

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

Final Agenda City of Fayetteville Arkansas City Council Meeting August 05, 2014

A meeting of the Fayetteville City Council will be held on August 05, 2014 at 5:30 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. Bi-Monthly Report on Public Transit in Fayetteville

Agenda Additions:

A. Consent:

1. Approval of the July 15, 2014 City Council meeting minutes. **APPROVED**

2. **Devol Aviation, Inc.:** A resolution to approve a five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 136-14

3. **General Improvement Fund Grant:** A resolution to authorize acceptance of a General Improvement Fund Grant in the amount of \$34,500.00 for snow equipment parts and snow plow replacement, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 137-14

4. **Bid #14-41 Central Salt Company:** A resolution to award Bid #14-41 and authorize the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed through July 31, 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 138-14

5. **Bid #14-42 Vance Brothers, Inc.:** A resolution to award Bid #14-42 and authorize a contract with Vance Brothers, Inc. in the amount of \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 139-14

6. **Darrell Froud Lease Agreement:** A resolution to approve a lease agreement with Darrell Froud for about 54.5 acres of city park land for the sole purpose of cutting hay for the amount of \$100.00 per year.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 140-14

7. **2015 Arkansas Outdoor Recreation Grant:** A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$250,000.00 for improvements at the Fayetteville Regional Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 141-14

8. **Garver, LLC:** A resolution to approve a professional engineering services agreement with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 142-14

9. **Community Development Block Grant:** A resolution to approve a budget adjustment in the total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant Revenue Increase.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 143-14

- 10. Arkansas State Highway and Transportation Department Change Order No. 14:** A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 144-14

- 11. AEP-SWEPCO Agreement:** A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 145-14

- 12. SWEPCO Utility Easements:** A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 146-14

- 13. 2015 Employee Benefits:** A resolution to approve the 2015 Employee Benefits Package.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 147-14

B. Unfinished Business:

- 1. RZN 14-4729 (Cato Springs Rd./Chambers Bank):** An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation. ***This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5700

- 2. Enact Chapter 119 Civil Rights Administration:** An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville. ***This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.***

THIS ORDINANCE WAS LEFT ON THE SECOND READING

C. New Business:

1. **RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4763, for approximately 0.94 acres, located at the southeast corner of Gregg Ave. and Ash St. from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi Family, 24 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5701

2. **ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments):** An ordinance to amend §156.04 Stormwater Drainage and Erosion Control; Chapter 169 Physical Alteration of Land; Chapter 170 Stormwater Management, Drainage and Erosion Control, and Chapter 179 Low Impact Development of the Unified Development Code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5702

3. **2015-2019 Capital Improvements Plan (CIP):** A resolution to adopt the 2015-2019 five-year Capital Improvement Plan.

THIS RESOLUTION WAS TABLED TO THE AUGUST 19, 2014 CITY COUNCIL MEETING

D. City Council Agenda Session Presentations:

1. **Discussion of the Capital Improvement Plan – Paul Becker, Finance Director**

E. City Council Tour:

F. Announcements:

Adjournment: 8:40 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.

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

Old business and new business.

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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.

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Subject:	Roll				
Alderman Adams Arrived at 5:35 p.m.	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Mayor Jordan	✓			

9-0

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
<i>Minutes</i> <i>Approved</i> <i>passed</i> <i>136-14</i> <i>thru</i> <i>147-14</i>	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>✓</i>			
	Adams	<i>✓</i>			
	Long	<i>✓</i>			
	Mayor Jordan				

8-0

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

Subject:					
RZN 14-4729 (Cato Springs Rd./Chambers Bank)					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Petty		
Seconded:		Tennant	Marsh		
B. 1 Unfinished Business 5700	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:					
Enact Chapter 119 Civil Rights Administration					
Motion To:		2nd Read	Amend: 119:02 119:06 119:07	Call for a Vote on the amendment & end comment	
Motion By:		Marsh	Petty	Petty	Call for a
Seconded:		Petty	Long	Kinion	vote on
B. 2 Unfinished Business Left on the Second Reading	Gray	✓	✓	✓	the amendment
	Marsh	✓	✓	✓	and end Public Comment.
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	N	
	Schoppmeyer	✓	✓	N	
	Adams	✓	✓	N	
	Long	✓	✓	✓	
	Mayor Jordan			Mayor did not vote	

8-0

8-0

5-3

Failed } Needed 2/3 vote to
end comment.

City Council Meeting:

Subject:					
Motion To:		Amend the Amendment to 119.07	Remove 119.05 (A 2)		
Motion By:		Adams	Adams		
Seconded:		Long	Long		
B-2. Unfinished Business	Gray	✓	✓		
	Marsh	N	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Schoppmeyer	✓	✓		
	Adams	✓	✓		
	Long	✓	✓		
	Mayor Jordan				

7-1

8-0

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

Subject:	RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Petty</i>	<i>Petty</i>		
Seconded:		<i>Marsh</i>	<i>Adams</i>		
C. 1 New Business <i>passed</i> 5701	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:	ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Gray</i>	<i>Gray</i>		
Seconded:		<i>Marsh</i>	<i>Marsh</i>		
C. 2 New Business <i>passed</i> 5702	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:	2015-2019 Capital Improvements Plan (CIP)				
Motion To:		<i>Table to 8-19-14</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Tennant</i>			
C. 3 New Business <i>Tabled to 8/19/14</i>	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	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: **August 6, 2014**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 5, 2014**

1. **Devol Aviation, Inc.:** A resolution to approve a five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014.
2. **General Improvement Fund Grant:** A resolution to authorize acceptance of a General Improvement Fund Grant in the amount of \$34,500.00 for snow equipment parts and snow plow replacement, and to approve a budget adjustment.
3. **Bid #14-41 Central Salt Company:** A resolution to award Bid #14-41 and authorize the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed through July 31, 2015.
4. **Bid #14-42 Vance Brothers, Inc.:** A resolution to award Bid #14-42 and authorize a contract with Vance Brothers, Inc. in the amount of \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.
5. **Darrell Froud Lease Agreement:** A resolution to approve a lease agreement with Darrell Froud for about 54.5 acres of city park land for the sole purpose of cutting hay for the amount of \$100.00 per year.
6. **2015 Arkansas Outdoor Recreation Grant:** A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$250,000.00 for improvements at the Fayetteville Regional Park.

7. **Garver, LLC:** A resolution to approve a professional engineering services agreement with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.
8. **Community Development Block Grant:** A resolution to approve a budget adjustment in the total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant Revenue Increase.
9. **Arkansas State Highway and Transportation Department Change Order No. 14:** A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.
10. **AEP-SWEPCO Agreement:** A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.
11. **SWEPCO Utility Easements:** A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.
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2015 Health Insurance Rates (corrected by a penny)

	MONTHLY CALCULATIONS					
PPO Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %		
2014 Single	\$386.93	\$77.38	\$309.55	20.00%		
2014 Family	\$1,025.34	\$358.86	\$666.48	35.00%		
2015 Single	\$414.79	\$82.96	\$331.83	20.00%		
2015 Family	\$1,099.16	\$384.72	\$714.44	35.00%		
HDHP (High Deductible)						
	MONTHLY CALCULATIONS					
HDHP Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Total Employee Cost Share % (for 2015 means prior 5% cost share plus assuming 20% of the increase for individual and 35% of the increase for family)	Employer's Monthly Health Savings Account Contribution (assumes same for 2014 & 2015)	Total Employer Monthly Contribution (Premium + Health Savings Account Contribution)
2014 Single	\$204.11	\$10.20	\$193.91	5.00%	\$70.80	\$264.71
2014 Family	\$540.86	\$27.04	\$513.82	5.00%	\$156.66	\$670.48
2015 Single	\$218.81	\$13.16	\$205.65	6.01%	\$70.80	\$276.45
2015 Family	\$579.80	\$40.68	\$539.12	7.02%	\$156.66	\$695.78



OFFICE OF THE
CITY ATTORNEY

B.2. Handed out at
Agenda Session.

DEPARTMENTAL CORRESPONDENCE

Enact Chapter 119 Civil Rights Administration
Page 1 of 6



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Kit Williams, City Attorney

FROM: Blake Pennington, Assistant City Attorney 

DATE: July 24, 2014

RE: Alderman Petty's Proposed Amendments to Civil Rights Ordinance

Alderman Petty will be proposing the following amendments to the civil rights ordinance. I am attaching a copy of the full ordinance with these changes incorporated for your reference:

AMEND 119.02 - DEFINITIONS

(E) "Employee" means any individual employed ~~or seeking employment from~~ by a covered employer.

AMEND 119.06

119.06 City Services, Facilities, Transactions and Contracts

- (A) The City of Fayetteville ~~shall be~~ and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.
- (B) All contractors doing business with the City of Fayetteville shall ~~abide by~~ comply with this ordinance.

EXHIBIT A

CHAPTER 119: CIVIL RIGHTS ADMINISTRATION

119.01 Purpose

The purpose of this chapter is to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status. This chapter's purpose is also to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

119.02 Definitions

- (A) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.
- (B) "Civil Rights Administrator" means the person designated by the Mayor to receive, investigate and conciliate complaints brought under this chapter.
- (C) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter, discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.
- (D) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age (if 18 years of age or older), gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability or veteran status.
- (E) "Employee" means any individual employed by a covered employer.
- (F) "Employer" means any person, business or organization which regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five (5) or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person or entity acting on behalf of an employer, directly or indirectly, or any employment agency.
- (G) "Familial status" means an individual's status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (H) "Gender" means actual or perceived sex.
- (I) "Gender Identity" means a person's gender-related identity, whether or not that identity is or is perceived to be different from that traditionally associated with the sex assigned to that individual at birth.
- (J) "Gender Expression" means a person's gender-related appearance and behavior whether or not that gender expression is or is perceived to be different from that traditionally associated with the person's assigned sex at birth.
- (K) "Marital status" means an individual's status as single, married, domestically partnered, divorced or widowed.
- (L) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments within the City which offer goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

(M) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(N) "Veteran status" means an individual's status as one who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

119.03 Prohibited Acts of Discrimination - Employment

(A) With regard to employment, it shall be unlawful for any employer or labor organization to engage in any of the following acts wholly or partially for a discriminatory reason:

- (1) To fail to hire, refuse to hire or discharge an individual;
- (2) To discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
- (3) To limit, segregate or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
- (4) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
- (5) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including on-the-job training programs;
- (6) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;
- (7) To discriminate in referring an individual for employment whether the referral is by an

employment agency, labor organization or any other person.

119.04 Prohibited Acts of Discrimination - Housing and Real Estate Transactions

(A) With regard to housing and real estate transactions, which include both sales and leases, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

- (1) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
- (2) To discriminate by imposing different terms on a real estate transaction;
- (3) To represent falsely that an interest in real estate is not available for transaction;
- (4) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
- (5) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
- (6) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;
- (7) To make, print or publish, or cause to be made, printed or published, any discriminatory notice, statement or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of fifty-five (55) for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
- (8) To discriminate in any financial transaction involving real estate on account of the location of the real estate, be it residential or non-residential ("red-lining");
- (9) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these or any other person, for the purposes of inducing a

real estate transaction from which such person may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to the race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, physical characteristic, disability or veteran status of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");

- (10) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law;

- (11) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

- (12) Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice to apply or enforce the definition of "family" for zoning purposes pursuant to § 151.01 of the Unified Development Code.

119.05 Prohibited Acts of Discrimination - Business Establishments or Public Accommodations

- (A) It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:
- (1) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations

of any business establishment or place of public accommodation, unless required by state or federal law;

- (2) To print, publish, circulate, post or mail, directly or indirectly, a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable, unless the denial of the goods or services is required by state or federal law.

119.06 City Services, Facilities, Transactions and Contracts

- (A) The City of Fayetteville and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.
- (B) All contractors doing business with the City of Fayetteville shall comply with this ordinance.

119.07 General Exceptions

- (A) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (B) This chapter shall not apply to any federal, state or county government office or official, or any public educational institution within the City.
- (C) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by a protected group.
- (D) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (E) It shall not be an unlawful discriminatory practice

for any person to carry out an affirmative action plan as required by state or federal law, or by court order.

- (F) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification or a permissible bona fide physical requirement, that party shall have the burden of proving:
- (1) That the discrimination is in fact a necessary result of such a bona fide condition; and
 - (2) That there exists no less discriminatory means of satisfying the bona fide requirement.
- (G) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in fact a necessary result of such a bona fide condition.
- (H) Any age restrictions required by state or federal law or regulations, including for the sale or delivery of alcoholic beverages, are not improper age discrimination under this chapter.

119.08 Posting of Notices

- (A) Every employer or entity subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City of Fayetteville, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or entity, notices required by this section shall be provided by the City. Notices shall be posted within ten days after receipt from the City.

119.09 Retaliation Prohibited

- (A) It is an unlawful discriminatory practice to coerce, threaten, retaliate against, interfere with or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or complaint, or has testified truthfully, assisted or participated in an investigation, proceeding or hearing pursuant to this chapter.
- (B) It is an unlawful discriminatory practice to require, request or suggest that a person or entity retaliate against, interfere with, intimidate or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or has testified truthfully, assisted or participated in an investigation, proceeding or hearing authorized under this chapter.
- (C) It is an unlawful discriminatory practice to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this chapter.

119.10 Preservation of Business Records

- (A) Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint until a final disposition of the complaint.

119.11 Administration and Enforcement

- (A) The Mayor shall designate the Civil Rights Administrator, who shall administer this chapter and be responsible for receiving, investigating and conciliating complaints filed under this chapter. To be considered and administered by the Civil Rights Administrator, complaints must be received in the Civil Rights Administrator's office no more than six months after the alleged discriminatory action or, in the case of ongoing alleged discriminatory actions, no more than six months after the most recent incident of alleged discrimination. The Civil Rights Administrator shall prepare an easy to use complaint form and make the form easily accessible to the public.
- (B) The Civil Rights Administrator should first attempt to eliminate the unlawful practice or practices through conciliation or mediation. In conciliating a complaint, the administrator should try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful practices in compliance with this

chapter. If the Civil Rights Administrator determines that the complainant is not acting in good faith, the conciliation or mediation may be terminated and the complaint may be immediately dismissed. If the respondent is not participating in good faith, the complaint may be immediately referred to the City Prosecutor's office.

- (C) After any attempted conciliation or mediation, the Civil Rights Administrator will refer any unresolved complaint and complainant as needed to the City Prosecutor's Office for appropriate further action, including prosecution.
- (D) The filing of a complaint under this chapter does not preclude any other state or federal remedies that may be available to a complainant.

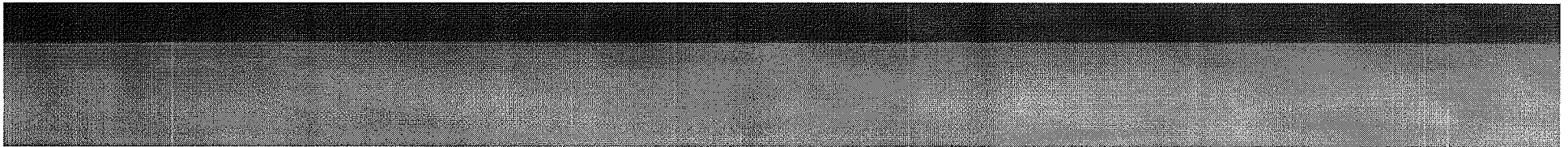
C.4 2015-2019 CIP

Handed out at agenda session



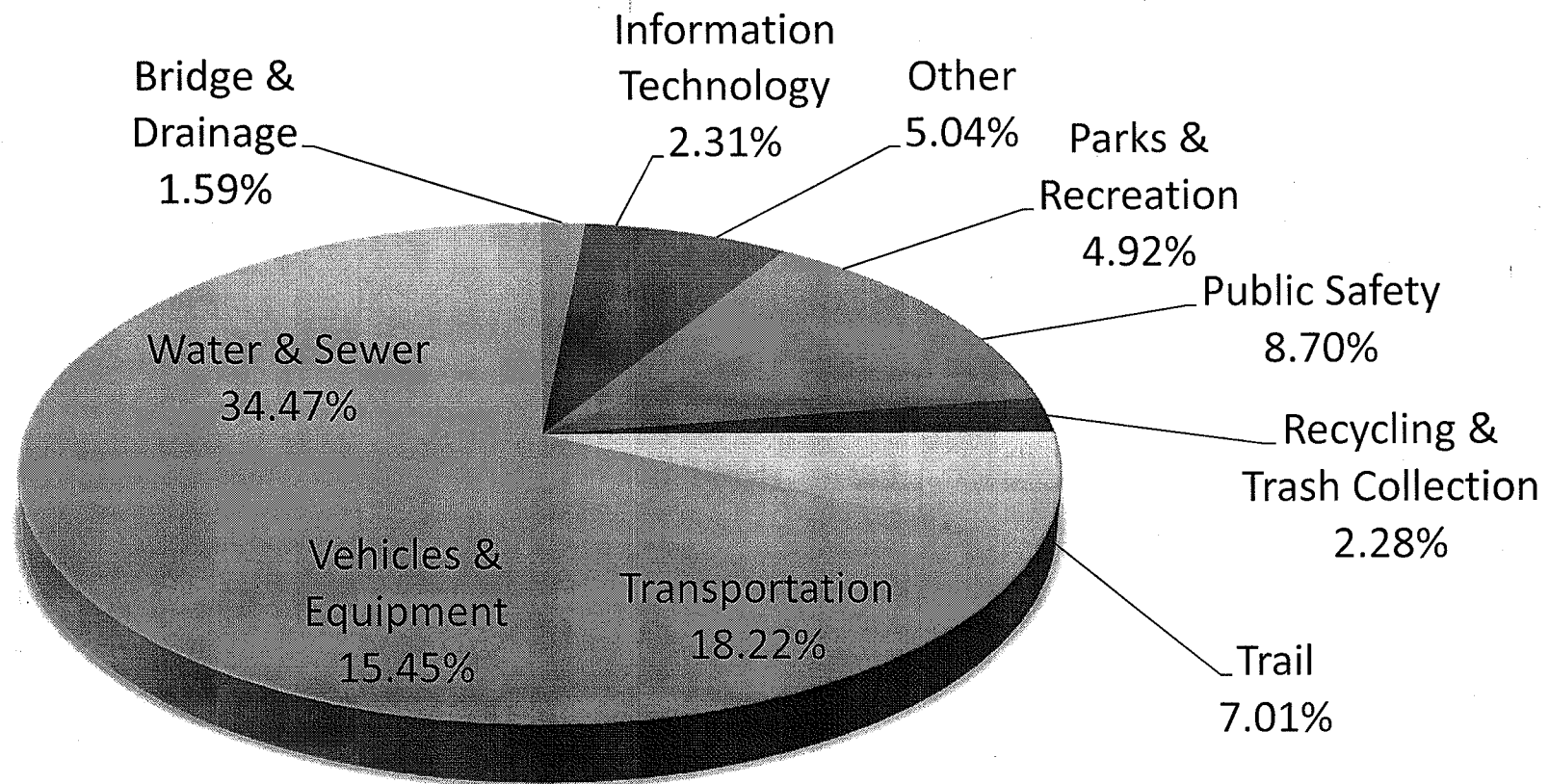
2015-2019 Five Year Capital Improvements Program

July 29, 2014



Capital Improvements Plan By Project Area – All Funds

\$113,320,000



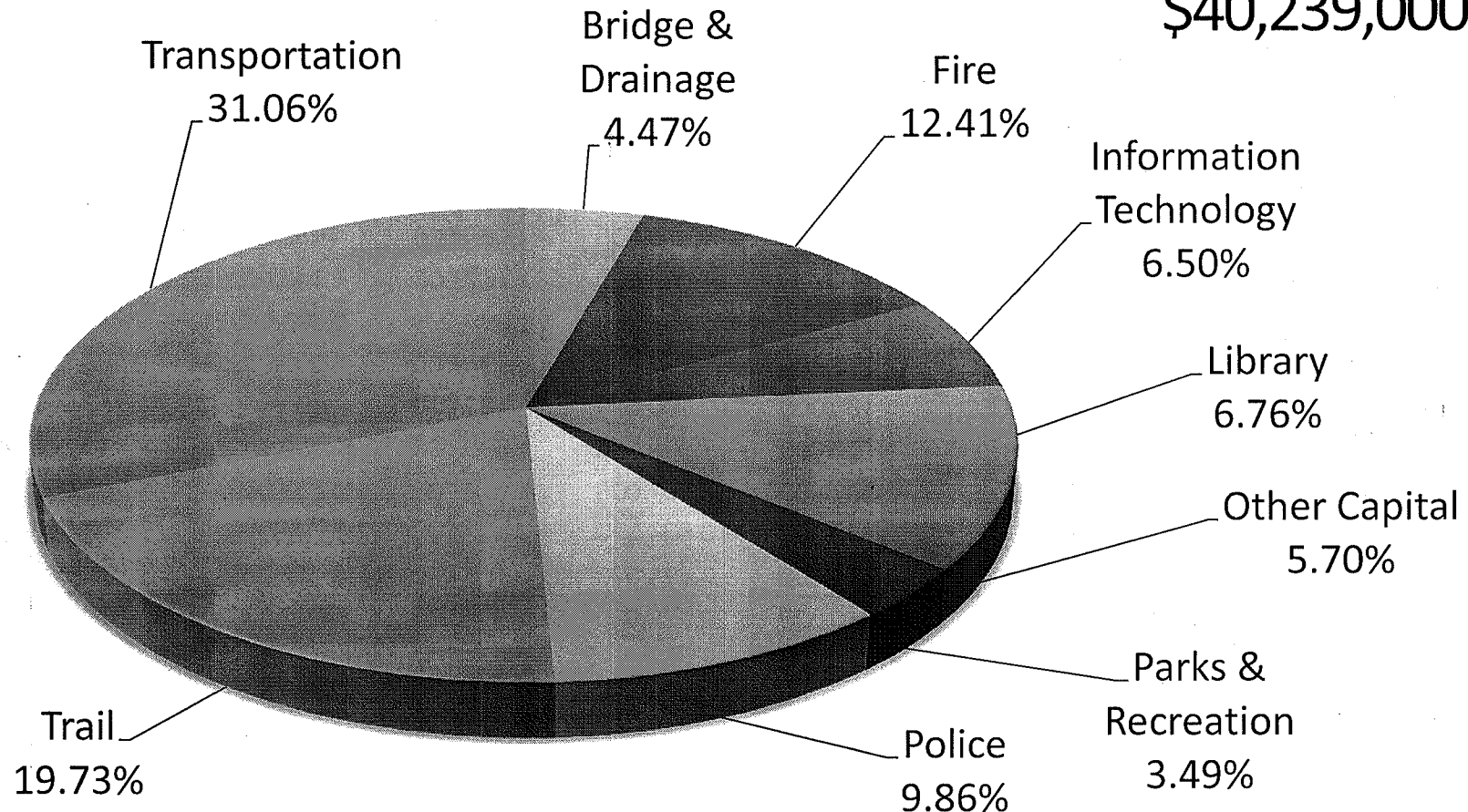
CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
By Project Area – All Sources

Project Area	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Other	1,425,000	1,232,000	1,056,000	1,051,000	952,000	5,716,000
Parks & Recreation	1,084,000	1,107,000	1,080,000	1,167,000	1,143,000	5,581,000
Public Safety	1,323,000	1,474,000	2,376,000	2,299,000	2,391,000	9,863,000
Recycling/Trash	1,759,000	238,000	192,000	196,000	200,000	2,585,000
Street	350,000	100,000	100,000	100,000	100,000	750,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	4,042,000	3,802,000	3,907,000	4,016,000	4,133,000	19,900,000
Vehicles & Equipment	3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Water & Sewer	10,499,000	8,005,000	7,438,000	6,966,000	6,155,000	39,063,000
Total	\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000

Capital Improvements Plan

Sales Tax Capital Improvements Fund

\$40,239,000



CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Sales Tax Capital Improvements Funding – by Project Category

Project Category	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Fire	643,000	627,000	1,550,000	1,063,000	1,111,000	4,994,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Library	441,000	525,000	519,000	615,000	622,000	2,722,000
Other Capital	684,000	580,000	422,000	346,000	260,000	2,292,000
Parks & Recreation	167,000	258,000	280,000	378,000	322,000	1,405,000
Police	510,000	672,000	646,000	1,051,000	1,090,000	3,969,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	2,242,000	2,402,000	2,507,000	2,616,000	2,733,000	12,500,000
Total	\$ 7,684,000	\$ 7,804,000	\$ 8,119,000	\$ 8,269,000	\$ 8,363,000	\$ 40,239,000

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
2100 - STREET:						
<u>Transportation Improvements</u>						
Engineering (D610)						
Willow Bend Development Cost Share	500,000	500,000	0	0	0	1,000,000
Transportation (D800)						
Sidewalk Improvements	1,250,000	1,000,000	1,500,000	1,500,000	1,500,000	6,750,000
Winter Weather Operations Center	400,000	0	0	0	0	400,000
Street - Total	<u>2,150,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>8,150,000</u>
2130 - PARKING:						
<u>Other Capital Improvements</u>						
Parking & Telecommunications (D840)						
Parking Lot Improvements and Overlays	25,000	25,000	25,000	25,000	25,000	125,000
Spring Street Parking Deck Improvements	25,000	25,000	25,000	25,000	25,000	125,000
Meadow Street Parking Deck Improvements	20,000	20,000	20,000	20,000	20,000	100,000
Parking - Total	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>350,000</u>
2250 - PARKS DEVELOPMENT:						
<u>Parks & Recreation Improvements</u>						
Parks & Recreation (D460)						
Regional Park Development	217,000	120,000	120,000	0	0	457,000
Community Park Improvements	700,000	729,000	680,000	789,000	821,000	3,719,000
Parks Development - Total	<u>917,000</u>	<u>849,000</u>	<u>800,000</u>	<u>789,000</u>	<u>821,000</u>	<u>4,176,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

2300 - IMPACT FEE:

Fire Improvements

Fire Department (D300)

Fire Impact Fee Improvements

80,000	83,000	86,000	89,000	92,000	430,000
80,000	83,000	86,000	89,000	92,000	430,000

Police Improvements

Police (D200)

Police Impact Fee Improvements

90,000	92,000	94,000	96,000	98,000	470,000
90,000	92,000	94,000	96,000	98,000	470,000

Water & Sewer Improvements

Utilities Director (D900)

Wastewater Impact Fee Improvements

Water Impact Fee Improvements

400,000	400,000	400,000	400,000	400,000	2,000,000
500,000	500,000	500,000	500,000	500,000	2,500,000
900,000	900,000	900,000	900,000	900,000	4,500,000

Impact Fee - Total

1,070,000	1,075,000	1,080,000	1,085,000	1,090,000	5,400,000
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

4470 - SALES TAX CAPITAL IMPROVEMENTS:

Bridge & Drainage Improvements

Engineering (D610)

Stormwater Quality Management	200,000	200,000	200,000	200,000	200,000	1,000,000
Other Drainage Improvements	160,000	160,000	160,000	160,000	160,000	800,000
	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>1,800,000</u>

Fire Improvements

Fire Department (D300)

Fire Apparatus Replacements	432,000	432,000	1,347,000	865,000	924,000	4,000,000
Fire Mobile Radios	36,000	0	0	0	0	36,000
Firefighter Safety Equipment	0	30,000	38,000	8,000	17,000	93,000
Fire Facility Maintenance	125,000	125,000	125,000	150,000	150,000	675,000
Fire Information Technology Updates	50,000	40,000	40,000	40,000	20,000	190,000
	<u>643,000</u>	<u>627,000</u>	<u>1,550,000</u>	<u>1,063,000</u>	<u>1,111,000</u>	<u>4,994,000</u>

Information Technology Improvements

Information Technology (D440)

Local Area Network (LAN) Upgrades	135,000	135,000	125,000	125,000	150,000	670,000
Storage Area Network (SAN)	70,000	200,000	40,000	40,000	40,000	390,000
Microcomputer / Printer Replacements	87,000	60,000	75,000	60,000	75,000	357,000
Geographic Information System (GIS)	75,000	55,000	60,000	75,000	60,000	325,000
ERP Upgrade/Replacement	200,000	200,000	0	0	0	400,000
AccessFayetteville Technical Improvement	20,000	20,000	20,000	20,000	20,000	100,000
Document Management	45,000	15,000	15,000	20,000	20,000	115,000
Desktop Management System	30,000	0	0	0	0	30,000
Hansen Version 8 Upgrade	0	195,000	0	0	0	195,000
Web Security Filtering	35,000	0	0	0	0	35,000
	<u>697,000</u>	<u>880,000</u>	<u>335,000</u>	<u>340,000</u>	<u>365,000</u>	<u>2,617,000</u>

Library Improvements

Library (D150)

Library Materials Purchases	406,000	425,000	489,000	506,000	524,000	2,350,000
Library Computer Replacements	35,000	100,000	30,000	109,000	98,000	372,000
	<u>441,000</u>	<u>525,000</u>	<u>519,000</u>	<u>615,000</u>	<u>622,000</u>	<u>2,722,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Other Capital Improvements

Animal Services (D650)

Animal Services Improvements	35,000	35,000	5,000	0	0	75,000
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Building Maintenance (D530)

Building Improvements	125,000	129,000	132,000	136,000	140,000	662,000
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City Clerk/Treasurer (D130)

City Clerk Document Management Equipment	44,000	0	45,000	0	0	89,000
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City Planning (D620)

Comprehensive Land Use Plan Update	0	100,000	0	0	0	100,000
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Planning Commission Tablet Replacements	0	6,000	0	0	0	6,000
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Development Services (D600)

Wayfinding Regional Signage Program	60,000	65,000	0	0	0	125,000
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Government Channel (D710)

Television Center Digital Conversion	100,000	0	0	0	0	100,000
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City Hall Audio-Visual Renovation	100,000	0	0	0	0	100,000
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Video Production Digital Server & Archive System	0	120,000	0	0	0	120,000
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Television Center Equipment	50,000	50,000	50,000	50,000	50,000	250,000
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Digital Signage Implementation	15,000	15,000	0	0	0	30,000
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Mayors Administration (D100)

Woolsey Homestead Historic Restoration Project	70,000	0	120,000	90,000	0	280,000
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Parking & Telecommunications (D840)

Telecommunication Systems Upgrades	35,000	10,000	20,000	20,000	20,000	105,000
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Parking Lot Improvements (City Employee)	10,000	10,000	10,000	10,000	10,000	50,000
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Sustainability & Resilience (D410)

Building Efficiency Improvements	40,000	40,000	40,000	40,000	40,000	200,000
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	<u>684,000</u>	<u>580,000</u>	<u>422,000</u>	<u>346,000</u>	<u>260,000</u>	<u>2,292,000</u>
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Parks & Recreation Improvements

Parks & Recreation (D460)

Tree Escrow	74,000	0	0	0	0	74,000
Safety and ADA	15,000	15,000	15,000	15,000	15,000	75,000
Forestry and Habitat Improvement	30,000	62,000	34,000	32,000	26,000	184,000
Park Paving Improvements	0	58,000	58,000	58,000	58,000	232,000
Parks & Recreation Master Plan	0	0	0	0	200,000	200,000
Lake Improvements	0	0	0	250,000	0	250,000
Lights of the Ozarks	23,000	23,000	23,000	23,000	23,000	115,000
Walker Park Senior Activity and Wellness Center	25,000	100,000	150,000	0	0	275,000
	<u>167,000</u>	<u>258,000</u>	<u>280,000</u>	<u>378,000</u>	<u>322,000</u>	<u>1,405,000</u>

Police Improvements

Police (D200)

Police Bulletproof Vests & Ballistic Protection	52,000	13,000	10,000	23,000	62,000	160,000
Police Weapon Replacement	8,000	14,000	40,000	0	0	62,000
Police Building Improvements	35,000	25,000	25,000	75,000	25,000	185,000
Police Unmarked Vehicles	78,000	83,000	83,000	54,000	102,000	400,000
Police Records Management System Improvements	150,000	150,000	0	0	0	300,000
Police Technology Improvements	15,000	25,000	25,000	75,000	25,000	165,000
Police Network/Server Replacements	68,000	50,000	0	0	32,000	150,000
Police Mobile Video System Replacement	35,000	0	210,000	0	38,000	283,000
Police Specialized Equipment	21,000	21,000	8,000	40,000	242,000	332,000
Employee Gym Equipment	7,000	10,000	10,000	10,000	10,000	47,000
Police Automated External Defibrillator (AED)	41,000	0	0	0	0	41,000
Police Take Home Vehicles	0	57,000	60,000	62,000	65,000	244,000
Radio System Replacement - Citywide	0	0	0	700,000	200,000	900,000
Police Virtual Server & Storage Area Network	0	180,000	0	0	0	180,000
Police eTicket Equipment Replacement	0	44,000	0	0	0	44,000
Police Equipment Replacement	0	0	10,000	0	10,000	20,000
Central Dispatch Improvements	0	0	165,000	0	0	165,000
Police K9 Replacement	0	0	0	12,000	12,000	24,000
Police Radio Replacement	0	0	0	0	42,000	42,000
Police Mobile Computer Terminal Replacement	0	0	0	0	225,000	225,000
	<u>510,000</u>	<u>672,000</u>	<u>646,000</u>	<u>1,051,000</u>	<u>1,090,000</u>	<u>3,969,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Street Improvements

Engineering (D610)

Street ROW / Intersection / Cost Sharing

350,000	100,000	100,000	100,000	100,000	750,000
350,000	100,000	100,000	100,000	100,000	750,000

Trail Improvements

Transportation Services (D800)

Trail Development

1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
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Lake Fayetteville Trailhead (BGSO)

190,000	0	0	0	0	190,000
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Mud Creek Trail Lighting

250,000	0	0	0	0	250,000
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1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
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Transportation Improvements

Transportation Services (D800)

In-House Pavement Improvements

1,692,000	1,852,000	2,207,000	2,316,000	2,433,000	10,500,000
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Sidewalk Improvements

0	250,000	0	0	0	250,000
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Traffic Signal Improvements

110,000	110,000	110,000	110,000	150,000	590,000
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Wireless Traffic Signal Control

40,000	40,000	40,000	40,000	0	160,000
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Drainage Maintenance

50,000	50,000	50,000	50,000	50,000	250,000
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1,892,000	2,302,000	2,407,000	2,516,000	2,633,000	11,750,000
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Sales Tax Capital Improvements - Total

7,684,000	7,804,000	8,119,000	8,269,000	8,363,000	40,239,000
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

5400 - WATER & SEWER:

Wastewater Treatment Improvements

Utilities Director (D900)

Phosphorus Standards Management	50,000	50,000	50,000	50,000	50,000	250,000
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Wastewater Treatment Plant (D930)

W.W.T.P. Building Improvements	410,000	30,000	45,000	30,000	30,000	545,000
Plant Pumps and Equipment - W.W.T.P.	270,000	305,000	295,000	405,000	355,000	1,630,000
Upgrade and Replace Lift Stations - W.W.T.P.	67,000	125,000	130,000	50,000	100,000	472,000
Filter Cell Replacement - W.W.T.P.	1,000,000	1,000,000	1,000,000	1,000,000	0	4,000,000
	<u>1,797,000</u>	<u>1,510,000</u>	<u>1,520,000</u>	<u>1,535,000</u>	<u>535,000</u>	<u>6,897,000</u>

Water & Sewer Improvements

Water & Sewer Maintenance (D910)

Sewer Rehabilitation Ramsey and Overcrest	2,340,000	0	0	0	0	2,340,000
Sanitary Sewer Rehabilitation	1,000,000	2,000,000	1,500,000	1,500,000	1,500,000	7,500,000
Water/Sewer Relocations - Bond Projects	1,300,000	1,000,000	500,000	500,000	500,000	3,800,000
Water/Sewer Equipment Expansions	150,000	145,000	168,000	21,000	20,000	504,000
Water Storage & Pump Station Maintenance	85,000	0	0	0	0	85,000
Water System Rehabilitation/Replacement	2,095,000	1,825,000	2,055,000	1,885,000	2,065,000	9,925,000
Water Impact Fee Cost Sharing Projects	275,000	200,000	200,000	200,000	200,000	1,075,000
	<u>7,245,000</u>	<u>5,170,000</u>	<u>4,423,000</u>	<u>4,106,000</u>	<u>4,285,000</u>	<u>25,229,000</u>

Water & Sewer Services Improvements

Billing & Collections (D520)

Business Office Improvements	20,000	20,000	20,000	20,000	20,000	100,000
Utilities Technology Improvements	12,000	20,000	20,000	20,000	30,000	102,000

Water & Sewer Maintenance (D910)

Water Meters	315,000	325,000	325,000	325,000	325,000	1,615,000
Water/Sewer Building and Office Improvements	170,000	50,000	50,000	50,000	50,000	370,000
Water & Sewer Rate/Operations Study	30,000	0	170,000	0	0	200,000
Backflow Prevention Assemblies	10,000	10,000	10,000	10,000	10,000	50,000
	<u>557,000</u>	<u>425,000</u>	<u>595,000</u>	<u>425,000</u>	<u>435,000</u>	<u>2,437,000</u>

Water & Sewer - Total

	<u>9,599,000</u>	<u>7,105,000</u>	<u>6,538,000</u>	<u>6,066,000</u>	<u>5,255,000</u>	<u>34,563,000</u>
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

5500 - RECYCLING & TRASH COLLECTION:

Recycling & Trash Collection Improvements

Recycling & Trash Collection (D920)

Solid Waste Office & Trans Station Exp	1,500,000	0	0	0	0	1,500,000
Container Maintenance Building Upgrade	25,000	0	0	0	0	25,000
Solid Waste Containers	100,000	100,000	50,000	50,000	50,000	350,000
Solid Waste Compactors	134,000	138,000	142,000	146,000	150,000	710,000
	<u>1,759,000</u>	<u>238,000</u>	<u>192,000</u>	<u>196,000</u>	<u>200,000</u>	<u>2,585,000</u>
Recycling & Trash Collection - Total						

5550 - AIRPORT:

Aviation Improvements

Aviation (D810)

Airport Lighting Improvements	20,000	20,000	20,000	20,000	0	80,000
Airport Boiler Improvements	25,000	25,000	25,000	0	0	75,000
Airport Fire Sprinkler Repl White Hangar	75,000	0	0	0	0	75,000
Airport Self Serve Station Upgrade	0	12,000	0	0	0	12,000
Airport Roof Replacements	110,000	0	0	0	0	110,000
	<u>230,000</u>	<u>57,000</u>	<u>45,000</u>	<u>20,000</u>	<u>0</u>	<u>352,000</u>
Airport - Total						

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

9700 - SHOP:

Vehicles & Equipment Improvements

Fleet Operations (D830)

Fleet - Police / Passenger Vehicles	346,000	286,000	232,000	294,000	295,000	1,453,000
Fleet - Solid Waste Vehicles / Equipment	860,000	755,000	990,000	1,166,000	792,000	4,563,000
Fleet - Construction Equipment	356,000	255,000	140,000	260,000	0	1,011,000
Fleet - Backhoes / Loaders	593,000	504,000	389,000	0	102,000	1,588,000
Fleet - Heavy Utility Vehicles	386,000	384,000	664,000	278,000	280,000	1,992,000
Fleet - Tractors / Mowers	375,000	85,000	243,000	257,000	364,000	1,324,000
Fleet - Light / Medium Utility Vehicles	568,000	901,000	517,000	510,000	530,000	3,026,000
Fleet - Other Vehicles / Equipment	233,000	772,000	709,000	474,000	360,000	2,548,000
Shop - Total	<u>3,717,000</u>	<u>3,942,000</u>	<u>3,884,000</u>	<u>3,239,000</u>	<u>2,723,000</u>	<u>17,505,000</u>
All Funding Sources - Total	<u>27,196,000</u>	<u>22,640,000</u>	<u>22,228,000</u>	<u>21,234,000</u>	<u>20,022,000</u>	<u>113,320,000</u>

**CAPITAL
IMPROVEMENTS
PROGRAM
(2015-2019)

UNFUNDED
PROJECTS**

Fire Improvements:

Fire Station #2 - Replacement/Expansion	\$ 4,772,000
	<u>4,772,000</u>

Information Technology Improvements

Wide Area Network (WAN) Connectivity	2,220,000
	<u>2,220,000</u>

Library Improvements

Library Computer Replacements	56,000
Library Facility Maintenance	194,000
Library Integrated System Installation & Maintenance	1,043,000
Library Materials Purchases	97,000
Library OCLC MARC Record Project	575,000
	<u>1,965,000</u>

Parks & Recreation Improvements

Gulley Park Improvements	275,000
Regional Park Development	20,182,000
	<u>20,457,000</u>

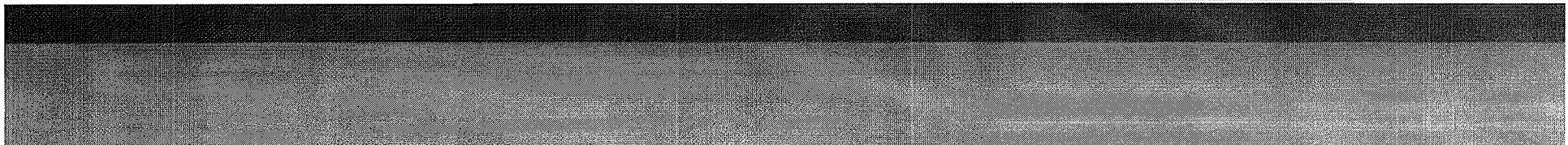
Police Improvements

Police Armored Vehicle	200,000
Police Headquarters Building	22,125,000
Police Specialized Equipment	90,000
Police Unmanned Ground Vehicle	41,000
Radio System Replacement - Citywide	2,100,000
	<u>24,556,000</u>

Transportation Improvements

In-House Pavement Improvements	559,000
Sidewalk Improvements	500,000
	<u>1,059,000</u>

Total - Unfunded \$ 55,029,000



Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas City Council Meeting July 15, 2014

A meeting of the Fayetteville City Council was held on July 15, 2014 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhonda Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized Ray Minor's News-Ed class from the University of Arkansas Journalism School.

City Council Meeting Presentations, Reports and Discussion Items:

188th Arkansas Air National Guard Unit Fort Smith Presentation

Lieutenant Colonel Dean Tommy, 188th Arkansas Air National Guard: The 188th is a mission ready international guard unit. Since September 11, 2001 we have served overseas in support of Operations Iraqi Freedom and Enduring Freedom. We have served stateside in Operation Noble Eagle and in disaster response following ice storms, tornadoes, floods and Hurricane Katrina.

People who see a military member in uniform say thank you for your service. While we are humbled by this thanks, we know that none of us serves alone. It takes a large support system to protect our nation's freedoms.

Over the past 60 years the City of Fayetteville and its citizens have been instrumental in the success of the 188th Wing and our members during our many activations and deployments. We have been a base with numerous aircraft, but we are now entering a new mission in intelligence and remotely piloted aircraft mission. There will be no physical aircraft on the ramp in Fort Smith, no reminders of the 188th in the air over Northwest Arkansas. The 188th Wing would like to provide the City of Fayetteville with a token of gratitude from the members of our city and we ask that it serve in place of those aircraft as a reminder of our Wing and your fellow citizens who serve. Mayor Jordan, it is our honor to present you with this framed photo of the A-10 Warthog, Tail Number 642 that was dedicated to the City of Fayetteville. We ask that it reside in the city as a remembrance and to thank you for your continued and unwavering support of our airmen.

Mayor Jordan: Thank you all very much and thank you for your service.

International Institute of Municipal Clerks Certified Municipal Clerk Presentation and Arkansas City Clerks, Records, and Treasurers Association Certified Arkansas Municipal Clerk Presentation

Mayor Jordan: I have the honor and privilege to recognize and present awards to two people that are very special to me, this city and to the citizens at large. I have the utmost respect and admiration for both of them. The first award goes to Lisa Branson, Deputy City Clerk. She has received the designation of Certified Municipal Clerk from the International Institute of Municipal Clerks and Certified Arkansas Municipal Clerk from the Arkansas City Clerks, Records, and Treasurers Association. It is a significant accomplishment to receive these designations and it exemplifies Lisa's commitment to continuing education. Lisa's dedication and contribution to our city is to be commended.

Deputy City Clerk Lisa Branson: Thank you.

Adrian White Municipal Leadership Award Presentation

Mayor Jordan: I want to recognize someone who has been a City Clerk as long as I have been on the Council. Don Marr and I remember when Sondra first came on board. At the 80th Municipal League Conference this year, Sondra Smith was presented the Adrian White Municipal Leadership Award. This is for serving six years with distinction and dedication to Municipal League Boards, Councils or Committees. This is truly a great honor and congratulations Sondra on that award.

City Clerk Sondra Smith: Thank you Mayor.

2013 Audit Report-Paul Becker Finance and Internal Services Director

Paul Becker, Finance Director gave the 2013 Audit Report. He stated the report is on the City of Fayetteville website for inspection and the city was issued a clean opinion.

Agenda Additions: None

Consent:

Approval of the July 01, 2014 City Council meeting minutes.

Approved

Bid #14-28 Scruggs Equipment Co.: A resolution to award Bid #14-28 to Scruggs Equipment Co. of Memphis, Tennessee and to authorize the purchase of an RS Technical Services Trak-Star Van with pipeline television inspection system in the amount of \$139,685.00 for use by the Water and Sewer Operations Division.

Resolution 119-14 as recorded in the office of the City Clerk.

Bid #14-35 Industrial Precast, Inc.: A resolution to award Bid #14-35 and authorize the purchase of retaining wall blocks from Industrial Precast, Inc. in variable amounts as needed, and to authorize the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 120-14 as recorded in the office of the City Clerk.

Bid #14-37 Carter Waters: A resolution to award Bid #14-37 and authorize the purchase of cold asphalt concrete from Carter Waters for a unit price of \$116.82 per ton, as needed, and to authorize the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 121-14 as recorded in the office of the City Clerk.

Bid #14-32 Future Link of Illinois, Inc.: A resolution to award Bid #14-32 and authorize the purchase of thirty-five (35) Mobile Computer Systems from Future Link of Illinois, Inc. in the amount of \$150,500.00 for use in Fayetteville Police patrol vehicles.

Resolution 122-14 as recorded in the office of the City Clerk.

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department since February 2014.

Resolution 123-14 as recorded in the office of the City Clerk.

Pierce Manufacturing, Inc.: A resolution to approve a bid from Pierce Manufacturing, Inc. pursuant to the Houston-Galveston Area Council contract #800-926-0234 for a pierce 75 foot Heavy Duty Aluminum Ladder Fire Truck in the amount of \$807,259.00 plus a contingency of \$16,146.00.

Resolution 124-14 as recorded in the office of the City Clerk.

Plante and Moran, PLLC: A resolution to approve an extension to the contract with Plante and Moran, PLLC for information technology services through the end of 2014 in the amount of \$106,470.00, and to approve a budget adjustment.

Resolution 125-14 as recorded in the office of the City Clerk.

Public Access Television Fee Revenue: A resolution to approve a budget adjustment in the amount of \$4,000.00 recognizing public access television fee revenue to be used for promotional activities.

Resolution 126-14 as recorded in the office of the City Clerk.

Yvonne Richardson Community Center: A resolution to approve a budget adjustment in the total amount of \$28,202.00 representing donation revenue to the Yvonne Richardson Community Center for the first half of 2014.

Resolution 127-14 as recorded in the office of the City Clerk.

Urban Sustainability Directors Network: A resolution to authorize acceptance of a grant from the Urban Sustainability Directors Network in the amount of \$2,465.00, and to approve a budget adjustment.

Resolution 128-14 as recorded in the office of the City Clerk.

Evans Construction and Remodeling, LLC: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of \$38,190.00 for Community Development Block Grant Rehabilitation of an eligible residence located at 1211 N. Starr Drive.

Resolution 129-14 as recorded in the office of the City Clerk.

Sourcegas Arkansas, Inc.: A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with Sourcegas Arkansas, Inc. in the amount not to exceed \$39,804.79 for the relocation of gas mains and facilities necessary for the Spring Street Parking Deck Project, and to approve a project contingency of \$8,000.00.

Resolution 130-14 as recorded in the office of the City Clerk.

Harvey Dowell Road Sewer Service Extension: A resolution to approve the extension of the City's sewerage system beyond the city limits to a single residence located at 55 S. Harvey Dowell Road.

Resolution 131-14 as recorded in the office of the City Clerk.

Federal Aviation Administration Grant Terminal Apron Rehabilitation Project: A resolution to authorize acceptance of a Federal Aviation Administration Grant in the amount of \$32,445.00 to be used for the Drake Field Terminal Apron Rehabilitation Project; to authorize the application for and acceptance of a grant for the remaining project balance from the Arkansas Department of Aeronautics at the conclusion of the project; and to approve a budget adjustment.

Resolution 132-14 as recorded in the office of the City Clerk.

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

Unfinished Business: None

New Business:

Walton Family Foundation Grant Acceptance – Town Branch Trail: A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$815,000.00 matching grant for the completion of Town Branch and Tsa-La-Gi Trails, to approve the grant agreement and to approve a budget adjustment to recognize this \$815,000.00 grant.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution. He stated it is exciting news for the trail program. He expressed his appreciation to the Sustainability & Resilience Department for their help with the grant application. He stated the in-house construction crew through the Transportation Division will build the trails as part of the 50/50 matching grant.

Mayor Jordan: Another great partnership with the Walton Family Foundation.

Don Marr, Chief of Staff: Our original bond issue for the Trails and the Transportation Bond was \$2.1 million. We are getting almost 50% of what we had in our entire bond program with this grant partnership with the Walton Family Foundation. We are extremely excited about the work by Matt, Peter, Leif and Kristina and for the Walton Family Foundation for continuing to fund trails, particularly in South Fayetteville with the connection to our Regional Park.

Alderman Marsh: Thank you to the Walton Family Foundation for helping us with this project. Our Chamber President has called our trails system, ribbons of commerce and there is nowhere in our city where it is needed more than on our south side. I can't wait to ride my bike to the Regional Park. Thank you to the staff for their hard work on this project.

Mayor Jordan: Thank you Matt, Don and Jeremy for your work on this. It is a great accomplishment.

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

Resolution 133-14 as recorded in the office of the City Clerk.

Walton Family Foundation Grant Acceptance – Cato Springs Trail Design: A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$150,000.00 matching grant for the design and engineering of the Cato Springs Trail, to approve the grant agreement and to approve a budget adjustment to recognize this \$150,000.00 grant.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution. He stated the Cato Springs Trail has some complex design and permitting involved with it and there was a need to hire a consultant to help with the design for the connection.

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

Resolution 134-14 as recorded in the office of the City Clerk.

RZN 14-4703 (Northeast Corner of Wedington and Ruppel Road/Wedington Zone 2): An ordinance rezoning that property described in rezoning petition RZN 14-4703, for approximately 6.88 acres, located at the northeast corner of Wedington and Ruppel Road from C-1, Neighborhood Commercial, C-2, Thoroughfare Commercial, and I-PZD, Industrial Planned Zoning District Westside Mini-Storage to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 6-0 in favor of the rezoning. Staff is supportive of rezoning the property to Community Services. We feel it is an important part of the heart of that neighborhood to allow for future redevelopment.

Pat Tobin, Property Owner: I own some of the property in question. I am not for this designation at all. This ordinance is saying that the parking has to be in back of the building. I don't care for that and I like the way it stands in the old form and fashion. What you have done is face the buildings in the back. A person driving down the highway will not know exactly what building or unit is in that center.

If something were to happen such as a tornado and tear up the whole unit, could I build it back in the same footprint that it is now? Why would you go through this rezoning now? I think this is a costly designation in all forms by having to put two fronts on a building.

It would be better if we could reduce cost on developers and speed up the permitting process. I can go to Rogers and get a building permit in two days. I look at the designation Community Service as just another new idea, just as Urban Renewal came into this city years ago. We tore down old buildings, re-did a lot on the square and around the square. In the end what they found was that businesses failed. I think that will happen with this design standard. In the June 16, 2014 Northwest Times there is an article about Fayetteville joining the Downtown Revitalization Network. They want to try and save what is left and I think this will be the same type of deal that is going to happen here. It is going to be a costly deal in the future.

Fayetteville is widely known to be the hardest place to get a permit. The city has gone too far if it can tell a developer what way to face a building.

Alderman Petty: Form Based Codes have been successful, not just nationally but in our own region. Cities that have adopted Form Based Codes have seen an increase in development. When you look at the kind of form this zoning code would require, we see that retail sales per square foot go up, and rental rates for commercial and residential projects go up. There are reasons to do this that have a factual basis and it is important to stay true to the results that are already out there.

Alderman Marsh: In regards to our acceptance into the Arkansas Downtown Network to form a Main Street Fayetteville Program. I am the person who has been spearheading that project. One of the reason's it is so needed is to revitalize our streetscapes and make them more pedestrian friendly and repair a lot of the damage that was done when we oriented our cities for cars instead of people. Buildings that face the street are going to be vitally important in that effort.

There is a lot of talk of how easy it is to develop up north. I moved to Fayetteville because I think it is a beautiful community. I didn't want to sit in traffic jams. I love our Downtown, the walkability and the trail systems we are developing. Fayetteville offers a high quality of life. It may be developer's money, but it is our community and we all have a vested interest in making a community that is walkable and serves people with varying degrees of mobility and income levels. I am strong supporter of the Form Based Codes and I will be voting to support this.

Alderman Long: Jeremy, this was included in the Wedington Corridor Plan?

Jeremy Pate: Yes.

Alderman Long: We had a lot of citizen input that went into this particular type of planning.

Jeremy Pate: Part of that public process we identified Ruppel Road, particularly near the intersection of Wedington as sort of the new main street of this area that we call the heart of the neighborhood. This corner would be important. You have already zoned the northwest corner to Community Services and that would be consistent with this rezoning as well.

Mr. Tobin asked if a tornado came through and removed this building, could he build it back. We do have a provision in our code for non-conforming structures to allow them if they are destroyed by natural disaster to be able to rebuild within the existing parameters and footprint without

requiring variances. If it is self-imposed destruction by neglect, greater than 50% of the structure then it has to be rebuilt in accordance with the new zoning.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5696 as Recorded in the office of the City Clerk

RZN 14-4729 (Cato Springs Rd./Chambers Bank): An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated based on the existing zoning district and what it would be after rezoning it was very compatible with the future land use plan for this area and our City Plan 2030 goals. Planning Commission voted 6-0 in favor of the rezoning request.

Hunter Haynes, Developer: We come forward tonight after working with staff and the community on understanding what the future desires are in the area, adjacent services to the Regional Park, the trail system, and what is now the Cato Springs Chambers property. We are trying to be able to deliver those while being considerate with the natural environment using the stream bank areas as our natural zoning designations. Also being open to Form Based Design Codes and creating a walkable pedestrian friendly environment is something that creates value in a development.

Alderman Petty: Jeremy, who has jurisdiction over that piece of Cato Springs frontage between the two rezoning's?

Jeremy Pate: It would be within the county. It is a state highway, so the state likely maintains it. There are a lot of county roads out there and I am not exactly sure who does the full maintenance on it. It is a shared responsibility.

Alderman Marsh: I had the opportunity to explore the site with the developer and he addressed a lot of my personal concerns. This is such a large scale development, it is in our Enduring Green Network and it's at the headwaters of the Cato Springs Branch which flows through a neighborhood that has experienced a lot of flooding. It would be good to refer this to the Environmental Action Committee to get their input. I would like to hold this on the first reading.

This ordinance was left on the First Reading

RZN 14-4731 (Regional Park/Mt. Kessler Reserve): An ordinance rezoning that property described in rezoning petition RZN 14-4731, for approximately 630 acres, located at Mt. Kessler Regional Park from R-PZD, Residential Planned Zoning District Southpass 08-2898, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval of the rezoning. Planning Commission voted 6-0 in favor.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5697 as Recorded in the office of the City Clerk

VAC 14-4753 (1560 S. Happy Hollow Rd/Recycling and Trash Collection Facility): An ordinance approving VAC 14-4753 submitted by city staff for property located at 1560 S. Happy Hollow Road to vacate existing street right-of-way for Happy Hollow Road.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 7-0 in favor of this request.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5698 as Recorded in the office of the City Clerk

Baldwin & Shell Construction Company: A resolution to authorize an amendment to the contract with Baldwin & Shell Construction Company for demolition and mass excavation services for the Spring Street Parking Deck.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He estimated that it should take a little under a year for the entire project period. He stated it is an important infrastructure improvement for Downtown to allow for additional parking and growth. He stated he was pleased that the bids came in lower than the most recent estimates.

Patrick Tenney, Baldwin & Shell: We are excited to have this first step ready to go.

Don Marr, Chief of Staff: We still have a truss structural issue that we are dealing with that has potential implications. We don't expect any impact to the schedule that Jeremy just went through. We hope that it gets done before the 18th of August, which is where the primary concern would be with excavating if we were still in the process of re-shoring trusses in the Walton Arts Center. Today we don't know of anything that would keep us from pushing that date. If we run into some issue during that correction item you might see that schedule, if it was required to be removed, so we would not create undue risk to the repair.

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

Resolution 135-14 as recorded in the office of the City Clerk.

Repeal §178.05 Food Truck Limited Time Permits: An ordinance to repeal §178.05 Food Truck Limited Time Permits and enact a replacement §178.05 Food Truck and Food Trailer Limited Time Permits.

City Attorney Kit Williams read the ordinance.

Alderman Petty: At the Ordinance Review Committee we were clear that we wanted food trailers as well as food trucks to be able to vend on private property at the owners request and to go into our parks with permission from our Parks & Recreation Director. Unfortunately we overlooked that in the way the original ordinance was drafted. The definition of vendors for that section referred only to food trucks. All this does is fix that and allow trailers onto private property to vend for a limited time and to vend in the parks for a limited time with permission of the Parks & Recreation Director. Thank you to the City Attorney office, Planning and Sustainability for their work in reviewing these changes.

Jeremy Pate, Director of Development Services stated the changes make sense and staff is supportive.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5699 as Recorded in the office of the City Clerk

Enact Chapter 119 Civil Rights Administration: An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I ask that we take three meetings to go through all three readings and vote on this at the final meeting in August. I am against discrimination and I think Fayetteville has a history of doing the right thing. I think this is an opportunity for us to pass a good law. Thank you to the City Attorney office for working very hard on this ordinance. We might have to implement a

couple of tweaks. We have already identified two internally that are mostly logistical. We will have some minor amendments to present to you at the next Agenda Session.

This ordinance was left on the First Reading

City Council Agenda Session Presentations:

2013 Audit Management Report-Judy Jacobs Audit Committee Chair

City Council Tour:

Announcements:

City Attorney Kit Williams: I emailed you a memo yesterday concerning some questions that Alderman Long had. This is the issue about the internet taxis, Uber & Lyft that have been entering various cities around the United States. There is indication they might be attempting to enter into the Fayetteville market. This causes some concern for the safety of our citizens. Our taxi cabs must be inspected, found safe, be properly licensed and insured. Under these systems people are driving their own individual car that has never been inspected by the police. Our taxi drivers must have a permit, the police check them out and do a background check. I realize these internet companies have made claims they have insurance that would cover drivers during the time they are driving.

At this point neither one of these companies are licensed to do business in the State of Arkansas. I have never seen their insurance policies. They may establish that they can do all that, but there are still other problems. We would basically be sacrificing any of our control about how many taxi cabs we're going to have. Right now we require our taxi cab companies to operate 24 hours a day and provide service. If we allow the cheaper service, like this would provide, it very well could be that our taxi cab companies could not survive and then the only time you would be able to get a cab is during normal business hours and not when Dickson Street was closing down and cabs are more necessary.

Before I take any action, I wanted to make sure the City Council was okay with me sending a letter to them requesting documentation and also saying that until they comply with our ordinances they would not be allowed to operate within the City of Fayetteville. Any alderman could propose an ordinance that would allow them to operate here if you so choose, but the ordinance, as written right now in the code, would not allow their operation. Unless somebody has major objections I am going to contact them and tell them that at this point they are not allowed to operate in Fayetteville and they can provide me whatever documentation they might have to try and establish they would be a safe, effective and within our ordinance type of company.

Alderman Gray: We have a Ward 1 meeting Thursday, July 17, 2014 at the Fayetteville Senior Center on South College at 6:00 p.m.

Alderman Marsh: On Thursday, July 17, 2014 the Beaver Watershed Partnership is celebrating Lakes Appreciation month by having a Town Branch cleanup. They are inviting volunteers to join them at the Walker Park large pavilion at 5:00 p.m. The event will last until 8:00 p.m. and an appreciation dinner will be served following the cleanup. This is important because the Town Branch and its tributaries drain into Beaver Lake which is the drinking water source for one in seven Arkansans.

Don Marr, Chief of Staff: We are having our 7th Annual CDBG in the Park at Walker Park this Friday, July 18, 2014 from 10:30 a.m. to 1:30 p.m. It is free and open to the public. We will be serving hot dogs and refreshments. We are celebrating our investment in the community and providing information to our citizens about our Community Development Block Grant Program as well as other local programs that are targeted to assist low to moderate income families within our community.

On Saturday, July 18, 2014 at 8:00 a.m. there is a Meet your Trails Event Program that is sponsored by the City of Fayetteville's Wellness Committee which promotes active lifestyle activities. We will have a bike ride along Clear Creek, Mud Creek and Skull Creek Trails. It is an eight mile ride. We are going to meet at Clear Creek Trailhead. The trail tours are being led by city staff. It is a chance for people in the community to meet city staff. This tour will be led by Shelly Turberville in our Accounting Department.

Alderman Long: We will have a Ward 4 meeting on July 28, 2014 at City Hall in Room 111.

Adjournment: 6:51 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer



OFFICE OF THE
CITY ATTORNEY

B.2. Handed out at
Agenda Session.

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Kit Williams, City Attorney

FROM: Blake Pennington, Assistant City Attorney 

DATE: July 24, 2014

RE: Alderman Petty's Proposed Amendments to Civil Rights Ordinance

Alderman Petty will be proposing the following amendments to the civil rights ordinance. I am attaching a copy of the full ordinance with these changes incorporated for your reference:

AMEND 119.02 - DEFINITIONS

(E) "Employee" means any individual employed or ~~seeking employment from~~ by a covered employer.

AMEND 119.06

119.06 City Services, Facilities, Transactions and Contracts

- (A) The City of Fayetteville ~~shall be~~ and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.
- (B) All contractors doing business with the City of Fayetteville shall ~~abide by~~ comply with this ordinance.

EXHIBIT A

CHAPTER 119: CIVIL RIGHTS ADMINISTRATION

119.01 Purpose

The purpose of this chapter is to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status. This chapter's purpose is also to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

119.02 Definitions

- (A) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.
- (B) "Civil Rights Administrator" means the person designated by the Mayor to receive, investigate and conciliate complaints brought under this chapter.
- (C) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter, discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.
- (D) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age (if 18 years of age or older), gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability or veteran status.
- (E) "Employee" means any individual employed by a covered employer.
- (F) "Employer" means any person, business or organization which regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five (5) or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person or entity acting on behalf of an employer, directly or indirectly, or any employment agency.
- (G) "Familial status" means an individual's status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (H) "Gender" means actual or perceived sex.
- (I) "Gender Identity" means a person's gender-related identity, whether or not that identity is or is perceived to be different from that traditionally associated with the sex assigned to that individual at birth.
- (J) "Gender Expression" means a person's gender-related appearance and behavior whether or not that gender expression is or is perceived to be different from that traditionally associated with the person's assigned sex at birth.
- (K) "Marital status" means an individual's status as single, married, domestically partnered, divorced or widowed.
- (L) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments within the City which offer goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

(M) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.

(N) "Veteran status" means an individual's status as one who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

119.03 Prohibited Acts of Discrimination - Employment

(A) With regard to employment, it shall be unlawful for any employer or labor organization to engage in any of the following acts wholly or partially for a discriminatory reason:

- (1) To fail to hire, refuse to hire or discharge an individual;
- (2) To discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
- (3) To limit, segregate or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
- (4) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
- (5) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including on-the-job training programs;
- (6) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;
- (7) To discriminate in referring an individual for employment whether the referral is by an

employment agency, labor organization or any other person.

119.04 Prohibited Acts of Discrimination - Housing and Real Estate Transactions

(A) With regard to housing and real estate transactions, which include both sales and leases, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:

- (1) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
- (2) To discriminate by imposing different terms on a real estate transaction;
- (3) To represent falsely that an interest in real estate is not available for transaction;
- (4) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
- (5) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
- (6) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;
- (7) To make, print or publish, or cause to be made, printed or published, any discriminatory notice, statement or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of fifty-five (55) for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
- (8) To discriminate in any financial transaction involving real estate on account of the location of the real estate, be it residential or non-residential ("red-lining");
- (9) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these or any other person, for the purposes of inducing a

real estate transaction from which such person may benefit financially; to represent that a change has occurred or will or may occur in the composition with respect to the race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, physical characteristic, disability or veteran status of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");

(10) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law;

(11) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

(12) Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice to apply or enforce the definition of "family" for zoning purposes pursuant to § 151.01 of the Unified Development Code.

119.05 Prohibited Acts of Discrimination - Business Establishments or Public Accommodations

(A) It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:

(1) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations

of any business establishment or place of public accommodation, unless required by state or federal law;

(2) To print, publish, circulate, post or mail, directly or indirectly, a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable, unless the denial of the goods or services is required by state or federal law.

119.06 City Services, Facilities, Transactions and Contracts

(A) The City of Fayetteville and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.

(B) All contractors doing business with the City of Fayetteville shall comply with this ordinance.

119.07 General Exceptions

(A) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.

(B) This chapter shall not apply to any federal, state or county government office or official, or any public educational institution within the City.

(C) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by a protected group.

(D) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.

(E) It shall not be an unlawful discriminatory practice

for any person to carry out an affirmative action plan as required by state or federal law, or by court order.

- (F) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification or a permissible bona fide physical requirement, that party shall have the burden of proving:

- (1) That the discrimination is in fact a necessary result of such a bona fide condition; and
- (2) That there exists no less discriminatory means of satisfying the bona fide requirement.

- (G) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in fact a necessary result of such a bona fide condition.

- (H) Any age restrictions required by state or federal law or regulations, including for the sale or delivery of alcoholic beverages, are not improper age discrimination under this chapter.

119.08 Posting of Notices

- (A) Every employer or entity subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City of Fayetteville, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or entity, notices required by this section shall be provided by the City. Notices shall be posted within ten days after receipt from the City.

119.09 Retaliation Prohibited

- (A) It is an unlawful discriminatory practice to coerce, threaten, retaliate against, interfere with or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or complaint, or has testified truthfully, assisted or participated in an investigation, proceeding or hearing pursuant to this chapter.
- (B) It is an unlawful discriminatory practice to require, request or suggest that a person or entity retaliate against, interfere with, intimidate or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or has testified truthfully, assisted or participated in an investigation, proceeding or hearing authorized under this chapter.
- (C) It is an unlawful discriminatory practice to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this chapter.

119.10 Preservation of Business Records

- (A) Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint until a final disposition of the complaint.

119.11 Administration and Enforcement

- (A) The Mayor shall designate the Civil Rights Administrator, who shall administer this chapter and be responsible for receiving, investigating and conciliating complaints filed under this chapter. To be considered and administered by the Civil Rights Administrator, complaints must be received in the Civil Rights Administrator's office no more than six months after the alleged discriminatory action or, in the case of ongoing alleged discriminatory actions, no more than six months after the most recent incident of alleged discrimination. The Civil Rights Administrator shall prepare an easy to use complaint form and make the form easily accessible to the public.
- (B) The Civil Rights Administrator should first attempt to eliminate the unlawful practice or practices through conciliation or mediation. In conciliating a complaint, the administrator should try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful practices in compliance with this

chapter. If the Civil Rights Administrator determines that the complainant is not acting in good faith, the conciliation or mediation may be terminated and the complaint may be immediately dismissed. If the respondent is not participating in good faith, the complaint may be immediately referred to the City Prosecutor's office.

- (C) After any attempted conciliation or mediation, the Civil Rights Administrator will refer any unresolved complaint and complainant as needed to the City Prosecutor's Office for appropriate further action, including prosecution.
- (D) The filing of a complaint under this chapter does not preclude any other state or federal remedies that may be available to a complainant.

2015 Health Insurance Rates (corrected by a penny)

	MONTHLY CALCULATIONS					
PPO Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %		
2014 Single	\$386.93	\$77.38	\$309.55	20.00%		
2014 Family	\$1,025.34	\$358.86	\$666.48	35.00%		
2015 Single	\$414.79	\$82.96	\$331.83	20.00%		
2015 Family	\$1,099.16	\$384.72	\$714.44	35.00%		
HDHP (High Deductible)						
	MONTHLY CALCULATIONS					
HDHP Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Total Employee Cost Share % (for 2015 means prior 5% cost share plus assuming 20% of the increase for individual and 35% of the increase for family)	Employer's Monthly Health Savings Account Contribution (assumes same for 2014 & 2015)	Total Employer Monthly Contribution (Premium + Health Savings Account Contribution)
2014 Single	\$204.11	\$10.20	\$193.91	5.00%	\$70.80	\$264.71
2014 Family	\$540.86	\$27.04	\$513.82	5.00%	\$156.66	\$670.48
2015 Single	\$218.81	\$13.16	\$205.65	6.01%	\$70.80	\$276.45
2015 Family	\$579.80	\$40.68	\$539.12	7.02%	\$156.66	\$695.78

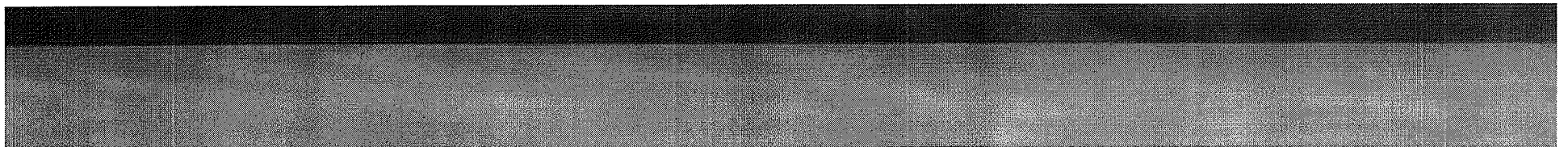
C.4 2015-2019 CIP

Handed out at agenda session



2015-2019 Five Year Capital Improvements Program

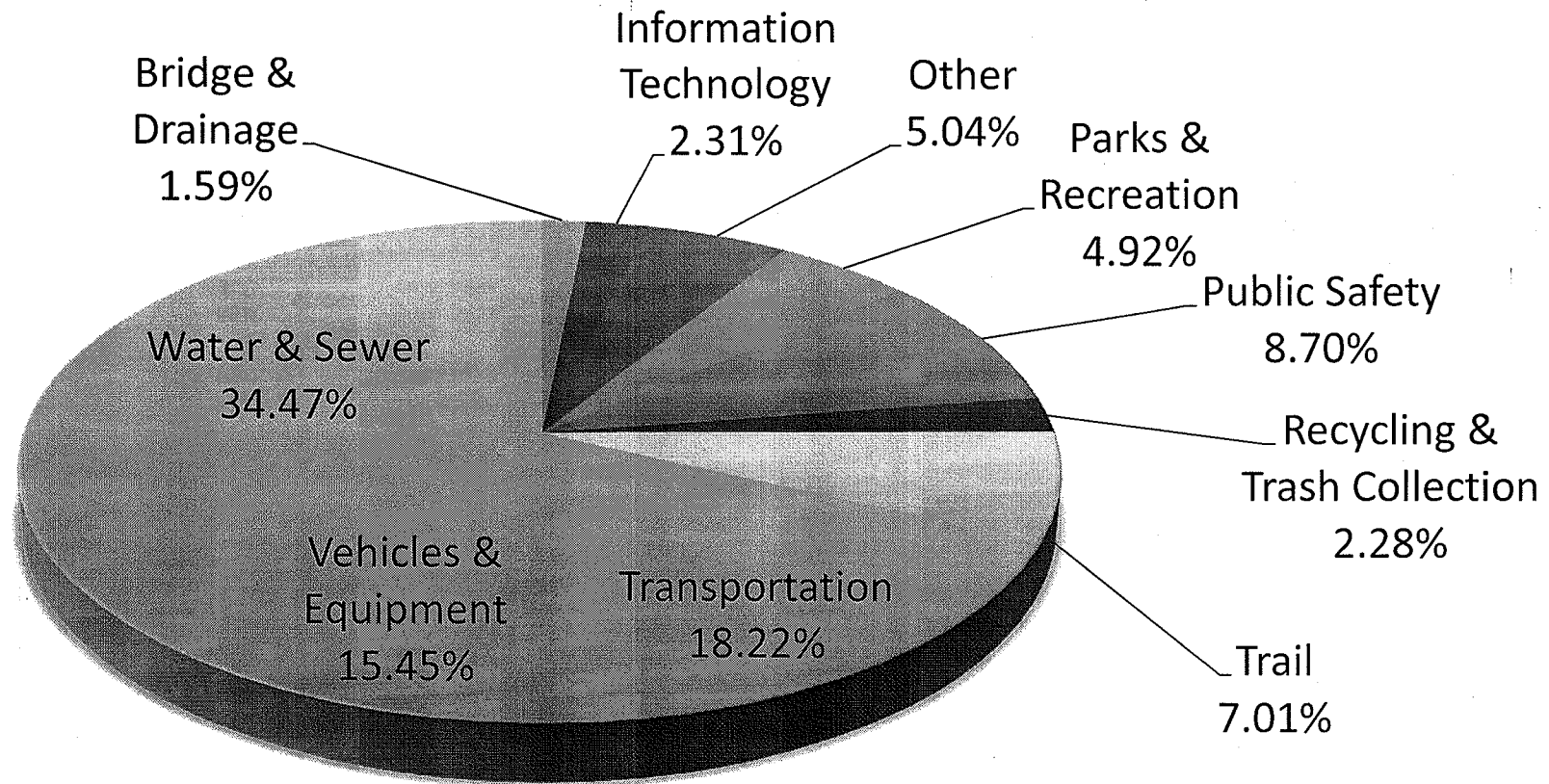
July 29, 2014



Capital Improvements Plan

By Project Area – All Funds

\$113,320,000



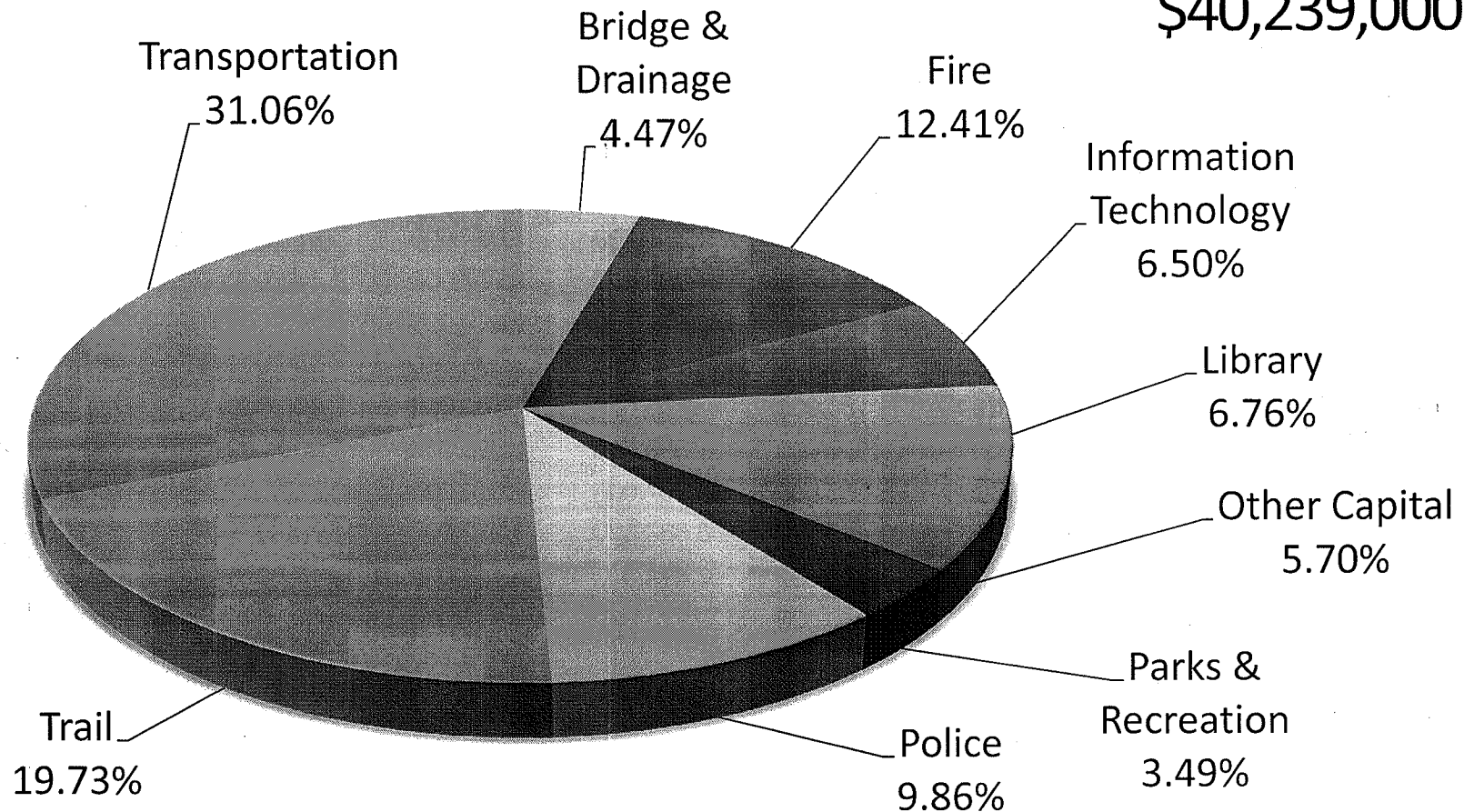
CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
By Project Area – All Sources

Project Area	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Other	1,425,000	1,232,000	1,056,000	1,051,000	952,000	5,716,000
Parks & Recreation	1,084,000	1,107,000	1,080,000	1,167,000	1,143,000	5,581,000
Public Safety	1,323,000	1,474,000	2,376,000	2,299,000	2,391,000	9,863,000
Recycling/Trash	1,759,000	238,000	192,000	196,000	200,000	2,585,000
Street	350,000	100,000	100,000	100,000	100,000	750,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	4,042,000	3,802,000	3,907,000	4,016,000	4,133,000	19,900,000
Vehicles & Equipment	3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Water & Sewer	10,499,000	8,005,000	7,438,000	6,966,000	6,155,000	39,063,000
Total	\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000

Capital Improvements Plan

Sales Tax Capital Improvements Fund

\$40,239,000



CITY OF FAYETTEVILLE, ARKANSAS
 CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
 Sales Tax Capital Improvements Funding – by Project Category

Project Category	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Fire	643,000	627,000	1,550,000	1,063,000	1,111,000	4,994,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Library	441,000	525,000	519,000	615,000	622,000	2,722,000
Other Capital	684,000	580,000	422,000	346,000	260,000	2,292,000
Parks & Recreation	167,000	258,000	280,000	378,000	322,000	1,405,000
Police	510,000	672,000	646,000	1,051,000	1,090,000	3,969,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	2,242,000	2,402,000	2,507,000	2,616,000	2,733,000	12,500,000
Total	\$ 7,684,000	\$ 7,804,000	\$ 8,119,000	\$ 8,269,000	\$ 8,363,000	\$ 40,239,000

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
2100 - STREET:						
<u>Transportation Improvements</u>						
Engineering (D610)						
Willow Bend Development Cost Share	500,000	500,000	0	0	0	1,000,000
Transportation (D800)						
Sidewalk Improvements	1,250,000	1,000,000	1,500,000	1,500,000	1,500,000	6,750,000
Winter Weather Operations Center	400,000	0	0	0	0	400,000
Street - Total	<u>2,150,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>8,150,000</u>
2130 - PARKING:						
<u>Other Capital Improvements</u>						
Parking & Telecommunications (D840)						
Parking Lot Improvements and Overlays	25,000	25,000	25,000	25,000	25,000	125,000
Spring Street Parking Deck Improvements	25,000	25,000	25,000	25,000	25,000	125,000
Meadow Street Parking Deck Improvements	20,000	20,000	20,000	20,000	20,000	100,000
Parking - Total	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>70,000</u>	<u>350,000</u>
2250 - PARKS DEVELOPMENT:						
<u>Parks & Recreation Improvements</u>						
Parks & Recreation (D460)						
Regional Park Development	217,000	120,000	120,000	0	0	457,000
Community Park Improvements	700,000	729,000	680,000	789,000	821,000	3,719,000
Parks Development - Total	<u>917,000</u>	<u>849,000</u>	<u>800,000</u>	<u>789,000</u>	<u>821,000</u>	<u>4,176,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

2300 - IMPACT FEE:

Fire Improvements

Fire Department (D300)

Fire Impact Fee Improvements

80,000	83,000	86,000	89,000	92,000	430,000
<u>80,000</u>	<u>83,000</u>	<u>86,000</u>	<u>89,000</u>	<u>92,000</u>	<u>430,000</u>

Police Improvements

Police (D200)

Police Impact Fee Improvements

90,000	92,000	94,000	96,000	98,000	470,000
<u>90,000</u>	<u>92,000</u>	<u>94,000</u>	<u>96,000</u>	<u>98,000</u>	<u>470,000</u>

Water & Sewer Improvements

Utilities Director (D900)

Wastewater Impact Fee Improvements

400,000	400,000	400,000	400,000	400,000	2,000,000
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Water Impact Fee Improvements

500,000	500,000	500,000	500,000	500,000	2,500,000
<u>900,000</u>	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>	<u>4,500,000</u>

Impact Fee - Total

<u>1,070,000</u>	<u>1,075,000</u>	<u>1,080,000</u>	<u>1,085,000</u>	<u>1,090,000</u>	<u>5,400,000</u>
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

4470 - SALES TAX CAPITAL IMPROVEMENTS:

Bridge & Drainage Improvements

Engineering (D610)

Stormwater Quality Management	200,000	200,000	200,000	200,000	200,000	1,000,000
Other Drainage Improvements	160,000	160,000	160,000	160,000	160,000	800,000
	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>360,000</u>	<u>1,800,000</u>

Fire Improvements

Fire Department (D300)

Fire Apparatus Replacements	432,000	432,000	1,347,000	865,000	924,000	4,000,000
Fire Mobile Radios	36,000	0	0	0	0	36,000
Firefighter Safety Equipment	0	30,000	38,000	8,000	17,000	93,000
Fire Facility Maintenance	125,000	125,000	125,000	150,000	150,000	675,000
Fire Information Technology Updates	50,000	40,000	40,000	40,000	20,000	190,000
	<u>643,000</u>	<u>627,000</u>	<u>1,550,000</u>	<u>1,063,000</u>	<u>1,111,000</u>	<u>4,994,000</u>

Information Technology Improvements

Information Technology (D440)

Local Area Network (LAN) Upgrades	135,000	135,000	125,000	125,000	150,000	670,000
Storage Area Network (SAN)	70,000	200,000	40,000	40,000	40,000	390,000
Microcomputer / Printer Replacements	87,000	60,000	75,000	60,000	75,000	357,000
Geographic Information System (GIS)	75,000	55,000	60,000	75,000	60,000	325,000
ERP Upgrade/Replacement	200,000	200,000	0	0	0	400,000
AccessFayetteville Technical Improvement	20,000	20,000	20,000	20,000	20,000	100,000
Document Management	45,000	15,000	15,000	20,000	20,000	115,000
Desktop Management System	30,000	0	0	0	0	30,000
Hansen Version 8 Upgrade	0	195,000	0	0	0	195,000
Web Security Filtering	35,000	0	0	0	0	35,000
	<u>697,000</u>	<u>880,000</u>	<u>335,000</u>	<u>340,000</u>	<u>365,000</u>	<u>2,617,000</u>

Library Improvements

Library (D150)

Library Materials Purchases	406,000	425,000	489,000	506,000	524,000	2,350,000
Library Computer Replacements	35,000	100,000	30,000	109,000	98,000	372,000
	<u>441,000</u>	<u>525,000</u>	<u>519,000</u>	<u>615,000</u>	<u>622,000</u>	<u>2,722,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Other Capital Improvements

Animal Services (D650)

Animal Services Improvements	35,000	35,000	5,000	0	0	75,000
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Building Maintenance (D530)

Building Improvements	125,000	129,000	132,000	136,000	140,000	662,000
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City Clerk/Treasurer (D130)

City Clerk Document Management Equipment	44,000	0	45,000	0	0	89,000
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City Planning (D620)

Comprehensive Land Use Plan Update	0	100,000	0	0	0	100,000
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Planning Commission Tablet Replacements	0	6,000	0	0	0	6,000
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Development Services (D600)

Wayfinding Regional Signage Program	60,000	65,000	0	0	0	125,000
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Government Channel (D710)

Television Center Digital Conversion	100,000	0	0	0	0	100,000
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City Hall Audio-Visual Renovation	100,000	0	0	0	0	100,000
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Video Production Digital Server & Archive System	0	120,000	0	0	0	120,000
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Television Center Equipment	50,000	50,000	50,000	50,000	50,000	250,000
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Digital Signage Implementation	15,000	15,000	0	0	0	30,000
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Mayors Administration (D100)

Woolsey Homestead Historic Restoration Project	70,000	0	120,000	90,000	0	280,000
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Parking & Telecommunications (D840)

Telecommunication Systems Upgrades	35,000	10,000	20,000	20,000	20,000	105,000
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Parking Lot Improvements (City Employee)	10,000	10,000	10,000	10,000	10,000	50,000
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Sustainability & Resilience (D410)

Building Efficiency Improvements	40,000	40,000	40,000	40,000	40,000	200,000
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	684,000	580,000	422,000	346,000	260,000	2,292,000
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Comprehensive Detail

Parks & Recreation Improvements**Parks & Recreation (D460)**

Tree Escrow	74,000	0	0	0	0	74,000
Safety and ADA	15,000	15,000	15,000	15,000	15,000	75,000
Forestry and Habitat Improvement	30,000	62,000	34,000	32,000	26,000	184,000
Park Paving Improvements	0	58,000	58,000	58,000	58,000	232,000
Parks & Recreation Master Plan	0	0	0	0	200,000	200,000
Lake Improvements	0	0	0	250,000	0	250,000
Lights of the Ozarks	23,000	23,000	23,000	23,000	23,000	115,000
Walker Park Senior Activity and Wellness Center	25,000	100,000	150,000	0	0	275,000
	<u>167,000</u>	<u>258,000</u>	<u>280,000</u>	<u>378,000</u>	<u>322,000</u>	<u>1,405,000</u>

Police Improvements**Police (D200)**

Police Bulletproof Vests & Ballistic Protection	52,000	13,000	10,000	23,000	62,000	160,000
Police Weapon Replacement	8,000	14,000	40,000	0	0	62,000
Police Building Improvements	35,000	25,000	25,000	75,000	25,000	185,000
Police Unmarked Vehicles	78,000	83,000	83,000	54,000	102,000	400,000
Police Records Management System Improvements	150,000	150,000	0	0	0	300,000
Police Technology Improvements	15,000	25,000	25,000	75,000	25,000	165,000
Police Network/Server Replacements	68,000	50,000	0	0	32,000	150,000
Police Mobile Video System Replacement	35,000	0	210,000	0	38,000	283,000
Police Specialized Equipment	21,000	21,000	8,000	40,000	242,000	332,000
Employee Gym Equipment	7,000	10,000	10,000	10,000	10,000	47,000
Police Automated External Defibrillator (AED)	41,000	0	0	0	0	41,000
Police Take Home Vehicles	0	57,000	60,000	62,000	65,000	244,000
Radio System Replacement - Citywide	0	0	0	700,000	200,000	900,000
Police Virtual Server & Storage Area Network	0	180,000	0	0	0	180,000
Police eTicket Equipment Replacement	0	44,000	0	0	0	44,000
Police Equipment Replacement	0	0	10,000	0	10,000	20,000
Central Dispatch Improvements	0	0	165,000	0	0	165,000
Police K9 Replacement	0	0	0	12,000	12,000	24,000
Police Radio Replacement	0	0	0	0	42,000	42,000
Police Mobile Computer Terminal Replacement	0	0	0	0	225,000	225,000
	<u>510,000</u>	<u>672,000</u>	<u>646,000</u>	<u>1,051,000</u>	<u>1,090,000</u>	<u>3,969,000</u>

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Street Improvements

Engineering (D610)

Street ROW / Intersection / Cost Sharing

350,000	100,000	100,000	100,000	100,000	750,000
<u>350,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>100,000</u>	<u>750,000</u>

Trail Improvements

Transportation Services (D800)

Trail Development

1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
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Lake Fayetteville Trailhead (BGSO)

190,000	0	0	0	0	190,000
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Mud Creek Trail Lighting

250,000	0	0	0	0	250,000
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<u>1,940,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>1,500,000</u>	<u>7,940,000</u>
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Transportation Improvements

Transportation Services (D800)

In-House Pavement Improvements

1,692,000	1,852,000	2,207,000	2,316,000	2,433,000	10,500,000
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Sidewalk Improvements

0	250,000	0	0	0	250,000
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Traffic Signal Improvements

110,000	110,000	110,000	110,000	150,000	590,000
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Wireless Traffic Signal Control

40,000	40,000	40,000	40,000	0	160,000
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Drainage Maintenance

50,000	50,000	50,000	50,000	50,000	250,000
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<u>1,892,000</u>	<u>2,302,000</u>	<u>2,407,000</u>	<u>2,516,000</u>	<u>2,633,000</u>	<u>11,750,000</u>
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Sales Tax Capital Improvements - Total

<u>7,684,000</u>	<u>7,804,000</u>	<u>8,119,000</u>	<u>8,269,000</u>	<u>8,363,000</u>	<u>40,239,000</u>
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

5400 - WATER & SEWER:

Wastewater Treatment Improvements

Utilities Director (D900)

Phosphorus Standards Management	50,000	50,000	50,000	50,000	50,000	250,000
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Wastewater Treatment Plant (D930)

W.W.T.P. Building Improvements	410,000	30,000	45,000	30,000	30,000	545,000
Plant Pumps and Equipment - W.W.T.P	270,000	305,000	295,000	405,000	355,000	1,630,000
Upgrade and Replace Lift Stations - W.W.T.P	67,000	125,000	130,000	50,000	100,000	472,000
Filter Cell Replacement - W.W.T.P	1,000,000	1,000,000	1,000,000	1,000,000	0	4,000,000
	1,797,000	1,510,000	1,520,000	1,535,000	535,000	6,897,000

Water & Sewer Improvements

Water & Sewer Maintenance (D910)

Sewer Rehabilitation Ramsey and Overcrest	2,340,000	0	0	0	0	2,340,000
Sanitary Sewer Rehabilitation	1,000,000	2,000,000	1,500,000	1,500,000	1,500,000	7,500,000
Water/Sewer Relocations - Bond Projects	1,300,000	1,000,000	500,000	500,000	500,000	3,800,000
Water/Sewer Equipment Expansions	150,000	145,000	168,000	21,000	20,000	504,000
Water Storage & Pump Station Maintenance	85,000	0	0	0	0	85,000
Water System Rehabilitation/Replacement	2,095,000	1,825,000	2,055,000	1,885,000	2,065,000	9,925,000
Water Impact Fee Cost Sharing Projects	275,000	200,000	200,000	200,000	200,000	1,075,000
	7,245,000	5,170,000	4,423,000	4,106,000	4,285,000	25,229,000

Water & Sewer Services Improvements

Billing & Collections (D520)

Business Office Improvements	20,000	20,000	20,000	20,000	20,000	100,000
Utilities Technology Improvements	12,000	20,000	20,000	20,000	30,000	102,000

Water & Sewer Maintenance (D910)

Water Meters	315,000	325,000	325,000	325,000	325,000	1,615,000
Water/Sewer Building and Office Improvements	170,000	50,000	50,000	50,000	50,000	370,000
Water & Sewer Rate/Operations Study	30,000	0	170,000	0	0	200,000
Backflow Prevention Assemblies	10,000	10,000	10,000	10,000	10,000	50,000
	557,000	425,000	595,000	425,000	435,000	2,437,000

Water & Sewer - Total

	9,599,000	7,105,000	6,538,000	6,066,000	5,255,000	34,563,000
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CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

5500 - RECYCLING & TRASH COLLECTION:

Recycling & Trash Collection Improvements

Recycling & Trash Collection (D920)

Solid Waste Office & Trans Station Exp	1,500,000	0	0	0	0	1,500,000
Container Maintenance Building Upgrade	25,000	0	0	0	0	25,000
Solid Waste Containers	100,000	100,000	50,000	50,000	50,000	350,000
Solid Waste Compactors	134,000	138,000	142,000	146,000	150,000	710,000
	<u>1,759,000</u>	<u>238,000</u>	<u>192,000</u>	<u>196,000</u>	<u>200,000</u>	<u>2,585,000</u>
Recycling & Trash Collection - Total						

5550 - AIRPORT:

Aviation Improvements

Aviation (D810)

Airport Lighting Improvements	20,000	20,000	20,000	20,000	0	80,000
Airport Boiler Improvements	25,000	25,000	25,000	0	0	75,000
Airport Fire Sprinkler Repl White Hangar	75,000	0	0	0	0	75,000
Airport Self Serve Station Upgrade	0	12,000	0	0	0	12,000
Airport Roof Replacements	110,000	0	0	0	0	110,000
	<u>230,000</u>	<u>57,000</u>	<u>45,000</u>	<u>20,000</u>	<u>0</u>	<u>352,000</u>
Airport - Total						

CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

9700 - SHOP:

Vehicles & Equipment Improvements

Fleet Operations (D830)

Fleet - Police / Passenger Vehicles	346,000	286,000	232,000	294,000	295,000	1,453,000
Fleet - Solid Waste Vehicles / Equipment	860,000	755,000	990,000	1,166,000	792,000	4,563,000
Fleet - Construction Equipment	356,000	255,000	140,000	260,000	0	1,011,000
Fleet - Backhoes / Loaders	593,000	504,000	389,000	0	102,000	1,588,000
Fleet - Heavy Utility Vehicles	386,000	384,000	664,000	278,000	280,000	1,992,000
Fleet - Tractors / Mowers	375,000	85,000	243,000	257,000	364,000	1,324,000
Fleet - Light / Medium Utility Vehicles	568,000	901,000	517,000	510,000	530,000	3,026,000
Fleet - Other Vehicles / Equipment	233,000	772,000	709,000	474,000	360,000	2,548,000
Shop - Total	<u>3,717,000</u>	<u>3,942,000</u>	<u>3,884,000</u>	<u>3,239,000</u>	<u>2,723,000</u>	<u>17,505,000</u>
All Funding Sources - Total	<u>27,196,000</u>	<u>22,640,000</u>	<u>22,228,000</u>	<u>21,234,000</u>	<u>20,022,000</u>	<u>113,320,000</u>

**CAPITAL
IMPROVEMENTS
PROGRAM
(2015-2019)**

**UNFUNDED
PROJECTS**

Fire Improvements:

Fire Station #2 - Replacement/Expansion	\$ 4,772,000
	<u>4,772,000</u>

Information Technology Improvements

Wide Area Network (WAN) Connectivity	2,220,000
	<u>2,220,000</u>

Library Improvements

Library Computer Replacements	56,000
Library Facility Maintenance	194,000
Library Integrated System Installation & Maintenance	1,043,000
Library Materials Purchases	97,000
Library OCLC MARC Record Project	575,000
	<u>1,965,000</u>

Parks & Recreation Improvements

Gulley Park Improvements	275,000
Regional Park Development	20,182,000
	<u>20,457,000</u>

Police Improvements

Police Armored Vehicle	200,000
Police Headquarters Building	22,125,000
Police Specialized Equipment	90,000
Police Unmanned Ground Vehicle	41,000
Radio System Replacement - Citywide	2,100,000
	<u>24,556,000</u>

Transportation Improvements

In-House Pavement Improvements	559,000
Sidewalk Improvements	500,000
	<u>1,059,000</u>

Total - Unfunded \$ 55,029,000

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

Tentative Agenda City of Fayetteville Arkansas City Council Meeting August 05, 2014

A meeting of the Fayetteville City Council will be held on August 05, 2014 at 5:30 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. Bi-Monthly Report on Public Transit in Fayetteville

Agenda Additions:

A. Consent:

1. Approval of the July 15, 2014 City Council meeting minutes.

2. **Devol Aviation, Inc.:** A resolution to approve a five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014.
3. **General Improvement Fund Grant:** A resolution to authorize acceptance of a General Improvement Fund Grant in the amount of \$34,500.00 for snow equipment parts and snow plow replacement, and to approve a budget adjustment.
4. **Bid #14-41 Central Salt Company:** A resolution to award Bid #14-41 and authorize the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed through July 31, 2015.
5. **Bid #14-42 Vance Brothers, Inc.:** A resolution to award Bid #14-42 and authorize a contract with Vance Brothers, Inc. in the amount of \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.
6. **Darrell Froud Lease Agreement:** A resolution to approve a lease agreement with Darrell Froud for about 54.5 acres of city park land for the sole purpose of cutting hay for the amount of \$100.00 per year.
7. **2015 Arkansas Outdoor Recreation Grant:** A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$250,000.00 for improvements at the Fayetteville Regional Park.
8. **Garver, LLC:** A resolution to approve a professional engineering services agreement with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.
9. **Community Development Block Grant:** A resolution to approve a budget adjustment in the total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant Revenue Increase.
10. **Arkansas State Highway and Transportation Department Change Order No. 14:** A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.
11. **AEP-SWEPCO Agreement:** A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.
12. **SWEPCO Utility Easements:** A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.

B. Unfinished Business:

1. **RZN 14-4729 (Cato Springs Rd./Chambers Bank):** An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation. ***This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.***

Left on the First Reading

2. **Enact Chapter 119 Civil Rights Administration:** An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville. ***This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.***

Left on the First Reading

C. New Business:

1. **RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4763, for approximately 0.94 acres, located at the southeast corner of Gregg Ave. and Ash St. from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi Family, 24 units per acre.
2. **ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments):** An ordinance to amend §156.04 Stormwater Drainage and Erosion Control; Chapter 169 Physical Alteration of Land; Chapter 170 Stormwater Management, Drainage and Erosion Control, and Chapter 179 Low Impact Development of the Unified Development Code.
3. **2015 Employee Benefits:** A resolution to approve the 2015 Employee Benefits Package.
4. **2015-2019 Capital Improvements Plan (CIP):** A resolution to adopt the 2015-2019 five-year Capital Improvement Plan.

D. City Council Agenda Session Presentations:

1. **Discussion of the Capital Improvement Plan – Paul Becker, Finance Director**

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 (479) 575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

City of Fayetteville Item Review Form

2014-0297

Legistar File Number

August 5, 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

James Nicholson

Submitted By

Aviation

Department

Action Required:

Signature of the Mayor on the lease renewal with Devol Aviation for the corporate hangar located at 4158 S. School Ave, Fayetteville, AR 72701.

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?

☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

 7/2/14

Paul A. Butler 7-2-2014

Am Man 7-2-14





KJ



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Director

FROM: Aviation Division

DATE: June 30, 2014

SUBJECT: Approval of Lease Renewal with Devol Aviation (attn. David Devol)
for their Hangar at 4158 S. School Ave. with the Signature of the
Mayor and City Clerk.

RECOMMENDATION:

Approve lease renewal with Devol Aviation.

BACKGROUND:

Devol Aviation is a current tenant at Drake Field.

BUDGET/STAFF IMPACT:

Devol Aviation will pay \$1700.00 per month for five years of the lease with subsequent 5 year renewal option. The lease will be reviewed every two years for a rental increase at the CPI rate, plus one percent using the formula on Lease Attachment Number One.

Attachments:

Staff Review
New lease

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A FIVE YEAR LEASE FOR THE AIRPORT HANGAR AT 4158 SOUTH SCHOOL AVENUE TO DEVOL AVIATION, INC. FOR A RENT OF \$1,700.00 PER MONTH WITH BIENNIAL RENT ADJUSTMENTS TO BEGIN RETROACTIVELY ON JULY 1, 2014

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 attached five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014, and authorizes Mayor Jordan to execute the lease.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

LEASE AGREEMENT

This **LEASE AGREEMENT** made this 30TH day of June, 2014, by and between the City of Fayetteville, Arkansas, hereinafter called the City, and Devol Aviation, Inc., of Fayetteville herein after called Devol Aviation, Inc..

WHEREAS, the City owns and operates an Airport known as the Fayetteville Executive Airport, Drake Field, herein after referred to as the Airport; and situated in Washington County in the State of Arkansas.

WHEREAS, the City is the owner of an aircraft hangar located at 4158 S. School Avenue, at the Airport: and

WHEREAS, Devol Aviation, Inc. desires to lease said aircraft hangar at the airport to perform aircraft maintenance and aircraft repair business,

NOW, THEREFORE, the parties, in consideration of the mutual covenants contained herein, hereby agree as follows:

1. LEASED PREMISES. The City leases to Devol Aviation, Inc. and Devol Aviation, Inc. leases from the City, the aircraft hangar at the airport located at 4158 South School Avenue, Fayetteville, Arkansas 72701, as reflected on Exhibit "A" attached hereto and made a part hereof.

2. USE OF AIRPORT. Devol Aviation, Inc. is granted the use, without charge, in common with others similarly authorized, of the airport, together with all facilities, equipment, improvements, and services which have been or may hereafter be provided at or in connection with the Airport from time to time including, but not limited to, the landing field, and any extensions hereof or additions thereto, roadways, runways, ramps, aprons, taxiways, flood lights, landing lights, beacons, control tower, signals, radio aids, and all other conveniences for flying, landings and take-offs.

3. RIGHTS OF INGRESS AND EGRESS. Devol Aviation, Inc. shall have at all times the full and free right to ingress to and egress from the demised premises and facilities referred to herein for Devol Aviation, Inc., its employees, customers, passengers, guests, and other invitees. Such rights shall also extend to persons or organizations supplying materials or furnishing services to Devol Aviation, Inc.

4. LEASE TERM. Subject to earlier termination as hereinafter provided, the initial term of this agreement shall be for five (5) years commencing on July 1, 2014 and ending on June 30, 2019.

5. RENTAL FEES. Devol Aviation, Inc. shall pay \$1,700.00 per month with two year escalations going forward. The initial lease payment is due and payable upon execution of this Lease Agreement, and all subsequent lease payments shall be due and payable in advance on or before the first day of each calendar month thereafter.

The lease will be reviewed every two years for a rental increase at the CPI rate, plus one percent using the formula on Lease Attachment #1.

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

6. UTILITIES AND JANITORIAL. Devol Aviation, Inc., shall be responsible for the payment of such utilities serving the demised premises, including, but not limited to heat, light, gas, electricity, telephone, and water, sewer and trash removal. Any such services required by Devol Aviation, Inc. for their use and purposes shall be their sole and exclusive responsibility and Devol Aviation, Inc. agrees to hold the City of Fayetteville, harmless from any responsibilities or liability thereof. Devol Aviation, Inc. shall be responsible for all janitorial services to the leased premises.

7. REPAIRS, MAINTENANCE AND APPEARANCE.

A. The City shall maintain and keep in good repair so much of the airport premises as are not under the exclusive control of Devol Aviation, Inc. Devol Aviation, Inc. shall at the termination surrender or forfeiture of this lease, return said premises in same or better condition premises were at the beginning of the lease, normal wear and tear excepted.

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

B. Devol Aviation, Inc. shall at all times during the term of this lease keep and maintain in good repair and safe condition the leased premises. Devol Aviation, Inc. will at all times maintain the Leased Premises in a clean, orderly, and attractive condition: Not allow the accumulation of rubbish, trash, refuse and any unsightly conditions or fire hazards on the Leased Premises. Devol Aviation, Inc. shall be responsible for mowing and the upkeep of the outside grounds of the Lease Premises.

C. Devol Aviation, Inc. agrees to reimburse the City for all sums and expenses incurred in the repairs or maintenance required or caused to be made pursuant to the regulations and rules of the City as a result of the failure of Devol Aviation, Inc. to maintain or repair the demised premises as required.

8. ALTERATIONS AND IMPROVEMENTS. Devol Aviation, Inc. shall bear the cost of all improvements or additions made to the interior or exterior of the building on the leased premises. No improvements or additions to any part of the leased premises shall be made by Devol Aviation, Inc. without the prior written approval of the Airport Director, whose consent will not be unreasonably withheld, provided they meet all City requirements. Initial permanent improvements to the building may receive Airport participation through rent abatements for up to one half of the cost of the permanent improvement. All participation will receive Airport Board approval and be in the form of a Lease Amendment. Any signs or antennas to be erected on or attached to the leased premises must have the prior written approval of the Airport Director and conform to all City Ordinances with appropriate permits issued as necessary.

9. INSURANCE. Devol Aviation, Inc. shall maintain in force during the Term and any extended term, of this agreement fire and extended coverage insurance on Devol Aviation, Inc. aircraft, or non-owned aircraft in Devol Aviation, Inc.' possession, in an amount equivalent to the replacement cost thereof. Devol Aviation, Inc. shall also be required to insure any contents within the aircraft hangar. Devol Aviation, Inc. shall procure and maintain in force during term of this agreement fire and extended coverage on the aircraft hangar in an amount equivalent to the replacement cost thereof.

The insurance shall be issued by an insurer licensed to do business in the State of Arkansas.

Concurrent with the execution of this Agreement, Devol Aviation, Inc. shall provide proof of insurance coverage by providing a Certificate of Lessee's Insurance coverage, a copy of the declarations page on the insurance policy, and a copy of all endorsements. The Certificates of Insurance, or endorsements attached thereto, shall provide that; (a) insurance coverage shall not be canceled, changed in coverage, or reduced in limits without at least thirty (30) days prior written notice to the City; (b) the City and the Airport and their trustees, agents, officers, servants, and employees are named as additional insured; (c) the policy shall be considered primary as regards to any other insurance coverage the City may possess, including any self-insured retention or deductible

the City may have, and any other insurance coverage the City may possess shall be considered excess insurance only; (d) the limits of liability required therein are on an occurrence basis.

10. CONDITIONS, RULES AND REGULATIONS. Devol Aviation, Inc. agrees to comply with and abide by all terms and conditions set forth in this Lease. Devol Aviation, Inc. agrees to observe and obey the City's Ordinances and Regulations with respect to use of the demised premises and Airport; provided, however, such Ordinances and Regulations shall be consistent with safety and with all city, county, and state rules, regulations, including all current fire codes, and orders of the Federal Aviation Administration with respect to aircraft operations and aircraft maintenance and aircraft repair business at the Airport, and provided further, such Ordinances and Regulations shall be consistent with the provisions of this agreement or the procedures prescribed or approved from time to time by the Federal Aviation Administration with respect to the operation of Devol Aviation, Inc. at the Airport.

"The Minimum Standards for Fayetteville Executive Airport, Drake Field" herein referred to as Airport Minimum Standards at Fayetteville Executive Airport are made part of this lease by reference as if included word for word.

11. USE OF HANGAR. Devol Aviation, Inc. agrees that it shall use the premises for the implementation and conducting of an aircraft maintenance and repair business, along with vehicles, equipment and supplies necessarily required for the conduct of an aircraft maintenance and repair business and that no other vehicles, equipment or supplies shall be stored on the premises unless expressly agreed to by the City. Devol Aviation, Inc. further agrees not to store any flammable material on the demised premises other than a limited supply of oils and agents necessary for the conduct of aircraft maintenance and repair on the premises or in any way endanger or violate the provisions of the City's standard commercially available property insurance policy or the requirement of same. Such violations shall constitute a material breach of this Agreement.

12. DAMAGE BY FIRE. If the demised premises are partially damaged by fire or other casualty which is not due to the negligence or fault of the Devol Aviation, Inc., said premises shall be repaired with due diligence by the City at City's expense. If the damage is so extensive as to render such building untenable, the rent payable hereunder shall be proportionally paid up to the time of such damage and shall thenceforth cease until such time as the premises shall be fully restored. If the demised premises are completely destroyed, City may reconstruct the hangar at the City's own cost and the rent payable hereunder shall be adjusted as set forth above, or City may, at its option, cancel this agreement, such cancellation to be effective as of the date the hangar was destroyed, and the rent adjusted as set forth above.

13. HAZARDOUS SUBSTANCE. Devol Aviation, Inc. shall not cause or permit any Hazardous Substance to be used or stored on or in the Leased Premises except that required in the conducting of aircraft maintenance and aircraft repair business, without first obtaining the City's written consent. If Hazardous Substances are used, stored, generated or disposed of on or in the Leased Premises, or if the Leased Premises or any other Airport property becomes contaminated in any manner for which

Devol Aviation, Inc. is responsible or legally liable, Devol Aviation, Inc. shall indemnify and Hold Harmless the City from any and all claims, damages, fines, judgements, penalties, costs, liabilities, or losses including, without limitation and decrease in value of the Lease Premises, damages caused by loss or restriction of rentable or usable space as a part of the Leased Premises arising during or after the term hereof and arising as a result of that contamination by Devol Aviation, Inc.' agents, employees, and invitees. This indemnification includes, without limitation, and all cost incurred because of any investigation of the Airport or any cleanup, removal, or restoration mandated by a federal, state, local agency or political subdivision.

14. INDEMNITY. Devol Aviation, Inc. agrees to indemnify the City against any liability for injuries to persons or damage to property caused by Devol Aviation, Inc.' use or occupancy of the leased premises; provided, however, that Devol Aviation, Inc. shall not be liable for any injury, damage or loss occasioned by the negligence of City or its agents or employees; and provided further, that each party shall give prompt and timely notice of any claim made or suit instituted which in any way directly or indirectly affects or might affect either party, and each party shall have the right to compromise and defend the same to the extent of its own interest. This clause shall not be construed to waive that tort immunity as set forth under Arkansas Law.

15. NON-DISCRIMINATORY CLAUSE. Devol Aviation, Inc. agrees that it will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, religion, national origin, sex, martial status, or handicap in the furnishing, or by refusing to furnish, to such persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the City solely to tenants, their employees, customers, patients, client, guests, and invites.

16. ASSIGNING, SUBLETTING AND ENCUMBERING. Devol Aviation, Inc. shall not assign this Agreement in whole or in part, nor sublease all or any part of the Leased Premises, nor permit other persons to occupy said Leased Premises or any part thereof, nor grant any license or concession for all or any part of said Leased Premises, without the prior written consent of the Airport Director, which consent shall not be unreasonably withheld. Any consent by the Airport to an assignment or subletting of this Agreement shall not constitute a waiver of the necessity of obtaining that consent as to any subsequent assignment. Any assignment for the benefit of Devol Aviation, Inc.' creditors or otherwise by operation of law shall not be effective to transfer or assign Devol Aviation, Inc.' interest under this Agreement unless the Airport shall have first consented thereto in writing. Neither Devol Aviation, Inc.' interest in this Agreement, nor any estate created hereby in Devol Aviation, Inc. nor any interest herein or therein, shall pass to any trustee or receiver or assignee for the benefit of creditors or otherwise by operation of law except as may specifically be provided in the Bankruptcy Code. If any of the corporate shares of stock of Devol Aviation, Inc. are transferred, or if any partnership interests of Devol Aviation, Inc. are transferred, by sale, assignment, bequest, inheritance, operation of law, or otherwise, so as to result in a change of the control, assets, value, ownership, or structure of Devol Aviation, Inc., same shall be deemed an assignment for the purposes of this Section 16 and shall require the Airport's prior consent, and Devol Aviation, Inc.

shall notify the Airport of any such change or proposed change.

17. TERMINATION: The City or Devol Aviation, Inc. may terminate this lease at any time by giving the other party 30 days written notice of termination. On the expiration or other termination of this lease Devol Aviation, Inc. right to use the demised premises shall cease, and Devol Aviation, Inc. shall vacate the premises without unreasonable delay. All property installed, erected, or placed by Devol Aviation, Inc. in, on, or about the premises leased hereunder shall be deemed to be personalty and shall remain the property of Devol Aviation, Inc. Devol Aviation, Inc. shall have the right at any time during the term of this agreement, or any renewal or extension hereof, and for an additional period of fourteen (14) days after the expiration or other termination of this agreement, to remove any or all of such property, subject, however, Devol Aviation, Inc.' obligation to repair all damage, if any, resulting from such removal. Any, and all property not removed by Devol Aviation, Inc. prior to the expiration of the aforesaid fourteen (14) day period shall thereupon become a part of the land on which it is located and title hereto shall thereupon vest in the City.

18. INSPECTION BY CITY: The City may enter the premises leased to Devol Aviation, Inc. at any reasonable time for any purpose necessary or incidental to the performance of its obligations or Devol Aviation, Inc. obligations hereunder.

19. NOTICES: Any notice or consent required by this Agreement shall be sufficient if sent by Certified Mail, return receipt requested, postage paid, to the following address:

CITY OF FAYETTEVILLE

Airport Administration Office
4500 S. School Avenue, Suite F
Fayetteville, Arkansas 72701
Phone: 479-718-7642

DEVOL AVIATION, INC.

Devol Aviation, Inc.
~~dba Aviation Maintenance Professionals~~
Attn: David Devol
~~718 Seagate Drive~~ 2520 W. Shell Point Rd.
~~Tampa, FL 33602~~ Tampa, FL 33611
Ph. 813-785-2248

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

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

I have received a copy of "*The Minimum Standards for the Fayetteville Municipal Airport Drake Field*"
(tenants initials)

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

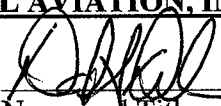
CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lionold Jordan, Mayor Date

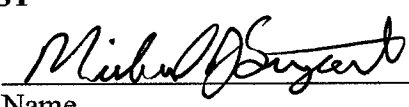
ATTEST

By: _____
Sondra Smith, City Clerk & Treasurer Date

DEVOL AVIATION, INC.

By:  PRESIDENT/OWNER 6/30/2014
Name and Title Date

ATTEST

By:  6/30/2014
Name Date

LEASE ATTACHMENT NUMBER ONE

Rent Adjustment Formula

Rent adjustments shall be made when required by the lease using the following formula:

Date is obtained from the U.S. Department of Labor Bureau of Labor Statistics at the web site www.bls.gov. The chart used is the consumer price index – all urban consumers from 1987 to current. When applying the formula, it is designed to result in the new rent amount. Thus when multiplied by the current rent, the multiplier will be 1 (one) and a fraction reduced to a decimal. The formula allows for a factor of 1% to be added to the rate of increase which provides for a partial catch-up in the rent amount. The 1% is added to the new rent amount. In the event that such CPI is no longer published or otherwise available, the adjustment provided for herein shall be by the successor index (or the most nearly comparable successor index) thereto, adjusted as appropriate to the applicable dates.

$$\text{Current Rent} \times \left[1 + \left(\frac{\text{current index} - \text{base index}}{\text{base index}} \right) \right] + (.01 \times \text{Current Rent}) = \underline{\hspace{2cm}}$$

Example:

Current Rent	=	\$500.00 per month
Base Index	=	189.9 September 2004
Current Index	=	202.0 September 2006

$$\$500.00 \times \left[1 + \left(\frac{202.9 - 189.9}{189.9} \right) \right] + (.01 \times \$500.00) =$$

$$\$500.00 \times [1.0685] + (\$5.00) = \underline{\$539.25 \text{ New Rent}}$$



ACCOUNTING INFORMATION FOR LEASE AGREEMENT

Devol Aviation, Inc.
Fayetteville Executive Airport, Drake Field

Lessee Name: Devol Aviation, Inc.

Billing Address: ~~dba Aircraft Maintenance Professionals~~

Attn: David Devol

Cell: (813) 785-2248

~~-718 Seagate Drive~~

Bus: (479) 527-9661
Home:

~~Tampa, FL 33602~~

E-mail: dave@devolaviation.kscoxmail.com

2520 W. Shell Point Rd.

Emergency Ph: (813) 785-2248 (479) 957-4067

Tampa, FL 33611

Emergency Contact: Michael Sergeant

Tax I.D. No.: 26-3828334

Social Security No.: —

Date of Birth: —

City of Fayetteville Staff Review Form

2014-0319

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Terry Gulley

7/18/2014

Transportation Services /
Transportation Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

A resolution accepting a General Improvement Fund grant through Northwest Arkansas Economic Development District, Inc. in the amount of \$34,500.00 for snow equipment parts replacement and snow plow replacement and approval of a budget adjustment to recognize the grant revenue.

Budget Impact:

2100.4120.5403.00

Street

2100.4120.7602.70

Account Number

Fund

14016 / 1

GIF Grant for Transportation Equipment

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 34,500.00

Remaining Budget \$ 34,500.00

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

Paula A. Babin 7-21-2014

Ann Mann 7-22-2014



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director *TG*
DATE: July 15, 2014

SUBJECT: Approval to accept a General Improvement Fund grant in the amount of \$34,500.00 and a budget adjustment to recognize the revenue.

RECOMMENDATION:

Staff recommends approval of a resolution accepting a General Improvement Fund grant through Northwest Arkansas Economic Development District, Inc. in the amount of \$34,500.00 for snow equipment parts replacement and snow plow replacement and approval of a budget adjustment to recognize the grant revenue and increase the necessary expense accounts.

BACKGROUND:

Due to an unusually long and severe winter season, the City incurred a lot of extra expenditures and sought every opportunity to recoup and replace supplies, equipment, and the monetary impacts of the winter events of December 2013 and the first quarter of 2014. Part of those expenditures include the need to replace two snow plows, which will cost \$6,000.00 each and the replacement of various snow equipment parts, which will cost \$22,500.00 for a total of \$34,500.00.

DISCUSSION:

The Grantor has received General Improvement Funds from the Arkansas General Assembly to be utilized to assist local public governmental jurisdictions and/or non-profit organizations to plan, develop, promote and/or implement economic and community development projects/activities designed to improve the economic, community and/or social well-being of the citizens of Arkansas.

BUDGET/STAFF IMPACT:

Approval of the attached budget adjustment will recognize grant revenue and increase the necessary expense accounts for the aforementioned purchases. This is a non-matching grant, so there will be no cost to the City.

Attachments:

Grant Application
Grant Award Letter & Check Copy
Grant Agreement
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT IN THE AMOUNT OF \$34,500.00 FOR SNOW EQUIPMENT PARTS AND SNOW PLOW REPLACEMENT, 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 General Improvement Fund grant through the Northwest Arkansas Economic Development District, Inc. in the amount of \$34,500.00 for snow equipment parts replacement and snow plow replacement and expresses its sincere appreciation to Representative Charlie Collins for his assistance in securing the grant funds.

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 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

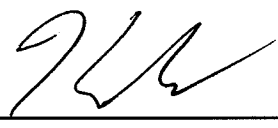
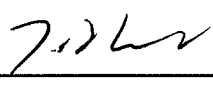
City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

A. 3
General Improvement Fund Grant
4 of 20

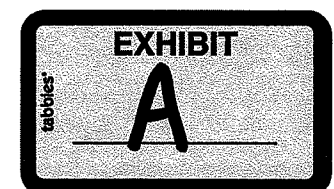
Budget Year 2014	Division: Transportation Services Dept.: Transportation Services Requestor: Ginny Gundlach	Adjustment Number
----------------------------	---	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

This budget adjustment recognizes \$34,500.00 in revenue from a General Improvement Fund grant through the Northwest Arkansas Economic Development District. The Vehicle & Machine Maintenance account will be increased by \$22,500.00 and will be used for the replacement of snow equipment parts. \$12,000.00 will be transferred to the Shop Fund and will be used for the replacement of two snow plows.

RESOLUTION/ORDINANCE	COUNCIL DATE: 8/5/2014
	LEGISTAR FILE ID#: 2014-0319
	 
	Budget Director Date
	TYPE: _____
DESCRIPTION: _____	
GLDATE: _____	
POSTED: _____ / _____	

TOTAL		46,500	46,500				v.20140619
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name	
	Expense	Revenue	Project	Sub			
2100.4120.5403.00	22,500	-	14016	1	EX	Vehicle & Machine Maintenance	
2100.4120.7602.70	12,000	-	14016	1	EX	Transfer to Shop	
2100.0910.4302.01	-	22,500	14016	1	RE	State Grants - Operational	
2100.0910.4302.00	-	12,000	14016	1	RE	**State Grants - Capital	
9700.1920.5802.00	12,000	-	02078	2014	EX	Vehicles And Equipment	
9700.0970.6602.10	-	12,000	02078	2014	RE	Transfer from Street	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					





OFFICE OF THE MAYOR
LIONELD JORDAN

April 9, 2014

Representative Charlie Collins
District 84, State of Arkansas
3225 East Paper Glen
Fayetteville, AR 72703

Representative Charlie Collins,

Representative Collins, thank you so much for the time you took on a recent phone call to visit with me about possible grant opportunities related to replacement costs from our recent winter events here in our state and specifically here in Fayetteville, AR.

This has been a long and arduous winter this year, and as a result of the past winter events, the City has incurred a lot of extra expenses. We are seeking every opportunity available to try and recoup and replace supplies, equipment, and the monetary impacts of the winter events of 2014.

As you know, one of the things that impacts Economic Development of our communities is the ability for our municipalities to have the necessary tools and resources to get streets clear so that citizens can access the roads, get to work, eat out at our restaurants, shop at our local retail establishments, buy groceries, etc.

I have attached the actual cost of each of our snow events this past year. Per my discussion with you and your willingness to see if there are state grant funds available to assist in the replacement of supplies, or snow equipment parts replacement, I provide the following attachment.

You will see from the attached detail that if the City could receive \$22,500 for Snow Equipment Parts Replacement and \$12,000 for snow Plow Replace or \$25,158.34 (which is the average of re-stocking salt/grit mix from the 2014 storm events) this will help the people of Fayetteville immensely.

We thank you for your interest in helping us with this unanticipated impact and your support of the City of Fayetteville.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Don Marr", is written over a horizontal line.

Don Marr
Chief of Staff
attachment

2014 Event #1 Totals

Beet Juice	500.00	GAL	\$	825.00
Calcium Chloride	0.00	GAL	\$	-
Crushed Rock Salt	0.00	TON	\$	-
Salt Brine	50,175.00	GAL	\$	6,522.75
Salt/Grit Mix	1,380.50	TON	\$	26,077.65
Sand	0.00	TON	\$	-
Total				<u>\$33,425.40</u>

December 2013 Event Totals

Beet Juice	650.00	GAL	\$	1,020.50
Calcium Chloride	2,000.00	GAL	\$	2,400.00
Crushed Rock Salt	12.40	TON	\$	999.19
Salt Brine	78,350.00	GAL	\$	10,185.50
Salt/Grit Mix	2,229.00	TON	\$	53,228.52
Sand	36.00	TON	\$	349.20
Total				<u>\$68,182.91</u>

Plows Replaced \$6,000 EA **\$12,000.00**

Snow Equipment Parts
Replacement **\$22,500.00**

2014 Event #2 Totals

Beet Juice	1,400.00	GAL	\$	2,310.00
Calcium Chloride	2,110.00	GAL	\$	2,532.00
Crushed Rock Salt	9.00	TON	\$	748.80
Salt Brine	99,457.00	GAL	\$	12,929.41
Salt/Grit Mix	1,578.50	TON	\$	29,817.87
Sand	0.00	TON	\$	-
Total				<u>\$ 48,338.08</u>

2014 Winter Season Material Usage Totals

Beet Juice	5,610.00	GAL	\$	8,184.00
Calcium Chloride	4,465.00	GAL	\$	2,958.00
Crushed Rock Salt	21.40	TON	\$	748.80
Salt Brine	294,607.00	GAL	\$	28,113.41
Salt/Grit Mix	6,224.50	TON	\$	75,475.01
Sand	36.00	TON	\$	-
Total				<u>\$115,479.22</u>

2014 Event #3 Totals

Beet Juice	3,060.00	GAL	\$	5,049.00
Calcium Chloride	355.00	GAL	\$	426.00
Crushed Rock Salt	0.00	TON	\$	-
Salt Brine	66,625.00	GAL	\$	8,661.25
Salt/Grit Mix	1,036.50	TON	\$	19,579.49
Sand	0.00	TON	\$	-
Total				<u>\$ 33,715.74</u>

Dec 2013 & Q1 of 2014 Winter Season Material Usage Totals

Beet Juice	10,720.00	GAL	\$	9,204.50
Calcium Chloride	8,930.00	GAL	\$	5,358.00
Crushed Rock Salt	42.80	TON	\$	1,747.99
Salt Brine	539,039.00	GAL	\$	38,298.91
Salt/Grit Mix	11,068.50	TON	\$	128,703.53
Sand	36.00	TON	\$	349.20
Grand Total				<u>\$218,162.13</u>

Application

General Improvement Fund

**Northwest Arkansas Economic
Development District, Inc.**

**P. O. Box 190
Harrison, Arkansas 72602-1090**

APPLICATION COVER PAGE

A. 3

General Improvement Fund Grant
8 of 20

Applicant: City of Fayetteville AR
Address: 113 W Mountain St.

City/Zip: Fayetteville, AR 72701
Phone: 479-575-8330
Fax: _____
Email: dmarr@fayetteville-ar.gov
County: Washington

Applicant Preparer: Don Marr, Chief of Staff
Address: 113 W Mountain St

City/Zip: Fayetteville, AR 72701
Phone: 479-575-8330
Fax: _____
Email: dmarr@fayetteville-ar.gov
Contact Person: Don Marr

Project Summary: Request for \$34,500 for Snow Equipment Parts Replacement and Snow Plow Replace. Due to the long and arduous winter this year, the City has incurred a lot of extra expenses. We are seeing every opportunity available to try and recoup and replace supplies, equipment and the monetary impacts of the winter events of December 2013, and first Quarter of 2014. Economic Development of our communities is the ability for our municipalities to have the necessary tools and resources to get streets clear so that citizens can access the roads, get to work, eat out at our restaurants, shop at our local retail establishments, buy groceries, etc.

The cost of each of our snow events this past year is attached. We would like to request funds to assist us in equipment replacement and budget supplement to allow us to clear roads as needed and keep our streets open or get them open as soon as possible after a winter event.

Type of Applicant:

☒ City ☐ County ☐ Non-profit (Attach 501 C3)
☐ Other Specify: _____
☐ Joint* List Joint Members : _____

**Joint Applicants must be accompanied by an agreement signed by all members applying for funding in the application*

State Senator(s) / District(s): _____

State Representative(s) / District(s): _____

Budget:

Amount Requesting \$ 34,500
Other Funding (specified in budget) \$ See Attached Sheet
Total Project Budget \$ See Attached Sheet

Authorized Representative: The signature indicates that I have been authorized to submit an application requesting funding for the proposed project and to the best of my knowledge and belief, all data contained in this application is true and correct. If the application is approved for funding, I am authorized to sign any applicable documents on behalf of the applicant.

Type Name

Title

REQUEST FOR PROJECTS

1. The purpose of this Request for Projects (RFP) is to invite the submission of projects for funding provided by the State of Arkansas through the Northwest Arkansas Economic Development District, Inc. Projects should complement the Economic and Community Development Goals of the State of Arkansas.
2. Communication concerning this RFP should be addressed to:

Mr. J. Michael Norton, Executive
Northwest Arkansas Economic Development District, Inc.
P. O. Box 190
Harrison, AR 72602-0190
3. To qualify for consideration, an original completed packet must be received by NWAEDD at the above address.
4. Award, if any, will be made to the responsible organizations whose projects meets the requirements of the general improvement grant program. NWAEDD reserves the right to reject all or any part of a submission or all submissions.
5. An award letter will be issued by the requester to the successful organizations. Successful applicants will be required to enter into a contractual agreement with NWAEDD prior to funding.
6. Any disputes arising from the selection/rejection of any submission will be resolved solely by the Northwest Arkansas Economic Development District, Inc.
7. To facilitate submission evaluation, entities shall organize the submission based on the following outline.
 - A. APPLICATION FACT SHEET (*Form Attached*)

Complete and sign the attached form.
 - B. Project Narrative (limit 1 page)
 1. Briefly describe the Applicant Organization
 2. Briefly describe the need and the nature of the applicant project.
 3. Briefly describe how the proposed project will improve the local area and assist with state

wide efforts in economic and community development.

4. State the names of the persons who will be authorized to make representations for the applicant organization, their title, address, and telephone number. State that the person signing the letter will be authorized to bind the applicant.

C. PROJECT BUDGET (*Form Attached*)

Include a line item project budget. Please utilize the budget form which is attached.

D. ATTACHMENTS

If appropriate, attach a project map, project time line and support letter(s). Include other pertinent documents as needed to complete the project description.

Project Budget

Please itemize the cost estimate for the proposed GIF portion of the project.

[illegible]



NORTHWEST ARKANSAS
ECONOMIC DEVELOPMENT DISTRICT, INC.

NWAEDD PLAZA
818 Highway 62-65-412 North • P.O. Box 190
Harrison, Arkansas 72602-0190
(870) 741-5404

RECEIVED

JUL 3 2014

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

July 1, 2014

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Mayor Jordan:

The Northwest Arkansas Economic Development District (NWAEDD) is pleased to notify you it has approved a General Improvement Fund (GIF) grant to the City of Fayetteville – Street Department. NWAEDD is funding the GIF project in the amount of Thirty-Four Thousand Five Hundred Dollars and No/100's (\$34,500.00).

The GIF grant is a community development grant to City of Fayetteville – Street Department. The project is to help City with snow equipment parts replacement and snow plow replacement.

The funds were appropriated to NWAEDD for the GIF program through Acts supported by your Representative Charlie Collins from Northwest Arkansas. We wish to thank all the Northwest Arkansas Legislator's for their support and enabling NWAEDD to serve Arkansas and its citizens.

Please do not hesitate to reach out to me directly if I can be of assistance or provide any information.

Sincerely,



Michael Norton
Executive Director

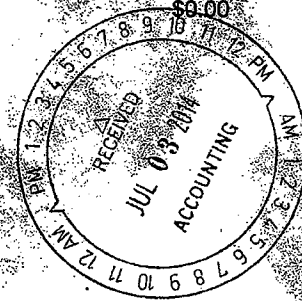
Cc: The Honorable Charlie Collins, Arkansas Representative District 84

NORTHWEST ARKANSAS ECONOMIC

Payee City of Fayetteville
Vendor ID City of Fayette Account #:

1467
7/1/2014

Invoice	Description	Discount	Amount
84-237-04-14	General Improvement Funds Grant #84-237-04-14	\$0.00	\$34,500.00
General Improvement Grant		Total :	\$0.00 \$34,500.00



NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT, INC
LEGISLATIVE FUNDS
818 HWY 62-65-412 N
HARRISON, AR 72601

ARVEST BANK
ARVEST.COM

1467
1467

Thirty Four Thousand Five Hundred and 00/100 Dollars

DATE

7/1/2014

AMOUNT

\$34,500.00

PAY TO THE ORDER OF
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Bill Witty
Bill Witty

001467010829008721

0014686611

Details on back
Security Features Included

Northwest Arkansas Economic Development District, Inc.
General Improvement Fund Grant Program
Grant Agreement

Grantee: CITY OF FAYETTEVILLE – STREET DEPT.

Grant #: 84-237-04-14

Grant Amount: \$ 34,500.00

Purpose: Equipment Purchase

GRANTOR

Northwest Arkansas Economic Development District, Inc.
P.O. Box 190
Harrison, AR 72602-0190
Phone: 870-741-5404

GRANTEE

City of Fayetteville – Street Dept.
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone: (479) 575-8330

1. PURPOSE

This Agreement is entered into by Northwest Arkansas Economic Development District, Inc. (NWAEDD), herein referred to as Grantor, and **City of Fayetteville – Street Department**, herein referred to as Grantee. The Grantor has received General Improvement Funds from the Arkansas General Assembly to be utilized to assist local public governmental jurisdictions and/or non-profit organizations to plan, develop, promote and/or implement economic and community development projects/activities designed to improve the economic, community and/or social well-being of the citizens of Arkansas. Projects should complement the Economic and Community Development Goals and Objects of the State of Arkansas. The Grantee agrees to implement and complete a General Improvement Fund Program project in accordance with the provisions of this Agreement.

2. LEGAL AUTHORITY

By signing this Agreement the Grantee certifies that it possesses legal authority to accept grant funds under the General Improvement Fund program. The act of signing will also certify that the Grantee will comply with all parts of this Agreement, and the Grantee accepts full legal responsibility for properly implementing the project described in the original grant application documents and agrees to expend funds in accordance with the original grant application form.

3. FINANCIAL MANGEMENT AND ACCOUNTING

The Grantee will establish and/or maintain a financial management and accounting system, which conforms to generally accepted accounting principles and complies with requirements of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, and other applicable fiscal control laws of the State of this State and regulations promulgated by the Department of Finance and Administration shall be observed in connection with the utilization of said grant funds.

4. RECORDKEEPING

Grantee will maintain records of all project expenditures on file for a period of three years or until the Grantee's audit for the period in which grant funds were utilized have been conducted. The Grantor and duly authorized officials of the State will have full access and the right to examine any pertinent documents of the Grantee or persons or organizations with which the Grantee may contract, which involve transactions related to this Agreement.

5. REPORTING

The Grantee agrees to provide Grantor with a final close-out report within sixty (60) days of project completion on which grant funds have been utilized, (See Attachment "A" - Closeout Form).

6. INDEMNIFICATION

The Grantee agrees to follow all local and state laws and regulations. Furthermore, the Grantee agrees to hold harmless the Grantor from any and all claims, suits and actions arising from any act of omission, noncompliance or misuse of grant funds by the Grantee or any employee or agent in the performance of this Grant Agreement.

7. METHOD OF PAYMENT

The Grantor shall make payment of authorized grant funds upon proper execution of this Grant Agreement by the Grantee. The Grantor reserves the right to determine the most appropriate distribution of payments, based upon the nature of the approved project. In no event will the total amount of grant funds to the Grantee for allowable expenses incurred in relation to the project exceed the amount noted on Page 1 of this Agreement as the Grant Amount.

8. MODIFICATIONS

The Grant Agreement may be modified, at the discretion of the Grantor, only with prior written notification from the Grantee. The Grantee will be notified, in writing, of the decision of the Grantor.

Approved for the Grantor

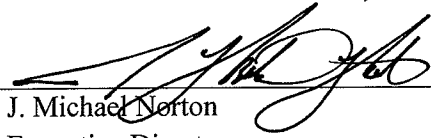
Approved for the Grantee

BY:

BY:

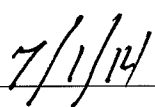
NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT, INC.

CITY OF FAYETTEVILLE -
STREET DEPARTMENT



J. Michael Norton
Executive Director

Lioneld Jordan
Mayor



Date

Date

**Northwest Arkansas Economic Development District, Inc.
General Improvement Fund Project Closeout**

I do hereby affirm that all funds awarded to this organization under the Northwest Arkansas Economic Development District's General Improvement Fund Program were spent strictly in accordance with the submitted and approved proposed project.

I understand that any monies not spent or not spent in accordance with the approved budget are to be repaid to NWAEDD.

I also affirm that the approved project has been completed and all payments have been made in full. As such, I am officially requesting the formal closure of this grant.

Lioneld Jordan, Mayor

Date

City of Fayetteville – Street Department

Grant Number: 84-237-04-14

Notary Seal:

General Improvement Fund Grant Program

Grant Agreement

Grantee: CITY OF FAYETTEVILLE – STREET DEPT.

Grant #: 84-237-04-14

Grant Amount: \$ 34,500.00

Purpose: Equipment Purchase

GRANTOR

Northwest Arkansas Economic Development District, Inc.
P.O. Box 190
Harrison, AR 72602-0190
Phone: 870-741-5404

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113 West Mountain Street
Fayetteville, Arkansas 72701
Phone: (479) 575-8330

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Approved for the Grantor

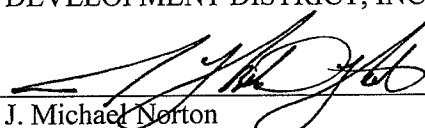
Approved for the Grantee

BY:

BY:

NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT, INC.

CITY OF FAYETTEVILLE -
STREET DEPARTMENT



J. Michael Norton
Executive Director

Lioneld Jordan
Mayor

Date

7/1/14

Date

Northwest Arkansas Economic Development District, Inc.
General Improvement Fund Project Closeout

I do hereby affirm that all funds awarded to this organization under the Northwest Arkansas Economic Development District's General Improvement Fund Program were spent strictly in accordance with the submitted and approved proposed project.

I understand that any monies not spent or not spent in accordance with the approved budget are to be repaid to NWAEDD.

I also affirm that the approved project has been completed and all payments have been made in full. As such, I am officially requesting the formal closure of this grant.

Lioneld Jordan, Mayor

Date

City of Fayetteville – Street Department

Grant Number: 84-237-04-14

Notary Seal:

City of Fayetteville Staff Review Form

2014-0330

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
 N/A for Non-Agenda Item

Terry Gulley

7/18/2014

Transportation Services /
 Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution awarding Bid 14-41 to and authorizing the purchase of bulk crushed rock salt from Central Salt, LLC for a unit price of \$106.16 per ton, as needed, throughout the 2014-2015 winter season.

Budget Impact:

2100.4120.5204.00

Street

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 74,865.00

Funds Obligated \$ 73,408.45

Current Balance \$ 1,456.55

Does item have a cost? Yes

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 1,456.55

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The "item cost" box has been left blank because the exact item cost will vary depending upon the Transportation Division's fluctuating needs based on the severity of the next winter weather season.

7/21/14
 Paul A. Butler
 7-21-2014
 Alan Man 2-22-14

ENTERED
 7/18/14
 ENTERED
 7/21/14
 FILE

7/20/14
 [Signature]



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director
DATE: July 17, 2014
SUBJECT: Bid 14-41, Bulk Crushed Rock Salt - Rebid

RECOMMENDATION:

A resolution awarding Bid 14-41 to and authorizing the purchase of bulk crushed rock salt from Central Salt, LLC for a unit price of \$106.16 per ton, as needed, throughout the 2014-2015 winter season.

BACKGROUND:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

DISCUSSION:

The only bid received for bulk crushed rock salt was submitted by Central Salt, LLC. Their product meets all necessary specifications.

BUDGET/STAFF IMPACT:

Funds for the acquisition of these materials have been budgeted in Street Fund. Bulk crushed rock salt will be purchased on an "as needed" basis with payment remitted via procurement card.

Attachments:

Bid 14-41 Tabulation
Bid Submittal

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-41 AND AUTHORIZE THE PURCHASE OF CRUSHED ROCK SALT FROM CENTRAL SALT COMPANY IN THE AMOUNT OF \$106.16 PER TON, AS NEEDED THROUGH JULY 31, 2015

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #14-41 and authorizes the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed, through July 31, 2015.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 14-41, Bulk Crushed Rock Salt - Rebid

Bid: 14-41
 DATE: 07/16/2014
 3:00 PM
 CITY OF FAYETTEVILLE

			Cargill		Central Salt LLC		Independent		Morton		North American Salt	
Item	DESCRIPTION	Est. Tons	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total
1	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% exceeding size 3/8", meeting AHTD specifications - DELIVERED to the City of Fayetteville, 1525 S. Happy Hollow, Fayetteville, AR 72701 - Through July 31, 2015	600	\$0.00	\$0.00	\$106.16	\$63,696.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BASE BID=			NO BID		\$63,696.00		NO BID		NO BID		NO BID	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal

CERTIFIED:

P. Vice, Purchasing Manager

Witness

Date

P Vice

Carolyn Reef

7-16-14



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220

TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 14-41, Bulk Crushed Rock Salt - Rebid
DEADLINE: Wednesday, July 16, 2014 before 3:00 PM, Local Time
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPO, CPPB, aforen@fayetteville-ar.gov
DATE OF ISSUE AND ADVERTISEMENT: Saturday, June 28, 2014

INVITATION TO BID Bid 14-41, Bulk Crushed Rock Sale - Rebid

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: Central Salt, LLC

Contact Person: Lori Young Title: Customer Service Supervisor

E-Mail: lyoung@centralsalt.com Phone: 620-257-5626 Ext. 203

Business Address: 385 Airport Road, Suite 108

City: Elgin State: IL Zip: 60123

Signature: *Lori Young* Date: 7/15/2014

City of Fayetteville
Bid 14-41, Bulk Crushed Rock Salt - Rebid
Bid Form

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% greater than 3/8" in the mix, meeting AHTD specifications - DELIVERED to the City of Fayetteville, 1525 S. Happy Hollow, Fayetteville, AR 72701 - Through July 31, 2015	600 Tons	\$ 106.16	\$ 63,696.00

*Salt Producer: Central Salt / Lyons Mine

2.	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% plus 3/8" in the mix, meeting AHTD specifications - PICKED UP BY the City of Fayetteville - Through July 31, 2015	200 Tons	\$ N/A	\$
----	---	----------	--------	----

*Salt Producer:

Please Specify Location from Item 2:

*Physical address of salt pick up location:

Address:

City: State: Zip Code:

TOTAL BASE BID (Sum of Item 1 and Item 2): \$ 63,696.00

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City reserves the right to award this bid based on the City's best interest at the time of product order.

THIS BID FORM CONTINUES ON THE NEXT PAGE.

Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation shall be documented and certified by the manufacturer as a regular production option.

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. I, as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein is accurate and true.
5. Bidder shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment in addition to all federal, state, and local laws.
6. Bidder shall disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Response shall disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official. If no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response.

2.) RELATIONSHIP EXISTS (Please explain): _____

- City of Fayetteville, AR
Bid 14-41, Bulk Crushed Rock Salt - REBID
Page 3 of 15

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Central Salt, LLC

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name Central Salt, LLC

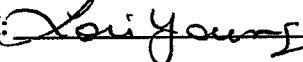
*BUSINESS ADDRESS: PO Box 798303

*CITY: St. Louis *STATE: MO *ZIP: 63179-8000

*PHONE: 620-257-5626 Ext.203 FAX: 620-257-5052

*E-MAIL: lyoung@centralsalt.com

*BY: (PRINTED NAME) Lori Young

*AUTHORIZED SIGNATURE: 

*TITLE: Customer Service Supervisor

DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 43-1788697

Acknowledge Addendums:

Addendum No. 1 Dated: 5/19/14 Acknowledged by: Lori Young

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____



Bid 14-41, Bulk Crushed Rock Salt - Rebid

Bid: 14-41
 DATE: 07/16/2014
 3:00 PM
 CITY OF FAYETTEVILLE

			Cargill		Central Salt LLC		Independent		Morton		North American Salt	
Item	DESCRIPTION	Est. Tons	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total	Price Per Ton	Total
1	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% exceeding size 3/8", meeting AHTD specifications - DELIVERED to the City of Fayetteville, 1525 S. Happy Hollow, Fayetteville, AR 72701 - Through July 31, 2015	600	\$0.00	\$0.00	\$106.16	\$63,696.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BASE BID=			NO BID		\$63,696.00		NO BID		NO BID		NO BID	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal

CERTIFIED:

P. Vice
 P. Vice, Purchasing Manager

Carolyne Reef
 Witness

7-16-14
 Date

City of Fayetteville Staff Review Form

2014-0331

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
 N/A for Non-Agenda Item

Terry Gulley

7/18/2014

Transportation Services /
 Transportation Services Department
 Division / Department

Submitted By

Submitted Date

Action Recommendation:

A resolution awarding Bid 14-42 Construction - Asphalt Microsurfacing to and approving a contract with Vance Brothers, Inc. for the amount of \$256,480.00 and approving a 10% project contingency of \$25,648.00.

Budget Impact:

4470.9470.5417.00	Sales Tax Capital Improvements
Account Number	Fund
02052 / 1	In-House Pavement Improvements
Project Number	Project Title
Budgeted Item? Yes	Current Budget \$ 1,840,293.00
	Funds Obligated \$ 866,068.52
	Current Balance \$ 974,224.48
Does item have a cost? Yes	Item Cost \$ 282,128.00
Budget Adjustment Attached? No	Budget Adjustment \$ -
	Remaining Budget \$ 692,096.48

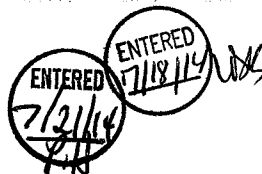
V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

7/21/14



Approval Date:

[Signature]

Paul A. Becker 7-21-2014

Don Man 7-22-14



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council
THRU: Don Marr, Chief of Staff
FROM: Terry Gulley, Transportation Services Director
DATE: July 17, 2014
SUBJECT: Bid 14-42, Construction – Asphalt Microsurfacing

RECOMMENDATION:

Staff recommends approval of a resolution awarding Bid 14-42 Construction - Asphalt Microsurfacing to and approving a contract with Vance Brothers, Inc. for the amount of \$256,480.00 and approving a 10% project contingency of \$25,648.00.

BACKGROUND:

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

DISCUSSION:

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

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

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

BUDGET/STAFF IMPACT:

Funds for the purchase of asphalt microsurfacing have been budgeted in the In-House Pavement Improvements capital project.

Attachments:

Bid Tabulation
Bid Submittal
Contract
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #14-42 AND AUTHORIZE A CONTRACT WITH VANCE BROTHERS, INC. IN THE AMOUNT OF \$256,480.00 PLUS A CONTINGENCY OF \$25,648.00 FOR ASPHALT MICRO-SURFACING OF CITY STREETS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #14-42 and authorizes the Mayor to sign a contract with Vance Brothers, Inc. in an amount not to exceed \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid: 14-42
7/16/2014
3:00 PM
City of Fayetteville

Bid 14-42 - Construction - Asphalt Microsurfacing

				Vance Brothers Inc		
Item	Description	Est. Qty (SY)		Unit Price		Total Base Bid
1	Microsurfacing (18-22 pounds per square yard)	91,600	x	\$ 2.80	=	\$ 256,480.00

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

CERTIFIED:

A handwritten signature in black ink, appearing to read "Alice".

P. Vice, Purchasing Manager

A handwritten signature in black ink, appearing to read "Carolyn Rex".

Witness

A handwritten date in black ink, "7-16-14".

Date

CITY OF



Project Check List

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



5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)

- In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashiers checks shall be made payable to the City of Fayetteville, AR.



All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).



All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.



All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents



All bid documents shall be delivered in a sealed envelope to the address listed below before the stated deadline on the coversheet of the bid. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.

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

CONTRACTOR NAME:

Vance Brothers, Inc.

ARKANSAS CONTRACTORS LICENSE NUMBER:

0057410415

City of Fayetteville
Bid 14-42, Construction – Asphalt Microsurfacing
Bid Form

Contract Name: Bid 14-42, Construction – Asphalt Microsurfacing
Bid Number 14-42

BID TO:

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

BID FROM:

Bidder:

Vance Brothers, Inc.
5201 Brighton Ave.
Kansas City, Mo 64130

Section 1 – Intent:

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

Section 2 – Terms & Conditions:

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

Section 3 – Bidder's Representations:

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

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

<u>Number</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

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

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

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

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

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

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

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

L.) Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.

M.) No Bid shall be based upon aggregate of Subcontractors performing more than 60 percent of the total Work.

N.) The experience, past performance, and ability of each proposed Subcontractor will be considered in the evaluation of Bids. Any Subcontractor so requested shall be required to furnish experience statements prior to the Notice of Awards.

Section 4 – Price:

Line Item	Description	Unit of Measurement	Estimated Quantity		Line Item Unit Price	Total Base Bid
1	Microsurfacing (18-22 lbs/SY)	Per Square Yard	91,600	x	\$ <u>2.80</u>	= \$ <u>256,480.00</u>

Section 5 – Listing of Subcontractors:

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

Section 6 – Contract Times:

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

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

Section 7 – Communications:

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

Vance Brothers, Inc.
5201 Brighton Ave.
Kansas City, Mo 64130
 Phone No. 816-923-4325
 FAX No. 816-923-6472

Section 8 – SIGNATURE:

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

SUBMITTED on this 9th Date of July, 20 14.

Arkansas State Contractor License No. 0057410415

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: _____ (SEAL)

By: _____

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

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 3: A Corporation

Corporation Name: Vance Brothers, Inc. (SEAL)

Date of Incorporation: 12/31/1958

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



VANCE BROS. INC. (816) 923-4325

By: _____

(Signature — attach evidence of authority to sign)

Name (type or printed): _____

Robert A. Vance

Title: _____

Vice President

(CORPORATE SEAL)

VANCE BROS. INC
CORPORATE SEAL
MISSOURI

VANCE BROS. INC. (816) 923-4325

Business address: _____

5801 Brighton Ave

Kansas City, Mo 64130

Phone No.: _____

816-923-4325

FAX No.: _____

816-923-6472

City of Fayetteville
Bid 14-42, Construction – Asphalt Microsurfacing
Vendor References

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

COMPANY NAME: Vance Brothers, Inc.

BUSINESS ADDRESS: 5301 Brighton Ave, KCMO, 64130

NUMBER OF YEARS IN BUSINESS: 92 HOW LONG IN PRESENT LOCATION: 92

TOTAL NUMBER OF CURRENT EMPLOYEES: 331 FULL TIME 2 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 15 FULL TIME 0 PART TIME

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

1. City of Bella Vista
COMPANY NAME

Bella Vista, AR 72714
CITY, STATE, ZIP

Mike Button
CONTACT PERSON

479-876-1255
TELEPHONE

9/17/13
DATE COMPLETED

E-MAIL ADDRESS

3. City of Lakeview
COMPANY NAME

Lakeview, AR 72642
CITY, STATE, ZIP

Ken Cotter
CONTACT PERSON

870-425-6161
TELEPHONE

10/15/13
DATE COMPLETED

CISI@MountainHome.com
E-MAIL ADDRESS

2. City of Mountain Home
COMPANY NAME

Mountain Home, AR 72653
CITY, STATE, ZIP

David Osmon
CONTACT PERSON

870-425-5116
TELEPHONE

10/18/13
DATE COMPLETED

E-MAIL ADDRESS

4. City of Fayetteville, AR
COMPANY NAME

Fayetteville, AR 72701
CITY, STATE, ZIP

Andrea Foren
CONTACT PERSON

479-444-1711
TELEPHONE

8/30/13
DATE COMPLETED

aforen@ci-fayetteville-ar.us
E-MAIL ADDRESS

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310 Bid Bond

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

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

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

450 Plymouth Road, Suite 400, Plymouth Meeting, PA 19462

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

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

113 West Mountain, Fayetteville, AR 72701

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

Dollars (\$ 5%),

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

WHEREAS, the Principal has submitted a bid for Bid #14-42 City of Fayetteville AR - Construction - Asphalt

MicroSurfacing

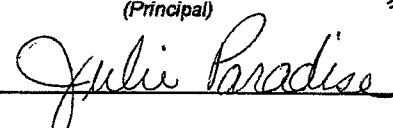
NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligor in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful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

Signed and sealed this 16th day of July, 2014

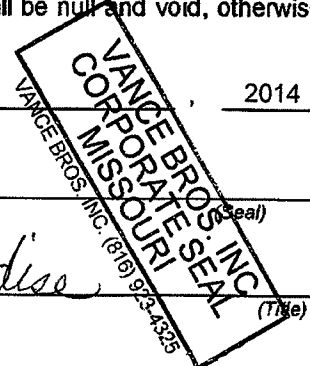

(Witness)

Vance Brothers, Inc.

(Principal)

By: 

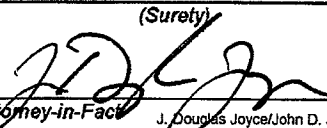
Julie Paradise



Liberty Mutual Insurance Company

(Surety)

(Seal)

By: 

Attorney-in-Fact

J. Douglas Joyce/John D. Joyce AR Non Resident Agent

(Title)

Surety Phone No. 610-832-8240

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

American Fire and Casualty Company
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company
West American Insurance Company

POWER OF ATTORNEY

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

Principal Name: Vance Brothers, Inc.

Obligee Name: City of Fayetteville AR

Surety Bond Number: Bid Bond

Bond Amount: See Bond Form

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 18th day of November, 2013.



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

By: David M. Carey

David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

ss

On this 18th day of November, 2013, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

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



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2017
Member, Pennsylvania Association of Notaries

By: Teresa Pastella

Teresa Pastella, Notary Public

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

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

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

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 16th day of July, 2014.



By: Gregory W. Davenport

Gregory W. Davenport, Assistant Secretary



City of Fayetteville, AR
Bid 14-42, Construction – Asphalt Microsurfacing
Vendor: Vance Brothers, Inc.
Terms: Single Project

This contract executed this ____ day of _____, 2014, between the City of Fayetteville, Arkansas, and Vance Brothers, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Vance Brothers, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 14-42 as stated in Vance Brothers, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 14-42, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Vance Brothers, Inc. based on their bid proposal in an amount not to exceed \$256,480.00 at \$2.80 per square yard. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Vance Brothers, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 14-42 with the specifications and conditions typed thereon.
 - B. Vance Brothers, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Vance Brothers, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Vance Brothers, Inc.
5. Vance Brothers, Inc. shall not assign its duties under the terms of this agreement.
6. Vance Brothers, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Vance Brothers, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Vance Brothers, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Vance Brothers, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Vance Brothers, Inc.

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

WITNESS OUR HANDS THIS _____ DAY OF _____, 2014.

Vance Brothers, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Signature

By: _____

LIONELD JORDAN, Mayor

Tim Vance - President

Printed Contractor Name & Title

ATTEST (Signature)

ATTEST: (Signature)

Robert A. Vance

Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

5201 Brighton Ave, Kemo 64130

City, State & Zip Code

Date Signed: _____

Date Signed: _____



City of Fayetteville, AR
Bid 14-42, Construction – Asphalt Microsurfacing
Vendor: Vance Brothers, Inc.
Terms: Single Project

This contract executed this ____ day of _____, 2014, between the City of Fayetteville, Arkansas, and Vance Brothers, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Vance Brothers, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 14-42 as stated in Vance Brothers, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 14-42, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Vance Brothers, Inc. based on their bid proposal in an amount not to exceed \$256,480.00 at \$2.80 per square yard. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Vance Brothers, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 14-42 with the specifications and conditions typed thereon.
 - B. Vance Brothers, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Vance Brothers, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Vance Brothers, Inc.
5. Vance Brothers, Inc. shall not assign its duties under the terms of this agreement.
6. Vance Brothers, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Vance Brothers, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Vance Brothers, Inc. shall furnish a certificate of Insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Vance Brothers, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability	\$500,000 for each person injured. \$1,000,000 for each accident.
Property Damage Liability	\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Vance Brothers, Inc.

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

WITNESS OUR HANDS THIS _____ DAY OF _____, 2014.

Vance Brothers, Inc.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Signature

By: _____

LIONELD JORDAN, Mayor

Tim Vance - President
Printed Contractor Name & Title

ATTEST (Signature)

ATTEST: (Signature)

Robert A. Vance
Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

5201 Brighton Ave, Kimo 64130
City, State & Zip Code

Date Signed: _____

Date Signed: _____

City of Fayetteville - Purchase Order Request (PO)										Requisition No.:	Date: 8/5/2014
(Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.										P.O Number:	
Vendor #:	22708	Vendor Name:	Vance Brothers, Inc.					Legistar#:	2014-0331		
Address:			FOB Point:				Taxable	☒ Yes ☐ No	Expected Delivery Date:		
City:		State:		Zip Code:	Ship to code:	104	Quotes Attached	☐ Yes ☒ No			
Requester:	Ginny Gundlach		Requester's Employee #:		2283		Extension:	3489			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #		
1	Asphalt Microsurfacing	91600	SQ YD	2.80	\$256,480.00	4470.9470.5417.00	02052 / 1				
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions:										Subtotal:	\$256,480.00
Contract # _____, Per Bid 14-42 & Res _____										Tax:	\$0.00
										Total:	\$256,480.00
Approvals:											
Mayor: _____			Department Director: _____			Purchasing Manager: _____					
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____					
Dispatch Manager: _____			Utilities Manager: _____			Other: _____					

City of Fayetteville Staff Review Form

2014-0323

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Byron Humphry

7/16/2014

Parks & Recreation /
Parks & Recreation Department
Division / Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve an agreement with Froud Farms to cut and remove hay from four Park properties for the sum of \$100 per year.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: This will create an additional \$100 of revenue that was not budgeted. Only one bid of \$100 was received.

 7/16/14



Paul A. Becher 7-16-2014

Dr. Man 7-16-14



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Byron Humphry, Park Maintenance Superintendent

DATE: July 16, 2014

SUBJECT: Froud Farms Hay Agreement

RECOMMENDATION:

Approve an agreement with Froud Farms to cut and remove hay from four Park properties for the sum of \$100 per year.

BACKGROUND:

Park properties at Hobby Use area at Lake Fayetteville Park, Madison Natural area, Bayyari Park, and Combs Park have historically been maintained as natural areas and brush hogged three to four times per year. In 2010, the City entered an agreement with Froud Farms to mow these areas for hay. This agreement saved staff time and expense by not having to brush hog these areas. The agreement expired this year. A request for bids was advertised on May 24, 2014. One bid was received from Froud Farms in the amount of \$100 per year.

DISCUSSION:

In order to offset maintenance costs and reduce staff time mowing undeveloped land, the Parks Department seeks approval of an agreement with Froud Farms to mow approximately fifty-one (51) acres of park land. This agreement will be for one (1) year for \$100 per year and automatically renewable for four (4) years upon mutual consent of both parties.

BUDGET/STAFF IMPACT:

Staff time and expense required to brush hog undeveloped land will be reduced. In addition, \$100 will be received annually.

Attachments:

Staff Review
Froud Farms Agreement

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH DARRELL FROUD FOR ABOUT 54.5 ACRES OF CITY PARK LAND FOR THE SOLE PURPOSE OF CUTTING HAY FOR THE AMOUNT OF \$100.00 PER YEAR

WHEREAS, in order to save maintenance costs and staff time required to mow about 54.5 acres of meadows in four city park, the Parks and Recreation Department requested bids from persons wishing to cut hay from these fields; and

WHEREAS, Darrell Froud submitted the best bid of \$100.00 and has agreed to all terms in the attached lease agreement.

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 the attached agreement to lease about 54.5 acres of meadows in four city parks to Darrell Froud for the sole purpose of cutting hay for the amount of \$100.00 per year and authorizes Mayor Jordan to sign the agreement.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

LEASE AGREEMENT

This **Agreement** is executed on this 5th day of August, 2014, between the City of Fayetteville, Arkansas, a municipal corporation, and Darrell Froud of 566 E. Lee Froud Rd., Fayetteville, AR 72701.

1. **Premises.** Fayetteville hereby leases to Darrell Froud, and Darrell Froud hereby leases from Fayetteville, the following described property situated in Washington County, Arkansas:

Approximately 51 acres as shown as that portion of Park property marked on the maps entitles, "Exhibit A1, Exhibit A2, Exhibit A3, Exhibit A4", attached hereto and made a part hereof.
2. **Term.** This lease shall be effective on August 5, 2014, shall be for a term of one year and shall be subject to four consecutive automatic annual renewals. If neither party notifies the other party in writing of its intent not to renew by April 15, this Lease Agreement shall be automatically renewed for the next year's term on the same terms and conditions.
3. **Consideration.** In partial consideration of Fayetteville leasing the above described property to Darrell Froud, Darrell Froud agrees to pay Fayetteville an annual rent of \$100.00 dollars, payable in advance of the effective date of the lease term. As more important additional consideration, Darrell Froud agrees to faithfully, fully and consistently abide by the conditions stated in paragraphs 4 and 5.
4. **Conditions.** This lease shall be subject to the following conditions which Darrell Froud promises to abide by and fulfill:
 - a. This lease shall be for the sole purpose of removing hay from any or all of the above described property as marked as hayfield(s) on Exhibit A1, Exhibit A2, Exhibit A3, and Exhibit A4 and according to all terms and conditions and information contained in **Bid 14-33**.
 - b. Darrell Froud agrees that livestock shall not be permitted to enter upon any land owned by City of Fayetteville or the land included in this lease.

- c. Darrell Froud shall keep and maintain the property covered by this lease in good condition; that he will keep all fence rows and drains free and clear of weeds, underbrush and obstruction at all times.
- d. Darrell Froud shall fertilize said lands annually according to soil test recommendations. Darrell Froud shall fertilize these leased areas with fertilizer approved by the Parks and Recreation Department **prior to fertilization** taking place. Darrell Froud will not be required to spend more than \$1,000.00 annually for fertilizing for the entire leased area. No poultry litter or other animal manure may be applied as fertilizer. Fertilizer shall be applied in accordance to all local and state regulations.
- e. Darrell Froud agrees to exercise caution and reasonable care during cutting and removal of hay so that park patrons or adjacent property owners are not injured or endangered.
- f. Darrell Froud shall brush-hog or otherwise keep the brush cut annually from all areas not mowed for hay.
- g. Darrell Froud shall not erect any structures of any nature whatsoever on said property including additional fences or gates without explicit written permission from the City.
- h. Darrell Froud shall not permit any public nuisance to exist on said lands.
- i. Darrell Froud shall not cut, remove, or carry off nor allow to be cut, removed, or carried off, from said above described lands any trees, soil, rock, or minerals of any kind whatsoever, except for hay. Furthermore, Darrell Froud specifically agrees that he will not hunt, or allow hunting by any person or persons on said property.
- j. Darrell Froud agrees that City of Fayetteville employees and agents shall have the right at all times to enter upon said property for the purposes of inspecting same.
- k. Fayetteville shall have the right of granting easements for any purpose on, over, and across said property.

- l. Fayetteville shall have the right to enter upon said land for the purpose of constructing and/or maintaining anything that Fayetteville in its own judgment may require without the necessity to notify, or of having to pay any compensation to the Darrell Froud as damages by reason of the exercise of any of these rights and privileges.
- m. Darrell Froud hereby agrees to hold harmless and indemnify Fayetteville from any and all claims or damages occasioned by or arising from Darrell Froud's activities upon the above described property.
- n. Darrell Froud shall not assign this Lease or sublet any part of the above described property without first obtaining the written consent of Fayetteville.
- o. This Agreement may be terminated by either party upon thirty (30) days written notice of termination to the other party.
- p. Notice as provide for herein shall be sufficient if sent by Certified Mail, postage prepaid, address as follows:

Notice to Fayetteville:

Mayor's Office
113 W. Mountain St.
Fayetteville, AR 72701
479-444-3471

Notice to Darrell Froud:

Darrell Froud
566 E. Lee Froud Rd.
Fayetteville, AR 72701
479-841-9651

5. **Standard Federally Required Conditions.** Under no circumstances is this lease an exclusive right to provide this service. Fayetteville is prohibited by Federal Regulations/Grant Assurances V, Item C, Sponsor Certification 22 and 23, from granting exclusive privileges to provide services or conduct business. Darrell Froud shall furnish services on a fair, equal or not unjustly discriminatory basis for all users of the service provided.

DARRELL FROUD

By: _____

DARRELL FROUD

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

LIONELD JORDAN, Mayor

ATTEST:

ATTEST:

Froud FARMS
Witness

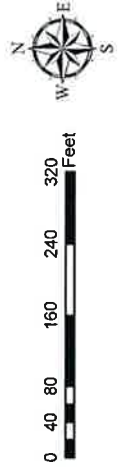
Sondra Smith, City Clerk

544 East LEE Froud
Business Address

Date Signed: _____

FAYETTEVILLE AR 72701
City, State & Zip Code

7/11/14
Date Signed



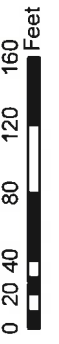
**Lake Fayetteville - Hobby Use area
Approximately 24 acres**



0 25 50 100 150 200 Feet



**Madison Natural Area
Approximately 7 acres**



**Bayyari Park
Approximately 3 acres**



0 30 60 120 180 240 Feet



Combs Park
Approximately 17 acres

City of Fayetteville Staff Review Form

2014-0324

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Alison Jumper

7/18/2014

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for \$250,000 from the Arkansas Parks and Tourism Outdoor Recreation Grants Program for construction of a large pavilion with restrooms at the Fayetteville Regional Park.

Budget Impact:

2250.9255.5806

2250-Parks Development

Account Number

Fund

02002.1

Regional Park

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 4,476,766.00

Funds Obligated \$ 803,568.00

Current Balance \$ 3,673,198.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 3,673,198.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:



Approval Date:

Comments:

 7/16/14

Paul A. Butler 7-16-2014

 7-16-14





CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Alison Jumper, Park Planning Superintendent

DATE: July 18, 2014

SUBJECT: Resolution to Apply for the 2015 Arkansas Outdoor Recreation Grant

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for \$250,000 from the Arkansas Parks and Tourism Outdoor Recreation Grants Program for the construction of a large pavilion with restrooms at the Fayetteville Regional Park.

BACKGROUND:

The Arkansas Department of Parks and Tourism annually offers a matching grant opportunity through its Outdoor Recreation Grants Program. Each year eligible entities may apply for funds for projects that create opportunity for outdoor recreation. The grant is funded from two sources. The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds.

Arkansas Parks and Tourism has awarded our City with several grants for the development of improvements to Doc Mashburn Park, Sweetbriar Park, Bryce Davis Park, Braden Park, Grinders Skate Park at Walker Park, Gulley Park, Veterans Memorial Park at Lake Fayetteville Park and the Botanical Garden of the Ozarks at Lake Fayetteville Park. The 2015 grant application deadline is August 29, 2014. A resolution from the City of Fayetteville is required to apply for the grant (see attached sample resolution).

A public hearing was held at City Hall, Room 326 on June 26, 2014 to gather input from the public regarding recreation needs and to prioritize an eligible grant project (see attached public hearing affidavit of publication and minutes). Outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through additional group meetings. Specific projects for the grant application were not defined at the outreach meetings or the public hearing.

DISCUSSION:

After consideration of public input, available matching funds and current projects staff recommends applying for funds for the construction of a large pavilion and restroom to be located in the Regional Park (see attached conceptual plans).

The grant application must include detailed budgets, plans, specifications and bid documents that are ready for immediate bid and construction and asks the applicant to specify how funding meets the needs of the community.

This grant contains twelve (12) obligations covering items such as compliance of the Americans for Disabilities Act and requiring that the property be retained in perpetuity for outdoor recreation use (see attached grant obligations). The project area of the Regional Park meets all of these obligations.

Section 6(f) (3) of the LWCF Act states "No property acquired or developed with the assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use." If this property must ever be used for anything other than outdoor recreation use, it is possible to convert the park boundary.

The Parks and Recreation Advisory Board approved the selection of this project for the 2015 Arkansas Parks and Tourism Outdoor Recreation Grant. The conceptual plan was approved by PRAB on July 7, 2014 (see attached PRAB meeting minutes).

BUDGET/STAFF IMPACT:

This grant application is for \$250,000. The Arkansas Outdoor Recreation Grant is a 50/50 matching grant. If the full amount requested is awarded, the City is responsible for matching \$250,000 towards the project. Currently, the Regional Park project has \$3,673,273 budgeted.

Attachments:

Sample Resolution
Public Hearing Affidavit of Publication
Public Hearing Minutes and Sign In Sheet from June 26, 2014
Conceptual Plans
Arkansas Outdoor Recreation Grant Obligations
PRAB Meeting Minutes from July 7, 2014

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$250,000.00 FOR IMPROVEMENTS AT THE FAYETTEVILLE REGIONAL PARK

WHEREAS, the City of Fayetteville seeks to improve recreation facilities at the Fayetteville Regional Park and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 matching grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation area has been prepared and the price therefore has been established; and

WHEREAS, the City Council of the City of Fayetteville understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner; and

WHEREAS, the City Council of the City of Fayetteville is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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 Mayor Jordan to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities in the Fayetteville Regional Park located in the City of Fayetteville; therefore such application shall be submitted as expediently as possible.

Page 2
Resolution No.

PASSED and **APPROVED** this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. _____

WHEREAS, _____, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following; the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

City Council/Quorum Court is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

NOW, THEREFORE, BE IT RESOLVED by the City Council/Quorum Court of _____, Arkansas that the Mayor/County judge is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities in _____ park located at _____ for the City/County; therefore such application shall be submitted as expediently as possible.

Passed this _____ day of _____, 2012.

APPROVED: _____

Mayor/County Judge

Clerk

NORTHWEST ARKANSAS NEWSPAPERS LLC

NORTHWEST ARKANSAS DEMOCRAT-GAZETTE

THE MORNING NEWS OF SPRINGDALE

THE MORNING NEWS OF ROGERS

NORTHWEST ARKANSAS TIMES

BENTON COUNTY DAILY RECORD

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AFFIDAVIT OF PUBLICATION

I, Karen Caler, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Newspapers, LLC, printed and published in Washington and Benton County, Arkansas, of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
Parks and Recreation
Public Meeting Invitation

Was inserted in the Regular Editions of
The Northwest Arkansas Times

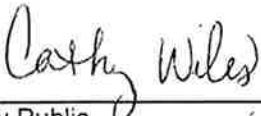
Date(s) of publication: June 19, 2014

Publication Charges: \$ 155.64



Karen Caler
Legal Advertising Clerk

Subscribed and sworn to before me
This 24 day of June, 2014.



Notary Public
My Commission Expires: 2/20/2024



Public Meeting Invitation

The City of Fayetteville invites its citizens and other interested persons to a public meeting to be held at Room 326 at City Hall located at 113 W. Mountain Street on Thursday, June 26, 2014 at 5:30 p.m.



The purpose of this meeting is to identify potential outdoor park and recreation needs and priorities for 2015. Following the identification process, city officials will select those priorities to be submitted to the Arkansas Department of Parks and Tourism for a matching grant application.

Ethnic minorities, persons with special needs, elderly persons over 55, and special interest groups are encouraged to attend and participate.

For those unable to attend the meeting, you may phone Fayetteville Parks and Recreation at 479-444-3471. Written comments may be submitted to Fayetteville Parks and Recreation, 113 West Mountain, Fayetteville, AR 72701 or parks_and_recreation@fayetteville-ar.gov.

****NOTE****

Please do not pay from Affidavit. Invoice will follow.



A public hearing was held on June 26, 2014 at City Hall Room 326 located at 113 West Mountain. There were 13 people in attendance plus three City of Fayetteville employees. The hearing began at 5:35 PM. The hearing was filmed by the City of Fayetteville Cable Administration staff to be broadcast on the government channel at a later date. Parks staff in attendance were:

Connie Edmonston	Parks and Recreation Director
Alison Jumper	Park Planning Superintendent
Carole Jones	Park Planner II

Connie Edmonston greeted the attendees and opened the meeting with a brief description of the Arkansas Parks and Tourism's Outdoor Recreation Grant Program. Alison Jumper described the details of the 50/50 match process and how the land must remain in outdoor recreation use forever. Jumper explained that funds could be used for land acquisition, park development or a combination of both. Jumper mentioned that the grant is reimbursable and therefore funding must be in place. She also mentioned past projects that utilized grant funds. Carole Jones went over the grant criteria and requirements, including the grant deadline and ADA requirements. Jones then asked the public for comments and ideas.

Comments and ideas from the public included:

- Citizen expressed the need to build splash pads within the city limits of Fayetteville. She presented the results of an online survey that included 379 responses in favor of having this amenity. She stated that some people who responded did not live in the city limits, indicating there was a potential tourism aspect. She also expressed interest in having a splash pad located along a trail.
- Five citizens expressed the need for purchasing / obtaining the property adjacent to Gulley Park that is for sale. Citizens had various ideas about the use of the additional property, such as, community garden space, outdoor classroom space, additional parking for the park, and a dog park.
- Citizen expressed the need for improvements to the nature trails at Mt. Sequoyah Woods and Mt. Kessler.
- Citizen expressed the need for restrooms that would remain open year round along the shared use trails.
- Citizen expressed the need for additional trash cans along the trails, possibly some that are animal proof. She also mentioned a possible volunteer program for emptying and maintaining.
- Citizen expressed the need for additional bicycling opportunities including a free ride trail area (similar to Slaughter Pen in Benton County).
- Citizen expressed the need for interpretive / educational signage with tree identification, native plant information and invasive plant information.

Parks staff stated that comment sheets would be available on the city's website, and persons who were unable to attend the hearing could submit their comments to the Parks and Recreation Department by e-mail, U.S. mail or by phone until July 3. Staff stated that the grant application and potential project will be discussed at the next Parks and Recreation Advisory Board meeting on Monday, July 7. The public hearing concluded at 6:15 PM.



ORGP Public Hearing
June 26, 2014
City Hall Room 326
113 West Mountain Street





Arkansas Department of Parks and Tourism
2015 Outdoor Recreation Grant Program Public Hearing
City Hall Room 326
5:30 PM Thursday, June 26, 2014
Sign In Sheet

	Name	Address	Phone	E-mail
1.	Warlo Priest	1010 Sunset	251-7992	wpriest@experiencefayetteville.com
2.	Nan Lawler	68 S. KESTREL	442-2263	nlawler@uark.edu
3.	Richard Covey	68 S. KESTREL	442-2263	
4.	Robert Gay	1678 N Gaddy Ln	444-1427	bobgay@cox.net
5.	David L. Priest	1010 Sunset	251-7992	davidlpriest@hotmail.com
6.	Tamara Snyder	2737 Golden Oaks	521-1962	tsnyder@uark.edu
7.	Tom DUREKA	19 W PIKE	442-1783	tdureka@gmail.com
8.	Vande Souterland	405W. Lakeview Dr. Sp. Dale	419-9649	jvsouterland@cox.net
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Arkansas Department of Parks and Tourism
2015 Outdoor Recreation Grant Program Public Hearing
City Hall Room 326
5:30 PM Thursday, June 26, 2014
Sign In Sheet

Name	Address	Phone	E-mail
1. Ben Putman	353 Rollston Ave	479-790-0700	wputman@uark.edu
2. Kate Mihaleuch	420 E. Lafayette	422-7448	kmihale@me.com
3. Philly McKnight	1169W Archer	444-7633	jpmckn@cox.net
4. Chuck Maxwell	1063 N. Kings Dr	466-7436	chymax@ssc.edu
5. Brandy Allen	2107 N Old Wire Rd.	205-820-4785	brandykarter@gmail.com
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FAYETTEVILLE REGIONAL PARK

FINAL MASTER PLAN ENLARGEMENT

FAYETTEVILLE, ARKANSAS



FAYETTEVILLE REGIONAL PARK PAVILION FAYETTEVILLE, ARKANSAS

JUNE 6, 2014
LM 13144-2
MATTHEW GRAMER, ARCHITECT

LA LOBE & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS - PLANNERS & ENGINEERS
114 8th Avenue North, Suite 200, Birmingham, TN 37208 813.342.0840

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WHERE TO SEND THE APPLICATION

Outdoor Recreation Grants Program
Department of Parks and Tourism
One Capitol Mall
Little Rock, Arkansas 72201

WHO CAN PREPARE THE APPLICATION?

- The application can be prepared locally.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

WHAT ARE OUR OBLIGATIONS IF WE RECEIVE A GRANT?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Once a public park project boundary has been identified by the local project sponsor and provided to the Department of Parks and Tourism, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.
2. Property acquired or developed with grant funds must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.
3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground. This regulation applies to any overhead lines including electric lines, phone lines and public announcement system wiring. No vehicular right-of-way easements are allowed within the boundary.
4. A permanent sign stating that federal LWCF or state ANCRGTF monies were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.
5. All public recreation facilities constructed within a Matching Grant Program-assisted park must be accessible to persons with disabilities. This also applies to those facilities constructed in whole or part with local funds.
6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.
8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.
9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.
10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.
11. All recipients of Matching Grant Program monies must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans

With Disabilities Act, of 1990 Title II and Title III.

12. Properties (parks and recreation areas) acquired or developed with LWCF/ ANCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to any use other than public outdoor recreation use.

Section 6(f)(3) of the LWCF Act states that "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location."



MINUTES

Parks and Recreation Advisory Board
July 7, 2014 at 5:30 p.m.
City Administration Building, Room 111
113 West Mountain Street
Fayetteville, AR 72701

Members: Phillip Watson—Chair, John M. Paul- Vice-Chair, Wade Colwell, Richie Lamb, Terry Lawson, Chuck Maxwell, Phillip McKnight, David Priest, David Proffitt

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Parks Planning Superintendent; Alan Spann, Recreation Superintendent; Melanie Thomas, Senior Secretary

Parks and Recreation Advisory Board members present were Watson, Colwell, Lamb, Lawson, Maxwell, McKnight, and Priest. Paul arrived later. Member absent was Proffitt.

1. Arkansas Parks and Tourism Outdoor Grant Application: Alison Jumper, Park Planning Superintendent

Staff Recommendation will be presented at the meeting.

Jumper said that Parks has applied for a 50/50 Arkansas Parks and Tourism Outdoor Grant. The required public meetings were held, and the requests from the public were taken. She said the funds must be in place in order to apply for this grant. Staff is recommending putting the grant toward Regional Park for a large pavilion.

Watson asked how much the grant is for.

Jumper said \$250,000, and the match to total \$500,000.

Priest wanted to know if the money had been budgeted.

Jumper said yes.

Maxwell said that it makes sense to put it toward Regional Park.

Paul asked how much was in the budget.

Jumper said it was around \$500,000.

Maxwell said the budget is for \$500,000, but the costs will probably be higher.

Edmonston said the grant will only go toward the pavilion.

Maxwell asked if the funding was in place for the fourth ball field.

Jumper said no, not yet.

Priest said that Parks needs input for the HMR impact for the ball field.

A guest said that \$500,000 is a lot of money. He questioned if it should be spent on a pavilion, or on other recreational activities.

Jumper said there were other avenues for other grants for projects.
The guest said it seemed like a lot of money for a pavilion.

Edmonston said that wasn't a lot for a pavilion.

Priest wanted to know if it was likely that Parks would receive the grant.

Edmonston said yes, because the pavilion would be versatile. She said it could be rented out for income. She added that pavilion use in Fayetteville Parks is high.

PRAB Motion: Priest motioned to approve the application for the grant, and McKnight seconded it. Motion passed 8-0-0 by voice vote.

City of Fayetteville Staff Review Form

2014-0321

Legistar File ID

8/4/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

7/15/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of an agreement for professional services between the City of Fayetteville and Garver, LLC for professional engineering services for the Cato Springs Trail from Greathouse Park to the Fayetteville Regional Park in an amount not to exceed \$328,200.

Budget Impact:

4470.9470.5814.05	Sales Tax Cap Imp/Trail Development
Account Number	Fund
02016 / 1405	Cato Springs Trail
Project Number	Project Title
Budgeted Item? Yes	Current Budget \$ 328,200.00
	Funds Obligated \$ -
	Current Balance \$ 328,200.00
Does item have a cost? Yes	Item Cost \$ 328,200.00
Budget Adjustment Attached? No	Budget Adjustment
	Remaining Budget \$ -

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

7/18/14

Paul A. Bush 7-21-2014

Don Man 7-22-14



Approval Date:

[Signature]



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5TH, 2014

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator *MM*

DATE: July 17th, 2014

SUBJECT: Garver, LLC Professional Services Agreement – Cato Springs Trail

RECOMMENDATION:

Staff recommends approval of an agreement for professional services between the City of Fayetteville and Garver, LLC for professional engineering services for the Cato Springs Trail from Greathouse Park to the Fayetteville Regional Park in an amount not to exceed \$328,200.

BACKGROUND:

The City of Fayetteville is undertaking an aggressive trail building campaign in southern Fayetteville over the next 4 years. The Frisco Trail extension south from MLK Boulevard across S. School St. and into Walker Park was opened to the public on April, 12th 2014. With this critical connection complete, the Fayetteville Alternative Transportation and Trails (FATT) Master Plan envisions a series of three trails extending to the south; the Tsa-La-Gi Trail located parallel to MLK Blvd, which is 80% completed, the Town Branch Trail that is located south of 15th Street and is partially completed and the Cato Springs Trail which follows the Cato Springs Branch and will pass over the Fulbright Expressway and under I-49 along Razorback Road.

DISCUSSION:

The Walton Family Foundation has graciously provided \$150,000 to be utilized for a contract with an engineering consultant to perform the design and permitting for the Cato Springs Trail. The Cato Springs Trail will extend south along the Cato Springs Branch and portions of Razorback Road across the Fulbright Expressway and I-49 to the Fayetteville Regional Park and Mt. Kessler. This Trail will be designed as a 12 foot wide concrete multi-use trail with lighting. In addition, the trail will include a bridge across the Cato Springs Branch and a bridge over the Fulbright Expressway that will require considerable design and permit approval from the Arkansas State Highway and Transportation Department. Preliminary estimates establish its length at 10,836 linear feet or slightly over 2 miles.

On June 25th, selection committee 12 chose Garver, LLC to perform the engineering and design of the Cato Springs Trail. The selection was based on Garver's extensive experience with AHTD permitting as well as strong past performance on City projects including the recent Frisco Trail extension under MLK Jr. Blvd. Staff has worked closely with Garver to negotiate the

contract scope and price. The design and permitting phase is estimated to take 18 months, with construction in starting early in 2016. This trail project will then be bid and constructed by a private contractor while the City's in-house trail construction crews continues work on other trail connections.

BUDGET/STAFF IMPACT:

The Walton Family Foundation has provided grant funding in the amount of \$150,000 to be matched with \$178,000 in City funds for a total design budget of \$328,200. The City portion of the matching funds are available through the Trail Development Capital Improvement Program for 2014.

Attachments:

Agreement for professional Engineering Services between City of Fayetteville and Garver, LLC.
Map - Regional Park/Kessler Reserve Connection Trails

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC IN AN AMOUNT NOT TO EXCEED \$328,200.00 FOR ENGINEERING DESIGN RELATED TO THE CATO SPRINGS TRAIL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement for professional engineering services with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.

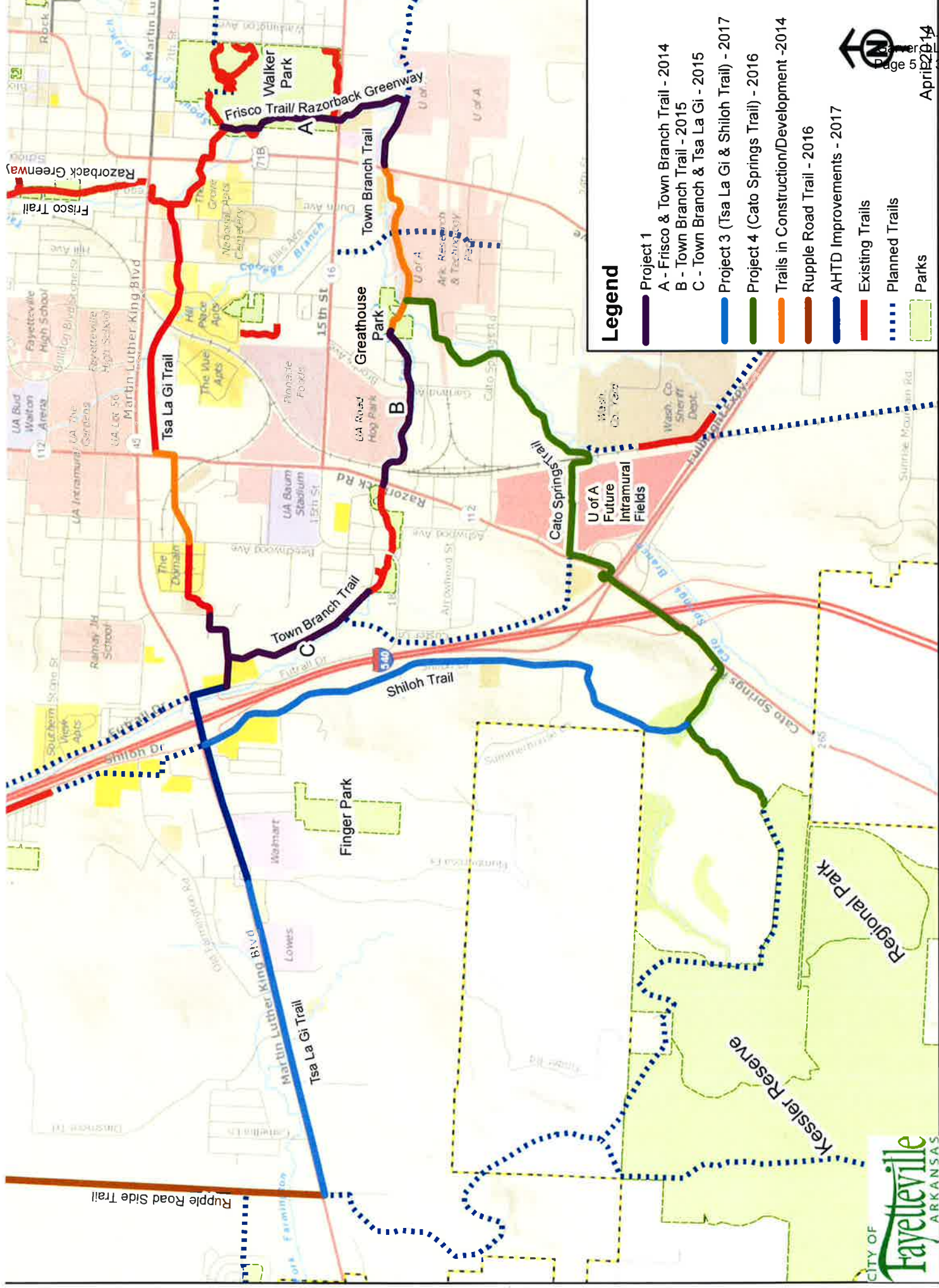
PASSED and **APPROVED** this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Regional Park / Kessler Reserve Connection Trails

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

THIS AGREEMENT is made as of _____, 2014, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and GARVER, LLC (hereinafter called ENGINEER).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the evaluation, design, and/or construction supervision of capital improvement projects. Therefore, CITY OF FAYETTEVILLE and ENGINEER in consideration of their mutual covenants agree as follows:

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

SECTION 1 - AUTHORIZATION OF SERVICES

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

SECTION 2 - BASIC SERVICES OF ENGINEER

- 2.1 Perform professional services in connection with the Project as hereinafter stated.
 - 2.1.1 The Scope of Services to be furnished by ENGINEER during the Project is included in Appendix A attached hereto and made part of this Agreement.
- 2.2 ENGINEER shall coordinate their activities and services with the CITY OF FAYETTEVILLE. ENGINEER and CITY OF FAYETTEVILLE agree that ENGINEER has full responsibility for the engineering services.

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER:
 - 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
 - 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
 - 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform its services under this Agreement.
 - 3.1.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
 - 3.1.5 The Transportation Director is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The Transportation Director shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
 - 3.1.6 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

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

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement is **\$328,200**. The CITY OF FAYETTEVILLE shall compensate ENGINEER based on a Unit Price basis as described in Appendix B. The hourly rates shown in Appendix B will be increased annually with the first increase effective July 1, 2015.
- 5.2 Statements
 - 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with ENGINEER's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by

ENGINEER and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project schedule as the basis for determining the value earned as the work is accomplished. Final payment for professional services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the study and report for the Project.

5.3 Payments

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

5.4 Final Payment

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

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

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

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

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

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

6.2 Professional Responsibility

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

6.3 Cost Opinions and Projections

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

6.4 Changes

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

6.5 Termination

- 6.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:
 - 6.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
 - 6.5.1.2 An opportunity for consultation with the terminating party prior to termination.

- 6.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that ENGINEER is given:
 - 6.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
 - 6.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 6.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
 - 6.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
 - 6.5.3.2 Any payment due to ENGINEER at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of ENGINEER's default.
- 6.5.4 If termination for default is effected by ENGINEER, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to ENGINEER for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by ENGINEER relating to commitments which had become firm prior to the termination.
- 6.5.5 Upon receipt of a termination action under Paragraphs 6.5.1 or 6.5.2 above, ENGINEER shall:
 - 6.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
 - 6.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by ENGINEER in performing this Agreement, whether completed or in process.
- 6.5.6 Upon termination under Paragraphs 6.5.1 or 6.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 6.5.7 If, after termination for failure of ENGINEER to fulfill contractual obligations, it is determined that ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in Paragraph 6.5.4 of this clause.
- 6.6 Delays
 - 6.6.1 In the event the services of ENGINEER are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond ENGINEER's reasonable control, ENGINEER shall be entitled to additional compensation and time for reasonable costs incurred by ENGINEER in temporarily closing down or delaying the Project.

6.7 Rights and Benefits

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

6.8 Dispute Resolution

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

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

6.8.3 Notice of Dispute

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

6.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give ENGINEER written Notice at the address listed in Paragraph 6.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

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

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

6.10 Publications

6.10.1 Recognizing the importance of professional development on the part of ENGINEER's employees and the importance of ENGINEER's public relations, ENGINEER may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to ENGINEER's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to ENGINEER. CITY OF FAYETTEVILLE may require

deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of ENGINEER's activities pertaining to any such publication shall be for ENGINEER's account.

6.11 Indemnification

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

6.12 Ownership of Documents

- 6.12.1 All documents provided by CITY OF FAYETTEVILLE including original drawings, CAD drawings, estimates, field notes, and project data are and remain the property of CITY OF FAYETTEVILLE. ENGINEER may retain reproduced copies of drawings and copies of other documents.
- 6.12.2 Engineering documents, computer models, drawings, specifications and other hard copy or electronic media prepared by ENGINEER as part of the Services shall become the property of CITY OF FAYETTEVILLE when ENGINEER has been compensated for all Services rendered, provided, however, that ENGINEER shall have the unrestricted right to their use. ENGINEER shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of ENGINEER.
- 6.12.3 Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. ENGINEER makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

6.13 Notices

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

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

ENGINEER's address:
Garver, LLC
2049 E. Joyce Blvd, Suite 400
Fayetteville, AR, 72703

6.14 Successor and Assigns

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

6.15 Controlling Law

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

6.16 Entire Agreement

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

SECTION 7 - SPECIAL CONDITIONS

7.1 Additional Responsibilities of ENGINEER

- 7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.
- 7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.
- 7.1.3 ENGINEER's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 Remedies

- 7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising

out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

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

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

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

7.3.3.1 Negotiated prime agreements:

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

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

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

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

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

7.4 Covenant Against Contingent Fees

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

contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

7.5 Gratuities

7.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that ENGINEER or any of ENGINEER's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to ENGINEER terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

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

7.6 Arkansas Freedom of Information Act

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

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

CITY OF FAYETTEVILLE, ARKANSAS

GARVER, LLC

By : _____
Mayor, Lioneld Jordan

By:  _____
BROCK HOSKINS

ATTEST:

By: _____
City Clerk

Title: EXEC VP

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

APPENDIX A – SCOPE OF SERVICES

2.1 General

Generally, the scope of services includes surveying, environmental, design, AHTD permits, and bidding services for the improvements to Cato Springs Trail. Improvements will consist primarily of the extension of Cato Springs Trail approximately 2.3 miles from Town Branch Trail to the Fayetteville Regional Park with lighting, crossings under existing bridge structures at I-49, Highway 112, A&M Railroad and Cato Springs Road and new bridges over Cato Springs Branch and the Fulbright Expressway main lanes.

2.2 Surveys

2.2.1 Design Surveys

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

Garver will conduct field surveys, utilizing radial topography methods, at intervals and for distances along the project site as appropriate for modeling the existing ground, including locations of pertinent features or improvements. Garver will locate buildings and other structures, streets, drainage features, trees over eight inches in diameter, visible utilities as well as those underground utilities marked by their owners and/or representatives, and any other pertinent topographic features that may be present along a 30-ft wide corridor along the centerline alignment as field located by the City. Garver will establish control points for use during construction.

2.2.2 Property Surveys

Garver will locate existing monumentation of the controlled access for the Fulbright Expressway and I-540 right of way as necessary to obtain permits from the AHTD. Garver will provide right-of-way drawings required for AHTD permitting. All other property survey will be performed by the City of Fayetteville.

2.3 Geotechnical Services

Garver will subcontract with Grubbs, Hoskyn, Barton & Wyatt to provide geotechnical investigations and recommendations for the foundation design of the new bridges and retaining wall structures. Borings will be performed at the following locations:

- North abutment of I-49 bridge over Cato Springs Road – Three (3) borings to 30 to 40-ft in depth at abutment.
- New Bridge over Fulbright Expressway – Three (3) borings to 40-ft in depth.
- East abutment of Cato Springs Road bridge over Fulbright Expressway – One (1) boring to 30-ft in depth.
- Existing A&M Railroad bridge over Cato Springs Branch – Two (2) Hand holes.
- West abutment of Cato Springs Road bridge over Cato Springs Branch – Two (2) borings to 40-ft in depth.
- New Bridge over Cato Springs Branch – Two (2) borings to 40-ft in depth.

2.4 Coordination

Garver will furnish plans to all known utility owners potentially affected by the project at the conceptual, preliminary and final stages of development. Garver shall conduct coordination among all known affected utility owners to enable them to coordinate efforts for any necessary utility relocations. Garver will include the surveyed locations of the observable and marked utilities in the construction plans. Garver will also include proposed and/or relocated utility information in the construction plans as provided by the utility companies.

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

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

2.5 Environmental Services

Garver will perform wetland delineation for the entire project. Garver will work to obtain the appropriate environmental permits for the project from the US Army Corps of Engineers and to obtain clearance from the US Fish and Wildlife Service (USFWS).

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

2.6 Drainage Study

Garver will utilize the existing HEC-HMS and HEC-RAS hydrologic models for the design of a new bridge across the Cato Springs Branch Creek to be located north of Cato Springs Road and the crossings under the existing A&M Railroad facility and Cato Springs Road. Modeling parameters, such as areas, slopes, drainage paths, and distances will be obtained from Owner-provided planimetric contour maps and aerial photos and verified by field investigations. Runoff characteristics for non-developed areas will be based on current land-use plans.

Garver will utilize the modified HEC-RAS hydraulic model for design of the creek crossing and trail construction within the designated FEMA floodplain/floodway to achieve a "No-Rise" in the water surface elevation during the 100-year rainfall event. The remainder of the drainage system for the project will be designed in accordance with the City of Fayetteville Drainage Criteria Manual.

Garver will develop a drainage report including the following:

- Existing HEC-HMS model data.
- HEC-RAS modified model results and supporting data.
- Drainage Computations for all minor crossings

Garver will coordinate with the COE to acquire a Nationwide permit for the portions of the trail to be constructed within the jurisdictional boundaries of the Cato Springs Branch Creek and tributaries.

2.7 Schematic Study

The existing railroad truss bridge will be analyzed to determine the feasibility of refurbishment and conversion to a pedestrian bridge across Cato Springs Branch. Study will include a structural analysis of the substructure, recommendations of improvements, and an opinion of probable construction costs. A cost comparison will be provided for a new bridge installation.

2.8 Lighting

Trail lighting will be provided along the full alignment of the trail, including all bridges and tunnels.

The Owner's existing standard trail light fixture will be the specified fixture in design. However, the Owner's existing typical spacing of 80-foot on center light fixture separation will be studied to determine if the spacing is ideal for the standard fixture. This study will be conducted as a typical section of at least 4 light fixtures along a straight path of typical trail width, typical mounting height, and typical offset from the trail. The study will recommend the ideal spacing for the fixtures in order to meeting Illuminating Engineering Society of North America (IESNA) recommended illumination criteria for the trail usage and location. The newly recommended spacing will be the spacing used for

all straight section light fixture layout along the trail. The design will slightly adjust the spacing around curves and bends in the trail to compensate for light distribution as the recommendation of the Engineer.

In addition to the typical section study, lighting calculations, fixture recommendations, and study will be provided for each tunnel and bridge section. The standard trail fixtures will be used for the bridge sections, unless terrain or structural challenges prevent their usage. In this case, Garver will commence dialog with the Owner to determine an acceptable alternative. Lighting design of the railroad tunnel will utilize the fixture used on prior projects under other railroad tunnels. For all other tunnels, Garver will recommend a fixture for use based on the performance of the fixture and compatibility with other fixtures used by the Owner. All fixtures used on the project will be LED unless otherwise approved by the Owner.

Garver will coordinate with the electrical utility to provide electric service to the new lighting. The quantity and location of services will be determined during a site visit and coordination with the utility and will be designed to best serve the lighting while minimizing voltage drop.

The Owner's standard trail light poles will be designed to be installed with the standard pole foundation methods used in prior projects. Light fixtures that are not the Owner's standard trail light pole will be designed to be installed by mounting to a structural component (retaining wall, embankment, or tunnel ceiling) or will be designed for a foundation adequate for the fixture and pole as determined by a registered structural engineer.

2.9 Conceptual Design (30% Submittal)

The conceptual design phase submittal will include typical sections, plan & profile sheets showing horizontal alignment, bridge improvements to the existing railroad truss bridge if applicable, new bridge layouts, major drainage structures, existing utilities, conceptual lighting study memo report, recommended mitigation for work within the City stream bank protection zones, right-of-way requirements, Drainage Study preliminary results, and an opinion of probable construction cost. The City of Fayetteville will provide the typical section to be utilized for the design of the trail. This conceptual submittal will represent 30 percent of final construction contract plans and will be for the purpose of coordinating the proposed improvements with the Owner and the utility companies and developing an order of magnitude cost estimate for the project.

Garver will prepare exhibits and will attend one public meeting. Garver's exhibits for this public meeting will address the City's conceptual design comments. The exhibits will include a current set of full-sized plans and foam display boards at a 1"=20' scale, utilizing aerial photographs and property information. In addition, Garver will attend a meeting with the AHTD to discuss the conceptual alignment and proposed work within the AHTD right-of-way.

Garver will furnish plans to all known utility owners potentially affected by the project.

Garver will prepare a conceptual lighting study memo report detailing the results of all lighting studies and including proposed fixtures for use in areas where the Owner's standard trail lighting fixture cannot be used. Lighting layout plans will not be provided at this design stage, but will be provided during Preliminary Design following Owner's approval of the memo report.

2.10 Preliminary Design (60% Submittal)

The preliminary design phase submittal will include typical sections, plan & profile sheets showing horizontal and vertical alignment, bridge improvements to the existing railroad truss bridge or design of a new bridge at this location, a new bridge across Fulbright Expressway, and crossings under existing bridges at I-49, A&M Railroad, and Cato Springs Road. In addition, plans will include drainage improvements, lighting layout plans, electrical circuit and conduit routing plans, general lighting details, maintenance of traffic plans, signing and striping, Drainage Study, COE Nationwide

permit draft, AHTD permit draft and an opinion of probable construction cost.

Garver will conduct coordination with the electric utility to determine appropriate service point locations for serving the trail lighting.

The preliminary design phase will represent approximately 60 percent of final construction contract plans. This submittal will not include technical specifications or "front end" contract documents. Garver will not begin final design until the preliminary design is approved by the Owner in writing.

2.11 Final Design

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

Garver will also prepare, submit, and coordinate approval of a Stormwater Pollution Prevention Plan (SWPPP) with ADEQ and permitting with the AHTD.

2.12 Property Acquisition Documents

Property acquisition documents will be prepared by the City of Fayetteville.

2.13 Bidding Services

During the bidding phase of the project, Garver will:

1. Prepare and submit Advertisement for Bids to the City of Fayetteville. City of Fayetteville will pay advertising costs outside of this contract.
2. Dispense construction contract documents to prospective bidders (at the approximate cost of reproduction and handling).
3. Support the contract documents by preparing addenda as appropriate.
4. Participate in a pre-bid meeting if necessary.
5. Attend the bid opening.
6. Prepare bid tabulation.
7. Evaluate bids and recommend award.
8. Prepare construction contracts.

2.14 Construction Phase Services

Construction Phase Services is excluded from this agreement. The scope of fee for Construction Phase Services may be inserted by amendment to this agreement at a later date

2.15 Project Deliverables

The following will be submitted to the Owner, or others as indicated, by Garver:

1. Two (2) copies of the preliminary Drainage Report and two (2) copies of the final Drainage Report.
2. Two (2) copies of the Geotechnical Report.
3. Two (2) copies of the of the Schematic Study and Conceptual Lighting Study.
4. Three (3) copies of the Conceptual Design with opinion of probable construction cost.
5. One copy of the Conceptual and Preliminary Plans to each potentially affected utility company.
6. Three (3) copies of the Preliminary Design with opinion of probable construction cost.

7. Three (3) copies of the Final Design with opinion of probable construction cost.
8. Three (3) copies of the revised Final Design with opinion of probable construction cost.
9. One (1) copy of the revised Final Plans to each potentially affected utility company.
10. Three (3) copies of the AHTD controlled access right-of-way documents.
11. Electronic files as requested.

2.16 Extra Work

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

1. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Submittals or deliverables in addition to those listed herein.
3. Pavement Design.
4. Design of any utilities relocation.
5. Retaining walls or other significant structural design beyond that required for the bridge structures, under the existing bridges & railroad, and the roof structure under the railroad.
6. Construction materials testing.
7. Wetlands mitigation plans or other work related to historically (culturally) significant items.
8. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
9. Construction Phase Services, As-builts, and Services after construction, such as warranty follow-up, operations support. Lighting modeling and study beyond of that mentioned in the scope above, including full modeling of the entire trail as a whole component.
10. Electrical design beyond that required for the trail lighting, including receptacle, emergency call-box, security camera, and/or aesthetic lighting design.
11. Roadway or street lighting design.
12. Electrical removal or demolition of any type.
13. Permitting Fees.

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

2.17 Schedule

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

Phase Description	Calendar Days
Surveys – Design	75 days from start date
Schematic Study	60 days from start date
Geotechnical Engineering	30 days from approval of Schematic Study
Conceptual Design (30%)	45 days from approval of Schematic Study
Preliminary Design (60%)	60 days from approval of Schematic Design
Final Design (90%)	60 days from approval of Preliminary Design
Property Acquisition Documents	60 days from approval of Preliminary Design
Final Construction Documents (100%)	15 days from approval of Final Design



APPENDIX B

**City of Fayetteville - Cato Springs Trail
Garver Hourly Rate Schedule**

Classification	Rates
Engineers / Architects	
E-1.....	\$ 94.00
E-2.....	\$ 108.00
E-3.....	\$ 132.00
E-4.....	\$ 153.00
E-5.....	\$ 187.00
E-6.....	\$ 234.00
M-1.....	\$ 309.00
Planners / Environmental Specialist	
P-1.....	\$ 113.00
P-2.....	\$ 141.00
Designers	
D-1.....	\$ 87.00
D-2.....	\$ 102.00
D-3.....	\$ 122.00
D-4.....	\$ 141.00
Technicians	
T-1.....	\$ 68.00
T-2.....	\$ 87.00
T-3.....	\$ 105.00
Surveyors	
S-1.....	\$ 42.00
S-2.....	\$ 55.00
S-3.....	\$ 75.00
S-4.....	\$ 107.00
S-5.....	\$ 141.00
S-6.....	\$ 161.00
2-Man Crew (Survey).....	\$ 172.00
3-Man Crew (Survey).....	\$ 214.00
2-Man Crew (GPS Survey).....	\$ 192.00
3-Man Crew (GPS Survey).....	\$ 234.00
Construction Observation	
C-1.....	\$ 83.00
C-2.....	\$ 106.00
C-3.....	\$ 130.00
C-4.....	\$ 159.00
Management/Administration	
M-1.....	\$ 309.00
X-1.....	\$ 54.00
X-2.....	\$ 73.00
X-3.....	\$ 102.00
X-4.....	\$ 139.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

FEE SUMMARY

Title I Services	Estimated Fees
<i>Geotechnical Services (GBHW)</i>	\$28,800.00
<i>Record Research (Elite Title - 16 Parcels)</i>	\$2,800.00
<i>Utility Marking (ARKUPS)</i>	\$600.00
Environmental Handling/Documentation	\$17,800.00
Surveys (Design & AHTD)	\$80,300.00
Drainage Study	\$5,300.00
Conceptual Design	\$33,700.00
Preliminary Design	\$34,200.00
Preliminary Electrical Submittal	\$17,700.00
Final Electrical Submittal	\$13,500.00
Final Design	\$88,500.00
Property Acquisition Documents	\$0.00
Bidding Services	\$5,000.00
Subtotal for Title I Services	\$328,200.00
Title II Services	
<i>Construction Materials Testing</i>	\$0.00
Construction Phase Services	\$0.00
Subtotal for Title II Services	\$0.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

SURVEYS

WORK TASK DESCRIPTION	E-2	S-5	S-4	2-Man Crew (Survey)	2-Man Crew (GPS Survey)	3-Man Crew (Survey)	3-Man Crew (GPS Survey)
	hr	hr	hr	hr	hr	hr	hr
1. Surveys - Topographic							
Coordination and Administration	2	8					
Field Locate Route	8	8					
Establish Horizontal and Vertical Control		12		20	20		
Topographic Surveys (25-30-ft wide)		18		30	60		
Locate Utilities		2	4	32			
Hydrographic Surveys (2 Streams)		2		40			
Data Processing/DTM Preparation		8	40				
QA/QC							
Subtotal - Surveying	10	58	44	122	80	0	0
2. Surveys - Property							
Coordination and Administration		4					
Coordination		16		24	16		
AHTD Permitting		40		40	20		
Data Processing		8	8				
Subtotal - Surveying	0	68	8	64	36	0	0
Hours	10	126	52	186	116	0	0
Salary Costs	\$1,080.00	\$17,766.00	\$5,564.00	\$31,992.00	\$22,272.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$78,674.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$76.00
Survey Supplies	\$100.00
Aerial Photography	\$0.00
Travel Costs	\$1,450.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$1,626.00

TOTAL FEE: \$80,300.00

APPENDIX B

CITY OF FAYETTEVILLE
CATO SPRINGS TRAIL

ENVIRONMENTAL

WORK TASK DESCRIPTION	E-5		E-2		P-2		P-1		T-1		- Select Category -		- Select Category -	
	hr	\$187.00	hr	\$108.00	hr	\$141.00	hr	\$113.00	hr	\$68.00	hr	\$0.00	hr	\$0.00
1. Environmental - Wetland Delineation														
Delineation								20						
GPS Mapping and GIS Editing								14						
Jurisdictional Determination Report								24	4					
Coordination with City	1						2							
Subtotal - Wetland Delineation	1	0	0	0	0	0	60	4	0	0	0	0	0	0
2. Environmental - 404 Permitting														
Determination of Impacts			2					6		2				
Section 404 Nationwide Permit Application Pkg.			1					16		4				
USACE Coordination								4						
Subtotal - 404 Permitting	0	3	0	0	0	0	26	6	0	0	0	0	0	0
2. Environmental - SWPPP														
E&SC Plans								30		4				
SWPPP Report			1					18						
USFWS Coordination for SWPPP								1		1				
ADEQ Coordination & Addressing Any Comments								4		1				
Subtotal - SWPPP	0	1	0	0	0	0	53	6	0	0	0	0	0	0

Hours	1	4	0	0	0	139	16	0	0	0	0	0	0	0
Salary Costs	\$187.00	\$432.00	\$0.00	\$0.00	\$0.00	\$15,707.00	\$1,088.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$17,414.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$40.00
Postage/Freight/Courier	\$18.00
Office Supplies/Equipment	\$0.00
Survey Supplies	\$18.00
GPS Equipment	\$280.00
Travel Costs	\$30.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$386.00

TOTAL FEE: \$17,800.00

APPENDIX B

CITY OF FAYETTEVILLE
CATO SPRINGS TRAIL

DRAINAGE STUDY

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	T-2	T-1
	\$187.00 hr	\$153.00 hr	\$132.00 hr	\$108.00 hr	\$94.00 hr	\$87.00 hr	\$68.00 hr
1. Civil Engineering							
Review and modify HEC-HMS hydraulic model provided by City for Cato Springs Branch				8			
Review and modify HEC-RAS hydraulic model provided by City for Cato Springs Branch		2		18			
Cato Springs Tributary Crossing Comps				10			
Prepare draft and final report for City and COE	1			8			
Subtotal - Civil Engineering	1	2	0	44	0	0	0
Hours	1	2	0	44	0	0	0
Salary Costs	\$187.00	\$306.00	\$0.00	\$4,752.00	\$0.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$5,245.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$40.00
Postage/Freight/Courier	\$15.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$55.00

TOTAL FEE: \$5,300.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

CONCEPTUAL DESIGN

WORK TASK DESCRIPTION	E-1	E-5	E-4	E-3	E-2	E-1	T-2	T-1
	hr	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering								
Typical Sections					1			2
Plan & Profile Sheets		2			18	24		20
Drainage Improvements					10	12		8
Streambank Protection Zone Mitigation					4	6		4
Utility Companies Coordination					8	4		
Meetings/Coordination with City		4			12			
Opinion of Probable Construction Cost		6			6	8		
Public Meeting/AHTD Meeting		2						
QC Review								
Subtotal - Civil Engineering	0	14	0	0	65	54	0	34
2. Structural Engineering								
Prefabricated Truss Bridge (Over Fulbright Expressway)								
Cost Comparison (One Span Or Two Spans)		1	2		4			
Conceptual Layout		1	4		8		8	
Sections		1	2		4			
Opinion Of Probable Costs		1	2		4			
Railroad Bridge Rehabilitation/Replacement								
Field Investigation		8			8			
Existing Superstructure And Substructure Evaluation		1	2		4			
Cost Comparison (New Structure Or Rehab.)		1	2		4			
Conceptual Layout		1	4		4		8	
Opinion Of Probable Costs		1	2		4			
Structure With Roof Underneath RR Bridge								
Conceptual Layout And Plans		1	2		4		8	
Retaining Wall Underneath I-540								
Sections		1	2		4		8	
Opinion Of Probable Costs		1	2		4			
Subtotal - Structural Engineering	0	19	26	0	56	0	32	0
Hours	0	33	26	0	121	54	32	34
Salary Costs	\$0.00	\$6,171.00	\$3,978.00	\$0.00	\$13,068.00	\$5,076.00	\$2,784.00	\$2,312.00

SUBTOTAL - SALARIES: \$33,389.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$200.00
Postage/Freight/Courier	\$20.00
Travel Costs	\$91.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$311.00

TOTAL FEE: \$33,700.00

**CITY OF FAYETTEVILLE
CATO SPRINGS TRAIL**

WORK TASK DESCRIPTION		E-6	E-5	E-4	E-3	E-2	E-1	T-1
		hr	hr	hr	hr	hr	hr	hr
			\$234.00	\$187.00	\$153.00	\$132.00	\$108.00	\$94.00
1. Civil Engineering								
Preliminary Plans								
Typical Sections								
Plan & Profile Sheets								
Cross Sections								
Drainage Improvements								
Striping & Signing Plans								
Maintenance of Traffic Plan								
Coordination with Geotechnical Subconsultant								
Coordination and Meetings with City								
Opinion of Probable Construction Cost								
QC Review								
Subtotal - Civil Engineering		0	12	0	0	76	98	56
2. Structural Engineering								
Prefabricated Truss Bridge (Over Fulbright Expressway)								
Preliminary Bridge Layout								
Bridge Typical Section								
Barrier Wall Cross-Sections and Elevation View								
Railroad Bridge Rehabilitation/Replacement								
Preliminary Bridge Layout								
Bridge Typical Section								
Structure With Roof Underneath RR Bridge								
Preliminary Foundation Layout								
Preliminary Structure Elevation View								
Retaining Wall Underneath I-540								
Preliminary Retaining Wall Elevation & Cross-Sections								
Structural Specifications								
Preliminary Opinion Of Construction Cost								
Subtotal - Structural Engineering		2	8	14	0	40	0	28
Hours		2	20	14	0	116	98	84
Salary Costs		\$468.00	\$3,740.00	\$2,142.00	\$0.00	\$12,528.00	\$9,212.00	\$5,712.00

<u>DIRECT NON-LABOR EXPENSES</u>	
Document Printing/Reproduction/Assembly	\$320.00
Postage/Freight/Courier	\$0.00
Travel Costs	\$78.00

TOTAL FEE: \$34,200.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

PRELIMINARY ELECTRICAL SUBMITTAL

WORK TASK DESCRIPTION	E-5		E-4		E-1		T-1		X-1	
	\$187.00		\$153.00		\$94.00		\$68.00		\$54.00	
	hr		hr		hr		hr		hr	
1. Preliminary Electrical Submittal										
Coordination with City										
General Team Coordination				2						
Utility Coordination				4		4		2		
Utility Standards Design										
Utility Site Visit				2		4				
				6		6				
Preliminary Lighting Layout Plans										
Standard Trail Lighting Layout				2		8		8		
Railroad Underpass Lighting Layout and Details				1		4		6		
I-49 Underpass Lighting Layout and Details				1		2		6		
Details				1		2		6		
Cato Springs Branch Bridge Lighting Layout and Details				1		2		6		
I-49 Ramp Bridge Lighting Layout and Details				1		2		6		
Conduit Routing Plans				2		2		8		
One Lines and Panel Schedules				2		6		8		
General Details				2		4		8		
Structural Coordination with Prefab Bridge Design				1		2				
Electrical Calculations				2		6		4		
Quantities				1		6				
Opinion of Probable Construction Cost				1		4				
QC Review		2		6		2		2		
Review with City				2						
Subtotal - Electrical Engineering		2		40		66		70		0
Hours		2		40		66		70		0
Salary Costs		\$374.00		\$6,120.00		\$6,204.00		\$4,760.00		\$0.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

FINAL ELECTRICAL SUBMITTAL

WORK TASK DESCRIPTION	E-5	E-4	E-1	T-1	X-1
	\$187.00 hr	\$153.00 hr	\$94.00 hr	\$68.00 hr	\$54.00 hr
1. Final Electrical Submittal					
Incorporate City Comments		1	4	8	
General Team Coordination		2	2	2	
Utility Coordination		1	2		
Lighting Design Modifications		1	4		
Final 90% Plan Updates					
Lighting Installation Plans		2	8	8	
Conduit Routing Plans		1	4	4	
Location Specific Details		2	10	16	
General Details		1	4	4	
Civil and Structural Coordination		1	2		
Revise Electrical Calculations			2		
Specifications		2	6		
Quantities		1	3		
Opinion of Probable Construction Cost		1	1		
QC Review	1	4	2	2	
Review with City		2			
Incorporate City Comments / Final Plan and Specification Changes		1	2	2	
Final QC Review	1	2	2		
Sign Final Documents		1	2	2	
Subtotal - Electrical Engineering	2	26	60	48	0
Hours	2	26	60	48	0
Salary Costs	\$374.00	\$3,978.00	\$5,640.00	\$3,264.00	\$0.00

SUBTOTAL - SALARIES:

\$13,256.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly \$215.00
Travel Costs \$29.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES:

\$244.00

TOTAL FEE:

\$13,500.00

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

FINAL DESIGN

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	T-2	T-1
	\$234.00 hr	\$187.00 hr	\$153.00 hr	\$132.00 hr	\$108.00 hr	\$94.00 hr	\$87.00 hr	\$68.00 hr
1. Civil Engineering								
Final Plans								
Typical Sections					1	1		
Plan & Profile Sheets					20	32		18
Cross Sections					8	10		4
Maintenance of Traffic Plan					4	6		2
Drainage Improvements					10	12		4
Streambank Protection Zone Mitigation					6	8		8
Striping & Signage Plans					2	4		4
Typical Details					4	8		12
Coordination with Utility Companies					4	6		
Coordination and Meetings with City		8			12			
Coordination with AHTD		4			10			
Specifications/Contract Documents					10	14		
Quantities					6	8		
Opinion of Probable Construction Cost					2	4		
QC Review		2			2			
Subtotal - Civil Engineering	0	14	0	0	101	113	0	52
2. Structural Engineering								
Prefabricated Truss Bridge (Over Fulbright Expressway)								
Final Bridge Layout	1	2	4		12		8	
Abutments/Piling Design		2	4		12			
Bent Design		2	4		12			
Abutments Details		1	2		4		8	
Bent Details		1	2		4		8	
Truss Typical Section		1	1		2		4	
Boring Logs		1			2		2	
Joint Details		1	2		4		8	
Barrier Wall Analysis and Details	1	2	8		14			

APPENDIX B

CITY OF FAYETTEVILLE CATO SPRINGS TRAIL

BIDDING SERVICES

WORK TASK DESCRIPTION	E-5	E-4	E-3	E-2	E-1	T-1	X-1
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Dispense plans and specs to prospective bidders				2			
Addendums/Inquiries				4			
Pre-Bid Meeting				3			
Bid Opening	1			2			
Prepare bid tabulation				2			
Evaluate bids and recommend award	0.5			2			
Prepare construction contracts				3			
Notice to Proceed				1			
Subtotal - Civil Engineering	1.5	0	0	19	0	0	0
2. Structural Engineering							
Addendums/Inquiries	0.5	3		6			
Subtotal - Structural Engineering	0.5	3	0	6	0	0	0
3. Mechanical Engineering							
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0
4. Electrical Engineering							
RFI's			2		4		
Addendums			2		4		
Subtotal - Electrical Engineering	0	0	4	0	8	0	0

Hours	2	3	4	25	8	0	0
Salary Costs	\$374.00	\$459.00	\$528.00	\$2,700.00	\$752.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$4,813.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$150.00
Postage/Freight/Courier	\$0.00
Travel Costs	\$37.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$187.00

TOTAL FEE: \$5,000.00

City of Fayetteville Staff Review Form

2014-0278

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Yolanda Fields

7/15/2014

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment to recognize the increase in 2014 CDBG funds and to adjust the rebudget amounts to reflect IDIS amounts and stay within the CDBG allowed spending caps.

Budget Impact:

2180.xxxx.xxxx.xx

2180 - CDBG

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 1,233,578.00

Funds Obligated \$ 325,592.64

Current Balance \$ 907,985.36

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 23,484.00

Remaining Budget \$ 931,469.36

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

7/22/14
Paul a. Burk

Don Man 7/23/14



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council
THRU: Jeremy Pate, Director of Development Services
FROM: Yolanda Fields, Community Resources Director
DATE: July 15, 2014
SUBJECT: 2014 Community Development Block Grant (CDBG) Increase & Re-budgets

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize the increase in 2014 CDBG funds and to adjust the re-budget amounts to reflect IDIS amounts and stay within the CDBG allowed spending caps.

BACKGROUND:

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

DISCUSSION:

Grant amounts vary each year depending on funding levels authorized by Congress through the annual federal budget process. The estimated award for the 2014 CDBG budget was \$540,700, but \$562,000 was allotted to the division in the AS400. The actual grant amount awarded by HUD is \$585,484; an increase of \$23,484 from the \$562,000 already budgeted through the City. The adjustments to the budget are detailed below:

	Grant Funding Detail	AS400 Allotment	Difference
Admin	\$107,700	\$72,600	\$35,100
Housing	\$307,854	\$293,800	\$14,054
Redevelopment	\$46,300	\$54,100	(\$7,800)
Public Services	\$61,500	\$61,500	\$0
Public Facilities	\$62,130	\$80,000	(\$17,870)
TOTAL	\$585,484	\$562,000	\$23,484

BUDGET/STAFF IMPACT:

Increase to CDBG Grant Revenue in the amount of \$23,484; Increase to Admin Contract Services in the amount of \$23,484; Increase to Admin Publications/Dues in the amount of \$3,816; Increase to Housing Contract Services in the amount of \$14,054; Decrease in CD Undesignated Projects in the amount of \$17,870; Increase to Admin Travel & Training in the amount of \$7,800; Decrease to Redevelopment Contract Services in the amount of \$7,800

Attachments:

Budget Adjustment
CDBG Award Letter

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL
AMOUNT OF \$23,484.00 RECOGNIZING A 2014 COMMUNITY
DEVELOPMENT BLOCK GRANT REVENUE INCREASE**

**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 total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant revenue increase.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

A. 9
Community Development Block Grant
4 of 6

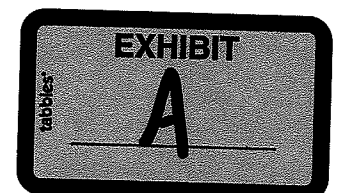
Budget Year 2014	Division: Community Services Dept.: Development Services Requestor: Cherrell Lee	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Community Resources needs to adjust rebudget amounts to reflect IDIS amounts and stay within the CDBG allowed spending caps. Also, the budget needs to be adjusted to reflect the actual 2014 grant amount allocated by HUD.

RESOLUTION/ORDINANCE	COUNCIL DATE:	8/5/2014
	LEGISTAR FILE ID#:	2014-0278
	<i>Kevin Springer</i>	
	7/22/2014 8:39 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	23,484	23,484	v.20140619			
Account Number	Increase / (Decrease)		Project.Sub#		AT	Account Name
	Expense	Revenue	Project	Sub		
2180.0918.4320.00	-	23,484			RE	Grant Funding CDBG
2180.4930.5315.00	23,484	-			EX	Contract Services
2180.4930.5303.00	3,816	-			EX	Publications & Dues
2180.4940.5315.00	14,054	-			EX	Contract Services
2180.4990.5390.00	(17,870)	-			EX	Cdbg Projects Undesignated
2180.4930.5304.00	7,800	-			EX	Travel & Training
2180.4945.5315.00	(7,800)	-			EX	Contract Services
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				





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

June 18, 2014

The Honorable Lioneld Jordan
Mayor
City of Fayetteville
117 West Central Avenue
Fayetteville, AR 72712

Dear Mayor Jordan:

I am pleased to inform you of your community's Fiscal Year (FY) 2014 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country. The Program Year for these funds began on January 1, 2014. Your community's FY 2014 available amounts are:

Community Development Block Grant (CDBG)	\$585,484
--	-----------

HUD noted that the Consolidated Plan/Annual Action Plan submitted for the use of these funds provided the actual amount listed above for CDBG. Enclosed are four copies of the Grant Agreement and Funding Approval forms that have been executed by this office. This document constitutes the contract between the U. S. Department of Housing and Urban Development (HUD) and the City of Fayetteville for the CDBG programs. Please sign all copies. After execution please return three copies to this office as soon as possible. The third copy should be retained in the City's files.

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures for the Community Development Block Grant Program). Funds for such activities may not be obligated or expended unless HUD has approved a release of funds in writing. A request for release of funds must be accompanied by an environmental certification.

In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sep. 14, 2010) (to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding and Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).

CPD has moved rapidly to implement the OneCPD technical assistance process. Under OneCPD, technical assistance adopts a place-based strategy with the goal of improving the ability of grantees to understand their local market conditions, set goals, and design and effectively carry out their housing and community development programs. HUD encourages your continued use of this available resource.

HUD again urges grantees to consider the needs of returning veterans and their families in the design and administration of these formula programs. Our fellow Americans have served our nation on the battlefields of Iraq and Afghanistan and seemingly countless other places around the globe. Many veterans are returning to our communities with wounds and injuries that may make it difficult for them to find housing or support themselves and/or their families. I ask that you consider their sacrifice and ensure that these men and women receive every appropriate consideration in the use of these funds at the local level.

CPD looks forward to working with you in a true partnership to successfully meet the challenges we face in FY 2014. On behalf of the Department, I wish the City of Fayetteville much success in the use of these resources to implement the City's community development initiatives. If you have questions, or if we may be of assistance to the City in the implementation of its CDBG Program, please contact me on (501) 918-5700, or Lisa Spigner, Community Planning and Development Representative, on (501) 918-5734.

Sincerely,



Wanda C. Merritt
Field Office Director

Enclosures

cc:

Ms. Yolanda Fields

City of Fayetteville Staff Review Form

2014-0322

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

7/17/2014

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE A PAYMENT IN THE AMOUNT OF \$104,142.96 TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR CHANGE ORDER NO. 14 ON JOB NO. 040578 (HWY. 16) FOR THE CONSTRUCTION OF A DEDICATED LEFT TURN LANE AT THE INTERSECTION OF HUNTSVILLE ROAD, AND TO APPROVE A BUDGET ADJUSTMENT.

Budget Impact:

4470.9470.5809.00

4470 - Sales Tax Capital Improvements

Account Number

Fund

13046.1401

Tyson Factory Sale / Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 43,030.00

Funds Obligated \$ -

Current Balance \$ 43,030.00

Does item have a cost? Yes

Item Cost \$ 104,142.96

Budget Adjustment Attached? Yes

Budget Adjustment \$ 786,495.00

Remaining Budget \$ 725,382.04

Previous Ordinance or Resolution # 42-14

Original Contract Number:

Approval Date:

Comments:

7/21/14
Paul A. Bachman 7-21-2014

7-22-14
Timothy J. Barker

ENTERED
7-21-14

ENTERED
7/21/14
6:14

V20140710

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer *CB*

DATE: July 17, 2014

SUBJECT: A Resolution to approve a payment in the amount of \$104,142.96 to the Arkansas State Highway and Transportation Department for Change Order No. 14 on Job No. 040578 (Hwy. 16) for the construction of a dedicated left turn lane at the intersection of Huntsville Road, and to approve a budget adjustment.

RECOMMENDATION:

Staff recommends approval of a resolution authorizing a payment of \$104,142.96 to the Arkansas Highway and Transportation Department (AHTD), and approval of the budget adjustment.

BACKGROUND:

The City's agreement with Kum and Go, L.C. for Kum and Go's purchase of a portion of City property adjacent to Highway 16 was approved by the City Council in February, 2013. As the project has progressed, multiple amendments have been brought forward addressing various issues that have come to light. Recently, the Arkansas State Highway and Transportation Department (AHTD), during their review of the permit request for the Kum and Go, indicated that an additional lane on Highway 16 at the intersection of Huntsville and Happy Hollow would be required due to the planned installation of the new street/driveway into the Kum and Go. This street/driveway will create a 4-way intersection at Happy Hollow and Huntsville, and this additional lane would serve as a left turn lane for traffic turning off of Highway 16 at the intersection.

After several discussions with the AHTD, Engineering staff recommended to the Mayor that a cost share with the AHTD be proposed for the construction of the left turn lane. This proposal was made to, and accepted by AHTD. On February 18th, City Council passed Resolution 42-14 approving the Fourth Amendment to Land Sale Agreement with Kum & Go, L.C. in which Kum & Go agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the AHTD for the dedicated left turn lane.

DISCUSSION:

The City received a letter dated July 11th from AHTD requesting a check in the amount of \$104,142.96 to execute Change Order No. 14 which will add the dedicated left turn lane to the on-going construction contract for Highway 16. The City's financial responsibility for the

dedicated left turn lane will be 25% of the cost of the work, with the AHTD and Kum and Go paying the remaining 50% and 25%, respectively. The City's current agreement with Kum and Go is to share 50/50 in the cost of the new street/access drive between Highway 16 and Ray Avenue, and in the cost of signal improvements that are necessary as part of this access drive construction, and in the cost of the widening of Highway 16 to add a dedicated left turn lane.

BUDGET/STAFF IMPACT:

The total cost of the road widening (Change Order No. 14) has been estimated to be \$208,285.91. Therefore, the City's portion, after cost shares with the AHTD and Kum and Go, is estimated to be \$52,071.48.

Attachments:

Resolution 42-14

Letter from AHTD requesting payment

AHTD Change Order No. 14

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A PAYMENT OF \$104,142.96 TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT REPRESENTING THE CITY'S PORTION OF CONSTRUCTION COSTS RELATED TO CHANGE ORDER NO. 14 FOR IMPROVEMENTS TO STATE HIGHWAY 16, 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 payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16.

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 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

A. 10
Arkansas State Highway and Transportation
Department Change Order No. 14
5 of 20

Budget Year 2014	Division: Engineering Dept.: Development Services Requestor: Kevin Springer	Adjustment Number
----------------------------	--	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

\$786,495 in the Tyson Factory Sale / Improvements (Infrastructure Improvements) capital project. \$1,113,706 will come from sale proceeds originally deposited into General Fund and will be transferred back into the Sales Tax Capital Improvements fund. The Use of Fund Balance will be reduced by \$327,211 to refund previous expenses.

COUNCIL DATE: 8/5/2014
LEGISTAR FILE ID#: 2014-0322

Kevin Springer
7/17/2014 3:26 PM

Budget Director _____ Date _____

TYPE: _____
DESCRIPTION: _____

GLDATE: _____
POSTED: _____ / _____

RESOLUTION/ORDINANCE

v.20140716

TOTAL	1,900,201	1,900,201				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub	AT	Account Name
4470.9470.5809.00	104,143	-	13046	1401	EX	Street Improvements
4470.9470.5315.00	682,352	-	13046	1	EX	Contract Services
4470.0947.6602.01	-	1,113,706	13046	1	RE	Transfer from General
4470.0947.4999.99	-	(327,211)			RE	Use of Fund Balance
1010.6600.7602.47	1,113,706	-	57039	1401	EX	Transfer to Cap Improvement Fund
1010.0001.4881.02	-	1,113,706	57039	1401	RE	Gain/Loss - Sale of Assets
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



City of Fayetteville - Purchase Order Request (PO)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
(Not a Purchase Order)
Purchase shall not be made until an actual PO has been issued.

Vendor #:	54010	Vendor Name:	AR State Highway & Transportation Dept.
Address:	P.O. Box 2261		
City:	Little Rock	AR	
Requester:	Paul Libertini		

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Requester's Employee #:	Ship to code:	Zip Code:	FOB Point:	Mail	Taxable	Quotes Attached	Extension:	Project Sub#	Inventory #	Fixed Asset #
1	Street Improvements	1		104,142.96	\$104,142.96	4470.9470.5809.00	1516	72203-2261	72203-2261		☐ Yes ☒ No	☐ Yes ☒ No	☐ Yes ☒ No	444-3419	13046.1401		
2					\$0.00												
3					\$0.00												
4					\$0.00												
5					\$0.00												
6					\$0.00												
7					\$0.00												
8					\$0.00												
9					\$0.00												
10					\$0.00												
*	Shipping/Handling		Lot		\$0.00												

Special Instructions:

Subtotal:	\$104,142.96
Tax:	\$0.00
Total:	\$104,142.96

Approvals:

Mayor: _____

Chief Financial Officer: _____

Dispatch Manager: _____

Department Director: _____

Budget Director: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Director: _____

Other: _____

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

A. 10
Arkansas State Highway and Transportation
Department Change Order No. 14
7 of 20

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

July 11, 2014

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

Re: Job 040578
F.A.P. STP-9142(26)
Armstrong Ave.-Stone Bridge Rd.
(Sel. Secs.) (Fayetteville) (S)
Washington County

Dear Mayor Jordan:

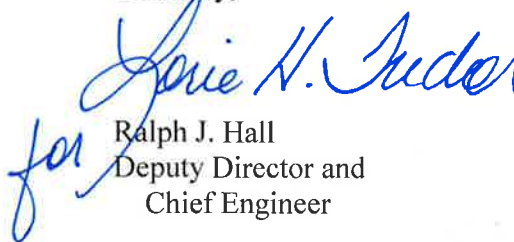
Reference is made to the City's request to add the construction of a dedicated left turn lane at the intersection of Highway 16 and Huntsville Road to the subject project.

As previously agreed, the Department will add the additional work to the subject project by change order. The Department has prepared Change Order No. 14 (copy enclosed) to complete this work and the City will be responsible for 50 percent of the cost. The estimated cost for this additional work is \$208,285.91.

At this time, it is requested that the City submit a check (made payable to the Arkansas State Highway and Transportation Department) in the amount of \$104,142.96. Upon receipt of the City's check, the Department will execute Change Order No. 14 to complete the additional work.

If you have any questions, please contact Erica Adams in our Programs and Contracts Division at (501) 569-2261.

Sincerely,


for Ralph J. Hall
Deputy Director and
Chief Engineer

Enclosure

c: Assistant Chief Engineers
Programs and Contracts
Construction
Fiscal Services (2)
District 4
Resident Engineer #43
Job 040578 'C' File

Chris Brown, P.E., Fayetteville City Engineer (w/enclosure)

ARKANSAS STATE HIGHWAY COMMISSION

CHANGE ORDER

A. 10
Arkansas State Highway and Transportation
Department Change Order No. 14
8 of 20

Job Name Armstrong Ave.-Stone Bridge Rd.(Sel. Secs.)(Fayetteville)(S) **Route & Section** 16, Section 3
Job No. 040578 **FAP No** STP-9142(26) **County** Washington
Changes located from Station 603+80 to Station 614+57.59 **Change Order No.** 14

DESCRIPTION OF CHANGE: 1) Revise the Typical Section of Improvement within the described limits as indicated on the enclosed plan sheets. Establish and add to the contract the item "Drop Inlets (Type Special)". Revise the quantities of the associated existing pay items.

2) Extend the Contract Time by 12 Working Days.

REASON FOR CHANGE: 1) In accordance with the attached Director of Highways and Transportation letter, the typical section is being revised in order to construct a turn lane for the Huntsville Road intersection.

2) The amount of days generated by the overrun of items was not sufficient to perform the additional work, therefore the additional Contract Time is being added. This represents a money value of \$76,800 (12 X \$6,400) and a 5.3% increase of time (12/225).

Attachments: Plan Sheets, Department Letter, Analysis of Time, Contractor's Letter

NOTE: UNIT PRICE FOR "DROP INLETS (TYPE SPECIAL)" IS CONTINGENT UPON THE EXECUTION OF A SUPPLEMENTAL AGREEMENT.

SUMMARY

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
202	Removal And Disposal Of Curb And Gutter	LF	5.00	0.00	0.00	1,473.00	7,365.00
202	Removal And Disposal Of Concrete Driveways	SQYD	5.00	0.00	0.00	184.00	920.00
202	Removal And Disposal Of Walks	SQYD	5.00	0.00	0.00	914.00	4,570.00
202	Removal And Disposal Of Drop Inlets	EACH	500.00	0.00	0.00	6.00	3,000.00
210	Unclassified Excavation	CUYD	7.00	0.00	0.00	900.00	6,300.00
SS&303	Aggregate Base Course (Class 7)	TON	22.00	0.00	0.00	543.00	11,946.00
401	Tack Coat	GAL	2.55	0.00	0.00	213.00	543.15
SPSS405	Mineral Aggregate In ACHM Base Course (1 1/2")	TON	68.70	0.00	0.00	254.00	17,449.80
SPSS405	Asphalt Binder (PG 70-22) In ACHM Base Course (1 1/2")	TON	126.70	0.00	0.00	9.00	1,140.30
SPSS406	Mineral Aggregate In ACHM Binder Course (1")	TON	73.35	0.00	0.00	151.00	11,075.85
SPSS406	Asphalt Binder (PG 70-22) In ACHM Binder Course (1")	TON	127.00	0.00	0.00	7.00	889.00
SPSS407	Mineral Aggregate In ACHM Surface Course (1/2")	TON	84.30	0.00	0.00	528.00	44,510.40
SPSS407	Asphalt Binder (PG 76-22) In ACHM Surface Course (1/2")	TON	129.75	0.00	0.00	32.00	4,152.00
412	Cold Milling Asphalt Pavement	SQYD	4.05	0.00	0.00	4,175.00	16,908.75
505	Portland Cement Concrete Driveway	SQYD	47.00	0.00	0.00	94.00	4,418.00
SS&606	18" Reinforced Concrete Pipe Culverts (Class III)	LF	27.30	0.00	0.00	334.00	9,118.20
609	Drop Inlets (Type MO)	EACH	2,100.00	0.00	0.00	6.00	12,600.00
609	Drop Inlet Extensions (4')	EACH	550.00	0.00	0.00	5.00	2,750.00

Job Name Armstrong Ave.-Stone Bridge Rd.(Sel. Secs.)(Fayetteville)(S)

Route & Section 18, Section 3

Arkansas State Highway and Transportation

Job No. 040578 FAP No STP-9142(26)

County Washington

Department Change Order No. 14

9 of 20

Changes located from Station 603+80 to Station 614+57.59

Change Order No. 14

Item No.	Item	Unit	Unit Price	PRESENT		REVISED	
				Quantity	Amount	Quantity	Amount
620	Seeding	ACRE	1,900.00	0.00	0.00	0.30	570.00
633	Concrete Walks	SQYD	36.00	0.00	0.00	462.00	16,632.00
634	Concrete Combination Curb And Gutter (Type A) (1' 6")	LF	8.50	0.00	0.00	969.00	8,236.50
641	Wheelchair Ramps (Type 3)	SQYD	175.00	0.00	0.00	50.00	8,750.00
SS&719	Thermoplastic Pavement Marking White (4")	LF	0.40	0.00	0.00	609.00	243.60
SS&719	Thermoplastic Pavement Marking White (12")	LF	5.00	0.00	0.00	673.00	3,365.00
SS&719	Thermoplastic Pavement Marking Yellow (4")	LF	0.40	0.00	0.00	2,304.00	921.60
SS&719	Thermoplastic Pavement Marking (Words)	EACH	200.00	0.00	0.00	4.00	800.00
SS&719	Thermoplastic Pavement Marking (Arrows)	EACH	175.00	0.00	0.00	4.00	700.00
SS&719	Thermoplastic Pavement Marking (Bike Emblems)	EACH	250.00	0.00	0.00	2.00	500.00
721	Raised Pavement Markers (Type II)	EACH	7.00	0.00	0.00	26.00	182.00
609	Drop Inlets (Type Special)	EACH	7,728.76	0.00	0.00	1.00	7,728.76
				0.00		208,285.91	

Overrun

\$208,285.91

Recommended

Chad Adams, District Engineer

APPROVED

Mike Sebren, Construction Engineer

Authorized

M. E. Banks, Assistant Chief Engineer

Requested

Jeff Stroud, Resident Engineer

RESOLUTION NO. 42-14

A RESOLUTION TO APPROVE THE FOURTH AMENDMENT TO LAND SALE AGREEMENT WITH KUM & GO, L.C. TO EXTEND THE CLOSING DATE TO NO LATER THAN APRIL 21, 2014 AND TO AGREE TO EQUALLY SHARE THE CITY'S PORTION OF THE COSTS OF A DEDICATED LEFT TURN LANE

WHEREAS, the City of Fayetteville agreed to sell and Kum & Go, L.C. agreed to buy a lot of slightly under two acres for \$1,155,001.00 pursuant to the First Amendment to Land Sale Agreement approved by the City Council by Resolution No. 26-13 on February 5, 2013; and

WHEREAS, Kum & Go, L.C. and the City agreed to cost share 50/50 the design and construction costs for the agreed upon new street from the intersection of Happy Hollow and Huntsville to Ray Avenue and agreed that the Closing Date would be in early December at the option of Kum & Go, L.C.; and

WHEREAS, the City requested and Kum & Go, L.C. agreed to extend the period allowed for the demolition of the old Tyson factory for about an additional two and a half months to enable the City to sell the building for salvage for a substantial savings for our taxpayers; and

WHEREAS, Kum & Go, L.C. has agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the Arkansas Highway and Transportation Department for any expenses related to the dedicated left turn lane needed for intersection of Happy Hollow and Huntsville which accesses both City and Kum & Go, L.C. property and requested an extension of Closing until April 21, 2014.

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

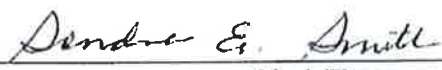
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Fourth Amendment to the Land Sales Agreement attached to this Resolution and authorizes Mayor Jordan to sign this amended Agreement.

PASSED and APPROVED this 18th day of February 2014.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Item Review Form

2014-0062

Legistar File Number

2/18/14

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted By

Development Services

Department

Action Required:

A Resolution to approve the Fourth Amendment to the Land Sale Agreement with Kum and Go, L.C., to share in the costs of widening Highway 16 and to extend the Closing Date to no later than April 21, 2014.

Does this item have a cost? ☒ Yes

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:

Kum and Go 2-3-14

Paul a. Bucher

Angie Mann 2-4-14
Travis Jordan





THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of February 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: January 31, 2014

Subject: **A Resolution to approve the Fourth Amendment to the Land Sale Agreement with Kum and Go, L.C., to share in the costs of widening Highway 16 and to extend the Closing Date to no later than April 21, 2014.**

BACKGROUND:

The City's agreement with Kum and Go, L.C. for Kum and Go's purchase of a portion of City property adjacent to Highway 16 was approved by the City Council in February, 2013. As the project has progressed, multiple amendments have been brought forward addressing various issues that have come to light. Recently, the Arkansas State Highway and Transportation Department (AHTD), during their review of the permit request for the Kum and Go, indicated that an additional lane on Highway 16 at the intersection of Huntsville and Happy Hollow would be required due to the planned installation of the new street/driveway into the Kum and Go. As noted on the attached site plan, this street/driveway will create a 4-way intersection at Happy Hollow and Huntsville, and this additional lane would serve as a turning lane for traffic turning off of Highway 16 at the intersection.

After several discussions with the AHTD, Engineering staff recommended to the Mayor that a cost share with the AHTD be proposed. In December, a letter (attached) was sent to the AHTD proposing this cost share. The AHTD has recently responded positively to this request, and will design the improvements for incorporation into their active construction project on Highway 16. The AHTD will expect a payment of 50% of the cost of the change order for the additional lane before they will begin the work. Once the actual cost is known, staff will present the amount to the City Council for approval of a payment to the AHTD.

PROPOSAL:

The City's current agreement with Kum and Go is to share 50/50 in the cost of the new street/access drive between Highway 16 and Ray Avenue, and in the cost of signal improvements that are necessary as part of this access drive construction. The proposed fourth amendment to the agreement will add the cost of the widening of highway 16 to the cost share agreement. If this amendment is approved, the City's responsibility will be 25% of the cost of the work, with the AHTD and Kum and Go paying the remaining 50% and 25%, respectively.

THE CITY OF FAYETTEVILLE, ARKANSAS

Additionally, due to the delays in getting this issue resolved and other factors, Kum and Go has requested an extension of the closing date to not later than April 21, 2014.

RECOMMENDATION:

Staff recommends approval of the Fourth Amendment to the Land Sale Agreement.

BUDGET IMPACT:

The total cost of the road widening has been estimated to be up to \$250,000. Therefore, the City's portion, after cost shares with the AHTD and Kum and Go, is estimated to be \$62,500. The actual cost will be known after the AHTD completes the Change Order with their construction contractor.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE FOURTH AMENDMENT TO LAND SALE AGREEMENT WITH KUM & GO, L.C. TO EXTEND THE CLOSING DATE TO NO LATER THAN APRIL 21, 2014 AND TO AGREE TO EQUALLY SHARE THE CITY'S PORTION OF THE COSTS OF A DEDICATED LEFT TURN LANE

WHEREAS, the City of Fayetteville agreed to sell and Kum & Go, L.C. agreed to buy a lot of slightly under two acres for \$1,155,001.00 pursuant to the First Amendment to Land Sale Agreement approved by the City Council by Resolution No. 26-13 on February 5, 2013; and

WHEREAS, Kum & Go, L.C. and the City agreed to cost share 50/50 the design and construction costs for the agreed upon new street from the intersection of Happy Hollow and Huntsville to Ray Avenue and agreed that the Closing Date would be in early December at the option of Kum & Go, L.C.; and

WHEREAS, the City requested and Kum & Go, L.C. agreed to extend the period allowed for the demolition of the old Tyson factory for about an additional two and a half months to enable the City to sell the building for salvage for a substantial savings for our taxpayers; and

WHEREAS, Kum & Go, L.C. has agreed to a further 50/50 cost share of the City's portion of its 50/50 cost share with the Arkansas Highway and Transportation Department for any expenses related to the dedicated left turn lane needed for intersection of Happy Hollow and Huntsville which accesses both City and Kum & Go, L.C. property and requested an extension of Closing until April 21, 2014.

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 the Fourth Amendment to the Land Sales Agreement attached to this Resolution and authorizes Mayor Jordan to sign this amended Agreement.

PASSED and APPROVED this 18th day of February 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FOURTH AMENDMENT TO LAND SALE AGREEMENT

THIS FOURTH AMENDMENT TO LAND SALE AGREEMENT (hereinafter, the "Amendment") is made and entered into effective the 18 day of February, 2014, by and between the CITY OF FAYETTEVILLE, AR, a municipal corporation ("City" or "Fayetteville"), and KUM & GO, L.C., an Iowa limited liability company ("Kum & Go"), WITNESSETH:

WHEREAS, Kum & Go and City have entered into that certain Purchase Agreement (the "Agreement") whereby City has agreed to sell and Kum & Go has agreed to buy certain real estate situated in Fayetteville, Arkansas; and

WHEREAS, Kum & Go and City have entered into the First Amendment to Land Sale Agreement on February 5, 2013; and

WHEREAS, Kum & Go and City have entered into the Second Amendment to Land Sale Agreement on March 19, 2013; and

WHEREAS, Kum & Go and City have entered into the Third Amendment to Land Sale Agreement on September 17, 2013; and

WHEREAS, Kum & Go and City desire to amend this Agreement for a fourth time as set forth herein.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, and for other good and valuable consideration, it is agreed as follows:

1. Extension of Time for Closing. Kum & Go, L.C. and the City of Fayetteville agree that upon Kum & Go, L.C.'s request to extend the Closing Date pursuant to Paragraph 7 of the Land Sale Agreement, Kum & Go, L.C. shall have the right to extend the Closing Date to not later than April 21, 2014.

2. Dedicated Left Turn Lane on Huntsville Road. The Arkansas Highway and Transportation Department has agreed to design and construct a dedicated left turn lane into the City's development site at the old Tyson Plant property if the City pays 50% of these costs. The City and Kum & Go, L.C. now

agree to equally share the City of Fayetteville's 50% cost share with the Arkansas Highway and Transportation Department.

3. Ratification. Except as modified by this Fourth Amendment, all terms within the Agreement and its First, Second and Third Amendments are ratified and confirmed by the parties.

4. Counterparts, Facsimile. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement. For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed all on or as the day and year first above written.

KUM & GO, L.C.

By:

Niki DePhillips

NIKI DePHILLIPS,
SVP Store Development

CITY OF FAYETTEVILLE, AR

By:

Lionel Jordan
LIONEL JORDAN
Mayor

ATTEST:

By:

Sandra E. Smith
SONDRA E. SMITH
City Clerk/Treasurer





www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
ADMINISTRATION
113 West Mountain
Fayetteville, AR 72701
P (479) 575-8330 F (479) 575-8257

December 10, 2013

Mr. Frank Vozel, P.E.
Deputy Director/Chief Engineer
Arkansas State Highway and Transportation Department
P.O. Box 2261
Little Rock, AR 72203-2261

Re: Highway 16/Huntsville Rd. Intersection

Dear Mr. Vozel:

As you may know, the City of Fayetteville has entered into a contract with Kum and Go, LLC to sell a portion of City property near the intersection of Huntsville Road and Happy Hollow, on State Highway 16. As part of the project, a new street is planned to be constructed to create a 4-way intersection at Highway 16 and Huntsville Road. The intersection currently is a three way intersection that was constructed by the City in 2006, and includes a 4-lane cross section on Highway 16. Additionally, the Department is widening Highway 16 to the east of this intersection, in partnership and cooperation with the City, with the City paying \$5 million toward the approximately \$12 million cost of the project.

Kum and Go, LLC has been pursuing Department approval of the intersection layout, so that they can begin design work on the traffic signal modifications necessary as part of the new leg to be added to the intersection. The Department has recently determined that it will be necessary to add a fifth lane at the intersection, to provide a dedicated left turn lane for both travel directions on Highway 16.

While we agree with the concept, and recognize that this design will create a better intersection, it seems that the Department should share in the cost of this work, just as the City has invested heavily in the cost of the work on the nearby widening project. This work will resolve a weakness in the transportation network that, absent the development project, would have remained after the Highway 16 widening project was completed. We have estimated the cost of the widening to be approximately \$200,000 to \$250,000, based on the unit costs from the Department's current contract with Sweetser Construction, and we would propose that this cost be shared equally between the Department and the City. (This does not include the cost of the signal relocation, which will be borne by the developer and/or the City).

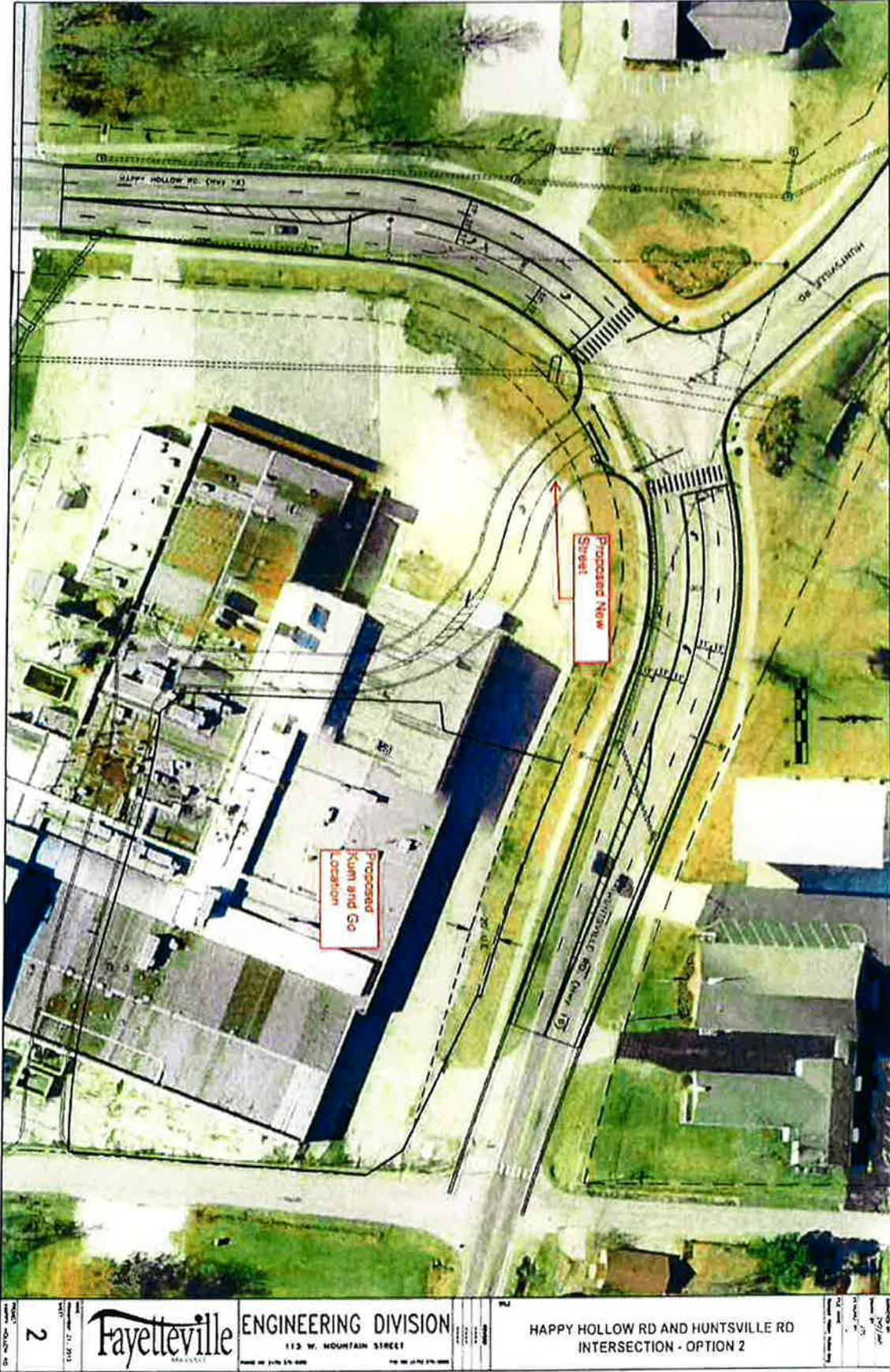
In closing, we sincerely appreciate the partnership that we have enjoyed with the Department during my Administration. We are continuing to look for ways to partner with the Department on facilities owned by the Department that are used by our citizens, including using STP-A funds that recently have become available. We hope that you feel the same, and will recognize this opportunity to work together to strengthen our transportation network in the City.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lionell Jordan".

Lionell Jordan
Mayor

Cc: Commissioner Dick Trammel, Ark. Highway Commission



ARKANSAS STATE HIGHWAY COMMISSION

JOHN ED REGENOLD
CHAIRMAN
ARMOREL

DICK TRAMMEL
VICE CHAIRMAN
ROGERS

THOMAS B. SCHUECK
LITTLE ROCK



P.O. Box 2261

LITTLE ROCK, ARKANSAS 72203-2261

PHONE (501) 569-2000 • VOICE/TTY 711 • FAX (501) 569-2400

WWW.ARKANSASHIGHWAYS.COM • WWW.IDRIVEARKANSAS.COM

ROBERT S. MOORE, JR.
ARKANSAS CITY

FRANK D. SCOTT, JR.
LITTLE ROCK

SCOTT E. BENNETT, P.E.
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

January 23, 2014

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

Dear Mayor Jordan:

Reference is made your letter concerning improvements to the Highway 16 and Huntsville Road intersection in Fayetteville.

As you stated, the Department has reviewed the proposed intersection layout and has determined that a dedicated left turn lane for both travel directions on Highway 16 is necessary. You also stated that the estimated cost for this improvement is \$250,000. The City has proposed a partnering arrangement of sharing this cost equally with the Department.

As you are aware, a widening project is underway on Highway 16 on selected sections between Armstrong Avenue and Stone Bridge Road (Job 040578). The City is responsible for 50 percent of the cost of Job 040578 up to \$5,000,000. The Department is agreeable to adding construction of a dedicated left turn lane at the subject intersection to Job 040578 by change order and for paying one-half of the cost. The City will be billed for their portion after the change order is negotiated but prior to execution. This will increase the City's contribution to Job 040578 to approximately \$5,125,000. We agree that this additional work will improve operations on Highway 16 and enhance safety. Also, it is a natural addition to Job 040578.

Thank you for your interest in Arkansas' transportation system. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Scott E. Bennett".

Scott E. Bennett
Director of Highways
and Transportation

c: Highway Commission
Deputy Director and Chief Engineer
Assistant Chief Engineers
Transportation Planning and Policy
Programs and Contracts
District 4
Job 040578 "C" File

Q:\WINWORD\TUDOR\Letters\Fayetteville - Hwy 16 Huntsville Intersection.doc

City of Fayetteville Staff Review Form

2014-0332

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

7/18/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Payments to AEP-SWEPCO for Relocation and Underground Placement of SWEPCO Utility main and service lines related to the Spring Street Municipal Parking Deck Project

Budget Impact:

4560.9560.5804.00

Parking Deck Project Expenses

Account Number

Fund

11028.1203

Ent. District Parking Facility-Construction

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 5,003,175.00

Funds Obligated \$ 8,000.00

Current Balance \$ 4,995,175.00

Does item have a cost? Yes

Item Cost \$ 86,330.41

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ 4,908,844.59

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

[Signature] 7/23/14

Paul A. Buh

Don M... 7/23/14



[Signature]

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5TH 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: July 18, 2014

SUBJECT: Payments to SWEPCO for Utility Relocation and Underground Installation to allow the construction of the Spring Street Parking Deck

RECOMMENDATION:

Staff recommends approval of a payment to AEP-SWEPCO in the amount of \$86,330.41 for relocation and underground placement of electric utility lines around the proposed Spring Street Parking Deck.

BACKGROUND:

The Spring Street Parking Deck is planned for construction at the corner of Spring Street and School Avenue. Design is nearing completion and the construction contractor will be on site next month to begin demolition and excavation in preparation for construction of the deck and associated liner buildings. As the design has progressed, coordination with utility companies has been ongoing, and several conflicts with public utilities have been identified and provisions made for resolving these conflicts.

DISCUSSION:

SWEPCO is the electric utility service provider in this area, and has lines on both School Avenue and Spring Street that are in conflict with the proposed construction. SWEPCO has provided a cost for relocating and placing these facilities underground. These costs have been provided in two invoices:

- An invoice in the amount of \$31,420.04 for work to remove a pole on School just north of Spring Street and eliminate the overhead power line along School Avenue adjacent to the parking deck. A new underground line will be installed from Shipley Alley across the City parking lot to serve the deck and north liner building.
- An invoice in the amount of \$54,910.37 for installing underground power along the south side of the deck, from just east of West Avenue to just east of School Avenue. This will eliminate the overhead power along the south side of the parking deck.

The total of these invoices is \$86,330.41. It should be noted that there are additional costs to the project, for installation of conduits for SWEPCO's use. These costs will be bid as part of the deck construction and incorporated into the construction contract with Baldwin and Shell.

Lastly, these quotes include a significant amount of taxes (totaling \$15,552.10) that we are working with SWEPCO to pursue a waiver on. If we are successful in this effort, the amount paid to SWEPCO will be reduced by this amount.

BUDGET/STAFF IMPACT:

Payment from this work will come from the parking revenue bond proceeds and parking funds budgeted for the project.

RESOLUTION NO. _____

A RESOLUTION TO GRANT MAYOR JORDAN THE AUTHORITY TO NEGOTIATE AND TO APPROVE A UTILITY WORK AGREEMENT WITH AEP-SWEPCO IN AN AMOUNT NOT TO EXCEED \$86,330.41 FOR UTILITY RELOCATION AND UNDERGROUND INSTALLATION NECESSARY FOR PUBLIC SAFETY AND ESTHETICS RELATED TO THE SPRING STREET PARKING DECK PROJECT

WHEREAS, the City Engineer, working with AEP/SWEPCO, has determined that the relocation and underground placement of electrical utility main and service lines is necessary for public safety because the existing above-ground lines would be too close to the Spring Street Parking Deck site during and after construction; and

WHEREAS, installing the lines underground will improve the community esthetic and help preserve future tree growth in the area; and

WHEREAS, Ordinance No. 5439, which was passed and approved on September 20, 2011, waives the requirement of formal bidding on "all such projects necessitated by any road reconstruction or widening projects with AEP/SWEPCO within Fayetteville."

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 the granting of authority to Mayor Jordan to negotiate and sign a final utility work agreement with AEP/SWEPCO in an amount not to exceed \$86,330.41.00 for the relocation of electrical utility main and service lines necessary for the Spring Street Parking Deck Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby finds that the relocation and underground installation of electrical utility lines is necessary for public safety and to improve community esthetics.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Bill To:

City Of Fayetteville
113 West Mountain
Fayetteville, AR 72701

A. 11
AEP-SWEPCO Agreement
Page 5 of 10

Company No: 159
Contract No: DWMS00000240719
Customer No: 10001101
Date: 7/15/2014
Amount Due: 54,910.37

Amount Remitted: _____

American Electric Power
Attn: Sandi Le Vasseur
101 W. Township St.
Fayetteville, AR 72703

PLEASE DETACH AND RETURN WITH PAYMENT

Contract No: DWMS00000240719

Date: 7/15/2014

PRO FORMA

Page: 1
Customer No: 10001101
Purchase Order: 54139699

Description	Quantity	UOM	Init Amt	Net Amount
W. Spring St. plan "B" 2 new 'dip' poles and anchors with 420' Underground. 1st 'dip' pole and anchor south of the "Grubs" building and aprox. 65' east of P#2131. next 'dip pole and anchor in front of 207 W. Spring St. New underground cable to run between 'dip' points in customer provided & installed 2-6" conduits. This will allow the removal of 1 pole and two spans of overhead cable.	1.0	EA	54,910.37	54,910.37

Amount Due: _____ 54,910.37

Brown, Chris

From: Jack E Regal <jeregal@aep.com>
Sent: Tuesday, July 15, 2014 3:39 PM
To: 'ptenney@baldwinshell.com'; 'mcastagna@baldwinshell.com'; Webb, D. Jeffrey (DJWebb@GarverUSA.com); Brown, Chris; Waters, Sharon; Morris Vines (MVines@baldwinshell.com); rspetrie@garverusa.com; Adam J Keeth; Jeffery A Milford
Subject: W. Spring St. "underground"
Attachments: Spring St. plan'b'.pdf; JERI quote240719.PDF

To All,
I wanted to send of a quick note on the Plan "B" estimate that was requested at our last meeting of the 9th. Please see the attachments for explanation. The drawing file is a quick print that provides an overview of the work required to execute plan "B". The other 2 page attachment is the invoice quote #240719.

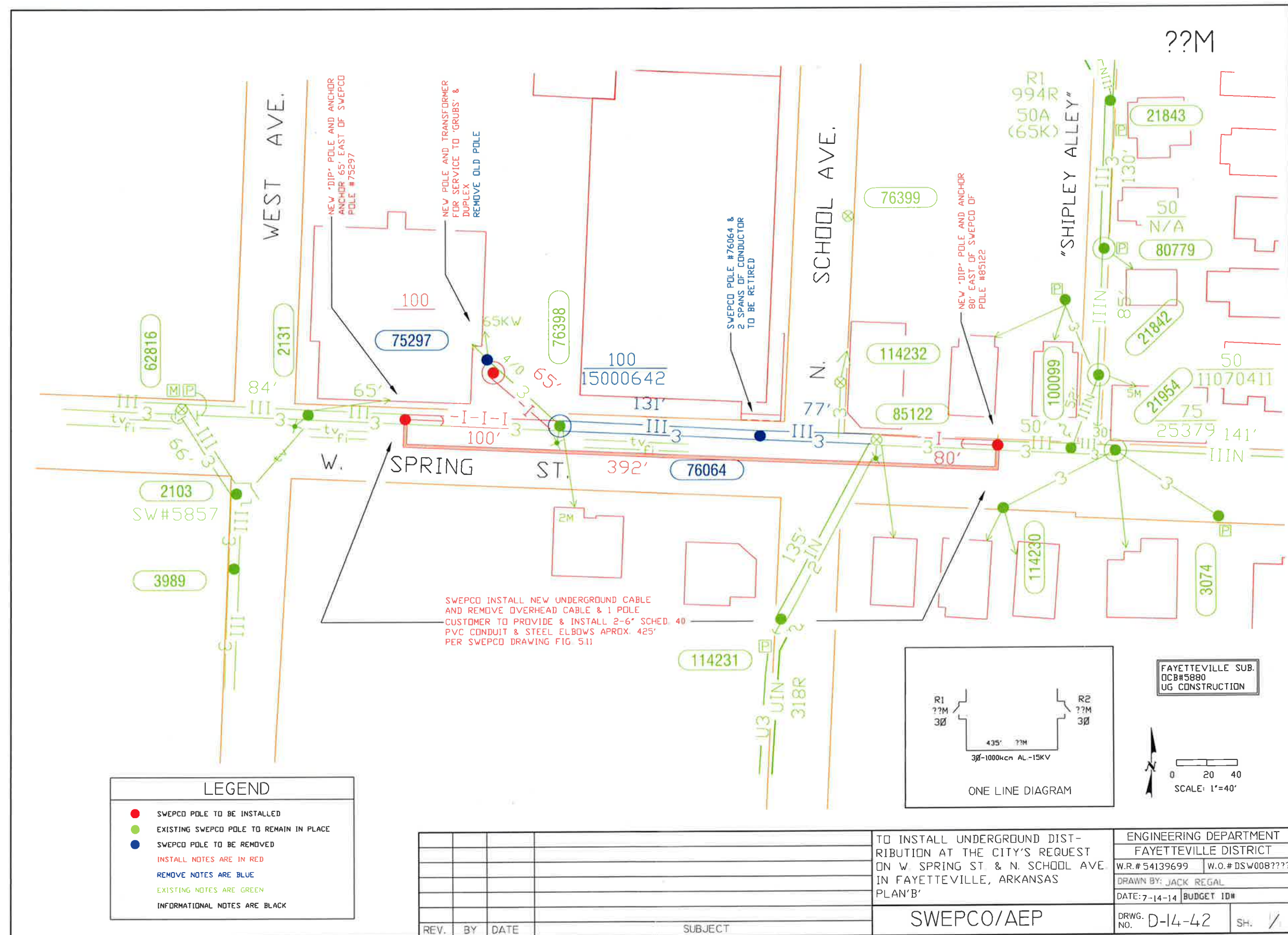
Cost as follows (includes removal expenses):

Material & labor	\$44,313.83
Tax	\$10,596.54
Total amount due	\$54,910.37

I would add one side note, following a site visit conducted post meeting, the "dip" pole locations spotted on paper in the meeting will need to be adjusted which extends the length of the conduit /cable run to approximately 420'.

Once again this estimate is valid for a 45 day period, after that time period it will need to be recalculated to account for material and labor variances.

Chris,
I do not have a "presentation" drawing prepared for plan "A", except for what I have previously emailed. I could probably send something out later in the week if it is an advantage to you.



Bill To:

City Of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Company No: 159
Contract No: DWMS00000237406
Customer No: 10001101
Date: 6/3/2014
Amount Due: 31,420.04

Amount Remitted: _____

American Electric Power
Attn: Sandi Le Vasseur
101 W. Township St.
Fayetteville, AR 72703

PLEASE DETACH AND RETURN WITH PAYMENT

Contract No: DWMS00000237406

Date: 6/3/2014

PRO FORMA

Page: 1
Customer No: 10001101
Purchase Order: 52573447

Description	Quantity	UOM	Init Amt	Net Amount
Costs to relocate from overhead to underground electric facilities to WAC to clear for new parking deck -Plan "B-2"	1.0	EA	31,420.04	31,420.04

Amount Due: _____ 31,420.04

June 19, 2014

To Chris Brown,

This letter, along with the additional attachments will detail the costs and work responsibilities to relocate the primary electric service to the Walton Arts Center. The result of this relocation will be to clear the overhead power line from the southeast corner of the proposed Parking Deck site at the NW corner of N. School Ave. and W. Spring St.

As you recall several different relocation options were offered by SWEPCO back in February of this year. In May the City elected the relocation option, titled as Option "B-2", as the preferred route for this new service to the Walton Arts Center.

The included invoice is SWEPCO's cost for this relocation. As we have discussed, this cost is based on the fact that the City or their contractor will be purchasing and installing all the conduit and steel conduit elbows required for the cable run for this new service. It is highly recommended that you install a spare conduit in the same ditch line. This spare conduit would be utilized to install new cable in the event of a power cable failure thus greatly reducing outage time to the Arts Center. In addition to the electric conduit, communication conduits are allowed in the same ditch provided NESC clearance requirements are adhered to. It is necessary that SWEPCO be involved in the routing of the conduit run, this is especially important at the tap cabinet locations where you will be "turning up" the conduit runs. Further, the cable run will need to be inspected by SWEPCO engineering personnel prior to your backfilling of the ditch. I have included SWEPCO Specification sheets that pertain to this work. SWEPCO will be providing and installing the two separate above ground "tapping" cabinets required for the work. It will be necessary for the City to clear the brush and trees for the "tapping" cabinet in the alley along with clearing the route of the conduit. In addition to the cabinets we will be providing and installing the underground cable and all terminations. We will be coordinating outage periods with both the Arts Center and other impacted businesses. Once this portion of the work is complete the overhead power line can be removed. You will recall however, the poles on the east side of N. School Ave. are owned by the Telephone Company and will be left in place.

The following paragraphs, with some minor modifications, are copied from my February letter to you:

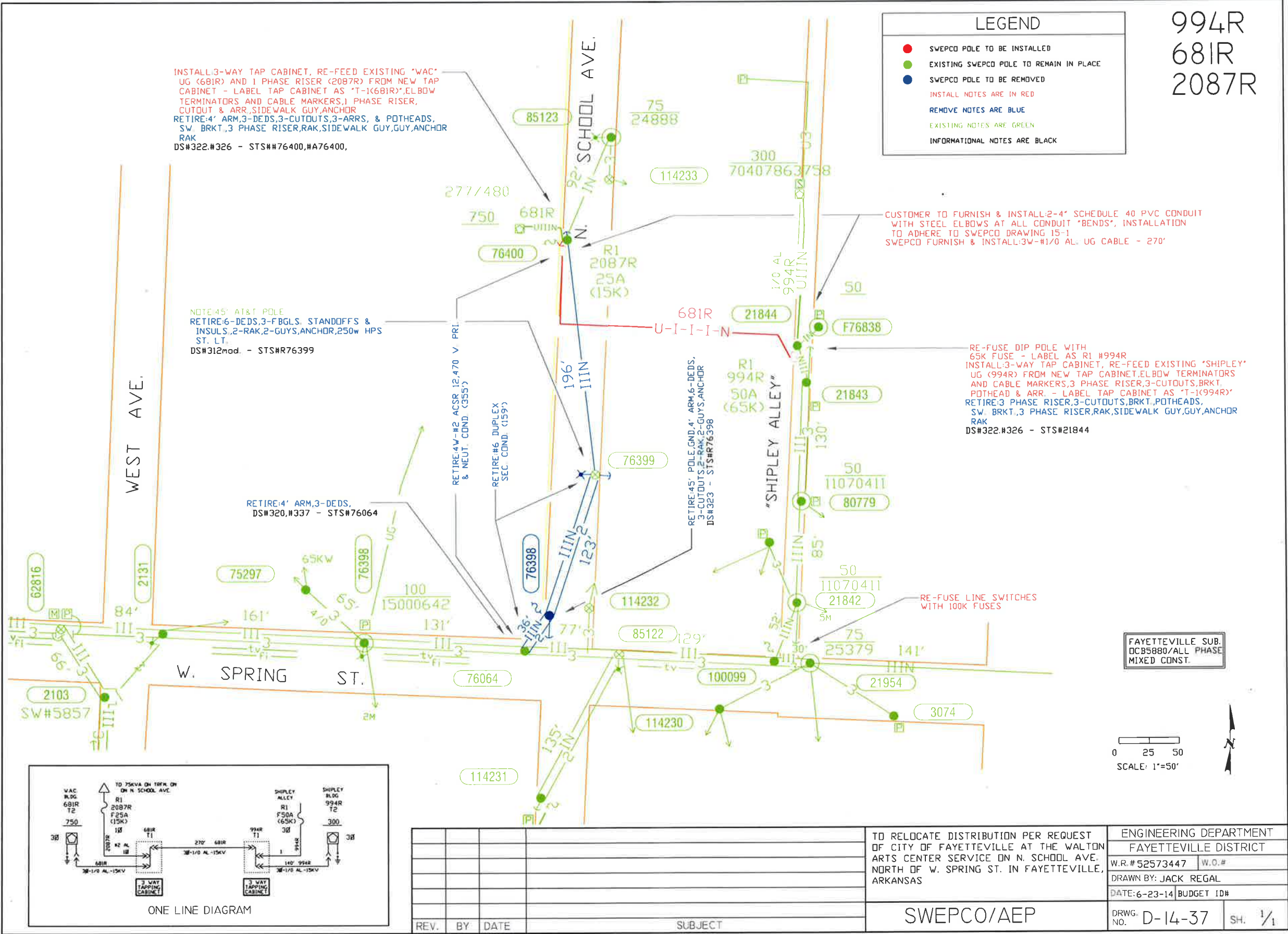
I offer costs on the three different options we discussed. All the options include the expense to remove pole #76398 that is located a little north of the northwest corner of School Ave. & Spring St., including the removal of the span of existing overhead power line that is in conflict with the plans for the proposed parking deck and the removal of the street light located mid-block on pole #76399. All three options exclude the material and installation costs of the new conduit network. The conduit system is to be installed by the customer and will abide by SWEPCO specification drawing figure 5.11. The invoiced expense is to be paid in advance of the work being issued for construction.

Option "B-2", across the north end of the parking lot. The cost on this option includes the following.

SWEPCO will place a new 12,470 volt primary above ground tap cabinet in the vicinity of an existing "dip" pole (P #21844) on the west side of the alley between School Ave. & Locust Ave. – north of Spring St. This will provide a beginning point for the underground conduit system to run west for service to the Walton Arts Center. Also at the tap cabinet SWEPCO will rework the existing underground cable that runs north in the alley to feed from this new tap cabinet. This west running conduit system is to extend to the west side of School Ave. then turn 90 degrees north and run adjacent to an existing brick screen wall to a point within 10' of existing P #76400. At this location a second above ground tap cabinet will be installed by SWEPCO. This will require SWEPCO to rework the existing underground cable that serves the WAC and re-feed it from this second tap cabinet. The P #76400 remains in place as necessitated by the overhead primary service that continues north and across School Ave. This work will allow the removal of three spans of overhead cable and the SWEPCO pole #76398.

As always, if additional information is required feel free to contact me.

Jack Regal
Technician Specialist Senior



City of Fayetteville Staff Review Form

2014-0301

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Glenn Newman

7/1/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Dedication of utility easement across city-owned property. Two new power poles need to be set in the existing greenspace behind the curb and sidewalk at the northeast corner of the City-owned parcel 765-04362-001 as shown in the exhibits, aerial, and utility plan for the Eco Downtown Development.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

7/18/14

Paul a. Butler 7-21-2014

Don Mar 7-22-14

ED
7-18-14

ENTERED
7/18/14
PH

Approval Date:

Signature

V20140710

CITY COUNCIL AGENDA MEMO

MEETING OF 08/05/2014

TO: Mayor and City Council

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

FROM: Glenn Newman, Construction & Development Manager

DATE: July 11, 2014

SUBJECT: Dedication of utility easement across city-owned property

RECOMMENDATION:

Staff recommends approval of easement which **will not decrease parking** numbers in the City-owned parking lot on the subject parcel.

BACKGROUND:

A new student housing development is proposed on a large parcel directly west of Campbell Avenue bound by Lafayette Street to the north and Watson Street to the south. This site currently consists of a large parking lot and some grass/gravel areas.

Part of the associated improvements with this development requires relocation of several electric utility lines. Several of these lines are being placed in conduits underground with some overhead re-routing required.

DISCUSSION:

As a part of the utility re-routing for this development:

Two new power poles need to be set in the existing greenspace behind the curb and sidewalk at the northeast corner of the City-owned parcel 765-04362-001 as shown in the exhibits, aerial, and utility plan.

For this work to occur, an easement is needed as shown in the attached exhibits, totaling an area of ~309 Square Feet.

BUDGET/STAFF IMPACT:

No budget impacts are associated with this request.

Attachments:

Aerial Image; Easement legal description & exhibit
Developer's Utility Plan; Staff Review Form
Email from Sharon Waters (Parking Division)

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE THE TRANSFER OF UTILITY EASEMENTS TO SWEPCO FOR THE RELOCATION OF POWER LINES ON CITY OWNED PROPERTY NEAR THE CORNER OF W. WATSON STREET AND CAMPBELL AVENUE

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute the utility easement deed attached hereto as Exhibit "A" in favor of SWEPCO for the purpose of relocating electric power lines on property owned by the City of Fayetteville near the corner of W. Watson Street and Campbell Avenue.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RIGHT OF WAY AND EASEMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

GRANTORS: CITY OF FAYETTEVILLE
113 W MOUNTAIN ST
FAYETTEVILLE, AR 72701-6083

In consideration of one dollar, paid, and other good and valuable considerations, receipt of which is acknowledged, have and by these presents do grant and convey unto GRANTEE, SOUTHWESTERN ELECTRIC POWER COMPANY, a Delaware corporation, whose address is 428 Travis St, P.O. Box 21106, Shreveport, LA 71156, its associated and allied companies and their respective successors and assigns; herein referred to as GRANTEE, a perpetual right of way and easement over and through a part of the following described property:

COUNTY PARCEL #765-04362-001
DEED 1431-652

PARKING LOT N CAMPBELL AVE & N WEST AVE PT LOTS 4, 7, 8, 15 BLOCK 6, COUNTY COURT ADDITION

AN EASEMENT OF VARYING WIDTH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL #765-04362-001; THENCE SOUTH 02°46'38" WEST A DISTANCE OF 22.29 FEET; THENCE NORTH 20°45'55" WEST A DISTANCE OF 12.98 FEET; THENCE NORTH 74°43'05" WEST A DISTANCE OF 19.05 FEET; THENCE NORTH 85°27'53" WEST A DISTANCE OF 12.03 FEET; THENCE NORTH 02°28'50" EAST A DISTANCE OF 5.70 FEET; THENCE SOUTH 87°31'10" EAST A DISTANCE OF 35.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 309.28 SQ. FT. MORE OR LESS

SAID EASEMENT BEING ADJACENT AND CONTIGUOUS WITH THE RIGHT OF WAY OF WEST WATSON STREET ON THE NORTH SIDE AND THE RIGHT OF WAY OF CAMPBELL AVENUE ON THE EAST SIDE.

as shown on:

"Attached Exhibit A"

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove, a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires, cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR'S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed, any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electric Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE'S lines and other facilities.



To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this _____ day of _____, 2014.

CITY OF FAYETTEVILLE

BY: _____
SIGNATURE

PRINT NAME & TITLE

Acknowledgement

THE STATE OF ARKANSAS)
) SS
COUNTY OF WASHINGTON)

On this the _____ day of _____, 2014, before me, a Notary Public, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged that he/she/they executed the same for the purposes herein set forth.

In witness whereof I hereunto set my hand and official seal.

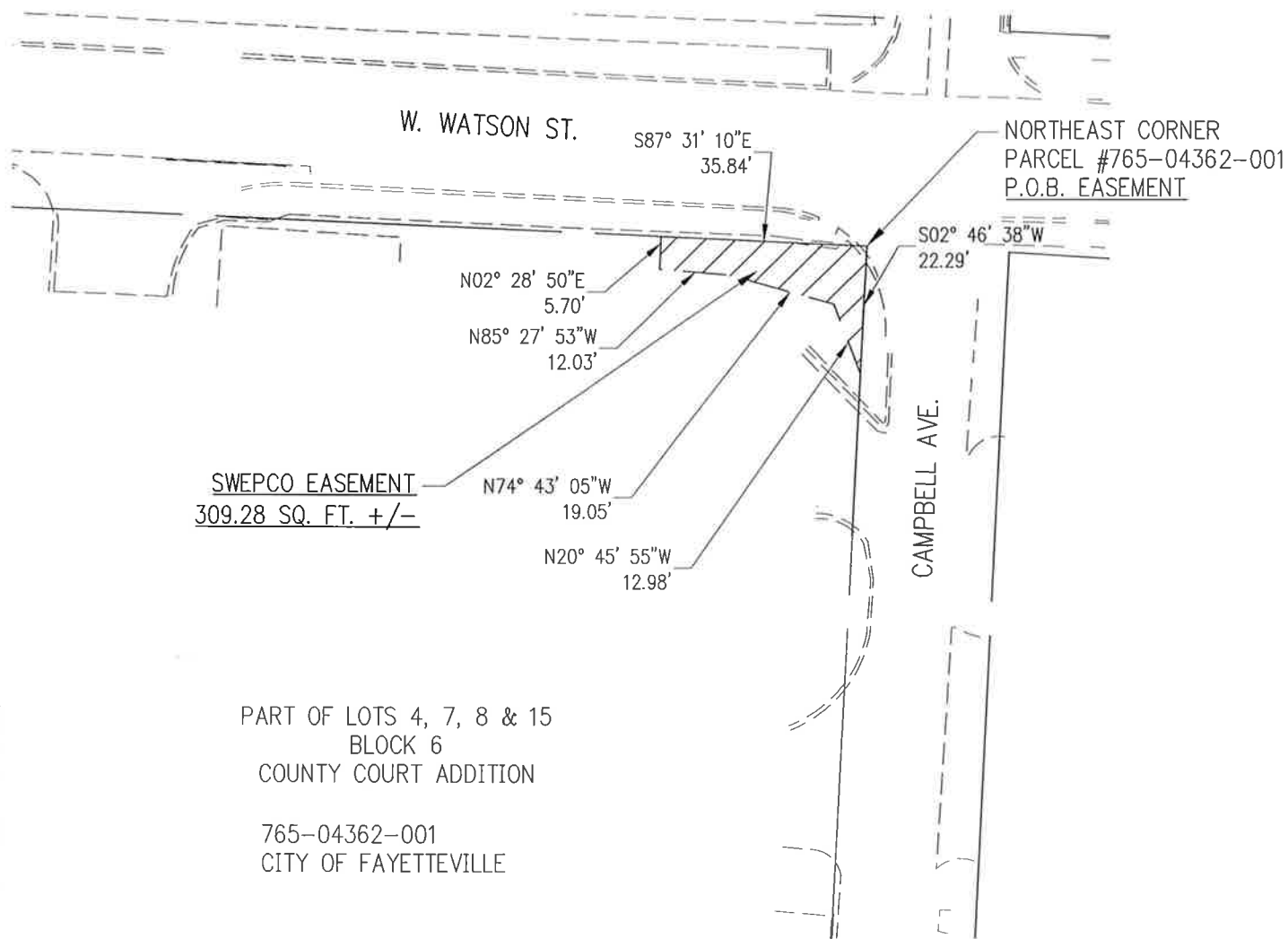
Notary Public

SWEPSCO Right-of-Way
101 W Township
Fayetteville, AR 72703

EXHIBIT "A"



A. 12
SWEPCO Utility Easements
Page 6 of 12



PART OF LOTS 4, 7, 8 & 15
BLOCK 6
COUNTY COURT ADDITION

765-04362-001
CITY OF FAYETTEVILLE

**AEP SOUTHWESTERN
ELECTRIC POWER
COMPANY**

A unit of American Electric Power

THIS EASEMENT SKETCH IS A REPRESENTATION OF THE SIZE,
SHAPE, AND LOCATION OF THE EASEMENT TO WHICH IT IS
ATTACHED; THIS DRAWING IS NOT A PLAT OF SURVEY.



Crafton Tull
architecture | engineering | surveying

901 N. 47th St., Suite 200
Rogers, Arkansas 72756

479.636.4838 | 479.631.6224 f
www.craftontull.com

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PROJECT NO.: 14100500 ECO
DRAWN BY: RDW
DATE: 06/13/2014
SHEET: 1 OF 1
CHECKED:

14100500 ECO

DRAWN BY:

RDW

DATE:

06/13/2014

SHEET:

1 OF 1

CHECKED:

LEGEND (PROPOSED)

SYMBOLS	LINEWORK
●	EASEMENT
★	CURB
○	SANITARY SEWER LINE
○	GAS LINE
○	WATER LINE
○	UNDERGROUND TELEPHONE
○	UNDERGROUND ELECTRIC
○	OVERHEAD ELECTRIC
○	UNDERGROUND TELEVISION
○	OVERHEAD TELEVISION
○	RIGHT OF WAY
○	PROPERTY LINE

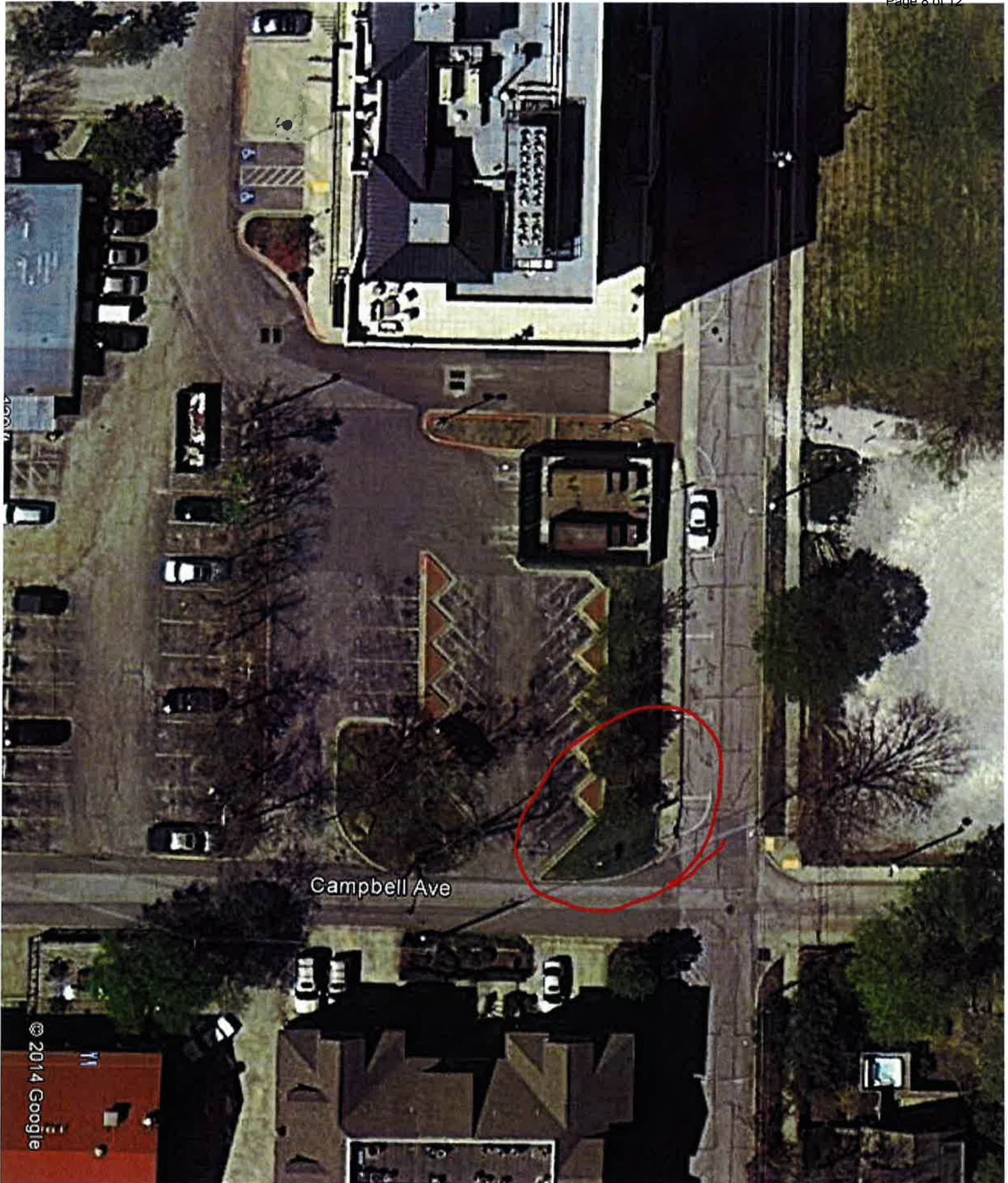
LEGEND (EXISTING)

SYMBOLS	LINEWORK
○	EASEMENT
○	CURB
○	SANITARY SEWER LINE
○	GAS LINE
○	WATER LINE (SPECIFY SIZE & TYPE)
○	UNDERGROUND TELEPHONE
○	UNDERGROUND ELECTRIC
○	OVERHEAD ELECTRIC
○	UNDERGROUND TELEVISION
○	OVERHEAD TELEVISION
○	RIGHT OF WAY

UTILITY NOTES

- THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES ON SITE OR IN RIGHT-OF-WAY.
- CONTRACTOR SHALL NOTIFY THE UTILITY AUTHORITIES INSPECTORS 72 HOURS BEFORE CONNECTING TO ANY EXISTING LINES. CONTRACTOR SHALL COORDINATE AND SCHEDULE TIE-INS/CONNECTIONS WITH ALL UTILITY COMPANIES.
- ALL UNDERGROUND LINES SHALL BE INSTALLED, INSPECTED AND APPROVED PRIOR TO BACKFILLING.
- ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PERFORMED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICE.
- CONTRACTOR IS TO COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES AS DESIGNATED ON PLANS. THRUST BLOCKING SHALL BE PROVIDED AT ALL BENDS, TEES AND FIRE HYDRANTS.
- DIMENSIONS SHOWN ARE TO CENTERLINE OF PIPE OR FITTING ALL WATERLINES & SANITARY SEWERS, AND WATERLINES & STORM SEWERS SHOULD BE KEPT TEN FEET (10') APART (PARALLEL) OR WHEN CROSSING 18" VERTICAL CLEARANCE (OUTSIDE EDGE OF PIPE TO OUTSIDE EDGE OF PIPE).
- THE CONTRACTOR SHALL INCLUDE IN THE BID PRICE ALL MATERIAL AND LABOR ASSOCIATED WITH THE TESTING OF THE WATER AND SEWER LINES REQUIRED BY THE LOCAL AND/OR STATE AGENCIES.
- TOPS OF EXISTING MANHOLES SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH PROPOSED PAVEMENT ELEVATIONS, AND MANHOLES IN UNPAVED AREAS TO BE 1" ABOVE FINISHED GROUND ELEVATIONS WITH WATER TIGHT LIDS.
- ALL TRENCHING, PIPE LAYING AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS. REFER TO BUILDING PLANS FOR SITE LIGHTING ELECTRICAL PLAN.
- ALL MATERIALS, CONSTRUCTION AND INSPECTION FOR WATER AND SANITARY SEWER LINES SHALL BE PER CITY OF FAYETTEVILLE.
- THE CONTRACTOR SHALL COORDINATE WATERMAIN WORK WITH THE FIRE DEPARTMENT AND THE CITY/COUNTY UTILITY DEPARTMENT TO PLAN PROPOSED IMPROVEMENTS AND TO ENSURE ADEQUATE FIRE PROTECTION IS CONSTANTLY AVAILABLE TO THE SITE THROUGHOUT THIS SPECIFIC WORK AND THROUGH ALL PHASES OF CONSTRUCTION. CONTRACTOR WILL BE RESPONSIBLE FOR ARRANGING/PROVIDING ANY REQUIRED WATERMAIN SHUT-OFFS WITH THE CITY/COUNTY DURING CONSTRUCTION. ANY COSTS ASSOCIATED WITH WATERMAIN SHUT-OFFS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR AND NO EXTRA COMPENSATION WILL BE PROVIDED. DAMAGE TO ALL EXISTING CONDITIONS TO REMAIN WILL BE REPLACED AT CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TAP AND TIE ON FEES REQUIRED, AS WELL AS COSTS OF UNDERGROUND SERVICE CONNECTIONS TO THE BUILDING.
- CONTRACTOR SHALL PROVIDE ALL CONDUITS NECESSARY AS SHOWN ON THE PLAN, VERIFY LOCATION OF UTILITY TIE IN AND PROVIDE NYLON PULL CORDS INSIDE THE CONDUIT.
- THE CONTRACTOR SHALL INCLUDE IN BID PRICE THE DAILY RECORD KEEPING OF THE AS-BUILT CONDITION OF ALL OF THE UNDERGROUND UTILITIES. CONSTRUCTION STAKE-OUT ASSOCIATED WITH THE PROJECT, AND ALL OTHER INFORMATION REQUIRED FOR OBTAINING PERMITS AND RELEASE OF BONDS. GAS LOCATION AS SHOWN IS BASED OFF OF FIELD LOCATES. ACTUAL LOCATION MAY VARY. MAINTAIN 3" MINIMUM SEPARATION BETWEEN GAS LINE AND WATERLINE. FIELD ADJUST ALIGNMENT OF WATER AS NECESSARY.
- CONTRACTOR SHALL USE GENERAL CONTRACTORS SURVEYOR FOR ALL REQUIRED AS-BUILT DOCUMENTATION REQUIRED BY CITY OR OWNER UNLESS OTHERWISE AGREED TO IN WRITING. COPIES OF ALL DOCUMENTATION TO BE PROVIDED TO GENERAL CONTRACTOR.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY FLAGMEN, TRAFFIC CONTROL, COORDINATE WITH CITY ON SIDEWALK AND STREET CLOSURES AS IT RELATES TO THEIR SCOPE OF WORK. CONTRACTOR SHALL PROVIDE AND BE RESPONSIBLE FOR ANY CITY BONDS RELATING TO THEIR SCOPE OF WORK INCLUDING MAINTENANCE BONDS.
- SWITCH GEAR VAULT AND TRANSFORMER PADS SHALL BE PROVIDED/CONSTRUCTED IN ACCORDANCE WITH SWPECO REQUIREMENTS. GENERATOR PAD SHALL BE CONSTRUCTED IN ACCORDANCE WITH MANUFACTURER'S DETAILS AND SPECIFICATIONS.

* THIS PLAN SHOULD BE PRINTED IN COLOR.



Campbell Ave

Granderson, Corey

From: Waters, Sharon
Sent: Tuesday, June 17, 2014 3:50 PM
To: Granderson, Corey; Jonathan Ely
Cc: Carl Husmann; Newman, Glenn; Brown, Chris
Subject: RE: ECO Downtown Easement Request

Corey,
I have no problem with this utility easement as long as it does not remove any parking spaces.

Thank you and have a great day!

Sharon Waters
Parking & Telecommunications Manager
City of Fayetteville, Arkansas
T 479-575-8280 | M 479-601-2455
[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: Granderson, Corey
Sent: Wednesday, June 11, 2014 4:50 PM
To: Waters, Sharon; Jonathan Ely
Cc: Carl Husmann; Newman, Glenn; Brown, Chris
Subject: ECO Downtown Easement Request

Sharon,

Please see email chain below. Jonathan is working on acquiring the Mayor's signature for a utility easement across a portion of city property. The easement is for an electric line relocation. Southwest corner of Campbell and Watson next to Legacy Building.

The property is used for parking so I wanted to ask for your blessing. If you have no objections, could you please provide written support (email is fine) for this easement?

If you would like to see additional documents besides the snapshot below I'm confident Jonathan can get you anything you need to make your decision.

Please let me know if I can help clarify anything in my request.
Thanks for your time!

Corey

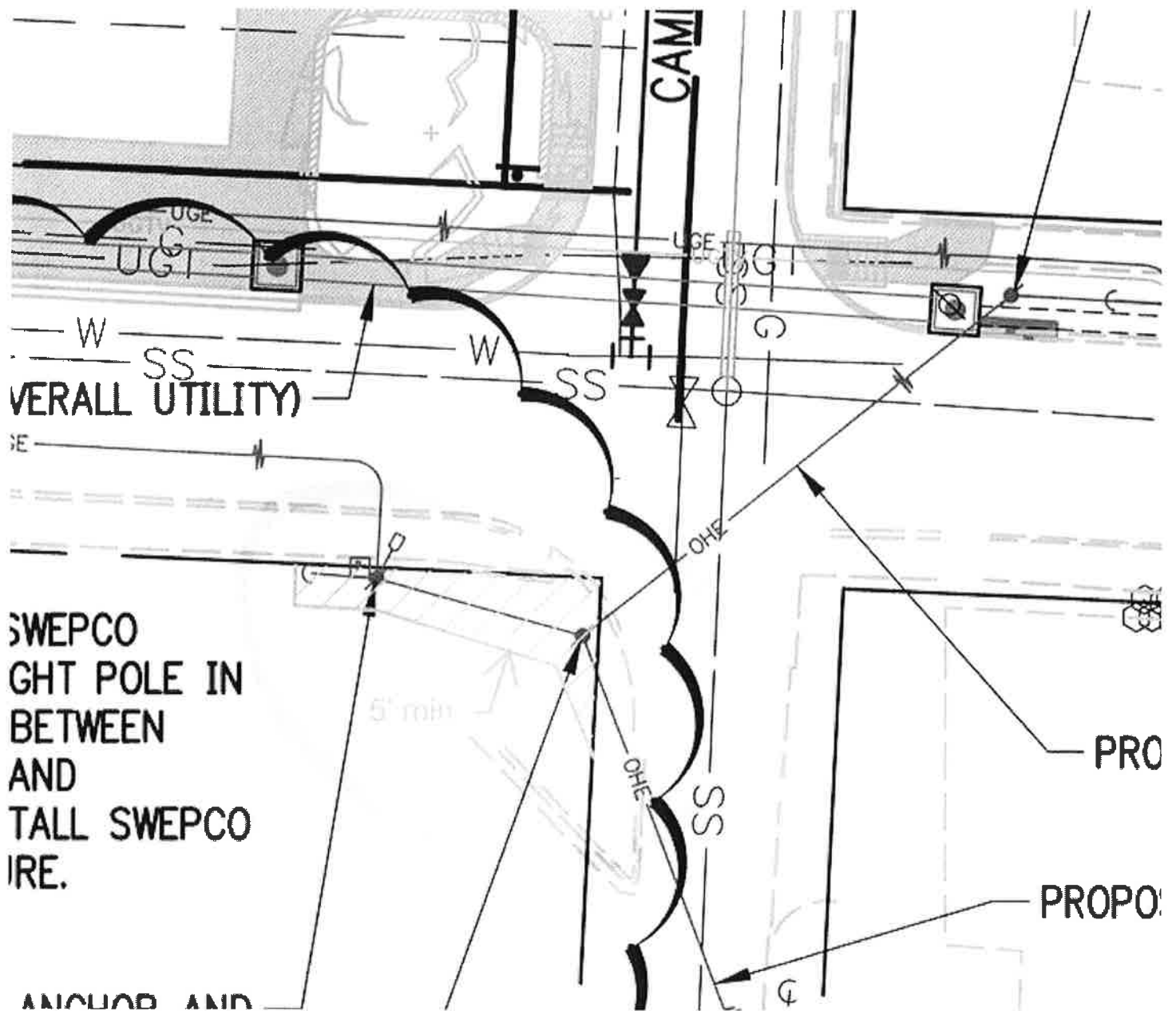
From: Jonathan Ely [<mailto:Jonathan.Ely@craftontull.com>]
Sent: Tuesday, June 10, 2014 2:54 PM
To: jhsargent@aep.com

Cc: Carl Husmann; Newman, Glenn; Granderson, Corey
Subject: RE: LSA

Jim,
Please see sketch below in light blue. Does this look sufficient to cover your needs?

Corey, Glenn-
I think last I heard this parking lot at the southwest corner of Campbell and Watson is owned/managed by the parking division? Is that correct? I guess the biggest question is who do we need to talk to about approving an easement in this location?

Thanks,
Jonathan





Jonathan Ely, P.E., LEED AP
Project Manager

Direct: 479-878-2432 | Fax: 479-631-6224 | Mobile: 479-586-5647
901 N. 47th Street, Suite 200 | Rogers, AR 72756 | www.craftontull.com

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Disclaimer

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. Thank you, we appreciate your cooperation.

From: Carl Husmann [<mailto:Carl.Husmann@tdc-properties.com>]
Sent: Tuesday, June 10, 2014 2:47 PM
To: gnewman@fayetteville-ar.gov; Granderson, Corey
Cc: jhsargent@aep.com; Jonathan Ely
Subject: RE: LSA

Jonathan will be drawing up a diagram for everyone. Have out in day or two. Thanks.

From: Carl Husmann
Sent: Tuesday, June 10, 2014 2:11 PM
To: Newman, Glenn (gnewman@fayetteville-ar.gov); Granderson, Corey
Cc: Jim (jhsargent@aep.com)
Subject: RE: LSA

Glenn,
Jim is asking where we stand on getting approvals / final okay from city to make the changes along SW corner of W. Watson and Campbell concerning relocation of poles and couple other items. I believe we left it that someone in PW was going to check concerning easement? Do you recall and what can we do to finalize? I asking Jim for final cost and he's wanting to make sure we're good as Jonathan drew.

Thanks.

From: James Sargent [<mailto:jhsargent@aep.com>]
Sent: Tuesday, June 10, 2014 2:01 PM
To: Carl Husmann
Subject: RE: LSA

The other item I was thinking of was the easement from the City of Fayetteville to place facilities in their parking lot on the southwest corner of Campbell and Watson.

Thanks,

Jim Sargent

From: Carl Husmann [<mailto:Carl.Husmann@tdc-properties.com>]
Sent: Tuesday, June 10, 2014 1:57 PM
To: James Sargent
Subject: Re: LSA

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments.

Only item I'm aware of is getting Lloyd's easement. What else?

Sent from my iPhone

On Jun 10, 2014, at 1:50 PM, "James Sargent" <jhsargent@aep.com> wrote:

I have not worked up a cost for SWEPCO's relocation yet. I was waiting until we felt very confident that the proposed relocation was going to be acceptable to the developer, the City of Fayetteville, and adjoining property owners. Have you received confirmation or approval that our proposed relocation would be acceptable? If you have, then I will proceed with the design to get the cost calculated.

Thanks,

Jim Sargent, PE
(479) 973-2334

From: Carl Husmann [<mailto:Carl.Husmann@tdc-properties.com>]

Sent: Tuesday, June 10, 2014 1:27 PM

To: James Sargent

Subject: LSA

This is an EXTERNAL email. STOP. THINK before you CLICK links or OPEN attachments.

Do you have a cost worked up so we can get paperwork complete?

Carl Husmann
Pre-Construction Manager

direct 832-209-1215 | mobile 713-201-2253 | fax 832-209-1235
3411 Richmond Avenue | Suite 200 | Houston, Texas | 77046
Carl.Husmann@tdc-properties.com

City of Fayetteville Item Review Form

2014-0267

Legistar File Number

07/15/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 14-4729: Rezone (CATO SPRINGS RD./CHAMBERS BANK, 673): Submitted by HUNTER HAYNES for property located at CATO SPRINGS ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT SOUTHPASS and contains approximately 253.23 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE, CS, COMMUNITY SERVICES, AND NC, NEIGHBORHOOD CONSERVATION.

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?

☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Jesse Fulcher 06/18/2014
K. [signature] 6-23-14
Masha Hentz 6/23/14
Amy Mann 6/23/14
[signature]

left on the first reading at the 7/15/14
City Council Meeting.

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 15, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director *amg*

FROM: Jesse Fulcher, Senior Planner

DATE: June 9, 2014

SUBJECT: **RZN 14-4729: Rezone (CATO SPRINGS RD./CHAMBERS BANK, 673):**
Submitted by HUNTER HAYNES for property located at CATO SPRINGS ROAD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT SOUTHPASS and contains approximately 253.23 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE, CS, COMMUNITY SERVICES, AND NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation.

BACKGROUND:

The subject property is located along Cato Springs Road (south Razorback Road) just west of I-49/540 and the Fulbright Expressway. The property is a part of the SouthPass Planned Zoning District that was approved in 2008 on approximately 900 acres. The SouthPass development is still an approved project, but the property is now owned by Chambers Bank.

The 253 acres owned by Chambers Bank includes all of the property along Cato Springs Road (a principal arterial). The approved development plan for this area includes several planning areas that permit a mixture of commercial, residential and civic land uses in a traditional town form.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Map designates this property as a Natural Area, Residential Neighborhood Area, Civic and Private Open Space Parks, and Urban Center Area.

COMPATIBILITY: The requested zoning designations will allow a development pattern that is consistent with the existing SouthPass development plan, the future land use map and City Plan 2030 goals. This includes a walkable, mixed-use environment and a variety of housing types, sizes and densities.

These characteristics are essential for reducing the dependency on the automobile, which is typically the second largest expense behind housing. It also provides the ability for an aging population to reduce their dependency on driving and to age in place.

Finally, the development pattern and potential densities allowed by these zoning designations allow efficient use of land and public infrastructure. The SouthPass development plan contained dense areas of development, but at the same time it was also spread out across 400 acres. With the purchase of Mount Kessler Preserve, the overall development area has been reduced to approximately 250 acres and all of this land is concentrated along the east portion of the property with frontage on a state highway (Cato Springs Road).

DISCUSSION:

On June 9, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4729, FOR APPROXIMATELY 253.23 ACRES, LOCATED ALONG CATO SPRINGS ROAD ADJACENT TO THE CITY'S REGIONAL PARK PROPERTY FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT SOUTHPASS 08-2898, TO UT, URBAN THOROUGHFARE, CS, COMMUNITY SERVICES, AND NC, NEIGHBORHOOD CONSERVATION.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD, Residential Planned Zoning District Southpass 08-2898 to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

14-4729

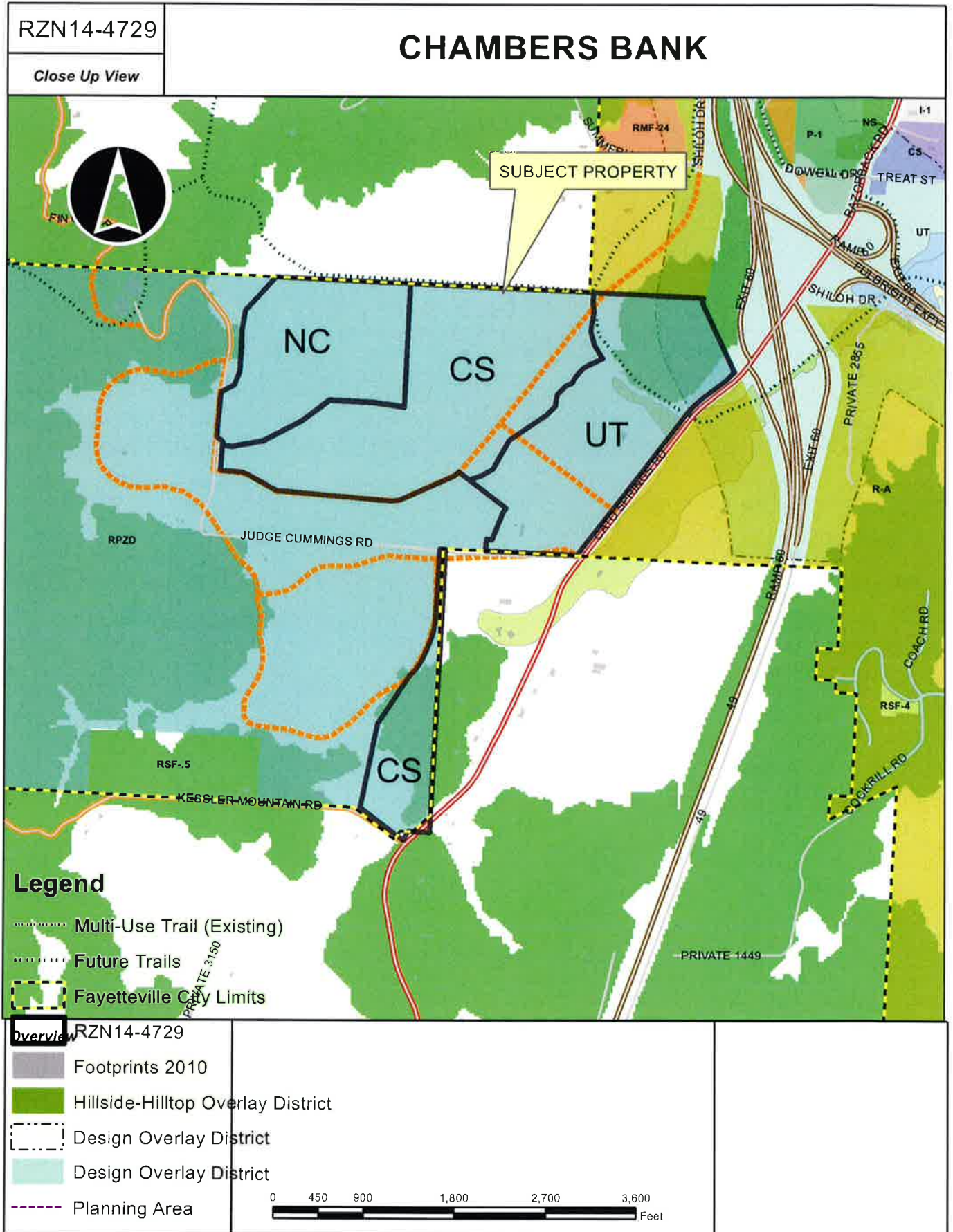


EXHIBIT 'B'

14-4729

Description of Rezone Tract #1 (UT, Urban Thoroughfare)

Located in a part of the SE $\frac{1}{4}$ of Section 30 and in a part of the NW $\frac{1}{4}$ of Section 29, Township 16 North, Range 30 West in Washington County, Arkansas, more precisely described as follows: Starting at the Northwest Corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 29; thence along the North line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, South 87 degrees 02 minutes 54 seconds East, 38.84 feet to the true POINT OF BEGINNING; thence continue along said North line, South 87 degrees 02 minutes 54 seconds East, 1109.31 feet; thence South 09 degrees 21 minutes 27 seconds West, 48.62 feet; thence South 24 degrees 41 minutes 28 seconds East, 767.50 feet; thence along the Westerly right-of-way of Cato Springs Road and a non tangent curve to the right, with a radius of 1105.92 feet, an arc length of 168.32 feet, and a chord of South 48 degrees 21 minutes 49 seconds West, 168.16 feet; thence continue along said right-of-way the following courses: South 52 degrees 43 minutes 25 seconds West, 205.00 feet; thence along a non tangent curve to the left, with a radius of 1185.92 feet, an arc length of 304.99 feet, and a chord of South 45 degrees 21 minutes 28 seconds West, 304.15 feet; thence South 37 degrees 59 minutes 25 seconds West, 136.98 feet; thence South 37 degrees 59 minutes 25 seconds West 1618.91 feet; thence leaving said right-of-way and along the South line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, North 87 degrees 14 minutes 10 seconds West, 901.69 feet; thence North 02 degrees 57 minutes 59 seconds East, 115.76 feet; thence South 87 degrees 00 minutes 05 seconds East, 55.82 feet; thence North 21 degrees 06 minutes 01 seconds East, 293.94 feet; thence North 38 degrees 01 minutes 43 seconds East, 50.50 feet; thence North 51 degrees 58 minutes 17 seconds West, 462.85 feet; thence along the Easterly side of a multi use trail easement the following courses: North 71 degrees 06 minutes 52 seconds East, 128.87 feet; thence North 60 degrees 30 minutes 43 seconds East, 131.59 feet; thence North 28 degrees 31 minutes 13 seconds East, 332.63 feet; thence North 55 degrees 42 minutes 46 seconds East, 451.12 feet; thence North 42 degrees 18 minutes 39 seconds East, 121.17 feet; thence North 08 degrees 58 minutes 10 seconds East, 110.61 feet; thence North 43 degrees 18 minutes 48 seconds East, 121.12 feet; thence North 65 degrees 25 minutes 27 seconds East, 75.47 feet; thence North 28 degrees 10 minutes 09 seconds East, 69.29 feet; thence North 42 degrees 01 minutes 28 seconds East, 110.35 feet; thence North 56 degrees 23 minutes 14 seconds East, 36.65 feet; thence North 63 degrees 57 minutes 50 seconds East, 189.20 feet; thence North 41 degrees 20 minutes 40 seconds West, 15.34 feet; thence North 31 degrees 47 minutes 17 seconds West, 144.18 feet; thence North 14 degrees 29 minutes 06 seconds West, 135.62 feet; thence North 03 degrees 25 minutes 49 seconds East, 57.68 feet; thence North 11 degrees 10 minutes 56 seconds East, 62.53 feet; thence North 08 degrees 30 minutes 38 seconds East, 51.94 feet; thence North 06 degrees 07 minutes 40 seconds East, 47.88 feet; thence North 07 degrees 18 minutes 24 seconds West, 56.57 feet; thence North 02 degrees 24 minutes 28 seconds East, 123.61 feet to the true POINT OF BEGINNING containing 78.782 acres more or less and being subject to the right-of-way of Cato

EXHIBIT 'B'

14-4729

Springs Road.

Description of Tract #2 (CS, Community Services)

Located in a part of the SE ¼ and in a part of the SW ¼ of Section 30 and in a part of the NW ¼ of the SW ¼ of Section 29, Township 16 North, Range 30 West in Washington County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NE ¼ of the SE ¼ of Section 30 for the true POINT OF BEGINNING;

thence along the North line of the NW ¼ of the SW ¼,

South 87 degrees 02 minutes 54 seconds East, 38.84 feet;

thence along the Easterly side of a multi use trail easement the following courses:

South 02 degrees 24 minutes 28 seconds West, 123.61 feet;

thence South 07 degrees 18 minutes 24 seconds East, 56.57 feet;

thence South 06 degrees 07 minutes 40 seconds West, 47.88 feet;

thence South 08 degrees 30 minutes 38 seconds West, 51.94 feet;

thence South 11 degrees 10 minutes 56 seconds West, 62.53 feet;

thence South 03 degrees 25 minutes 49 seconds West, 57.68 feet;

thence South 14 degrees 29 minutes 06 seconds East, 135.62 feet;

thence South 31 degrees 47 minutes 17 seconds East, 144.18 feet;

thence South 41 degrees 20 minutes 40 seconds East, 15.34 feet;

thence South 63 degrees 57 minutes 50 seconds West, 189.20 feet;

thence South 56 degrees 23 minutes 14 seconds West, 36.65 feet;

thence South 42 degrees 01 minutes 28 seconds West, 110.35 feet;

thence South 28 degrees 10 minutes 09 seconds West, 69.29 feet;

thence South 65 degrees 25 minutes 27 seconds West, 75.47 feet;

thence South 43 degrees 18 minutes 48 seconds West, 121.12 feet;

thence South 08 degrees 58 minutes 10 seconds West, 110.61 feet;

thence South 42 degrees 18 minutes 39 seconds West, 121.17 feet;

thence South 55 degrees 42 minutes 46 seconds West, 451.12 feet;

thence South 28 degrees 31 minutes 13 seconds West, 332.63 feet;

thence South 60 degrees 30 minutes 43 seconds West, 131.59 feet;

thence South 71 degrees 06 minutes 52 seconds West, 128.87 feet;

thence leaving said multi use trail easement,

North 51 degrees 58 minutes 17 seconds West, 125.11 feet;

thence along a non tangent curve to the right, with a radius of 301.46 feet, an arc length of 63.15 feet, and a chord of South 52 degrees 42 minutes 27 seconds West, 63.03 feet;

thence along a non tangent curve to the right, with a radius of 923.88 feet, an arc length of 93.05 feet, and a chord of South 64 degrees 35 minutes 06 seconds West, 93.01 feet;

thence South 66 degrees 01 minutes 06 seconds West, 470.23 feet;

thence along a non tangent curve to the right, with a radius of 250.14 feet, an arc length of 128.71 feet, and a chord of South 80 degrees 45 minutes 50 seconds West, 127.30 feet;

thence North 84 degrees 59 minutes 04 seconds West, 1095.13 feet;

thence along a non tangent curve to the right, with a radius of 195.85 feet, an arc length of 91.34 feet, and a chord of North 74 degrees 33 minutes 17 seconds West, 90.52 feet;

thence North 60 degrees 22 minutes 54 seconds West, 265.82 feet;

thence along a non tangent curve to the left, with a radius of 250.00 feet, an arc length of 97.46 feet, and a chord of North 71 degrees 25 minutes 38 seconds West, 96.85 feet;

thence North 84 degrees 56 minutes 16 seconds West, 197.11 feet;

thence North 03 degrees 35 minutes 47 seconds East, 252.99 feet;

thence South 83 degrees 34 minutes 51 seconds East, 103.42 feet;

EXHIBIT 'B'

14-4729

thence North 79 degrees 43 minutes 51 seconds East, 304.83 feet;
thence North 62 degrees 33 minutes 24 seconds East, 441.82 feet;
thence North 53 degrees 13 minutes 50 seconds East, 346.93 feet;
thence South 87 degrees 27 minutes 30 seconds East, 438.57 feet;
thence South 81 degrees 26 minutes 29 seconds East, 315.93 feet;
thence North 02 degrees 43 minutes 07 seconds East, 1242.60 feet;
thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$,
South 87 degrees 14 minutes 48 seconds East, 467.09 feet;
thence along the North line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$,
South 87 degrees 14 minutes 48 seconds East 1315.53 feet to the true POINT OF BEGINNING
containing 97.114 acres more or less.

Description of Tract #3 (NC, Neighborhood Conservation)

Located in a part of the SW $\frac{1}{4}$ and in a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30, Township 16 North, Range 30 West in Washington County, Arkansas, more precisely described as follows: Starting at the Northeast Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30;
thence along the North line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$,
North 87 degrees 14 minutes 48 seconds West, 467.09 feet to the true POINT OF BEGINNING;
thence South 02 degrees 43 minutes 07 seconds West, 1242.60 feet;
thence North 81 degrees 26 minutes 29 seconds West, 315.93 feet;
thence North 87 degrees 27 minutes 30 seconds West, 438.57 feet;
thence South 53 degrees 13 minutes 50 seconds West, 346.93 feet;
thence South 62 degrees 33 minutes 24 seconds West, 441.82 feet;
thence South 79 degrees 43 minutes 51 seconds West, 304.83 feet;
thence North 83 degrees 34 minutes 51 seconds West, 103.42 feet;
thence North 03 degrees 35 minutes 47 seconds East, 37.86 feet;
thence North 52 degrees 53 minutes 46 seconds West 74.06 feet;
thence North 05 degrees 00 minutes 56 seconds East, 407.82 feet;
thence along a curve to the right having a radius of 500.00 feet, an arc length of 50.72 feet, and a chord of North 07 degrees 55 minutes 18 seconds East, 50.70 feet;
thence North 62 degrees 14 minutes 34 seconds East, 144.11 feet;
thence North 21 degrees 49 minutes 09 seconds East, 147.86 feet;
thence North 03 degrees 48 minutes 55 seconds East, 256.86 feet;
thence North 02 degrees 29 minutes 50 seconds East, 150.44 feet;
thence North 09 degrees 10 minutes 25 seconds East, 205.19 feet;
thence North 42 degrees 00 minutes 27 seconds East, 459.26 feet;
thence along the North line of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$,
South 87 degrees 14 minutes 48 seconds East, 1351.64 feet to the true POINT OF BEGINNING
containing 54.030 acres more or less.

Description of Tract #7 (CS, Community Services)

Located in a part of the NE $\frac{1}{4}$ and in a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31, Township 16 North, Range 30 West in Washington County, Arkansas, more precisely described as follows: Starting at the Southwest Corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31;

EXHIBIT 'B'
14-4729

thence South 87 degrees 21 minutes 02 seconds East, 611.31 feet to the true POINT OF BEGINNING;
thence North 11 degrees 38 minutes 17 seconds East, 854.64 feet;
thence North 33 degrees 27 minutes 57 seconds East, 568.10 feet;
thence along a non tangent curve to the left, with a radius of 800.00 feet, an arc length of 309.60 feet, and a chord of North 33 degrees 25 minutes 46 seconds East, 307.67 feet;
thence North 22 degrees 20 minutes 34 seconds East, 97.52 feet;
thence along a curve to the left having a radius of 800.00 feet, an arc length of 264.94 feet, and a chord of North 12 degrees 51 minutes 19 seconds East, 263.73 feet; thence North 03 degrees 22 minutes 05 seconds East, 676.13 feet;
thence South 87 degrees 14 minutes 10 seconds East, 61.42 feet;
thence South 03 degrees 10 minutes 53 seconds West, 2628.17 feet;
thence South 02 degrees 57 minutes 17 seconds West, 214.50 feet;
thence North 87 degrees 02 minutes 43 seconds West, 214.50 feet;
thence South 28 degrees 45 minutes 47 seconds West, 105.32 feet;
thence North 52 degrees 17 minutes 51 seconds West, 543.73 feet to the true POINT OF BEGINNING containing 23.297 acres more or less.

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~June 9, 2014~~ Updated June 11, 2014

SUBJECT: **RZN 14-4729: Rezone (CATO SPRINGS RD./CHAMBERS BANK, 673):**
Submitted by HUNTER HAYNES for property located at MT. KESSLER PARK. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 253.23 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE, CS, COMMUNITY SERVICES, AND NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4729** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located along Cato Springs Road (south Razorback Road) just west of I-49/540 and the Fulbright Expressway. The property is a part of the SouthPass Planned Zoning District that was approved in 2008 on approximately 900 acres. The SouthPass development is still an approved project, but the property is now owned by Chambers Bank.

The 253 acres owned by Chambers Bank includes all of the property along Cato Springs Road (a principal arterial). The approved development plan for this area includes several planning areas that permit a mixture of commercial, residential and civic land uses in a traditional town form. Surrounding land use and zoning is depicted on Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential	Washington County
South	Single-family residential	Washington County
East	Single-family residential	Washington County, R-A Residential Agricultural
West	Single-family residential	Washington County

DISCUSSION:

Request: The request is to rezone 253.23 acres of R-PZD 08-2898 SouthPass Development as follows:

- 78.78 acres to UT, Urban Thoroughfare
- 120.41 acres to CS, Community Services
- 54.03 acres to Neighborhood Conservation

Public Comment: Staff has not received public comment.

PLANNING COMMISSION ACTION: Required		
Date: <u>June 9, 2014</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: <u>Winston</u>	Second: <u>Chesser</u>	Vote: <u>6-0-0</u>
CITY COUNCIL ACTION: Required		
Date: July 1, 2014	☐ Approved	☐ Denied

INFRASTRUCTURE:

Streets: The site has access to Cato Springs Road, a two-lane state highway, Judge Cummings Road, an unimproved gravel road and Archie Watkins Road, an unimproved dirt road. Roadway improvements will be determined at the time of development.

Water: Public water is accessible to the site. A 2" water main exists on Archie Watkins Road. The property encompasses two city water storage tanks with a 30" outlet line. The feasibility to connect to this line will be determined by the Water Department.

Sewer: No public sanitary sewer is available to the site.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is affected by the 100-year floodplain and the Streamside Protection Ordinance.

Fire: This development will be protected by Engine 6 located at 900 S. Hollywood. It is 3.1 miles from the station with an anticipated response time of 7 minutes to the beginning of the development. The Fayetteville Fire Department feels this development will have a moderate effect on calls for service and response times.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map designates this property as a Natural Area, Residential Neighborhood Area, Civic and Private Open Space Parks, and Urban Center Area.*

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: The requested zoning designations will allow a development pattern that is consistent with the existing SouthPass development plan, the future land use map and City Plan 2030 goals. This includes a walkable, mixed-use environment and a variety of housing types, sizes and densities.

These characteristics are essential for reducing the dependency on the automobile, which is typically the second largest expense behind housing. It also provides the ability for an aging population to reduce their dependency on driving and to age in place.

Finally, the development pattern and potential densities allowed by these zoning designations allow efficient use of land and public infrastructure. The SouthPass development plan contained dense areas of development, but at the same time it was also spread out across 400 acres. With the purchase of Mount Kessler Preserve, the overall development area has been reduced to approximately 250 acres and all of this land is concentrated along the east portion of the property with frontage on two existing roadways.

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

Finding: The rezoning is justified at this time, because there have been a number of changes in land ownership, since the project was approved in 2008. As noted above, the amount of land area to be privately developed has been reduced from 400 acres to 250 acres. The amount of publicly owned property has increased from approximately 200 acres to over 600 acres.

Another reason to rezone the property is to replace very complicated and site specific zoning regulations associated with the Planned Zoning District. The PZD booklet, which describes the project and includes the zoning criteria and architectural standards is 69 pages long. Rezoning the property to standard form based zoning districts will be much simpler for staff to administer and for the owner to market for development.

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

Finding: Rezoning the property as described should not appreciably increase traffic danger or congestion. The property is already approved for the development of 4,200 residential units and 359,000 square feet of nonresidential space. The new zoning designations will permit a similar development pattern, however, the amount of land to be developed has been reduced almost in

half from the original PZD approval and therefore the impact of future development on traffic congestion should be much less.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning request will not alter population density or increase the load on public services. As noted already, this property is approved for a large number of residential units and nonresidential square footage. The development of this property, likely over several decades, will substantially change the population density of the area and require substantial investment in public infrastructure that will be borne by the developer. In 2008, the Fire Department noted in their comments that the number of residential units in the SouthPass Development would hit one of the trigger points for department expansion. Improvements to public infrastructure and the expansion of services will have to be evaluated carefully as future development plans are presented to the Planning Commission.

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

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Proposed zoning criteria
- Fire Department comments
- Applicant's letter
- Planned Zoning District materials
- Rezoning exhibit/survey
- Maps

TITLE XV UNIFIED DEVELOPMENT CODE

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
Unit 44	Cottage Housing Development

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, 6-18-13; Ord. 5664, 2-18-14)

TITLE XV UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the *Community Services* 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 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	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 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

TITLE XV UNIFIED DEVELOPMENT CODE

161.26 Neighborhood Conservation

(F) *Building height regulations.*

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

Building Height Maximum	45 ft.
-------------------------	--------

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Will Beeks
Date: May 8, 2014
Re: RZN 14-4729

This development will be protected by Engine 6 located at 900 S Hollywood Ave. It is 3.1 miles from the station with an anticipated response time of 7 minutes to the beginning of the development. The Fayetteville Fire Department feels this development will have a moderate effect on our calls for service or our response times.

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

Will Beeks
Assistant Fire Marshal
Fayetteville Fire Department

April 24, 2014

Planning Commission City of Fayetteville, AR

Re: Rezone of the Chambers Bank property @ Cato Springs Rd.

- The property is currently owned by Chambers Bank.
- The need for rezoning the property stems from the complexity of its current PZD zoning structure and it is believed a more traditional zoning standard would help streamline the development process and understanding.
- The proposed zoning would be complimentary in use to the surrounding land uses and would be in line and in some instances more restrictive, with the zoning currently found in its PZD form. The proposed zoning would be in line with the existing traffic as well as the proposed master street plan. The proposed zoning would not affect signage.
- There is sewer available off site, which would require the development of a force main to provide adequate service. There is a both 12" and 8" water line adjacent to the property.
- The proposed zoning is believed to be consistent with the land use planning objectives by providing mixed use development in conjunction with a neighborhood development, while respecting the surrounding natural areas value and uses.
- The proposed zoning is justified as it exists in the current PZD, and is needed as its current PZD designation is both confusing and in some areas not in line with surrounding natural areas value and uses.
- The proposed zoning will not create an appreciable increased traffic danger, but would work to alleviate congestion by creating development along the City's Master Street Pan routes, i.e. the Shiloh Rd. extension.
- The proposed zoning would not alter population density but rather allow for controlled growth in an area of the city that is underdeveloped, along with positively contributing to the schools, and to the City's sewer and water systems.
- In some areas the existing zoning classification calls for uses that are not practical in certain areas and others that are in close proximity to sensitive and valuable natural areas.

Fulcher, Jesse

From: Hunter Haynes <hunter@hchconsulting.us>
Sent: Wednesday, June 04, 2014 9:21 AM
To: Fulcher, Jesse
Subject: Cato Springs Chambers Property Rezone
Attachments: hch rezone exhibit.pdf

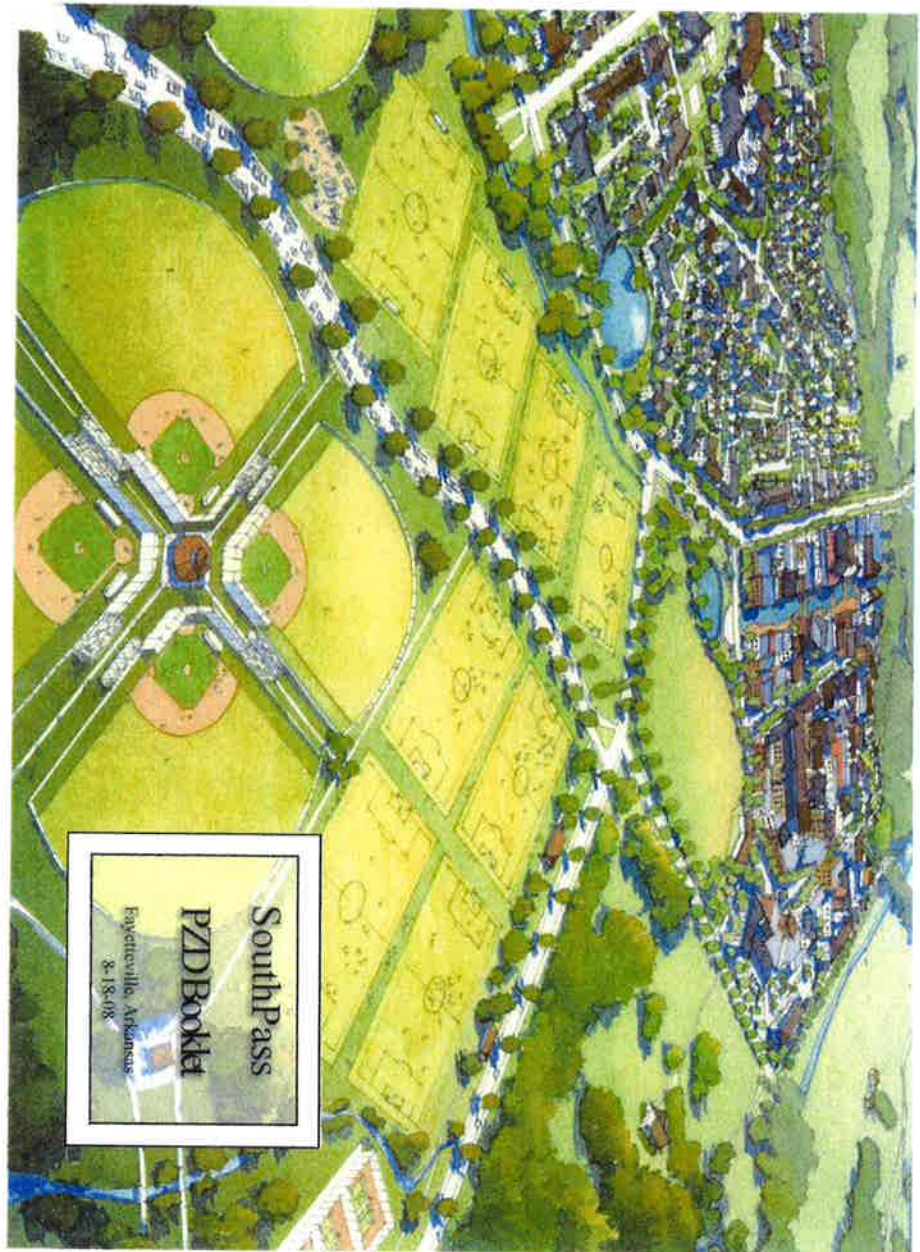
Jesse:

As we discussed the proposed zoning designations and their respective locations yesterday, please find the attached to be a drawing showing the areas we are requesting to rezone on the Cato Springs/Chambers property. The areas are labeled according to the following, I have also included the requested zoning for each area below.

Area #1 - 78.78 acres - Request Urban Thoroughfare Area #2 - 97.11 acres - Request Community Services Area #3 - 54.03 acres - Request Neighborhood Conservation Tract #7 - 23.29 acres - Request Community Services

Upon review please do not hesitate with anything.

Thanks
hch

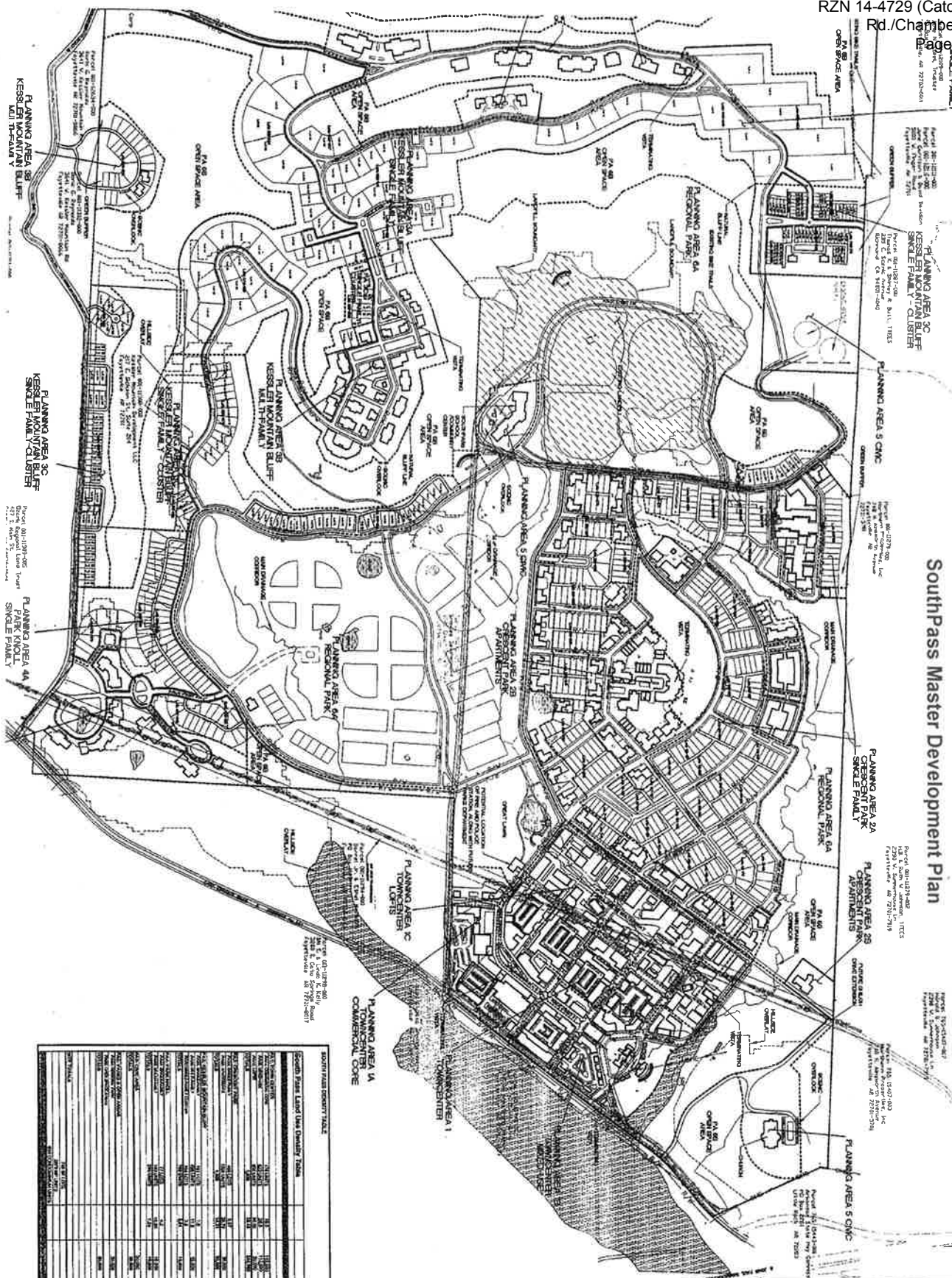


CITY COUNCIL
APPROVED

DATE: 11.06.08 J

12.10.08 0.5 of 1001

SouthPass Master Development Plan

[illegible]



Proposal: Master Development Plan of a Residential Planned Zoning District (R-PZD)

TABLE 1

SOUTH PASS LAND USE TABLE

PLANNING AREAS	ACREAGE	RESIDENTIAL UNITS	DENSITY (UNITS/ ACRE)	NON- RESIDENTIAL SF	INTENSITY (SF/ACRE)	% of ACRES
PA-1: TOWN CENTER						
PA1A: Commercial Core	10.90	175	16.06	112,000	10,275	
PA1B: Mixed Use	28.90	823	28.48	112,000	3,875	
PA1C: Lofts	18.00	630	35.00	20,000	1,111	
TOTALS	57.80	1,628	28.17	244,000	4,221	6.35%
PA-2: CRESCENT PARK						
PA2A: Single Family	67	400	5.97	0	0	
PA2B: Apartments	44.8	1,200	26.79	30,000	662	
TOTALS	111.80	1,600	14.31	30,000	268	12.28%
PA-3: KESSLER MOUNTAIN BLUFF						
PA3A: Single Family	104.16	103	1.00	0	0	
PA3B: Multi-Family	41.68	500	12.00	0	0	
PA3C: Single Family Cluster	50.22	171	3.41	0	0	
TOTALS	196	774	3.95	0	0	21.54%
PA-4: PARK KNOLL						
PA4A: Single Family	18.30	77	4.21	0	0	
PA4B: Multi-Family	17.60	183	10.40	10,000	568	
TOTALS	36	260	7.22	10,000	279	3.94%
PA-5: CIVIC AREA						
PA-5: CIVIC AREA	21.30	0	0.00	30,000	1,408	
TOTALS	21.30	0	0.00	30,000	1,408	2.34%
PA-6: PARKS AND OPEN SPACE						
PA6A: Regional Park	240.60	0	0.00	30,000	125	
PA6B: Open Space	246.90	0	0.00	0	0	
TOTALS	487.50	0	0.00	30,000	62	53.55%
SITE TOTALS						
		751 SF LOTS				
		2,881 MF UNITS				
		630 CONDO UNITS				
TOTAL SITE	910.36	4,262	4.7	344,000	378	100.00%

K:\Reports\2008\PC Reports\17-September 8\R-PZD 08-2989 (Southpass).doc.

Table 2
SouthPass Project Description

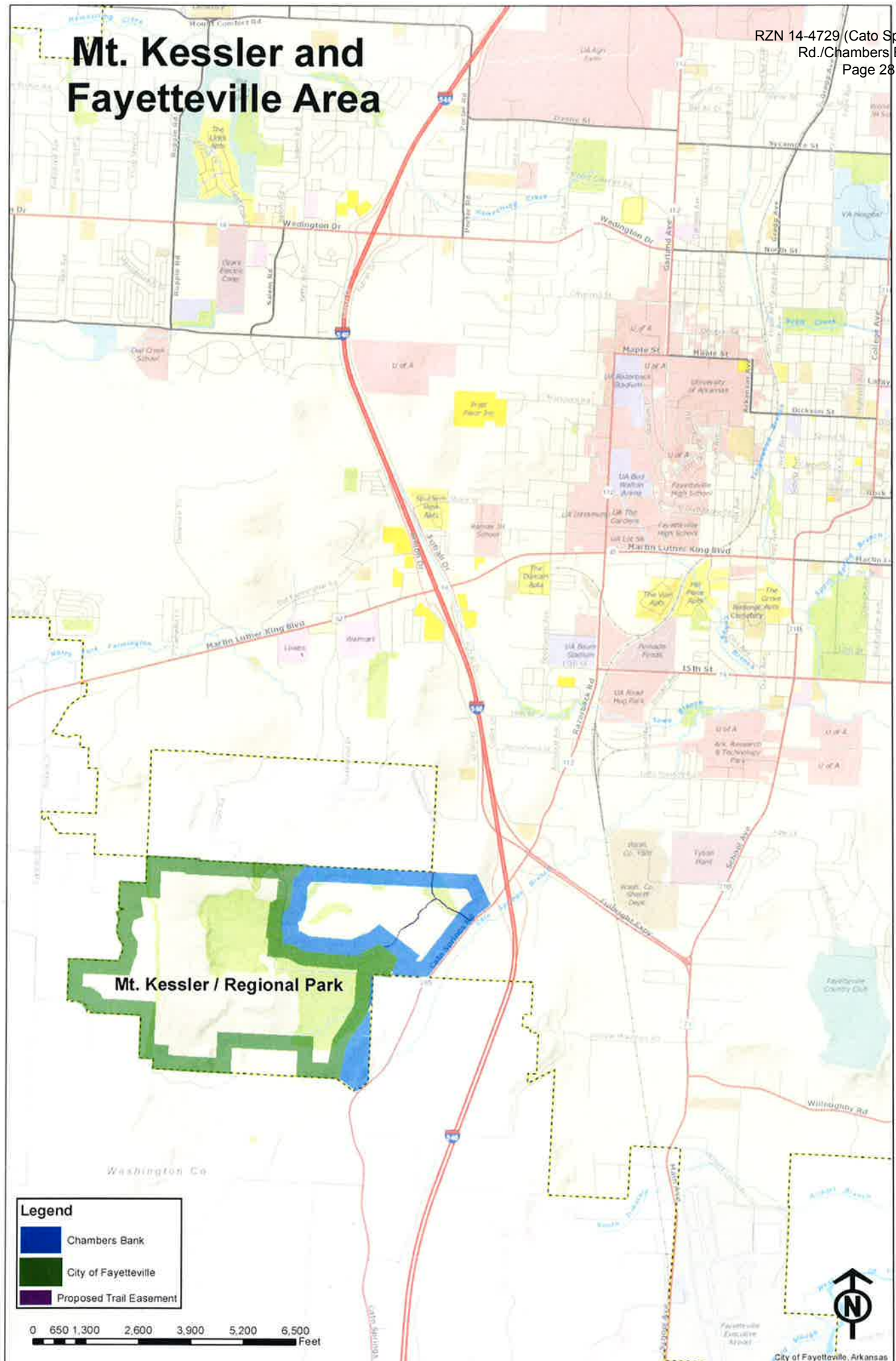
Planning Area	Description
PA1: Town Center	The most compact, dense, and intense planning area is the Town Center, located in the northeast corner of the site along the arterial street of Cato Springs Road and just southwest of the I-540 intersection. The Town Center is based around a traditionally mixed use downtown form and features the center of commercial activity in the site. The design incorporates traditional town form design features including narrow streets, buildings close to the street, and wide urban sidewalks. There are several terminating vistas that will be focal points from the main thoroughfares. The Town Center provides non-residential amenities, restaurants, and shopping for residents in the immediate vicinity, and users of the adjacent 200+ acre regional park. The most urban and commercial area in the south transitions into a more mixed use area with non-residential uses at the street level and residences above. The topography in this area of the site rolls gently.
PA2: Crescent Park	The new extension of Shiloh Road defines the edge between Town Center and the Crescent Park neighborhood. Crescent Park starts ascending Kessler Mountain to the west of Town Center. This neighborhood fronts Shiloh Road with a number of multi-family buildings and row homes. Continuing west the neighborhood transitions to single family residential, then the density increases again with a number of multi-family buildings that front onto either public streets or shared green areas or courtyard. The center of Crescent Park contains a common destination for the pedestrian-shed in this neighborhood on a hilltop with wide vistas of Fayetteville and the surrounding countryside. A community meeting place and large central green are located in the interior.
PA3: Kessler Mountain Bluff	This neighborhood is located along the ridgelines, knolls, and hilltops of Kessler Mountain in the western portion of the site. This area is isolated from the Town Center by topography and the new regional park. This neighborhood provides a variety of residential housing options from large rural lots on the hillside, to dense clusters of multi-family and single family lots. The layout of the development pattern incorporates the natural contours of the landform and the roads wind along the ridges and in and out of densely forested areas. This area of the site has a variety of topography changes and landforms and currently has a number of informal hiking and mountain biking trails that have been incorporated into the design. This trail system will provide opportunities for all residents to connect from this neighborhood to the regional park down below the mountain.
PA4: Park Knoll	This neighborhood is located in the southeast portion of the site on a knoll adjacent to Cato Springs Road that is approximately 80 feet above the planned regional park adjacent to the north. This neighborhood provides a variety of detached and attached homes on small lots designed for adults 55 and older. Shared indoor and outdoor amenities will be provided in courtyards and in the larger multi-family buildings.
PA5: Civic Areas	This planning area is comprised of three distinct areas including a church located on a knoll in the northern portion of the site, an elementary school in the central portion of the site, and the existing water tank site. Both the school and church are set apart from the Town Center, taking in views.
PA6: Regional Park and Open Space	A primary feature of this planning area is the active sports park with soccer, baseball, softball, and multi-purpose fields for various "pick-up" games. An area for tennis courts will be situated near parking lots and playgrounds. The organized fields will have bleachers, concession stands, and restroom facilities. An amphitheatre is located along the park road for concerts and other events. New police and fire substations will also be within this planning area. The existing 33-acre landfill is located in this planning area and will be remediated and may be used for active recreation and forested area. Over 246 acres of this planning area is designated for open space and will serve as preservation areas for natural drainage systems, tree preservation areas, and natural buffers between SouthPass and surrounding rural-residential uses. An extensive trail system in this planning area provides non-vehicular linkages through the development.

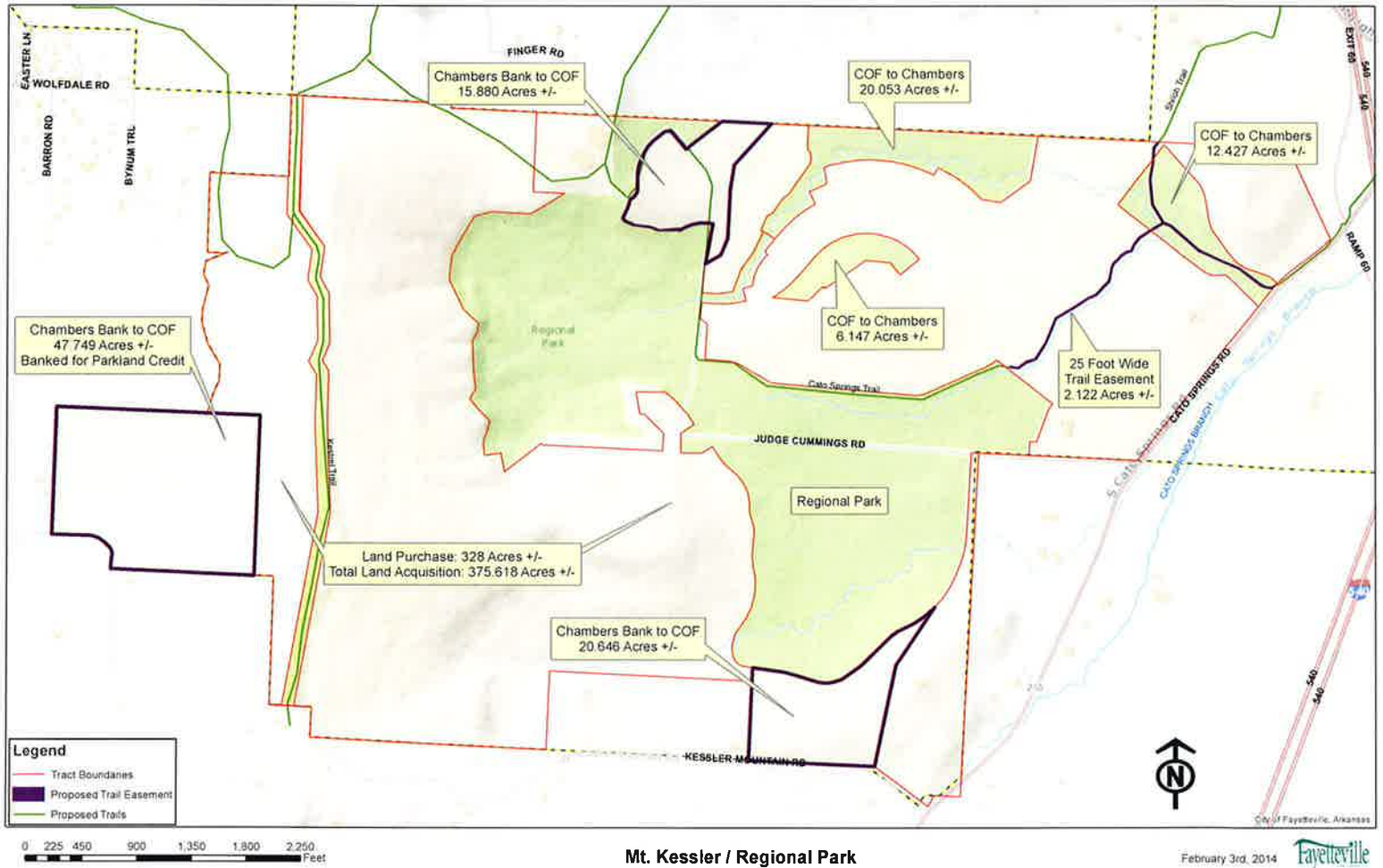
10 DESCRIPTION

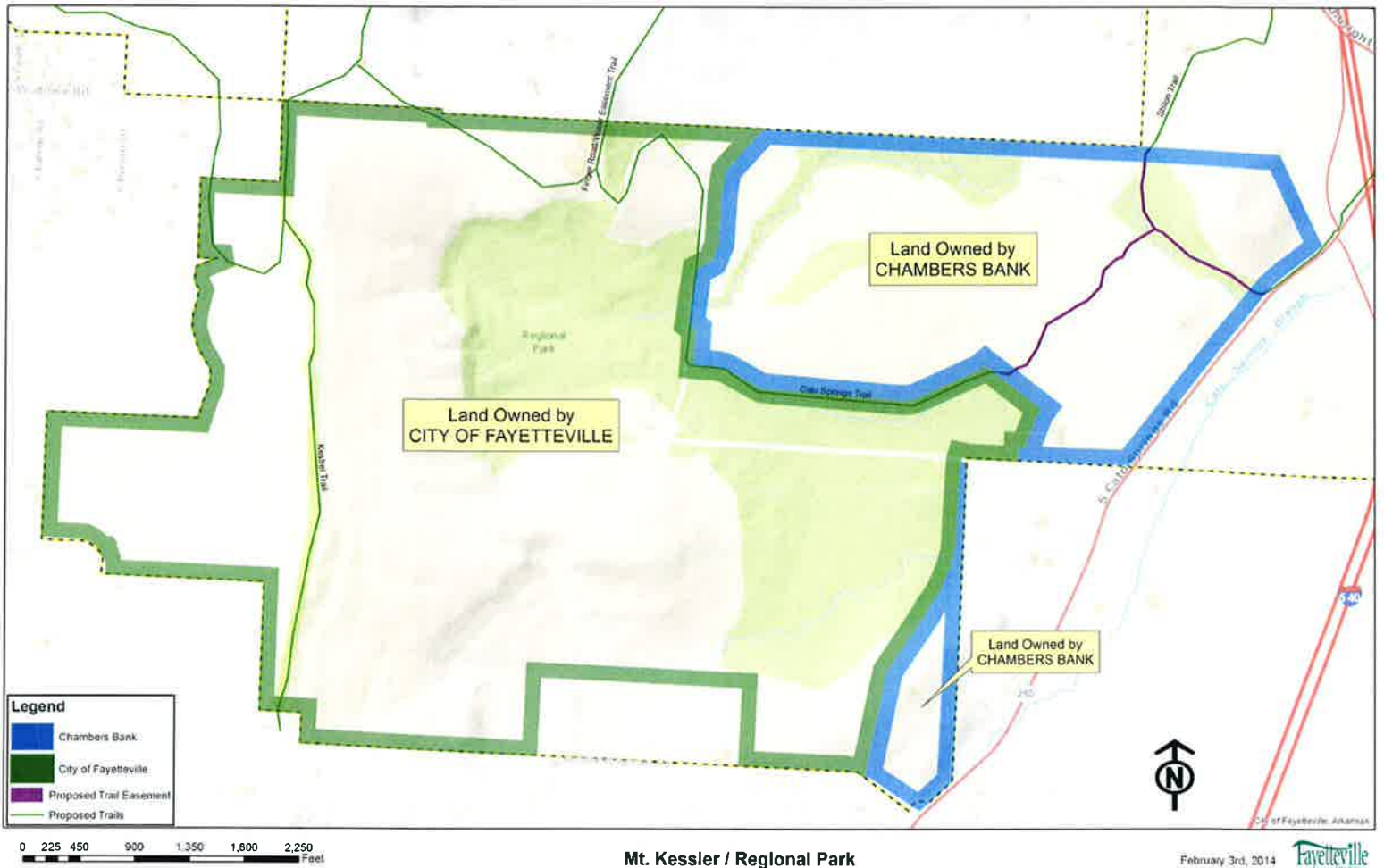
Description	PA-3B Kessler Min. Bluff Multi-Family	PA-3C Kessler Min. Bluff Single Family Cluster	PA-4A Park Knoll Single Family	PA-4B Park Knoll Multi-Family	PA-5 Civic Areas	PA-6A Regional Park	PA-6B Open Space Area
Permitted Use Units Allowed	Unit 1 Unit 8 Unit 9 Unit 10 Unit 26 Cn-wide use by right Single-Family Dwellings Two-Family Dwellings Three-Family Dwellings Multi-Family Dwellings	Unit 1 Unit 5 Unit 6 Unit 9 Unit 10 Cn-wide use by right Single-Family Dwellings Two-Family Dwellings Three-Family Dwellings Multi-Family Dwellings Accession Dwellings	Unit 1 Unit 8 Unit 9 Unit 10 Cn-wide use by right Single-Family Dwellings Two-Family Dwellings Three-Family Dwellings Multi-Family Dwellings Accession Dwellings	Unit 1 Unit 4 Unit 9 Unit 10 Unit 26 Cn-wide use by right Single-Family Dwellings Two-Family Dwellings Three-Family Dwellings Multi-Family Dwellings	Unit 1 Unit 4 Unit 5 Cn-wide use by right Cultural and recreational facilities Government facilities	Unit 1 Unit 4 Unit 5 Cn-wide use by right Cultural and recreational facilities Government facilities	Unit 1 Unit 4 Unit 5 Cn-wide use by right Cultural and recreational facilities Government facilities
Conditional Use Units Allowed	Unit 2 Unit 3 Unit 4 Unit 13 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Sidewalk Cafe	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Multi-Family Dwellings	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Sidewalk Cafe	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Sidewalk Cafe	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Sidewalk Cafe	Unit 2 Unit 3 Unit 4 Unit 5 Unit 6 Unit 9 Unit 10 Unit 15 Unit 24 Unit 25 Unit 40 Cn-wide use by conditional use permit Public Protection and Utility Facilities Cultural and Recreational Facilities Government Facilities Eating Places Neighborhood Shopping Goods Home Occupation Professional Offices Sidewalk Cafe
Lot Width Minimum	90 ft	100 ft 1-24 shall have a minimum lot width of 74 feet 25-55 shall have a minimum lot width of 90 feet 56-100 shall have a minimum lot width of 100 feet 101-168 shall have a minimum lot width of 100 feet	35 ft	90 ft	No Minimum	N/A	N/A
Lot Area Minimum	5,000 sq ft	1-24 shall have a 2,500 sq ft lot area minimum 25-55 shall have a 3,000 sq ft lot area minimum 56-100 shall have a 3,500 sq ft lot area minimum 101-168 shall have a 3,500 sq ft lot area minimum	3,000 sq ft	Minimum 1,000 sq ft for live/work, office or commercial commercial 1,000 sq ft for townhomes 1,000 sq ft for typical lot	No Minimum	N/A	N/A
Land Area per Dwelling Unit	No Bedroom One Bedroom Two or more Bedrooms 670 sq ft 800 sq ft 1,000 sq ft minimum	Single-Family 2,400 sq ft	Single-Family 3,000 sq ft	No Bedroom One Bedroom Two or more Bedrooms 670 sq ft 800 sq ft 1,000 sq ft minimum	N/A	N/A	N/A
Density	12 Units per acre or less 559 sq ft per acre or less	3.4 Units per acre or less	4.2 Units per acre or less	10.5 units per acre	1.408 sq ft per acre or less	124.7 sq ft per acre or less	N/A
Setback Requirements	Front - Minimum - 0 ft Maximum - 15 ft Side - 4 ft from wall 4 ft from eave 0 ft on opposite P/L Rear - 7 ft Rear Garage - 7.5 ft If abutting alley, from rear lot line	Front - Minimum - 0 ft Maximum - 15 ft Side - 4 ft from wall 4 ft from eave 0 ft on opposite P/L Rear - 7 ft Rear Garage - 7.5 ft If abutting alley, from rear lot line	Front - 8 ft Side - 4 ft from wall 4 ft from eave 0 ft on opposite P/L Rear - 7 ft Rear Garage - 7.5 ft If abutting alley, from rear lot line	Front - Shall be setback in a 10 to 25' Build to Zone measured from the ROW Side - 4 ft from wall 4 ft from eave 0 ft on opposite P/L Rear - 7 ft Rear Garage - 7.5 ft If abutting alley, from rear lot line	Front - Minimum - 10 ft Side - 8 ft Side - 7 ft Rear - 7 ft Rear Garage - N/A	Front - Minimum - 20 ft Side - Minimum - 15 ft Side - Minimum - 15 ft Rear - Minimum - 15 ft	Front - Minimum - 20 ft Side - Minimum - 15 ft Side - Minimum - 15 ft Rear - Minimum - 15 ft
Height Regulations	0 ft max	45 ft max	45 ft max	60 ft max	Minimum Height - 24 ft Maximum Height - 60 ft	40 ft	N/A
Building Area	100% Maximum	70% Maximum	70% Maximum	70% Maximum	70% Maximum	N/A	N/A

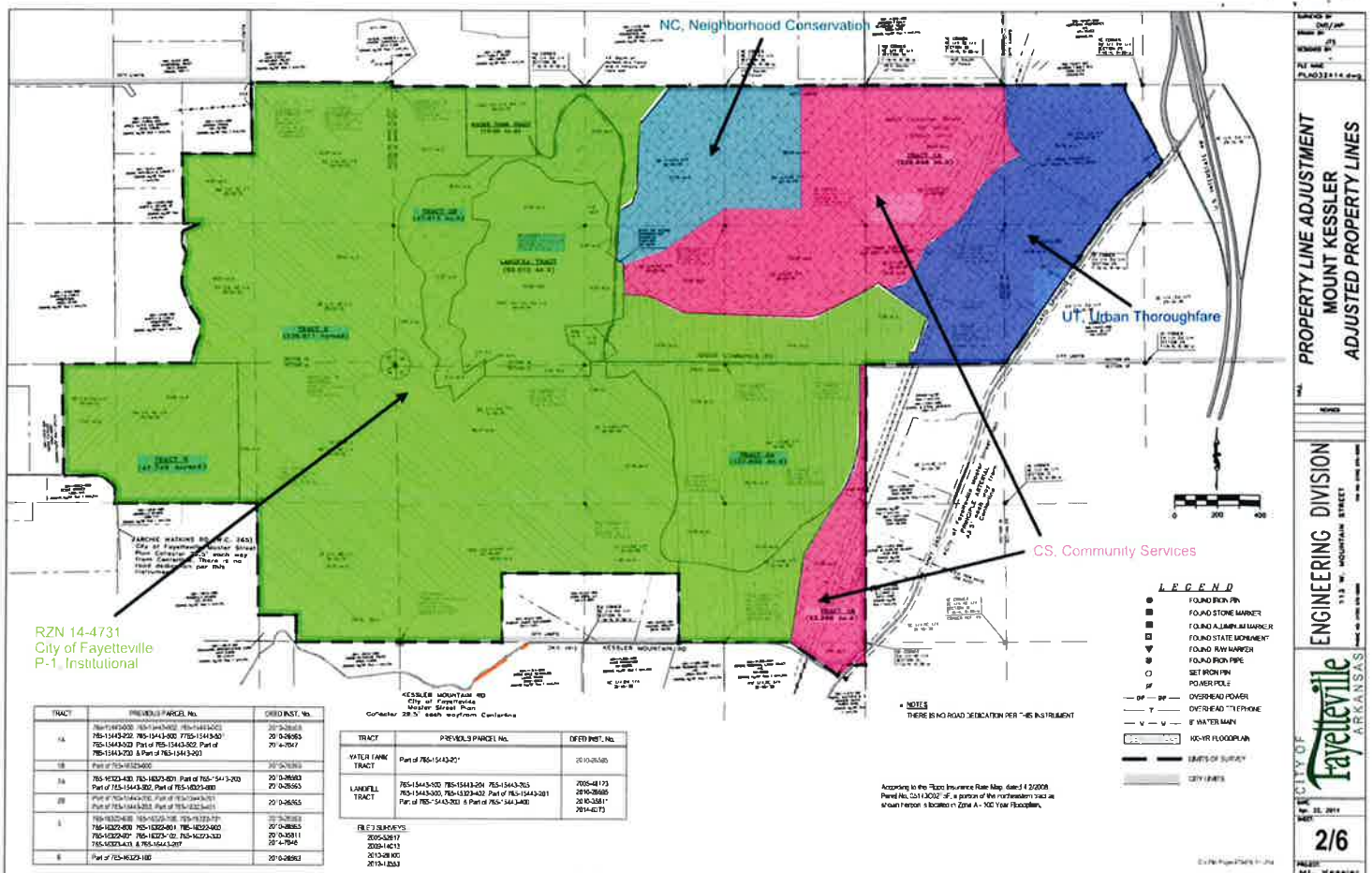


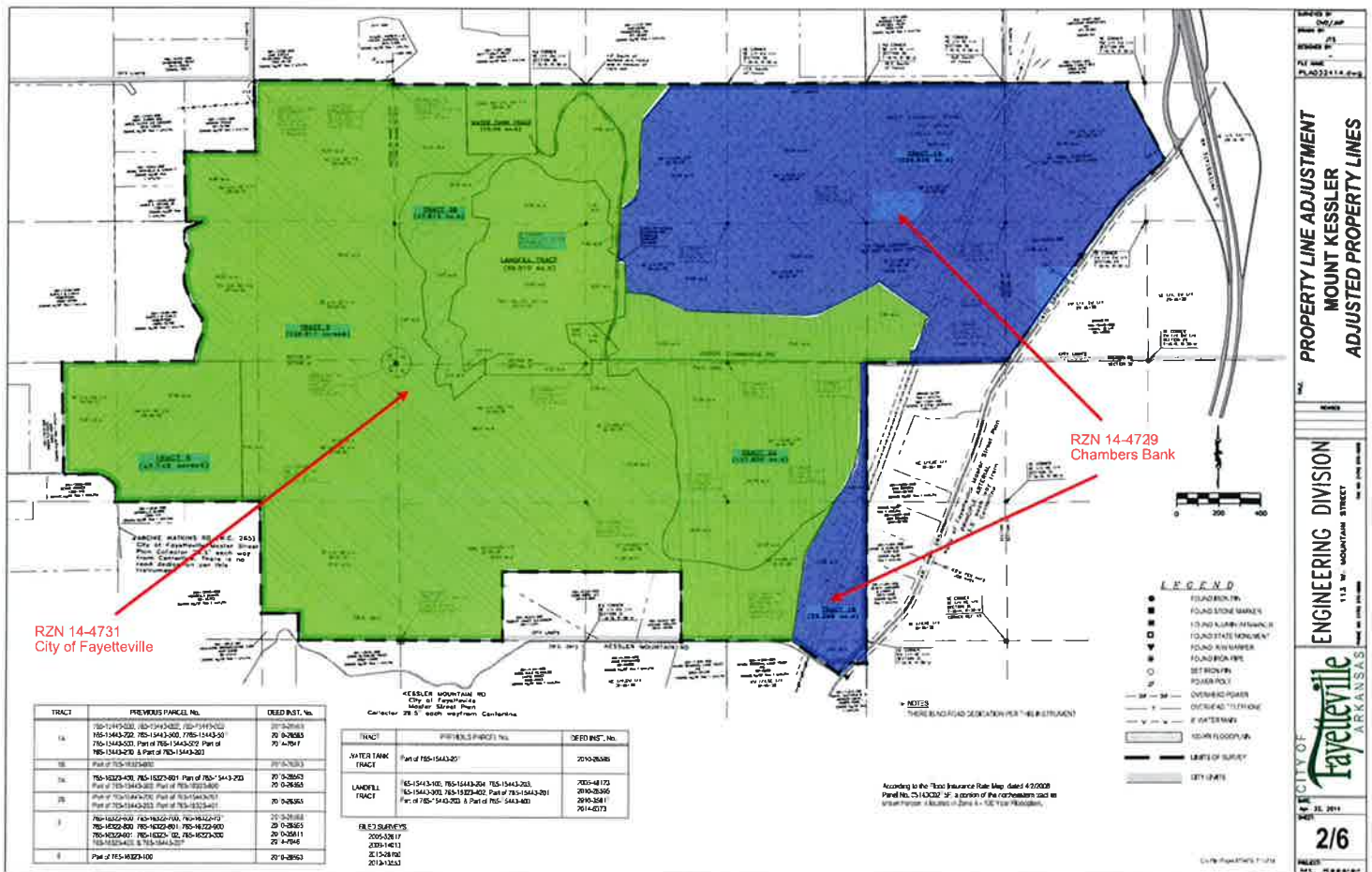
Mt. Kessler and Fayetteville Area

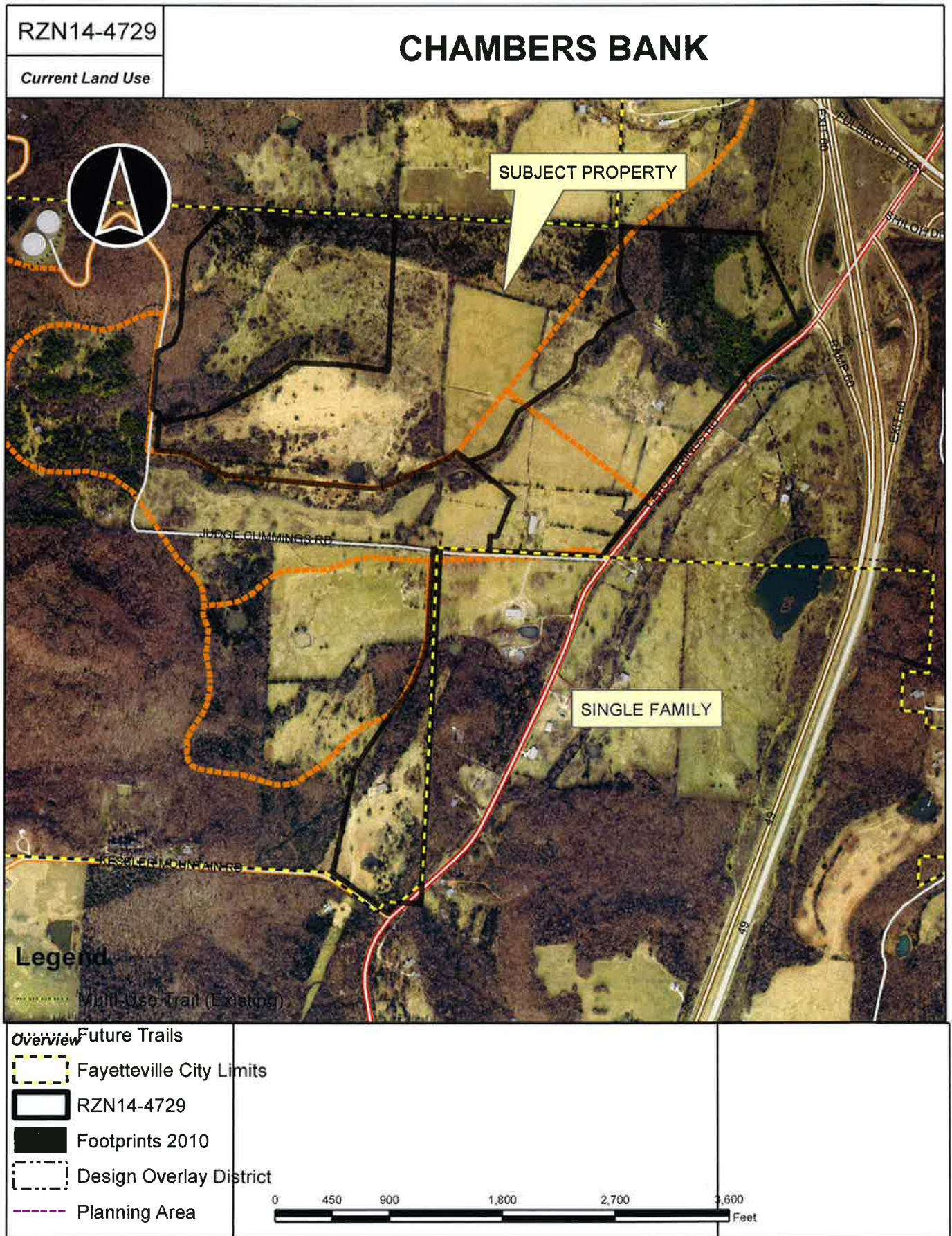








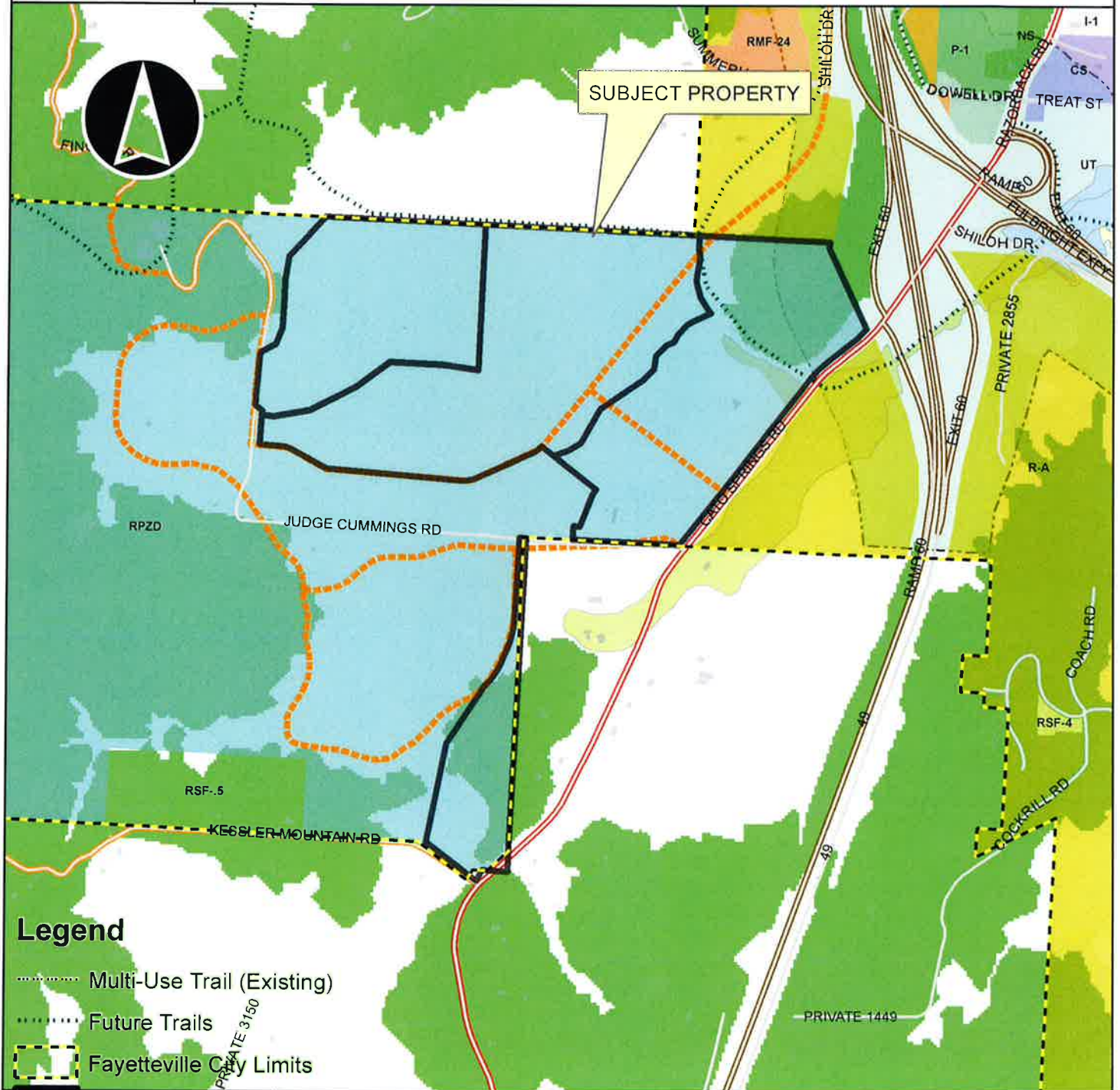




RZN14-4729

CHAMBERS BANK

Close Up View



Legend

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

Overview RZN14-4729

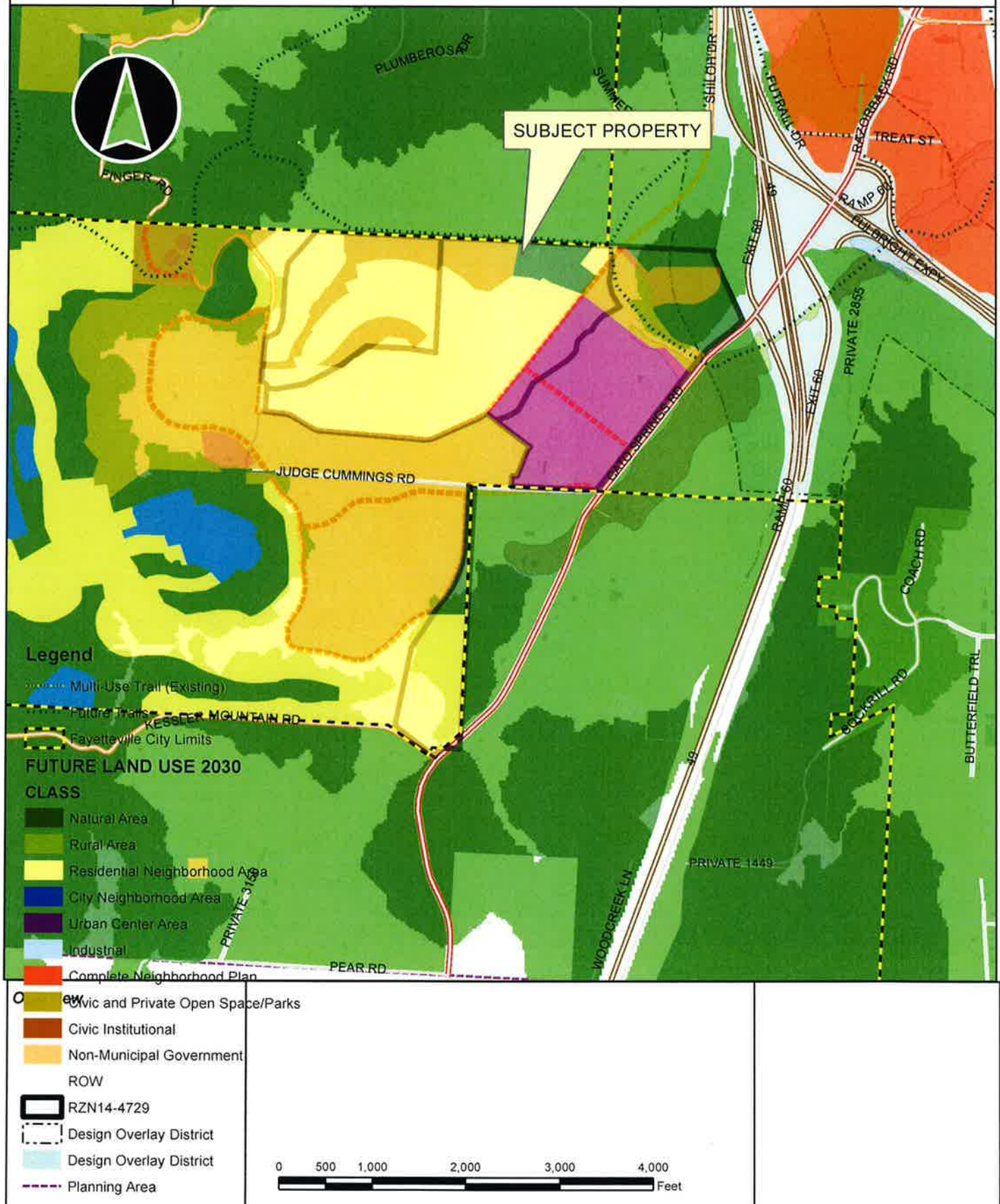
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN14-4729

Future Land Use

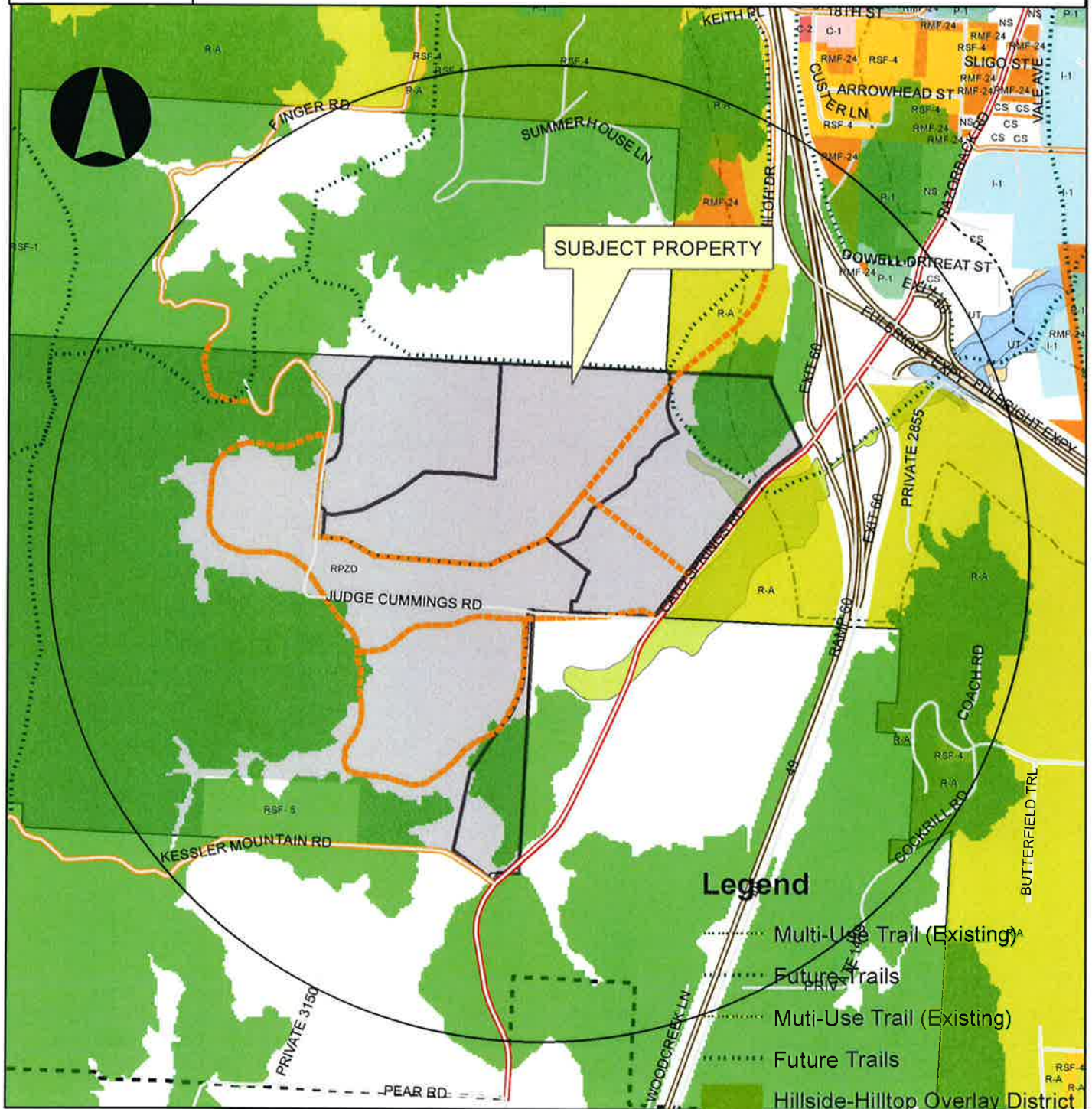
CHAMBERS BANK



RZN14-4729

CHAMBERS BANK

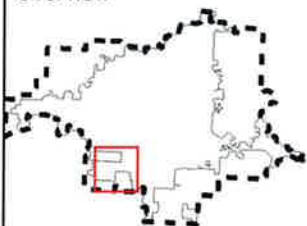
One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Muti-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District

Overview



Legend

- Subject Property
- RZN14-4729

Boundary

0 0.25 0.5

1 Miles

- RZN14-4729
- Design Overlay District
- Planning Area
- Fayetteville

Legistar ID No.: 2014-0303

AGENDA REQUEST

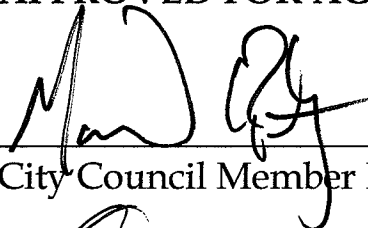
FOR: COUNCIL MEETING OF July 15, 2014

FROM:
CITY COUNCIL MEMBER Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

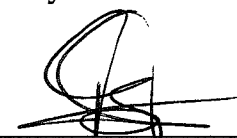
AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 119
CIVIL RIGHTS ADMINISTRATION TO PROTECT THE CIVIL RIGHTS OF
FAYETTEVILLE CITIZENS AND VISITORS AND TO CREATE THE POSITION OF CIVIL
RIGHTS ADMINISTRATOR FOR THE CITY OF FAYETTEVILLE

APPROVED FOR AGENDA:



City Council Member Matthew Petty

7/2/2014
Date



Assistant City Attorney Blake Pennington
(as to form)

7/2/14
Date

At on the first reading at the 7/15/14 City Council Meeting.

Pennington, Blake

From: matt@matthewpetty.org on behalf of Matthew Petty - Fayetteville Ward 2
<citycouncil@matthewpetty.org>
Sent: Thursday, May 15, 2014 3:09 PM
To: Williams, Kit
Cc: Pennington, Blake; James Rector
Subject: Anti-Discrimination Ordinance
Attachments: Fayetteville HRO 5.15.2014.docx

Hi Kit,

Attached is a draft Anti-Discrimination Ordinance that I would like to get passed in Fayetteville. It targets discrimination in housing transactions and employment decisions.

I want to introduce it at the first meeting in July. Can you guys take a look at it and think about how it might need to be adapted for consistency with Arkansas and municipal code? I'd like to have a first meeting on it the week of the 26th (or I can do late next week).

Thanks for your help,
M

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING CHAPTER 119 **CIVIL RIGHTS ADMINISTRATION** TO PROTECT THE CIVIL RIGHTS OF FAYETTEVILLE CITIZENS AND VISITORS AND TO CREATE THE POSITION OF CIVIL RIGHTS ADMINISTRATOR FOR THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville seeks to protect and safeguard the right and opportunity of all persons to be free from unfair discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status; and

WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

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 enacts Chapter 119 **Civil Rights Administration** as shown on Exhibit "A" attached hereto.

PASSED and **APPROVED** this _____ day of _____, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT A

CHAPTER 119: CIVIL RIGHTS ADMINISTRATION

119.01 Purpose

The purpose of this chapter is to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability and veteran status. This chapter's purpose is also to promote the public health and welfare of all persons who live or work in the City of Fayetteville and to ensure that all persons within the City have equal access to employment, housing, and public accommodations.

119.02 Definitions

- (A) "Business Establishment" means any entity, however organized, which furnishes goods, services or accommodations to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements consist only of payment of fees or consist only of requirements under which a substantial portion of the residents of the city could qualify.
- (B) "Civil Rights Administrator" means the person designated by the Mayor to receive, investigate and conciliate complaints brought under this chapter.
- (C) "Disability" or "Disabled" means, with respect to an individual, a physical or mental impairment, a record of such an impairment, or being perceived or regarded as having such impairment. For purposes of this chapter, discrimination on the basis of disability means that no covered entity shall discriminate against a qualified individual with a disability because of that individual's disability. The term "qualified individual with a disability" shall mean an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment positions that the individual holds or desires.
- (D) "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age (if 18 years of age or older), gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, disability or veteran status.
- (E) "Employee" means any individual employed or seeking employment from an employer.
- (F) "Employer" means any person, business or organization which regularly employs five (5) or more individuals, not including the employer's parents, spouse or children. For purposes of this chapter an employer "regularly" employs five (5) individuals when the employer employs five (5) or more individuals for each working day in any twenty (20) or more calendar weeks in the current or previous calendar year. For purposes of this chapter an "employer" is also any person or entity acting on behalf of an employer, directly or indirectly, or any employment agency.
- (G) "Familial status" means an individual's status as parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (H) "Gender" means actual or perceived sex.
- (I) "Gender Identity" means a person's gender-related identity, whether or not that identity is or is perceived to be different from that traditionally associated with the sex assigned to that individual at birth.
- (J) "Gender Expression" means a person's gender-related appearance and behavior whether or not that gender expression is or is perceived to be different from that traditionally associated with the person's assigned sex at birth.
- (K) "Marital status" means an individual's status as single, married, domestically partnered, divorced or widowed.
- (L) "Place of public accommodation" means inns, taverns, hotels, motels, restaurants, wholesale outlets, retail outlets, banks, savings and loan associations, other financial institutions, credit information bureaus, insurance companies, dispensaries, clinics, hospitals, theaters, recreational parks and facilities, trailer camps, garages, public halls, and all other establishments within the City which offer goods, services, accommodations and entertainment to the public. A place of public accommodation does not include any institution, club or other place of accommodation, which by its nature is distinctly private.

- (M) "Sexual orientation" means actual or perceived heterosexuality, homosexuality or bisexuality.
- (N) "Veteran status" means an individual's status as one who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

119.03 Prohibited Acts of Discrimination - Employment

- (A) With regard to employment, it shall be unlawful for any employer or labor organization to engage in any of the following acts wholly or partially for a discriminatory reason:
- (1) To fail to hire, refuse to hire or discharge an individual;
 - (2) To discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion. Nothing in this section shall be construed to require any employer to provide benefits, such as insurance, to individuals not employed by the employer;
 - (3) To limit, segregate or classify employees in any way which would deprive or tend to deprive any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee;
 - (4) To fail or refuse to refer for employment any individual in such a manner that would deprive an individual of employment opportunities, that would limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as a prospective employee or as an applicant for employment;
 - (5) To discriminate against an individual in admission to, or employment in, any program established to provide apprenticeship or other job training, including on-the-job training programs;
 - (6) To print or publish, or cause to be printed or published, any discriminatory notice or advertisement relating to employment. This subsection shall not be construed so as to expose the person who prints or publishes the notice or advertisement, such as a newspaper, to liability;
 - (7) To discriminate in referring an individual for employment whether the referral is by an

employment agency, labor organization or any other person.

119.04 Prohibited Acts of Discrimination - Housing and Real Estate Transactions

- (A) With regard to housing and real estate transactions, which include both sales and leases, it shall be unlawful to engage in any of the following acts wholly or partially for a discriminatory reason:
- (1) To discriminate by impeding, delaying, discouraging or otherwise limiting or restricting any transaction in real estate;
 - (2) To discriminate by imposing different terms on a real estate transaction;
 - (3) To represent falsely that an interest in real estate is not available for transaction;
 - (4) To include in the terms or conditions of a real estate transaction any discriminatory clause, condition or restriction;
 - (5) To discriminate in performing, or refusing to perform, any act necessary to determine an individual's financial ability to engage in a real estate transaction;
 - (6) For a property manager to discriminate by refusing to provide equal treatment of, or services to, occupants of any real estate which he or she manages;
 - (7) To make, print or publish, or cause to be made, printed or published, any discriminatory notice, statement or advertisement with respect to a real estate transaction or proposed real estate transaction, or financing relating thereto. This subsection shall not be construed to prohibit advertising directed to physically disabled persons or persons over the age of fifty-five (55) for the purpose of calling to their attention the existence or absence of housing accommodations or services for the physically disabled or elderly;
 - (8) To discriminate in any financial transaction involving real estate on account of the location of the real estate, be it residential or non-residential ("red-lining");
 - (9) For a real estate operator, a real estate broker, a real estate salesperson, a financial institution, an employee of any of these or any other person, for the purposes of inducing a

real estate transaction from which such person may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to the race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, socioeconomic background, religion, sexual orientation, physical characteristic, disability or veteran status of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located ("block-busting");

- (10) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner to limit occupancy on the basis of a person's low-income, age over fifty-five (55) years or disability status in accordance with federal or state law;

- (11) Notwithstanding the provisions of subsections (a) through (h), it shall not be an unlawful discriminatory practice for an owner, lessor or renter to refuse to rent, lease or sublease a portion of a single family dwelling unit to a person as a tenant, roomer or boarder where it is anticipated that the owner, lessor or renter will be occupying any portion of the single-family dwelling or to refuse to rent, lease or sublease where it is anticipated that the owner, lessor or renter will be sharing either a kitchen or a bathroom with the tenant, roomer or boarder.

- (12) Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice to apply or enforce the definition of "family" for zoning purposes pursuant to § 151.01 of the Unified Development Code.

119.05 Prohibited Acts of Discrimination - Business Establishments or Public Accommodations

- (A) It shall be unlawful for a business establishment or place of public accommodation to engage in any of the following acts wholly or partially for a discriminatory reason:
- (1) To deny, directly or indirectly, any person the full enjoyment of the goods, services, facilities, privileges, advantages and accommodations

of any business establishment or place of public accommodation, unless required by state or federal law;

- (2) To print, publish, circulate, post or mail, directly or indirectly, a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a business establishment or place of public accommodation will be unlawfully refused, withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable, unless the denial of the goods or services is required by state or federal law.

119.06 City Services, Facilities, Transactions and Contracts

- (A) The City of Fayetteville shall be bound by the provisions of this chapter to the same extent as private individuals and businesses.
- (B) All contractors doing business with the City of Fayetteville shall abide by this ordinance.

119.07 General Exceptions

- (A) Any practice which has a discriminatory effect and which would otherwise be prohibited by this chapter shall not be deemed unlawful if it can be established that the practice is not intentionally devised to contravene the prohibitions of this chapter and there exists no less discriminatory means of satisfying a business purpose.
- (B) This chapter shall not apply to any federal, state or county government office or official, or any public educational institution within the City.
- (C) Unless otherwise prohibited by law, nothing contained in this chapter shall be construed to prohibit promotional activities such as senior citizen discounts and other similar practices designed primarily to encourage participation by a protected group.
- (D) It shall not be an unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as a retirement, pension or insurance plan which is not a subterfuge or pretext to evade the purposes of this chapter.
- (E) It shall not be an unlawful discriminatory practice

for any person to carry out an affirmative action plan as required by state or federal law, or by court order.

- (F) Nothing contained in this chapter shall be deemed to prohibit selection or rejection based solely upon a bona fide occupational qualification or a bona fide physical requirement. Nothing contained in this chapter shall be deemed to prohibit a religious or denominational institution from selecting or rejecting applicants and employees for non-secular positions on the basis of the applicant's or employee's conformance with the institution's religious or denominational principles. If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification or a permissible bona fide physical requirement, that party shall have the burden of proving:

- (1) That the discrimination is in fact a necessary result of such a bona fide condition; and
- (2) That there exists no less discriminatory means of satisfying the bona fide requirement.

- (G) If a party asserts that an otherwise unlawful practice is justified as a permissible bona fide religious or denominational preference, that party shall have the burden of proving that the discrimination is in fact a necessary result of such a bona fide condition.

- (H) Any age restrictions required by state or federal law or regulations, including for the sale or delivery of alcoholic beverages, are not improper age discrimination under this chapter.

119.08 Posting of Notices

- (A) Every employer or entity subject to this chapter shall post and keep posted in a conspicuous location where business or activity is customarily conducted or negotiated, a notice, the language and form of which has been prepared by the City of Fayetteville, setting forth excerpts from or summaries of the pertinent provisions of this chapter and information pertinent to the enforcement of rights hereunder. The notice shall be in both English and Spanish. If over ten percent of an employer's employees speak, as their native language, a language other than English or Spanish, notices at that employer's place of business shall be posted in that language. At the request of the employer or entity, notices required by this section shall be provided by the City. Notices shall be posted within ten days after receipt from the City.

119.09 Retaliation Prohibited

- (A) It is an unlawful discriminatory practice to coerce, threaten, retaliate against, interfere with or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or complaint, or has testified truthfully, assisted or participated in an investigation, proceeding or hearing pursuant to this chapter.
- (B) It is an unlawful discriminatory practice to require, request or suggest that a person or entity retaliate against, interfere with, intimidate or discriminate against a person because that person has opposed any practice made unlawful by this chapter, has made a non-frivolous charge or has testified truthfully, assisted or participated in an investigation, proceeding or hearing authorized under this chapter.
- (C) It is an unlawful discriminatory practice to cause or coerce, or attempt to cause or coerce, directly or indirectly, any person in order to prevent that person from complying with the provisions of this chapter.

119.10 Preservation of Business Records

- (A) Where a complaint of discrimination has been filed against a person under this ordinance, such person shall preserve all records relevant to the complaint until a final disposition of the complaint.

119.11 Administration and Enforcement

- (A) The Mayor shall designate the Civil Rights Administrator, who shall administer this chapter and be responsible for receiving, investigating and conciliating complaints filed under this chapter. To be considered and administered by the Civil Rights Administrator, complaints must be received in the Civil Rights Administrator's office no more than six months after the alleged discriminatory action or, in the case of ongoing alleged discriminatory actions, no more than six months after the most recent incident of alleged discrimination. The Civil Rights Administrator shall prepare an easy to use complaint form and make the form easily accessible to the public.
- (B) The Civil Rights Administrator should first attempt to eliminate the unlawful practice or practices through conciliation or mediation. In conciliating a complaint, the administrator should try to achieve a just resolution and obtain assurances that the respondent will satisfactorily remedy any violation of the complainant's rights and take action to ensure the elimination of both present and future unlawful practices in compliance with this

chapter. If the Civil Rights Administrator determines that the complainant is not acting in good faith, the conciliation or mediation may be terminated and the complaint may be immediately dismissed. If the respondent is not participating in good faith, the complaint may be immediately referred to the City Prosecutor's office.

- (C) After any attempted conciliation or mediation, the Civil Rights Administrator will refer any unresolved complaint and complainant as needed to the City Prosecutor's Office for appropriate further action, including prosecution.
- (D) The filing of a complaint under this chapter does not preclude any other state or federal remedies that may be available to a complainant.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



B. 2
119
on
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Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Kit Williams, City Attorney

FROM: Blake Pennington, Assistant City Attorney 

DATE: July 17, 2014

RE: Civil Rights Ordinance

While there is no specific Arkansas statute expressly authorizing a municipality to enact an anti-discrimination ordinance, the state legislature has authorized municipalities to legislate pursuant to their police powers under a number of statutes. Generally, "a municipality is authorized to perform any function and exercise full legislative power in any and all matters of whatsoever nature pertaining to its municipal affairs" and may even legislate on issues designated as "state affairs" as long as the regulation is not in conflict with or contrary to state law. A.C.A. § 14-43-601 - 14-43-602.

More specifically, a city has "the power to make and publish bylaws and ordinances, not inconsistent with the laws of this state, which, as to them, shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such corporations and the inhabitants thereof." A.C.A. § 14-55-102. Cities have the power to "prevent injury or annoyance within the limits of the municipal corporation from anything dangerous, offensive, or unhealthy []." A.C.A. § 14-54-103(1). Cities may also "prevent or regulate the carrying on of any trade, business, or vocation of a tendency dangerous to morals, health, or safety []." A.C.A. § 14-54-104(3)(C).

In fact, the Arkansas Supreme Court has held that "the mere possibility of a public harm is sufficient basis for the municipality to regulate under its police power. Phillips v. Town of Oak Grove, 333 Ark. 183 (1998). Thus, this grant of power provides the basis for the City Council to enact a civil rights ordinance for the City of Fayetteville in order to protect residents and visitors of Fayetteville from unlawful discrimination in employment, public accommodation, business transactions, housing and real estate transaction, and the use of city services.

City of Fayetteville Staff Review Form

2014-0329

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

7/17/2014

Building Safety /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4763: Rezone (SOUTHEAST CORNER GREGG AVE. & ASH ST./CANDLELIGHT PLACE APTS, 367): Submitted by J. TAYLOR HURST for property located at SOUTHEAST CORNER GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Comments:



Approval Date:



Long
Kaufman 7-18-14

Paul A. Butler 7-21-2014

Don Man 7-22-14

Don Man

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director *amg*

FROM: Quin Thompson, Current Planner

DATE: July 15, 2014

SUBJECT: **RZN 14-4763: Rezone (SOUTHEAST CORNER GREGG AVE. & ASH ST. /CANDLELIGHT PLACE APTS, 367):** Submitted by J. TAYLOR HURST for property located at SOUTHEAST CORNER GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER AC

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to RMF-24, Residential Multi-Family, 24 units per acre.

BACKGROUND:

The subject property is located at the southeast corner of the intersection of Gregg Avenue and Ash Street and contains approximately 0.94 acres within the RSF-4 zoning district. The property is undeveloped and heavily forested.

Staff finds that the proposal to rezone this property to RMF-24 will allow the site to be developed for residential use consistent and compatible with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as City Neighborhood Area. This designation encourages a wide range of density and use and staff finds that the proposed zoning is consistent with the City Neighborhood designation and the surrounding mix of residential uses.

DISCUSSION:

On July 14, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 5-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4763, FOR APPROXIMATELY 0.94 ACRES, LOCATED AT THE SOUTHEAST CORNER OF GREGG AVE. AND ASH ST. FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi Family, 24 units per acre, 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

RZN 14-4763

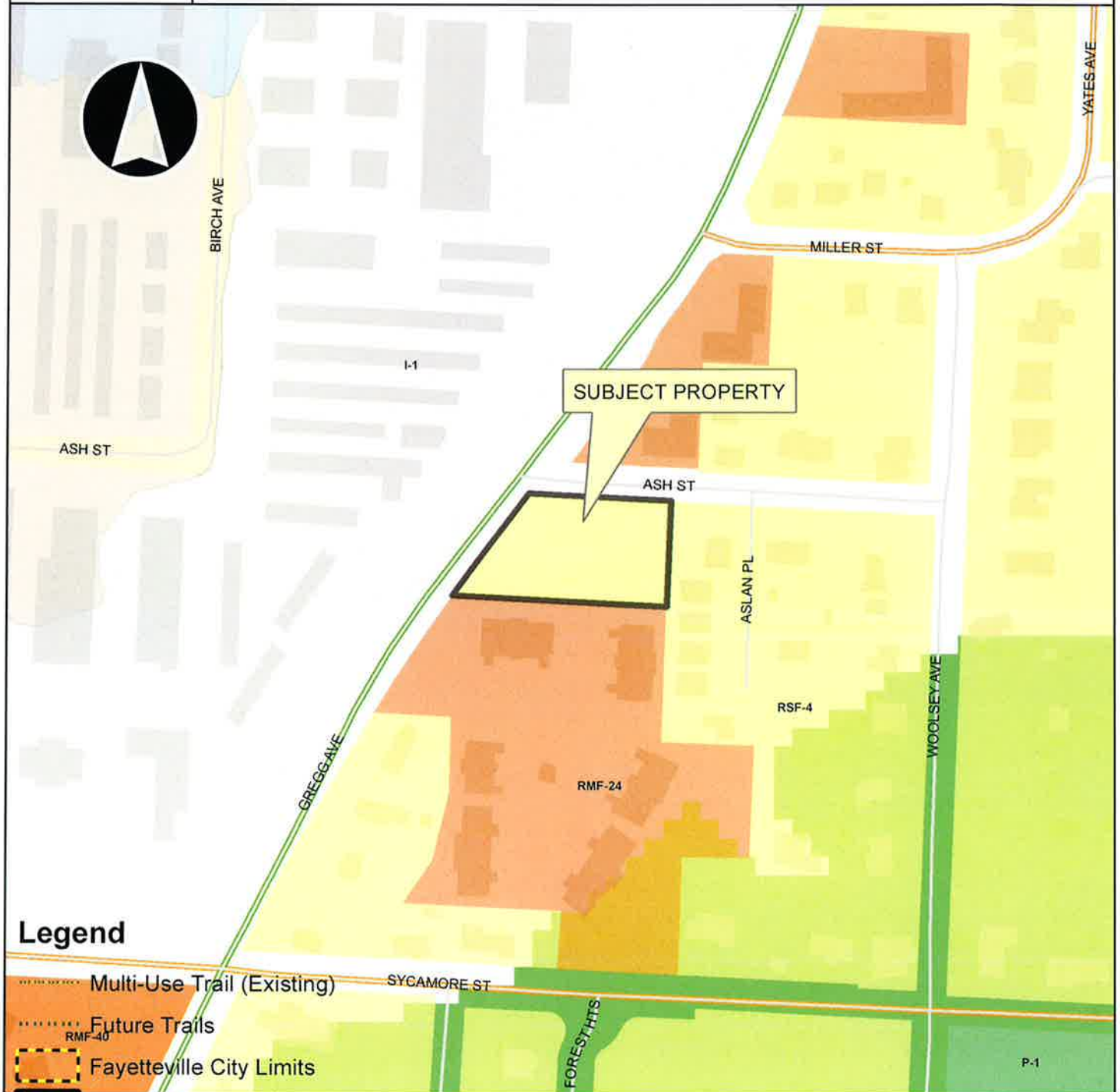
C. 1
RZN 14-4763: Rezone (Southeast Corner
Gregg Ave. & Ash St./Candlelight Place Apts.)

Page 4 of 20

RZN14-4763

Close Up View

CANDLELIGHT PLACE APTS.



Legend

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

Overview RZN14-4763

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

0 75 150 300 450 600 Feet

EXHIBIT 'B'
RZN 14-4763

Legal Description

Lot four (4) of block twelve (12) of Valley View Acres.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~July 14, 2014~~ UPDATED 7-15-2014

SUBJECT: **RZN 14-4763: Rezone (southeast CORNER GREGG AVE. & ASH ST./CANDLELIGHT PLACE APTS, 367):** Submitted by J. TAYLOR HURST for property located at the SOUTHEAST CORNER OF GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4763** to City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at the southeast corner of the intersection of Gregg Avenue and Ash Street and contains approximately 0.94 acres within the RSF-4 zoning district. The property is undeveloped and heavily forested. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre
South	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 units per acre
West	Commercial/Light Industry	I-1, Light Industrial & Heavy Commercial

Request: The request is to rezone the property from RSF-4, Residential Single-family / 4 Units per Acre to RMF-24, Residential Multi-family / 24 Units per Acre. The applicant has stated that the rezoning will allow the property to be developed in the future with a use appropriate for the neighborhood.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The site has access to Gregg Avenue, a minor arterial with a five foot sidewalk at the back of curb only along the east side of the road. Improvements to this road would be determined at the time of development. The development also has access to Ash Street which is a two lane local street which has been improved with curb/gutter, storm drainage, and no sidewalks. Improvements to this road would be determined at the time of development.
- Water:** Public water is accessible to this parcel. An 8" water main exists in the Gregg Avenue right of way and another water main (size unknown) crosses the northern portion of the property.
- Sewer:** Sanitary sewer is available to the site. An 8" sanitary sewer main exists in the Gregg Avenue right of way. Another 6" sewer main exists in the Ash Street right of way.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. The property is not affected by either the 100-year floodplain or the Streamside Protection Zone.
- Fire:** This development will be protected by Engine 2 located at 708 N Garland. It is 1.5 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.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.* These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends that RZN 14-4763 be forwarded to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 14, 2014</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: CHESSER	Second: SELBY	Vote: 5-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>August 05, 2014</u>	☐ Approved	☐ Denied	

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 undeveloped land. The proposal to rezone the property to RMF-24 will allow the property to be developed for residential use consistent and compatible with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as City Neighborhood Area. This designation encourages a wide range of density and use and staff finds that the proposed zoning is consistent with the City Neighborhood designation and the surrounding mix of residential uses.

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 single-family residential zoning designation is potentially undesirable with surrounding properties and traffic patterns. Gregg Avenue is a high volume Master Street Plan designated Minor Arterial. The property is surrounded on three sides by either multi-family or industrial/commercial uses, is not well suited to single-family residential use. The proposed zoning will allow the owner to utilize the property for appropriate residential development which will be compatible with the neighborhood.

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 Gregg Avenue, a partially improved four lane street, and to Ash Street, a partially improved two-lane local street. The proposed zoning allows uses that would increase traffic over the existing zoning, however, development allowed under the proposed zoning is unlikely to appreciably increase traffic danger or congestion, as it would be adjacent to Gregg Avenue, which can handle large volumes of traffic. The Access Management ordinance will require that any curb cuts be placed on Ash Street, which will help attenuate traffic safety concerns. 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 single-family to multi-family use will allow for the development of more residential density, 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

BUDGET/STAFF IMPACT:
None

Attachments:
Unified Development Code sections 161.07 & 161.14
Request Letter
Fire Comments
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Maximum	Height	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height	30/45/60ft.*
Maximum	

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



June 2, 2014

**City of Fayetteville, AR
Planning Division
125 W. Mountain
Fayetteville, AR 72701**

RE: Rezoning Application

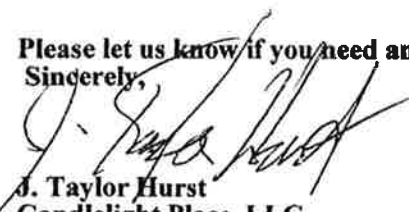
Dear City of Fayetteville Planning Division:

Enclosed please find our rezoning application. The following is a reply to your application checklist.

- 1. A check for \$330.00 is enclosed.**
- 2. The legal description of the land is Lot Four (4) of Block Twelve (12) of Valley View Acres. A copy of the land survey is attached.**
- 3. CD in PDF format containing all related information in MS Word.**
- 4. A copy of the parcel map is attached as well as owners' names of adjacent properties and addresses.**
- 5. The following is a written description of requests:**
 - a. The current owners of the property are George H. and Suzanne E. Niblock, who have executed an offer and acceptance with Candlelight Place, LLC pending rezoning approval (real estate contract attached).**
 - b. The reason for the zoning change is a proposal to add 24 units to expand our current project.**
 - c. The existing project is a 56 unit apartment complex situated on 3.75 acres with a current zoning of RMF24. The subject property, for which we are seeking a zoning change, is 0.94 acre. The combined project acreage would become 4.69 acres. The density of combining the existing 56 units with the proposed 24 units will result in 17 units per acre, which is significantly lower than 24. The site is bordered to the North by an existing apartment project on Ash; to the East by duplexes; to the South by Candlelight Place Apartments; to the West by Gregg Avenue, railroad tracks and self storage units. With reference to traffic there will be no additional ingress or egress needed to serve the property. The existing wide lanes serving Candlelight Place Apartments will be used for the additional property. The appearance will be garden style similar to Candlelight Place Apartments. No additional signage will be required.**
 - d. The existing water, which is a 6-inch line with fire hydrant on the interior of Candlelight Place, will be extended to serve the new buildings. No new water tap will be required. Sewer and drainage will be connected to existing lines which were installed by Candlelight Place, LLC.**
 - e. The land use is compatible due to the fact that there are existing apartments to the north and south with industrial land use to the west. Adjacent to the east are duplexes that transition to residential areas.**
 - f. The proposed zoning change will permit a small addition of 23 units plus one storage unit which would require 24 parking spaces.**
 - g. Traffic flow and congestion would not be significantly impacted by 24 units.**
 - h. No adverse affects are anticipated for public service as existing water and sewer facilities installed by Candlelight Place, LLC will be adequate to service the proposed addition.**

- i. **A change in land use on Gregg Avenue over the years lends itself for development other than single family houses.**

Please let us know if you need any other information. Your consideration in this matter is appreciated.
Sincerely,



J. Taylor Hurst
Candlelight Place, LLC

Enclosures



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

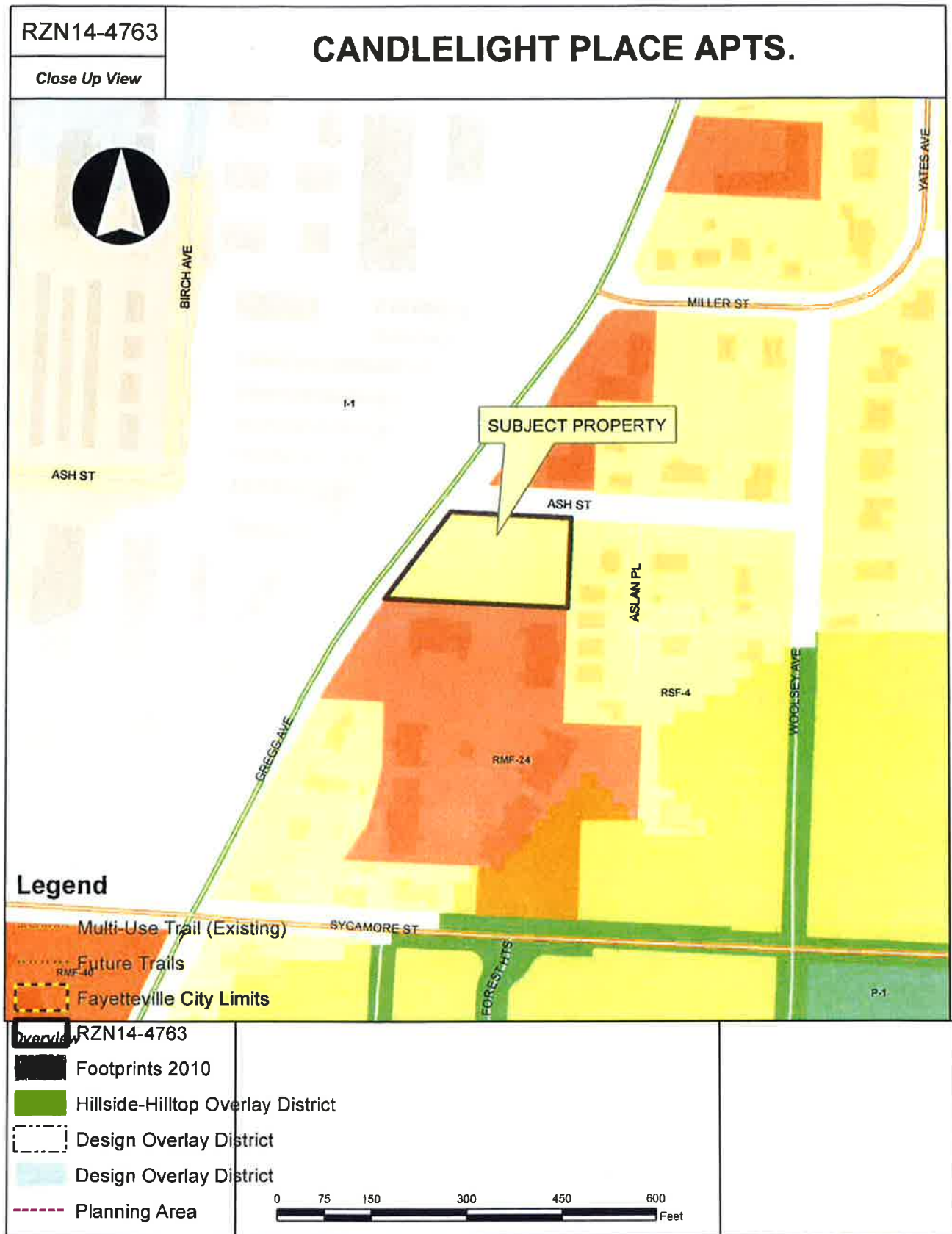
Zoning Review

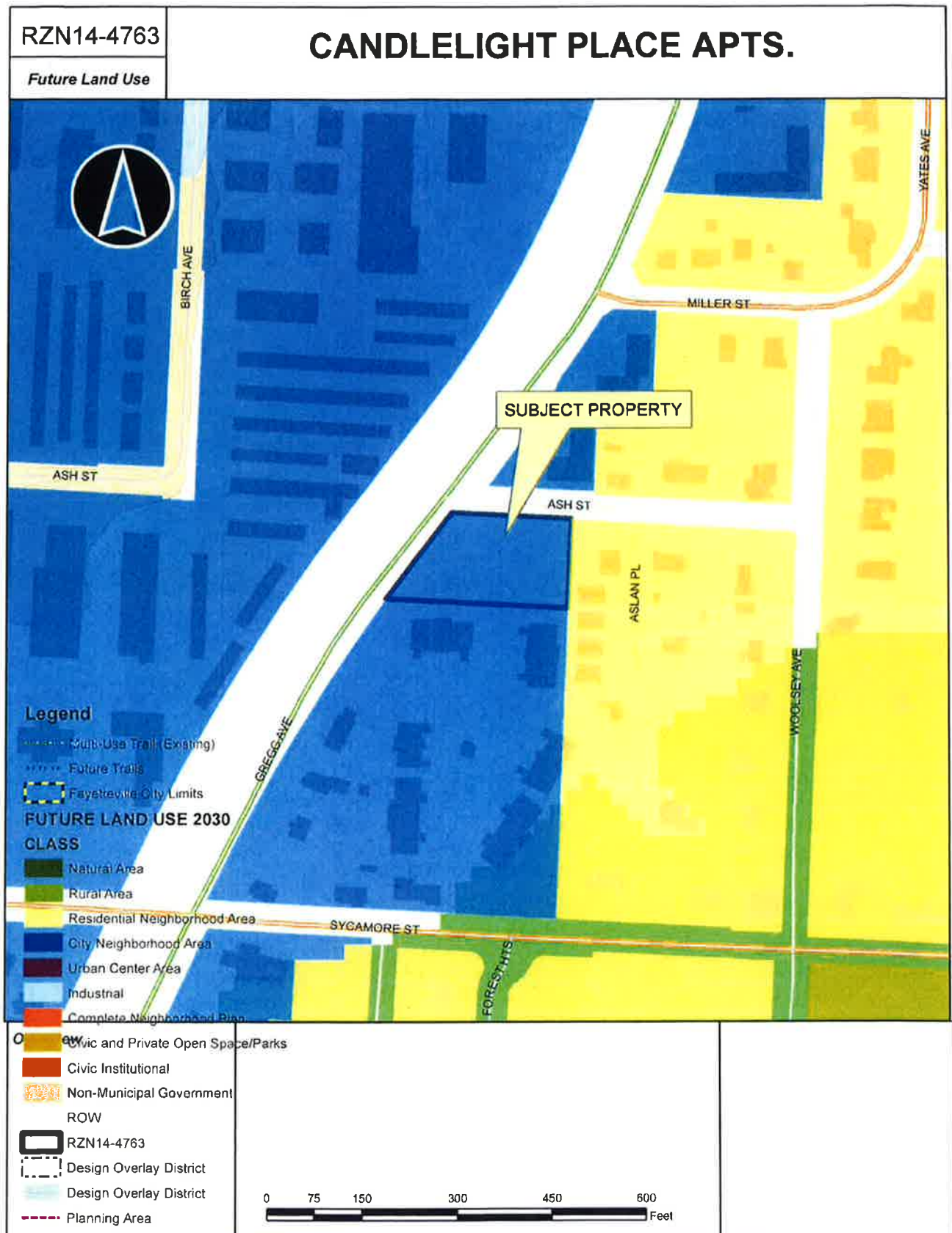
To: Quin Thompson
From: Will Becks
Date: June 16, 2014
Re: RZN 14-4763

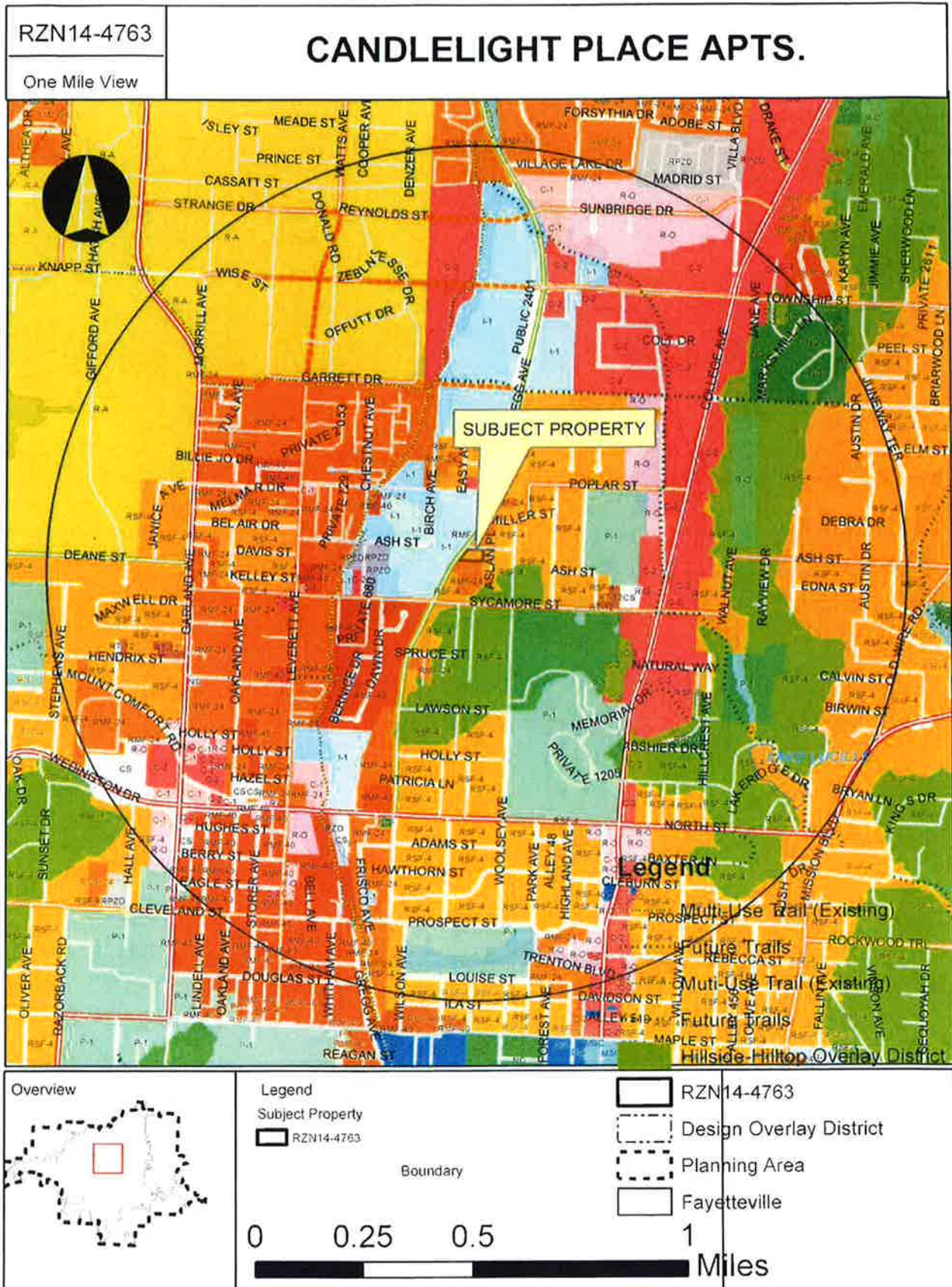
This development will be protected by Engine 2 located at 708 N Garland.
It is 1.5 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

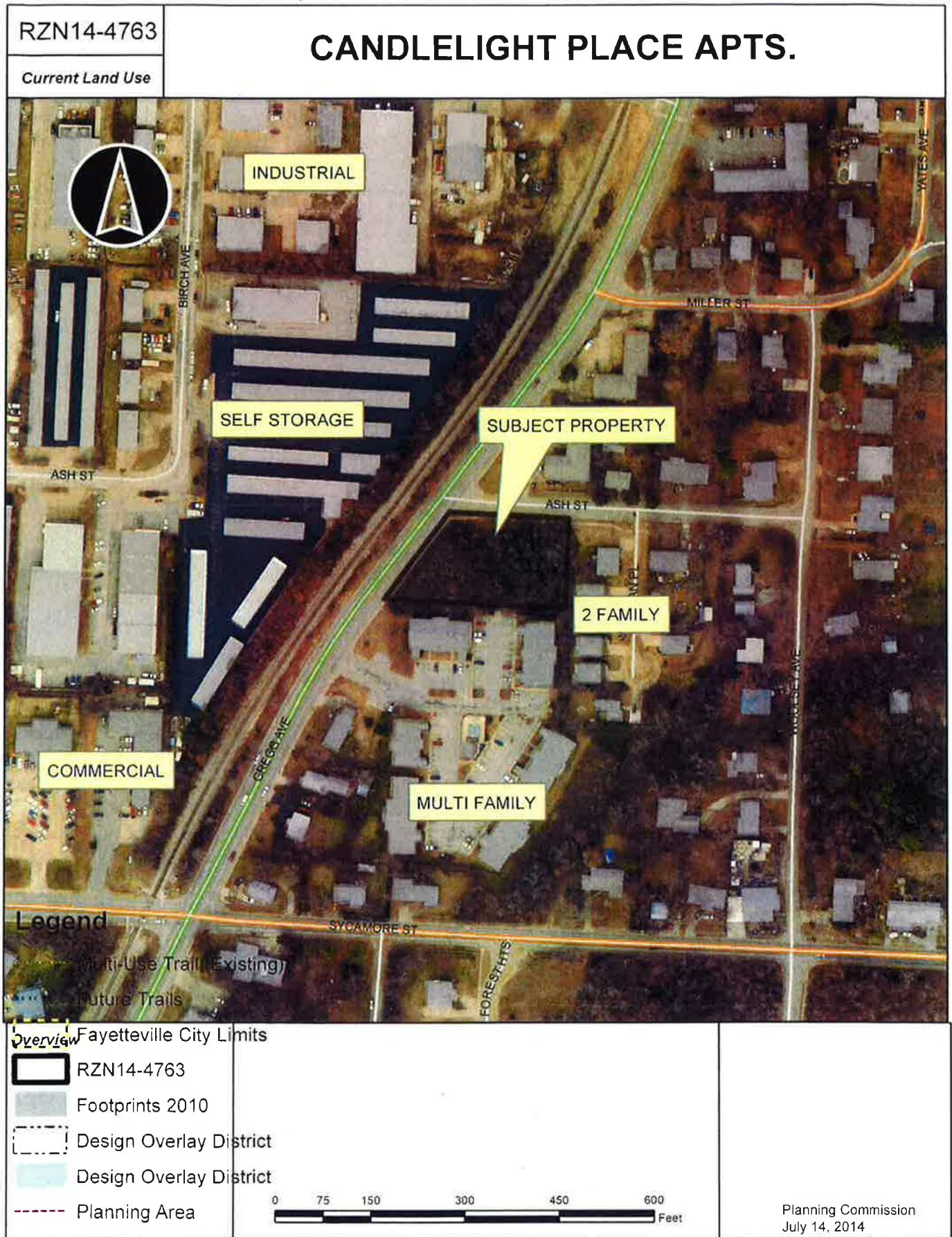
If you have any questions please feel free to contact me.

Fayetteville Fire Department









City of Fayetteville Staff Review Form

2014-0334

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

7/18/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 14-4720 Administrative Item (UPDATES TO THE DRAINAGE CRITERIA MANUAL AND UDC AMENDMENT CHAPTER 156 VARIANCES; CHAPTER 169 PHYSICAL ALTERATION OF LAND; CHAPTER 170 STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL; CHAPTER 179 LOW IMPACT DEVELOPMENT):

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

7/23/14
Paula Baker 7-23-2014
Loralee J. J. [Signature]



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5TH 2014

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: July 18, 2014

SUBJECT: ADM 14-4720 Administrative Item (UPDATES TO THE DRAINAGE CRITERIA MANUAL AND UDC AMENDMENT CHAPTER 156 VARIANCES; CHAPTER 169 PHYSICAL ALTERATION OF LAND; CHAPTER 170 STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL; CHAPTER 179 LOW IMPACT DEVELOPMENT

RECOMMENDATION:

Staff recommends approval of an ordinance to adopt the revised Drainage Criteria Manual (DCM) and updates to the Unified Development Code, Chapter 156 Variances, Chapter 169 Physical Alteration of Land, Chapter 170 Stormwater Management, Drainage, and Erosion Control, and Chapter 179 Low Impact Development

BACKGROUND:

The Engineering Division provides technical review and support for all development within the City including reviews for compliance with the City's storm water runoff standards and ordinances through use of the City's Drainage Criteria Manual. The current manual was developed in January 1995 and revised in 1998. Since that time, new computer design methods, drainage materials and methods, and other new technologies have made many parts of the existing manual obsolete and outdated.

In August 2011, the City selected and awarded a contract to FTN Associates to completely revise the Drainage Criteria Manual including a chapter dedicated to Low Impact Development. The updated Manual better accommodates the latest engineering design practices and methods, and fully integrates LID methods into the drainage design process.

DRAINAGE CRITERIA MANUAL REVISIONS:

The City's current manual provides design criteria and guidance for estimating stormwater runoff quantities, for inlet and storm drainage design, culvert and bridge design, open channels, and stormwater detention for design storms larger than the 2-year event (that event which would statistically be expected to occur once every two years). The existing manual has been a huge success in minimizing flooding in large storm events, as evidenced by the minimal flooding damage seen in areas of down that have developed since the mid-nineties. However, the existing manual does not address water quality, does not protect properties from damage due to smaller

storm events, and does not consider Low Impact Development methods. The new manual addresses all of these deficiencies by establishing 4 minimum standards, as follows:

- 1) **Minimum Standard #1-Water Quality.** This minimum standard-reduction in the average annual post-development total suspended solids loadings by 80%-is a goal rather than a requirement, in accordance with the City's stormwater permit with the Arkansas Department of Environmental Quality (ADEQ). The manual provides guidance for meeting this standard, including using Low Impact Development strategies to capture the first 1-inch of rainfall. If this goal as set forth by ADEQ becomes a requirement, the language of the Manual can be easily changed to comply with the new requirement.
- 2) **Minimum Standard #2-Channel Protection.** This standard requires the capture of the increase in volume (the difference in the pre- and post-development volume) from a 1-year storm (a 3.36 inch rainfall over 24 hours), and release of this storm over a minimum of 40 hours. This is a change from the current manual, which allows all flows up to the 2 year storm to pass directly through the detention system with no flow mitigation. This standard will more fully utilize detention ponds, many of which seldom fill up except in very large storm events, and will protect downstream properties to a much greater extent on smaller, more frequent events.
- 3) **Minimum Standards 3 and 4, Overbank and Extreme Flood Protection.** These standards are similar to the old manual, and are intended to prevent flooding to downstream properties in larger 25 to 100 year events. The major change in this standard is the removal of the "freeboard" requirement for the 100 year event. This change helps offset the potential additional cost of minimum standard #2, so the overall size of the pond will be similar to the size under the previous manual.

LOW IMPACT DEVELOPMENT:

The City's Low Impact Development Chapter, approved by the City Council in 2010, established goals for use of Low Impact Development, and provided guidance on specific elements that could be used on an LID project. However, the amount of runoff reduction was not quantified, and there was no guidance on how to design specific elements, and how much each element would impact the runoff on a particular project. Chapter 5 of the proposed DCM provides that guidance and design criteria, and establishes a method by which the design engineer can calculate the reduction in runoff for use in sizing the traditional storm drainage systems. In this way, the LID Chapter encourages the use of LID by providing a potential cost savings of reduced pipe and pond sizes. LID features will never replace traditional flood control systems, but the water quality benefits and mitigation of smaller storm events make LID a viable option in almost every development.

ORDINANCE CHANGES:

In conjunction with the new manual, staff proposes revisions to multiple chapters of the Unified Development Code (UDC) related to drainage and grading. The bulk of these changes are to remove technical requirements from the code that are now included in the DCM. This allows additional flexibility to staff to allow designs that meet the intent of the code, and to make changes to the DCM as technologies and methods evolve. Additional changes are proposed to clarify certain items and to identify ordinance intent rather than means and methods of meeting the intent. A summary of the code revisions are as follows:

Chapter 156 Variances: The revisions proposed to Chapter 156 give the City Engineer the ability to administratively grant variances to Chapter 169, Physical Alteration of Land and Chapter 170, Stormwater Managements. Again, this provides flexibility to allow designs that meet the intent of these chapters but may not meet certain specific requirements.

Chapter 169 Physical Alteration of Land: Chapter 169 is the grading ordinance. Proposed revisions to Chapter 169 are as follows:

- Section 169.04 adopts the DCM. Previously the DCM was only referenced in Chapter 170. This section also clarifies that the DCM sets out erosion and sediment control requirements for all construction sites.
- Sections 169.04 (A, B, D, and F) and portions of 169.06 (F and G) were removed from the ordinance because these items are addressed in the DCM. Chapter 8 of the DCM addresses requirements for sediment and erosion control on construction sites.
- Items that were unnecessary in reviewing a grading plan were removed from 169.07 Grading Plan Specifications.
- Requirements for master lot grading plans have been made less specific to allow for more options to achieve the goal of requiring drainage away from houses and toward the street where possible.

Chapter 170 Stormwater Management, Drainage, and Erosion Control:

- Section 170.05 Drainage Permit Application was relocated to 170.03 (B) and permit application packet requirements have been relocated to the DCM.
- Portions of 170.04 Drainage Permit Conditions, 170.08 Maintenance Responsibility, and 170.10 Stormwater discharges From Construction Activities have been relocated to the DCM.
- Section 170.07 Performance Criteria: the performance criteria in the code has been revised to match the new performance criteria in the DCM.

Chapter 179 Low Impact Development: The intent and general concepts presented in Chapter 179 Low Impact Development have remained; however, the technical content of the code has been removed as the DCM will be the source of low impact development guidance and criteria. A reference to Chapter 5 of the DCM is included.

BUDGET/STAFF IMPACT:

None

Attachments:

Unified Development Code Revisions:

Chapter 156 Variances

Chapter 169 Physical Alteration of Land;

Chapter 170 Stormwater Management, Drainage, and Erosion Control

Chapter 179 Low Impact Development

Drainage Criteria Manual

Appendix A Intrinsic GSP Specifications

Appendix B GSP Specifications

Appendix C Soil Infiltration and Soil Amendments

Appendix D Native Plants for use in Bioretention

Appendix E Detention Structural Controls

Appendix F Water Quality Structural Controls

Appendix G Outlet Structures

Appendix H Stormwater Management Software
Appendix I Construction Best Management Practices
Appendix J Erosion, Runoff, and Sediment Controls

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 156.04 STORMWATER DRAINAGE AND EROSION CONTROL; CHAPTER 169 PHYSICAL ALTERATION OF LAND; CHAPTER 170 STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL, AND CHAPTER 179 LOW IMPACT DEVELOPMENT OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, the City's Drainage Criteria Manual has been successful in minimizing flooding in large storm events but does not address water quality, does not protect properties from damage due to smaller storm events and does not consider low impact development methods; and

WHEREAS, in August 2011, the City selected and awarded a contract to FTN Associates to completely revise the City's Drainage Criteria Manual to address those concerns; and

WHEREAS, adopting the new Drainage Criteria Manual will give City staff additional flexibility to allow designs that meet the intent of the code and to make changes to the Drainage Criteria Manual as technologies and methods evolve.

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 repeals § 156.04 **Stormwater Drainage and Erosion Control** and enacts a replacement § 156.04 **Physical Alteration of Land and Stormwater Drainage and Erosion Control** as shown on Exhibit "A" attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas repeals Chapter 169 **Physical Alteration of Land** and enacts a replacement Chapter 169 **Physical Alteration of Land** as shown on Exhibit "B" attached hereto.

Section 3. That the City Council of the City of Fayetteville, Arkansas repeals Chapter 170 **Stormwater Management, Drainage and Erosion Control** and enacts a replacement Chapter 170 **Stormwater Management, Drainage and Erosion Control** as shown on Exhibit "C" attached hereto.

Section 4. That the City Council of the City of Fayetteville, Arkansas repeals Chapter 179 **Low Impact Development** and enacts a replacement Chapter 179 **Low Impact Development** as shown on Exhibit "D" attached hereto.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby adopts the revised Drainage Criteria Manual as shown on Exhibit "E" attached hereto.

PASSED and **APPROVED** this _____ day of _____, 2014.

APPROVED:

ATTEST:

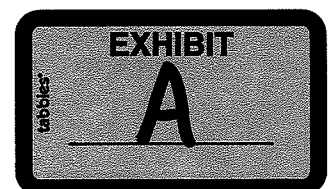
By: _____
LIONELD JORDAN, Mayor

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

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 156: VARIANCES

156.01 GENERAL REQUIREMENTS	3
156.02 ZONING REGULATIONS	3
156.03 DEVELOPMENT, PARKING AND LOADING	3
156.04 STORMWATER DRAINAGE AND EROSION CONTROL	6
156.05 SIGN REGULATIONS	7
156.06 AIRPORT ZONE	7
156.07 LANDSCAPE REGULATIONS	8
156.08-156.99 RESERVED	8



CHAPTER 156: VARIANCES**156.01 General Requirements**

All applications for variances shall be submitted in writing to the person responsible for administration of the referenced section.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Administration, Ch. 152.

156.02 Zoning Regulations

(A) *General procedure.* Variances of all zoning regulations shall be considered and decided as shown below by the Board of Adjustment. There shall be no appeal to the City Council for zoning regulation variances.

(B) *Requirements for variance approval.*

- (1) Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and
- (2) Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

(C) *Minimum necessary variance.* The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.

(D) *Special Conditions.* In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

(E) *Non-permitted Uses.* The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

(F) *Specific Tests.* The Board of Adjustment shall apply specific tests for the following variance requests:

- (1) *Height variances in all districts.* In addition to meeting all other normal requirements for a variance, an applicant seeking a height variance must establish the increased height of the proposed structure will not adversely affect adjoining or neighboring property owners, nor impair the beauty of Old Main, the historical churches on Dickson Street near East Avenue, nor otherwise impair the historic beauty and character of Fayetteville.

(Code 1965, App. A. 5 (VII (a)); Ord. No. 2148, 10-7-75; Ord. No. 2351, 6-21-77; Ord. No. 2362, 8-2-77; Ord. No. 1747, 6-29-70; Code. 1991, §160.038(E); Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4293, 2-20-01; Ord. 4858, 4-18-06; Ord. 4863, 05-02-06; Ord. 5296, 12-15-09; Ord. 5526, 9-18-12)

156.03 Development, Parking and Loading

Certain variances of the development, parking and loading regulations may be applied as follows:

(A) *General requirements.*

- (1) *Undue hardship.* If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development or parking and loading regulations. No variance shall be granted for any property which does not have access to an improved street.

- (2) *Conditions and safeguards.* In granting variances, the Planning Commission may prescribe appropriate conditions and safeguards to secure substantially the objectives of the standards or requirements so varied.

(B) *Consideration by the City Council – park land dedication.* Any variation in the land dedication ratios or contribution formulas set forth in §166.04(B) shall be considered a variance and requires approval of the City Council. Upon recommendation of the Planning Commission after consultation by the commission with the Parks and Recreation Advisory Board, the City Council, upon determination that enforcement of §166.04(B) would cause unnecessary hardship, or that the problems or merits of the development reflect unique circumstances, may grant a variance of the requirements, provided:

- (1) *Consistent with parks plan.* Any dedication of land or contribution in lieu of land or combination thereof shall adequately provide for the park and recreational needs of the proposed development and be consistent with the Fayetteville Parks Plan.

- (2) *Contributions of services, facilities, etc.* If the developer proposes to contribute services, facilities, or equipment in lieu of a cash contribution, such a contribution shall not be accepted by the city unless the Parks and Recreation Advisory Board has been consulted and provides a recommendation as to the appropriateness and safety of such contribution.

(C) *Consideration by the Planning Commission.*

(1) *Design standards.*

- (a) *Undue hardship.* If the provisions of these standards are shown by the developer to cause undue hardship as they apply to his proposed development, the city Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.
- (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied.

(2) *Required off-site improvements.*

Grounds. A developer may petition the Planning Commission for a variance of off-site improvement requirements in whole or in part on one or more of the following grounds:

- (a) *No city plans.* The city has no plans for upgrading the substandard street or road on which off-site improvements are proposed to be required by the developer.
- (b) *Unfair imposition.* The proposed development has primary access to improved streets or roads and the portion of the development which fronts on a substandard street or road is so small or remote from anticipated future traffic patterns as to cause an unfair imposition on the development.
- (c) *Alternate off-site improvements.* The developer proposes alternative off-site improvements which will protect the health, safety, and welfare of persons residing in the proposed development

and the surrounding area and equally benefit said persons.

- (d) *Improved streets or roads.* The developer does not propose access to the proposed development from an existing substandard street or road, and proposes to provide access by streets or roads improved to current city or county standards.

(3) *Buffer strips and screening.*

- (a) *Screening.* The Planning Commission shall have the authority to grant a variance from the screening requirements prescribed by §166.10.
- (b) *Conditions.* The Planning Commission may impose reasonable conditions in the granting of a variance to ensure compliance or to protect adjacent property.

(4) *Parking variances.*

- (a) *Number of spaces.* The Planning Commission shall have the authority to vary the number of off-street parking spaces required in the Downtown Core, Main Street Center and Downtown General Districts.
- (b) *Findings.* The Planning Commission shall make findings indicating:
- (i) *Parking generated.* That the proposed use will not generate as much parking as required under the existing standard.
- (ii) *Shared parking.* That shared parking facilities are available; or
- (iii) *On-street parking.* That on-street parking can satisfy intermittent and occasional demands.
- (c) *Conditions.* All variances shall meet the conditions listed below:
- (i) *Downtown Core, Main Street Center, and Downtown General Districts.* Conditions for variances in Downtown Core, Main Street Center, and Downtown General Districts:
- (a) *In lieu fee.* An in lieu fee of \$1,200.00 for each on-site parking space shall be paid to the city. This money shall be

held in an interest bearing account and shall be expended for public parking facilities within the district it is collected within 10 years from the date it is collected. If said money has not been so expended within 10 years of the date collected, said money, together with the interest thereon, shall be refunded to the person or entity who made the contribution; or

- (b) *Shared parking.* For any parking space which is proposed to be shared under the provision of §172.05(C). The applicant must present a signed agreement with the owner of the property. The agreement shall address the number of spaces required for both properties, the number of spaces available together with a site plan, and any other pertinent information, such as restrictions on sharing for certain days or hours.
- (5) *Tree preservation plan.* A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.
- (6) *Flood Damage Prevention Code.* The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.
 - (a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.
 - (b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this

ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing items (1) through (11) of §168.03(A) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Floodplain variances shall only be issued if:
 - (i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the *Code of Fayetteville*.
- (g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct

of a functionally dependent use provided that the provisions of §168.03(A) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- (h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.
 - (i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (7) *Outdoor Lighting Plan.*
- (a) *Undue Hardship.* So that substantial justice may be done and the public interest secured, a developer may petition the Planning Commission for a variance from the requirements of Chapter 176: Outdoor Lighting, by showing that their strict application would cause undue hardship as applied to the proposed development; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter.
 - (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied.
- (8) *Bicycle rack variance.* The Planning Commission may modify the design standards or the requirement for a bicycle rack.
- (9) *Streamside Protection Zones*
- (a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to

cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

- (b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.
- (c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

(Ord. 4714, 6-21-05; Ord. 4930, 10-3-06; Ord. 5296, 12-15-09; Ord. 5372, 12-7-10; Ord. 5390, 3-1-11; Ord. 5680, 4-15-14)

156.04 Physical Alteration of Land and Stormwater Drainage And Erosion Control

Variances of the requirements of Chapters 169 and 170 may be approved by the City Engineer, subject to the following criteria:

Criteria. Variances of the physical alteration of land and stormwater management, drainage, and erosion control regulations may be applied for as follows:

(A) Chapter 169 *Criteria.* A variance may be granted from any requirements of the Physical Alteration of Land regulations dependent upon on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports.

(B) Chapter 170 *Criteria.* A variance may be granted from any requirement of the stormwater management, drainage, and erosion control regulations using the following criteria:

- (1) *Special circumstances.* There are special circumstances applicable to the subject property or its intended use; and
- (2) *Results.* The granting of the variance will not result in:
 - (a) *Surface water runoff.* An increase in the rate or volume of surface water runoff;
 - (b) *Adjacent property.* An adverse impact on any adjacent property, wetlands, watercourse, or water body;
 - (c) *Water quality.* Degradation of water quality; or
 - (d) *Objectives.* Otherwise impairing attainment of the objectives of Chapters 169 and 170.

(Ord. No. 4100, §2 (Ex. A), 6-16-9

156.05 Sign Regulations

Consideration by the Zoning and Development Administrator. The Zoning and Development Administrator shall not grant any variance of Chapter 174, Signs, unless and until an applicant demonstrates:

- (A) *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.
- (B) *Deprivation of rights.* That literal interpretation of the provisions of the sign regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the sign regulations.
- (C) *Resulting actions.* That the special conditions and circumstances do not result from the actions of the applicant.
- (D) *No special privileges.* That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 174, Signs, to other lands, structures, or building in the same district.
- (E) *Nonconforming uses.* No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (F) *Time Limitation.* Any variance granted shall automatically be revoked if the applicant does not comply with the terms of the variance within 90

days from the granting thereof; and, the applicant shall be required to comply with the literal provisions of Chapter 174, Signs.

- (G) *Prohibited.* The Zoning and Development Administrator shall not permit as a variance any sign the erection of which or the continuance of which is prohibited by Chapter 174, nor shall any variance be granted to allow a greater number of signs than specifically set forth therein.
- (H) *Content Neutrality; Restrictions.* The Zoning and Development Administrator shall not take into account the content of any message sought to be displayed on the sign when determining whether to grant a variance. Variances can only be granted for setbacks, area, height, the proposed on-site location of the sign, or other technical requirements, and shall not exceed 15% of the Code requirement.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord 4652, 12-07-04)

Cross reference(s)—Enforcement, Ch. 153; Signs, Ch. 174.

156.06 Airport Zone

- (A) *Board of Adjustment.* The Board of Adjustment shall have the authority to grant variances from the height limits prescribed in Chapter 165. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth, in excess of the heights prescribed, must apply in writing to the Board of Adjustment for a variance. Such variance shall be allowed upon a showing of practical difficulty or unnecessary hardship, together with a showing that the structure or object of natural growth in question will not cause an undue hazard to aircraft operations at the airport.
- (B) *Determination from Federal Aviation Administration.* The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the airport manager for comment as to the aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt thereof, the Board of Adjustment may grant or deny said application.
- (C) *Marking and lighting.* In granting any application for any permit or variance, approval may be conditioned as to require the owner of the structure or object of natural growth in question to

install and maintain obstruction markings or lights.

- (D) *Findings of fact.* Written findings of fact and conclusions of law shall be made by the Board of Adjustment based upon the evidence offered at the public hearing.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Notification and Public Hearings, Ch. 157.

156.07 Landscape Regulations

- (A) The Planning Commission shall have the authority to grant a variance from the landscaping requirements prescribed by §177.

- (B) *Findings.* The Planning Commission shall make the following findings:

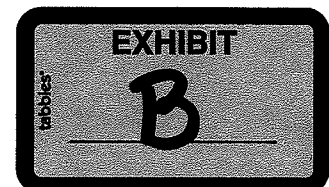
- (1) *Minimum variance.* That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (2) *Harmony with general purpose.* The Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the Landscape Regulations, §177, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (3) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to ensure compliance or to protect adjacent property.
- (4) *Undue Hardship.* If the provisions of the standards within Landscape Regulations, §177, are shown by the developer to cause undue hardship as they apply to his proposed development, the Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.

(Ord. No. 4917, 9-05-06)

156.08-156.99 Reserved

**TITLE XV UNIFIED DEVELOPMENT CODE
 CHAPTER 169: PHYSICAL ALTERATION OF LAND**

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CHAPTER 169: PHYSICAL ALTERATION OF LAND**169.01 Intent**

- (A) It is the city's intent to safeguard the health, safety, and welfare of Fayetteville citizens by implementing standards and procedures for the physical alteration of land. It is not the city's intent to supersede federal or state regulations such as, but not limited to, the Occupational Health & Safety Act.
- (B) The purpose of this chapter is to control grading, clearing, filling, and cutting (or similar activities) which alone or in combination cause landslides, flooding, degradation of water quality, erosion and sedimentation in storm sewer systems and water storage basins. It is also the intent of this chapter that through the implementation of the guidelines and regulations contained herein, the existing scenic character and quality of the neighborhood and city as a whole not be diminished.

(Code 1991, §161.01; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 5336, 8-3-10)

169.02 General Requirements

- (A) *Protection.* Persons engaged in land alteration activities regulated by this chapter shall take measures to protect public and private properties from damage by such activities. Adjacent and nearby properties affected by land alterations shall be restored in accordance with the requirements of this Chapter.
- (B) *Site conditions.* Development shall generally conform to the natural contours of the land, natural drainage ways, and other existing site conditions.
- (C) *Adjacent properties.* All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development. More specifically, new development may not unreasonably impede water runoff from higher properties nor may it unreasonably channel water onto lower properties.
- (D) *Restoration.* Land shall be revegetated and restored as close as practically possible to its original conditions so far as to minimize runoff and erosion are concerned. Previously forested areas shall follow the City's Landscape Manual for mitigation of forested areas.

(Code No. 1991, §161.02; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

169.03 Permits Required/Exceptions

- (A) *Permit required.* No grading, filling, excavation, or land alteration of any kind shall take place without first obtaining:
- (1) A grading permit pursuant to this chapter except as specified in §169.03(B);
 - (2) A stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §170.03(C) and §170.03(D); and
 - (3) An Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by state law.
 - (4) A grading permit is required by the City for any development occurring within the Hillside/Hilltop Overlay District boundaries. If a parcel of land is divided by the Hillside/Hilltop Overlay District boundary, then only that portion of land lying within the boundary is subject to the requirements of this chapter.
- (B) *Exceptions where no grading permit is required.* Grading permits are not required for the following:
- (1) *Excavation below finish grade.* Excavations below finished grade for basements, swimming pools, hot tubs, septic systems, retaining walls under 4 feet in height, and like structures authorized by a valid building permit.
 - (2) *Cemetery graves.* Cemetery graves.
 - (3) *Refuse disposal.* Refuse disposal sites controlled by other regulations.
 - (4) *Single-family/duplex.* Construction of one single-family residence, or duplex not located within the 100 year flood plain, the Hillside/Hilltop Overlay District, or on a slope 15 % or greater.
 - (5) *Building additions.* Building additions of less than 2,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition and are not located within the 100 year flood plain, the Hillside/Hilltop Overlay District, or on a slope 15 % or greater.
 - (6) Other minor fill or grading for maintenance purposes such as landscaping, yard grading, maintenance, farming, gardens, and similar activities.

- (C) *Grading permit application and approval.* No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion. Any application for a required grading permit under this chapter shall be submitted concurrently with the application and calculations for a drainage permit if such a drainage permit is required by §170.03., coordination with Chapter 167. Tree Preservation and Protection is required.
- (D) *Permit posted.* A copy of the grading permit cover page shall be posted at or near the street right-of-way line and shall be clearly visible from the street.

(Code 1991, §161.03; Ord. No. 3551, 6-5-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. No. 4313, 5-15-01; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.04 Minimal Erosion Control Requirements

If exempt under 169.03, a grading permit is not required. However, exempt as well as non-exempt activities shall be subject to the following minimal erosion and sedimentation control measures.

- (A) The City Council hereby adopts by reference the Drainage Criteria Manual, prepared for the City of Fayetteville, and adopted by Ordinance No. XXXX of the City of Fayetteville and as may be amended from time to time by the City Engineer. All minimal erosion and sediment control standards contained therein shall have the same force and effect as if printed word for word in this chapter. Development projects also must comply with their Arkansas Department of Environmental Quality general construction permit. All projects shall follow Chapter 8, Construction Site Stormwater Management, of the Drainage Criteria Manual as well to achieve site compliance.
- (B) *Stabilization.* A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the erosion and sediment control plan. Except as provided in (1) and (2) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (2) Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.
- (3) Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures. *See Chapter 167 of the UDC for tree protection requirements.*
- (C) *Intermittent/perennial streams.* No intermittent or perennial stream, including a 25 foot perimeter strip measured from the top of the bank, shall be graded, developed, channeled, or physically altered unless adequate guarantees are made for erosion and sedimentation control both during construction and post construction. Likewise, cuts or fills shall be setback sufficiently from intermittent and perennial streams and other stormwater drainage systems to guarantee that there will be no damage from erosion or sedimentation. Final erosion and sedimentation control measures shall be approved by the City Engineer.
- (D) *Excavation material.* Excavation material shall not be deposited in or so near streams and other stormwater drainage systems where it may be washed downstream by high water or runoff. All excavation material shall be stabilized immediately with erosion control measures.
- (E) *Fording streams.* Fording of streams with construction equipment or other activities which destabilize stream banks shall not be permitted.
- (F) *Debris, mud, and soil in public streets.* Debris, mud and soil shall not be allowed on public streets but if any debris, mud, or soil from development sites reaches the public street it shall be immediately removed via sweeping or other methods of physical removal. Debris, mud, or soil in the street may not be washed off the street or washed into the storm drainage system. Storm drainage systems downstream of a development site should be protected from debris, mud, or soil

in the event that debris, mud, or soil reaches the drainage system.

(Code 1991, §161.04; Ord. No. 3551, 6-5-91; Ord. No. 3947, §1, 2-6-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.05 One-Time Approvals

(A) *Utilities.* Public and private utility organizations may obtain a one-time approval from the City Engineer for all routine underground electric, water, sewer, natural gas, telephone, or cable facilities. The approval will include a utility organization and its contractors, agents, or assigns and will be permanent in nature as long as the original approved procedures are followed.

(B) *Stockpiling materials.* One-time approval may be obtained by public or private entities for the stockpiling of fill material, rock, sand, gravel, aggregate, or clay at particular locations, subject to Zoning, Chapters 160 through 165.

(Code 1991, §161.05; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.06 Land Alteration Requirements

(A) *Applicability.* This section shall apply to all land alteration activities, including those that do not require a grading permit.

(B) *Requirements varied.* Variances of this chapter's requirements may be approved by the City Engineer. The extent to which variations may be made will depend on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports. In no case shall the City Engineer waive or modify any of the minimum erosion control requirements as given in §169.04.

(C) *Cut or fill slopes.*

(1) *Finish grade.* Cut or fill slopes shall have a finish grade no steeper than 33% (3.00 horizontal to 1 vertical), unless otherwise approved by the City Engineer. Land located within the Hillside/Hilltop Overlay District may have cut or fill slopes with a finish grade no steeper than 50% (2.00 horizontal to 1 vertical) unless otherwise approved by the City Engineer.

(2) *Maximum length.* The maximum length of any cut or fill slope without a terrace (as described in 169.06 (D) below) shall be 100 feet as measured along the ground. The terrace shall be at least six feet (6') wide.

(3) *Existing topography.* Cut or fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured to blend with the existing topography.

(4) *Setback requirements.* The following setback requirements shall be reviewed by the City Engineer for purposes of assessing safety, stability, and drainage problems: (See illustrations).

(a) *Setback from top or toe of cut or fill.* Buildings shall be setback from the top or toe of a cut or fill in accordance with Zoning, Chapters 160 through 165; Building Regulations, Chapter 173; or the approved grading plan, whichever is greatest.

(b) *Setbacks from property lines.* The required setback of retaining walls, cut slopes, and fill slopes from property lines shall be as given in the illustrations. Property lines may be filled over or cut if a grading plan for the cut or fill is submitted jointly by the owner of both properties or with written permission from the adjacent property owner and if no utility easements are involved. If utility easements are involved, approval is required as given in (c) below in addition to the joint submittal requirement.

(c) *Setbacks from the edge of an easement.* The required setback of retaining wall, cut slopes, and fill slopes from the edge of easements shall be as given in the illustrations. Where no utilities are present in an easement, or where utilities are planned to be relocated, and where such action is approved by all utilities, in writing, then easements may fall within a cut or fill section.

(d) *Setbacks from structures.* The required setback of retaining walls, cut slopes, and fill slopes from structures shall be as given in the illustrations. If a structure forms an integral part of the retaining wall, then the setbacks do not apply to that structure.

(e) *Calculating setbacks.* For the purpose of calculating setbacks, any cut or fill section which is on a slope of one to one or greater shall be considered a retaining wall.

(f) *Administrative variance.* Setbacks from easement lines and structures may be varied administratively by the City

Engineer if geotechnical and/or structural information is provided that in the opinion of the City Engineer justifies the variance.

- (g) *Additional information required.* The City Engineer may require further geotechnical and/or structural information to show that setbacks greater than those given are not needed to protect property, utilities, or the integrity of property lines.

(D) *Cuts.*

- (1) *Vertical height.* Cuts shall be limited to 10 feet in vertical height unless information demonstrating slope stability, erosion control, and drainage control is provided together with a re-vegetation plan. For nonsolid rock cuts, terraces shall be required for cuts greater than 10 feet in height. It is recommended that terracing be at a maximum ratio of one foot of horizontal terrace for every foot of vertical surface.
- (2) *Maximum vertical cut.* In solid rock, as determined by geotechnical and engineering data approved by the City Engineer, the maximum vertical cut shall be 30 feet.
- (3) *Fill material.* In no case shall a cut be allowed primarily for the purpose of obtaining fill material to a different site, unless the exporting site is located within an extraction district.

(E) *Fills.*

- (1) *Rocks/fill.* All imported fill shall be free of rocks greater than 12 inches in diameter and any detrimental organic material or refuse debris.
- (2) *Compaction.* Fill shall be placed and compacted as to minimize sliding or erosion of soil. Fill compaction shall equal the compaction of undisturbed, adjacent soil, except fills covered by Building Regulations, Chapter 173, or other structural fills. The City Engineer may require soil tests during compaction work or upon its completion at the expense of the permittee.
- (3) *Grade.* Fill shall not be placed on existing slope with a grade steeper than 15% (6.67 horizontal to 1 vertical) unless keyed into steps in the existing grade and thoroughly stabilized by mechanical compaction.
- (4) *Vertical height.* Fills shall be limited to 10 feet in vertical height unless information demonstrating slope stability, erosion control,

and drainage control is provided together with a re-vegetation plan.

- (5) *Terraces.* Terraces shall be required for fills greater than 10 feet in height. It is recommended that terracing be at a maximum ratio of one foot of horizontal terrace for every foot of vertical surface.

(F) *Erosion and sedimentation control.*

- (1) *Permanent improvements.* Permanent improvements such as streets, storm sewers, curb and gutters, and other features for control of runoff shall be scheduled coincidental to removing vegetative cover from the area so that large areas are not left exposed beyond the capacity of temporary control measures.
- (2) *Phased Construction.* The area of disturbance onsite at any one time shall be limited to 20 acres. An additional 20 acres (a maximum of 40 acres of disturbance at any one time) may be stripped with the permission of the City Engineer in order to balance cut and fill onsite. No additional area may be open without the permission of the City Engineer until the previously disturbed areas have been temporarily or permanently stabilized.
- (3) *Stockpiling of top soil.* Top soil may be stockpiled and protected for later use on areas requiring landscaping. All storage piles of soil, dirt or other building materials (e.g. sand) shall be located more than 25 feet from a roadway, drainage channel or stream (from top of bank), wetland, and stormwater facility. The City Engineer may also require top soil stockpiles to be located up to fifty (50) feet from a drainage channel or stream, as measured from the top of the bank to the stockpile, for established TMDL water bodies; streams listed on the State 303(d) list; an Extraordinary Resource-Water, Ecologically Sensitive Waterbody, and/or Natural and Scenic Waterbody, as defined by Arkansas Pollution Control and Ecology Commission Regulation No. 2; and/or any other uses at the discretion of the City Engineer.

Topsoil piles surfaces must be immediately stabilized with appropriate stabilization measures. Stabilization practices may include: temporary seeding (i.e. annual rye or other suitable grass), mulching, and other appropriate measures. Sediment control measures such as buffer strips, wattles, or silt fence shall be provided immediately for stockpiles and remain in place until other stabilization is in place. Storm drain inlets

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must be protected from potential sedimentation from storage piles by silt fence or other appropriate barriers.

Properly stabilized topsoil stockpiles may be used for sedimentation control.

wall and applicable building codes. This requirement for safety rails shall also apply to vertical or near vertical rock cuts and to steep (greater than 3:1) cut or fill slopes.

(Code 1991, §161.07; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. No. 4855, 4-18-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

- (4) *Plant/water.* Plant materials shall be watered or irrigated and tended. Where irrigation or regular watering is not available, only native or acclimated plant species shall be used. If the soil cannot properly sustain vegetation, it must be appropriately amended. If re-vegetation is not firmly established and healthy after one year, the urban forester shall require that it be redone in part or total.

- (5) *Permanent erosion control.* The developer shall incorporate permanent erosion control features at the earliest practical time. Temporary erosion control measures will be used to correct conditions that develop during construction that were unforeseen during the design stage, that are needed prior to installation of permanent erosion control features, or that are needed temporarily to control erosion that develops during normal construction projects, but are not associated with permanent control features on the project.

- (G) *Percentage of land disturbance.* Land disturbance percentage within the Hilltop/Hillside Overlay District shall be in accordance with the percent minimum canopy required on site per Chapter 167, Tree Preservation & Protection.

- (H) Required retaining wall and rock cut design.

- (1) *Design/inspection.* Any retaining wall more than four feet in height shall be designed by a registered professional engineer, and shall be field inspected by the design engineer. The design engineer shall provide proof of inspection and certify that the wall was constructed in conformance with the design. The City Engineer may require retaining walls less than four feet in height to be designed by a professional engineer.

- (2) *Investigation/report.* All proposed rock cuts and any cut or fill 10 feet or greater will require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.

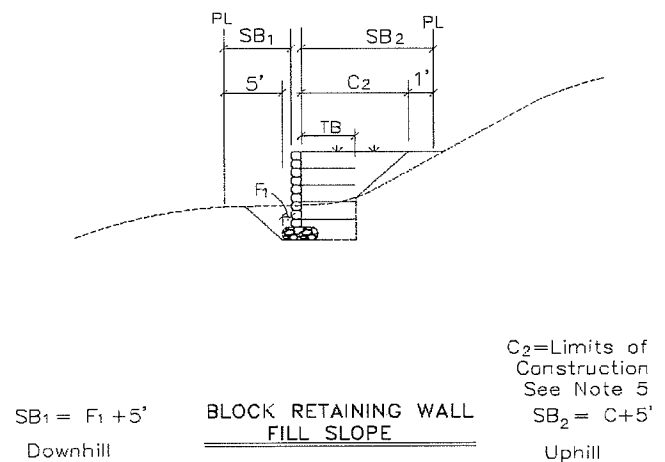
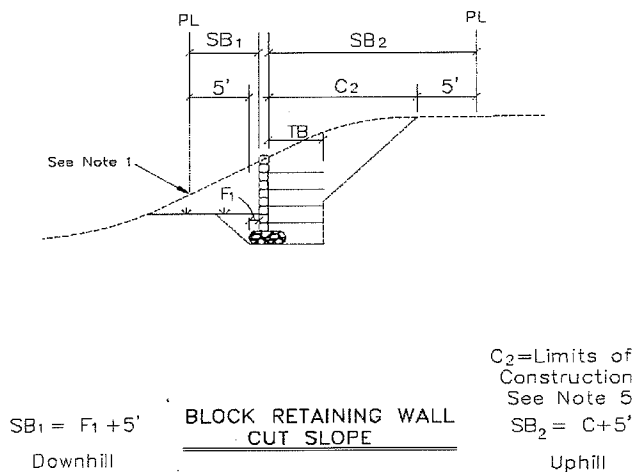
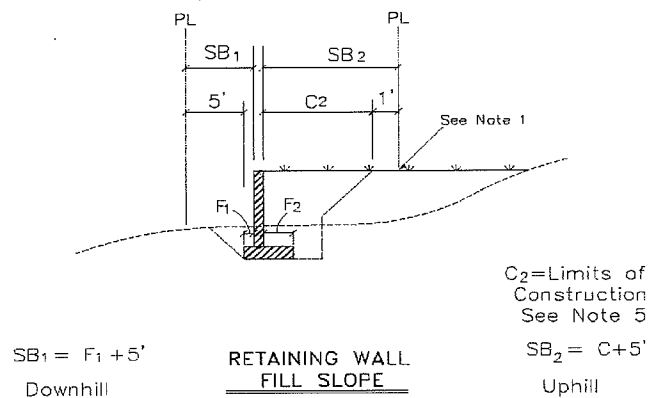
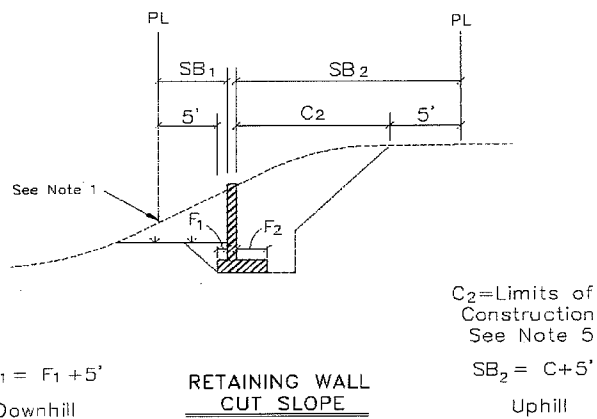
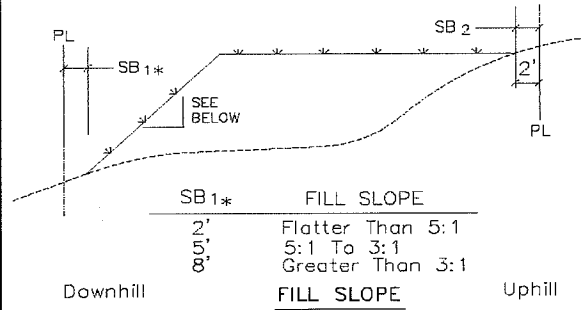
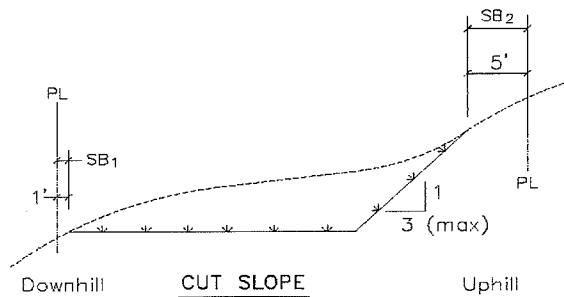
- (3) *Safety railings.* Safety railings may be required on any retaining wall 2.5 feet or higher. The decision as to whether to require safety railing shall be based on potential pedestrian and public access to the retaining

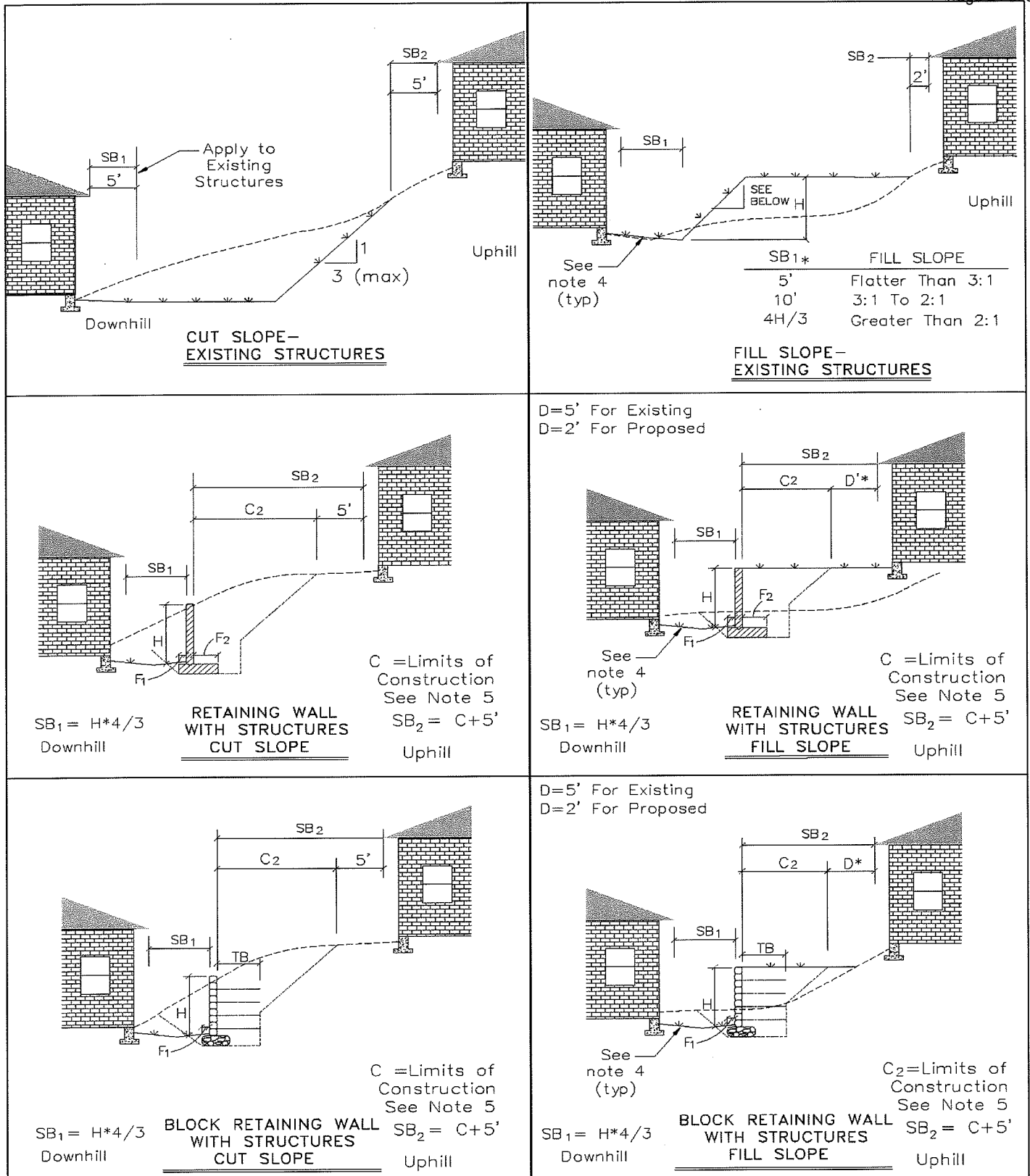
LEGEND

---	EXISTING GROUND
PL	PROPERTY OR EASEMENT LINE
---	PROPOSED GROUND
---	CONSTRUCTION LIMITS
SB1	MINIMUM SETBACK FROM PROPERTY LINE DOWNHILL
SB2	MINIMUM SETBACK FROM PROPERTY LINE UPHILL
TB	TIE BACK
S	SLOPE
F1	FOUNDATION DOWNHILL
F2	FOUNDATION UPHILL
C1	LIMITS OF CONSTRUCTION-DOWNHILL
C2	LIMITS OF CONSTRUCTION-UPHILL

NOTES

1. WRITTEN PERMISSION FROM ADJACENT PROPERTY OWNER IS REQUIRED TO FILL OR EXCAVATE OVER EXISTING PROPERTY LINES.
2. CONSTRUCTION LIMITS INDICATED ARE FOR INITIAL CONSTRUCTION; RECONSTRUCTION; OR MAINTENANCE OF THE STRUCTURE IN THE FUTURE.
3. REVIEW ZONING & BUILDING SETBACK REQUIREMENTS, DEFER TO WHICHEVER MAY BE GREATER.
4. MINIMUM SLOPE AND DISTANCE FROM THE STRUCTURE PER STATE BUILDING CODE MUST NOT BE VIOLATED.
5. REFER TO THE OSHA TECHNICAL MANUAL SECTION 5 CHAPTER 2 FOR SOIL TYPES AND SLOPE EXCAVATION TO DETERMINE THE LIMITS OF CONSTRUCTION.





169.07 Grading Plan Specifications

(A) *Grading plan.* The applicant shall prepare a grading plan as follows:

- (1) *Site plan.* Site plan at a scale no smaller than one inch equals 50 feet, showing property lines; vicinity map; name of owner, developer and adjacent property owners.
- (2) *Existing grades.* Existing grades shall be shown with dashed line contours and proposed grades with solid line contours. Grading plans shall be required to show both the proposed grade and the undisturbed area. Contour intervals shall be a maximum of two feet. Spot elevations shall be indicated.
- (3) *Designation of grade.* Areas with 0 to 10%, 10 to 15%, 15 to 20% and more than 20% grade shall each be identified in a distinguishing manner.
- (4) *Identify land to be disturbed.* Land areas to be disturbed shall be clearly identified.
- (5) *Engineer/architect.* Seal of a registered engineer, architect, or landscape architect certifying that the plan complies with this chapter.
- (6) *Cuts and fills.* All cuts and fills, including height and slope, shall be clearly shown on the plan.
- (7) *Streets and rights-of-way.* Location and names of all existing or platted streets or rights-of-way within or adjacent to tract and location of all utilities and easements within or adjacent to the property shall all be indicated.
- (8) *Lot/building, etc. identification.* The proposed location of lots, buildings, streets, parking lots and parks, playgrounds or green space shall be indicated. Also to be indicated is any existing or proposed building within 100 feet of the site.
- (9) *Natural features.* Location of natural features such as drainage ways, ponds, rock outcroppings, and tree cover. Indication of 100 year floodplains as defined by FEMA.
- (10) *Streets and drainage ways.* Profiles and cross sections for proposed streets and drainage ways.
- (11) *Acreage.* Total acreage.
- (12) *Surface water.* Provisions for collecting and discharging surface water.
- (13) *Underground utilities.* Profiles and cross sections of streets, drainage systems, and underground utilities, if they are necessary to clarify the grading plan in terms of potential erosion or runoff, or if the grading on site has the potential of disturbing the utility line.
- (14) *Treatment of slopes and benches.* The method of treatment for all slopes and benches shall be indicated.
- (15) *Natural vegetation preservation.* Proposals for preserving natural vegetation and description of re-vegetation or other permanent erosion control strategy.
- (16) *Runoff/sedimentation.* Specification of measures to control runoff and sedimentation during construction indicating what will be used such as straw bales, silt dams, brush check dams, lateral hillside ditches, catch basins, and the like.
- (17) *Preliminary plat master build-out grading plan.* The applicant shall prepare a master grading plan to be followed during individual lot development to convey runoff to a public drainage easement or right of way. The following shall be required for individual lot drainage design:
 - (a) Identify lot lines and conceptual foot print of residence.
 - (b) Indicate individual lot drainage with the use of contours and flow arrows or other indications of direction of drainage.
 - (i) In general, drainage should be routed on the shortest practicable flow path to the public right of way or drainage easement.
 - (c) Nonstructural grassed swales for rear lot drainage concentration is discouraged and shall not be installed in combination with a utility easement.
 - (d) Right of way, utility easements and drainage easements shall be graded and shaped in accordance with the Master Build out Grading Plan during preliminary plat construction.
 - (i) Utility Easements adjacent to the right of way shall be no steeper than 15%.
 - (ii) Provisions will be considered to accommodate positive drainage until build-out occurs.

- (B) *Preliminary grade plan.* The preliminary grading plan shall have adequate detail for review.

(Code 1991, §161.08; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. No. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.08 Grading Plan Submittal

- (A) *Preliminary grading plan.* A preliminary grading plan shall be submitted at the time of preliminary plat submission for subdivisions or plat submission for large scale development, whichever is applicable.
- (B) *Final grading plan.* No subdivision may be finalized, nor large scale development plat approved before a final grading plan has been submitted to the City Engineer and approved. The final grading plan and the final plat of land located within the Hillside/Hilltop Overlay District shall have the following plat note stating: 'Property and lot owners of lands located within the Hillside/Hilltop Overlay District shall have foundation plans designed, approved and sealed by a professional architect or engineer.'
- (C) A copy of the Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted with the grading plan for sites one acre or larger.
- (D) In cases where neither subdivision plat, nor LSD plat is applicable, proof of notification of adjacent property owners and grading plan must be submitted simultaneously with the application for a grading permit.

(Code 1991, §161.09; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 5308, 3-16-10; Ord. 5336, 8-3-10)

Cross reference(s)—Notification and Public Hearings, Ch. 157.

169.09 Minor Modifications

Finish grades shall be allowed no more than a 0.50 foot tolerance from the grading plan. However, the City Engineer may authorize in writing minor modifications so long as they do not alter the direction of run-off and otherwise comply with the intent of this chapter. When applicable, major modifications must be brought before the Subdivision Committee for their approval.

(Ord. 5336, 8-3-10)

169.10 Approval

Approval of a grading permit is contingent on meeting all the requirements of this ordinance plus any set of varied requirements approved by the Planning Commission.

(Code 1991, §161.10; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. 5336, 8-3-10)

169.11 Discovery Of Historic Resources

Whenever, during the conduct of grading any historical, pre-historical, or paleontological materials are discovered, grading shall cease and the City Engineer shall be notified.

(Code 1991, §161.21; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.12 Certificate Of Occupancy

All re-vegetation and grading plan improvements shall be in place before a certificate of occupancy shall be issued, including cleanup and restoration/revegetation of adjacent and nearby property affected by construction activities. When a property owner has finished building construction but has yet to install plant material, said owner may apply for a temporary certificate of occupancy. In evaluating whether or not to grant a temporary certificate of occupancy, the City Engineer shall consider weather conditions and temporary stabilization measures.

(Code 1991, §161.15; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

169.13 Owner Responsibility

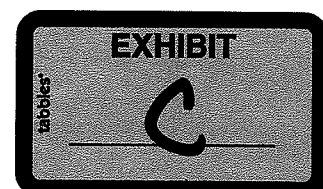
The property owner shall be responsible both for his or her employees and for all contractors and subcontractors from the onset of development until the property is fully stabilized. If property is transferred anytime between the onset of development and at the time it is fully stabilized, all responsibility and liability for meeting the terms of the chapter shall be likewise transferred to the new property owner.

(Code 1991, §161.16; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.14-169.99 Reserved

**TITLE XV UNIFIED DEVELOPMENT CODE
 CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND
 EROSION CONTROL**

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CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

170.01 Intent

(A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:

- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
- (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
- (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
- (34) Promoting the development of stormwater facilities that are aesthetically desirable.

(B) *Findings of fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:

- (1) *Impervious surfaces / runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
- (2) *Collection and conveyance of stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
- (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity
- (4) *Future problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

(Code 1991, §163.03; Ord. No. 3895, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.02 Adoption Of Drainage Criteria Manual

The City Council hereby adopts by reference the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by Ordinance No. XXXX of the City of Fayetteville, and as may be amended from time to time by the City Engineer. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter.

(Code 1991, §163.03; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 09-05-06; Ord. 5336, 8-3-10)

170.03 Permits Required

(A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the City, except as specified in §170.03(C) and §170.03 (D) below.

(B) *Permit application.* Any application for a drainage permit shall be submitted to the City Engineer using appropriate forms as provided by the city for review, processing, and approval. The drainage permit application shall be submitted concurrently with the application for a grading permit, if such grading permit is required by § 169.03. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1.4, Drainage Report Template and Checklist. The City Engineer shall make the final determination regarding detention.

(1) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation (separate from the Physical Alteration of Land fee).

(2) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer

determines that the permit submittal does not conform with all provisions of this chapter, permit issuance may be denied and a written statement as to the reasons for the denial shall be provided to the applicant.

(C) *Project not requiring detention.* Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit.

(D) Any grading permit and/or drainage permit issued shall be subject to the following:

(1) *Insufficient or incomplete drainage permit application.* If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

(2) *Deadline for the revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

(3) *Insufficient or incomplete revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.

(4) *Stabilization and revegetation after stop work order.* If a stop work order is issued pursuant to §170.03 (C) (3), the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth the Drainage Criteria Manual.

(5) *Termination of stop work order.* Any stop work order issued pursuant to §170.03 (C) (2) or §170.03 (C) (3), shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.

(E) *Exceptions where no drainage permit is required.* Drainage permits are not required for the following:

(1) *Single-family/duplex.* One single-family residence or duplex. A drainage permit is not required. See Section 170.10 for building permit submittal requirements.

(2) *Commercial/industrial.* One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.

(3) *Existing commercial/industrial.* Existing commercial and industrial structure where additional impervious area is less than 2,000 square feet.

(4) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

(5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.

(6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards.

(F) *Compliance with chapter provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the pollution prevention and erosion and sediment control provisions of this chapter.

(Code 1991, §163.04; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4314, 5-15-01; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.04 Drainage Permit Conditions

Each permit issued shall be subject to the following conditions.

(A) *Area.* The development, including associated construction, shall be conducted only within the area specified in the approved permit.

(B) *Execution.* Activities requiring a stormwater management, drainage, and erosion control permit shall not commence until the drainage permit is approved. The approved drainage permit

shall be on file with the city and a copy on file with the contractor for review and inspection upon request.

(C) *Duration.*

- (1) Unless revoked or otherwise modified, the duration of a drainage permit issued pursuant to this chapter shall be one year.
- (2) If the permitted project is not completed prior to expiration, the drainage permit duration can be extended to cover the project duration, subject to approval of the City Engineer.

(D) *Modifications.* If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the City Engineer shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the City Engineer.

(E) *Transfer.* No transfer, assignment, or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the City Engineer.

(F) *Special.* Any additional special conditions, as deemed appropriate by the City Engineer, shall be established to address specific project needs or circumstances.

(Code 1991, §163.05; Ord. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.05 Permit Processing

(A) Upon reviewed by the City Engineer, if it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria, and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the City Engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof.

(B) *Off-site improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:

- (1) *Developer's expense.* Building the off-site improvements at his/her own expense;
- (2) *Detention.* Providing detention so as to match downstream capacities; or
- (3) *Delay project.* Delaying the project until the city is able, or willing, to share in the off-site costs.

(Code 1991, §163.07; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.06 Performance Criteria

(A) *Performance criteria.* Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following performance criteria:

- (1) *Water Quality.* Where practicable, reduce the average annual post-development total suspended solids loadings by 80%.
- (2) *Channel Protection.* Capture the increased volume of the 1 year, 24-hour storm and release it over an extended period of time.
- (3) *Overbank and Extreme Flood Protection.* The post-development peak rate of surface discharge must not exceed the existing discharge for the 100 year, 24-hour storm; the 25 year, 24-hour storm; the 10 year, 24-hour storm; the 5-year, 24-hour storm; and the 2 year, 24-hour storm, unless other discharge limits are deemed applicable for a specific site by the City Engineer.
- (4) *Low Impact Development.* Use of Low Impact Development design strategies, as described in the Drainage Criteria Manual, to attenuate lesser storms and more closely mimic predevelopment hydrology is encouraged.
- (5) *Direct Discharge.* Direct Discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.
- (6) *Erosion and channel stability.* All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the

permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

- (7) *Drainage Criteria Manual.* The technical procedures and design standards contained in the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by this chapter and as may be amended from time to time by the City Engineer, shall be used for guidance to determine compliance with the performance criteria established by this chapter.

(Code 1991, §163.08; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.07 Maintenance Responsibility

- (A) *Dedication.* Those stormwater management systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the City Engineer.
- (B) *Maintain Stormwater Systems and Structures.* The owner of the property on which stormwater systems and structures have been installed shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.
- (C) *Right-of-Entry for Inspection.* The owner shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.
- (D) *Failure to Maintain.* If a responsible person fails or refuses to meet the maintenance requirements the City may give written notice requesting corrective action. If the conditions described in the Failure to Maintain notice are not corrected within 10 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.
- (1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:
- (a) The lien may be enforced at any time within 18 months after work has been done, by an action in circuit court; or
- (b) The amount of the lien herein provided may be determined at a hearing before the City Council held after 30 days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one insertion per week for four consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus ten percent penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector.
- (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.
- (E) *Removal and modification of Stormwater Systems and Structures.* Stormwater systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine whether the stormwater system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

(Code 1991, §163.09; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

Cross reference(s)—Enforcement, Ch., 153; Appeals, Ch. 155, Variances, Ch. 156; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

170.8 Stormwater Discharges From Construction Activities

(A) General Requirements for Construction Sites.

- (1) **Construction Site.** A construction site is a site with activity that would result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property; the erection of buildings or other structures, any part thereof; or land clearing.
- (2) **Owner Responsibility.** The owner of a site of construction activity shall be responsible for compliance with the requirements of this chapter.
- (3) **Erosion And Sediment Control.** Best Management Practices (BMPs) shall be implemented to prevent the release of airborne dust and waterborne sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances/exits shall be managed to prevent sediment tracking. Streets and storm inlets must be kept clean at all times and free of loose rock, mud, debris and trash. Specific inlet protection measures may be necessary, as long as they do not interfere with vehicular traffic. Mud on streets must be physically removed and not washed into inlets.
- (4) **Construction Sites Requiring Storm Water Pollution Prevention Plans.** Erosion and sediment control systems must be installed and maintained per a state approved Storm Water Pollution Prevention Plan (SWPPP) before the beginning of construction and until slope stabilization and/or vegetation is established. For sites between 1 and 5 acres, the SWPPP and Notice of Intent (NOI) must be onsite at all times. For sites over 5 acres, the SWPPP and Notice of Coverage must be onsite at all times. The site owner bears responsibility in accordance with the Arkansas Department of Environmental Quality standards and general permit.
- (5) **Construction Exits.** A stabilized rock exit is required on construction sites.

(6) **Concrete Truck Wash Areas.** No washing of concrete trucks or chutes is allowed except in properly located and constructed concrete wash pits. Proper runoff and erosion controls must be in place to retain all concrete wash water.

(7) **Dewatering.** All rainwater pumped out of sumps and depressions on construction sites should be clear and free of sediment.

(8) **Storage of Materials.** Public streets and sidewalks shall not be used for temporary storage of any containers or construction materials, especially loose gravel and topsoil. In addition to on-street storage being a violation of this chapter, all liability for any accidents and/or damages due to such storage will be the responsibility of the owner of the stored materials.

(9) **Dirt and Topsoil Storage.** All storage piles of soil, dirt or other building materials (e.g. sand) shall be located more than 25 feet from a roadway, drainage channel or stream (from top of bank), wetland, and stormwater facility.

Topsoil piles surfaces must be immediately stabilized with appropriate stabilization measures

(10) **Franchise and Private Utilities.** The property owner or main contractor onsite will be responsible for restoring all erosion and sediment control systems and public infrastructure damaged or disturbed by underground private or franchise utility construction such as water and sewer service leads, telephone, gas, cable, etc. Erosion and sediment control systems must be immediately restored after each utility construction.

(Ord. 4920, 9-05-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

170.09 Preliminary Plat, Lot Requirements

(A) **Preliminary Plats.** Preliminary Plats shall include a master drainage plan for each lot related to the proposed infrastructure and adjacent lots.

(B) **Preliminary Plats for Residential Subdivisions.** Preliminary Plats for residential subdivisions shall provide drainage information meeting the Arkansas Fire Prevention Code for building safety regulations for positive drainage of each lot.

(1) The applicant shall prepare a master grading plan to be followed during individual lot

development to convey runoff to a public drainage easement or right of way.

- (2) Right of way, utility easements and drainage easements shall be graded and shaped in accordance with the Master Build out Grading Plan during preliminary plat construction.

(C) *Rear lot drainage easements.* Rear lot drainage easements for nonstructural grassed swales shall not overlap utility easements with above ground structures, ie, electric transformers, gas meters, communication junctions, etc.

(D) *Final Plat.* The Final Plat shall include the approved master drainage plan to be filed as a supplemental document. The scale shall be legible and approved by the City Engineer.

(Ord. 5336, 8-3-10)

170.10 1 & 2 Family Residential Requirements

(A) *1&2 Family Residential and Sites under One Acre.* All residential lots must maintain properly installed erosion and sediment control measures from the beginning of construction until slope stabilization and/or vegetation is established in order to prevent silt and sediment from going offsite or into the street.

(B) A building permit application shall contain sufficient site drainage and grading information to determine whether the project complies with the requirements of this chapter and Chapter 169, including, but not limited to:

- (1) Locations and types of proposed stormwater and erosion control BMPs.
- (2) Lot lines and conceptual foot print of building.
- (3) Individual lot drainage features, using contours and flow arrows.

(C) If the Final Plat of the Subdivision, in which the proposed building is located, includes an approved master drainage plan, this plan shall be included in the building permit application and the individual lot drainage plan shall follow the master drainage plan unless otherwise approved by the City Engineer.

(Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

170.11 Post Construction Stormwater Management

(A) *Prohibitions*

(1) Illicit discharges are prohibited. An illicit discharge is a storm drain that has measurable flow containing pollutants and/or pathogens. No person shall discharge anything but uncontaminated stormwater, into the storm drainage system. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.

(2) Illicit connections are prohibited. Illicit connections are any drain or conveyance which allows an illicit discharge to enter the storm drainage system. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible at the time of connection.

(3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(B) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter:

- (1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;
- (2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;
- (3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;
- (4) Discharge from the occasional non-commercial washing of vehicles within zoned residential areas;
- (5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;
- (6) Uncontaminated groundwater;
- (7) Stream flows and natural riparian habitat or wetland flows;
- (8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.
- (9) De-chlorinated swimming pool water.
- (10) Any other non-stormwater discharge determined by the City Engineer to meet the

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standards and objectives of this chapter and of the City's NPDES MS4 permit.

prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel or obstructing flow.

(C) Private Drainage Systems

- (1) *Private Drainage System Maintenance.* A private drainage system includes groundwater, drainage pipes or channels, and any flowing or standing water not within a Right of Way or Drainage Easement. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
- (2) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
- (3) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.
- (4) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
- (5) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- (6) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
- (7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall

- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

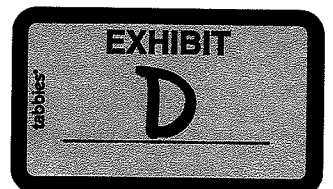
- (E) *Authorization to Adopt and Impose Best Management Practices.* The City may adopt and impose a Best Management Practices Manual and requirements identifying Best Management Practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

(Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.12-170.99 Reserved

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 179: LOW IMPACT DEVELOPMENT**

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CHAPTER 179: LOW IMPACT DEVELOPMENT

179.01 Purpose

Some of the existing natural site features typically protected through the use of LID techniques are: wetlands, floodplains, forested areas, hillsides, riparian corridors and existing soils.

There are a variety of LID design alternatives that allow professionals in the land development field the flexibility to implement LID stormwater design elements. The various LID practices can be used alone or in series to maximize benefits to the site. In most cases, some type of structural drainage systems will also be required to be implemented in conjunction with LID element.

(A) *Objectives.* The objectives of this ordinance are:

- (1) To establish criteria by which a LID strategy can be measured and implemented through use of the criteria in the LID chapter of the Drainage Criteria Manual.
- (2) To strive to maintain and restore natural rainwater absorption and infiltration processes;
- (3) To strive to maintain pre-development hydrologic conditions;
- (4) To filter pollutants from stormwater runoff thereby improving water quality and positively impacting the region's lakes, streams and groundwater;
- (5) To reduce stormwater runoff intensity and velocity;
- (6) To preserve riparian banks and beds, and reduce sedimentation that impairs water quality;
- (7) To promote the widespread use of LID practices integrated with conventional stormwater engineering;
- (8) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of stormwater discharge from land development.

(B) *LID Principles.*

- (1) Define and locate critical resource areas during the project planning stage, such as; wetlands, riparian zones and soils with infiltration capacities.

- (2) Minimize impervious surfaces such as streets, driveways and parking areas.
- (3) Minimize direct connection of impervious areas which convey runoff directly to wetlands or water courses.
- (4) Attenuate stormwater flow through a diverse system of collection and infiltration.

(Ord. 5316, 4-20-10)

179.02 Applicability

- (A) *Development approval.* The standards and guidelines contained in Chapter 5 of the Drainage Criteria Manual shall apply in all cases where a land developer chooses to utilize LID to obtain Administrative, Planning Commission or City Council approval for their project.
- (B) *Engineering approval.* The City Engineer, or their designee, will administer this chapter and shall be responsible for final approval of all LID systems and structures. With the approval of the City Engineer, LID systems and structures may be implemented.
- (C) *Drainage Criteria Manual.* The Drainage Criteria Manual integrates LID design principles throughout the manual. Submittal requirements for LID projects are found within the submittal requirements for a drainage report. Criteria for the design of specific LID elements, criteria for receiving credit for those elements through reductions in traditional stormwater infrastructure, and maintenance requirements are detailed in Chapter 5 of the DCM.

(Ord. 5316, 4-20-10)

179.03 LID Site Design Strategies

- (A) *Definition.* For the purposes of this chapter Low Impact Development (LID) is a stormwater management strategy concerned with maintaining, restoring or replicating the natural hydrologic functions of a site, where possible, by employing a variety and combination of natural and built features that reduce the volume and velocity of stormwater runoff, filter out its pollutants, and facilitate the infiltration of water into the ground.
- (B) *Site design strategies.* Generally, site design strategies will address the arrangement of buildings, roads, parking areas, and other features, and the conveyance of stormwater runoff across the site. LID site design strategies are intended to complement the natural and built

environment while minimizing the generation of runoff. Site design strategies should address some or all of the following considerations:

- (1) Necessary grading and land disturbance should be designed to encourage sheet flow and lengthen stormwater flow paths.
- (2) Natural drainage divides should be maintained to keep flow paths dispersed.
- (3) Areas of impervious surfaces should be separated and stormwater should be conveyed across vegetated areas. This assists runoff filtration and encourages infiltration.
- (4) Distribute small-scale LID strategies across the development site in order to maximize benefits.
- (5) To the maximum extent possible, treat pollutant loads where they are generated.
- (6) Preserve naturally vegetated areas and soil types that slow runoff, filter pollutants and facilitate infiltration.
- (7) LID systems and structures should be integrated into the natural and built landscape with attention to flow paths, infiltration areas and the use of appropriate native plant materials.

- (C) *Site Design Elements.* In addition to water quality impacts, LID site design elements when successfully implemented, perform three necessary functions; filtration and infiltration, capture and re-use and reductions in impervious surfaces.

179.04 Maintenance of LID Systems and Structures

- (A) *Removal and modification of LID systems and structures.* LID systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine the LID system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the LID systems or structures.
- (B) *Exemptions from maintenance agreements and inspections.* LID systems and structures that are not designed as part of a development and are instead utilized on a site by site basis (i.e., use of a rain barrel at a single family home, or individual rain gardens or filter strips on a site) shall not be required to submit a formal maintenance and inspection agreement, unless the function of the

LID system or structure is found to be essential to accommodating the stormwater needs of the property or surrounding properties by the City Engineer.

179.05-179.99 Reserved

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 156: VARIANCES

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CHAPTER 156: VARIANCES**156.01 General Requirements**

All applications for variances shall be submitted in writing to the person responsible for administration of the referenced section.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Administration, Ch. 152.

156.02 Zoning Regulations

- (A) *General procedure.* Variances of all zoning regulations shall be considered and decided as shown below by the Board of Adjustment. There shall be no appeal to the City Council for zoning regulation variances.
- (B) *Requirements for variance approval.*
 - (1) Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and
 - (2) Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.
- (C) *Minimum necessary variance.* The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.
- (D) *Special Conditions.* In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.
- (E) *Non-permitted Uses.* The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.
- (F) *Specific Tests.* The Board of Adjustment shall apply specific tests for the following variance requests:
 - (1) *Height variances in all districts.* In addition to meeting all other normal requirements for a variance, an applicant seeking a height variance must establish the increased height of the proposed structure will not adversely affect adjoining or neighboring property owners, nor impair the beauty of Old Main, the historical churches on Dickson Street near East Avenue, nor otherwise impair the historic beauty and character of Fayetteville.

(Code 1965, App. A. 5 (VII (a))); Ord. No. 2148, 10-7-75; Ord. No. 2351, 6-21-77; Ord. No. 2362, 8-2-77; Ord. No. 1747, 6-29-70; Code. 1991, §160.038(E); Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4293, 2-20-01; Ord. 4858, 4-18-06; Ord. 4863, 05-02-06; Ord. 5296, 12-15-09; Ord. 5526, 9-18-12)

156.03 Development, Parking and Loading

Certain variances of the development, parking and loading regulations may be applied as follows:

- (A) *General requirements.*
 - (1) *Undue hardship.* If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development or parking and loading regulations. No variance shall be granted for any property which does not have access to an improved street.
 - (2) *Conditions and safeguards.* In granting variances, the Planning Commission may prescribe appropriate conditions and safeguards to secure substantially the objectives of the standards or requirements so varied.
- (B) *Consideration by the City Council – park land dedication.* Any variation in the land dedication ratios or contribution formulas set forth in §166.04(B) shall be considered a variance and requires approval of the City Council. Upon recommendation of the Planning Commission after consultation by the commission with the Parks and Recreation Advisory Board, the City Council, upon determination that enforcement of §166.04(B) would cause unnecessary hardship, or that the problems or merits of the development reflect unique circumstances, may grant a variance of the requirements, provided:
 - (1) *Consistent with parks plan.* Any dedication of land or contribution in lieu of land or combination thereof shall adequately provide for the park and recreational needs of the proposed development and be consistent with the Fayetteville Parks Plan.

- (2) *Contributions of services, facilities, etc.* If the developer proposes to contribute services, facilities, or equipment in lieu of a cash contribution, such a contribution shall not be accepted by the city unless the Parks and Recreation Advisory Board has been consulted and provides a recommendation as to the appropriateness and safety of such contribution.

and the surrounding area and equally benefit said persons.

- (d) *Improved streets or roads.* The developer does not propose access to the proposed development from an existing substandard street or road, and proposes to provide access by streets or roads improved to current city or county standards.

(C) *Consideration by the Planning Commission.*

(3) *Buffer strips and screening.*

(1) *Design standards.*

- (a) *Screening.* The Planning Commission shall have the authority to grant a variance from the screening requirements prescribed by §166.10.
- (b) *Conditions.* The Planning Commission may impose reasonable conditions in the granting of a variance to ensure compliance or to protect adjacent property.

- (a) *Undue hardship.* If the provisions of these standards are shown by the developer to cause undue hardship as they apply to his proposed development, the city Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.

(4) *Parking variances.*

- (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied.

- (a) *Number of spaces.* The Planning Commission shall have the authority to vary the number of off-street parking spaces required in the Downtown Core, Main Street Center and Downtown General Districts.

(2) *Required off-site improvements.*

- (b) *Findings.* The Planning Commission shall make findings indicating:

Grounds. A developer may petition the Planning Commission for a variance of off-site improvement requirements in whole or in part on one or more of the following grounds:

- (i) *Parking generated.* That the proposed use will not generate as much parking as required under the existing standard.

- (a) *No city plans.* The city has no plans for upgrading the substandard street or road on which off-site improvements are proposed to be required by the developer.

- (ii) *Shared parking.* That shared parking facilities are available; or

- (b) *Unfair imposition.* The proposed development has primary access to improved streets or roads and the portion of the development which fronts on a substandard street or road is so small or remote from anticipated future traffic patterns as to cause an unfair imposition on the development.

- (iii) *On-street parking.* That on-street parking can satisfy intermittent and occasional demands.

- (c) *Alternate off-site improvements.* The developer proposes alternative off-site improvements which will protect the health, safety, and welfare of persons residing in the proposed development

- (c) *Conditions.* All variances shall meet the conditions listed below:

- (i) *Downtown Core, Main Street Center, and Downtown General Districts.* Conditions for variances in Downtown Core, Main Street Center, and Downtown General Districts:

- (a) *In lieu fee.* An in lieu fee of \$1,200.00 for each on-site parking space shall be paid to the city. This money shall be

held in an interest bearing account and shall be expended for public parking facilities within the district it is collected within 10 years from the date it is collected. If said money has not been so expended within 10 years of the date collected, said money, together with the interest thereon, shall be refunded to the person or entity who made the contribution; or

- (b) *Shared parking.* For any parking space which is proposed to be shared under the provision of §172.05(C). The applicant must present a signed agreement with the owner of the property. The agreement shall address the number of spaces required for both properties, the number of spaces available together with a site plan, and any other pertinent information, such as restrictions on sharing for certain days or hours.
- (5) *Tree preservation plan.* A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.
- (6) *Flood Damage Prevention Code.* The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.
 - (a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.
 - (b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this

ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1) through (11) of §168.03(A) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.
- (d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Floodplain variances shall only be issued if:
 - (i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the *Code of Fayetteville*.
- (g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct

- of a functionally dependent use provided that the provisions of §168.03(A) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- (h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.
 - (i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (7) *Outdoor Lighting Plan.*
- (a) *Undue Hardship.* So that substantial justice may be done and the public interest secured, a developer may petition the Planning Commission for a variance from the requirements of Chapter 176: Outdoor Lighting, by showing that their strict application would cause undue hardship as applied to the proposed development; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter.
 - (b) *Conditions.* In granting variances, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied.
- (8) *Bicycle rack variance.* The Planning Commission may modify the design standards or the requirement for a bicycle rack.
- (9) *Streamside Protection Zones*
- (a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to

cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

- (b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.
- (c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

(Ord. 4714, 6-21-05; Ord. 4930, 10-3-06; Ord. 5296, 12-15-09; Ord. 5372, 12-7-10; Ord. 5390, 3-1-11; Ord. 5680, 4-15-14)

156.04 Physical Alteration of Land and Stormwater Drainage And Erosion Control

Variances of the requirements of Chapters 169 and 170 may be approved by the City Engineer, subject to the following criteria:

Criteria. ~~Certain~~ Variances of the physical alteration of land and stormwater management, drainage, and erosion control regulations may be applied for as follows:

(A) *Chapter 169 Criteria.* A variance may be granted from any requirements of the Physical Alteration of Land regulations dependent upon on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports.

(B) *Chapter 170 Criteria.* A variance may be granted from any requirement of the stormwater management, drainage, and erosion control regulations using the following criteria:

- (1) *Special circumstances.* There are special circumstances applicable to the subject property or its intended use; and
- (2) *Results.* The granting of the variance will not result in:
 - (a) *Surface water runoff.* An increase in the rate or volume of surface water runoff;
 - (b) *Adjacent property.* An adverse impact on any adjacent property, wetlands, watercourse, or water body;
 - (c) *Water quality.* Degradation of water quality; or
 - (d) *Objectives.* Otherwise impairing attainment of the objectives of Chapters 169 and 170.

(Ord. No. 4100, §2 (Ex. A), 6-16-9

156.05 Sign Regulations

Consideration by the Zoning and Development Administrator. The Zoning and Development Administrator shall not grant any variance of Chapter 174, Signs, unless and until an applicant demonstrates:

- (A) *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.
- (B) *Deprivation of rights.* That literal interpretation of the provisions of the sign regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the sign regulations.
- (C) *Resulting actions.* That the special conditions and circumstances do not result from the actions of the applicant.
- (D) *No special privileges.* That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 174, Signs, to other lands, structures, or building in the same district.
- (E) *Nonconforming uses.* No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- (F) *Time Limitation.* Any variance granted shall automatically be revoked if the applicant does not

comply with the terms of the variance within 90 days from the granting thereof; and, the applicant shall be required to comply with the literal provisions of Chapter 174, Signs.

- (G) *Prohibited.* The Zoning and Development Administrator shall not permit as a variance any sign the erection of which or the continuance of which is prohibited by Chapter 174, nor shall any variance be granted to allow a greater number of signs than specifically set forth therein.
- (H) *Content Neutrality; Restrictions.* The Zoning and Development Administrator shall not take into account the content of any message sought to be displayed on the sign when determining whether to grant a variance. Variances can only be granted for setbacks, area, height, the proposed on-site location of the sign, or other technical requirements, and shall not exceed 15% of the Code requirement.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord 4652, 12-07-04)

Cross reference(s)--Enforcement, Ch. 153; Signs, Ch. 174.

156.06 Airport Zone

- (A) *Board of Adjustment.* The Board of Adjustment shall have the authority to grant variances from the height limits prescribed in Chapter 165. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth, in excess of the heights prescribed, must apply in writing to the Board of Adjustment for a variance. Such variance shall be allowed upon a showing of practical difficulty or unnecessary hardship, together with a showing that the structure or object of natural growth in question will not cause an undue hazard to aircraft operations at the airport.
- (B) *Determination from Federal Aviation Administration.* The application for a variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the airport manager for comment as to the aeronautical effects of the variance. If the airport manager does not respond to the application within 15 days after receipt thereof, the Board of Adjustment may grant or deny said application.
- (C) *Marking and lighting.* In granting any application for any permit or variance, approval may be conditioned as to require the owner of the

structure or object of natural growth in question to install and maintain obstruction markings or lights.

- (D) *Findings of fact.* Written findings of fact and conclusions of law shall be made by the Board of Adjustment based upon the evidence offered at the public hearing.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Notification and Public Hearings, Ch. 157.

156.07 Landscape Regulations

- (A) The Planning Commission shall have the authority to grant a variance from the landscaping requirements prescribed by §177.

- (B) *Findings.* The Planning Commission shall make the following findings:

- (1) *Minimum variance.* That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (2) *Harmony with general purpose.* The Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the Landscape Regulations, §177, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- (3) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to ensure compliance or to protect adjacent property.
- (4) *Undue Hardship.* If the provisions of the standards within Landscape Regulations, §177, are shown by the developer to cause undue hardship as they apply to his proposed development, the Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.

(Ord. No. 4917, 9-05-06)

156.08-156.99 Reserved

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CHAPTER 169: PHYSICAL ALTERATION OF LAND**169.01 Intent**

- (A) It is the city's intent to safeguard the health, safety, and welfare of Fayetteville citizens by implementing standards and procedures for the physical alteration of land. It is not the city's intent to supersede federal or state regulations such as, but not limited to, the Occupational Health & Safety Act.
- (B) The purpose of this chapter is to control grading, clearing, filling, and cutting (or similar activities) which alone or in combination cause landslides, flooding, degradation of water quality, erosion and sedimentation in storm sewer systems and water storage basins. It is also the intent of this chapter that through the implementation of the guidelines and regulations contained herein, the existing scenic character and quality of the neighborhood and city as a whole not be diminished.

(Code 1991, §161.01; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 5336, 8-3-10)

169.02 General Requirements

- (A) *Protection.* Persons engaged in land alteration activities regulated by this chapter shall take measures to protect public and private properties from damage by such activities. Adjacent and nearby properties affected by land alterations shall be restored in accordance with the requirements of this Chapter.
- (B) *Site conditions.* Development shall generally conform to the natural contours of the land, natural drainage ways, and other existing site conditions.
- (C) *Adjacent properties.* All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development. More specifically, new development may not unreasonably impede water runoff from higher properties nor may it unreasonably channel water onto lower properties.
- (D) *Restoration.* Land shall be revegetated and restored as close as practically possible to its original conditions so far as to minimize runoff and erosion are concerned. Previously forested areas shall follow the City's Landscape Manual for mitigation of forested areas.

(Code No. 1991, §161.02; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

169.03 Permits Required/Exceptions

- (A) *Permit required.* No grading, filling, excavation, or land alteration of any kind shall take place without first obtaining:
- (1) A grading permit pursuant to this chapter except as specified in §169.03(B);
 - (2) A stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §170.03(C) and §170.03(D); and
 - (3) An Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by state law.
 - (4) A grading permit is required by the City for any development occurring within the Hillside/Hilltop Overlay District boundaries. If a parcel of land is divided by the Hillside/Hilltop Overlay District boundary, then only that portion of land lying within the boundary is subject to the requirements of this chapter.
- (B) *Exceptions where no grading permit is required.* Grading permits are not required for the following:
- (1) *Excavation below finish grade.* Excavations below finished grade for basements, swimming pools, hot tubs, septic systems, retaining walls under 4 feet in height, and like structures authorized by a valid building permit.
 - (2) *Cemetery graves.* Cemetery graves.
 - (3) *Refuse disposal.* Refuse disposal sites controlled by other regulations.
 - (4) *Single-family/duplex.* Construction of one single-family residence, or duplex not located within the 100 year flood plain, the Hillside/Hilltop Overlay District, or on a slope 15 % or greater.
 - (5) *Building additions.* Building additions of less than 2,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition and are not located within the 100 year flood plain, the Hillside/Hilltop Overlay District, or on a slope 15 % or greater.

- (6) Other minor fill or grading for maintenance purposes such as landscaping, yard grading, maintenance, farming, gardens, and similar activities.
- (C) *Grading permit application and approval.* No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion. Any application for a required grading permit under this chapter shall be submitted concurrently with the application and calculations for a drainage permit if such a drainage permit is required by §170.03., coordination with Chapter 167. Tree Preservation and Protection is required.
- (D) *Permit posted.* A copy of the grading permit cover page shall be posted at or near the street right-of-way line and shall be clearly visible from the street.
- (Code 1991, §161.03; Ord. No. 3551, 6-5-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. No. 4313, 5-15-01; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.04 Minimal Erosion Control Requirements

If exempt under 169.03, a grading permit is not required. However, exempt as well as non-exempt activities shall be subject to the following minimal erosion and sedimentation control measures.

- (A) The City Council hereby adopts by reference the Drainage Criteria Manual, prepared for the City of Fayetteville, and adopted by Ordinance No. XXXX of the City of Fayetteville and as may be amended from time to time by the City Engineer. All minimal erosion and sediment control standards contained therein shall have the same force and effect as if printed word for word in this chapter. Development projects also must comply with their Arkansas Department of Environmental Quality general construction permit. All projects shall follow Chapter 8, Construction Site Stormwater Management, of the Drainage Criteria Manual as well to achieve site compliance.

- ~~(A) *Natural vegetation.* The potential for soil loss shall be minimized by retaining natural vegetation wherever possible. Development in the Hillside/Hilltop Overlay District should comply with the recommendations of the Hillside/Hilltop Best Management Practices Manual with regard to the retention of natural vegetation on Hillside/Hilltops.~~

- (B) *Stabilization.* A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the erosion and sediment control plan. Except as provided in (1) and (2) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
- (1) Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (2) Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased.
- (3) Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures. See Chapter 167 of the UDC for tree protection requirements.
- (C) *Intermittent/perennial streams.* No intermittent or perennial stream, including a 25 foot perimeter strip measured from the top of the bank, shall be graded, developed, channeled, or physically altered unless adequate guarantees are made for erosion and sedimentation control both during construction and post construction. Likewise, cuts or fills shall be setback sufficiently from intermittent and perennial streams and other stormwater drainage systems to guarantee that there will be no damage from erosion or sedimentation. Final erosion and sedimentation control measures shall be approved by the City Engineer.
- (D) *Excavation material.* Excavation material shall not be deposited in or so near streams and other stormwater drainage systems where it may be washed downstream by high water or runoff. All excavation material shall be stabilized immediately with erosion control measures.

- (E) *Fording streams.* Fording of streams with construction equipment or other activities which destabilize stream banks shall not be permitted.
- (F) *Debris, mud, and soil in public streets.* Debris, mud and soil shall not be allowed on public streets but if any debris, mud, or soil from development sites reaches the public street it shall be immediately removed via sweeping or other methods of physical removal. Debris, mud, or soil in the street may not be washed off the street or washed into the storm drainage system. Storm drainage systems downstream of a development site should be protected from debris, mud, or soil in the event that debris, mud, or soil reaches the drainage system.

(Code 1991, §161.04; Ord. No. 3551, 6-5-91; Ord. No. 3947, §1, 2-6-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.05 One-Time Approvals

- (A) *Utilities.* Public and private utility organizations may obtain a one-time approval from the City Engineer for all routine underground electric, water, sewer, natural gas, telephone, or cable facilities. The approval will include a utility organization and its contractors, agents, or assigns and will be permanent in nature as long as the original approved procedures are followed.
- (B) *Stockpiling materials.* One-time approval may be obtained by public or private entities for the stockpiling of fill material, rock, sand, gravel, aggregate, or clay at particular locations, subject to Zoning, Chapters 160 through 165.

(Code 1991, §161.05; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.06 Land Alteration Requirements

- (A) *Applicability.* This section shall apply to all land alteration activities, including those that do not require a grading permit.
- (B) *Requirements varied.* Variances of this chapter's requirements may be approved by the City Engineer. The extent to which variations may be made will depend on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports. In no case shall the City Engineer waive or modify any of the minimum erosion control requirements as given in §169.04.
- (C) *Cut or fill slopes.*
 - (1) *Finish grade.* Cut or fill slopes shall have a finish grade no steeper than 33% (3.00

horizontal to 1 vertical), unless otherwise approved by the City Engineer. Land located within the Hillside/Hilltop Overlay District may have cut or fill slopes with a finish grade no steeper than 50% (2.00 horizontal to 1 vertical) unless otherwise approved by the City Engineer.

- (2) *Maximum length.* The maximum length of any cut or fill slope without a terrace (as described in 169.06 (D) below) shall be 100 feet as measured along the ground. The terrace shall be at least six feet (6') wide.
- (3) *Existing topography.* Cut or fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured to blend with the existing topography.
- (4) *Setback requirements.* The following setback requirements shall be reviewed by the City Engineer for purposes of assessing safety, stability, and drainage problems: (See illustrations).
 - (a) *Setback from top or toe of cut or fill.* Buildings shall be setback from the top or toe of a cut or fill in accordance with Zoning, Chapters 160 through 165; Building Regulations, Chapter 173; or the approved grading plan, whichever is greatest.
 - (b) *Setbacks from property lines.* The required setback of retaining walls, cut slopes, and fill slopes from property lines shall be as given in the illustrations. Property lines may be filled over or cut if a grading plan for the cut or fill is submitted jointly by the owner of both properties or with written permission from the adjacent property owner and if no utility easements are involved. If utility easements are involved, approval is required as given in (c) below in addition to the joint submittal requirement.
 - (c) *Setbacks from the edge of an easement.* The required setback of retaining wall, cut slopes, and fill slopes from the edge of easements shall be as given in the illustrations. Where no utilities are present in an easement, or where utilities are planned to be relocated, and where such action is approved by all utilities, in writing, then easements may fall within a cut or fill section.

- (d) *Setbacks from structures.* The required setback of retaining walls, cut slopes, and fill slopes from structures shall be as given in the illustrations. If a structure forms an integral part of the retaining wall, then the setbacks do not apply to that structure.
 - (e) *Calculating setbacks.* For the purpose of calculating setbacks, any cut or fill section which is on a slope of one to one or greater shall be considered a retaining wall.
 - (f) *Administrative variance.* Setbacks from easement lines and structures may be varied administratively by the City Engineer if geotechnical and/or structural information is provided that in the opinion of the City Engineer justifies the variance.
 - (g) *Additional information required.* The City Engineer may require further geotechnical and/or structural information to show that setbacks greater than those given are not needed to protect property, utilities, or the integrity of property lines.
- (D) *Cuts.*
- (1) *Vertical height.* Cuts shall be limited to 10 feet in vertical height unless information demonstrating slope stability, erosion control, and drainage control is provided together with a re-vegetation plan. For nonsolid rock cuts, terraces shall be required for cuts greater than 10 feet in height. It is recommended that terracing be at a maximum ratio of one foot of horizontal terrace for every foot of vertical surface.
 - (2) *Maximum vertical cut.* In solid rock, as determined by geotechnical and engineering data approved by the City Engineer, the maximum vertical cut shall be 30 feet.
 - (3) *Fill material.* In no case shall a cut be allowed primarily for the purpose of obtaining fill material to a different site, unless the exporting site is located within an extraction district.
- (E) *Fills.*
- (1) *Rocks/fill.* All imported fill shall be free of rocks greater than 12 inches in diameter and any detrimental organic material or refuse debris.
 - (2) *Compaction.* Fill shall be placed and compacted as to minimize sliding or erosion of soil. Fill compaction shall equal the compaction of undisturbed, adjacent soil, except fills covered by Building Regulations, Chapter 173, or other structural fills. The City Engineer may require soil tests during compaction work or upon its completion at the expense of the permittee.
 - (3) *Grade.* Fill shall not be placed on existing slope with a grade steeper than 15% (6.67 horizontal to 1 vertical) unless keyed into steps in the existing grade and thoroughly stabilized by mechanical compaction.
 - (4) *Vertical height.* Fills shall be limited to 10 feet in vertical height unless information demonstrating slope stability, erosion control, and drainage control is provided together with a re-vegetation plan.
 - (5) *Terraces.* Terraces shall be required for fills greater than 10 feet in height. It is recommended that terracing be at a maximum ratio of one foot of horizontal terrace for every foot of vertical surface.
- (F) *Erosion and sedimentation control.*
- (1) *Permanent improvements.* Permanent improvements such as streets, storm sewers, curb and gutters, and other features for control of runoff shall be scheduled coincidental to removing vegetative cover from the area so that large areas are not left exposed beyond the capacity of temporary control measures.
 - (2) *Phased Construction.* The area of disturbance onsite at any one time shall be limited to 20 acres. An additional 20 acres (a maximum of 40 acres of disturbance at any one time) may be stripped with the permission of the City Engineer in order to balance cut and fill onsite. No additional area may be open without the permission of the City Engineer until the previously disturbed areas have been temporarily or permanently stabilized.
 - (3) *Stockpiling of top soil.* Top soil may be stockpiled and protected for later use on areas requiring landscaping. All storage piles of soil, dirt or other building materials (e.g. sand) shall be located more than 25 feet from a roadway, drainage channel or stream (from top of bank), wetland, and stormwater facility. The City Engineer may also require top soil stockpiles to be located up to fifty (50) feet from a drainage channel or stream, as measured from the top of the

bank to the stockpile, for established TMDL water bodies; streams listed on the State 303(d) list; an Extraordinary Resource Water, Ecologically Sensitive Waterbody, and/or Natural and Scenic Waterbody, as defined by Arkansas Pollution Control and Ecology Commission Regulation No. 2; and/or any other uses at the discretion of the City Engineer.

Topsoil piles surfaces must be immediately stabilized with appropriate stabilization measures. Stabilization practices may include: temporary seeding (i.e. annual rye or other suitable grass), mulching, and other appropriate measures. Sediment control measures such as buffer strips, wattles, or silt fence shall be provided immediately for stockpiles and remain in place until other stabilization is in place. Storm drain inlets must be protected from potential sedimentation from storage piles by silt fence or other appropriate barriers.

Properly stabilized topsoil stockpiles may be used for sedimentation control.

~~(4) Existing vegetation. Every means shall be taken to conserve and protect existing vegetation.~~

~~(5) Re-vegetation. Re-vegetation shall be required to meet the following performance standards (sediment controls shall remain in place until re-vegetation is established) unless otherwise allowed by the City Engineer:~~

~~(a) Topsoil. A minimum of 4 inches of topsoil shall be required to be either existing or installed in areas to be re-vegetated. Any application of topsoil and seeding under the drip line of a tree should be minimized to 3 inches so as not to damage the trees root system.~~

~~(b) Zero to 10% grade: Re-vegetation shall be a minimum of seeding and mulching. Said seeding shall provide complete and uniform coverage that minimizes erosion and runoff in no more than two growing seasons.~~

~~(c) 10:1 up to 4:1 grade: Re-vegetation shall be a minimum of hydro-seeding with mulch and fertilizer, sod, or groundcover. Said planting shall provide complete and uniform coverage in no more than two growing seasons.~~

~~(d) 4:1 to 3:1 grade: The slope shall be covered with landscape fabric and~~

~~hydro-seeded with mulch and fertilizer, or staked sod, or groundcover. Said planting shall provide complete and uniform coverage in no more than two growing seasons.~~

~~(e) More than 3:1 grade: Any finish grade over 3:1 shall be stabilized with one or more of the following:~~

- ~~1) Retaining walls;~~
- ~~2) Cribbing with landscape fabric;~~
- ~~3) Terracing with groundcover;~~
- ~~4) Riprap;~~
- ~~5) Staked Sod (up to 2:1 slope)~~

~~If Cribbing, Terracing, or Riprap is used, the slope's stability and erodibility must be equivalent to or better than its predevelopment state.~~

~~(f) Hillside/Hilltop Overlay District. Re-vegetation of lands within the Hillside/Hilltop Overlay District shall be planted immediately after the physical alteration of the land with complete and uniform ground cover. Sod, erosion fabric, herbaceous groundcover (in wooded areas), and/or a hydroseed with warm season grasses is required. Re-vegetation requirements shall be met prior to the issuance of a certificate of occupancy. Cut and Fill tie-back slopes shall be re-vegetated with appropriate tree species to achieve a minimum of 25% tree canopy at maturity.~~

~~(46) Plant/water. Plant materials shall be watered or irrigated and tended. Where irrigation or regular watering is not available, only native or acclimated plant species shall be used. If the soil cannot properly sustain vegetation, it must be appropriately amended. If re-vegetation is not firmly established and healthy after one year, the urban forester shall require that it be redone in part or total.~~

~~(7) Plant/terrace bench. Plant materials shall be planted along terrace benches. Said plantings shall be spaced as necessary to thoroughly stabilize the terrace bench. The remainder of the terraced slope shall be re-vegetated and stabilized according to §169.06(F)(5) above.~~

~~(58) Permanent erosion control. The developer shall incorporate permanent erosion control features at the earliest practical time. Temporary erosion control measures will be used to correct conditions that develop during construction that were unforeseen during the design stage, that are needed prior to installation of permanent erosion~~

control features, or that are needed temporarily to control erosion that develops during normal construction projects, but are not associated with permanent control features on the project.

(Code 1991, §161.07; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. No. 4855, 4-18-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

- (G) *Percentage of land disturbance within the Hilltop/Hillside Overlay District shall be in accordance with the percent minimum canopy required on site per Chapter 167, Tree Preservation & Protection. Undisturbed land requirements. In the development of residential subdivisions, allowable grading of slopes shall be in accordance with this table.*

Average Grade	Minimum Undisturbed Area
10 to 15 percent	40 percent
15 to 20 percent	50 percent
> 20 percent	60 percent

~~In the development of Large Scale Developments, Large Site Improvement Plans, and lots within the Hillside Overlay District, the minimum amount of undisturbed land shall equal the percent minimum tree canopy pursuant to §167.04 (C). Planned Zoning Districts shall show undisturbed areas, but may be approved by the City Council with lesser percentages of undisturbed area than required above.~~

- (H) *Required retaining wall and rock cut design.*

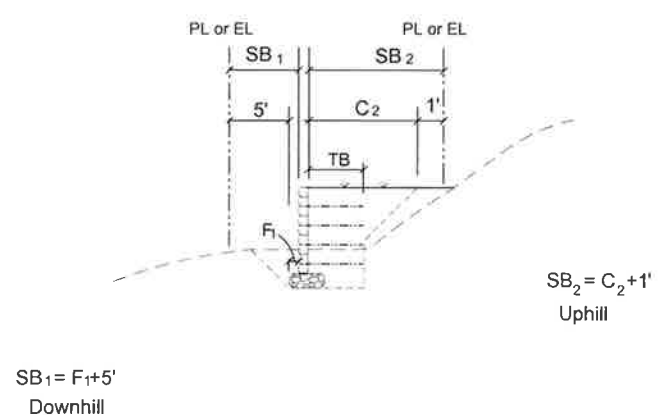
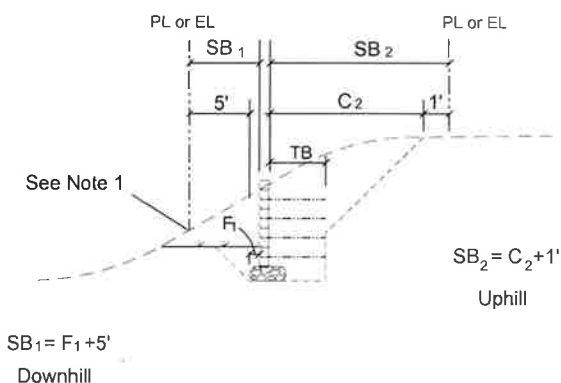
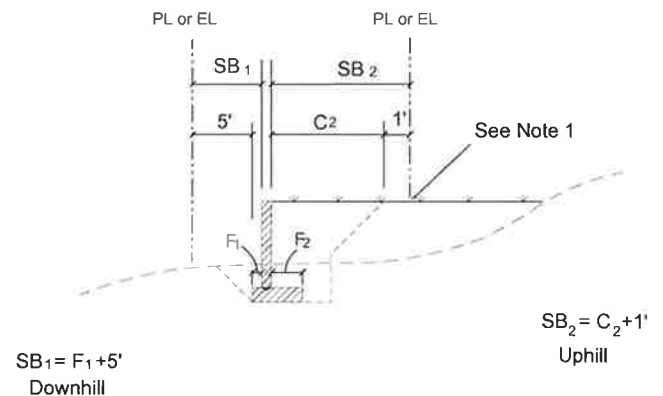
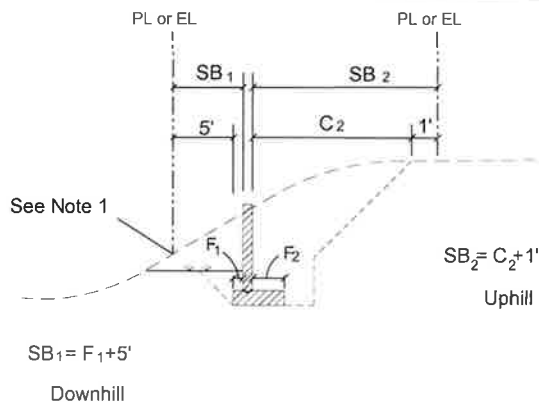
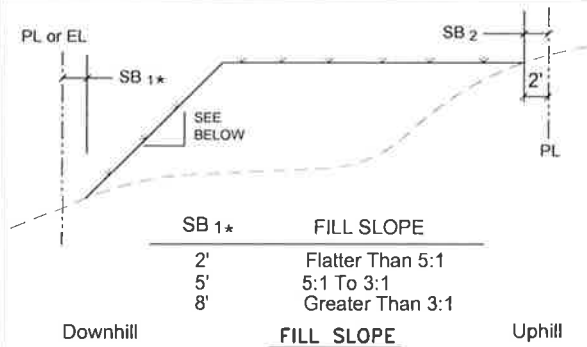
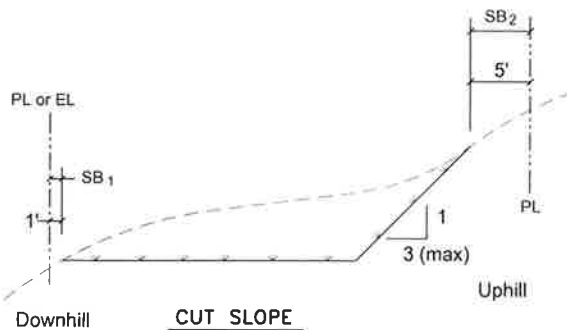
- (1) *Design/inspection.* Any retaining wall more than four feet in height shall be designed by a registered professional engineer, and shall be field inspected by the design engineer. The design engineer shall provide proof of inspection and certify that the wall was constructed in conformance with the design. The City Engineer may require retaining walls less than four feet in height to be designed by a professional engineer.
- (2) *Investigation/report.* All proposed rock cuts and any cut or fill 10 feet or greater will require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.
- (3) *Safety railings.* Safety railings may be required on any retaining wall 2.5 feet or higher. The decision as to whether to require safety railing shall be based on potential pedestrian and public access to the retaining wall and applicable building codes. This requirement for safety rails shall also apply to vertical or near vertical rock cuts and to steep (greater than 3:1) cut or fill slopes.

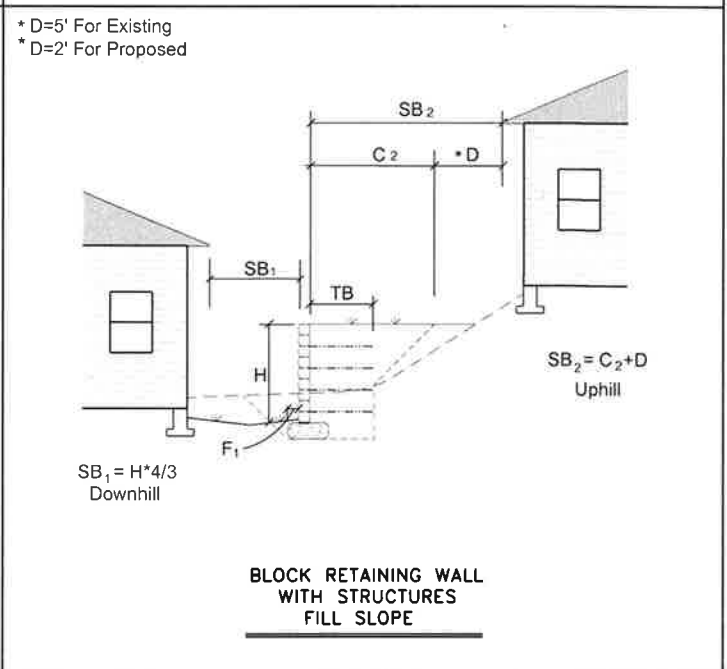
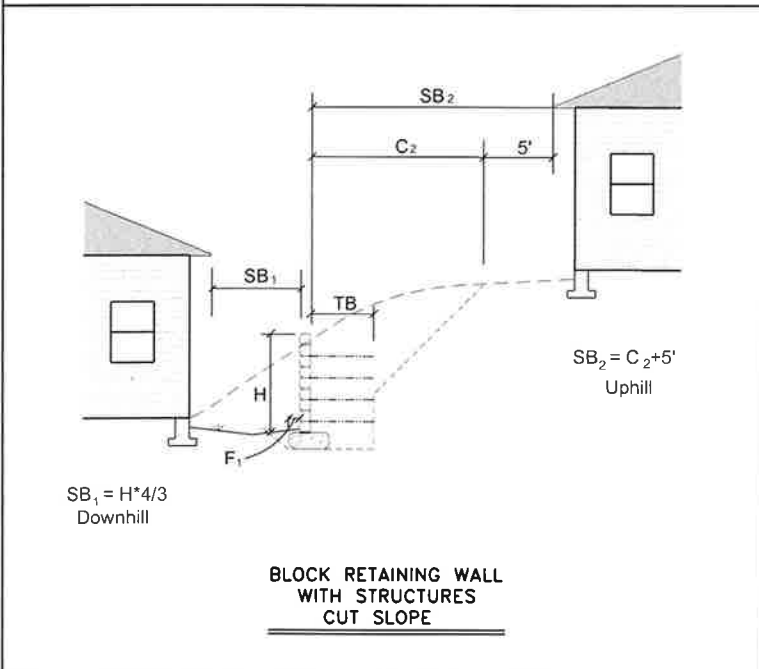
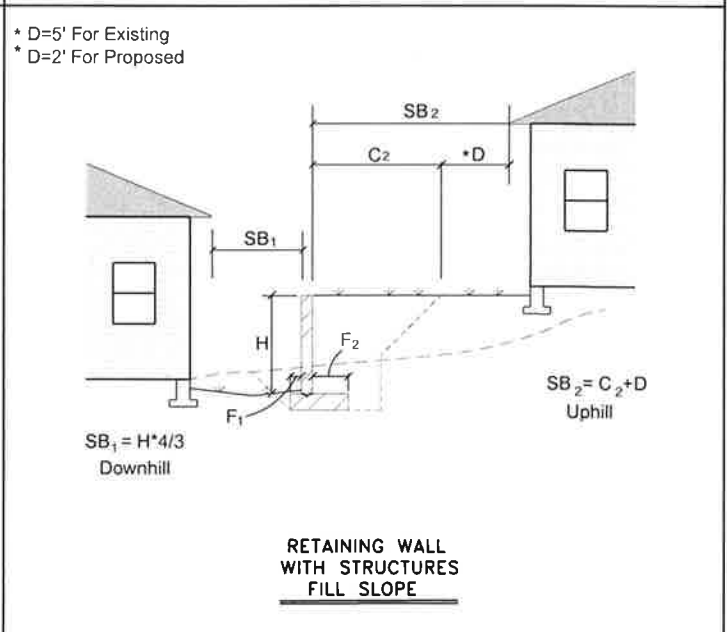
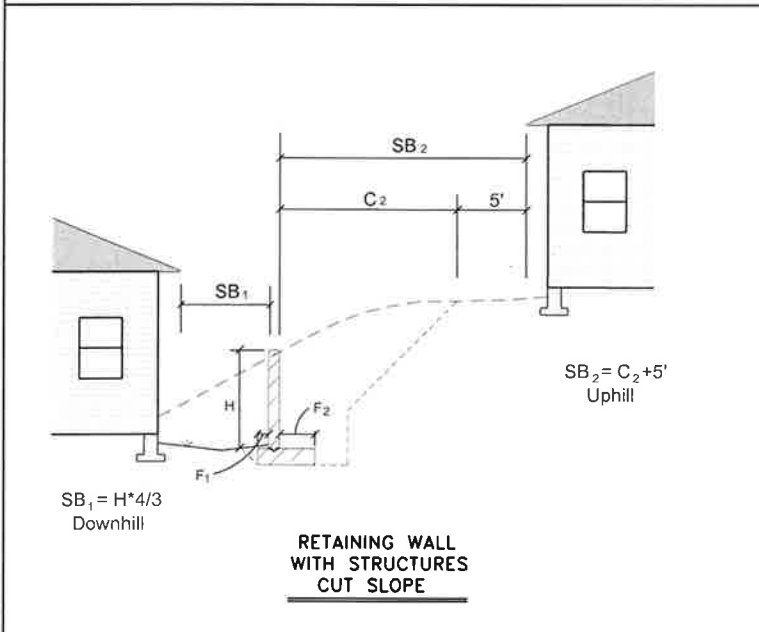
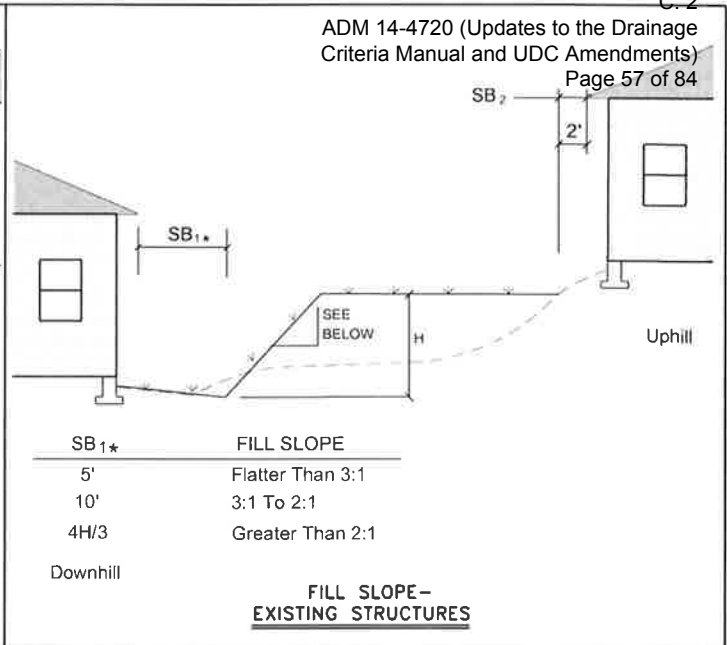
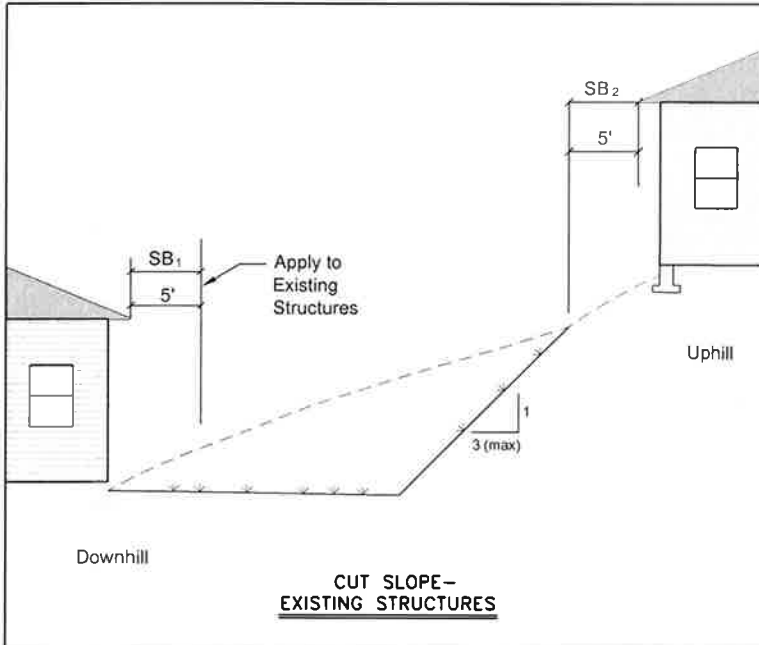
LEGEND

	EXISTING GROUND
	PROPERTY OR EASEMENT LINE
	PROPOSED GROUND
	CONSTRUCTION LIMITS
SB ₁	MINIMUM SETBACK FROM PROPERTY LINE DOWNHILL
SB ₂	MINIMUM SETBACK FROM PROPERTY LINE UPHILL
TB	TIE BACK
S	SLOPE
F ₁	FOUNDATION DOWNHILL
F ₂	FOUNDATION UPHILL
C ₁	LIMITS OF CONSTRUCTION-DOWNHILL
C ₂	LIMITS OF CONSTRUCTION-UPHILL

NOTES

1. WRITTEN PERMISSION FROM ADJACENT PROPERTY OWNER IS REQUIRED TO FILL OR EXCAVATE OVER EXISTING PROPERTY LINES OR SETBACKS.
2. CONSTRUCTION LIMITS INDICATED ARE FOR INITIAL CONSTRUCTION; RECONSTRUCTION; OR MAINTENANCE OF THE STRUCTURE IN THE FUTURE.
3. REVIEW ZONING & BUILDING SETBACK REQUIREMENTS, DEFER TO WHICHEVER MAY BE GREATER.
4. MINIMUM SLOPE AND DISTANCE FROM THE STRUCTURE PER STATE BUILDING CODE MUST NOT BE VIOLATED.
5. REFER TO THE OSHA TECHNICAL MANUAL SECTION 5 CHAPTER 2 FOR SOIL TYPES AND SLOPE EXCAVATION TO DETERMINE THE LIMITS OF CONSTRUCTION.
6. APPLICABLE FOR RETAINING WALLS MORE THAN 4 FT. IN HEIGHT.





169.07 Grading Plan Specifications

(A) *Grading plan.* The applicant shall prepare a grading plan as follows:

- (1) *Site plan.* Site plan at a scale no smaller than one inch equals 50 feet, showing property lines; vicinity map; name of owner, developer and adjacent property owners.
- (2) *Existing grades.* Existing grades shall be shown with dashed line contours and proposed grades with solid line contours. Grading plans shall be required to show both the proposed grade and the undisturbed area. Contour intervals shall be a maximum of two feet. Spot elevations shall be indicated.
- (3) *Designation of grade.* Areas with 0 to 10%, 10 to 15%, 15 to 20% and more than 20% grade shall each be identified in a distinguishing manner.
- (4) *Identify land to be disturbed.* Land areas to be disturbed shall be clearly identified.
- (5) *Engineer/architect.* Seal of a registered engineer, architect, or landscape architect certifying that the plan complies with this chapter.
- (6) *Cuts and fills.* All cuts and fills, including height and slope, shall be clearly shown on the plan.
- (7) *Streets and rights-of-way.* Location and names of all existing or platted streets or rights-of-way within or adjacent to tract and location of all utilities and easements within or adjacent to the property shall all be indicated.
- (8) *Lot/building, etc. identification.* The proposed location of lots, buildings, streets, parking lots and parks, playgrounds or green space shall be indicated. Also to be indicated is any existing or proposed building within 100 feet of the site.
- (9) *Soil type.* ~~Soil types shall be identified according to the Unified Soil Classification System.~~
- (940) *Natural features.* Location of natural features such as drainage ways, ponds, rock outcroppings, and tree cover. Indication of 100 year floodplains as defined by FEMA.
- (1044) *Streets and drainage ways.* Profiles and cross sections for proposed streets and drainage ways.

(112) *Acreage/zoning.* Total acreage and ~~zoning classification.~~

(123) *Surface water.* Provisions for collecting and discharging surface water.

(134) *Underground utilities.* Profiles and cross sections of streets, drainage systems, and underground utilities, if they are necessary to clarify the grading plan in terms of potential erosion or runoff, or if the grading on site has the potential of disturbing the utility line.

(145) *Treatment of slopes and benches.* The method of treatment for all slopes and benches shall be indicated.

(156) *Natural vegetation preservation.* Proposals for preserving natural vegetation and description of re-vegetation or other permanent erosion control strategy.

(167) *Runoff/sedimentation.* Specification of measures to control runoff and sedimentation during construction indicating what will be used such as straw bales, silt dams, brush check dams, lateral hillside ditches, catch basins, and the like.

(178) *Preliminary plat master build-out grading plan.* The applicant shall prepare a master grading plan to be followed during individual lot development to convey runoff to a public drainage easement or right of way. ~~In addition to the requirements of 169.07 A,~~ [†]The following shall be required for individual lot drainage design:

(a) Identify lot lines and conceptual foot print of residence.

(b) ~~Establish the minimum finish floor and grading adjacent to the residential structure in accordance with Chapter 173 Building Regulations and the Arkansas Fire Prevention Code.~~

(be) Indicate individual lot drainage with the use of contours ~~spot elevations~~ and flow arrows or other indications of direction of drainage.

(i) ~~The minimum slope of the flow path from the top of curb, top bank, or approved drainage inlet to the high point of the final graded lot shall be at a minimum of 2% for grassed surfaces.~~

(ii) In general, drainage should be routed on the shortest practicable

flow path to the public right of way or drainage easement.

- (cd) Nonstructural grassed swales for rear lot drainage concentration is discouraged and shall not be installed in combination with a utility easement.
- (de) Right of way, utility easements and drainage easements shall be graded and shaped in accordance with the Master Build out Grading Plan during preliminary plat construction.
 - (i) Utility Easements adjacent to the right of way shall be no steeper than 15%. ~~shall be graded and shaped in accordance with the master build-out grading plan during preliminary plat construction.~~
 - (ii) Provisions will be considered to accommodate positive drainage until build-out occurs.
- (B) Preliminary grade plan. The preliminary grading plan shall ~~have adequate detail for review include all the above items except (5), (7), (11), (13), and (14) above. In addition to the above items, the city may require a cross section through the property showing existing and proposed grades as part of the preliminary submission.~~

~~The following additional required information may be reported in text rather than shown on the grading plan.~~

- ~~(1) Time schedule. A time schedule indicating the anticipated starting and completion dates of the development sequence and time of exposure of each area prior to stabilization measures.~~
- ~~(2) Description / fill material / compaction. Description of quantity (in cubic yards), source, and composition of imported fill material and compaction specifications. Also, note the quantity (in cubic yards) and destination of excavation materials to be removed from the site.~~
- ~~(3) Dust. Where excessive dust may become a problem, a plan for spraying water on heavily traveled dirt areas shall be addressed.~~
- ~~(4) Soils engineering study. The City Engineer may require a soil engineering study, or soil loss calculations if site conditions so warrant.~~

(Code 1991, §161.08; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. No. 4855, 4-18-06; Ord. 5336, 8-3-10)

169.08 Grading Plan Submittal

- (A) Preliminary grading plan. A preliminary grading plan shall be submitted at the time of preliminary plat submission for subdivisions or plat submission for large scale development, whichever is applicable.
- (B) Final grading plan. No subdivision may be finalized, nor large scale development plat approved before a final grading plan has been submitted to the City Engineer and approved. The final grading plan and the final plat of land located within the Hillside/Hilltop Overlay District shall have the following plat note stating: 'Property and lot owners of lands located within the Hillside/Hilltop Overlay District shall have foundation plans designed, approved and sealed by a professional architect or engineer.'
- (C) A copy of the Stormwater Pollution Prevention Plan (SWPPP) is required to be submitted with the grading plan for sites one acre or larger.
- (D) In cases where neither subdivision plat, nor LSD plat is applicable, proof of notification of adjacent property owners and grading plan must be submitted simultaneously with the application for a grading permit.

(Code 1991, §161.09; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 5308, 3-16-10; Ord. 5336, 8-3-10)

Cross reference(s)—Notification and Public Hearings, Ch. 157.

169.09 Minor Modifications

Finish grades shall be allowed no more than a 0.50 foot tolerance from the grading plan. However, the City Engineer may authorize in writing minor modifications so long as they do not alter the direction of run-off and otherwise comply with the intent of this chapter. When applicable, major modifications must be brought before the Subdivision Committee for their approval.

(Ord. 5336, 8-3-10)

169.10 Approval

Approval of a grading plan ~~permit~~ is contingent on meeting all the requirements of this ordinance plus any set of varied requirements approved by the Planning Commission.

(Code 1991, §161.10; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. 5336, 8-3-10)

TITLE XV UNIFIED DEVELOPMENT CODE

169.11 Discovery Of Historic Resources

Whenever, during the conduct of grading any historical, pre-historical, or paleontological materials are discovered, grading shall cease and the City Engineer shall be notified.

(Code 1991, §161.21; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.12 Certificate Of Occupancy

All re-vegetation and grading plan improvements shall be in place before a certificate of occupancy shall be issued, including cleanup and restoration/revegetation of adjacent and nearby property affected by construction activities.- When a property owner has finished building construction but has yet to install plant material, said owner may apply for a temporary certificate of occupancy. In evaluating whether or not to grant a temporary certificate of occupancy, the City Engineer shall consider weather conditions and temporary stabilization measures.

(Code 1991, §161.15; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10, Ord. 5431, 8-16-11)

169.13 Owner Responsibility

The property owner shall be responsible both for his or her employees and for all contractors and subcontractors from the onset of development until the property is fully stabilized. If property is transferred anytime between the onset of development and at the time it is fully stabilized, all responsibility and liability for meeting the terms of the chapter shall be likewise transferred to the new property owner.

(Code 1991, §161.16; Ord. No. 3551, 6-4-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5336, 8-3-10)

169.14-169.99 Reserved

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

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CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

170.01 Intent

(A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:

- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
- (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
- (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
- (34) Promoting the development of stormwater facilities that are aesthetically desirable.

(B) *Findings of fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:

- (1) *Impervious surfaces / runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
- (2) *Collection and conveyance of stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
- (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity.
- (4) *Future problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

(Code 1991, §163.03; Ord. No. 3895, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.02 Adoption Of Drainage Criteria Manual

The City Council hereby adopts by reference the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by Ordinance No. XXXX3895 of the City of Fayetteville, and as may be amended from time to time by the City Engineer. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter.

(Code 1991, §163.03; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 09-05-06; Ord. 5336, 8-3-10)

170.03 Permits Required

(A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the City, except as specified in §170.03(C) and §170.03 (D) below.

(B) *Permit application.* Any application for a ~~drainage permit shall be submitted according to §170.05 below, and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by § 169.03. The drainage permit applications shall include at the time of submission the calculations required by §170.05(B)(7). The application also shall state whether or not detention is required, and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §170.07 below.~~ a drainage permit shall be submitted to the City Engineer using appropriate forms as provided by the city for review, processing, and approval. The drainage permit application shall be submitted concurrently with the application for a grading permit, if such grading permit is required by § 169.03. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1.4, Drainage Report Template and Checklist. The City Engineer shall make the final determination regarding detention.

(1) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan

review, administration and management of the permitting process and inspection of project implementation and operation (separate from the Physical Alteration of Land fee).

- (2) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance may be denied and a written statement as to the reasons for the denial shall be provided to the applicant.
- (C) *Project not requiring detention.* Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit.
- (D) Any grading permit ~~and/or issued prior to the issuance of a required drainage permit~~ issued shall be subject to the following:
- (1) *Insufficient or incomplete drainage permit application.* If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.
 - (2) *Deadline for the revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.
 - (3) *Insufficient or incomplete revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.
 - (4) *Stabilization and revegetation after stop work order.* If a stop work order is issued pursuant to §170.03 (C) (3), the applicant shall stabilize and revegetate all graded and otherwise

disturbed areas as set forth in ~~§169.06(F)(6) and §169.04(B)~~ the Drainage Criteria Manual.

- (5) *Termination of stop work order.* Any stop work order issued pursuant to §170.03 (C) (2) or §170.03 (C) (3), shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.
- (E) *Exceptions where no drainage permit is required.* Drainage permits are not required for the following:
- (1) *Single-family/duplex.* One single-family residence or duplex. A drainage permit is not required. See Section 170.0910 for building permit submittal requirements.
 - (2) *Commercial/industrial.* One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.
 - (3) *Existing commercial/industrial.* Existing commercial and industrial structure where additional ~~impermious area is structural improvements are~~ less than 2,000 square feet.
 - (4) *Maintenance.* Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.
 - (5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.
 - (6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards.
- (F) *Compliance with chapter provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the pollution prevention and erosion and sediment control provisions of this chapter.

(Code 1991, §163.04; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4314, 5-15-01; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.04 Drainage Permit Conditions

Each permit issued shall be subject to the following conditions.

- (A) *Area*. The development, including associated construction, shall be conducted only within the area specified in the approved permit.
- (B) *Execution*. Activities requiring a stormwater management, drainage, and erosion control permit shall not commence until the drainage permit is approved. The approved drainage permit shall be on file with the city and a copy on file with the contractor for review and inspection upon request.
- ~~(C) *Inspections*. A schedule of inspections to be carried out during the construction phase of permitting shall be established as conditions to the permit.~~
- (CD) *Duration*.
 - (1) Unless revoked or otherwise modified, the duration of a drainage permit issued pursuant to this chapter shall be one year.
 - (2) If the permitted project ~~discharge structure~~ is not completed prior to expiration, the drainage permit duration can be extended to cover the project duration, subject to approval of the City Engineer.
- ~~(E) *Maintenance*. Maintenance activities, as specified in the approved maintenance plan, shall be executed routinely, with scheduled reporting to the City Engineer.~~
- (DF) *Modifications*. If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the City Engineer shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the City Engineer.
- (EG) *Transfer*. No transfer, assignment, or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the City Engineer.
- (FH) *Special*. Any additional special conditions, as deemed appropriate by the City Engineer, shall be established to address specific project needs or circumstances.

(Code 1991, §163.05; Ord. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.05 Drainage Permit Application

~~A storm water management, drainage, and erosion control permit application shall be submitted to the City~~

~~Engineer using appropriate forms as provided by the city. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1, Drainage Report Checklist. Submittal information and plans shall include, but not be limited to the following:~~

- ~~(A) *Applicant identification*. Applicant information, including the name, address, email, and telephone number of the owner and developer, and proof of ownership of the property to be permitted. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies.~~
- ~~(B) *Plan*. Stormwater management, drainage and erosion control plan, shall include, but not be limited to the following:~~
 - ~~(1) *Aerial photograph*. Aerial photograph of the project vicinity, covering the project area and the total lands that contribute runoff.~~
 - ~~(2) *Topographic map*. Topographic map of the project area showing the location and elevation of benchmarks, including at least one benchmark for each control structure.~~
 - ~~(3) *Land use map*. Land use map showing both current and proposed conditions for the drainage area that contributes runoff.~~
 - ~~(4) *Soils and vegetation map*. Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.~~
 - ~~(5) *Grading, drainage, paving, building drawings*. Proposed grading, drainage, paving, and building drawing(s) showing details of proposed grading, drainage, paving, and buildings.~~
 - ~~(6) *Erosion and sediment drawings*. Erosion and sediment control drawing(s) and specifications identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.~~
 - ~~(7) *Technical report*. Technical report, prepared by a registered professional engineer, describing the assumptions, calculations, and procedures used for determining compliance with the performance criteria established by this chapter.~~

- (8) ~~Maintenance report.~~ Maintenance report (text and drawings), prepared by a registered professional engineer, describing the activities and schedule required to operate and maintain the permitted facilities until accepted by the city.

(Code 1991, §163.06; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.056 Submission, Review, And Approval Of Plans ~~Permit Processing~~

- (A) ~~General.~~ The stormwater management, drainage, and erosion control plans shall be prepared by the engineer of record, who is a licensed professional engineer of the State of Arkansas.
- (B) ~~Pre-preliminary drainage plan and review.~~ A pre-preliminary stormwater management, drainage, and erosion control plan review with the engineering staff is suggested before platting, replats, lot splits, building permits, and/or development improvements begin for the purpose of overall general drainage concept review.
- (C) ~~Preliminary stormwater and drainage plan.~~ Preliminary stormwater management, drainage, and erosion control plans and accompanying information as described in the *Drainage Criteria Manual* shall be submitted at the time of the preliminary plat, replat, lot split, building permit, site improvement plan, large scale development, and/or development improvements are submitted. If needed, a review meeting will be scheduled by the City Engineer with a representative of the developer, including the engineer, to review the overall concepts included in the preliminary stormwater management, drainage, and erosion control plan. The purpose of this review shall be to jointly agree upon an overall stormwater management concept for the proposed development and to review criteria and design parameters that shall apply to final design of the project.
- (D) ~~Final stormwater management, drainage, and erosion control plan.~~ Following the preliminary stormwater management, drainage, and erosion control plan review, the final stormwater management drainage, and erosion control plan shall be prepared for each phase of the proposed project as each phase is developed. The final plan shall constitute a refinement of the concepts approved in the preliminary stormwater, drainage, and erosion control plan, with preparation and submittal of detailed information as required in the *Drainage Criteria Manual*. This plan shall be submitted at the time construction drawings are submitted for approval.

- (AE) ~~Review and approval of final stormwater management, drainage, and erosion control plans.~~ Final stormwater management, drainage, and erosion control plans shall be **Upon** reviewed by the City Engineer, if it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria, and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the City Engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof.

- (BF) ~~Off-site improvements.~~ If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:

- (1) ~~Developer's expense.~~ Building the off-site improvements at his/her own expense;
- (2) ~~Detention.~~ Providing detention so as to match downstream capacities; or
- (3) ~~Delay project.~~ Delaying the project until the city is able, or willing, to share in the off-site costs.

(Code 1991, §163.07; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.067 Performance Criteria

- (A) ~~Storm water management, drainage, and erosion control plan.~~ Stormwater management, drainage, and erosion control plans shall be prepared in accordance with performance standards that have been structured to achieve the purposes and objectives of this chapter as well as to ensure that the quality and quantity of runoff after development is not substantially altered from predevelopment conditions.
- (AB) ~~Performance criteria.~~ Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following performance criteria:
- (1) **Water Quality.** Where practicable, reduce the average annual post-development total suspended solids loadings by 80%. ~~Flood Damage Prevention Code.~~ Provisions for floodplain management criteria shall be

~~consistent with those contained in Chapter 168, the Flood Damage Prevention Code.~~

- (2) **Channel Protection.** Capture the increased volume of the 1 year, 24-hour storm and release it over an extended period of time.
- (3) **Overbank and Extreme Flood Protection.** The post-development peak rate of surface discharge must not exceed the existing discharge for the 100 year, 24-hour storm; ~~the 25 year, 24-hour storm; the 10 year, 24-hour storm; the 5-year, 24-hour storm; and the 2 year, 24-hour storm,~~ unless other discharge limits are deemed applicable for a specific site by the City Engineer.
- (4) **Low Impact Development.** Use of Low Impact Development design strategies, as described in ~~Chapter 179 the Drainage Criteria Manual,~~ to attenuate lesser storms and more closely mimic predevelopment hydrology is encouraged.
- (5) **Direct Discharge.** Direct Discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.
- (6) **Erosion and channel stability.** All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.
- (6) **Drainage into wetlands and floodways.** Areas defined as "wetlands" and "floodways" by the appropriate federal agencies shall be protected from adverse changes in runoff quantity and quality from associated land development.
- (7) **Drainage Criteria Manual.** The technical procedures and design standards contained in the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by this chapter and as may be amended from time to time by the City Engineer, shall be used for

guidance to determine compliance with the performance criteria established by this chapter.

(Code 1991, §163.08; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.078 Maintenance Responsibility

- (A) **Dedication.** Those stormwater management systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the City Engineer.
- (B) **Agreement to Maintain Stormwater Systems and Structures.** The owner of the property on which stormwater systems and structures have been installed shall ~~agree to~~ maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.
- (C) **Maintenance Inspections.** ~~All privately owned stormwater management facilities shall be inspected near the end of the first year of operation by the owner of the facilities. A subsequent inspection shall be performed at the end of the fourth year to ensure functionality and compliance. Inspection reports shall be submitted to and maintained by the City Engineer for all stormwater systems and structures. Inspection reports for stormwater systems and structures shall include:~~
 - (1) ~~The date of the inspection;~~
 - (2) ~~The name of the inspector;~~
 - (3) ~~The condition of:~~
 - (a) ~~Pretreatment devices.~~
 - (b) ~~Vegetation or filter media~~
 - (c) ~~Spillways, valves, or other control structures.~~
 - (d) ~~Embankments, slopes or safety benches.~~
 - (e) ~~Inlet and outlet channels and structures.~~
 - (f) ~~Sediment and debris accumulation in storage and forebay areas.~~

~~(g) Underground drainage.~~

~~(h) Provide cross sectional data showing the existing capacity of the detention pond for comparison to the minimum designed capacity in the approved final drainage report. Cross sectional data shall be at the end of the fourth year. If the designed capacity is not available the owner shall reestablish the original approved volume in the final drainage report.~~

~~(i) Any other item that could affect the proper function of the stormwater structures or systems.~~

~~(4) Description of the needed maintenance.~~

~~(5) Description of maintenance activities undertaken.~~

~~After the 2nd Inspection Report is received, the City Engineer will make a determination whether subsequent Inspection Reports will be required to be submitted based upon the stabilization of the site and the condition of the stormwater systems.~~

~~(CD) Right-of-Entry for Inspection.~~ The owner shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting stormwater systems and structures.

~~(D) Failure to Maintain.~~ If a responsible person fails or refuses to meet the maintenance requirements of the inspection and maintenance agreement the City may ~~shall~~ give written notice requesting corrective action. If the conditions described in the Failure to Maintain notice are not corrected within 10 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:

(a) The lien may be enforced at any time within 18 months after work has been done, by an action in circuit court; or

(b) The amount of the lien herein provided may be determined at a hearing before the City Council held after 30 days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be

known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one insertion per week for four consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus ten percent penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector.

(c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(EF) Removal and modification of Stormwater Systems and Structures. Stormwater systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine ~~the~~ whether the stormwater system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the stormwater systems or structures.

(Code 1991, §163.09; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

Cross reference(s)--Enforcement, Ch., 153; Appeals, Ch. 155, Variances, Ch. 156; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

~~170.09 Drainage Permit Processing~~

~~(A) Application.~~ Stormwater management, drainage, and erosion control permit applications shall be submitted to the city for review, processing, and approval. Applicants may schedule a pre-application conference with the city to discuss a

~~proposed project before submitting the application.~~

- ~~(B) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation.~~
- ~~(C) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.~~

(Code 1991, §163.10; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.840 Stormwater Discharges From Construction Activities

(A) General Requirements for Construction Sites.

- (1) *Construction Site.* A construction site is a site with activity that would result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property; the erection of buildings or other structures, any part thereof; or land clearing.
- (2) *Owner Responsibility.* The owner of a site of construction activity shall be responsible for compliance with the requirements of this chapter.
- (3) *Erosion And Sediment Control.* Best Management Practices (BMPs) shall be implemented to prevent the release of airborne dust and waterborne sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances/exits shall be managed to prevent sediment tracking. Streets and storm inlets must be kept clean at all times and free of loose rock, mud, debris and trash. Specific inlet protection measures may be necessary, as long as they do not interfere with vehicular traffic. Mud on streets must be physically removed and not washed into inlets.
- (4) *Construction Sites Requiring Storm Water Pollution Prevention Plans.* Erosion and sediment control systems must be installed and maintained per a state approved Storm

Water Pollution Prevention Plan (SWPPP) before the beginning of construction and until slope stabilization and/or vegetation is established. For sites between 1 and 5 acres, the SWPPP and Notice of Intent (NOI) must be onsite at all times. For sites over 5 acres, the NOI and the SWPPP and Notice of Coverage must be onsite at all times. The site owner bears responsibility in accordance with the Arkansas Department of Environmental Quality standards and general permit.

- (5) *Construction Exits.* A stabilized rock exit is required on construction sites. ~~Rock exits must be at least 20' wide by 20' long (1 & 2 family residential) or 50' long (all other construction sites) by 6" thick stabilized rock having a minimum average diameter of 3". If there is an existing curb, loose material such as fill dirt or gravel shall not be used to ramp up to it from the street. Temporary wooden ramps in front of curbs are acceptable.~~
- (6) *Concrete Truck Wash Areas.* No washing of concrete trucks or chutes is allowed except in properly located and constructed concrete wash pits. Proper runoff and erosion controls must be in place to retain all concrete wash water.
- (7) *Dewatering.* All rainwater pumped out of sumps and depressions on construction sites should be clear and free of sediment. ~~and must discharge to a sedimentation pond, sediment bag, or settling tank in such a manner as to not cause additional erosion problems.~~
- (8) *Storage of Materials.* Public streets and sidewalks shall not be used for temporary storage of any containers or construction materials, especially loose gravel and topsoil. In addition to on-street storage being a violation of this chapter, all liability for any accidents and/or damages due to such storage will be the responsibility of the owner of the stored materials.
- (9) *Dirt and Topsoil Storage.* All storage piles of soil, dirt or other building materials (e.g. sand) shall be located more than 25 feet from a roadway, drainage channel or stream (from top of bank), wetland, and stormwater facility. ~~The City Engineer may also require storage piles to be located up to fifty (50) feet from a drainage channel or stream, as measured from the top of the bank to the stockpile, for established TMDL water bodies, streams listed on the State 303(d) list; an Extraordinary Resource Water, Ecologically Sensitive Waterbody, and/or Natural and Scenic Waterbody, as defined by Arkansas~~

~~Pollution Control and Ecology Commission Regulation No. 2; and/or any other uses at the discretion of the City Engineer.~~

~~Topsoil piles surfaces must be immediately stabilized with appropriate stabilization measures. Stabilization practices may include: temporary seeding (i.e. annual rye or other suitable grass), mulching, and other appropriate measures. Sediment control measures such as silt fence shall be provided immediately for stockpiles and remain in place until other stabilization is in place. Storm drain inlets must be protected from potential sedimentation from storage piles by silt fence or other appropriate barriers.~~

- (10) *Franchise and Private Utilities.* The property owner or main contractor onsite will be responsible for restoring all erosion and sediment control systems and public infrastructure damaged or disturbed by underground private or franchise utility construction such as water and sewer service leads, telephone, gas, cable, etc. Erosion and sediment control systems must be immediately restored after each utility construction.

- (11) *Post-Construction Compliance.* Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this chapter in the course of maintenance, reconstruction or any other construction activity on the site.

- (B) *Construction Sites Requiring an Approved Stormwater Pollution Prevention Plan (SWPPP).* For all construction sites where construction on a site will disturb soil or remove vegetation on one (1) or more acres of land during the life of the construction project, a Stormwater Pollution Prevention Plan (SWPPP) for the project must be implemented by the construction site owner as follows:

- (1) The site owner bears the responsibility for implementation of the SWPPP and notification of all contractors and utility agencies on the site.

- (C) *Stormwater Pollution Prevention Plans.* Preparation and implementation of Stormwater Pollution Prevention Plans for construction activity shall comply with the following:

- (1) *Implementation*

- (a) *Installation and Maintenance.* BMPs shall be installed and maintained by

~~qualified persons. The owner or their representative shall provide upon the City Engineer's request a copy of the SWPPP on site and shall be prepared to respond to unforeseen maintenance requirements of specific BMPs.~~

- (b) A qualified inspector (provided by the owner/developer/builder) shall inspect disturbed areas of the construction site and areas used for storage of materials that are exposed to precipitation that have been finally stabilized, and locations where vehicles enter or exit the site. BMPs must be observed to ensure proper operation. Inspectors must inspect for evidence of, or the potential for, pollutants entering the stormwater conveyance system. Discharge locations must be inspected to determine whether BMPs are effective in preventing significant impacts to waters of the State, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. The inspections must be conducted at least once every seven (7) calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater as measured at the site or generally reported in the vicinity of the site. A rain gauge must be maintained on-site.

~~A report shall be prepared for each inspection summarizing the scope of the inspection; name(s), title(s) and qualifications of personnel making the inspection; the date of the inspection; amount of rainfall and days since last rain event, BMPs on-site; observations relating to whether BMPs are in working order and whether maintenance is required (when scheduled and completed); the locations and dates when major construction activities begin, occur, or cease; and the signature of the inspector. The reports shall be retained as part of the stormwater pollution prevention plan for at least three (3) years from the date the site is finally stabilized and shall be made available upon request to the City.~~

- (c) *Modifications.* Based on inspections performed by the owner or by authorized City personnel, modifications to the SWPPP will be necessary if at any time the specified BMPs do not meet the objectives of this chapter. In this case, the owner/developer/builder or

~~authorized representative shall meet with authorized City personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner's copy of the SWPPP.~~

~~(D) Requirements for Utility Construction~~

- ~~(1) Utility agencies shall be responsible for compliance with the requirements this chapter.~~
- ~~(2) Utility agencies shall develop and implement Best Management Practices (BMPs) to prevent the discharge of pollutants on any site of utility construction within the City. In addition, the City may adopt and impose BMPs on utility construction activity.~~
- ~~(3) Utility agencies shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.~~
- ~~(4) Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner a copy of any SWPPPs for the project. Any disturbance to BMPs resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWPPP.~~

(Ord. 4920, 9-05-06; Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

170.944 Preliminary Plat, Lot Requirements

- (A) *Preliminary Plats.* Preliminary Plats shall include a master drainage plan for each lot related to the proposed infrastructure and adjacent lots.
- (B) *Preliminary Plats for Residential Subdivisions.* Preliminary Plats for residential subdivisions shall provide detailed drainage information including flow arrows and design spot elevations including the proposed finish floor elevation meeting the Arkansas Fire Prevention Code for building safety regulations for positive drainage of each lot.

- (1) The applicant shall prepare a master grading plan to be followed during individual lot

development to convey runoff to a public drainage easement or right of way.

- (2) Right of way, utility easements and drainage easements shall be graded and shaped in accordance with the Master Build out Grading Plan during preliminary plat construction.

- (C) *Rear lot drainage easements.* Rear lot drainage easements for nonstructural grassed swales shall not overlap utility easements with above ground structures, ie, electric transformers, gas meters, communication junctions, etc.

- (D) *Final Plat.* The Final Plat shall include the approved master drainage plan to be filed as a supplemental document. The scale shall be legible and approved by the City Engineer.

(Ord. 5336, 8-3-10)

170.1042 1 & 2 Family Residential Requirements

- (A) *1&2 Family Residential and Sites under One Acre.* All residential lots must maintain properly installed erosion and sediment control measures from the beginning of construction until slope stabilization and/or vegetation is established in order to prevent silt and sediment from going offsite or into the street.
- (B) A building permit application shall contain sufficient site drainage and grading information to determine whether the project complies with the requirements of this chapter and Chapter 169, including, but not limited to:

- (1) Locations and types of proposed stormwater and erosion control BMPs.

- (2) Lot lines and conceptual foot print of building.

- ~~(3) Minimum finish floor and grading adjacent to the residential structure in accordance with Chapter 173 Building Regulations and the Arkansas Fire Prevention Code.~~

- (34) Individual lot drainage features, using contours spot elevations and flow arrows.

- (C) If the Final Plat of the Subdivision, in which the proposed building is located, includes an approved master drainage plan, this plan shall be included in the building permit application and the individual lot drainage plan shall follow the master drainage plan unless otherwise approved by the City Engineer.

(Ord. 5336, 8-3-10; Ord. 5431, 8-16-11)

**170.113 Post Construction Stormwater
Management Pollution Prevention****(A) Prohibitions**

- (1) Illicit discharges are prohibited. An illicit discharge is a storm drain that has measurable flow containing pollutants and/or pathogens. No person shall discharge anything but uncontaminated stormwater, into the storm drainage system. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.
- (2) Illicit connections are prohibited. Illicit connections are any drain or conveyance which allows an illicit discharge to enter the storm drainage system. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible at the time of connection.
- (3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(B) Exemptions. The following non-stormwater discharges are acceptable and not a violation of this chapter:

- (1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;
- (2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;
- (3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;
- (4) Discharge from the occasional non-commercial washing of vehicles within zoned residential areas;
- (5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;
- (6) Uncontaminated groundwater;
- (7) ~~Diverted~~ Stream flows and natural riparian habitat or wetland flows;
- (8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

(9) De-chlorinated swimming pool water.

- (109) Any other non-stormwater discharge determined by the City Engineer to meet the standards and objectives of this chapter and of the City's NPDES MS4 permit.

**(C) Private Drainage Systems Requirements
~~Applicable to Certain Discharges~~**

- (1) **Private Drainage System Maintenance.** A private drainage system includes groundwater, drainage pipes or channels, and any flowing or standing water not within a Right of Way or Drainage Easement. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
- (2) **Minimization of Irrigation Runoff.** Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
- (3) **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.
- (4) **Maintenance of Equipment.** Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
- (5) **Materials Storage.** In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- (6) **Pesticides, Herbicides and Fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer

recommendations and applicable laws.
Excessive application shall be avoided.

- (7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel or obstructing flow.
- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (E) *Authorization to Adopt and Impose Best Management Practices.* The City may adopt and impose a Best Management Practices Manual and requirements identifying Best Management Practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

(Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06; Ord. 5336, 8-3-10)

170.124-170.99 Reserved

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 179: LOW IMPACT DEVELOPMENT

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CHAPTER 179: LOW IMPACT DEVELOPMENT

179.01 Purpose

~~It is the purpose of this chapter to provide a regulatory basis for site design and development which incorporates Low Impact Development (LID) strategies into land development. This chapter provides techniques for property owners, builders and land developers to integrate site appropriate stormwater management practices while striving to maintain or enhance natural site features. This may reduce or eliminate structural components of a conventional storm water management system.~~

Some of the existing natural site features typically protected through the use of LID techniques are: wetlands, floodplains, forested areas, hillsides, riparian corridors and existing soils.

There are a variety of LID design alternatives that allow professionals in the land development field the flexibility to implement LID stormwater design elements. The various LID practices can be used alone or in series to maximize benefits to the site. In most cases, some type of structural drainage systems will also be required to be implemented in conjunction with LID element.

(A) *Objectives.* The objectives of this ordinance are:

- (1) To establish criteria by which a LID strategy can be measured and implemented [through use of the criteria in the LID chapter of the Drainage Criteria Manual](#).
- (2) To strive to maintain and restore natural rainwater absorption and infiltration processes;
- (3) To strive to maintain pre-development hydrologic conditions;
- (4) To filter pollutants from stormwater runoff thereby improving water quality and positively impacting the region's lakes, streams and groundwater;
- (5) To reduce stormwater runoff intensity and velocity;
- (6) To preserve riparian banks and beds, and reduce sedimentation that impairs water quality;
- (7) To promote the widespread use of LID practices integrated with conventional stormwater engineering;
- (8) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of

stormwater discharge from land development.

(B) *LID Principles.*

- (1) Define and locate critical resource areas during the project planning stage, such as; wetlands, riparian zones and soils with infiltration capacities.
- (2) Minimize impervious surfaces such as streets, driveways and parking areas.
- (3) Minimize direct connection of impervious areas which convey runoff directly to wetlands or water courses.
- (4) Attenuate stormwater flow through a diverse system of collection and infiltration.

(Ord. 5316, 4-20-10)

179.02 Applicability

(A) *Development approval.* The standards and guidelines contained in [Chapter 5 of the Drainage Criteria Manual](#) ~~this chapter~~ shall apply in all cases where a land developer chooses to utilize LID to obtain Administrative, Planning Commission or City Council approval for their project.

(B) *Engineering approval.* The City Engineer, or their designee, will administer this chapter and shall be responsible for final approval of all LID systems and structures. With the approval of the City Engineer, LID systems and structures may be implemented ~~to replace or supplement conventional stormwater management systems. The use of these systems must also be concurrent with other code requirements such as landscaping, fire access, etc. Systems that are approved shall be integrated where their design function dictates.~~

(C) *Drainage Criteria Manual.* The Drainage Criteria Manual integrates LID design principles throughout the manual. Submittal requirements for LID projects are found within the submittal requirements for a drainage report. Criteria for the design of specific LID elements, criteria for receiving credit for those elements through reductions in traditional stormwater infrastructure, and maintenance requirements are detailed in [Chapter 5 of the DCM](#).

(Ord. 5316, 4-20-10)

179.03 LID Site Design Strategies

(A) *Definition.* For the purposes of this chapter Low Impact Development (LID) is a stormwater management strategy concerned with maintaining, restoring or replicating the natural hydrologic functions of a site, where possible, by employing a variety and combination of natural and built features that reduce the volume and velocity of stormwater runoff, filter out its pollutants, and facilitate the infiltration of water into the ground.

(B) *Site design strategies.* Generally, site design strategies will address the arrangement of buildings, roads, parking areas, and other features, and the conveyance of stormwater runoff across the site. LID site design strategies are intended to complement the natural and built environment while minimizing the generation of runoff. Site design strategies should address some or all of the following considerations:

- (1) Necessary grading and land disturbance should be designed to encourage sheet flow and lengthen stormwater flow paths.
- (2) Natural drainage divides should be maintained to keep flow paths dispersed.
- (3) Areas of impervious surfaces should be separated and stormwater should be conveyed across vegetated areas. This assists runoff filtration and encourages infiltration.
- (4) Distribute small-scale LID strategies across the development site in order to maximize benefits.
- (5) To the maximum extent possible, treat pollutant loads where they are generated.
- (6) Preserve naturally vegetated areas and soil types that slow runoff, filter pollutants and facilitate infiltration.
- (7) LID systems and structures should be integrated into the natural and built landscape with attention to flow paths, infiltration areas and the use of appropriate native plant materials.

(C) *Site Design Elements.* In addition to water quality impacts, the following LID site design elements when successfully implemented, perform three necessary functions; filtration and infiltration, capture and re-use and reductions in impervious surfaces. Specific site design elements are outlined below:

(1) *Filtration/Infiltration*

~~(a) Bio-retention and Rain Gardens: Bio-retention is a practice to manage and treat stormwater runoff by using an amended planting soil bed and native planting materials to filter runoff stored within a shallow depression.~~

Bio-retention Basin / Rain Garden	
Space Required	Minimum surface area range of 50 to 200 square feet (typical)
Soils	Permeable soils recommended – Underdrain may be necessary
Slopes	A design consideration
Water table/Bedrock	2 – 4 ft. clearance above water table recommended (typical)
Proximity to Foundations	Minimum 10 ft. separation from building foundations (typical)
Maximum Depth	2 to 4 ft. depending on soil type (typical)
Maintenance	Low requirement – routine landscape maintenance

~~(b) Dry Well: A dry well is an excavated pit dug into the native soil and backfilled with aggregate such as pea gravel or crushed stone. Dry wells are utilized for stormwater infiltration from building downspouts and as catch basins for surface runoff.~~

Dry Well	
Space Required	Minimum surface area range 8 to 20 square feet (typical)
Soils	Permeable soils recommended
Backfill	Clean aggregate surrounded by engineering filter fabric
Slopes	A design consideration – locate downgrade from buildings
Water table/Bedrock	2 – 4 ft. clearance above water table recommended (typical)
Proximity to Foundations	Minimum 10 ft. separation from building foundations (typical)
Maximum Depth	6 to 10 ft. depending on soil type (typical)
Outflow Structures	Overland flow path for runoff exceeding the dry well capacity should be evaluated
Maintenance	Low requirement – routine landscape maintenance

~~(c) Filter Strips: Filter strips are bands of vegetation, usually grass, planted between a stormwater pollutant source and a downstream receiving waterbody.~~

Filter strips are very effective adjacent to parking lots where sheet flow is designed to travel over the filter strip to a swale or retention area. Filter strips trap sediment and pollutants thereby providing some infiltration while slowing and dispersing stormwater over a larger area.

Filter Strips	
Length and size	A minimum length of 20 feet is recommended (typical)
Flow	Should be used to control overland sheet flow only
Slopes	Minimum slope = 1.0% Maximum slope determined by site conditions (typical)
Maintenance	Low requirement—routine landscape maintenance

- (d) ~~Grassed Swales:~~ Swales have traditionally been used in rural and suburban areas with low residential densities as a conveyance for runoff from roads and highways. The modern swale as a LID element is utilized as both a method of conveyance and retention, and as an infiltration strategy. Dry swales typically have 2 to 3 feet of permeable soil located above a gravel base allowing stormwater to infiltrate.

Grassed Swales	
Channel Capacity	Swale must be sized to convey the peak discharge of the design storm
Soils	Permeability of the soil will determine whether to use a dry or wet swale
Bottom Width	2 foot minimum 6 foot maximum (typical)
Side Slopes	3:1 or flatter (typical)
Flow Depth	4 inches minimum (typical)
Maintenance	Low requirement—routine landscape maintenance

- (e) ~~Infiltration trench:~~ An infiltration trench is an excavated trench that has been back-filled with aggregate or stone to form a subsurface basin. Stormwater runoff is diverted into the trench and is stored until it can be infiltrated into the soil, usually over a period of several days. The scale allows for applicability in a variety of small urban drainage areas.

Infiltration Trenches	
Soils	Works best in mid to high permeable soils

Excavation Depth	3 to 12 feet (typical)
Backfill	1.5 to 3 inch clean aggregate (typical)
Outflow Structures	Overland flow path of surface runoff exceeding the capacity of the trench must be identified and evaluated.
Storage Time	Empty within three days (typical)

- (f) ~~Enhanced retention / wet pond:~~ A wet retention pond is designed as a permanent pool of water, often with additional flood control and extended detention storage volume available above the permanent pool. Retention ponds generally hold water for release only through evapotranspiration and infiltration.

Enhanced Retention / Wet Pond	
General Design Considerations	• Size of the watershed • Vegetative cover of the watershed and pond • Seasonal effects and variation • Soil erodibility and infiltration rate • Storm characteristics
Permanent Pool Depth	2-3 ft. minimum (typical) 9-10 ft. maximum (typical) 3-6 ft. average (typical)
Length-to-Width Ratio	3:1 (typical)
Inlet and Outlet	Should be located to maximize flow length
Side Slopes	3:1 maximum (typical)
Erosion Control	Riprap or other suitable erosion control means needed for the inlet and outlet structures
Aquatic Bench	An aquatic bench of a maximum depth of 18 inches extending inward from the normal pool edge for 15 feet is recommended for safety considerations and mesquite control
Vegetation	Appropriate plant materials should be chosen for pollution removal, aesthetics and maintenance requirements
Maintenance	Debris removal from inlet and outlet structures should occur once a month and after significant storm events. Sediment removal will be required periodically.

(2) ~~Capture and Re-use~~

- (a) ~~Rain barrels: Rain barrels capture runoff from roof structures for later use primarily to irrigate landscapes and gardens. This low cost and easily maintained retention system can be applicable to both small scale single family residences and larger commercial or industrial sites.~~

Rain Barrels	
Filtration Screens	Water conveyed by downspouts should be filtered through a screen that can be removed and cleaned
Overflow	An overflow outlet must be provided to bypass rainfall from large storm events. Overflow may be channeled through an infiltration ditch or French drain or to a rain garden.
Spigot	A drain spigot with garden hose threading is needed for irrigation.

- (b) ~~Cisterns: Cisterns are rainwater capture containers that have the capacity for large rain events on extensive roof areas. They are usually located underground and generally range in capacity from 100 to 1,400 gallons.~~

Cisterns	
Filtration	Water should be filtered through a screen that can be removed and cleaned
Water re-use	Cisterns have been adapted to provide non-potable water for indoor use.
Design Considerations	Capacity should be determined by the roof area capture for large storm events

(3) ~~Impervious Surface Reductions.~~

- (a) ~~Permeable pavement: Permeable pavement refers to any load bearing surface that has the capability to infiltrate runoff into the underlying base course and soil. Permeable pavement should be limited to use in low volume traffic areas such as parking strips, shoulders and sidewalks.~~

Permeable Pavement	
Applicability	Permeable pavement should be used only in low-volume traffic areas. These systems are difficult to incorporate into retrofit situations where

	the soils are compacted.
Sub-grade Materials and Drainage	Particular care should be given to the permeability of the underlying soil. Soils that do not drain well may be unsuitable for this material. An underdrain system may be required.
Base Course	The type and depth of the reservoir base course should be designed based on the storm event.

- (b) ~~Permeable pavers: includes concrete grid and grass pavers, interlocking concrete modules and unit pavers such as brick or stone.~~

Permeable Pavers	
Applicability	May be used as a crosswalk material with engineering approval in urban situations. Also an appropriate surface for parking areas, excluding drive aisles
Sub-grade Materials	Pavers should be set on a crushed stone base that allows for permeability.
Maintenance	Periodically, portions may need to be reset due to settling of the subsurface materials or excessive loads.

- (c) ~~Green roofs: Green roofs consist of a layer of soil and vegetation installed on top of a conventional flat or slightly sloped roof. The vegetation captures rainwater allowing evaporation and evapotranspiration processes to reduce the runoff volume. Green roofs work by absorbing rainwater for use by the plant materials.~~

Green Roofs	
Applicability	Green rooftop area may be limited by structural capacity
Essential Components	• A roof structure capable of supporting the necessary weight loads. • A waterproofing system designed to protect the building. • A drainage layer consisting of porous media capable of water storage for plant uptake. • A geosynthetic layer to prevent fine media from clogging the porous media. • Appropriate soil and plant materials

- (4) ~~Additional LID Site Design Elements. Additional LID site elements determined to be beneficial and that meet the site design strategies may be approved by the City Engineer.~~

(Ord. 5316, 4-20-10)

179.04 Submittal Requirements

(A) ~~Application Submittal~~

- (1) ~~Submittal. Projects incorporating LID structures or systems shall submit to the Development Services Division a LID site design plan sheet, along with all other required site design plan sheets, illustrating the location and type of LID design element(s) being proposed. The City Engineer will require the following information on the LID site design plan sheet:~~
- (a) ~~Names, addresses, zoning and property lines of all property owners adjacent to the exterior boundaries of the project.~~
 - (b) ~~Name, address and phone numbers of the owners, developers, and project representatives.~~
 - (c) ~~North arrow, scale, date of preparation, zoning classification and proposed use.~~
 - (d) ~~Title block in lower right hand corner indicating the name and type of project, scale and firm or individual preparing the drawing, date and revisions.~~
 - (e) ~~An accurate legend.~~
 - (f) ~~A vicinity map of the project with a radius of 1.5 miles from the project boundaries.~~
 - (g) ~~The location of all existing structures.~~
 - (h) ~~Show 100 year floodplain and/or floodway and base flood elevations.~~
 - (i) ~~Existing and proposed topographic information, with the source noted, at two foot contours for the project site and within 100 ft of the project boundaries.~~
 - (j) ~~Delineate all tree canopy to be removed and retained on site.~~
 - (k) ~~Delineate the limits of soil disturbance and grading on and off site.~~

- (l) ~~Show existing soil classifications for the site and within 100 feet of the project boundaries.~~
- (m) ~~Provide a note of any known existing erosion problems on site or within 300' downstream of the property.~~
- (n) ~~Show the location of any known or existing water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.~~
- (o) ~~Show the location of all known potentially dangerous areas, including areas subject to flooding, slope settlement, or any previously filled areas and the means of mitigating the hazards.~~
- (p) ~~Show the existing and proposed locations of all utilities, rights-of-way and easements.~~
- (q) ~~Show all existing or proposed LID systems or structures, storm sewer structures, septic systems, water systems, sanitary sewer structures and drainage structures; including locations, types and pipe sizes.~~
- (r) ~~Show the proposed lot layout for any proposed subdivision or development plat.~~
- (s) ~~Show the location of all existing or proposed areas containing impervious surface including rooftops, streets, driveways, sidewalks, and patio areas.~~

- (2) ~~Soils Report. The applicant shall submit a soils report that provides essential technical information regarding the existing and proposed soils. The soils report shall provide all necessary information that supports the incorporation of the proposed conventional and LID stormwater systems and structures.~~
- (3) ~~Drainage Report. The applicant shall submit a drainage report that provides all necessary information that supports the LID design elements within the development, including specifications and technical information for the site specific design details that support the proposed LID systems and structures.~~

(Ord. 5316, 4-20-10)

179.05 LID Credits

- (A) ~~LID systems and structures may be permitted in lieu of conventional stormwater systems including: curb and gutter, storm drain inlets, piping, etc., when supporting data is presented and approved by the City Engineer.~~
- (B) ~~The volume of required retention/detention facilities may be reduced where it is proven that the LID design elements are sufficient to partially accommodate the design storm volume required in the Drainage Criteria Manual.~~
- (C) ~~At such time that a stormwater utility is formed that requires an assessment or a fee then the use of LID systems and structures may reduce or eliminate those fees, in accordance with the enabling ordinance.~~

(Ord. 5316, 4-20-10)

179.06 Maintenance of LID Systems and Structures

- (A) ~~Construction Approval, Timing, and Inspections.~~ LID systems and structures shall be constructed and installed as follows:

- (1) ~~As part of the Grading and Drainage permit approval process, a construction inspection schedule shall be established by the Project Engineer and approved by the City Engineer to address critical project milestones. Under the approved inspection schedule, no work shall proceed until the City Engineer inspects and authorizes work to proceed beyond each scheduled milestone. Any portion of the work that does not comply with the permit conditions shall be specified in writing by the City Engineer and promptly corrected by the responsible entity.~~
- (2) ~~All LID systems and structures that are designed as part of the stormwater conveyance or storage system shall be designed and constructed according to the approved plans.~~
- (3) ~~A final inspection of all LID systems and structures shall be performed prior to final plat or temporary certificate of occupancy approval.~~

- (B) ~~Dedication.~~ Those LID structures or systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the City Engineer. Final determination of structures or systems to be dedicated shall be made by the City Engineer.

- (C) ~~Perpetual Inspections and Maintenance Agreements.~~ The City shall require a Stormwater Management Practices Maintenance Agreement of all entities that utilize LID systems and structures in the stormwater management plan for their proposed development. The City shall require the following set of documents and agreements prior to LID stormwater systems and structures approval:

- (1) ~~Agreement of Maintenance Responsibility.~~ The owner of the property on which the LID systems and structures have been installed shall agree to undergo ongoing inspections, and document maintenance and repair needs.
- (2) ~~Agreement to Maintain LID Systems and Structures.~~ The owner of the property on which LID systems and structures have been installed shall agree to maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.

- (D) ~~Approved Entities for Perpetual Maintenance Agreements.~~ All LID structures or systems approved in compliance with this chapter but not dedicated to the city shall have adequate easements to permit the city to inspect and, if necessary to take corrective action should the responsible entity fail to properly maintain the system. Maintenance of all other LID structures or systems approved in compliance with this chapter and not dedicated to the City shall be accomplished by the legal entity responsible for maintenance, which may include an approved entity as identified in the following:

- (1) ~~Special districts and public entities.~~ An active water control district, drainage district, public utility, or a special assessment district;
- (2) ~~Developer or property owner.~~ A developer or property owner who provides a bond or other assurance of continued financial capability to operate and maintain stormwater management systems and who executes a binding legal Stormwater Management Practices Maintenance Agreement with the city; or,
- (3) ~~Property owner associations.~~ Property owner associations able to comply with the following provisions:
 - (a) ~~The association provides a binding legal Stormwater Management Practices Maintenance Agreement through which it assumes full responsibility for the LID~~

~~structures or systems operation and maintenance.~~

- (b) ~~The association has sufficient powers to operate and maintain the LID structures or systems, establish rules, assess members, contract for services, exist perpetually and, if dissolved, to provide alternative operation and maintenance services.~~

- (c) ~~The association can provide a bond or other assurances of financial capability to operate and maintain the LID structures or systems.~~

(E) ~~Maintenance Inspections.~~ All privately owned stormwater management facilities shall be inspected near the end of the first year of operation. Subsequent inspections should be performed once every three years to ensure functionality and compliance. The Stormwater Management Practices Maintenance Agreement shall specify the responsible party for conducting long term inspections. Inspection reports shall be submitted to and maintained by the City Engineer for all LID systems and structures. Inspection reports for LID systems and structures shall include:

(1) ~~The date of the inspection;~~

(2) ~~The name of the Inspector;~~

(3) ~~The condition of:~~

(a) ~~Pretreatment devices.~~

(b) ~~Vegetation or filter media.~~

(c) ~~Spillways, valves, or other control structures.~~

(d) ~~Embankments, slopes or safety benches.~~

(e) ~~Inlet and outlet channels and structures.~~

(f) ~~Sediment and debris accumulation in storage and forebay areas.~~

(g) ~~Underground drainage.~~

(h) ~~Any other item that could affect the proper function of the LID structures or systems.~~

(4) ~~Description of the needed maintenance.~~

(F) ~~Right of Entry for Inspection.~~ The Stormwater Management Maintenance Agreement shall provide for the City Engineer or designee to enter

~~the property at reasonable times and in a reasonable manner for the purpose of inspecting LID systems and structures.~~

(G) ~~Failure to Maintain.~~ If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement the City shall give written notice requesting corrective action. If the conditions described in the Failure to Maintain notice are not corrected within 10 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(1) ~~Enforcement of the Lien.~~ The lien herein provided for may be enforced and collected in either one of the following manners:

(a) ~~The lien may be enforced at any time within 18 months after work has been done, by an action in the chancery/circuit court; or~~

(b) ~~The amount of the lien herein provided may be determined at a hearing before the City Council held after 30 days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide circulation in Washington County for one insertion per week for four consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in the chancery circuit court; and the amount so determined at said hearing, plus ten percent penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector.~~

(c) ~~In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be~~

~~had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.~~

- (H) *Removal and modification of LID systems and structures.* LID systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine the LID system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the LID systems or structures.
- (I) *Exemptions from maintenance agreements and inspections.* LID systems and structures that are not designed as part of a development and are instead utilized on a site by site basis (i.e., use of a rain barrel at a single family home, or individual rain gardens or filter strips on a site) shall not be required to submit a formal maintenance and inspection agreement, unless the function of the LID system or structure is found to be essential to accommodating the stormwater needs of the property or surrounding properties by the City Engineer.

179.07-179.99 Reserved

City of Fayetteville Staff Review Form



2014-0336

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Missy Leflar

7/18/2014

Human Resources /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends that Council approve the proposed 2015 employee benefits renewals, as discussed in the memo.

Budget Impact:

xxxx.xxxx.51xx.xx

Citywide

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 4,642,000.00

Funds Obligated \$ -

Current Balance \$ 4,642,000.00

Does item have a cost? Yes

Item Cost \$ 4,642,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #



Original Contract Number:

Approval Date:

Comments: Since the health insurance is an insurance policy application for renewal to be submitted when/if Council approves such a submission, there is no contract to be signed. The same goes with the Health Savings Account administration, which if approved would require no new paperwork.

Paul A. Butler 7-21-2014

Don Ma 7-22-14



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council members
Thru: Don Marr, Chief of Staff
From: Missy Leflar, Human Resources Director *ML*
Date: July 18, 2014
Subject: Employee benefits renewals

PROPOSAL:

It is proposed that the City Council renew the City's employee benefits for 2015, as more fully described below. The proposal is made now in order for the employee benefits enrollment process to proceed on time, and so that City employees may retain what many consider the most positive aspect of their employment with the City: their benefits.

There are two (2) City paid benefits items coming up for renewal for 2014. One is for health insurance. The other is for Health Savings Account administration. These are the two items requiring Council approval.

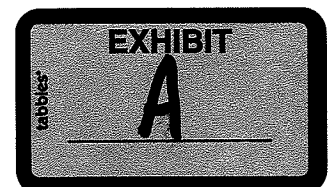
In addition, there is one employee paid benefits contract matters not requiring Council approval, since the employees pay for these benefits rather than the City. Just for Council's information, it is for the Delta Dental insurance renewal.

HEALTH SAVINGS ACCOUNTS

The City has for years used the services of Delta Bank & Trust for the administration of its employee Health Savings Accounts. Its customer service has been good. Delta Bank & Trust is in the process of being bought out by Simmons Bank. Simmons Bank has agreed to continue administration of the employee Health Savings Accounts in 2014 and 2015 with no new charges or price increases, while providing the same level of customer service.

The City's benefits broker, Gallagher Benefits Services, took competitive bids from other sources and each of the two other best bidders would charge an additional \$17,000+ and \$18,000+ if the City were to switch from its present provider to one of them.

Staff therefore recommends remaining with Delta Bank & Trust for the administration of employee Health Savings Accounts. This should maintain the same level of service with no price increase.



HEALTH INSURANCE

Last year the City had large health insurance premium increases due to high employee utilization of the insurance (112.67 %, meaning for every dollar paid in premiums, \$1.12 was spent by the insurance company on medical claims and prescriptions). The high premium increases caused a significant shift in employee enrollment away from the traditional PPO insurance into the High Deductible insurance. This shift has lowered the utilization rate thus far in 2014 (49.6% through April – although that would be anticipated to rise some as people meet their deductibles). This lower utilization rate has kept the premium increases for 2015 at a relatively low 7.2% (the City's benefits brokers estimate that 3% of this 7.2% increase is caused by Health Care Reform fee requirements). To put this in perspective, the national trend for health insurance premium increases being caused by medical inflation, Health Care Reform fees, and other factors independent of utilization itself is 8 ½ - 9 %. Thus a 7.2% increase in health insurance premiums is, when put in perspective, a relatively low increase.

It is proposed for the 7.2% increase to be handled in the following manner:

- Employees who have Employee Only coverage (regardless of Plan) will pick up 20% of the cost of the increase. This would be consistent with the fact that employees with Employee Only PPO coverage currently pay for 20% of their total premium cost, and it treats employees with Employee Only coverage the same regardless of which Plan they selected. The City will pick up the remaining 80% of the cost of the increase.
- Employees who have Family coverage (regardless of Plan) will pick up 35% of the cost of the increase. This would be consistent with the fact that employees with Family PPO coverage currently pay for 35% of their total premium cost, and it treats employees with Family coverage the same regardless of which Plan they selected. The City will pick up the remaining 65% of the cost of the increase.
- Please refer to the attached spreadsheets for details.

One of the realities that employers face when it comes to health insurance is that if the employer switches insurance companies too frequently then they will stop wanting to bid for that employer's business. Insurance companies know there will be "good years" and "bad years" for them with the same employer's claims, as far as whether and to what extent the insurance company makes a profit. They are more tolerant of the "bad years" if they have reason to believe that future "good years" are a possibility. Otherwise one "bad year" with an employer can be quite costly, especially if the employer switches companies the following year with no "good year" to balance out the year with the loss. For this reason, if an employer develops a reputation for changing insurance companies on a regular basis, the companies tend to lose interest in bidding for the account – or if they do, they may tend to bid extra high to cover any losses in case the employer switches again immediately the following year. An employer thus hurts itself in the long run if it switches health insurance companies too frequently.

The City has switched health insurance companies four times in the past eight years, including last year. Due to concerns about how insurance companies may develop a negative perception of the City as a potential health insurance client were it to switch again so soon, as well as the fact of the relatively low premium increase and the inherent disruption to employees anytime their health insurance coverage changes (some have to change doctors and/or can't get familiar prescriptions covered under a new policy), the City and its brokers deemed it the best course of action to not take competitive bids for health insurance for 2015.

Staff recommends a renewal with Arkansas Blue Cross Blue Shield for the 2015 employee health insurance, per the above.

SUMMARY OF STAFF RECOMMENDATIONS:

Staff recommends that Council approve renewal of its Blue Cross Blue Shield health insurance at the proposed City/Employee Contribution levels outlined in the memo and attached spreadsheets. Staff also recommends that Council approve the City renewing with Delta Bank & Trust for the administration of employee Health Savings Accounts, with the understanding that Delta Bank & Trust is in the process of being bought out by Simmons Bank.

BUDGET IMPACT:

These planned insurance/benefit items are being budgeted for in the City's 2015 budget.

City staff and staff from the City's Benefits Broker, Gallagher Benefits Services, Inc., will be available at the City Council Agenda Session and City Council meeting to answer any questions that Council may have.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE THE 2015 EMPLOYEE BENEFITS
PACKAGE**

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

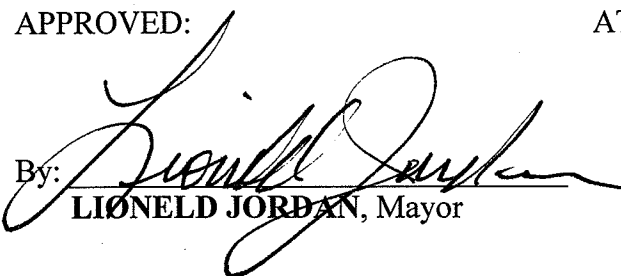
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the 2015 employee benefits package as recommended in the staff memorandum attached as Exhibit "A".

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:

SONDRA E. SMITH, City Clerk/Treasurer

MONTHLY CALCULATIONS				
PPO Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %
2014 Single	\$386.93	\$77.39	\$309.54	20.00%
2014 Family	\$1,025.34	\$358.87	\$666.47	35.00%
2015 Single	\$414.79	\$82.96	\$331.83	20.00%
2015 Family	\$1,099.16	\$384.71	\$714.45	35.00%

HDHP (High Deductible)

MONTHLY CALCULATIONS						
HDHP Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Total Employee Cost Share % (for 2015 means prior 5% cost share plus assuming 20% of the increase for individual and 35% of the increase for family)	Employer's Monthly Health Savings Account Contribution (assumes same for 2014 & 2015)	Total Employer Monthly Contribution (Premium + Health Savings Account Contribution)
2014 Single	\$204.11	\$10.21	\$193.90	5.00%	\$70.80	\$264.70
2014 Family	\$540.86	\$27.04	\$513.82	5.00%	\$156.66	\$670.48
2015 Single	\$218.81	\$13.15	\$205.66	6.01%	\$70.80	\$276.46
2015 Family	\$579.80	\$40.67	\$539.13	7.01%	\$156.66	\$695.79

ANNUALIZED CALCULATIONS				
	Current Employee Participants (Excludes COBRA and Statutory Insureds, since they pay 100% for their coverage)	Current ANNUAL Cost to City at 2014 rates (Excluding Health Savings Account Contributions, which would not increase in 2015)	ANNUAL Cost to City if employees pay 20% of the individual increase and 35% of the family increase regardless of which Plan they are in (Excluding Health Savings Account Contributions)	
PPO Individual	99	\$367,733.52	\$394,214.04	
PPO Family	56	\$447,867.84	\$480,110.40	
HDHP Individual	123	\$286,196.40	\$303,554.16	
HDHP Family	339	\$2,090,219.76	\$2,193,180.84	
TOTAL	617	\$3,192,017.52	\$3,371,059.44	
Additional Cost to City for 2015			\$179,041.92	

HDHP Rate Tier	2015 Total HDHP Monthly Premiums	DIFFERENCE	20% of 2015 increase	35% of 2015 increase	City's Portion of increase	Employee 2014 premium plus 2015 increase	TOTAL City 2015 Premium
Single	\$218.81	\$14.70	\$2.94		\$11.76	\$13.15	\$205.66
Family	\$579.80	\$38.94		\$13.63	\$25.31	\$40.67	\$539.13

City of Fayetteville Staff Review Form

2014-0298

Legistar File ID

8/5/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Kevin Springer

7/18/2014

Budget & Information Management /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION ADOPTING THE PROPOSED 2015-2019 FIVE YEAR CAPITAL IMPROVEMENTS PLAN.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20140610

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

7/22/14

Paul A. Bech

Alan Mann 7/22/14



Approval Date: _____



CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Paul A Becker, Chief Financial Officer *Paul A. Becker*

FROM: Kevin Springer, Budget Director *Kevin Springer*

DATE: July 18, 2014

SUBJECT: Proposed 2015-2019 Capital Improvements Plan (CIP)

RECOMMENDATION:

Consider the Proposed 2015-2019 Five Year Capital Improvements Plan for adoption at the August 5, 2014 City Council meeting.

BACKGROUND:

The CIP is an essential mid-term planning tool used by Fayetteville in the budget process. It is a five year plan which addresses the capital needs of the City for future periods. The CIP is not an appropriation in itself or an authorization by the Council to expend funds. It is instead a future plan which must be re-evaluated and or adjusted each year prior to incorporation into the annual budget. Each year the plan must be evaluated in response to changes in economic conditions or project priority modifications. Once included in the annual budget it must be approved by the City Council and only at that time does it become an appropriation authorized for expenditure by the Council.

DISCUSSION:

The Proposed 2015-2019 Five Year Capital Improvements Plan will be considered for adoption at the August 5, 2014 City Council meeting. It is anticipated that a special City Council working session will be scheduled in the future for consideration of the 2015-2019 Five Year Capital Plan.

BUDGET/STAFF IMPACT:

The CIP only becomes an appropriation authorized for expenditure once it is approved in the annual budget.

RESOLUTION NO. _____

**A RESOLUTION TO ADOPT THE 2015-2019 FIVE-YEAR CAPITAL
IMPROVEMENTS PLAN**

**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 adopts the 2015-2019 Five-Year Capital Improvements Plan, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein.

PASSED and APPROVED this 5th day of August, 2014.

APPROVED:

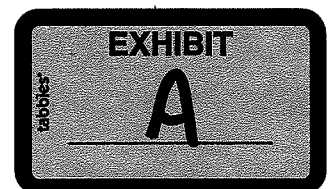
ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas

Proposed Five Year Capital Improvements Plan 2015-2019



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CITY OF FAYETTEVILLE

2015 – 2019

Capital Improvements Plan

Compiled by:

Kevin Springer, Budget Director
Barbara Fell, Senior Financial Analyst
Liz Hutchens, Financial Analyst

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**CITY OF FAYETTEVILLE, ARKANSAS
2015-2019 CAPITAL IMPROVEMENTS PROGRAM**

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July 21, 2014

Mayor Lioneld Jordan, Members of the City Council and
Citizens of Fayetteville

It is my pleasure to present the Proposed 2015-2019 Capital Improvements Plan (CIP) for the City of Fayetteville. The City began this very important CIP process in 1988 to provide a focused plan that identifies the City's infrastructure and capital needs and also identifies the funding to meet those needs.

CIP Purpose

The CIP is an essential mid-term planning tool used by Fayetteville in the budget process. It is a five year plan which addresses the capital needs of the City for future periods. The CIP is not an appropriation in itself or an authorization by the Council to expend funds. It is instead a future plan which must be re-evaluated and or adjusted each year prior to incorporation into the annual budget. Each year the plan must be evaluated in response to changes in economic conditions or project priority modifications. Once included in the annual budget it must be approved by the City Council and only at that time does it become an appropriation authorized for expenditure by the Council.

What is Included in the CIP

The City financial policy is to address the majority of capital needs on a pay as you go basis utilizing current revenue. Major capital programs which are too large to address with current revenue streams must be accommodated through the use of bond issues. Capital programs funded by previous bond issues such as the Waste Water Improvement Project and the Street and Trails Bond Program are, therefore, not included in this CIP. Similarly, grant funded programs are not included. Approval for and appropriation of funds for these programs are done by the City Council upon acceptance of the grant or authorization of the bond issue.

The comprehensive CIP includes projects funded by several funds within the fund structure of the City most of which are restricted by use such as the Water & Sewer Fund, Solid Waste Fund, Street Fund and Shop Fund. Balances in these funds must be used for specific purposes. In contrast the Sales Tax Capital Fund is not restricted as to purpose and can be used in a more discretionary manner for general governmental purposes.

Summary of CIP by Project Area-All Funds

The table provides a summary by project area of the comprehensive Capital Improvement Program for all funds for 2015-2019. It is estimated that a total of \$113,320,000 will be required for that period. The largest portion of required capital (\$39,063,000) can be attributed to water and sewer renovation and rehabilitation. Approximately \$28,590,000 will be needed to keep the transportation, street, and trail improvement programs at its current level. These two components account for 59.7% of the total comprehensive CIP.

CITY OF FAYETTEVILLE, ARKANSAS CAPITAL IMPROVEMENTS PLAN (2015-2019) By Project Area – All Sources

Project Area	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Other	1,425,000	1,232,000	1,056,000	1,051,000	952,000	5,716,000
Parks & Recreation	1,084,000	1,107,000	1,080,000	1,167,000	1,143,000	5,581,000
Public Safety	1,323,000	1,474,000	2,376,000	2,299,000	2,391,000	9,863,000
Recycling/Trash	1,759,000	238,000	192,000	196,000	200,000	2,585,000
Street	350,000	100,000	100,000	100,000	100,000	750,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	4,042,000	3,802,000	3,907,000	4,016,000	4,133,000	19,900,000
Vehicles & Equipment	3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Water & Sewer	10,499,000	8,005,000	7,438,000	6,966,000	6,155,000	39,063,000
Total	\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000

Summary of CIP Sales Tax Capital by Project Category

The Sales Tax Capital Fund is funded through the use of a portion of a one cent sales tax that is also allocated to general fund operations. Forty percent (40%) of the revenue of this sales tax is used to fund the Sales Tax Capital Fund and 60% is allocated to the General Fund for operations. The fund constitutes approximately 35.5% of the total CIP.

The following table provides a summary of project categories to be funded by the Sales Tax Capital Improvement Fund.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PLAN (2015-2019)
Sales Tax Capital Improvements Funding – By Project Category

Project Category	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Fire	643,000	627,000	1,550,000	1,063,000	1,111,000	4,994,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Library	441,000	525,000	519,000	615,000	622,000	2,722,000
Other Capital	684,000	580,000	422,000	346,000	260,000	2,292,000
Parks & Recreation	167,000	258,000	280,000	378,000	322,000	1,405,000
Police	510,000	672,000	646,000	1,051,000	1,090,000	3,969,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	2,242,000	2,402,000	2,507,000	2,616,000	2,733,000	12,500,000
Total	\$ 7,684,000	\$ 7,804,000	\$ 8,119,000	\$ 8,269,000	\$ 8,363,000	\$ 40,239,000

It should be noted that approximately 31% of this fund is allocated to transportation improvements. Almost \$8,000,000 is anticipated to be allocated to the trails program.

This CIP includes information technology investments of \$2.6 million which will support needed technology improvements in the future. Major programs that need to be addressed in the near future will include a new Enterprise Resource Planning (ERP) System and a Police Records Management System. These systems will affect the operations of all city departments and will be a major undertaking. In the previous CIP, the majority of funding for these critical programs was funded.

Development of the CIP

The CIP was developed by City Administration to address identified capital needs for the period, 2015-2019, within existing revenue. Direction to City staff has also been provided by the City Council through oversight committees specifically the City Council Street and Water & Sewer Committees. Input has also been provided by various advisory committees and boards.

Also note, \$55,279,000 in necessary future projects have been identified that as of now, cannot be funded.



Paul A. Becker
Finance Director

CITY OF FAYETTEVILLE, ARKANSAS

CAPITAL IMPROVEMENTS PROGRAM DIRECTIONAL INFORMATION

Introduction

The Capital Improvements Program (CIP) for the City of Fayetteville examines the infrastructure and capital needs of the City for the next five years. The CIP will be reviewed and updated on an annual basis to reflect the changing needs of the community and changes in available monies for financing capital projects. The City's philosophy concerning the use of the CIP is that it should be considered as a financial planning tool that lists the City's capital improvement projects, places the projects in a priority order, and schedules the projects for funding and implementation. The CIP should be considered as a major policy tool for the Mayor and City Council.

Capital Improvement Policy

The CIP is approached as a valuable tool to be used in the development of responsible and progressive financial planning. The program is developed in accordance with the financial policies of the City. The policies and the CIP form the basis for making various annual capital budget decisions and support the City's continued commitment to sound, long-range financial planning and direction. The City's official Capital Improvements Policy is as follows:

- The City will prepare a biennial update of a five year CIP, which will provide for the orderly maintenance, replacement, and expansion of capital assets.
- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available sources.
- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.
- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.
- The City will incorporate the reasonable findings and recommendations of the City's Boards, Commissions, Committees, and Citizens' task forces as they relate to capital projects and improvements.
- The City will seek input on the establishment of projects and project priorities from the public by holding hearings.

What Projects Are in the CIP

Projects and their cumulative component areas totaling \$10,000 or more should be included in the CIP. Projects costing less than \$5,000 are not considered capital and are funded through program operating budgets. Projects that cost between \$5,000 and \$10,000 are handled through the budget process. Attempts will be made to fund these capital items through operating funds.

Projects in the CIP can include:

- obligations for labor and materials and contractors involved in completing a project
- acquisition of land or structures
- engineering or architectural services, professional studies, or other administrative costs
- expenses for City vehicles and equipment
- renovating or expanding City facilities, grounds, or equipment

Financing

The City finances capital improvements on essentially a pay-as-you-go basis utilizing revenue from the 1% City sales tax originally adopted in 1993, the 1% Parks Development (Hotel, Motel, Restaurant) sales tax adopted in 1996, and operating revenues from the Airport, Shop, Water & Sewer, and Solid Waste funds. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split for 2015, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund. Until 2008, the split as established in 2003 was equal. Prior to June 2003, the revenue was divided 75% for Sales Tax Capital Improvements Fund and 25% for General Fund. In addition, long-term debt is considered and utilized only when the City faces a project that is of such importance and sufficient financial magnitude as to warrant a bond issue.

The CIP is not a financing document in and of itself. Rather, the CIP is utilized as a planning document that places projects in the annual budget whereby funds are appropriated for them by the City Council. Prior to actual initiation of project work, required contracts are presented to the Mayor or City Council, as appropriate, for final approval of expending funds.

Project Cost Determination

All projects are costed using a "Basis of Cost Estimate" table that provides the estimated basis used for the requested funds. If two or more basis of cost estimates is used to calculate a funding request, the estimate that represents the majority of the estimated funds is used.

Basis of Cost Estimate Table for CIP 2015-2019
Cost of Comparable Facility or Equipment
Rule of Thumb Indicator, Unit Costs
Cost Estimated by Engineer, Architect, or Vendor
Preliminary Estimate
Ball Park "Guesstimate"

Priority Selection of Projects

The CIP will rely on priorities defined by the Mayor, City Council, community, and City staff. As always, criteria such as government imposed mandates, usefulness to the community, and impact on operational expenses will be reviewed in establishing priorities. A priority is assigned to each project by year and by funding source. Projects for which no funding is anticipated to be available will be placed on an "Unfunded Projects List," which will identify the cost of the project. This list identifies the project as being viable, but one for which no funding is presently available. Unfunded projects may be funded if actual revenue is above projected revenue, if costs on funded projects are below budget, or if another funding source is identified.

The Parks and Recreation Advisory Board, Airport Board, City Council Street Committee, City Council Water & Sewer Committee, and City Council Equipment Committee meetings all provide committee and public input and guidance regarding parks, streets, bridge and drainage improvements, water and sewer improvements, and equipment purchases planned for the next five years.

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE PROPOSED 2015-2019 FIVE YEAR CAPITAL IMPROVEMENTS PLAN.

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 adopts the Proposed 2015-2019 Five Year Capital Improvements Plan. A copy of 2015-2019 Five Year Capital Improvements Plan, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this the ____ day of _____, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

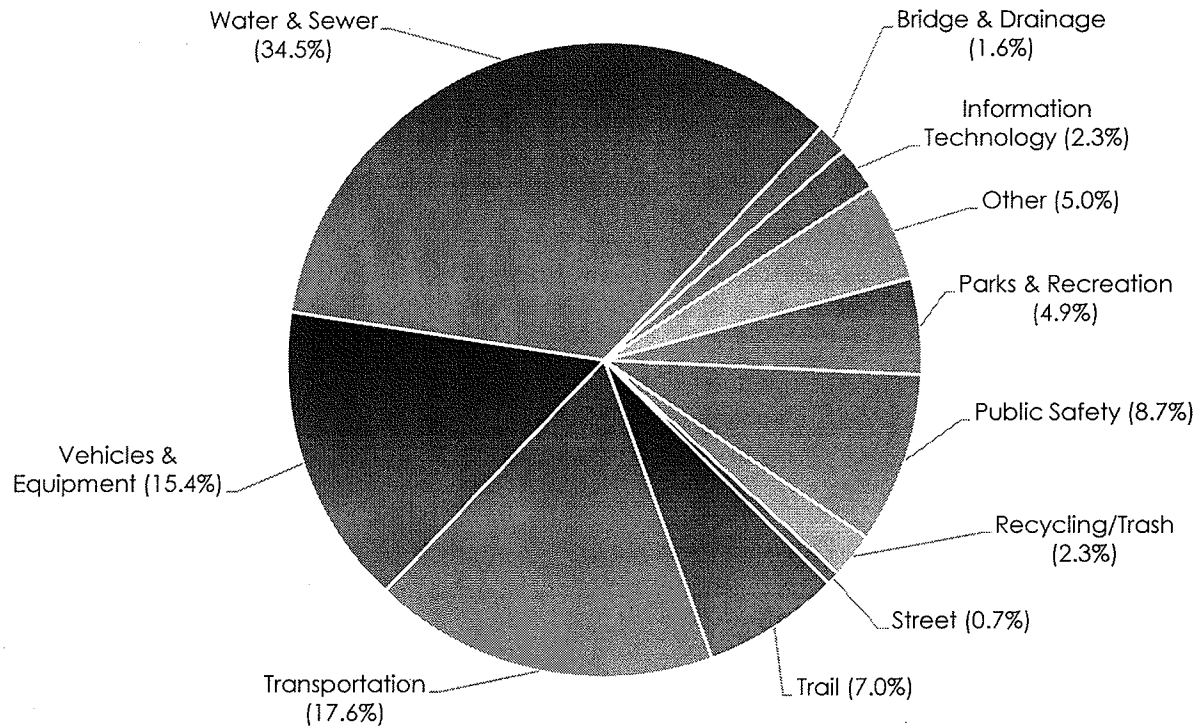
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

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CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Summary of Project Requests - All Sources

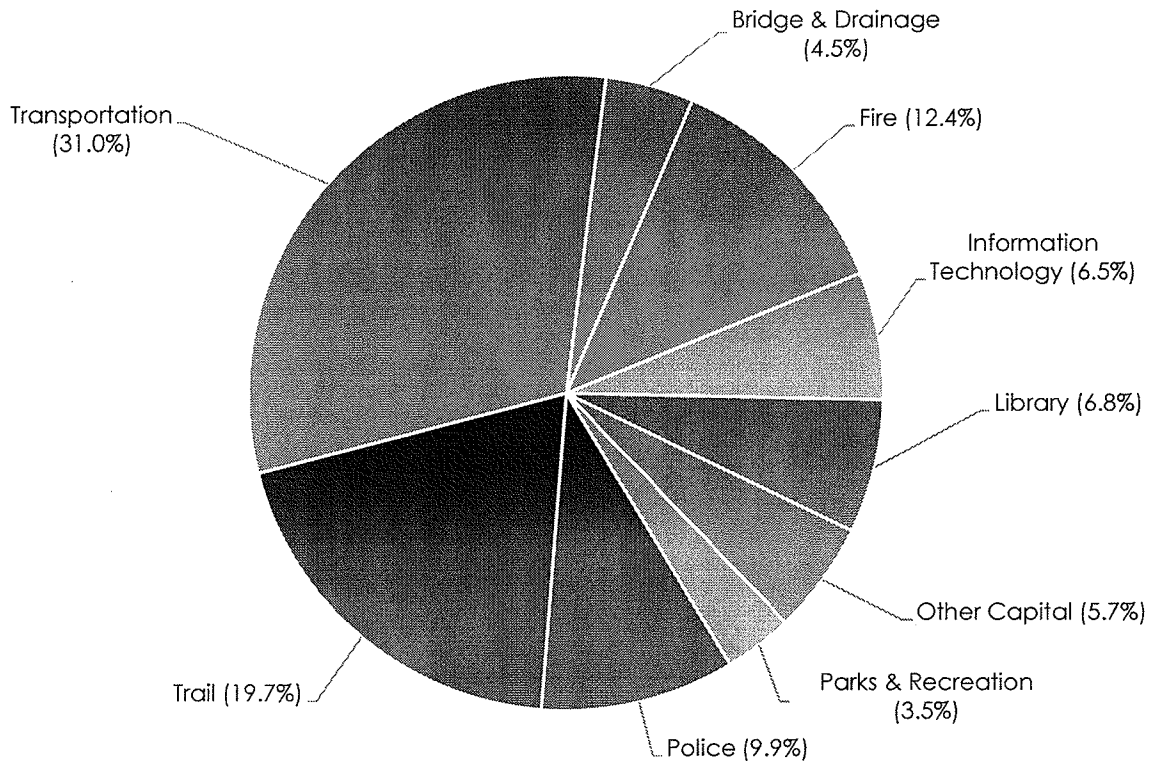
Project Requests	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
<u>Funded Project Requests</u>						
Street	\$ 2,150,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 1,500,000	\$ 8,150,000
Parking	70,000	70,000	70,000	70,000	70,000	350,000
Parks Development	917,000	849,000	800,000	789,000	821,000	4,176,000
Impact Fee	1,070,000	1,075,000	1,080,000	1,085,000	1,090,000	5,400,000
Sales Tax Capital Improvements	7,684,000	7,804,000	8,119,000	8,269,000	8,363,000	40,239,000
Water & Sewer	9,599,000	7,105,000	6,538,000	6,066,000	5,255,000	34,563,000
Recycling & Trash Collection	1,759,000	238,000	192,000	196,000	200,000	2,585,000
Airport	230,000	57,000	45,000	20,000	-	352,000
Shop	3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Total Funded	\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000
<u>Unfunded Project Requests</u>						
Unfunded	\$ 3,508,000	\$ 24,661,000	\$ 4,412,000	\$ 2,909,000	\$ 19,789,000	\$ 55,279,000
Total Unfunded	\$ 3,508,000	\$ 24,661,000	\$ 4,412,000	\$ 2,909,000	\$ 19,789,000	\$ 55,279,000
Total	\$ 30,704,000	\$ 47,301,000	\$ 26,640,000	\$ 24,143,000	\$ 39,811,000	\$ 168,599,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
By Project Area - All Sources



Project Area	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Other	1,425,000	1,232,000	1,056,000	1,051,000	952,000	5,716,000
Parks & Recreation	1,084,000	1,107,000	1,080,000	1,167,000	1,143,000	5,581,000
Public Safety	1,323,000	1,474,000	2,376,000	2,299,000	2,391,000	9,863,000
Recycling/Trash	1,759,000	238,000	192,000	196,000	200,000	2,585,000
Street	350,000	100,000	100,000	100,000	100,000	750,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	4,042,000	3,802,000	3,907,000	4,016,000	4,133,000	19,900,000
Vehicles & Equipment	3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Water & Sewer	10,499,000	8,005,000	7,438,000	6,966,000	6,155,000	39,063,000
Total	\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Sales Tax Capital Improvements Funding - By Project Category



Project Category	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
Bridge & Drainage	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 1,800,000
Fire	643,000	627,000	1,550,000	1,063,000	1,111,000	4,994,000
Information Technology	697,000	880,000	335,000	340,000	365,000	2,617,000
Library	441,000	525,000	519,000	615,000	622,000	2,722,000
Other Capital	684,000	580,000	422,000	346,000	260,000	2,292,000
Parks & Recreation	167,000	258,000	280,000	378,000	322,000	1,405,000
Police	510,000	672,000	646,000	1,051,000	1,090,000	3,969,000
Trail	1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
Transportation	2,242,000	2,402,000	2,507,000	2,616,000	2,733,000	12,500,000
Total	\$ 7,684,000	\$ 7,804,000	\$ 8,119,000	\$ 8,269,000	\$ 8,363,000	\$ 40,239,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
2100 - STREET:							
<u>Transportation Improvements</u>							
Engineering (D610)							
Willow Bend Development Cost Share	13	500,000	500,000	0	0	0	1,000,000
Transportation (D800)							
Sidewalk Improvements	14	1,250,000	1,000,000	1,500,000	1,500,000	1,500,000	6,750,000
Winter Weather Operations Center	15	400,000	0	0	0	0	400,000
		2,150,000	1,500,000	1,500,000	1,500,000	1,500,000	8,150,000
Street - Total		2,150,000	1,500,000	1,500,000	1,500,000	1,500,000	8,150,000
2130 - PARKING:							
<u>Other Capital Improvements</u>							
Parking & Telecommunications (D840)							
Parking Lot Improvements and Overlays	17	25,000	25,000	25,000	25,000	25,000	125,000
Spring Street Parking Deck Improvements	18	25,000	25,000	25,000	25,000	25,000	125,000
Meadow Street Parking Deck Improvements	19	20,000	20,000	20,000	20,000	20,000	100,000
		70,000	70,000	70,000	70,000	70,000	350,000
Parking - Total		70,000	70,000	70,000	70,000	70,000	350,000
2250 - PARKS DEVELOPMENT:							
<u>Parks & Recreation Improvements</u>							
Parks & Recreation (D460)							
Regional Park Development	21	217,000	120,000	120,000	0	0	457,000
Community Park Improvements	22	700,000	729,000	680,000	789,000	821,000	3,719,000
		917,000	849,000	800,000	789,000	821,000	4,176,000
Parks Development - Total		917,000	849,000	800,000	789,000	821,000	4,176,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
2300 - IMPACT FEE:							
<u>Fire Improvements</u>							
Fire Department (D300)							
Fire Impact Fee Improvements	23	80,000	83,000	86,000	89,000	92,000	430,000
		80,000	83,000	86,000	89,000	92,000	430,000
<u>Police Improvements</u>							
Police (D200)							
Police Impact Fee Improvements	24	90,000	92,000	94,000	96,000	98,000	470,000
		90,000	92,000	94,000	96,000	98,000	470,000
<u>Water & Sewer Improvements</u>							
Utilities Director (D900)							
Wastewater Impact Fee Improvements	25	400,000	400,000	400,000	400,000	400,000	2,000,000
Water Impact Fee Improvements	26	500,000	500,000	500,000	500,000	500,000	2,500,000
		900,000	900,000	900,000	900,000	900,000	4,500,000
Impact Fee - Total		1,070,000	1,075,000	1,080,000	1,085,000	1,090,000	5,400,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
4470 - SALES TAX CAPITAL IMPROVEMENTS:							
<u>Bridge & Drainage Improvements</u>							
Engineering (D610)							
Stormwater Quality Management	27	200,000	200,000	200,000	200,000	200,000	1,000,000
Other Drainage Improvements	28	160,000	160,000	160,000	160,000	160,000	800,000
		360,000	360,000	360,000	360,000	360,000	1,800,000
<u>Fire Improvements</u>							
Fire Department (D300)							
Fire Apparatus Replacements	29	432,000	432,000	1,347,000	865,000	924,000	4,000,000
Fire Mobile Radios	30	36,000	0	0	0	0	36,000
Firefighter Safety Equipment	31	0	30,000	38,000	8,000	17,000	93,000
Fire Facility Maintenance	32	125,000	125,000	125,000	150,000	150,000	675,000
Fire Information Technology Updates	33	50,000	40,000	40,000	40,000	20,000	190,000
		643,000	627,000	1,550,000	1,063,000	1,111,000	4,994,000
<u>Information Technology Improvements</u>							
Information Technology (D440)							
Local Area Network (LAN) Upgrades	34	135,000	135,000	125,000	125,000	150,000	670,000
Storage Area Network (SAN)	35	70,000	200,000	40,000	40,000	40,000	390,000
Microcomputer / Printer Replacements	36	87,000	60,000	75,000	60,000	75,000	357,000
Geographic Information System (GIS)	37	75,000	55,000	60,000	75,000	60,000	325,000
ERP Upgrade/Replacement	38	200,000	200,000	0	0	0	400,000
AccessFayetteville Technical Improvement	39	20,000	20,000	20,000	20,000	20,000	100,000
Document Management	40	45,000	15,000	15,000	20,000	20,000	115,000
Desktop Management System	41	30,000	0	0	0	0	30,000
Hansen Version 8 Upgrade	42	0	195,000	0	0	0	195,000
Web Security Filtering	43	35,000	0	0	0	0	35,000
		697,000	880,000	335,000	340,000	365,000	2,617,000
<u>Library Improvements</u>							
Library (D150)							
Library Materials Purchases	44	406,000	425,000	489,000	506,000	524,000	2,350,000
Library Computer Replacements	45	35,000	100,000	30,000	109,000	98,000	372,000
		441,000	525,000	519,000	615,000	622,000	2,722,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
<u>Other Capital Improvements</u>							
Animal Services (D650)							
Animal Services Improvements	46	35,000	35,000	5,000	0	0	75,000
Building Maintenance (D530)							
Building Improvements	47	125,000	129,000	132,000	136,000	140,000	662,000
City Clerk/Treasurer (D130)							
City Clerk Document Management Equipment	48	44,000	0	45,000	0	0	89,000
City Planning (D620)							
Comprehensive Land Use Plan Update	49	0	100,000	0	0	0	100,000
Planning Commission Tablet Replacements	50	0	6,000	0	0	0	6,000
Development Services (D600)							
Wayfinding Regional Signage Program	51	60,000	65,000	0	0	0	125,000
Government Channel (D710)							
Television Center Digital Conversion	52	100,000	0	0	0	0	100,000
City Hall Audio-Visual Renovation	53	100,000	0	0	0	0	100,000
Video Production Digital Server & Archive System	54	0	120,000	0	0	0	120,000
Television Center Equipment	55	50,000	50,000	50,000	50,000	50,000	250,000
Digital Signage Implementation	56	15,000	15,000	0	0	0	30,000
Mayors Administration (D100)							
Woolsey Homestead Historic Restoration Project	57	70,000	0	120,000	90,000	0	280,000
Parking & Telecommunications (D840)							
Telecommunication Systems Upgrades	58	35,000	10,000	20,000	20,000	20,000	105,000
Parking Lot Improvements (City Employee)	59	10,000	10,000	10,000	10,000	10,000	50,000
Sustainability & Resilience (D410)							
Building Efficiency Improvements	60	40,000	40,000	40,000	40,000	40,000	200,000
		684,000	580,000	422,000	346,000	260,000	2,292,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
<u>Parks & Recreation Improvements</u>							
Parks & Recreation (D460)							
Tree Escrow	61	74,000	0	0	0	0	74,000
Safety and ADA	62	15,000	15,000	15,000	15,000	15,000	75,000
Forestry and Habitat Improvement	63	30,000	62,000	34,000	32,000	26,000	184,000
Park Paving Improvements	64	0	58,000	58,000	58,000	58,000	232,000
Parks & Recreation Master Plan	65	0	0	0	0	200,000	200,000
Lake Improvements	66	0	0	0	250,000	0	250,000
Lights of the Ozarks	67	23,000	23,000	23,000	23,000	23,000	115,000
Walker Park Senior Activity and Wellness Center	68	25,000	100,000	150,000	0	0	275,000
		167,000	258,000	280,000	378,000	322,000	1,405,000
<u>Police Improvements</u>							
Police (D200)							
Police Bulletproof Vests & Ballistic Protection	69	52,000	13,000	10,000	23,000	62,000	160,000
Police Weapon Replacement	70	8,000	14,000	40,000	0	0	62,000
Police Building Improvements	71	35,000	25,000	25,000	75,000	25,000	185,000
Police Unmarked Vehicles	72	78,000	83,000	83,000	54,000	102,000	400,000
Police Records Management System Improvements	73	150,000	150,000	0	0	0	300,000
Police Technology Improvements	74	15,000	25,000	25,000	75,000	25,000	165,000
Police Network/Server Replacements	75	68,000	50,000	0	0	32,000	150,000
Police Mobile Video System Replacement	76	35,000	0	210,000	0	38,000	283,000
Police Specialized Equipment	77	21,000	21,000	8,000	40,000	242,000	332,000
Employee Gym Equipment	78	7,000	10,000	10,000	10,000	10,000	47,000
Police Automated External Defibrillator (AED)	79	41,000	0	0	0	0	41,000
Police Take Home Vehicles	80	0	57,000	60,000	62,000	65,000	244,000
Radio System Replacement - Citywide	81	0	0	0	700,000	200,000	900,000
Police Virtual Server & Storage Area Network	82	0	180,000	0	0	0	180,000
Police eTicket Equipment Replacement	83	0	44,000	0	0	0	44,000
Police Equipment Replacement	84	0	0	10,000	0	10,000	20,000
Central Dispatch Improvements	85	0	0	165,000	0	0	165,000
Police K9 Replacement	86	0	0	0	12,000	12,000	24,000
Police Radio Replacement	87	0	0	0	0	42,000	42,000
Police Mobile Computer Terminal Replacement	88	0	0	0	0	225,000	225,000
		510,000	672,000	646,000	1,051,000	1,090,000	3,969,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
<u>Street Improvements</u>							
Engineering (D610)							
Street ROW / Intersection / Cost Sharing	89	350,000	100,000	100,000	100,000	100,000	750,000
		350,000	100,000	100,000	100,000	100,000	750,000
<u>Trail Improvements</u>							
Transportation Services (D800)							
Trail Development	90	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
Lake Fayetteville Trailhead (BGSO)	91	190,000	0	0	0	0	190,000
Mud Creek Trail Lighting	92	250,000	0	0	0	0	250,000
		1,940,000	1,500,000	1,500,000	1,500,000	1,500,000	7,940,000
<u>Transportation Improvements</u>							
Transportation Services (D800)							
In-House Pavement Improvements	94	1,692,000	1,852,000	2,207,000	2,316,000	2,433,000	10,500,000
Sidewalk Improvements	93	0	250,000	0	0	0	250,000
Traffic Signal Improvements	95	110,000	110,000	110,000	110,000	150,000	590,000
Wireless Traffic Signal Control	96	40,000	40,000	40,000	40,000	0	160,000
Drainage Maintenance	97	50,000	50,000	50,000	50,000	50,000	250,000
		1,892,000	2,302,000	2,407,000	2,516,000	2,633,000	11,750,000
Sales Tax Capital Improvements - Total		7,684,000	7,804,000	8,119,000	8,269,000	8,363,000	40,239,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
5400 - WATER & SEWER:							
<u>Wastewater Treatment Improvements</u>							
Utilities Director (D900)							
Phosphorus Standards Management	99	50,000	50,000	50,000	50,000	50,000	250,000
Wastewater Treatment Plant (D930)							
W.W.T.P. Building Improvements	100	410,000	30,000	45,000	30,000	30,000	545,000
Plant Pumps and Equipment - W.W.T.P	101	270,000	305,000	295,000	405,000	355,000	1,630,000
Upgrade and Replace Lift Stations - W.W.T.P	102	67,000	125,000	130,000	50,000	100,000	472,000
Filter Cell Replacement - W.W.T.P	103	1,000,000	1,000,000	1,000,000	1,000,000	0	4,000,000
		<u>1,797,000</u>	<u>1,510,000</u>	<u>1,520,000</u>	<u>1,535,000</u>	<u>535,000</u>	<u>6,897,000</u>
<u>Water & Sewer Improvements</u>							
Water & Sewer Maintenance (D910)							
Sewer Rehabilitation Ramsey and Overcrest	104	2,340,000	0	0	0	0	2,340,000
Sanitary Sewer Rehabilitation	105	1,000,000	2,000,000	1,500,000	1,500,000	1,500,000	7,500,000
Water/Sewer Relocations - Bond Projects	106	1,300,000	1,000,000	500,000	500,000	500,000	3,800,000
Water/Sewer Equipment Expansions	107	150,000	145,000	168,000	21,000	20,000	504,000
Water Storage & Pump Station Maintenance	108	85,000	0	0	0	0	85,000
Water System Rehabilitation/Replacement	109	2,095,000	1,825,000	2,055,000	1,885,000	2,065,000	9,925,000
Water Impact Fee Cost Sharing Projects	110	275,000	200,000	200,000	200,000	200,000	1,075,000
		<u>7,245,000</u>	<u>5,170,000</u>	<u>4,423,000</u>	<u>4,106,000</u>	<u>4,285,000</u>	<u>25,229,000</u>
<u>Water & Sewer Services Improvements</u>							
Billing & Collections (D520)							
Business Office Improvements	111	20,000	20,000	20,000	20,000	20,000	100,000
Utilities Technology Improvements	112	12,000	20,000	20,000	20,000	30,000	102,000
Water & Sewer Maintenance (D910)							
Water Meters	113	315,000	325,000	325,000	325,000	325,000	1,615,000
Water/Sewer Building and Office Improvements	114	170,000	50,000	50,000	50,000	50,000	370,000
Water & Sewer Rate/Operations Study	115	30,000	0	170,000	0	0	200,000
Backflow Prevention Assemblies	116	10,000	10,000	10,000	10,000	10,000	50,000
		<u>557,000</u>	<u>425,000</u>	<u>595,000</u>	<u>425,000</u>	<u>435,000</u>	<u>2,437,000</u>
 Water & Sewer - Total		<u>9,599,000</u>	<u>7,105,000</u>	<u>6,538,000</u>	<u>6,066,000</u>	<u>5,255,000</u>	<u>34,563,000</u>

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
5500 - RECYCLING & TRASH COLLECTION:							
<u>Recycling & Trash Collection Improvements</u>							
Recycling & Trash Collection (D920)							
Solid Waste Office & Trans Station Exp	117	1,500,000	0	0	0	0	1,500,000
Container Maintenance Building Upgrade	118	25,000	0	0	0	0	25,000
Solid Waste Containers	119	100,000	100,000	50,000	50,000	50,000	350,000
Solid Waste Compactors	120	134,000	138,000	142,000	146,000	150,000	710,000
		1,759,000	238,000	192,000	196,000	200,000	2,585,000
Recycling & Trash Collection - Total		1,759,000	238,000	192,000	196,000	200,000	2,585,000
5550 - AIRPORT:							
<u>Aviation Improvements</u>							
Aviation (D810)							
Airport Lighting Improvements	121	20,000	20,000	20,000	20,000	0	80,000
Airport Boiler Improvements	122	25,000	25,000	25,000	0	0	75,000
Airport Fire Sprinkler Repl White Hangar	123	75,000	0	0	0	0	75,000
Airport Self Serve Station Upgrade	124	0	12,000	0	0	0	12,000
Airport Roof Replacements	125	110,000	0	0	0	0	110,000
		230,000	57,000	45,000	20,000	0	352,000
Airport - Total		230,000	57,000	45,000	20,000	0	352,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
Comprehensive Detail

Funding Source / Category / Division	Page #	Projected 2015	Projected 2016	Projected 2017	Projected 2018	Projected 2019	Total 2015-2019
9700 - SHOP:							
<u>Vehicles & Equipment Improvements</u>							
Fleet Operations (D830)							
Fleet - Police / Passenger Vehicles	127	346,000	286,000	232,000	294,000	295,000	1,453,000
Fleet - Solid Waste Vehicles / Equipment	128	860,000	755,000	990,000	1,166,000	792,000	4,563,000
Fleet - Construction Equipment	129	356,000	255,000	140,000	260,000	0	1,011,000
Fleet - Backhoes / Loaders	130	593,000	504,000	389,000	0	102,000	1,588,000
Fleet - Heavy Utility Vehicles	131	386,000	384,000	664,000	278,000	280,000	1,992,000
Fleet - Tractors / Mowers	132	375,000	85,000	243,000	257,000	364,000	1,324,000
Fleet - Light / Medium Utility Vehicles	133	568,000	901,000	517,000	510,000	530,000	3,026,000
Fleet - Other Vehicles / Equipment	134	233,000	772,000	709,000	474,000	360,000	2,548,000
		3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
Shop - Total		3,717,000	3,942,000	3,884,000	3,239,000	2,723,000	17,505,000
All Funding Sources - Total		\$ 27,196,000	\$ 22,640,000	\$ 22,228,000	\$ 21,234,000	\$ 20,022,000	\$ 113,320,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Willow Bend Development Cost Share

Division: Engineering (D610)

Funding: 2100 - Street

Category: Transportation Improvements

Rank: 2

Project #: 00000

Project Type: Replacement X
Expansion X

Timeframe: Multi Year

Project Cost		
2015	\$	500,000
2016		500,000
2017		-
2018		-
2019		-
Total	\$	1,000,000

Description:

This project will fund a cost share with an affordable housing project, to provide up to \$1 million towards the cost of street and drainage infrastructure in the project.

Scheduled Implementation:

New Project Request

Construction of the infrastructure for Willow Bend is expected to begin in 2015 and be completed in 2016. The City's payment would be made upon completion of the infrastructure, expected in 2016.

Effect on Operations:

This project will create new City streets which will be maintained by the Transportation Division.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Sidewalk Improvements

Division: Transportation Services (D800)

Funding: 2100 - Street

Category: Transportation Improvements

Rank: 1

Project #: 02053

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	1,250,000
2016		1,000,000
2017		1,500,000
2018		1,500,000
2019		1,500,000
Total	\$	6,750,000

Unfunded \$ 750,000

Description:

This project is to provide funding to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks. In addition to the \$6,750,000 funded in the 2015-2019 period, there is \$750,000 in funding on the unfunded project list. There is additional funding of \$250,000 for this project in the Sales Tax Capital Fund.

Scheduled Implementation:

Active Project

Transportation reviews sidewalk needs in conjunction with the street overlay program on a yearly basis. The annual work plan is presented to City Council for approval by resolution.

Effect on Operations:

Construction of new sidewalks will not immediately result in additional operating costs. Pressure washing, resealing, and other maintenance to existing sidewalks will increase the cost of materials/supplies by \$10,000 annually. Additional temporary positions will increase personnel costs which would be reimbursed by the project by an average of \$67,750 annually.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

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Project Title: Winter Weather Operations Center

Division: Transportation Services (D800)

Funding: 2100 - Street

Category: Transportation Improvements

Rank: 1

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Single Year

Project Cost		
2015	\$	400,000
2016		-
2017		-
2018		-
2019		-
Total	\$	400,000

Description:

A winter weather operations center will provide increased salt storage up to four times current capacity. The building will increase storage allowing for off peak purchases at lower costs. A GPS operations center will allow up to the minute tracking of snow removal vehicles which will allow improved coordination of streets treated. A blending system for mixing salt brine, beet juice, and calcium chloride will result in optimum mixes of material to provide the most efficient system of chemicals as conditions dictate. This building can also provide additional dry storage in non winter months for construction materials such as topsoil. Storage can also be utilized to protect and prolong the life cycle of vehicles and equipment that are currently stored outdoors.

Scheduled Implementation:

New Project Request

This project would be completed by the end of 2015 and would be fully operational by the winter of 2016.

Effect on Operations:

There will be utilities (water, electric, gas) and GPS monthly service charges estimated to be \$6,000 annually.

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CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Parking Lot Improvements and Overlays

Division: Parking & Telecommunications (D840)

Funding: 2130 - Parking

Category: Other Capital Improvements

Rank: 2

Project #: 06001

Project Type: Replacement ☒ Expansion ☐

Timeframe: On-Going

Project Cost		
2015	\$	25,000
2016		25,000
2017		25,000
2018		25,000
2019		25,000
Total	\$	125,000

Description:

The City currently has 12 public parking lots and one municipal parking deck located in the Downtown Business District and the Entertainment District. The surface lots periodically require general maintenance such as crack seal, seal coat, re-striping, pot hole patching, and bumper block replacement. The lots also require a complete asphalt overlay on a less frequent basis. The parking maintenance program provides routine maintenance and improvements in rotation for the lots as needed.

Scheduled Implementation:

Active Project

In 2015, the South lot will be used for a materials laydown area for the construction of the new parking deck. Once that project is complete, the South lot will be reconfigured and improvements made to better meet the needs of the public. Additional pay stations will be located within the parking district to offer more convenience to patrons. Upgrades will need to be implemented for existing equipment.

Effect on Operations:

Ongoing improvements to the parking lots and equipment keeps the property safe for vehicles and pedestrians, beautifies the areas, brings the properties up to code and ADA regulations, and reduces the need for more expensive rehabilitation in the future.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Spring Street Parking Deck Improvements

Division: Parking & Telecommunications (D840)

Funding: 2130 - Parking

Category: Other Capital Improvements

Rank: 3

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	25,000
2016		25,000
2017		25,000
2018		25,000
2019		25,000
Total	\$	125,000

Description:

This project is for the ongoing maintenance of the new parking deck currently being constructed on Spring Street.

Scheduled Implementation:

New Project Request

In 2015, the new Spring Street Parking Deck will be completed. These funds will be used for the ongoing maintenance of the parking structure.

Effect on Operations:

Ongoing maintenance and improvements are estimated to be \$25,000 annually for the new parking deck to ensure the City keeps major costs to a minimum during the projected 50-year life span.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

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Project Title: Meadow Street Parking Deck Improvements

Division: Parking & Telecommunications (D840)

Funding: 2130 - Parking

Category: Other Capital Improvements

Rank: 5

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	20,000
2016		20,000
2017		20,000
2018		20,000
2019		20,000
Total	\$	100,000

Description:

This project is for the ongoing maintenance of the Meadow Street Parking Deck that is a 19-year old parking garage located directly behind the Chancellor Hotel.

Scheduled Implementation:

New Project Request

Funds will be budgeted, accumulated and used for ongoing maintenance of the parking structure.

Effect on Operations:

Ongoing maintenance and improvements are needed for this structure to extend the life of this facility.

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CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

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Project Title: Regional Park Development

Division: Parks & Recreation (D460)

Funding: 2250 - Parks Development

Category: Parks & Recreation Improvements

Rank: 1

Project #: 02002

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	217,000
2016		120,000
2017		120,000
2018		-
2019		-
Total	\$	457,000

Unfunded \$ 20,182,000

Description:

This project is for the development of the Regional Park which includes constructing soccer, softball and baseball fields, playgrounds, pavilions, trails, volleyball, tennis and basketball courts, parking, roads, landscaping, an amphitheater and more. A bond was passed in 2013 to allocate \$3.5 million of HMR funds for the construction of the park. In addition to the \$457,000 funded in the 2015-2019 period, there is \$20,182,000 in funding on the unfunded project list.

Scheduled Implementation:

Active Project

The design of the park is underway. Construction of Phase One is anticipated to begin late in 2014. This phase will include six soccer fields, up to three baseball fields, infrastructure including restrooms, a parking pavilion, and utilities. A 14-16 month timeframe is anticipated for the completion of Phase One. Future phases of the park will develop as funding is available. Approximately \$302,040 in Park Land Dedication Funds are anticipated to be received in 2016.

Effect on Operations:

Phase One requires 2.00 FTEs in maintenance staff (\$63,000 annually), a vehicle, a mower, a groomer (\$60,000), and operational and utility expenses (\$76,000 annually) in 2015. Additionally in 2017, 4.75 FTEs in maintenance and 1.5 FTEs in recreation staff is required (\$191,000 annually) and two mowers, a ballfield groomer (\$42,000), and operational and utility expenses (\$165,000 annually) are needed as the final phases are completed.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Community Park Improvements

Division: Parks & Recreation (D460)

Funding: 2250 - Parks Development

Category: Parks & Recreation Improvements

Rank: 2 **Project #:** 13001

Project Type: Replacement ☒ Expansion ☒ **Timeframe:** Multi Year

Project Cost		
2015	\$	700,000
2016		729,000
2017		680,000
2018		789,000
2019		821,000
Total	\$	3,719,000

Description:

These projects will update and expand facilities within community parks to better serve citizens. 2015: Gulley Park - replace trail and lighting for safety and security and parking on the west side as the current parking is not adequate for the number of users; possible Gulley Park land acquisition; and increase Lake Wilson parking. 2016: Wilson Park - remodel historical rock house and restrooms due to poor condition and replace the basketball court and playground. 2017: White River Park - develop multi-use fields on the former R&P property and parking and sidewalks and river access will be added due to a commitment to ADEQ for the property. 2018: Wilson Park - replace eastern tennis courts and lighting and add lighting to the basketball and western tennis courts. Add one splash pad each to Gulley and Walker parks. 2019: renovate restrooms at Gulley, Walker, Lake Fayetteville and Finger parks. Restrooms were built in the 1980's.

Scheduled Implementation:

Planned/Programmed Project

Planning for Gulley Park in January with construction in the fall/winter of 2015. Planning for Wilson Park in January with construction in the summer/fall of 2016. Planning for White River Park in the fall of 2016 and construction in the fall/winter of 2017. Planning for Wilson Park tennis and basketball lighting, Gulley and Walker park splash pads in January with construction in the fall/winter of 2018. Restroom renovations begin in January with construction in the summer/fall of 2019.

Effect on Operations:

Annual utility costs for lighting will decrease by approximately \$5,000 by installing more efficient LED lights at Gulley Park. Maintenance cost will increase by \$7,000 annually at White River Park with the addition of four new multi-purpose fields. Annual utility costs will increase by \$10,000 with the addition of a splash park at Walker and Gulley Parks and \$3,000 for additional lighting at the Wilson Park tennis courts.

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Project Title: Fire Impact Fee Improvements

Division: Fire (D300)

Funding: 2300 - Impact Fee

Category: Fire Improvements

Rank: 1

Project #: 07003

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Request		
2015	\$	80,000
2016		83,000
2017		86,000
2018		89,000
2019		92,000
Total	\$	430,000

Description:

The purpose of this project is to accumulate funding for fire projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.

Scheduled Implementation:

Active Project

N/A

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Police Impact Fee Improvements

Division: Police (D200)

Funding: 2300 - Impact Fee

Category: Police Improvements

Rank: 1

Project #: 07001

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Request		
2015	\$	90,000
2016		92,000
2017		94,000
2018		96,000
2019		98,000
Total	\$	470,000

Description:

The purpose of this project is to accumulate funding for police projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.

Scheduled Implementation:

Active Project

N/A

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Wastewater Impact Fee Improvements

Division: Utilities Director (D900)

Funding: 2300 - Impact Fee

Category: Water & Sewer Improvements

Rank: 1

Project #: 07004

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Cost		
2015	\$	400,000
2016		400,000
2017		400,000
2018		400,000
2019		400,000
Total	\$	2,000,000

Description:

The purpose of this project is to accumulate funding for wastewater projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.

Scheduled Implementation:

Active Project

There has been increased development in the infill area. The funds are used to upgrade the sewer collection system in these areas.

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Water Impact Fee Improvements

Division: Utilities Director (D900)

Funding: 2300 - Impact Fee

Category: Water & Sewer Improvements

Rank: 2

Project #: 07002

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Cost		
2015	\$	500,000
2016		500,000
2017		500,000
2018		500,000
2019		500,000
Total	\$	2,500,000

Description:

The purpose of this project is to accumulate funding for water projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.

Scheduled Implementation:

Active Project

There has been increased development in the infill area. The funds are used to upgrade the water distribution collection system in these areas.

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

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Project Title: Stormwater Quality Management

Division: Engineering (D610)

Funding: 4470 - Sales Tax Capital Improvements

Category: Bridge & Drainage Improvements

Rank: 1

Project #: 02097

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	200,000
2016		200,000
2017		200,000
2018		200,000
2019		200,000
Total	\$	1,000,000

Description:

This is an ongoing project that includes activities required to comply with the City's National Pollutant Discharge Elimination System (NPDES) Permit that is administered by the Arkansas Department of Environmental Quality. The funding is also used for other stormwater projects that focus on improving water quality in accordance with the City's Nutrient Reduction Plan, including stream restoration projects, funding for water quality groups, and project management and administration.

Scheduled Implementation:

Active Project

Approximately \$160,000 of yearly funding is needed to meet obligations that are renewed on an annual basis. Additional funding will be used as matching funds for water quality grants (stream restorations or other similar projects).

Effect on Operations:

No effect on operations.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

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Project Title: Other Drainage Improvements

Division: Engineering (D610)

Funding: 4470 - Sales Tax Capital Improvements

Category: Bridge & Drainage Improvements

Rank: 2

Project #: 02108

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	160,000
2016		160,000
2017		160,000
2018		160,000
2019		160,000
Total	\$	800,000

Description:

This project provides funding for drainage projects needed to mitigate flooding, repair and upgrade existing systems, cost share with developments when applicable, provide funding for storm drainage materials for use in projects constructed by in-house crews, etc. Current funds in this project will be used for a large drainage project that has been prioritized in the Washington/Willow Historic District to mitigate a long unresolved flooding issue. The estimated cost of this project is \$1 million. Future funding will be accumulated where possible for additional large drainage projects.

Scheduled Implementation:

Active Project

Funds will be expended as projects are identified.

Effect on Operations:

Effect on operations will depend on specific projects, but will generally reduce costs by correcting problems and reducing maintenance costs in the Transportation Division.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Fire Apparatus Replacements

Division: Fire (D300)

Funding: 4470 - Sales Tax Capital Improvements

Category: Fire Improvements

Rank: 1

Project #: 03019

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	432,000
2016		432,000
2017		1,347,000
2018		865,000
2019		924,000
Total	\$	4,000,000

Description:

This project is for the planned replacement of fire apparatus. The Fire Department has experienced a dramatic increase in emergency call volume which is impacting the replacement cycle for the fleet. The general industry standard guideline is for a fire engine to serve on the front line for seven (7) years and in the reserve fleet for three (3) years for a total of 10 years of reliable service. For a ladder truck or aerial apparatus, the guideline is to serve for 10 years on the front line and five (5) years in the reserve fleet. This timeline is subject to change with the consideration of other factors such as maintenance cost, hours of operation, call volume, downtime, and number of miles.

Scheduled Implementation:

Active Project

2015: Replace Unit 28-Reserve "E-15" (1998), purchase new class A pumper (Engine 2 to reserves). 2016: Replace Unit 30-Reserve "E-13", purchase new class A pumper (Engine 1 to reserves). 2017: Replace Unit 31-Reserve "E-16", purchase new articulating boom aerial apparatus (Ladder 4 to reserves). 2018: Replace Unit 37- old "E-1" & Unit 35- old "E-2". 2019: Replace Unit 38- old "E-4" and Unit 34- old "E-7".

Effect on Operations:

The fire apparatus replacements listed above will improve dependability and decrease downtime for maintenance and repairs. Motor pool costs for maintenance will be reduced initially. However, as the fire trucks age the maintenance and repair costs will follow the normal patterns.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Fire Mobile Radios

Division: Fire (D300)

Funding: 4470 - Sales Tax Capital Improvements

Category: Fire Improvements

Rank: 2

Project #: 10015

Project Type: Replacement ☒ Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	36,000
2016		-
2017		-
2018		-
2019		-
Total	\$	36,000

Description:

This project is to purchase FFD 800 Megahertz mobile radios for communicating with the City's automatic aid Fire Departments. The FFD mobile radios are much more powerful with greater penetration into and out of buildings than the "county communications" radios currently in use which operate at 450 Megahertz. Staff has recently lost communication with interior fire attack personnel. This endangers not only the firefighters in the facility but also other personnel operating on the fire scene. This additional capability would fix this problem and provide for greater safety for firefighters.

Scheduled Implementation:

Active Project

The Fire Department's mobile radios will be taken to the radio shop a few at a time to be re-programmed with this new capability.

Effect on Operations:

There is currently \$4,413 funded in this account. The estimate was for \$40,000 total. This upgrade will increase firefighter safety on emergency scenes.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Firefighter Safety Equipment

Division: Fire (D300)

Funding: 4470 - Sales Tax Capital Improvements

Category: Fire Improvements

Rank: 3

Project #: 00000

Project Type: Replacement ☒ Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	-
2016		30,000
2017		38,000
2018		8,000
2019		17,000
Total	\$	93,000

Description:

This project is to replace the cascade systems and air bottles. The cascade systems are the machines used to refill the Fire Department's breathing air bottles and are nearing the end of a usable service life. In addition, the self-contained breathing apparatus air bottles must be replaced after 15 years of service.

Scheduled Implementation:

New Project Request

The Fire Department has two cascade systems at Fire Stations 3 and 4. In 2016, the system at Station 4 will be replaced and in 2017 the system at Station 3 will be replaced. The air bottles will be replaced incrementally. Seven (7) breathing air bottles will be replaced in 2017 and 2018 and 15 air bottles will be replaced in 2019.

Effect on Operations:

These replacements will provide the Fire Department personnel with safe breathing air.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Fire Facility Maintenance

Division: Fire (D300)

Funding: 4470 - Sales Tax Capital Improvements

Category: Fire Improvements

Rank: 4 **Project #:** 02006

Project Type: Replacement X **Timeframe:** On-Going
Expansion

Project Cost		
2015	\$	125,000
2016		125,000
2017		125,000
2018		150,000
2019		150,000
Total	\$	675,000

Description:

This project allows for necessary repairs to the Fire Department's existing fire stations, office locations, and facilities. Repairs include but are not limited to roofing, plumbing or drainage repairs and replacements, remodeling, fencing, driveway replacements, generators, stability assessments, fire escape replacements, and structural repairs.

Scheduled Implementation:

Active Project

Staff has identified several repairs needed at Station 1, the Fire Prevention Bureau, and other substations. Staff intends to replace the driveways at Station 1, Station 4 and the Fire Prevention Bureau. In 2015-2019, replacement of the fire escape at Station 1 along with roof replacement and dormitory improvements, and a generator at the Fire Prevention Bureau will be needed. Station 7 needs remodeling to accommodate an additional ladder company and the Haz-Mat unit and trailer.

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Fire Information Technology Updates

Division: Fire (D300)

Funding: 4470 - Sales Tax Capital Improvements

Category: Fire Improvements

Rank: 5

Project #: 10017

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	50,000
2016		40,000
2017		40,000
2018		40,000
2019		20,000
Total	\$	190,000

Description:

This project will allow for the replacement of systems before becoming technologically obsolete or inoperable without interrupting daily operations. With computer devices in the front line apparatus as well as all fire stations, one employee is currently supporting and maintaining over 80 computers, mobile devices, and software applications for 110 personnel. As technology infiltrates personal protective equipment such as face pieces and sensors, there will be a growing demand to support and maintain new technology. In addition, there is personnel accountability technology that helps account for the overall status of personnel and records movements into and out of an emergency incident giving the Incident Commander full situational awareness of all responders' locations and assignments.

Scheduled Implementation:

Active Project

In 2014-2015, the Fire and Police Departments have identified a need to move from the current records management software platform to a Windows based software platform. The cost to complete the Fire Department's share of the police records management project has increased from the original estimate. In years 2016-2019, anticipated technology upgrades to public safety software, hardware, and integrated personal safety equipment will be needed.

Effect on Operations:

Technology has changed since the initial purchase in 1997 of the AS400 Public Safety solution. In order to keep current and compliant, the AS400, mobile communications, and mobile data terminals need to be upgraded to a windows based solution for faster communications. Funds approved for 2014 will be combined with 2015 funding to complete the project. In years 2016-2019, anticipated upgrades will be needed for integrated personal safety equipment, hardware, and software.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Local Area Network (LAN) Upgrades

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 1 **Project #:** 02056

Project Type: Replacement ☐ Expansion ☒ **Timeframe:** On-Going

Project Cost		
2015	\$	135,000
2016		135,000
2017		125,000
2018		125,000
2019		150,000
Total	\$	670,000

Description:

This project is to upgrade and expand the City's Local Area Network (LAN)/Network infrastructure. The LAN is used by all divisions in the City across thirty locations connecting approximately 850 devices. While most components of the LAN are on a three to five year lifecycle, consideration is given to increases in the system's user base and advances in technology that create a need for hardware and operating system upgrades. In the next five years, most of the existing servers, switches, and other network hardware will be replaced. Staff also has plans to add technology that will increase the speed and reliability of the different aspects of the LAN. Specifically, redundant and/or battery protected power supplies for all infrastructure equipment, a separate network for backups, network management and testing tools, WAN optimization hardware, additional monitoring and alerting, and tools to help manage and deploy security policy.

Scheduled Implementation: *Active Project*

Follow hardware replacements schedules as planned with different LAN components replaced each year.

Effect on Operations:

Maintenance cost will increase for expansion items.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Microcomputer / Printer Replacements

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 3

Project #: 02057

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	87,000
2016		60,000
2017		75,000
2018		60,000
2019		75,000
Total	\$	357,000

Description:

This project is for the replacement of failing and outdated personal computers (PC's), printers, and monitors. In order to make use of increased functionality of new PC software, PC hardware must be continuously evaluated and updated. This project will fund the continued rollout of virtual desktops allowing a standardized desktop to be deployed across the City.

Scheduled Implementation:

Active Project

An average of 60 desktops and virtual machines, 100 monitors, and several printers will be replaced in 2015.

Effect on Operations:

This project has no significant direct cost on operations. Indirectly, newer faster machines increase end user productivity and reduce time spent maintaining equipment. Additionally, many PC's will be replaced with virtual desktops that require significantly less staff time deploying and maintaining.

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Project Title: AccessFayetteville Technical Improvement

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 6

Project #: 04047

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Cost		
2015	\$	20,000
2016		20,000
2017		20,000
2018		20,000
2019		20,000
Total	\$	100,000

Description:

This project provides funding for expansion, enhancements, third party application integration, promotion, and maintenance of the City of Fayetteville's website. Cityoffayetteville-ar.gov utilizes a hosted Content Management System (CMS) that is configured and maintained by a third party. The CMS allows end users to add, edit, and approve the content that is displayed on the website.

Scheduled Implementation:

Active Project

Annual upgrades and hosting fees will continue from the new content management system selected in 2014, as well as additional add-ons to the site over the next few years.

Effect on Operations:

Operational costs are approximately \$10,000 per year for hosting and maintenance, replacing the former support costs.

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Project Title: Document Management

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 7 **Project #:** 02094

Project Type: Replacement ☐ **Timeframe:** On-Going
Expansion ☒

Project Cost		
2015	\$	45,000
2016		15,000
2017		15,000
2018		20,000
2019		20,000
Total	\$	115,000

Description:

This project is to add additional scanners and licenses as new applications are added to the Electronic Document Management System (EDMS). Each year several new applications are added to the system. Users that need to scan and index documents require a license. In 2015, a major upgrade is planned to the Teleforms and AppExtender portions of the EDMS.

Scheduled Implementation:

Active Project

Add scanners and licenses over the next several years with a major upgrade to Teleforms and AppExtender in 2015.

Effect on Operations:

Annual maintenance will increase as hardware and software licenses are added to the existing system.

Project Cost		
2015	\$	30,000
2016		-
2017		-
2018		-
2019		-
Total	\$	30,000

This project is to purchase and install a PC desktop management program to enable automated security patches, software updates, operating system upgrades, automated software distribution, and enhanced PC support.

New Project Request

The procurement process will begin in 2015. After the procurement process, staff will configure and implement the software.

Effect on Operations:

Small increase over existing desktop management software.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Hansen Version 8 Upgrade

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 10 **Project #:** 00000

Project Type: Replacement ☒ Expansion ☐ **Timeframe:** Single Year

Project Cost		
2015	\$	-
2016		195,000
2017		-
2018		-
2019		-
Total	\$	195,000

Description:

This project is to upgrade the City's existing Hansen software to the latest version. Hansen/Infor Version 8, released in 2004, is a ground up re-write of software applications utilizing Microsoft.Net technology with zero legacy code. Hansen 8 provides many enhancements over the existing Hansen version 7. The Hansen 8 software portion of the upgrade is free because the City is a current maintenance customer. The expense is associated with professional services required to setup and migrate existing data and application to the new version. Hansen originally set a 2010 expiration date which supports the version of Hansen applications that is currently running, but that date was retracted when Hansen was purchased by Info Technologies. No new expiration date has been set, but development on the current version has stopped. This upgrade requires Hansen services to re-write the City's custom applications and migrate data.

Scheduled Implementation:

Previously Requested/Not Approved

This project is scheduled for 2016.

Effect on Operations:

No significant change over the current annual software maintenance expense.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Web Security Filtering

Division: Information Technology (D440)

Funding: 4470 - Sales Tax Capital Improvements

Category: Information Technology Improvements

Rank: 11 **Project #:** 00000

Project Type: Replacement X **Timeframe:** Single Year
 Expansion

Project Cost		
2015	\$	35,000
2016		-
2017		-
2018		-
2019		-
Total	\$	35,000

Description:

This project is to upgrade the existing Web security/filtering software with a more robust platform for better viewing and management of web security. The upgrade will allow managers better insight into web reporting and tools to help increase efficiency across the City.

Scheduled Implementation:

Previously Requested/Not Approved

This project is scheduled for 2015.

Effect on Operations:

An increase over the current annual software maintenance expense is expected.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Library Materials Purchases

Division: Library (D150)

Funding: 4470 - Sales Tax Capital Improvements

Category: Library Improvements

Rank: 1

Project #: 02049

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	406,000
2016		425,000
2017		489,000
2018		506,000
2019		524,000
Total	\$	2,350,000

Unfunded \$ 97,000

Description:

The project provides library materials including fiction, non-fiction, reference, music and video cd's, and periodicals. Fiction and non-fiction materials are provided in hardback and ebook formats. The total library material collection size is approximately 270,000 items with items added on a monthly basis. The Fayetteville Public Library seeks to provide a collection of materials that is commensurate with benchmark cities (Lawrence, Kansas; Ames, Iowa; Champaign, IL.; Denton Texas; and, Iowa City, Iowa) as well as the national average for cities 50,000 to 99,000. During 2012 and 2013 over 1.3 million items were checked out. Additionally, library collections are moving more toward digital materials which places more pressure on the materials budget. In addition to the \$2,350,000 funded in the 2015-2019 period, there is \$97,000 in funding on the unfunded project list.

Scheduled Implementation:

Active Project

Library materials are purchased monthly to keep current with newly published items. Approximately 25,000 new titles are purchased and processed on an annual basis.

Effect on Operations:

No impact on operations.

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Project Title: Library Computer Replacements

Division: Library (D150)

Funding: 4470 - Sales Tax Capital Improvements

Category: Library Improvements

Rank: 2 **Project #:** 04004

Project Type: Replacement X **Timeframe:** On-Going
Expansion

Project Cost		
2015	\$	35,000
2016		100,000
2017		30,000
2018		109,000
2019		98,000
Total	\$	372,000

Unfunded \$ 56,000

Description:

This project is to provide new and/or upgraded technology infrastructure and services to library staff and patrons. Technology replacement cycle is typically five (5) years or less depending upon utilization. The project includes but is not limited to: all personal computing stations (staff and public); circulating technology equipment including laptops, iPads, and DVD players; server infrastructure; 88 cameras; 55 phones; networking equipment; Starr Island learning stations consisting of six touch screen systems; and various pieces of trending digital equipment for a patron technology innovation center/maker space. In addition to the \$372,000 funded in the 2015-2019 period, there is \$56,000 in funding on the unfunded project list.

Scheduled Implementation:

Active Project

This project schedules the routine replacement of IT related equipment to meet service demands by library patrons.

Effect on Operations:

Fayetteville Public Library delivers all library services through its IT infrastructure system.

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Project Title: Animal Services Improvements

Division: Animal Services (D650)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 14002

Project Type: Replacement ☐
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	35,000
2016		35,000
2017		5,000
2018		-
2019		-
Total	\$	75,000

Description:

This project is for improvements to the kennel building and to replace the entire exterior fence line at the Animal Shelter. The kennel building improvements include replacing five (5) rusted exterior door frames, replacing the back and front chain-link kennel cage doors with stainless steel doors (36 doors total), and to purchase and install an industrial dishwasher. The fence has many repaired holes as well as trees growing through it. New fencing will ensure the safety and containment of sheltered animals. This project will also provide for the installation of stainless steel cages in the clinic to be utilized for the isolation of animals as needed and will replace the plastic cages that have been in use for 20 years.

Scheduled Implementation:

New Project Request

The proposed projects are turnkey projects that will only require purchase and installation; therefore, the projects would be accomplished in a one month time period. The kennel improvements will be in 2015, the new fence in 2016, and the cages will be in 2017.

Effect on Operations:

There will be no impact to budgeted operational costs.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Building Improvements
Division: Building Maintenance (D530)
Funding: 4470 - Sales Tax Capital Improvements
Category: Other Capital Improvements

Rank: 1 **Project #:** 02046

Project Type: Replacement ☐ **Timeframe:** On-Going
Expansion ☐

Project Cost		
2015	\$	125,000
2016		129,000
2017		132,000
2018		136,000
2019		140,000
Total	\$	662,000

Description:

This project consists of the repair and replacement of damaged and worn roofs and HVAC systems and provides for other improvements such as remodels to city owned buildings.

Scheduled Implementation:

Active Project

During the coming years, staff plans to continue to work in-house and through contractors on the City's replacement needs.

Effect on Operations:

Replacement of older equipment should result in the reduction of overall maintenance expense.

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Project Title: City Clerk Document Management Equipment

Division: City Clerk/Treasurer (D130)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 14003

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	44,000
2016		-
2017		45,000
2018		-
2019		-
Total	\$	89,000

Description:

This project is replace a large format and two high capacity scanners and a microfilm reader and reader printer. Due to the age of the scanners, compatibility issues with current programs and updates are occurring. The scanners are able to scan in city documents for electronic retrieval. The microfilm equipment reads archived documents.

Scheduled Implementation:

Active Project

The high capacity scanners are scheduled for replacement in 2015. The large format scanner and microfilm reader and reader/printer are scheduled for replacement in 2017.

Effect on Operations:

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Comprehensive Land Use Plan Update

Division: City Planning (D620)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 00000

Project Type: Replacement ☐
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		100,000
2017		-
2018		-
2019		-
Total	\$	100,000

Description:

This project is for a 5-year update of the comprehensive land use plan, City Plan 2035. A majority of the existing plan will be retained and one or two new major elements will be added. One new element will be to create a vision for Fayetteville to become a world-class community over the next 25 years that attracts and retains creativity and entrepreneurship while respecting and enhancing the natural and historic resources of the City. Other new topics for potential inclusion in the plan include energy, health, food security, resiliency, and historic and natural resources. Research, an extensive public participation process, and including new elements in the plan identified above will be primarily facilitated by consultants. The public participation process will include a combination of focus groups, public workshops, and a charette-type of engagement process. City staff will assist in updating the overall plan.

Scheduled Implementation:

New Project Request

The City will select consultants to head the public and internal participation and design process by early 2016. The consultants will conduct background research and analysis through the spring of 2016. Internal and public workshops and/or a charette-type of engagement process will take place in the spring/early summer of 2016 and the final report should be delivered in the fall of 2016.

Effect on Operations:

The City Plan 2035 will require the help of consultants in facilitating the public participation and design process, particularly on the topics outside the expertise of staff.

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Project Title: Planning Commission Tablet Replacements

Division: City Planning (D620)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 2

Project #: 00000

Project Type: Replacement ☒ Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		6,000
2017		-
2018		-
2019		-
Total	\$	6,000

Description:

This project is to purchase nine (9) computer tablets to replace the Planning Commission's iPads (version 1) that were purchased in late 2011. The iPads are projected to need replacement after approximately five years.

Scheduled Implementation:

New Project Request

Staff will evaluate various computer tablet options to replace the iPads in 2016.

Effect on Operations:

N/A

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Project Title: Wayfinding Regional Signage Program

Division: Development Services (D600)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 13013

Project Type: Replacement ☐
Expansion ☒

Timeframe: Single Year

Project Cost		
2015	\$	60,000
2016		65,000
2017		-
2018		-
2019		-
Total	\$	125,000

Description:

This project continues the regional wayfinding signage program. The program originally started with a grant from the Walton Family Foundation and continued with CIP/A&P Commission funding in 2013. The wayfinding signage program provides visitors and residents with a cohesive wayfinding sign experience through vehicular and pedestrian signs throughout the City, coordinated with seven (7) other cities in Northwest Arkansas. Wayfinding programs guide travelers to major public civic, cultural, visitor, and recreational destinations, therefore this program is of economic benefit for citizens and visitors. The success of the first two phases of this program have resulted in approximately 20 new locations requested to be signed by elected officials and citizens. Private funding and other public funding sources will be sought to facilitate the full project.

Scheduled Implementation:

Active Project

The City will facilitate the preparation of sign location plans, message schedules and specifications to submit to the Regional Wayfinding Steering Committee for approval in the first and second quarters of 2015. After obtaining approval, staff will request contractor bids for fabrication and installation of the selected signs within the allocated budget through 2016.

Effect on Operations:

All wayfinding signs are city property and must be maintained to a high standard. Signs permitted within the regional wayfinding sign program are subject to a maintenance agreement that has been provided to the Transportation Department for short and long term maintenance needs. Most costly is replacement or repair if signs are damaged. It is the intent to remove sign clutter when wayfinding signs are installed, allowing many smaller and dispersed signs to be removed from city rights-of-way.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Television Center Digital Conversion

Division: Government Channel (D710)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 13015

Project Type: Replacement X
Expansion X

Timeframe: Multi Year

Project Cost		
2015	\$	100,000
2016		-
2017		-
2018		-
2019		-
Total	\$	100,000

Description:

This project is to convert the Television Center's technology from analog to digital. The video production and telecasting industry made the conversion to digital technology several years ago. The systems used in the Television Center are still old, analog technology and the equipment has become scarce, unavailable, and expensive to repair. Due to the nature of the systems involved, the conversion cannot be phased in.

Scheduled Implementation:

Active Project

This project has been incrementally budgeted over three (3) years to balance the impact on the budget, with expenditures and implementation occurring in 2015, the third year. The budget figures are based on today's technology. Due to the rapid change in technology, final budgetary figures will need to be established closer to implementation.

Effect on Operations:

This project will have no net affect on operational costs.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: City Hall Audio-Visual Renovation

Division: Government Channel (D710)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 2

Project #: 13004

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	100,000
2016		-
2017		-
2018		-
2019		-
Total	\$	100,000

Description:

This project is to replace the audio/visual systems in the meeting rooms in the City Administration Building. The components and systems are no longer able to meet the needs of the many people making presentations. The systems are inconsistent from room to room, do not interact with any other systems including video production and cause confusion and frustration for the users. Replacements of the A/V components with a system-based approach will bring the installations up to date, allow for future expansion and capacity, and make the operation of systems consistent from room to room. This will also provide for better ergonomics and ease of use, integration of the systems with other presentation and distribution systems, and modernize the systems overall. Staff will consolidate the management of A/V resources under one division to provide for better budgeting and support.

Scheduled Implementation:

Planned/Programmed Project

Funds have been budgeted over three years beginning in 2013. This project will need separate design/engineering services to ensure designs meet specifications and integrators/installers provide adequate and appropriate service.

Effect on Operations:

This project will have no net effect on the operational budget. Many users, both public and staff, will realize improved capabilities and integration, better ergonomics, and the ability to conduct better presentations. Staff will be able to provide better service and support to both internal and external A/V users.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Video Production Digital Server & Archive System

Division: Government Channel (D710)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 3

Project #: 00000

Project Type: Replacement ☐
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		120,000
2017		-
2018		-
2019		-
Total	\$	120,000

Description:

This project is to install the equipment necessary for the City to have a duplicate archive of all meetings and non-meeting programming and establish storage, backup, and archive systems that will automatically duplicate both the working video storage and the video archives off-site at the City's data center. Meeting video and other programming is being stored and archived on DVD discs which are stored at the Television Center. A duplicate archive or backups of the discs does not exist. With over 7,000 DVDs, a catastrophic event at the Television Center could destroy the archive and the City would lose nearly 20 years of meeting recordings and other programming.

Scheduled Implementation:

New Project Request

Implementation within one year.

Effect on Operations:

This project has no net impact on operational budgets.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Television Center Equipment

Division: Government Channel (D710)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 4

Project #: 02061

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	50,000
2016		50,000
2017		50,000
2018		50,000
2019		50,000
Total	\$	250,000

Description:

This project is to replace and upgrade equipment at the Television Center. This equipment includes production technology, studio equipment, lighting, sound, signal processing, telecasting equipment, etc. The Center also provides small equipment support for the audio/visual needs of the Administration and replacement of needed equipment when necessary, such as projectors, screens, PA systems, and other A/V support equipment.

Scheduled Implementation:

Active Project

Acquisition occurs throughout the year, according to need.

Effect on Operations:

This project has no net impact on operational budgets.

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Project Title: Digital Signage Implementation

Division: Government Channel (D710)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 5

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	15,000
2016		15,000
2017		-
2018		-
2019		-
Total	\$	30,000

Description:

This project is to purchase digital signs for every point of public contact in a City building such as City Administration, Police Department, District Court, Animal Shelter, etc. Digital signage is a cost-effective means by which the City can communicate to the public timely and relevant information. Digital signage allows information and messages to be easily changed and updated, helping ensure accuracy and immediacy. The displays offer many advantages over printed posters, handbills and permanent signs because the information can be changed quickly and easily and there is no waste so paper costs are reduced and distribution costs are minimal.

Scheduled Implementation:

New Project Request

The project will be implemented over two years to distribute the impact on both the budget and staff time as planning and installation will be done in-house.

Effect on Operations:

This project will have no net affect on operational costs.

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Project Title: Woolsey Homestead Historic Restoration Project

Division: Mayors Administration (D100)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	70,000
2016		-
2017		120,000
2018		90,000
2019		-
Total	\$	280,000

Description:

This project is a three (3) phase renovation. Phase 1 – Imperative items completed in the first year focus on environmental site assessment and selective demolition. Clean up around the exterior of the main house with removal of vegetation, the collapsed front porch, and loose wood and rubbish. Other items are: salvage of brick; removal of modern finishes and fixtures; seal off openings or any other exposed structure; water-proofing the structure; partial removal of the flooring; and installation of fencing for security. Phase 2 – Priority items estimated to be completed in the next one to three years include: focused attention on additional shoring measures, roof replacement, civil site surveys and architectural master planning. Phase 3 – Significant Items in the final year are restoration to the 1840's period, removal of all later additions, long-term foundation and framing restoration, and cemetery marker restoration and conservation.

Scheduled Implementation:

New Project Request

Phase 1 - Imperative items estimated at \$70,000 in 2015; Phase 2 - Priority items estimated at \$120,000 in 2017; Phase 3 - Significant items estimated at \$90,000 in 2018.

Effect on Operations:

This is construction related work that will need to be contracted and overseen by construction management of staff.

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Project Title: Telecommunication Systems Upgrades

Division: Parking & Telecommunications (D840)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1 **Project #:** 04001

Project Type: Replacement X
Expansion X **Timeframe:** On-Going

Project Cost		
2015	\$	35,000
2016		10,000
2017		20,000
2018		20,000
2019		20,000
Total	\$	105,000

Description:

This project is for system upgrades, additional equipment and new software features that become available for users. These funds will also cover additional licenses needed for users adding onto various modules such as the paging system, recording system, etc.

Scheduled Implementation:

Active Project

In 2015, specific funds will be used for upgrading the Police Department's recording systems to provide improved and more accurate recordings of all communications. This media is used for investigations and in the courts and it is imperative that all information is captured accurately and tracked properly. This type of media presentation is needed as legal and valid evidence in a court of law. Ongoing expenditures throughout each year keep the existing equipment and user needs up to date.

Effect on Operations:

N/A

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Parking Lot Improvements (City Employee)

Division: Parking & Telecommunications (D840)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 4

Project #: 11004

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	10,000
2016		10,000
2017		10,000
2018		10,000
2019		10,000
Total	\$	50,000

Description:

This project is for ongoing improvements to employee parking lots that are not utilized by the general public.

Scheduled Implementation:

Active Project

In 2015, the upper and lower employee lots directly south of the Town Center Deck will have significant improvements including green space. The next improvement will be made to the employee lot on Rock Street in front of the maintenance building and Cable Television. Another employee parking lot in need of the same type of improvements is the parking lot behind the Police building.

Effect on Operations:

Ongoing improvements to parking lots keep the property safe for vehicles and pedestrians, beautifies the areas, brings the properties up to code and ADA regulations, and reduces the need for more expensive rehab in the future.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Building Efficiency Improvements

Division: Sustainability & Resilience (D410)

Funding: 4470 - Sales Tax Capital Improvements

Category: Other Capital Improvements

Rank: 1

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	40,000
2016		40,000
2017		40,000
2018		40,000
2019		40,000
Total	\$	200,000

Description:

This project is for improvements of energy efficiency, weatherization and water conservation to city facilities and includes the repair and replacement of inefficient HVAC equipment, lighting upgrades, insulation, window repair/replacement, and water efficiency projects. Energy assessments may need to be performed on several buildings to identify the scope of specific projects.

Scheduled Implementation:

New Project Request

Improvements with the greatest payback will be completed first.

Effect on Operations:

Reduced utility cost and maintenance costs and time spent repairing outdated equipment.

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Project Title: Tree Escrow

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 1 **Project #:** 08001

Project Type: Replacement ☐
Expansion ☒ **Timeframe:** On-Going

Project Cost		
2015	\$	74,000
2016		-
2017		-
2018		-
2019		-
Total	\$	74,000

Description:

This project is used to plant trees in the street rights-of-way by contract or in-house staff. Funds may also be used to maintain the trees or to purchase equipment for maintenance. Funds in this project are contributed by developers who cannot meet their preservation requirements and must be spent within seven years from receipt.

Scheduled Implementation:

Active Project

Trees are planted in the fall of each year as funding is allowed.

Effect on Operations:

Trees that do not survive are considered for replacement through future tree escrow planting projects. Ongoing maintenance including water, mulch, and pruning will be necessary after trees are planted. Currently, after the initial three year establishment period, the trees are maintained by the Transportation Division.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Safety and ADA

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 2

Project #: 00000

Project Type: Replacement ☒
Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	15,000
2016		15,000
2017		15,000
2018		15,000
2019		15,000
Total	\$	75,000

Description:

This project will be used to bring previous projects into ADA compliance such as swings, play equipment, and sidewalk connections. Additionally, funds are used to address safety hazards that may occur over time.

Scheduled Implementation:

New Project Request

This project is ongoing. Projects are identified as needed.

Effect on Operations:

None.

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Project Title: Forestry and Habitat Improvement

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 3

Project #: 00000

Project Type: Replacement X
Expansion X

Timeframe: Multi Year

Project Cost		
2015	\$	30,000
2016		62,000
2017		34,000
2018		32,000
2019		26,000
Total	\$	184,000

Description:

This project is for tree plantings and replacements in areas where trees are damaged such as on boulevards and in areas where old trees are being lost in parks. In addition, funding is requested for median right-of-way tree replacements for Hwy 265, Garland Avenue, Van Ache, and Ruppel Road. Median replacements are for the first three years after planting assuming 15% mortality rate over three years. The Celebration of Trees, which is required for the City's Tree City USA designation, is funded annually from this project. Additionally, habitat restoration projects such as the Lake Fayetteville prairie restoration, are funded in this project. Habitat improvements are intended to restore or compliment existing natural areas as well as reduce maintenance. Funds in this project are also used for the annual operational motor pool cost for a stump grinder and chipper. The requested funding has been increased by \$30,000 over the five (5) years due to new street tree plantings.

Scheduled Implementation:

Active Project

This project is ongoing. The Celebration of Trees is hosted each year in the fall. Tree replacements will generally occur in the fall and spring of each year.

Effect on Operations:

As the number of trees increases, forestry crews and motor pool will need to be increased. Two FTE's (\$63,000 annually) are requested for 2016 along with a vehicle (one time expense of \$24,000; annual of \$4,000). Utility costs will increase (\$12,000 annually) in 2015 and 2016 due to additional irrigation for street median trees.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Park Paving Improvements

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 4

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		58,000
2017		58,000
2018		58,000
2019		58,000
Total	\$	232,000

Description:

This project will be used to overlay and/or replace existing interior roads and parking areas. Many of the parks are aging and pavement surfaces are deteriorating. Priorities have historically been to replace and upgrade facilities, however the infrastructure is beginning to fail in some areas and is in need of repair. This project will repave approximately 3,300 square yards of surfacing per year. The first project will be in 2016 to repave Wilson Park interior drives which are broken up and have potholes.

Scheduled Implementation:

New Project Request

Wilson Park entry drives would be replaced in 2016. Planning for this project would begin in early 2016. Other parks will be assessed and prioritized for future years. Once priorities are identified, projects would be bid in the summer and construction would begin in the fall.

Effect on Operations:

None.

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Project Title: Parks & Recreation Master Plan

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 6

Project #: 00000

Project Type: Replacement ☐
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		-
2017		-
2018		-
2019		200,000
Total	\$	200,000

Description:

This project is for a new master plan for the Parks & Recreation Department that would define the direction of parks and recreation in Fayetteville for the next ten years. The master plan would set the vision and strategies to accomplish goals set by the City.

Scheduled Implementation:

New Project Request

An RFQ would be advertised in January 2019. The selection committee process would immediately follow and a consultant would then be hired to begin working on the plan.

Effect on Operations:

None.

CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Lake Improvements

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 7 **Project #:** 00000

Project Type: Replacement ☐
Expansion ☒ **Timeframe:** Single Year

Project Cost		
2015	\$	-
2016		-
2017		-
2018		250,000
2019		-
Total	\$	250,000

Description:

This project is to add campsites to Lake Sequoyah which offers a variety of recreational opportunities and has great potential for primitive camping around the lake. Adding campsites would provide citizens a pristine camping experience minutes from downtown. These would be the first camp sites offered by the City. There would be a cost to rent the camp site and the boat dock operator would manage the camp sites.

Scheduled Implementation:

New Project Request

A master plan would need to be designed and approved in 2018. This would be designed by in house staff. Construction plans would be developed in early 2019 with construction anticipated in summer of 2019.

Effect on Operations:

Lake Sequoyah requires a boat dock operator. This person would be utilized to sell permits and oversee the camping areas. Fees for the permits would help offset ongoing maintenance for the sites including trash collection, tree pruning, and weedeating.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Lights of the Ozarks

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 8

Project #: 02001

Project Type: Replacement ☒ Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	23,000
2016		23,000
2017		23,000
2018		23,000
2019		23,000
Total	\$	115,000

Description:

The Lights of the Ozarks display is an extremely popular annual event that takes place from Thanksgiving to New Years Eve. Approximately 500,000 lights are displayed around the downtown square where an estimated 300,000 people come to view the display.

Scheduled Implementation:

Active Project

Park staff will begin installing the light display in early October. The installation typically takes six weeks. The lights have historically been turned on the Saturday night before Thanksgiving. Lights are turned on nightly beginning at 5:00 pm until 1:00 am. The lights are turned off for the last time each year at 12:00 am on New Years Eve. Park staff begins removing the lights in the first week of January and typically completes removal in two weeks.

Effect on Operations:

Estimated costs are: 3,310 hours of labor - \$61,657; vehicle costs - \$8,217; and utilities - \$1,500. These costs are included in the annual operating budget in the Parks Development Fund. Capital Sales Tax funds will finance the cost of new lights, aerial lift rental, and materials and supplies of \$23,000 in 2015. Additional funding will be sought from the Advertising & Promotion Commission.

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Project Title: Walker Park Senior Activity and Wellness Center

Division: Parks & Recreation (D460)

Funding: 4470 - Sales Tax Capital Improvements

Category: Parks & Recreation Improvements

Rank: 9

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	25,000
2016		100,000
2017		150,000
2018		-
2019		-
Total	\$	275,000

Description:

This project will add space to the Walker Park Senior Activity and Wellness Center's kitchen area by moving inner walls and updating kitchen equipment such as commercial ovens, fryers and refrigeration. The Walker Park Senior Activity and Wellness Center feeds almost 300 people per day including the Hillcrest Towers Congregate and Home Delivered Meals, Fayetteville Meals On Wheels program and the Elizabeth Richardson Center. The existing kitchen is unable to accommodate the amount of food preparation required to adequately serve the senior population. The center is requesting a kitchen expansion and renovation.

Scheduled Implementation:

New Project Request

The project would hire an engineer to prepare the design and bid specifications to be completed in 2015. The project would be bid and construction started in 2016 with completion in 2017.

Effect on Operations:

The expansion and renovations are not expected to impact operational costs.

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Project Title: Police Bulletproof Vests & Ballistic Protection

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 1

Project #: 13011

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	52,000
2016		13,000
2017		10,000
2018		23,000
2019		62,000
Total	\$	160,000

Description:

This project provides the 50% local match and any shortfall from federal funding for the purchase of bulletproof vests for new officers, the replacement of expired bulletproof vests, and new/replacement tactical bulletproof vests for members of the Emergency Response Team (ERT). Federal, State, and Local mandates exist for all officers to wear bulletproof vests when engaging in law enforcement activities. This project further funds ballistic protection equipment for the ERT including ballistic shields, plates, and blanket. The level III shield is designed to stop small arms ammunition, and is lighter and more mobile. The level IV shield is heavier and rated to stop larger ammunition fired from rifles. The ERT members also have level IV ballistic plates carried within their ballistic vests. The ballistic blanket can be quickly deployed for high risk situations including the protection of officers and civilians as a personal shield or in vehicle transport.

Scheduled Implementation:

Active Project

The annual funding schedule is based on the expiration dates of existing bulletproof vests and a projection of new officers being placed into service for the Department. The level III ballistic shield will need to be replaced in 2016 and the level IV ballistic shield will need to be replaced in 2018. The ERT ballistic plates are scheduled for replacement in 2018 and the ballistic blanket is scheduled for replacement in 2019.

Effect on Operations:

The purchase of bulletproof vests and ballistic protection will have no adverse effect on operational funding.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Police Weapon Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 2

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	8,000
2016		14,000
2017		40,000
2018		-
2019		-
Total	\$	62,000

Description:

This project is to replace some of the equipment on the rifles used by the Emergency Response Team. While the rifles are in serviceable condition, the barrels, optics, and other items used for precision shooting are showing signs of wear and need to be replaced in 2015. In 2016, six (6) patrol rifles will need be replaced. The Police Department will need to replace the handguns of all the officers in the department. The handguns are showing signs of wear and the Department has started to replace some of the internal parts of the weapons to maintain the accuracy and reliability. The Police Department has a ten year replacement schedule and the handguns will need to be replaced in 2017. These weapons need to be replaced and maintained as scheduled to ensure officers have reliable equipment to perform required duties.

Scheduled Implementation:

Planned/Programmed Project

2015 - scheduled to replace optics, barrels, and other items used in precision shooting; 2016 - scheduled to replace six (6) patrol rifles; 2017 - scheduled to replace handguns for all law enforcement officers.

Effect on Operations:

These purchases will not adversely effect operational funding.

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Project Title: Police Building Improvements
Division: Police (D200)
Funding: 4470 - Sales Tax Capital Improvements
Category: Police Improvements

Rank: 3 **Project #:** 02047

Project Type: Replacement X **Timeframe:** On-Going
Expansion

Project Cost		
2015	\$	35,000
2016		25,000
2017		25,000
2018		75,000
2019		25,000
Total	\$	185,000

Description:

This project is for major repairs of the Police Department's building including but not limited to security door lock systems, major plumbing and electrical issues, roof repairs and replacement, minor re-models for the police facility, and buildings at the radio tower sites and warehouse.

Scheduled Implementation:

Planned/Programmed Project

Scheduled project expenses are: 2015 - replace HVAC unit, maintenance to exterior of police headquarters, and remodel Central Dispatch's break area; 2016 - replace roof on police headquarters; 2017 - replace HVAC unit and remodel FLERS warehouse; 2018 - replace HVAC unit and improvements to drug task force offices; 2019 - replace office cubicles in Criminal Investigations and Records Divisions.

Effect on Operations:

This project should not increase operational funding.

Project Cost		
2015	\$	78,000
2016		83,000
2017		83,000
2018		54,000
2019		102,000
Total	\$	400,000

This project is to purchase unmarked vehicles that are a necessity for an effective Police Department. The Department utilizes unmarked vehicles for a variety of tasks including: gathering intelligence for investigation of narcotics, theft, vandalism, domestic terrorism, and civil disobedience; conducting pre-raid intelligence for the deployment of the Emergency Response Team; conducting alcohol enforcement patrols; and any activity that must be kept covert to be effective. The Department is recommending a three year replacement for vehicles used in undercover capacities and a five year replacement for vehicles used in a unmarked capacity. During undercover investigations, the same vehicles are used to affect arrests and to conduct surveillance making it necessary to replace these vehicles more often.

Planned/Programmed Project

2015 - replace four (4) unmarked vehicles and one (1) undercover vehicle; 2016 - replace three (3) unmarked vehicles and two (2) undercover vehicles; 2017 - replace four (4) unmarked vehicles and one (1) undercover vehicle; 2018 - replace one (1) unmarked vehicle and two (2) undercover vehicles; and 2019 - replace four (4) unmarked vehicles and two (2) covert vehicles.

Effect on Operations:

These are replacement vehicles, the only effect on operational expense would be the change in market cost for operations and maintenance.

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Project Title: Police Records Management System Improvements

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 5

Project #: 14009

Project Type: Replacement ☒ Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	150,000
2016		150,000
2017		-
2018		-
2019		-
Total	\$	300,000

Description:

This project replaces the police records management system that has been in use since 1998 and includes integrated computer aided dispatch (CAD), law enforcement records, fire records, and a mobile data system. Costs include data conversion, implementation costs and hardware/software upgrades.

Scheduled Implementation:

Active Project

Staff will be working on the selection process in 2014 and issue notice to proceed in 2015.

Effect on Operations:

Software maintenance fees may deviate from the current contract amount. These fees are to be negotiated prior to notice to proceed.

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Project Title: Police Network/Server Replacements

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 7 **Project #:** 14008

Project Type: Replacement ☒ Expansion ☐ **Timeframe:** On-Going

Project Cost		
2015	\$	68,000
2016		50,000
2017		-
2018		-
2019		32,000
Total	\$	150,000

Description:

This project is for the scheduled replacement of obsolete core and edge network switches and to replace all the modem and routers that support ongoing Police Department operations. The switches provide connectivity between all desktop computers and records management servers. Upgrade, updates, and technical support for the switch hardware/firmware are no longer available after five years of operation. The modem/routers provide a secure, wireless network connection from the mobile data terminals to the Department's internal network and Global Positioning System (GPS) tracking data to central dispatch's Automatic Vehicle Location (AVL) system.

Scheduled Implementation:

Planned/Programmed Project

All modems and routers will be replaced in 2015. The replacement of the core switch will begin during the fourth quarter of 2015 and into 2016. The replacement of edge switches will begin during the third quarter of 2019.

Effect on Operations:

These is no impact on operations. Maintenance is included in the hardware purchase price.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)

Project Title: Police Mobile Video System Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 9

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	35,000
2016		-
2017		210,000
2018		-
2019		38,000
Total	\$	283,000

Description:

This project provides for the replacement of the police mobile video systems. Mobile video is an important component of each patrol unit by documenting evidence to support prosecution and makes citizen complaints more easily investigated. All patrol vehicles are equipped with video recording devices that capture traffic stops and other relevant events. This video is uploaded to disk-based storage cabinets of sufficient capacity to accommodate video uploads for a period of one year. Video is then accessible over the network by authorized personnel for review and dissemination per law enforcement requirements.

Scheduled Implementation:

Planned/Programmed Project

New video memory/storage cabinets will be purchased in 2015 and patrol unit mobile video recorders (MVRs) will be replaced in 2017. The video memory/storage cabinets are expected to reach end of life in 2019 resulting in replacement.

Effect on Operations:

This project has no increase on annual operations.

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Project Title: Police Specialized Equipment

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 10

Project #: 02062

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	21,000
2016		21,000
2017		8,000
2018		40,000
2019		242,000
Total	\$	332,000

Unfunded \$ 90,000

Description:

This project is to replace outdated and/or malfunctioning equipment used during police operations. Examples of this equipment include traffic control equipment, bicycle replacement, wireless remote surveillance cameras, crisis negotiation throw phone, portable speed display signs for use in school zones, radar units, a total station system for accident reconstruction, tasers, and other items used in police operations. This type of project is necessary to the efficient, ongoing, and safe operations of the Police Department. The purchase of two hybrid UTV's to patrol the City's multi-use trails and a self-contained, temporary surveillance system that provides an additional measure of monitoring and safety for officers and the public in trouble spots, collisions, inclement weather, special events and traffic flow problems were unfunded.

Scheduled Implementation:

New Project Request

The replacements are as follows: 2015 - throw phone; 2016 - traffic control, bicycle, and remote camera; 2017 - speed displays and radar units; 2018 - traffic control, bicycles, radar units, and total station system; and 2019 - traffic control, bicycles, radar units, tasers, and covert surveillance equipment.

Effect on Operations:

There is no impact on operations.

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Project Title: Employee Gym Equipment

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 11

Project #: 13028

Project Type: Replacement ☒ Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	7,000
2016		10,000
2017		10,000
2018		10,000
2019		10,000
Total	\$	47,000

Description:

This project is to upgrade and replace older, outdated equipment at the City's gym. Ongoing maintenance of the equipment and facility are vital to the health and wellness of city employees. An updated gym supports the City Wellness Committee's effort to provide a convenient and reliable place to exercise, decreases lost work time due to injury or illness, and minimizes potential increases in health insurance premiums for the City and its employees.

Scheduled Implementation:

Active Project

Staff will continue to replace outdated equipment.

Effect on Operations:

These equipment purchases will have no adverse effect on operations.

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CITY OF FAYETTEVILLE, ARKANSAS
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Project Title: Police Automated External Defibrillator (AED)

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 14

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Single Year

Project Cost		
2015	\$	41,000
2016		-
2017		-
2018		-
2019		-
Total	\$	41,000

Description:

This project is to equip all 27 police patrol vehicles with automated external defibrillators (AED). As officers are often the first responder in emergencies, AEDs are a valuable tool to have in the event of a cardiac arrest or heart attack and are an important part of giving CPR as recommended by the American Heart Association. Currently, the Police Department has two AED's. One is kept at the Department and the other is assigned to a patrol supervisor's vehicle. The use of an AED is taught to the officers during Basic Life Support for Healthcare Providers (CPR) classes, so there will not be any additional training costs associated with his purchase.

Scheduled Implementation:

New Project Request

It is requested that the equipment is purchased in 2015.

Effect on Operations:

This purchase will not have additional training or reoccurring costs and will not have an effect on operations.

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Project Title: Police Take Home Vehicles

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 15

Project #: 06003

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	-
2016		57,000
2017		60,000
2018		62,000
2019		65,000
Total	\$	244,000

Description:

This project is to expand the take-home vehicle program. Eligibility for this program is based on an officer's seniority and requirement that he/she resides within the city limits. Benefits include: 1) The presence of marked patrol vehicles have a positive effect on crime prevention and community policing efforts and residents feel safer. 2) Take-home vehicles last longer due to officers' sense of ownership and the vehicles are not being used 24/7 by several officers. 3) Officers with take-home vehicles are more readily available to respond to an emergency or critical incident. 4) Officers utilizing take-home vehicles will not need to spend approximately a half hour every shift loading and unloading required equipment and performing inspections for damage and contraband. 5) A take-home vehicle program is excellent for recruitment and retention of police officers and it allows the department to compete with neighboring agencies in Springdale, Rogers, and Bentonville.

Scheduled Implementation:

New Project Request

The phase-in program has seven marked patrol vehicles. Beginning with year 2015, one vehicle will be added to the take-home fleet each year.

Effect on Operations:

Expansion of take home vehicles will increase motor pool and replacement charges by a five year total of \$205,656, reaching \$73,200 annually by 2019.

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Project Title: Radio System Replacement - Citywide

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 16

Project #: 00000

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	-
2016		-
2017		-
2018		700,000
2019		200,000
Total	\$	900,000

Unfunded \$ 2,100,000

Description:

This project is to begin accruing funds for city wide radio replacements. The last city wide radio project was completed in 2011. Radio systems after several years start experiencing problems with equipment failures due to the age of the equipment and acquiring parts is problematic as the system degrades. These systems are costly so it is important to start planning now for future replacement.

Scheduled Implementation:

New Project Request

The new radio system will be brought on line in approximately 10 years as that is the expected life.

Effect on Operations:

The new radios will be under warranty for three years and added to the radio maintenance contract after the warranty expires. The first three years only upgraded equipment will need to be covered on maintenance. Lease expense could increase if another tower site is needed with this project.

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Project Title: Police Virtual Server & Storage Area Network

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 17

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	-
2016		180,000
2017		-
2018		-
2019		-
Total	\$	180,000

Description:

This project provides for the replacement of obsolete equipment and to purchase additional capacity if needed to meet the Department's server computing and data storage requirements. Server virtualization allows a single physical server computer's CPU, memory, and storage resources to be shared among multiple logical guest operating systems.

Scheduled Implementation:

New Project Request

Replacement of servers will begin during the third quarter of 2016.

Effect on Operations:

Annual subscription for maintenance and technical support in the amount of \$1,100 annually.

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Project Title: Police eTicket Equipment Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 18

Project #: 00000

Project Type: Replacement ☒ Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		44,000
2017		-
2018		-
2019		-
Total	\$	44,000

Description:

This project provides for the replacement of obsolete hand-held computers and thermal citation printers.

Scheduled Implementation:

New Project Request

Handheld computers and thermal printers will be replaced beginning in the first quarter of 2016.

Effect on Operations:

No change to operating expense.

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Project Title: Police Equipment Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 22

Project #: 11006

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	-
2016		-
2017		10,000
2018		-
2019		10,000
Total	\$	20,000

Description:

This project is for the replacement of police operating equipment such as a paper shredder, document scanners, uninterrupted power supplies, security/surveillance cameras, etc. Without this equipment, staff would not be able to maintain the current level of operations due to routine equipment failure.

Scheduled Implementation:

Active Project

Security/surveillance cameras will need to be replaced in 2017. Remaining funds will be used to replace other operating equipment as needed.

Effect on Operations:

These purchases will have no adverse effect on operational funding.

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Project Title: Central Dispatch Improvements

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 24

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		-
2017		165,000
2018		-
2019		-
Total	\$	165,000

Description:

This project is to replace five dispatch consoles which have reached the end of their lifespan and add two additional console positions to the dispatch center. The dispatch consoles currently in place were purchased in 2000. Since the console replacement requires moving all the equipment in dispatch, this project also includes replacing the carpet during the project implementation.

Scheduled Implementation:

New Project Request

Project is to be completed in 2017.

Effect on Operations:

No operational costs after implementation.

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Project Title: Police K9 Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 26

Project #: 14007

Project Type: Replacement ☒ Expansion ☐

Timeframe: Multi Year

Project Cost		
2015	\$	-
2016		-
2017		-
2018		12,000
2019		12,000
Total	\$	24,000

Description:

This project is for two (2) police canines that will reach retirement age in the coming years. Police canines are a critical support service to the Police Department. Canines are used to locate missing persons, articles or narcotics, conduct building searches, and track fleeing suspects. A replacement program must be anticipated for the canine program as the cost to purchase and train a new canine and handler is approximately \$12,000.

Scheduled Implementation:

Planned/Programmed Project

Staff has scheduled to replace one canine in each budget year of 2018 and 2019 as current canines are four years old and a new canine will be purchased this year. Average work life of a police canine is approximately eight years.

Effect on Operations:

This project should have no increase in operations funding.

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Project Title: Police Radio Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 28

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		-
2017		-
2018		-
2019		42,000
Total	\$	42,000

Description:

This project is to replace 32 police radios. Motorola has issued an "Intent to Cancel" notice for XTS/XTL radios. Parts and warranty will no longer be available for these radios. Many of these radios will be 15 years old at the time of replacement.

Scheduled Implementation:

New Project Request

Purchase new radios in 2019.

Effect on Operations:

The new radios will be under warranty for three years and added to the radio maintenance contract after the warranty expires.

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Project Title: Police Mobile Computer Terminal Replacement

Division: Police (D200)

Funding: 4470 - Sales Tax Capital Improvements

Category: Police Improvements

Rank: 30

Project #: 13012

Project Type: Replacement ☒
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		-
2017		-
2018		-
2019		225,000
Total	\$	225,000

Description:

This project is to replace the mobile computer terminals (MCT) in all patrol vehicles which are necessary to support ongoing Police Department operations. The current MCTs are expected to be obsolete and/or malfunctioning by 2019.

Scheduled Implementation:

Planned/Programmed Project

The current MCTs were installed in 2008 and have a life expectancy of five (5) years with replace scheduled in second quarter of 2014.

Effect on Operations:

Three years of maintenance will be included with the purchase of these MCTs. Maintenance beyond this time will be included in the operating budget.

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Project Title: Street ROW / Intersection / Cost Sharing

Division: Engineering (D610)

Funding: 4470 - Sales Tax Capital Improvements

Category: Street Improvements

Rank: 1

Project #: 02116

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	350,000
2016		100,000
2017		100,000
2018		100,000
2019		100,000
Total	\$	750,000

Description:

This project provides funding for developer cost shares to complete street improvements associated with developments that are necessary but are not the full responsibility of the developer and provides for construction of miscellaneous street projects.

Scheduled Implementation:

Active Project

Cost Sharing with the Arkansas and Missouri Railroad (\$250,000) for improvements to Dickson Street railroad crossing is planned for 2015. The Council passed a resolution expressing intent to cost share with AMRR on vehicle and safety improvements at the crossing. Other cost sharing projects will be identified as development occurs.

Effect on Operations:

No effect on operations.

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Project Title: Trail Development

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Trail Improvements

Rank: 1

Project #: 02016

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	1,500,000
2016		1,500,000
2017		1,500,000
2018		1,500,000
2019		1,500,000
Total	\$	7,500,000

Description:

This project is to provide funding to increase production of the trails program. Funding provides resources for new trail development and asphalt replacement on existing trails.

Scheduled Implementation:

Active Project

Planned trail development for the next five years includes Tsa La Gi Trail, Lake Fayetteville Marina Trail, Town Branch Trail, Cato Springs Trail, and Shiloh Trail.

Effect on Operations:

Immediate maintenance costs include replacing missing/damaged signs, removing leaves, mud, gravel, new vegetation, fallen trees, graffiti, litter and debris, repainting worn pavement markings, trimming trees, shrubs and grass to maintain sight distance, and general maintenance of amenities such as picnic tables, kiosks, and benches. Utilities cost increases as lighting is added. Long term maintenance costs include asphalt resurfacing, chip and/or crack sealing, and repairing eroded areas.

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Project Title: Lake Fayetteville Trailhead (BGSO)

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Trail Improvements

Rank: 2

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Single Year

Project Cost		
2015	\$	190,000
2016		-
2017		-
2018		-
2019		-
Total	\$	190,000

Description:

This project is for the construction of a 40 space parking lot to serve as a trail head for the Lake Fayetteville Trail and Razorback Greenway. The lot would be located along Highway 265 adjacent to the Botanical Gardens of the Ozarks.

Scheduled Implementation:

New Project Request

Construction is tentatively scheduled for the summer of 2015.

Effect on Operations:

This project has no significant effect on annual operations.

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Project Title: Mud Creek Trail Lighting

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Trail Improvements

Rank: 3 **Project #:** 00000

Project Type: Replacement ☐ **Timeframe:** Single Year
Expansion ☒

Project Cost		
2015	\$	250,000
2016		-
2017		-
2018		-
2019		-
Total	\$	250,000

Description:

This project is for lighting Mud Creek Trail from Old Missouri Road to Steele Boulevard. This 2.35 mile multi-use paved trail connects with Scull Creek and Frisco Trails to create a continuous 7.6-mile trail.

Scheduled Implementation:

New Project Request

This project would be implemented during 2015.

Effect on Operations:

Utilities and maintenance costs will increase as lighting is added and LEDs, fixtures, etc. are replaced.

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Project Title: Sidewalk Improvements

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Transportation Improvements

Rank: 1 **Project #:** 02053

Project Type: Replacement X **Timeframe:** On-Going
Expansion X

Project Cost		
2015	\$	-
2016		250,000
2017		-
2018		-
2019		-
Total	\$	250,000

Description:

This project is to provide funding to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks. There is \$6,750,000 funded in the Street Fund for this project.

Scheduled Implementation:

Active Project

Transportation reviews sidewalk needs in conjunction with the street overlay program on a yearly basis. The annual work plan is presented to City Council for its approval by resolution.

Effect on Operations:

Construction of new sidewalks will not immediately result in additional operating costs. Pressure washing, resealing, and other maintenance to existing sidewalks will increase the cost of materials/supplies by \$10,000 annually. Additional temporary positions will increase personnel costs which would be reimbursed by the project by an average of \$67,750 annually.

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Project Title: In-House Pavement Improvements

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Transportation Improvements

Rank: 2

Project #: 02052

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	1,692,000
2016		1,852,000
2017		2,207,000
2018		2,316,000
2019		2,433,000
Total	\$	10,500,000

Unfunded \$ 559,000

Description:

This project provides resources for the systematic overlay of existing streets and includes curb cuts, curb and guttering, pavement striping, and preparation costs for overlays. The goal of this project is to overlay a minimum of nine (9) miles of asphalt each year. Overlaying each street within a 15 year cycle is intended to optimize the longevity of roadways and minimize significant maintenance requirements resulting in fewer complete renovations at a substantially greater cost. Micro surfacing has been introduced as a pavement preservation method to extend the life of existing asphalt streets and providing maintenance of an additional six (6) miles of surface.

Scheduled Implementation:

Active Project

Transportation staff reviews the need for street overlays in the latter part of each year and presents a recommendation to the Street Committee. The Street Committee presents its recommendation to City Council for approval by resolution.

Effect on Operations:

Newly paved streets have no immediate effect on operations. Maintenance costs increase as streets age and deteriorate. The costs for asphalt patching, crack sealing, and street striping will occur. As more bike lanes are added the costs for maintaining roadway markings will also increase.

Project Cost		
2015	\$	110,000
2016		110,000
2017		110,000
2018		110,000
2019		150,000
Total	\$	590,000

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Project Title: Wireless Traffic Signal Control

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Transportation Improvements

Rank: 4

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	40,000
2016		40,000
2017		40,000
2018		40,000
2019		-
Total	\$	160,000

Description:

This project is ongoing and provides funding for the implementation of a wireless ethernet communication system for traffic signals (both data and video). Currently 20 intersections are on-line in this system with 11 more scheduled to be added in 2014.

Scheduled Implementation:

New Project Request

Completion would be in 2018. Staff will schedule 20 existing intersections per year to be upgraded. All new installations will be compatible with this network at initial construction.

Effect on Operations:

With the central office having the ability to see via the video connection and ability to make changes (temporary or permanent) before service personnel can arrive will decrease traffic delay and increase safety for the public. This network also allows for coordination functions in the system to be evaluated at many locations from one central point.

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Project Title: Drainage Maintenance

Division: Transportation Services (D800)

Funding: 4470 - Sales Tax Capital Improvements

Category: Transportation Improvements

Rank: 5 **Project #:** 11021

Project Type: Replacement ☒ **Timeframe:** On-Going
 Expansion ☐

Project Cost		
2015	\$	50,000
2016		50,000
2017		50,000
2018		50,000
2019		50,000
Total	\$	250,000

Description:

This project will fund drainage projects as needed.

Scheduled Implementation:

Active Project

Identification of projects will be determined by priorities.

Effect on Operations:

Effects on operations will depend on specific projects, but will generally reduce costs by correcting problems and reducing recurring maintenance.

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Project Title: Phosphorus Standards Management

Division: Utilities Director (D900)

Funding: 5400 - Water & Sewer

Category: Wastewater Treatment Improvements

Rank: 12

Project #: 10027

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	50,000
2016		50,000
2017		50,000
2018		50,000
2019		50,000
Total	\$	250,000

Description:

This project supports efforts by the City operating independently or as part of a regional Northwest Arkansas team relating to phosphorus and other potential changes to stream standards, water quality standards and regulations, and wastewater discharge requirements. Some of the funds may be paid into regional efforts coordinated through Northwest Arkansas Regional Planning, the Northwest Arkansas Council, or other similar cooperative efforts.

Scheduled Implementation:

Active Project

This project is underway and may continue for a number of years.

Effect on Operations:

N/A

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Project Title: W.W.T.P. Building Improvements

Division: Wastewater Treatment Plant (D930)

Funding: 5400 - Water & Sewer

Category: Wastewater Treatment Improvements

Rank: 4

Project #: 02032

Project Type: Replacement ☒
Expansion ☐

Timeframe: On-Going

Project Cost		
2015	\$	410,000
2016		30,000
2017		45,000
2018		30,000
2019		30,000
Total	\$	545,000

Description:

This project is for structural maintenance, repair, and replacement of the existing buildings or parts of the buildings at both wastewater treatment plants.

Scheduled Implementation:

Active Project

2015: Catwalk for the silo at BMS and Ethernet; West Side clarifiers need lining; 2016: Repair clarifier 1 and 2 structures at Noland due to deterioration; 2017: Replace one maintenance shop rolling bay door, one for IPS, and one for the blower building at Noland WWTP; 2018: Repair clarifier 3 and 4 structures at Noland due to deterioration; 2019: Replace the final maintenance shop rolling bay door and the fertilizer storage room door at the BMS.

Effect on Operations:

There is no significant effect on operations.

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Project Title: Plant Pumps and Equipment - W.W.T.P

Division: Wastewater Treatment Plant (D930)

Funding: 5400 - Water & Sewer

Category: Wastewater Treatment Improvements

Rank: 5 **Project #:** 02069

Project Type: Replacement X **Timeframe:** On-Going
Expansion

Project Cost		
2015	\$	270,000
2016		305,000
2017		295,000
2018		405,000
2019		355,000
Total	\$	1,630,000

Description:

This project allows WWTP personnel to adapt to the needs of each season and year and still maintain compliance. Many pieces of the WWTP equipment are essential to the wastewater treatment process. The equipment may suffer catastrophic failure and become unusable with little advance warning. The plant cannot operate and continue to produce permit complying effluent without adequate equipment.

Scheduled Implementation:

Active Project

2015: Stage 1 of Noland motor control replacement (MCC) (10 total) for basin aerators, mixers, influent pumps, and treated effluent pumps; Stage 1 of rebuilding Noland pumps and mixer (5 total), oxic mixer, anoxic mixers, and wet weather basin drive; 2016: Stage 2 of Noland MCC (10) and one (1) West Side breaker; Stage 2 of Noland mixers and pumps (7) and two (2) West Side mixers; 2017: Stage 3 MCC, pumps, mixers; 2018: Stage 4 plus transformer switchgear; 2019: Stage 5 plus BMS solar mole.

Effect on Operations:

Replacing equipment before it becomes an emergency can significantly reduce operating costs.

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Project Title: Upgrade and Replace Lift Stations - W.W.T.P

Division: Wastewater Treatment Plant (D930)

Funding: 5400 - Water & Sewer

Category: Wastewater Treatment Improvements

Rank: 6

Project #: 02068

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	67,000
2016		125,000
2017		130,000
2018		50,000
2019		100,000
Total	\$	472,000

Description:

This project is to maintain the lift stations for the wastewater treatment plants. The lift stations provide a vital function in the overall treatment of wastewater. The stations are exposed to extreme wear conditions and must be upgraded routinely. Additionally, new developments within the City increases the flow to various stations requiring additional or higher capacity equipment.

Scheduled Implementation:

Active Project

Replacement of aging pumps, pump controllers and motors, lift station 6, 18, 44 improvements, lift station 5 and 12 generators, and adding mixers to lift stations 7 and 12.

Effect on Operations:

Timely repairs and replacement of lift station equipment helps keep the number of sewer overflows to a minimum, prevents catastrophic failures, and prolongs the overall life of the lift stations. Each overflow is a specific violation of federal law.

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Project Title: Filter Cell Replacement - W.W.T.P

Division: Wastewater Treatment Plant (D930)

Funding: 5400 - Water & Sewer

Category: Wastewater Treatment Improvements

Rank: 8 **Project #:** 00000

Project Type: Replacement ☒ Expansion ☐ **Timeframe:** Multi Year

Project Cost		
2015	\$	1,000,000
2016		1,000,000
2017		1,000,000
2018		1,000,000
2019		-
Total	\$	4,000,000

Description:

This project is to replace part of the filtration system that removes suspended solids from the partially treated wastewater effluent before it is disinfected. The new filter cells will remove more suspended solids, thus increasing the clarity of water discharged to the White River as well as reducing disinfection costs. The existing system was installed at the Noland WWTP in 1988 and has become increasingly difficult and costly to operate and maintain.

Scheduled Implementation:

New Project Request

Research has been conducted to determine a cost effective system that will meet operational needs. Engineering and full implementation to be completed in 2019.

Effect on Operations:

Besides minimizing the costs in operation, maintenance and repairs, the replacement of these filter cells will increase the quality of effluent by reducing the number of suspended solids discharged to the White River.

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Project Title: Sewer Rehabilitation Ramsey and Overcrest

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 1

Project #: 00000

Project Type: Replacement X
Expansion X

Timeframe: Multi Year

Project Cost		
2015	\$	2,340,000
2016		-
2017		-
2018		-
2019		-
Total	\$	2,340,000

Description:

This project is to replace approximately 7,000 feet of 15 inch gravity sewer line from Ramsey Avenue to Overcrest Street. This project will eliminate sanitary sewer overflows in the vicinity of Ramsey Avenue to Overcrest Street. This line will be up sized for ultimate build out in the area.

Scheduled Implementation:

New Project Request

This project is needed to eliminate the last two remaining known overflows not mitigated as part of the Wastewater System Improvement Project.

Effect on Operations:

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Project Title: Sanitary Sewer Rehabilitation

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 2

Project #: 02017

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	1,000,000
2016		2,000,000
2017		1,500,000
2018		1,500,000
2019		1,500,000
Total	\$	7,500,000

Description:

This project analyzes, repairs, upgrades, and replaces sewer collection system components to ensure adequate capacity and reduce storm and ground water flows entering the system. Rehabilitation is required system wide and increases the capacity of the overall system by reducing demand used by infiltration and inflow. This project includes replacing, lining, and bursting existing sewer mains and manholes, upgrading lift stations, installing some main extensions and relief lines/capacity upgrades, upgrading the system model, purchasing easements, and sanitary sewer evaluation studies. As this may include capacity increases, impact fees may be spent.

Scheduled Implementation:

Active Project

Industry standards and Fayetteville experience establish that all the collection system requires full evaluation every 10 to 15 years. To prevent future recurrence of SSO's, certain maintenance type contracts are executed annually, including cured in place pipe repairs, pipe bursting and manhole repairs. In 2014, a cost share project with the City of Greenland for \$2.4 million will be completed. 2016-Gregg Ave and Crossover Projects. 2017-County Jail and Pump Station elimination.

Effect on Operations:

N/A

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Project Title: Water/Sewer Relocations - Bond Projects

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 3

Project #: 11011

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	1,300,000
2016		1,000,000
2017		500,000
2018		500,000
2019		500,000
Total	\$	3,800,000

Description:

This project is for various water and sewer relocations for street bond and other transportation projects where the street bond fund does not have sufficient funds to cover the utility relocations. Projects are to be paid first from any remaining water/sewer revenue bond funds, if available. Capacity increases should be paid from impact fee funds, if available.

Scheduled Implementation:

Active Project

To be determined based on the schedules for various transportation projects. For 2015 and 2016, a project to replace approximately 9,000 feet of 18 to 24 inch gravity sewer line from Crossover Road to the 30 inch line located near the confluence of Zion Road/Kitty Creek and Mud Creek is being requested to increase capacity for future growth. 2015 - Replacing approximately 1,000 feet of pipe from Stadium Drive to Razorback Road.

Effect on Operations:

N/A

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Project Title: Water/Sewer Equipment Expansions

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 7

Project #: 13019

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	150,000
2016		145,000
2017		168,000
2018		21,000
2019		20,000
Total	\$	504,000

Description:

This project is for expansion equipment for the Water/Sewer Operations Division. The list includes a tandem axle dump truck, leak detection equipment, a bulldozer, an upgraded inventory bar code system, a boring machine, a powered wheel barrel, a light tower, skid steer attachments, new equipment to meet evolving stormwater regulations, and other equipment as identified through time.

Scheduled Implementation:

Active Project

Expansions will be phased through several years as needed. 2015 - tandem axle dump truck and leak detection equipment. 2016 - bulldozer and upgraded inventory bar code system. 2017 - powered wheel barrel. 2018 - light tower and skid steer attachments. 2019 - skid steer attachments.

Effect on Operations:

Motor pool charges will increase as equipment is added.

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Project Title: Water Storage & Pump Station Maintenance

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 9

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	85,000
2016		-
2017		-
2018		-
2019		-
Total	\$	85,000

Description:

This project is for the maintenance of system wide water pump stations and grounds. The pump station roofs, buildings and fencing need to be repaired and replaced. There is a need for meter and valve replacement. The ground tanks need power washing. New and upgraded generators are needed.

Scheduled Implementation:

New Project Request

The maintenance at the pump stations would be completed in 2015.

Effect on Operations:

N/A

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Project Title: Water System Rehabilitation/Replacement

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 10

Project #: 12009

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	2,095,000
2016		1,825,000
2017		2,055,000
2018		1,885,000
2019		2,065,000
Total	\$	9,925,000

Description:

This project provides for upgrading, replacing, or rehabilitating existing water infrastructure consisting of water storage, pumping, and distribution assets system wide. Specific work will be determined based on the need to stop leaks, reduce water loss, increase local or area flow and/or pressure in areas with insufficient capacity, in order to meet current and projected future domestic, commercial, and industrial flow, and fire flow demands. Projects may create loops, purchase easements, and replace or rehabilitate existing pipes, pump stations, and/or storage assets. This project may use water/sewer funds, impact fees and cost shares where appropriate.

Scheduled Implementation:

Active Project

This is an ongoing project that combines several previous similar projects. 2015: Mt. Sequoyah tank rehabilitation and Ed Edwards Road water line replacement and purchase of a boring machine. 2016: growth area line replacement, in-house water main construction and line replacement, City Lake Road line replacement. 2017-2018: water main extension from City Lake to Industrial Drive. 2019: in-house water main construction and line replacement. 2015-2019: replace galvanized pipe.

Effect on Operations:

N/A

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Project Title: Water Impact Fee Cost Sharing Projects

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Improvements

Rank: 16

Project #: 04039

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	275,000
2016		200,000
2017		200,000
2018		200,000
2019		200,000
Total	\$	1,075,000

Description:

This project involves all cases where impact fees are used to cost share with and thus supplement other funding sources to increase capacity in either the water distribution, pumping and storage system or the wastewater collection and treatment system.

Scheduled Implementation:

Active Project

As needed.

Effect on Operations:

N/A

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Project Title: Business Office Improvements

Division: Billing & Collections (D520)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 13 **Project #:** 03038

Project Type: Replacement X **Timeframe:** On-Going
 Expansion X

Project Cost		
2015	\$	20,000
2016		20,000
2017		20,000
2018		20,000
2019		20,000
Total	\$	100,000

Description:

This project is for various improvements in business office hardware, software, communications, computers, safety features, and office configuration. Examples of specific improvements include the purchase of advanced communications capability to improve customer service and employee efficiency. This project should leverage technological improvements.

Scheduled Implementation:

Active Project

This is an ongoing project aimed at making continuous deliberate improvements. In 2014, improvements to the receipting of monies taken in by customer service representatives have been made. New cashier drawers, receipt printers and hand held scanners have been purchased. In 2015 new work stations are needed in the call center to help with the sound and back talk within the call center room.

Effect on Operations:

N/A

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Project Title: Utilities Technology Improvements

Division: Billing & Collections (D520)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 15

Project #: 00000

Project Type: Replacement ☐
Expansion ☒

Timeframe: On-Going

Project Cost		
2015	\$	12,000
2016		20,000
2017		20,000
2018		20,000
2019		30,000
Total	\$	102,000

Description:

The purpose of this project is to upgrade technology in the W/S Business Office. This will include hardware and software for customer swipe and pay stations at each of the cash registers and a new customer counter, kiosks and software for customer self services applications, and a camera surveillance system.

Scheduled Implementation:

Active Project

This is an ongoing project. New cash drawers, receipt printers and scanners have been purchased and are in use. Kiosks for the deposit area are being researched. In 2014, an internet based credit card processing system is being installed and new card swipers are being installed at the cashier stations. In 2015 - 2016, kiosks for the customer service deposit center will be installed and in service. Technology improvements at the water/sewer operations center.

Effect on Operations:

N/A

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Project Title: Water Meters

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 11 **Project #:** 02065

Project Type: Replacement X **Timeframe:** On-Going
 Expansion X

Project Cost		
2015	\$	315,000
2016		325,000
2017		325,000
2018		325,000
2019		325,000
Total	\$	1,615,000

Description:

This project is for the replacement of old water meters that are no longer repairable, expansion meters for new water service, and for purchasing new meters with technological advancements over older style meters. The hand held and remote style meter reading mechanisms will be replaced in addition to the meters themselves.

Scheduled Implementation:

Active Project

This is an ongoing project that allows gradual replacement and upgrading of the meter reading system with a distributed capital and operational cost.

Effect on Operations:

N/A

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Project Title: Water/Sewer Building and Office Improvements

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 14

Project #: 00000

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	170,000
2016		50,000
2017		50,000
2018		50,000
2019		50,000
Total	\$	370,000

Description:

This project is for structural maintenance, repair, and replacement of the existing water/sewer operations building and also any water/sewer operations office improvements that need to be done.

Scheduled Implementation:

New Project Request

In 2015 a new heated building for the vac-truck and other equipment and additional bunkers for material storage to keep materials out of the weather will be built.

Effect on Operations:

N/A

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Project Title: Water & Sewer Rate/Operations Study

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 17

Project #: 02064

Project Type: Replacement ☒ X
Expansion ☐

Timeframe: On-Going

Project Cost		
2015	\$	30,000
2016		-
2017		170,000
2018		-
2019		-
Total	\$	200,000

Description:

This project is to conduct a water and sewer rate study, which is required every three to five years.

Scheduled Implementation:

Active Project

This project should be initiated in the end of 2014 and completed in 2015. Another rate study will be initiated in the end of 2017 and be completed in 2018.

Effect on Operations:

N/A

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Project Title: Backflow Prevention Assemblies

Division: Water & Sewer Maintenance (D910)

Funding: 5400 - Water & Sewer

Category: Water & Sewer Services Improvements

Rank: 18

Project #: 02066

Project Type: Replacement X
Expansion X

Timeframe: On-Going

Project Cost		
2015	\$	10,000
2016		10,000
2017		10,000
2018		10,000
2019		10,000
Total	\$	50,000

Description:

This project is for installation and/or replacement of backflow prevention assemblies on city facilities to meet requirements from city ordinances and the Arkansas Department of Health regulations.

Scheduled Implementation:

Active Project

This is an ongoing and continuous project.

Effect on Operations:

N/A

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Project Title: Solid Waste Office & Trans Station Exp

Division: Recycling & Trash Collection (D920)

Funding: 5500 - Solid Waste

Category: Solid Waste Improvements

Rank: 1

Project #: 13021

Project Type: Replacement X
Expansion X

Timeframe: Multi Year

Project Cost		
2015	\$	1,500,000
2016		-
2017		-
2018		-
2019		-
Total	\$	1,500,000

Description:

This project is for the expansion of the transfer station. The existing transfer station was built in 1996 so repairs and modifications will be needed in the future. The expansion would occur if a new recycling facility were built. A new roof for the facility is needed due to leaks and expansion would include a new floor, deconstruction and electrical replacement, new pumping system, and new walls and door.

Scheduled Implementation:

Active Project

When final engineering and construction plans are submitted and approved, the construction process can begin.

Effect on Operations:

This project will facilitate and enhance overall operations for office and operational staff. Current facilities are inadequate for optimal function and service.

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Project Title: Container Maintenance Building Upgrade

Division: Recycling & Trash Collection (D920)

Funding: 5500 - Solid Waste

Category: Solid Waste Improvements

Rank: 2

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Single Year

Project Cost		
2015	\$	25,000
2016		-
2017		-
2018		-
2019		-
Total	\$	25,000

Description:

This project is for the purchase and installation of gas radiant heaters in the existing compost facility container maintenance building. This would also require the installation of natural gas service to the structure.

Scheduled Implementation:

New Project Request

Replacing existing electric space heaters with gas radiant heaters is estimated to cost \$12,000. To provide gas radiant heat requires extending natural gas service to the building which is estimated at \$9,000. This project is tentatively scheduled to be completed during the first quarter of 2015.

Effect on Operations:

This project should significantly lower utility costs.

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Project Title: Solid Waste Containers

Division: Recycling & Trash Collection (D920)

Funding: 5500 - Solid Waste

Category: Solid Waste Improvements

Rank: 3

Project #: 00000

Project Type: Replacement ☒
Expansion ☒

Timeframe: Multi Year

Project Cost		
2015	\$	100,000
2016		100,000
2017		50,000
2018		50,000
2019		50,000
Total	\$	350,000

Description:

This project is for the purchase of 20, 30, and 40 cubic yard open top containers.

Scheduled Implementation:

New Project Request

Containers will be purchased as needed due to customer demand.

Effect on Operations:

This project will promote ongoing efforts to maintain an adequate supply of containers for customers and provide replacements for damaged containers.

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Project Title: Solid Waste Compactors

Division: Recycling & Trash Collection (D920)

Funding: 5500 - Recycling & Trash Collection

Category: Solid Waste Improvements

Rank: 4 **Project #:** 10001

Project Type: Replacement ☐ **Timeframe:** Multi Year
Expansion ☒

Project Cost		
2015	\$	134,000
2016		138,000
2017		142,000
2018		146,000
2019		150,000
Total	\$	710,000

Description:

This project is for the purchase of compactors. The drop box program utilizes compactor boxes to efficiently handle solid waste from large quantity generators. Compactor boxes decrease the frequency of collection and are serviced with existing drop box trucks. Aesthetics are improved by having a compactor as opposed to multiple dumpsters to service.

Scheduled Implementation:

Active Project

Five additional compactors are budgeted each year through 2019 to provide new service or replacement of aging units.

Effect on Operations:

Increased drop box program business will create additional revenue.

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Project Title: Airport Lighting Improvements

Division: Aviation (D810)

Funding: 5550 - Airport

Category: Aviation Improvements

Rank: 1

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	20,000
2016		20,000
2017		20,000
2018		20,000
2019		-
Total	\$	80,000

Description:

This project will replace outdated and inefficient lighting at Drake Field Airport in multiple locations. Walk-thru assessments were performed to identify possible energy efficiency and opportunities. New LED lighting were noted for the tarmac, parking lot, T-hangers, FBO hanger and roadway Lighting. The lighting improvements are eligible for \$22,500 worth of utility incentives. The estimated energy savings for the installation of all recommended upgrades is approximately \$12,000 per year. The additional benefit of completing these lighting upgrades is reduction in maintenance costs of the outdated lighting.

Scheduled Implementation:

New Project Request

Improvements with the greatest payback will be completed first. Lighting replacement will start in the Summer of 2014 with the tarmac. Followed by the FBO hanger, parking lot lighting, roadway lighting and T-hanger lighting.

Effect on Operations:

Reduced electricity cost and reduced maintenance costs and time spent repairing outdated lighting.

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Project Title: Airport Boiler Improvements

Division: Aviation (D810)

Funding: 5550 - Airport

Category: Aviation Improvements

Rank: 2

Project #: 00000

Project Type: Replacement X
Expansion

Timeframe: Multi Year

Project Cost		
2015	\$	25,000
2016		25,000
2017		25,000
2018		-
2019		-
Total	\$	75,000

Description:

This project will replace one of the outdated boilers with new equipment as the Drake Field Airport currently has two boilers that are nearing the end of their useful life. The other boiler would remain as a back-up. Preliminary estimates for a new 94% efficient 1.5 MMBTU boiler are \$50,000 - \$75,000. The project is eligible for a \$6,000 incentive from Source Gas. The new boiler would save approximately 2,000 therms or \$1,200 per year (not including maintenance costs).

Scheduled Implementation:

New Project Request

Improvements should be completed within the next five years as this equipment is nearing the end of its useful life. The proposed budget allocates total funds necessary for replacement over three years (2015 - 2017).

Effect on Operations:

Reduced utility cost and reduced maintenance costs associated with time spent repairing outdated equipment.

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Project Title: Airport Fire Sprinkler Repl White Hangar

Division: Aviation (D810)

Funding: 5550 - Airport

Category: Aviation Improvements

Rank: 3

Project #: 13027

Project Type: Replacement ☒ Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	75,000
2016		-
2017		-
2018		-
2019		-
Total	\$	75,000

Description:

The project is to replace the fire protection sprinkler system in the historic White Hangar. The existing system has been in a deteriorated condition for at least a decade. Repairs have been made as needed, fixing leaks and replacing sections of piping and the system is tested regularly to ensure its functioning. However, due to its obsolete design as a "dry system," the piping is corroded throughout. The leaks and breaks that have occurred in the piping are almost exclusively due to this corrosion of the steel piping. The building is a unique historic structure that should be preserved. The fire protection sprinkler system is integral to protecting the building and its contents.

Scheduled Implementation:

Active Project

The project is tentatively scheduled to begin mid to late 2015 with completion likely within 90 days of initiating the project.

Effect on Operations:

Reduced maintenance and repair costs.

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Project Title: Airport Self Serve Station Upgrade

Division: Aviation (D810)

Funding: 5550 - Airport

Category: Aviation Improvements

Rank: 4

Project #: 13026

Project Type: Replacement ☒ X
Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	-
2016		12,000
2017		-
2018		-
2019		-
Total	\$	12,000

Description:

The project will provide for replacing the existing fuel dispensers with two new digital meter/dispensers. The purpose of the project is to modernize the existing facility with newer more reliable technology. The existing pump cabinets are marginally functional. There are ongoing issues with the accuracy of the old-style mechanical computer. Updated equipment would be desirable for reliability, functionality and facility appearance, if the financial resources needed were available.

Scheduled Implementation:

Active Project

The project is tentatively scheduled to begin early 2016 with completion likely within 90 days of initiating the project.

Effect on Operations:

Reduction of maintenance and repair, and inventory loss expense of the existing equipment.

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Project Title: Airport Roof Replacements

Division: Aviation (D810)

Funding: 5550 - Airport

Category: Aviation Improvements

Rank: 5

Project #: 13025

Project Type: Replacement ☒ Expansion ☐

Timeframe: Single Year

Project Cost		
2015	\$	110,000
2016		-
2017		-
2018		-
2019		-
Total	\$	110,000

Description:

The project will be for replacing the flat roof membrane on the buildings currently occupied by the Arkansas Air & Military Museum and the FAA Facilities Maintenance. These buildings were the original brick terminal and boarding area structures constructed in the 1960s. The roof membrane of both buildings appears to be original construction that was coated with an elastomeric material after leaks developed. Airport maintenance has performed spot maintenance to repair leaks but leaks continue to occur and the membranes exhibit significant deterioration such that new roofs are warranted. The project will also provide for replacing or refurbishing the standing seam metal roof on the buildings are currently occupied by tenants, Devol Aviation Aircraft Maintenance and Wings Inc. Avionics shop.

Scheduled Implementation:

Active Project

The project is tentatively scheduled to begin mid 2015 with completion likely within 90 days of initiating the project. The project requires an outside funding source. Grant funding for building maintenance projects is not typically provided by the Arkansas Department of Aeronautics, however, since these buildings house aviation businesses and provide rental revenue to the airport, a request will be made to the agency.

Effect on Operations:

Reduced repair and maintenance costs.

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Project Title: Fleet - Police / Passenger Vehicles

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 1

Project #: 02081

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	346,000
2016		286,000
2017		232,000
2018		294,000
2019		295,000
Total	\$	1,453,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service.

Scheduled Implementation:

Active Project

Scheduled for replacement:

2015 - 1 small SUV, sedan, 6 police vehicles, 2 motorcycles

2016 - 2 sedans, 1 mid-size SUV, 5 police vehicles

2017 - 1 sedan, 3 mid-size SUV's, 2 police vehicles, 1 motorcycle

2018 - 1 sedan, 3 mid-size SUV's, 5 police vehicles

2019 - 2 sedans, 6 police vehicles

Effect on Operations:

All vehicles to be replaced in 2015 are paying motor pool charges in 2014 so there will be no noticeable effect on funds.

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Project Title: Fleet - Solid Waste Vehicles / Equipment

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 2

Project #: 02082

Project Type: Replacement ☒ Expansion ☐

Timeframe: On-Going

Project Cost		
2015	\$	860,000
2016		755,000
2017		990,000
2018		1,166,000
2019		792,000
Total	\$	4,563,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service.

Scheduled Implementation:

Active Project

Scheduled for replacement:

2015 - 1 rear load trash truck, 2 recycle trucks, 1 front load trash truck

2016 - 2 recycle trucks, 1 container carrier truck, 1 front load trash truck

2017 - 3 recycle trucks, 2 roll off trucks

2018 - 3 recycle trucks, 2 automated side load trash trucks

2019 - 1 roll off truck, 2 automated side load trash trucks

Effect on Operations:

For 2015, replacement charges will increase for the Recycling and Trash Collection Division by \$12,063 for units 482 and 493.

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Project Title: Fleet - Construction Equipment

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 3

Project #: 02077

Project Type: Replacement ☒ Expansion ☐

Timeframe: On-Going

Project Cost		
2015	\$	356,000
2016		255,000
2017		140,000
2018		260,000
2019		-
Total	\$	1,011,000

Description:

The purpose of this project is to replace obsolete or high maintenance construction equipment which is no longer suited for regular line service.

Scheduled Implementation:

Active Project

The following are scheduled for replacement:

2015 - 1 large truck mounted excavator

2016 - 4 compact track excavators

2017 - 1 medium track excavator

2018 - 1 dozer

2019 - none

Effect on Operations:

For 2015, replacement charges will increase for the Transportation Division by \$31,372 for unit 813.

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Project Title: Fleet - Backhoes / Loaders

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 4

Project #: 02076

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	593,000
2016		504,000
2017		389,000
2018		-
2019		102,000
Total	\$	1,588,000

Description:

The purpose of this project is to replace obsolete or high maintenance backhoes or loaders which are no longer suited for regular line service.

Scheduled Implementation:

Active Project

The following are scheduled for replacement:

2015 - 3 Backhoes, 4 attachments, 2 loaders, 1 toolcat, 1 skid steer loader

2016 - 2 Backhoes, 2 Loaders,

2017 - 3 Backhoes, 1 skid steer loader

2018 - none

2019 - 1 skid steer loader, 1 track loader

Effect on Operations:

All vehicles to be replaced in 2015 are paying motor pool charges in 2014 so there will be no noticeable effect on funds.

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Project Title: Fleet - Heavy Utility Vehicles

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 5

Project #: 02079

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	386,000
2016		384,000
2017		664,000
2018		278,000
2019		280,000
Total	\$	1,992,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service.

Scheduled Implementation:

Active Project

Scheduled replacements:

2015 - 3 dump trucks

2016 - 3 dump trucks

2017 - 1 semi truck, 3 dump trucks, 1 flatbed truck w/ knuckleboom

2018 - 2 dump trucks

2019 - 2 dump trucks

Effect on Operations:

All vehicles to be replaced in 2015 are paying motor pool charges in 2014 so there will be no noticeable effect on funds.

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Project Title: Fleet - Tractors / Mowers

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 6 **Project #:** 02083

Project Type: Replacement X **Timeframe:** On-Going
Expansion

Project Cost		
2015	\$	375,000
2016		85,000
2017		243,000
2018		257,000
2019		364,000
Total	\$	1,324,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for service.

Scheduled Implementation:

Active Project

Scheduled replacements:

2015 - 2 small and 3 large tractors, 2 brush hogs, 4 zero turn mowers
 2016 - 3 zero turn mowers, 1 spreader
 2017 - 1 large tractor, 2 litter conveyors, 1 wheel rake, 5 zero turn mowers
 2018 - 1 large tractor, 3 zero turn mowers, 1 mower conditioner, 1 round hay baler, 1 brush hog
 2019 - 2 tractors, 1 large square baler, 1 small round baler, 1 brush hog, 1 slope and 3 zero turn mowers

Effect on Operations:

For 2015 replacement charges will increase for the Parks & Recreation Department by \$6,468 for units 5017, 5018, 5019, and 5020) the Water & Sewer Division by \$8,916 for units 551 and 564 located at WWTP, and the Transportation Division by \$8,880 for unit 579.

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Project Title: Fleet - Light / Medium Utility Vehicles

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 7

Project #: 02078

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	568,000
2016		901,000
2017		517,000
2018		510,000
2019		530,000
Total	\$	3,026,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles which are no longer suited for regular service.

Scheduled Implementation:

Active Project

Scheduled replacements:

2015 - 17 trucks

2016 - 21 trucks

2017 - 14 trucks

2018 - 12 trucks

2019 - 14 trucks

Effect on Operations:

For 2015 replacement charges will increase for the Police Department by \$1,668 for unit 2037 and for the Engineering Division by \$612 for unit 2049.

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Project Title: Fleet - Other Vehicles / Equipment

Division: Fleet Operations (D830)

Funding: 9700 - Shop

Category: Vehicles & Equipment Improvements

Rank: 8

Project #: 02080

Project Type: Replacement X
Expansion

Timeframe: On-Going

Project Cost		
2015	\$	233,000
2016		772,000
2017		709,000
2018		474,000
2019		360,000
Total	\$	2,548,000

Description:

The purpose of this project is to replace obsolete or high maintenance vehicles and equipment which are no longer suited for regular service.

Scheduled Implementation:

Active Project

Scheduled replacements

2015 -2 spreaders, 2 compressors, 1 each sweeper, generator, chipper, forklift, trailer

2016 -4 trailers, 4 snowplows, 2 spreaders, 1 sweeper, miscellaneous equipment

2017 -5 trailers, 2 spreaders, 1 each roller, forklift, grinder, paver

2018 - 1 each bucket machine, curber, power buggy, sewer cleaner truck

2019 -2 gators, 2 plows, 2 spreaders, 1 each UTV, roller, straw blower, 6" pump

Effect on Operations:

2015 replacement charges will increase for the Transportation Division by \$2,620 for unit 88, the Recycling and Trash Collection Division by \$2,364 for unit 9058, and the Police Department by \$936 for unit 9029.

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UNFUNDED PROJECTS

Category	Unfunded 2015-2019
Fire Improvements	
<u>Fire Station #2 - Replacement/Expansion</u>	
This project is for the replacement of Fire Station #2 at 708 North Garland. This station was built in 1968 and has reached its life expectancy. The increasing call volume on campus indicates the need for an additional fire company and an ambulance located at Fire Station 2. Response times will be improved to multiple simultaneous calls in the campus area due to additional fire and EMS units. The University of Arkansas is also the most frequent user of the hazardous materials unit, which can also be located at Station 2. In addition, most of the high rise residential occupancy buildings are located on campus creating Fayetteville's most critical target hazard area, indicating the need for an aerial apparatus.	\$ 4,772,000
Fire Improvements Total	4,772,000
Information Technology Improvements	
<u>Wide Area Network (WAN) Connectivity</u>	
This project is to provide funding to construct a fiber optic ring for our Wide Area Network (WAN). This fiber would connect all major divisions therefore reducing the need for contract telco services and increasing productivity. As technology grows, the need for more and more bandwidth increases. The fiber ring would connect the City Administration building to the Airport, Airport to Water & Sewer, Water & Sewer to Parks & Recreation, Recycling and Trash, and the Transportation facilities, and finally back to the City Administration building.	2,220,000
Information Technology Improvements Total	2,220,000
Library Improvements	
<u>Library Computer Replacements</u>	
This project is to provide new and/or upgraded technology infrastructure and services to library staff and patrons. Technology replacement cycle is typically five (5) years or less depending upon utilization. The project includes but is not limited to: all personal computing stations (staff and public); circulating technology equipment including laptops, iPads, and DVD players; server infrastructure; 88 cameras; 55 phones; networking equipment; Starr Island learning stations consisting of six touch screen systems; and various pieces of trending digital equipment for a patron technology innovation center/maker space. In addition to the \$372,000 funded in the 2015-2019 period, there is \$56,000 in funding on the unfunded project list.	56,000
<u>Library Facility Maintenance</u>	
This project is to install door openers on all public bathroom doors for ADA compliance, replace compressors and balance the fans in HVAC units, and resurface all the cork flooring. At the time of construction, disabled accessibility for shared public bathrooms was not required because one ADA compliant bathroom was provided. Installing openers will place the library in compliance with ADA and reduce complaints. The HVAC units are approaching 11 years of service and have been out of warranty for five years. There is a total of eight (8) circuits and 16 compressors to replace. The imbalance in the fans is causing vibration in the building causing the motors to wear out faster and could cause fatigue in many other building structure components. The cork floor's protective coating has worn off making it vulnerable to rapid wear and damage. The repair includes sanding and recoating with a protective finish.	194,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
UNFUNDED PROJECTS

Category	Unfunded 2015-2019
<u>Library Integrated System Installation & Maintenance</u>	
This project is to ensure that the FPL has responsibly planned for increased costs for the use and maintenance of the Intergraded Library System (ILS) for patron services that includes maintenance fees, possible upgrade and/or installation costs, and the purchase of additional products. The ILS includes not only the online public access catalog but also acquisitions, circulation, serials, and patron databases. All library materials and transactions are managed through this catalog (checkout and return of library materials, downloadable books and audio, patron registration, cataloging, interlibrary loans, and management of fees.) The ILS vendor was recently purchased by a competitor, meaning the ILS platform will likely change. This could necessitate installation of an entirely new platform and the library cannot function without the ILS.	1,043,000
<u>Library Materials Purchases</u>	
The project provides library materials including fiction, non-fiction, reference, music and video cd's, and periodicals. Fiction and non-fiction materials are provided in hardback and ebook formats. The total library material collection size is approximately 270,000 items with items added on a monthly basis. The Fayetteville Public Library seeks to provide a collection of materials that is commensurate with benchmark cities (Lawrence, Kansas; Ames, Iowa; Champaign, IL; Denton Texas; and, Iowa City, Iowa) as well as the national average for cities 50,000 to 99,000. During 2012 and 2013 over 1.3 million items were checked out. Additionally, library collections are moving more toward digital materials which places more pressure on the materials budget. In addition to the \$2,350,000 funded in the 2015-2019 period, there is \$97,000 in funding on the unfunded project list.	97,000
<u>Library OCLC MARC Record Project</u>	
This project is to acquire the Online Computer Library Center's (OCLC) records and to automatically update FPL's records in the OCLC database at the time of purchase. FPL is a member of OCLC, an organization that enables borrowing and lending of library materials worldwide. FPL's contract with OCLC requires maintaining records of all materials in OCLC's database. These records allow library patrons in Fayetteville and worldwide to locate and borrow materials. This project is also to contract with the OCLC to update existing records in order for all of FPL's materials to be available for lending to OCLC member libraries. FPL's contract with OCLC requires maintaining records of all materials in OCLC's database.	575,000
Library Improvements Total	1,965,000
Parks & Recreation Improvements	
<u>Gulley Park Improvements</u>	
Gulley Park is one of the City's flagship parks and is utilized by thousands of residents each year. The existing facilities and pavilions in particular are heavily used for various gatherings. The pavilions were reserved 402 times in 2013. The addition of a pavilion and restrooms on the west side of the park would greatly enhance the user experience and accommodate more users.	275,000
<u>Regional Park Development</u>	
This project is for the development of the Regional Park which includes constructing soccer, softball and baseball fields, playgrounds, pavilions, trails, volleyball, tennis and basketball courts, parking, roads, landscaping, an amphitheater and more. A bond was passed in 2013 to allocate \$3.5 million of HMR funds for the construction of the park. In addition to the \$457,000 funded in the 2015-2019 period, there is \$20,182,000 in funding on the unfunded project list.	20,182,000
Parks & Recreation Improvements Total	20,457,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
UNFUNDED PROJECTS

Category	Unfunded 2015-2019
Police Improvements	
<u>Police Armored Vehicle</u>	
This project is to purchase an armored vehicle for the Emergency Response Team (ERT) that will have enough room to transport at least twelve officers during call outs. The primary importance of an armored vehicle is the ability to provide protection for the ERT members during high risk conflicts. The armored vehicle will allow the tactical team to evaluate and react when immersed in a high-threat environment. An armored vehicle can also be beneficial in natural disasters or citizen rescue missions.	200,000
<u>Police Headquarters Building</u>	
This project is to construct a new police headquarters building. The current facility is overcrowded, has poor public access, and high maintenance costs. A needs study was completed in 2004 noting the police facility should be 66,000 square feet. The current facility is 24,000 square feet.	22,125,000
<u>Police Specialized Equipment</u>	
This project is to replace outdated and/or malfunctioning equipment used during police operations. Examples of this equipment include traffic control equipment, bicycle replacement, wireless remote surveillance cameras, crisis negotiation throw phone, portable speed display signs for use in school zones, radar units, a total station system for accident reconstruction, tasers, and other items used in police operations. This type of project is necessary to the efficient, on-going, and safe operations of the Police Department. The purchase of two hybrid UTV's to patrol the City's multi-use trails and a self-contained, temporary surveillance system that provides an additional measure of monitoring and safety for officers and the public in trouble spots, collisions, inclement weather, special events and traffic flow problems were unfunded.	90,000
<u>Police Unmanned Ground Vehicle</u>	
This project is to purchase an unmanned ground vehicle (UGV) that operates while in contact with the ground and without an onboard human presence. UGVs can be used for many applications where it may be inconvenient, dangerous, or impossible to have an officer present. Some examples of UGV use are tactical surveillance, hostage negotiations, and hazardous evaluation.	41,000
<u>Radio System Replacement - Citywide</u>	
This project is to begin accruing funds for city wide radio replacements. The last city wide radio project was completed in 2011. Radio systems after several years start experiencing problems with equipment failures due to the age of the equipment and acquiring parts is problematic as the system degrades. These systems are costly so it is important to start planning now for future replacement.	2,100,000
Police Improvements Total	24,556,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM (2015-2019)
UNFUNDED PROJECTS

Category	Unfunded 2015-2019
Transportation Improvements	
<u>In-House Pavement Improvements</u>	
This project provides resources for the systematic overlay of existing streets and includes curb cuts, curb and guttering, pavement striping, and preparation costs for overlays. The goal of this project is to overlay a minimum of nine (9) miles of asphalt each year. Overlaying each street within a 15 year cycle is intended to optimize the longevity of roadways and minimize significant maintenance requirements resulting in fewer complete renovations at a substantially greater cost. Micro surfacing has been introduced as a pavement preservation method to extend the life of existing asphalt streets and providing maintenance of an additional six (6) miles of surface.	559,000
<u>Sidewalk Improvements</u>	
This project is to provide funding to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks. In addition to the \$6,750,000 funded in the 2015-2019 period, there is \$750,000 in funding on the unfunded project list. There is additional funding of \$250,000 for this project in the Sales Tax Capital Fund.	750,000
Transportation Improvements Total	<u>1,309,000</u>
Total - Unfunded	<u>\$ 55,279,000</u>

LISTING OF ACRONYMS

AC	Air Conditioning
ADA	Americans with Disabilities Act
ADEQ	Arkansas Department of Environmental Quality
ADH	Arkansas Department of Health
AED	Automated External Defibrillator
AHTD	Arkansas Highway Transportation Department
AMRR	Arkansas and Missouri Railroad
ARFF	Air Rescue and Fire Fighting
A/V	Audio/Visual
AVL	Automatic Vehicle Location
BMS	Bio-Solids Management Site
CAD	Computer Aided Dispatch
CIP	Capital Improvements Program
CMS	Content Management System
CPR	Cardiopulmonary Resuscitation
CPU	Central Processing Unit
DOT	Department of Transportation
ECM	Enterprise Content Management
EDMS	Electronic Document Management System
EPA	Environmental Protection Agency
ERP	Enterprise Response Planning
ERT	Emergency Response Team
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FBO	Fixed Based Operator
FEMA	Federal Emergency Management Agency
FFD	Fayetteville Fire Department
FHWA	Federal Highway Administration
FPL	Fayetteville Public Library
FTE	Full-Time Equivalent
GA	General Aviation
GIS	Geographic Information System
GPS	Global Positioning System
HR	Human Resources
HMR	Hotel/Motel Restaurant Tax
HVAC	Heating, Ventilation, and Air Conditioning
IFS	Influent Pump Station
ILS	Integrated Library System

LISTING OF ACRONYMS, (continued)

IT.....	Information Technology
LAN	Local Area Network
LED.....	Light Emitting Diode
LEED.....	Low Energy Electron Diffraction
MCC.....	Motor Control
MCT	Mobile Computer Terminal
MDT	Mobile Date Terminal
MLK.....	Martin Luther King
MRF.....	Materials Recovery Facility
MUTCD.....	Manual on Uniform Traffic Control
MVR.....	Mobile Video Recorder
NPDES	National Pollutant Discharge Elimination System
NWA	Northwest Arkansas
NWARPC.....	Northwest Arkansas Regional Planning Commission
OCLC	Online Computer Library Center
PA	Public Address
PC	Personal Computer
PEG.....	Public/Education/Government
PCI DSS.....	Payment Card Industry Data Security Standard
ROW	Right-of-Way
SAN.....	Storage Area Network
SSMA.....	SQL Server Migration Assistant
SSO.....	Sanitary Sewer Overflow
SSRS.....	SQL Server Reporting Services
STP.....	Surface Transportation Program
UGV	Unmanned Ground Vehicle
UPS.....	Uninterruptible Power Source
UV	Ultra Violet
W/S	Water/Sewer
WAN	Wireless Area Network
WSIP.....	Wastewater Systems Improvement Project
WWTP	Wastewater Treatment Plant
YRCC.....	Yvonne Richardson Community Center

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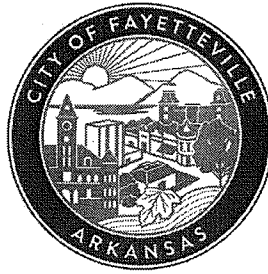
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Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 05, 2014**

A meeting of the Fayetteville City Council will be held on August 05, 2014 at 5:30 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. Bi-Monthly Report on Public Transit in Fayetteville

Agenda Additions:

A. Consent:

1. Approval of the July 15, 2014 City Council meeting minutes.

2. **Devol Aviation, Inc.:** A resolution to approve a five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014.
3. **General Improvement Fund Grant:** A resolution to authorize acceptance of a General Improvement Fund Grant in the amount of \$34,500.00 for snow equipment parts and snow plow replacement, and to approve a budget adjustment.
4. **Bid #14-41 Central Salt Company:** A resolution to award Bid #14-41 and authorize the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed through July 31, 2015.
5. **Bid #14-42 Vance Brothers, Inc.:** A resolution to award Bid #14-42 and authorize a contract with Vance Brothers, Inc. in the amount of \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.
6. **Darrell Froud Lease Agreement:** A resolution to approve a lease agreement with Darrell Froud for about 54.5 acres of city park land for the sole purpose of cutting hay for the amount of \$100.00 per year.
7. **2015 Arkansas Outdoor Recreation Grant:** A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$250,000.00 for improvements at the Fayetteville Regional Park.
8. **Garver, LLC:** A resolution to approve a professional engineering services agreement with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.
9. **Community Development Block Grant:** A resolution to approve a budget adjustment in the total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant Revenue Increase.
10. **Arkansas State Highway and Transportation Department Change Order No. 14:** A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.
11. **AEP-SWEPCO Agreement:** A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.
12. **SWEPCO Utility Easements:** A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.

B. Unfinished Business:

1. **RZN 14-4729 (Cato Springs Rd./Chambers Bank):** An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

Left on the First Reading

2. **Enact Chapter 119 Civil Rights Administration:** An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

Left on the First Reading

C. New Business:

1. **RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4763, for approximately 0.94 acres, located at the southeast corner of Gregg Ave. and Ash St. from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi Family, 24 units per acre.
2. **ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments):** An ordinance to amend §156.04 Stormwater Drainage and Erosion Control; Chapter 169 Physical Alteration of Land; Chapter 170 Stormwater Management, Drainage and Erosion Control, and Chapter 179 Low Impact Development of the Unified Development Code.
3. **2015 Employee Benefits:** A resolution to approve the 2015 Employee Benefits Package.
4. **2015-2019 Capital Improvements Plan (CIP):** A resolution to adopt the 2015-2019 five-year Capital Improvement Plan.

D. City Council Agenda Session Presentations:

1. **Discussion of the Capital Improvement Plan – Paul Becker, Finance Director**

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 (479) 575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

Pre Agenda Session Mtg. 7/23/14

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

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- ② Discussion of the Capital Improvement Plan – Paul Becker, Finance Director
move to Agenda Session Presentation

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- ✓ 10. **Arkansas State Highway and Transportation Department Change Order No. 14:** A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.
- ✓ 11. **AEP-SWEPCO Agreement:** A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.
- ✓ 12. **SWEPCO Utility Easements:** A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.

B. Unfinished Business:

- ✓ **RZN 14-4729 (Cato Springs Rd./Chambers Bank):** An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and NC, Neighborhood Conservation. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

Left on the First Reading

- ✓ **Enact Chapter 119 Civil Rights Administration:** An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

Left on the First Reading

C. New Business:

- ✓ **RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4763, for approximately 0.94 acres, located at the southeast corner of Gregg Ave. and Ash St. from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi Family, 24 units per acre.
- ✓ **ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments):** An ordinance to amend §156.04 Stormwater Drainage and Erosion Control; Chapter 169 Physical Alteration of Land; Chapter 170 Stormwater Management, Drainage and Erosion Control, and Chapter 179 Low Impact Development of the Unified Development Code.
- ✓ **2015 Employee Benefits:** A resolution to approve the 2015 Employee Benefits Package.
- ✓ **2015-2019 Capital Improvements Plan (CIP):** A resolution to adopt the 2015-2019 five-year Capital Improvement Plan.

D. City Council Agenda Session Presentations:

Discussion of CIP

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 (479) 575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

CityClerk

From: Marr, Don
Sent: Thursday, July 03, 2014 9:49 AM
To: Branson, Lisa; CityClerk; City_Clerk-old
Subject: ORT Request for placement on agenda to provide report

Categories: Completed

Lisa – I can't find the email, but please use this email from me as approval to put ORT on the August 5th meeting/agenda to present their report as it pertains to the City of Fayetteville of the Public Transit System.

Thanks,
Don

Don Marr
Chief of Staff
Office of the Mayor
City of Fayetteville, Arkansas 72701
T 479.575.8330 | F 479.575.8257
[Facebook](#) | [Twitter](#) | [YouTube](#)

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www.fayetteville-ar.gov



CityClerk

From: Jeff Hatley <jhatley@ozark.org>
Sent: Monday, June 30, 2014 10:58 AM
To: CityClerk
Cc: Joel Gardner
Subject: ORT-Ozark Regional Transit - Request for placement on agenda to provide report
Categories: Completed

Lisa,

Thank you so much for working with us.

We'd like to request placement on the agenda to present our report to the Public Transit system as it pertains to the City of Fayetteville. We'd prefer to do this the evening of July 15th, but if that date is unavailable then we'd like to make our report on the Aug. 5th meeting.

Please advise which would be better for the council and we'll plan on that date.

Thank you again,

Jeff Hatley
Mobility Manager/Public Information Officer
Ozark Regional Transit
Wk: 479-365-2161
Mob: 479-225-8369



CityClerk

From: Marr, Don
Sent: Thursday, July 10, 2014 4:38 PM
To: CityClerk
Subject: RE: Presentation/Discussion at Agenda Session August 5

Yes, this is fine.

D

Don Marr
Chief of Staff
Office of the Mayor
City of Fayetteville Arkansas
T 479.575.8330 | F 479.575.8257
[website](#) | [facebook](#) | [twitter](#) | [youtube](#)

From: CityClerk
Sent: Thursday, July 10, 2014 10:33 AM
To: Marr, Don
Subject: FW: Presentation/Discussion at Agenda Session August 5

Don,

Will you please approve adding the CIP discussion to the August 5th agenda? There is one presentation on the agenda that you have already approve for the **Bi-Monthly Report on Public Transit in Fayetteville.**

Thanks,
Lisa

From: Becker, Paul
Sent: Thursday, July 10, 2014 10:09 AM
To: City_Clerk-old
Subject: Presentation/Discussion at Agenda Session August 5

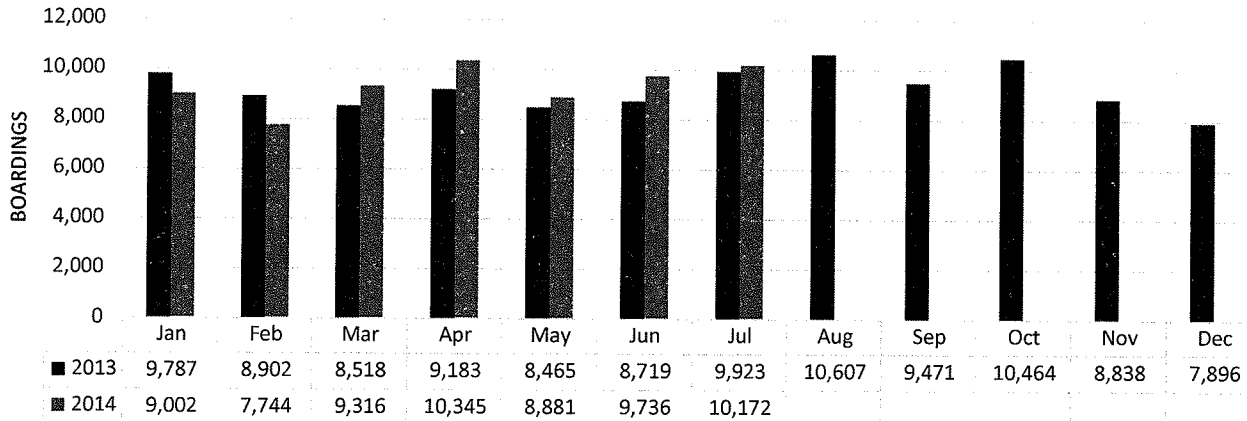
Please schedule an agenda presentation for me at the August 5 th meeting. It is to discuss the Capital Improvement Plan.
Paul Becker

Paul Becker
Chief Financial Officer
Office of the Mayor
City of Fayetteville, Arkansas 72701
T 479.575.8330 | F 479.575.8257 | M 479.601.3577
[Facebook](#) | [Twitter](#) | [YouTube](#)

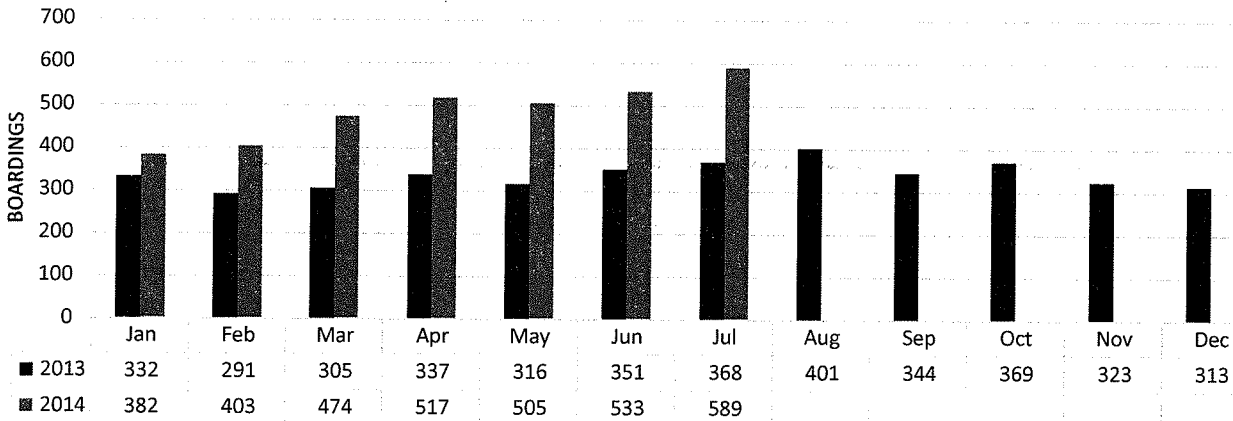
Bi-Monthly Report on *Handed out at the City Council*
Public Transit in Fayetteville meeting 8/5/14
Key Performance Indicators - City of Fayetteville

	TOTAL SYSTEM: Jan - Jul			FAYETTEVILLE: Jan - Jul			
	CY 13	CY 14	% Change	CY 13	CY 14	% Change	% of Total
Days of Op	149	146		149	146		
Fixed Route	147,691	155,269	5%	63,497	65,196	3%	42%
Paratransit	11,540	15,089	31%	2,300	3,403	48%	23%
Total	159,231	170,358	7%	65,797	68,599	4%	40%

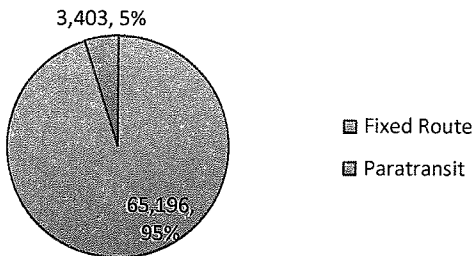
Fixed Route Passengers



Paratransit Passengers



Fayetteville Service: Jan - Jul



Total Ridership: Jan - Jul

