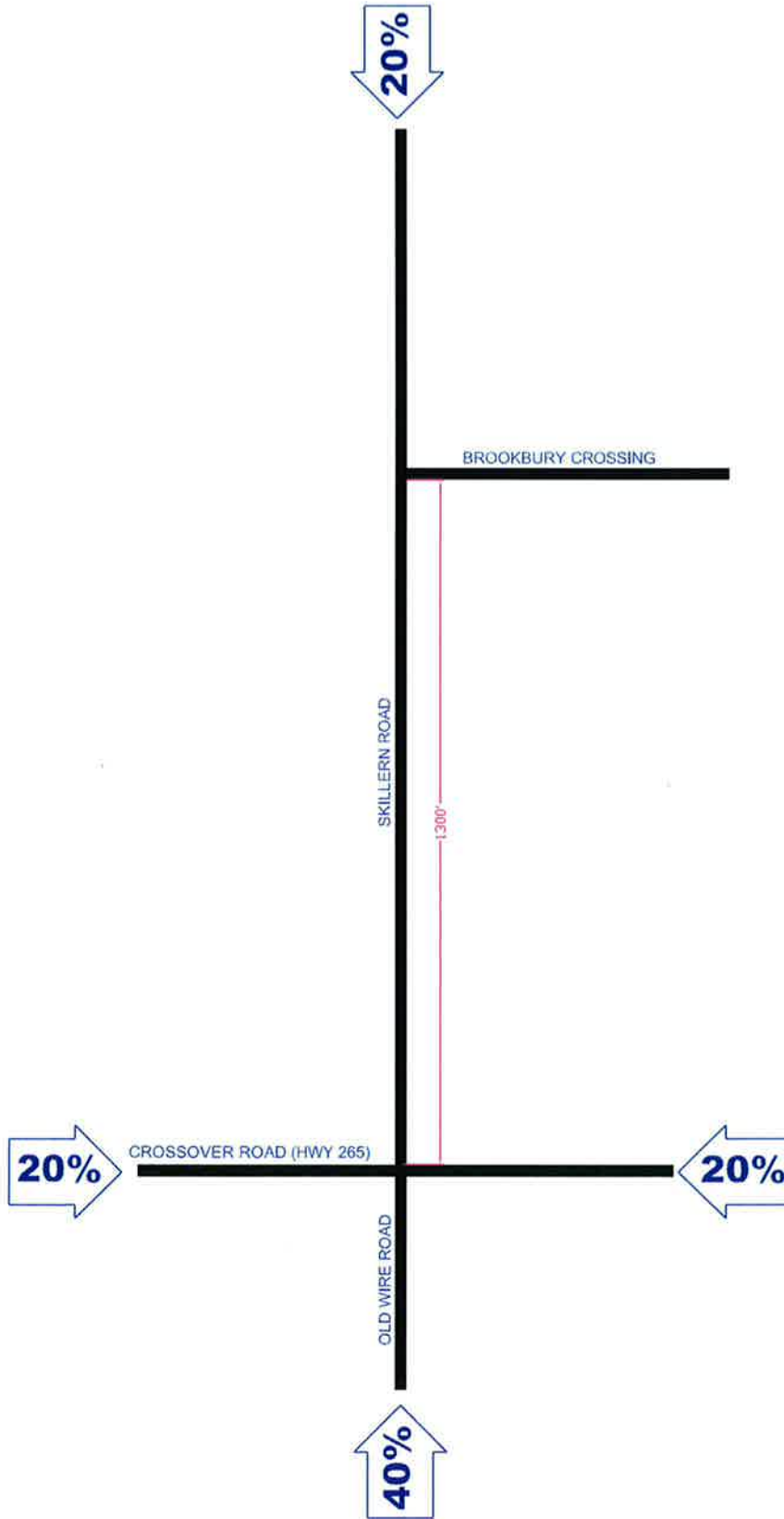
PROJECT No. P1586
DATE: 9-12-2012



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RESIDENTIAL DEVELOPMENT
BROOKBARY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

EXISTING
TRAFFIC VOLUMES
AM AND PM PEAK HOURS
FIGURE 3



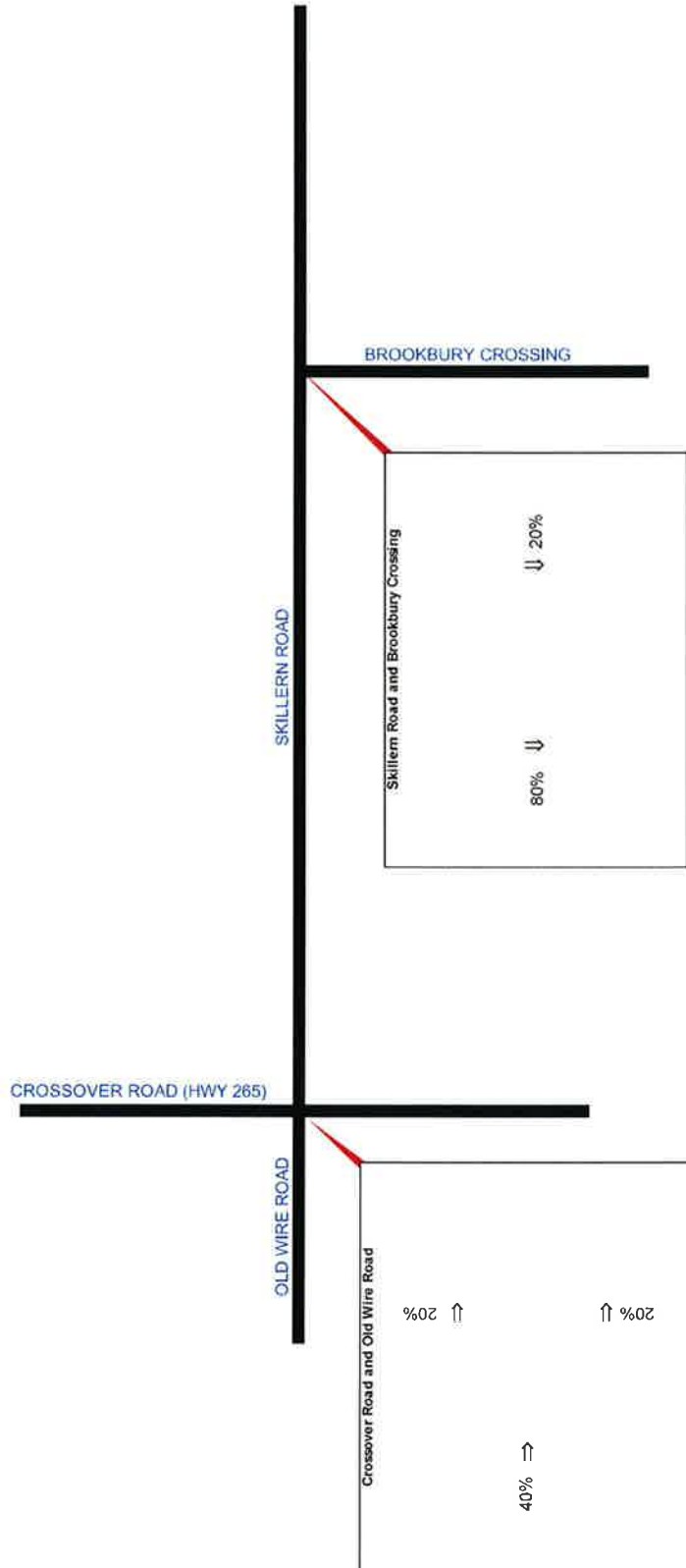
RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT No. P1586
 DATE: 9-12-2012

PETERS & ASSOCIATES
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DIRECTIONAL DISTRIBUTION
 SITE TRAFFIC



PROJECT No. P1586
 DATE: 9-12-2012

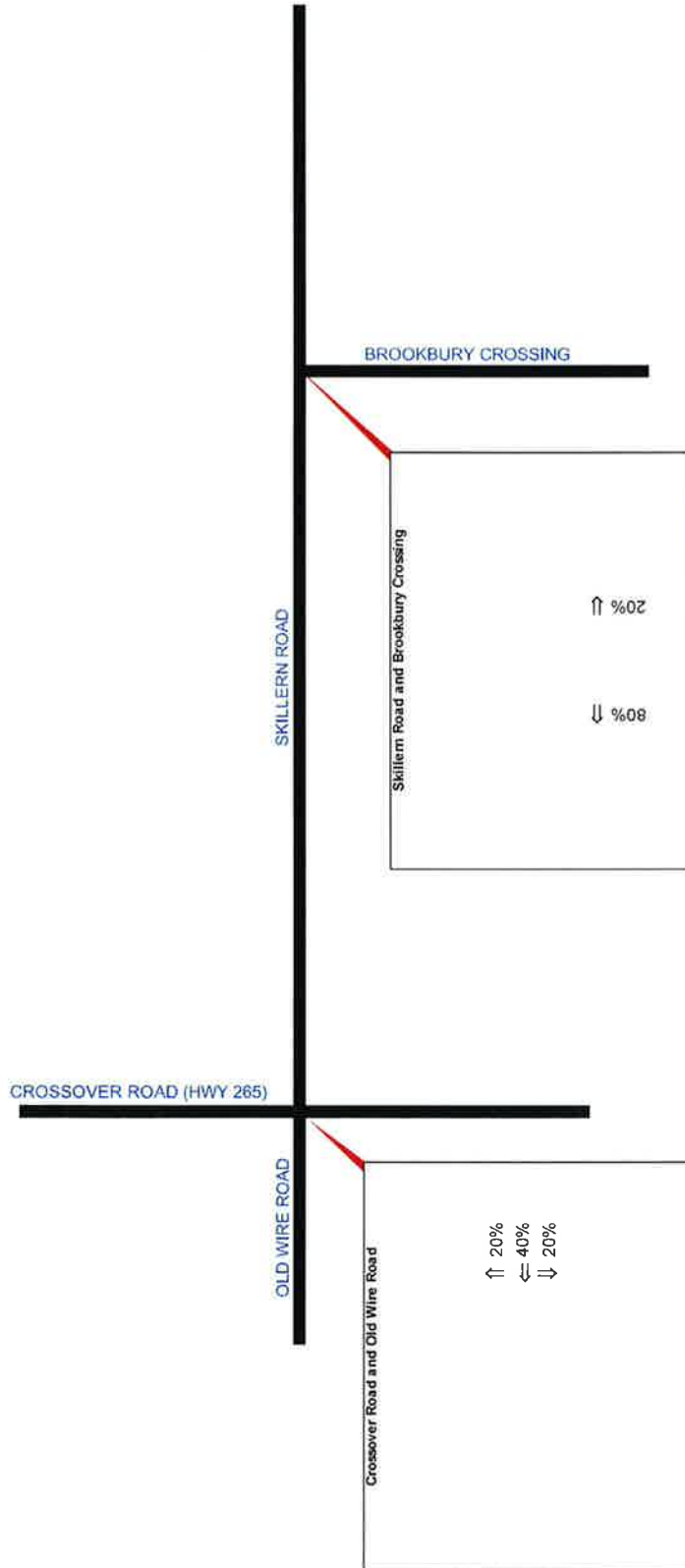
PETERS & ASSOCIATES
 ENGINEERS, INC.



RESIDENTIAL DEVELOPMENT BROOKBURY CROSSING AND SKILLERN ROAD FAYETTEVILLE, ARKANSAS

ENTERING TRAFFIC
 PERCENTAGE TURNS

FIGURE 5



PROJECT No. P1586
 DATE: 9-12-2012



PETERS & ASSOCIATES
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RESIDENTIAL DEVELOPMENT BROOKBURY CROSSING AND SKILLERN ROAD FAYETTEVILLE, ARKANSAS

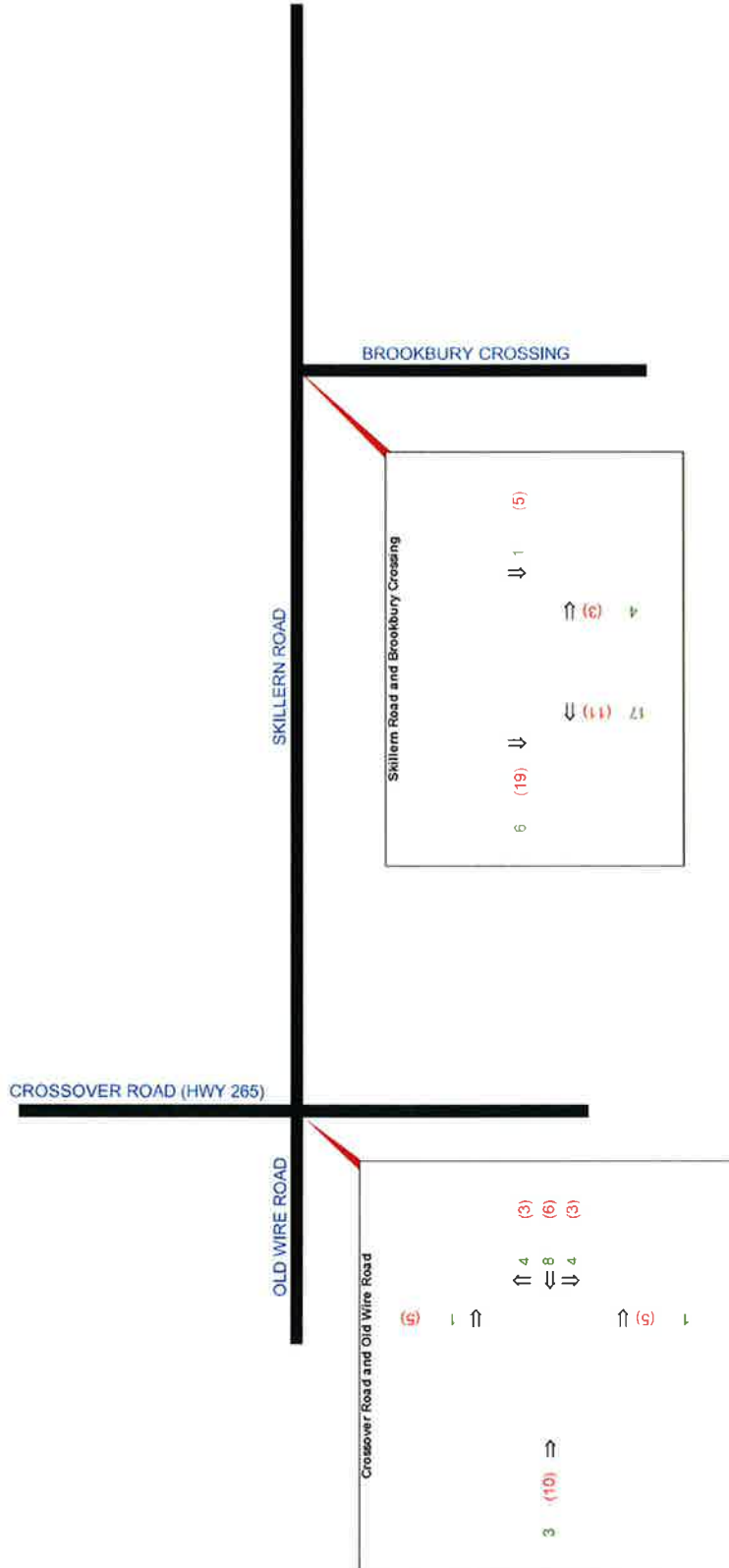
EXITING TRAFFIC
 PERCENTAGE TUBES

FIGURE
 6



PEAK HOURS KEY

xxx = AM Peak Hour
 (xxx) = PM Peak Hour



RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT No. P1586
 DATE: 9-12-2012
PETERS & ASSOCIATES
 ENGINEERS, INC.



SITE-GENERAL LAYOUT
 TRAFFIC VOLUMES
 AM AND PM PEAK HOURS
 FIGURE 7

PROJECT NO. P1586
 DATE: 9-12-2012
 PETERS & ASSOCIATES
 ENGINEERS, INC.

**RESIDENTIAL DEVELOPMENT
 BROOKBURY CROSSING AND SKILLERN ROAD
 FAYETTEVILLE, ARKANSAS**

PROJECT NO. P1586
 DATE: 9-12-2012

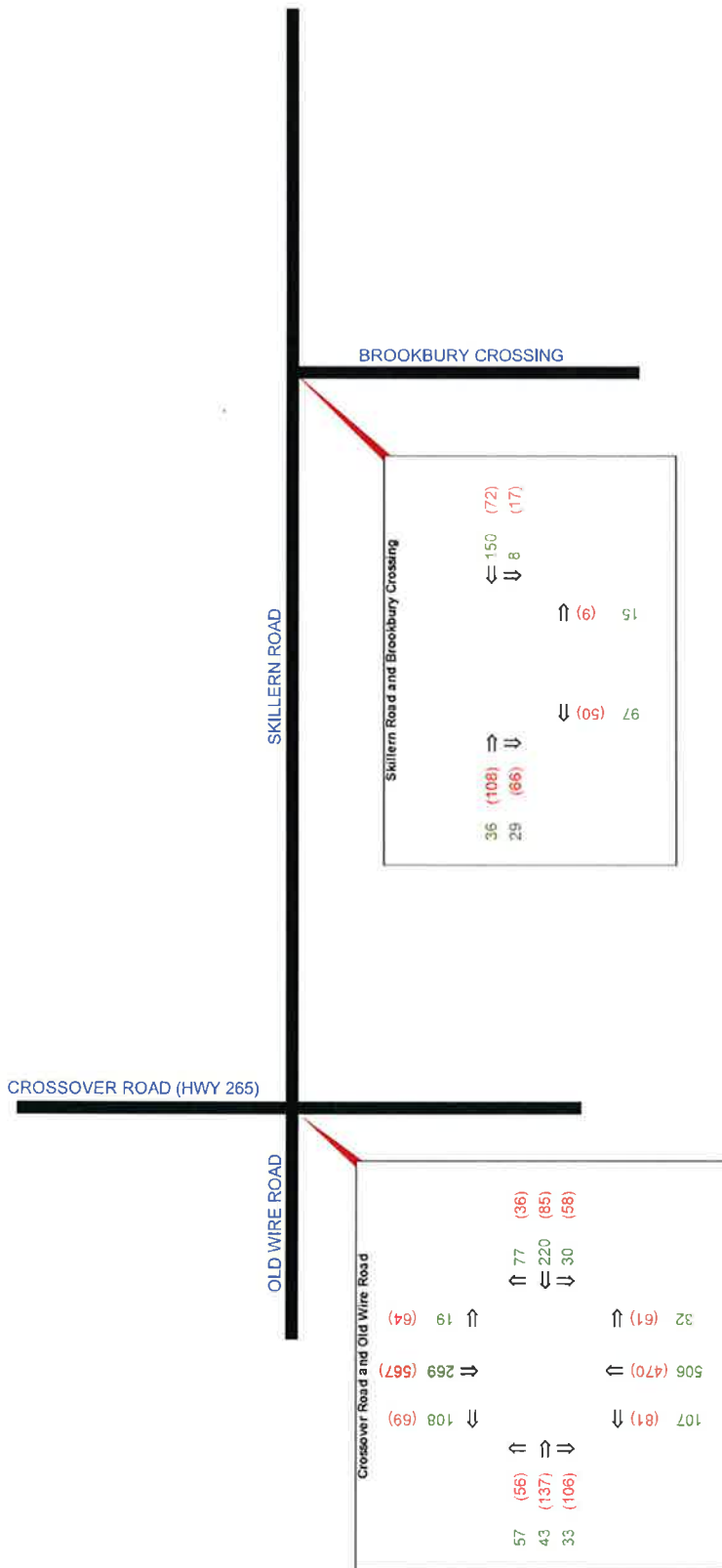


TRAFFIC VOLUMES
 AM AND PM PEAK HOURS
 FIGURE B.1
 8



PEAK HOURS KEY

xxx = AM Peak Hour
 (xxx) = PM Peak Hour



APPENDIX

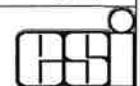


Site Plan



PRELIMINARY LAYOUT "M"
FAYETTEVILLE 21 ACRE PROPERTY
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

ENGINEERING SERVICES
 INCORPORATED
 1207 SOUTH OLD MISSOURI RD.
 SPRINGDALE, ARKANSAS 72764



NO.	REVISION	DATE	DESCRIPTION
1			

Trip-Generation Data



Fayetteville, AR

P1586

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
				ENTER	EXIT	ENTER	EXIT
Single-Family Residential	37 Lots	210	354	7	21	24	14
TOTAL ENTERING + EXITING				28		38	

P1586 - Residential Development
Summary of Average Vehicle Trip Generation
For 37 Dwelling Units of Single Family Detached Housing
September 12, 2012

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	354	7	21	24	14

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	373	18	16
Sunday	324	17	15

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Vehicle Turning Movement Count Data



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Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

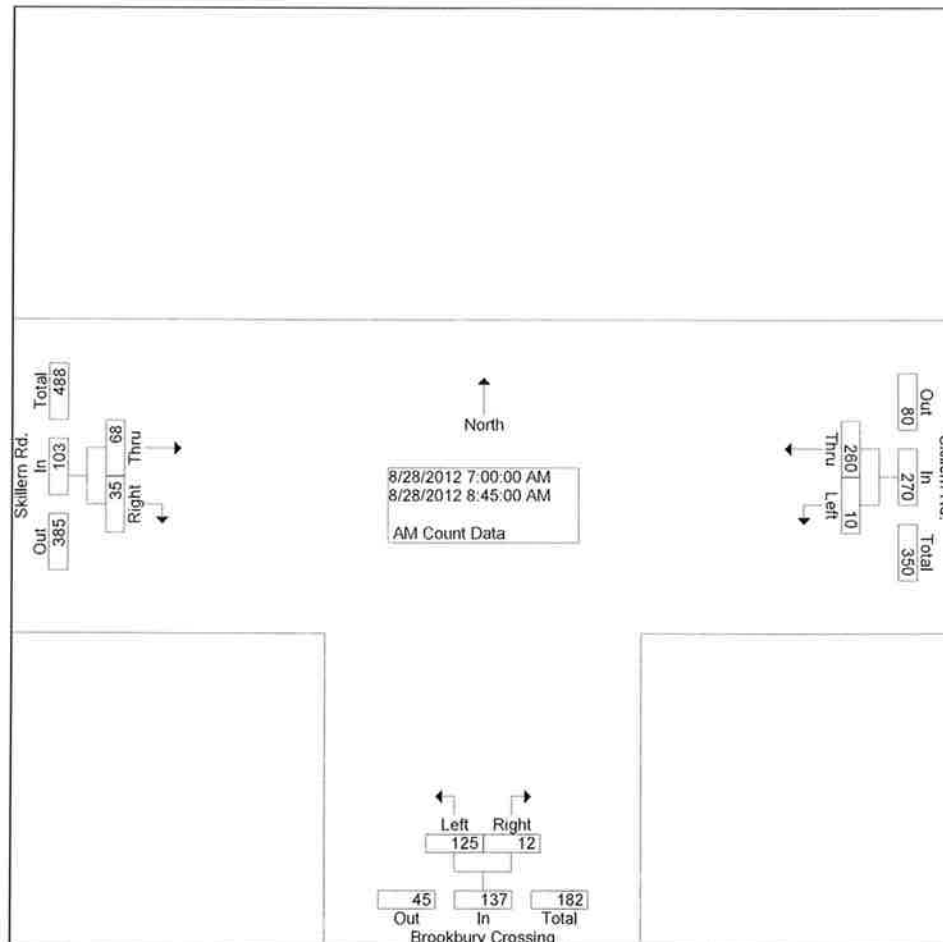
B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 71 of 192

AM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

File Name : AM-Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 1

Groups Printed- AM Count Data

Start Time	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			Int. Total
	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	
Factor	1.0	1.0		1.0	1.0		1.0	1.0		
07:00 AM	44	1	45	0	9	9	3	1	4	58
07:15 AM	58	1	59	1	32	33	2	3	5	97
07:30 AM	36	0	36	5	24	29	4	8	12	77
07:45 AM	29	1	30	4	15	19	5	13	18	67
Total	167	3	170	10	80	90	14	25	39	299
08:00 AM	27	5	32	1	9	10	12	12	24	66
08:15 AM	19	1	20	0	19	19	3	10	13	52
08:30 AM	24	0	24	0	6	6	3	11	14	44
08:45 AM	23	1	24	1	11	12	3	10	13	49
Total	93	7	100	2	45	47	21	43	64	211
Grand Total	260	10	270	12	125	137	35	68	103	510
Apprch %	96.3	3.7		8.8	91.2		34.0	66.0		
Total %	51.0	2.0	52.9	2.4	24.5	26.9	6.9	13.3	20.2	



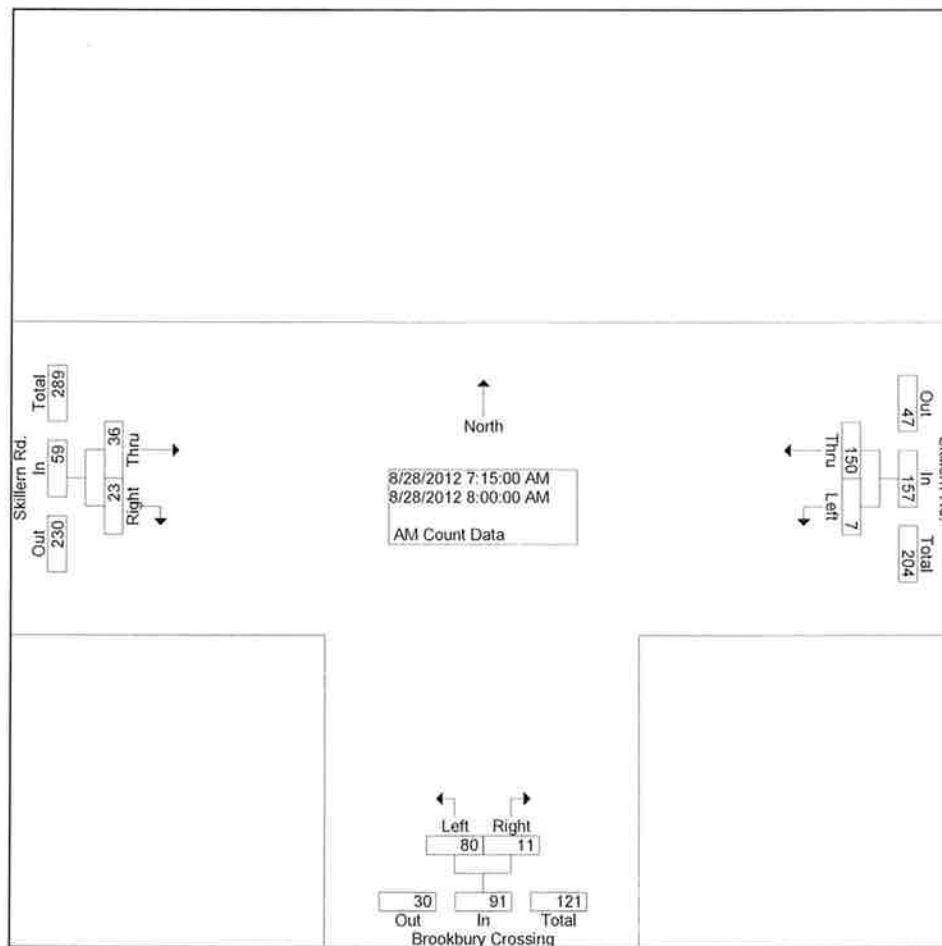
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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AM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

File Name : AM-Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 2

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1										
Intersection	07:15 AM									
Volume	150	7	157	11	80	91	23	36	59	307
Percent	95.5	4.5		12.1	87.9		39.0	61.0		
07:15 Volume	58	1	59	1	32	33	2	3	5	97
Peak Factor										0.791
High Int.	07:15 AM			07:15 AM			08:00 AM			
Volume	58	1	59	1	32	33	12	12	24	
Peak Factor			0.665			0.689			0.615	



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

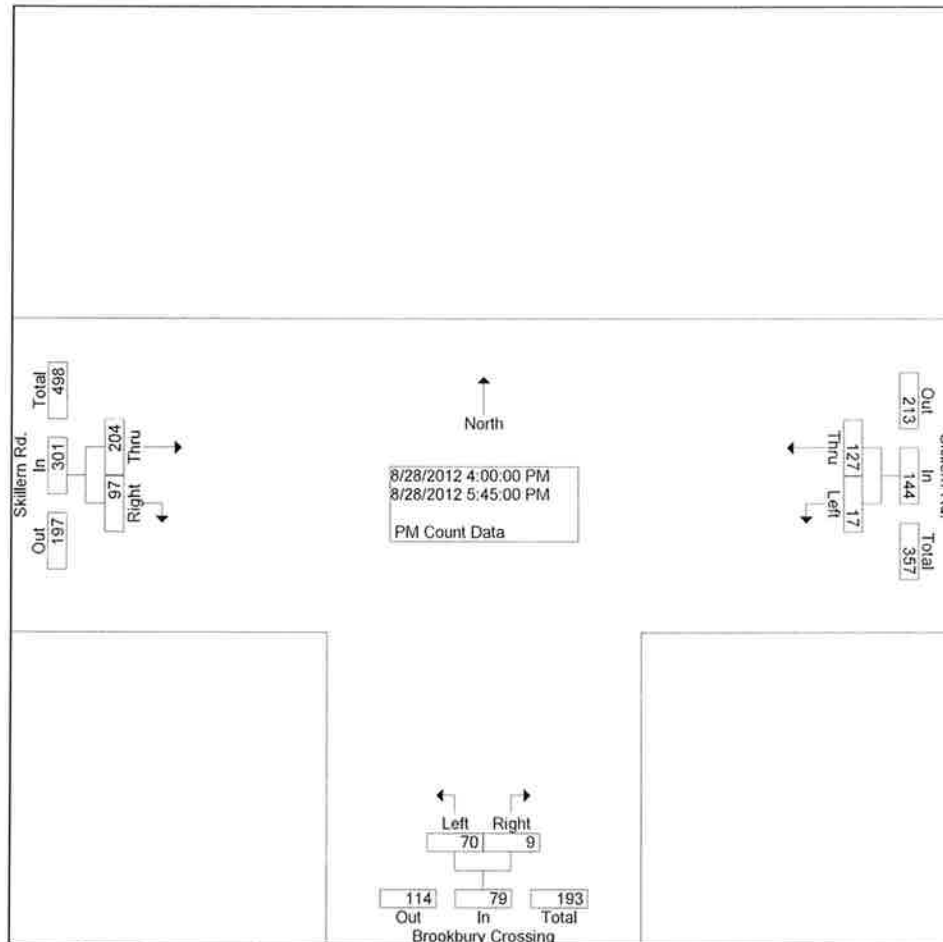
PM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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File Name : PM-Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 1

Groups Printed- PM Count Data

Start Time Factor	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			Int. Total
	Thru 1.0	Left 1.0	App. Total	Right 1.0	Left 1.0	App. Total	Right 1.0	Thru 1.0	App. Total	
04:00 PM	14	0	14	1	10	11	10	19	29	54
04:15 PM	8	1	9	0	8	8	12	29	41	58
04:30 PM	20	1	21	1	7	8	10	22	32	61
04:45 PM	13	3	16	1	6	7	18	26	44	67
Total	55	5	60	3	31	34	50	96	146	240
05:00 PM	13	3	16	2	17	19	9	23	32	67
05:15 PM	15	3	18	1	13	14	10	25	35	67
05:30 PM	19	3	22	2	2	4	14	34	48	74
05:45 PM	25	3	28	1	7	8	14	26	40	76
Total	72	12	84	6	39	45	47	108	155	284
Grand Total	127	17	144	9	70	79	97	204	301	524
Apprch %	88.2	11.8		11.4	88.6		32.2	67.8		
Total %	24.2	3.2	27.5	1.7	13.4	15.1	18.5	38.9	57.4	



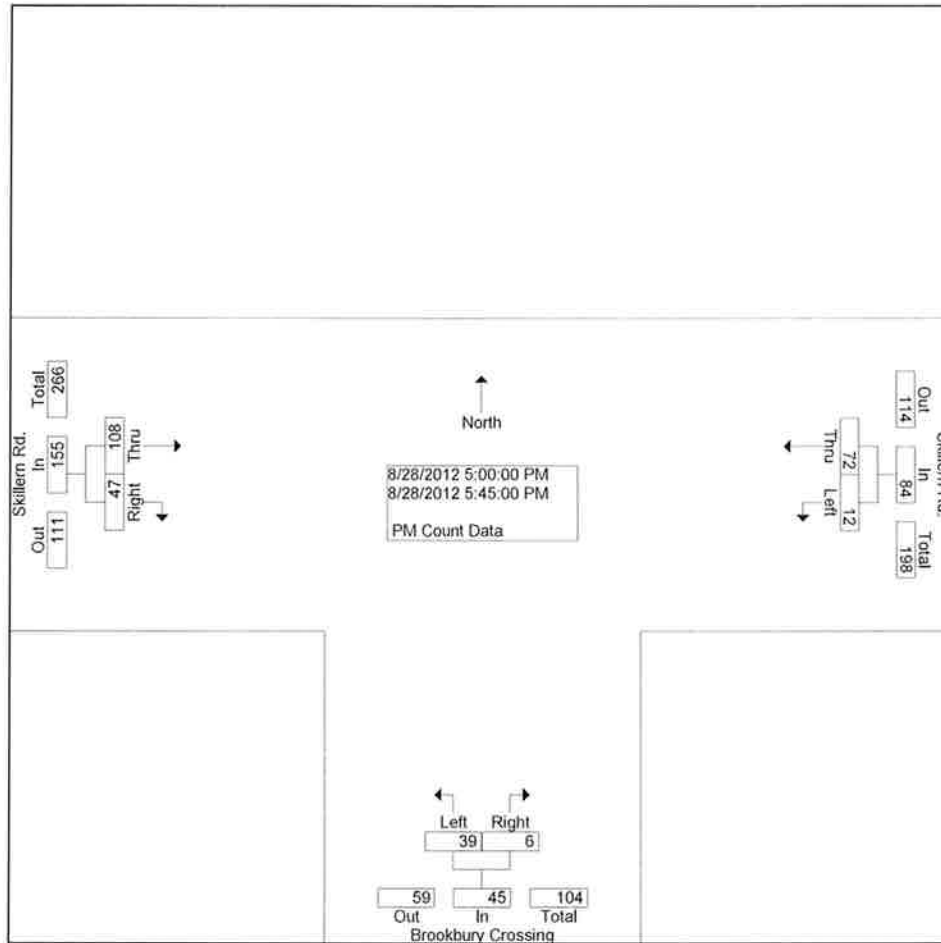
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

PM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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File Name : PM-Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 2

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1										
Intersection	05:00 PM									
Volume	72	12	84	6	39	45	47	108	155	284
Percent	85.7	14.3		13.3	86.7		30.3	69.7		
05:45 Volume	25	3	28	1	7	8	14	26	40	76
Peak Factor										0.934
High Int.	05:45 PM			05:00 PM			05:30 PM			
Volume	25	3	28	2	17	19	14	34	48	
Peak Factor	0.750			0.592			0.807			



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

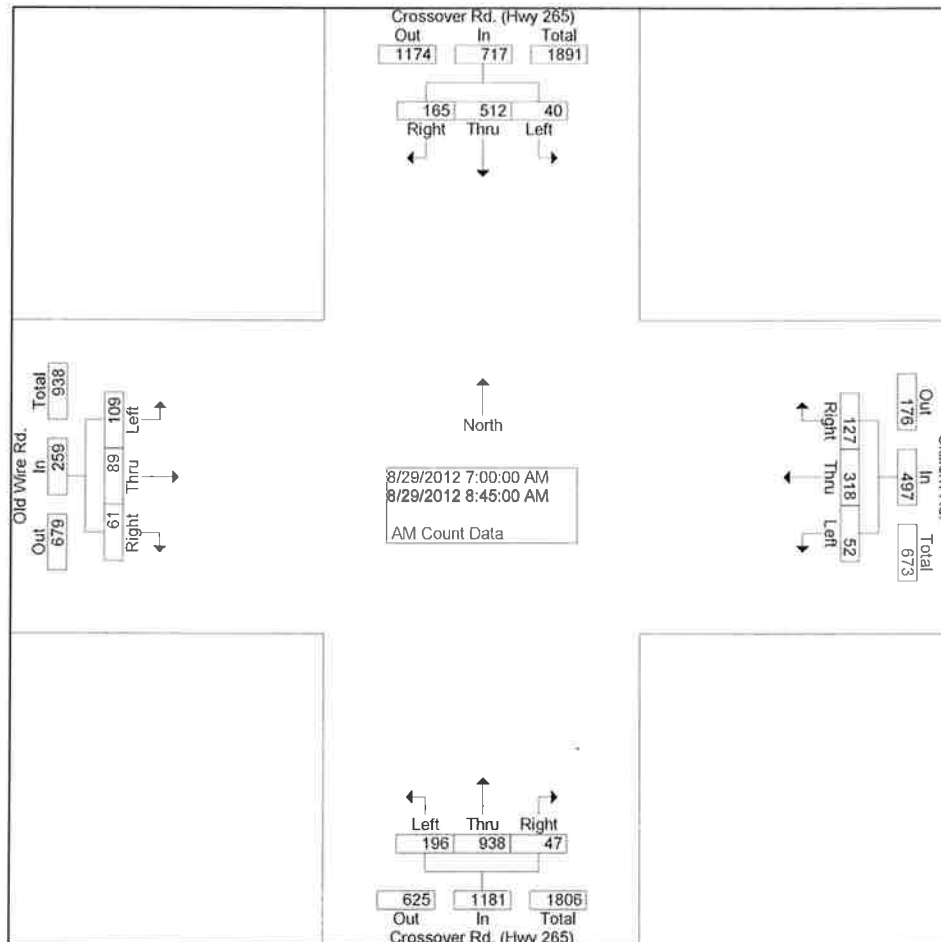
B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 75 of 192

AM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

File Name : AM-OW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 1

Groups Printed- AM Count Data

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Factor	1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		
07:00 AM	13	42	3	58	22	43	4	69	6	80	18	104	5	8	8	21	252
07:15 AM	21	58	5	84	32	61	8	101	5	90	26	121	9	11	15	35	341
07:30 AM	31	77	4	112	17	52	6	75	5	124	32	161	12	12	18	42	390
07:45 AM	22	72	4	98	8	40	6	54	11	115	24	150	6	8	14	28	330
Total	87	249	16	352	79	196	24	299	27	409	100	536	32	39	55	126	1313
08:00 AM	34	62	5	101	16	59	6	81	10	177	25	212	6	9	10	25	419
08:15 AM	17	59	7	83	9	26	8	43	6	123	23	152	11	12	20	43	321
08:30 AM	14	75	7	96	12	19	4	35	3	122	22	147	5	8	8	21	299
08:45 AM	13	67	5	85	11	18	10	39	1	107	26	134	7	21	16	44	302
Total	78	263	24	365	48	122	28	198	20	529	96	645	29	50	54	133	1341
Grand Total	165	512	40	717	127	318	52	497	47	938	196	1181	61	89	109	259	2654
Apprch %	23.0	71.4	5.6		25.6	64.0	10.5		4.0	79.4	16.6		23.6	34.4	42.1		
Total %	6.2	19.3	1.5	27.0	4.8	12.0	2.0	18.7	1.8	35.3	7.4	44.5	2.3	3.4	4.1	9.8	



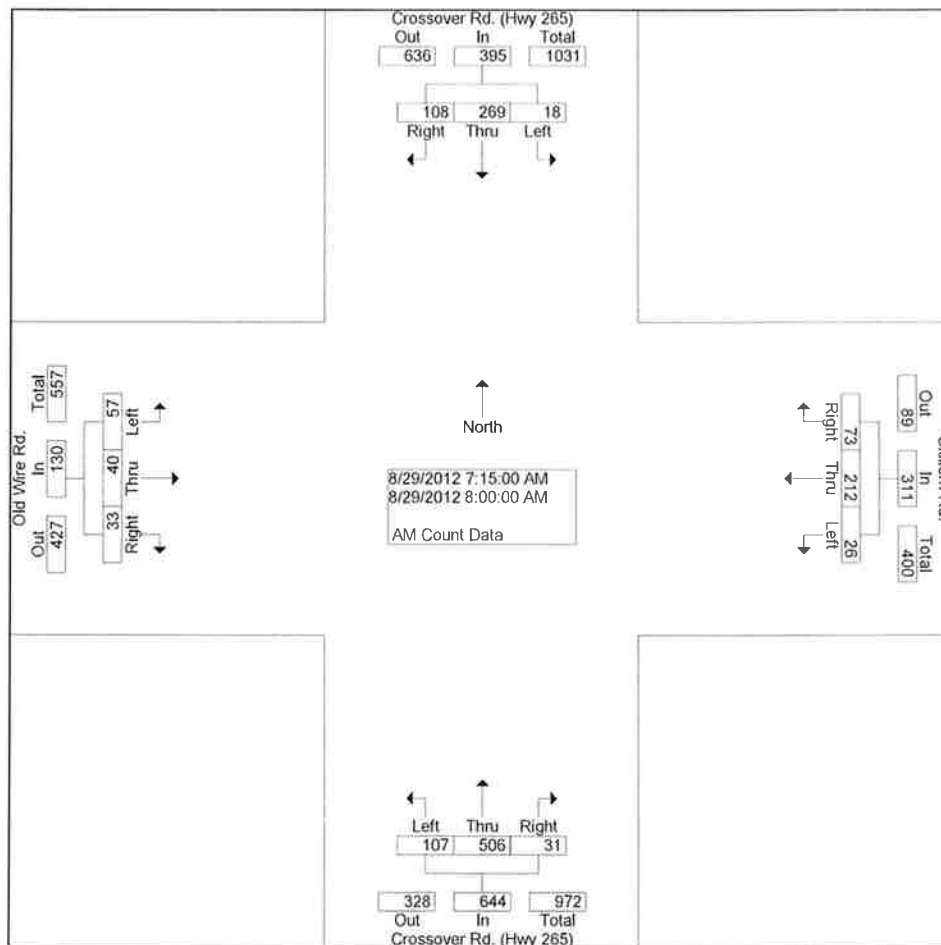
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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AM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

File Name : AM-OW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 2

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Intersection 07:15 AM																	
Volume	108	269	18	395	73	212	26	311	31	506	107	644	33	40	57	130	1480
Percent	27.3	68.1	4.6		23.5	68.2	8.4		4.8	78.6	16.6		25.4	30.8	43.8		
08:00																	
Volume	34	62	5	101	16	59	6	81	10	177	25	212	6	9	10	25	419
Peak Factor																	0.883
High Int. 07:30 AM					07:15 AM				08:00 AM				07:30 AM				
Volume	31	77	4	112	32	61	8	101	10	177	25	212	12	12	18	42	
Peak Factor				0.882				0.770				0.759				0.774	



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

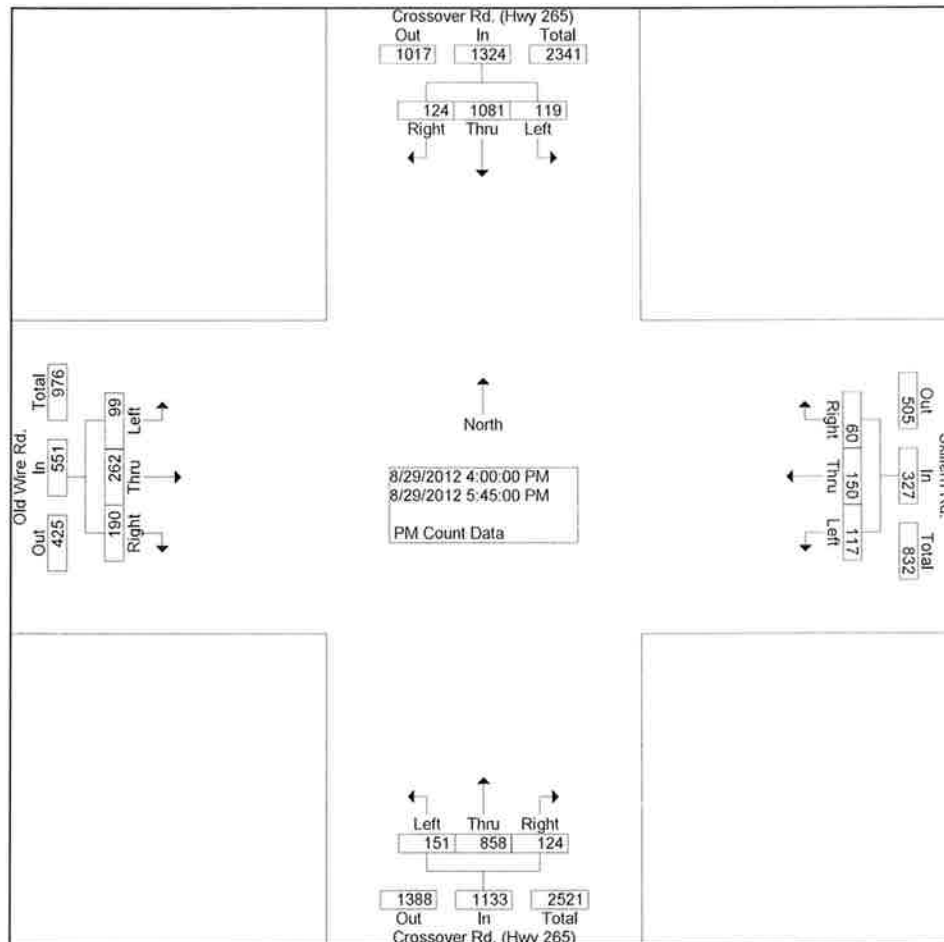
B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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PM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

File Name : PM-OW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 1

Groups Printed- PM Count Data

Start Time	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
Factor	1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		
04:00 PM	8	119	10	137	2	8	11	21	15	90	15	120	15	19	11	45	323
04:15 PM	15	124	6	145	8	26	22	56	21	108	14	143	14	37	9	60	404
04:30 PM	16	154	16	186	6	13	13	32	17	110	20	147	22	28	18	68	433
04:45 PM	19	127	14	160	6	23	22	51	9	106	27	142	28	26	12	66	419
Total	58	524	46	628	22	70	68	160	62	414	76	552	79	110	50	239	1579
05:00 PM	14	136	9	159	8	20	7	35	13	115	18	146	28	43	15	86	426
05:15 PM	20	150	20	190	13	23	13	49	17	139	16	172	28	30	11	69	480
05:30 PM	14	114	21	149	11	15	17	43	20	86	27	133	33	42	7	82	407
05:45 PM	18	157	23	198	6	22	12	40	12	104	14	130	22	37	16	75	443
Total	66	557	73	696	38	80	49	167	62	444	75	581	111	152	49	312	1756
Grand Total	124	1081	119	1324	60	150	117	327	124	858	151	1133	190	262	99	551	3335
Apprch %	9.4	81.6	9.0		18.3	45.9	35.8		10.9	75.7	13.3		34.5	47.5	18.0		
Total %	3.7	32.4	3.6	39.7	1.8	4.5	3.5	9.8	3.7	25.7	4.5	34.0	5.7	7.9	3.0	16.5	



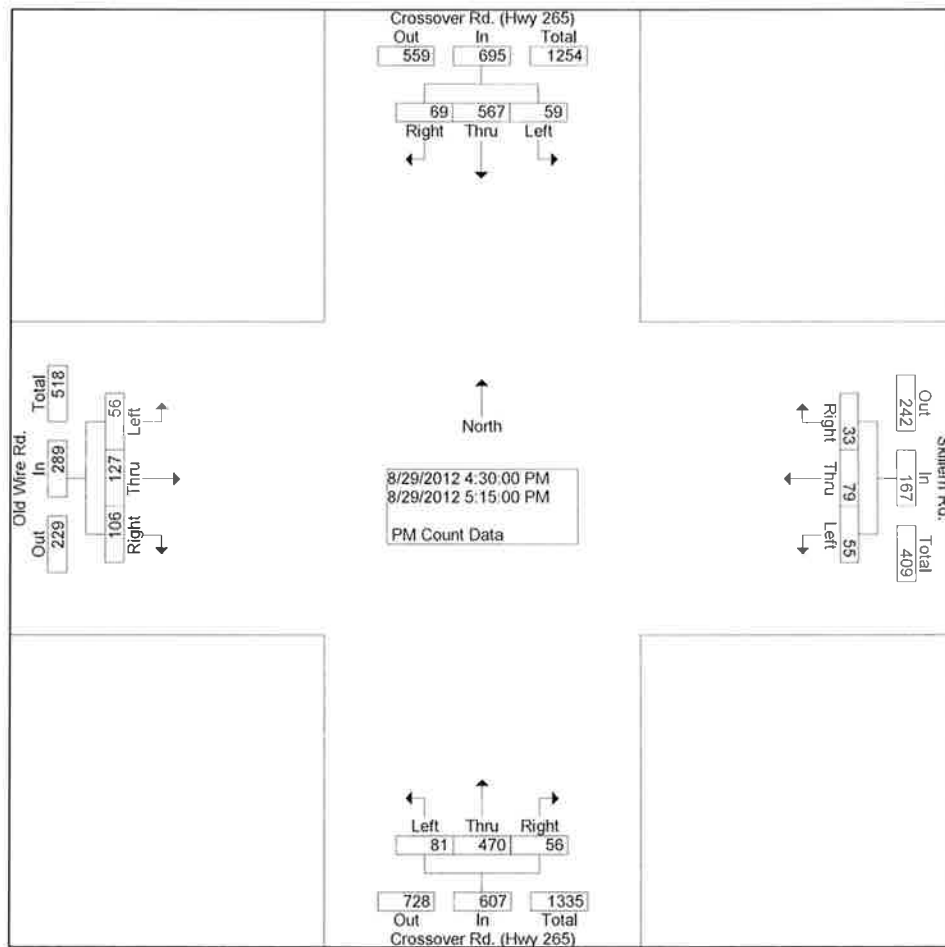
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

PM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
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File Name : PM-OW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 2

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Intersection	04:30 PM																
Volume	69	567	59	695	33	79	55	167	56	470	81	607	106	127	56	289	1758
Percent	9.9	81.6	8.5		19.8	47.3	32.9		9.2	77.4	13.3		36.7	43.9	19.4		
05:15																	
Volume	20	150	20	190	13	23	13	49	17	139	16	172	28	30	11	69	480
Peak Factor																	0.916
High Int.	05:15 PM				04:45 PM				05:15 PM				05:00 PM				
Volume	20	150	20	190	6	23	22	51	17	139	16	172	28	43	15	86	
Peak Factor																	0.840
	0.914				0.819				0.882								



Capacity & Level of Service Calculations



Queues

1: Old Wire Rd & Crossover Rd

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	62	79	28	309	116	584	20	409
v/c Ratio	0.20	0.16	0.07	0.66	0.26	0.36	0.06	0.28
Control Delay	11.7	9.9	10.7	22.3	11.3	11.5	11.3	10.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.7	9.9	10.7	22.3	11.3	11.5	11.3	10.6
Queue Length 50th (ft)	12	8	5	78	20	58	3	37
Queue Length 95th (ft)	29	36	17	146	48	129	13	73
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	304	601	386	575	454	1642	320	1446
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.20	0.13	0.07	0.54	0.26	0.36	0.06	0.28
Intersection Summary								

HCM Signalized Intersection Capacity Analysis
1: Old Wire Rd & Crossover Rd

Timing Plan
9/7/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.99		1.00	0.96	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1735		1770	1791		1770	3508		1770	3387	
Flt Permitted	0.35	1.00		0.71	1.00		0.47	1.00		0.41	1.00	
Satd. Flow (perm)	646	1735		1314	1791		875	3508		763	3387	
Volume (vph)	57	40	33	26	212	73	107	506	31	18	269	108
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	62	43	36	28	230	79	116	550	34	20	292	117
RTOR Reduction (vph)	0	27	0	0	24	0	0	6	0	0	65	0
Lane Group Flow (vph)	62	52	0	28	285	0	116	578	0	20	344	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	15.6	13.5		14.2	12.8		24.9	22.8		22.1	21.4	
Effective Green, g (s)	15.6	13.5		14.2	12.8		24.9	22.8		22.1	21.4	
Actuated g/C Ratio	0.29	0.25		0.26	0.24		0.46	0.42		0.41	0.39	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	229	431		355	421		435	1470		323	1332	
v/s Ratio Prot	c0.01	0.03		0.00	c0.16		c0.01	c0.16		0.00	0.10	
v/s Ratio Perm	0.07			0.02			0.11			0.02		
v/c Ratio	0.27	0.12		0.08	0.68		0.27	0.39		0.06	0.26	
Uniform Delay, d1	14.6	15.8		15.1	18.9		8.6	11.0		9.7	11.1	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.6	0.1		0.1	4.3		0.3	0.8		0.1	0.5	
Delay (s)	15.3	16.0		15.2	23.2		8.9	11.8		9.8	11.6	
Level of Service	B	B		B	C		A	B		A	B	
Approach Delay (s)		15.7			22.6			11.3			11.5	
Approach LOS		B			C			B			B	

Intersection Summary

HCM Average Control Delay	14.1	HCM Level of Service	B
HCM Volume to Capacity ratio	0.44		
Actuated Cycle Length (s)	54.4	Sum of lost time (s)	12.0
Intersection Capacity Utilization	50.6%	ICU Level of Service	A
Analysis Period (min)	15		
c Critical Lane Group			

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Timing Plan
9/7/2012

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↗	↘	↘
Sign Control	Free			Free	Stop	Stop
Grade	0%			0%	0%	
Volume (veh/h)	36	23	7	150	80	11
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	39	25	8	163	87	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			64		230	52
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			64		230	52
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		88	99
cM capacity (veh/h)			1538		755	1016
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	64	171	99			
Volume Left	0	8	87			
Volume Right	25	0	12			
cSH	1700	1538	779			
Volume to Capacity	0.04	0.00	0.13			
Queue Length 95th (ft)	0	0	11			
Control Delay (s)	0.0	0.4	10.3			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.4	10.3			
Approach LOS			B			
Intersection Summary						
Average Delay		3.2				
Intersection Capacity Utilization		25.4%		ICU Level of Service		A
Analysis Period (min)		15				

Queues

1: Old Wire Rd & Crossover Rd

Timing Plan PM

9/7/2012

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	61	253	60	122	88	572	64	691
v/c Ratio	0.17	0.59	0.20	0.30	0.29	0.38	0.18	0.45
Control Delay	11.6	17.6	12.0	13.7	11.4	13.1	10.0	13.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.6	17.6	12.0	13.7	11.4	13.1	10.0	13.8
Queue Length 50th (ft)	11	47	11	21	13	67	10	86
Queue Length 95th (ft)	29	102	29	55	39	124	30	153
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	352	575	298	561	307	1525	358	1525
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.44	0.20	0.22	0.29	0.38	0.18	0.45
Intersection Summary								

HCM Signalized Intersection Capacity Analysis
1: Old Wire Rd & Crossover Rd

Timing Plan
Page 8 of 12
9/7/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.98		1.00	0.98	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1736		1770	1780		1770	3483		1770	3482	
Flt Permitted	0.68	1.00		0.44	1.00		0.32	1.00		0.39	1.00	
Satd. Flow (perm)	1264	1736		821	1780		594	3483		730	3482	
Volume (vph)	56	127	106	55	79	33	81	470	56	59	567	69
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	61	138	115	60	86	36	88	511	61	64	616	75
RTOR Reduction (vph)	0	60	0	0	29	0	0	14	0	0	14	0
Lane Group Flow (vph)	61	193	0	60	93	0	88	558	0	64	677	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	12.7	10.5		12.7	10.5		23.5	21.3		23.5	21.3	
Effective Green, g (s)	12.7	10.5		12.7	10.5		23.5	21.3		23.5	21.3	
Actuated g/C Ratio	0.24	0.20		0.24	0.20		0.45	0.41		0.45	0.41	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	329	349		240	358		317	1421		372	1421	
v/s Ratio Prot	0.01	c0.11		c0.01	0.05		c0.01	0.16		0.01	c0.19	
v/s Ratio Perm	0.04			0.05			0.11			0.07		
v/c Ratio	0.19	0.55		0.25	0.26		0.28	0.39		0.17	0.48	
Uniform Delay, d1	15.5	18.7		15.5	17.6		8.5	10.9		8.2	11.4	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.3	1.9		0.5	0.4		0.5	0.8		0.2	1.1	
Delay (s)	15.8	20.6		16.1	18.0		8.9	11.7		8.5	12.5	
Level of Service	B	C		B	B		A	B		A	B	
Approach Delay (s)		19.7			17.4			11.3			12.2	
Approach LOS		B			B			B			B	
Intersection Summary												
HCM Average Control Delay		13.6					HCM Level of Service			B		
HCM Volume to Capacity ratio		0.47										
Actuated Cycle Length (s)		52.2					Sum of lost time (s)			16.0		
Intersection Capacity Utilization		52.2%					ICU Level of Service			A		
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↗	↘	↘
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	108	47	12	72	39	6
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	117	51	13	78	42	7
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			168		247	143
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			168		247	143
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		94	99
cM capacity (veh/h)			1409		734	905
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	168	91	49			
Volume Left	0	13	42			
Volume Right	51	0	7			
cSH	1700	1409	753			
Volume to Capacity	0.10	0.01	0.06			
Queue Length 95th (ft)	0	1	5			
Control Delay (s)	0.0	1.1	10.1			
Lane LOS		A	B			
Approach Delay (s)	0.0	1.1	10.1			
Approach LOS			B			
Intersection Summary						
Average Delay			1.9			
Intersection Capacity Utilization		24.0%		ICU Level of Service		A
Analysis Period (min)			15			

Queues

1: Old Wire Rd & Crossover Rd

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	62	83	33	323	116	585	21	409
v/c Ratio	0.21	0.17	0.09	0.70	0.24	0.35	0.07	0.30
Control Delay	12.1	10.1	11.0	24.2	10.7	11.5	11.4	11.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	12.1	10.1	11.0	24.2	10.7	11.5	11.4	11.1
Queue Length 50th (ft)	12	9	6	82	21	60	4	38
Queue Length 95th (ft)	29	38	19	153	48	129	14	73
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	292	585	383	555	481	1687	315	1363
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.21	0.14	0.09	0.58	0.24	0.35	0.07	0.30
Intersection Summary								

HCM Signalized Intersection Capacity Analysis

1: Old Wire Rd & Crossover Rd

Timing Plan 192AM

9/12/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.99		1.00	0.96	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1742		1770	1790		1770	3507		1770	3387	
Flt Permitted	0.31	1.00		0.70	1.00		0.44	1.00		0.43	1.00	
Satd. Flow (perm)	578	1742		1310	1790		829	3507		801	3387	
Volume (vph)	57	43	33	30	220	77	107	506	32	19	269	108
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	62	47	36	33	239	84	116	550	35	21	292	117
RTOR Reduction (vph)	0	27	0	0	25	0	0	7	0	0	66	0
Lane Group Flow (vph)	62	56	0	33	298	0	116	578	0	21	343	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	16.0	13.8		14.4	13.0		27.4	24.2		22.4	21.7	
Effective Green, g (s)	16.0	13.8		14.4	13.0		27.4	24.2		22.4	21.7	
Actuated g/C Ratio	0.29	0.25		0.26	0.23		0.49	0.43		0.40	0.39	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	212	429		348	415		459	1513		332	1310	
v/s Ratio Prot	c0.01	0.03		0.00	c0.17		c0.01	c0.16		0.00	0.10	
v/s Ratio Perm	0.07			0.02			0.11			0.02		
v/c Ratio	0.29	0.13		0.09	0.72		0.25	0.38		0.06	0.26	
Uniform Delay, d1	15.2	16.5		15.8	19.9		8.0	10.9		10.2	11.7	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.8	0.1		0.1	5.9		0.3	0.7		0.1	0.5	
Delay (s)	16.0	16.6		15.9	25.7		8.2	11.6		10.3	12.2	
Level of Service	B	B		B	C		A	B		B	B	
Approach Delay (s)		16.3			24.8			11.0			12.1	
Approach LOS		B			C			B			B	
Intersection Summary												
HCM Average Control Delay		14.8					HCM Level of Service			B		
HCM Volume to Capacity ratio		0.50										
Actuated Cycle Length (s)		56.1					Sum of lost time (s)		16.0			
Intersection Capacity Utilization		51.3%					ICU Level of Service		A			
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Timing Plan
9/12/2012

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↗	↘	
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	36	29	8	150	97	15
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	39	32	9	163	105	16
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			71		235	55
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			71		235	55
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		86	98
cM capacity (veh/h)			1530		749	1012
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	71	172	122			
Volume Left	0	9	105			
Volume Right	32	0	16			
cSH	1700	1530	776			
Volume to Capacity	0.04	0.01	0.16			
Queue Length 95th (ft)	0	0	14			
Control Delay (s)	0.0	0.4	10.5			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.4	10.5			
Approach LOS			B			
Intersection Summary						
Average Delay			3.7			
Intersection Capacity Utilization		27.4%		ICU Level of Service		A
Analysis Period (min)			15			

Queues

1: Old Wire Rd & Crossover Rd

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	61	264	63	131	88	577	70	691
v/c Ratio	0.17	0.61	0.21	0.31	0.29	0.38	0.20	0.46
Control Delay	11.5	18.6	12.1	13.8	11.5	13.2	10.3	14.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.5	18.6	12.1	13.8	11.5	13.2	10.3	14.0
Queue Length 50th (ft)	11	52	12	23	14	69	11	87
Queue Length 95th (ft)	29	109	30	58	39	125	32	153
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	355	573	296	563	305	1514	354	1514
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.46	0.21	0.23	0.29	0.38	0.20	0.46
Intersection Summary								

HCM Signalized Intersection Capacity Analysis

1: Old Wire Rd & Crossover Rd

Timing Plan 2 PM

9/12/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.98		1.00	0.98	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1741		1770	1780		1770	3478		1770	3482	
Flt Permitted	0.67	1.00		0.42	1.00		0.32	1.00		0.39	1.00	
Satd. Flow (perm)	1254	1741		786	1780		591	3478		721	3482	
Volume (vph)	56	137	106	58	85	36	81	470	61	64	567	69
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	61	149	115	63	92	39	88	511	66	70	616	75
RTOR Reduction (vph)	0	55	0	0	30	0	0	15	0	0	14	0
Lane Group Flow (vph)	61	209	0	63	101	0	88	562	0	70	677	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	12.9	10.7		12.9	10.7		23.3	21.1		23.3	21.1	
Effective Green, g (s)	12.9	10.7		12.9	10.7		23.3	21.1		23.3	21.1	
Actuated g/C Ratio	0.25	0.20		0.25	0.20		0.45	0.40		0.45	0.40	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	332	357		236	365		313	1406		366	1407	
v/s Ratio Prot	0.01	c0.12		c0.01	0.06		c0.01	0.16		0.01	c0.19	
v/s Ratio Perm	0.04			0.05			0.11			0.08		
v/c Ratio	0.18	0.59		0.27	0.28		0.28	0.40		0.19	0.48	
Uniform Delay, d1	15.3	18.7		15.4	17.5		8.6	11.1		8.4	11.5	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.3	2.4		0.6	0.4		0.5	0.9		0.3	1.2	
Delay (s)	15.6	21.2		16.0	17.9		9.1	11.9		8.6	12.7	
Level of Service	B	C		B	B		A	B		A	B	
Approach Delay (s)		20.1			17.3			11.5			12.3	
Approach LOS		C			B			B			B	
Intersection Summary												
HCM Average Control Delay			13.8			HCM Level of Service				B		
HCM Volume to Capacity ratio			0.49									
Actuated Cycle Length (s)			52.2			Sum of lost time (s)				16.0		
Intersection Capacity Utilization			52.7%			ICU Level of Service				A		
Analysis Period (min)			15									
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↗	↘	
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	108	66	17	72	50	9
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	117	72	18	78	54	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			189		268	153
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			189		268	153
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		92	99
cM capacity (veh/h)			1385		711	893
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	189	97	64			
Volume Left	0	18	54			
Volume Right	72	0	10			
cSH	1700	1385	734			
Volume to Capacity	0.11	0.01	0.09			
Queue Length 95th (ft)	0	1	7			
Control Delay (s)	0.0	1.5	10.4			
Lane LOS		A	B			
Approach Delay (s)	0.0	1.5	10.4			
Approach LOS			B			
Intersection Summary						
Average Delay		2.3				
Intersection Capacity Utilization		27.8%	ICU Level of Service		A	
Analysis Period (min)		15				



PETERS & ASSOCIATES
ENGINEERS, INC.

• *CIVIL & TRAFFIC ENGINEERING* •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

Sondra Smith - [FWD: Re: Proposal for Conservation Easement - Brookbury Woods 21 acre parcel]

From: <justin@tenantforcouncil.com>
To: "Sondra Smith" <ssmith@ci.fayetteville.ar.us>
Date: 10/8/2012 9:29 AM
Subject: [FWD: Re: Proposal for Conservation Easement - Brookbury Woods 21 acre parcel]
CC: "Kit Williams" <kwilliams@ci.fayetteville.ar.us>
Attachments: NE Fayetteville Eco-Corridor.jpg

Sondra,

We need this attached picture in our packet for the meeting on the 16th. It shows an aerial view of some of some of the land we are considering to rezone for a development around the Brookbury subdivision in east Fayetteville.

Thanks!

Justin

----- Original Message -----

Subject: Re: Proposal for Conservation Easement - Brookbury Woods 21 acre parcel

From: "S Boss" <stevebossphd@gmail.com>

Date: Sun, October 07, 2012 6:32 pm

To: <justin@tenantforcouncil.com>

Good day, Mr. Tennant:

I met with Sarah Lewis yesterday for a bit and she was very interested in pursuing conservation zoning for the 21 acre parcel. I pointed out to her that the 21 acre parcel in Brookbury connected to wooded areas surrounding Vandergriff and that it might make a stronger proposal to package all that land as greenspace or an eco-reserve. There are two or three streams that run together there, and the stream quality is quite good. The trees provide habitat for many birds and other wildlife. Sarah and I both thought it would be interesting to propose creating trails that connect the Brookbury-Savannah-Candlewood-Covington neighbors to the Vandergriff and McNair school. These trails would also connect neighborhoods to businesses on the HWY 45/HWY 265 corner, and that could be a plus for the city plans to make the city more walkable/bike-able, etc. It provides a safe corridor for children to walk to and from the schools. It provides natural space for the schools to use as outdoor teaching space for sciences and also creates a 'soft' boundary to the north, west, and east of Vandergriff that defines the school boundaries for children and others. I am attaching a Google Earth image of the area. On the east, it is bordered by the transmission line right of way; on the west, it is bordered by the creek. Developers will not be permitted to develop within the streamside corridor anyway, so the planned housing is problematic from that perspective.

There is NO preserved greenspace in NE Fayetteville, so far as I am aware. Neither has the city provided any parkland for NE Fayetteville residents. Our closest park is Gulley Park, and it is not accessible to children and residents without driving there. HWY 265 is a significant barrier, and will be more so for the foreseeable future. I would like to suggest to keep the rezoning proposal on its first reading at the Oct 16 City Council meeting, to permit more time to develop the conservation zoning proposal, if that is possible.

I will not be able to attend the meeting on the 16th as I will be out of town at a research conference, but someone from the neighborhood needs to present this basic idea at that time; Sarah said we should make sure the attached image is given to the council in advance and is displayed during the meeting. I would much prefer to see trees remain in the entire area bound by the yellow line on the image I am attaching.

On Mon, Oct 1, 2012 at 7:50 AM, S Boss <stevebossphd@gmail.com> wrote:
Good morning, Mr. Tennant:

I and several of my neighbors in the Brookbury Woods subdivision have recently been discussing the possibility of protecting the remaining undeveloped 21 acre parcel in Brookbury Woods under a Conservation Easement or establishment of a city park. The parcel is heavily wooded and abuts a stream running between Brookbury Woods and Candlewood subdivisions. As such, the property should also fall within the jurisdiction of the Fayetteville stream-side ordinance.

I wish to point out that the northeast quadrant of Fayetteville has seen substantial development during my 16 years as a resident, yet the city has not constructed or preserved any greenspace (to my knowledge) on this side of the city. There is currently no city park for the residents of this area, despite the significant contributions to city revenues from the property tax base. I suspect this is an oversight of city planning, but the population in the northeast quadrant (composed primarily of residential developments of Savannah, Brookbury Woods, Jackson Place, Candlewood, and Convington, with others) are woefully under-served by the city park system. The closest park is Gulley Park, but it is not accessible to children in these neighborhoods because there is no safe crossing at Highway 265 (Crossover Road). Additionally, residents of these neighborhoods are not connected to the Fayetteville trail system.

I wish to suggest that preserving the 21 acre parcel in Brookbury Woods as either conservation space or a city park would alleviate this issue and provide natural greenspace for all residents of the neighborhoods that surround the land. Preserving this land would also create a natural walkway for neighborhood children to walk from their homes to Vandergirff and McNair schools.

I hope you might see some wisdom in considering this proposal as an option to additional real estate development in northeast Fayetteville.

Thank you for your consideration,

Steve Boss
2730 Brookbury Crossing
Fayetteville, AR 72703
[479-973-9704](tel:479-973-9704)





Sondra Smith - Rezoning Decision 21 acres

From: "Integrated Balance" <integratedbalance@gmail.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 10/11/2012 8:12 AM
Subject: Rezoning Decision 21 acres
Attachments: 21Acres_PhotoTrafficMap_sm.pdf; Township Traffic 2.pdf

Please Forward to City Council Members

9/28/2012

Dear Mayor Jordan and City Council Members:

I have had the opportunity to review the traffic study that was prepared by a privately hired engineering firm for the proposed developer of the property south of Brookbury Woods. The data collected for this study is based upon a human count at two locations taken over the course of 2 days.

This study states that the impact of the number of homes that can be built with RSF-4 zoning will have no significant impact on traffic and uses projected data from a computer program to indicate that only 28 more trips will occur during peak am times.

This mathematical projection does not consider that two family members may go to work in separate cars, and/or one family member goes to work while one drives children to school, and possibly teenagers drive separately to high-school (which would, by common sense suggest that at minimum of 60 additional trips could occur during peak times if 37 additional households are added). The study does not account for construction traffic (dump trucks, cement trucks, large equipment, and contractors/laborers vehicles) that will be necessary to build the infrastructure and number of homes required at the proposed zoning density.

Cut and paste this link into your browser to view one of several video samples of the reality of the existing situation on Skillern/Brookbury on a relatively good day in our neighborhood after much of the high school traffic has already left in the morning (7:41-8:00 a.m.)

<http://dl.dropbox.com/u/64369768/2012-08-24%2007.41.40.WMV>

I have also included still photography of the existing traffic at this intersection as well as the traffic to the south of this proposed development to better inform the council that the possible proposal of a through street from Brookbury to Township as a solution is erroneous for several reasons:

- (1) This road would become a thoroughfare for the traffic seen in this video, onto an already congested street that serves as a school zone for two of the city's schools (which are at or above capacity).
- (2) The residents of Savanna and Brookbury & the new proposed development would now all be "dumping" onto Township, rather than Skillern - see photos of Township Traffic
- (3) Adding a "through" street will result in even greater density of homes to offset the cost of additional land and the cost to build that road, further denuding land that has valuable eco-structure, and increasing burden to city drainage

There are several wise-land-use alternatives for this 21 acres.

How this land is zoned will set the parameters for the use of this land and whether it takes into account several facets of Fayetteville's 2030 plan including: sustainability, connectivity, green initiatives, and

east-west traffic management.

I urge you to uphold the Planning Commission's recommendation for zoning at a lower density which will do all of the following:

1. Set the parameters for fewer homes and mitigate the need for a through street
2. Maintain safety of the neighborhood and prevent further disruption to traffic flow for existing/surrounding residents
3. Preserve a significant amount of the economically valuable eco-structure of this heavily wooded property
4. Limit the negative impact that a high number of roofs has on city drainage, particularly in an area that is uphill from an already existing flood plane

Thank-you in advance for your time and serious consideration of this issue.

Regards,

Kristen Veltkamp
Resident of Brookbury Woods
3043 E Summershade Drive
Fayetteville, AR 72703
479-713-9824

TAKEN WEST OF THE
BROOKBURY ENTRANCE
LOOKING TOWARD CROSSOVER



TAKEN AT INTERSECTION
FROM ENTRANCE OF JACKSON PLACE



CROSSOVER

OLD WIRE RD



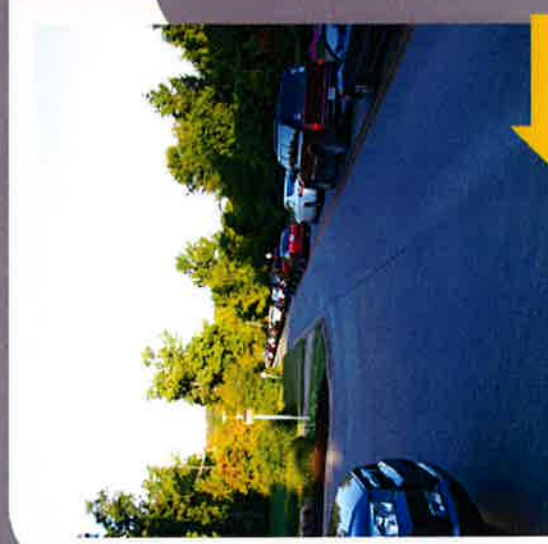
TO THE WEST TAKEN
FROM BROOKBURY ENTRANCE

TO THE EAST TAKEN
FROM BROOKBURY ENTRANCE



SKILLERN RD

CO RD 536



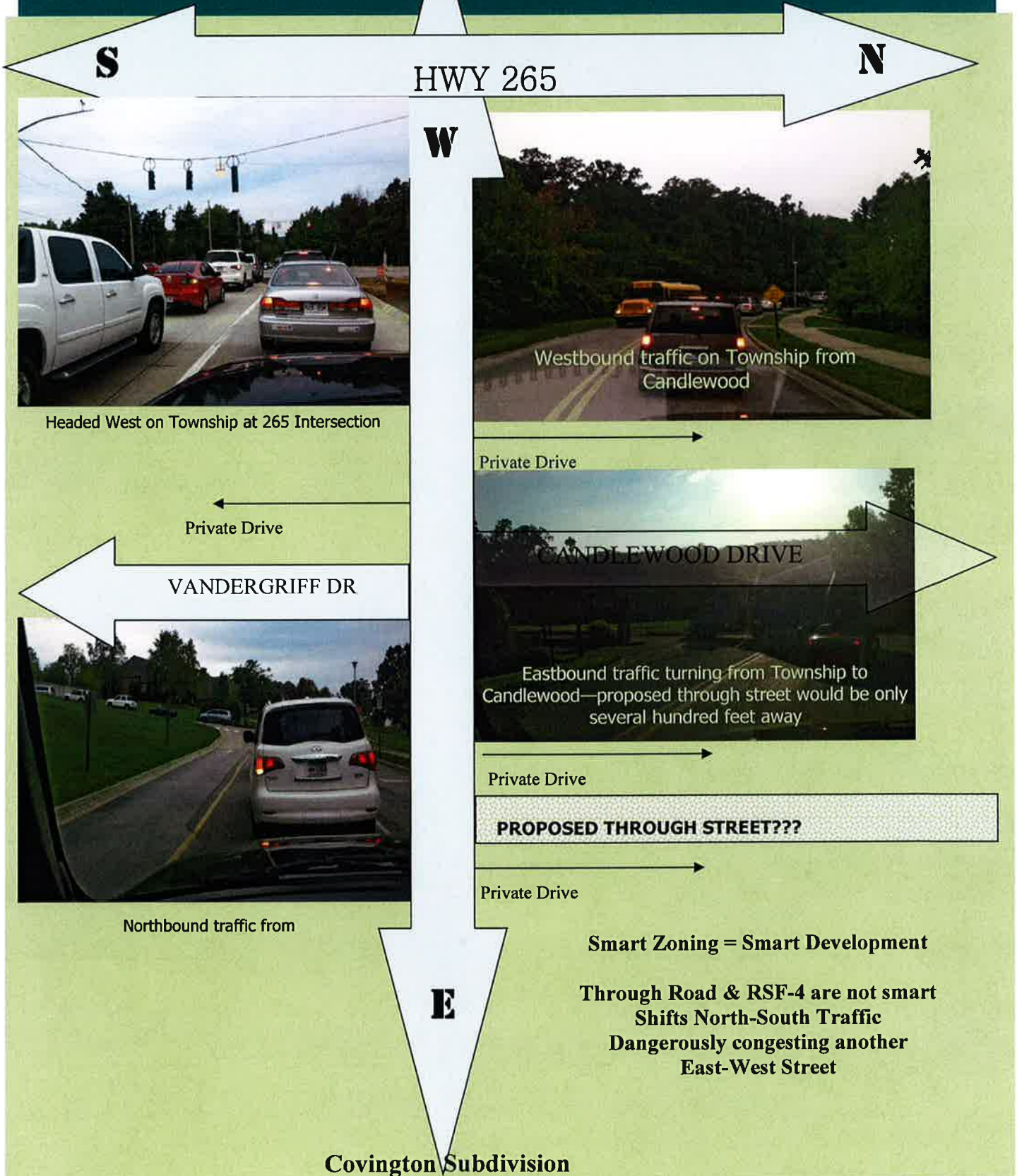
TO THE WEST TAKEN
FROM BROOKBURY ENTRANCE



TAKEN WEST OF THE
BROOKBURY ENTRANCE

BROOKBURY CROSSING

TOWNSHIP TRAFFIC



Kimberly Johnson - Fwd: RZN-12-4166 Follow up to Neighborhood Meeting

From: Sondra Smith
To: Aldermen
Date: 10/15/2012 2:29 PM
Subject: Fwd: RZN-12-4166 Follow up to Neighborhood Meeting
CC: megganbell1@gmail.com
Attachments: Follow-up to All Neighborhood Meeting.pdf; August 2 Meeting with Hugh Jarratt.pdf

Could you please forward this on to the City Council members?

Thank you,
Meggan Bell
Brookbury POA
Communications Chair

----- Forwarded message -----

From: **Meggan Bell** <megganbell1@gmail.com>
Date: Thu, Oct 11, 2012 at 4:04 PM
Subject: RZN-12-4166 Follow up to Neighborhood Meeting
To: sales@rigginsdevelopment.com, decor@lindseymanagement.com,
hugh.jarratt@lindseymanagement.com
Cc: Kathleen Leatherby <dkleatherby@cox.net>, eva.dave@cox.net, jmcginty@cox.net

Dear Mr. Lindsay, Ms. Branch, Mr. Kevin and Darin Riggins,
Please see attached letter on behalf of the Brookbury POA outlining several attempts to initiate discussion in the past two months since Planning Commission and describing our intent to listen at the "informational" meeting you asked 3 neighborhood POA representatives to inform over 300 residents with only 5 days notice, 1 week prior to the City Council meeting.

Sincerely,
Meggan Bell
Communications Chair

10/10/2012

Dear Mr. Lindsay, Ms. Branch, and Mr. Kevin and Darin Riggins:

I am writing as a representative of Brookbury Woods Subdivision. Thank-you for presenting your idea/vision for this land with the various people from the surrounding neighborhoods Tuesday October 9, 2012. We are/were unclear about your purpose/desired outcome in having this meeting with all of the surrounding neighborhoods - since none was stated to any of the POA representatives who were asked to contact the residents?

Our neighborhood representatives attended the meeting with the intention to listen to what the developers had to say and never anticipated this would be a forum for negotiation. Kevin Riggins stated that we were "quiet/bashful"; however, our representatives did not feel it was appropriate to speak on behalf of the entire neighborhood in that forum when presented with "new" options that had not been previously presented for us to consider. We understand that your goal in development is to make a profit; and contrary to the statement from Mr. Riggins that we do not like developers - we have actually had conversations with several developers regarding this land and attempted to do the same with the Riggins/Lindsay group to establish a workable and reasonable plan.

I am somewhat dismayed, considering your collective experience, that the representing partners at this meeting thought it appropriate to present a Bill of Assurance to Brookbury residents at an all neighborhoods meeting. Though we do not oppose development; the chosen forum for offering a BOA left the homeowners from all 3 neighborhoods questioning the trustworthiness of this group and its proposal.

The Brookbury POA made several attempts both before and after the PC meeting to discuss the options for development after having several collaborative discussions with Savanna residents, Candlewood residents and surrounding private land owners. It concerned me that there appeared to be a complete lack of awareness from the present partners that these attempts had been made to open the lines of communication - perhaps that was what you intended to convey? On the other hand, if it was not, we want to be clear that there were several attempts made to initiate a compromise in the months between the PC and CC meeting in a professional and timely format. These are summarized below.

July Kathleen Leatherby (POA Board Treasurer) initiated a meeting with Darin Riggins before the planning commission meeting where she was told that the initial plan was to build 44 homes - and this was the first time we heard that if we didn't go for "The Plan" it could be significantly worse. This essentially was what was presented again on Tuesday night.

August 2, 2012 Kathleen Leatherby and Jim Roy initiated a meeting with the "Lindsay side" of the partnership following the PC, where they conveyed a collective (from the 3 surrounding neighborhoods) proposal for no more than 20 homes and asked if the developer would consider this and get back to them in order for them to take that before their respective neighborhoods. (See attached email between Kathleen and Mr. Jarratt)

August 9, 2012 Kristen Veltkamp and I brought a conceptual sketch to Mr. Jarratt with fewer homes and some preserved green space. We requested that the developing partners meet with us and discuss the development costs so that we could return with necessary financials from the individuals willing to put money in escrow to have their lots developed. We also asked about the possibility of purchasing a small plot for green space between Brookbury Phase I and Phase II.

August 15, 2012 we received an email from Jeremy Pate indicating that the developers had requested to table the rezoning request

September 13, 2012 I contacted Hugh Jarratt & the city to determine if developer planned to table the rezoning again

September 14, 2012 we were informed by the city that the developer indeed planned to table the request but were not informed by the developer until the day before the CC meeting and Mr. Jarratt returned my call on Monday

Over 6 weeks later...None of the partners, nor your representatives responded to Brookbury indicating whether they were unwilling/willing to discuss compromise.

September 18, 2012 we attended the City Council meeting where Mr. Jarratt requested to table the development. October 16th because the results of their traffic study were just in. Immediately following this Brookbury POA treasurer asked Mr. Jarratt if the partners were planning to follow up with the neighborhood regarding a compromise- he stated, "The developers are not even considering fewer homes, and the traffic study says there will be no impact on your neighborhood."

October 4, 2012 Kristen Veltkamp contacted Lyndy Lindsay directly. The purpose of her phone call was to determine who the decision makers were and to be sure that the attempts to initiate a compromise were not being lost in translation. She mentioned the initial meeting between Mr. Jarratt and Kathleen Leatherby and Jim Roy proposing a discussion of fewer homes during this phone call. Lyndy stated that Mr. Jim Lindsay and Darin Riggins were partners and that Darin was driving the development. He contacted Darin and got back to Kristen within the hour to state that Darin indicated that there would be 37 homes, no through street, 3000 SF minimum, and gravel road would be gated and used for fire access.

October 4, 2012 Kristen Veltkamp called and emailed Mr. Riggins directly to request a meeting on behalf of the POA. Darin agreed to meet along with a Lindsay representation. He also stated that Mr. Jarratt had just set up a meeting for the following Tuesday. This all neighborhood meeting was set up with 5 days notice between all surrounding neighborhoods who were asked to notify their own residents. There had been NO attempt by the developer to create a Bill of Assurance with Brookbury to this point.

October 5, 2012 Darin Riggins and Mr. Jarratt agreed to meet with myself and Brookbury POA Board representative on **October 8, 2012**. Unfortunately Kristen needed to cancel this meeting and stated that she would set up another appointment after attending the Tuesday ALL neighborhoods meeting if necessary.

October 9, 2012 A skeleton Bill of Assurance was presented to Brookbury residents with one change to the minimum SF from 3000 to 3500 from what Kristen had been told, assuring the neighbors that there would only be 37 homes built. When asked about the traffic and safety concerns, all of the residents were told that they were in essence invalid based on a traffic study and putting sprinklers in the homes. The Developing Partners who have had since August 2nd to work on an agreement, deemed this meeting - one week before the city council meeting - as an appropriate forum for presenting a Bill of Assurance; and yet were unable to answer the following questions:

1. Are you planning an Emergency Access and/or Sprinklers to get around the city code? Which one? (this was not in a Bill of Assurance)
2. Where would construction traffic enter? (not in Bill of Assurance)
3. Who would be responsible for repair of the Brookbury Crossing entryway and road that would be damaged with construction traffic if this was the proposed access? (not in Bill of Assurance)
4. What steps would be taken to address 40% more traffic not only out of, but through our neighborhood.

In Summary, the Bill of Assurance presented is woefully inadequate. The timing of presentation simply does not allow our POA to take this before the individuals and families who will be affected by the developing partners proposal prior to the City Council meeting. Therefore, we will continue to maintain the position that the proposed density of homes is excessive and will urge the City Council to vote for lower density zoning and more appropriate use of this land.

Sincerely,

Meggan Bell -
Brookbury POA Communications Chair

cc:
Hugh Jarratt
Brookbury POA Board
Savanna POA Board
Candlewood POA Board
Ward 4 City Council Members

From: [Kathleen Leatherby](#)
To: [Kristen Veltkamp](#)
Subject: FW: meeting yesterday
Date: Wednesday, October 10, 2012 4:02:07 PM

From: Kathleen Leatherby [mailto:dkleatherby@cox.net]
Sent: Friday, August 03, 2012 4:27 PM
To: hugh.jarratt@lindseymanagement.com
Cc: 'bearoy@cox.net'
Subject: meeting yesterday

Mr. Jarratt –

Thank you again for meeting with Jim and myself to discuss a possible compromise.

I wanted to reiterate a point that Jim made early on but we didn't discuss again during the meeting.

The maximum number of homes we discussed (20) was simply a number that the Board members of Candlewood, Brookbury and Savanna felt we would be comfortable proposing to our respective neighbors as a compromise if Lindsey & Riggins are agreeable. If you think this number is doable, we will proceed further and discuss it with our neighbors.

I hope you have a great weekend and we look forward to hearing from you.

Regards –

Kathleen Leatherby

2731 N. Brookbury Crossing
Fayetteville, AR 72703
(479) 444-6551 (h)
(479) 530-9100 (c)

Sondra Smith - 21 Acres Rezoning Decision

From: Bo Mattingly <bo@faithonthefield.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 10/15/2012 11:54 AM
Subject: 21 Acres Rezoning Decision

Please forward to City Council Members.

Thank you!

10-15-12

Dear Mayor Jordan and Members of the City Council,

I live at 2706 Shadybrook Cove (Brookbury) with my wife and 4 children.

I attended the Planning Commissions hearing on this issue and ask that you please follow their recommendation for zoning at a lower density for the following reasons:

1. SAFETY- We are concerned about response times for emergency vehicles in/out of Brookbury...
2. Traffic burden if 40% more homes are built, average 2.24 cars/household...traffic is very difficult right now and it's my understanding you have been given evidence of this. It recently took me 17 minutes to travel from Brookbury to Vandergriff to drop my son off at school.
3. The developer has not studied the traffic within the neighborhood - only just outside it - this is a safety issue for our children
4. To build that many homes would require the heavily wooded land to be completely cleared. The are also likely to deal with significant rock issues which could cause more construction issues. We recently encountered a large amount of limestone rock in our back yard while trying to install a pool. Our back yard is adjacent to the wooded area (21 acres) you are considering.

Thanks for your time and consideration and please follow the **recommendation for zoning at a lower density**

All the best,

Bo Mattingly

Sports Persaonlity, LLC
Sports Talk with Bo Mattingly
1753 N. College Ave. Suite 207
Fayetteville, AR 72703
[\(479\) 200-4433](tel:(479)200-4433)
www.sportstalkwithbo.com
103.7 FM Little Rock
96.3 FM River Valley
92.1 FM NWA
99.7 FM Mountain Home
104.3 FM Harrison
103.9 FM Jonesboro

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All the best,

Bo Mattingly

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99.7 FM Mountain Home
104.3 FM Harrison
103.9 FM Jonesboro

From: "Integrated Balance" <integratedbalance@gmail.com>
To: "Jeremy Pate" <jpate@ci.fayetteville.ar.us>, <ssmith@ci.fayetteville.a...
CC: "Meggan Bell" <megganbell1@gmail.com>, "Kathleen Leatherby" <kleatherb...
Date: 10/15/2012 11:45 AM
Subject: RE: Survey result request via FOIA

Hello Jeremy,

Thank-you for sending the traffic study. Has your office received the survey results that were completed on the proposed "fire access" road along Flint Creek from ESI or the Developers? If so, could you please provide these documents along with any electronic/written exchange pertaining to these documents between the engineers/developers and any city staff in the Planning or Traffic departments.

Also, Will you be attending the City Council Tour with the alderman this afternoon.

Thank-you for your response.

Regards,

Kristen Veltkamp

-----Original Message-----

From: Jeremy Pate [mailto:jpate@ci.fayetteville.ar.us]
Sent: Monday, October 15, 2012 8:32 AM
To: Jesse Fulcher; Integrated Balance
Cc: 'Charlie Collins'; 'Holly Harris'; Kathleen Leatherby; 'Meggan Bell'; 'Chris Boushelle'
Subject: Re: Survey result request via FOIA

Good morning, Ms. Veltkamp.

I have attached the entire Adobe PDF document that was sent to our office representing the results of a recent traffic study performed near the Brookbury Woods neighborhood. The document also includes a preliminary lot layout prepared by ESI Engineers. This is all of the information I am aware of that was submitted related to this request.

The same document was submitted to the City Clerk's office for inclusion in the agenda packet for all of the City Council members, as well.

Please let me know if you have any further questions.

Best regards,
Jeremy

Jeremy C. Pate
Development Services Director
City of Fayetteville, Arkansas

>>> "Integrated Balance" <integratedbalance@gmail.com> 10/14/2012 5:21
PM >>>
10/14/2012

Jesse Fulcher
Current Planner

City of Fayetteville
479-575-8267
jfulcher@ci.fayetteville.ar.us

Jeremy Pate

Development Services Director

City of Fayetteville
113 West Mountain, Suite 320
Fayetteville, AR 72701

Request For Information Under Freedom Of Information Act

ACA § 25-19-101 et. seq.

Dear Mr. Fulcher and Mr. Pate:

On behalf of the Brookbury Woods POA, I am requesting at this time a copy of ALL documents related to the traffic study performed by Peters & Associates and the survey that was completed by ESI and passed onto the City Planning and City and Traffic offices pursuant to the Freedom of Information Act of 1967.

I would appreciate your providing this information at your earliest convenience. If there is a charge associated with this request, please advise and let me know where this information can be picked up.

Thank you very much for your prompt attention to this request.

Sincerely yours,

Kristen Veltkamp
POA Representative

Sondra Smith - FW: Traffic Study Conversation -

From: "Integrated Balance" <integratedbalance@gmail.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 10/14/2012 5:44 PM
Subject: FW: Traffic Study Conversation -
Attachments: P1586-Traffic-Study-Report-9-17-12.pdf; 21Acres_PhotoTrafficMap_sm.pdf

10/14/2012

Mrs. Smith,

Could you please forward to the City Council Members to be included in the Agenda Packet for the Rezoning Decision at Brookbury Crossing that is on the City Council agenda for October 16, 2012.

Thank-you

From: Integrated Balance [mailto:integratedbalance@gmail.com]
Sent: Sunday, October 14, 2012 5:38 PM
To: 'Chris Brown'; 'jpate@ci.fayetteville.ar.us'
Subject: RE: Traffic Study Conversation -

10/14/2012

Dear Mr. Brown

Thank-you for your response. The developer indeed paid to have a traffic study prepared; however, several Fayetteville residents are concerned for the following reasons:

1. The developer's traffic study, as you stated, was for private interest - theirs - not for public interest or the best interest of the city of Fayetteville and long term planning.
2. The developer's traffic study did not include the traffic East of Brookbury crossing which helps provide a more accurate and complete picture of the existing problem (and I am not suggesting that a traffic signal is the answer)
3. This private interest study should not be the one used to "make recommendations for improvements needed to accommodate the additional traffic" rather an impartial study should be used to evaluate the impact of a 40% increase in homes and the traffic associated with the national average of 2.28 homes/household.
3. The current tax paying/and land owning residents of Brookbury and Savanna as well as those along

Skilern are currently experiencing significant traffic delays and are requesting that the city take counts of traffic along Skilern East of Brookbury crossing (where we currently experience traffic backed up over half a mile from 265). This traffic is not a result of current State Highway construction.

On behalf, of [over 200 citizens] currently living in Brookbury, Savanna, Acadiana, and homes along Skilern - we would like to go on record as requesting that the city work together with the Highway department (who we are speaking with too) to take a closer look and complete a traffic analysis for the public interest because of a current issue; rather, than waiting to do so once the issue has the potential to become worse.

I have attached the developers traffic study along with still photography as well as a link to video of the current traffic situation which requires no speculation as to the results of adding 40% more homes <http://dl.dropbox.com/u/64369768/2012-08-24%2007.41.40.WMV> The video will take a few minutes to load and then it can be played back directly from the drop box website.

Regards,

Kristen Veltkamp

Brookbury POA Representative

From: Chris Brown [<mailto:cbrown@ci.fayetteville.ar.us>]
Sent: Wednesday, September 05, 2012 10:46 AM
To: Kim Herrington; Integrated Balance
Subject: Re: Traffic Study Conversation -

Kristen,

It is my understanding that the developer of the property at the south end of Brookbury is preparing a traffic study, that presumably would include the intersection with Skilern. At this time, since we are only talking about the zoning question, the traffic study will most likely only be for the developer's purposes, to develop a bill of assurance with regard to density.

If the development were to proceed, the Engineering Division would review the traffic study, and make recommendations for improvements needed to accommodate the additional traffic generated. If I had to make a guess, I would say that the traffic on Brookbury at Skilern would not be at a high enough level to warrant a traffic signal, but there may be some other improvements that would help the function of the intersection. Until a density is settled upon, and a study developed based on that density, we can only speculate as to the results.

If none of that happens, the City could take counts of the traffic at the intersection, to determine if a signal is warranted with existing traffic.

I hope this answers your questions-please let me know if not.

CB

Chris Brown, P.E.
City Engineer
City of Fayetteville
Engineering Division
125 W. Mountain Street
Fayetteville, AR 72701
Phone (479) 575-8207
Fax (479) 575-8202
TDD (Telecommunications Device for the Deaf) 479-521-1316

>>> Kim Herrington 9/5/2012 10:21 AM >>>
Dear Ms. Veltkamp,

I spoke with Chris Brown, our City Engineer, on the phone and he will be getting in touch with you about the traffic study and the developer's plans. I've copied him on this email so he can best assist you.

Sincerely,
Kim

Kim Herrington
Operations Assistant
Transportation Division
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

479.575.8228 Phone
479.444.3490 Fax
479.521.1316 TDD (Telecommunications Device for the Deaf)
kherrington@ci.fayetteville.ar.us

>>> "Integrated Balance" <integratedbalance@gmail.com> 9/5/2012 10:07 AM >>>

9/5/2012

Kim,

Thank-you for taking the time to speak with me today about your department's role and traffic study

request. I wanted to provide you with me email if that was an easier way for you to communicate with me.

Regards,

Kristen Veltkamp

3043 E Summershade Drive

Fayetteville, AR 72703

479-713-9824 (cell)

479-966-4091 (home)

integratedbalance@gmail.com

Traffic Study

Single-Family Residential Development

prepared for:

Riggins Construction

Brookbury Crossing and
Skillern Road

Fayetteville, Arkansas



PETERS & ASSOCIATES
ENGINEERS, INC.

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

Project No.: P-1586

September 17, 2012

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The Site	2
Street System	4
Existing Traffic Conditions	7
Trip Generation & Site Traffic Projections	10
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Capacity and Level of Service	12
Summary of Findings	16
Figures	17

APPENDIX

Site Plan

Trip Generation Data

Vehicle Turning Movement Count Data

Capacity and Level of Service Calculations

INTRODUCTION

Peters & Associates Engineers, Inc., has conducted a traffic engineering study relating to a proposed 37 single-family lot residential development located at the south end of Brookbury Crossing south of Skillern Road in Fayetteville, Arkansas. Brookbury Crossing intersects Skillern Road approximately 1,300 feet east of the Crossover Road (Highway 265) and Old Wire Road intersection. The primary focus of this report is to assess traffic operational characteristics of the adjacent intersections in the vicinity proposed to serve the site. A reduced copy of the preliminary tract layout plan is included in the Appendix for reference.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Evaluate existing traffic conditions at the following study intersections:
 - o Skillern Road and Brookbury Crossing
 - o Crossover Road and Old Wire Road.
- Determine projected traffic volumes entering and exiting the proposed development at the nearby study intersections.
- Identify the effects on traffic operations for existing traffic in combination with site-generated traffic associated with the development as proposed.
- Evaluate traffic operations for the study intersections of Skillern Road and Brookbury Crossing and Crossover Road and Old Wire Road in the immediate vicinity of the site and make recommendations for mitigative improvements which may be necessary and appropriate for acceptable traffic operations.

In the following sections of this traffic study report are traffic data, study methods, findings and recommendations. The study is technical in nature. Analysis techniques employed are those most commonly used in the traffic engineering profession for traffic impact analysis. Certain data and calculations relative to traffic operational analysis are referenced in the report. Complete calculations and data are included in the Appendix of the report.

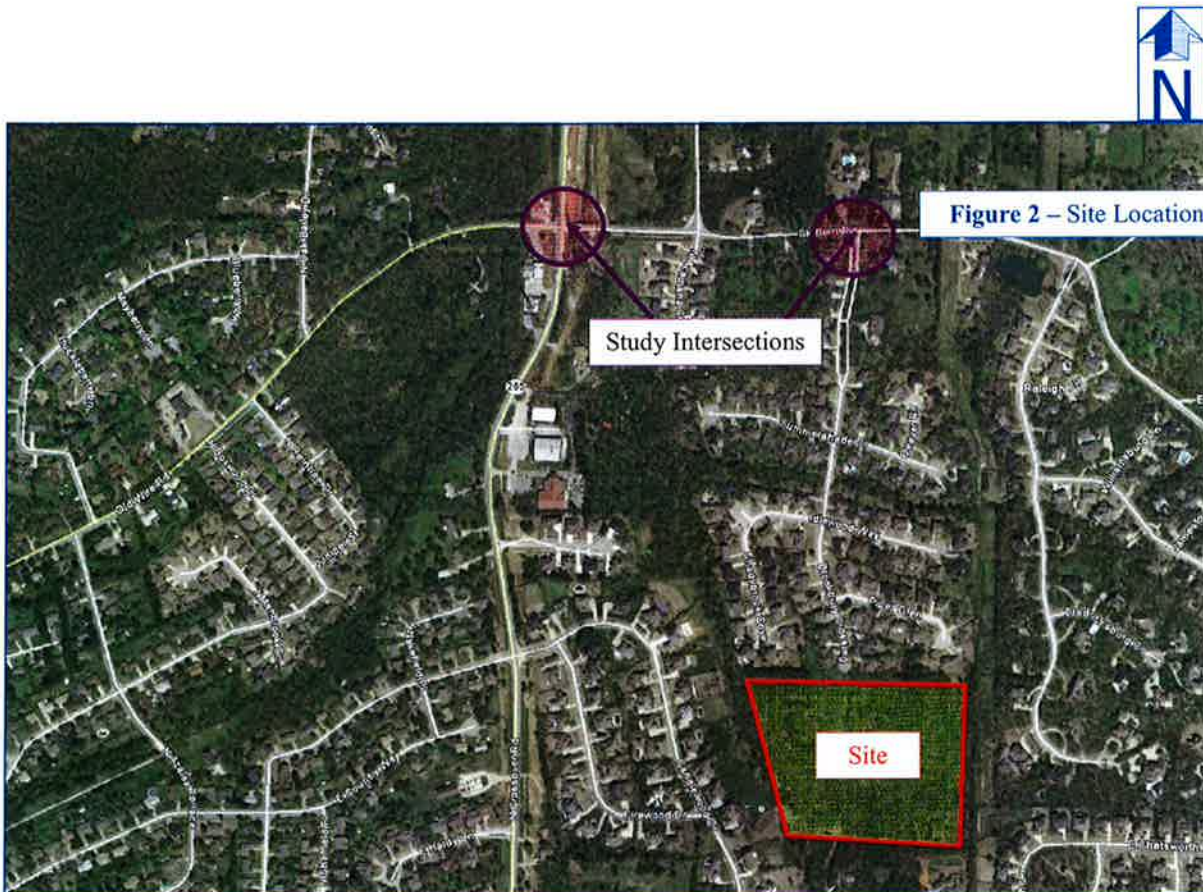
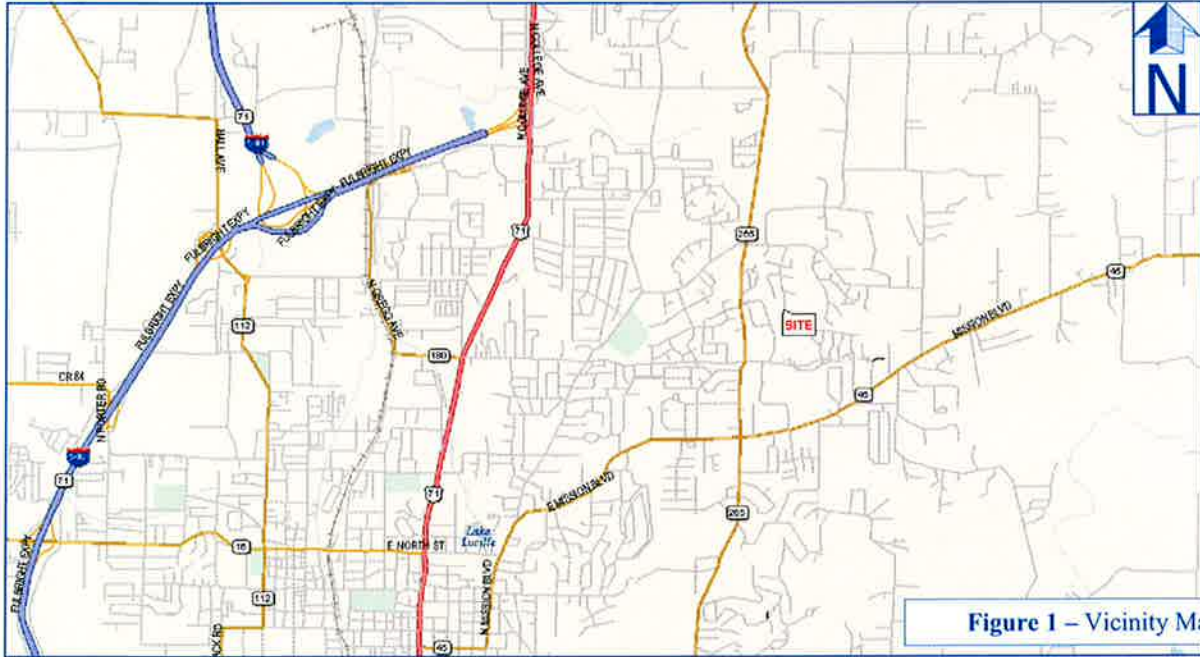
THE SITE

The location of the development is within the city limits of Fayetteville in Washington County, Arkansas. The proposed 37 single-family lot residential development located at the south end of Brookbury Crossing south of Skillern Road. The proposed development site location and vicinity are shown on Figures 1 and 2, which follow.

Access to site is proposed to be provided via the intersection of Skillern Road and Brookbury Crossing. There is an existing approximate 100 lot single-family residential neighborhood (Brookbury Crossing) that's access is currently served via Brookbury Crossing at Skillern Road. Typical AM and PM peak traffic periods of the adjacent streets are the traffic operating conditions which have warranted primary traffic analysis as a part of this study



Traffic Study



STREET SYSTEM

Skillem Road, at Brookbury Crossing near the site, is a two-lane roadway consisting of a eastbound lane and a westbound lane. This roadway is asphalt and constructed with curbs and gutters along the south side and drainage ditches along the north side of the roadway in the vicinity of Brookbury Crossing. There are no sidewalks and the speed limit is 25 miles per hour in the vicinity of the study area. Skillem Road is classified as a Principal Arterial on the City of Fayetteville Master Street Plan (MSP).

Brookbury Crossing, at Skillem Road, is a two-lane roadway consisting of a northbound lane and a southbound lane separated by a landscaped median. This street is asphalt and constructed with curbs and gutters. The speed limit is 25 miles per hour. Brookbury Crossing is classified as a Local Street on the City of Fayetteville MSP.

The closest existing signalized intersections to the site is located approximately 1,300 feet west of Brookbury Crossing at the intersection of Crossover Road and Old Wire Road (analysis of this intersection has been included as a part of this study).

The following photos show the general layout of Brookbury Crossing and Skillem Road. These were taken at locations as indicated on the photo captions.

Traffic Study



Lewis Avenue

Looking east on Skillern Road
toward Brookbury Crossing.



Brookbury Crossing

Looking west on Skillern Road
toward Brookbury Crossing.



Looking south on Brookbury Crossing
from Skillern Road.



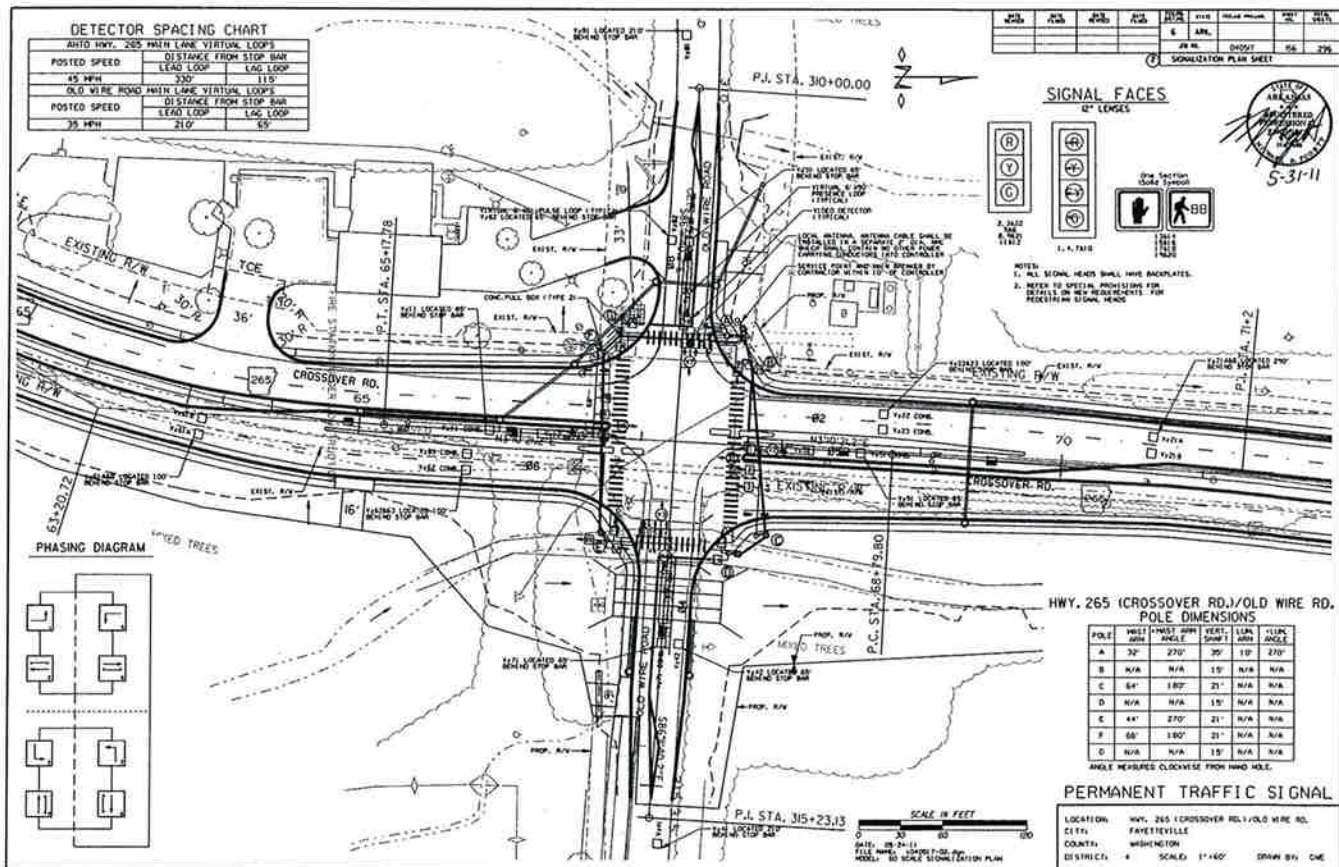
Looking north on Brookbury Crossing
toward Skillern Road.



PETERS & ASSOCIATES
ENGINEERS, INC.

Traffic Study

Crossover Road (Highway 265) is currently under construction from Joyce Boulevard to Highway 45 as a part of the AHTD project 040517. The scheduled completion date of this project is September, 2013. Included in this AHTD improvement project is the intersection of Crossover Road and Old Wire Road. Crossover Road is currently being widened at Old Wire Road to provide two northbound lanes and two southbound lanes divided by a raised median with a northbound and a southbound left-turn lane at Old Wire Road. The east and west leg (Old Wire Road) at Crossover Road will each consist of a left-turn lane, a thru / right-turn lane and a receiving lane. The following graphic depicts the design concept for the planned roadway improvements at median breaks at Crossover Road and Old Wire Road.



Planned Crossover Road and Old Wire Road
 Intersection

EXISTING TRAFFIC CONDITIONS

Traffic count data collected as a part of this study include AM and PM peak hours vehicle turning movement counts at the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road.

The peak hours vehicle turning movement count data at these intersections are summarized in the following peak hour turning movement Charts 1, 2, 3 and 4 and are presented in more detail in the Appendix of this report.

AM and PM peak hours vehicle turning movement counts made as a part of this study are shown on Figure 3, "Existing Traffic Volumes - AM and PM Peak Hours."



Traffic Study

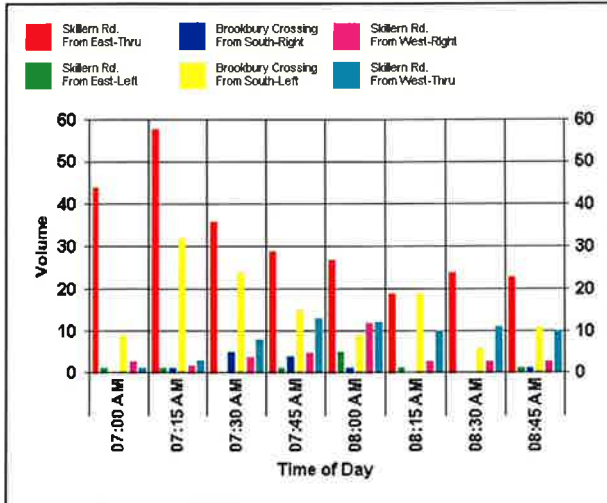


Chart 1
AM Peak Hours Turning Movement Count Data
Skillern Road and
Brookbury Crossing

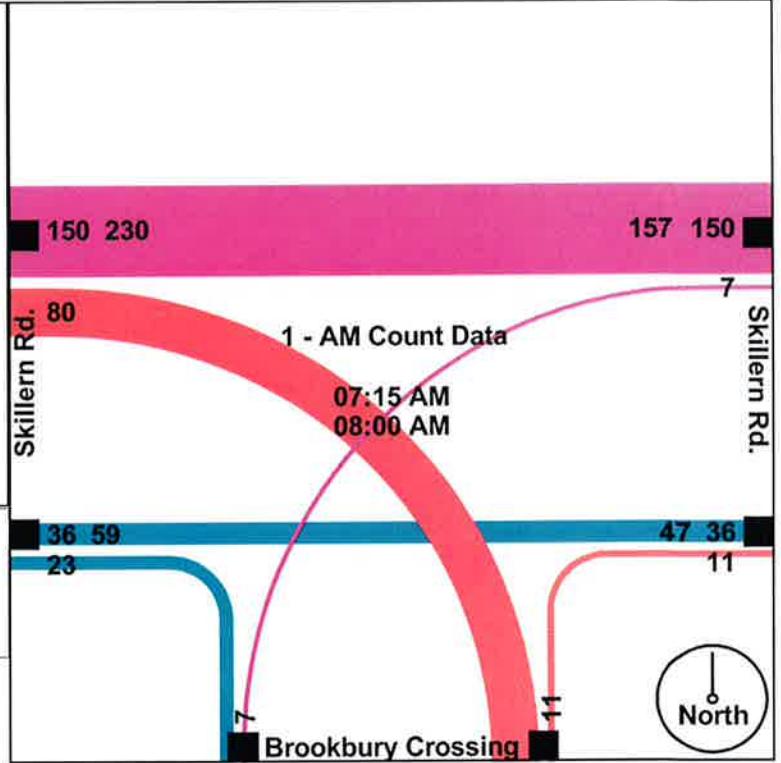
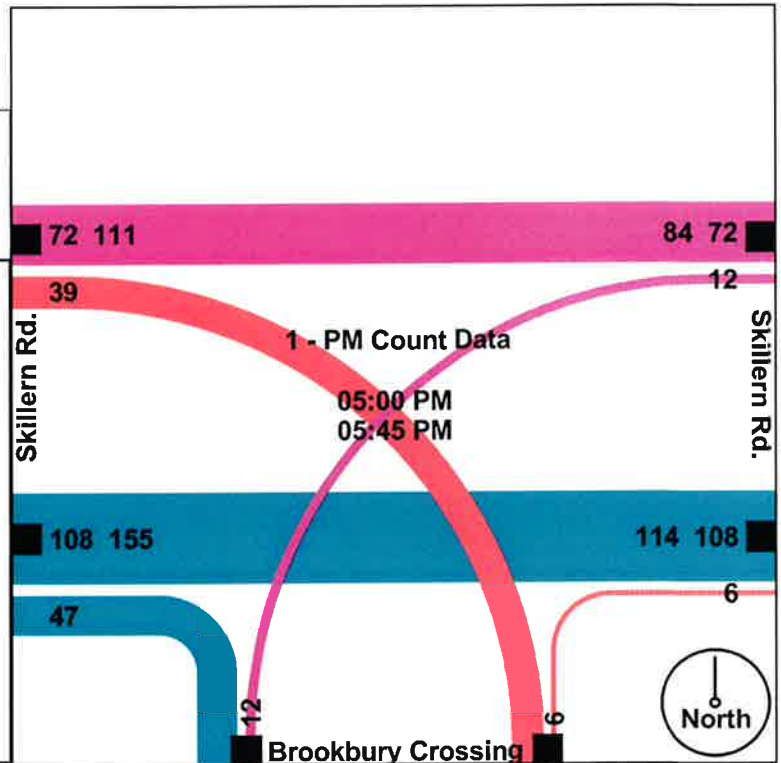
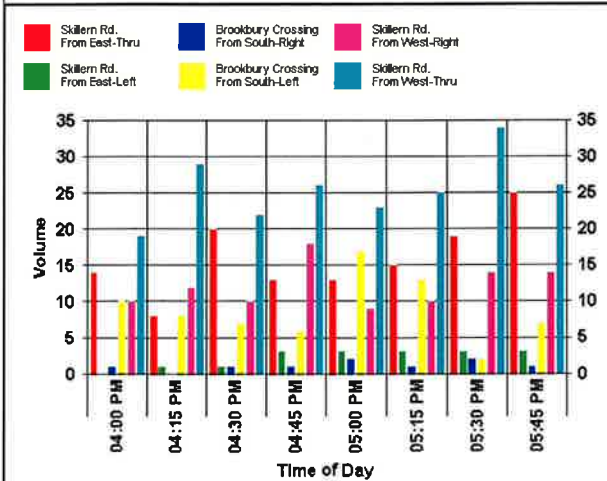


Chart 2
PM Peak Hours Turning Movement Count Data
Skillern Road and
Brookbury Crossing



Traffic Study

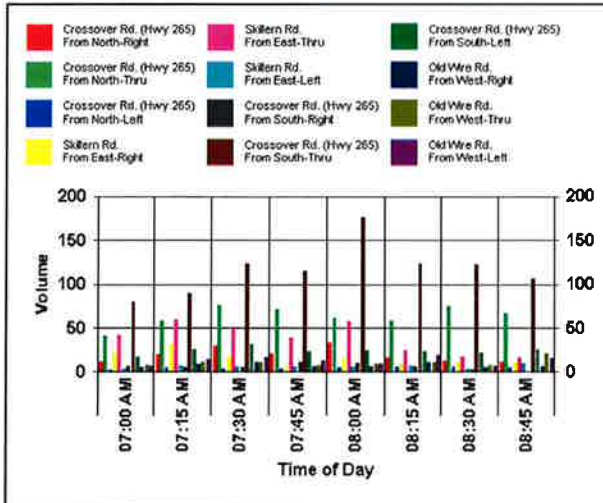


Chart 3
 AM Peak Hours Turning Movement Count Data
 Crossover Road and Old Wire Road

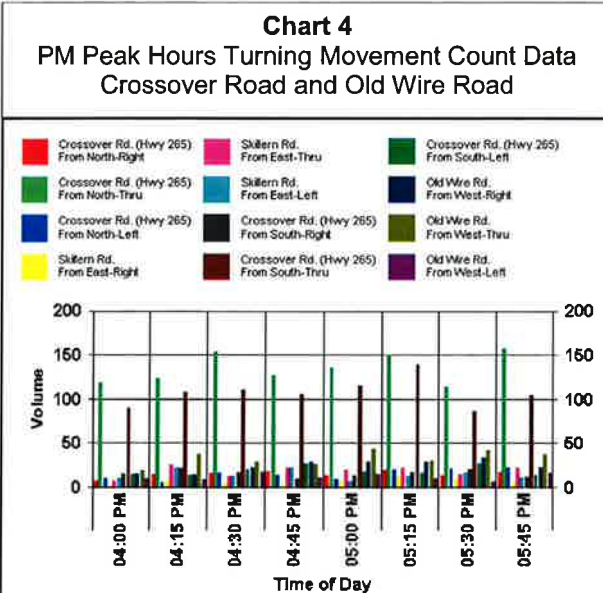
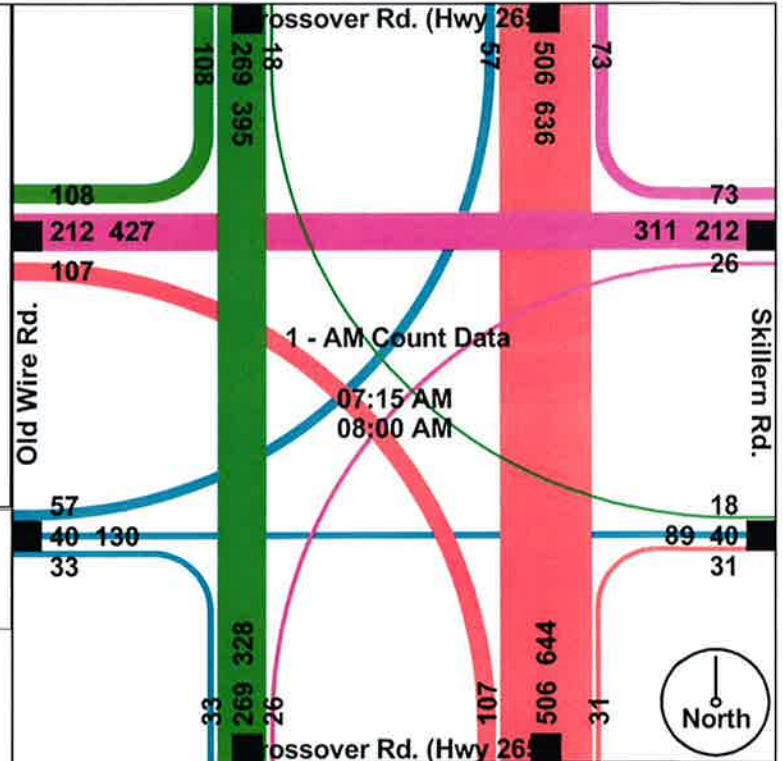
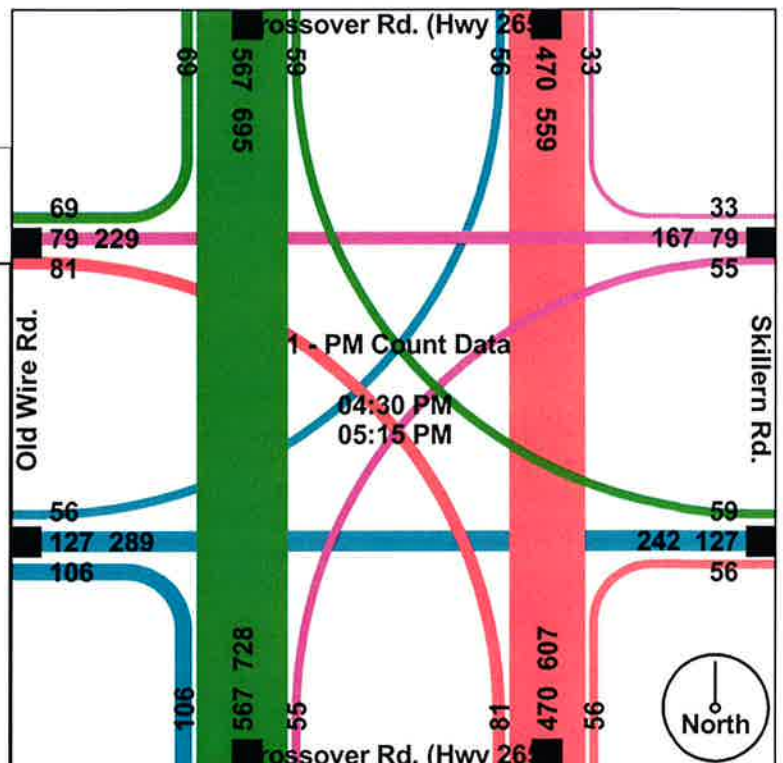


Chart 4
 PM Peak Hours Turning Movement Count Data
 Crossover Road and Old Wire Road



TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report (8th Edition), 2008, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 6 by Microtrans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed single-family residential land-use of the proposed development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land use proposed for the development makes these calculations. Results of this calculation are summarized on Table 1, "Summary of Trip-Generation." These calculations indicate that approximately 28 net new vehicle trips (combined in and out) are estimated during the traffic conditions of the AM peak hour and approximately 38 net new vehicle trips are estimated during the traffic conditions of the of the PM peak hour are projected to be generated by the proposed 37 single-family residential land use on this site. The estimated typical weekday two-way, 24-hour volume is 354 vehicle trips.

Residential traffic, as will be the traffic associated with this site, ordinarily does contribute to the adjacent street traffic conditions during the on-street AM peak traffic hour and the PM peak traffic hour. Accordingly, both the AM and PM peak traffic periods of the adjacent streets in the immediate vicinity of the site are the traffic operating conditions which have warranted primary traffic analysis as a part of this study.

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
				ENTER	EXIT	ENTER	EXIT
Single-Family Residential	37 Lots	210	354	7	21	24	14
TOTAL ENTERING + EXITING				28		38	

Table 1 – Summary of Trip-Generation



TRAFFIC VOLUME ASSIGNMENTS

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of anticipated left and right-turns at the study intersections. Directional distribution percentages used in this study are shown on Figure 4, "Directional Distribution - Site Traffic." The directional distribution percentages for site traffic have been equated to percentage turns for each movement at the study intersections. These values are shown on:

- Figure 5, "Entering Traffic Percentage Turns"
- Figure 6, "Exiting Traffic Percentage Turns."

The projected traffic volumes shown on Figure 7, "Site-Generated Traffic Volumes - AM and PM Peak Hours," result from applying the projected entering and exiting percentages shown on Figures 5 and 6 to the corresponding projected site-generated traffic volumes summarized on Table 1, "Summary of Trip-Generation."

The site-generated traffic volumes shown on Figure 7 and corresponding existing background traffic volumes shown on Figure 3 have been combined and the results are depicted on Figure 8, "Projected Traffic Volumes - AM and PM Peak Hours."

Traffic volumes shown on Figure 8 are the values used in capacity and level of service calculations conducted as a part of this study for projected traffic conditions. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) and projected traffic associated with the developments has thus been accounted for in this analysis.

CAPACITY and LEVEL OF SERVICE

Generally, the "capacity" of a street is a measure of its ability to accommodate a certain magnitude of moving vehicles. It is a rate as opposed to a quantity, measured in terms of vehicles per hour. More specifically, street capacity refers to the maximum number of vehicles that a street element (e.g. an intersection) can be expected to accommodate in a given time period under the prevailing roadway and traffic conditions.

Traffic operational analysis for the study intersections were evaluated based on the methodologies outlined in the Highway Capacity Manual, 2010 Edition, published by the Transportation Research Board. The operating conditions at an intersection are graded by the "level of service" experienced by drivers. Level of service (LOS) describes the quality of traffic operating conditions and is rated from "A" to "F". LOS "A" represents the most desirable condition with free-flow movement of traffic with minimal delays. LOS "F" generally indicates congested conditions with considerable delays to motorists. Intermediate grades of B, C, D, and E reflect incremental increases in the average delay per stopped vehicle. Delay is measured in seconds per vehicle. The table below shows the upper limit of vehicle delay associated with each level of service for signalized and unsignalized intersections.

Intersection Level of Service Delay Thresholds

Level of Service

(LOS)	Signalized	Un-Signalized
A	< 10 Seconds	< 10 Seconds
B	< 20 Seconds	< 15 Seconds
C	< 35 Seconds	< 25 Seconds
D	< 55 Seconds	< 35 Seconds
E	< 80 Seconds	< 50 Seconds
F	≥ 80 Seconds	≥ 50 Seconds

The LOS rating deemed acceptable varies by community, facility type and traffic control device. A LOS "D" is the desirable goal for movements at un-signalized intersections that must yield to other movements; however, a LOS "E" or "F" is often accepted for low to moderate traffic volumes where the installation of a traffic signal is not warranted by the conditions at the intersection or the location is deemed undesirable for signalization for other reasons. For signalized intersections, level of service and average delay relate to all vehicles using the intersection. LOS "D" is the typical desirable standard for signalized intersections. All study intersections were evaluated using the Synchro analysis software package based on Highway Capacity Manual methods. This computer program has been proven to be reliable when used to analyze capacity and levels of traffic service under various operating conditions. Detailed results for all capacity calculations are included in the Appendix. The adjacent street weekday AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- Existing traffic volumes and patterns.
- Directional distribution of projected traffic volumes.
- Existing and planned intersection geometry (including elements such as turn lanes, curb radii, etc.).
- Existing background traffic volumes and projected site-generated volumes for projected traffic conditions.
- Existing or planned traffic control.

CAPACITY ANALYSIS

Level of Service Analysis Results

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic volumes, lane geometry and traffic control for the AM and PM peak hours for the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road.

As indicated in Table 2, "Level of Service Summary – Existing Traffic Conditions," all of the vehicle movements currently operate at what calculates as an acceptable LOS "C" or better for existing traffic conditions at the study intersections for the AM and PM peak hours with existing traffic control.

Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes - AM and PM Peak Hours."

EXISTING TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION	PEAK HR		PEAK HOUR - LEVEL OF SERVICE												
Skillern Road and Brookbury Crossing	AM		"STOP" SIGN		A		A			B		B			
	PM			A		A			B		B				n/a
Crossover Road and Old Wire Road	AM	SIGNAL	B	B	B		C		A	B		A	B		B
	PM		B	C	B		B		A	B		A	B		B

Table 2 - Level of Service Summary - Existing Traffic Conditions

Projected Traffic Conditions

Capacity and LOS analysis was performed for projected traffic conditions for the AM and PM peak hours for the following intersections:

- o Skillern Road and Brookbury Crossing
- o Crossover Road and Old Wire Road (includes AHTD planned intersection improvements).

Traffic volumes used for these projected traffic conditions are shown on Figure 8, "Projected Traffic Volumes - AM and PM Peak Hours." The operating conditions projected to exist at the study intersections are summarized in Table 3, "Level of Service Summary - Projected Traffic Conditions."

As indicated in Table 4, all vehicle movements for the projected traffic conditions at the study intersections are expected to continue to operate at what calculates as an acceptable LOS "C" or better for the worst-case AM and PM peak hours.

PROJECTED TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION	PEAK HR		PEAK HOUR - LEVEL OF SERVICE												
Skillern Road and Brookbury Crossing	AM	"STOP" SIGN		A		A			B		B				n/a
	PM			A		A			B		B			n/a	
Crossover Road and Old Wire Road*	AM	SIGNAL	B	B	B	C		A	B		B	B	B		B
	PM		B	C	B	B		A	B		A	B	B	B	
*Includes AHTD planned intersection improvements.															
Table 3 - Level of Service Summary - Projected Traffic Conditions															

SUMMARY OF FINDINGS

Findings of this study are summarized as follows:

- For the development of the 37 single-family residential lots as proposed, approximately 28 net new vehicle trips (combined in and out) are estimated during the traffic conditions of the AM peak hour and approximately 38 net new vehicle trips are estimated during the traffic conditions of the of the PM peak hour are projected to be generated by the proposed land use on this site. The estimated typical weekday two-way, 24-hour volume is 354 vehicle trips.
- Capacity and LOS analysis results for existing traffic conditions for the study intersections indicate existing vehicle movements for existing traffic conditions at the study intersections presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.
- Capacity and LOS analysis results performed for projected traffic conditions for the AM and PM peak hours for the study intersections indicate vehicle movements at the study intersections are expected to continue to operate at what calculates as an acceptable LOS "C" or better for the worst-case AM and PM peak hours.
- It was found that no negative impact to traffic operations at the adjacent study intersections is expected to occur as a result of the additional traffic associated with the proposed site development. More than sufficient intersection capacity exists at the study intersections to accommodate the very modest increase in traffic volumes expected to result from the residential development as proposed.

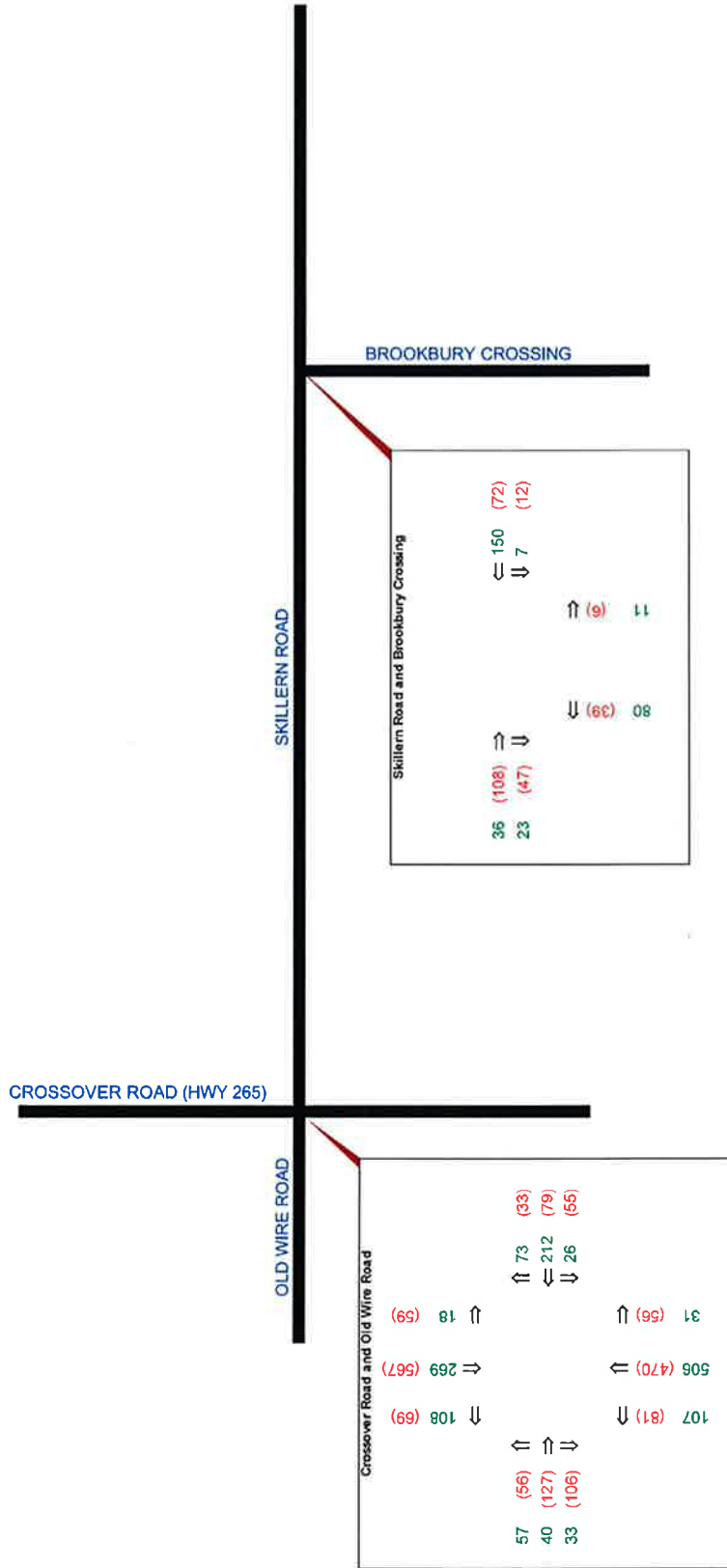
FIGURES





PEAK HOURS KEY

xxx = AM Peak Hour
(xxx) = PM Peak Hour



PROJECT No. P1586
DATE: 9-12-2012

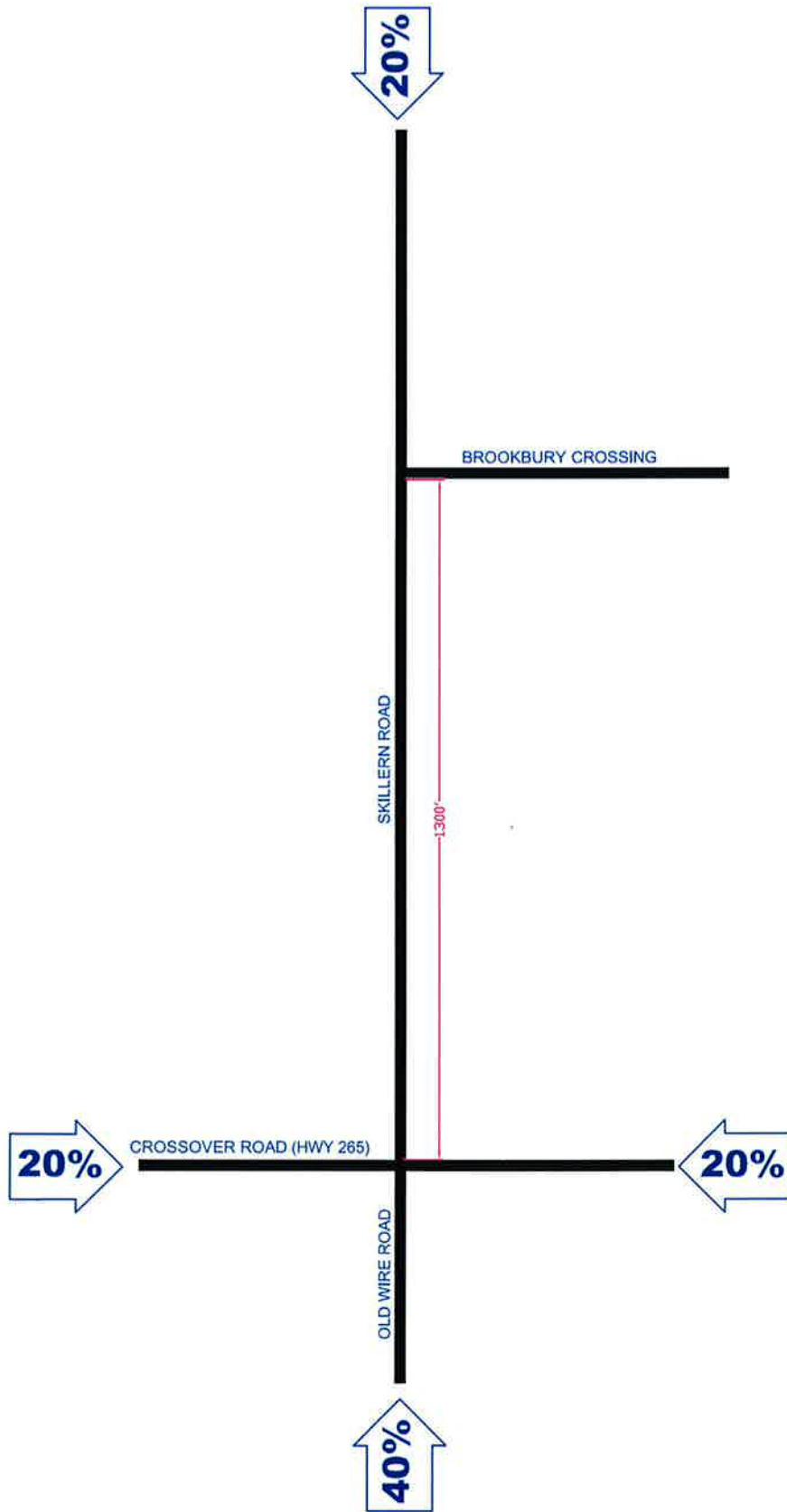


PETERS & ASSOCIATES
ENGINEERS, INC.

RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 132 of 192

TRAFFIC VOLUMES
AM AND PM PEAK HOURS
FIGURE 3



B-1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 133 of 194

DIRECTIONAL DISTRIBUTION
SITE TRAFFIC

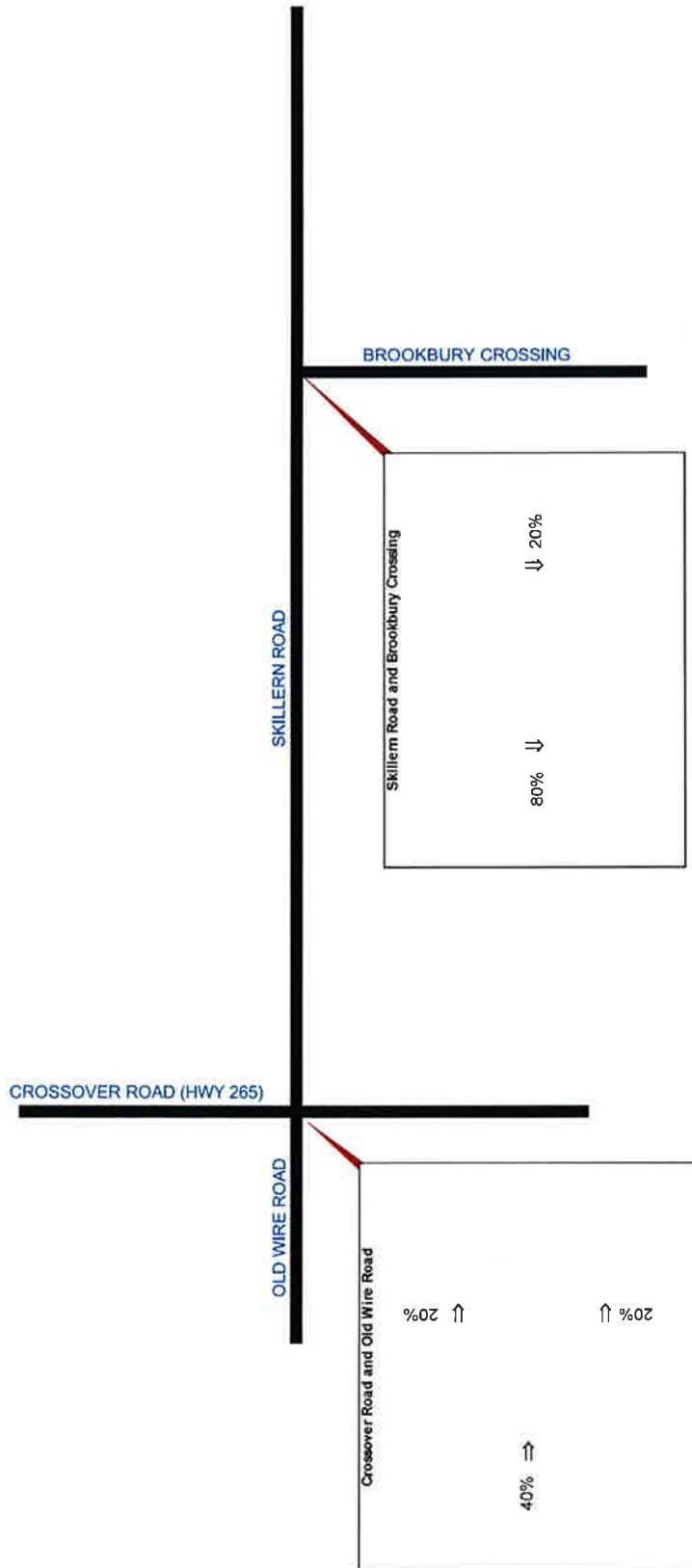
RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT No. P1586
DATE: 9-12-2012

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ENGINEERS, INC.



FIGURE 4



B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 134 of 192

ENTERING TRAFFIC
PERCENTAGE CHANGES

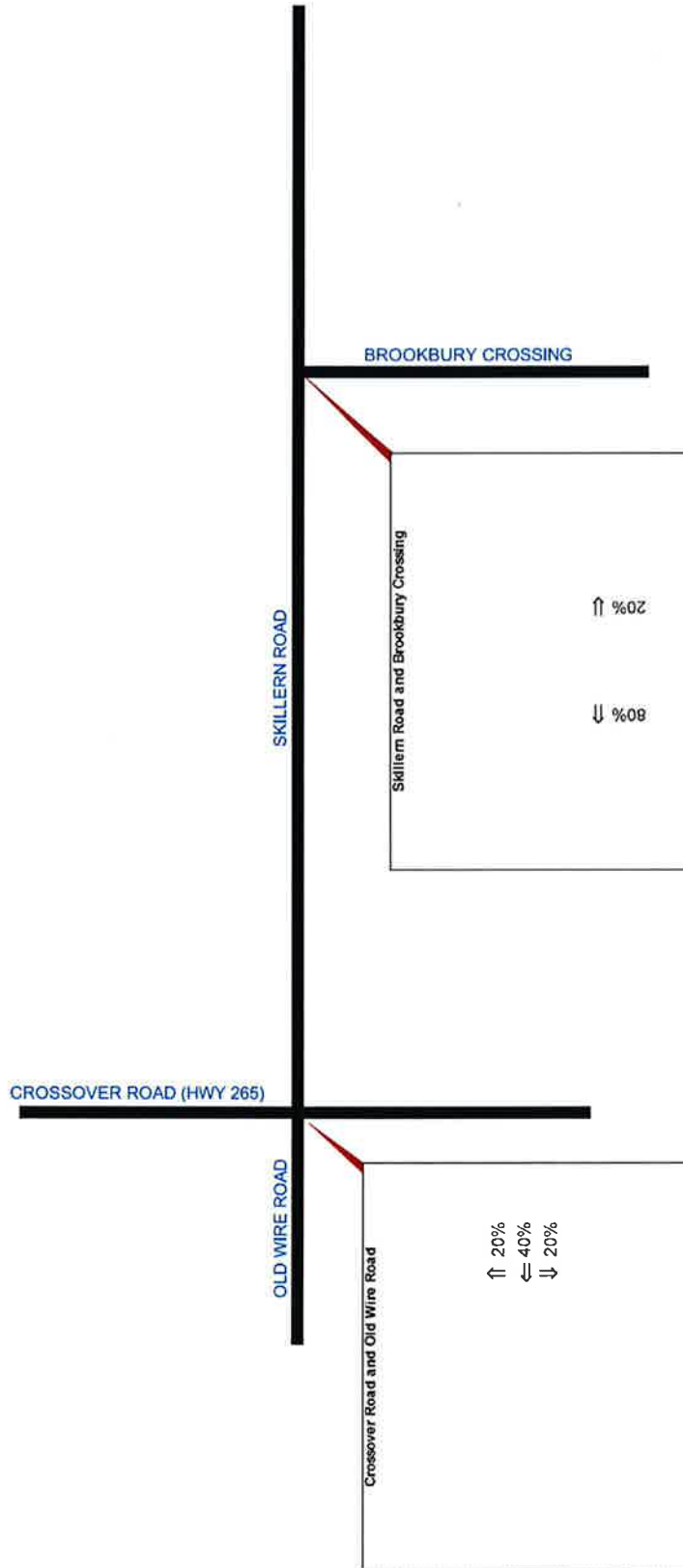
RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT No. P1586
DATE: 9-12-2012

PETERS & ASSOCIATES
ENGINEERS, INC.



FIGURE B.1



RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT No. P1586
DATE: 9-12-2012

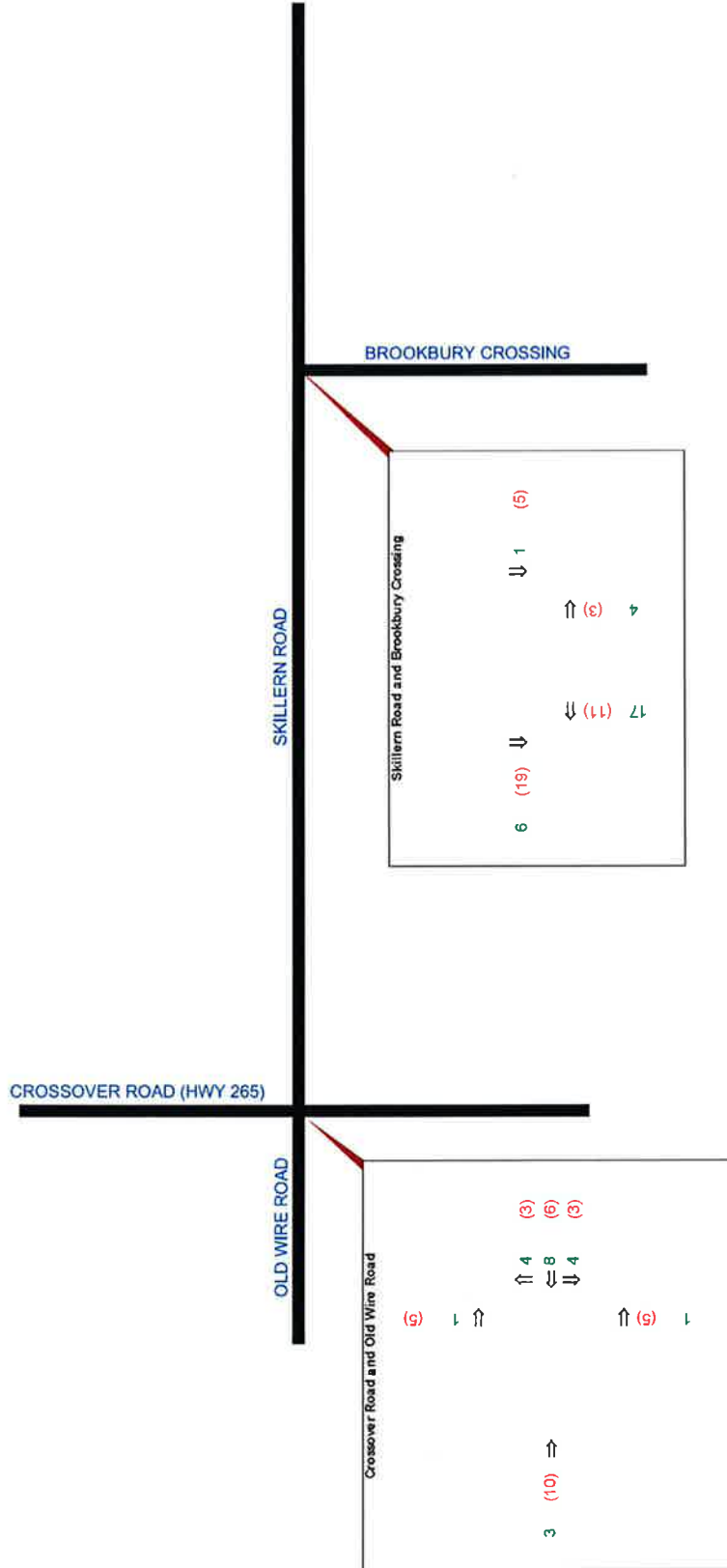
PETERS & ASSOCIATES
ENGINEERS, INC.





PEAK HOURS KEY

xxx = AM Peak Hour
(xxx) = PM Peak Hour



PROJECT No. P1586
DATE: 9-12-2012



PETERS & ASSOCIATES
ENGINEERS, INC.

RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

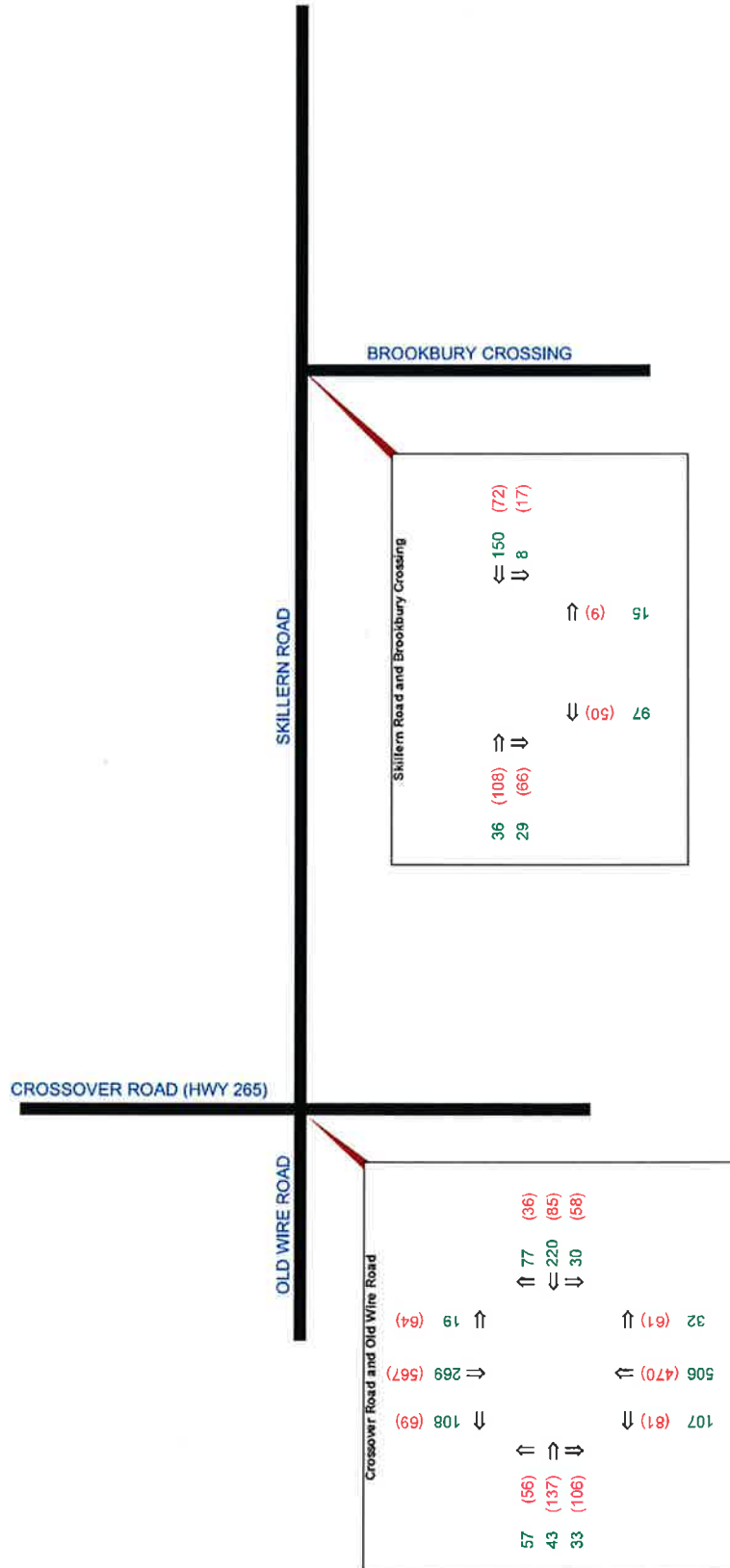
SITE-GENERATED
TRAFFIC VOLUMES
AM AND PM PEAK HOURS

FIGURE 7



PEAK HOURS KEY

xxx = AM Peak Hour
(xxx) = PM Peak Hour



PROJECT No. P1586
DATE: 9-12-2012



PETERS & ASSOCIATES
ENGINEERS, INC.

RESIDENTIAL DEVELOPMENT
BROOKBURY CROSSING AND SKILLERN ROAD
FAYETTEVILLE, ARKANSAS

PROJECT
TRAFFIC VOLUMES
AM AND PM PEAK HOURS
FIGURE 8

APPENDIX

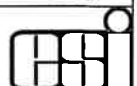
Site Plan



REVISION	DATE	DESCRIPTION
1		

PRELIMINARY LAYOUT "M"
FAYETTEVILLE 21 ACRE PROPERTY
FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

ENGINEERING SERVICES
INCORPORATED
CONSULTING ENGINEERS AND SURVEYORS
1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72764
A LICENSED PROFESSIONAL ENGINEER AND SURVEYOR
No. 12813



Trip-Generation Data



Fayetteville, AR

P1586

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
				ENTER	EXIT	ENTER	EXIT
Single-Family Residential	37 Lots	210	354	7	21	24	14
TOTAL ENTERING + EXITING				28		38	

P1586 - Residential Development
Summary of Average Vehicle Trip Generation
For 37 Dwelling Units of Single Family Detached Housing
September 12, 2012

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	354	7	21	24	14

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	373	18	16
Sunday	324	17	15

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Vehicle Turning Movement Count Data



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

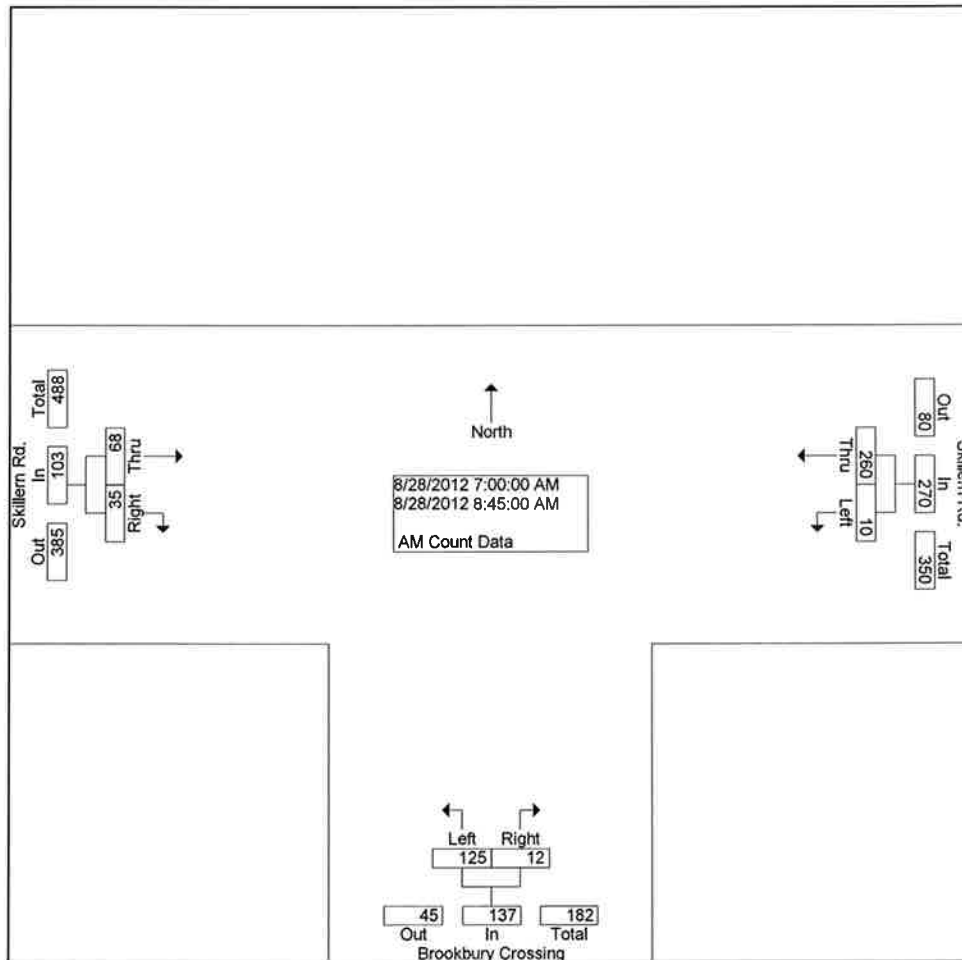
B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)

AM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

File Name : AM Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 1

Groups Printed- AM Count Data

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Factor	1.0	1.0		1.0	1.0		1.0	1.0		
07:00 AM	44	1	45	0	9	9	3	1	4	58
07:15 AM	58	1	59	1	32	33	2	3	5	97
07:30 AM	36	0	36	5	24	29	4	8	12	77
07:45 AM	29	1	30	4	15	19	5	13	18	67
Total	167	3	170	10	80	90	14	25	39	299
08:00 AM	27	5	32	1	9	10	12	12	24	66
08:15 AM	19	1	20	0	19	19	3	10	13	52
08:30 AM	24	0	24	0	6	6	3	11	14	44
08:45 AM	23	1	24	1	11	12	3	10	13	49
Total	93	7	100	2	45	47	21	43	64	211
Grand Total	260	10	270	12	125	137	35	68	103	510
Apprch %	96.3	3.7		8.8	91.2		34.0	66.0		
Total %	51.0	2.0	52.9	2.4	24.5	26.9	6.9	13.3	20.2	



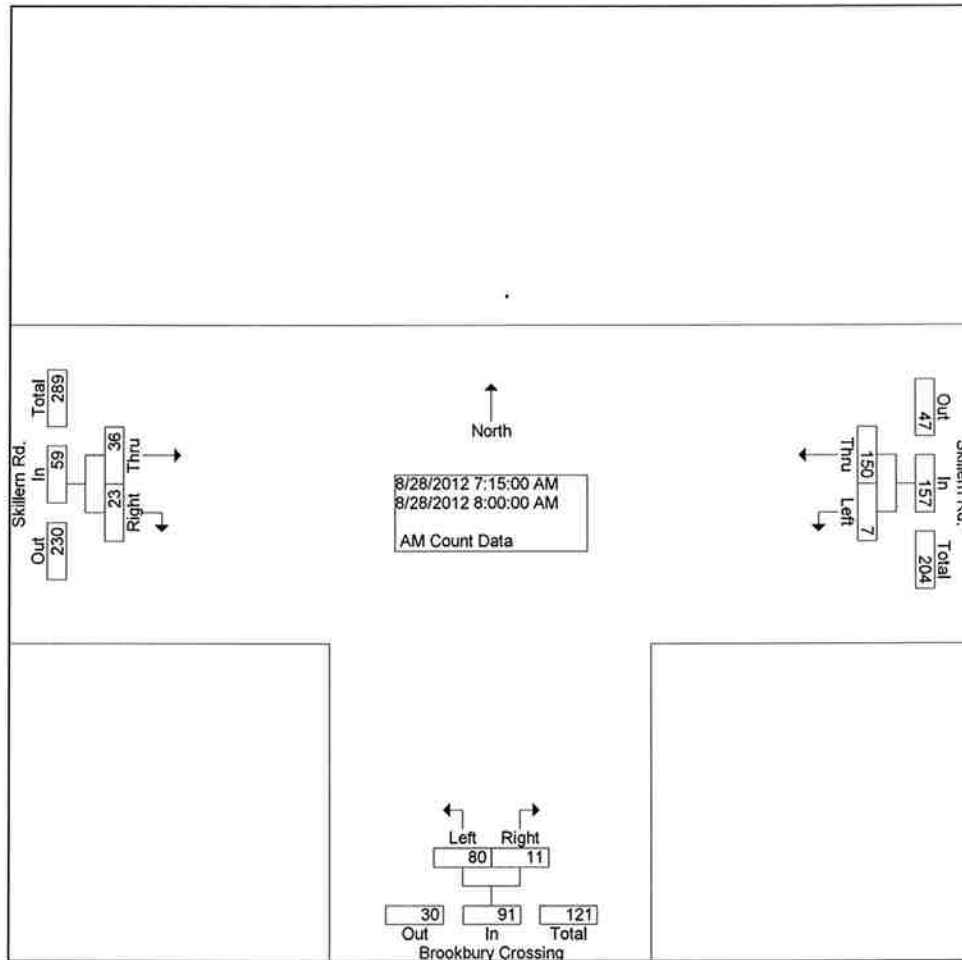
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

B. 1
RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)

AM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

File Name : AM-Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 2

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1										
Intersection	07:15 AM									
Volume	150	7	157	11	80	91	23	36	59	307
Percent	95.5	4.5		12.1	87.9		39.0	61.0		
07:15 Volume	58	1	59	1	32	33	2	3	5	97
Peak Factor										0.791
High Int.	07:15 AM			07:15 AM			08:00 AM			
Volume	58	1	59	1	32	33	12	12	24	
Peak Factor			0.665			0.689			0.615	



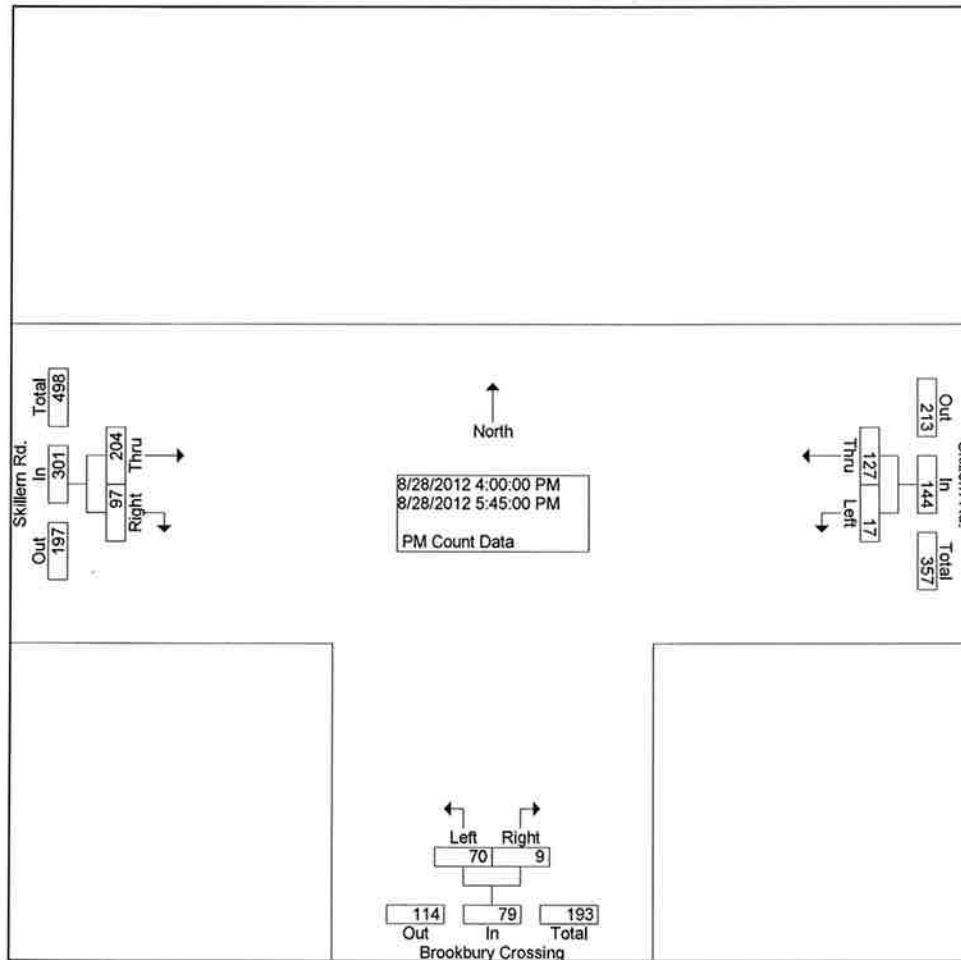
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

PM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)
 File Name : PM Brook
 Site Code : 00000000
 Start Date : 08/28/2012
 Page No : 1

Groups Printed- PM Count Data

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Factor	1.0	1.0		1.0	1.0		1.0	1.0		
04:00 PM	14	0	14	1	10	11	10	19	29	54
04:15 PM	8	1	9	0	8	8	12	29	41	58
04:30 PM	20	1	21	1	7	8	10	22	32	61
04:45 PM	13	3	16	1	6	7	18	26	44	67
Total	55	5	60	3	31	34	50	96	146	240
05:00 PM	13	3	16	2	17	19	9	23	32	67
05:15 PM	15	3	18	1	13	14	10	25	35	67
05:30 PM	19	3	22	2	2	4	14	34	48	74
05:45 PM	25	3	28	1	7	8	14	26	40	76
Total	72	12	84	6	39	45	47	108	155	284
Grand Total	127	17	144	9	70	79	97	204	301	524
Apprch %	88.2	11.8		11.4	88.6		32.2	67.8		
Total %	24.2	3.2	27.5	1.7	13.4	15.1	18.5	38.9	57.4	



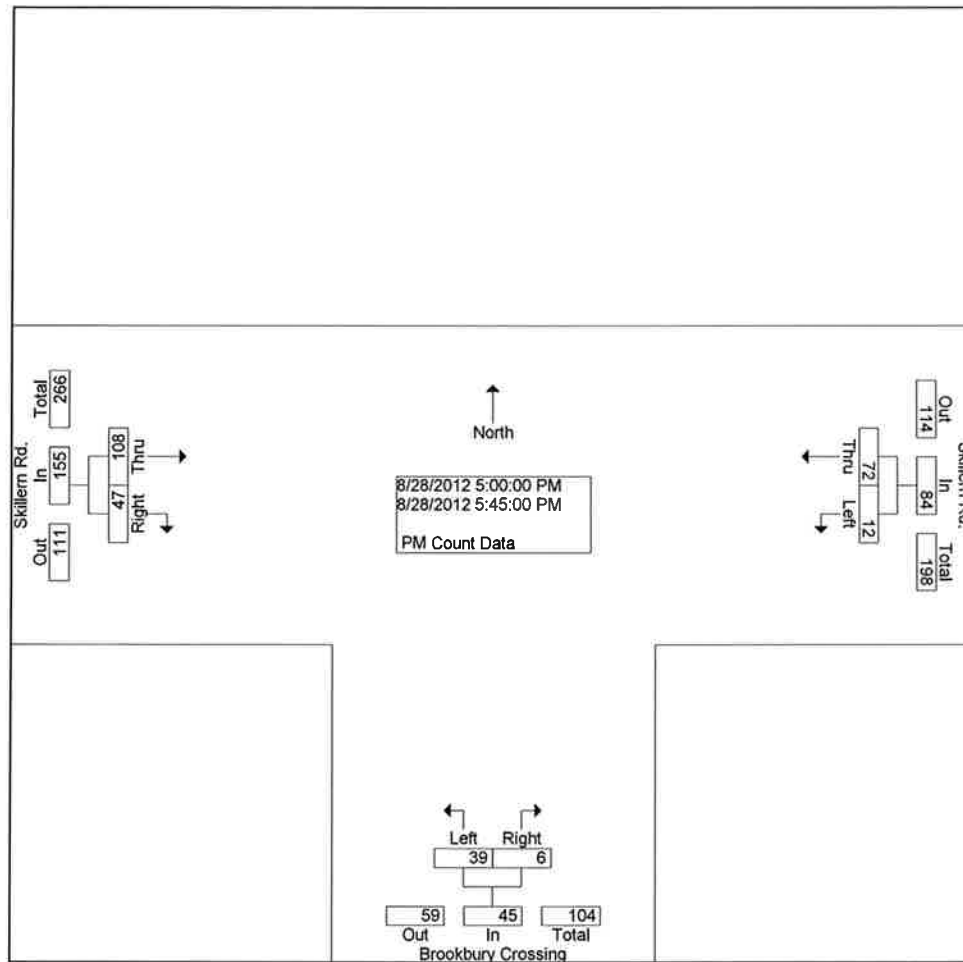
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)

PM Hour Turning Movement Count Data
Skillern Road and Brookbury Crossing
Fayetteville, AR
P-1586

File Name : PMP Brook
Site Code : 00000000
Start Date : 08/28/2012
Page No : 2

	Skillern Rd. From East			Brookbury Crossing From South			Skillern Rd. From West			
Start Time	Thru	Left	App. Total	Right	Left	App. Total	Right	Thru	App. Total	Int. Total
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1										
Intersection	05:00 PM									
Volume	72	12	84	6	39	45	47	108	155	284
Percent	85.7	14.3		13.3	86.7		30.3	69.7		
05:45 Volume	25	3	28	1	7	8	14	26	40	76
Peak Factor										0.934
High Int.	05:45 PM			05:00 PM			05:30 PM			
Volume	25	3	28	2	17	19	14	34	48	
Peak Factor			0.750			0.592			0.807	



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

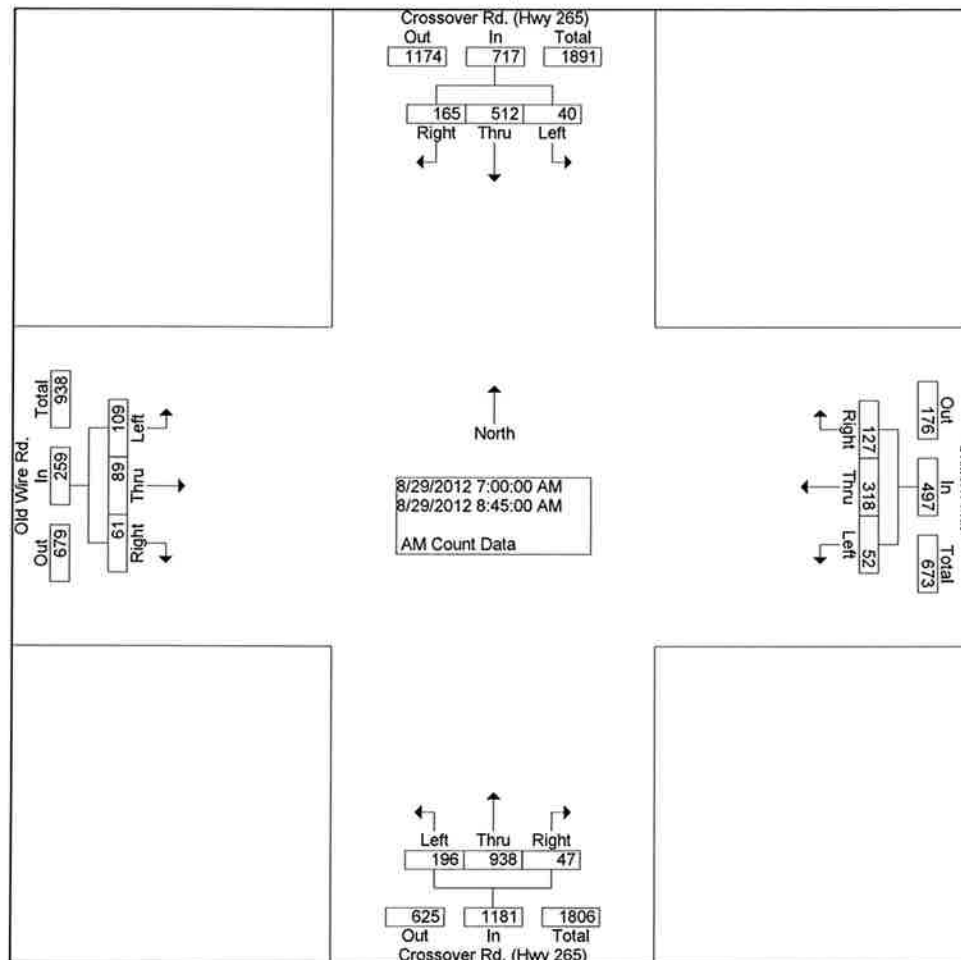
AM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)

File Name : AMP20149
Site Code : 00000000
Start Date : 08/29/2012
Page No : 1

Groups Printed- AM Count Data

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Factor	1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		
07:00 AM	13	42	3	58	22	43	4	69	6	80	18	104	5	8	8	21	252
07:15 AM	21	58	5	84	32	61	8	101	5	90	26	121	9	11	15	35	341
07:30 AM	31	77	4	112	17	52	6	75	5	124	32	161	12	12	18	42	390
07:45 AM	22	72	4	98	8	40	6	54	11	115	24	150	6	8	14	28	330
Total	87	249	16	352	79	196	24	299	27	409	100	536	32	39	55	126	1313
08:00 AM	34	62	5	101	16	59	6	81	10	177	25	212	6	9	10	25	419
08:15 AM	17	59	7	83	9	26	8	43	6	123	23	152	11	12	20	43	321
08:30 AM	14	75	7	96	12	19	4	35	3	122	22	147	5	8	8	21	299
08:45 AM	13	67	5	85	11	18	10	39	1	107	26	134	7	21	16	44	302
Total	78	263	24	365	48	122	28	198	20	529	96	645	29	50	54	133	1341
Grand Total	165	512	40	717	127	318	52	497	47	938	196	1181	61	89	109	259	2654
Apprch %	23.0	71.4	5.6		25.6	64.0	10.5		4.0	79.4	16.6		23.6	34.4	42.1		
Total %	6.2	19.3	1.5	27.0	4.8	12.0	2.0	18.7	1.8	35.3	7.4	44.5	2.3	3.4	4.1	9.8	



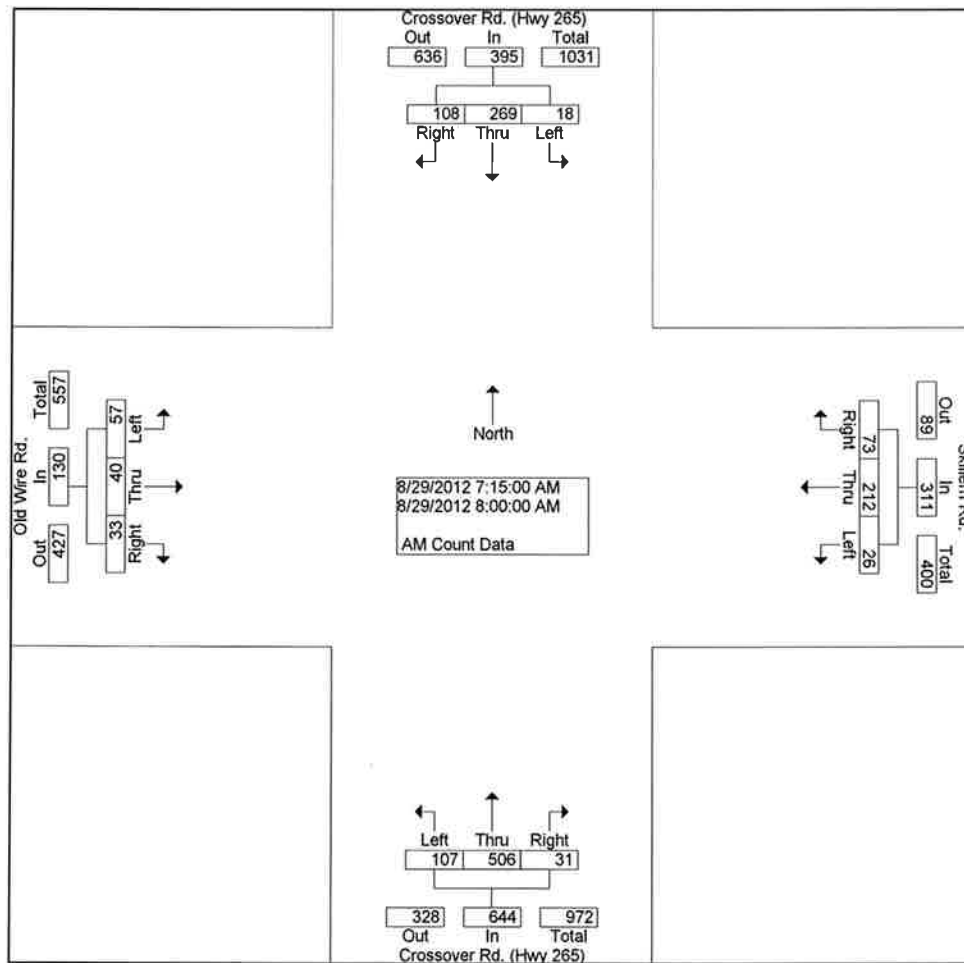
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

AM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)
 Page 150 of 192

File Name : AM.POW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 2

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour From 07:00 AM to 08:45 AM - Peak 1 of 1																	
Intersection	07:15 AM																0.883
Volume	108	269	18	395	73	212	26	311	31	506	107	644	33	40	57	130	
Percent	27.3	68.1	4.6		23.5	68.2	8.4		4.8	78.6	16.6		25.4	30.8	43.8		
08:00	34	62	5	101	16	59	6	81	10	177	25	212	6	9	10	25	
Volume																	
Peak Factor																	
High Int.	07:30 AM				07:15 AM				08:00 AM				07:30 AM				
Volume	31	77	4	112	32	61	8	101	10	177	25	212	12	12	18	42	
Peak Factor	0.882				0.770				0.759				0.774				



Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

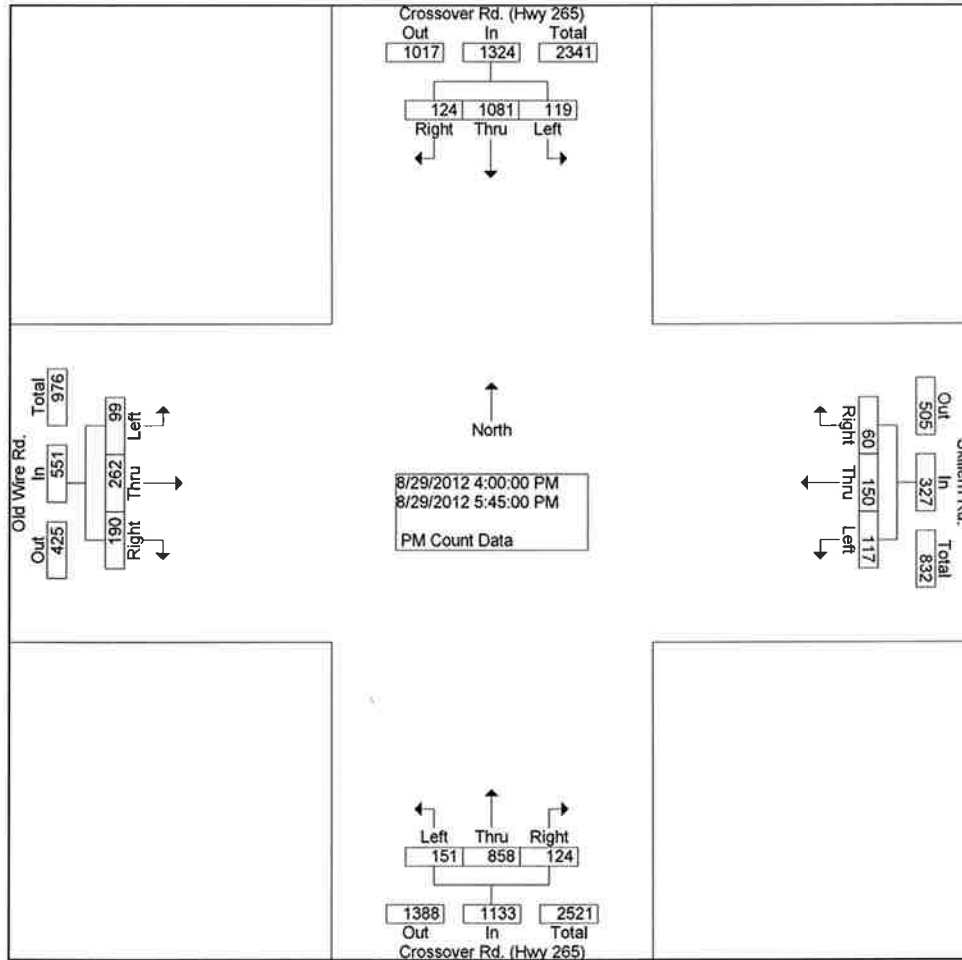
PM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)

File Name : PM20120829
Site Code : 00000000
Start Date : 08/29/2012
Page No : 1

Groups Printed- PM Count Data

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Factor	1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		1.0	1.0	1.0		
04:00 PM	8	119	10	137	2	8	11	21	15	90	15	120	15	19	11	45	323
04:15 PM	15	124	6	145	8	26	22	56	21	108	14	143	14	37	9	60	404
04:30 PM	16	154	16	186	6	13	13	32	17	110	20	147	22	28	18	68	433
04:45 PM	19	127	14	160	6	23	22	51	9	106	27	142	28	26	12	66	419
Total	58	524	46	628	22	70	68	160	62	414	76	552	79	110	50	239	1579
05:00 PM	14	136	9	159	8	20	7	35	13	115	18	146	28	43	15	86	426
05:15 PM	20	150	20	190	13	23	13	49	17	139	16	172	28	30	11	69	480
05:30 PM	14	114	21	149	11	15	17	43	20	86	27	133	33	42	7	82	407
05:45 PM	18	157	23	198	6	22	12	40	12	104	14	130	22	37	16	75	443
Total	66	557	73	696	38	80	49	167	62	444	75	581	111	152	49	312	1756
Grand Total	124	1081	119	1324	60	150	117	327	124	858	151	1133	190	262	99	551	3335
Apprch %	9.4	81.6	9.0		18.3	45.9	35.8		10.9	75.7	13.3		34.5	47.5	18.0		
Total %	3.7	32.4	3.6	39.7	1.8	4.5	3.5	9.8	3.7	25.7	4.5	34.0	5.7	7.9	3.0	16.5	



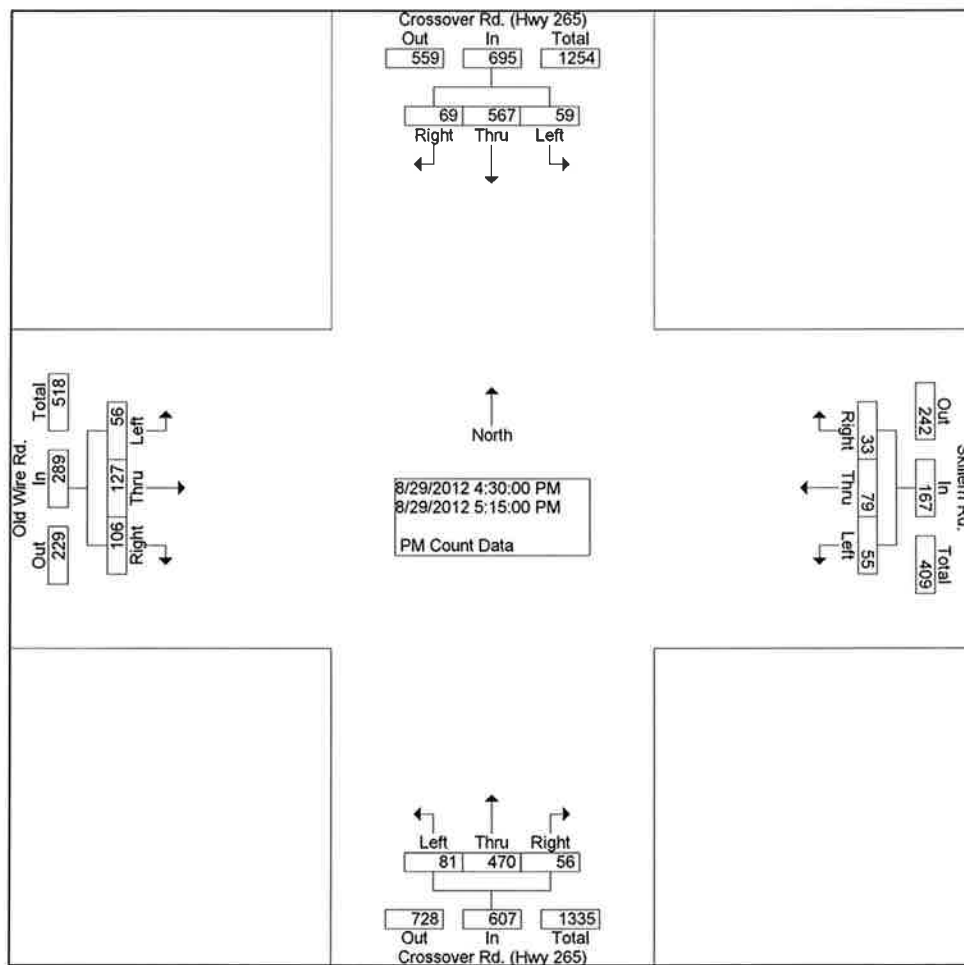
Peters & Associates Engineers, Inc.
Peak Hours Turning Movement Count Data

B. 1
 RZN 12-4166 (South of Brookbury
 Crossing & East of Candlewood
 Developments/Riggins)

PM Hour Turning Movement Count Data
Crossover Rd and Old Wire Rd/Skillern Rd
Fayetteville, AR
P-1586

File Name : PMP-OW
Site Code : 00000000
Start Date : 08/29/2012
Page No : 2

	Crossover Rd. (Hwy 265) From North				Skillern Rd. From East				Crossover Rd. (Hwy 265) From South				Old Wire Rd. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour From 04:00 PM to 05:45 PM - Peak 1 of 1																	
Intersection	04:30 PM																
Volume	69	567	59	695	33	79	55	167	56	470	81	607	106	127	56	289	1758
Percent	9.9	81.6	8.5		19.8	47.3	32.9		9.2	77.4	13.3		36.7	43.9	19.4		
05:15	20	150	20	190	13	23	13	49	17	139	16	172	28	30	11	69	480
Volume																	0.916
Peak Factor	05:15 PM				04:45 PM				05:15 PM				05:00 PM				
High Int.	20	150	20	190	6	23	22	51	17	139	16	172	28	43	15	86	
Volume																	
Peak Factor	0.914				0.819				0.882				0.840				



Capacity & Level of Service Calculations

Queues

1: Old Wire Rd & Crossover Rd

Traffic Plan: AM

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	62	79	28	309	116	584	20	409
v/c Ratio	0.20	0.16	0.07	0.66	0.26	0.36	0.06	0.28
Control Delay	11.7	9.9	10.7	22.3	11.3	11.5	11.3	10.6
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.7	9.9	10.7	22.3	11.3	11.5	11.3	10.6
Queue Length 50th (ft)	12	8	5	78	20	58	3	37
Queue Length 95th (ft)	29	36	17	146	48	129	13	73
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	304	601	386	575	454	1642	320	1446
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.20	0.13	0.07	0.54	0.26	0.36	0.06	0.28
Intersection Summary								

HCM Signalized Intersection Capacity Analysis 1: Old Wire Rd & Crossover Rd

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.99		1.00	0.96	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1735		1770	1791		1770	3508		1770	3387	
Flt Permitted	0.35	1.00		0.71	1.00		0.47	1.00		0.41	1.00	
Satd. Flow (perm)	646	1735		1314	1791		875	3508		763	3387	
Volume (vph)	57	40	33	26	212	73	107	506	31	18	269	108
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	62	43	36	28	230	79	116	550	34	20	292	117
RTOR Reduction (vph)	0	27	0	0	24	0	0	6	0	0	65	0
Lane Group Flow (vph)	62	52	0	28	285	0	116	578	0	20	344	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	15.6	13.5		14.2	12.8		24.9	22.8		22.1	21.4	
Effective Green, g (s)	15.6	13.5		14.2	12.8		24.9	22.8		22.1	21.4	
Actuated g/C Ratio	0.29	0.25		0.26	0.24		0.46	0.42		0.41	0.39	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	229	431		355	421		435	1470		323	1332	
v/s Ratio Prot	c0.01	0.03		0.00	c0.16		c0.01	c0.16		0.00	0.10	
v/s Ratio Perm	0.07			0.02			0.11			0.02		
v/c Ratio	0.27	0.12		0.08	0.68		0.27	0.39		0.06	0.26	
Uniform Delay, d1	14.6	15.8		15.1	18.9		8.6	11.0		9.7	11.1	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.6	0.1		0.1	4.3		0.3	0.8		0.1	0.5	
Delay (s)	15.3	16.0		15.2	23.2		8.9	11.8		9.8	11.6	
Level of Service	B	B		B	C		A	B		A	B	
Approach Delay (s)		15.7			22.6			11.3			11.5	
Approach LOS		B			C			B			B	
Intersection Summary												
HCM Average Control Delay		14.1					HCM Level of Service			B		
HCM Volume to Capacity ratio		0.44										
Actuated Cycle Length (s)		54.4					Sum of lost time (s)		12.0			
Intersection Capacity Utilization		50.6%					ICU Level of Service		A			
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Timing Plan AM

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↗	↘	
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	36	23	7	150	80	11
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	39	25	8	163	87	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			64		230	52
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			64		230	52
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			100		88	99
cM capacity (veh/h)			1538		755	1016
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	64	171	99			
Volume Left	0	8	87			
Volume Right	25	0	12			
cSH	1700	1538	779			
Volume to Capacity	0.04	0.00	0.13			
Queue Length 95th (ft)	0	0	11			
Control Delay (s)	0.0	0.4	10.3			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.4	10.3			
Approach LOS			B			
Intersection Summary						
Average Delay		3.2				
Intersection Capacity Utilization		25.4%	ICU Level of Service	A		
Analysis Period (min)		15				

Queues

1: Old Wire Rd & Crossover Rd

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	61	253	60	122	88	572	64	691
v/c Ratio	0.17	0.59	0.20	0.30	0.29	0.38	0.18	0.45
Control Delay	11.6	17.6	12.0	13.7	11.4	13.1	10.0	13.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.6	17.6	12.0	13.7	11.4	13.1	10.0	13.8
Queue Length 50th (ft)	11	47	11	21	13	67	10	86
Queue Length 95th (ft)	29	102	29	55	39	124	30	153
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	352	575	298	561	307	1525	358	1525
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.44	0.20	0.22	0.29	0.38	0.18	0.45
Intersection Summary								

HCM Signalized Intersection Capacity Analysis 1: Old Wire Rd & Crossover Rd

Tipping Point PM
Page 158 of 192
9/7/2012

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.98		1.00	0.98	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1736		1770	1780		1770	3483		1770	3482	
Flt Permitted	0.68	1.00		0.44	1.00		0.32	1.00		0.39	1.00	
Satd. Flow (perm)	1264	1736		821	1780		594	3483		730	3482	
Volume (vph)	56	127	106	55	79	33	81	470	56	59	567	69
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	61	138	115	60	86	36	88	511	61	64	616	75
RTOR Reduction (vph)	0	60	0	0	29	0	0	14	0	0	14	0
Lane Group Flow (vph)	61	193	0	60	93	0	88	558	0	64	677	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	12.7	10.5		12.7	10.5		23.5	21.3		23.5	21.3	
Effective Green, g (s)	12.7	10.5		12.7	10.5		23.5	21.3		23.5	21.3	
Actuated g/C Ratio	0.24	0.20		0.24	0.20		0.45	0.41		0.45	0.41	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	329	349		240	358		317	1421		372	1421	
v/s Ratio Prot	0.01	c0.11		c0.01	0.05		c0.01	0.16		0.01	c0.19	
v/s Ratio Perm	0.04			0.05			0.11			0.07		
v/c Ratio	0.19	0.55		0.25	0.26		0.28	0.39		0.17	0.48	
Uniform Delay, d1	15.5	18.7		15.5	17.6		8.5	10.9		8.2	11.4	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.3	1.9		0.5	0.4		0.5	0.8		0.2	1.1	
Delay (s)	15.8	20.6		16.1	18.0		8.9	11.7		8.5	12.5	
Level of Service	B	C		B	B		A	B		A	B	
Approach Delay (s)		19.7			17.4			11.3			12.2	
Approach LOS		B			B			B			B	
Intersection Summary												
HCM Average Control Delay		13.6					HCM Level of Service			B		
HCM Volume to Capacity ratio		0.47										
Actuated Cycle Length (s)		52.2					Sum of lost time (s)			16.0		
Intersection Capacity Utilization		52.2%					ICU Level of Service			A		
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Tipping Point PM
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9/7/2012

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↶			↶	↘	↗
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	108	47	12	72	39	6
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	117	51	13	78	42	7
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			168		247	143
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			168		247	143
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		94	99
cM capacity (veh/h)			1409		734	905
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	168	91	49			
Volume Left	0	13	42			
Volume Right	51	0	7			
cSH	1700	1409	753			
Volume to Capacity	0.10	0.01	0.06			
Queue Length 95th (ft)	0	1	5			
Control Delay (s)	0.0	1.1	10.1			
Lane LOS		A	B			
Approach Delay (s)	0.0	1.1	10.1			
Approach LOS			B			
Intersection Summary						
Average Delay			1.9			
Intersection Capacity Utilization		24.0%		ICU Level of Service	A	
Analysis Period (min)		15				

Queues

1: Old Wire Rd & Crossover Rd



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	62	83	33	323	116	585	21	409
v/c Ratio	0.21	0.17	0.09	0.70	0.24	0.35	0.07	0.30
Control Delay	12.1	10.1	11.0	24.2	10.7	11.5	11.4	11.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	12.1	10.1	11.0	24.2	10.7	11.5	11.4	11.1
Queue Length 50th (ft)	12	9	6	82	21	60	4	38
Queue Length 95th (ft)	29	38	19	153	48	129	14	73
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	292	585	383	555	481	1687	315	1363
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.21	0.14	0.09	0.58	0.24	0.35	0.07	0.30

Intersection Summary

HCM Signalized Intersection Capacity Analysis 1: Old Wire Rd & Crossover Rd

Timing Plan AM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.99		1.00	0.96	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1742		1770	1790		1770	3507		1770	3387	
Flt Permitted	0.31	1.00		0.70	1.00		0.44	1.00		0.43	1.00	
Satd. Flow (perm)	578	1742		1310	1790		829	3507		801	3387	
Volume (vph)	57	43	33	30	220	77	107	506	32	19	269	108
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	62	47	36	33	239	84	116	550	35	21	292	117
RTOR Reduction (vph)	0	27	0	0	25	0	0	7	0	0	66	0
Lane Group Flow (vph)	62	56	0	33	298	0	116	578	0	21	343	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	16.0	13.8		14.4	13.0		27.4	24.2		22.4	21.7	
Effective Green, g (s)	16.0	13.8		14.4	13.0		27.4	24.2		22.4	21.7	
Actuated g/C Ratio	0.29	0.25		0.26	0.23		0.49	0.43		0.40	0.39	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	212	429		348	415		459	1513		332	1310	
v/s Ratio Prot	c0.01	0.03		0.00	c0.17		c0.01	c0.16		0.00	0.10	
v/s Ratio Perm	0.07			0.02			0.11			0.02		
v/c Ratio	0.29	0.13		0.09	0.72		0.25	0.38		0.06	0.26	
Uniform Delay, d1	15.2	16.5		15.8	19.9		8.0	10.9		10.2	11.7	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.8	0.1		0.1	5.9		0.3	0.7		0.1	0.5	
Delay (s)	16.0	16.6		15.9	25.7		8.2	11.6		10.3	12.2	
Level of Service	B	B		B	C		A	B		B	B	
Approach Delay (s)		16.3			24.8			11.0			12.1	
Approach LOS		B			C			B			B	
Intersection Summary												
HCM Average Control Delay		14.8					HCM Level of Service			B		
HCM Volume to Capacity ratio		0.50										
Actuated Cycle Length (s)		56.1					Sum of lost time (s)		16.0			
Intersection Capacity Utilization		51.3%					ICU Level of Service		A			
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Tipping Point AM

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↖			↖	↘	↗
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	36	29	8	150	97	15
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	39	32	9	163	105	16
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			71		235	55
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			71		235	55
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		86	98
cM capacity (veh/h)			1530		749	1012
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	71	172	122			
Volume Left	0	9	105			
Volume Right	32	0	16			
cSH	1700	1530	776			
Volume to Capacity	0.04	0.01	0.16			
Queue Length 95th (ft)	0	0	14			
Control Delay (s)	0.0	0.4	10.5			
Lane LOS		A	B			
Approach Delay (s)	0.0	0.4	10.5			
Approach LOS			B			
Intersection Summary						
Average Delay			3.7			
Intersection Capacity Utilization			27.4%		ICU Level of Service	A
Analysis Period (min)			15			

Queues

1: Old Wire Rd & Crossover Rd

								
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Group Flow (vph)	61	264	63	131	88	577	70	691
v/c Ratio	0.17	0.61	0.21	0.31	0.29	0.38	0.20	0.46
Control Delay	11.5	18.6	12.1	13.8	11.5	13.2	10.3	14.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	11.5	18.6	12.1	13.8	11.5	13.2	10.3	14.0
Queue Length 50th (ft)	11	52	12	23	14	69	11	87
Queue Length 95th (ft)	29	109	30	58	39	125	32	153
Internal Link Dist (ft)		298		546		249		334
Turn Bay Length (ft)	175		175		200		200	
Base Capacity (vph)	355	573	296	563	305	1514	354	1514
Starvation Cap Reductn	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.17	0.46	0.21	0.23	0.29	0.38	0.20	0.46
Intersection Summary								

HCM Signalized Intersection Capacity Analysis 1: Old Wire Rd & Crossover Rd

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	1.00		1.00	1.00		1.00	0.95		1.00	0.95	
Frt	1.00	0.93		1.00	0.96		1.00	0.98		1.00	0.98	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	1741		1770	1780		1770	3478		1770	3482	
Flt Permitted	0.67	1.00		0.42	1.00		0.32	1.00		0.39	1.00	
Satd. Flow (perm)	1254	1741		786	1780		591	3478		721	3482	
Volume (vph)	56	137	106	58	85	36	81	470	61	64	567	69
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	61	149	115	63	92	39	88	511	66	70	616	75
RTOR Reduction (vph)	0	55	0	0	30	0	0	15	0	0	14	0
Lane Group Flow (vph)	61	209	0	63	101	0	88	562	0	70	677	0
Turn Type	pm+pt			pm+pt			pm+pt			pm+pt		
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4			8			2			6		
Actuated Green, G (s)	12.9	10.7		12.9	10.7		23.3	21.1		23.3	21.1	
Effective Green, g (s)	12.9	10.7		12.9	10.7		23.3	21.1		23.3	21.1	
Actuated g/C Ratio	0.25	0.20		0.25	0.20		0.45	0.40		0.45	0.40	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	332	357		236	365		313	1406		366	1407	
v/s Ratio Prot	0.01	c0.12		c0.01	0.06		c0.01	0.16		0.01	c0.19	
v/s Ratio Perm	0.04			0.05			0.11			0.08		
v/c Ratio	0.18	0.59		0.27	0.28		0.28	0.40		0.19	0.48	
Uniform Delay, d1	15.3	18.7		15.4	17.5		8.6	11.1		8.4	11.5	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	0.3	2.4		0.6	0.4		0.5	0.9		0.3	1.2	
Delay (s)	15.6	21.2		16.0	17.9		9.1	11.9		8.6	12.7	
Level of Service	B	C		B	B		A	B		A	B	
Approach Delay (s)		20.1			17.3			11.5			12.3	
Approach LOS		C			B			B			B	
Intersection Summary												
HCM Average Control Delay			13.8			HCM Level of Service				B		
HCM Volume to Capacity ratio			0.49									
Actuated Cycle Length (s)			52.2			Sum of lost time (s)			16.0			
Intersection Capacity Utilization			52.7%			ICU Level of Service			A			
Analysis Period (min)			15									
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis 6: Skillern Rd & Brookbury Crossing

Timing Plan: RTM
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9/12/2012

	→	↘	↙	←	↖	↗
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↗			↖	↗	↘
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Volume (veh/h)	108	66	17	72	50	9
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	117	72	18	78	54	10
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			189		268	153
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			189		268	153
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			99		92	99
cM capacity (veh/h)			1385		711	893
Direction, Lane #	EB 1	WB 1	NB 1			
Volume Total	189	97	64			
Volume Left	0	18	54			
Volume Right	72	0	10			
cSH	1700	1385	734			
Volume to Capacity	0.11	0.01	0.09			
Queue Length 95th (ft)	0	1	7			
Control Delay (s)	0.0	1.5	10.4			
Lane LOS		A	B			
Approach Delay (s)	0.0	1.5	10.4			
Approach LOS			B			
Intersection Summary						
Average Delay			2.3			
Intersection Capacity Utilization			27.8%		ICU Level of Service	A
Analysis Period (min)			15			



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TAKEN WEST OF THE
BROOKBURY ENTRANCE
LOOKING TOWARD CROSSOVER



TO THE EAST TAKEN
FROM BROOKBURY ENTRANCE



TO THE WEST TAKEN
FROM BROOKBURY ENTRANCE



OLD WIRE RD

SKILLERN RD

CO RD 536

N ACADIANA COURT



TAKEN AT INTERSECTION
FROM ENTRANCE OF JACKSON PLACE

CROSSOVER



TO THE WEST TAKEN
FROM BROOKBURY ENTRANCE



TAKEN WEST OF THE
BROOKBURY ENTRANCE

B. 1
RZN 12-4166 (South of Brookbury
Entrance & East of Candlewood
Developments/Riggins)
Page 167 of 192

BROOKBURY CROSSING

Sondra Smith - Fwd: Rezoning of property south of Brookbury

From: Sondra Smith
To: Aldermen
Subject: Fwd: Rezoning of property south of Brookbury
CC: Erin_Setser@arwd.uscourts.gov

>>> <Erin_Setser@arwd.uscourts.gov> 10/16/2012 12:07 PM >>>

Good Morning Ms. Smith. Could you please forward this e-mail to the Mayor and City Council members to review prior to the City Council meeting tonight. I am attaching by separate e-mail additional pictures.

Thank you,

Erin Setser

Dear Mayor Jordan and City Council Members:

My name is Erin Setser. I am writing as a representative of the Jackson Place Property Owner's Association. Our neighborhood is very concerned about the proposed development of the property south of Brookbury. We, of course, share in all of the concerns expressed by residents of Brookbury and Candlewood.

I write to separately express the concerns of Jackson Place residents regarding the impact the development could have on Mud Creek. I am forwarding pictures of our neighborhood from April 2011, when the creek overflowed into our backyards. As you can see from the pictures, the creek became more like a river with rushing rapids. If it had not stopped raining when it did, I believe our homes would have been flooded. We cannot put fences in our backyards because the creek will simply wash them away - this has happened six times to one neighbor.

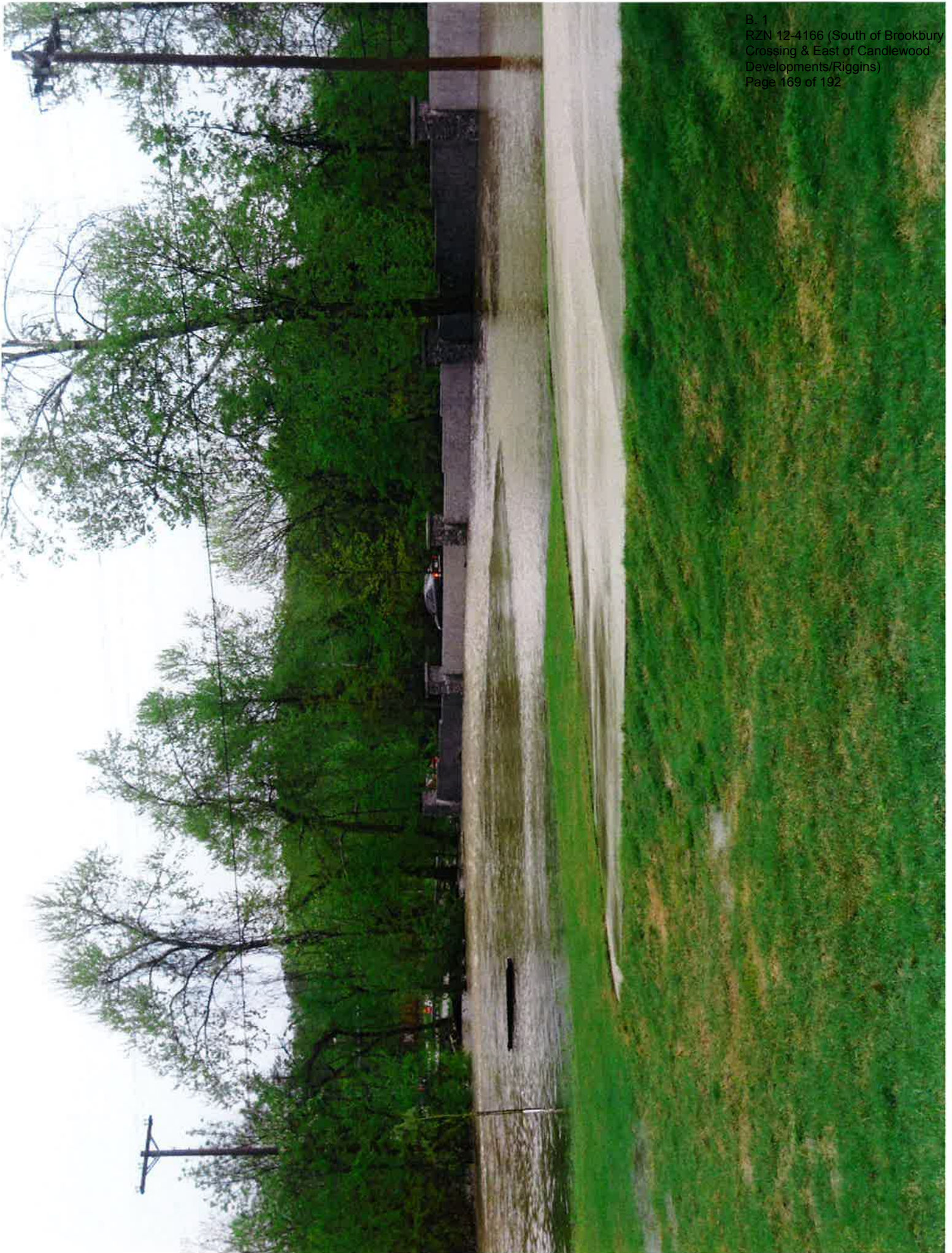
I will also note that the road construction project on Crossover/265 has only worsened the problem. Just the rain we had Saturday night caused there to be standing water in our back yards.

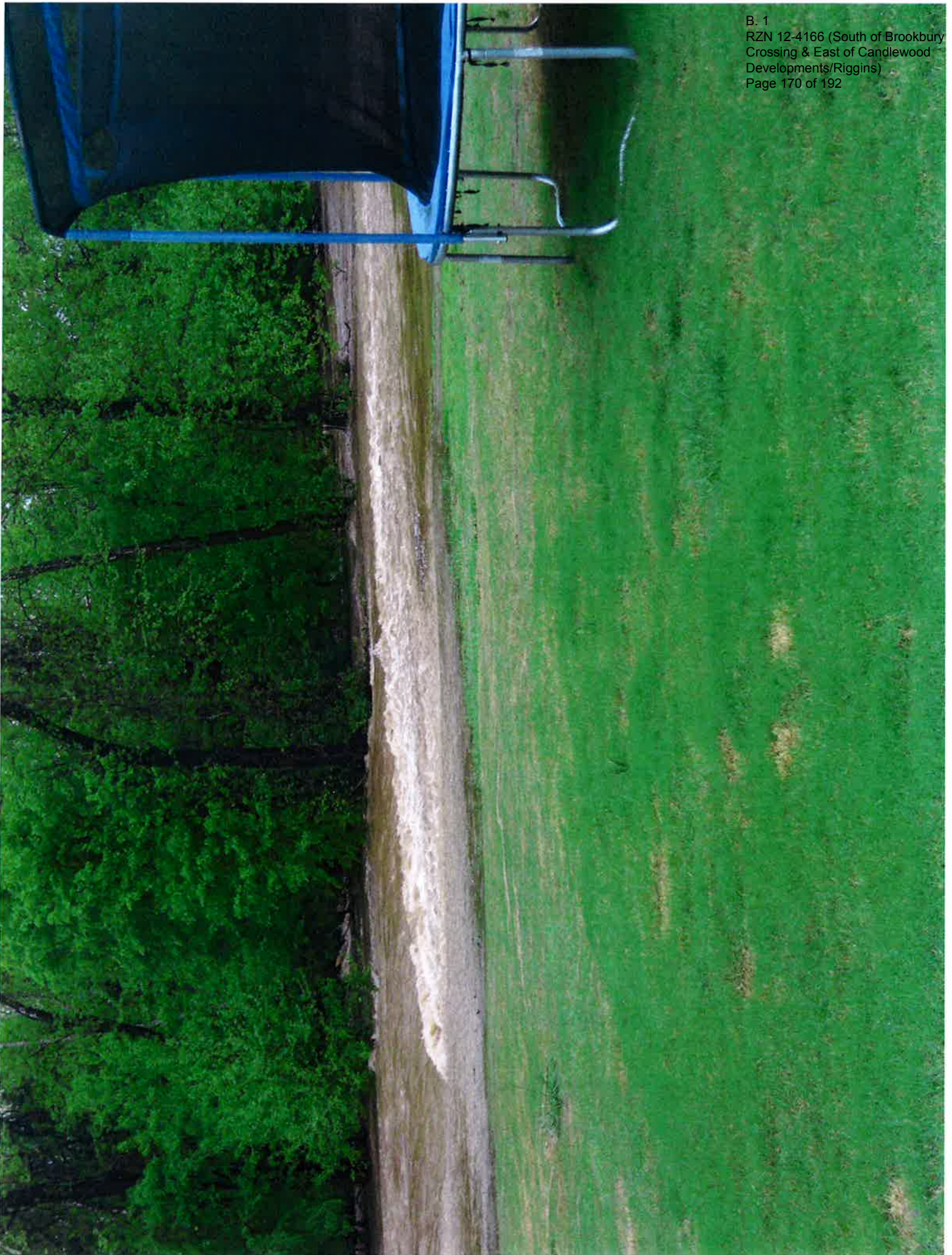
Our neighborhood is very concerned that the proposed development would only add to an existing problem and put our properties at an even greater risk of flooding. Thank you for taking the time to read this e-mail and view these pictures. We greatly appreciate the Council and Mayor's consideration of our concerns.

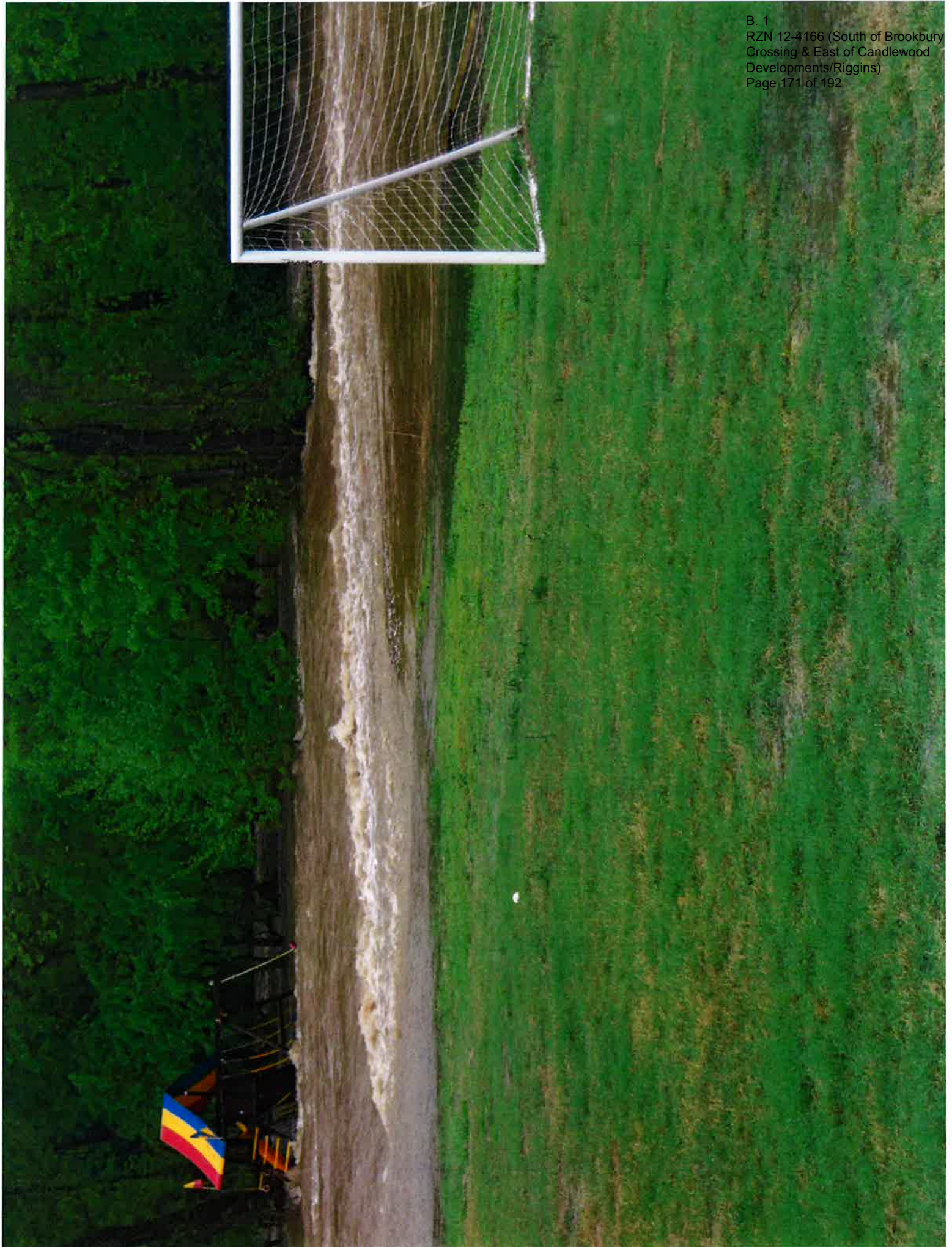
I look forward to seeing you all at the City Council meeting tonight.

Erin Setser

(See attached file: flood1.jpg)(See attached file: flood2.jpg)(See attached file: flood3.jpg)







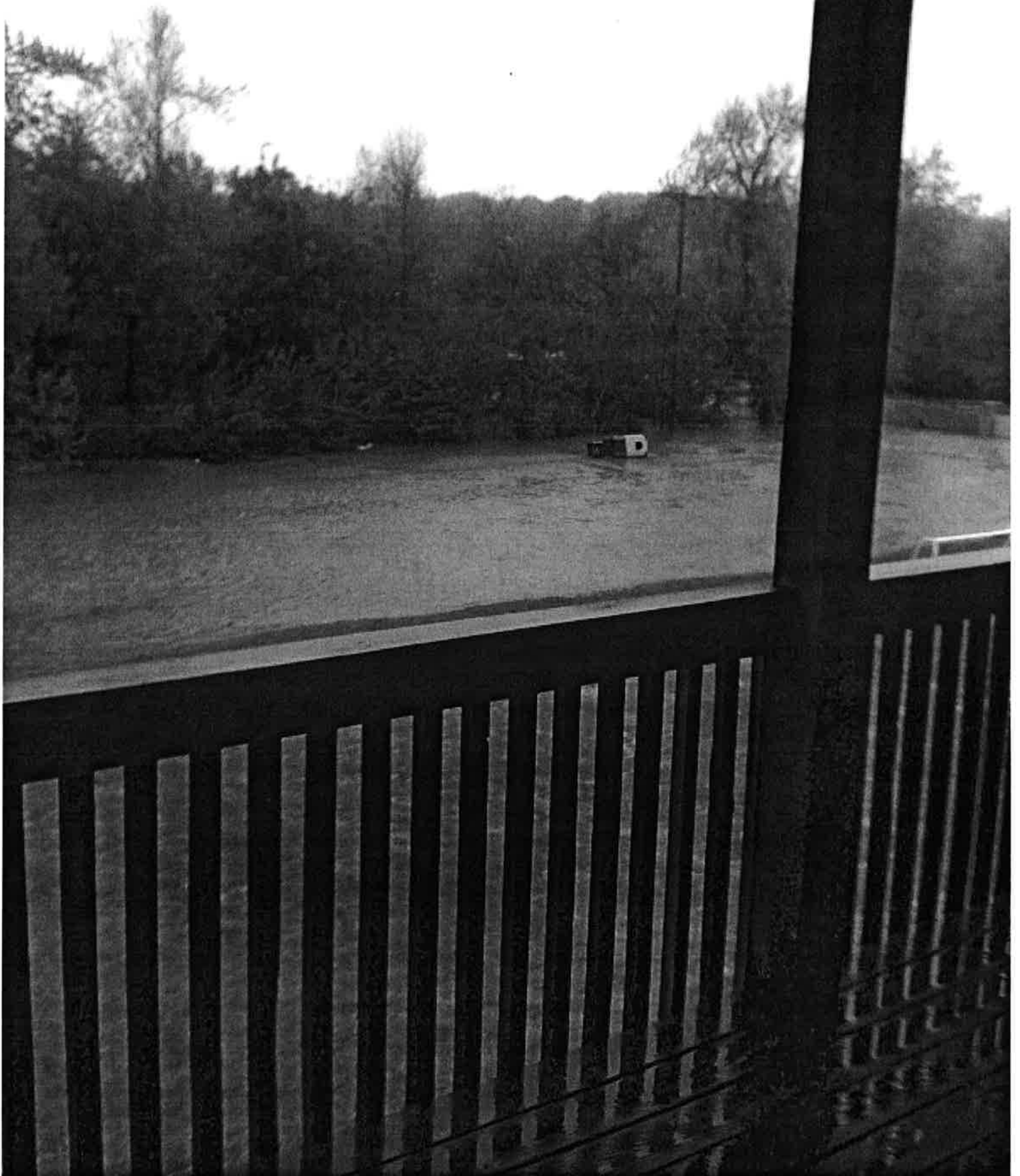
From: <Erin_Setser@arwd.uscourts.gov>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 10/16/2012 12:20 PM
Subject: additional pictures
Attachments: flood4.jpg; flood5.jpg; flood6.jpg

Ms. Smith, here are additional pictures I would appreciate you forwarding to the Mayor and City Council.

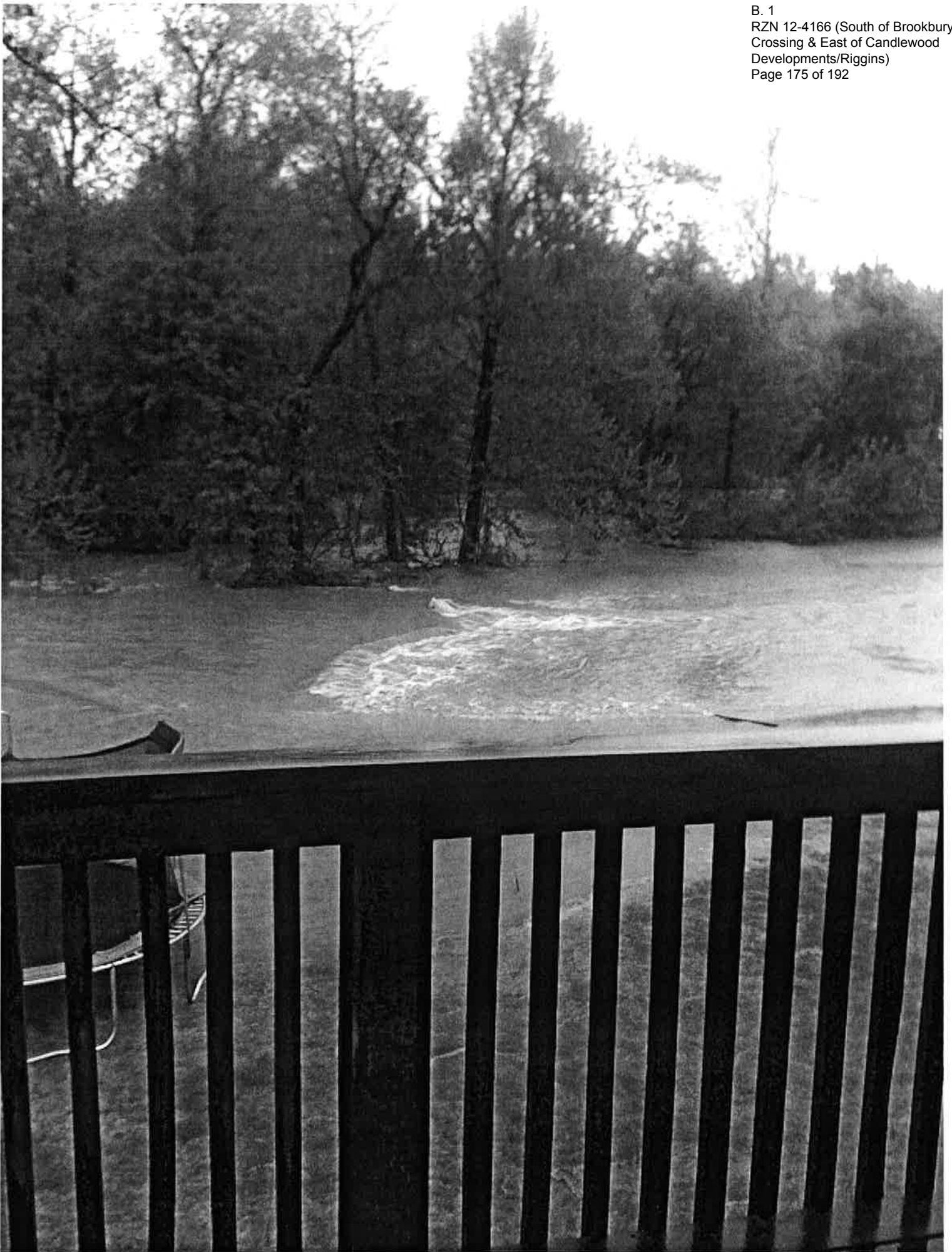
Thank you,

Erin Setser

(See attached file: flood4.jpg)(See attached file: flood5.jpg)(See attached file: flood6.jpg)







Passed out at the
10/16/12 cmg.

Bill of Assurance
Page 1

RZN 12-4166 (South of Brookbury

B.1
Crossing & East of Candlewood
Developments/Riggins)
Page 176 of 993ms

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner(s), developer, or buyer of this property LRRB Land Development, LLC, (hereinafter "Petitioners"), and the City of Fayetteville, Arkansas (the "City") offer this Bill of Assurance and enter into this binding agreement and contract.

The Petitioners expressly grant to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioners or Petitioners' heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioners acknowledge that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioners' rezoning request.

Petitioners and the City of Fayetteville hereby offer assurances that Petitioners and the City shall comply with the terms and conditions set forth below **IF** Petitioners' rezoning is approved by the Fayetteville City Council.

1. Petitioner agrees to seek a zoning classification of RSF - 4, as defined by the Code of Ordinance, of the City of Fayetteville, for the Property.
2. Petitioner agrees that a maximum of thirty-seven (37) residential homes along with any permitted accessory structures) shall be built upon the Property.
3. Petitioner agrees to adopt and file with the Washington County Circuit Clerk Protective Covenants and Restrictions substantially similar to those adopted by Candlewood Subdivision filed for record on November 9, 1999; file number 1999-00101129 (hereinafter the "Candlewood Covenants).
4. Petitioner agrees that said Protective Covenants and Restrictions shall have a minimum square footage, as defined therein of 3,500 square feet of heated floor space.
5. That Petitioner reserves the right to not include a gas yard light as called for in the Candlewood Covenants, if Petitioner so determines.

6. Petitioner agrees that if requested by the Brookbury Property Owners Association, that each individual single family lot developed on the Property shall contribute its pro-rata share towards maintenance of the landscaping at the entrance Brookbury Crossing from Skillern Road.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, we, LRRB Land Development, LLC, as the owners, developers or buyers (Petitioners) and The City of Fayetteville, as governing municipal authority, **offer** all such assurances and sign our names below.

OCTOBER 16, 2012
Date
1200 E. 30th BLVD.
Address
FAYETTEVILLE, AR 72703

LRRB LAND DEVELOPMENT,
LLC
BY [Signature] member
Signature
DARIN Riggins
Printed Name

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 16th day of October, 2012, appeared before me, Darin Riggins and after being placed upon his/her oath swore or affirmed that he agreed with the terms of the above Bill of Assurance and signed his name above.

[Signature]
NOTARY PUBLIC

My Commission Expires
JOY L. HOOPS
NOTARY PUBLIC, ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 09/01/2014

Passed out at the 10/16/12
Co mtg.

RZN

12-4166 (South of B. 1

Brookbury Crossing

East of Candlewood

RZN 12-4166 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 178 of 192

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name

Address

Signature

Holly Harris 3163 E. Summershade Holly Harris

Bob Harris 3163 E. Summershade Dr. Bob Harris

(Russ OREGAIN) Russ Oregain 3215 E. Summershade Dr. Russ Oregain

Lisa Oregain 3215 E. Summershade Dr. Lisa Oregain

Riep Bartholomew 3197 E. Summershade Dr. Riep Bartholomew

Mary Margaret Fox 3214 E SUMMERSHADE DR Mary Margaret Fox

GREG FOX Greg Fox 3274 E. Summershade Dr. Greg Fox

Wendy Dunn Wendy Dunn 3251 E. Summershade Dr. Wendy Dunn

Whitley Dunn ~~Whitley Dunn~~ 3251 E. Summershade Dr. 72703

Lorie Wilcox 3277 E Summershade Fay, AR 72703 Lorie Wilcox

Steve Wilcox " " " " " S. Wilcox

Paige McCool 3233 E. Summershade Dr. Fayetteville, AR Paige McCool

Kelly McCool 3233 E Summershade Dr. AR 72703 Kelly McCool

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name	Address	Signature
Leeann Collins	3225 Piper Glen Fayetteville 72703	Leeann Collins
CHARLIE COLLINS	3225 Piper Glen Fayetteville 72703	Charlie S. Collins
Michelle DALLAS	3203 Piper Glen Fayetteville 72703	Michelle Dallas
Amy Witte	3239 Piper Glen Fayetteville 72703	Amy Witte
Mike Witte	3239 Piper Glen 72703	Mike Witte
Phil Sherman	3282 Piper Glen 72703	Phil Sherman
Kelsey Knieriem	3258 Piper Glen 72703	Kelsey Knieriem
KATIA COLSTON	3210 E. PIPER GLEN 72703	Katia Colston
Xu, Hua	3236 E. Piper Glen 72703	Hua Xu
Katherine Xiao	3236 E. Piper Glen 72703	Katherine Xiao
Craig HART	3222 PIPER GLEN 72703	Craig Hart
Cheryl Kim	3222 Piper Glen 72703	Cheryl Kim
Dore Williams	3200 Piper Glen 72703	Dore Williams
Wesley D. H.	3200 Piper Glen 72703	Wesley D. H.
Amelia Zab	3174 Piper Glen 72703	Amelia Zab
Austin Collins	3225 Piper Glen Fayetteville 72703	Austin Collins
Jordan Collins	3225 Piper Glen 72703	Jordan J. Collins
Andrew Collins	3225 Piper Glen 72703	Andrew B. Collins

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Print Name

Address

Signature

STEVE C. CURRINGTON 2756 SADDLEBROOK COVE Steve C. Currington

Ben Therman 2721 N. Shadybrook Cove Ben Therman

Crystal Therman 2721 N. Shadybrook Ct Crystal Therman

JW Best 2718 N. Shadybrook Cove JW Best

Juni Young 2732 N. Shadybrook Cve Fayetteville

DEAN YOUNG " "

ARKOM CHOLLAPAND 2749 Shadybrook Cove Arkom Chollapand

Michelle Price 2777 N. Shadybrook Michelle Price

Jim Price 2777 N. Shadybrook Jim Price

Eric Funkhouser 2763 N. Shadybrook Eric Funkhouser

Nicha Chollapand 2749 N. Shadybrook Nicha Chollapand

EVAN R. PRESS 2744 N. Shadybrook Cove ER Press

Sarah McClintock 2735 N. Shadybrook Cove Sarah McClintock

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name

Address

Signature

James N. Roy Jr.	3074 Summershade	James N. Roy Jr.
Bea Roy	3074 Summershade	Bea Roy
Jerilyn Nicholson	3101 Summershade	Jerilyn Nicholson
Richard Nicholson	3101 Summershade	Richard Nicholson
Paul Shepherd	3125 Summershade Dr.	Paul Shepherd
Colleen Shepherd	3125 Summershade Dr.	Colleen Shepherd
Spencer Shepherd	3125 Summershade Dr.	Spencer Shepherd
TED BOGSTADT	3102 Summershade Dr.	Ted Bogstadt
Carol Bogstadt	3102 Summershade Dr.	Carol Bogstadt
Angela Dunn	3058 Summershade Dr.	Angela Dunn
Kaitlyn Dunn	3058 Summershade	Kaitlyn Dunn
Charlette Quattlebaum	3040 Summershade Dr.	Charlette Quattlebaum
L.L. Turner	3002 Summershade Dr.	L.L. Turner
Elizabeth Abide	3016 E. Summershade Dr.	Elizabeth Abide
Victor Abide	3016 E. Summershade Dr.	Victor Abide
Keith Wagstaff	301 E. Summershade Dr.	Keith Wagstaff
Mark Wagstaff	301 E. Summershade Dr.	Mark Wagstaff
Charles Audrey	3021 Summershade	Charles Audrey
Linda Audrey	3021 Summershade	Linda Audrey
Cindy Kordeck	3059 Summershade Dr.	Cindy Kordeck
Stephen Ray Stafford	3075 Summershade Dr.	Stephen Ray Stafford
Kristen Veltkamp	3043 Summershade Dr.	Kristen Veltkamp
Jason Veltkamp	3043 E. Summershade Dr.	Jason Veltkamp

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name	Address	Signature
Meggan Bell	2757 N Brookbury Xing	Meggan Bell
Laurie Malloy	2784 N. Brookbury Xing	Laurie Malloy
CARL MALLOY	2784 BROOKBURY XING	CARL MALLOY
Jolinda Tune	2764 Brookbury	Jolinda Tune
Michael Tune	2764 Brookbury	Michael Tune
Rebecca Boss	2730 Brookbury	Rebecca P. Boss
Karen Leatherby	2731 Brookbury Crossg	Kathleen Leatherby
Denise Leatherby	2731 BROOKBURY CROSSING	DENISE LEATHERBY
Sue E Poppe	2745 Brookbury	Sue E Poppe
STEPHEN BOSS	2730 BROOKBURY CROSSING	STEPHEN BOSS
Scott Bell	2757 Brookbury Xing	Scott Bell
Mark Cook	2773 N. Brookbury Xing	Mark Cook
Steve Litzinger	2727 Brookbury Crossing	Steve Litzinger
Kristin Litzinger	2727 Brookbury Crossing	Kristin Litzinger

<u>Pam McMichael</u>	<u>2772 Shadybrook Cove</u>	<u>Rosemead, CA</u>
<u>BILLY FOX</u>	<u>2772 SHADYBROOK COVE</u>	<u>WILSON, CA</u>

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name	Address	Signature
Doug Walker	2855 Deaver Fayetteville AR	Doug Walker
Heather Walker	2855 Deaver Fayetteville	Heather Walker
Thomas Schatzman	2868 Deaver Fayetteville	Thomas Schatzman
Judith A. Schatzman	2868 Deaver Fayetteville	Judith A. Schatzman
Hee-Jeung Kim	2887 Deaver Fayetteville	Hee-Jeung Kim
Jim-Noo Kim	2887 Deaver Fayetteville	Jim-Noo Kim
LARRY NOBLIN	2890 DENVER Fayetteville	Larry Noblin
CHRYLENE NOBLIN	2890 DENVER Fayetteville	Chrylene Noblin
Kellie Upton	2882 Deaver Cr. Fayetteville	Kellie Upton
Rick Upton	2882 Deaver Cr. Fayetteville	Rick Upton
Jack Sheridan	3250 E. Summer Shade Dr Fayetteville	Jack Sheridan
Lynn Sheridan	3250 E Summer Shade Dr Fayetteville	Lynn Sheridan
Boblyse Kraynik	2871 N. Deaver Circle Fayetteville	Boblyse Kraynik
Kim Crawford	2866 Brookbury King F'ville	Kim Crawford
PAUL CRAWFORD	2866 Brookbury King Fayetteville	Paul Crawford
Michelle Sexton	2884 Brookbury Xing Fayetteville, AR 72703	Michelle Sexton
Twyll Sexton	2884 Brookbury Xing Fayetteville, AR 72703	Twyll Sexton
Jo Kaye Bandy	2898 Brookbury Crossing Fayetteville AR 72703	Jo Kaye Bandy
Steve R. Bandy	2898 Brookbury Crossing Fayetteville	Steve R. Bandy
George Nibben	2867 Brookbury Crossing Fayetteville	George Nibben

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name	Address	Signature
Christine Smith	3154 E. Idlewood Way	Christine Smith
Roy L. Smith	Roy L. Smith	Roy L. Smith
Andy Tye	3181 E. Idlewood Way	Andy Tye
Elizabeth Tye	3181 E. Idlewood Way	Elizabeth Tye
Lauri Cavell	3234 Idlewood	Lauri Cavell
Jennifer Page	3272 Idlewood	Jennifer Page
JACK PAGE	3272 Idlewood	JACK PAGE
Bernadette Pinter	3273 Idlewood	Bernadette Pinter
Kim Kunderk	3221 Idlewood	Kim Kunderk
Mary Boushelle	3196 E. Idlewood Way	Mary Boushelle
Rob McEver	3218 Idlewood Way	Rob McEver
Beth McEver	3218 Idlewood Way	Beth McEver
Kelly Cheek	3172 Idlewood Way	Kelly Cheek
John Witt	3235 Idlewood Way	John Witt
Elizabeth Witt	3235 Idlewood Way	Elizabeth Witt
Julie Young	3260 Idlewood Way	Julie Young
Armen Hayerian	3251 Idlewood Way	Armen Hayerian
Margaret Mc	3199 Idlewood Way	Margaret Mc

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name

Address

Signature

Scott Black	2789 Brookbury Cr.	Scott Black
Kay Colvin (Kay Colvin)	2712 Brookbury Cr	Kay Colvin
Ken W. (Ken Colvin)	2712 Brookbury Cr	Ken W.

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name	Address	Signature
Tom Pagnozzi	3288 E. Piper Glen Fay. 72703	Tom Pagnozzi
Colleen Pagnozzi	3288 E. Piper Glen Fay. 72703	Colleen Pagnozzi
Linda Rogers	3285 E. Piper Glen Fay. 72703	Linda Rogers
PETER THOMAS LORIS	2700 N. BROOKBURY X CROSSING 72703	Peter Thomas Loris
MATTHEW BLAKEY	2703 N. BROOKBURY XING 72703	Matthew Blakey
MISSY BLAKEY	2703 N. BROOKBURY XING 72703	Missy Blakey
Jeanette Loris	2700 N. Brookbury Xing 72703	Jeanette Loris
Kathleen Myers	3129 Skillern Rd., 72703	Kathleen Myers
JACKIE MCCUTCHEON	3263 SKILLERN RD. 72703	Jackie McCutcheon
Jacqueline Nagel	2707 Shadybrook Cv 72703	Jacqueline Nagel
Bill Mathis	2706 Shadybrook Cove 72703	Bill Mathis
Ashley Mathis	2706 Shadybrook Cove 72703	Ashley Mathis
Tony S. Park	3285 E. Skillern Rd 72703	Tony S. Park
Josephine Park	3285 E. Skillern Rd 72703	Josephine Park
Rod Nagel	2707 N. Shadybrook Cove Fay 72703	Rod Nagel
John McCutcheon	3263 Skillern Fay 72703	John McCutcheon

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

Print Name

Address

Signature

STEPHEN K. Petruconis 2939 Brookbury Stephen K. Petruconis

ROSEMARY PETRUCONIS 2939 BROOKBURY XING Rosemary Petruconis

K WINDOLE 2965 BROOKBURY CROSSING, FAYETTEVILLE K Windole

Pamela Jones 2953 Brookbury Crossing, Jay Pamela Jones

William Steven Jones 2953 Brookbury Crossing William Steven Jones

Brent Lundstrum 2927 Brookbury xing Crossing Brent Lundstrum

Jacqueline Cobb 2899 Brookbury xing Jacqueline Cobb

Marjorie Little 2885 Brookbury xing Marjorie Little

Matthew Mallery 2915 Brookbury Matthew Mallery

MARY WILLIAMS 3169 E SKILLEREN Mary Williams

~~Donna~~ Jim Meinecke 2932 Brookbury Jim Meinecke

Donna Meinecke 2932 Brookbury Donna Meinecke

Richard A Williams 3169 E. Skilleren Richard A Williams

We, the undersigned residents of Brookbury Subdivision, do hereby oppose the re-zoning of the 20.99 acre tract located at the south end of Brookbury Crossing to RSF-4, including any extension of Brookbury Crossing to Township. We further support the recommendation of RSF-0.5 by the Fayetteville Planning Commission.

B-1
RZN 12-4186 (South of Brookbury
Crossing & East of Candlewood
Developments/Riggins)
Page 189 of 192

Print Name

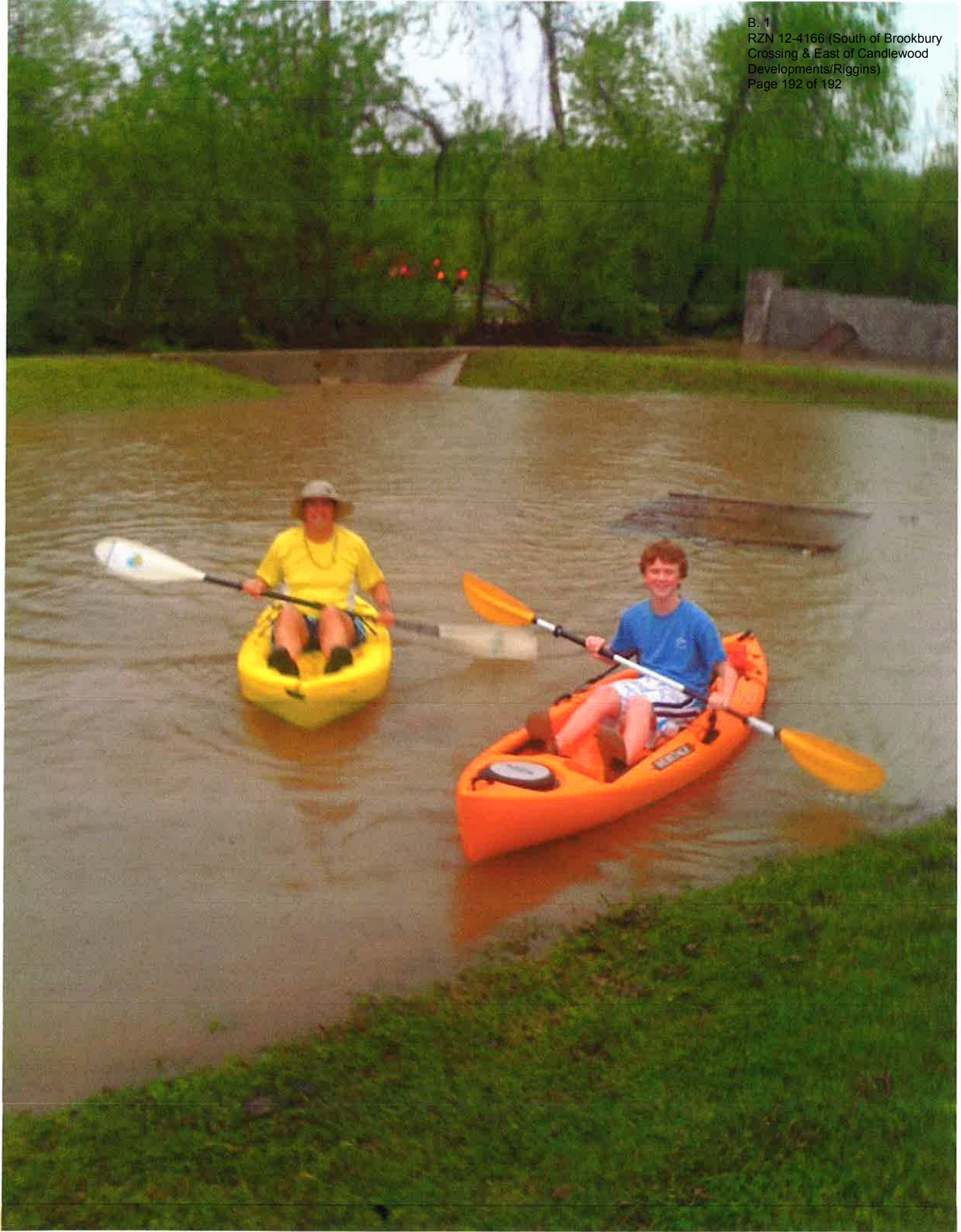
Address

Signature

Deirdre Garrison 2788 Shadybrook Cove Deirdre Garrison
Glenn Garrison 2788 Shadybrook Cove Glenn Garrison
Beverly Elliott 2805 Shadybrook Cove Beverly Elliott
Burt Elliott 2805 Shadybrook Cove Burt Elliott
Blakely Stokenburg 2812 N Shadybrook St Blakely Stokenburg
Scott Stokenburg 2812 N Shadybrook St Scott Stokenburg
Laura E. Sandlin 3112 Idlewoodway Laura E. Sandlin
Michael Sandlin 3112 Idlewoodway Michael Sandlin
Robert K. Rhoads 2791 Shadybrook Cove Robert K. Rhoads
RUSSELL GUNNELL 3090 IDLEWOOD WAY Russell Gunnell
Andrea Gunnell 3090 Idlewood way Andrea Gunnell
Shelly Hoyt 3068 E Idlewood Way Shelly Hoyt
Jared Hoyt 3068 E Idlewood Way Jared Hoyt
Lynn Rhoads 2791 Shadybrook CV 72103 Lynn Rhoads
Barbara Rhoads 2791 Shadybrook Cove Barbara Rhoads







City of Fayetteville Staff Review Form

C. 1
Dynasty Taxi
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

10/16/2012

City Council Meeting Date
Agenda Items OnlyGreg Tabor
Submitted ByPolice
DivisionPolice
Department

Action Required:

Request for public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Dynasty Taxi. This action is an application to increase his minimum and maximum number of permitted vehicles.

N/A
Cost of this requestN/A
Category / Project BudgetN/A
Program Category / Project NameN/A
Account NumberN/A
Funds Used to DateN/A
Program / Project Category NameN/A
Project NumberN/A
Remaining BalanceN/A
Fund NameBudgeted Item ☐Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Services Director

Date

Received in City Clerk's Office 09-27-12 P01:15 RCVD

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

ENTERED
9/27/12
PH

Comments:

Added to the Nov. 8, 2012 Cmty. at the Oct. 16, 2012 Cmty.

Revised January 15, 2009



TO: Mayor Lioneld Jordan and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: September 26, 2012

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Dynasty Taxi (Filing for Additional Vehicles)

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Dynasty Taxi that increases the company's number of vehicles to be permitted.

Background:

City Ordinance 117 article IV governs taxicabs and requires a public hearing to determine if there exists the further need for taxicab service. Dynasty was issued an original Certificate of Public Convenience and Necessity by the City Council on April 5, 2005, and was allotted a minimum number of two (2) taxis and a maximum number of ten (10) taxis. Dynasty has remained in business throughout this time frame. Currently, the city of Fayetteville has a total of six (6) authorized taxi companies. The city council has approved a maximum number of fifty-four (54) taxis in current city council actions for these six companies.

Discussion:

Attached are copies of Mr. Curry's notarized application for his certificate, proof of insurance, and financial statement.

Budget Impact:

None.

RESOLUTION NO. _____

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DYNASTY TAXI SERVICE, INC. FOR THE OPERATION OF A TOTAL OF FIFTEEN (15) TO THIRTY (30) TAXICABS IN THE CITY OF FAYETTEVILLE

WHEREAS, the City Council of the City of Fayetteville, Arkansas finds that further taxicab service in the City is required by the public convenience and necessity; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas, taking into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience, and responsibility of the applicant, finds the applicant, Dynasty Taxi Service, Inc. is fit, willing, and able to perform such public transportation and to conform to the provisions of Article IV of Chapter 117 of the Fayetteville Code of Ordinances;

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby grants a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville, in accordance with Article IV of Chapter 117 of the Fayetteville Code of Ordinances.

PASSED and APPROVED this 16th day of October, 2012.

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

BRUCE R. CURRY 5631 E. Mission Blvd 521-1974
Applicant Name Address Phone Number

Fayetteville, Ar.

Dynasty Taxi 479 521(TAXI)8294
Name of Business Phone Number

1428 N. College Ave. Fayetteville, Ar. 72703
Business Location

1722 N. College St. C PMB 317 Fayetteville, Ar.
Mailing Address 72703

LLC

Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Bruce R. Curry (same as above)
Kenneth Sill 5028 W. Newbridge Fay. Ar.
72704

Name of person to whom complaints should be directed:

Kenneth Sill

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:

We have had a little experience in operating
in the Fayetteville area.

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

Town needs good transportation during
the daytime NOT JUST ON WEEKENDS

List the number of vehicles that will be under your operation or control: 15-30

Minimum and Maximum number of vehicles to be permitted:

15
Minimum

30
Maximum

List the location of proposed depots and terminals:

1428 N. College Ave Fayetteville

917 71 Plaza Ct. Ste. B Springdale, Ar.

410 S. 8TH Street Rogers, Ar.

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



List your days and hours of operation:

We would like to work just weekends & special events
but we will most likely be 24/7 365 Days

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

The Day that Ma Coney dies will probably
will not have service

List your proposed passenger rate schedule:

3.50 pick-up 2.40 Mile 2.00 X-Tra Passenger

Police Department Representative

Date

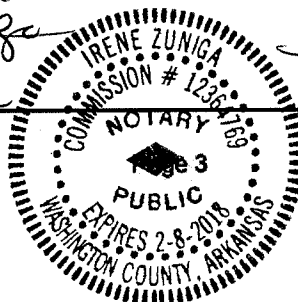
9-26-12
9-26-12

Subscribed and sworn to before me this 26 day
of Sept. 2012. My commission expires:

02-08-2018

Notary Public

9-26-12
Sole





CERTIFICATE OF LIABILITY INSURANCE

C. 1
Dynasty TaxiDATE (MM/DD/YYYY) 9/18/2012
Page 7 of 8

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER McNair & Associates P O Box 819 Fayetteville AR 72702-0819		CONTACT NAME: Margaret Pendry PHONE (A/C No. Ext.): (479) 521-7800 FAX (A/C No.): (479) 521-8617 E-MAIL ADDRESS: margiep@mcnairandassociates.com	
INSURED Dynasty Taxi Service, Inc. 917 71 Plaza Court B Springdale AR 72764-6224		INSURER(S) AFFORDING COVERAGE INSURER A: National Interstate Ins Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL1241800254 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☒ Uninsured BI			EAL 0000466-03 \$25,000/\$50,000	4/18/2012	4/18/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 100,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						WC STATUTORY LIMITS ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Assault & Battery Liab Sexual/Phys Abuse Liab			0000466-03 0000466-03	4/18/2012 4/18/2012	4/18/2013 4/18/2013	Combined Single Limit 50,000 Combined Single Limit 50,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

jharter@ci.fayetteville.ar City of Fayetteville 113 W Mountain Fayetteville, AR 72701	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE John McNair/MARGIE



**917 71 Plaza Ct. Ste. B
Springdale, AR. 72764**

E-mail bcurry@currysinc.com

**Voice 479.443.5466
Fax: 479.750.9558**

When the Ride is as Important as the Event

To whom it may Concern;

Date: 09/24/2012

Dynasty Transportation has no liens, or judgments, and current on all taxes, and insurance.

I personally feel this company at the present time is sound, and able to conduct business in the N.W. Arkansas area. If any financials are necessary they are readily available.

Thank you

Brice Curry

A handwritten signature in black ink, appearing to read "Brice Curry", is written over the printed name. The signature is stylized with a large, sweeping loop at the end.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

11/6/2012

City Council Meeting Date
Agenda Items Only

Megan Dale 
Submitted By

Park Planning / Urban Forestry
Division

Parks and Recreation
Department

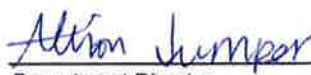
Action Required:

Staff recommends approving a variance of Chapter 167 that allows off-site preservation and off-site mitigation to satisfy the requirements for prior tree removal. Staff recommends approving LSD 12-4215 with on-site mitigation (20 trees), off-site tree preservation (6,976sf within the general vicinity of the application – location to be determined by City Council), and off-site mitigation (5 trees location 765-15513-011). Off-site tree preservation area shall be reviewed and approved by Urban Forester to confirm trees are desirable and in good condition.

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 ☐

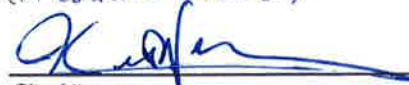
Budget Adjustment Attached ☐


Department Director
(in Connie's Absence)

10/16/12
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

10-19-12
Date

Original Contract Number:


Finance and Internal Services Director

10-22-2012
Date

Received in City
Clerk's Office
10-19-12 10:55 RCVD
USB


Chief of Staff

10-23-12
Date

Received in
Mayor's Office
ENTERED
10/23/12
fjt


Mayor

10/24/12
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Alison Jumper, Park Planning Superintendent *aj*

From: Megan Dale, Urban Forester *MD*

Date: 6 November 2012

Subject: **LSD 12-4215 Culls II Tree Preservation**

PROPOSAL

Culls II development was originally approved in 2009 as LSD 08-3167 by the Planning Commission but was never built. Staff recommended the original development to plat 27,251 sf of off-site tree preservation to meet requirements for trees that were removed prior to development approval; however, the tree preservation area was never filed at the County Courthouse. Development approval has since expired, and a new application is required. The current applicant must meet the penalty requirements for prior tree removal since the application is still within 5 years of prior tree removal period.

Trees were removed without approval sometime in 2008. The City of Fayetteville GIS aerial imagery is taken January 1st each year. Without proof of the removal date, the applicant would be held to the January 1, 2009 imagery. The applicant may wait until January 2014 to submit LSD application to avoid 5 year prior tree removal penalty. The applicant is requesting the date for the penalty to be changed from January 2014 to July 2013. Staff recommends that evidence be provided regarding the tree removal date if the Council approves changing the 5 year time period.

The applicant is requesting a variance from the Chapter 167 with regard to penalty for prior tree removal. As noted below, the ordinance specifically states the site must be reforested.

§167.04(D)(1) Prior tree removal. If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.

Staff recommends approval of a variance to allow the applicant to dedicate off-site areas for tree preservation in addition to planting as many mitigation trees as possible on and off-site. The applicant is requesting to mitigate on-site (20 trees) and off-site (5 trees), and requesting the Council to waive the remaining penalty (6,976 sf or 32 trees).

Staff recommends off-site preservation instead of waiving the penalty because preserved trees provide substantial ecological benefits. Waiving the requirement would leave the City with less canopy and eliminate the benefits of established trees. The option of payment into tree escrow places the responsibility of planting and maintaining trees on the City, and only provides 2" caliper trees that will take years to provide the same benefit as mature canopy.

The ordinance states the following:

§167.01(B) Principles. This chapter shall be enforced according to the following principles:

- (1) Preservation shall be the first, best, and standard approach.
- (2) If preservation cannot be achieved, on-site mitigation shall next be pursued.
- (3) If on-site mitigation cannot be achieved, off-site preservation shall be pursued.
- (4) If off-site preservation cannot be achieved, off-site forestation shall be pursued.
- (5) If none of the above approaches can be achieved, payment shall be made to the tree escrow account.

This project is recommended for approval with the following mitigation requirements:

On-site mitigation:	20 trees
Off-site preservation:	6,976 sf / 0.16 ac within the general vicinity of the application – Location to be determined by City Council
Off-site mitigation:	5 trees – Location 765-15513-011, 585 W Willoughby Rd shown on Site Plan Lot 3, owner Joe Maynard and Joe Terminella

RECOMMENDATION:

Staff recommends approving a variance of Chapter 167 that allows off-site preservation and off-site mitigation to satisfy the requirements for prior tree removal. Staff recommends approving LSD 12-4215 with on-site mitigation (20 trees), off-site tree preservation (6,976sf within the general vicinity of the application – location to be determined by City Council), and off-site mitigation (5 trees location 765-15513-011). Off-site tree preservation area shall be reviewed and approved by Urban Forester to confirm trees are desirable and in good condition.

BUDGET IMPACT:

There is no impact to the budget.

Attachments:

Planning Memo

Terminella Tree Preservation Variance Request

2007 aerial

2008 aerial

2009 aerial

2012 aerial

12-4215 Tree Preservation Plan Submitted Planning Commission 24 September 2012

12-4215 Landscape Plan Submitted Planning Commission 24 September 2012

Chapter 167 Tree Preservation and Protection

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A VARIANCE FROM THE TREE PRESERVATION AND PROTECTION CHAPTER OF THE UDC FOR LSD 12-4215 TO ALLOW OFF-SITE TREE PRESERVATION, ON AND OFF-SITE MITIGATION TREE PLANTING AND ELIMINATING ANY FURTHER PENALTY FOR THE REMOVAL OF SOME CANOPY IN 2008

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 variance from the Tree Preservation and Protection Chapter of the UDC for LSD 12-4215 to allow off-site tree preservation, on and off-site mitigation tree planting and eliminating any further penalty for the removal of some canopy in 2008.

PASSED and **APPROVED** this 6th day of November, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: October 1, 2012

Subject: Variance from Chapter 167.04(D) Prior Tree Removal for LSD 12-4215 (585 W WILLOUGHBY ROAD/CULLS II)

BACKGROUND

Property: The subject property is located at the southwest corner of Willoughby Road, Hwy 156, and McCollum Road. The Property contains 2.69 acres, is zoned I-1, and is used for warehousing.

On May 17, 2006, the Planning Division approved a building permit for the construction of a 9,960 square foot industrial use structure with associated parking. The subject property and the two adjacent lots are under common ownership, but development was only proposed on one of the lots less than 1-acre, so large scale development approval was not required. The applicant submitted a large scale development proposal in October 2006 for two additional structures and associated parking; however, the large scale development application was later withdrawn prior to Planning Commission approval.

On January 12, 2009, the Planning Commission approved, with conditions, a Large Scale Development (LSD 08-3167) that was never constructed.

On September 24, 2012, the Planning Commission approved, with conditions, LSD 12-4215.

Request: The applicant requests a variance from Unified Development Code Chapter 167.04(D), Prior Tree Removal, allowing a combination of as much on-site mitigation as possible, and the planting of an additional 5 mitigation trees on the adjacent parcel to the west.

RECOMMENDATION

The Planning Commission and Urban Forester recommend a combination of on-site mitigation, off-site mitigation, and off-site tree preservation.

DISCUSSION

On September 24, 2012, the Planning Commission conditionally approved the LSD, pending City Council determination of a variance to UDC Chapter 167.04(D), Prior Tree Removal, with a vote of 7-1-0.



430 W. WILLOUGHBY RD.
FAYETTEVILLE, AR 72701
(479) 200-2712
joeterminella@gmail.com

September 25, 2012

City Council
113 West Mountain Street
Fayetteville, AR 72701

Re: Culls II LLC – Tree Preservation Variance Request

Dear Members of City Council,

I have resided in Fayetteville for 38 years. I graduated from Fayetteville High School and was successfully employed for 34 years. I now have my own business and am the owner for the project known as Culls II. I intend to expand my business at 525 West Willoughby Road, by adding a new office and shop building on existing tracts. I intend to add 23,862 square feet of additional mixed use office and warehouse space in the future. The property is located in the Industrial Zoning District I-1.

A project, very similar in nature, was approved in January, 2009, by the previous owner. The project was never constructed, and the property was later sold to me. I purchased the property sometime at the beginning of the year. I recently hired Clay Grote, P.E., to resubmit the previously approved project after finding that the time had expired on the original plan.

During the re-submittal process, it was discovered by aerial photographs, provided by the Urban Forester, that in 2008, approximately 1850 square feet of tree canopy was removed from the site by the previous owner. This put the subject property in violation of Section D of the Tree Preservation Code, which says that if any tree removal takes place five years prior, the owner will be penalized to provide 15 percent canopy plus an additional 10 percent, which equates to 25 percent canopy to be reforested. According to the calculations required by the Urban Forester, this equates to 12,423 square feet or 57 trees to be planted.

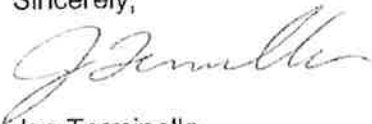
We have been working with the Urban Forester through the Large Scale Development process to forest the site the best we can. However, once you subtract the right-of-way and utility easements, there is only 1.48 acres of buildable property on this site. We have added 21 trees to the site as required by the Landscaping Code and another 25 trees as mitigation trees for the tree preservation penalty. That is a total of 46 trees that I am foresting my site with. I have no other room to add any more trees. Since the 21 trees required by Landscaping does not count toward my 57 required trees to be planted, I am told that I still have 32 trees remaining, which equates to \$21,600 in fees.

I feel that this penalty is too severe and unreasonable, all because the previous owner removed one tree in 2008. I am asking you to consider waiving the fee of \$21,600. The amount of money to plant 46 trees is already a \$31,050 burden (using the City's calculation of \$675 per tree).

I do have the option of holding on to this project and resubmitting January 2014 and receiving no penalty. The Urban Forester set this date based on the fact that the aeriels show the trees being removed somewhere between January 2008 and January 2009. I feel as though the City should meet me half way with the date, so I am also requesting the date for tree preservation penalty to be changed from January, 2014, to July, 2013, particularly if you deny my first request.

Thank you for your consideration of these two items.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Terminella".

Joe Terminella



Culls II 2007 Aerial



0 15 30 60 90 120 Feet



Culls II 2008 Aerial



0 15 30 60 90 120 Feet



Culls II 2009 Aerial



0 15 30 60 90 120 Feet

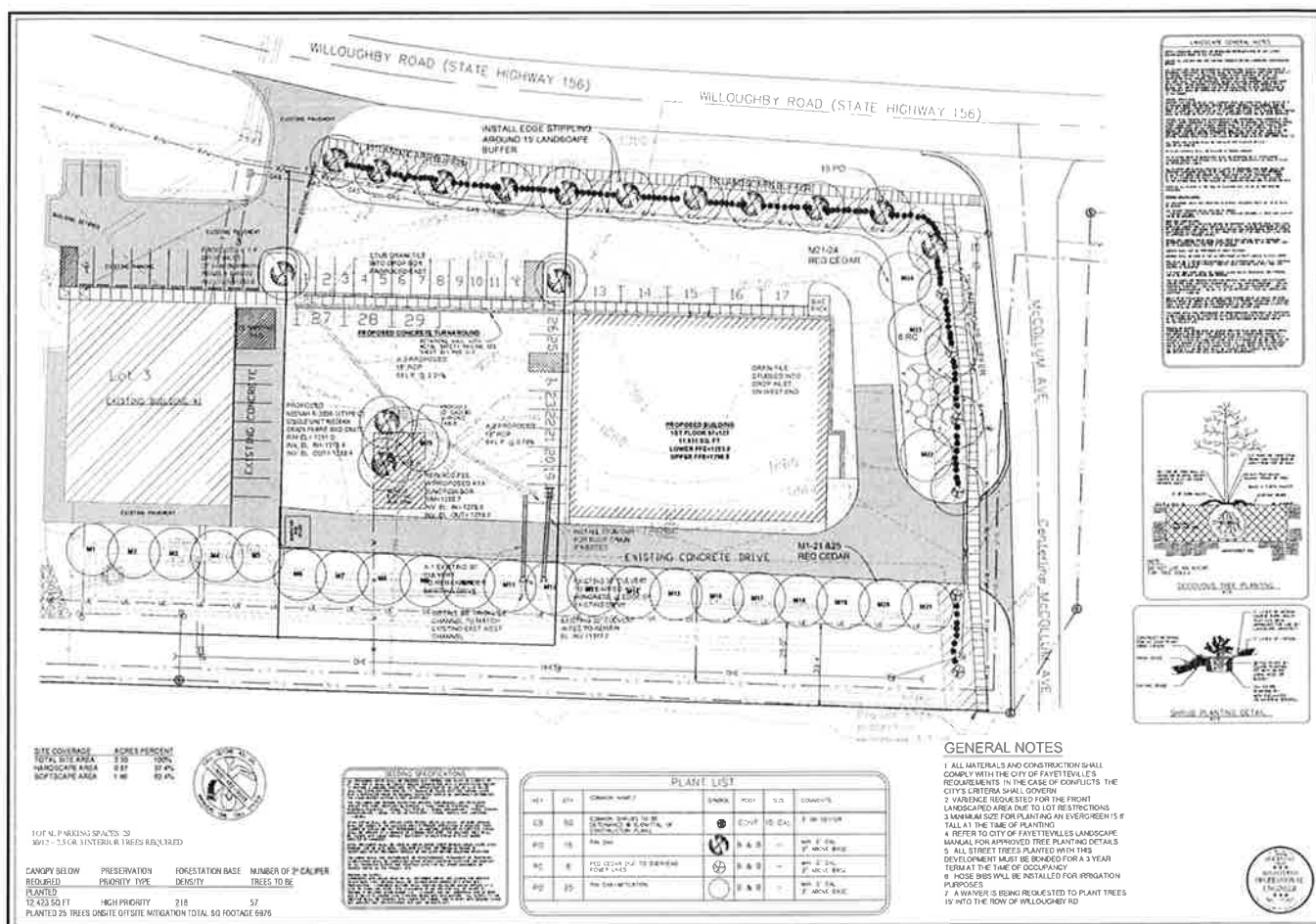


Culls II 2012 Aerial



0 15 30 60 90 120 Feet

[illegible]



A. CLAY GROTE P.E.

10585 THUNDER RD
FAYETTEVILLE ARKANSAS 72701
PH (479)406-6406

PROJECT:

WILLS II LLC EXPANSION
585 W. WILLOUGHBY

SHEET #	SHEET LANDSCAPE PLAN
---------	----------------------

SHEET #	4	DATE	09-17-12
SCALE		PRJ NO	ACG 08-15

SHEET #
4
SCALE

TITLE UNIFIED DEVELOPMENT CODE C CHAPTER 167 TREE PRESERVATION AND PROTECTION
--

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Fayetteville Code of Ordinances

TITLE XV UNIFIED DEVELOPMENT CODE

C HAPTER 167 TREE PRESER VATION AND PROTECTION

167.01 P

It is the purpose of this chapter to preserve and protect the health, safety, and general welfare, and preserve and enhance the natural beauty of Fayetteville by providing for regulations of the preservation, planting, maintenance, and removal of trees within the city, in order to accomplish the following objectives:

(A) *Objectives.*

- (1) To preserve existing tree canopy;
- (2) To create a healthful environment for Fayetteville residents, businesses, and industries;
- (3) To moderate the harmful effects of sun, wind, and temperature changes;
- (4) To buffer noise, air and visual pollution;
- (5) To filter pollutants from the air that assist in the generation of oxygen;
- (6) To reduce storm water runoff and the potential damage it may create;
- (7) To stabilize soil and prevent erosion, with an emphasis on maintaining tree canopy on hillsides defined as canopied slopes in Chapter 151;
- (8) To provide habitat for birds and other wildlife;
- (9) To preserve riparian banks and beds, and prevent sedimentation;
- (10) To screen incompatible land;
- (11) To promote energy conservation; and
- (12) To protect and enhance property values.

(B) *Principles.* This chapter shall be enforced according to the following principles:

- (1) Preservation shall be the first, best, and standard approach.
- (2) If preservation cannot be achieved, on-site mitigation shall next be pursued.
- (3) If on-site mitigation cannot be achieved, off-site preservation shall be pursued.
- (4) If off-site preservation cannot be achieved, off-site forestation shall be pursued.

- (5) If none of the above approaches can be achieved, payment shall be made to the tree escrow account.

(Code 1991, §162.01; Ord. No. 3699, §1 4-20-93; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01)

**167.02 C O F T
P , P , A L
M**

The urban forester, in cooperation with other members of city staff, shall promulgate and periodically revise forms, procedures and regulations to implement this chapter and publish this information in the *City of Fayetteville, Tree Preservation, Protection, and Landscape Manual*.

(A) Copies of the *Tree Preservation, Protection, and Landscape Manual* are to be made readily available to the public and shall include, but need not be limited to:

- (1) Specific criteria for gaining city approval of tree preservation plans;
- (2) The format and content of reports and plans the applicant must submit to the city pursuant to this chapter;
- (3) Tree protection during construction;
- (4) A glossary of important terms used in this chapter;
- (5) Size and species requirements for trees planted for on-site mitigation or off-site forestation;
- (6) Maintenance of trees (including but not limited to pruning, irrigation, and protection from disease).

(B) The Tree and Landscape Advisory Committee shall review and may recommend revisions to the *Tree Preservation, Protection, and Landscape Manual* at least every three years to reflect changes in arboricultural and horticultural practices, lists of preferred tree species, city policies, or the content of this chapter.

(Ord. No. 4340, 10-2-01)

**167.03 T R A U F
A**

(A) *Tree Registry.* Trees and groups of trees which are documented to be of historic merit, of an uncommon or endangered species, or are of extraordinary value due to their age, size, or type,

Fayetteville Code of Ordinances

may be registered in the City of Fayetteville's tree registry. It shall be the duty of the urban forester to maintain and keep this registry on file in the urban forester's office.

- (B) *Voluntary registration.* Registration of trees shall be voluntary and may be done by the owner(s) of the property on which the tree is located. Registration shall not run with the land unless the property owner wishes to use an express trust to transfer a benefit in the tree or groups of trees to the city. Registered tree owners are entitled to consultation with the Tree and Landscape Advisory Committee and/or the urban forester concerning proper care and protection of the tree, as well as an evaluation of the tree's condition.
- (C) *Urban Forest Analysis.* The city shall initiate a tree canopy analysis and an Urban Forestry Effects Model study or their current equivalent studies within the current geographical boundaries of the city by December 31, 2012. Thereafter, the city should conduct these studies every ten (10) years.

(Ord. No. 4340, 10-02-01; Ord. 5427, 8-2-11)

167.0 T P A P
D D

- (A) *Applicability.* The provisions of this section shall apply to proposed subdivisions, and large scale developments required by other chapters of the Unified Development Code to go through the city's permitting process. Persons seeking to build one single-family dwelling unit, or duplex, are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply. Planned Zoning Districts should meet the percent minimum tree canopy based upon their primary use, but may be allowed a lesser tree canopy requirement as part of the overall Master Plan approved by the City Council.

- (1) *Subdivisions and large scale developments.* Applicants seeking approval of proposed subdivisions and large scale developments shall submit a site analysis plan, analysis report, and tree preservation plan with the preliminary plat or site plan. There shall be no land disturbance, grading, or tree removal until a tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.
- (2) *Grading permit.* An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects

that are not required to go through subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

- (3) *Building permits.* Tree preservation requirements apply to all permit applications for nonresidential construction, and the construction of multi-family residential buildings composed of three or more dwelling units. An abbreviated tree preservation plan, as set forth in § 167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

- (4) *Parking lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five or more spaces. An abbreviated tree preservation plan, as set forth in §167.04 (H)(3), shall be submitted with the application for permits on projects that are required to go through the subdivision or large scale development process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

- (5) *Hillside/Hilltop Overlay District.* Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a site analysis plan, analysis report, and tree preservation plan with the preliminary plat or site plan. Single and two family residential development shall submit an abbreviated tree preservation and site plan at the time of obtaining a building permit. Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan. There shall be no land disturbance, grading, or tree removal until a tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

TITLE XV UNIFIED DEVELOPMENT CODE

(B) *Tree preservation criteria.* The urban forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:

- (1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.
- (2) Whether the design incorporates the required tree preservation priorities.
- (3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
- (4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.
- (5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
- (6) Whether the size or shape of the lot reduces the flexibility of the design.
- (7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.
- (8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.
- (9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
- (10) Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
- (11) Construction requirements of on-site and off-site drainage.
- (12) The effects of proposed on-site mitigation or off-site alternatives.
- (13) The effect other chapters of the UDC, or city policies have on the development design.
- (14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.
- (15) The impact a substantial modification or rejection of the application would have on the applicant.

N --The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

(C) *Canopy area.* In all new Subdivisions, Large Scale Developments, Industrial and Commercial Developments, and all other improvements listed above, trees shall be preserved as outlined in Table 1 under Percent Minimum Canopy, unless the Applicant has been approved for On-Site Mitigation or Off-Site Alternatives as set forth in subsections I. & J. below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. An Applicant shall not be required to plant trees in order to reach the Percent Minimum Canopy requirement on land where less than the minimum exists prior to development, unless trees have been removed.

M T 1
 C R

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20%
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%

Fayetteville Code of Ordinances

DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

(D) *Prior tree removal.*

(1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.

(2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(E) *Tree preservation priorities.*

(1) *Percent minimum canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in utility easements shall not be counted toward the percent minimum canopy requirement, and such utilities shall be routed, wherever possible, to avoid existing canopy.

(2) *Existing natural features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.

(3) *Preservation priorities.* The list of preservation priorities (See: Table 2) shall guide the review of each development's design. The submittal of designs which do

not incorporate preservation priorities for the trees on the site shall result in the denial of the tree preservation plan.

(4) *High priority trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. The preservation and protection of lower priority trees shall not be substituted for that of high priority trees, except:

(a) When the justification for such a substitution is set forth in the analysis report; and

(b) The substitution is approved by the urban forester.

T 2
Preservation Priorities

P	M	P	L	P
Canopied slopes	Contiguous woodlands		Invasive species	
Floodways and riparian buffers	Non-native woodlands		Relic orchards	
Native woodlands	Use buffers		Less desirable species	
Significant trees				

N --Each of the above is listed alphabetically beneath its respective category. They are not presented in any particular order of importance within that category.

(F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Subdivisions.*

(1) *Residential subdivisions.* The Percent Minimum Canopy in residential subdivisions shall be located in areas that have the least possibility of impact as utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential Subdivisions requesting tree removal below the Percent Minimum Canopy requirement may choose either Residential On-Site Mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04 J.4.a. Trees in utility easements shall not be counted toward the Percent Minimum Canopy requirement, and such utilities shall be routed to avoid existing canopy.

(2) *Nonresidential subdivisions.* Two options are available for establishing a tree preservation plan for the development of nonresidential subdivisions. The urban forester shall recommend to the Planning

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Commission the option that will potentially preserve the largest amount of priority canopy based upon the tree preservation criteria set forth in § 167.04 (B) above.

(a) *Preservation plan for entire subdivision.*

The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04 (L) below. Should the entire percent minimum canopy requirement for the site be so protected, the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.

(b) *Preservation plan for infrastructure only.*

The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from this defined area by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall required separate Tree Preservation Plans.

(3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit an abbreviated tree preservation plan as set forth in § 167.04 (H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

(a) Developers shall have the option of doing cluster development, such as a

PZD, which would encourage more open space and tree preservation areas. In this pattern of development, the tree preservation zone on each lot can be transferred to a larger open space instead of being required on the individual lots. The open space set aside during cluster development shall be placed in a permanent easement or land trust with all future development rights removed from the property.

(G) *Initial review.*

(1) *Meeting with the urban forester.* It is strongly recommended that prospective applicants meet with the urban forester for an initial review of the proposed tree preservation plan for the site prior to submitting a preliminary plat, large scale development, or site plan to the city. During the initial review, the urban forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the urban forester.

(2) *Letter of confirmation.* The urban forester shall document whether the applicant participated in the initial review meeting in a letter of confirmation to the applicant. If the applicant chose to attend an initial review meeting, the letter shall also document any recommendations made. The urban forester shall ensure that a copy of the letter becomes part of the permanent file for the project.

(H) *Submittal of plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04 (B) and (C).

(1) *Site analysis plan.* On sites with existing tree canopy, the applicant shall conduct a site analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a site analysis plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The site analysis plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of

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the following features as they exist on the site:

- (a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;
 - (b) The property line boundaries of the site;
 - (c) Soils identified according to the Unified Soil Classification System;
 - (d) Any significant trees existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;
 - (e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.
 - (f) All existing utilities and utility easements;
 - (g) All perennial and intermittent streams and creeks that exist on the site or within 100 feet of the site;
 - (h) Floodplains and floodways on the site;
 - (i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,
 - (j) Any other factors that may impact the design of the site.
- (2) *Tree preservation plan.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the *City of Fayetteville Tree Preservation, Protection and Landscape Manual* for details, examples and specific checklists.
- (3) *Abbreviated tree preservation plan.* Applicants requesting approval of development projects that require building, grading, or parking lot permits, but that do

not fall under the requirements for large scale developments or subdivisions, shall prepare and submit an abbreviated tree preservation plan. The information for this plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the urban forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual* for details, examples and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit either a site analysis plan or analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.

- (4) *Analysis report.* The applicant shall submit an analysis report detailing the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.
- (5) *Grading and utility plans.* All subsequent grading and utility plans shall depict the tree preservation areas on the site, to include the preserved trees and the physical limits of all protective measures required during construction.
- (6) *Submittal requirements.* The applicant shall submit two (2) copies of a site analysis plan and analysis report to the urban forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit either a site analysis plan or analysis report.
- (7) *Conservation requirements.* The city shall encourage the use of conservation easements for the added protection of trees preserved or planted to meet percent minimum canopy requirements in those

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instances where such would be of mutual benefit to the applicant and the city.

density of 150, two inch (2") caliper trees per acre removed.

(I) *Request for on-site mitigation*

- (1) *Timing of request for on-site mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.
- (2) *Plan requirements.* The tree preservation plan must graphically represent the species and location for all trees to be planted on-site. It shall also include a chart clearly stating the following information:
 - (a) The number of trees requested for removal;
 - (b) The percentage below the percent minimum canopy requirement they represent; and,
 - (c) Tree removal due to the grading work done to create tie backs for roads in the Hillside/Hilltop Overlay District shall be mitigated by reforesting a minimum of 25% of the tie backs pursuant to the landscape manual.
 - (d) Planting trees in non-canopy areas in order to reach the minimum percent canopy requirements for the site is not allowed in the Hillside/Hilltop Overlay District.
 - (e) The species and number of trees to be planted based on the forestation requirements below.
- (3) *Planting details and notes.* Planting details and notes shall be included on the tree preservation plan as set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*.
- (4) *Forestation requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:
 - (a) *High priority canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of 200, two inch (2") caliper trees per acre removed.
 - (b) *Mid-level priority canopy.* When removing mid-level priority canopy required, the canopy square footage removed shall be forested at a base

- (c) *Low priority canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of 100, two inch (2") caliper trees per acre removed.

- (5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on two inch caliper trees. However, the urban forester may approve the use of trees with less than two inch (2") caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species density table to be found in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*, along with examples for using the base density formula.
- (6) *Preferred species.* All trees to be planted shall be species native to the region, when available, and selected from the list of preferred tree species set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the urban forester.
- (7) *Placement of trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.
- (8) *On-site mitigation incentive.* If all the required trees can be located on-site, the Urban forester may approve up to a twenty percent (20%) reduction in the number of trees to be planted. Any incentive reductions allowed shall be based upon the following factors:
 - (a) The species of the mitigation trees; and,
 - (b) The space needed for the healthy growth of trees.
- (9) *Residential On-Site Mitigation.* Applicants requesting On-Site Mitigation for Residential Subdivisions shall comply with all the

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provisions of §167.04 I. 1-7, as well as the following:

- (a) The Applicant's Mitigation Plan shall meet or exceed the required number of Mitigation Trees based on the Forestation Requirements as set forth at §167.04 I. 4.
 - (b) All Plans requesting Residential On-Site Mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the Applicant responsible for the health of all planted trees.
 - (i) Approval of a Plan requesting Residential On-Site Mitigation shall be contingent upon the Applicant depositing with the City an irrevocable Letter of Credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable Letter of Credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban forester for approval.
 - (ii) Upon completion of the three year landscape establishment period, the Urban forester shall inspect the site and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the Letter of Credit.
 - (iii) In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban forester. If the Applicant does not take remedial steps to bring the property into compliance, the City shall use the necessary moneys from the Landscape Establishment Guarantee to do so.
 - (iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (c) The Applicant shall establish a bona fide Property Owners Association with a Bill of Assurance and Protective Covenants sufficient to ensure the continued health and vitality of the mitigation trees within the subdivision. The Bill of Assurance and Protective Covenants shall be filed of record with the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and file-marked copies thereof shall be provided to the Urban forester prior to Final Plat approval.
 - (d) Developers requesting mitigation trees be planted along the street right of way of a Subdivision shall submit a street tree planting plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the Approved Street Tree Species List, or be otherwise specifically approved by the Urban forester.
 - (i) The Applicant's Mitigation Plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of Mitigation Trees are planted.
 - (ii) The applicant shall submit an annual schedule of the initial structural pruning for all Mitigation Trees planted along street right of ways with the name and contact information of the International Society of Arboriculture (ISA) Certified Arborist or pruning service performing the work.
- (J) *Request for off-site alternatives.*
- (1) *Timing of request for off-site alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.
 - (2) *Off-site preservation.* The applicant may seek approval of the urban forester to preserve an equal or greater amount of canopy cover at a site within the city limits or, with the express approval of the City Council by its resolution, within one-quarter mile of the Fayetteville city limits.

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- (3) *Off-site forestation.* If off-site preservation cannot be achieved, the applicant may seek approval from the urban forester to plant the required number of trees on another site owned by the applicant and located within the city limits or, with the express approval of the City Council by its resolution, within one-quarter mile of the Fayetteville city limits. A tree conservation easement must be conveyed by the applicant to the city to protect any off-site preservation or forestation.
- (4) *Tree escrow account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation and off-site forestation to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund the reasonable maintenance costs to ensure each tree survives at least three years. Tree planting and maintenance costs should be adjusted at least every four years to ensure it remains the fair market costs for tree planting and maintenance for three years.
- (a) Residential Subdivisions which cannot achieve the Base Density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The City shall use the money paid into the Tree Escrow Account to plant trees within the subdivision along rights-of-ways, detention ponds, common areas or other areas where trees can be protected and have a high probability of survival to a mature tree. This shall be accomplished once the subdivision is built out or as approved by the urban forester.
- (b) Money contributed in lieu of On-Site Mitigation or Off-Site Forestation shall be paid prior to issuance of a Building Permit on all Commercial, Industrial, or Multi-Family Residential buildings and prior to Final Plat acceptance for all Residential and Non-Residential Subdivisions.
- (c) Money contributed under this section:
- (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either City Staff or contract labor;
 - (ii) Shall not revert to the general fund for ongoing operations.
- (d) If it is not possible to plant trees within the subdivision, planting locations will be sought in appropriate sites within a one (1) mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to J (2) and (3). Data extracted from the Urban Forest Analysis should be consulted when identifying appropriate locations to plant escrow funded trees.
- (e) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a four percent (4%) annual rate.
- (f) Refunds shall be paid to the Applicant who made the original contribution.
- (g) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the Applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the Applicant shall be sufficient to satisfy the requirement of notice.
- (h) The refund shall be made on a pro rata basis, and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.
- (i) At the time of the contribution to the Tree Escrow Account, the Urban forester shall provide the Applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this Ordinance.

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- (5) *Maintenance agreement and landscape establishment guarantee.* All plans requesting on-site mitigation or off-site forestation shall include a binding three year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.
- (a) Approval of a plan requesting on-site mitigation or off-site forestation shall be contingent upon the applicant depositing with the city either currency, bond irrevocable letter of credit or other surety, in an amount equal to the estimated cost of materials and labor of trees at the time of planting. The bond, irrevocable letter of credit, or other surety must cover the entire three year maintenance and monitoring period. The applicant shall submit cost estimates to the urban forester.
- (b) Upon completion of the three year landscape establishment period, the urban forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the city shall release the currency, bond, or letter of credit.
- (c) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the urban forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary monies from the landscape establishment guarantee to do so.
- (d) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.
- (K) *Tree preservation plan review form.* The urban forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.
- (1) The form shall clearly indicate whether the urban forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.
- (2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.
- (3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.
- (4) The urban forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.
- (L) *Continuing preservation and protection under approved tree preservation plans.*
- (1) In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of an approved tree preservation plan, tree preservation areas shall be clearly depicted on the easement plats for large scale developments and the final plats for nonresidential subdivisions. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the urban forester. Lots in residential subdivisions are expressly exempt from these requirements. If it is impractical to include the actual depiction of the canopy to be preserved on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.
- (2) The geographic extent and location of tree preservation areas, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the city clerk to place it on the agenda of the next regularly scheduled City Council meeting.
- (3) Property owners wishing to remove diseased or dead trees from within a recorded tree preservation area shall seek prior approval from the urban forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the urban forester determines that natural replacements of

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sufficient health and vigor are already present in the tree preservation area.

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. 4855, 4-18-06; Ord. 4930, 10-03-06; Ord. 5308, 3-16-10; Ord. 5312, 4-20-10; Ord. 5427; 8-2-11)

167.05 T P M A C

- (A) *Site inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the urban forester to ensure compliance with the tree preservation plan.
- (B) *Tree protection.* Tree preservation areas shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in tree preservation areas. No filling, excavating or other land disturbance shall take place in tree preservation areas. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site along the tree dripline or 10 feet from the trunk, whichever is greater. The applicant shall also post signs at each tree preservation area in accordance with the standards, specifications and guidelines provided in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*. The urban forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the urban forester. If the required barriers surrounding the tree preservation areas are not adequately maintained during construction, the urban forester shall prescribe remedial measures, and may issue a stop work order in accordance with § 153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy.

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01)

167.06 T P , M A R O S R O W A O P G

- (A) *Follow the Tree Preservation, Protection, and Landscape Manual.* All tree planting, maintenance or removal on public grounds shall follow the standards, specifications and guidelines provided in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*.
- (B) *Tree planting.* Trees may be planted within street rights-of-way or on other public grounds only after notification to the urban forester; and provided the selection and location of said trees are in accordance with the requirements.
- (C) *Tree removal.* Trees shall not be removed from a street right-of-way or other public grounds unless approval is received from the urban forester, with the exception that city employees may remove trees when necessary to accomplish emergency repairs to sewer or water systems, or in order to alleviate flooding.
- (D) *Damage to trees.* It shall be a violation of this chapter to damage, destroy or mutilate any tree in a public right-of-way or on other public grounds, or attach or place any rope or wire (other than one to support a young or broken tree or limb), sign, poster, handbill or any other thing to any such tree.
- (E) *Top or cutback to stubs.* It shall be unlawful for any person to top or cutback to stubs the crown of any tree in street rights-of-way or on other public grounds.
- (F) *Reserved rights.* The city reserves the right to plant, preserve, prune, maintain or remove any tree within the street rights-of-way, alleys, squares, and all public grounds when such interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign, or as may be necessary to preserve or enhance the symmetry and beauty of such public grounds.
- (G) *Line of sight.* Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street.
- (H) *Storm damage.* Trees severely damaged by storms, or other accidental causes, where required pruning practices are impractical are exempt from this chapter..
- (I) *City employees.* Before cutting, pruning, removing or trimming any tree, city employees performing tree work on public grounds shall attend an educational workshop on basic tree pruning. A certificate will be issued when an individual has successfully completed the workshop.

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- (J) *Public utilities.* Nothing in this section shall be construed to prohibit public utilities from pruning or removing trees that encroach upon electric, telephone, or cable television transmission lines, or gas, sewer or water pipes.

(Code No. 1991, §162.07; Ord. No. 3699, §6, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §5, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01).

167.07 C T P S
C A I R

- (A) *Certificate required.* Before cutting, pruning, removing, or trimming any tree within the City of Fayetteville, the owner and supervisory personnel of each business performing commercial tree work shall obtain a city issued commercial tree pruner/service certificate.

- (B) *Liability insurance.* Each business performing commercial tree work, to include tree surgery, within the City of Fayetteville, shall be required to carry liability insurance in the following minimum amounts:

- (1) General aggregate: \$100,000.00
- (2) Personal & advertising: \$100,000.00
- (3) Each occurrence: \$100,000.00

Proof of coverage shall include the name of the insurance company issuing the policy, the name of the insured, the policy number, effective and expiration dates, and the signature of an authorized representative of the insurance company.

- (C) *Workshop.* Owners and supervisory personnel shall attend an educational workshop on basic tree science and the proper techniques of tree pruning; or shall demonstrate sufficient knowledge of basic tree science and the proper techniques of tree pruning by scoring 75% or higher on a test provided by the International Society of Arboriculture (I.S.A.).

- (D) *Certificate issuance.* A certificate shall be issued when an individual has successfully completed the workshop or scored adequately on the test.

- (E) *Job site.* It shall be the responsibility of the business owner to ensure that a copy of the certificate is maintained at each job site.

- (F) *Supervision.* All persons engaged in the business of trimming trees shall be under the supervision of a certified tree pruner/service.

- (G) *Worker's compensation.* Those individuals performing commercial tree work on public

grounds shall comply with all worker's compensation requirements as set forth under Arkansas law and shall hold a city issued commercial tree pruner/service certificate.

- (H) *Licensure.* Those individuals performing tree surgery shall comply with licensure requirements as set forth under Arkansas law.

(Code 1991, §162.13; Ord. No. 3699, §14, 4-20-93; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01)

167.08 T

- (A) *Pruning.* Every owner of any tree overhanging a street or sidewalk within the city is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians.

- (B) *Order or removal.* The mayor, or his/her duly authorized representative, is hereby authorized to order the owner of any real property within the city to cause the removal of any dead or diseased trees on their property, and further, to order compliance, when such trees constitute a hazard of life and property, or harbor insects which constitute a potential threat to other trees. Whenever any such condition is found to exist, the mayor, or his/her duly authorized representative, shall send written notice via first class mail to the property owner ordering the performance of such acts within 20 days. If the property owner's identity or whereabouts are unknown, a copy of the written notice shall be posted upon the premises.

- (C) *Noncompliance.* It shall be unlawful for any person to fail or refuse to comply with any order and notice given pursuant to this section.

- (D) *Removal by city.* If the conditions described in a notice given, as set forth above, are not removed or corrected within 20 days after such notice given, the mayor, or his/her duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for the costs. Enforcement of the lien shall be set forth in §95.03 of the *Fayetteville Code of Ordinances*. Such action shall not be taken if the owner has evidenced a willingness to comply by hiring a qualified tree service before the expiration of the 20 day period.

(Code 1991, §162.06; Ord. No. 3699, §6, 4-20-93; Ord. No. 3963, §4, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01)

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167.09 L D E

If it becomes necessary for the mayor to declare a local disaster emergency pursuant to A.C.A. §12-75-108(b)(2), the provisions of this chapter may be suspended for up to 30 days, if strict compliance with its provisions would prevent, hinder, or delay actions necessary to cope with the disaster emergency.

(Ord. No. 4316, 6-5-01; Ord. No. 4340; 10-2-01)

167.10 167.99 R

City of Fayetteville Staff Review Form

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 Project Cleveland)
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City Council Agenda Items
 and
 Contracts, Leases or Agreements

11/8/2012

City Council Meeting Date
 Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

ADM 12-4254: Administrative Item (R-PZD 12-4079 PROJECT CLEVELAND, 443): Submitted by SPECIALIZED REAL ESTATE GROUP for property located at the northwest corner of RAZORBACK ROAD AND HALL AVENUE. The request is for an extension of the approval for R-PZD 12-4079 Project Cleveland.

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

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:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Current Planner

Date: October 19, 2012

Subject: ADM 12-4254 - Extension to R-PZD 12-4079 Project Cleveland

RECOMMENDATION

Staff recommends approval of an ordinance extending the phasing plan for R-PZD 12-4079 Project Cleveland by one additional year, to expire on December 19, 2014.

BACKGROUND

The subject property contains approximately 2.71 acres located at the northwest corner of the Cleveland Street and Hall Avenue. A Residential Planned Zoning District containing 122 units and 450 bedrooms was approved by the City Council on June 19, 2012 by Ordinance 5507.

All development projects are approved with a phasing schedule that provides a maximum amount of time to obtain the necessary permits to begin construction and to complete the project. Project Cleveland was approved with an 18-month schedule to obtain all permits from the date of the City Council's approval of the Planned Zoning District, and an additional 44 months from building permit approval to complete the project and receive final inspections.

Proposal: The applicant is requesting a 12-month extension to the time allowed to obtain the construction permits. Currently the deadline to obtain these permits is December 19, 2013. The requested extension will extend the date until December 19, 2014, and thereby extend the time to complete construction.

DISCUSSION

The City Council approved R-PZD 12-4079 Project Cleveland on June 19, 2012.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 12-4079, PROJECT CLEVELAND, LOCATED AT THE NORTHWEST CORNER OF RAZORBACK ROAD AND HALL AVENUE, CONTAINING APPROXIMATELY 2.71 ACRES, EXTENDING THE TIME FRAME TO OBTAIN ALL NECESSARY PERMITS TO BEGIN CONSTRUCTION BY DECEMBER 19, 2014.

WHEREAS, the City Council of the City of Fayetteville approved a Residential Planned Zoning District known as Project Cleveland (R-PZD 12-4079) on June 19, 2012 with Ordinance No. 5505; and

WHEREAS, the applicant is permitted until December 19, 2013 to obtain all necessary permits to begin construction; and

WHEREAS, litigation concerning the validity of this project continues to delay construction plan development and project permitting.

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 approves an extension of R-PZD 12-4079 (Project Cleveland), requiring the applicant to obtain all permits necessary to begin construction by December 19, 2014.

PASSED and APPROVED this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



CC Meeting of November 8, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville City Council
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: October 19, 2012

ADM 12-4254: Administrative Item (R-PZD 12-4079 PROJECT CLEVELAND, 443):
Submitted by SPECIALIZED REAL ESTATE GROUP for property located at the northwest corner of RAZORBACK ROAD AND HALL AVENUE. The request is for an extension of the approval for R-PZD 12-4079 Project Cleveland.
Planner: Jesse Fulcher

Findings:

Property and background: The subject property contains approximately 2.71 acres located at the northwest corner of the Cleveland Street and Hall Avenue. A Residential Planned Zoning District containing 122 units and 450 bedrooms was approved by the City Council on June 19, 2012 by Ordinance 5507.

All development projects are approved with a phasing schedule that provides a maximum amount of time to obtain the necessary permits to begin construction and to complete the project. Project Cleveland was approved with an 18-month schedule to obtain all permits from the date of the City Council's approval of the Planned Zoning District, and an additional 44 months from building permit approval to complete the project and receive final inspections.

Proposal: The applicant is requesting a 12-month extension to the time allowed to obtain the construction permits. Currently the deadline to obtain these permits is December 19, 2013. The requested extension will extend the date until December 19, 2014, and thereby extend the time to complete construction.

Recommended Motion:

Staff recommends approval of ADM 12-4254, the requested extension to R-PZD 12-4079 Project Cleveland. Pursuant to Unified Development Code 166.20, when considering an extension, an applicant has the burden to show good cause why the tasks could not reasonably be completed within the time limit provided. The ongoing litigation has and may continue to delay the project from moving forward to construction review and therefore an extension to the original phasing schedule is warranted.

Condition of Approval:

1. The applicant shall be allowed until December 19, 2014 to obtain all permits necessary to begin construction. The 44-month schedule to complete construction shall begin on the date that the building permit is approved.

City Council Action: ☐ Approved ☐ Denied ☐ Tabled

Motion:

Second:

Vote:

Meeting Date: November 8, 2012

— d: proposed development phasing + time frame.



Since this is essentially a single-building proposal, this project will consist of one phase. The project will be constructed in totality through the estimated time frame of the proposal. All permits necessary to begin construction shall be obtained within one-and-a-half years from the date of city council approval of the PZD. A final certificate of occupancy shall be obtained within three-and-a-half years from the building permit approval.

PZD.

DESIGN PHASE.

CONSTRUCTION PHASE.

ALL PERMITS OBTAINED
WITHIN 1-1/2 YEARS FROM THE DATE OF
CITY COUNCIL APPROVAL OF PZD

ESTIMATED COMPLETION DATE
08.2014

PZD EXPIRES
3-1/2 YEARS AFTER
BUILDING PERMIT APPROVAL

phasing + time frame diagram.



October 17, 2012

Jeremy Pate
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Regarding: Permit extensions on Project Cleveland PZD

Mr. Pate,

I am writing to ask you to forward the following request to the city council;

Seth Mims of Specialized Real Estate Group hereby requests that the city council amend the approved project Cleveland PZD 12-4079 booklet on page 17 in order to allow the necessary permits to be pulled up to one year later than originally stated. The original phasing indicated in the PZD booklet would have allowed for all necessary permits to be pulled up to 18 months after the approval of the PZD which would be 12/19/13. Approval of this amendment to the project Cleveland PZD 12-4079 would allow the necessary permits to be pulled up to one year later or as late as December 19th of 2014.

On June 19th, 2012, the Fayetteville city council voted 6-2 in favor of adopting ordinance #5505 which would establish the project Cleveland PZD 12-4079. Three weeks after the vote by city council, two residents filed a lawsuit against the city claiming that their decision to approve project Cleveland 12-4079 was "arbitrary and capricious". Mediation between the two parties on 9/24/12 did not result in any kind of settlement and the matter is scheduled to be heard by Judge Chad Mason on 10/25/12. I am confident that the city will win in this matter as I was present during all proceedings related to project Cleveland and witnessed firsthand the city council's thoughtful and careful discussions of the pros and cons of the development. I watched the city council listen to every person that wanted to speak about project Cleveland.

A victory in court on that date would put the project a little over 4 months behind schedule as we have not been able to move forward at all pending this litigation. The reason that I am requesting this amendment is because the plaintiffs may appeal the court's decision in the city's favor. My attorney has advised me that the appeals process can easily take 12 to 18 months from the date that the appeal is filed. If that is indeed the case, I will need the extra 12 months hereby requested in order to see the lawsuit and its possible appeal through to a conclusion before pulling the permits and beginning construction of the project. We intend to move forward with this important collegiate development adjacent to the University of Arkansas campus as soon as the pending lawsuit is settled. By approving this slight change to the PZD booklet, you are enabling us to clarify our intention to proceed with this development and giving us the necessary time to do so.

Thank you very much,

A handwritten signature in blue ink, appearing to read "Seth Mims", is written over a horizontal line.

Seth Mims

ORDINANCE NO. 5507

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 12-4079, PROJECT CLEVELAND, LOCATED AT THE NORTHWEST CORNER OF WEST CLEVELAND STREET AND HALL AVENUE; CONTAINING APPROXIMATELY 2.71 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 units per acre and RMF-40, Residential Multi-Family, 40 units per acre to R-PZD 12-4079 as shown in Exhibit "A" and "B" attached hereto and made a part hereof

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this 19th day of June, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

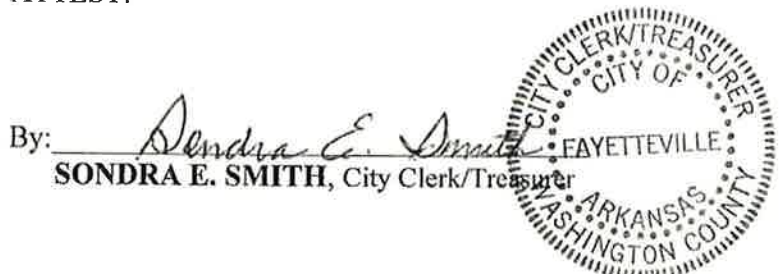
By: 
SONDRA E. SMITH, City Clerk/Treasurer



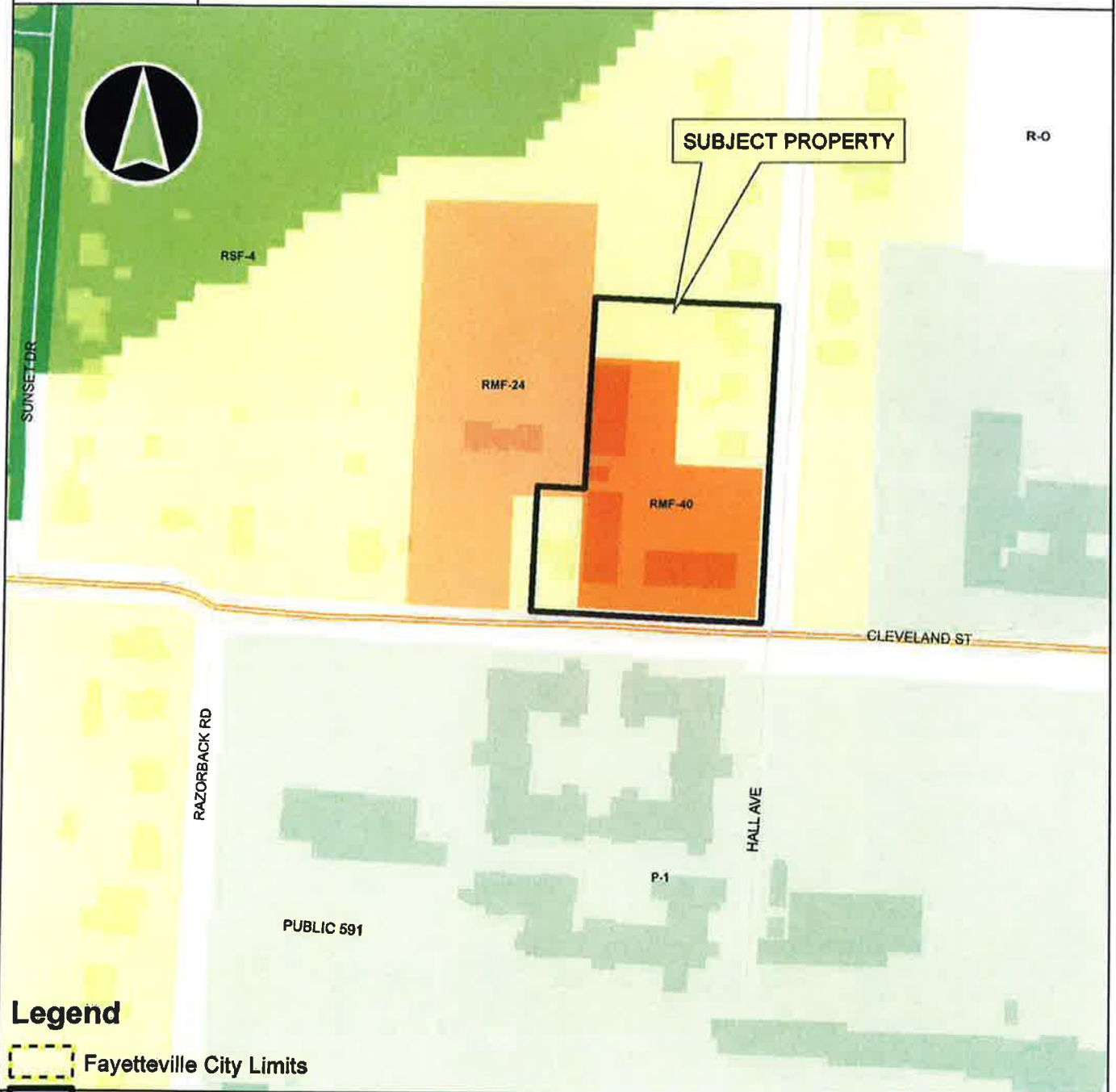
EXHIBIT "A"

D. 2
ADM 12-4254 (R-PZD 12-4079
Project Cleveland)
Page 9 of 18

RPZD12-4079

Close Up View

PROJECT CLEVELAND



Legend

Fayetteville City Limits

RPZD12-4079

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 75 150 300 450 600 Feet

EXHIBIT "B"
R-PZD 12-4079

METES AND BOUNDS PROPERTY DESCRIPTION
(WASHINGTON COUNTY PARCEL NUMBERS 765-02584-000,
765-02589-000, 765-02573-000, 765-02587-000,
765-02581-000, 765-02591-000)

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 8, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE NE 1/4 OF SAID SE 1/4,
THENCE SOUTH 87 DEGREES 12 MINUTES 06 SECONDS EAST A DISTANCE OF 430.00 FEET TO THE POINT OF BEGINNING (P.O.B.); THENCE NORTH 02 DEGREES 48 MINUTES 36 SECONDS EAST A DISTANCE OF 170.07 FEET; THENCE SOUTH 87 DEGREES 09 MINUTES 27 SECONDS EAST A DISTANCE OF 64.75 FEET; THENCE NORTH 02 DEGREES 47 MINUTES 20 SECONDS EAST A DISTANCE OF 261.53 FEET; THENCE SOUTH 87 DEGREES 19 MINUTES 22 SECONDS EAST A DISTANCE OF 247.50 FEET; THENCE SOUTH 02 DEGREES 45 MINUTES 49 SECONDS WEST A DISTANCE OF 432.07 FEET; THENCE NORTH 87 DEGREES 12 MINUTES 06 SECONDS WEST A DISTANCE OF 312.50 FEET; THE POINT OF BEGINNING (P.O.B.), CONTAINING 117928 SQUARE FEET OR, 2.71 ACRES AND BEING SUBJECT TO THE RIGHT OF WAY OF CLEVELAND STREET ALONG THE SOUTH BOUNDARY AND HALL STREET ALONG THE EAST BOUNDARY THEREOF.

**R-PZD 12-4079 PROJECT CLEVELAND
CONDITIONS OF APPROVAL, AS AMENDED AND
APPROVED BY THE CITY COUNCIL**

1. City Council determination of compatibility with existing land uses and compliance with adopted land use policies and goals including City Plan 2030 and the Planned Zoning District for R-PZD 12-4079 Project Cleveland. *As described herein, staff recommends in favor of the project.*
2. City Council determination of street improvements. *Staff recommends the following:*
 - a. Cleveland Street shall be improved along the project frontage to include two 13 foot travel lanes (26 feet total required for fire aerial apparatus access) and on-street parallel parking on the north side of the street.
 - b. Travel lanes shall also be shared cyclist lanes, requiring the installation of sharrows/chevron symbols in the north and south travel lanes for Cleveland Street. Symbols shall be installed from Garland Avenue to Oliver Street.
 - c. An 8' sidewalk shall be constructed along the entire property frontage and connect to the existing 5' sidewalk in front of the Theta Tau property. The existing sidewalk between Theta Tau and Razorback shall be removed and replaced with a 5' sidewalk that is ADA compliant.
 - d. A raised intersection shall be constructed at Cleveland Street and Hall Avenue with a patterned concrete/asphalt and embedded lighting, as indicated on page 21 of the traffic study.
 - e. A raised crosswalk shall be installed on Hall Avenue near the school's parking lot entrance. The final location shall be determined based on ADA access requirements and input from the Fayetteville School District.
 - f. A crosswalk shall be installed on Hall Avenue at the north end of the project to connect the sidewalks on the east and west side of Hall.
 - g. In coordination with the Fayetteville School District, one of the existing crosswalks on Cleveland Street shall be removed.
 - h. Due to the extensive utility improvements required and resulting trenching on Hall Avenue and Cleveland Street, the developer shall also be required to mill and overlay Hall Avenue along the property frontage. The remaining areas shall be inspected after construction with the city reserving the right to require either street patching or a similar milling and overlay in these areas.
 - i. (Offered by applicant) A separated climbing lane shall be installed on the south side of Cleveland from Sang to Oliver, with sharrows provided on the north side of the street. The bike lane will be separated from the east-bound travel lane by a 6" curb, with openings provided at existing driveways and streets, and for drainage. The existing centerline shall be removed and relocated based on the adjusted centerline of the travel lanes.
3. City Council determination of compliance with Urban Residential Design Standards. *Staff finds that the proposed building elevations meet the requirements for multi-family design standards. The applicant has committed through the PZD process to comply with the requirements of the Downtown Design Overlay District (DDOD), which are stricter design standards. The current building design also complies with these design standards. Additional construction level information is always necessary to fully review for compliance with*

**R-PZD 12-4079 PROJECT CLEVELAND
CONDITIONS OF APPROVAL, AS AMENDED AND
APPROVED BY THE CITY COUNCIL**

DDOD standards.

4. Heavy construction vehicles shall not be permitted to use Cleveland Street west of the project or Hall Avenue north of the project. Construction traffic, other than passenger vehicles, shall use Garland as the primary point of access.
5. All off-site utility upgrades and extensions determined necessary by the City of Fayetteville to serve this development shall be completed at the time of development, prior to certificate of occupancy permits.
6. Parks fees in the amount of \$38,320 shall be paid prior to building permit approval.
7. Pursuant to the phasing schedule provided in the project booklet, all permits necessary to begin construction shall be obtained within 18 months from the date of City Council approval of the PZD. A final certificate of occupancy shall be obtained within 42 months from the date of building permit approval.
8. Any proposed fencing shall be indicated on construction plans to ensure compliance with applicable development and design standards.
9. All tree preservation, landscape, engineering and fire department conditions included herein shall apply.

Standard conditions of approval:

10. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
11. If applicable, a business license shall be obtained prior to opening the business to the public.
12. Street signs are required to be installed on each private street where buildings are addressed. These signs shall be installed at the owner's expense and should meet MUTCD requirements. Please contact the City's Address Coordinator, Susan Pierce at 479-575-8391. Address numbers shall also be required on both sides of each structure, or as determined appropriate by the Fire Department.
13. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
14. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

**R-PZD 12-4079 PROJECT CLEVELAND
CONDITIONS OF APPROVAL, AS AMENDED AND
APPROVED BY THE CITY COUNCIL**

15. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
16. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
17. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principal structure. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
18. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
19. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the Design Overlay District.
20. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
21. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Urban Forester of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Urban Forester.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

**R-PZD 12-4079 PROJECT CLEVELAND
CONDITIONS OF APPROVAL, AS AMENDED AND
APPROVED BY THE CITY COUNCIL**

Added conditions of approval:

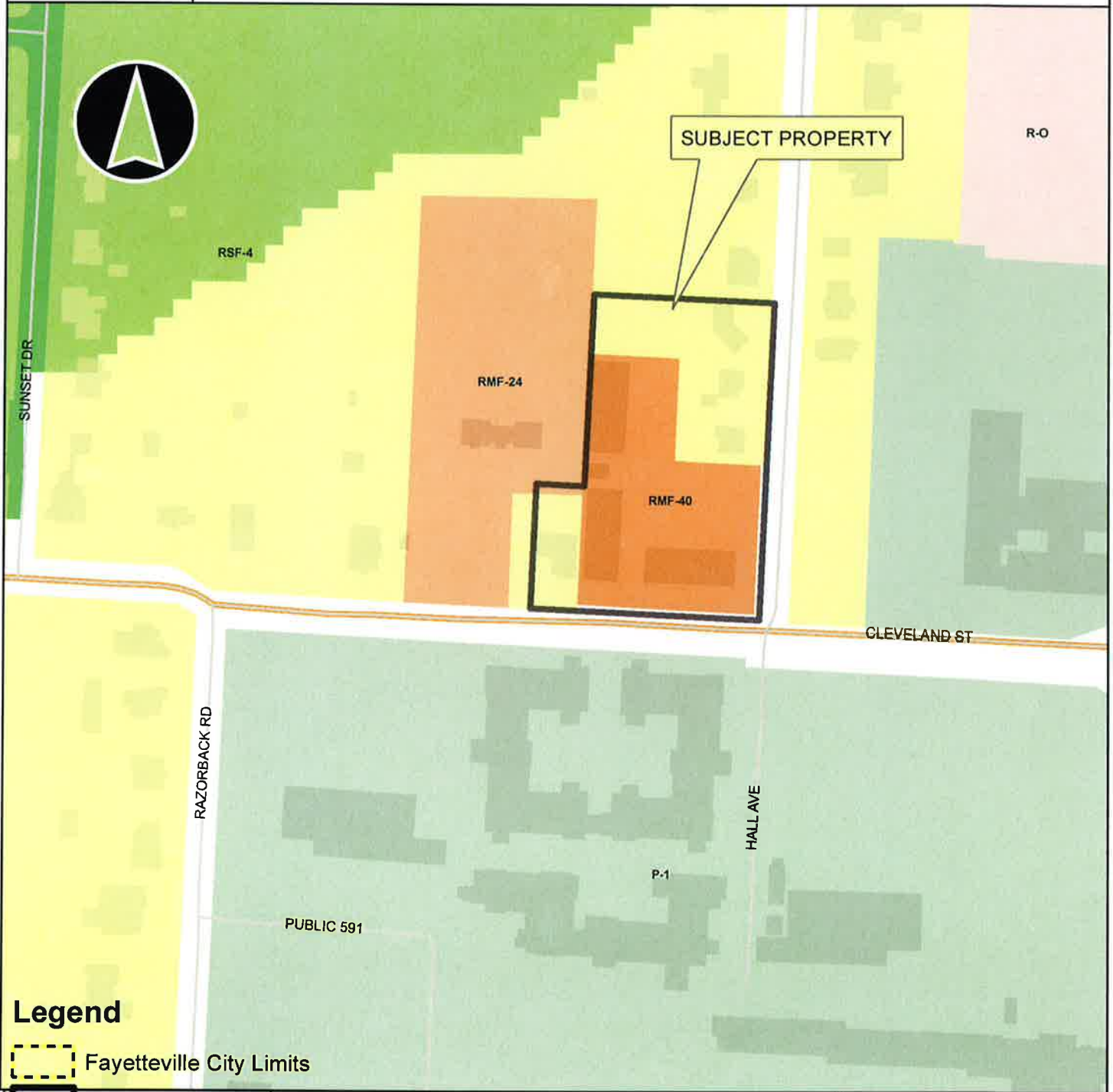
22. Egress from the parking structure onto Hall Avenue shall be constructed in a manner to limit turning movements to right-out only, subject to final approval by the Planning Division.
23. As offered by the applicant and accepted by the City Council, the south-facing Cleveland Street building façade shall be further articulated to enhance pedestrian connectivity and interaction at the street/sidewalk level. The architect shall work to create depth changes in the building plane, add stoops, doors, and enhanced fenestration prior to obtaining approval of a building permit.



RPZD12-4079

PROJECT CLEVELAND

Close Up View



Legend

Fayetteville City Limits

Overview RPZD12-4079

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

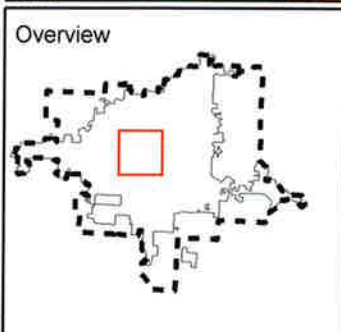
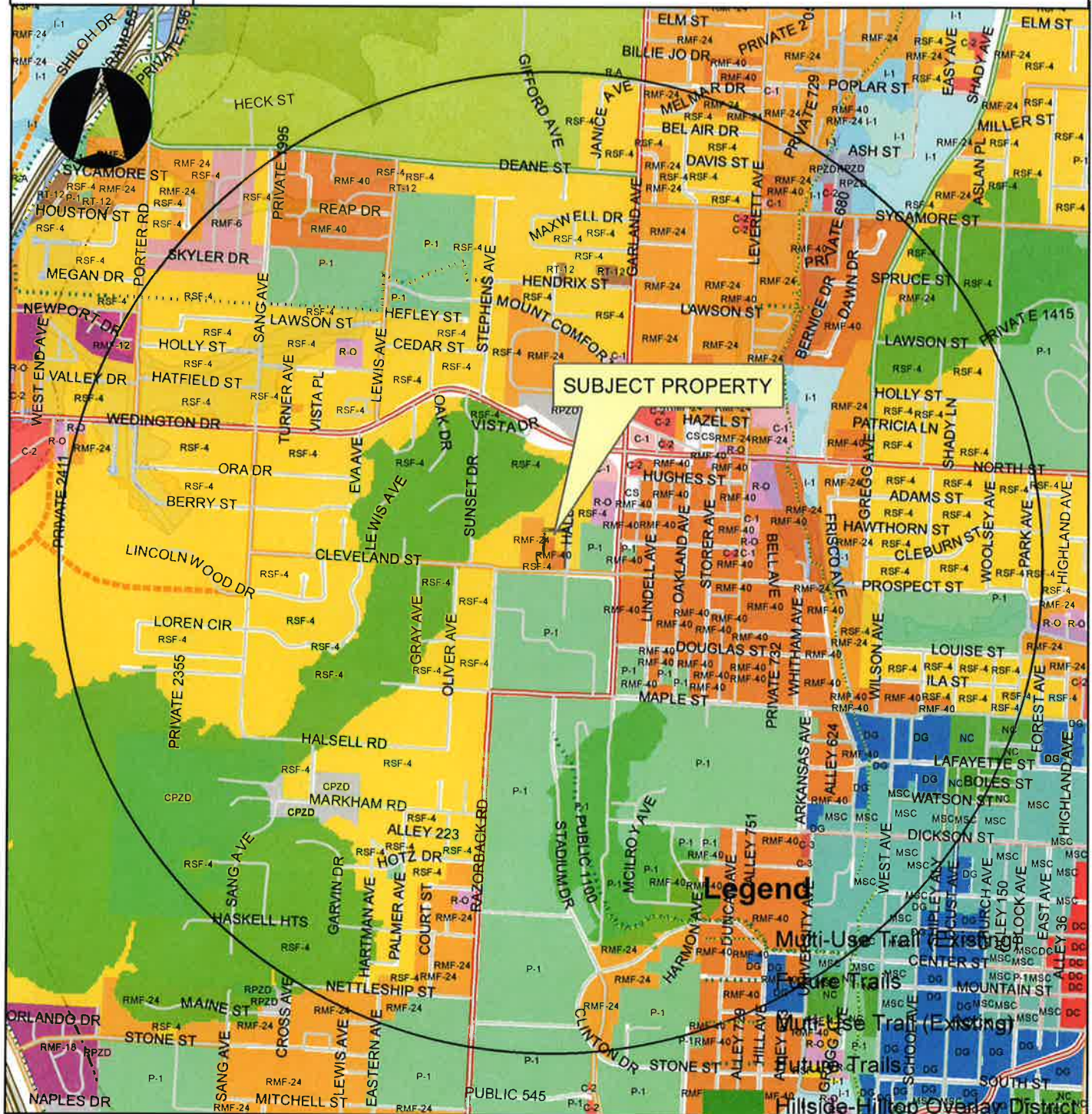
Planning Area



RPZD12-4079

PROJECT CLEVELAND

One Mile View



Legend
 Subject Property
 RPZD12-4079

Boundary



RPZD12-4079
 Design Overlay District
 Planning Area
 Fayetteville

Legend
 Multi-Use Trail (Existing)
 Future Trails
 Multi-Use Trail (Existing)
 Future Trails
 Hillside-Hilltop Overlay District

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 08, 2012**

This meeting date was changed from November 06, 2012 to November 08, 2012 due to the General election.

A meeting of the Fayetteville City Council will be held on November 08, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Town and Gown Advisory Committee Appointment**

Agenda Additions:

A. Consent:

- 1. Approval of the October 16, 2012 City Council meeting minutes.**

2. **Amend Resolution No. 81-09, Animal Services Advisory Board:** A resolution amending Resolution No. 81-09 to reduce the total number of members of the Animal Services Advisory Board and re-designating certain membership composition of the board.
3. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.
4. **Fourth Judicial District Drug Task Force Training:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement Unit.
5. **2012 Bulletproof Partnership Grant Award:** A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100.00 for the replacement of twelve (12) body armor vests for Fayetteville police officers, and approving a budget adjustment.
6. **Washington County Jail Services Interlocal Agreement:** A resolution approving an amendment to the jail services Interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2013.
7. **Fayetteville Police Department Policies:** A resolution approving Fayetteville Police Department Policies 1.3.1 Use of Force; 84.1.1 Property Management, Acquired & In-Custody; 42.1.1 Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11 Use of Department Vehicles; 1.2.2 Warrantless Detention, Search & Seizure; and 42.1.1 Vice, Drugs and Organized Crime.
8. **Margot Khavinson Estate Settlement Agreement:** A resolution approving a settlement agreement with the Margot Khavinson Estate, concerning condemnation litigation filed as part of the N. Garland Avenue Widening and Improvement Project in the total amount of \$18,000.00.
9. **Bid #12-72 Pick-It Construction:** A resolution awarding Bid #12-72 and authorizing a contract with Pick-It Construction, Inc. in the total amount of \$343,900.00 for the construction of improvements to an aircraft hangar at Drake Field contingent upon a grant award, amending Resolution No. 95-12 to correct a transposition error regarding Task Order No. 9 to the contract with McClelland Consulting Engineers related to this project, approving application for and acceptance of an 80/20 matching grant from the Arkansas Department of Aeronautics to provide funding for this project and approving a budget adjustment authorizing airport fund matching expense and recognizing grant revenue, contingent upon approval of the grant application and receipt of grant funds.
10. **Drake Field Fuel Sales:** A resolution approving a budget adjustment in the amount of \$27,000.00 to recognize revenue and associated expense associated with fuel sales at Drake Field.

Remove 11. **Bid #12-74 Vance Brothers, Inc.:** A resolution awarding Bid #12-74 and approving a contract with Vance Brothers, Inc. in the amount of \$72,470.00 for asphalt micro-surfacing, and approving a ten percent (10%) project contingency.

12. **Thrash Development:** A resolution approving a budget adjustment in the amount of \$15,000.00 recognizing revenue from Thrash Development for its contribution toward improvements to the East Avenue and Meadow Street sidewalks.

B. Unfinished Business:

1. **RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins):** An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting. This ordinance was left on the First Reading at the September 18, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting. This ordinance was left on the Second Reading at the October 16, 2012 City Council meeting*

Left on the Second Reading

C. Public Hearing:

1. **Dynasty Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville. *This resolution was Tabled at the October 16, 2012 City Council meeting to the November 8, 2012 City Council meeting.*

D. New Business:

1. **Tree Preservation and Protection Variance:** A resolution to approve a variance from the Tree Preservation and Protection Chapter of the UDC for LSD 12-4215 to allow off-site tree preservation, on and off-site mitigation tree planting and eliminating any further penalty for the removal of some canopy in 2008.
2. **ADM 12-4254 (R-PZD 12-4079 Project Cleveland):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 12-4079, Project Cleveland, located at the Northwest corner of Razorback Road and Hall Avenue, containing approximately 2.71 acres, extending the time frame to obtain all necessary permits to begin construction by December 19, 2014.

E. City Council Agenda Session Presentations:

1. **Economic Development Quarterly Report Presentation by Chung Tan and Steve Clark**

F. City Council Tour:

G. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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Pre Agenda Meeting 10-24-12

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
November 08, 2012**

This meeting date was changed from November 06, 2012 to November 08, 2012 due to the General election.

A meeting of the Fayetteville City Council will be held on November 08, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Town and Gown Advisory Committee Appointment**

Agenda Additions:

A. ~~Consent:~~

- ☒ Approval of the October 16, 2012 City Council meeting minutes.

2. **Amend Resolution No. 81-09, Animal Services Advisory Board:** A resolution amending Resolution No. 81-09 to reduce the total number of members of the Animal Services Advisory Board and re-designating certain membership composition of the board.
3. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the amount of \$10,732.00 representing donation revenue to Animal Services for the third quarter of 2012.
4. **Fourth Judicial District Drug Task Force Training:** A resolution approving a budget adjustment in the amount of \$2,000.00 representing donation revenue from the Washington County Prosecutor's Office Drug Control Fund to the Fayetteville Police Department in support of training of the Fourth Judicial District Drug Task Force's Domestic Highway Enforcement Unit.
5. **2012 Bulletproof Partnership Grant Award:** A resolution authorizing acceptance of a fifty percent (50%) matching grant award from the 2012 Bulletproof Vest Partnership Program in the amount of \$9,100.00 for the replacement of twelve (12) body armor vests for Fayetteville police officers, and approving a budget adjustment.
6. **Washington County Jail Services Interlocal Agreement:** A resolution approving an amendment to the jail services Interlocal agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2013.
7. **Fayetteville Police Department Policies:** A resolution approving Fayetteville Police Department Policies 1.3.1 Use of Force; 84.1.1 Property Management, Acquired & In-Custody; 42.1.1 Criminal Investigations; 83.1 Collection and Preservation of Evidence; 44.1.1 Juvenile Operations; 41.2.11 Use of Department Vehicles; 1.2.2 Warrantless Detention, Search & Seizure; and 42.1.1 Vice, Drugs and Organized Crime.
8. **Margot Khavinson Estate Settlement Agreement:** A resolution approving a settlement agreement with the Margot Khavinson Estate, concerning condemnation litigation filed as part of the N. Garland Avenue Widening and Improvement Project in the total amount of \$18,000.00.
9. **Bid #12-72 Pick-It Construction:** A resolution awarding Bid #12-72 and authorizing a contract with Pick-It Construction, Inc. in the total amount of \$343,900.00 for the construction of improvements to an aircraft hangar at Drake Field contingent upon a grant award, amending Resolution No. 95-12 to correct a transportation error regarding Task Order No. 9 to the contract with McClelland Consulting Engineers related to this project, approving application for and acceptance of an 80/20 matching grant from the Arkansas Department of Aeronautics to provide funding for this project and approving a budget adjustment authorizing airport fund matching expense and recognizing grant revenue, contingent upon approval of the grant application and receipt of grant funds.
10. **Drake Field Fuel Sales:** A resolution approving a budget adjustment in the amount of \$27,000.00 to recognize revenue and associated expense associated with fuel sales at Drake Field.

✓ **11. Bid #12-74 Vance Brothers, Inc.:** A resolution awarding Bid #12-74 and approving a contract with Vance Brothers, Inc. in the amount of \$72,470.00 for asphalt micro-surfacing, and approving a ten percent (10%) project contingency.

12. Thrash Development: A resolution approving a budget adjustment in the amount of \$15,000.00 recognizing revenue from Thrash Development for its contribution toward improvements to the East Avenue and Meadow Street sidewalks.

NB
1
✓ **13. Tree Preservation and Protection Variance:** A resolution to approve a variance from the Tree Preservation and Protection Chapter of the UDC for LSD 12-4215 to allow off-site tree preservation, on and off-site mitigation tree planting and eliminating any further penalty for the removal of some canopy in 2008.

B. Unfinished Business:

✓ **1. Dynasty Taxi:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Taxi Service, Inc. for the operation of a total of fifteen (15) to thirty (30) taxicabs in the City of Fayetteville. *This resolution was Tabled at the October 16, 2012 City Council meeting to the November 8, 2012 City Council meeting.*

2. RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins): An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting. This ordinance was left on the First Reading at the September 18, 2012 City Council meeting and Tabled to the October 16, 2012 City Council meeting. This ordinance was left on the Second Reading at the October 16, 2012 City Council meeting*

Left on the Second Reading

Public Hearing :

C. New Business:

✓ **ADM 12-4254 (R-PZD 12-4079 Project Cleveland):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 12-4079, Project Cleveland, located at the Northwest corner of Razorback Road and Hall Avenue, containing approximately 2.71 acres, extending the time frame to obtain all necessary permits to begin construction by December 19, 2014.

D. City Council Agenda Session Presentations:

1. Economic Development Quarterly Report Presentation by Chung Tan and Steve Clark

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

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Amber Wood - RE: Economic Development Quarterly Report at the Agenda Session

From: Chung Tan <CTan@fayettevillear.com>
To: Don Marr <dmarr@ci.fayetteville.ar.us>, "Wood, Amber" <awood@ci.fayetteville.ar.us>
Date: 10/17/2012 8:25 AM
Subject: RE: Economic Development Quarterly Report at the Agenda Session
CC: Steve Clark <SClark@fayettevillear.com>

Hi Don:

We confirm we will be on for Tuesday, Oct. 30th Agenda Session.

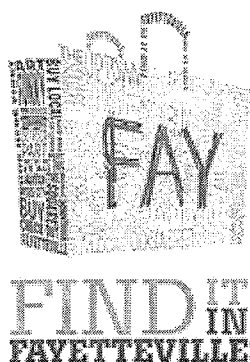
Chung

From: Don Marr [mailto:dmarr@ci.fayetteville.ar.us]
Sent: Wednesday, October 17, 2012 8:19 AM
To: Chung Tan; Wood, Amber
Subject: Re: Economic Development Quarterly Report at the Agenda Session

Chung - I we are going to schedule the presentation to be on Tuesday October 30th, which is the agenda session for the November 8th City Council Meeting (Changed from Tuesday November 6th due to City Council rules about meetings on election days). Can you please plan to present the quarterly report on October 30th, 2012. I am requesting the Clerk's office to place on the Agenda Session meeting the Economic Development Quarterly Report Presentation by Chung Tan and Steve Clark.

Thanks,
Don

Don Marr



Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us

Website: www.accessfayetteville.org

>>> Chung Tan <CTan@fayettevillear.com> 10/16/2012 12:18 PM >>>

Don:

We are due to present our Quarterly report at the Agenda Session. Please may you find us a date that is convenient for the city? We can do it either on Oct 30th or Nov 13th.

Thanks,

Chung Tan

Manager for Economic Development



Fayetteville Chamber of Commerce

123 W. Mountain / P.O. Box 4216

Fayetteville, AR 72702-4216

479.521.1710 office

479.521.1791 fax

www.fayettevillear.com



Note: Please consider the environment before printing this email.