

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323
TDD 479-521-1316



Final Agenda

Thursday, November 6, 2014

5:30 PM

City Hall Room 219

City Council:

Adella Gray Ward 1

Sarah Marsh Ward 1

Mark Kinion Ward 2

Matthew Petty Ward 2

Justin Tennant Ward 3

Martin W. Schoppmeyer, Jr. Ward 3

Rhonda Adams Ward 4

Alan Long Ward 4

Elected Officials:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Call to Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:**

1. Approval of the October 21, 2014 City Council meeting minutes. **APPROVED**
2. A resolution to award Bid #14-55 and approve the purchase of four (4) Irrigation Reels from Keeling Company of North Little Rock, Arkansas in the amount of \$144,000.00 plus applicable taxes for the City Biosolids Management Site.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 189-14

3. A resolution to award Bid #14-58 to Truck Centers of Arkansas and approve the purchase of one (1) Freightliner 114SD tri-axle dump truck in the amount of \$127,620.00 for use by the Transportation Division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 190-14

4. A resolution to award Bid #14-59 to Summit Truck Group of Lowell, Arkansas and approve the purchase of two (2) International 7300 dump trucks with Henderson belly plows in the total amount of \$287,516.56 for use by the Transportation Division, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 191-14

5. A resolution to approve the purchase of one (1) Volvo MCT 125 Skid Steer Loader with Soil Conditioner from Hugg & Hall Equipment of Springdale, Arkansas pursuant to the Houston-Galveston Area Council contract in the amount of \$65,634.00 and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 192-14

6. A resolution to approve a budget adjustment recognizing Hazmat Services revenue received by the Fire Department through October 2014.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 193-14

7. A resolution to exercise the five year option to renew the agreement with Waste Management of Arkansas, Inc. for Solid Waste Transfer and Disposal Services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 194-14

8. A resolution to approve and certify the participation of Pacific Vet Group – USA, Inc. in the Arkansas tax back program and to agree to authorize DF&A to refund city sales tax back to Pacific Vet Group – USA, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 195-14

B. Unfinished Business: None

C. New Business:

1. An ordinance rezoning that property described in Rezoning Petition RZN 14-4848, for approximately 0.29 acres, located at 940 West Maple Street from P-1, Institutional, to RMF-40, Residential Multi Family, 40 units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5717

2. An ordinance rezoning that property described in Rezoning Petition RZN 14-4850, for approximately 4.96 acres, located along the north side of Martin Luther King Boulevard between Government and Hill Avenues, from I-1, Heavy Commercial/Light Industrial, to C-2, Thoroughfare Commercial.

THIS ORDINANCE WAS TABLED TO THE DECEMBER 2, 2014 CITY COUNCIL MEETING.

3. An ordinance approving VAC 14-4849 submitted by Bates and Associates for property located at the northwest corner of Zion Road and Waterside Court to vacate existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5718

4. An ordinance approving VAC 14-4853 submitted by city staff for property located at the intersection of James Street and Mount Comfort Road to vacate existing street right-of-way.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5719

5. An ordinance to waive the requirements of formal competitive bidding and approve a cost-share agreement with Arkansas & Missouri Railroad for railroad crossing signal improvements at the Dickson Street crossing in an amount not to exceed \$250,000.00 and to authorize Amendment No. 2 to the license and agreement with Arkansas & Missouri Railroad to facilitate the construction of the Tsa La Gi, Town Branch and Cato Springs trails across railroad property.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5720

6. A resolution amending the Master Street Plan by removing the section of future collector street between Oakland Zion Road and Altus Drive, as described and depicted in the attached map.

THIS RESOLUTION WAS TABLED TO THE NOVEMBER 18, 2014 CITY COUNCIL MEETING.

D. City Council Agenda Session Presentations:

1. Economic Development Quarterly Report – Chung Tan

E. City Council Tour:

F. Announcements:

G. Adjournment: 6:23 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

prior to the Consent Agenda.

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

Old business and new business.

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

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

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

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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.

Subject:	Roll				
<u>Alderman Adams was Absent</u>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	absent			
	Mayor Jordan	✓			

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

Subject:	Consent				
Motion To:		<i>Approve</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Gray</i>			
<i>Minutes</i> <i>Approved</i> <i>Passed</i> <i>189-14</i> <i>then</i> <i>195-14</i>	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	<i>Absent</i>			
	Mayor Jordan				

7-0

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

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Mayor Jordan				

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

Subject:		RZN 14-4848 West Maple Street			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Gray	Tennant	
Seconded:			Marsh	Gray	
C. 1 New Business <u>passed</u> 5717	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	Absent	Absent	Absent	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		RZN 14-4850 Hanna's Landing Appeal			
Motion To:			Table to 12-02-14		
Motion By:			Marsh		
Seconded:			Gray		
C. 2 New Business <u>Table to 12-02-14</u> Left on the first Reading	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	Absent			
	Mayor Jordan				

7-0

Subject:		VAC 14-4849 Northwest Corner of Zion Rd and Waterside Court			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Gray		
Seconded:		Tennant	Tennant		
C. 3 New Business <u>passed</u> 5718	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	absent	absent	absent	
Mayor Jordan					
		7-0	7-0	7-0	

Subject:		VAC 14-4853 James Street and Mount Comfort Road			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Tennant	Gray		
Seconded:		Petty	Marsh		
C. 4 New Business <u>passed</u> 5719	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	absent	absent	absent	
Mayor Jordan					
		7-0	7-0	7-0	

Subject:		Arkansas & Missouri Railroad Cost Share and Amendment No. 2			
Motion To:					
		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Long</i>	<i>Long</i>		
C. 5 New Business <i>Passed</i> 5720	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		Master Street Plan: Oakland Zion Road and Altus Drive			
Motion To:					
		<i>Table to Nov. 18, 2014</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
C. 6 New Business <i>Tabled to 11-18-14</i>	Long	<i>Absent during the vote.</i>			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	<i>Absent</i>			
	Mayor Jordan				

6-0



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: **November 7, 2014**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of November 6, 2014**

1. A resolution to award Bid #14-55 and approve the purchase of four (4) irrigation reels from Keeling Company of North Little Rock, Arkansas in the amount of \$144,000.00 plus applicable taxes for the city biosolids management site.
2. A resolution to award Bid #14-58 to Truck Centers of Arkansas and approve the purchase of one (1) Freightliner 114SD Tri-Axle Dump Truck in the amount of \$127,620.00 for use by the Transportation Division, and to approve a budget adjustment.
3. A resolution to award Bid #14-59 to Summit Truck Group of Lowell, Arkansas and approve the purchase of two (2) International 7300 Dump Trucks with Henderson Belly Plows in the total amount of \$287,516.56 for use by the Transportation Division, and to approve a budget adjustment.
4. A resolution to approve the purchase of one (1) Volvo MCT125 Skid Steer Loader with soil conditioner from Hugg & Hall Equipment of Springdale, Arkansas pursuant to the Houston-Galveston area council contract in the amount of \$65,634.00, and to approve a budget adjustment.
5. A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department through October 2014.
6. A resolution to exercise the five year option to renew the agreement with Waste Management of Arkansas, Inc. for solid waste transfer and disposal services.

7. A resolution to approve and certify the participation of Pacific Vet Group - USA, Inc. in the Arkansas Tax Back Program and to agree to authorize DF&A to refund city sales tax back to Pacific Vet Group - USA, Inc.

8. An ordinance to waive the requirements of formal competitive bidding and approve a cost-share agreement with Arkansas & Missouri Railroad for railroad crossing signal improvements at the Dickson Street crossing in an amount not to exceed \$250,000.00, and to authorize Amendment No. 2 to the license and agreement with Arkansas & Missouri railroad to facilitate the construction of the Tsa La Gi, Town Branch and Cato Springs trails across railroad property.

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Meeting Agenda - Final

Thursday, November 6, 2014

5:30 PM

City Hall--Room 219

City Council

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:**

- | | | |
|-------------|------------------|---|
| A. 1 | 2014-0313 | Approval the the October 21, 2014 City Council Meeting Minutes |
| A. 2 | 2014-0456 | A RESOLUTION TO AWARD BID #14-55 AND APPROVE THE PURCHASE OF FOUR (4) IRRIGATION REELS FROM KEELING COMPANY OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF \$144,000.00 PLUS APPLICABLE TAXES FOR THE CITY BIOSOLIDS MANAGEMENT SITE |
| A. 3 | 2014-0441 | A RESOLUTION TO AWARD BID #14-58 TO TRUCK CENTERS OF ARKANSAS AND APPROVE THE PURCHASE OF ONE (1) FREIGHTLINER 114SD TRI-AXLE DUMP TRUCK IN THE AMOUNT OF \$127,620.00 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A. 4 | 2014-0440 | A RESOLUTION TO AWARD BID #14-59 TO SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS AND APPROVE THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS IN THE TOTAL AMOUNT OF \$287,516.56 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A. 5 | 2014-0444 | A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) VOLVO MCT125 SKID STEER LOADER WITH SOIL CONDITIONER FROM HUGG & HALL EQUIPMENT OF SPRINGDALE, ARKANSAS PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT IN THE AMOUNT OF \$65,634.00, AND TO APPROVE A BUDGET ADJUSTMENT |
| A. 6 | 2014-0448 | A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT THROUGH OCTOBER 2014 |

- A. 7 2014-0449 A RESOLUTION TO EXERCISE THE FIVE YEAR OPTION TO RENEW THE AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC. FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES**
- A. 8 2014-0454 A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF PACIFIC VET GROUP - USA, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE DF&A TO REFUND CITY SALES TAX BACK TO PACIFIC VET GROUP - USA, INC.**

B. Unfinished Business: None

C. New Business:

- C. 1 2014-0455 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4848, FOR APPROXIMATELY 0.29 ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1, INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE**
- C. 2 2014-0447 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4850, FOR APPROXIMATELY 4.96 ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL**
- C. 3 2014-0450 AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING UTILITY EASEMENT**
- C. 4 2014-0446 AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY**

- C. 5 2014-0445** AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST-SHARE AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD FOR RAILROAD CROSSING SIGNAL IMPROVEMENTS AT THE DICKSON STREET CROSSING IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND TO AUTHORIZE AMENDMENT NO. 2 TO THE LICENSE AND AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD TO FACILITATE THE CONSTRUCTION OF THE TSA LA GI, TOWN BRANCH AND CATO SPRINGS TRAILS ACROSS RAILROAD PROPERTY
- C. 6 2014-0451** A RESOLUTION AMENDING THE MASTER STREET PLAN BY REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

D. City Council Agenda Session Presentations:

- D. 1 2014-0457** Economic Development Quarterly Report - Chung Tan

E. City Council Tour:

F. Announcements:

G. Adjournment

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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.

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Text File

File Number: 2014-0446

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of street right-of-way described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following condition of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0451

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: C. 6

A RESOLUTION AMENDING THE MASTER STREET PLAN BY REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

WHEREAS, the Parkerman Estates subdivision is extending a new local street into and through its site to provide eventual street connectivity between Oakland Zion Road and Altus Drive as presented and approved in PPL 14-4790 by the Planning Commission; and

WHEREAS, the City Council finds that the extension of a new local street between Oakland Zion Road Altus Drive as indicated in the attached maps maintains the intent of the Master Street Plan for connectivity, while providing a street cross section that is more compatible with the rural residential context than a Collector street; and

WHEREAS, the addition of a new local street as proposed is adequate for connectivity, traffic flow, and safety given the existing and anticipated low density of this area of unincorporated Washington County.

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 amends the Master Street Plan as indicated in Exhibit "A," attached hereto and made a part hereof.

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 October 21, 2014

A meeting of the Fayetteville City Council was held on October 21, 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, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

America in Bloom Award Presentation – Marilyn Heifner

Marilyn Heifner stated America in Bloom promotes nationwide beautification through the use of flowers, plants and trees as well as environmental and lifestyle enhancements. She presented the Five Bloom Award and stated five is the highest number of blooms you can get in the program. She stated it is in recognition of the communities' floral displays. She presented the Best Youth Program Growing Food Award and stated that Fayetteville is the first award winner. She stated they competed in the population category against cities from 30,000 to 300,000 and brought home the outstanding trophy in that population category. She stated Fayetteville is nationally recognized in this program and other cities are looking up to Fayetteville.

Mayor Jordan: That is fantastic. Thank you.

City Media Services Division Recycle Something Campaign Public Service Announcement Emmy Awards – Fritz Gisler and Doug Bankston

Fritz Gisler, Director of Media Services: Two years ago this City Council provided funding for the development and production of a promotional campaign designed to increase the participation in the city's recycling program. The Recycle Something Campaign was about helping people be aware of recycling. We needed to make the video messages of the highest quality to appropriately represent the commitment of the City of Fayetteville to recycling and its quality of life. To demonstrate how integral recycling is in our lives, we showed kids playing at recycling and the concept was born.

We received a great deal of positive feedback and I believed it to be worthy of a wider recognition. We entered it for consideration by the National Academy of Television Arts and Sciences. An Emmy Award is the highest recognition that can be received by a professional in the television industry and just to be nominated is a huge honor. We entered Recycle Something, Imaginary Playground and received an Emmy nomination. We received an Emmy nomination for the spot in two different categories. Doug Bankston was nominated for excellence in editing. Doug and I both received nominations for production on the spot in the category of community of public service, PSA. Television production is a collaborative effort and it requires the work of many people to create outstanding content. Emmy awards are presented to individuals for outstanding accomplishment. For Imaginary Playground, I served as Executive Producer and Doug served as Producer for which we received nominations. We attended the Emmy Awards Gala in Kansas City, Missouri. I can still remember how it felt sitting there with Doug, hearing the nominees announced and the presenter opened the golden envelope and said, the Emmy goes to Recycle Something, Imaginary Playground, Fritz Gisler and Douglas Bankston.

Mr. Mayor and City Council, I stand before you humbled and proud. We could not have done this without your support as representatives of the citizens of Fayetteville. The Recycle Something Campaign has won over eight national and international awards for excellence.

Mayor Jordan: This is wonderful and what a great honor.

Disabilities Awareness Month Proclamation

Mayor Jordan read the Disabilities Awareness Month Proclamation.

Annette Koonce, Citizen: Thank you Mayor and members of the City Council for your generous proclamation. We must continue to make this beautiful city more accessible for disabled individuals. Thank you to the City Council for working on various projects to help the disabled in the community.

City Council Meeting Presentations, Reports and Discussion Items:**Bi Monthly Report on Public Transportation**

Jeff Hatley, Ozark Regional Transit: We are growing and have added a few routes. System wide we have grown 3% in our fixed route ridership and our para transit routes we have grown 38% year to date. This is without adding one single van to our fleet. In Fayetteville the fixed route has grown by 1% in ridership and para transit has grown by 54% year to date. The route 620 is one of our new routes this year. It's the express route that connects West Fork to Lincoln through lot 56 in Fayetteville and we have experienced our 1000th rider on that route this month.

Agenda Additions: None

Consent:

Approval of the September 16, 2014 and October 7, 2014 City Council meeting minutes.

Approved

Bid #14-51 All Traffic Solutions: A resolution to award Bid #14-51 and authorize the purchase of thirteen (13) portable speed display signs from All Traffic Solutions in the amount of \$46,351.50 plus applicable taxes for use by the Police Department.

Resolution 185-14 as recorded in the office of the City Clerk.

Fire Department Bunker Gear: A resolution to approve a budget adjustment in the total amount of \$8,132.00 to fund the payment of bunker gear purchases and vaccination expenses for the Fire Department.

Resolution 186-14 as recorded in the office of the City Clerk.

Environmental Protection Agency Grant: A resolution to authorize acceptance of an Environmental Protection Agency Grant in the amount of \$142,500.00, to approve Task Order No. 1 with the Watershed Conservation Center in the amount of \$164,524.00 for an inventory of riparian and streambank conditions in the City of Fayetteville, and to approve a budget adjustment.

Resolution 187-14 as recorded in the office of the City Clerk.

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

Unfinished Business: None

New Business:

Bid #14-60 Brothers Construction, Inc.: A resolution to award Bid #14-60 and authorize a contract with Brothers Construction, Inc. in the amount of \$1,256,345.00 for relocation and

improvement of water and sewer lines along Razorback Road and Maple Street, to approve a project contingency of ten percent (10%), and to approve a budget adjustment.

Jim Beavers, CH2M Hill gave a brief description of the resolution.

Alderman Kinion: This item has been through the Water, Sewer & Solid Waste Committee.

Alderman Adams moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 188-14 as recorded in the office of the City Clerk.

Beaver Watershed Alliance Cost-Share: An ordinance to waive the requirement of formal bidding and approve a cost-share contract with the Beaver Watershed Alliance in the amount of \$58,562.00 to facilitate a water quality analysis of Beaver Lake.

City Attorney Kit Williams read the ordinance.

Billy Ammons, CH2M Hill gave a brief description of the ordinance.

Alderman Long: The budget adjustment is about \$1,400.00 different than what the ordinance says it is.

City Attorney Kit Williams: The ordinance of \$58,562.00 is accurate. It is actually a purchase order, not a budget adjustment in the packet. There is no budget adjustment being approved by this ordinance.

Paul Becker, Finance Director: The staff review form is incorrect, but that doesn't have any standing. The actual contract is correct.

Don Marr, Chief of Staff: This was originally a participation of multiple entities that are splitting the cost of this. It was originally projected to be \$60,000.00 because of the number of individuals participating. We had an additional entity participate which is why it is slightly less than the original required amount.

Alderman Kinion: This has gone through the Water, Sewer & Solid Waste Committee.

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

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 unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: Thank you to the Beaver Watershed Alliance for all the great work you are doing in our community, in particular in Ward 1 where you have been helping with stream cleanups.

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

Ordinance 5716 as Recorded in the office of the City Clerk.

Announcements:

Alderman Gray: There will be a Ward 1 meeting on Thursday, October 23, 2014 at the Senior Center at 6:00 p.m.

City Attorney Kit Williams: Tomorrow at 9:00 a.m. in Judge Mark Lindsay's courtroom, the case you all are defendants in, including Sondra, will be heard about the referendum petition. Unless you have been subpoenaed, nobody needs to attend. Sondra and I will be there. It will be primarily the opponents of the petition and the proponents of the petition arguing it out. The county and city are involved, but more on the periphery of this issue.

Alderman Long: There will be a Ward 4 meeting on October 27, 2014 at 6:00 p.m. in Room 111 at City Hall.

Don Marr, Chief of Staff: The early voting has started for citizens to be able to vote in our City Council elections as well as the state and federal elections. The early voting sites for Fayetteville residents are the County Clerk office, Quorum Court courtroom, and the Boys & Girls Club. Details of the hours and the days that these sites are open can be found at www.co.washington.ar.us and you will need to look at those because they are different by location.

The rules are when a City Council meeting falls on an election date, which is Tuesday, November 4, 2014, that meeting is changed to November 6, 2014 which is a Thursday. November 11, 2014 is the Veteran's Day holiday and the City of Fayetteville is closed. Agenda Session will be on Thursday, November 13, 2014.

Our final ward bulky waste cleanup is on Saturday, November 1, 2014. The sites are Woodland Jr. High School and the Recycling & Trash Collection Facility.

Fayetteville was recognized for the 6th consecutive year as a volunteer community of the year in the State of Arkansas.

Adjournment: 6:04 p.m.

City Council Agenda Session Presentations:

Water Quality Minerals Permitting & Beaver Lake Update – by Billy Ammons & Steven Miller
CH2M Hill

City Council Tour: None

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Meeting Agenda - Tentative Agenda

Thursday, November 6, 2014

5:30 PM

City Hall--Room 219

City Council

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- | | | |
|-------------|------------------|---|
| A. 1 | 2014-0313 | Approval the the October 21, 2014 City Council Meeting Minutes |
| A. 2 | 2014-0456 | A RESOLUTION TO AWARD BID #14-55 AND APPROVE THE PURCHASE OF FOUR (4) IRRIGATION REELS FROM KEELING COMPANY OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF \$144,000.00 PLUS APPLICABLE TAXES FOR THE CITY BIOSOLIDS MANAGEMENT SITE |
| A. 3 | 2014-0441 | A RESOLUTION TO AWARD BID #14-58 TO TRUCK CENTERS OF ARKANSAS AND APPROVE THE PURCHASE OF ONE (1) FREIGHTLINER 114SD TRI-AXLE DUMP TRUCK IN THE AMOUNT OF \$127,620.00 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A. 4 | 2014-0440 | A RESOLUTION TO AWARD BID #14-59 TO SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS AND APPROVE THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS IN THE TOTAL AMOUNT OF \$287,516.56 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A. 5 | 2014-0444 | A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) VOLVO MCT125 SKID STEER LOADER WITH SOIL CONDITIONER FROM HUGG & HALL EQUIPMENT OF SPRINGDALE, ARKANSAS PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT IN THE AMOUNT OF \$65,634.00, AND TO APPROVE A BUDGET ADJUSTMENT |

- A. 6 2014-0448 A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT THROUGH OCTOBER 2014**
- A. 7 2014-0449 A RESOLUTION TO EXERCISE THE FIVE YEAR OPTION TO RENEW THE AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC. FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES**
- A. 8 2014-0454 A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF PACIFIC VET GROUP - USA, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE DF&A TO REFUND CITY SALES TAX BACK TO PACIFIC VET GROUP - USA, INC.**

B. Unfinished Business: None

C. New Business:

- C. 1 2014-0455 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4848, FOR APPROXIMATELY 0.29 ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1, INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE**
- C. 2 2014-0447 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4850, FOR APPROXIMATELY 4.96 ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL**
- C. 3 2014-0450 AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING UTILITY EASEMENT**
- C. 4 2014-0446 AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY**

- C. 5 2014-0445 AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST-SHARE AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD FOR RAILROAD CROSSING SIGNAL IMPROVEMENTS AT THE DICKSON STREET CROSSING IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND TO AUTHORIZE AMENDMENT NO. 2 TO THE LICENSE AND AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD TO FACILITATE THE CONSTRUCTION OF THE TSA LA GI, TOWN BRANCH AND CATO SPRINGS TRAILS ACROSS RAILROAD PROPERTY**
- C. 6 2014-0451 A RESOLUTION AMENDING THE MASTER STREET PLAN BY REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.**

D. City Council Agenda Session Presentations:

- D. 1 2014-0457 Economic Development Quarterly Report - Chung Tan**

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0456

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

A RESOLUTION TO AWARD BID #14-55 AND APPROVE THE PURCHASE OF FOUR (4) IRRIGATION REELS FROM KEELING COMPANY OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF \$144,000.00 PLUS APPLICABLE TAXES FOR THE CITY BIOSOLIDS MANAGEMENT SITE

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 #14-55 and approves the purchase of four (4) irrigation reels from Keeling Company of North Little Rock, Arkansas in the amount of \$144,000.00 plus applicable taxes for the City Biosolids Management Site.

City of Fayetteville Staff Review Form

2014-0456

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Billy Ammons

10/17/2014

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of Bid 14-55 with Keeling Company to purchase four (4) Irrigation Reels for the Biosolids Management Site for \$144,000.00 plus \$14,040.00 tax, totaling \$158,040.00.

Budget Impact:

5400.5800.5801.00

Water/Sewer

Account Number

Fund

11010.1

WWTP Irrigation Reels

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 244,748.00

Funds Obligated \$ -

Current Balance **\$ 244,748.00**

Does item have a cost? Yes

Item Cost \$ 158,040.00

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget **\$ 86,708.00**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



STAFF MEMO

TO: Lioneld Jordan, Mayor
Fayetteville City Council

THRU: Don Marr, Chief of Staff
Water, Sewer, and Solids Waste Committee
Tim Nyander, Water/Sewer Operations Manager (Interim Utilities Director)

FROM: Billy Ammons, Wastewater Treatment

DATE: October 17, 2014

SUBJECT: Approval of Bid 14-55 with Keeling Company to purchase four (4) Irrigation Reels for the Biosolids Management Site.

RECOMMENDATION:

Staff recommends approval of Bid 14-55 with Keeling Company to purchase four (4) Irrigation Reels for the Biosolids Management Site for \$144,000.00 plus \$14,040.00 tax, totaling \$158,040.00.

BACKGROUND:

The Biosolids Management Site has eight irrigation reels that were purchased between 1985 to 1987. Repairs on these reels have become more extensive and costly as the life expectancy of these reels is approximately 20 years. The irrigation reels are used to apply treated wastewater to the land application site, as described in the State approved Waste Management Plan and the State Land Application Permit. The effluent irrigation helps to minimize discharge to the White River during the summer months, therefore reducing the nutrient loadings of ammonia and phosphorus to the receiving stream. It also helps to stimulate growth of the bermuda grass, therefore enhancing phosphorus uptake from the soil.

DISCUSSION:

The City received three bids on September 26, 2014. Keeling Company submitted the lowest bid that meets specifications.

Bidder	Bid
Amadas Industries	\$196,798.00
Irrigation Mart Inc	\$151,596.48
John Deere Landscapes	\$173,190.40
Keeling Company	\$144,000.00
Russellville Kubota	\$153,880.00

BUDGET/STAFF IMPACT:

Funds are available in the Wastewater Treatment Plant CIP – Irrigation Reels.

Attachments:

Irrigation Reels-Keeling Company Documents

City of Fayetteville - Purchase Order Request (PO) (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.							Requisition No.: Date: 10/17/2014		
							P.O Number:		
Vendor #:			Vendor Name: Keeling Company				Mail ☐ Yes ☐ No Legistar#: 2014-0456		
Address: 4227 East 43rd St					FOB Point: Biosolids Management Site		Taxable ☐ Yes ☐ No		
City: North Little Rock			State: AR		Zip Code: 72231	Ship to code: 72701	Quotes Attached ☐ Yes ☐ No Expected Delivery Date:		
Requester: Billy Ammons					Requester's Employee #: OMI		Extension: 479-443-3292		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Irrigation Reels - OCMIS VR5	4	EA	36,000.00	\$144,000.00	5400.5800.5801.00	11010.1		
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: \$144,000.00 Tax: \$14,040.00 Total: \$158,040.00		
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____									

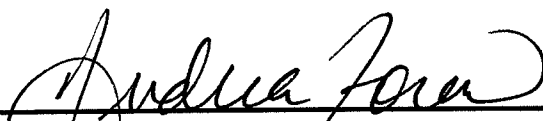


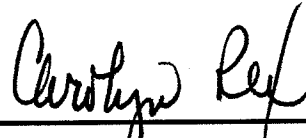
City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 14-55, Irrigation Reels
Friday, September 26, 2014

Bidder	Irrigation Reels consisting of hard hose traveler axial turbine irrigation systems with guns and gun carts				
	Est. Qty		Price Per Unit	Total Price	
Amadas Industries	4	x	\$ 49,199.50	=	\$ 196,798.00
Irrigation Mart Inc	4	x	\$ 37,899.12	=	\$ 151,596.48
John Deere Landscapes	4	x	\$ 43,297.60	=	\$ 173,190.40
Keeling Company	4	x	\$ 36,000.00	=	\$ 144,000.00
Russellville Kubota	4	x	\$ 38,470.00	=	\$ 153,880.00

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

CERTIFIED:


A. Foren, Purchasing Agent CPPO, CPPB


Witness

9/26/14
Date

** Denotes Calculation Error



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

INVITATION TO BID: Bid 14-55, Irrigation Reels

DEADLINE: Friday, September 26, 2014 before 2:00 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: Friday, September 05, 2014

INVITATION TO BID Bid 14-55, Irrigation Reels

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: Keeling Company

Contact Person: Jeff Keeling Title: owner

E-Mail: jeff@keelingcompany.com Phone: 501-945-4511

Business Address: P.O. Box 15310, 4227 East 43rd St.

City: North Little Rock State: AR Zip: 72231

Signature:  Date: 9/22/14

City of Fayetteville
Bid 14-55, Irrigation Reels
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made 90 calendar days from date of received Purchase Order.

F.O.B. City of Fayetteville Biosolids Management Site, 16464 Wyman Road, Fayetteville, AR 72701

Item #	DESCRIPTION	Estimated Quantity		PRICE PER UNIT		TOTAL
1	Irrigation Reels	4	x	\$ 36,000.00	=	\$144,000.00

Please Specify for Unit(s) Bid:

*MANUFACTURER: Ocmis *MODEL: VR5

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid. The City intends on awarding this bid to a single vendor.

EXECUTION OF BID -

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.

Upon signing this Bid, the bidder certifies that:

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.

1 1.) NO KNOWN RELATIONSHIP EXISTS

2.) RELATIONSHIP EXISTS (Please explain): _____

7. 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.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
- a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: Keeling Company
Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name _____

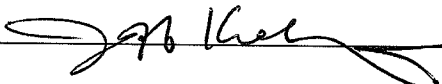
*BUSINESS ADDRESS: P.O. Box 15310, 4227 East 43rd St.

*CITY: North Little Rock *STATE: AR *ZIP: 72231

*PHONE: 501-945-4521 FAX: 501-945-5545

*E-MAIL: jeff@keelingcompany.com

*BY: (PRINTED NAME) Jeff Keeling

*AUTHORIZED SIGNATURE: 

*TITLE: owner

*DUNS NUMBER: 04-143-0414 CAGE NUMBER: _____

*TAX ID NUMBER: State: 039995-78-001
Federal: 71-0389193

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

City of Fayetteville
Bid 14-55, Irrigation Reels
General Terms and Conditions

1. **SUBMISSION OF BID & BID EVALUATION:**

- a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. **Bids shall be enclosed in sealed envelopes or packages** addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. **The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.**
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature.
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. **WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:**

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. **DESCRIPTION OF SUPPLIES AND SERVICES:**

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. **RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:**

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.
- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract With The City".
- b. All bidders shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.

- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

10. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the bidder, the bidder agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City 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 photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. PAYMENTS AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. **Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.

- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville and shall be prohibited until either an award is final or the protest is finally resolved by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such**

response. Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. OTHER GENERAL CONDITIONS:

- a) Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b) Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. ***Sales tax is not to be included in the bid price.*** Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c) Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d) Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e) The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f) The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- g) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h) **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- i) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.
- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information

to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.

- k) Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- l) The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
- m) The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

26. **ATTACHMENTS TO BID DOCUMENTS:** N/A

City of Fayetteville

Bid 14-55, Irrigation Reels

Technical Specifications: Hard Hose Traveler Axial Turbine Irrigation System, Gun, and Gun Cart

BIDDING REQUIREMENTS:

- When given a specification option with a blank (example a. _____), bidder shall write a "check mark" or write "yes" indication yes if the accompanies specification is met. In the event a specification cannot be met, bidder shall indicate so by writing in "NO" and writing on the City's bid forms how the specification is not met or how the unit(s) bid differ from what has been specified.
- Bidders shall NOT supply warranty papers for the City to interpret whether a warranty specification is met or not.

1. GENERAL -

- 1.1 This specification concerns the purchase of four (4) hard hose traveler axial turbine irrigation systems with guns and gun carts per the following specifications.
- 1.2 All unit(s) bid shall meet or exceed the minimum requirements or they will be deemed incomplete and will not be considered for bid award.
- 1.3 All specifications written are to minimums unless otherwise noted.
- 1.4 The City intends to order the estimated quantity presented in the bid form in a single order.
- 1.5 Pricing bid shall be inclusive of all items, shipping, and warranty. Bid pricing shall NOT include sales tax. Applicable taxes will apply upon invoicing but will not be considered for bid evaluation.
- 1.6 Equipment supplied under this specification shall remain the property of the Bidder until delivery to and accepted by the City of Fayetteville.
- 1.7 Deliveries for the equipment will only be accepted during normal business hours between 7:30 AM and 4:00 PM, local time.
- 1.8 Specifications shall be complete and submitted with bid.

2. MANUFACTURER/MODEL -

- 2.1 Unit(s) bid shall be new and of the latest standard production model as offered for commercial trade.
- 2.2 Unit(s) bid price shall be valid for the most current model year being sold.

3. TECHNICAL SPECIFICATIONS –

- 3.1 Bidder shall provide and deliver four (4) OCMIS VR5 (or approved equal) hard hose traveler axial turbine irrigation systems, guns and gun cars per the specifications listed.

3.2 Hard Hose Traveler Axial Turbine Irrigation Systems:

- a. ☒ Tandem Axles (400/60 x 15.5" 10 Ply Tires)
- b. ☒ Heavy Duty Tubular Chassis Construction
- c. ☒ Center Axle Design for water weight load and mobility
- d. ☒ 360 Degree Hydraulic Rotating Turntable
- e. ☒ Two Hydraulic Stabilizers
- f. ☒ Adjustable Hydraulic Tongue Hook – Up
- g. ☒ Hydraulic Gun Cart Lift
- h. ☒ Safety Shields and Guards (OSHA Standards)
- i. ☒ Solid Wall Drum Construction
- j. ☒ P.T.O Auxiliary Drive with PTO Shaft
- k. ☒ Turbine Drive – variable speed, axial flow, low flow, designed impellers, minimum pressure loss with drain plug
- l. ☒ Pressure Gauges
- m. ☒ Hose 4.10" ID x 1250 ft. long, high density heavy duty polyethylene.
- n. ☒ Mechanical Hose Guide
- o. ☒ Automatic Hose Retrieve Stop
- p. ☒ Reel Speed Compensator for level application rates
- q. ☒ Quick Couple Hose Disconnect
- r. ☒ Supply Hose Collapsible – 4.5" ID 30 ft. long with fittings both ends
- s. ☒ Paint and Primer high solid acrylic enamel
- t. ☒ 4" Ring Band Lock, Galvanized

3.3 Gun and Gun Cart:

- a. ☒ Full or Part Circle, Slow Return Gun
- b. ☒ Five wheel gun cart
- c. ☒ Nozzle: Taper Bore
- d. ☒ Galvanized square tubing frame
- e. ☒ Wheels – Shall be front adjustable for tracking and rear adjustable in and out
- f. ☒ Drain Plug

4. WARRANTY -

4.1 Warranty shall include the following, at minimum. Bidder shall serve as the warranty administrator.

- a. ☒ Warranty date shall start upon the delivery by the manufacturer and completion of the manufacturer's representative inspection and acceptance of the equipment by the City of Fayetteville.
- b. ☒ All items bid shall have a one (1) year manufacturer's warranty which shall include and cover all parts used in the manufacturing of the irrigation system, gun and gun cart.
- c. ☒ Hard hoses shall include a minimum five (5) year pro-rated minimum warranty of 1st year

- d. ☒ – 100%, 2nd year – 80%, 3rd year – 60%, 4th year – 40%, and 5th year – 20%.
Warranty shall include all parts, labor, and transportation to and from the location of the warranty administrator for all components of the items during the warranty period.
- e. ☒ Deliveries for the equipment will only be accepted during normal business hours, between 7:30 AM and 4:00 PM, local time.

5. STANDARDS –

5.1 Each unit shall meet or exceed the following applicable standards.

- a. ☒ Environmental Protection Agency's Exhaust Emission Standards (EPA).
b. ☒ Occupational Safety and Health Administration Standards (OSHA).

6. DELIVERY/DOCUMENTATION -

6.1 Equipment supplied under this specification shall remain the property of the Supplier until delivery to and acceptance by the City of Fayetteville. Deliveries for the equipment will only be accepted during normal business hours between 7:30 AM and 4:00 PM, local time, Monday through Friday, Federal holidays excluded.

6.2 All units shall be delivered F.O.B. to the City of Fayetteville Biosolids Management Site, located at 16464 Wyman Road, Fayetteville, AR 72701, for compliance review and final acceptance.

6.3 Delivery shall include the following documents as a minimum:

- a. ☒ Manufacturer's Certificate of Origin, if available
b. ☒ Dealer invoice
c. ☒ List of all filters used on this unit (OEM part numbers), if applicable.

6.4 Units shall be fully assembled, serviced, and ready for operation as delivered.

7. MANUALS -

7.1 The successful bidder agrees to furnish the following list of manuals:

- a. ☒ Operator's Manual: One (1) file copy PLUS one (1) copy for EACH REEL PURCHASED.
b. ☒ Maintenance Repair manuals, paperback or electronic format, if available
c. ☒ Parts (OEM) Manuals: Paperback or electronic format.

7.2 Payment(s) may be held until all manuals and certifications are delivered to the City of Fayetteville.

8. SUPPORT SERVICES –

8.1 Repair Parts Inventory – stock of standard repair parts for units bid must be available to the City of Fayetteville within twenty-four (24) hours of part(s) request. Parts inventory availability shall be considered in the purchasing decision.



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0441

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

A RESOLUTION TO AWARD BID #14-58 TO TRUCK CENTERS OF ARKANSAS AND APPROVE THE PURCHASE OF ONE (1) FREIGHTLINER 114SD TRI-AXLE DUMP TRUCK IN THE AMOUNT OF \$127,620.00 FOR USE BY THE TRANSPORTATION DIVISION, 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 awards Bid #14-58 to Truck Centers of Arkansas and approves the purchase of one (1) Freightliner 114SD tri-axle dump truck in the amount of \$127,620.00 for use by the Transportation Division.

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.

City of Fayetteville Staff Review Form

2014-0441

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

10/15/2014

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to award Bid 14-58 to Truck Centers of Arkansas of Springdale, AR for the purchase of one Freightliner 114SD tri-axle dump truck in the amount of \$127,620 for use by Transportation Division, and approval of a Budget Adjustment to move funds to the Fleet expense account.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02079.2014

Fleet - Heavy Utility Vehicles

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 128,620.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 129,000.00

Remaining Budget \$ 380.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 15, 2014

SUBJECT: Purchase of one tri-axle dump truck for Transportation

RECOMMENDATION:

That City Council approve the purchase from Bid 14-58 of one Freightliner 114SD tri-axle dump truck from Truck Centers of Arkansas in Springdale, AR in the amount of \$127,620 and approve a Budget Adjustment to move funds into the Fleet expense account.

BACKGROUND:

Unit 750 is a 2006 dump truck that is no longer in good enough shape for full time front line use and needs to be replaced to Transportation. This truck 750 will be "recycled and reused"; it will be put in service in a low use application at Recycling and Trash Collection to replace used unit #724U.

DISCUSSION:

Bid 14-58 was opened on September 30, 2014; a bid tab sheet is attached. The low bid truck meets all specs.

Fleet recommends the purchase of one Freightliner 114SD tri-axle truck with Hilbilt dump body and 16' Mongoose hoist off Bid 14-58 from Truck Centers of Arkansas, of Springdale, AR in the amount of \$127,620.00.

BUDGET/STAFF IMPACT:

Sufficient replacement funds have been collected to replace this truck, but since the truck was not originally scheduled to replace in 2014, a Budget Adjustment is needed to move funds from fund balance into Fleet's expense account.

The Equipment Committee approved this purchase at the meeting on October 14, 2014.

Attachments:

SRF 11-6-14 TRAN tri-axle truck 775
BA 11-6-14 use fund bal for 775
PO 11-6-14 TRAN tri-axle truck 775
Bid Tab, Bid 14-58

Unit #750, TRAN_F030 is being replaced before scheduled in the CIP. Funds are requested from fund balance to be moved into Fleet's expense project. Sufficient funds remain to meet City objectives.

RESOLUTION/ORDINANCEv.20140829

City of Fayetteville - Purchase Order Request (PO) (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.							Requisition No.:		Date:	
							P.O Number:			
Vendor #: 16751			Vendor Name: TRUCK CENTERS OF ARKANSAS				Mail ☐ Yes ☒ No		Legistar#: 2014-0441	
Address:				FOB Point:		Taxable ☐ Yes ☒ No				
City:			State:		Zip Code:	Ship to code:	Quotes Attached ☐ Yes ☒ No		Expected Delivery Date:	
						50				
Requester: Barbara Olsen					Requester's Employee #: 1940		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	FREIGHTLINER 114SD TRI-AXLE	1	EA	127,620.00	\$127,620.00	9700.1920.5802.00	02079.2014		700775	
2	DUMP TRUCK PER BID SPECS 14-58				\$0.00					
3	TO BE UNIT 775, FA 700775				\$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: <u>\$127,620.00</u>			
							Tax: <u>\$0.00</u>			
							Total: <u>\$127,620.00</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



Bid: 14-58
9/30/2014
2:00 PM
City of Fayetteville

Bid 14-58, Tri-Axle Dump Truck

	BIDDER	QTY	Tri-Axle Diesel Powered Cab & Chassis	Dump Body with Hoist	Total Bid
3	MHC Kenworth - Opt 1 Mfg/Model Bid	1	\$ 121,095.00 Kenworth T470	\$ 18,905.00 Hilbilt/Hilbilt Mongoose	\$ 140,000.00
6	MHC Kenworth - Opt 2 Mfg/Model Bid	1	\$ 121,095.00 Kenworth T470	\$ 24,630.00 Ox Body/SP851600	\$ 145,725.00
7	Peterbilt of NW Arkansas - Opt 1 Mfg/Model Bid	1	\$ 123,156.00 Peterbilt/382	\$ 24,630.00 Ox Body/SP851600	\$ 147,786.00
5	Peterbilt of NW Arkansas - Opt 2 Mfg/Model Bid	1	\$ 123,156.00 Peterbilt/382	\$ 21,825.00 Davis/EFMT15-16	\$ 144,981.00
4	Peterbilt of NW Arkansas - Opt 3 Mfg/Model Bid	1	\$ 123,156.00 Peterbilt/382	\$ 18,905.00 Hilbilt/16' Mongoose	\$ 142,061.00
8	Shibley Motor Equipment Co Mfg/Model Bid	1	\$ 133,000.00 Mack/GU813	\$ 18,905.00 Hilbilt/Mongoose	\$ 151,905.00
2	Summit Truck Group Mfg/Model Bid	1	\$ 112,869.67 International/SBA6X4	\$ 25,113.00 Hilbilt/16' Mongoose	\$ 137,982.67
1	TRL Inc dba Truck Centers of Arkansas Mfg/Model Bid	1	\$ 108,715.00 Freightliner/114SD	\$ 18,905.00 Hilbilt/Mongoose	\$ 127,620.00

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

CERTIFIED:

P Vice

P. Vice, Purchasing Manager

[Signature]
Witness

10/1/14
Date



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0440

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 4

A RESOLUTION TO AWARD BID #14-59 TO SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS AND APPROVE THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS IN THE TOTAL AMOUNT OF \$287,516.56 FOR USE BY THE TRANSPORTATION DIVISION, 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 awards Bid #14-59 to Summit Truck Group of Lowell, Arkansas and approves the purchase of two (2) International 7300 dump trucks with Henderson belly plows in the total amount of \$287,516.56 for use by the Transportation Division.

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.

City of Fayetteville Staff Review Form

2014-0440

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

10/15/2014

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to award Bid 14-59 to Summit Truck Group of Lowell, AR for the purchase of two International 7300 dump trucks with Henderson belly plows in the amount of \$143,758.28 each for a total of \$287,516.56, and approve of a Budget Adjustment.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02079.2014		Heavy Utility Vehicles	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 49,000.00
		Funds Obligated	\$ -
		Current Balance	\$ 49,000.00
Does item have a cost?	Yes	Item Cost	
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 241,000.00
		Remaining Budget	\$ 290,000.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: \$49,000 was budgeted in project 02078.2014 and will be moved to 02079.2014 for this purchase.



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 15, 2014

SUBJECT: Purchase of two heavy duty dump trucks with plows for Transportation

RECOMMENDATION:

That City Council approve the purchase of two heavy duty dump trucks with belly plows from Summit Truck Group of Lowell, AR in the amount of \$143,758.28 each for a total of \$287,516.56, and approve a Budget Adjustment to move funds into the Fleet expense account.

BACKGROUND:

Unit #329 is a 2002 Ford F550 1.5 ton dump truck that is worn out and needs to be replaced. Unit #357 is a 2007 Ford F550 1.5 ton dump truck that the motor went out of. It would cost between \$15,000 and \$16,000 to replace the motor. As the truck has been in service for nearly 8 years, it was decided to replace the truck now.

DISCUSSION:

Bid 14-59 was opened on Sept 30, 2014; a copy of the Bid Tab is attached. The low bid is disqualified as disc brakes are not available as specified. The second lowest bid meets all specs. Fleet recommends the purchase of two International 7300 dump trucks with Henderson belly plows off Bid 14-59 from Summit Truck Group of Lowell, AR in the amount of \$143,758.28 each for a total of \$287,516.56.

The Equipment Committee approved this purchase at the October 14, 2014 meeting.

BUDGET/STAFF IMPACT:

Sufficient replacement funds have been collected to replace both these vehicles. The purchase price was underestimated for unit 329 in the CIP; unit 357 was not scheduled for replacement this year so a Budget Adjustment has been prepared to move funds from fund balance into Fleet's expense account for both these vehicles.

Attachments:

SRF 11-6-14 TRAN trucks 776, 777
BA 11-6-14 use fund bal for 776, 777
PO 11-6-14 TRAN 776, 777
Bid Tab, Bid 14-59

Unit #329, TRAN_F016 (\$96,000) capital cost was underestimated; #357, TRAN_F018 (\$145,000) is being replaced before scheduled in the CIP. Unit 329 was budgeted in Light/Medium Truck project. Funds need to be moved to Heavy truck project from light/medium truck project and from fund balance. Sufficient funds remain to meet City objectives.

RESOLUTION/ORDINANCEv.20140829

City of Fayetteville - Purchase Order Request (PO) (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.							Requisition No.:		Date:	
							P.O Number:			
Vendor #:			Vendor Name: SUMMIT TRUCK GROUP				Mail ☐ Yes ☒ No		Legistar#: 2014-0440	
Address:					FOB Point:		Taxable ☐ Yes ☒ No			
City:			State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ Yes ☒ No		Expected Delivery Date:	
Requester: BARBARA OLSEN					Requester's Employee #: 1940		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2015 INTERNATIONAL 7300 TRUCK	2	EA	143,758.28	\$287,516.56	9700.1920.5802.00	02079.2014		700776	
2	WITH HENDERSON/MARK III DUMP				\$0.00				700777	
3	BODY AND H-UBS-10 UNDER BODY				\$0.00					
4	SCRAPER, 10 FOOT, TO BE UNITS				\$0.00					
5	776, FIXED ASSET 700776 AND				\$0.00					
6	777, FIXED ASSET 700777				\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: <u>\$287,516.56</u>			
							Tax: <u>\$0.00</u>			
							Total: <u>\$287,516.56</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



Bid: 14-59
9/30/2014
2:00 PM
City of Fayetteville

Bid 14-59, Truck with Flatbed Dump & Scraper

	BIDDER	QTY	33,000 GVWR 4x4 Crew Cab & Chassis	11 Foot Flatbed Dump Body	10 Foot Under-Body Scraper	Total Bid
3	MHC Kenworth - Opt 1 Mfg/Model	2	\$ 111,640.00 Kenworth/T370	Noted that Items Priced Together Henderson/Mark III	\$ 32,510.00 Henderson/H-UBS-10	\$ 288,300.00
6	MHC Kenworth - Opt 2 Mfg/Model	2	\$ 111,640.00 Kenworth/T370	\$ 12,295.00 Henderson/Mark III	\$ 22,662.25 Henderson/H-UBS-10	\$ 293,194.50
8	MHC Kenworth - Opt 3 Mfg/Model	2	\$ 111,640.00 Kenworth/T370	Noted that Items Priced Together Monroe/Crysteele Tipper	\$ 47,194.00 Monroe/MS4510	\$ 317,668.00
7	Peterbilt of NWA Opt 1 Mfg/Model	2	\$ 113,566.00 Peterbilt/337	\$ 12,295.00 Hilbilt/XPC	\$ 21,942.25 Wasau Everest/PB10X20	\$ 295,606.50
4	Peterbilt of NWA Opt 2 Mfg/Model	2	\$ 113,566.00 Peterbilt/337	\$ 22,765.00 Henderson/Mark III	\$ 9,045.00 Henderson/H-UBS-10	\$ 290,752.00
2	Summit Truck Group - Opt 1 Mfg/Model	2	\$ 111,948.28 International/7300 4x4	\$ 22,765.00 Henderson/Mark III - 11'OAL	\$ 9,045.00 Henderson/H-UBS-10	\$ 287,516.56
5	Summit Truck Group - Opt 2 Mfg/Model	2	\$ 111,948.28 International/7300 4x4	\$ 23,747.35 Hilbilt/XBC Dump	\$ 10,489.90 Wausau Everest/PBX10x20	\$ 292,371.06
1	Truck Centers of Arkansas Mfg/Model	2	\$ 96,548.00 Freightliner/M2-106	\$ 22,765.00 Henderson/Mark Three	\$ 9,045.00 Henderson/Snow Foe	\$ 256,716.00

Bed Warranty

Disc Brakes
Bed Warranty

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

[Signature]
Witness

10/1/14
Date

**Denotes Calculation Error



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0444

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 5

A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) VOLVO MCT125 SKID STEER LOADER WITH SOIL CONDITIONER FROM HUGG & HALL EQUIPMENT OF SPRINGDALE, ARKANSAS PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT IN THE AMOUNT OF \$65,634.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) Volvo MCT125 Skid Steer Loader with soil conditioner from Hugg & Hall Equipment of Springdale, Arkansas pursuant to the Houston-Galveston Area Council Contract in the amount of \$65,634.00.

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

City of Fayetteville Staff Review Form

2014-0444

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks / Barbara Olsen

10/15/2014

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution approving the purchase of one Volvo MCT125 one-arm skid steer loader with soil conditioner attachment off the HGAC contract (Houston Galveston Area Council) from Hugg & Hall of Springdale, AR in the amount of \$65,634, and approval of a Budget Adjustment to move funds into the Fleet expense account.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02076.2014		Backhoes / Loaders	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 417,750.00
		Funds Obligated	\$ -
		Current Balance	\$ 417,750.00
Does item have a cost?	Yes	Item Cost	\$ 65,634.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 10,527.00
		Remaining Budget	\$ 362,643.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Although the project overall has sufficient funds, this particular item cost was underestimated. The Budget adjustment will move available funds from a prior year with the balance coming from fund balance.



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: October 15, 2014

SUBJECT: Purchase of one Skid Steer loader with soil conditioner for Transportation

RECOMMENDATION:

That City Council approve the purchase of one Volvo MCT125 Skid Steer with 72" soil conditioner from Hugg & Hall Equipment of Springdale, AR off the HGAC contract (Houston-Galveston Area Council) in the amount of \$65,634 for use by Transportation and approval of a budget adjustment to move funds into the Fleet expense account.

BACKGROUND:

Unit 658 is a 2005 Bobcat S205 Skid Steer Loader that should have been replaced in 2011 but was pushed back. It is now worn out and needs to be replaced.

DISCUSSION:

Transportation wants to try a new design with one arm which makes the unit safer for the operator as it is not necessary to climb over the bucket to get into the cab – there is a door to the cab on the side. A replacement skid steer is available off the HGAC contract (Houston-Galveston Area Council) from Hugg and Hall Equipment of Springdale, AR for a price of \$65,634.

The Equipment Committee approved this purchase at the meeting on Oct. 14, 2014.

BUDGET/STAFF IMPACT:

Although sufficient replacement funds have not been collected, Transportation has replacement funds available from the sale of unit #337 (\$7,343) and unit #2051 (\$14,060). When unit 658 sells it should offset the balance of the shortage.

Attachments:

Staff Review Form
Budget Adjustment
Purchase Order
Hugg & Hall Quote
HGAC contract

Unit #658, TRAN_F021 CIP cost was underestimated by \$36,500. \$25,973 in funds are available from a prior year. The balance of funds are requested from fund balance for the difference. Sufficient funds remain to meet City objectives.

RESOLUTION/ORDINANCEv.20140829

City of Fayetteville - Purchase Order Request (PO) (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.							Requisition No.:		Date:	
							P.O Number:		Legistar#: 2014-0444 Expected Delivery Date:	
Vendor #: 5571			Vendor Name: HUGG & HALL EQUIPMENT				Mail ☐ Yes ☒ No			
Address:				FOB Point:		Taxable ☐ Yes ☒ No				
City: SPRINGDALE			State: AR		Zip Code:	Ship to code: 50	Quotes Attached ☐ Yes ☒ No			
Requester: Barbara Olsen					Requester's Employee #: 1940		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Volvo MCT125 skid steer per HGAC	1	ea	56,734.00	\$56,734.00	9700.1920.5802.00	02076.2014			
2	contract EM06-13, and with 72"				\$0.00					
3	soil conditioner as specified in	1	ea	8,900.00	\$8,900.00	9700.1920.5802.00	02076.2014			
4	quote. Skid steer to be unit 6008				\$0.00				706008	
5	soil conditioner to be unit 6009				\$0.00				706009	
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$65,634.00			
							Tax: \$0.00			
							Total: \$65,634.00			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				



COOPERATIVE PURCHASING PROGRAM
Houston-Galveston Area Council of Governments
3555 Timmons, Suite 120, Houston, TX 77027
Phone: 800-926-0234 Fax: 713-993-4548
www.hgacbuy.org

INVITATION TO SUBMIT COMPETITIVE:

☒ **BIDS**

☐ **PROPOSALS**

INVITATION NO.: **EM06-13**

ISSUE DATE: **January 10, 2013**

CATEGORY: **Earth Moving Equipment**

PURPOSE OF THIS INVITATION

The Cooperative Purchasing Program (HGACBuy) of the Houston-Galveston Area Council of Governments is soliciting offerings for the furnishing of products/services as described herein. These products/services may be purchased by any of more than 5,400 member local governments, districts, agencies in 44 states across the nation.

Responses must be submitted in an original and one (1) copy, and shall be subject to the terms, conditions, requirements and specifications detailed in the documents comprising this Invitation. Responses are scheduled to be opened publicly at **H-GAC** offices on the date indicated. For Bid Invitations, responses will be available for public review until 4:00 p.m. CT that day, and on subsequent days by appointment only. Any Responses submitted later than 1:00 p.m. on the due date will be returned unopened to the bidder/proposer.

PROCUREMENT SCHEDULE & DETAILS

DRAFT SPECIFICATION / INVITATION:	November 07, 2012
PRE-BID/PROPOSAL CONFERENCE:	December 06, 2012 @ 9:00 a.m. CT; Conference Room B
FINAL SPECIFICATION / INVITATION:	January 10, 2013
BID/PROPOSAL RESPONSES DUE:	February 12, 2013 @ 1:00 p.m. CT; H-GAC Clock
PUBLIC RESPONSE OPENING:	February 12, 2013 @ 2:00 p.m. CT; Conference Room C 2 nd floor
RECOMMENDATIONS TO BOARD:	April 16, 2013
CONTRACT START DATE & TERM:	June 01, 2013 through May 31, 2015
The documents comprising this Invitation are available via web download at: https://www.hgacbuy.org/bids/	
For assistance regarding this Invitation, please contact:	
Name: Brian Denzel Phone: 832-681-2554 E-mail: bdenzel@h-gac.com	

CONTENTS OF THIS INVITATION

SECTION A - General Terms & Conditions

SECTION B - Product/Service Specific Requirements & Specifications (Final)

SECTION C - HGACBuy *FORMS* (Final)

SECTION D - Pro-Forma (Sample) Contract

This procurement conforms to government requirements for Competitive Procurement.



Contract
No.:

EM06-13

Date
Prepared:

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be e-mailed to lawanda.james@h-gac.com. Therefore please type or print legibly.

Buying Agency:	City of Fayetteville	Contractor:	Hugg & Hall Equipment
Contact Person:	Jesse Beeks	Prepared By:	Randy Moss
Phone:	479-444-3494	Phone:	479-361-1262
Fax:	479-444-3425	Fax:	479-361-1045
Email:	jbeeks@fayetteville-ar.gov	Email 1:	randym@hugghall.com
		Email 2:	Please also send order confirmations to kathy.tedone@consultant.volvocorp.com

Catalog / Price Sheet Name:	49H - Volvo Pricing Catalog: Skid Steer Loaders
General Description of Product:	Skid Steer

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
1	Volvo MCT125	\$53,634	\$53,634
	MCT125C		
Subtotal A:			\$53,634

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
1	72" Soil Conditioner high flow with Hydraulic angle	\$8,900	\$8,900
1			\$0
1			\$0
1			\$0

Total From Other Sheets, If Any:

Subtotal B:

Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).

For this transaction the percentage is:

17%

C. Total Cost before any other applicable Charges, Trade-Ins, Allowances, Discounts, Etc. (A+B)

\$62,534

D. Trade-In / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Freight	\$1 950
---------	---------

PDI	\$500
-----	-------

7-Pin Attachment Connector (Dealer Installed)	\$650
---	-------

	\$0
--	-----

	\$0
--	-----

Subtotal D:

\$3.100

Delivery Date:

E. Total Purchase Price (A+B+C):

\$65.634



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0448

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 6

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT THROUGH OCTOBER 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 a budget adjustment, a copy of which is attached to this Resolution, recognizing hazmat services revenue received by the Fire Department through October 2014 in the amount of \$2,951.00.

City of Fayetteville Staff Review Form

2014-0448

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

10/15/2014

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$2,951.00 to recognize 2014 Hazmat Services Revenue received from Washington County and increase related expense budget.

Budget Impact:

1010.3040.5218.01

General Fund--Hazmat Equipment

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 57,123.00

Funds Obligated \$ 52,926.14

Current Balance \$ 4,196.86

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 2,951.00

Remaining Budget \$ 7,147.86

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Mayor and City Council

FROM: David Dayringer, Fire Chief

DATE: October 15, 2014

SUBJECT: Approval of a budget adjustment in the amount of \$2,951.00 to recognize 2014 Hazmat Services Revenue received from Washington County and increase related expense budget.

RECOMMENDATION:

Approval of a budget adjustment in the amount of \$2,951.00 to recognize 2014 Hazmat Services Revenue received from Washington County and increase related expense budget.

DISCUSSION:

The City of Fayetteville has received \$2,951.00 of Hazmat Services Revenue from Washington County. The Fire Department would like to utilize the revenue to complete the outfitting of a secondary hazmat unit and offset costs for the Fayetteville Hazmat Team. It will also be utilized to cover expenses for training and related expenses. These purchases will be vital to the efficient and effective operation of the Hazmat Response Operations of the Fire Department.

BUDGET/STAFF IMPACT:

Increase expenses to correspond with hazmat services revenue received through October 2014

Attachments:

Budget Adjustment for Hazmat Revenue



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0449

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 7

A RESOLUTION TO EXERCISE THE FIVE YEAR OPTION TO RENEW THE AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC. FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES

WHEREAS, on November 3, 2009, the Fayetteville City Council passed Resolution No. 224-09 which approved a five year contract, subject to the annual appropriation of sufficient funds by the City Council, with two successive five year options to renew; and

WHEREAS, both Waste Management of Arkansas, Inc. and the City now desire to exercise the first five year option to renew pursuant to Section 1 the Agreement; and

WHEREAS, the City Administration recommends that the City Council authorize renewal of the next five year term to this 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 agrees that it is the best interest of our citizens to exercise, along with Waste Management of Arkansas, Inc., the option to renew the original Agreement for a second five year period under the terms of the original Agreement and authorizes Mayor Jordan to sign the first amendment to the Agreement.

City of Fayetteville Staff Review Form

2014-0449

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeff Coles

10/15/2014

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a 5 year term contract renewal with Waste Management of Arkansas for hauling and disposal of municipal waste.

Budget Impact:

Various

Recycling and Trash Collection

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

Previous Ordinance or Resolution # 224-09

V20140710

Original Contract Number:

Approval Date:

Comments: The current budget and item cost cells have been left blank due to the fact that funds for the hauling and disposal of municipal waste are budgeted in various programs and multiple accounts within the Recycling & Trash Collection Fund. Also, because this contract renewal spans multiple years, future year budgets are unknown at this time.



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Mayor and City Council

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

FROM: Jeff Coles, Director of Recycling and Trash Collection

DATE: October 15, 2014

SUBJECT: **Waste Management Contract Renewal**

RECOMMENDATION:

Staff recommends the approval of a 5 year term contract renewal with Waste Management of Arkansas for hauling and disposal of municipal waste

BACKGROUND:

In November of 2009, the City Council passed Resolution 224-09 approving a contract with Waste Management of Arkansas for the hauling and disposal of municipal waste from the City's transfer station. The term of the original contract was for 5 years and included provision for the option to renew for 2 successive 5 year terms upon mutual written agreement.

DISCUSSION:

Having completed the first 5 year contract in a successful manner, both parties are in agreement to exercise the provision of the contract to extend for an additional 5 year term, from December 1, 2014 until November 30, 2019.

BUDGET/STAFF IMPACT:

Funds for hauling and disposal services are budgeted in the Recycling and Trash Collection Fund.

Attachments:

Original Contract
Renewal Document

City of Fayetteville, Arkansas Bid 09-61, Solid Waste Transfer and Disposal Services Contract

This Agreement is made and entered into this 3rd day of November, 2009, by and between the City of Fayetteville, Arkansas and Waste Management of Arkansas, Inc.

Terms & Conditions

WITNESSETH: In consideration of the terms and conditions set forth below, which constitute good and enforceable consideration, it is agreed:

1. **TERM OF AGREEMENT:** The agreement is to take effect and continue and remain in full force and effect for a period of five (5) years, and such period shall commence on December 1st, 2009 or on the date the contract is approved by the Fayetteville City Council. The parties shall have the option to renew this agreement for two (2) successive five (5) year terms upon mutual written agreement. The option to renew can be made effective by written notification from either party to the other party no later than ninety (90) days prior to the expiration of the contract term. This contract will be subject to the annual appropriation of sufficient funds for this contract in the budget by the Fayetteville City Council.
2. **SCOPE OF SERVICE:** The Contractor shall be responsible for the performance of all services reasonably necessary to provide for the proper disposal of all of the residential and commercial waste generated within the City of Fayetteville. Goods and services to be provided by Contractor under the terms of this agreement shall include but not be limited to the following:
 - a) Transporting of all solid waste shall be so contained, tied, or enclosed, that leaking, spilling or blowing of waste is prevented. All solid waste received at the Fayetteville Transfer Station will be transported to a permitted and approved disposal site within twenty-four hours after receipt of said solid waste. The City of Fayetteville, as the Transfer Station operator, shall be responsible to load transport trailers with solid waste payload weights no greater than that required to reach gross vehicle weight limitations set by law. However, in the interest of efficiency, the operator is responsible to load solid waste in such a way that a standard "walking floor" trailer with a capacity of 115 cubic yards will contain a minimum of 20 tons of solid waste.
 - b) The Contractor shall provide an adequate number of vehicles, trailers and back up equipment maintained in good physical condition and working order, all labor, supervision, equipment, maintenance, fuel and necessary supplies to insure the daily systematic and orderly performance of all services specified in the contract within the required time frame.
 - c) The Contractor will guarantee to the City of Fayetteville that Contractor's transport tractors, trailers and any other equipment used in the transport of accepted solid waste will be maintained in a mechanically sound, clean and uniformly painted manner at all times. There will be sufficient spare equipment available to insure daily loading transport, and disposal of all waste received at said Transfer Station within the allotted time frame. All equipment provided by the Contractor will be properly licensed and permitted by appropriate District, City, County & State authorities as required. Additionally, transport tractors will be marked with the name and telephone number of the contractor on each side of the vehicle.
 - d) Preparation of required reports to all government agencies, if applicable, with copies to City of Fayetteville.
 - e) Contractor shall provide to the City of Fayetteville documented proof of disposal for each load. Such documentation shall be provided to the City of Fayetteville with each invoice.

3. FEES: The prices and rates bid by the successful bidder shall be firm for the first two (2) years of the contract. After the first 2 years of the contract, adjustments shall be made as follows: The cost per ton rate shall be adjusted beginning December 1, 2011, by using the difference in the United States Department of Labor Index For Goods and Services from September 2010 through August 2011. This adjustment using subsequent annual USDL Index for Goods and Services numbers shall be used in December 2012 and December 2013. This inflationary index or a full renegotiation of rates by the parties may be used for subsequent renewals of the contract beyond the first five year period.

Payment shall be on a cost per ton basis. Measurement shall be from the City of Fayetteville's outbound scale numbers.

4. SECURING FOR PERFORMANCE – BID SECURITY: The Contractor responsible for the transportation and disposal of solid waste received at the Fayetteville Transfer Station will be required to furnish a corporate surety bond as security for the performance of said portion of the Contract. Said surety bond shall be in the amount of twenty five percent (25%) of the total bid price for the first year of the contract. Said surety bond after the first year shall be for twenty five percent (25%) of the previous year contracted volume.

The premium for the bond(s) described above shall be paid by the Contractor. A certificate from the surety showing that the bond premium(s) is/are paid in full shall accompany the bond.

The surety on the bond shall be from corporate surety company duly authorized to do business in the State of Arkansas. Bonds must be written by an "A" rated bonding company.

5. QUANTITIES: The City of Fayetteville makes no warranties as to the quantities of solid waste available for transfer and disposal. The City of Fayetteville during the term of this contract shall deliver to City of Fayetteville's Transfer Station all of the municipal, residential and commercial solid waste streams collected by the City of Fayetteville except recyclable waste recycled as such.

6. DISPOSAL SITES: Contractor shall provide evidence satisfactory to the City of Fayetteville that the Contractor shall at all times have a commitment for adequate landfill air space adequate to exceed the projected needs of the waste to be disposed of hereunder during the term of the contract but in any case not less than 10 years. Disposal site will be in compliance with EPA Regulations, Subtitle "D" and any future subtitles or regulations required of said site. Prior to any change by the contractor of disposal site the Contractor shall provide documentation to the City of Fayetteville that such site meets specifications hereunder.

7. REPRESENTATION OF THE CITY OF FAYETTEVILLE: The City of Fayetteville represents that the City of Fayetteville's Transfer Station is properly and fully permitted as a solid waste transfer station by all applicable governmental authorities.

8. DEFAULT AND TERMINATION: Upon breach by either party to this Contract of any of its material terms and conditions, the non-breaching party shall deliver written notice to the breaching party of said breach. If the breaching party fails to cure the breach within sixty (60) days, the non-breaching party shall be entitled to declare that the breaching party is in default and the contract terminated.

9. GENERAL SPECIFICATIONS: The terms and conditions of this Contract include each and every general specification set forth hereinafter.

10. ADMINISTRATIVE PROVISIONS: This agreement constitutes the entire agreement between the parties and there are no representations, warranties, promises, covenants, agreements or contracts except as set forth herein. This agreement may not be amended except as set forth in writing and signed by authorized representatives for both parties. This agreement shall be construed under the laws of the State of Arkansas, and shall inure to the benefit of the parties hereto, their successors, assigns and representatives. This agreement may be assigned by

either party only with the prior written consent of the other party, which consent shall not be unreasonably withheld. The persons signing on behalf of the respective parties hereto warrant that they have full and proper authority to execute this agreement on behalf of the parties so represented.

11. FREEDOM OF INFORMATION ACT: City of Fayetteville contracts and documents prepared while performing City of Fayetteville 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 photocopying costs pursuant to the FOIA may be assessed for this compliance.

12. ATTACHMENTS: Bid documents referencing Bid 09-61, Solid Waste Transfer and Disposal Services and contractors bid submittal in response to Bid 09-61.

13. JURISDICTION AND VENUE: This agreement shall be interpreted and enforced pursuant to Arkansas law. Jurisdiction and venue shall be in Washington County, Arkansas.

IN AGREEMENT with the provisions set out above, we sign our names below on this the 3rd day of November, 2009.

By: 
CONTRACTOR
TRACEY SHRADER
Printed Name and Title

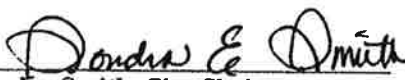
CITY OF FAYETTEVILLE, ARKANSAS

By: 
LIONELD JORDAN
Mayor

ATTEST:

By: 
Company Secretary
Renee Torres
Printed Name and Title

ATTEST:

By: 
Sondra Smith, City Clerk



**FIRST AMENDMENT TO THE CITY OF FAYETTEVILLE, ARKANSAS SOLID WASTE
TRANSFER AND DISPOSAL SERVICES CONTRACT**

This First Amendment to the City of Fayetteville, Arkansas Solid Waste Transfer and Disposal Services Contract (hereafter the "Amendment") is entered into as of the ____ day of _____, 2014, by and between the City of Fayetteville (the "City"), and Waste Management of Arkansas, Inc. (the "Contractor").

WITNESSETH:

WHEREAS, the City of Fayetteville and the Contractor have heretofore entered into a certain Agreement for Solid Waste Transfer and Disposal Services, dated on or about November 3, 2009 (the "Contract"), whereby Contractor was granted the exclusive right to provide solid waste transfer and disposal within the City of Fayetteville, as more particularly set forth in the Contract; and

WHEREAS, the City and Contractor desire to modify the Contract, as more particularly set forth below.

NOW, THEREFORE, for and in consideration of the good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, the parties hereto agree as follows:

1. The City and Contractor agree to extend the term of the Contract for five additional years from December 1, 2014, so that the new Contract termination date is November 30, 2019. This Contract is subject to the annual appropriation of sufficient funds for this Contract in the budget by the Fayetteville City Council.
2. Nothing contained herein shall be deemed to amend or modify the Contract dated November 3, 2009, except as expressly set forth herein. In the event of a conflict between the terms of the Contract and this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

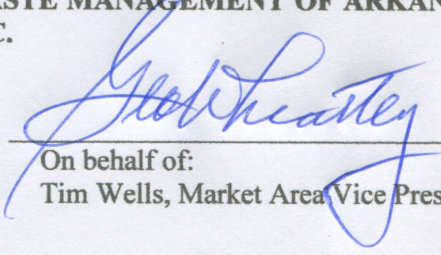
CITY:

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

CONTRACTOR:

**WASTE MANAGEMENT OF ARKANSAS,
INC.**

By: 
On behalf of:
Tim Wells, Market Area Vice President

Attest: _____
Sondra Smith, City Clerk



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0454

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 8

A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF PACIFIC VET GROUP - USA, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE DF&A TO REFUND CITY SALES TAX BACK TO PACIFIC VET GROUP - USA, INC.

WHEREAS, Pacific Vet Group - USA, Inc. recently purchased a 24-acre parcel of property in the Fayetteville Commerce District for \$360,000.00 for the purpose of expanding its operations in Fayetteville as a research, development and manufacturing facility with a total planned investment of \$1.7 million in land purchase and preparation, \$4 million in construction and almost \$1 million in equipment purchases within the first phase of development; and

WHEREAS, Pacific Vet Group - USA, Inc. currently has 14 employees and is committed to creating 47 new jobs paying an average hourly wage of \$31.70 for a total annual payroll of \$3,000,000.00; and

WHEREAS, in order to certify Pacific Vet Group - USA, Inc. to participate in the sales and use tax refund program, either Washington County or the City of Fayetteville, or both, must "(s)pecify that the Department of Finance and Administration is authorized to refund local sales taxes to the qualified business." {A.C.A.

§15-4-2706 (d)(B)(ii)}; and

WHEREAS, the City of Fayetteville or Washington County must also endorse Pacific Vet Group - USA, Inc.'s participation in this state and local sales and use tax refund program; and

WHEREAS, bond indentures prevent diversion of sales tax proceeds from the city's bonded penny sales and use tax.

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 endorses Pacific Vet Group - USA, Inc.'s participation in the sales and use tax refund program authorized by A.C.A. §15-4-2706(d) in relation to its construction, equipping and hiring at its new facility in Fayetteville, Arkansas.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby specifies that the Department of Finance and Administration is authorized to refund the non-bonded penny city sales tax to Pacific Vet Group - USA, Inc. for qualified construction and manufacturing equipment purchased for

File Number: 2014-0454

its facility in Fayetteville, Arkansas.

City of Fayetteville Staff Review Form

2014-0454

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/16/2014

Development Services /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Approval by the City of Fayetteville certifying local government endorsement of Pacific Vet Group-USA, Inc. to participate in State of Arkansas Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) and authorizing the Department of Finance and Administration to refund local sales and use taxes to Pacific Vet Group-USA, Inc.

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? No

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 06, 2014

TO: Mayor, Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: October 16, 2014

SUBJECT: Pacific Vet Group – USA, Inc. Tax Back Program

RECOMMENDATION:

The City Staff recommends on behalf of the Mayor's office that the City Council pass a resolution in support of Pacific Vet Group – USA, Inc. (PVG) to participate in the State of Arkansas Tax Back Program. The Arkansas Economic Development Commission seeks local support for the Tax Back Program, and the City Council's action to support this application will assist in that effort.

BACKGROUND:

The City of Fayetteville recently completed the sale of a 24-acre parcel of property in the Commerce District, adjacent to the City Water and Sewer Operations Center. This property was sold to PVG to allow for their expansion in the City of Fayetteville as a research, development and manufacturing facility. Plans are underway to submit for development review in the first part of 2015.

The City was recently contacted by Steve Clark, President and CEO of the Fayetteville Chamber of Commerce, seeking the City's endorsement of PVG to participate in the State of Arkansas Tax Back Program of the Consolidated Incentive Act of 2003. PVG is a local company started by University of Arkansas students. Its primary functions are the research and development, manufacturing and marketing of products for the poultry industry. PVG chose Fayetteville to make its home, after consideration of several sites in Northwest Arkansas. Approximately \$1.7 million in land purchase and preparation, \$4 million in construction and almost \$1 million in equipment purchases are planned for the Fayetteville location on Industrial Drive, within the first phase of development. PVG currently has 14 employees, and is committed to creating 47 new jobs paying an average hourly wage of \$31.70, for a total new payroll of \$3 million. As described during the Council's consideration to sell this property to PVG, master plans have been developed to continue to grow the company in this location in the future.

Support of this resolution will allow PVG to carry out its development plan and generate additional economic activity for the City of Fayetteville, in addition to the 47 new jobs in our Commerce District.

DISCUSSION:

BUDGET/STAFF IMPACT:

We believe the budget impact will be neutral. The job growth will spur new sales tax growth from new employees but most importantly may lead to further expansion in this area. One of the City's economic development goals is to retain our current employers in our area, and passing this resolution allows for one such employer to do so.

Attachments:

PVG Application for Sales Tax Back Program
Chamber of Commerce Letter of Support
Site Development Master Plan



September 29, 2014

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

Dear Mayor Jordan:

Once again, thanks to your leadership and that of the City Council, Pacific Vet Group – USA (PVG) was able to make the decision to move from a rental property in Johnson (Fayetteville address) to purchasing a 24-acre piece of land in the Fayetteville Commerce District to establish its new home. With this growth plan, PVG is applying for statutory incentives offered by the State of Arkansas. One of which is the State of Arkansas Tax Back Program. I write to express my strong support for this application.

PVG is a local company started by University of Arkansas students using licensed technology from the U of A. It has investors from out of state and foreign countries. The company develops, manufactures, and markets products for the poultry/bird industry.

PVG had looked at many sites and after careful consideration, it chose to purchase land in Fayetteville. In addition to spending \$1.7 million in making the land purchase and preparation, PVG will further invest \$4 million on construction and \$900,000 in equipment. This is only its first phase of developing their campus. It anticipates progressive development in the future. Currently, PVG has 14 employees. As a result of this project, PVG is committed to creating 47 new jobs paying an average hourly wage of \$31.70 for a total new annual payroll of \$3 million.

An approval to pass the resolution by the Fayetteville City Council to refund sales and use taxes to PVG for its purchases related to the project will allow PVG to retain jobs in the area, implement its expansion program, and create jobs thereby spurring economic growth in Washington County. PVG meets the City of Fayetteville's goal of attracting clean and good paying jobs as well. The company is progressive and is already on its way to becoming a strong global player in its field. Let's join them for the ride.

Yours truly,

A handwritten signature in black ink, appearing to read 'Steve Clark', written over a white background.

Steve Clark
President & CEO







City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0455

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 1

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4848, FOR APPROXIMATELY 0.29 ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1, INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40 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 P-1, Institutional, to RMF-40, Residential Multi Family, 40 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.

City of Fayetteville Staff Review Form

2014-0455

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

10/14/2014

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

RZN 14-4848: Rezone (940 WEST MAPLE ST./CHI OMEGA HOUSE, 444): Submitted by DEVELOPMENT CONSULTANTS for property located at 940 WEST MAPLE ST. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.29 acres. The request is to rezone the property to RMF-40, RESIDENTIAL MULTI FAMILY, 40 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:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: October 14, 2014

SUBJECT: **RZN 14-4848: Rezone (940 WEST MAPLE ST./CHI OMEGA HOUSE, 444):** Submitted by DEVELOPMENT CONSULTANTS for property located at 940 WEST MAPLE ST. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.29 acres. The request is to rezone the property to RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and City Planning staff recommend approval of an ordinance to rezone the property to RMF-40, Residential Multi-family, 40 Units/Acre

BACKGROUND:

The subject property is located at the northwest corner of Maple Street and Oakland Avenue and is developed with the Chi Omega sorority house. The property is split-zoned with the south half being zoned RMF-40 and the north half zoned P-1, Institutional. A sorority house (multi-family housing) is not a permitted use in the Institutional zoning district.

Compatibility: The RMF-40 zoning district encourages an urban building format by utilizing a build-to zone requirement instead of a conventional building setback requirement provided in the P-1 zoning district. The RMF-40 zoning district encourages building entrances that address the street and provides housing within walking distance of a university and several shopping opportunities. In staff's opinion, the RMF-40 zoning district is an appropriate zoning designation for this property, consistent with the City Neighborhood Areas designation and compatible with surrounding development patterns, including the University of Arkansas campus and on and off-campus student housing.

*City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. **City Neighborhood 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, from single-family to multi-family. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

City Neighborhood Areas encourage complete, compact, and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

DISCUSSION:

On October 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

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 14-4848, FOR APPROXIMATELY 0.29 ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1, INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40 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 P-1, Institutional, to RMF-40, Residential Multi Family, 40 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



REZONE PROPERTY DESCRIPTION:

Lots Numbered Ten (10), and Eleven (11) in H.C. Evins Subdivision of Part of Blocks Three (3) and Four (4) in Oakland Place, an addition to the City of Fayetteville, Arkansas, as per plat of said addition on file in the office of the Circuit Clerk of Washington County, Arkansas.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~October 6, 2014~~ Updated October 16, 2014

SUBJECT: **RZN 14-4848: Rezone (940 WEST MAPLE ST./CHI OMEGA HOUSE, 444):** Submitted by DEVELOPMENT CONSULTANTS for property located at 940 WEST MAPLE ST. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.29 acres. The request is to rezone the property to RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4848** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at the northwest corner of Maple Street and Oakland Avenue and is developed with the Chi Omega sorority house. The property is split-zoned with the south half being zoned RMF-40 and the north half zoned Institutional. A sorority house (multi-family housing) is not a permitted use in the Institutional zoning district. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Sorority House	P-1, Institutional & RMF-40
South	University of Arkansas	P-1, Institutional
East	Sorority House	P-1, Institutional
West	Collegiate Ministry	RMF-40

Request: The request is to rezone the north half of the property to RMF-40, Residential Multi-family, 40 units per acre.

Public Comment: Staff has not received any public comments.

INFRASTRUCTURE:

Streets: The site has two access points to Maple Street, Oakland Avenue and a public alley. Maple and Oakland are fully improved streets. The alley is paved without any other improvements. Any improvements to these streets will be determined at the time of development.

- Water:** There is public water accessible to the site. There is a 6-inch water main along Maple Street and a 2-inch line along Oakland Avenue.
- Sewer:** There is sanitary sewer available to the site. There is an 8-inch sewer main along the alley and along Maple Street.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.
- Fire:** This development will be protected by Engine 2 located at 708 N. Garland Avenue. It is 1 mile from the station with an anticipated response time of 2 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 2030 FUTURE LAND USE PLAN:

*City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. **City Neighborhood 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, from single-family to multi-family. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

City Neighborhood Areas encourage complete, compact, and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.

Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.

- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
- e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
- f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
- g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
- i. Encourage properties to redevelop in an urban form.
- j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
- k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
- m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

Finding: The RMF-40 zoning district encourages an urban building format by utilizing a build-to zone requirement instead of a conventional building setback requirement provided in the P-1 zoning district. The RMF-40 zoning district encourages building entrances that address the street and provides housing within walking distance of a university and several shopping opportunities. In staff's opinion, the RMF-40 zoning district is an appropriate zoning designation for this property and consistent with the City Neighborhood Areas designation.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends forwarding **RZN 14-4848** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 13, 2014</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Winston</u>	Second: <u>Honchell</u>	Vote: <u>8-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>November 6, 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: Rezoning the property to RMF-40 is consistent with land use planning objectives and policies. The property is currently utilized for multi-family housing and is surrounded by a number of other multi-family buildings. The property is across the street from the University of Arkansas, so denser residential development is very appropriate in this area. In staff's opinion, the RMF-40 zoning district is consistent with the existing neighborhood character and with the historical use of the property, which was developed for the Chi Omega house in the 1930's.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Rezoning the property to RMF-40 is needed at this time. The Chi Omega Chapter is considering remodeling and expanding the existing building. However, a sorority house is not a permitted use in the P-1 zoning district, so the expansion is not permitted. Rezoning the property to RMF-40 is consistent with the use of the property, compatible with surrounding properties and uses and will allow the owners to update their building. In staff's opinion the rezoning is justified at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property will align the land use with the underlying zoning. In staff's opinion the rezoning will have a negligible impact on traffic and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: As noted above, rezoning the property to RMF-40 aligns the land use with the underlying zoning designation. The use of the property will not change, so there should be no undesirable increases on public services. The Police and Fire Departments have not expressed any concerns with the rezoning 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 161.15 & 161.29
- Request Letter
- Site Plan
- Fire response letter
- City Plan 2030 – City Neighborhood Areas
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

161.15 District RMF-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(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 CUP
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 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less
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(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 manufactured 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	6,500 sq. ft.
Three or more	8,000 sq. ft.

Fraternity or Sorority	1 acre
------------------------	--------

(3) *Land area per dwelling unit.*

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 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.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*
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*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(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

TITLE XV UNIFIED DEVELOPMENT CODE

161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)

**Written request and narrative to accompany Rezone Application
Lots 10 & 11, H.C. Evins Subdivision of Part of Blocks 3 & 4 of Oakland Place Addition
City of Fayetteville, Arkansas.**

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

On behalf of the land owner, Chi Omega Psi Chapter Corporation, I am petitioning the Fayetteville City Planning Commission and the Fayetteville City Council to Rezone Lots 10 & 11 of H.C. Evins Subdivision of Part of Blocks 3 & 4 of Oakland Place Addition in the City of Fayetteville, Arkansas from a P-1 Institutional District to a RMF-40 Multi-Family District.

Said Lots 10 & 11 are the northerly portion of the Chi Omega property located at 940 West Maple Street, at the intersection of Oakland Ave. This entire property also includes Lots 3 & 4 of H.C. Evins Subdivision of Part of Blocks 3 & 4 of Oakland Place Addition, and Lot 12 of Block 3 of Oakland Place Addition; all of which are described together as a single property filed at Deed Book 1288, Page 168. This property consists of Assessor Parcels 765-09137-000 (Lot 12) & 765-09148-000 (Lots 3, 4, 10, & 11). This land is not planned to be sold at this time.

This Rezone is being requested to make the entire property one single zone that conforms to the use of the property. The subject property is currently split zoned; with the southerly three lots zoned as RMF-40 and the northerly two lots zoned as P-1. The zoning line cuts thru the existing multi-family building on site. The adjoining property to the north is owned by the University of Arkansas and is zoned P-1, as well as the properties east across Oakland Ave and south across Maple Street. The adjoining properties to the west are owned by the Arkansas State Baptist Convention and are zoned RMF-40.

P-1 Institutional Districts are designed to protect and facilitate use of property owned by larger public institutions and church related organizations. In this area, the University of Arkansas lands are typically zoned P-1 and non-University lands typically are not. The Chi Omega property was acquired in 1925 & 1938 and has never been owned by the University of Arkansas. It has historically been used as multi-family and is intended to remain a multi-family use.

By Rezoning the property to RMF-40, this would bring the entire property into a single zone that conforms with the historical use of the property, future use of the property, and similar zoning of all other non-University properties in this area. Current land use of this property is residential, which is similar to other non-University lands in this area. Future land use of this property is shown as City Neighborhood Area on the City maps, same as other non-University lands in this area. Water and sewer are available at this site and would be unaffected by this Rezoning.

By Rezoning the property to RMF-40 no landowner would be adversely affected and the public interest and welfare would not be adversely affected. This Rezone request is justified and is needed at this time for the owner to begin the process to enhance the development of their property. This rezone request should have no effect on existing traffic and does not create a danger or congestion. This rezone request does not alter population density. Leaving the property split zoned as RMF-40 and P-1 Institutional is impractical as this is not a large public institution or church use.

Included in the Rezone Application Packet is:

- 1 Application and Payment of applicable fees for processing the application and signs: \$330.00.
- 2 Legal description of the entire property and the portion to be rezoned.
- 3 Survey map of property.
- 4 Authorized agent letter.
- 5 CD containing a copy of the legal description and submittal items.
- 6 County parcel map and parcel identifications.
- 7 This written description.

Allen Jay Young , Development Consultants, Inc.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: Development Consultants, and Jesse Fulcher

From:

Date: October 7, 2014

Re:

This development will be protected by Engine 2 located at 708 N Garland.
It is 1 mile from the station with an anticipated response time of 2 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.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!



City Neighborhood Areas:

City Neighborhood 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, from single family to multifamily. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts



- Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.
- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
 - e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
 - f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
 - g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
 - h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
 - i. Encourage properties to redevelop in an urban form.
 - j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
 - k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
 - l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
 - m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



Girl Scouts Building



Sycamore Lofts

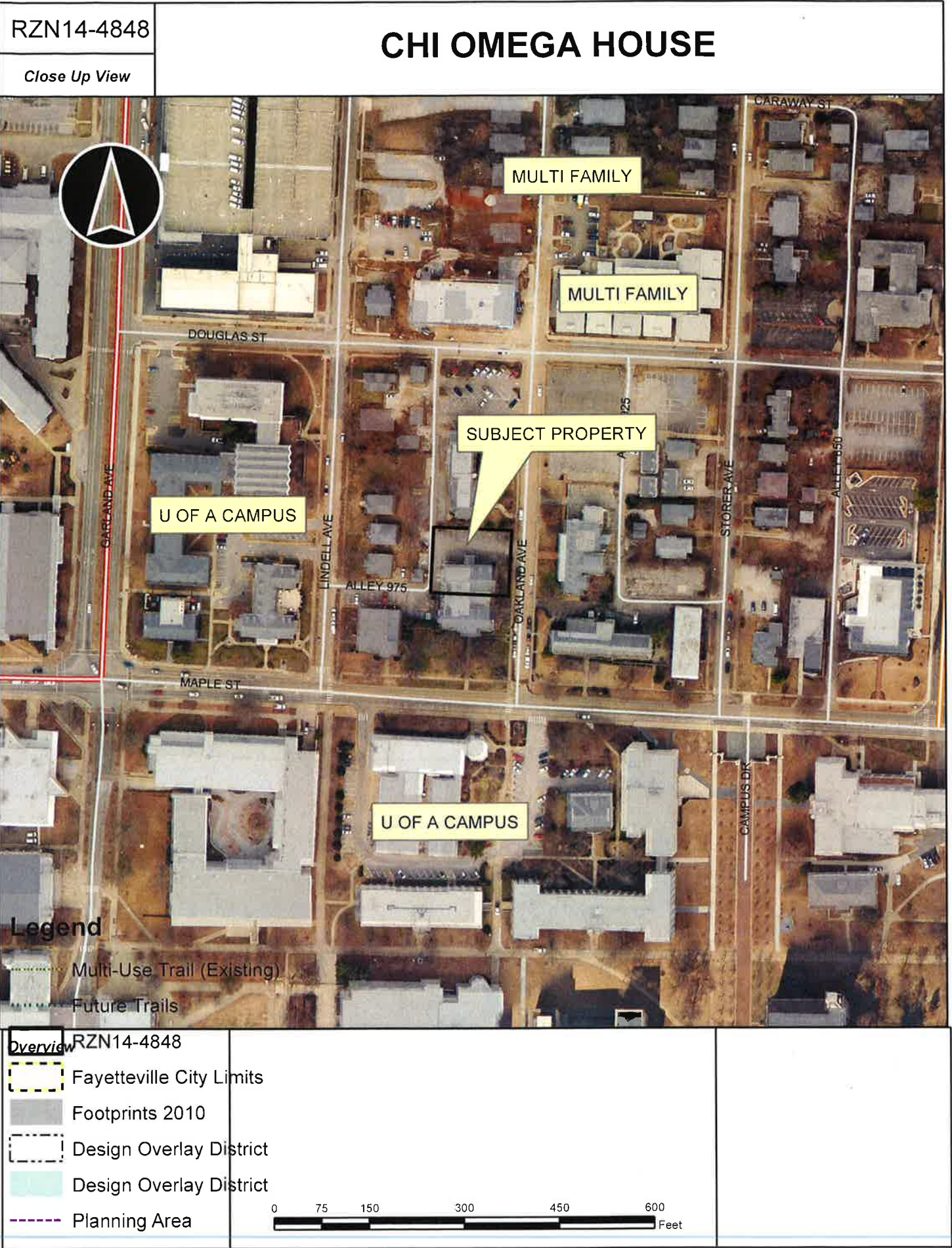


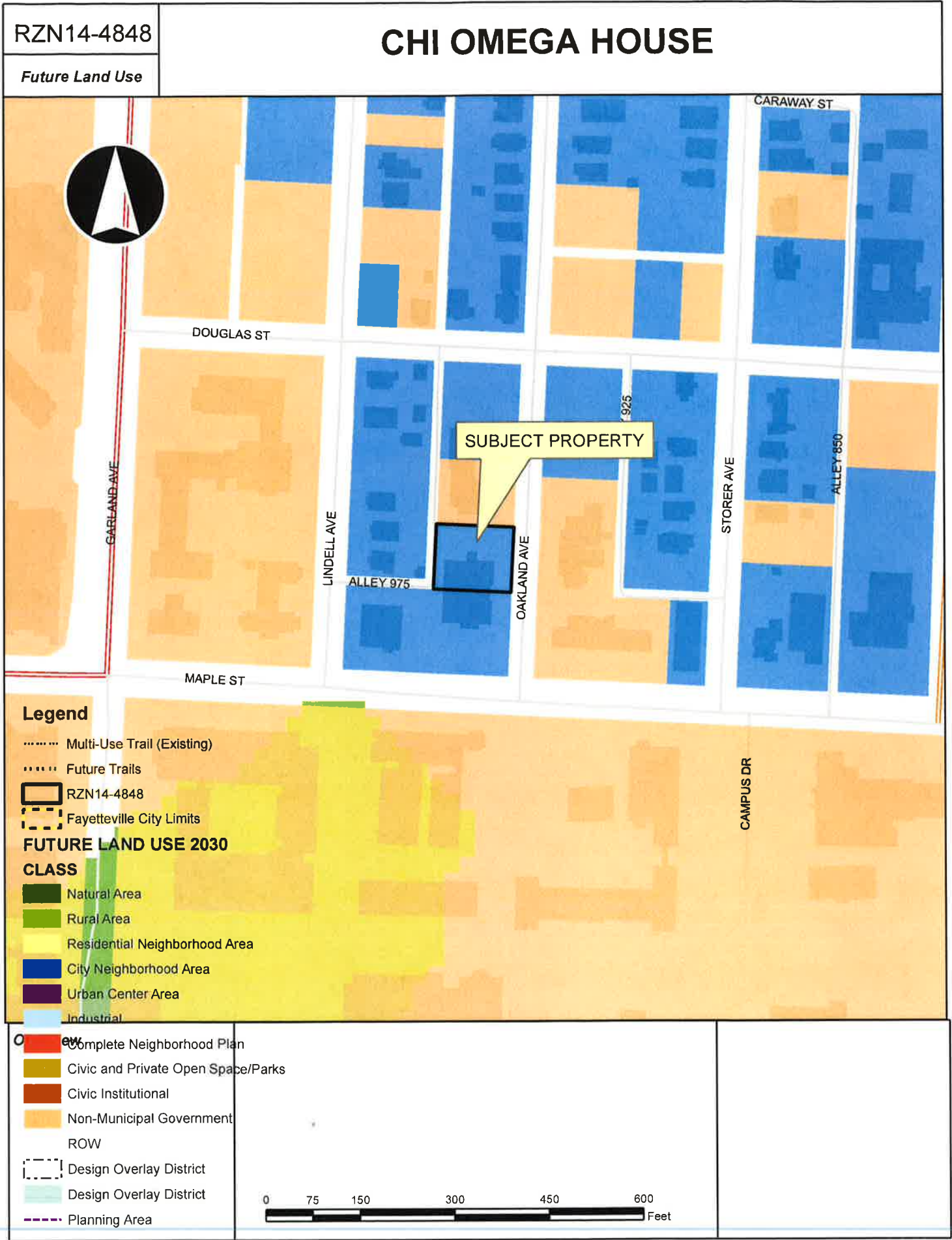
Hill Place Apartments



Summerhill Townhouses





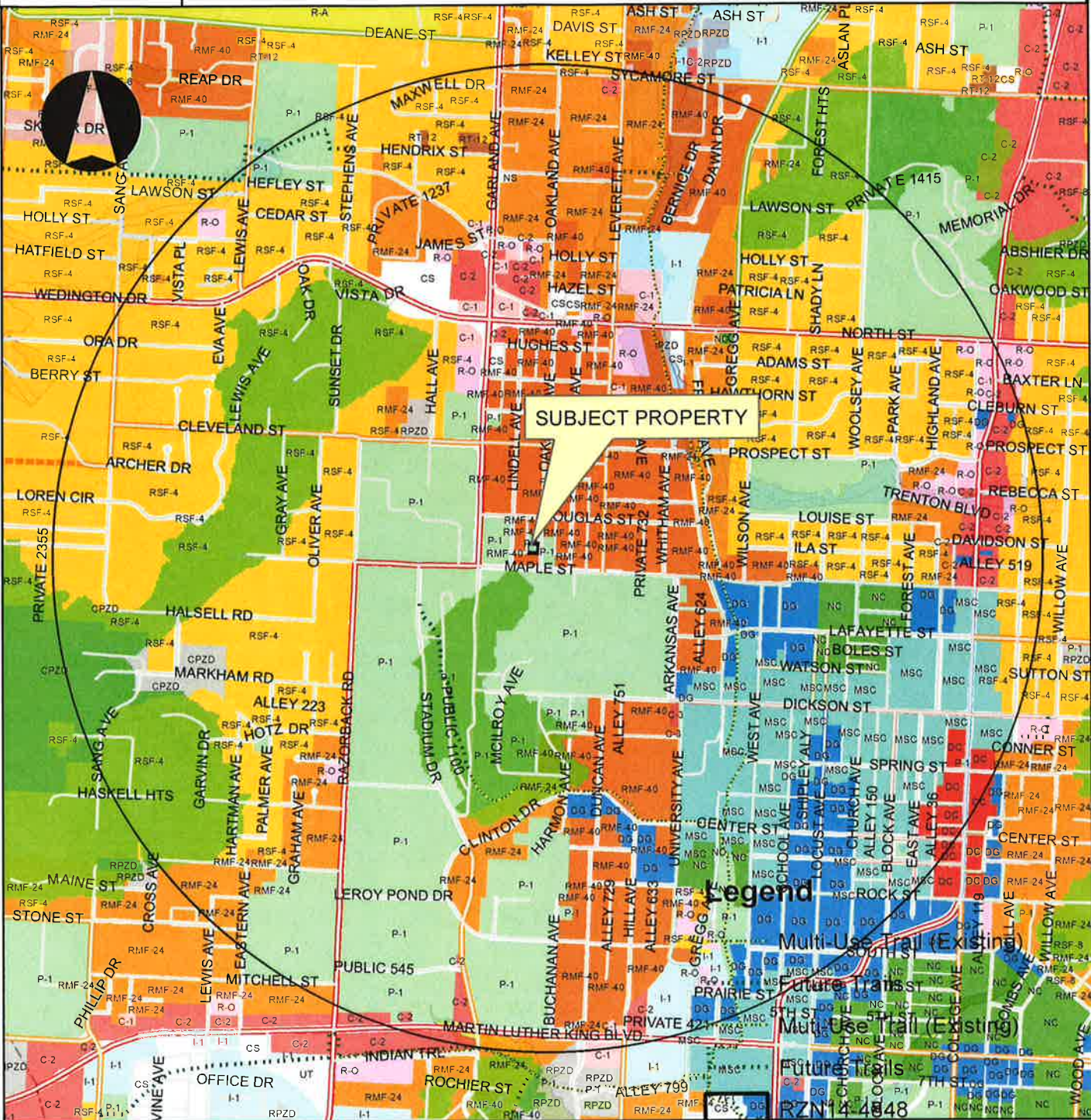




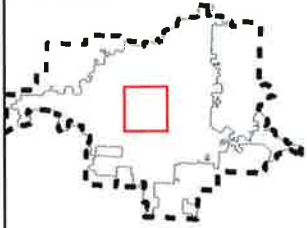
RZN14-4848

One Mile View

CHI OMEGA HOUSE



Overview



Legend

Subject Property

Boundary

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0447

Agenda Date: 11/6/2014

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4850, FOR APPROXIMATELY 4.96 ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, to C-2, THOROUGHFARE COMMERCIAL, 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.



2700 S. Armstrong Avenue
Fayetteville, Arkansas 72701
Tel. (479) 718-7700
Fax (479) 443-5473
<http://www.hannascandles.com>

October 14, 2014

Mayor Lioneld Jordan
Members of the Fayetteville City Council
City of Fayetteville, Arkansas

Attn: Sondra Smith, City Clerk **Via Email and Hand Delivery**
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: RZN 14-4850
Planning Commission Agenda Item No. 12
NE Corner of MLK Blvd. and S. Hill Ave./Hanna's Landing

Dear Mayor Jordan and Members of the Council:

This letter is being sent by the owners of the above property to respectfully appeal the action of the Fayetteville Planning Commission at its meeting on October 13, 2014 in regard to the above-referenced application. Our application was to rezone the property from its current zoning designation, I-1 Heavy Commercial/Light Industrial to C-2 Thoroughfare Commercial pursuant to the Unified Development Code ("UDC") of the City of Fayetteville. The Planning Commission voted to recommend denial of the rezoning to the City Council.

We believe the Planning Commission erred in its decision to deny in that the decision was not based on legitimate land use-based considerations and the applicable UDC C-2 zoning code provisions.

We request that this appeal be placed on the next available City Council agenda for consideration. Please notify us, and our authorized representative, Mr. Stephen R. Giles, of the date that this item will be on the Council's agenda and also of any notices that need to be sent or published by the applicant prior to the hearing date.

If you have any questions or need additional information, please do not hesitate to let us and our representative know.

Respectfully submitted,

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

Burr Hanna, Owner



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: October 14, 2014

SUBJECT: **RZN 14-4850: Rezone (NORTHEAST CORNER OF MLK BLVD. AND S. HILL AVE./HANNA'S LANDING, 522):** Submitted by CEI ENGINEERING for property located ON THE NORTH SIDE OF MLK BLVD. BETWEEN GOVERNMENT AVE. AND HILL AVE. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 4.96 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend denial of an ordinance to rezone the property to C-2, Thoroughfare Commercial.

BACKGROUND:

The subject property is located at the northwest corner of Martin Luther King, Jr. Boulevard and Government Avenue and contains 12 separate lots that are all zoned I-1, Heavy Commercial/Light Industrial. The property owner also owns two adjacent lots along Hill Avenue that are already zoned C-2, Thoroughfare Commercial. The industrial properties are developed with several existing businesses, including warehousing, car repair and U-Haul rentals. Surrounding land uses vary widely and include residential, office, repair, and retail.

There are many legally tested factors to consider with a rezoning proposal. Consistency with a City's General Land Use Plan (City Plan 2030) and compatibility with adjacent properties are two of the primary considerations, among others such as logical public opposition, traffic safety and congestion, good civic design and efficiency, property value considerations, and so forth. Because the City Plan incorporates many of the zoning considerations within its comprehensive policy recommendations, this plan is often cited in staff's reports to the Planning Commission and City Council. However, City Plan 2030 remains a policy guide and is clearly not written nor intended to be a requirement for any specific type of zoning. Rather, each rezoning application that comes before the City Council is unique and reviewed by staff and the Council on its own merit.

As noted above, compatibility is often a major factor in a zoning application. Land use compatibility cannot be determined by the color shades of a zoning map. It often is determined by civic design, including building scale, mass, orientation and traffic, and importantly considers the context of surrounding parcels of land, both in present and potential character. "Compatibility does not mean 'the same as.' Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development." (Hudson, Ohio: Land Development Code)

Directly adjacent to this property and in the immediate surroundings are small scale residences and businesses, many constructed from 1900-1950. It is expected that rezoning almost 5-acres of property to C-2, Thoroughfare Commercial will promote a highway-style development pattern that is incompatible with the small-scale, historic fabric of the surrounding neighborhood. There is not another zoning of this nature and size along Martin Luther King, Jr. Boulevard until closer to the intersection of Razorback Road. The land uses there include strip commercial centers, fast-food restaurants and gasoline service stations, so the overall character of the C-2 zone is clearly apparent in our city. Accordingly, the subsequent development pattern on this 5-acre parcel will likely include a large, single-use building located at the back of the property and a parking lot containing several acres located along Martin Luther King, Jr. Boulevard and Government Street. Ultimately, the question for the Council seems to be “is this rezoning and the development pattern that it creates appropriate and compatible for this particular property, given all the factors that may be considered in a rezoning application?” In staff’s view, the C-2 zone and subsequent development pattern does not reflect, complement, or consider the surrounding building scale, building mass, or building orientation and therefore is not compatible. And because this development style is primarily oriented to automobile traffic, automobile usage will be intensified on the surrounding small-scale streets that serve the existing neighborhoods.

*City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. **City Neighborhood 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, from single-family to multi-family. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

City Neighborhood Areas encourage complete, compact, and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout. In addition, the subject property is directly adjacent to the Downtown Master Plan boundary, and an area known as the Mill District. Excerpts further describing these areas have been included in the staff report.

Goal 1 of City Plan 2030 makes appropriate infill and revitalization our highest priorities. This goal promotes redevelopment that reflects the existing community character of neighborhoods. The C-2 zoning district is a conventional commercial zoning district, modeled for the auto-oriented development patterns popularized by highway expansions over the last 60 years. This designation is not consistent with the traditional town components that still exist around this site.

All of this area was once a traditional residential neighborhood. Over time it has been split by Martin Luther King Boulevard, once a two-lane residential street, and many of the original homes were demolished to make way for new commercial developments. Because of these changes the area now simultaneously reflects two very different development scenarios. The first is a traditional neighborhood with homes lining the street and low traffic speeds. This is the development pattern to the north, south and east and reflects new development patterns under construction currently in the immediate vicinity. The second is a highway corridor lined with strip centers and fast food restaurants. This is the development pattern further to the west. Rezoning 4.96 acres to C-2, in staff’s opinion, will promote new suburban commercial development and further fragment a historic neighborhood.

Goal 2 of City Plan 2030 discourages suburban sprawl. The location of this property is quite urban in nature - part of a neighborhood that developed in the first quarter of the 20th century, which retains a mixture of residential and small-scale commercial uses. However, the land use pattern commonly developed in the C-2 zoning district is low density, automobile dependent, energy and land consumptive, and requires a high ratio of paved surface to development served. In staff's opinion the land use pattern proposed and expected within a C-2 zoning district is much more aligned with suburban forms of development than urban infill.

Goal 3 of City Plan 2030 encourages traditional town form to be the standard development pattern. However, the C-2 zoning district tends to promote a suburban development pattern with sites designed around parking lots and highway access instead of the neighborhoods which they border. A C-2 rezoning in this location would run counter to the City's vision for redevelopment adjacent to downtown into a more urban and walkable environment. This vision adopted by the City Council with hundreds of citizens' input is feasible in this area because of the close proximity to downtown, Frisco Trail, the University of Arkansas and Fayetteville High School, and several medium to high density residential neighborhoods.

DISCUSSION:

On October 13, 2014 the Planning Commission voted on this item with a recommendation for approval. The recommendation failed with a vote of 0-8-0.

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 14-4850, FOR APPROXIMATELY 4.96 ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL.

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

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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.

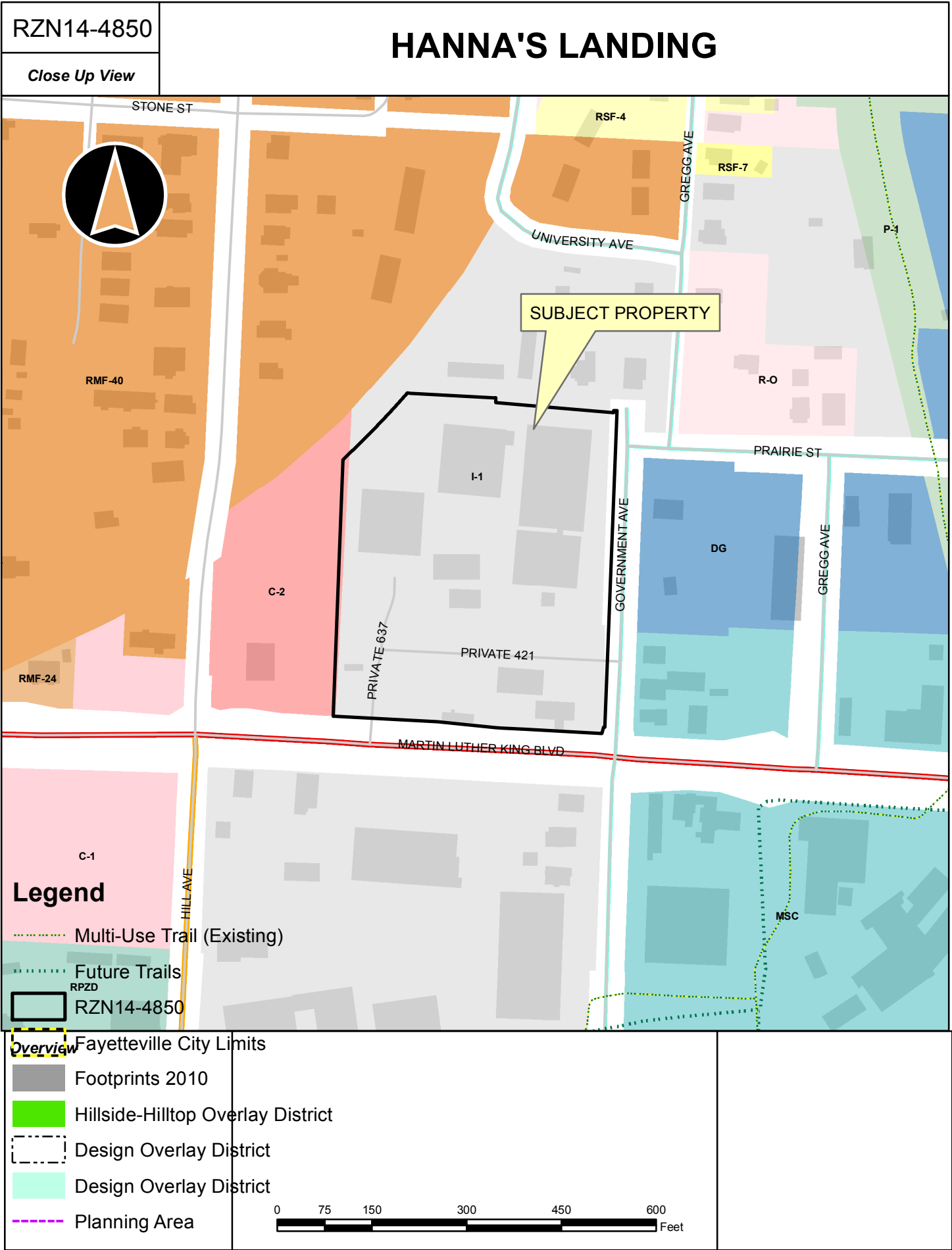
PASSED and APPROVED this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Industrial Zoning Description:

A tract of land being a part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described by metes and bounds as follows:

COMMENCING at a found 3/4" steelbar at the Northeast corner of said Quarter, Quarter according to Plat Book 4, Page 97, dated 21, February 1923; Thence along East line of said Quarter, Quarter South 02° 39' 57" West, a distance of 424.27 feet; Thence leaving said East line North 86° 28' 38" West, a distance of 227.07 feet to the West Right-of-Way of S. Government Ave., A.K.A. National Cemetery Road, according to Deed Book Y, Page 315-315 dated 3, February 1875; Thence along said West Right-of-Way South 02° 39' 57" West a distance of 10.09 feet for the **POINT of BEGINNING**;

Thence along said West Right-of-Way South 02° 39' 57" West, a distance of 501.67 feet to the North Right-of-Way of W. Martin Luther King Blvd. according to Arkansas Highway Commission Document No. 93-16505;

Thence along said North Right-of-Way the following seven (7) courses:

- (1) North 86° 17' 47" West a distance of 1.87 feet;
- (2) South 17° 23' 19" West a distance of 10.30 feet;
- (3) North 86° 34' 45" West a distance of 160.00 feet;
- (4) North 83° 43' 00" West a distance of 8.55 feet;
- (5) North 83° 43' 00" West a distance of 91.58 feet;
- (6) North 86° 35' 01" West a distance of 164.18 feet;
- (7) North 86° 35' 01" West a distance of 1.99 feet;

Thence leaving said North Right-of-Way North 02° 39' 57" East a distance of 406.58 feet to the East Right-of-Way of Arkansas and Missouri Railroad Company and along a non-tangent curve to the left, with a length 146.98 feet, having a radius of 1482.69 feet, through a central angle of 05°40'47", and having a chord which bears North 44° 29' 37" East a distance of 146.92 feet to a non-tangent line; Thence along said line, South 86° 28' 38" East a distance of 140.24 feet; Thence leaving said line, South 03° 34' 11" West a distance of 7.93 feet; Thence South 84° 46'12" East a distance of 69.03 feet; Thence South 84° 39'10" East a distance of 118.31 feet; Thence North 03° 34' 11" East a distance of 3.67 feet; Thence South 86° 25' 49" East a distance of 5.28 feet to the POINT of BEGINNING and containing 216,008 square feet or 4.96 acres, more or less.



Government Ave.





Government Ave.





Martin Luther King Blvd.





Hill Ave.





Prairie St.





South St.





5th St.





Mill District





Martin Luther King Blvd.





West Ave.





PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~October 6, 2014~~ Updated October 15, 2014

SUBJECT: **RZN 14-4850: Rezone (NORTHEAST CORNER OF MLK BLVD. AND S. HILL AVE./HANNA'S LANDING, 522):** Submitted by CEI ENGINEERING for property located at ON THE NORTH SIDE OF MLK BLVD. BETWEEN GOVERNMENT AVE. AND HILL AVE. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL and contains approximately 4.96 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:

Staff recommends denial of **RZN 14-4850**.

BACKGROUND:

The subject property is located at the northwest corner of Martin Luther King Boulevard and Government Avenue and contains 12 separate lots that are all zoned I-1, Heavy Commercial/Light Industrial. The property owner also owns two adjacent lots along Hill Avenue that are already zoned C-2, Thoroughfare Commercial. The industrial properties are developed with several existing businesses, including warehousing, car repair and U-Haul rentals. Surrounding land uses vary widely and include residential, office, repair, and retail. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Commercial/single-family residential	I-1, Heavy Commercial/Light Industrial
South	Commercial	I-1, Heavy Commercial/Light Industrial
East	Commercial/single-family residential	DG, Downtown General/MSC, Main Street Center
West	Undeveloped/Commercial/Railroad	C-2, Thoroughfare Commercial

Request: The request is to rezone the property from I-1, Heavy Commercial/Light Industrial to C-2, Thoroughfare Commercial.

Public Comment: Staff has received comments from several members of the public who are opposed to the rezoning.

INFRASTRUCTURE:

- Streets:** The site has two access points to Hill Avenue and Government Avenue, which are both local streets, and Martin Luther King Boulevard, a principal arterial. Any improvements to these streets will be determined at the time of development.
- Water:** Public water is accessible to the site. There is a 12-inch water main along Martin Luther King Boulevard and a 4-inch water main along Government Avenue.
- Sewer:** Sanitary sewer is available to the site. There is an 8-inch sewer main along Martin Luther King Boulevard and a 10-inch sewer main along Government Avenue.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.
- Fire:** This development will be protected by Engine 1 located at 303 W. Center Street. It is 1 mile from the station with an anticipated response time of 2 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 2030 FUTURE LAND USE PLAN:

*City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. **City Neighborhood 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, from single-family to multi-family. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

City Neighborhood Areas encourage complete, compact, and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.

- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
 - c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function. Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.
 - d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
 - e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
 - f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
 - g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
 - h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
 - i. Encourage properties to redevelop in an urban form.
 - j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
 - k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
-
- l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
 - m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

Finding: Based upon a number of guiding policies above, staff finds the C-2 zoning district in this particular location to be inconsistent with the City Neighborhood Area designation and the context of the site adjacent to the Downtown Master Plan neighborhood boundary. Commercial use of the property could be appropriate, since the property is along a connecting corridor. However, the most appropriate zoning district is one that requires a development form consistent with a traditional city neighborhood, which is the historical context of this area.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends denial of **RZN 14-4850**.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 13, 2014</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: Winston (Motion to approve)	Second: Cook	Vote: 0-8-0(Motion Failed)	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>November 6, 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: The subject properties are underutilized and contain a variety of industrial building types that do not fit in well with the residential and small scale commercial uses along Martin Luther King Boulevard, Government Avenue, Gregg Avenue and Prairie Street. Rezoning the property will allow infill and revitalization, which staff and the Council supports as a general policy. However, the character and design of the new project will be heavily influenced by the new zoning designation and associated development requirements.

Goal 1 of City Plan 2030 promotes redevelopment that reflects the existing community character of neighborhoods. The C-2 zoning district is a conventional commercial zoning district, modeled for the auto-oriented development patterns popularized by highway expansions over the last 60 years. This designation is not consistent with the traditional town components that still exist around this site.

All of this area was once a traditional residential neighborhood. Over time it has been split by Martin Luther King Boulevard, once a two-lane residential street, and many of the original homes were demolished to make way for new commercial developments. Because of these changes the area now simultaneously reflects two very different development scenarios. The first is a traditional neighborhood with homes lining the street and low traffic speeds. This is the development pattern to the north, south and east. The second is a highway corridor lined with strip centers and fast food restaurants. This is the development pattern to the west. Rezoning 4.8 acres to C-2 will promote new suburban commercial development and further fragment a historic neighborhood.

Goal 2 of City Plan 2030 discourages suburban sprawl. The location of this property is quite urban in nature - part of a neighborhood that developed in the first quarter of the 20th century. However, the land use pattern commonly developed in the C-2 zoning district is low density, automobile dependent, energy and land consumptive, and requires a high ratio of paved surface to development served. The applicant notes in their submittal letter that the intent is to develop a Neighborhood Market, fueling station and parking lot. The most recent Neighborhood Market in Fayetteville contained 40,000 square feet and 189 parking spaces. Assuming a similar development scenario, the current site (total development site is 5.91 acres) will have a building coverage of only 15%. Put another way, a downtown property with over 257,000 square feet and 1,100 linear feet of public street, water and sewer frontage will be developed with a 40,000 square foot building. In staff's opinion the land use pattern proposed and expected within a C-2 zoning district is an inefficient use of land and public infrastructure, and much more aligned with suburban forms of development than urban infill.

Goal 3 of City Plan 2030 encourages traditional town form to be the standard development pattern. However, the C-2 zoning district tends to promote a suburban development pattern with sites designed around parking lots and highway access instead of the neighborhoods which they border. A C-2 rezoning in this location would oppose the City's vision for redevelopment adjacent to downtown into a more urban and walkable environment. This vision adopted by the City Council with hundreds of citizens' input is feasible in this area because of the close proximity to downtown, Frisco Trail, the University of Arkansas and Fayetteville High School, and several medium to high density residential neighborhoods.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Rezoning the property to allow for redevelopment and efficient use of existing infrastructure is appropriate. However, the zoning should be consistent with land use planning objectives and policies. In staff's opinion the C-2 zoning district is inappropriate for the subject property, because it is not consistent with the surrounding community character. The subject properties are part of the County Court Plat, which dates to the first quarter of the 20th Century. There are still a number of original homes on Government Street dating back to 1926. Property on the east side of Government Street is zoned Main Street Center and is part of the Downtown Master Plan. The character of this area is original Fayetteville, urban core, and a traditional development pattern. In staff's opinion the rezoning proposal is not justified at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The properties are currently mostly used as industrial warehouse space, so there is little traffic generated from the overall property. Rezoning the property to C-2 and redeveloping the site in accordance with the allowable zoning regulations will likely increase traffic on the surrounding street

system, including Gregg Avenue, which is a very narrow street. In addition, rezoning the property to C-2 will likely increase vehicle turning movements on Martin Luther King Boulevard, a congested principal arterial.

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 I-1 to C-2 will allow some residential uses, which could have some impact on population density. However, it is unlikely that any residential development allowed under the C-2 zoning standards would have a negative impact on 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 161.20 & 161.27
- Request Letter
- Site Plan
- Fire response letter
- Public Comment
- City Plan 2030 – City Neighborhood Areas
- Downtown Master Plan boundary map
- Sanborn Map
- Photographs
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
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 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications 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.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
-------------------------	---------

*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

TITLE XV UNIFIED DEVELOPMENT CODE

161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

The Law Firm of
Stephen R. Giles
A Professional Association

Telephone
(501) 687-0836

425 West Capitol Avenue
Suite 3200
Little Rock, Arkansas 72201-3469
E-mail: sgiles@gileslaw.net

Facsimile
(501) 374-5092

September 2, 2014

Via E-Mail and Hand Delivery
jpate@fayetteville-ar.gov

Mr. Jeremy Pate
Director of Development Services
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning Request on Martin Luther King Boulevard

Dear Mr. Pate:

I have been designated by the owners of land in Fayetteville, Messrs. Thad and Burt Hanna, to present this petition for rezoning of his approximately 5.91 acres of land. The request is to rezone the property from C-2 and I-1 to C-2 Thoroughfare Commercial. This property is located on the north side of Martin Luther King, Jr. Boulevard ("MLK") between Hill Avenue and Government Avenue. This property is under contract by Mr. Hanna with Walmart for a proposed retail grocery store and fueling station at this location. The site currently contains industrial buildings and activity.

Requesting a change from industrial to commercial is necessary to accommodate the permitted zoning designation for a grocery store and fueling station under the Fayetteville UDC Code. A grocery store at this location will conveniently serve the large number of area residents, many of whom live in University of Arkansas student housing and rental homes, in addition to the homeowners of the area. A number of retail commercial businesses currently operate along this MLK corridor which is adequately served by the connecting street system.

The proposed grocery store will not adversely affect the surrounding properties. Traffic to and from the property will be primarily directed to the MLK arterial street, and shoppers from the area residential neighborhoods will have convenient and safe access to the store. Building and signage design and appearance will be attractive. Water and sewer currently is available to the site.

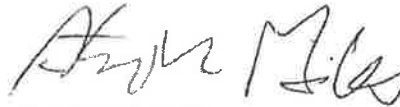
The proposed rezoning and development does not conflict with the City's Comprehensive 2013 Plan. We believe that this well-designed development will promote the 2013 Plan's objectives to (a) make appropriate infill and revitalization of this mostly industrial corridor, (b)

Mr. Jeremy Pate
Director of Development Services
September 2, 2014
Page 2

does not constitute suburban sprawl, (c) promotes a livable transportation network, (d) will incorporate the preservation, to the extent possible, of the existing trees on the west side and will add new landscape and green space to the overall site, (e) population density and public services will not be adversely affected and the project will serve and promote the nearby schools, neighborhoods and businesses.

We look forward to working with City Staff, the Planning Commission and City Council in presenting this new development to the City of Fayetteville. If you have any questions or need additional information, please do not hesitate to contact me or Mr. Tom Burry, the project engineer with CEI Engineers in Bentonville.

Kindest regards,

A handwritten signature in dark ink, appearing to read "Stephen R. Giles", written in a cursive style.

Stephen R. Giles

Enclosure

The Law Firm of
Stephen R. Giles
A Professional Association

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(501) 687-0836

425 West Capitol Avenue
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Little Rock, Arkansas 72201-3469

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(501) 374-5092

September 17, 2014

Via E-Mail

jpate@fayetteville-ar.gov

Mr. Jeremy Pate
Director of Development Services
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning Request on Martin Luther King Boulevard

Dear Mr. Pate:

This letter is intended to supplement the original information submitted with the Hanna's rezoning request of September 2, 2014. Since the filing of the original rezoning, the Walmart development team has studied the Urban Transportation's ("UT") district regulations and have come up with a project design that, provided the rezoning request is approved, we believe will compliment and incorporate significant UT criteria. The proposed project fits within the City's stated goals and objectives in the 2030 Plan. Significantly, the proposed project meets the Number One goal of the 2030 Plan - to make appropriate infill and revitalization the city's highest priority. In support of this contention, we highlight the following points of the project that fit within other 2030 Plan goals.

-
- A. The proposed Walmart Neighborhood Market will fill a need near downtown Fayetteville for access to fresh food at low prices, and will do so while improving the land use of the property on MLK. This type of infill development will make central Fayetteville more livable. The market will incorporate offerings and design elements that align with the City's desire to create a more livable urban area and help revitalize a major thoroughfare. The result will be a quality infill development, as described by the first goal of the 2030 plan "We will make appropriate infill and revitalization our highest priorities."
 - B. The 2030 City Plan recognizes that slope is a critical factor in suitable development, with sixteen percent (16%) of the City planning area having a grade of fifteen percent (15%) or greater, which is a factor why some areas are undeveloped. The topography of the land for the proposed Market has a gradient of nearly twenty percent (20%) in some areas, making it very costly and difficult for most developers to work with.

Mr. Jeremy Pate
Director of Development Services
September 17, 2014
Page 2

- C. Transit is a key portion of the 2030 Plan, and improved transit requires jobs along transit corridors. A new Walmart Neighborhood Market will create up to ninety (90) new jobs along the current transit stop at Government Avenue. Creating an environment that allows for associates and customers to use transit to access the Walmart Neighborhood Market aligns with Fayetteville's goal of reducing a carbon footprint and allowing the community to be more active.
- D. Having a Market that provides fresh food and good products close to the residential area creates a sense of Neighborhood more than just a single-family subdivision without a nearby grocery store. This has the added benefit of reducing the distance of vehicle trips for residents of the area who may otherwise be driving across town to shop, further reducing the city's carbon footprint and meeting goals four and five of the 2030 plan.

We look forward to working with City Staff, the Planning Commission and City Council in presenting this new development to the City of Fayetteville. If you have any questions or need additional information, please do not hesitate to contact me or Mr. Tom Burry, the project engineer with CEI Engineers in Bentonville.

Kindest regards,



Stephen R. Giles

cc: Don Marr, Chief of Staff



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: CEI Engineering, and Jesse Fulcher
From: Captain Will Beeks, Assistant Fire Marshal
Date: October 7, 2014
Re: Hanna's Landing

This development will be protected by Engine 1 located at 303 W. Center St.
It is 1 mile from the station with an anticipated response time of 2 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.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

From: Jared Delaney <jreddelaney@collectivebias.com>
Sent: Wednesday, September 10, 2014 4:37 PM
To: Marsh, Sarah
Subject: Jared Delaney, per new proposed Walmart on MLK

Sarah, my neighbor Dave said he spoke with Mark Kinion earlier concerning this matter and he referred us to someone in Ward 1. I, along with all my neighbors, are not pleased with this rumor announcement. I am at 309 South Gregg Ave, and you can see how this potential new Walmart will affect the traffic on our road. I have lived on this road for 10 years, and care a lot for the neighborhood. Our road is already used as a crossroad for people getting to Dickson, and I can't imagine the troubles this will cause us. The road is too narrow for the amount of traffic it gets anyway.

Please let me know what I can do or what I have to voice my concerns about this. The neighborhood is ready to rally, and we have a lot of people on our road that work in media ready to help out, including myself. Thank you for your time, and please feel free to call me if needed (number below).

Jared Delaney.
Proud Lifetime Fayetteville Resident

--
Jared Delaney | Account Executive
(479) 236-4006 | @JaredSDelaney



From: mollymcarman@yahoo.com [mailto:mollymcarman@yahoo.com]
Sent: Thursday, September 18, 2014 12:23 PM
To: CityClerk
Subject: Regarding the proposed Neighborhood Market

Would you please forward my comments regarding the proposed Neighborhood Market on MLK to the planning commission?
Thank you,
Molly Carman

Dear Planning Commission,

My husband and I own our home at 440 S Locust Avenue, just a few blocks away from the proposed Neighborhood Market. One of the biggest factors in our decision to live here was the walkability of the neighborhood, and in the past few years, we have seen that walkability improve. The Mill District is beginning to feel like a real neighborhood, with new restaurants, improved pedestrian access to Walker Park, a tunnel and crosswalk for the bike trail, and lots of new modern-urban housing. We love how this area is cultivating a more urban, "downtown" feel, and we hope that things continue in this direction.

While I would welcome a grocery store in the neighborhood, I fear that a Neighborhood Market will disrupt the progress that this area has made. These stores typically have massive parking lots and a generic brown and green building. Fayetteville ought to hold Walmart to a higher building standard in this up-and-coming area of town.

I have seen designs for urban Neighborhood Markets that are built right on the street, with a parking deck behind. The design is more modern, and uses materials that match the new construction in the Mill District. This kind of design is more expensive, but it is also more pedestrian-friendly, more attractive, and more in keeping with the direction that Fayetteville is taking.

Please, let's do everything we can to keep Fayetteville distinctive, charming, and walkable. This new store, if well-designed, could be part of a unique and modern Mill District!

Sincerely,

Molly M. Carman

Fulcher, Jesse

From: CityClerk
Sent: Thursday, September 25, 2014 1:50 PM
To: Harrison, Andy
Cc: Garner, Andrew; Pate, Jeremy
Subject: FW: proposed Walmart store on Hill and MLK

Andy,

Will you please forward to the Planning Commissioners.

Thanks,
Lisa

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)



From: Amelia Cox [<mailto:ameliablaircox@gmail.com>]
Sent: Thursday, September 25, 2014 9:20 AM
To: CityClerk
Subject: proposed Walmart store on Hill and MLK

Dear Ms. Smith,

I am writing to urge the city to not allow another WalMart store to be developed on MLK. The proposed location is near downtown, and would cause traffic congestion. I am sure that a Walmart location this near to already existing IGA supermarkets would drive both locations out of business, leaving scars on our existing cityscape. We have enough empty and deserted big box scars to be dealt with in Fayetteville. Please consider the future of Fayetteville and help to secure our cities' beauty by not allowing this type of development to overrun MLK. I fear we are doing to MLK what we did to College Avenue and are now concerned with cleaning up that thoroughfare. Please have the foresight to not allow the development to occur in our neighborhood.

Thank you,

Amelia Cox
533 S. Church

Fulcher, Jesse

From: Garner, Andrew
Sent: Thursday, September 25, 2014 9:01 AM
To: Harrison, Andy
Subject: RE: Proposed Walmart on MLK

Andy,

Please save this email to a PDF in the public comments folder under the RZN, and also email it to all of the Planning Commissioners when you get a chance.

Thanks,
Andrew

From: CityClerk
Sent: Wednesday, September 24, 2014 6:28 PM
To: Harrison, Andy
Cc: Garner, Andrew
Subject: FW: Proposed Walmart on MLK

Andy,

Please forward to the Planning Commissioners.

Thanks,
Lisa

From: Adams Collins [<mailto:breamguts@gmail.com>]
Sent: Wednesday, September 24, 2014 5:41 PM
To: CityClerk
Subject: Proposed walmart on MLK

Hello Sandra Smith. Please forward this email to the planning commissioners in charge of the zoning of the lots on MLK where the new Walmart is proposed. Thank you.

My name is Adams Collins. I am a home owner at 514 S Willow and a native Fayettevillian. I was upset to recently find out of the new Walmart proposed for the Location near 641 MLK Boulevard (I do not know the exact location, but understand that it is near here on the opposite side of the street). I bought my home last October and am proud to live in a part of Fayetteville that is growing and developing into a progressive neighborly community of local businesses and eco-friendly homes. Walmart's big box design doesn't fit the vernacular of South Fayetteville. There is already a big box Walmart just 2 miles away. Please support rezoning the lots under discussion to have code that prevents big box development.

Please contact me if there is anything I can do to help prevent Walmart from taking over this space.

Thank you for your work in creating the community that Fayetteville has become.

Adams Collins
479 409 2481
Sent from my iPad



City Neighborhood Areas:

City Neighborhood 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, from single family to multifamily. 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. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

City Neighborhood Areas encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

Guiding Policies:

- Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.



Three Sisters Building



Chestnut Lofts



- Neighborhood shopping should be within walking distance of residential use, or approximately one-quarter mile.
- d. Encourage developers to designate and plan for mixed-use corners at the time of approval to properly plan for accessibility to these areas.
 - e. Encourage pedestrian-friendly, mixed-use buildings through the use of transparent glass for commercial uses at street level and building entrances that address the street.
 - f. Encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.
 - g. Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
 - h. Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.
 - i. Encourage properties to redevelop in an urban form.
 - j. Protect and restore Fayetteville's outstanding residential architecture of all periods and styles.
 - k. Utilize the Master Street Plan and incorporate bike lanes, parkways and landscaped medians to preserve the character of the City and enhance the utilization of alternative modes of transportation.
 - l. Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.
 - m. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.



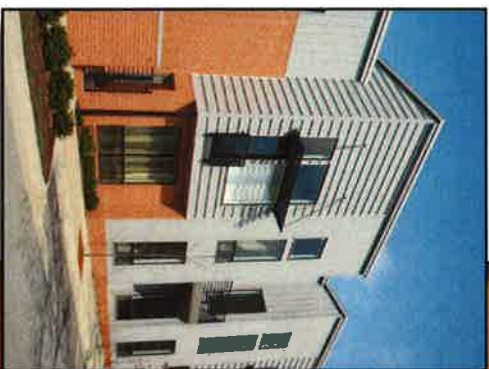
Summerhill Townhouses



Hill Place Apartments



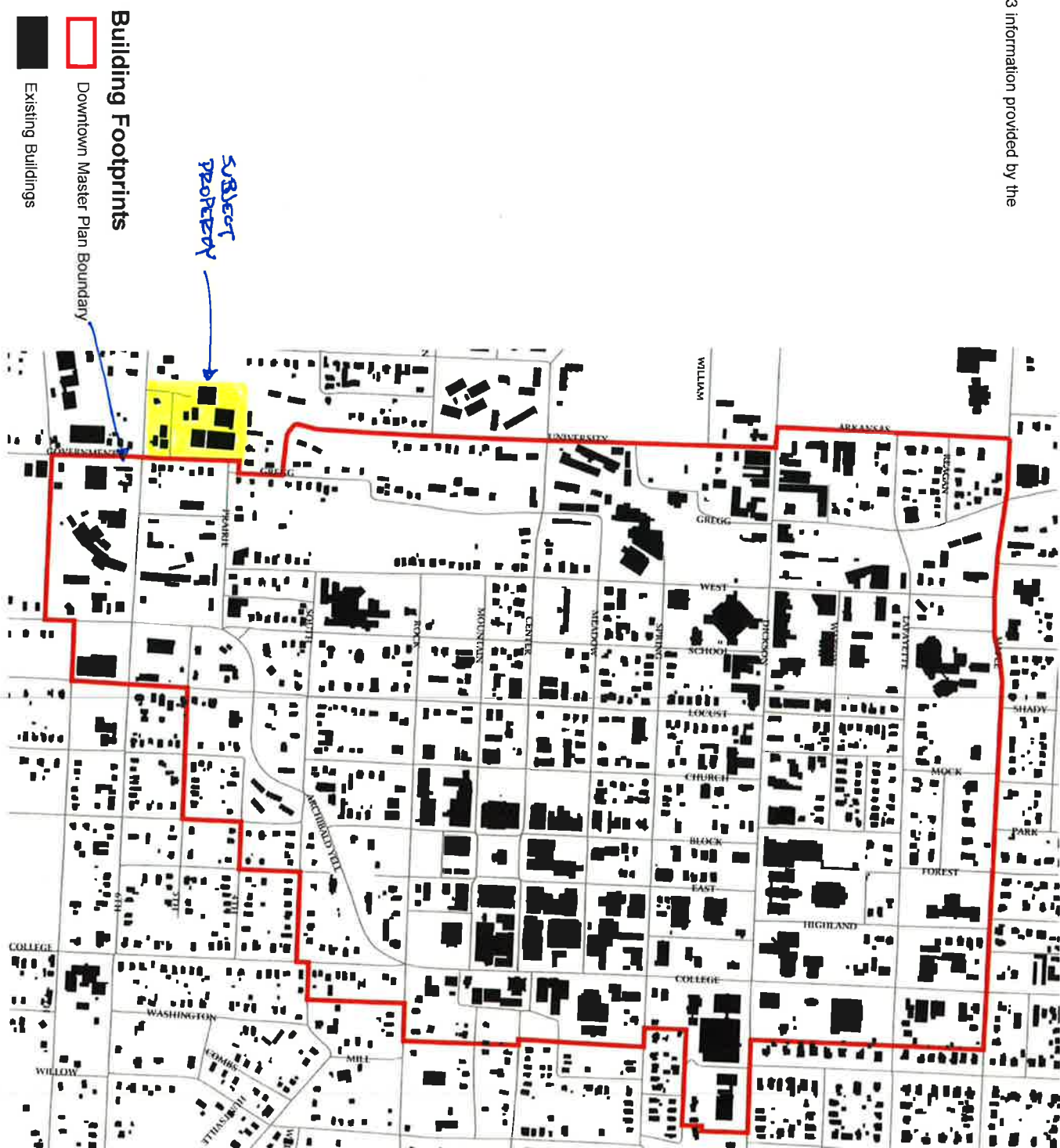
Girl Scouts Building



Sycamore Lofts

ANALYSIS DIAGRAMS

The analysis diagrams are based on 2003 information provided by the City's GIS Department.

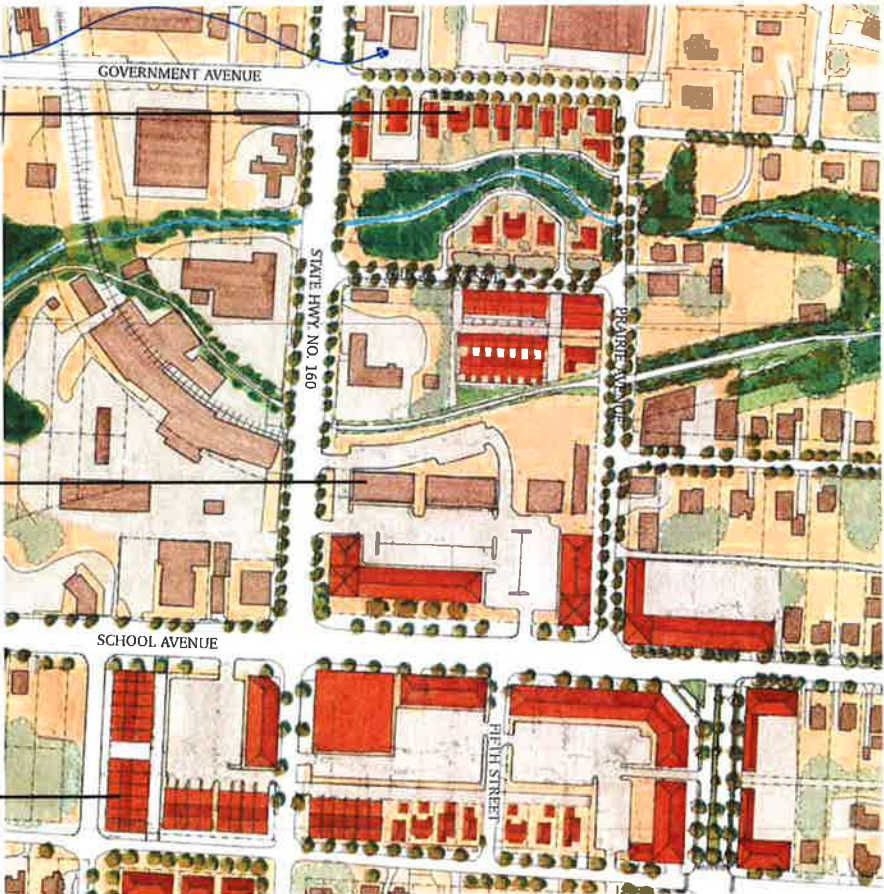


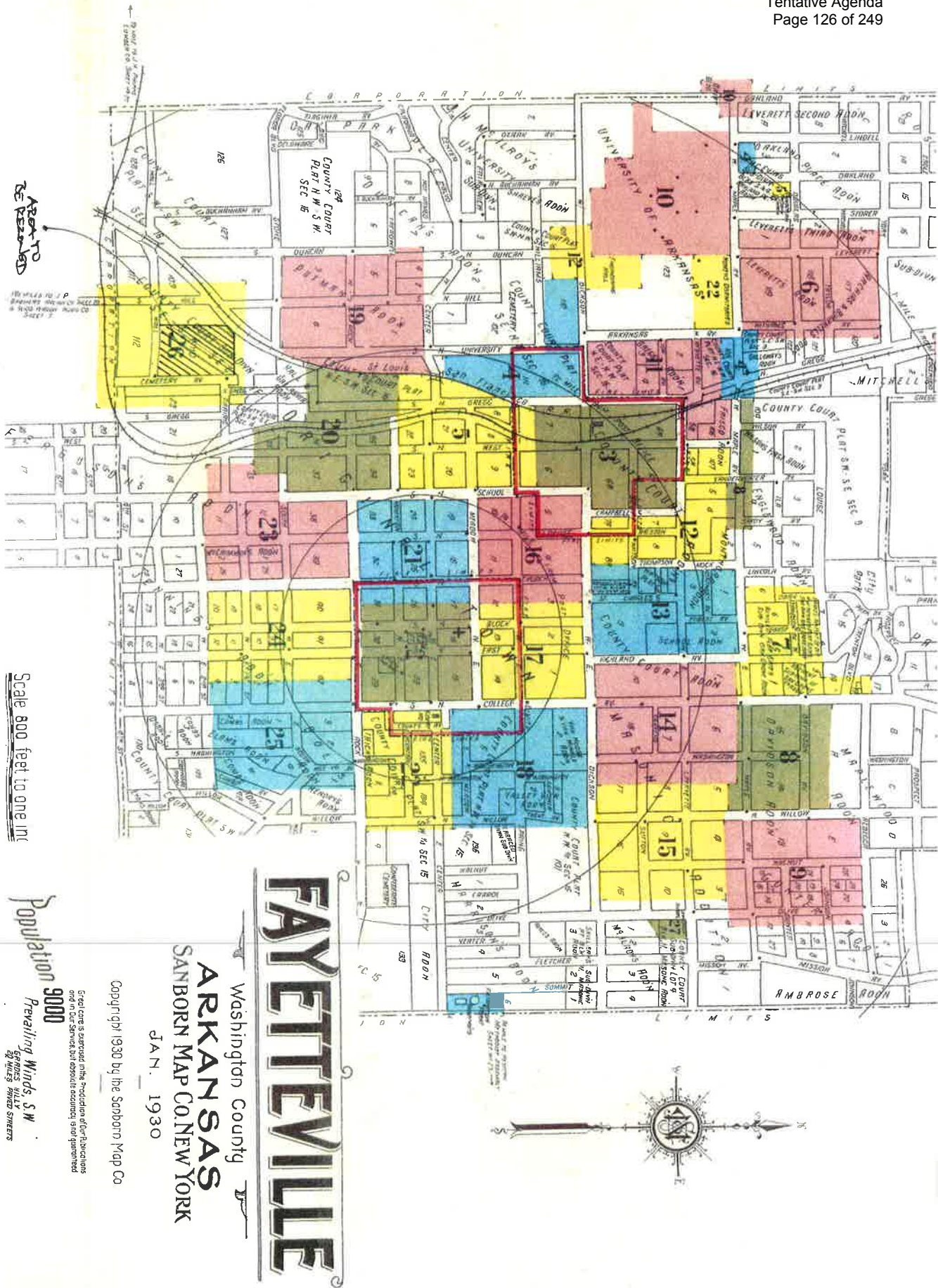
Reinvestment in the Mill District

The Mill District is different in character and appearance from the other parts of Downtown, due to its industrial building history. All reinvestment for this area should enhance that character, much like the mixed-use building recently renovated on 6th Street (SR 160). The industrial look is formed by buildings with concrete and metal facades, metal roof overhangs and architectural projections, and large metal framed windows and doors. The future installation of public art should also be reflective of this industrial appearance. Existing industrial businesses should be encouraged to remain in the neighborhood. These businesses provide different types of jobs than those in the core area of the downtown for nearby residents. As the demand for land uses changes, existing structures should be retrofitted for those new uses, wherever possible.

The southwestern entry into Downtown on School Avenue passes through the Mill District. A revitalized district will create a gateway experience to the Downtown.

The Downtown Master Plan shows infill development with new buildings located closer to the street. As described throughout this plan, parking should be located mid-block and shielded from view from the street. Buildings are intended to house a mix of uses that should include neighborhood-serving retail, residential, and light industrial uses. These characteristics are in stark contrast with the single-use, drive-to format of the new drugstore recently constructed on School Avenue.





ASBORN
RECORDED

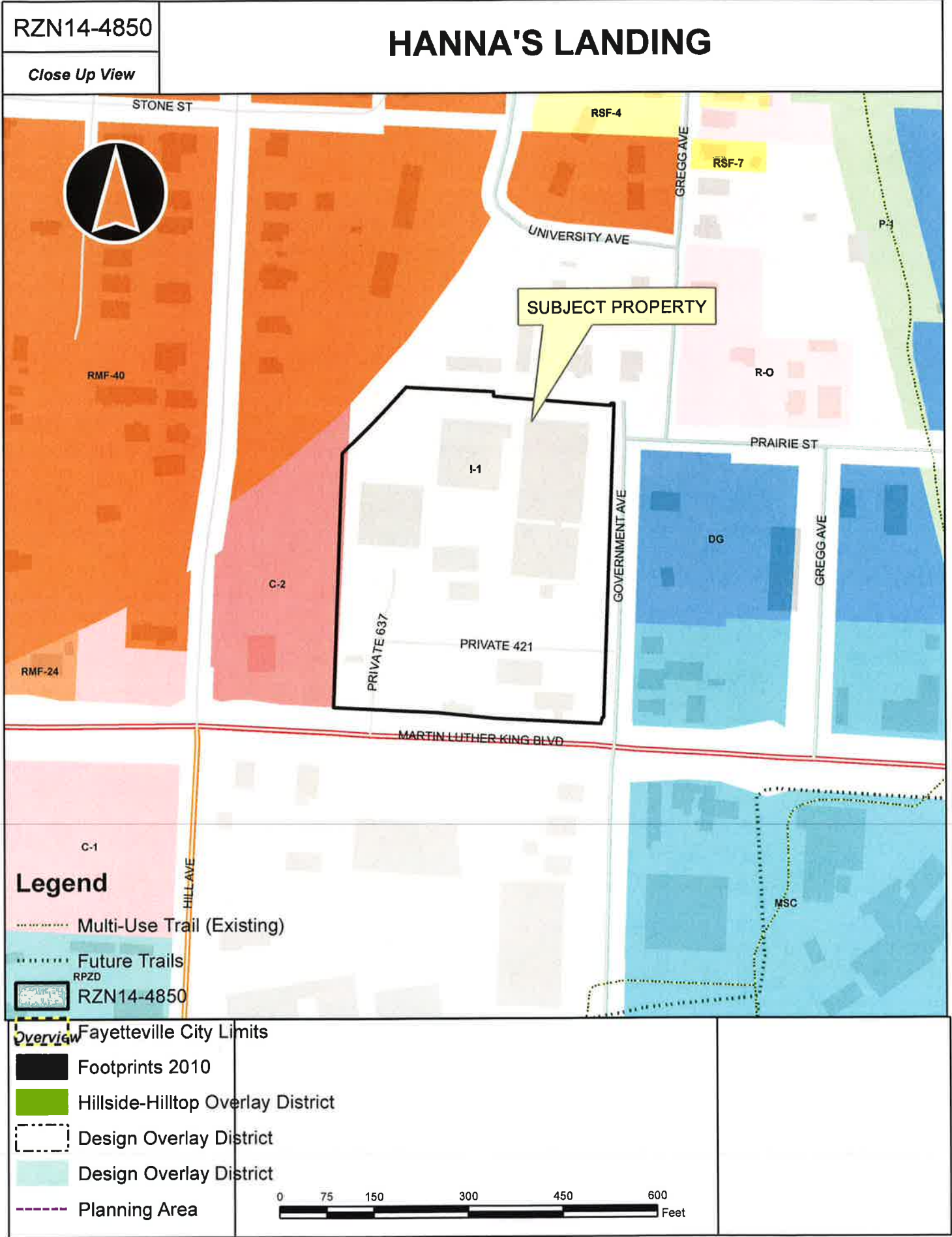
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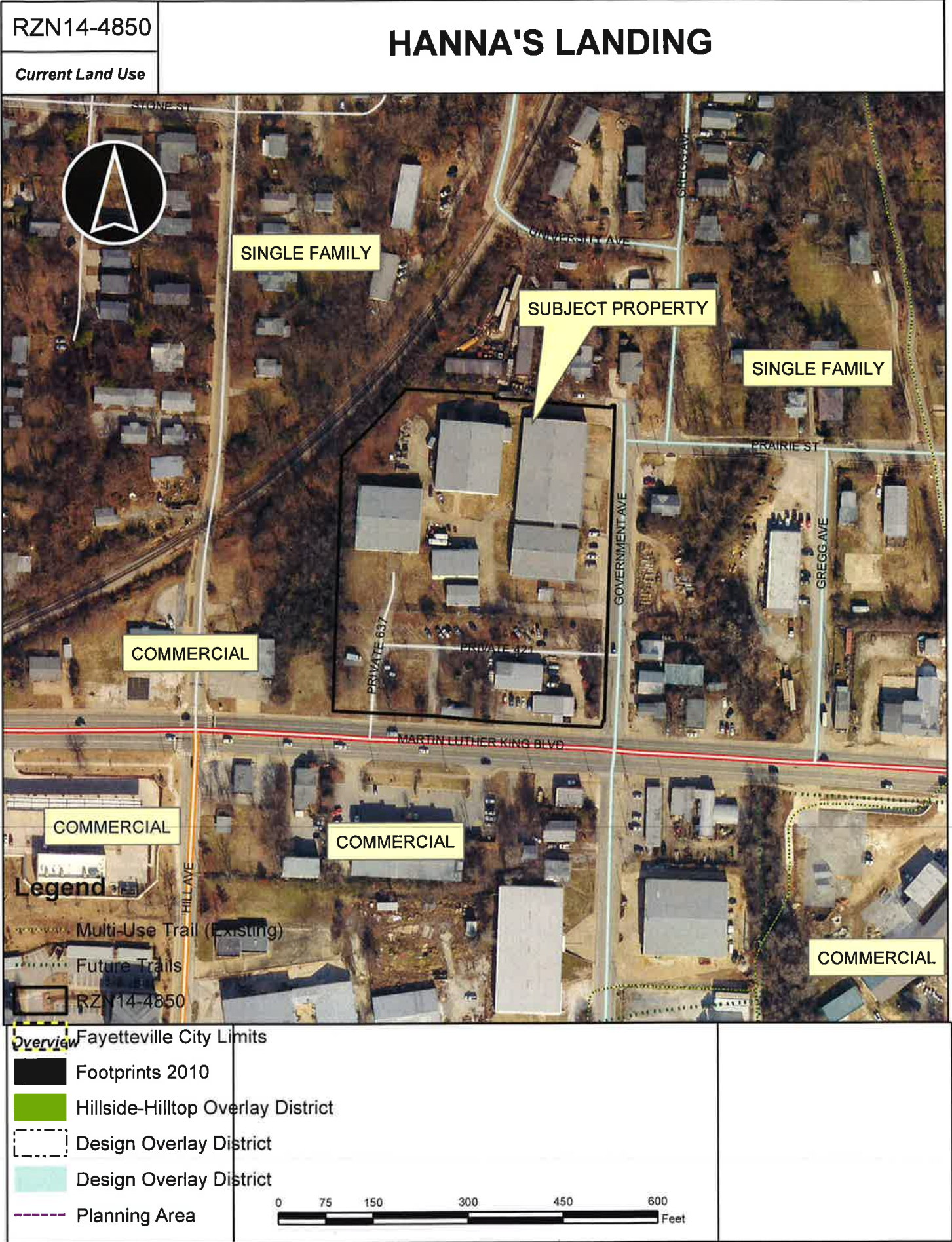
Population 9000
Prevailing Winds, S.W.
of WINDS THREE STREETS

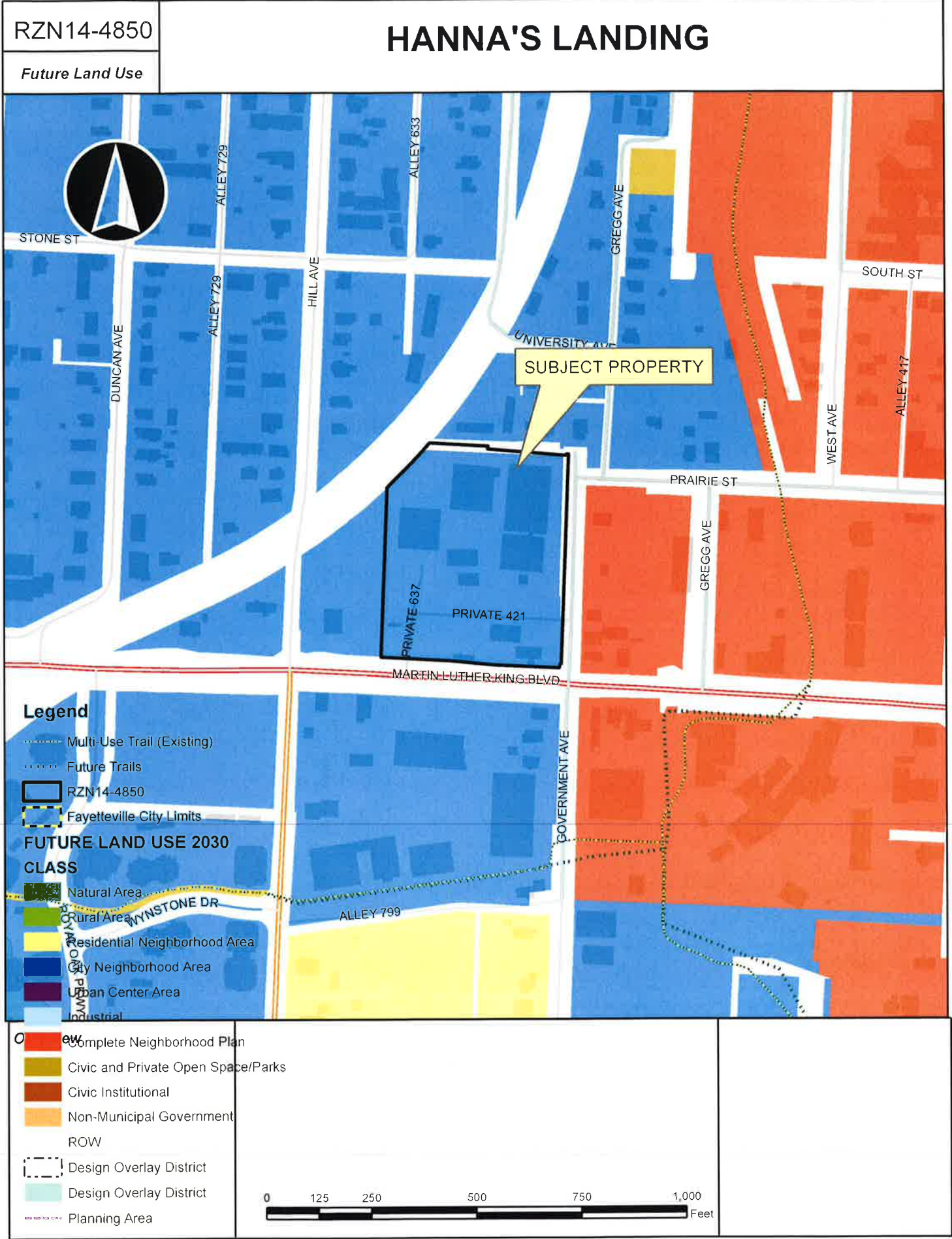
Copyright 1930 by the Sanborn Map Co

Washington County
ARKANSAS
SANBORN MAP CO. NEW YORK
JAN. 1930

FAYETTEVILLE



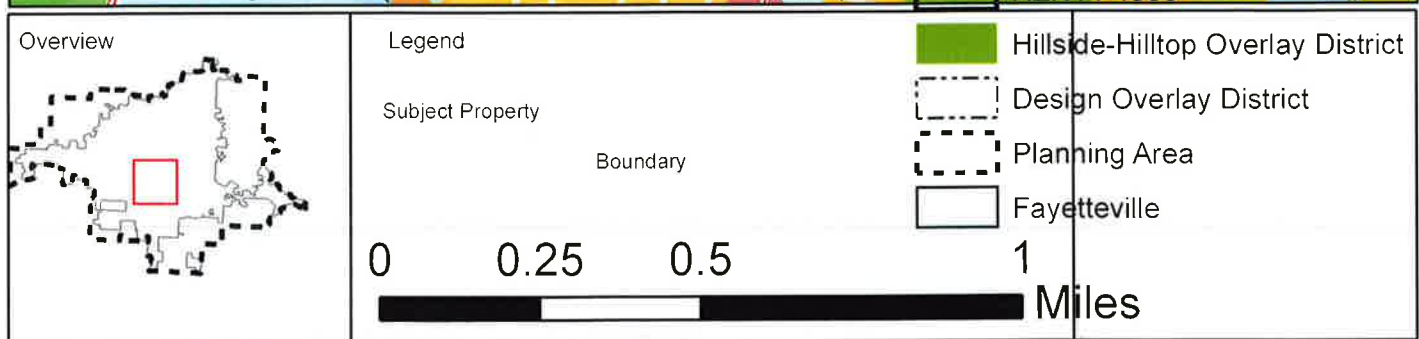
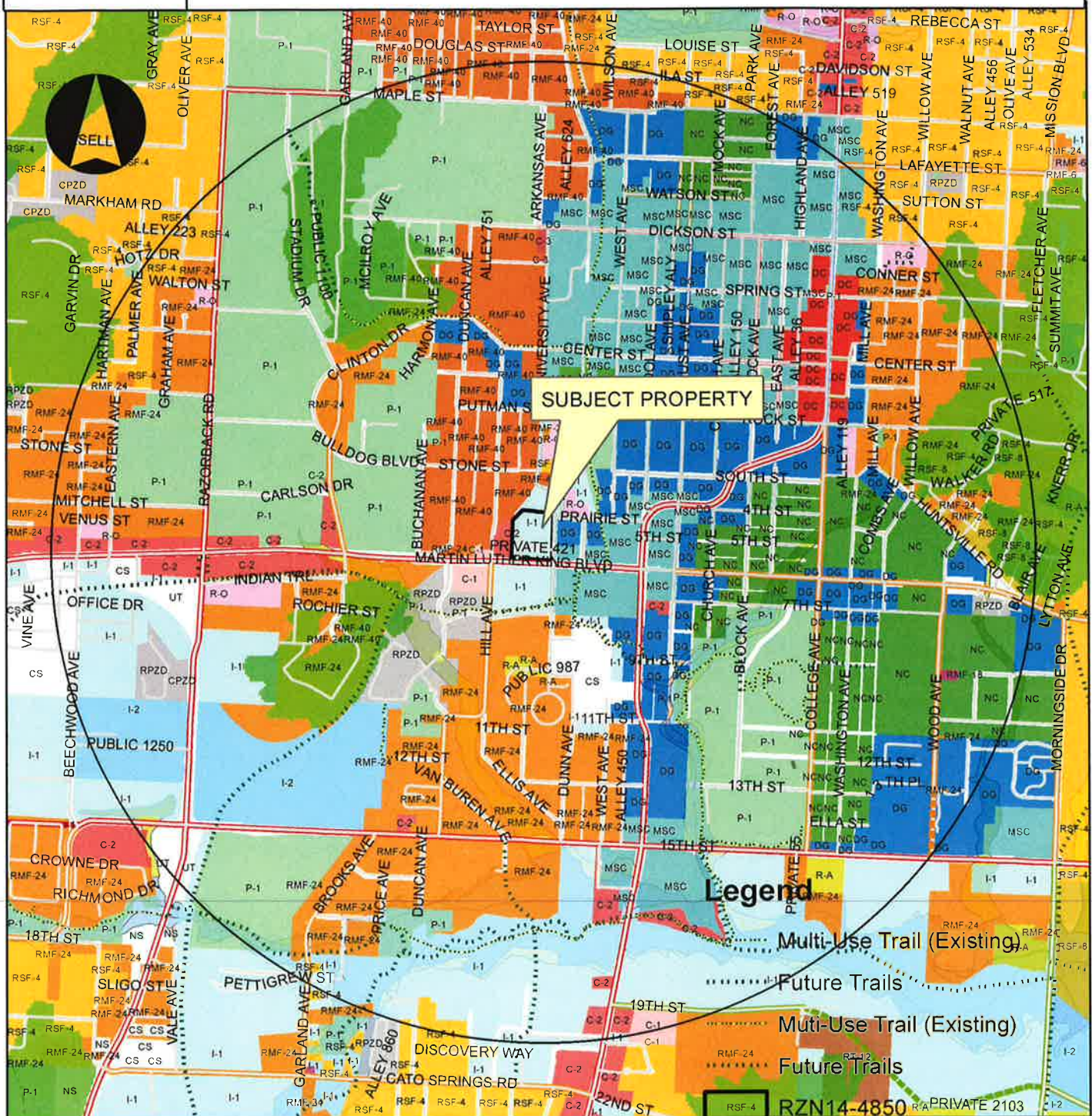




RZN14-4850

HANNA'S LANDING

One Mile View





City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0450**Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Ordinance**Agenda Number:** C. 3

AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of utility easement described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2014-0450

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2014

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE COURT/TIMBERLAKE OFFICE PARK, 135): Submitted by BATES & ASSOCIATES for property located at the NORTHWEST CORNER OF ZION AND WATERSIDE COURT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 acres. The request is to vacate a portion of an existing utility easement.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2014

SUBJECT: **VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE CT./TIMBERLAKE OFFICE PARK, 135):** Submitted by BATES & ASSOCIATES for property located at NORTHWEST CORNER OF ZION AND WATERSIDE CT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate an existing utility easement.

BACKGROUND:

The subject 0.95 acre property contains two lots and is located on the corner of Zion Road and Waterside Court. There is a platted 15' wide utility easement centered on the property line that divides the two lots. The applicant plans to develop both lots with a single building and the easement is no longer required.

DISCUSSION:

On October 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

EXHIBIT 'A'

14-4849

November 06, 2014
Tentative Agenda
Page 134 of 249

VAC14-4849

TIMBERLAKE OFFICE PARK

Close Up View



C-2

SUBJECT PROPERTY

R-O

R-A

WATER EJECT

ZION RD

TABEL DR

Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4849

Overview Fayetteville City Limits

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

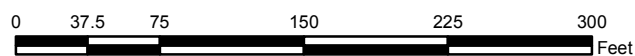


EXHIBIT 'B'
14-4849

Easement Vacation for Parcels 765-27690-000 & 765-27691-000

Legal Description

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHWEST CORNER OF SAID LOT 18, AND RUNNING THENCE N02°29'14"E 7.50', THENCE S87°30'41"E 114.23', THENCE S04°42'31"W 15.01', THENCE N87°30'41"W 113.65', THENCE N02°29'14"E 7.50', TO THE POINT OF BEGINNING.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission
THRU: Andrew Garner, City Planning Director
FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 13, 2014~~ **UPDATED OCTOBER 15, 2014**

SUBJECT: **VAC 14-4849: Vacation (NORTHWEST CORNER ZION AND WATERSIDE CT./TIMBERLAKE OFFICE PARK, 135):** Submitted by BATES & ASSOCIATES for property located at NORTHWEST CORNER OF ZION AND WATERSIDE CT. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 0.95 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4849** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject 0.95 acre property contains two lots and is located on the corner of Zion Road and Waterside Court. There is a platted 15' wide utility easement centered on the property line that divides the two lots. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	R-O, Residential Office
South	Commercial/Institutional	C-2, Thoroughfare Commercial/R-A, Residential Agricultural
East	Professional Office	R-O, Residential Office
West	Commercial	C-2, Thoroughfare Commercial

Proposal: The applicant requests vacation of a utility easement as indicated on the attached survey, in order to develop the two lots with one building.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections.

UTILITIES

Cox Communications

RESPONSE

Any damage to or relocation of our existing facilities will be at the owners/developers expense.

AEP/SWEPCO

No objections/No comments

Ozarks Electric

No objections/No comments

Source Gas

No objections/No comments

AT&T

No objections/No comments

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections/No comments

Transportation

No objections/No comments

Recycling & Solid Waste

No objections/No comments

Public Comment:

Staff has received no public comment.

Recommendation:

Staff recommends forwarding **VAC 14-4849** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: Required

Date: October 13, 2014

☐ Tabled

☒ Forwarded

☐ Denied

Motion: **COOK**

Second: **SELBY**

Vote **8-0-0**

CITY COUNCIL ACTION: Required

Date:

☐ Approved

☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

One Mile Map

Close Up Map

Bates & Associates, Inc.

Civil Engineering & Surveying

91 Colt Square Drive, Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 / FAX: 479-521-9350

September 3, 2014

To: City of Fayetteville Planning Commission and City Council

RE: Timberlake Office park Lots 17 & 18 Utility Easement Vacation

This letter is to state the intent to vacate an existing Utility Easement between the shared lots line of Lots 17 & 18 of Timberlake Office Park. The existing 15-foot easement lies across the South boundary of Lot 17 and the North boundary of Lot 18. The lots are owned by First Security Bank, and the proposed developer is Greg Sims. Mr. Sims intends combine lots 17 & 18 in order to construct a building across the two parcels, rendering the existing easement unnecessary. We have obtained written approval of all the applicable utilities and the City of Fayetteville without any conditions or comments.

Sincerely,

Derrick Thomas
Bates & Associates, Inc.



Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr./ Fayetteville, AR 72703

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

**PETITION TO VACATE A UTILITY EASEMENT LOCATED IN LOTS 17 & 18 OF
TIMBERLAKE OFFICE PARK, CITY OF FAYETTEVILLE, ARKANSAS**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the utility easement hereinafter sought to be abandoned and vacated, lying in lots 17 & 18 of Timberlake Office Park, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a utility easement which is described as follows:

A PART OF LOTS 17 & 18 IN TIMBERLAKE OFFICE PARK, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 23A AT PAGE 297, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT NORTHWEST CORNER OF SAID LOT 18, AND RUNNING THENCE N02°29'14"E 7.50', THENCE S87°30'41"E 114.23', THENCE S04°42'31"W 15.01', THENCE N87°30'41"W 113.65', THENCE N02°29'14"E 7.50', TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the alley are Lots 1, 2, 3, & 16 of Timberlake Office Park, a parcel to the South owned by The Church of Jesus Christ of Latter Day Saints, Lot 15 of Perimeter Plaza, and a parcel to the West owned by Lowe's Home Centers, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described utility easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting

property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 3rd day of September, 2014.

Tonya L. Patrick, V.P. First Security Bank
Printed Name
Tonya L. Patrick, V.P.
Signature

Printed Name

Signature

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 8-21-14

UTILITY COMPANY: AEP

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

John Beyer
Signature of Utility Company Representative

Dist. Engineer
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 8-21-14

UTILITY COMPANY: AEP

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

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UTILITY COMPANY COMMENTS:

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☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Dist. Engineer
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 08/15/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

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☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:


Signature of Utility Company Representative

MGR OSP PLNG & ENGRG DESIGN

Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 9/4

UTILITY COMPANY: Solid Waste C.O.F.

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

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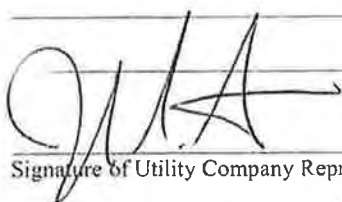
☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Commercial Sales Rep

Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 8-20-2014

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

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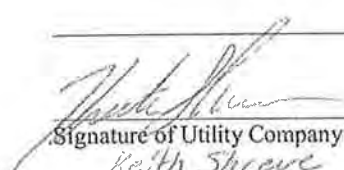
☒ (**ATTACH legal description and graphic representation of what is being vacated-SURVEY**)
See Attached Exhibit

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Keith Shreve

Assistant Transportation Manager

Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 9/10/2014

UTILITY COMPANY: CITY OF FAYETTEVILLE

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

☐ Street right-of-way

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General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

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See Attached Exhibit

UTILITY COMPANY COMMENTS:

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☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Laymon Nyke 9/10/2014
Signature of Utility Company Representative

CONSTRUCTION MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/15/2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

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See Attached Exhibit

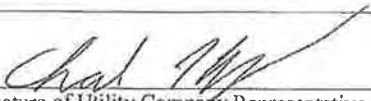
UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at the owner/developers expense.


Signature of Utility Company Representative

Construction Planner III NWA
Title

**UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS**

DATE: 8/28/2014

UTILITY COMPANY: SourceGas

APPLICANT NAME: Bates and Associates, Inc APPLICANT PHONE: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following utility easement, described as follows:

General location / Address: Lots 17 & 18 of Timberlake Office Park (NW corner of Zion Rd and North Waterside Court)

☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)
See Attached Exhibit

UTILITY COMPANY COMMENTS:

X No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Brian A. Dapert
Signature of Utility Company Representative

Supervisor
Title

Legend

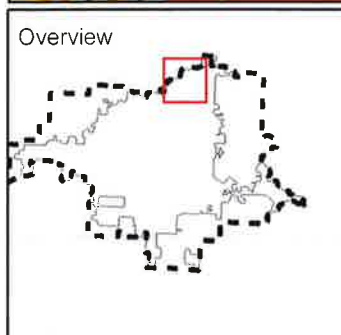
- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails

Map Labels:

Streets: COTTONWOOD PL, DOGWOOD PL, OAK VIEW DR, BONITA PL, WINDSOR AVE, CHURCHILL AVE, LAKEVIEW DR, LAKE FAYETTEVILLE RD, THOMPSON ST, HENSON AVE, TURNER ST, ANDREW AVE, POWELL ST, WOLFEDR, SUTTLE DR, MICHELLE ST, HARRIS LN, BRYANT PL, SAN JOSE RD, KELL ST, MAIN DR, BLAKE LN, CREEK WW, SARA ST, SAMANTHA ST, OAK ST, ELLMORE ST, PRIVATE 4245, PRIVATE 3500, PRIVATE 3501, PRIVATE 3999, PRIVATE 2695, ALLEY 4399, ALLEY 4360, TALIESIN LN, FRAZIER TER, OLD MISSOURI RD, STEARNS ST, VANTAGE DR, AUGUSTINE LN, VAN ASCHE DR, SHILOH DR, FULLBRIGHT EXPY RAMP, MILLSAP RD, BUCKINGHAM DR, POLK DR, JOYCE BLVD, STEELE BLVD, NORTHWOOD AVE, MARY DR, COLLEGE AVE, FRONT ST, SAIN ST, PRIVATE 187, PRIVATE 197, PRIVATE 207, PRIVATE 217, PRIVATE 227, PRIVATE 237, PRIVATE 247, PRIVATE 257, PRIVATE 267, PRIVATE 277, PRIVATE 287, PRIVATE 297, PRIVATE 307, PRIVATE 317, PRIVATE 327, PRIVATE 337, PRIVATE 347, PRIVATE 357, PRIVATE 367, PRIVATE 377, PRIVATE 387, PRIVATE 397, PRIVATE 407, PRIVATE 417, PRIVATE 427, PRIVATE 437, PRIVATE 447, PRIVATE 457, PRIVATE 467, PRIVATE 477, PRIVATE 487, PRIVATE 497, PRIVATE 507, PRIVATE 517, PRIVATE 527, PRIVATE 537, PRIVATE 547, PRIVATE 557, PRIVATE 567, PRIVATE 577, PRIVATE 587, PRIVATE 597, PRIVATE 607, PRIVATE 617, PRIVATE 627, PRIVATE 637, PRIVATE 647, PRIVATE 657, PRIVATE 667, PRIVATE 677, PRIVATE 687, PRIVATE 697, PRIVATE 707, PRIVATE 717, PRIVATE 727, PRIVATE 737, PRIVATE 747, PRIVATE 757, PRIVATE 767, PRIVATE 777, PRIVATE 787, PRIVATE 797, PRIVATE 807, PRIVATE 817, PRIVATE 827, PRIVATE 837, PRIVATE 847, PRIVATE 857, PRIVATE 867, PRIVATE 877, PRIVATE 887, PRIVATE 897, PRIVATE 907, PRIVATE 917, PRIVATE 927, PRIVATE 937, PRIVATE 947, PRIVATE 957, PRIVATE 967, PRIVATE 977, PRIVATE 987, PRIVATE 997.

Map Features:

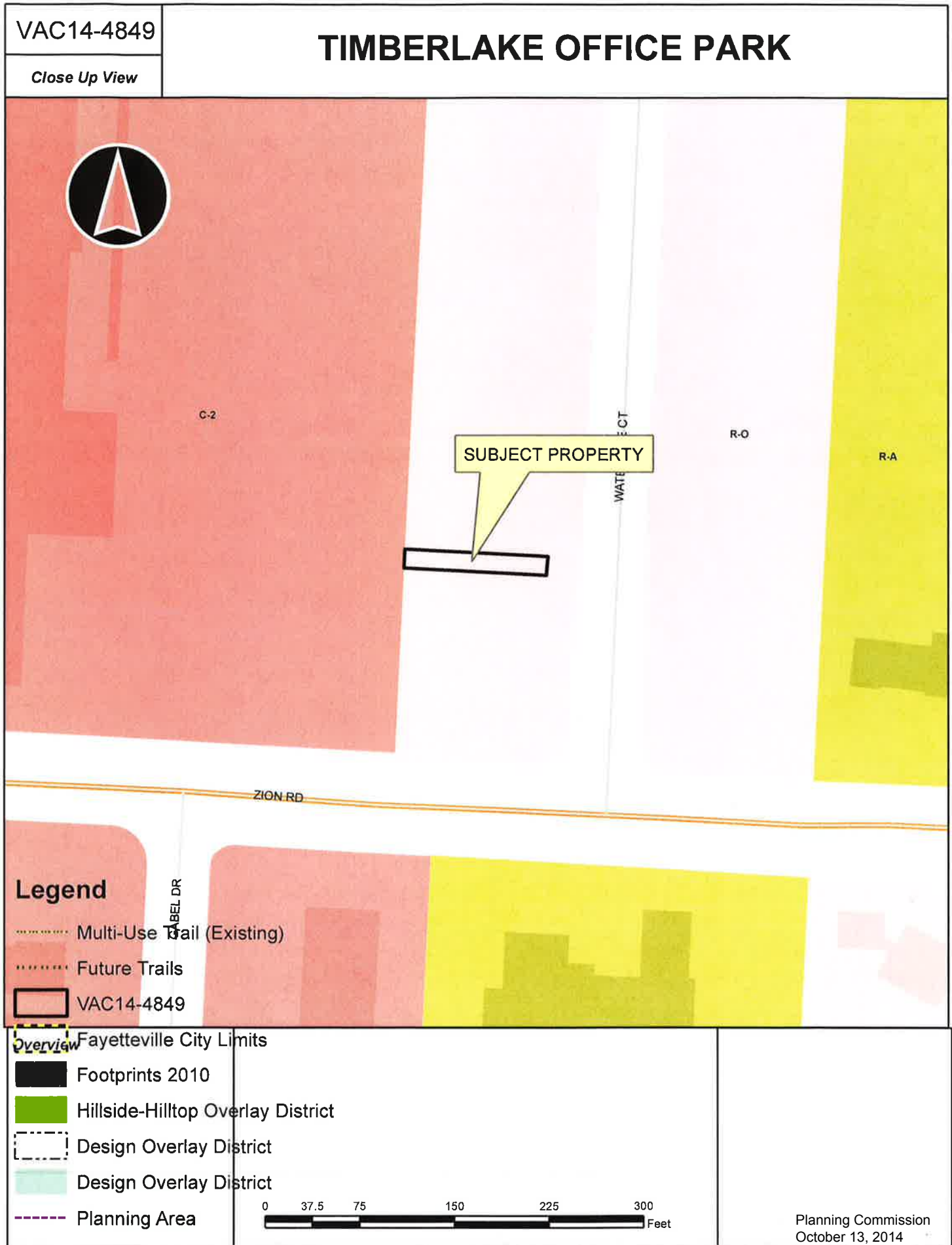
- Subject Property:** A yellow callout points to a specific property labeled 'SUBJECT PROPERTY'.
- Land Use Zones:** The map is color-coded by zone: red for C-2, orange for R-O, yellow for R-A, and green for M-U.
- Water Bodies:** Lake Fayetteville is shown in blue.
- Private Roads:** Numerous private roads and alleys are labeled throughout the map.
- Trails:** Multi-Use Trails are shown as dashed lines, with some labeled as 'Existing' and others as 'Future'.



0 0.25 0.5

-  Hillside-Hilltop Overlay District
 Design Overlay District
 Planning Area
 Fayetteville

Miles



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED
BY BATES AND ASSOCIATES FOR PROPERTY LOCATED
AT THE NORTHWEST CORNER OF ZION ROAD AND
WATERSIDE COURT TO VACATE EXISTING UTILITY
EASEMENT.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of utility easement described in Exhibit “B” attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit “A” shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer’s expense.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0446**Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Ordinance**Agenda Number:** C. 4

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of street right-of-way described in Exhibit "B" attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2014-0446

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/17/2014

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

VAC 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./JAMES ST. RIGHT-OF-WAY, 404): Submitted by CITY STAFF for property located at the INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 acres. The request is to vacate a portion of an existing street right-of-way.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2014

SUBJECT: **VAC 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./JAMES ST. RIGHT-OF-WAY, 404):** Submitted by CITY STAFF for property located at INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 acres. The request is to vacate a portion of an existing street right-of-way.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to vacate existing street right-of-way.

BACKGROUND:

The subject 0.06 acre property is a portion of right-of-way recently abandoned during a street re-alignment project at the intersection of Garland Avenue, James Street, and Mt Comfort Road. Parcels on either side of this property are under the same ownership, and the vacated land will become part of these existing parcels.

On March 5, 2013 the City Council approved **Resolution 42-13** which in part agreed to vacate the subject property upon completion of street improvements on Mt. Comfort Road and James Street.

DISCUSSION:

On October 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Exhibit B
Planning Commission Staff Report

EXHIBIT 'A'

14-4853

November 06, 2014
Tentative Agenda
Page 157 of 249

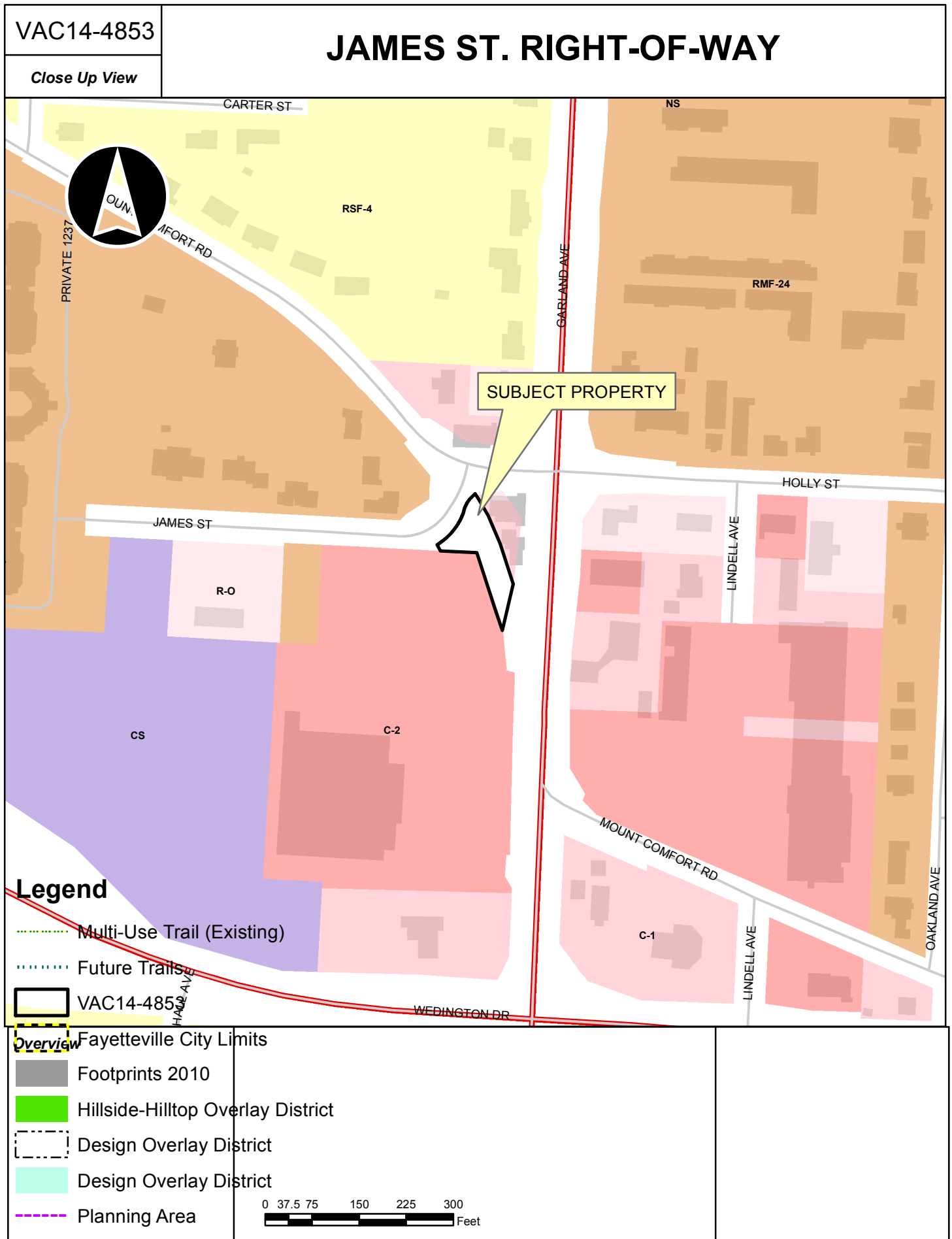


EXHIBIT "B"
14-4853
Right-of-Way Vacation

Description:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Sixteen (16) North, Range (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at a 3 inch aluminum monument being the Southeast Corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8); thence along the Easterly line of said tract North 02°36'57" East 679.31 feet; thence leaving said Easterly line North 87°23'03" West 62.92 feet to the POINT OF BEGINNING; thence South 13°05'36" West 75.92 feet to the Easterly line of Lot Seven (7), McCormick Addition to the City of Fayetteville; thence along said Easterly line of said Lot Seven (7) North 18°42'09" West 32.92 feet to the Southeast corner of Lot Six (6) of said McCormick Addition; thence along the Easterly line of said Lot Six (6) North 18°42'09" West 91.71 feet to the existing Southerly right-of-way James Street; thence along said Southerly right-of-way North 86°38'48" West 74.78 feet; thence North 77°43'08" East 15.51 feet; thence leaving said Southerly right-of-way North 31°44'47" West 11.23 feet to the beginning of a curve to the left having a delta angle of 40°08'43" and a radius of 100.00 feet; thence along said curve an arc length of 70.07 feet and a chord bearing and distance of North 38°10'51" East 68.64 feet to the beginning of a reverse curve to the right having a delta angle of 14°04'17" and a radius of 50.79 feet; thence along said curve an arc length of 12.47 feet and a chord bearing and distance of North 21°03'24" East 12.44 feet to the beginning of a curve to the right having a delta angle of 23°58'49" and a radius of 50.79 feet; thence along said curve an arc length of 21.26 feet and a chord bearing and distance of North 40°04'57" East 21.10 feet to the Westerly line of a property described as "Tract No. 1X" in Instrument No. 2011-24071 as filed with the Circuit Clerk of said county; thence along said Westerly line South 31°19'43" East 8.30 feet to the Northwest corner of a property described as "Tract No. 1XR1" in Instrument No. 2014-10155 as filed with said Circuit Clerk; thence along said Westerly line the following courses:

South 31°19'43" East 31.93 feet; South 23°32'48" East 49.01 feet; South 18°42'09" East 67.30 feet to the Point of Beginning,

Containing 9071 square feet, more or less.

8/28/2014

RESOLUTION NO. 42-13

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH GLEN DAVID WILSON, TRUSTEE, TIMOTHY HINKLE, TRUSTEE, AND LINDA HINKLE REGARDING CONDEMNATION LITIGATION FILED AS PART OF THE N. GARLAND AVENUE WIDENING AND IMPROVEMENT PROJECT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the agreement with Glen David Wilson, Trustee, Timothy Hinkle, Trustee and Linda Hinkle, as full and final settlement of condemnation litigation (City of Fayetteville v. Wilson, et al., Washington County Circuit Court Case No. CV 2012-656-2) filed as part of the N. Garland Avenue Widening and Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby understands its obligation to adopt at a future date a street vacation of portions of Mt. Comfort Road and James Street as described in the settlement.

PASSED and APPROVED this 5th day of March, 2013.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:

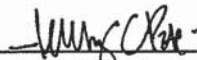

SONDRA E. SMITH, City Clerk/Treasurer



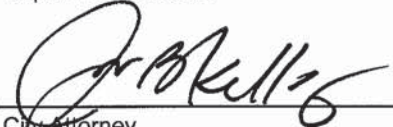
City Council Agenda Items
and
Contracts, Leases or Agreements~~3/6/2012~~ 3-5-13City Council Meeting Date
Agenda Items OnlyChris Brown ^{CB}
Submitted ByEngineering
DivisionDevelopment Services
Department

Action Required:

Approval of a Resolution authorizing settlement of the Condemnation Case with Glen David Wilson on Garland Avenue (North to Melmar) Water and Sewer Relocation Project.

\$ -
Cost of this request\$ -
Category / Project BudgetTransportation Bond Program
Program Category / Project Name-
Account Number\$ -
Funds Used to DateLand Acquisition
Program / Project Category Name-
Project Number\$ -
Remaining BalanceSales Tax Capital Improvements
Fund NameBudgeted Item ☒Budget Adjustment Attached ☐
Department Director 02-14-2013
Date

Previous Ordinance or Resolution #

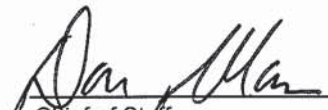

City Attorney 2-15-13
Date

Original Contract Date:

Original Contract Number:

Paul a. Buhn
Finance and Internal Services Director 2-15-2013
Date

Received in City Clerk's Office 02-14-13 P04:39 RCV-


Chief of Staff
Date

Received in Mayor's Office


Mayor 2/19/13
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

City Council Meeting of March 5, 2013

To: Mayor Jordan and City Council

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

From: Chris Brown CB

Date: February 14, 2013

Subject: Approval of a Resolution authorizing settlement of the Condemnation Case with Glen David Wilson on Garland Avenue (North to Melmar) Water and Sewer Relocation Project.

PROPOSAL:

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

Construction of roadway improvements, including construction of a 4-lane roadway with intermittent medians, bike lanes, pedestrian sidewalks, and three new signals, will be administered by AHTD. This construction is currently in the very preliminary stages, and is planned for completion in mid-2014.

Prior to the roadway construction, all utilities, including those owned by the City of Fayetteville Water and Sewer Division, were relocated out of the limits of the planned roadway construction. In order to complete the relocation, utility easements were needed from several property owners, including property owned by the Glen David Wilson Trust and Linda Hinkle. This property includes the Harp's Grocery Store and the vacant lot to the north of Harp's.

City staff was unable to acquire the necessary easement on this property by negotiation; therefore, it was necessary to acquire it by condemnation. The City Council authorized condemnation in March of 2012, and the City Attorney filed the condemnation complaint with the Circuit Court and received the Order of Possession soon thereafter. A deposit of \$30,700, representing the appraised value of the easement, was made into the Registry of the Court at the time of filing.

Since that time, City staff and representatives of Mr. Wilson have worked together to come to a proposed settlement, which is detailed in the attached document. If approved by the City Council, the settlement provisions will include:

- 1) The property owners agree to dedicate a utility easement (at no cost to the City) just outside the right of way of Garland Avenue. This easement was intended to be dedicated as part of the development of the Harp's store, but the easement document was never recorded. The easement area has been used by utilities since the store was built, and the signatures of the property owners on the easement document simply confirms and ratifies the easement.
- 2) The City agrees to vacate the right of way of Mount Comfort Road, as depicted by the cross-hatched areas in the attached Exhibit "B". This vacation will occur after Mount Comfort Road is re-aligned to Holly Street, and the existing area of Mount Comfort is no longer needed for public street purposes. A utility easement will be retained as needed for use by public utilities.
- 3) The City will receive the \$30,700 deposited with the Court back, to be returned in the project account.

RECOMMENDATION:

Staff recommends approval of the settlement..

BUDGET IMPACT:

This action will reduce the cost of the project by \$30,700.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT WITH GLEN DAVID WILSON, TRUSTEE, TIMOTHY HINKLE, TRUSTEE, AND LINDA HINKLE REGARDING CONDEMNATION LITIGATION FILED AS PART OF THE N. GARLAND AVENUE WIDENING AND IMPROVEMENT PROJECT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the agreement with Glen David Wilson, Trustee, Timothy Hinkle, Trustee and Linda Hinkle, as full and final settlement of condemnation litigation (City of Fayetteville v. Wilson, et al., Washington County Circuit Court Case No. CV 2012-656-2) filed as part of the N. Garland Avenue Widening and Improvement Project.

Section 2: That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby understands its obligation to adopt at a future date a street vacation of portions of Mt. Comfort Road and James Street as described in the settlement.

PASSED and APPROVED this 5th day of March, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Departmental Correspondence



LEGAL DEPARTMENT

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

MEMORANDUM

TO: MAYOR & CITY COUNCIL

FROM: JASON KELLEY, ASST. CITY ATTORNEY

A handwritten signature in black ink, appearing to read "Jason B. Kelley".

CC: KIT WILLIAMS, CITY ATTORNEY

DATE: FEBRUARY 15, 2013

RE: GLEN DAVID WILSON, ET. AL, CONDEMNATION SETTLEMENT PROPOSAL

I am pleased to present a very advantageous condemnation settlement related to the necessary taking of a utility easement on the "Harps property" along N. Garland Avenue which will result in the city obtaining an easement deed and saving nearly \$31,000.00 on the Project.

In 2012, the Council authorized our office to file an eminent domain lawsuit to obtain a utility easement on the property as part of the N. Garland Avenue Widening and Improvement Project. The City's appraiser valued the taking at \$30,700.00, which was the sum placed on court deposit when the lawsuit was filed. During negotiation and after historical research, it was agreed by the parties that a 25 foot utility easement along the property and adjacent to the Garland Avenue right-of way was to have been dedicated to the City as part of the original large-scale development approval for the Harps construction in the late 1980s. No record exists showing this was ever formally accomplished. In exchange for all the current property owners signing a utility easement deed to the City clarifying the 25 foot easement, the City agreed, subject to your approval, to vacate the portions of Mt. Comfort Road and James Street which the City and Highway Department had already planned to destroy and remove as part of the realignment of the Mt. Comfort Road/Garland Avenue intersection at Holly Street. The City will retain a utility easement along the vacated area for utilities already in place in the area.

In short, this settlement allows the City to obtain the necessary easement (which we already should have had) for the N. Garland Avenue Widening and Improvement Project without additional monetary cost to the Project, so long as we vacate the portions of Mt. Comfort and James Street we already planned to destroy and remove. *The \$30,700.00 currently on court deposit would be returned to the City.*

Assuming this settlement is accepted by you, a separate street vacation agenda item will be presented in the future which the Council will be contractually obligated to adopt, since it will be an approved term of settlement in the condemnation litigation. Needless to say, I recommend the approval of this settlement.

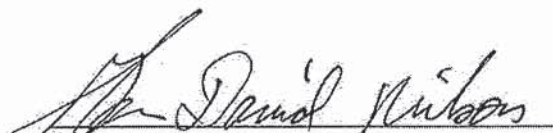
SETTLEMENT FRAMEWORK

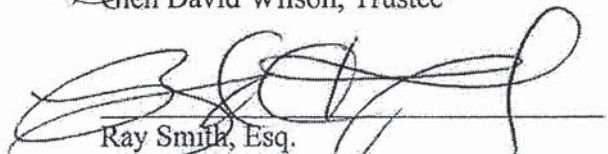
The City of Fayetteville, subject to approval of its Mayor and City Council, and Glen David Wilson, Trustee, hereby enter into this settlement framework for purposes of settling all issues related to utility easement acquisition at issue in eminent domain litigation currently pending in Washington County Circuit Court Case No. CV 12-656-2 (City of Fayetteville v. Wilson, Trustee et al.). The settlement framework is as follows:

1. Glen David Wilson, Trustee (hereinafter "Wilson") agrees to execute a General Utility Easement Deed and to assist in obtaining the signatures of Timothy Hinkle and Linda Kay Hinkle (hereinafter "Hinkles"), to an agreed upon and existing twenty-five foot (25') utility easement along property jointly owned by Wilson and the Hinkles. A copy of the easement deed and description is attached to this settlement framework as Exhibit "A".

2. The City of Fayetteville (hereinafter "Fayetteville"), agrees to vacate portions of the current Mount Comfort Road and James Street, described as Tracts A and B in the attached Exhibit "B", within ninety (90) days of activation of the new traffic signal at the newly relocated Mount Comfort Road and Garland Avenue intersection which is being constructed as part of the Garland Avenue Widening and Improvement Project (hereinafter the "Project"). Wilson and Fayetteville agree that Fayetteville will retain utility easements through Tracts A and B for existing utilities currently located in the area to be vacated. Fayetteville states that the re-alignment of James Street and Mount Comfort Road to connect to Holly Street as part of the Project will render Tracts A and B of no use to the public for street right of way.

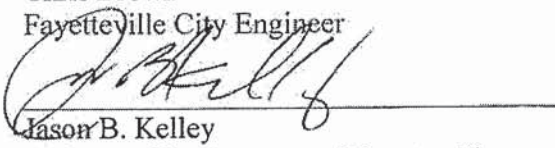
3. Wilson and Fayetteville agree that once the General Utility Easement Deed (Exhibit "A") is fully executed by Wilson and the Hinkles and delivered to Fayetteville, that the parties will agree to a dismissal of the pending eminent domain suit, Washington County Circuit Court Case No. CV 12-656-2. Any court registry deposit for estimated compensation related to the litigation shall be returned by the court to Fayetteville.


Glen David Wilson, Trustee


Ray Smith, Esq.
Attorney for Glen David Wilson, Trustee

Date: 02.01.03


Chris Brown
Fayetteville City Engineer


Jason B. Kelley
Assistant City Attorney of Fayetteville

Date: 1-30-13

Garland Avenue Improvements
Parcel No. 765-13768-000

GENERAL UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/d July 13, 2001 (1/2 interest), Linda Kay Hinkle (1/4 interest) and Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995 (1/4 interest), hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the City of Fayetteville, Arkansas, a municipal corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement for the purpose of construction, maintenance, repair and/or replacement, enlargement and operations of roadway, drainage, sidewalks, and general utilities including water and/or sanitary sewer pipe line or lines, manholes, natural gas, electrical power, telephone, fiber optic cable(s) and television communication line or lines, and appurtenances thereto, on over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref. 2007-00023583, seventh description, and Deed Refs. 2002-094498 and 2007-42911)

Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West in Washington County, Arkansas, and being more particularly described as follows, to-wit: From the Southeast (SE) corner of said forty-acre tract, run North 190.0 feet; thence West 36.80 feet to the POINT OF BEGINNING; thence running West 401.51 feet; thence North 0°39'00" East 376.94 feet; thence East 2.48 feet; thence North 89°59'14" East 369.56 feet to a point on the right-of-way line of Mt. Comfort Road, thence along the right-of-way of Mt. Comfort Road and Highway 112 the following: South 20°44'29" East 71.16 feet; thence South 310.46 feet to the POINT OF BEGINNING, and containing 3.437 acres, more or less, subject to easements and rights-of-way, if any.

PERMANENT EASEMENT DESCRIPTION:

A part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 8, Township 16 North, Range 30 West and being more particularly described as follows, to-wit: Commencing at the Northeast corner of said Section 8, thence South 02°36'57" West 2,079.97 feet, thence North 87°23'03" West 70.51 feet to the Westerly right-of-way of Arkansas State Highway 112 (Garland Avenue), thence along said right-of-way South 05°21'15" East 20.83 feet, to the Point of Beginning; thence continuing along said right-of-way South 05°21'15" East 3.20 feet; thence South 74°00'01" East 13.35 feet; thence South 02°04'14" West 101.10 feet; thence South 01°23'28" West 189.75 feet; thence North 88°18'37" West 5.0 feet; thence South 05°06'45" West 34.83 feet; thence South 32°15'42" East 21.79 feet; thence leaving said right-of-way North 87°38'26" West 24.79 feet; thence North 02°04' 49" East 349.92 feet to the Point of Beginning and containing 5,381 square feet, more or less.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

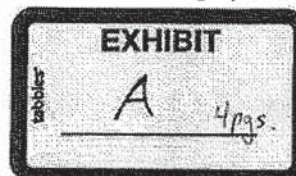
TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned or vacated and so long as such pipe line or lines, electrical power, telephone and/or television lines or cables, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, lines and/or cables where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above water.

The Grantor agrees no to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines, electric power lines, telephone and/or television lines or cables upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.



GENERAL UTILITY EASEMENT
Page 2 of 3

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 1st day of Feb., 2013.

Glen David Wilson Trust Agreement of 2001,
u/t/d July 13, 2001

By:

Glen David Wilson
Glen David Wilson, Trustee

Linda Kay Hinkle

Timothy C. Hinkle Trust u/d/t December 1, 1995

By:

Timothy C. Hinkle, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

} ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/t/d July 13, 2001**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 1st day of February, 2013.

MY COMMISSION EXPIRES:



Lisa Neeley
Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

} ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda Kay Hinkle**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2013.

MY COMMISSION EXPIRES:

Notary Public

GENERAL UTILITY EASEMENT
Page 3 of 3

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

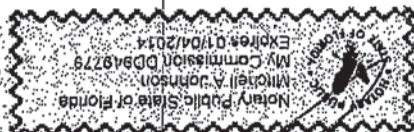
}
ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2013.

MY COMMISSION EXPIRES:

Notary Public



Notary Public

MY COMMISSION EXPIRES

WITNESS my hand and seal on this 16 day of January, 2013

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Linda Kay Hinkle, to me well known as the person who executed the foregoing document and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

ACKNOWLEDGMENT

Notary Public

MY COMMISSION EXPIRES

WITNESS my hand and seal on this 16 day of January, 2013

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Glen David Wilson, Trustee, Glen David Wilson, Trust Agreement of 2001, u/d/d July 13, 2001, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

ACKNOWLEDGMENT

Timothy C. Hinkle, Trustee

By

Timothy C. Hinkle Trust u/d/d December 1, 1995

Glen David Wilson, Trustee

By

Glen David Wilson, Trust Agreement of 2001, u/d/d July 13, 2001

WITNESS the execution hereof on this 16 day of January, 2013

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

GENERAL UTILITY EASEMENT

Page 2 of 3

Fax 479-575-8315

GENERAL UTILITY EASEMENT
Page 2 of 3

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 16th day of January, 2013.

Glen David Wilson Trust Agreement of 2001,
u/d July 13, 2001

By:

Glen David Wilson, Trustee

Linda Kay Hinkle

Timothy C. Hinkle Trust u/d/t December 1, 1995

By:

Timothy C. Hinkle, Trustee

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Glen David Wilson, Trustee, Glen David Wilson Trust Agreement of 2001, u/d July 13, 2001**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2013.

MY COMMISSION EXPIRES:

Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Linda Kay Hinkle**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that she had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2013.

MY COMMISSION EXPIRES:

Notary Public

GENERAL UTILITY EASEMENT
Page 3 of 3

ACKNOWLEDGMENT

STATE OF Pennsylvania
COUNTY OF Huntingdon

ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Timothy C. Hinkle, Trustee of the Timothy C. Hinkle Trust u/d/t December 1, 1995**, to me well known as the person who executed the foregoing document, and who stated and acknowledged that he had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

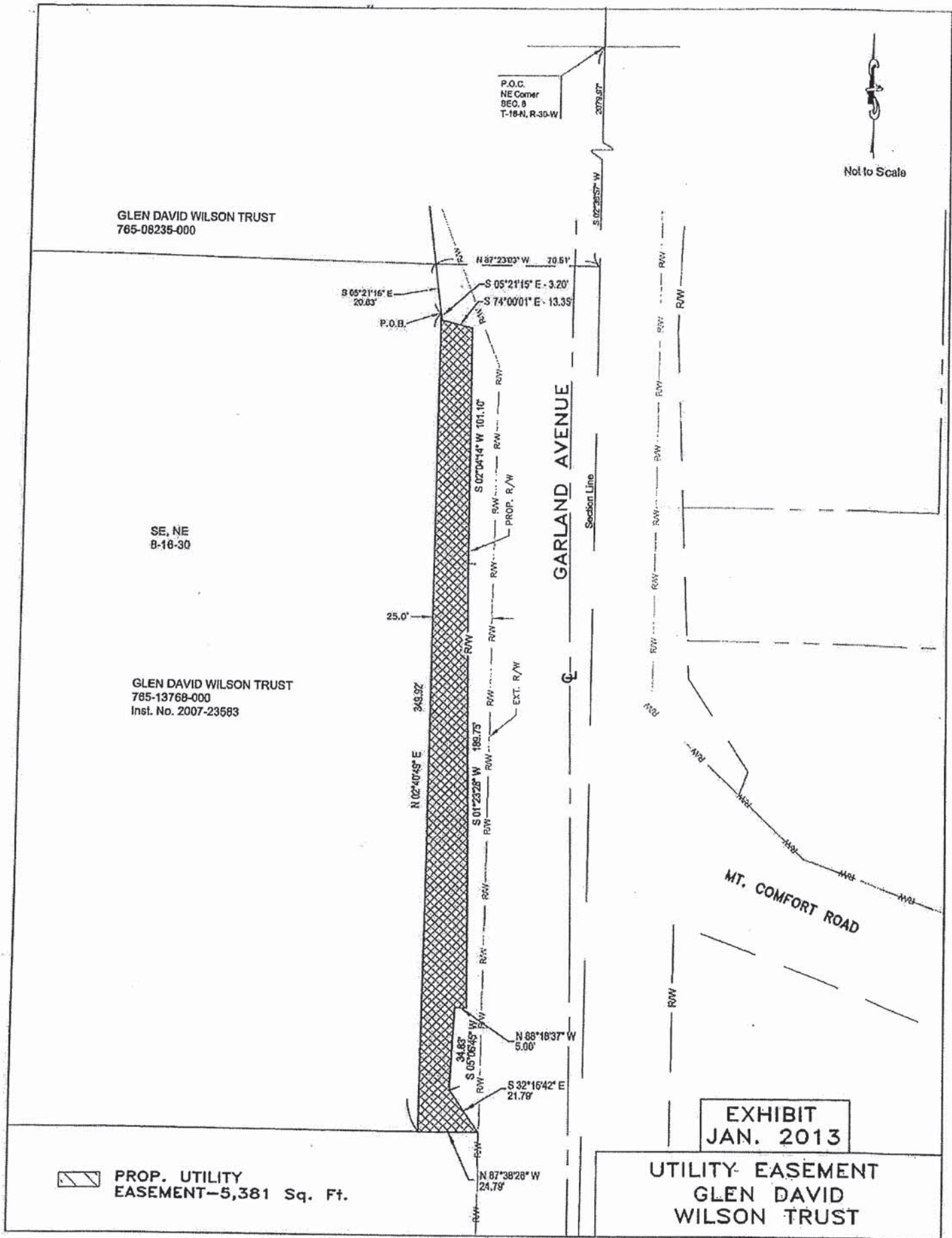
WITNESS my hand and seal on this 16th day of January, 2013.

MY COMMISSION EXPIRES:

May 11, 2014Amber D. Reed
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
AMBER D. REED, Notary Public
Huntingdon Boro, Huntingdon County
My Commission Expires May 11, 2014







PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~October 13, 2014~~ **UPDATED OCTOBER 15, 2014**

SUBJECT: **VAC 14-4853: Vacation (INTERSECTION OF JAMES ST. AND MT. COMFORT RD./JAMES ST. RIGHT-OF-WAY, 404):** Submitted by CITY STAFF for property located at INTERSECTION OF JAMES ST. AND MT. COMFORT RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, C-2, THOROUGHFARE COMMERCIAL, AND RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.06 acres. The request is to vacate a portion of an existing street right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4853** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject 0.06 acre property is a portion of right-of-way recently abandoned during a street realignment project at the intersection of Garland Avenue, James Street, and Mt Comfort Road. Parcels on either side of this property are under the same ownership, and the vacated land will become part of these existing parcels.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped/residential	C-1, Neighborhood Commercial/RMF-24, Residential Multi-family, 24 units/acre
South	Commercial	C-2, Thoroughfare Commercial
East	Commercial	C-1, Neighborhood Commercial/ C-2, Thoroughfare Commercial
West	Undeveloped	C-2, Thoroughfare Commercial

Proposal: The applicant requests vacation of a portion of right-of-way as indicated on the attached survey.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with no objections. Source Gas approval has not been provided.

UTILITIES

Cox Communications

RESPONSE

No objections/No comments

AEP/SWEPCO

No objections/Retain the entire vacated ROW as utility easement.

Ozarks Electric

No objections/No comments

Source Gas

No signature provided

AT&T

No objections/need to retain 15' Utility Easement where AT&T facilities leave Garland Ave going east paralleling south side of James St.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No objections/Retain the entire vacated ROW as utility easement, active water and sewer lines are present.

Transportation

No objections/No comments

Recycling & Solid Waste

No objections/No comments

Public Comment:

Staff has received no public comment.

Recommendation:

Staff recommends forwarding **VAC 14-4853** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities shall be at the owner/developer's expense.
2. Source Gas approval must be provided before the item will be placed on the City Council agenda.

PLANNING COMMISSION ACTION: Required

Date: October 13, 2014

☐ Tabled

☒ Forwarded

☐ Denied

Motion: **COOK**

Second: **SELBY**

Vote **8-0-0**

CITY COUNCIL ACTION: Required

Date:

☐ Approved

☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

One Mile Map

Close Up Map



September 3, 2014

Development Services
City of Fayetteville
113 W. Mountain Street
72704

RE: James Street @ Garland Avenue right-of-way vacation

Dear Sir(s),

We are requesting for the vacation of a portion of James Street as shown on the accompanying exhibits. The need for the right-of-way is unnecessary since the widening of Garland Avenue and the re-alignment of James Street.

Sincerely,

Daryl V. Doyal, P.S.
Professional Surveyor
City of Fayetteville, Arkansas
479.444.3418
ddoyal@fayetteville-ar.gov



PETITION

**PETITION TO VACATE A PORTION OF JAMES STREET RIGHT-OF-WAY LOCATED IN
FAYETTEVILLE, ARKANSAS.**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying in City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eight (8), Township Sixteen (16) North, Range (30) West, Washington County, Arkansas, being more particularly described as follows:
Commencing at a 3 inch aluminum monument being the Southeast Corner of said Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Eight (8); thence along the Easterly line of said tract North 02°36'57" East 679.31 feet; thence leaving said Easterly line North 87°23'03" West 62.92 feet to the POINT OF BEGINNING; thence South 13°05'36" West 75.92 feet to the Easterly line of Lot Seven (7), McCormick Addition to the City of Fayetteville; thence along said Easterly line of said Lot Seven (7) North 18°42'09" West 32.92 feet to the Southeast corner of Lot Six (6) of said McCormick Addition; thence along the Easterly line of said Lot Six (6) North 18°42'09" West 97.22 feet to the Northerly line of said Lot Six (6); thence along said Northerly line North 87°33'27" West 57.79 feet; thence leaving said Northerly line North 31°44'47" West 11.22 feet; to the beginning of a curve to the left having a delta angle of 40°08'43" and a radius of 100.00 feet; thence along said curve an arc length of 70.07 feet and a chord bearing and distance of North 38°10'51" East 68.64 feet to the beginning of a reverse curve to the right having a delta angle of 14°04'17" and a radius of 50.79 feet; thence along said curve an arc length of 12.47 feet and a chord bearing and distance of North 21°03'24" East 12.44 feet to the beginning of a curve to the right having a delta angle of 23°58'49" and a radius of 50.79 feet; thence along said curve an arc length of 21.26 feet and a chord bearing and distance of North 40°04'57" East 21.10 feet to the Westerly line of a property described as "Tract No. 1X" in Instrument No. 2011-24071 as filed with the Circuit Clerk of said county; thence along said Westerly line South 31°19'43" East 8.30 feet to the Northwest corner of a property described as "Tract No. 1XR1" in Instrument No. 2014-10155 as filed with said Circuit Clerk; thence along said Westerly line the following courses: South 31°19'43" East 31.93 feet; South 23°32'48" East 49.01 feet; South 18°42'09" East 67.30 feet to the Point of Beginning,
Containing 8,767 square feet, more or less.

That the abutting real estate affected by said abandonment of the street right of way of James Street are parcel numbers 765-13768-000, 765-08234-000 which are owned by the Glen David Wilson Trust and 765-08235-000, 765-13751-002 which are owned by David Wilson and will not be used by the public as a street because of the realignment of Garland Avenue, Mt. Comfort Road and James Street and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described street right of way.

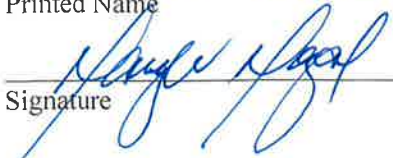
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

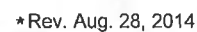
Dated this 7 day of OCTOBER, 20 14.

DARYL V. DOYAL
Printed Name


Signature

Printed Name

Signature



UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 08/15/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: _____ APPLICANT PHONE: _____

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows

General location / Address

☒ (ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

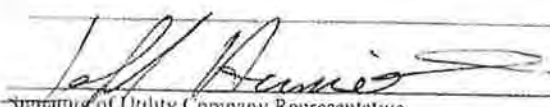
No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Need to retain 15 FT Utility Easement where AT&T facilities leave N Garland Ave

going East paralleling South side of James St.

No objections provided the following conditions are met:



Signature of Utility Company Representative

MGR OSP PIng & Engrn Design

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 8/22/2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Daryl V. Doyal APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (*applicant must check all that apply*):

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☒ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address James Street at Garland Avenue

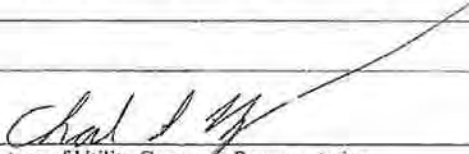
☒ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:


Signature of Utility Company Representative

Construction Planner III
Title

August 2014
Page 3

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8-18-2014

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: James St. Vacate

APPLICANT PHONE: _____

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement

☒ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address James Street and Mount Comfort Road/Garland Ave.
Fayetteville, Arkansas

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Greg McGee

Signature of Utility Company Representative

Lead Staking Tech

Title

August 2014
Page 3

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 09/03/2014

UTILITY COMPANY: C.O.F. Solid Waste

API APPLICANT NAME: Daryl Doyal C.O.F. APPLICANT PHONE: 479-444-3418

REQUESTED VACATION (*applicant must check all that apply*):

Utility Easement



Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address James Street at Garland.



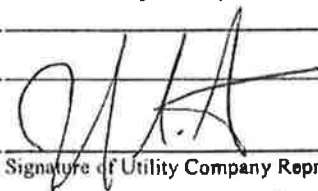
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:



Signature of Utility Company Representative

Commercial Sales Rep
Title

August 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 8/15/14
UTILITY COMPANY: AEP - SWEPCO
APPLICANT NAME: City of Fay. APPLICANT PHONE: _____
REQUESTED VACATION (*applicant must check all that apply*):

Utility Basement

-- Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address _____

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above, and no comments.

☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Retain the entire vacated ROW as
utility easement.

No objections provided the following conditions are met:

John B. [Signature]
Signature of Utility Company Representative

Distribution Engineer
Title

August 2014
Page 5

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 8-14-14

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: City of Fayetteville APPLICANT PHONE: 444-3418

REQUESTED VACATION (*applicant must check all that apply*):

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address Portion of James Street

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above, and no comments.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Terry J. Gully
Signature of Utility Company Representative

TRAN Services DIR
Title

August 2014
Page 3

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 25 AUG 2014
UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER
APPLICANT NAME: DARYL DOYAL APPLICANT PHONE: 444-3418
REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address JAMES ST. PARTIAL VACATION AT GARLAND
& MT COMFORT

☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

No objections to the vacation(s) described above, and no comments.

No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met:

Tammy Anderson

Signature of Utility Company Representative

INTERIM DIRECTOR FOR WATER/SEWER FUNCTIONS

Title

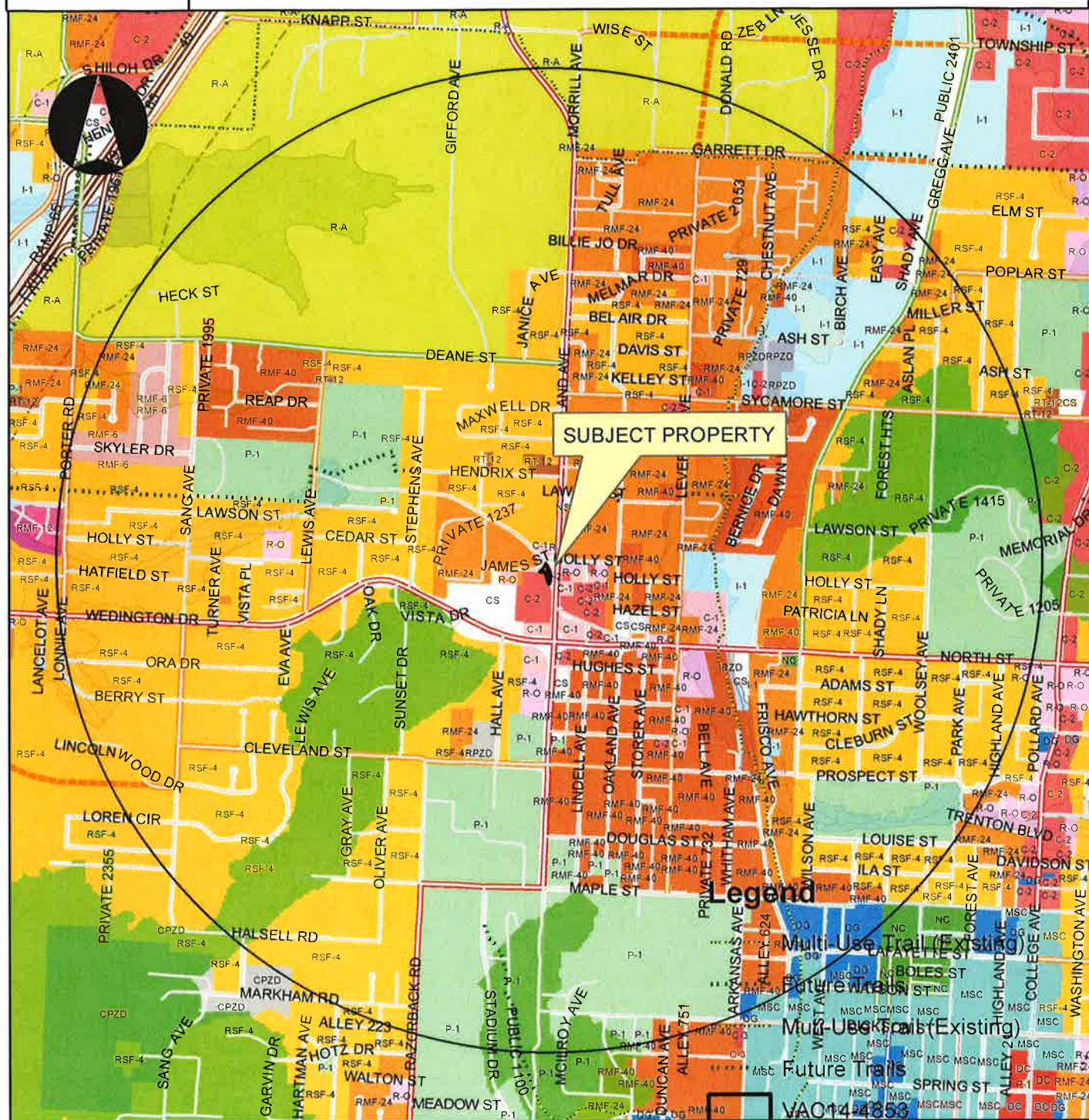
WE CANNOT VACATE THIS EASEMENT
BECAUSE WATER & SEWER ARE STILL
LOCATED IN IT.

August 2014
Page 5

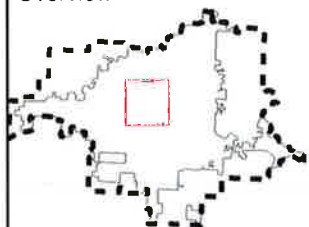
VAC14-4853

JAMES ST. RIGHT-OF-WAY

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5 1

Miles

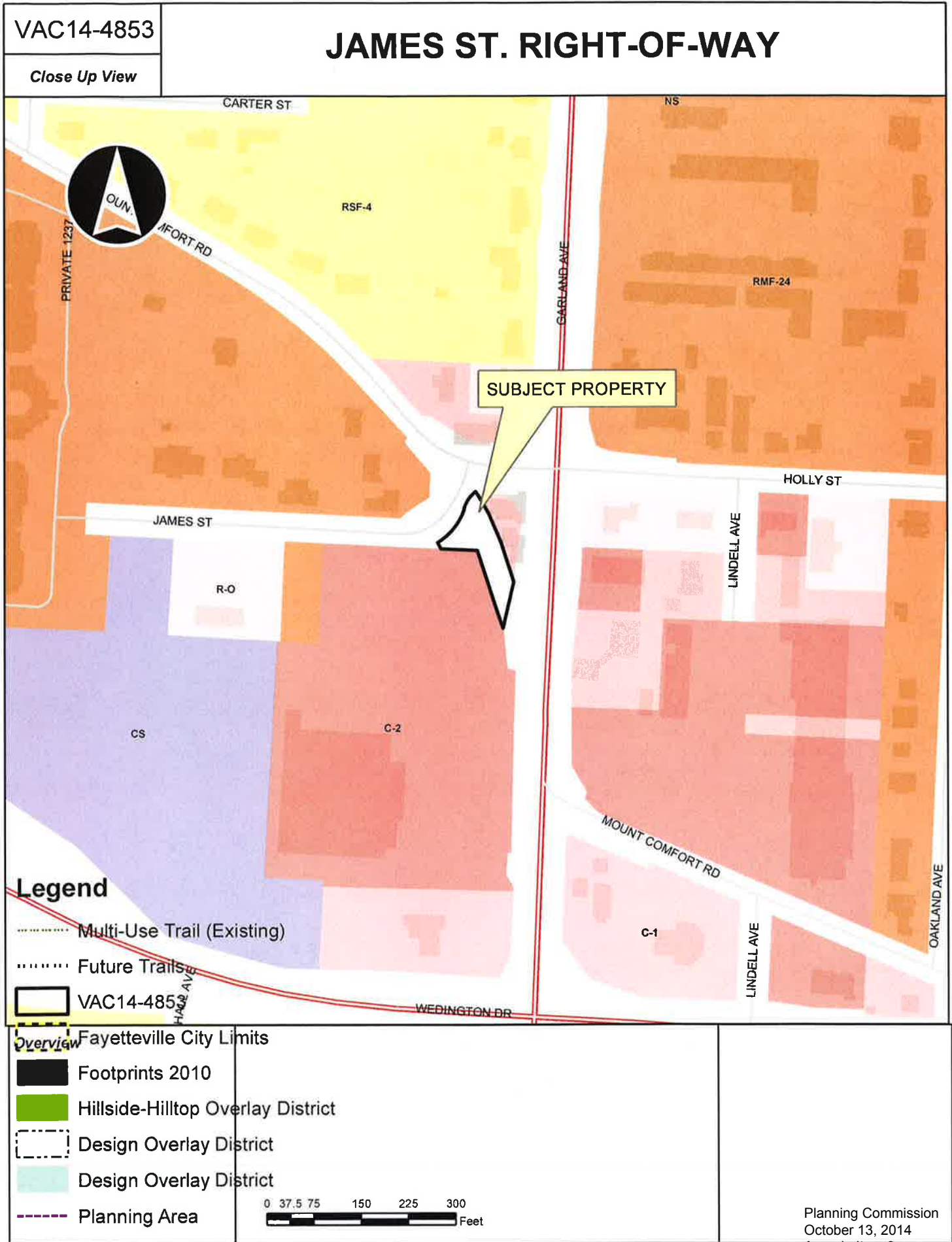
Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

Planning Commission
October 13, 2014



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted street right-of-way is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following portions of street right-of-way described in Exhibit “B” attached hereto and made a part thereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit “A” shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the following conditions of approval:

1. Any damage or relocation of existing facilities shall be at the owner/developer’s expense.

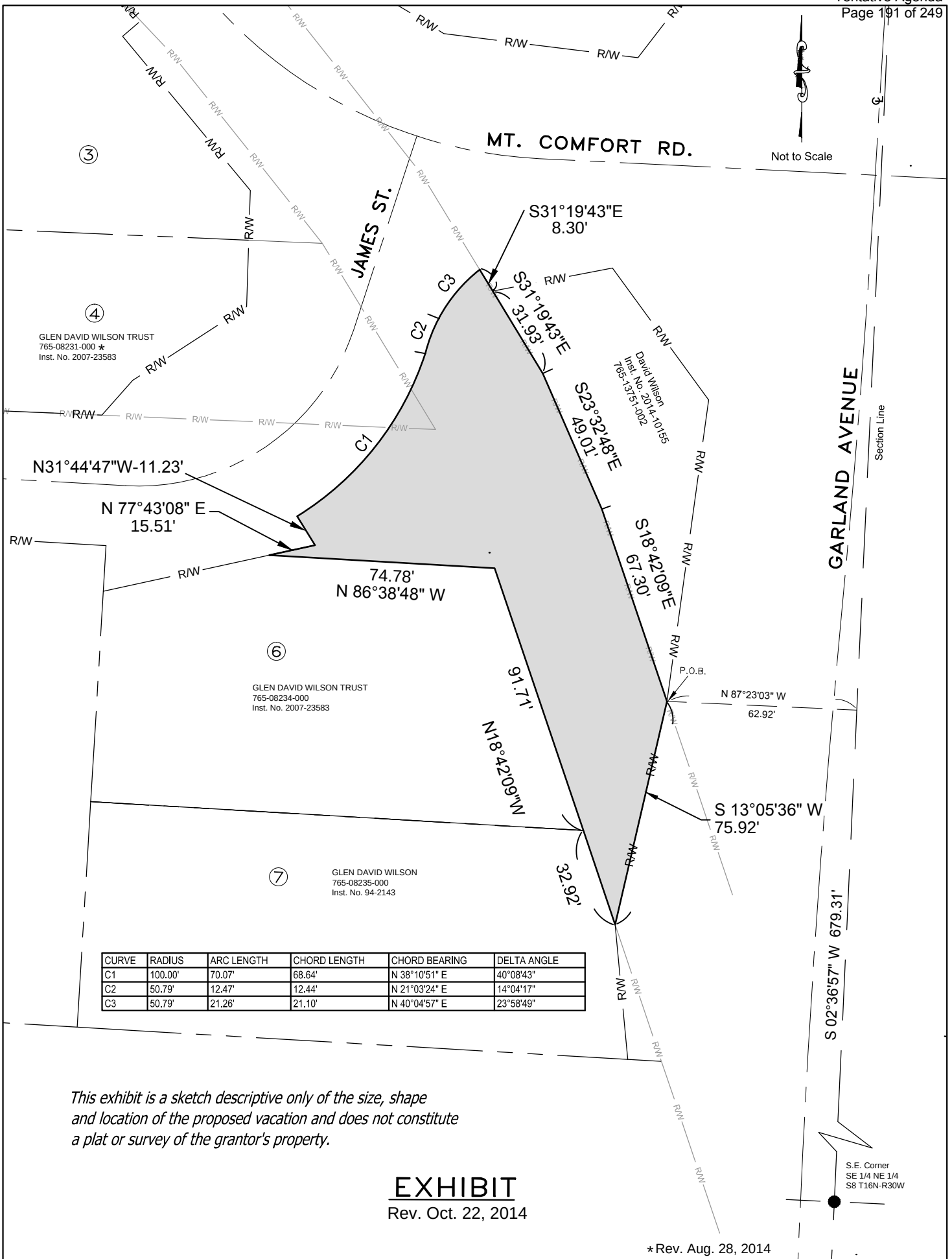
PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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





City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0445**Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Ordinance**Agenda Number:** C. 5

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST-SHARE AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD FOR RAILROAD CROSSING SIGNAL IMPROVEMENTS AT THE DICKSON STREET CROSSING IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND TO AUTHORIZE AMENDMENT NO. 2 TO THE LICENSE AND AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD TO FACILITATE THE CONSTRUCTION OF THE TSA LA GI, TOWN BRANCH AND CATO SPRINGS TRAILS ACROSS RAILROAD PROPERTY

WHEREAS, the City and Arkansas & Missouri Railroad have enjoyed an excellent partnership in developing the City's trail system on railroad property; and

WHEREAS, the expansion of the City's trail system will require new trails to cross additional property owned by Arkansas & Missouri Railroad, and the railroad has agreed to grant a perpetual license to the City for these crossings at no cost; and

WHEREAS, the City of Fayetteville and Arkansas & Missouri Railroad also seek to improve the safety of the railroad crossing at Dickson Street by installing gate arms for the sidewalks and roadway and the City agrees that sharing in the cost of these safety improvements is beneficial to Fayetteville residents and visitors.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and therefore waives the requirements of formal competitive bidding and authorizes the Mayor to sign a cost-share agreement with Arkansas & Missouri Railroad for railroad crossing signal upgrades at the Dickson Street crossing in an amount not to exceed \$250,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to sign Amendment No. 2 to the License and Agreement with Arkansas & Missouri Railroad to facilitate the construction of the Tsa La Gi, Town Branch and Cato Springs Trails across railroad property.

City of Fayetteville Staff Review Form

2014-0445

Legistar File ID

November, 6th 2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

10/18/2014

Engineering /

Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a cost share agreement with the Arkansas & Missouri Railroad Co. (AMRR) for railroad crossing signal upgrades at Dickson Street in the amount not to exceed \$250,000.00 and approval of an amendment to the 2008 License and Agreement between the City of Fayetteville and the AMRR to include additional exhibits H, J & K and enable the construction of the Tsa La Gi, Town Branch and Cato Springs Trails across property owned by the AMRR.

Budget Impact:

4470.9470.5809.00

Sales Tax Capital Impts.

Account Number

Fund

02116

Street ROW/Intersection/Cost Sharing

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 532,293.00

Funds Obligated \$ -

Current Balance \$ 532,293.00

Does item have a cost? Yes

Item Cost \$ 250,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 282,293.00

V20140710

Previous Ordinance or Resolution # 208-13

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6TH 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

DATE: October 17th, 2014

SUBJECT: **Dickson Street Railroad Signalization Cost Share and Amendment**

RECOMMENDATION:

Approval of a cost share agreement with the Arkansas & Missouri Railroad Co. (AMRR) for railroad crossing signal upgrades at Dickson Street in the amount not to exceed \$250,000.00 and approval of an amendment to the 2008 License and Agreement between the City of Fayetteville and the AMRR to include additional exhibits H, J & K and enable the construction of the Tsa La Gi, Town Branch and Cato Springs Trails across property owned by the AMRR.

BACKGROUND:

On July, 15th 2008 the City of Fayetteville entered into a License and Agreement with the AMRR to enable the construction of sections of Scull Creek Trail and Frisco Trail along the railroad. As we continue to expand the trail system there are four additional areas that were not included in the original License and Agreement and are now necessary to construct a trail across property owned by the AMRR.

On October 15th of 2013 the City Council approved resolution no. 208-13 expressing the intent of the City of Fayetteville to enter into a cost-share agreement with the AMRR for crossing safety improvements at the Dickson Street railroad crossing, contingent upon approval by the AMRR of Amendment No. 1 to the 2008 trail license agreement and not unreasonably withholding assent to future trail easements for the City. Following the approval of resolution No. 208-13, the AMRR granted Amendment No. 1 which allowed for the completion of the Tsa La Gi Trail from Government to Hill Avenues. There are three additional locations where trails are planned to cross property owned by the AMRR and these areas are included in the attached Amendment 2 of the License and Agreement and shown as Exhibits H, J & K. These areas are along the Town Branch, Cato Springs and Tsa La Gi Trails. Acquisition of these areas will provide all of the easements on Railroad property necessary to complete the current Master Trail Plan.

DISCUSSION:

Due to several accidents and the high number of pedestrians crossing the railroad tracks at the Dickson Street railroad crossing, the AMRR has requested the City enter into a 50/50 cost share

to upgrade the crossing signals to current standards including gate arms for both the sidewalks and roadway.

The City and AMRR have enjoyed an excellent partnership in developing the trail system on railroad property. In the spirit of this partnership, the proposed cost share will improve public safety at Dickson Street. Although, the value of the easements in Amendment No. 2 is less than the expense of the cost share, the value of the public safety improvement at this busy intersection is a strong factor in the staff recommendation to participate in the cost share.

BUDGET/STAFF IMPACT:

The estimated cost for the crossing signal safety improvements is \$561,000.13 (see exhibit B). The City's share would be a maximum of \$250,000. The cost necessary to adjust the street, trail, lighting and landscape areas to accommodate the new crossing equipment will be included as contribution to the City's share of the cost and is estimated at \$53,892.50 (see exhibit C). The cost share agreement requires the City to pay its share of the cost by the end of 2015. Funds are available in the Street Right of Way/Intersection/Cost Sharing project for this agreement.

Attachments:

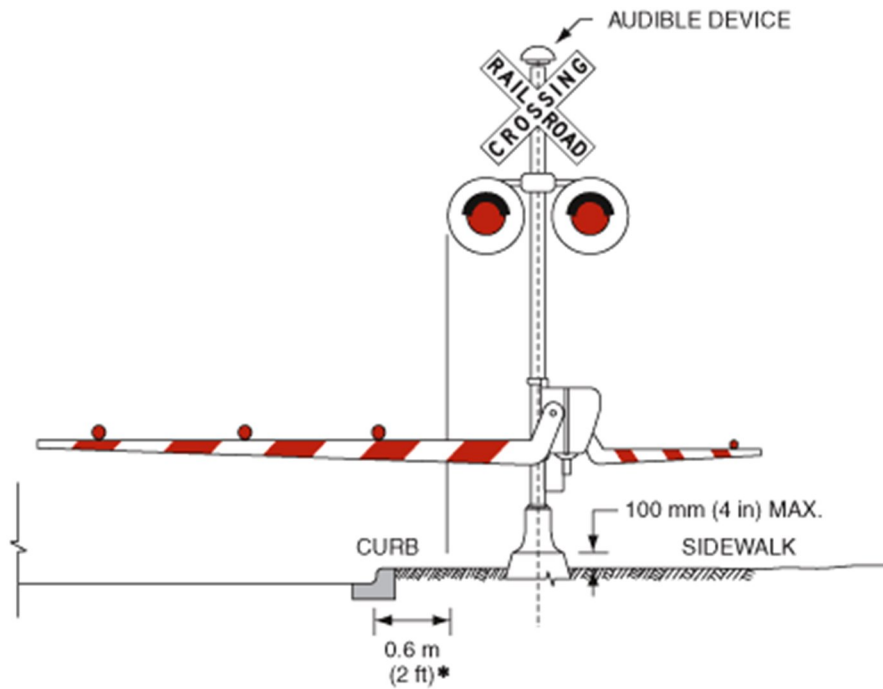
Staff Review Form

Cost Sharing Agreement

Amendment to License and Agreement – Amendment No. 2

2008 License and Agreement

**Figure 10D-4. Example of Pedestrian Gate Placement
with Pedestrian Gate Arm**



*For locating this reference line at other than curb section installation, see Section 8D.01.

City of Fayetteville - Purchase Order Request (PO)

(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.

Requisition No.:

Date:

P.O Number:

Vendor
#:

3262

Vendor
Name:

AR Missouri Railroad

Mail

☐ Yes ☐ No

Legistar#:

2014-0445

Address:

FOB Point:

Taxable

☐ Yes ☐ No

Expected Delivery Date:

City:

State:

Zip Code:

Ship to code:

Quotes Attached

☐ Yes ☐ No

Requester: Chris Brown

Requester's Employee #:

2695

Extension:

8207

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Street Row/Intersection/Cost Sharing: Cost Share agreement with AMRR for railroad crossing signal upgrades at Dickson Street	1		250,000.00	\$250,000.00	4470.9470.5809.00	02116.00		
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:

\$250,000.00

Tax:

\$0.00

Total:

\$250,000.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

COST SHARING AGREEMENT

This Cost Sharing Agreement made and entered into this _____ day of _____, 2014 by and between The Arkansas and Missouri Railroad Company, a Virginia corporation, hereinafter referred to as "Railroad," and the City of Fayetteville, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, Railroad owns and operates a railroad which runs through City; and

WHEREAS, Railroad has a grade crossing at Dickson Street in City; and

WHEREAS, Railroad desires to upgrade the signalization and warning systems at Dickson Street; and

WHEREAS, the parties hereto desire to enter into a Cost Sharing Agreement pertaining to the upgrading of the crossing;

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

1. Railroad shall cause the crossing at Dickson Street to be upgraded with warning devices and signalization as more specifically set forth on the plans and specifications attached hereto as Exhibit "A," hereinafter referred to as "Signalization." Such Signalization shall be performed in a workmanlike manner and in such a manner as to minimize the inconvenience to the public, motorists and pedestrians. However, the parties hereto acknowledge that the installation of the Signalization could result in Dickson Street being closed for through traffic at the crossing, from time to time. Railroad has the right to make changes in the existing plans as needed due to physical situations, component availability or in case of any safety concern of Railroad. The City reserves the right to review and approve the Signalization plans and any and all changes thereto and such approval shall not be unreasonably withheld. The parties hereto acknowledge that the crossing Signalization must be installed to Federal Railroad Administration standards.

2. Attached hereto as Exhibit "B" is an itemization of the estimated cost of the Signalization. City shall pay for its share of the Signalization an amount equal to 50% of the total cost of the Signalization, with the share to be paid by City not to exceed \$250,000.00 ("City's Share"). Upon completion of the Signalization, Railroad will submit to City satisfactory evidence of its payment of the invoices and statements from subcontractors engaged by Railroad for the design, supplying, and installation of the Signalization, and Railroad shall submit an accounting of the actual labor,

materials and expenses provided by it in the construction of the Signalization as estimated on Exhibit "B." City shall reimburse Railroad for City's Share of the total cost of such Signalization within 30 days after Railroad's submission of the total costs as set forth above or January 31, 2015, whichever is later. The City shall be entitled to count towards City's Share the City's actual cost of the improvements it will make and the trail relocation at such crossing, not to exceed the amounts set forth on Exhibit "C."

3. The parties hereto acknowledge that the installation of the Signalization will require the rerouting of the existing trail adjacent to Railroad in the proximity of where it approaches and crosses Dickson Street, and it may require the relocation of the current fencing material for the purpose of installation of the Signalization. To the extent reasonably possible, the parties hereto intend that the permanent rerouting of the trail will be limited to sixty-five (65) feet north and south of Dickson Street. Such rerouting of the existing trail and the moving of the fence, if required, will be at the expense of the City, subject to the approval of Railroad and City, which will not be unreasonably withheld. To the extent reasonably possible, the parties will strive to leave the trail open during construction; however, the parties acknowledge that it may need to be closed or detoured for safety reasons from time to time. If so, the City will erect the barriers and provide appropriate detour routes. To the extent the plans attached hereto as Exhibit "A" include the installation of planters within the Railroad right of way, the parties agree that no such planters shall be installed unless the parties hereto mutually agree on the design and cost thereof. The parties hereto further acknowledge that the installation of the Signalization will require a coordination of the traffic/ pedestrian signals at Dickson Street and West Avenue east of the Signalization. Railroad will bear the expense of causing its signals to be compatible for such coordination. The City reserves the right to review and approve on the Signalization plans and to any changes thereto and such approval shall not be unreasonably withheld. City shall bear the expense of running wire from Railroad's signal or transmitting signals from Railroad's signal to the traffic/pedestrian signal and for any rewiring of such traffic signals for reception of signals that are transmitted by hard wire and/or the expenses of any equipment required to receive signals from a wireless transmitted signal. City shall be responsible for the maintenance of its traffic/pedestrian signals at Dickson Street and West Avenue in order to insure that there is a coordination between such traffic signals and the Signalization. Nothing contained herein, however, shall release Railroad from its obligations to allow the cost itemized on Exhibit "C" to be counted as a contribution of City to the installation of the Signalization.

4. After installation, Railroad shall be responsible for the maintenance of the Signalization, together with the crossing panels installed in or upon Dickson Street.

5. It is agreed that neither party hereto is relying upon any oral or written information or representations made by the other prior to the signing of this Agreement unless expressly provided herein, and that this Agreement constitutes the entire agreement between the parties and same shall not be hereafter amended or modified unless reduced to writing and signed by the parties hereto.

6. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date first above written.

THE ARKANSAS AND MISSOURI RAILROAD COMPANY

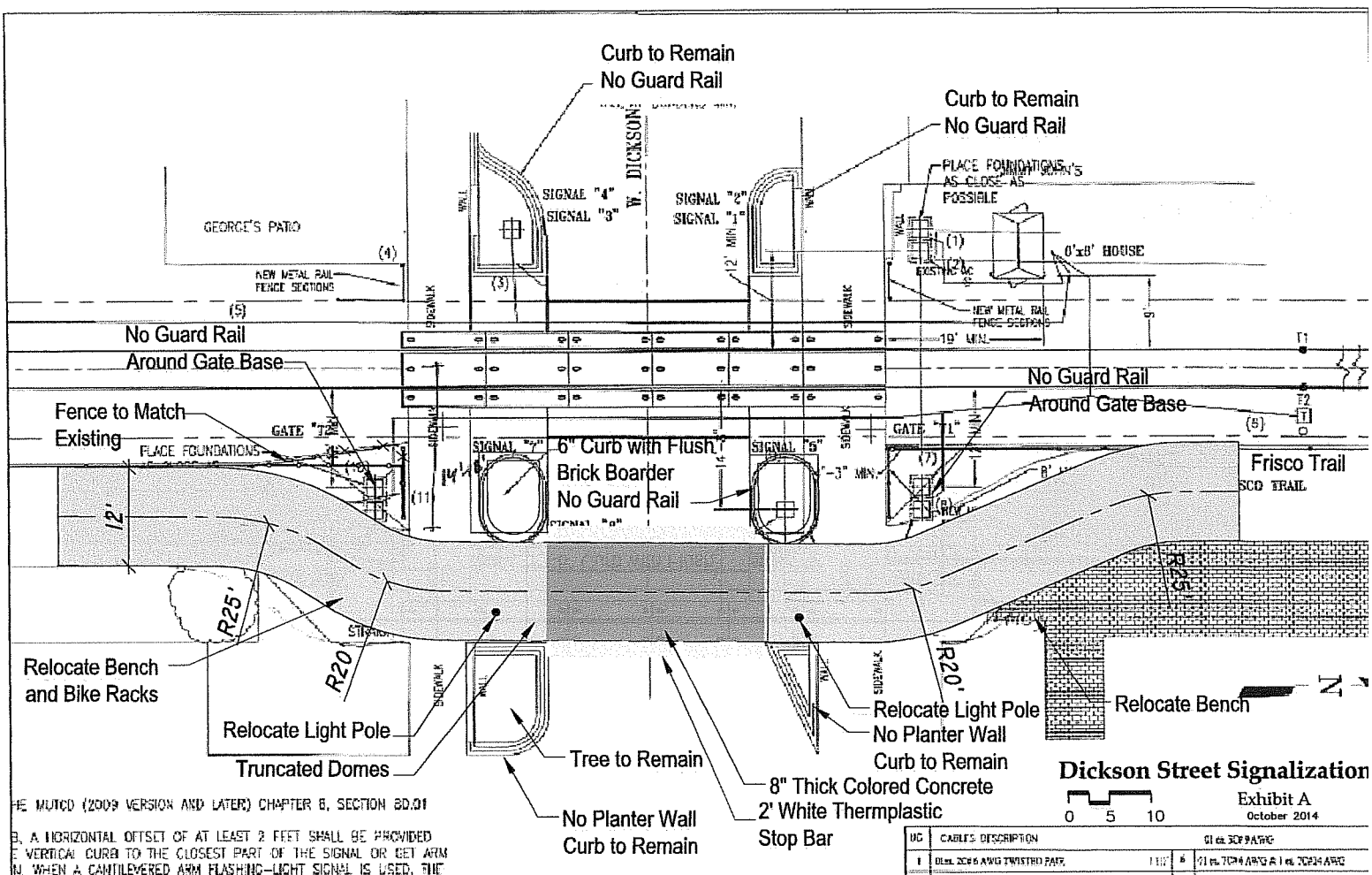
By: _____

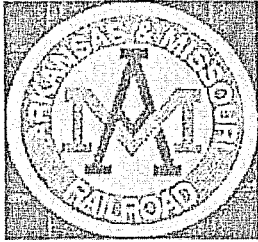
CITY OF FAYETTEVILLE, ARKANSAS

By: _____

ATTEST:

City Clerk
City of Fayetteville, Arkansas





Arkansas & Missouri Railroad
306 E. Emma Ave
Springdale, AR 72764

Date: Sept. 20 2013
Expiration Date: Sept. 20 2014

To: City of Fayetteville
ATTN:

Job: Grade Crossing Warning System Upgrade at Dickson Street

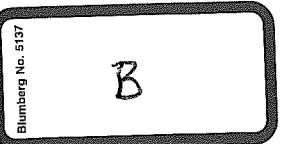
Item #	Qty	Description	Unit	Unit Price	Line Total
Material					
1	60	10' Crosstie's	Each	\$70.00	\$4,200.00
2	160	6" Base Tie Plate	Each	\$9.50	\$1,520.00
3	4	Ballast Car Loads	Each	\$400.00	\$1,600.00
4	6	Pot Welds	Each	\$145.00	\$870.00
5	20	8,6" Crosstie's	Each	\$68.00	\$1,360.00
6	3	Railroad Spikes	Keg	\$68.00	\$204.00
7	220	141Lb. Rail	Linear Foot	\$23.00	\$5,060.00
					\$14,814.00
					Tax @ 9.25%
					\$1,370.30
12	1	132 High Rail Crossing 10' (rubber crossing material currently installed) (supplier invoice)		\$19,853.54	\$19,853.54
AMRR Labor				Subtotal (material)	\$36,037.84
13	300	A&M M.O.W. Labor (tamp/regulate/install)	Hour	\$50.00	\$15,000.00
14	100	Administration	Hour	\$40.00	\$4,000.00
15	160	Signal Labor & Subcontractor Coordination	Hour	\$50.00	\$8,000.00
Subcontractor				Subtotal (labor)	\$27,000.00
16	1	Grade Crossing Warning System - Design, Equipment and Installation	Lump Sum	\$485,462.29	\$485,462.29
17	1	Engineering	Lump Sum	\$12,500.00	\$12,500.00
Subtotal (sub-contractor)					\$497,962.29
Total					\$561,000.13

Prepared by: _____

AMRR Approved by: _____

City Of Fayetteville Approved by: _____

The above quote for material and services is good for the time frame shown above.





Railroad Signal International
5526 South 48th West Ave
Tulsa, Oklahoma 74107
Phone: (918) 234-1522 fax: (918) 234-1529
www.railroadsignalintl.com

CUSTOMER: A & M RAILROAD

PROJECT: FURNISH AND INSTALL 6X8 CONTROL CASE
4 EACH STANDARD RAILROAD GATES WITH SIDEWALK GATES
ALL LED LIGHTHEADS
AUTOMATIC TRAIN GATES AND TRAIN CONTROL SIGNALS PER
SUBMITTED DRAWINGS
REMOVE OLD SIGNALS AND EQUIPMENT TEST SYSTEM

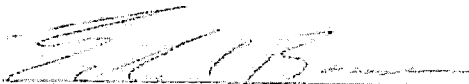
LOCATION: WEST DICKSON STREET FAYETTEVILLE, ARKANSAS RRMP 352.5
DOT 667-195J

CONTROL: HXP-3R WITH SSCC111 PLUS SOLID STATE WITH BACKUP

PROJECT MATERIALS	\$	213,204.50
FIELD CONSTRUCTION, ENGINEERING, TESTING	\$	272,257.79
SHIPPING, EQUIPMENT, OVERHEAD, TRAVEL		
PROJECTED COST		\$ 485,462.29

PRICE DOES NOT INCLUDE TRACKWORK OF ANY KIND
PRICE FOB JOB SITE.
PRICE DOES NOT INCLUDE ANY TAX OF ANY KIND.
THIS QUOTATION IS VALID FOR A PERIOD OF 30 DAYS FROM DATE
THIS QUOTATION IS BEING PROVIDED USING ALL RSI MANUFACTURED
PARTS AND SERVICES

RAILROAD SIGNAL INTL.


EDDIE D. BURNS
PRESIDENT

DEC 14 2012
DATE

APPROVED BY: _____
APPROVED DATE: _____

PO# _____



Dickson Street Signalization - City Expenses
Cost Estimate

October 14, 2014

Exhibit C

Estimate of City Expenses

ITEM #	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
1	Demolition of Ex. Planters, Curbs and Trail	3,310	S.F.	\$1.50	\$ 4,965.00
2	4" Concrete Trail & Sidewalk	18	C.Y.	\$70.00	\$ 1,260.00
3	6" Class 7 Base	43	Ton	\$7.50	\$ 322.50
4	8" Thick Colored Concrete Crosswalk	8	C.Y.	\$300.00	\$ 2,400.00
5	8" Thick Concrete Road Repair	15	C.Y.	\$250.00	\$ 3,750.00
6	6' Tall Curb around Signal Bases	155	L.F.	\$9.00	\$ 1,395.00
7	Truncated Domes	2	E.A.	\$600.00	\$ 1,200.00
8	Ameristar Montage Plus Decorative Fence	60	L.F.	\$65.00	\$ 3,900.00
9	Relocate Light Poles	2	E.A.	\$2,000.00	\$ 4,000.00
10	Traffic Signal coordination upgrades at West Ave. (Wireless)	1	L.S.	\$3,200.00	\$ 3,200.00

Estimated Material Only Cost \$26,392.50

City Labor and Equipment Cost \$55,000/month 2 Weeks \$27,500.00

Total Estimated Cost \$53,892.50

AMENDMENT TO LICENSE AND AGREEMENT AMENDMENT NO. 2

This Amendment No. 2, dated _____, 2014 shall amend the original LICENSE AND AGREEMENT dated July 15, 2008 (hereafter "LICENSE AND AGREEMENT") between the ARKANSAS & MISSOURI RAILROAD COMPANY, a Virginia Corporation, whose local address is 306 East Emma, Springdale, Arkansas 72764, and the CITY OF FAYETTEVILLE, ARKANSAS, a Municipal Corporation, whose address is 113 W. Mountain St., Fayetteville Arkansas 72701 for the installation and maintenance of a multi-use trail along and across the ARKANSAS & MISSOURI RAILROAD COMPANY'S right-of way in the City of Fayetteville, County of Washington, State of Arkansas.

WHEREAS, The CITY OF FAYETTEVILLE desires to extend its trail system in and along locations where the ARKANSAS & MISSOURI RAILROAD COMPANY owns and operates a railroad right of way; and

WHEREAS the parties hereto already have a LICENSE AND AGREEMENT and desire to amend it to include additional locations for such trail;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto do agree as follows:

The LICENSE AND AGREEMENT is hereby modified to include Exhibits H, J & K as described and attached hereto and made a part here of, said multi-use trail to be installed and maintained at the sole cost and expense of the CITY OF FAYETTEVILLE.

At any point where the trail is to cross any existing tracks within the exhibited areas, it shall only pass under existing tracks and not across the top of them, except where the trail crosses the entire width of the spur track at grade as depicted in Exhibit H.

The ARKANSAS & MISSOURI RAILROAD COMPANY accepts that the trail crossings of the existing tracks as shown in Exhibit H do not unreasonably interfere with the railroad operation and can be constructed with the current railroad configuration and agrees to keep the crossing free of parked train cars or other obstructions to trail activity, except on a temporary basis while parking or switching cars. Notwithstanding anything else contained herein to the contrary, when and if the trail is constructed, the trail, including the fencing material as required by the LICENSE AND AGREEMENT to separate trail users from the tracks shall be no closer to the rail than is allowed by the AREMA standards which apply.

The CITY OF FAYETTEVILLE agrees that, when and if constructed, the trail will be either on the east side or west side of the tracks depicted upon Exhibit H. Accordingly, after construction the License granted herein for the other side of the trail, where it is not constructed, shall be deemed released from this License.

All plans for the trail, including protection for the users of the trail, where it passes beside, along, over, or under any existing railroad tracks or existing operations, shall be subject to the approval of the ARKANSAS & MISSOURI RAILROAD COMPANY, which approval will not be unreasonably withheld. No work shall be performed upon any part of the trail on ARKANSAS & MISSOURI RAILROAD COMPANY right of way, including but not limited to the those portions of

the trail as described in the LICENSE AND AGREEMENT, until after obtaining a work permit from the ARKANSAS & MISSOURI RAILROAD COMPANY, which shall not be unreasonably withheld and only if the permittee complies with any and all conditions of such work permit.

Except as amended by this Amendment, the LICENSE AND AGREEMENT and the provisions contained therein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate the day and year first above written.

City of Fayetteville, Arkansas

Arkansas & Missouri Railroad Co.

By: _____
LIONELD JORDAN, Mayor

By: _____
BRENT McCREADY, President

ATTEST:

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

By: _____
_____, Secretary

At Razorback Road (As shown on Exhibit H)

Arkansas & Missouri Railroad Company

765-14843-000

Instrument No. 2001-28071

Description:

A portion of Arkansas and Missouri Railroad Company's sixty-five foot (65') wide railroad right-of-way as described in Instrument No. 2001-28071 and being a part of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Northeast Corner of said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20); thence South 02°40'45" West 676.38 feet; thence North 87°19'15" West 93.37 feet to a point on the Westerly right-of-way of Arkansas State Highway 16/ 112 per Job No. 040399, said point bears South 02°32'35" East 2.22 feet from an A.H.T.D. 2" aluminum cap (P.S. #1201), said point being the POINT OF BEGINNING; thence along said right-of-way South 11°19'26" West 49.87 feet; thence leaving said right-of-way North 90°00'00" West 38.62 feet to the Westerly line of said Arkansas and Missouri Railroad Company's sixty-five foot (65') railroad right-of-way being the beginning of a non-tangent curve to the left having a delta angle of 30°40'39" and a radius of 992.14 feet; thence along said railroad right-of-way along said curve an arc length of 531.21 feet and a chord bearing and distance of North 40°49'07" West 524.89 feet; thence leaving said railroad right-of-way South 87°34'14" East 115.82 feet to the Easterly line of said railroad right-of-way being the beginning of a non-tangent curve to the right having a delta angle of 24°02'54" and a radius of 1057.14 feet; thence along said railroad right-of-way along said curve an arc length of 443.70 feet and a chord bearing and distance of South 38°46'05" East 440.45 feet to the Point of Beginning, containing 32,556 square feet, more or less.

LESS AND EXCEPT the following portion of said railroad right-of-way: BEGINNING at a point that is North 87°19'15" West 4.60 feet from the Point of Beginning in the above description; thence North 87°19'15" West 25.38 feet to the beginning of a non-tangent curve to the left having a delta angle of 22°23'13" and a radius of 1031.14 feet; thence along said curve an arc length of 402.89 feet and a chord bearing and distance of North 38°45'19" West 400.33 feet; thence South 87°34'14" East 35.43 feet to the beginning of a non-tangent curve to the right having a delta angle of 21°33'19" and a radius of 1053.14 feet; thence along said curve an arc length of 396.20 feet and a chord bearing and distance of South 37°38'40" East 393.87 feet to the Point of Beginning, containing 8,789 square feet, more or less.

The above described property containing a net total of 23,767 square feet, more or less.

At Town Branch (As shown on Exhibit J)

A portion of the Arkansas and Missouri Railroad Co. property.

Description:

A part of the North Half (N ½) of the Southeast Quarter (SE ¼) of Section Twenty (20) in Township Sixteen (16) North, Range Thirty (30) West, Washington County Arkansas, being more particularly described as follows:

A fifty foot (50') wide license area being a portion of the Arkansas and Missouri Railroad Company's Monett to Fort Smith Main Track fifty foot (50') right-of-way as shown on Frisco Lines Yard Plat for Fayette Junction dated December 28, 1916 (correction date of June 7, 1916) and being described in Deed Bk. 1206, Pg. 317 and Instrument No. 2001-28071 as filed with the Circuit Clerk, Washington County, Arkansas, said right-of-way being twenty-five feet (25') either side of said Main Track centerline also being the centerline of said trail license area, said centerline being described as follows:

Commencing at a found iron pin being the Southwest Corner of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of said Section Twenty (20); thence along the Westerly line of said forty (40) acre tract North 03°17'44" East 287.68 feet; thence North 81°00'26" West 21.66 feet to Station 4034 + 88 of said Main Track centerline as per said Frisco Lines Yard Plat being the POINT OF BEGINNING, and being the beginning of a curve to the right having a delta angle of 00°20'29" and a radius of 6,712.49 feet; thence along said centerline an arc length of forty feet (40') and a chord bearing and distance of North 09°08'42" East 40.00 feet to Station 4034 + 48 of said Main Track centerline being the terminus, containing 2,000 square feet, more or less.

At Cato Springs Branch (As shown on Exhibit K)

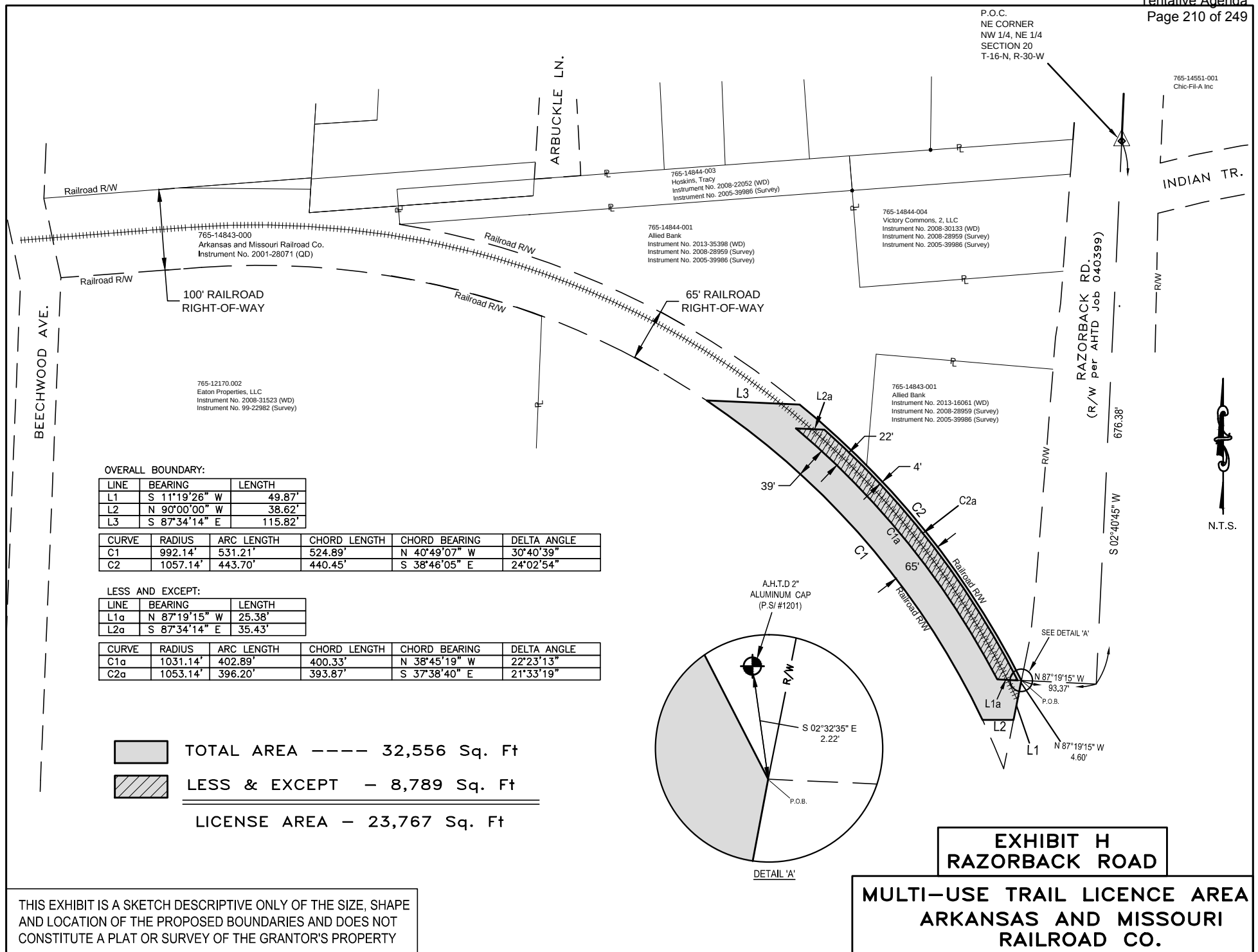
A portion of the Arkansas and Missouri Railroad Co. property.

Description:

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Twenty-nine (29) in Township Sixteen (16) North, Range Thirty (30) West, Washington County Arkansas, being more particularly described as follows:

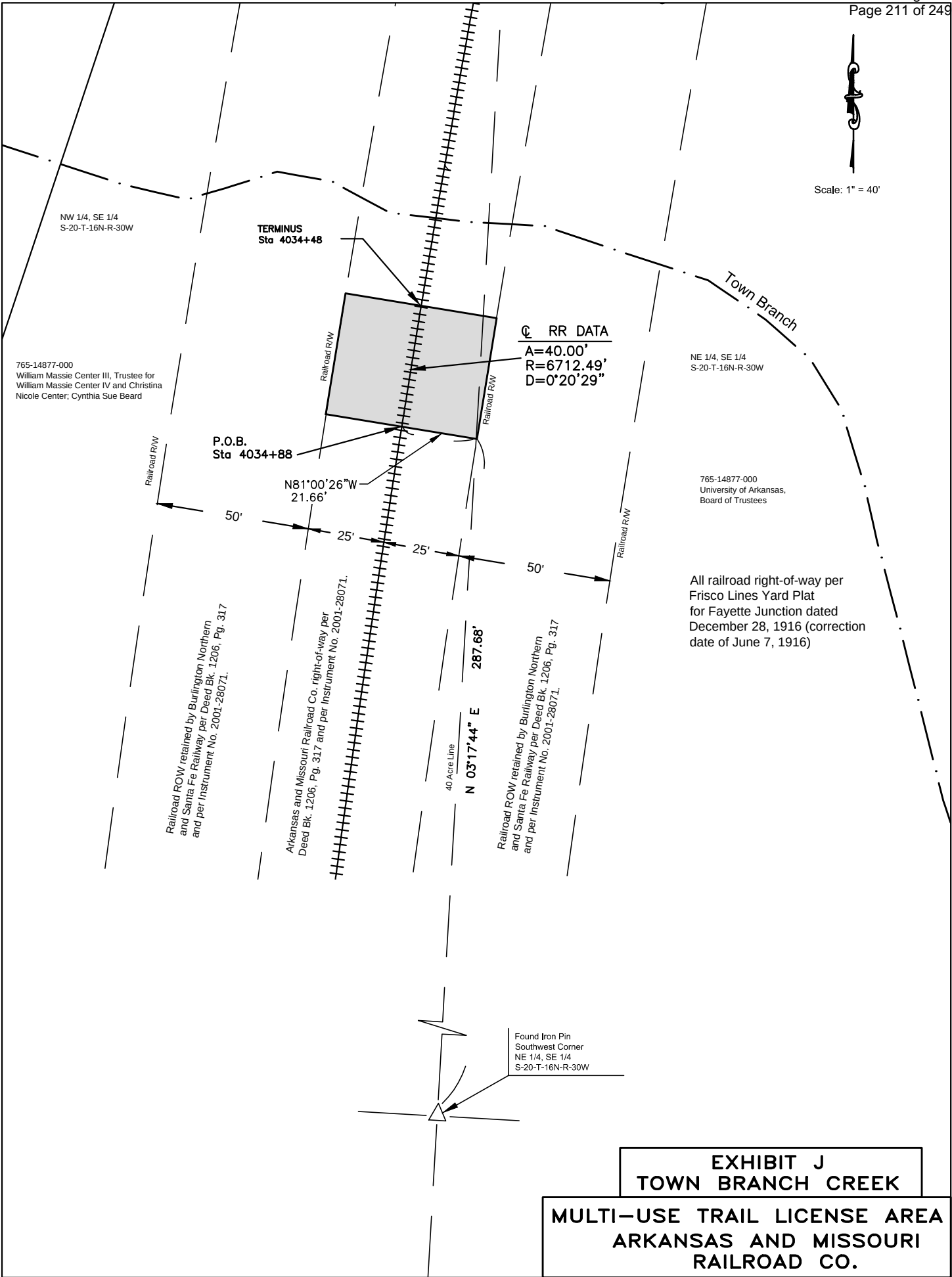
A one hundred foot (100') wide trail license area being a portion of the Arkansas and Missouri Railroad Company's Monett to Fort Smith Branch Line right-of-way as shown on Frisco Lines Yard Plat for Fayette Junction dated December 28, 1916 (correction date of June 7, 1916) and being described in Deed Bk. 1206, Pg. 317 as filed with the Circuit Clerk, Washington County, Arkansas, said right-of-way being fifty feet (50') either side of the Main Track centerline also being the centerline of said trail license area, said centerline being described as follows:

Commencing at the Northwest Corner of said forty (40) acre tract; thence along the Northerly line of said tract South 87°03'43" East 281.03 feet to Station 4064 + 79.68 (±) of said Main Track centerline as per said Frisco Lines Yard Plat; thence along said centerline South 08°12'00" East 166.72 feet to Station 4066 + 46.40 (±), being the POINT OF BEGINNING; thence continuing along said centerline South 08°12'00" East 130.00 feet to Station 4067 + 76.40 (±) being the terminus, containing 13,000 square feet, more or less.





Scale: 1" = 40'



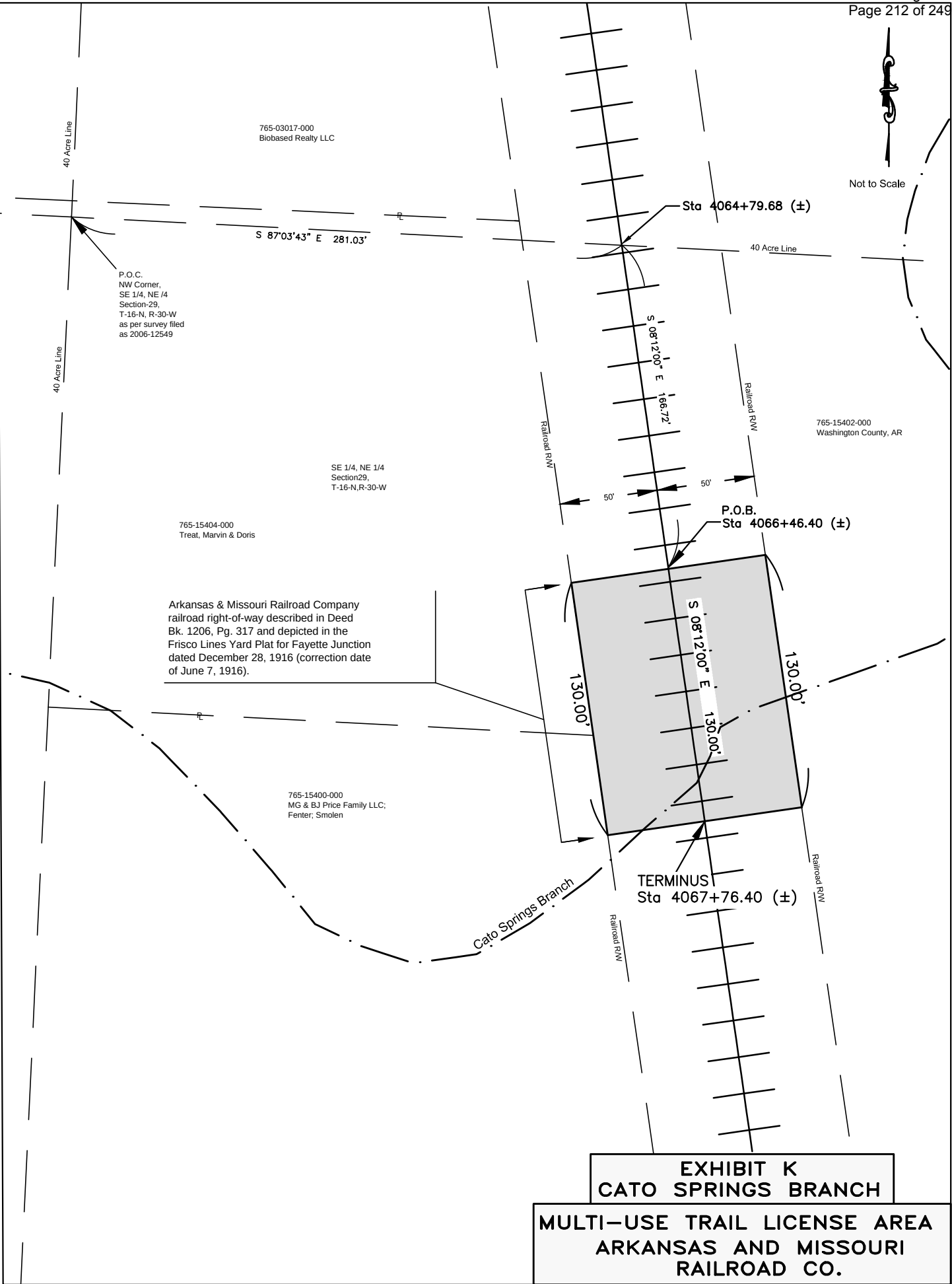


EXHIBIT K
CATO SPRINGS BRANCH
MULTI-USE TRAIL LICENSE AREA
ARKANSAS AND MISSOURI
RAILROAD CO.

File **2012-00026010**

**LICENSE AND
AGREEMENT**

MEMORANDUM OF LICENSE AND AGREEMENT, effective the 15th day of July, 2008, by and between the ARKANSAS & MISSOURI RAILROAD COMPANY, a Virginia Corporation, whose local address is 306 East Emma, Springdale, Arkansas 72764, and the CITY OF FAYETTEVILLE, ARKANSAS, a Municipal Corporation, whose address is 113 W. Mountain St., Fayetteville, Arkansas 72701,

WHEREAS, the CITY OF FAYETTEVILLE has requested to install and maintain for the use of CITY OF FAYETTEVILLE and the public generally, a multi-use trail along and across the ARKANSAS & MISSOURI RAILROAD COMPANY's right-of way in the City of Fayetteville, County of Washington, State of Arkansas substantially as shown on and more particularly described the Exhibits attached hereto and made a part hereof, said multi-use trail to be installed and maintained at the sole cost and expense of the CITY OF FAYETTEVILLE; and

WHEREAS, the ARKANSAS & MISSOURI RAILROAD COMPANY is agreeable to the installation and use by CITY OF FAYETTEVILLE, its agents, servants, employees, guests and the public generally of said multi-use trail over the property of the ARKANSAS & MISSOURI RAILROAD COMPANY at the City of Fayetteville, Arkansas at the sole cost and expense of the CITY OF FAYETTEVILLE, but only on the terms and conditions hereinafter set forth;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. The CITY OF FAYETTEVILLE will furnish the labor and materials necessary to install and maintain said multi-use trail over the property of the ARKANSAS & MISSOURI RAILROAD COMPANY at City of Fayetteville, Arkansas.
2. The ARKANSAS & MISSOURI RAILROAD COMPANY hereby grants license unto the CITY OF FAYETTEVILLE to install and maintain said multi-use trail over the property of the ARKANSAS & MISSOURI RAILROAD COMPANY at the locations described on Exhibit "1" and as diagramed on Exhibits "A-F" attached hereto, and permission to use said multi-use trail during the continuance hereof, together with the agents, servants, employees, guests and invitees of CITY OF FAYETTEVILLE, and the public generally.
3. Should any changes be required in the location, construction, reconstruction or protection of the multi-use trail, due to ARKANSAS & MISSOURI RAILROAD COMPANY's use of its property and facilities, including changes to or installation of ARKANSAS & MISSOURI RAILROAD COMPANY's track at the locations of the multi-use trail, or due to the requirements of any Local, State or Federal regulations, the CITY OF FAYETTEVILLE at its sole cost and expense shall make changes required to the multi-use trail, or the ARKANSAS & MISSOURI RAILROAD COMPANY will make the changes, additions or modifications to the multi-use trail, at the sole cost and expense of the CITY OF FAYETTEVILLE.
4. The CITY OF FAYETTEVILLE shall not create or permit to be created or to exist upon said multi-use trail any nuisance, public or private, during the continuance of this License.

5. The term of this Agreement and License shall continue in full force and effect for a term of Ninety-Nine (99) years unless it shall become necessary for the ARKANSAS & MISSOURI RAILROAD COMPANY to construct a second set of tracks or other improvements for its operation, at which time the ARKANSAS & MISSOURI RAILROAD COMPANY shall give the CITY OF FAYETTEVILLE One Hundred Eighty (180) days notice in writing of its intention so to do. The ARKANSAS & MISSOURI RAILROAD COMPANY can also terminate this License for cause if after written notice to the CITY OF FAYETTEVILLE it has not cured a breach of its obligations within thirty (30) days notice to do so. Upon termination or expiration of this agreement, the CITY OF FAYETTEVILLE shall, at the sole cost and expense of the CITY OF FAYETTEVILLE, remove the multi-use trail described herein and restore the portion of ARKANSAS & MISSOURI RAILROAD COMPANY's property used for the multi-use trail to its former condition. If the improvements are not removed within 30 days of the termination, the ARKANSAS & MISSOURI RAILROAD COMPANY shall remove or cause to be removed the multi-use trail, of which reasonable cost and expense shall be paid by the CITY OF FAYETTEVILLE.

6. As consideration for the privileges herein contained the CITY OF FAYETTEVILLE agrees, at the sole cost and expense of the CITY OF FAYETTEVILLE, to erect, own, and maintain a 6' black vinyl coated chain link fence to be located between the trail and the tracks to discourage pedestrian access to the multi-use trail; to install signage at every point where it is possible for the public to access the right-of-way, warning that trespassing upon railroad tracks and right-of-way is both illegal and dangerous; and to construct and maintain freestanding roof structures at those points where the multi-use trail passes under the trestles of the ARKANSAS & MISSOURI RAILROAD COMPANY. The freestanding roof structures shall extend to the right-of-way of the ARKANSAS & MISSOURI RAILROAD COMPANY, and be constructed in such a manner as to deter the users of the multi-use trail from using them as leverage to access the trestles or other railroad structures.

7. Notwithstanding anything above to the contrary, CITY OF FAYETTEVILLE, its successors and assigns, including any contractors or subcontractors providing work for it, shall not perform any construction or any significant maintenance other than mowing, weed-eating, trash pick up, and the like, within Exhibit "A" without first obtaining a work permit from ARKANSAS & MISSOURI RAILROAD COMPANY and shall comply with all conditions of such work permit, including the furnishing of a railroad protected insurance policy.

8. The CITY OF FAYETTEVILLE shall cause any contractor engaged by it to obtain and furnish to the ARKANSAS & MISSOURI RAILROAD COMPANY a policy of public liability and property damage insurance in an amount of not less than \$5,000,000.00. Such policy shall name the ARKANSAS & MISSOURI RAILROAD COMPANY as an additional insured and shall provide that notice shall be given to the ARKANSAS & MISSOURI RAILROAD COMPANY not less than thirty (30) days prior to the cancellation of such policy. Such policy shall be subject to the approval of the ARKANSAS & MISSOURI RAILROAD COMPANY and shall remain in effect during the construction of the improvements contemplated by this agreement.

9. The CITY OF FAYETTEVILLE shall, at its sole cost and expense, reimburse for any delays to train operations, and repair any and all damage to the ARKANSAS & MISSOURI RAILROAD COMPANY'S property, any property within its possession as a bailee or lessee, trackage, and other facilities, which delays or damage are caused by the installation, repair and maintenance of the improvements contemplated this agreement and shall, to the reasonable

satisfaction of the ARKANSAS & MISSOURI RAILROAD COMPANY, restore such property, trackage and other facilities to their original condition. The CITY OF FAYETTEVILLE shall cause the contractor, if any, to be bound by this provision.

10. The CITY OF FAYETTEVILLE shall cause any contractor employed by it or engaged by it to construct the improvements contemplated by this agreement to assume any and all liability for injury to or death of persons, all loss or damage to property, in any manner arising from or during the construction of the improvements contemplated by this agreement, however, such injury, death, loss, damage or destruction as aforesaid may occur or be caused. The CITY OF FAYETTEVILLE shall further cause any contractor engaged by it to construct the improvements contemplated by this agreement to indemnify and save and hold harmless the ARKANSAS & MISSOURI RAILROAD COMPANY from any and all claims, demands, suits, actions, damages, recoveries, judgments, costs and expenses arising or growing out of or in connection with such injury, death, loss, damage, or destruction as aforesaid, which expense shall include the cost ARKANSAS & MISSOURI RAILROAD COMPANY incurs defending itself, including attorney fees and expenses.

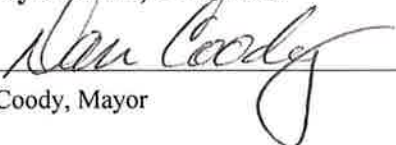
11. In consideration of the grant of this License, the CITY OF FAYETTEVILLE shall purchase a policy of liability insurance which shall insure the ARKANSAS & MISSOURI RAILROAD COMPANY in the amount of \$5,000,000.00 from liability for injury or death to persons or damage to property arising from persons using the trail described on Exhibit "A," including persons who are injured at any place upon the right of way of the ARKANSAS & MISSOURI RAILROAD COMPANY adjacent to such trail, whether injuries are caused by the operation of trains by the ARKANSAS & MISSOURI RAILROAD COMPANY or otherwise. At the option of the ARKANSAS & MISSOURI RAILROAD COMPANY such policy shall either name the ARKANSAS & MISSOURI RAILROAD COMPANY as a named insured of such policy or an additional insured. Such policy shall be kept in full force and effect during the existence of this License and shall continue to insure the ARKANSAS & MISSOURI RAILROAD COMPANY for incidents arising during the existence of this License and until such trail and any improvements installed by the CITY OF FAYETTEVILLE are removed in accordance with the provisions of paragraph 5 above, regardless of when the claim is made. Such policy shall be subject to the approval of the ARKANSAS & MISSOURI RAILROAD COMPANY and shall provide notice to the ARKANSAS & MISSOURI RAILROAD COMPANY not less than thirty (30) days of cancellation of such policy. If the CITY OF FAYETTEVILLE engages a contractor to construct such trail and such policy acquired by the contractor pursuant to paragraph 8 would cover the same potential liability of the ARKANSAS & MISSOURI RAILROAD COMPANY as the policy to be acquired by the CITY OF FAYETTEVILLE as required above, then the CITY OF FAYETTEVILLE shall not be required to provide the insurance required herein above until the construction of such trail is complete (so long as there is no lapse of coverage). Otherwise, such policy required of the CITY OF FAYETTEVILLE shall be acquired and made effective prior to the commencement of any construction of such trail.

12. This Agreement shall not be assigned or in any manner transferred without the express written consent of the President of the ARKANSAS & MISSOURI RAILROAD COMPANY, or his duly authorized representative.

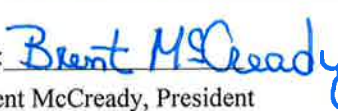
Until terminated as herein provided, this Agreement shall inure to the benefit of and be binding upon the legal representative and successors of the parties respectively.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate the day and year first above written.

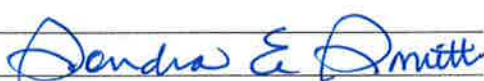
City of Fayetteville, Arkansas

By: 
Dan Coody, Mayor

Arkansas & Missouri Railroad Co.

By: 
Brent McCready, President

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

}
SS.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 15TH day of July, 2018.

MY COMMISSION EXPIRES:

09-18-2017

Jill S. Goddard
Notary Public



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF WASHINGTON)

On this the 7th day of August, 2012, before me, the undersigned officer, personally appeared Brent McCreedy, who acknowledged himself to be the President of the Arkansas & Missouri Railroad Co., a corporation, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:
5-2-2013



Notary Public



ARKANSAS AND MISSOURI RAILROAD COMPANY, INC.

As shown on Exhibit "A":

Part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) Section Sixteen (16), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas and all within the Arkansas and Missouri Railroad right-of-way being more particularly described as follows: Beginning at the intersection of the Southerly right-of-way Dickson Street and a point eight (8) feet easterly of the existing centerline main track Arkansas and Missouri Railroad; thence along the said Southerly right-of-way of Dickson Street South 87°10'56" East 17.00 feet to a point twenty-five (25) feet Easterly of and parallel to said existing centerline main track; thence leaving said Southerly right-of-way Dickson Street parallel to said existing centerline main track South 02°43'39" West 45.00 feet to the beginning of a curve to the right, said curve having a central angle of 23°22'50" and a radius of 980.37 feet; thence along said curve concentric to said existing centerline main track an arc length of 400.05 feet; thence parallel to said existing centerline main track South 27°19'38" West 87.88 feet; thence North 62°40'22" West 17.00 feet to a point perpendicular and parallel to eight (8) feet easterly of said existing centerline main track; thence parallel to said existing main track North 27°19'38" East 87.88 feet to the beginning of a curve to the left, said curve having a central angle of 23°22'11" and a radius of 963.37 feet; thence concentric to said existing main track along said curve an arc length of 392.94 feet; thence continuing parallel to said existing main track North 02°43'39" East 44.85 feet to the Point of Beginning, containing 8998 square feet, more or less.

As shown on Exhibit "B":

Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) Section Sixteen (16), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas and all within the Arkansas and Missouri Railroad right-of-way being more particularly described as follows: Beginning at the intersection of the Northerly right-of-way Dickson Street and a point eight (8) feet easterly of the existing centerline main track Arkansas and Missouri Railroad; thence parallel to said existing main track North 02°43'39" East 415.61 feet to the beginning of a curve to the left, said curve having a central angle of 12°45'24" and a radius of 1335.51 feet; thence concentric to said existing main track along said curve an arc length of 297.35 feet to the Southerly right-of-way Lafayette Street; thence along said Southerly right-of-way Lafayette Street North 74°24'22" East 17.08 feet to the beginning of a non-tangent curve to the right; thence leaving said Southerly right-of-way Lafayette Street along said curve, said curve having a central angle of 12°49'37" and a radius of 1352.51 feet, an arc length of 302.79 feet to a point, said point having a chord bearing and distance from said beginning of curve of South 03°41'10" East 302.16 feet; thence South 02°43'39" West 415.61 feet to the said Northerly right-of-way Dickson Street; thence along said Northerly right-of-way Dickson Street North 87°16'21" West 17.00 feet the Point of Beginning, containing 12167 square feet, more or less.

As shown on Exhibit "C":

Part of the Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) and part of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) Section Sixteen (16), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas and all within the Arkansas and Missouri Railroad right-of-way being more particularly described as follows: Beginning at the intersection of the Southerly right-of-way of Maple Street and a point eight (8) feet easterly and radial of the existing centerline main track of the Arkansas and Missouri Railroad; thence along said Southerly right-of-way of Maple Street South 81°39'25" East 18.71 feet to a point twenty-five (25) feet Easterly of and concentric to said existing centerline main track; thence leaving said Southerly right-of-way of Maple Street along a curve concave Northeasterly concentric to said existing centerline main track an arc length of 206.26 feet through a central angle 03°06'51", said curve having a radius of 3794.83 feet to the West line of Lot 1, Frisco Addition to the City of Fayetteville; thence along said West line South 02°46'46" West 15.67 feet to the Southwest corner of said Lot 1; thence along the South line of said Lot 1 South 87°34'14" East 6.44 feet to a point 25' feet Easterly of and concentric to said existing centerline main track; thence along a curve concave Northeasterly concentric to said existing centerline main track an arc length of 74.61 feet through a central angle 01°07'35", said curve having a radius of 3794.83 feet; parallel to said existing centerline main track South 20°52'25" East 37.70 feet to the beginning of a curve to the right, said curve having a central angle of 08°38'58" and a radius of 1352.51 feet; thence along said curve an arc length of 204.17 feet to the North right-of-way of Lafayette Street; thence along said North right-of-way of Lafayette Street South 74°24'21" West 17.03 feet; thence leaving said Northerly right-of-way of Lafayette Street along a curve concave Southwesterly, eight (8) feet Easterly of and concentric to said existing centerline main track an arc length of 202.61 feet through a central angle 08°41'32", said curve having a radius of 1335.51 feet; thence parallel to said existing centerline main track North 20°52'25" West 37.70 feet to the beginning of a curve to the right, said curve having a central angle of 04°36'49" and a radius of 3811.83 feet; thence along said curve concentric to said existing centerline main track an arc length of 306.94 feet to the point of beginning, containing 9188 square feet, more or less.



As shown on Exhibit "D":

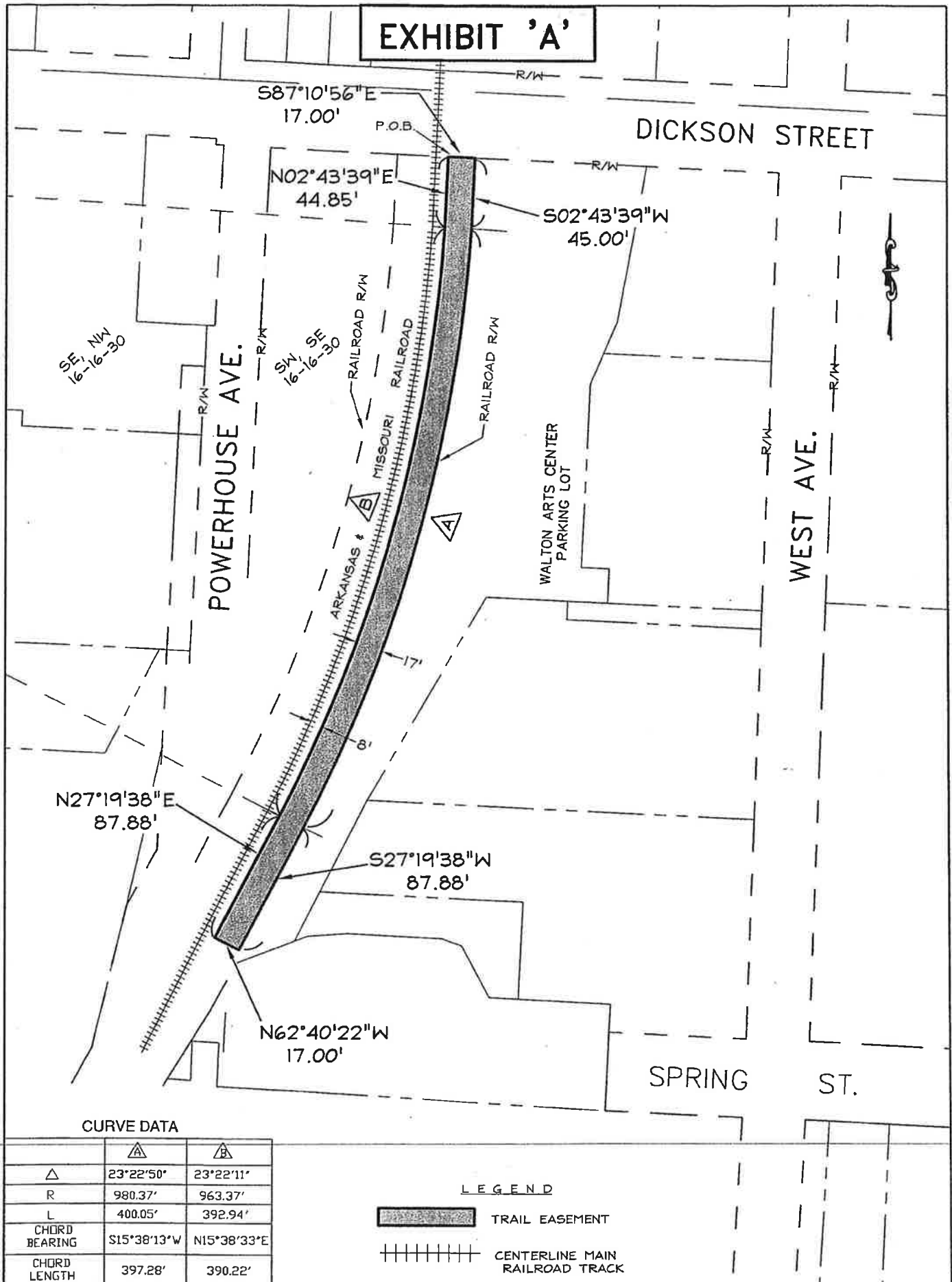
Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and part of Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas and all within the Arkansas and Missouri Railroad right-of-way being more particularly described as follows: Beginning at the intersection of the Northerly right-of-way of Maple Street and a point eight (8) feet easterly and radial of the existing centerline main track of the Arkansas and Missouri Railroad; thence concentric to said existing centerline main track along a curve through a central angle of 8°16'43" and a radius of 3811.83 feet an arc length of 550.77 feet; thence parallel with said existing centerline main track North 07°19'18" West 665.64 feet; thence South 82°40'14" West 33.00 feet to a point twenty-five (25) feet westerly and parallel of the said existing centerline main track; thence parallel with said existing centerline main track North 07°19'18" West 424.85 feet; thence South 25°50'26" East 53.52 feet to a point eight (8) feet westerly and parallel of the said existing centerline main track; thence parallel with said existing centerline main track South 07°19'18" East 316.66 feet; thence North 82°38'56" East 16.00 feet to a point eight (8) feet easterly and parallel of the said existing centerline main track; thence parallel with said existing centerline main track North 07°19'18" West 151.90 feet; thence North 82°40'14" East 17.00 feet to a point twenty-five (25) feet easterly and parallel of the said existing centerline main track; thence parallel with said existing centerline main track South 07°19'18" East 874.98 feet to the beginning of a curve to the left said curve having a central angle of 8°23'33" and a radius of 3794.83 feet; thence along said curve, concentric to said existing centerline main track an arc length 555.86 feet to the said Northerly right-of-way of Maple Street, thence along said Northerly right-of-way of Maple Street North 81°39'25" West 18.61 feet to the point of beginning containing 31991 square feet, more or less.

At Drake Street (as shown on Exhibit)E:

Part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-Four (34), Township Seventeen (17) North, Range Thirty (30) West, Washington County, Arkansas being more particularly described as follows: Commencing at the Northwest (NW) Corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section; thence South 87°24'44" East 694.98 feet; thence South 02°35'16" West 845.46 feet; thence South 87°24'44" East 596.01 feet to the POINT OF BEGINNING, said point being the Southeast property corner for a property described in Instrument Number 2007-5939 with the Circuit Clerk of Washington County, Arkansas; thence along the Easterly line of said property North 20°44'51" West 13.90 feet; thence leaving said Easterly line North 69°24'43" East 106.41 feet to the Easterly right-of-way line of the Arkansas & Missouri Railroad, said line also being the Westerly line of a property described in Instrument Number 2001-172188 recorded with said Circuit Clerk; thence Southeasterly along said right-of-way South 21°08'15" East 60.03 feet; thence leaving said right-of-way South 69°24'43" West 74.41 feet to the Westerly right-of-way of said railroad; thence Northeasterly along said right-of-way North 23°06'44" West 32.83 feet; thence leaving said right-of-way North 87°24'44" West 33.82 feet to the Point of Beginning, containing 5150 square feet, more or less.

At Aspen Ridge (as shown on Exhibit)F:

A part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) Section Sixteen (16), And a part of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) Section Twenty-One (21), all in Township Sixteen (16) North, Range Thirty (30) West, Washington County Arkansas, that portion of Arkansas and Missouri Rail Road right-of-way being more particularly described as follows: Commencing at the Northwest (NW) Corner of said Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) Section Twenty-One (21); thence South 86° 14' 58" East 227.88 feet; thence North 03°45'07" East 73.83 feet to the intersection of the Easterly right-of-way South Paris Avenue and the Southerly right-of-way Arkansas and Missouri Rail Road and the **Point of Beginning**; thence along said Easterly right-of-way South Paris Avenue North 00°34'41" West 101.51 feet to a point on a curve on the Northerly right-of-way Arkansas and Missouri Rail Road said curve having a central angle of 25°42'31" and a radius of 1195.92 feet concave southwesterly; thence along said Northerly right-of-way Arkansas and Missouri Rail Road an arc length of 536.61 also having a chord bearing and distance of South 68°16'05" East 532.12 feet; thence South 55°24'50" East 148.23 feet to a point on a curve on the Easterly right-of-way Arkansas and Missouri Rail Road said curve having a central angle of 04°16'32" and a radius of 1340.84 feet concave southeasterly; thence along said Easterly right-of-way Arkansas and Missouri Rail Road an arc length of 100.07 also having a chord bearing and distance of South 36°23'18" West 100.05 feet; thence leaving said Easterly right-of-way North 55°24'50" West 145.08 feet a point on the said Southerly right-of-way Arkansas and Missouri Rail Road and the beginning of a curve to the left, said curve having a central angle of 24°50'12" and a radius of 1095.92 feet; thence along said curve an arc length of 475.06 feet to the Point of Beginning; and containing 1.496 acres more or less.



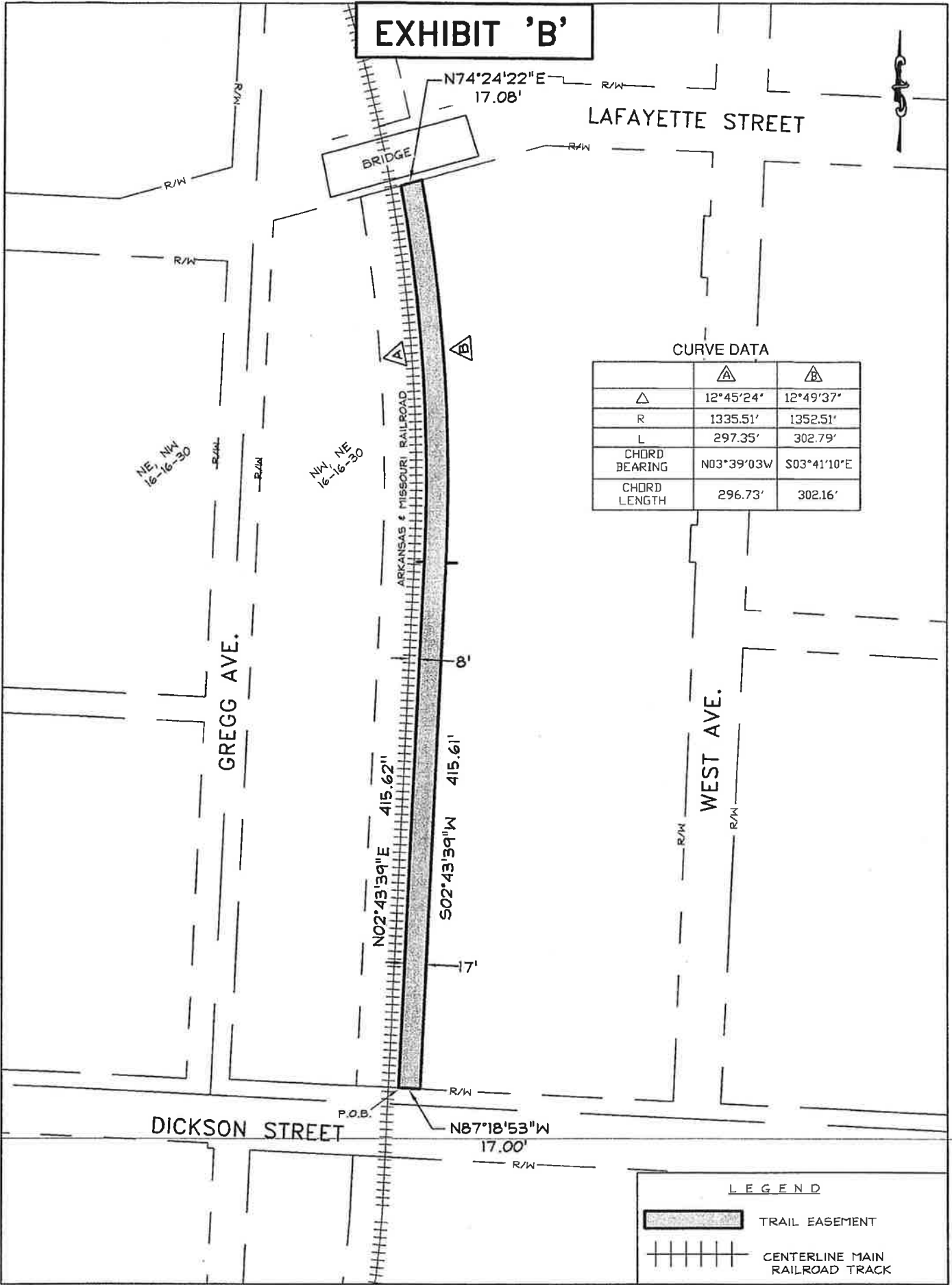


EXHIBIT 'C'

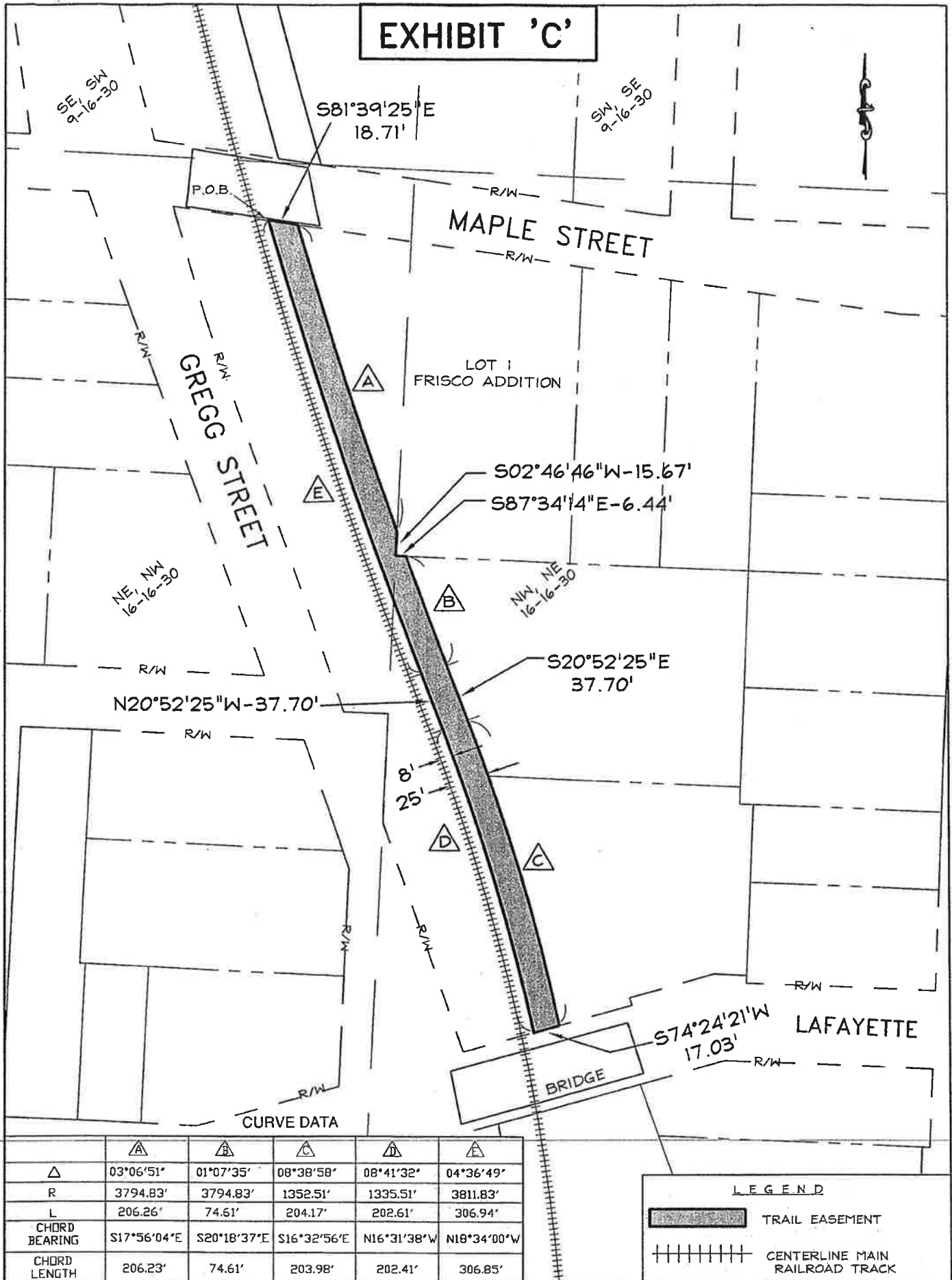


EXHIBIT 'D'

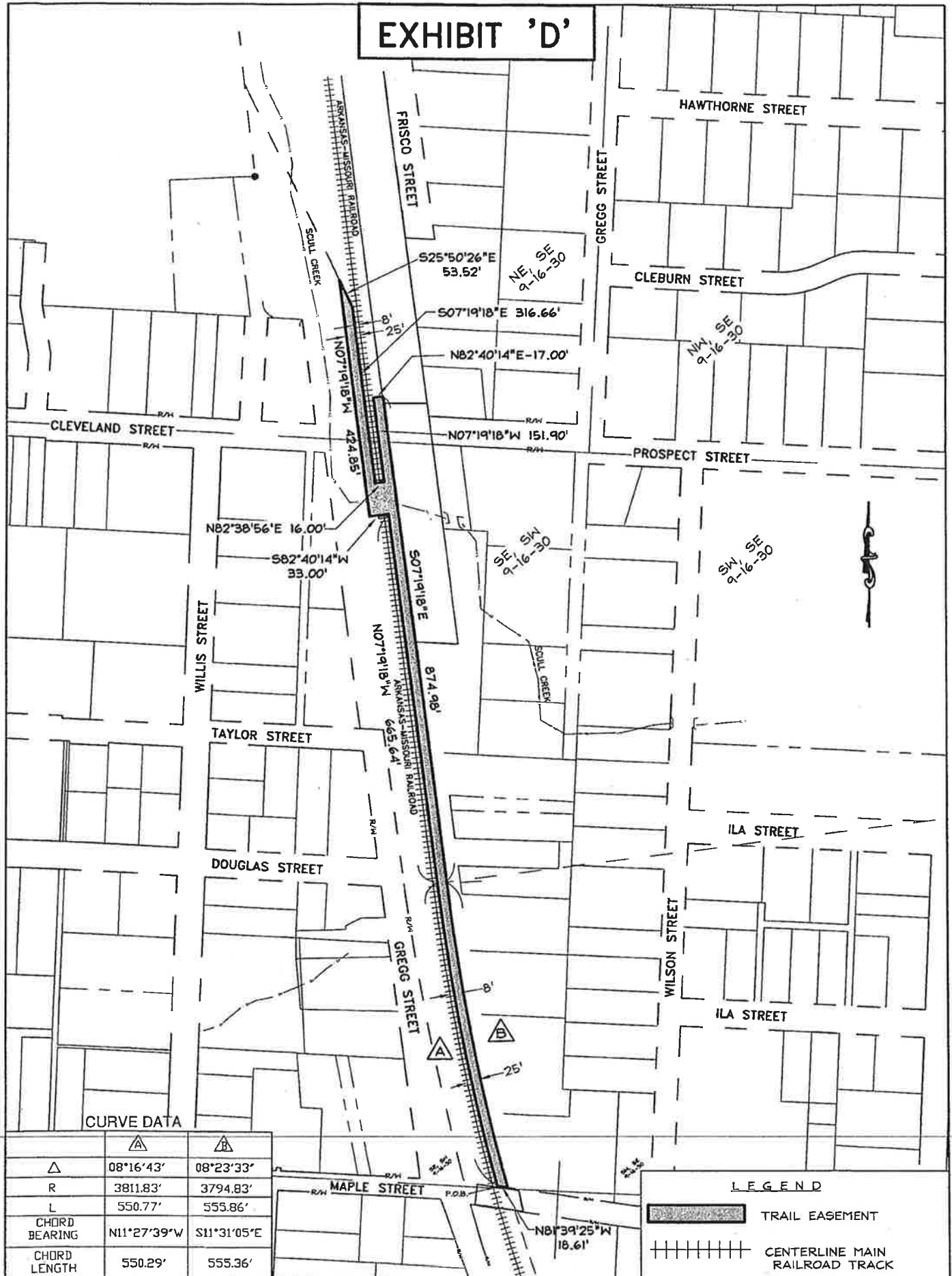


EXHIBIT E



DRAKE STREET
HOLDINGS, LLC
765-15903-000

EXT. REBAR
NW CORNER
NW 1/4, SE 1/4
34-17-30

S87°24'44"E
694.98'

S02°35'16"W
845.46'

S87°24'44"E
596.01'

N 20°44'51" W
13.90'

P.O.B.

N 87°24'44" W
33.82'

N 23°06'44" W
32.83'

765-15904-001
JAX DEVELOPMENT
COMPANY, LLC.

30' TRAIL EASEMENT

PL

765-15904-000
QUALITY LIFE ASSOC. INC.

765-15904-002
SCULL CREEK
LIMITED
PARTNERSHIP

OWNERSHIP OF THIS TRACT UNKNOWN; MAY BE REMNANT
OF A PUBLIC RIGHT-OF-WAY (AS PER INSTR. 2007-8610)

ARKANSAS & MISSOURI RAILROAD
RR R/W

RR R/W
2001-172188)

N 69°24'43" E
106.41'

S 21°08'15" E
60.03'

S 69°24'43" W
74.41'

GREGG AVE.
R/W

RR R/W
EPR

50'

25'

25'



CYPERT, CROUCH, CLARK & HARWELL, PLLC

Attorneys at Law

COURTNEY C. CROUCH (1912-1975)

Established 1947

JAMES D. CYPERT
OF COUNSEL

JAMES E. CROUCH
WILLIAM M. CLARK, JR.
CHARLES L. HARWELL

P.O. Box 1400
111 Holcomb Street
Springdale, AR 72765-1400
Firm: 479-751-5222
Fax: 479-751-5777
www.ccchlaw.com

R. JEFFREY REYNERSON ◊
MATTHEW L. FRYAR

WRITER'S EMAIL:
jcrouch@ccchlaw.com

◊ LICENSED IN AR AND MO

August 8, 2012

Matt Mihalevich
Trails Coordinator
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: A&M Railroad/City of Fayetteville

Dear Matt:

Enclosed please find an Acknowledgment of the trail license agreement of the signature of Brent McCready.

Kindest regards.

Sincerely,
CYPERT, CROUCH, CLARK & HARWELL, PLLC



James E. Crouch

JEC/td
Enclosure



City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0451**Agenda Date:** 11/6/2014**Version:** 1**Status:** Agenda Ready**In Control:** City Council**File Type:** Resolution**Agenda Number:** C. 6

A RESOLUTION AMENDING THE MASTER STREET PLAN BY REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

WHEREAS, the Parkerman Estates subdivision is extending a new local street into and through its site to provide eventual street connectivity between Oakland Zion Road and Altus Drive as presented and approved in PPL 14-4790 by the Planning Commission; and

WHEREAS, the City Council finds that the extension of a new local street between Oakland Zion Road Altus Drive as indicated in the attached maps maintains the intent of the Master Street Plan for connectivity, while providing a street cross section that is more compatible with the rural residential context than a Collector street; and

WHEREAS, the addition of a new local street as proposed is adequate for connectivity, traffic flow, and safety given the existing and anticipated low density of this area of unincorporated Washington County.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the Master Street Plan as indicated in Exhibit "A," attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2014-0451

Legistar File ID

11/6/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

10/14/2014

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

PPL 14-4790: Preliminary Plat (Collector Street Master Plan Amendment/PARKERMAN ESTATES, 257): Submitted by BLEW & ASSOCIATES for property located at OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 16.70 acres. The request is to AMEND the Master Street Plan to remove a Collector street between Oakland-Zion Road and Altus Drive.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF NOVEMBER 6, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: October 14, 2014

SUBJECT: **PPL 14-4790: Preliminary Plat (Collector Street Master Plan Amendment/PARKERMAN ESTATES, 257):** Submitted by BLEW & ASSOCIATES for property located at OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 16.70 acres. The request is to AMEND the Master Street Plan to remove a Collector street between Oakland-Zion Road and Altus Drive.

RECOMMENDATION:

The Planning Commission recommended approval and City Planning Staff recommend denial of a resolution to remove a portion of future collector street between Oakland-Zion Road and Altus Drive from the Master Street Plan.

BACKGROUND:

The subject property is located east of Oakland-Zion Road and contains approximately 16.70 acres within unincorporated Washington County. The property is outside of the Fayetteville City Limit, but within the one-mile planning area boundary, and therefore must meet all development requirements of the Unified Development Code. The applicant proposes a preliminary plat with 8 residential lots and individual septic systems.

A proposed Master Street Plan (MSP) connection crosses this property, requiring that a 'Collector' street be constructed when this property is developed. This proposed connection would provide future east-west connectivity between future neighborhoods as this area develops as expected in the future. A designated Collector Street is required to be built with 59' of right-of-way, and a street section of 30', including sidewalk on two sides, curb and gutter, storm drains, and street lights in accordance with the MSP street section. The 30' section includes 2 10' travel lanes and either bike lanes or parallel parking depending on the desired usage. This section can also allow turn lanes in the future without widening the street. The primary new street in the subdivision is proposed as a Local Street, instead of a Collector Street. A Local Street has a 50' right-of-way with 2 travel lanes and permitted on-street parking on one side. Bicycle usage is required to be with the flow of traffic in this section. A copy of the Collector and Local Street cross sections is attached.

MASTER STREET PLAN AMENDMENT:

The applicant proposes an amendment to the Master Street Plan removing the section between Oakland-Zion Road and Altus Drive from the Master Street Plan in order to build a Local street where a Collector street is required.

DISCUSSION:

On October 13, 2014 the Planning Commission voted on this item with a recommendation for denial with a vote of 7-1-0. (Commissioner Cook voted 'No'.) Staff recommends denial of the request finding that an east-west Collector Street in this area is needed to collect and distribute traffic from surrounding undeveloped areas between Gulley Road, Altus Drive, and Oakland-Zion Road.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Resolution

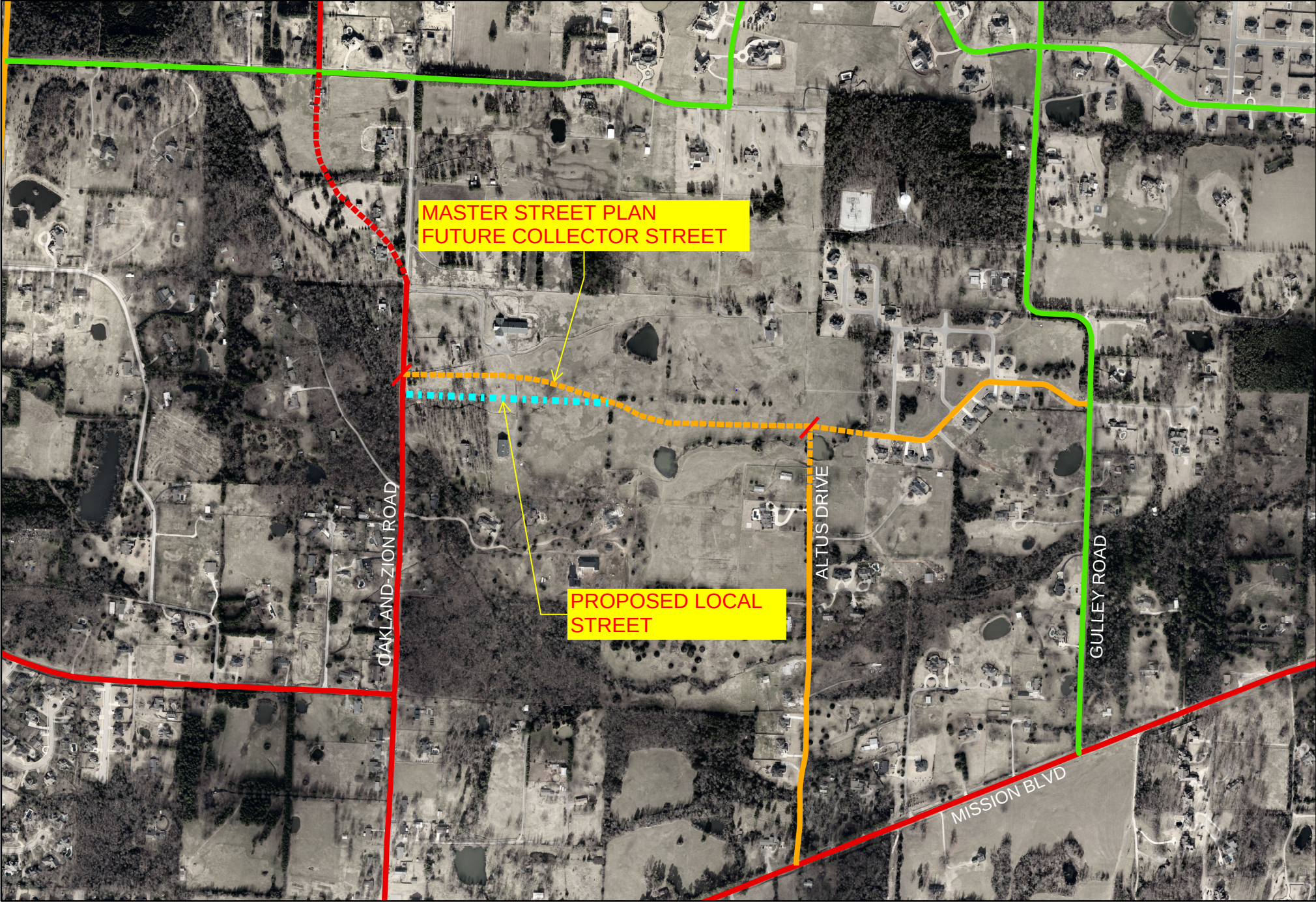
Aerial imagery: Master Street Plan connections

Exhibit 'A'

Planning Commission Staff Report



370 185 0 370 Feet

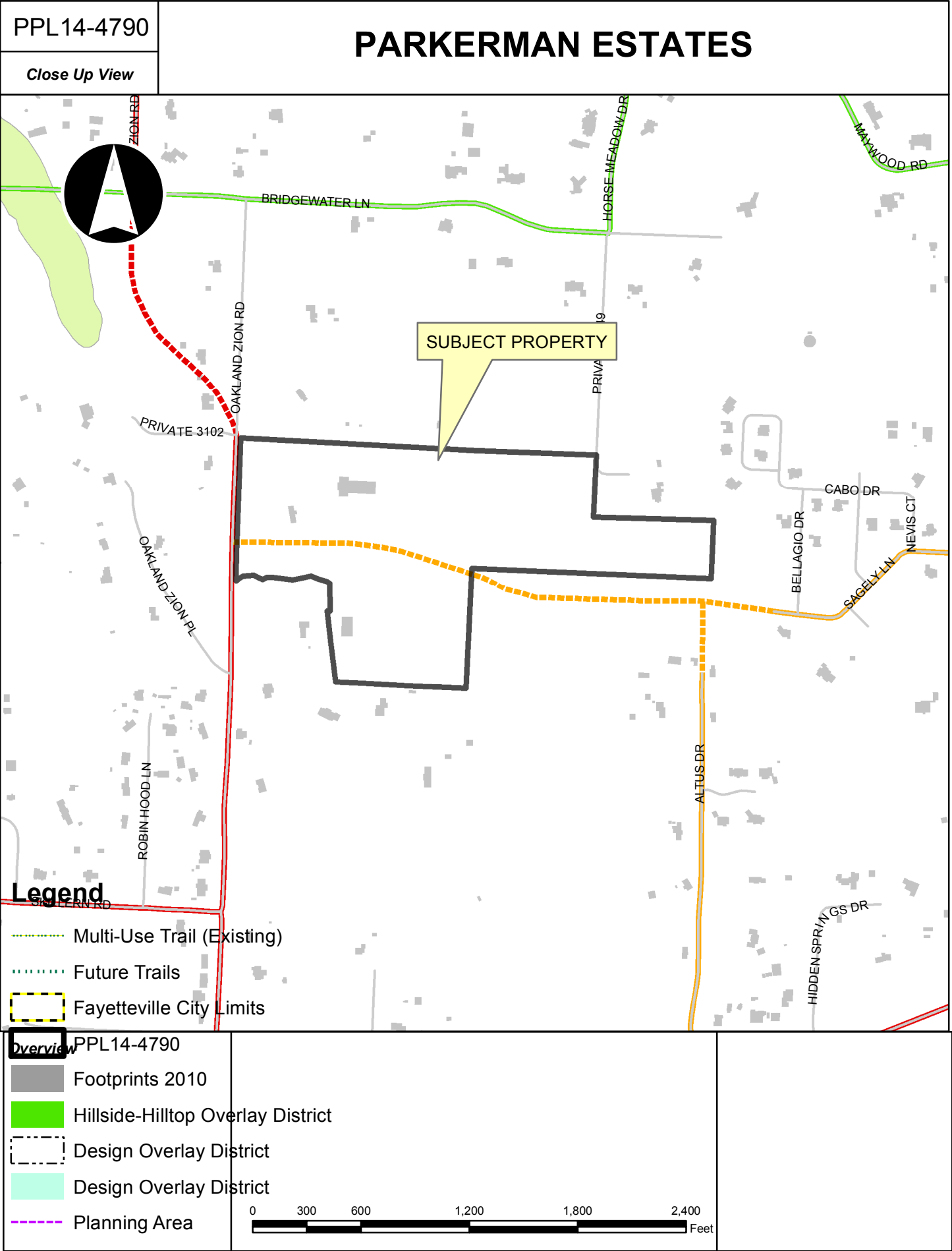


820

410

0

820 Feet





PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner
Corey Granderson, Staff Engineer

MEETING: ~~October 13, 2014~~ **UPDATED OCTOBER 15, 2014**

SUBJECT: **PPL 14-4790: Preliminary Plat (3090 OAKLAND ZION RD./PARKERMAN ESTATES, 257):** Submitted by BLEW & ASSOCIATES for property located at OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 16.70 acres. The request is for an 8 lot single family subdivision.

RECOMMENDATION:

Staff recommends approval of **PPL 14-4790** with conditions.

BACKGROUND:

The subject property is located east of Oakland-Zion Road and contains approximately 16.7 acres within unincorporated Washington County. The property is outside of the Fayetteville City Limit, but within the one-mile planning area boundary, and therefore must meet all development requirements of the Unified Development Code related to street design and block length.

A proposed Master Street Plan (MSP) connection crosses this property, requiring that a 'Collector' street be constructed when this property is developed. A designated Collector street is required to be built with 59' of right-of-way, and a street section of 30', including sidewalk on two sides, curb & gutter, storm drains, and street lights in accordance with the MSP street section. A copy of the Collector and Local Street cross sections is attached.

On October 2, 2014 the Subdivision Committee forwarded this item to the full Planning Commission with a recommendation for approval of PPL 14-4790 with all conditions as indicated by staff in the report.

The surrounding zoning and land use is listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Agricultural	Washington County
South	Residential	Washington County
East	Undeveloped/Agricultural	Washington County
West	Undeveloped/ Residential	Washington County

Proposal: The applicant requests preliminary plat approval to create 8 residential lots and 2 lots for storm water detention.

Right-of-way (ROW) to be dedicated: Right-of-way dedication is required along the proposed Parkerman Downs in the amount of 59', Oaklawn Court in the amount of 43', and 43.5' from the centerline of Oakland-Zion Road, a Principal Arterial. Washington County requires a minimum of 60' ROW for public streets, which is proposed for the streets in this subdivision.

Water and Sewer System: Water lines will be extended through the property to provide access to each lot, prior to final plat approval. Sewer service is not provided to this area; homes will be served by septic systems. Washington County Health Department approvals must be provided for each lot prior to final plat.

Street Improvements: Oakland-Zion Road is an unimproved two lane road. No improvements required at this time for a small subdivision of eight lots.

Connectivity: The applicant is proposing road stub-outs to the east and north.

Tree Preservation: As noted herein, the property is in Washington County, therefore is not subject to tree preservation requirements.

Public Comment: Staff has not received any public comment.

RECOMMENDATION: Staff recommends approval of PPL 14-4790 with the following conditions of approval:

Conditions of Approval:

1. Planning Commission determination of a variance for sidewalk along one side of Parkerman Downs from Oakland-Zion to the west property boundary of Lot 7 where sidewalk on both sides is required. *Staff feels that sidewalk on both sides is not justified in this case due to the fact that the remaining sidewalk will be constructed when the property to the south is developed.*

SUBDIVISION COMMITTEE AGREED WITH STAFF RECOMMENDATION.

2. Planning Commission determination of an amendment to the Master Street Plan to downgrade a Collector street to a Local street. *In Staff's opinion, the amendment has not been justified by the applicant. Staff recommends denial of this request.*

PLANNING COMMISSION APPROVED THE REMOVAL OF THIS SECTION OF STREET FROM THE MASTER STREET PLAN.

SUBDIVISION COMMITTEE AGREED WITH STAFF RECOMMENDATION.

3. Planning Commission determination of a variance to the maximum block length requirement. *In Staff's opinion, the proposed street connections and block length are appropriate. Existing buildings and property dimensions make it difficult to provide useful connections in addition to those proposed.*

SUBDIVISION COMMITTEE AGREED WITH STAFF RECOMMENDATION.

4. Planning Commission determination of a variance for a dead-end street at Oaklawn Court. *In Staff's opinion, a dead-end street is justified in this location. Property to the south is developed with large homes and not likely to be subdivided in the future.*

SUBDIVISION COMMITTEE AGREED WITH STAFF RECOMMENDATION.

5. ROW shall be provided for Oaklawn Court as required by code. Private Streets/Access easements are not allowed.
6. Acceptable drainage and access easements shall be provided to Lot 10/Pond 1.
7. Washington County Health Department approval of septic system is required for each lot before final plat.
8. Washington County development approval is required prior to final plat or a letter of subdivision approval shall be provided.
9. All comments and recommended conditions from the Engineering Department, included herein, shall be met.
10. A sign indicating a future street connection and meeting City requirements shall be placed at the end of Parkerman Downs.

Standard conditions of approval:

11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
13. Preliminary Plat approval shall be valid for one calendar year. All building permits must be obtained within this period.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: October 13, 2014

Motion: WINSTON

MOTION TO APPROVE AS RECOMMENDED BY
STAFF WITH THE EXCEPTION OF CONDITION #2,
WHICH WAS APPROVED.

Second: HONCHELL

Vote: 7-1-0

COMMISSIONER COOK VOTED 'NO'

BUDGET/STAFF IMPACT:

None.

Attachments:

Staff comments

Site plans

Collector and Local Street Cross Sections

Maps

At the 1997-1998 season, the mean number of eggs per female was 10,000 (range 1,000-20,000) and the mean number of larvae per female was 1,000 (range 100-2,000). The mean number of eggs per female was 10,000 (range 1,000-20,000) and the mean number of larvae per female was 1,000 (range 100-2,000).

C3

HILJEW & ASSOCIATES, PA
ONE PARKWAY CENTER
554 W. SYCAMORE ST., SUITE 4
HAYTESVILLE, ARKANSAS 72720
PHONE: 501-479-5821
FAX: 501-479-5821
www.hiljew.com

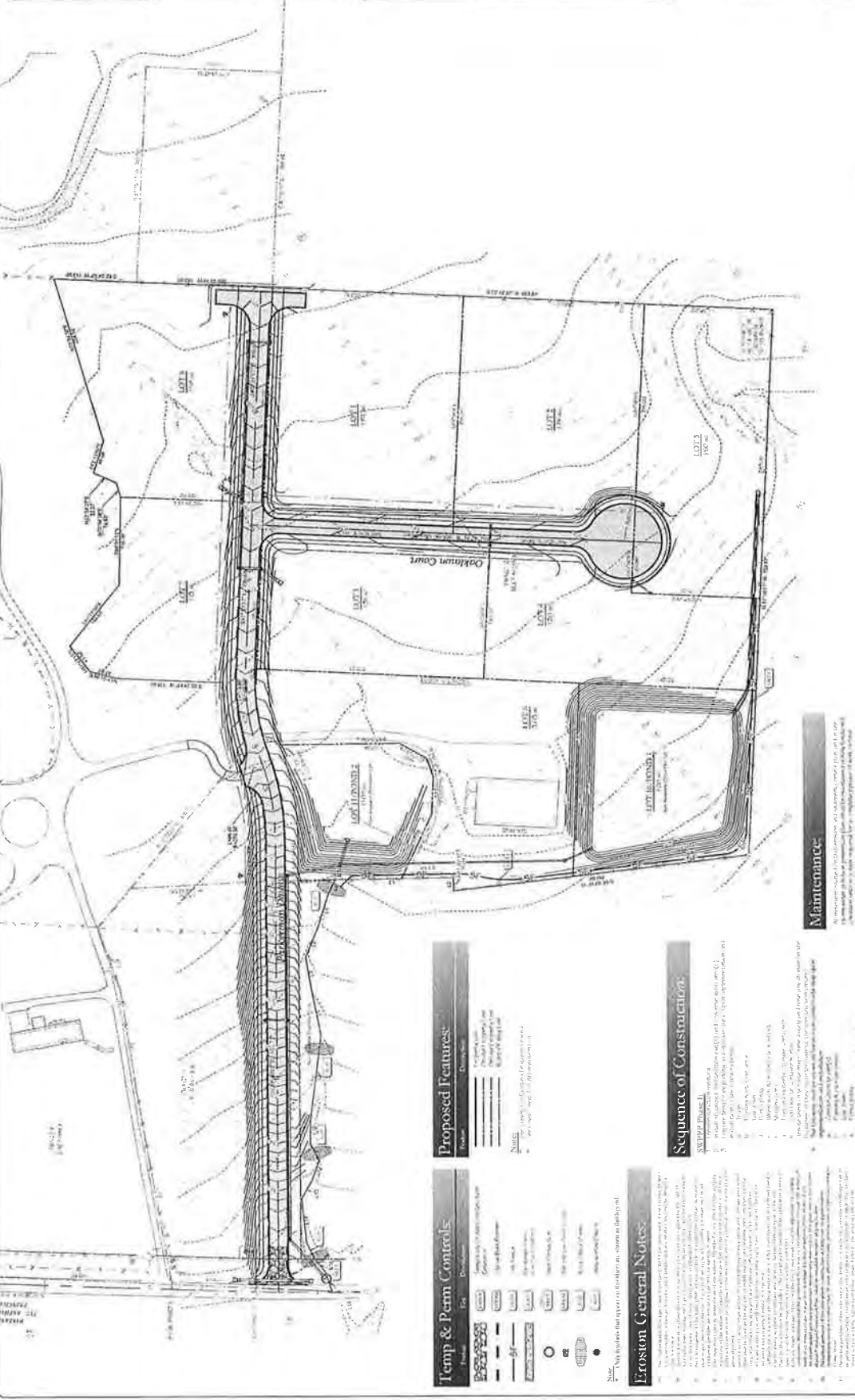
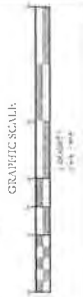
NOT FOR CONSTRUCTION
FOR REVIEW ONLY

Erosion Control Plan
Parkerman Estates
Oakland Zion Road
Remington Place, Inc.
PO Box 10395
Fayetteville, AR 72703

REVISIONS

NO.	DATE	DESCRIPTION
1	11/06/14	Initial Design

VICINITY MAP



Maintenance

1. The contractor shall maintain all erosion control measures in good working order throughout the construction period. If any measure becomes damaged or ineffective, it shall be repaired or replaced immediately.

2. The contractor shall maintain access to all adjacent properties at all times.

3. The contractor shall maintain the site in a safe condition at all times.

4. The contractor shall maintain the site in a clean condition at all times.

5. The contractor shall maintain the site in a safe and clean condition at all times.

Sequence of Construction

1. Clearing and grubbing of construction area.

2. Installation of silt fences and sediment basins.

3. Excavation and foundation work.

4. Construction of retaining walls.

5. Installation of erosion control measures.

6. Revegetation of disturbed areas.

7. Final site inspection and approval.

Proposed Features

Feature	Description
Silt Fence	Used to prevent sediment from leaving the construction site.
Sediment Basin	Used to capture sediment and debris before it enters the waterway.
Revegetation	Planting of native vegetation to stabilize the soil and prevent erosion.

Erosion General Notes

1. The contractor shall follow all applicable codes and standards for erosion control.

2. The contractor shall maintain the site in a safe and clean condition at all times.

3. The contractor shall maintain the site in a safe and clean condition at all times.

4. The contractor shall maintain the site in a safe and clean condition at all times.

5. The contractor shall maintain the site in a safe and clean condition at all times.



Date: October 7, 2014

Planning Commission Staff Memo

To: Quin Thompson, Planner

From: Corey Granderson
Staff Engineer

Re: Plat Review Comments

Development: PPL 14-4790 Parkerman Estates

Engineer: Blew & Associates

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.

Plan comments:

1. Prior to Final Plat approval, provide state/county health department approval of septic for each buildable lot in subdivision.
2. ADA ramps required at all sides of T-intersection, at cul-de-sac throat, and at 'hammerhead' turn around area.
3. Sidewalk should be constructed such that back of sidewalk is in line with r/w line.
4. Any public drainage that flows through private property must be within a drainage easement.
 - a. Flared end section D-1 will need downstream drainage easements to convey flow from the public street.
 - b. Lot 5 and 6 will need proper drainage easements per this comment.
5. Grade 1FT flat behind all sidewalks before tie-in-grading.
6. At construction level review, capacity of channel downstream of flared end sections A-1 and H-1 will need to be analyzed for scour/erosion and capacity. Additional drainage improvements may be necessary at that time to not exacerbate any existing downstream problems.
7. Utility plan comments have not been addressed from Technical Plat Review. Please address these at construction level submittal.
8. The updated drainage report with this submittal appears to be an improvement to the downstream neighboring properties. However, this was accomplished by significant changes in the design and therefore a detailed design review will be done at construction-level.
 - a. Please update the POST development drainage area map to make more legible and verify that the drainage areas coordinate with the new double pond configuration.

Standard Construction Comments:

1. The engineer of record shall provide “Full Time” inspection for utilities and “Part Time” inspection for the storm drainage and roadway construction for this project. The engineer of record shall also review and approve material submittals (approved submittals shall be submitted to the City for concurrence before material is ordered).
2. Weekly inspection reports should be submitted to the City of Fayetteville’s public works inspector along with all applicable reporting forms from section 6200 of the water and sewer specifications.
3. All materials and performance testing results (drainage, roadway, geotechnical, water/sewer testing, compaction, density, compressive strength, etc.) should be submitted to the City of Fayetteville’s public works inspector.
4. 2012 Standard Water & Sanitary Sewer Specifications & Details apply. (Document available at www.accessfayetteville.org/government/engineering)
5. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed.
6. Prior to **Project Acceptance** (Final Plat, Certificate of Occupancy, or Temporary Certificate of Occupancy) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - a. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - b. Vegetation must be established in accordance with Section 169.06 of the UDC and perimeter controls removed.
 - c. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy and in Tiff or PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
 - ii. Sanitary Sewer, and Storm Drainage (Including Private) elevations must be verified and updated. (Elevations out of design tolerance must be corrected)
 - iii. Street Centerline, Width, Profiles and Cross slopes shall be verified.
 1. More than 6 inches deviation of design alignment of shall require new right of way dedication or adjustment of the street section.
 - iv. Professional surveyor shall provide stamp drawings specifically identifying the limits of as-built survey performed.
 - v. Adequate verification survey to confirm accuracy of drainage report.
 - d. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements;
 - e. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;
 - i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
 - f. Certification that the designed retaining walls were installed per approved plans and City of Fayetteville requirements(Inspection and Testing Reports required);
 - g. Cross Sections, Volume Calculations, and Certification Retention/Detention Ponds are in accordance with the approved Drainage Report.
 - h. Surveyor’s Certification of Compliance for monuments and property pins.

- i. The As- Built Final Drainage Report in PDF format updated per as-built invert, slope, inlet opening, road profile, cross slope, etc...
- j. Cross Sections, contours, spot elevations, and Certification that the site has been graded per the approved MRLGP within the right of way, drainage easements, and utility easements.

EXHIBIT B

4d COLLECTOR (WITH BICYCLE LANES):

Design Service Volume: < 4,000 vpd,

< 6000 vpd

Desired Operating Speed: 25-30 mph

Travel Lanes: Two 10'

Turn Lane: motorist lanes

Bicycle Lanes: None

5' wide, both sides of street

against curb

Parking: None

Paved Width: 30' from face of curb

59'

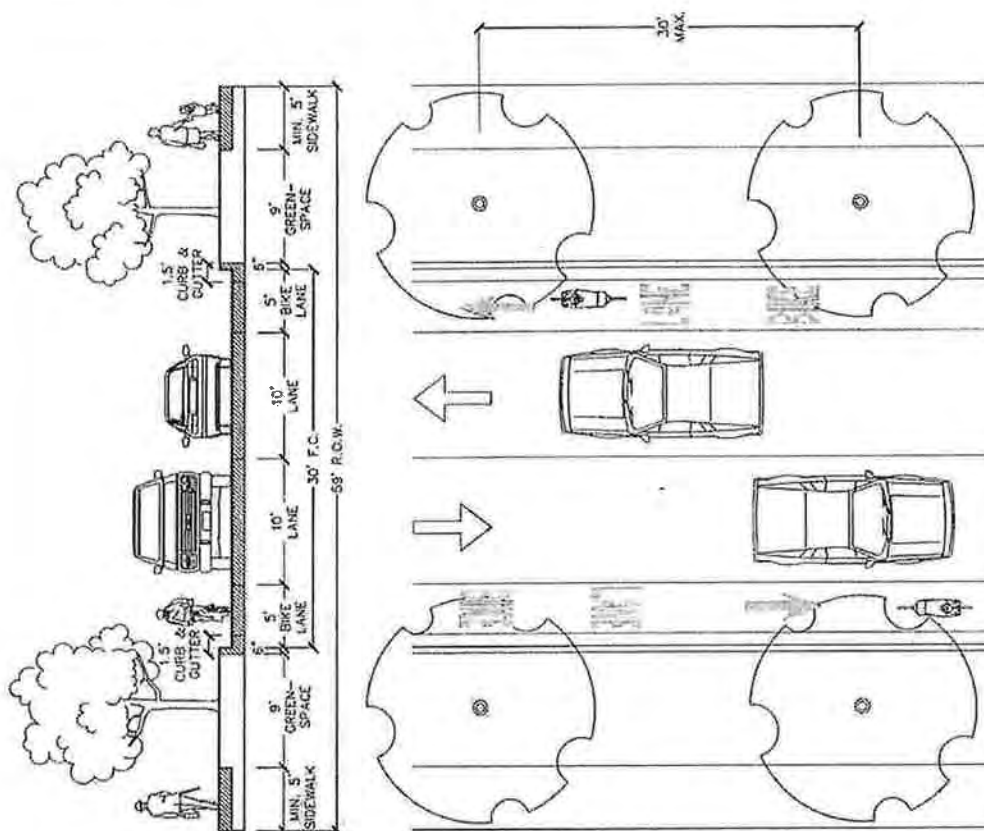
Right of Way: Both sides of street, min.

5' wide, located in R.O.W. line.

at R.O.W. line.

Greenspace: Both sides of street, min.

9' wide



CITY
PLAN
2030

EXHIBIT B

12.2.3 LOCAL STREETS

LOCAL STREETS provide for a moderate level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order street classifications. Local Urban streets are encouraged in City Neighborhood and Urban Center areas as depicted on the Future Land Use Map. Local Urban Streets are also appropriate for areas that may function as a main street for a neighborhood, offering mixed uses and a pedestrian-friendly environment. LOCAL STREETS have a low to medium level of access management, with curb cuts permitted every 50 feet.

3a LOCAL:

Design Service Volume:
Desired Operating Speed:


20-25 mph
One 10' lane,
One 9' lane
One 7' lane

Travel Lanes:

Parking:

Paved Width:

Right of Way:

Sidewalks:

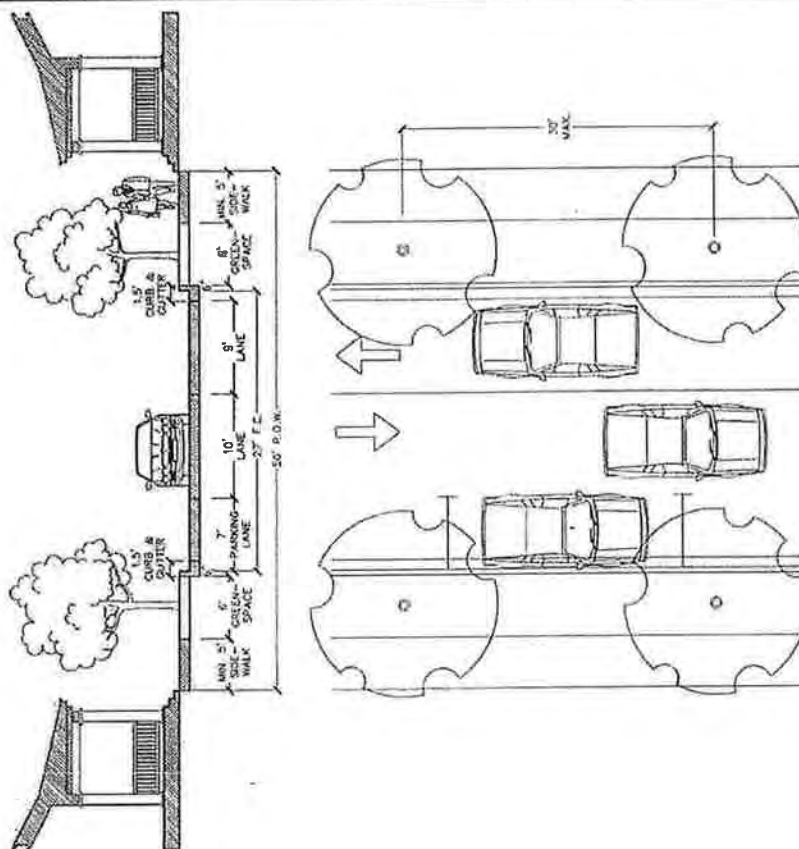
27' from face of curb
50'

Both sides of street, min. 5' wide, located in R.O.W. at R.O.W. line
Both sides of street, min. 6' wide.

Greenspace:

May be widened to facilitate Low-Impact Development techniques, subject to approval by City Engineer.

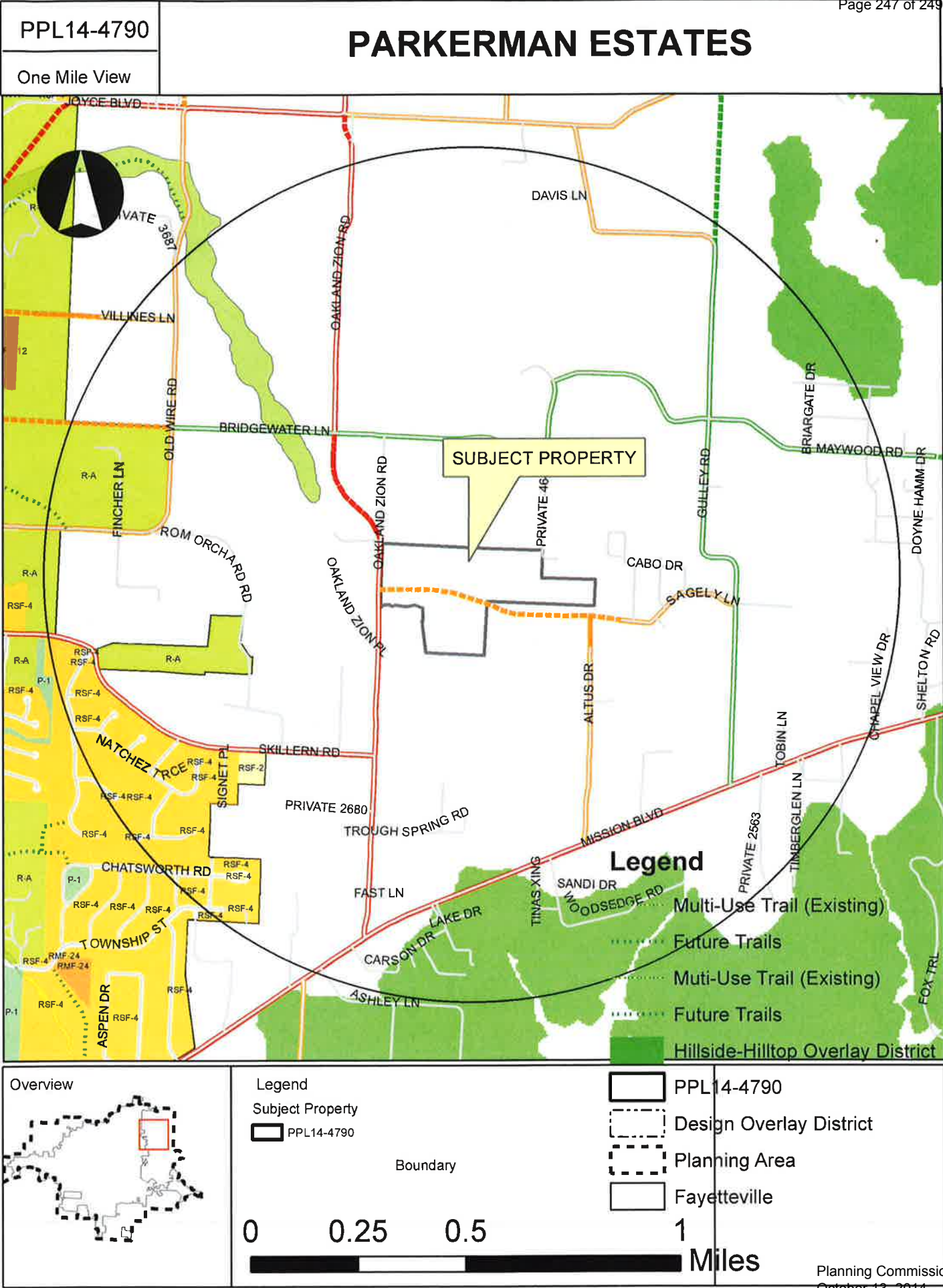
* ST 45 may substitute for local street cross-section in an urban condition.

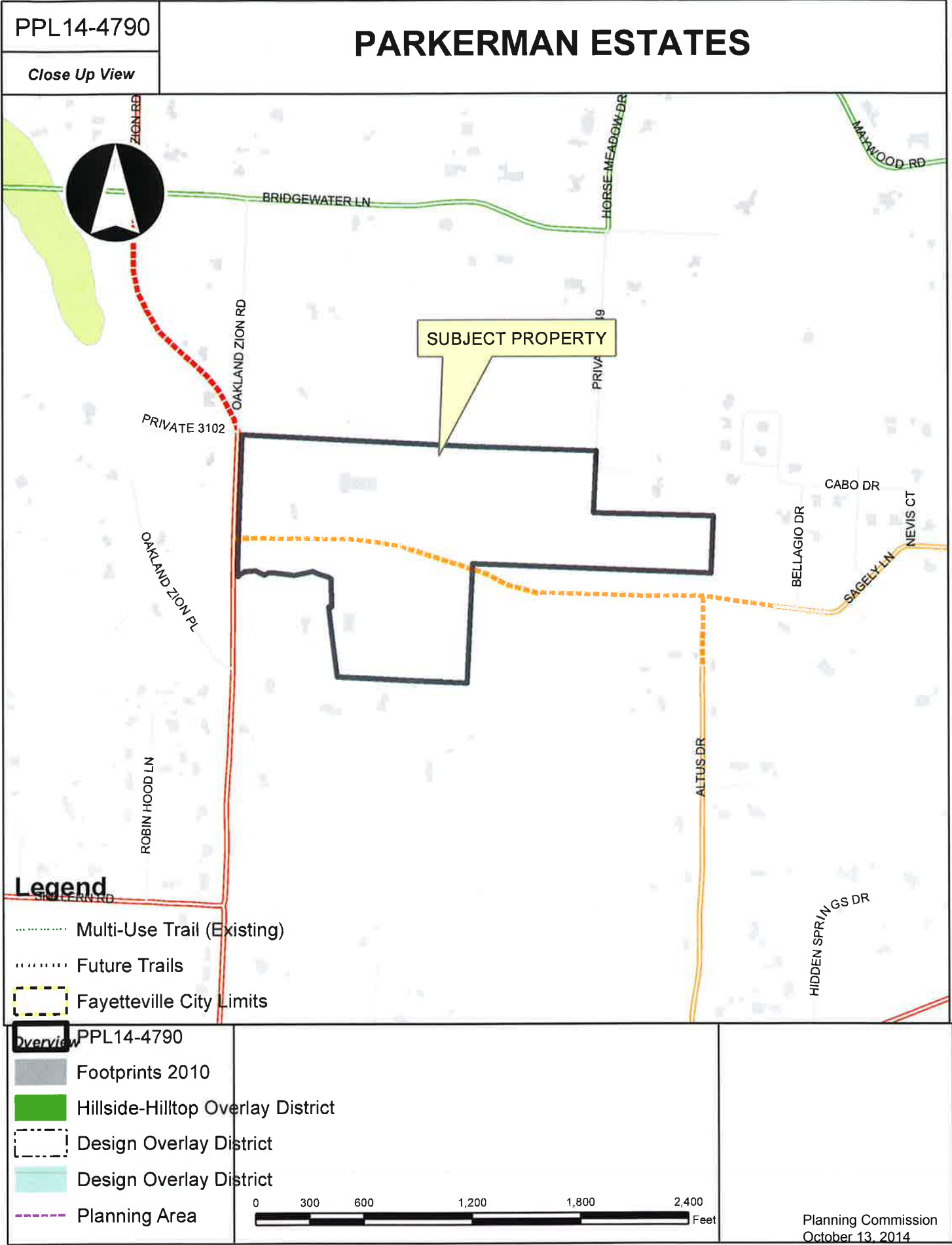


CITY
PLAN
2030

www.accessfayetteville.org/government/planning/City_Plan_2030

12/2





RESOLUTION NO.

A RESOLUTION AMENDING THE MASTER STREET PLAN REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

WHEREAS, the Parkerman Estates subdivision is extending a new local street into and through its site to provide eventual street connectivity between Oakland Zion Road and Altus Drive as presented and approved in PPL 14-4790 by the Planning Commission; and

WHEREAS, the City Council finds that the extension of a new local street between Oakland Zion Road Altus Drive as indicated in the attached maps maintains the intent of the Master Street Plan for connectivity, while providing a street cross section that is more compatible with the rural residential context than a Collector street; and

WHEREAS, the addition of a new local street as proposed is adequate for connectivity, traffic flow, and safety given the existing and anticipated low density of this area of unincorporated Washington County.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the Master Street Plan as indicated in Exhibit "A," attached hereto and made a part hereof.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Pre Agenda Meeting 10/22/14

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Summary Agenda - Draft

Thursday, November 6, 2014

5:30 PM

City Hall--Room 219

City Council

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:****Agenda Additions:****A. Consent:**

- ✓ 1 2014-0313 Approval the the October 21, 2014 City Council Meeting Minutes
- A. 2 2014-0456 A RESOLUTION TO AWARD BID #14-55 AND APPROVE THE PURCHASE OF FOUR (4) IRRIGATION REELS FROM KEELING COMPANY OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF \$144,000.00 PLUS APPLICABLE TAXES FOR THE CITY BIOSOLIDS MANAGEMENT SITE
- ✓ A. 3 2014-0441 A RESOLUTION TO AWARD BID #14-58 TO TRUCK CENTERS OF ARKANSAS AND APPROVE THE PURCHASE OF ONE (1) FREIGHTLINER 114SD TRI-AXLE DUMP TRUCK IN THE AMOUNT OF \$127,620.00 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT
- ✓ A. 4 2014-0440 A RESOLUTION TO AWARD BID #14-59 TO SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS AND APPROVE THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS IN THE TOTAL AMOUNT OF \$287,516.56 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT
- ✓ A. 5 2014-0444 A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) VOLVO MCT125 SKID STEER LOADER WITH SOIL CONDITIONER FROM HUGG & HALL EQUIPMENT OF SPRINGDALE, ARKANSAS PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT IN THE AMOUNT OF \$65,634.00, AND TO APPROVE A BUDGET ADJUSTMENT
- ✓ A. 6 2014-0448 A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT THROUGH OCTOBER 2014

- A. 7 2014-0449 A RESOLUTION TO EXERCISE THE FIVE YEAR OPTION TO RENEW THE AGREEMENT WITH WASTE MANAGEMENT OF ARKANSAS, INC. FOR SOLID WASTE TRANSFER AND DISPOSAL SERVICES
- A. 8 2014-0454 A RESOLUTION TO APPROVE AND CERTIFY THE PARTICIPATION OF PACIFIC VET GROUP - USA, INC. IN THE ARKANSAS TAX BACK PROGRAM AND TO AGREE TO AUTHORIZE DF&A TO REFUND CITY SALES TAX BACK TO PACIFIC VET GROUP - USA, INC.

B. Unfinished Business: None**C. New Business:**

- Q. 1 2014-0455 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4848, FOR APPROXIMATELY 0.29 ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1, INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE
- Q. 2 2014-0447 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4850, FOR APPROXIMATELY 4.96 ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL
- Q. 3 2014-0450 AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ZION ROAD AND WATERSIDE COURT TO VACATE EXISTING UTILITY EASEMENT
- Q. 4 2014-0446 AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED AT THE INTERSECTION OF JAMES STREET AND MOUNT COMFORT ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY
- C. 5 2014-0451 A RESOLUTION AMENDING THE MASTER STREET PLAN REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

6.6
CS

2014-0445

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST-SHARE AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD FOR RAILROAD CROSSING SIGNAL IMPROVEMENTS AT THE DICKSON STREET CROSSING IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND TO AUTHORIZE AMENDMENT NO. 2 TO THE LICENSE AND AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD TO FACILITATE THE CONSTRUCTION OF THE TSA LA GI, TOWN BRANCH AND CATO SPRINGS TRAILS ACROSS RAILROAD PROPERTY

D. City Council Agenda Session Presentations:

D. 1 2014-0457 Economic Development Quarterly Report - Chung Tan

E. City Council Tour:**F. Announcements:****G. 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.

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Agenda Session 10/28/14

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Meeting Agenda - Tentative Agenda

Thursday, November 6, 2014

5:30 PM

City Hall--Room 219

City Council

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

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

- | | | |
|-----|-----------|---|
| A✓1 | 2014-0313 | Approval the the October 21, 2014 City Council Meeting Minutes |
| A✓2 | 2014-0456 | A RESOLUTION TO AWARD BID #14-55 AND APPROVE THE PURCHASE OF FOUR (4) IRRIGATION REELS FROM KEELING COMPANY OF NORTH LITTLE ROCK, ARKANSAS IN THE AMOUNT OF \$144,000.00 PLUS APPLICABLE TAXES FOR THE CITY BIOSOLIDS MANAGEMENT SITE |
| A✓3 | 2014-0441 | A RESOLUTION TO AWARD BID #14-58 TO TRUCK CENTERS OF ARKANSAS AND APPROVE THE PURCHASE OF ONE (1) FREIGHTLINER 114SD TRI-AXLE DUMP TRUCK IN THE AMOUNT OF \$127,620.00 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A✓4 | 2014-0440 | A RESOLUTION TO AWARD BID #14-59 TO SUMMIT TRUCK GROUP OF LOWELL, ARKANSAS AND APPROVE THE PURCHASE OF TWO (2) INTERNATIONAL 7300 DUMP TRUCKS WITH HENDERSON BELLY PLOWS IN THE TOTAL AMOUNT OF \$287,516.56 FOR USE BY THE TRANSPORTATION DIVISION, AND TO APPROVE A BUDGET ADJUSTMENT |
| A✓5 | 2014-0444 | A RESOLUTION TO APPROVE THE PURCHASE OF ONE (1) VOLVO MCT125 SKID STEER LOADER WITH SOIL CONDITIONER FROM HUGG & HALL EQUIPMENT OF SPRINGDALE, ARKANSAS PURSUANT TO THE HOUSTON-GALVESTON AREA COUNCIL CONTRACT IN THE AMOUNT OF \$65,634.00, AND TO APPROVE A BUDGET ADJUSTMENT |

-
- A✓6 2014-0448 A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY
THE FIRE DEPARTMENT THROUGH OCTOBER 2014
- A✓7 2014-0449 A RESOLUTION TO EXERCISE THE FIVE YEAR OPTION TO
RENEW THE AGREEMENT WITH WASTE MANAGEMENT OF
ARKANSAS, INC. FOR SOLID WASTE TRANSFER AND
DISPOSAL SERVICES
- A✓8 2014-0454 A RESOLUTION TO APPROVE AND CERTIFY THE
PARTICIPATION OF PACIFIC VET GROUP - USA, INC. IN THE
ARKANSAS TAX BACK PROGRAM AND TO AGREE TO
AUTHORIZE DF&A TO REFUND CITY SALES TAX BACK TO
PACIFIC VET GROUP - USA, INC.

B. Unfinished Business: None**C. New Business:**

- C✓1 2014-0455 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4848, FOR APPROXIMATELY 0.29
ACRES, LOCATED AT 940 WEST MAPLE STREET FROM P-1,
INSTITUTIONAL, TO RMF-40, RESIDENTIAL MULTI FAMILY, 40
UNITS PER ACRE
- C✓2 2014-0447 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4850, FOR APPROXIMATELY 4.96
ACRES, LOCATED ALONG THE NORTH SIDE OF MARTIN
LUTHER KING BOULEVARD BETWEEN GOVERNMENT AND
HILL AVENUES, FROM I-1, HEAVY COMMERCIAL/LIGHT
INDUSTRIAL, TO C-2, THOROUGHFARE COMMERCIAL
- C✓3 2014-0450 AN ORDINANCE APPROVING VAC 14-4849 SUBMITTED BY
BATES AND ASSOCIATES FOR PROPERTY LOCATED AT THE
NORTHWEST CORNER OF ZION ROAD AND WATERSIDE
COURT TO VACATE EXISTING UTILITY EASEMENT
- C✓4 2014-0446 AN ORDINANCE APPROVING VAC 14-4853 SUBMITTED BY
CITY STAFF FOR PROPERTY LOCATED AT THE
INTERSECTION OF JAMES STREET AND MOUNT COMFORT
ROAD TO VACATE EXISTING STREET RIGHT-OF-WAY

✓
C/5

2014-0445

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A COST-SHARE AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD FOR RAILROAD CROSSING SIGNAL IMPROVEMENTS AT THE DICKSON STREET CROSSING IN AN AMOUNT NOT TO EXCEED \$250,000.00, AND TO AUTHORIZE AMENDMENT NO. 2 TO THE LICENSE AND AGREEMENT WITH ARKANSAS & MISSOURI RAILROAD TO FACILITATE THE CONSTRUCTION OF THE TSA LA GI, TOWN BRANCH AND CATO SPRINGS TRAILS ACROSS RAILROAD PROPERTY

✓
C/6

2014-0451

A RESOLUTION AMENDING THE MASTER STREET PLAN BY REMOVING THE SECTION OF FUTURE COLLECTOR STREET BETWEEN OAKLAND ZION ROAD AND ALTUS DRIVE, AS DESCRIBED AND DEPICTED IN THE ATTACHED MAP.

D. City Council Agenda Session Presentations:✓
D.1

2014-0457

Economic Development Quarterly Report - Chung Tan

E. City Council Tour:**F. Announcements:****G. 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.

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Branson, Lisa

From: Marr, Don
Sent: Monday, October 13, 2014 2:50 PM
To: Branson, Lisa
Subject: RE: Economic Development Quarterly Report

Lisa – We approve this request. (What else do we have on that meeting's Agenda session?)
D

From: Pate, Jeremy
Sent: Monday, October 13, 2014 2:30 PM
To: Branson, Lisa
Cc: Marr, Don; Tan, Chung
Subject: Economic Development Quarterly Report

Lisa,
As we discussed earlier, please place this report by Chung Tan on the City Council Agenda Session of October 28.

Please let me know if you have any questions.

-jp

Jeremy Pate
Development Services Director
City of Fayetteville, Arkansas
479.575.8265
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Agenda Session Presentation Handout - Economic Development Quarterly Report

Economic Development Quarterly Report

July – September 2014 Activities

1. Business Attraction

Performance Measure A: Promote Fayetteville to Site Selection Consultants, Intermediary Agencies, and Direct Clients

- 1) Provided a listing of available sites to a site selection consultant company based in Minneapolis, MN.
- 2) Responded to questions posed by a site selector from Dallas, TX.
- 3) Attended the 2014 Wal-Mart US Manufacturing Summit 8/14-8/15. Had a booth and visited with potential companies and site selectors.
- 4) Met with a site selection consultant from Dallas, TX on 9/23 to discuss sites in Fayetteville.
- 5) Invited a site selection consultant from New York to visit Fayetteville.
- 6) Followed up with a manufacturer from China about setting up a plant in Fayetteville. Not a match as it wanted an existing building with electronic manufacturing equipment in it.
- 7) Discussed with another site selection consultant on possible sites that are available for call centers. Looking for 20,000 SF.
- 8) Discussed with a potential client on a property in Fayetteville Commerce District.
- 9) Responded to an inquiry if Fayetteville has 90,000 – 120,000 SF former K-Mart stores.

Performance Measure B: Operate and manage social media tools such as Economic Development webpages, Facebook, etc. to keep businesses and social community informed and updated

- 1) Continued work on design to upgrade the existing web pages by end of the year.
- 2) Continued work on developing the 2015 Fayetteville Livability magazine. The magazine will be distributed locally, to site selection consultants and local employers looking to hire talent from out of our region. This magazine is expected to be ready end of the year.
- 3) Continued to maintain and manage the website. Uploaded current news, information on training classes and development happening in the city, the region and the state.
- 4) Added economic development news, and information on programs and activities on Facebook and Twitter.
- 5) Number of monthly unique pageviews: 4,851

Performance Measure C: Operate and manage an international trade and investment program

- 1) Had several group conference calls relating to the Wal-Mart Summit in Denver, CO on August 14-15. The Summit's objective is to reshore overseas jobs back to the US.
- 2) Communicating with officials in XingNing, China on possible bilateral visits between the cities. Checking with Arkansas World Trade Center on whether they could visit XingNing on our behalf.
- 3) Coordinating with the Consul of Mexico to be the Guest of Honor in the Hispanic Heritage Festival.

Performance Measure D: Be the Point-Of-Contact for economic development purposes

- 1) Responded to an inquiry for a manufacturer/business directory for Fayetteville.
- 2) Provided social media support to a non-profit organization looking for volunteers to a fund raiser that will benefit students in Fayetteville schools.
- 3) Met with Talk Business magazine for a story on Fayetteville.
- 4) Interviewed by and provided support to the Cicero Group, a consultant company that is hired by the Arkansas Health Insurance Marketplace to discuss impact on the businesses caused by the Affordable Healthcare Act.
- 5) Interviewed by the Fourth Economy, a consultant company from Pittsburg, PA, about Fayetteville and its progressive state of economic development.
- 6) Responded to an inquiry from Little Rock about businesses that had opened in the past 3 years.
- 7) Responded to an inquiry for traffic counts for an event that is coming to Fayetteville.
- 8) Responded to another inquiry asking for business license information in Fayetteville.
- 9) An Arkansas Economic Development Commission staffer referred a lead from California who is considering moving to northwest Arkansas.
- 10) Responded to an inquiry from an out of state individual interested in our Yacht Club concept.
- 11) Responded to an inquiry on available properties along Pump Station Road in the Commerce District.
- 12) Received an inquiry for 150,000 SF building with 30-32 feet height. Declined to respond as we did not have such available buildings in our inventory.
- 13) Provided several options to an inquiry for possible sites to hold a retreat.
- 14) Responded to an inquiry for possible funding sources for a project.
- 15) Received an inquiry for 100,000 SF building. Declined to respond due to no inventory. Provided 2 pieces of green sites to the consultant for evaluation.
- 16) Responded to an inquiry for a fibre optic map in Fayetteville.
- 17) Responded to media interviews on various topics.
- 18) Responded to a request for a community profile on Fayetteville.
- 19) Responded to an inquiry on hotels in Fayetteville—number of rooms, 10 largest hotels, average room rate per day, etc.
- 20) Responded to general inquiries about the city.

Performance Measure E: Develop, Assist and Support home grown businesses

- 1) Toured a manufacturing plant in Van Buren that is helping a local company manufacture its plastic bags. Meeting with the company regularly on how to create business opportunity for the company.
- 2) Met with a local retail company that is opening a store on Dickson St and went over logistics, marketing and promotion of its grand opening in September.
- 3) Provided support and resources to a home grown modeling business. Recommended that it attend the "How To Start A Business in Fayetteville" seminar. Entrepreneur attended the seminar and continued to seek technical advice from our office.

- 4) A local entrepreneur successfully found a site for his Indian restaurant. We provided information and possible sites to him when he was searching for possible sites. Provided information to him on the renovation.
- 5) Assisting a local company to move from a lease property to purchasing its own property followed by the construction of a new campus.

Performance Measure F: Support and Assist New Businesses Coming to Fayetteville

- 1) Met and discussed real estate options with a new franchisee of a yoghurt business. Provided resources and information on starting the business in Fayetteville. Support continuing.
- 2) Met, discussed, and provided information, maps, and statistics to a non-profit that is looking to site a building to provide medical services to the low income community. Provided letter of support to its grant application for funding.
- 3) Continued to support and assist Whole Foods with its ground breaking ceremony and the construction work.

Performance Measure G: Employee headcount attributed to new businesses

Number of home grown businesses locating in Fayetteville

Number of businesses: 49

Number of FTEs: 126.50

Active Life Acupuncture & Yoga
 Aletha Cook Speech Pathology
 Arkansas Fence Co Inc.
 Barbara Caddell
 Beat The Book Store
 Bild Architects PLLC
 Blonde
 Blue Doors Kitchen
 Clear View Window Washers LLC
 Designs For You 101
 Dickson Street Grocery, LLC
 Ebony & Ivory Pianoworks
 Elite Catering
 Endocrinology Clinic/ WRMC
 Flawless Diamond Detail
 Fuller's Furnishings LLC
 G & G Gunsmith
 Gatsby's Boutique, LLC
 Glam Beauty Bar
 Haley Technical Consulting
 Happy Life Coaching LLC
 Hew Ark LLC
 Hydra-Web
 J's Construction
 Kat Studios Drapery & Interior

Lauren James Co
 Lazorback Med Spa
 Linda's Custom Cut-Out Cookies
 LPI, Inc.
 M Palmer Consulting
 Melanthia Belly Dance
 Metapyro
 Mosh Marketing
 NWA Dating Service
 NWA Piano Tuning
 Ozark Consulting Group Inc.
 Point Momentum, PLLC
 PromoLife Inc.
 Puritan Brew Company
 Red Lobster Restaurants LLC
 Red Magazine
 Soul Shakeup Inc./dba Bodega
 Summerlin Design Co
 Thai Express Restaurant
 The Green Submarine on Dickson
 Thunder NWA
 TJ Sandwich Shop
 Ultra Trading LLC
 WRMS Urgent Care

Number of new businesses with out of town owners

Number of Businesses: 24

Total FTEs: 74.75

Auntie Ann's
Beau's Tuxedos
Ben & K LLC
Berryhill Window Cleaning
Canine Design Grooming Studio
Chiro Cloud, LLC
Gerstner Photography
Idyll Village dba Beechwood
Lightweight
Mark Haney Photography
Marley's Pizzeria
Naro

NWA Clippers LLC
Rolandos Restaurant
San Miguel Mexican Grill and Bar
Smooth Vapes
Steele Crossing Salons LLC
Stouts Tobacco Shop
The Phone Guys NWA
Therapods
V Tattoo
Wealthpath Properties
West Center Partners LLC
Zip Car Inc.

Performance Measure H: Employee headcount attributed to new business

October '13 to September '14: 816.50 FTEs

(300 businesses)

Less 21 closed business & 208.75 FTEs 279 nett new business & 607.75 FTEs

2. Business Retention and Expansion

Performance Measure A: Development of business community data; retention rate for existing businesses, existing employee headcount.

- 1) Joyce Business Park was bought over by Engineering Elements, a Fayetteville based company. The 40,316 SF building sold for \$2.6 million. It currently has 5 tenants and is 60% occupied.
- 2) A local electrical supplier saw its customer accounts increased by 5% in the first 7 month of 2014.
- 3) University of Arkansas acquired 2 pieces of properties. It spent \$7.8 million to acquire about 11 acres on W Cato Spring Rd from Biobased Realty LLC. The property will be used for intramural fields. The University further paid \$600,000 to acquire the Charlie's Chicken lot on MLK Blvd. This completes the university's acquisition from Razorback Road to Eastern Ave on MLK Blvd.
- 4) Guesthouse International Hotel and Suites has changed its name to Grand Hotel.
- 5) Arkansas Power Electronics International has successfully been recognized as a Top 100 Innovators by R & D magazine for the second time.
- 6) Numerous businesses were hiring and some held Job Fairs. They were Delta Electronics Group, Hilton Garden Inn, AT & T, and Integrated Care Management. American Air Filter successfully had its 2nd Job Fair. More than 100 job seekers visited the Fair and AAF has filled all its new and replacement positions
- 7) A local service company grew 30 employees from 100 to 130 in less than 2 years.
- 8) Uptown Eyes had a breakfast event to draw traffic to their store.

- 9) Mark Zweig, Inc. was ranked #3,720 out of Inc. 5,000 Fastest Growing privately held company in 2014. It ranked #7 fastest growing privately held company in Arkansas.
- 10) Attended the Angel Network meeting on 9/3 where local start-ups pitched their business plan to the audience.
- 11) Attended the presentations by start-up companies that are participating in the 3rd ARK Challenge on 9/4.
- 12) Mojo's had a Business After Hours event on 9/11 to potentially get more customers through the door.
- 13) Attended the MIA/POW Remembrance event organized by the VA on 9/17.
- 14) Attended the Jefferson Adult Education Center Open House on 9/23 where the Center introduce its new Executive Director.
- 15) Clarity Pointe has a new director.
- 16) Free Health Clinic has a new executive director.
- 17) The Fayetteville MSA recorded a \$699 million in exports in 2013.
- 18) Curious Creations has moved to a new location.
- 19) Z's Brick Oven Pizza has a new owner.
- 20) Sustainable Urban Mobility has moved to a new location.
- 21) Wal-Mart heard pitches for US-made goods during its "Made in USA Open Call" day on July 8th. Fayetteville company, Hugh Jarratt was awarded a contract to sell 1 million of his taco plates to Wal-Mart.
- 22) 20 businesses/organizations had their ribbon cutting/grand opening/open house:

AR Cleaning Solutions	Integrity First Bank
BioLife Plasma Services	MedExpress Urgent Care
Branch Photography	Modern Mission's Indoor Battlefield
Butterfield Trail Village	Oghma Creative Media
DaVita Dialysis	Smitty's Garage
Fayetteville Health & Rehab	Smooth Vapes
Fayetteville Senior Center	Springwood Behavioral Center
First Security Bank	Stephen Brooks of Keller Williams
Great Southern Bank	Univision
Independent Case Management	Young DeSigns

Performance Measure B: Provide technical assistance to existing businesses to assist them to retain jobs and/or expand.

- 1) Butterfield Trail Village had an open house and business after hours on July 10th. Assisted in promoting the event.
- 2) Had a meeting with local companies on workforce.
- 3) Met with 2 local companies and went over ideas on how to generate more leads for their business.
- 4) Assisted AAF with promoting its Job Fair including using the news stations to help broadcast the Job Fair.
- 5) Continued to monitor the sale of city land to PVG. Assisting PVG with its sales and use tax rebate.
- 6) Provided data information to a local company at its request.
- 7) Assisted in promoting the job fairs or openings for the local companies.

- 8) Ozark Natural Foods is the organizer for the Midtown Music Showcase scheduled for Sept. 13. Helped to promote this event to the community as well as to the midtown merchants encouraging them to participate in the event.
- 9) Met with LaunchRetreat.com, a new business that plans to assist new startups. Provided support and ideas for its event coming in the fall.
- 10) Invited Jeremy Pate, Fayetteville Director of Development Services, to give a talk to the construction and developers sector to update the members on developing in Fayetteville.
- 11) Held a meeting with major employers on 8/20 to provide a platform for updates.
- 12) Held a meeting with tenants in the Commerce District on 8/28 to provide a platform for updates.
- 13) Promoted and attended Domino's Job Fair on 9/4. More than 15 jobs were available in various Domino's stores. Goodwill Industries organized and implemented the Fair at its MLK's location in Fayetteville.
- 14) Held a midtown merchants meeting on 9/16 to conduct a post evaluation on the launch of Mid-Town Merchants Association during the Midtown Music Showcase on 9/13.
- 15) Met with a local service company and discussed its plan of building a 80,000 SF building. Setting up meetings for the company with AEDC, utility companies, and AR Recycling programs to check if they qualify for incentives.
- 16) Liaised between a local company and the city to evaluate the opportunity for the city using its products.
- 17) Promoted Film Fest that is scheduled for Oct. 2-5.
- 18) Continued to assist a local manufacturer that is constructing a 50,000 SF building.
- 19) Invited Phil Stafford of AR Research Technology Park to provide a update on the park to local construction companies.
- 20) Referred a lawyer to a local business interested in protecting its logo.
- 21) Provided relocation packets to a local manufacturer to be sent to its job applicants.
- 22) Assisting to promote the opening of The New School's new building.
- 23) Provided local resources to an event organizer on trash collections for his event.
- 24) Completed 24 BREs:

All American Services, Inc.
 AR Natural Stone Supplier
 Faur Rentals
 Getsposure
 Hawg Country Plumbing & Drain
 Hawg Country Towing Sales/Service
 Healing Arts Chiropractic
 Hog Wild Cross Fit
 Klothmoth, Inc.
 Lazorback Mobile Spa
 Learning 2, Inc.
 Love to Float Outfitters

MTI Freight-Quick TSI
 Nature's Custom Woodworks
 Northwest Realty
 Packard
 Premier Anesthesia of Arkansas
 SCM Architects
 Scott Wilson Construction
 Smile Media, LLC
 The Dapper Dog
 The Well Center
 Vintage Industrial Arts
 Virtual Ozarks

Performance Measure C: Support "Find It In Fayetteville" Campaign

- 1) Met with midtown merchants to work on programs to promote/brand midtown. The group had decided to start with a window sticker program. Continued to work on printing 1,000 of the window stickers to identify the midtown merchants.

- 2) Promoted the Midtown Music Showcase event to both midtown vendors and local residents. Officially launched the Mid-Town Merchants Association and the Mid-Town window stickers during the MidTown Music Showcase on 9/13. There was great TV media coverage.

Performance Measure D: Bring or organize appropriate seminars and training to Fayetteville or NWA

- 1) Began and continued work on organizing a Facebook & Twitter 2.0 workshop for local businesses. Workshop is scheduled for October 30th.
- 2) Had initial meeting with a local bank to work on bringing workshops to local SMEs in 2015.
- 3) Had a speaker come speak to the transportation sector businesses about mini roundabouts on 9/24.
- 4) Promoted the NWA State of the Region Luncheon to local businesses.

Performance Measure E: Develop business opportunities for existing businesses

- 1) As a result of getting local businesses to be familiar with the Arkansas Recycling Tax Credit, 4 companies received \$197,000 in credits under this program this year.
- 2) Working on bringing a state conference to Fayetteville in 2015. This conference is normally attended by some 150 attendees from across Arkansas.
- 3) Provided a list of meeting spaces in and around Fayetteville for a retreat for a local company.
- 4) Provided information/suggestions on tourism related items to the organizer of a group of senior adults from Greenvew, Texas, who would be visiting Fayetteville in September.
- 5) As a result of attending the Wal-Mart US Manufacturing Summit, received 2 leads to share with local manufacturers.
- 6) Continued to encourage local companies in the construction and development sector to nominate their projects for the Construction & Developers Awards. Continued to work on the Construction & Developers Appreciation Awards Banquet to promote companies in the construction and development sector.
- 7) Met with the new manager of The Chancellor, toured its meeting facilities, and worked with the hotel to bring a state conference to the hotel.
- 8) Held the Excellence In Business event on 9/9 to recognize and promote local businesses so that customers become aware and possibly patronize them.
- 9) Implemented the Rockin With The Razorbacks event in NWA Mall on 9/19 to bring customers to the mall.
- 10) Managed a booth at the Midtown Music Showcase to promote Mid-Town Merchant Association and to encourage visitors to shop in midtown.

3. Development of Local Entrepreneurs

Performance Measure A: Provide technical assistance to perspective entrepreneurs

- 1) Met with a local entrepreneur who had signed on a yoghurt franchise. Provided assistance in how to start the business in Fayetteville and discussed possible sites.
- 2) Provided information and resources to a perspective entrepreneur interested to start a growler filling station.

- 3) Provided general information to an entrepreneur interested to set up a non-profit organization.
- 4) Met with an entrepreneur interested to buy a local business. Discussed options and provided resources to him.
- 5) Met with a perspective entrepreneur interested in the tourism business.
- 6) Provided resources to a perspective entrepreneur interested to start an online business.
- 7) Two other perspective entrepreneurs were interested to start a chaplain business and high tech business respectively.
- 8) Met and discussed with a perspective entrepreneur interested to start a business dealing with science lab equipment.
- 9) Responded to general inquiries about starting a business.

Performance Measure B: Develop or recommend training and education opportunities to start up businesses

- 1) Successfully organized and completed the "How To Start A Business in Fayetteville" Seminar on August 21st. A total of 30 sign-ups.
- 2) Referred entrepreneurs to training programs in Fayetteville and surrounding cities. Updated the training workshops/seminars in the website.

Performance Measure C: Provide resources to entrepreneurs as requested

- 1) Met with a perspective entrepreneur and went over information on how to start his business in Fayetteville. Provided resources to him as well.
- 2) Contacted perspective entrepreneurs to encourage them to attend the "How To Start A Business in Fayetteville" seminar.
- 3) Provided contacts to entrepreneurs to further support their ventures.
- 4) Discussed with a tax preparer on sites availability in Fayetteville to site his business.

4. Infrastructure

Performance Measure A: Managed Relationships and wherever possible, partner with the AEDC and Relevant Partners

- 1) Received update and conveyed information on upgrading the railroad crossing on Dickson Street.
- 2) Provided local information to various staff/divisions in AEDC upon their requests.
- 3) Partnering with AEDC on a potential project coming to Fayetteville. Professional sector.
- 4) Provided local information to various staff/divisions in AEDC upon their requests.
- 5) Held a meeting with economic development ambassadors to bring them up-to-date with news/developments in the city.
- 6) Spent a day with an AEDC staff visiting Fayetteville companies that work in the aeronautical industry.
- 7) Visited with another AEDC staff who came to Fayetteville.
- 8) Assisting AEDC to add pictures to its library. The pictures will be used when promoting the state of Arkansas.

Performance Measure B: Development of an Economic Development Fund for the City of Fayetteville

- 1) Continue to work with city council members to discuss strategies for economic development in the coming year.
- 2) Continue to work with city staff to discuss developing the economic development fund in the coming year.
- 3) Working on identifying funding sources to apply for grants to expand economic development programs.

Performance Measure C: Work on attracting/creating jobs with a focus on jobs with living wages

- 1) Met with a new company that will train other startups over a period of time. Idea is to reduce the failure rate of startups. If successful, it will help to create jobs that will pay above minimum wage.
- 2) Working with the AEDC on getting a new company to Fayetteville. The business is in logistics and will look to hire 40-45 workers with an average salary of \$40,000 over a few years.
- 3) Started work on Manufacturing Appreciation Week slated for November 10-14 to promote them to emerging workforce so that they may expand and create jobs with living wages.

Performance Measure D: Monitor and manage internal and external environments to be sure that City is competitive in developing, attracting and retaining businesses

- 1) The flyover in uptown Fayetteville officially opened for use on July 2nd. The flyover allows traffic from College Ave to join I-49 and the Target/Kohl shopping center easily.
- 2) Attended the Fayetteville Forward Economic Accountability Council (FFEAC) meetings to inform and be informed of the activities and update from various groups in the city.
- 3) Responded to residents and businesses that contacted us over the proposed city ordinance against discrimination. The ordinance passed 6-2.
- 4) Superior Industries-Rogers announced that they will be closed by end of this year. Apex Tools of Springdale announced that they will be closed by 2015. Superior will lose 500 jobs and Apex, 250. Coordinating with Fayetteville manufacturers to absorb these qualified and experienced workers. Working with government and partner agencies to offer assistance to Fayetteville residents who are working in these plants.
- 5) Assisted and supported Ozark Regional Transit with its tests on new possible routes in Fayetteville, including the trolley.
- 6) Promoted and attended the Fest of All event that was held on 9/4 in conjunction with First Thursday to promote understanding amongst different cultures.
- 7) Organized and implemented political forums to introduce candidates and help Fayetteville voters become informed about the issues. The forums covered the state auditor, state representative 84, and city council Wards 2 & 4 seats.
- 8) Promoted the Compassion Games in the community.

Performance Measure E: Support and Assist Development of the NWA Region for economic development purposes

- 1) Attended the regional economic developers meeting on 8/19 to strategize on the trip to attend the US Manufacturing Summit.
- 2) Shared the Cost of Living Index results with the region.
- 3) Working on bringing a new ordinance to Fayetteville to use bio-degradable plastic bags.
- 4) Attended, via teleconference, 2 meetings on labor and workforce for the northwest Arkansas region.

Performance Measure F: Development and promotion of marketing materials/information for economic development purposes

- 1) Started and continued work on producing the 2015 Livability magazine about Fayetteville.
- 2) Successfully had an article written about Fayetteville in the July edition of the "Talk Business" magazine.
- 3) Continued work on the Construction & Developers 2014 Appreciation Award event to promote the construction and allied companies.
- 4) Helped to promote the Excellence in Business Award program to local businesses to encourage them to submit nominations in an effort to promote their businesses.
- 5) Continued work on the Hispanic Heritage Festival to promote Fayetteville and the region to the Hispanic population.
- 6) Responded to requests for information from the media.
- 7) Responded to questions posed by Arkansas Money & Politics magazine.
- 8) Promoting the press conference for the City's 3 Star Rating.

Performance Measure G: Workforce Development

- 1) Met with a lecturer from the U of A Fulbright College to introduce the internship program to him. He is considering partnering with the Economic Development team to provide internship opportunities to his students.
- 2) Met with individuals to discuss career options, pathways, preparations and choices.
- 3) Sent resources to employers that are looking for applicants to fill their vacancies.
- 4) Preparing to write a grant to help support the Emerging Workforce Development Program that will benefit Fayetteville employers. Working with the 6 school districts south of Fayetteville to get their high school students to become familiar to employers in Fayetteville.
- 5) Met with numerous student interns from the U of A who were working on the summer internship program. Completed the summer internships with the U of A students.
- 6) Arranged and met with the new Executive Director and WAGE coordinator of Jefferson Adult Education Center.
- 7) Met with the new President of Northwest Technical Institute (NTI) to establish new relationship and also to learn of his direction for NTI.
- 8) Superior Industries of Rogers is closing end of the year. Contacted all manufacturers and selective employers to get them to hire this trained workforce. Continued to work with local manufacturers, employers, and staffing agencies to hire workers from Superior Industries of Rogers. Visited Superior Industries Rogers plant to go over their workforce

placement plans so that Fayetteville plants that wish to hire their workers know the process to do it. Working with the Governor's Dislocated Workers staff.

- 9) Compiling a list of projects for the fall internship program for UA students. Started the fall internships with the U of A students.
- 10) Met with the representative of U of A Razor Coach program to determine a possible partnership with them. Attended a meeting with the U of A Razorback Coach program and the Washington County School Co-Op to plan for 2015 Eye to The Future Conference to incorporate workforce training in public schools through the teachers and staff.
- 11) Helped promote Job Fairs by Domino's and Sears. Domino's has 50 jobs to fill while Sears has more than a dozen vacancies.
- 12) Supported the MBA program at the U of A as a judge for its internship competition.
- 13) Met with local companies on 9/12 to discuss workforce updates and issues.
- 14) Attended the Job Summit in Little Rock on 9/23 to discuss finding solutions to workforce issues.
- 15) Assisting Fayetteville High School with recruiting professionals to be speakers at the FHS Career Expo scheduled for Oct. 15th.

Performance Measure H: Economic Development Training

- 1) Attended the Arkansas Economic Developers Conference on August 25-26, 2014.
- 2) Attended the NWA Women's Conference on 9/16.

Reports and Presentations

Performance Measure A: Provide written reports and prepare a brief presentation to the Mayor and City Council

- 1) Quarterly Presentation on August 12th, 2014.

Partner Organizations

ARK Challenge
Arkansas Economic Development Commission
Arkansas Governor's Dislocated Workers Task Force
Arkansas Research Technology Park
Arkansas Small Business & Technology Development Center
Center of Business & Economic Research
City of Fayetteville
Fayetteville Adult Education
Fayetteville High School
Goodwill Industries of Arkansas
Governor's Dislocated Workforce
Jefferson Adult Education Center
Northwest Arkansas Economic Development District
Northwest Technical Institute
Small Business Administration
Start Up Junkie
U of A Athletics Dept
U of A College of Business
U of A Fulbright College
U of A Razor COACH program
Washington County Court House
Washington County Education Co-Op

Non-Profits--Fayetteville

7 Hills Center
CCOA
Fayetteville Senior Activity & Wellness Center
Fayetteville Town Center
Free Health Clinic
Jefferson Adult Education Center
Razorback Foundation
Research Technology Park
The New School
Veterans Affairs

Businesses – Fayetteville

3B Media Group	APEI
AAA	Arvest Bank
AEP SWEPCO	AT & T
AK Cleaning Solutions	Bancorp South
All American Services, Inc.	Benny & Dave's Italian Ice
American Air Filter	BioLife Plasma Services
American National Insurance Co	Bio-Tech Pharmacal
Andy's Frozen Custard	Branch Photography

Brenda Vassaur Taylor PA
Bright Technology
Butterfield Trail Village
Candlewood Suites
Case Stack
Centennial Bank
Chancellor Hotel, The
Chartwells
Clarity Pointe
Community Clinic
Courtyard by Marriott
Creative Awards
Cyclewood
Dancenance Entertainment
DaVita Dialysis
DeMx architecture
Domino's
doTerra Wellness Advocate
Dream Design Wedding
Encore Realty
Equestrian Bridges
Fayetteville Auto Park
Fayetteville Health & Rehab
First Security Bank
GP Harmon Recycling
Grand Hotel
Great Southern Bank
Handy Services, Inc.
Hogan Taylor
Houndstooth Press
imagebuilders
Independent Case Management
Integrity First Bank
Karcher, NA
Launch Retreat.com
Lauren James & Co
Learning 2, Inc.
Lewis Ford Sales, Inc.
Lindsey & Associates
Love to Float Outfitters
Marshalltown Company
Maurice Jennings + Walter Jennings
Architects, PLLC
Maynard Industries
McClelland Engineering

Med Express Urgent Care
Menchies
Mockingbird Creative
Modern Mission's Indoor Battlefield
Mojo's
Nature's Custom Woodworks
Nehemiah Worldwide
NWA Model Studio
Oghma Creative Media
Ozark Consulting Group
Ozark Electric
Ozark Natural Foods
Ozark Organics
Pacific Vet Group
Packaging Specialties
Packard
Pinnacle Foods
Premier Anesthesia of Arkansas
PVG
Rebecca Boss, CPA
Reddell Family Chiropractic
Robert Porter, CPA
Robust Device LLC
SCM Architects
Scott Wilson Construction
Sears
Select Staff
Shelter Insurance
Signature Bank
Smitty's Garage
Smooth Vapes
SourceGas
Space Photonics
Springwood Behavioral Center
Stephen Brooks/KellerWilliams
Stephens, Inc.
The Dapper Dog
Univision
Vintage Industries Arts
Visual Precision Cartography, LLC
Wal-Mart Optical Lab
Washington Regional Medical Center
Wayne Jones, LLC
White River Hardwoods
Young DeSigns

Businesses, Government and Non-Profits--Out of town

A & M Railroads	Springdale, AR
Allstate Insurance Company	Little Rock, AR
Aqua Leisure	Avon, MA
Arkansas Health Insurance Market Place	Little Rock, AR
Arkansas Money & Politics magazine	Little Rock, AR
Arvest Bank	Siloam Springs, AR
Berry Plastics Corporation	Evansville, IN
Biggins Lacy Shapiro & Co, LLC	Chicago, IL
Bingswanger	Dallas, TX
BLS Strategies	New York, NY
Buffalo Weaver	Waterloo, IA
Buffalo Wings	Joplin, MO
Car-Mel Products, Inc.	Mooresville, NC
Cicero Group	Salt Lake City, UT
Circle Graphics	Longmont, CO
Clorox Company	Bentonville, AR
Comfort Keepers	Bentonville, AR
Community Health Clinic	Springdale, AR
Consul of Mexico	Little Rock, AR
Cox Business	Springdale, AR
DG Medical	Ohio
Dimco Gray/DG	Centerville, OH
Edge Realty	Dallas, TX
Entergy	Little Rock, AR
EVO Merchant Services	AR/OK/MO
Fourth Economy	Pittsburg, PA
Galanz North America, Inc.	Naperville, IL/Bella Vista, AR
Hickey & Associates	Minneapolis, MN
Horizon Trike Center	Clarksville, AR
Ideal Fastener Corp	Hampton, VA
Joel's Photography	Little Rock, AR
Junior Achievement of Arkansas	Little Rock, AR
Legacy Brand Products, Inc.	Englewood, CO
LiDestri	Fairport, NY
Mercy Hospital	Rogers, AR
Missouri Partnership	St. Louis, MO
Moxy Ox	Tontitown, AR
My Camp Kitchen	Littleton, CO
NEO Automated Cyber Security/Kernel Ops	Springdale, AR
Nova System Health	Little Rock, AR
Parkdale Mills	Gastonia, NC
Partners National	Dallas, TX
Project Lead The Way	Indianapolis, IN
Siloam Springs Chamber	Siloam Springs, AR
Simply Divine Catering	Bentonville, AR
Site Selection Group	Dallas, TX

South Carolina Dept of Commerce
Sunbrella
Superior Industries
Talk Business
The Visual Pak Companies
TownePlace Suites Marriott
Tredence Inc.
Truity Credit Union
United Way
Variety Radio Group
WebLink International
Wieland-Davco Corporation
Worldwide Label & Packaging

Columbia, SC
Glen Raven, NC
Rogers, AR
Little Rock, AR
Waukegan, IL
Springdale, AR
San Jose, CA
Springdale, AR
Lowell, AR
Gravette, AR
Indianapolis, IN
Shreveport, LA
McCrory, AR

Agenda Session Presentation Handout -
Economic Development Quarterly Report



Arkansas Occupational Employment and Wage Survey July 2014

Arkansas Occupational Employment and Wage Survey

Mike Beebe, Governor

State of Arkansas

Arte Williams, Director

Department of Workforce Services

Jobs for People. People for Jobs.



Prepared By:

Department of Workforce Services

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Introduction

Preface

The Department of Workforce Services (DWS), using data collected by the Occupational Employment Statistics (OES) survey, produces this publication. The DWS would like to thank the employers who took the time to supply the information requested in this survey. Without their cooperation this booklet would not have been possible.

The OES survey is a semiannual mail survey measuring occupational employment and wage rates for full and part-time wage and salary workers in nonfarm industries. The survey does not cover the self-employed, owners and partners in unincorporated firms, household workers, or unpaid family workers.

The Arkansas OES program samples and contacts establishments in May and November of each year and, over three years, contacts approximately 18,000 establishments. The statewide response rate for the May 2013 panel was 85 percent for establishments, covering 81 percent of employment.

Occupational Coding System

The OES survey categorizes workers into 821 detailed occupations based on the 2010 Office of Management and Budget's Standard Occupational Classification (SOC) system. Together, these detailed occupations make up 22 of the 23 SOC major occupational groups. Major group 55, Military Specific Occupations, is not included

For more information about the SOC system, please see the BLS website at www.bls.gov/soc/.

Concepts

Occupational employment is the estimate of total wage and salary employment in an occupation. The OES survey defines employment as the number of workers who can be classified as full- or part-time employees, including workers on paid vacations or other types of paid leave; workers on unpaid short-term absences; salaried officers, executives, and staff members of incorporated firms; employees temporarily assigned to other units; and employees for whom the reporting unit is their permanent duty station, regardless of whether that unit prepares their paycheck.

Wages for the OES survey are straight-time, gross pay, exclusive of premium pay. Base rate; cost-of-living allowances; guaranteed pay; hazardous-duty pay; incentive pay, including commissions and production bonuses; and tips are included. Excluded are overtime pay, severance pay, shift differentials, non-production bonuses, employer cost for supplementary benefits, and tuition reimbursements.

The OES survey collects wage data in 12 intervals. For each occupation, respondents are asked to report the number of employees paid within specific wage intervals. The intervals are defined both as hourly rates and the corresponding annual rates, where the annual rate for an occupation is calculated by multiplying the hourly wage rate by a typical work year of 2,080 hours. The responding establishments are instructed to report the hourly rate for part-time workers, and to report annual rates for occupations that are typically paid at an annual rate but do not work 2,080 hours per year, such as teachers, pilots, and flight attendants.

Other workers, such as some entertainment workers, are paid hourly rates, but generally do not work 40 hours per week, year round. For these workers, only an hourly wage is reported.

Estimation Methodology

The OES survey is designed to produce estimates by combining six panels of data collected over a 3-year period. These estimates were produced by combining November 2010, May and November 2011, May and November 2012, and May 2013 surveys.

Wage updating. Significant reductions in sampling errors are obtained by combining six panels of data, particularly for small geographic areas and occupations. Wages for the current panel need no adjustment. However, wages in the five previous panels need to be updated to the current panel's reference period. The OES program uses the BLS Employment Cost Index (ECI) to adjust survey data from prior panels before combining them with the current panel's data. The wage updating procedure adjusts each detailed occupation's wage rate, as measured in the earlier panel, according to the average movement of its broader occupational division.

Imputation. There are always establishments that do not respond for a given panel. A "nearest neighbor" hot deck imputation procedure is used to impute missing occupational employment totals. A variant of mean imputation is used to impute missing wage distributions.

Weighting and benchmarking. The sampled establishments are weighted to represent all establishments for the reference period. Weights are further adjusted by the ratio of employment totals (the average of November 2012 and May 2013 employment) from the Bureau of Labor Statistics Quarterly Census of Employment and Wages to employment totals from the OES survey.

How to Use the Data

The following are some examples of useful applications of occupational employment and wage data:

- Detailed occupational data are used by job seekers or employers to show wages for workers in certain occupations and to assess wage variation within, and across, occupations. Wage variation within an occupation can result from several factors, including industry, geographic location, or a worker's particular experience or qualifications. Useful data for job seekers include information on the industries or geographic areas that have the highest employment or the highest average wages for an occupation. Career and guidance counselors use OES data to examine possible occupational choices by field of study or training.
- Human Resources professionals use industry specific occupational data in salary negotiations or to ensure that their wages are competitive with those of other businesses in their area or industry. Information on the types of jobs within an industry can be used to compare average staffing patterns with that of one's own company. Occupational employment by industry may be useful in assessing the impact of shifts in technology and other macroeconomic trends on the types of jobs available. The State's employment projections programs use this data as an input to their employment projections, to predict training and education demands.

- Geographic area information is used to assess labor market features of a particular area. State level data can be used to make assessments about the diversity of a State's economy or to make comparisons among States. The occupational composition of employment can provide clues to how a State or regional economy can hold up in adverse conditions that affect a certain sector of the economy. Differences in both occupational composition and occupational wage rates also help explain differences in average wages across States. For example, States with high average wages may have larger employment shares of high paying occupations, higher wages within each occupation, or some combination of both factors.
- Like State data, metropolitan area data can be used to study the diversity of local area economies. Businesses can use data to see whether it might be beneficial to relocate to a particular area. Occupational employment data may indicate whether workers are available in occupations that the business will need. For example, businesses that require computer specialists or skilled production workers may want to identify areas that have high employment in these occupations. Businesses may also use the data to compare wages between alternative areas.

Definition of Metropolitan Statistical Areas (MSAs)

In addition to statewide estimates, this publication provides employment and wage estimates for each of the eight Metropolitan Statistical Areas (MSAs) in Arkansas. An MSA is a county or aggregation of counties that have one or more central cities and that meet specified criteria of population, population density, commuting patterns, and social and economic integration. They are defined as follows:

Fayetteville-Springdale-Rogers, AR-MO MSA
Benton, Madison & Washington Counties, AR
McDonald County, MO

Fort Smith, AR-OK MSA
Crawford, Franklin & Sebastian Counties, AR
LeFlore & Sequoyah Counties, OK

Hot Springs, AR MSA
Garland County

Jonesboro, AR MSA
Craighead & Poinsett Counties

Little Rock-North Little Rock-Conway, AR MSA
Faulkner, Grant, Lonoke, Perry, Pulaski & Saline Counties

Pine Bluff, AR MSA
Cleveland, Jefferson & Lincoln Counties

Memphis, TN-AR-MS MSA
Crittenden County, AR
DeSoto, Marshall, Tate & Tunica Counties, MS
Fayette, Shelby, & Tipton Counties, TN

Texarkana, TX-AR MSA
Miller County, AR
Bowie County, TX

Data on the Web

This publication may be downloaded in its entirety from the Discover Arkansas Labor Market Information web site at www.discover.arkansas.gov. Click on the LMI Publications link in the left hand column and look under Arkansas Wage Survey heading. The file is available in PDF format and viewable in Adobe Acrobat Reader.

In addition to this PDF file, employment and wage data tables are available to download as text files using the Data Analysis portion of the web site. The same statewide and metropolitan areas from the print version are represented, as well as Arkansas' ten local workforce areas.

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Insurance Appraisers, Auto Damage	13-1032	10	\$37,380	\$55,620	\$58,250	\$64,740
Compliance Officers, Except Agriculture, Construction, Health & Safety, & Transportation	13-1041	310	\$40,170	\$61,420	\$57,040	\$72,050
Cost Estimators	13-1051	180	\$37,020	\$57,450	\$56,760	\$67,670
Human Resources Specialists	13-1071	400	\$31,460	\$50,590	\$46,850	\$60,160
Labor Relations Specialists	13-1075	150	\$41,870	\$70,400	\$72,190	\$84,670
Logisticians	13-1081	460	\$47,680	\$58,790	\$56,140	\$64,340
Management Analysts	13-1111	630	\$41,880	\$66,570	\$63,460	\$78,920
Meeting, Convention, and Event Planners	13-1121	30	\$25,190	\$41,400	\$41,480	\$49,510
Fundraisers	13-1131	70	\$32,530	\$52,650	\$44,040	\$62,710
Compensation, Benefits, & Job Analysis Specialists	13-1141	110	\$35,290	\$51,970	\$47,850	\$60,300
Training and Development Specialists	13-1151	210	\$31,650	\$50,870	\$46,610	\$60,480
Market Research Analysts & Marketing Specialists	13-1161	970	\$36,260	\$69,580	\$67,370	\$86,240
Business Operations Specialists, All Other	13-1199	4,010	\$45,980	\$75,100	\$70,160	\$89,660
Accountants and Auditors	13-2011	1,090	\$39,450	\$62,540	\$57,010	\$74,090
Appraisers and Assessors of Real Estate	13-2021	170	\$25,590	\$37,610	\$29,470	\$43,610
Budget Analysts	13-2031	40	\$53,020	\$72,430	\$75,540	\$82,140
Credit Analysts	13-2041	80	\$29,830	\$49,550	\$43,490	\$59,420
Financial Analysts	13-2051	120	---	---	---	---
Personal Financial Advisors	13-2052	80	\$57,930	\$94,240	\$80,460	\$112,390
Financial Examiners	13-2061	10	\$45,070	\$65,400	\$60,330	\$75,560
Loan Officers	13-2072	480	\$39,010	\$62,420	\$58,290	\$74,120
Tax Examiners & Collectors, & Revenue Agents	13-2081	90	\$30,590	\$57,010	\$63,140	\$70,220
Tax Preparers	13-2082	30	\$17,000	\$31,410	\$23,880	\$38,610
Financial Specialists, All Other	13-2099	190	\$31,590	\$39,890	\$38,900	\$44,030
Computer and Mathematical Occupations	15-0000					
Computer Systems Analysts	15-1121	630	\$50,780	\$73,360	\$70,400	\$84,640
Computer Programmers	15-1131	1,650	\$50,680	\$68,260	\$67,860	\$77,050
Software Developers, Applications	15-1132	840	\$62,180	\$85,670	\$85,100	\$97,410
Software Developers, Systems Software	15-1133	220	\$46,870	\$80,210	\$81,810	\$96,890
Web Developers	15-1134	100	\$35,090	\$70,020	\$70,570	\$87,480
Database Administrators	15-1141	210	\$50,180	\$72,330	\$72,650	\$83,410
Network and Computer Systems Administrators	15-1142	770	\$49,670	\$76,530	\$74,940	\$89,950
Computer Network Architects	15-1143	810	\$61,900	\$84,900	\$83,710	\$96,390
Computer User Support Specialists	15-1151	730	\$28,480	\$41,030	\$39,580	\$47,310
Computer Network Support Specialists	15-1152	270	\$28,940	\$42,480	\$39,460	\$49,240
Operations Research Analysts	15-2031	40	\$33,030	\$64,750	\$60,280	\$80,610
Statisticians	15-2041	10	\$58,180	\$75,770	\$79,190	\$84,560
Architecture and Engineering Occupations	17-0000					
Architects, Except Landscape and Naval	17-1011	220	\$44,070	\$62,960	\$60,350	\$72,410
Landscape Architects	17-1012	20	\$32,640	\$56,160	\$55,400	\$67,910
Surveyors	17-1022	110	\$27,450	\$40,540	\$32,200	\$47,080

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Civil Engineers	17-2051	260	\$48,680	\$74,270	\$70,100	\$87,060
Electrical Engineers	17-2071	130	\$44,790	\$66,410	\$63,800	\$77,220
Electronics Engineers, Except Computer	17-2072	---	\$45,820	\$65,610	\$66,520	\$75,500
Environmental Engineers	17-2081	40	\$59,740	\$94,250	\$103,030	\$111,500
Health and Safety Engineers, Except Mining Safety Engineers and Inspectors	17-2111	---	\$43,240	\$55,980	\$52,960	\$62,350
Industrial Engineers	17-2112	210	\$56,070	\$75,690	\$74,080	\$85,500
Materials Engineers	17-2131	---	\$53,040	\$68,040	\$66,670	\$75,540
Mechanical Engineers	17-2141	290	\$44,350	\$68,140	\$69,710	\$80,040
Engineers, All Other	17-2199	20	\$52,930	\$87,280	\$92,500	\$104,460
Architectural and Civil Drafters	17-3011	140	\$32,650	\$43,970	\$42,300	\$49,630
Electrical and Electronics Drafters	17-3012	30	\$34,230	\$45,780	\$44,070	\$51,550
Mechanical Drafters	17-3013	100	\$39,580	\$53,120	\$51,390	\$59,890
Civil Engineering Technicians	17-3022	30	\$36,310	\$45,500	\$45,010	\$50,100
Electrical and Electronics Engineering Technicians	17-3023	90	\$27,440	\$44,080	\$43,480	\$52,400
Environmental Engineering Technicians	17-3025	---	\$27,110	\$32,400	\$30,300	\$35,050
Industrial Engineering Technicians	17-3026	60	\$33,880	\$41,280	\$41,450	\$44,980
Mechanical Engineering Technicians	17-3027	90	\$28,650	\$42,310	\$43,240	\$49,140
Engineering Technicians, Except Drafters, All Other	17-3029	40	\$39,290	\$50,360	\$49,020	\$55,900
Surveying and Mapping Technicians	17-3031	80	\$26,830	\$42,990	\$37,740	\$51,070
Life, Physical, and Social Science Occupations	19-0000					
Animal Scientists	19-1011	30	\$36,550	\$52,700	\$43,820	\$60,770
Food Scientists and Technologists	19-1012	240	\$40,220	\$69,580	\$67,480	\$84,250
Soil and Plant Scientists	19-1013	20	\$34,150	\$47,800	\$41,500	\$54,630
Microbiologists	19-1022	30	\$61,290	\$80,520	\$75,510	\$90,130
Biological Scientists, All Other	19-1029	20	\$36,730	\$61,600	\$63,650	\$74,030
Medical Scientists, Except Epidemiologists	19-1042	10	\$56,470	\$83,780	\$73,920	\$97,430
Chemists	19-2031	60	\$51,570	\$76,720	\$71,370	\$89,290
Environmental Scientists and Specialists, Including Health	19-2041	10	\$48,580	\$87,870	\$103,350	\$107,510
Clinical, Counseling, and School Psychologists	19-3031	100	\$40,910	\$56,140	\$46,750	\$63,760
Urban and Regional Planners	19-3051	40	\$16,750	\$40,760	\$46,800	\$52,770
Agricultural and Food Science Technicians	19-4011	220	\$22,840	\$31,820	\$28,370	\$36,300
Biological Technicians	19-4021	30	\$26,370	\$40,350	\$35,040	\$47,340
Chemical Technicians	19-4031	200	\$29,430	\$37,870	\$37,160	\$42,080
Life, Physical, and Social Science Technicians, All Other	19-4099	140	\$29,460	\$46,530	\$43,680	\$55,060
Community and Social Services Occupations	21-0000					
Substance Abuse and Behavioral Disorder Counselors	21-1011	40	\$34,110	\$48,780	\$52,560	\$56,120
Educational, Guidance, School, and Vocational Counselors	21-1012	410	\$35,120	\$55,800	\$54,440	\$66,140
Mental Health Counselors	21-1014	90	\$42,300	\$49,920	\$48,740	\$53,730

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA						
Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Rehabilitation Counselors	21-1015	40	\$24,500	\$32,860	\$34,020	\$37,040
Child, Family, and School Social Workers	21-1021	100	\$30,700	\$38,250	\$35,020	\$42,030
Healthcare Social Workers	21-1022	160	\$22,440	\$37,880	\$30,340	\$45,600
Mental Health and Substance Abuse Social Workers	21-1023	40	\$32,260	\$43,980	\$44,010	\$49,840
Social Workers, All Other	21-1029	70	\$26,610	\$49,730	\$57,420	\$61,280
Health Educators	21-1091	30	\$36,040	\$53,970	\$54,030	\$62,940
Probation Officers and Correctional Treatment Specialists	21-1092	120	\$27,720	\$32,550	\$31,060	\$34,960
Social and Human Service Assistants	21-1093	290	\$16,960	\$27,540	\$25,020	\$32,840
Community Health Workers	21-1094	40	---	---	---	---
Clergy	21-2011	60	\$28,470	\$41,980	\$37,890	\$48,740
Legal Occupations	23-0000					
Lawyers	23-1011	570	\$53,380	\$124,710	\$108,950	\$160,380
Administrative Law Judges, Adjudicators, and Hearing Officers	23-1021	30	---	---	---	---
Judges, Magistrate Judges, and Magistrates	23-1023	40	\$51,250	\$102,810	\$122,650	\$128,590
Paralegals and Legal Assistants	23-2011	270	\$31,600	\$41,830	\$41,830	\$46,940
Court Reporters	23-2091	20	\$27,430	\$46,390	\$48,660	\$55,870
Title Examiners, Abstractors, and Searchers	23-2093	160	\$31,750	\$38,270	\$36,450	\$41,540
Education, Training, and Library Occupations	25-0000					
Business Teachers, Postsecondary	25-1011	190	\$36,240	\$84,720	\$56,130	\$108,960
Mathematical Science Teachers, Postsecondary	25-1022	110	\$45,120	\$62,160	\$55,000	\$70,680
Biological Science Teachers, Postsecondary	25-1042	80	\$50,690	\$71,020	\$63,470	\$81,190
Chemistry Teachers, Postsecondary	25-1052	60	\$54,910	\$99,350	\$91,410	\$121,570
Environmental Science Teachers, Postsecondary	25-1053	40	\$50,690	\$87,300	\$83,690	\$105,610
Economics Teachers, Postsecondary	25-1063	30	\$56,880	\$102,370	\$97,980	\$125,110
Health Specialties Teachers, Postsecondary	25-1071	60	\$35,970	\$59,560	\$50,100	\$71,360
Education Teachers, Postsecondary	25-1081	110	\$53,660	\$87,630	\$73,770	\$104,610
Art, Drama, and Music Teachers, Postsecondary	25-1121	130	\$40,910	\$59,150	\$51,960	\$68,270
Communications Teachers, Postsecondary	25-1122	50	\$45,460	\$74,590	\$70,380	\$89,160
History Teachers, Postsecondary	25-1125	50	\$43,770	\$68,590	\$59,470	\$81,000
Philosophy and Religion Teachers, Postsecondary	25-1126	20	\$46,640	\$68,610	\$70,240	\$79,600
Recreation and Fitness Studies Teachers, Postsecondary	25-1193	40	\$45,360	\$63,880	\$59,420	\$73,150
Vocational Education Teachers, Postsecondary	25-1194	100	\$26,960	\$40,270	\$38,620	\$46,930
Postsecondary Teachers, All Other	25-1199	300	\$36,800	\$50,900	\$50,020	\$57,950
Preschool Teachers, Except Special Education	25-2011	370	\$22,550	\$35,080	\$30,240	\$41,340
Kindergarten Teachers, Except Special Education	25-2012	400	\$40,490	\$49,630	\$49,290	\$54,200
Elementary School Teachers, Except Special Education	25-2021	1,850	\$39,720	\$49,550	\$49,300	\$54,460
Middle School Teachers, Except Special and Career/Technical Education	25-2022	1,390	\$40,890	\$51,780	\$51,800	\$57,230
Career/Technical Education Teachers, Middle School	25-2023	30	\$36,470	\$44,640	\$44,180	\$48,730

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Secondary School Teachers, Except Special and Career/Technical Ed	25-2031	1,560	\$43,740	\$55,450	\$55,460	\$61,310
Career/Technical Education Teachers, Secondary School	25-2032	130	\$44,980	\$54,720	\$54,070	\$59,590
Special Education Teachers, Preschool	25-2051	---	\$21,960	\$28,780	\$24,890	\$32,190
Special Education Teachers, Kindergarten and Elementary School	25-2052	190	\$41,070	\$50,450	\$49,150	\$55,140
Special Education Teachers, Middle School	25-2053	140	\$41,820	\$51,500	\$50,640	\$56,350
Special Education Teachers, Secondary School	25-2054	150	\$41,870	\$52,530	\$51,040	\$57,860
Adult Basic and Secondary Education and Literacy Teachers and Instructors	25-3011	60	\$40,610	\$47,550	\$46,170	\$51,020
Self-Enrichment Education Teachers	25-3021	170	\$20,380	\$34,340	\$28,480	\$41,310
Substitute Teachers	25-3098	1,250	\$17,000	\$21,530	\$21,080	\$23,790
Teachers and Instructors, All Other	25-3099	310	\$18,840	\$43,110	\$41,120	\$55,240
Curators	25-4012	20	\$24,580	\$37,590	\$37,120	\$44,090
Museum Technicians and Conservators	25-4013	---	\$19,280	\$28,200	\$30,370	\$32,660
Librarians	25-4021	230	\$35,040	\$56,450	\$55,500	\$67,160
Library Technicians	25-4031	180	\$18,310	\$27,320	\$23,750	\$31,830
Audio-Visual and Multimedia Collections Specialists	25-9011	20	\$30,890	\$42,360	\$37,300	\$48,100
Instructional Coordinators	25-9031	160	\$54,260	\$72,920	\$75,630	\$82,240
Teacher Assistants	25-9041	1,510	\$16,830	\$20,490	\$19,100	\$22,330
Education, Training, and Library Workers, All Other	25-9099	10	\$32,490	\$61,070	\$68,090	\$75,360
Arts, Design, Entertainment, Sports, and Media Occupations	27-0000					
Art Directors	27-1011	80	\$25,320	\$48,350	\$36,890	\$59,870
Commercial and Industrial Designers	27-1021	10	\$41,070	\$64,330	\$66,210	\$75,960
Floral Designers	27-1023	60	\$17,900	\$23,310	\$24,010	\$26,010
Graphic Designers	27-1024	320	\$25,150	\$42,500	\$35,850	\$51,180
Interior Designers	27-1025	30	\$17,640	\$45,270	\$44,940	\$59,080
Merchandise Displayers and Window Trimmers	27-1026	250	\$20,720	\$36,030	\$34,140	\$43,680
Producers and Directors	27-2012	50	\$29,750	\$39,950	\$35,880	\$45,050
Coaches and Scouts	27-2022	240	\$37,090	\$71,730	\$60,310	\$89,050
Music Directors and Composers	27-2041	40	\$42,940	\$48,760	\$47,520	\$51,680
Radio and Television Announcers	27-3011	---	\$16,910	\$30,730	\$23,290	\$37,630
Reporters and Correspondents	27-3022	100	\$22,010	\$32,530	\$30,950	\$37,790
Public Relations Specialists	27-3031	110	\$27,200	\$40,210	\$35,590	\$46,710
Editors	27-3041	90	\$26,910	\$40,760	\$35,900	\$47,690
Writers and Authors	27-3043	40	\$39,950	\$66,470	\$74,650	\$79,720
Interpreters and Translators	27-3091	40	\$25,890	\$35,590	\$37,320	\$40,440
Audio and Video Equipment Technicians	27-4011	20	\$23,480	\$37,070	\$29,060	\$43,860
Broadcast Technicians	27-4012	20	\$16,810	\$21,990	\$22,010	\$24,570
Photographers	27-4021	80	\$24,600	\$31,620	\$31,490	\$35,120

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Healthcare Practitioners & Technical Occupations	29-0000					
Chiropractors	29-1011	90	\$43,990	\$103,850	\$101,010	\$133,780
Dentists, General	29-1021	---	\$73,380	\$177,920	\$181,160	\$230,190
Dietitians and Nutritionists	29-1031	70	\$38,710	\$58,990	\$54,250	\$69,130
Optometrists	29-1041	80	\$58,040	\$91,270	\$89,180	\$107,890
Pharmacists	29-1051	410	\$105,260	\$126,420	\$131,060	\$137,000
Anesthesiologists	29-1061	---	---	---	---	---
Family and General Practitioners	29-1062	260	\$79,540	\$158,570	\$143,260	\$198,090
Internists, General	29-1063	40	\$177,930	\$235,260	---	---
Pediatricians, General	29-1065	---	\$79,530	\$127,770	\$135,540	\$151,890
Psychiatrists	29-1066	---	\$75,940	\$133,170	\$113,300	\$161,780
Surgeons	29-1067	100	\$140,430	\$222,560	---	---
Physicians and Surgeons, All Other	29-1069	340	\$93,040	\$198,420	---	---
Physician Assistants	29-1071	40	\$59,600	\$85,370	\$83,930	\$98,250
Occupational Therapists	29-1122	110	\$65,550	\$91,580	\$100,180	\$104,590
Physical Therapists	29-1123	170	\$64,630	\$85,440	\$86,460	\$95,850
Respiratory Therapists	29-1126	80	\$35,980	\$46,770	\$46,410	\$52,170
Speech-Language Pathologists	29-1127	250	\$43,910	\$72,660	\$70,570	\$87,040
Veterinarians	29-1131	120	\$35,410	\$75,220	\$80,490	\$95,130
Registered Nurses	29-1141	2,770	\$41,600	\$56,120	\$55,600	\$63,380
Nurse Anesthetists	29-1151	---	\$113,010	\$186,490	\$170,190	\$223,220
Nurse Practitioners	29-1171	130	\$81,080	\$106,510	\$92,850	\$119,230
Medical and Clinical Laboratory Technologists	29-2011	150	\$25,270	\$43,690	\$42,570	\$52,900
Medical and Clinical Laboratory Technicians	29-2012	140	\$24,940	\$38,640	\$38,160	\$45,490
Dental Hygienists	29-2021	170	\$34,440	\$54,290	\$44,770	\$64,210
Diagnostic Medical Sonographers	29-2032	80	\$42,230	\$61,160	\$57,990	\$70,630
Nuclear Medicine Technologists	29-2033	20	\$51,450	\$67,640	\$69,960	\$75,730
Radiologic Technologists and Technicians	29-2034	290	\$32,260	\$46,080	\$44,640	\$52,990
Magnetic Resonance Imaging Technologists	29-2035	60	\$50,570	\$59,380	\$59,870	\$63,780
Emergency Medical Technicians and Paramedics	29-2041	250	\$23,850	\$29,390	\$28,200	\$32,160
Dietetic Technicians	29-2051	20	\$19,220	\$24,130	\$24,340	\$26,590
Pharmacy Technicians	29-2052	510	\$20,510	\$25,590	\$24,640	\$28,130
Psychiatric Technicians	29-2053	150	\$16,940	\$20,310	\$18,440	\$21,990
Surgical Technologists	29-2055	90	\$28,850	\$42,230	\$38,780	\$48,920
Veterinary Technologists and Technicians	29-2056	130	\$22,140	\$32,800	\$29,610	\$38,130
Ophthalmic Medical Technicians	29-2057	---	\$22,710	\$29,570	\$30,570	\$33,000
Licensed Practical and Licensed Vocational Nurses	29-2061	1,180	\$32,880	\$39,780	\$40,130	\$43,230
Medical Records & Health Information Technicians	29-2071	220	\$23,880	\$33,670	\$29,730	\$38,570
Opticians, Dispensing	29-2081	80	\$28,570	\$37,260	\$37,210	\$41,610
Health Technologists and Technicians, All Other	29-2099	100	\$22,420	\$35,690	\$29,520	\$42,320
Occupational Health and Safety Specialists	29-9011	90	\$37,700	\$68,420	\$65,650	\$83,780
Occupational Health and Safety Technicians	29-9012	20	\$24,150	\$30,350	\$29,490	\$33,450
Athletic Trainers	29-9091	100	\$23,510	\$43,130	\$41,400	\$52,940

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Healthcare Support Occupations	31-0000					
Home Health Aides	31-1011	310	\$16,830	\$19,570	\$19,030	\$20,940
Nursing Assistants	31-1014	2,140	\$17,210	\$22,030	\$21,640	\$24,440
Physical Therapist Assistants	31-2021	100	\$41,310	\$53,270	\$51,500	\$59,250
Physical Therapist Aides	31-2022	30	\$17,330	\$22,240	\$21,240	\$24,700
Massage Therapists	31-9011	120	\$18,880	\$28,760	\$27,740	\$33,700
Dental Assistants	31-9091	530	\$25,840	\$30,260	\$30,200	\$32,470
Medical Assistants	31-9092	460	\$22,400	\$29,410	\$28,300	\$32,920
Medical Equipment Preparers	31-9093	30	\$17,310	\$22,650	\$23,080	\$25,330
Medical Transcriptionists	31-9094	80	\$20,300	\$29,280	\$27,950	\$33,760
Pharmacy Aides	31-9095	---	\$16,730	\$19,750	\$19,180	\$21,260
Veterinary Assistants and Laboratory Animal Caretakers	31-9096	90	\$16,610	\$20,460	\$18,640	\$22,390
Phlebotomists	31-9097	130	\$21,440	\$26,710	\$26,090	\$29,350
Healthcare Support Workers, All Other	31-9099	180	\$23,040	\$29,220	\$27,640	\$32,320
Protective Service Occupations	33-0000					
First-Line Supervisors of Correctional Officers	33-1011	30	\$34,410	\$40,480	\$37,150	\$43,520
First-Line Supervisors of Police and Detectives	33-1012	140	\$38,310	\$53,610	\$50,320	\$61,260
First-Line Supervisors of Fire Fighting and Prevention Workers	33-1021	50	\$39,430	\$54,240	\$54,630	\$61,650
First-Line Supervisors of Protective Service Workers, All Other	33-1099	---	\$32,060	\$45,000	\$45,370	\$51,470
Firefighters	33-2011	430	\$21,540	\$31,690	\$29,410	\$36,770
Fire Inspectors and Investigators	33-2021	10	\$40,490	\$50,270	\$51,100	\$55,160
Correctional Officers and Jailers	33-3012	250	\$25,840	\$31,780	\$31,590	\$34,750
Detectives and Criminal Investigators	33-3021	80	\$37,030	\$56,980	\$44,980	\$66,960
Police and Sheriff's Patrol Officers	33-3051	810	\$30,510	\$37,050	\$36,300	\$40,320
Animal Control Workers	33-9011	30	\$21,580	\$29,200	\$29,460	\$33,000
Private Detectives and Investigators	33-9021	10	\$30,070	\$64,660	\$71,340	\$81,960
Security Guards	33-9032	340	\$16,860	\$26,070	\$22,210	\$30,670
Crossing Guards	33-9091	30	\$16,730	\$16,740	\$17,350	\$16,740
Lifeguards, Ski Patrol, and Other Recreational Protective Service Workers	33-9092	40	\$16,760	\$20,350	\$17,820	\$22,150
Transportation Security Screeners	33-9093	70	\$31,280	\$36,380	\$35,130	\$38,920
Food Preparation and Serving-Related Occupations	35-0000					
Chefs and Head Cooks	35-1011	---	\$25,910	\$36,470	\$29,830	\$41,750
First-Line Supervisors of Food Preparation and Serving Workers	35-1012	1,280	\$19,360	\$28,950	\$26,880	\$33,740
Cooks, Fast Food	35-2011	1,300	\$16,810	\$18,400	\$18,210	\$19,190
Cooks, Institution and Cafeteria	35-2012	920	\$16,680	\$19,990	\$19,150	\$21,640
Cooks, Restaurant	35-2014	1,890	\$16,850	\$19,220	\$18,780	\$20,410
Cooks, All Other	35-2019	---	\$16,750	\$23,490	\$25,290	\$26,860

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Food Preparation Workers	35-2021	1,020	\$16,710	\$18,170	\$18,050	\$18,900
Bartenders	35-3011	280	\$16,750	\$18,130	\$18,180	\$18,820
Combined Food Preparation and Serving Workers, Including Fast Food	35-3021	4,460	\$16,800	\$17,650	\$17,750	\$18,070
Counter Attendants, Cafeteria, Food Concession, and Coffee Shop	35-3022	280	\$16,800	\$17,690	\$17,860	\$18,130
Waiters and Waitresses	35-3031	4,340	\$16,810	\$17,370	\$17,670	\$17,650
Food Servers, Nonrestaurant	35-3041	---	\$16,960	\$17,650	\$18,020	\$17,990
Dining Room and Cafeteria Attendants and Bartender Helpers	35-9011	150	\$16,860	\$17,030	\$17,650	\$17,120
Dishwashers	35-9021	780	\$16,730	\$17,110	\$17,530	\$17,300
Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	35-9031	600	\$16,740	\$17,330	\$17,650	\$17,620
Building and Grounds Cleaning and Maintenance Occupations	37-0000					
First-Line Supervisors of Housekeeping and Janitorial Workers	37-1011	370	\$21,350	\$34,090	\$29,140	\$40,470
First-Line Supervisors of Landscaping, Lawn Service, and Groundsk	37-1012	230	\$26,190	\$33,650	\$31,530	\$37,380
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	37-2011	3,170	\$16,790	\$21,630	\$19,880	\$24,050
Maids and Housekeeping Cleaners	37-2012	950	\$16,840	\$17,840	\$17,980	\$18,340
Pest Control Workers	37-2021	120	\$20,570	\$34,640	\$35,180	\$41,680
Landscaping and Groundskeeping Workers	37-3011	1,000	\$17,810	\$22,220	\$21,600	\$24,430
Personal Care and Service Occupations	39-0000					
First-Line Supervisors of Personal Service Workers	39-1021	190	\$21,010	\$29,630	\$28,380	\$33,950
Nonfarm Animal Caretakers	39-2021	270	\$16,890	\$20,270	\$18,840	\$21,960
Motion Picture Projectionists	39-3021	40	\$16,750	\$17,130	\$17,560	\$17,320
Ushers, Lobby Attendants, and Ticket Takers	39-3031	100	\$16,740	\$17,130	\$17,590	\$17,330
Amusement and Recreation Attendants	39-3091	310	\$16,740	\$22,210	\$18,730	\$24,950
Funeral Attendants	39-4021	---	\$18,090	\$22,010	\$21,580	\$23,970
Morticians, Undertakers, and Funeral Directors	39-4031	---	\$36,430	\$44,440	\$45,290	\$48,450
Hairdressers, Hairstylists, and Cosmetologists	39-5012	490	\$16,870	\$24,560	\$21,020	\$28,400
Skincare Specialists	39-5094	---	\$29,520	\$32,760	\$33,930	\$34,380
Tour Guides and Escorts	39-7011	40	\$16,820	\$23,590	\$18,830	\$26,980
Childcare Workers	39-9011	1,440	\$16,730	\$18,550	\$18,020	\$19,460
Personal Care Aides	39-9021	2,360	\$16,730	\$19,140	\$18,470	\$20,350
Fitness Trainers and Aerobics Instructors	39-9031	280	\$16,720	\$18,900	\$18,080	\$19,990
Recreation Workers	39-9032	370	\$16,830	\$24,460	\$21,800	\$28,270
Residential Advisors	39-9041	40	\$21,910	\$29,430	\$29,610	\$33,200
Sales and Related Occupations	41-0000					
First-Line Supervisors of Retail Sales Workers	41-1011	2,040	\$24,360	\$36,040	\$33,760	\$41,870
First-Line Supervisors of Non-Retail Sales Workers	41-1012	460	\$34,760	\$82,980	\$77,430	\$107,090
Cashiers	41-2011	4,320	\$16,900	\$18,290	\$18,110	\$18,980

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Counter and Rental Clerks	41-2021	640	\$16,810	\$23,060	\$19,470	\$26,180
Parts Salespersons	41-2022	470	\$17,330	\$27,510	\$25,640	\$32,600
Retail Salespersons	41-2031	---	\$16,860	\$23,670	\$19,580	\$27,080
Advertising Sales Agents	41-3011	600	\$29,030	\$58,960	\$46,210	\$73,920
Insurance Sales Agents	41-3021	380	\$21,730	\$37,360	\$32,290	\$45,180
Securities, Commodities, and Financial Services Sales Agents	41-3031	170	\$41,440	\$66,210	\$59,120	\$78,600
Travel Agents	41-3041	---	\$33,950	\$42,010	\$39,920	\$46,040
Sales Representatives, Services, All Other	41-3099	710	\$23,250	\$52,390	\$43,170	\$66,960
Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products	41-4011	---	\$32,660	\$77,660	\$58,950	\$100,160
Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products	41-4012	3,090	\$30,880	\$63,650	\$53,040	\$80,030
Demonstrators and Product Promoters	41-9011	---	\$17,140	\$33,590	\$40,430	\$41,810
Real Estate Sales Agents	41-9022	210	\$17,850	\$37,980	\$33,050	\$48,040
Sales Engineers	41-9031	30	\$69,910	\$113,820	\$91,910	\$135,770
Telemarketers	41-9041	140	\$17,040	\$25,410	\$19,510	\$29,600
Sales and Related Workers, All Other	41-9099	130	\$16,690	\$24,960	\$22,490	\$29,100
Office and Administrative Support Occupations	43-0000					
First-Line Supervisors of Office and Administrative Support Workers	43-1011	2,140	\$27,750	\$44,370	\$41,360	\$52,680
Switchboard Operators, Including Answering Service	43-2011	160	\$17,140	\$22,330	\$21,220	\$24,930
Bill and Account Collectors	43-3011	400	\$23,850	\$31,970	\$30,520	\$36,040
Billing and Posting Clerks and Machine Operators	43-3021	560	\$22,930	\$29,930	\$29,040	\$33,430
Bookkeeping, Accounting, and Auditing Clerks	43-3031	2,070	\$23,700	\$34,230	\$31,730	\$39,490
Payroll and Timekeeping Clerks	43-3051	190	\$24,000	\$34,760	\$33,380	\$40,140
Procurement Clerks	43-3061	150	\$26,590	\$33,240	\$32,990	\$36,570
Tellers	43-3071	1,040	\$18,910	\$24,120	\$22,610	\$26,720
Financial Clerks, All Other	43-3099	20	\$24,410	\$33,910	\$28,990	\$38,650
Brokerage Clerks	43-4011	20	\$29,890	\$38,900	\$36,260	\$43,400
Court, Municipal, and License Clerks	43-4031	160	\$17,400	\$28,130	\$26,320	\$33,490
Credit Authorizers, Checkers, and Clerks	43-4041	30	\$26,790	\$32,050	\$30,790	\$34,690
Customer Service Representatives	43-4051	2,920	\$19,780	\$31,360	\$28,970	\$37,160
File Clerks	43-4071	130	\$18,400	\$25,140	\$25,190	\$28,510
Hotel, Motel, and Resort Desk Clerks	43-4081	560	\$16,930	\$17,780	\$18,030	\$18,200
Interviewers, Except Eligibility and Loan	43-4111	180	\$22,470	\$32,050	\$31,390	\$36,840
Library Assistants, Clerical	43-4121	80	\$16,890	\$21,560	\$19,750	\$23,890
Loan Interviewers and Clerks	43-4131	430	\$26,210	\$33,720	\$32,910	\$37,480
New Accounts Clerks	43-4141	140	\$22,790	\$27,890	\$27,190	\$30,430
Order Clerks	43-4151	430	\$24,810	\$33,580	\$34,190	\$37,960
Human Resources Assistants, Except Payroll and Timekeeping	43-4161	380	\$29,920	\$36,830	\$36,790	\$40,290
Receptionists and Information Clerks	43-4171	1,380	\$19,360	\$24,510	\$24,340	\$27,090

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Information and Record Clerks, All Other	43-4199	140	\$27,800	\$34,590	\$34,330	\$37,990
Cargo and Freight Agents	43-5011	230	---	---	---	---
Couriers and Messengers	43-5021	80	\$19,740	\$24,610	\$25,340	\$27,040
Police, Fire, and Ambulance Dispatchers	43-5031	180	\$26,740	\$30,750	\$29,740	\$32,750
Dispatchers, Except Police, Fire, and Ambulance	43-5032	110	\$24,390	\$33,830	\$34,210	\$38,550
Meter Readers, Utilities	43-5041	50	\$26,400	\$31,500	\$29,550	\$34,050
Postal Service Clerks	43-5051	120	\$27,100	\$42,850	\$52,240	\$50,730
Postal Service Mail Carriers	43-5052	400	\$38,060	\$50,020	\$53,570	\$56,000
Postal Service Mail Sorters, Processors, and Processing Machine Operators	43-5053	110	\$32,450	\$46,360	\$52,990	\$53,320
Production, Planning, and Expediting Clerks	43-5061	560	\$26,130	\$36,030	\$32,470	\$40,980
Shipping, Receiving, and Traffic Clerks	43-5071	950	\$20,830	\$28,450	\$27,410	\$32,270
Stock Clerks and Order Fillers	43-5081	2,650	\$16,900	\$21,930	\$20,150	\$24,450
Weighers, Measurers, Checkers, and Samplers, Recordkeeping	43-5111	320	\$20,540	\$25,020	\$23,750	\$27,260
Executive Secretaries and Executive Administrative Assistants	43-6011	950	\$31,330	\$44,940	\$43,190	\$51,750
Legal Secretaries	43-6012	---	\$27,030	\$35,440	\$34,870	\$39,650
Medical Secretaries	43-6013	310	\$22,110	\$27,990	\$26,700	\$30,930
Secretaries and Administrative Assistants, Except Legal, Medical,	43-6014	3,270	\$22,450	\$31,800	\$31,780	\$36,480
Computer Operators	43-9011	630	\$29,230	\$35,160	\$35,130	\$38,130
Data Entry Keyers	43-9021	150	\$18,290	\$26,610	\$27,080	\$30,770
Word Processors and Typists	43-9022	30	\$29,300	\$37,580	\$39,650	\$41,720
Insurance Claims and Policy Processing Clerks	43-9041	60	\$20,110	\$28,730	\$26,720	\$33,030
Mail Clerks and Mail Machine Operators, Except Postal Service	43-9051	90	\$18,390	\$24,870	\$24,350	\$28,110
Office Clerks, General	43-9061	5,270	\$17,100	\$24,900	\$23,580	\$28,800
Office Machine Operators, Except Computer	43-9071	60	\$23,910	\$30,700	\$29,050	\$34,100
Farming, Fishing, and Forestry Occupations	45-0000					
First-Line Supervisors of Farming, Fishing, and Forestry Workers	45-1011	40	\$31,180	\$39,310	\$35,530	\$43,370
Agricultural Equipment Operators	45-2091	210	\$21,250	\$28,410	\$27,840	\$31,990
Farmworkers and Laborers, Crop, Nursery, and Greenhouse	45-2092	60	\$21,910	\$28,220	\$27,530	\$31,370
Farmworkers, Farm, Ranch, and Aquacultural Animals	45-2093	180	\$17,470	\$24,680	\$22,990	\$28,280
Construction and Extraction Occupations	47-0000					
First-Line Supervisors of Construction Trades and Extraction Work	47-1011	670	\$34,950	\$48,710	\$45,010	\$55,590
Brickmasons and Blockmasons	47-2021	120	\$22,350	\$29,060	\$28,000	\$32,410
Carpenters	47-2031	570	\$23,980	\$33,900	\$33,230	\$38,860
Floor Sanders and Finishers	47-2043	40	\$21,770	\$25,960	\$22,740	\$28,060
Cement Masons and Concrete Finishers	47-2051	290	\$24,680	\$29,100	\$28,320	\$31,310
Construction Laborers	47-2061	1,240	\$16,840	\$24,480	\$23,590	\$28,300

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Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Paving, Surfacing, and Tamping Equipment Operators	47-2071	110	\$25,500	\$36,740	\$33,890	\$42,360
Operating Engineers and Other Construction Equipment Operators	47-2073	430	\$26,170	\$34,940	\$31,390	\$39,320
Drywall and Ceiling Tile Installers	47-2081	---	\$24,670	\$27,970	\$27,490	\$29,620
Electricians	47-2111	800	\$27,350	\$40,390	\$41,920	\$46,910
Glaziers	47-2121	110	\$27,310	\$33,000	\$29,840	\$35,850
Painters, Construction and Maintenance	47-2141	200	\$26,640	\$31,130	\$30,040	\$33,380
Pipelayers	47-2151	50	\$26,590	\$35,340	\$33,890	\$39,720
Plumbers, Pipefitters, and Steamfitters	47-2152	590	\$28,520	\$43,330	\$42,010	\$50,730
Roofers	47-2181	90	\$26,780	\$34,610	\$34,020	\$38,530
Sheet Metal Workers	47-2211	160	\$25,610	\$34,530	\$33,660	\$38,990
Structural Iron and Steel Workers	47-2221	70	\$29,920	\$44,200	\$39,760	\$51,340
Helpers--Brickmasons, Blockmasons, Stonemasons, and Tile and Marble Setters	47-3011	60	\$16,700	\$19,580	\$20,120	\$21,020
Helpers--Carpenters	47-3012	30	---	---	---	---
Helpers--Electricians	47-3013	---	\$19,810	\$29,650	\$32,860	\$34,560
Helpers--Painters, Paperhangers, Plasterers, and Stucco Masons	47-3014	40	\$20,650	\$27,770	\$30,560	\$31,340
Helpers--Pipelayers, Plumbers, Pipefitters, and Steamfitters	47-3015	80	\$19,820	\$27,770	\$24,490	\$31,740
Helpers, Construction Trades, All Other	47-3019	30	\$20,740	\$25,790	\$22,530	\$28,320
Construction and Building Inspectors	47-4011	100	\$28,980	\$41,340	\$42,110	\$47,520
Highway Maintenance Workers	47-4051	270	\$22,820	\$29,090	\$29,120	\$32,230
Rock Splitters, Quarry	47-5051	---	\$25,740	\$32,930	\$32,410	\$36,530
Installation, Maintenance, and Repair Occupations	49-0000					
First-Line Supervisors of Mechanics, Installers, and Repairers	49-1011	640	\$36,570	\$53,310	\$50,840	\$61,680
Computer, Automated Teller, and Office Machine Repairers	49-2011	280	\$19,880	\$31,260	\$30,980	\$36,950
Telecommunications Equipment Installers and Repairers, Except Line Installers	49-2022	180	\$36,430	\$51,020	\$49,350	\$58,320
Electric Motor, Power Tool, and Related Repairers	49-2092	---	\$18,920	\$31,940	\$34,580	\$38,450
Electrical and Electronics Repairers, Commercial and Industrial Equipment	49-2094	50	\$35,390	\$49,210	\$48,180	\$56,120
Electronic Equipment Installers and Repairers, Motor Vehicles	49-2096	30	\$21,330	\$26,170	\$23,360	\$28,590
Electronic Home Entertainment Equipment Installers and Repairers	49-2097	---	\$25,520	\$31,460	\$31,240	\$34,430
Security and Fire Alarm Systems Installers	49-2098	120	\$24,570	\$31,210	\$29,460	\$34,530
Aircraft Mechanics and Service Technicians	49-3011	---	\$34,740	\$40,750	\$40,900	\$43,750
Automotive Body and Related Repairers	49-3021	160	\$30,040	\$48,630	\$41,610	\$57,930
Automotive Service Technicians and Mechanics	49-3023	840	\$21,080	\$33,650	\$29,550	\$39,930
Bus and Truck Mechanics and Diesel Engine Specialists	49-3031	600	\$26,390	\$35,070	\$33,500	\$39,410
Farm Equipment Mechanics and Service Technicians	49-3041	110	\$23,500	\$31,390	\$30,710	\$35,330

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Mobile Heavy Equipment Mechanics, Except Engines	49-3042	120	\$33,210	\$39,730	\$38,730	\$42,990
Motorboat Mechanics and Service Technicians	49-3051	30	\$27,750	\$38,570	\$29,940	\$43,970
Outdoor Power Equipment and Other Small Engine Mechanics	49-3053	120	\$19,160	\$26,810	\$27,660	\$30,640
Tire Repairers and Changers	49-3093	110	\$19,950	\$27,570	\$27,550	\$31,380
Control and Valve Installers and Repairers, Except Mechanical Door	49-9012	90	\$28,010	\$34,400	\$29,900	\$37,590
Heating, Air Conditioning, and Refrigeration Mechanics and Installers	49-9021	370	\$30,720	\$41,590	\$41,450	\$47,020
Industrial Machinery Mechanics	49-9041	590	\$29,940	\$40,970	\$41,490	\$46,490
Maintenance Workers, Machinery	49-9043	150	\$24,900	\$34,780	\$33,900	\$39,720
Millwrights	49-9044	90	\$34,030	\$43,510	\$43,650	\$48,250
Electrical Power-Line Installers and Repairers	49-9051	---	\$41,100	\$55,360	\$55,990	\$62,480
Telecommunications Line Installers and Repairers	49-9052	90	\$31,690	\$55,190	\$63,720	\$66,940
Medical Equipment Repairers	49-9062	40	\$27,060	\$34,540	\$29,550	\$38,280
Maintenance and Repair Workers, General	49-9071	2,040	\$22,680	\$33,010	\$32,270	\$38,180
Coin, Vending, and Amusement Machine Servicers and Repairers	49-9091	---	\$27,240	\$28,950	\$27,870	\$29,810
Helpers--Installation, Maintenance, and Repair Workers	49-9098	210	\$18,210	\$25,840	\$25,530	\$29,650
Installation, Maintenance, and Repair Workers, All Other	49-9099	190	\$27,490	\$34,010	\$33,730	\$37,260
Production Occupations	51-0000					
First-Line Supervisors of Production and Operating Workers	51-1011	1,100	\$31,280	\$46,680	\$44,850	\$54,380
Electrical and Electronic Equipment Assemblers	51-2022	90	\$21,490	\$25,810	\$23,810	\$27,960
Structural Metal Fabricators and Fitters	51-2041	60	\$28,510	\$33,890	\$33,900	\$36,580
Team Assemblers	51-2092	1,860	\$18,530	\$29,210	\$27,580	\$34,550
Assemblers and Fabricators, All Other	51-2099	260	\$17,050	\$23,090	\$22,230	\$26,120
Bakers	51-3011	---	\$17,390	\$22,160	\$21,640	\$24,540
Butchers and Meat Cutters	51-3021	110	\$20,040	\$25,820	\$25,600	\$28,710
Meat, Poultry, and Fish Cutters and Trimmers	51-3022	2,510	\$19,930	\$23,300	\$23,180	\$24,980
Slaughterers and Meat Packers	51-3023	660	\$19,240	\$21,980	\$21,810	\$23,350
Food Batchmakers	51-3092	170	\$18,380	\$21,350	\$21,610	\$22,840
Food Cooking Machine Operators and Tenders	51-3093	120	\$19,930	\$24,330	\$24,180	\$26,540
Computer-Controlled Machine Tool Operators, Metal and Plastic	51-4011	250	\$20,730	\$29,560	\$28,780	\$33,970
Computer Numerically Controlled Machine Tool Programmers, Metal and Plastic	51-4012	20	\$27,690	\$37,420	\$34,880	\$42,280
Extruding and Drawing Machine Setters, Operators, and Tenders, Metal and Plastic	51-4021	180	\$31,950	\$34,540	\$34,610	\$35,840
Rolling Machine Setters, Operators, and Tenders, Metal and Plastic	51-4023	10	\$26,170	\$35,310	\$36,510	\$39,880
Cutting, Punching, and Press Machine Setters, Operators, and Tenders, Metal and Plastic	51-4031	230	\$21,830	\$28,760	\$29,210	\$32,230
Grinding, Lapping, Polishing, and Buffing Machine Tool Setters, Operators, and Tenders, Metal and Plastic	51-4033	150	\$20,800	\$28,590	\$27,480	\$32,490

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Fayetteville-Springdale-Rogers MSA Occupation	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Machinists	51-4041	830	\$24,880	\$34,450	\$34,010	\$39,240
Metal-Refining Furnace Operators and Tenders	51-4051	---	\$25,280	\$31,590	\$30,920	\$34,750
Molding, Coremaking, and Casting Machine Setters, Operators, and Tenders, Metal and Plastic	51-4072	---	\$22,720	\$29,570	\$30,430	\$32,990
Multiple Machine Tool Setters, Operators, and Tenders, Metal and Plastic	51-4081	---	\$27,120	\$30,200	\$29,580	\$31,740
Tool and Die Makers	51-4111	70	\$26,500	\$37,240	\$38,230	\$42,610
Welders, Cutters, Solderers, and Brazers	51-4121	420	\$25,810	\$33,250	\$32,840	\$36,970
Welding, Soldering, and Brazing Machine Setters, Operators, and Tenders	51-4122	60	\$27,010	\$35,900	\$36,000	\$40,340
Heat Treating Equipment Setters, Operators, and Tenders, Metal and Plastic	51-4191	50	\$25,580	\$29,550	\$29,340	\$31,540
Layout Workers, Metal and Plastic	51-4192	30	\$25,230	\$29,690	\$29,820	\$31,920
Plating and Coating Machine Setters, Operators, and Tenders, Metal and Plastic	51-4193	130	\$23,790	\$31,440	\$31,590	\$35,260
Tool Grinders, Filers, and Sharpeners	51-4194	30	\$25,000	\$30,710	\$29,090	\$33,560
Prepress Technicians and Workers	51-5111	50	\$25,180	\$36,060	\$29,950	\$41,500
Printing Press Operators	51-5112	180	\$24,300	\$34,350	\$29,570	\$39,370
Print Binding and Finishing Workers	51-5113	---	\$20,710	\$29,970	\$28,740	\$34,600
Laundry and Dry-Cleaning Workers	51-6011	240	\$16,740	\$18,580	\$18,150	\$19,500
Pressers, Textile, Garment, and Related Materials	51-6021	90	\$17,510	\$22,240	\$22,440	\$24,600
Sewing Machine Operators	51-6031	140	\$21,030	\$24,620	\$23,570	\$26,410
Tailors, Dressmakers, and Custom Sewers	51-6052	30	\$17,380	\$21,950	\$21,310	\$24,230
Cabinetmakers and Bench Carpenters	51-7011	170	\$18,540	\$26,460	\$26,640	\$30,420
Sawing Machine Setters, Operators, & Tenders, Wood	51-7041	40	\$18,700	\$22,780	\$22,550	\$24,810
Woodworking Machine Setters, Operators, and Tenders, Except Sawing	51-7042	40	\$18,790	\$25,730	\$23,700	\$29,200
Stationary Engineers and Boiler Operators	51-8021	40	\$27,090	\$42,490	\$39,290	\$50,200
Water and Wastewater Treatment Plant and System Operators	51-8031	250	\$25,240	\$34,710	\$32,990	\$39,450
Chemical Equipment Operators and Tenders	51-9011	---	\$36,820	\$48,100	\$51,800	\$53,740
Mixing and Blending Machine Setters, Operators, and Tenders	51-9023	100	\$26,400	\$32,250	\$32,080	\$35,170
Extruding, Forming, Pressing, and Compacting Machine Setters, Operators, and Tenders	51-9041	40	\$20,420	\$29,730	\$25,240	\$34,380
Inspectors, Testers, Sorters, Samplers, & Weighers	51-9061	970	\$20,590	\$27,580	\$26,300	\$31,080
Jewelers and Precious Stone and Metal Workers	51-9071	50	\$25,850	\$35,270	\$30,210	\$39,980
Dental Laboratory Technicians	51-9081	20	\$20,610	\$41,610	\$33,480	\$52,110
Ophthalmic Laboratory Technicians	51-9083	---	\$24,440	\$31,750	\$30,040	\$35,410
Packaging and Filling Machine Operators and Tenders	51-9111	850	\$17,380	\$25,550	\$24,560	\$29,640
Coating, Painting, and Spraying Machine Setters, Operators, and Tenders	51-9121	200	\$23,230	\$32,890	\$33,530	\$37,720
Painters, Transportation Equipment	51-9122	30	\$34,010	\$45,740	\$37,630	\$51,610
Painting, Coating, and Decorating Workers	51-9123	20	\$17,180	\$21,120	\$20,990	\$23,090
Cleaning, Washing, and Metal Pickling Equipment Operators and Tenders	51-9192	30	\$21,350	\$26,040	\$24,180	\$28,380

Arkansas Occupational Employment & Wages- 2014

Fayetteville-Springdale-Rogers MSA	SOC Code	Estimated Employment	Entry Wage	Mean (average) Wage	Median Wage	Exp. Wage
Occupation						
Cooling and Freezing Equipment Operators and Tenders	51-9193	160	\$19,380	\$23,700	\$22,880	\$25,860
Molders, Shapers, and Casters, Except Metal and Plastic	51-9195	30	\$20,310	\$25,120	\$23,600	\$27,530
Paper Goods Machine Setters, Operators, and Tenders	51-9196	400	\$25,640	\$31,920	\$33,180	\$35,060
Helpers--Production Workers	51-9198	1,140	\$17,470	\$22,590	\$21,910	\$25,150
Production Workers, All Other	51-9199	410	\$17,970	\$22,590	\$22,240	\$24,900
Transportation and Material Moving Occupations	53-0000					
First-Line Supervisors of Helpers, Laborers, and Material Movers,	53-1021	280	\$32,950	\$44,910	\$44,680	\$50,890
First-Line Supervisors of Transportation and Material-Moving Mach	53-1031	430	\$30,840	\$49,980	\$50,030	\$59,540
Commercial Pilots	53-2012	40	\$45,410	\$76,810	\$65,530	\$92,500
Bus Drivers, School or Special Client	53-3022	710	\$16,760	\$23,710	\$18,410	\$27,190
Driver/Sales Workers	53-3031	570	\$17,540	\$28,410	\$27,060	\$33,850
Heavy and Tractor-Trailer Truck Drivers	53-3032	9,540	\$26,560	\$37,160	\$30,680	\$42,460
Light Truck or Delivery Services Drivers	53-3033	1,040	\$16,700	\$29,310	\$22,030	\$35,620
Taxi Drivers and Chauffeurs	53-3041	320	\$16,800	\$20,250	\$18,560	\$21,970
Parking Lot Attendants	53-6021	60	\$16,850	\$19,090	\$18,730	\$20,200
Automotive and Watercraft Service Attendants	53-6031	180	\$17,790	\$22,140	\$21,790	\$24,310
Conveyor Operators and Tenders	53-7011	240	\$26,570	\$31,850	\$33,280	\$34,490
Crane and Tower Operators	53-7021	20	\$34,420	\$42,200	\$39,540	\$46,100
Excavating and Loading Machine and Dragline Operators	53-7032	50	\$27,110	\$42,360	\$30,280	\$49,980
Industrial Truck and Tractor Operators	53-7051	960	\$20,220	\$26,400	\$25,120	\$29,490
Cleaners of Vehicles and Equipment	53-7061	970	\$16,840	\$20,180	\$18,900	\$21,850
Laborers and Freight, Stock, and Material Movers, Hand	53-7062	4,020	\$17,050	\$23,170	\$21,920	\$26,230
Machine Feeders and Offbearers	53-7063	690	\$21,300	\$28,360	\$24,000	\$31,890
Packers and Packagers, Hand	53-7064	---	\$17,620	\$22,120	\$21,590	\$24,370
Refuse and Recyclable Material Collectors	53-7081	190	\$20,200	\$27,470	\$24,890	\$31,110
Material Moving Workers, All Other	53-7199	10	\$16,770	\$25,610	\$23,440	\$30,030

