

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2014**

A meeting of the Fayetteville City Council will be held on March 18, 2014 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:

- 1. Purple Heart City Proclamation by Mayor Jordan and presentation to the City by the Military Order of the Purple Heart**

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Nominating Committee Report: APPROVED**

Agenda Additions:

A. Consent:

- 1. Approval of the March 04, 2014 City Council meeting minutes. APPROVED**

2. **2013 Internet Crimes Against Children Task Force Program Grant:** A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of \$13,507.53, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-14

3. **Gulf Coast High Intensity Drug Trafficking Area:** A resolution to approve a budget adjustment in the amount of \$115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-14

4. **State Drug Crime Enforcement and Prosecution Fund Grant:** A resolution to approve a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 60-14

5. **Insituform Technologies, Inc.:** A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 61-14

6. **Arkansas State Highway Commission:** A resolution authorizing the sale of approximately 4.28 acres of right-of-way and a temporary construction easement to the Arkansas State Highway Commission for the total amount of \$15,050.00 to facilitate the replacement of the Highway 16 bridge across the Middle Fork of the White River.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 62-14

7. **Arkansas State Highway and Transportation Department:** A resolution to approve the payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-14

8. **Fayetteville Alert System:** A resolution to approve a budget adjustment in the amount of \$66,500.00 to provide funding for a marketing and communication campaign for the Fayetteville Alert System.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-14

9. **Sourcegas Arkansas, Inc.:** A resolution to approve a cost-share utility work agreement with Sourcegas Arkansas, Inc. in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and to approve a project contingency of \$14,455.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-14

B. Unfinished Business:

1. **Amend Chapter 178:** An ordinance to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, to enact §178.05 Food Truck Limited Time Permit, to change the section number of Transient Merchants from §178.05 to §178.06 and to amend §97.086 Vending and Peddling. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting. This ordinance was left on the First Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting. This ordinance was left on the First Reading at the January 21, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5666

2. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was Tabled Indefinitely at the February 18, 2014 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5667

3. **ADM 13-4331 Amend Chapters 151, 162, 163 and 164:** An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 5668

4. **Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals:** An ordinance to Amend §92.01 **Definitions**, §92.23 **Impoundment** and §92.24 **Redemption of Animals** of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Second Reading at the March 04, 2014 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5669

C. New Business:

1. **Northwest Arkansas Regional Planning Commission Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5670

2. **U.S. Geological Survey:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5671

3. **Rupple Road Cross Section:** A resolution to reaffirm the cross section of Rupple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-14

4. **VAC 14-4617 (1144 N. Futrall Dr./Cornerstone):** An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5672

5. **VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate):** An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5673

6. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.

LEFT ON THE FIRST READING

7. **Street Name Change:** A resolution to change the name of Arbuckle Lane to Woodward Lane.

FAILED

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment: 10:42 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

City Council Meeting:

March 18, 2014

Adjourn:

10:42 pm.

Subject:	Roll				
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Mayor Jordan	✓			

9-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Tennant			
Seconded:		Gray			
Minutes Approved	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
Passed	Tennant	✓			
	Schoppmeyer	✓			
58-14 thru 65-14	Adams	✓			
	Mayor Jordan				

8-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Long			
Seconded:		Gray			
Passed 3-18-14 Justin Tennant new Chair of the Committee	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Mayor Jordan				

8-0

Subject:		Amend Chapter 178			
Motion To:		2nd Read	Amend as recommended	3rd Read	Pass
Motion By:		Petty	Petty	Petty	
Seconded:		Long	Marsh	Long	
B. 1 Unfinished Business <u>passed</u> 5/10/14	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	✓	✓	✓	✓
	Mayor Jordan				
		8-0	8-0	8-0	8-0

Subject:		RZN 13-4538 (Razorback Road/Victory Commons)			
Motion To:		Remove from the table	3rd Read	Pass	
Motion By:		Tennant	Adams		
Seconded:		Gray	Gray		
B. 2 Unfinished Business <u>passed</u> 5/10/14	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		ADM 13-4331 Amend Chapters 151, 162, 163 and 164			
Motion To:		Pass			
Motion By:					
Seconded:					
B. 3 Unfinished Business <u>passed</u> 5/10/8	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	N			
	Schoppmeyer	N			
	Adams	✓			
	Mayor Jordan				

6-2

Subject:		Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals			
Motion To:		3rd Read	Pass		
Motion By:		Gray			
Seconded:		Long			
B. 4 Unfinished Business <u>passed</u> 5/10/9	Long	✓	✓		
	Gray	✓	✓		
	Marsh	Absent during the vote.	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Schoppmeyer	✓	✓		
	Adams	✓	✓		
	Mayor Jordan				

7-0

8-0

Subject:		Northwest Arkansas Regional Planning Commission Contract			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Adams		
Seconded:		Long	Gray		
C. 1 New Business <u>passed</u> 5070	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		U.S. Geological Survey			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Adams	Long		
C. 2 New Business <u>passed</u> 5071	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:	Ruppel Road Cross Section				
Motion To:		Approve	Staff Bring forth a rezoning study	prior to contract approval	
Motion By:		Long	Petty		
Seconded:		Adams	Marsh		
C. 3 New Business <u>passed</u> 111-14	Long	✓			
	Gray	✓	Motion		
	Marsh	✓	Withdrawn		
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Mayor Jordan				

8-0

Subject:	VAC 14-4617 (1144 N. Futrall Dr./Cornerstone)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Tennant		
Seconded:		Petty	Adams		
C. 4 New Business <u>passed</u> 51172	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	Absent during the vote.	Absent during the vote.	Absent during the vote.	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				

7-0

7-0

7-0

Subject:	VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Petty</i>	<i>Long</i>		
Seconded:		<i>Tennant</i>	<i>Adams</i>		
C. 5 New Business <i>passed</i> <i>10073</i>	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06)				
Motion To:					
Motion By:					
Seconded:					
C. 6 New Business <i>Left on the first Reading</i>	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Mayor Jordan				

Subject:	Street Name Change				
Motion To:		<i>Pass</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Kinion</i>			
C. 7 New Business <i><u>Failed</u></i>	Long	<i>N</i>			
	Gray	<i>N</i>			
	Marsh	<i>N</i>			
	Kinion	<i>N</i>			
	Petty	<i>N</i>			
	Tennant	<i>N</i>			
	Schoppmeyer	<i>N</i>			
	Adams	<i>N</i>			
	Mayor Jordan				

0-8

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Mayor Jordan				



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **March 19, 2014**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of March 18, 2014**

1. **2013 Internet Crimes Against Children Task Force Program Grant:** A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of \$13,507.53, and to approve a budget adjustment.
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6. **Arkansas State Highway and Transportation Department:** A resolution to approve the payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening

of Razorback Road, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment.

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Roll Call

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and Tabled to the February 18, 2014 City Council meeting. This ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.

Left on the First Reading

2. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was Tabled Indefinitely at the February 18, 2014 City Council meeting.*

Left on the Second Reading.

3. **ADM 13-4331 Amend Chapters 151, 162, 163 and 164:** An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

Left on the Third Reading.

4. **Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals:** An ordinance to Amend §92.01 **Definitions**, §92.23 **Impoundment** and §92.24 **Redemption of Animals** of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Second Reading at the March 04, 2014 City Council meeting.*

Left on the Second Reading.

C. New Business:

1. **Northwest Arkansas Regional Planning Commission Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program.
2. **U.S. Geological Survey:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

3. **Ripple Road Cross Section:** A resolution to reaffirm the cross section of Ripple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.
4. **VAC 14-4617 (1144 N. Futrall Dr./Cornerstone):** An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.
5. **VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate):** An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.
6. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.
7. **Street Name Change:** A resolution to change the name of Arbuckle Lane to Woodward Lane.

D. City Council Agenda Session Presentations:

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.

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 aids 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.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A COST-SHARE UTILITY WORK AGREEMENT WITH SOURCEGAS ARKANSAS, INC. IN THE AMOUNT OF \$72,277.19 FOR THE RELOCATION OF GAS MAINS AND FACILITIES NECESSARY FOR THE VAN ASCHE DRIVE PROJECT, AND TO APPROVE A PROJECT CONTINGENCY OF \$14,455.00

WHEREAS, the Van Asche Drive Construction Project will require certain gas mains and facilities belonging to SourceGas Arkansas, Inc. ("SourceGas") to be relocated; and

WHEREAS, SourceGas has agreed to pay 20.7% of the total project cost and it is cost-effective for the City to enter into this cost-sharing agreement; and

WHEREAS, Ordinance No. 5542, which was passed and approved on November 20, 2012, waives the requirement of formal bidding on "all such projects necessitated by any road reconstruction or widening projects with SourceGas Arkansas, Inc. within Fayetteville until December 31, 2016".

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a cost-share utility work agreement with SourceGas Arkansas, Inc., a copy of which is attached as Exhibit "A", in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and further approves a project contingency of \$14,455.00.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



UTILITY WORK AGREEMENT (MUNICIPALITY)

Municipality: City of Fayetteville
Municipality's Address: 113 West Mountain, Fayetteville, AR 72701
Job Location: Van Asche

This Utility Work Agreement ("Agreement") is made and entered into this ____ day of _____, by and between the City of Fayetteville (hereinafter referred to as "Municipality"), and SourceGas Arkansas Inc. (hereinafter referred to as "SourceGas").

WHEREAS, Municipality proposes to make certain improvements at the location designated above, and as a result of such improvements, SourceGas must adjust, enhance, locate, observe, and/or relocate certain of its existing facilities, or construct additional facilities; and

WHEREAS, in connection with Municipality's proposed improvements, Municipality wishes SourceGas to do the following:

Replace 2" plastic pipe for Van Asche road project: Starting at -94.18519, 36.116313 then going across Van Asche Dr. going West for app. 160' also going East app. 820' then crossing the road to the south side, then going under I-540 East app. 460', then going North app. 160', making tie ends replacing services along the new pipe. Then starting at -94.163923, 36.116649 just West of Gregg Ave. going 1000' West then turning to the North for 200', making tie ends with 2x2 HVPT also replacing service.

(hereinafter referred to as the "Work"); and

WHEREAS, such Work is shown in detail in SourceGas' plans, sketches, estimate of cost, and specifications (when applicable), which are attached to this Agreement and made a part hereof; and

WHEREAS, Municipality agrees to pay for the cost of such Work to the extent herein agreed upon.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND OTHER VALUABLE CONSIDERATION HEREIN ACKNOWLEDGED, MUNICIPALITY AND SOURCEGAS AGREE AS FOLLOWS:

1. Where applicable hereunder by reason of new utility occupancy or crossing of Municipality's property, Municipality hereby grants to SourceGas an easement or license to install and operate utility facilities on or across Municipality's property as shown on the approved plans or sketch maps attached hereto and made a part hereof. In addition to the easement over Municipality's property, prior to SourceGas beginning the Work, Municipality will, at no cost to SourceGas, furnish SourceGas with all other necessary easements, rights of way and permits. After the natural gas pipeline is installed by SourceGas, SourceGas will remove all trash and litter from the right(s)-of-way herein granted and restore the right(s)-of-way, as nearly as possible, to the condition in which it/they existed prior to the construction of the natural gas pipeline.

2. Where applicable hereunder by reason of new construction on existing utility rights of way, SourceGas hereby grants to Municipality the right to use for Municipality's purposes the lands within the limits of the improvement project limits on or across which SourceGas holds a valid property interest antedating Municipality's rights which were subsequently acquired in the same lands, and which property rights SourceGas shall retain so long as SourceGas, its successors or assigns continues such use and occupancy and does not abandon, and thereby release, such property interest to Municipality through removal of facilities in performing the Work or by subsequent removal of facilities for SourceGas' convenience; and Municipality hereby agrees that SourceGas, by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for any costs as may be eligible for reimbursement by reason of such prior property interest, nor does SourceGas waive any other legal or property right held under the laws or Constitution of the State of Arkansas or the United States.

3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either Municipality or SourceGas in the area jointly occupied or used under either or both Paragraphs 1 or 2 of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of Municipality or of SourceGas, either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. Municipality will pay SourceGas 79.3% of the actual cost of the Work. The estimated cost of the Work is \$91,144.00. Thus, the estimated cost to Municipality for the Work is \$72,277.19. After it has completed the Work, SourceGas will bill Municipality for 79.3% of the actual cost of the Work. Municipality shall pay such invoice within 30 days of Municipality's receipt of the invoice. If Municipality fails to pay any such invoice within 30 days of receipt, the amount due under the invoice shall accrue interest at the rate of 10 per cent per annum until paid.

5. SourceGas will perform the Work, as described on the first page of this Agreement. ~~SourceGas will endeavor to perform the Work within a reasonable time period, subject to applicable laws, rules and regulations of governmental authorities, and subject to any delay occasioned by lack of right of way, availability of materials and supplies, force majeure or events or conditions of whatsoever nature reasonably beyond SourceGas' control, and further conditioned upon the receipt of all required approvals and consents in form and substance acceptable to SourceGas.~~ SourceGas shall not be obligated to commence the Work unless and until, at no cost to SourceGas, all necessary easements and rights of way have been executed, acknowledged and delivered to SourceGas in a form acceptable to SourceGas.

6. Title to and ownership of facilities which are the subject of the Work shall forever be and remain exclusively and unconditionally vested in SourceGas. Municipality understands, acknowledges and agrees that Municipality shall have no title to, interest in, or ownership of those facilities.

7. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to property rights, right of way occupancy permission, access for servicing when applicable, and joint use of rights of way shall continue in full force and effect from the date of this Agreement, and shall be perpetually binding upon each party, and its representatives, successors and assigns.

8. Municipality and SourceGas acknowledge that there are no agreements or understandings, either written or oral, between the parties related to the Work, other than as set forth in this Agreement, and that this Agreement (including any attachments hereto) contains the entire agreement between the parties regarding the Work.

9. This Agreement shall be governed in accordance with the laws of the State of Arkansas, the rules and regulations of the Arkansas Public Service Commission, and the Tariff of SourceGas. In the event of a conflict between this Agreement and any such laws, rules, regulations or Tariff, such laws, rules, regulations or Tariff shall control.

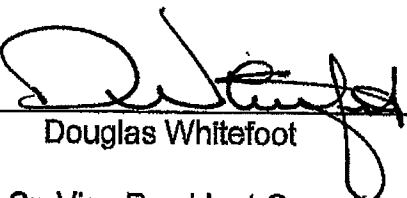
10. In the event SourceGas is required to initiate litigation to enforce the terms and conditions of this Agreement, then SourceGas shall have the right to recover from Municipality SourceGas' costs and expenses of such litigation, including reasonable attorney fees.

11. Municipality acknowledges that it has been afforded an opportunity to have its attorney review and explain the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized representatives on the date stated above.

SOURCEGAS ARKANSAS INC.

AA
By:


Douglas Whitefoot

Its: Sr. Vice President Operations

By: _____

Its: _____

ORDINANCE NO. 5542

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING FOR APPROVING A COST-SHARE AGREEMENT WITH SOURCEGAS ARKANSAS, INC. IN THE AMOUNT OF \$94,577.00 FOR THE RELOCATION OF GAS MAINS AND FACILITIES NECESSARY FOR THE FULBRIGHT EXPRESSWAY/HIGHWAY 71-B FLYOVER PROJECT AND FOR ALL FUTURE PAYMENTS TO OR CONTRACTS WITH SOURCEGAS ARKANSAS, INC. FOR THE RELOCATION COSTS FOR NATURAL GAS UTILITY MAINS AND APPURTENANCES NECESSITATED BY ROAD RECONSTRUCTION OR WIDENING PROJECTS WITHIN SOURCEGAS ARKANSAS, INC.'S AREA OF SERVICE, APPROVING A PROJECT CONTINGENCY OF \$18,915.00 FOR THE FLYOVER PROJECT, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, the City in coordination with the Arkansas State Highway and Transportation Department are constructing a Fulbright Expressway/Highway 71-B Flyover, and as part of the project it is necessary for certain gas mains and facilities belonging to SourceGas Arkansas, Inc. (SourceGas) to be relocated; and

WHEREAS, it is most cost effective for the City to enter into an agreement with SourceGas for the provision of said work on a fifty percent (50%) cost-share basis; and

WHEREAS, SourceGas has exclusive jurisdiction to construct and maintain such natural gas facilities within their service area as designated by the Arkansas Public Service Commission and such cost-share agreements should be entered without the requirement formal competitive bidding;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines the above-stated facts constitute an exceptional situation in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a cost-share utility work agreement with SourceGas Arkansas, Inc. in the amount of \$94,577.00 for the relocation of gas mains and facilities necessary for the Fulbright Expressway/Highway 71-B Flyover Project, further approves a project contingency of \$18,915.00, and approves waiver of formal competitive bidding on all such projects necessitated

Page 2
Ordinance No. 5542

by any road reconstruction or widening projects with SourceGas Arkansas, Inc. within Fayetteville until December 31, 2016.

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

PASSED and **APPROVED** this 20th day of November, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



March 12, 2014

Dear Mayor Jordan and Members of the City Council,

We recently learned that the Fayetteville city government is considering a revision of ordinances concerning keeping a very limited number of dwarf or pygmy goat breeds within the city limits.

We wanted to offer our thoughts on this issue, since we work as sheep and goat specialists for the agricultural nonprofit National Center for Appropriate Technology (NCAT) in offices located on Center Street in downtown Fayetteville.

We both have degrees in Animal Science, have life-long experience raising livestock, and work as livestock educators. We know first-hand the many benefits of raising goats. They provide nutritious milk, educational experiences for children, and they are enjoyable animals.

Keeping these small breeds of goats in an urban area has benefits but also requires a commitment by the owner to raising and managing them responsibly. Fortunately, there are reliable fencing and other control options available for keeping a limited number of small goats where they belong. Good fencing is also important for keeping goats protected from predators, including dogs. Another key component of responsible ownership is learning about grazing and feeding for goats. This is important for keeping goats well fed and on their home ground. There are many resources available to help goat owners learn how to properly care for and manage their goats. If this ordinance is adopted, NCAT will offer a “Goat 101” workshop. We will cover fencing, shelter, nutrition, and basic health care of goats. We are also available to help answer questions about raising goats. NCAT’s ATTRA project offers dozens of small ruminant publications and resources (www.attra.ncat.org).

Positive aspects of the proposed ordinance include adequate lot size and required animal identification (available from veterinarians) and allowance for more than 1 animal, since goats are social and do better with companionship. Because of the care and commitment involved in managing small goats we do not expect large numbers of residents to do this. However, we wanted to make the mayor and council aware that excellent local resources and tools exist to help urban goat owners to be responsible owners and good neighbors.

Sincerely,

Margo Hale
Southeast Regional Office Director
Sustainable Livestock Specialist

Linda Coffey
Small Ruminant Specialist

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray

Ward 1 Position 2 – Sarah Marsh

Ward 2 Position 1 – Mark Kinion

Ward 2 Position 2 – Matthew Petty

Ward 3 Position 1 – Justin Tennant

Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.

Ward 4 Position 1 – Rhonda Adams

Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting Minutes
March 04, 2014**

A meeting of the Fayetteville City Council was held on March 04, 2014 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Alan Long

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report – 4th Quarter 2013, Paul Becker, Finance Director

Paul Becker, Finance Director gave the 4th Quarter Financial Report for 2013.

Agenda Additions: None

Consent:

Approval of the February 18, 2014 City Council meeting minutes.

Approved

Bid #13-57 Center Point Contractors, Inc.: A resolution to award Bid #13-57 and to authorize a contract with Center Point Contractors, Inc. for the replacement of six (6) rolling service doors in the amount of \$64,500.00 at the Noland Wastewater Treatment Plant and the Biosolids Management Site.

Resolution 44-14 as recorded in the office of the City Clerk

Federal Aviation Administration Lease Agreement: A resolution to approve a ten (10) year lease agreement for \$31,020.00 per year with the Federal Aviation Administration for a facility at 4370 S. School Avenue for use by its Facilities Maintenance Team.

Resolution 45-14 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue to the Fire Department, and authorizing an increase in the related expense budget.

Resolution 46-14 as recorded in the office of the City Clerk

Bid #14-14 Tennant Sales and Service: A resolution to award Bid #14-14 to Tennant Sales and Service of Minneapolis, Minnesota for the purchase of one Tennant S30 Sweeper in the amount of \$44,291.00 for use by the Recycling and Trash Collection Division.

Resolution 47-14 as recorded in the office of the City Clerk

Bid #14-15 Terex Sales and Service: A resolution to award Bid #14-15 and authorize the purchase of one (1) 2015 Ford F550 Super Duty Pickup Truck with Reading Body and Auto Crane from Terex Utilities of North Little Rock in the amount of \$77,777.00 for use by the Noland Wastewater Treatment Plant.

Resolution 48-14 as recorded in the office of the City Clerk

Professional Turf Products: A resolution to authorize the purchase of two (2) Toro Groundsmaster 400D Multi-Deck Mowers from Professional Turf Products of Lenexa, Kansas for the Parks Division in the amount of \$112,088.66 plus any tax pursuant to the National IPA Contract #120535, and to approve a budget adjustment to move funds to the fleet expense account.

Resolution 49-14 as recorded in the office of the City Clerk

Countryside Farm and Lawn: A resolution to authorize the purchase of two (2) John Deere Mower-Conditioners from Countryside Farm and Lawn of Springdale, Arkansas for the Noland Wastewater Treatment Plant in the amount of \$48,572.00 plus any applicable tax pursuant to an NJPA cooperative purchasing agreement.

Resolution 50-14 as recorded in the office of the City Clerk

Scott Equipment: A resolution authorizing the purchase of a Gradall XL4100 IV excavator truck from Scott Equipment of Springdale, Arkansas for the Transportation Division in the amount of \$354,893.00 pursuant to an NJPA cooperative purchasing agreement.

Resolution 51-14 as recorded in the office of the City Clerk

Crafton Tull & Associates: A resolution to approve a contract with Crafton Tull & Associates in an amount not to exceed \$83,225.00 for architectural and engineering services associated with the renovation of the Lake Fayetteville Softball Complex.

Resolution 52-14 as recorded in the office of the City Clerk

Alderman Gray moved to approve the Consent Agenda as read. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent.

Unfinished Business:

ADM 13-4331 Amend Chapters 151, 162, 163 and 164: An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. ***This ordinance was left on the First Reading at the February 18, 2014 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance.

Teresa Maurer, 18235 Wildlife Road: I have served as the chair of the Fayetteville Forward Local Food Action Group since April 2009. Fayetteville can be an example to our region of an urban agrarian community and local food destination whose residents, farmers, businesses and institutions incorporate and benefit from easy access to great locally produced food. I support the ordinance.

Adrienne Shaunfield, Director of Feed Fayetteville: We were formed in response to Arkansas being number one in the nation for hunger. Washington County has some of the highest numbers of hungry children. We work to create food security in our community through programs, partnerships and policies that create availability to local foods. We ask the Council to consider passing the proposed ordinance changes to help us improve access to healthy foods.

Alderman Tennant: Thank you for what you do. If we do something like this, we must do it in the sense that we are helping those who really need to be helped, which is children and low income. These are people who are really impacted by food insecurity. In order to become an urban farmer, you have to either own your property or have permission if you rent. How does this benefit those who don't have the ability to own a property or can't get permission to do it?

Adrienne Shaunfield: I think Fayetteville is a mixed use in every neighborhood, there is high income and low income housing. Perhaps their neighbor owns their own land and can grow it. If it is accessible within walking distance, the onsite sales of the produce is like a garage sale. So if you can walk down the street and buy some eggs or vegetables from a resident that will help.

Alderman Tennant: Improved accessibility would be one of the major points?

Adrienne Shaunfield: Yes

Joanna Pollock, Tri Cycle Farms and University of Arkansas student earning an Environmental Dynamics Degree spoke in favor of the ordinance.

Jeff Huber, Architect and Urbanist spoke in favor of the ordinance.

Ralph Ellis, Ward 1 resident spoke in favor of the ordinance.

Bernice Hembree, Board Chair of Apple Seeds and Ward 4 resident spoke in favor of the ordinance.

Eric Goodspeed, Ward 4 and Family Medicine resident spoke in favor of the ordinance.

Nicole Civita, Visiting Assistant Professor of Law at the University of Arkansas and graduate of the LL.M. Program in Agricultural and Food Law spoke in favor of the ordinance.

Alderman Adams thanked Nicole Civita for giving helpful facts at the Ward 4 meeting on February 24, 2014 and answering questions.

Nicole Civita, You are welcome. It has been a privilege to be a part of this process.

Amber Alexander, Ward 4 resident spoke in favor of the ordinance.

Alderman Kinion: We have heard a lot about Urban Agriculture as far as produce and bees. We haven't heard a lot about goats. I hope we will discuss this again in two weeks before we vote on it. I hope someone will bring forward some valuable information regarding that issue. I

was raised on a farm and have a degree in Food Science. I've never studied Urban Agriculture and this is new for me. There is an important opportunity for those individuals that support the expansion of our Urban Agriculture to continue with education so there is not so much misunderstanding in the community. There are a lot of neighborhoods that have covenants that are going to prevent goats. As we move forward there are opportunities and that is what I want us to focus on in our evaluation of changing the ordinance we currently have.

Alderman Petty reflected about his experiences with gardening and the impact it made in his life. He feels that Council's role as city leaders is to turn the community into a setting that provides experiences to share. He stated experiences could range from a great night out on Dickson, enjoying a game or learning more about food.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Adams, Gray, Marsh, Kinion, Petty and Mayor Jordan voting yes. Alderman Tennant and Schoppmeyer voting no. Alderman Long was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I was raised on a farm and we didn't have any running water. I was raised in a four room house with two doors, front and back. The garden we had help sustain us. In studies that I have seen, approximately 18,000 children die worldwide a day from starvation. This is why I wanted something like this in our city. This may not be a perfect ordinance. We do know that 37% of families from Washington County have some kind of food insecurity. I believe this ordinance is a start and if we need to make adjustments, we will. Thank you to Peter Nierengarten for his work on this ordinance. Thank you to Matthew Petty.

Alderman Schoppmeyer: I want to clarify that I am not against the ordinance. I am against voting for it when Alderman Long is not here. We have another amendment that he wrote that specifically addresses some of the issues in the ordinance.

Alderman Tennant: There are still quite a few questions in my mind. Not the general idea of this, but what it means to make a change like this that could impact potentially many landowners in this city. If this passes tonight, I'm not going to lose any sleep over it. There will be a handful of people do this and that is fine. I do believe there might be some educational opportunities. I am not against it as a whole. One of my concerns was about goats due to the cost. My main concern is that this has to affect those who are food insecure. Mainly my concern would be for low income children of this city. I was thrilled to hear that the food bank is going to have chickens.

I have too many questions making what I think is a hobby ordinance, a law of the land. I think east Fayetteville is a great part of our city. We have a tremendous group of people. There has been a lot of people concerned about property values. What if they want to sell their home and somebody has bees, goats and chickens next door to their house.

Alderman Marsh: I would like to thank everyone involved in crafting this ordinance and coming out and showing your support. This about more than food insecurity, it is also learning opportunities. There are many people, such as myself that would rather live in a neighborhood with goats and chickens than people who are more concerned with maintaining a certain image. I think it is becoming more common as young people grow up and buy homes. There is a new kind of impoverished people. People that had good jobs, went to college and lost those jobs during the recession. This ordinance can help those people. My goal for my garden this summer is to grow enough food for myself and to share with my close friends and neighbors.

Alderman Gray: We started this discussion two weeks ago saying we would leave it on three readings. I'm not going to vote for it tonight. I came thinking we would talk about it tonight and another time. I want people to get their questions answered.

Alderman Gray moved to table the ordinance to the March 18, 2014 City Council meeting. Alderman Schoppmeyer seconded the motion. Upon roll call the motion to table passed 5-2. Alderman Gray, Marsh, Kinion, Tennant, and Schoppmeyer voting yes. Alderman Adams and Petty voting no.

This ordinance was left on the Third Reading and Tabled to the March 18, 2014 City Council meeting.

Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals: An ordinance to Amend §92.01 **Definitions**, §92.23 **Impoundment** and §92.24 **Redemption of Animals** of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release. ***This ordinance was left on the First Reading at the February 18, 2014 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

Public Hearing:

Piggy Back, LLC: A resolution to grant a certificate of public convenience and necessity to Piggy Back, LLC for the operation of four (4) taxicabs in the City of Fayetteville.

Mayor Jordan opened the Public Hearing

Greg Tabor, Chief of Police gave a brief description of the resolution.

Cole Stocking, Owner of Piggy Back read a brief statement he prepared. He stated Piggy Back will offer discounts and gift cards to passengers to local businesses that pay for their advertising. He stated that he wants to be a part of the growth of local businesses in Fayetteville.

Alderman Kinion: I think this is a great idea. Coming from a corporate background I am concerned. It kind of reminds me of the pedicabs. We do have individuals looking for a free ride. When looking at this business model and knowing that we never had pedicabs that made it, do you have a concern when you are thinking about this?

Cole Stocking: No, I don't and I'm not sure why pedicabs didn't succeed.

Alderman Kinion: It is because no one paid.

Cole Stocking continued to discuss his business model.

City Attorney Kit Williams: Are you aware that one of the problems the pedicab companies had was they thought they would be able to serve the University and games and the University did not allow it?

Cole Stocking: I have spoken with the University. They told me they allow six passes for game days. The east side of the stadium is cut off because they don't want the congestion.

Alderman Adams: Do you have any plans to be on the trails?

Cole Stocking: No.

Alderman Tennant: Fully electric?

Cole Stocking: Yes.

A discussion followed on the different routes that Piggy Back would take.

Alderman Tennant: I wish you the best and appreciate your entrepreneurial spirit. Do you have a charging station when they get low?

Cole Stocking: Yes, I will have a charging station at the Beaver Electric Building.

Alderman Gray: As someone who enjoyed pedicabs in the past, I think it is a great idea. I thank you for bringing this idea to Fayetteville.

Mayor Jordan: When I worked at the University we drove a very small vehicle. They would not allow us on the main thoroughfares.

Greg Tabor: It is my understanding from the Department of Finance and Administration, that these vehicles, if they have the appropriate safety equipment are legal to be operated on city streets. They are low speed vehicles.

Mayor Jordan: Cole will have to go through the Department of Finance to make sure they are legal to be on the streets?

Greg Tabor: That is correct. I think he has already had some discussions and there might be a letter in your packet that talks about that.

Brice Curry, Dynasty Transportation spoke in opposition of the resolution.

Chance Combs, Fayetteville resident spoke in favor of the resolution.

Alderman Kinion: This reminds me of Hoot2Scoot that I have been seeing around town. Have we had any accidents with those?

Greg Tabor: I am not aware of any accidents involving those.

Alderman Kinion: I do hope you would reconsider your route. I don't think this should be on Martin Luther King.

Cole Stocking: I will not access any of the main roads.

Alderman Kinion: Some people do have a problem with driving at night. It would be nice if there was something like this and I can see all sorts of advantages. A great deal of caution is needed.

City Attorney Kit Williams: His application was from four to fifteen vehicles. The resolution was written for four. If you wish to pass the resolution and grant anymore authority than four, then you would need a motion to amend.

A discussion followed about the number of vehicles.

Alderman Marsh: I know there is safety concern. I ride a scooter and it is probably a lot more dangerous than these. If the Department of Motor Vehicles is permitting these, then we will let them handle the safety concerns. I am really excited about this.

Mayor Jordan: The chief and I have to keep everything safe around here. I always have to ask the safety questions because it is always a concern of mine.

Mayor Jordan closed the Public Hearing

Alderman Kinion moved to amend the resolution to state up to ten (10) cabs. Alderman Marsh seconded the motion. Upon roll call the motion to amend passed 7-0. Alderman Long was absent.

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

Resolution 53-14 as recorded in the office of the City Clerk

New Business:

2014 Overlay/Sidewalk Projects: A resolution to approve the Transportation Division Overlay/Sidewalk Projects list for 2014.

Terry Gulley, Transportation Services Director gave a brief description of the resolution.

Alderman Kinion: There has been a plan to put sidewalks up and down Park Street to have access to Washington.

Terry Gulley: It did not make the list this year. We tried to look at and talk to each Ward representative and let them prioritize the way they wished. We have not had a request for it recently. We can put it on the list for next year.

Alderman Kinion: I hope next year it will be reconsidered as we bring it to the committee.

Terry Gulley: I will make sure it is on the list.

Don Marr, Chief of Staff gave a brief description of the project process.

Alderman Kinion: Park Street was on the list in the past. It is going to an elementary school and there are a lot of children that walk on this street.

Mayor Jordan: We will put it back on the list.

Alderman Adams: Due to the ice and weather it looks like we have some new damage to streets and sidewalks that wasn't there when we made this list. Are we going to see some need for your crews to be pulled off these plans to fix other things?

Terry Gulley: All the street stuff will be taken by the overlay crew, it won't affect the sidewalk plan. We have plenty of time on the overlay side due to all the construction in town. We aren't overly aggressive this year in pursuing tearing up more. They will have plenty of time to do any repairs that have come up from the winter weather.

A discussion followed about the timeline for repairs due to the winter weather.

Don Marr: We tend to see those damage results when we get out of freezing weather and into wet weather. Where roads have cracked and penetrated by water creates even more damage. We do anticipate some just as every other city in Northwest Arkansas is anticipating greater road repair. We have so many major road bond issues taking place. We tried to not have every other road under construction in our overlay plans. We do have some capacity for repairs if we identify that in the spring.

Alderman Marsh: I am pleased to see South School Avenue included on this list. It is a neighborhood commercial district with a lot of small businesses and high pedestrian count.

Mayor Jordan: We are going from about 10,000 running feet a year to 32,000 running feet. This is a tremendous accomplishment and the most we have ever done in the history of this city. We will continue to fund the sidewalk program and truly make the city a walkable community with this program.

Don Marr: Mayor, this is your transportation sales tax that was voted on state wide and the portion increase is revenue from that tax collection. We put ours in public transit and sidewalks.

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

Resolution 54-14 as recorded in the office of the City Clerk

Partners For Better Housing Workforce Housing: A resolution to express the City Council's intent to sell a strip of land east of the new parking deck along School Avenue to Partners for Better Housing to screen the deck and provide workforce housing.

Alderman Petty gave a brief description of the resolution.

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

Resolution 55-14 as recorded in the office of the City Clerk

2014 Employee Compensation Adjustment: A resolution to approve a budget adjustment in the amount of \$1,216,000.00 to fund the city-wide 2014 Employee Compensation Adjustment.

Paul Becker, Financial Director gave a brief description of the resolution.

Alderman Marsh: I would like to propose that we include the City Council in the compensation adjustments. I know it is a sensitive issue to vote for our own raises. I think by tying our salaries to our employee's salary, it is a fair and reasonable strategy to keep our compensation appropriate.

Mayor Jordan: What would that be?

Alderman Marsh: This adjustment is 3.8% for our employees. We weren't included in the last adjustment that we gave our employees, so I believe about 8%. What is the total amount of percentage that we've raised our employee salary including this one and the one last year?

Paul Becker: I can't tell you off the top of my head because it was different in different areas. It is probably in the 8% or more area. Fire was increased by 11.5%, police were 7.5% and employees were 4%. Last year incorporated in the plan was to bring it up to a salary range based on a salary survey, so that distorted it. If we just look at the portion that would apply to this year would probably be about 3.8% also.

Alderman Marsh: If we could just take the average of last year plus this year so we are raising our rate the same as we raise employee's rates. I know a lot of people have come to me thinking about running for City Council and then they find how much it pays and they don't do it. While that may be job security for us, I don't want to think that people would be limited by the pay.

Mayor Jordan: Sarah, would that be about a 7% increase?

Alderman Marsh: If that is what Paul thinks it is.

Alderman Petty: I agree with everything you said, especially about encouraging people to run. I might even be convinced to support something like that, but not tonight. It is sudden and I don't think it is a good idea to tie our raises to employee raises. I am a supporter of the compensation plan that has been proposed and I have voted for every other one that has been proposed. There may come a time in the future where we aren't able to do that and I don't want to have the motivation of my own pay to be tied when the city might be in dire straits. I don't want to give anyone the opportunity to accuse me of something like that. The way the ordinance is written is that our pay goes up when the Mayor's pay goes up.

Alderman Kinion: I would be willing to explore more options with Councilman Marsh. I don't like to think that we are excluding anyone from the opportunity to serve their community. I don't want it tied to this. No one wants to think that they are an elitist group that is representing a community. It should be inclusive and diverse. I do think we have an inclusive and diverse City Council currently.

Mayor Jordan: This is almost identical to what we did last year. We have managed finances and with the revenue we have this raise covered. I don't know what next year holds, but right now we have money to cover these raises. I believe one of the greatest investments that we can make is in the staff. It keeps this city going.

Alderman Kinion: All of this is not tied to sales tax and general revenue. Some of it is the Enterprise Fund.

Mayor Jordan: The firemen are still below market and we are going to be looking at bringing them up to market at the next budget session.

Don Marr: One of the reasons that this request is even possible is because of good financial management of our staff. Not having the mentality to spend your budget or lose it. Understanding that saving \$862,000.00 from the appropriated budget gives us an opportunity to even have this discussion. It is paying for the request for 2014 through expense reductions and savings of 2013. I want to thank them for their efforts.

Alderman Marsh moved to amend the resolution to include the City Council. The motion died for lack of a second.

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

Resolution 56-14 as recorded in the office of the City Clerk

Water and Sewer System Refunding Revenue Bonds, Series 2014: An ordinance authorizing the issuance and sale of not to exceed \$7,500,000 of Water and Sewer System Refunding Revenue Bonds, Series 2014, by the City of Fayetteville, Arkansas for the purpose of refunding the City's outstanding Water and Sewer System Revenue Bonds, Series 2009; authorizing the execution and delivery of a Fourth Supplemental Trust Indenture pursuant to which the Series 2014 Bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the Series 2014 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2014 bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 2009 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

Paul Becker, Financial Director gave a brief description of the ordinance.

Alderman Kinion: I am an employee with the Bank of Arkansas Mortgage which is a division of Bank of Oklahoma Financial. I am going to recuse myself from discussion or further activity associated with this.

Alderman Marsh: We discussed this at the Water & Sewer Committee and approved it.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion recused. Alderman Long was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion recused. Alderman Long was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: It has always been a pleasure to work with Dennis Hunt and Gordon Wilbourn as well as our staff. This went through many revisions and clarifications.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Kinion recused. Alderman Long was absent.

Ordinance 5665 as Recorded in the office of the City Clerk

McGoodwin, Williams and Yates, Inc. Amendment No. 1: A resolution to approve Amendment No. 1 to the agreement with McGoodwin, Williams and Yates, Inc. for design services associated with the Recycling and Trash Collection Division Office Building Expansion and Site Improvements.

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

Paul Becker: This is a design phase. This will be paid for by some rearrangements of projects that have been completed.

Alderman Kinion: This was discussed and taken to the Water, Sewer & Solid Waste Committee. Being conservative, I always have a concern when we are taking things out of reserve. This is so needed.

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

Resolution 57-14 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Urban Forestry Advisory Board Annual Report – Don Steinkraus, UFAB Chair

Economic Development Quarterly Report – Chung Tan, Director of Economic Development

City Council Tour: None

Announcements:

Adjournment: 8:50 p.m.

Alderman Adams: Ward 4 cleanup on March 22, 2014 from 7:00 a.m. to 2:00 p.m. at Owl Creek School as well as the Recycling and Trash Collection facility.

Don Marr: I want to remind citizens that recycling and trash service that was suspended on Monday and Tuesday due to weather and also those who are scheduled to have service

tomorrow, put your recycling and trash out tonight. We will resume service tomorrow and will be servicing the flatter areas of town. We will get it all handled by Saturday.

The city is currently taking nominations for the 2014 City of Fayetteville Historic Preservation awards. The deadline is Monday, April, 1, 2014 by 5:00 p.m. You can visit the city's website or contact Jesse Fulcher in the Planning Department.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Feltner Brothers <feltnerbrothers@gmail.com>
Sent: Tuesday, March 18, 2014 1:05 PM
To: City_Clerk
Subject: Thoughts on Food Truck Vote

Council,

First off, on behalf of myself and Feltner Brothers, I would like to thank you for your hard work and dedication to improving the mobile vending regulations in Fayetteville.

I have had the chance to attend several of the meetings but unfortunately will not be able to make it tonight. Overall, I agree with the proposed changes. If I could make one last comment, I would ask that the time period for a food truck at any one location be a maximum of five hours. This would allow one hour for set up, three hours for vending, and one hour for break down.

Vendors have a lot invested into their operations. They've got their dreams, time, money, heart and soul. I think we'd all agree that we'd hate to see even one fail because they just didn't have enough time to sell, sell, sell. That's what this business is all about. You can't be shelling out a lot of cash in labor and fuel and spending all your time moving instead of selling. It just wouldn't be worth it. Every time that window opens on a truck or trailer, the vendors have to make it count, and they need time to do that. In my opinion, four hours just isn't enough. And if they can't do it in five, well, they need to go back to the drawing board.

Not only that, I have experienced from being in the brick and mortar business for close to five years now that lunch and dinner runs last about three hours apiece...11am to 2pm for lunch and 5pm to 8pm for dinner. A five hour limit would allow you to be in one place for lunch and another for dinner with an ample amount of time to do well at both locations.

Thank you for your consideration. I trust the right decisions will be made, and the mobile vending scene in Fayetteville will be the leader in Northwest Arkansas.

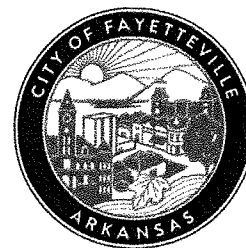
Travis Feltner
Feltner Brothers
2768 N. College Ave.
935-4545

Handed out at the 3/18/14 City Council Meeting



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', followed by a long horizontal line.

DATE: **March 18, 2014**

RE: **Further caution in use of bond funds**

TRADITIONAL ILLEGAL EXACTION TEST- BALLOT LANGUAGE CONTROLS

The illegal exaction law pursuant to Article 16 § 11 of the Arkansas Constitution has continued to be developed by interpretations of the Arkansas Supreme Court seeking to prevent the government from misleading voters on tax issues. Article 16 § 11 states:

"No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no monies arising from a tax levied for one purpose shall be used for any other purpose."

For decades in order to determine the required purpose of a proposed tax, the Supreme Court looked almost exclusively to the ballot wording which was termed the "last word" and by far the most important communication to voters about what the purpose of the tax was.

TEST EXPANDED TO ORDINANCE LANGUAGE IN 1999

This changed somewhat in 1999 when the Arkansas Supreme Court elevated the importance of the language in the sales tax bond election ordinance which set forth the purposes of the tax.

"The instant case presents us with the new question of whether specific, exclusive purposes stated within the levying ordinance are sufficient to prohibit contrary uses in the absence of any specific limitation stated on the ballot. We hold...that the voter is entitled to rely upon both the levying ordinance and the ballot title. **Publication of the ordinance in its entirety informed the city's electorate about each and every provision contained within it.** In circumstances such as here, where the city's citizens voted approving a levying ordinance containing specific, exclusive purposes, the absence of those exclusive purposes from the ballot did not transform the levying ordinance into a general-purpose sales tax. The ballot is the "final word" to the voters only in the sense that it is the last source of information, not in the sense that it is conclusive of the measure's effects. It must be read in conjunction with the levying ordinance." *Maas v. City of Mountain Home*, 338 Ark. 202, 992 S.W.2d 105, 108 (1999) (emphasis added).

Soon after I became Fayetteville City Attorney, I reviewed and commented upon the City's briefs in defense of the Town Center bonds. Our retained counsel, Woody Bassett, kindly allowed me to argue to the Arkansas Supreme Court the issue of the wording of the ballot and election ordinance while he handled the illegal exaction arguments related to using the City's 1993 one cent sales tax for part of the construction costs of the Town Center. We were relieved when the City broke our two illegal exaction case losing streak (which had cost our citizens several million dollars in attorneys' fees in the early 90's) by prevailing in the Town Center case. By then the Arkansas Supreme Court clearly held that purposes for the tax should be looked for both on the ballot and in the ordinance calling for the election.

"An illegal exaction also occurs where tax revenues are shifted to a use different than the use authorized....However, if a purpose for the tax is stated either in the ordinance or in the ballot title, use of the funds for another purpose constitutes an illegal exaction." *Williams v. City of Fayetteville*, 348 Ark. 768, 76 S.W.3d 235, 239 (2002).

PUBLIC EXPLANATIONS FOR USE OF ROAD BOND FUNDS

As you know, the Mayor almost always reads the title of the ordinance out loud at the beginning of the agenda item concerning the ordinance during the City Council meeting. Clearly the Arkansas Supreme Court would consider this as something "the voter is entitled to rely upon" when determining the purpose of the ordinance and the proposed tax. When introducing the 2006 Sale Tax Bond Election Ordinance, the minutes show that Mayor Coody read the **agenda item title** rather than just the Sales Tax Bond Election Ordinance title. I have reviewed the CD of June 20, 2006 meeting to confirm that Mayor Coody, when introducing the Sales Tax Bond Election Ordinance, read the agenda item title as shown below:

"Special Election Capital Sales Tax Extension: An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (3/4) cent Capital Sales Tax and authorize a one quarter (1/4) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt **to pay** for additional cost of the Waste Water System Improvement Program and **for Phase I of the Transportation Improvement Program** as recommended by the Street Committee and the Water and Sewer Committee." City Council Meeting Minutes, June 20, 2006, page 8 (emphasis added).

I have attached Phase 1 of the Transportation Improvement Plan (sometimes referred to as "Program") to this memo.

Therefore, the Fayetteville Citizens were expressly informed by the Mayor at the City Council meeting which enacted the Sale Tax Bond Election Ordinance that one of the purposes for the bonds was "to pay...for Phase 1 of the Transportation Improvement Program...." Interestingly, the proposed road project that was planned to use the largest amount of the City Sales Tax Bond revenue in Phase 1 of the Transportation Improvement Plan was "Rupple Road (6th to Persimmon), New-Minor Arterial, \$8,155,000.00."

COMPELLING FACTS CAN RESULT IN NEW SUPREME COURT INTERPRETATIONS

Although the Engineering Department has informed the City Council that we can build Rupple Road as the proposed four lane boulevard (arterial) within the \$8,158,000.00 estimated budget, some recommend that the City Council not build this arterial connection and use the money elsewhere. That is what the City Council of Mountain Home did in reliance on the "Ballot Language Controls" theory. Those Aldermen serving on the Mountain Home City Council six years after the election obviously believed there were more deserving projects for the bond money than those spelled out in the tax election ordinance, and so voted to divert the money to their favored alternative projects.

"The voters approved the tax on May 5, 1981. Following the election, the city council spent the tax proceeds in accordance with Section 7 in succeeding years until 1987. Beginning that year and each subsequent year, the council voted to amend section 7 of the ordinance and use the proceeds for purposes other than originally designated." *Maas v. City of Mountain Home*, supra.

The City Council of Mountain Home thought they could ignore the restrictive purposes stated in the levying ordinance as long as the ballot itself had no such restrictive purposes. The Circuit Judge agreed with Mountain Home and granted the City summary judgment, but the taxpayers appealed. The Arkansas Supreme Court obviously did not approve of Mountain Home's "bait and switch" and stated: "The instant case presents us with the new question" of whether ordinance language can limit purposes for sales tax bond revenue even if the ballot's language does not. The Supreme Court answered its "new question" with a finding that the new Mountain Home

City Council had committed an illegal exaction. Thus, a lot of the money that was supposed to go to the original purposes explained to the voters instead went into the pockets of the lawyer who successfully sued Mountain Home for a taxpayer. We do not want that to happen in Fayetteville ever again.

As you see, the Arkansas Supreme Court can and has altered or modified its old tests when considering illegal exaction issues. I said in my History of Ruppel Road memo of February 24, 2014 that "it is unlikely that the City could be found to have committed an illegal exaction if Ruppel Road is not built to arterial standards," and I still believe that is correct. However, the Mountain Home City Attorney might also have thought it unlikely that the Arkansas Supreme Court would vary from the "Ballot Language Controls" theory, hold this was a "new question" and then determine the Mountain Home City Council had committed an illegal exaction. I believe that the Supreme Court modified its illegal exaction test in the Mountain Home case because of strong facts showing that the voters might have been misled by the City. It sought to protect the voters and taxpayers of Mountain Home from its City Council which six years after the election decided to alter the publicly stated purposes of the sales tax bond revenues.

PUBLICATION OF PURPOSE TO PAY FOR PHASE 1 OF THE TRANSPORTATION IMPROVEMENT PLAN

In the Mountain Home decision, the Arkansas Supreme Court placed significance upon the publication of the ordinance. "(P)ublication of the ordinance in its entirety informed the city's electorate about each and every provision contained within it." *Supra*. On June 19, 2006 (the day before the City Council meeting and its vote to enact the Special Sales Tax Bond Election Ordinance), the Final Agenda was published in the Northwest Arkansas Times. It referred to this ordinance's purposes as "to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee." (copy attached).

I continue to believe that under **current** Arkansas Supreme Court interpretations, the more general wording of the ordinance and ballot would prevent a successful illegal exaction case against the City of Fayetteville if the City Council fails to build Ruppel Road as an arterial boulevard even though

the voters were repeatedly informed that the bond money would be used for the Ruppel arterial. However, I am concerned that there is some chance that the Arkansas Supreme Court might be inclined to treat this as a "new question" and revise the test to further protect voters' reliance on the City's official, published statements of the purposes of the sales tax bond revenue.

FACTORS THAT SUPREME COURT COULD CONSIDER TO PREVENT "BAIT AND SWITCH"

These are factors that I am concerned might lead to a "new question" decision and even possibly to an illegal exaction ruling by the Supreme Court:

- (1) The purpose of the bonds were publicly and explicitly stated to pay "for Phase 1 of the Transportation Improvement Program."
 - (a) in the public memo from City Staff to the Aldermen;
 - (b) in the newspaper publication of the City Council Agenda;
 - (c) by Mayor Coody to introduce the ordinance; and
 - (d) in the official City Council Meeting Minutes. A four lane Ruppel Road was also described as proposed arterial connection during the campaign for the bond election.
- (2) The Transportation Improvement Plan Phase 1 was in the Agenda Packet and was available to the public prior to the City Council's adoption of the Special Sale Tax Election Bond Ordinance and prior to the sales tax election.
- (3) The new arterial of Ruppel Road was the single most expensive bond funded project in Phase 1 of the Transportation Improvement Plan.
- (4) Most troubling to me is that the proposed diversion of \$1.7 million from Ruppel to College Avenue or elsewhere is a large enough "pie" to interest an attorney who might wish to sue the City for an illegal exaction. Often a Court will award up to a third of a successful

illegal exaction suit as an attorney's fee. Thus, even though an illegal exaction suit would be a long shot, the potential payoff of \$500,000 to \$600,000 if the taxpayer prevailed could inspire a suit. If a lawsuit was filed, the Bond Trustee would probably refuse to release the funds for the newly proposed project (and maybe even a modified Ruppel Road project) until the case had journeyed through the Courts to a final decision by the Arkansas Supreme Court (2 to 3 years).

Even if the City wholly succeeded (which I think we would), we would be out as a minimum attorney's fees for the Bond Trustee's lawyer as well as my office's costs to defend the case. The last programmed bond funded road project {the extension of Ruppel Road to Martin Luther King (Highway 62)} might face another two or three year delay which could cause an increase in its overall cost and threaten the City's compliance with federal laws which require prompt expenditure of tax exempt bond funds.

CONCLUSION

The current Supreme Court interpretation of the Arkansas Constitution would probably mean that the City Council will not have committed an illegal exaction even if it fails to build the Ruppel Road arterial as described in the Transportation Improvement Plan, Phase 1. There is a slight chance that the Arkansas Supreme Court would devise a new test if it believed it necessary to protect the reasonable reliance of Fayetteville's voters upon published and public descriptions of how the bond funds would be used.

Even if an illegal exaction taxpayer suit failed (which is likely), there could be delays and expenses caused by such suit and possibly federal tax issues if bond funds could not be expended promptly enough.

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
JUNE 20, 2006**



A meeting of the Fayetteville City Council will be held on June 20, 2006 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**

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy - Sergeant Shannon Gabbard

Nominating Committee Report: Kyle Cook, Chairman

A. CONSENT:

- 1. Approval of the June 6, 2006 City Council Meeting Minutes.**
- 2. Rescind Res. 82-06 - McClelland Consulting Engineers Task Order #13:** A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.
- 3. Professional Turf Products of Tulsa - Bid # 06-38:** A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of \$43,887.00 for use by the Parks & Recreation Division.
- 4. Radisson Hotel Parking Space Lease Agreement:** A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

B. UNFINISHED BUSINESS:

- 1. Crystal Springs IV Appeal:** Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.
- 2. RZN 06-2028 Mountain Ranch RMF-18:** An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. This ordinance was left on the first reading at the June 6, 2006 City Council meeting.
- 3. West Fayetteville Annexation Election:** An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.

C. NEW BUSINESS:

- 1. Amend Chapter 72 - Parking Garage Rate Adjustment:** An ordinance amending § 72.58(1); (1), City Parking Garage on Meadow Street, to adjust per visit rates.
- 2. Duncan Associates Road Impact Fee Study:** A resolution to accept and adopt the May 2008 Road Impact Fee Study by Duncan Associates.
- 3. Duncan Associates Water & Wastewater Impact Fee Update:** A resolution accepting a proposal from Duncan Associates in the amount of \$110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.
- 4. ADM 06-2093 - Springwoods C-PZD Amendment:** An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.
- 5. Special Election Capital Sales Tax Extension:** An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.
- 6. Planning Commission Compensation:** An ordinance to amend § 33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning Commissioners shall be compensated.

RECEIVED

JUN 21 2006

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

Alderman Cook moved to table the resolution to the July 6, 2006 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

This resolution was tabled to the July 6, 2006 City Council meeting.

ADM 06-2093 - Springwoods C-PZD Amendment: An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The staff and the Planning Commission are recommending this amendment. This would allow for three uses within the Use Unit 4, elder care, hospital and dormitory. Lot 6 was planned as a commercial type development lot and all of the use units for typical commercial developments have already been approved. Use Unit 4 Cultural and Recreational Facilities was not one of those and the applicant is indicating they would like to develop something that would fall within that specific use unit.

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4890 Recorded in the Office of the City Clerk.

Special Election Capital Sales Tax Extension: An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter (¾) cent Capital Sales Tax and authorize a one quarter (¼) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase I of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

City Attorney Kit Williams: The draft that we handed out had some blanks in it so we fine tuned it. We handed one out tonight that says final on the top of it. I would like a motion to amend the draft ordinance.

**CITY OF FAYETTEVILLE
TRANSPORTATION IMPROVEMENT PLAN
PHASE I**

PROJECT NO.	JOB NAME	TYPE WORK PROPOSED	ESTIMATED PROJECT COST	OTHER AVAILABLE FUNDING		ADDITIONAL FUNDING REQUIRED
				CIP	STATE/FEDERAL	
1	Wilson Park Area/Washington-Willow Area Trans. Impts.	Extension - 2 & 3 Lane Collector	\$ 4,277,000.00			\$ 4,277,000.00
2	Cato Springs (Tech. Corridor) (S. School to Razorback)	Widening - Collector	\$ 5,067,636.00		\$ 2,723,502.00	\$ 2,344,134.00
3	Crossover (Mission to City Limits)	Widening - 5 Lane Principal Arterial	\$ 7,700,000.00			\$ 7,700,000.00
4	Fifteenth Street (Happy Hollow to S. College)	Widening - Minor Arterial	\$ 5,515,000.00		\$ 3,300,000.00	\$ 2,215,000.00
5	Garland (North to Melmar)	Widening - 5 Lane Principal Arterial	\$ 6,695,000.00		\$ 1,500,000.00	\$ 5,195,000.00
7	Garland (Shiloh to Howard Nickell)	Widening - 5 Lane Principal Arterial	\$ 3,662,000.00	\$ 168,000.00		\$ 3,494,000.00
9	Huntsville (Happy Hollow to Stonebridge)	Widening - Minor Arterial	\$ 2,807,000.00	\$ 200,000.00	\$ 1,700,000.00	\$ 907,000.00
13	Mount Comfort (Ripple to Alpine)	Widening - Minor Arterial	\$ 6,235,000.00	\$ 850,000.00		\$ 5,385,000.00
14	Mount Comfort/Shiloh/Deane Solomon	Major Intersection Realignment	\$ 5,428,000.00	\$ 400,000.00		\$ 5,028,000.00
15	Fayetteville Expressway Economic Corridor	Access Improvements	\$ 9,574,812.00		\$ 7,659,850.00	\$ 1,914,962.00
17	Ripple Road (6th to Persimmon)	New - Minor Arterial	\$ 8,155,000.00			\$ 8,155,000.00
24	Zion Road Ph. I (N. College to Vantage)	Widening - 2/3 Lane Minor Arterial	\$ 2,540,000.00			\$ 2,540,000.00
25	College Avenue Phase I (Rock to Maple)		\$ 1,740,000.00			\$ 1,740,000.00
26	Trail Improvements Phase I	Extension - Multi-Use Trails	\$ 2,000,000.00			\$ 2,000,000.00
	Right of Way Acquisition/Cost Sharing		\$ 8,800,000.00			\$ 8,800,000.00
	TOTALS FOR PHASE I		\$ 80,196,448	\$ 1,618,000	\$ 16,883,352	\$ 61,695,096

*Handed out 3-18-14 at the City
Council meeting. Was not on the agenda.*

hello Kisha: here is a rough list of the structure and function of DV.

DV Fayetteville will apx 60 cottages built mostly with recycled materials, measuring 10' bu 14' with a sleeping loft. They will be extremely green, All facilities will be located in the community building There will be extensive gardening and green housing. For example the area between all the cottages will be covered by kiwi arbors for fruit and summer shade. I suggest google kiwi arbor pictures.

Businesses to grow low stress jobs such as.

- lawn maintenance

- tree timing and removal along with firewood sales

- accepting donated cars, along with purchasing some vehicles for rebuilding or dismanteling for parts and salvage.

- construction site cleanup and salvage.

- painting and water blasting.

- farm work,

- Dignity brush hogging and hay baling, land and creek bank restoration, and erosion prevention. resale store.

- A demolition business for profit and acquiring materials to build more Dignity Villages.

- Dignity Cafe and Portable food tailor.

- The DV design will also encourage and provide significant service to the community. etc etc.

All these businesses and more will be designed to reintegrate Villagers towards a productive and positive lifestyle.

There will be no kitchens in the cottages so almost all food will be prepared in a commercial kitchen in the 60' by 200' community building, which will also contain offices for DV and businesses, Also the bathrooms, fitness room, craft room, community-auditorium-dining area-gym. This building will also be extremely green. and built with mostly recycled materials.

Food will of the highest nutritional and culinary quality with as much self grown herbs, spices, veggies eggs and meats as possible. These activities will be designed to be productive and therapeutic A kingpin of the nutrition will be Dignity smoothies, containing kiwi, pineapple, banana, ginger, Cinnamon, gelatine powder, green tea extract, yogurt. Cocoa, soy milk. Ginger energy drinks will be incorporated to somewhat supplant coffee drinking. High quality water will be available and encouraged as a healthy beverage Another kingpin of DV foods will be Dignity Spaghetti. Starting with quality sauce with a bunch of extra tomato paste, garlic onions lavender flowers, oregano, Basel, and for super healthy whole grain pasta nuggets, (think outside the box a little) Wal mart brand grape nuts, which contain whole wheat, barley and 1/2 cup of which contains 90% of the needed iron in a very healthy form, to prevent tired blood and you can't beat the price. No tired blood in DV. The third but not final kingpin will be creamed soups with the highest nutritional and culinary qualities, to address the problem of not so good teeth of many of the homeless. Forgot another kingpin and that will be Dignity muffins and Dignity cornbread and Dignity Beans. You get the drift I can assume, lots of Dignity.

Local non professional and professional nutritional expertise will be cultivated to provide a therapeutic diet and nutrition and healthy habits classes to build healthy and strong bodies and minds..

Therapeutic exercise will be designed into DV

Local non professional and professional help will be cultivated to build mental health and treat negative habits.

The governing body will consist of a board of directors from the community and an elected board from the Dignity Villagers.

There will be a constitution written up by the board of directors and members of the homeless community.

Recreational activities will be designed into DV to promote friendliness and cooperation and creativity.

There will be no network TV but there will be Video programs for educational and inspirational value. On feb 2, I saw a program about "FREE THE CHILDREN" WHICH IS A SUCCESSFUL WORLD WIDE PROGRAM TO PREVENT ENSLAVEMENT OF CHILDREN. The documentary "AS WE FORGIVE". As well as a wonderful video based on a true story called "THE BUTTERFLY CIRCUS". Another video for example would be "THE MIRACLE OF HOPE". I plan to acquire a library of both books and videos of the highest quality as well as using the public library and university library.

Dignity Village will also acquire vehicals such as a couple effecient sedans and an effecient van for resident transport. Motor scooters and electric bycycles may be in the picture. I have one ton dodge diesel truck and a backhoe to also jumpstart the project. I have 20,000\$ to start this and another 20,000\$ available soon. The biggest resourse will be the great need that exists right now and the hearts and muscle of the Village People of Fayetteville.

Kisha, there may be more added to this plan, but I think we can start with this. I am available anytime. You may also read some of the material availabe online about Dignity Village Portland. I believe Dr Boss in the sustainability UA council, is very interested in this project and once it is put together a little, I know a lot of people will love the project.

Michael Brown
760 318 5797

Branson, Lisa

emailed to Aldermen 3/17/14.

From: Smith, Sondra
Sent: Monday, March 17, 2014 12:14 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Pennington, Blake; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Please support items on City Council agenda: Urban Ag and Ruppel Rd. extension

From: Long, Alan
Sent: Monday, March 17, 2014 12:03 PM
To: Smith, Sondra
Subject: Fwd: Please support items on City Council agenda: Urban Ag and Ruppel Rd. extension

Could you forward this letter to the council?

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

Begin forwarded message:

From: Robyn Metzger <remetzger74@yahoo.com>
Date: March 17, 2014 at 11:27:26 AM CDT
To: "ward4_pos1@fayetteville-ar.gov" <ward4_pos1@fayetteville-ar.gov>, "ward4_pos2@fayetteville-ar.gov" <ward4_pos2@fayetteville-ar.gov>
Subject: Please support items on City Council agenda: Urban Ag and Ruppel Rd. extension
Reply-To: Robyn Metzger <remetzger74@yahoo.com>

Dear Ms. Adams and Mr. Long,

I'm writing to express my support for the proposed changes to Fayetteville's "Urban Agriculture" ordinance to allow more chickens and ducks, pygmy or dwarf goats, and bees on properties that meet the size requirements.

I also support the widening of Ruppel Rd. to a four-lane boulevard. I understand that some citizens think four lanes are unnecessary at this time. However, I live in a neighborhood off of Wedington and I can tell you that an alternate route south to MLK is badly needed. The "sprawl" that people think will result from building a four-lane road in fact already exists. The amount of traffic headed east to the 540 exchange makes Wedington incredibly dangerous. I could go on about the attention that the Wedington area needs, but I'll stop myself.

Thank you for representing Ward 4!
Robyn Metzger

Emailed to Aldermen 3/17/14.

Branson, Lisa

From: Smith, Sondra
Sent: Monday, March 17, 2014 12:35 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Pennington, Blake; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Ruppel Road Extension

From: Long, Alan
Sent: Monday, March 17, 2014 12:25 PM
To: Smith, Sondra
Subject: Fwd: Ruppel Road Extension

Can you forward this to the council?

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

Begin forwarded message:

From: Jeremy Battjes <jbattje@gmail.com>
Date: March 17, 2014 at 12:22:33 PM CDT
To: <ward4_pos2@fayetteville-ar.gov>, <ward4_pos1@fayetteville-ar.gov>
Cc: <citycouncil@matthewpetty.org>, <mayor@fayetteville-ar.gov>
Subject: Ruppel Road Extension

City Council Members-

I am unable to attend the City Council meeting on Tuesday night, but wanted to take this opportunity to share my desire to see Ruppel Road (MLK to Persimmon) to be built as a 4-lane boulevard. As a resident on the west side of Fayetteville I have continually watched many new businesses and subdivisions pop up, without much in terms of increased infrastructure. Additionally, as I understand it, making the extension of Ruppel Road a 4-lane boulevard was part of the original proposed part of the Transportation Improvement Bond and voters voted on it as a 4-lane project versus 2-lane. Understanding this project was coming was one reason I purchased my home where I did.

Thank you for the opportunity to express my opinion.

Jeremy Battjes
Ward 4 Resident

Emailed to Aldermen 3/17/14

Branson, Lisa

From: John Kester <jk3three@gmail.com>
Sent: Monday, March 17, 2014 9:00 AM
To: City_Clerk
Subject: Road Improvement Comments

Dear Fayetteville City Council,

My name is John Kester III, resident of Ward 2 at Garden Park apartments, and I am currently a PhD student at the University of Arkansas in the Environmental Dynamics program. I have been living in Fayetteville for 3 years and have appreciated the welcoming nature of community from the start. After living in Flagstaff, Arizona for the 2 years prior to making the move to Fayetteville, I was hoping to find another home that had a similar vision for the future that supported forward-thinking policies.

I commend the city and the current administration for its continued efforts to support these types of policies. I know one of the significant issues that is being addressed in current meetings are the next steps for transportation. As I see the trail improvements and extensions coming together and the connection to south Fayetteville growing, I am reassured of this city's commitment.

I would like to voice my support for the revitalization of College Ave to complement the city's efforts to provide safe and high quality transportation, for both drivers and those taking public transportation. I believe this corridor is in significant need of improvements and whatever city funds are available to support this project should be utilized. Sometimes I feel like I am in a different city when I travel over to College Ave and with all of the great businesses over there, both old and new, there needs to be more attention to making the street inviting.

I am all for a city having different districts with unique character, but Fayetteville has the opportunity to extend its vitality to a solid foundation of commerce in College Ave. I will be unable to attend the meeting this Tuesday evening because of coursework and I hope this note provides support for College Ave improvements from someone who is becoming more appreciative of Fayetteville the longer I stay.

Have a great week and thank you for your time.

Sincerely,

John Kester

--

John Kester III
(573) 286-4482
[@jk3three](http://about.me/JohnKesterIII)

Emailed to Aldermen 3/17/14.

Branson, Lisa

From: Long, Alan
Sent: Monday, March 17, 2014 9:11 AM
To: City_Clerk
Subject: Re: College Avenue Proposal

Good morning, Chris. I will support college improvements in the future, but it would be wrong to change the bond plan at this point. West fayetteville deserves the same amount of attention as the remainder of Fayetteville, especially with the proximity to 540. This may very well be the new "spine" of the city with the area west of 540 now the fastest growing area of our city, but the area with the least infrastructure. I must support the current bond plan. 1.7 million (the last phase of a bond program passed in 2006) will not fix college, but I would be happy to look at a new bond proposal in the future to address that area. The current bond issue is almost over and these improvements were promised to the residents on that side of town when the 2030 plan was developed and the bond money was divided.

I look forward to hearing from you in the future.

Sincerely,

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

On Mar 17, 2014, at 7:48 AM, "City_Clerk" <city_clerk@fayetteville-ar.gov> wrote:

From: Chris Baribeau [<mailto:chris@modusstudio.com>]
Sent: Sunday, March 16, 2014 9:43 PM
To: City_Clerk
Subject: College Avenue Proposal

Dear Members of the Fayetteville City Council,

I am simply writing today to express my support for College Avenue Corridor improvements in lieu of a total expenditure on the far west side of town. The spine of this city is perceived as a wasteland in the eyes and ears of citizens and visitors alike. Aside from the beautification improvements near the downtown core, our major north-south connection is a victim of neglect and a scarred residual of poor zoning decisions from decades ago. I really do not have to detail the magnitude of neglect that exists along this predominately sidewalk-less corridor.

Fayetteville must continue a progressive growth by recognizing what is most important. I would argue that revitalizing our spine is paramount to visionary growth rooted in smart research and good urban planning. I support the strategic locations and concepts behind Alderman Petty's College Avenue Proposal and see the potential of these targeted areas as catalysts for change and redevelopment.

As a citizen in Ward 1, I purposefully choose to live near the spine of this city because of the clearly central ability to access all the important residential, cultural, and retail centers. I want this corridor to be a beautiful and safe priority moving forward. I understand the need for the Ruppel Road extension and connection, but it does not need to be overly engineered at this point in time when funds can be so impactful along the major existing traffic corridor of the city.

I ask you to also support the core of our city and send a positive message to all other major re-investments taking place in the center of our city such as the major renovation to Fayetteville High School, The University of Arkansas' ongoing commitment to our powerful downtown core, and the investments by all manner of private citizens and investors that are supporting infill redevelopment as opposed to sprawl.

The Fayetteville 2030 Plan is backbone enough to support a comprehensive and strategical investment into the College Avenue Corridor.

Thank you.

Chris M. Baribeau, AIA
Principal Architect, Modus Studio

chris baribeau
modus studio
479.530.6298 m
479.455.5577 o

Emailed to Aldermen 2/19/14.

Branson, Lisa

From: Jeffrey Huber <jeffrey.e.huber@gmail.com>
Sent: Monday, March 17, 2014 1:09 PM
To: City_Clerk
Subject: FW: Ruppel Road Extension

Dear City Clerk Smith,

I am forwarding you my note to my aldermen in Ward 4 so it may be distributed to the rest of council for their information.

Kind regards,
Jeff Huber, Ward 4

From: Jeffrey Huber [mailto:jeffrey.e.huber@gmail.com]
Sent: Monday, March 17, 2014 12:33 PM
To: 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: Ruppel Road Extension

Dear Aldermen Adams and Long,

It is with deep regret I find us, Fayetteville, yet again talking about building oversized roads.

My residence, 3691 Tower Circle, currently backs up to Ruppel Road north of Mt Comfort Road. In this four-lane segment of road built about seven years ago I have had nothing but concern. Over the last few years I have seen cars from surrounding residences use it as a personal parking lot, solicitation of nonpublic activities (drugs, drinking, sex), and drag racing becoming a major issue, not to mention the four DUI accidents I have personally witnessed. Not great things to explain to my five-year old whose second-floor bedroom window overlooks Ruppel Road. Of course I know that this section of road dead ends currently and is not planned to be a connector road in the near future like the segment being planned from Wedington to MLK, but these points still remain. This segment of road as currently designed will have the same inherent faults and deficiencies, especially where pedestrians are concerned. Currently I, with my two young daughters, have to dodge traffic going on average 45mph along a street designated 30mph just to get to Clabber Creek Trail (the only trail on our side of town). This street is designed as a traffic sewer with no crosswalks!

As an urban designer and architect I would suggest greater traffic-calming facilities, like tree-lined medians, tree-lined buffers between the sidewalk and curb edge, pedestrian tables, and most importantly good urban frontage. Consider that ASHTO in their ironically called, "green book", refers to urban street trees as FHO's (Fixed and Hazardous Objects), our street designs don't bode well for pedestrians. Evidence shows the ASHTO may be changing though, are we? When I state good urban frontage what I mean is, buildings should front Ruppel Road and have porches, stoops, terraces, etc. The reason I think my area of Ruppel Road is a huge failure is that development has turned its back to the street. It's ironic that not a single house or even Holt Middle School from Mt. Comfort Road north along Ruppel Road face the street or even address it. This is true between Wedington and Mt. Comfort also with the exception of a few older homes built 30 years ago. That's why no one respects a 30mph speed limit sign when all you have are fences, golf courses and backs of houses along the road. Of course this is slightly different south of Wedington along Ruppel, but that was due to a developer trying to do different practices than was typically occurring, however that developer created a superblock which creates another issue that brings me to one last point which I think ties all the other points together.

We need to ask ourselves; are we building a city for cars, or a city for people? There is absolutely no reason immediately for Ruppel to be built as four lanes. In fact I am for what Alderman Petty is proposing and hope that you are receiving

numerous emails and phone calls to that point, but I would like to add my own idea to that debate. Why don't we utilize the extra money to provide greater connections around Ward 4, like connecting Salem between Wedington and Mt. Comfort roads? This will provide needed and essential connectivity to the west side of town that is desperately needed. Since the money has already been allocated for Ward 4 let's keep it there and create a fabric of streets, not just one traffic sewer like the east side of town!

I will be at the council meeting tomorrow night speaking on behalf of the Urban Agricultural Ordinance and hope to stay around for the discussion on Ruppel Road, but if for some reason I am not able to stay I at least wanted you to have my opinion of the issue. Thank you for your time and sorry for the long email, but in the words of Mark Twain, "I didn't have time to write you a short one."

Sincerely,
Jeffrey Huber, Ward 4
3691 Tower Cir.

Emailed to Pldes, me 17 3/17/14.

Branson, Lisa

From: Jennifer Florence-Ward <jennifloward@gmail.com>
Sent: Monday, March 17, 2014 1:02 PM
To: City_Clerk
Subject: Ruppel Rd/College Ave

To The Fayetteville City Council,

My name is Jennifer Florence-Ward and I live on the northwest side of Fayetteville (just off Wedington near Sang). Although I think my area of town could use some help (more and better sidewalks, for one!), I'm writing to you today to express my support for Matthew Petty's proposal to reallocate some money from the Ruppel Road extension project to bring desperately needed improvements to College Ave/71B.

I studied Urban Design and Planning at the University of Washington and one of the most important things I learned there was the importance of making a city accessible to pedestrians. Walkability can make or break a person's relationship with their place, as the ability to walk to school, work, shopping, the park, a restaurant, a friend's house, or just to enjoy a walk greatly influences his or her happiness, fitness, finances, and overall feeling of connection (or disconnection) to that place. Such factors as destination options, distance, safety, and aesthetic beauty all weigh heavily on our minds as we decide whether to walk, drive, bike, or take the bus to get where we need to go.

I have lived in Fayetteville for almost two years now, but before coming here I had the opportunity to live all over the U.S.—I've lived in Tallahassee, Florida; a suburb of Indianapolis, Indiana; Salt Lake City, Utah; Chicago, Illinois; Los Angeles, California; Washington, D.C.; and Seattle, Washington. I have loved living in some of these cities and hated others, and I can honestly say that it all comes down to accessibility. The ways in which we are able—or feel most able—to traverse our city have an incredibly large impact on our experience of that city, defining not just where we go but how we go, how long it takes us, and how much it costs us—financially, physically, emotionally. Accessibility determines how we feel as we move through our environment, as well as how we perceive our city to be. It can make us feel free and empowered...or trapped, scared, and overwhelmed.

The simple fact is that most cities, Fayetteville included, are geared toward automobile traffic. Cities are large, and the farther away you move from the downtown core, the more the transportation options dwindle to...Drive. Some people are OK with this and will just drive everywhere they go. They'll say we should spend all our money making our cities better for cars. I think they're wrong. For a whole host of reasons, we as a city and a species need to rely less on cars. It's not good for the environment and it's not good for us. Walking provides exercise, fresh air, and helps build a sense of community. Driving is not physically good for us, creates harmful pollution, and makes us feel isolated in our tiny metal boxes.

The thing I love most about Fayetteville—compared with all the other places I've lived—is its vibrant sense of community. There are great people here, great parks, a vibrant business core, lots of festivals, music, art, food, and fun. There are areas of town that are so good at fostering community—I'm thinking of Block Street, the Square, Dickson, and Wilson Park—and I think it's no coincidence that these places are the most pedestrian-friendly in town. They encourage people to walk to them and around them, to hang out and have fun. They're doing a fantastic job.

But Fayetteville needs to broaden its pedestrian purview. As Mr. Petty has pointed out, a massive portion of our population lives very close to College Avenue. There are countless destinations along and just off this major artery—schools, churches, parks, grocery stores, restaurants, shops, etc., and thriving neighborhoods on both sides. But the extremely car-oriented nature of College/71B makes this strip more a source of community division than connection. The road (which feels more like a freeway) is constantly busy with car traffic, offers inadequate pedestrian crossings and sidewalks, is ugly with all its pavement and parking lots, is loud and stinky thanks to all the cars, and just feels busy, alienating, overwhelming, and, above all, dangerous. I have a baby and a dog, and I avoid walking along College with them at all costs. Which is a shame, considering how much there is to do over there.

I believe Fayetteville's sense of community could grow by leaps and bounds if it spent some money making College/71B a more pedestrian-friendly place. So much of our city's business and residential population is already focused here—let's give it the attention it truly deserves. The Ruppel Road extension is good-intentioned, but to spend funds creating a four-lane road that will not have traffic worthy of four lanes for quite some time feels not just wasteful and short-sighted. It's insulting to all the people who live, work, learn, worship, eat, and shop along College. These people are already there, and their needs have been ignored for what seems to be quite a long time. I think larger, safer crosswalks (how about some neon flags for daytime crossings, and for nighttime, maybe some of those in-street lights that are on Garland over by Maple?), more sidewalks, sidewalk setbacks, and some tree planting/landscaping will change the corridor's whole feel, encourage people to walk to their destinations more, and actually reduce some of that constant traffic. Most likely, more funds than are possible to reallocate from Ruppel Road will be needed to do College justice, but this could be the first step. Let's see how people respond to just a few improvements, and try to find ways to make more in the coming years. I firmly believe that making College better for pedestrians will make Fayetteville as a whole a safer, healthier, happier, more connected and more vibrant place.

Thank you for reading and considering my point of view. And thank you for all the hard work you do!

Sincerely,

Jennifer Florence-Ward

Emailed to Wdsomen 3/17/14.

Branson, Lisa

From: Levi Pittenger <pittenger.levi@gmail.com>
Sent: Monday, March 17, 2014 1:01 PM
To: City_Clerk
Subject: Sidewalks on College

My name is Levi Pittenger, I have lived in Fayetteville for 10 years. The growth in this time has been amazing. I would like to ask the council to consider the proposition to upgrade the accessibility for pedestrians along College Avenue. Building the current hike and bike trail systems has been a great start to being more commuter and pedestrian friendly. We can continue with our communities progress by making our main city thoroughfares more safe and accessible for all types of traffic.

Thank you,
Levi P.

Emailed to Aldermen 3/17/14

Branson, Lisa

From: Julia Kennefick <kennefick@mac.com>
Sent: Monday, March 17, 2014 12:53 PM
To: City_Clerk
Subject: Ruppel Rd. vs. College

Hi,

I'm Julia Kennefick. I work at the University and have several school aged children, including one currently at Owl Creek School and another who will go there eventually. I drive Wedington nearly every week day morning, from Sunset Dr. where I live, out to Ruppel. The traffic flowing in that direction is ok at that time of day, and even getting back, I don't find the traffic too bothersome. I feel that 2 lanes vs. 4 lanes would be preferable on Ruppel in that it could handle the traffic while keeping the area manageable in terms of confusion and safety.

However, College Ave is a mess and I really feel that we need some big improvements to it in terms of safety and just the desirability to be on it, both with cars and as a pedestrian. I'll give you an example. I have a Kia and have it serviced near Fiesta Square on the west side of College. I wanted to wait for my car one morning and do some shopping across the street and maybe get some coffee at ABC. Nothing doing! I could not cross the street as a pedestrian. It's nuts. The service guys had to drive me across and come and get me. Another example - my husband and kids were at the mall and wanted to cross by foot to Barnes and Nobles. Again, entirely impossible. To see those old photos of College Ave with trees, etc. breaks my heart. I wish College was as inviting today as it was then. I'm all for progress, so let's make College Ave a place we want to travel. I say please spend the money on our main corridor. As a west side resident, I feel this is more of a pressing need than a very wide Ruppel Road.

Thank you,

Julia Kennefick
920 N Sunset Dr.
Fayetteville, AR 72701

Emailed to Widenman 3/19/14.

Branson, Lisa

From: Sarah Moore <mooresarah_bgm@yahoo.com>
Sent: Monday, March 17, 2014 12:27 PM
To: City_Clerk
Subject: Changes Needed/Less Spending to Ruppel expansion

Hello city council members. My name is Sarah Moore and I live close to Wilson park on Patricia lane. My family is one of the numerous soles that came to the university of arkansas as a transplant and never left after falling in love with the beauty of the city and the people of Fayetteville. We have been a bit dismayed in recent years as increased traffic and lack of safe pedestrian venues has hampered our attempts to go more places in the city by bicycle and by foot. The primary reason we picked where we live is to be able to not get in a vehicle for several days or more and venture to parks, trails, restaurants, & the grocery without fear of personal safety.

Let me tell you, we have not been getting nearly as far as we would like and definitely feel that the safety of ourselves and our 2 year old daughter can be in jeopardy as we try to go out and do the above. With the Ruppel proposal to 4 lane and spend almost 2 million, I believe there is an alternative to improve Ruppel using less funds and then redirect funds to areas around town including college avenue. (an area that we will NEVER venture on by foot the way it is) We are asking that the council consider some of the suggestions of Matthew Petty as well as the input of citizens on areas around town in the core of town that need improvements in order to further Fayetteville's mission to be green and promote alternate methods of transportation.

--Do we really need 4 lanes in a highly residential area with a school? I live off of North st with a 25mph posted speed limit and 2 lanes and I feel my life in peril often as cars careen at 50mph easily.

--Has a council member tried to leave from Dickson or even township and venture North on college by foot? I would be very interested in your experience on this.

--Can we tighten our spending on Ruppel and redirect funds towards a trail or sidewalks on College avenue to connect a corridor from the current bike trail and downtown?

It is very hard for me to witness someone on foot on College avenue today where often times the sidewalk ends or is taken over by debris and the pedestrian is left to scurry dangerously on college avenue to continue their journey. Every citizen should count and those that use this corridor should matter and their journey should be made easier with continual sidewalks, wider sidewalks, no debris/utility poles in the way of the path.

We are very proud of the current trail system and impressed with what has been done there and find it to be a jewel of our town. Unfortunately, most individuals use College more prevalently and I'm afraid of the message we are giving others about what we really care about? Let's send the right message but more importantly let's be proactive and progressive like the town we know we are - let's not be content with what we have but improve our college corridor for better business prosperity on this path and improved quality of life for the citizens of Fayetteville.

Thanks so much for your time & consideration. Our family will be following this discussion closely.
Sarah Moore

Emailed to Aldermen 3/17/14.

Branson, Lisa

From: Rebekah Wood <info@terra-tots.com>
Sent: Monday, March 17, 2014 11:36 AM
To: City_Clerk
Subject: To City Council-

Good afternoon!

I am a fayetteville resident who resides close to downtown, and have lived in the south part of town for over 10 years. I LOVE my town! I truly love how accessible things are becoming for me and my young family. I can walk to work, the library, Almost everywhere we want to. BUT...not anywhere near College Ave!

I am writing to convey my support of possible improvements to College Ave as opposed to Ruppel Road area.

In my years in Fayetteville I have often walked - or rather tried to walk- to various locations along College. South Fayetteville is highly populated by young families that love to take advantage of bike trails and sidewalks to get where they are going. Many useful locations could be safely accessed if we were to invest in improvements along College Ave. As it currently is, its a very scary endeavor to try to bike or walk anywhere around College. I hope that you take these things into consideration as you prepare our town for its future!

Thank you for your service to our wonderful town,

Rebekah

--

Rebekah Champagne
Owner, Terra Tots Natural Parenting
www.terra-tots.com
<https://www.facebook.com/terratots>
Owner, Maxine's Tap Room
<https://www.facebook.com/maxines.taproom>

emailed to aldermen 3/17/14

Branson, Lisa

From: Carlos Ochoa <carlos.g.ochoa@gmail.com>
Sent: Monday, March 17, 2014 2:48 PM
To: City_Clerk
Subject: College avenue and Ruppel road

Hello, City Clerk.

I would like to voice my support for City Council Member Matthew Petty's proposal to invest in college avenue in lieu of a full expansion of Ruppel Road. An investment in College far outweighs the benefits of a four lane Ruppel Road.

Thank you very much,

Carlos Ochoa
carlosgochoa@gmail.com
625 W. 11th Street
Fayetteville, AR
501-208-8440

Emailed to Aldermen 3/17/14

McCoy, Dee

From: Zach Holland <holland@ferstlvaluationservices.com>
Sent: Monday, March 17, 2014 2:55 PM
To: City_Clerk
Subject: Fayetteville citizen's opinion

I live at 301 N Fletcher, Ave. I do not know Mr. Petty or his politics, but I support his decision to spend our road development \$ on College Ave rather than Ruppel Rd. Thank you for your service.

--

Zach Holland, AR CG 2911

Northwest Arkansas Office:
Fersti Valuation Services
101 W. Mountain St. Suite 210 A&B
Fayetteville, AR 72701
(479)799-9153 Direct/Mobile - Recommended
(479) 595-0245 Office - General Questions and Quotes

Home Office:
Fersti Valuation Services
621 E. Capitol Ave
Little Rock, AR 72202
(501) 375-1439 Little Rock Main Office

- Fersti Valuation Services was formerly Affiliated Appraisers of Arkansas.

James Miller
Fersti Valuation Services
621 E. Capitol Ave
Little Rock, AR 72202
(501) 375-1439 Little Rock Main Office

James Miller
Fersti Valuation Services
621 E. Capitol Ave
Little Rock, AR 72202
(501) 375-1439 Little Rock Main Office

Emailed to Aldermen 3/17/14.

McCoy, Dee

From: Jennifer Worth <jennifermworth@gmail.com>
Sent: Monday, March 17, 2014 3:12 PM
To: City_Clerk
Subject: Improvements to College Ave.

City Council Members,

"This Tuesday, I'm proposing we dedicate \$1.7 million to improvements for our main traffic corridor. Let's bring meaningful revitalization to College Ave!"

I support this proposal.

As a resident of the Rolling Hills area, improving the safety, walkability, and bike-ability of College Ave. is of extreme interest to me and my quality of life. After listening to testimonials at a presentation regarding area transit at the public library, it would seem that I am not the only one. Furthermore, keeping commute times reasonable by providing the necessary infrastructure not only improves wellbeing but also ensures that residents continue to see Fayetteville as a viable community in which we can invest in property, work, live, and play.

In addition to fostering a healthy and happy community, I feel revitalization and beautification of our main corridor will expand Fayetteville's signature atmosphere from Dickson St. and the Square. This would be beneficial to existing businesses and foster the establishment of new venues. It would also sustain Fayetteville's attraction as a destination city for events like Bikes, Blues, and BBQ.

Thank you for considering my opinions.

With much admiration and thanks for your dedication to our city,

--

Jennifer M. Worth

Phone: 479-713-9662

Email: jennifermworth@gmail.com

Emailed to Aldermen 3/17/14.

McCoy, Dee

From: Anthony Clark <anthony@clarkpartnersrealty.com>
Sent: Monday, March 17, 2014 3:30 PM
To: City_Clerk
Subject: Citizen input on Fayetteville road expansion plans

Categories: Responded, Forwarded

Dear City Council,

As a resident and small business owner in Fayetteville I'd like to chat with you all just a bit on the proposed Ruppel Road expansion as well as Mr. Petty's recommendation on College Avenue improvements.

I'd venture to say that College Avenue is the heaviest traffic street in our City. It's my opinion that it's also one of the most neglected. A day doesn't pass that I don't drive on College Avenue. Seldom does a day pass that I don't drive on College Avenue without seeing a pedestrian or cyclist navigating this street with its partial sidewalk connections, lack of crosswalks and speeding motorists. I'd love to see funds diverted away from plans like the Ruppel Road expansion to go towards some very thoughtful improvements on College Avenue. These improvements might include sidewalks, bike lanes, safer crosswalks, boulevards and even trees or decorative brick work.

Yes, it's true that a better north-south route may be needed someday on the west side of town, but it's also true that College Avenue has some much needed improvements today for a number of reason including the safety of citizens.

Thank you in advance for your consideration of my thoughts and feel free to contact me if you have any questions.

Sincerely,
Anthony Clark
479-935-6080

Anthony Clark, CRS
Clark Partners Realty Group
479.935.6080 [direct]
479.445.6767 [office]
<http://clarkpartnersrealty.com/>

Emailed to Alderman 2/17/14

Branson, Lisa

From: Smith, Sondra
Sent: Monday, March 17, 2014 2:41 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Pennington, Blake; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Ruppel Road Extension

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

From: Long, Alan
Sent: Monday, March 17, 2014 2:40 PM
To: Smith, Sondra
Subject: Fwd: Ruppel Road Extension

Can you forward this to the council.

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@ci.fayetteville.ar.us
479.304.0585

Begin forwarded message:

From: "Barbara G. Taylor" <btaylor@uark.edu>
Date: March 17, 2014 at 2:38:22 PM CDT
To: "ward4_pos2@ci.fayetteville.ar.us" <ward4_pos2@ci.fayetteville.ar.us>
Cc: "ward4_pos1@ci.fayetteville.ar.us" <ward4_pos1@ci.fayetteville.ar.us>
Subject: Ruppel Road Extension

Alan,

I agree with you that we should make Ruppel Road four lanes wide now, building it right the first time. Thank you for your sound, common-sense approach to this issues.

Barbara

Barbara G. Taylor
1599 West Halsell Road
Fayetteville, AR 72701-3902

btaylor@uark.edu

479-530-1098 (cell)

479-521-6925

Emailed to Aldermen 3/17/14

McCoy, Dee

From: Phillip Mcknigh <jpmckni@cox.net>
Sent: Monday, March 17, 2014 4:22 PM
To: Gray, Adella; Marsh, Sarah; Kinion, Mark; citycouncil@matthewpetty.org; Mayor; Tennant, Justin; Schoppmeyer, Martin; Adams, Rhonda; Long, Alan
Cc: City_Clerk
Subject: 2006 bond money re-distribution

Importance: High

To: City Council - City of Fayetteville Arkansas
RE: Re-distribution of 2006 bond monies

I will unable to attend tomorrow's city council meeting. I wanted to express my thoughts on the current proposal of re-distributing the 2006 bond money that was approved for the Ruppel Road project. These monies were approved by voters to have a 4-lane road from Wedington to MLK. The city needs to consider where we will be if the current population and development continues out the MLK and the Wedington corridor. This development is going to continue to put pressure on the infrastructure of these two corridors. We need to have this 4-LANE connector to relieve the current traffic on 540 as well as the access street next to 540.

The connection should remain as it was planned and VOTED for by the people of the city.

I believe that the if these funds are diverted, it will impact future bond issues for the city of Fayetteville. This will destroy the integrity of the city in relation to future bond issues. How could the citizens vote for the next bond issue if the monies can be diverted to another ward or another project?

We need to keep these funds in place for Ward 4 infrastructure. We actually have a chance to get AHEAD of our future infrastructure needs.

Let's not destroy voter confidence and ruin our chance to get ahead of our infrastructure needs in Ward 4.

Phillip Mcknight

Emailed to Aldermen 3/17/14

McCoy, Dee

From: Joshua Aldridge <joshaldridge@gmail.com>
Sent: Monday, March 17, 2014 4:33 PM
To: City_Clerk
Subject: College Ave Safety

Council Members,

I moved away from Fayetteville over a decade ago and have recently returned to a city blockaded by road construction and even squeezed for our last change by pay parking and per bag waste disposal. Normally, I believe that the city government needs to back off a little.

However, in the case of College Ave, I see a need for intervention. As a main artery of a growing city, College is woefully under developed, lacking consistent sidewalks, bus stops, and even a hint of crosswalks. The purpose of public roads projects is to ensure the safety and efficiency of travel for citizens and, though College has done that for many years, it's time to breathe new life into that essential part of our city.

I would encourage our representatives in the city council to vote for Mr. Petty's proposal to build these essential components along College Ave as a means of protecting the safety of Fayetteville's citizens and visitors, encouraging commercial growth along that corridor, and providing increased access to goods and services for those members of our community using public transportation.

Thank you,

--

Josh Aldridge

McCoy, Dee

Emailed to Alderman 3/17/14

From: Michele Halsell <MHalsell@walton.uark.edu>
Sent: Monday, March 17, 2014 4:34 PM
To: City_Clerk
Subject: College Avenue Proposal - 3/18/14

Dear City Council Members,

I am writing to encourage you to consider Matthew Petty's proposal to invest in our city's busiest thoroughfare: 71 Business or College Avenue. It is easy to see what is possible on College Avenue by visiting the intersection of College Avenue and Township. There, pavement and parking lots have given way to swaths of green grass, trees, and spacious sidewalks. Instead of looking tired and dilapidated, that corner looks revitalized and like a place where you want to stop and patronize the businesses located there. Imagine if the length of 71 Business was similarly designed! Visitors and residents alike would be attracted to this corridor as a thriving place for commerce, dining, and entertainment.

With proper planning, College Avenue could be enhanced with pull-outs for Ozark Transit buses and attractive bus shelters to make the bus routes obvious and encourage increased ridership. Anticipating a fixed rail corridor in the next 10-20 years, we could invest in College Avenue in a way that brings customers to businesses by rail, as well as by bus and by car. The more we invest in the core of our city, the more we become a city where cars are optional. This promotes cleaner air and enhances health and well-being.

College Avenue speaks volumes about our city. Let's make sure that visitors to Crystal Bridges who venture south to Fayetteville see a city where they want to linger and spend time. Let's make sure that College Avenue leaves a strong, positive impression on our visitors. Let's enhance quality of life for the many residents who live along this corridor and who use it every day. Such a project can have a positive impact on the many neighborhoods that border College Avenue and help to maintain property values (and tax revenues).

Thank you for your service to our great city.

Michele Halsell
230 W. Cleburn
Fayetteville, AR 72701

Emailed to Aldermen 3/18/14

Branson, Lisa

From: City_Clerk
Subject: FW: Extension of Ruppel to MLK

From: Alan Long [mailto:longward4@gmail.com]
Sent: Tuesday, March 18, 2014 8:28 AM
To: Smith, Sondra; City_Clerk
Subject: Fwd: Extension of Ruppel to MLK

Can you please forward this to the council?
Thanks,
Alan

----- Forwarded message -----

From: Patricia Lucas
Date: Mon, Mar 17, 2014 at 10:36 PM
Subject: Extension of Ruppel to MLK
To: Alan Long

Hi Alan,

As a long term resident of west Fayetteville, I wanted to weigh in on this issue. I believe it is critical to get a 4 lane road in place between Wedington and MLK. Anyone who lives on this side of town can see the explosive growth and the congestion around the 540/Wedington area. Having that road in place would significantly improve traffic flow by diverting a large part of south bound traffic. We utilize Ruppel all the time between Mt. Comfort and Wedington to avoid 540 area of Wedington and it would be a huge improvement to have that flow on through to MLK.

Not to mention the foolishness of having to come back at later time and essentially double dip at a much higher cost both from a financial and time perspective. Because revisiting would be inevitable almost immediately upon completion of the road as utilization will be significant.

The need to move forward with 4 lanes seems like the obvious and only solution when you live in the area and see the need on a daily basis.

Thank you for representing this for Ward 4
Thomas & Patricia Lucas and Kat Richardson

Emailed to all members 3/19/14

Branson, Lisa

From: faytownrocks <faytownrocks@gmail.com>
Sent: Monday, March 17, 2014 11:03 PM
To: Smith, Sondra; City_Clerk
Subject: Ruppel Road extension

Please forward this email to all members of the City Council and Mayor Jordan for the 18 March Council meeting.

I am Tim Kring, 1777 W. Halsell Rd (Ward 4).

I was perplexed and disappointed in reading (in Fayetteville Flyer) Mr. Petty's suggestion to reapportion funds that were designated by a vote of the people city wide. This bond program was clearly engineered to address needs across all wards. Mr. Petty's attempt to negate the will of the people is at least unethical.

Furthermore, the notion that the Ruppel Road extension is unneeded or beyond what is necessary represents a behavior that had handcuffed our city's economic and cultural development for many years. A major North-South corridor is essential in that area, and will aid commercial and residential interests, both which are sorely needed on the west side of town (instead of driving even more of that development to the northern towns).

Our city is full of roads with single lanes, or no shoulders, or no sidewalks, many of which need widening to allow these missing features. However, because none of these was considered of immediate need at the time the roads were built, expansion now is either impossible due to construction in the space, or is astronomically expensive. We, as voters, decided to build a beautiful, functional and efficient 4 lane boulevard for the Ruppel Road extension.

Please do not take a step backward in helping to intelligently develop our entire city in order to appear the narrow vision as proposed by Mr. Petty.

Sincerely,
Tim Kring

Emailed to Aldermen 2/18/14

Branson, Lisa

From: John Coleman <jtcolem@gmail.com>
Sent: Monday, March 17, 2014 9:58 PM
To: City_Clerk
Subject: College Avenue vs Ruppel Road

Good evening City Council Members,

I am writing to express my opinion about the Ruppel Road widening project and the possibility of diverting some of these funds to invest in College Avenue. Unfortunately, I will be traveling for work tomorrow night so I won't be able to attend the Council meeting.

Since moving here in 2007 my wife and I have been thrilled with the overall direction of the City. We have a tremendous amount of respect for Mayor Jordan and support initiatives like preserving Mt Kessler, leading the investment in bike trails, and generally focusing on improving quality of life for residents and visitors alike.

It is my opinion that widening Ruppel Road to four lanes is counter to these efforts. In short, it subsidizes low density, auto-dependent growth for potential future residents of Fayetteville. Historically, this type of growth (sprawl) in cities across the U.S. has shown that it is not economically sound. These costs include future infrastructure maintenance such as water & sewer as well as the increase of fire and police service to maintain or improve insurance ratings. These costs are not fully covered by development fees.

With the recent engineering study showing that four lanes may only be needed in ten years, I think it is more responsible to invest the additional funds in streets such as College Avenue that demonstrate immediate need. By making this investment you will encourage growth and the full utilization of existing infrastructure (streets, water, sewer, fire, police) while limiting the long-term increase of maintenance costs to the City and its taxpayers. At the same time you will encourage greater private investment in infill development instead of greenfield investment on the edge of town.

Fayetteville is going to grow in population because it is an amazing place to live. As a Council, I hope you will continue to follow the tenants set by City Plan 2030 and vote for smart infrastructure investments that help us best absorb these population increases while improving quality of life.

Sincerely,

John Coleman

Forwarded to Aldermen 4/15/14

Branson, Lisa

From: City_Clerk
To: Aldermen
Cc: Pate, Jeremy
Subject: FW: Ruppel Road Citizen Comments - Please Forward to Council Members

From: Keaton Smith [mailto:kwsmith1200@gmail.com]
Sent: Monday, March 17, 2014 9:42 PM
To: City_Clerk
Subject: Ruppel Road Citizen Comments - Please Forward to Council Members

Council Members,

You may be familiar with the concept of Net Present Value.

Finance professionals will tell you that today's dollars are often exponentially more valuable than the same dollars will be 15 years from today. Inflation plays a role in this, but opportunity costs are a larger factor.

\$1.7MM invested in College Ave will generate returns for the City, its businesses and its residents immediately.

\$1.7MM invested in 2 extra lanes on Ruppel Road will generate returns for the City....at some point in the future.

We can invest our money improving existing infrastructure and supporting existing businesses in the heart of our City, OR we can build extra infrastructure before it is necessary and encourage sprawl while we're at it.

There are better ways to fix traffic problems on Wedington.

Thank you for reading this note and considering this important issue.

.....
Keaton Smith
479-879-7922

Emailed to Alan on 2/18/14

Branson, Lisa

From: Long, Alan
Sent: Monday, March 17, 2014 8:44 PM
To: Smith, Sondra; City_Clerk
Subject: Fwd: Ruppel Rd project

Categories: Forwarded

Please forward to the council.

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

Begin forwarded message:

From: Debra Stendel <stendel4@gmail.com>
Date: March 17, 2014 at 7:52:41 PM CDT
To: <ward4_pos1@fayetteville-ar.gov>, <ward4_pos2@fayetteville-ar.gov>, <LJORDAN@CI.FAYETTEVILLE.AR.US>
Subject: Ruppel Rd project

Dear Sirs and Madame,

I would like a minute of your time to hear my concerns. I have attended many of the meetings in the past year or so regarding the Wedington Rd Development as I am a home owner in the area. My safety and my home investment is affected directly by your decisions.

We were led to believe that the city is aware of and also concerned about the traffic problems that growth in this section of the city has caused in recent years. We were led to believe that the city wants to develop a pedestrian friendly neighborhood but we still have no sidewalks along Salem Rd.

The recent influx of construction projects along Wedington has already added to the congestion in this area and will continue to add greatly to congestion as these businesses open and bring more people to our side of town. We need some relief!

I believe that the Ruppel Rd extension can ease some of the traffic by giving drivers another path if it is done right. I believe it was first presented as a 4 lane project and the community supported that. The planning meeting last month left me wondering if the city is now seriously going to do only part of the project.

I urge you to vote in favor of doing the project as 4 lanes now. I urge you to vote against doing this as a 2 lane road.. If the city only does 2 lanes now it will cost more in the near future to add the other 2 lanes so there is no savings by cutting corners.

Thank you,
Debra Stendel

Emailed to Aldermen 3/20/14.

Branson, Lisa

From: Long, Alan
Sent: Monday, March 17, 2014 8:42 PM
To: Smith, Sondra; City_Clerk
Subject: Fwd: Ruppel Road Expansion

Please forward to the council.

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

Begin forwarded message:

From: <hlochhaas@gmail.com>
Date: March 17, 2014 at 8:24:41 PM CDT
To: "Ward4_pos2@fayetteville-ar.gov" <Ward4_pos2@fayetteville-ar.gov>
Subject: Ruppel Road Expansion

I am amazed that someone would want to divert money from our Ward (4) to another Ward. The problem with many in government is they look at the immediate rewards rather than planning for the future. A perfect example is the expansion of I540. How much is that costing taxpayers? Citizens all over the country are losing faith in our elected officials because of their pet projects and wasteful spending of our hard earned tax dollars. Please, don't waste our money, do the expansion right the first time, rather than having to go back and do it over again for considerably more in both money and added inconvenience to the residents of the neighborhoods involved.

Hazel Lochhaas
Resident Ward 4

Sent from Windows Mail

Emailed to Aldermen 3/18/14

Branson, Lisa

From: City_Clerk
To: Aldermen
Cc: Pate, Jeremy
Subject: FW: In support of Petty's proposal

From: Erika Wilhite [mailto:erikawilhite@gmail.com]
Sent: Monday, March 17, 2014 7:43 PM
To: City_Clerk
Subject: In support of Petty's proposal

Hello,

I hope that the Council decides to improve the pedestrian and bike paths along College. I wish I didn't have to drive so short distance from downtown for things I need daily from the shops along the corridor. Biking is terrifying, and walking is nerve wracking since one must walk through all the parking lots while the cars are coming and going. Please help Fayetteville become a REAL walking city. The trails are lovely, but out of the way from daily errands. We need a pedestrian and biking path.

Respectfully,
Erika Wilhite

Emailed to Aldermen 3/18/14

Branson, Lisa

From: City_Clerk
To: Aldermen
Cc: Pate, Jeremy
Subject: FW: Improve College Ave.

From: shelly buonaiuto [mailto:goodhelp@cybermesa.com]
Sent: Monday, March 17, 2014 7:36 PM
To: City_Clerk
Subject: Improve College Ave.

Dear Aldermen,

I'm Shelley Buonaiuto and although I live out of town, my three children all live in South Fayetteville, and my grandchildren attend Washington Elementary. My husband and I also have a small home in South Fayetteville where we plan to live when we retire. . My children often walk downtown, enjoying the walk and living as sustainably as possible. I plan to do the same when we move to town.

For the safety of my family I'm concerned about sidewalks and crosswalks. For sustainability the city must encourage rapid transit by developing safe and convenient bus stops. I also plan to be using the buses.

I believe that the \$1.7 million being considered for Ruppel Road would be better spent improving College Ave. It will benefit more people and encourage a sustainable city center.

I am sorry I will be at another meeting and unable to attend to support this important measure. In so many ways the mayor and council have exhibited great sensitivity and care to the well being of our beautiful Fayetteville.

I know you will consider this matter carefully also
Thank you,
Shelley Buonaiuto

March 17, 2014

Dear Fayetteville City Council, Strategic Planning and Mayor Jordan,

Like all of you, I want to see Fayetteville continue to become the best city it can be. To that end, I am concerned about a proposed allocation of funds to be spent turning Ruppel Rd. into a four lane.

Urban trends across the country show that it would be a mistake to plan for "growth" as experienced in past decades. Today's young families are choosing walkable cities with small shops and parks as their preferred destinations to raise children and interact with friends. Suburbia is seen as blight.

Furthermore reliance on the automobile, I suspect, will prove misguided as our future fuel troubles and environmental concerns cause people to want sustainable urban transport like light rail or alternative fueled buses. Many people want these things now.

Personally, I would like to see a much larger infrastructure of bicycle lanes designed to enable bicycle commuters to travel safely throughout the area as a means of transportation. As it is now, our bicycle lanes, albeit beautiful, are obviously designed for the pursuit of leisure rather than commuting.

I think Councilman Matt Perry has the right idea when he suggests using a \$1.7 million allocation on enhancing the heart of our city, the corridor along College Ave, with sidewalks, crossing lights, bicycle lanes and I would suggest, even pocket parks. Let's maintain and enhance the vision we've begun on the Square, on Dickson St and on Block St, by spreading that same esthetic of intimacy, walkability, and connectedness up and down College Ave.

Thank you for your consideration of this matter,

A handwritten signature in black ink, appearing to read "Quinn Montana", with a stylized, flowing script.

Quinn Montana

Ward 1, Fayetteville

Emailed to Aldermen 3/13/14

Branson, Lisa

From: Christina Hann <alessi22@hotmail.com>
Sent: Monday, March 17, 2014 6:50 PM
To: City_Clerk
Subject: Proposed Traffic Improvements

Greetings City Council Members,

Fayetteville is my home. I love living here and cannot imagine myself in any other city. My love for Fayetteville is why I am always happy and willing to support needed improvements. I currently reside on the eastern side of town. Each day I drive on Highway 265 to work. I've driven my route both before and after the widening of 265. I absolutely love the improvements. I especially love that I no longer see long lines of cars. I feel much safer driving Highway 265 knowing that bicyclists have their own lanes. I also feel much safer now that there are sidewalks. Before the sidewalks, dog walkers and joggers were in the ditches, grass and shoulders of the road. I can only imagine how much happier and safer they feel now that they have proper sidewalks. The city did a great job planning, beautifying and executing the changes to Highway 265.

Now that Highway 265 is amazingly improved, why not make similar changes to parts or all of College Avenue? After all, College is a primary traffic corridor. Every resident of Fayetteville is undoubtedly on College Avenue at some point during their day. It would be great to have either more or improved sidewalks, bike lanes, cross walks, bus stops as well as more "streetscaping." Recently, I've read news articles about adding traffic lights and widening or extending roads in other parts of town. While I'm sure those things are needed too, I ask that money towards improving College Avenue be considered as well.

Thank you,

Christina Alessi Hann
3115 N Warwick Drive,
Fayetteville, Arkansas 72703

Emailed to aldoemen 3/13/14

Branson, Lisa

From: Joseph Reagan <wellspringpt@sbcglobal.net>
Sent: Monday, March 17, 2014 6:05 PM
To: City_Clerk
Subject: College Ave. Fix instead of Ruppel Road improvements

Dear City Council,

I am Joseph Reagan living at 326 E. Prospect with my own business at 509 N. College Ave. (Wellspring Physical Therapy). I was raised in Fayetteville and returned in 1997. I have witnessed the downtown/Dickson St. area improvements and think that they create civic pride (just had a guest visiting from Boulder, CO who loved the look), usability for bicyclists/pedestrians and anchor for our community. Proposed improvements at 3 locations along College can multiply our anchors and distribute the theme of Fayetteville as not just the central aspects but the whole of Fayetteville as a unique, viable community. College can be viewed as one long strip of businesses, that isn't interrupted by anything of esthetic value. It could be anywhere USA dotted with fast food, auto shops etc. This proposal of not putting monies to Ruppel Road changes which, if my information is correct, wouldn't change drive time by much and instead, put that money toward improvements on college I personally, and I think our visitors, and those seeking business relocation, would see a striking value. Please consider and vote for this improvement.

Sincerely,

Joseph Reagan, PT, MS
Wellspring Physical Therapy
509 N. College Ave.
Fayetteville, AR 72701
479.444.6060
wellspringpt@sbcglobal.net

emailed to Aldermen 3/13/14

Branson, Lisa

From: Long, Alan
Sent: Monday, March 17, 2014 5:55 PM
To: City_Clerk; Smith, Sondra
Subject: Fwd: Ruppel Road Project

Could you please forward this to the mayor and council?

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

Begin forwarded message:

From: Christina Catsavis
Date: March 17, 2014 at 5:51:28 PM CDT
To: "ward4_pos2@fayetteville-ar.gov" <ward4_pos2@fayetteville-ar.gov>
Subject: Ruppel Road Project

Hello,

My name is Christina Catsavis. My husband and I are residents of Ward 4 and we have concerns about the funds for the Ruppel Road project being diverted to Ward 2. We feel the bond issue was carefully thought out and the funding should be left in place. As residents of Ward 4 we feel there is already a need for 4 lanes, the decision to go with 2 lanes would leave the road very congested and in immediate need of expansion to 4 lanes as our district is growing very quickly. The City of Fayetteville needs to be thoughtful and deliberate with planning.

Thank you,
Christina Catsavis & Jonathan Bechtel

Emailed to Aldermen 3/18/14

Branson, Lisa

From: Long, Alan
Sent: Monday, March 17, 2014 5:34 PM
To: City_Clerk
Subject: Fwd: Ruppel Road Expansion

Can you please forward this to the council?

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov

Begin forwarded message:

From: Scott Shackelford <scotts1979@hotmail.com>
Date: March 17, 2014 at 5:01:32 PM CDT
To: "ward4_pos1@fayetteville-ar.gov" <ward4_pos1@fayetteville-ar.gov>, "ward4_pos2@fayetteville-ar.gov" <ward4_pos2@fayetteville-ar.gov>
Subject: Ruppel Road Expansion

Good afternoon,

My wife and I are Ward 4 residents. I am sure you have both received several comments regarding Ruppel Road's future: should it be 2 lanes/should it be 4 lanes, etc. I only wished to add our two cents that we should follow Mayor Jordan's wise advice and proceed with creating a 4-lane extension at this time. A 2-lane expansion seems inadequate to the western corridor vision of Ruppel Road that has previously been expounded upon by city leaders. The Northwest Arkansas Times reported last week that the approximately \$1.7 million to finish the project already exists via the bond city voters approved in 2006. These dedicated funding dollars should not be allocated for other (admittedly worthy) purposes. An expansion from 2 to 4 lanes would create an unnecessary expense in some future budget cycle. Expanding to 4 lanes now, before homes and businesses begin to crowd around a 2-lane avenue, would create a greater ease of traffic flowing to and from MLK Boulevard and help to ensure that this busy road adequate attention for years to come.

Thank you both for your service to our wonderful city. Best wishes,

Scott Shackelford
Fayetteville, Ark.

Emailed to Aldermen 3/18/14

Branson, Lisa

From: City_Clerk
To: Aldermen
Cc: Pate, Jeremy
Subject: FW: Message for City Council on Ruppel Rd. Extension and College Ave. Improvements

From: Nick Cerra [mailto:nc.nickcerra@gmail.com]
Sent: Monday, March 17, 2014 5:25 PM
To: City_Clerk
Subject: Message for City Council on Ruppel Rd. Extension and College Ave. Improvements

Hello Council, I am a long-time resident of Fayetteville Arkansas, and I want to let you know that I care about the future of College avenue, and our City. I am a designer with a degree in Architecture from The University of Arkansas, and I live and work in Downtown Fayetteville. I was excited when I heard Matthew Petty's proposal for improvements to College Avenue and also the possibility of keeping Ruppel a two lane road.

Every day I am reminded how lucky I am to live and work in this beautiful city. I am an avid walker and cyclist for both transportation and recreation. Because of the location of my home and my proximity to work I could live without a car entirely! I know, lucky me, but I want to see this benefit of good urban design extended to more residents in Fayetteville. Sidewalks mean health, safety, transportation, recreation and customers for local businesses! Our main street is incomplete without quality sidewalks; the lack of which will stymie the investment our city needs to move forward. Turn College Avenue into a real Mainstreet with safe and efficient pedestrian access and watch our city grow from within.

The redesign of the three key intersections listed in Matthew Petty's proposal would help to bring quality urban design to Midtown, Downtown and Southtown all while allowing for an increase in private investment in these areas. I recently learned that one third of our city's population lives within one mile of College Avenue. Lets work to build a quality economic corridor to serve this huge (and growing) population and focus our city's growth!

Thank you for considering my comments,

--
Nick Cerra
nc.nickcerra@gmail.com
870-416-2854

Emailed to Mulliken 2/18/14

Branson, Lisa

From: Frank and Denise Mulliken <40paws@att.net>
Sent: Monday, March 17, 2014 5:24 PM
To: City_Clerk
Subject: To our City County; Re: Improvements to College Avenue

Categories: Forwarded, Responded

Dear City Council:

I live in East Fayetteville and work at the Washington County Courthouse. I travel on College Avenue every day. Every weekend my husband and I travel up and down College Avenue our weekly errands. College Avenue is THE main street of Fayetteville, but it sure doesn't look like it. College Avenue needs an update, an upgrade, and general sprucing up.

I support Mr. Petty's proposal to dedicate \$1.7 million to improvements for our main traffic corridor. I believe his three-part plan to revitalize College Avenue will be very good for businesses located on College and will make travel safer and more pleasant for every citizens who travels on College by car, foot or otherwise.

Thank your for your consideration.

Denise Mulliken
1573 S. Tallgrass Dr.

Emailed to City Clerk 3/18/14

McCoy, Dee

From: Courtney Montgomery <cemontgo@email.uark.edu>
Sent: Tuesday, March 18, 2014 8:46 AM
To: City_Clerk
Subject: College Ave Improvements

To the Fayetteville City Council:

My name is Courtney Burnett. I have been a citizen of Fayetteville since 2007. My husband and children made our home here because we love this town! I care about the future of Fayetteville because I intend to keep my home and raise my children here. I am a full time student at the university and transportation in Fayetteville is very important to me.

I am writing about the upcoming vote today regarding a Ruppel Road extension. I have been following this discussion with interest. I live off both College Avenue and Old Wire Road. My oldest child goes to Woodland Junior High and my next oldest will attend next year. We travel through the Rolling Hills area daily. We also travel in the Ruppel Road/Wedington area fairly often. It is my experience that improvements are very much needed in many areas surrounding College Avenue, including the areas I travel daily. It is also my understanding that there is reason to assume that a two-lane Ruppel Road extension would be sufficient at this time. It makes sense to me to use funds to make improvements to an area that needs those improvements now rather than to tie them up in overkill on the Ruppel Road extension.

Thank you for your time and for the great work you do for the city!

-Courtney Burnett

Emailed to alderman 3/18/14.

McCoy, Dee

From: Sage Billig <sagellah@gmail.com>
Sent: Tuesday, March 18, 2014 9:10 AM
To: City_Clerk
Subject: Sidewalks on College

Hi,

My name is Sage Billig, I live in south Fayetteville. I am writing in support of Matthew Petty's proposal to re-direct funding towards improvements on College Ave. Walking or biking on College is currently dangerous for large stretches. As a mother, I would like to be able to teach my child the value of alternative transportation without putting his life at risk.

Please consider improvements to College Ave that would increase our safety and our access to alternative modes of transport.

Thanks!

-Sage

Email to Aldermen 3/18/14.

McCoy, Dee

From: Long, Alan
Sent: Tuesday, March 18, 2014 9:11 AM
To: City_Clerk
Subject: Fwd: Ruppel Road Widening and Extension

Can you please forward this to the council?

Alan

Begin forwarded message:

From: "J. Laurence Hare"
Date: March 17, 2014 at 10:53:02 PM CDT
To: <ssmith@fayetteville-ar.gov>
Cc: "Long, Alan" <ward4_pos2@fayetteville-ar.gov>, <ward4_pos1@fayetteville-ar.gov>
Subject: Ruppel Road Widening and Extension

Dear City Council Members:

I am writing in response to the planned presentation by Matthew Petty regarding the reallocation of funds for the N. Ruppel Rd. widening and extension project. At the recent meeting of the City Transportation Committee, Mr. Petty made some valid points when he claimed first that the housing density south of Persimmon does not immediately require a 4-lane highway and second when he suggested that 1.7 million of the planned project costs could be put to good use elsewhere in Fayetteville.

But ... I have two objections to the premises of his alternative proposal.

First, where Mr. Petty claims that the development along the Ruppel Road extension cannot through its property taxes support the repayment of the expansion costs, he seems to assume that the road is being built solely for the purpose of introducing development between Persimmon and MLK. In fact, the extension of Ruppel Rd is intended to facilitate a *citywide* transportation initiative. It is planned as a four-lane highway because it is a major artery designed to support traffic moving from north to south. Above all, it will relieve the traffic pressure on Wedington, MLK, and I-540, which will benefit thousands of commuters each day. For this reason, Mr. Petty should not look at future Ruppel development as the sole base of financial support for the Ruppel project; rather, he should see view it as a benefit, and a responsibility, for all of Fayetteville.

Second, I understand that the money which he would see moved to an alternative project on N. College Ave. has already been earmarked for the Ruppel extension as part of a four-lane highway promised to Fayetteville voters. To alter the plan now in the interests of another project strikes me as a breach of faith with citizens. I thus disagree with Mr. Petty's assumption that the City Council can lightly move the funds to an unrelated project.

Therefore ...

I would respectfully ask the members of the City Council to support the full expansion of Ruppel Road as recommended by the traffic study, and would submit the following three reasons why members should seek the full four-lane plan:

1) If the Council expects the citizens of Fayetteville to support future bond issues, they should adhere wherever possible to the existing parameters of approved projects. At the same time, if the City Council wishes to enjoy continued citizen support for the Fayetteville Master Plan, then the members would be well advised to stick closely wherever practical to its fundamental elements.

2) All parties seems to agree with the conclusion of the project study that adding additional lanes to Ruppel Rd. in the future will be much more expensive than building them today. Those of us who live along Ruppel are thus concerned about whether the funds will be available to us in the future when the traffic patterns warrant the additional two lanes.

3) I would argue that the city should take every opportunity to provide west Fayetteville with a full and carefully-planned infrastructure to ensure that it develops as a interconnected and flourishing part of the city. We can agree that there is, in general, a substantial income differential between east and west Fayetteville, with the citizens on the west side being generally poorer and more mobile (i.e. with more renters than owners) than their fellow citizens to the east, and we should agree that this imbalance is not ideal. One important way of attaining greater income diversity and achieving more community stability is to encourage the growth of business and residential investment in the area, all of which naturally depends on a well-constructed transportation network.

In forwarding this argument, I do not mean to dispute Mr. Petty's point that we need to address infrastructure problems along N. College Ave. Indeed, I feel that he is right to seek future improvements to this area. Yet I hope the City Council will ultimately agree with me that the full Ruppel Road plan represents an important element in our city's broader transportation plan and one that is particularly indispensable to the future of west Fayetteville.

Sincerely,

Laurence Hare

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Sarah E. King <sellenking@yahoo.com>
Sent: Tuesday, March 18, 2014 9:41 AM
To: City_Clerk
Subject: Letter to City Council regarding street improvements

Dear City Council,

I live on Skelton Street on the far south side (Ward 1), and I am writing in support of Matthew Petty's proposal to make the most of street improvement funds by both extending Ruppel Road and also improving three major intersections on Hwy 71.

In particular, I'd like to draw your attention to the intersection of 15th and 71. If one were to look at this intersection in isolation, you would never guess that it was in Fayetteville. Improvements to this intersection would contribute to public safety, support existing businesses, and encourage private investment.

I encourage you to vote in support of a plan to maximize the impact of our tax dollars by establishing a new north-south connector on the west side while also improving our city's Main Street.

Thank you very much for your consideration, and for your service to our city.

Sincerely,
Sarah King

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Long, Alan
Sent: Tuesday, March 18, 2014 9:45 AM
To: City_Clerk
Subject: Fwd: Ruppel / Urban Ag
Attachments: pastedGraphic.tiff

Categories: Forwarded

Please forward to the council

Alan

Begin forwarded message:

From: Stacey Park
Date: March 18, 2014 at 9:39:03 AM CDT
To: "Long, Alan" <ward4_pos2@fayetteville-ar.gov>
Subject: Re: Ruppel / Urban Ag

If anyone questions the green-ness of choosing to follow through with the Ruppel extension/widening, it's worth considering the gasoline wasted and auto emissions created from the standstill of traffic that is the Wedington/540 area during any rush hour.

Good luck tonight.

Stacey Park
Park Company Architects



www.parkco.net

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Long Ward 4 <longward4@gmail.com>
Sent: Tuesday, March 18, 2014 9:47 AM
To: City_Clerk
Subject: Fwd: Ruppel Road. How should we build this?

Please forward to the council.

Alan

Begin forwarded message:

From: "Paul J. Morstad" <pmorstad@UARK.EDU>
Date: March 18, 2014 at 9:32:25 AM CDT
Subject: Re: Ruppel Road. How should we build this?

When weighing a 2 lane vs 4 lane Ruppel Road extension, just contemplate/observe/drive through the (long overdue) work currently underway on N Garland. Hard to think of a better object lesson for getting the Ruppel Road extension right from the outset.

-p

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Jessica Taylor <jessica.Taylor@fayar.net>
Sent: Tuesday, March 18, 2014 10:21 AM
To: City_Clerk
Subject: Revitalize College

My name is Jessica Taylor and I live on West Ave in downtown Fayetteville. I have two small children and we enjoy the convenience and local living downtown Fayetteville provides. I also work one block off of College Ave and weather permitting I bike to work as often as I can. My family often tries to walk everywhere as it doesn't seem necessary to drive considering our location. However I don't feel safe walking with my family to many destinations. As we get closer to College Ave the sidewalks get less functional, having to walk around poles and buildings. The walk-ability of many of our sidewalks makes it feel unsafe and unrealistic to commute on foot with my family. I also would like to see a widening of the road to pave the way for some double bike lanes. I hope we can invest in a more green sustainable travel experience downtown for family commuters.

Jessica Taylor

Fayetteville Adult Education Center

479.444.3041

www.fayar.net/adulted

Emailed to Aldermen 3/18/14

McCoy, Dee

From: matt@matthewpetty.org on behalf of Matthew Petty - Fayetteville Ward 2
<citycouncil@matthewpetty.org>
Sent: Tuesday, March 18, 2014 11:48 AM
To: City_Clerk
Subject: Fwd: Ruppel Road

Good morning, would you please forward this message from a ward 4 resident?

Thanks,
M

----- Forwarded message -----

From: Point Oak <pointoak@gmail.com>
Date: Tue, Mar 18, 2014 at 7:15 AM
Subject: Ruppel Road
To: citycouncil@matthewpetty.org

I saw on the news that this was coming up for discussion this week. I live on the west side of Fayetteville, I do not see an immediate need for 4 lanes and do not understand why the following could not be implemented; the road completely designed as a 4 lane road with a center planter in the middle, but only completing ONE 2 lane side of it at this time for the vast majority of the length.

If so many have strong desires to force 4 lanes now, why can't we settle on a completed center planter section with 2 completed lanes on one side of the center planter (bi-directional for the moment), graded and compacted to an additional +1 foot in the non-completed portion, *future*, 2 lane addition area. Whatever intersections are to exist can have their turn-outs in place with clear delineation striping that can be removed later, etc. Future completion would barely impact whatever traffic would be using the road at that time.

When whatever pre-planned intersections become used by future developments, before the final additional 2 lane portion is completed, asphalt curb and sidewalks can be installed, which will remove easily and is recyclable at that later date.

I see far better uses for the money.

Just a thought?

Emailed to Aldermen 3/18/14

McCoy, Dee

From: David Franks <david.franks@cox.net>
Sent: Tuesday, March 18, 2014 12:10 PM
To: City_Clerk
Subject: Street Improvements: 71B v. Ruppel Road

Please convey the following to the members of the City Council.

Thank you.

>>>>>>

Good Day:

I have been poking my nose into Fayetteville and its affairs as an on-again-off-again resident since 1979. I live outside of town at present, though I have a Fayetteville address. Over the years, I have lived in various locations in the core of town, and as Fayetteville has grown, I have come to appreciate the core of the city more and more.

As one who comes into town, as one who believes that the center of a city is the life of a city, and as one who prefers to spend my time and money in the middle of Fayetteville, I see great value to the city in continuing to improve South School and College Avenue. In particular, revamping the intersection of South School and 15th Street could be made to tie in nicely, or even integrate with, with the trail crossing north of the intersection.

It is my understanding that it will be some years before traffic counts on Ruppel Road will justify providing four lanes. I believe that while there are complaints about traffic on Ruppel Road, many of them would be addressed by extending Ruppel to MLK as a two-lane road. As the extension of Ruppel Road is to be a landscaped four-lane boulevard with a median, it seems a relatively simple matter to build two lanes now and build the additional two lanes later, with minimal disruption of traffic.

Further, I believe that it would be wise to delay any widening of Ruppel Road until the issue of infrastructure impact fees is revisited. Proper guidance-- well, okay: control-- of growth in Fayetteville cannot be achieved only with incentives for infill; developers must also take responsibility for some of the excess milk they squeeze from the public teat when they impose inappropriate growth on the city-- even if they claim that impact fees are a disincentive. (They aren't; impact fees would be simply another cost of doing business in a fine place to live.)

I hope to see Fayetteville move forward with projects that restore and improve the long-neglected core. It is this approach that will best resolve issues that affect all citizens, and correct the errors of the past.

Thank you for your consideration.

David Franks
11033 Tony Mountain Road
Fayetteville, Arkansas 72701

Emailed to awwermen 3/18/14

McCoy, Dee

From: Sally Baker Williams <sbw@simplybeautifulweddings.net>
Sent: Tuesday, March 18, 2014 12:56 PM
To: City_Clerk
Subject: Regarding proposal by Councilman Petty for College Ave

Dear Fayetteville City Council,

My name is Sally Baker Williams and I know several of you. I am writing today regarding the proposal from Councilman Matthew Petty for revitalization along College Ave.

While I no longer live within the city limits, I do work in Fayetteville and most of my shopping is in Fayetteville. Since moving my family here in 1988, I have considered Fayetteville my adopted hometown and am passionate about it. I am also involved with promoting independent business in Fayetteville. I began the Fayetteville Cash Mob group and worked with them for 2 years promoting local Fayetteville Business. I also served on the board of Fayetteville Independent Business Alliance in 2013. Currently I am the office manager for Humane Society of the Ozarks in Fayetteville.

I am very firmly convinced that revitalization of the College Avenue corridor should be a priority in Fayetteville now, before the area deteriorates any further. While we have seen some work in locations such as the intersection of College and Township, there are far too many stretches that give the appearance of a town that does not care about business or the citizens. As we all know, a picture paints a thousand words and this is not the image we want to promote to people considering moving to our community or starting a business here. Several people I know have attempted to start small businesses in these areas and for a variety of reasons, have moved elsewhere. That strikes me as telling.

If there were more public transit stops along this main corridor, it would positively impact foot traffic for businesses in locations such as the shopping plazas adjacent to Rolling Hills Drive extending towards the center of town, including Evelyn Hills Shopping Center. Our neighborhoods in south Fayetteville are enjoying a renaissance of sorts with clean up and new homes being built. Surely improvements near 15th street and College would spur this movement along.

In closing, I would like to encourage the entire council to please give Councilman Petty's proposal the careful consideration it deserves. Let us move all of Fayetteville forward, not just the west side.

Best Regards,

--

Sally Baker Williams
Simply Beautiful Weddings
479.601.7393
www.simplybeautifulweddings.net



Emailed to Aldermen 3/18/14

McCoy, Dee

From: William B. Putman V <wputman@uark.edu>
Sent: Tuesday, March 18, 2014 1:00 PM
To: City_Clerk
Subject: Revitalize College Avenue

Please forward to the City Council. Thank you.

Hello Council Members!

My name is Ben Putman and I am a lifelong resident of Fayetteville, Arkansas. My family has lived here for several generations and they have been successful lawyers, university employees, grant writers and non-profit directors. We all love Fayetteville very much and have done what we can to leave a positive impact. The Inn of Court even bares by grandfather's name.

I am currently a master's student in biological engineering, as well as the cofounder and president of the Cow Paddy Foundation; a 501(C)3 dedicated to promoting and enabling physical activity and healthy lifestyles in our community and in our schools. I find healthy and active lifestyles to be important and have made great strides to ensure that our community has the opportunity to experience such a way of life. Our annual event has put over 1600 community members across the finish line of a race, many of them for the first time, and many of them in elementary school. Our monetary contributions directly to schools and to the Fayetteville Public Education Foundation number in the tens of thousands, all in the name of physical education.

All of this is to say that I really care about our city, our community, and the direction we are headed. My friend, and your fellow council member, Matthew Petty is proposing something great and I hope you all will listen intently. College Avenue is the central vein of our city and should not be overlooked. I spent a majority of my late teens and early twenties without a car. I walked and biked to all my odd jobs during undergrad. I walked in the ditches along college avenue, road my bike in heavy traffic, and was once even hit by a truck so hard it caused my bicycle pedal to go through my frame. Luckily I walked away relatively unscathed. I am so appreciative of the trail system and the progress our city has made towards being friendly for alternative transportation. But I encourage you to carefully make decisions about what is best for our city, to think about the other residents of our city who have been hit by cars, who scramble across streets that have no cross walks, and who make up all the happy smiling faces you see at all your favorite places in this great town.

What Matthew is proposing makes our city safer. Near our schools, near where we shop, and where we go to relax. Nearly every single visitor to this town sees College Avenue. The proposed places for improvement are ugly, unsafe, and over utilized compared to their current conditions. I ask that you all think about what a one minute reduction in traffic is worth to you, to your community, and to your economy. It is 2014. It is time we start making better decisions. I hope this is one you all will make.

Thank you,

Ben Putman
Research Associate
Biological and Agricultural Engineering
University of Arkansas
Engineering Hall 207
C: 479-790-0700

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Long, Alan
Sent: Tuesday, March 18, 2014 1:15 PM
To: City_Clerk; Smith, Sondra
Subject: Fwd: Ruppel Road Expansion

Can you please forward this to the council?

Alan

Begin forwarded message:

From: Will Watson
Date: March 18, 2014 at 1:13:23 PM CDT
Subject: Ruppel Road Expansion

I am writing to voice my support for expanding Ruppel Road to four lanes and being visionaries instead of reactionaries. I believe that we should be forward-thinking in our planning for the future needs of western Fayetteville, a high-growth area of our city. I do not believe that reallocating money from one part of our city to another is prudent in this instance, given the development needed to ease north-south congestion to Martin Luther King, Jr. Boulevard.

I hope the city council will do the right thing and prevent future disruption to a part of our city that, like it or not, is growing tremendously. Through my work, I have gotten to know the neighborhoods going west on Wedington and I know that they are growing, thriving, and will only continue to increase in size in the coming decade. Let's be positive, forward-thinking, and continue to support the vitality of our city. Let's get this right the first time and build four lanes.

Thank you for your consideration,

Will Watson
Ward 3

Emailed to Aldermen 3/18/14

Denise Garner

3390 E. Mission Blvd.
Fayetteville, AR 72703

Dear City Council Members,

I am a 25 year resident of Fayetteville and now live in Ward 4. I am interested in Federal, State, and City policy. I not only vote in every election but encourage others to inform themselves of the issues and vote as well. I understand the magnitude of the decisions you must make daily and appreciate your willingness to do so. I work with a variety of non-profits in dealing with hunger/obesity/health & poverty issues and am especially interested in improving the quality of life for all members of our community. I own several Fayetteville businesses and am a member of the Chamber of Commerce.

I am writing in support of looking more closely at a proposal being submitted by Councilman Matthew Petty to allocate city funds for sidewalks along College Avenue, our city's main traffic corridor. Not only is it unsafe for the 14,000 workers, FPS and UofA students, and the rest of the 1/3 of our population who live within one mile of 71B, it is an eyesore to our city's visitors as well as to those of us who travel the corridor from 15th to Joyce on a daily basis. It's difficult to believe anyone would want to move to our city if their first impression is driving from the interstate up College Avenue. As a South School property owner, it's frustrating to know that money would be spent on a the 4-lane Ruppel Rd project (which according to our own study would save less than one minute on the average west side commute and is not necessary for another 10 years). College Avenue is the heart of our city and it's rehabilitation cannot wait 10 years. Many of the nonprofit participants with which I work live close to 71 B and depend on public transportation or walking to get to work, eat, shop, etc.

I've seen firsthand the truth of "if you build it they will come" in regards

to the sidewalks built on our Hwy 45 property. It's amazing to see the increased number of families walking to the nearby schools and businesses as well as those recreational and or health-minded walkers & bike riders using these sidewalks. I am all for the north-south connection on the west side of town (my parents and sister live there and we work with the Boys and Girls club, Owl Creek, Cobblestone Farm, and many other west end organizations). It seems to me that 2 lanes, with the sidewalks and trail already planned on Ruppel, would be enough for now. Money spent on revitalizing 71 B would increase the city's economic value as well as improve the quality of life for the almost 50% of the population who live, work learn, and shop there.

This seems like a "win/win" to me.

Thank you so much for consideration of this opinion. And thank you for all you do to make Fayetteville the wonderful community it is!

Sincerely,
Denise Garner
479.283.5050

Emailed to Aldermen 3/18/14

Smith, Sonda

From: Lexi Acello <lexi.rayne1@gmail.com>
Sent: Tuesday, March 18, 2014 1:43 PM
To: City_Clerk
Subject: To Council Members Regarding Ruppel Road Expansion

Hello! I'm Lexi Acello. I've been a Fayetteville resident for three years and this town has done nothing but surprise me with it's personality, culture, and relaxed environment. I love that the local politicians actually seem invested in this town and are motivated by more than profit and prestige. This city has a vision of a constantly improving, evolving Fayetteville and I'd like to share some ways in which I think that vision could be accomplished.

The Ruppel expansion to MLK is by no doubt a great idea and a necessary investment, especially considering how quickly the West side of town is growing. I live on the West side, very close to Ruppel, off of Mount Comfort. I will certainly use the expansion once it's finished. However, I feel it's excessive to build the road with 4 lanes when both the future predictions and current numbers make it clear that won't be necessary for several years down the road. If the \$1.7 million saved by only building a two lane expansion could go to areas with higher need, I feel the city would see more benefit all around and appreciate the efforts more.

Alderman Petty has some suggestions that I solidly support, such as spending the money saved on expanding the Rolling Hills area and the intersection at 15th and 71B (Tanglewood and IGA). In the recent Mayoral election, spending money to improve College Avenue was a major topic, but we've yet to see commitment to that. It's such a large part of this town. It's the location of so many jobs and businesses. Its need is greater and more obvious than the Ruppel area. Instead of overspending on Ruppel, I think it would be better to put the money and energy into supporting and bettering a road that we already have that could really use the attention.

I can see the strengths in the opposing argument, and I understand that the town is only growing in size, but I truly feel the people of this city would see the most benefit from spending the money on the College Avenue area.

Thank you for your time and I hope you all have a wonderful day!

Lexi Acello
3538 W. Clabber Creek Blvd.
Fayetteville, AR 72704

emailed to aldermen 3/18/14

McCoy, Dee

From: Long, Alan
Sent: Tuesday, March 18, 2014 1:54 PM
To: City_Clerk
Subject: Fwd: Ruppel Road - 4 lanes
Attachments: image001.png; image002.jpg; image003.jpg; image004.png; image005.png; image006.png

Please forward to the council.
Thank you,

Alan

Begin forwarded message:

From: Steve Clark <SClark@fayettevillear.com>
Date: March 18, 2014 at 1:45:51 PM CDT
To: Alan Long "ward4_pos2@ci.fayetteville.ar.us" <ward4_pos2@ci.fayetteville.ar.us>
Cc: Steve Clark <SClark@fayettevillear.com>
Subject: Ruppel Road - 4 lanes

I am contacting you to encourage you to vote to approve 4 lane construction on Ruppel Road during your meeting this evening.

As the City's economic developer, I want to recommend 4 lane construction for Ruppel Road. The simple explanation for this recommendation is the current economic development that is occurring on the West side of our City between MLK and Wedington. It is my opinion that this development is going to continue and actually increase. It is my further opinion that Ruppel Road is part and parcel of that economic development. One only has to drive Ruppel, as I did Saturday, to see that growth is continuing and that growth is occurring around or adjacent to Ruppel Road. Clearly, our city planners have embraced the fact that this growth will occur, which is why they have hosted planning charrettes for the Wedington corridor, which included a 4 lane Ruppel Road.

You are more aware than I, this area of Fayetteville is the fastest growing area of our community. In the last 20 months more than 10 new businesses have opened in this area. There are at least 4 more that are scheduled to open in this area in the next 6 to 8 months. Included in these businesses is a new Hilton Garden Inn hotel with a conference center and the other new amenities include a Walgreen's, health club, Walmart Neighborhood Market, a bank and a church. There are several new restaurants that have opened in this area as well. There are at least 3 more restaurants planned for that area. Additionally, an expansion is planned for our Boys and Girls Club and development of residential housing continues throughout the area.

I believe that adequate street infrastructure is necessary for the existing businesses to grow and to thrive. Adequate street infrastructure is essential for new growth to continue. The best businesses that Fayetteville has are those already located here. I believe a 4 lane Ruppel Road is the best infrastructure you can provide to support our existing businesses.

Our city recognizes that economic development and investment cycles exist. Our city recognizes that businesses local, regional and national plan on 12, 24 and 36 month cycles to create or expand a business. To that end, our city's ability to attract economic investment and growth, which includes new jobs, is based on the fact that City government plans for growth, presents those plans to our citizens for input and then implements those plans. Would be investors and developers monitor our city's proposed plans and our city's growth to determine where they most likely want to locate development. The decisions to locate many of the new businesses that are in this area were actually made 12 to 18 months ago based on the plans developed and presented by the city then as means to support economic growth.

In fact, our city this Thursday evening will be holding a public meeting to get citizen input while showcasing, along with the Arkansas Highway and Transportation department, plans for growth that include the new Crossover exchange at I 540 and Wedington. The plan to be presented includes a roundabout for traffic calming, easier access on and off I 540 for those traveling that stretch of interstate highway and trails connecting the East and West sides of our trail system in our city. This planning is being done to decide and inform our citizens and investors/economic developers how this area will look and what infrastructure will be involved for the years beginning 2015 and 2016.

The ability of investors and economic developers to rely upon those plans is essential for our city to attract new investment, jobs and growth.

A 4 lane road was planned and presented for investors and economic developers approximately 2 year ago. I urge that our city follow that plan.

Steve

Steve Clark, IOM
President/CEO

Click below to learn about the 2014 Leadership Conference:



March 13, 2014

Emailed to Aldermen 3/18/14

From: Ryan Billingsley <ryan.billingsley@gmail.com>
Sent: Tuesday, March 18, 2014 2:56 PM
To: City_Clerk
Subject: City Council Meeting 3/18

Hello Ms. Smith,

I was hoping you could pass along this message to the city council this evening. Thanks very much.

My name is Ryan Billingsley and my wife and I live in Ward 3 now. I just wanted to take a moment to write after I heard about the discussion about Ruppel Rd. I've heard that Mr. Petty's opinion is to make the road 2 lanes instead of 4, because the need for 4 lanes is based on the potential need in 10-15 years, and the money saved could be better spent on College Ave. right now.

I know you have lots of things to consider in matters like this, but I just wanted you to know that if it were as simple as "make Ruppel Rd. 4 lanes or begin to restore College Ave" then I would very quickly vote for the latter with my personal vote.

I certainly see the benefit of connecting west Fayetteville in a better way, but I think Mr. Petty's suggestion is a strong one with good compromise that addresses two projects at once focusing more on current and overdue needs. And, for what it's worth, I think in 15 years we could hopefully come up with a better solution for growth than widening all of our streets.

Thanks for your time,
Ryan Billingsley

McCoy, Dee

Emailed to alldermen 3/18/14

From: Kathleen Deaton <kathleenhdeaton@gmail.com>
Sent: Tuesday, March 18, 2014 3:16 PM
To: City_Clerk
Subject: March 18th City Council road improvements

Hello, My name is Katy Ochoa and I am a resident of Fayetteville, Ward 3. I agree with Council member Matthew Petty that funds from the Ruppel road project should be used to help improve College Ave. Driving on College is dangerous and crowded. Thank you,

Katy Ochoa

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Terry Michaels <terry.michaels530@gmail.com>
Sent: Tuesday, March 18, 2014 3:30 PM
To: City_Clerk
Subject: College Ave. and plans for city streets

Dear Council Members,

I live on the southeast side of Fayetteville. I own two lots on Willow Street and am hoping to soon be an owner of a duplex, also in the south of town. I plan on living in Fayetteville for the rest of my life. One reason I like living here is because you, the decision makers of the city, have been doing a great job of keeping the walking and bike riding friendly avenues open and coming.

I am a frequent visitor to two cities Fayetteville is often compared to, in these cities' earlier histories - Asheville, North Carolina and Austin, Texas. The beauty and cultural offerings of these cities are equal (on a larger scale for them of course) to the beauty and cultural opportunities of our region. What I see as a problem with these two large cities is the lack of sidewalks, bike trails/lanes, and public transportation systems. They are not easy places to get around in using alternative transportation methods. The winding freeways are an eye sore in Austin and not friendly for walking or riding a bike, even though somewhere you are heading might be less than a quarter mile away!

I am proud and pleased to be able to tell my friends in these cities about our lovely city and how our city planners and council women and men are making careful, intentional decisions to create an example for other cities on how to keep urban sprawl to a minimum and maintain the safe and diverse ways of travel a city has to offer. We are a city with possibilities and foresight to be sustainable and environmentally conscious for years to come.

I find it very challenging at this time to stop along College Ave. to check out the many community owned businesses. I am curious about them, but find it difficult to slow down to even check the signs to ensure it is a place I want to go! The city of Austin has this same problem. There are many interesting shops and stores along main streets, but it is close to impossible to find your way to them with traffic speeding around you and pushing behind you. I believe the businesses of College Ave. would gain in customers if College Ave. were improved upon.

Families in our city would benefit from more crosswalks and sidewalks on College Ave. because they would feel more safe and able to get around on foot. Parking would not be as big of an issue if people were able to safely walk or ride a bike from the east side to the west side of College. Don't we want to keep our energy use to a minimum?

I believe that Matt Petty's proposal is a wise one and I hope that you will support it. Thank you for your time in reading my email.

Sincerely,
Terry Michaels

Branson, Lisa

Emailed to Aldermen 3/18/14

From: Nierengarten, Peter
Sent: Tuesday, March 18, 2014 2:10 PM
To: City_Clerk
Cc: Marsh, Sarah; Marr, Don; aubreyshepherd@hotmail.com; Connie; dana.smith@fayar.net; Garnett Wise; James Barton; Mike Emery; Nierengarten, Peter; Pollock, Joanna B.; Richard Russell; Robert Moore; Wisely, Angela
Subject: FW: EAC Ruppel Road Recommendations
Attachments: EAC Ruppel Road Recommendations.pdf
Categories: Responded, Forwarded

Hi Sondra,

Would you please forward the attached recommendations from the Environmental Action Committee to the City Council?

Peter Nierengarten

City of Fayetteville, Arkansas
Sustainability & Resilience Department Director
Direct Phone: 479-575-8272

NOTE my new e-mail address: pnierengarten@fayetteville-ar.gov

 Please consider the environment before printing this email.

From: Marsh, Sarah
Sent: Tuesday, March 18, 2014 12:47 PM
To: Nierengarten, Peter
Cc: Robert Moore
Subject: EAC Ruppel Road Recommendations

Peter,

I drafted the EAC recommendations to submit to the Council. Will you give it a once over and ensure that it is an accurate representation of our discussion? If so, please forward it to the Clerk for distribution to the Council prior to tonight's meeting. Also, please forward it to our EAC members in the event they would like to use it to help craft any comments they have for the Council.

Thanks,
-Sarah



City of Fayetteville
Environmental Action Committee
March 18, 2014

Recommendations for Environmental Best Practices for Ruppel Road Extension

Council Members:

WHEREAS, Goal 5 of the City Plan 2030 states the "We will assemble an enduring green network"; and

WHEREAS, the majority of the Ruppel Road Extension (RRE) and associated development will be constructed within the enduring Green Network (see attached map); and

WHEREAS, the Environmental Action Committee (EAC) shall make recommendations to other city committees and to the City Council on matters concerning the environment, to address environmental concerns, promote a safe and healthy environment, and maintain the natural beauty of the environment within the city.

WHEREAS, a primary goal of the Environmental Action Committee has for many years been "Speak up at meetings related to projects that affect the Enduring Green Network".

WHEREAS, the EAC elected to add a presentation on and discussion of the RRE to the agenda of their March 17, 2014 meeting and identified several areas for concern including:

- Multimodal Transportation that prioritizes alternatives to Single-Occupancy Vehicles
- Sprawl Prevention
- Wildlife Corridors
- Viewshed Protection (Millsap Mtn and Mt. Kessler)
- Watershed Protection

WHEREAS, the EAC opted focus on making recommendations for optimizing the success of the road expansion and not to take a position on the number of lanes constructed at this time,

WHEREAS, the EAC looked to the City Plan 2030 and the Wedington Corridor Master Plan to inform many of the recommendations provided,

NOW, THEREFORE, BE IT RESOLVED BY THE ENVIRONMENTAL ACTION COMMITTEE OF THE CITY OF FAYETTEVILLE DOES RECOMMEND THE FOLLOWING ENVIRONMENTAL BEST PRACTICES FOR OPTIMIZING THE OUTCOME OF DEVELOPMENT ALONG RUPPEL ROAD EXTENSION CORRIDOR:

Section 1: Transportation

- Design for Multimodal Transportation that prioritizes alternatives to Single-Occupancy Vehicles.

- Employ a strategy of pedestrian friendly Nodal development designed to embody the concept of “Park Once”.
- Build it “Transit-Ready”: Include bus pull-offs, crosswalks, and trail crossings in the initial construction of the roadway. Plan and allocate space for future transit shelters, bus benches, and associated signage.
- Implement physical road design strategies to encourage lower traffic speeds.
- The committee endorsed the components of the proposed roadway section including the multi-use trail, sidewalks, vegetated buffers, and median swale with trees.
- Recognize the importance of the corridor for cyclists and pedestrians to access Mt Kessler and cultivate a safe and inviting pedestrian and cycling experience/connection.

Section 2: Sprawl Prevention

- Develop a Complete Neighborhood Plan for the corridor consistent with the goals set forth in the City Plan 2030 and appropriately rezone all affected land prior to construction.
- Prescribe a development pattern that makes traditional town form the standard, that is walkable and urban, and follows our form-based codes.
- Employ a strategy of pedestrian friendly Nodal development designed to embody the concept of “Park Once”.
- Establish a greenway to the west of the RRE to reinforce the corridor as the urban growth boundary for the City.
- Use Conservation Subdivisions to establish or expand the greenway while concentrating development along the corridor.

Section 3: Wildlife Corridors

- Establish wildlife corridors to protect the safety and vitality of wildlife and prevent car/wildlife collisions and road kill.
- Implement the Wedington Corridor Master Plan to designate natural areas, with emphasis on wetlands, forested slopes, streams, and valuable agricultural land.
- Implement the Wedington Corridor Master Plan recommendation to designate a North-South oriented “Greenway” connecting the Hamestring and Owl Creek Watersheds. The EAC recommends that the greenway extend beyond the scope of the Wedington Master Plan and extend south to MLK to reinforce the corridor as the edge of the urban growth boundary for the City. Provide trail connections through the conservation spaced allowing the neighborhood to access and appreciate the greenspace. A land management plan with maintenance responsibilities must be established to ensure the long term viability of the conservation space.
- Establish and maintain a perpetual viewshed of Millsap’s Mountain and Mount Kessler.
- Landscape with native plants and trees to reduce water and maintenance demands, provide habitat and food for wildlife, and enhancing the aesthetic appeal of the corridor.

Section 4: Watershed Protection

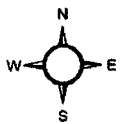
- Require all development within the Enduring Green Network to use Low Impact Development (LID) guidelines.
- Employ LID strategies in construction of the roadway to enhance filtration and pre-treatment of stormwater runoff.
- Designate natural areas along streamsidess to protect the health and viability of the watershed.

This memo was drafted from notes from the March 17, 2014 Environmental Action Committee.

By:



Sarah Marsh, Environmental Action Committee Chair



1 inch = 1,500 feet

RUPPLE ROAD ENDURING GREEN NETWORK

Smith, Sondra

Emailed to Aldermen 3/18/14

From: cbduty@aol.com
Sent: Tuesday, March 18, 2014 12:23 PM
To: Smith, Sondra
Subject: Ruppel Road

Alan Long told me I could add my opinion via E mail since I cannot drive at night to the meeting....I live on Sunset Drive. My daughter lives near Ruppel Road. I agree that it should be 4 lanes from the start. We drove it last Saturday and it definitely needs to be finished, and soon.

Carolyn Banks

Smith, Sondra

Emailed to Aldermen 3/18/14

From: tedbelden@aol.com
Sent: Tuesday, March 18, 2014 2:44 PM
To: Smith, Sondra
Subject: Ruppel Road -Ted Belden Comments

Dear City Council Members:

I would respectfully ask the members of the City Council to support the full expansion of Ruppel Road as recommended by the traffic study, and would submit the following three reasons why members should seek the full four-lane plan:

- 1) If the Council expects the citizens of Fayetteville to support future bond issues, they should adhere wherever possible to the existing parameters of approved projects. At the same time, if the City Council wishes to enjoy continued citizen support for the Fayetteville Master Plan, then the members would be well advised to stick closely wherever practical to its fundamental elements.
- 2) All parties seems to agree with the conclusion of the project study that adding additional lanes to Ruppel Rd. in the future will be much more expensive than building them today. Those of us who live and own land along Ruppel are thus concerned about whether the funds will be available to us in the future when the traffic patterns warrant the additional two lanes.
- 3) I would argue that the city should take every opportunity to provide west Fayetteville with a full and carefully-planned infrastructure to ensure that it develops as a interconnected and flourishing part of the city. We can agree that there is, in general, a substantial income differential between east and west Fayetteville, with the citizens on the west side being generally poorer and more mobile (i.e. with more renters than owners) than their fellow citizens to the east, and we should agree that this imbalance is not ideal. One important way of attaining greater income diversity and achieving more community stability is to encourage the growth of business and residential investment in the area, all of which naturally depends on a well-constructed transportation network.

I hope the City Council will ultimately agree with me that the full Ruppel Road plan represents an important element in our city's broader transportation plan and one that is particularly indispensable to the future of west Fayetteville.

Sincerely,

Ted Belden

Emailed to Aldermen 3/18/14

Smith, Sondra

From: JODY COBERLY <tcoberly@sbcglobal.net>
Sent: Tuesday, March 18, 2014 1:26 PM
To: Smith, Sondra
Subject: Ruppel Road

It will never be less expensive to extend and widen Ruppel Road than it is right now. Stick with plans and do it now. Terry Coberly

Emailed to aldermen 3/18/14

Smith, Sondra

From: Jim Hazen <jimhazen2@gmail.com>
Sent: Tuesday, March 18, 2014 8:43 AM
To: Smith, Sondra
Subject: Ruppel Road construction

Dear City Council: I am a property owner on the north end of Ruppel Road at Mt. Comfort. Everyone has an opinion about one lane or two, but the voters approved the tax specifically to improve Ruppel Road and the movement of cars in the city. A one time, correct construction of Ruppel saves money, citizen headaches, and criticism of never doing the job right. Doing the job twice means tearing up previous work, inconveniencing citizens, buying more land at higher prices. Do it right and complete in the first place. This will also encourage progress because people will know what they will be dealing with for the future. This corridor will relieve the traffic flow at Wedington and Ruppel which is suppose to be a central point of westward expansion. The two lane Ruppel at my location going north from Wedington has had numerous accidents and is often non-stop traffic. As they say, build it and they will come. Jim Hazen 2160 Ruppel Road

Emailed to Aldermen 3/18/14

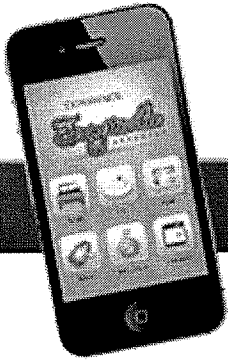
Smith, Sondra

From: Marilyn Heifner <mheifner@twncenter.com>
Sent: Tuesday, March 18, 2014 8:53 AM
To: Smith, Sondra
Subject: Ruppel Road

Since it is the purpose of a road to carry traffic, it makes the most sense to build Ruppel Road four lanes now. The City Council has a great opportunity to lead in the future development of the west side of Fayetteville and plan for future growth now.

Marilyn Heifner

Fayetteville A & P Commission
P. O. Box 4157
Fayetteville, Arkansas 72702-4157
479.521.5776
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www.experiencefayetteville.com



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Emailed to Aldermen 3/18/14

Smith, Sondra

From: Smith, Sondra
Sent: Tuesday, March 18, 2014 3:16 PM
To: 'Adams, Rhonda'; Branson, Lisa; Broyles, Lana; Eads, Gail; 'Gray, Adella'; Johnson, Kimberly; 'Jordan, Lioneld'; Kinion, Mark; 'Long, Alan'; Marr, Don; 'Marsh, Sarah'; 'McCoy, Dee'; Mulford, Patti; Pennington, Blake; 'Petty, Matthew'; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Ruppel Road

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

From: Naomi L [mailto:naomil46@yahoo.com]
Sent: Tuesday, March 18, 2014 9:45 AM
To: Smith, Sondra
Subject: Ruppel Road

I am sorry I just got the message pertaining to Ruppel Road. My name is Naomi Laubler, I live off Ruppel Road in the Clabber Creek sub-division.

I just want the court to know that the hill coming up from ruppel and connecting to Mt. Comfort is very dangerous. The snow storm we got in February cars could not go up or down on that hill. I nearly got slammed into by a truck coming down the hill making me stop half way up the hill. Needless to say I had to have someone to back it back down the hill and I had to go back to Weddington road and go up 540 and get off at exit 65 to get home. So I would like to voice my opinion on straightening out the road to cross over Mt. Comfort.

I also, do not feel it is necessary to continue the road up to W Howard Nickell Rd.
The trucks can use West Salem they do not need to come thru by the middle school.

Thank you,
Naomi Laubler

Emailed to Aldermen 2/18/14

Smith, Sonda

From: hlochhaas@gmail.com
Sent: Monday, March 17, 2014 9:00 PM
To: Smith, Sonda

I am amazed that someone would want to divert money from our Ward (4) to another Ward. The problem with many in government is they look at the immediate rewards rather than planning for the future. A perfect example is the expansion of I540. How much is that costing taxpayers? Citizens all over the country are losing faith in our elected officials because of their pet projects and wasteful spending of our hard earned tax dollars. Please, don't waste our money, do the expansion right the first time, rather than having to go back and do it over again for considerably more in both money and added inconvenience to the residents of the neighborhoods involved.

Hazel Lochhaas
Resident Ward 4

Sent from Windows Mail

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Marsh, Sarah
Sent: Tuesday, March 18, 2014 1:34 PM
To: Smith, Sondra
Subject: Environmental Action Committee Recommendations for Ruppel Road Extension
Attachments: EAC Ruppel Road Recommendations.pdf

Sondra,

Please forward to the Council.

Council Members,:

The proposed Ruppel Road Extension bisects our Enduring Green Network. As such, the Environmental Action Committee discussed the potential impact at our meeting last night and developed some recommendations for optimizing the outcome of developing the corridor. Please find the attached memo summarizing our recommendations. We did not take a position on the number of lanes for the roadway, but instead focused on developing best management practices applicable to both scenarios.

Thank you,
-Sarah Marsh
Environmental Action Committee Chair



City of Fayetteville
Environmental Action Committee
March 18, 2014

Recommendations for Environmental Best Practices for Ruppel Road Extension

WHEREAS, Goal 5 of the City Plan 2030 states the “We will assemble an enduring green network”; and

WHEREAS, the majority of the Ruppel Road Extension (RRE) and associated development will be constructed within the enduring Green Network (see attached map); and

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WHEREAS, the EAC elected to add a presentation on and discussion of the RRE to the agenda of their March 17, 2014 meeting and identified several areas for concern including:

- Multimodal Transportation that prioritizes alternatives to Single-Occupancy Vehicles
- Sprawl Prevention
- Wildlife Corridors
- Viewshed Protection (Millsap Mtn and Mt. Kessler)
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WHEREAS, the EAC opted focus on making recommendations for optimizing the success of the road expansion and not to take a position on the number of lanes constructed at this time,

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NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL ACTION COMMITTEE OF THE CITY OF FAYETTEVILLE DOES RECOMMEND THE FOLLOWING ENVIRONMENTAL BEST PRACTICES FOR OPTIMIZING THE OUTCOME OF DEVELOPMENT ALONG RUPPEL ROAD EXTENSION CORRIDOR:

Section 1: Transportation

- Design for Multimodal Transportation that prioritizes alternatives to Single-Occupancy Vehicles.
- Employ a strategy of pedestrian friendly Nodal development designed to embody the concept of “Park Once”.

- Build it "Transit-Ready": Include bus pull-offs, crosswalks, and trail crossings in the initial construction of the roadway. Plan and allocate space for future transit shelters, bus benches, and associated signage.
- Implement physical road design strategies to encourage lower traffic speeds.
- The committee endorsed the components of the proposed roadway section including the multi-use trail, sidewalks, vegetated buffers, and median swale with trees.
- Recognize the importance of the corridor for cyclists and pedestrians to access Mt Kessler and cultivate a safe and inviting pedestrian and cycling experience/connection.

Section 2: Sprawl Prevention

- Develop a Complete Neighborhood Plan for the corridor consistent with the goals set forth in the City Plan 2030 and appropriately rezone all affected land prior to construction.
- Prescribe a development pattern that makes traditional town form the standard, that is walkable and urban, and follows our form-based codes.
- Employ a strategy of pedestrian friendly Nodal development designed to embody the concept of "Park Once".
- Establish a greenway to the west of the RRE to reinforce the corridor as the urban growth boundary for the City.
- Use Conservation Subdivisions to establish or expand the greenway while concentrating development along the corridor.

Section 3: Wildlife Corridors

- Establish wildlife corridors to protect the safety and vitality of wildlife and prevent car/wildlife collisions and road kill.
- Implement the Wedington Corridor Master Plan to designate natural areas, with emphasis on wetlands, forested slopes, streams, and valuable agricultural land.
- Implement the Wedington Corridor Master Plan recommendation to designate a North-South oriented "Greenway" connecting the Hamstring and Owl Creek Watersheds. The EAC recommends that the greenway extend beyond the scope of the Wedington Master Plan and extend south to MLK to reinforce the corridor as the edge of the urban growth boundary for the City. Provide trail connections through the conservation spaced allowing the neighborhood to access and appreciate the greenspace. A land management plan with maintenance responsibilities must be established to ensure the long term viability of the conservation space.
- Establish and maintain a perpetual viewshed of Millsap's Mountain and Mount Kessler.
- Landscape with native plants and trees to reduce water and maintenance demands, provide habitat and food for wildlife, and enhance the aesthetic appeal of the corridor.

Section 4: Watershed Protection

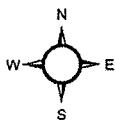
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- Employ LID strategies in construction of the roadway to enhance filtration and pre-treatment of stormwater runoff.
- Designate natural areas along streamsides to protect the health and viability of the watershed.

This memo was drafted from notes from the March 17, 2014 Environmental Action Committee.

By:



Sarah Marsh, Environmental Action Committee Chair



1 inch = 1,500 feet

RUPPLE ROAD ENDURING GREEN NETWORK

Emailed to Aldermen 3/18/14

Smith, Sondra

From: James McCartney <james@uark.edu>
Sent: Tuesday, March 18, 2014 9:07 AM
To: Smith, Sondra
Subject: Ruppel Road Expansion

I am writing to express my support for widening Ruppel road from MLK to Wedington at 4 lanes. This should be done at the beginning to save money and prepare for future expansion. The 2006 bond issue was passed with this expansion in mind and the Ward 4 funds are allocated already. These North/South (as well as East/West) corridors are essential for traffic flows in our growing city.

Regards

--

James McCartney
1523 W Hotz Dr, Fayetteville AR

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Garry Vernon McDonald <gmcdonal@uark.edu>
Sent: Tuesday, March 18, 2014 10:37 AM
To: Adams, Rhonda; Smith, Sondra
Subject: Ruppel Road Extension

Dear Council:

This note is to express my support for the full design plan for the Ruppel Road extension project.

I'm not going to argue all the fine points of the Ruppel Road extension project since you are much more familiar with the intricacies than I ever will be. However, it is my understanding that bonds were voted on and passed to fund specific projects including Ruppel Road. As such, our property owners association (Ruppel Row POA) has worked closely with city planners and engineers over the past year or so to understand the impact of this road extension on our neighborhood including on-street parking, mailbox replacement, tree canopy and pedestrian flow. We've attended planning meetings, design charrettes, and had individual contacts with staff. I must say at first I was leery, but was convinced by city staff that this was an important part of a larger infrastructure plan to alleviate traffic congestion along the Wedington corridor and improve flow for further development. I'm not excited about increased traffic along Ruppel Road, but even less excited about increased traffic congestion west of I-540. As a "good faith" gesture, Ruppel Row POA just spent about \$16,000 replacing trees along the west side of Ruppel with the idea they would visibly and ecologically enhance the fully-designed Ruppel Row project. I feel this shows our neighborhood's commitment to the project.

While needs are great throughout the city, my main concern is a diversion of funds would be an act of bad faith on the part of the Council. I certainly don't know all the details, but it seems the voters of Fayetteville approved bonds for specific infrastructure projects. If so, the funds should be used as intended by the voters. It will be hard to pass future desperately needed bond issues if the citizens feel they can't trust the city to implement projects as proposed and voted on. Projects should be fully funded, built and then move on to the next project. Fits and starts and dispersal of effort does not seem a good way to achieve the long term goals of the city master plan. It's like that promised family trip "next year". Next year never comes.

Respectfully yours.

Garry McDonald
530 N Tennyson Ln
Fayetteville, AR 72704

Emailed to Aldermen 3/18/14

Smith, Sonda

From: Courtney Madden Ogden <courtneymogden@gmail.com>
Sent: Monday, March 17, 2014 11:34 PM
To: Smith, Sonda
Cc: longward4@gmail.com
Subject: Ruppel Road Project

Dear Mayor,

As a resident of Ward 4 for the past 5 years I write you about the Ruppel Road Project. I understand that Alderman Petty would like for this project to be 2 lanes instead of the 4 lanes that was projected in 2006. Our Ward is one of the fastest growing areas of Fayetteville with continued NEW construction daily. Currently we do not have easy access from Mt Comfort Road to Martin Luther King Blvd without getting onto 540.

I understand that Alderman Petty feels like it is a waste at this money, but I believe that once it is complete all 4 lanes will be utilized. If you drive on Wedington Drive at any time you will find it busy at all times of the day and normally backed up with getting on and off of 540. If you could relieve some of this traffic with a way to by-pass 540 that would help the West side of Fayetteville. There is continued growth on Wedington Drive that will only make the Ruppel Road project more useful to this area.

If it's known that Ruppel will need to be 4 lanes in the next few years then why wait and put this area through another construction zone twice and just do it once and save the city some money.

Thanks,

Courtney Madden Ogden
Ward 4 Resident

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Maurice Rankin <WMauriceR@cox.net>
Sent: Monday, March 17, 2014 7:27 PM
To: Smith, Sondra
Subject: Expansion of Ruppel Road

Ruppel Road expansion was widely discussed by voters prior to passage of the sales tax. Voters knew 4 lanes were proposed.

If council thinks reducing the immediate cost so as to shift money to another project is essential I suggest a hybrid approach...the one the state is using to build the Bella Vista Bypass. Buy ROW, relocate utilities, and create a base for 4 lanes plus sidewalks/trails. Pave only the 1st 2 lanes, sidewalks & trails at this time.

It will still cost more in the end to expand the street piece-meal but not as much as it will if sidewalks are ripped out to expand the road later. Paying 4-5 times as much in the future doesn't sound like good money management.

The fact that sections of the road built relatively recently are already planned for widening to 4 lanes suggests the rest of the road will also need to be 4 lanes relatively soon.

Wilbur Maurice Rankin
105 N. Double Springs Rd.
Ward 4.

Emailed to aldermen 3/18/14

Smith, Sonda

From: Beverly Schaffer <bschaffer@arkansas.net>
Sent: Tuesday, March 18, 2014 1:40 PM
To: Smith, Sonda
Subject: Ruppel Road Expansion

Dear Mayor and Aldermen,

We hope you will decide to honor the results of the 2006 bond election by moving forward with plans to widen Ruppel Road to four lanes.

We and our daughter own a home located off of Salem Road. Our daughter has lived in this neighborhood for the last three years. It is an understatement to say that the residents of Ward 4 west of I-540 suffer from a lack of connectivity to the rest of Fayetteville. This growing area is isolated to a large degree from the rest of Fayetteville due to the lack of thoughtful planning in the past. Improvements in the infrastructure necessary to support this growth are overdue.

We believe west Fayetteville is a wonderful place to live and will continue to grow at a rapid rate. Thankfully, it offers some of the most affordable housing in the city for families and has excellent neighborhood schools. In recent years, a lot of private dollars have been invested in the area to bring grocery stores, pharmacies, banks, restaurants and other amenities to serve the growing residential population. Unfortunately, all of this activity has created a traffic nightmare with so many residents trying to access those amenities with only a few ways "in and out".

We very much support the widening of Ruppel Road to four lanes from Wedington to MLK and also strongly encourage the city to follow up with the widening of Ruppel Road to Mount Comfort Road. This will provide excellent connectivity for residents of this area who now have to weave through busy side roads and navigate dangerously congested areas of Wedington just to visit a grocery store or home improvement center. Looking even further down the road, we support the plan to extend this connectivity to Howard Nickell Road. Once the planned improvements are made connecting Gregg Street to Highway 112, this will enable residents of west Fayetteville to access businesses and amenities in both north and south Fayetteville that largely are cut off to them now. This is a thoughtful plan for fully integrating this area of Ward 4 into the city.

One other factor is worth noting. There has been a rapid development of student housing projects south of the UA. Just today, the newspaper reported another 1,000+ beds are planned for another student housing project on MLK. While we know the developers like to say the students will be walking or biking rather than driving, most of us realize they will be driving to and from grocery stores, sports bars, pharmacies and restaurants on Wedington. A four lane connection from Ruppel Road to Wedington would take a lot of pressure off of the Wedington/I-540 interchange. It might also encourage student residents to travel further west on MLK to access their favorite location on Wedington rather than use the soon-to-be four lane Razorback Road and cut through University Heights neighborhood to get to Wedington. A widened Ruppel Road would provide a more direct route.

We wholeheartedly agree with Alderman Petty that College Avenue begs for improvements. We would support finding, or creating, another revenue source for improvements to College Avenue. We think both projects are worthy. But with the recent Wedington Corridor long-range plan in place, and

improvements planned for the Wedington/I-540 interchange, it would be shortsighted to slice the Ruppel Road project in half. The money saved would not make a dent in the funds needed to make meaningful improvements to College Avenue. We support Alderman Petty's efforts to transform College Avenue, we just don't want one vision to be sacrificed for another. Ward 4 is counting on you to help get us a little bit closer to realizing our vision of bringing the neighborhoods west of I-540 closer, in more ways than one, to the rest of the city.

Thank you for your hard work and consideration,

Beverly and Archie Schaffer

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Sarah E. Spiegel <sspiegel@uark.edu>
Sent: Tuesday, March 18, 2014 9:23 AM
To: Smith, Sondra
Subject: Ruppel expansion

City Council members,

I am unable to make the meeting so I don't if my opinion really matters here, but I think that limiting the Ruppel expansion to two lanes is very short-sighted. Given how heavy traffic currently is in west Fayetteville, I'd much rather have the infrastructure in place now, rather than later. Look at the mess that is Garland. Construction once, done right, should be the aim of the city. Extended Ruppel to MLK will help relieve the stress on the smaller roads we currently have to use to get to MLK and will help redistribute traffic. The opinion of the city planner that there isn't enough traffic to justify four lanes is preposterous. Has he driven in west Fayetteville during peak traffic? We have more than enough traffic to justify the full four lanes. And given the seemingly endless construction on 540 (at Porter Rd.) and on 112, we don't have any easy options to get to MLK without backtracking to Farmington via Broyles.

Let's do it right, the first time and not be caught unprepared for the traffic to become so congested, yet again, that we need those two lanes people are arguing about

Thanks,

Sarah Spiegel

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Smith, Sondra
Sent: Tuesday, March 18, 2014 2:24 PM
To: 'Adams, Rhonda'; Branson, Lisa; Broyles, Lana; Eads, Gail; 'Gray, Adella'; Johnson, Kimberly; 'Jordan, Lioneld'; Kinion, Mark; 'Long, Alan'; Marr, Don; 'Marsh, Sarah'; 'McCoy, Dee'; Mulford, Patti; Pennington, Blake; 'Petty, Matthew'; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Ruppel Road

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

From: Long, Alan
Sent: Tuesday, March 18, 2014 2:23 PM
To: Smith, Sondra; City_Clerk
Subject: Fwd: Ruppel Road

Please forward to the council.
Thank you,

Alan

Begin forwarded message:

From: Teresa Turk
Date: March 18, 2014 at 1:57:30 PM CDT
Subject: Ruppel Road

I think Ruppel Rd plans should remain as a 4 lane hwy. That's what the people voted for and it does not seem that need for the 4 lane road has changed.

Thanks a bunch,
Teresa Turk

McCoy, Dee

Emailed to aldermen 3/17/14.

From: City_Clerk
Sent: Monday, March 17, 2014 1:39 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Pennington, Blake; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Cc: Pate, Jeremy
Subject: FW: Changes Needed/Less Spending to Ruppel expansion

From: Sarah Moore [mailto:mooresarah_bgm@yahoo.com]
Sent: Monday, March 17, 2014 12:27 PM
To: City_Clerk
Subject: Changes Needed/Less Spending to Ruppel expansion

Hello city council members. My name is Sarah Moore and I live close to Wilson park on Patricia lane. My family is one of the numerous soles that came to the university of arkansas as a transplant and never left after falling in love with the beauty of the city and the people of Fayetteville. We have been a bit dismayed in recent years as increased traffic and lack of safe pedestrian venues has hampered our attempts to go more places in the city by bicycle and by foot. The primary reason we picked where we live is to be able to not get in a vehicle for several days or more and venture to parks, trails, restaurants, & the grocery without fear of personal safety.

Let me tell you, we have not been getting nearly as far as we would like and definitely feel that the safety of ourselves and our 2 year old daughter can be in jeopardy as we try to go out and do the above. With the Ruppel proposal to 4 lane and spend almost 2 million, I believe there is an alternative to improve Ruppel using less funds and then redirect funds to areas around town including college avenue. (an area that we will NEVER venture on by foot the way it is) We are asking that the council consider some of the suggestions of Matthew Petty as well as the input of citizens on areas around town in the core of town that need improvements in order to further Fayetteville's mission to be green and promote alternate methods of transportation.

--Do we really need 4 lanes in a highly residential area with a school? I live off of North st with a 25mph posted speed limit and 2 lanes and I feel my life in peril often as cars careen at 50mph easily.

--Has a council member tried to leave from Dickson or even township and venture North on college by foot? I would be very interested in your experience on this.

--Can we tighten our spending on Ruppel and redirect funds towards a trail or sidewalks on College avenue to connect a corridor from the current bike trail and downtown?

It is very hard for me to witness someone on foot on College avenue today where often times the sidewalk ends or is taken over by debris and the pedestrian is left to scurry dangerously on college avenue to continue their journey. Every citizen should count and those that use this corridor should matter and their journey should be made easier with continual sidewalks, wider sidewalks, no debris/utility poles in the way of the path.

We are very proud of the current trail system and impressed with what has been done there and find it to be a jewel of our town. Unfortunately, most individuals use College more prevalently and I'm afraid of the message we are giving others about what we really care about? Let's send the right message

but more importantly let's be proactive and progressive like the town we know we are - let's not be content with what we have but improve our college corridor for better business prosperity on this path and improved quality of life for the citizens of Fayetteville.

Thanks so much for your time & consideration. Our family will be following this discussion closely.
Sarah Moore

Smith, Sondra

Emailed to Aldermen 3/19/14.

From: Angela <ascmcknight@gmail.com>
Sent: Tuesday, March 18, 2014 5:55 PM
To: Smith, Sondra
Subject: Ruppel Road Expansion

I live in Ward 4. I believe that the money allocated for the 4 lane Ruppel Road expansion should be spent as voted for during the bond issue.

Angela McKnight
1969 W. Archer

Sent from my iPhone

Smith, Sondra

Emailed to Aldermen 3/18/14

From: Claire Kolberg <claire@centuriaventures.com>
Sent: Tuesday, March 18, 2014 1:56 PM
To: Smith, Sondra
Subject: Ruppel Road expansion

Hi there,

I am a homeowner in Ward 4 and would like to see the funds appropriated for Ward 4 used for the construction of Ruppel Rd from MLK to Wedington to a 4 lane highway. Please do not divert funds from Ward 4 to Ward 2.

Thank you,

Claire Kolberg • Project Specialist
claire@centuriaventures.com

Smith, Sondra

From: Thelma Tarver <ttarver0@gmail.com>
Sent: Tuesday, March 18, 2014 4:33 PM
To: Smith, Sondra
Subject: Ruppel Road expansion opinion

I support the 4-lane expansion of Ruppel road from MLK to Wedington to provide traffic relief west of 540.

Thelma Tarver
1701 West Center Street
Fayetteville, AR 72701
phone: 5213667
ttarver0@gmail.com

McCoy, Dee

Emailed to Aldermen 3/18/14

From: Ron Cox <0907rc@gmail.com>
Sent: Tuesday, March 18, 2014 4:19 PM
To: Smith, Sondra
Subject: Ruppel Road project

Categories: Completed

The proposed changes to the Ruppel Road project remind me of a similar project years ago when Township was extended from Old Wire Rd to Crossover. The project was to be a four lane east/west connector. However, there was not funding for four lanes. It was decided to do two lanes now and then widen the road in the near future. That was many years ago and as you know Township is still two lanes. The same will happen to Ruppel Road if the project is changed. Changing the project is a bad idea in the long term.

Ronald Cox.

Sent from my iPhone

McCoy, Dee

Emailed to aldermen 3/18/14

From: Linda <leichmann@msn.com>
Sent: Tuesday, March 18, 2014 4:17 PM
To: Smith, Sondra
Subject: Ripple road

Please forward this to the mayor and council members:

We are in favor of keeping the current plan for Ruppel Road. The west side of Fayetteville is growing rapidly and it will be much more economical to build it properly now rather than try to expand it later on. We do not need more disruption like Garland.

Thank you,
Raymond and Linda Eichmann
Sent from my iPh

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Jackson Lafargue <jdlafarg@email.uark.edu>
Sent: Tuesday, March 18, 2014 4:36 PM
To: City_Clerk
Subject: Regarding the debate on road projects

Categories: Responded, Forwarded

Hi there. My name is Jackson Lafargue. I'm a University of Arkansas student, Fayetteville native, and a regular pedestrian. I live approximately a mile east of College nearest to the College/Sycamore intersection and routinely walk to class if I'm not able to find a ride. This means I must cross College at least several times a week. While I am able to do it by watching the traffic signals and paying attention to cars on all four ways of the intersection, I find that it is sometimes difficult due to the lack of pedestrian walk signals and crosswalks. Not only that, but I find that this situation exists at many other intersections and crucial areas in town. Many may not realize this since we live in such a car-based society, but there are serious flaws concerning walkability in the city, especially when it comes to crossing into different areas of town, which usually means having to cross a major highway or traffic artery where the crosswalks and signals are very few. The most glaring example of this problem is on College, especially in the Midtown area between roughly Maple and Poplar streets. With your help, this area of College could be greatly improved to accommodate those who live in the area that regularly walk and/or bike to their destinations.

I am urging you, the council, to carefully weigh your options tonight as you decide which road projects to allocate money to. Having lived in Farmington a couple of years ago, I understand the need for a north-south connection between MLK and Wedington. However, having Interstate 540 a few miles away, plus having the Boys and Girls Club and Owl Creek Elementary on the same street, I do not believe four lanes are necessary at this point. Furthermore, the extra lanes would draw more traffic to Ruppel and potentially pose a danger to children who attend the facilities stated above.

In closing, I believe that both of these projects are needed for Fayetteville. However, I don't believe that College avenue improvements should get the short end of the stick in favor of a four lane west-side connection that would only save people around 50 seconds of travel time. In my opinion, a two lane Ruppel connection and important improvements on College can coexist on the same transportation budget.

Thank you for your time!

-Jackson D. Lafargue

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Chung Tan <chungtan@gmail.com>
Sent: Tuesday, March 18, 2014 4:58 PM
To: Smith, Sondra
Subject: Ruppel Extension from Boys & Girls Club to MLK

Hi Sondra:

I am writing this e-mail as a resident of Ward 4.

I vote to make the Ruppel Road extension a 4 Lane extension for these reasons:

- 1) It's a trust issue--if the city tells us what the tax money is going to be used for, it should be used for that. If the City Council can change their minds, this will lose the trust of the people and in the future, if the City wants to count on the people to vote for some issue, the people will think twice and rightly so.
- 2) I believe in doing it right the first time. It is more cost efficient and less bothersome compared to building 2 lane now and expanding it to 4 lane later.
- 3) Ward 4 funding should stay in Ward 4. We should not be transferring funds from one ward to another ward, unless for a very good reason.
- 4) The extension will help to ease traffic on the west side of town and I believe that this road will be well used once it is constructed.

Please share this feedback with the Council tonight.

Thanks for all you do for Fayetteville.

Chung Tan
Resident
4774 New Bridge Rd
Fayetteville, AR 72704

Emailed to Aldermen 3/18/14

McCoy, Dee

From: Molly Carman <mollymcarman@yahoo.com>
Sent: Tuesday, March 18, 2014 5:11 PM
To: City_Clerk
Subject: Ripple Road extension plan

Dear City Council Members,

My name is Molly Carman, and I am a high school teacher and frequent pedestrian here in Fayetteville. I am writing because I wanted to share my thoughts about the proposed extension of Ruppel Road to make a north-south connection on the west side of town.

First of all, I am extremely pleased that we are finally making this connection. The west side is difficult to navigate, and this will make things easier for drivers, bikers, and walkers. However, I do not believe that a 4-lane road is necessary. I agree with Mr. Petty and many other Fayettevillians that some of the project's budget could be better spent improving midtown-- specifically, College Ave.

One of the main reasons that I live where I do (just south of Archibald Yell on Locust) is that this is one of the few areas of town where a person can walk or bike to shops, restaurants, entertainment, and even a grocery store. It's not the most pleasant walk in the world, but the sidewalks on MLK even make it possible for me to walk to work every day, instead of driving. Walking has become an important part of my lifestyle, and has influenced my family's transportation-related decisions. I sincerely hope that we can extend this walkability beyond the downtown area, and I think that College Ave is an excellent place to start.

The Ruppel extension is important, but 4 lanes are unnecessary, and would not be the best use of the allocated funds. Let's use some of that money to make a long-overdue change to one of our city's most important arteries. This is a golden opportunity to revitalize our midtown area, and make the businesses along College Ave more accessible and attractive to those of us who prefer (or need) to get around on foot and on bikes!

Sincerely,
Molly M. Carman

Sent from Yahoo Mail for iPad

Emailed to Aldermen 3/18/14

Smith, Sondra

From: Robert James Harrington <rharring@uark.edu>
Sent: Tuesday, March 18, 2014 3:30 PM
To: Smith, Sondra
Subject: Ruppel Road Expansion

This email is to express my support for expanding Ruppel Road to a 4 lane road from Weddington to MLK. This is critical to improving the quality of life of the 25% of Fayetteville residents that live on the West side of Fayetteville. Traffic congestion will only increase and this thoroughfare will provide relief and enhanced property values for this area of the city.

The 4 lane version makes sense for several reasons: 1) having only one construction project of our lanes will be more cost effective (rather than 2 lanes now and 2 lanes in a few years), 2) the one time construction will alleviate frustrations and issues associated with continual construction decreasing quality of life during the second construction time and due to the waiting process of 2 lane to 4 lane of construction approval, 3) the more immediate and longer term investment in 4 lanes will enhance the quality of life of residents and visual beauty of the area.

Thanks and best regards,
Bob Harrington

4752 W Trail Dust St
Fayetteville

Smith, Sondra

Emailed to Aldermen 3/18/14

From: Smith, Sondra
Sent: Tuesday, March 18, 2014 3:29 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Pennington, Blake; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Ruple Road Widening and Extension

Office of the City Clerk Treasurer
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ssmith@fayetteville-ar.gov

TDD (Telecommunications Device for the Deaf): (479) 521-1316

From: J. Laurence Hare [mailto:rupplerowpoa@gmail.com]
Sent: Monday, March 17, 2014 10:53 PM
To: Smith, Sondra
Cc: Long, Alan; Adams, Rhonda
Subject: Ruple Road Widening and Extension

Dear City Council Members:

I am writing in response to the planned presentation by Matthew Petty regarding the reallocation of funds for the N. Ruple Rd. widening and extension project. At the recent meeting of the City Transportation Committee, Mr. Petty made some valid points when he claimed first that the housing density south of Persimmon does not immediately require a 4-lane highway and second when he suggested that 1.7 million of the planned project costs could be put to good use elsewhere in Fayetteville.

But ... I have two objections to the premises of his alternative proposal.

First, where Mr. Petty claims that the development along the Ruple Road extension cannot through its property taxes support the repayment of the expansion costs, he seems to assume that the road is being built solely for the purpose of introducing development between Persimmon and MLK. In fact, the extension of Ruple Rd is intended to facilitate a *citywide* transportation initiative. It is planned as a four-lane highway because it is a major artery designed to support traffic moving from north to south. Above all, it will relieve the traffic pressure on Wedington, MLK, and I-540, which will benefit thousands of commuters each day. For this reason, Mr. Petty should not look at future Ruple development as the sole base of financial support for the Ruple project; rather, he should see view it as a benefit, and a responsibility, for all of Fayetteville.

Second, I understand that the money which he would see moved to an alternative project on N. College Ave. has already been earmarked for the Ruple extension as part of a four-lane highway promised to Fayetteville

voters. To alter the plan now in the interests of another project strikes me as a breach of faith with citizens. I thus disagree with Mr. Petty's assumption that the City Council can lightly move the funds to an unrelated project.

Therefore ...

I would respectfully ask the members of the City Council to support the full expansion of Ruppel Road as recommended by the traffic study, and would submit the following three reasons why members should seek the full four-lane plan:

- 1) If the Council expects the citizens of Fayetteville to support future bond issues, they should adhere wherever possible to the existing parameters of approved projects. At the same time, if the City Council wishes to enjoy continued citizen support for the Fayetteville Master Plan, then the members would be well advised to stick closely wherever practical to its fundamental elements.
- 2) All parties seems to agree with the conclusion of the project study that adding additional lanes to Ruppel Rd. in the future will be much more expensive than building them today. Those of us who live along Ruppel are thus concerned about whether the funds will be available to us in the future when the traffic patterns warrant the additional two lanes.
- 3) I would argue that the city should take every opportunity to provide west Fayetteville with a full and carefully-planned infrastructure to ensure that it develops as a interconnected and flourishing part of the city. We can agree that there is, in general, a substantial income differential between east and west Fayetteville, with the citizens on the west side being generally poorer and more mobile (i.e. with more renters than owners) than their fellow citizens to the east, and we should agree that this imbalance is not ideal. One important way of attaining greater income diversity and achieving more community stability is to encourage the growth of business and residential investment in the area, all of which naturally depends on a well-constructed transportation network.

In forwarding this argument, I do not mean to dispute Mr. Petty's point that we need to address infrastructure problems along N. College Ave. Indeed, I feel that he is right to seek future improvements to this area. Yet I hope the City Council will ultimately agree with me that the full Ruppel Road plan represents an important element in our city's broader transportation plan and one that is particularly indispensable to the future of west Fayetteville.

Sincerely,

Laurence Hare
705 N Ruppel Rd.
Fayetteville, AR
(479) 301-1610

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2014**

A meeting of the Fayetteville City Council will be held on March 18, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the March 04, 2014 City Council meeting minutes.
2. **2013 Internet Crimes Against Children Task Force Program Grant:** A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of \$13,507.53, and to approve a budget adjustment.

3. **Gulf Coast High Intensity Drug Trafficking Area:** A resolution to approve a budget adjustment in the amount of \$115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.
4. **State Drug Crime Enforcement and Prosecution Fund Grant:** A resolution to approve a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.
5. **Insituform Technologies, Inc.:** A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.
6. **Arkansas State Highway Commission:** A resolution authorizing the sale of approximately 4.28 acres of right-of-way and a temporary construction easement to the Arkansas State Highway Commission for the total amount of \$15,050.00 to facilitate the replacement of the Highway 16 bridge across the Middle Fork of the White River.
7. **Arkansas State Highway and Transportation Department:** A resolution to approve the payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment.
8. **Fayetteville Alert System:** A resolution to approve a budget adjustment in the amount of \$66,500.00 to provide funding for a marketing and communication campaign for the Fayetteville Alert System.
9. **Sourcegas Arkansas, Inc.:** A resolution to approve a cost-share utility work agreement with Sourcegas Arkansas, Inc. in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and to approve a project contingency of \$14,455.00.

B. Unfinished Business:

1. **Amend Chapter 178:** An ordinance to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, to enact §178.05 Food Truck Limited Time Permit, to change the section number of Transient Merchants from §178.05 to §178.06 and to amend §97.086 Vending and Peddling. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting. This ordinance was left on the First Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting. This ordinance was left on the First Reading at the January 21, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

Left on the First Reading

2. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. *This ordinance was left on the First Reading at the December 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was Tabled Indefinitely at the February 18, 2014 City Council meeting.*

Left on the Second Reading.

3. **ADM 13-4331 Amend Chapters 151, 162, 163 and 164:** An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

Left on the Third Reading.

4. **Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals:** An ordinance to Amend §92.01 **Definitions**, §92.23 **Impoundment** and §92.24 **Redemption of Animals** of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Second Reading at the March 04, 2014 City Council meeting.*

Left on the Second Reading.

C. New Business:

1. **VAC 14-4617 (1144 N. Futrall Dr./Cornerstone):** An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.
2. **VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate):** An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.
3. **Northwest Arkansas Regional Planning Commission Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program.

4. **U.S. Geological Survey:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.
5. **Ripple Road Cross Section:** A resolution to reaffirm the cross section of Ripple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.
6. **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.
7. **Street Name Change:** A resolution to change the name of Arbuckle Lane to Woodward Lane.

D. City Council Agenda Session Presentations:

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.

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 aids in a City Council meeting as part of their presentation.

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

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

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

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

City of Fayetteville Item Review Form

A. 2
2013 Internet Crimes Against Children
Task Force Program Grant
Page 1 of 18

2014-0102

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Acceptance of the 2013 Internet Crimes Against Children grant award and approval of a budget adjustment in the amount of \$13,508.

Does this item have a cost? ☒ Yes

\$13,508.00

Cost of this request

\$13,508.00

Category or Project Budget

ICAC 2013

Program or Project Name

1010.2920.5210.00/5304.00

Account Number

Funds Used to Date

Grant

Program or Project Category

36033-2013

Project Number

\$0.00

Remaining Balance

General

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul a. B...

Day Man
Hoult...



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: February 24, 2014

Subject: Approval of 2013 Internet Crimes Against Children Grant Award and Budget Adjustment

PROPOSAL:

The Arkansas State Police has awarded an Internet Crimes against Children (ICAC) Task Force Program Continuation Sub-grant for 2013 to the Fayetteville Police Department's Special Investigations Unit in the amount of \$13,507.53. These funds will be used for computer forensic equipment costs related to ICAC investigations in the amount of \$5,035.80 and ICAC training in the amount of \$8,471.73.

RECOMMENDATION:

Staff recommends acceptance of the non-matching 2013 ICAC award and approval of a budget adjustment in the amount of \$13,508.

BUDGET/STAFF IMPACT:

This non-matching grant will supplement existing detective position assigned to ICAC investigations with funding for new equipment and training.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUBGRANT FOR 2013 FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM GRANT IN THE AMOUNT OF \$13,507.53, AND TO APPROVE 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 non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program in the amount of \$13,507.53.

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 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

2013 Interdisciplinary Approach to Child Abuse and Neglect Task Force Program Grant
 Adjustment Number

Budget Year	Division: Police	Adjustment Number
2014	Dept.: Police	
	Requestor: Willie Newman	

Establish revenue and expense budget for the 2013 Internet Crimes against Children (ICAC) Grant award.

REQUEST DATE: 3/18/2014
LEGISTAR FILE ID#: 2014-0102

30 2-15-2012

Date _____

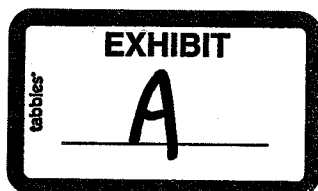
TYPE: ☐ A ☐ B ☐ C ☒ D ☐ E ☐ P

DESCRIPTION:

GLDATE:

POSTED:

RESOLUTION/ORDINANCE

[illegible]



Mike Beebe
Governor

State of Arkansas

A. 2
2013 Internet Crimes Against Children
Task Force



Stan Witt
Director

ARKANSAS STATE POLICE

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

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"

ARKANSAS STATE POLICE COMMISSION

Daniel "Woody" Futrell
Chairman
Nashville

Wallace Fowler
Vice-Chairman
Jonesboro

Frank Guinn, Jr.
Secretary
Paragould

Dr. Lewis Shepherd
Arkadelphia

John Allison
Conway

Bob Burns
Little Rock

Jane Dunlap Christenson
Harrison

February 14, 2014

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

Re: Subgrant Award Notification

Dear Mr. Swanfeld:

It is my pleasure to inform you that portions of your application for funding under award number 2013-MC-FX-K026 have been approved.
Subgrant Award Number: ICAC13-11
Award Period: February 12, 2014 – June 30, 2014
Amount of Award: \$ 13,507.53

Please note, this award is subject to all special conditions outlined in your Memorandum of Understanding and Subgrant Agreement.

Any questions regarding this award should be addressed to me or Ronda Barentine. Ronda can be reached at 501-618-8373.

Congratulations and we look forward to working with you.

Sincerely,


Captain Steven A. Coppinger
Assistant Division Commander
Criminal Investigation Division
Arkansas State Police

Enclosures: Subgrant Agreement
Subgrant Budget Detail
Memorandum of Understanding

ARKANSAS STATE POLICE
SUBGRANT AGREEMENT

A. 2
2013 Internet Crimes Against Children
Task Force Program Grant
Page 6 of 18



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

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

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Stan Witt
Director

Sub Grant Agreement

Sub Grant Number ICAC13-11 is entered into between the Arkansas State Police herein after referred to as the ASP and the Recipient as indicated below.

I. RECIPIENT INFORMATION:

Name: Fayetteville Police Department

Address: 100 West Rock Street

City: Fayetteville

State: AR

Zip Code: 72701

Employer Identification Number or Social Security Number: 71-6018642

AASIS Vendor # 100036504

Purchase Order #(s) _____

Recipient Contact Name, Title, & Phone: Dominic Swanfeld (479)587-3530

ASP Division/Office Contact Name, Title, & Phone: Ronda Barentine (501) 618-8373

II. GRANT PERIOD:

This agreement will begin on February 12, 2014 and will end on June 30, 2014

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

III. AMOUNT AND SOURCE OF FUNDS:

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

FUND	FUND CENTER	COMMITMENT ITEM	COST CENTER	GENERAL LEDGER	WBS	INTERNAL ORDER	AMOUNT
FLA8401	521	501:00:04	456869	51000010000	F.0960.ICAC-13-S		\$ 13,507.53

Total Grant Amount: \$13,507.53

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

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

**ARKANSAS STATE POLICE
SUBGRANT AGREEMENT**

A. 2
2013 Internet Crimes Against Children
Task Force Program Grant
Page 7 of 18

IV. OBJECTIVE AND SCOPE:

CFDA Number 16.543

Title of Grant Arkansas Internet Crimes Against Children Task Force

Grant Status: ☒ Discretionary

☐ Discretionary, but exempt

☐ Non-Discretionary

If Discretionary but exempt, indicate reason for exemption

Purpose of Grant: To enhance investigative and forensic efforts in support of the Arkansas Internet Crimes Against Children (ICAC) Task Force.

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

Attachment No.	Description
1	Memorandum of Agreement
2	Detailed Budget

V. CANCELLATION:

- A. The ASP and the Recipient agree that either party may cancel this agreement with or without cause at any time by giving the other party 30 calendar days written notice, and delivering notice of cancellation either in person or by certified mail, return receipt requested, restricted delivery. Cancellation notices to the Arkansas State Police must be sent to the Fiscal Officer or the authorized representative designated herein.

VI. PROGRAM COMPLIANCE:

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

Sub grantee is required to notify Arkansas State Police of any violations to the above.

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

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

**ARKANSAS STATE POLICE
SUBGRANT AGREEMENT**

- E. **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:** The Recipient, as a lower tier recipient of federal funds, shall comply with Executive Order 12549 (Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions). By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:
1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 2. where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

VII. PROGRAM OPERATION:

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

VIII. INFORMATION AND RECORDS:

- A. **ACCESS TO RECORDS:** The Recipient shall grant access to its records upon request by duly authorized representatives of state or federal government entities. Access shall be given to any books, documents, papers or records of the Recipient which are related to any services performed under this agreement. The Recipient additionally consents that all sub-grants will contain adequate language to allow the same guaranteed access to the records of sub-grantees.
- B. **RECORD RETENTION:** The Recipient will retain all books, records, and other documents relating to expenditures and services rendered under this grant for a period of three years from the date this grant expires, or if an audit is pending at the end of the three-year period, until resolution of the audit.
- C. **CONFIDENTIALITY OF CLIENT RECORDS:** The Recipient will maintain the confidentiality of all client records. This restriction does not apply to disclosures made with the informed, written consent of the client, or if the client is not a competent adult or is a minor, with such consent of the client's parent, guardian or legal representative.
- D. **FREEDOM OF INFORMATION:** The Recipient shall comply with the Freedom of Information Act.

IX. FISCAL PRACTICES

- A. **CLAIMS:** Only those claims for costs and services specifically authorized under this grant will be allowed by the ASP. Any work performed, material furnished, or costs incurred not covered by this grant shall be solely the responsibility of the Recipient.
- B. **NON-DUPLICATION OF PAYMENT:** Services provided or costs incurred under this grant shall not be allocated to or included as a cost of any other state or federally financed program.
- C. **BILLING:** Billing under this Agreement shall be in accordance with established ASP procedures. Payment method shall be as stated in Section III of this agreement.
- D. **LIMITATION OF THE ASP OBLIGATION TO PAY:** The ASP is not obligated to make payment under this grant if the ASP does not receive sufficient monies from the funding source(s) designated in this grant to fund said obligations and other obligations of the ASP, or is not given legal authority from the Arkansas Legislature to expend these funds. The ASP is not obligated to make payment if sufficient state or local matching money is not available at the time the bill is presented for payment.

E. **PAYMENT FROM ASP CONSIDERED PAYMENT IN FULL:** Payment received from the ASP under this grant shall be payment in full for all services and/or costs covered by the payment. No fee or other charge shall be made against a client or a third party for these services and/or costs. This paragraph does not preclude allocation of costs among two or more funding sources, or payment of portions of a service and/or cost under different funding sources, so long as there is no duplication of payment.

Arkansas State Police
Fiscal Section
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

G. RECOVERY OF FUNDS: The ASP shall seek to recover funds not utilized in accordance with the terms and conditions of this grant.

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

A. SIGNATURES:

<u>Signature of Subgrant Agreement Recipient Authorized Representative</u>	
Signature of Recipient Authorized Representative Date	
Lioneld Jordan Mayor Printed Name of Recipient Authorized Representative Title	
In signing this document, I attest that I am authorized by the board of Directors or other governing authority to sign this grant on behalf of the Recipient.	

<u>Signature of ASP Agency Authorized Representative</u>	
Signature of ASP Authorized Representative	Date
Printed Name of ASP Authorized Representative	Title

Program Contact Person: Captain Steven A. Coppinger
Fiscal Contact Person: John Tidwell

Phone: (501) 618-8850
Phone: (501) 618-8335

FAYETTEVILLE POLICE DEPARTMENT
APPROVED BUDGET DETAIL WORKSHEET
Subgrant Award # ICAC13-11
Award Period: February 12, 2014 - June 30, 2014

A. 2
2013 Internet Crimes Against Children
Task Force Program Grant
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Character 02 - Maintenance and Operations
(Any single item less than \$5K)

Supplies and Items	Quantity	Estimated Cost Per Item	Number of Months	Total Estimated Cost	
1 JTAG Forensic and Repair Kit	1	3,000.00		3,000.00	
		<i>Estimated Sales Tax</i>		270.00	
2 JTAG Work Bench	1	320.00		320.00	
		<i>Estimated Sales Tax</i>		28.80	
4 Dell Forensic Laptop Computer w/ backpack	1	1,300.00		1,300.00	
		<i>Estimated Sales Tax</i>		117.00	
					Maintenance and Operations Net Total
				5,035.80	

Character 03 - Fringe Benefits

Name/Position	Computation	Fringe Benefit Percentage		
			0.00	Fringe Total

Character 06 - Overtime

Name/Position	Computation			
		0.00		Overtime Total

Character 9 - Travel and Training

Purpose of Travel	Location	Item	Estimated Cost Per Person	Number of Trips	Number of Days	Number of Travelers	Total Estimated Cost	
1 April 2014 Teel TechJTAG Training Course	Atlanta, GA	Airfare	500.00	1	0	1	500.00	
		Travel Day Meals	49.50	1	2	1	99.00	
		Standard Meal Rate	66.00	1	5	1	330.00	
		Other	35.00	2	0	1	70.00	
		Lodging	156.00	1	4	1	624.00	
		Total					1,623.00	
		<i>Estimated Tax on Lodging</i>	\$0.18				292.14	
							1,915.14	Trip 1 Net Total
2 May 2014 Guidance Software CEIC Conference	Las Vegas, NV	Airfare	500.00	1	0	1	500.00	
		Travel Day Meals	53.25	1	2	1	106.50	
		Standard Meal Rate	71.00	1	4	1	284.00	
		Other	50.00	2	0	1	100.00	
		Lodging	92.00	1	5	1	460.00	
		Total					1,450.50	
		<i>Estimated Tax on Lodging</i>	\$0.18				261.09	
							1,711.69	Trip 2 Net Total
							3,626.73	Travel and Training Net Total

Character 11 - Capital Equipment (any single item over \$5K)

Item Description	Quantity	Estimated Cost Per Item	Total Estimated Cost	
			0.00	
		<i>Estimated Sales Tax</i>	\$0.09	
			0.00	
			0.00	Capital (Equipment) Net Total

Other Costs

Description	Quantity	Estimated Cost Per Item	Total Estimated Cost	
1 JTAG Forensic Training Tuition	1	3,950.00	3,950.00	
2 Guidance Software CEIC Conference Tuition	1	895.00	895.00	
			4,845.00	Other Costs Net Total

Net Total (All Categories)
13,507.53



Arkansas State Police
Internet Crimes Against Children Task Force
1 State Police Plaza Drive
Little Rock, Arkansas 72209



AFFILIATE AGENCY MEMORANDUM OF UNDERSTANDING

Section 1: Introduction

In 2008, Congress passed, and President Bush signed, the Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2008 (the "PROTECT Our Children Act" or the "Act"). This Act requires the U.S. Department of Justice (DOJ) to formulate and implement a National Strategy to combat child exploitation.

To address the threat to our nation's children, the National Strategy focuses on the following types of child exploitation: (1) child pornography, often called images of child sexual abuse; (2) online enticement of children for sexual purposes; (3) commercial sexual exploitation of children, and (4) child sex tourism.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) within DOJ's Office of Justice Programs (OJP), oversees the disbursement of grants to federal, state, and local agencies to aid in the fight against child exploitation. OJJDP's efforts provide communication and coordination to the Internet Crimes Against Children (ICAC) Task Force Program; a fundamental component of our Nation's fight against child exploitation. Since 1998, OJJDP has funded the ICAC Task Force Program, a collection of 61 separate task forces throughout the country, to coordinate federal, state, and local investigative and prosecutorial response to child exploitation. The Arkansas ICAC (ARICAC) is a part of the national ICAC Task Force Program.

The Fayetteville Police Department recognizes the need for interagency communication and coordination of efforts to prevent, interdict, investigate, and prosecute internet crimes against children and technology-facilitated child exploitation. Toward that end, this Memorandum of Understanding (MOU), dated December 19, 2013, is entered into by and between the Arkansas State Police (ASP), the sponsoring agency of ARICAC, and the Fayetteville Police Department, who, upon acceptance of all terms and conditions contained herein, will become an ARICAC affiliate agency. This MOU shall remain in full force and effect beginning on the date of signature by the Director of the ASP and continuing until the expiration of Award Number 2013-MC-FX-K026. However, this MOU may be terminated for any reason and at any time by the ASP. In addition, the head of the Fayetteville Police Department may terminate

the MOU and withdraw from the ARICAC Task Force at any time by providing written notification of such intent to the ARICAC Commander and/or the Director of the ASP.

Section 2: Purpose

The purpose of this MOU is to provide a communication and coordination structure for the *Fayetteville Police Department*, an ARICAC affiliate agency, to enhance its efforts to prevent, interdict, investigate, and prosecute internet crimes against children and technology-facilitated child exploitation. And because internet crimes against children and technology-facilitated child exploitation transcend traditionally recognized geographical boundaries, the *Fayetteville Police Department* authorizes its commissioned officers assigned to ARICAC to travel and work ICAC crimes, as necessary, originating and/or terminating inside or outside their normal geographical areas of responsibility (AOR).

Section 3: Policies and Procedures

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees to comply fully with all Operational and Investigative Standards¹ promulgated by the DOJ for the ICAC Program. The most updated copy of the Operational and Investigative Standards, updated May 31, 2011, are attached to this MOU as Appendix A. Specifically, the *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees to follow Operational and Investigative Standard 2 in selecting suitable commissioned officers for assignment to the ARICAC Task Force. Once suitable commissioned officers have been selected² for assignment to the ARICAC Task Force, those selected shall be required to read and comply with all Operational and Investigative Standards.³

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees to select and identify one of its commissioned officers as its ICAC coordinator. The affiliate agency ICAC coordinator serves as the primary point-of-contact by and between the ASP, the ARICAC Task Force, the affiliate agency, and the

¹ The Operational and Investigative Standards were developed through a national ICAC Working Group and are considered best practices for the ICAC program. While nationally recognized and widely copied for law enforcement use both inside and outside the ICAC program, the Operational and Investigative Standards are Law Enforcement Sensitive (LES).

² The affiliate agency is responsible to provide commissioned officers selected for assignment to the ARICAC Task Force vehicles, pagers, radios, weapons, body armor, cellular telephones, notebook computers for report writing, etc. The ARICAC Task Force will provide investigative and forensic preview tools and software commensurate with the commissioned officers level of training and experience.

³ See Operational and Investigative Standard 3.1.

community within the ICAC coordinator's AOR⁴. One of the most important duties of the affiliate agency ICAC coordinator is the compiling of the performance measures of the affiliate agency's ICAC related operations each month. Once compiled by the affiliate agency ICAC coordinator, the performance measures for the month being reported should be submitted by the affiliate agency ICAC coordinator to the ARICAC Task Force Senior Intelligence Analyst at ASP Headquarters in Little Rock before the 10th day of the next month.⁵ (For example, the affiliate agency's performance measures collected from March 1st through March 31st should be compiled and submitted using the ICAC Monthly Performance Measures Report no later than April 10th.) Finally, the affiliate agency ICAC coordinator may be required, on an infrequent basis, to submit other ancillary statistical information and/or reports by the ASP, the ARICAC Task Force, or the OJJDP.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, is eligible to have its commissioned officers assigned to the ARICAC Task Force participate in ICAC sponsored training both in-state and out-of-state hosted by the OJJDP, the National White Collar Crime Center (NW3C), and other federal partners. Costs for travel, lodging, meals, and training are generally covered by ICAC funding and are reimbursable to either the affiliate agency or to the commissioned officer in accordance with federal, state, and ASP travel and meal reimbursement statutes, policies, and procedures. All other expenses are the sole responsibility of the affiliate agency and/or the commissioned officer.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, is entitled to access to ARICAC information and data systems for case deconfliction, information sharing, assistance requests, data archival/retrieval, and for other ICAC related purposes. This access is coordinated and managed by the ASP Cyber Crimes Unit (of which the ARICAC Task Force is a part) Supervisor.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees that its commissioned officers assigned to the ARICAC Task Force will, at a minimum, conduct reactive investigations in response to: citizen complaints, CyberTipline Reports from the National Center for Missing and Exploited Children (NCMEC), referrals from the ASP or other intra-state or inter-state ICAC Task Force affiliate agencies, and referrals from other law enforcement agencies who may not be an affiliate agency. Reactive investigations must be conducted in compliance with Operational and Investigative Standard 4.3.

⁴ As the point-of-contact to the community, the ICAC coordinator represents the state and national ICAC program within the community by providing prevention education activities to children, parents, educators, and others concerned about child safety issues. See Operational and Investigative Standard 7.1 – 7.2.

⁵ See Operational and Investigative Standard 4.2.2.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees that its commissioned officers assigned to the ARICAC Task Force may, based upon investigative need, conduct proactive investigations (i.e. online chat cases, Peer-2-Peer (P2P) cases, and classified advertisement cases). Proactive investigations must be conducted in compliance with Operational and Investigative Standard 4.3.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees that its commissioned officers assigned to the ARICAC Task Force shall fully participate in any and all nationally coordinated ICAC investigations.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, understands and agrees that the ASP and/or another ARICAC affiliate agency may provide forensic support for any and all of the affiliate agency's ICAC investigations. All forensic support services provided by the ASP and/or another ARICAC affiliate agency conforms to national ICAC best practices. Should the *Fayetteville Police Department*, as an ARICAC affiliate agency, offer forensic support services to other law enforcement agencies, regardless of whether or not the other law enforcement agency is an ARICAC affiliate agency, the *Fayetteville Police Department* also agrees to offer such services in conformance with national ICAC best practices.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees that identifying child victims is a critical element of the ICAC Program and understands that the DOJ and the OJJDP requires all affiliate agencies to submit child victim images, graphics, video files, etc., to NCMEC's Child Victim Identification Program (CVIP). Should the *Fayetteville Police Department*, as an ARICAC affiliate agency, offer forensic support services to other law enforcement agencies, regardless of whether or not the other law enforcement agency is an ARICAC affiliate agency, the *Fayetteville Police Department* agrees to submit all child victim images, graphics, video files, etc., discovered to NCMEC's CVIP.⁶

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees that its commissioned officers assigned to the ARICAC Task Force, to be fully effective in their ICAC investigative efforts, must work either full-time (a minimum of 40 hours per week) or half-time (a minimum of 20 hours per week) to prevent, interdict, investigate, and prosecute internet crimes against children. All commissioned officers from affiliate agencies located within the federally designated Western District of Arkansas and Eastern District of Arkansas work ICAC related crimes under the direction and guidance of federal partners and an ASP special agent designated as the Task Group Leader. The Western District of Arkansas Task Group Leader is operationally located in

⁶ See Operational and Investigative Standard 6.

Springdale. The Eastern District of Arkansas Task Group Leader is operationally located in Little Rock.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, is eligible to apply as a subrecipient to the ASP for federal ICAC grant funding made available by OJJDP when such monies are available and when invited to do so.

The *Fayetteville Police Department*, as an ARICAC affiliate agency, agrees to comply fully with all rules, regulations, and requirements contained within the 2013 Financial Guide⁷ promulgated by the DOJ, OJP's Office of the Chief Financial Officer. The 2013 Financial Guide is attached to this MOU as Appendix B. The 2013 Financial Guide serves as a primary reference manual to assist award recipients (ARICAC and all ARICAC affiliate agencies) in fulfilling their fiduciary responsibility to safeguard grant funds and ensure funds are used for the purposes for which they were awarded. More specifically, the 2013 Financial Guide contains specific procedures ARICAC affiliate agencies must follow in the acquisition, retention, use, and disposal of property and equipment that subrecipients obtain with federal monies. In addition, the 2013 Financial Guide requires subrecipients (ARICAC affiliate agencies) to adhere to all applicable financial management laws within the State of Arkansas.

Therefore, the *Fayetteville Police Department*, as an ARICAC affiliate agency, also agrees to comply fully with all laws, policies, regulations, and procedures contained within the State of Arkansas, Department of Finance and Administration (DFA), Office of Accounting (OA) Financial Management Guide (Effective August 8, 2013)⁸ published by the DFA. The Financial Management Guide (Effective August 8, 2013) contains specific statutes, policies, and procedures ARICAC affiliate agencies must follow with respect to travel regulations⁹, property and equipment inventory¹⁰, and purchasing and contracts¹¹.

⁷ The 2013 Financial Guide is provided for the use of all recipients (ASP) and all subrecipients (ARICAC affiliate agencies) of federal grant programs administered by the OJP. The guide serves as a compilation of various laws and regulations governing DOJ grants financial management and administration.

⁸ The Financial Management Guide (Effective August 8, 2013) is published by the DFA Director to comply with Ark. Code Ann. § 19-1-209(a) and resides on the DFA web site at: <http://www.dfa.arkansas.gov/offices/accounting/financialManagementGuide/Pages/default.aspx>.

⁹ See Ark. Code Ann. § 19-4-901 and Policies/Regulations (R) 1-19-4-901 - R9-19-4-904 (pp. 98-113).

¹⁰ See Ark. Code Ann. § 19-4-1501 - 19-4-1503, R1-19-4-1503, and Appendices P1-19-4-1503 - P2-19-4-1503 (pp. 156 - 163).

Section 4: Updates to the MOU

This MOU may be modified at any time by written consent of the ASP and the Fayetteville Police Department, as an ARICAC affiliate agency. However, updates to this MOU have no force or effect until such updates are reduced to writing and signed by both the head of the affiliate agency and the Director of the ASP.

Section 5: Signatures

Approved Stan Witt
Colonel Stan Witt, Director
Arkansas State Police
Date 1/17/14

Approved [Signature]
Chief Greg Tabor
Fayetteville Police Department
Date 12-23-13

¹¹ See Ark. Code Ann. § 19-11-217, R1-19-11-217, Ark. Code Ann. § 19-11-238, R1-19-11-238, Ark. Code Ann. § 19-11-243, and R1-19-11-243 (pp. 241 – 253).

Sub Project Maintenance Form

Sub Project Request: New SubProject
 Project Number : 36033
 Sub Project Number : 2013
 Sub Project Title (40 char) : ICAC Task Force for 2013 16 Char Le
 Sub Project Abbv (15 char) : ICAC 2013 6 Char Left
 Sub Project Status : Active
 Sub Project Division : Police
 Scheduled Start Date : 2/12/2014 <= Double Click Date Cells
 Scheduled Ending Date : 6/30/2014 <= Double Click Date Cells 20140630
 Actual Start Date : 2/12/2014 <= Double Click Date Cells 20140212
 Actual Ending Date : 6/30/2014 <= Double Click Date Cells 20140630

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
1010.0001.4302.01	State Grants-Operational		Add	
1010.2920.5120.00	Personnel Svcs - Contra		Add	
1010.2920.5210.00	Minor equipment		Add	Add
1010.2920.5304.00	Travel & training		Add	Add

Description/Justification of Request

City Council to approve grant award at 3/18/2014 meeting.


 Requested By

Entered By

City of Fayetteville Item Review Form

A. 3
Gulf Coast High Intensity
Drug Trafficking Area
Page 1 of 8

2014-0103

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Approval of a budget adjustment for federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) in the amount of \$115,952.

Does this item have a cost? ☒ Yes

\$115,952.00

Cost of this request

2930-2960-5120.00/5379.07/5802.00

Account Number

38070-1402

Project Number

\$115,952.00

Category or Project Budget

Funds Used to Date

\$0.00

Remaining Balance

WAMDT 2014

Program or Project Name

Tracking Item - Federal

Program or Project Category

Drug Enforcement

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments



Paul A. Bush

Angela
Franklin

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council Members

From: Greg Tabor, Chief of Police 

Date: February 24, 2014

Subject: Approval of a Budget Adjustment for federal funding from the Gulf Coast High Intensity Drug Trafficking Area

PROPOSAL:

The Gulf Coast High Intensity Drug Trafficking Area (HIDTA) provides federal funding from the Office of National Drug Control Policy to multi-jurisdictional drug enforcement initiatives throughout Arkansas, Louisiana, Mississippi, Alabama, and Tennessee. The Fayetteville Police Department has partnered with Washington County Sheriff's Office, Springdale Police Department, Prairie Grove Police Department, and the local Drug Enforcement Administration office to create the Western Arkansas Mobile Deployment Team (WAMDT) initiative with Washington County being the fiduciary agency.

WAMDT's mission is to infiltrate and disrupt drug trafficking organizations (DTOs) at the street level. The Gulf Coast HIDTA funds overtime for investigator activity, buy money for the purchase of evidence/purchase of information (PEPI), and vehicle allowances. The Gulf Coast HIDTA has approved 2014 funding for the Fayetteville Police Department in the amount of \$115,952. This amount represents overtime funding for four (4) investigators at \$17,288 each including benefits, PEPI in the amount \$30,000, and two vehicle allowances at \$8,400 each annually. This funding has a two year life span and must be spent by December 31, 2015. WAMDT is currently preparing their 2015 funding request to the Gulf Coast HIDTA, however, future allocations are contingent upon congressional approval.

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize federal funding from the Gulf Coast HIDTA in the amount of \$115,952. If you should have any comments or question regarding this federal funding, please contact me at extension 500.

BUDGET/STAFF IMPACT:

Increase in budgeted revenue equal to the increase in budgeted expense for this non-matching federal funding to reimburse existing DTF Investigators overtime, covert funds, and vehicle allowances.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$115,952.00 RECOGNIZING REVENUE FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area. A copy of the budget adjustment is attached as Exhibit "A".

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas - Budget Adjustment Form

Legistar Version A. 3
Gulf Coast High Intensity
Drug Trafficking Area
Page 4 of 8

Budget Year 2014	Division: Police Dept.: Police Requestor: Willie Newman	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish revenue and expense budgets in Project Accounting to track federal funding from the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) Initiative for Fayetteville's portion of the Western Arkansas Mobile Deployment Team (WAMDT).

REQUEST DATE: 3/18/2014
LEGISTAR FILE ID#: 2014-0103

BUDGET & INFORMATION MANAGEMENT USE

[Signature] 2-15-14

Budget Director Date

TYPE: ☐ A ☐ B ☐ C ☒ D ☐ E ☐ P

DESCRIPTION:

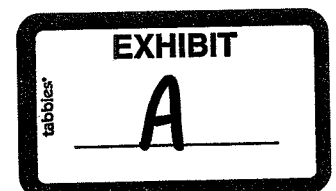
GLDATE:

POSTED: /

RESOLUTION/ORDINANCE

v.20140219

TOTAL	115,952	115,952					
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
2930.0993.4309.01		98,664	38070	1402	RE	Federal Grants - Operational	
2930.2960.5120.00	51,864		38070	1402	EX	Personnel Services - Contra	
2930.2960.5379.07	30,000		38070	1402	EX	Confidential - HIDTA PEPI	
2930.2960.5802.00	16,800		38070	1402	EX	Vehicles And Equipment	
1010.0001.4309.01		17,288	38070	1402	RE	Federal Grants - Operational	
1010.2920.5120.00	17,288		38070	1402	EX	Personnel Services - Contra	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



Personnel

Position	# Positions	Total Salary	Prior Year Budgets		Comments
			2013	2012	
Administrative Staff	0	0	0	0	
Analyst - Criminal	0	0	0	0	
Analyst - Intelligence	0	0	0	0	
Analyst - Program	0	0	0	0	
Attorney	0	0	0	0	
Coordinator	0	0	0	0	
Counselor	0	0	0	0	
Director	0	0	0	0	
Director - Demand Reduction	0	0	0	0	
Director - Deputy	0	0	0	0	
Director - Investigative Support Center	0	0	0	0	
Financial Manager	0	0	0	0	
Financial Staff	0	0	0	0	
Information Technology Manager	0	0	0	0	
Information Technology staff	0	0	0	0	
Investigative - Law Enforcement Officer	0	0	0	0	
Investigative - Support	0	0	0	0	
Paralegal & Support	0	0	0	0	
Specialist	0	0	0	0	
Therapist	0	0	0	0	
Training Coordinator	0	0	0	0	
Training Staff	0	0	0	0	
Total	0	0	0	0	

Fringe

Name/Position	Amount	Total Benefits	Prior Year Budgets		Comments
			2013	2012	
Administrative staff	0	0	0	0	
Analyst - Criminal	0	0	0	0	
Analyst - Intelligence	0	0	0	0	
Analyst - Program	0	0	0	0	
Attorney	0	0	0	0	
Coordinator	0	0	0	0	
Counselor	0	0	0	0	
Director	0	0	0	0	
Director - Demand Reduction	0	0	0	0	
Director - Deputy	0	0	0	0	
Director - Investigative Support Center	0	0	0	0	
Financial Manager	0	0	0	0	
Financial staff	0	0	0	0	
Information Technology Manager	0	0	0	0	
Information Technology staff	0	0	0	0	
Investigative - Law Enforcement Officer	0	0	0	0	
Investigative - support	0	0	0	0	
Overtime	0	0	0	0	
Paralegal & support	0	0	0	0	
Specialist	0	0	0	0	
Therapist	0	0	0	0	
Training Coordinator	0	0	0	0	
Training staff	0	0	0	0	
Total	0	0	0	0	

Overtime

Position	# Positions	Total Amount	Prior Year Budgets		Comments
			2013	2012	
Investigative - Law Enforcement Officer	4	69,152	68,808	68,808	4 positions @ \$17288 ea
Support	0	0	0	0	
Total	4	69,152	68,808	68,808	

Travel

Purpose	# Positions	Total Amount	Prior Year Budgets		Comments
			2013	2012	
Administrative	0	0	0	0	
Investigative/Operational	0	0	0	0	
Training	0	0	0	0	
Total	0	0	0	0	

Facilities

Description	# Leases	Total Amount	Prior Year Budgets		Comments
			2013	2012	
Improvements		0	0	0	
Lease	0	0	0	0	
Support		0	0	0	
Utilities		0	0	0	
Total	0	0	0	0	

Services

Description and Quantity	# Services	Total Amount	Prior Year Budgets		Comments
			2013	2012	
Aviation		0	0	0	
Communications - data lines		0	0	0	
Communications - mobile phones & pagers		0	0	0	
Communications - office phones		0	0	0	
Contractor - Administrative staff	0	0	0	0	
Contractor - Analyst - Criminal	0	0	0	0	
Contractor - Analyst - Intelligence	0	0	0	0	
Contractor - Analyst - Program	0	0	0	0	
Contractor - Attorney	0	0	0	0	
Contractor - Coordinator	0	0	0	0	
Contractor - Counselor	0	0	0	0	
Contractor - Director	0	0	0	0	
Contractor - Director - Demand Reduction	0	0	0	0	
Contractor - Director - Deputy	0	0	0	0	
Contractor - Director - ISC	0	0	0	0	
Contractor - Financial Manager	0	0	0	0	
Contractor - Financial staff	0	0	0	0	
Contractor - Information Technology Manager	0	0	0	0	
Contractor - Information Technology staff	0	0	0	0	
Contractor - Investigative - LEO	0	0	0	0	
Contractor - Investigative - support	0	0	0	0	
Contractor - Paralegal & support	0	0	0	0	
Contractor - Specialist	0	0	0	0	
Contractor - Therapist	0	0	0	0	
Contractor - Training Coordinator	0	0	0	0	
Contractor - Training staff	0	0	0	0	
Deconfliction services		0	0	0	
Equipment rentals		0	0	0	
Insurance		0	0	0	
Insurance - Director's liability		0	0	0	
Investigative services		0	0	0	
National security clearance (DHS)	0	0	0	0	
Printing & document support		0	0	0	
Service contracts		0	0	0	
Service contracts: treatment/prevention/demand red		0	0	0	
Shipping & postage		0	0	0	
Software - maintenance		0	0	0	
Subscriptions - database		0	0	0	
Subscriptions - publications		0	0	0	
Training		0	0	0	
Vehicle allowance	2	16,800	16,800	0	2 positions @ 700/mo ea
Vehicle lease - passenger	0	0	0	0	
Vehicle lease - specialty	0	0	0	0	
Total	2	16,800	16,800	0	

Equipment

Description	# Equipment	Total Amount	Prior Year Budgets		Comments
			2013	2012	
Communications - data lines		0	0	0	
Communications - mobile phones & pagers		0	0	0	
Communications - office phones		0	0	0	
Communications - radios		0	0	0	
Computers - desktop, laptop & notebook		0	0	0	
Computers - networking devices		0	0	0	
Computers - peripherals & printers		0	0	0	
Office - furniture		0	0	0	
Office - machines		0	0	0	
Technical investigative equipment		0	0	0	
Technical investigative equipment - audio		0	0	0	
Technical investigative equipment - visual		0	0	0	
Vehicles - passenger	0	0	0	0	
Vehicles - specialty	0	0	0	0	
Total	0	0	0	0	

Supplies

Description

Investigative/operational
 Office
 Software - licenses
 Treatment, prevention, demand reduction
Total

Total Amount	Prior Year Budgets		Comments
	2013	2012	
0	0	0	
0	0	0	
0	0	0	
0	0	0	
0	0	0	

Other

Description

Administrative costs
 PE/PI/PS
Total

Total Amount	Prior Year Budgets		Comments
	2013	2012	
0	0	0	
30,000	30,000	30,000	
30,000	30,000	30,000	

Grand Total

6 115,952 115,608 98,808

Sub Project Maintenance Form

Sub Project Request: New SubProject

Project Number : 38070

Sub Project Number : 1402

Sub Project Title (40 char) : WAMDT 2014 30 Char Le

Sub Project Abbv (15 char) : WAMDT 2014 5 Char Left

Sub Project Status : Active

Sub Project Division : Police

Scheduled Start Date : 1/1/2014 *<= Double Click Date Cells*

Scheduled Ending Date : 12/31/2015 *<= Double Click Date Cells* 20151231

Actual Start Date : 1/1/2014 *<= Double Click Date Cells* 20140101

Actual Ending Date : 12/31/2015 *<= Double Click Date Cells* 20151231

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
2930.0993.4309.01	Federal Grant-Operational		Add	
2930.2960.5120.00	Personnel Svcs - Contra		Add	
2930.2960.5379.07	Confidential - HIDTA PEPI		Add	
2930.2960.5802.00	Vehicles and equipment		Add	
1010.0001.4309.01	Federal Grant-Operational		Add	
1010.2920.5120.00	Personnel Svcs - Contra		Add	

Description/Justification of Request

Setup subproject to track 2014 federal funding for Western
 Arkansas Mobile Deployment Team (WAMDT).


 Requested By

Entered By

City of Fayetteville Item Review Form

A. 4
State Drug Crime Enforcement
and Prosecution Fund Grant
Page 1 of 12

2014-0113

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

Acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250 for state funding of a 4th Judicial District Drug Task Force investigator.

Does this item have a cost? ☒ Yes

\$56,250.00

Cost of this request

\$56,250.00

Category or Project Budget

DCF Grant - 2014

Program or Project Name

1010.2920.5120.00

Account Number

Funds Used to Date

State Grant

Program or Project Category

31301-2014

Project Number

\$0.00

Remaining Balance

General

Fund Name

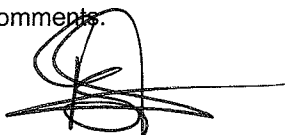
Budgeted Item? ☒ YesBudget Adjustment Attached? ☒ Yes

V20130812

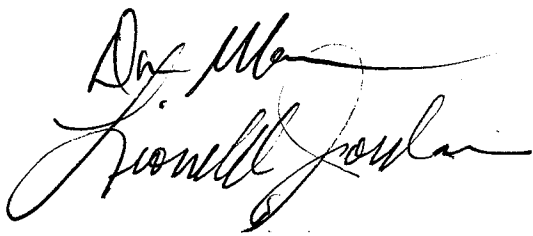
Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:



Paul A. Baker





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

From: Greg Tabor, Chief of Police 

Date: February 28, 2014

Subject: Grant Award from State Drug Crime Enforcement and Prosecution Fund

PROPOSAL:

The State Drug Crime Enforcement and Prosecution Fund is a funding source specifically established to supplement Drug Task Force entities in Arkansas. The total grant project budget will be \$70,312.50 with 80% funded by the state grant and 20% funded by local in-kind match. The 4th Judicial District Drug Task Force (DTF) will use the grant amount of \$56,250 to fund a DTF Investigator to be assigned to the 4th DTF by the Fayetteville Police Department. Furthermore, the twenty percent (20%) in-kind match requirement in the amount of \$14,062.50 will be met through the existing budgeted salary of the 4th DTF Secretary position.

RECOMMENDATION:

Staff recommends acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250 for state funding of a 4th Judicial District Drug Task Force investigator. If you should have any comments or questions regarding this grant award, please contact me at extension 3500 or Judy Cohea at extension 3581.

BUDGET/STAFF IMPACT:

The \$56,250 grant funding will reimburse 86% of the expenses of an officer assigned to the Drug Task Force. The \$9,043 grant shortfall for the DTF Officer expenses will be absorbed within the personnel category of the approved 2014 operating budget. This DTF Officer position has an active/filled status and will not impact our approved Full Time Equivalent (FTE) level.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A \$56,250.00 GRANT FROM THE STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND TO BE MATCHED BY \$14,062.50 FROM CITY FUNDS TO BE USED BY THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City Funds to be used by the 4th Judicial District Drug Task Force.

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

PASSED and APPROVED this 18th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

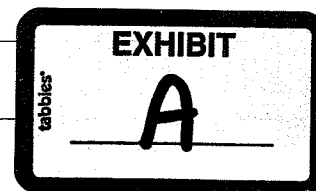
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Legistar Version

Budget Year	Division: Police	Adjustment Number
2014	Dept.: Police	
	Requestor: Willie Newman	

Acceptance of the 2014 State Drug Crime Enforcement and Prosecution Fund grant award and approval of a budget adjustment in the amount of \$56,250.

REQUEST DATE: 3/18/2014
LEGISTAR FILE ID#: 2014-0113
BUDGET & INFORMATION MANAGEMENT USE
 2/28/2014 9:50
Budget Director Date
TYPE: ☐ A ☐ B ☐ C ☒ D ☐ E ☐ P
DESCRIPTION:
GLDATE:
POSTED: /

[illegible]


**ARKANSAS DEPARTMENT OF
FINANCE AND ADMINISTRATION**
OFFICE OF INTERGOVERNMENTAL SERVICES

1515 West Seventh Street, Suite 400

P. O. Box 8031

Little Rock, Arkansas 72203-8031

Phone: (501) 682-1074

Fax: (501) 682-5206

<http://www.state.ar.us/dfa>
☐

JAG

☐

RSAT

☒

DCF

☐

LLEBG

1. SUBGRANTEE NAME AND ADDRESS (Including Zip Code)

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

4. SUBGRANT NUMBER: 14-014-DF

5. START DATE: March 1, 2014
END DATE: February 28, 2015

6. AWARD DATE: March 1, 2014

2. MODIFICATION EFFECTIVE DATE:

7. ACTION: ☒ Initial
☐

Modification

2A. MODIFICATION AMOUNT \$

FEDERAL \$
STATE MATCH \$
LOCAL MATCH \$

8. AWARD AMOUNT \$ 70,312.50

FEDERAL \$
STATE MATCH \$ 56,250.00
LOCAL MATCH \$ 14,062.50

3. COMMON NAME: 4th Judicial District Drug Task Force

Project Description: Identify arrest and prosecute individuals who are manufacturing, selling, or transporting drugs in or through the Programs jurisdictional area of operations.

9. SPECIAL CONDITIONS (check if applicable)

☒

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS SET FORTH IN IT'S APPLICATION AND ALL CERTIFICATIONS, ASSURANCES AND SPECIAL CONDITIONS PREVIOUSLY AGREED TO.

This program is supported under the State Drug Crime Enforcement and Prosecution Fund.

AGENCY APPROVAL		SUBGRANTEE APPROVAL	
10. TYPED NAME AND TITLE OF APPROVING IGS OFFICIAL Doris Smith, Administrator Intergovernmental Services		12. TYPED NAME AND TITLE OF AUTHORIZED SUBGRANTEE OFFICIAL The Honorable Lioneld Jordan, City of Fayetteville	
11. SIGNATURE OF APPROVING OFFICIAL		13. SIGNATURE OF AUTHORIZED OFFICIAL	14. DATE



ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION
STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND GRANT

A. 4
State Drug Crime Enforcement
and Prosecution Fund Grant
Page 6 of 12

CERTIFIED ASSURANCES

1. The applicant assures that funds made available under the State Drug Crime Enforcement and Prosecution Fund will not be used to supplant any other funds currently used for DTFs in the state. They will be used to supplement the amount of funds that are currently available for the activities of this project.
2. The applicant assures that fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Department of Finance and Administration shall prescribe will be provided to assure fiscal control, proper management, and effective disbursement of funds received under this award;
3. The applicant assures that it will maintain an appropriate grant administration system to ensure that all terms, conditions and specifications of the grant, including these assurances, are met.
4. The applicant assures that it shall maintain such data and information and submit such reports in such form, at such times, and containing such data and information as the as the Department of Finance and Administration may require;
5. The applicant agrees to use the grant and matching funds only for the purposes stated in this application. Additionally, the applicant agrees that any grant and matching funds approved for personnel for this project will be based on the percent of time the personnel actually devote to the project.
6. The applicant assures that at the end of each funding year that the project is in force, and at the end of the project period, it will submit a performance report to the Department of Finance and Administration in a manner to be prescribed;
7. The applicant certifies that the program contained in this application meets all the requirements, and that all the information is correct, and that the applicant will comply with all provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and all other applicable federal and state laws;
8. The applicant assures that before any budgetary or programmatic amendment is made to an approved program, it will submit such an amendment to the Department of Finance and Administration for review;
9. The applicant assures that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin or sex against a recipient of funds, the recipient will forward a copy of the finding to the Arkansas Department of Finance and Administration, Office of Intergovernmental Services;
10. The applicant assures that if it is required to formulate an Equal Employment Opportunity Program (EEOP) in accordance with 28 CFR 42.301, et. seq., it will submit a certification to the state that it has a current EEOP on file which meets the requirements therein;
11. The applicant assures that it will comply with the provisions of the Department of Finance and Administration's "Drug Law Enforcement grant Procedures and Financial Management Guidelines";
12. The applicant assures that in addition to all other audit requirements, it will allow the Division of Legislative Audit or any other independent or internal auditors of the Department of Finance and Administration to have access to the applicant's records and financial statements;
 - (A) as may be necessary for the Department of Finance and Administration to comply with the 1996 Single Audit Act Amendments and Office of Management and Budget (OMB) Circular A-133, and other rules and/or regulations governing financial accounting and auditing guidelines, principles, and procedures; and
 - (B) as may be requested by the Department of Finance and Administration to comply with any State or local government rules and/or regulations;
13. The applicant assures that it will fully participate in the compilation of statistical information as required by state agencies.

INITIAL

14. The applicant assures that both Drug Crime Enforcement and Prosecution Grant funds and matching funds used for this project will be used exclusively to support defined DTF activities, and will not be used to support any general purpose law enforcement or other activity maintained by the applicant;
15. The applicant assures that the Task Force Board of Directors or 'Control Group' will hold regularly scheduled meetings at least monthly, and will provide the State Drug Director with copies of the agenda and minutes of each meeting;
16. The applicant assures that the Task Force Administrator and the Board of Directors will develop and/or maintain a detailed policy and procedures manual for the guidance of task force operations.
17. The applicant assures that all proposals for out of state travel for conference and training will be submitted to the Department of Finance and Administration for submission to the Arkansas Law Enforcement Committee of the Arkansas Alcohol and Drug Abuse Coordinating Council for approval prior to any expense being incurred.
18. The applicant agrees to comply with the with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable. The applicant also agrees to accept full responsibility for any compensatory time allowance or overtime pay obligations for persons employed within the project not funded by the grant.
19. The applicant agrees that no officer or employee of its agency shall be involved in a decision that affects the applicant during the time of employment with the knowledge that there is an opportunity to further their interests.

CERTIFICATION

I hereby certify that the applicant will comply with the above certifications and that all the information presented is correct and the application will comply with all applicable laws, regulations, and guidelines.

(Signature of Contracting Official)

(Date)

Lioneld Jordan
(Typed Name)

Mayor
(Title)

(Signature of Fiscal Officer)

(Date)

Judy Cohea
(Typed Name)

Fiscal Officer
(Title)

STATE DRUG CRIME ENFORCEMENT AND PROSECUTION FUND GRANT

SPECIAL CONDITIONS

1. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
2. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.
3. Recipient understands and agrees that it cannot use these funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of Department of Finance and Administration, Office of Intergovernmental Services.
4. The grantee agrees to assist the Bureau of Justice Assistance (BJA) in complying with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a grantee. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds.

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

a. New construction; b. Minor renovation or remodeling of a property either (i) listed on or eligible for listing on the National Register of Historic Places or (ii) located within a 100-year flood plain; c. A renovation, lease, or any proposed use of a building or facility that will either (i) result in a change in its basic prior use or (ii) significantly change its size; and, d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments.

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

5. This special condition facilitates compliance with the provisions of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, "meth lab operations"]. No monies from this award may be obligated to support meth lab operations unless the grantee implements this special condition.

The Office of Justice Programs (OJP), in consultation with the Bureau of Justice Assistance, the Drug Enforcement Administration, and the Office for Community Oriented Policing Services, prepared Program-level Environmental Assessment governing meth lab operations. The Assessment describes the adverse environmental, health, and safety impacts likely to be encountered by law enforcement agencies as they implement specific actions under their methamphetamine laboratory operations. Consistent with the Assessment, the following terms and conditions shall apply to the grantee for any OJP funded meth lab operations:

A. The grantee shall ensure compliance with federal, state, and local environmental, health, and safety laws and regulations applicable to meth lab operations, to include the disposal of the chemicals, equipment, and wastes resulting from those operations.

B. The grantee shall have a Mitigation Plan in place that identifies and documents the processes and points of accountability within its state. This plan will be used to ensure that the adverse environmental, health, and safety impacts delineated in the Assessment are mitigated in a manner consistent with the requirements of this condition.

Initial

C. The grantee shall comply with the following nine mitigation measures identified in the Assessment and whose implementation is addressed in the grantee's Mitigation Plan. These mitigation measures must be included as special conditions in all subgrants: (See Part II of this special condition)

6.
 1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
 2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
 3. As determined by their specified duties, equip the personnel with OSHA required protective wear and other required safety equipment;
 4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
 5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
 6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposal facilities or, when allowable, at properly licensed recycling facilities;
 7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5. and 6. immediately above in order to ensure proper compliance;
 8. Have in place and implement a written agreement with the responsible state environmental agency. This agreement must provide that the responsible state environmental agency agrees to (i) timely evaluate the environmental condition at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency and in accordance with existing state and federal requirements; and
 9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law, at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.
7. The recipient agrees to submit to DFA for review and approval any curricula, training materials, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date.
8. To avoid duplicating existing networks or IT systems in any initiatives funded for law enforcement information sharing systems which involve interstate connectivity between jurisdiction, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of DF&A that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

Initial

9. Recipient agrees that funds provided under this award may not be used to operate a "pay-to-stay" program in any local jail. Recipient further agrees not to subaward funds to local jails which operate "pay-to-stay" programs.
10. "Applicants must certify that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice guidance document can be accessed on the Internet at www.lep.gov.
11. Grantee agrees that the following special conditions related to the expenditure of grant funds which have been approved by the DF&A Office of Intergovernmental Services, will be followed:
 - a. Grant funds will be used only in accordance with the approved budget. Expenditures incurred or made outside the approved budget will be disallowed.

- b. Grantee may request modification of the approved budget to reallocate funds between existing categories. Requests for the addition of new budget categories or line items will not be approved.
- c. Preapproval is required for out of state travel. Prior to travel, sub grantee must submit an out-of-state travel request form to IGS for approval. IGS will provide the standard form to use. Expense incurred for out of state travel that is not pre-approved by IGS will be disallowed.
- d. Uniform allowance is limited to the purchase of standard officer uniform, hazardous material uniform and necessary hazmat accessories. Undercover officers may not use the uniform allowance to purchase plain clothes.
- e. Lease cost for vehicles may not exceed \$600 per month per vehicle.
- f. Health Insurance premiums and retirement benefits are limited to the maximums paid by the State of Arkansas for its employees.
- g. Requests for reimbursement must be submitted using standard forms provided by IGS and submitted by the 15th of the month following the month of expenditures.
- h. The purchase of ammunition or weapons is unallowable.
- i. The purchase of drug interdiction canine is unallowable.
- j. The grantee will assure that the Office of Intergovernmental Services at DF&A has complete and correct contact information both for the Contract Official for the grant and for the DTF Director and Fiscal Officer. This contact information will include physical address, phone, fax and e-mail information.

12. ACCEPTANCE OF SPECIAL CONDITIONS

Signature

Date

OMB APPROVAL
NUMBER 1121-0140

EXPIRES 12/31/2012

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

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

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

3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).

5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

7. If a governmental entity:

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Sub Project Maintenance Form

Sub Project Request: New SubProject

Project Number : 31301

Sub Project Number : 2014

Sub Project Title (40 char) : 2014-2015 Drug Crime Fund Grant 9 Char Left

Sub Project Abbv (15 char) : 14-15 DCF Grant

Sub Project Status : Active

Sub Project Division : D200 Police

Scheduled Start Date : 3/1/2014 <= Double Click Date Cells

Scheduled Ending Date : 2/28/2015 <= Double Click Date Cells 20150228

Actual Start Date : 3/1/2014 <= Double Click Date Cells 20140301

Actual Ending Date : 2/28/2015 <= Double Click Date Cells 20150228

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
1010.0001.4302.01	State Grants-Operational		Add	N/A
1010.2920.5120.00	Personnel Svcs - Contra		Add	N/A

Description/Justification of Request

Establish subproject for 2014-2015 State Drug Crime Enforcement and Prosecution Fund grant award.

W Newman

Requested By

Entered By

City of Fayetteville Item Review Form

2014-0116
Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander

Submitted By

Water/Sewer

Department

Action Required:

Fayetteville City Administration recommends approving a contract extension with Insituform Technologies, Inc., and approving an authorization totaling \$330,000 for scheduled lining services for cured-in-place sanitary sewer linings.

Does this item have a cost? ☒ Yes

\$330,000.00

Cost of this request

\$1,000,000.00

Category or Project Budget

Sanitary Sewer Rehabilitation

Program or Project Name

5400.5700.5815.00

Account Number

\$8,410.09

Funds Used to Date

Water and Wastewater

Program or Project Category

02017.2014

Project Number

\$661,589.91

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 226-12

Original Contract Number: 2270

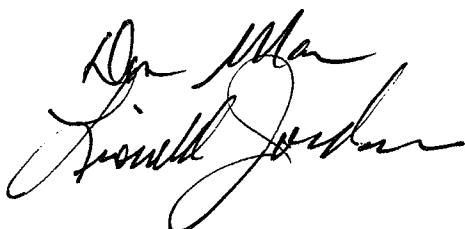
Comments:



Paul A. Beck

ENTERED
2/28/14
P.H.

ENTERED
2/28/14
W.H.



To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Fayetteville Water and Sewer Committee

From: Tim Nyander, Interim Utilities Director *TN*

Date: February 28, 2014

Subject: Resolution approving a contract extension with Insituform Technologies, Inc. for cured-in-place sanitary sewer linings.

RECOMMENDATION

Fayetteville City Administration recommends approving a contract extension with Insituform Technologies, Inc., and approving an authorization totaling \$330,000 for scheduled lining services for cured-in-place sanitary sewer linings.

BACKGROUND

On November 7, 2012, the City of Fayetteville accepted sealed competitive bids for sanitary sewer main line and service lateral lining services with Insituform Technologies submitting the successful bid proposal (see attached materials). The bid schedule includes specific unit prices for various items of work; with the sanitary sewer rehabilitation program then using the pricing to complete the annual rehabilitation program. The exact needs of each rehabilitation activity cannot be explicitly defined until the final design is completed, hence the unit price bid schedule is used to correlate costs to final project scopes.

DISCUSSION

The direct contracting with Insituform Technologies allows the City of Fayetteville to execute its sanitary sewer rehabilitation program effectively and efficiently. It is effective as the administrative delays and costs are minimized due to the annual contract and pre-established pricing. Pipes being lined under this contract are either identified by City forces through normal maintenance operations or by consultants executing Sanitary Sewer Evaluation Studies. Either way, engineering and administrative costs are held to a bare minimum as formal plans and specifications are not required. This work is an integral part of the City's ongoing program to maintain its sewer system in the most long-term yet cost effective fashion, with cured-in-place linings being by far the lowest cost strategy for applications where it is appropriate. This will be the 2nd year of a 5-year renewable contract with Insituform.

BUDGET IMPACT

Funds are available in the 2014 Sanitary Sewer Rehabilitation Project budget project.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH
INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED
\$330,000.00 FOR SANITARY SEWER LINING SERVICES FOR CURED-IN-
PLACE SANITARY SEWER LININGS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a
contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00
for sanitary sewer lining services for cured-in-place sanitary sewer linings.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 226-12

A RESOLUTION TO APPROVE BID #12-75 FOR A CONSTRUCTION CONTRACT WITH INSITUFORM TECHNOLOGIES, LLC FOR SERVICE LATERAL AND SEWER MAIN CURED IN PLACE LINING IN THE AMOUNT OF \$330,000.00.

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

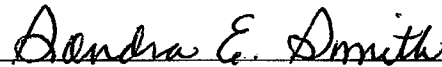
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Bid #12-75 for a construction contract with Insituform Technologies, LLC for service lateral and sewer main cured in place lining in the amount of \$330,000.00 and authorizes Mayor Jordan to sign the construction contract.

PASSED and APPROVED this 4th day of December, 2012.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer





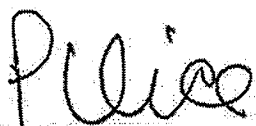
BID: 12-75
DATE: 11/07/12
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 12-75, Construction - 2013 Sanitary Sewer Main Line & Service Lateral Lining

BIDDER		TOTAL COST
1 Insituform Technologies, LLC.	\$	313,251.50
2 SAK Construction, LLC.	\$	537,875.00
3 Suncoast Infrastructure, Inc.	\$	391,600.00

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

CERTIFIED:


P. VICE, PURCH MGR


WITNESS

11/07/12
DATE

Detailed Bid Tabulation - 2013 Sanitary Sewer Main Line and Service Lateral Lining, Cured in Place Pipe Method

Item No.	Item Description			Insituform Technologies, LLC		SAK Construction, LLC		Suncoast Infrastructure, Inc.	
		Approx. Qty.	Unit	Unit Price In Figures	Total	Unit Price In Figures	Total	Unit Price In Figures	Total
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	2500	LF	\$ 37.00	\$ 92,500.00	\$ 48.00	\$ 120,000.00	\$ 30.00	\$ 75,000.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	2000	LF	\$ 36.00	\$ 72,000.00	\$ 34.50	\$ 69,000.00	\$ 28.00	\$ 56,000.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 36.00	\$ 18,000.00	\$ 38.50	\$ 19,250.00	\$ 33.00	\$ 16,500.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 42.00	\$ 21,000.00	\$ 56.00	\$ 28,000.00	\$ 38.00	\$ 19,000.00
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 54.00	\$ 27,000.00	\$ 66.75	\$ 33,375.00	\$ 65.00	\$ 32,500.00
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 68.00	\$ 34,000.00	\$ 101.00	\$ 50,500.00	\$ 85.00	\$ 42,500.00
7	Internal reinstatement of Service Laterals	150	EA	\$ 0.01	\$ 1.50	\$ 100.00	\$ 15,000.00	\$ 50.00	\$ 7,500.00
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral	30	EA	\$ 1,350.00	\$ 40,500.00	\$ 3,300.00	\$ 99,000.00	\$ 3,345.00	\$ 100,350.00
9	Standard Mobilization (within 15 working days)	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 24,500.00	\$ 49,000.00	\$ 7,500.00	\$ 15,000.00
10	Emergency Mobilization (within 3 working days)	1	EA	\$ 2,000.00	\$ 2,000.00	\$ 36,750.00	\$ 36,750.00	\$ 9,000.00	\$ 9,000.00
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF	5	EA	\$ 850.00	\$ 4,250.00	\$ 3,600.00	\$ 18,000.00	\$ 3,650.00	\$ 18,250.00
	Total Bid				\$ 313,251.50		\$ 537,875.00		\$ 391,600.00

4.0 BIDDER'S PROPOSAL

4.1 ITEMIZED DESCRIPTION OF BID PRICING

TO: City of Fayetteville
Fayetteville, Arkansas

The undersigned bidder, having examined the specifications and contract documents, and being fully advised as to the extent and character of the work, propose to furnish all equipment and to perform all labor and work necessary for the completion of the work described by and in accordance with the specifications and contracts for the following prices to wit. The unit prices shall be written in words on each line below the item description. The unit price in figures and extended total in figures shall be written on the lines provided. The total bid amount shall be written in both figures and words on the lines provided.

<u>Item</u> <u>No.</u>	<u>Item Description</u>	<u>Approx.</u> <u>Qty.</u>	<u>Unit</u>	<u>Unit Price</u> <u>In Figures</u>	<u>Total</u>
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty seven and ^{no} / ₁₀₀ dollars	2500	LF	\$ 37.00	\$ 92,500.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty six and ^{no} / ₁₀₀ dollars	2000	LF	\$ 36.00	\$ 72,000.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Thirty six and ^{no} / ₁₀₀ dollars	500	LF	\$ 36.00	\$ 18,000.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	Forty two and ^{no} / ₁₀₀ dollars	500	LF	\$ 42.00	\$ 21,000.00

<u>Item No.</u>	<u>Item Description</u>	<u>Approx. Qty.</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Total</u>
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>Fifty four and ¹⁰/₁₀₀ dollars</u>	500	LF	<u>\$ 54.00</u>	<u>\$ 27,000.00</u>
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>Sixty eight and ¹⁰/₁₀₀ dollars</u>	500	LF	<u>\$ 68.00</u>	<u>\$ 34,000.00</u>
7	Internal reinstatement of Service Laterals				
	<u>Zero and ⁰¹/₁₀₀ dollars</u>	150	EA	<u>\$ 0.01</u>	<u>\$ 1.50</u>
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral				
	<u>One thousand three hundred fifty and ¹⁰/₁₀₀ dollars</u>	30	EA	<u>\$ 1,350.00</u>	<u>\$ 40,500.00</u>
9	Standard Mobilization (within 15 working days)				
	<u>One thousand and ¹⁰/₁₀₀ dollars</u>	2	EA	<u>\$ 1,000.00</u>	<u>\$ 2,000.00</u>
10	Emergency Mobilization (within 3 working days)				
	<u>Two thousand and ¹⁰/₁₀₀ dollars</u>	1	EA	<u>\$ 2,000.00</u>	<u>\$ 2,000.00</u>
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF				
	<u>Eight hundred fifty and ¹⁰/₁₀₀ dollars</u>	5	EA	<u>\$ 850.00</u>	<u>\$ 4,250.00</u>

TOTAL BID AMOUNT \$ 313,251.50

Three hundred thirteen thousand two hundred fifty one dollars and fifty cents
(In Writing)

The undersigned understands that this bid is for a term maintenance contract for the rehabilitation of sanitary sewer mainlines throughout Fayetteville, Arkansas and that the City of Fayetteville here may choose to purchase more, less, or none of the rehabilitation, depending upon its needs. The City of Fayetteville is under no obligation to purchase a minimum amount of any item awarded. This contract is generally for miscellaneous and unidentified rehabilitation of sanitary sewer mains and service connections using the cured-in-place pipe method.

The bidder understands that the City of Fayetteville reserves the right to reject any or all bids, and to waive informalities in the bidding.

The undersigned further agrees that the proposal guaranty may be retained by the City of Fayetteville, Arkansas, provided the undersigned is one of the lowest and most advantageous bidders, and that said proposal guaranty shall remain with the City of Fayetteville until the contract has been signed, and the bond required for the faithful performance of the contract has been made by one of the lowest responsible bidders; otherwise, proposal guaranty may be obtained from the City of Fayetteville after forty-eight hours from the time of opening of the bids.

The undersigned hereby declares that he has had sufficient time to make all test and investigations to arrive at an intelligent estimate of the cost of doing the work, and has carefully examined the specifications and documents relating to the work covered by his bid or bids, that he agrees to do the work, and that no representation made by the City of Fayetteville are in any sense a warranty, but are mere estimates for guidance of the CONTRACTOR.

Upon receipt of notice of the acceptance of the bid, we will execute the formal contract attached in quintuplicate, within ten days, and will deliver a Surety Bond for the faithful performance of the contract, and such other bonds as may have been required in the specifications. The bid security attached in the sum of 5% of the greatest amount of the total bid is (\$5%) is to become the property of the City of Fayetteville if a cashier's check, and if a bond, the principal amount shall be paid to the City of Fayetteville, in the event the contract and bond are not executed within the time set forth, and to be considered as liquidated damages because the delay and additional work caused thereby are incapable of accurate ascertainment.

RESPECTFULLY SUBMITTED

Insituform Technologies, LLC
Bidder


SIGNATURE AND TITLE

H. Douglas Thomas
V.P.-Global Procurement/Ops. Suppt.

SIGNATURE AND TITLE

Seal (If bidder is a corporation)

Business Address 17988 Edison Avenue
Chesterfield, MO 63005
Telephone Number 636-530-8000
FAX Number 636-530-0751

Arkansas Contractors License Number 0072030413

NOTE: DO NOT DETACH BID FROM OTHER PAPERS BOUND IN THIS DOCUMENT. Fill Bid Form in with ink and submit complete with all other papers bound in this document

City of Fayetteville Item Review Form

2014-0112

Legistar File Number

March 18, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

A RESOLUTION APPROVING THE SALE OF APPROXIMATELY 4.28 ACRES OF PROPERTY TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR USE AS HIGHWAY RIGHT-OF-WAY ON THE HIGHWAY 16 MIDDLE FORK OF THE WHITE RIVER BRIDGE REPLACEMENT.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul A. Be...

Don Mon 3-4-14
Donald Jordan



V20130812

2/28/14

CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 18, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *J.P.*

FROM: Chris Brown, City Engineer

DATE: February 26, 2014

SUBJECT: Sale of Right of Way on Highway 16 to the Arkansas Highway and Transportation Department for improvements to the bridge over the Middle Fork of the White River

RECOMMENDATION:

Staff recommends approval of the sale of approximately 4.28 acres of property to the Arkansas Highway and Transportation Department for use as highway right of way on the Highway 16 Middle Fork of the White River bridge replacement.

BACKGROUND:

The Arkansas Highway and Transportation Department is planning a project to replace the bridge over the Middle Fork of the White River. The proposed project includes a new bridge that will accommodate 4 lanes of vehicular traffic, and will also include bike lanes and sidewalks. The total project length, including roadway approach work, is approximately 3000 feet. The City owns property on both sides of the road in this area, as part of the property surrounding Lake Sequoyah. A portion of this property will be needed by the AHTD for right of way to construct the new bridge and approaches.

DISCUSSION:

AHTD is currently in the right of way acquisition phase of the project, and have presented the City with offers for land on either side of Highway 16, as follows:

- 1) Tract 1, on the north side of the road, consists of approximately 1.13 acres. The AHTD has offered \$4,000 for this acreage.
- 2) Tract 4, on the south side of the road, consists of approximately 3.15 acres of right of way and a small temporary construction easement for the construction of a driveway. The AHTD has offered \$11,025 for the right of way and \$25.00 for the temporary construction easement, for a total offer on this tract of \$11,050.

In total, AHTD proposes to acquire 4.28 acres of City property. The total offer amount from AHTD is \$15,050 for the acquisition areas.

Many times in the past, the City has dedicated right of way to AHTD for highway widening projects. Usually, this right of way is a conversion from City right of way to State right of way. In this case, as was the case on Highway 265 adjacent to Lake Fayetteville, the AHTD is proposing to acquire City property owned by the Water and Sewer Department and used as City park property. Therefore, it is appropriate for the AHTD to pay fair market value to the City for this land.

BUDGET/STAFF IMPACT:

Funds received will be transferred to the Water and Sewer Fund.

Attachments:

Tract 1 Offer Letter
Tract 4 & 4E-1 Offer Letter
Tract 1 Contract To Sell
Tract 4 Contract To Sell
Tract 4E-1 Temporary Construction Easement
Exhibit-Location of Tract 1 & Tract 4

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SALE OF APPROXIMATELY 4.28 ACRES OF RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR THE TOTAL AMOUNT OF \$15,050.00 TO FACILITATE THE REPLACEMENT OF THE HIGHWAY 16 BRIDGE ACROSS THE MIDDLE FORK OF THE WHITE RIVER

WHEREAS, the City Council of the City of Fayetteville specifically finds that certain real property described in the attached Exhibits "A" and "B" is no longer needed for municipal purposes; and

WHEREAS, said property is needed by the Arkansas State Highway Commission as right-of-way for the replacement of the Highway 16 bridge across the Middle Fork of the White River,

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 authorizes the sale of approximately 4.28 acres of right-of-way described in the proposed Contracts to Sell attached to this Resolution as Exhibits "A" and "B", to the Arkansas State Highway Commission for the amount of \$15,025.00 to facilitate the replacement of the Highway 16 bridge across the Middle Fork of the White River.

Section 2. That the City Council of the City of Fayetteville, Arkansas further approves a temporary construction easement as described in the attached Exhibit "C" in favor of the Arkansas State Highway Commission for the amount of \$25.00 to facilitate the bridge replacement.

Section 3. That the Mayor is authorized to execute all deeds and agreements necessary to effectuate the transfer.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

JOB NAME: Middle Fork White River Str. & Apprs. (Fayetteville)

JOB
TRACT

040641

1

ORIGINAL

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: POC: Connie Edmonston
113 West Mountain Rd.; Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the West half Southeast Quarter and part the Southeast Quarter of the Southeast Quarter, all being in of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at a 5/8 inch rebar being used as the Center South Sixteenth Corner of Section 21; thence South 87° 18' 07" East along the South line of the Northwest Quarter of the Southeast Quarter of Section 21 a distance of 946.61 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424 to the POINT OF BEGINNING; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1657.47 feet a distance of 419.55 feet having a chord bearing of North 41° 30' 40" West a distance of 418.43 feet to a point; thence North 34° 15' 34" West along said right of way line a distance of 239.33 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 56° 15' 51" East along said right of way line a distance of 107.81 feet to a point; thence South 35° 53' 55" East along said right of way line a distance of 294.50 feet to a point; thence South 37° 40' 16" East along said right of way line a distance of 190.75 feet to a point; thence South 49° 40' 23" East along said right of way line a distance of 190.75 feet to a point; thence South 51° 10' 07" East along said right of way line a distance of 190.29 feet to a point; thence South 55° 56' 34" East along said right of way line a distance of 174.57 feet to a point; thence South 55° 56' 59" East along said right of way line a distance of 375.01 feet to a point; thence South 46° 07' 29" East along said right of way line a distance of 50.74 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence North 55° 58' 00" West along said right of way line a distance of 708.92 feet to a point; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1657.47 feet a distance of 208.40 feet having a chord bearing of North 52° 21' 53" West a distance of 208.26 feet to the point of beginning and containing 0.79 arces more less as shown on plans prepared by the AHTD referenced as Job 040641.

AND ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:



Commencing at an iron pin (State Monument) being used as the Section Corner of Section's 21, 22, 27 and 28; thence North 02° 30' 33" East along the East line of the Southeast Quarter of the Southeast Quarter of Section 21 a distance of 374.81 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 38.97 feet having a chord bearing of North 67° 59' 30" West a distance of 38.97 feet to a point; thence continue in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 326.87 feet having a chord bearing of North 62° 26' 26" West a distance of 326.46 feet to the POINT OF BEGINNING; thence continue in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 49.90 feet having a chord bearing of North 56° 43' 25" West a distance of 49.90 feet to a point; thence North 55° 58' 00" West along said right of way line a distance of 200.11 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 65° 37' 37" East along said right of way line a distance of 50.72 feet to a point; thence South 55° 56' 59" East along said right of way line a distance of 150.00 feet to a point; thence South 47° 05' 27" East along said right of way line a distance of 50.60 feet to the point of beginning and containing 0.04 arces more less as shown on plans prepared by the AHTD referenced as Job 040641.

AND ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 21 and part of the Southwest Quarter of the Southwest Quarter of Section 22 all being in, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at an iron pin (State Monument) being used as the Section Corner of Section's 21, 22, 27 and 28; thence North 02° 30' 33" East along the East line of the Southeast Quarter of the Southeast Quarter of Section 21 a distance of 374.81 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424 to the POINT OF BEGINNING; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 38.97 feet having a chord bearing of North 67° 59' 30" West a distance of 38.97 feet to a point on the Northeasterly tight of way of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 79° 43' 26" East along said right of way line a distance of 241.75 feet to a point; thence South 76° 11' 11" East along said right of way line a distance of 150.08 feet to a point; thence South 72° 23' 06" East along said right of way line a distance of 150.75 feet to a point; thence South 72° 28' 55" East along said right of way line a distance of 100.48 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence North 78° 03' 50" West along said right of way line a distance of 292.30 feet to a point; thence South 11° 56' 10" West along said right of way line a distance of 10.00 feet to a point; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 312.41 feet having a chord bearing of North 73° 19' 25" West a distance of 312.06 feet to the point of beginning and containing 0.30 arces more less as shown on plans prepared by the AHTD referenced as Job 040641.

Total area to acquire containing 1.13 arces more or less.

G.A.

12/31/12

- ☒ Uncontrolled Access
- ☐ Partially Controlled Access – Access break from Station _____ to Station _____
- ☐ Fully Controlled Access
- ☐ Fully Controlled Access with a frontage road
- ☐ Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

PAYMENT DUE ----- **\$4,000.00**

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature

Signature

Signature

Signature

ACKNOWLEDGMENT

STATE OF

)

COUNTY

)

SS

)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

JOB NAME: Middle Fork White River Str. & Apprs. (Fayetteville)

JOB
TRACT

040641
4

ORIGINAL

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: 113 W. Mountain Road; Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the South half of the Southeast Quarter of Section 21 and part of the Southwest Quarter of the Southwest of Section 22 all being in, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at a half inch rebar with cap being used as the East Sixteenth Corner of Section 21; thence North 02° 42' 15" East along the East line of the Southwest Quarter of the Southeast Quarter of Section 21 a distance of 863.47 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641 to the POINT OF BEGINNING; thence North 55° 00' 06" West along said right of way line a distance of 45.14 feet to a point; thence North 19° 00' 49" East a distance of 84.10 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence South 55° 58' 00" East along said right of way line a distance of 1074.06 feet to a point; thence in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1988.03 feet a distance of 471.92 feet having a chord bearing of South 62° 46' 01" East a distance of 470.81 feet to a point; thence continue in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1988.03 feet a distance of 247.68 feet having a chord bearing of South 73° 08' 12" East a distance of 247.52 feet to a point; thence South 30° 25' 39" West a distance of 44.57 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence North 79° 31' 40" West along said right of way line a distance of 146.41 feet to a point; thence North 74° 24' 15" West along said right of way line a distance of 213.92 feet to a point; thence North 64° 33' 04" West along said right of way line a distance of 216.31 feet to a point; thence North 56° 17' 44" West along said right of way line a distance of 405.93 feet to a point; thence North 58° 40' 10" West along said right of way line a distance of 421.47 feet to a point; thence North 48° 44' 08" West along said right of way line a distance of 79.63 feet to a point; thence North 55° 00' 06" West along said right of way line a distance of 257.01 feet to the point of beginning and containing 3.15 acres more less as shown on plans prepared by the AHTD referenced as Job 040641.

G.A.

12/31/12

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road
☐ Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator
By _____ Date _____



PAYMENT DUE -----

\$11,025.00

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature

Signature

Signature

Signature

ACKNOWLEDGMENT

STATE OF

)

) SS

COUNTY

)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this ____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

ORIGINAL

JOB: 040641
TRACT: 4E-1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Fayetteville for and in consideration of Twenty Five Dollars, (\$25.00), and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040641, and designated as Tract No. 4E-1 situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20_____.

Signature

Signature

ACKNOWLEDGMENT

STATE OF)
COUNTY) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20_____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC



ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

City of Fayetteville
POC: Connie Edmonston
113 West Mountain Rd.
Fayetteville, AR 72701

Re: Job 040641
Middle Fork White River Str & Apprs
(Fayetteville)
Washington County
Tract: 1

Dear Property Owner(s):

A negotiator for the Arkansas State Highway Commission has presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached. The negotiator will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$4,000.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$4,000.00 as just compensation for the realty to be acquired, and \$-0- for market damage to the remaining lands.

Should you elect to accept this offer, the State will determine if you convey a merchantable title, and if so, a property deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suite will be filed and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the Registry of the Circuit Court of the County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation and this amount will be paid to you thereby, disposing of the condemnation suit.

Page 2
City of Fayetteville

If you do not elect to accept the amount deposited as estimated just compensation, than you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of the County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,



Perry M. Johnston
Division Head
Right of Way Division

PMJ:km

JOB NAME: Middle Fork White River Str. & Apprs. (Fayetteville)

JOB
TRACT

040641
1

ORIGINAL

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: POC: Connie Edmonston
113 West Mountain Rd.; Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the West half Southeast Quarter and part the Southeast Quarter of the Southeast Quarter, all being in of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at a 5/8 inch rebar being used as the Center South Sixteenth Corner of Section 21; thence South 87° 18' 07" East along the South line of the Northwest Quarter of the Southeast Quarter of Section 21 a distance of 946.61 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424 to the POINT OF BEGINNING; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1657.47 feet a distance of 419.55 feet having a chord bearing of North 41° 30' 40" West a distance of 418.43 feet to a point; thence North 34° 15' 34" West along said right of way line a distance of 239.33 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 56° 15' 51" East along said right of way line a distance of 107.81 feet to a point; thence South 35° 53' 55" East along said right of way line a distance of 294.50 feet to a point; thence South 37° 40' 16" East along said right of way line a distance of 190.75 feet to a point; thence South 49° 40' 23" East along said right of way line a distance of 190.75 feet to a point; thence South 51° 10' 07" East along said right of way line a distance of 190.29 feet to a point; thence South 55° 56' 34" East along said right of way line a distance of 174.57 feet to a point; thence South 55° 56' 59" East along said right of way line a distance of 375.01 feet to a point; thence South 46° 07' 29" East along said right of way line a distance of 50.74 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence North 55° 58' 00" West along said right of way line a distance of 708.92 feet to a point; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1657.47 feet a distance of 208.40 feet having a chord bearing of North 52° 21' 53" West a distance of 208.26 feet to the point of beginning and containing 0.79 arces more less as shown on plans prepared by the AHTD referenced as Job 040641.

AND ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at an iron pin (State Monument) being used as the Section Corner of Section's 21, 22, 27 and 28; thence North 02° 30' 33" East along the East line of the Southeast Quarter of the Southeast Quarter of Section 21 a distance of 374.81 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 38.97 feet having a chord bearing of North 67° 59' 30" West a distance of 38.97 feet to a point; thence continue in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 326.87 feet having a chord bearing of North 62° 26' 26" West a distance of 326.46 feet to the POINT OF BEGINNING; thence continue in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 49.90 feet having a chord bearing of North 56° 43' 25" West a distance of 49.90 feet to a point; thence North 55° 58' 00" West along said right of way line a distance of 200.11 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 65° 37' 37" East along said right of way line a distance of 50.72 feet to a point; thence South 55° 56' 59" East along said right of way line a distance of 150.00 feet to a point; thence South 47° 05' 27" East along said right of way line a distance of 50.60 feet to the point of beginning and containing 0.04 acres more less as shown on plans prepared by the AHTD referenced as Job 040641.

AND ALSO:

Part of the Southeast Quarter of the Southeast Quarter of Section 21 and part of the Southwest Quarter of the Southwest Quarter of Section 22 all being in, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at an iron pin (State Monument) being used as the Section Corner of Section's 21, 22, 27 and 28; thence North 02° 30' 33" East along the East line of the Southeast Quarter of the Southeast Quarter of Section 21 a distance of 374.81 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424 to the POINT OF BEGINNING; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 38.97 feet having a chord bearing of North 67° 59' 30" West a distance of 38.97 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence South 79° 43' 26" East along said right of way line a distance of 241.75 feet to a point; thence South 76° 11' 11" East along said right of way line a distance of 150.08 feet to a point; thence South 72° 23' 06" East along said right of way line a distance of 150.75 feet to a point; thence South 72° 28' 55" East along said right of way line a distance of 100.48 feet to a point on the Northeasterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence North 78° 03' 50" West along said right of way line a distance of 292.30 feet to a point; thence South 11° 56' 10" West along said right of way line a distance of 10.00 feet to a point; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1888.03 feet a distance of 312.41 feet having a chord bearing of North 73° 19' 25" West a distance of 312.06 feet to the point of beginning and containing 0.30 acres more less as shown on plans prepared by the AHTD referenced as Job 040641.

Total area to acquire containing 1.13 acres more or less.

G.A.

12/31/12

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road
☐ Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

PAYMENT DUE _____ **\$4,000.00**

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature

Signature

Signature

Signature

ACKNOWLEDGMENT

STATE OF _____

)
) SS
)

COUNTY _____

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Scott E. Bennett
Director
Telephone (501) 569-2000
Voice/TTY 711



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400
www.arkansashighways.com

Date

City of Fayetteville
113 W. Mountain Road
Fayetteville, AR 72701

Re: Job 040641
Middle Fork White River Str. & Apprs.
(Fayetteville)
Washington County
Tract 4, 4E-1

Dear Property Owner(s):

An Acquisition Agent for the Arkansas State Highway Commission presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached hereto. The acquisition agent will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$11,050.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$11,025.00 as just compensation for the realty to be acquired, \$25.00 for the Temporary Construction Easement and \$0.00 for market damage to the remaining lands.

Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a proper deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the registry of the Circuit Court of this County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation and this amount will be paid to you thereby disposing of the condemnation suit.

Page 2
City of Fayetteville

If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of the County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,



Perry M. Johnston
Division Head
Right of Way Division

PMJ:km

JOB NAME: Middle Fork White River Str. & Apprs. (Fayetteville)

JOB
TRACT

040641
4

ORIGINAL

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: 113 W. Mountain Road; Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the South half of the Southeast Quarter of Section 21 and part of the Southwest Quarter of the Southwest of Section 22 all being in, Township 16 North, Range 29 West, Washington County, Arkansas more particularly described as follows:

Commencing at a half inch rebar with cap being used as the East Sixteenth Corner of Section 21; thence North 02° 42' 15" East along the East line of the Southwest Quarter of the Southeast Quarter of Section 21 a distance of 863.47 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641 to the POINT OF BEGINNING; thence North 55° 00' 06" West along said right of way line a distance of 45.14 feet to a point; thence North 19° 00' 49" East a distance of 84.10 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 9424; thence South 55° 58' 00" East along said right of way line a distance of 1074.06 feet to a point; thence in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1988.03 feet a distance of 471.92 feet having a chord bearing of South 62° 46' 01" East a distance of 470.81 feet to a point; thence continue in a Southeasterly direction along said right of way line on a curve to the left having a radius of 1988.03 feet a distance of 247.68 feet having a chord bearing of South 73° 08' 12" East a distance of 247.52 feet to a point; thence South 30° 25' 39" West a distance of 44.57 feet to a point on the Southwesterly right of way line of Arkansas State Highway 16 as established by AHTD Job 040641; thence North 79° 31' 40" West along said right of way line a distance of 146.41 feet to a point; thence North 74° 24' 15" West along said right of way line a distance of 213.92 feet to a point; thence North 64° 33' 04" West along said right of way line a distance of 216.31 feet to a point; thence North 56° 17' 44" West along said right of way line a distance of 405.93 feet to a point; thence North 58° 40' 10" West along said right of way line a distance of 421.47 feet to a point; thence North 48° 44' 08" West along said right of way line a distance of 79.63 feet to a point; thence North 55° 00' 06" West along said right of way line a distance of 257.01 feet to the point of beginning and containing 3.15 acres more less as shown on plans prepared by the AHTD referenced as Job 040641.

G.A.

12/31/12

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road
☐ Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator
By _____ Date _____

PAYMENT DUE ----- **\$11,025.00**

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a General Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature

Signature

Signature

Signature

ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this ____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

ORIGINAL

JOB: 040641
TRACT: 4E-1

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT City of Fayetteville for and in consideration of Twenty Five Dollars, (\$25.00), and other valuable considerations, to us cash in hand paid by the Arkansas State Highway Commission, the receipt of which is hereby acknowledged, do hereby give and grant to the Arkansas State Highway Commission, it's successors and assigns an exclusive temporary right of way and temporary easement for the sole purposes necessary for Highway construction, together with free ingress and egress, to, across, through and over the lands shown on the Right of Way Plans for Job No. 040641, and designated as Tract No. 4E-1 situated in the County of Washington, State of Arkansas.

This temporary easement as conditioned above shall terminate when the above subject job has been completed by the contractor and accepted by the Arkansas State Highway Commission.

TO HAVE AND TO HOLD the same unto the said Arkansas State Highway Commission and to its successors and assigns for and during the term aforesaid and for the purposes hereinabove set forth.

WITNESS my signature of this _____ day of _____, 20____.

Signature

Signature

ACKNOWLEDGMENT

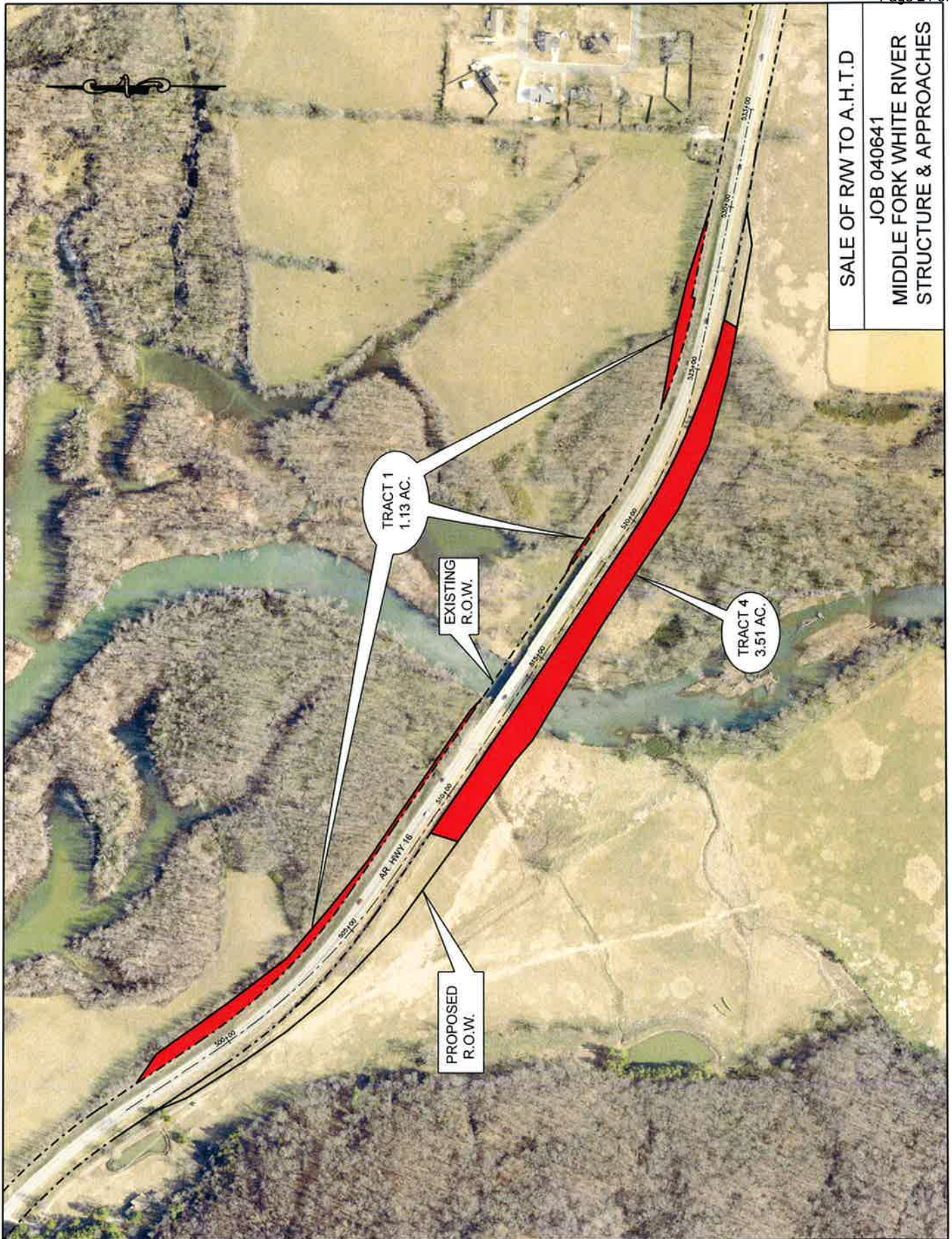
STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC



SALE OF RW TO A.H.T.D
JOB 040641
MIDDLE FORK WHITE RIVER
STRUCTURE & APPROACHES

City of Fayetteville Item Review Form

2014-0115

Legistar File Number

March 18, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

A resolution approving of a payment in the amount of \$580,000.00 to the Arkansas Highway and Transportation Department (AHTD) for the City's portion of the project costs associated with widening Razorback Road from MLK Jr. Blvd. to Leroy Pond Drive, approving of a project contingency of \$50,000.00, and approving of a budget adjustment.

Does this item have a cost? ☒ Yes

\$630,000.00

Cost of this request

4520.9555.5809.00

Account Number

06035.3200

Project Number

Category or Project Budget

Funds Used to Date

-\$630,000.00

Remaining Balance

Hwy 112 Razorback Road

Program or Project Name

Sales Tax Construct Bonds

Program or Project Category

Street Sales Tax 2013

Fund Name

Budgeted Item? ☒ Yes

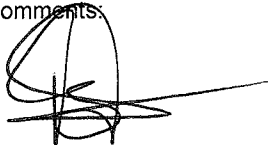
Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution # 15-03

Original Contract Number:

Comments:



Paul A. Bell

Ray Man 3/4/14



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 18, 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: February 28, 2014

SUBJECT: Hwy 112 (Razorback Rd) – MLK Jr. Blvd (6th St) to Leroy Pond Drive
Payment of the City's local match to the Arkansas Highway and
Transportation Department

RECOMMENDATION:

Staff recommends approval of a payment in the amount of \$580,000 to the Arkansas Highway and Transportation Department (AHTD) for the City's portion of the project costs associated with widening Razorback Road from MLK Jr. Blvd. to Leroy Pond Drive, approval of a project contingency of \$50,000 and approval of a budget adjustment.

BACKGROUND:

City Council passed Resolution No. 15-03 on February 4, 2003, approving an Agreement Of-Understanding with AHTD to design and construct this phase of Razorback Road from MLK Jr. Blvd. to Leroy Pond Drive. This project will provide 4 travel lanes, with turning lanes at MLK and at Leroy Pond, and a new signal at Leroy Pond. Sidewalks will be provided on both sides. AHTD agreed to do the design at no cost to the City, if the City would agree to pay all costs above the Federal-aid Surface Transportation Program (STP) funds of \$1,000,000 allotted for this project. Costs under the \$1,000,000 would be split 80/20 with the City paying the 20% until the cap was reached.

This project has had the \$1 million allocation of Federal-aid funding for several years, and recently (FY2013) was approved for additional Federal-aid funding of \$1,080,000 through the STP-A program, thereby closing a funding gap for the \$2.6 million project and allowing it to move forward. Members of City staff are working with UA staff on a 50/50 cost share arrangement for the required 20% matching funds. The City Council committed to partnering on this project in 2003, when the original \$1 million in federal funding was made available.

DISCUSSION:

AHTD has recently opened bids for construction, and Sweetser Construction, Inc. is the apparent low bidder at \$2,234,929.00. Adding is the cost for utilities relocation of \$201,260.38 and construction inspection of \$223,492.90, the total project cost is \$2,659,682.28. Deducting the Federal-aid amount of \$2,080,800.00 leaves the City owing \$579,682.28 of which 50% will be reimbursed by the University. Therefore, the City will only pay approximately \$290,000 for

this road widening project.

BUDGET/STAFF IMPACT:

Funds are available from the Transportation Bond Program.

Attachments:

Letter from AHTD
Letter from U of A
Resolution 15-03
Resolution 89-13

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE PAYMENT OF \$580,000.00 TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT REPRESENTING THE CITY'S PORTION OF CONSTRUCTION COSTS RELATED TO THE WIDENING OF RAZORBACK ROAD, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road between Martin Luther King, Jr. Boulevard and Leroy Pond Drive, and further approves a project contingency in the amount of \$50,000.00.

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

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Libertini, Paul

From: Brown, Chris
Sent: Thursday, February 27, 2014 10:41 AM
To: Libertini, Paul
Subject: FW: Job 040581, Hwy. 180-Leroy Pond Dr. (Hwy. 112) (Fayetteville) (S)
Attachments: 040581BidCostEst.pdf

Paul,

Here is the spreadsheet with the cost for Hwy 112.

From: Meredith, Carlos A. [mailto:Carlos.Meredith@ahtd.ar.gov]
Sent: Wednesday, February 26, 2014 2:55 PM
To: Brown, Chris
Cc: Siskowski, David M.
Subject: Job 040581, Hwy. 180-Leroy Pond Dr. (Hwy. 112) (Fayetteville) (S)

Chris,

As we discussed, the Department is paying for all preliminary engineering costs associated with this project. The Utility Relocation for the University phone system is still in negotiations but it has come down significantly since we previously talked in January. My office will go through the submitted bid from Sweetser Construction, Inc. to look for any errors before the end of this week. Attached is the worksheet as things stand at this moment. The City's remaining share is currently \$579,682.28. I will be sending the City an official letter sometime next week and it will arrive well before the next City Council meeting. Please put this on their agenda so the Department can concur in the award of this contract as soon as possible.

Thank you for your assistance in this matter.

Carlos A. Meredith
501.569.2562
Arkansas Highway & Transportation Department
Programs & Contracts Division

Job 040581

Bid Cost Estimate

Hwy. 180-Leroy Pond Dr. (Hwy. 112) (Fayetteville) (S)

	Total Cost	Federal Share	City Share
Utility Relocation	201,260.38	161,008.00	40,252.38
Construction	2,234,929.00	1,744,538.00	490,391.00
Construction Inspection	223,492.90	174,454.00	49,038.90
Total	\$ 2,659,682.28	\$ 2,080,000.00	\$ 579,682.28
City's Remaining Share			\$ 579,682.28

Max Federal Funds (STP-Urban & Attrib)	\$ 2,080,000.00
Federal Share	\$ 2,080,000.00



UNIVERSITY OF ARKANSAS

Facilities Management

February 28, 2014

Chris Brown
City Engineer
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Chris:

The intent of the memo is to inform both the City of Fayetteville and AHTD of the University commitment to cover the increased cost by approximately \$30K for AHTD Job 040581, Hwy. 180-Leroy Pond Dr. (Hwy. 112) (Fayetteville) (S) (Razorback Road Widening Phase I). The original commitment from the University was for 50% of the match required from AHTD, or an estimated \$260,000. Therefore, the current commitment from University with 50% of the match required from AHTD, has been re-estimated at approximately \$290,000. , The University agrees to pay this amount on demand, once contracts are officially executed and a bill is provided.

Sincerely,

Mike Johnson
Associate Vice Chancellor for Facilities

cc: Don Pederson
James Ezell
Jay Huneycutt

RESOLUTION NO. 89-13

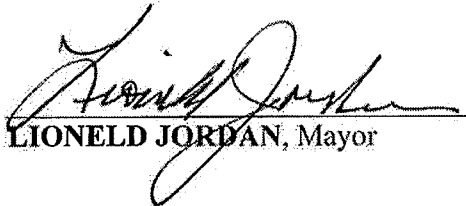
A RESOLUTION APPROVING A LIST OF ADDITIONAL PROJECTS TO BE
FUNDED BY THE CITY'S TRANSPORTATION BOND PROGRAM

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

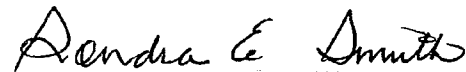
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves
the list of additional projects for addition to the City's Transportation Bond Program as
delineated in the staff memorandum, attached as Exhibit "A".

PASSED and APPROVED this 16th day of April, 2013.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer




www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

MEETING DATE OF OCTOBER 16, 2012

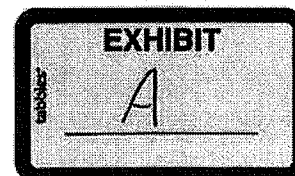
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

 Thru: Mayor Lioneld Jordan
 Don Marr, Chief of Staff
 Jeremy Pate, Development Services Director
From: Chris Brown, City Engineer *CB*

Date: March 29, 2013

Subject: Transportation Bond Program-New Project Recommendations

**INTRODUCTION/SUMMARY**

Over the past few months, the Street Committee has worked to develop a list of projects to be added to the Transportation Bond Program. Additional projects are needed in the Program to ensure that all of the funds generated by the bond issued authorized by voters in 2006 are utilized on street improvement projects. The excess funds available are a result of lower than estimated construction costs, additional federal-aid funding that has been secured for certain projects, a contingency/cost sharing allocation that was set aside in the program but has not been used, and the elimination of Highway 112, from Truckers Drive to Van Asche, from full funding under the Bond Program. The list of Street Committee recommended projects, and summary of each project, is included in this memo, along with additional background information on the status of the Transportation Bond Program.

RECOMMENDATION

After completion of all projects that are currently in the Transportation Bond Program, approximately \$15.5 million remains to be spent. These funds must be spent on construction of street improvements, and must be expended in a timely manner after bonds are issued. With the third bond issue planned for 2014, new projects should be identified now in order for design, right of way acquisition, and other project activities to begin so that construction can begin as soon as possible after the bonds are issued in 2014. Projects that are recommended to be added to the Transportation Bond Program are:

PROJECT NAME	DESCRIPTION	Estimated Project Cost	Other Funding		Cost to Bond Program
			CIP/Cost Share	State/Federal	
Old Wire Road	Mission to Crossover	\$4,016,000	\$400,000		\$3,616,000
Zion Road	Vantage to Crossover	\$4,650,000	\$150,000		\$4,500,000
Regional Park Access Roads	New Location	\$1,400,000			\$1,400,000
College Ave. Enhancements	Maple to Rebecca	\$600,000			\$600,000
College Ave. Enhancements	Rebecca to North St.	\$1,420,000			\$1,420,000
STP-A Matching Funds		\$2,000,000			\$2,000,000
Intersection Improvements and Pedestrian Crossings		\$500,000			\$500,000
Contingency/Cost Sharing		\$1,464,000			\$1,464,000

				Total	\$15,500,000
2013 STP-A Projects:					
Rupple Road	Best Friend Ln. to Mount Comfort	\$3,700,000	\$298,000	\$2,720,000	\$682,000
Highway 112 (Razorback Road)	MLK Dr. to Leroy Pond Dr.	\$2,600,000	\$260,000	\$2,080,000	\$260,000

BACKGROUND

The Transportation Bond Program is funded by three bond issues, scheduled in accordance with the availability of dedicated sales tax proceeds to pay off the bonds. Two bond issuances have occurred, one in 2006, and one in 2009, totaling approximately \$34.2 million of the \$65.9 million approved by voters in 2006. The remaining bond issue of approximately \$31.75 million is planned for 2014. The funding provided by these bonds, when combined with State/Federal funding and other City sources, will allow over \$105 million of improvements to be completed.

After the recent receipt of bids on several large projects, the status of the Bond Program and availability of funds in the third bond issue for additional projects is better known. A summary of the financial status is as follows:

Transportation Bonds-Phases 1 and 2	\$ 34,214,960.00
Transportation Bonds-Phase 3	\$ 31,750,000.00
Transportation Bonds-Interest Income	\$ 1,575,600.00
Less: Bond Issuance Costs (Phase 3)	\$ (693,300.00)
Total Transportation Bond Fund Proceeds	\$ 66,847,260.00

Total Cost of Current Projects-Estimated	\$(51,275,615.00)
--	-------------------

Unallocated Funds (Proceeds-Total Project Costs)*	\$ 15,571,645.00
--	-------------------------

*** Includes \$8.8 million set aside in Phase 3 for cost sharing projects.**

As noted above, available funds for additional projects are estimated at \$15.57 million. This value has been adjusted from the one provided in a December memo to the Committee. This adjustment is due to a proposed change to Garland Avenue (Hwy 112) between I-540 and Howard Nickell Drive. Staff recommends that the funding planned to be allocated to this project be reallocated to other projects. This recommendation is based on the following:

- During the compilation of projects for the 2006 Bond Program, a development along Highway 112 north of Sam's Club was proposed that would have significantly impacted the traffic on Highway 112. This project was never completed, and the current configuration of Highway 112 acceptably handles current levels of traffic.
- The Arkansas State Highway and Transportation Department (AHTD) is designing improvements to the I-540 interchange that will impact Highway 112 up to at least Truckers Drive, and possibly further to the north. This design will not be completed until at least 2015.
- The AHTD is also working on a study of the Highway 112 corridor from I-540 to Bentonville. This could affect the alignment of Highway 112 north of Sam's Club; more importantly, it creates a greater potential for additional state or federal funding of the route.

For these reasons, staff recommends not moving forward with plans to fully fund this project using Transportation Bond Funds; rather, it is prudent to wait on the results of the study, and be prepared to provide matching funds to State or Federal-aid funding that may become available.

A summary of the current projects in the Transportation Bond Program is provided in Attachment 1 to this memo.

PROJECT SUMMARIES

1. **Old Wire Road (Mission to Crossover).** (\$4.02 Million) Old Wire Road has been identified as a priority by past Street Committees. The intersection with Mission has previously been approved for signalization and improvements, and is being designed now by the AHTD. Improvements on the rest of Old Wire include widening and intersection improvements, sidewalks, bike lanes, and a roundabout at Old Missouri and Old Wire Road.
2. **Zion Road (Vantage to Crossover).** (\$4.65 Million) Zion Road from College Avenue to Vantage Drive was improved as part of the Bond Program in 2008. This project would extend the improvements to Crossover Road, and provide for a safer route for users by improving the sharp curve just east of Vantage, eliminating the deep ditches next to the road, providing accommodations for bicycles, and providing sidewalks for pedestrian use.
3. **Regional Park Access.** (\$1.4 Million) This project would improve Judge Cummings Road, and provide a new route through the City's property off of Cato Springs Road to access the proposed parking areas for the Regional Park. The street would be constructed with curb and gutter, sidewalks, and streetlights.
4. **College Avenue Improvements (Maple to Rebecca)** (\$600,000) The improvements to College Avenue would match the existing improvements between Rock and Maple, to include 8 foot wide sidewalks adjacent to the curb, trees, and streetlights. The segment between Maple and Rebecca is relatively short, and inexpensive compared to the other segment that is under consideration.
5. **College Avenue Improvements (Rebecca to North Street).** (\$1.42 Million) This segment is complicated by the existing retaining walls along College and the limited space available. If work on this segment moves forward, options other than 8 foot sidewalks adjacent to the curb on both sides may need to be considered.
6. **STP-A Matching Funds (\$2 million).** This placeholder project provides matching funds for federal aid money available through the Surface Transportation Program-Attributable Funds Program. This money is distributed through the Northwest Arkansas Regional Planning Commission. Projects are selected by a local selection committee. Projects selected for funding in Fayetteville in 2013 are Ruppel Road south of Mount Comfort Road (design funding), and Razorback Road (Hwy 112) from Martin Luther King Jr. Blvd. to Leroy Pond Drive through the University of Arkansas Campus. These projects are detailed below.
7. **Intersection Improvements at Selected Intersections (\$500,000)** This project would improve safety and pedestrian access at intersections such as Garland/Maple, Garland/North, North/College, MLK/Razorback, etc. Improvements would be designed as needed. Cost of improvements would be based on intersections selected and the improvements needed at each intersection.
8. **Contingency/Cost Sharing.** This is a placeholder project representing the unallocated funds remaining after funding the above projects. This amount may fluctuate as project budgets are refined during the design and project development process.

STP-A PROJECTS

The following two projects have been approved for funding in 2013 by the Regional Planning Commission. (Discussions regarding 2014 will begin soon.)

1. **Ruppel Road (Best Friend Lane to Mount Comfort Road).** (\$3.7 Million) This project will extend improvements to Ruppel Road from the north end of the Links at Ruppel apartment complex to Mount Comfort Road. The road will be realigned, with a new bridge across Hamstring Creek, to connect with Mount Comfort Road at the existing signal, creating a new 4-way intersection with Ruppel Road and Mount Comfort. Ruppel Road is identified as a priority by the Northwest Arkansas Regional Planning Commission as a north-south connector; therefore, this is one of the projects approved by the NWARPC for federal-aid (STP-A) funding (for design only) for 2013. The City will be responsible for a minimum of 20% matching funds. This project has been previously identified as a priority project by the Street Committee.

2. **Highway 112 (Razorback Road) (Martin Luther King Jr. Blvd. to Leroy Pond Drive).** (\$2.6 Million) This project will provide 4 travel lanes, with turning lanes at MLK and at Leroy Pond, and a new signal at Leroy Pond. Sidewalks will be provided on both sides. This project has had a \$1 million allocation of federal aid funding for several years, and recently has been approved for additional federal aid funding through the STP-A program, thereby closing a funding gap for the \$2.6 million project and allowing it to move forward. Members of City staff are working with UA staff on a cost share arrangement for the required 20% matching funds. The City Council committed to partnering on this project in 2003, when the original \$1 million in federal funding was made available.

HOUSES AT WILLOW BEND PROJECT

The Houses at Willow Bend is an affordable housing project that is being developed by Partners for Better Housing, a local non-profit organization dedicated to providing affordable housing in Fayetteville. The City has worked with this group to secure design funding through the Home Depot Foundation. The Street Committee heard a presentation and a request for cost sharing from Partners for Better Housing. Participation by the City in the cost of the street and drainage infrastructure in the development would make houses that will be constructed more affordable. There were some concerns raised by the City Attorney regarding use of Transportation Bond Funds for this project; therefore, the Committee deferred approval of funding at this time, pending further information on funding sources and other details regarding the development of an agreement with Partners for Better Housing for cost sharing on the Willow Bend Project.

NEXT STEPS

Approval of these projects by the City Council will allow staff will begin programming the projects, to include finalizing the work scopes and cost estimates, selecting engineering consultants, developing agreements with the AHTD and other agencies for the federal aid funding, and other preliminary project tasks necessary to move forward with the projects.

RESOLUTION NO. 15-03

A RESOLUTION TO APPROVE THE AGREEMENT OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR COST SHARING FOR THE PRELIMINARY ENGINEERING WORK TO WIDEN RAZORBACK ROAD

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the Agreement of Understanding between the City of Fayetteville and the Arkansas Highway and Transportation Department (attached as Exhibit A) relative to widening Razorback Road and requiring an initial payment of \$35,000 for preliminary engineering work by the Arkansas Highway and Transportation Department.

PASSED and APPROVED this the 4th day of February, 2003.



By: Sondra Smith
Sondra Smith, City Clerk

APPROVED:

By: Dan Coody
DAN COODY, Mayor



AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the

U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

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

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

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

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

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

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of

February, ~~2002~~
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director of Highways and Transportation

CITY OF
FAYETTEVILLE

Dan Coody
Mayor

Attachment A

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

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WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

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Construction Engineering:	80	0	20

, and

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

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

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THE CITY WILL:

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2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

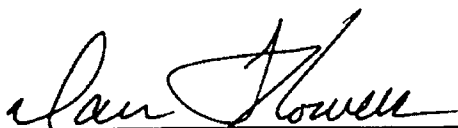
1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

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

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of February, 2002.
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT



Dan Flowers
pm Director of Highways and Transportation

CITY OF
FAYETTEVILLE



Dan Coody
Mayor

City of Fayetteville Item Review Form

2014-0117

Legistar File Number

3/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Don Marr & Lindsley Smith

Submitted By

Emergency Mgmt/COS/Communications

Department

Action Required:

A resolution to approve a budget adjustment in the amount of \$66,500 for a citizen implementation communication & marketing plan for the rollout of the Citizen Fayetteville Emergency Alert System

Does this item have a cost? ☒ Yes

\$66,500.00

Cost of this request

5400.4000.5315.00 & 5500.5315.00 & 1010.6600.5315

Account Number

Project Number

\$66,500.00

Category or Project Budget

\$0.00

Funds Used to Date

\$0.00

Remaining Balance

Contract Services

Program or Project Name

Contract Services

Program or Project Category

Water/Sewer Fund & Solid Waste Fund & General Fund

Fund Name

Budgeted Item? ☐ No

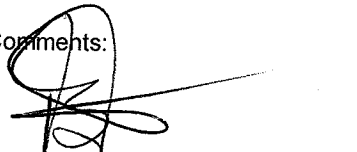
Budget Adjustment Attached? ☒ Yes

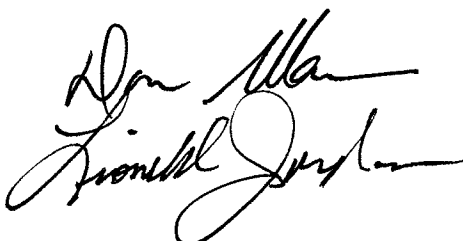
V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:


Paul A. Beahm


Don Marr



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 18, 2014

TO: Mayor and City Council

THRU: Mayor Lioneld Jordan *lg*

FROM: Don Marr, Chief of Staff *DM*
Lindsley Smith, Sr. Director of Communications *LS*

DATE: February 26, 2014

SUBJECT: Fayetteville Alert System Marketing Plan

RECOMMENDATION:

Pass a Resolution appropriating \$66,500.00 to be taken from the Water & Sewer Utility Fund and the Solid Waste Recycling & Trash Fund and the City's General Fund and to be placed in the Division of Media Services Operations Budget for the purchase of media placement to promote the Fayetteville Alert System to the residents of Fayetteville and increase the registration success rate of sign-up and for the production of the necessary media elements, and approving a Budget Adjustment for the same.

BACKGROUND:

The Fayetteville Alert System is in the final stages of development and will soon be ready to be deployed. The FAS will provide both emergency and non-emergency messaging for people who opt-in to receive messages for particular topics. Non-emergency messaging is received on an opt-in basis only. This presents the challenge of communicating with the public and providing information regarding the existence of the Fayetteville Alert System, how they can opt-in for particular messaging that may be of interest to them, and motivate them to do so.

It was the desire of the City Council, when the Fayetteville Alert System is deployed, that a broad-reach marketing and communication campaign should be implemented to provide the public with information regarding the system. The overall goal of such a marketing campaign will be to create awareness of the Fayetteville Alert System, inform the public of the capabilities of the system, motivate the public to sign up for the Fayetteville Alert System, and provide information regarding how to sign up. This initial enrollment requires much more of a communication need than for annual maintenance.

DISCUSSION:

The marketing campaign will begin in conjunction with the launch of the Fayetteville Alert System. The strategy is to provide repetitive and high frequency of contact to citizens in the market with messages. Its primary goal is to create awareness of the Fayetteville Alert System. Its secondary goal is to motivate viewers to sign up to receive alerts from the system. Some information regarding the details of the operation of the Fayetteville Alert System also will be

incorporated into the messaging. The launch campaign will be broad-reach/high-frequency and run from four to six weeks, depending on media constraints.

Media placement that will be purchased includes direct mail, newspaper, both on-line and broadcast television, cable television, and broadcast radio.

In addition to the media placement described above, significant social media messaging will be utilized via Facebook, YouTube, and Twitter. Also, any communication channels utilized by in-house staff (newsletters, etc.) can incorporate awareness messaging for the Fayetteville Alert System. This messaging can be managed and/or executed by the Communication Department.

After the initial launch campaign, information regarding the Fayetteville Alert System will continue to be distributed through social media and other outlets, as well as at City events such as Town Hall Meetings, safety events, child-seat clinics, tree give-away, etc. and will help maintain the awareness of the Fayetteville Alert System.

Target audience

The primary target audience for the campaign is residents of the City of Fayetteville. The secondary target audience is people who work in Fayetteville.

Production costs

Costs of producing the media elements (TV spots, radio spots, etc.) is included in the appropriation and will be kept to a minimum by utilizing in-house staff and resources to the greatest extent possible.

BUDGET/STAFF IMPACT:

An appropriation of \$66,500.00 is requested to pay for production costs and media placement and this is to be provided by the Utility funds and the General Fund. The Media Services and Communications staff members will work internally as well as contract some design services to create the advertising ads and collateral materials to be utilized for the registration blitz and on-going enrollment registration into the Fayetteville Alert System

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$66,500.00 TO PROVIDE FUNDING FOR A MARKETING AND COMMUNICATION CAMPAIGN FOR THE FAYETTEVILLE ALERT SYSTEM

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 \$66,500.00 to transfer funds from the Utilities Fund, Solid Waste Fund, and General Fund for the payment of costs related to a marketing and communication campaign for the Fayetteville Alert System.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2014-0101

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

Approval of an Ordinance approving a Utility Work Agreement with SourceGas Arkansas Inc. in the amount of \$72,277.19 plus a contingency of \$14,455.00 for a total of \$86,732.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project.

Does this item have a cost? ☒ Yes

\$86,732.19

Cost of this request

\$0.00

Category or Project Budget

Van Asche (Garland to Gregg)

Program or Project Name

4520.9555.5809.00

Account Number

\$0.00

Funds Used to Date

Transp. Bond Street Improvements

Program or Project Category

06035.2500

Project Number

-\$86,732.19

Remaining Balance

Street Sales Tax 2013

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul A. Bueh

Don Mar 3/6/14
Lionel Jarman



CITY COUNCIL AGENDA MEMO

Council Meeting of March 18, 2014

To: Mayor and City Council

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

From: Chris Brown, City Engineer *CB*

Date: February 20, 2014

Subject: **Approval of an Ordinance approving a Utility Work Agreement with SourceGas Arkansas Inc. in the amount of \$72,277.19 plus a contingency of \$14,455.00 for a total of \$86,732.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project.**

PROPOSAL:

After reviewing the proposed construction plans, Engineering staff and SourceGas Arkansas staff have agreed that approximately 2,800 linear feet of existing gas line and appurtenances, at a cost estimated to be \$91,144.00, will have to be relocated to allow the proposed Van Asche Drive improvements to be constructed. It was also determined that 79.3% of the relocation cost is for gas facilities located in easements possessed by SourceGas outside the City Right of Way, making 79.3% of the cost of relocations reimbursable.

In accordance with the above parameters, SourceGas has presented the attached contract whereby the City agrees to reimburse SourceGas 79.3% or \$72,277.19 of actual costs to relocate their facilities. Due to the unpredictable nature of construction projects, staff recommends a 20% contingency for unforeseen utility conflicts, an amount estimated to be \$14,455.00. Therefore the total dollar amount recommended to be approved by City Council is \$86,732.19. The final payment by the City will be based on the actual cost of the gas relocations.

RECOMMENDATION:

Staff recommends approval of an Ordinance approving a Utility Work Agreement with SourceGas Arkansas Inc. in the amount of \$72,277.19 plus a contingency of \$14,455.00 for a total of \$86,732.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project.

BUDGET IMPACT:

Funding will be provided by the Transportation Bond Program.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A COST-SHARE UTILITY WORK AGREEMENT WITH SOURCEGAS ARKANSAS, INC. IN THE AMOUNT OF \$72,277.19 FOR THE RELOCATION OF GAS MAINS AND FACILITIES NECESSARY FOR THE VAN ASCHE DRIVE PROJECT, AND TO APPROVE A PROJECT CONTINGENCY OF \$14,455.00

WHEREAS, the Van Asche Drive Construction Project will require certain gas mains and facilities belonging to SourceGas Arkansas, Inc. ("SourceGas") to be relocated; and

WHEREAS, SourceGas has agreed to pay 20.7% of the total project cost and it is cost-effective for the City to enter into this cost-sharing agreement; and

WHEREAS, Ordinance No. 5542, which was passed and approved on November 20, 2012, waives the requirement of formal bidding on "all such projects necessitated by any road reconstruction or widening projects with SourceGas Arkansas, Inc. within Fayetteville until December 31, 2016".

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a cost-share utility work agreement with SourceGas Arkansas, Inc. in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and further approves a project contingency of \$14,455.00.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



UTILITY WORK AGREEMENT (MUNICIPALITY)

Municipality: City of Fayetteville
Municipality's Address: 113 West Mountain, Fayetteville, AR 72701
Job Location: Van Asche

This Utility Work Agreement ("Agreement") is made and entered into this ____ day of _____, by and between the City of Fayetteville (hereinafter referred to as "Municipality"), and SourceGas Arkansas Inc. (hereinafter referred to as "SourceGas").

WHEREAS, Municipality proposes to make certain Improvements at the location designated above, and as a result of such Improvements, SourceGas must adjust, enhance, locate, observe, and/or relocate certain of its existing facilities, or construct additional facilities; and

WHEREAS, in connection with Municipality's proposed improvements, Municipality wishes SourceGas to do the following:

Replace 2" plastic pipe for Van Asche road project: Starting at -94.18519, 36.116313 then going across Van Asche Dr. going West for app. 160' also going East app. 820' then crossing the road to the south side, then going under I-540 East app. 460', then going North app. 160', making tie ends replacing services along the new pipe. Then starting at -94.163923, 36.116649 just West of Gregg Ave. going 1000' West then turning to the North for 200', making tie ends with 2x2 HVPT also replacing service.

(hereinafter referred to as the "Work"); and

WHEREAS, such Work is shown in detail in SourceGas' plans, sketches, estimate of cost, and specifications (when applicable), which are attached to this Agreement and made a part hereof; and

WHEREAS, Municipality agrees to pay for the cost of such Work to the extent herein agreed upon.



NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND OTHER VALUABLE CONSIDERATION HEREIN ACKNOWLEDGED, MUNICIPALITY AND SOURCEGAS AGREE AS FOLLOWS:

1. Where applicable hereunder by reason of new utility occupancy or crossing of Municipality's property, Municipality hereby grants to SourceGas an easement or license to install and operate utility facilities on or across Municipality's property as shown on the approved plans or sketch maps attached hereto and made a part hereof. In addition to the easement over Municipality's property, prior to SourceGas beginning the Work, Municipality will, at no cost to SourceGas, furnish SourceGas with all other necessary easements, rights of way and permits. ~~Those easements, rights-of-way and permits shall release SourceGas from any and all claims for damage done to streets, land, fences, and crops arising out of the performance of the Work.~~ After the natural gas pipeline is installed by SourceGas, SourceGas will remove all trash and litter from the right(s)-of-way herein granted and restore the right(s)-of-way, as nearly as possible, to the condition in which it/they existed prior to the construction of the natural gas pipeline.

REVISED
DOCUMENT
BEING SIGNED
THIS WEEK BY
SOURCEGAS.
WILL RECEIVE
3/7/14.
MC

2. Where applicable hereunder by reason of new construction on existing utility rights of way, SourceGas hereby grants to Municipality the right to use for Municipality's purposes the lands within the limits of the Improvement project limits on or across which SourceGas holds a valid property interest antedating Municipality's rights which were subsequently acquired in the same lands, and which property rights SourceGas shall retain so long as SourceGas, its successors or assigns continues such use and occupancy and does not abandon, and thereby release, such property interest to Municipality through removal of facilities in performing the Work or by subsequent removal of facilities for SourceGas' convenience; and Municipality hereby agrees that SourceGas, by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for any costs as may be eligible for reimbursement by reason of such prior property interest, nor does SourceGas waive any other legal or property right held under the laws or Constitution of the State of Arkansas or the United States.

3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either Municipality or SourceGas in the area jointly occupied or used under either or both Paragraphs 1 or 2 of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of



investment in the property of Municipality or of SourceGas, either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. Municipality will pay SourceGas 79.3% of the actual cost of the Work. The estimated cost of the Work is \$91,144.00. Thus, the estimated cost to Municipality for the Work is \$72,277.19. After it has completed the Work, SourceGas will bill Municipality for 79.3% of the actual cost of the Work. Municipality shall pay such invoice within 30 days of Municipality's receipt of the invoice. If Municipality fails to pay any such invoice within 30 days of receipt, the amount due under the invoice shall accrue interest at the rate of 10 per cent per annum until paid.

5. SourceGas will perform the Work, as described on the first page of this Agreement. SourceGas will endeavor to perform the Work within a reasonable time period, subject to applicable laws, rules and regulations of governmental authorities, and subject to any delay occasioned by lack of right of way, availability of materials and supplies, force majeure or events or conditions of whatsoever nature reasonably beyond SourceGas' control, and further conditioned upon the receipt of all required approvals and consents in form and substance acceptable to SourceGas. SourceGas shall not be obligated to commence the Work unless and until, at no cost to SourceGas, all necessary easements and rights of way have been executed, acknowledged and delivered to SourceGas in a form acceptable to SourceGas.

6. Title to and ownership of facilities which are the subject of the Work shall forever be and remain exclusively and unconditionally vested in SourceGas. Municipality understands, acknowledges and agrees that Municipality shall have no title to, interest in, or ownership of those facilities.

7. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to property rights, right of way occupancy permission, access for servicing when applicable, and joint use of rights of way shall continue in full force and effect from the date of this Agreement, and shall be perpetually binding upon each party, and its representatives, successors and assigns.

8. Municipality and SourceGas acknowledge that there are no agreements or understandings, either written or oral, between the parties related to the Work, other



than as set forth in this Agreement, and that this Agreement (including any attachments hereto) contains the entire agreement between the parties regarding the Work.

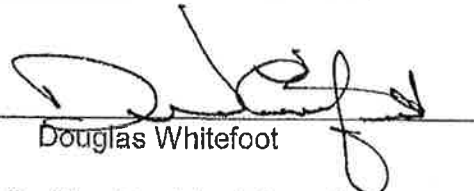
9. This Agreement shall be governed in accordance with the laws of the State of Arkansas, the rules and regulations of the Arkansas Public Service Commission, and the Tariff of SourceGas. In the event of a conflict between this Agreement and any such laws, rules, regulations or Tariff, such laws, rules, regulations or Tariff shall control.

10. In the event SourceGas is required to initiate litigation to enforce the terms and conditions of this Agreement, then SourceGas shall have the right to recover from Municipality SourceGas' costs and expenses of such litigation, including reasonable attorney fees.

11. Municipality acknowledges that it has been afforded an opportunity to have its attorney review and explain the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their duly authorized representatives on the date stated above.

SOURCEGAS ARKANSAS INC.

By: 

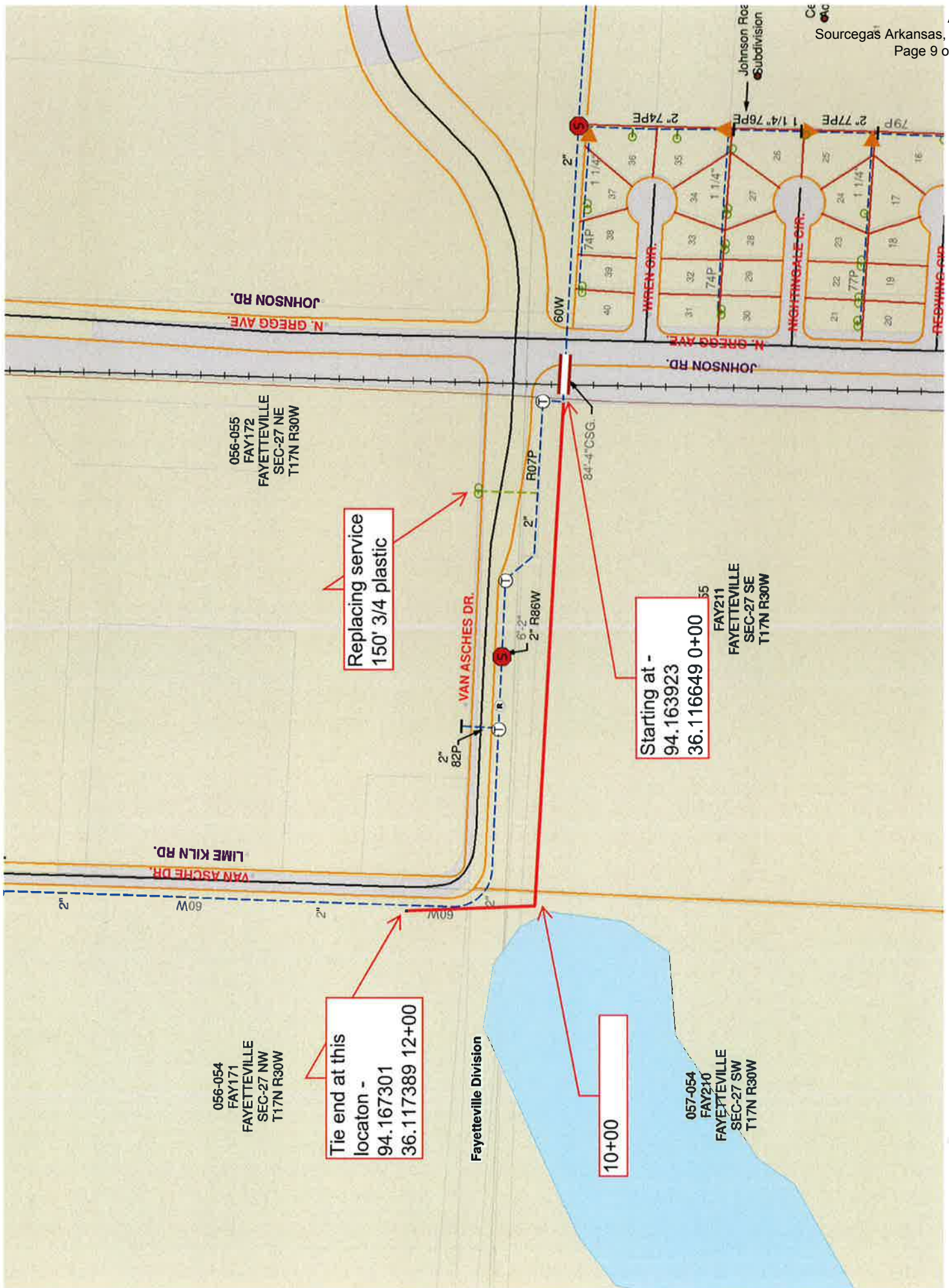
Douglas Whitefoot

Its: Sr. Vice President Operations

By: _____

Its: _____





*This new packet
replaces the entire
old packet.*

City of Fayetteville Item Review Form

2014-0120

Legistar File Number

03/18/14

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Peter Nierengarten

Submitted By

Sustainability & Resilience

Department

Action Required:

Staff has prepared the following ordinance changes at the request of the City Council Ordinance Review Committee. These changes amend the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process for mobile vendors, create a mobile vendor court conditional use process and allow food trucks to operate on public and private property.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

ADM 13-4486

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 5498

Original Contract Number:

Comments:

Kash 3-4-14

Paul a. Becker

Donna 3/6/14
Frank Jarch





CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 18, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Kit Williams, City Attorney
Andrew Garner, City Planning Director
Sharon Water, Parking & Telecommunications Division Manager
Allison Jumper, Park Planning Superintendent

FROM: Peter Nierengarten, Sustainability & Resilience Department Director

DATE: March 4, 2014

SUBJECT: ADM 13-4486 Outdoor Mobile Vendor Ordinance Amendments

RECOMMENDATION:

Staff has prepared the following ordinance changes at the request of the City Council Ordinance Review Committee. These changes amend the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process for mobile vendors, create a mobile vendor court conditional use process and allow food trucks to operate on public and private property.

BACKGROUND:

The City Council adopted the Outdoor Vendor Chapter in the Unified Development Code in 2008. Previously, the City administered vendor licensing through a Transient Merchant License. Since 2008 the section of this code that deals with outdoor mobile vendors operating on private property has been amended twice in order to expedite the process and to allow vendors to locate in the same place for time periods longer than the original 90 day limitation. Recently the need to again amend this code has been discussed by City Council members and mobile vendor operators.

The Planning Commission heard this item at their October 15, 2013 meeting and proposed minor changes to originally drafted ordinances. The Planning Commission forwarded this item to the City Council with a recommendation of approval for the amended version with a 7-2-0 vote. Staff included their recommended language in the originally presented ordinance changes.

On November 19, 2013 the City Council first discussed the proposed ordinance changes and voted to send the item to the Ordinance Review Committee.

On December 19, 2013 the City Council Ordinance Review Committee discussed proposed changes to ordinances regulating mobile vendors. The primary focus of discussion during this meeting was a proposal by Alderman Petty (see attached) to allow mobile vendors to "bump"

(temporarily locate) on private and public property in on-street parking spaces and in City Parks. The committee voted to incorporate Alderman Petty's proposal into the mobile vendor ordinance with four additions/modifications:

- Public property permit holder would be selected by a lottery instead by sealed bid solicitation
- Mobile vendors shall submit a waste disposal plan
- Food trucks on public streets are restricted to vending from marked parallel on-street parking spaces
- City Council requests an annual staff report on food truck permits

On February 20, 2014 the City Council Ordinance Review Committee again discussed the proposed ordinance changes and made suggestions (see attached) for changes to the ordinances. Those changes have been incorporated into the proposed ordinances.

DISCUSSION:

Under section 178.03 – Sidewalk Vendors:

- No changes are currently proposed to this section.

Under section 178.04 – Mobile Vendors Located on Private Property:

- Add language that requires outdoor mobile vendors to comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- Extend temporary permits from the current 90 days to six months. This will allow for a longer "season" for seasonal operators such as snow cone businesses which typically operate for five months.
- Mobile vendors seeking a 6 month (temporary) permit are approved administratively after meeting the requirements of the ordinance.
- The temporary permit requirement to move locations after six months would allow for relocation within ¼ mile instead of the current ½ mile.
- Create an extended (annual) permitting process that would allow vendors to get a permit to set up and operate in the same location for one year.
- Annual permits may be granted by the Planning Commission. The mobile vendor may continue to request an annual permit for the same location year after year.
- Remove requirement that mobile vendors not adversely affect nearby businesses and replaces it with a requirement that mobile vendors not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed mobile vendor location.
- Create Mobile Vendor Court conditional use process. Mobile Vendor Court may be approved by the Planning Commission and are permitted to the property owner.
- Vendors in Mobile Vendor Courts are not required to obtain Six Month or Annual Permits.
- For Mobile Vendor Courts, the Planning Commission may require site improvements such as restrooms, utility connections and pedestrian and vehicular safety improvements.
- Remove the ability for Planning Commission to require other site improvements such as landscape and parking lot improvements.
- A number of existing business operations that are regulated by other codes would be exempted from this chapter including; special events, fireworks sales, etc.
- A list of prohibited conduct is included and a section outlining the process for suspending or revoking the permit is added.

Create a new section 178.05 – Food Trucks Limited Time Permit:

- Allow food trucks to locate on public property in on-street marked parallel parking spaces and in parks for up to 4 hours.
- Creates a lottery that would allow up to 3 (or 1/3 of the total number of applications received) available permits for food trucks on public property.
- Requires food trucks to not locate directly in front of a restaurant or parking pay stations.
- Allows food trucks to locate on private property for up to 4 hours.

Relocate section 178.06 – Transient Merchants:

- Language related to Transient Merchants is unchanged and is simply being relocated from 178.05 to 178.06.

Amend Parks section 97.086 Vending and Peddling:

- Allows food trucks in parks except in areas that are actively being served by contracted concessionaires (see attached maps).
- Allows food trucks to be permitted for special events in parks.

BUDGET/STAFF IMPACT:

If the overall number of permit applicants is similar to previous years then staff does not anticipate a significant change in the workload or staffing requirements related to these ordinance changes. Staff does not anticipate a budget impact.

Attachments:

- Alderman Petty's Proposal to allow mobile vendors to "bump" on private and public property
- Memo from Alderman Long RE: Ordinance Review Committee Meeting Suggested Changes to Outdoor Vendors & Mobile Food Trucks
- Exhibit A - Proposed section 178.04 – Mobile Vendors Located on Private Property
- Exhibit B - Proposed section 178.05 – Food Truck Limited Time Permit
- Exhibit C – Relocated section 178.06 – Transient Merchants
- Exhibit D - Proposed Parks section 97.086 – Vending And Peddling
- Existing UDC section 178.04 – Outdoor Mobile Vendors Located on Private Property and 178.05 – Transient Merchants
- Highlight of additions to Parks existing section 97.086 – Vending And Peddling

Alderman Petty's Proposal to the December 19, 2013 - City Council Ordinance Review Committee

Proposal to allow mobile vendors to “bump” on private and public property

Temporary permits and mobile vendor courts

In general, I believe the current proposal addresses these scenarios well. Temporary permits allow individual food trucks to set up in one location regularly throughout the year. This is the behavior we are seeing now with vendors like Best Frickin' Chicken and Nomad's Natural Plate. The new portion of the ordinance deals with mobile vendor courts and allows for more efficient permitting for sites like the Yacht Club which have spaces for multiple vendors.

I would like to add a new section to the proposal to address the model where vendors set up for a limited time at construction sites, office towers, parks, and streets like Dickson St. I have spoken with Development Services, Parks, and Parking staff about this idea and this framework is a result of those conversations.

Private property

- Allow licensed vendors to “bump” on private property with permission of the property/business owner.
- Time limit: 2 hours, not including setup or breakdown.

Public property

- Allow vendors to “bump” in parks and on-street parking spaces with a special permit.
- Time limit: 2 hours, not including setup or breakdown.
- Vendors shall not return to the same street or park within a 10 hour period.
- Vendors must purchase annual parking pass (~\$600).
- Permit holders must pay annual renewal/processing fee.
- Permits awarded by auction (city solicits sealed bids, awards permits to the highest bids).
 - Limit to four permits the first year so any unforeseen problems can be managed quickly and with minimal staff burden.
 - Allow staff to increase the number of permits each year.
 - Ex: if there are 10 new applications, allow staff to issue 3 permits. (1/3rd of the number of the new applications)
 - Vendors who already have a permit just have to match the winning bid price to keep the permit. They don't have to participate in the auction again, but their permits may be revoked if they have health code violations, etc.
- Vendors would be prohibited from vending on League Nights at the baseball stadium in Walker Park, where we have a contracted concessionaire. Vendors would still be allowed to bump elsewhere in the park for other parks patrons.

Alderman Petty's Proposal to the December 19, 2013 - City Council Ordinance Review Committee

Note on events

Event permits always trump other vendor permits. For example, permitted sidewalk vendors do not have the right to vend at the Farmers' Market or BBQ because these are events governed by a Special Events Permit through the Mayor's office. The same rules apply to the new permits I am proposing.

Finally, the Parks Department has requested we piggyback an ordinance to allow them to bring vendors into the parks for special events.

ORDINANCE REVIEW COMMITTEE

MEMO

FEBRUARY 21st, 2014

TO: MAYOR, CITY COUNCIL MEMBERS, CITY ATTORNEY, CITY STAFF & CITY CLERK

From: Alderman, Alan T. Long, Ordinance Review Committee Chair

RE: Ordinance Review Committee Meeting Suggested Changes to
Outdoor Vendors & Mobile Food Trucks

Below you will find the suggested changes to the ordinance as suggested by the ordinance review committee. Please reference the documents submitted by the staff for comprehensive understanding. It is the committee's desire that the staff make the below suggested changes.

SECTION 178.03

Please amend this back to the original language. Due to the addition of section 178.05 (Food Truck Limited Time Permit), "Bumping", it would be redundant to amend this section of the code.

SECTION 178.04

C) The committee requests that staff replace section "c" with the document labeled section "E" (Mobile Vendor Courts). However, from section E, the committee suggests to remove sections 2, A&B and keep sections C, D & E. On section 2)D (from the new document labeled section E, Mobile Vendor Courts), the committee suggests removing the last sentence that states, "This may include sidewalk and curb cut improvements."

D)6: Remove the requirements for the lots to be paved.

D)8: Add the word, "court", after mobile vendor.

* The committee would like to discuss at the full council meeting exactly what the planning commission can require of the mobile vendor court owners and when requirements may be placed on the owners.

SECTION 178.05

B)1: The committee did not come to a consensus on whether or not we should set a maximum number of permits. The committee requests that the full council make this decision.

B)2)D: Change to "must move at least 325 feet and out of sight".

C)5: Change from, "applicant" to "applicant or property owner".

ORDINANCE REVIEW COMMITTEE

C)7: REMOVE SECTION 7. This is the requirement that they must locate on paved surfaces.

Questions for section 178.05

*In section 178.05, there was not a consensus on whether or not Food Trucks or Mobile Vendors should be forced to provide a restroom while "bumping". The committee requests that this be discussed at the full council.

*The committee also requests that parking staff give suggestions regarding the following question. Can the applicant occupy two parking spaces if they pay for two parking spaces?

SECTION 97.086

C)1: Change the first sentence to read, "Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C."

C)1: Change the second sentence to read, "Food trucks may locate at special events sponsored by Parks & Recreation with a permit & permission from the Parks & Recreation Director."

Regards,

A handwritten signature in dark ink, appearing to read 'ATL', with a large, stylized loop at the end.

Alan T. Long

City of Fayetteville

Alderman, Ward 4, position 2

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL § 178.04 **OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY** AND ENACT A REPLACEMENT § 178.04 **OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY**, TO ENACT § 178.05 **FOOD TRUCK LIMITED TIME PERMIT**, TO CHANGE THE SECTION NUMBER OF **TRANSIENT MERCHANTS** FROM § 178.05 TO § 178.06 AND TO AMEND § 97.086 **VENDING AND PEDDLING**

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 repeals § 178.04 **Outdoor Mobile Vendors Located on Private Property** and enacts § 178.04 **Outdoor Mobile Vendors Located on Private Property** as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby changes the section number of **Transient Merchants** from § 178.05 to § 178.06.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby enacts a new § 178.05 **Food Trucks Limited Time Permit** as shown on Exhibit B.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends § 97.086 **Vending and Peddling** by enacting subsections (C) and (D) as shown on Exhibit D.

PASSED and APPROVED this 18th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit A

178.04 Mobile Vendors Located On Private Property

- (A) *Purpose.* The purpose of this section is to facilitate and control the ability of mobile vendors and mobile vendor courts to operate on private property while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.
- (B) *Mobile Vendor Six Month Permit.* Mobile vendors are allowed to operate on a temporary basis for a maximum of six months in one location during a calendar year with administrative approval of the Planning Division. Mobile vendors utilizing a six month permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new mobile vendor application shall be reviewed and approved by the Planning Division for every new location. This permit will expire six months from the date issued and the mobile vending unit shall be removed from the property. The mobile vendor owner also has the option of requesting an annual permit from the Planning Commission at or before the end of their initial six month permit time period.
- (1) A six month permit for a mobile vendor business shall be approved and issued administratively by the Planning Division after making the following determinations:
- (a) All of the requirements of 178.04(D) have been met.
 - (b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
 - (c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.
- (C) *Mobile Vendor Annual Permit.* Mobile vendors are allowed to locate for one year in the same location with approval of the Planning Commission as an administrative item. After the one year period has expired the mobile vendor may move to another location or may request a one year renewal from the Planning Commission.
- (1) An annual mobile vendor permit may be issued by the Planning Commission after making the following determinations:
- (a) All of the requirements of 178.04(D) have been met.
 - (b) The applicant has established that the operation of the mobile vendor will foster an aesthetically appealing streetscape and will not create a dangerous traffic condition.
 - (c) The mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed mobile vendor, unless the mobile vendor predates the aforementioned permanent businesses.
- (D) *Mobile Vendor Permit Requirements.* All mobile vendors located on private property with Six Month or Annual Mobile Vendor Permits shall meet the following requirements and submittals prior to approval:
- (1) Each application for a permit to conduct a mobile vendor business on private property shall be accompanied by a \$100 permit review and processing fee. Mobile vendor permits shall be issued to the owner of the mobile vendor vehicle.
 - (2) Application for a permit to conduct a mobile vendor business shall include the following items in a format acceptable to the Planning Division:
 - (a) Name, address, contact information and signature of both the property owner and the mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at

Exhibit A

all times during the operation of the business.

- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) A detailed site plan roughly drawn to scale showing the location of the property lines, each mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed dining or sitting areas.
 - (e) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The mobile vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile vendors are not permitted to dispose of their trash in public trash receptacles.
 - (4) The mobile vendor permit issued shall not be transferable in any manner.
 - (5) The mobile vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.
 - (6) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (7) Mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed mobile vendor business. The number of required parking spaces is determined by the use and size of the proposed mobile vendor business and by the use and size of the existing business. The use of parking for a mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.
 - (8) Mobile vendors shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has

access to the interior of any mobile vending unit.

- (E) *Mobile Vendor Courts.* Mobile vendor courts may be permitted through a Conditional Use Permit process in appropriate zoning districts. A property owner may request a Conditional Use Permit from the Planning Commission to develop a mobile vendor court subject to the following standards:
- (1) The property owner has provided the Planning Division with a detailed site plan of the mobile vendor court showing the location and dimensional relationships of the property lines, all proposed mobile vendors locations, building setbacks, vehicle parking, sidewalk location and proposed dining or sitting areas.
 - (2) The property owner proposing a mobile vendor court may be required to make any of the following improvements to the property in order to meet City development codes and be approved for this semi-permanent use. Required improvements may include:
 - (a) Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile vendor court. This may include permanent water, sanitary sewer and electricity connections.
 - (b) Improvements necessary to ensure safe pedestrian and vehicular access to the site.
 - (c) Providing adequate restroom facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.
 - (3) Mobile vendors operating in a mobile vendor court are not required to obtain an individual permit but shall provide the Planning Division with the following information:
 - (a) Name, address, contact information and signature of both the property owner and the mobile vendor operator locating in the mobile vendor court.
 - (b) A valid copy of all necessary permits required by State and County health authorities which

Exhibit A

shall be conspicuously displayed at all times during the operation of the vending business.

- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) Written description of any additional structures to be used in conducting business, including but not limited to stairs, decks, tents or enclosures.
 - (e) A detailed site plan of the mobile vendor court showing the location of the applicant's proposed mobile vendor unit location within the mobile vendor court.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the mobile vendor business is permitted to operate on the subject property.
- (F) *Exemptions.* The provisions of the Mobile Vendor ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.
 - (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.

(G) *Prohibited Conduct.* The following conduct is prohibited for mobile vendors:

- (1) Obstruct pedestrian or vehicular traffic flow.
- (2) Obstruct traffic signals or regulatory signs.
- (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
- (4) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
- (5) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.

(H) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
- (2) Conducting the business of mobile vending in a manner contrary to the conditions of the permit.
- (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

(I) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or

Exhibit A

revocation and notifying the vendor or the property owner of his/her right to appeal to the Planning Commission. Such notice shall be personally delivered, posted upon the mobile vendors' premises or mailed to both the address of the property owner and the address of the mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

Exhibit B

178.05 Food Truck Limited Time Permit

- (A) *Purpose.* This section's purpose is to create a process that allows food trucks to locate for a limited time on public and private property. Food trucks are defined as a motorized and operationally self-contained single vehicle equipped with facilities for cooking and selling food.
- (B) *Food Truck Limited Time Permit on Public Property.* Food trucks may apply for a permit determined through a lottery drawing by the Planning Division to locate for a limited time in a marked or delineated parallel public parking space. Food Trucks may also vend in City Parks with approval by the Parks and Recreation Director.
- (1) The Planning Division will conduct a lottery in November each year for a total of three (3) Food Truck Limited Time Permits for locating on public property. If more than nine (9) lottery applications are made Planning Staff may increase the number of permits issued not to exceed one third (1/3) of the total number of applications. Instances in which 1/3 the total number of applications results in a fraction of 0.5 or higher, the number of permits available shall be rounded up to the next whole number. These permits shall be issued on January 1st and will extend until December 31st. Food trucks may apply and participate in this lottery every year.
 - (2) A Food Truck Limited Time Permit on Public Property may be approved administratively by the Planning Division after making the following determinations:
 - (a) The applicant has paid an annual \$100 permit fee. Food trucks shall pay the appropriate fee for the time they are located in public parking spaces. The food truck shall fit entirely within one marked parallel on-street parking space or within one marked parking space in a City Park.
 - (b) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.
 - (c) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.
 - (d) The applicant agrees to move to a different location after a four (4) hour time period. This time period includes onsite set-up and break-down time. The applicant agrees to move at least 325 feet away or out of sight/view of their previous location once their initial 4 hour time period has expired.
 - (e) The applicant agrees to not locate on the same side of the street directly in front of an existing restaurant.
 - (f) The applicant agrees to only vend towards the sidewalk side of the street and to keep the sidewalk unobstructed to allow for free flow pedestrian movement along the street.
 - (g) The applicant agrees to locate on public property such that they will not cause an unsafe traffic or pedestrian situation.
 - (h) The applicant agrees not to set up in a parking space adjacent to a parking pay station kiosk.
 - (i) Food trucks are prohibited from parking or vending from angled on-street parking spaces and from public parking lots in the Entertainment District or the Downtown Business District. Food trucks are prohibited from parking in marked parallel parking spaces that are posted reserved for residential use.
 - (j) The City reserves the right to limit food trucks from utilizing public parking spaces during special events such as; parades, Bikes, Blues and BBQ, etc. Special event permits may be available to food trucks for certain events. Contact the City's Parking Division for special event permits.
- (C) *Food Truck Limited Time Permit on Private Property.* Food trucks may be approved administratively by the Planning Division for a Food Truck Limited Time Permit to locate on private property after meeting the following conditions:
- (1) The applicant has paid an annual \$100 permit fee, unless they are also the holder of a public property lottery permit and they have already paid a \$100 permit fee. Permits expire December 31st.
 - (2) The applicant has provided a valid copy of the County Health Department permit and proof of remittance of HMR tax to the City of Fayetteville.

Exhibit B

- (3) The applicant has the responsibility to dispose of all wastes in accordance with all applicable laws. Food trucks are not permitted to dispose of their trash in public trash receptacles.
- (4) The applicant has agreed to move to a different property after a four (4) hour time period. This time period includes any onsite set-up or break-down time.
- (5) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant or property owner for each proposed site upon which the food truck would like to temporarily locate. The food truck vendor shall keep these records up to date with the Planning Division.
- (6) The applicant agrees to locate on private property such that they will not cause an unsafe traffic or pedestrian situation.

Exhibit C

178.06 Transient Merchants

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services

178.07-178.99 Reserved

Exhibit D

97.086 Vending And Peddling

(A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.

(B) Exemptions. The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A.

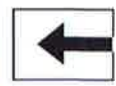
(C) Food trucks permitted pursuant to §178.05 may operate in City Parks as described below:

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

(D) For special events, food trucks and sales of items other than food may be approved by the Parks and Recreation Director through a special event permit..

(Code 1965, '17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10; Ord. No. 5531, 10-02-12) **Cross reference(s)**--Penalty, '97.999.



Legend
Park

Vendors prohibited in highlighted areas when contracted concessionaires are present.

Gary Hampton Softball Complex
2790 N. Salem Rd.



Legend

Vendors prohibited in highlighted areas when contracted concessionaires are present.

Lewis Soccer Complex
1515 N. Lewis Avenue



Legend
Park

Vendors prohibited in highlighted areas during times
when contracted concessionaires are present.

Lake Fayetteville Park
1330 E. Lake Fayetteville Road



Vendors prohibited in highlighted areas during times when contracted concessionaires are present.

Walker Park
10 W. 15th Street



Vendors prohibited in highlighted areas when contracted concessionaires are present.

White River Park
2080 S. Armstrong Avenue



Legend
Park

Vendors prohibited in highlighted areas during times when contracted concessionaires are present.

Wilson Park
675 N. Park Avenue

Existing UDC Chapters 178.04 & 178.05

178.04 Outdoor Mobile Vendors Located On Private Property

- (A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape, and does not create or worsen a dangerous traffic condition.
- (B) *Requirements.* Outdoor Mobile Vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) *Permit Application.* Each application for a permit to conduct an Outdoor Mobile Vendor business shall be accompanied by a \$50 permit review and processing fee.
 - (2) Application for a permit to conduct an Outdoor Mobile Vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
 - (a) Name, address and contact information.
 - (b) Type of items sold or services rendered. A change in product or service will require a new permit to be issued.
 - (c) A valid copy of all necessary permits required by State and County health authorities.
 - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
 - (e) Means to be used in conducting business including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
 - (f) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
 - (g) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business is permitted to operate on the subject property.
 - (3) The permit issued shall not be transferable in any manner.
 - (4) The permit is valid for one mobile vendor location only.
 - (5) The proposed use must be a permitted use-by-right within the underlying zoning district in order to be permitted.
 - (6) An Outdoor Mobile Vendor business may be approved by the Planning Division after making the following determinations:
 - (a) All of the requirements of 178.04(B)(2) have been met.
 - (b) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
 - (7) Outdoor mobile vendors are allowed on a temporary basis (90 days), by nature of their temporary occupancy, in one location over a one-year (twelve month) timeframe. Outdoor mobile vendors may move to a different location at least one half mile from the original location after this 90-day period has expired. However, a new Outdoor Mobile Vendor Application will have to be reviewed and approved by the Planning Division for a new location.
 - (8) Outdoor mobile vendors shall be in compliance with parking lot requirements for any existing and the proposed business. The number of required parking spaces is determined by the use and size of the proposed transient merchant business, and by the use and size of the existing business. Parking spaces on the property where the outdoor mobile vendor is located shall be paved and striped in order to be utilized. The use of parking for an out door mobile vendor may not reduce the number of spaces necessary for other uses occurring on the property. An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.
- (C) *Variances.* Outdoor Vendors may request a variance from the Planning Commission to operate for an extended period of time, not to exceed twelve consecutive months, in the same location subject to the following standards:
- (1) A vendor may request a variance from the 90 day location requirement to operate for an

extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.

- (2) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.
- (3) A variance may be granted by the Planning Commission when the following findings have been met:
 - (a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
 - (b) That the outdoor mobile vendors' presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.
- (4) In granting the variance, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance.

(Ord. 5185, 10-7-08; Ord. 5425, 8-2-11; Ord. 5498 05-01-12)

178.05 Transient Merchants

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services

(Ord. 5185, 10-7-08)

178.06-178.99 Reserved

(Ord. 5185, 10-7-08)

Highlight of additions to existing Parks section 97.086

97.086 Vending And Peddling

(A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.

(B) Exemptions. The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A.

(C) Food trucks permitted pursuant to §178.05 may operate in City Parks as described below:

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

(D) For special events, food trucks and sales of items other than food may be approved by the Parks and Recreation Director through a special event permit.

(Code 1965, '17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10; Ord. No. 5531, 10-02-12) **Cross reference(s)**--Penalty, '97.999.

City of Fayetteville Item Review Form

VOID

new packet will be
submitted Wed. 3/15/14
to replace old packet.
WJ

2013-0153
Legistar File Number

11/19/13

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Peter Nierengarten

Submitted By

Sustainability and Strategic Planning

Department

Action Required:

Staff recommends approval of an ordinance amending the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process and to allow for mobile food trucks to operate daily on private property.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 5498

Original Contract Number: _____

Comments:

Paul A. Bader 11-3-2013

Don Mar 11-4-13

David Jordan 11/4/13

11-01-13 11:42 REVD
Tabled to the 3/18/14 City Council
mtg at the 2/18/14 City Council mtg.

Tabled to the February 18,
2014 City Council mtg at
the January 21, 2014 City
Council meeting.

This ordinance was tabled to the January 21, 2014
city Council mtg at the 12/17/13 City Council meeting.

This ordinance was left on the first Reading and tabled to the December 17, 2013
City Council meeting at the November 19, 2013 City Council meeting.



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

CC: Jeremy Pate, Development Services Director

From: Peter Nierengarten, Sustainability & Strategic Planning Director *PN*

Date: October 30, 2013

Subject: ADM 13-4486 Outdoor Mobile Vendor Ordinance Amendments

RECOMMENDATION:

Staff recommends approval of an ordinance amending the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process and to allow for mobile food trucks to operate daily on private property.

BACKGROUND:

The City Council adopted the Outdoor Vendor Chapter in the Unified Development Code in 2008. Previously, the City administered vendor licensing through a Transient Merchant License. Since 2008 the section of this code that deals with outdoor mobile vendors operating on private property has been amended twice in order to expedite the process and to allow vendors to locate in the same place for time periods longer than the original 90 day limitation.

Recently Planning Staff and Alderman Petty have discussed a number of amendments to this code. The first would be to create an extended permitting process that would allow vendors to get a permit to set up and operate in the same location for a calendar year. Additionally, staff has extended the temporary permit from 90 days to 6 months. And finally, staff is proposing to rename the sidewalk vendor section and add a new section that would permit mobile food trucks to operate on private property on a daily basis. The following bullet points highlight the proposed amendments to the existing Outdoor Mobile Vendor code:

- Mobile vendors shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed mobile vendor location.
- All permits would be granted to the property owner and the outdoor mobile vendor operator jointly. This will place the responsibility of compliance with the ordinance on both the mobile vendor operator and the property owner.
- A temporary permit would be extended from the current 90 days to six months. This will allow for a longer "season" for seasonal operators such as snow cone businesses which typically operate for five months. Staff also feels that six months allows a vendor to adequately test and evaluate their business model at a specific location.
- The temporary permit requirement to move locations after six months would allow for relocation within ¼ mile instead of the current ½ mile.

- The “Variance” section has been renamed as an “Annual Permit” and shall be limited to one year. Annual permits will be granted by the Planning Commission which may impose conditions and restrictions on the mobile vendor business or the property owner such as landscape improvements, parking lot improvements or permanent restroom facilities, etc. The mobile vendor may continue to request extended permits for the same location year after year. Mobile vendor courts will be able to form through the use of the annual permit process.
- Mobile vendors seeking a temporary (6 month) permit are approved administratively after meeting the requirements of the ordinance. Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- A number of existing business operations that are regulated by other codes would be exempted from this chapter including; special events, fireworks sales, etc.
- A list of prohibited conduct is included and a section outlining the process for suspending or revoking the permit is added.
- Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

The following bullet points highlight the proposed amendments to the existing sidewalk vendor ordinance adding a new section regulating food trucks located on private property:

- A food truck is a motorized and operational self contained vehicle equipped with facilities for cooking and selling food that is removed daily from the property on which it vends food. Food trucks may be permitted to locate on private property on an annual basis through and administrative process when all conditions of the ordinance have been met.
- Food truck permits would be granted to the property owner and the outdoor mobile vendor operator jointly.
- The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location.
- Food truck permits are good for only one location, but food trucks may hold permits for multiple locations.

DISCUSSION

The Planning Commission heard this item at their October 15, 2013 meeting and proposed minor changes to the code. The Planning Commission forwarded this item to the City Council with a recommendation of approval for the amended version with a 7-2-0 vote. Staff supports Planning Commission’s amendments and has included their recommended language in the ordinance.

BUDGET IMPACT:

None

VOID

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL § 178.03 SIDEWALK VENDORS AND ENACT A REPLACEMENT § 178.03 SIDEWALK VENDORS AND FOOD TRUCKS AND TO REPEAL § 178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY AND ENACT A REPLACEMENT § 178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 178.03 **Sidewalk Vendors** and enacts a replacement § 178.03 **Sidewalk Vendors and Food Trucks** as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas repeals § 178.04 **Outdoor Mobile Vendors Located on Private Property** and enacts § 178.04 **Outdoor Mobile Vendors Located on Private Property** as shown on Exhibit B attached hereto.

PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

(1) *Sidewalk Vendors.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(2) *Food Trucks.* The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) *Sidewalk Vendor and Food Truck Authorization.* The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

(4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

(1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed vehicle or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the vehicle or pushcart to be used.

(2) The permit issued shall not be transferable in any manner.

(3) The sidewalk vending or food truck permit is good for one location only.

VOID

Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

(1) *Sidewalk Vendors.* The City of Fayetteville permits the following types of goods for sidewalk vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by sidewalk vendors.

(2) *Food Trucks.* The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

(3) All goods being sold from sidewalk vendors and food trucks shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian or vehicular traffic on the sidewalk or street.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Sidewalk Vendor Location Requirements.*

Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where sidewalk vending is allowed as a permitted use are:

(1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center

(2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Sidewalk Vendor Conditional Use Permit.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

(1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).

(2) The number of permits issued for the sidewalk vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

VOID
be removed from the public right-of-way during non-operational hours.

(G) *Sidewalk Vendor Operation Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Sidewalk vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall

- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) *Food Truck Location and Operation Requirements.* Food trucks may be permitted administratively on an annual basis for multiple locations subject to the

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following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied annually upon permit renewal.
- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
- (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) *Signage Requirements.* Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) *Revocation of the Sidewalk Vendor or Food Truck Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.



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**178.04 Outdoor Mobile Vendors
Located On Private Property**

- (A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor mobile vendors to operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.
- (B) *Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis for a maximum of six months in one location during a calendar year. Outdoor mobile vendors utilizing a temporary permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new outdoor mobile vendor application shall be reviewed and approved by the Planning Division for every new location. All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.
- (1) A temporary permit for an outdoor mobile vendor business in a single location may be approved and issued administratively by the Planning Division after making the following determinations:
- (a) All of the requirements of 178.04(D) have been met.
 - (b) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
 - (c) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent business.
- (C) *Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors may request an annual permit from the Planning Commission to operate for a one year time period in the same location subject to the following standards:
- (1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.
 - (2) All of the requirements of 178.04(D) have been met.
 - (3) In granting an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.
 - (4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.
 - (5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
 - (6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- (D) *Permit Requirements.* All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) *Permit Application Fee.* Each application to conduct an outdoor mobile vendor business shall be accompanied by a \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.
 - (2) *Temporary and Annual Permit Application Requirements.* Application for a permit to conduct an outdoor mobile vendor business shall include the

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following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
 - (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
 - (4) The permit shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
 - (5) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (6) Outdoor mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed outdoor mobile

vendor business. The number of required parking spaces is determined by the use and size of the proposed outdoor mobile vendor business and by the use and size of the existing business. The property where the outdoor mobile vendor is located should be paved in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(E) *Exemptions.* The provisions of the ordinance do not apply to:

- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
- (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
- (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
- (4) Fireworks sales.
- (5) Children's lemonade stands.
- (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

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- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
 - (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.
- (H) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

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178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

- (1) **Sidewalk Vendors.** Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

- (2) **Food Trucks.** The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

- (B) **Sidewalk Vendor and Food Truck Authorization.** The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, or plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.

- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

- (C) **Permit Application.** Each application for a permit to conduct business on a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

- (1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.

- (b) Type of items sold or services rendered.

- (c) A valid copy of all necessary permits required by State and County health authorities.

- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.

- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.

- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart, vehicle or pushcart.

- (g) A detailed scale drawing, picture or diagram and material specifications of the device vehicle or pushcart to be used.

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- (2) The permit issued shall not be transferable in any manner.
 - ~~(3) The permit is valid for one sidewalk vending location only.~~
 - (3) The sidewalk vending or food truck permit is good for one location only. Sidewalk vendors and food trucks may hold permits for multiple locations.**
- (D) *Permitted Vending Products and Goods.*
- (1) **Sidewalk Vendors.** The City of Fayetteville permits the following types of goods for **street sidewalk** vending in approved locations:
 - (a) Cut Flowers
 - (b) Food and Beverage
 - (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by **street sidewalk** vendors.
 - (2) Food Trucks.** The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.
 - (3) All goods being sold from sidewalk vendors **and food trucks** shall:
 - (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
 - (b) Not lead to or cause congestion or blocking of pedestrian **or vehicular** traffic on the sidewalk **or street**.
 - (c) Involve a short transaction period to complete the sale or render the service.
 - (d) Not cause undue noise or offensive odors.
 - (e) Be easily carried by pedestrians.
- (E) **Sidewalk Vendor Location Requirements.** Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not

permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where **street sidewalk** vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center
- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) **Sidewalk Vendor Conditional Use Permit.** If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for **street sidewalk** vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the **street sidewalk** vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and

location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) Sidewalk Vendor Operation Requirements.

Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.

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(d) Within 15 ft. of an entrance to a building.

- (7) **Street Sidewalk** vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the

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purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) Food Truck Location and Operation Requirements. Food trucks may be permitted administratively on an annual basis for multiple locations subject to the following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of

Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
 - (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) **Signage Requirements.** Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) **Revocation of the Sidewalk Vendor or Food Truck Permit.** The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

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**178.04 Outdoor Mobile Vendors
Located On Private Property**

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor **mobile** vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Requirements. Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis ~~(90 days)~~ **for a maximum of six months** by nature of their temporary occupancy in one location ~~over a one-year (twelve-month) timeframe~~ **during a calendar year.** Outdoor mobile vendors **utilizing a temporary permit** may request to move relocate to a different location site at least one half quarter mile **(1,320 feet)** from the original location after this ~~90-~~ **six month** day period has expired. However, a new outdoor mobile vendor application ~~will have to~~ **shall** be reviewed and approved by the Planning Division for a **every** new location. **All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.**

(1) A **temporary permit for an outdoor mobile vendor business in a single location** may be approved and **issued administratively** by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor ~~will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses,~~ will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) **The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed**

outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(C) *Variances. Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors may request ~~a variance an annual permit~~ from the Planning Commission to operate **for a one year time period** ~~for an extended period of time, not to exceed twelve consecutive months~~ in the same location subject to the following standards:

~~(1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.~~

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

~~(3) A variance may be granted by the Planning Commission if the following findings have been met:~~

~~a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses will foster an aesthetically appealing streetscape.~~

~~b) That the outdoor mobile vendor's presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.~~

(2) All of the requirements of 178.04(D) have been met.

(3) In granting ~~the variance an annual permit~~, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, **such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.**

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- (4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.
- (5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
- (6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- (D) **Permit Requirements.** All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) **Permit Application Fee.** Each application for a ~~permit~~ to conduct an outdoor mobile vendor business shall be accompanied by a ~~\$50~~ **\$100** permit review and processing fee. **Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.**
- (2) **Temporary and Annual Permit Application Requirements.** Application for a permit to conduct an outdoor mobile vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
- (a) Name, address, contact information and **signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.**
- (b) A valid copy of all necessary permits required by State and County health authorities **which shall be conspicuously displayed at all times during the operation of the business.**
- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, **when applicable.**
- (d) ~~Means A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location, including but not limited to a description of any mobile device to be used for transport or to display approved items or services.~~
- (e) ~~A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.~~
- (e) **A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.**
- (f) Written authorization, signed by the property owner or legal representative of record, stating that the ~~transient merchant business~~ **outdoor mobile vendor** is permitted to operate on the subject property **for a specified period of time.**
- (3) The permit issued shall not be transferable in any manner.
- (4) ~~The permit is valid for one mobile vendor location only~~ **shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.**
- (5) The proposed use must be a permitted use-by-right within the underlying zoning district. ~~in order to be permitted.~~
- (6) Outdoor mobile vendors ~~be in~~ **shall maintain** compliance with parking lot requirements for ~~any the existing business and the proposed outdoor mobile vendor business.~~ The number of required parking spaces is determined by the use and size of the proposed ~~transient merchant outdoor mobile vendor business~~ **and by the use and size of the existing business.** ~~Parking spaces on~~ The property where

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the outdoor mobile vendor is located shall ~~should~~ be paved and striped in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces necessary below the minimum required for other uses occurring on the property. ~~An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite.~~ The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.
- (F) *Exemptions.* The provisions of the ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or

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interfere with the rights of abutting property owners.

(4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

(5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.

(H) Notification of Suspension or Revocation.

The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

~~178.05 Transient Merchants~~

~~All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services~~

(Ord. 5185, 10-7-08)

VOID

Amend Chapter 151: Definitions by adding the following definitions.

***Food Truck.* A motorized and operational self contained vehicle equipped with facilities for cooking and selling food that is removed daily from the property on which it vends food.**

***Mobile Vending Unit.* A commercial establishment designed to be readily moveable.**

VOID

178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

(1) *Sidewalk Vendors.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(2) *Food Trucks.* The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) Sidewalk Vendor and Food Truck Authorization. The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

(4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) Permit Application. Each application for a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

(1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed vehicle or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the vehicle or pushcart to be used.

(2) The permit issued shall not be transferable in any manner.

(3) The sidewalk vending or food truck permit is good for one location only.

Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

- (1) *Sidewalk Vendors.* The City of Fayetteville permits the following types of goods for sidewalk vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by sidewalk vendors.

- (2) *Food Trucks.* The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

- (3) All goods being sold from sidewalk vendors and food trucks shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian or vehicular traffic on the sidewalk or street.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

- (E) *Sidewalk Vendor Location Requirements.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where sidewalk vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center

- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

- (F) *Sidewalk Vendor Conditional Use Permit.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the sidewalk vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Sidewalk Vendor Operation Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the cart's wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Sidewalk vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall

be removed from the public right-of-way during non-operational hours.

- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
 - (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
 - (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
 - (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
 - (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.
- (H) *Food Truck Location and Operation Requirements.* Food trucks may be permitted administratively on an annual basis for multiple locations subject to the

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following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and

approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
- (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) *Signage Requirements.* Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) *Revocation of the Sidewalk Vendor or Food Truck Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

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**178.04 Outdoor Mobile Vendors
Located On Private Property**

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor mobile vendors to operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis for a maximum of six months in one location during a calendar year. Outdoor mobile vendors utilizing a temporary permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new outdoor mobile vendor application shall be reviewed and approved by the Planning Division for every new location. All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.

(1) A temporary permit for an outdoor mobile vendor business in a single location may be approved and issued administratively by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent business.

(C) *Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors

may request an annual permit from the Planning Commission to operate for a one year time period in the same location subject to the following standards:

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(2) All of the requirements of 178.04(D) have been met.

(3) In granting an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.

(4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.

(5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.

(D) *Permit Requirements.* All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:

(1) *Permit Application Fee.* Each application to conduct an outdoor mobile vendor business shall be accompanied by a \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.

(2) *Temporary and Annual Permit Application Requirements.* Application for a permit to conduct an outdoor mobile vendor business shall include the

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following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
 - (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
 - (4) The permit shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
 - (5) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (6) Outdoor mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed outdoor mobile

vendor business. The number of required parking spaces is determined by the use and size of the proposed outdoor mobile vendor business and by the use and size of the existing business. The property where the outdoor mobile vendor is located should be paved in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.
- (E) *Exemptions.* The provisions of the ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

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- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
 - (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.
- (H) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

(1) **Sidewalk Vendors.** Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(2) **Food Trucks.** The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) **Sidewalk Vendor and Food Truck Authorization.** The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, or plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.

(3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

(4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) **Permit Application.** Each application for a permit to conduct business on a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

(1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed use and device or pushcart, vehicle or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the device vehicle or pushcart to be used.

- (2) The permit issued shall not be transferable in any manner.

~~(3) The permit is valid for one sidewalk vending location only.~~

(3) The sidewalk vending or food truck permit is good for one location only. Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

- (1) **Sidewalk Vendors.** The City of Fayetteville permits the following types of goods for **street sidewalk** vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by **street sidewalk** vendors.

(2) Food Trucks. The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

- (3) All goods being sold from sidewalk vendors **and food trucks** shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian **or vehicular** traffic on the sidewalk **or street**.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

- (E) **Sidewalk Vendor Location Requirements.** Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not

permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where **street sidewalk** vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center
- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) **Sidewalk Vendor Conditional Use Permit.** If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for **street sidewalk** vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the **street sidewalk** vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and

location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) Sidewalk Vendor Operation Requirements.

Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.

- (d) Within 15 ft. of an entrance to a building.

- (7) **Street Sidewalk** vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the

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purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) Food Truck Location and Operation Requirements. Food trucks may be permitted administratively on an annual basis for multiple locations subject to the following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of

Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
 - (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) **Signage Requirements.** Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) **Revocation of the Sidewalk Vendor or Food Truck Permit.** The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

TITLE XV UNIFIED DEVELOPMENT CODE

**178.04 Outdoor Mobile Vendors
Located On Private Property**

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor **mobile** vendors to ~~temporarily~~ operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Requirements. Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis ~~(90 days)~~ **for a maximum of six months** by nature of their temporary occupancy in one location ~~ever a one-year (twelve-month) timeframe~~ **during a calendar year**. Outdoor mobile vendors **utilizing a temporary permit** may **request to move relocate** to a different location site at least one ~~half quarter~~ **mile (1,320 feet)** from the original location after this ~~90- six month day~~ period has expired. However, a new outdoor mobile vendor application ~~will have to~~ **shall** be reviewed and approved by the Planning Division for a **every** new location. **All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.**

(1) A **temporary permit for an** outdoor mobile vendor business **in a single location** may be approved **and issued administratively** by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor ~~will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses,~~ will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) **The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed**

outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(C) *Variances. Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor **mobile** vendors may request ~~a variance an annual permit~~ from the Planning Commission to operate **for a one year time period** ~~for an extended period of time, not to exceed twelve consecutive months~~ in the same location subject to the following standards:

~~(1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.~~

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

~~(3) A variance may be granted by the Planning Commission if the following findings have been met:~~

~~a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses will foster an aesthetically appealing streetscape.~~

~~b) That the outdoor mobile vendor's presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.~~

(2) All of the requirements of 178.04(D) have been met.

(3) In granting the variance an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, **such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.**

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VOID

- (4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.
- (5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
- (6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- (D) **Permit Requirements.** All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) **Permit Application Fee.** Each application for a permit to conduct an outdoor mobile vendor business shall be accompanied by a \$50 \$100 permit review and processing fee. **Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.**
- (2) **Temporary and Annual Permit Application Requirements.** Application for a permit to conduct an outdoor mobile vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
- (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
- (d) Means A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location, including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
- (e) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
- (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
- (f) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
- (4) The permit is valid for one mobile vendor location only shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
- (5) The proposed use must be a permitted use-by-right within the underlying zoning district, in order to be permitted.
- (6) Outdoor mobile vendors be in shall maintain compliance with parking lot requirements for any the existing business and the proposed outdoor mobile vendor business. The number of required parking spaces is determined by the use and size of the proposed transient merchant outdoor mobile vendor business and by the use and size of the existing business. Parking spaces on The property where

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the outdoor mobile vendor is located ~~shall~~ **should** be paved ~~and striped~~ in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces ~~necessary~~ **below the minimum required** for other uses occurring on the property. ~~An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite.~~ The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

- (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(F) **Exemptions.** The provisions of the ordinance do not apply to:

- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.

- (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.

- (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.

- (4) Fireworks sales.

- (5) Children's lemonade stands.

- (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.

- (8) Non-profit organizations that prepare and donate or give away food for free.

(F) **Prohibited Conduct.** The following conduct is prohibited for outdoor mobile vendors:

- (1) Obstruct pedestrian or vehicular traffic flow.

- (2) Obstruct traffic signals or regulatory signs.

- (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.

- (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

- (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.

(G) **Suspension and Revocation of Permit.** Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:

- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.

- (2) Conducting the business of vending in a manner contrary to the conditions of the permit.

- (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or

VOID

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interfere with the rights of abutting property owners.

- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
- (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.

(H) Notification of Suspension or Revocation.

The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.05 Transient Merchants

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services

(Ord. 5185, 10-7-08)

City of Fayetteville Item Review Form

2013-0197

Legistar File Number

12-17-2013

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4538: Rezone (RAZORBACK ROAD/VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at 731 RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.09 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

This ordinance was tabled indefinitely
at the 2/18/14 City Council mtg.

Paul A. Bush
Amy Mann

This ordinance was left on
the 2nd reading and
tabled to the Feb. 18, 2014
City Council mtg at the Feb 4, 2014 CC mtg.

This ordinance was left on the 2nd reading
tabled to the Feb. 4, 2014 City Council mtg.
at the January 7, 2014 City Council mtg.

This ordinance was left on the first reading at the December 17, 2013 City Council meeting

11-27-13 AGO:18 REV3

Nov 27, 2013

ENTERED
11/27/13



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: November 25, 2013

Subject: RZN 13-4538: Rezone (731 S Razorback Road/Victory Commons)

RECOMMENDATION: The Planning Commission and Staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

BACKGROUND: The subject property is located at 731 S Razorback Road. The property is within the I-1, Heavy Commercial and Light Industrial zoning district and contains multiple lots totaling approximately 5.09 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. It is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses and the City Plan 2030 designation as an *Urban Area*.

The UT zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential and commercial development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent properties to the west from I-1 to CS, Community Services, the rail line spur in this immediate vicinity

has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On November 25, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4538, FOR APPROXIMATELY 5.09 ACRES, LOCATED AT 731 S RAZORBACK ROAD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL, TO UT, URBAN THOROUGHFARE

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 I-1, Heavy Commercial and Light Industrial to UT, Urban Thoroughfare, 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 , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

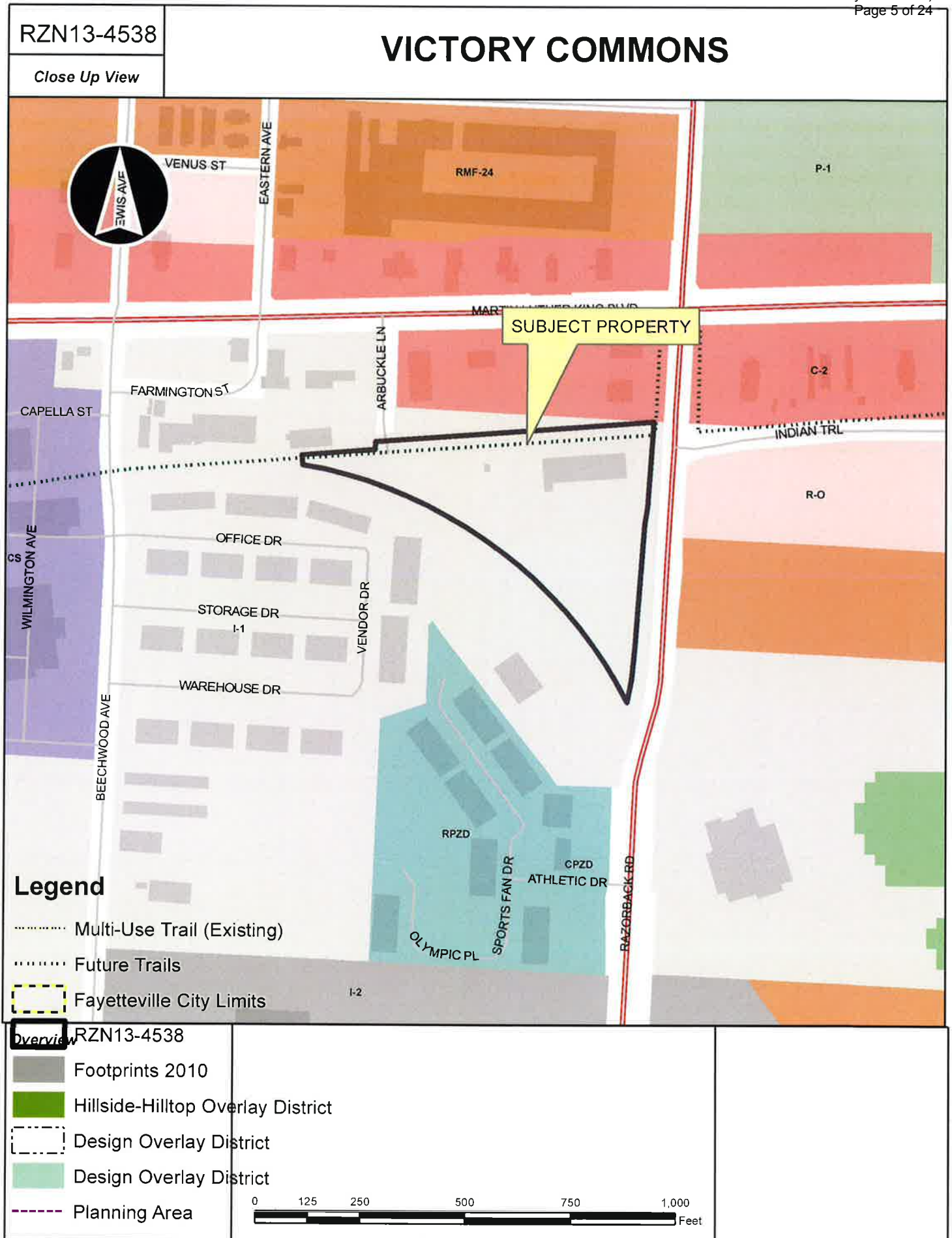


EXHIBIT "B"
RZN 13-4538

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE SOUTH 40.12', THENCE S87°02'22"W 68.57' TO THE RIGHT-OF-WAY OF RAZORBACK ROAD (ARKANSAS STATE HIGHWAY #112) SAID POINT BEING 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK AND THE POINT OF BEGINNING, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S02°31'07"W 160.59', S06°55'32"W 43.15', S02°47'03"W 304.09', S04°08'22"W 68.30', S09°46'05"W 56.53' TO THE INTERSECTION WITH SAID RIGHT-OF-WAY AND A POINT THAT IS 15' NORTH AND EAST OF AND PARALLEL AND OR CONCENTRIC TO THE CENTERLINE OF THE SOUTH LEG OF THE WYE CONNECTING TRACK OF SAID RAILROAD COMPANY'S FORT SMITH, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID CONNECTING TRACK ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1057.14' FOR A CHORD BEARING AND DISTANCE OF N55°34'56"W 959.98' TO A FOUND IRON PIN WITH CAP WHICH IS 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK, THENCE N06°03'38"W 23.64', THENCE N83°27'03"E 176.43' TO AN EXISTING REBAR, THENCE N00°24'08"E 18.62', THENCE N84°00'06"E 666.13' TO THE RIGHT-OF-WAY OF SAID RAZORBACK ROAD, THENCE S02°31'07"W 43.67' ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 5.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND OTHER RESTRICTIONS OF RECORD OR NOT.



PC Meeting of November 25, 2013

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: Andrew Garner, Planning Director
DATE: ~~November 18, 2013~~ UPDATED 11-26-2013

RZN 13-4538: Rezone (RAZORBACK RD./VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.17 acres. The request is to rezone the property to UT, Urban Thoroughfare.

Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located west of Razorback Road near Martin Luther King Boulevard. The property is within the I-1 zoning district and contains multiple lots totaling approximately 5.17 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

The north edge of the property shows a multi-use trail according to the Fayetteville Alternative Transportation and Trails (FATT) plan. On the south property line there is an existing rail corridor. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Filling Station, Franchise Restaurants	C-2, Thoroughfare Commercial
South	State of Arkansas(DMV), Rail corridor	I-1, Heavy Commercial and Light Industrial
East	Undeveloped	R-O, Residential Office/RMF-24, Residential Multi-family 24 units per acre
West	Commercial Warehouse	I-1, Heavy Commercial and Light Industrial(to be rezoned CS)

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4538 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>November 25, 2013</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: CHESSER Second: WINSTON Vote: 8-0-0		
Notes: HOSKINS RECUSED		
CITY COUNCIL ACTION:		
	☐ Approved	Required <u>YES</u> ☐ Denied
Date:		

INFRASTRUCTURE:

- Streets:** The site has access to Razorback Road, a fully improved five lane city street in this location. Street improvements will be evaluated at the time of redevelopment.
- Water:** Public water is available to the property. There is both an 8" main along Razorback Road and a 12" water main within the property boundary.
- Sewer:** Sanitary sewer is available to the site. There is an 8" sewer main along Razorback Road which joins a 24" sewer main along the subject frontage.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Fire:** This development will be protected by Engine 6 located at 900 S. Hollywood Dr. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
- Police:** The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Urban Center Area**.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

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: This property is currently partly developed with a warehouse built in 1972. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be developed with commercial and/or residential uses that are consistent with City policies and goals for the neighborhood. The City Plan 2030 Future Land Use Map designates this area as Urban Center. This designation encourages height, density, and variety of use in order to create compact urban neighborhoods.

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

Finding: The proposed rezoning is justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and commercial uses, which are compatible with the City Plan 2030 Future Land Use Map.

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

Finding: The site access has access to Razorback Road, a fully improved five lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be evaluated at the time of development.

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: **Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

A written description of this request addressing the following items:

- a. Current ownership information and any proposed or pending property sales.

The Property to be rezoned is currently owned by Tracy Hoskins, Victory Commons, LLC, and Allied Bank. No sales are pending.

- b. Reason (need) for requesting the zoning change.

Changes due to market conditions and the property is currently zoned I-1 Industrial. The property is better suited for mixed-use commercial/residential – as designated in our CityPlan 2030.

- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

Proposed Zoning will be very compatible to the existing zoning of the surrounding neighborhood in terms of intensity and uses. The immediate area is a redeveloping area of student housing and commercial. The property is located just off of MLK and along the recently widened blvd Razorback Road – two major arterial roads. The requested zoning should not negatively impact existing traffic conditions. This is currently a brown field site. With the appropriate UT zoning, the property can be redeveloped into an attractive and useful enhancement to the community. Signage will be as allowed within the UT regulations.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

The property is currently served by a 12" water main along the street frontage (Razorback Road) and 8" and 24" sewer main also along the street frontage (Razorback Road)

- e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The property will be rezoned from Industrial to formed-based zoning Urban Thoroughfare – consistent with the 2030 Future Land Use designation of Urban Center Area

- f. Whether the proposed zoning is justified and/or needed at the time of the request.

The Proposed Zoning is justified and needed as the property is currently zoned for Industrial use which is not a desirable or practical zoning for the property, nor is it the highest and best use of the property.

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The property is located just off of MLK and along the recently widened blvd Razorback Road. The requested zoning should not negatively impact existing traffic conditions.

- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

We expect that the property will eventually somewhat increase the population density in the immediate area. However, this is the type of land use and density we as a city are trying to promote.

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

Currently, there are no uses permitted other than those relative and permitted un Industrial zoning. While industrial zoning does include some permitted uses such as limited multifamily, eateries, etc.; the zoning also permits undesirable uses as well – by right.





Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: October 30, 2013
Re: RZN 13-4538

This development will be protected by Engine 6 located at 900 S. Hollywood Dr.
It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

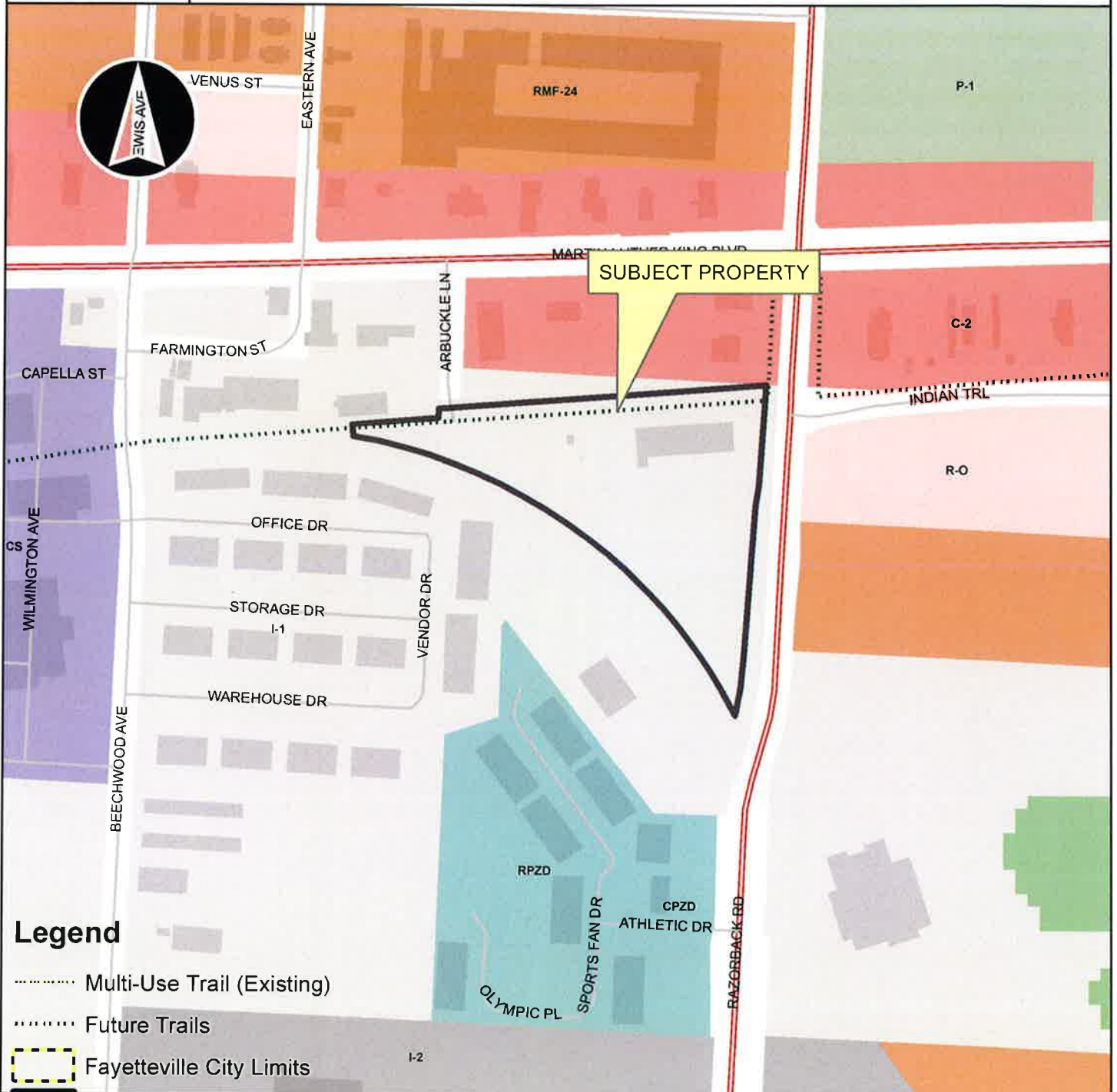
Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

1
■ Miles

RZN13-4538

VICTORY COMMONS

Close Up View



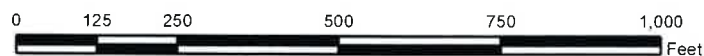
Legend

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

Overview

RZN13-4538

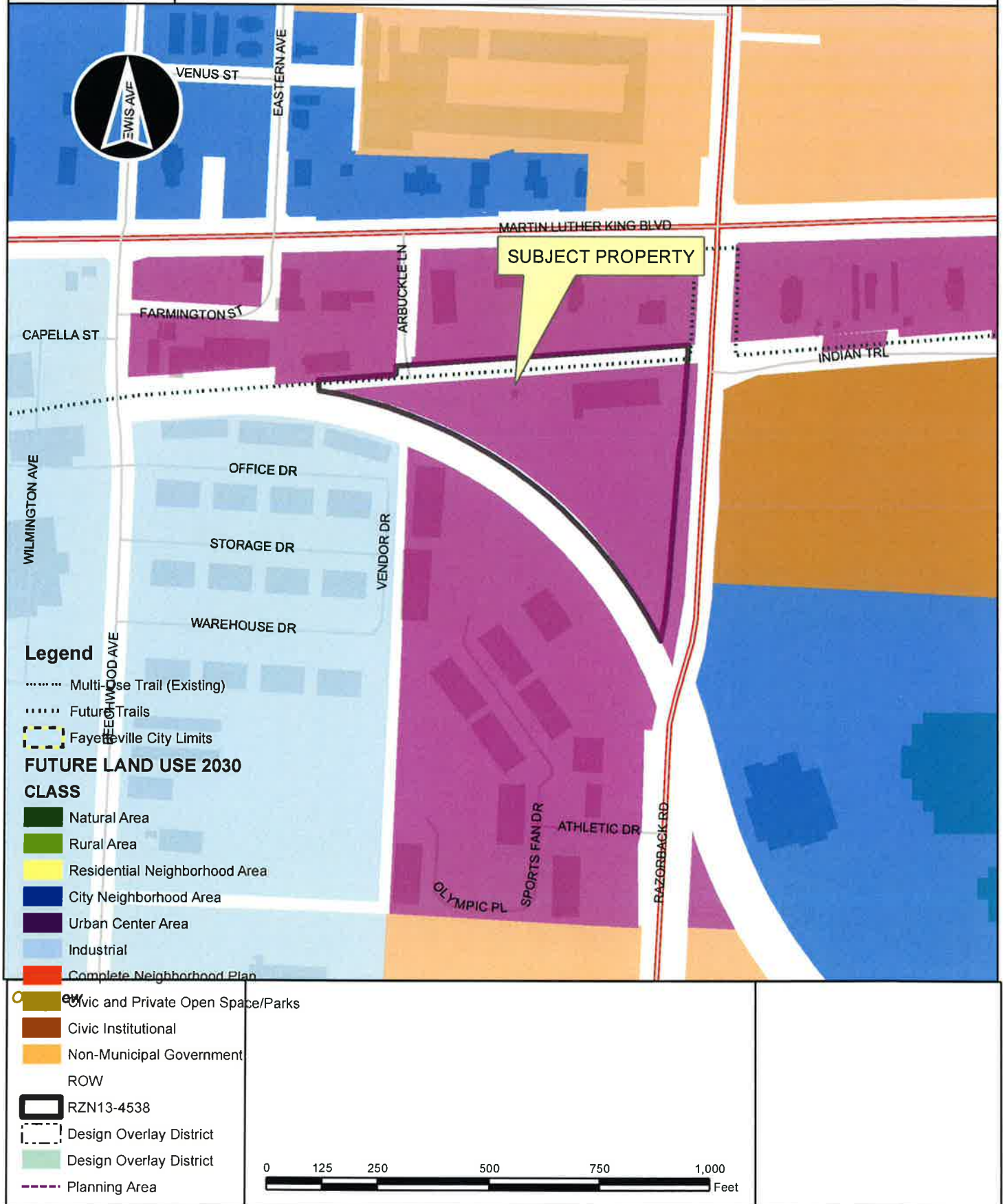
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4538

VICTORY COMMONS

Future Land Use



RZN13-4538

Close Up View

VICTORY COMMONS



Legend

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

Overview RZN13-4538

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

0 175 350 700 1,050 1,400 Feet

McCoy, Dee

From: City_Clerk
Sent: Tuesday, January 07, 2014 4:33 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: RZN 13-4538 (Razorback Road/Victory Commons)

Dear City Clerk -

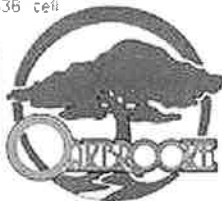
Due to circumstances beyond my control, I will not be able to attend tonight's City Council meeting. Due to this and other issues, I respectfully request that my application for rezoning, RZN - 4538 for Razorback Road/Victory Commons, be tabled for three weeks, or the closest City Council meeting a minimum of three weeks away.

Thanks!

Tracy K. Hoskins - president

Paradigm
COMPANIES

1907 Best Friend Lane, Fayetteville, Arkansas 72704
(479) 521-7007 office (479) 236-6636 cell



McCoy, Dee

From: Tracy Hoskins <tkhoskins@paradigmnwa.com>
Sent: Tuesday, February 18, 2014 10:38 AM
To: City_Clerk
Subject: RZN 13-4538

Categories: Completed

Dear City Clerk –

Unfortunately, we STILL don't have our issue worked out and I must again request RZN 13-4538 (Razorback Road/Victory Commons) to be tabled until the next City Council meeting.

Please let me know if there is any problem with tabling the rezoning again.

Thanks!

Tracy K. Hoskins - president

Paradigm
COMPANIES

1907 Best Friend Lane, Fayetteville, Arkansas 72704
(479) 521-7007 office (479) 236-6636 cell



City of Fayetteville Item Review Form

2014-0032

Legistar File Number

02/18/14

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Peter Nierengarten

Submitted By

Sustainability & Resilience

Department

Action Required:

Staff recommends approval of ADM 13-4331 to amend Unified Development Code Chapters 151, 162, 163 and 164 to create greater citizen access to Onsite Produce Sales and Urban Agriculture.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

ADM 13-4331

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 60-13

Original Contract Number:

Comments:



1-27-14

01-24-14A11:13 RCVD

USK

Paul A. Besh

Don Mann

Ferris D. Davis

This ordinance was left on the 3rd reading and tabled to the March 18, 2014 City Council meeting at the March 4, 2014 City Council meeting.

This ordinance was left on the 1st reading at the 2/18/14 City Council Meeting.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Peter Nierengarten, Sustainability & Strategic Planning Director

From: Peter Nierengarten, Sustainability & Resilience Director *PW*

Date: January 17, 2014

Subject: ADM 13-4331 Urban Agriculture Code Amendments

RECOMMENDATION

Staff recommends approval of ADM 13-4331 to amend Unified Development Code Chapters 151, 162, 163 and 164 to create greater citizen access to Onsite Produce Sales and Urban Agriculture.

BACKGROUND

Fayetteville has seen a growing interest in local food and food security issues over the last several years. The national organization concerned about access to healthful foods, Feeding America has determined that 15% of Washington County's residents are food insecure. According to the Arkansas Department of Human Services, Washington County also has the second highest SNAP (food stamp) enrollment rate in Arkansas. These statistics, combined with an interest in preserving and celebrating local food culture have given rise to the formation of a number of local food related non-profits, as well as the increased support and popularity of local food entities, such as the Fayetteville Farmers' Market.

In response to these pressing issues, Feed Fayetteville a local non-profit dedicated to community food security, solicited a community food survey in October 2012 which included questions asking how to improve Fayetteville's community food system, urban agriculture, and access to fresh food. In a second survey, the Fayetteville Forward Local Foods group ranked these priorities, with the top three being:

- 1) Review the Unified Development Code (UDC) and recommend changes that would ease/increase citizens' ability to produce food;
- 2) Explore the possibilities for expanded opportunities to sell food onsite where grown; and
- 3) Review of the Animals and Fowl ordinance for possible increases in the type and number of animals permitted.

In March 2013, the City Council requested that staff assemble a group of stakeholders to review these priorities and recommend amendments to the Unified Development Code that would allow residents to raise more farm animals and sell more crops and animal products on non-agriculturally zoned lands in order to provide greater food security for Fayetteville residents. Staff met with a group of urban farmers, agricultural law experts, farmer's market representatives, and food security professionals to review Fayetteville's Unified Development Code food related policies, as well as other cities' policies, and has proposed revisions to the UDC based on their research and discussions. These recommendations fall into two categories: on-site sales and animals.

Onsite Sales:

Stakeholders and survey respondents expressed the desire to create more and easier ways to sell and purchase local produce and homemade food products onsite at a small and medium scale. Staff is addressing these needs by proposing changes to:

- Chapter 164.10: Garage Sales - Adding agricultural and produce sales as an allowed use;
- Chapter 162:01 Use Units - Including the sales of home produced agricultural products as an allowable home occupation. This use unit is a conditional use in all residential zoning districts; and
- Chapter 163.08: Home Occupation Use Conditions - Allow sales to take place in accessory structures and regulate signage in residential zoning districts.

Animals:

During discussions about increases in the type and number of animals permitted within the City, stakeholders felt strongly that larger properties that could sustain more animals should be allowed to have a larger number of animals. Therefore, recommendations for greater numbers of fowl, bees and goats are all based on increasing lot sizes, meaning that as lots get larger, more animals are allowed. Staff and stakeholders spent considerable time reviewing ordinances related to farm animals in many other cities and feel that the proposed ordinance changes provide reasonable allowances for numbers of animals while still providing protection for the peace and tranquility of Fayetteville neighborhoods. The proposed ordinance changes include property line and residence setbacks and require that all animals be kept in a neat and sanitary condition. The proposed ordinance changes also include registration requirements for bees and goats.

Many newer subdivisions in Fayetteville have covenants that prohibit animals other than dogs and cats. The proposed ordinance changes do not overrule or supersede any subdivision covenants.

Staff has attached the following background information for this project:

- A summary of the proposed code changes
- A clean revised copy of the proposed code language
- A copy of the existing code language with the proposed changes shown in highlight and strikeout
- Peer cities animals allowance comparison
- City Council Resolution and agenda packet from March 19, 2013

DISCUSSION

On December 9, 2013 the Planning Commission discussed changes to the above referenced UDC Chapters. After a 4 – 4 vote on the proposed changes, the Commission voted to table discussion to the January 13, 2014 Planning Commission Meeting. Based on comments received during the December 9th meeting and subsequent conversations with Commissioners, the following changes were included in the revised ordinance:

- Requirement for manure disposal in Section 164.B8 and 164.D9
- Clarification on the requirement for signage for beehives in Section 164.C6
- Restriction of goats to the back and side yard in Section 164.D8

At their January 13, 2014 meeting, the Planning Commission voted 7 – 0 in favor of forwarding the revised ordinance changes to the City Council.

Additionally, the proposed increase in allowed numbers of fowl and goats may require small changes to City Code Chapters 92.23 and 92.24 to all for the impoundment and redemption of livestock by the Animal Services Program.

BUDGET IMPACT

The proposed increase in allowed numbers of fowl and goats could potentially increase the animal transport and containment needs of the Fayetteville Animal Service Program in the future. A current estimate of \$22,000 would allow for the purchase of a livestock transport trailer and construction of a livestock containment area at the Fayetteville Animal Shelter. The livestock trailer and containment area would also help address pre-existing needs that Animal Service currently has in dealing with at-large livestock in Fayetteville. This capital improvement has not been identified as a high priority due to relatively low call numbers related to livestock transport, but may have to be revisited if there is impact to the program from the proposed ordinance such that the improvements are deemed necessary.

SUMMARY

Below is a summary of the Proposed Urban Agriculture Changes for Unified Development Code:

Chapter 164.10: Garage Sales (Exhibit A)

- Amended to Add Agricultural & Produce Sales
- Allows home sales of agricultural products 4 times per year (duration not to exceed 3 days) by right

Chapter 162: Use Units (Exhibit B)

- Amend Use Unit 24 – Home Occupations
- Includes Sales of Home Produced Ag Products as an allowable Home Occupation
- *Home Occupations are already a Conditional Uses in all Residential Zoning Districts*

Chapter 163.08: Home Occupation - Use Conditions (Exhibit C)

- Allow sales to take place in accessory structures (garage, barn, ADU, etc.)
- Allow signage in residential zoning districts

Chapter 164.04: Animals and Fowl (Exhibit D)

- Rename to *Urban Agriculture (Fowl, Bees & Goats)*

FOWL

- Defines allowed Fowl as Female Chicken and Ducks. NO ROOSTERS!
- Fowl allowed on single family residential (no change) and educational properties
- 4 fowl allowed on any lot (no change)
- For lots larger than 5000 sq ft, 1 additional fowl is permitted for each 1250 sq ft of lot area up to a maximum of 20 fowl
- Each fowl requires a minimum of 3 sq ft of coop space and access to outside
- Coops must be kept 25 feet from a neighboring residence (no change)
- Coops must be kept in side or back yard (no change)
- Coops must be kept in a sanitary condition (no change) and manure must be properly stored or disposed of

Fowl Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft ² lot)	4	6
10,900 ft ² lot (~1/4 acre)	4	8
14,500 ft ² lot (~1/3 acre)	4	11
21,800 ft ² lot (~1/2 acre)	4	17
25,000 ft ² lot and larger	4	20

BEES

- Bees allowed on single family residential and educational properties
- 2 hives allowed on any lot
- For lots larger than 5000 sq ft, 1 additional hive is permitted for each 2500 sq ft of lot area up to a maximum of 4 hives
- Hives not closer than 20 ft to property line (if fenced)
- Hives not closer than 100 ft to property line (without a fence)
- Hives must be kept in side or back yard
- Beekeeper must provide fresh water
- Beekeeper must obey by all Arkansas Apiary Laws
- Hive ownership details must be displayed with hive
- No Africanized bees
- Bees that create a public hazard must be removed or re-queened

Bee Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft ² lot)	0	3
10,900 ft ² lot (~1/4 acre)	0	4
14,500 ft ² lot (~1/3 acre)	0	4
21,800 ft ² lot (~1/2 acre)	0	4

GOATS

- Only female dwarf or pygmy goats allowed (85lb and 22.5" tall max.) NO BUCKS!
- Goats have RFID microchips
- Goats allowed on single family residential and educational properties
- Goats only allowed on lots 10,000 sq ft and larger (2 goats allowed)
- Lots 15,000 sq ft and larger are allowed up to a maximum of 3 goats
- Each goat requires minimum of 200 sq ft of secure fenced yard
- Stable or shelter is not allowed closer than 50 ft to a neighboring residence
- Stable or shelter and fenced yard must be kept in side or back yard
- Yard must be kept in a sanitary condition and manure must be properly stored or disposed of

Goat Examples:

Lot Size	Current Max	Proposed Max
RSF 4 zoning (minimum 8000 ft ² lot)	0	0
10,900 ft ² lot (~1/4 acre)	0	2
14,500 ft ² lot (~1/3 acre)	0	2
21,800 ft ² lot (~1/2 acre)	0	3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 164.10 **GARAGE AND/OR AGRICULTURAL AND PRODUCE SALES**; § 161.10 (X) *UNIT 24. HOME OCCUPATION*; § 163.08 **HOME OCCUPATIONS** AND § 164.04 **URBAN AGRICULTURE (FOWL, BEES, AND GOATS)** OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, the City Council wishes to permit owners of property in single family residential and educational zoned districts to keep and sell ducks, female chickens, bees and certain goats under certain conditions to promote urban agriculture and access to locally grown food.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.01 **Garage Sales** and enacts a new § 164.01 **Garage and/or Agricultural and Produce Sales** as shown on Exhibit "A" attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 162.01 (X) *Unit 24. Home occupation* and enacts a replacement § 162.01 (X) *Unit 24. Home occupation* as shown on Exhibit "B" attached hereto.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 163.08 **Home Occupations** by repealing it in its entirety and enacting a replacement § 163.08 **Home Occupations** as shown on Exhibit "C".

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.04 **Animals and Fowl** and enacts a replacement § 164.04 **Urban Agriculture (Fowl, Bees and Goats)** as shown on Exhibit "D".

Ordinance No.
Page 2

PASSED and **APPROVED** this 4th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit "A"

Amend Chapter 164:10

164.10 Garage and/or Agricultural & Produce Sales

Garage and/or agricultural & produce sales are permitted in any zoning district subject to the following conditions:

- (A) *Frequency.* Garage and/or agricultural & produce sales shall not locate in one (1) location more than four (4) times per year.
- (B) *Term.* Garage and/or agricultural & produce sales may be held for a duration not to exceed three (3) consecutive days.
- (C) *Signs.* One on-site and three off-site temporary signs are allowed to be posted, however, posting may not occur more than two (2) days before the sale begins. Signs are not to be located on public rights-of-way. Each sign shall not exceed 4.5 square feet in area. The off-site signs shall include address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.

Exhibit "B"

Amend Ch. 162

(X) Unit 24. Home occupation.

(1) *Description.* Unit 24 consists of businesses for which financial compensation is received, conducted on a residential property, and which generates motor vehicle traffic to the residential property. Only those residing on the property may be employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
Sales of - home produced agriculture products:	Produce Eggs Honey or beeswax products Jams or jellies Milk and milk products Other products that may be home grown or home made on this property

Exhibit "C"

Amend Ch. 163.08

163.08 Home Occupations

In any zoning district where home occupations are permitted by right or conditional use, said home occupations shall not occupy more than 30% of the gross floor area of one floor of the primary dwelling unit, nor more than 300 square feet of the gross floor area, whichever is greater. For Building Regulations purposes, any non-residential use that exceeds 30% of the gross floor area of one floor of the primary dwelling unit or more than 300 square feet of the gross floor area of the structure shall meet all applicable building and Unified Development Code regulations and shall not be considered a home occupation. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use only. Home occupations that require a conditional use permit shall be subject to the following regulations:

- (A) *Exterior alterations.* No exterior alterations of the structure may be made which are of a nonresidential nature.
- (B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area. No freestanding signs shall be permitted for home occupations in any zone.
- (C) *Employees.* No person may be employed other than a member of the immediate family residing on the premises.
- (D) *Mechanical equipment.* No mechanical equipment may be used which creates a disturbance such as noise, dust, odor, or electrical disturbance.

(E) *Parking.* No parking spaces other than normal residential parking spaces shall be permitted.

(F) *Additional regulations.* Home occupations in an RSF District shall be subject to the following additional regulations:

- (1) *Term.* No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.
- (2) *Hours.* No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.
- (3) *Traffic.* No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.

Exhibit "D"

Amend Ch. 164.04 Animals and Fowl Supplementary District Regulations

164.04 Urban Agriculture (Fowl, Bees & Goats)

(A) General Provisions

- (1) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.
- (2) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows, bees and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.
- (3) *Separation of use.* Unless otherwise stated herein, the following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

25 FEET
Chicken Coop in Residential districts (from residential dwelling on adjacent lot)

50 FEET
Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

100 FEET
Animal hospital: serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits and poultry

200 FEET
Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

- (4) This section shall not supersede or invalidate any sections within Fayetteville City Code, Chapter 92 – Animals. Chapter 92 shall take precedence over any conflicting provisions of this section.
- (B) *Fowl.* It shall be lawful to keep fowl within the corporate limits of the city under the following terms and conditions:
 - (1) Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.
 - (2) The principal use of the property shall be educational or single family residential.
 - (3) A maximum of four (4) fowl shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional fowl shall be allowed for every additional one thousand two hundred and fifty (1,250) square feet, up to a maximum number of twenty (20) fowl.
 - (4) There shall be no outside slaughtering of fowl.
 - (5) Fowl shall be provided with sufficient good and wholesome food and water.
 - (6) All fowl shall have a coop/roost that is constructed with a minimum area of three (3) square feet per fowl and during daylight hours fowl shall have access to a secure enclosure/yard that is adequately fenced to protect them from predators. The coop/roost shall be kept in the side or rear yard, and is not permitted in the front yard area.
 - (7) The coop/roost structure shall not be located closer than twenty-five (25) feet

to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district.

- (8) The coop/roost structure shall be well ventilated and provide protection from the weather and predators. The coop/roost area must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.
 - (9) Illegal fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
 - (10) The City may further restrict or prohibit the keeping of fowl within residential districts, within a neighborhood or on a particular property if the City Council determines that fowl have created a public nuisance or public health issue.
 - (11) Nothing in this section shall be deemed or construed to prohibit the keeping of fowl within a school property or community garden for the purposes of study or education.
- (C) *Bees.* It shall be lawful to establish or maintain any hive where bee colonies are kept, or keep any bees in or upon any premises within the corporate limits of the city under the following terms and conditions:
- (1) The principal use of the property shall be educational or single family residential.
 - (2) A maximum of two (2) hives shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional hive shall be allowed for every additional two thousand five-hundred (2,500) square feet up to a maximum of four (4) hives.
- (3) All hives shall be located at least twenty (20) feet from a securely fenced property line. Hives shall be located a minimum of one hundred (100) feet from an unfenced property line. Hives shall be kept in the side or rear yard, and are not permitted in the front yard area.
 - (4) Fresh clean watering facilities for the bees shall be provided within twenty (20) feet of the hive(s) at all times.
 - (5) All hives shall be registered through the Arkansas State Plant Board and all hives and equipment kept in accordance with the Arkansas Apiary Law and Regulations.
 - (6) Each beehive shall be identified by displaying the name, telephone number, address and state registry number of the beekeeper on the structure of the hive or on a sign within ten (10) feet of the hive. Identification shall be placed in a manner to make it conspicuous to anyone approaching the hive(s). This information shall also be made available to any city official upon request.
 - (7) Nothing in this section shall be deemed or construed to prohibit the keeping of bees at a school property or community garden for the purposes of study or education.
 - (8) Africanized honey bees are prohibited.
 - (9) In instances where bees create a public hazard with unprovoked aggressive behavior, it shall be the responsibility of the beekeeper to re-queen or remove the colony. The Northwest Arkansas Beekeepers Association should be contacted to handle the removal or re-queening of beehives.
 - (10) The City may further restrict or prohibit the keeping of bees within residential districts, within a neighborhood or on a particular property if the City Council determines that bees have created a public nuisance or public health issue.
- (D) *Goats.* It shall be lawful to keep goats within the corporate limits of the city under the following terms and conditions:
- (1) Allowed goats shall be female dwarf or pygmy goats not weighing more than

eighty-five (85) lbs and no taller than twenty-two and a half (22.5) inches at the withers (ridge between the shoulder blades). Bucks are not allowed.

- (2) All goats shall have RFID microchips and be registered with the Fayetteville Animal Services Program.
- (3) The principal use of the property shall be educational or single family residential.
- (4) Goats shall not be permitted on lots smaller than ten thousand (10,000) square feet. The minimum number of goats kept on a lot that is ten thousand (10,000) square feet and larger shall be two (2). Lots fifteen thousand (15,000) square feet and larger shall be allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.
- (5) There shall be no onsite slaughter of goats.
- (6) Goats shall be provided with sufficient good and wholesome food and water.
- (7) All goats shall have a secure, fenced yard constructed with a minimum area of two hundred (200) square feet per goat and a shelter that is minimum five (5) square foot per goat. Shelters shall be well ventilated and provide protection from the weather including four sides with opening, roof and floor.
- (8) The shelter shall not be located closer than fifty (50) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. The shelter and fenced yard shall be in the side or rear yard, and are not permitted in the front yard area.
- (9) The yard must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage

and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.

- (10) Nothing in this section shall be deemed or construed to prohibit the keeping of goats within a school property or community garden for the purposes of study or education. Additionally, land owners are permitted to keep goats in one location for a maximum of two (2) weeks for the purpose of land clearing and the removal of vegetation.
 - (11) The City may further restrict or prohibit the keeping of goats within residential districts, within a neighborhood or on a particular property if the City Council determines that goat(s) have created a public nuisance or public health issue.
- (E) *Exemptions.* The above sections are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl, bees or goats kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

Exhibit "A"

Amend Chapter 164:10 Garage Sales Supplementary District Regulations by removing the language show in ~~strikeout type~~ and inserting the language shown in bold type.

164.10 Garage and/or Agricultural & Produce Sales

Garage **and/or agricultural & produce** sales are permitted in any zoning district subject to the following conditions:

- (A) *Frequency.* Garage **and/or agricultural & produce** sales shall not locate in one (1) location more than four (4) times per year.
- (B) *Term.* Garage **and/or agricultural & produce** sales may be held for a duration not to exceed three (3) consecutive days.
- (C) *Signs.* One on-site and three off-site temporary signs are allowed to be posted, however, posting may not occur more than two (2) days before the sale begins. Signs are not to be located on public rights-of-way. Each sign shall not exceed 4.5 square feet in area. The off-site signs shall include address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.

Exhibit "B"

Amend Ch. 162 Use Units by removing the language shown in ~~strikeout type~~ and inserting the language shown in **bold type**.

(X) *Unit 24. Home occupation.*

- (1) *Description.* Unit 24 consists of businesses for which financial compensation is received, conducted ~~in a dwelling unit on a residential property~~, and **which** generates motor vehicle traffic to the ~~dwelling unit residential property~~. Only those residing ~~in the dwelling unit are on the property may be~~ employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
Sales of home produced agriculture products:	Produce Eggs Honey or beeswax products Jams or jellies Milk and milk products Other products that may be home grown or home made on this property

Exhibit "C"

Amend Ch. 163.08 Home Occupation Use Conditions by removing the language shown in strikeout type and inserting the language shown in bold type.

163.08 Home Occupations

~~In any dwelling unit~~ In any zoning district where home occupations are permitted by right or conditional use, said home occupations shall not occupy more than 30% of the gross floor area of one floor of ~~the primary-said~~ dwelling unit, nor more than 300 square feet of the gross floor area, whichever is greater. For Building Regulations purposes, any non-residential use that exceeds 30% of the gross floor area of one floor of ~~said the primary~~-dwelling unit or more than 300 square feet of the gross floor area of the structure shall meet all applicable building and Unified Development Code regulations and shall not be considered a home occupation. These limitations shall not apply to foster family care, or the providing of room or board as an accessory use only. Home occupations that require a conditional use permit shall be subject to the following regulations:

- (A) *Exterior alterations.* No exterior alterations of the structure may be made which are of a nonresidential nature.
- (B) *Sign/evidence of business.* No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area. ~~Provided, no wall sign shall be permitted in an RSF District, except in the case of a home occupation, where it is required by the applicable licensing board, subject to proof of said requirement and the criteria above.~~ No freestanding signs shall be permitted for home occupations in any zone.
- (C) *Employees.* No person may be employed other than a member of the immediate family residing on the premises.
- (D) *Mechanical equipment.* No mechanical equipment may be used which creates a

disturbance such as noise, dust, odor, or electrical disturbance.

- (E) *Parking.* No parking spaces other than normal residential parking spaces shall be permitted.
- (F) *Additional regulations.* Home occupations in an RSF District shall be subject to the following additional regulations:
 - (1) *Term.* No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.
 - (2) *Hours.* No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.
 - (3) *Traffic.* No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.

Exhibit "D"

Amend Ch. 164.04 Animals and Fowl Supplementary District Regulations by removing the language shown in strikethrough type and inserting the language shown in bold type.

164.04 Animals, And Fowl Urban Agriculture (Fowl, Bees & Goats)

(A) General Provisions

~~(A)(1)~~ It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.

~~(B)(2)~~ Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows, **bees** and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.

(3) Separation of use. Unless otherwise stated herein, The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

25 FEET
Chicken Coop in Residential districts (from residential dwelling on adjacent lot)

50 FEET
Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

100 FEET
Animal hospital: serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits

and poultry

200 FEET
Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

(4) This section shall not supersede or invalidate any sections within Fayetteville City Code, Chapter 92 – Animals. Chapter 92 shall take precedence over any conflicting provisions of this section. All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.

~~(B)~~ **Fowl.** It shall be lawful for any person to keep, ~~permit or allow~~ any fowl within the corporate limits of the city in ~~all Residential zones zoning districts~~ under the following terms and conditions:

(31) Allowed fowl shall include ducks and/or female chickens only. No roosters shall be allowed. All fowl shall be a breed that cannot fly or must be wing-clipped to prevent flight.

(42) The principal use of the property shall be educational or a single family residential dwelling. No fowl chickens or ducks shall be allowed in multi-family complexes, including two-family and three-family dwellings.

~~(23) No more than four (4) hens shall be allowed for each single family dwelling. A maximum of four (4) fowl shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional fowl shall be allowed for every additional one thousand two hundred and fifty (1,250) square feet, up to a maximum number of twenty (20) fowl.~~

(4) There shall be no outside slaughtering of ~~hens~~ fowl.

- (5) Fowl shall be provided with sufficient good and wholesome food and water.
- (56) All hens fowl shall must be kept in have a coop/roost that is constructed with a minimum area of three (3) square feet per fowl and during daylight hours fowl shall have access to in a secure, fenced enclosure/yard that is adequately fenced to protect them from predators constructed with a minimum area of 100 square feet. The coop/roost shall be kept in the side or rear yard, and may is not be permitted in the front yard area.
- (67) A chicken The coop/roost area structure shall not be located closer than twenty-five (25) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. All hens
- (78) Enclosures The coop/roost structure shall be well ventilated and provide protection from the weather and predators. The coop/roost area must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.
- (89) Illegal Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
- (910) The City may further restrict or prohibit the use keeping of fowl within residential districts, within a neighborhood or on a particular property if the City Council determines that fowl have created it causes a public nuisance or public health issue, as defined in City Codes.
- (10) All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.
- (11) Nothing in this section shall be deemed or construed to prohibit the keeping of fowl within a school property or community garden for the purposes of study or education.
- (EF) Separation of use. The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R-District, or to a dwelling on the same premises.
- (C) Bees. It shall be lawful to establish or maintain any hive where bee colonies are kept, or keep any bees in or upon any premises within the corporate limits of the city under the following terms and conditions:
- (1) The principal use of the property shall be educational or single family residential.
 - (2) A maximum of two (2) hives shall be allowed on lots five thousand (5,000) square feet and smaller. For lots larger than five thousand (5,000) square feet, one (1) additional hive shall be allowed for every additional two thousand five-hundred (2,500) square feet up to a maximum of four (4) hives.
 - (3) All hives shall be located at least twenty (20) feet from a securely fenced property line. Hives shall be located a minimum of one hundred (100) feet from an unfenced property line. Hives shall be kept in the side or rear yard, and may are not be permitted in the front yard area.
 - (4) Fresh clean watering facilities for the bees shall be provided within twenty (20) feet of the hive(s) at all times.
 - (5) All hives shall be registered through the Arkansas State Plant Board and all hives and equipment kept in accordance with the Arkansas Apiary Law and Regulations.
 - (6) Each beehive shall be identified by displaying the name, telephone number, address and state registry number of the beekeeper on the

structure of the hive or on a sign within ten (10) feet of the hive. Identification shall be placed in a manner to make it conspicuous to anyone approaching the hive(s). ~~shall be displayed on the structure of each hive.~~ This information shall also be ~~and~~ made available to any city official upon request.

- (7) Nothing in this section shall be deemed or construed to prohibit the keeping of bees at a school property or community garden for the purposes of study or education.

- (8) Africanized honey bees are prohibited.

- (9) In instances where bees create a public hazard with unprovoked aggressive behavior, it shall be the responsibility of the beekeeper to re-queen or remove the colony. The Northwest Arkansas Beekeepers Association should be contacted to handle the removal or re-queening of beehives.

- (10) The City may further restrict or prohibit the keeping of bees within residential districts, within a neighborhood or on a particular property if the City Council determines that bees have created a public nuisance or public health issue.

- (D) Goats. It shall be lawful to keep goats within the corporate limits of the city under the following terms and conditions:

- (1) Allowed goats shall be female dwarf or pygmy goats not weighing more than eighty-five (85) lbs and no taller than twenty-two and a half (22.5) inches at the withers (ridge between the shoulder blades). Bucks shall be not be allowed.

- (2) All goats shall have RFID microchips and be registered with the Fayetteville Animal Services Program.

- (3) The principal use of the property shall be educational or single family residential.

- (4) Goats shall not be permitted on lots smaller than ten thousand (10,000)

square feet. The minimum number of goats kept on a lot that is ten thousand (10,000) square feet and larger shall be two (2). Lots fifteen thousand (15,000) square feet and larger ~~For every additional five thousand (5,000) square feet of lot area, one additional goat shall be~~ allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.

- (5) There shall be no onsite slaughter of goats.

- (6) Goats shall be provided with sufficient good and wholesome food and water.

- (7) All goats shall have a secure, fenced yard constructed with a minimum area of two hundred (200) square feet per goat and a shelter that is minimum five (5) square foot per goat. Shelters shall be well ventilated and provide protection from the weather including four sides with opening, roof and floor.

- (8) The shelter shall not be located closer than fifty (50) feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. The shelter and fenced yard shall be kept in the side or rear yard, and may are not be permitted in the front yard area.

- (9) The yard must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.

(10) Nothing in this section shall be deemed or construed to prohibit the keeping of goats within a school property or community garden for the purposes of study or education.

Additionally, land owners are permitted to keep goats in one location for a maximum of two (2) weeks for the purpose of land clearing and the removal of vegetation.

(11) The City may further restrict or prohibit the keeping of goats within residential districts, within a neighborhood or on a particular property if the City Council determines that goat(s) have created it causes a public nuisance or public health issue as defined in City Codes.

~~(D)~~(E)Exemptions. The above Ssections C is are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl, bees or goats kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

Fowl - Below is a summary of where Fayetteville compares to other cities on allowed numbers of fowl:

- Lawrence, KS - 1 fowl per 500 sq ft (20 max)
- Cleveland, OH - 1 fowl per 800 sq ft (no max)
- Des Moines, IA - 1 fowl per 900 sq ft (30 max)
- **Fayetteville (proposed): 1 fowl per 1250 sq ft (20 max)**
- Ft. Collins, CO - 1 fowl per 3000 sq ft (no max)
- Atlanta, GA - 25 max
- Chapel Hill, NC - 10 fowl max
- Denton, TX - 8 fowl max
- Denver, CO - 8 fowl max
- Columbia, MO - 6 fowl max
- Tulsa, OK - 6 fowl max
- Stillwater, OK - 5 fowl max
- Iowa City, IA - 4 fowl max
- **Fayetteville (current) - 4 fowl max**
- Bentonville, AR - 4 fowl max
- Rogers, AR - 4 fowl max
- Little Rock, AR - 4 fowl max
- Springdale, AR - 0 fowl

Bees - Below is a summary of where Fayetteville compares to other cities on allowed numbers of beehives:

- Cleveland, OH - 1 hive per 2500 sq ft (no max)
- Tulsa, OK - 1 hive per 2500 sq ft (no max)
- Broken Arrow, OK - 1 hive per 2500 sq ft (no max)
- **Fayetteville (proposed) - 1 hive per 2500 sq ft (4 hive max)**
- Little Rock, AR - 1 hive per 5000 sq ft (unclear if there is a max #)
- Ft. Collins, CO - 1 hive per 5000 sq ft (no max)
- Spokane, WA - 1 hive per 5000 sq ft (8 hive max)
- Bentonville, AR - 1 hive per 10,000 sq ft (no max)
- Stillwater, OK - 5 hive max

Note that if a City was listed as allowing fowl but not listed here then it is assumed that they do not allow beekeeping.

Goats - Below is a summary of where Fayetteville compares to other cities on allowed number of goats:

- Cleveland, OH - 1 goat per 2400 sq ft (no max)
- Seattle, WA - 1 goat per 5000 sq ft (no max)
- Ft. Worth, TX - 1 goat per 5000 sq ft (no max)
- Charlottesville, VA - 3 goat max on any lot
- **Fayetteville (proposed) - 1 goat per 5000 sq ft (3 goat max) - must have a minimum of 10,000 sq ft lot**
- Denver, CO - 2 goats max on any lot
- Ft. Collins, CO - 2 goats max on any lot

Note that if a City was listed as allowing fowl but not listed here then it is assumed that they do not allow goats

RESOLUTION NO. 60-13

A RESOLUTION TO REQUEST CITY STAFF REVIEW THE UNIFIED DEVELOPMENT CODE AND PREPARE AMENDMENTS TO ALLOW RESIDENTS TO RAISE FARM ANIMALS AND SELL CROPS, ANIMALS AND ANIMAL PRODUCTS IN NON-AGRICULTURALLY ZONED AREAS TO PROVIDE GREATER FOOD SECURITY FOR FAYETTEVILLE RESIDENTS

WHEREAS, 15% of Washington County's population is food insecure, which means lacking consistent access to enough food for active healthy living, and Arkansas ranks number nine in the nation in child food insecurity at 28%, while only 0.1% of Arkansas's food is sold in state directly to consumers; and

WHEREAS, expanding access to healthy food, reducing hunger, and encouraging healthier diets are of critical importance to our community's health and the reduction of our food insecurity rate; and

WHEREAS, a sustainable local food system requires community support for buying local and promoting sustainable agriculture, and working together through partnerships is important and necessary to reach the goal of a strong and sustainable local food system; and

WHEREAS, the many recent community programs and initiatives including Fayetteville Public Schools Farm to School program, the Fayetteville Community Garden Coalition, the creation of the Nation's first SNAP garden and the success of and demand for more Fayetteville Farmers' Market locations from citizens and farmers alike, all illustrate Fayetteville's support for local agriculture; and

WHEREAS, the Fayetteville Forward Local Food Group and Feed Fayetteville conducted community surveys gathering information on food priorities for Fayetteville; and

WHEREAS, the Unified Development Code should be studied to possibly authorize residents to practice animal husbandry and to sell crops, animals and animal products in non-agriculturally zoned areas.

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 recognizes that a robust local food system will provide accessible, affordable nutrition for our citizens and economic stability for our community, and hereby requests the Sustainability and Strategic Planning Division work with local stakeholders to study Fayetteville's Unified Development Code and recommend changes that will promote citizens' ability to raise farm animals and sell crops, animals and animal products in non-agriculturally zoned areas to provide greater food security for Fayetteville residents.

Page 2
Resolution No. 60-13

PASSED and APPROVED this 19th day of March, 2013.

APPROVED:

ATTEST:

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



City of Fayetteville Staff Review Form

B. 3
ADM 13-4331 Amend Chapters
151, 162, 163 and 164
Page 25 of 32

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

~~3/1/2013~~ 3-19-13
City Council Meeting Date
Agenda Items Only

<u>Kristina Jones</u>	<u>Sustainability & Strategic Planning</u>
Submitted By	Division
	Department

Action Required:

A resolution requesting staff to examine Fayetteville's Unified Development Code and recommend amendments that will promote residents' ability to grow and sell plant and animal based food products and provide greater food security.

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

Budgeted Item ☐ Budget Adjustment Attached ☐

<u>[Signature]</u>	<u>3/1/13</u>	Previous Ordinance or Resolution # <u> </u>
Department Director	Date	
<u>[Signature]</u>	<u>3/1/13</u>	Original Contract Date: <u> </u>
City Attorney	Date	Original Contract Number: <u> </u>

<u>Paul A. Buhm</u>	<u>3-1-2013</u>
Finance and Internal Services Director	Date
<u>[Signature]</u>	<u>3-1-13</u>
Chief of Staff	Date
<u>[Signature]</u>	<u>3/4/13</u>
Mayor	Date

Received in City Clerk's Office [Signature]

Received in Mayor's Office [Stamp: ENTERED 3/1/13]

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

Jeremy Pate, Development Services Director

Peter Nierengarten, Sustainability & Strategic Planning Director

PW

From: Kristina Jones, Sustainability & Strategic Planning Project Designer and Coordinator

KJ

Date: March 1, 2013

Subject: ADM 13-4331 Local Foods Ordinance Review

PURPOSE

Mayor Lioneld Jordan is sponsoring a resolution requesting City Council support for his request to have city staff examine the Unified Development Code and recommend amendments for City Council consideration that will make it easier for residents to grow and sell plant and animal based food products. This item has Alderman Matthew Petty's endorsement.

BACKGROUND

Along with timber resources and wild game, the grasslands of this region initially attracted settlers to Washington County who grew wheat, oats, corn, hay, strawberries, beans, tomatoes, tobacco, and eventually apples and other fruit crops, as well as chickens, pigs, oxen and dairy cattle. This began to change however, starting with Great Depression of the 1930s and the subsequent decline in rural population, coupled with the advent of modern-day conveniences and rising land costs. Today much of the agricultural tradition that sustained families in this area in the past has disappeared.

However, the last few decades have seen a rebirth of interest in locally produced foods and products. A local foods movement strives to build a locally based, sustainable food economy where production, processing and distribution are integrated with an emphasis on social health benefits and environmentally sustainable local food crops and products. Additionally, supporting a strong local foods system is essential to addressing the issues of hunger and nutrition. When an individual or family can easily grow food, more residents have access to affordable, high-quality nutrition. Nationally, one in six Americans is fighting hunger; in Fayetteville, the statistic is one in four, and Arkansas leads the nation with 19% of our population who are "food insecure," lacking consistent access to enough food for active healthy living. Feeding America has determined that 15% of Washington County's residents are food insecure, and according to the Arkansas Department of Human Services, Washington County also has the second highest SNAP (food stamp) enrollment rate in Arkansas. And these problems appear to be increasing. A 2009 study by the Arkansas Hunger Relief Alliance shows that the number of people in Northwest Arkansas served weekly by the Northwest Arkansas Food Bank rose from 6,200 in 2005 to 25,900 in 2009 - - a 318% increase in families receiving food assistance in only four years.

Recent activity and interest in the realm of local foods has been demonstrated by local organizations, programs, and initiatives including the following:

THE CITY OF FAYETTEVILLE, ARKANSAS

- Apple Seeds Inc., established in 2007, provides outreach and programs that help students and their families establish sustainable, lifelong, healthy eating habits.
- SNAP-Ed, a program administered through the Washington County Extension Service in partnership with Arkansas DHS and the U of A, is focused on educating food stamp recipients and low income families about healthy diet and exercise choices.
- The Fayetteville Community Garden Coalition was founded in 2009. Fayetteville currently boasts 20 community and school gardens and urban farms.
- Fayetteville Public Schools (FPS) educational gardens at ten schools demonstrate a local commitment to food and agriculture knowledge from the ground up. FPS is also currently introducing students to local foods and agriculture through their newly formed Farm to School program, with emphasis on local food procurement and healthy food education.
- Feed Fayetteville, formed in 2011, is an organization committed to alleviating hunger and cultivating a sustainable food network through strategic partnerships and making connections between organizations working on opposite ends of food issues to extend their reach and amplify their effectiveness.
- University of Arkansas Community Design Center was awarded \$15,000 in seed money in 2012 from the American Institute of Arkansas to begin developing “Fayetteville: 2030 Food City Scenario,” a plan for “healthy and safe food systems at a local scale...to build agrarian urbanism, where everything is designed around food production and how people live.” The plan is one response to Fayetteville’s increasing population, subsequent sprawl and the strain it places on the land, as well as a disconnect from food sources and a need for access to nutritious, sustainable food.

In the fall of 2009 Alderman Matthew Petty requested that the City begin looking at Fayetteville’s capacity for growing food in publicly owned open space. He met with the Sustainability Department in the spring of 2011, and staff began researching local foods movements in other cities and how city governments can have effective involvement. In October 2012, Feed Fayetteville solicited a community food survey including a question soliciting suggestions for Mayor Jordan about how to improve Fayetteville’s community food system, urban agriculture, and access to fresh food. The following are the most frequent comments that the Sustainability and Strategic Planning Department felt could be evaluated through City policy:

- use leftover space, such as in parks and excess rights-of-way, to plant food bearing vegetation;
- establish more community gardens and expand the animals and fowl ordinance;
- modify the zoning code to ease restrictions on farming and selling produce in town;
- provide and/or expand food composting services; and
- secure more partnerships with and support for local organizations and non-profits.

Through a second survey, the Fayetteville Forward Local Foods group ranked these priorities, the top three being: 1) Unified Development Code review and modification; 2) expanded ability to sell food onsite where grown; and 3) review of the Animals and Fowl ordinance for possible expansion.

Mayor Jordan has requested that staff assemble a group of stakeholders to review these priorities. Staff will meet with a small group consisting of farmers, agricultural law students, and food security professionals to study Fayetteville’s Unified Development Code and recommend amendments that will promote residents’ ability to grow and sell locally produced plant and animal based food products.

BUDGET IMPACT

None.

Fayetteville Community Food Survey:

What suggestions do you have for Mayor Jordan about how to improve our community food system, urban agriculture, and access to fresh food?

Gardens/Public Space	
Use leftover space (City Lands/ Parks/ROW/Schools/POA properties) to plant food bearing vegetation in, accessible to all.	14
More Community Gardens and promotion of	8
City encourage/require planting food bearing landscape plants & trees as part of landscape reqs/mitigation	3
City position dedicated to Community Gardens	2
Make community gardens easier to establish and access.	1
Offer SNAP in all community gardens	1
City Ordinances/Policies/Programs	
Amend chicken ordinance to allow for more and expand to goats and other animals.	9
Create/modify zoning for Urban Agriculture/Conservation- make it easier to farm in town	5
Tax incentives for donated garden land/ sustainable garden set ups	2
City Composting	1
Overturn POA rules stating that residents cannot grow vegetables in front flower beds	1
Research and implement a more wholistic local food shed scenario.	1
Carbon tax on non local foods	1
Encourage and make rooftop gardens the norm	1
Farmers' Market	
More, easily accessible (pedestrians and outskirts of town), and larger Farmers' Markets, at different times of day	8
Support Local: Local Farmers and local food in restaurants/grocery stores	7
Support/Promote Farmers' Market	3
More evening markets	2
More education on SNAP Benefits at Market and follow through on program	2
Market at U of A	1
Farmers' market vouchers for City employees	1
More value added products at Farmers' Market	1
Create opportunities for selling of food outside of Farmers' Market- difficult to get in	1
Support partnerships btwn Farmer's market and local stores	1
Education	
Campaign/educate promoting the benefits of local foods/gardening- make it popular	8
Local food & gardening education in school	4
Food Preservation Classes/Canning programs	3
Encourage healthy good food in schools	2
Seed saving /food growing classes	2
Gardening assistance/ garden planning education	1
Organizations & Partnerships	
Partnerships- University, Fayetteville Schools, Surrounding area	5
Support local food non profits	1
Support/Promote Botanical Garden	1
Online Resources	
Website with local foods resources	1
Create a space to advertise available gardening land	1
Provide links to gardening resources and provide garden related donations	1
Community exchange program for goods- produce,compost etc.	1
Food & Local Food- General	
More local/health foods stores- need lower prices	4
Encourage City facilities and businesses to source food locally	2
Push for accurate food labeling	1
Encourage local restaurants to donate leftover foods	1
Facilitate food donations and distribution	1
Other	
Community building - neighborhood community kitchens/block parties	2
Create a place that houses emergency food stores for those in need.	1
Hire a group to conduct a regional local food assessment	1
Open a food preservation center	1

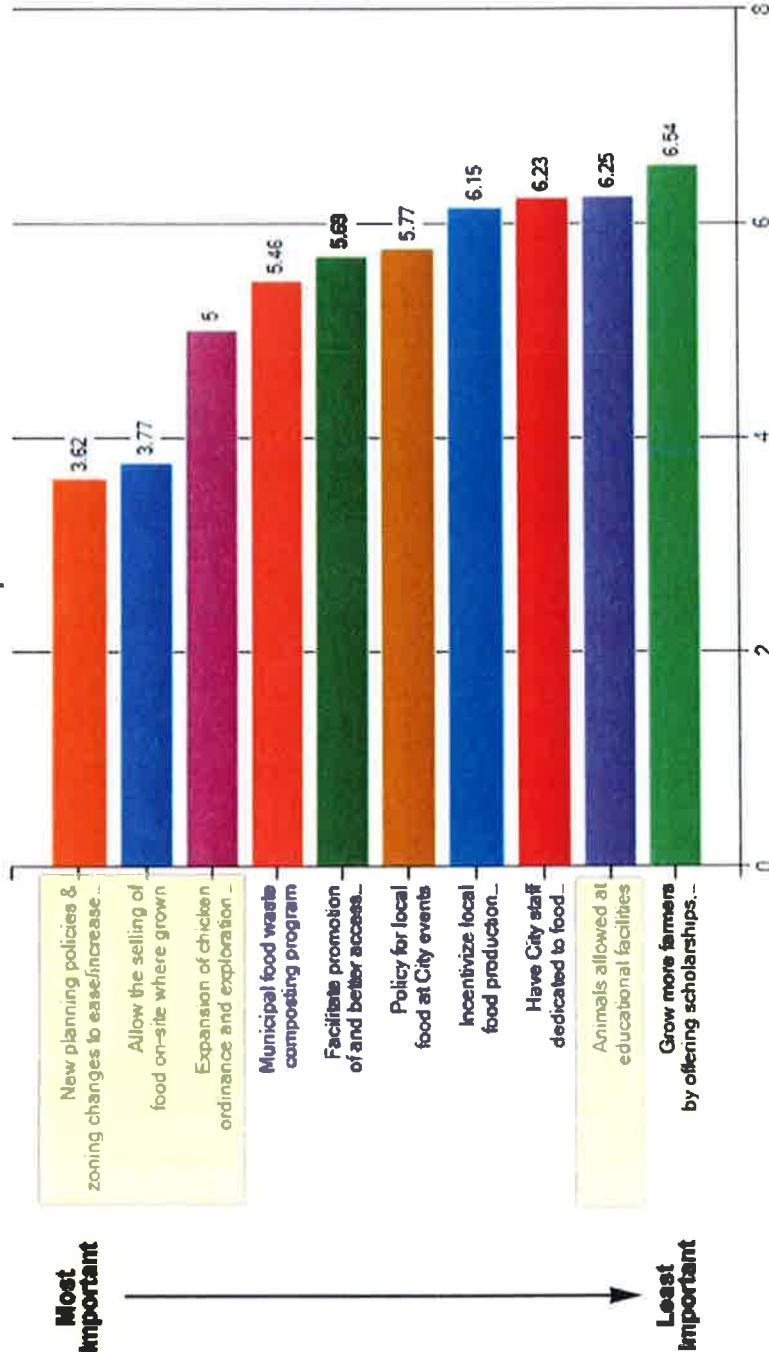


Short Term, City of Fayetteville Sustainability & Strategic Planning Department
 LongTerm, Other City of Fayetteville Departments



FAYETTEVILLE FORWARD LOCAL FOOD GROUP FOOD POLICY SURVEY

Based upon Community Food Survey results and Local Foods Action Group replies, the following preferences have been chosen to represent citizens' input. Please rank these priorities with 1 being most important to you in the City's commitment to local foods and community food security and 10 being least important.



Fayetteville

feed Fayetteville
 COMMUNITY ACTION GROUP

CITY OF FAYETTEVILLE
 SHORT TERM ACTION

Handed out at the 3/19/13 City Council meeting.

March 19, 2013

Dear Fayetteville City Council,

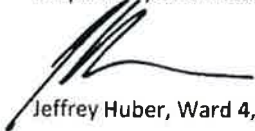
I would like to offer my support to the Local Foods Ordinance Review or *The Development of an Agrarian Urbanism Code and Framework*.

Consider this; fifty percent of Fayetteville's built environment projected to exist by 2030 has not yet been built. Fayetteville will essentially reproduce another Fayetteville—approximately 100 million square feet including 28,000 housing units (currently Fayetteville has an estimated 32,000 housing units)—within its boundaries over the next 20 years. What if we envisioned a Fayetteville Food City that is based on food security, linking local food production to urban development?

There was once a strong relationship between cities and their surrounding agricultural lands; many preindustrial cities even had developed agricultural landscapes within their urban cores (e.g., Mormon, New England, and Mediterranean cities). Local land once reserved for agriculture has been replaced with suburban development while food products produced by a global industrialized system now travel more than an average 1,500 miles to local markets and can lose up to 80% of their nutritional value. Michael Pollan notes that before 1920 one calorie of energy expended by agricultural production generated two calories of food energy. Today, chemical-dependent industrial agriculture uses more than 10 calories of fossil fuel energy to produce just one calorie of food. Industrial agriculture has diminished access to locally-available food and generated a host of unintended environmental problems, while erasing local agricultural heritages. We have forgotten from where food comes, how to grow it, when to harvest it, and how to preserve it. Compared to our parents and grandparents we are agriculturally illiterate. Most cities generally have a three-day supply of food sourced from a global supply chain, what they call the "nine meals from anarchy" dilemma. The replacement of locally based food chains by global and centralized systems dependent on intensive transportation and energy inputs creates vulnerability to supply disruptions.

If Fayetteville provides public services through potable water, police and fire protection, sewage treatment, waste management, and transportation infrastructure, how might a sustainable "food utility" become an ecological amenity scaled to the community rather than to an industrial economy? While pragmatic reasoning favors location of agriculture outside of the city, there are compelling economic, environmental, and social reasons to integrate agriculture within the city. First, the convenience provided by proximity to growing systems demystifies farming and positions it to be a tool for local economic development and jobs creation. Second, urban land costs promote development of high-quality, intensive farming economy with higher yields per acre (in both volume and nutritional content) that makes farming feasible at a small scale once again. Third, well-designed agricultural systems can be used to advance delivery of community-wide ecosystem services, including conservation of urban ecosystems like riparian corridors, legacy prairies or meadows, and urban tree canopies. Fourth, productive landscapes contribute to cities' open space systems requirements, enhancing livability and access to outdoor activities otherwise unavailable. Keep in mind, when the bike trails were originally proposed they were not popular, now it seems we cannot live without them. Code retooling approaches should consider more than shifting from "four hens to six" they should change the development game. I am hopeful that the city could reassert its design role of traditional urban services offered by street networks, urban fabrics, open space systems, neighborhoods, and buildings around the production of food. A city designed like that would be unlike any other and I am intrigued.

Respectfully Submitted,



Jeffrey Huber, Ward 4, 3691 Tower Circle



Cooperative Extension Service

**Arkansas is
Our Campus**

2301 South University Avenue • Little Rock, Arkansas 72204-4940 • (501) 671-2000 • www.uaex.edu

February 28, 2014

Mayor Lioneld Jordan
113 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mayor Jordan and Members of the City Council,

It has come to my attention that the Fayetteville city government is considering a revision of ordinances concerning beekeeping within the city limits. As the honey bee specialist for the University of Arkansas Cooperative Extension Service I have been asked by several parties for my thoughts on this issue.

I resided in Fayetteville myself for many years, where my family and I enjoyed the high quality of life that the city offers. This was due in no small part to the city's commitment to maintaining green spaces for the public, as well as those natural areas maintained by many conscientious citizens. All pollinators, and bees in particular, are keystones in the structure of our terrestrial environment. Though small in size, their ecological significance is vastly important. While many people tend them mainly for honey production, bees provide far greater benefits to the community at large. As urban pollinators, they improve the quality and quantity that home gardens and fruit trees yield. The same efforts ensure continuity of native plants and ornamentals in our landscapes. Countless plant species depend on bees to maintain healthy plant diversity for habitat and food. This abundance of seeds, nuts, berries, fruits and foliage forms the basis of the food chain for the greater animal community of insects, birds, and other wildlife, which in turn enriches our own experience.

As a beekeeper, both personally and professionally, I wholeheartedly advocate the craft as a hobby and an industry which touches many aspects of our lives. I consider beekeeping to be a safe and suitable activity for practically anyone. Each year I offer the public a series of comprehensive short courses in beginning beekeeping to educate novices and to encourage best practices. Over the past several years, the interest in beekeeping has been overwhelming, particularly in Fayetteville.

Over the past 25 years, pollinator populations have diminished drastically in our country. You have no doubt heard about the alarm decline of honey bees, our most active and important agricultural pollinator. Any efforts that encourage a healthy local pollinator community will serve to enhance local food security as well as quality of life. In light of this situation, many communities allow, and even encourage, reasonable beekeeping practices in urban areas. In my capacity as a specialist on honey bee biology and behavior, I have advised several communities regarding beekeeping regulations, including North Little Rock, and more recently Bella Vista. I would be pleased to visit with any of you, either formally or informally, regarding your thoughts on this issue, and to answer any questions that you may have on the subject.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads 'Jon Zawislak'.

Jon Zawislak

Apiculture Instructor

University of Arkansas
Division of Agriculture
Cooperative Extension Service
2301 S. University Ave.
Little Rock, AR 72204
501-671-2222
jzawislak@uaex.edu

Added at the City Council Meeting

AGENDA REQUEST

FOR: COUNCIL MEETING OF February 18, 2014

FROM:

CITY COUNCIL MEMBER Alan Long

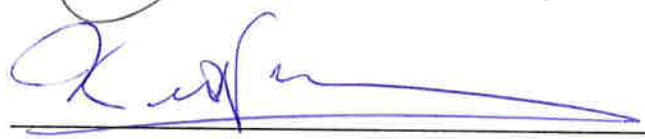
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 92.01 DEFINITIONS, § 92.23 IMPOUNDMENT AND § 92.24 REDEMPTION OF ANIMALS OF THE FAYETTEVILLE CODE TO AUTHORIZE THE ANIMAL SHELTER TO ACCEPT LIVESTOCK AND SET THE REDEMPTION FEE FOR THEIR RELEASE

APPROVED FOR AGENDA:


City Council Member Alan Long

02-18-14
Date


City Attorney Kit Williams
(as to form)

2-11-14
Date

left on the 2nd reading at the 3/4/14 City Council meeting.
left on the 1st reading on the 2/18/14 City Council meeting.

MEMO FEBRUARY 18th, 2014

TO: MAYOR, CITY COUNCIL MEMBERS & CITY CLERK

From: Alderman, Alan T. Long

RE: Amendment to Chapter 92 on animals to coincide with the new
Urban Agriculture Ordinance.

After considering the impacts that the Urban Agriculture ordinance would have on the Animal Services Division, I feel that it is necessary to change language in Chapter 92.

I believe that the changes to chapter 92 should be considered at the same time that the Urban Agriculture Ordinance is being considered. This is why I am "walking" this ordinance on to our agenda.

I prefer for our ordinances to be consistent. Passing the Urban Agriculture ordinance without considering the implications that it could have on Animal Services would, in my opinion, be unwise.

Therefore, I have asked our city attorney to draft changes to chapter 92 so that we can maintain consistency in our code of ordinances by considering the Urban Agriculture ordinance in unison with the changes to chapter 92.

I have drafted this memo in accordance with our resolution that requests any alderman or staff member to give an explanation as to why they feel that it is necessary to "walk an item" on to the agenda.

Sincerely,

A handwritten signature in cursive script, appearing to read 'A. Long', written in dark ink.

Alan T. Long

City of Fayetteville

Alderman, Ward 4, position 2

Williams, Kit

From: Alan Long <longward4@gmail.com>
Sent: Thursday, February 06, 2014 2:24 PM
To: Marr, Don
Cc: Williams, Kit; Nierengarten, Peter; Pate, Jeremy; Fields, Yolanda; Smith, Sondra
Subject: Re: Urban Agriculture and chapter 92 on Animal Services

These are the changes to chapter 92 that I would like to see added:

- **Add Definition of Livestock:** Any sheep, jenny, goat, hog or fowl.
- **Modify Section 92.23A to say:** The Fayetteville Animal Shelter is authorized to accept from the animal control officer or any private citizen, and to impound, any dog, or cat or livestock found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.
- **Add #4 under Section 92.23B: (4) Fees for Livestock.** An owner reclaiming livestock shall pay the cost for such impoundment. Said cost are hereby ascertained to be \$10.00 for the first impoundment and \$50.00 for any subsequent impoundments of that animal within a twelve (12) month period.

Any input would be appreciated.

Thank you,
Alan

On Thu, Feb 6, 2014 at 12:35 PM, Marr, Don <dmarr@fayetteville-ar.gov> wrote:

Kit - Per Alderman Long's request in the email below - Alderman Long is requesting a change to Chapter 92 as it relates to the newly proposed Urban Agriculture Ordinance. Will you please contact him or assign a staff member from the City Attorney's office to do so - so that an agenda item can be developed for him to introduce at agenda session.

Thanks
Don

Sent from my iPhone

On Feb 6, 2014, at 12:26 PM, "Longward4" <longward4@gmail.com> wrote:

After review the proposal and looking at the implications for compliance in animal services, I would like to see the changes to chapter 92 happen at the same time as the Urban Agriculture ordinance. I think that this will prevent challenges from becoming an issue if even one case of compliance is presented.

Can we have changes to chapter drafted to match the Urban Agriculture ordinance?

Thank you for all you do.

Sincerely,

Alan Long
City of Fayetteville, AR
City Council, Alderman- Ward 4



Departmental Correspondence

**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Peter Nierengarten, Director of Sustainability & Resilience

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: February 18, 2014

RE: Amendments to Chapter 92 Animals

Alderman Long desires to amend Chapter 92 **Animals** in conjunction with the Urban Agriculture Ordinance now being proposed. I have drafted an enacting ordinance pursuant to his directions.

This proposed ordinance amends § 92.23 **Impoundments** (A) to add "livestock" to the animals that can be impounded. It also amends "private citizen" to "private citizen of Fayetteville" from which animals may be accepted by the shelter to reflect that the Washington County Animal Shelter now handles animals from outside of Fayetteville which we used to accept.

The proposed ordinance further requires impoundment fees for livestock in a revised section (3). The old subsection (3) has been moved to (4) but remains "Boarding Fees." It has been amended to include "fowl" in the cat and dog boarding fee of \$10.00 per day and now includes a \$25.00 fee for "other livestock" which includes all livestock except "fowl".

Finally, I moved the possible fee for a necessary rabies vaccination out of "Boarding Fee," and into its own subsection (5). The rabies vaccination will be given at the Fayetteville Veterinarian's discretion depending upon proof (or lack of proof) of a prior, but not out of date, rabies vaccination.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 92.01 **DEFINITIONS**, § 92.23 **IMPOUNDMENT** AND § 92.24 **REDEMPTION OF ANIMALS** OF THE FAYETTEVILLE CODE TO AUTHORIZE THE ANIMAL SHELTER TO ACCEPT LIVESTOCK AND SET THE REDEMPTION FEE FOR THEIR RELEASE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 92.01 **Definitions** of Chapter 92 Animals to add a definition of livestock as follows:

“Livestock “Any sheep, jenny, goat, hog or fowl.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 92.23 **Impoundment** by repealing (A) in its entirety and enacting a replacement (A) as shown below:

“The Fayetteville Animal Shelter is authorized to accept from the animal control officer or any private citizen of Fayetteville, and to impound, any dog, or cat or livestock found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request have confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.”

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 92.24 **Redemption of Animals** by repealing subsection (3) in its entirety and enacting a replacement (3) under (B) Redemption Fees as shown below:

“(3) Fees for Livestock. An owner reclaiming livestock shall pay the cost for such impoundment. Said cost are hereby ascertained to be \$10.00 for the first impoundment and \$50.00 for any subsequent impoundments of that animal within a twelve (12) month period.”

Page 2
Ordinance No.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby enacts a new subsection (4) to § 92.24 **Redemption of Animals** as shown below:

(4) Boarding Fees. In addition to the impoundment and sterilization fees as provided in subsections (B) (1), (2), and (3) of this section, a boarding fee of \$10.00 per day for cats, dogs, and fowl and \$25.00 per day for other livestock shall be charged for each day the animal is sheltered by the City.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby enacts a new subsection (5) to § 92.24 **Redemption of Animals** as shown below:

(5) Rabies vaccination. The City Veterinarian may determine that an animal needs to be vaccinated for rabies and vaccinate such animal. The cost of this vaccination must be paid by the owner as part of the Redemption Fee.

PASSED and **APPROVED** this 18th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Add "Livestock" definition

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 92 ANIMALS

ARTICLE I
GENERAL PROVISIONS

92.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon. Any person who knowingly deserts an animal on public or private property.

Animal. Any living creature, domestic or wild.

Animal shelter. Any facility operated by a humane society, municipal agency or its authorized agent(s) for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Not under the physical control of the animal's owner or harboring, or his authorized representative, either by leash, trolley system, or enclosure. An animal intruding upon or damaging the property of another person or upon public property, trespassing on school grounds, harassing passersby or passing vehicles, or interfering with refuse collection, harassing meter readers and not under the physical control referred to herein shall be deemed "running at large." An animal within an automobile or other vehicle shall not be deemed "running at large" if the animal is physically confined to the vehicle. An animal shall not be considered "at large" when on the premises of the owner or harboring thereof and accompanied by the owner or harboring.

Cat. A feline of either sex, including one neutered or sterilized.

City. City of Fayetteville, Arkansas.

Dangerous Animal. Any animal which, when unprovoked, approaches in a manner of attack any person or domestic animal upon the streets, sidewalks, or any other public ground or place.

Dog. A canine of either sex, including one neutered or sterilized.

Eartip. A mark identifying a feral cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's left ear in a straight line cut while the cat is anesthetized.

Enclosure. A fence or pen, or structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent

the animal from escaping. Owners confining dogs or cats by means of an enclosure must provide a minimum space of 100 square feet (10x10) per dog or cat four (4) months of age or older.

Feral cat. A cat that is not socialized to humans and is not an owned cat.

Feral cat colony. A group of feral cats that congregate together as a unit and share a common food source.

Harbor. For a period of three days or more, to keep and care for an animal or provide a premises to which the animal returns.

Kennel means a structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a 'Kennel'.

Locked Enclosure. A fence or pen, or structure with all gates or entrances locked with a key or combination device. The structure forming or causing an enclosure of sufficient strength or construction to contain the specific animal and prevent the animal from escaping.

Microchip. An identifying integrated circuit placed under the skin of a dog or cat for purposes of identifying the owner of the animal.

Noisy Animals. Any domestic animal which barks, whines, or howls in an unwarranted, or continuous, or loud, or frequent fashion.

Pet Shop means a commercial establishment or facility which regularly sells pets such as dogs, cats, birds, rodents, reptiles and/or fish to the general public. Pet Shops are only allowed in C-1, C-2, C-3, Downtown Core, Mainstreet Center, Downtown General and by Conditional Use in R-O Districts

Restrained. Any animal secured by leash and under the control of owner or harboring. At public events of 100 persons or more, leashes shall be a maximum length of 6 feet. The animal must be within 4 feet of the owner or harboring.

Special Event. A specified or designated public occurrence, affair, or event at which more than three hundred (300) persons are reasonably expected by the organizer or sponsor thereof to be in attendance.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

showing payment of said fee or receipt of such duplicate tag. No tag shall be transferable from one animal to another. No refunds shall be made on any fee from one animal to another. No refunds shall be made on any fee because of the death of the animal or because the owner leaves the city before the expiration of the license period.

(Ord. No. 3557, 7-16-91; Ord. No. 3588, §2, 1-21-92; Code 1991, §92.21; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

State law reference(s)--"Rabies Control Act", A.C.A. §20-19-301 et seq; Vaccination dogs & cats required, A.C.A. §20-19-305.

92.22 Running At Large Prohibited

- (A) It shall be unlawful for the owner or person in charge of any horse, mule, colt, sheep, cow, calf, bull, jack, jenny, goat, hog, or swine of any kind to permit or suffer the same to run at large within the corporate limits of the city at any time.
- (B) It shall be unlawful for any person owning or having control of any chickens, turkeys, or other fowl to permit the same to run at large within the city.
- (C) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to run at large within the corporate limits of the city at any time.
- (D) It shall be unlawful for the owner or person having charge of any dog or cat to permit or allow such dog or cat to be without proper restraint at a public event.
- (E) The term "permit" shall include the failure of the owner or person having charge of said animal to physically restrain the animal. The animal control officer shall be authorized to enter onto private property for the purpose of impounding an animal found running at large.
- (F) Every female dog or cat in heat or estrous shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.22; Ord. 5002, 4-17-07)

Cross reference(s)--Penalty, §92.99.

92.23 Impoundment

- (A) The Fayetteville Animal Shelter is authorized to

accept from the animal control officer or any private citizen, and to impound, any dog or cat found running at large in violation of this subchapter. The animal control officer shall not be required to respond to requests to pick up unconfined cats until the person making the request has confined or restrained the animal so that it can readily be taken into custody by the animal control officer. The animal control officer may use humane animal traps or tranquilizers to assist in confining the cat.

- (B) Whenever any animal in the animal shelter bears a city tag, it shall be the duty of the animal control officer to notify the owner or the person to whom the tag was issued, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be destroyed or placed for adoption within 10 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the tag was issued cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be destroyed or placed for adoption within 10 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.23; Ord. 5002, 4-17-07)

92.24 Redemption Of Animals

- (A) After the expiration of ten (10) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of an non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to destroy and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to destroy such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

- (B) Redemption Fees

- (1) Fees for Sterilized Animals. An owner reclaiming a sterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$10.00 for the first impoundment if the animal is sterilized and has a microchip currently registered with up-to-date contact information on file with the City Animal Services Division; \$25.00 for the first

Amend to add
11 verstock

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

impoundment if the animal has no microchip or the animal's microchip is not registered with up-to-date contact information on file with the City Animal Services Division. The animal shall be microchipped at the time of redemption at the owner's expense. \$50.00 for the second impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$100.00 for the third impoundment of a sterilized and microchipped animal within a twelve (12) month period. \$200.00 for the fourth impoundment of a sterilized and microchipped animal within a twelve (12) month period.

issued to the adopter and said voucher may be used at the time the animal is sterilized. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

(Ord. No. 3588, §2, 1-21-92; Code 1991, §92.24; Ord. 5002, 4-17-07; Ord. 5466, 12-6-11)

92.25 Confinement When Person Bitten

Any animal suspected of biting a human shall be quarantined in accordance with the provisions of A.C.A. 20-19-301 (The Rabies Control Act).

(Ord. 5002, 4-17-07)

92.26 Vicious Animals Restricted

- (2) Fees for Unsterilized Animals. An owner reclaiming an unsterilized impounded animal shall pay the cost of such impoundment. Said costs are hereby ascertained to be \$100.00 for the first impoundment on an unsterilized animal with or without a microchip. The animal shall be microchipped at the time of redemption at the owner's expense. At the time of the first redemption the owner of an unsterilized animal shall be offered spay or neuter services at a reduced cost. If sterilization is performed, the impoundment fee will be reduced to \$10.00 for animals that are already microchipped and \$25.00 for animals that are not microchipped or animals whose microchips are not registered with up-to-date information on file with the City Animal Services Division. \$200.00 for the second impoundment within a twelve (12) month period. At such time the animal will be considered a public nuisance and shall be sterilized at the owner's expense. At such time that a third impoundment occurs, the owner shall be required to pay the fees as set forth for the third impoundment of a sterilized animal.

- (3) Boarding Fees. In addition to the impoundment fees as provided in subsections (B)(1) and (B)(2) of this section, a boarding fee of \$10.00 per day per animal shall be charged for each day such animal is impounded in the animal shelter, together with the cost of having an unvaccinated animal vaccinated for rabies.

- (C) The owner of an impounded animal who refuses to reclaim his animal may be proceeded against for abandonment under the provisions of §92.02.

- (D) No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. A voucher will be

- (A) Once a citation has been issued by an Animal Services Officer or a complaint has been filed in the district court against the owner or harbored of an animal for violation of this section, the animal shall be relinquished by the owner or harbored to the animal services officer and kept at the animal shelter, the animal shall not be released except on order of the court, which order may also direct the owner or harbored to pay a fine, all impoundment fees, and/or obtain liability insurance in amount to be determined. Upon a finding that such animal is a vicious animal, the court may order the animal to be euthanized in a humane manner. Surrender of an animal by the owner or harbored thereof to the animal control officer shall not render the owner or harbored immune from the fines and fees prescribed by this chapter.

- (B) Once a complaint has been filed in the Fayetteville District Court and the alleged vicious animal is impounded at the Animal Shelter, the arraignment shall be held within seven calendar days and the trial of the charges shall be held within two weeks of the arraignment date unless the defendant/owner of the impounded animal requests a continuance and pays a cash deposit into court in an amount equal to the impoundment and board fees through the requested court date.

- (C) It shall be unlawful for a vicious animal to be outside of a dwelling or locked enclosure unless it is necessary for the owner or harbored thereof to obtain veterinary care for the vicious animal or to comply with commands or directions of an animal control officer with respect to the vicious animal; and, the owner or harbored of an animal in violation of this section shall be subject to criminal prosecution. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, shall be

City of Fayetteville Item Review Form

2014-0108

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 14-4617: Vacation (1144 N. FUTRALL DR./CORNERSTONE, 402): Submitted by BLEW AND ASSOCIATES for property located at 1144 NORTH FUTRALL DRIVE. The property is zoned R-O, RESIDENTIAL-OFFICE AND RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 7.94 acres. The request is to vacate part of several utility easements.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



V20130812



[Signature]
K. [Signature] 3-3-14

Paul a. Bueh 3-3-2014

[Signature] 3-4-14
[Signature]

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 
Andrew Garner, City Planning Director 

From: Quin Thompson, Current Planner

Date: February 25, 2014

Subject: VAC 14-4617 (114 N Futrall Drive/Cornerstone Apartments)

RECOMMENDATION:

The Planning Commission and Planning Division staff recommend approval of an ordinance to vacate portions of six (6) existing utility easements.

BACKGROUND:

The subject property is located at the end of Futrall Drive, north of Wedington Drive, and contains an existing multi-family complex developed many years ago. According to the applicant, a recent survey of the property shows that buildings encroach slightly on utility easements in several locations.

The applicant's request is to vacate portions of existing 20-foot utility easements where they conflict with existing structures, as indicated on the attached exhibit.

DISCUSSION:

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT:

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4617 SUBMITTED
BY BLEW AND ASSOCIATES FOR PROPERTY LOCATED
AT 1114 N. FUTRALL DRIVE TO VACATE PORTIONS OF
UTILITY EASEMENTS, A TOTAL OF 967.3 SQUARE FEET.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easements are not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of utility easements described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED and APPROVED this day of , 2014.

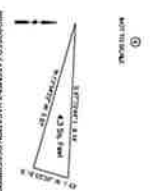
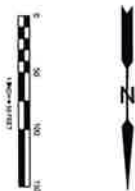
APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EASEMENT VACATION EXHIBIT

[illegible]

PARCEL #785-117000

I

[illegible]

VAC 14-4617
EXHIBIT "B"



Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

524 W. Sycamore Street Suite #4 Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
<http://www.blewinc.com>

PROPOSED EASEMENT VACATION DESCRIPTION #1:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 1006.63' AND N87°15'57"W 20.73 FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N89°02'22"W 3.57'; THENCE N02°44'03"E 65.03'; THENCE S88°02'22"E 1.55'; THENCE S00°57'38"W 65.00' TO THE POINT OF BEGINNING. CONTAINING 166.4 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #2:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 725.25' AND N87°15'57"W 20.73 FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°26'04"W 4.27'; THENCE N02°44'03"E 13.01'; THENCE S87°15'57"E 4.23'; THENCE S02°33'56"W 13.00' TO THE POINT OF BEGINNING. CONTAINING 55.2 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #3:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 582.72' AND N87°15'57"W 49.10' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°43'53"W 11.75'; THENCE N02°37'14"E 29.96'; THENCE S87°15'57"E 11.56'; THENCE S02°16'07"W 29.87' TO THE POINT OF BEGINNING. CONTAINING 348.6 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #4:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16' AND N87°22'46"W 140.27' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE S02°10'04"W 10.35'; THENCE N87°22'46"W 36.79'; THENCE N02°10'04"E 10.06'; THENCE S87°49'56"E 36.79' TO THE POINT OF BEGINNING. CONTAINING 375.3 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #5:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16', N87°22'46"W 275.06' AND N02°37'30"E 22.36' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N75°40'30"W 13.01'; THENCE S87°22'46"E 13.29'; THENCE S14°19'30"W 2.70' TO THE POINT OF BEGINNING. CONTAINING 17.5 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #6:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16', N87°22'46"W 348.82', AND N02°37'51"E 23.61' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N73°54'22"W 5.97'; THENCE S87°22'46"E 6.14'; THENCE S16°05'38"W 1.43' TO THE POINT OF BEGINNING. CONTAINING 4.3 SQUARE FEET, MORE OR LESS.



PC Meeting of February 24, 2014

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: Andrew Garner, City Planning Director
DATE: ~~February 18, 2014~~ UPDATED 2-25-2014

VAC 14-4617: Vacation (1144 N. FUTRALL DR./CORNERSTONE, 402): Submitted by BLEW AND ASSOCIATES for property located at 1144 NORTH FUTRALL DRIVE. The property is zoned R-O, RESIDENTIAL-OFFICE AND RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 7.94 acres. The request is to vacate part of a utility easement.

Planner: Quin Thompson

Findings:

Property and Background: The subject property is located at the end of Futrall Drive, north of Wedington Drive, and contains an existing multi-family complex developed many years ago. According to the applicant, a recent survey of the property shows that buildings encroach slightly on utility easements in several locations.

Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Interstate 540 ROW	N/A
South	Commercial	C-2, Thoroughfare Commercial/R-O, Residential Office
East	Undeveloped/Multi-family Housing	RMF-12, Residential Multi-family
West	Interstate 540 ROW	N/A

Request: The applicant's request is to vacate portions of the existing utility easements in order to remove the easements from the buildings.

Right-of-way Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections. The areas being vacated are surrounded entirely by property owned by the applicant.

UTILITIES

RESPONSE

Cox Communications

No objections

Ozarks Electric Power Company

No objections

Source Gas

No objections

AT&T

No objections

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections

Solid Waste

No objections

Public Comment: No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 13-4617** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities shall be at the owner/developer's expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: February 24, 2014

Motion: COOK

Second: CHESSER

Vote: 7-0-0

Notes: ON CONSENT



Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

524 W. Sycamore Street Suite #4 Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
<http://www.blewinc.com>

December 18, 2013

City of Fayetteville Planning Commission and
City of Fayetteville City Council.

We would like to present for your consideration a request for a partial easement vacation on behalf of the Cornerstone Apartments located at 1144 N. Futrell Drive.

We ask for a partial vacation of six (6) areas as shown on the attached drawing where during the process of a property boundary survey, six of the existing buildings were found to slightly encroach upon an existing utility easement.

Since the extent of the encroachments is very limited in nature, we would request a vacation of these areas to remove the buildings from encroaching upon these easements.

Thank you for your consideration on this matter.

A handwritten signature in dark ink, appearing to read "Michael Million". The signature is fluid and cursive, with a prominent initial "M".

Michael Million
Project Manager

PETITION TO VACATE PORTIONS OF AN EASEMENT LOCATED IN PART OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and

The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in part of the Northeast Quarter of Section 7, Township 16 North, Range 30 West, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

PROPOSED EASEMENT VACATION DESCRIPTION #1:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 1006.63' AND N87°15'57"W 20.73' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N89°02'22"W 3.57'; THENCE N02°44'03"E 65.03'; THENCE S88°02'22"E 1.55'; THENCE S00°57'38"W 65.00' TO THE POINT OF BEGINNING. CONTAINING 166.4 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #2:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 725.25' AND N87°15'57"W 20.73' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°26'04"W 4.27'; THENCE N02°44'03"E 13.01'; THENCE S87°15'57"E 4.23'; THENCE S02°33'56"W 13.00' TO THE POINT OF BEGINNING. CONTAINING 55.2 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #3:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 582.72' AND N87°15'57"W 49.10' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N87°43'53"W 11.75'; THENCE N02°37'14"E 29.96'; THENCE S87°15'57"E 11.56'; THENCE S02°16'07"W 29.87' TO THE POINT OF BEGINNING. CONTAINING 348.6 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #4:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16' AND N87°22'46"W 140.27' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE S02°10'04"W 10.35'; THENCE N87°22'46"W 36.79'; THENCE N02°10'04"E 10.06'; THENCE S87°49'56"E 36.79' TO THE POINT OF BEGINNING. CONTAINING 375.3 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #5:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16' AND N87°22'46"W 275.06' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N75°40'30"W 13.01'; THENCE S87°22'46"E 13.29'; THENCE S14°19'30"W 2.70' TO THE POINT OF BEGINNING. CONTAINING 17.5 SQUARE FEET, MORE OR LESS.

PROPOSED EASEMENT VACATION DESCRIPTION #6:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°44'03"E 557.16' AND N87°22'46"W 348.82' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE N73°54'22"W 5.97'; THENCE S87°22'46"E 6.14'; THENCE S16°05'38"W 1.43' TO THE POINT OF BEGINNING. CONTAINING 4.3 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the easements are Cornerstone Apartments, a Limited Partnership, Quail Ridge Subdivision, Horseshoe Addition and part of the SW ¼ of the NE 14 of section 7, Township 16-N, Range 30-W, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for the respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from easements of the public for the use of said easement.

Dated this 18 day of DECEMBER, 2012. 13

BUCKLEY BLEW

Printed Name



Signature

Printed Name

Signature

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: AT & T

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. Futrell Drive Fayetteville AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

DAMAGE TO OR NEED FOR RELOCATION OF ANY EXISTING AT&T
FACILITIES WILL BE @ THE PROPERTY OWNER'S EXPENSE


Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: Cox Communication

APPLICANT NAME: Cornerstone Apts APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. Futrell Dr. Fayetteville AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any damage to or relocation of our existing facilities will be at the owners/developers expense.

Chad A. Huff
Signature of Utility Company Representative

Construction Planner NWA III
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. FUTRELL DR. FAYETTEVILLE AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Greg McGee

Signature of Utility Company Representative

Lead Staking Tech

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. Futrell Dr. Fayetteville AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Bevin Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. FUTRELL DR. FAYETTEVILLE AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Shannon Jones
Signature of Utility Company Representative
Utilities Engineer
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: AEP/SWEP CO

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. FUTRELL DR. FAYETTEVILLE AR

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

John Beyer
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12-13-13

UTILITY COMPANY: ARK WESTERN GAS

APPLICANT NAME: CORNERSTONE APTS APPLICANT PHONE: 443-4506
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 1144 N. FUTRELL DR. FACETTEVILLE AR.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

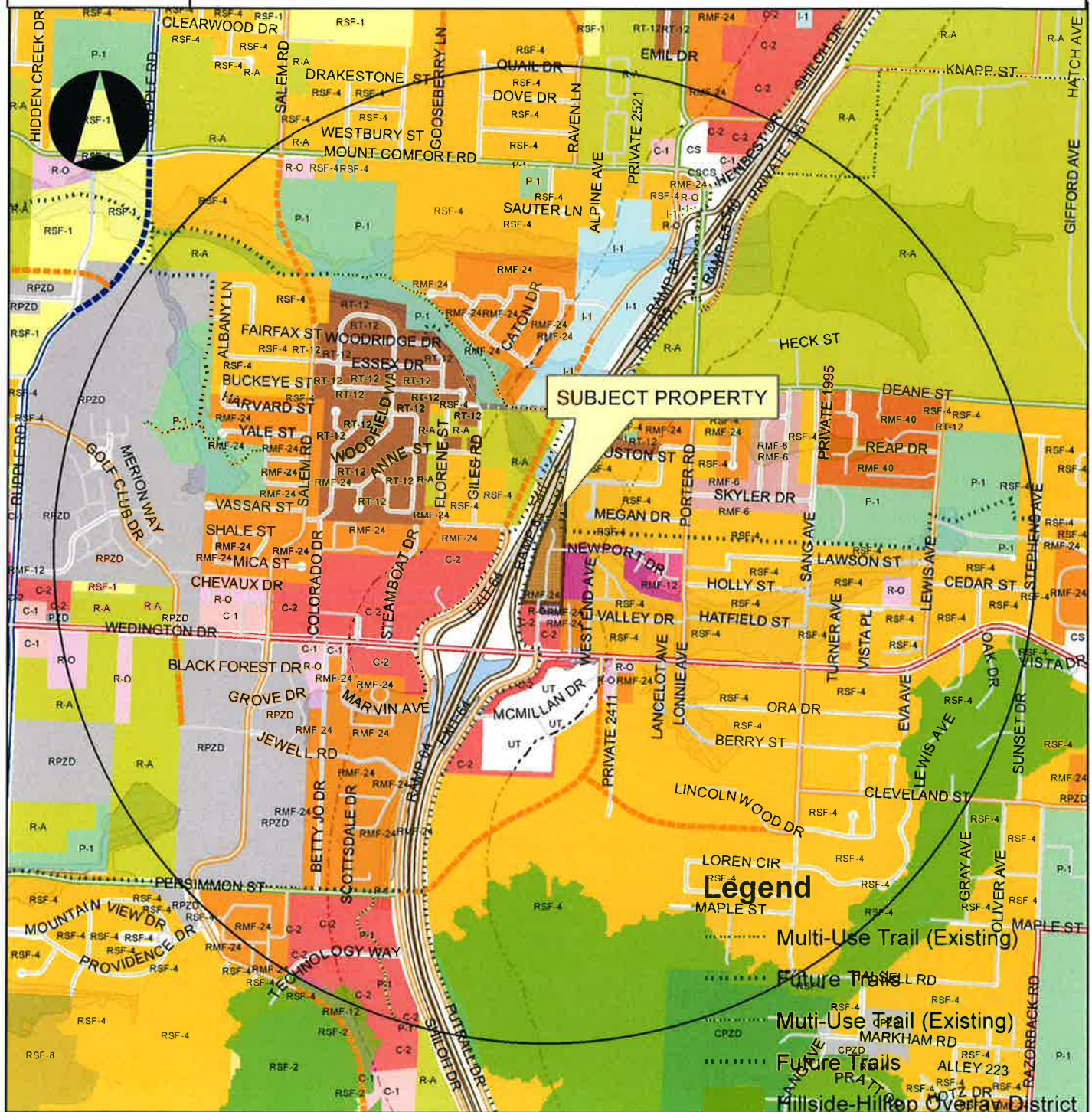
Buc A. Doughty
Signature of Utility Company Representative

Supervisor
Title

VAC14-4617

CORNERSTONE

One Mile View



RSF-4 Legend

Multi-Use Trail (Existing)

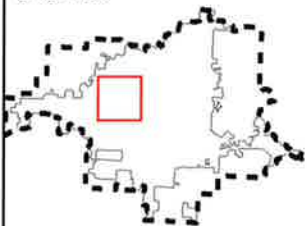
~~Future Trends~~

Multi-Use Trail (Existing)

CPZD
Future Trails

Hillside-Hilkep Overlay District

Overview



Legend

Subject Property

 VAC14-4617

Boundary

0 0.25 0.5



VAC14-4617



Design Overlay District



Planning Area



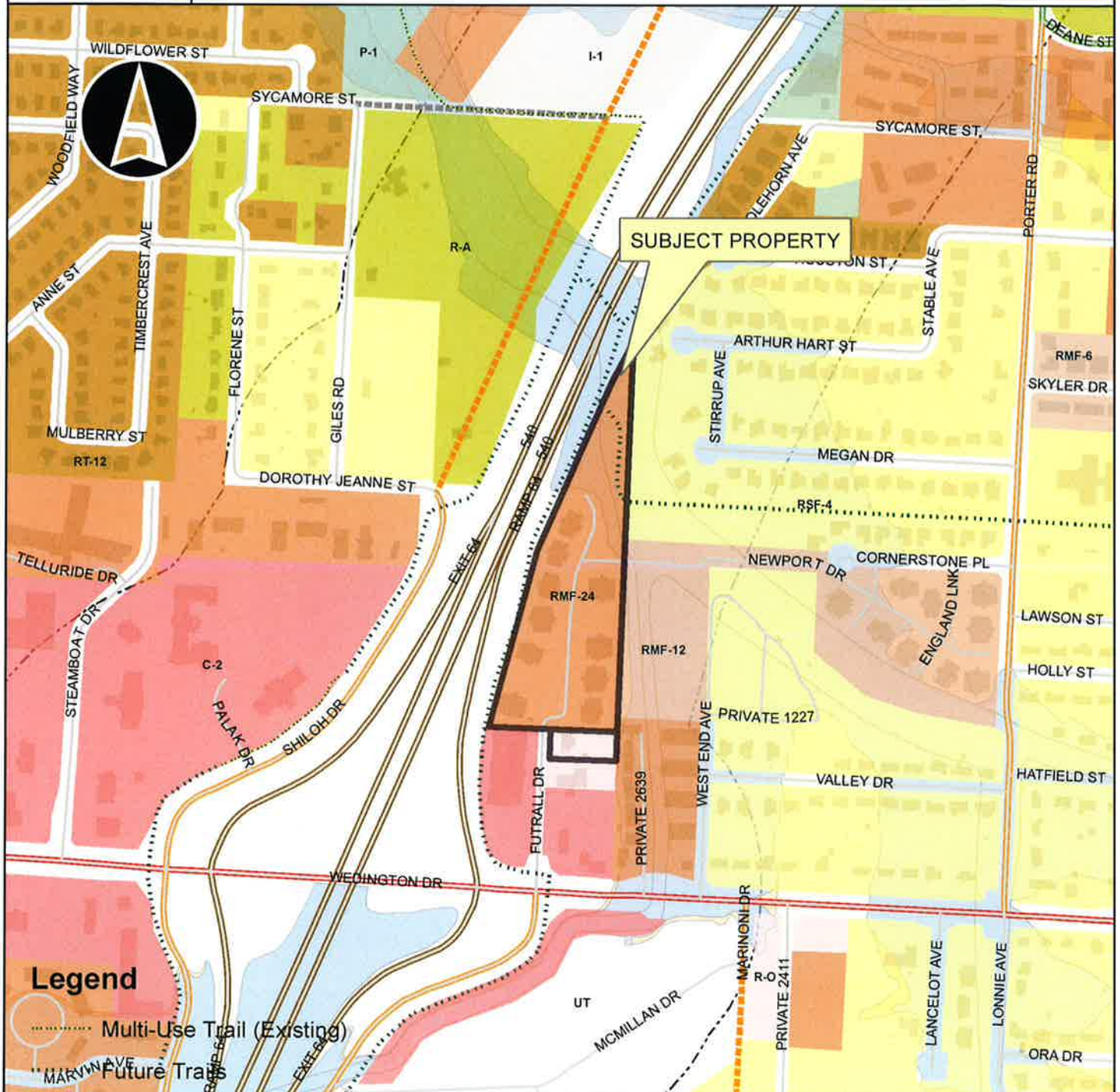
Fayetteville

1 Miles

VAC14-4617

CORNERSTONE

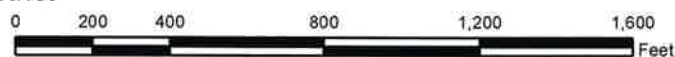
Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

- Overview Fayetteville City Limits
- VAC14-4617
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



City of Fayetteville Item Review Form

2014-0110

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 14-4621: Vacation (EAST OF BEECHWOOD/SOUTH OF THE RAILROAD TRACKS/SPECIALIZED REAL ESTATE, 560): Submitted by JORGENSEN AND ASSOCIATES for property located EAST OF BEECHWOOD AND SOUTH OF THE RAILROAD TRACKS. The property is zoned CS, Community Services and contains approximately 16.30 acres. The request is to vacate a 20-foot utility easement throughout the property.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

George Pro -

Paul a. Beech 3-3-14

Ray M. ...

Lionel ... 3-4-14



V20130812

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director 8
Andrew Garner, City Planning Director any

From: Quin Thompson, Current Planner

Date: February 26, 2014

Subject: VAC 14-4621: Vacation (East of Beechwood Avenue)

RECOMMENDATION:

The Planning Commission and Planning Division staff recommend approval of an ordinance to vacate general utility easements on the subject parcel.

BACKGROUND:

The subject property is located on Beechwood Drive and contains approximately 16.30 acres developed primarily with warehouses. The applicant intends to entirely redevelop this property. Existing utility easements throughout the property conflict with the proposed development plan. New utilities and easements would be installed to serve the new development at a later time.

The applicant's request is to vacate existing platted or prescriptive general utility easements as indicated on the attached exhibit.

DISCUSSION:

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT:

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4621 SUBMITTED
BY JORGENSEN & ASSOCIATES FOR PROPERTY
LOCATED EAST OF BEECWHOOD AVENUE TO VACATE
20' UTILITY EASEMENTS THROUGHOUT THE PROPERTY.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described general utility easements are not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easements as shown on Exhibit "A" attached hereto and a made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following Conditions of Approval and shall not be in effect until the conditions are met:

1. This vacation will not be complete until all active customers have disconnected and cable relocation has been completed. Relocation shall be at the owner/developer's expense. Existing aerial facilities along the east side of Beechwood Avenue must be shown within a utility easement, or are to be included in the relocation costs.
2. New easements for electric utilities shall be provided along Beechwood Avenue.
3. The easements may be vacated after new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.
4. Any relocation or damage to utilities shall be at the owner/developer's expense.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



A circular inset map titled "LOCALITY MAP" showing the location of the study area within the Patuxent Marshes. The map includes labels for "PATUXENT MARSHES" and "SITE".

[illegible]

U. CURRENT PHONE + COMMUNITY SERVICES (CSC)
Z1 PARCEL NUMBERS 705-1210-000, 705-1210-001, 705-1210-000
705-1210-002, 705-14858-000 & 705-14859-000

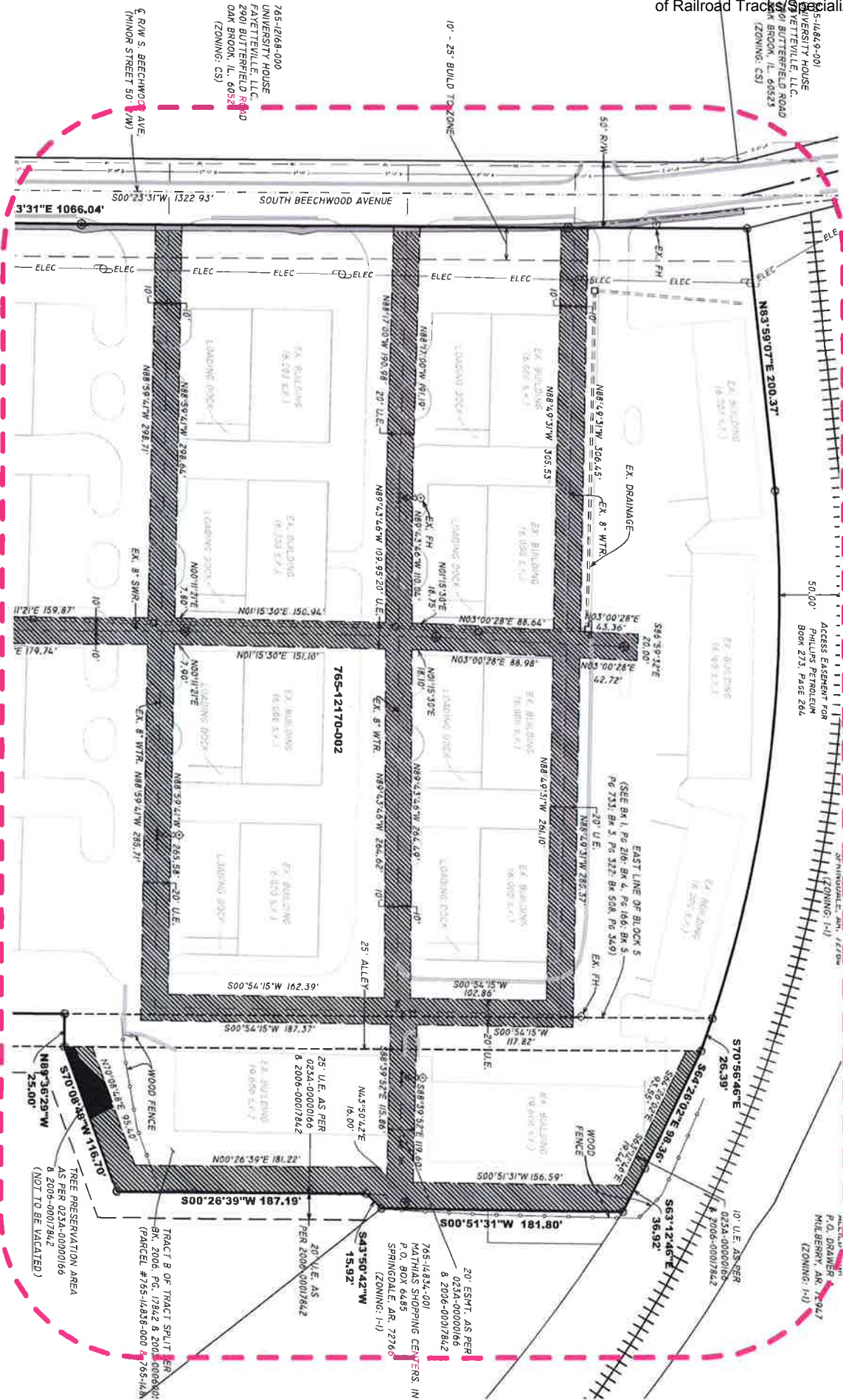
WITH ONLY THOSE EMPLOYMENTS SHOWN (SHADE) SPILL OR VACATED BY THIS PLAT.

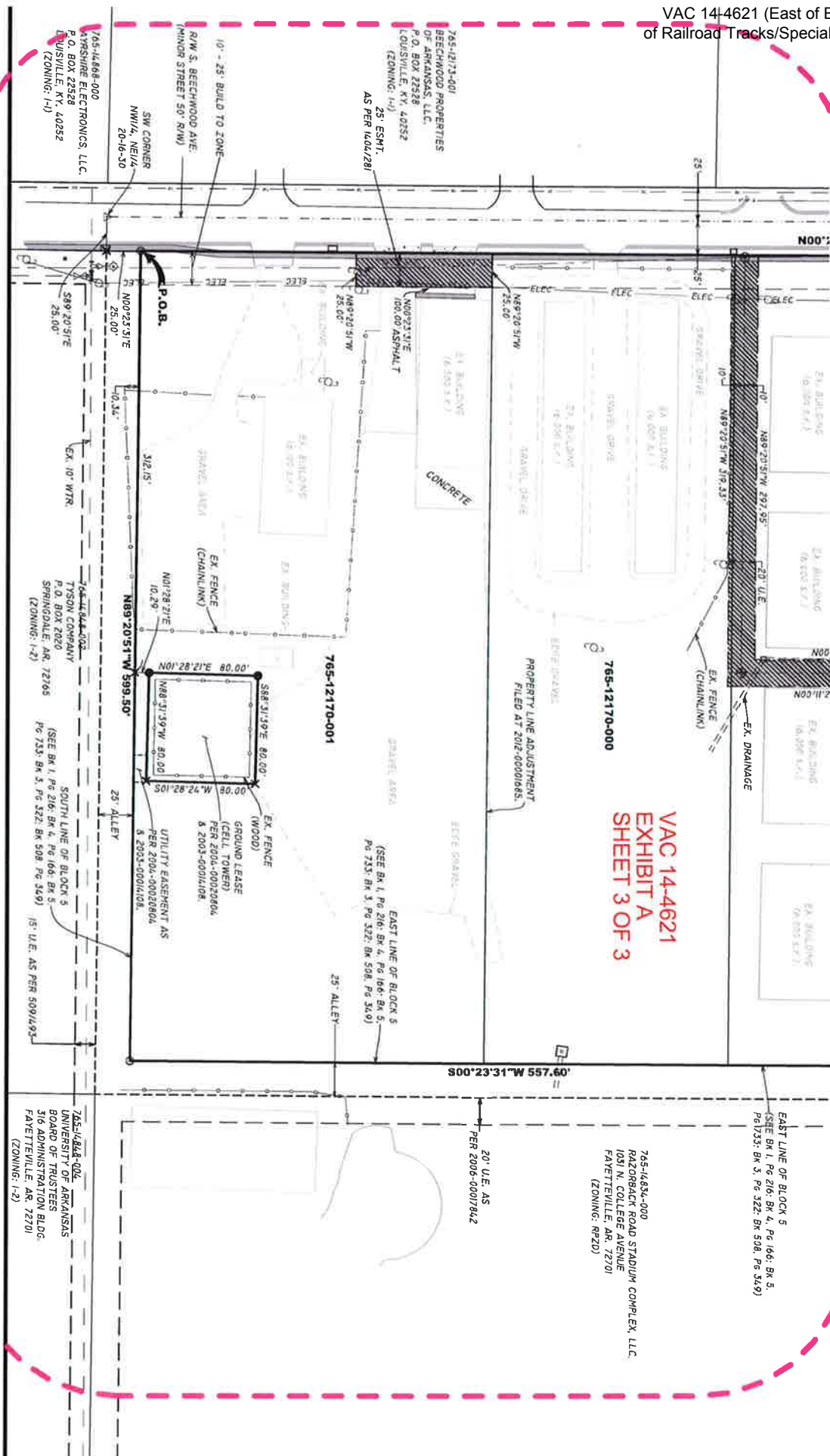

JORGENSEN & ASSOCIATES
 CIVIL ENGINEERS • SURVEYORS
 10000 15th Avenue NE, Suite 100, Redmond, WA 98073
 (206) 881-1111

SCALE: 1"=40'	DATE REVISED:	CHECKED BY:	DRAWN BY: SER
DATE: 2-28-94		DLJ	11/28/93 ERT/SGM

EASEMENT VACATION PLAT
 SPECIALIZED REAL ESTATE GROUP

VAC 14-4621
EXHIBIT A
SHEET 2 OF 3







PC Meeting of February 24, 2014

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: Andrew Garner, City Planning Director
DATE: February 18, 2014 UPDATED 2-26-2014

VAC 14-4621: Vacation (EAST OF BEECHWOOD/SOUTH OF THE RAILROAD TRACKS/SPECIALIZED REAL ESTATE, 560): Submitted by JORGENSEN AND ASSOCIATES for property located EAST OF BEECHWOOD AND SOUTH OF THE RAILROAD TRACKS. The property is zoned CS, Community Services and contains approximately 16.30 acres. The request is to vacate a 20-foot utility easement throughout the property. Planner: Quin Thompson

Findings:

Property and Background: The subject property is located on Beechwood Drive and contains approximately 16.30 acres developed primarily with warehouses. The applicant intends to entirely redevelop this property and existing utility easements throughout the property conflict with the proposed development plan. New utilities and easements would be installed to serve the new development at a later time. Surrounding land use and zoning is depicted in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Industrial/Commercial	I-1, Heavy Commercial and Light Industrial/CS, Community Services
South	Industrial	I-2, General Industrial
East	Undeveloped/Multi-family Housing	R-PZD/ I-1, Heavy Commercial and Light Industrial
West	Interstate 540 ROW	N/A

Request: The applicant's request is to vacate existing utility easements in order to prepare for demolition of the existing buildings and redevelopment of the property.

Right-of-way Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections.

UTILITIES

Cox Communications
Arkansas Electric Power
Ozarks Electric
Source Gas
AT&T

RESPONSE

No objections with conditions
No objections with conditions
No objections
No objections
No objections with conditions

CITY OF FAYETTEVILLE:

Water/Sewer
Solid Waste
Transportation

RESPONSE

No objections with conditions
No objections
No objections

Public Comment: No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4621** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. The request to be placed on the City Council agenda to vacate the subject easements shall not be processed by staff until the following two items have been addressed:
 - a. A signed Petition to Vacate following the City's accepted format shall be submitted.
 - b. A legal description of all the easements to be vacated or an adequate exhibit as approved by the City's GIS Division shall be submitted.
 2. This vacation will not be complete until all active customers have disconnected and cable relocation has been completed. Relocation shall be at the owner/developer's expense. Existing aerial facilities along the east side of Beechwood Avenue must be shown within a utility easement, or are to be included in the relocation costs.
 3. New easements for electric utilities shall be provided along Beechwood Avenue.
 4. The easements may be vacated after new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.
 5. Any relocation or damage to utilities shall be at the owner/developer's expense.
-

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: X Forwarded ☐ Denied ☐ Tabled

Date: February 24, 2014

Motion: COOK

Second: CHESSER

Vote: 7-0-0

Notes: CONSENT AGENDA

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 1/10/14

UTILITY COMPANY: Fayetteville Transportation (Terry or Jeff)

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** East of Beechwood / South of Railroad

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 12/19/13

UTILITY COMPANY: Fayetteville Solid Waste

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen Assoc.

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** East of Beechwood Ave South of Railroad 16.5 Ac ±

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Brian Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 1/10/14

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

**East of Beechwood/South of Railroad
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Will not vacate until all active customers have disconnected and cable relocation has been done.
Relocation cost will be at the developers expense. Existing aerial facilities along the east side of
Beechwood must be shown within a utility easement or are to be included in the relocation costs.

Chad A. [Signature]
Signature of Utility Company Representative

Planner III NWA
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 1/10/14

UTILITY COMPANY: AT&T (Sue Clouser)

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION: (applicant must check all that apply):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** East of Beechwood / South of Railroad

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any relocation or damage of working facilities will be paid for
by the land owners.



Signature of Utility Company Representative

MGR OSP Engineering/Design

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 1/3/19

UTILITY COMPANY: AEP

APPLICANT NAME: _____ APPLICANT PHONE: _____
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

NEW Easement to be provided for electric utilities
Along BEECHWOOD

Jim Sargent
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 1/10/14

UTILITY COMPANY: Source Gas

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION (applicant must check all that apply): Jorgensen

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** East of Beechwood / South of Railroad

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Brian A. Daput
Signature of Utility Company Representative

Supervisor
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 12-18-2013

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: _____
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☐ Alley
☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Greg McGee
Signature of Utility Company Representative

Lead Staking Tech
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 12/19/13

UTILITY COMPANY: Fayetteville Water/Sewer

APPLICANT NAME: Specialized Real Estate APPLICANT PHONE: 442-9127
REQUESTED VACATION *(applicant must check all that apply):* Jorgensen J

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** East of Beechwood/South of Railroad

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

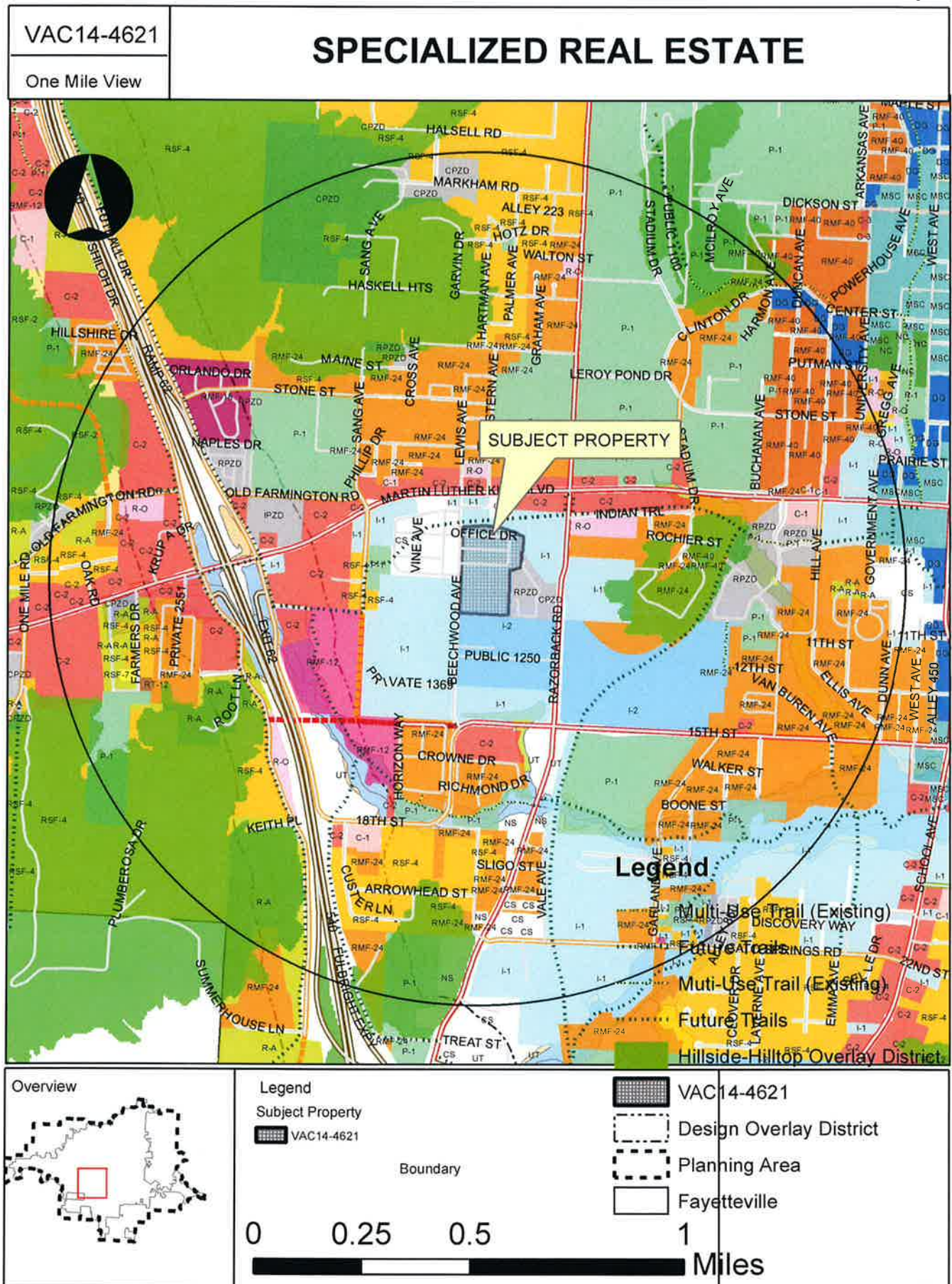
- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

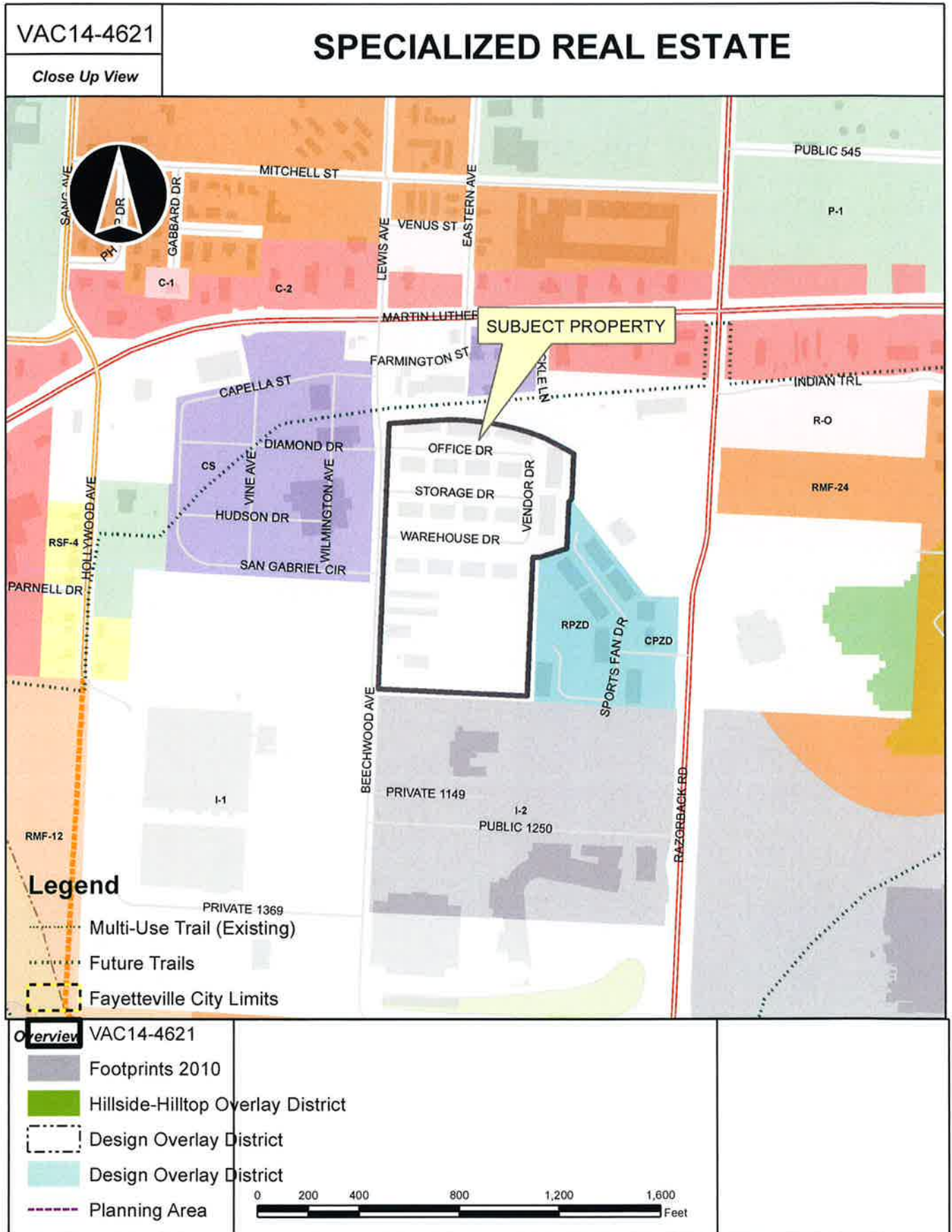
☒ No objections provided the following conditions are met:

The easements may be vacated AFTER new water lines and sewer lines have been approved and installed as part of the future planned project. The new easement plat shall supersede existing easements proposed to be vacated.


Signature of Utility Company Representative

Utilities Engineer
Title





City of Fayetteville Item Review Form

C. 3
Northwest Arkansas Regional
Planning Commission Contract
Page 1 of 6

2014-0105

Legistar File Number

3/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$46,766.73 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

Does this item have a cost? ☒ Yes

\$46,766.73

Cost of this request

\$419,235.22

Category or Project Budget

Stormwater Quality and Nutrient Reduction Plan

Program or Project Name

4470.9470.5817.00

Account Number

\$4,972.57

Funds Used to Date

Bridge & Drainage Improvements

Program or Project Category

02097

Project Number

\$367,495.92

Remaining Balance

Sales Tax Capital Improvement

Fund Name

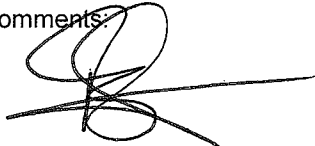
Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ No

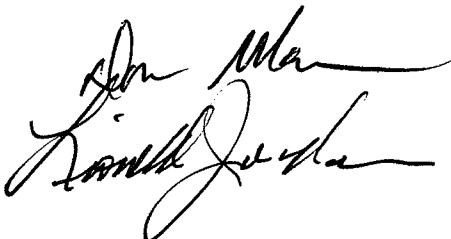
Previous Ordinance or Resolution #

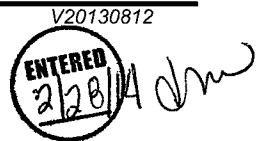
Original Contract Number:

Comments:



Paul A. Bush


Don Ma



CITY COUNCIL AGENDA MEMO

Council Meeting of March 18, 2014

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer

Date: February 25, 2014

Subject: Approval of an ordinance waiving competitive bidding and approval of a one-year contract in the amount of \$46,766.73 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

PROPOSAL: Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). The cities of Bella Vista, Cave Springs, Centerton, Pea Ridge, Prairie Grove, and Tontitown were recently designated as MS4s based on the 2010 census and these cities are joining the education program this year. While these jurisdictions obtained separate National Pollutant Discharge Elimination System (NPDES) permits, they jointly contracted with Cooperative Extension Service (CES) through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from ADEQ and participating MS4s has led to the CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2014-2019 stormwater management permits. This contract is for participation in a 1-Year Regional Stormwater Education and Coordination Program.

RECOMMENDATION: Staff recommends approval of an ordinance to waive the requirements of competitive bidding and to authorize the Mayor to execute a Memorandum of Understanding with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service.

BUDGET IMPACT: Funding in the amount of \$46,766.73 is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. This Memorandum of Understanding will be paid for from these funds.

ATTACHMENTS

Memorandum of Understanding
Urban Stormwater Education Program 2010-2014 Summary
Cost Allocation Summary

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$46,766.73 FOR A STORMWATER EDUCATION PROGRAM

WHEREAS, the City of Fayetteville, along with seventeen other cities in Northwest Arkansas, has been operating under the Environmental Protection Agency's ("EPA") federally mandated Phase II Stormwater Regulations as a Municipal Separate Storm Sewer System ("MS4"); and

WHEREAS, the Northwest Arkansas Planning Commission has determined that a regional approach to certain minimum control measures required for renewal of MS4 permits – specifically Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical, cost effective and appropriate, and this approach has been approved by the ADEQ; and

WHEREAS, the NWARPC has endorsed a proposal from the University of Arkansas Cooperative Extension Service to design and provide a stormwater education program to all MS4s in Northwest Arkansas; and

WHEREAS, the cost of the agreement to the City for 2014 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City and the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the EPA's Phase II Stormwater Regulations.

Page 2
Ordinance No.

PASSED and APPROVED this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**MEMORANDUM OF UNDERSTANDING FOR THE MS4
JURISDICTIONS OF NORTHWEST ARKANSAS AND
THE NORTHWEST ARKANSAS REGIONAL PLANNING
COMMISSION**

WHEREAS, eighteen cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, will establish dates for affected entities to be covered under Arkansas' general permit for MS4s; and

WHEREAS, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

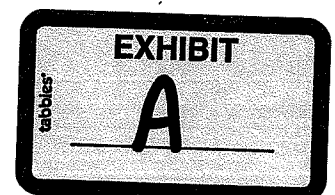
WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

WHEREAS, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

WHEREAS, the NWARPC previously requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and

WHEREAS, the ADEQ has endorsed the regional concept and proposal for addressing said minimum control measures; and

WHEREAS, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and



Fayetteville

WHEREAS, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

NOW, THEREFORE BE IT RESOLVED THAT WE, THE UNDERSIGNED MS4 JURISDICTION, AND THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION, AGREE AS FOLLOWS:

SECTION 1. To participate in a 1-Year Regional Stormwater Education and Coordination Program (January 1, 2014 – December 31, 2014), to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, with costs based on each jurisdiction's pro-rated share of region's 2010 urbanized area population; it being understood that said services to be provided shall satisfy requirements for the federally mandated minimum control measures referenced herein. Commitments for participation in said program in future years will require governing body approval on a year-to-year basis.

SECTION 2. To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

SECTION. 3. That all funds received by NWARPC from MS4s shall be utilized in their entirety for stormwater management program services and coordination activities in connection with EPA Phase II Stormwater Program requirements, and shall be accounted for separately from all other Commission funds.

Dated this _____ day of _____, 2014.

Fayetteville MS4 Jurisdiction


Jeff Hawkins NWARPC

City of Fayetteville Item Review Form

C. 4
U.S. Geological Survey
Page 1 of 6

2014-0107

Legistar File Number

3/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

A Contract with the U.S. Geological Survey in the amount of \$21,528.00 for the operation and maintenance of 3 rainfall-runoff stations located at Niokaska Creek at Township, College Branch at Highway 62, and Town Branch Tributary at Highway 16 in the City of Fayetteville for the 2014 calendar year.

Does this item have a cost? ☒ Yes

\$21,528.00

Cost of this request

\$419,235.22

Category or Project Budget

Stormwater Quality and Nutrient Reduction Plan

Program or Project Name

4470.9470.5817.00

Account Number

\$4,972.57

Funds Used to Date

Bridge & Drainage Improvements

Program or Project Category

02097

Project Number

\$392,734.65

Remaining Balance

Sales Tax Capital Improvement

Fund Name

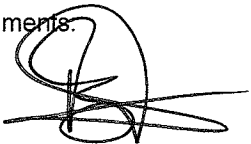
Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ No

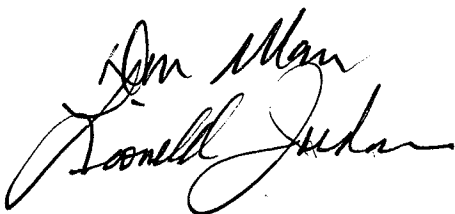
Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Paul A. Bueh



V20130812





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

Council Meeting of March 18, 2014

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer

Date: February 25, 2014

Subject: Approval to continue a joint funding agreement with the USGS for \$21,528 (City's share) for the operation and maintenance of three urban stream gauging stations in Fayetteville for the year 2013.

PROPOSAL: Since 1998, the City of Fayetteville has participated in a joint funding agreement with the U.S. Geological Survey (USGS) for three urban stream gauging stations. This agreement consists of a cost-share for maintenance and data collection for rainfall and runoff recording stations located at:

Niokaska Creek at Township (in Gulley Park)
College Branch at State Highway 62
Town Branch Tributary at State Highway 16 (in Walker Park)

The attached agreement is for the 2014 calendar year, and requires payment of \$21,528 by the City and \$5,802 by the USGS.

The USGS collects rainfall and runoff data at these three sites, and provides this information to the City. In addition to providing urban rainfall and streamflow data for future drainage studies, these gauges also provide valuable information for the EPA Phase 2 NPDES stormwater monitoring requirements.

RECOMMENDATION: Staff recommends approval of the joint funding agreement for 2014.

BUDGET IMPACT: Funding in the amount of \$21,528 is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. This contract will be paid from those funds.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING AN AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY (U.S. DEPARTMENT OF THE INTERIOR) IN THE AMOUNT OF \$21,528.00 FOR THE OPERATION AND MAINTENANCE OF THREE (3) URBAN STREAM GAUGING STATIONS IN THE CITY FOR CALENDAR YEAR 2014

WHEREAS, since 1998, the City of Fayetteville has participated in a joint funding agreement with the U.S. Geological Survey (U.S. Department of the Interior) for the operation and maintenance of three urban stream gauging stations to record data concerning rainfall and runoff at Niokaska Creek in Gulley Park, College Branch at State Highway 62 and Town Branch Tributary in Walker Park; and

WHEREAS, the information obtained provides urban rainfall and streamflow data for future drainage studies as well as provides information for the City's EPA Phase 2 NPDES stormwater monitoring requirements; and

WHEREAS, the cost of the agreement to the City for 2014 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves an agreement (marked as Exhibit "A" attached hereto and made a part hereof) between the City and the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

Page 2
Ordinance No.

PASSED and **APPROVED** this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Form 9-1366
(Oct. 2005)

**U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY**

JOINT FUNDING AGREEMENT

FOR

Water Resources Investigations

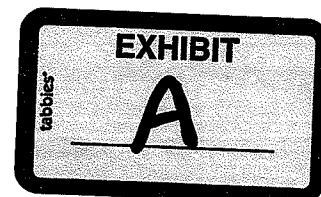
Customer #: AR026
Agreement #: 14E4AR026AR0230
Project #:
TIN #: 71-6018462
Fixed Cost
Agreement YES

THIS AGREEMENT is entered into as of the, 14th day of February, 2014 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF FAYETTEVILLE, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation operation and maintenance of 3 rainfall-runoff stations located at Town Branch at Business Route 62, Town Branch Tributary at Highway 16, and Mud Creek at Township Street in the City of Fayetteville herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of
 - (a) by the party of the first part during the period

Amount	Date	to	Date
\$5,802.00	January 1, 2014		December 31, 2014
 - (b) by the party of the second part during the period

Amount	Date	to	Date
\$21,528.00	January 1, 2014		December 31, 2014
 - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the part of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner either party may terminate this agreement upon 60 days written notice to the other party.



9-1366 (Continuation)

Customer #:

AR026

Agreement #:

14E4AR026AR0230

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered annually. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey
United States**

CITY OF FAYETTEVILLE

Department of the Interior

USGS Point of Contact

Customer Point of Contact

Name: David A. Freiwald, Director
Address: USGS Arkansas Water Science Center
Telephone: (501) 228-3618
Email: freiwald@usgs.gov

Name: Lioneld Jordan, Mayor
Address: City of Fayetteville
Telephone: (479) 575-8330
Email: mayor@ci.fayetteville.ar.us

Signatures and Date

Signature:  Date: 2/14/14

Name: David A. Freiwald
Title: Director, USGS AR Water Science Center

Signature: _____ Date: _____
Name: Lioneld Jordan
Title: Mayor, City of Fayetteville

City of Fayetteville Item Review Form

C. 5
Ripple Road Cross Section
Page 1 of 84

2014-0119

Legistar File Number

3/18/14

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

Resolution Approving the Typical Cross Section for Ripple Road-Martin Luther King, Jr. Blvd. to Wedington Dr.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



V20130812

Paul A. Baker 3-3-14

Paul A. Baker 3-3-2014

Don Man 3-3-14

Donald Jackson

CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 18, 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: February 28, 2014

SUBJECT: Resolution Approving the Typical Cross Section for Ripple Road-Martin Luther King, Jr. Blvd. to Wedington Dr.

RECOMMENDATION:

Staff recommends approval of a 4-lane cross section with medians on Ripple Road, between Martin Luther King, Jr. Blvd and Wedington Drive, for the following reasons:

- 1) Ripple Road is designated as a Principal Arterial Parkway on the City's Master Street Plan (Figure 1), and as an arterial on the Regional Arterial Network (Figure 2).
- 2) Voters approved the Transportation Bond Program in 2006 with Ripple included as a 4-lane boulevard cross section (Figure 3).
- 3) The cost savings derived from constructing a 2 lane versus a 4 lane facility, while not insignificant, will be less than the cost of constructing the 2 lanes in the future, not only due to inflation, but due to required reconfiguration at intersections, traffic control requirements, a more constricted work area, and other factors that contractors must contend with on a widening project that do not exist on new construction.
- 4) Funding is available now in the Transportation Bond Program to construct the full 4 lanes, as approved by voters. Future funding is unknown, and funding may not be available when the need for widening arises.

BACKGROUND:

Ripple Road, in the western part of the City, is on the City's Master Street Plan as a Principal Arterial Parkway, and is the only north-south principal arterial on the Master Street Plan west of I-540. Principal Arterials on the Master Street Plan are planned as 4-lane facilities with medians. Refer to Figure 1 for a depiction of the Master Street Plan.

Secondly, Ripple Road is included on the Washington and Benton County Regional Arterial Network as established by the Northwest Arkansas Regional Planning Commission, as shown in Figure 2 attached. This regional network map is intended to identify all streets and highways in the 2-county area that should be planned for 4 lanes or more.

A summary of major project events includes:

2004-The Street Committee (now Transportation Committee) began compiling a list of projects to be presented to voters for a transportation bond issue. Rubble Road was included on that list as an arterial street. In 2006, as voting on the bond issued neared, a public meeting was held at the Fayetteville Public Library, and conceptual plans and cost estimates of all of the proposed bond projects were made available for public review. Rubble Road, from Martin Luther King Jr. Blvd. to Persimmon Street was presented at that meeting as a 4-lane road with a median. (The conceptual plan presented at the meeting is attached as Figure 3).

June, 2006 –The City Council approved an Ordinance setting a special sales tax election for the bond program. Included in the City Council agenda packet was a list of proposed projects, including Rubble Road as a new minor arterial. See the attached memo from City Attorney Kit Williams for further details and a summary of events and discussions related to Rubble Road prior to the bond election.

September 2006-Voters approved issuance of up to \$65.9 million in bonds for transportation improvements.

2007-Widening of Rubble Road between Persimmon and Wedington Drive was recommended by the Committee, and this segment was added to the Bond Program budget, creating a total budget of \$10 million for Rubble Road between Martin Luther King, Jr. Blvd. and Wedington Drive. Both segments of the project were planned to be funded by the sale of the third set of bonds, which at the time was planned for 2012, but was subsequently moved to 2014.

May 2013-In anticipation of funding for construction being available in 2014, a public meeting was held at the Boy's and Girl's Club on Rubble Road, to allow the public to review proposed conceptual plans for Rubble Road and provide input on the project prior to the commencement of detailed design. After this meeting, staff presented the summary of public comments to the Transportation Committee, and requested a recommendation from the Committee on the cross section. Staff recommended project elements included a 4 lane roadway, a 9 to 15 foot wide median (the narrower median was proposed between Persimmon and Wedington), a 5 foot sidewalk on the east side, and a 12 foot multi-use path on the west side. At that time, the Transportation Committee discussed the possibility of constructing only 2 of the 4 lanes, and staff proposed conducting a traffic study to determine the number of lanes needed from a capacity standpoint. The Transportation Committee concurred with this recommendation, and in September of last year Jacobs Engineering was engaged to perform the study.

DISCUSSION:

The traffic study by Jacobs Engineering analyzed existing traffic patterns, and predicted future traffic levels based on this traffic, as well as development patterns expected in the project area and on changes in traffic patterns that the new connection would bring about. The study developed level of service estimates for immediately after construction as well as for a 20 year horizon, for use by the City in making decisions about the type of facility that would be adequate now and in the future.

A summary of the traffic study inputs and analysis is as follows:

- Future traffic was generated in the study area by using densities similar to Rubble Row (Traditional/New Urbanism Development Pattern) of 6.24 units per acre or 1997 units which equates to a 24-hour two-way volume of 19,111 vehicles at build out. The development area used in this calculation is depicted on Figure 4.

- Based on historical traffic volumes, growth rates from 1.2% to 1.9% were applied to historic traffic counts outside of the Rupple Road corridor (background traffic) that would be utilizing the new Rupple Road.
- The intersection of Rupple Road and Persimmon Street was evaluated using the year 2033 volumes to determine whether a signalized intersection or a roundabout would operate the more efficiently and safely. In regards to the Level of Service, the roundabout barely nudged out the signal by 2 seconds which is considered negligible. Therefore, Jacobs recommends, and used a signalized intersection in the model in favor of the improved safety conditions for pedestrians, especially within a school zone.
- Two future intersections on Rupple Road south of Persimmon Street were modeled as roundabouts.

Final Study results are as follows:

- The 2-lane Build will operate at acceptable levels of service the opening year of this facility.
- The first section which will fail operationally or have unacceptable levels of service will be the 2-lane section from Persimmon Street to Wedington, with the Wedington intersection the most problematic due to the significant traffic volumes on Wedington.
- The study shows that in the design year 2033, Rupple Road needs to be a 4-lane facility to provide acceptable levels of service at each intersection/roundabout and acceptable travel times from MLK Jr. to Wedington Drive.
- The study states that a 2-lane roadway should operate with acceptable delays and speeds until the corridor is developed to approximately 50% to 75% of build out. The study states that this level of development could occur in 10 years given the need for the north-south connection, the close proximity to the school, Boys & Girls Club and I-540; however, the City has no control over the actual rate of development, which may be substantially different from the 10 year estimate.

Staff developed cost estimates for the new segment of Rupple Road, between Persimmon and Martin Luther King, Jr. Blvd. using three different road cross sections (Figures 7 and 8, attached). These estimates are summarized in the following table:

	Road Cross Section	Est. Cost	Dollars Saved	Percentage Saved
2-Lane Option 1	2-lanes west side only depressed median, 12' trail	\$5.67 Million	-\$1.70 Million	-23%
2-Lane Option 2	2-lanes depressed median, gravel shoulders, 12' trail, 5' s/w	\$6.67 Million	-\$0.70 Million	-10%
4-Lane Option	4-lane boulevard w/ 12' trail & 5' sidewalk	\$7.37 Million		

Considering the relative closeness (for projects of this magnitude) of the above construction estimates, the difficulty of access management without the median in place, and the lack of major alternate routes for citizens, staff recommends moving forward with the 4-Lane Option. If the Council chooses a 2-lane option, Option 1 is preferred over Option 2 due to the relative ease of constructing the additional lanes in the future.

If Option 1 is chosen, the intersection at Wedington needs to be widened to accommodate the heavy northbound right turn on to Wedington and the intersection at Persimmon Street will also need to be widened to provide increased safety and a properly aligned intersection with the installation of the new traffic signal. Because of these needed improvements and considering

that there exists a short section of 4-lane Rubble Road south of Persimmon Street, staff recommends 4-laning this entire segment of Rubble Road from the Persimmon Street intersection north to Wedington. The traffic study also identified this segment as the first to fail from increased traffic volumes. The cost to widen only the intersections at Wedington and Persimmon is \$1.5 million, versus \$2.2 million for full widening between Persimmon and Wedington.

Regardless of whether the 4-lane option or the 2-lane option is chosen, staff recommends:

- 1) Signalization at Persimmon Street and Rubble Road.
- 2) Construction of roundabouts at the 3 planned collector streets intersecting Rubble Road.
- 3) Full width construction from MLK Jr. Blvd. to the Farmington Branch of Goose Creek crossing.
- 4) Widening Rubble Road to 4-lanes between Persimmon Street and Wedington, as noted above.

The Transportation Committee heard this item at the Committee meeting on February 25th, and voted to forward to the full City Council without a recommendation.

BUDGET/STAFF IMPACT:

The total budget for Rubble Road, between Martin Luther King, Jr. Blvd. and Wedington Drive, is \$10 million. This funding is adequate to construct the full 4-lane section. Potential savings if the 2-lane options are selected include \$2.4 million in construction and approximately \$200,000 in asphalt maintenance costs over a 15 year period. However, this savings will ultimately be less than cost of constructing the additional two lanes in the future. This cost cannot be quantified accurately, but, by way of comparison, the cost of the two lanes of Rubble Road from Wedington to the Boys and Girls Club in 2002 was approximately \$800,000, and the estimate cost of widening Rubble between Persimmon and Wedington to 4 lanes is \$2.2 million.

Attachments:

Figure 1-Partial City of Fayetteville Master Street Plan

Figure 2-Benton and Washington County Regional Arterial Network

Figure 3-Concept Drawing presented at the May, 2006 public meeting.

Memo from City Attorney-History of Rubble Road and Sales Tax Capital Bond Election

Figure 4-Development Area used in traffic study calculations

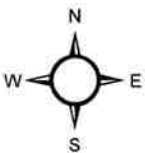
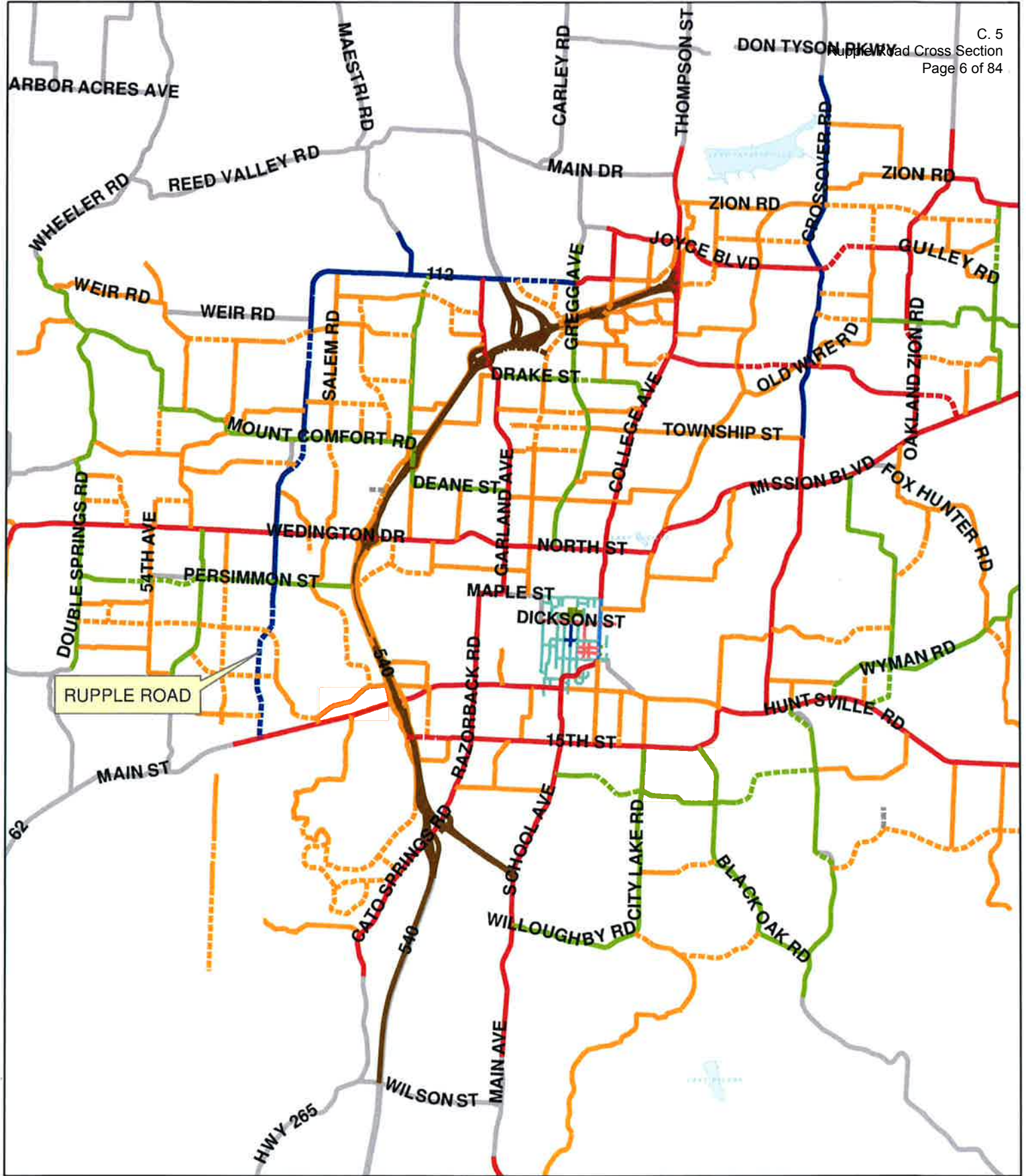
Figure 5 and 6-Concept Drawings presented at May 2013 public meeting

Figures 7 and 8-Alternative 2-lane and 4-lane concepts currently under consideration

Figures 9 and 10-Alternative concepts between Persimmon and Wedington

Detailed Cost Estimates

Traffic Study by Jacobs Engineering



1 inch = 7,000 feet

FIGURE 1
MASTER STREET PLAN

Legend

- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY

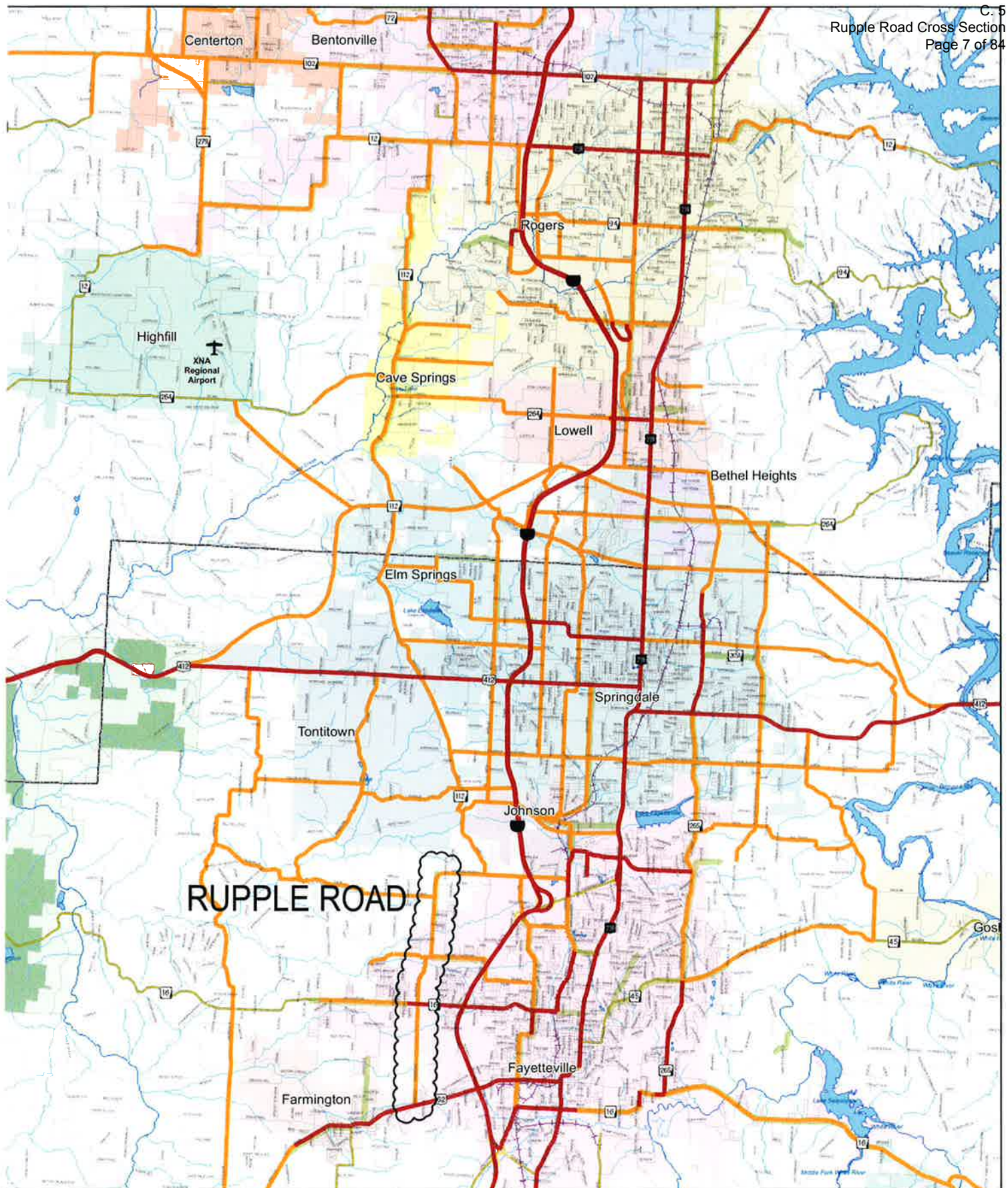
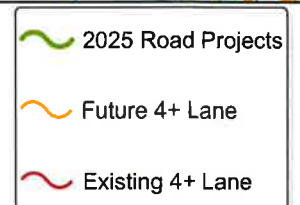


FIGURE 2
WASHINGTON AND BENTON CO.
2015 ARTERIAL NETWORK



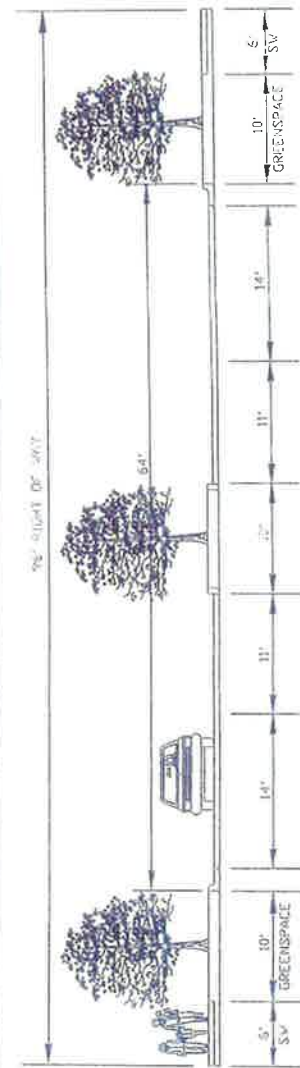
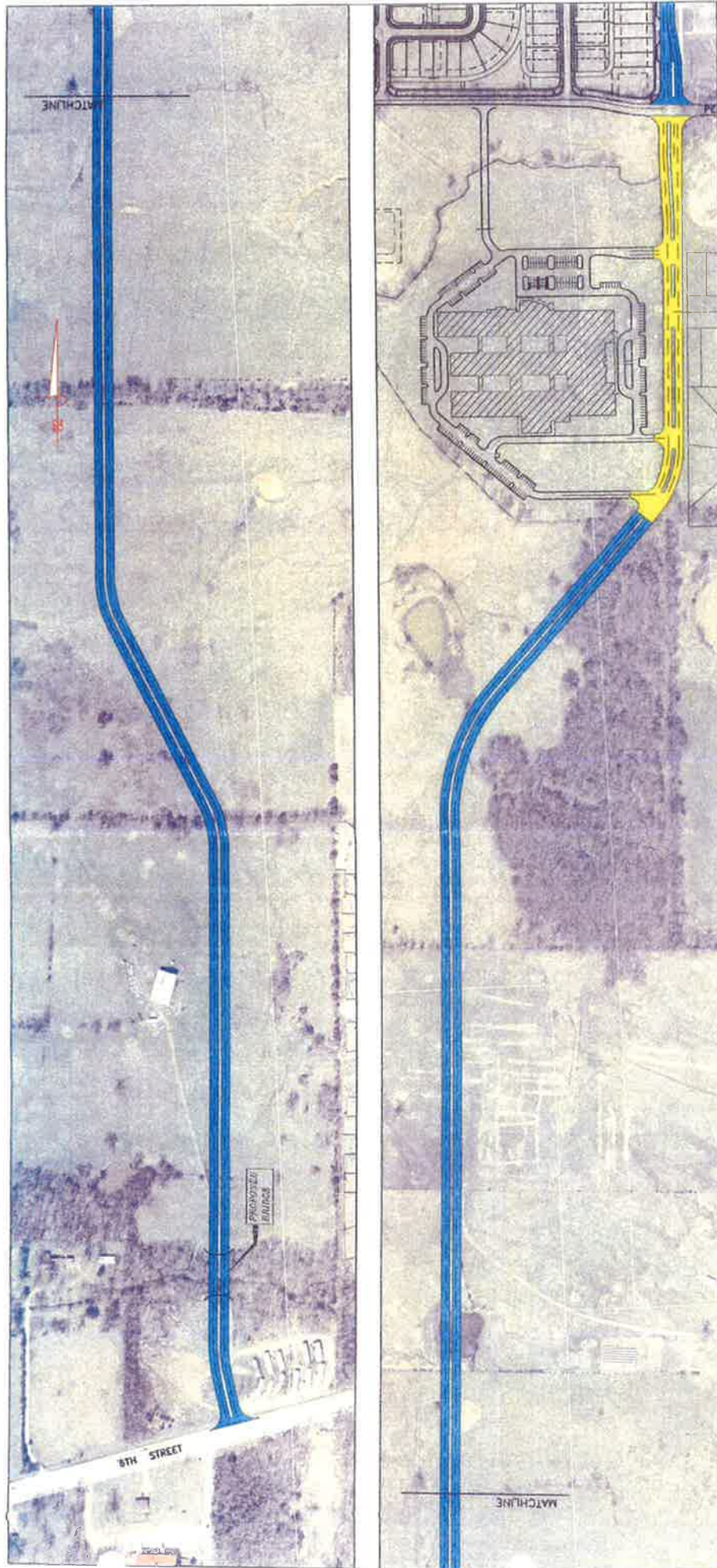


FIGURE 3
 (17) RUPPEL ROAD IMPROVEMENTS
 6TH ST. TO PERSIMMON ST.
 CONCEPT PLAN



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Kit Williams, City Attorney

DATE: February 24, 2014

**RE: History of Ripple Road from Martin Luther King to Persimmon
and Sales Tax Capital Bond Election**

For many months before the September 12, 2006 Special Sales Tax Bond Election, the City Council Street Committee studied the citizens' needs and desires (as ascertained by Citizens Surveys) and finally agreed to the Transportation Improvement Plan of which Phase One was to be financed by the Sale Tax Capital Bonds.

"In response to a question from Alderman Marr, Alderman Jordan said we are probably looking at August before a bond election could be held. He thinks the Street Committee will need to initiate the discussion. He wants to be careful to have enough time for public comment.

"Alderman Marr said he agrees that we need to have time to make sure it is done right but wants to also make sure it is a priority. He said he wants to see the Committee begin working on this at every meeting because it was **the number one item**

two years in a row in the Citizen Survey.” City Council Street Committee Minutes of February 13, 2006 (page 7) (emphasis added).

In the Agenda Packet for the Special Election for the Sales Tax Bond Ordinance, City staff informed the City Council what the bond revenue would be used for.

“The City Council Street Committee has for the last 18 months been discussing the need for a major street improvement program based upon the community-wide Citizen Surveys of 2004 and 2005. The program has evolved during this time frame into 3-phases. Phase 1 is proposed to be a 6-year \$62,000,000 program, providing traffic capacity and safety improvements and economic development opportunities to those corridors with the most need. Later phases, through additional bond elections, will address additional safety, capacity, and economic development needs. The resources required for the initial phase of the Transportation Improvement Program is \$62,000,000 plus the bond and debt placement and surety costs.”

Included with the memo was a listing of the road projects to be completed in Phase 1 of the Transportation Improvement Plan. Project #17 was “Ripple Road (6th to Persimmon), New-Minor Arterial-\$8,155,000.00....”

The Special Election Capital Sales Tax Extension agenda item was entitled: “An Ordinance calling for a Special Election on September 12, 2006 to....pay....for Phase 1 of the Transportation Improvement Plan as recommended by the Street Committee....”

Thus, both the City Council and the public were expressly and explicitly informed before enacting the Special Election Ordinance that Ripple Road from Martin Luther King to Persimmon was supposed to be built **to arterial standards** at an estimated cost of over \$8 million from the Sales Tax Capital Bond Proceeds. My memory is that the voters were

frequently informed that this project as well as the other major road improvement projects (Highway 265 from Highway 45 North to the City limits; Garland Street from North to Melmar; Mount Comfort, Fifteenth Street, Cato Springs, etc.) would be built as a result of a successful bond election.

I drafted the Bond Election Ballot to be more general: "acquisition, construction and equipping of certain street improvements,"; without specifically naming each proposed street improvement. Therefore, it is unlikely that the City could be found to have committed an illegal exaction if Rubble Road is not built to arterial standards. However, it is clear that the public was informed before the election that the City would construct Rubble Road as an arterial (as part of the City's "box" of arterials to improve city wide transportation). Thus, the City Council could be accused of not "keeping the faith" with citizens if it chose to build a two-lane road rather than arterial for Rubble from MLK to Persimmon.

RESOLUTION NO. _____

**A RESOLUTION TO REAFFIRM THE CROSS SECTION OF RUPPLE ROAD
FROM MARTIN LUTHER KING BOULEVARD TO WEDINGTON DRIVE
AS A FOUR LANE BOULEVARD**

WHEREAS, the City Council approved submitting a capital sales tax issue to the Fayetteville voters in 2006 with a stated objective to build Phase 1 of the Transportation Improvement Program with the bond proceeds; and

WHEREAS, Phase 1 of the approved Transportation Improvement Program included \$8,155,000.00 for Rupple Road as an arterial from Martin Luther King Boulevard to Persimmon Street; and

WHEREAS, the Fayetteville citizens voted to approve this sales tax to support the bonds for the street improvements in September 12, 2006; and

WHEREAS, Rupple Road has long been and currently is designated as Principal Arterial Parkway on the City's Master Street Plan approved by both the Planning Commission and City Council.

**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 reaffirms the designation of Rupple Road as a Principal Arterial Parkway between Martin Luther King Boulevard and Wedington Drive and confirms and approves the cross section of this four lane boulevard as presented to the public in the meeting at the Boys and Girls Club on Rupple Road in May of 2013.

PASSED and APPROVED this 18th day of March 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

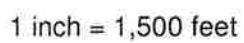
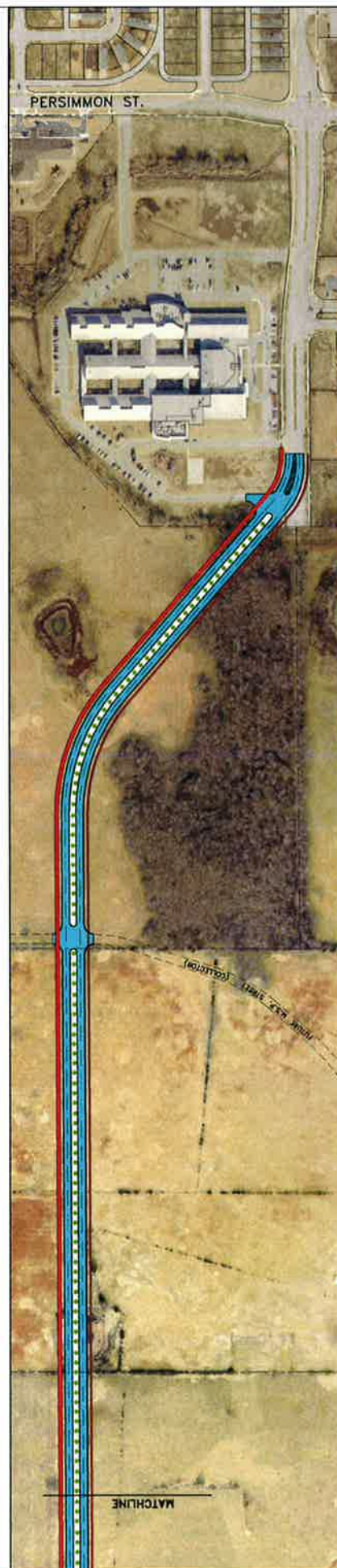
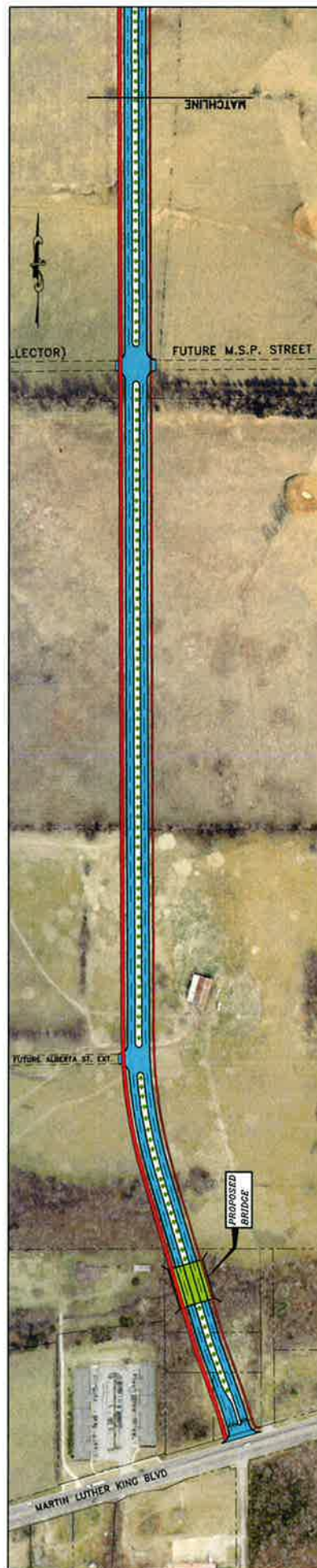


FIGURE 4
TRAFFIC STUDY
DEVELOPMENT IMPACT AREA

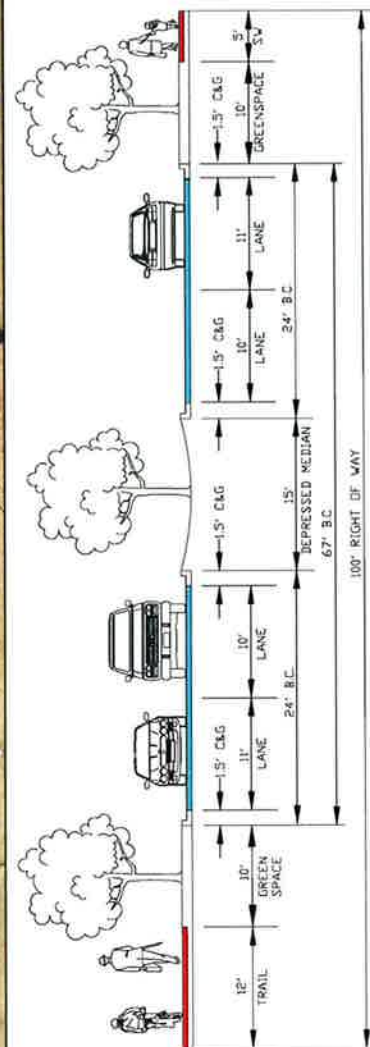


Project Summary

- Extension of Ruppel Road as a 4-lane boulevard from south of Owl Creek School to Martin Luther King Blvd.
- Total project budget: **\$8.155 million**
- Construction scheduled for 2014.

FIGURE 5

④ RUPPLE ROAD IMPROVEMENTS
MARTIN LUTHER KING BLVD
TO PERSIMMON ST.
CONCEPT PLAN

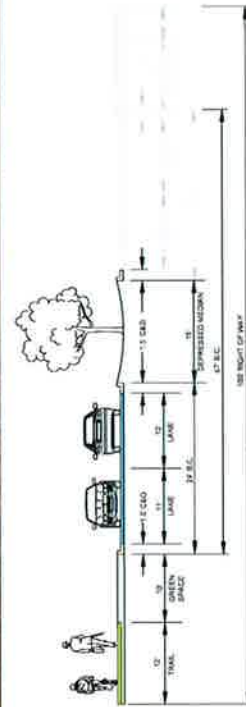


PRINCIPAL ARTERIAL PARKWAY



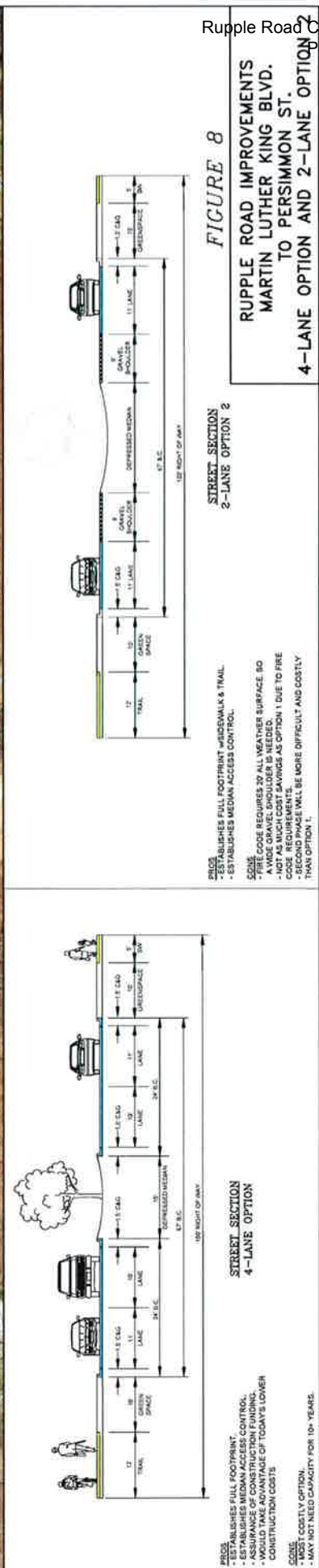
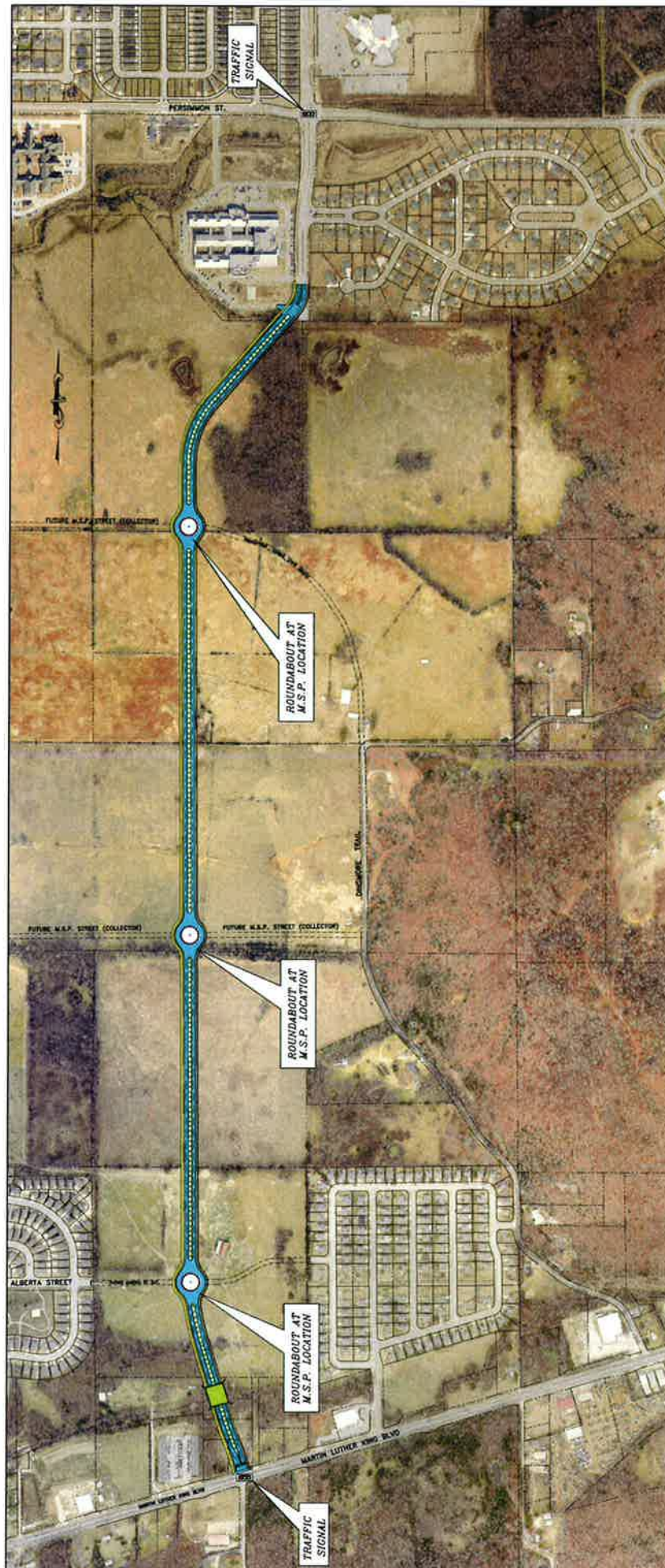


FIGURE 7
RIPPLE ROAD IMPROVEMENTS
MARTIN LUTHER KING BLVD
TO PERSIMMON ST.
2-LANE OPTION 1

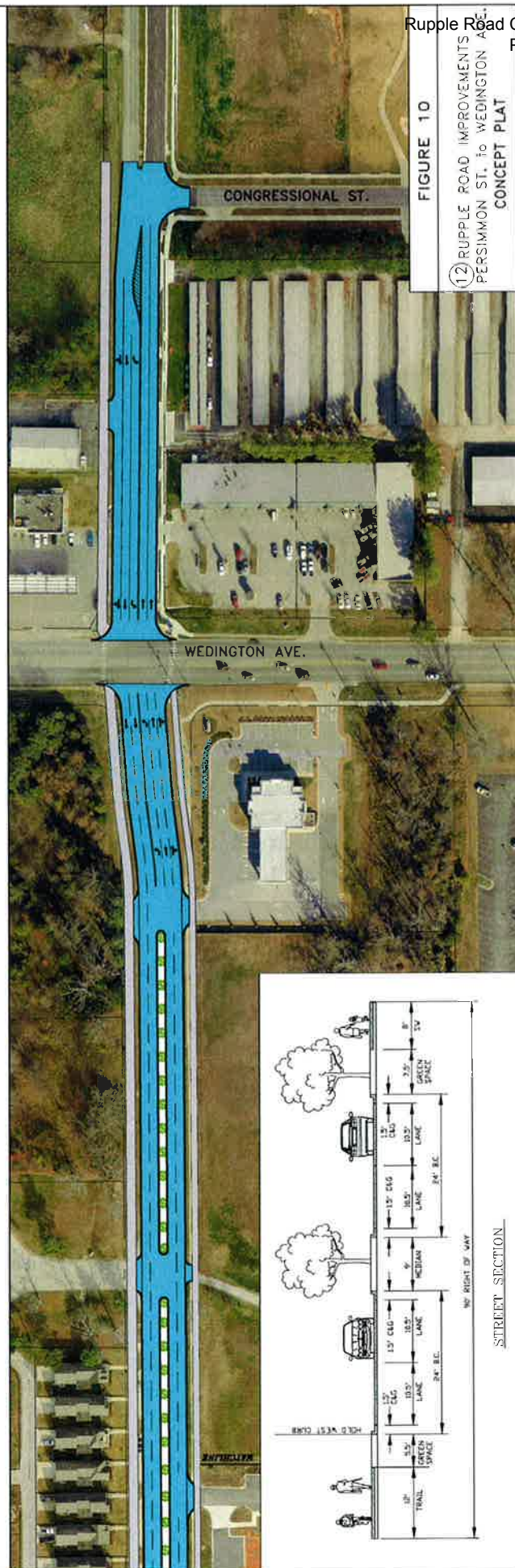


STREET SECTION
2-LANE OPTION 1

- PROPOSED EXPENSIVE OPTION**
 - CONSTRUCTION OF SECOND PHASE WILL BE EASIER AND
 LESS EXPENSIVE THAN OPTION 2.
 - ADDRESSES PRE CODE REQUIREMENTS BETTER THAN OPTION 2.
CONS
 - DOES NOT ESTABLISH ACCESS CONTROL.
 - SIDEWALK ONLY ON ONE SIDE.







Ripple Rd. Improvements - MLK to Persimmon
FULL WIDTH CONCEPT COST ESTIMATE - FEBRUARY 2014

Item No.		Unit	Estimated Quantity	Costs	
				Unit Price	Estimated Price
1	Mobilization	LS	1	\$150,000.00	\$150,000.00
2	Construction Staking	LS	1	\$50,000.00	\$50,000.00
3	Maintenance of Traffic	LS	1	\$15,000.00	\$15,000.00
4	Tree Protection Fencing	LF	1,000	\$5.00	\$5,000.00
5	Excavation Safety	LS	1	\$5,000.00	\$5,000.00
6	Clearing & Grubbing	LS	1	\$20,000.00	\$20,000.00
7	R & D Curb & Gutter	LF	200	\$4.00	\$800.00
8	Asphalt Milling	SY	200	\$8.00	\$1,600.00
9	Unclassified Excavation	CY	54,400	\$8.00	\$435,200.00
10	Compacted Embankment - Select Hillside	CY	36,266	\$12.00	\$435,192.00
11	Undercut & Backfill	CY	10,000	\$17.50	\$175,000.00
12	Six-inch Aggregate Street Base Course (Class 7)	SY	44,200	\$8.00	\$353,600.00
13	Concrete Curb & Gutter	LF	30,000	\$11.50	\$345,000.00
14	Two-inch ACHM Surface Course (Type 2)	SY	36,000	\$12.00	\$432,000.00
15	Four-inch ACHM Binder Course (Type 2)	SY	36,000	\$16.00	\$576,000.00
16	18-inch Reinforced Concrete Pipe (RCP)	LF	6,000	\$50.00	\$300,000.00
17	36-inch Reinforced Concrete Pipe (RCP)	LF	3,000	\$110.00	\$330,000.00
18	4 Ft x 4 Ft Type 'C' Drop Inlet	EA	40	\$3,000.00	\$120,000.00
19	Drop Inlet Extension (8 Ft)	EA	40	\$1,000.00	\$40,000.00
20	Erosion Control	LS	1	\$50,000.00	\$50,000.00
21	Concrete Sidewalk (4")	SY	4,300	\$32.00	\$137,600.00
22	Concrete Trail	SY	10,200.0	\$35.00	\$357,000.00
23	Seeding & Mulching	AC	8.5	\$2,500.00	\$21,250.00
24	Imported Top Soil	SY	40,000	\$3.00	\$120,000.00
25	Striping and Signage	LS	1	\$20,000.00	\$20,000.00
26	3" PVC Schedule 40 Conduit	LF	750	\$20.00	\$15,000.00
27	Right-of-Way/ Easement Acquisition	LS	1	\$575,000.00	\$575,000.00
28	Concrete Bridge (66'x100')	SF	6,600	\$130.00	\$858,000.00
29	Street Trees	EA	85	\$600.00	\$51,000.00
30	Signalization (Sixth St.)	LS	1	\$150,000.00	\$150,000.00
TOTAL ESTIMATED CONSTRUCTION COSTS					\$6,144,242.00
CONTINGENCY (20%)					\$1,228,848.40
TOTAL ESTIMATED COST					\$7,373,090.40

Ripple Rd. Improvements - MLK to Persimmon

OPTION 1 COST ESTIMATE- FEBRUARY 2014

Item No.	Item Description	Unit	Estimated Quantity	Costs	
				Unit Price	Estimated Price
1	Mobilization	LS	1	\$150,000.00	\$150,000.00
2	Construction Staking	LS	1	\$50,000.00	\$50,000.00
3	Maintenance of Traffic	LS	1	\$15,000.00	\$15,000.00
4	Tree Protection Fencing	LF	1,000	\$5.00	\$5,000.00
5	Excavation Safety	LS	1	\$5,000.00	\$5,000.00
6	Clearing & Grubbing	LS	1	\$16,000.00	\$16,000.00
7	R & D Curb & Gutter	LF	200	\$4.00	\$800.00
8	Asphalt Milling	SY	200	\$8.00	\$1,600.00
9	Unclassified Excavation	CY	34,756	\$8.00	\$278,048.00
10	Compacted Embankment - Select Hillside	CY	23,170	\$12.00	\$278,040.00
11	Undercut & Backfill	CY	6,000	\$17.50	\$105,000.00
12	Six-inch Aggregate Street Base Course (Class 7)	SY	24,556	\$8.00	\$196,448.00
13	Concrete Curb & Gutter	LF	23,200	\$11.50	\$266,800.00
14	Two-inch ACHM Surface Course (Type 2)	SY	20,133	\$12.00	\$241,596.00
15	Four-inch ACHM Binder Course (Type 2)	SY	20,133	\$16.00	\$322,128.00
16	18-inch Reinforced Concrete Pipe (RCP)	LF	4,500	\$50.00	\$225,000.00
17	36-inch Reinforced Concrete Pipe (RCP)	LF	2,250	\$110.00	\$247,500.00
18	4 Ft x 4 Ft Type 'C' Drop Inlet	EA	30	\$3,000.00	\$90,000.00
19	Drop Inlet Extension (8 Ft)	EA	30	\$1,000.00	\$30,000.00
20	Erosion Control	LS	1	\$50,000.00	\$50,000.00
21	Concrete Sidewalk (4")	SY	500	\$32.00	\$16,000.00
22	Concrete Trail	SY	10,200.0	\$35.00	\$357,000.00
23	Seeding & Mulching	AC	7.0	\$2,500.00	\$17,500.00
24	Imported Top Soil	SY	32,400	\$3.00	\$97,200.00
25	Striping and Signage	LS	1	\$15,000.00	\$15,000.00
26	3" PVC Schedule 40 Conduit	LF	750	\$20.00	\$15,000.00
27	Right-of-Way/ Easement Acquisition	LS	1	\$575,000.00	\$575,000.00
28	Concrete Bridge (66'x100')	SF	6,600	\$130.00	\$858,000.00
29	Street Trees	EA	85	\$600.00	\$51,000.00
30	Signalization (Sixth St.)	LS	1	\$150,000.00	\$150,000.00
31					\$0.00
TOTAL ESTIMATED CONSTRUCTION COSTS					\$4,725,660.00
CONTINGENCY (20%)					\$945,132.00
TOTAL ESTIMATED COST					\$5,670,792.00

Ripple Rd. Improvements - MLK to Persimmon

OPTION 2 COST ESTIMATE- FEBRUARY 2014

Item No.	Item Description	Unit	Estimated Quantity	Costs	
				Unit Price	Estimated Price
1	Mobilization	LS	1	\$150,000.00	\$150,000.00
2	Construction Staking	LS	1	\$50,000.00	\$50,000.00
3	Maintenance of Traffic	LS	1	\$15,000.00	\$15,000.00
4	Tree Protection Fencing	LF	1,000	\$5.00	\$5,000.00
5	Excavation Safety	LS	1	\$5,000.00	\$5,000.00
6	Clearing & Grubbing	LS	1	\$20,000.00	\$20,000.00
7	R & D Curb & Gutter	LF	200	\$4.00	\$800.00
8	Asphalt Milling	SY	200	\$8.00	\$1,600.00
9	Unclassified Excavation	CY	49,111	\$8.00	\$392,888.00
10	Compacted Embankment - Select Hillside	CY	32,740	\$12.00	\$392,880.00
11	Undercut & Backfill	CY	9,000	\$17.50	\$157,500.00
12	Six-inch Aggregate Street Base Course (Class 7)	SY	38,911	\$8.00	\$311,288.00
13	Concrete Curb & Gutter	LF	16,400	\$11.50	\$188,600.00
14	Two-inch ACHM Surface Course (Type 2)	SY	20,889	\$12.00	\$250,668.00
15	Four-inch ACHM Binder Course (Type 2)	SY	20,889	\$16.00	\$334,224.00
16	18-inch Reinforced Concrete Pipe (RCP)	LF	6,000	\$50.00	\$300,000.00
17	36-inch Reinforced Concrete Pipe (RCP)	LF	3,000	\$110.00	\$330,000.00
18	4 Ft x 4 Ft Type 'C' Drop Inlet	EA	50	\$3,000.00	\$150,000.00
19	Drop Inlet Extension (8 Ft)	EA	40	\$1,000.00	\$40,000.00
20	Erosion Control	LS	1	\$50,000.00	\$50,000.00
21	Concrete Sidewalk (4")	SY	4,300	\$32.00	\$137,600.00
22	Concrete Trail	SY	10,200.0	\$35.00	\$357,000.00
23	Seeding & Mulching	AC	9.5	\$2,500.00	\$23,750.00
24	Imported Top Soil	SY	47,600	\$3.00	\$142,800.00
25	Striping and Signage	LS	1	\$20,000.00	\$20,000.00
26	3" PVC Schedule 40 Conduit	LF	750	\$20.00	\$15,000.00
27	Right-of-Way/ Easement Acquisition	LS	1	\$575,000.00	\$575,000.00
28	Concrete Bridge (66'x100')	SF	6,600	\$130.00	\$858,000.00
29	Street Trees	EA	85	\$600.00	\$51,000.00
30	Signalization (Sixth St.)	LS	1	\$150,000.00	\$150,000.00
31	Five-inch Aggregate Base Course for Shoulder	SY	12,089	\$7.00	\$84,623.00
TOTAL ESTIMATED CONSTRUCTION COSTS					\$5,560,221.00
CONTINGENCY (20%)					\$1,112,044.20
TOTAL ESTIMATED COST					\$6,672,265.20

Ripple Rd. Improvements - Persimmon to Congressional

FULL IMPROVEMENTS COST ESTIMATE - FEBRUARY 2014

Item No.		Unit	Estimated Quantity	Costs	
				Unit Price	Estimated Price
1	Mobilization	LS	1	\$150,000.00	\$150,000.00
2	Construction Staking	LS	1	\$50,000.00	\$50,000.00
3	Maintenance of Traffic	LS	1	\$15,000.00	\$15,000.00
4	Tree Protection Fencing	LF	1,000	\$5.00	\$5,000.00
5	Excavation Safety	LS	1	\$5,000.00	\$5,000.00
6	Clearing & Grubbing	LS	1	\$20,000.00	\$20,000.00
7	R & D Curb & Gutter	LF	3,740	\$4.00	\$14,960.00
8	Asphalt Milling	SY	11,070	\$8.00	\$88,560.00
9	Unclassified Excavation	CY	5,700	\$8.00	\$45,600.00
10	Compacted Embankment - Select Hillside	CY	9,150	\$12.00	\$109,800.00
11	Undercut & Backfill	CY	500	\$17.50	\$8,750.00
12	Six-inch Aggregate Street Base Course (Class 7)	SY	6,171	\$8.00	\$49,368.00
13	Concrete Curb & Gutter	LF	7,860	\$11.50	\$90,390.00
14	Two-inch ACHM Surface Course (Type 2)	SY	10,556	\$12.00	\$126,672.00
15	Four-inch ACHM Binder Course (Type 2)	SY	5,400	\$16.00	\$86,400.00
16	18-inch Reinforced Concrete Pipe (RCP)	LF	600	\$50.00	\$30,000.00
17	36-inch Reinforced Concrete Pipe (RCP)	LF	1,300	\$110.00	\$143,000.00
18	4 Ft x 4 Ft Type 'C' Drop Inlet	EA	30	\$3,000.00	\$90,000.00
19	Drop Inlet Extension (8 Ft)	EA	30	\$1,000.00	\$30,000.00
20	Erosion Control	LS	1	\$50,000.00	\$50,000.00
21	Concrete Sidewalk (4")	SY	1,700	\$32.00	\$54,400.00
22	Concrete Trail	SY	3,900	\$35.00	\$136,500.00
23	Seeding & Mulching	AC	2	\$2,500.00	\$5,000.00
24	Imported Top Soil	SY	10,300	\$3.00	\$30,900.00
25	Striping and Signage	LS	1	\$35,000.00	\$35,000.00
26	3" PVC Schedule 40 Conduit	LF	700	\$20.00	\$14,000.00
27	Right-of-Way/ Easement Acquisition	LS	1	\$100,000.00	\$100,000.00
28	Signalization	LS	1	\$250,000.00	\$250,000.00
29	Street Trees	EA	30	\$600.00	\$18,000.00
30					
TOTAL ESTIMATED CONSTRUCTION COSTS					\$1,852,300.00
CONTINGENCY (20%)					\$370,460.00
TOTAL ESTIMATED COST					\$2,222,760.00

Ripple Rd. Improvements - Persimmon to Congressional

INTERSECTIONS ONLY COST ESTIMATE - FEBRUARY 2014

Item No.	Item Description	Unit	Estimated Quantity	Costs	
				Unit Price	Estimated Price
1	Mobilization	LS	1	\$150,000.00	\$150,000.00
2	Construction Staking	LS	1	\$50,000.00	\$50,000.00
3	Maintenance of Traffic	LS	1	\$15,000.00	\$15,000.00
4	Tree Protection Fencing	LF	1,000	\$5.00	\$5,000.00
5	Excavation Safety	LS	1	\$5,000.00	\$5,000.00
6	Clearing & Grubbing	LS	1	\$20,000.00	\$20,000.00
7	R & D Curb & Gutter	LF	2,400	\$4.00	\$9,600.00
8	Asphalt Milling	SY	7,470	\$8.00	\$59,760.00
9	Unclassified Excavation	CY	2,100	\$8.00	\$16,800.00
10	Compacted Embankment - Select Hillside	CY	1,400	\$12.00	\$16,800.00
11	Undercut & Backfill	CY	150	\$17.50	\$2,625.00
12	Six-inch Aggregate Street Base Course (Class 7)	SY	2,300	\$8.00	\$18,400.00
13	Concrete Curb & Gutter	LF	2,500	\$11.50	\$28,750.00
14	Two-inch ACHM Surface Course (Type 2)	SY	10,556	\$12.00	\$126,672.00
15	Four-inch ACHM Binder Course (Type 2)	SY	2,087	\$16.00	\$33,392.00
16	18-inch Reinforced Concrete Pipe (RCP)	LF	250	\$50.00	\$12,500.00
17	36-inch Reinforced Concrete Pipe (RCP)	LF	500	\$110.00	\$55,000.00
18	4 Ft x 4 Ft Type 'C' Drop Inlet	EA	15	\$3,000.00	\$45,000.00
19	Drop Inlet Extension (8 Ft)	EA	15	\$1,000.00	\$15,000.00
20	Erosion Control	LS	1	\$50,000.00	\$50,000.00
21	Concrete Sidewalk (4")	SY	1,000	\$32.00	\$32,000.00
22	Concrete Trail	SY	2,100	\$35.00	\$73,500.00
23	Seeding & Mulching	AC	1.0	\$2,500.00	\$2,500.00
24	Imported Top Soil	SY	6,800	\$3.00	\$20,400.00
25	Striping and Signage	LS	1	\$30,000.00	\$30,000.00
26	3" PVC Schedule 40 Conduit	LF	500	\$20.00	\$10,000.00
27	Right-of-Way/ Easement Acquisition	LS	1	\$100,000.00	\$100,000.00
28	Signalization	LS	1	\$250,000.00	\$250,000.00
TOTAL ESTIMATED CONSTRUCTION COSTS					\$1,253,699.00
CONTINGENCY (20%)					\$250,739.80
TOTAL ESTIMATED COST					\$1,504,438.80

RUPPLE ROAD

Corridor from MLK (Hwy 62) to Wedington Drive (Hwy 16)

Traffic Impact Analysis

Date: February 25, 2014

Introduction

JACOBS was hired by the City of Fayetteville to conduct a traffic impact analysis for the extension of Rubble Road from MLK (Hwy 62) to just south of Persimmon Street. The study area also included the existing section from Persimmon Street to Wedington Drive. The study area is shown in **Figure 1**.



Figure 1. Study Area

Currently Rubble Road in the study area extends south from Wedington Drive to just south of the Owl Creek Elementary/Middle School. There is a traffic signal at the intersection with Wedington Drive and a 4-way stop at the Persimmon Street intersection. Rubble Road does not exist between the school and MLK (Hwy 62). The Master Street Plan (City Plan 2030) designates Rubble Road as a principal arterial parkway. The typical section for principal arterials obtained from the Master Street Plan is shown in **Figure 2**. For the study, parking was not included in the analysis.

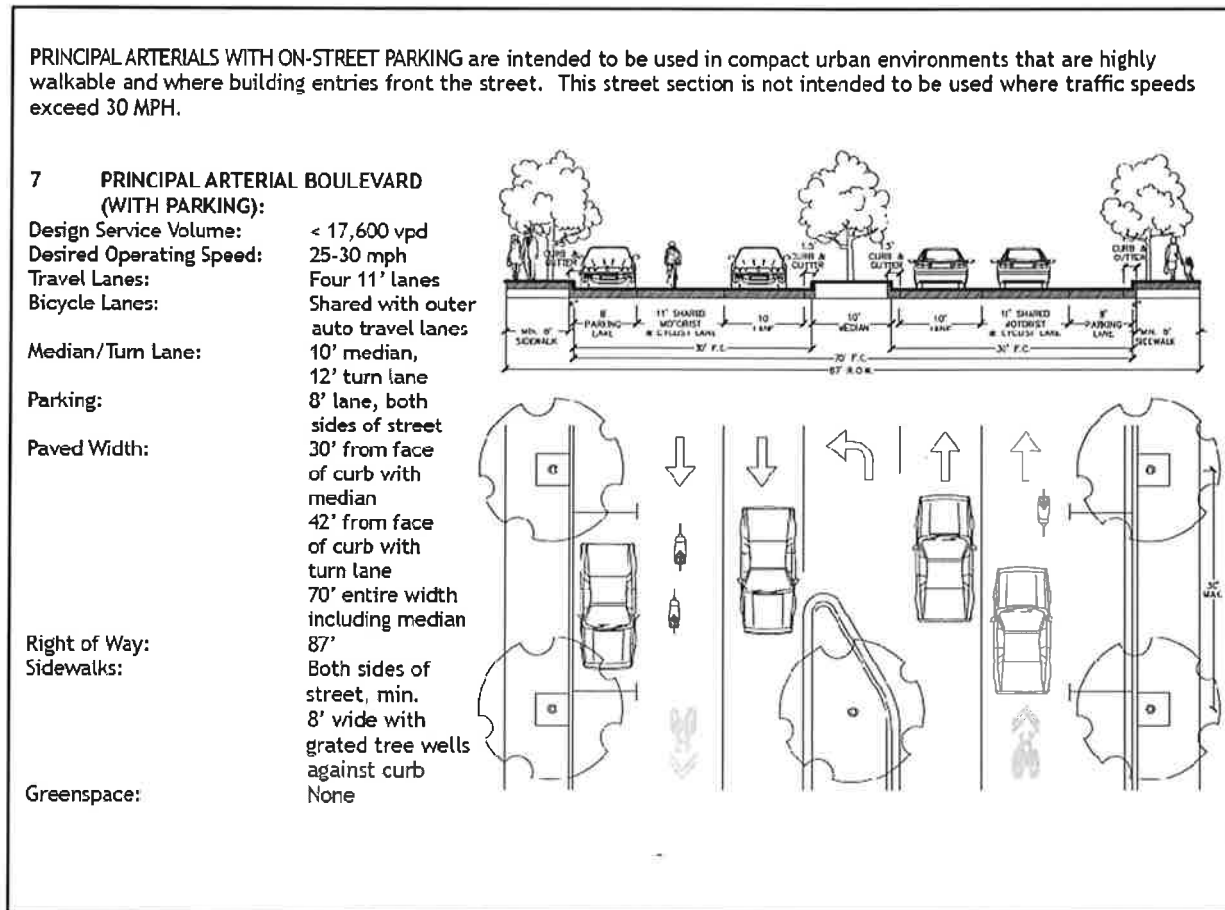


Figure 2. Master Street Plan – Street Section

Study Process:

The step by step study process that we have used in this study is:

1. Collected the existing information in and around the study area.
2. The turning movement counts were collected from two (2) intersections(Ripple Road/Wedington Drive and Ripple Road/Persimmon Street). Turning movement counts were collected on a Tuesday and a Wednesday in October and November, 2013.
3. Radar counters were used to collect 24 hour counts at strategic points on the road network around the campus as shown in **Figure 3**.
4. The City of Fayetteville provided the future zoning information for the study area (see **Table 4**).



5. Jacobs has collected some information from other sources:
 - a. Signal timings from City of Fayetteville.
 - b. Average Daily Traffic (ADT's) from the Arkansas Highway and Transportation Department (AHTD) website.
6. Development of VISSIM and Synchro base models for the study area.
7. Development of future traffic numbers based on the historical traffic counts in the area as well as future development of the area along the corridor using the future zoning information provided by the City.
8. Analysis and calibration of the existing traffic in the base models.
9. Analysis of the future alternatives.
10. Summary of results and findings.

After collecting the data a base traffic model was developed for the analysis. The modeling software that is used on this project is VISSIM. VISSIM is microscopic time step driver behavior traffic simulation software, developed to model urban traffic (vehicle and pedestrian) and public transit operations. The program analyzes traffic and transit operations under constraints such as lane configuration, traffic composition, traffic signals, transit stops, etc., thus making it a useful tool for the evaluation of various alternatives based on transportation engineering and planning measures of effectiveness (MOE's) such as vehicle delay, travel times and queue lengths. This program is capable of implicitly modeling passenger vehicle, light rail transit (LRT) vehicle and pedestrians simultaneously and also offers great visualization from simple to complex traffic conditions to provide a realistic picture of the traffic operations.

Level of Service

Level of service (LOS) is a term defined in the Highway Capacity Manual (HCM) to describe the operating performance of an intersection or roadway. The LOS of an intersection is a qualitative measure of capacity and operating conditions and is directly related to vehicle delay. LOS results range from "A" (minimal delay and conflicts) to "F" (significant delays and congestion), with LOS A representing very short delays and LOS F representing very long delays. As a practical consideration, LOS D is considered the limit of acceptable operation in an urban environment. LOS C is the desirable condition. LOS conditions for signalized intersections are shown in **Table 1**. For unsignalized intersections, the levels of service are shown in **Table 2**. The graphical representation of each intersection LOS category is displayed in the below **Figure 4**.

Table 1. Level of Service Criteria for Signalized Intersections

Level-of-Service (LOS)	Average Control Delay (seconds/vehicle)	Description
A	≤ 10.0	Very low vehicle delays, free flow, signal progression extremely favorable, most vehicles arrive during given signal phase.
B	10.1 to 20.0	Good signal progression, more vehicles stop and experience higher delays than for LOS A.
C	20.1 to 35.0	Stable flow, fair signal progression, significant number of vehicles stop at signals.
D	35.1 to 55.0	Congestion noticeable, longer delays and unfavorable signal progression, many vehicles stop at signals.
E	55.1 to 80.0	Limit of acceptable delay, unstable flow, poor signal progression, traffic near roadway capacity, frequent cycle failures.
F	> 80.0	Unacceptable delays, extremely unstable flow and congestion, traffic exceeds roadway capacity, stop-and-go conditions.

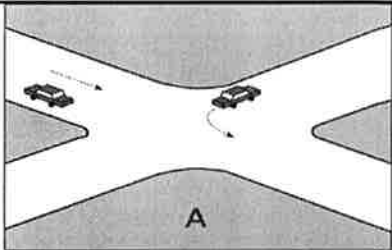
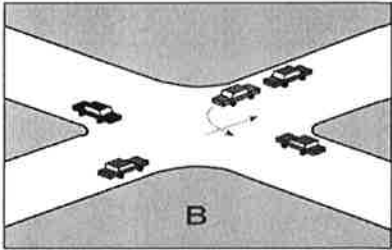
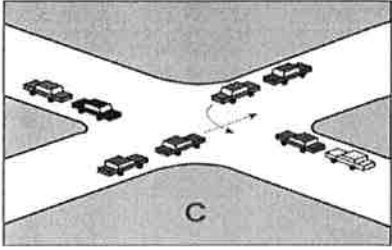
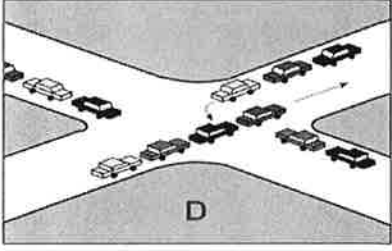
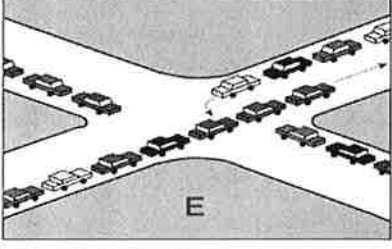
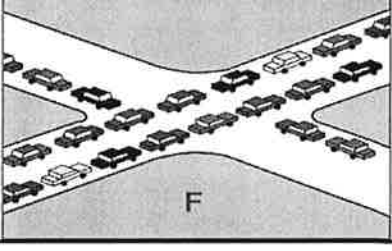
Source: HCM 2010

Table 2. Level of Service Criteria for Unsignalized Intersections

Level-of-Service (LOS)	Average Control Delay (seconds/vehicle)	Description
A	≤ 10.0	No delays at intersections with continuous flow of traffic. Uncongested operations: high frequency of long gaps available for all left and right turning traffic. No observable queues.
B	10.1 to 15.0	Same as LOS A
C	15.1 to 25.0	Moderate delays at intersections with satisfactory to good traffic flow. Light congestion; infrequent backups on critical approaches.
D	25.1 to 35.0	Increased probability of delays along every approach. Significant congestion on critical approaches, but intersection functional. No standing long lines formed.
E	35.1 to 50.0	Heavy traffic flow condition. Heavy delays probable. No available gaps for cross-street traffic or main street turning traffic. Limit of stable flow.
F	> 50.0	Unstable traffic flow. Heavy congestion. Traffic moves in forced flow condition. Average delays greater than one minute highly probable. Total breakdown.

Source: HCM 2010

Figure 4 – Level of Service Descriptions

LOS	Intersections	
A	No vehicle waits longer than one signal indication.	
B	On a rare occasion, vehicles wait through more than one signal indication.	
C	Intermittently, vehicles wait through more than one signal indication, occasionally backups may develop, traffic flow still stable and acceptable.	
D	Delays at intersections may become extensive, but enough cycles with lower demand occur to permit periodic clearance, preventing excessive backups.	
E	Very long queues may create lengthy delays.	
F	Backups from locations downstream restrict or prevent movement of vehicles out of approach creating a "gridlock" condition.	

Existing Traffic

The existing traffic data collected for the study area are summarized in the tables below. The traffic data counts are in the appendix. Overall, the AM traffic counts represent higher peak hour volumes for the study area and are, therefore, the focus of the analysis.

Table 3 – Existing 2013 Peak Hour Traffic Volumes

Existing AM Intersection	Southbound			Westbound			Northbound			Eastbound		
	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt
Wedington Dr /Ripple Rd	182	107	45	172	239	82	14	74	161	172	999	25
Persimmon St /Ripple Rd	106	127	63	79	66	13	32	72	124	90	175	27
MLK Blvd /Ripple Rd(Future)	-	-	-	-	114	-	-	-	-	-	351	-

Existing PM Intersection	Southbound			Westbound			Northbound			Eastbound		
	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt
Wedington Dr/Ripple Rd	154	101	158	194	835	110	20	46	121	51	527	13
Persimmon St/Ripple Rd	41	36	44	27	61	16	12	76	58	60	79	7
MLK Blvd/Ripple Rd (Future)	-	-	-	-	304	-	-	-	-	-	200	-

Future Traffic

Future traffic was generated for the study area using zoning to estimate future development densities. Fayetteville Planning provided two densities for residential zoning in the area.

Table 4 – Future Zoning in Study Area

Fayetteville Planning	Type	Density
Mountain Ranch	Typical Suburban Development	1.95 units per acre
Ripple Row	Traditional/New Urbanism Development Pattern	6.24 units per acre

The future zoning area is approximately 1 mile long by a half mile wide or 320 acres. Which would provide approximately 1997 units with the higher density or 624 units for the lesser density. For this study, 1997 units were used.

Table 5 – Average Weekday – ITE Trip Generation

Average Weekday – ITE Trip Generation					
24 Hour Two-way Volume	7-9 AM Peak Hour		4-6 PM Peak Hour		Units
	Enter	Exit	Enter	Exit	
19111	379	1118	1278	739	1997
12537	249	734	838	485	1310
5972	119	349	399	231	624

Using the data from the table above, traffic was generated along the study corridor. For the future design year (2033), historical traffic volumes were used to develop a growth rate for

road. Multiple growth rates were developed (Wedington Drive, Rupple Road, and MLK Blvd). The rates varied from 1.% on Rupple Road, 1.8% on Wedington Drive and 1.3% on MLK Blvd.

Table 6 – 2013 Opening Peak Hour Traffic Volumes with Improvements

Existing (with Improvements) AM Intersection	Southbound			Westbound			Northbound			Eastbound		
	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt
Wedington Drive/Rupple Road	164	143	45	216	215	82	45	105	185	172	999	130
Intermediate Int/Rupple Road	18	461	10	10	2	25	5	235	13	75	2	25
Persimmon Street/Rupple Road	126	292	78	79	66	13	62	135	124	105	175	46
School/Subdivision/ Rupple Road	25	362	30	40	10	50	20	251	20	20	10	20
Future Intersection 1	25	362	30	40	10	50	20	251	20	20	10	20
Future Intersection 2	20	382	20	25	20	50	15	184	15	57	20	25
MLK Blvd/ Rupple Road (Future)	357	-	75	-	114	125	-	-	-	89	316	-

Table 7 – 2033 Future Traffic with Improvements

Future (with Improvements) AM Intersection	Southbound			Westbound			Northbound			Eastbound		
	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt	Lt	Th	Rt
Wedington Drive /Ripple Road	239	248	66	374	307	117	159	269	674	246	1284	201
Intermediate Int/Ripple Road	23	765	13	13	3	32	6	973	18	96	3	32
Persimmon Street /Ripple Road	187	498	125	101	85	17	80	845	159	135	224	59
School/Subdivision/ Ripple Road	32	588	38	51	13	64	26	994	26	26	13	26
Future Intersection 1	86	610	86	144	26	233	62	572	59	241	26	144
Future Intersection 2	60	780	60	112	26	201	58	324	55	168	26	112
MLK Blvd /Ripple Road (Future)	818	-	186	-	148	288	-	-	-	149	409	-

Analysis

Synchro Analysis

The intersection of Ripple Road and Persimmon Street was evaluated in Synchro using Design Year-2033 volumes (developed earlier when determining the type of intersection control to be used at the intersection, not the same traffic volumes used in the VISSIM models) to determine if the intersection would operate best as a signalized intersection or as a roundabout intersection based on Highway Capacity Manual (HCM) 2010 methodology.

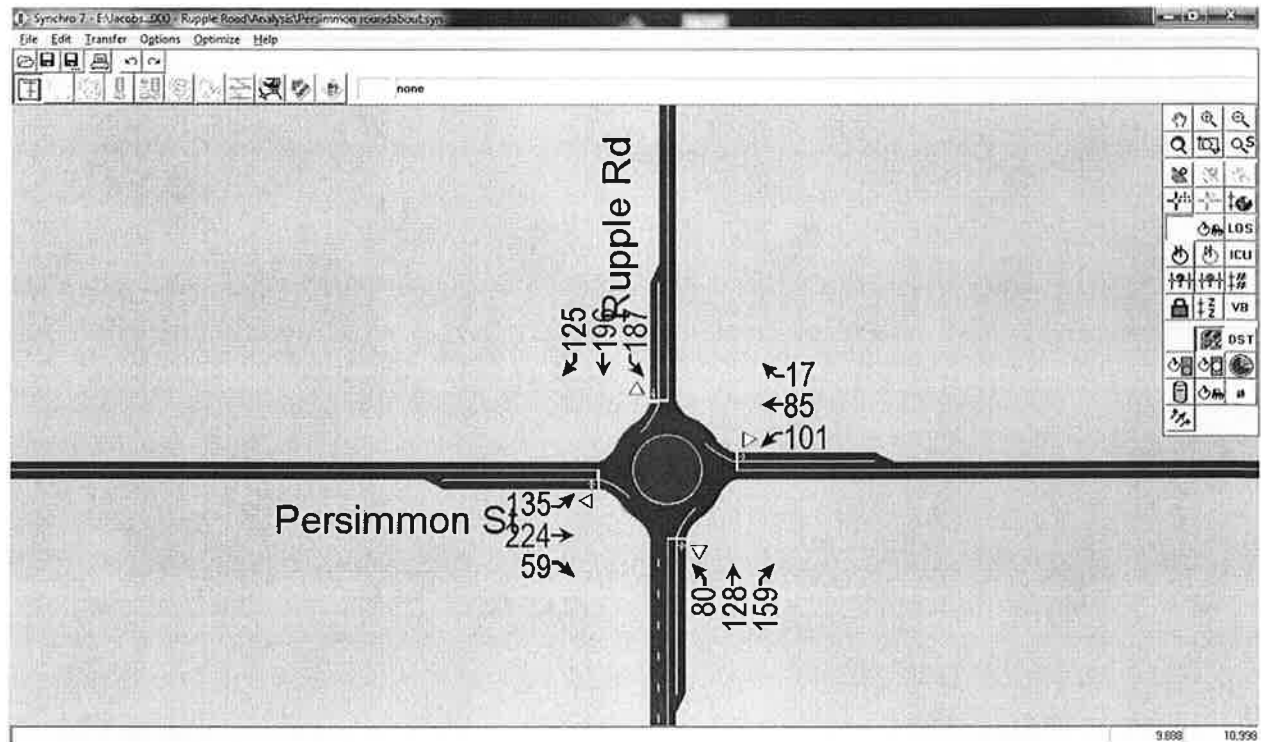


Figure 5 – Synchro Roundabout Graphic

The following assumptions were made regarding the roundabout analysis:

- North and south approaches reduced to one lane northbound and one lane southbound
- Two-lane roundabout with two exit lanes on the south leg.
- 75 feet outer radius
- 15 feet roundabout lanes
- 18 mph circle speed
- PHF = 0.92
- 5% heavy vehicles
- 25 mph approach link speed

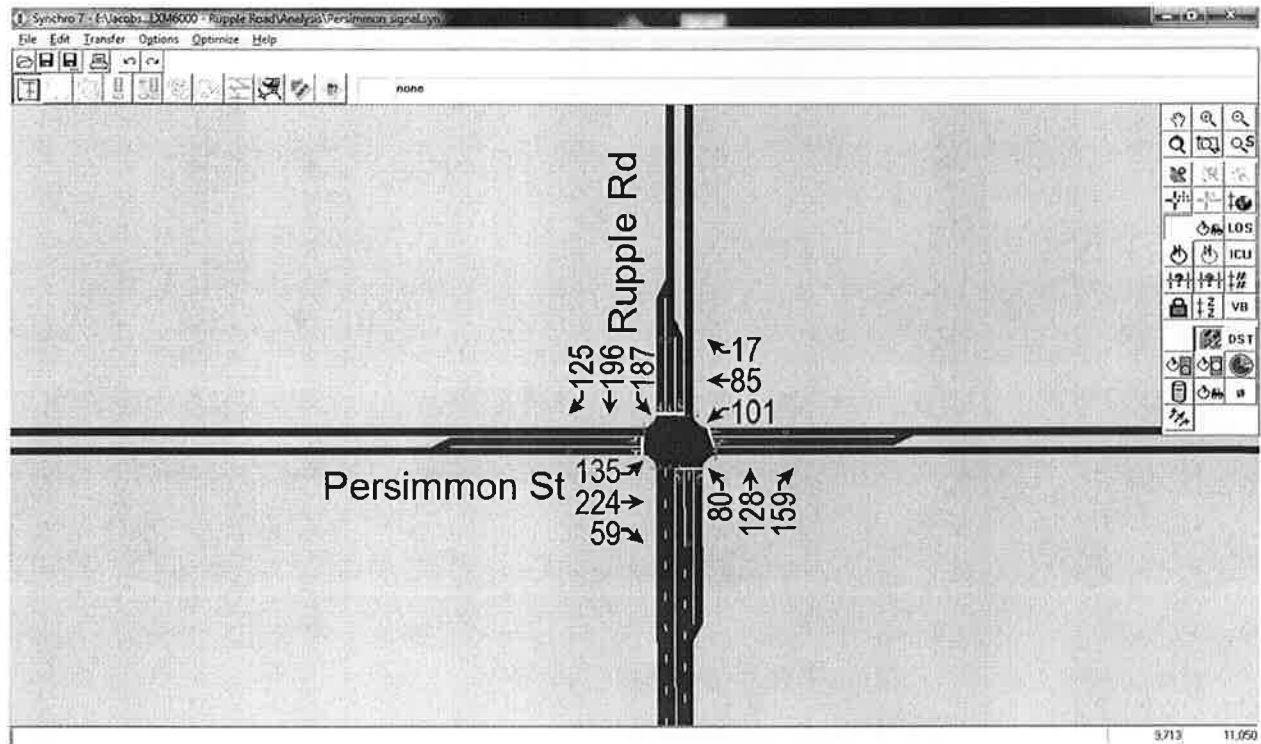


Figure 6 – Synchro Signalized Graphic

The following assumptions were made with regard to the signalized intersection analysis:

- Existing lane configuration at approaches will not change
- Cycle length of 120 seconds
- Permitted left turns
- PHF = 0.92
- 5% heavy vehicles
- 25 mph approach link speed

The results are shown in the table below.

Table 8 – Persimmon Street Intersection Delay Comparison

Scenario	Delay (sec/veh)	LOS
Roundabout	9.3	A
Signalized Intersection	11.3	B

Both scenarios have a low overall intersection delay. Given the negligible difference in overall delay, it was decided to model the intersection of Rupple Road and Persimmon Street as a signalized intersection in VISSIM to provide improved safety conditions for pedestrians.

VISSIM Analysis

Three (3) horizon year models were created within VISSIM. These models consisted of an Existing Year 2013, Opening Year 2013, and Design Year 2033 scenarios.

The Existing Year 2013 model has the existing geometry for Rupple Road including the intersections of Wedington Drive and Persimmon Street. The Existing Year model was calibrated using traffic volumes and travel times collected in October and November 2013. The targets of this calibration effort were obtained from the *Traffic Analysis Toolbox Volume III – Guidelines for Applying Traffic Microsimulation Modeling Software* published by the Federal Highway Administration (FHWA) and shown in the figure below.

Criteria and Measures	Calibration Acceptance Targets
Hourly Flows, Model Versus Observed	
Individual Link Flows	
Within 15%, for 700 veh/h < Flow < 2700 veh/h	> 85% of cases
Within 100 veh/h, for Flow < 700 veh/h	> 85% of cases
Within 400 veh/h, for Flow > 2700 veh/h	> 85% of cases
Sum of All Link Flows	Within 5% of sum of all link counts
GEH Statistic < 5 for Individual Link Flows*	> 85% of cases
GEH Statistic for Sum of All Link Flows	GEH < 4 for sum of all link counts
Travel Times, Model Versus Observed	
Journey Times, Network	
Within 15% (or 1 min, if higher)	> 85% of cases
Visual Audits	
Individual Link Speeds	
Visually Acceptable Speed-Flow Relationship	To analyst's satisfaction
Bottlenecks	
Visually Acceptable Queuing	To analyst's satisfaction

Figure 7 – FHWA Microsimulation Model Calibration Targets

Most of the criteria included in the above figure are self-explanatory, with the possible exception of GEH Statistic. This measure is a formula used in traffic modeling to compare two sets of traffic volumes (Observed and Modeled). Its mathematical formulation is similar to the Chi-Squared test, but it is not a true statistical test but rather an empirical formula. The formulation for the GEH Statistic is as follows:

$$GEH = \sqrt{\frac{2 * (M - O)^2}{(M + O)}}$$

Where M represents model estimate volume and O represents field counts.

This statistic is typically used to offset the discrepancies that occur when using only simple percentages, as traffic volumes vary over a wide range. In other words, if using only percentages, small absolute discrepancies have no impact on large volumes but a large percent impact in smaller numbers, and vice versa. It has been shown that for traffic volumes smaller than 10,000 a five percent variation yields smaller numbers than a GEH of five. Beyond 10,000, five percent differences keep growing linearly whereas GEH=5 follows a decaying curve.

The tables below summarize the calibration results in terms of GEH values and link flows for the AM peak period model. The results indicate that the model satisfies the volume calibration criteria listed above.

Table 9 – Percentage of Links Meeting Flow Thresholds

Individual Link Flows			
Time	Flow<700 vph (± 100)	700<Flow<2700 vph (± 15%)	Flow>2700 vph(±400)
AM	100%	100%	NA

Table 10 – Sum of Link Flows (Criteria within ±5%):

Sum of Link Flows	
AM	0.1%

Table 11 – Percentage of Links by GEH (Criteria GEH < 5)

GEH Links	
AM	100%

According to the calibration guidelines, a model is reasonably calibrated when the modeled travel times are within 15% (or one minute if higher) of the average field collected travel time for 85% of the cases. Of the field collected travel times provided, only one of the segments fell within the section of Ripple Road being modeled in the Existing Year model. This segment, specifically southbound Ripple Road from Wedington Drive to Persimmon Street, had an average field collected travel time of 83 seconds, this time is used to help calibrate the Existing Year model. The travel time for this segment within the Existing Year model was also 83 seconds.

The detailed volume and travel time calibration spreadsheets are included in the appendix for further reference.

For the Design Year 2033 VISSIM analysis the following geometry assumptions were made:

- Ripple Road would curve west shortly after the existing southern terminus before traveling directly south to Martin Luther King Jr. Boulevard
- The two proposed roundabouts between Persimmon Street and MLK Boulevard would have approximately equal spacing between them. The intersecting east-west roadways were assumed to be two-lane undivided facilities.
- As determined based upon the Synchro analysis, the intersection of Ripple Road and Persimmon Street would be modeled as a signalized intersection.

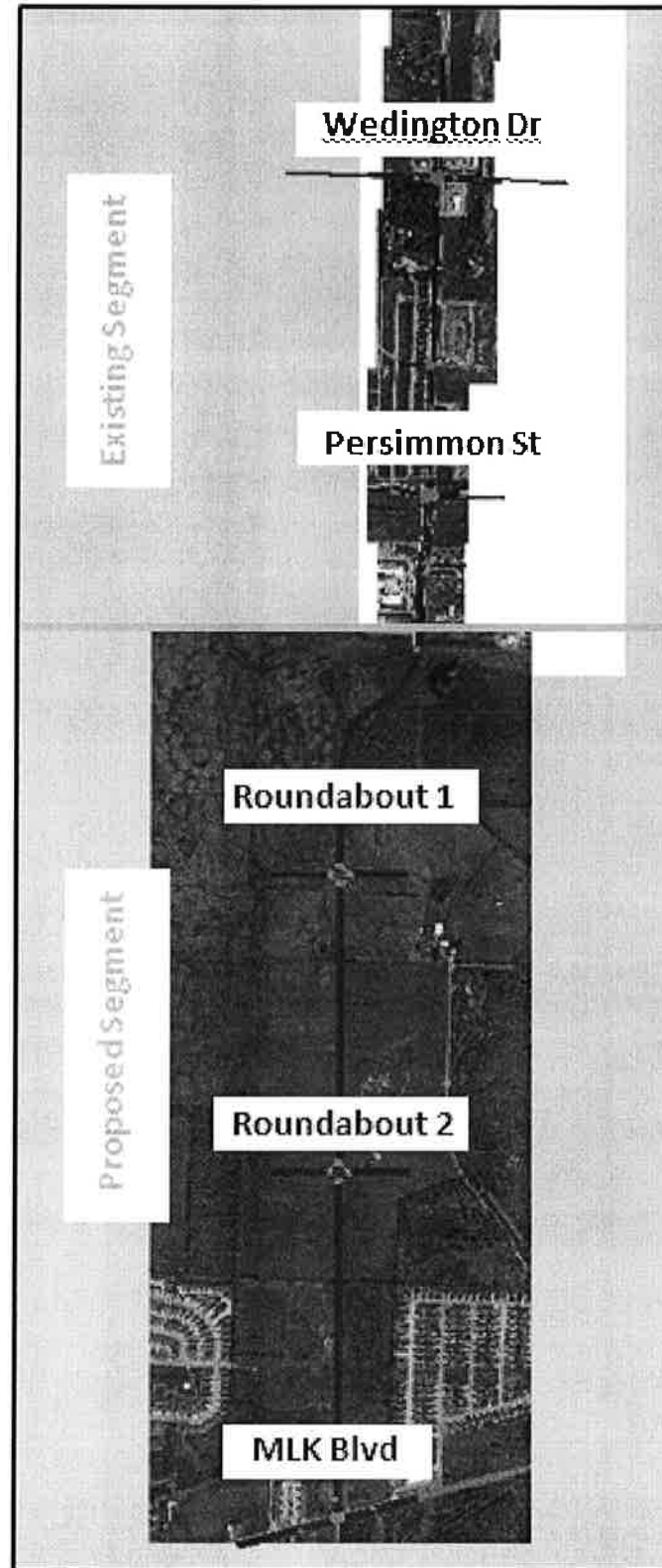


Figure 8 – Ripple Road Extension VISSIM Model

The following three (3) Build Alternatives were analyzed:

- **2-lane Build: Two-lane Ripple Road extension:** This alternative provides a 2-lane roadway between Martin Luther King Jr. Boulevard and the existing 4-lane southern termini south of Persimmon Street, thereby providing a 2-lane facility between Martin Luther King Jr. Boulevard and Wedington Drive, with the exception of the existing 1,300 foot 4-lane segment south of Persimmon Street.
- **4-lane Build:** This scenario provides a four lane roadway between Martin Luther King Jr. Boulevard and the existing 4-lane southern termini south of Persimmon Street. Under this scenario, Ripple Road between Martin Luther King Jr. Boulevard and Persimmon Street has a 4-lane section that reduces to a 2-lane facility at Persimmon Street.
- **4-lane to Wedington Drive Build Alternative:** This alternative would provide a 4-lane facility from Martin Luther King Jr. Boulevard to Wedington Drive, eliminating the choke point which occurs when the roadway reduces from four lanes to two lanes at Persimmon Street. This alternative will require widening between Persimmon Street and Wedington Drive.

Additional improvements also proposed under this scenario include:

- **Persimmon Street intersection:** Modifying the northbound right turn lane into a shared thru-right turn lane
- **Wedington Drive intersection:** Modify the northbound approach to include exclusive left turn lane, through lane and exclusive right turn lane with overlap phasing.
- **Wedington Drive intersection:** Modify the southbound right turn lane to a shared thru-right turn lane.

The alternatives were evaluated using opening year and design year demand volumes, with the exception of 4-lane Build to Wedington Drive alternative which was only analyzed for Design Year 2033. Average vehicle delay at each intersection, corridor travel times, and network-wide performance measures (i.e., total process volumes, latent demand, total delay time, and average speed) were extracted from the VISSIM models to assess the performance of each alternative.

Summary of Results and Findings

One of the objectives of this analysis was to determine if and/or when the proposed segment of Ripple Road, extending from the current terminus south of Persimmon Street to Martin Luther King Jr. Boulevard, would need to be expanded from a two-lane roadway to a four-lane roadway. After analyzing the proposed segment of Ripple Road modeled as a two-lane roadway, it was determined that, although a two-lane facility appears to be operate satisfactorily under opening year demand conditions, a two-lane facility would not have sufficient capacity to accommodate the design year demand. Severe congestion was observed throughout the corridor in the Year 2033 2-lane Build microsimulation model. As shown in **Table 12**, an acceptable level of delay was observed at all intersections for both the 2-lane and 4-lane Build alternatives during opening year; whereas, **Table 13** shows the intersection delay at several intersections increases considerably as a result of the increase in

traffic volume expected in Year 2033 and lack of intersection capacity under the 2-lane and 4-lane alternatives. The results also indicate that delay along the corridor is substantially decreased when Rupple Road is widened from two to four lanes between Persimmon Street and Wedington Drive. Under the improved 4-lane scenario, intersection delays are less than 25 sec/veh, with the exception of the intersection at Wedington Drive which experiences a significant delay on the eastbound approach.

Table 12 – Opening Year 2013 Intersection Vehicle Delay

Intersection	Approach Direction	Opening Year (Existing AM with Corridor Extension)					
		2 Lane Build		4 Lane Build		Difference (4L - 2L)	
		Approach Delay	Intersection Delay/LOS	Approach Delay	Intersection Delay	Approach Delay	Intersection Delay
Wedington Drive	SB	25.8	26.0/C	26.8	26.3/C	0.9	0.3
	WB	20.0		20.4		0.4	
	NB	36.4		34.5		-1.9	
	EB	25.5		26.1		0.6	
Persimmon Street	SB	10.3	10.8/B	9.1	10.6/B	-1.2	-0.2
	WB	12.9		13.0		0.0	
	NB	9.6		10.0		0.4	
	EB	11.9		12.2		0.3	
Roundabout 1	SB	5.3	5.1/A	2.9	2.8/A	-2.4	-2.3
	WB	3.0		3.4		0.3	
	NB	5.4		1.2		-4.2	
	EB	4.8		6.0		1.3	
Roundabout 2	SB	6.5	5.4/A	1.9	2.0/A	-4.6	-3.4
	WB	2.7		2.0		-0.7	
	NB	4.5		1.5		-3.0	
	EB	4.9		3.7		-1.3	
Main Street / MLK Boulevard	SB	23.7	13.9/B	20.5	12.1/B	-3.2	-1.8
	WB	7.6		6.4		-1.1	
	-	-		-		-	
	EB	6.9		6.1		-0.9	

Intersection	Approach Direction	2 Lane Build		4 Lane Build		Difference (4L - 2L)		Drive Build		Difference (4LW - 2L)	
		Approach Delay	Intersection Delay/LOS	Approach Delay	Intersection Delay/LOS	Approach Delay	Intersection Delay/LOS	Approach Delay	Intersection Delay/LOS	Approach Delay	Intersection Delay
Bedington Drive	SB	29.8	213.8/F	29.1	178.2/F	-0.7	-35.5	32.3	71.2/E	2.5	-142.6
	WB	268.4		197.7		-70.7		43.3		-225.1	
	NB	355.4		346.5		-8.9		46.3		-309.1	
	EB	185.3		140.0		-45.3		122.6		-62.7	
Simmon Street	SB	37.4	217.9/F	34.9	283.7/F	-2.5	65.8	19.8	22.7/C	-17.6	-195.2
	WB	63.8		70.3		6.5		45.3		-18.5	
	NB	575.3		739.2		163.9		14.5		-560.8	
	EB	65.8		71.0		5.1		38.3		-27.5	
undabout 1	SB	32.1	193.5/F	15.9	118.1/F	-16.2	-75.3	9.2	22.2/C	-22.9	-171.3
	WB	397.0		245.2		-151.9		43.0		-354.1	
	NB	378.8		221.8		-157.0		4.2		-374.5	
	EB	144.1		77.7		-66.4		53.3		-90.9	
undabout 2	SB	113.6	158.6/F	6.1	8.4/A	-107.5	-150.2	6.8	10.1/B	-106.8	-148.5
	WB	190.9		8.2		-182.7		7.5		-183.3	
	NB	255.6		5.4		-250.1		5.6		-250.0	
	EB	140.1		18.4		-121.7		28.9		-111.2	
in Street / MLK boulevard	SB	28.6	27.8/C	21.2	18.5/B	-7.4	-9.3	21.8	20.0/B	-6.8	-7.7
	WB	34.3		15.7		-18.7		17.5		-16.9	
	-	-		-		-		-		-	
	EB	21.8		16.3		-5.6		18.9		-2.9	

In addition to intersection operations, the travel time along the corridor and network wide performance were also assessed for each Build alternative. The travel time results are summarized in **Table 14**, while the opening year and design year network wide performance measures are presented in **Tables 15** and **16**, respectively.

Table 14 – Ripple Road Travel Times

Analysis Year Alternative	Travel Direction	From	To	Travel Time (minutes)
Opening Year 2013 2-lane Build	SB	Wedington Drive	Main Street / MLK Boulevard	5.7
	NB	Main Street / MLK Boulevard	Wedington Drive	6.1
Opening Year 2013 4-lane Build	SB	Wedington Drive	Main Street / MLK Boulevard	5.3
	NB	Main Street / MLK Boulevard	Wedington Drive	5.9
Design Year 2033 2-lane Build	SB	Wedington Drive	Main Street / MLK Boulevard	8.1
	NB	Main Street / MLK Boulevard	Wedington Drive	32.1
Design Year 2033 4-lane Build	SB	Wedington Drive	Main Street / MLK Boulevard	5.8
	NB	Main Street / MLK Boulevard	Wedington Drive	27.4
Design Year 2033 4-lane to Wedington Drive Build	SB	Wedington Drive	Main Street / MLK Boulevard	5.4
	NB	Main Street / MLK Boulevard	Wedington Drive	6.1

Demand and processed volume comparisons, as well as detailed travel time and vehicle delay results for all three (3) Build Alternatives have been provided in the appendix for further reference.

Table 15 – Opening Year 2013 Network Wide Performance Measures

Measure of Effectiveness	2 Lane Build	4 Lane Build
Number of Active Vehicles (veh)	117	126
Number of Arrived Vehicles (veh)	3,790	3,814
Number of Processed Vehicles (veh)	3,906	3,940
Latent Demand (veh)	0	0
% Latent Demand	0%	0%
Total Delay Time (hrs)	33	29
Average Delay Time (sec/veh)	30	27
Average Speed (mph)	22	22.5

Table 16 – Design Year 2033 Network Wide Performance Measures

Measure of Effectiveness	2 Lane Build	4 Lane Build	4 Lane to Wedington Drive Build
Number of Active Vehicles (veh)	772	686	306
Number of Arrived Vehicles (veh)	5,144	5,261	6,112
Number of Processed Vehicles (veh)	5,916	5,948	6,418
Latent Demand (veh)	1,230	1,177	480
% Latent Demand	17%	17%	7%
Total Delay Time (hrs)	529	456	125
Average Delay Time (sec/veh)	322	276	70
Average Speed (mph)	6.3	7.3	17

With respect to travel time along the study corridor, the travel time along the two-lane and four-lane extension of Ripple Road between Martin Luther King Jr. Boulevard and Wedington Drive is relatively the same in both the northbound and southbound directions in 2013, about 6 minutes; however, in 2033, the travel time is much longer in the northbound direction, about 32 minutes for the 2-lane Build alternative and 27 minutes for the 4-lane Build alternative. The travel time is improved considerably when the four-lane section is extended to Wedington Drive, reducing the average northbound travel time to 6 minutes in 2033.

Likewise, the network wide performance measures show noticeable improvement in Year 2033 when comparing the 2-lane Build to the 4-lane to Wedington Drive Build. The average speed is almost doubled, the latent demand is reduced in half, and the total network wide delay is decreased from approximately 500 seconds to 100 seconds. It should be noted that from a network wide standpoint, the 4-lane Build alternative does provide a minimal benefit in terms of total delay and average speed over the 2-lane Build alternative; however, the true benefit of providing a four-lane extension is diminished by the lane reduction at Persimmon Street which exists in the 4-lane Build alternative.

Based on the operation along the network with expected volumes in the opening year design, the 2-lane Build and the operation along the network with expected volumes in the design year, the 4-lane to Wedington Drive Build, the network should operate with acceptable total delay and average speed until the corridor is developed to approximately 50 to 75% built out. Determining when this level of development would occur would be difficult to approximate. Given the need for the connection, the close proximity to the school and I-540, the development could conceivably reach a 50 to 75% build out in 10 years.

Appendix

Opening Year 2013

2-Lane Build

RUPPLE ROAD
INTERSECTION ANALYSIS

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Rupple Rd & Wedington Dr	SB	R	7.7	48		2431	14%	15%	1.0	25.8	26.0	45	352	2	0%
		T	27.9	143	354		41%		11.3			143			
	WB	L	29.4	162			46%		13.5			164			
		R	11.6	82	514		16%	21%	1.9	20.0		82	513	1	0%
Rupple Rd & Persimmon St	NB	T	18.6	217		1374	42%		7.8		10.8	215			
		L	24.7	215			42%		10.4			216			
	EB	R	31.1	201	362		56%	15%	17.3	36.4		185	335	27	8%
		T	44.0	113			31%		13.7			105			
Rupple Rd & Roundabout 1	SB	L	40.7	48		920	13%		5.4		5.1	45			
		R	23.4	128	1202		11%	49%	2.5	25.5		130	1201	1	0%
	WB	T	27.0	904			75%		20.3			899			
		L	19.1	170			14%		2.7			172			
Rupple Rd & Roundabout 2	SB	R	8.0	82	501	854	16%	36%	1.3	10.3	5.4	78	496	5	1%
		T	9.4	293			58%		5.5			292			
	WB	L	14.0	126			25%		3.5			126			
		R	6.7	14	158		9%	12%	0.6	12.9		13	158	0	0%
Rupple Rd & Roundabout 1	NB	T	10.4	67		920	42%		4.4		5.1	66			
		L	16.2	78			49%		7.9			79			
	EB	R	7.4	149	387		38%	28%	2.8	9.6		124	321	66	21%
		T	9.8	160			41%		4.1			135			
Rupple Rd & Roundabout 2	SB	L	13.3	78		920	20%		2.7		5.1	62			
		R	8.6	45	328		14%	24%	1.2	11.9		46	326	2	0%
	WB	T	11.9	181			55%		6.6			175			
		L	13.4	101			31%		4.1			105			
Rupple Rd & Roundabout 1	SB	R	4.8	19	435	920	4%	47%	0.2	5.3	5.1	20	422	13	3%
		T	5.4	396			91%		4.9			382			
	WB	L	4.7	20			5%		0.2			20			
		R	3.0	49	95		51%	10%	1.6	3.0		50	95	0	0%
Rupple Rd & Roundabout 2	NB	T	3.3	22		920	23%		0.8		5.1	20			
		L	2.8	24			26%		0.7			25			
	EB	R	6.0	19	288		6%	31%	0.4	5.4		15	214	74	35%
		T	5.4	247			86%		4.7			184			
Rupple Rd & Roundabout 1	SB	L	4.9	22		920	8%		0.4		5.1	15			
		R	4.5	24	102		24%	11%	1.1	4.8		25	102	0	0%
	WB	T	5.3	20			20%		1.1			20			
		L	4.7	57			56%		2.6			57			
Rupple Rd & Roundabout 2	SB	R	5.6	24	446	854	5%	52%	0.3	6.5	5.4	20	422	24	6%
		T	6.5	402			90%		5.9			382			
	WB	L	6.3	20			5%		0.3			20			
		R	2.7	50	95		53%	11%	1.4	2.7		50	95	0	0%
Rupple Rd & Roundabout 1	NB	T	2.8	21		854	22%		0.6		5.4	20			
		L	2.5	24			25%		0.6			25			
	EB	R	4.3	16	212		7%	25%	0.3	4.5		15	214	-2	-1%
		T	4.6	182			86%		4.0			184			
Rupple Rd & Roundabout 2	SB	L	4.0	14		854	7%		0.3		5.4	15			
		R	5.1	26	102		25%	12%	1.3	4.9		25	102	0	0%
	WB	T	4.9	21			20%		1.0			20			
		L	4.9	55			54%		2.7			57			

RUPPLE ROAD
INTERSECTION ANALYSIS

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference	
Ripple Rd & Main St / MLK Blvd	SB	R	12.5	80	447	1094	18%	41%	2.2	23.7	13.9	75	432	15	4%	
		L	26.1	367			-		-			0				
	WB	R	5.4	123	239		82%	22%	21.4			357	239	0	0%	
		T	9.9	116	52%		2.8		125							
		L	-	-	-		48%		4.8	7.6		114				
		-	-	-	-		-		-	0						
	EB	T	-	-	-		-	-	78%	37%		-	6.9	-	0	405
L		-	7.2	90	407	-	22%	-	1.6	-	-	316	89	-	-	

Travel Time Evaluation AM - Southbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(Sec)	(Min)
1	Wedington Dr	79.41	1.3
2	Persimmon St		
2	Persimmon St	96.84	1.6
3	Roundabout 1		
3	Roundabout 1	75.74	1.3
4	Roundabout 2		
4	Roundabout 2	92.42	1.5
5	Main St / MLK Blvd		
	Total	344.4	5.7

Travel Time Evaluation AM - Northbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
5	Main St / MLK Blvd	79.8	1.3
4	Roundabout 2		
4	Roundabout 2	73.6	1.2
3	Roundabout 1		
3	Roundabout 1	100.2	1.7
2	Persimmon St		
2	Persimmon St	111.8	1.9
1	Wedington Dr		
	Total	365.4	6.1

Opening Year 2013

4-Lane Build

RUPPLE ROAD
INTERSECTION ANALYSIS

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Rupple Rd & Wedington Dr	SB	R	7.8	47	357	2436	13%	15%	1.0	26.8	26.3	45	352	5	1%
		T	27.5	146			41%		11.2			143			
		L	31.6	164			46%		14.5			164			
	WB	R	10.8	80	508		16%	21%	1.7	20.4		82	513	-5	-1%
		T	18.5	216			42%		7.9			215			
		L	25.9	212			42%		10.8			216			
	NB	R	30.6	208	372		56%	15%	17.2	34.5		185	335	37	11%
		T	40.3	115			31%		12.4			105			
		L	37.8	49			13%		4.9			45			
Rupple Rd & Persimmon St	SB	R	23.5	128	1200	1389	11%	49%	2.5	26.1	10.6	130	1201	-1	0%
		T	27.6	903			75%		20.8			899			
		L	20.4	170			14%		2.9			172			
	WB	R	7.5	81	499		16%	36%	1.2	9.1		78	496	3	1%
		T	7.3	292			58%		4.3			292			
		L	14.3	126			25%		3.6			126			
	NB	R	6.4	14	165		9%	12%	0.6	13.0		13	158	7	4%
		T	10.6	70			42%		4.5			66			
Rupple Rd & Roundabout 1	SB	R	16.2	81	389	931	49%	28%	7.9	10.0	2.8	79	321	68	21%
		T	7.4	148			38%		2.8			124			
		L	10.5	165			43%		4.5			135			
	WB	R	14.3	75	336		19%	24%	2.8	12.2		62	326	10	3%
		T	8.4	48			14%		1.2			46			
		L	12.4	184			55%		6.8			175			
	NB	R	13.6	105	439		31%	47%	4.2	2.9		105	422	17	4%
		T	3.1	19			4%		0.1			20			
Rupple Rd & Roundabout 2	SB	R	2.8	400	450	863	91%	52%	2.6	1.9	2.0	382	422	28	7%
		T	3.6	20			5%		0.2			20			
		L	2.0	49	97		51%	10%	1.0	3.4		50	95	2	2%
	WB	R	6.7	23	291		23%	31%	1.6	1.2		25	214	77	36%
		T	3.0	25			26%		0.8			15			
		L	1.0	19	104		7%		0.1			15			
	NB	R	1.2	251	450		86%	11%	1.0	6.0		184	102	2	2%
		T	1.9	21			7%		0.1			15			
Rupple Rd & Roundabout 3	SB	R	3.7	25	104	863	24%	56%	0.9	3.7	2.0	25	102	2	2%
		T	7.1	21			20%		0.9			57			
		L	6.6	58			56%		3.7			57			
	WB	R	1.6	19	450		4%	52%	0.1	1.9		20	422	28	7%
		T	1.8	408			91%		1.7			382			
		L	2.5	23	94		5%		0.1			20			
	NB	R	1.6	49	215		52%	11%	0.8	2.0		50	95	-1	-1%
		T	2.6	21			22%		0.6			20			
Rupple Rd & Roundabout 4	SB	R	2.2	24	104	863	26%	25%	0.6	1.5	2.0	25	102	2	2%
		T	1.2	15			7%		0.1			15			
		L	1.5	186	215		86%	25%	1.3	3.7		184	214	1	1%
	WB	R	2.7	14	104		7%		0.2			15			
		T	3.2	25			25%	12%	0.8	3.7		25	102	2	1%
		L	4.3	21			20%		0.9			20			
	NB	R	3.7	57	104		55%		2.0			57			
		T													

**RUPPLE ROAD
INTERSECTION ANALYSIS**

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Rupple Rd & Main St / MLK Blvd	SB	R	8.1	113	456	1105	25%	41%	2.0	20.5	12.1	75	432	24	6%
		L	24.6	343			-		-			0			
	WB	R	4.8	126	244		75%		18.5			357			
		T	8.2	119			51%	22%	2.5	6.4		125	239	5	2%
		L	-	-			49%		4.0			114			
		-	-	-			-		-			0			
Rupple Rd & Main St / MLK Blvd	EB	T	6.1	316	405		78%	37%	4.7	6.1		0	405	0	0%
		L	6.1	89			22%		1.3			316			
												89			

Travel Time Evaluation AM - Southbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(Sec)	(Min)
1	Wedington Dr	79.14	1.3
2	Persimmon St		
2	Persimmon St	89.76	1.5
3	Roundabout 1		
3	Roundabout 1	68.1	1.1
4	Roundabout 2		
4	Roundabout 2	81.87	1.4
5	Main St / MLK Blvd		
	Total	318.9	5.3

Travel Time Evaluation AM - Northbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
5	Main St / MLK Blvd	74.6	1.2
4	Roundabout 2		
4	Roundabout 2	67.1	1.1
3	Roundabout 1		
3	Roundabout 1	96.1	1.6
2	Persimmon St		
2	Persimmon St	114.8	1.9
1	Wedington Dr		
	Total	352.6	5.9

Design Year 2033

2-Lane Build

**RUPPLE ROAD
INTERSECTION ANALYSIS**

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Rupple Rd & Wedington Dr	SB	R	7.8	68	550	3258	12%	17%	1.0	29.8	213.8	56	553	-3	-1%
		T	25.5	242			44%		11.2			248			
	WB	L	40.4	239			44%		17.6			239			
		R	157.5	108	702		15%	22%	24.3	268.4		117	798	-96	-12%
		T	179.8	271			39%		69.4			307			
	NB	L	379.8	323			48%		174.8			374			
Rupple Rd & Persimmon St	SB	R	353.8	431	706	1975	61%	22%	216.3	355.4	217.9	674	1102	-396	-36%
		T	360.5	171			24%		87.2			269			
	WB	L	353.4	104			15%		51.9			159	1731	-431	-25%
		R	181.9	150	1300		12%	40%	21.0	185.3		201			
	NB	R	185.4	970			75%		138.2			1284	810	-81	-10%
		L	187.8	181			14%		26.1			246			
Rupple Rd & Roundabout 1	SB	R	30.4	113	729	1645	15%	37%	4.7	37.4	193.5	125	782	-145	-19%
		T	32.8	452			62%		20.3			498			
	WB	L	55.0	184			23%		12.4			187	203	-2	-1%
		R	45.8	17	201		8%	10%	3.8	63.8		17			
	NB	L	43.6	88			44%		19.0			85	1084	-453	-42%
		T	85.2	97	631		48%	32%	40.9	575.3		101			
Rupple Rd & Roundabout 2	SB	R	538.5	91		1518	14%		77.7		158.5	159	403	-239	-59%
		T	585.3	492			78%		456.0			845			
	WB	L	543.3	48			8%		41.7			80	693	-219	-32%
		R	38.6	59	415		14%	21%	5.5	65.8		59			
	NB	T	48.8	224			54%		26.4			224	411	-41	-10%
		L	107.4	131			32%		33.9			135			
Rupple Rd & Roundabout 2	SB	R	28.7	69	637	1518	11%	39%	3.1	32.1	158.5	86	900	-186	-21%
		T	32.5	498			78%		25.4			610			
	WB	L	32.9	70			11%		3.6			86	339	-140	-41%
		R	395.8	93	164		57%	10%	225.5	397.0		233			
	NB	L	380.5	11			6%		24.7			26	437	-117	-27%
		T	401.9	60	474		37%	29%	146.9	378.8		144			
Rupple Rd & Roundabout 2	SB	R	390.8	39		1518	8%		32.3		158.5	59	306	-21	-7%
		T	376.4	390			82%		309.7			572			
	WB	L	389.0	45			9%		36.7			62	411	-41	-10%
		R	134.6	131	370		35%	23%	47.7	144.1		144			
	NB	T	128.1	23			6%		8.0			26	900	-186	-21%
		L	151.7	216			58%		88.4			241			
Rupple Rd & Roundabout 2	SB	R	114.7	49	714	1518	7%	47%	7.9	113.5	158.5	60	339	-140	-41%
		T	113.2	620			87%		98.3			780			
	WB	L	118.3	44			6%		7.4			60	437	-117	-27%
		R	205.5	117	199		59%	13%	120.2	190.9		201			
	NB	L	134.9	16			8%		10.6			26	306	-21	-7%
		T	178.4	67	320		34%	21%	60.0	255.6		112			
Rupple Rd & Roundabout 2	SB	R	262.4	41		1518	13%		33.2		158.5	55	437	-117	-27%
		T	253.3	239			75%		189.2			324			
	WB	L	262.1	40			13%		33.1			58	306	-21	-7%
		R	122.9	110	285		39%	19%	47.5	140.1		112			
	NB	T	132.7	26			9%		12.1			26			
		L	154.1	149			52%		80.5			168			

**RUPPLE ROAD
INTERSECTION ANALYSIS**

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Ripple Rd & Main St / MLK Blvd	SB	R	21.3	152	796	1749	19%	45%	4.1	28.6	27.8	186	1004	-209	-21%
		L	-	-	-		-		-	-		0			
	WB	R	30.4	644	-		81%	23%	24.6	-		818	436	-33	-8%
		T	34.8	260	403		65%		22.5	34.3		288			
		T	33.4	143	-		35%		11.8	-		148			
		-	-	-	-		-		-	-		0			
Ripple Rd & Main St / MLK Blvd	EB	T	-	-	551		75%	31%	11.5	21.8		0	558	-7	-1%
		L	15.4	411	-		25%		10.3	-		409			
			40.6	140	-							149			

Travel Time Evaluation: 2033 AM - Southbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
1	Wedington Dr	91.13	1.5
2	Persimmon St		
2	Persimmon St	120.31	2.0
3	Roundabout 1		
3	Roundabout 1	178.08	3.0
4	Roundabout 2		
4	Roundabout 2	97.06	1.6
5	Main St / MLK Blvd		
	Total	486.6	8.1

Travel Time Evaluation 2033 AM - Northbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
5	Main St / MLK Blvd	337.5	5.6
4	Roundabout 2		
4	Roundabout 2	482.6	8.0
3	Roundabout 1		
3	Roundabout 1	702.2	11.7
2	Persimmon St		
2	Persimmon St	406.6	6.8
1	Wedington Dr		
	Total	1928.9	32.1

Design Year 2033

4-Lane Build

RUPPLE ROAD
INTERSECTION ANALYSIS

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Rupple Rd & Wedington Dr	SB	R	9.1	64	561	3252	11%	17%	1.0	29.1	178.2	66	553	8	1%
		T	24.7	268			48%		11.8			248			
		L	39.8	230			41%		16.3			239			
	WB	R	122.2	107	694		15%	21%	18.8	197.7		117	798	-104	-13%
		T	135.3	271			39%		52.7			307			
		L	276.4	317			46%		126.2			374			
Rupple Rd & Persimmon St	SB	R	341.5	433	710	2066	61%	22%	208.2	346.5	283.7	674	1102	-383	-36%
		T	350.5	172			24%		85.0			269			
		L	360.8	105			15%		53.3			159			
	WB	R	139.6	155	1287		12%	40%	16.8	140.0		201	1731	-444	-26%
		T	140.4	954			74%		104.0			1284			
		L	138.4	179			14%		19.2			246			
Rupple Rd & Roundabout 1	SB	R	26.8	113	732	1755	15%	35%	4.1	34.9	118.1	125	810	-78	-10%
		T	29.6	453			62%		18.3			498			
		L	55.1	166			23%		12.4			187			
	WB	R	42.7	18	210		8%	10%	3.6	70.3		17	203	7	3%
		T	42.9	90			43%		18.4			85			
		L	98.0	102			49%		48.3			101			
Rupple Rd & Roundabout 2	SB	R	769.3	97	697	1842	14%	34%	94.7	739.2	8.4	159	1084	-387	-36%
		T	761.2	546			78%		585.8			845			
		L	625.7	54			8%		48.7			80			
	WB	R	43.6	61	427		14%	21%	6.3	71.0		59	418	9	2%
		T	51.6	231			54%		27.9			224			
		L	116.8	134			31%		36.8			135			
Rupple Rd & Roundabout 2	SB	R	12.6	33	627	1755	5%	36%	0.7	15.9	118.1	86	782	-156	-20%
		T	14.7	564			90%		13.3			610			
		L	42.3	29			5%		2.0			86			
	WB	R	219.4	83	142		59%	8%	128.5	245.2		233	403	-261	-65%
		T	320.6	9			6%		20.7			26			
		L	274.4	50			35%		95.9			144			
Rupple Rd & Roundabout 2	NB	R	187.3	48	596	1842	8%	34%	15.2	221.8	8.4	59	693	-97	-14%
		T	223.9	490			82%		184.0			572			
		L	232.8	58			10%		22.5			62			
	EB	R	52.4	141	391		36%	22%	18.9	77.7		144	411	-20	-5%
		T	77.8	24			6%		4.8			26			
		L	93.5	226			58%		54.0			241			
Rupple Rd & Roundabout 2	SB	R	5.0	49	756	1842	6%	41%	0.3	6.1	8.4	60	900	-145	-16%
		T	6.0	658			87%		0.5			780			
		L	8.4	49			6%		0.5			60			
	WB	R	7.6	198	337		59%	18%	4.5	8.2		201	339	-3	-1%
		T	9.4	26			8%		0.7			26			
		L	8.9	112			33%		2.9			112			
Rupple Rd & Roundabout 2	NB	R	4.3	56	436	1842	13%	24%	0.6	5.4	8.4	55	437	-1	0%
		T	5.1	322			74%		3.8			324			
		L	8.1	58			13%		1.1			58			
	EB	R	16.7	119	314		38%	17%	6.4	18.4		112	306	8	2%
		T	18.9	28			9%		1.7			26			
		L	19.5	166			53%		10.3			168			

RUPPLE ROAD

Design Year - 4 Lane

Travel Time Evaluation: 2033 AM - Southbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
1	Wedington Dr	84.1	1.4
2	Persimmon St		
2	Persimmon St	102.35	1.7
3	Roundabout 1		
3	Roundabout 1	74.22	1.2
4	Roundabout 2		
4	Roundabout 2	85.07	1.4
5	Main St / MLK Blvd		
	Total	345.7	5.8

Travel Time Evaluation 2033 AM - Northbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
5	Main St / MLK Blvd	79.5	1.3
4	Roundabout 2		
4	Roundabout 2	278.7	4.6
3	Roundabout 1		
3	Roundabout 1	905.5	15.1
2	Persimmon St		
2	Persimmon St	381.7	6.4
1	Wedington Dr		
	Total	1645.4	27.4

Design Year 2033

4-Lane to Wedington Drive Build

RUPPLE ROAD
INTERSECTION ANALYSIS

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference
Ripple Rd & Wedington Dr	SB	R	29.1	64	562	3855	11%	15%	3.3	32.3	71.2	66	553	9	2%
		T	28.3	270			48%		13.6			248			
	WB	L	37.9	228			41%		15.4			239			
		R	20.4	120	798		15%	21%	3.1	43.3		117	798	-1	0%
Ripple Rd	NB	T	25.2	309		3855	39%		9.8		71.2	307			
		L	65.9	369			46%		30.5			374			
	EB	R	41.1	676	1100		61%	29%	25.3	46.3		674	1102	-2	0%
		L	57.6	157			24%		12.8			269			
Ripple Rd & Persimmon St	SB	R	123.2	167	1396	2537	14%	36%	8.2	122.6	22.7	201	1731	-335	-19%
		T	124.5	1036			12%		14.8			1284			
	WB	L	111.8	192			74%		92.4			246			
		R	10.6	135	823		16%	32%	1.7	19.8		125	810	13	2%
Ripple Rd & Roundabout 1	SB	T	12.6	501		2537	61%		7.6		22.7	498			
		L	46.0	187			23%		10.4			187			
	WB	R	19.5	17	206		8%	8%	1.6	45.3		17	203	3	2%
		T	34.1	89			43%		14.8			85			
Ripple Rd & Roundabout 2	NB	L	59.8	100		2192	48%		28.8		22.2	101			
		R	13.1	160	1080		15%	43%	1.9	14.5		159	1084	-4	0%
	EB	T	14.2	840			78%		11.0			845			
		L	20.0	80	427		7%		1.5			80			
Ripple Rd & Roundabout 2	SB	R	30.1	61		2192	14%	17%	4.3	38.3	22.2	59	418	9	2%
		T	37.6	231			54%		20.3			224			
	WB	L	43.2	136	687		32%		13.7			135			
		R	7.7	38			6%	31%	0.4	9.2		86	782	-95	-12%
Ripple Rd & Roundabout 2	SB	T	9.3	616		2192	90%		8.3		22.2	610			
		L	10.8	33	411		5%		0.5			86			
	WB	R	41.5	237			58%	19%	23.9	43.0		233	403	8	2%
		T	44.5	27			6%		2.9			26			
Ripple Rd & Roundabout 2	NB	L	45.1	147		2192	38%		16.2		22.2	144			
		R	4.0	55	687		8%	31%	0.3	4.2		59	693	-6	-1%
	EB	T	4.1	567			83%		3.4			572			
		L	5.4	66	407		10%		0.5			62			
Ripple Rd & Roundabout 2	SB	R	50.8	144		1999	35%	19%	18.0	53.3	10.1	144	411	-4	-1%
		T	56.0	25			6%		3.5			26			
	WB	L	54.4	238	908		58%		31.8			241			
		R	5.8	59			7%	45%	0.4	6.8		60	900	8	1%
Ripple Rd & Roundabout 2	SB	T	6.7	791		1999	87%		5.8		10.1	780			
		L	9.4	59	339		6%		0.6			60			
	WB	R	7.1	200			59%	17%	4.2	7.5		201	339	0	0%
		T	8.3	27			8%		0.6			26			
Ripple Rd & Roundabout 2	NB	L	8.1	113		1999	33%		2.7		10.1	112			
		R	4.7	57	438		13%	22%	0.6	5.6		55	437	1	0%
	EB	T	5.3	323			74%		3.9			324			
		L	8.0	59	313		13%		1.1			58			
Ripple Rd & Roundabout 2	EB	R	27.4	120		1999	38%	16%	10.5	28.9	10.1	112	306	7	2%
		T	31.0	28			53%		2.7			26			
Ripple Rd & Roundabout 2	EB	L	29.6	166		1999			15.7		10.1	168			
		T													

**RUPPLE ROAD
INTERSECTION ANALYSIS**

Intersection	Approach Direction	Movement	Delay by movement (sec)	Processed Volume (vph)	Processed Approach Volume (vph)	Processed Intersection Volume (vph)	Movement % Approach Volume	Approach % Total Volume	Movement Delay Weighted by Volume (sec/veh)	Weighted Delay by Approach (sec/veh)	Intersection Delay (sec/veh)	Demand Volume (vph)	Demand Approach Volume (vph)	Difference	% Difference		
Ripple Rd & Main St / MLK Blvd	SB	R	10.3	191		2028	19%	51%	1.9	21.8	20.0	186	1004	23	2%		
		L	-	835	-		81%		19.9			818				0	
	WB	R	13.2	289	443		65%	22%	8.6			17.5	288	436	7	2%	
		T	25.6	154			35%		8.9				148				0
		-	-	-			-		-				-				-
	EB	T	18.6	-	559		-	28%	13.7			18.9	0	558	1	0%	
L		19.5	410	73%		5.2	409		149								

Travel Time Evaluation: 2033 AM - Southbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
1	Wedington Dr	72.46	1.2
2	Persimmon St		
2	Persimmon St	94.7	1.6
3	Roundabout 1		
3	Roundabout 1	73.87	1.2
4	Roundabout 2		
4	Roundabout 2	85.04	1.4
5	Main St / MLK Blvd		
	Total	326.1	5.4

Travel Time Evaluation 2033 AM - Northbound

CP	From Intersection	VISSIM	
	Crossing Intersection	(sec)	(min)
5	Main St / MLK Blvd	79.8	1.3
4	Roundabout 2		
4	Roundabout 2	71.1	1.2
3	Roundabout 1		
3	Roundabout 1	101.0	1.7
2	Persimmon St		
2	Persimmon St	115.7	1.9
1	Wedington Dr		
	Total	367.6	6.1

Turning Movement Counts

Persimmon Street / Ripple Road

And

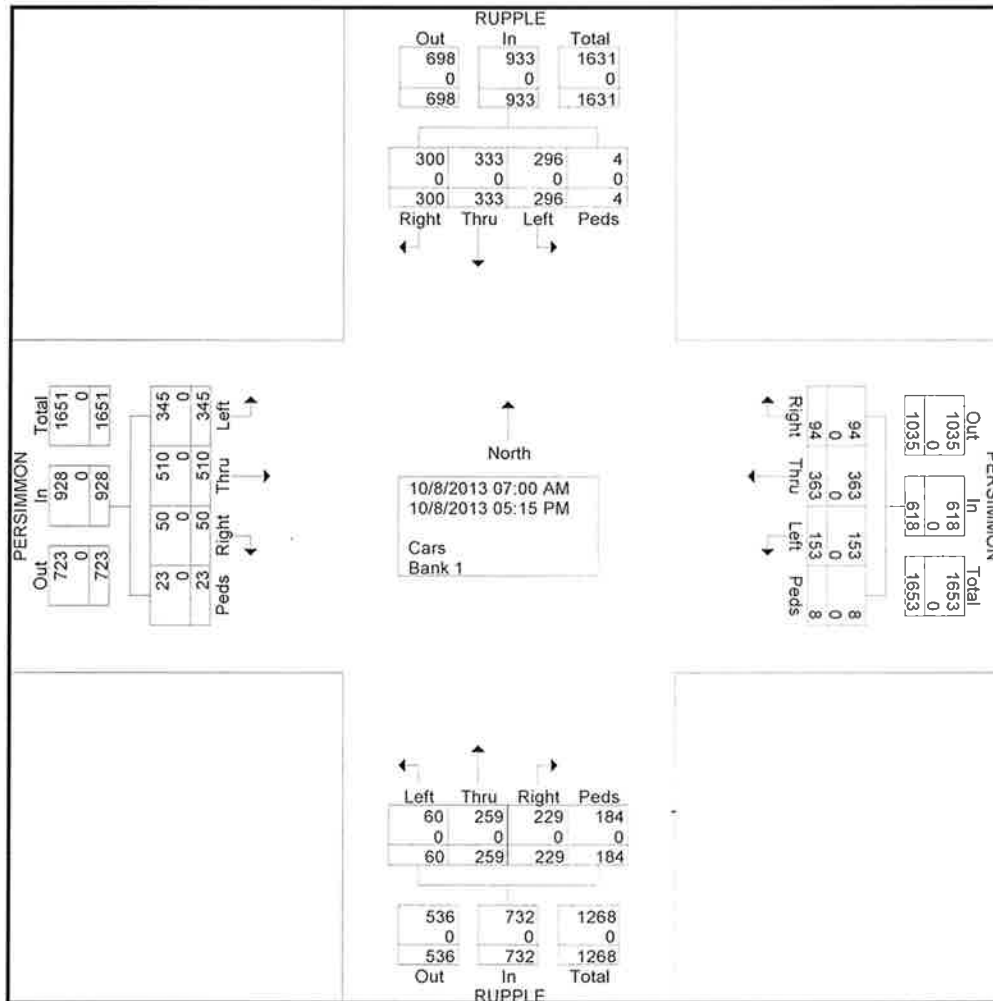
Wedington Drive / Ripple Road

	RUPPLE From North						PERSIMMON From East					RUPPLE From South					PERSIMMON From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total	
07:00 AM	19	20	6	0	45	1	15	11	0	27	9	11	7	0	27	6	22	18	0	46	145	
07:15 AM	18	50	26	0	94	6	17	32	0	55	34	15	10	0	59	11	51	20	2	84	292	
07:30 AM	19	45	37	0	101	2	24	20	0	46	53	33	10	0	96	8	52	22	1	83	326	
07:45 AM	7	12	37	0	56	4	10	16	0	30	28	13	5	0	46	2	50	30	0	82	214	
Total	63	127	106	0	296	13	66	79	0	158	124	72	32	0	228	27	175	90	3	295	977	
08:00 AM	16	5	16	0	37	1	8	1	0	10	4	7	1	0	12	0	26	15	0	41	100	
08:15 AM	8	3	6	0	17	4	5	0	0	9	3	5	0	0	8	0	16	15	0	31	65	
08:30 AM	7	7	7	0	21	3	6	1	0	10	0	3	1	0	4	1	23	7	0	31	66	
08:45 AM	5	4	7	0	16	0	5	1	0	6	0	5	0	0	5	1	11	9	0	21	48	
Total	36	19	36	0	91	8	24	3	0	35	7	20	2	0	29	2	76	46	0	124	279	
*** BREAK ***																						
11:00 AM	3	3	6	0	12	0	7	3	0	10	3	3	0	0	6	0	10	6	1	17	45	
11:15 AM	5	9	1	0	15	3	5	1	1	10	0	5	0	0	5	0	11	5	0	16	46	
11:30 AM	7	4	8	0	19	2	10	2	0	14	1	5	3	0	9	1	8	9	0	18	60	
11:45 AM	14	1	8	0	23	4	5	1	0	10	3	6	0	0	9	1	9	8	0	18	60	
Total	29	17	23	0	69	9	27	7	1	44	7	19	3	0	29	2	38	28	1	69	211	
12:00 PM	8	4	7	0	19	2	10	0	0	12	2	5	1	0	8	0	13	4	0	17	56	
12:15 PM	5	5	4	0	14	3	6	0	0	9	0	5	0	0	5	0	10	8	0	18	46	
12:30 PM	7	11	7	0	25	2	7	2	2	13	2	4	0	0	6	0	10	4	0	14	58	
12:45 PM	6	10	5	0	21	1	4	1	0	6	2	6	1	0	9	1	11	4	0	16	52	
Total	26	30	23	0	79	8	27	3	2	40	6	20	2	0	28	1	44	20	0	65	212	
*** BREAK ***																						
02:30 PM	12	16	5	0	33	3	16	7	0	26	7	9	1	0	17	3	10	12	0	25	101	
02:45 PM	16	19	10	0	45	4	7	14	0	25	11	16	3	1	31	4	12	7	1	24	125	
Total	28	35	15	0	78	7	23	21	0	51	18	25	4	1	48	7	22	19	1	49	226	
03:00 PM	6	5	13	0	24	5	16	6	0	27	29	34	6	124	193	2	30	28	5	65	309	
03:15 PM	9	8	12	0	29	4	8	4	0	16	12	16	2	50	80	0	17	13	0	30	155	
03:30 PM	13	4	6	1	24	3	30	3	0	36	6	10	1	2	19	1	20	12	0	33	112	
03:45 PM	19	11	7	0	37	8	16	3	0	27	1	8	4	3	16	2	14	9	9	34	114	
Total	47	28	38	1	114	20	70	16	0	106	48	68	13	179	308	5	81	62	14	162	690	
04:00 PM	8	6	9	0	23	5	22	1	0	28	5	8	1	0	14	2	17	9	0	28	93	
04:15 PM	13	3	9	2	27	9	18	2	0	29	5	5	0	0	10	0	8	17	0	25	91	
04:30 PM	14	14	9	1	38	7	29	5	2	43	6	4	1	4	15	2	13	17	2	34	130	
04:45 PM	12	24	12	0	48	8	23	7	2	40	3	8	1	0	12	2	15	12	0	29	129	
Total	47	47	39	3	136	29	92	15	4	140	19	25	3	4	51	6	53	55	2	116	443	
05:00 PM	11	16	9	0	36	0	19	4	1	24	0	4	0	0	4	0	12	14	2	28	92	
05:15 PM	13	14	7	0	34	0	15	5	0	20	0	6	1	0	7	0	9	11	0	20	81	
Grand Total	300	333	296	4	933	94	363	153	8	618	229	259	60	184	732	50	510	345	23	928	3211	
Apprch %	32.2	35.7	31.7	0.4		15.2	58.7	24.8	1.3		31.3	35.4	8.2	25.1		5.4	55	37.2	2.5			
Total %	9.3	10.4	9.2	0.1	29.1	2.9	11.3	4.8	0.2	19.2	7.1	8.1	1.9	5.7	22.8	1.6	15.9	10.7	0.7	28.9		
Cars	300	333	296	4	933	94	363	153	8	618	229	259	60	184	732	50	510	345	23	928	3211	
% Cars	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

JACOBS ENGINEERING, INC.

10816 Executive Center Dr. Ste. 300
Little Rock, AR 72211

File Name : Persimmon-Rupple
Site Code : Count 1
Start Date : 10/8/2013
Page No : 2

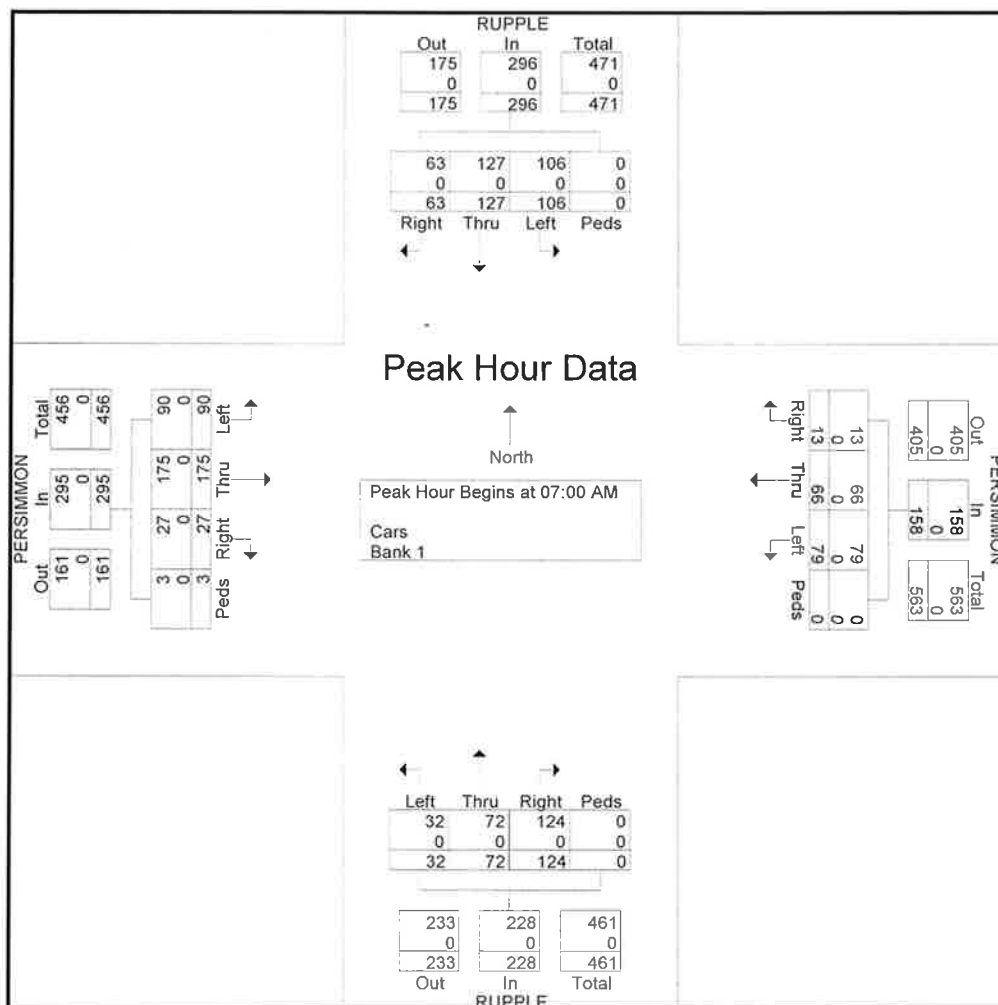


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10816 Executive Center Dr. Ste. 300
Little Rock, AR 72211

File Name : Persimmon-Ripple
Site Code : Count 1
Start Date : 10/8/2013
Page No : 3

	RUPPLE From North					PERSIMMON From East					RUPPLE From South					PERSIMMON From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 09:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:00 AM																					
07:00 AM	19	20	6	0	45	1	15	11	0	27	9	11	7	0	27	6	22	18	0	46	145
07:15 AM	18	50	26	0	94	6	17	32	0	55	34	15	10	0	59	11	51	20	2	84	292
07:30 AM	19	45	37	0	101	2	24	20	0	46	53	33	10	0	96	8	52	22	1	83	326
07:45 AM	7	12	37	0	56	4	10	16	0	30	28	13	5	0	46	2	50	30	0	82	214
Total Volume	63	127	106	0	296	13	66	79	0	158	124	72	32	0	228	27	175	90	3	295	977
% App. Total	21.3	42.9	35.8	0		8.2	41.8	50	0		54.4	31.6	14	0		9.2	59.3	30.5	1		
PHF	.829	.635	.716	.000	.733	.542	.688	.617	.000	.718	.585	.545	.800	.000	.594	.614	.841	.750	.375	.878	.749
Cars	63	127	106	0	296	13	66	79	0	158	124	72	32	0	228	27	175	90	3	295	977
% Cars	100	100	100	0	100	100	100	100	0	100	100	100	100	0	100	100	100	100	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

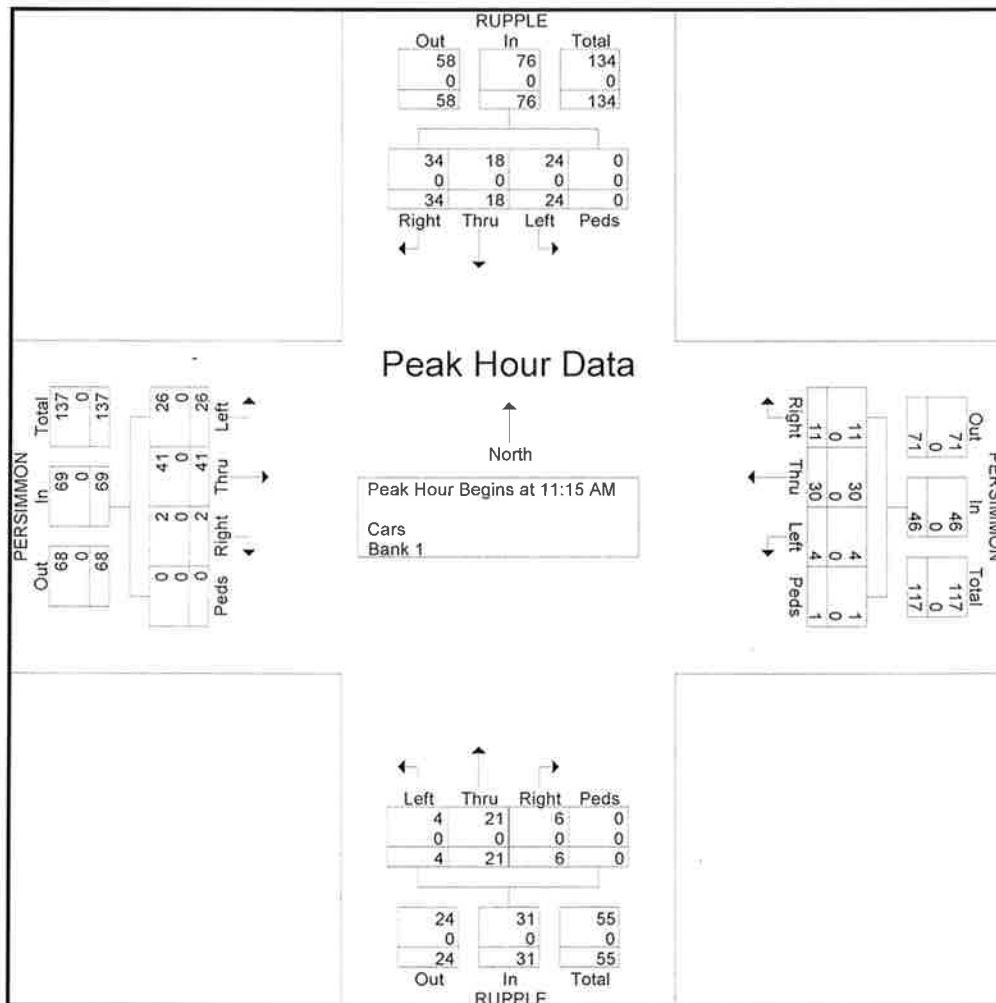


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10816 Executive Center Dr. Ste. 300
Little Rock, AR 72211

File Name : Persimmon-Rupple
Site Code : Count 1
Start Date : 10/8/2013
Page No : 4

	RUPPLE From North					PERSIMMON From East					RUPPLE From South					PERSIMMON From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 10:00 AM to 01:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 11:15 AM																					
11:15 AM	5	9	1	0	15	3	5	1	1	10	0	5	0	0	5	0	11	5	0	16	46
11:30 AM	7	4	8	0	19	2	10	2	0	14	1	5	3	0	9	1	8	9	0	18	60
11:45 AM	14	1	8	0	23	4	5	1	0	10	3	6	0	0	9	1	9	8	0	18	60
12:00 PM	8	4	7	0	19	2	10	0	0	12	2	5	1	0	8	0	13	4	0	17	56
Total Volume	34	18	24	0	76	11	30	4	1	46	6	21	4	0	31	2	41	26	0	69	222
% App. Total	44.7	23.7	31.6	0		23.9	65.2	8.7	2.2		19.4	67.7	12.9	0		2.9	59.4	37.7	0		
PHF	.607	.500	.750	.000	.826	.688	.750	.500	.250	.821	.500	.875	.333	.000	.861	.500	.788	.722	.000	.958	.925
Cars	34	18	24	0	76	11	30	4	1	46	6	21	4	0	31	2	41	26	0	69	222
% Cars	100	100	100	0	100	100	100	100	100	100	100	100	100	0	100	100	100	100	0	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

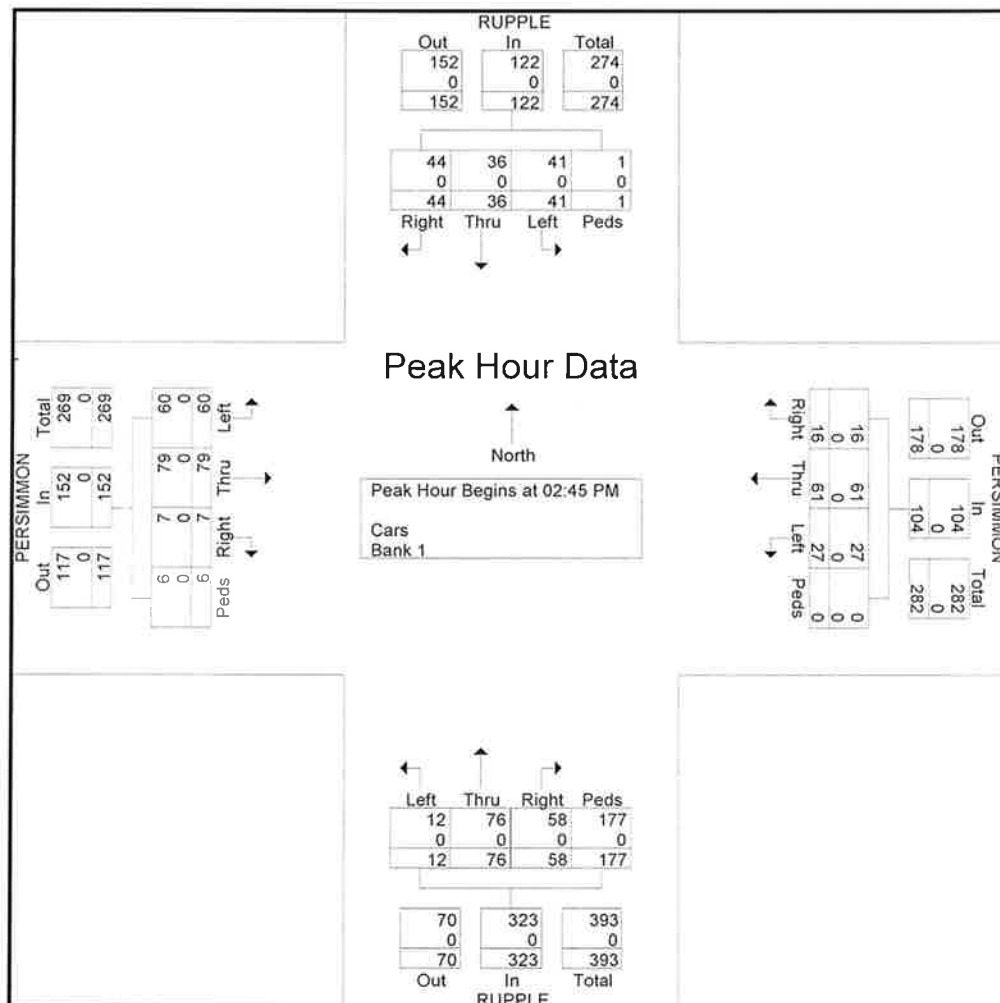


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File Name : Persimmon-Ripple
Site Code : Count 1
Start Date : 10/8/2013
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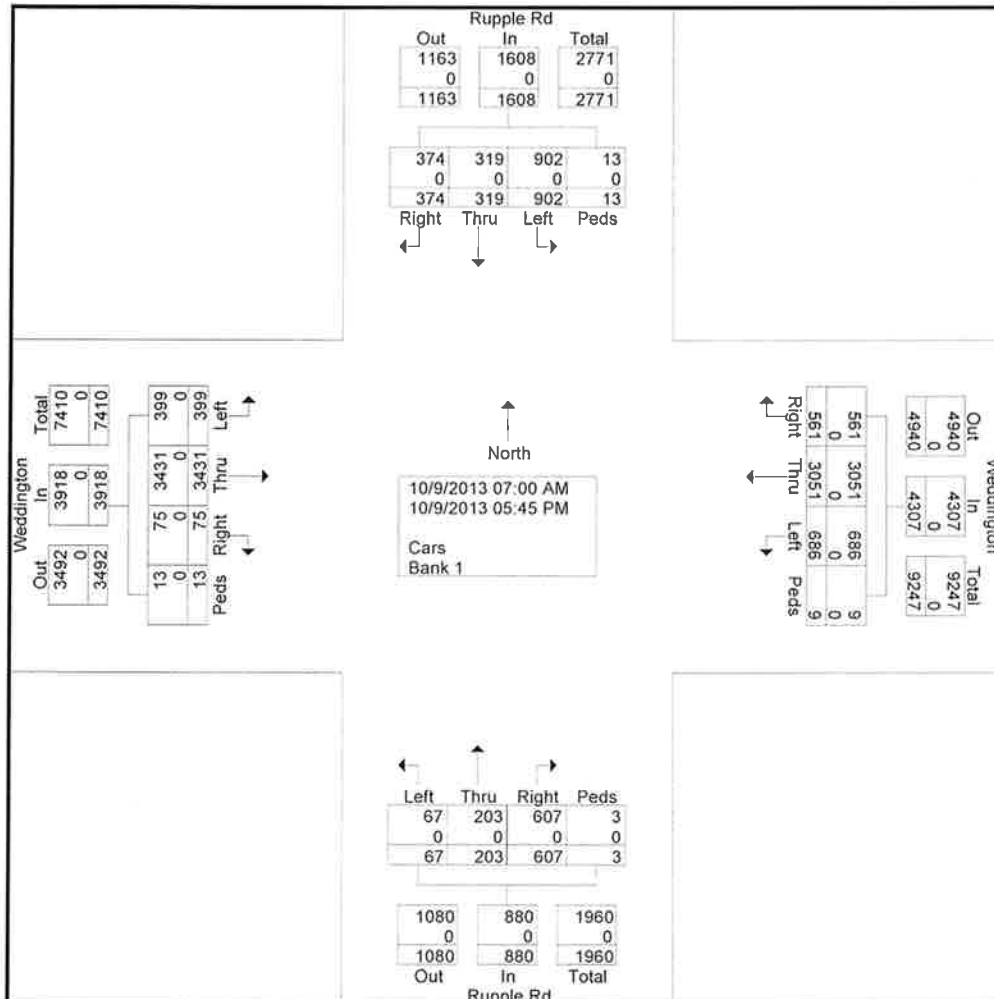
	RUPPLE From North					PERSIMMON From East					RUPPLE From South					PERSIMMON From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 02:00 PM to 05:15 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 02:45 PM																					
02:45 PM	16	19	10	0	45	4	7	14	0	25	11	16	3	1	31	4	12	7	1	24	125
03:00 PM	6	5	13	0	24	5	16	6	0	27	29	34	6	124	193	2	30	28	5	65	309
03:15 PM	9	8	12	0	29	4	8	4	0	16	12	16	2	50	80	0	17	13	0	30	155
03:30 PM	13	4	6	1	24	3	30	3	0	36	6	10	1	2	19	1	20	12	0	33	112
Total Volume	44	36	41	1	122	16	61	27	0	104	58	76	12	177	323	7	79	60	6	152	701
% App. Total	36.1	29.5	33.6	0.8		15.4	58.7	26	0		18	23.5	3.7	54.8		4.6	52	39.5	3.9		
PHF	.688	.474	.788	.250	.678	.800	.508	.482	.000	.722	.500	.559	.500	.357	.418	.438	.658	.536	.300	.585	.567
Cars	44	36	41	1	122	16	61	27	0	104	58	76	12	177	323	7	79	60	6	152	701
% Cars	100	100	100	100	100	100	100	100	0	100	100	100	100	100	100	100	100	100	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



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10816 Executive Center Dr. Ste. 300
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File Name : WEDDIN~1
Site Code : Count 2
Start Date : 10/9/2013
Page No : 2

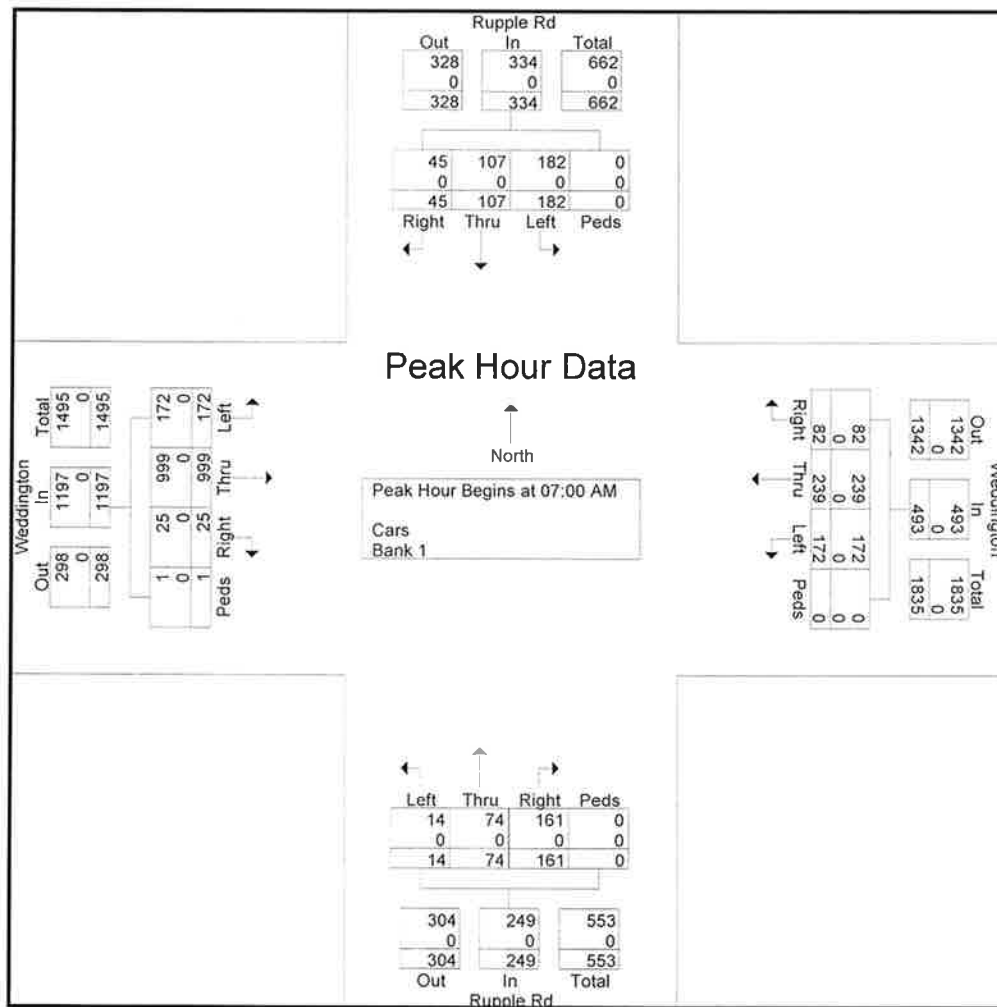


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Little Rock, AR 72211

File Name : WEDDIN~1
Site Code : Count 2
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	Ripple Rd From North					Weddington From East					Ripple Rd From South					Weddington From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 09:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:00 AM																					
07:00 AM	10	21	40	0	71	15	61	31	0	107	41	9	1	0	51	3	250	27	0	280	509
07:15 AM	10	27	49	0	86	21	49	64	0	134	32	22	3	0	57	6	261	43	1	311	588
07:30 AM	10	32	41	0	83	25	56	51	0	132	44	25	2	0	71	7	231	65	0	303	589
07:45 AM	15	27	52	0	94	21	73	26	0	120	44	18	8	0	70	9	257	37	0	303	587
Total Volume	45	107	182	0	334	82	239	172	0	493	161	74	14	0	249	25	999	172	1	1197	2273
% App. Total	13.5	32	54.5	0		16.6	48.5	34.9	0		64.7	29.7	5.6	0		2.1	83.5	14.4	0.1		
PHF	.750	.836	.875	.000	.888	.820	.818	.672	.000	.920	.915	.740	.438	.000	.877	.694	.957	.662	.250	.962	.965
Cars	45	107	182	0	334	82	239	172	0	493	161	74	14	0	249	25	999	172	1	1197	2273
% Cars	100	100	100	0	100	100	100	100	0	100	100	100	100	0	100	100	100	100	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

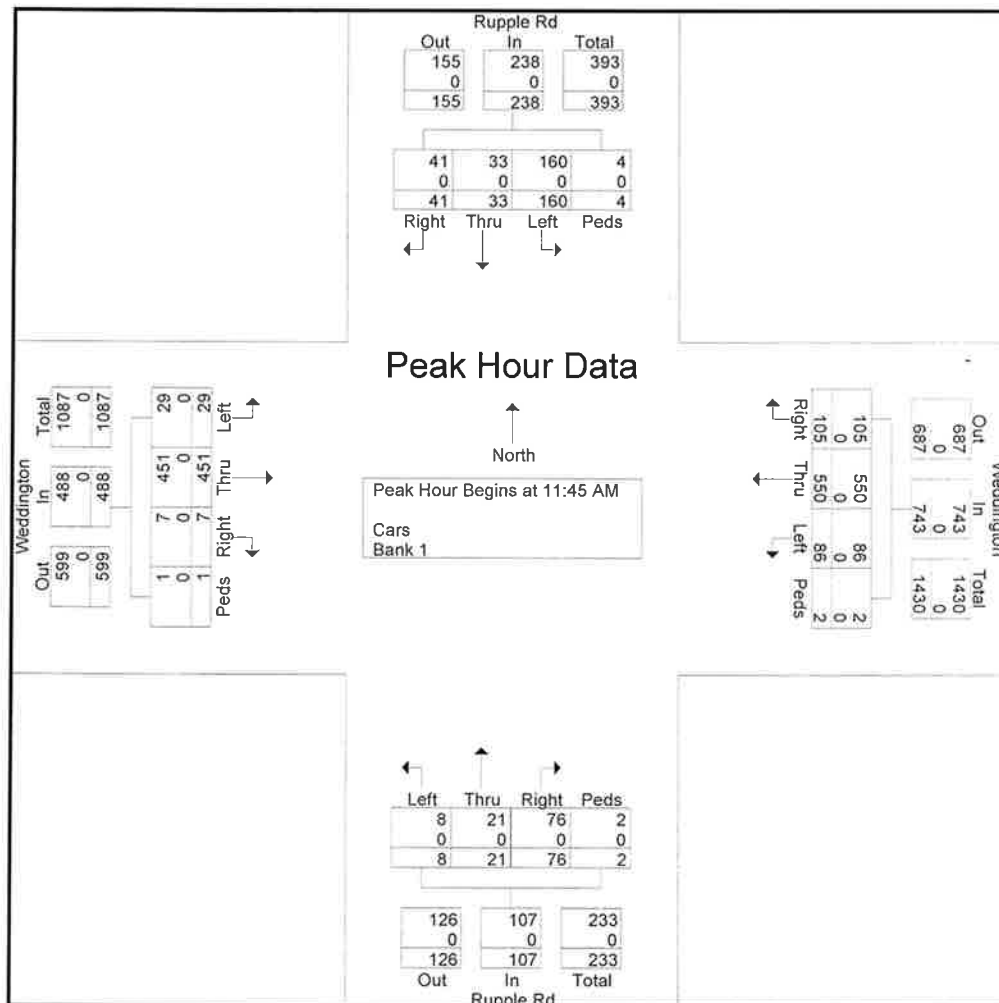


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10816 Executive Center Dr. Ste. 300
Little Rock, AR 72211

File Name : WEDDIN~1
Site Code : Count 2
Start Date : 10/9/2013
Page No : 4

	Ripple Rd From North					Weddington From East					Ripple Rd From South					Weddington From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 10:00 AM to 01:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 11:45 AM																					
11:45 AM	9	13	37	1	60	24	143	23	0	190	19	5	2	1	27	2	108	3	0	113	390
12:00 PM	8	7	30	0	45	33	134	31	0	198	20	4	3	0	27	2	100	10	0	112	382
12:15 PM	12	5	44	1	62	24	127	20	1	172	20	9	2	0	31	1	127	10	1	139	404
12:30 PM	12	8	49	2	71	24	146	12	1	183	17	3	1	1	22	2	116	6	0	124	400
Total Volume	41	33	160	4	238	105	550	86	2	743	76	21	8	2	107	7	451	29	1	488	1576
% App. Total	17.2	13.9	67.2	1.7		14.1	74	11.6	0.3		71	19.6	7.5	1.9		1.4	92.4	5.9	0.2		
PHF	.854	.635	.816	.500	.838	.795	.942	.694	.500	.938	.950	.583	.667	.500	.863	.875	.888	.725	.250	.878	.975
Cars	41	33	160	4	238	105	550	86	2	743	76	21	8	2	107	7	451	29	1	488	1576
% Cars	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

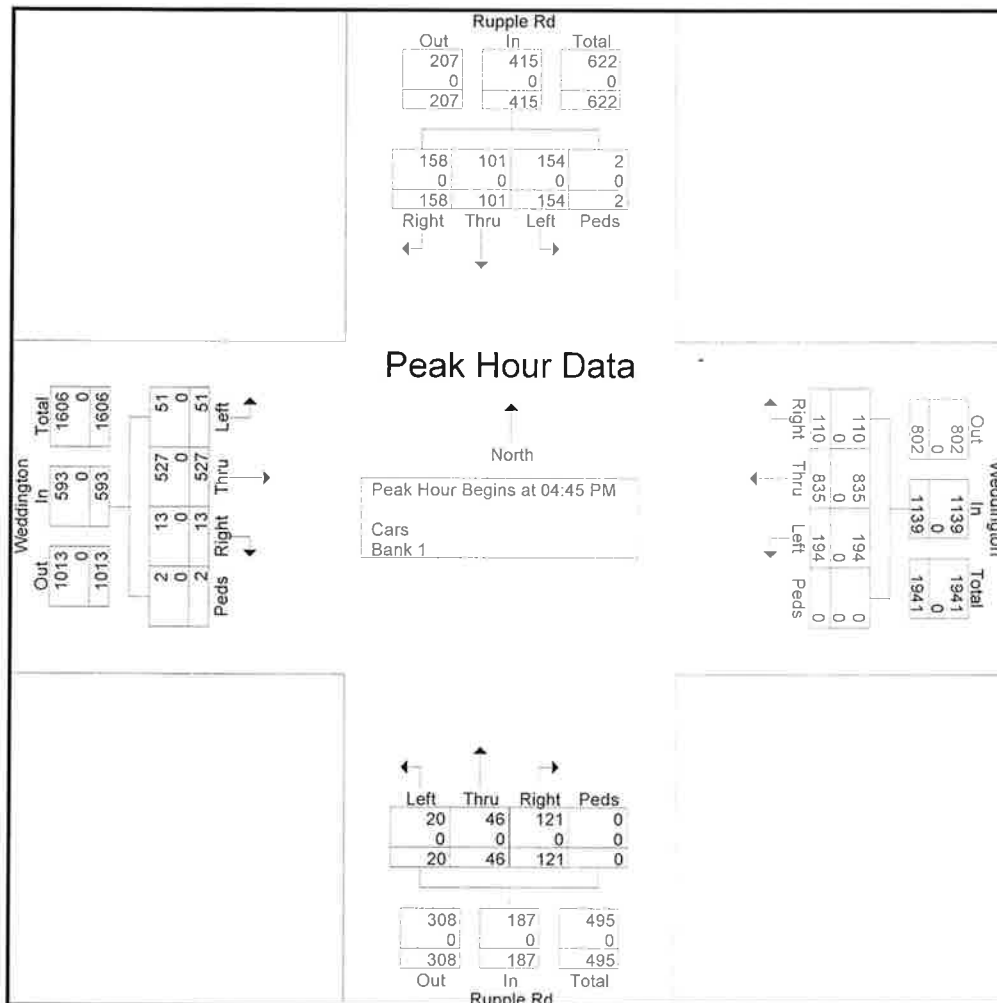


JACOBS ENGINEERING, INC.

10816 Executive Center Dr. Ste. 300
Little Rock, AR 72211

File Name : WEDDIN~1
Site Code : Count 2
Start Date : 10/9/2013
Page No : 5

	Ripple Rd From North					Weddington From East					Ripple Rd From South					Weddington From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour Analysis From 02:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	36	24	38	0	98	34	200	61	0	295	25	8	4	0	37	1	126	12	0	139	569
05:00 PM	31	20	43	0	94	41	182	48	0	271	35	15	9	0	59	5	129	11	1	146	570
05:15 PM	44	28	41	0	113	15	210	39	0	264	31	16	3	0	50	4	131	12	0	147	574
05:30 PM	47	29	32	2	110	20	243	46	0	309	30	7	4	0	41	3	141	16	1	161	621
Total Volume	158	101	154	2	415	110	835	194	0	1139	121	46	20	0	187	13	527	51	2	593	2334
% App. Total	38.1	24.3	37.1	0.5		9.7	73.3	17	0		64.7	24.6	10.7	0		2.2	88.9	8.6	0.3		
PHF	.840	.871	.895	.250	.918	.671	.859	.795	.000	.922	.864	.719	.556	.000	.792	.650	.934	.797	.500	.921	.940
Cars	158	101	154	2	415	110	835	194	0	1139	121	46	20	0	187	13	527	51	2	593	2334
% Cars	100	100	100	100	100	100	100	100	0	100	100	100	100	0	100	100	100	100	100	100	100
Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% Bank 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0



City of Fayetteville Item Review Form

2014-0118

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature] 3-3-14

Paul A. Berlin 3-3-2014

Don Man 3-4-14
Freddie Jordan



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Senior Planner

Date: February 28, 2014

Subject: ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and **highlight** in the attached document.

DISCUSSION

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chesser voting 'no'.

BUDGET IMPACT

None.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director
Jesse Fulcher, Senior Planner
Quin Thompson, Planner-Current Planning

FROM: Kit Williams, City Attorney

DATE: March 3, 2014

**RE: Amending the Planned Zoning District Unified Development Code
Sections (§ 161.32 & § 166.06)**

I want to thank Jeremy Pate, Andrew Garner, Jesse Fulcher and Quin Thompson for their extensive work to clarify and shorten the Planned Zoning District regulations in the UDC. During the appeal of the Cleveland Street PZD, it became apparent that confusion could arise about what review standard should be used when the City Council passes a Planned Zoning District ordinance. My position was and is that the City Council's approval of a PZD ordinance was a legislative action and thus entitled to great deference by the Courts.

We just prevailed in the appeal of the Wheel Clamp/Booting Regulation ordinance in large part because your legislative decision was properly entitled to great weight and could only be reversed if there was no rational basis to support the ordinance. The City Council obviously had substantial and compelling reasons to regulate wheel clamping activities, and the appeal was denied.

Last year, I proposed a clarification of the proper method and review standards set forth in state statutes, and Representative David Whitaker sponsored and worked successfully to pass this amendment to the state statute in the last legislative session. To ensure your Planned Zoning District decisions take advantage of the amended statutory review standards (Is there any rational basis for your decision?), we need to clearly separate your zoning decision from the development approval (based upon the requirements of the PZD) by the Planning Commission.

The development approval by the Planning Commission (or City Council on appeal) may be appealed to the Circuit Court for a brand new jury trial. However, if the proposed development meets all the development criteria in the UDC (and any applicable PZD or other zoning regulation of the property), the development **must be approved**. {Even the City Council must approve a development proposed that meets UDC requirements whether or not any Alderman likes the proposed development.} Therefore, it is likely I could prevail for the City in a pure development appeal **as a matter of law** (by motion for summary judgment) so that twelve jurors with no development approval experience (and who may not even reside in Fayetteville) would not have to sit as a one-time super Planning Commission or City Council to decide whether a development should be built in Fayetteville.

In order to clarify and simplify the Planned Zoning District's regulations and to strengthen both your zoning decision and the Planning Commission's development approval (contingent on your PZD approval), Planning Staff and I worked hard to revise the two PZD sections that are now proposed to you for extensive amendments. This was a harder and longer task than I anticipated, but I believe what Planning Staff and the Planning Commission are recommending to you is a significant improvement and clarification of Planned Zoning Districts.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT**
AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED
DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND
DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND
TO SIMPLIFY AND REDUCE CURRENT REGULATIONS

WHEREAS, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

WHEREAS, the City of Fayetteville Planning Commission may grant approval of development applications; and

WHEREAS, the City of Fayetteville City Council may approve and enact zoning amendments; and

WHEREAS, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

WHEREAS, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."

Page 2
Ordinance No.

PASSED and **APPROVED** this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CHAPTER 161: ZONING REGULATIONS**161.32 Planned Zoning District**

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private

developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

EXHIBIT 'A'

- (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

166.06 Planned Zoning District (PZD)**(A) General Requirements.**

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)



PC Meeting of February 24, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~February 19, 2014~~ *Updated February 28, 2014*

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

City Planner: Jesse Fulcher

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

- 1) Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.
- 2) A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

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Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and **highlight** in the attached document.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 13-4602** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ **Forwarded** ☐ **Denied** ☐ **Tabled**
Motion: Hoskins
Second: Autry
Vote: 6-0-1 (Chesser voted 'no')
Meeting Date: February 24, 2014

AMENDMENTS

CLEAN

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

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(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

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and in the renewal of existing deteriorating areas.

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 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

166.06 Planned Zoning District (PZD)**(A) General Requirements.**

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

AMENDMENTS

MARK-UP

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) ~~General Plan.~~ *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the ~~General Plan~~ *Future Land Use Plan*.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, ~~Development~~ 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and zoning development standards and a specific master plan.

(2) All ~~permitted~~ uses identified within §162 Use Units of the Unified Development Code shall may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(D) ~~R-PZD, Residential Planned Zoning District.~~

~~(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:~~

~~(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.~~

~~(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.~~

~~(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.~~

~~(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.~~

~~(e) To encourage the efficient use of those public facilities required in connection with new residential development.~~

~~(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

~~(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.~~

~~(4) Conditional Uses. All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.~~

~~(E) C-PZD, Commercial Planned Zoning District~~

~~(1) Purpose and intent. The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:~~

~~(a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.~~

~~(b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.~~

~~(c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.~~

~~(d) To encourage commercial development which is consistent with the city's General Plan.~~

~~(e) To accommodate larger scale suburban developments of mixed uses in a harmonious relationship.~~

~~(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

~~(3) Conditions.~~

~~(a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~

- (b) ~~Residential uses must be appropriate to the design of the project.~~
- (c) ~~Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.~~
- (4) ~~Conditional Uses.~~ All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.
- (F) ~~I-PZD Industrial Planned Zoning District.~~
- (1) ~~Purpose and intent.~~ The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezone. The legislative purpose, intent and application of this district include, but are not limited to, the following:
- (a) ~~To provide for manufacturing activities in a manner compatible with the surrounding area.~~
- (b) ~~To encourage the application of sound planning and design principles in the orderly development of industrial activities.~~
- (c) ~~To maximize manufacturing potential without adversely affecting the living environment of the community.~~
- (d) ~~To encourage industrial development that is consistent with the city's General Plan.~~
- (2) ~~All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~
- (3) ~~Conditions.~~
- (a) ~~In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~
- (b) ~~Ancillary commercial and office uses shall be compatible with the design and scale of the project.~~
- (c) ~~Residential uses must be appropriate to the scope and character of the development.~~
- (4) ~~Conditional Uses.~~ All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.
- (F) ~~Bulk and area regulations.~~
- (2) ~~Residential density.~~ Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan **Future Land Use Plan**;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.
- (2) ~~Lot area and yard requirements.~~ Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.
- (3) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (3) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City

Council during the review of the preliminary development zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

- (4) *Building area.* The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 166: DEVELOPMENT

166.06 Planned Zoning District (PZD)

~~(A) Applicability. To be considered for a planned zoning district, the applicant shall meet all of the following criteria:~~

~~(1) Location. Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.~~

~~(2) Ownership. Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved PZD master development plan shall be binding on all subsequent owners of the land until revised or modified.~~

~~(3) Size. There shall be no minimum or maximum tract size for a PZD application.~~

~~(B) Application. The initial application for a PZD shall include the following items:~~

~~(1) Application. Complete application form to request a PZD.~~

~~(2) Copies. Copies of a PZD master development plan in accordance with the submission requirements on the project application form.~~

~~(3) Fee. Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDC. If a subdivision or large scale development is proposed, a fee for that application shall also be paid.~~

~~(C) Review and approval procedures.~~

~~(1) Pre-application meeting. Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the PZD process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring~~

~~substantial expense in the preparation of plans, surveys and other data required in a PZD master development plan.~~

~~(2) Zoning and Land Use Approval Only. For PZD Master Development Plans that are processed without a request for development approval, the Planning Commission shall hold a public hearing and make recommendations to the City Council on the proposed request.~~

~~(3) Zoning, Land Use and Development Approval. PZD Master Development Plans that are processed with a preliminary plat or large scale development shall follow the procedures for large scale development and preliminary plat approval through the Planning Commission when processed concurrently as set forth in Chapter 166 of the UDC.~~

~~(4) City Council. If the PZD master development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed and approved by the Planning Commission prior to City Council review. The City Council may direct the Planning Commission to reconsider specific aspects of the plan. If the master development plan is approved, an ordinance shall be prepared which incorporates the plan, statement of commitments, development and architectural standards, and conditions.~~

~~(5) Development and Subdivision Approval. Regardless of size, Preliminary Plat and/or Large Scale development approval is required for all PZD Master Development Plans.~~

~~(6) Appeals. Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDC.~~

~~(7) Repeals. The owner of an approved planned zoning district may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the city clerk at any time up to three (3) years after the date of adoption of the ordinance~~

~~creating the planned zoning district. The request shall be addressed to the Mayor and City Council, setting forth the cause for repeal.~~

~~The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject planned zoning district zoned land shall provide notice of hearing to adjacent property owners. Notice to others as required by law shall be provided by city staff and signs shall be posted.~~

(D) General Requirements.

- (1) ~~Application of a Planned Zoning District is permitted only in accordance with a master development plan prepared and approved in accordance with the provisions herein. A development Large Scale Development and/or Preliminary Plat approval application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.~~
- (2) ~~Planned Zoning Districts may be controlled by one or more owners and shall be developed under unified control or by a unified master development plan. The owners, successors, heirs, or assigns shall be bound by the approved master development plan, including any modifications or amendments thereto as approved by the Zoning and Development Administrator or City Council.~~
- (3) ~~Master Development plans submitted with a PZD may include more restrictive development regulations than that which is are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.~~

(E) ~~Approval or Rejection Criteria for Planned Zoning Districts~~

~~The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:~~

- (1) ~~Whether the application is in compliance with the requirements of the UDC and the Comprehensive Land Use Plan;~~
- (2) ~~Whether the application is in compliance with all applicable statutory provisions;~~

~~(3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;~~

~~(4) Whether the proposed rezoning is compatible with the surrounding land uses;~~

~~(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;~~

~~(6) Whether the intended land use would create traffic congestion or burden the existing road network;~~

~~(7) Whether the planned development provides for unified development control under a unified plan.~~

~~(8) Whether any other recognized zoning consideration would be violated in this PZD.~~

(F) ~~Master Development Plan Summary and Required Information~~

~~Master Development Plan (MDP) is a useful tool for both developers and planners to reach consensus and agreement about the way an area is developed, where a variety of uses and impacts may be proposed on one property. They differ from engineered site plans in that they address the bigger picture, rather than the minutia of a detailed engineered site plan. A MDP should depict the larger planning issues such as basic densities, open space, access, internal circulation, availability and location of existing water and sewer, existing topography, drainage, and the general location of uses, while giving the developer some leeway to address grading, utility construction, street construction, building placement, driveways, and number and location of parking spaces further along at the development review or building permit stage.~~

~~The following information shall be submitted by the applicant in written narrative form:~~

~~(1) The name and address of:~~

- ~~(a) landowner/applicant~~
- ~~(b) representative, if applicable~~

~~(2) General project concept:~~

- ~~(a) Street and Lot Layout~~
- ~~(b) Site Plan Showing Proposed Improvements~~
- ~~(c) Buffer Areas~~
- ~~(d) Tree Preservation Areas~~
- ~~(e) Storm Water Detention Areas and Drainage~~
- ~~(f) Undisturbed Natural Areas~~

- ~~(g) Existing and Proposed Utility Connections and Extensions~~
- ~~(h) Development and Architectural Design Standards~~
- ~~(i) Building Elevations~~
- ~~(3) Proposed development phasing and time frame~~
- ~~(4) Proposed Planning Areas, described and depicted (Planning Areas (PA) are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council.)~~
- ~~(5) Relationship to the existing and adjacent land uses~~
- ~~(6) Impacts on City services~~
- ~~(7) A traffic study when required by the Planning/Engineering Divisions.~~
- ~~(8) An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.~~
- ~~(9) Compliance with the Fayetteville Comprehensive Land Use Plan~~
- ~~(10) A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.~~
- ~~(11) Proposed Zoning and Development Standards~~
- ~~(12) A chart comparing the proposed master development plan to the current zoning district requirements.~~
- ~~(13) Any other required information as applicable when other applications are processed in conjunction with the PZD master development plan application (i.e. preliminary plat, large scale development).~~
- ~~(G) Master Development Plan Level of Detail~~
 - ~~(1) Sheet 1~~
 - ~~(a) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.~~

- ~~(b) The following wording shall be placed verbatim on the sheet:~~

GENERAL PROVISIONS

Authority

~~This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.~~

Adoption

~~The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville Comprehensive Land Use Plan; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.~~

~~The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.~~

Enforcement

~~To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.~~

Conflict

~~Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements~~

shall govern unless determined otherwise by the Zoning and Development Administrator.

be provided on a separate sheet, if lengthy.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Area is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

(2) Sheet 2 Zoning and Development Standards by Planning Area

- (a) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category, e.g., single family:

- (1) Permitted uses by Use Unit
- (2) Conditional uses by Use Unit
- (3) Land Use Density and/or Intensity
- (4) Bulk and area regulations
- (5) Lot width minimum
- (6) Lot area minimum
- (7) Land area per dwelling
- (8) Setback requirements
- (9) Height
- (10) Building area
- (11) Landscaping
- (12) Parking
- (13) Site Planning
- (14) Architectural Design Standards
- (15) Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan
- (16) Complete legal description. The staff planner may allow this to

(3) Sheet 3 Master Development Plan.

(The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

- (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:

North Arrow

Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner Date of Preparation

- (b) Vicinity map that depict the relationship to the surrounding area within a 4 mile radius.

The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.

- (c) Dimensions, bearings, and control points along all exterior property lines.

- (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.

(e) Access

- (1) Arterials and collectors shall be depicted in all planning areas.
- (2) Trails as coordinated with the Parks Division

(f) Existing easements/right-of-way

- (g) 100 year floodplains, floodway, and stream/creek centerline

(h) Proposed Land/ROW/Easement Dedication

- (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park

dedication shall be determined at the time of platting/development.

(j) ~~Planning Areas — Areas Identified for a Specified Permitted and/or Conditional Uses~~

~~All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.~~

~~For each planning area shown on the development plan or within a separate table, indicate the following, as applicable:~~

- ~~(i) Acreage~~
- ~~(ii) Number of dwelling units~~
- ~~(iii) Land use designation~~
- ~~(iv) Residential density~~
- ~~(v) Nonresidential square footage~~

~~NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.~~

(4) ~~Land Use Table~~

~~A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example:~~

SYMBOL	LAND-USE	DENSITY	UNITS	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	9	765	35.0	23%
DP	Dedicated Parks			42.5	28%
Subtotal		8.38	885	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
O	Office				
M.U	Mixed-Use				34%
Subtotal		784,080			

		sq. ft.			
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(H) ~~Statement of Commitments.~~

~~The statement of commitments shall be provided in the following format:~~

~~"STATEMENT OF COMMITMENTS"~~

~~The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:~~

- ~~(1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.~~
- ~~(2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.~~
- ~~(3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain~~
- ~~(4) Project phasing restrictions~~
- ~~(5) Fire protection~~
- ~~(6) Other commitments imposed by the City~~
- ~~(7) Parks/Trails/Open Space Commitments~~
- ~~(8) Proposed Preliminary Building Elevations (Residential and Commercial)~~

(I) ~~Amendments to the PZD Master Development Plan.~~

~~The Zoning and Development Administrator shall determine whether an amendment request shall be considered a minor modification or a PZD City Council rezoning based on the criteria established herein. The applicant may appeal the Zoning and Development Administrator's decision to deny an administrative modification within 10 working days of said decision to the City Council, in writing.~~

~~(1) Minor Modification — Criteria~~

~~— An amendment request may be considered as an administrative minor modification if it meets the following criteria:~~

- ~~(a) Building Setbacks — An increase or decrease of the required building setback when such modification is no more than a 20% change to the originally approved setback.~~
 - ~~(b) Minimum Lot Size — An increase or decrease of the minimum lot size when such modification is no more than a 20% change to the originally approved minimum lot size.~~
 - ~~(c) Building Height — An increase or decrease of the building height when such modification is no more than a 20% change to the originally approved maximum building height.~~
 - ~~(d) Increased Number of Dwelling Units — An increase of the number of dwelling units in a planning area of 20% or less. Such increase shall be accompanied by a corresponding decrease in dwelling units in another planning area located within the same approved PZD Master Development Plan.~~
 - ~~(e) Decreased Number of Dwelling Units — A decrease of the number of dwelling units in a planning area up to 20%. Such decrease shall result in a net loss of dwelling units unless these units are concurrently approved as an increase of units in another planning area.~~
 - ~~(f) Commercial/Non-residential Development Intensity — An increase or decrease of the square footage of development intensity when such modification is no more than a 20% change to the originally approved development intensity.~~
 - ~~(g) Text Changes — Insubstantial changes to the text, as determined by the Zoning and Development Administrator, to add clarity, when such changes do not change the commitments.~~
 - ~~(h) Street Alignment — The Zoning and Development Administrator upon review by the City Engineer shall determine whether an insignificant shift in the alignment of a street shall be considered as a minor modification.~~
- ~~(2) City Council Approval. Rezoning through the PZD process is required to modify any aspect of the PZD which is not allowed~~

~~under the Minor Modification process. A planning area within a Master Development Plan may be amended separately from the remainder of the approved master development plan with City Council approval.~~

(I) Modifications to development plan.

- (1) Minor Modifications.** Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) Major Modifications.** Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(J) Phasing. Phasing of a PZD master development plan may vary from the requirements of Chapter 166 of the UDC with regard to the expiration of permits and plans only when phasing has been identified, described, and approved as part of the PZD master development plan process.

(K) Development standards, conditions and review guidelines

- (1) Generally.** The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

- (2) Screening and landscaping.** In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the

- Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.
- (3) ~~Traffic circulation.~~ The following traffic circulation guidelines shall apply:
- (a) ~~The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.~~
 - (b) ~~The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.~~
 - (c) ~~Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.~~
 - (d) ~~Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.~~
 - (e) ~~Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.~~
 - (f) ~~Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.~~
- (4) ~~Parking standards.~~ The off-street parking and loading standards found in Chapter 172 Parking and Loading shall be used as general guidelines to establish parking and loading standards for the PZD master development plan.
- (5) ~~Perimeter treatment.~~ Notwithstanding any other provisions of a planned zoning district,
- all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.
- (6) ~~Sidewalks.~~ As required by §166.03.
- (7) ~~Street Lights.~~ As required by §166.03.
- (8) ~~Water.~~ As required by §166.03.
- (9) ~~Sewer.~~ As required by §166.03.
- (10) ~~Streets and Drainage.~~ Streets within a PZD may be either public or private:
- (a) ~~Public Streets.~~ Public streets shall be constructed according to the adopted standards of the City unless otherwise approved by the City Council as part PZD master development plan.
 - (b) ~~Private Streets.~~ Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) ~~Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.~~
 - (ii) ~~Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.~~
 - (iii) ~~All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.~~
 - (iv) ~~Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.~~
 - (v) ~~The plat of the planned development shall designate each private street as a "private street."~~
 - (vi) ~~Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA)~~

and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants.

- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served.
The following standard shall be used:

— Paving Width

Dwelling Units	One-Way	Two-Way
1-20	14'	22'
21+	14'	24'

(No On-Street Parking)

*Note: If on-street parking is desired, a minimum 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating

the street a "private street" which shall be clearly visible to motor vehicular traffic.

- (11) Construction of nonresidential facilities community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall guarantee to the City completion of the nonresidential facilities in the amount no less than 150% of the estimated cost of said facilities.

- (12) Tree preservation. All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

- (13) Commercial design standards. All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

- (14) View protection. The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

(L) Revocation.

- (1) Causes for revocation as enforcement action. The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) Building permit. If no building permit has been issued within the time allowed.
- (b) Phased development schedule. If the applicant does not adhere to the phased

~~master development plan schedule as stated in the approved development plan.~~

- (c) ~~Open space and recreational facilities. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.~~

~~Planning staff may report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.~~

- (2) ~~Procedures. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.~~

- (3) ~~Effect. In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.~~

(M) ~~Covenants, trusts and homeowner associations.~~

- (1) ~~Legal entities. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, detention ponds, drainage structures, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities may be approved by the City Attorney. The Planning Commission shall consider and approve the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.~~

- (2) ~~Common areas. If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:~~

- (a) ~~The homeowner's association must be legally established before building permits are granted.~~
- (b) ~~Membership and fees must be mandatory for each home buyer and successive buyer.~~
- (c) ~~The open space restrictions must be permanent, rather than for a period of years.~~
- (d) ~~The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.~~
- (e) ~~Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association~~

~~must be stipulated as a potential lien on
the property.~~

~~The association must be able to adjust the
assessment to meet changing needs.~~

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-
06; Ord. 5104, 1-15-08)

CURRENT PZD APPLICATION

Zoning and Development Approval

CITY OF FAYETTEVILLE, ARKANSAS
PLANNED ZONING DISTRICT
Zoning and Development Approval

FOR STAFF USE ONLY		FEE: \$525 - \$1,125
Date Application Submitted: _____		SIGN FEE: \$5.00 per sign
Date Accepted as Complete: _____		S-T-R: _____
Case / Appeal Number: _____		PP#: _____
Public Hearing Date: _____		Zone: _____

Background:

The Planned Zoning District/Large Scale Development/Preliminary Plat (PZD/LSD/PPL) application provides master plan and engineering level of detail with standard processing through Planning Commission prior to City Council decision on zoning. Planning Commission provides recommendation on development plan and rezoning simultaneously, with the City Council providing ultimate decision on zoning.

Instruction:

Please fill out this form completely, supplying all necessary information and documentation to support your request. **It is highly recommended the applicant conduct a meeting with nearby neighborhoods to discuss the proposed development prior to application submittal. Your application will not be placed on the applicable agenda until necessary information is furnished.**

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax - () _____

Representative (engineer, surveyor, realtor, etc.):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax - () _____

Zoning, Land Use, and Development Approval

Current Zoning District: _____

Requested Zoning District: ☐ Residential PZD ☐ Commercial PZD ☐ Industrial PZD

Total Acreage: _____

Number of Dwelling Units (Density): _____ units _____ units/acre
Total non-residential square feet (Intensity): _____ square feet _____ square feet/acre
 _____ % Residential Floor Area
 _____ % Commercial Floor Area
 _____ % Industrial Floor Area Industrial

Assessor's Parcel Number(s) for subject property: _____

Date of Pre-application meeting with City staff: _____

FINANCIAL INTERESTS: The following entities and / or people have financial interest in this project: Name(s)(printed): _____

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): _____ Date: _____

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Owners (attach additional info if necessary):

Name (printed): _____ Name (printed): _____

Signature: _____ Signature: _____

Date: _____ Date: _____

Address: _____ Address: _____

Zoning and Development Approval

PZD Zoning and Development Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:

PZD

Non-residential \$1,125.00

Residential

10 units/lots or less	\$525.00
25 units/lots or less	\$725.00
More than 25 units/lots	\$1,125.00

Public Notification Sign Fee (per sign) \$5.00

Grading & Drainage

Up to 0.5 acre:	\$75.00
0.5 acre to 1.0 acre:	\$100.00
Over 1 acre:	\$200.00

Tree Preservation: \$120.00

- (2) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels within 100 feet of the project boundary should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every parcel within 100 feet of the project boundary shall be shown on this map. (See the notification requirements section of this application.)
- (3) One (1) hard copy and one (1) digital copy in PDF format of the proposed PZD plats, booklets, signed application, and any other items submitted with this project. These plats and booklets should include all required information for a PZD listed in Section 166.02 of the Fayetteville Unified Development Code. These requirements are also listed on the PZD Plat and Booklet Requirements checklist pages in this application.
- (4) A disk with all information in AutoCAD and PDF format must be submitted with your application.
- (5) A legal description of the property to be re-zoned should be signed by the owner/representative, and the legal description provided to the Planning Division in MS Word on a CD.
- (6) Application signed by current property owner of record or written verification signed by such owner designating a project representative.
- (7) The applicant is responsible for meeting the public notification requirements for a PZD listed on the Notification Requirements pages in this application.

Zoning and Development Approval

BOOKLET INFORMATION

A project booklet describing the project in narrative/bullet form is required, in addition to the submittal of plats. Much of the same information is to be included in duplicate in both formats. Please contact a staff planner if you have questions.

- 1. A **project booklet** describing this request addressing the following items:
- a. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.
 - b. Summary description of the scope, nature and intent of the proposal.
 - c. General project concept:
 - (1) Street and Lot Layout.
 - (2) Site Plan Showing Proposed Improvements.
 - (3) Buffer Areas.
 - (4) Tree Preservation Areas.
 - (5) Storm Water Detention Areas and Drainage.
 - (6) Undisturbed Natural Areas.
 - (7) Existing and Proposed Utility Connections and Extensions.
 - (8) Development and Architectural Design Standards.
 - (9) Building Elevations.
 - d. Proposed development phasing and time frame.
 - e. Proposed Planning Areas (PA's), described in this booklet and depicted on Sheet 2 of the site plan information (PA's are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council).
 - f. Proposed Zoning and Development Standards for each PA (listed in the City's UDC zoning format). *See sheet 2 layout for specific information.*
 - g. A chart comparing the proposed master development plan to the current zoning district requirements (uses, setbacks, density, intensity, bulk and area regulations, etc.) An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
 - h. A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
 - i. Reason (need) for requesting the zoning change.
 - j. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, and signage.
 - k. Statement of the project's compliance with the Fayetteville City Plan 2025.
 - l. A traffic study when required by the Planning/Engineering Divisions (consult with staff prior to submittal).
 - m. Impacts on City services, including the availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - n. Statement of Commitments - The statement of commitments shall be provided in the following format:

"STATEMENT OF COMMITMENTS"

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.

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- (2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.
 - (3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain.
 - (4) Project phasing restrictions.
 - (5) Fire protection.
 - (6) Other commitments imposed by the City.
 - (7) Parks/Trails/Open Space Commitments.
 - (8) Proposed Preliminary Building Elevations (Residential and Commercial).
- o. Conceptual Description of Development Standards, Conditions and Review Guidelines
- (1) Screening and Landscaping.
 - (2) Traffic and Circulation.
 - (3) Parking Standards.
 - (4) Perimeter Treatment.
 - (5) Sidewalks.
 - (6) Streetlights.
 - (7) Water.
 - (8) Sewer.
 - (9) Streets and Drainage.
 - (10) Construction of Nonresidential Facilities.
 - (11) Tree Preservation.
 - (12) Architectural Design Standards.
 - (13) Proposed Signage (type and size)
 - (14) View Protection.
 - (15) Revocations.
 - (16) Covenants, Trusts, and Homeowner Associations.
- p. Response as to how the proposal fulfills the intent/purpose of the Planned Zoning District, as outlined in the attached ordinance.

PLAT INFORMATION

- 2. A **concept/master plan** of the proposed PZD is required containing sheets detailed as follows:
- a. **Sheet 1 – Cover Sheet/General Provisions**
 - (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
 - (2) Any pertinent information regarding applicant/owner, site plat, etc. may be provided on this sheet.
 - (3) Complete survey/legal description of the property to be rezoned with two points being state plane coordinates. The staff planner may allow this to be provided on a separate sheet, if lengthy. See legal description requirements section of this application.
 - (4) The following wording shall be placed verbatim on Sheet 1:

GENERAL PROVISIONS

Authority

This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.

Adoption

The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville

Zoning and Development Approval

City Plan 2025; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.

The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Zoning and Development Administrator.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

b. Sheet 2 – Zoning and Development Standards by Planning Area

- (1) A conceptual drawing depicting the project site and proposed development with the PA's delineated and called-out.
- (2) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category:

Land use designation (name of Planning Area)

- (a) Permitted uses by Use Unit.
- (b) Conditional uses by Use Unit.
- (c) Residential Density and/or Non residential Intensity.
 - Acreage
 - Number of dwelling units
 - Nonresidential square feet
 - Density/Intensity (DU/Acre and/or SF/Acre)

Bulk and area regulations.

- (d) Lot width minimum.
- (e) Lot area minimum.
- (f) Land area per dwelling.
- (g) Setback requirements.

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- (h) Height regulations.
- (i) Building area.

Site Planning.

- (j) Landscaping.
- (k) Parking.
- (l) Architectural Design Standards.
- (m) Signage.

NOTE: Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan. This information shall be provided, in duplicate, within the project booklet.

NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.

c. Sheet 3 – Master Development Plan

- (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
- (2) Sheet 3 shall graphically depict the site and include the following:
 - (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:
 - 1. North Arrow.
 - 2. Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner.
 - 3. Date of Preparation.
 - (b) Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.
 - 1. The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.
 - (c) Dimensions, bearings, and control points along all exterior property lines.
 - (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
 - (e) Access:
 - 1. Arterials and collectors shall be depicted in all planning areas.
 - 2. Trails as coordinated with the Parks Division.
 - (f) Existing easements/right-of-way.
 - (g) 100-year floodplains, floodway, and stream/creek centerline.
 - (h) Proposed Land/ROW/Easement Dedication.
 - (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting/development.
 - (j) Planning Areas – Areas Identified for a Specified Permitted and/or Conditional Uses:
 - 1. All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.
 - (k) Land Use Table. A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example (next page):

Zoning and Development Approval

SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS/SF	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	22	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
Subtotal		12.5	885	117.5	77%
C	Commercial	22,651	566,280 sq. ft.	25.0	17%
I	Industrial	24,200	217,800 sq. ft.	9.0	6%
O	Office				
M.U	Mixed Use				34%
Subtotal		23,426	784,080 sq. ft.	34	



3. **Detailed civil site plans for the Large Scale Development and/or Preliminary Plat.** These engineered plans should be collated and attached after the PZD plats and titled as Large Scale Development or Preliminary Plat. These plans shall contain the information in accordance with the Plat Requirements checklist in Section 166.03 of the Unified Development Code for a Large Scale Development or Preliminary Plat including the following:

General

- a. Names, addresses, telephone numbers, of owner(s), developer(s) and project representative.
- b. North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
- c. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, and revisions.
- d. Provide a complete and accurate legend.
- e. A vicinity map of the project with a radius of 1.5 miles from the project. This map shall include any Master Street Plan streets as well as the 100-year flood plain boundary.
- f. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and center lines should be shown and dimensioned.
- g. The location of all existing structures. Show the location of proposed buildings, square feet and height. Dimension buildings from the roof overhang and setbacks to property lines.
- h. Site coverage note indicating the percentage of site that is covered by both buildings and surfaced area.
- i. Legal description.

Floodplain/Floodway/Wetlands

- j. Show 100-yr floodplain and / or floodway and base flood elevations. Reference the FIRM panel number and effective date.
- k. Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.

Topographic Information

- l. Existing and proposed topographic information with source of the information noted.
 Show:
 1. Two-foot contour interval for ground slope between level and ten percent.
 2. Five-foot contour interval for ground slope exceeding ten percent.
- m. Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.

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- n. Contours of adjacent land within 100 feet of the project shall also be shown. Contour information may be available at the City in a digital format. Check with the drafting department for availability and associated cost.

Tree Preservation Plans

- o. A Site Analysis drawing and Analysis report is required of all developments that have existing trees present. If no existing trees are present, a Tree Preservation Fee Waiver Form shall be submitted with the plans.
 - 1. A site analysis drawing must clearly show the locations and types of all existing natural features on the site including features 100' beyond the property lines that may be affected by the design. A complete list of the information required to be shown on the Site Analysis may be found in the City of Fayetteville Landscape Manual available free of charge from the Tree and Landscape Department.
 - (a) The analysis report is a written description of design decisions and how they affect the preservation of existing natural resources on the site
- p. The Tree Preservation Plan, which should be incorporated with the Grading plan and be titled Grading/Tree Preservation Plan, is a depiction of the existing tree coverage of the site and the areas established for preservation. All existing trees must be shown on the plan. Groupings of trees may be indicated by the edge of the overall canopy although trees within the grouping that meet the definition of significant must be individually located and the spread of their canopy indicated on the drawing. The species, canopy spread, trunk diameter and average health of the tree must be shown in a chart on the plan. Tree preservation measures must also be shown on the drawing along with mitigation information if mitigation is approved by the Landscape Administrator. A complete list of the information required to be shown on the Tree Preservation Plan may be found in the City of Fayetteville Landscape Manual.

Landscape Plans

- q. Landscape plan requirements for the Off Street Parking Ordinance, the Overlay District, and Commercial Design Standards are to be approved by the Planning Commission with a recommendation by the Landscape Administrator. The conceptual design may be reviewed by the Planning Commission however a detailed plan must be approved by the Landscape Administrator prior to the issuance of the building permit. The conceptual plan shall show the general layout of the plant material and shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance) The detailed plan shall also include approved planting details and notes and particulars for irrigation.
- r. Landscape proposals for parking lots and/or tree replacement requirements shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. State the method for irrigating the plant material on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance).

Utilities – Existing

- s. Show on the drawing all known on-site and off-site existing utilities and easements (dimensioned) and provide the structures locations, types, and condition and note them as "existing" on the plat.
- t. Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.

Utilities - Proposed

- u. Show all storm sewer structures, sanitary sewer structures and drainage structures:
- v. Show all Sanitary sewer systems

Zoning and Development Approval

- w. Note the occurrence of any previous overflow problems on-site or in the proximity of the site. (Also, contact the Water / Sewer Superintendent, at 575-8386).
- x. Water systems, on or near the site.
- y. Provide pipe locations, types, and sizes.
- z. Note the static pressure and flow of the nearest hydrant
- aa. Show location of proposed fire hydrants and meters.
- bb. Underground or surface utility transmission lines:
(Note: This category includes, but is not limited to Telephone, Electrical, Natural Gas, and TV Cable)
- cc. Locations of all related structures (pedestals, poles, etc.)
- dd. Locations of all lines (note whether the line is below or above ground)
- ee. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in grade for the proposed street.
- ff. State the width, location, and purpose of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.

Streets, Rights-of-way, and Easements

- gg. The location, widths, grades, and names of all existing and proposed streets (avoid using first names of people for new streets), alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named. Names of streets should be approved by the 911 Coordinator.
- hh. A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the Master Street Plan, Aerial Photos, and the City Plat Pages located in the Planning Office if requested.
- ii. The location of all existing and proposed street lights. Street lights are required at every intersection, cul-de-sac and every 300', and associated easements required to serve each light.

Site Specific Information

- jj. Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.
- kk. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
- ll. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased)
- mm. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.).
- nn. The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.
- oo. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.
- pp. For non-residential use, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use.
- qq. The location and size of existing and proposed signs, if any.
- rr. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.
- ss. The location and number of bike racks provided and required.
- tt. Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces.

Zoning and Development Approval

- uu. Location of buffer strips, fences or screen walls, where required (check Unified Development Ordinance for specific requirements).
- vv. Indicate location and type of garbage service. Dimension turnaround area at dumpster location.
- ww. A description of commonly held areas, if applicable.
- xx. Draft of covenants, conditions, and restrictions, if any.
- yy. A written description of requested waivers from any city requirement.
- zz. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
- aaa. Preliminary grading and drainage plans and reports as required in the City Engineer's Office.

NOTIFICATION REQUIREMENTS

- ☐ 4. The developer is required to meet the notifications requirements for a PZD. The requirements are attached to this application.

LEGAL DESCRIPTION REQUIREMENTS

- ☐ 5. Written legal descriptions including area in square feet or acres that read clockwise. This shall be provided on the plat. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
- ☐ 6. Boundary survey of the property shown on the plat. The surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
- ☐ 7. Provide a benchmark, clearly defined with an accuracy of 1/100'. This benchmark must be tied to USC & GS Datum. Benchmarks include but are not limited to the following: fire hydrant, man hole, etc.
- ☐ 8. Each plat shall have 2 points described in State Plane Coordinates, Arkansas, North, North American Datum, 1983 (NAD 83).
- ☐ 9. Point-of-beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
- ☐ 10. Curve data for any street which forms a project boundary.

OTHER REQUIREMENTS

- ☐ 11. Any other data or reports as deemed necessary for project review by the Zoning & Development Administrator or City Engineer.

The Zoning & Development Administrator and City Engineer may waive any of these application requirements when, in their discretion, any such requirement is not necessary due to the nature of the proposed project, or other circumstances justify such waiver. A pre-application conference is required to review the proposed project and discuss the checklist requirements.

(Note: As this request goes through the review process, revised copies of the project plat, and elevations, if applicable, will be required)

Notice:

Resources including current zoning regulations, City Plan 2025, Future Land Use Plan, Master Street Plan and Zoning maps are available for review in the Planning Office.

AGENDA REQUEST

FOR: COUNCIL MEETING OF March ¹⁸4, 2014

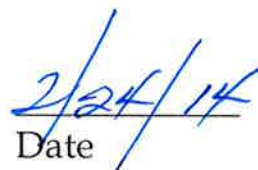
FROM:
CITY COUNCIL MEMBER Adella Gray

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO CHANGE THE NAME OF ARBUCKLE LANE TO
WOODWARD LANE

APPROVED FOR AGENDA:


City Council Member Adella Gray


Date


City Attorney Kit Williams
(as to form)


Date





www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan
Thru: Scott Huddleston
From: Greg Mitchell
Date: 1-27-2014
Subject: Renaming Arbuckle Lane to Woodward Lane

DESCRIPTION:

This is a proposal to rename S Arbuckle Ln to S Woodward Ln. Arbuckle Ln is a one-block long existing city street that runs south off of Martin Luther King Blvd, one block west of Razorback Rd. (See attached map) There are no homes or businesses addressed off of it.

DISCUSSION:

The name change has been suggested by Glen "Rusty" Woodward, whose father R G Woodward owned and operated "The Parts Store" which for many years was a business on the corner of Arbuckle and MLK (then Sixth Street). "The Parts Store", which sold auto parts, is no longer in business, and R.G. "Glen" Woodward died in 2011. Rusty Woodward wishes to honor his late father and their family business by renaming the street after him.

The City has a Street Name and Address Committee which makes recommendations about proposed street names. This committee operates in an advisory capacity only; the Council has final authority on all street name changes. The Committee is composed of three members, one each from the GIS office, and the Police, and Fire Departments. The committee has a series of guidelines it uses to inform its decisions, which are primarily intended to maximize public safety and minimize confusion in emergency situations. The guidelines include the following statements that are relevant to this proposal:

- ... in order to reduce confusion, street names will not be similar in spelling and phonetics to an existing street.
- There will be a limit on the number of streets with the same word in the name (e.g. Blue Willow, Blue Orchard, Blue Stone, Blue Mist, Blue Mesa, etc.). The limit on these types of street names will be six (6) maximum.
- Historically used road names should be retained where possible.
- There shall be no use of family names or individual names, especially living persons and living politicians.

Based on these guidelines, the Street Name and Address Committee has unanimously rejected the name "Woodward" Lane. Some of their comments:

- "Currently 16 other street in the city beginning with wood-, including S Wood Ave."
- "City street naming guidelines do not permit naming of streets after people unless there is a cultural or historic significance"
- "Reject multiple names in the city with the name Wood. Also violated guidelines as it is a name"

RECOMMENDATION:

Staff recommends against approval of the Resolution.

BUDGET IMPACT:

\$100.00 for street sign

RESOLUTION NO. _____

A RESOLUTION TO CHANGE THE NAME OF ARBUCKLE LANE TO
WOODWARD LANE

**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 changes the
name of Arbuckle Lane to Woodward Lane.

PASSED and **APPROVED** this 18th day of February, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Street Renaming Proposal: Arbuckle Ln to Woodward Ln



Date: 1/27/2014

400 200 0 400 Feet

Agenda Session 3-11-14

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer,
Ward 4 Position 1 – Rhonda Adams
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 18, 2014**

A meeting of the Fayetteville City Council will be held on March 18, 2014 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report

Agenda Additions:

A. Consent:

✓ Approval of the March 04, 2014 City Council meeting minutes.

- 2. 2013 Internet Crimes Against Children Task Force Program Grant:** A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of \$13,507.53, and to approve a budget adjustment.

3. **Gulf Coast High Intensity Drug Trafficking Area:** A resolution to approve a budget adjustment in the amount of \$115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.
4. **State Drug Crime Enforcement and Prosecution Fund Grant:** A resolution to approve a \$56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$14,062.50 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.
5. **Insituform Technologies, Inc.:** A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.
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7. **Arkansas State Highway and Transportation Department:** A resolution to approve the payment of \$580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment.
8. **Fayetteville Alert System:** A resolution to approve a budget adjustment in the amount of \$66,500.00 to provide funding for a marketing and communication campaign for the Fayetteville Alert System.
9. **Sourcegas Arkansas, Inc.:** A resolution to approve a cost-share utility work agreement with Sourcegas Arkansas, Inc. in the amount of \$72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and to approve a project contingency of \$14,455.00.

B. Unfinished Business:

- ✓ **Amend Chapter 178:** An ordinance to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, to enact §178.05 Food Truck Limited Time Permit, to change the section number of Transient Merchants from §178.05 to §178.06 and to amend §97.086 Vending and Peddling. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting. This ordinance was left on the First Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting. This ordinance was left on the First Reading at the January 21, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting. This ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

Left on the First Reading

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Left on the Second Reading.

- ✓ **ADM 13-4331 Amend Chapters 151, 162, 163 and 164:** An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code. *This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.*

Left on the Third Reading.

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Left on the Second Reading.

C. New Business:

- ✓ **VAC 14-4617 (1144 N. Futrall Dr./Cornerstone):** An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.
- ✓ **VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate):** An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.
- ✓ **Northwest Arkansas Regional Planning Commission Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$46,766.73 for a Stormwater Education Program.

NB#2

④ **U.S. Geological Survey:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of \$21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

NB#3

⑤ **Rupple Road Cross Section:** A resolution to reaffirm the cross section of Rupple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.

✓ **ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06):** An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.

✓ **Street Name Change:** A resolution to change the name of Arbuckle Lane to Woodward Lane.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

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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 aids 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.

The Agenda Meeting 3/5/14

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City Clerk Sondra E. Smith



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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 aids 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.

Emailed to Nominating Committee 3/17/14

Branson, Lisa

From: Nancy Allen <ngallen@earthlink.net>
Sent: Monday, March 17, 2014 3:35 PM
To: Lioneld Jordan; Bechhold, Michele; City_Clerk
Subject: Civil Service Commission

I have decided it best to resign from the Commission.
I appreciate that I was given an opportunity to serve.
Thank you,
Nancy Allen

Nominating Committee Report

Wednesday, March 12, 2014

Members Present – Adella Gray, Mark Kinion and Justin Tennant

Members Absent – Rhonda Adams

The Mayor recommends the following candidate for appointment:

FAYETTEVILLE PUBLIC LIBRARY BOARD OF TRUSTEES

Hershey Garner – One Citizen-at-Large term ending 04/01/19

The Advertising and Promotion recommends the following candidate for appointment:

ADVERTISING AND PROMOTION COMMISSION

Ching Mong – One Tourism Industry term ending 03/31/18

The Nominating Committee recommends the following candidates for appointment:

CITY BOARD OF HEALTH

No applicants – One unexpired Physician term ending 12/31/16

CIVIL SERVICE COMMISSION

Bo Bittle – One Citizen-at-Large term ending 03/31/20

Betty Martin – One Citizen-at-Large term ending 03/31/20

??? – One Unexpired Citizen-at-Large term ending 03/31/19

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

James Cherry – One Citizen-at-Large term ending 03/31/19

Nathan Morton – One Citizen-at-Large Alternate Member term ending 03/31/15

Chris Brackett – One Citizen-at-Large Alternate Member term ending 03/31/15

PLANNING COMMISSION

Kyle Cook – One Citizen-at-Large term ending 03/31/17

Tracy Hoskins – One Citizen-at-Large term ending 03/31/17

Janet Selby – One Citizen-at-Large term ending 03/31/17

TELECOMMUNICATIONS BOARD

Dustin Seaton – One Citizen-at-Large term ending 06/30/18

Alex Baldwin – One Citizen-at-Large term ending 06/30/18

TOWN AND GOWN ADVISORY COMMITTEE

Victoria Whitfield – One U of A Student unexpired term ending 09/30/15



OFFICE OF THE MAYOR
LIONELD JORDAN

March 11, 2014

Sondra Smith, City Clerk
Nominating Committee & City Council Members
113 W Mountain Street
Fayetteville, AR 72701

Fayetteville City Council Nominating Committee:,

Pursuant to City Code of the "Vacancies on the Fayetteville Public Board shall be appointed by the Mayor of the city with the approval of the City Council."

I am making the following appointment for consideration of approval by the City Council:

1. Hershey Garner – Fayetteville Public Library Board – (1 term 4/1/2014 – 4/1/2019)

Thank you for your consideration of final approval for my appointments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lioneld Jordan", is written over a faint, larger version of the same signature.

Mayor Lioneld Jordan,
City of Fayetteville AR



Fayetteville A&P Commission
PO Box 4157
Fayetteville, Arkansas 72702

March 14, 2014

**TO: Mayor Lioneld Jordan
Fayetteville City Council
Don Marr, Chief of Staff**

**FROM: Marilyn Heifner
Executive Director, Fayetteville Advertising and Promotion Commission**

RE: Vacancy on Fayetteville Advertising and Promotion Commission for terms expiring March 31, 2018.

The Fayetteville Advertising and Promotion Commission at their March 10, 2014, regular meeting voted to reappoint Ching Mong to fill a tourism industry position on the A & P Commission. Mr. Mong is a resident of Fayetteville and a registered voter.

The Commission asks for the approval of the Fayetteville City Council per state statute as follows:

26-75-605 (b)(2) Advertising and Promotion Commissions

Vacancies on the commission, whether resulting from expiration of a regular term or otherwise, in any of the four (4) tourism industry positions provided for in subdivision (a) (1) or in the at-large position provided for in subdivision (a)(3) shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of the city.

Thank you.

Emailed to Nominating Committee 3/17/14

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