

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
February 17, 2015**

A meeting of the Fayetteville City Council was held on February 17, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

Agenda Additions

A. Consent:

1. Approval of the February 3, 2015 City Council meeting minutes.

APPROVED

2. **CDBG Program Income and Ranger's Pantry Donations:** A resolution to approve a budget adjustment in the total amount of \$23,098.00 representing donations to Ranger's Pantry and CDBG Program Income received from two housing program lien payoffs.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 39-15

3. **Bid #15-17 Amerlux Exterior, LLC:** A resolution to award bid #15-17 and authorize the purchase of LED trail light fixtures from Amerlux Exterior, LLC in the amount of \$1,450.00 per light fixture plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 40-15

4. **Bid #15-17 Alliance Composites, Inc.:** A resolution to award Bid #15-17 and authorize the purchase of fiberglass trail light poles from Alliance Composites, Inc. in the amount of \$450.00 per light pole plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-15

5. **King Electrical Contractors:** A resolution to authorize a contract with King Electrical Contractors in the amount of \$34,920.00, pursuant to Bid #10-47, for the installation of LED trail light fixtures and light poles along the Town Branch Trail, and to approve a ten percent (10%) project contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-15

6. **Garver, LLC:** A resolution to authorize a professional engineering services agreement with Garver, LLC for final design services for water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 Interchange in an amount not to exceed \$102,742.50, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-15

7. **Watershed Conservation Resource Center Task Order No. 2:** A resolution to approve Task Order No. 2 with the Watershed Conservation Resource Center for continued maintenance of previously completed stream restoration projects at Niokaska Creek and the White River through 2015 in the amount of \$62,500.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-15

8. **Bid #15-16 CAM Lawn Services, LLC:** A resolution to award Bid #15-16 and authorize a contract with CAM Lawn Services, LLC in the amount of \$149,191.00 to plant trees and shrubs in the median of Crossover Road between Township Avenue and Joyce Boulevard and in the median of Garland Avenue between Mount Comfort Road and Janice Avenue, and to approve a project contingency in the amount of \$15,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-15

B. Public Hearing:

1. **Public Hearing:** Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10

C. Unfinished Business:

1. **Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10:** An ordinance to repeal and replace Title V Public Works, Article III Discharge and Pretreatment Regulations; to Amend § 51.137 Monthly Sewer Rates; to Amend § 51.138 Definitions Pertaining to Water and Sewer Rates; to Amend § 51.999 Penalty; and to Amend § 10.99 General Penalty of the Fayetteville Code. ***This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the Second Reading at the February 3, 2015 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5739

2. **RZN 14-4882 (East Side of Ruppel RD./Westside Village):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.***

THIS ORDINANCE WAS LEFT ON THE SECOND READING

3. **RZN 14-4883 (HWY. 112 North of Truckers Drive/Parkwest):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4883, for approximately 93.04 acres, located at HWY 112 North of Truckers Drive from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 units per acre, and CS, Community Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5740

4. **RZN 14-4916 (956 Ray Avenue/Hodous):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4916, for approximately 0.32 acres, located at 956 Ray Avenue from RMF-24, Residential Multi Family, 24 units per acre, to NS, Neighborhood Services. *This ordinance was left on the Second Reading at the February 3, 2015 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5741

5. **Amend §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds:** An ordinance to amend the Fayetteville Code by enacting §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds. *This ordinance was left on the First Reading and sent to the Ordinance Review Committee. This ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading at the January 6, 2015 City Council meeting.*

THIS ORDINANCE WAS TABLED TO THE APRIL 7, 2015 CITY COUNCIL MEETING

D. New Business:

1. **RZN 14-4938 (N.W. Cross & Maine Intersection/West End Addition):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4938, for approximately 2.5 acres, located at Northwest Corner of Cross & Maine Streets from an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 units per acre.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

2. **R-PZD 07-2452 (Links at Fayetteville):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452, Links at Fayetteville, located on the north side of Wedington Drive and east of Ruppel Road, containing approximately 152.23 acres, to repeal the phasing plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5742

3. **VAC 14-4933 (Persimmon and Mtn. Ranch Blvd/Parkhill at Mtn. Ranch Subdivision):** An ordinance approving VAC 14-4933 submitted by Jorgensen & Associates for property located southwest of Persimmon Street and Mountain Ranch Boulevard to vacate a portion of an existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5743

4. **VAC 14-4935 (N. Raven Ln./Cobblestone Subdivision Ph 4):** An ordinance approving VAC 14-4935 submitted by Jorgensen & Associates for property located at the north end of Raven Lane to vacate a portion of an existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5744

5. **VAC 14-4936 (2269 N. Henbest Dr./Adventure Subaru):** An ordinance approving VAC 14-4936 submitted by Jorgensen & Associates for property located at 2269 north Henbest Drive to vacate an existing utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5745

6. **Instrument & Supply, Inc.:** An ordinance to waive the requirements of formal competitive bidding and authorize an agreement with Instrument & Supply, Inc. of Hot Springs, Arkansas in the amount of \$40,948.00 plus applicable taxes for the purchase of two water booster pumps and one variable frequency drive for the South Mountain water pump station.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5746

7. **U.S. Geological Survey:** An ordinance to waive the requirements of formal competitive bidding and authorize a joint funding agreement with the U.S. Geological Survey for stream gauge installation, operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2015 with the amount paid by the city not to exceed \$61,721.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5747

8. **University of Arkansas Utility Relocation Agreement:** An ordinance to waive the requirements of formal competitive bidding and approve a utility relocation agreement with the University of Arkansas for the relocation of copper and fiber optic cables necessary for the Highway 112 Widening project between Razorback Road and Garland Avenue with the amount to be paid by the City of Fayetteville not to exceed \$33,476.50.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5748

9. **Walton Arts Center Council, Inc.:** An ordinance to waive the requirements of competitive bidding and authorize a contract for educational, entertainment and administrative services in 2015 to the Walton Arts Center Council, Inc. in the amount of \$250,000.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5749

- 10. Associated Time & Parking Controls Spring Street Parking Deck:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$98,805.95 for the Spring Street Parking Deck.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5750

- 11. Associated Time & Parking Controls West Avenue Parking Lot:** An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$66,985.91 for the West Avenue parking lot.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5751

- 12. Gulley Park Two Single Family Lot Sell:** A resolution to authorize Mayor Jordan to offer for sale approximately 1.25 acres of city owned real property on Old Wire Road near Gulley Park.

THIS RESOLUTION WAS TABLED TO THE MARCH 3, 2015 CITY COUNCIL MEETING

Announcements:

Adjournment: 7:45 p.m.

City Council Agenda Session Presentations:

Agenda Session Presentation - Economic Development Quarterly Report - Chung Tan

City Council Tour:

City Council Meeting:

February 17, 2015

Adjourn: 7:45 p.m.

Subject:	Roll				
Alderman Schoppmeyer Absent	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	Absent			
	Mayor Jordan	✓			

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Gray</i>			
		<i>Tennant</i>			
<i>Minutes</i> <i>Approved</i> <i>Approved</i> 39-15 THRU 45-15	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	<i>Absent</i>			
	Mayor Jordan				

7-0

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

Subject:	PUBLIC HEARING: REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10				
Motion To:					
Motion By:					
Seconded:					
B. 1 Public Hearing	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

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

Subject:	REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10				
Motion To:		<i>3rd Read</i>	<i>Pass</i>		
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
C. 1 Unfinished Business <i>passed</i> <i>5439</i>	La Tour	<i>✓</i>	<i>✓</i>		
	Long	<i>✓</i>	<i>✓</i>		
	Gray	<i>✓</i>	<i>✓</i>		
	Marsh	<i>✓</i>	<i>✓</i>		
	Kinion	<i>✓</i>	<i>✓</i>		
	Petty	<i>✓</i>	<i>✓</i>		
	Tennant	<i>✓</i>	<i>✓</i>		
	Schoppmeyer	<i>Absent</i>	<i>Absent</i>		
	Mayor Jordan				

*7-0**7-0*

Subject:	RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE				
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Marsh</i>			
C. 2 Unfinished Business <i>Left on the Second Reading</i>	La Tour	<i>✓</i>			
	Long	<i>N</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>Absent</i>			
	Mayor Jordan				

6-1

Subject: <i>Amend</i> RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST)					
Motion To:		2nd Read	^{33.38} Acres RSF-8	3rd Read	Pass
Motion By:		Gray	Marsh	Marsh	
Seconded:		Kinion	Gray	Gray	
C. 3 Unfinished Business <i>Passed as Amended</i> 5740	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	Absent	absent	absent	absent
	Mayor Jordan				
		7-0	7-0	7-0	7-0

Subject: RZN 14-4916 (956 RAY AVENUE/HODOUS)					
Motion To:		3rd Read	Pass		
Motion By:		Long			
Seconded:		Tennant			
C. 4 Unfinished Business <i>Passed</i> 5741	La Tour	✓	✓		
	Long	✓	✓		
	Gray	✓	✓		
	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Schoppmeyer	Absent	absent		
	Mayor Jordan				
		7-0	7-0		

Subject:	AMEND § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS				
Motion To:		<i>Table to April 7, 2015</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Tennant</i>			
C. 5 Unfinished Business <i>Tabled to April 7, 2015</i> 	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>✓</i>			
	Schoppmeyer	<i>absent</i>			
	Mayor Jordan				

7-0

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

Subject:	RZN 14-4938 (N.W. CROSS & MAINE INTERSECTION/WEST END ADDITION)				
Motion To:					
Motion By:					
Seconded:					
D. 1 New Business <i>Left on</i> <i>the first</i> <i>Reading.</i>	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:	R-PZD 07-2452 (LINKS AT FAYETTEVILLE)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Gray</i>	<i>Gray</i>		
D. 2 New Business <i>passed</i> <i>5742</i>	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Schoppmeyer	<i>Absent</i>	<i>Absent</i>	<i>absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		VAC 14-4933 (PERSIMMON AND MTN. RANCH BLVD/PARKHILL AT MTN. RANCH BLVD/PARKHILL AT MTN. RANCH SUBDIVISION)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Tennant		
Seconded:		Tennant	Long		
D. 3 New Business <u>Passed</u> 5743	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	absent	absent	
	Mayor Jordan				

7-0

7-0

7-0

Subject:		VAC 14-4935 (N. RAVEN LN./COBBLESTONE SUBDIVISION PH 4)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Tennant		
Seconded:		Marsh	Gray		
D. 4 New Business <u>Passed</u> 5744	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	absent	absent	
	Mayor Jordan				

Subject:		VAC 14-4936 (2269 N. HENBEST DR./ADVENTURE SUBARU)			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Tennant	Gray	
Seconded:			Gray	Tennant	
D. 5 New Business <u>passed</u> 5745	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	Absent	Absent	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		INSTRUMENT & SUPPLY, INC.			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Marsh	Gray	
Seconded:			Long	Marsh	
D. 6 New Business <u>passed</u> 5746	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	Absent	Absent	Absent	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		U.S. GEOLOGICAL SURVEY			
Motion To:					
		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:					
		<i>Marsh</i>	<i>Gray</i>		
Seconded:					
		<i>Gray</i>	<i>Long</i>		
D. 7 New Business <i>passed</i> 5747	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	<i>absent during the vote.</i>	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				
		<i>6-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:		UNIVERSITY OF ARKANSAS UTILITY RELOCATION AGREEMENT			
Motion To:					
		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:					
		<i>Gray</i>	<i>Tennant</i>		
Seconded:					
		<i>Long</i>	<i>Gray</i>		
D. 8 New Business <i>passed</i> 5748	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	<i>absent during the vote.</i>	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	<i>Absent</i>	<i>Absent</i>	<i>Absent</i>	
	Mayor Jordan				
		<i>6-0</i>	<i>7-0</i>	<i>7-0</i>	

Subject:	WALTON ARTS CENTER COUNCIL, INC.				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Amend to shift funds to Fire & Police</i>	<i>Remove automatic Renewal</i>
Motion By:		<i>Gray</i>	<i>Long</i>	<i>La Tour</i>	<i>Long</i>
Seconded:		<i>Long</i>	<i>Gray</i>		<i>LA Tour</i>
D. 9 New Business <i>See new Page</i> <i>5749</i>	La Tour	<i>✓</i>	<i>N</i>	<i>Died</i>	<i>✓</i>
	Long	<i>✓</i>	<i>✓</i>	<i>for lack</i>	<i>✓</i>
	Gray	<i>✓</i>	<i>✓</i>	<i>of second</i>	<i>N</i>
	Marsh	<i>✓</i>	<i>✓</i>		<i>N</i>
	Kinion	<i>✓</i>	<i>✓</i>		<i>N</i>
	Petty	<i>✓</i>	<i>✓</i>		<i>N</i>
	Tennant	<i>✓</i>	<i>✓</i>		<i>✓</i>
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	<i>absent</i>
	Mayor Jordan				

7-0

6-1

0

3-4
(failed)

Subject:	ASSOCIATED TIME & PARKING CONTROLS SPRING STREET PARKING DECK				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Tennant</i>	<i>Gray</i>		
D. 10 New Business <i>passed</i> <i>5750</i>	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				

7-0

7-0

7-0

City Council Meeting:

Subject:	Walton Arts Center Council, Inc.				
Motion To:		Pass			
Motion By:					
Seconded:					
D. 9. New Business <u>Passed</u>	La Tour	N			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	Absent			
	Mayor Jordan				

6-1

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

Subject:		ASSOCIATED TIME & PARKING CONTROLS WEST AVENUE PARKING LOT			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Gray		
Seconded:		Petty	Marsh		
D. 11 New Business <u>passed</u> 5451	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	absent	absent	absent	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:		GULLEY PARK TWO SINGLE FAMILY LOT SELL			
Motion To:		Table to March 3, 2015			
Motion By:		Long			
Seconded:		Marsh			
D. 12 New Business	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	absent			
	Mayor Jordan				



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: February 18, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of February 17, 2015

1. A resolution to approve a budget adjustment in the total amount of \$23,098.00 representing donations to Ranger's Pantry and CDBG Program income received from two housing program lien payoffs.
2. A resolution to award Bid #15-17 and authorize the purchase of led trail light fixtures from Amerlux Exterior, LLC in the amount of \$1,450.00 per light fixture plus applicable taxes in variable amounts as needed through the end of calendar year 2015.
3. A resolution to award Bid #15-17 and authorize the purchase of fiberglass trail light poles from Alliance Composites, Inc. in the amount of \$450.00 per light pole plus applicable taxes in variable amounts as needed through the end of calendar year 2015.
4. A resolution to authorize a contract with King Electrical Contractors in the amount of \$34,920.00, pursuant to Bid #10-47, for the installation of led trail light fixtures and light poles along the Town Branch Trail, and to approve a ten percent (10%) project contingency.
5. A resolution to authorize a professional engineering services agreement with Garver, LLC for final design services for water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 interchange in an amount not to exceed \$102,742.50, and to approve a budget adjustment.
6. A resolution to approve task order no. 2 with the Watershed Conservation Resource Center for continued maintenance of previously completed stream restoration

projects at Niokaska Creek and the White River through 2015 in the amount of \$62,500.00, and to approve a budget adjustment.

7. A resolution to award Bid #15-16 and authorize a contract with Cam Lawn Services, LLC in the amount of \$149,191.00 to plant trees and shrubs in the median of Crossover Road between Township Avenue and Joyce Boulevard and in the median of Garland Avenue between Mount Comfort Road and Janice Avenue, and to approve a project contingency in the amount of \$15,000.00.

8. An ordinance to Repeal and Replace Title V Public Works, Article III Discharge and Pretreatment Regulations; to Amend § 51.137 Monthly Sewer Rates; to amend § 51.138 Definitions Pertaining to Water and Sewer Rates; to amend § 51.999 Penalty; and to amend § 10.99 General Penalty of the Fayetteville Code.

9. An ordinance to waive the requirements of formal competitive bidding and authorize an agreement with Instrument & Supply, Inc. of Hot Springs, Arkansas in the amount of \$40,948.00 plus applicable taxes for the purchase of two water booster pumps and one variable frequency drive for the south mountain water pump station.

10. An ordinance to waive the requirements of formal competitive bidding and authorize a joint funding agreement with the U.S. Geological survey for stream gauge installation, operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2015 with the amount paid by the City not to exceed \$61,721.00.

11. An ordinance to waive the requirements of formal competitive bidding and approve a utility relocation agreement with the University of Arkansas for the relocation of copper and fiber optic cables necessary for the Highway 112 widening project between Razorback Road and Garland Avenue with the amount to be paid by the City of Fayetteville not to exceed \$33,476.50.

12. An ordinance to waive the requirements of competitive bidding and authorize a contract for Educational, Entertainment and Administrative Services in 2015 to the Walton Arts Center Council, Inc. in the amount of \$250,000.00.

13. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$98,805.95 for the Spring Street parking deck.

14. An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from associated Time & Parking Controls in the amount of \$66,985.91 for the West Avenue parking lot.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final

Tuesday, February 17, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4

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 2014-0495 Approval of the February 3, 2015 City Council meeting minutes.

A. 2 2015-0045 CDBG PROGRAM INCOME AND RANGER'S PANTRY
DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE
TOTAL AMOUNT OF \$23,098.00 REPRESENTING DONATIONS
TO RANGER'S PANTRY AND CDBG PROGRAM INCOME
RECEIVED FROM TWO HOUSING PROGRAM LIEN PAYOFFS

Attachments:

[SRF-SRM-Donation Recognition](#)

[BA-Donation Recognition](#)

A. 3 2015-0048 BID #15-17 AMERLUX EXTERIOR, LLC:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE
PURCHASE OF LED TRAIL LIGHT FIXTURES FROM AMERLUX
EXTERIOR, LLC IN THE AMOUNT OF \$1,450.00 PER LIGHT
FIXTURE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS
AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

[2015-0048_Trail light Fixtures - Amerlux Exterior](#)

A. 4 2015-0061 BID #15-17 ALLIANCE COMPOSITES, INC.:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE
PURCHASE OF FIBERGLASS TRAIL LIGHT POLES FROM
ALLIANCE COMPOSITES, INC. IN THE AMOUNT OF \$450.00
PER LIGHT POLE PLUS APPLICABLE TAXES IN VARIABLE
AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR
YEAR 2015

Attachments:

[2015-0061_Fiberglass Traill Light Pole - Alliance Composities](#)

A. 5 2015-0049 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$34,920.00, PURSUANT TO BID #10-47, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL, AND TO APPROVE A TEN PERCENT (10%) PROJECT CONTINGENCY

Attachments: [2015-0049 King Electrical Contractors - Town Branch Trail Lighting Installation](#)

A. 6 2015-0054 GARVER, LLC:

A RESOLUTION TO AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC FOR FINAL DESIGN SERVICES FOR WATER AND SEWER RELOCATIONS ASSOCIATED WITH ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PROJECT BB0414 - INTERSTATE 49 AND HIGHWAY 112 INTERCHANGE IN AN AMOUNT NOT TO EXCEED \$102,742.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [021715 Garver-AHTD-B0414](#)
[BA - Garver - I-49 Interchange and Hwy 112](#)

A. 7 2015-0050 WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 2:

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR CONTINUED MAINTENANCE OF PREVIOUSLY COMPLETED STREAM RESTORATION PROJECTS AT NIOKASKA CREEK AND THE WHITE RIVER THROUGH 2015 IN THE AMOUNT OF \$62,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2015-0050 - Vegetation Restoration and Stability](#)
[BA2015 2015-0050 Watershed.xlsm](#)

A. 8 2015-0055 BID #15-16 CAM LAWN SERVICES, LLC:

A RESOLUTION TO AWARD BID #15-16 AND AUTHORIZE A CONTRACT WITH CAM LAWN SERVICES, LLC IN THE AMOUNT OF \$149,191.00 TO PLANT TREES AND SHRUBS IN THE MEDIAN OF CROSSOVER ROAD BETWEEN TOWNSHIP AVENUE AND JOYCE BOULEVARD AND IN THE MEDIAN OF GARLAND AVENUE BETWEEN MOUNT COMFORT ROAD AND JANICE AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$15,000.00

Attachments: [2015-0055 Crossover and Garland Tree Planting](#)

B. Public Hearing:

- B. 1 2015-0069 PUBLIC HEARING: REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10**
- REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10

C. Unfinished Business:

- C. 1 2015-0003 REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10:**
- AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III DISCHARGE AND PRETREATMENT REGULATIONS; TO AMEND § 51.137 MONTHLY SEWER RATES; TO AMEND § 51.138 DEFINITIONS PERTAINING TO WATER AND SEWER RATES; TO AMEND § 51.999 PENALTY; AND TO AMEND § 10.99 GENERAL PENALTY OF THE FAYETTEVILLE CODE

Attachments: [2015-0003 Discharge and Pretreatment Regulation Changes A-III A-V](#)
[EXHIBIT A & B](#)

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the Second Reading at the February 3, 2015 City Council Meeting.

C. 2 2015-0023 RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES

Attachments:

[14-4882 Agenda Item](#)

[14-4882 Exhibit A and B](#)

[14-4882 CC ORD](#)

This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.

C. 3 2015-0029 RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4883, FOR APPROXIMATELY 93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES

Attachments:

[SRF and Reports 14-4883](#)

[Exhibits A & B 14-4883](#)

[ORD 14-4883](#)

This ordinance was left on the First Reading at the February 3, 2015 City Council Meeting.

C. 4 2015-0030 RZN 14-4916 (956 RAY AVENUE/HODOUS):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32 ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES

Attachments:

[SRF and Reports 14-4916](#)

[Exhibits A & B 14-4916](#)

[ORD 14-4916](#)

This ordinance was left on the Second Reading at the February 3, 2015 City Council Meeting.

- C. 5 2014-0437 AMEND § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS:**

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY
ENACTING § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

Attachments:

[Agenda Packet § 71.016 Insurance Requirements](#)

*This ordinance was left on the First Reading and sent to the Ordinance Review
Committee. This ordinance was Tabled to the February 17, 2015 City Council
meeting and left on the Second Reading at the January 6, 2015 City Council
Meeting.*

D. New Business:

- D. 1 2015-0060 RZN 14-4938 (N.W. CROSS & MAINE INTERSECTION/WEST
END ADDITION):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5
ACRES, LOCATED AT NORTHWEST CORNER OF CROSS &
MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL
PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES
(R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8
UNITS PER ACRE

Attachments:

[14-4938 Staff reports](#)

[14-4938 exhibits](#)

[14-4938 CC ORD](#)

- D. 2 2015-0018 R-PZD 07-2452 (LINKS AT FAYETTEVILLE):**

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING
DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE,
LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND
EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY
152.23 ACRES, TO REPEAL THE PHASING PLAN

Attachments:

[14-4930 CC PACKET](#)

[14-4930 CC ORD](#)

- D. 3 2015-0058** VAC 14-4933 (PERSIMMON AND MTN. RANCH BLVD/PARKHILL AT MTN. RANCH SUBDIVISION):

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:

[14-4933 CC PACKET](#)

[14-4933 CC EX A](#)

[14-4933 CC ORD](#)

- D. 4 2015-0064** VAC 14-4935 (N. RAVEN LN./COBBLESTONE SUBDIVISION PH 4):

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:

[14-4935 CC PACKET](#)

[14-4935 EXHIBITS](#)

[14-4935 CC ORD](#)

- D. 5 2015-0062** VAC 14-4936 (2269 N. HENBEST DR./ADVENTURE SUBARU):

AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE AN EXISTING UTILITY EASEMENT

Attachments:

[SRF and Reports 14-4936](#)

[EX A & B 14-4936](#)

[CC ORD 14-4936](#)

- D. 6 2015-0043** INSTRUMENT & SUPPLY, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE AN AGREEMENT WITH INSTRUMENT & SUPPLY, INC. OF HOT SPRINGS, ARKANSAS IN THE AMOUNT OF \$40,948.00 PLUS APPLICABLE TAXES FOR THE PURCHASE OF TWO WATER BOOSTER PUMPS AND ONE VARIABLE FREQUENCY DRIVE FOR THE SOUTH MOUNTAIN WATER PUMP STATION

Attachments:

[Instrument and Supply - South Mtn. Pump Station](#)

D. 7 2015-0044 U.S. GEOLOGICAL SURVEY:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE INSTALLATION, OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2015 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments:

[2015-0044 USGS Joint Funding Agreement](#)

D. 8 2015-0035 UNIVERSITY OF ARKANSAS UTILITY RELOCATION AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A UTILITY RELOCATION AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR THE RELOCATION OF COPPER AND FIBER OPTIC CABLES NECESSARY FOR THE HIGHWAY 112 WIDENING PROJECT BETWEEN RAZORBACK ROAD AND GARLAND AVENUE WITH THE AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$33,476.50

Attachments:

[2015-0035 UofA Utility Relocation Agreement](#)

D. 9 2015-0047 WALTON ARTS CENTER COUNCIL, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR EDUCATIONAL, ENTERTAINMENT AND ADMINISTRATIVE SERVICES IN 2015 TO THE WALTON ARTS CENTER COUNCIL, INC. IN THE AMOUNT OF \$250,000.00

Attachments:

[2015-0047 Walton Arts Center Contract](#)

D. 10 2015-0063 ASSOCIATED TIME & PARKING CONTROLS SPRING STREET PARKING DECK:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$98,805.95 FOR THE SPRING STREET PARKING DECK

Attachments:

[ATPC Parking Deck Equipment Purchase 02-17-2015](#)

**D. 11 2015-0065 ASSOCIATED TIME & PARKING CONTROLS WEST AVENUE
PARKING LOT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL
COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF
DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME &
PARKING CONTROLS IN THE AMOUNT OF \$66,985.91 FOR THE
WEST AVENUE PARKING LOT

Attachments:

[ATPC Parking Lot Equipment Purchase 02-17-2015](#)

D. 12 2015-0056 GULLEY PARK TWO SINGLE FAMILY LOT SELL:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO OFFER
FOR SALE APPROXIMATELY 1.25 ACRES OF CITY OWNED
REAL PROPERTY ON OLD WIRE ROAD NEAR GULLEY PARK

Attachments:

[2015-0056 Request to Sell Gulley Park Lots](#)

E. City Council Agenda Session Presentations:

**2015-0046 Agenda Session Presentation - Economic Development Quarterly
Report - Chung Tan**

F. City Council Tour:

G. Announcements:

H. 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

Text File

File Number: 2015-0055

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 8

BID #15-16 CAM LAWN SERVICES, LLC:

A RESOLUTION TO AWARD BID #15-16 AND AUTHORIZE A CONTRACT WITH CAM LAWN SERVICES, LLC IN THE AMOUNT OF \$149,191.00 TO PLANT TREES AND SHRUBS IN THE MEDIAN OF CROSSOVER ROAD BETWEEN TOWNSHIP AVENUE AND JOYCE BOULEVARD AND IN THE MEDIAN OF GARLAND AVENUE BETWEEN MOUNT COMFORT ROAD AND JANICE AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$15,000.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #15-16 and authorizes a contract with CAM Lawn Services, LLC in the amount of \$149,191.00 to plant trees and shrubs in the median of Crossover Road between Township Avenue and Joyce Boulevard and in the median of Garland Avenue between Mount Comfort Road and Janice Avenue, and further approves a project contingency in the amount of \$15,000.00.

City of Fayetteville Staff Review Form

2015-0055

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

2/5/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Awarding a construction contract in the amount of \$149,191.00 to CAM Lawn Services, LLC for the installation of trees and shrubs within the median of Crossover Road and Garland Avenue (Bid #15-16) and approval of a project contingency of \$15,000.00.

Budget Impact:

4520.9555.5809.00

4520-Sales Tax Construction Bond

Account Number

Fund

06035.2000

Transportation Bond Street Improvements/
Crossover Road Street Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 300,000.00

Funds Obligated \$ 853.05

Current Balance \$ 299,146.95

Does item have a cost? Yes

Item Cost \$ 164,191.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ 134,955.95

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

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

FROM: Alan Pugh, Staff Engineer

DATE: January 28, 2015

SUBJECT: **Awarding a construction contract in the amount of \$149,191.00 to CAM Lawn Services, LLC for the installation of trees and shrubs within the median of Crossover Road and Garland Avenue (Bid #15-16) and approval of a project contingency of \$15,000.00.**

RECOMMENDATION:

Staff recommends awarding a construction contract in the amount of \$149,191.00 to CAM Lawn Services, LLC for the installation of trees and shrubs within the median of Crossover Road and Garland Avenue (Bid #15-16) and approval of a project contingency of \$15,000.00.

BACKGROUND:

In 2007 the City Council approved the cross section for Crossover Road, Highway 265, between Township Ave and the northern City Limits at Ivey Lane. The approved cross section included a raised center median with intermittent turn lanes included at critical intersections. The ultimate approval of this cross section included much debate between including a raised center median or a continuous five-lane section with center turn lane. A review of the meeting minutes, drawings, figures and presentations do not provide a clear indication of whether the median was to include trees. Regardless of the outcome of this research, the Council did not appropriate funds for tree planting during the original approval process or in subsequent budgets and trees were not planted during the construction of the project.

The City now desires to enhance the urban environment while increasing the aesthetics of the center median and aiding to calm traffic through the installation of trees and shrubs within the median islands. Last year, the Transportation Committee recommended that staff prepare plans and receive bids for installation of trees on both Crossover Road, between Township and Joyce, and for Garland Avenue, north of North Street.

DISCUSSION:

On February 5, 2015 the City received two (2) valid construction bids with the low bid being \$149,191.00. For comparison purposes, the estimate for tree installation excluding contingency was \$285,783.00. The low bid was submitted by CAM Lawn Services who, based on the information provided, is a responsible bidder and appears to be capable of performing the work. The award will be contingent on the low bidder providing all of the required insurance

and bonds in order to enter into a contract to complete the project. A portion of the remaining funds will be utilized to reimburse the Water Department for work performed setting water meters and providing conduits to the medians in order for the contractor to install the irrigation system.

BUDGET/STAFF IMPACT:

The Transportation Bond Program is the proposed source for funding this project. The Staff Review Form indicates the current balance as well as the obligations associated with the fund. The total amount obligated for the construction contract is \$164,191.00 which includes the contingency.

Attachments:

Bid Tab

Construction Contract

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: 2/5/2015			
							P.O Number:			
Vendor #: 21902			Vendor Name: CAM Lawn Services dba B&A Property Maintenance				Mail ☒ YES ☐ NO		Legistar#: 2015-0055	
Address: 325 County Line Road					FOB Point:		Taxable ☐ YES ☐ NO			
City: Springdale			State: AR		72764	Ship to code:	Quotes Attached ☐ YES ☐ NO		Expected Delivery Date:	
Requester:					Requester's Employee #:		Extension:			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Trees & Shrubs	1		149,191.00	\$149,191.00	4520.9555.5809.00	06035.2000			
2	Crossover & Garland				\$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: \$149,191.00			
							Tax:			
							Total: \$149,191.00			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: **Crossover Road Phase I and Garland Avenue Tree Planting**

Contract No.: _____

THIS AGREEMENT is dated as of the _____ day of _____ in the year 20__ by and between The City of Fayetteville, Arkansas and CAM Lawn Services, LLC. (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The installation of approximately 181 trees and 31 shrubs on Crossover Road as well as approximately 47 trees on Garland Avenue per the planting details along with the required irrigation systems for each location.

The Contract includes work in AHTD Right-of-way and work in City of Fayetteville Right-of-way.

Refer to Section 00400-Bid Form for quantities:

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by THE CITY OF FAYETTEVILLE Engineering Division and assumes all duties and responsibilities, and has the rights and authority assigned to THE CITY OF FAYETTEVILLE in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work will be Substantially Completed within 60 calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within 75 calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Two Hundred Fifty Dollars (\$250.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Two

DOCUMENT 00500 – AGREEMENT (continued)

Hundred Fifty Dollars (\$250.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 **SUBMITTAL AND PROCESSING OF PAYMENTS:**
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.
- 5.02 **PROGRESS PAYMENTS, RETAINAGE:**
- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price

DOCUMENT 00500 – AGREEMENT (continued)

Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated

DOCUMENT 00500 – AGREEMENT (continued)

in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

DOCUMENT 00500 – AGREEMENT (continued)

- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
1. This Agreement.
 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 3. Performance, Payment, and other Bonds.
 4. General Conditions.
 5. Supplementary Conditions.
 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.

DOCUMENT 00500 – AGREEMENT (continued)

7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title:

**CROSSOVER ROAD TREE PLANTING PHASE 1 –
TOWNSHIP AVE TO JOYCE BLVD**

8. Addenda numbers one (1) to two (2), inclusive.
9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 **TERMS:**

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 **ASSIGNMENT OF CONTRACT:**

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

8.03 SUCCESSORS AND ASSIGNS:

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

8.04 SEVERABILITY:

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 FREEDOM OF INFORMATION ACT:

- A. 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.

8.06 LIENS:

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for

DOCUMENT 00500 – AGREEMENT (continued)

non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CONTRACTOR CAM LAWN SERVICES, CITY OF FAYETTEVILLE _____

LLC

By: _____

Title: OPERATIONS - NWA

By: _____

Title: _____

(SEAL)

Attest _____

Address for giving notices

325 W. COUNTY LINE
SPRINGDALE, AR 72764

(SEAL)

Attest _____

Address for giving notices

DOCUMENT 00500 – AGREEMENT (continued)

License No. 0228950514

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

Mickey McFarlin

(If Contractor is a corporation,
attach evidence of authority to
sign.)

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500



City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 15-16, Construction - Tree Planting, Garland and Crossover
Thursday, February 5, 2015, 2:00 PM, Local Time

				CAM LAWN SERVICES LLC		FRANK SHARUM LANDSCAPE DESIGN - Non-Responsive Bid		SECOND NATURE PROPERTY MANAGEMENT LLC	
ITEM	DESCRIPTION	Est Qty	Unit	PRICE PER UNIT	TOTAL	PRICE PER UNIT	TOTAL	PRICE PER UNIT	TOTAL
SCHEDULE A									
1A	Clearing, Grubbing, and Demolition	1	LS	x \$ 930.00	= \$ 930.00			x \$ 1,500.00	= \$ 1,500.00
2A	4 Inch Topsoil Placement (Yard Areas)	750	SY	x \$ 2.98	= \$ 2,235.00			x \$ 1.00	= \$ 750.00
3A	Bermuda Sod	750	SY	x \$ 3.50	= \$ 2,625.00			x \$ 3.50	= \$ 2,625.00
4A	Sign Relocation	32	EA	x \$ 82.00	= \$ 2,624.00			x \$ 175.00	= \$ 5,600.00
5A	Traffic Control and Maintenance	1	LS	x \$ 5,500.00	= \$ 5,500.00			x \$ 4,500.00	= \$ 4,500.00
6A	Mobilization (Shall not exceed 5% of total Bid)	1	EA	x \$ 5,200.00	= \$ 5,200.00			x \$ 6,000.00	= \$ 6,000.00
7A	Soil Amendment Condition 1A (Tree)	61	EA	x \$ 22.00	= \$ 1,342.00			x \$ 50.00	= \$ 3,050.00
8A	Soil Amendment Condition 1B (Tree)	60	EA	x \$ 22.00	= \$ 1,320.00			x \$ 50.00	= \$ 3,000.00
9A	Soil Amendment Condition 1C (Tree)	60	EA	x \$ 6.00	= \$ 360.00			x \$ 20.00	= \$ 1,200.00
10A	Soil Amendment Condition 1A (Shrub)	11	EA	x \$ 4.00	= \$ 44.00			x \$ 10.00	= \$ 110.00
11A	Soil Amendment Condition 1B (Shrub)	10	EA	x \$ 4.00	= \$ 40.00			x \$ 10.00	= \$ 100.00
12A	Soil Amendment Condition 1C (Shrub)	10	EA	x \$ 2.00	= \$ 20.00			x \$ 10.00	= \$ 100.00
13A	Swamp White Oak (Quercus bicolor)	70	EA	x \$ 273.00	= \$ 19,110.00			x \$ 385.00	= \$ 26,950.00
14A	London Planetree (Platanus x acerifolia)	13	EA	x \$ 261.00	= \$ 3,393.00			x \$ 385.00	= \$ 5,005.00
15A	Fruitless Kentucky Coffee Tree (Gymnocladus dioica)	55	EA	x \$ 273.00	= \$ 15,015.00			x \$ 385.00	= \$ 21,175.00
16A	Shadblow Serviceberry (Amelanchier canadensis)	31	EA	x \$ 51.00	= \$ 1,581.00			x \$ 30.00	= \$ 930.00
17A	Blackgum (Nyssa Sylvatica)	43	EA	x \$ 285.00	= \$ 12,255.00			x \$ 385.00	= \$ 16,555.00
18A	Backflow Preventer w/Box	5	EA	x \$ 1,850.00	= \$ 9,250.00			x \$ 450.00	= \$ 2,250.00
19A	Irrigation System	1	LS	x \$ 28,250.00	= \$ 28,250.00			x \$ 22,500.00	= \$ 22,500.00
20A	Maintenance Bond	1	LS	x \$ 675.00	= \$ 675.00			x \$ 500.00	= \$ 500.00
SUBTOTAL SCHEDULE A					\$ 111,769.00		\$ -		\$ 124,400.00
SCHEDULE B									
1B	Clearing, Grubbing, and Demolition	1	LS	x \$ 520.00	= \$ 520.00			x \$ 1,000.00	= \$ 1,000.00
2B	4 inch topsoil placement (Yard Areas)	250	SY	x \$ 2.98	= \$ 745.00			x \$ 1.00	= \$ 250.00
3B	Bermuda Sod	250	SY	x \$ 3.50	= \$ 875.00			x \$ 3.50	= \$ 875.00
4B	Traffic Control and Maintenance	1	LS	x \$ 3,590.00	= \$ 3,590.00			x \$ 2,000.00	= \$ 2,000.00
5B	Mobilization (Shall not exceed 5% of total Bid)	1	LS	x \$ 1,650.00	= \$ 1,650.00			x \$ 1,500.00	= \$ 1,500.00
6B	Swamp White Oak (Quercus bicolor)	15	EA	x \$ 273.00	= \$ 4,095.00			x \$ 385.00	= \$ 5,775.00
7B	Shademaster Thronless Honelocust (Gleditsia triacanthos var inermis)	17	EA	x \$ 271.00	= \$ 4,607.00			x \$ 385.00	= \$ 6,545.00
8B	Princeton American Elm (Ulmus americana 'Princeton')	15	EA	x \$ 296.00	= \$ 4,440.00			x \$ 385.00	= \$ 5,775.00
9B	Backflow Preventer w/Box	4	EA	x \$ 1,850.00	= \$ 7,400.00			x \$ 450.00	= \$ 1,800.00
10B	Irrigation System	1	LS	x \$ 9,250.00	= \$ 9,250.00			x \$ 12,500.00	= \$ 12,500.00
12B	Maintenance Bond	1	LS	x \$ 250.00	= \$ 250.00			x \$ 300.00	= \$ 300.00
SUBTOTAL SCHEDULE B					\$ 37,422.00		\$ -		\$ 38,320.00
TOTAL BASE BID : (SCHEDULE A + SCHEDULE B)					\$ 149,191.00		\$ -		\$ 162,720.00

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

CERTIFIED:

P. Vice

C. Ray

2-5-15

P. Vice, Purchasing Manager

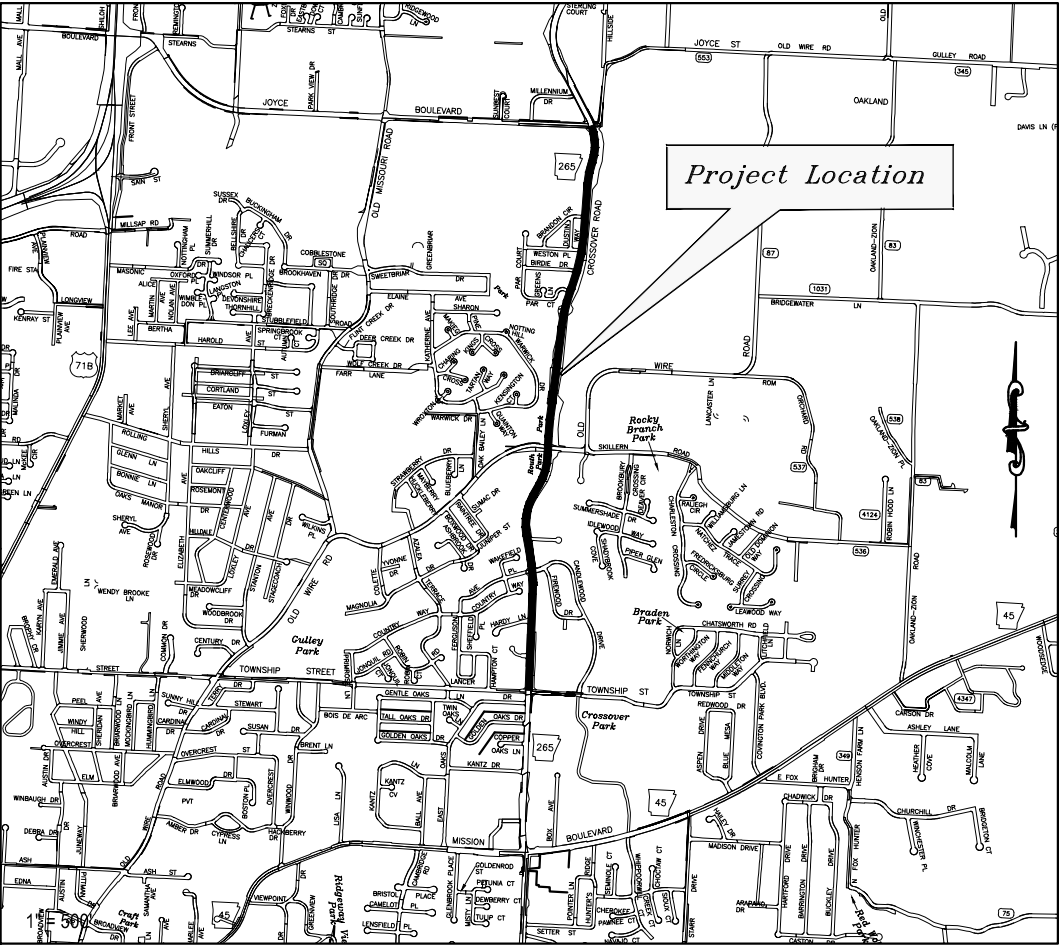
Witness

Date

** Denotes Calculation Error

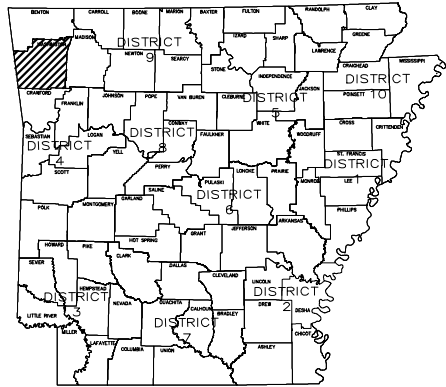
CROSSOVER ROAD TREE PLANTING-PHASE I TOWNSHIP ST. TO JOYCE BLVD.

for the
City of Fayetteville



VICINITY MAP

PLAN INDEX	
SHEET NO.	DESCRIPTION
1	COVER & INDEX
2	PLAN SHEET
3	PLAN SHEET
4	PLAN SHEET
5	PLAN SHEET
6	PLAN SHEET
7	PLAN SHEET
8	PLAN SHEET
9	LANDSCAPE DETAILS AND NOTES
10	IRRIGATION DETAILS AND NOTES
TC-1	TRAFFIC CONTROL
TC-2	TRAFFIC CONTROL
TC-3	TRAFFIC CONTROL
SHS-1	STANDARD HIGHWAY SIGNS
SHS-2	STANDARD HIGHWAY SIGNS



ARK.HWY.DIST.NO.4



CITY OF

Fayetteville

ARKANSAS

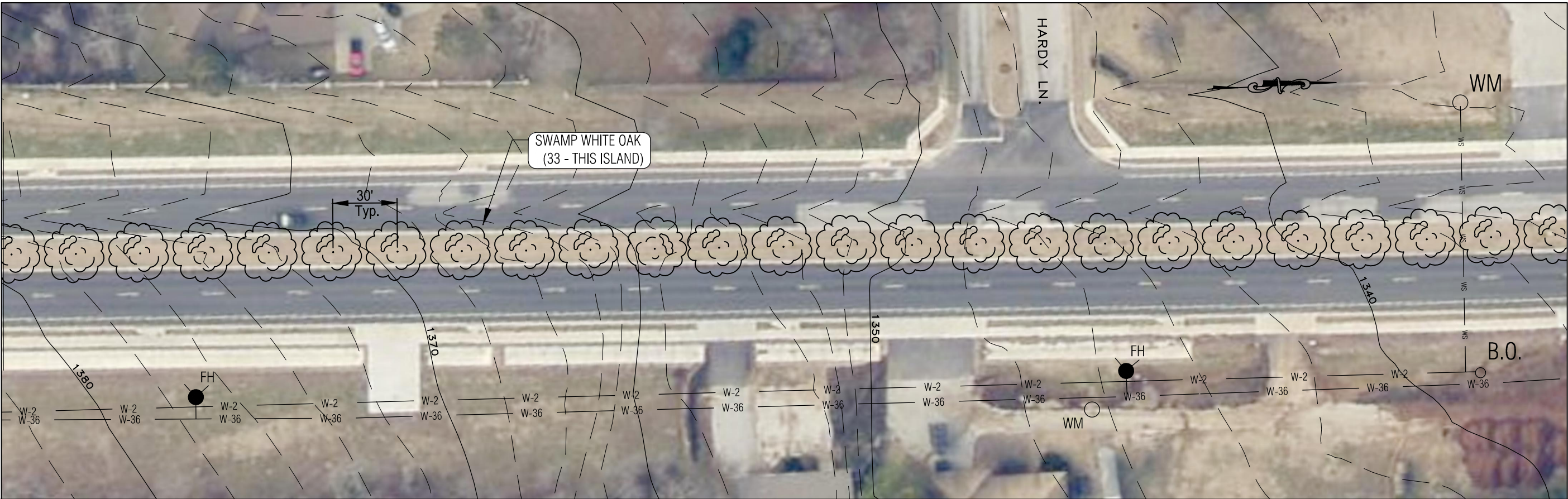
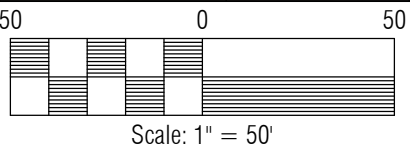
www.fayetteville-ar.gov

ENGINEERING DIVISION

PHONE: (479) 575-8206

FAX NO: (479) 575-8202

PROJECT: ENGR. No. 8126



SURVEYED BY: -
DRAWN BY: JTS
DESIGNED BY: -
FILE NAME: Crossover Islands.dwg

**CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
PLAN SHEET**

TITLE:

REVISED

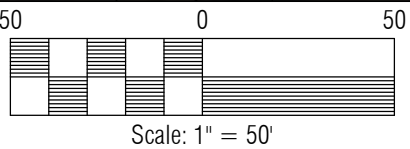
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701
PHONE NOS. (479) 575-4200 FAX NOS. (479) 575-4202

Fayetteville
ARKANSAS
CITY OF

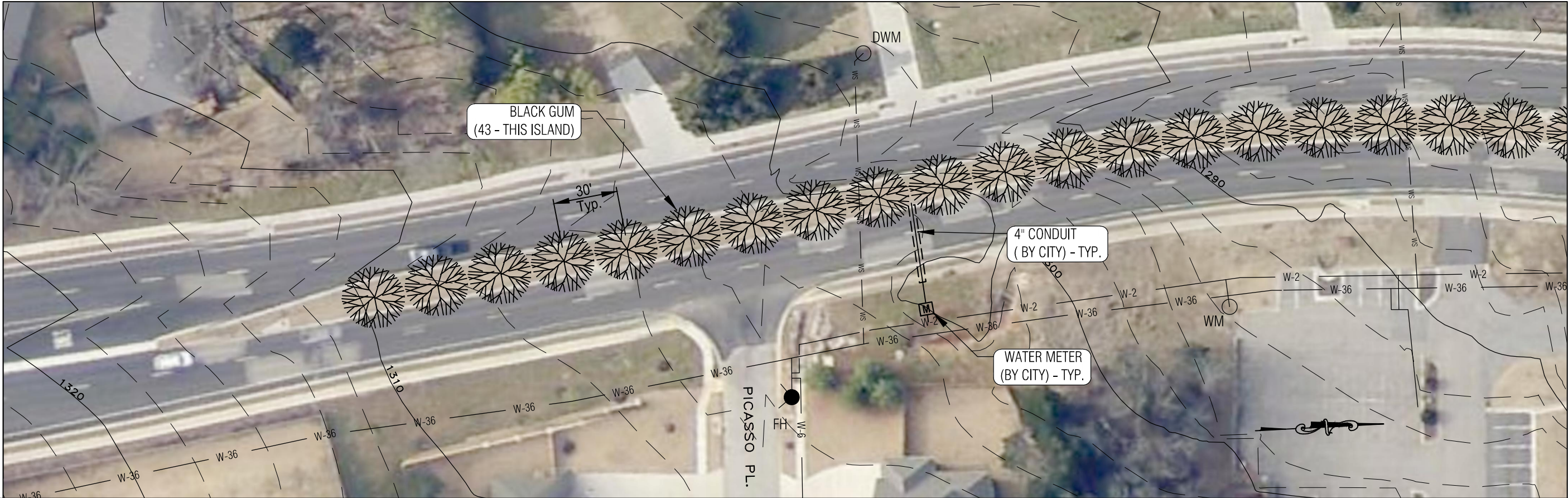
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SHEET:

2
PROJECT: Crossover Islands

MATCHLINE SHEET 2



MATCHLINE



MATCHLINE

SURVEYED BY:	-
DRAWN BY:	JTS
DESIGNED BY:	-
FILE NAME:	Crossover Islands.dwg

**CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
PLAN SHEET**

TITLE:

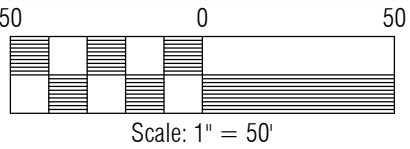
REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS
PHONE NO. (479) 575-8206
FAX NO. (479) 575-8202

Fayetteville
AR
CITY OF

DATE:	January 15, 2015
SHEET:	3
PROJECT:	Crossover Islands

MATCHLINE-SHEET 4

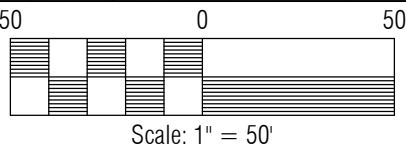


MATCHLINE



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DRAWN BY: JTS	
DESIGNED BY: -	
FILE NAME: Crossover Islands.dwg	
TITLE: CROSSOVER ROAD TREE PLANTING - PHASE 1 TOWNSHIP ST. to JOYCE BLVD. PLAN SHEET	
TITLE:	
REVISED	
ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, ARKANSAS PHONE NO. (479) 575-8200 FAX NO. (479) 575-8202	
CITY OF Fayetteville ARKANSAS	
DATE: January 15, 2015	
SHEET: 5	
PROJECT: Crossover Islands	

MATCHLINE - SHEET 5



MATCHLINE

**CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
PLAN SHEET**

TITLE:

REVISED

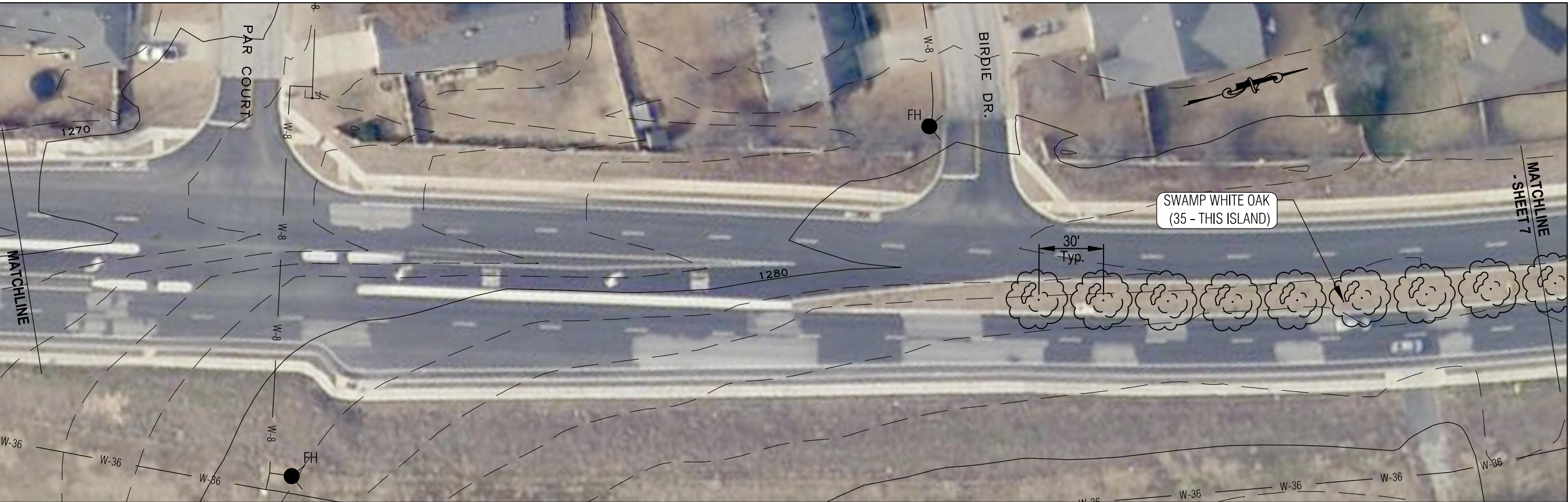
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
PHONE NO. (479) 575-8206
FAX NO. (479) 575-8202

CITY OF
Fayetteville
ARKANSAS

DATE:
January 15, 2015
SHEET:

6

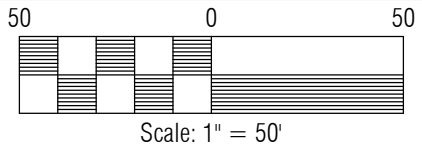
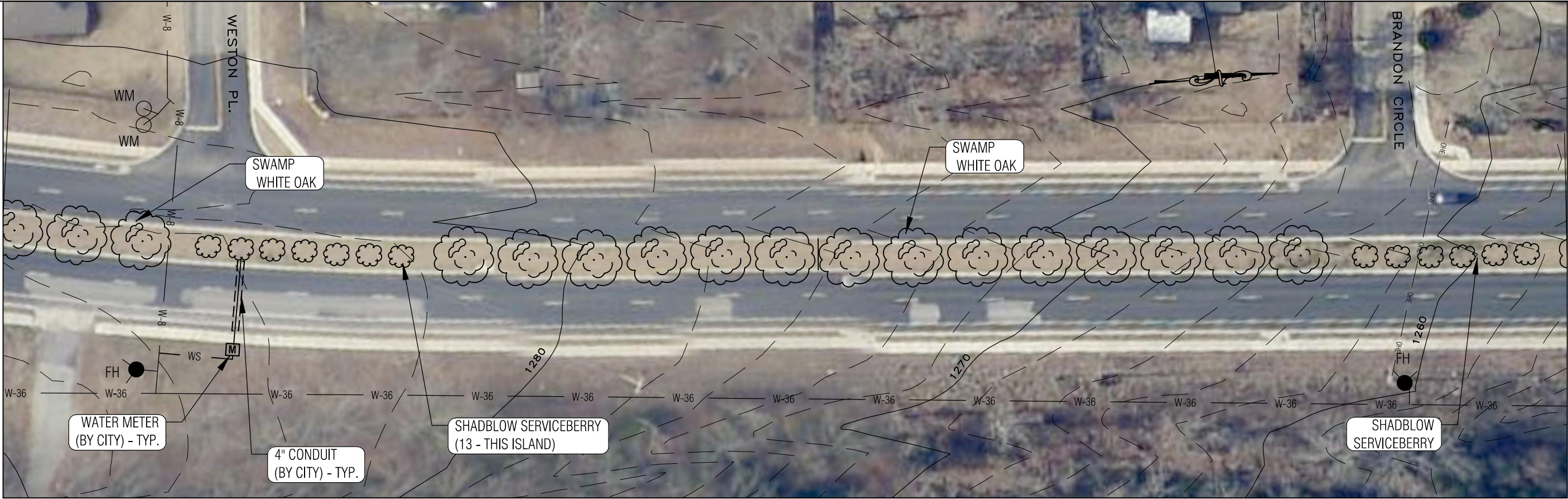
PROJECT:
Crossover Islands



MATCHLINE

MATCHLINE
- SHEET 7

MATCHLINE - SHEET 6



MATCHLINE



SURVEYED BY:	-
DRAWN BY:	JS
DESIGNED BY:	-
FILE NAME:	Crossover Islands.dwg

**CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
PLAN SHEET**

TITLE:
REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701
PHONE NOS. (479) 575-4200 (479) 575-4202
FAX NOS. (479) 575-4200

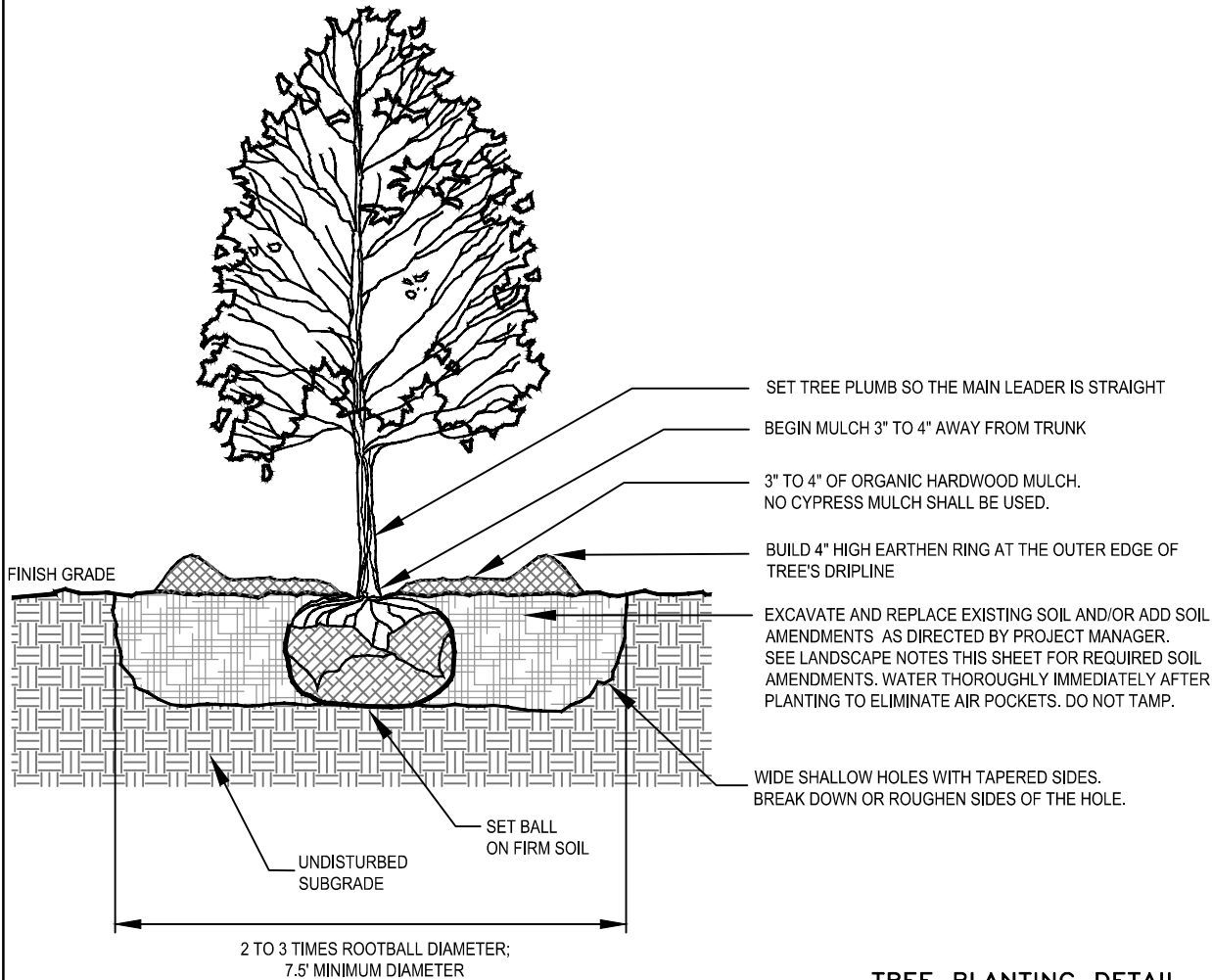
CITY OF Fayetteville
ARKANSAS

DATE:	January 15, 2015
SHEET:	7
PROJECT:	Crossover Islands

TREE PLANTING NOTES:

1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL; MINIMUM DIAMETER SHALL BE 7.5 FEET.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, STEEL WIRE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. ROOTBALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BURLAP.

TREE/SHRUB PLANTING LIST					
COMMON	SWAMP WHITE OAK	LONDON PLANETREE	FRUITLESS KENTUCKY COFFEETREE	BLACKGUM	SHADBLOW SERVICEBERRY
BOTANICAL	QUERCUS BICOLOR	PLATANUS X ACERIFOLIA	GYMNOCLADUS DIOICUS(FRUITLESS CULTIVAR REQUIRED)	NYSSA SYLVATICA	AMELANCHIER CANADENSIS
CULTIVARS		OPTIONAL: "COLUMBIA" OR "LIBERTY"	REQUIRED: "ESPRESSO" OR "J.C. MCDANIEL (PRARIE TITAN)"		
MINIMUM SIZE	2" B&B	2" B&B	2" B&B	2" B&B	5 GALLON
SPACING	30' O.C.	30' O.C.	30' O.C.	30' O.C.	15' O.C.
LOCATION	AS SHOWN ON PLAN	AS SHOWN ON PLAN	AS SHOWN ON PLAN	AS SHOWN ON PLAN	AS SHOWN ON PLAN
TOTAL NUMBER	70	13	55	43	31
ALTERNATIVE TREES: IN THE EVENT THAT A SPECIES IS NOT AVAILABLE, REPLACE WITH ONE OF THE FOLLOWING (REFERENCE SP2 FOR REQUIEMENTS)					
COMMON	THORNLESS HONEYLOCUST			NUTTALL OAK	
BOTANICAL	GLEDITSIA TRIACANTHOS VAR. INERMIS			QUERCUS NUTALLI OR TEXANA	
CULTIVARS	OPTIONAL: "STREET KEEPER" OR "SHADEMASTER"				



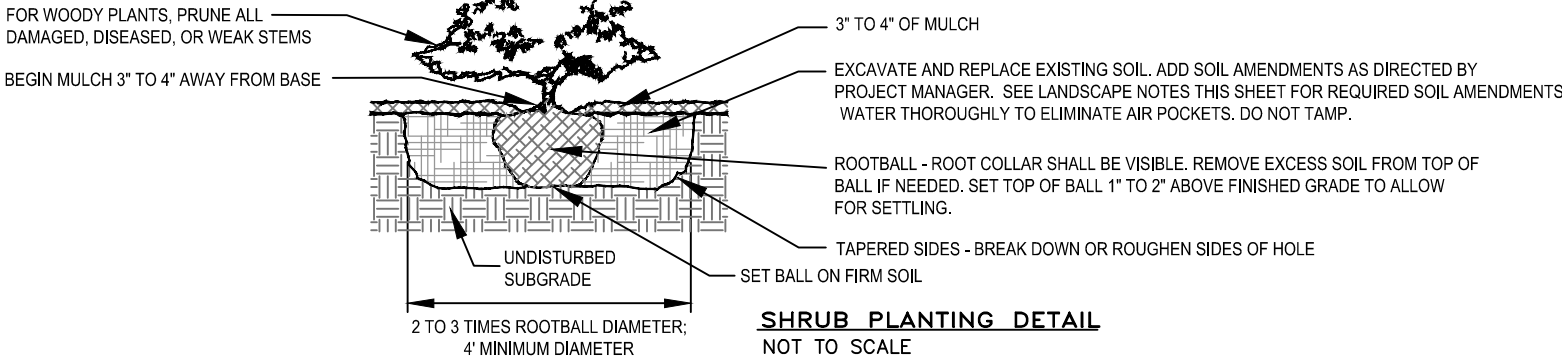
TREE PLANTING DETAIL
NOT TO SCALE

LANDSCAPE NOTES:

1. BEFORE PLANTING, AMEND SOIL AT PLANTING LOCATION AS SHOWN ON TREE/SHRUB PLANTING DETAIL AND FURTHER DESCRIBED BELOW:
 - a. Field ID: CANDLEW (Sample Number: 3226783) use: 2/3 existing soil with 1/3 mix of 50% topsoil and 50% compost at planting location. Mix in powder micro/macro nutrient product containing mycorrhizal fungi stimulator.
 - b. Field ID: FULXO (Sample Number: 3226785) use: 2/3 existing soil with 1/3 mix of 50% topsoil and 50% compost at planting location. Mix in powder micro/macro nutrient product containing mycorrhizal fungi stimulator.
 - c. Field ID: FIREST (Sample Number: 3226786) use: existing soil. Mix in powder micro/macro nutrient product containing mycorrhizal fungi stimulator at planting location.
2. REQUIRED AMENDMENTS FOR EACH TREE/SHRUB LOCATION WILL BE DETERMINED IN THE FIELD. FOR BIDDING PURPOSES, 1/3 OF THE TREES/SHRUBS WILL BE ASSUMED TO RECEIVE TREATMENT NOTED IN 1(a) ABOVE, 1/3 WILL BE ASSUMED TO RECEIVE (1b), AND 1/3 WILL BE ASSUMED TO RECEIVE 1(c).
3. SOIL Ph SHOULD BE ABOVE 5 - PREFERABLY BETWEEN 6.0 AND 6.5. IMPORTED SOIL SHOULD BE TESTED TO DETERMINE LIME AND FERTILIZER RATES.
4. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
5. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
6. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
7. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED.
8. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
9. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE CITY OF FAYETTEVILLE BEFORE, DURING, AND AFTER CONSTRUCTION.
10. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE. MULCH SHALL BE CLEAN, FREE OF DEBRIS, WEEDS, DISEASE, INSECTS, PESTS, EGGS, OR LARVAE. SEE DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.
11. MULCH WILL BE PROVIDED BY CITY OF FAYETTEVILLE, HOWEVER, CONTRACTOR WILL BE RESPONSIBLE FOR PICKUP/DELIVERY AND INSTALLATION. THE FACILITY IS LOCATED AT 1708 S. ARMSTRONG AVE. AND ARRANGEMENTS FOR PICKUP DAY/TIME CAN BE MADE BY CONTACTING JEFF COLES AT (479) 575-8227.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. ANY DAMAGE TO EXISTING FEATURES, INCLUDING UTILITIES, NOT SPECIFICALLY CALLED OUT FOR REMOVAL/REPLACEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE FIXED OR REPLACED AS DIRECTED BY AND AT NO ADDITIONAL COST TO THE OWNER.
14. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
15. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS DURING CONSTRUCTION UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER. REFERENCE SP-2 FOR ADDITIONAL WARRANTY REQUIREMENTS.
16. ANY MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES, IRRIGATION LINES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL STREET TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI-LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.

SHRUB PLANTING NOTES:

1. SHRUBS SHALL BE MINIMUM 5 GALLON.
2. THE HOLE FOR THE SHRUB SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL; MINIMUM DIAMETER SHALL BE 4 FEET.
3. REMOVE ANY TWINE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM SHRUB.
4. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
5. ROOTBALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BURLAP.



SHRUB PLANTING DETAIL
NOT TO SCALE

SURVEYED BY:
-

DRAWN BY:
JS

DESIGNED BY:
-

FILE NAME:
Crossover Islands.dwg

CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
LANDSCAPE DETAILS AND NOTES

TITLE:

REVISED

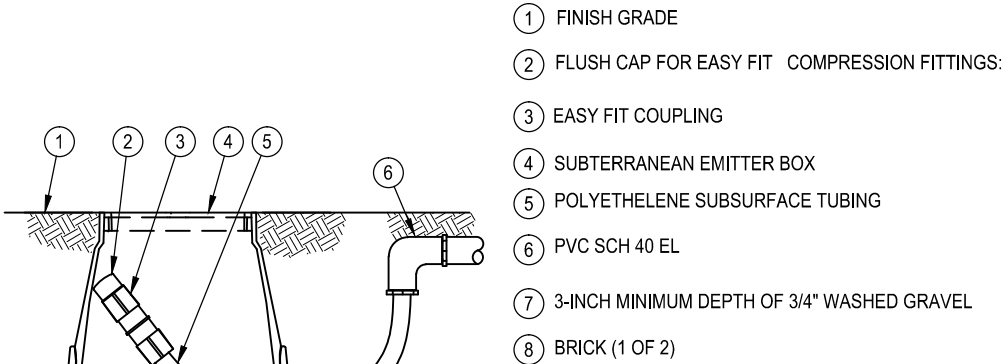
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
PHONE NO. (479) 575-4200
FAX NO. (479) 575-4202

CITY OF
Fayetteville
ARKANSAS

DATE:
January 15, 2015
SHEET:
9
PROJECT:
Crossover Islands

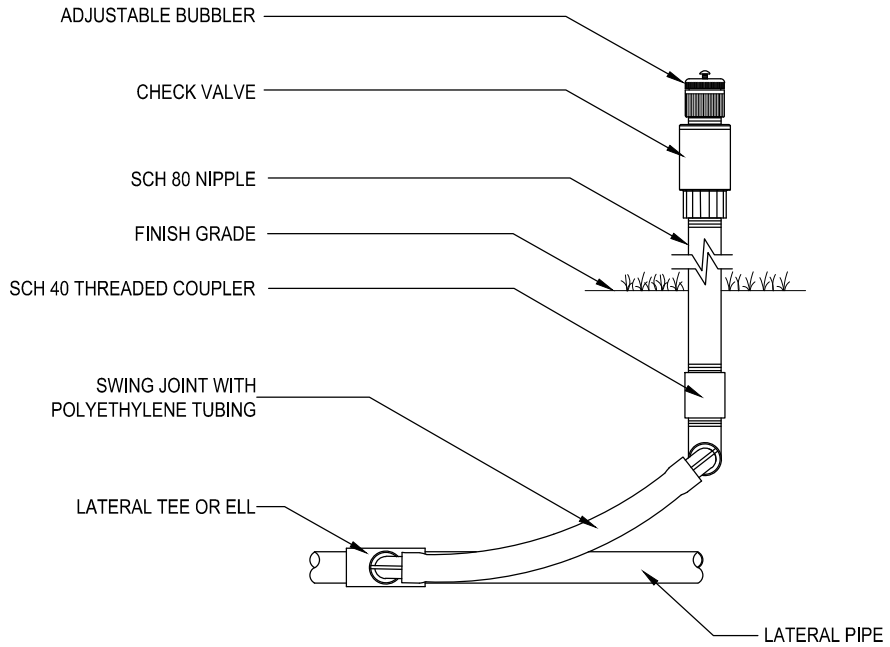
IRRIGATION NOTES:

1. CITY OF FAYETTEVILLE WILL PROVIDE WATER SERVICE, INCLUDING TAPPING THE MAIN, INSTALLING REQUIRED SERVICE LINE AND INSTALLING WATER METER. THESE ITEMS SHOULD NOT BE INCLUDED IN BASE BID.
2. ALL OTHER ITEMS NOT MENTIONED IN NOTE 1 ABOVE ASSOCIATED WITH PROVIDING A COMPLETE AND OPERATIONAL IRRIGATION SYSTEM SHALL BE PROVIDED IN BASE BID.
3. IRRIGATION SYSTEM SHALL INCLUDE A SINGLE EMITTER AT EACH PLANT. EMITTERS SHALL BE CAPABLE OF DISTRIBUTING 0.6 GALLONS PER HOUR EVENLY TO EACH PLANT THROUGHOUT EACH ZONE.
4. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS SHOWING PROPOSED IRRIGATION LAYOUT, INCLUDING NUMBER OF ZONES PROPOSED, FOR OWNER APPROVAL PRIOR TO ORDERING OR INSTALLING ANY IRRIGATION COMPONENTS. THE DRAWINGS SHALL INCLUDE ALL ITEMS REQUIRED FOR A COMPLETE AND FULLY OPERATIONAL IRRIGATION SYSTEM.
5. CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS, INCLUDING PLUMBING PERMITS, ASSOCIATED WITH INSTALLATION OF SYSTEM.

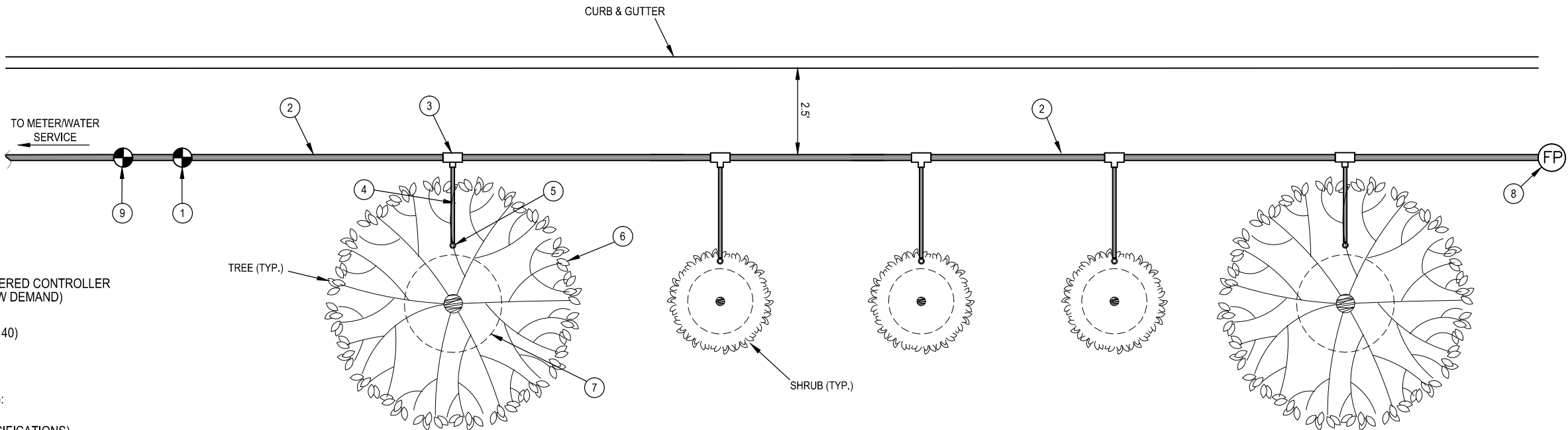


NOTE:
1. ALLOW A MINIMUM OF 6-INCHES OF TUBING IN VALVE BOX IN ORDER TO DIRECT FLUSHED WATER OUTSIDE VALVE BOX.

FLUSH POINT



RISER ASSEMBLY



- 1 ZONE CONTROL KIT WITH BATTERY POWERED CONTROLLER (SIZED TO ACCOMMODATE LATERAL FLOW DEMAND)
- 2 PVC SUBSURFACE MANIFOLD PIPE (SCH. 40)
- 3 PVC SCH 40 TEE OR EL
- 4 1/2" POLYETHYLENE SUBSURFACE TUBING:
- 5 FULLY ADJUSTABLE BUBBLER (SEE SPECIFICATIONS)
- 6 PROJECTED CANOPY LINE OF TREE OR SHRUB (TYPICAL)
- 7 ROOT BALL (TYPICAL)
- 8 FLUSH POINT (SEE DETAIL THIS SHEET)
- 9 BACKFLOW PREVENTER WITH BOX (PER CITY OF FAYETTEVILLE SPECIFICATIONS)

IRRIGATION LAYOUT
MULTIPLE TREE/SHRUB DETAIL

NOTES:
1. AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE TIE-DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.

SURVEYED BY:	-
DRAWN BY:	JS
DESIGNED BY:	-
FILE NAME:	Crossover Islands.dwg

CROSSOVER ROAD
TREE PLANTING - PHASE 1
TOWNSHIP ST. to JOYCE BLVD.
IRRIGATION DETAILS AND NOTES

TITLE:
REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701
PHONE NO. (479) 575-4200
FAX NO. (479) 575-4202

CITY OF
Fayetteville
ARKANSAS

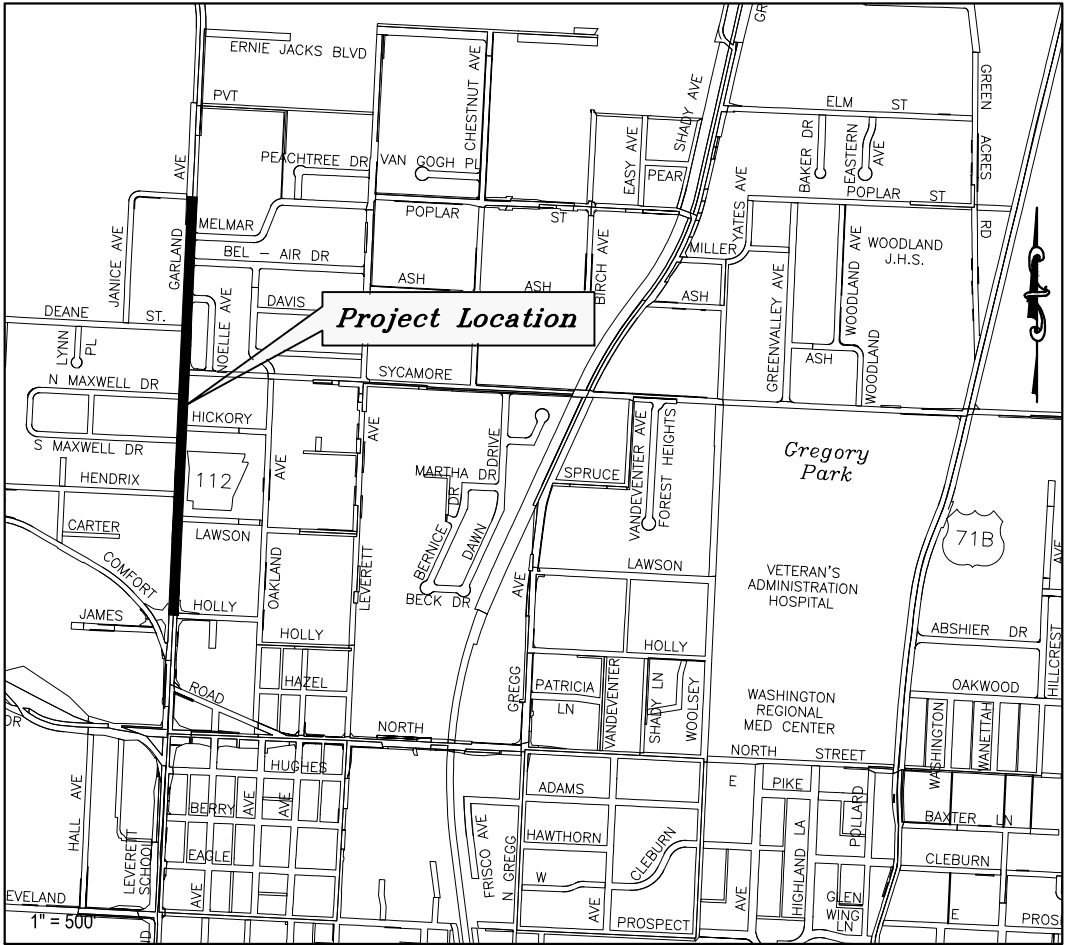
DATE:
January 15, 2015
SHEET:

10

PROJECT:
Crossover Islands

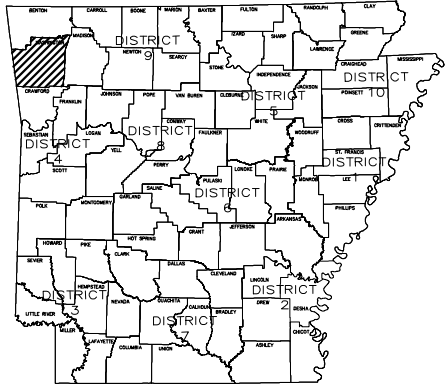
GARLAND AVENUE TREE PLANTING MT. COMFORT RD. TO JANICE AVE.

for the
City of Fayetteville



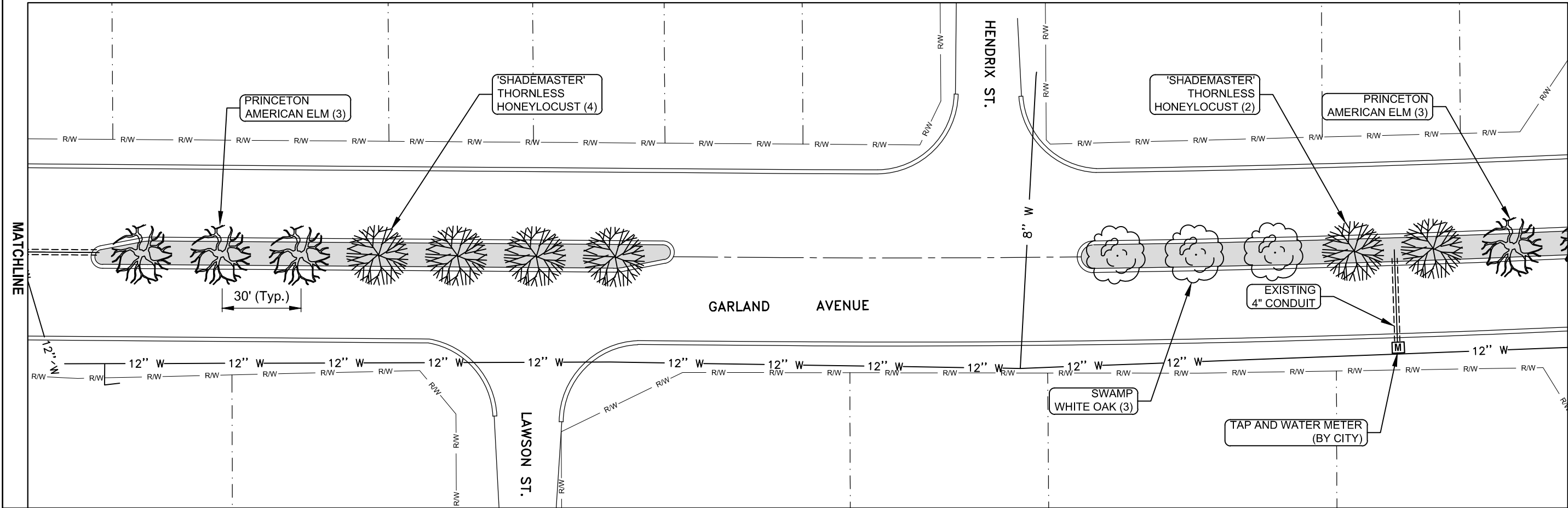
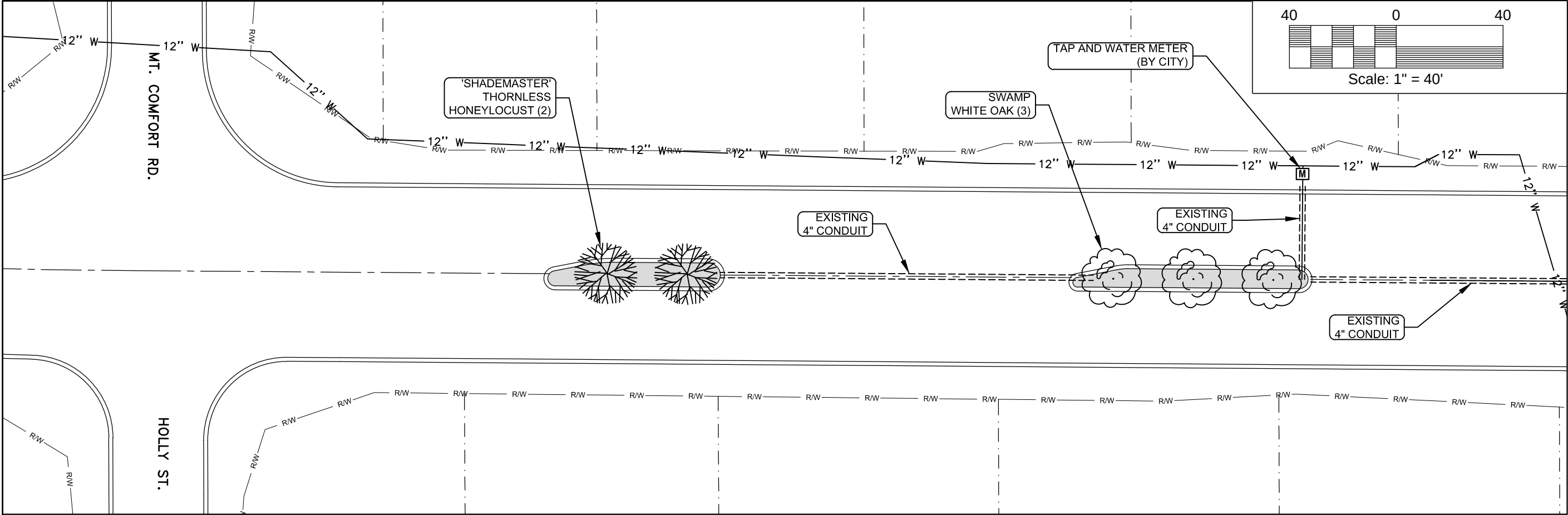
VICINITY MAP

PLAN INDEX	
SHEET NO.	DESCRIPTION
1	COVER & INDEX
2	PLAN SHEET
3	PLAN SHEET
4	PLAN SHEET
5	LANDSCAPE DETAILS AND NOTES
6	IRRIGATION DETAILS AND NOTES
TC-1	TRAFFIC CONTROL
TC-2	TRAFFIC CONTROL
TC-3	TRAFFIC CONTROL
SHS-1	STANDARD HIGHWAY SIGNS
SHS-2	STANDARD HIGHWAY SIGNS



ARK.HWY.DIST.NO.4





SURVEYED BY: -
DRAWN BY: JTS
DESIGNED BY: -
FILE NAME: Tree Planting Plans.dwg

**GARLAND AVENUE
TREE PLANTING**
MT. COMFORT RD. to JANICE AVE.
PLAN SHEET

TITLE:

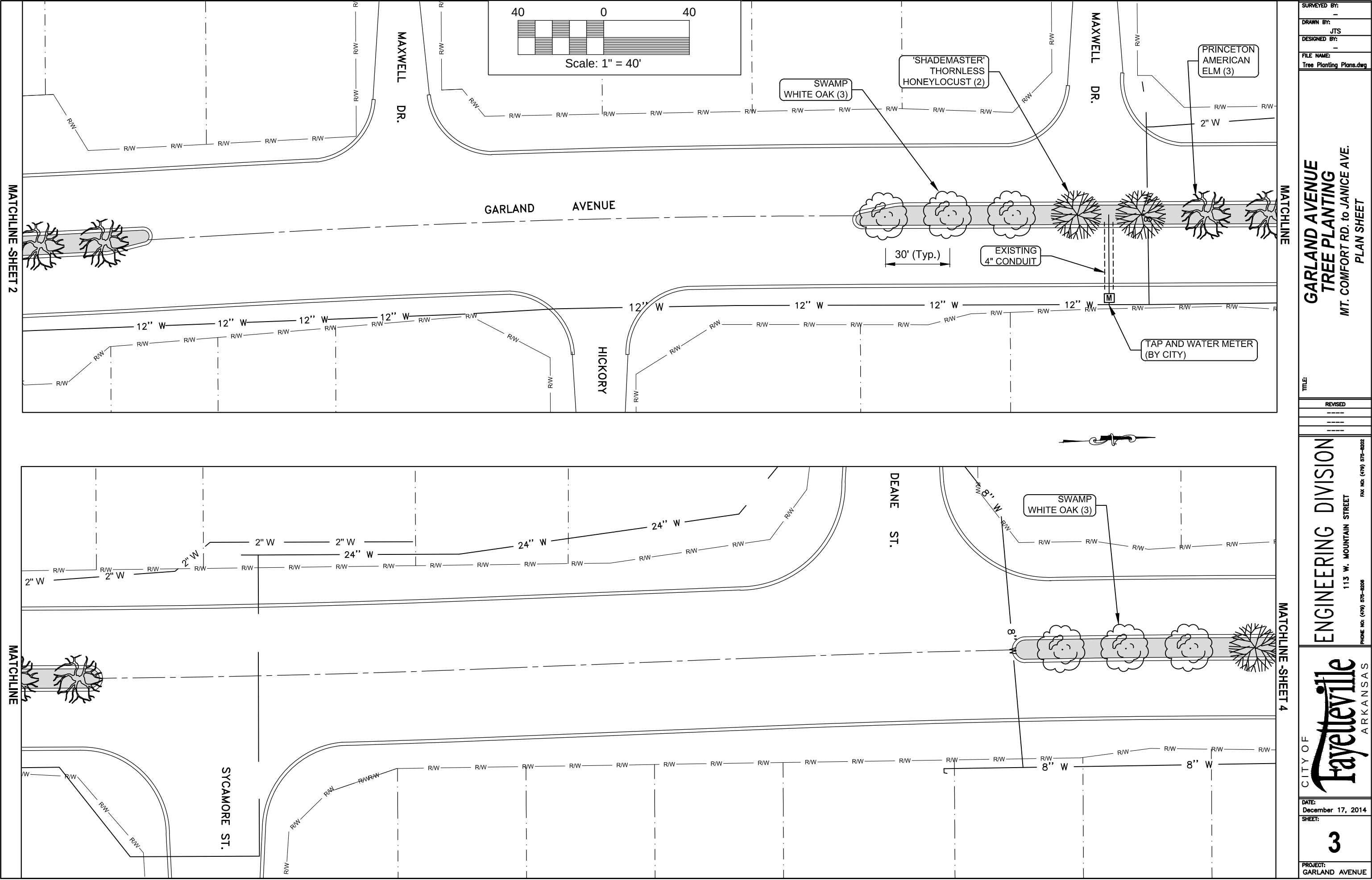
REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701
PHONE NO. (479) 575-4200
FAX NO. (479) 575-4202



DATE: December 17, 2014
SHEET:

2
PROJECT: GARLAND AVENUE



SURVEYED BY: -
DRAWN BY: JTS
DESIGNED BY: -
FILE NAME: Tree Planting Plans.dwg

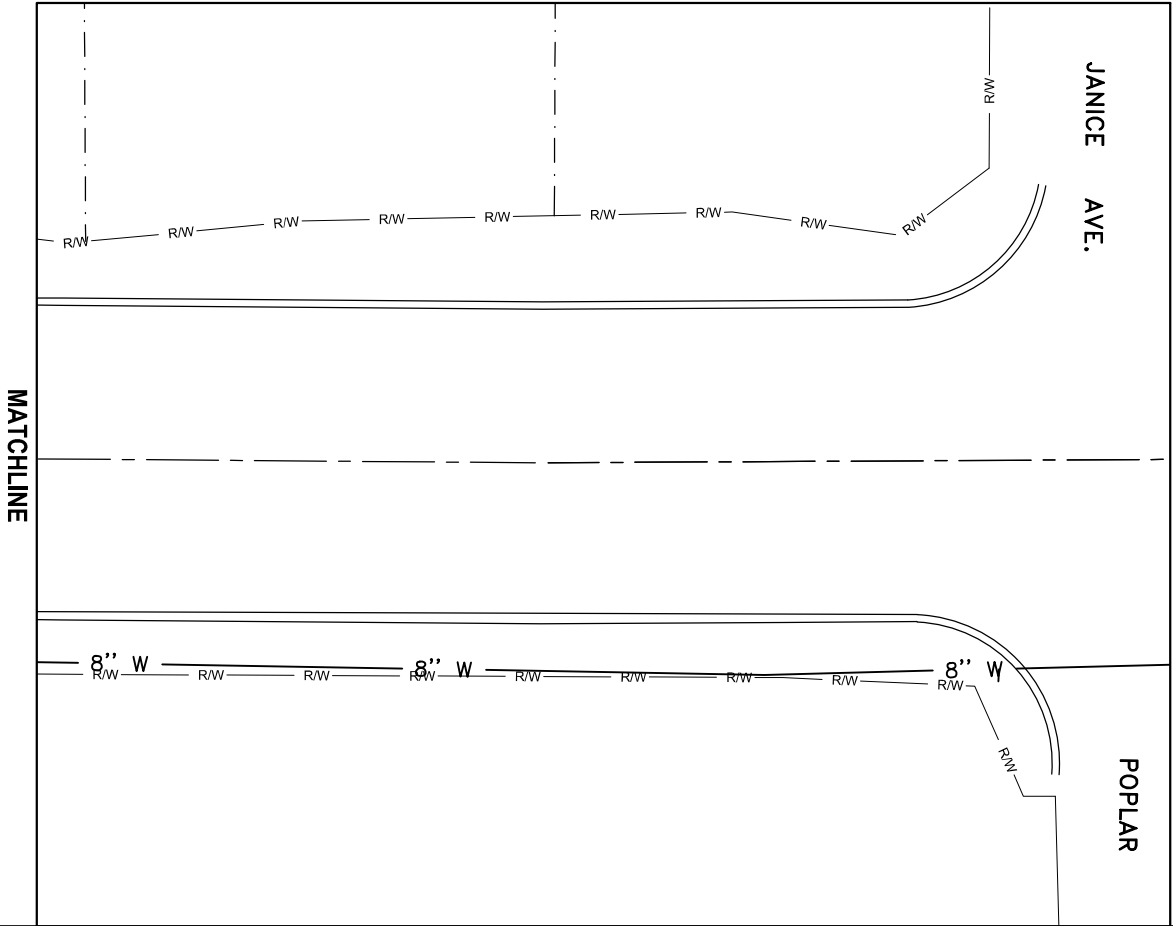
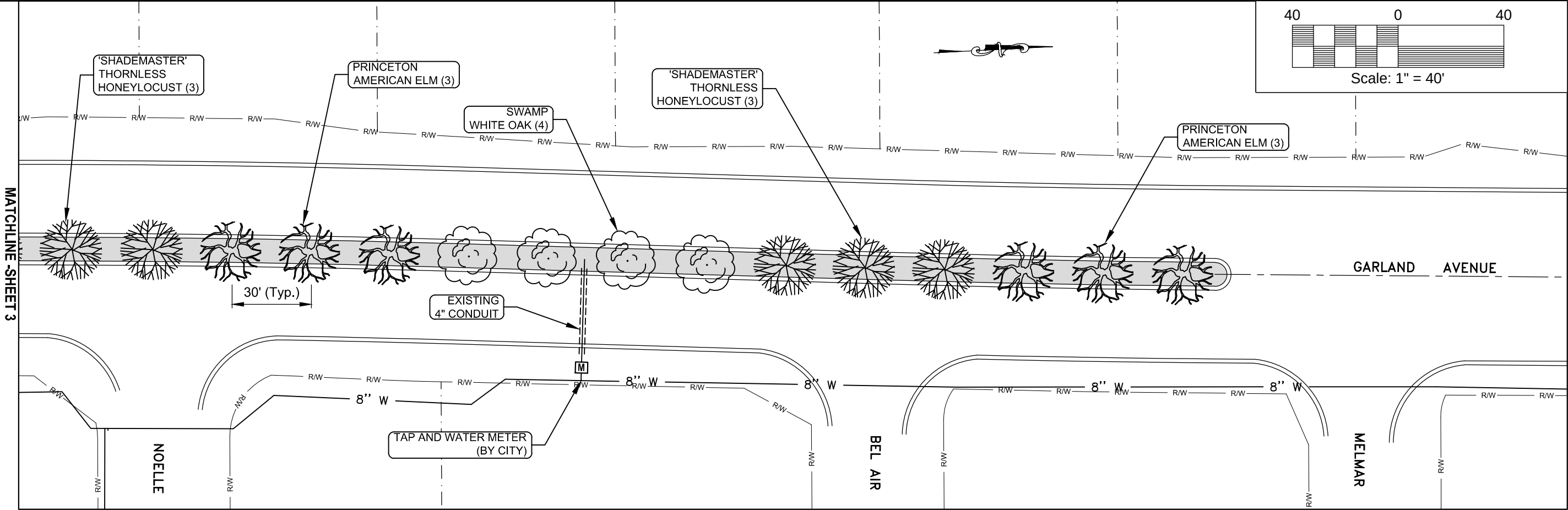
TITLE:
**GARLAND AVENUE
TREE PLANTING**
MT. COMFORT RD. to JANICE AVE.
PLAN SHEET

REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
PHONE NO: (419) 575-8208
FAX NO: (419) 575-8202

CITY OF
Fayetteville
ARKANSAS

DATE: December 17, 2014
SHEET:
3
PROJECT: GARLAND AVENUE



PLANT SCHEDULE				
BOTANICAL NAME	COMMON NAME	QUAN.	COND.	SIZE(min.)
 Quercus bicolor	Swamp White Oak (SWO)	16	B&B	2"
 Gleditsia triacanthos var. inermis	'Shademaster Thornless Honeylocust (HL)	16	B&B	2"
 Ulmus americana 'Princeton'	Princeton American Elm (PE)	15	B&B	2"

SURVEYED BY: -

DRAWN BY: JTS

DESIGNED BY: -

FILE NAME: Tree Planting Plans.dwg

TITLE: GARLAND AVENUE TREE PLANTING

MT. COMFORT RD. to JANICE AVE.

PLAN SHEET

REVISED

ENGINEERING DIVISION

113 W. MOUNTAIN STREET

PHONE NO: (479) 575-4000

FAX NO: (479) 575-4002

CITY OF Fayetteville

ARKANSAS

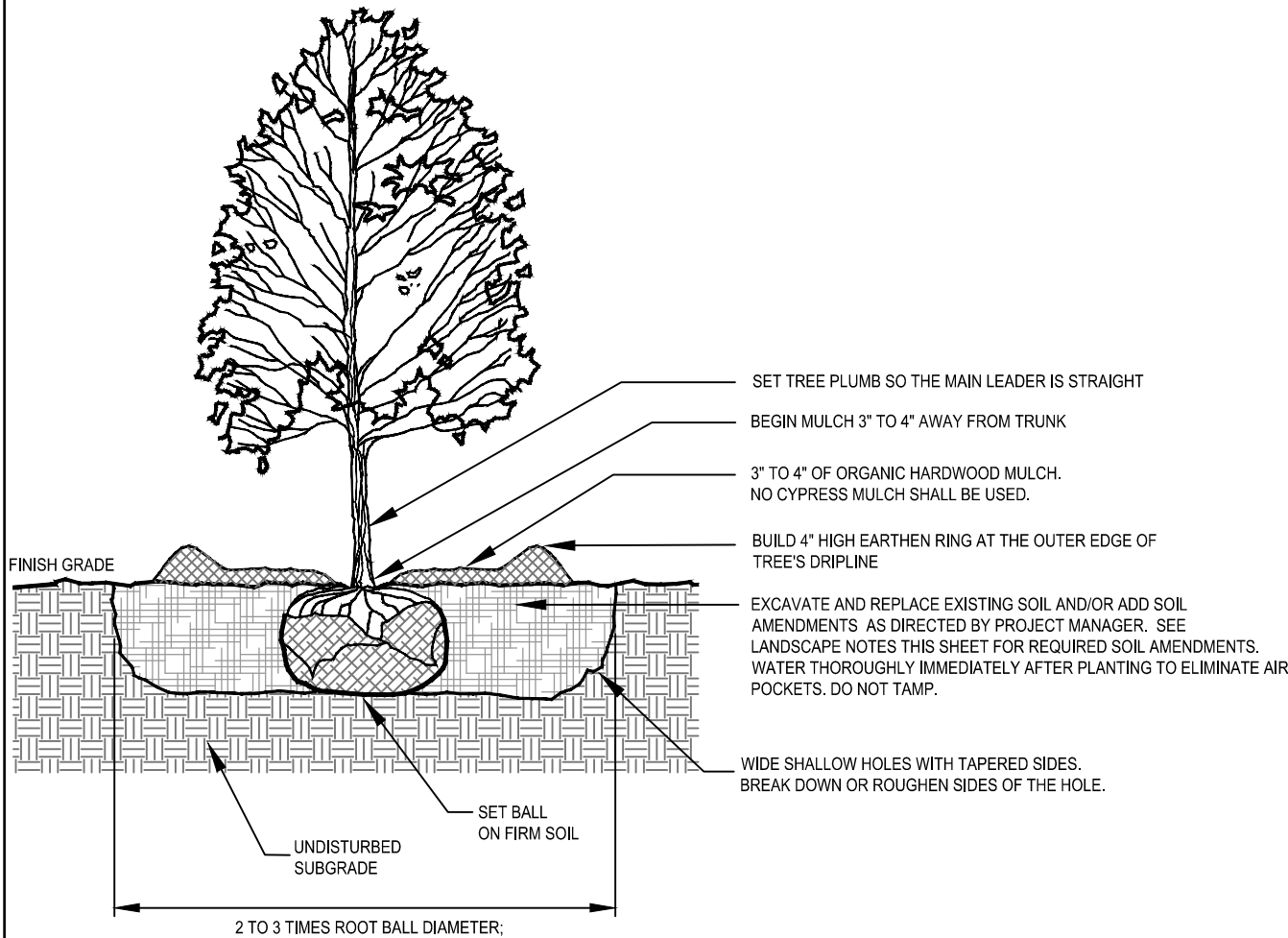
DATE: December 17, 2014

SHEET: 4

PROJECT: GARLAND AVENUE

TREE PLANTING NOTES:

1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, STEEL WIRE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. ROOTBALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BURLAP.



TREE PLANTING DETAIL
NOT TO SCALE

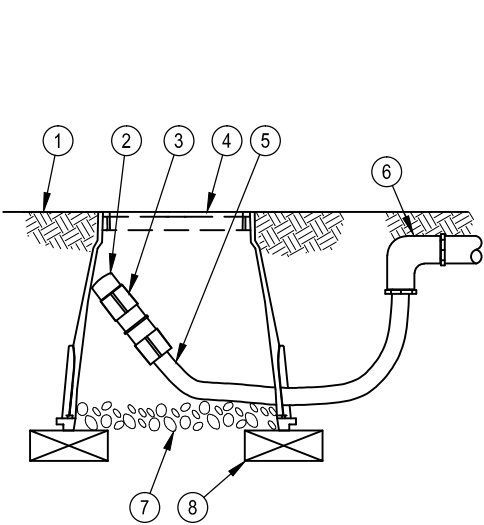
LANDSCAPE NOTES:

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
2. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
3. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
4. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED.
5. ALL TREES SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
6. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE CITY OF FAYETTEVILLE BEFORE, DURING, AND AFTER CONSTRUCTION.
7. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE. MULCH SHALL BE CLEAN, FREE OF DEBRIS, WEEDS, DISEASE, INSECTS, PESTS, EGGS, OR LARVAE. SEE DETAILS AND SPECIFICATIONS FOR ADDITIONAL INFORMATION.
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14. ALL STREET TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI-LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.

SURVEYED BY: -	
DRAWN BY: JTS	
DESIGNED BY: -	
FILE NAME: Tree Planting Plans.dwg	
TITLE: GARLAND AVENUE TREE PLANTING MT. COMFORT RD. to JANICE AVE. LANDSCAPE DETAIL AND NOTES	
REVISED --- --- ---	
ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, ARKANSAS PHONE NO: (479) 575-8200 FAX NO: (479) 575-8202	
CITY OF Fayetteville ARKANSAS	
DATE: December 17, 2014	
SHEET: 5	
PROJECT: GARLAND AVE	

IRRIGATION NOTES:

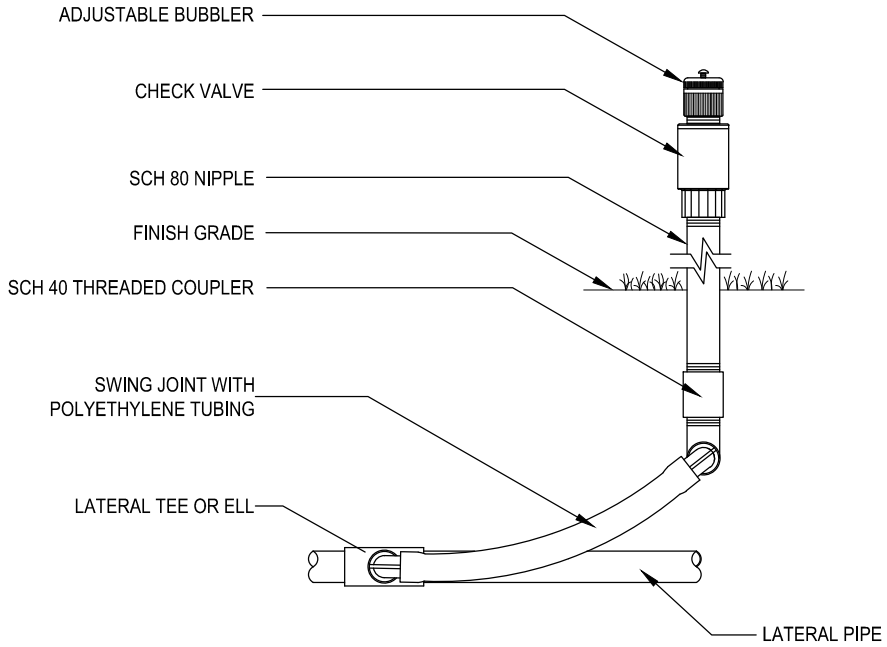
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5. CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS, INCLUDING PLUMBING PERMITS, ASSOCIATED WITH INSTALLATION OF SYSTEM.



- 1 FINISH GRADE
- 2 FLUSH CAP FOR EASY FIT COMPRESSION FITTINGS:
- 3 EASY FIT COUPLING
- 4 SUBTERRANEAN EMITTER BOX
- 5 POLYETHELENE SUBSURFACE TUBING
- 6 PVC SCH 40 EL
- 7 3-INCH MINIMUM DEPTH OF 3/4" WASHED GRAVEL
- 8 BRICK (1 OF 2)

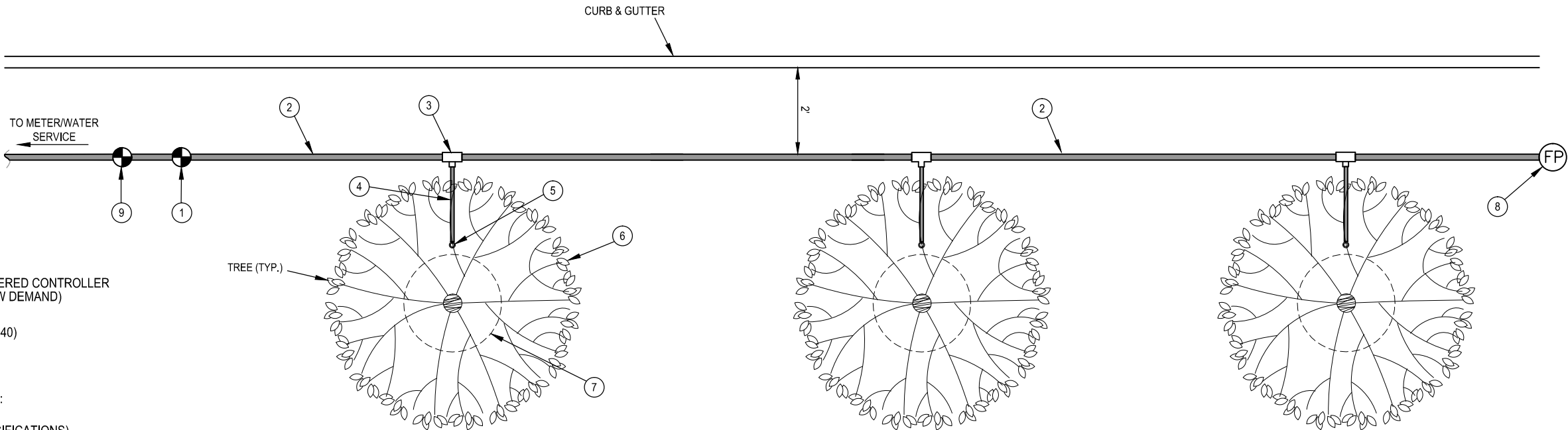
NOTE:
1. ALLOW A MINIMUM OF 6-INCHES OF TUBING IN VALVE BOX IN ORDER TO DIRECT FLUSHED WATER OUTSIDE VALVE BOX.

FLUSH POINT



- ADJUSTABLE BUBBLER
- CHECK VALVE
- SCH 80 NIPPLE
- FINISH GRADE
- SCH 40 THREADED COUPLER
- SWING JOINT WITH POLYETHYLENE TUBING
- LATERAL TEE OR ELL
- LATERAL PIPE

RISER ASSEMBLY



- 1 ZONE CONTROL KIT WITH BATTERY POWERED CONTROLLER (SIZED TO ACCOMODATE LATERAL FLOW DEMAND)
- 2 PVC SUBSURFACE MANIFOLD PIPE (SCH. 40)
- 3 PVC SCH 40 TEE OR EL
- 4 1/2" POLYETHYLENE SUBSURFACE TUBING:
- 5 FULLY ADJUSTABLE BUBBLER (SEE SPECIFICATIONS)
- 6 PROJECTED CANOPY LINE OF TREE OR SHRUB (TYPICAL)
- 7 ROOT BALL (TYPICAL)
- 8 FLUSH POINT (SEE DETAIL THIS SHEET)
- 9 BACKFLOW PREVENTER WITH BOX (PER CITY OF FAYETTEVILLE SPECIFICATIONS)

IRRIGATION LAYOUT
MULTIPLE TREE DETAIL

NOTES:
1. AT FITTINGS WHERE THERE IS A CHANGE OF DIRECTION SUCH AS TEES OR ELBOWS, USE TIE-DOWN STAKES ON EACH LEG OF THE CHANGE OF DIRECTION.

SURVEYED BY: -
DRAWN BY: JTS
DESIGNED BY: -
FILE NAME: Tree Planting Plans.dwg

**GARLAND AVENUE
TREE PLANTING**
MT. COMFORT RD. to JANICE AVE.
IRRIGATION DETAILS AND NOTES

TITLE:

REVISED

ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAX NO: (419) 575-4208
PHONE NO: (419) 575-4202

CITY OF Fayetteville ARKANSAS

DATE: December 17, 2014
SHEET:

6

PROJECT: GARLAND AVE

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
February 3, 2015**

A meeting of the Fayetteville City Council was held on February 3, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Kinion arrived at 5:32 p.m.

ABSENT: Alderman Matthew Petty and Alderman Martin Schoppmeyer.

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the January 20, 2015 City Council meeting minutes.

Approved

Chevrolet of Fayetteville: A resolution to authorize the purchase of one (1) Chevrolet Equinox from Chevrolet of Fayetteville in the amount of \$20,247.00 pursuant to a state procurement contract for use by the Parking Management Division.

Resolution 24-15 as recorded in the office of the City Clerk

Toyota of Fayetteville: A resolution to authorize the purchase of one (1) Toyota Prius from Toyota of Fayetteville in the amount of \$22,627.00 pursuant to a state procurement contract for use by the Building Safety Division, and to approve a budget adjustment.

Resolution 25-15 as recorded in the office of the City Clerk

Lewis Ford of Fayetteville: A resolution to authorize the purchase of one (1) 2015 Ford F250 from Lewis Ford of Fayetteville, Arkansas in the amount of \$22,427.00 pursuant to a state procurement contract for use by the Animal Services Division.

Resolution 26-15 as recorded in the office of the City Clerk

Chevrolet of Fayetteville: A resolution to authorize the purchase of one (1) 2015 Chevrolet Equinox AWD from Chevrolet of Fayetteville in the amount of \$21,699.00 pursuant to a state procurement contract for use by the Utilities Director, and to approve a budget adjustment.

Resolution 27-15 as recorded in the office of the City Clerk

Landers Dodge of Benton: A resolution to authorize the purchase of one (1) 2015 Dodge Ram 1500 4x4 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$20,193.00 pursuant to a state procurement contract for use by the Water and Sewer Division.

Resolution 28-15 as recorded in the office of the City Clerk

Landers Dodge of Benton: A resolution to approve the purchase of one (1) 2015 Dodge Ram 1500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$20,367.00 pursuant to a state procurement contract for use by the Police Department, and to approve a budget adjustment.

Resolution 29-15 as recorded in the office of the City Clerk

Henard Utility Products: A resolution to authorize the purchase of a bandit chipper/shredder from Henard Utility Products in the amount of \$32,522.25 plus applicable taxes pursuant to the National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Parks and Recreation Department and Transportation Division.

Resolution 30-15 as recorded in the office of the City Clerk

Bale Chevrolet: A resolution to approve the purchase of one (1) 2015 non-motor pool replacement vehicle from Bale Chevrolet in the amount of \$32,371.00 with options pursuant to a state procurement contract for use by the Police Department, and to approve a budget adjustment.

Resolution 31-15 as recorded in the office of the City Clerk

Washington County Jail Services Interlocal Agreement Amendment: A resolution approving an amendment to the Jail Services Interlocal Agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2015.

Resolution 32-15 as recorded in the office of the City Clerk

Express the Willingness for Sain Street Connection: A resolution to express the willingness of the City of Fayetteville to utilize federal-aid funds for the construction of the Sain Street connection from North Front Street to Vantage Boulevard.

Resolution 33-15 as recorded in the office of the City Clerk

Southwestern Electric Power Company Agreement: A resolution to approve an agreement with Southwestern Electric Power Company to participate in an Energy Efficiency Rebate Program in the amount of \$4,967.83, and to approve a budget adjustment.

Resolution 34-15 as recorded in the office of the City Clerk

Swepeco of Fayetteville Utility Work Agreement: A resolution to approve a Utility Work Agreement with Swepeco of Fayetteville, Arkansas for utility relocations as part of the Highway 112 Widening Project between Razorback Road and Garland Avenue, with the amount to be paid by the City of Fayetteville not to exceed \$91,878.59.

Resolution 35-15 as recorded in the office of the City Clerk

Grant Thornton LLP Contract: A resolution to approve a contract with Grant Thornton LLP in the amount of \$87,500.00 to provide Independent Audit Services to the City of Fayetteville.

Resolution 36-15 as recorded in the office of the City Clerk

Training Grounds for the Fayetteville Fire Department: A resolution to designate approximately 14.2 acres of city property as training grounds for the Fayetteville Fire Department.

Resolution 37-15 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Unfinished Business:

RZN 14-4864 Koutroumbis Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 14-4864, for approximately 0.26 acres, located at 232 West Ash Street from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre. *This Ordinance was left on the First Reading at the January 6, 2015 City Council Meeting. This ordinance was left on the Second Reading at the January 20, 2015 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and Planning Commission do not recommend approval of the rezoning.

Terry Parker, Parker & Associates: What we are proposing will fit into the neighborhood and be an enhancement. We are proposing to keep the existing single-family house that faces Ash Street. We have the possibility of routing our traffic in from Gregg Street to this property, across the land that this family owns at the same property. This would help alleviate some of the traffic concern.

Taylor Koutroumbis, Applicant gave a brief description of the proposed triplex and the access from Gregg Street. She stated the Planning Department told her that she could only have three units with the RMF-24 zoning due to the city's requirements for parking, green spaces and water management. She gave a description of all the apartment complexes in the area and believes her project would fit in nicely with the neighborhood. She stated she intended to improve the apartment buildings that face Gregg Street to make the area look nicer. She stated she did not ever intend to sale the property in the future.

Alderman Tennant: If I am renting one those triplexes, do I turn into the first or second apartment driveway, from Gregg Street?

Taylor Koutroumbis: Between the two town home buildings is a large green space and that is where the driveway will go. We have measured and it will comply with the city's requirements.

Alderman Long: When they enter through the parking lot of the townhouse complex closest to Ash Street, would they enter through the actual parking lot or would there be another curb cut onto Gregg Street?

Taylor Koutroumbis: They would use the current curb cut.

Alderman La Tour: If we were not to grant you this rezoning, what do you think will happen to this property?

Taylor Koutroumbis: We plan to leave it the same. We use the front house as a rental property. We talked with the city and they said we could get a special permit to build a duplex there.

Alderman La Tour: Would you describe this section of Gregg Street as a quiet single-family neighborhood?

Taylor Koutroumbis stated she believes the neighborhood is a mix. She stated most of the property in the area are rentals.

City Attorney Kit Williams: There has been no Bill of Assurance offered. The statement about what they would do with the zoning is totally unenforceable. We have gone more into depth than what we should have in any zoning decision. Once the zoning decision has been made, they can do whatever the zoning would allow them. You need to consider if this is the proper zoning for this parcel.

Mayor Jordan: Jeremy, could you please explain why staff did not support this project?

Jeremy Pate: The discussion about the transition is the real issue for staff. The Planning Commission discussed more about the traffic. One of the concerns about development, providing more access onto Gregg without a turn lane, actually could become an issue. We have to look at these at a case by case basis. Adding the ability to have a larger apartment complex this close proximity to that neighborhood simply was concerning to us.

Taylor Koutroumbis: Mr. Pate stated if we did demolish everything and rebuild, the zoning would allow for 17 units. There are already 16 there. I don't think it's that much of a change if you include all of our properties.

Alderman Kinion: I have been contacted by individuals in the Woodland neighborhood and they do not support this. I did not get anyone calling me that did support it in the neighborhood. There is a concern about the encroachment of multi-family rentals into the neighborhood. This is an area where I get the most complaints with single-family homes. They may have more individuals living in them because of the rental situation. Across the street is a historic home that was relocated on to Ash Street because it is a quiet entrance into the neighborhood. The other issue is the traffic concerns going from Gregg into the project. It would add more congestion. I support staff.

Alderman La Tour stated he has a great deal of respect for property owner rights. He doesn't believe they will build something ugly. He stated they have a financial incentive not to make the neighbors upset. He believes traffic is a good sign that property values are going up. He stated he supports the applicant.

Alderman Marsh: I don't think adding a few more units would be a bad thing, but I try to evaluate this in terms of our 2030 City Plan. It says, making appropriate infill and revitalization our highest priorities, and this is definitely a central site. If we are building this livable transportation network, how could people walk or bike to the site? Right now there is not really any continuous sidewalks along North Gregg Avenue. I support the staff and Planning Commission recommendations.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 2-4. Alderman La Tour and Tennant voting yes. Alderman Long, Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance failed.

Alderman Long: I would like Council to reconsider the appeal. Looking at the zoning, I do think it is compatible.

Alderman Long moved to reconsider the ordinance. Alderman La Tour seconded the motion. Upon roll call the motion to reconsider passed 4-2. Alderman La Tour, Long, Gray, and Tennant voting yes. Alderman Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

Alderman Kinion: I want to emphasize this was tough for me. It was out of true concern for the neighborhood that is primarily single-family, which wanted the protection offered by the suggestion of staff and the Planning Commission and also the consideration of traffic patterns.

Alderman Long: If we don't approve what they are looking for, they are talking about coming back with a duplex instead of a triplex. It would be just one additional unit. There is only one adjacent property with a housing unit on it that's not multi-family. I believe it would be suited for multi-family.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 3-3. Alderman La Tour, Long and Tennant voting yes. Alderman Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance failed.

Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10: An ordinance to repeal and replace Title V Public Works, Article III Discharge and Pretreatment Regulations; to Amend § 51.137 Monthly Sewer Rates; to Amend § 51.138 Definitions Pertaining to Water and Sewer Rates; to Amend § 51.999 Penalty; and to Amend § 10.99 General Penalty of the Fayetteville Code. ***This ordinance was left on the First Reading at the January 20, 2015 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We need a little bit of time to have the notice out and have the public hearing, which will be scheduled for the next meeting.

This ordinance was left on the Second Reading.

Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections: An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. *This ordinance was left on the First Reading at the January 20, 2015 City Council meeting.*

Alderman Tennant: We had a request to table this until March 17, 2015. We are going to have an Ordinance Review meeting on February 18, 2015. This will be the only item on that agenda. As chairman of the committee, I assure the public that they will have ample time to make public comments at that meeting if they so choose. We will do our due diligence. If there are any suggestions to be made, do it at that time. It will then give us about a month to work with Kit and the staff and have an item we can look at.

Alderman Tennant moved to table the ordinance to the March 17, 2015 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Petty and Schoppmeyer were absent.

This ordinance was left on the First Reading and Tabled to the March 17, 2015 City Council meeting.

New Business:

RZN 14-4882 (East Side of Ruppel RD./Westside Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Valerie Biendara, Fieldstone stated she didn't see any notice posted and didn't know if residents had been notified. She voiced her concern about traffic. She requested information as to what types of businesses would be allowed under Neighborhood Services.

Jeremy Pate: Neighborhood Services allows for primarily residential uses, but also allows for limited business. Limited business is small scale such as cafes, coffee shops and dry cleaners. It does not allow gas stations. For notification, we notify the property owner, adjacent property owners and a sign goes up before Planning Commission.

Alderman Long: I would like to hold this until the next Ward 4 meeting so that we can take some comment.

City Attorney Kit Williams: Thank you to staff for bringing this forward. I have been concerned about properties around town that have expired PZD's, which means the property owner cannot build anything or develop their property. Staff recommends what they believe would be the best zoning. Sometimes in conjunction with the owner, but sometimes the owner doesn't make any recommendations, so they decide themselves what would be the best and most compatible for that neighborhood.

Alderman Long: I would like to table this until the March 3, 2015 meeting due to the Ward 4 meeting.

A discussion followed about the timeline for tabling the ordinance.

Alderman Long moved to Table the ordinance to the March 3, 2015 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion failed 3-3. Alderman La Tour, Long and Tennant voting yes. Alderman Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance was left on the First Reading.

RZN 14-4883 (HWY. 112 North of Truckers Drive/Parkwest): An ordinance rezoning that property described in Rezoning Petition RZN 14-4883, for approximately 93.04 acres, located at HWY 112 North of Truckers Drive from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 units per acre, and CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Alderman Marsh: After reviewing the maps, Alderman Marsh requested to know if the Van Asche extension was still within the box.

Jeremy Pate stated it was and gave a description of the area.

Alderman Marsh: Thinking about future transit planning and how we are hopefully going to run some transit lines around the perimeter of the box, the area you designated for RSF-8 might be a better fit for more high intensity. Why did you make it such a low intensity use?

Jeremy Pate: Part of it is topography. There is quite a bit of terrain there. There are some well-established single-family residential neighborhoods that we don't see changing. Some of them are brand new and still building out. The Council has made some land use decisions in that area that we felt needed to be honored.

Aubrey Shepherd, Citizen stated the item should be tabled. He stated before doing a mass zoning on a parcel that big, they should have the Corp of Engineers delineate the significant portions of wetland.

This ordinance was left on the First Reading.

RZN 14-4916 (956 Ray Avenue/Hodous): An ordinance rezoning that property described in Rezoning Petition RZN 14-4916, for approximately 0.32 acres, located at 956 Ray Avenue from RMF-24, Residential Multi Family, 24 units per acre, to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning. He stated the applicant was unable to attend the City Council meeting.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour, Gray, Marsh, Kinion, and Tennant voting yes. Mayor Jordan voted yes. Alderman Long voted no. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams advised the City Council that they might want to consider having the applicant in attendance to discuss the rezoning request.

A discussion followed about the zoning options that were previously discussed with the applicant.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion failed 4-2. Alderman La Tour, Gray, Marsh, and Kinion voting yes. Alderman Tennant and Long voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance was left on the Second Reading

R-PZD 14-4924 (South Shiloh Dr./Hawkins House at Shiloh Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4924, for approximately 10.74 acres, located at South Shiloh Drive from RMF-24, Residential Multi Family, 24 units per acre, to R-PZD 14-4924, Residential Planned Zoning District Hawkins House.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Schoppmeyer were absent.

Ordinance 5738 as Recorded in the office of the City Clerk

Amend the Fayetteville Alternative Transportation and Trails Master Plan: A resolution to amend the Fayetteville Alternative Transportation and Trails Master Plan by to clarify that separated bicycle and pedestrian trails are planned for the Interstate 49 Interchanges at Garland Avenue (Highway 112), Wedington Drive (Highway 16) and Martin Luther King, Jr. Boulevard (Highway 62), and to amend the Master Street Plan to add a typical cross section for separated bicycle and pedestrian trails.

City Attorney Kit Williams: This resolution needs to be amended by the document that was handed out tonight.

Jeremy Pate, Director of Development Services gave a brief description of the resolution and amendments.

Alderman Marsh moved to amend the resolution to the new resolution and exhibits that were presented to the Council. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Aubrey Shepherd, Citizen stated he would like the trails to be separated for bicyclist and pedestrians.

Alderman Marsh thanked the staff for their hard work.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Schoppmeyer were absent.

Resolution 38-15 as recorded in the office of the City Clerk

Announcements:

Alderman Gray: We have a number of positions open on Boards, Committees and Commissions. I encourage constituents to apply and serve on a board for our city.

Adjournment: 6:43 p.m.

City Council Agenda Session Presentations: None

City Council Tour: None

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Branson, Lisa

From: Chung Tan <CTan@fayetteville-ar.com>
Sent: Monday, January 26, 2015 12:43 PM
To: Pate, Jeremy
Cc: Branson, Lisa
Subject: RE: Economic Development Quarterly Report

Jeremy:

We will go with the Feb. 10th Agenda Session then.

Lisa—may you send me the 2015 City Council Calendar?

Thanks,

Chung

From: Pate, Jeremy [mailto:jpate@fayetteville-ar.gov]
Sent: Friday, January 23, 2015 2:27 PM
To: Chung Tan
Cc: Branson, Lisa
Subject: Economic Development Quarterly Report

Chung,

After speaking with the City Clerk's office, it appears that the agenda session of February 10 and February 24 are both currently available for the quarterly report. Do either of these work for you and Steve?

Please let me know.

Thanks,
jp

Jeremy Pate
Development Services Director
City of Fayetteville, Arkansas
479.575.8265
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Branson, Lisa

From: Smith, Sondra
Sent: Monday, February 02, 2015 7:16 PM
To: Branson, Lisa
Subject: Public Hearing

Hi Lisa

I am not sure if anyone has mentioned it but they have advertised a Public Hearing for the February 17, 2015 City Council meeting for the following Unfinished Business Agenda Item:

REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10:

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323

ssmith@fayetteville-ar.gov

www.fayetteville-ar.gov



Branson, Lisa

From: Pugh, Alan
Sent: Wednesday, February 04, 2015 8:53 AM
To: Branson, Lisa
Subject: FW: Legistar Item #2015-0055; Crossover and Garland Tree Planting; PLACEHOLDER

As per your request. here is a reminder about our placeholder item.

Alan

From: Pugh, Alan
Sent: Thursday, January 29, 2015 3:02 PM
To: Branson, Lisa
Cc: Brown, Chris
Subject: Legistar Item #2015-0055; Crossover and Garland Tree Planting; PLACEHOLDER

Lisa,

Per our conversation, I have created Legistar item 2015-0055 as a placeholder for bid 15-16. This bid is being received on February 5, 2015 and includes planting trees in the median of Crossover (Hwy 265) from Township to Joyce Blvd and Garland (Hwy 112) from Holly St to Melmar. By allowing the placeholder we will hopefully be able to get the contract awarded and the plantings complete before the heat of summer. If you have any questions or concerns please let us know. Thank you.

Alan Pugh, P.E., CFM
Staff Engineer
City of Fayetteville, Arkansas
479-575-8208

Website Facebook

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, February 17, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4

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 2014-0495 Approval of the February 3, 2015 City Council meeting minutes.

A. 2 2015-0045 ANIMALS SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,098.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND CDBG PROGRAM INCOME RECEIVED FROM TWO HOUSING PROGRAM LIEN PAYOFFS

Attachments:

[SRF-SRM-Donation Recognition](#)

[BA-Donation Recognition](#)

A. 3 2015-0048 BID #15-17 AMERLUX EXTERIOR, LLC:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF LED TRAIL LIGHT FIXTURES FROM AMERLUX EXTERIOR, LLC IN THE AMOUNT OF \$1,450.00 PER LIGHT FIXTURE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

[2015-0048 Trail light Fixtures - Amerlux Exterior](#)

A. 4 2015-0061 BID #15-17 ALLIANCE COMPOSITES, INC.:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF FIBERGLASS TRAIL LIGHT POLES FROM ALLIANCE COMPOSITES, INC. IN THE AMOUNT OF \$450.00 PER LIGHT POLE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

[2015-0061 Fiberglass Traill Light Pole - Alliance Composities](#)

A. 5 2015-0049 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$34,920.00, PURSUANT TO BID #10-47, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL, AND TO APPROVE A TEN PERCENT (10%) PROJECT CONTINGENCY

Attachments: [2015-0049 King Electrical Contractors - Town Branch Trail Lighting Installation](#)

A. 6 2015-0054 GARVER, LLC:

A RESOLUTION TO AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC FOR FINAL DESIGN SERVICES FOR WATER AND SEWER RELOCATIONS ASSOCIATED WITH ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PROJECT BB0414 - INTERSTATE 49 AND HIGHWAY 112 INTERCHANGE IN AN AMOUNT NOT TO EXCEED \$102,742.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [021715 Garver-AHTD-B0414](#)
[BA - Garver - I-49 Interchange and Hwy 112](#)

A. 7 2015-0050 WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 2:

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR CONTINUED MAINTENANCE OF PREVIOUSLY COMPLETED STREAM RESTORATION PROJECTS AT NIOKASKA CREEK AND THE WHITE RIVER THROUGH 2015 IN THE AMOUNT OF \$62,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [2015-0050 - Vegetation Restoration and Stability](#)
[BA2015_2015-0050 Watershed.xlsm](#)

A. 8 2015-0055 PLACEHOLDER: BID 15-16:

PLACEHOLDER: AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$_____ TO _____ FOR THE INSTALLATION OF TREES AND SHRUBS WITHIN THE MEDIA OF CROSSOVER ROAD AND GARLAND AVENUE (BID # 15-16) AND APPROVAL OF A PROJECT CONTINGENCY OF \$_____.

B. Public Hearing:

- B. 1 2015-0069 PUBLIC HEARING: REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10**
- REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10

C. Unfinished Business:

- C. 1 2015-0003 REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10:**
- AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III DISCHARGE AND PRETREATMENT REGULATIONS; TO AMEND § 51.137 MONTHLY SEWER RATES; TO AMEND § 51.138 DEFINITIONS PERTAINING TO WATER AND SEWER RATES; TO AMEND § 51.999 PENALTY; AND TO AMEND § 10.99 GENERAL PENALTY OF THE FAYETTEVILLE CODE

Attachments:

[2015-0003 Discharge and Pretreatment Regulation Changes A-III A-V](#)
[EXHIBIT A & B](#)

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the Second Reading at the February 3, 2015 City Council Meeting.

- C. 2 2015-0023 RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE):**
- AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES

Attachments:

[14-4882 Agenda Item](#)
[14-4882 Exhibit A and B](#)
[14-4882 CC ORD](#)

This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.

**C. 3 2015-0029 RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS
DRIVE/PARKWEST):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4883, FOR APPROXIMATELY
93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS
DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING
DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE
FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES

Attachments:

[SRF and Reports 14-4883](#)

[Exhibits A & B 14-4883](#)

[ORD 14-4883](#)

*This ordinance was left on the First Reading at the February 3, 2015 City
Council Meeting.*

C. 4 2015-0030 RZN 14-4916 (956 RAY AVENUE/HODOUS):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32
ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24,
RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS,
NEIGHBORHOOD SERVICES

Attachments:

[SRF and Reports 14-4916](#)

[Exhibits A & B 14-4916](#)

[ORD 14-4916](#)

*This ordinance was left on the Second Reading at the February 3, 2015 City
Council Meeting.*

**C. 5 2014-0437 AMEND § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS:**

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY
ENACTING § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

Attachments:

[Agenda Packet § 71.016 Insurance Requirements](#)

*This ordinance was left on the First Reading and sent to the Ordinance Review
Committee. This ordinance was Tabled to the February 17, 2015 City Council
meeting and left on the Second Reading at the January 6, 2015 City Council
Meeting.*

D. New Business:

**D. 1 2015-0060 RZN 14-4938 (N.W. CROSS & MAINE INTERSECTION/WEST
END ADDITION):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5
ACRES, LOCATED AT NORTHWEST CORNER OF CROSS &
MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL
PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES
(R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8
UNITS PER ACRE

Attachments:

[14-4938 Staff reports](#)

[14-4938 exhibits](#)

[14-4938 CC ORD](#)

D. 2 2015-0018 R-PZD 07-2452 (LINKS AT FAYETTEVILLE):

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING
DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE,
LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND
EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY
152.23 ACRES, TO REPEAL THE PHASING PLAN

Attachments:

[14-4930 CC PACKET](#)

[14-4930 CC ORD](#)

**D. 3 2015-0058 VAC 14-4933 (PERSIMMON AND MTN. RANCH BLVD/PARKHILL
AT MTN. RANCH SUBDIVISION):**

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY
JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED
SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN
RANCH BOULEVARD TO VACATE A PORTION OF AN EXISTING
UTILITY EASEMENT

Attachments:

[14-4933 CC PACKET](#)

[14-4933 CC EX A](#)

[14-4933 CC ORD](#)

- D. 4 2015-0064 VAC 14-4935 (N. RAVEN LN./COBBLESTONE SUBDIVISION PH 4):**
- AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments: [14-4935 CC PACKET](#)
 [14-4935 EXHIBITS](#)
 [14-4935 CC ORD](#)

- D. 5 2015-0062 VAC 14-4936 (2269 N. HENBEST DR./ADVENTURE SUBARU):**
- AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE AN EXISTING UTILITY EASEMENT

Attachments: [SRF and Reports 14-4936](#)
 [EX A & B 14-4936](#)
 [CC ORD 14-4936](#)

- D. 6 2015-0043 INSTRUMENT & SUPPLY, INC.:**
- AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE AN AGREEMENT WITH INSTRUMENT & SUPPLY, INC. OF HOT SPRINGS, ARKANSAS IN THE AMOUNT OF \$40,948.00 PLUS APPLICABLE TAXES FOR THE PURCHASE OF TWO WATER BOOSTER PUMPS AND ONE VARIABLE FREQUENCY DRIVE FOR THE SOUTH MOUNTAIN WATER PUMP STATION

Attachments: [Instrument and Supply - South Mtn. Pump Station](#)

- D. 7 2015-0044 U.S. GEOLOGICAL SURVEY:**
- AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE INSTALLATION, OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2015 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments: [2015-0044 USGS Joint Funding Agreement](#)

**D. 8 2015-0035 UNIVERSITY OF ARKANSAS UTILITY RELOCATION
AGREEMENT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A UTILITY RELOCATION AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR THE RELOCATION OF COPPER AND FIBER OPTIC CABLES NECESSARY FOR THE HIGHWAY 112 WIDENING PROJECT BETWEEN RAZORBACK ROAD AND GARLAND AVENUE WITH THE AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$33,476.50

Attachments: [2015-0035 UofA Utility Relocation Agreement](#)

D. 9 2015-0047 WALTON ARTS CENTER COUNCIL, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR EDUCATIONAL, ENTERTAINMENT AND ADMINISTRATIVE SERVICES IN 2015 TO THE WALTON ARTS CENTER COUNCIL, INC. IN THE AMOUNT OF \$250,000.00

Attachments: [2015-0047 Walton Arts Center Contract](#)

**D. 10 2015-0063 ASSOCIATED TIME & PARKING CONTROLS SPRING STREET
PARKING DECK:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$98,805.95 FOR THE SPRING STREET PARKING DECK

Attachments: [ATPC Parking Deck Equipment Purchase 02-17-2015](#)

**D. 11 2015-0065 ASSOCIATED TIME & PARKING CONTROLS WEST AVENUE
PARKING LOT:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$66,985.91 FOR THE WEST AVENUE PARKING LOT

Attachments: [ATPC Parking Lot Equipment Purchase 02-17-2015](#)

D. 12 2015-0056 GULLEY PARK TWO SINGLE FAMILY LOT SELL:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO OFFER FOR SALE APPROXIMATELY 1.25 ACRES OF CITY OWNED REAL PROPERTY ON OLD WIRE ROAD NEAR GULLEY PARK

Attachments: [2015-0056 Request to Sell Gulley Park Lots](#)

E. City Council Agenda Session Presentations:

2015-0046 Agenda Session Presentation - Economic Development Quarterly Report - Chung Tan

F. City Council Tour:**G. Announcements:****H. 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

Text File

File Number: 2015-0045

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

ANIMALS SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,098.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND CDBG PROGRAM INCOME RECEIVED FROM TWO HOUSING PROGRAM LIEN PAYOFFS

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 in the total amount of \$23,098.00 representing Ranger's Pantry donations in the amount of \$1,550.00 and CDBG program income received from two housing program lien payoffs in the amount of \$21,548.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations to Rangers Pantry.

City of Fayetteville Staff Review Form

2015-0045

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Cherrell Lee

1/30/2015

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Budget Adjustment recognizing Ranger's Pantry Donations from 2014 in the amount of \$1,550 and CDBG program income received from two Housing Program Lien payoffs in 2014 totaling \$21,548

Budget Impact:

See Comments Below

2180 - CDBG

Account Number

Fund

See Comments Below

Project Number

Project Title

Budgeted Item? NA

Current Budget
Funds Obligated

Current Balance

\$ 23,098.00

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 23,098.00

Remaining Budget

\$ 23,098.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Account Numbers and Project Numbers Affected

2180.4945.5390.01 32003.1 \$1,550

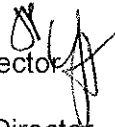
2180.4940.5315.00 \$21,548



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director 

FROM: Yolanda Fields, Community Resources Director

DATE: January 30, 2015

SUBJECT: Approval of Budget Adjustment for the Community Resources Division

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize and budget Ranger's Pantry Donations and CDBG Program Income received.

BACKGROUND:

Community Resources would like to recognize donations from citizens for Ranger's Pantry and program income.

DISCUSSION:

Throughout the month of December 2014, several donation checks were received for Ranger's Pantry due to Community Resources' Purrfect Howliday Card Campaign totaling \$550. On December 31st, a check from the John & Leslie Nooncaster Revocable Trust was received totaling \$2,000, with \$1,000 designated for the Ranger's Pantry. The other \$1,000 was designated for the Fayetteville Animal Shelter. All Ranger's Pantry donations received total \$1,550.

In December 2014, the new buyers of 130 W. Miller St. sent in a check for \$10,668.17 to repay the CDBG program since the home had been sold before the forgivable lien period expired. The check was received and receipted on December 2, 2014.

Also in December 2014, the new buyers of 1411 N. Viewpoint sent in a check for \$10,880 to repay the CDBG program since the home had been sold before the forgivable lien period expired. The check was received and receipted on December 8, 2014.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$21,548
Increase Community Outreach Projects by \$1,550

Attachments:

Budget Adjustment

Budget Year	Division: Community Resources	Adjustment Number
2015	Dept.: Development Services	
	Requestor: Cherrell Lee	

Budget Adjustment to increase Housing Contract Services in order to recognize 2014 Program Income received from two lien payoffs and to increase Community Outreach Projects in order to recognize 2014 Ranger's Pantry donations received: \$550 received through the Purrfect Howliday card campaign and \$1,000 received as a donation from the John & Leslie Nooncaster Revocable Trust

RESOLUTION/ORDINANCE

v.20150102



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0048

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

BID #15-17 AMERLUX EXTERIOR, LLC:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF LED TRAIL LIGHT FIXTURES FROM AMERLUX EXTERIOR, LLC IN THE AMOUNT OF \$1,450.00 PER LIGHT FIXTURE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #15-17 and authorizes the purchase of LED trail light fixtures from Amerlux Exterior, LLC in the amount of \$1,450.00 per light fixture plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

City of Fayetteville Staff Review Form

2015-0048

Legistar File ID

February 17th, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

1/30/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution awarding Bid 15-17 and authorizing the purchase of LED trail light fixtures from Amerlux Exterior, LLC in various amounts including applicable sales tax through the end of calendar year 2015.

Budget Impact:

Various

Various

Account Number

Fund

Various

Various

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

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The "item cost" and "current budget" boxes have been left blank because these items will vary depending upon the Transportation and Engineering Division's needs for lighting projects based on construction projects approved.



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 17TH 2015

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: January 27th, 2015

SUBJECT: LED Trail Light Fixture Purchase – Equipment Only

RECOMMENDATION:

Approval of a resolution awarding Bid 15-17 and authorizing the purchase of LED trail light fixtures from Amerlux Exterior, LLC in various amounts including applicable sales tax through the end of calendar year 2015.

BACKGROUND:

Several City trail projects are planned to include lighting over the year. These projects include the extension of Frisco Trail through Walker Park to the Town Branch Trail, The Town Branch Trail from Greathouse Park to the Tsa La Gi Trail, Mud Creek Trail and Van Asche extension from Gregg Ave to Garland Ave. Anticipated quantities and installation date are shown below.

Trail Name	Estimated Quantity	Estimated Installation Date
Frisco/Town Branch	52	March 2015
Van Asche	49	May 2015
Town Branch	90	December 2015
Mud Creek	159	December 2015

In order to get the best price on these lights and poles, these planned projects have been combined for a total anticipated purchase of 350 trail light poles and fixtures. Electrical conduit is being installed on the Frisco Trail and Van Asche extension in preparation for installation of lighting along these new trails. The trail light fixtures and poles are intended to match the standard black fixture seen along most of the trail system and will include the energy efficiency and reduced maintenance advantage of LED (Light Emitting Diode) light source while providing excellent light coverage for the trail.

DISCUSSION:

Upchurch Electrical Supply Co was the low bidder of this contract; however, their bid has been deemed non-responsive since the proposed fixture does not meet the specification of the bid, as detailed below.

Amerlux Exterior and their previous company called Dynamic Lighting have provided all of the trail lights currently in operation along the trail system. Amerlux has been very responsive with any maintenance issues by providing repairs or replacements at their cost over the years. In addition, Amerlux has continued to work to improve the design of our trail light over the years to meet our specific needs of providing consistent light coverage over the trail while minimizing the number of poles and lights. The most current Amerlux LED fixture is installed on the Frisco, Tsa La Gi and Town Branch Trails. This fixture is providing such superior light coverage that we are now able to spread the poles to 100 feet apart instead of the previous 80 foot spacing while still meeting AASHTO standards and saving maintenance, installation and energy costs.

The City has sampled similar fixtures including King Luminaires and Holophane by requesting installation along an existing trail and sampling the light output. No fixture has been comparable to the light coverage provided by the Amerlux fixture. A photometric comparison is included demonstrating the performance of the Amerlux fixture compared to the low bidder's Lumec fixture provided through Upchurch Electrical Supply, Co. In order to meet the AASHTO standard of a minimum 0.5 foot candles, the Lumec fixture would have to be installed at 80 foot spacing, resulting in a 20% increase in the number of lights and poles needed. The cost to purchase 20% or 70 additional Lumec fixtures and fiberglass poles would be \$118,860. This cost exceeds the cost to purchase the higher priced Amerlux fixtures by \$52,360.

The original trail light fixtures installed along Scull Creek have a flat glass lens on the bottom face. This glass face has been a target for vandalism as many of the glass lenses have been shattered by rocks or other projectiles. To eliminate this problem, the current Amerlux fixture does not include a glass lens, rather the LED's are protected by a polycarbonate covering. The fixture design has been installed on the Frisco, Tsa La Gi and Town Branch Trail with no reports of damage. The Lumec fixture provided in this bid includes a glass lens, therefore does not meet the specifications requested in the model number for the Amerlux fixture. The glass lens presents a significant maintenance challenge as each lens has to be replaced with Lexan Plexiglas when broken. If the glass lens was simply removed from the Lumec fixture, the LED's would be exposed and vulnerable to the elements.

In addition, the Lumec fixture submitted is noticeably larger than the existing trail fixtures and does not meet the specifications. The Lumec fixture is 19" tall by 27" in diameter compared to the existing trail fixtures specified at 16 ¼" by 22 ½" diameter. This larger fixture is typically installed on taller poles for parking lot scale. The trail lights are installed on 12 foot tall poles and the smaller fixture creates an appropriate scale of users of the trail.

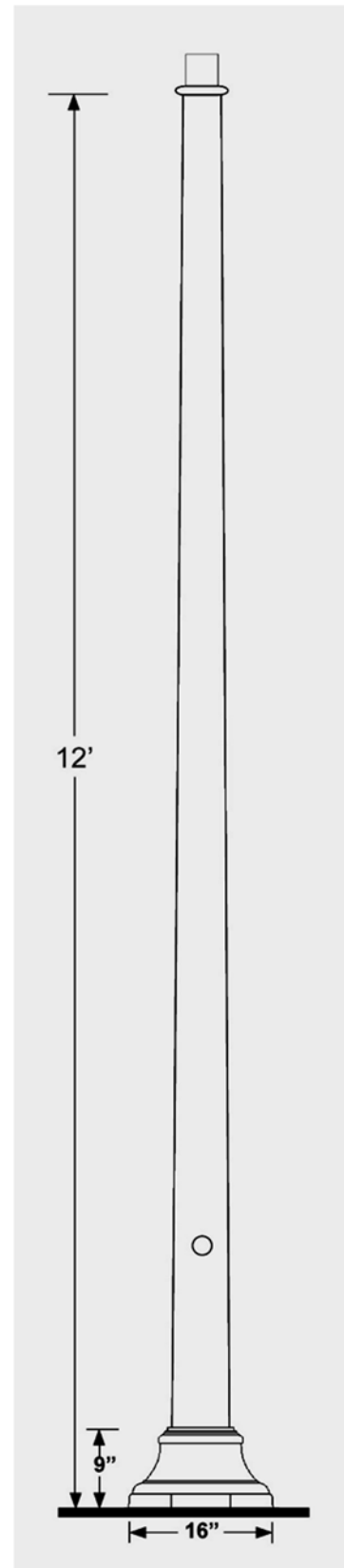
BUDGET/STAFF IMPACT:

Funds for the purchase of trail light fixtures and poles has been budgeted through the Trail Development Capital Improvement Program and the Transportation Bond Program. The Frisco and Town Branch trails are also being matched 50:50 with funding from the Walton Family Foundation.

Attachments:

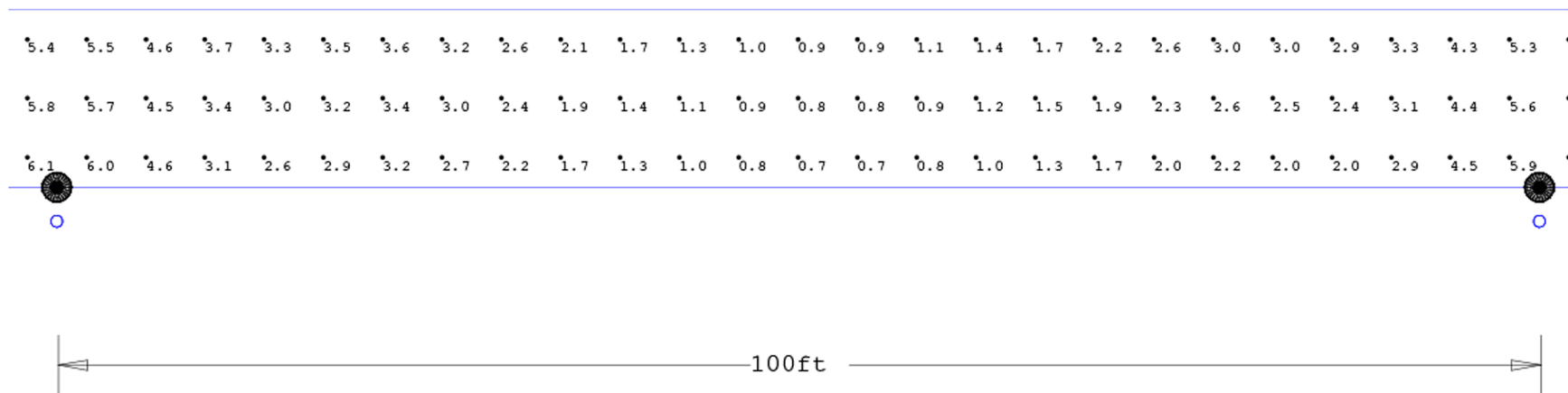
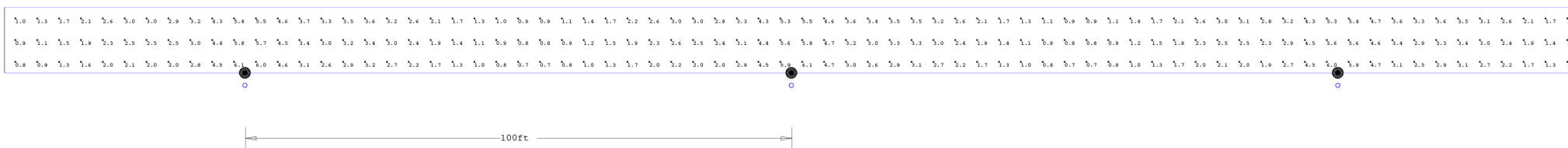
Staff Review Form
Trail lighting coverage photometric layouts
Amerlux DPM Series Submittal
Lumec DMS Series Submittal
Bid 15-17, Trail Lighting – Equipment Only Bid tabulation
Amerlux Exterior - Purchase Requisition

Fayetteville Trails Standard Light Fixture and Pole Example

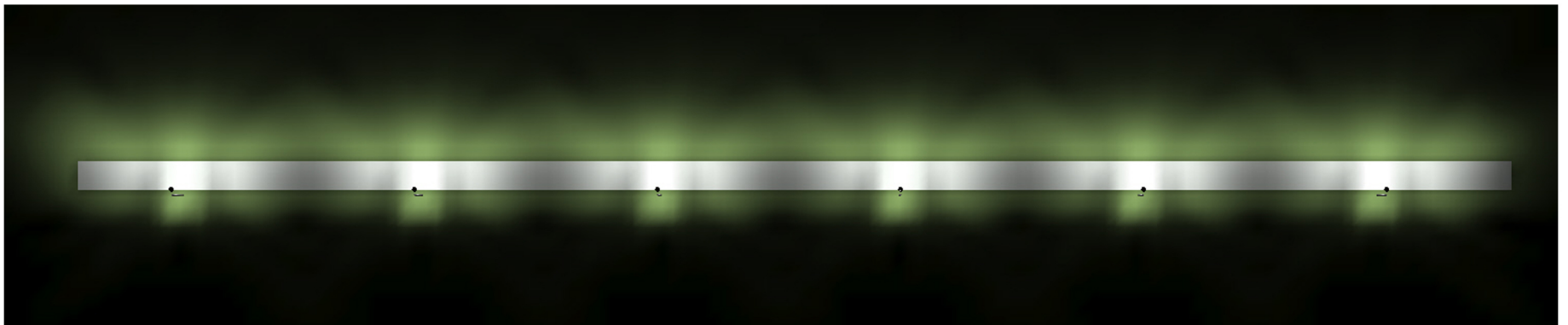
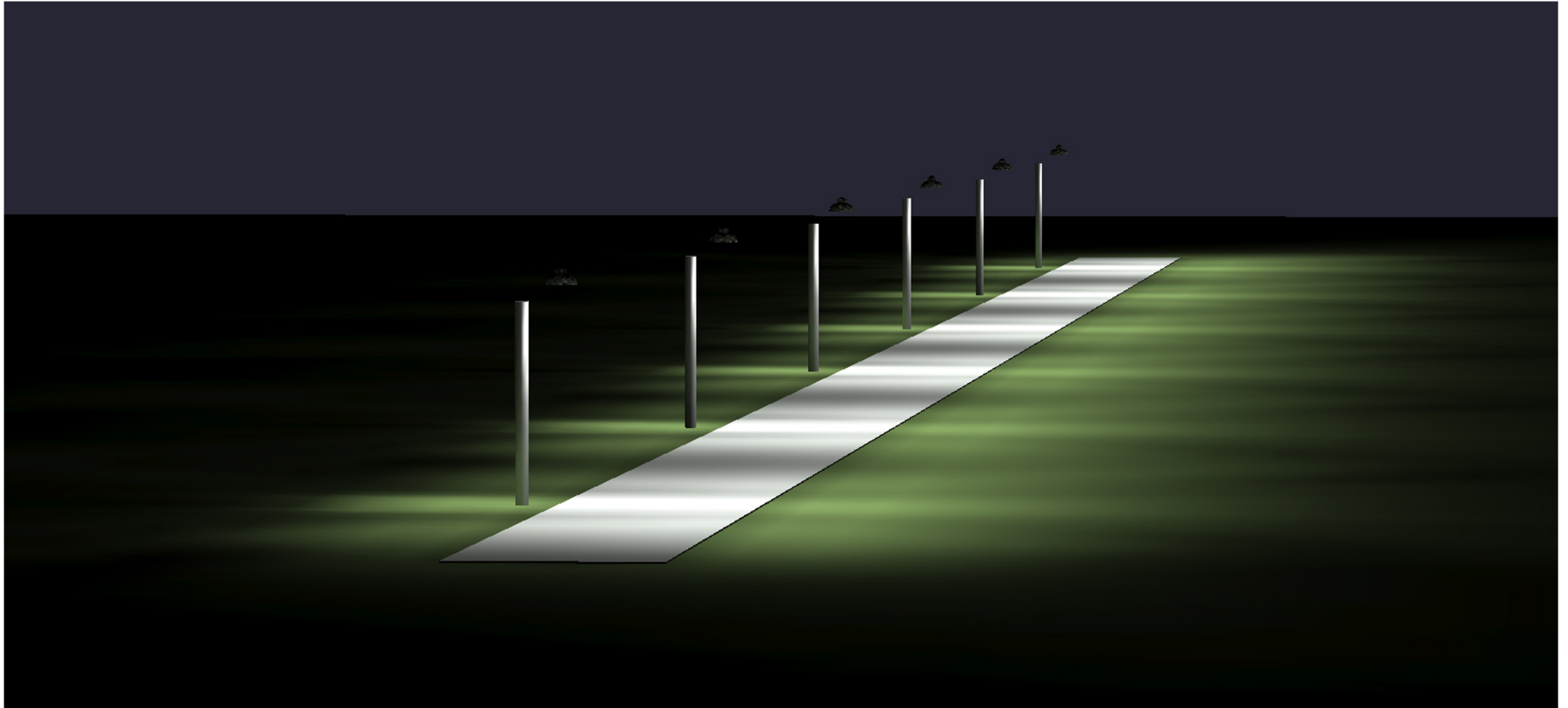


AMERLUX EXTERIOR PART# PT40/DPM-3M/5L/BLK

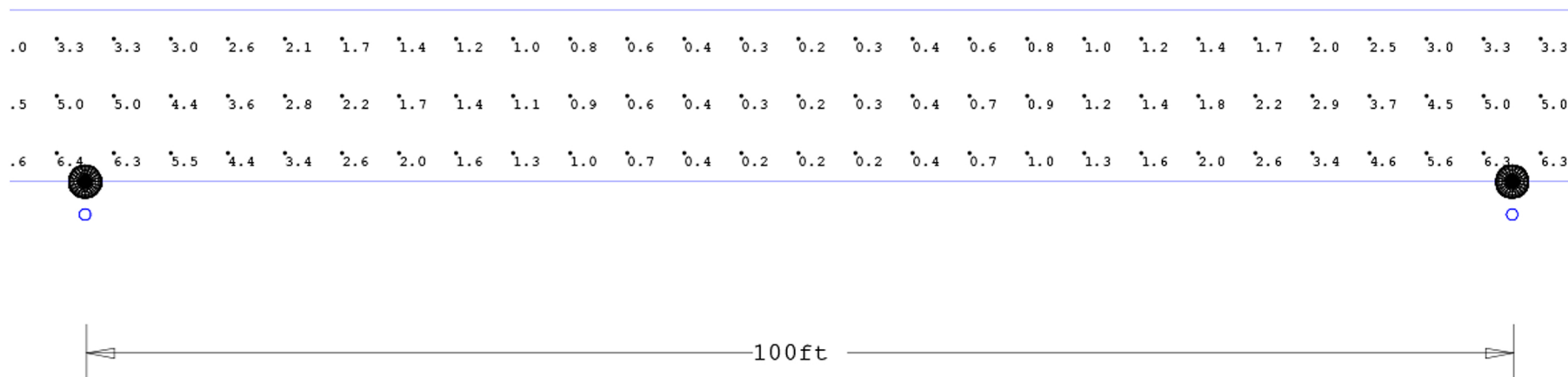
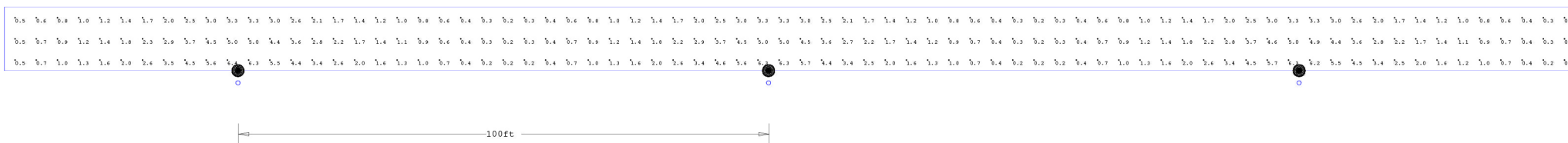
100' SPACING



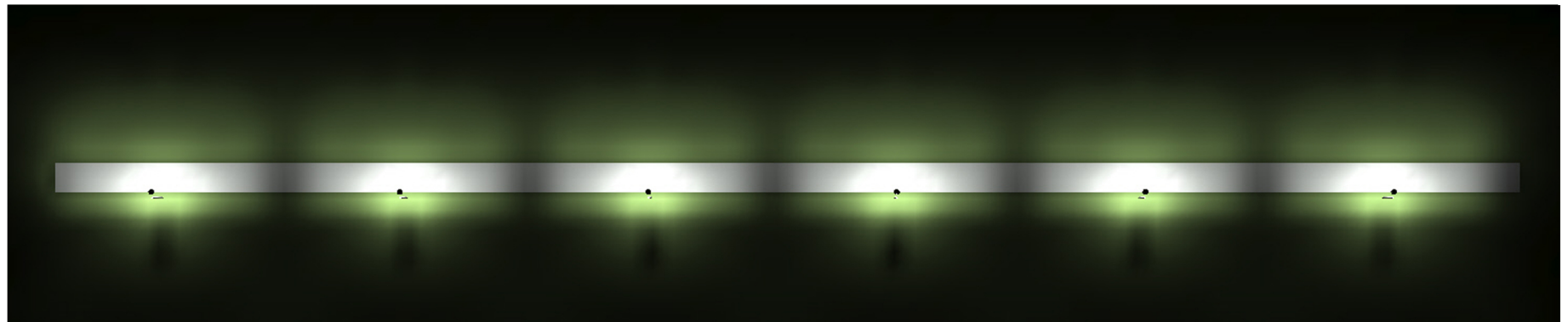
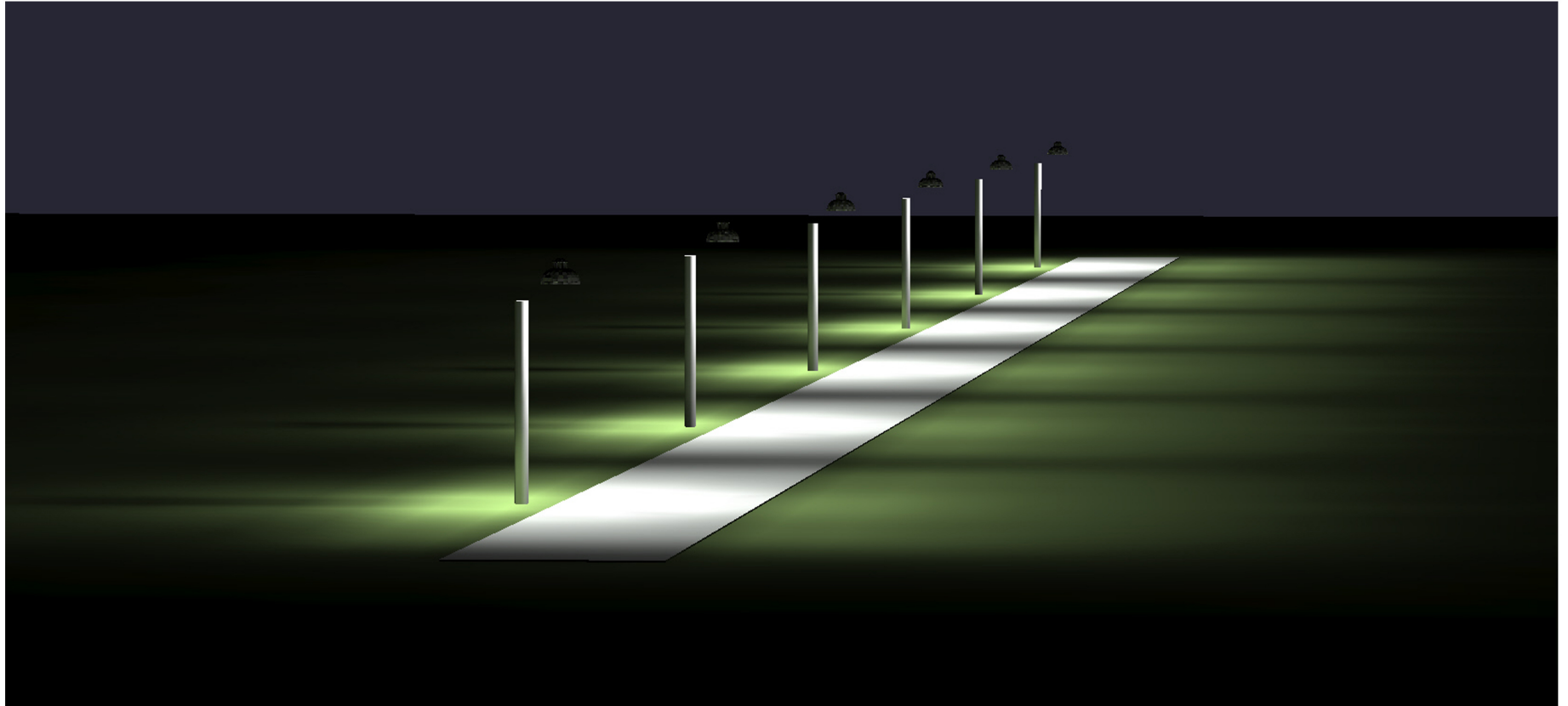
AMERLUX EXTERIOR PART# PT40/DPM-3M/5L/BLK
100' SPACING



LUMEC PART# DMS50-5W48LED5K-R-LE3F-UNIV-BKTX
100' SPACING



LUMEC PART# DMS50-5W48LED5K-R-LE3F-UNIV-BKTX
100' SPACING



DOWNLIGHT PENDANT-MEDIUM

CITY OF FAYETTEVILLE 22" LED LUMINAIRE

Description

Performance and directional control make this luminaire highly versatile and able to accommodate needs in the strictest environments. Multiple size and shade configurations make this luminaire suitable for a wide variety of decorative applications, especially where a Dark Sky friendly instrument is desirable.

The decorative housing encloses IP66 sealed optical modules, while protecting heat-sink fins from debris collection. The driver is accessible through the bottom. Greater than 88% optical efficiency, highly uniform with reduced hot-spot and greater fixture center spacing. This luminaire uses less than 60% of the energy yet achieves greater fixture spacing, improved uniformity vs. Metal Halide.

Construction:

- Cast aluminum housing
- Spun aluminum shade

Optical Chamber:

Individual IP66 sealed optical modules

Installation

The luminaire will mount to the bracket. Post top luminaire brackets will mount to a 4" OD post or tenon with (6) 5/16" stainless steel set screws. Wall bracket models have four 3/8" holes for mounting (wall mount hardware is not included).

Driver:

Electronic constant current driver has built in 4kV surge and short circuit protection. Auto senses incoming voltage from 120v to 277v.

Additional 10kV transient surge protection device is installed in front of the driver and is independently replaceable when necessary.

Optics:

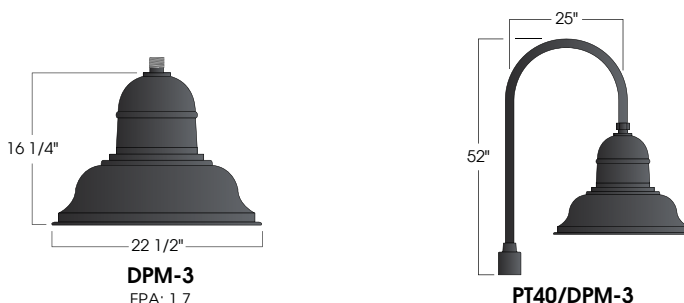
- High Performance individual optical refractive lens for each LED module.
- Cool, neutral, or warm color temperatures
- Type 3 light distribution (B1,U1,G2)

Finish

Premium quality thermoset polyester powdercoat for a durable finish in the following:

BLK - Satin Black

Available Shade Styles



Ordering Information:

Mounting	Model	Light Dist. Type	Order Code	CCT	CRI	Approx. Lumens Delivered	Nominal Input Power	Finish
PT40	DPM-3	T3	5L	5000K	70	6,702	82W	BLK

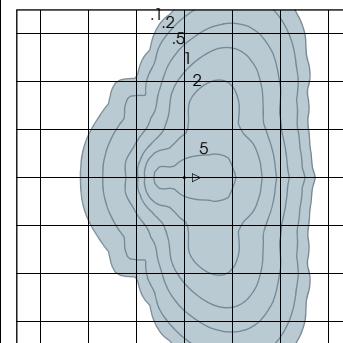
DPM Series
LED



PROJECT:

TYPE:

Typical Photometry



Type III



Electrostatic sensitive device.
observe precautions for handling

10 year limited
warranty
AMERLUX LED



Part String

Example: DPM-3/T3/5L/BLK

Submitted by Gildner Maddox, LLC



Job Name:
City of Fayetteville - Trail Lighting

Catalog Number:

DMS50-55W48LED5K-R-LE3F-UNIV-
MJ-1A-BKTX

Notes:

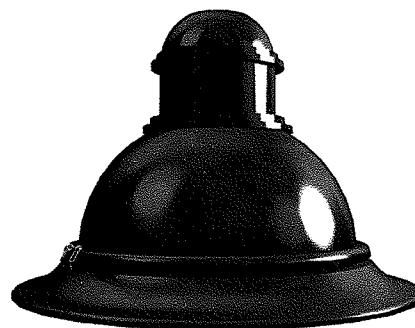
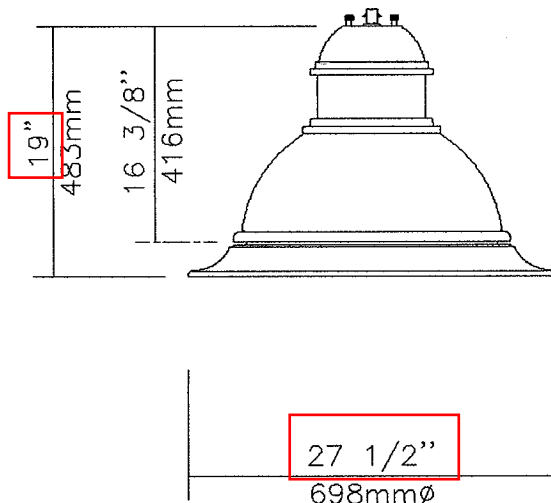
Type:

GMLLC15-3535

City of Fayetteville (57225)



LEDGINE



EPA: 1.42 sq ft / weight: 42 lb (19.1 kg)

Note: 3D image may not represent color or option selected.
Logos above include link, click to access.

Qty	350	Luminaire	DMS50-55W48LED5K-R-LE3F-UNIV-BKTX
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Description of Components:

Hood: A die cast A360.1 aluminum dome complete with a cast-in technical ring with latch and hinge. The mechanism shall offer tool-free access to the inside of the luminaire. An embedded memory-retentive gasket shall ensure weatherproofing.

Skirt: A die cast A360 aluminum skirt complete with a cast-in technical ring.

Housing: In a round shape, this housing is made of cast 356 aluminum, c/w a watertight grommet, mechanically assembled to the bracket with four bolts 3/8-16 UNC. This suspension system permits for a full rotation of the luminaire in 90 degree increments.

Light Engine: LEDgine composed of 5 main components: **Heat Sink / Lens / LED lamp / Optical System / Driver**
Electrical components are RoHS compliant.

Heat Sink: Heat Sink: Made of die cast A360 aluminum optimising the LEDs efficiency and life, complete with a cast in skirt and technical ring. Product does not use any cooling device with moving parts (only passive cooling device)

Lens: Made of soda-lime clear tempered glass lens, mechanically assembled and sealed onto the lower part of the heat sink.

Lamp: LED Module (Included), LED type Philips Lumileds LUXEON R. Composed of 48 high-performance white LEDs. Color temperature of 5000 Kelvin nominal, 70 CRI. Operating lifespan based on TM-21 extrapolation to get results after which 50% of LEDs still emits over 70% (L70) of its original lumen output. Use of metal core board ensures greater heat transfer and longer lifespan of the light engine. The LED circuit board is included with a quick disconnect wiring connection for ease of replacement.

**PHILIPS
LUMEC**

Submitted by Gildner Maddox, LLC



Job Name:
City of Fayetteville - Trail Lighting

Catalog Number:

DMS50-55W48LED5K-R-LE3F-UNIV-
MJ-1A-BKTX

Notes:

Type:

GMLLC15-3535

City of Fayetteville (57225)

Miscellaneous

Description of Components:

Hardware: All exposed screws shall be stainless steel with Ceramic primer-seal basecoat to reduce seizing of the parts. All seals and sealing devices are made and/or lined with EPDM and/or silicone and/or rubber.

Finish: Color to be **black textured RAL9005TX (BKTX)** and in accordance with the AAMA 2603 standard. Application of polyester powder coat paint (4 mils/100 microns) with ± 1 mils/24 microns of tolerance. The Thermosetting resins provides a discoloration resistant finish in accordance with the ASTM D2244 standard, as well as luster retention in keeping with the ASTM D523 standard and humidity proof in accordance with the ASTM D2247 standard.

The surface treatment achieves a minimum of 2000 hours for salt spray resistant finish in accordance with testing performed and per ASTM B117 standard.

Pole Information: IMPORTANT: All missing details must be clearly specified on the return of these approval drawings. Thank you for your cooperation.

This bracket is **available for a 4"(102mm), 5"(127mm) or 5 9/16" (141mm) Outside Diameter** pole or tenon.

Please specify **diameter required:** _____

LED products manufacturing standard: The electronic components sensitive to electrostatic discharge (ESD) such as light emitting diodes (LEDs) are assembled in compliance with IEC61340-5-1 and ANSI/ESD S20.20 standards so as to eliminate ESD events that could decrease the useful life of the product.

Quality Control: The manufacturer must provide a written confirmation of its ISO 9001-2008 and ISO 14001-2004 International Quality Standards Certification.

Vibration Resistance: The DMS50 meets the **ANSI C136.31**, American National Standard for Roadway Luminaire Vibration specifications for Bridge/overpass applications. (Tested for 3G over 100 000 cycles by an independent lab)

**PHILIPS
LUMEC**



BID: 15-17

1/29/2015

2:00 PM

CITY OF FAYETTEVILLE

Bid 15-17 - Trail Lighting - Equipment Only

BIDDER	QTY	Luminaire Each	Luminaire Total	Pole Each	Pole Total	TOTAL BID PRICE
1 Amerlux Exterior	350	\$ 1,450.00	\$ 507,500.00 <i>Amerlux Exterior - PT40/DPM-3M/5L/BLK</i>	NO BID	\$ -	\$ 507,500.00
2 Alliance Composites	350	NO BID	\$ - <i>Alliance Composites - DS15ASDS4-JXB</i>	\$ 450.00	\$ 157,500.00	\$ 157,500.00
3 Continental Pole & Lighting	350	NO BID	\$ - <i>Continental - RTFG12DB-F169</i>	\$ 438.00	\$ 153,300.00	\$ 153,300.00
4 Upchurch Electrical Supply Co	350	\$ 1,260.00	\$ 441,000.00 <i>Lumec - DMS50-55W48LED5K-R-LE3F-UNIV-BKTX</i>	\$ 603.75	\$ 211,312.50	\$ 652,312.50
5 Valmont Composite Structures - Whaley	350	NO BID	\$ - <i>Valmont/Whaley ST45-D10M-OCT 12-DE-DGR-30-60</i>	\$ 535.00	\$ 187,250.00	\$ 187,250.00

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

CERTIFIED:

P. Vice

P. VICE, Purchasing MGR

Carolyn Reif
Witness

1-29-15

DATE

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: 1/29/2015	
							P.O Number:			
Vendor #: 20058			Vendor Name: Amerlux Exterior, LLC				Mail ☐ Yes ☐ No		Legistar#: 2015-0048	
Address:				FOB Point:		Taxable ☐ Yes ☐ No				
City:			State:		Zip Code:	Ship to code: 104	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Matt Mihalevich					Requester's Employee #: 2509		Extension: 3416			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Town Branch Trail (Walker Park to 71B)				\$0.00					
2	Trail Light Fixture Purchase	52	LOT	1,450.00	\$75,400.00	4470.9470.5814.05	02016/1302			
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: <u>\$75,400.00</u>			
							Tax: <u>\$7,351.50</u>			
							Total: <u><u>\$82,751.50</u></u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0061

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 4

BID #15-17 ALLIANCE COMPOSITES, INC.:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF FIBERGLASS TRAIL LIGHT POLES FROM ALLIANCE COMPOSITES, INC. IN THE AMOUNT OF \$450.00 PER LIGHT POLE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #15-17 and authorizes the purchase of fiberglass trail light poles from Alliance Composites, Inc. in the amount of \$450.00 per light pole plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

City of Fayetteville Staff Review Form

2015-0061

Legistar File ID

February 17th, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

1/30/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution awarding Bid 15-17 and authorizing the purchase of fiberglass trail light poles from Alliance Composites, Inc. in various amounts, through the end of calendar year 2015.

Budget Impact:

Various

Various

Account Number

Fund

Various

Various

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

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The "item cost" and "current budget" boxes have been left blank because these items will vary depending upon the Transportation and Engineering Division's needs for lighting projects based on construction projects approved.

MEETING OF FEBRUARY 17TH 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director
Chris Brown, City Engineer

FROM: Matt Mihalevich, Trails Coordinator

DATE: January 30th, 2015

SUBJECT: Fiberglass Trail Light Pole Purchase – Equipment Only

RECOMMENDATION:

Approval of a resolution awarding Bid 15-17 and authorizing the purchase of fiberglass trail light poles from Alliance Composites, Inc. in various amounts, through the end of calendar year 2015.

BACKGROUND:

Several City trail projects are planned to include lighting over the year. These projects include the extension of Frisco Trail through Walker Park to the Town Branch Trail, The Town Branch Trail from Greathouse Park to the Tsa La Gi Trail, Mud Creek Trail and Van Asche extension from Gregg Ave to Garland Ave. Anticipated quantities and installation date are shown below.

Trail Name	Estimated Quantity	Estimated Installation Date
Frisco/Town Branch	52	March 2015
Van Asche	49	May 2015
Town Branch	90	December 2015
Mud Creek	159	December 2015

In order to get the best price on these lights and poles, these planned projects have been combined for an estimated total purchase of 350 trail light poles and fixtures through the end of calendar year 2015. Electrical conduit is being installed on the Frisco Trail and Van Asche extension in preparation for installation of lighting along these new trails.

DISCUSSION:

Continental Pole & Lighting was the low bidder of this contract; however, their bid has been deemed non-responsive since the proposed fiberglass pole does not meet the specification of the bid, as detailed below.

The fiberglass trail light poles will match the standard black pole with decorative base seen along most of the trail system. The specified pole has a high density polyurethane base cover with an estimated 15 pound weight. This heavy duty base cover is designed to resist damage from mowers and weed eaters. In addition, the specified pole has a surface layer thickness of

12 mm of UV resistant resin. The apparent low bidder, Continental Light & Pole provided a submittal that does not meet the specifications. The pole submittal from Continental shows a fiberglass base cover instead of the specified polyurethane and only 2 mm of paint instead of the 12 mm of UV resistant resin specified. The second low bidder, Alliance Composites meets all specifications, therefore, Staff recommends award to the second lowest bidder, Alliance Composites, Inc. for \$450.00 each, only \$12 per pole higher than the lowest bidder while receiving a superior product

BUDGET/STAFF IMPACT:

Funds for the purchase of trail light poles has been budgeted through the Trail Development Capital Improvement Program and the Transportation Bond Program. The Frisco and Town Branch trails are also being matched 50:50 with funding from the Walton Family Foundation.

Attachments:

Staff Review Form

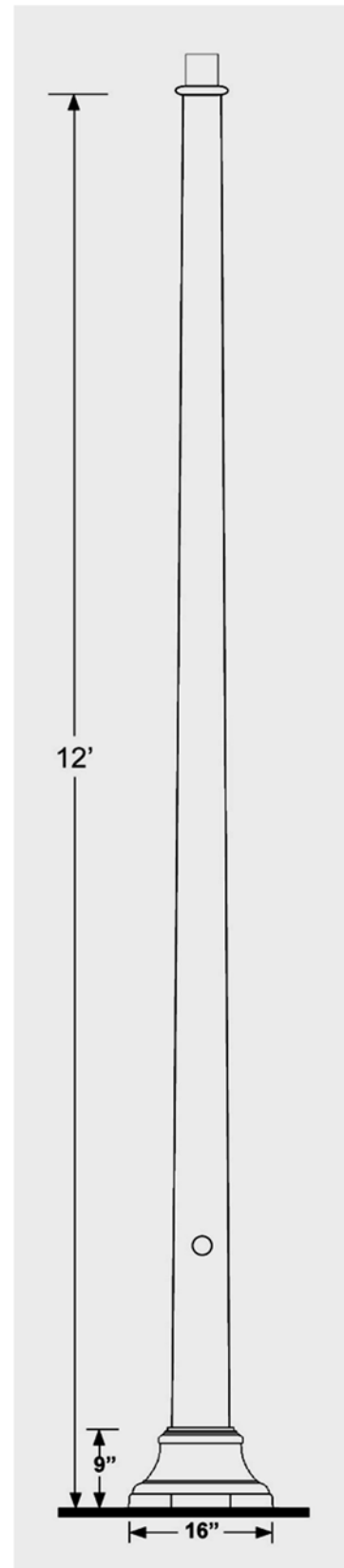
Continental Pole Submittal – Does not meet specification

Alliance Composites, Inc. Submittal

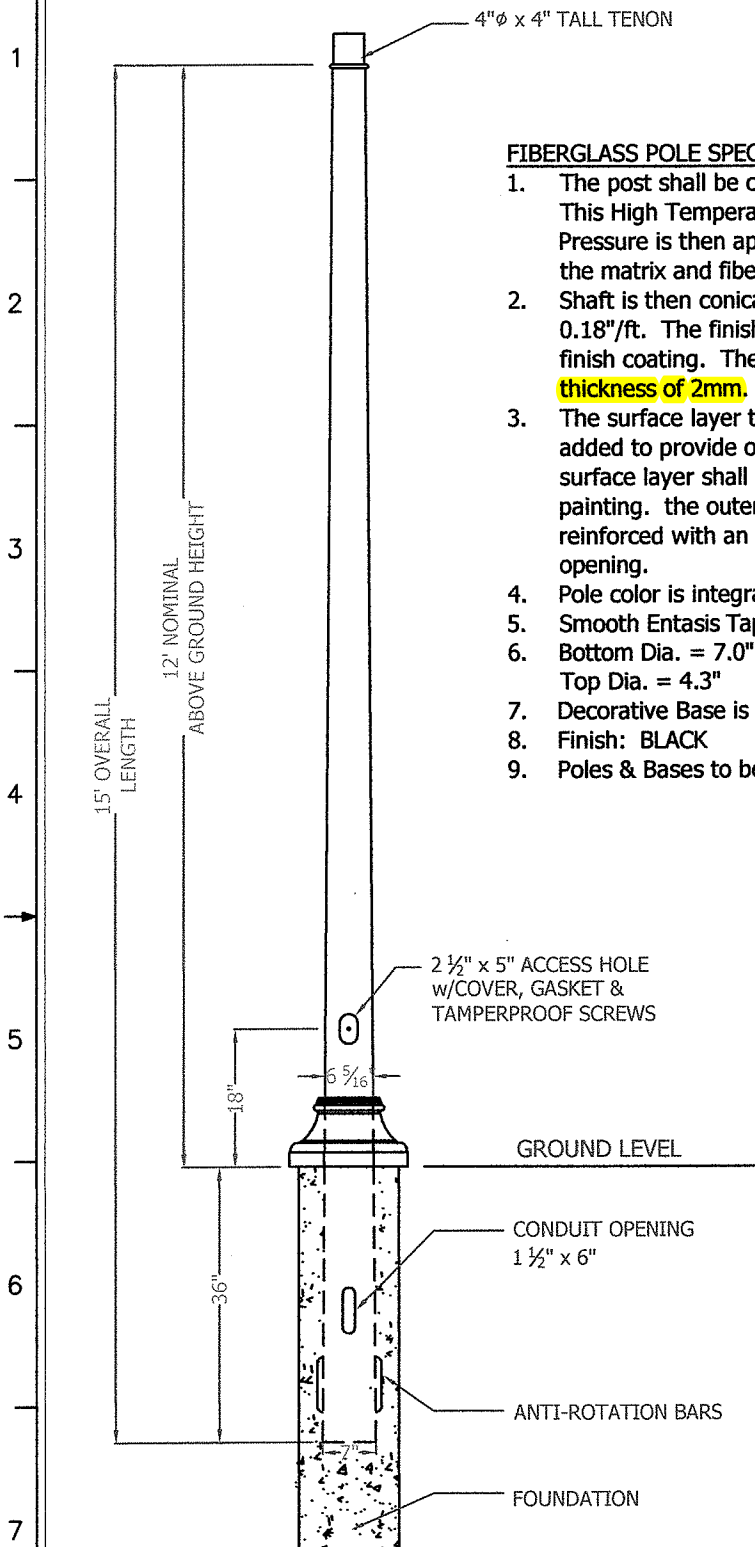
Bid 15-17, Trail Lighting – Equipment Only Bid tabulation

Purchase Requisition – Alliance Composites

Fayetteville Trails Standard Light Fixture and Pole Example

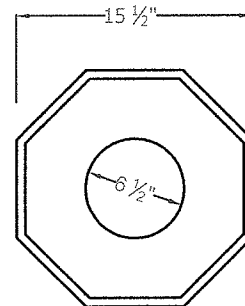


A B C D E F

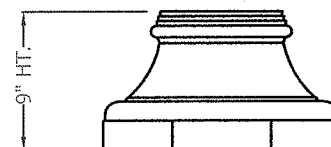


FIBERGLASS POLE SPECIFICATIONS:

1. The post shall be constructed by use of HOT compressed reinforced composite. This High Temperature process allows the composite to be fully cured; High Pressure is then applied during the process to achieve the desired bonding between the matrix and fiber.
2. Shaft is then conically formed by an outer mould to achieve a constant taper of 0.18"/ft. The finished shaft consists of a structural laminate, surface layer and top finish coating. The top coating is **UV Resistant Polyurethane paint with a min. thickness of 2mm.**
3. The surface layer thickness is a minimum of 5mm with UV resistant and pigmented added to provide one more layer of ultra-violet protection. Both the structural and surface layer shall be pigmented throughout to match the color of the final surface painting. the outer surface shall have a "SMOOTH" finish. The pole shall be reinforced with an additional 3mm wall thickness to compensate for the access opening.
4. Pole color is integral to the resin fiber construction
5. Smooth Entasis Taper
6. Bottom Dia. = 7.0"
Top Dia. = 4.3"
7. Decorative Base is made of One-Piece Reinforced **Fiberglass** "slip-over" construction
8. Finish: BLACK
9. Poles & Bases to be individually wrapped



BOTTOM VIEW



F169-FG BASE

PART No. RTFG12DB-F169

The use of this drawing can only be authorized by Continental Pole & Lighting or their representatives and is issued to the recipient with the understanding that it shall not be copied, duplicated, passed on to unauthorized parties, nor used for any purpose other than that for which it is specifically furnished except with Continental Pole's written permission.

CONTINENTAL

P.O. BOX 12021
PORTLAND, OR 97212

**CITY OF FAYETTEVILLE, AR
DIRECT BURIAL LIGHT POLE**

BID NUMBER: **15-17, TRAIL LIGHTING POLES**

DISTRIBUTED BY:

SCALE: N.T.S.

DATE: JANUARY 21, 2015

A B C D E F

STANDARD DUTY POLE

ALLIANCE COMPOSITES INC.

PO BOX 24
MCGAHEYSVILLE VA 22840

PURCHASE ORDER #

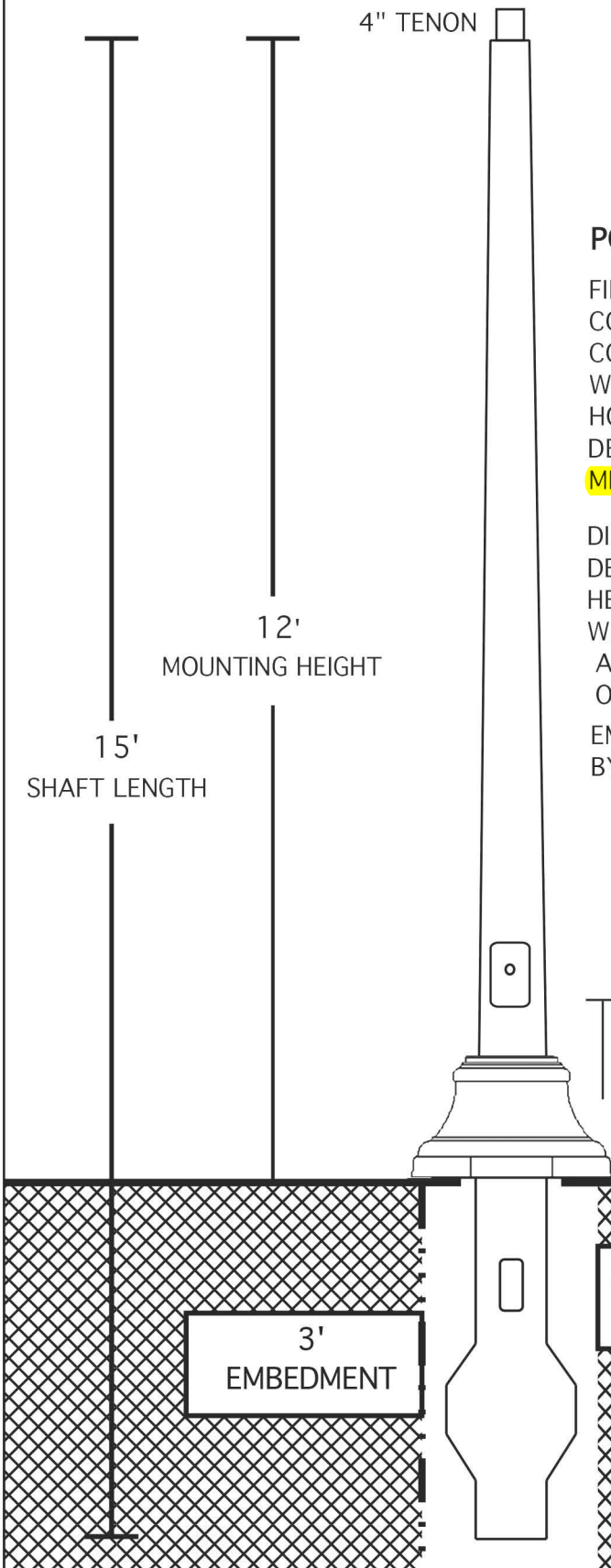
JOB NAME :

POLE SPECIFICATIONS

FILAMENT WOUND SECTIONAL COMPOSITE SHAFT
CONSISTING OF CONTINUOUS FIBERGLASS ROVING
COMBINED WITH THERMOSETTING POLYESTER RESIN
WOUND IN LOW ANGLE HELICALS AND HIGH ANGLE
HOOPS PROVIDING FOR MAXIMUM RESISTANCE TO
DEFLECTION AND SHEAR. POLE FINISH IS A 10 TO 15
MIL THICK POLYURETHANE FINISHING RESIN

DIRECT BURIAL POLE ASTM 4923 CLASS 1 (POLE TOP
DEFLECTION SHALL NOT EXCEED 15% OF THE ABOVE
HEIGHT @MAX WIND LOADING AND MAX FIXTURE
WEIGHT) DESIGN CRITERIA PER AASHTO LTS-2-S-2009
AND ANSI C136.20-1990 WITH A MIN SAFETY FACTOR
OF 2.0.

EMBEDMENT BASED ON MINIMUM DEPTH RECOMMENDED
BY ANSI C136.2 SECTION 5.32 TABLE 1



SUBMITTAL DRAWING

- | | |
|--|----------------------------------|
| ☐ APPROVED | ☐ BLACK |
| ☐ APPROVED AS NOTED | ☐ NATURAL |
| ☐ DISAPPROVED | |

CATALOG # DS15ASDS4-JXB

- | |
|---|
| ☐ MAXIMUM FIXTURE EPA = 4.8 |
| ☐ MAXIMUM WIND VELOCITY = 90 MPH |



BID: 15-17

1/29/2015

2:00 PM

CITY OF FAYETTEVILLE

Bid 15-17 - Trail Lighting - Equipment Only

BIDDER	QTY	Luminaire Each	Luminaire Total	Pole Each	Pole Total	TOTAL BID PRICE
1 Amerlux Exterior	350	\$ 1,450.00	\$ 507,500.00 <i>Amerlux Exterior - PT40/DPM-3M/5L/BLK</i>	NO BID	\$ -	\$ 507,500.00
2 Alliance Composites	350	NO BID	\$ - <i>Alliance Composites - DS15ASDS4-JXB</i>	\$ 450.00	\$ 157,500.00	\$ 157,500.00
3 Continental Pole & Lighting	350	NO BID	\$ - <i>Continental - RTFG12DB-F169</i>	\$ 438.00	\$ 153,300.00	\$ 153,300.00
4 Upchurch Electrical Supply Co	350	\$ 1,260.00	\$ 441,000.00 <i>Lumec - DMS50-55W48LED5K-R-LE3F-UNIV-BKTX</i>	\$ 603.75	\$ 211,312.50	\$ 652,312.50
5 Valmont Composite Structures - Whaley	350	NO BID	\$ - <i>Valmont/Whaley ST45-D10M-OCT 12-DE-DGR-30-60</i>	\$ 535.00	\$ 187,250.00	\$ 187,250.00

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

CERTIFIED:

P. Vice

P. VICE, Purchasing MGR

Carolyn Reif
Witness

1-29-15

DATE

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: 1/29/2015	
							P.O Number:			
Vendor #: 20954			Vendor Name: Alliance Composites, Inc				Mail ☐ Yes ☐ No		Legistar#: 2015-0061 Expected Delivery Date:	
Address:				FOB Point:		Taxable ☐ Yes ☐ No				
City:			State:		Zip Code:	Ship to code: 104	Quotes Attached ☐ Yes ☐ No			
Requester: Matt Mihalevich					Requester's Employee #: 2509		Extension: 3416			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Town Branch Trail (Walker Park to 71B)				\$0.00					
2	Trail Light Pole Purchase	52	LOT	450.00	\$23,400.00	4470.9470.5814.05	02016/1302			
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: <u>\$23,400.00</u>			
							Tax: <u>\$2,281.50</u>			
							Total: <u>\$25,681.50</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0049

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 5

KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$34,920.00, PURSUANT TO BID #10-47, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL, AND TO APPROVE A TEN PERCENT (10%) PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with King Electrical Contractors in the amount of \$34,920.00, pursuant to Bid #10-47, for the installation of LED light fixtures and light poles along the Town Branch Trail, plus a ten percent (10%) project contingency in the amount of \$3,492.00.

City of Fayetteville Staff Review Form

2015-0049

Legistar File ID

February 17th, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Mihalevich

1/30/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a proposal with King Electric Contractors in the amount of \$34,920.00 for the complete installation of LED trail light fixtures and poles along the Frisco and Town Branch Trails from Walker Park to South School Ave. and approving a 10% contingency in the amount of \$3,492.00 using Resolution No.135-10 and Bid #10-47.

Budget Impact:

4470.9470.5814.05

Trail Development/Sales Tax Capital Imp.

Account Number

Fund

02016.1302

Town Branch Trail (Walker Park to 71B)

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 586,404.00

Funds Obligated \$ -

Current Balance \$ 586,404.00

Does item have a cost? Yes

Item Cost \$ 34,920.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 551,484.00

V20140710

Previous Ordinance or Resolution # 135-10

Original Contract Number:

Approval Date:

Comments:

MEETING OF FEBRUARY 17TH 2015

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: January 30th, 2015

SUBJECT: Town Branch Trail Lighting Installation

RECOMMENDATION:

Approval of a proposal with King Electric Contractors in the amount of \$34,920.00 for the complete installation of LED trail light fixtures and poles along the Frisco and Town Branch Trails from Walker Park to South School Ave. and approving a 10% contingency in the amount of \$3,492.00 using Resolution No.135-10 and Bid #10-47.

BACKGROUND:

The City in-house trail construction crew is nearing completion of a 0.8 mile long extension of the Frisco Trail that runs along the west side of Walker Park and joins the Town Branch Trail near South School Avenue. Electrical conduit is being installed by the City Crew in preparation for installation of lighting along this new trail.

DISCUSSION:

King Electrical Contractors has installed the majority of the trail lighting for the City through Bid-10-47 and has provided an excellent service and value to the City. Bid #10-47 is effective for 5 years therefore a new bid for electrical services will be advertised in 2015.

BUDGET/STAFF IMPACT:

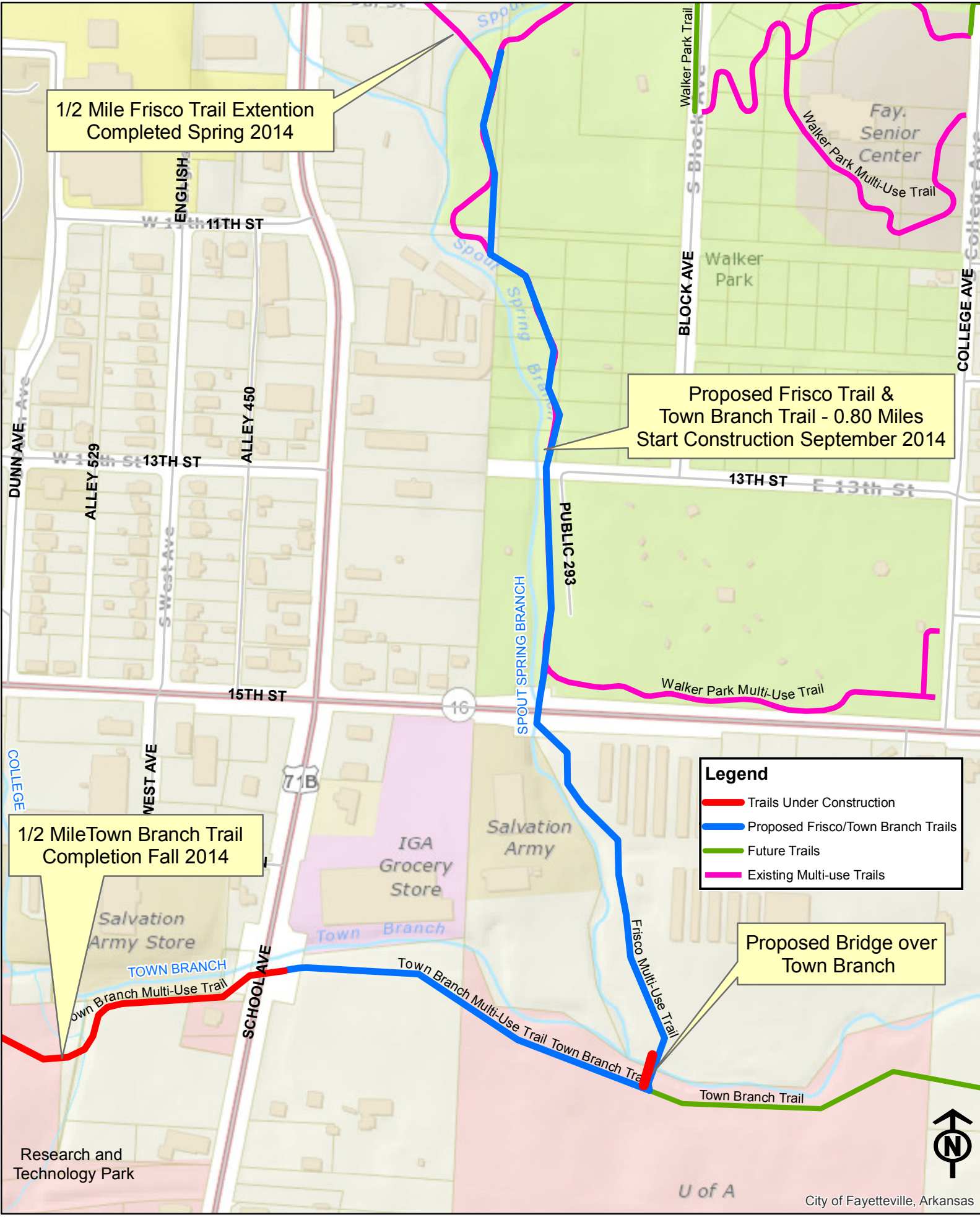
Sufficient funding has been budgeted through the Trail Development Capital Improvement Program.

Attachments:

Staff Review Form
King Electrical Contractors – Proposal
Town Branch Trail Map
Resolution 132-10 King Electrical Services – Resolution Only
Bid 10-47 – Bid tab
King Electrical Services – Contract
Purchase Request

479-443-0006 FAX 479-443-1719
Email Chris@ckingelectric.net

TO: City of Fayetteville	PHONE	DATE 1-14-15
	JOB NAME Trail Lighting Walker Park to 71B	
JOB DESCRIPTION Furnish material and labor to install 52 owner furnished LED light fixtures, install 1 new Milbank service, wiring to 1 new traffic light system. Does not include conduit, boxes, digging, light fixtures. Project would be billed as time and material per the City of Fayetteville contract with King Electric.		
Contractor's License #0063870415		
PROPOSAL GOOD FOR 30 DAYS		DOLLARS: Base Bid \$34,920.00
TERMS: PAYMENT DUE UPON RECEIPT OF INVOICE A FINANCE CHARGE WILL BE CHARGED ON ALL PAST DUE ACCOUNTS OF .0833% PER MONTH. ALL ATTORNEY FEES WILL BE COLLECTED ON PAST DUE ACCOUNTS.		AUTHORIZED SIGNATURE
THE ABOVE PRICES SPECIFICATIONS AND CONDITIONS ARE SATISFACTORY AND ARE HEREBY ACCEPTED. YOU ARE AUTHORIZED TO DO WORK AS SPECIFIED. PAYMENT WILL BE MADE AS OUTLINED ABOVE.		ACCEPTANCE SIGNATURE



1/2 Mile Frisco Trail Extension
Completed Spring 2014

Proposed Frisco Trail &
Town Branch Trail - 0.80 Miles
Start Construction September 2014

1/2 Mile Town Branch Trail
Completion Fall 2014

Legend

- Trails Under Construction
- Proposed Frisco/Town Branch Trails
- Future Trails
- Existing Multi-use Trails

Proposed Bridge over
Town Branch

Frisco & Town Branch Trail Extension
0.80 Miles



RESOLUTION NO. 135-10

A RESOLUTION AWARDING BID #10-47 AND AUTHORIZING A CONTRACT WITH KING ELECTRICAL SERVICES FOR TIME AND MATERIALS RELATED TO MISCELLANEOUS ELECTRICIAN SERVICES

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

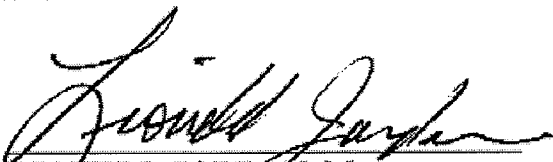
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-47 and authorizes a contract with King Electrical Services for time and materials related to miscellaneous electrician services.

PASSED and APPROVED this 3rd day of August, 2010.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer





BID: 10-47
DATE: 07/15/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-47, Electrical Contractor

Item	Description	Hill Electric, Inc.			King Electrical Contractors			Multi-Craft Contractors, Inc.			Prime Power Electric			Staley, Inc.		
		Mark Up %	Contractors Material Cost Est.	Est. Cost with Mark Up %	Mark Up %	Contractors Material Cost Est.	Est. Cost with Mark Up %	Mark Up %	Contractors Material Cost Est.	Est. Cost with Mark Up %	Mark Up %	Contractors Material Cost Est.	Est. Cost with Mark Up %	Mark Up %	Contractors Material Cost Est.	Est. Cost with Mark Up %
1	Material (Cost plus %) \$0-\$100	35%	\$1,000	\$1,350.00	30%	\$1,000	\$1,300.00	15%	\$1,000	\$1,150.00	10%	\$1,000	\$1,100.00	15%	\$1,000	\$1,150.00
2	Material (Cost plus %) \$101-\$500	30%	\$1,000	\$1,300.00	30%	\$1,000	\$1,300.00	15%	\$1,000	\$1,150.00	10%	\$1,000	\$1,100.00	15%	\$1,000	\$1,150.00
3	Material (Cost plus %) \$501-\$1000	20%	\$5,000	\$6,000.00	15%	\$5,000	\$5,750.00	15%	\$5,000	\$5,750.00	10%	\$5,000	\$5,500.00	15%	\$5,000	\$5,750.00
4	Material (Cost plus %) \$1001-\$5000	15%	\$5,000	\$5,750.00	15%	\$5,000	\$5,750.00	15%	\$5,000	\$5,750.00	5%	\$5,000	\$5,250.00	15%	\$5,000	\$5,750.00
5	Material (Cost plus %) \$5001 and up	10%	\$65,000	\$71,500.00	10%	\$65,000	\$71,500.00	15%	\$65,000	\$74,750.00	5%	\$65,000	\$68,250.00	15%	\$65,000	\$74,750.00
6	Rental Equipment (Cost plus %)	10%	\$10,000	\$11,000.00	10%	\$10,000	\$11,000.00	15%	\$10,000	\$11,500.00	2%	\$10,000	\$10,200.00	15%	\$10,000	\$11,500.00
Estimated Cost for Items 1-6:				\$96,900.00			\$96,600.00			\$100,050.00			\$91,400.00			\$100,050.00
		Est. Hours	Price / Hour	Est. Cost	Est. Hours	Price / Hour	Est. Cost	Est. Hours	Price / Hour	Est. Cost	Est. Hours	Price / Hour	Est. Cost	Est. Hours	Price / Hour	Est. Cost
7	Journeyman Electricians (Straight time)	500	\$30.00	\$15,000.00	500	\$30.00	\$15,000.00	500	\$45.50	\$22,750.00	500	\$40.00	\$20,000.00	500	\$38.00	\$19,000.00
8	Journeyman Electricians (Nights and Weekends)	25	\$46.20	\$1,155.00	25	\$45.00	\$1,125.00	25	\$61.50	\$1,537.50	25	\$60.00	\$1,500.00	25	\$57.00	\$1,425.00
9	Journeyman Electricians (Holidays)	10	\$46.20	\$462.00	10	\$45.00	\$450.00	10	\$77.50	\$775.00	10	\$60.00	\$600.00	10	\$57.00	\$570.00
10	Apprentice Electricians (Straight time)	500	\$25.30	\$12,650.00	500	\$25.00	\$12,500.00	500	\$34.00	\$17,000.00	500	\$30.00	\$15,000.00	500	\$30.00	\$15,000.00
11	Apprentice Electricians (Nights and Weekends)	25	\$37.95	\$948.75	25	\$37.00	\$925.00	25	\$46.00	\$1,150.00	25	\$45.00	\$1,125.00	25	\$45.00	\$1,125.00
12	Apprentice Electricians (Holidays)	10	\$37.95	\$379.50	10	\$37.00	\$370.00	10	\$58.00	\$580.00	10	\$45.00	\$450.00	10	\$45.00	\$450.00
13	Electricians Helper (Straight time)	500	\$15.00	\$7,500.00	500	\$9.00	\$4,500.00	500	\$34.00	\$17,000.00	500	\$30.00	\$15,000.00	500	\$30.00	\$15,000.00
14	Electricians Helper (Nights and Weekends)	25	\$22.50	\$562.50	25	\$13.00	\$325.00	25	\$46.00	\$1,150.00	25	\$45.00	\$1,125.00	25	\$45.00	\$1,125.00
15	Electricians Helper (Holidays)	10	\$22.50	\$225.00	10	\$13.00	\$130.00	10	\$58.00	\$580.00	10	\$45.00	\$450.00	10	\$45.00	\$450.00
16	Foreman/Supervisor (Straight time)	200	\$35.70	\$7,140.00	200	\$30.00	\$6,000.00	200	\$50.00	\$10,000.00	200	\$45.00	\$9,000.00	200	\$42.00	\$8,400.00
17	Foreman/Supervisor (Nights and Weekends)	25	\$53.55	\$1,338.75	25	\$45.00	\$1,125.00	25	\$67.50	\$1,687.50	25	\$67.50	\$1,687.50	25	\$63.00	\$1,575.00
18	Foreman/Supervisor (Holidays)	10	\$53.55	\$535.50	10	\$45.00	\$450.00	10	\$85.00	\$850.00	10	\$67.50	\$675.00	10	\$63.00	\$630.00
19	General Laborer (Straight time)	300	\$12.00	\$3,600.00	300	\$9.00	\$2,700.00	300	\$34.00	\$10,200.00	300	\$27.00	\$8,100.00	300	\$25.00	\$7,500.00
20	General Laborer (Nights and Weekends)	20	\$18.00	\$360.00	20	\$13.00	\$260.00	20	\$46.00	\$920.00	20	\$40.50	\$810.00	20	\$37.50	\$750.00
21	General Laborer (Holidays)	10	\$18.00	\$180.00	10	\$13.00	\$130.00	10	\$58.00	\$580.00	10	\$40.50	\$405.00	10	\$37.50	\$375.00
Estimated Cost for Items 7-21:				\$52,437.00			\$46,990.00			\$88,760.00			\$75,927.50			\$73,375.00
*TOTAL COST FOR ITEMS 1-21:				\$149,337.00			\$142,590.00			\$186,810.00			\$167,327.50			\$173,425.00

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

CERTIFIED:

P. VICE PURCH MGR

WITNESS

DATE

City of Fayetteville
Bid 10-47, Electrical Contractor
Contract

This contract executed this 3rd day of August, 2010, between the City of Fayetteville, Arkansas, 113 W Mountain, Fayetteville, Arkansas, 72701 and King Electrical Contractors.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. King Electrical Contractors at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 10-47 as stated in King Electrical Contractors bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid # 10-47, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay for completion of each project based on prices indicated in King Electrical Contractors bid proposal. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and King Electrical Contractors consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 10-47 with the specifications and conditions typed thereon.
 - B. King Electrical Contractors bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and King Electrical Contractors and may be modified only by a duly executed written instrument signed by the City of Fayetteville and King Electrical Contractors.
5. King Electrical Contractors shall not assign its duties under the terms of this agreement.
6. King Electrical Contractors agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from King Electrical Contractors performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. King Electrical Contractors shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance,

King Electrical Contractors shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

1. Workmen's Compensation:
Statutory Amount
2. Comprehensive General & Automobile Insurance
\$500,000 for each accident.
3. Bodily Injury Liability:
\$500,000 for each accident.
4. Property Damage Liability:
\$500,000 aggregate.

The premiums for all insurance required herein shall be paid by King Electrical Contractors.

8. King Electrical Contractors shall furnish proof of licensure as required by all local and state agencies.

9. This contract may be terminated by the City of Fayetteville or King Electrical Contractors with 10 days written notice.

10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.

11. Changes in scope or price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the Fayetteville City Council **in advance** of the change in scope, cost or fees.

12. Jurisdiction: Legal jurisdiction to resolve any disputes must be **Washington County, Arkansas** with **Arkansas law** applying to the case.

13. Arbitration/Mediation: We will not agree to be forced to mediate or arbitrate any dispute.

14. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments.

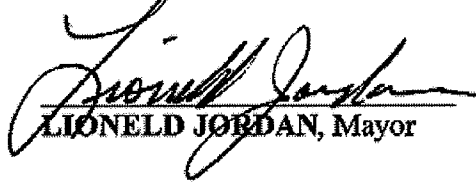
15. Lien Waivers: The contractor shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors, and sub-subcontractors. The contractor shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following:

'According to Arkansas law, it is understood that no liens can be filed against public property if a valid and enforceable payment and performance bond is in place. Regarding the Project and Agreement, the valid and enforceable bonds are with (name of surety).'

The contractor shall have each subcontractor and sub-subcontractor and material supplier execute a written receipt evidencing acknowledgement of this statement prior to commencement of the work of the subcontractor or material supplier.

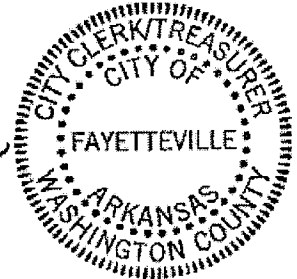
WITNESS OUR HANDS THIS 3rd DAY OF August, 2010.

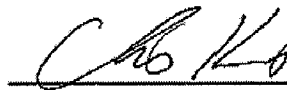
CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS


LIONELD JORDAN, Mayor

Attest:


Sondra Smith, City Clerk




CONTRACTOR: King Electrical Contractors

BY Chris King President
NAME AND TITLE

ATTEST: COMPANY SECRETARY


BUSINESS ADDRESS

KING ELECTRICAL CONTRACTORS, INC.
2145 W. MOORE LN.
FAYETTEVILLE, AR 72704

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: 1/29/2015			
							P.O Number:			
Vendor #: 5974			Vendor Name: King Electrical Contractors, Inc.				Mail ☐ Yes ☐ No		Legistar#: 2015-0049	
Address:					FOB Point:		Taxable ☐ Yes ☐ No			
City:			State:		Zip Code:	Ship to code: 104	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Matt Mihalevich					Requester's Employee #: 2509		Extension: 3416			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Town Branch Trail (Walker Park to 71B)				\$0.00					
2	Trail Lighting Installation	1	LOT	34,920.00	\$34,920.00	4470.9470.5814.05	02016/1302			
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: <u>\$34,920.00</u>			
							Tax: <u>\$0.00</u>			
							Total: <u>\$34,920.00</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0054

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 6

GARVER, LLC:

A RESOLUTION TO AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC FOR FINAL DESIGN SERVICES FOR WATER AND SEWER RELOCATIONS ASSOCIATED WITH ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PROJECT BB0414 - INTERSTATE 49 AND HIGHWAY 112 INTERCHANGE IN AN AMOUNT NOT TO EXCEED \$102,742.50, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to sign a professional engineering services agreement with Garver, LLC for final design services for water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 interchange in an amount not to exceed \$102,742.50.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, attached to this Resolution and made a part hereof

City of Fayetteville Staff Review Form

2015-0054

Legistar File ID

2/17/2015

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

Jim Beavers

1/29/2015

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve Professional Engineering Service Contract with Garver Engineers LLC for \$102,742.50 for engineering services to perform the final design of the water/sewer relocations associated with AHTD project BB0414 - 1-49/Hwy112 and approval of budget adjustment.

Budget Impact:

5400.5700.5314.00		Water/Sewer	
Account Number		Fund	
11011.1501		Water/Sewer Relocations -Bond Projects	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ 1,300,000.00
		Funds Obligated	\$ 19,500.00
		Current Balance	\$ 1,280,500.00
Does item have a cost?	Yes	Item Cost	\$ 102,742.50
		Budget Adjustment	\$ 102,743.00
Budget Adjustment Attached?		Remaining Budget	\$ 1,280,500.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Legistar Review

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: January 27, 2015

SUBJECT: Approval of an Engineering contract with Garver LLC to perform the final design and construction phase engineering services for the water/sewer relocations associated with AHTD project BB0414 – 1-49/Hwy 112 and approval of a budget adjustment.

RECOMMENDATION:

Approval of the attached Engineering Services Contract with Garver LLC in the amount of \$102,742.50 for engineering services to perform the final design of the water/sewer relocations associated with AHTD project BB0414 – I-49/Hwy 112.

BACKGROUND:

AHTD has requested final plans, specifications and cost estimates for utility relocations no later than April 1, 2015 for the new intersection of I-49/Hwy112. Construction is planned for fall 2015.

DISCUSSION:

Based upon a formal Engineering Selection Committee meeting, Garver LLC was selected to perform the design of the engineering services associated with AHTD project BB0414 (I-49/Hwy 112). A portion of these costs will be reimbursable from AHTD to the City. This amount will be determined by AHTD after we submit the final plans to AHTD for their review. A current, non-binding, estimate of reimbursable percentage is 80 percent.

BUDGET/STAFF IMPACT:

Budgeted funds will be moved from the Sanitary Sewer Rehabilitation Project to fund the cost of this request. In the Water/Sewer Relocation Project \$1,300,000.00 is budgeted for 2015. This \$1,300,000.00 is already obligated and will be spent in 2015 on 2 CIP projects – Zion Rd/Vantage Dr. to Hwy 265 and Stadium Dr. to Razorback Rd.

Attachments:

1. Staff Review Form
2. Staff Review Memo
3. Purchase Order Request
4. Budget Adjustment
5. Proposed Contract
6. Copy of AHTD Preliminary Improvements

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: 1/26/2015	
							P.O Number:			
Vendor #: 52650			Vendor Name: Garver Engineers				Mail ☒ Yes ☐ No		Legistar#: 2015-0054 Expected Delivery Date:	
Address: 2049 E Joyce Blvd Ste 400					FOB Point:		Taxable ☐ Yes ☒ No			
City: Fayetteville			State: AR		Zip Code: 72703	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No			
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number		Project.Sub#	Inventory #	Fixed Asset #
1	Professional Engineering Services-Final design of the water/sewer relocations for 1-49 Interchange/Hwy 112	1	EA	102,742.50	\$102,742.50	5400.5700.5314.00		11011.1501		
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: <u>\$102,742.50</u> Tax: <u>\$0.00</u> Total: <u>\$102,742.50</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

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

THIS AGREEMENT is made as of _____, 2015, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and GARVER, LLC (hereinafter called ENGINEER).

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

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

SECTION 1 - AUTHORIZATION OF SERVICES

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

SECTION 2 - BASIC SERVICES OF ENGINEER

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

SECTION 3 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

- 3.1 CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of ENGINEER:

- 3.1.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.
- 3.1.2 Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.
- 3.1.3 Assist ENGINEER in obtaining access to property reasonably necessary for ENGINEER to perform his services under this Agreement.
- 3.1.4 Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by ENGINEER and render in writing decisions pertaining thereto.
- 3.1.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 3.1.6 The City Engineer is the CITY OF FAYETTEVILLE's project representative with respect to the services to be performed under this Agreement. The City Engineer shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 3.1.7 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to ENGINEER in a timely manner.

SECTION 4 - PERIOD OF SERVICE

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

SECTION 5 - PAYMENTS TO ENGINEER

- 5.1 The maximum not-to-exceed amount authorized for this Agreement shall be based upon on a Unit Price or Lump Sum basis as described in Appendix A.
- 5.2 Statements
 - 5.2.1 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for professional services consistent with ENGINEER'S normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project.

Applications for payment shall be made in accordance with a format to be developed by ENGINEER and as approved by CITY OF FAYETTEVILLE. Applications for payment

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

5.3 Payments

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

5.4 Final Payment

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

SECTION 6 - GENERAL CONSIDERATIONS

6.1 Insurance

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

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

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

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

6.2 Professional Responsibility

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

6.3 Cost Opinions and Projections

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

6.4 Changes

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

6.5 Termination

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

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

6.7 Rights and Benefits

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

6.8 Dispute Resolution

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

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

6.8.3 Notice of Dispute

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

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

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

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

6.10 Publications

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

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

6.11 Indemnification

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

6.12 Ownership of Documents

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

6.13 Notices

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

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

ENGINEER's address:
2049 E. Joyce Blvd, Suite 400
Fayetteville, Arkansas 72703

6.14 **Successor and Assigns**

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

6.15 **Controlling Law**

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

6.16 **Entire Agreement**

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

SECTION 7 - SPECIAL CONDITIONS

7.1 **Additional Responsibilities of ENGINEER**

7.1.1 CITY OF FAYETTEVILLE's review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve ENGINEER of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

7.1.2 ENGINEER shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by ENGINEER's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

7.1.3 ENGINEER's obligations under this clause are in addition to ENGINEER's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against ENGINEER for faulty materials, equipment, or work.

7.2 **Remedies**

7.2.1 Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and ENGINEER arising out of or relating to this Agreement or the breach thereof will be

decided in a court of competent jurisdiction within Arkansas.

7.3 Audit: Access to Records

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

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

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

7.3.3.1 Negotiated prime agreements:

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

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

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

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

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

7.4 Covenant Against Contingent Fees

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

7.5 Gratuities

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

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

7.6 Arkansas Freedom of Information Act

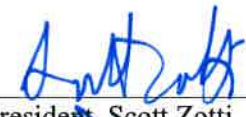
7.6.1 City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE,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

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

CITY OF FAYETTEVILLE, ARKANSAS

ENGINEER

By: _____
Mayor, Lioneld Jordan

By:  _____
Vice President, Scott Zotti

ATTEST:
By: _____
City Clerk

By:  _____
Project Manager

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES



APPENDIX A – SCOPE OF SERVICES - REVISED

2.1 General

Generally, the scope of services includes surveying, design, and preparation of property acquisition documents for improvements to relocate City of Fayetteville owned water and wastewater facilities to accommodate roadway improvements by others, Porter Road – Highway 112/71B Widening and Interchange Improvements (AHTD Job BB0414) in Fayetteville, Arkansas. The water and sanitary sewer relocations will be along Highway 112 from Drake Street to Truckers Drive and along the southern portion of the AHTD Improvements from McConnell Avenue to the Fulbright Expressway. Specifically, the gravity sewer relocations, up to 15 inch, include approximately 5,000 linear feet, and the water line relocations, up to 12 inch, include approximately 3,000 linear feet.

2.2 Surveys

2.2.1 Design Surveys

Garver will provide supplemental survey data for designing the project, and this survey will be tied to AHTD control. Garver will utilize previous survey data by others for AHTD Job BB0414, and assume the previous data is correct. Previous survey control points will be used for the supplemental survey and construction by others. Garver will not set any new survey control. In addition to topographic survey outside the limits previously surveyed, the supplemental survey will include sanitary sewer manhole rim and inverts, water facilities, and other utilities marked by utility owners. Work beyond 10 days for Design Surveys for a two man survey crew, at 10 hours per day, is Extra Work. The City of Fayetteville will reimburse Garver for ARKUPS (utility marking). Utility marking beyond \$2,500 is Extra Work.

2.2.2 Property Surveys

Garver will provide supplemental survey data for property surveys for preparing property acquisition documents. Work beyond 20 hours for Property Surveys for a two man survey crew is Extra Work. Garver will utilize previous record research, property deeds obtained by others for AHTD Job BB0414. Garver will subcontract with an abstractor to obtain existing easements, and Garver will show existing easements on construction drawings and property acquisition documents. The City of Fayetteville will reimburse Garver for record research. Record research beyond \$3,500 is Extra Work.

2.3 Coordination

Garver will furnish electronic plans and coordinate with all known utility owners potentially affected by the project. Garver will include the surveyed locations of the observable and marked utilities in the construction plans. Any special requirements by utility owners will be noted on the construction drawings. In addition to utilities, Garver will furnish final plans and coordinate approval with AHTD.

Garver will also attend up to a maximum of three coordination meetings with the City of Fayetteville and other agencies as required. Garver will prepare exhibits for these meetings when appropriate.



2.4 Environmental Services

GARVER will perform wetland delineation for the entire project outside the proposed AHTD right-of-way. GARVER will prepare a wetland report and submit to the US Army Corps of Engineers (USACE) requesting a jurisdictional determination if required. If USACE requires mitigation, a mitigation plan and approval is considered Extra Work outside this agreement. GARVER will also request authorization to proceed under a Nationwide 404 permit. If an individual 404 permit is required, it shall be considered Extra Work outside this agreement. For stream crossings, Garver will notify the Arkansas Department of Environmental Quality (ADEQ) during construction, and the CITY OF FAYETTEVILLE will pay all permitting fees for the Short Term Activity Authorization(s) (STAA) outside this agreement. GARVER will note stream crossings on construction drawings. GARVER will prepare and submit initial clearance letters from the US Fish and Wildlife Service (USFWS) and the State Historic Preservation Officer (SHPO). If USFWS or SHPO requires a cultural resource survey, an endangered species survey, or any other items, this shall be considered Extra Work outside this agreement. GARVER will prepare a Stormwater Pollution Prevention Plan (SWPPP). Surface disturbance will be limited to less than 5 acres. As such, submittal of the SWPPP and fee to ADEQ is considered Extra Work.

2.5 Detailed Design

During the detailed design phase of the project, Garver will conduct final designs to prepare construction plans and specifications, for one construction contract, including final construction details and quantities, special provisions, and opinion of probable construction cost with AHTD cost sharing. Garver will conduct a workshop with the City of Fayetteville to review the Detailed Design and make any needed changes based upon written comments provided by the City of Fayetteville. Garver will also make final field inspection with City of Fayetteville, make any needed plan changes as a result of the final field inspection and/or special easement acquisition considerations, and prepare the construction documents as required to advertise for bids.

2.6 Property Acquisition Documents

Garver will provide mapping as required for preparing easement acquisition documents for the City of Fayetteville's use in acquiring the property. Documentation will include an individual tract map with description of temporary and permanent acquisition for each property. The fee for providing property acquisition documentation is based on permanent right of way and temporary construction easements for no more than 20 properties.

2.7 Bidding Services

Bidding Services are excluded and may be added by amendment as approved by the City of Fayetteville and Garver.

2.8 Construction Phase Services

Construction Phase Services are excluded and may be added by amendment as approved by the City of Fayetteville and Garver. In the event GARVER's Scope of Services under this agreement is not amended to include construction phase services, the City of Fayetteville assumes all responsibility for interpretation of the Construction Contract Documents and for construction observation and supervision and waives any claims against GARVER that may be in any way connected thereto.

In addition, the City of Fayetteville agrees, to the fullest extent permitted by law, to indemnify and hold GARVER harmless from any loss, claim or cost, including reasonable attorneys' fees and costs of



defense, arising or resulting from the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Construction Contract Documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of GARVER.

2.14 Project Deliverables

The following will be submitted to the City of Fayetteville, or others as indicated, by Garver:

1. Three full size copies of the Detailed Design plans, specifications, and opinion of probable construction cost with cost sharing to the City of Fayetteville.
2. Electronic copies of all correspondence to the City of Fayetteville.
3. Electronic files as requested by the City of Fayetteville and AHTD.

2.15 Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Redesign for the City of Fayetteville's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Improvements to water and sewer facilities at locations beyond what is required to accommodate AHTD improvements.
3. Submittals or deliverables in addition to those listed herein.
4. Geotechnical services.
5. Design of any utilities relocation other than water and sewer.
6. Retaining walls or other significant structural design beyond that required for water and sanitary sewer relocations.
7. Construction materials testing.
8. Environmental Handling, including NEPA documentation and other environmental clearances beyond initial coordination letters from SHPO, USACE, and USFWS.
9. Wetland mitigation plans, cultural resource surveys, threatened, endangered, and candidate species surveys, and any other work related to environmentally or historically (culturally) significant items.
10. Preparation of AHTD Utility Permits.
11. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
12. Arkansas Department of Health coordination, approval, and review fee.
13. Bidding and Construction Services.
14. Services after construction, such as warranty follow-up, operations support, etc.

Extra Work will be as directed by the City of Fayetteville in writing for an additional fee as agreed upon by the City of Fayetteville and Garver.

2.16 Schedule

Garver shall begin work under this Agreement upon receipt of a Notice to Proceed and shall complete the work in accordance with the schedule below:

<u>Phase Description</u>	<u>Calendar Days</u>
Detailed Design	45 days from Notice to Proceed

3.0 Payment



For the work described herein the CITY OF FAYETTEVILLE, except for property record research and ARKUPS, will pay GARVER on an hourly rate basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

If any payment due GARVER under this agreement is not received within 60 days from date of invoice, GARVER may elect to suspend services under this agreement without penalty or liquidated damages assessed from the CITY OF FAYETTEVILLE.

The table below presents a summary of the fee amounts and fee types for this contract.

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
ARKUPS (Utility Marking)	\$2,500	Direct Cost + 10%
Record Research (Abstractor)	\$3,500	Direct Cost + 10%
Design and Property Surveys	\$29,860.50	Hourly Rate + Expenses
Environmental Services	\$9,093.75	
Detailed Design	\$44,588.25	
Property Acquisition Documents	\$13,200	
Bidding Services	\$0 (may be added by amendment)	
Construction Services	\$0 (may be added by amendment)	
TOTAL FEE	\$102,742.50	

Except for ARKUPS and Record Research, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Appendix B for each classification of GARVER's personnel (may include contract staff classified at GARVER's discretion) plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. For ARKUPS and Record Research, the City of Fayetteville will reimburse Garver the actual amount invoiced to Garver plus a ten (10) percent administrative fee. The total amount paid to GARVER under this agreement is estimated to be \$102,742.50. The actual total fee may not exceed this estimate without authorization from the CITY OF FAYETTEVILLE. The rates shown in Appendix B will be increased 4% annually with the first increase effective on or about June 1, 2015. For any delays beyond Garver's control, any unused portion of the fee will be increased 4% annually with the first increase on June 1, 2016. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded. For informational purposes, a breakdown of GARVER's estimated costs are included in Appendix B.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Direct cost for subcontract/subconsultant fees.
3. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
4. The amount allowed by AHTD (\$0.42 per mile) for mileage.
5. \$20 per hour for GPS survey equipment use for Environmental Services only, excludes design and property surveys.

The CITY OF FAYETTEVILLE will pay GARVER on a monthly basis, based upon statements submitted by GARVER to the CITY OF FAYETTEVILLE for the scope of services described in this



agreement. Payments not received within 60 days of invoice date will be subject to a one percent monthly simple interest charge.

As directed by the CITY OF FAYETTEVILLE, some billable work may have been performed by GARVER prior to execution of this agreement. Payment for this work will be made in accordance with the fee arrangement established herein, as approved by the CITY OF FAYETTEVILLE.

Additional Services (Extra Work). For work not described or included herein but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Appendix B for each classification of GARVER's personnel (may include contract staff classified at GARVER's discretion) plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Appendix B will be increased 4% annually with the first increase effective on or about June 1, 2015.

4.0 Appendices

The following Appendices are attached to and made a part of this Agreement:

Appendix B – Hourly Rate Schedule and Estimated Costs

APPENDIX B

CITY OF FAYETTEVILLE

Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414

ESTIMATED FEE SUMMARY

Title I Services	Estimated Fees
<i>ARKUPS (Utility Marking)</i>	\$2,500.00
<i>Record Research</i>	\$3,500.00
Design and Property Surveys	\$29,860.50
Environmental Services	\$9,093.75
Detailed Design	\$44,588.25
Property Acquisition Documents	\$13,200.00
Total for Title I Services	\$102,742.50

APPENDIX B**CITY OF FAYETTEVILLE****Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414****DESIGN AND PROPERTY SURVEYS**

WORK TASK DESCRIPTION	E-3	S-5	S-4	2-Man Crew (GPS Survey)	X-2	T-2
	\$132.00	\$141.00	\$107.00	\$192.00	\$73.00	\$87.00
	hr	hr	hr	hr	hr	hr
1. Surveys - Topographic						
Coordination for Surveys	4	8				
Topographic Surveys				100		
Data Processing and Drawing and Surface Updates			16			
Subtotal - Surveying	4	8	16	100	0	0
2. Surveys - Property						
Coordination for Surveys	1	4				
Property Surveys				20		
Data Processing			8			
Adding Existing Easements and Drawing Updates			16			
Subtotal - Surveying	1	4	24	20	0	0

Hours	5	12	40	120	0	0
Salary Costs	\$660.00	\$1,692.00	\$4,280.00	\$23,040.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$29,672.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$20.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$50.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs (@ \$0.42/mile)	\$118.50

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$188.50

SUBTOTAL: \$29,860.50

SUBCONSULTANTS FEE: \$0.00

TOTAL FEE: \$29,860.50

APPENDIX B**CITY OF FAYETTEVILLE****Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414****ENVIRONMENTAL SERVICES**

WORK TASK DESCRIPTION	E-5	E-4	E-3	P-1	T-2	X-2	X-1
	\$187.00	\$153.00	\$132.00	\$113.00	\$87.00	\$73.00	\$54.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Wetlands Delineation				6			
SHPO and USFW Clearance Letters				4			
USACE Nationwide and Wetland Report				12			
SWPPP				8			
Erosion Control Plans and Details				16	24		
Coordination with City			4				
QA/QC			8				
Subtotal - Civil Engineering	0	0	12	46	24	0	0
2. Structural Engineering							
Subtotal - Structural Engineering	0	0	0	0	0	0	0
3. Mechanical Engineering							
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0
4. Electrical Engineering							
Subtotal - Electrical Engineering	0	0	0	0	0	0	0
Hours	0	0	12	46	24	0	0
Salary Costs	\$0.00	\$0.00	\$1,584.00	\$5,198.00	\$2,088.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$8,870.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$60.00
Postage/Freight/Courier	\$25.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$120.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs (@ \$0.42/mile)	\$18.75

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$223.75

SUBTOTAL: \$9,093.75

SUBCONSULTANTS FEE: \$0.00

TOTAL FEE: \$9,093.75

APPENDIX B

CITY OF FAYETTEVILLE

Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414

DETAILED DESIGN

WORK TASK DESCRIPTION	E-3	E-2	E-1	T-2	C-3	T-1	S-4
	\$132.00	\$108.00	\$94.00	\$87.00	\$130.00	\$68.00	\$107.00
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Quality Control	4				8		
Owner/AHTD/Utility Coordination	24	16		8			
Drawings							
Cover	1						
General Notes and Survey Control	2		4				
Design and Water and Sewer Plan and Profiles (16 sheets)	32		80	100			
Construction Details	4		8	8			
Construction Quantities and Cost Sharing	2		8				
Specifications	12					8	
Project Management	40						
Owner Workshop	4						
Field Inspection	8						
Easement Considerations	2			8			
Owner and AHTD Comments	4		4	16			
Arkansas Department of Health	2			4			
Subtotal - Civil Engineering	141	16	104	144	8	8	0
2. Structural Engineering							
Subtotal - Structural Engineering	0	0	0	0	0	0	0
3. Mechanical Engineering							
Subtotal - Mechanical Engineering	0	0	0	0	0	0	0
4. Electrical Engineering							
Subtotal - Electrical Engineering	0	0	0	0	0	0	0

Hours	141	16	104	144	8	8	0
Salary Costs	\$18,612.00	\$1,728.00	\$9,776.00	\$12,528.00	\$1,040.00	\$544.00	\$0.00

SUBTOTAL - SALARIES: \$44,228.00

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$300.00
Postage/Freight/Courier	\$25.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs (@ \$0.42/mile)	\$35.25

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$360.25

SUBTOTAL: \$44,588.25

SUBCONSULTANTS FEE: \$0.00

TOTAL FEE: \$44,588.25

APPENDIX B

CITY OF FAYETTEVILLE

Porter Rd-HWY 112/71B Widening and Interchange - AHTD Job BB0414

PROPERTY ACQUISITION DOCUMENTS

WORK TASK DESCRIPTION	E-3	S-5	S-4	T-2	X-2
	\$132.00	\$141.00	\$107.00	\$87.00	\$73.00
	hr	hr	hr	hr	hr
1. Acquisition Documents					
Easement Acquisition Documents		30	80		
Coordination with Owner	2				
Subtotal - Civil Engineering	2	30	80	0	0

Hours	2	30	80	0	0
Salary Costs	\$264.00	\$4,230.00	\$8,560.00	\$0.00	\$0.00

SUBTOTAL - SALARIES: \$13,054.00

DIRECT NON-LABOR EXPENSES

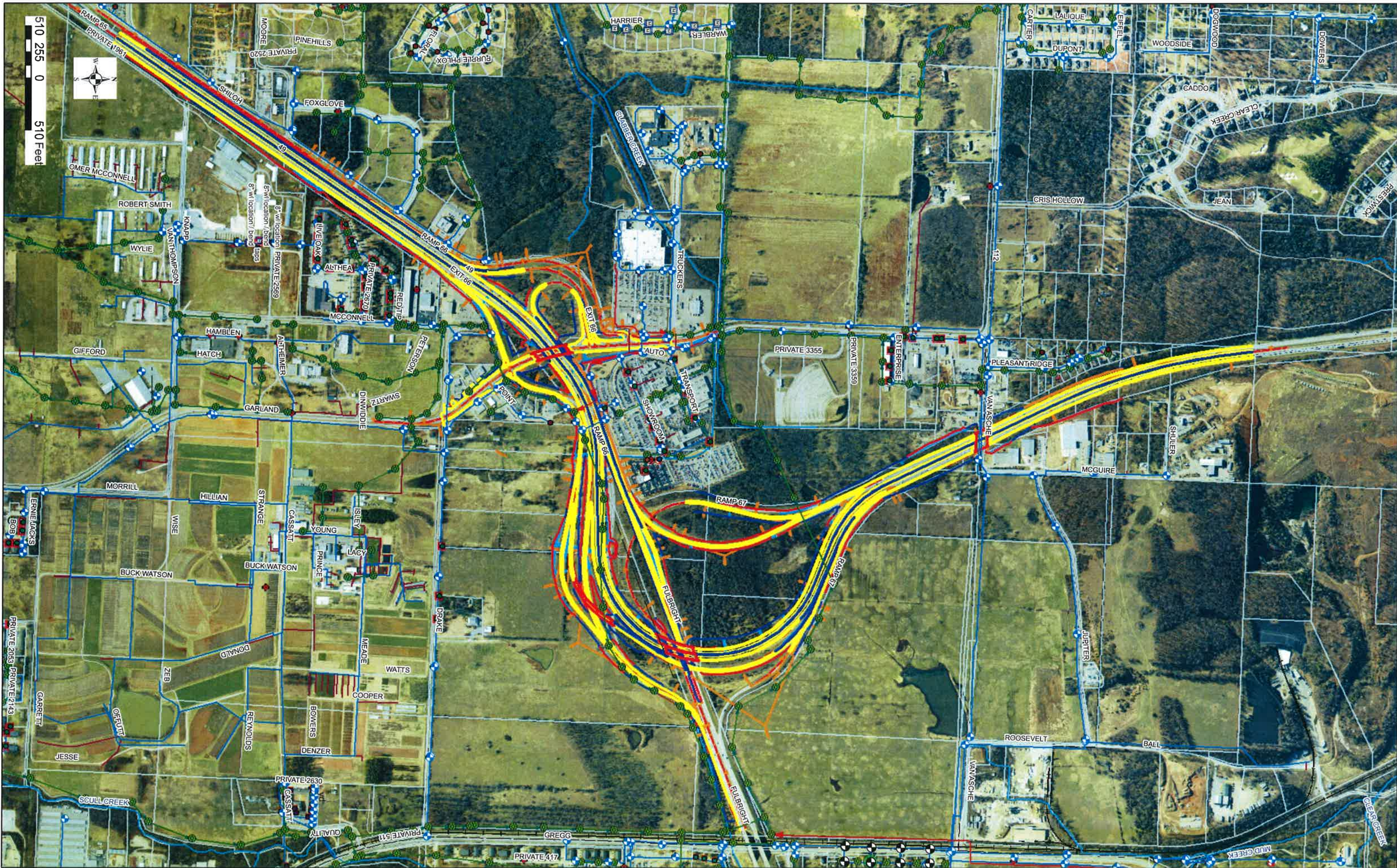
Document Printing/Reproduction/Assembly	\$146.00
Postage/Freight/Courier	\$0.00
Office Supplies/Equipment	\$0.00
Communications	\$0.00
Survey Supplies	\$0.00
Aerial Photography	\$0.00
GPS Equipment	\$0.00
Computer Modeling/Software Use	\$0.00
Traffic Counting Equipment	\$0.00
Locator/Tracer/Thermal Imager Equipment	\$0.00
Travel Costs (@ \$0.42/mile)	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$146.00

SUBTOTAL: \$13,200.00

SUBCONSULTANTS FEE: \$0.00

TOTAL FEE: \$13,200.00



Budget Year	Division: Utilities Director	Adjustment Number
2015	Dept.: Utilities	
	Requestor: Cheryl Partain	

A BA is needed in the Water/Sewer Relocations-Bond Projects project for costs associated with an engineering contract with Garver Engineering, LLC. Garver Engineering LLC will perform the final design and construction phase engineering services for the water/sewer relocations at the I/49 Interchange and HWY 112 .

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0050

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 7

WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 2:

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR CONTINUED MAINTENANCE OF PREVIOUSLY COMPLETED STREAM RESTORATION PROJECTS AT NIOKASKA CREEK AND THE WHITE RIVER THROUGH 2015 IN THE AMOUNT OF \$62,500.00, 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 Task Order No. 2 with the Watershed Conservation Resource Center for continued maintenance of previously completed stream restoration projects at Niokaska Creek and the White River through 2015 in the amount of \$62,500.00.

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 and made a part hereof.

City of Fayetteville Staff Review Form

2015-0050

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

1/27/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of Task Order No. 02 in the amount of \$62,500 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects along with the associated budget adjustment.

Budget Impact:

4470.9470.5314.00 and 5400.5800.5314.00

Account Number

02097.2015 and 13018.1001

Project Number

4470-Sales Tax Capital Improvements and 5400 -
Water and Sewer

Fund
Stormwater Quality Management (Stormwater
Quality Mgmt/Nutrient Reduct) and Wastewater
Treatment / Water Quality Improvements

Project Title

Budgeted Item? Yes

Current Budget \$ 1,754,248.00

Funds Obligated \$ 400,330.39

Current Balance \$ 1,353,917.61

Does item have a cost? Yes

Item Cost \$ 62,500.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 4,100.00

Remaining Budget \$ 1,295,517.61

V20140710

Previous Ordinance or Resolution # 126-13

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

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

FROM: Alan Pugh, Staff Engineer

DATE: January 27, 2015

SUBJECT: Approval of Task Order No. 02 in the amount of \$62,500 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects along with the associated budget adjustment.

RECOMMENDATION:

Staff recommends approval of Task Order No. 02 in the amount of \$62,500 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects and the associated budget adjustment

BACKGROUND:

On January 7, 2014, City Council approved Resolution Number 5645 to waive competitive bidding and enter into a memorandum of understanding (MOU) with the Watershed Conservation Resource Center (WCRC) expressing the City's desire to work jointly with the WCRC to identify, fund and completed stream restoration project and work together on nonpoint source (NPS) related issued associated with reducing nutrients and improving riparian and other natural areas. To that degree, the City and WCRC have completed several restoration projects though this partnership. These projects included, but are not limited to, the White River Riverbank Stabilization Project, Niokaska Creek within Sweetbriar Park, Niokaska Creek within Gulley Park and the West Fork of White River Airport Site

DISCUSSION:

The MOU (Effective date January 9, 2014) outlines a process by which task orders can be developed for various activities that are in line with the goal of reducing NPS pollution and restoring the City's streams. Task Order No 2 is presented pursuant to the MOU and consists of continuing efforts to establish and maintain dense native vegetation as well as make minor modifications as necessary to the stream to ensure the continued success of the completed restoration projects.

Establishment of a high-density riparian zone consisting of native vegetation is critical in creating stream and river restoration project that will, upon maturity of the vegetation, be able to withstand the power of future flood events. This can take several growing seasons to achieve

and ensure the native species are not overrun with invasive species. Also, minor adjustments occasionally need to be conducted within the stream or river channel restoration area to prevent cumulative degradation of the restoration project. This task order will provide funding to the WCRC to conduct activities that help to ensure establishment healthy, native vegetation and the channel stability of the restoration projects. This in turn will help to project the investments made by the City of Fayetteville to improve water quality, habitat and recreational values of our local streams and water bodies.

BUDGET/STAFF IMPACT:

The Stormwater Quality Management/Nutrient Reduction project has been designated in part to fund projects that improve stormwater quality in the City of Fayetteville and would be proposed as the source for a portion of the matching funds (\$44,400). Funding from this project also includes participation from the Parks and Recreation Department (\$4,100) as well as the Water and Sewer Department (\$14,000) as both of these Departments are directly impacted by the work included in the task order. Task Order #2 totals \$62,500 for one year of maintenance services.

Attachments:

Task Order No. 2

Ordinance 5354

Memorandum of Understanding

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: 1/27/2015	
							P.O Number:			
Vendor #: 16441			Vendor Name: Watershed Conservation Resource Center (WCRC)				Mail ☐ Yes ☐ No		Legistar#: 2015-0050	
Address:				FOB Point:		Taxable ☐ Yes ☐ No				
City:			State:		Zip Code:	Ship to code:	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Alan Pugh					Requester's Employee #: 4073		Extension: 8208			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Niokaska at Gulley	1	Lot	2,500.00	\$2,500.00	4470.9470.5314.00	02097.2015	Niokaska at Gulley		
2	Niokaska at Sweetbriar	1	Lot	5,000.00	\$5,000.00	4470.9470.5314.00	02097.2015	Niokaska at Sweetbriar		
3	White River Stabilization	1	Lot	14,000.00	\$14,000.00	5400.5800.5314.00	13018.1001	White River Stabilization		
4	West Fork at Airport	1	Lot	41,000.00	\$41,000.00	4470.9470.5314.00	02097.2015	West Fork at Airport		
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: \$62,500.00			
							Tax: \$0.00			
							Total: \$62,500.00			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

TASK ORDER NO. 2

VEGETATION AND CHANNEL STABILITY ESTABLISHMENT
CITY OF FAYETTEVILLE STREAM AND RIVER RESTORATION
PROJECTS

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the Memorandum of Understanding (MOU) as described in Ordinance No. 5354 executed on January 9, 2014. The referenced MOU pertains to potential stream restoration projects and associated services with the Watershed Conservation Resource Center (WCRC). This Task Order entered into and executed on the date indicated below the signature block by and between the City of Fayetteville and Watershed Conservation Resource Center sets forth the project description, project schedule and associated fees for these services related to maintaining and caring for stream and river restoration projects previously constructed that were funded by the City and grant funds.

Section I - Project Description

This project consists of maintaining stream and river restoration projects whose original implementation was funded in-part with City funds. Establishment of a high-density riparian zone consisting of native vegetation is critical in creating stream and river restoration projects that will, upon maturity of the vegetation, be able to withstand the power of future flood events. Also, minor adjustments need to be occasionally conducted within the stream or river channel restoration area to prevent cumulative degradation of the restoration project. The WCRC has constructed several stream and river restoration projects using City funds in combination with federal and state grant funding sources over the past 5 years. To insure the long-term success of these projects, the WCRC has continued to maintain and care for the projects after the expiration of the original grant, without financial support from any outside entities. This project will provide funding to the WCRC to conduct activities that help to establish healthy, native vegetation and channel stability of the restoration projects in order to protect the investments that the City has made to improve water quality, habitat, and recreational values of streams located within the City.

Section II - Project Timeframe

The project will be conducted from January 15, 2015 to January 14, 2016.

Section III - Scope of Services

The WCRC will perform services that are targeted to maintain and improve the long-term functionality of the restoration projects that have been implemented utilizing City Funding. These services include two major components: 1) Stream restoration activities that help to

create long-term stability and 2) Vegetation Management. Stream restoration activities include but will not be limited to 1) minor hand repairs of structural components of the restoration 2) removal of unintended gravel deposition within the project site 3) repair of soil mattresses and 4) re-setting of boulders that may become displaced. Vegetation maintenance and management activities include but are not limited to 1) irrigation of vegetation during summer months 2) removal of invasive vegetation and 3) planting additional native plants to enhance vegetation density. These funds are intended to cover costs associated with minor and routine maintenance of the sites. Repair of damages to the projects resulting from large and infrequent flood events is not covered under this agreement. Sources of funding to repair catastrophic damage will need to be identified if such damage is to occur.

Section IV - Fees and Payments

WCRC will perform the above-referenced Scope of Services amounts not to exceed \$62,500 for this one year agreement.

Section V - Memorandum of Understanding in Effect

Except as amended specifically herein, the Memorandum of Understanding Fayetteville shall remain in full force as originally approved.

IN WITNESS WHEREOF, the parties hereto have caused this TASK ORDER to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

Attest: _____
Sondra Smith, City Clerk

Date: _____

FOR WATERSHED CONSERVATION RESOURCE CENTER

By: *Sandi Formica*
Sandi Formica

Attest: 

Date: 12-19-14

Stream Restoration Project	Project Construction Completion Date	Annual Budget for Maintenance & Small Repairs	Project Establishment Timeline	Duration of Capital Funding (years)	Long-term (Perpetual) Management Expense**	Recommended Reserved Funds for Major Storm	WCRC Match for long term management (pending)	Total annual funding
Niokaska at Gulley	12/1/2008	\$2,500	11/2014 - 10/2016	2	\$2,500	\$10,000	2500	
Niokaska at Sweetbriar	4/1/2011	\$5,000	11/2014 - 10/2018	3 to 4	\$3,000	\$35,000	3000	
White River Stabilization	6/1/2012	\$14,000	11/2014 - 10/2018	3 to 4	\$4,000	\$50,000		
West Fork at Fayetteville Municipal Airport	5/15/2012	\$41,000	11/2014 - 10/2020	5 to 7	\$8,000	\$250,000		
		\$62,500			\$17,500	\$345,000	5500	\$68,000

*Recommend these numbers be evaluated bi-annually

** Long-term management includes vegetation management expense to maintain native vegetation and remove invasive native vegetation after project establishment period has been completed and inspection of structures after major storm events.

***Would seek other funders to help cover expense of major repair

ORDINANCE NO. 5645

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed by the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

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

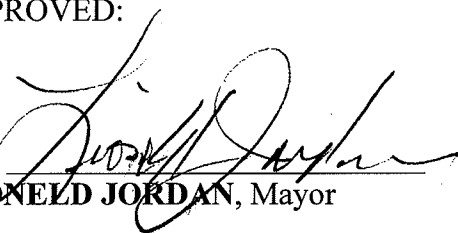
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

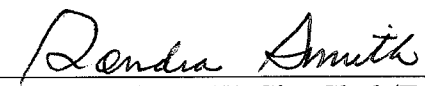
APPROVED:

ATTEST:

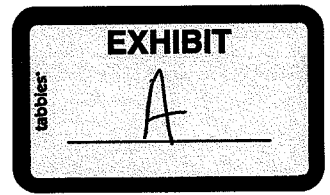
By:


LIONEL JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer





MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center, hereinafter referred to as WCRC, and the CITY OF FAYETTEVILLE.

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas. Innovative approaches will be used in designing and implementing stream restorations that will result in improved water quality of the City's watersheds and will address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, conducting environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This MOU is of benefit to the CITY OF FAYETTEVILLE because these activities will help to meet the objectives of the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of local streams and rivers. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The WCRC and the CITY OF FAYETTEVILLE partnered and have obtained several grants for restoring streams within the City and surrounding areas and for assessing streams for stability and contaminant reduction. These projects have brought over \$2,300,000 to the City for water quality and other environmental improvements and have helped to create local partnerships and outreach opportunities in the areas of river restoration, riparian enhancement, and watershed planning. Four stream and streambank restoration projects have been implemented that have resulted in over 4000 tons of sediment and 3,700 lbs of total phosphorus reductions, annually from streambank erosion, restored both aquatic and terrestrial habitat, protected City

infrastructure, and improved aesthetics of City Parks and other properties. The WCRC currently has three active projects with the City and other partners to conduct more river restoration and assess urban streams and riparian areas to identify priority sites in need of restoration. In addition, the WCRC continues to monitor and maintain the four implemented stream restoration sites.

C. FEES AND PAYMENTS

No fee is associated with this MOU. As projects are identified by the City, a Task Order establishing the scope, fee, and payment terms for the project will be developed. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should WCRC establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

In consideration of the above premises, the parties agree as follows:

D. THE WCRC:

1. Shall seek funding opportunities for stream restoration projects and other projects related to reduction of non-point source pollution.
2. Upon approval of specific Task Orders by the Mayor or City Council, as required by the City's procurement requirements, shall provide the services detailed in each Task Order. Said tasks may include:
 - a. Identification of stream reaches that could benefit from stream restoration and prioritize, in streams within the City limits.
 - b. Estimation of phosphorous reduction that would be realized for each priority stream restoration project.
 - c. Assistance in developing grant applications for identified stream restorations and other non-point source pollution assessment projects.
 - d. Assistance to the CITY OF FAYETTEVILLE in addressing other NPS related issues.
3. Shall accomplish other specific tasks as detailed in each Task Order

E. THE CITY OF FAYETTEVILLE:

1. Shall coordinate all activities within the City of Fayetteville Divisions and Departments and between the CITY OF FAYETTEVILLE and the WCRC.
2. Shall assist with project activities and tasks.
3. Shall provide review and input into the final restoration designs.
4. Shall oversee activities and coordinate staff needed for implementation of the restoration designs.
5. Shall provide documentation of all project activities and associated matching funds.
6. Recognizes that their participation in stream restoration and NPS projects acquired is an integral component in carrying out a successful project that will result in improved water quality and habitat restoration.
7. Shall accomplish other specific tasks as detailed in each Task Order.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

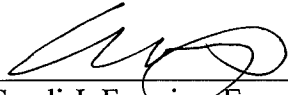
1. FREEDOM OF INFORMATION ACT (FOIA). CITY OF FAYETTEVILLE contract and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, the WCRC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance. Any information furnished to the WCRC under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. MODIFICATION. Modifications within the scope of the instrument shall be made by mutual consent of the parties. Changes, modifications, or amendments in scope (other than as specifically established in this MOU), price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the Mayor and/or the City Council in advance of the change in scope, cost or fees.
3. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the WCRC or the CITY OF FAYETTEVILLE from participating in similar activities with other public or private agencies, organizations, and individuals.
4. COMMENCEMENT/EXPIRATION DATE. The instrument is executed as of the date of the last signature and is effective for five years.
5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Sandi Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701
Office Phone: 479-444-1916
Cell Phone: 501-352-5252
Office Fax: 928-396-2546
E-mail: formica@watershedconservation.org

Chris Brown, P.E., City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Phone: 479-575-8206
Fax: 479-575-8202
E-mail: cbrown@ci.fayetteville.ar.us

Sarah Wrede, E.I., Staff Engineer
City of Fayetteville
Phone: 479-575-8206
E-mail: swrede@ci.fayetteville.ar.us

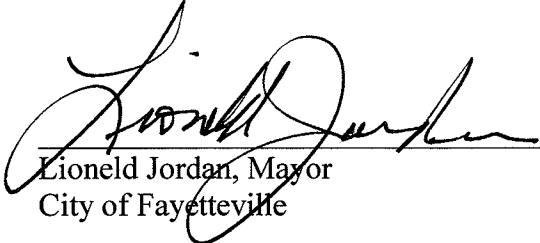
6. NONDISCRIMINATION. During the performance of this agreement, all parties will abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of age, race, color, religion, sex, national origin, or disability.

S.J.F.


Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12/18/13

Date



Lioneld Jordan, Mayor
City of Fayetteville

1/9/14

Date

Sandra E. Smith

Sondra E. Smith, City Clerk/Treasurer
City of Fayetteville

01-09-14

Date



City of Fayetteville Item Review Form

2013-0244

Legistar File Number

1/7/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Sarah Wrede

Submitted By

Development Services

Department

Action Required:

An ordinance to waive competitive bidding and to enter into a Memorandum of Understanding with the Watershed Conservation Resource Center to establish a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

Does this item have a cost? ☐ No

\$0.00

Cost of this request

\$0.00

Category or Project Budget

n/a

Program or Project Name

n/a

Account Number

\$0.00

Funds Used to Date

n/a

Program or Project Category

n/a

Project Number

\$0.00

Remaining Balance

n/a

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

[Signature]

12-19-13

Paul A. Behn 12-19-2013

[Signature] 12-19-13

[Signature] 12/20/13

12-18-13 90:52 RCVD

[Signature]





www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

Council Meeting of January 7, 2014

To: Mayor and City Council

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

From: Sarah Wrede, Staff Engineer

Date: December 18, 2013

Subject: An ordinance to waive competitive bidding and renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

PROPOSAL

The purpose of this Memorandum of Understanding (MOU) is to establish a general framework for cooperation between the Watershed Conservation Resource Center (WCRC) and the City of Fayetteville to 1) seek funding and conduct stream restoration projects to achieve the common goal of restoring unstable sections of streams to a morphologically stable form utilizing a natural channel design approach and 2) to work together on nonpoint source (NPS) related issues associated with reducing nutrients and improving riparian and other natural areas.

The WCRC is a nonprofit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The WCRC principals are regional experts and local leaders in implementing natural channel design-based stream restorations that meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. The WCRC and the City have successfully partnered to receive over \$2,300,000 in federal grants for water quality and other environmental improvements. WCRC has been instrumental in securing these funds due to their relationships with Federal grant agencies and their proven track record of successful stream restoration projects. This MOU will establish a continued partnership between the City and WCRC whereby the WCRC will actively seek grant funding for stream restoration projects in the City of Fayetteville, and will allow the City the opportunity to quickly take advantage of opportunities identified. The MOU is effective for a period of five years.

RECOMMENDATION

Staff recommends approval of an ordinance to waive competitive bidding and to renew a Memorandum of Understanding with the Watershed Conservation Resource Center to continue a general framework for cooperation to seek funding and conduct stream restoration projects and to work together on nonpoint source related issues.

BUDGET IMPACT

The proposed agreement will cause no budget impact. As tasks are identified, a Task Order, with associated fee, will be developed for approval by the Mayor and City Council.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A FIVE YEAR MEMORANDUM OF UNDERSTANDING WITH THE WATERSHED CONSERVATION RESOURCE CENTER TO JOINTLY SEEK FUNDING AND USE SUCH FUNDING TO DESIGN AND CONSTRUCT STREAM RESTORATION PROJECTS

WHEREAS, the City of Fayetteville has long worked with the Watershed Conservation Resource Center (WCRC) and funded quality stream restoration projects successfully completed the Center; and

WHEREAS, the provisions of the attached Memorandum of Understanding meet the City of Fayetteville's need for continuing stream restoration projects at little or no cost to the City; and

WHEREAS, the Watershed Conservation Resource Center can efficiently and effectively provide this service at a significant savings to the citizens of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a Memorandum of Understanding (marked as Exhibit "A" attached hereto and made a part hereof) between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects and authorizes Mayor Jordan to sign such Memorandum.

PASSED and APPROVED this 7th day of January, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

Budget Year	Division: Engineering	Adjustment Number
2015	Dept.: Development Services	
	Requestor: Chris Brown	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of Task Order No. 02 in the amount of \$62,500 with the Watershed Conservation Resource Center for continuing native vegetation establishment efforts and performing minor adjustments within the stream as necessary to ensure the continued success of completed restoration projects along with the associated budget adjustment.

RESOLUTION/ORDINANCE	COUNCIL DATE:	2/17/2015
	LEGISTAR FILE ID#:	2015-0050
	<i>Barbara Fell</i>	
	1/28/2015 8:35 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		-	-				v.20150102
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
4470.9470.5314.00	48,500	-	02097	2015	EX	Professional Services	
4470.9470.5817.00	(44,400)	-	02097	1	EX	Bridge & Drainage Improve	
4470.9470.5314.00	(2,090)	-	02045	9025	EX	Professional Services	
4470.9470.5806.00	(1,941)	-	02045	9025	EX	Park Improvements	
4470.9470.5315.00	(69)	-	02045	9025	EX	Contract Services	
5400.5800.5314.00	14,000		13018	1001	EX	Professional Services	
5400.5800.5818.00	(14,000)	-	13018	1	EX	Wastewater Treatment Plant Improveme	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					

BUDGETARY ANALYSIS:

1010.1220.5315.00 (Contract Services)

GLACCOUNT	ITEM	VENDOR	GLYEAR	BUDGET	ACTUAL	VARIANCE
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2008	6,000	6,024	(24)
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2009	6,000	6,843	(843)
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2010	13,000	3,833	9,167
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2011	23,000	8,885	14,115
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2012	23,000	4,985	18,015
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2013	23,000	7,384	15,616
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2014	23,000	5,110	17,890
1010.1220.5315.00	EAP Counseling Sessions	Ozark Guidance Center #26900	2015	23,000	-	23,000

3,800 - 8,900

SQL ACTUAL: SELECT * FROM BIMSALIAS.A_INVOICE_TRANSACTIONS
 WHERE VENDOR_NUMBER_SORT = 'V0026900' AND
 GLACCOUNT = '1010.1220.5315.00'

SQL BUDGET: SELECT * FROM BIMSALIAS.A_BUDGET_TRANSACTIONS_ALL
 WHERE GLACCOUNT = '1010.1220.5315.00' AND
 SUBSTRING(TRANSACTION_DESCRIPTION,1,3)='EAP'



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0055

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 8

PLACEHOLDER: BID 15-16:

PLACEHOLDER: AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF
\$ _____ TO _____ FOR THE INSTALLATION OF TREES AND
SHRUBS WITHIN THE MEDIA OF CROSSOVER ROAD AND GARLAND AVENUE (BID #
15-16) AND APPROVAL OF A PROJECT CONTINGENCY OF \$ _____.



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0069

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: B. 1

**PUBLIC HEARING: REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND
CHAPTER 51 AND CHAPTER 10**

REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND
CHAPTER 10



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0003

Agenda Date: 2/17/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: C. 1

REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10:

AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III **DISCHARGE AND PRETREATMENT REGULATIONS**; TO AMEND § 51.137 **MONTHLY SEWER RATES**; TO AMEND § 51.138 **DEFINITIONS PERTAINING TO WATER AND SEWER RATES**; TO AMEND § 51.999 **PENALTY**; AND TO AMEND § 10.99 **GENERAL PENALTY OF THE FAYETTEVILLE CODE**

WHEREAS, the permit issued by the Arkansas Department of Environmental Quality for operation of the Paul R. Noland Wastewater Treatment Plant requires the City of Fayetteville to update its discharge and pretreatment regulations to comply with changes adopted in the Code of Federal Regulations; and

WHEREAS, the proposed modifications have been submitted to and approved by the Arkansas Department of Environmental Quality.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 of the Fayetteville Code and enacts a replacement Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 as shown on Exhibit "A" attached hereto.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.137(E) *Extra Strength Surcharge* and enacts a replacement (E) as shown on Exhibit "B" attached hereto.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(G) *Hauled Wastewater Fees* as shown below:

(G) *Hauled Wastewater Fees.*

(1) Application fee. An application to discharge hauled domestic waste must be accompanied by a fee of \$100.00.

(2) Discharge fee. A fee of \$50.00 must be paid for each hauled domestic waste load discharged.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(H) *Industrial Wastewater Discharge Permit Fee* as shown below:

(H) *Industrial Wastewater Discharge Permit Fee.*

(1) Application fee. An application for an industrial wastewater discharge permit must be accompanied by a fee of \$500.00.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.138(K) *Treatment works* by replacing the word “sludge” with the word “biosolids.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.999(D) by striking the phrase “or an industrial wastewater discharge permit.”

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts §10.99(A)(4) as shown below:

(4) Notwithstanding the foregoing, violations of City of Fayetteville discharge and pretreatment regulations, codified at §§ 51.070 - 51.087, shall be subject to potentially higher penalties as provided in § 51.083 **Administrative Enforcement Remedies** and § 51.084 **Judicial Enforcement Remedies**, as required by federal law.

City of Fayetteville Staff Review Form

2015-0003

Legistar File ID

1/20/2015

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

Billy Ammons

1/2/2015

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of modifications to the Code of Ordinances, Article III, Discharge and Pretreatment Regulations and Related Modifications to Article V, Rates and Charges.

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:

MEETING OF JANUARY 20, 2015

TO: Mayor and City Council

THRU: **Don Marr, Chief of Staff**
Water, Sewer & Solid Waste Committee

FROM: Billy Ammons, CH2M HILL

DATE: January 2, 2015

SUBJECT: **Approval of Modifications to the Code of Ordinances, Article III, Discharge and Pretreatment Regulations and Related Modifications to Article V, Rates and Charges.**

RECOMMENDATION:

City Administration recommends approval of modifications to the Code of Ordinances, Article III, Discharge and Pretreatment Regulations and related modifications to Article V, Rates and Charges.

BACKGROUND:

The City of Fayetteville Paul R. Noland Wastewater Treatment Plant ADEQ Permit Number AR0020010 required the City to submit Sewer Use Ordinance modifications to come into compliance with current 40 CFR 403 regulations within twelve (12) months of the effective date (March 1, 2013) of the permit. The proposed modifications were submitted to ADEQ as required. ADEQ has reviewed and approved the modifications.

DISCUSSION:

Modifications to the Discharge and Pretreatment Regulations ordinance were made to come into compliance with 40 CFR 403, to simplify language, use newer terminology, to more closely match EPA model ordinance language, or to incorporate language recommended by ADEQ. ADEQ approval is not required for Extra Strength Surcharge requirements and fees, hauled wastewater fees, and industrial wastewater discharge permit fees. These items were moved from Article III, Discharge and Pretreatment Regulations to Article V, Rates and Charges. This will simplify any future changes.

BUDGET/STAFF IMPACT:

Staff will make changes to the ADEQ-approved Pretreatment Program document to incorporate ordinance modifications and submit for ADEQ approval. No Budget Impact.

Attachments:

Staff Review Form
Modified Article III
Modified Article V



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

THRU: Kit Williams, City Attorney

FROM: Blake Pennington, Assistant City Attorney 

DATE: January 6, 2015

RE: Penalties for Violations of Discharge and Pretreatment Regulations

Included in the changes required by the Code of Federal Regulations to our discharge and pretreatment regulations is a requirement that fines for violations must be up to \$1,000.00. This conflicts with Fayetteville Code § 10.99 **General Penalties**, which provides that no ordinance may allow a penalty greater than \$500.00 and any ordinance that includes a higher fine must be reduced to the lower amount when judgment for a violation is entered by the court. Therefore, along with the changes noted in the Staff Review Memo, I have also included a new § 10.99(A)(4), which provides as follows:

Notwithstanding the foregoing, violations of City of Fayetteville discharge and pretreatment regulations, codified at §§ 51.070 – 51.087, shall be subject to potentially higher penalties as provided in § 51.083 **Administrative Enforcement Remedies** and § 51.084 **Judicial Enforcement Remedies**, as required by federal law.

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

**ARTICLE III
DISCHARGE AND
PRETREATMENT REGULATIONS**

51.070 Purpose

This article sets forth standards and requirements for users of the Water Resource Recovery Facility (WRRF) for the City of Fayetteville and enables the city to comply with all applicable federal and state laws, including Clean Water Act (33 U.S.C. §1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are:

- (A) To prevent the introduction of pollutants into the WRRF that will interfere with its operation or contaminate its resulting biosolids;
- (B) To prevent the introduction of pollutants into the WRRF which will pass through the WRRF, inadequately treated, into receiving waters or otherwise be incompatible with the WRRF;
- (C) To protect both WRRF personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- (D) To improve opportunities for reuse and recycling of wastewater and biosolids from the WRRF;
- (E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WRRF;
- (F) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the WRRF is subject; and
- (G) To provide for penalties for violations of the regulations established herein.
- (H) To encourage pollution prevention through waste minimization, source reduction, reuse practices, recycling, and water and energy conservation.

This article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. No. 3965, 5-7-96; Ord. No. 4088, §1, 4-7-98; Code 1991, §51.070)

51.071 Applicability

This article shall apply to all users of the WRRF.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, 4-7-98; Code 1991, §51.071)

51.072 Administration

Except as otherwise provided herein, the City, as defined in this article, shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the City may be delegated by the City to his/her authorized representative.

(Code 1991, §51.072)

51.073 Abbreviations

The following abbreviations shall have the designated meanings:

See table.

BOD	Biochemical oxygen demand
BMP	Best Management Practice
CFR	<i>Code of Federal Regulations</i>
CIU	Categorical Industrial User
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
NPDES	National Pollutant Discharge Elimination System
NAICS	North American Industrial Classification System
RCRA	Resource Conservation and Recovery Act
TSS	Total suspended solids
SIU	Significant Industrial User
SNC	Significant Noncompliance
U.S.C.	United States Code
WRRF	Water Resource Recovery Facility

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.073)

51.074 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act or the Act. The Federal Water Pollution

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

Approval Authority. Arkansas Department of Environmental Quality.

Authorized signatory or authorized or duly authorized representative of the user.

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.
- (3) If the user is a federal, state or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 51.075(B) (1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration of milligrams per liter (mg/l).

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Article N, Parts 405-471.

Categorical Industrial User (CIU). An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

City. The mayor or his/her duly authorized representative, or the City of Fayetteville, the Fayetteville City Council or its duly authorized representative. The City is the Control Authority as defined in 40 CFR 403.3(f)(1).

Control Authority. The City.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, as specified by the City.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Domestic waste. Liquid and water-carried waste

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

generated by a typical household or waste comprised of waste equivalent to that generated by a typical household - human excrement and gray water (household showers, dishwashing operations, etc.). This does not include waste from commercial or industrial processes whether generated at a household or other premises.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or its authorized representative.

Existing source. Any source of discharge that is not a "New Source."

Grab sample. An individual sample collected over a period of time not to exceed 15 minutes.

Hauled Wastewater. Wastewater that is loaded to a tanker truck, a portable tank or other container and conveyed to another location for discharge. Hauled wastewater includes, but is not limited to, septic tank waste and portable toilet waste.

Indirect discharge or discharge. The introduction of pollutants into the WRRF from any nondomestic source.

Industrial user. A discharger into the WRRF of nondomestic wastewater.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WRRF, its treatment processes or operations or its biosolids processes, use or disposal and therefore, is a cause of a violation of the City's NPDES permit or a cause of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: §405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Instantaneous limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and

(b).

May. Discretionary or permissive.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National Pollutant Discharge Elimination System (NPDES) permit. A permit issued to a WRRF or other discharger pursuant to §402 of the Act.

New source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of §(1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin as part of a continuous onsite construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB) and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

Pass through. A discharge which exits the WRRF into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES

permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pharmaceutical drug. Also referred to as medicine, medication or medicament, can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

Pollution Prevention (P2). Waste reduction prior to recycling, treatment, or disposal. Pollution prevention means "source reduction" as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation, or use of less toxic alternatives.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the WRRF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements. Any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a user.

Pretreatment standards or standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, narrative BMPs, and local limits.

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

Prohibited discharge standards or prohibited discharges. Prohibitions against the discharge of certain substances; these prohibitions appear in §51.075(B) of this article.

Qualified professional. A person who is proven to be competent or suited for a specific position or task.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Shall. Mandatory.

Significant industrial user.

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the WRRF (excluding sanitary, noncontract cooling, and boiler blowdown wastewater); or
 - (b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the WRRF treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the WRRF's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in (2) has no reasonable potential for adversely affecting the WRRF's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

Slug load or slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this article or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) Code. A

classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

State. State of Arkansas.

Storm water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surcharge. A service charge in addition to the normal monthly rate which shall be assessed to the significant industrial users who discharge into the city system wastewater having an average BOD concentration in excess of 300 milligrams per liter or an average TSS concentration in excess of 300 milligrams per liter.

Total suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under §307 (33 U.S.C. §1317) of the Act.

Treatment plant's effluent. The discharge from the wastewater treatment plant into the receiving stream.

User. Any person who contributes or permits the contribution of wastewater into the WRRF.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions.

Wastewater treatment plant. That portion of the WRRF which is designed to provide treatment of municipal sewage and compatible industrial waste.

Water Resource Recovery Facility (WRRF). A "treatment works," as defined by §212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The WRRF is the Publicly Owned Treatment Works or POTW as defined in 40 CFR 403.3(q).

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §2, 4-7-98; Code 1991, §51.074)

51.075 General Sewer Use Requirements

(A) Wastewater generated by development located in

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100-year floodplain not to be transported or treated by facilities constructed under EPA Project No. C-050366-01 for 50 years.

(1) For the purpose of this section area of existing development shall mean an area which, at the EPA issued a finding of no significant impact for EPA Project No. C-050366-01 was:

- (a) Occupied by existing structures or facilities;
- (b) Substantially surrounded by existing structures or facilities and which serves no significant independent natural floodplain function; or
- (c) Characterized by substantial investment in public infrastructure but which is only partially occupied by structures or facilities.

(2) No wastewater generated by development located in the 100-year floodplain shall be transported or treated by facilities constructed under EPA Project No. C-050366-01 for a period of 50 years from January 1, 1987, except that service may be provided to:

- (a) Areas of existing development in a floodplain;
- (b) Commercial or public facilities which by nature must be located in a floodplain;
- (c) Areas of projected growth if the environmental information document for EPA Project No. C-050366-01 demonstrates that proposed development will be consistent with the floodplain management criteria for flood-prone areas (44 CFR 60.3) of the Federal Emergency Management Agency (FEMA) and will have no significant impacts on natural functions and values of the floodplain; or
- (d) An area of projected growth if an environmental impact statement demonstrates that there is no practicable alternative to such growth, that such growth will be consistent with the floodplain management criteria for flood-prone areas (44 CFR 60.3) of FEMA, and that the benefits of such growth outweigh its environmental costs.

(B) *Prohibited discharge standards.*

(1) *General prohibitions.* No person shall introduce or cause to be introduced into the WRRF any pollutant or wastewater which causes, or has the potential to cause, pass through or interference. These general prohibitions apply to all users of the WRRF whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

(2) *Specific Prohibitions.* No person shall introduce or cause to be introduced into the WRRF the following pollutants, substances, or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the WRRF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° Fahrenheit (60° C) using the test methods specified in 40 CFR 261.21;
- (b) Wastewater having a pH less than 5.0 or more than 12.4, or otherwise causing corrosive structural damage to the WRRF or equipment;
- (c) Solid or viscous substances including, but not limited to, fats, oil or grease of animal or vegetable in amounts which will cause obstruction of the flow in the WRRF resulting in interference but in no case solids greater than one-half inch in any dimension;
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the WRRF;
- (e) Wastewater having a temperature greater than 150° Fahrenheit (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° Fahrenheit (40° C);
- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within

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- the WRRF in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with §51.076(D) of this article;
 - (i) Any liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye, wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
 - (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations and approved by the City;
 - (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
 - (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (n) Medical wastes or pharmaceutical drugs, except as specifically authorized by the City;
 - (o) Wastewater causing, alone or in conjunction with other sources, the WRRF to violate its NPDES permit or the treatment plant's effluent to fail a toxicity test;
 - (p) Any substance which may cause the WRRF's effluent or other product of the WRRF such as residues, biosolids or scums, to be unsuitable for normal landfill/land application, reclamation or reuse, or to interfere with the reclamation process;
 - (q) Detergents, surface-active agents, or other substances which may cause excessive foaming in the WRRF;
 - (r) Any material into a manhole through its top unless specifically authorized by the City.
 - (s) Non-flushable wipes, non-dispersible wipes, and non-biodegradable wipes including, but not limited to, baby wipes, paper towels, dusting wipes, cleaning wipes, and disposable mop heads.
- Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WRRF.
- (C) *Categorical pretreatment standards or categorical standards.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. Users must comply with the categorical pretreatment standards. Categorical pretreatment standards are hereby incorporated.
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (D) *Local limits.* To protect against pass through and interference, no Industrial User may discharge or cause to be discharged into the WRRF any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the City as

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required by Part III in City of Fayetteville NPDES permits No. AR0020010 and AR0050288 authorized by 40 CFR 403.5 (c) and approved by the Approval Authority. TBLLs based on calculated Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Part 2. At the discretion of the City, TBLLs may be imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of the City, mass limitations may be imposed in addition to or in place of concentration based TBLLs. The City may also develop BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. When new Local Limits are implemented or revised, the City will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3).

- (E) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the WRRF.
- (F) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 3965, §§2, 3, Exh. A, 5-7-96; Ord. No. 4088, §3, 4-7-98; Code 1991, §51.075)

51.076 Pretreatment of Wastewater

- (A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in §51.075(B) of this article within the time limitations specified by EPA, the state, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable by the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the

responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this article.

(B) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocated and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WRRF and determine the user's compliance with the requirements of this article.
 - (2) The City may require any person discharging into the WRRF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense.
 - (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (5) At the City's discretion and when deemed necessary the industrial user shall have a licensed wastewater treatment operator on duty at all times when treating and discharging regulated wastewater to the City's collection system. Said operator shall meet the license or level of operator qualifications deemed necessary for proper treatment per Arkansas Pollution Control and Ecology Commission's Regulation #3.
- (C) *Accidental discharge/slugs control plans.* The City shall evaluate whether each significant industrial user needs an accidental discharge/slugs control plan or other action to control slug discharges.

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The City may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the City may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City of any accidental or slug discharge, as required by §51.079(F) of this article. Such notification must also be given for any discharge which would violate any of the prohibited discharges in §51.075(B) of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(D) *Hauled wastewater.*

Hazardous waste will not be accepted by truck or liquid waste hauler at the WRRF.

- (1) Domestic waste haulers are required to submit an application to discharge liquid wastes. This application must be accompanied by a fee in accordance with §51.137(G). Hauled domestic waste may be introduced into the WRRF only at locations approved by the City and at such times as are established by the City. Such wastes shall not violate §51.075 of this article or any other requirements established by the City. A fee must be paid for each domestic waste load in accordance with §51.137(G). The City may require the domestic waste haulers to obtain wastewater discharge permits.
- (2) The City may require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The

discharge of hauled industrial waste is subject to all other requirements of this article.

- (3) If the industrial waste is from a categorical user, the hauled wastewater must include waste analysis proving it meets the required limitations of its respective category.
- (4) Domestic waste haulers and industrial waste haulers may only discharge loads at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the hauler to provide a waste analysis of any load prior to discharge.
- (5) Domestic waste and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. For industrial waste, the form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (6) Any waste not deemed domestic by the City will be handled on a case by case basis at the discretion of the City.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.076)

51.077 Wastewater Discharge Permit Application

(A) *Wastewater analysis.* When requested by the City, a user must submit information on the nature and characteristics of the user's wastewater within thirty (30) days of request, unless otherwise specified. The City is authorized to prepare a form for this purpose and may periodically require users to submit or update the information.

(B) *Wastewater discharge permit requirement.*

- (1) No significant industrial user shall discharge wastewater into the WRRF without first obtaining a wastewater discharge permit from the City, except a significant industrial user that has filed a timely application pursuant to §51.077(C) of this article may continue to discharge for the time period specified therein.

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- (2) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in §51.082 through §51.084 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (C) *Wastewater discharge permitting; existing connections.* Any non-permitted user required to obtain a wastewater discharge permit, who was discharging wastewater into the WRRF prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the City for a wastewater discharge permit in accordance with §51.077(E) of this article, and shall not cause or allow discharges to the WRRF to continue after 180 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the City.
- (D) *Wastewater discharge permitting; new connections.* Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the WRRF must obtain such permit prior to the beginning or recommending of such discharge. An application for this wastewater discharge permit, in accordance with §51.077(E) of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.
- (E) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application accompanied by a fee in accordance with 51.137(H). The City may require a user to submit as part of an application the following information:
- (1) The information required by §51.079(A)(2) of this article;
 - (2) A comprehensive description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals (not just trade names) used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WRRF. A qualified professional must certify to the accuracy of this process narrative;
 - (3) Number of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw materials processed (average and maximum per day);
 - (6) Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas, and appurtenances by size, location, and elevation, and all points of discharge. A qualified professional must certify to the accuracy of this schematic(s);
 - (7) Time, average gallons per day discharged and duration of discharges; and
 - (8) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.
 - (9) Pollution Prevention (P2) activities such as source reduction, waste minimization, environmental management systems, water and energy conservation, and use of less toxic alternatives.
- Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (F) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized signatory of the user and contain the following certification statement:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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- (G) *Wastewater discharge permit decisions.* The City will evaluate the data furnished by the user and may require additional information. Within 90 days of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. The City may deny any application for a wastewater discharge permit.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.077)

51.078 Wastewater Discharge Permit Issuance Process

- (A) *Wastewater discharge permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire.

- (B) *Wastewater discharge permit contents.* Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, protect the public, facilitate biosolids management and disposal, and protect against damage to the WRRF.

(1) Wastewater discharge permits must contain:

- (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
- (b) A statement that the wastewater discharge permit is nontransferable except in accordance with §51.078 (E).
- (c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
- (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable

compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

- (f) Requirements to control Slug Discharge, if determined by the City to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (b) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (c) Requirements for the development and implementation of accidental discharge/slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WRRF;
- (e) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (f) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (g) Other conditions as deemed appropriate by the City to ensure compliance with this article, and federal and state laws, rules, and regulations.
- (h) A licensed wastewater operator as deemed necessary on duty at all times

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of treatment and discharge of regulated wastewater discharge to the City's collection system (per §51.076(B)(5)).

(C) *Wastewater discharge permit appeals.* A permittee may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of notice of issuance of the discharge permit.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alterative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the City fails to act within 30 days of receipt of the request, the request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

(D) *Wastewater discharge permit modification.* The City may modify the wastewater discharge permit for good cause including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the WRRF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating the permitted discharge poses a threat to the WRRF, WRRF personnel, the receiving waters, or threats to the WRRF's beneficial biosolids use;
- (5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with 51.078(E).

(E) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator if the permittee gives at least seven days advance notice to the City, provides a copy of the existing permit to the new owner or operator, and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(F) *Wastewater discharge permit revocation.* The City may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the City of changed conditions pursuant to §51.079(E) of this article;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

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- (4) Falsifying self-monitoring or other reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the City timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application; or
- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (G) *Wastewater discharge permit re-Issuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with §51.077(E) of this article, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- (H) *Regulation of waste received from other jurisdictions.*

- (1) If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the WRRF, the City shall enter into an interjurisdictional agreement with the contributing jurisdiction; enter into an agreement with, or permit, users located in another jurisdiction; or both. Certain hauled wastewater may be exempted from the requirements of this paragraph with specific authorization by the City.
- (2) An interjurisdictional agreement, as required by paragraph (1), above, shall contain the following conditions:
 - (a) A requirement for the contributing jurisdiction to adopt a sewer use

ordinance which is at least as stringent as this article and local limits which are at least as stringent as those set out in §51.075(D) of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and/or local limits;

- (b) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
- (c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing jurisdiction and the City;
- (d) A requirement for the contributing jurisdiction to provide the City with access to all information the contributing jurisdiction obtains as part of its pretreatment activities;
- (e) A provision insuring the City access to the facilities of users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- (f) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §§4, 5, 4-7-98; Code 1991, §51.078)

51.079 Reporting Requirements

(A) *Baseline monitoring reports.*

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the WRRF shall submit to the City a report which contains the information listed in paragraph (B), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to

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the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.

(a) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(b) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(c) *Description of operations.* A comprehensive narrative description of the nature, average rate of production, all applicable NAICS and standard industrial classifications of the operation(s) carried out by such user. This description should include a comprehensive schematic process diagram which indicates points of discharge to the WRRF from the regulated processes. A qualified professional must certify to the accuracy of this process narrative and wastewater flow schematics.

(d) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WRRF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) *Measurement of pollutants.*

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily

maximum, and long term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §51.079(J) of this article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable standards to determine compliance with the standard.

(iii) Sampling must be performed in accordance with procedures set out in §51.079(K) of this article.

(f) *Certification.* A statement, reviewed by the user's authorized signatory and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

(g) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in §51.079(B) of this article.

(h) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with §51.077(F) of this article.

(B) *Compliance schedule progress report.* The following conditions shall apply to the compliance schedule required by §51.079(A)(2)(g) of this article:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable

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pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine months;
- (3) The user shall submit a progress report to the City not later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine months elapse between such progress reports to the City.

(C) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WRRF, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in §51.079(A)(2)(d) through (f) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §51.077(F) of this article.

(D) *Periodic compliance reports.*

- (1) All significant industrial users shall, at a frequency determined by the City but in no case less than every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the

user must submit documentation required by the City or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with §51.077(F) of this article.

- (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in §51.079(J) and §51.079(K) of this article, the results of this monitoring shall be included in the report.

(E) *Report of changed conditions.* Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- (1) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §51.077(E) of this article.
- (2) The City may issue a wastewater discharge permit under §51.077(G) of this article or modify an existing wastewater discharge permit under §51.078(D) of this article in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow changes of 20% or greater, and the discharge of any previously unreported pollutants.

(F) *Reports of potential problems.*

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the WRRF (including a violation of the prohibited discharge standards in §51.075(B)

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of this article), the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- (2) Within five business days following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WRRF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to this article.
 - (3) If required by the City, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
 - (4) Significant industrial users are required to notify the City immediately of any changes at its facility affecting the potential for a slug discharge.
- (G) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports as may be required by the City.
- (H) *Notification of violation/repeat sampling and reporting.*
- (1) If sampling performed by a user indicates a violation, the user must notify the City as soon as possible but no later than 24 hours after becoming aware of the violation. The user shall also immediately repeat the sampling and analysis and submit the results of the repeat analysis to the City within the time period specified by the City but at no time later than 30 days after becoming aware of the violation. The user may not be required to resample if the City samples between the user's initial sampling and when the user receives the results of this sampling.
 - (2) If the City performed the sampling and analysis in lieu of the industrial user, the City will perform the repeat sampling and analysis

unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(I) *Notification of the discharge of hazardous waste.*

- (1) Any person who commences the discharge of hazardous waste shall notify the City, the EPA Regional Waste Management Division Director, and state hazardous waste authorities (in writing) of any discharge into the WRRF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the WRRF, the notification shall also contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications to the City must be made prior to the commencement of the discharge. Notifications of changed conditions must be submitted under Section §51.079(E) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections §51.079(A), (C), and (D) of this ordinance.
- (2) In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (3) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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- (4) This reporting provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

- (J) *Certification of Permit Applications and User Reports.* The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section §51.077; users submitting baseline monitoring reports under Section §51.079(A); users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section §51.079(C); users submitting periodic compliance reports required by Section §51.079(D) (1)-(3). The following certification statement must be signed by an Authorized Representative as defined in Section §51.074:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (J) *Analytical requirements.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (2) All independent laboratories performing analyses for users, including, but not limited to, self-monitoring, periodic reports on continuing compliance, baseline monitoring reports and/or split sample verification, shall be certified by the ADEQ Laboratory Certification Program for the specific analysis being performed. The City reserves the right

to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.

- (K) *Sample collection.*

- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (2) Except as indicated in subsection (3) and (4), below, the user must collect wastewater samples using 24-hr flow-proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (3) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
- (4) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§51.079(A) and (C), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by §51.079(D), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

- (L) *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

- (M) *Record keeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any

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monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under 51.075(D). Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the U.S. EPA, state, or City.

(Code 1991, §51.079; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §6, 4-7-98)

51.080 Compliance Monitoring

(A) *Right of entry; inspection and sampling.* The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually by a certified technician to ensure their accuracy. Calibration records shall be made available to

the City upon request.

- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (3) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this article.
- (B) *Search warrants.* If the City has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the city district court.

(Code 1991, §51.080)

51.081 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Code 1991, §51.081)

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51.082 Publication of Users in Significant Noncompliance

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City's WRRF, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in 51.074;
- (B) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 51.074 multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- (C) Any other violation of a pretreatment standard or requirement as defined by 51.074 (daily maximum, long term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- (D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide within forty five (45) after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on

compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(Code 1991, §51.082; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §8, 4-7-98)

51.083 Administrative Enforcement Remedies

- (A) *Notice of violation.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City shall serve upon such user either an informal warning or a written notice of violation. Within five business days of the receipt of the notice of violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing an informal warning or a notice of violation.
- (B) *Consent orders.* The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §51.083(D) and §51.083(E) of this article and shall be judicially enforceable.
- (C) *Show cause hearing.* The City may order a user which has violated or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show

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cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five business days prior to the hearing. Such notice shall be served on a representative of the user who meets the criteria of an authorized signatory. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(D) *Compliance orders.* When the City finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance ordinances may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a national pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(E) *Cease and desist orders.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(F) *Administrative charges.*

- (1) When the City finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may charge such user in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. The City may add the costs of administrative enforcement actions, such as notices and orders, to the charge.
- (2) Users desiring to dispute such charges must file a written request with the City Clerk within ten (10) working days of being notified of the charge. The Sewer Committee shall convene a hearing on the matter. In the event the charge is upheld by the Sewer Committee, the City may also add the costs of the appeal, such as notices and orders, to the charge.
- (3) Issuance of an administrative charge shall not be a bar against, or a prerequisite for, taking any other action against the user.

(G) *Emergency suspensions.* The City may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WRRF, or which presents or may present an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection or water service, to prevent or minimize damage to the WRRF, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in §51.083(H) of this article are initiated against the user.

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- (2) If necessary, severance of the sewer connection or water service may occur without notice.
- (3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City within five business days.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (H) *Termination of discharge.* Any user that violates the conditions in §51.078(F) of this article is subject to discharge termination. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §51.083(C) of this article why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Code 1991, §51.083; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.084 Judicial Enforcement Remedies

- (A) *Injunctive relief.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the appropriate court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (B) *Civil penalties.*

- (1) A user which has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a

monthly or other long term average discharge limit, penalties shall accrue for each day during the period of violation.

- (2) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

- (3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

- (C) *Criminal penalties.*

- (1) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day.

- (2) A user who willfully or negligently introduces any substance into the WRRF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty not more than one thousand dollars (\$1,000.00) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- (D) *Cost recovery.* The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost

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of any actual damages or fines incurred by the City.

- (E) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan within the City's Pretreatment Program. However, the City may take other action against any user, including but not limiting to, misdemeanor and felony fines and imprisonment when the circumstances warrant.

(Code 1991, §51.084; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.085 Affirmative Defenses to Discharge Violations

(A) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the City as soon as possible but no later than 24 hours after becoming aware of the upset. If this information is provided orally, a written submission must be provided within five

business days:

- (i) A description of the indirect discharge and cause of noncompliance;
- (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
- (iv) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

- (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- (5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

- (B) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in §51.075(B)(1) of this article or the specific prohibitions in §51.075(B)(2)(c) through (r), except for §51.075(B)(2)(h), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of

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interference, was in compliance with applicable biosolids use or disposal requirements.

(C) *Bypass.*

(1) For the purposes of this section:

- (a) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

(3) Notice.

- (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least ten business days before the date of the bypass, if possible.
- (b) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards as soon as possible but no later than 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five business days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass Prohibited; Exceptions.

- (a) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The user submitted notices as required under paragraph (3) of this section.
- (b) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

(Code 1991, §51.085; Ord. No. 3965, §2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §7, 4-7-98)

51.086 Miscellaneous Provisions

(A) *Pretreatment charges and fees.* The City may adopt reasonable fees for reimbursement of the costs of development and administration of the City's pretreatment program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and

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- (5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties, chargeable by the City.
- (B) *Severability.* If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
- (C) *Conflicts.* All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article, are hereby repealed to the extent of the inconsistency or conflict.

(Code 1991, §51.086; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.087 Surcharge

- (A) Any significant industrial user generating discharge which exhibits none of the characteristics of wastes prohibited in §51.075 but which has an average concentration of surcharge parameters in 51.137(E) in excess of the allowed strengths in 51.137(E) during a 24-hour period, may be required to obtain a discharge permit. Such discharge may, however, be accepted by the WRRF for treatment in accordance with Extra Strength Surcharge requirements in 51.137(E).
- (B) The City reserves the right to review and approve any waters or industrial waste entering the city's sewer system or proposed to be discharged into the system having an average daily flow greater than 10% of the design flow capacity of the plant which will treat the waste. In the event the city's measurement discloses such flow in excess of such capacity, the city shall be under no obligation to receive such flow in excess of 10% of designed capacity and the city's published rate shall not apply to such excess. An owner affected hereby shall be promptly notified of such determination by the City. A special contract, at the city's option, may be made with the user to accommodate such excess flow.

(Code 1991, §51.087)

51.088-51.109 Reserved

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51.137 Monthly Sewer Rates

(A) *Monthly sewer rates.*

(1) All monthly sewer charges shall be calculated from the customer's monthly water usage. The following monthly rates are hereby fixed as rates to be charged for sewer services:

Table D-1 Monthly Sewer Rates Per 1,000 Gallons Before January 1, 2009		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.10
	Greater than 2,000 gallons	3.10
Non-Residential	All Usage	2.42
Major Industrial	All Usage	2.42
Farmington	All Usage	4.66
Outside city	All Usage	4.66
Elkins	85% of metered water usage	2.81
	Usage above 85% of metered water usage	1.98

Table D-2 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2008		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.00
	Greater than 2,000 gallons	4.00
Non-Residential	All Usage	3.02
Major Industrial	All Usage	3.03
Farmington	All Usage	5.13
Outside city	All Usage	5.57
Elkins	85% of metered water usage	3.53
	Usage above 85% of metered water usage	1.85

Table D-3 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2009		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.07
	Greater than 2,000 gallons	4.10
Non-Residential	All Usage	3.10
Major Industrial	All Usage	3.21
Farmington	All Usage	5.28
Outside city	All Usage	5.74
Elkins	85% of metered water usage	3.64
	Usage above 85% of metered water usage	1.91

Table D-4 Monthly Sewer Rates Per 1,000 Gallons After December 31, 2010		
Class	Usage Rate (In Gallons)	Cost per 1,000 gallons
Residential	First 2,000 gallons	\$3.14
	Greater than 2,000 gallons	4.18
Non-Residential	All Usage	3.18
Major Industrial	All Usage	3.40
Farmington	All Usage	5.44
Outside city	All Usage	5.91
Elkins	85% of metered water usage	3.75
	Usage above 85% of metered water usage	1.96

(2) Beginning January 1, 2012, all monthly sewer quantity charge- usage rates per 1,000 gallons shall be increased by 3% per year.

(3) Sewer related fees levied by the Cities of Farmington or Greenland shall be added to the wastewater utility bill at the request of Farmington or Greenland. These fees may be calculated on a per-thousand volumetric usage or a per month basis.

(B) *Monthly sewer service charge.*

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- (1) In addition to the above, each customer shall pay a monthly sewer service charge in accordance with the following schedule:

Table E-1 Monthly Sewer Service Charge Prior to January 1, 2009			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x 3/4 "	\$ 10.36	\$ 10.35	\$ 10.35
1 inch	13.47	19.35	19.35
1½ inch	21.99	34.33	34.33
2 inch	31.44	49.32	49.32
3 inch	73.01	104.40	104.40
4 inch	120.26	171.97	171.97
6 inch	238.37	340.87	340.87
8 inch	356.48	509.76	509.76

Table E-2 Monthly Sewer Service Charge After December 31, 2008			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x 3/4"	\$ 12.45	\$ 12.40	\$ 11.40
1 inch	16.20	23.10	21.30
1½ inch	26.45	41.10	37.80
2 inch	37.80	54.30	50.00
3 inch	87.75	125.50	115.30
4 inch	144.50	206.60	189.85
6 inch	286.45	409.60	376.40
8 inch	428.40	612.60	563.00

Table E-3 Monthly Sewer Service Charge After December 31, 2009			
Meter Size	Inside City	Outside City†	Farmington†
5/8" x 3/4 "	\$ 12.80	\$ 12.80	\$ 11.70
1 inch	16.65	23.80	21.90
1½ inch	27.15	42.30	38.90
2 inch	38.85	55.90	51.50
3 inch	90.20	129.25	118.75
4 inch	148.60	212.80	195.55
6 inch	294.50	421.88	387.70
8 inch	440.45	631.00	579.90

Table E-4 Monthly Sewer Service Charge After December 31, 2010			
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Meter Size	Inside City	Outside City†	Farmington†
5/8" x 3/4"	\$ 13.20	\$ 13.20	\$ 12.10
1 inch	17.15	24.50	22.60
1½ inch	28.00	43.60	40.10
2 inch	40.05	57.60	53.05
3 inch	93.00	133.10	122.30
4 inch	153.25	219.20	201.50
6 inch	303.70	434.50	400.00
8 inch	454.20	650.00	597.30

†Cost of Service Methodology required by contract.

- (2) Beginning January 1, 2012, all monthly sewer service charges shall be increased by 3% per year.
- (C) *Determination of sewer quantity charge for residential customers.*

- (1) In the case of residential customers residing in a single family home, duplex, triplex, and/or fourplex, the average monthly water consumption for the preceding months of December, January, and February shall be computed separately for each customer, and a uniform monthly charge for each customer shall be determined by applying the schedule of rates set out in subsection (A) of this section to such average monthly water consumption. In the case of a residential user for whom a uniform monthly charge has been established and who moves to a new location the same uniform monthly charge shall apply at the new location. In the case of new residential customers, sewer averages shall be established based on the number of individuals residing within the dwelling unit, at a rate of 2,100 gallons per customer per month. This methodology of sewer averaging shall not apply to multi-family structures containing five (5) or more units in a contiguous building.
- (2) In the case of sewer customers who do not have a water meter provided by a public water utility, the sewer usage volume billed shall be the average volume of all users in the sewer system in like dwellings from the most recent system-wide sewer average calculation.

- (D) *Determination of charge for non-residential and major industrial customers.* In the case of non-residential and/or major industrial customers, the monthly sewer charge shall be determined by applying the schedule of rates prescribed in subsection (A) of this section to the monthly water

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usage of such customers. In the event that a non-residential or major industrial customer discharging waste into the city's sanitary sewer system produces evidence to the Water and Wastewater Director demonstrating that a substantial portion of the total amount of water from all sources used for all purposes does not reach the sanitary sewer which is in excess of the factors used in establishing the rates in subsection (A) of this section, an estimated percentage of total water consumption to be used in computing charges may be established by the Water and Wastewater Director. The factors used in establishing said rates are on file in the office of the Water and Wastewater Director and are incorporated herein by reference thereto. Any rate so adjusted by the Water and Wastewater Director shall be effective for a 12-month period beginning with the billing for the month when rates adjudged hereby go into effect.

(E) *Extra Strength Surcharge.*

- (1) For all significant industrial users as defined in §51.074, whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

Table F3 Extra Strength Surcharges	
	After 12/1/2011
Extra Strength BOD ₅	\$0.3145 per pound
Extra Strength TSS	\$0.2209 per pound

- (2) Starting after December 31, 2011, Extra Strength Surcharges shall be increased by 3% per year.
- (3) Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).
- (4) All sampling and analyses of the wastewater characteristics shall be performed in accordance with U.S. Environmental Protection Agency 40 Code of Federal Regulations Part 136 approved methods.
- (5) The volume of flow used in computing surcharge shall be based upon metered water consumption as shown in the records of meter readings maintained by the city's business office. In the event that a user discharging waste into the city sanitary sewer system produces evidence to the city demonstrating

that a portion of the total amount of water used for all purposes is not discharged into the sanitary sewer, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon its request, to measure only that portion of the total flow being discharged into the city sewer system. If a surcharge is assessed by the city, it shall be shown separately on the monthly billing.

- (6) Any person discharging industrial waste into the sanitary sewers of the city who procures any part or all of the user's water supply from sources other than the city, all or part of which is discharged into the sanitary sewer, shall install and maintain at the user's expense water meters of the type approved by the city for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meter will be read monthly and tested for accuracy when deemed necessary by the city. Where it can be shown that a portion of the water measured by the aforesaid meter or meters does not enter the sanitary sewer system of the city, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon its request, to measure only that portion of the total flow being discharged into the city sewer system. If a surcharge is assessed by the city, it shall be shown separately on the monthly billing.

- (7) Computation of extra strength surcharges shall be based on the following formula:

(a) Extra strength surcharge:

$$S = V \times 8.34 \times [\text{BOD Unit Charge (BOD - 300)} + \text{SS Unit Charge (TSS - 300)}]$$

(b) Where:

$$S = \text{Surcharge in dollars}$$

$$V = \text{Sewer volume in million gallons}$$

$$8.34 = \text{Pounds per gallon of water}$$

$$\text{BOD Unit} = \text{Unit charge for BOD in dollars per pound}$$

$$\text{BOD} = \text{BOD strength in parts per million}$$

$$300 = \text{Allowed BOD strength in parts per million}$$

$$\text{TSS Unit} = \text{Unit charge for suspended}$$

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Charge		solids in dollars per pound
TSS	=	Suspended solids strength in parts per million
300	=	Allowed TSS Strength in parts per million

7-1-86; Ord. No. 3285, 8-4-87; Ord. No. 3398, 1-3-89; Ord. No. 3491, 7-17-90; Ord. No. 3637, §§1, 2, 8-18-92; Ord. No. 4059, §2, 10-7-97; Code 1991, §51.137; Ord. No. 4530, 12-02-03; Ord. No. 4803, 12-20-05; Ord. 4998, 4-3-07; Ord. 5129, 4-15-08; Ord. 5438, 9-20-11)

51.138 Definitions Pertaining to Water and Sewer Rates

For the purpose of the sections pertaining to water and sewer rates, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(F) *Elkins sewer charges.*

- (1) Elkins' payment for wastewater treatment shall be based on 85% of the metered water purchased. The volume of wastewater received by Fayetteville at the "Point of Connection" shall be measured by the installed wastewater meter. Volumes of wastewater below or above the agreed upon percentage (85%) of metered water, as measured by the wastewater meter, shall be recorded on a monthly basis, with a reconciliation of the net difference to occur semiannually in June and December. If the reconciliation volume is over the agreed upon percentage, this amount shall be billed to Elkins in June and December at the actual computed cost of wastewater collection to and treatment at the Noland Wastewater Treatment Plant, not including the calculated rate of return and not including depreciation charges, but including any capacity surcharge, based on the most recent rate as determined in paragraph B of this Contract. If the reconciliation volume is below the agreed upon percentage, the actual amount billed for the difference shall be refunded to Elkins in June and December
- (2) Elkins impact fee charges. The City of Elkins shall pay an additional \$0.25 per 1,000 gallons of wastewater, for all wastewater volume charges including both the 85% of metered water volume and for wastewater in excess of the 85% of the metered water purchased billed volume.

(G) *Hauled Wastewater Fees.*

- (1) Application fee. An application to discharge hauled domestic waste must be accompanied by a fee of \$100.00.
- (2) Discharge fee. A fee of \$50.00 must be paid for each hauled domestic waste load discharged.

(H) *Industrial Wastewater Discharge Permit Fee.*

- (1) Application fee. An application for an industrial wastewater discharge permit must be accompanied by a fee of \$500.00.

(Code 1965, §21-26; Ord. No. 1165, 4-18-58; Ord. No. 3197,

(A) *City of Farmington customer.* Customer whose structure being served for water and/or wastewater is physically located within the incorporated limits of the City of Farmington, Arkansas, who is served by the City of Fayetteville for water and/or sewer service.

(B) *Inside City customer.* Customer whose structure being served for water and/or wastewater is physically located inside the incorporated limits of the City of Fayetteville, AR.

(C) *Infiltration/inflow.* The total quantity of water other than wastewater from both infiltration and inflow without distinguishing the source from defective pipes, pipe joints, connections, manholes, roof down spouts, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, storm sewer cross connections, catch basins, cooling towers, storm waters, surface runoffs, street wash water, or drainage. Infiltration and Inflow are specifically prohibited from being intentionally allowed into the sanitary sewer system.

(D) *Irrigation users.* Irrigation users include meters installed which serve primarily landscape irrigation systems and include city-owned meters which directly connect to the city water system (water only) or privately owned meters located downstream of a city-owned meter (exempt meters). Meters which serve park properties, golf courses, commercial nurseries and/or land agricultural uses shall be classified as irrigation except for meters at these locations which serve exclusively non-irrigation uses. Exempt meters which serve uses other than landscape irrigation systems shall also be considered irrigation and shall not be considered commercial.

(E) *Major industrial user.* An industrial customer who uses an average of 5,000,000 gallons or more of metered water per month in the previous calendar year for non-irrigation use at a common facility/building. This does not apply to combined or consolidated sets of bills for non-irrigation use

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at separate facilities/buildings.

- (F) *Municipality.* A city, town, county, parish, district, association, or other public body (including an inter-municipal agency of two or more of the foregoing entities) created under state law having jurisdiction over disposal of sewage, industrial waste or other waste. The definition includes special districts such as water, sewer, sanitary, utility, drainage, transport, or disposal of liquid waste of the general public in a particular geographic area.
- (G) *Non-residential customer or user.* All customers that do not meet the specific definitions of residential customers, irrigation users, or major industrial users. Non-residential customers include but are not limited to retail establishments, restaurants, office buildings, laundries, governmental, educational, social, charitable, religious, medical, penal institutions, poultry houses, other private business and service establishments. It also includes industrial users using less than an average of 5,000,000 gallons per month in the previous calendar year.
- (H) *Operation and maintenance.* Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (I) *Replacement.* Expenditures for obtaining and installing components, equipment and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (J) *Residential customer or user.* Any contributor of wastewater to the city's treatment works whose dwelling in a single family home, duplex, triplex, fourplex and/or any individually metered dwelling unit that is used for domestic dwelling purposes only.
- (K) *Treatment works.* Any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement; remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate

disposal of residues resulting from such treatment (including land for composting biosolids, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (L) *Useful life.* The estimated period during which a treatment works will be operated.
- (M) *User charge.* That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
- (N) *Water meter.* A water volume measuring and recording device, furnished and installed by the water department of the city. In some bulk water cases, primarily for construction uses where a standard water meter cannot be used due to large volume or water velocity requirements, the water shall be measured using a pitot gauge and a timer.

(Code 1965, §21-26.1; Ord. No. 1760, 9-9-70; Ord. No. 2913, 4-19-83; Ord. No. 2972, 1-17-84; Ord. No. 3197, 7-1-86; Ord. No. 3491, 7-17-90; Ord. No. 3637, §3, 8-18-92; Ord. No. 4059, §3, 10-7-97; Code 1991, §51.138; Ord. 5124, 4-1-08)

51.139 Reviews of Water and Sewer Rates, Notification to User

- (A) *Periodic review by city; revision of rates.* The city shall review the charges periodically and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement, and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes.
- (B) *Notification of user.* The city shall notify each user at least annually, in conjunction with a regular bill, of the rates being charged for operation, maintenance and replacement of the wastewater treatment works.

(Code 1965, §21-27; Ord. No. 1103, 2-20-56; Code 1991, §51.139; Ord. 5125, 4-1-08)

State law reference(s)--Cities of the first class - Sale or purchases of water to other municipalities, A.C.A. §14-234-108; Cities of the first class - Sale of water to certain persons; A.C.A. §14-234-109; Waterworks operated in governmental

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capacity - Services to nonresident consumers, A.C.A. §14-234-110; Service to adjacent areas-Municipalities generally, A.C.A. §14-234-111.

51.140 Water Billing Procedure

(A) *Water service bills.* All bills for water services shall be rendered in the net amount due. Water bills are due and payable on or before the 20th day following the billing date stated on the water bill. Water bills not paid on or before the due date shall be considered delinquent and an additional charge of 10% of the total bill shall be paid; provided said penalty may be waived for elderly or handicapped utility customers pursuant to a penalty waiver program approved by the City Council.

(B) *Termination of service.* The city shall disconnect utility service in accordance with the following policies:

(1) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid and deposit required has been made. It is the policy of the city to terminate service to customers for reason of nonpayment of bills only after they have been given notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

- (a) That all bills are due and payable on or before the date set forth on the bill; and
- (b) That if any bill is not paid by or before that date, notice will be mailed advising the customer that if the bill is not paid within 28 days following the billing date stated on the water bill service will be disconnected, and the customer's deposit will be forfeited in an amount sufficient to cover the gross amount of his due bill. The forfeiture of the deposit shall take place if the customer has not paid the delinquent bill plus all applicable service charges within seven days after disconnection; and
- (c) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in

charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(3) Before service may be re-established following disconnection or forfeiture of a service deposit, the consumer must pay any bill due the city for water service not liquidated by the forfeited deposit. Said consumer must also make a new service deposit in accordance with §51.135(l) and pay an additional service charge of \$35.00.

(4) Definition of 'customer'

(a) For purposes of this section a 'customer' shall mean a person or the spouse of the person in whose name water service from the City of Fayetteville has been obtained. A 'customer' shall also mean the trustee or any beneficiary of a trust which is the owner of any property which has received water service from the City of Fayetteville. Furthermore, a person who is a member of a Limited Liability Company, partnership, or similar entity which received water service in the entity's name or a principal shareholder or director of a corporation which has received water service shall be considered a 'customer'.

(b) Unless the mayor determines it would be unfair and create an undue hardship on any such customer or other person, the failure of such customer to fully pay the customer's city utility bill for any city utility account shall justify the discontinuance of utility service to all of the customer's properties and accounts. The mayor may exempt from discontinuance of service a particular customer's utility account to prevent unfairness and undue hardship.

(5) If the water meter has not been shut off, there shall be a service charge of \$5.00 for collection of a water bill made in the field by a service person.

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(Code 1991, §51.141)

(C) *Billing adjustments.* All water consumers will be required to pay the full amount of the bill calculated by the city, except in those instances where the water meter concerned, or other water plant property, has been shown to be defective and has resulted in an excessive charge to the customer's account.

- (1) Where the consumer has not been negligent by his failure to repair known leaks or causes of excess water consumption, an adjustment may be made to the consumer's bill if in the opinion of the water and wastewater director, or his official representative, an adjustment is justified.
- (2) In no event shall a billing adjustment exceed 50% of the difference between the average of the customer's prior billings and the amount of the disputed billing.
- (3) In no event will a billing adjustment amounting to less than \$1.00 be made.
- (4) If the problem with the bill is due to leakage or some problem other than a misread or a malfunction of city equipment, the consumer shall pay a service charge of \$5.00.
- (5) Permanent house numbers, visible from the street, if possible shall be prominently displayed before a meter check or service call is made.

(Code 1965, §21-28--21-28.2; Ord. No. 1165, 4-18-58; Ord. No. 1731, 2-2-70; Ord. No. 2144, 9-25-75; Ord. No. 2330, 5-3-77; Ord. No. 2675, 11-4-80; Ord. No. 3193, 6-18-86; Ord. No. 3436, 7-5-89; Ord. No. 4223, 2-15-00; Code 1991, §51.140; Ord. 5219, 2-3-09)

51.141 Sewer Billing Procedure

- (A) Bills for sewer service shall be rendered monthly. Sewer bills are due and payable on or before the 20th day following the billing date stated on the sewer bills. Sewer bills not paid on or before the due date shall be considered delinquent and an additional charge of 10% of the total bill shall be added, and if any bill not paid within 30 days after the bill shall be due, suit may be brought to collect the amount due, together with the expenses of collection and a reasonable attorney's fee.
- (B) In the case of the sewer customers outside the city limits, if the monthly service charges are not paid within the prescribed time, sewer service to the customer will be discontinued in the same manner and subject to the same provisions as prescribed for discontinuance of service under §51.140(B).

51.142 Reduction Of Rates

The city hereby covenants and agrees that the rates established by this article shall never be reduced while any waterworks and sewer revenue bonds issued pursuant to Ordinance No. 1166, passed and approved April 18, 1958, are outstanding, unless there is obtained from an independent certified public accountant a certificate that the net revenues of the system for each of the two preceding fiscal years (net revenues being defined as gross revenues less the reasonable expenses of operation and maintenance of the system, including all expense items properly attributable to operation and maintenance under generally accepted accounting practices applicable to municipal waterworks and sewer systems) were equal to the amount required to be set aside for a depreciation fund by Ordinance No. 1166, plus at least 150% of the maximum amount that will become due in any year for principal, interest, and service charges on all waterworks and sewer revenue bonds then outstanding, together with a written opinion from such independent certified public accountant that the proposed new rate will produce sufficient net revenue, as above defined, to make the required deposit into such depreciation fund and to leave a balance equal to at least 150% of the maximum amount that will become due in any year for principal, interest and service charges on all waterworks and sewer revenue bonds then outstanding.

(Code 1965, §21-30; Ord. No. 1165, 4-18-58; Code 1991, §51.142)

51.143 Turning-On Of Water; Fees

- (A) All consumer requests for same day turn on service shall pay a \$15.00 turn on fee in advance.
- (B) Before water service shall be turned on, permanent house numbers visible from the street, if possible, must be prominently displayed on the property. In the event water service cannot be turned on because the house numbers have not been prominently displayed or are inaccurate, the customer shall pay a \$15.00 service charge for each trip to the property made by a service person for the purpose of turning on the water; provided there shall be no charge for the first two trips. For existing water services which do not have permanent house numbers prominently displayed on the property, the consumer shall be given written notice by certified mail that if his permanent house numbers are not prominently displayed within seven days from the date of the notice, water service shall be disconnected and shall not be reconnected until a \$15.00 service charge is paid.

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- (C) In the event water service cannot be left on because of water running on the customer's side of the meter, a notice shall be left on the property stating that the water was left off because of the running water. In the event the service person is required to make more than one additional trip to turn on the water, or if the trip is made after normal working hours as defined in §51.140(B)(2) there shall be an additional service charge of \$10.00 per trip.

(Code 1965, §§21-31--21-33; Ord. No. 2144, 9-2-75; Ord. No. 2675, 11-4-80; Code 1991, §51.143)

51.144 Filling Water Tanks On Commercial Trucks; Rates

- (A) Water rates for consumers that purchase water for the purpose of filling water tanks on commercial trucks shall be as follows:

Table I
Water Rates for Commercial Water Trucks

Volume	Rate
First 1,000 gallons	A minimum of \$9.00 (\$5.00 labor plus \$4.00 water/tax).
Greater than 1,000 gallons	\$4.00 per 1,000 gallons

- (B) Rates are charged on a per-trip basis. The initial labor charge shall be paid upon each arrival at the fill site.

(Ord. No. 3478, 4-3-90; Ord. No. 3491, 7-17-90; Ord. No. 4059, §4, 10-7-97; Code 1991, §51.144; Ord. 5126, 4-1-08)

51.145 Address Number Requirements

- (A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Permanent numbers.* Address numbers that are raised numbers, made of metal, wood, or plastic and are nailed or screwed into the building. These numbers are those assigned to the building by the city.
- (2) *Stick-on numbers.* Address numbers that have an adhesive backing that are designed, or were originally designed, to stick onto the building.
- (3) *Temporary numbers.* Address numbers that are raised numbers, made of metal, wood, or plastic and are nailed or screwed onto a board, and staked into the ground and rise from three

to four feet above the ground. Temporary numbers may also be painted onto a board and staked into the ground.

- (B) *Permanent address numbers required.*

- (1) Permanent numbers must be nailed or screwed into the building and must be clearly visible from the street.
- (2) All numbers shall be installed at the expense of the owner and shall be maintained at the owner's expense.
- (3) No "stick-on" numbers shall be accepted.
- (4) All numbers must be made of metal, plastic, or wood.
- (5) All numbers must be at least 3: inches in height.
- (6) All numbers must be contrasting in color to the building.
- (7) Numbers must be displayed on the front of the building, or on the side that faces the street and easily visible from the street.
- (8) Commercial establishments must have permanent numbers nailed or screwed into the building. Commercial establishments with glass fronts may have painted numbers on the glass, but only if there is nowhere possible to nail or screw permanent numbers into the building.
- (9) Commercial establishments that have individual suites must have permanent numbers on the building (building number) and also permanent numbers on each suite (suite number).
- (10) Mobile homes must have permanent address numbers nailed or screwed into the trailer. The numbers must be affixed to the side or end of the trailer that faces the street.
- (11) Mobile home parks must have the park address number displayed at the entrance to the park (may have permanent numbers or painted numbers affixed to park entrance sign), and must also have permanent, individual space numbers affixed to each mobile home.
- (12) Apartment buildings must have the building number permanently affixed to each building, and must also have individual apartment numbers permanently affixed to each

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apartment.

- (13) Buildings not visible from the street must have permanent numbers nailed or screwed into a board and posted at the entrance of the driveway (either on a post or on a tree); numbers must raise from three to four feet above the ground, and be clearly visible from the street. If two or more buildings are on the same drive, permanent numbers must also be nailed or screwed into each individual building, as well as both numbers posted at the entrance of the driveway.

- (14) Construction sites, where the building is not complete enough to affix permanent address numbers, must display temporary numbers at the construction site where they are clearly visible from the street.

- (15) Locations where there is a water meter for purposes of irrigating, watering stock, chicken houses, and the like where there is no building to affix numbers, must be permanently nailed or screwed onto a board and posted at the entrance of the driveway; numbers must rise from three to four feet above the ground, and be clearly visible from the street. If there is no driveway to the property, the board must be posted near the water meter box.

Any variations from this policy must have the prior written consent of the water and sewer services superintendent.

(C) *Service requests.*

- (1) Permanent numbers must be displayed before any service calls will be made by the city.
- (2) Permanent numbers must be displayed before a meter check or billing adjustment is made by the Water and Sewer Division.
- (3) Permanent numbers must be displayed before water service is turned on at the address.
- (4) In the event a service call is made and the address number is not displayed in the above manner, the property owner shall be assessed a fee of \$15.00 for each trip to the property made by a service person provided there shall be no charge for the first two trips. There shall be a \$25.00 fee assessed for any service calls made after normal working hours (weekdays between 4:00 p.m. and 8:00 a.m., on holidays, or on weekends).
- (5) For existing water services which do not have permanent numbers prominently displayed,

the consumer shall be given written notice by certified mail that if his permanent numbers are not prominently displayed within 21 days from the date of the notice, water service shall be disconnected and shall not be reconnected until permanent numbers have been properly displayed and a \$15.00 service charge is paid.

(Ord. No. 3569, 10-1-91; Code 1991, §51.145)

51.146 Backflow Prevention

(A) *Purpose.* The purpose of this section is as follows:

- (1) To protect the public water supply of the city from the possibility of contamination or pollution from backflow into the public water system.
- (2) To promote the elimination or control of cross connections, actual or potential, between the customer's potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems.
- (3) To contain at the service connection any actual or potential pollution or contamination within the customer's premises.
- (4) To provide a continuous, systematic, and effective program of cross-connection control.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Backflow* shall mean a hydraulic condition, caused by a difference in pressures, in which non-potable water or other fluids flow into a potable water system.
- (2) *Backflow preventer* shall mean a testable assembly to prevent backflow.
- (3) *Cross connection* means any actual or potential connection between the public water system and a source of contamination or pollution.
- (4) *Double-check valve assembly (DC)* means a complete assembly meeting AWWA Standard C510 and the requirements of the *Arkansas State Plumbing Code* consisting of two internally loaded, independently operating check valves between two tightly closing resilient-seated shutoff valves, with four properly placed resilient seated test cocks.
- (5) *Reduced-pressure principle backflow*

FAYETTEVILLE CODE OF ORDINANCES
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prevention assembly (RP) means a complete assembly meeting AWWA *Standard C511* and the requirements of the *Arkansas State Plumbing Code* consisting of a hydraulically operating, mechanically independent differential relief valve located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient-seated test cocks.

- (6) *Air gap (AG)* means a physical separation between two piping systems.

(C) *Handbook of Policies and Procedures.* There is hereby adopted by the City Council, by reference thereto, the provisions set forth in the *City of Fayetteville Cross-Connection Control Program: Handbook of Policies and Procedures*, as may from time to time hereafter be amended.

(D) *Applicability.*

- (1) The requirements and standards set forth herein shall apply to industrial and commercial establishments.
- (2) Single-family, residential dwelling units, unless involved in commercial operations, are exempt from the requirements of this section except where they fall under the purview of the *Arkansas State Plumbing Code* and/or the *City of Fayetteville's Cross-Connection Control Program: Handbook of Policies and Procedures*.
- (3) These standards are supplemental to and do not supersede or modify the *Arkansas State Plumbing Code (ASPC)* and its latest revisions under which the city operates.

(E) *Administration.* The Water and Sewer Division of the city shall be responsible for administration of this section and evaluating the hazards inherent in supplying a customer's water system.

(F) *Backflow prevention.*

- (1) *Evaluation of hazards.* The Water and Sewer Division shall determine whether solid, liquid, or gaseous pollutants or contaminants are, or may be, handled and/or used on the customer's premises in such a manner as to possibly contaminate the public water system.
- (2) *Customer installation of BFP.* When a hazard or potential hazard to the public water system is found on the customer's premises, the customer shall be required to install an

approved backflow prevention assembly (BFP), or an air gap, at each public water service connection to the premises.

(3) *Type of BFP.*

- (a) The type of BFP required shall depend on the degree of hazard involved.
- (b) Any backflow prevention assembly required herein shall be an approved type which is in compliance with requirements of the *City of Fayetteville's Cross-Connection Control Program: Handbook of Policies and Procedures*.

(4) *Degree of hazard.* The degree of hazard shall be as determined as set forth in AWWA M-14 manual or as described below:

- (a) In the case of any premises where there is an auxiliary water supply connected to the plumbing system, the public water system shall be protected from the possibility of backflow by a reduced-pressure principle backflow prevention assembly (RP) at the service connection.
- (b) In the case of any premises where substances are handled and/or used that are objectionable, but not hazardous to human health, and the likelihood exists of it being introduced into the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or approved double check valve assembly (DC).
- (c) In the case of any premises where there is any material hazardous to human health, which is handled and/or used in such a fashion as to create an actual or potential threat to the public water system by virtue of a backflow occurrence, the public water system shall be protected by an air gap or an approved reduced - pressure principle backflow prevention assembly (RP).
- (d) In the case of any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.
- (e) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is

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impossible or impractical to make a complete cross-connection survey, the public water system shall be protected by the installation of an approved reduced-pressure principle backflow prevention assembly (RP) or an air gap at the service connection.

(G) *Noncompliance/emergencies.*

- (1) *Violation/notice.* Upon discovery of any protective device required by this section which has not been installed, or is defective, or has been removed, or altered, or relocated, or bypassed, (except emergency situations), written notice shall be given to the customer. Such notice shall set forth the violation, the remedy required, and the time frame in which the violation shall be remedied.

(2) *Water service discontinued.*

- (a) If violations are not corrected by the date and time as stated on the notice, the water supply will be discontinued by the Water and Sewer Division.
- (b) Discontinued water service shall not be resumed until conditions at the customer's premises have been abated or corrected to the satisfaction of the Water and Sewer Division.

- (3) *No water service connection.* No water service connection shall be installed on the premises of any customer unless the public potable water system is protected as required by this section.

- (4) *Emergency.* In emergency situations when the public potable water supply is being contaminated or is in immediate danger of contamination, the water service shall be discontinued by the water and sewer division immediately without notice.

- (H) *Right of entry.* For the purpose of making any inspections or discharging the duties imposed by this section, the Water and Sewer Division of the city, the state health department, and/or plumbing inspector shall have the right to enter upon the premises of any customer. Each customer, as a condition of the continued delivery to his premises of water from the public water supply, shall be considered as having stated his consent to the entry upon his premises by the Water and Sewer Division of the city, the state health department, and/or plumbing inspector for the purpose stated herein.

- (I) *Ownership.* Backflow prevention assemblies required by this section will be installed downstream of the water meter and are owned by, and are the responsibility of the customer of the water utility.

- (J) *Installation and costs.* Customers of the city water utility requiring backflow prevention assemblies shall pay all costs associated with installation of the appropriate size and type of backflow preventer under private contract. Backflow prevention assemblies shall be installed in accordance with the requirements of the city's *Cross-Connection Control Program: Handbook of Policies and Procedures*. The Water and Sewer Division shall review and approve all plans for placement of backflow preventers prior to installation. Backflow prevention assemblies not installed in accordance with the requirements of the city's *Cross-Connection Control Program: Handbook of Policies and Procedures* shall be corrected at the customer's expense.

- (K) *Testing and maintenance.* The customer or the contractor responsible for the installation of the backflow prevention assembly will notify the Water and Sewer Division immediately after installation of the assembly so that it can be tested and inspected. The Water and Sewer Division will inspect and test the backflow prevention assembly within ten days of the installation date and annually thereafter. In instances where the Water and Sewer Division, the City of Fayetteville, and/or the plumbing inspector deems the hazard to be great enough, testing may be required at more frequent intervals. All costs of testing shall be paid by the customer. Any repairs required as a result of inspections or testing shall be arranged for and paid by the customer through private contract with a certified assembly repair technician. Records of inspections, testing, and/or repairs to backflow preventers shall be kept by the Water and Sewer Division and/or the city and made available to the state health department upon request.

- (L) *New construction.* All new construction within the city be effected upon the passage of this section. All existing customer premises shall be in compliance with this section in accordance with the notification by the water utility.

- (M) *Thermal expansion.* It is the responsibility of the customer to eliminate possible hazards caused by thermal expansion if a closed system has been created by the installation of a backflow assembly.

(Ord. No. 4140, §1, 2-2-99; Code 1991, §51.146)

51.147-51.998 Reserved

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

51.999 Penalty

- (A) The use or withdrawal of water by any person when prohibited under the terms of §51.001 is declared to be a misdemeanor punishable by a fine of not more than \$25.00; however, if the violation of said sections is continuous in respect to time, the penalty for the continuation thereof shall not exceed \$15.00 for each day that the same is continued.
- (B) It is hereby declared to be a misdemeanor for any person to fail, neglect, or refuse to connect to a city sewer line within the time prescribed by §51.110. Said misdemeanor shall be punishable by a fine in the amount of \$25.00 for the first offense, and shall be punishable by a fine of \$15.00 for each day that such violation continues.
- (C) Any user who is found to have violated an order of the City Council under this chapter (except as set forth in (A) or (B) above), or who violates or knowingly fails to comply with any provision of this chapter or the orders, rules, regulations, and/or permits issued hereunder, shall, upon conviction, be fined as set forth in §10.99 for such offense. Each day on which a violation shall occur or continue shall be deemed a separate or distinct offense. In addition to the penalties provided herein, the city may recover the expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.
- (D) Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished by a fine as set forth in §10.99.

(Code 1965, §§21-1.9, 21-5.1(c), 21-144; Ord. No. 1742, 6-1-70; Ord. No. 1757, 8-17-70; Ord. No. 2095, 4-1-75; Ord. No. 3250, 3-17-87; Code 1991, §51.999)

State law reference(s)—Powers of authority generally, A.C.A. §14-143-109.

B.2. Repeal & Replace Title V
Public Works and Amend
Chapter 51 and Chapter 10

NOTICE OF PUBLIC HEARING		CITY OF
The City Council of the City of Fayetteville, Arkansas will conduct a Public Hearing at 5:30 pm on February 17, 2015, in Room 219 of the City Administration Building, 113 W. Mountain Street, Fayetteville, Arkansas to consider the adoption of amendments to the Fayetteville City Code regarding wastewater discharge and pretreatment regulations. A copy of the proposed ordinance is published contemporaneously with this Notice, and may be obtained, along with all exhibits referenced therein, from the Office of City Clerk/Treasurer during normal business hours.		
ORDINANCE NO. _____		
AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III DISCHARGE AND PRETREATMENT REGULATIONS; TO AMEND § 51.137 MONTHLY SEWER RATES; TO AMEND § 51.138 DEFINITIONS PERTAINING TO WATER AND SEWER RATES; TO AMEND § 51.999 PENALTY; AND TO AMEND § 10.99 GENERAL PENALTY OF THE FAYETTEVILLE CODE		
WHEREAS, the permit issued by the Arkansas Department of Environmental Quality for operation of the Paul R. Noland Wastewater Treatment Plant requires the City of Fayetteville to update its discharge and pretreatment regulations to comply with changes adopted in the Code of Federal Regulations; and		
WHEREAS, the proposed modifications have been submitted to and approved by the Arkansas Department of Environmental Quality.		
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:		
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 of the Fayetteville Code and enacts a replacement Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 as shown on Exhibit "A" attached hereto.		
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.137(E) <i>Extra Strength Surcharge</i> and enacts a replacement (E) as shown on Exhibit "B" attached hereto.		
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(G) <i>Hauled Wastewater Fees</i> as shown below:		
(G) <i>Hauled Wastewater Fees.</i>		
(1) Application fee. An application to discharge hauled domestic waste must be accompanied by a fee of \$100.00.		
(2) Discharge fee. A fee of \$50.00 must be paid for each hauled domestic waste load discharged.		
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(H) <i>Industrial Wastewater Discharge Permit Fee</i> as shown below:		
(H) <i>Industrial Wastewater Discharge Permit Fee.</i>		
(1) Application fee. An application for an industrial wastewater discharge permit must be accompanied by a fee of \$500.00.		
Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.138(K) <i>Treatment works</i> by replacing the word "sludge" with the word "biosolids."		
Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.999(D) by striking the phrase "or an industrial wastewater discharge permit."		
Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 10.99(A)(4) as shown below:		
(4) Notwithstanding the foregoing, violations of City of Fayetteville discharge and pretreatment regulations, codified at §§ 51.070 - 51.087, shall be subject to potentially higher penalties as provided in § 51.083 Administrative Enforcement Remedies and § 51.084 Judicial Enforcement Remedies, as required by federal law.		
PASSED and APPROVED this 17th day of February, 2015.		
APPROVED:	ATTEST:	
By: _____	By: _____	
LIONELD JORDAN, Mayor	SONDRA E. SMITH, City Clerk/Treasurer	

Published 1-29-15

NOTICE OF PUBLIC HEARING

The City Council of the City of Fayetteville, Arkansas will conduct a Public Hearing at 5:30 pm on February 17, 2015, in Room 219 of the City Administration Building, 113 W. Mountain Street, Fayetteville, Arkansas to consider the adoption of amendments to the Fayetteville City Code regarding wastewater discharge and pretreatment regulations. A copy of the proposed ordinance is published contemporaneously with this Notice, and may be obtained, along with all exhibits referenced therein, from the Office of City Clerk/Treasurer during normal business hours.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III **DISCHARGE AND PRETREATMENT REGULATIONS**; TO AMEND § 51.137 **MONTHLY SEWER RATES**; TO AMEND § 51.138 **DEFINITIONS PERTAINING TO WATER AND SEWER RATES**; TO AMEND § 51.999 **PENALTY**; AND TO AMEND § 10.99 **GENERAL PENALTY OF THE FAYETTEVILLE CODE**

WHEREAS, the permit issued by the Arkansas Department of Environmental Quality for operation of the Paul R. Noland Wastewater Treatment Plant requires the City of Fayetteville to update its discharge and pretreatment regulations to comply with changes adopted in the Code of Federal Regulations; and

WHEREAS, the proposed modifications have been submitted to and approved by the Arkansas Department of Environmental Quality.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 of the Fayetteville Code and enacts a replacement Title V Public Works, Article III Discharge and Pretreatment Regulations, §§ 51.070-51.087 as shown on Exhibit "A" attached hereto.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 51.137(E) *Extra Strength Surcharge* and enacts a replacement (E) as shown on Exhibit "B" attached hereto.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(G) *Hauled Wastewater Fees* as shown below:

(G) *Hauled Wastewater Fees.*

- (1) Application fee. An application to discharge hauled domestic waste must be accompanied by a fee of \$100.00.
- (2) Discharge fee. A fee of \$50.00 must be paid for each hauled domestic waste load discharged.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 51.137(H) *Industrial Wastewater Discharge Permit Fee* as shown below:

(H) *Industrial Wastewater Discharge Permit Fee.*

- (1) Application fee. An application for an industrial wastewater discharge permit must be accompanied by a fee of \$500.00.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.138(K) *Treatment works* by replacing the word "sludge" with the word "biosolids."

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 51.999(D) by striking the phrase "or an industrial wastewater discharge permit."

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts §10.99(A)(4) as shown below:

- (4) Notwithstanding the foregoing, violations of City of Fayetteville discharge and pretreatment regulations, codified at §§ 51.070 – 51.087, shall be subject to potentially higher penalties as provided in § 51.083 **Administrative Enforcement Remedies** and § 51.084 **Judicial Enforcement Remedies**, as required by federal law.

PASSED and APPROVED this 17th day of February, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

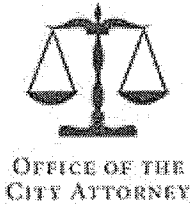
Smith, Sondra

From: Williams, Kit
Sent: Thursday, January 22, 2015 9:42 AM
To: Smith, Sondra
Cc: Jordan, Lioneld
Subject: FW: Wastewater Pretreatment changes
Attachments: NOTICE AND ORDINANCE AMENDING DISCHARGE AND PRETREATMENT REGS.doc

Sondra,

Please help ensure we move forward on this item as recommended by Blake.

Kit Williams
Fayetteville City Attorney
479.575.8313



From: Pennington, Blake
Sent: Wednesday, January 21, 2015 4:31 PM
To: Nyander, Tim
Cc: Denise.Georgiou@CH2M.com; Williams, Kit
Subject: Wastewater Pretreatment changes

Tim and Denise,

I double checked my math on this and the reason I had suggested tabling the second reading for two meetings is because the statute requires publication after the first reading but at least ten days before the public hearing. Since the City Council did not table the second reading, we can just use the third scheduled reading as the public hearing and it won't be delayed at all. When it goes back to the City Council on February 3, the request should be made to leave it on second reading so that both the public hearing and the third reading will occur on February 17. This will be plenty of time (as long as the notice is published before February 7).

I am attaching the notice and ordinance that will need to be published. Dee will be able to get you in contact with the advertising contact at the paper so we can be sure to get the City's discounted rate. Let us know if you have any questions.

Thanks!

Blake

--

Blake E. Pennington
Assistant City Attorney

113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701
Telephone: (479) 575-8313
bpennington@fayetteville-ar.gov



OFFICE OF THE
CITY ATTORNEY



Exhibit A

FAYETTEVILLE CODE OF ORDINANCES TITLE V PUBLIC WORKS

ARTICLE III DISCHARGE AND PRETREATMENT REGULATIONS

51.070 Purpose

This article sets forth standards and requirements for users of the Water Resource Recovery Facility (WRRF) for the City of Fayetteville and enables the city to comply with all applicable federal and state laws, including Clean Water Act (33 U.S.C. §1251 et seq.) and the General Pretreatment Regulations (40 CFR 403). The objectives of this article are:

- (A) To prevent the introduction of pollutants into the WRRF that will interfere with its operation or contaminate its resulting biosolids;
- (B) To prevent the introduction of pollutants into the WRRF which will pass through the WRRF, inadequately treated, into receiving waters or otherwise be incompatible with the WRRF;
- (C) To protect both WRRF personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- (D) To improve opportunities for reuse and recycling of wastewater and biosolids from the WRRF;
- (E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the WRRF;
- (F) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other federal or state laws to which the WRRF is subject; and
- (G) To provide for penalties for violations of the regulations established herein.
- (H) To encourage pollution prevention through waste minimization, source reduction, reuse practices, recycling, and water and energy conservation.

This article authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. No. 3965, 5-7-96; Ord. No. 4088, §1, 4-7-98; Code 1991, §51.070)

51.071 Applicability

This article shall apply to all users of the WRRF.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, 4-7-98; Code 1991, §51.071)

51.072 Administration

Except as otherwise provided herein, the City, as defined in this article, shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon the City may be delegated by the City to his/her authorized representative.

(Code 1991, §51.072)

51.073 Abbreviations

The following abbreviations shall have the designated meanings:

See table.

BOD	Biochemical oxygen demand
BMP	Best Management Practice
CFR	<i>Code of Federal Regulations</i>
CIU	Categorical Industrial User
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
NPDES	National Pollutant Discharge Elimination System
NAICS	North American Industrial Classification System
RCRA	Resource Conservation and Recovery Act
TSS	Total suspended solids
SIU	Significant Industrial User
SNC	Significant Noncompliance
U.S.C.	United States Code
WRRF	Water Resource Recovery Facility

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.073)

51.074 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated.

Act or the Act. The Federal Water Pollution

FAYETTEVILLE CODE OF ORDINANCES
TITLE V PUBLIC WORKS

Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

Approval Authority. Arkansas Department of Environmental Quality.

Authorized signatory or authorized or duly authorized representative of the user.

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: A general partner or proprietor, respectively.
- (3) If the user is a federal, state or local governmental facility: A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
- (4) The individuals described in paragraphs (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 51.075(B) (1) and (2). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration of milligrams per liter (mg/l).

Categorical pretreatment standard or categorical standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Article N, Parts 405-471.

Categorical Industrial User (CIU). An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

City. The mayor or his/her duly authorized representative, or the City of Fayetteville, the Fayetteville City Council or its duly authorized representative. The City is the Control Authority as defined in 40 CFR 403.3(f)(1).

Control Authority. The City.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, as specified by the City.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Domestic waste. Liquid and water-carried waste

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generated by a typical household or waste comprised of waste equivalent to that generated by a typical household - human excrement and gray water (household showers, dishwashing operations, etc.). This does not include waste from commercial or industrial processes whether generated at a household or other premises.

Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency or its authorized representative.

Existing source. Any source of discharge that is not a "New Source."

Grab sample. An individual sample collected over a period of time not to exceed 15 minutes.

Hauled Wastewater. Wastewater that is loaded to a tanker truck, a portable tank or other container and conveyed to another location for discharge. Hauled wastewater includes, but is not limited to, septic tank waste and portable toilet waste.

Indirect discharge or discharge. The introduction of pollutants into the WRRF from any nondomestic source.

Industrial user. A discharger into the WRRF of nondomestic wastewater.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the WRRF, its treatment processes or operations or its biosolids processes, use or disposal and therefore, is a cause of a violation of the City's NPDES permit or a cause of the prevention of biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: §405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Instantaneous limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and

(b).

May. Discretionary or permissive.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Medical waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

National Pollutant Discharge Elimination System (NPDES) permit. A permit issued to a WRRF or other discharger pursuant to §402 of the Act.

New source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of §(1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin as part of a continuous onsite construction program:
- (i) Any placement, assembly, or installation of facilities or equipment; or
- (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS was developed under the auspices of the Office of Management and Budget (OMB) and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

Pass through. A discharge which exits the WRRF into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES

permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pharmaceutical drug. Also referred to as medicine, medication or medicament, can be loosely defined as any chemical substance intended for use in the medical diagnosis, cure, treatment, or prevention of disease.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity, or odor).

Pollution Prevention (P2). Waste reduction prior to recycling, treatment, or disposal. Pollution prevention means "source reduction" as defined under the Pollution Prevention Act, and other practices that reduce or eliminate the creation of pollutants through increased efficiency in the use of raw materials, energy, water, or other resources, or protection of natural resources by conservation, or use of less toxic alternatives.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the WRRF. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements. Any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a user.

Pretreatment standards or standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, narrative BMPs, and local limits.

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Prohibited discharge standards or prohibited discharges. Prohibitions against the discharge of certain substances; these prohibitions appear in §51.075(B) of this article.

Qualified professional. A person who is proven to be competent or suited for a specific position or task.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

Shall. Mandatory.

Significant industrial user.

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the WRRF (excluding sanitary, noncontract cooling, and boiler blowdown wastewater); or
 - (b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the WRRF treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the WRRF's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in (2) has no reasonable potential for adversely affecting the WRRF's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40 CFR 403.8(f)(6) determine that such user should not be considered a significant industrial user.

Slug load or slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this article or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the City's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) Code. A

classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

State. State of Arkansas.

Storm water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surcharge. A service charge in addition to the normal monthly rate which shall be assessed to the significant industrial users who discharge into the city system wastewater having an average BOD concentration in excess of 300 milligrams per liter or an average TSS concentration in excess of 300 milligrams per liter.

Total suspended solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under §307 (33 U.S.C. §1317) of the Act.

Treatment plant's effluent. The discharge from the wastewater treatment plant into the receiving stream.

User. Any person who contributes or permits the contribution of wastewater into the WRRF.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions.

Wastewater treatment plant. That portion of the WRRF which is designed to provide treatment of municipal sewage and compatible industrial waste.

Water Resource Recovery Facility (WRRF). A "treatment works," as defined by §212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The WRRF is the Publicly Owned Treatment Works or POTW as defined in 40 CFR 403.3(q).

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §2, 4-7-98; Code 1991, §51.074)

51.075 General Sewer Use Requirements

(A) Wastewater generated by development located in

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100-year floodplain not to be transported or treated by facilities constructed under EPA Project No. C-050366-01 for 50 years.

(1) For the purpose of this section area of existing development shall mean an area which, at the EPA issued a finding of no significant impact for EPA Project No. C-050366-01 was:

- (a) Occupied by existing structures or facilities;
- (b) Substantially surrounded by existing structures or facilities and which serves no significant independent natural floodplain function; or
- (c) Characterized by substantial investment in public infrastructure but which is only partially occupied by structures or facilities.

(2) No wastewater generated by development located in the 100-year floodplain shall be transported or treated by facilities constructed under EPA Project No. C-050366-01 for a period of 50 years from January 1, 1987, except that service may be provided to:

- (a) Areas of existing development in a floodplain;
- (b) Commercial or public facilities which by nature must be located in a floodplain;
- (c) Areas of projected growth if the environmental information document for EPA Project No. C-050366-01 demonstrates that proposed development will be consistent with the floodplain management criteria for flood-prone areas (44 CFR 60.3) of the Federal Emergency Management Agency (FEMA) and will have no significant impacts on natural functions and values of the floodplain; or
- (d) An area of projected growth if an environmental impact statement demonstrates that there is no practicable alternative to such growth, that such growth will be consistent with the floodplain management criteria for flood-prone areas (44 CFR 60.3) of FEMA, and that the benefits of such growth outweigh its environmental costs.

(B) *Prohibited discharge standards.*

(1) *General prohibitions.* No person shall introduce or cause to be introduced into the WRRF any pollutant or wastewater which causes, or has the potential to cause, pass through or interference. These general prohibitions apply to all users of the WRRF whether or not they are subject to categorical pretreatment standards or any other federal, state, or local pretreatment standards or requirements.

(2) *Specific Prohibitions.* No person shall introduce or cause to be introduced into the WRRF the following pollutants, substances, or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the WRRF, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° Fahrenheit (60° C) using the test methods specified in 40 CFR 261.21;
- (b) Wastewater having a pH less than 5.0 or more than 12.4, or otherwise causing corrosive structural damage to the WRRF or equipment;
- (c) Solid or viscous substances including, but not limited to, fats, oil or grease of animal or vegetable in amounts which will cause obstruction of the flow in the WRRF resulting in interference but in no case solids greater than one-half inch in any dimension;
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the WRRF;
- (e) Wastewater having a temperature greater than 150° Fahrenheit (65° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° Fahrenheit (40° C);
- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within

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- the WRRF in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with §51.076(D) of this article;
 - (i) Any liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye, wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;
 - (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable federal or state regulations and approved by the City;
 - (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
 - (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (n) Medical wastes or pharmaceutical drugs, except as specifically authorized by the City;
 - (o) Wastewater causing, alone or in conjunction with other sources, the WRRF to violate its NPDES permit or the treatment plant's effluent to fail a toxicity test;
 - (p) Any substance which may cause the WRRF's effluent or other product of the WRRF such as residues, biosolids or scums, to be unsuitable for normal landfill/land application, reclamation or reuse, or to interfere with the reclamation process;
 - (q) Detergents, surface-active agents, or other substances which may cause excessive foaming in the WRRF;
 - (r) Any material into a manhole through its top unless specifically authorized by the City.
 - (s) Non-flushable wipes, non-dispersible wipes, and non-biodegradable wipes including, but not limited to, baby wipes, paper towels, dusting wipes, cleaning wipes, and disposable mop heads.
- Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the WRRF.
- (C) *Categorical pretreatment standards or categorical standards.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. Users must comply with the categorical pretreatment standards. Categorical pretreatment standards are hereby incorporated.
- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
 - (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
 - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- (D) *Local limits.* To protect against pass through and interference, no Industrial User may discharge or cause to be discharged into the WRRF any wastewater pollutant concentration exceeding the Technically Based Local Limits (TBLLs) developed from time to time by the City as

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required by Part III in City of Fayetteville NPDES permits No. AR0020010 and AR0050288 authorized by 40 CFR 403.5 (c) and approved by the Approval Authority. TBLLs based on calculated Maximum Allowable Industrial Loadings are located in the City's Pretreatment Program, Part 2. At the discretion of the City, TBLLs may be imposed and shall apply at the "monitoring point" described in the individual industrial wastewater discharge permits. All concentration limits for metals shall be in terms of "total" metals unless otherwise indicated. At the discretion of the City, mass limitations may be imposed in addition to or in place of concentration based TBLLs. The City may also develop BMPs in individual wastewater discharge permits, to implement specific pollutant limitations. Such BMPs shall be considered Local Limits and Pretreatment Standards. When new Local Limits are implemented or revised, the City will provide individual notice to parties who have requested such notice and an opportunity to respond, as set forth by 40 CFR 403.5 (c) (3).

- (E) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the WRRF.
- (F) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 3965, §§2, 3, Exh. A, 5-7-96; Ord. No. 4088, §3, 4-7-98; Code 1991, §51.075)

51.076 Pretreatment of Wastewater

- (A) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all pretreatment standards, local limits, and the prohibitions set out in §51.075(B) of this article within the time limitations specified by EPA, the state, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable by the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the

responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this article.

(B) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocated and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the WRRF and determine the user's compliance with the requirements of this article.
 - (2) The City may require any person discharging into the WRRF to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at the user's expense.
 - (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
 - (5) At the City's discretion and when deemed necessary the industrial user shall have a licensed wastewater treatment operator on duty at all times when treating and discharging regulated wastewater to the City's collection system. Said operator shall meet the license or level of operator qualifications deemed necessary for proper treatment per Arkansas Pollution Control and Ecology Commission's Regulation #3.
- (C) *Accidental discharge/slugs control plans.* The City shall evaluate whether each significant industrial user needs an accidental discharge/slugs control plan or other action to control slug discharges.

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The City may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the City may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the City of any accidental or slug discharge, as required by §51.079(F) of this article. Such notification must also be given for any discharge which would violate any of the prohibited discharges in §51.075(B) of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(D) *Hauled wastewater.*

Hazardous waste will not be accepted by truck or liquid waste hauler at the WRRF.

- (1) Domestic waste haulers are required to submit an application to discharge liquid wastes. This application must be accompanied by a fee in accordance with §51.137(G). Hauled domestic waste may be introduced into the WRRF only at locations approved by the City and at such times as are established by the City. Such wastes shall not violate §51.075 of this article or any other requirements established by the City. A fee must be paid for each domestic waste load in accordance with §51.137(G). The City may require the domestic waste haulers to obtain wastewater discharge permits.
- (2) The City may require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The

discharge of hauled industrial waste is subject to all other requirements of this article.

- (3) If the industrial waste is from a categorical user, the hauled wastewater must include waste analysis proving it meets the required limitations of its respective category.
- (4) Domestic waste haulers and industrial waste haulers may only discharge loads at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the hauler to provide a waste analysis of any load prior to discharge.
- (5) Domestic waste and industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. For industrial waste, the form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- (6) Any waste not deemed domestic by the City will be handled on a case by case basis at the discretion of the City.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.076)

51.077 Wastewater Discharge Permit Application

(A) *Wastewater analysis.* When requested by the City, a user must submit information on the nature and characteristics of the user's wastewater within thirty (30) days of request, unless otherwise specified. The City is authorized to prepare a form for this purpose and may periodically require users to submit or update the information.

(B) *Wastewater discharge permit requirement.*

- (1) No significant industrial user shall discharge wastewater into the WRRF without first obtaining a wastewater discharge permit from the City, except a significant industrial user that has filed a timely application pursuant to §51.077(C) of this article may continue to discharge for the time period specified therein.

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- (2) The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in §51.082 through §51.084 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (C) *Wastewater discharge permitting; existing connections.* Any non-permitted user required to obtain a wastewater discharge permit, who was discharging wastewater into the WRRF prior to the effective date of this article and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the City for a wastewater discharge permit in accordance with §51.077(E) of this article, and shall not cause or allow discharges to the WRRF to continue after 180 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the City.
- (D) *Wastewater discharge permitting: new connections.* Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the WRRF must obtain such permit prior to the beginning or recommending of such discharge. An application for this wastewater discharge permit, in accordance with §51.077(E) of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.
- (E) *Wastewater discharge permit application contents.* All users required to obtain a wastewater discharge permit must submit a permit application accompanied by a fee in accordance with 51.137(H). The City may require a user to submit as part of an application the following information:
- (1) The information required by §51.079(A)(2) of this article;
 - (2) A comprehensive description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals (not just trade names) used or stored at the facility which are, or could accidentally or intentionally be, discharged to the WRRF. A qualified professional must certify to the accuracy of this process narrative;
 - (3) Number of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw materials processed (average and maximum per day);
 - (6) Comprehensive site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas, and appurtenances by size, location, and elevation, and all points of discharge. A qualified professional must certify to the accuracy of this schematic(s);
 - (7) Time, average gallons per day discharged and duration of discharges; and
 - (8) Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.
 - (9) Pollution Prevention (P2) activities such as source reduction, waste minimization, environmental management systems, water and energy conservation, and use of less toxic alternatives.
- Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (F) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by an authorized signatory of the user and contain the following certification statement:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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(G) *Wastewater discharge permit decisions.* The City will evaluate the data furnished by the user and may require additional information. Within 90 days of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. The City may deny any application for a wastewater discharge permit.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Code 1991, §51.077)

51.078 Wastewater Discharge Permit Issuance Process

(A) *Wastewater discharge permit duration.* Wastewater discharge permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(B) *Wastewater discharge permit contents.* Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, protect the public, facilitate biosolids management and disposal, and protect against damage to the WRRF.

(1) Wastewater discharge permits must contain:

- (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
- (b) A statement that the wastewater discharge permit is nontransferable except in accordance with §51.078 (E).
- (c) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
- (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable

compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.

(f) Requirements to control Slug Discharge, if determined by the City to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (b) Requirements for the installation and maintenance of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (c) Requirements for the development and implementation of accidental discharge/slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the WRRF;
- (e) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (f) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (g) Other conditions as deemed appropriate by the City to ensure compliance with this article, and federal and state laws, rules, and regulations.
- (h) A licensed wastewater operator as deemed necessary on duty at all times

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of treatment and discharge of regulated wastewater discharge to the City's collection system (per §51.076(B)(5)).

(C) *Wastewater discharge permit appeals.* A permittee may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of notice of issuance of the discharge permit.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the City fails to act within 30 days of receipt of the request, the request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.

(D) *Wastewater discharge permit modification.* The City may modify the wastewater discharge permit for good cause including, but not limited to, the following reasons:

- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (3) A change in the WRRF that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating the permitted discharge poses a threat to the WRRF, WRRF personnel, the receiving waters, or threats to the WRRF's beneficial biosolids use;
- (5) Violation of any terms or conditions of the wastewater discharge permit;

(6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the wastewater discharge permit;

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with 51.078(E).

(E) *Wastewater discharge permit transfer.* Wastewater discharge permits may be transferred to a new owner or operator if the permittee gives at least seven days advance notice to the City, provides a copy of the existing permit to the new owner or operator, and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(F) *Wastewater discharge permit revocation.* The City may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the City of changed conditions pursuant to §51.079(E) of this article;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

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- (4) Falsifying self-monitoring or other reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the City timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application; or
- (12) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

- (G) *Wastewater discharge permit re-issuance.* A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with §51.077(E) of this article, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.
- (H) *Regulation of waste received from other jurisdictions.*

- (1) If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the WRRF, the City shall enter into an interjurisdictional agreement with the contributing jurisdiction; enter into an agreement with, or permit, users located in another jurisdiction; or both. Certain hauled wastewater may be exempted from the requirements of this paragraph with specific authorization by the City.
- (2) An interjurisdictional agreement, as required by paragraph (1), above, shall contain the following conditions:
 - (a) A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent

as this article and local limits which are at least as stringent as those set out in §51.075(D) of this article. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and/or local limits;

- (b) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
- (c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing jurisdiction and the City;
- (d) A requirement for the contributing jurisdiction to provide the City with access to all information the contributing jurisdiction obtains as part of its pretreatment activities;
- (e) A provision insuring the City access to the facilities of users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
- (f) A provision specifying remedies available for breach of the terms of the interjurisdictional agreement.

(Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §§4, 5, 4-7-98; Code 1991, §51.078)

51.079 Reporting Requirements

(A) *Baseline monitoring reports.*

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the WRRF shall submit to the City a report which contains the information listed in paragraph (B), below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical

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standard, shall be required to submit to the City a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) Users described above shall submit the information set forth below.

(a) *Identifying information.* The name and address of the facility, including the name of the operator and owner.

(b) *Environmental permits.* A list of any environmental control permits held by or for the facility.

(c) *Description of operations.* A comprehensive narrative description of the nature, average rate of production, all applicable NAICS and standard industrial classifications of the operation(s) carried out by such user. This description should include a comprehensive schematic process diagram which indicates points of discharge to the WRRF from the regulated processes. A qualified professional must certify to the accuracy of this process narrative and wastewater flow schematics.

(d) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the WRRF from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). The City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(e) *Measurement of pollutants.*

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average

concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §51.079(J) of this article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable standards to determine compliance with the standard.

(iii) Sampling must be performed in accordance with procedures set out in §51.079(K) of this article.

(f) *Certification.* A statement, reviewed by the user's authorized signatory and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

(g) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in §51.079(B) of this article.

(h) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with §51.077(F) of this article.

(B) *Compliance schedule progress report.* The following conditions shall apply to the compliance schedule required by §51.079(A)(2)(g) of this article:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events

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include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);

- (2) No increment referred to above shall exceed nine months;
- (3) The user shall submit a progress report to the City not later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine months elapse between such progress reports to the City.

(C) *Report on compliance with categorical pretreatment standard deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the WRRF, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in §51.079(A)(2)(d) through (f) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §51.077(F) of this article.

(D) *Periodic compliance reports.*

- (1) All significant industrial users shall, at a frequency determined by the City but in no case less than every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the

user must submit documentation required by the City or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with §51.077(F) of this article.

- (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in §51.079(J) and §51.079(K) of this article, the results of this monitoring shall be included in the report.

(E) *Report of changed conditions.* Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- (1) The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §51.077(E) of this article.
- (2) The City may issue a wastewater discharge permit under §51.077(G) of this article or modify an existing wastewater discharge permit under §51.078(D) of this article in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow changes of 20% or greater, and the discharge of any previously unreported pollutants.

(F) *Reports of potential problems.*

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the WRRF (including a violation of the prohibited discharge standards in §51.075(B)

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of this article), the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

- (2) Within five business days following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WRRF, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed pursuant to this article.
 - (3) If required by the City, a notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
 - (4) Significant industrial users are required to notify the City immediately of any changes at its facility affecting the potential for a slug discharge.
- (G) *Reports from unpermitted users.* All users not required to obtain a wastewater discharge permit shall provide appropriate reports as may be required by the City.
- (H) *Notification of violation/repeat sampling and reporting.*
- (1) If sampling performed by a user indicates a violation, the user must notify the City as soon as possible but no later than 24 hours after becoming aware of the violation. The user shall also immediately repeat the sampling and analysis and submit the results of the repeat analysis to the City within the time period specified by the City but at no time later than 30 days after becoming aware of the violation. The user may not be required to resample if the City samples between the user's initial sampling and when the user receives the results of this sampling.
 - (2) If the City performed the sampling and analysis in lieu of the industrial user, the City will perform the repeat sampling and analysis

unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

(I) *Notification of the discharge of hazardous waste.*

- (1) Any person who commences the discharge of hazardous waste shall notify the City, the EPA Regional Waste Management Division Director, and state hazardous waste authorities (in writing) of any discharge into the WRRF of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the WRRF, the notification shall also contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications to the City must be made prior to the commencement of the discharge. Notifications of changed conditions must be submitted under Section §51.079(E) of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections §51.079(A), (C), and (D) of this ordinance.
- (2) In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (3) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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- (4) This reporting provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

- (J) *Certification of Permit Applications and User Reports.* The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section §51.077; users submitting baseline monitoring reports under Section §51.079(A); users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section §51.079(C); users submitting periodic compliance reports required by Section §51.079(D) (1)-(3). The following certification statement must be signed by an Authorized Representative as defined in Section §51.074:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (J) *Analytical requirements.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
- (2) All independent laboratories performing analyses for users, including, but not limited to, self-monitoring, periodic reports on continuing compliance, baseline monitoring reports and/or split sample verification, shall be certified by the ADEQ Laboratory Certification Program for the specific analysis being performed. The City reserves the right

to reject any analysis performed by an independent laboratory that is not duly certified for a particular analysis.

- (K) *Sample collection.*

- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (2) Except as indicated in subsection (3) and (4), below, the user must collect wastewater samples using 24-hr flow-proportional composite collection techniques. In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (3) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.
- (4) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§51.079(A) and (C), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For the reports required by §51.079(D), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

- (L) *Date of Receipt of Reports.* Written reports will be deemed to have been submitted on the date post-marked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

- (M) *Record keeping.* Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any

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monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under 51.075(D). Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the U.S. EPA, state, or City.

(Code 1991, §51.079; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §6, 4-7-98)

51.080 Compliance Monitoring

(A) *Right of entry; inspection and sampling.* The City shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually by a certified technician to ensure their accuracy. Calibration records shall be made available to

the City upon request.

- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the user.
- (3) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this article.
- (B) *Search warrants.* If the City has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the city district court.

(Code 1991, §51.080)

51.081 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Code 1991, §51.081)

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51.082 Publication of Users in Significant Noncompliance

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City's WRRF, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in 51.074;
- (B) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 51.074 multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- (C) Any other violation of a pretreatment standard or requirement as defined by 51.074 (daily maximum, long term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city or WRRF personnel or the general public;
- (D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide within forty five (45) after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on

compliance with compliance schedules;

(G) Failure to accurately report noncompliance; or

(H) Any other violation(s), which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(Code 1991, §51.082; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §8, 4-7-98)

51.083 Administrative Enforcement Remedies

- (A) *Notice of violation.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City shall serve upon such user either an informal warning or a written notice of violation. Within five business days of the receipt of the notice of violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing an informal warning or a notice of violation.
- (B) *Consent orders.* The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §51.083(D) and §51.083(E) of this article and shall be judicially enforceable.
- (C) *Show cause hearing.* The City may order a user which has violated or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show

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cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five business days prior to the hearing. Such notice shall be served on a representative of the user who meets the criteria of an authorized signatory. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(D) *Compliance orders.* When the City finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance ordinances may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a national pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(E) *Cease and desist orders.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
- (3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(F) *Administrative charges.*

- (1) When the City finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may charge such user in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. The City may add the costs of administrative enforcement actions, such as notices and orders, to the charge.
- (2) Users desiring to dispute such charges must file a written request with the City Clerk within ten (10) working days of being notified of the charge. The Sewer Committee shall convene a hearing on the matter. In the event the charge is upheld by the Sewer Committee, the City may also add the costs of the appeal, such as notices and orders, to the charge.
- (3) Issuance of an administrative charge shall not be a bar against, or a prerequisite for, taking any other action against the user.

(G) *Emergency suspensions.* The City may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the WRRF, or which presents or may present an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including immediate severance of the sewer connection or water service, to prevent or minimize damage to the WRRF, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in §51.083(H) of this article are initiated against the user.

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- (2) If necessary, severance of the sewer connection or water service may occur without notice.
- (3) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City within five business days.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

- (H) *Termination of discharge.* Any user that violates the conditions in §51.078(F) of this article is subject to discharge termination. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §51.083(C) of this article why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Code 1991, §51.083; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.084 Judicial Enforcement Remedies

- (A) *Injunctive relief.* When the City finds that a user has violated (or continues to violate) any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the appropriate court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) *Civil penalties.*

- (1) A user which has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a

monthly or other long term average discharge limit, penalties shall accrue for each day during the period of violation.

- (2) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

- (3) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(C) *Criminal penalties.*

- (1) A user who willfully or negligently violates any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day.

- (2) A user who willfully or negligently introduces any substance into the WRRF which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty not more than one thousand dollars (\$1,000.00) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

- (D) *Cost recovery.* The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost

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of any actual damages or fines incurred by the City.

- (E) *Remedies nonexclusive.* The remedies provided for in this article are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan within the City's Pretreatment Program. However, the City may take other action against any user, including but not limiting to, misdemeanor and felony fines and imprisonment when the circumstances warrant.

(Code 1991, §51.084; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.085 Affirmative Defenses to Discharge Violations

(A) *Upset.*

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3) are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the City as soon as possible but no later than 24 hours after becoming aware of the upset. If this information is provided orally, a written submission must be provided within five

business days:

- (i) A description of the indirect discharge and cause of noncompliance;
- (ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
- (iv) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

- (4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- (5) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

- (B) *Prohibited discharge standards.* A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in §51.075(B)(1) of this article or the specific prohibitions in §51.075(B)(2)(c) through (r), except for §51.075(B)(2)(h), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of

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interference, was in compliance with applicable biosolids use or disposal requirements.

(C) *Bypass.*

(1) For the purposes of this section:

- (a) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

(3) Notice.

- (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least ten business days before the date of the bypass, if possible.
- (b) A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards as soon as possible but no later than 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five business days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass Prohibited; Exceptions.

- (a) Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The user submitted notices as required under paragraph (3) of this section.
- (b) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

(Code 1991, §51.085; Ord. No. 3965, §2, 3 (Exh. A), 5-7-96; Ord. No. 4088, §7, 4-7-98)

51.086 Miscellaneous Provisions

(A) *Pretreatment charges and fees.* The City may adopt reasonable fees for reimbursement of the costs of development and administration of the City's pretreatment program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and

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- (5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this article and are separate from all other fees, fines, and penalties, chargeable by the City.
- (B) *Severability.* If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
- (C) *Conflicts.* All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article, are hereby repealed to the extent of the inconsistency or conflict.

(Code 1991, §51.086; Ord. No. 3965, §§2, 3 (Exh. A), 5-7-96)

51.087 Surcharge

- (A) Any significant industrial user generating discharge which exhibits none of the characteristics of wastes prohibited in §51.075 but which has an average concentration of surcharge parameters in 51.137(E) in excess of the allowed strengths in 51.137(E) during a 24-hour period, may be required to obtain a discharge permit. Such discharge may, however, be accepted by the WRRF for treatment in accordance with Extra Strength Surcharge requirements in 51.137(E).
- (B) The City reserves the right to review and approve any waters or industrial waste entering the city's sewer system or proposed to be discharged into the system having an average daily flow greater than 10% of the design flow capacity of the plant which will treat the waste. In the event the city's measurement discloses such flow in excess of such capacity, the city shall be under no obligation to receive such flow in excess of 10% of designed capacity and the city's published rate shall not apply to such excess. An owner affected hereby shall be promptly notified of such determination by the City. A special contract, at the city's option, may be made with the user to accommodate such excess flow.

(Code 1991, §51.087)

51.088-51.109 Reserved

Exhibit B

(E) Extra Strength Surcharge.

- (1) For all significant industrial users as defined in §51.074, whose wastewater discharge is greater than 300 mg/l of BOD₅ and/or TSS, the City shall levy an Extra Strength Surcharge for each parameter in accordance with the following unit charges:

Table F3 Extra Strength Surcharges	
	After 12/1/2011
Extra Strength BOD ₅	\$0.3145 per pound
Extra Strength TSS	\$0.2209 per pound

- (2) Starting after December 31, 2011, Extra Strength Surcharges shall be increased by 3% per year.
- (3) Extra Strength Surcharges shall be billed monthly and shall be computed on the basis of water meter reading (wastewater discharge volume).
- (4) All sampling and analyses of the wastewater characteristics shall be performed in accordance with U.S. Environmental Protection Agency 40 Code of Federal Regulations Part 136 approved methods.
- (5) The volume of flow used in computing surcharge shall be based upon metered water consumption as shown in the records of meter readings maintained by the city's business office. In the event that a user discharging waste into the city sanitary sewer system produces evidence to the city demonstrating that a portion of the total amount of water used for all purposes is not discharged into the sanitary sewer, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon its request, to measure only that portion of the total flow being discharged into the city sewer system. If a surcharge is assessed by the city, it shall be shown separately on the monthly billing.
- (6) Any person discharging industrial waste into the sanitary sewers of the city who procures any part or all of the user's water supply from sources other than the city, all or part of which is discharged into the sanitary sewer, shall install and maintain at the user's expense water meters of the type approved by the city for the purpose of determining the proper volume of flow to be used in computing sewer service charges. Such meter will be read monthly and tested for accuracy when

deemed necessary by the city. Where it can be shown that a portion of the water measured by the aforesaid meter or meters does not enter the sanitary sewer system of the city, a separate meter or meters or other approved flow measuring device may be installed at the user's expense, upon its request, to measure only that portion of the total flow being discharged into the city sewer system. If a surcharge is assessed by the city, it shall be shown separately on the monthly billing.

- (7) Computation of extra strength surcharges shall be based on the following formula:

(a) Extra strength surcharge:

$$S = V \times 8.34 \times [\text{BOD Unit Charge (BOD - 300)} + \text{SS Unit Charge (TSS - 300)}]$$

(b) Where:

S	=	Surcharge in dollars
V	=	Sewer volume in million gallons
8.34	=	Pounds per gallon of water
BOD Unit Charge	=	Unit charge for BOD in dollars per pound
BOD	=	BOD strength in parts per million
300	=	Allowed BOD strength in parts per million
TSS Unit Charge	=	Unit charge for suspended solids in dollars per pound
TSS	=	Suspended solids strength in parts per million
300	=	Allowed TSS Strength in parts per million



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0023

Agenda Date: 2/17/2015

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services, 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

2015-0023

Legistar File ID

2/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

1/16/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4882: Rezone (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE, 439): Submitted by PLANNING STAFF for property located ON THE EAST SIDE OF RUPPLE RD. NORTH OF THE BOYS AND GIRLS CLUB. The property is zoned R-PZD 06-1884, RESIDENTIAL PLANNED ZONING DISTRICT WESTSIDE VILLAGE and contains approximately 21.63 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

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:

MEETING OF FEBRUARY 3, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: January 16, 2015

SUBJECT: **RZN 14-4882: Rezone (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE, 439):** Submitted by PLANNING STAFF for property located ON THE EAST SIDE OF RUPPLE RD. NORTH OF THE BOYS AND GIRLS CLUB. The property is zoned R-PZD 06-1884, RESIDENTIAL PLANNED ZONING DISTRICT WESTSIDE VILLAGE and contains approximately 21.63 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to NS, Neighborhood Services.

BACKGROUND:

The subject property is located north of the Boys and Girls club at 618 Rupple Road, is zoned R-PZD, Residential Planned Zoning District / Westside Village (06-1884) and contains 21.63 acres. The PZD was approved on December 19, 2006, with a condition that Phase I receive all permits within one year, and that Phase II-V receive all permits within 8 years of City Council approval. This requirement has not been met, and the PZD expired on December 19, 2014.

The approved PZD proposed a mixed use development with 74,580 square feet of nonresidential space, 352 dwelling units (17.25 units/acre), and a total of 874 parking spaces.

The property is currently undeveloped with the exception of some drives and parking areas constructed as part of the PZD project that was never completed.

*City Plan 2030 Future Land Use Plan designates this site as the **Complete Neighborhood Plan/Wedington Corridor Plan Area**. Staff finds that the proposed zone is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that:*

"The utilization of the City's form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of

building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

Surrounding Land Use Compatibility: In staff’s opinion, this property is compatible with surrounding land uses. The property to the south is in use by the Boys and Girls Club. Property to the east is industrial, serving as material and equipment storage for Ozarks Electric. Across Ruppel Road, the land use is entirely single-family residential, with a density built to 10 units per acre. The NS zoning district allows residential uses and densities that will be compatible with the existing neighborhood. In the proposed zone, building heights are capped at 45 feet, and residential density is limited to 10 units per acre.

DISCUSSION:

On January 12, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~January 12, 2015~~ **UPDATED JANUARY 13, 2015**

SUBJECT: RZN 14-4882: Rezone (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE, 439): Submitted by PLANNING STAFF for property located ON THE EAST SIDE OF RUPPLE RD. NORTH OF THE BOYS AND GIRLS CLUB. The property is zoned R-PZD 06-1884, RESIDENTIAL PLANNED ZONING DISTRICT WESTSIDE VILLAGE and contains approximately 21.63 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

Staff recommends forwarding of **RZN 14-4882** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located north of the Boys and Girls club at 618 Rupple Road, is zoned R-PZD, Residential Planned Zoning District / Westside Village (06-1884) and contains 21.63 acres. The PZD was approved on December 19, 2006, with a condition that Phase I receive all permits within one year, and that Phase II-V receive all permits within 8 years of City Council approval. This requirement has not been met, and the PZD expired on December 19, 2014.

The approved PZD proposed a mixed use development with 74,580 square feet of nonresidential space, 352 dwelling units (17.25 units/acre), and a total of 874 parking spaces.

The property is currently undeveloped with the exception of some drives and parking areas constructed as part of the PZD project that was never completed. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped/Single-family Residential	R-A, Residential-Agricultural
South	Boys and Girls Club	R-A, Residential-Agricultural/P-1, Institutional
East	Undeveloped/Agricultural	R-A, Residential-Agricultural/P-1, Institutional
West	Residential	R-PZD, Residential Planned Zoning District

Request: The request is to rezone the property from R-PZD, Residential Planned Zoning District to NS, Neighborhood Services.

Public Comment: Staff has not received any public comment. The property owner was notified of the rezone request through certified mail on two occasions, first on November 26, 2014 and again on December 19, 2014. The owner has not contacted staff.

INFRASTRUCTURE:

Streets: The site has access to Ruppel Road, a fully improved city street. Improvements to Ruppel Road are planned as a part of a City Capital Improvement Project, and will include expansion to a four lane boulevard with on street parking and multi-use trail on the west side.

Water: Public water is accessible to the site. A 12" public water main exists along the eastern side of Ruppel Road.

Sewer: Sanitary sewer is NOT available to the site. Sewer is present in the vicinity and would be required to be extended to the subject parcel at time of development if sewer services are required for the proposed use.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property does not lie within any FEMA floodplain areas, does not contain any protected streams, and is not located within the HHOD.

Fire: The Fire Department had no comment for this request.

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 the **Complete Neighborhood Plan/Wedington Corridor Plan Area**. The Wedington Corridor plan document and illustrative map provide a vision and a framework for transforming and taming an arterial roadway and interstate interchange while creating a more livable neighborhood that is complete and connected.*

WEDINGTON CORRIDOR PLAN: Wedington Corridor Illustrative Plan, approved March 19, 2013 by the City Council, identifies the area near the Ruppel Road and Wedington Drive intersection as the future 'heart' of the west Wedington neighborhood, and encourages a walkable residential and commercial destination that would serve as a central node in this expanding part of the City.

Wedington Corridor Plan, pg. 37:

At the [Wedington Corridor Design] charrette the public overwhelmingly expressed a desire to see a walkable urban center develop at the intersection of Wedington Drive and Ruppel Road. At this time, a number of sizable parcels of land are undeveloped northwest of this intersection. The illustrative plan envisions this area as a complete, compact and connected neighborhood with civic,

residential and commercial uses. The utilization of the City's form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends approval of **RZN 14-4882** based on the findings discussed herein, that the rezoning is compatible with existing and anticipated uses in the surrounding area and is consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 12, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>CHESSER</u>	Second: <u>COOK</u>	Vote: <u>9-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>February 03, 2015</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: **Surrounding Land Use Compatibility:** In staff's opinion, this property is compatible with surrounding land uses. The property to the south is in use by the Boys and Girls Club. Property to the east is industrial, serving as material and equipment storage for Ozarks Electric. Across Ruppel Road, the land use is entirely single-family residential, with a density built to 10 units per acre. The NS zoning district allows residential uses and densities that will be compatible with the existing neighborhood. In the proposed zone, building heights are capped at 45 feet, and residential density is limited to 10 units per acre.

Land Use Plan Analysis: Staff finds that the proposed zone is consistent with planning objectives, principles, and policies put forward in the Wedington Neighborhood Plan, which states that:

"The utilization of the City's form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are

also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.”

The proposed zoning is compatible and consistent with the Wedington Corridor Plan vision for this property which calls for a variety and mix of nonresidential and residential uses.

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

Finding: In staff’s opinion, the requested NS zoning district is justified as this time, as the property is currently within an expired Planned Zoning Development and effectively has neither zoning nor development rights attached to it.

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

Finding: Rezoning the property NS will not likely increase traffic danger or congestion. The site has access to Ruppel Road, a designated ‘Principal Arterial Parkway’. With the City improvements to Ruppel Road over the next few years, traffic counts are expected to increase, however the proposed zoning will not significantly increase traffic danger or congestion.

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

Finding: Rezoning the property from PZD to NS will increase the potential population density, but is unlikely to undesirably increase the load on public services. The Police Department expressed no objections to the proposal. The Fire Department had no comment. The Westside Village PZD was approved with a density much higher than that allowed within the proposed zoning. Existing infrastructure in the area can accommodate increased development pressure from this site.

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 section 161.16
- Westside Village R-PZD Master Plan
- Request Letter
- Notification letters to owner
- City Plan 2030 – Future Land Use Plan map
- Current Land Use Map
- Close Up Map
- One Mile Map

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(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 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
----------------	------------

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Maximum	Height	45 ft.
------------------	--------	--------

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

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



November 17, 2014

Airways South
PO Box 1888
Fayetteville, AR 72702
Attn: Dale Caudle

VIA: Certified Mail

Re: Re-zoning of the Expired Westside Village Zoning District Project

Dear Mr. Caudle,

The Assessor of Washington County, Arkansas lists Airways South as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Fayetteville Unified Development Code Section 166.20, the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of NS, Neighborhood Services.

This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on January 11, 2015 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are of course welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact my office at 479-575-8267 if you wish to set up a meeting with or speak to one of our City Planners, or you may email me at qthompson@fayetteville-ar.gov

Regards,

A handwritten signature in blue ink, appearing to read "Q. Thompson", is written over a horizontal line.

Quin Thompson
Current Planner
Development Services

Att: UDC Section 161.16 Neighborhood Services

CC: Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director



December 05, 2014

SENT VIA: CERTIFIED MAIL

Airways South, LLC
3849 Wedington Drive
Fayetteville, AR 72704
attn Dale Caudle

Re: Rezoning former Westside Village PZD

Dear Mr. Caudle,

This letter is in reference to your property, parcel number 765-22362-000 located east of Ruppel Road within the Wedington Corridor Neighborhood Master Plan area.

This letter notifies you that the subject PZD approval has expired, effectively leaving the property without zoning and development rights. In accordance with Fayetteville Unified Development Code Section 166.20, the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of NS, Neighborhood Services.

As an initial step in the process of building this vision, planning staff will bring forward a rezoning proposal to the Planning Commission on **January 12, 2014**, and propose to rezone your property (the parcel referenced above) from R-PZD (Westside Village) to NS, Neighborhood Services. Please contact Quin Thompson, Current Planner, with any questions or concerns.

Project Description:

The City of Fayetteville proposes to rezone the property described above, being within the Wedington Corridor Neighborhood Master Plan area, from R-PZD, (Westside Village) to NS, Neighborhood Services.

Public Hearings:

The first scheduled public hearing on the rezoning proposal is the Planning Commission meeting at 5:30 PM on January 12, 2014; 113 West Mountain Street (City Administration Building, Rm 219) Fayetteville, AR 72701.

Review Location:

Additional project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701, Monday - Friday between 8:00 AM and 5:00 PM.

Regards,

A handwritten signature in blue ink, appearing to read "BQ Thompson".

Quin Thompson

City of Fayetteville

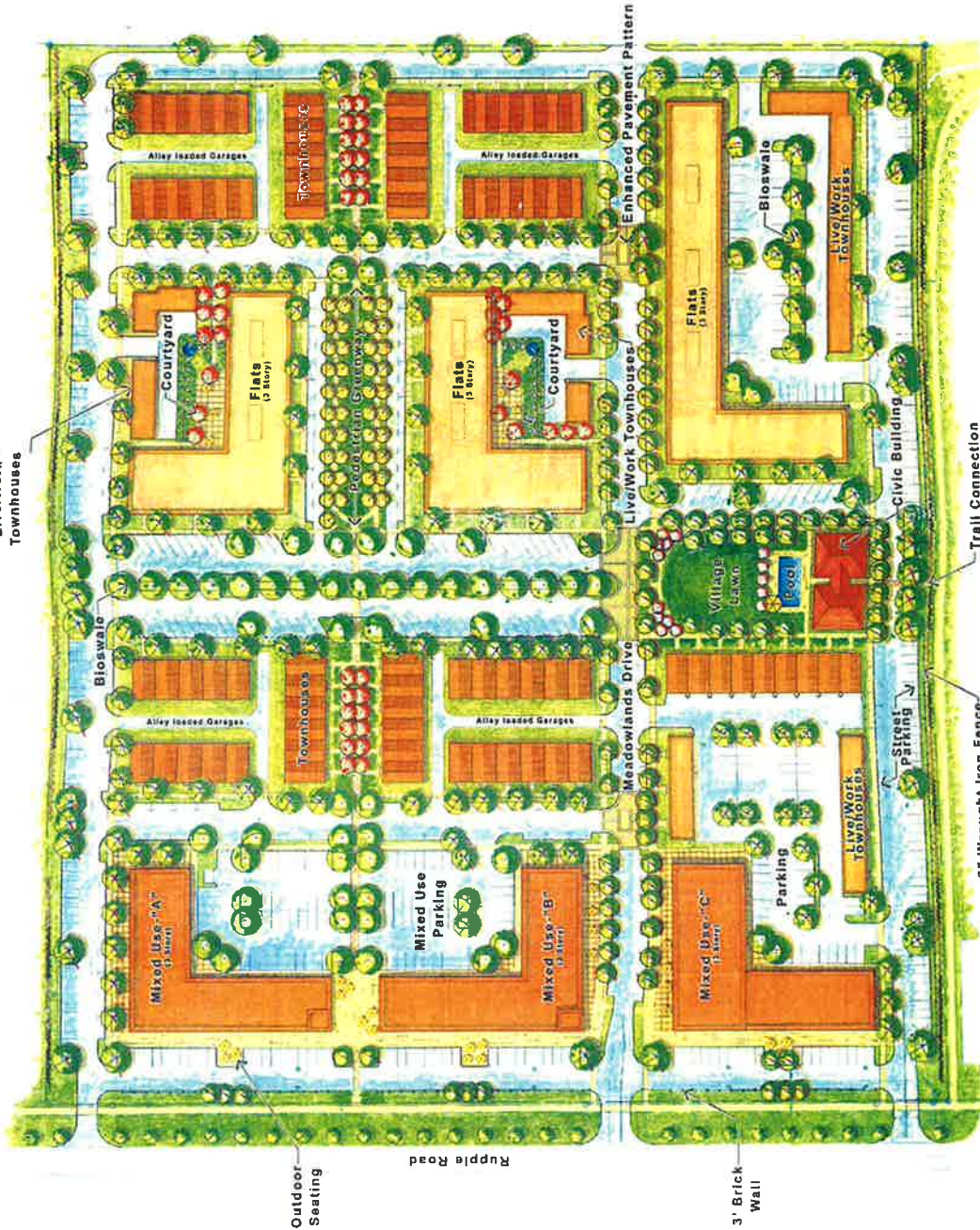
Phone: (479) 575-8327

Email: qthompson@fayetteville-ar.gov

Att: UDC Section 166.16 Neighborhood Services



Master Plan



VICINITY MAP
Map to Fayetteville

Westside Village is designed with ideas from Traditional Neighborhood Design (TND) through the use of connectivity of uses, and compact land consumption and automobile dependency by design. This design promotes pedestrian activity, decreased polluted storm runoff and creates a lively, walkable, sustainable and pleasant community.

Goals for Westside Village

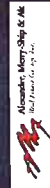
1. Create a walkable neighborhood that allows residents the option to work near their homes
2. Provide a mixed use area of shops, cafes, and restaurants to meet the basic convenience needs of residents
3. Provide a village green for gatherings, passive and active recreation
4. Encourage a walkable neighborhood by designing narrow streets throughout the development
5. Encourage a higher density population center near enough to education facilities for children to walk to and from school
6. Build a small-town feel - the mix of housing styles creates diversity
7. Encourage the active use of the neighborhood by creating a network of alleys and side streets so that they are far less visible
8. Make neighborhoods walkable by assigning tree and landscaping to promote a pleasant pedestrian environment to promote casual strolling
9. Encourage no more than a five minute walk to parks, gathering spaces and retail
10. Establish a discernible neighborhood center to serve as a community gathering place

DEVELOPMENT SUMMARY

Building Type	Volume	Units	Stories	Covered Parking
Mixed Use - A	17,650 sq. ft.	28	2 to 4	No
Mixed Use - B	17,650 sq. ft.	32	2 to 4	No
Mixed Use - C	17,650 sq. ft.	32	2 to 4	No
Flats	19,200 sq. ft.	198	3	No
Live/Work Townhouses	19,200 sq. ft.	23	2 to 3	Yes
Townhouses	5,600 sq. ft.	0	1 to 2	No
Civic	5,600 sq. ft.	0	1 to 2	No
Total Bldg. Ft.	74,500 sq. ft.	302		
Total Density	17.25 DU/acre			
Total Acreage	21.63 acres			
Parking				
Total On-Site/Off-Site Parking	614			
Townhouse - Live/Work	182			
Total Parking Provided	874			

Westside Village

Fayetteville, Arkansas



Critical Path Design

Engineering Planning Landscape Architecture Consulting
1000 N. University Ave., Suite 100
Fayetteville, AR 72701
Phone: (479) 482-2111
Fax: (479) 482-2111

RZN14-4882

Current Land Use

WESTSIDE VILLAGE



Overview

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 200 400 800 1,200 1,600 Feet

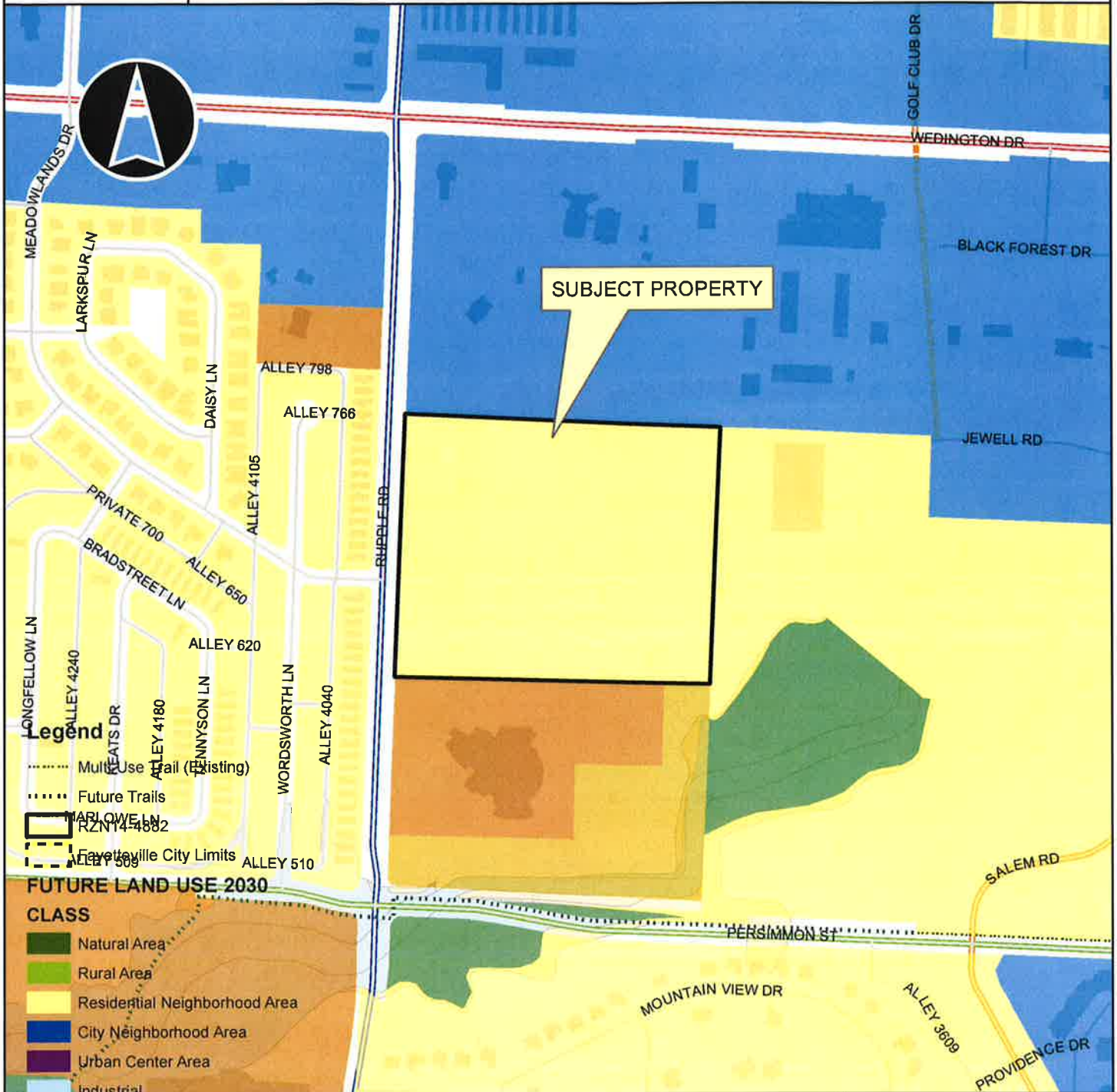
Planning Commission
January 12, 2015

Agenda Item 12
14-4882 RZN Westside Village
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RZN14-4882

WESTSIDE VILLAGE

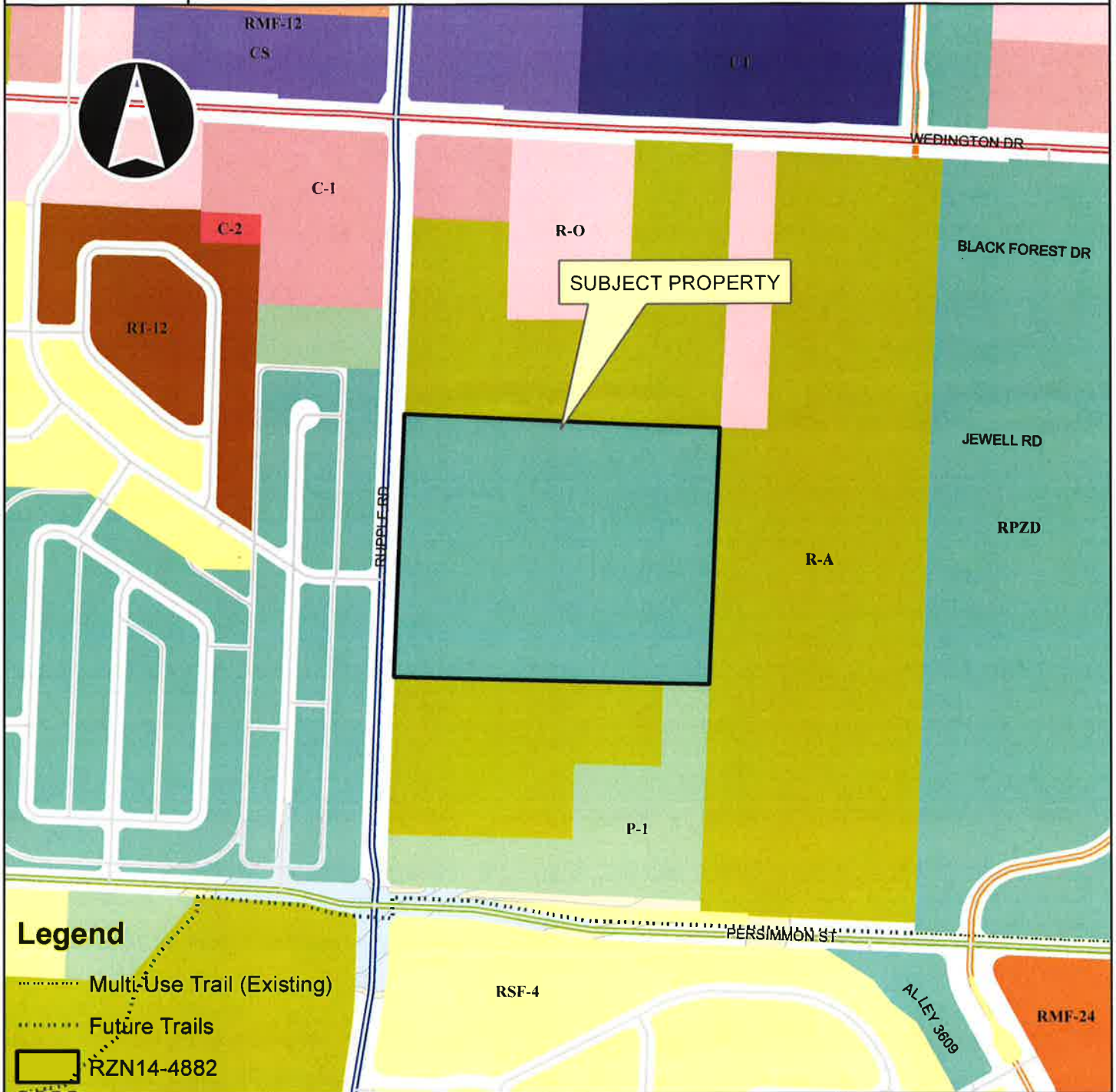
Future Land Use



RZN14-4882

WESTSIDE VILLAGE

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN14-4882

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 200 400 800 1,200 1,600 Feet

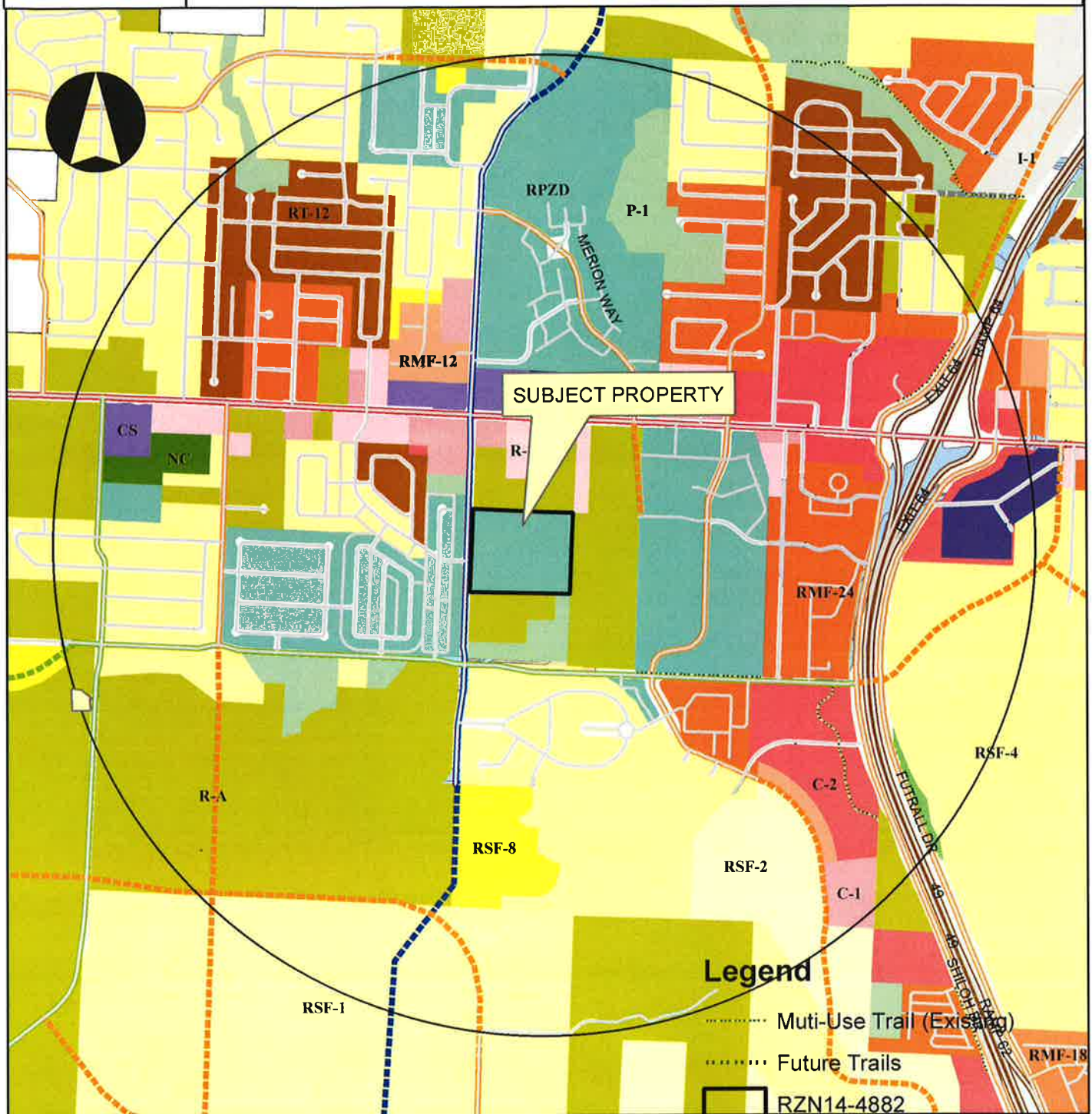
Planning Commission
January 12, 2015

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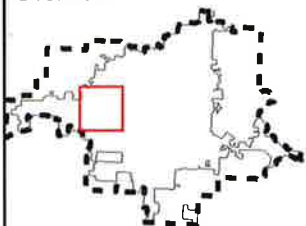
RZN14-4882

One Mile View

WESTSIDE VILLAGE



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

Miles

Legend

Multi-Use Trail (Existing)

Future Trails

RZN14-4882

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

Planning Commission

January 12, 2015

Agenda Item 12

14-4882 RZN Westside Village

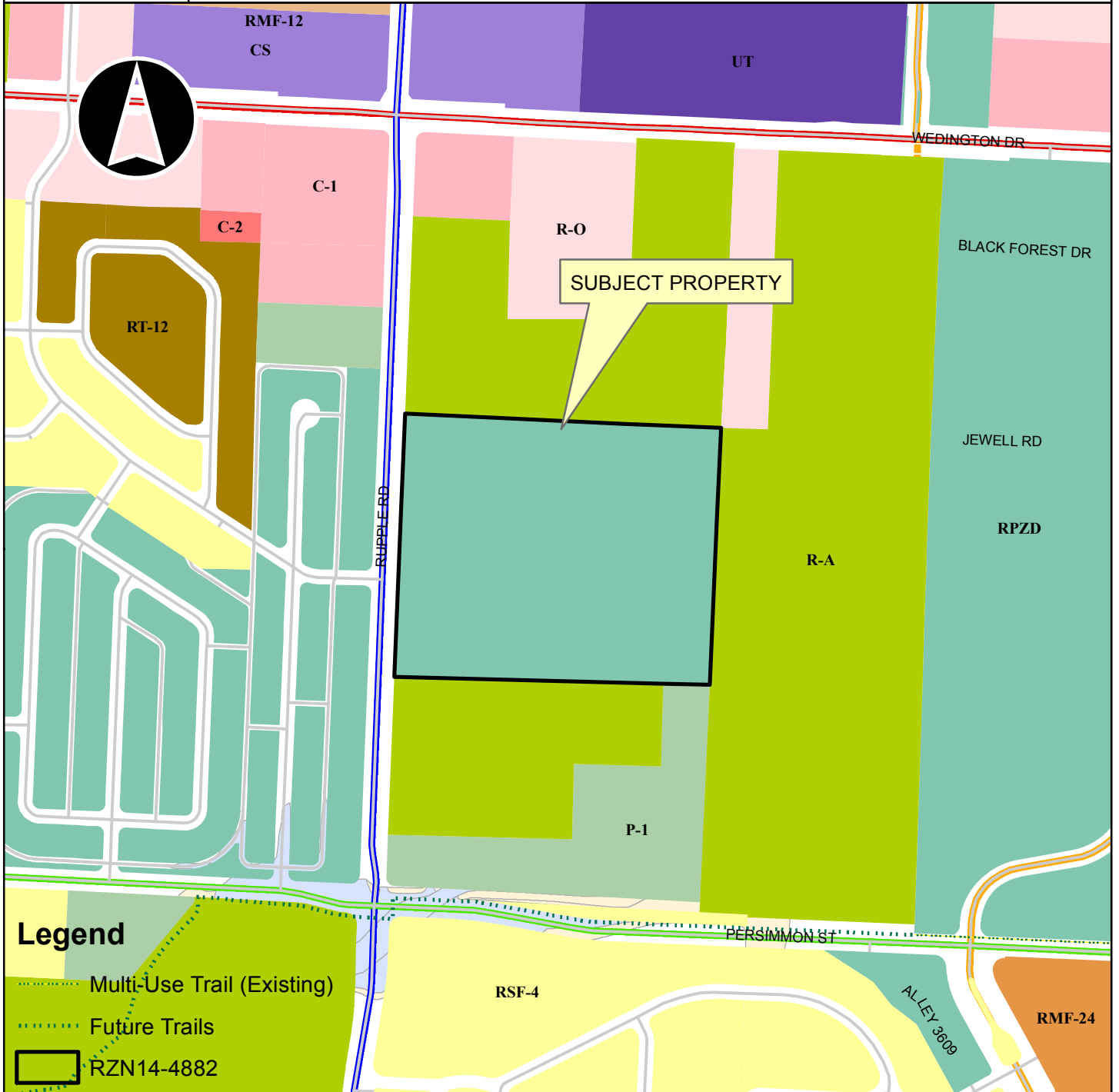
Page 17 of 17

EXHIBIT 'A'
14-4882

RZN14-4882

Close Up View

WESTSIDE VILLAGE



Overview

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 200 400 800 1,200 1,600 Feet

EXHIBIT 'B'

14-4882

A part of the SE 1/4 of the SE 1/4 and a part of the NE 1/4 of the SE 1/4, all in Section 12, T-16-N, R-31-W, Washington County, Arkansas, and being more particularly described as follows: Commencing at the NE corner of the NE 1/4 of the SE 1/4, thence N 88°34'51" W, 483.46 feet; thence S 01°07' 6" W, 35.95 feet; thence N 88°50'55" W, 416.00; thence S 01° 07' 06" W, 969.20 feet to the point of beginning; thence S 88° 48' 23" E, 416 feet; thence S 88° 56' 59" E, 330.00 feet; thence S 01° 05' 12" W, 870.38 feet; thence West 1081.18 feet; thence N 00° 47' 02" E, 892.59 feet; thence S 88°43'24" E, 339.71 feet to the point of beginning, containing 21.91 acres, more or less.

The above described tract also known as Tract 3, on a lot split survey shown on plat of record in plat book 17 at page 102, plat records of Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services, 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 , 2015.

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

Text File

File Number: 2015-0029

Agenda Date: 2/17/2015

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number: C. 3

RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4883, FOR APPROXIMATELY 93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 Units per Acre, and CS, Community Services, 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

2015-0029

Legistar File ID

2/3/2015

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

Jeremy Pate 

1/16/2015

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

RZN 14-4883: Rezone (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST, 208/209): Submitted by PLANNING STAFF for property located at HWY. 112 NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST and contains approximately 93.04 acres. The request is to rezone 33.38 acres to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and 59.66 acres to CS, COMMUNITY SERVICES.

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 FEBRUARY 3, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: January 16, 2015

SUBJECT: **RZN 14-4883: Rezone (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST, 208/209):** Submitted by PLANNING STAFF for property located at HWY. 112 NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST and contains approximately 93.04 acres. The request is to rezone 33.38 acres to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and 59.66 acres to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to RSF-8, Residential Single Family, 8 Units per Acre, and CS, Community Services.

BACKGROUND:

The subject property is located between Hwy 112 and Deane Solomon Road and contains three separate parcels. Two of the parcels are located at the southeast corner of Hwy 112 and Deane Solomon Road and contain 33.38 acres. The remaining parcel, totaling 59.66 acres, is located along Hwy 112 directly across from the 112 Drive-In. All three parcels are zoned R-PZD Park West, which was a mixed-use development approved by the City Council in 2006 by Ordinance No. 4820. The Park West development was never constructed and the project has expired.

The Park West development was planned on approximately 140 acres. Recently, however, two pieces of the project have been rezoned by the City Council. Approximately 26 acres was rezoned to CS, Community Services and last month another 20.5 acres was rezoned to RMF-12. The subject proposal will rezone the remainder of the original PZD.

*City Plan 2030 Future Land Use Plan designates this site as a **Residential Neighborhood Area and City Neighborhood Area.***

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

City Neighborhood Areas are 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.

Compatibility: In staff's opinion the two zoning districts proposed for the properties are compatible with surrounding land uses and zonings. The properties at Deane Solomon Road and Hwy 112 are surrounded on three sides by single-family residential development, so the RSF-8 zoning district will be a compatible zoning designation. This zoning allows lots as small as 5,000 square feet, but has no maximum lot size. Staff concluded that the RSF-8 zoning district was the most appropriate for these two properties, as it will allow for the development of a variety of lot sizes and home sizes.

The remaining property has a large percentage of street frontage along Hwy 112, which is a 2-lane state highway. There are plans to widen this section of roadway from Fayetteville to Bentonville to a 5-lane road section, but there is no funding for this project currently. The Community Services zoning district is a compatible and appropriate zoning designation, because of the frontage along Hwy 112, and also because it's bordered on the north by a large church facility that is currently under construction, multi-family zoning to the west, institutional facilities to the southwest, and a trucking facility to the south.

Similar to the variety of land uses that surround this property, the Community Services district allows a mixture of residential, office and commercial land uses. This should allow future development to respond to market demands by providing commercial services provided along Hwy 112 and then transitioning into multi-family and single-family development to the west where land uses are predominantly residential.

DISCUSSION:

On January 12, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~January 12, 2015~~ Updated January 15, 2015

SUBJECT: **RZN 14-4883: Rezone (HWY. 112 NORTH OF TRUCKERS DRIVE/PARKWEST, 208/209):** Submitted by PLANNING STAFF for property located at HWY. 112 NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST and contains approximately 93.04 acres. The request is to rezone 33.38 acres to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and 59.66 acres to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4883** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located between Hwy 112 and Deane Solomon Road and contains three separate parcels. Two of the parcels are located at the southeast corner of Hwy 112 and Deane Solomon Road and contain 33.38 acres. The remaining parcel, totaling 59.66 acres, is located along Hwy 112 directly across from the 112 Drive-In. All three parcels are zoned R-PZD Park West, which was a mixed-use development approved by the City Council in 2006 by Ordinance No. 4820. The Park West development was never constructed and the project has expired.

The Park West development was planned on approximately 140 acres. Recently, however, two pieces of the project have been rezoned by the City Council. Approximately 26 acres was rezoned to CS, Community Services and last month another 20.5 acres was rezoned to RMF-12. The subject proposal will rezone the remainder of the original PZD. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use – RSF-8 Proposal at Deane Solomon and Hwy 112

Direction from Site	Land Use	Zoning
North	Single-family/Undeveloped	RSF-4, Residential Single-family/R-A, Residential Agricultural
South	Single-family/Undeveloped	R-A, Residential Agricultural/CS, Community Services
East	Single-family/Bio-Tech Pharmacal	R-A, Residential Agricultural
West	Single-family	RSF-4, Residential Single-family/R-A, Residential Agricultural

Table 2 - Surrounding Zoning and Land Use – CS Proposal at Hwy 112

Direction from Site	Land Use	Zoning
North	Fellowship Church	CS, Community Services
South	Industrial/Undeveloped	I-1, Heavy Commercial/Light Industrial/R-A, Residential Agricultural
East	Drive-in Theatre	C-2, Thoroughfare Commercial
West	Undeveloped	R-A, Residential Agricultural/RMF-12, Residential Multi-family

Request: The request is to rezone the north 33.38 acres to RSF-8, Residential Single-family, 8 units per acre and rezone the south 59.66 acres to CS, Community Services.

Notification and Public Comment: Planning staff sent letters via certified mail to each property owner (Simmons First Bank and Legacy National Bank), summarizing staff's rezoning proposal for the specific property and noting the public hearing date, time, and location. A sample letter is included in the staff report.

Staff received a letter from a neighbor on Deane Solomon Road that supports the recommendation for RSF-8.

INFRASTRUCTURE:

Streets: The site has access to Hwy 112 (Principle Arterial) and Deane Solomon Road (Minor Arterial). Both are unimproved two-lane streets. Improvements will be determined at the time of development.

Water: Public water is accessible to the site. There is an existing 6-inch water main along the north side of Hwy 112 and a 6-inch and 36-inch line along the east side of Hwy 112.

Sewer: Sanitary sewer is available to the site. There is an existing 8-inch sewer main that crosses through all three parcels.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is affected by the 100-year floodplain and the Streamside Protection Ordinance. There are some US Army Corps of Engineers designated wetlands on the southernmost parcel. Corps permitting will be determined at the time of development.

Fire: The Fire Department did not express any concerns with this request.

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 a **Residential Neighborhood Area and City Neighborhood Area**.*

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

City Neighborhood Areas are 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.

DISCUSSION:

FINDINGS OF THE STAFF

Recommendation: Staff recommends forwarding **RZN 14-4883** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 12, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Chesser	Second: Selby	Vote: 9-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>February 3, 2015</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: In staff's opinion the two zoning districts proposed for the properties are consistent with land use planning objectives and land use plans. The properties at Deane Solomon Road and Hwy 112 are surrounded on three sides by single-family residential development, so the RSF-8 zoning district will be a compatible zoning designation. This zoning allows lots as small as 5,000 square feet, but has no maximum lot size. Staff concluded that the RSF-8 zoning district was the most appropriate for these two properties, as it will allow for the development of a variety of lot sizes and home sizes.

The remaining property has a large percentage of street frontage along Hwy 112, which is a 2-lane state highway. There are plans to widen this section of roadway from Fayetteville to Bentonville to a 5-lane road section, but there is no funding for this project currently. The Community Services zoning district is a compatible and appropriate zoning designation, because of the frontage along Hwy 112, and also because it's bordered on the north by a large church facility that is currently under construction, multi-family zoning to the west, institutional facilities to the southwest, and a trucking facility to the south.

Similar to the variety of land uses that surround this property, the Community Services district allows a mixture of residential, office and commercial land uses. This should allow future development to respond to market demands by providing commercial services provided along Hwy 112 and then transitioning into multi-family and single-family development to the west where land uses are predominantly residential.

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

Finding: In staff's opinion the rezoning is justified and needed at this time. Currently, the property is zoned R-PZD Park West, but all development rights have expired. This creates challenges for the current property owner and any future buyer, as nothing can be developed on the property without a rezoning. Several parts of the expired PZD have been rezoned by the owner, however, there are no plans that staff is aware of to rezone the remaining 93 acres.

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

Finding: The property is currently undeveloped and there are no development rights, since the PZD approval has expired. Any rezoning action will increase traffic congestion in the area. However, any new development will also create the requirement for new streets and street improvements that will help facilitate additional traffic. With adequate street connections to Deane Solomon, Hwy 112 and Truckers Drive, as well as internal connectivity between developments, traffic danger and congestion should be minimized.

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 to RSF-8 and Community Services will likely increase population density and commercial intensity. There are adequate water and sewer services along and within this property to support future development. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request with no objections.

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 161.09 & 161.19
- Park West PZD documents
- Request letter
- Letter to property owners
- Fire response letter
- Public comment
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

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(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

TITLE XV UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

PARK WEST R-PZD

05-1796

ORDINANCE NO. 4820

AN ORDINANCE ESTABLISHING A MASTER DEVELOPMENT PLAN ~~RESIDENTIAL PLANNED ZONING DISTRICT~~, TITLED R-PZD 05-1796, PARK WEST, LOCATED AT HWY 112 EAST OF DEANE SOLOMON ROAD, CONTAINING APPROXIMATELY ~~139.45 ACRES~~, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential-Agricultural and RSF-4, Residential Single Family, 4 units per acre, to R-PZD 05-1796 as shown in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

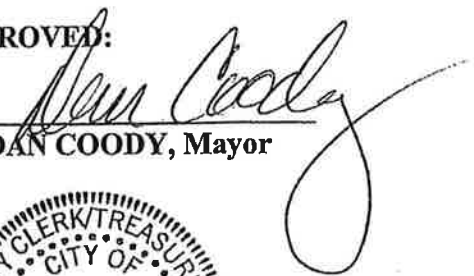
Section 2. That the change in zoning classification is based upon the approved master development plan, development standards, and conditions of approval as submitted, determined appropriate and approved by the City Council.

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this 17th day of January, 2006.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



EXHIBIT "A"
R-PZD 05-1796

FORMERLY THE "MIKE AND BRENDA PRICE PROPERTY"

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING IN ARKANSAS HIGHWAY #112; THENCE SOUTH 01° 21 ' 02 " WEST ALONG THE WEST LINE OF SAID 40 ACRE TRACT 60.40 FEET TO AN EXISTING IRON ON THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY FOR THE TRUE POINT OF BEGINNING; THENCE SOUTH 88° 44 ' 20 " EAST ALONG SAID RIGHT OF WAY 636.06 FEET TO AN EXISTING IRON; THENCE LEAVING SAID RIGHT OF WAY SOUTH 00° 40 ' 42 " EAST 565.86 FEET TO AN EXISTING IRON; THENCE SOUTH 01° 01 ' 05 " WEST 179.25 FEET TO AN EXISTING IRON AT A FENCE CORNER; THENCE SOUTH 01° 01 ' 05 " WEST 161.92 FEET TO A SET 1/2" IRON REBAR ON THE PROPOSED NORTH RIGHT OF WAY LINE OF AN UNDEVELOPED STREET AS SHOWN ON THE MASTER STREET PLAN FOR FAYETTEVILLE, ARKANSAS; THENCE NORTH 88° 33 ' 19 " WEST ALONG SAID PROPOSED RIGHT OF WAY LINE 658.07 FEET TO A SET 1/2" IRON REBAR ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE NORTH 01° 21 ' 02 " EAST 904.60 FEET TO THE POINT OF BEGINNING, CONTAINING 13.52 ACRES, MORE OR LESS.

FORMERLY THE "GRAVES PROPERTY"

A PART OF THE E1/2 OF THE SW1/4 AND A PART OF THE W1/2 OF THE SE1/4, ALL IN SECTION 28, T-17-N, R-30-W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 28, AND CONTINUING S 87°14'29" E ALONG THE NORTH BOUNDARY OF SAID 40 ACRE TRACT 634.01 FEET, AND THENCE S 00°11'32" W, 628.47 FEET TO AN EXISTING STEEL FENCE POST, AND THENCE S 03°03'56" W, 178.40 FEET TO AN EXISTING IRON PIN, AT A FENCE CORNER, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 87°12'12" E, 1927.53 FEET TO AN EXISTING IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF ARKANSAS HIGHWAY 112, SAID RIGHT-OF-WAY BEING 55 FEET WEST OF SAID HIGHWAY CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY, S 02°43'05" W, 1453.41 FEET, S 02°02'13" W, 63.14 FEET, S 00°11'37" W, 51.97 FEET, S 03°04'20" E, 40.08 FEET, S 07°04'17" E, 55.68 FEET, S 11°50'57" E, 58.74 FEET, S 15°35'06" E, 71.32 FEET, AND S 18°14'06" E, 15.95 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID 80 ACRE TRACT; THENCE LEAVING SAID RIGHT-OF-WAY S 02°32'41" W, 26.08 FEET TO A FOUND ALUMINUM CAPPED IRON PIN AT THE SE CORNER OF THE SW1/4 OF THE SE1/4 OF SAID SECTION 28; THENCE N 87°09'05" W, 1322.12 FEET TO AN EXISTING FENCE CORNER AT THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE N 87°21'56" W, 1316.30 FEET TO AN EXISTING IRON PIN AT THE SW CORNER OF THE SE 1/4 OF THE SW1/4 OF SAID SECTION 28; THENCE N 02°31'02" E ALONG THE WEST BOUNDARY OF THE E1/2 OF THE

SW1/4, 1672.02 FEET TO A SET IRON PIN, LOCATED 965.00 FEET SOUTH OF THE NW CORNER OF THE NE1/4 OF THE NW1/4; THENCE LEAVING SAID WEST BOUNDARY S 86°57'53" E, 656.27 FEET TO A SET IRON PIN; AND THENCE N 03°03'56" E, 161.92 FEET TO THE POINT OF BEGINNING, CONTAINING 106.15 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY ARKANSAS. SUBJECT TO: EASEMENTS OF RECORD DESCRIBED AS INSTRUMENT # 9344456 & 2002 084864, AND OTHER DOCUMENTS OF RECORD NOT SHOWN HEREON.

FORMERLY THE "VAWTER PROPERTY"

A PART OF THE WEST HALF (W1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 28-17-30, THENCE S87°14'29"E 1320.14 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF (W1/2), SOUTHWEST QUARTER (SW1/4) SAID SECTION, THENCE S02°31'02"W, 34.99 FEET ALONG SAID EAST LINE TO THE SOUTHERN RIGHT-OF-WAY ARKANSAS HIGHWAY NO. 112 AND THE POINT OF BEGINNING. THENCE CONTINUING ALONG SAID EAST LINE S 02°31'02" W, 1298.63 FEET; THENCE N87°16'08"W 600.60 FEET TO THE EAST RIGHT-OF-WAY OF WASHINGTON COUNTY ROAD NO. 890, THENCE ALONG SAID RIGHT-OF-WAY N10°49'52"E 321.00 FEET, THENCE WITH SAID RIGHT-OF-WAY N07°55'08"W, 284.30 FEET, THENCE WITH SAID RIGHT-OF-WAY N25°41'08" W, 166.10 FEET, THENCE WITH SAID RIGHT-OF-WAY N14°35'08"W 576.59 FEET TO THE SOUTHERN RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO. 112, THENCE ALONG SAID RIGHT-OF-WAY S87°35'48"E 853.75 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND CONTAINING 19.860 ACRES, MORE OR LESS.

Exhibit B

The following pages include the requirements for each Planning Area as approved by the Planning Commission. Outlined under each Planning Area are the zoning standards as outlined in Chapter 161 of the Unified Development Code.

The proposed project booklet also outlines the zoning criteria for each Planning Area, though there are discrepancies found between the two. The applicant shall revise the project booklet to reflect those criteria approved by the Planning Commission.

Planning Area 1 (PA-1) – Single Family Residential

AREA: 26.05 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	4 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three-family	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse:	
Individual lot	2,500 sq. ft.
Single-family	4,000 sq. ft.
Two-family	2,400 sq. ft. (per unit)
Three-family	2,400 sq. ft. (per unit)

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	14' *	6'	Minimum 10' **
Two- and Three-family	14' *	0'	Minimum 10' **

* A build-to line.

** The rear building setbacks may range from 10' to 20' depending on the location of utilities. All structures shall be setback 20' from the centerline of any alley or easement.

(F) *Height.* No structure shall exceed three stories, exclusive of the basement.

(G) *Building area.*

Detached dwelling Units: On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Attached dwelling Units: On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 91

(I) *Architectural Design Standards:*
Reference the Project Booklet

**Planning Area 2 (PA-2) – Town
Homes/Single Family Attached**

AREA: 12.15 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	6 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three and more	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse:	
Individual lot	2,700 sq. ft.
Single-family	2,700 sq. ft.
Two-family	2,700 sq. ft. (per unit)
Three or more	2,700 sq. ft. (per unit)

(3) *Land area per dwelling-unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement
Two- and Three-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement

* A build-to line, wherever possible.

(F) *Height.* Minimum two (2) stories.
Maximum 45 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 72

(I) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 3 (PA-3) – Plaza Condominium

AREA: 4.01 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 14	Hotel, motel, amusement facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
20	0'	20'

(F) *Height.* Minimum two (2) stories.
Maximum seven (7) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 160

(I) *Maximum Bedrooms:* 320

(J) *Maximum Intensity:* 26,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

**Planning Area 4 (PA-4) – Courtyard
Multi-Family**

AREA: 7.83 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(E) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
16' from a public street or alley	16'	16'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.
Maximum four (4) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 313

(I) *Maximum Bedrooms:* 626

(J) *Maximum Intensity:* 25,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 5 (PA-5) – Multi-Family Residential

AREA: 4.79 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	36 or less
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(F) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
30' from a public street	10'	20'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.
Maximum 4 stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 172

(I) *Maximum Bedrooms:* 344

(J) *Maximum Intensity:* 10,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 6, 7, 8, 9 (PA-6, PA-7, PA-8, PA-9) – Preserve/Botanical/Detention

AREA:

PA-6: 4.85 acres
PA-7: 1.17 acres
PA-8: 2.31 acres
PA-9: 10.47 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
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(C) *Density.* None (not applicable)

(G) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

Planning Area 10 (PA-10) – Civic Lawn

AREA: 1.29

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
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(C) *Density.* None (not applicable)

Bulk and area regulations. None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

**Planning Area 11, 12 (PA-11, PA-12) –
Mixed Use Districts**

AREA:

PA-11: 31.82 acres

PA-12: 5.77 acres

(A) *Purpose.* See project booklet

(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 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor store

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 5	Government facilities
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments

(C) Density.

Units per acre	24 or less
----------------	------------

(H) *Bulk and area regulations.*

(1) Lot width minimum.

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft.

(2) Lot area minimum.

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-residential	0 sq. ft.

(3) Land area per dwelling unit.

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) Setback requirements.

Front	Side	Rear
8' to 12' *	20' from public or private access 0' from internal side property lines	5'

* A build-to line

(F) *Height.* Structures immediately adjacent to the civic lawn shall have a minimum height of 30'. Structures adjacent to main streets shall be a minimum two-stories in height. Maximum height of four (4) stories otherwise.

(G) *Building area.* 85% of the site

(H) Maximum Dwelling Units:

PA-11: 783

PA-12: 138

(I) Maximum Intensity:

PA-11: 520,000 sq. ft.

PA-12: 60,000 sq. ft.

(J) Architectural Design Standards:

Reference the Project Booklet

**Planning Area 13 (PA-13) –
Neighborhood Commercial**

AREA: 4.21 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Residential Use – None

Non-residential – None

(2) *Lot area minimum.*

Residential Use – None

Non-residential – None

(3) *Land area per dwelling unit.*

Townhomes or Apartments:	
•No bedroom	1,700 sq. ft.
•One bedroom	1,700 sq. ft.
•Two bedroom	2,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
50'	0'	20'
	25' when contiguous to residential district	

(F) *Height.* Maximum 4 stories

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 15

(I) *Maximum Bedrooms:* 30

(J) *Maximum Intensity:* 15,000 sq. ft.

(K) *Architectural Design Standards:*

Reference the Project Booklet

**Planning Area 14 (PA-14) –
Thoroughfare Commercial**

AREA: 15.55 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.* None

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

(E) *Setback requirements.*

Front	Side	Rear
40'	0' 25' when contiguous to residential district	20' 25' when contiguous to residential district

(F) *Height.* Maximum 7 stories.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 70% of the total area of such lot.

(H) *Maximum Dwelling Units:* Not Applicable

(I) *Maximum Bedrooms:* Not Applicable

(J) *Maximum Intensity:* 200,000 sq. ft.

(J) *Architectural Design Standards:*
Reference the Project Booklet

Planning Area 15 (PA-15) – Parks and Trails

AREA: 7.18 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
--------	-------------------------

(C) *Density.* None (not applicable)

(D) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

Paradigm
COMPANIES

AA





www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

December 2, 2014

City of Fayetteville, Development Services
Fayetteville, AR 72701

Tracy Hoskins, Chair
Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain Street
Fayetteville, AR 72701

Re: Rezone Request – Park West PZD

Dear Planning Commission,

Please accept this letter as formal request to allow the rezoning of property located between Hwy 112 and Deane Solomon Road, known as the Park West PZD, from R-PZD 05-1796 Park West, to RSF-8, Residential Single-family, 8 units per acre and CS, Community Services.

The property consists of three large parcels owned by Simmons First Bank and Legacy National Bank. Approximately 26 acres of the original PZD was recently purchased by Fellowship Church.

Staff is initiating the rezoning request, because the Park West PZD was not initiated and consequently expired in 2011. The property is still zoned R-PZD, but all development rights expired with the PZD expiration in 2012. Rezoning the property will reestablished development rights to the property and allow current or future owners to develop the property.

Staff evaluated the approved Park West PZD, surrounding land uses and zoning, the Future Land Use Map (FLUM), City Plan 2030 goals, and the overall context of this area of the City to determine appropriate zoning classifications for the subject properties. However, staff's recommendations are not the only zoning designations that could be appropriate and it's possible that future property owners may request zoning changes.

In staff's opinion, rezoning the two parcels at the southeast corner of Hwy 112 and Deane Solomon Road to RSF-8 is compatible with surrounding residential developments, the FLUM designation as a Neighborhood Residential Area, and the Park West concept to develop single-family housing on thee approximately 33.40 acres. Further, the RSF-8 zoning district does not require small-lot development, but provides a developer the option to plat relatively small single-family lots, or large estate lots. Hopefully, there will be a variety of lot and home sizes.

The remainder of the Park West PZD contained approximately 106 acres. However, Fellowship Church recently purchased 26 acres, and there is a request to rezone another 20.54 acres (RZN 14-4875) that will likely be sold to another party. Staff is recommending that the remaining portion of property, approximately 50.46 acres be rezoned to CS, Community Services. In staff's opinion, the CS district will allow future development of a variety of uses that will transition between a variety of land uses and street classifications.

There is an existing 8 inch sewer line that runs south to north across all of the properties in question. There is an existing 6 inch water main along Hwy 112 (north side) and an existing 6 inch and 36 inch line along Hwy 112 (east side).

The property is currently undeveloped, so any future development will increase traffic congestion in the area. The extension of W. Van Asche Drive is under construction and will provide a valuable route to regional shopping destinations to the east without the need to access I-49. There are also discussions to widen Hwy 112 north from I-49. Future connections to Dean Solomon Road will also provide for traffic distribution and reduce congestion at major intersections.

Development of the property will increase population density. Utility services providers have been made aware of the rezoning request.

Currently there are no development rights on this property, so a rezoning must occur to allow use of the property. While there are a number of zoning districts that could be appropriate for the property, it is staff's opinion that the RSF-8 and CS zoning districts provide future land owners a great deal of flexibility in development, while also providing compatibility with adjacent properties and consistency with land use goals.

Sincerely,

Jesse Fulcher, AICP
Senior Planner
City of Fayetteville
479.575.8308



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

DEVELOPMENT SERVICES DEPARTMENT

125 West Mountain

Fayetteville, AR 72701

Phone (479) 444-3443

November 17, 2014

Simmons First Bank of NWA
117 Boyer Avenue
Lincoln, AR 72744-8915

VIA: CERTIFIED MAIL

Legacy National Bank
P.O. Box 6490
Springdale, Arkansas 72766-6490

Re: Re-zoning of the Expired Park West Planned Zoning District Project

Dear Property Owner:

The Assessor of Washington County, Arkansas lists you as the owner for the subject property that is zoned by the City of Fayetteville as a Planned Zoning District (PZD). This letter notifies you that the subject PZD approval has expired. In accordance with Ordinance No. 4820 for Park West PZD, the City has cause to revoke this PZD as development permits have not been obtained in accordance with the approved phased development schedule. Therefore, the City Development Services Department has initiated revocation of the expired PZD zoning on your property. As part of this action staff will recommend the City Council assign the property the zoning district of CS, Community Services. This proposal to revoke the PZD and rezone your property will be first heard at a public meeting of the Planning Commission on January 12, 2015 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas 72701. You are welcome to speak at that meeting and/or provide written or verbal comment to City staff prior to the meeting.

Please contact my office at 479-444-3443 if you would like to discuss this proposal, or you may email me at jfulcher@fayetteville-ar.gov.

Best Regards,

Jesse Fulcher
Senior Planner

Cc: Legacy National Bank
Cc: Simmons First Bank of NWA
Attached: Zoning regulations for CS, Community Services

Fulcher, Jesse

From: ronald young <RONDYOUNG@COX.NET>
Sent: Monday, December 29, 2014 10:48 AM
To: Fulcher, Jesse
Subject: Park West PZD

To whom it may concern:

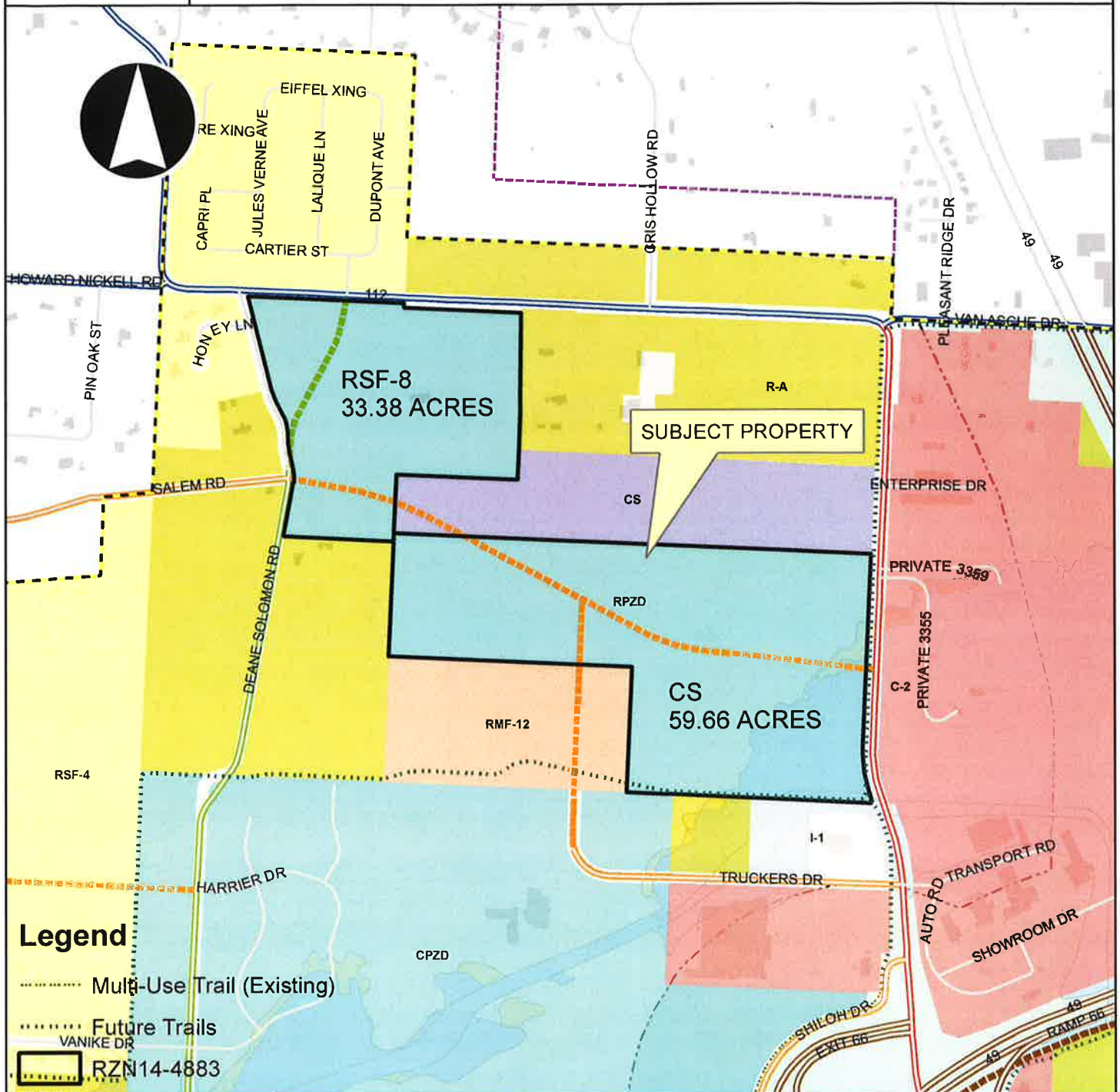
I live at 3481 N Deane Solomon Rd, Fayetteville across the street from the two parcels of the Park West PZD which are at the southeast corner of Hwy 112 and Deane Solomon RD that Staff is recommending be zoned for residential use. I support Staff's recommendation and respectfully encourage the Commission to adopt the recommendation. I also suggest that when those parcels are developed, because of high traffic counts on Deane Solomon and the dangerous intersection of Deane Solomon and Hwy 112, that Deane Solomon Rd be rerouted consistent with the Park West PZD.

Ronald D Young
479-236-4717
3481 N Deane Solomon RD
Fayetteville, AR 72704

RZN14-4883

PARKWEST

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN14-4883

Overview

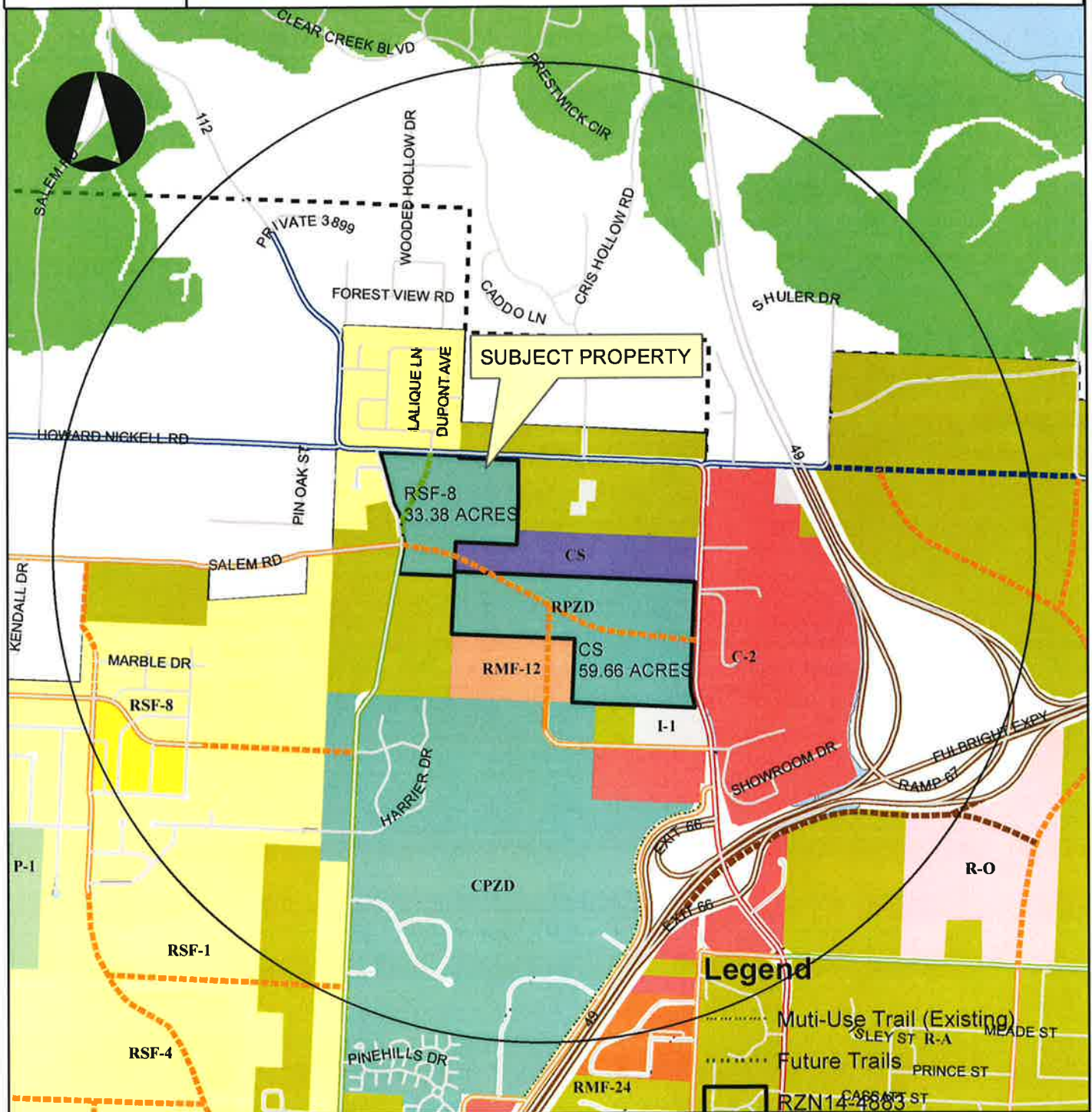
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 300 600 1,200 1,800 2,400 Feet

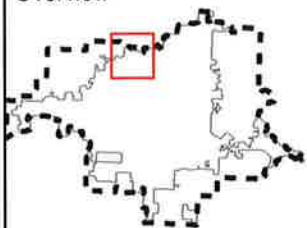
RZN14-4883

One Mile View

PARK WEST



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles

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

RZN14-4883

Current Land Use

PARKWEST



Overview RZN14-4883

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

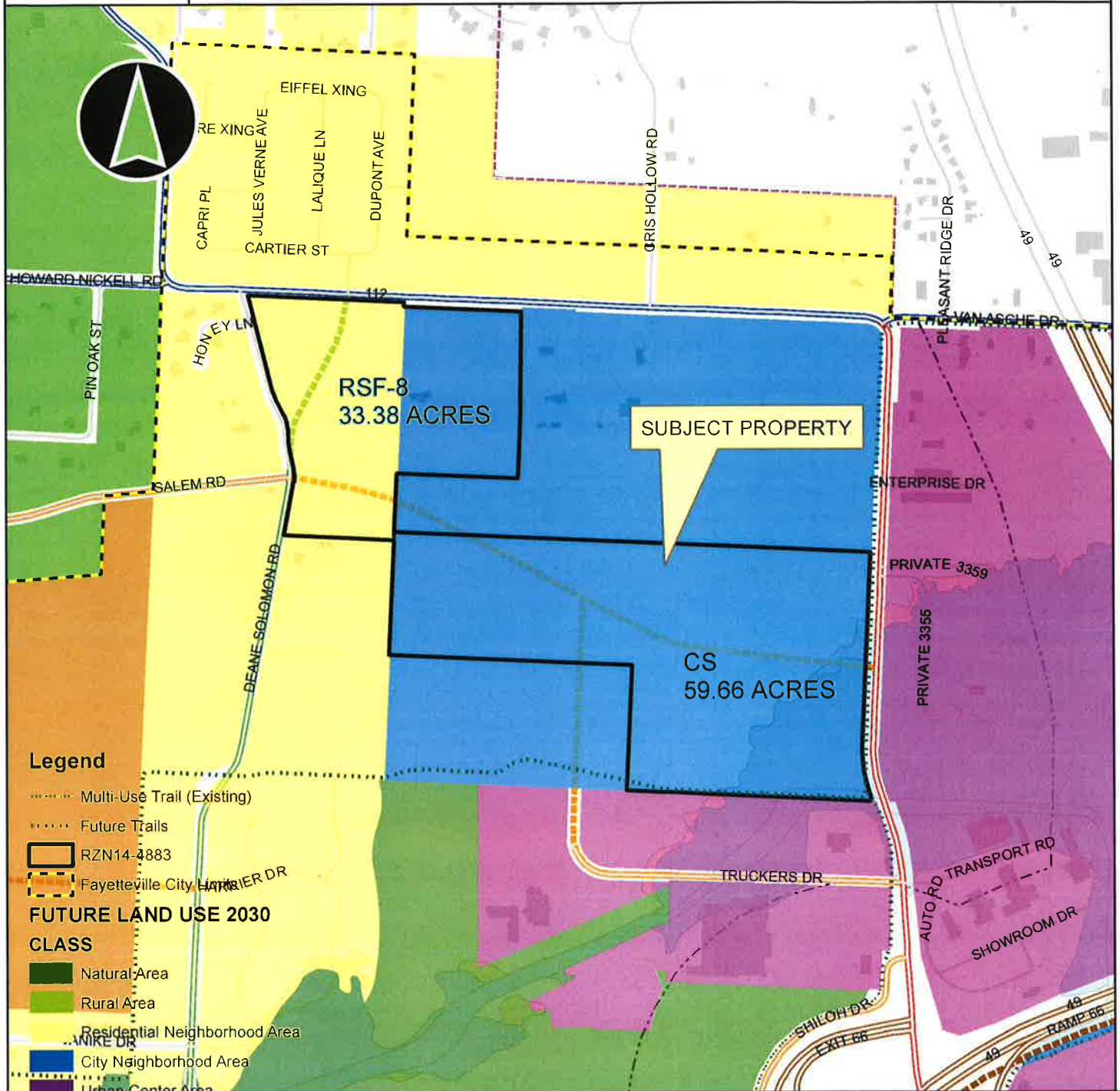
Planning Area

0 300 600 1,200 1,800 2,400 Feet

RZN14-4883

PARKWEST

Future Land Use



- Industrial
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Planning Area

0 300 600 1,200 1,800 2,400 Feet

EXHIBIT 'A'

RZN14-4883

PARKWEST

Close Up View

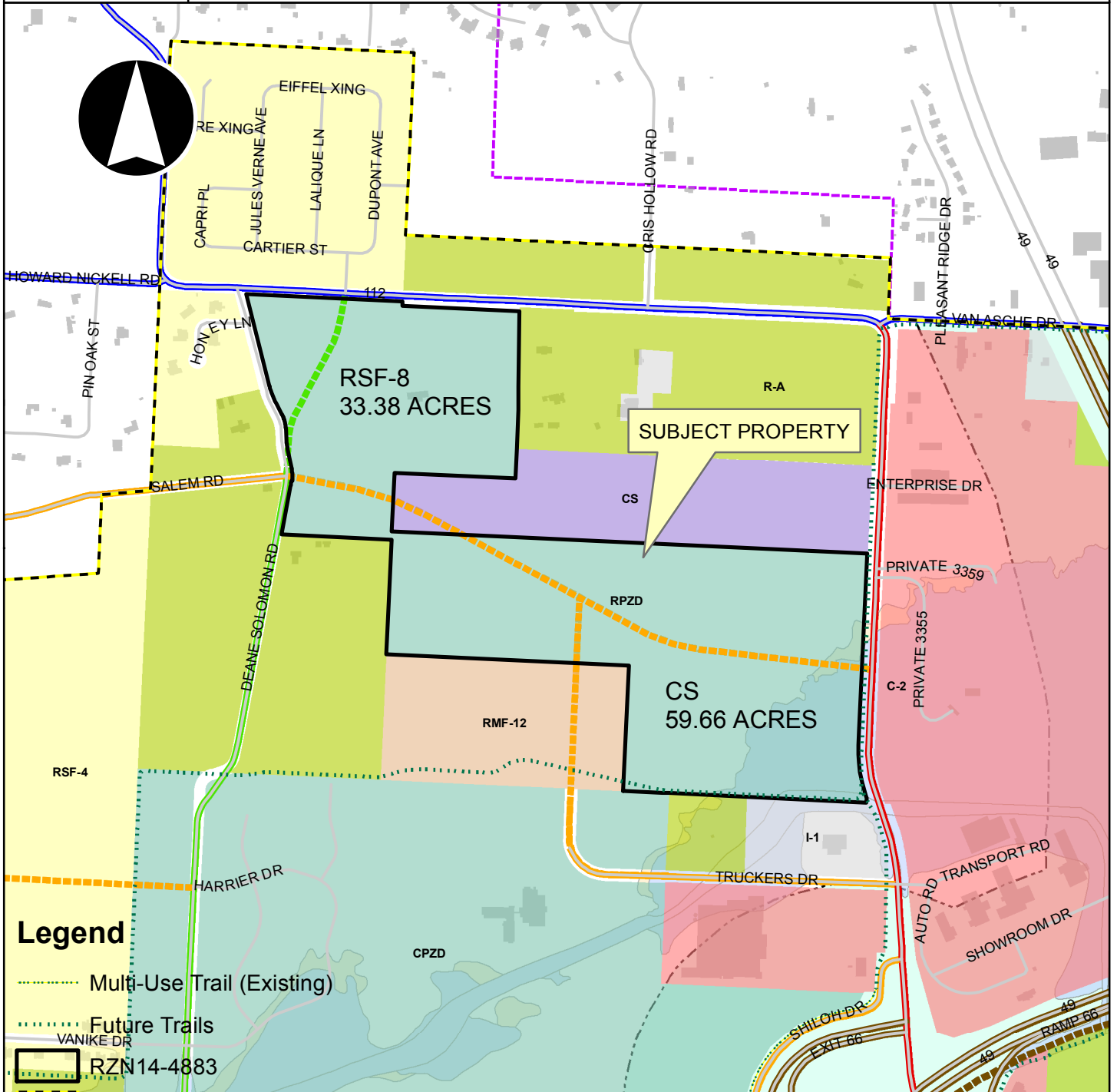


EXHIBIT 'B'

765-15832-000 (RSF-8)

A part of the W $\frac{1}{2}$, of the SW $\frac{1}{4}$. of Section 28, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:
beginning at the intersection of the south right-of-way of Arkansas State Highway No. 112 and the East right-of-way of a gravel dirt road, said point lying South 85 degrees 39 minutes 30 seconds East 460.60 feet from the NW corner of said 80.00 acre tract, and running thence South 89 degrees 51 minutes 00 seconds East 858.70 feet with the South right-of-way line of Highway No. 112 to the East line of said 80.00 acre tract; thence South 00 degrees 07 minutes 00 seconds East with said East line 1,300.60 feet to a point North 00 degrees 07 minutes 00 seconds West 1,303.60 feet from the SE corner of said 80.00 acre tract; thence West 606.60 feet to the East right-of-way line of the previously mentioned gravel road; thence North 08 degrees 06 minutes 00 seconds East with said East line 321.00 feet; thence North 10 degrees 39 minutes 00 seconds West with said East line 284.30 feet; thence North 28 degrees 25 minutes 00 seconds West with said East line 166.10 feet; thence North 17 degrees 19 minutes 00 seconds West with said East line 586.00 feet to the point of beginning, containing 20.00 acres, more or less.

Now more accurately described by a plat of survey by Milholland Company dated May 10, 2004, designated as drawing No. E-688 as follows:

A part of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$.) of Section Twenty-eight (28). Township Seventeen (17) North, Range Thirty (30) West, described as follows: commencing at the northwest corner of the SW $\frac{1}{4}$ of said Section 28, Township 17 North, Range 30 West, thence South 87 degrees 14 minutes 29 seconds East 1320.14 feet to a point on the East line of the West Half (W $\frac{1}{2}$), Southwest Quarter (SW $\frac{1}{4}$) said Section, thence South 02 degrees 31 minutes 02 seconds West 34.99 feet along said East line to the southern right-of-way Arkansas No.112 and the point of beginning, thence continuing along said East line South 02 degrees 31 minutes 02 seconds West 1298.63 feet, thence North 87 degrees 16 minutes 08 seconds West 600.60 feet to the East right-of-way of Washington County Road No. 890, thence along said right-of-way North 10 degrees 49 minutes 52 seconds East 321.00 feet, thence with said right-of-way North 07 degrees 55 minutes 08 seconds West 284.30 feet, thence with said right-of-way North 25 degrees 41 minutes 08 seconds West 166.10 feet, thence with said right-of-way North 14 degrees 35 minutes 08 seconds West 576.59 feet to the Southern right-of-way of Arkansas Highway No. 112, thence along said right-of-way South 87 degrees 35 minutes 48 seconds East 853.75 feet to the point of beginning, all located in Fayetteville, Washington County, Arkansas, and containing 19.860 acres, more or less.

765-15930-003 (RSF-8)

A part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty eight (28), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows:

Commencing at the Northwest corner of said 40 acre tract, said point being in Arkansas Highway 112; thence South 01 degrees 21 minutes 02 seconds West along the West line of said 40 acre tract 60.40 feet to an existing iron on the South right-of-way line of said Highway for the true point of beginning; thence South 88 degrees 44 minutes 20 seconds East along said right of way 636.06 feet to an existing iron; thence leaving said right of way South 00 degrees 40 minutes 42 seconds East 565.86 feet to an existing iron; thence South 01 degrees 01 minutes 05 seconds West 179.25 feet to an existing iron at a fence corner; thence South 01 degrees 01 minute 05 seconds West 161.92 feet to a set $\frac{1}{2}$ " iron rebar on the proposed north right of way line of an undeveloped street as shown on the master street plan for Fayetteville, Arkansas; thence North 88 degrees 33 minutes 19 seconds West along said proposed right of way line 658.07 feet to a set $\frac{1}{2}$ " iron rebar on the West line of said 40 acre tract; thence North 01 degrees 21 minutes 02 seconds East 904.60 feet to the point of beginning, containing 13.52 acres, more or less.

EXHIBIT 'B'

765-15830-000 (CS, Community Services)

TRACT 1 (REMAINING TRACT) SURVEY DESCRIPTION:

A PART OF THE EAST HALF (E ½) OF THE SOUTHWEST QUARTER (SW ¼) AND A PART OF THE WEST HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼), ALL IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 28 BEING A FOUND MAGNAIL IN ASPHALT ROADWAY; THENCE ALONG THE WEST LINE OF SAID NE 1/4, S02°34'52"W A DISTANCE OF 1283.11 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439" AND THE POINT OF BEGINNING; THENCE S87°19'58"E A DISTANCE OF 2582.01 FEET TO THE WESTERN RIGHT OF WAY OF HIGHWAY 112 FOR U.S. HIGHWAY 112 BEING FIFTY-FIVE (55) FEET WEST OF CENTERLINE, BEING A FOUND IRON PIN WITH CAP "PLS 1439"; THENCE ALONG SAID WESTERN RIGHT OF WAY THE FOLLOWING EIGHT (8) CALLS, S02°43'18"W A DISTANCE OF 978.38 FEET TO A POINT; THENCE S02°02'26"W A DISTANCE OF 63.14 FEET TO A POINT; THENCE S00°11'50"W A DISTANCE OF 51.97 FEET TO A POINT; THENCE S03°04'07"E A DISTANCE OF 40.08 FEET TO A POINT; THENCE S07°04'04"E A DISTANCE OF 55.68 FEET TO A POINT; THENCE S11°50'44"E A DISTANCE OF 58.74 FEET TO A POINT; THENCE S15°34'53"E A DISTANCE OF 71.32 FEET TO A POINT; THENCE S18°13'53"E A DISTANCE OF 15.95 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, S02°32'54"W A DISTANCE OF 26.08 FEET TO A FOUND ALUMINUM CAPPED IRON PIN AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE ¼ OF SAID SECTION 28; THENCE ALONG THE SOUTH LINE OF THE SW ¼ OF THE SE ¼, N87°08'52"W A DISTANCE OF 1322.12 FEET TO A FOUND IRON PIN WITH CAP "PLS 1439", BEING THE SOUTH QUARTER CORNER OF SAID SECTION 28; THENCE LEAVING SAID SOUTH LINE, N02°32'22"E A DISTANCE OF 680.63 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N87°26'22"W A DISTANCE OF 1315.59 FEET TO THE WEST BOUNDARY OF THE EAST HALF (E ½) OF THE SW ¼ BEING A SET IRON PIN WITH CAP "PLS 1439"; THENCE ALONG SAID WEST LINE, N02°34'52"E A DISTANCE OF 671.33 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 59.66 ACRES (2,598,809 SQUARE FEET), MORE OR LESS.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4883, FOR APPROXIMATELY 93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 Units per Acre, and CS, Community Services, 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 , 2015.

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

Text File

File Number: 2015-0030

Agenda Date: 2/17/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

RZN 14-4916 (956 RAY AVENUE/HODOUS):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32 ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES

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 RMF-24, Residential Multi Family, 24 Units per Acre, to NS, Neighborhood Services, 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

2015-0030

Legistar File ID

2/3/2015

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

Jeremy Pate

1/16/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4916: Rezone (956 RAY AVENUE/HODOUS, 565): Submitted by KIM HODOUS for property located at 956 RAY AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.32 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

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 FEBRUARY 3, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: January 16, 2015

SUBJECT: **RZN 14-4916: Rezone (956 RAY AVENUE/HODOUS, 565):** Submitted by KIM HODOUS for property located at 956 RAY AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.32 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to NS, Neighborhood Services.

BACKGROUND:

The subject property is located one lot south of the southeast corner of Huntsville Road and Ray Avenue. The property is developed with an approximately 2,000 square foot office building that was constructed in 1970, according to County records.

The property is currently zoned RMF-24, Residential Multi-family. However, according to the current property owner the building has always been used for office/commercial purposes, and the County Assessor lists the primary occupancy as "office building – commercial." In researching City records, there is evidence that this property was previously zoned C-1, Neighborhood Commercial. Attached are several City records dated from the 1980's and 1990's that reference the subject property as C-1, Commercial.

The City of Fayetteville adopted a digital zoning map in 2003 after having used hand-drawn paper maps since the 1970's.

*City Plan 2030 Future Land Use Plan designates this site as a **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.*

Compatibility: The Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is one lot south of Huntsville Road, a 5-lane state highway, and bordered on the north and west by property zoned C-1, Neighborhood Commercial. Rezoning the property to NS, Neighborhood Services, which limits non-residential buildings to a maximum size of 3,000 square feet, provides an appropriate transition between the high volume roadway and commercial properties to the north and west and the residential properties to the south. Rezoning the property to Neighborhood Services is compatible with surrounding land uses and zoning districts.

DISCUSSION:

On January 12, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: January 12, 2015 Updated January 15, 2015

SUBJECT: **RZN 14-4916: Rezone (956 RAY AVENUE/HODOUS, 565):** Submitted by KIM HODOUS for property located at 956 RAY AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.32 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4916** with a recommendation for approval.

BACKGROUND:

The subject property is located one lot south of the southeast corner of Huntsville Road and Ray Avenue. The property is developed with an approximately 2,000 square foot office building that was constructed in 1970, according to County records.

The property is currently zoned RMF-24, Residential Multi-family. However, according to the current property owner the building has always been used for office/commercial purposes, and the County Assessor lists the primary occupancy as "office building – commercial." In researching City records, there is evidence that this property was previously zoned C-1, Neighborhood Commercial. Attached are several City records dated from the 1980's and 1990's that reference the subject property as C-1, Commercial.

The City of Fayetteville adopted a digital zoning map in 2003 after having used hand-drawn paper maps since the 1970's.

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	Undeveloped	C-1, Neighborhood Commercial
South	Single-family	RSF-4, Residential Single-family
East	Undeveloped	RMF-24, Residential Multi-family
West	Undeveloped	C-1, Neighborhood Commercial

Request: The request is to rezone the property to NS, Neighborhood Services. The property has long been used for nonresidential purposes, but the current zoning of RMF-24 makes the use of the building an existing non-conforming use. Additionally, any change in commercial use requires Planning Commission approval of a conditional use permit.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

Streets: The site has access to Ray Avenue (Local Street), which is an unimproved two-lane street. Improvements to Ray Avenue will be determined at the time of development.

Water: Public water is accessible to the site. There is an existing 8-inch water main along Ray Avenue.

Sewer: Sanitary sewer is available to the site. There is an existing 6-inch along Ray 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 3 located at 1102 S. Happy Hollow Road. It is ¼ mile from the station with an anticipated response time of 1 minute 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 a **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family and row houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.*

DISCUSSION:

FINDINGS OF THE STAFF

Recommendation: Staff recommends forwarding **RZN 14-4916** with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 12, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Chesser</u>	Second: <u>Honchell</u>	Vote: 9-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>February 3, 2015</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 Future Land Use Map designates the property as a Residential Neighborhood Area. These areas are primarily residential, but low-intensity, non-residential uses can be appropriate. The subject property is one lot south of Huntsville Road, a 5-lane state highway, and bordered on the north and west by property zoned C-1, Neighborhood Commercial. Rezoning the property to NS, Neighborhood Services, which limits non-residential buildings to a maximum size of 3,000 square feet, provides an appropriate transition between the high volume roadway and commercial properties to the north and west and the residential properties to the south. Rezoning the property to Neighborhood Services is consistent with land use planning objectives and zoning plans.

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

Finding: In staff's opinion the rezoning is justified and needed. According to the property owner, the property has been used for non-residential uses since it was constructed in 1970. Staff has found documentation that proves that the building has in fact been used several times for commercial purposes, since at least the 1980's. Further, it appears that the property was zoned C-1, Neighborhood Commercial until at least 1994 and potentially until 2003 when the official zoning map was re-adopted. Staff has found no evidence of the property being rezoned from commercial.

The current residential zoning doesn't permit commercial uses by right. Currently, the commercial use of the building is nonconforming and the owner could lose this "grandfathered" use if it is determined there has been an "abandonment of use" for more than six consecutive months. Further, any change in commercial use requires Planning Commission approval of a conditional use permit. This constrains the use of the building.

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

Finding: The property has been used for a variety of non-residential uses for over 40 years and it doesn't appear that this has increased traffic danger or congestion to any noticeable degree. Rezoning the property to Neighborhood Services will allow a greater variety of non-residential uses, some of which could generate more traffic. However, the square footage limitation required by the Neighborhood Services district will prevent the property from being developed with a large commercial structure, which could appreciably increase 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: Rezoning the property to Neighborhood Services should not create an undesirable increase on public services. The property has been used historically for non-residential uses. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request with no objections.

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 161.14 & 161.16
- Fire response letter
- Request letter
- Property Background
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.* -

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.

Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
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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.

TITLE XV UNIFIED DEVELOPMENT CODE

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(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 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
----------------	------------

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

Written Description of Request for Re-Zoning:

- A. The property is currently owned by RASA, LLC. The sole trustees are Robert and Kimberly Hodous, 1675 Arthurs Ct, Fayetteville, AR 72701. The property has been for sale in the past and will be put back on the market when re-zoning is complete.
- B. We are requesting zoning as it was purchased as a commercial property and has a history of being a commercial space prior to our purchase of it.
- C. There will be no changes to surrounding properties in terms of land use, traffic, appearance and signage once re-zoning is complete.
- D. There currently is a 6" sewer line and 8" water line.
- E. The proposed zoning is consistent with the current use of the property. Since it was built in 1970 it has been used in a multitude of commercial instances – from a medical office to the Head Start office to the corporate headquarters for SUDS carwash.
- F. The proposed zoning is justified given the history of the building. Right now it is restricted to office use only as that is what is grandfathered in.
- G. There will be no change in traffic or congestion with the proposed zoning.
- H. The change in zoning will in no way alter the population density and in no way increase the load on public services.
- I. The building is a commercial building so it's existing zoning of RMF 24 to be used as a multi-family residential unit is completely impractical.

Planning Commission Meeting
 March 9, 1981
 Page 7

Don Hunnicutt stated that General Bruce Kendall of the County Planning Board had no problem with this subdivision as long as easements as requested are dedicated.

Hunnicutt moved to approve the preliminary plat for Cato Springs Estates subject to Plat Review Committee comments. Newton Hailey seconded.

The motion to approve passed (8-0).

The sixth item of business was the public hearing on Rezoning Petition R80-32, The Gardener Company, Inc. to rezone property located South of Highway 16 East, East of Ray Avenue, and North of Lee Street from C-1, Neighborhood Commercial District, to C-2, Thoroughfare Commercial District. Tabled at the January 12, 1981 Planning Commission meeting at the request of the petitioner.

REZONING PETITION NO. R80-32
 GARDENER COMPANY, INC.
 WATSON ADDITION

There was no one present to represent.

The Chairman asked for a report from the Planning Consultant, Larry Wood.

Mr. Wood stated that he would like the Planning Commission to consider a change to C-2 for three reasons:

1. The property is already zoned C-1 District, and the additional uses allowed in C-2 District would not substantially change the character of this area.
2. A building already exists on the property suitable for the use intended.
3. There remains sufficient land East of this location to establish a transition pattern at some future date.

Wood said that originally, the request to rezone was submitted so that a veterinary hospital could be located on the tract which is not allowed in the present C-1 zoning.

There being no one present in favor of the request, the Chairman entertained comments from the audience in opposition to the rezoning.

Raymond Logue, 1967 Huntsville Road addressed the Commission. He stated he is in opposition to the request because of the uses that the property could be put to if it were C-2, he stated a night club or beer joint could be placed on the property, and he did not want either next door to him.

He stated that the present C-1 zoning had been implicated without notification of property owners around it. He further stated that the neighbors all around are very much against the proposed rezoning. He felt that C-1 was a sufficient intensity.

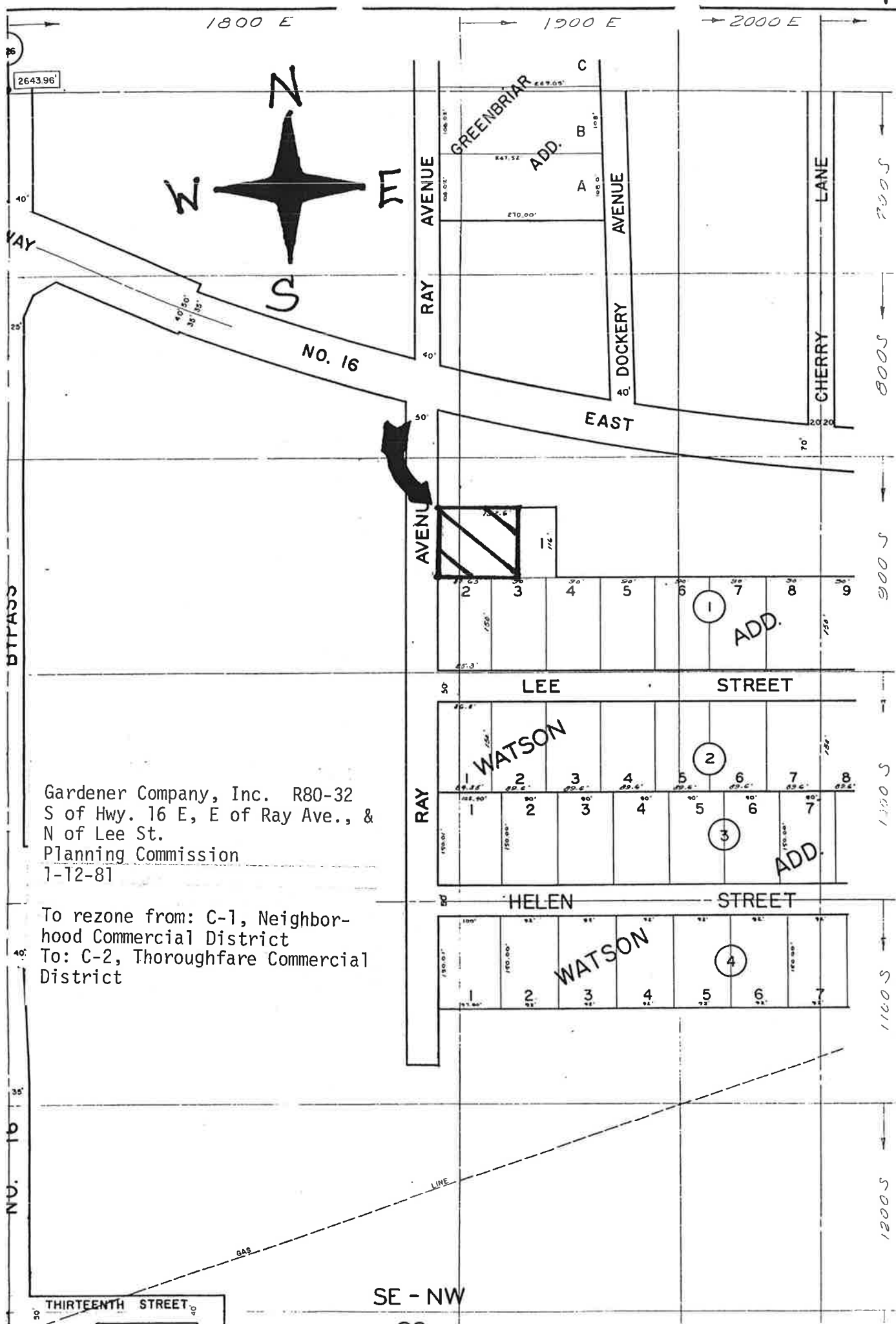
Logue presented the Chairman with a letter from the Ridgeview Baptist Church, which is directly across the street from this tract, stating opposition to the proposed rezoning by the Pastor.

Ernest Jacks stated that notification could have been in the paper, rather than individually.

Newton Hailey asked the Planning Consultant why he was recommending C-2, when the future land use is projected as R-0. Wood replied that the R-0 does not apply since the property is already C-1. Jacks asked when the property was zoned C-1. Bobbie Jones replied it was zoned C-1 prior to 1970.

1981

DATE APRIL 24, 1957
REVISED:
JANUARY 22, 1963
JULY 27, 1965
12-6-74
DEC. 5, 1975
FEB. 11, 1976



Gardener Company, Inc. R80-32
S of Hwy. 16 E, E of Ray Ave., &
N of Lee St.
Planning Commission
1-12-81

To rezone from: C-1, Neighbor-
hood Commercial District
To: C-2, Thoroughfare Commercial
District

1988



BUILDING PERMIT
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

B 19473

CERT. OF OCCUPANCY NO. N/A

DATE January 28, 1988

THIS IS TO CERTIFY THAT A BUILDING PERMIT IS ISSUED FOR ERECTING ☐ FOR REMODELING ☒ TO DEMOLISH ☐
A COMMERCIAL DAMAGE REPAIR

TO BE LOCATED ON LOT _____ BLOCK _____ OF THE _____ ADDITION
OR DESCRIBED AS BEING A PART OF _____

LOCATED 956 South Ray IN A C-2 Throughfare ZONE.

☐ PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED.

BUILDING OR REMODELING COST \$ 12,050

REMARKS repairing fire damage to Dr. Abernathy's office DIMENSIONS 62 x 32
BUILDING FLOOR AREA 1984 SQ. FT.

ALL WORK AND ALL SET-BACKS WILL CONFORM TO THE ORDINANCES OF THE CITY OF FAYETTEVILLE NOW IN EFFECT.

NOTICE

SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED. THIS PERMIT IS VALID FOR 9 MONTHS.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT, THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

FEE PAID

PERMIT	\$ <u>47.00</u>
CERT. OF OCCUPANCY	\$ _____
PLAN CK FEE	\$ _____
CURB CUT	\$ _____
DRIVEWAY	\$ _____
SIDEWALK	\$ _____
MICROFILM	\$ _____
TOTAL	\$ <u>47.00</u>

OWNER Gardner & CO

THIS PERMIT IS IN ADD. TO PERMIT _____

CASHIER NO. 1-29189

APPLICANT [Signature]

DATE ISSUED _____

DATE 1-28-88

BUILDING OFFICIAL [Signature]

BUILDING OFFICIAL'S SIGNATURE CERTIFIES THAT THE APPLICATION HAS BEEN EXAMINED AND PERMIT HAS BEEN ISSUED.

STREET FILE

1991



SIGN PERMIT
CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

S- No 4848

DATE 30 July 1991

LOCATED 956 Ray Avenue

THIS IS TO CERTIFY THAT A SIGN PERMIT IS ISSUED FOR ☐ ERECTING ☐ REMODELING ☐ REPAIRING A
☒ ON SITE SIGN ☐ WALL SIGN ☐ FREE STANDING SIGN ☐ PROJECTING SIGN
☐ OFF SITE SIGN

TO BE LOCATED ON LOT _____ BLOCK _____ OF THE _____ ADDITION
OR DESCRIBED AS BEING A PART OF Sect. 23, T16N, R30W

PROPERTY IS ZONED AS C-1 Neighborhood Commercial DISTRICT
AREA OF PROPOSED SIGN (ONE FACE ONLY IF DOUBLE FACED) 24 SQUARE FEET
ESTIMATE COST OF ERECTION PLUS COST OF SIGN \$

REMARKS Washington County Head Start

ALL WORK AND ALL SET-BACKS WILL CONFORM TO THE ORDINANCES OF THE CITY OF FAYETTEVILLE NOW IN EFFECT.

THIS PERMIT EXPIRES SIX MONTHS FROM DATE
OF ISSUE IF CONSTRUCTION IS NOT COMPLETED

SEE APPLICATION ON FILE FOR SETBACKS ETC.
PLOT PLAN

PERMIT FEE

BASE RATE \$10.00
PLUS
\$.10 PER SQUARE
FOOT OF SIGN FACE
TOTAL FEE DUE \$ 12.40

CASHIER NO. 16365
DATE 30 July 1991

Sign Permit Revocable - All
rights and privileges acquired
under the provisions of this
ordinance or any amendment
thereto are mere licenses
revocable at any time by the
Fayetteville City Board of
Directors and all such permits
shall contain this provision.

OWNER OF FACILITY

SIGNED

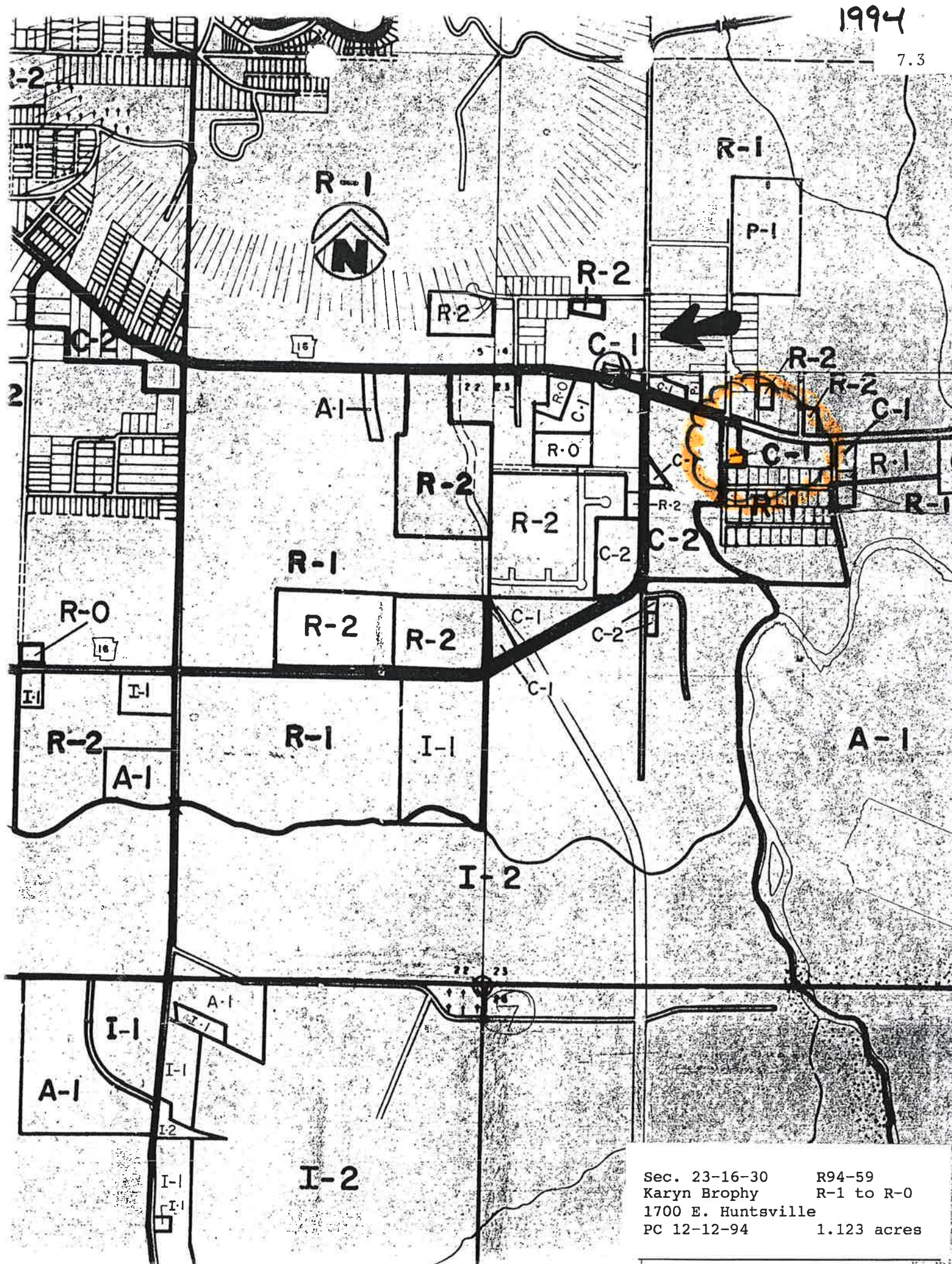
BUILDING OFFICIAL Richard Wilson 17 AUGUST 1991

BUILDING OFFICIAL'S SIGNATURE CERTIFIES THAT THE APPLICATION HAS BEEN EXAMINED AND PERMIT HAS BEEN ISSUED.

25x10

1994

7.3



Sec. 23-16-30 R94-59
 Karyn Brophy R-1 to R-0
 1700 E. Huntsville
 PC 12-12-94 1.123 acres



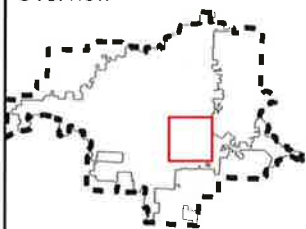
RZN14-4916

One Mile View

HODOUS



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

1 Miles

Hillside-Hilltop Overlay District

Design Overlay District

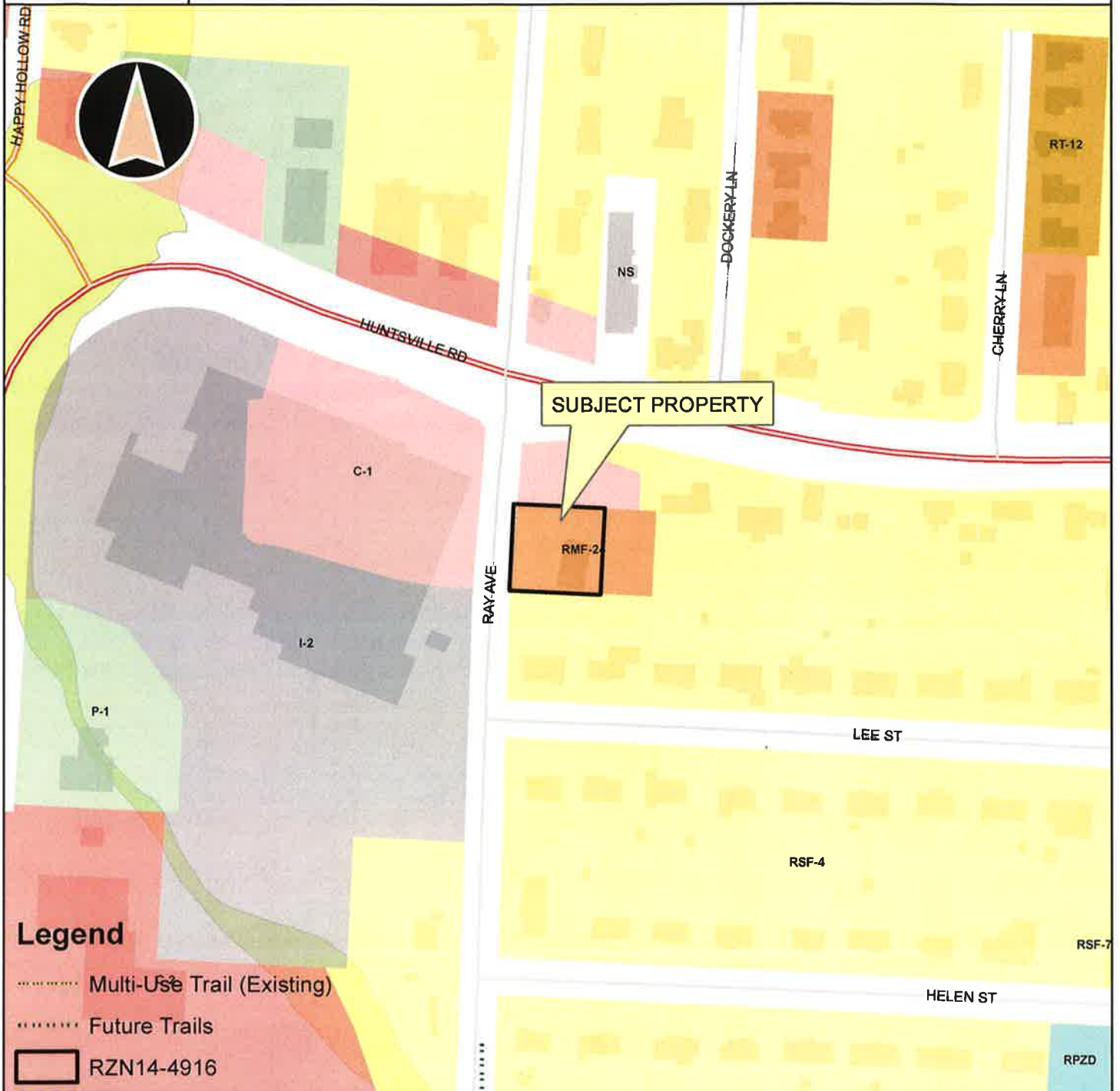
Planning Area

Fayetteville

RZN14-4916

HODOUS

Close Up View



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

RZN14-4916

Current Land Use

HODOUS



Overview Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

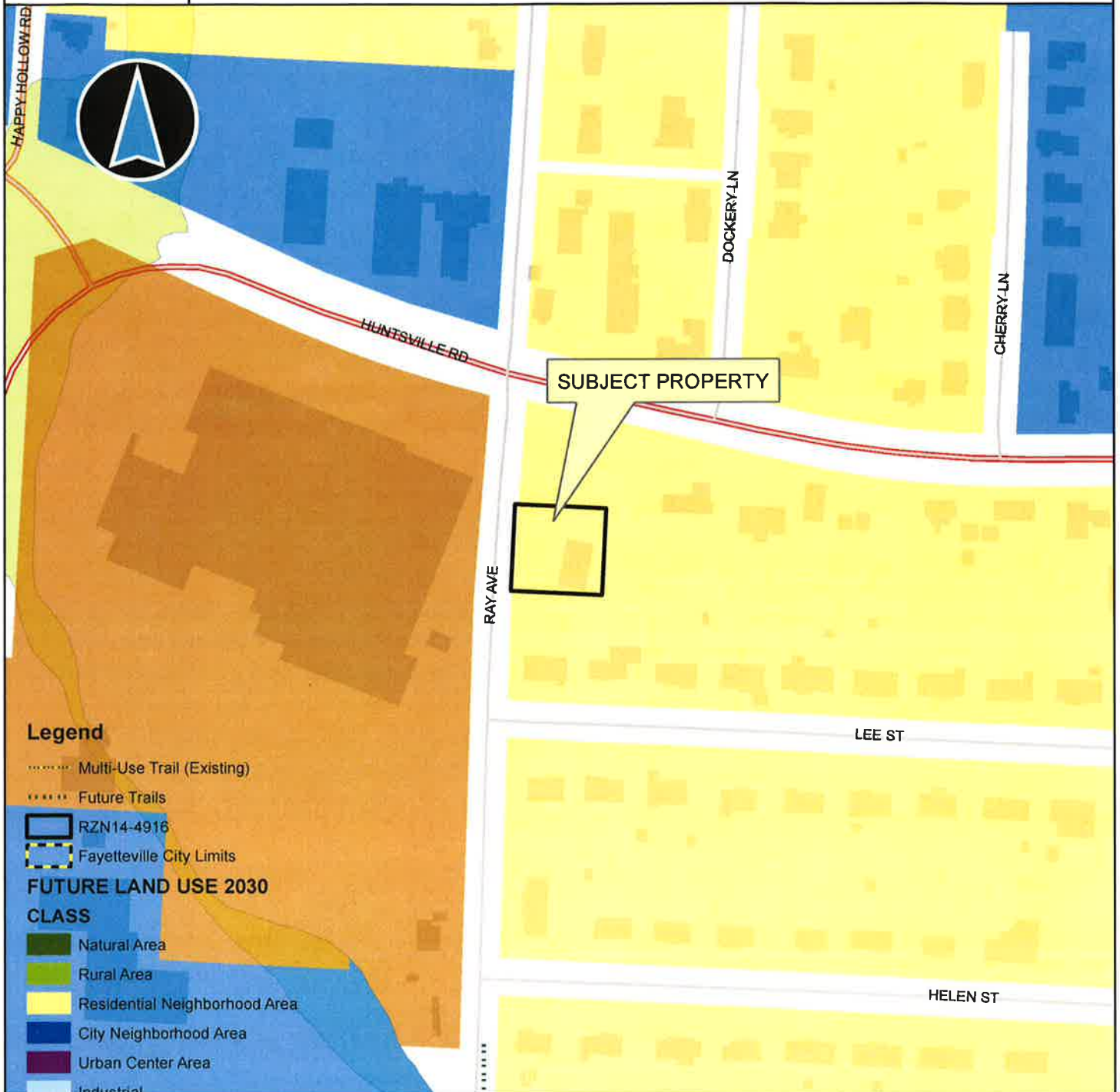
Planning Area

0 75 150 300 450 600 Feet

RZN14-4916

HODOUS

Future Land Use



- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

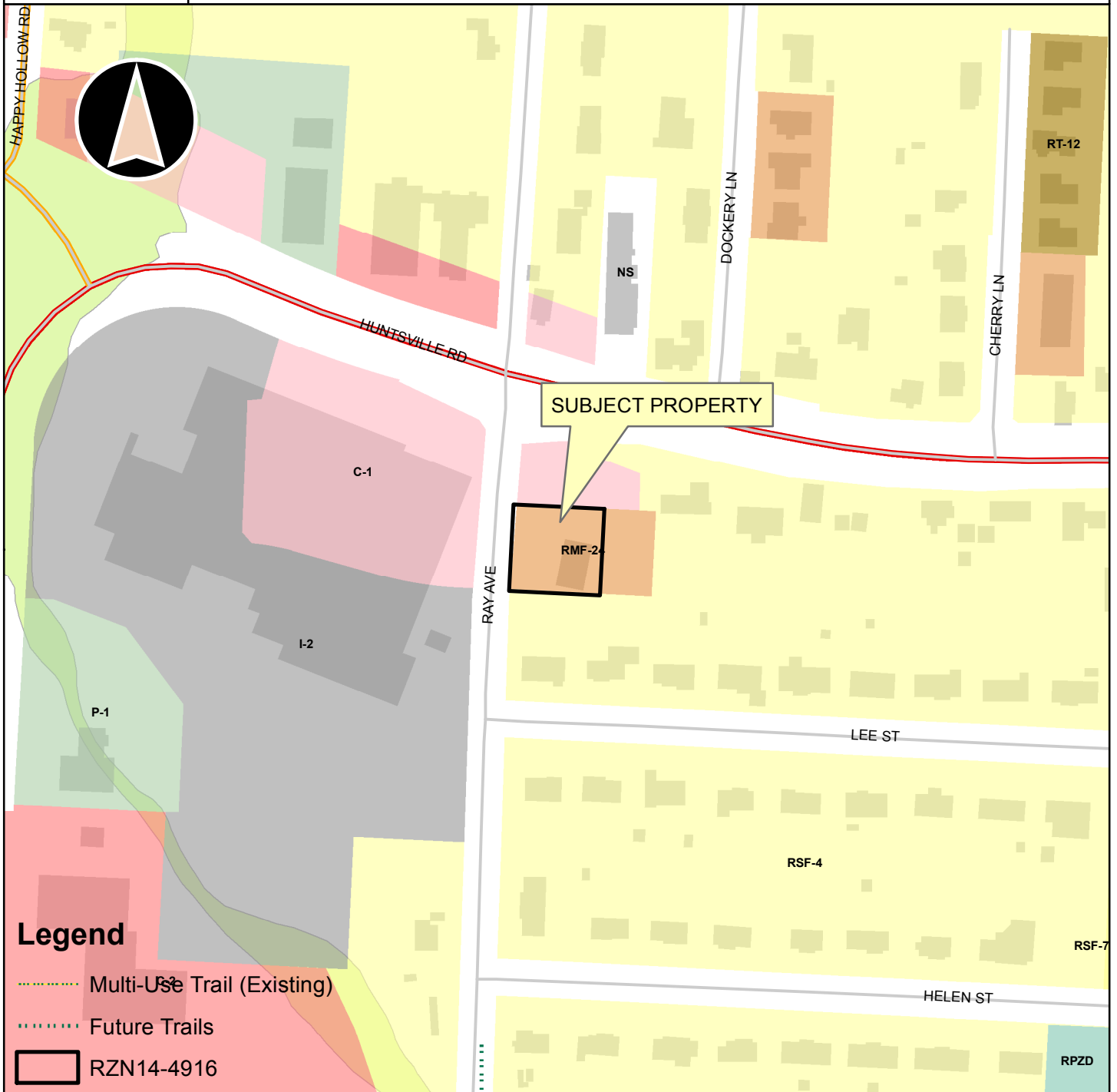
EXHIBIT 'A'

14-4916

RZN14-4916

HODOUS

Close Up View



Overview

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 75 150 300 450 600 Feet

EXHIBIT 'B'

Legal Description of 956 Ray Avenue, Fayetteville, AR 72701.

A part of the Northeast Quarter of the Northwest Quarter of Section Twenty-three (23) in Township sixteen (16) North, Range Thirty (30) West, described as beginning at the Southwest corner of the East Half of the East Half of the Northwest Quarter of said Section twenty-three (23); thence North 0 degrees 48 minutes West nineteen hundred sixty nine and ninety six hundredths (1969.96) feet to a point fifty (50) feet West and One and seven tenths (1.7) feet North of the Northwest corner of Lot Numbered One (1) in Block Numbered One (1) of Watson Addition, a subdivision of part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and a part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 16 North, of Range 30 West; thence East fifty (50) feet to the East line of Ray Avenue for the Point of beginning; and running thence East one hundred twenty three and six tenths (123.6) feet; thence South one hundred seventeen and seven tenths (117.7) feet to the south line of Lot Numbered One (1) of Block Numbered One (1) in said addition, thence West one hundred twenty three and six tenths (123.6) feet to the Southwest corner of said Lot 1; thence North along the East line of Ray Avenue to the Point of Beginning, said point being one and seven tenths (1.7) feet North of the Northwest corner of said Lot Numbered one (1) in Block Numbered One (1) of Watson Addition.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32 ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES.

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 RMF-24, Residential Multi Family, 24 Units per Acre, to NS, Neighborhood Services, 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 , 2015.

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

Text File

File Number: 2014-0437

Agenda Date: 2/17/2015

Version: 1

Status: Second Reading

In Control: City Council

File Type: Ordinance

Agenda Number: C. 5

AMEND § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS:

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts **§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds** as shown below:

“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles

commonly known as motor scooters and mopeds.

(B) Required Insurance. Any person operating a motorized bicycle, motor scooter or moped upon Fayetteville streets or highways must have a valid and in force property liability insurance policy insuring such operation in an amount of at least \$25,000.00."

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF December 16, 2014

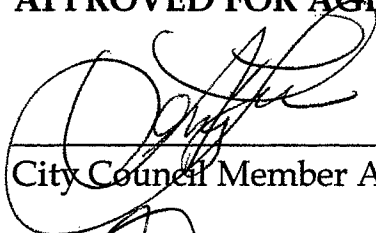
FROM:

CITY COUNCIL MEMBER Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

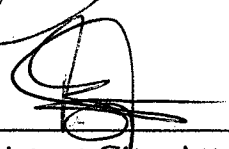
AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING §
71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,
MOTOR SCOOTERS AND MOPEDS

APPROVED FOR AGENDA:



City Council Member Alan Long

12-05-2014
Date



Assistant City Attorney Blake Pennington
(as to form)

12/5/14
Date

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING
§ 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,
MOTOR SCOOTERS AND MOPEDS**

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:

“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds

- (A) **Definition.** A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.
- (B) **Required Insurance.** Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.
- (C) **Enforcement.** When the operator of any motor bicycle, motor scooter or moped is detained during a traffic stop or is involved in a motor vehicle accident and fails to provide proof of the insurance required in paragraph (B) when requested by a law enforcement officer, the operator shall be deemed to be in violation of this section.”

PASSED and **APPROVED** this _____ day of _____, 20____.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

From: Alderman, Alan Long
To: Pennington, Blake; Smith, Sondra
Subject: Required: State Minimum Liability Insurance coverage for gasoline, engine powered Mopeds and Scooters under 50 cc's
Date: Friday, October 10, 2014 4:53:08 PM

Kit,

Please draft an ordinance requiring all of the above mentioned means of transportation to require the state mandated liability insurance that is required of all other means of automobile insurance.

With the recent increase in the number of gasoline, engine powered Mopeds and Scooters in Fayetteville, I feel that they should be insured, especially when they are being operated on public streets. The reason for this legislation is that if a scooter driver was to cause an accident, deemed to be "at fault", and caused harm to someone or someone's personal property, the person that was not at fault would not have the ability to file against the insurance of the person who was at fault-the scooter driver in this case. This would create an inequitable situation where the driver who was not at fault would potentially need to file an insurance claim against their own uninsured motorist coverage in order to repair or seek reparation for the damages caused by an uninsured scooter or moped.

I have inquired with local insurance agencies and they are able to insure scooters and mopeds that are under 50 cc's.

Kind Regards,

Alan Long
City of Fayetteville
City Council Member: Ward 4, position 2
longward4@gmail.com

**Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.*

From: Reynolds, Mike
To: AJ Gary (Aj.Gary@cityofconway.org)
Cc: "Camie Boggess" (camie@boggessconsulting.com); Bruce Hawkins (dbhawkins@suddenlinkmail.com); Tabor, Greg
Subject: License and Insurance Requirements for Motor Scooters
Date: Monday, October 13, 2014 9:40:56 AM
Attachments: image002.png

Chief Gary,

Good morning. Last week, I had a meeting with our supervisory staff and discussed the upcoming 2015 legislative session. Staff brought up problems we experience in Fayetteville with unlicensed and uninsured "motorized bicycles" due mainly to the influx of college students owning and operating them throughout our city. As you may know, Arkansas law defines a motorized bicycle as having an engine displacement of less than 50cc, and these vehicles are not required to be licensed or insured. Here are some of the problems we are experiencing:

- Difficult to discern a "motorized bicycle" (under 50cc) from a "motor driven cycle" (50cc to 250cc) based solely on motor displacement.
- Many "motor driven cycles" (50cc to 250cc) are not licensed or insured.
- Many drivers with suspended driving privileges operate "motor bicycles" (under 50cc).
- Many operators are not aware of "motor driven cycle" (50cc to 250cc) and "motorcycle" (more than 250cc) endorsement requirements.
- Many collisions involve "motorized bicycles" (under 50cc) with no insurance.
- Difficult to identify registered owners of stolen "motorized bicycles" (under 50cc).

On Tuesday, October 14th an ordinance to amend Fayetteville Code 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds will be presented to City Council. Here is the language being presented for this ordinance:

**AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016
INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND
MOPEDS**

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of low power motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville but there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who operate motorized bicycles and other vehicles upon the public roadways in the City.

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

*Section 1. That the City Council of the City of Fayetteville, Arkansas enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:
"§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds*

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, et seq., which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.

(B) Required Insurance. Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.

I anticipate this ordinance will pass and address some of our local problems associated with uninsured accidents; however, we really don't have a local avenue to fix the registered owner issues. Also, I would believe this is a problem other areas in Arkansas are experiencing?

On a side note, a law requiring licensing and insurance of motor scooters would generate an additional revenue stream.

I would like to propose adding an amendment to 27-20-101 to our AACP 2015 Legislative Packet, requiring registration and insurance for "motorized bicycles". Thanks for the consideration.

Take care,
Mike

Mike Reynolds
Deputy Chief of Police
100 West Rock Street
City of Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | F 479.973.4844
[Website](#) | [Facebook](#) | [YouTube](#)





City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0060

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 1

RZN 14-4938 (N.W. CROSS & MAINE INTERSECTION/WEST END ADDITION):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5 ACRES, LOCATED AT NORTHWEST CORNER OF CROSS & MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES (R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 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 an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 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

2015-0060

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

1/30/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4938: Rezone (N.W. OF CROSS & MAINE INTERSECTION/WEST END ADDITION, 520): Submitted by BATES & ASSOCIATES for property located N.W. OF CROSS & MAINE INTERSECTION. The property is an expired R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES (09-3237) and contains approximately 2.54 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF FEBRUARY 17, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Senior Planner

DATE: January 30, 2015

SUBJECT: **RZN 14-4938: Rezone (N.W. OF CROSS & MAINE INTERSECTION/WEST END ADDITION, 520):** Submitted by BATES & ASSOCIATES for property located N.W. OF CROSS & MAINE INTERSECTION. The property is an expired R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT MARKHAM COTTAGES (09-3237) and contains approximately 2.54 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RSF-8, Residential Single Family, 8 Units per Acre.

BACKGROUND:

The subject property is undeveloped hillside, zoned R-PZD, Residential Planned Zoning District Markham Hill Cottages (09-3237) and contains approximately 2.54 acres in the Hilltop-Hillside Overlay district. It is located north of Maine Street and west of Cross Avenue, on the south side of Markham Hill.

- On July 21, 2009 the City Council approved R-PZD 09-3237 (Markham Hill Cottage Courts) for a residential neighborhood with 44 dwelling units (18 single family, 13 two-family).
- On September 27, 2010 the Planning Commission approved an extension of the development (ADM 10-3666). The PZD expired on January 21, 2011. The property is currently without zoning or development rights.

Surrounding Land Use Compatibility:

In staff's opinion, this rezoning is compatible with surrounding uses to the north and south. The property to the north is undeveloped hillside in the RSF-4 zone, while properties to the south, east, and west are all within the RMF-24 zone and developed with a mix of single, two-family, and multi-family residential units.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area. This designation supports the widest spectrum of uses and encourages density in all housing types. Development patterns allowed under the proposed RMF-24 zoning

district are generally compatible with this designation. Property to the north and east is currently undeveloped hillside and the Future Land Use Map designates this area as Residential Neighborhood Area.

DISCUSSION:

On January 26, 2015 the RMF-24 zoning was denied by the Planning Commission by a vote of 7-2, with Commissioners Chessser and Noble voting 'No'. A second motion and vote forwarded the rezone request with a recommendation for approval of the RSF-8 zoning with a vote of 7-2, with Commissioners Chessser and Noble voting 'No'.

The applicant's request is for RMF-24, Residential Multi-family 24 units/acre. Planning staff recommends in favor of both RSF-8 and RMF-24 zoning, given the transitional nature of this property amongst the varied housing types in the surrounding area.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~January 26, 2015~~ **UPDATED JANUARY 29, 2015**

SUBJECT: **RZN 14-4938: Rezone (N.W. OF CROSS & MAINE INTERSECTION/WEST END ADDITION, 520):** Submitted by BATES & ASSOCIATES for property located N.W. OF CROSS & MAINE INTERSECTION. The property is an expired R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 2.54 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends approval of **RZN 14-4938**.

BACKGROUND:

The subject property is undeveloped hillside, zoned R-PZD, Residential Planned Zoning District Markham Hill Cottages (09-3237) and contains approximately 2.54 acres in the Hilltop-Hillside Overlay district. It is located north of Maine Street and west of Cross Avenue, on the south side of Markham Hill.

- On July 21, 2009 the City Council approved R-PZD 09-3237 (Markham Hill Cottage Courts) for a residential neighborhood with 44 dwelling units (18 single family, 13 two-family).
- On September 27, 2010 the Planning Commission approved an extension of the development (ADM 10-3666). The PZD expired on January 21, 2011. The property is currently without zoning or development rights.

Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-Family, 4 units per acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 units per acre
East	Undeveloped /Single-Family Residential	RMF-24, Residential Multi-Family, 24 units per acre
West	Undeveloped /Multi-Family Residential	RMF-24, Residential Multi-Family, 24 units per acre

Request: The request is to rezone the property from RPZD, Residential Planned Zoning District to RMF-24, Residential Multi-Family/24 units per acre. The applicant plans to develop the property with single-family homes on existing lots.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

Streets: The subject parcels have access to Maine Street and Cross Avenue. These are both unimproved narrow paved streets with open ditches. Any required improvements of these streets will be determined at time of development.

Water: Adequate public water is NOT accessible to the subject parcels. A 24" transmission waterline exists along the western edge of the northernmost parcels and is inaccessible for service taps. A 1" water main exists on the south side of Maine Street and likely does not have capacity to provide adequate domestic flows for any development, this must be determined by the Water Department.

Sewer: Sanitary sewer is available to the three southernmost subject parcels. A 6" sewer main exists in Maine Street. Sewer is NOT available to the northernmost parcels and would need to be extended to these parcels at time of development.

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. This parcel does not contain any protected streams per the Streamside Protection map. The subject parcels are located within the HHOD/15% slope overlay areas.

Fire: 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 4 minutes to the beginning of the development. The Fire Department anticipates 11 calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 – 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or 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.*

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:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends approval of **RZN 14-4983** based on the findings discussed herein, that the rezoning is compatible with existing and anticipated uses in the surrounding area and is consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 26, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
MOTION #1: To deny the request for RMF-24, Residential Multi-family 24 units/acre.			
Motion by: Cook Seconded by: SELBY Vote: 7-2-0, Noble and Chesser voted "NO"			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>February 17, 2015</u>	☐ Approved	☐ Denied	
MOTION #2: To forward with recommendation that the property be rezoned to RSF-8, Residential Single-family, 8 units / acre.			
Motion by: Cook Seconded by: Autry Vote: 7-2-0, Noble and Chesser voted "NO"			

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: **Surrounding Land Use Compatibility:** In staff's opinion, this property is compatible with surrounding uses to the north and south. The property to the north is undeveloped hillside in the RSF-4 zone, while properties to the south, east, and west are all within the RMF-24 zone and developed with a mix of single and multi-family residential units.

Land Use Plan Analysis: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. This designation supports the widest spectrum of uses and encourages density in all housing types. Development patterns allowed under the proposed RMF-24 zoning district are generally compatible with this designation. Property to the north and east is currently undeveloped hillside and the Future Land Use Map designates this area as Residential Neighborhood Area.*

In staff's opinion, the proposed RMF-24 zoning is the most appropriate zoning in this location due to the large area of RMF-24 zoning surrounding it as well as the proximity to the UARK campus. RMF-24 was the zoning district that was in effect on the property before the R-PZD was approved.

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

Finding: In staff's opinion, the requested RMF-24 zoning district is justified as this time, as the property is currently within an expired Planned Zoning Development (PZD) and effectively has neither zoning nor development rights attached to it.

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

Finding: Rezoning the property RMF-24 could increase traffic danger or congestion over existing in this location. The site is located on the corner of two unimproved streets, narrow and without curb, gutter, and only limited sidewalk. Any development on this site could cause traffic problems without adequate improvements.

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 PZD to RMF-24 will increase the potential population density, but is unlikely to undesirably increase the load on public services. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area.

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 section 161.14
- Markham Hill Cottages R-PZD Master Plan
- Fayetteville Fire Department comments
- Request Letter
- City Plan 2030 – Future Land Use Plan map
- Current Land Use Map
- Close Up Map
- One Mile Map

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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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 mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

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

(F) *Building height regulations.*

Building Maximum	Height	30/45/60ft.*
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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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



subject property

RZN14-4938
West End
Addition

RZN14-4938
West End
Addition



Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr. Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

December 17, 2014

To: Fayetteville Planning Office, Planning Commission and City Council
113 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning Request: Lots 14-18 & 28-39 of Block 1, West End Addition

To Whom It May Concern:

These lots have previously been rezoned to an R-PZD, but the PZD has expired, so Andrew Henson with RPH Real Estate is requesting the property be rezoned to RMF-24. Below, the items necessary on the letter required of a request for rezoning are addressed:

- a. The current owner of the properties is Homestead CB, LLC and their intention is to sell this property to RPH Real Estate, Andrew Henson. A contract showing the requirement to rezone prior to selling is included.
- b. The reason for the rezone request is the PZD has expired and the property needs to be rezoned in order for it to be developed.
- c. To the south, east and west is RMF-24, including all other properties within this Block 1 of the West End Addition. Mr. Henson's intention is, like the surrounding land uses, to build a mixture of single family and multi-family homes.
- d. There is 6" VCP sewer pipe flowing east down W. Maine. St. just to the south of the proposed rezoning A 1" galvanized water line runs along W. Maine street and is connected to a 2" line that connects across to W. Stone Street to a 24" DIPW.
- e. Future land use as set out by the City of Fayetteville shows this area as a City Neighborhood area. Rezoning this to a higher density will create additional housing in an already platted and used neighborhood with infrastructure. It is close enough to the University of Arkansas for walking to campus, games and other recreational facilities. As mentioned above, the surrounding land uses and zoning are also consistent with the requested zoning.
- f. With the PZD zoning for this property expired, nothing can be done with it until it's been rezoned.
- g. The units will be consistent with the other housing types in the area. There is little traffic in this location, since it's the furthest block in this addition with a small amount of multi-family housing to the west. The existing streets should easily be able to handle additional volume of traffic given the small amount of existing traffic.
- h. This property was already platted for 17 single family homes and was zoned RMF-24 prior to its PZD zoning, so from the original zoning it would not increase the load. This rezoning, however, from the aforementioned PZD zoning will increase the load on public services
- i. The existing PZD for this property has expired. It is unusable without a rezoning.

Please see attached pages for more information and give us a call if you need additional information.

Thank You,

Evan Niehues
Bates & Associates

MARKHAM HILL COTTAGE COURTS

A Homestead Homes, LLC Development



MARKHAM HILL COTTAGE COURTS --- CONCEPTUAL SITE PLAN
HOMESTEAD FINE HOMES

ROBERT SHARP ARCHITECT, INC.



Project Representatives:

REGISTERED	
ROBERT SHARP, ARCHITECT, INC.	
525 SOUTH SCHOOL AVE	STE 220
FAYETTEVILLE	AR 72701
PHONE: 479-442-0229	
FAX: 479-442-8721	
	
R S A	

Robert Sharp Architect, Inc.
525 South School Avenue
Fayetteville, AR 72701

Community by Design, LLC
311 West Spring Street
Fayetteville, AR 72701

**CITY COUNCIL
APPROVED**

DATE: 07.21.15 JP

d. Proposed development phasing and time frame: The project will begin construction of streets and infrastructure within one year of PZD approval. Construction will be completed over a one to five year timeline, depending on sales of the cottages and the financial goals of the developer. Building permits for all cottages in this development will be obtained within five years from PZD approval.

e. Proposed Planning Areas: The entire project will take place in a single phase and will not necessitate separate planning areas.

f. Proposed Zoning and Development Standards:

(A) Permitted uses by Use Unit:

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 8	Single-family dwelling
Unit 9	Two-family dwelling

(B) Conditional uses by Use Unit

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations

(C) Land Use Density and/or Intensity

Total Acreage: 2.98

Number of Dwelling Units: 44

Density: 14.76 units/acre

Units per acre	14.76
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(D) Bulk and area regulations

(1) Lot Width Minimum:

21 feet

(2) Lot Area Minimum:

588 sq ft

(3) Land Area per Dwelling Unit:

Cottage Houses:	800 s.f.
-----------------	----------

(E) Setback requirements

Front	0 ft
Side	minimum building separation in accordance with applicable building and fire codes.
Perimeter Side, and Rear Property Lines	5 ft

(F) Height Regulations. --

Structures may not exceed 45 feet, as required by Fayetteville HHOD

(G) Building Area .

None

Landscaping: In accordance with City of Fayetteville Unified Development Code and City of Fayetteville Landscape Manual. Landscaping above and beyond the UDC will be provided as indicated on the Landscape Plan.

Parking: In accordance with City of Fayetteville Unified Development Code. 93 parking stalls including private garages and on-street stalls.

Architectural Design Standards: The buildings will be consistent in appearance with the concepts presented in the preliminary elevation drawings included in the PZD booklet.

Signage: All signage on the property will comply with City of Fayetteville sign ordinance.

g. Chart comparing proposed master development plan to current zoning district requirements:

No environmentally hazardous, sensitive, or natural resource areas exist on the site. No natural or manmade hazards exist on site.

**MARKHAM HILL COTTAGE COURTS
PROPOSED ZONING AND
DEVELOPMENT STANDARDS**

**RMF-24
Residential Multi-Family
24 Units Per Acre**

(A) Permitted uses by Use Unit:

Unit 1	City-wide uses by right	Unit 1	City wide uses by right
Unit 3	Public protection and utility facilities		
Unit 8	Single-family dwelling	Unit 8	Single-family dwelling
Unit 9	Two-family dwelling	Unit 9	Two-family dwelling
		Unit 10	Three-family dwelling
		Unit 26	Multi-family dwelling

(B) Conditional uses by Use Unit

Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities	Unit 3	Public protection and utility facilities
Unit 24	Home occupations	Unit 4	Cultural and recreational facilities
		Unit 11	Manufactured home park
		Unit 25	Professional Offices
		Unit 24	Home Occupations
		Unit 36	Wireless communications facilities

(D) Land Use Density and/or Intensity**Total Acreage:** 2.98**Number of Dwelling Units:** 44**Density:** 14.76 units/acre

Units per acre	14.76	Units per acre	4 to 24
----------------	-------	----------------	---------

(D) Bulk and area regulations**(1) Lot Width Minimum:**

21 feet	Manufactured home park	100'
	Lot within a Manufactured home park	50'
	Single-Family	60'
	Two-family	60'
	Three or more	90'
	Professional offices	100'

(2) Lot Area Minimum:

588 sq ft	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	7,000 sq. ft.
	Three or more	9,000 sq. ft.

(3) Land Area per Dwelling Unit:

Cottage Houses:	800 s.f.	Manufactured home	3,000 sq. ft.
		Apartments:	
		-No bedroom	1,700 sq. ft.
		-One Bedroom	1,700 sq. ft.
		-Two bedroom	2,000 sq. ft.
		Fraternity or Sorority	1,000 sq. ft./ resident

(E) Setback requirements

Front	0 ft	Front	25 ft
Side	minimum building separation in accordance with applicable building and fire codes	Side	8 ft
Perimeter Side, and Rear Property Lines	5 ft	Rear, from center line of a public alley	25 ft

(F) Height Regulations. --

Structures may not exceed 45 feet, as required by Fayetteville HHOD	Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.
---	---

(G) Building Area .

None	None
------	------

- h. Description of Recreational Facilities:** The site design features community outdoor spaces including a garden area with raised beds and terraces, shade garden, Bocce ball court, and children's play area all connected by footpaths and sidewalks. An alley connection with bicycle "sharerow" markings will be constructed along the Sang Avenue right-of-way on the property west boundary. This will connect to an on-street linkage along the proposed Sutherland Lane to Hotz Park as well as to Ramay Junior High School outdoor facilities. The Fayetteville Parks Board has approved a fee in lieu of land dedication.
- i. Reason for requesting zoning change:** The lot size and setback requirements of the current RMF-24 zoning do not permit the clustered placement of the cottages. The clustering strategy allows the buildings to work with existing valuable trees and topography, provides variety and encourages community interaction.
- j. Statement of how the development will relate to existing and surrounding properties:** The design of the homes in Markham Hill Cottage Courts will be consistent with the nearby homes of the University Heights Neighborhood in terms of scale of architectural detail and site treatment. The design focuses on creating useful and beautiful interstitial spaces between clusters of homes and preserving the natural character of the land. Though the homes will typically have slightly smaller footprints and more verticality, the intent is that they are based upon and compatible with high-quality traditional home detailing and articulation for the area.
- k. Statement of the project's compliance with the Fayetteville City Plan 2025:** The project lies within a Residential Neighborhood Area as designated by the City Plan 2025 Future Land Use Plan. Its adjacency to the University of Arkansas, Ramay Junior High School, and 6th street, make it an appropriate spot for residential development in terms of the goals of the City of Fayetteville 2025 Comprehensive Plan Goal 1, to make appropriate infill and revitalization top priorities. The land lies on the "downtown" side of I-540, facilitating pedestrian and sustainable transportation options for the residents and illustrating the preferable alternative to disconnected sprawl development, thereby addressing 2025 Goal 2, to discourage suburban sprawl. Its contribution of an alley connection and on-street connection to the City's Hotz Park will afford residents the opportunity to use the components of Fayetteville's rapidly growing Green Network and help achieve Goals 4 and 5, to grow a livable transportation network and an enduring green network for Fayetteville. The homes will be attainably priced while still exemplifying high-quality, durable and attractive design and material characteristics, addressing 2025 Plan Goal 6, to create attainable housing.



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

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

To: Quin Thompson, Bates and Associates
From: Will Beeks Assistant Fire Marshal
Date: December 31, 2014
Re: RZN 14-4938

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 4 minutes to the beginning of the development.

The Fire Department anticipates 11 calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

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.

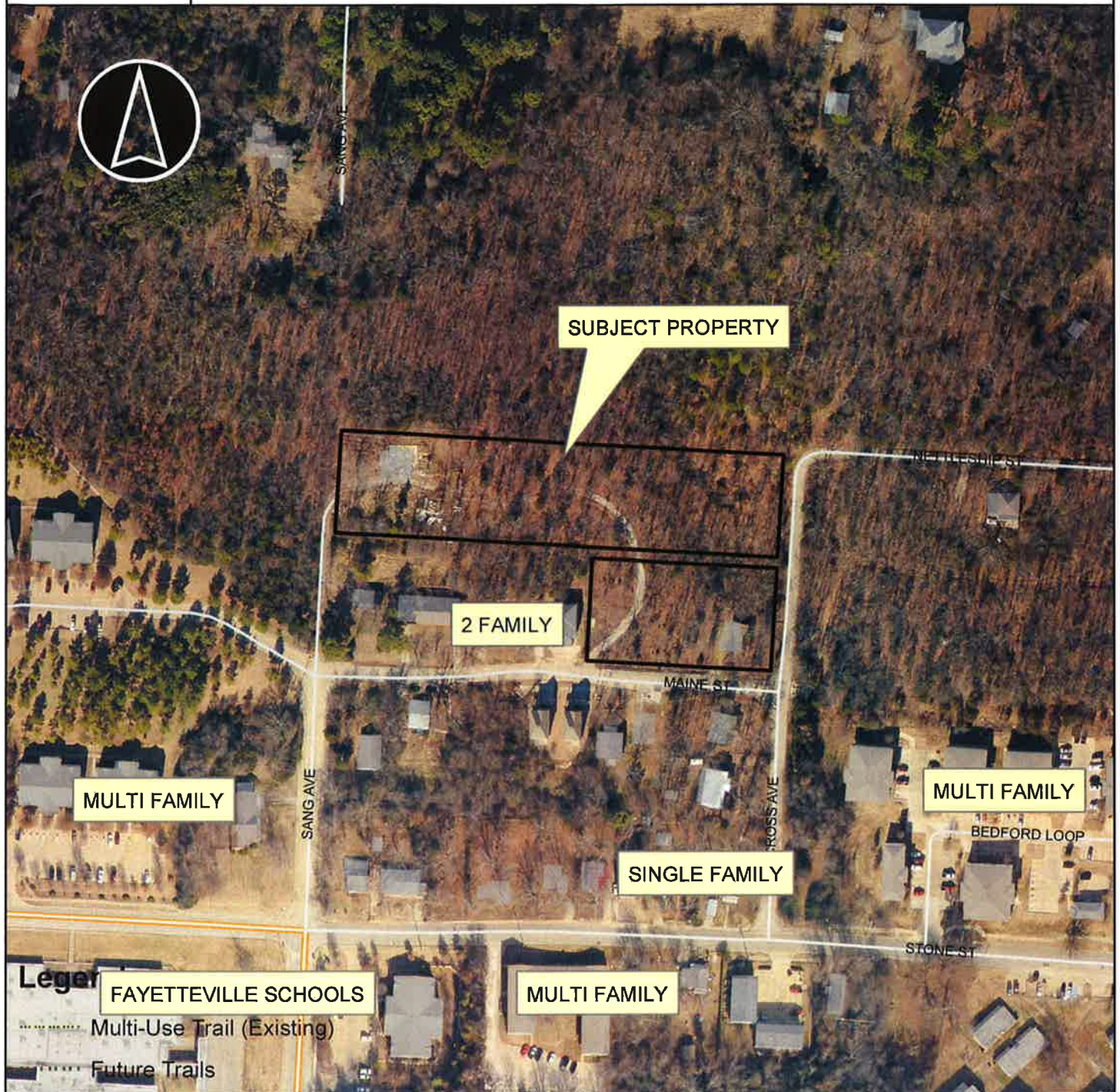
Captain William Beeks
Fayetteville Fire Department

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

RZN14-4938

Current Land Use

WEST END ADDITION



Overview RZN14-4938

Fayetteville City Limits

Footprints 2010

Design Overlay District

Design Overlay District

Planning Area

0 75 150 300 450 600 Feet

Planning Commission
January 26, 2015

Agenda Item 9
14-4938 West End Addition
Page 17 of 20

RZN14-4938

Close Up View

WEST END ADDITION



RSF-4

SANG AVE

SUBJECT PROPERTY

RPZD

NETTLESHIP ST

RMF-24

MAINE ST

SANG AVE

CROSS AVE

BEDFORD LOOP

STONE ST

Legend

..... Multi-Use Trail (Existing)

..... Future Trails^{P-1}

 RZN14-4938

 Fayetteville City Limits

 Footprints 2010

 Hillside-Hilltop Overlay District

 Design Overlay District

 Design Overlay District

 Planning Area



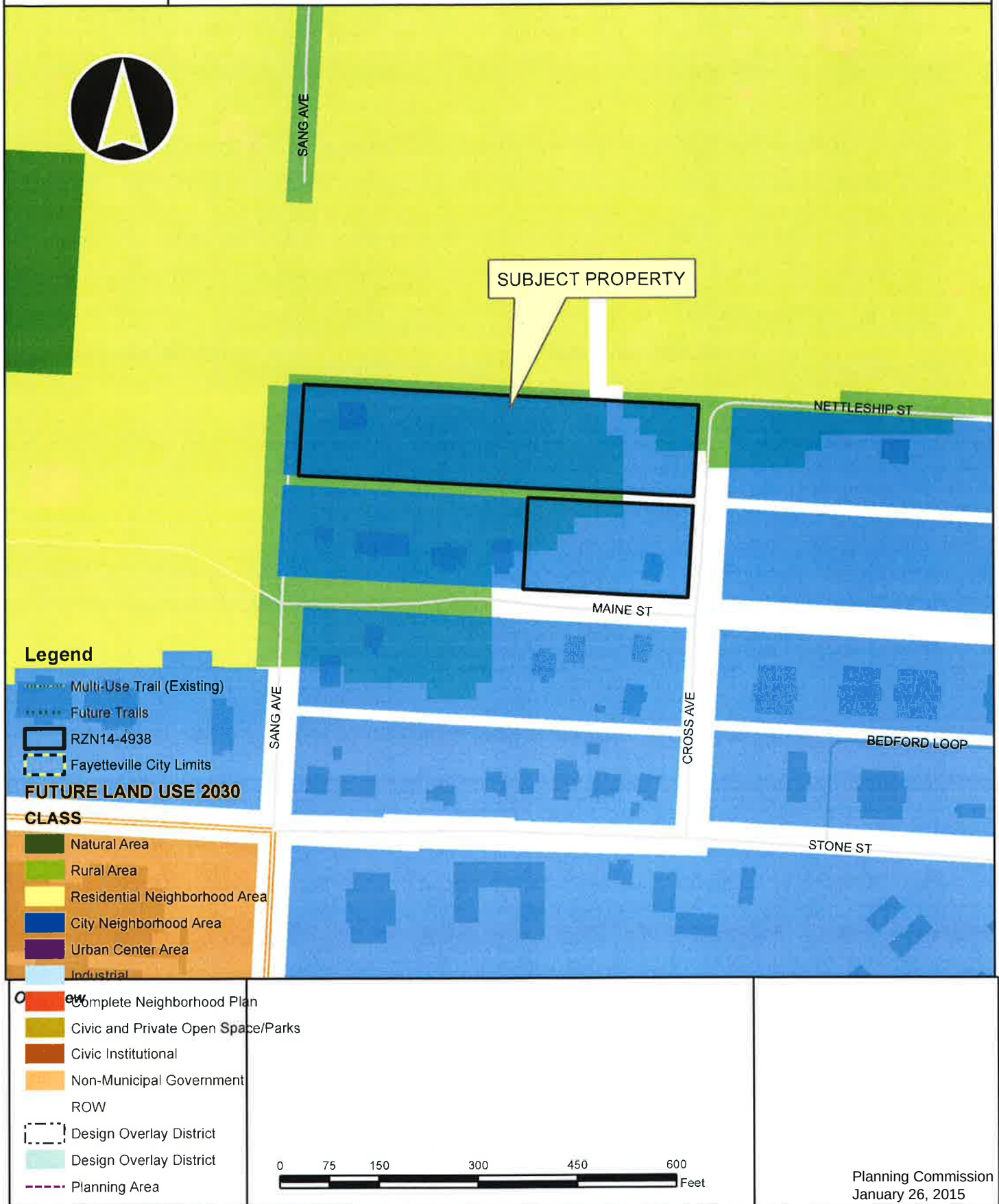
Planning Commission
January 26, 2015

Agenda Item 9
14-4938 West End Addition
Page 18 of 20

RZN14-4938

Future Land Use

WEST END ADDITION

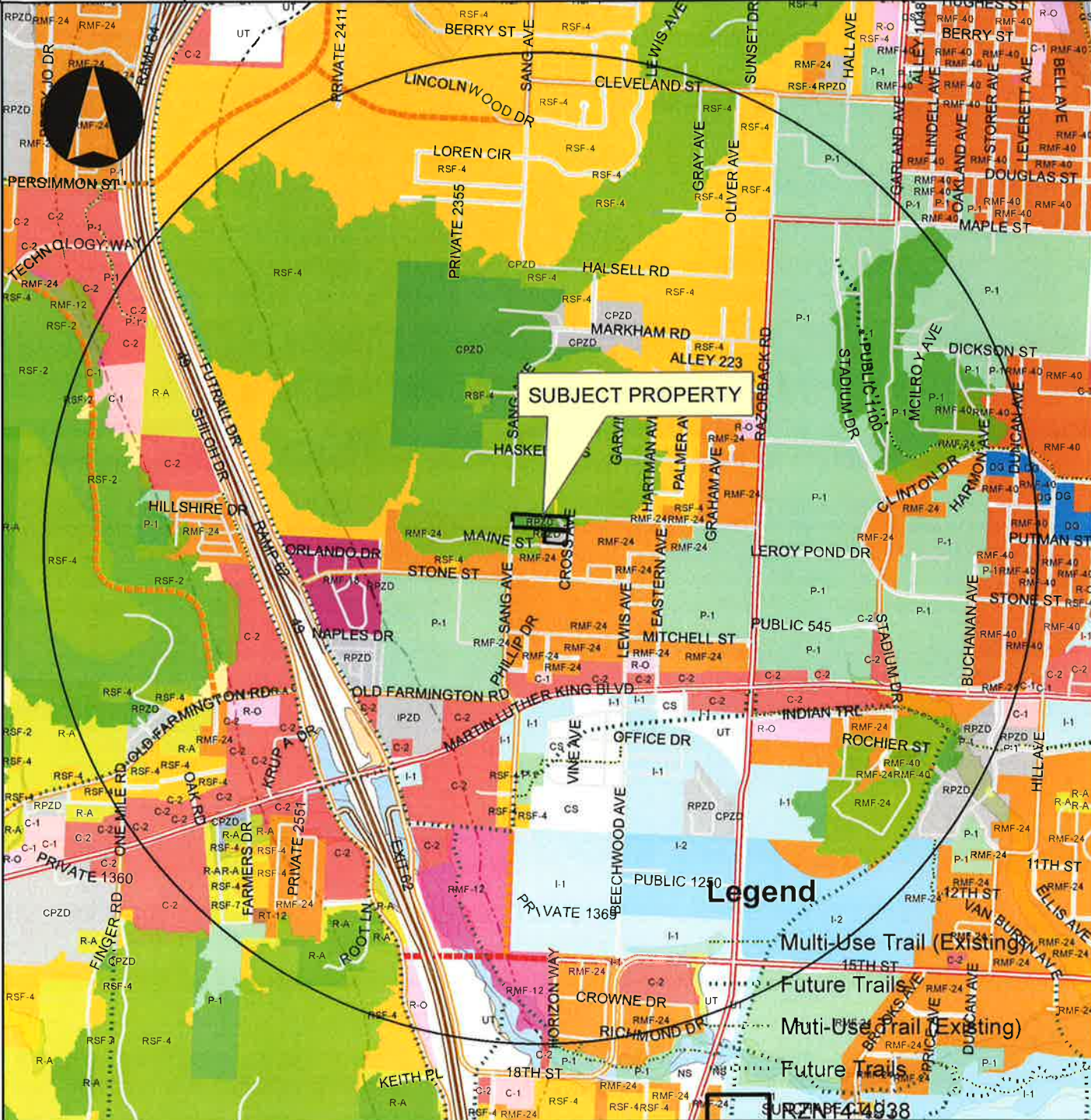


RZN14-4938

One Mile View

RZN14-4938	WEST END ADDITION
One Mile View	

RD70



Overview



Legend

Subject Property

Boundary

0 0.25 0.5 1 M

Hills

Desi

Plan

Faye

Legend

Subject Property

Boundary

0 0.25 0.5 1 M

Hills

Desi

Plan

Faye

Legend

Subject Property

Boundary

0 0.25 0.5 1 M

Hills

Desi

Plan

Faye

The map displays the Fylde Coastal Plain, Fylde Hills, and Fylde Boundary. The legend indicates that the Fylde Hills are shown in green, the Fylde Coastal Plain is shown in white, and the Fylde Boundary is shown as a dashed line. The scale bar shows a distance of 0 to 1 mile. The north arrow points towards the top of the map.

Side-Hilltop Overlay District
Sign Overlay District
Planning Area
Stevieville
Files
Planning Commission
January 26, 2015

Side-Hilltop Overlay District
Sign Overlay District
Planning Area
Stevieville
Files
Planning Commission
January 26, 2015

Side-Hilltop Overlay District
Sign Overlay District
Planning Area
Stevenville
Files
Planning Commission
January 26, 2015

Side-Hilltop Overlay District
Sign Overlay District
Planning Area
Stevieville
Files
Planning Commission
January 26, 2015

Side-Hilltop Overlay District
Sign Overlay District
Planning Area
Stevieville
Files
Planning Commission
January 26, 2015

Agenda Item 9
14-4938 West End
Page 20 of 20

Agenda Item 9
14-4938 West End Addition
Page 20 of 20

EXHIBIT 'A'

14-4938

RZN14-4938

Close Up View

WEST END ADDITION



RSF-4

SANG AVE

SUBJECT PROPERTY

RPZD

RMF-24

MAINE ST

NETTLESHIP ST

CROSS AVE

BEDFORD LOOP

STONE ST

Legend

Multi-Use Trail (Existing)

P-1
Future Trails

RZN14-4938

Overview Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

0 75 150 300 450 600 Feet

EXHIBIT 'B'
14-4938

Lots 14, 15, 16, 17, 18, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, Block 1, West End Addition, to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 5, at page 75, plat records of Washington County, Arkansas.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5 ACRES, LOCATED AT NORTHWEST CORNER OF CROSS & MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES (R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 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 an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 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 , 2015.

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

Text File

File Number: 2015-0018

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 2

R-PZD 07-2452 (LINKS AT FAYETTEVILLE:)

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE, LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY 152.23 ACRES, TO REPEAL THE PHASING PLAN

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

Section 1: That the change to bring R-PZD 07-2452 under the current PZD ordinance in order to repeal the originally approved development phasing plan is hereby approved.

Section 2: That the development phasing of R-PZD shall be subject to the standard requirements of Chapter 166 of the Unified Development Code.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, for R-PZD 07-2452 (Links at Fayetteville) as passed and approved by the City Council on May 15, 2007 with Ordinance No. 5015 shall be modified with the revisions as described in Sections 1 and 2 above.

City of Fayetteville Staff Review Form

2015-0018

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

1/13/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 14-4930: Administrative Item (3600 W. PLAYER LANE/THE LINKS AT FAYETTEVILLE, 400): Submitted by HUGH JARRETT for property located at 3600 W. PLAYER LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT LINKS AT FAYETTEVILLE (R-PZD 07-2452) and contains approximately 152.23 acres. The request is to amend the Links at Fayetteville PZD to repeal the phasing plan and bring the project under the current ordinance that separates zoning from the development.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director &

FROM: Andrew Garner, City Planning Director

DATE: January 29, 2015

SUBJECT: **ADM 14-4930: Administrative Item (3600 W. PLAYER LANE/THE LINKS AT FAYETTEVILLE, 400):** Submitted by HUGH JARRETT for property located at 3600 W. PLAYER LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT LINKS AT FAYETTEVILLE (R-PZD 07-2452) and contains approximately 152.23 acres. The request is to repeal the phasing for the Links at Fayetteville PZD plan and bring the project under the current ordinance that separates zoning from the development.

RECOMMENDATION:

Staff and the Planning Commission recommends approval of **ADM 14-4930**.

BACKGROUND:

The subject property contains 152.23 acres on the north side of Wedington Drive and east of Ruppel Road, with frontage on both of those streets. In 2007 the City Council rezoned the property to R-PZD 07-2452 for the Links at Fayetteville project. This master planned project is approved for 1,258 multi-family and single family dwelling units, as well as 91,800 square feet of non-residential commercial space, and 16,388 square feet of recreational buildings. Phase I of the project has been completed with the construction of approximately 600 multi-family dwelling units.

DISCUSSION:

At the time the PZD was approved in 2007, specific project phasing plans and development deadlines were required to be proposed and approved as part of the rezoning. However, within the past year the PZD ordinance has been amended to more clearly separate the zoning and development decisions. Similar to a standard rezoning approval, a new PZD approval by the City Council does not expire.

Proposal: The applicant requests to remove the phasing associated with the Links at Fayetteville PZD as allowed under the current ordinance that separates zoning from the development, so that the current PZD zoning rights do not expire. The project is currently subject to the original ordinance in place at the time it was approved.

The Planning Commission voted 8-0-0 (on the consent agenda) at the January 12, 2015 meeting to repeal the phasing plan as proposed.

BUDGET/STAFF IMPACT:

None

Attachments:

- Ordinance
- Planning Commission staff report ADM 14-4930

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: January 12, 2015 *Updated with Planning Commission Action*

SUBJECT: **ADM 14-4930: Administrative Item (3600 W. PLAYER LANE/THE LINKS AT FAYETTEVILLE, 400):** Submitted by HUGH JARRETT for property located at 3600 W. PLAYER LANE. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT LINKS AT FAYETTEVILLE (R-PZD 07-2452) and contains approximately 152.23 acres. The request is to repeal the phasing plan for the Links at Fayetteville PZD and bring the project under the current ordinance that separates zoning from the development.

RECOMMENDATION:

Staff recommends forwarding **ADM 14-4930** to the City Council with a recommendation for approval.

BACKGROUND:

Property Description and History: The subject property contains 152.23 acres on the north side of Wedington Drive and east of Ruppel Road, with frontage on both of those streets. In 2007 the City Council rezoned the property to R-PZD 07-2452 for the Links at Fayetteville project. This master planned project is approved for 1,258 multi-family and single family dwelling units, as well as 91,800 square feet of non-residential commercial space, and 16,388 square feet of recreational buildings. Phase I of the project has been completed with the construction of approximately 600 multi-family dwelling units.

DISCUSSION:

At the time the PZD was approved in 2007, specific project phasing plans and development deadlines were required to be proposed and approved as part of the rezoning. However, within the past year the PZD ordinance has been amended to more clearly separate the zoning and development decisions. Similar to a standard rezoning approval, a new PZD approval by the City Council does not expire.

Proposal: The applicant requests to remove the phasing associated with the Links at Fayetteville PZD as allowed under the current ordinance that separates zoning from the development, so that the current PZD zoning rights do not expire. The project is currently subject to the original ordinance in place at the time it was approved and a resolution by the City Council is required to grant the applicant's request.

RECOMMENDATION: Staff recommends ADM 14-4930 be forwarded to the City Council with a recommendation for approval.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: January 12, 2015

Motion: Cook

Second: Selby

Vote: 8-0-0 *Note: On consent agenda*

BUDGET/STAFF IMPACT:

None.

Attachments:

Applicant's letter and email

Links at Fayetteville Overall Site Plan

Links at Fayetteville Phasing

Close up map

One mile map

Garner, Andrew

From: Hugh Jarratt <hugh.jarratt@lindseymanagement.com>
Sent: Monday, December 22, 2014 5:02 PM
To: Garner, Andrew
Subject: Links PUD Extension

Andrew:

Pursuant to our conversation last week, I would like to request that the provisions concerning time limits for the phasing plan for The Links at Fayetteville be removed so that The Links at Fayetteville PUD is in conformance with the current City of Fayetteville PUD ordinance.

Thank you.

Hugh Jarratt

HUGH JARRATT,
ATTORNEY AT LAW
1200 EAST JOYCE BLVD., 6TH FLOOR
FAYETTEVILLE, ARKANSAS 72703
TELEPHONE 479.521.6686 / FACSIMILE 479.527.8870

* Licensed in Arkansas, Oklahoma
& Missouri

December 16, 2014

City of Fayetteville, Arkansas
Mr. Andrew Garner
125 West Mountain Street
Fayetteville, AR 72701



RE: The Links at Fayetteville

Dear Mr. Garner:

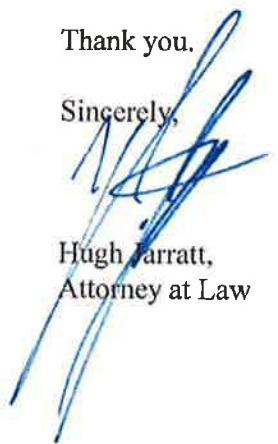
Pursuant to the Unified Development Code Section 166.20, please treat this email as a formal request to extend the time period allowed for the phasing of The Links at Fayetteville PUD. Until this year, the occupancy at The Links at Fayetteville did not lend itself to adding a second phase. As of this year, occupancy has finally stabilized and the owners of the Links are comfortable that the market conditions are acceptable to begin the process of building additional apartment homes at The Links at Fayetteville.

As of the date of this letter, final plans for the next phase of apartment homes at The Links of Fayetteville are being completed, and may be submitted to the City prior to the end of 2014.

Please let me know if there is any further information that you would like me to provide.

Thank you.

Sincerely,


Hugh Jarratt,
Attorney at Law



THE LINKS @ FAYETTEVILLE FAYETTEVILLE, ARKANSAS

Links at Fayetteville PZD

Single Family Homes: Single family homes are located in 2 areas. "Group one" is located on Ruppel road between the 2 access roads. "Group two" is located along the northern access road adjacent to the golf course. "Group one" will be comprised of rear loading homes that have the "fronts" along Ruppel road and the golf course and have their 2 car garage access from a private drive between the 2 rows of houses. The private outdoor space for each home shall be located between houses. The homes in "group two" shall have their "fronts" along the proposed public street and incorporate a single car garage attached to the side of the home and pushed to the back wall of the home to create a second parking space in the drive and keep the garage doors as remote from the street as possible. All single family lots will be platted as "zero lot-line" allowing the homes to be built on the lot lines in both areas and also to allow the homes in "group two" to be attached at the garage portion of the home. The single family homes will have varying facades and materials and be designed in a traditional style.

9) Building Elevations

The buildings elevations included in this booklet are arranged with the planning area that it would be built in.

D) **Proposed development phasing and time frame**

The development of the community is planned in 3 phases to span over the next 5-10 years. Thirty percent of the multi-family units will be offered for sale as condominiums or as single family homes, for each phase of the development. The 1st floor of the mixed-use buildings in the town center will be offered as commercial/office space for lease with one of the buildings serving as a fitness/community center for the tenants and property owners of the development.

The phasing of this development, sales of condominiums, and lease of commercial/office space is based on market trends and growth in the Fayetteville market over the course of the project. With this R-PZD zoning, the developer reserves the option to lease the condominiums if negative market forces dictate and reserves the option to convert the first floor of the mixed-use buildings to multi-family dwellings if market forces are not favorable.

Phase I

Phase I of The Links at Fayetteville will be to construct approximately 600 dwelling units, the golf course, the club house with amenities, and the park dedication. Interior roadways will be constructed to serve the units and amenities constructed in the first phase. Improvements to Ruppel Road will be a part of phase I that will extend from Weddinton Road to Mount Comfort. A description of those improvements and cross-sections are included as "Exhibit A". This initial phase will begin to allow affordable and attainable housing and provide amenities of a golf course, club house, swimming pool, and a tennis court. Construction will begin in Summer 2007 and be completed in early 2009.

Phase II

In phase II, approximately 300 more residential units will be constructed with favorable market conditions. This phase may include some of the town center, town homes, and single family planning areas. Outside developers are expected to build in the “Market area” along Weddington Road and Ruppel Road in this phase as well. Phase II is anticipated to be completed by 2014.

Phase III

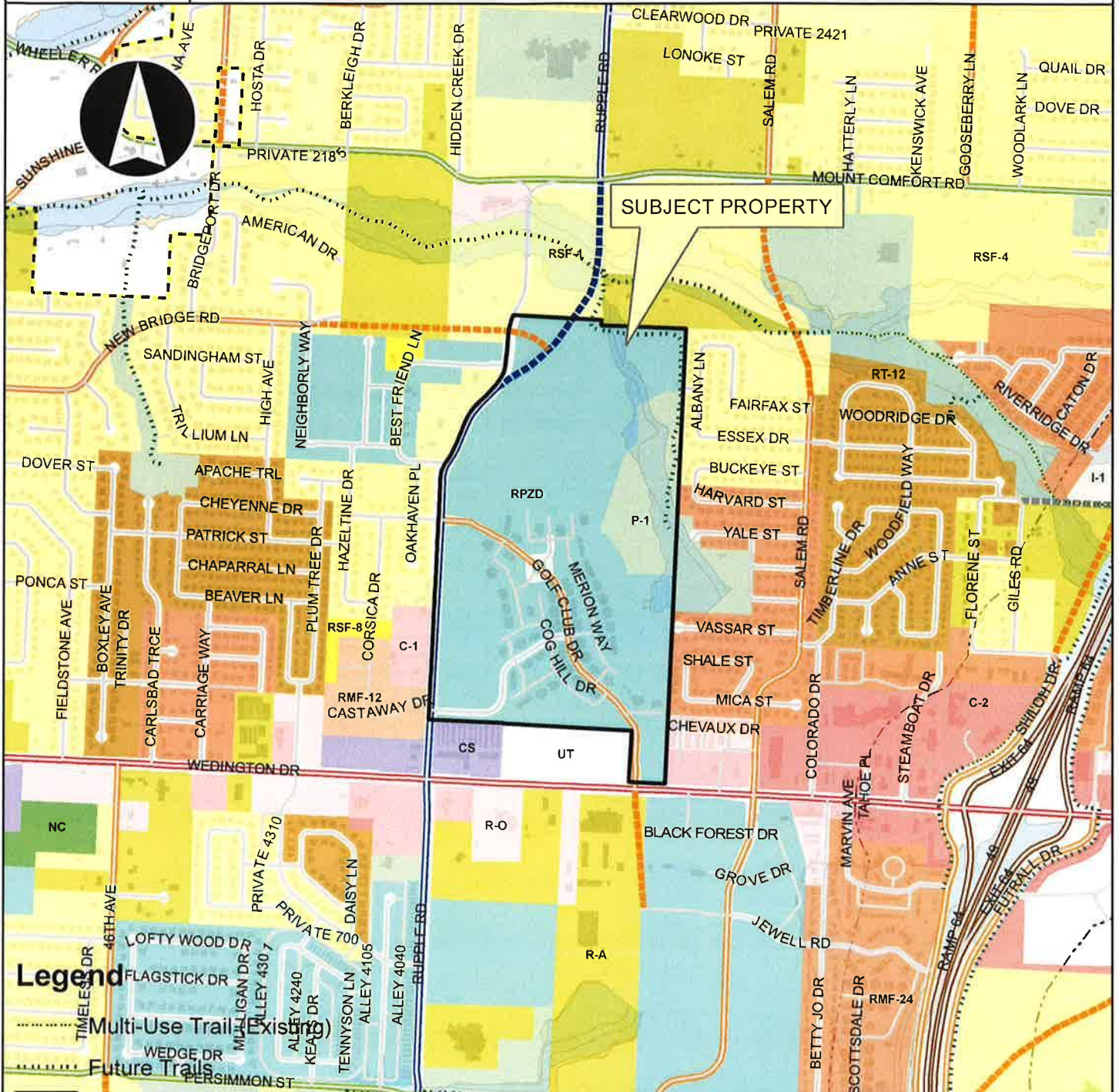
Phase III will include the construction of any remaining un-built units. Construction of the remaining areas will be dependent on market conditions. Phase III is anticipated to be completed by 2018.

E & F) Proposed Planning Areas and Development Standards for Each Planning Area

ADM14-4930

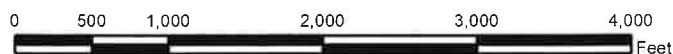
THE LINKS AT FAYETTEVILLE

Close Up View



Overview ADM14-4930

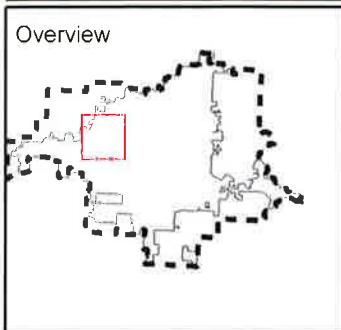
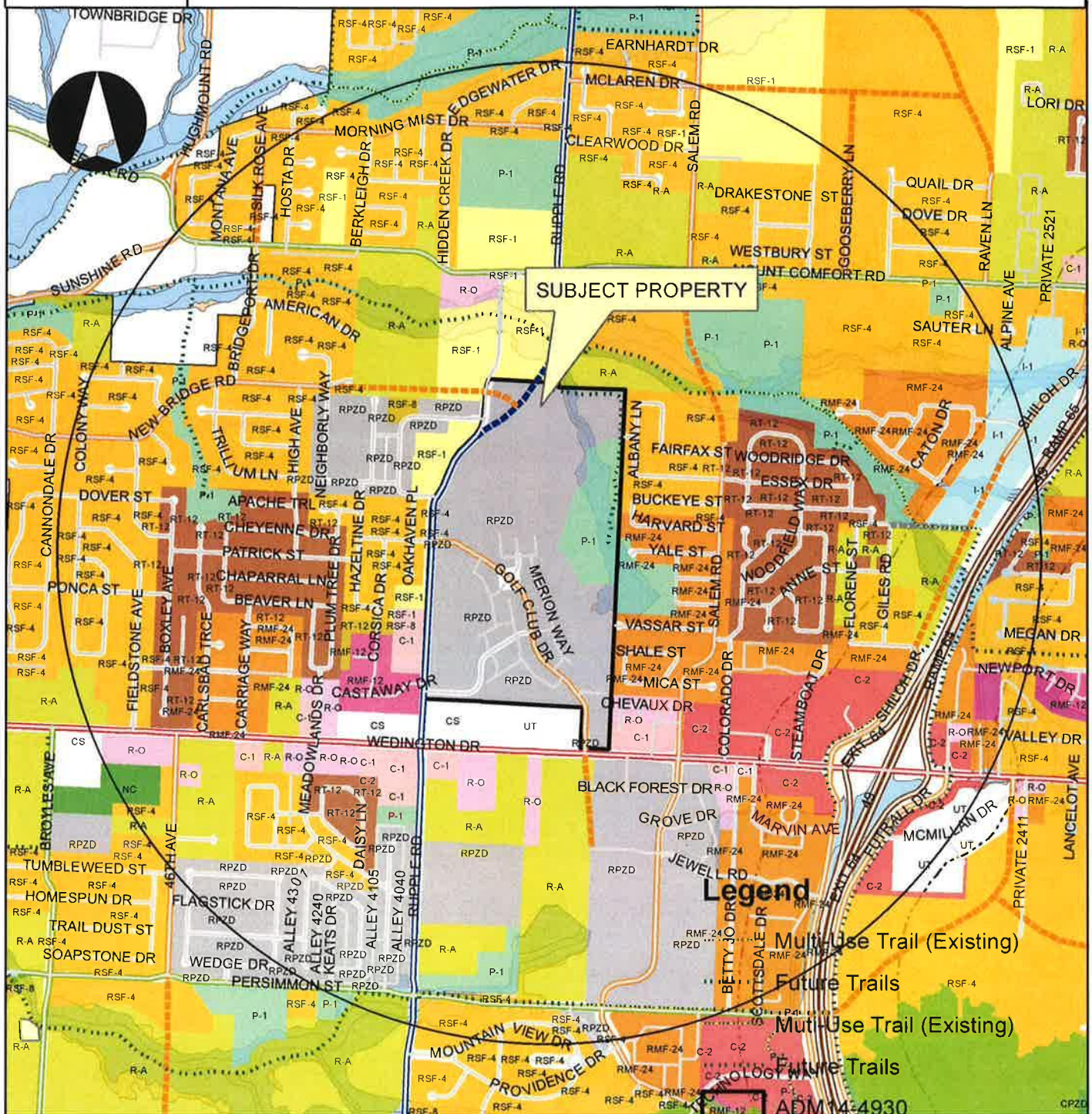
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



ADM14-4930

THE LINKS AT FAYETTEVILLE

One Mile View



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

Planning Commission

January 12, 2015

Agenda Item 3

14-4930 ADM The Links Apts.

Page 9 of 9

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE, LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY 152.23 ACRES, TO REPEAL THE PHASING PLAN.

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

Section 1: That the change to bring R-PZD 07-2452 under the current PZD ordinance in order to repeal the originally approved development phasing plan is hereby approved.

Section 2: That the development phasing of R-PZD shall be subject to the standard requirements of Chapter 166 of the Unified Development Code.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, for R-PZD 07-2452 (Links at Fayetteville) as passed and approved by the City Council on May 15, 2007 with Ordinance No. 5015 shall be modified with the revisions as described in Sections 1 and 2 above.

PASSED and APPROVED this day of , 2015.

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

Text File

File Number: 2015-0058

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 3

VAC 14-4933 (PERSIMMON AND MTN. RANCH BLVD/PARKHILL AT MTN. RANCH SUBDIVISION):

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD TO VACATE A PORTION OF AN 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 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 as shown on Exhibit "A" 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 and shall not be in effect until the conditions are met:

1. Any damage or relocation of existing utilities shall be at the owner/developer's expense.
2. Existing easements to remain until utilities are relocated into new easement at the owner's expense.

City of Fayetteville Staff Review Form

2015-0058

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

1/30/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4933: Vacation (PERSIMMON AND MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479): Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 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 FEBRUARY 17, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, Director of City Planning

DATE: January 30, 2015

SUBJECT: **VAC 14-4933: Vacation (PERSIMMON & MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479):** Submitted by JORGENSEN & ASSOCIATES for property located at PERSIMMON & MTN. RANCH BLVD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 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 existing utility easement.

BACKGROUND:

The property contains approximately 2.23 acres located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. The property is a part of the Park Hill at Mountain Ranch Residential Planned Zoning District that was approved by City Council on May 7, 2013 (R-PZD 12-4284) for 13 single family dwellings.

DISCUSSION:

There is an existing utility easement in the front yards of all of the lots in the vicinity of homes to be built with the PZD. At the time the PZD was approved it was identified that a portion of this easement would need to be vacated prior to construction of homes. The applicant is in the process of moving forward with this project and requests vacation of a portion of the utility easement, as shown on the attached plat. The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities with no objections. On January 26, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0 on the consent agenda.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A
Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: January 26, 2015 Updated with Planning Commission action

SUBJECT: **VAC 14-4933: Vacation (PERSIMMON & MTN. RANCH BLVD./PARKHILL AT MTN. RANCH SUBDIVISION, 478/479):** Submitted by JORGENSEN & ASSOCIATES for property located at PERSIMMON & MTN. RANCH BLVD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT PARK HILL AT MOUNTAIN RANCH and contains approximately 2.72 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4933** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The property contains approximately 2.23 acres located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. The property is a part of the Park Hill at Mountain Ranch Residential Planned Zoning District that was approved by City Council on May 7, 2013 (R-PZD 12-4284) for 13 single family dwellings. Surrounding zoning and land use is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential (under development)	C-PZD Forest Hills
South and West	Single family residential	RSF-4, Single Family Residential, 4 Units/acre
East	Mountain Ranch Apartments	RMF-24, Residential Multi-Family 24 Units/acre

Proposal: There is an existing utility easement in the front yards of all of the lots in the vicinity of homes to be built with the PZD. At the time the PZD was approved it was identified that a portion of this easement would need to be vacated prior to construction of homes. The applicant is in the process of moving forward with this project and requests vacation of a portion of the utility easement, as shown on the attached plat.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

Cox Communications

AEP/SWEPCO

Source Gas

AT&T

Ozarks Electric

RESPONSE

No response; a response is required prior to City Council

No objections

No objections

No objections with conditions

No objections with conditions

CITY OF FAYETTEVILLE:

Water/Sewer

Trash & Recycling

Transportation

RESPONSE

No objections

No objections

No objections

Public Comment:

No public comment has been received.

Recommendation:

Staff recommends forwarding **VAC 14-4933** to the City Council with a recommendation for approval subject to the following conditions:

Conditions of Approval:

1. This item will not be submitted to City Council until a utility permission form signed by Cox Communications is provided to City Planning staff by the applicant, and the utility vacation exhibit is revised with appropriate dimensions and bearings, or other information needed approved by the GIS Division to accurately determine the extent of the easement vacation.
2. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
3. Existing easements to remain until utilities are relocated into new easement at the owners expense.

PLANNING COMMISSION ACTION: Required

Date: January 26, 2015

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Cook

Second: Chesser

Vote: 8-0-0

CITY COUNCIL ACTION: Required

Date: February 17, 2015

☐ Approved

☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

Park Hill R-PZD site plan

One Mile Map

Close Up Map



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

JUSTIN L. JORGENSEN, P.E.

BLAKE E. JORGENSEN, P.E.

December 17th, 2014

City of Fayetteville
113 W. Mountain St
Fayetteville, AR 72701

Attn: Planning Department
Re: Parkhill @ Mountain Ranch Vacation

To Whom It May Concern:

Please find the following Easement Vacation request for the Parkhill @ Mountain Ranch development. This vacation is necessary to allow the R-PZD that has been approved to proceed.

Please review this application and contact us with any questions that you may have.

Sincerely;

Blake E. Jorgensen

PETITION TO VACATE EASEMENTS LOCATED IN THE CITY OF FAYETTEVILLE, ARKANSAS

TO:

The Fayetteville City Planning Commission and
The Fayetteville City Council

On behalf of the owners of the real estate found on the attached Easement Vacation, we are requesting that the existing easements as called on the aforementioned plat, be abandoned and vacated; lying in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said Easements which are shown on the attached Easement Vacation Plat.

The petitioners kindly ask that the City of Fayetteville, Arkansas, abandon and vacate the described real estate as called out on the Easement Vacation Plat, subject, however, to the existing utility easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

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

WHEREFORE, the petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject to said utility 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 16 day of DECEMBER, 2014

ROBERT HARRIS JR.

Printed Name



Signature

UTILITY APPROVAL FORM

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

DATE: 12-8-2014

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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:

Existing utility easements to remain until lines are relocated into the new easement at the owners expense.

Greg McGee
Signature of Utility Company Representative

Lead Staking Tech
Title

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

DATE: 12/8/14

UTILITY COMPANY: AEP-SW&PCO

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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

Dist. Engineer
Title

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

DATE: 12/8/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

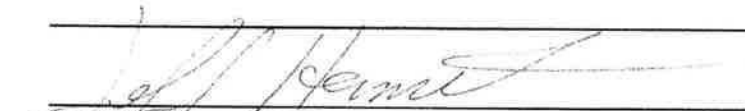
General location / Address Parkhill @ Mountain Ranch

☐ (*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

MGR OSP Plng & Engrg Design
Title

August 2014
Page 5

UTILITY APPROVAL FORM

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

DATE: 12/11/2014

UTILITY COMPANY: Source Gas

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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:
Developer will be responsible for all cost incurred for relocation
of existing gas line in easment to be vacated.



Signature of Utility Company Representative

Fayetteville Division Manager

Title

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

DATE: 1/16/2015

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

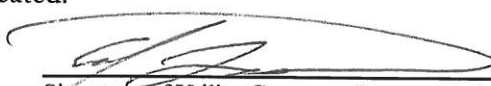
☐ (*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

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:

All relocation of our existing facilities will be at the owners/developers expense. Will take a minimum of 90 days to relocate once new easement is filed and developer has paid relocate costs. Old easement will need to remain until we have relocated.



Signature of Utility Company Representative

CONSTRUCTION MANAGER

Title

UTILITY APPROVAL FORM

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

DATE: 12/8

UTILITY COMPANY: City of Fayetteville - Solid Waste

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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

UTILITY APPROVAL FORM

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

DATE: 11 Dec 2014

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Jorgensen & Associates

APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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:

KEEP AWARE OF THE SEWER CROSSINGS



Signature of Utility Company Representative

WATER & SEWER OPERATIONS MGR

Title

UTILITY APPROVAL FORM

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

DATE: 12-9-14
UTILITY COMPANY: City of Fayetteville
APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☐ Alley
☐ Street right-of-way

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

General location / Address Parkhill @ Mountain Ranch

☐ (*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:

Joey Smith
Signature of Utility Company Representative

Ass. Transportation Manager
Title

LEGEND

- EXISTING TREES
- NEW TREES
- EXISTING PATHS
- NEW PATHS
- EXISTING FENCES
- NEW FENCES
- EXISTING UTILITIES
- NEW UTILITIES
- EXISTING ROADS
- NEW ROADS
- EXISTING DRIVEWAYS
- NEW DRIVEWAYS
- EXISTING SIDEWALKS
- NEW SIDEWALKS
- EXISTING CURBS
- NEW CURBS
- EXISTING LIGHT FIXTURES
- NEW LIGHT FIXTURES
- EXISTING SIGNAGE
- NEW SIGNAGE
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- NEW LANDSCAPE
- EXISTING STRUCTURES
- NEW STRUCTURES
- EXISTING UTILITIES
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- NEW CURBS
- EXISTING LIGHT FIXTURES
- NEW LIGHT FIXTURES
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- NEW SIGNAGE
- EXISTING LANDSCAPE
- NEW LANDSCAPE
- EXISTING STRUCTURES
- NEW STRUCTURES

GRAPHIC SCALE

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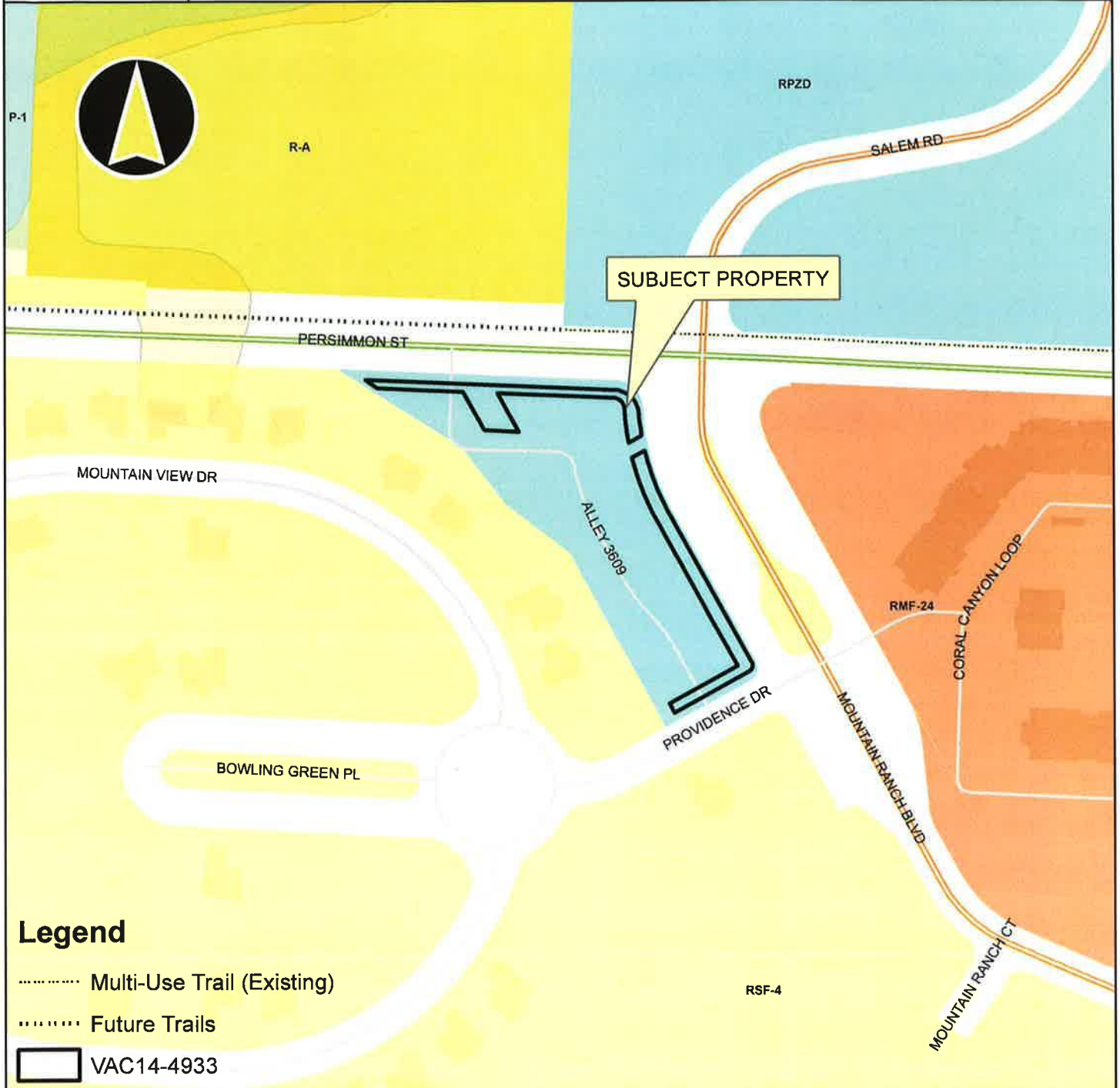
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Planning Commission
January 26, 2015
Agenda Item 4
14-4933 Parkhill at Mtn. Ranch SD
Page 14 of 16

VAC14-4933

PARKHILL AT MTN. RANCH

Close Up View



Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

One Mile View



Subject Property

Boundary

0 0.25 0.5

Multi-Use Trail (Existing)

Future Trails

Multi-Use Trail (Existing)

FARMINGTON

ROOT AVENUE

 Hillside-Hilltop Overlay District
 Design Overlay District
 Planning Area
 Fayetteville

Miles

Planning Commission

January 26, 2015

Agenda Item 4

14-4933 Parkhill at Mtn. Ranch SD

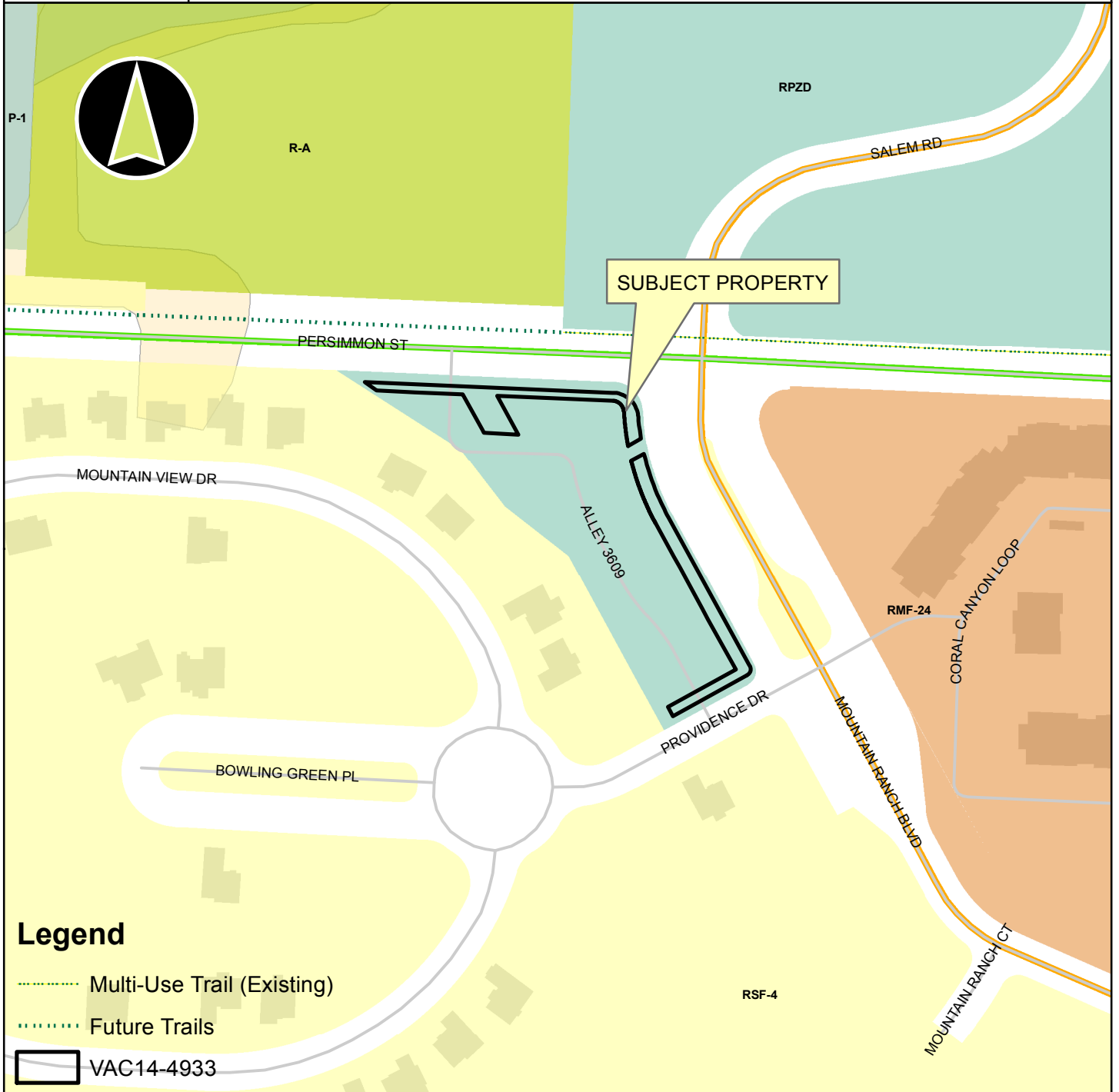
Page 16 of 16

EXHIBIT 'A'
14-4933

VAC14-4933

Close Up View

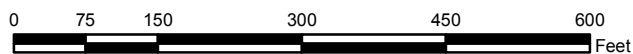
PARKHILL AT MTN. RANCH



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4933

- Overview**
- Fayetteville City Limits
 - Footprints 2010
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Design Overlay District
 - Planning Area



ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD TO VACATE A PORTION OF AN 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 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 as shown on Exhibit "A" 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 and shall not be in effect until the conditions are met:

1. Any damage or relocation of existing utilities shall be at the owner/developer's expense.
2. Existing easements to remain until utilities are relocated into new easement at the owner's expense.

PASSED and **APPROVED** this day of , 2015.

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

Text File

File Number: 2015-0064

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 4

VAC 14-4935 (N. RAVEN LN./COBBLESTONE SUBDIVISION PH 4):

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN 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 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 condition of approval:

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

City of Fayetteville Staff Review Form

2015-0064

Legistar File ID

2/17/2015

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

Jeremy Pate

1/30/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207): Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 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 FEBRUARY 17, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: January 30, 2015

SUBJECT: **VAC 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207):** Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 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 existing utility easement.

BACKGROUND:

The subject property is a part of the proposed Cobblestone Phase IV subdivision (PPL 14-4778). During a previous phase, City sewer was extended to the property line along a future extension of Raven Lane. The Raven Lane extension was re-aligned during the Cobblestone IV design phase (ADM 14-4840), and the existing sewer main and easement are no longer needed in this location.

DISCUSSION:

On January 26, 2015 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

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~January 26, 2015~~ **UPDATED JANUARY 30, 2015**

SUBJECT: **VAC 14-4935: Vacation (N. RAVEN LN./COBBLESTONE SUBDIVISION, PH. 4, 207):** Submitted by JORGENSEN & ASSOCIATES for property located at NORTHERN END OF RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.09 acres. The request is to vacate a portion of an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4935** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject property is a part of the proposed Cobblestone Phase IV subdivision (PPL 14-4778). During a previous phase, City sewer was extended to the property line along a future extension of Raven Lane. The Raven Lane extension was re-aligned during the Cobblestone IV design phase (ADM 14-4840), and the existing sewer main and easement are no longer needed in this location. Surrounding zoning and land use is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Agricultural/undeveloped	R-A, Residential Agricultural
South	Single Family Residential	RSF-4, Single Family Residential, 4 Units/acre
East	Agricultural/undeveloped	RSF-4, Single Family Residential, 4 Units/acre
West	Residential/Agricultural	Unincorporated Washington County

Proposal: The applicant requests vacation of a portion of utility easement, as shown on the attached plat.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

UTILITIES

Cox Communications

RESPONSE

No Objections, any damage or relocations of existing facilities will be at owner/developer expense.

AEP/SWEPCO

No Objections

Source Gas

No Objections

AT&T

No Objections

Ozarks Electric

No Objections

CITY OF FAYETTEVILLE:**RESPONSE**

Water/Sewer

No Objections

Trash & Recycling

No Objections

Transportation

No Objections

Public Comment:

No public comment has been received.

Recommendation:Staff recommends forwarding **VAC 14-4935** to the City Council with a recommendation for approval subject to the following conditions:**Conditions of Approval:**

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

PLANNING COMMISSION ACTION: RequiredDate: January 26, 2015☐ Tabled☒ Forwarded☐ DeniedMotion: COOKSecond: CHESSERVote: 8-0-0**CITY COUNCIL ACTION: Required****ON CONSENT
AGENDA**Date: February 17, 2015☐ Approved☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

One Mile Map

Close Up Map



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

December 17th, 2014

City of Fayetteville
113 W. Mountain St
Fayetteville, AR 72701

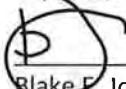
Attn: Planning Department
Re: Cobblestone Subdivision Phase 4

To Whom It May Concern:

As part of the Cobblestone Phase 4 Subdivision, an existing easement that was platted for a sewer main, will be abandoned. The existing sewer line followed the old planned street extension, the alignment has changed and therefore, the sewer line will be moved to the new alignment.

Please review this application and contact us with any questions that you may have.

Sincerely;



Blake E. Jorgensen

PETITION TO VACATE EASEMENTS LOCATED IN THE CITY OF FAYETTEVILLE, ARKANSAS

TO:

The Fayetteville City Planning Commission and
The Fayetteville City Council

On behalf of the owners of the real estate found on the attached Easement Vacation, we are requesting that the existing easements as called on the aforementioned plat, be abandoned and vacated; lying in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said Easements which are shown on the attached Easement Vacation Plat.

The petitioners kindly ask that the City of Fayetteville, Arkansas, abandon and vacate the described real estate as called out on the Easement Vacation Plat, subject, however, to the existing utility easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

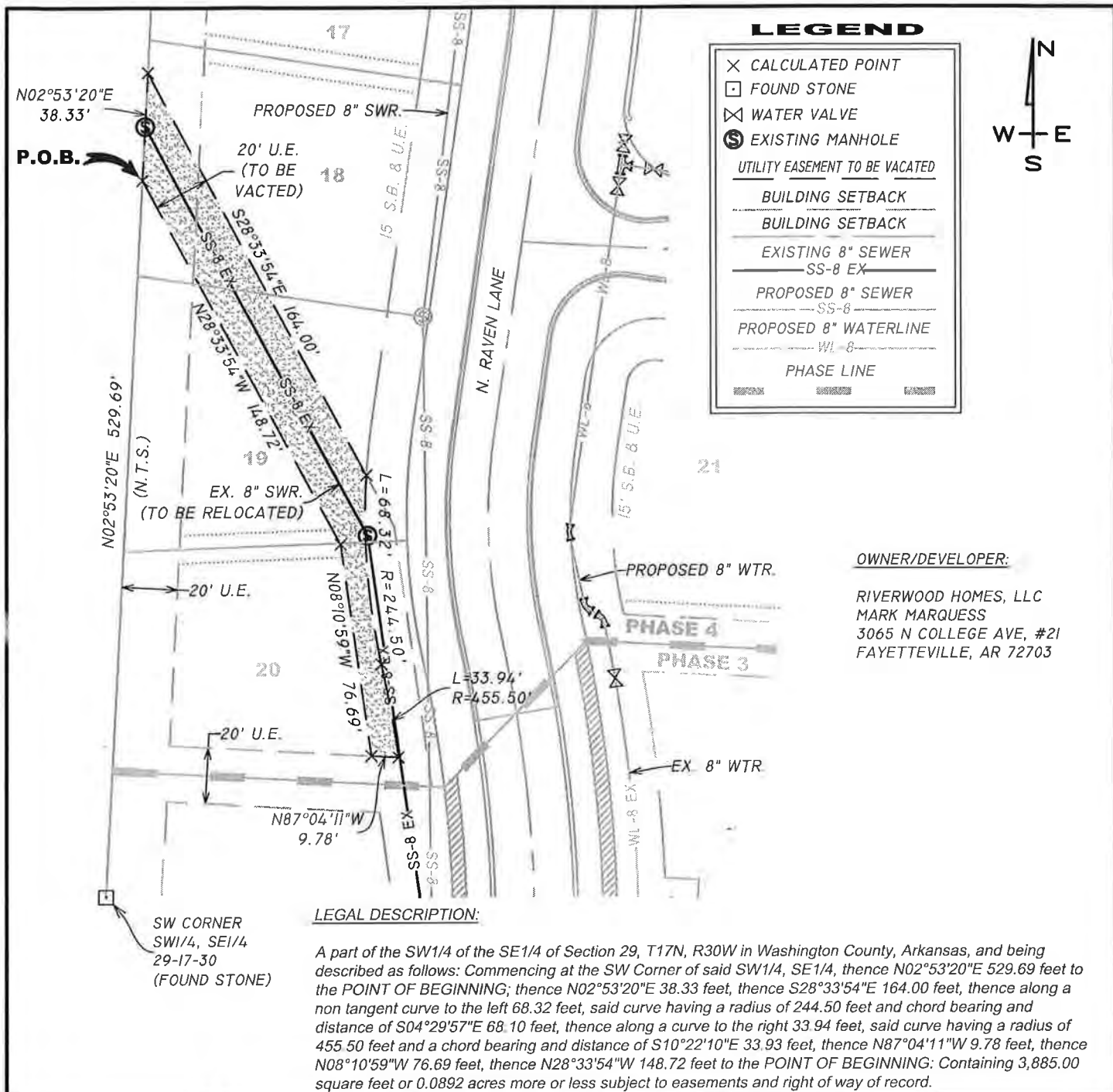
The petitioners further ask that the described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject to said utility 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 _____ day of _____, 2014

MARK MARQUESS
Printed Name


Signature



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=50'

DATE REVISED

CHECKED BY:

DRAWN BY: BJR

DATE: 20NOV14

DLJ

Z:\SUBD\2014\046\UEVACATE

COBBLESTONE SUBDIVISION PHASE 4

UTILITY EASEMENT VACATION

Planning Commission

January 26, 2015

Agenda Item 2

14-4935 Cobblestone S/D

Page 6 of 16

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

DATE: _____

UTILITY COMPANY: source gas

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Cobblestone Subdivision Phase 4

- ☐ (*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:
- _____
- _____

Brian A. Dampert
Signature of Utility Company Representative

SUPERVISOR - FAYETTEVILLE Division
Title

UTILITY APPROVAL FORM

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

DATE: 12/2/14

UTILITY COMPANY: AEP

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Cobblestone Phase 4

- ☐ (*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

Dist. Engr.
Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

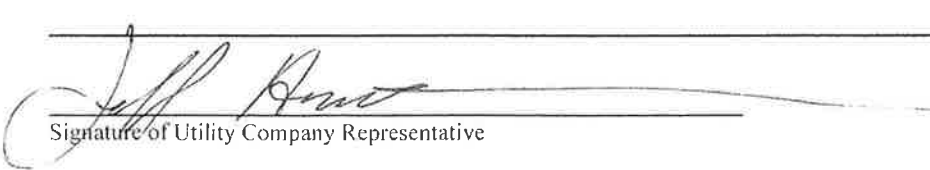
General location / Address Cobblestone Subdivision Phase 4

☐ (*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

MGR OSP PIng & Engrg Design

Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

UTILITY COMPANY: City of Fayetteville Recycling Trust

APPLICANT NAME: Jorgensen & Associates

APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

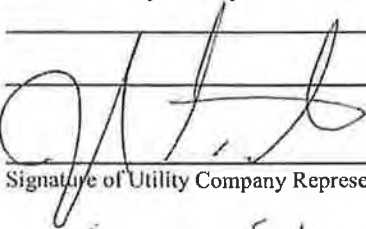
General location / Address Cobblestone Subdivision Phase 4

☐ (*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

Comm. Sales Rep

Title

UTILITY APPROVAL FORM

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

DATE: 12-3-14

UTILITY COMPANY: City Of Fayetteville Transportation

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address _____

☐ (*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:

Joey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

UTILITY COMPANY: Cox Communication

APPLICANT NAME: Riverwood Homes APPLICANT PHONE: 530-4506

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address _____

☐ (*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:
Any damage to or relocations of existing facilities will be at the owners/developers expense.

Kimberly G. Rexell
Signature of Utility Company Representative

V.P. Arkansas
Title

UTILITY APPROVAL FORM

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

DATE: 12-15-2014

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Cobblestone Subdivision Phase 4

☒ (*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

UTILITY APPROVAL FORM

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

DATE: 22 DEC 2014

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

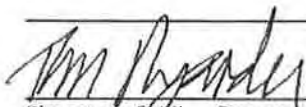
General location / Address Cobblestone Subdivision Phase 4

☐ (*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

INTERIM UTILITY DIRECTOR

Title

VAC14-4935

COBBLESTONE S/D PHASE 4

Close Up View



SUBJECT PROPERTY

R-A

RSF-4

MARBLE DR

RAVEN LN

Legend

..... Multi-Use Trail (Existing)

..... Future Trails

 VAC14-4935

 Fayetteville City Limits

 Footprints 2010

 Hillside-Hilltop Overlay District

 Design Overlay District

 Design Overlay District

 Planning Area

0 37.5 75 150 225 300 Feet

Planning Commission

January 26, 2015

Agenda Item 2

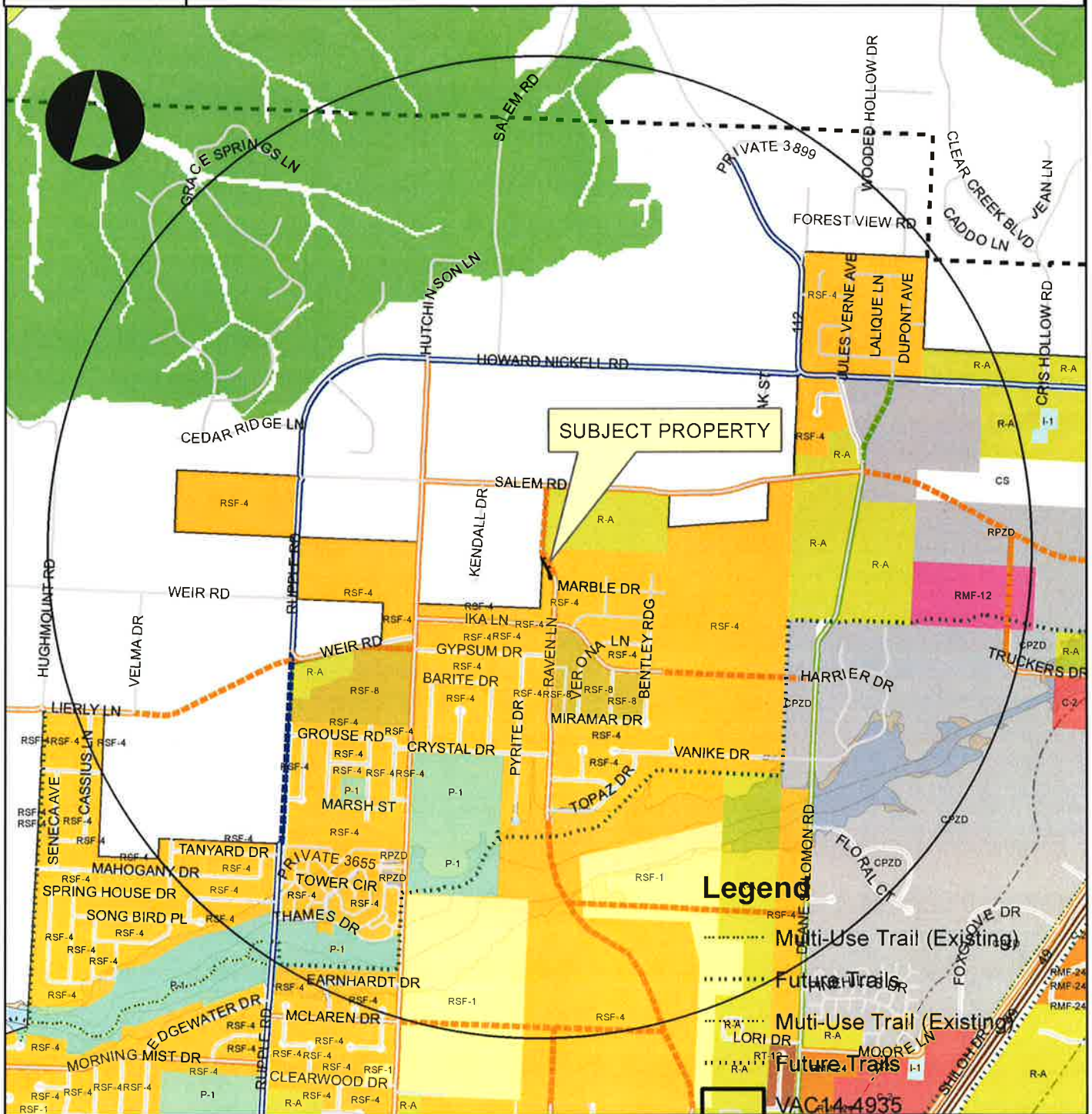
14-4935 Cobblestone S/D

Page 15 of 16

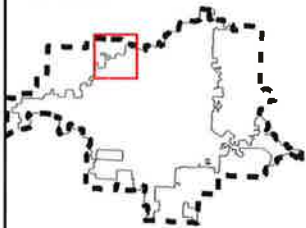
VAC14-4935

One Mile View

COBBLESTONE PHASE 4



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles

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

Planning Commission

January 26, 2015

Agenda Item 2

14-4935 Cobblestone S/D

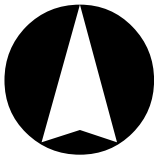
Page 16 of 16

EXHIBIT 'A'
14-4935

VAC14-4935

COBBLESTONE S/D PHASE 4

Close Up View



SUBJECT PROPERTY

R-A

RSF-4

MARBLE DR

RAVEN LN

Legend

Multi-Use Trail (Existing)

Future Trails

VAC14-4935

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area

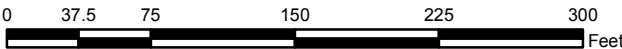


EXHIBIT 'B'

14-4935

LEGAL DESCRIPTION:

A part of the SW1/4 of the SE1/4 of Section 29, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, SE1/4, thence N02°53'20"E 529.69 feet to the POINT OF BEGINNING; thence N02°53'20"E 38.33 feet, thence S28°33'54"E 164.00 feet, thence along a non tangent curve to the left 68.32 feet, said curve having a radius of 244.50 feet and chord bearing and distance of S04°29'57"E 68.10 feet, thence along a curve to the right 33.94 feet, said curve having a radius of 455.50 feet and a chord bearing and distance of S10°22'10"E 33.93 feet, thence N87°04'11"W 9.78 feet, thence N08°10'59"W 76.69 feet, thence N28°33'54"W 148.72 feet to the POINT OF BEGINNING: Containing 3,885.00 square feet or 0.0892 acres more or less subject to easements and right of way of record.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN 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 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 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 condition of approval:

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

PASSED and **APPROVED** this day of , 2015.

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

Text File

File Number: 2015-0062

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 5

VAC 14-4936 (2269 N. HENBEST DR./ADVENTURE SUBARU):

AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE AN 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 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 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.
2. The existing gas line shall be relocated within a new utility easement prior to this vacation taking effect.

City of Fayetteville Staff Review Form

2015-0062

Legistar File ID

2/17/2015

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

Jeremy Pate

1/30/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 14-4936: Vacation (2269 N. HENBEST DR./ADVENTURE SUBARU, 325): Submitted by JORGENSEN & ASSOCIATES for property located at 2269 N. HENBEST DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.78 acres. The request is to vacate 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 FEBRUARY 17, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: January 30, 2015

SUBJECT: **VAC 14-4936: Vacation (2269 N. HENBEST DR./ADVENTURE SUBARU, 325):** Submitted by JORGENSEN & ASSOCIATES for property located at 2269 N. HENBEST DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.78 acres. The request is to vacate an existing utility easement.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located at the southwest corner of Shiloh Drive and Henbest Drive and is developed with the Adventure Subaru car dealership. There is a platted 10-foot wide utility easement located to the west of the existing building.

The applicant is requesting approval to vacate the existing 10-foot utility easement. Prior to the vacation taking effect, the owner must relocate an existing gas line that is within the easement and plat a new easement for the relocated line. The gas company has agreed to the vacation.

DISCUSSION:

On January 26, 2015 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



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Current Planner

MEETING DATE: ~~January 26, 2015~~ Updated January 30, 2015

SUBJECT: **VAC 14-4936: Vacation (2269 N. HENBEST DR./ADVENTURE SUBARU, 325):** Submitted by JORGENSEN & ASSOCIATES for property located at 2269 N. HENBEST DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.78 acres. The request is to vacate an existing utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 14-4936** to the City Council with a recommendation for approval.

BACKGROUND:

Property and background: The subject property is located at the southwest corner of Shiloh Drive and Henbest Drive and is developed with the Adventure Subaru car dealership. There is a platted 10-foot wide utility easement located to the west of the existing building. 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 is requesting approval to vacate the existing 10-foot utility easement. Prior to the vacation taking effect, the owner must relocate an existing gas line that is within the easement and plat a new easement for the relocated line. The gas company has agreed to the vacation.

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

AEP/SWEPCO

Ozarks Electric

Source Gas

AT&T

RESPONSE

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

No objections/No comments

No objections/No comments

The existing gas line shall be relocated within a new utility easement.

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 14-4936** 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. The existing gas line shall be relocated within a new utility easement prior to this vacation taking effect.

PLANNING COMMISSION ACTION: RequiredDate: January 26, 2015☐ Tabled☒ Forwarded☐ Denied

Motion: Cook

Second: Chesser

Vote: 8-0-0

CITY COUNCIL ACTION: Required

Date: February 17, 2015

☐ Approved☐ Denied

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter

Petition to Vacate

Utility Approvals

Easement Vacation Exhibit

One Mile Map

Close Up Map



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

JUSTIN L. JORGENSEN, P.E.

BLAKE E. JORGENSEN, P.E.

December 17th, 2014

City of Fayetteville
113 W. Mountain St
Fayetteville, AR 72701

Attn: Planning Department
Re: Adventure Subaru

To Whom It May Concern:

In pursuit of an expansion to the campus of the Subaru Dealership, a vacation of an existing easement is being requested. This easement only contains a SourceGas, gas line. This vacation will be contingent on the applicant platting any new necessary easements along with relocating any existing utilities in said easements. No permanent loss of existing services will occur with this vacation.

Please review this application and contact us with any questions that you may have.

Sincerely;


Blake E. Jorgensen

PETITION TO VACATE EASEMENTS LOCATED IN THE CITY OF FAYETTEVILLE, ARKANSAS

TO:

The Fayetteville City Planning Commission and
The Fayetteville City Council

On behalf of the owners of the real estate found on the attached Easement Vacation, we are requesting that the existing easements as called on the aforementioned plat, be abandoned and vacated; lying in the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate said Easements which are shown on the attached Easement Vacation Plat.

The petitioners kindly ask that the City of Fayetteville, Arkansas, abandon and vacate the described real estate as called out on the Easement Vacation Plat, subject, however, to the existing utility easements as required, and that the described real estate be used for their respective benefit and purpose as now approved by law.

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

WHEREFORE, the petitioners respectfully request that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the described real estate, subject to said utility 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 16 day of December, 2014

David D. Nelson

Printed Name

David D. Nelson

Signature

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

DATE: 12/11/14 Gas Company

UTILITY COMPANY: _____

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

- ☐ (*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

Fayetteville Division Manager

Title

UTILITY APPROVAL FORM

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

DATE: 12-15-14

UTILITY COMPANY: OZARKS ELECTRIC COOP

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

☐ (*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:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

UTILITY APPROVAL FORM

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

DATE: 12/12/14

UTILITY COMPANY: SWGPCO

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

- ☐ (*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:

John Rayer
Signature of Utility Company Representative

Dist. Engineer
Title

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

DATE: 12/15/2014

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

☐ (*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:
Any damage to or relocation of existing facilities will be at the owners/developers expense.

Kimberly G. Powell
Signature of Utility Company Representative

V.P. Arkansas
Title

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

DATE: 12/11/2014

UTILITY COMPANY: AT&T

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

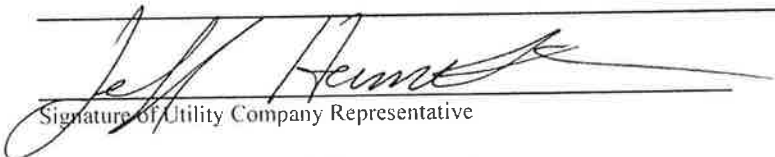
General location / Address Nelms Subaru

☐ (*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

MGR OSP PIng & Engrg Design
Title

UTILITY APPROVAL FORM

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

DATE: 22 DEC 2014

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

☐ (*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

INTERIM UTILITY DIRECTOR

Title

UTILITY APPROVAL FORM

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

DATE: 12/15/2014

UTILITY COMPANY: City of Fayetteville Recycling & Trash

APPLICANT NAME: Jorgensen & Associates

APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

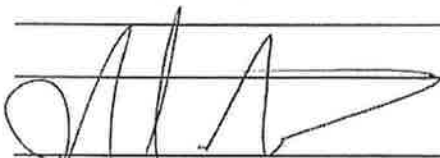
General location / Address Nelms Subaru

☐ (*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

Comm Sales Rep

Title

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

DATE: 12-15-14

UTILITY COMPANY: City of Fayetteville Transportation

APPLICANT NAME: Jorgensen & Associates APPLICANT PHONE: 442-9127

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address Nelms Subaru

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

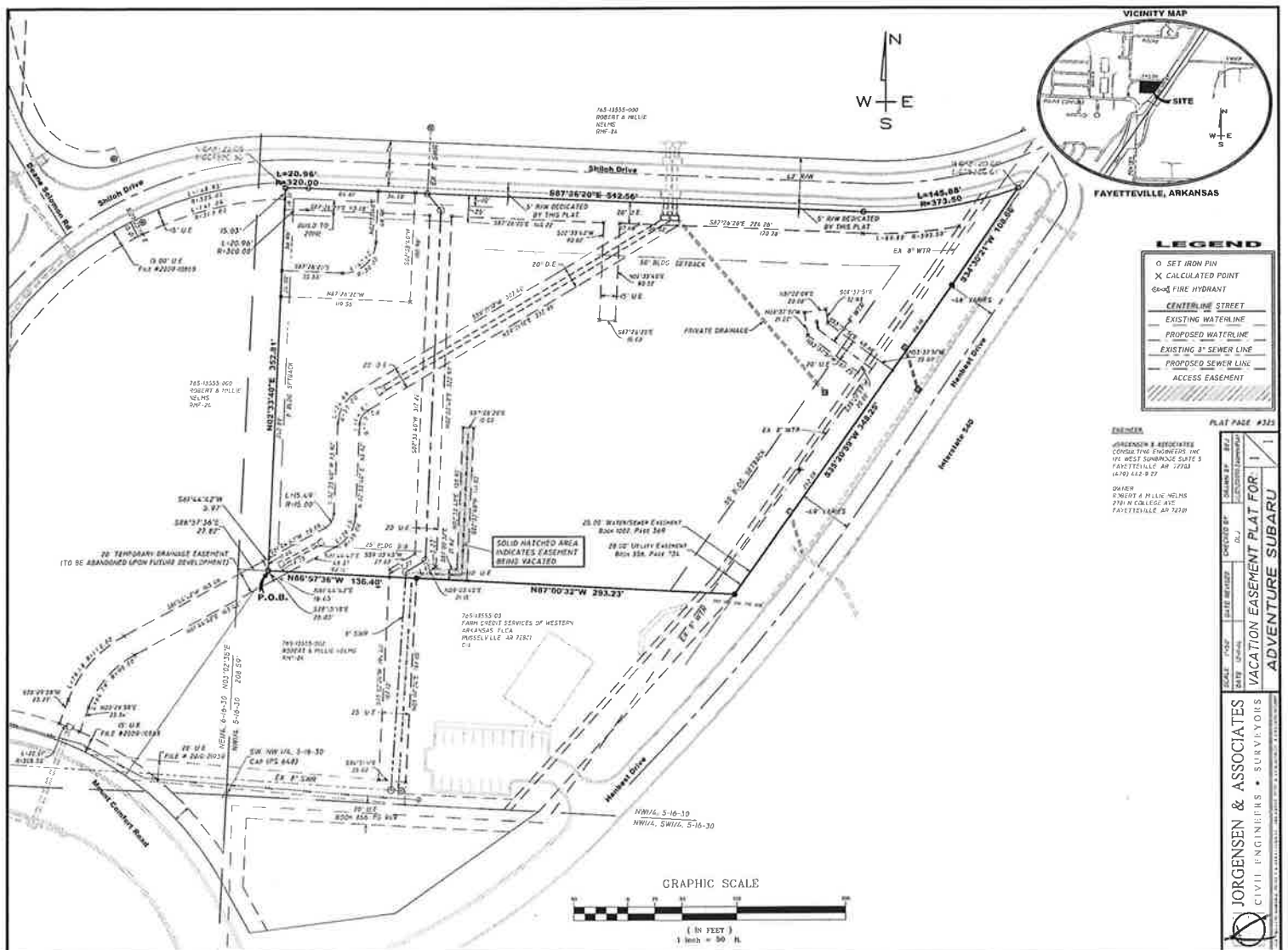
UTILITY COMPANY COMMENTS:

- ☒ 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:

Joey Smith
Signature of Utility Company Representative

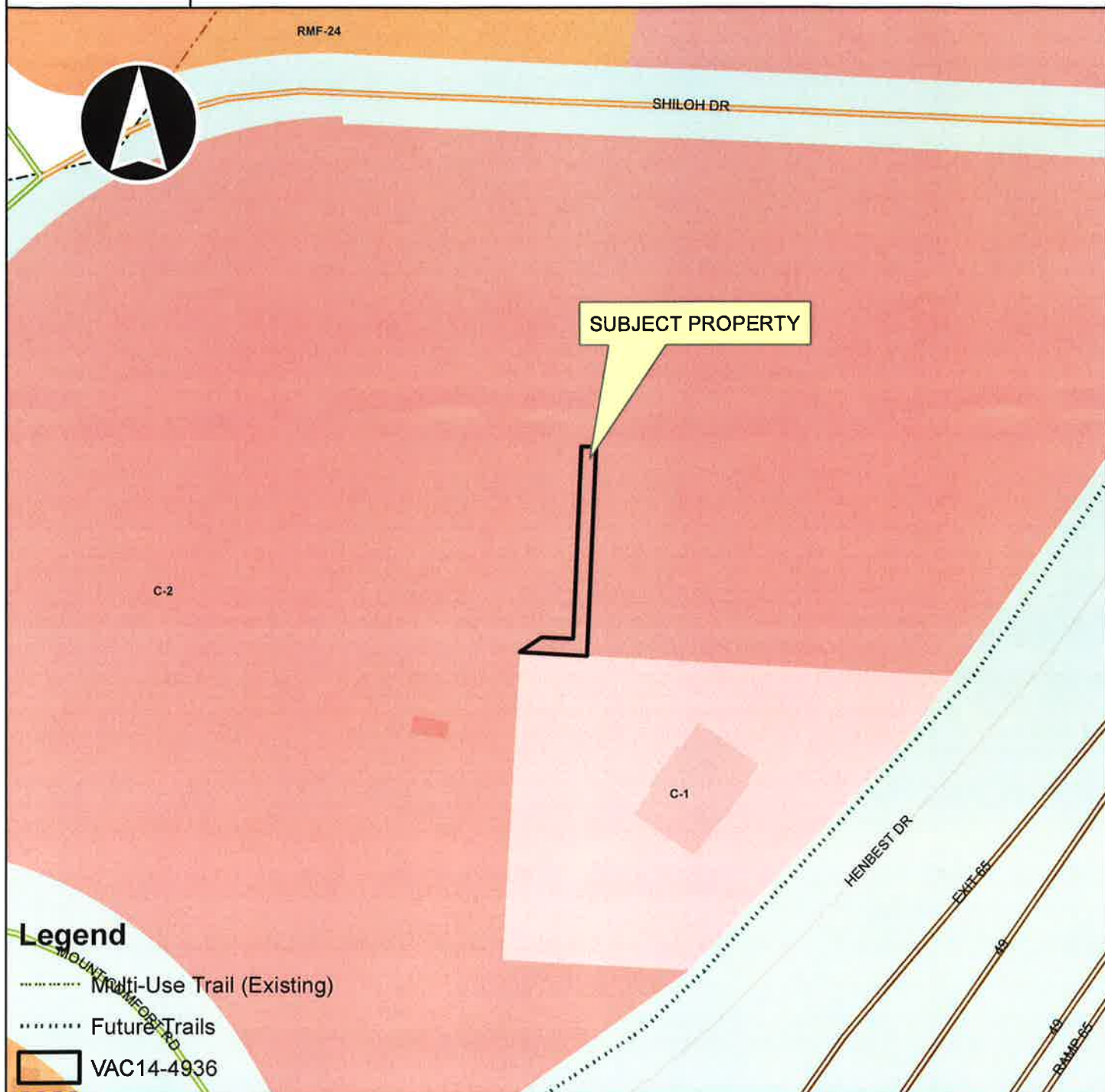
Assistant Transportation Manager
Title



VAC14-4936

ADVENTURE SUBARU

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4936

Overview

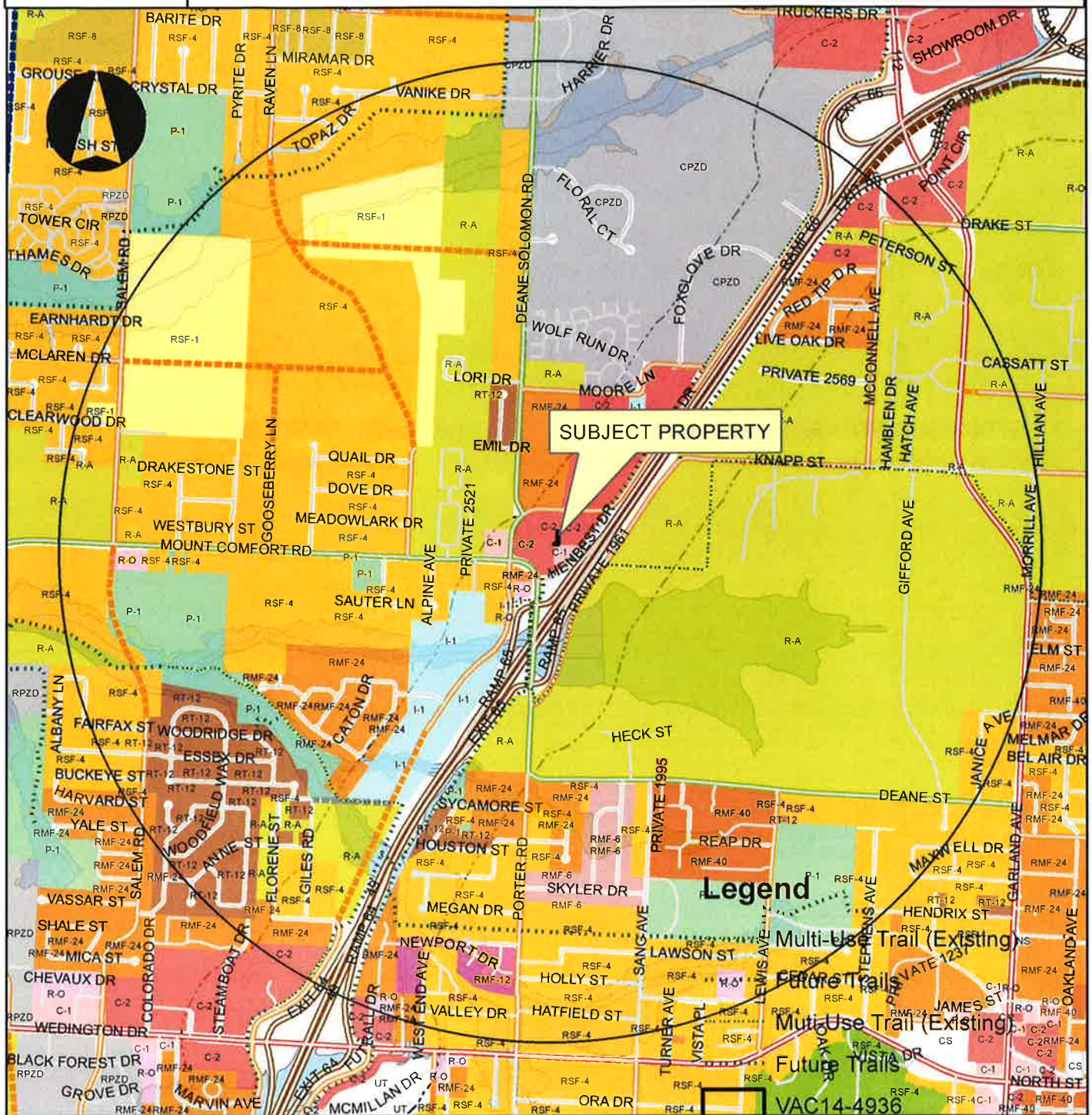
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 37.5 75 150 225 300 Feet

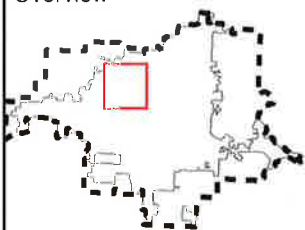
VAC14-4936

ADVENTURE SUBARU

One Mile View



Overview



Legend

Subject Property

Boundary

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

0

0.25

0.5

1

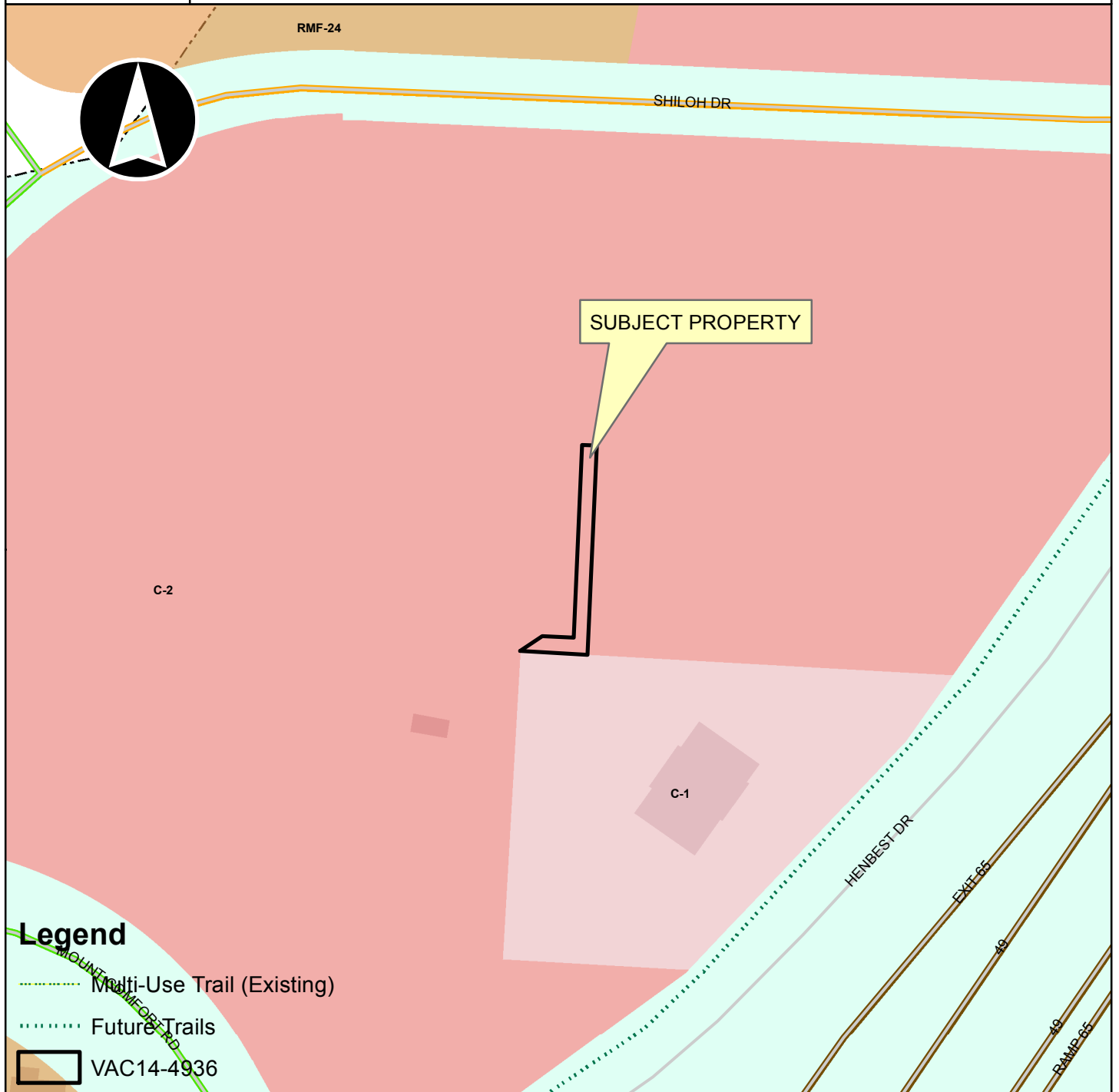
Miles

EXHIBIT 'A'
14-4936

VAC14-4936

Close Up View

ADVENTURE SUBARU



Legend

- Multi-Use Trail (Existing)
- Future Trails
- VAC14-4936

- Overview
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

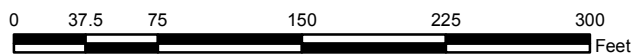


EXHIBIT 'B'

LEGAL DESCRIPTION:

A part of the NW1/4 of Section 5, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said NW1/4, thence N03°02'35"E 208.59 feet, thence S86°57'36"E 164.21 feet to the POINT OF BEGINNING, thence N59°03'45"E 17.92 feet, thence S87°00'32"E 21.62 feet, thence N02°33'40"E 130.95 feet, thence S87°26'20"E 10.00 feet, thence S02°33'40"W 141.03 feet, thence N87°00'32"W 46.56 feet to the POINT OF BEGINNING: Containing 1,701.00 square feet or 0.0390 acres more or less subject to easements and right of way of record.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED
BY JORGENSEN & ASSOCIATES FOR PROPERTY
LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE
AN 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 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 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.
2. The existing gas line shall be relocated within a new utility easement prior to this vacation taking effect.

PASSED and **APPROVED** this day of , 2015.

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

Text File

File Number: 2015-0043

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: D. 6

INSTRUMENT & SUPPLY, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE AN AGREEMENT WITH INSTRUMENT & SUPPLY, INC. OF HOT SPRINGS, ARKANSAS IN THE AMOUNT OF \$40,948.00 PLUS APPLICABLE TAXES FOR THE PURCHASE OF TWO WATER BOOSTER PUMPS AND ONE VARIABLE FREQUENCY DRIVE FOR THE SOUTH MOUNTAIN WATER PUMP STATION

WHEREAS, in 2012 the City replaced two of the four water booster pumps and three of the four variable frequency drives at the South Mountain water pump station on 24th Street with equipment purchased from Instrument & Supply, Inc.; and

WHEREAS, the remaining original pumps and variable frequency drive are obsolete and have exceeded their useful lives and replacing them with the same equipment that was installed in 2012 will reduce warehouse and maintenance costs.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes an agreement with Instrument & Supply, Inc. in the amount of \$40,948.00 plus applicable taxes for the purchase of two water booster pumps and one variable frequency drive for the South Mountain water pump station.

City of Fayetteville Staff Review Form

2015-0043

Legistar File ID

2/17/2015

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

Jim Beavers

1/23/2015

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

City Administration recommends approval of a bid waiver and approval of a contract with Instrument and Supply, Hot Springs, Arkansas to purchase two water booster pumps and one VFD in the estimated amount of \$40,948.00 plus \$3,992.43 sales tax. The total estimated amount is \$44,940.43.

Budget Impact:

5400.5600.5808.00

Water/Sewer

Account Number

Fund

10005.1

South Mtn Pump Station Repair & Replace

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 73,596.00

Funds Obligated \$ -

Current Balance \$ 73,596.00

Does item have a cost? Yes

Item Cost \$ 44,940.43

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 28,655.57

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



MEETING OF FEBRUARY 17, 2015

TO: Mayor Jordan and City Council Members

THRU: Don Marr, Chief of Staff
Tim Nyander, Utility Director
Water and Sewer Committee

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: January 23, 2015

SUBJECT: Approval of a bid waiver and approval of a contract with Instrument and Supply, Hot Springs, Arkansas for two water booster pumps and one VFD in the amount of \$44,940.43.

RECOMMENDATION:

City Administration recommends approval of a bid waiver and approval of a contract with Instrument and Supply, Hot Springs, Arkansas to purchase two Pentair Fairbanks Nijhuis booster pumps and one VFD in the estimated amount of \$40,948.00 plus \$3,992.43 sales tax. The total estimated amount is \$44,940.43.

BACKGROUND:

The project consists of replacing and upgrading two pumps and motors and one variable frequency drives and electrical systems for the South Mountain water pump station on 24th Street. The pump station has been in service for over 30 years with no upgrades. The variable frequency drive is obsolete, the electrical systems are out of date, and the older pumps and motors have exceeded their useful life. Two of the four existing pumps and three VFD's have been replaced in 2012 with Pentair Fairbanks Nijhuis pumps and appurtenances.

At this time the remaining two pumps will be replaced and the fourth VFD added. Utilities requests to use Pentair Fairbanks Nijhuis pumps for standardization, interchangeable replacement parts and to reduce warehouse and maintenance costs.

DISCUSSION:

The bid waiver will permit all pumps in the booster station to be Pentair Fairbanks Nijhuis (previously Pentair Fairbanks Morse)

Instrument and Supply of Hot Springs, Arkansas has a written agreement with Pentair to be the sole supplier of Pentair Fairbanks Nijhuis pumps in Arkansas. Thus it is not practical or feasible to bid these two pumps and require Pentair Fairbanks Nijhuis.

The proposed prices were reviewed by the Utility. The installation will be by City and CH2M HILL forces.

BUDGET/STAFF IMPACT:

Budgeted funds are available in the South Mountain Pump Station Repair & Replacement project.

ATTACHMENTS:

1. Staff Review Form
2. Purchase Order Request
3. Bid waiver
4. Contract
5. South Mountain Pump Specs
6. Instrument and Supply Quote

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: 1/20/2015			
							P.O Number:			
Vendor #: 52260			Vendor Name: Instrument & Supply, Inc.				Mail ☒ Yes ☐ No		Legistar#: 2015-0043	
Address: P.O. Box 1679					FOB Point:		Taxable ☐ Yes ☒ No			
City: Hot Springs			State: AR		Zip Code: 71902	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	South Mountain Pump Station Repair-- New PENTAIR 2.5" 1823B Pump	2	EA	16,054.00	\$32,108.00	5400.5600.5808.00	10005.1			
2	South Mountain Pump Station Repair-- New 75 HP VFD	1	EA	8,840.00	\$8,840.00	5400.5600.5808.00	10005.1			
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: \$40,948.00			
							Tax: \$3,992.43			
							Total: \$44,940.43			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				

SECTION 0500

AGREEMENT BETWEEN CITY OF FAYETTEVILLE AND INSTRUMENT & SUPPLY, INC.

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2015 by and between the **CITY OF FAYETTEVILLE** and **INSTRUMENT & SUPPLY, INC.**

1. If the proposed bid waiver has been approved by the Fayetteville City Council then **INSTRUMENT & SUPPLY, INC** shall commence and complete all Work as specified or indicated in the Invitation to Quote, Technical Specifications and this Agreement. The **WORK** is generally described as follows:

Instrument & Supply shall furnish, F.O.B. Water & Sewer at 2435 S. Industrial Dr., Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1	PENTAIR 1823B 2.5" horizontal split case Pumps and motors as specified	2	\$16,054.00	\$32,108.00
2	Variable Frequency Drive (VFD) as specified	1	\$8,840.00	\$8,840.00

Sales tax is additional to the above quoted prices.

2. The **CITY OF FAYETTEVILLE** shall pay **INSTRUMENT & SUPPLY, INC.** in the manner and at such times as set forth in the Invitation to Quote.
3. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
4. The term **CONTRACT DOCUMENTS** shall mean and include the following:
 - 5.1 Invitation to Quote.
 - 5.2 Technical Specifications included within the Invitation to Quote and/or attached thereto.
 - 5.3 Agreement Between City of Fayetteville and Instrument & Supply, Inc.
5. **MISCELLANEOUS**
 - 5.1. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of

the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

- 5.2. City of Fayetteville and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 5.3. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.
- 5.4. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
- 5.5. **Freedom of Information Act.** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, 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.
- 5.6. This contract must be interpreted under Arkansas Law.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and INSTRUMENT & SUPPLY, INC. have signed this Agreement in triplicate. One counterpart each has been delivered to City of Fayetteville, Engineer, and Contractor. All portions of the Contract Documents have been signed, initialed, or identified by City of Fayetteville and Contractor or identified by Engineer on their behalf.

OWNER

CITY OF FAYETTEVILLE

BY _____
Signature

CONTRACTOR

INSTRUMENT & SUPPLY, INC.

BY  _____
Signature
Chris Enloe

Mayor Lioneld Jordan

Printed Name & Title

[CORPORATE SEAL]

ATTEST _____

Signature

Printed Name & Title

Address for giving notices:

113 W. Mountain
Fayetteville, AR 72701

Chris Enloe, Vice President

Printed Name & Title

[CORPORATE SEAL]

ATTEST _____

Renee Howerton
Signature

Renee Howerton, Sales Secretary

Printed Name & Title

Address for giving notices:

141 Technic Circle

Hot Springs, AR 71901

END OF SECTION 0500



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

INVITATION TO QUOTE: PROPOSED BID WAIVER will be requested from the Fayetteville, City Council for Instrument & Supply, Inc. The PROPOSED BID WAIVER is not official or approved until subsequently approved by the Fayetteville City Council.

Two PENTAIR 1823 pumps and one VFD as further described in the attached technical specifications.

PURCHASING AGENT: Andrea Foren, CPPB, CPPO

UTILITIES ENGINEER: Jim Beavers, P.E.

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

A request for a Bid Waiver will be considered by the Fayetteville City Council. The Bid Waiver is not guaranteed. The potential supplier (Instrument & Supply, Inc.) shall not proceed to supply the equipment described herein unless and until Instrument and Supply receive an Agreement executed by the Mayor, City of Fayetteville.

"Bid" and "Quote" may be used interchangeably with in this specific document for a proposed Bid Waiver.

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: Instrument & Supply, Inc.

Purchase Order/Payments shall be issued to this name

Contact Person: Chris Enloe Title: Vice President of Operations

Email: cenloe@isiequip.com Phone: 501-262-3282

Business Address: P.O. Box 1679 City: Hot Springs State: Arkansas Zip Code: 71902

DATE REQUIRED AS A COMPLETE UNIT: 120 days from Date of Order

*NAME OF BIDDER: Instrument & Supply, Inc.

*GUARANTEED DELIVERY DATE: 120 days from date of order

By: Instrument & Supply, Inc.

Printed name: Chris Enloe

Authorized signature



Date: January 20, 2015

F.O.B. Water & Sewer at 2435 S. Industrial Dr., Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1	PENTAIR 1823B 2.5" horizontal split case Pumps, motors as specified	2	\$16,054.00	\$32,108.00
2	Variable Frequency Drive (VFD) as specified	1	\$8,840.00	\$8,840.00

TOTAL QUOTE / BID PRICE: \$40,948.00 plus sales tax

Sales tax is estimated at 9.75% = \$3,992.43

Total price is estimate at \$44,940.43

THIS QUOTE/BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF QUOTE/BID (and/or Bid Waiver if approved):

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must 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.

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

Name of Firm: Instrument & Supply, Inc.

Purchase Order/Payments shall be issued to this name

Contact Person: Chris Enloe Title: Vice President of Operations

Email: cenloe@isiequip.com Phone: 501-262-3282

Business Address: P.O. Box 1679 City: Hot Springs State: Arkansas Zip Code: 71902

DATE REQUIRED AS A COMPLETE UNIT: 120 days from Date of Order

*NAME OF BIDDER: Instrument & Supply, Inc.

*GUARANTEED DELIVERY DATE: 120 days from date or order

By: Instrument & Supply, Inc.

Printed name: Chris Enloe

Authorized signature



Date January 20, 2015

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

- a. Bids will be reviewed following the stated deadline, if shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the City of Fayetteville.
- c. 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.
- d. Bidders shall have experience in providing products and/or services of the same or similar nature.
- e. Bidder is advised that exceptions to any of the terms contained in this bid shall 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.
- f. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the local time as shown by the atomic clock located in the Purchasing Division Office.
- g. 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.
- 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. The City of Fayetteville reserves the right to accept or reject any requested equal.

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

- a. In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following. 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 verify 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 §2-9-203 the City of Fayetteville encourages all *qualified* small, minority and women's 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's business enterprises.

10. PROVISION FOR OTHER AGENCIES: N/A

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 JURISDICTION:

- 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 (AC.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 any and 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 impendency 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. **CERTIFICATE OF INSURANCE:**

The successful bidder shall provide a Certificate of Insurance in accordance with specifications listed in this request for proposal, prior to commencement of any work. Such certificate shall list the City of Fayetteville as an additional insured. Insurance shall remain valid, when applicable, throughout project completion.

This bid is considered a public improvement bid. Public improvement bids with a total of \$20,000 or more shall submit certificates of insurance within 10 days of notice of notice to proceed, after City Council approval. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation: Statutory

Comprehensive General & Automotive Liability: Amount: \$250,000 each person, 500,000 Aggregate

26. **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 shall NOT be included in the bid price.** Applicable Arkansas sales tax laws will apply to this bid but not be considered for the bid evaluation process. The City is not a sales tax exempt entity.
- 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) Bidder's 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@ci.fayetteville.ar.us). 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@ci.fayetteville.ar.us) 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 bid, or any contract entered related thereto, shall be governed by Arkansas law without regard to conflicts of law principles. Proposer hereby expressly and irrevocably waives any claim or defense in any action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- k) 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 it 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.

- l) 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 the 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.

27. **INVOICING:** All invoices shall be presented to the City with the minimum information listed below.

- a. City Department that ordered the materials or services
- b. Order Date
- c. Delivery date or the date of service
- d. Name of the City Employee that requested or picked up the goods, materials, or service
- e. Bid Number that applies to the purchase and invoice. Amounts in the bid shall match invoicing.

28. **ADDITIONAL INFORMATION PROVIDED AND REQUIRED FOR THIS BID:** The following attachments are hereby included and are made part of the requirements for this bid package. Pricing shall be inclusive of the entire bid package, inclusive of these attachments:

Technical Specifications: Horizontal Split Case Pumping System

HORIZONTAL SPLIT CASE PUMPING SYSTEM SPECIFICATIONS

PART 1 - GENERAL

- 1.01. This specification includes the supply of two (2) horizontal split case pump and motor. Pumps shall have a maximum 3" diameter suction and 2-1/2" diameter discharge. Each unit shall be furnished with a pump, driver, and base with coupling guard. Pumps are to be connected to drivers by suitably sized flexible couplings.

Pumps shall be PENTAIR 2-1/2" 1823B (FAIRBANKS NIJHUIS)

1.02 QUALITY ASSURANCE

- A. All pumping equipment furnished under this Section shall be of a design and manufacture that has been used in similar applications, and it shall be demonstrated to the satisfaction of the City of Fayetteville that the quality is equal to equipment made by that manufacturer specifically named herein.
- B. Unit responsibility. Pumps, complete with motor, coupling, necessary guards, and all other specified accessories and appurtenances shall be furnished by the pump system supplier to insure compatibility and integrity of the individual components, and provide the specified warranty for all components.
- C. Pumps are to be engineered and manufactured under a written Quality Assurance program. The Quality Assurance program is to be in effect for at least ten years, to

include a written record of periodic internal and external audits to confirm compliance with such program.

- E. Pump(s) are to be engineered and manufactured under the certification of ISO-9001:2000.

1.03 PERFORMANCE

- A. The pump(s) shall be designed for continuous operation and will be operated continuously under normal service.
- B. PERFORMANCE AND OPERATIONAL CRITERIA

	Flow (GPM)	TDH (ft.)	Min. Efficiency (%)	Max. Pump Speed (RPM)
Operating Pt. 1	160	230	48	3550
Operating Pt. 2	320	206	64	3550
Operating Pt. 2	400	180	65	3550

- C. Net positive suction head available at the centerline of the pump impeller is 75 psi.
- D. The maximum shutoff head allowed is 234 ft.
- E. Maximum solids passage through the impeller is 0.375 inches.
- F. Liquid pumped is potable water with a maximum temperature of 110 degF.
- G. Maximum motor horsepower allowed is 30 HP, and shall be non-overloading through the entire operating range of the application.
- H. Minimum stable flow shall be 80 GPM.

PART 2 - PRODUCTS

2.01 PUMPS

A. Manufacturers

1. Pumps shall be PENTAIR the product of Fairbanks NIJHUIS Morse Pump, model 1823B.
2. Alternates or substitutions shall not be approved.

B. Design

1. Rotation

The pump will be clockwise rotation when viewed from the driver end looking at the pump.

2. Impeller

- a. The bronze impeller shall be of the enclosed type, double suction, Francis vane design, to minimize inlet losses and accommodate high suction lifts.
- b. Impeller shall be hydraulically and statically balanced to reduce bearing loading.
- c. Impellers shall be precision cast in one piece with smooth flow contours to promote maximum efficiency.
- d. Impellers shall be fixed axially along the shaft by shaft sleeves and sleeve nuts, and secured to the shaft through a precision fit and full-length key.
- e. The impeller hub shall have sufficient metal thickness to allow machining for installation of impeller wear rings.

3. Casing

- a. The casing shall be made of close-grained cast iron conforming to ASTM A48 CL30 suitable for 250 PSI working pressure when 150 lb. ANSI discharge flange is used.
- b. Casing shall withstand a minimum 375 PSI hydrostatic test.
- c. Casing shall consist of upper and lower half castings containing the volute and suction passages, and removable bearing housings that are doweled and securely bolted to the lower half casing. Inboard and outboard bearing housings shall be replaceable without the need for field alignment.
- d. Casing shall be axially split along the horizontal shaft centerline with flat-faced suction and discharge flanges and mounting feet cast integral with the lower half casing.
- e. Casing shall be lined-bored to assure concentricity and angular alignment.
- f. The upper and lower half casings shall be single volute doweled to permit easy removal and accurate replacement of the upper half for inspection and maintenance. The upper half casing shall be completely removable without disturbing the suction or discharge piping connections.
- g. Suction and discharge connections shall be sized to reduce hydraulic friction losses and to reduce turbulence and pipe noise. All suction and discharge flanges shall be designed for straight through nut-and-bolt flange connections. Suction flange shall be 125# ANSI drilling and the discharge flange 125# ANSI drilling.
- h. Upper half casing shall have a drilled and tapped connection at the highest point on the casing for the purpose of pump priming and/or air release. Lower half casing shall be drilled and tapped to allow for drainage piping.

4. Wear Rings

- a. Wear rings shall be provided on both the impeller and casing so that clearances can be maintained throughout the life of the rings and minimize recirculation.
- b. Impeller wear rings shall be of the annular type.
- c. Casing wear rings shall be of the annular type pinned at the parting flange of the casing to prevent rotation.
- d. Wear rings shall be bronze.

5. Bearings

- a. Bearings shall be single row and deep groove ball type selected to carry radial and thrust loads.
- b. Interchangeable inboard and outboard bearings shall be press fit and positioned onto ground journals on both ends of an accurately machined shaft.
- c. Bearing housings shall be doweled and accurately positioned onto the bearing shoulders located on the lower half casing to ensure accurate alignment.
- d. Bearings shall be grease lubricated, however, pump and bearing construction shall be such that a change to oil lubrication can be made in the field, using the same bearings.
- e. Bearings shall be designed for an L10 life of 100,000 hours per ABMA at best efficiency point.

6. Shaft

- a. The pump shaft shall be manufactured of high quality heat treated 416SS of sufficient diameter to allow no greater than 0.003" maximum deflection as measured at the sealing box for all normal performance conditions on the curve.

- b. Shaft shall be manufactured to meet stiff shaft construction with a critical speed at least 25% in excess of operating speed, in order to prevent vibration and fatigue.
 - c. Shaft shall be accurately machined along its entire length. A keyway shall be machined at the coupling end. No threads shall be machined adjacent to the impeller.
- 7. Sealing Box
 - a. The shaft seals shall be mechanical seals with a stationary seal positioned against a rotating seal. Shaft seals will be carbon faced, and will be furnished with 316SS shaft sleeves. Shaft seals shall be non-proprietary, and shall be available locally. Seals shall be John Crane Type 21, or pre-approved equal.
 - b. External piping complete with snubber valves shall be installed from the casing to each sealing box to circulate sealing water.
- 8. Baseplate, Coupling and Guard
 - a. A fabricated steel base for pump and drive is to be supplied. Base shall be designed to resist torsional movement and support the combined weight of both pump and driver.
 - b. After leveling and alignment, the base shall be grouted and completely filled with a non-shrinking grout.
 - c. A flexible coupling and an enclosed type coupling guard shall be provided.
- 9. Coatings
 - a. Pump, motor, and baseplate shall be coated with one (1) coat of Tnemec, Hi-Build Epoxy, Series 66, epoxy paint to 4.0 to 6.0 mils DMT. Paint color shall be selected by the City of Fayetteville (True Blue/Safety).
- 10. Testing
 - a. The pump manufacturer shall perform non-witnessed hydraulic testing of pumps prior to shipment.
- 11. Quality Control

Pumps shall be manufactured by companies whose management system is registered to ISO 9001:2000.

2.02 MOTORS

A. Operating Conditions

Motors shall be rated for a maximum of 30 horsepower at 3600 RPM, and for use with 480 volts, 60 Hertz, 3 phase power.

B. Manufacturers

Motors shall be the product of Baldor, GE, or WEG, or equal, and shall be furnished by the pump manufacturer.

C. Design

- 1. The pump will be furnished with 286TS motor frame as NEMA designates for polyphase, squirrel-cage, design B, horizontal motors.
- 2. The motor enclosure shall be type TEFC, totally enclosed fan-cooled.
- 3. The motor insulation system shall be Class F, and shall be suitable for use with a variable frequency drive.
- 4. Motor service factor shall be 1.15.
- 5. Motors shall be rated for continuous duty at 40 degrees C.
- 6. Motors shall be premium efficiency and shall be minimum 91.0% efficient.
- 7. Bearings shall be sealed, ball bearing type, and shall be lubricated with grease. Zirk type service fittings shall be provided on the drive and opposite ends for maintenance.

8. Motors shall be self-supporting type and shall be foot mounted to the pump base plate by the pump manufacturer.
9. The motor will be factory tested by the motor manufacturer prior to shipment to the pump manufacturer.

2.03 VARIABLE FREQUENCY DRIVES (VFD's)

A. General

One additional VFD's shall be provided to match the existing three 75 HP VFD's previously delivered to the City of Fayetteville.

B. Manufacturers

VFD's shall be a standard product of ABB (ACS550-U1-097A-4), and shall be provided by the pumping system supplier.

C. Construction

1. VFD's shall be UL Plenum rated.
2. All heat sink fans shall be accessible from the front with removal of the VFD power converter, and will be controlled by an internal temperature sensor.
3. The VFD enclosure shall be NEMA Type 1 with bottom mounted conduit entrances.
4. The VFD shall be designed to operate in ambient temperatures from 14 to 120degF, and relative humidity of 95% non-condensing.
5. The VFD will have removable terminal connection strips for all logic and analog inputs and outputs in the power converter.
6. The VFD shall be furnished with a 4-20mADC input for a speed reference.
7. The VFD will accept two (2) dry contacts inputs for emergency stop and run/stop command.
8. The VFD will provide a three (3) relay form A outputs for VFD fault, VFD running, and loss of speed reference.
9. The VFD shall have a keypad display shall be provided for viewing and modification of VFD parameters and diagnostics. The display shall have password protection capability.

D. Operation

1. VFD's shall be sized to operate a variable torque load at a speed range from 1.0Hz to 72Hz.
2. The VFD shall be designed to operate a 75HP motor on +/- 480 volts, 3 phase, 60 hertz incoming power.
3. The overtorque rating shall be 110% for 1 minute.

E. Protection

1. The AC drive shall be rated for UL minimum short circuit currents per given horsepower rating.
2. The AC Drive shall be protected against short circuits, between output phases and to ground.
3. The AC Drive shall have under-voltage power-loss ride through performance per the SEMI F-47 voltage ride through standard and certified by a third party.

PART 3 - EXECUTION

3.01 Post-production

- A. All installation will be provided by the City of Fayetteville. The Pumping System Supplier will provide one (1) day of installation guidance.
- B. After installation of all components is complete, City of Fayetteville will notify Pumping system Supplier for startup. Pumping system supplier will provide one (1) day of Start-up. If additional days are needed, they will be billed to the City of Fayetteville at the Suppliers standard field rate.
- C. After Startup is complete, Pumping System Supplier will provide two (2) printed sets of operation and maintenance manuals and one (1) digital copy in .pdf format.

3.02 Warranty

- A. Pumping System Supplier shall provide 24 months non-prorated warranty after delivery of equipment has been made.

3.03 Payment

- A. City of Fayetteville will pay for equipment once as it arrives at the City of Fayetteville's jobsite. The City of Fayetteville will retain 10% of each invoice for retainage. The City of Fayetteville will release the remaining 10% retainage within thirty (30) days after system has been deemed substantially complete by the City of Fayetteville.

END OF SECTION

This page does not count towards page limitations set forth in this request for proposal or bid. Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Your response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

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

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

XX 1. No Known Relationship Exists

_____ 2. Relationship exists (Please explain)

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

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



Signature:

Date: January 20, 2015



January 9, 2015

To: Mr. Jim Beavers, PE
City of Fayetteville, AR
113 W. Mountain Dr.
Fayetteville, AR 72701

Quote 0115-06-0901

RE: South Mountain Pump Station

Dear Mr. Beavers,

As I understand it, the City of Fayetteville would like to purchase two Fairbanks 1823B pumps with 30HP motors and one ABB 75HP VFD. I have provided pricing for these items below for your review:

SCOPE OF QUOTATION

INSTRUMENT & SUPPLY, INC. IS PLEASED TO OFFER THE FOLLOWING ITEMS:

New 2.5" 1823B Pump Price: \$16,054.00 x 2 =	\$32,108.00
New 75HP VFD Price:	<u>\$ 8,840.00</u>
Total New Equipment	\$40,948.00

Freight to Fayetteville and one day of startup is included. Taxes, offloading, installation are not included.

If you have any questions, please do not hesitate to contact me at the office number above, at the following cell phone number 501-622-0479, or email me at cenloe@isiequip.com. May God bless you all in your endeavors.

Yours truly,

Chris Enloe

VP-Operations

P. O. Box 1679, Hot Springs, AR 71902
Phone: 501-262-3282 Fax: 501-262-4847

HORIZONTAL SPLIT CASE PUMPING SYSTEM SPECIFICATIONS

PART 1 - GENERAL

- 1.01. This specification includes the supply of two (2) horizontal split case pump and motor. Pumps shall have a maximum 3" diameter suction and 2-1/2 diameter discharge. Each unit shall be furnished with a pump, driver, and base with coupling guard. Pumps are to be connected to drivers by suitably sized flexible couplings.

Pumps shall be PENTAIR 2-1/2" 1823B (FAIRBANKS NIJHUIS)

1.02 QUALITY ASSURANCE

- A. All pumping equipment furnished under this Section shall be of a design and manufacture that has been used in similar applications, and it shall be demonstrated to the satisfaction of the City of Fayetteville that the quality is equal to equipment made by that manufacturer specifically named herein.
- B. Unit responsibility. Pumps, complete with motor, coupling, necessary guards, and all other specified accessories and appurtenances shall be furnished by the pump system supplier to insure compatibility and integrity of the individual components, and provide the specified warranty for all components.
- C. Pumps are to be engineered and manufactured under a written Quality Assurance program. The Quality Assurance program is to be in effect for at least ten years, to include a written record of periodic internal and external audits to confirm compliance with such program.
- E. Pump(s) are to be engineered and manufactured under the certification of ISO-9001:2000.

1.03 PERFORMANCE

- A. The pump(s) shall be designed for continuous operation and will be operated continuously under normal service.
- B. PERFORMANCE AND OPERATIONAL CRITERIA

	Flow (GPM)	TDH (ft.)	Min. Efficiency (%)	Max. Pump Speed (RPM)
Operating Pt. 1	160	230	48	3550
Operating Pt. 2	320	206	64	3550
Operating Pt. 2	400	180	65	3550

- C. Net positive suction head available at the centerline of the pump impeller is 75 psi.
- D. The maximum shutoff head allowed is 234 ft.
- E. Maximum solids passage through the impeller is 0.375 inches.
- F. Liquid pumped is potable water with a maximum temperature of 110 degF.

- G. Maximum motor horsepower allowed is 30 HP, and shall be non-overloading through the entire operating range of the application.
- H. Minimum stable flow shall be 80 GPM.

PART 2 - PRODUCTS

2.01 PUMPS

A. Manufacturers

- 1. Pumps shall be PENTAIR the product of Fairbanks NIJHUIS Morse Pump, model 1823B.
- 2. Alternates or substitutions shall not be approved.

B. Design

1. Rotation

The pump will be clockwise rotation when viewed from the driver end looking at the pump.

2. Impeller

- a. The bronze impeller shall be of the enclosed type, double suction, Francis vane design, to minimize inlet losses and accommodate high suction lifts.
- b. Impeller shall be hydraulically and statically balanced to reduce bearing loading.
- c. Impellers shall be precision cast in one piece with smooth flow contours to promote maximum efficiency.
- d. Impellers shall be fixed axially along the shaft by shaft sleeves and sleeve nuts, and secured to the shaft through a precision fit and full-length key.
- e. The impeller hub shall have sufficient metal thickness to allow machining for installation of impeller wear rings.

3. Casing

- a. The casing shall be made of close-grained cast iron conforming to ASTM A48 CL30 suitable for 250 PSI working pressure when 150 lb. ANSI discharge flange is used.
- b. Casing shall withstand a minimum 375 PSI hydrostatic test.
- c. Casing shall consist of upper and lower half castings containing the volute and suction passages, and removable bearing housings that are doweled and securely bolted to the lower half casing. Inboard and outboard bearing housings shall be replaceable without the need for field alignment.
- d. Casing shall be axially split along the horizontal shaft centerline with flat-faced suction and discharge flanges and mounting feet cast integral with the lower half casing.
- e. Casing shall be lined-bored to assure concentricity and angular alignment.
- f. The upper and lower half casings shall be single volute doweled to permit easy removal and accurate replacement of the upper half for inspection and maintenance. The upper half casing shall be completely removable without disturbing the suction or discharge piping connections.
- g. Suction and discharge connections shall be sized to reduce hydraulic friction losses and to reduce turbulence and pipe noise. All suction and

discharge flanges shall be designed for straight through nut-and-bolt flange connections. Suction flange shall be 125# ANSI drilling and the discharge flange 125# ANSI drilling.

- h. Upper half casing shall have a drilled and tapped connection at the highest point on the casing for the purpose of pump priming and/or air release. Lower half casing shall be drilled and tapped to allow for drainage piping.

4. Wear Rings

- a. Wear rings shall be provided on both the impeller and casing so that clearances can be maintained throughout the life of the rings and minimize recirculation.
- b. Impeller wear rings shall be of the annular type.
- c. Casing wear rings shall be of the annular type pinned at the parting flange of the casing to prevent rotation.
- d. Wear rings shall be bronze.

5. Bearings

- a. Bearings shall be single row and deep groove ball type selected to carry radial and thrust loads.
- b. Interchangeable inboard and outboard bearings shall be press fit and positioned onto ground journals on both ends of an accurately machined shaft.
- c. Bearing housings shall be doweled and accurately positioned onto the bearing shoulders located on the lower half casing to ensure accurate alignment.
- d. Bearings shall be grease lubricated, however, pump and bearing construction shall be such that a change to oil lubrication can be made in the field, using the same bearings.
- e. Bearings shall be designed for an L10 life of 100,000 hours per ABMA at best efficiency point.

6. Shaft

- a. The pump shaft shall be manufactured of high quality heat treated 416SS of sufficient diameter to allow no greater than 0.003" maximum deflection as measured at the sealing box for all normal performance conditions on the curve.
- b. Shaft shall be manufactured to meet stiff shaft construction with a critical speed at least 25% in excess of operating speed, in order to prevent vibration and fatigue.
- c. Shaft shall be accurately machined along its entire length. A keyway shall be machined at the coupling end. No threads shall be machined adjacent to the impeller.

7. Sealing Box

- a. The shaft seals shall be mechanical seals with a stationary seal positioned against a rotating seal. Shaft seals will be carbon faced, and will be furnished with 316SS shaft sleeves. Shaft seals shall be non-proprietary, and shall be available locally. Seals shall be John Crane Type 21, or pre-approved equal.

- b. External piping complete with snubber valves shall be installed from the casing to each sealing box to circulate sealing water.
- 8. Baseplate, Coupling and Guard
 - a. A fabricated steel base for pump and drive is to be supplied. Base shall be designed to resist torsional movement and support the combined weight of both pump and driver.
 - b. After leveling and alignment, the base shall be grouted and completely filled with a non-shrinking grout.
 - c. A flexible coupling and an enclosed type coupling guard shall be provided.
- 9. Coatings
 - a. Pump, motor, and baseplate shall be coated with one (1) coat of Tnemec, Hi-Build Epoxy, Series 66, epoxy paint to 4.0 to 6.0 mils DMT. Paint color shall be selected by the City of Fayetteville (True Blue/Safety).
- 10. Testing
 - a. The pump manufacturer shall perform non-witnessed hydraulic testing of pumps prior to shipment.
- 11. Quality Control
 - Pumps shall be manufactured by companies whose management system is registered to ISO 9001:2000.

2.02 MOTORS

A. Operating Conditions

Motors shall be rated for a maximum of 30 horsepower at 3600 RPM, and for use with 480 volts, 60 Hertz, 3 phase power.

B. Manufacturers

Motors shall be the product of Baldor, GE, or WEG, or equal, and shall be furnished by the pump manufacturer.

C. Design

- 1. The pump will be furnished with 286TS motor frame as NEMA designates for polyphase, squirrel-cage, design B, horizontal motors.
- 2. The motor enclosure shall be type TEFC, totally enclosed fan-cooled.
- 3. The motor insulation system shall be Class F, and shall be suitable for use with a variable frequency drive.
- 4. Motor service factor shall be 1.15.
- 5. Motors shall be rated for continuous duty at 40 degrees C.
- 6. Motors shall be premium efficiency and shall be minimum 91.0% efficient.
- 7. Bearings shall be sealed, ball bearing type, and shall be lubricated with grease. Zirk type service fittings shall be provided on the drive and opposite ends for maintenance.
- 8. Motors shall be self-supporting type and shall be foot mounted to the pump base plate by the pump manufacturer.
- 9. The motor will be factory tested by the motor manufacturer prior to shipment to the pump manufacturer.

2.03 VARIABLE FREQUENCY DRIVES (VFD's)

A. General

One additional VFD's shall be provided to match the existing three 75 HP VFD's previously delivered to the City of Fayetteville.

B. Manufacturers

VFD's shall be a standard product of ABB (ACS550-U1-097A-4), and shall be provided by the pumping system supplier.

C. Construction

1. VFD's shall be UL Plenum rated.
2. All heat sink fans shall be accessible from the front with removal of the VFD power converter, and will be controlled by an internal temperature sensor.
3. The VFD enclosure shall be NEMA Type 1 with bottom mounted conduit entrances.
4. The VFD shall be designed to operate in ambient temperatures from 14 to 120degF, and relative humidity of 95% non-condensing.
5. The VFD will have removable terminal connection strips for all logic and analog inputs and outputs in the power converter.
6. The VFD shall be furnished with a 4-20madc input for a speed reference.
7. The VFD will accept two (2) dry contacts inputs for emergency stop and run/stop command.
8. The VFD will provide a three (3) relay form A outputs for VFD fault, VFD running, and loss of speed reference.
9. The VFD shall have a keypad display shall be provided for viewing and modification of VFD parameters and diagnostics. The display shall have password protection capability.

D. Operation

1. VFD's shall be sized to operate a variable torque load at a speed range from 1.0Hz to 72Hz.
2. The VFD shall be designed to operate a 75HP motor on +/- 480 volts, 3 phase, 60 hertz incoming power.
3. The overtorque rating shall be 110% for 1 minute.

E. Protection

1. The AC drive shall be rated for UL minimum short circuit currents per given horsepower rating.
2. The AC Drive shall be protected against short circuits, between output phases and to ground.
3. The AC Drive shall have under-voltage power-loss ride through performance per the SEMI F-47 voltage ride through standard and certified by a third party.

PART 3 - EXECUTION

3.01 Post-production

- A. All installation will be provided by the City of Fayetteville. The Pumping System Supplier will provide one (1) day of installation guidance.
- B. After installation of all components is complete, City of Fayetteville will notify Pumping system Supplier for startup. Pumping system supplier will provide one (1) day of Start-up. If additional days are needed, they will be billed to the City of Fayetteville at the Suppliers standard field rate.
- C. After Startup is complete, Pumping System Supplier will provide two (2) printed sets of operation and maintenance manuals and one (1) digital copy in .pdf format.

3.02 Warranty

- A. Pumping System Supplier shall provide 24 months non-prorated warranty after delivery of equipment has been made.

3.03 Payment

- A. City of Fayetteville will pay for equipment once as it arrives at the City of Fayetteville's jobsite. The City of Fayetteville will retain 10% of each invoice for retainage. The City of Fayetteville will release the remaining 10% retainage within thirty (30) days after system has been deemed substantially complete by the City of Fayetteville.

END OF SECTION



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0044

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 7

U.S. GEOLOGICAL SURVEY:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE INSTALLATION, OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2015 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

WHEREAS, since 1998, the City of Fayetteville has participated in a joint funding agreement with the U.S. Geological Survey for the operation and maintenance of three urban stream gauging stations to record data concerning rainfall and runoff at Niokaska Creek in Gulley Park, College Branch at State Highway 62 and Town Branch Tributary in Walker Park; and

WHEREAS, the City desires to expand the current monitoring of rainfall and runoff to include water quality sampling which will monitor the progress of measures developed to reduce pollutants; and

WHEREAS, the cost of the agreement to the City for 2015 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes a joint funding agreement, a copy of which is attached to this Ordinance and made a part hereof, between the City of Fayetteville and the U.S. Geological Survey for stream gauge installation, operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2015 with the amount paid by the City of Fayetteville not to exceed \$61,721.00.

City of Fayetteville Staff Review Form

2015-0044

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

1/30/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the 2015 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge installation, operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville.

Budget Impact:

4470.9470.5314.00 and 5400.5800.5314.00

Account Number

02097 and 10027.1001

Project Number

4470-Sales Tax Capital Improvements and 5400 -
Water and Sewer

Fund
Stormwater Quality Management (Stormwater
Quality Mgmt/Nutrient Reduct) and Wastewater
Treatment/Water Quality Improvements

Project Title

Budgeted Item? Yes

Current Budget \$ 542,786.00

Funds Obligated \$ 204,625.39

Current Balance \$ 338,160.61

Does item have a cost? Yes

Item Cost \$ 61,721.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 276,439.61

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

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

FROM: Alan Pugh, Staff Engineer

DATE: January 26, 2015

SUBJECT: Approval of the 2015 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge installation, operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville

RECOMMENDATION:

Staff Recommends approval of the 2015 USGS joint funding agreement in the amount of \$61,721.00 (City's share) for stream gauge installation, operation and maintenance as well as water quality sampling and monitoring for various locations within the City of Fayetteville. In addition, this proposal was reviewed by the Water and Sewer Committee, and the Committee voted 3-0 to recommend approval.

BACKGROUND:

The City of Fayetteville has historically contracted with USGS to operate and maintain three urban stream gauges. These gauges are located at Mullins Branch at Martin Luther King Blvd, Town Branch at Highway 16 and Niokaska Creek at Township Avenue. This program has not included water quality sampling at these locations in the past. The gauging stations strictly monitor flow and generate hydrographs for various storm events. The information produced by the gauges can be viewed on the USGS website by following:

<http://waterwatch.usgs.gov/?m=real&r=ar>

In 2014 the City of Fayetteville contributed \$21,528 to the stream gauge program and the USGS contributing \$5,802 in funds.

DISCUSSION:

In an effort to further quantify potential pollutants to some of the main tributaries of Fayetteville, a revision to the USGS contract that would include at two new stream gauges and water quality monitoring. Staff presented multiple options to the Water and Sewer Committee as shown on the attached spreadsheet and by a vote of 3-0 the Committee recommends for council approval the option further described below.

The recommendation includes a continuous monitor stream gauge with sampling and determination of various pollutant concentrations at two locations within the City of Fayetteville. These locations would track continuous information regarding flow, turbidity, temperature and conductance. The sampling at these locations would provide a mechanism in which these constituents could be related to other pollutants such as total suspended solids (TSS) essentially providing relatively accurate continuous pollutant loading information.

The first station would be located on Town Branch near Armstrong Ave and would monitor a largely developed area that discharges into the West Fork of the White River which currently has Total Maximum Daily Load (TMDL) defined by ADEQ for turbidity. Monitoring just upstream of the West Fork would allow the City to determine Fayetteville's contribution to this TMDL. While no waste load allocation (WLA) has been set for Fayetteville, it would be beneficial to have a base line measurement in the event ADEQ sets a WLA.

The second station would be at a determined location on the west side of town. The current locations being considered are Clabber Creek at Wheeler Road or Mud Creek at Greg Street and would also provide information as to any contribution from portions of the City to the overall amount of pollutants to the Illinois River. As you may be aware, the Illinois River phosphorus concentration is currently under dispute between the States of Arkansas and Oklahoma. Pending the outcome of this litigation, additional enforcement measures may be placed on Arkansas municipalities regulating both point and non-point source pollution. Again, it would be beneficial to have a base line from which to judge the potential TMDL as well as monitor the progress of measures developed to reduce pollutants.

In addition to the items above, the recommendation also includes maintaining a crest stage gauge on Niokaska Creek at Township. This gauge has been useful in the past in determining the intensity of storm events and the extent of any flooding that they caused.

The total cost for the program described above would be \$71,721 with the USGS contributing \$10,000 in Cooperative Funding for a total cost to the City of Fayetteville of \$61,721. In addition to the Cooperative Funds, the USGS is proposing to provide and install the equipment at no cost to the City.

BUDGET/STAFF IMPACT:

As stated the total cost of the program would be \$71,721 with the USGS contributing \$10,000 in funding. The remaining \$61,721 would be split between projects managed by the Engineering Division and the Water and Sewer Department. As the information collected would benefit both departments equally, it is proposed to split the required funds 50/50 between the two projects, or a total of \$30,860.50 each.

Attachments:

Proposed Contract with USGS
2015 Contract Options Spreadsheet

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 #: 6123			Vendor Name: US Geoloical Survey (USGS)				Mail ☐ Yes ☐ No		Legistar#: 2015-0044	
Address:				FOB Point:		Taxable ☐ Yes ☐ No				
City:			State:		Zip Code:	Ship to code:	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Alan Pugh					Requester's Employee #: 4073		Extension: 8208			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2015 USGS Joint Funding Agreement	1	Lot	30,860.50	\$30,860.50	4470.9470.5314.00	02097			
2	2015 USGS Joint Funding Agreement	1	Lot	30,860.50	\$30,860.50	5400.5800.5314.00	10027.1001			
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: <u> \$61,721.00 </u> Tax: <u> \$0.00 </u> Total: <u> \$61,721.00 </u>			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____										



United States Department of the Interior
U.S. GEOLOGICAL SURVEY
Lower Mississippi-Gulf Water Science Center
Little Rock Office
401 Hardin Road
Little Rock, Arkansas 72211

January 27, 2015

Mr. Chris Brown, City Engineer
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701
(479) 575-8206

Dear Mr Brown:

Enclosed is a Joint Funding Agreement (JFA) for the 2015 calendar year (January 1, 2015 to December 31, 2015) in the amount of \$61,721. The agreement includes installation, operation, and maintenance of two streamgages and two continuous water-quality meters, one on a tributary of Clear Creek (Mud or Clabber Creek) and one on Town Branch; sampling 12 times for nutrients, suspended sediment, and bacteria at the streamgage on Mud or Clabber Creek; and sampling six times for major anions and 12 times for nutrients and suspended sediment at the streamgage on Town Branch. A minimum of two of the 12 samples at each station will be collected during storm events. Additionally, in 2015, the USGS will completely dismantle two streamgages (07048480, College Branch at MLK Boulevard, and 07048490, Town Branch Tributary at Highway 16) and convert one streamgage (07194809, Niokaska Creek at Township Street) to a non-transmitting, crest-stage gage. If the proposed program meets your approval, please have the Mayor sign the JFA and return it to the attention of Suzanne Abernathy (saber@usgs.gov), our Budget Analyst. She may be reached at (501) 228-3603.

Work performed with funds from this agreement will be conducted on a fixed-price basis and billed quarterly. We acknowledge Mary Alice, (479) 575-8206, to be the administrative contact at the City of Fayetteville for this project. Our budget contact is Suzanne Abernathy (501) 228-3603.

The results of all work under this agreement will be available for publication by the U.S. Geological Survey and can be accessed by using the following link: <http://ar.water.usgs.gov/>.

We look forward to working with you during this project. If you have any questions or comments, please contact Dan Wagner at (479) 442-4888, ext. 201. Dan is the technical point of contact for this project.

Sincerely,

W. Scott Gain, Director
USGS, Lower Mississippi-Gulf Water Science Center

Enclosures

JEF:rkc

U.S. DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

JOINT FUNDING AGREEMENT

FOR

Water Resources Investigations

Customer #: 6000000775
Agreement #: 15E4AR026AR0320
Project #:
TIN #: 71-6018462
Fixed Cost
Agreement YES

THIS AGREEMENT is entered into as of the, 27th day of January, 2015 by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the CITY OF FAYETTEVILLE, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for installation, operation, and maintenance of two streamgages and two continuous water-quality meters, one on a tributary of Clear Creek (Mud or Clabber Creek) and one on Town Branch; sampling 12 times for nutrients, suspended sediment, and bacteria at the streamgage on Mud or Clabber Creek; and sampling six times for major anions and 12 times for nutrients and suspended sediment at the streamgage on Town Branch. A minimum of two of the 12 samples at each station will be collected during storm events. Additionally, in 2015, the USGS will completely dismantle two streamgages (07048480, College Branch at MLK Boulevard, and 07048490, Town Branch Tributary at Highway 16) and convert one streamgage (07194809, Niokaska Creek at Township Street) to a non-transmitting, crest-stage gage, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.00
 - (a) by the party of the first part during the period

Amount	Date	to	Date
\$10,000.00	January 1, 2015		December 31, 2015
 - (b) by the party of the second part during the period

Amount	Date	to	Date
\$61,721.00	January 1, 2015		December 31, 2015
 - (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
 - (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner either party may terminate this agreement upon 60 days written notice to the other party.

9-1366 (Continuation)

Customer #:

6000000775

Agreement #:

15E4AR026AR0320

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.
8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered quarterly. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey
United States
Department of the Interior**

CITY OF FAYETTEVILLE

USGS Point of Contact

Customer Point of Contact

Name: Daniel Wagner
Address: USGS Lower Mississippi-Gulf Water Science
Center
Northwest Arkansas Field Office
700 West Research Center Boulevard, MS 36
Fayetteville, AR 72701

Name: Lioneld Jordan, Mayor
Address: City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Telephone: (479) 442-4888, ext. 201
Email: dwagner@usgs.gov

Telephone: (479) 575-8330
Email: mayor@ci.fayetteville,ar.us

Signatures and Date

Signature:

Date:

Signature:

Date:

Name:

W. Scott Cain

Name:

Lionel Jordan

Title:

Director, USGS Lower Mississippi-Gulf Water Scie...

Title:

Mayor, City of Fayetteville

2015 USGS Contract Options					
Scenario	Description	Cost			Comments
		City	USGS	Total	
1	No change to current contract. 3 continuous-record, urban stream gages at a cost of \$27,330, of which USGS contributes \$5,802 in co-op funds, while City of Fayetteville pays \$21,528.	\$ 21,528.00	\$ 5,802.00	\$ 27,330.00	
2 TB	• Operate the three existing urban stream gages as "crest-stage gaging stations," where peak stages and flows are verified and the peak stage and flow for the year are published • Install a new, continuous-record, urban stream gage on Town Branch at White River Park (USGS pays for installing and equipping the station) • Sample Town Branch at White River Park bi-monthly (6X/yr) for turbidity, suspended sediment concentration, nutrients (nitrogen & phosphorous species), and major anions & TDS (including chloride and sulfate, for which the receiving stream, W. Fk. White River, is 303(d) listed). • Sample Town Branch at White River Park 2X/yr during storm events for the same constituents as in bi-monthly samples • Compute annual sediment and nutrient loads using LOADEST	\$ 24,781.00	\$ 5,802.00	\$ 30,583.00	Subtract approximately \$4,200 if crest stage gauges are eliminated (\$1,400/gauge)
3 TB	• Operate the three existing urban stream gages as "crest-stage gaging stations," where peak stages and flows are verified and the peak stage and flow for the year are published • Install a new, continuous-record, urban stream gage on Town Branch at White River Park, including a sonde to continuously monitor water temperature, specific conductivity, and turbidity (USGS pays for installing and equipping the station) • Calibrate temperature, conductivity, and turbidity sonde monthly (12X/yr) • Sample Town Branch at White River Park monthly (12X/yr) for suspended sediment concentration and nutrients (nitrogen & phosphorus species) across the range of turbidity with the goal of establishing a linear regression model between turbidity and suspended sediment concentration, and adding suspended sediment concentration to the real-time web page for the station. These samples would generally be collected during calibration visits • Sample Town Branch at White River Park bi-monthly (6X/yr) for major anions & TDS; these samples would be collected during six of the twelve monthly visits for sonde calibration and collection of suspended sediment and nutrient samples • Compute annual sediment load using surrogate relationship w/ turbidity; compute annual nutrient loads using LOADEST	\$ 30,713.00	\$ 8,000.00	\$ 38,713.00	Subtract approximately \$4,200 if crest stage gauges are eliminated (\$1,400/gauge)
2 Alt	Operate the three existing urban stream gages as "crest-stage gaging stations," where peak stages and flows are verified and the peak stage and flow for the year are published • Install a new, continuous-record, urban stream gage on Town Branch at White River Park (USGS pays for installing and equipping the station) • Sample Town Branch at White River Park bi-monthly (6X/yr) for turbidity, suspended sediment concentration, nutrients (nitrogen & phosphorous species), and major anions & TDS (including chloride and sulfate, for which the receiving stream, W. Fk. White River, is 303(d) listed). • Sample Town Branch at White River Park 2X/yr during storm events for the same constituents as in bi-monthly samples • Compute annual sediment and nutrient loads using LOADEST	\$ 25,343.00	\$ 2,000.00	\$ 27,343.00	Cost may change slightly based on gauge location and are slightly higher due to travel distance/time and the addition of a smaple for Ecoli and fecal coliform as Clear Creek has a TMDL for both. If chosen, cost is in addition to program for Town Branch above.
3 Alt	Operate the three existing urban stream gages as "crest-stage gaging stations," where peak stages and flows are verified and the peak stage and flow for the year are published • Install a new, continuous-record, urban stream gage on Town Branch at White River Park, including a sonde to continuously monitor water temperature, specific conductivity, and turbidity (USGS pays for installing and equipping the station) • Calibrate temperature, conductivity, and turbidity sonde monthly (12X/yr) • Sample Town Branch at White River Park monthly (12X/yr) for suspended sediment concentration and nutrients (nitrogen & phosphorus species) across the range of turbidity with the goal of establishing a linear regression model between turbidity and suspended sediment concentration, and adding suspended sediment concentration to the real-time web page for the station. These samples would generally be collected during calibration visits • Sample Town Branch at White River Park bi-monthly (6X/yr) for major anions & TDS; these samples would be collected during six of the twelve monthly visits for sonde calibration and collection of suspended sediment and nutrient samples • Compute annual sediment load using surrogate relationship w/ turbidity; compute annual nutrient loads using LOADEST	\$ 33,808.00	\$ 2,000.00	\$ 35,808.00	Cost may change slightly based on gauge location and are slightly higher due to travel distance/time and the addition of a smaple for Ecoli and fecal coliform as Clear Creek has a TMDL for both. If chosen, cost is in addition to program for Town Branch above.
Single Storm Sampling	Town Branch costs about \$2,400 and Clear Creek costs about \$2,500. Difference in cost is travel time and cost of materials for additional bacteria samples at Clear Creek.				Not required but optional. Goal of Scenario 3 is to establish relationship continuous data so would likely not be required



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0035

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 8

UNIVERSITY OF ARKANSAS UTILITY RELOCATION AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A UTILITY RELOCATION AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR THE RELOCATION OF COPPER AND FIBER OPTIC CABLES NECESSARY FOR THE HIGHWAY 112 WIDENING PROJECT BETWEEN RAZORBACK ROAD AND GARLAND AVENUE WITH THE AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$33,476.50

WHEREAS, the Arkansas Highway and Transportation Department's Utility Accommodation Policy provides for reimbursement to utility owners when utilities within private easements outside of the highway right of way must be relocated; and

WHEREAS, the widening of Highway 112 between Razorback Road and Garland Avenue necessitated the relocation of utilities owned by the University of Arkansas, some of which are located in private easements and, therefore, qualify for reimbursement by the City; and

WHEREAS, 80% of the qualifying relocation costs are covered by federal-aid funding with the remainder to be paid by the City of Fayetteville; and

WHEREAS, the University of Arkansas, as the owner and installer of the copper and fiber optic cables and as owner of the private easements in which the utilities will be relocated, is the only appropriate party to relocate its utilities;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines the above-stated facts constitute an exceptional situation in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a utility relocation agreement with the University of Arkansas for the relocation of copper and fiber optic cables necessary for the Highway 112 widening project between Razorback Road and Garland Avenue with the amount to be paid by the City of Fayetteville not to exceed \$33,476.50.

City of Fayetteville Staff Review Form

2015-0035

Legistar File ID

2/3/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

1/16/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an Agreement with the University of Arkansas for Utility Relocations on Highway 112 (Maple Street) between Razorback Road and Garland Avenue

Budget Impact:

06035.9555.5809.00		Sales Tax 2013 Street Improvements	
Account Number		Fund	
06035		Transportation Bond Street Improvements	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 16,571,673.55
		Funds Obligated	\$ -
		Current Balance	\$ 16,571,673.55
Does item have a cost?	No	Item Cost	
		Budget Adjustment	
		Remaining Budget	\$ 16,571,673.55
Budget Adjustment Attached?			
#			

V20140710

Previous Ordinance or Resolution # 15-03; 16-03

Original Contract Number:

Approval Date:

Comments: Payment for this work will be made to the AHTD, not directly to the University, per the agreement with AHTD approved by Resolution 15-03. No funds should be encumbered in favor of the University of Arkansas for this item.



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 3, 2015

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: January 15, 2015

SUBJECT: Agreement with the University of Arkansas for Utility Relocations on Highway 112 (Maple Avenue) Between Razorback Road and Garland Avenue

RECOMMENDATION:

Staff recommends approval of an agreement with the University of Arkansas for utility relocations on Highway 112 as part of the widening project between Razorback Road and Garland Avenue. This agreement will be paid with federal aid funds (80%) and City matching funds (20%).

BACKGROUND:

City Council passed Resolution No. 15-03 on February 4, 2003, approving an Agreement Of Understanding with the Arkansas Highway and Transportation Department (AHTD) to design and construct Highway 112 (Razorback Road and Maple St.) from MLK Jr. Blvd. to Garland Avenue. The Council also passed Resolution 16-03 authorizing the Mayor to sign any agreements necessary to further the project. This project will provide 4 travel lanes, with turning lanes at major intersections, and three new signals. Sidewalks will be provided on both sides. The original agreement was for a federal aid funding amount of \$1 million. The agreement has been amended twice to add additional funding through the Surface Transportation Program-Attributable Funds (STP-A). The current funding allocation, in the amount of \$2.4 million in federal aid funds matched by \$600,000 in local funds, is for the Maple Street portion, between Razorback Road and Garland Avenue.

DISCUSSION:

The AHTD has presented the City with contracts for relocation of utilities, based on their Utility Accommodation Policy. Their policy provides for reimbursement to utility companies when they are located within private easements, outside of the highway right of way. Any facilities within the right of way must be relocated at the utility's expense. With this particular contract, approximately 54% of the relocations are outside of the right of way; therefore the reimbursement percentage is 54.09%. This reimbursable amount is estimated to be \$167,382.51.

BUDGET/STAFF IMPACT:

As noted above, federal aid funding is providing 80% of the funding for this work; therefore, the City's share in the \$167,382.51 reimbursable amount is \$33,476.50. The reimbursable amount of the contract will be paid to the University of Arkansas by the AHTD, and the City will pay our share to the AHTD at the time of construction bids for the widening work. Payment for this work is included in the \$600,000 matching requirement for the project. Therefore, no funds should be encumbered at this time for this work.

Attachments:

UofA Agreement

Resolution 15-03

Resolution 16-03

AHTD STIP Amendment (Federal Aid Funding Approval)

CITY-UTILITY RELOCATION AGREEMENT
Between
The City of Fayetteville
And
The University of Arkansas

Project No. 040582 Location Razorback Rd. – Garland
FAP STPU-9142(35) Ave. (Hwy. 112)(Fayetteville)(S)

THIS AGREEMENT, made and entered into day of January, 20 15, by and between the **City of Fayetteville, Arkansas**, acting by and through its duly authorized officials, hereinafter referred to as the "City", and the **University of Arkansas of Fayetteville, Arkansas** acting by and through its duly authorized representatives, hereinafter referred to as the "Owner".

The City proposes to make highway improvements as specified under the above referenced job number, and the Owner will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The City has requested that the Arkansas State Highway and Transportation Department assist the City by providing technical assistance for cost estimate and plan approval, for making the contractual arrangements between City and Owner, and for processing payment for reimbursement.

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 2010-146 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: See Exhibit A on Page 4

The required adjustment is **54.09%** eligible for reimbursement for the **actual cost** which is estimated to be **\$309,451.86** of which **\$167,382.51** is to be paid by the City/Department and **\$142,069.35** is to be borne by Owner.

(1) FHWA PORTION **80.00%** (2) CITY PORTION **20.00%**
(3) STATE PORTION **0.00%**

Owner will not commence work until authorized by the City/Department and will then endeavor to begin within 5 days and complete within 90 days thereafter.

On completion of said work, Owner is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

(1) Expenses incurred under an actual cost agreement may be billed to the City/Department monthly in increments of \$5,000.00 or more.

(2) Payment will be 100% of lump sum bills and actual cost bills, at the discretion of the Department a 10% retainage can be withheld and released upon completion of an audit review. All final bills for utility relocation are subject to review and audit by state and/or federal auditors.

(3) Final billing must include all supporting detail. Owner shall also submit one (1) set of as-built drawings at this time.

Owner must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

Owner shall be responsible for any and all hazards to persons, property, and traffic arising out of Owner's obligations pursuant to this agreement.

With respect to traffic control, Owner shall adhere to the requirements of the Manual of Uniform Traffic Control Devices as amended and supplemented.

To the extent applicable to this agreement, the Owner shall comply with the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410). The Owner is not required to change its existing standards for materials as long as the Buy America requirements are met. Buy America requirements take precedence over regulations pertaining to the accommodation or regulation of the Owner's facilities (as specified in 23 CFR 645) on contracts and agreements involving Federal-Aid Highway Program funding and precedence over regulations which allow the Owner to furnish materials from company stock (as specified on 23 CFR 645.117(e)). Company Stock materials that do not meet Buy America requirements may not be permanently incorporated into a Federal-Aid Highway Program funded project. The Owner must provide a definitive statement that all products permanently incorporated into the project are covered under the Buy America requirements. This requirement is fulfilled via proper signature and submission of the statement of charges form. In some circumstances, a waiver of the Buy America requirements may be granted by the Federal Highway Administration, to be determined on a project-by-project basis.

Owner shall save the City/Department, its officers and employees harmless in all circumstances.

Notwithstanding anything hereinbefore written, neither the Owner nor the City by execution of this agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

City of Fayetteville

Name

Title

University of Arkansas

Name

Timothy J. O'Donnell
Interim Vice Chancellor for Finance and
Administration

Board of Trustees of the University of Arkansas
acting for and on behalf of The University of Arkansas,
Fayetteville

EXHIBIT A

Adjust communications facilities to clear highway construction by abandoning approximately 1,320 feet of buried copper cable and 1,320 feet of buried fiber optic cable complete with appurtenances. Restore service by installing approximately 1,529 feet of buried copper cable and 2,145 feet of buried fiber optic cable complete with appurtenances. Of the 2,640 linear feet of cable to be abandoned, 1,428 linear feet is located on private easement; therefore, this work is 1,428 / 2,640 = 54.09% reimbursable.

This work is to be accomplished with company and continuing contract forces.

Summary of Cost

Construction	\$ 264,384.12
Labor, Company Forces	\$ 5,337.74
Construction Management	\$ 10,030.00
Construction Engineering	\$ 29,700.00
TOTAL COST	\$ 309,451.86

Reimbursable Cost \$309,451.86 x 54.09% = \$167,382.51

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of

February, ~~2002~~
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director of Highways and Transportation

CITY OF
FAYETTEVILLE

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

file w/Res
15-03

MICROFILMED
ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Telephone (501) 569-2000



May 5, 2003

P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

RECEIVED
MAY 07 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040418
F.A.P. STP-9142(14)
Hwy. 180-Garland Ave.
(Hwy. 112) (Fayetteville) (S)
Washington County

Dear Mayor Coody:

As referenced above, State and Federal-aid numbers have been assigned for the City's Federal-aid project. Enclosed is your copy of the executed Agreement of Understanding.

As previously discussed, due to the backlog of projects programmed and limited funding, it will be several years before construction can begin. We will postpone requesting the City's initial deposit of \$35,000 until prior to beginning preliminary engineering.

If you have any questions, please contact Steve Morgan in our Programs and Contracts Division at (501) 569-2261.

Yours truly,

Robert L. Walters
Chief Engineer

Enclosure

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

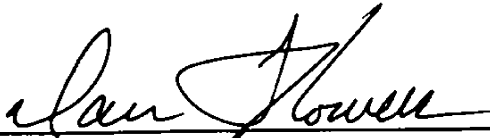
1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

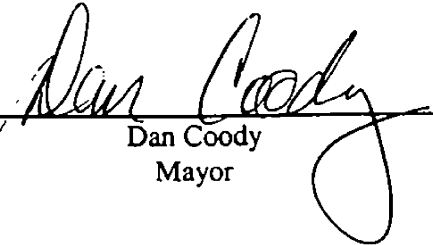
IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of February, 2002.
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT



Dan Flowers
mn Director of Highways and Transportation

CITY OF
FAYETTEVILLE



Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

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The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

Resolution No. 15-03[illegible][illegible]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Jim Beavers
Engineering Division

From: Clarice Buffalohead-Pearman 
City Clerk's Division

Date: 2/18/2003

Re: **Res. 15-03**

Attached you will find an executed copy of the above referenced resolution, passed by the City Council on February 4, 2003 approving the Agreement of Understanding with the AHTD for preliminary engineering services to widen Razorback Road. Also attached you will find the Agreement of Understanding with the mayor's signature. Please obtain Mr. Flowers' signature on the agreement. Upon the return of the agreement please make your division a copy of the agreement and return the original agreement to the city clerk's office.

Thank you for your cooperation, if anything else is needed please let the city clerk's office know.

/cbp

Attachments

cc: Nancy Smith, Internal Auditor

STAFF REVIEW FORM

<u> x </u>	AGENDA REQUEST
<u> x </u>	CONTRACT REVIEW
<u> </u>	GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

Jim Beavers Engineering CPE Services
Name Division Department

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

<u>\$ 17,500</u>	<u>\$350,000</u>	<u>Street Impvmt</u>
Cost of this Request	Category/Project Budget 2003	Category/Project Name
<u>4470.9470.5809.00</u>	<u>\$0</u>	<u>Cost Shares</u>
Account Number	Funds Used To Date 2003	Program Name
<u>02116 - 10</u>	<u>\$332,500</u>	<u>Sales Tax</u>
Project Number	Remaining Balance 2003	Fund

BUDGET REVIEW:

<u>x</u>	Budgeted Item
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Budget Adjustment Attached

Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maisha Fattling 1/17/03
Accounting Manager Date

W. P. Whitaker 1/17/03
City Attorney Date

P. Ulice 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 01-17-03
Division Head Date

Department Director Date

A. P. S. O. 1-21-03
Finance and Internal Services Director

Michael Garrett 1-21-03
Chief Administrative Officer Date

Dan Coody 2/8/03
Mayor Date

Cross Reference

New Item: Yes X No

Prev Ord/Res #:
Date

Orig Contract Date:
Orig Contract No:

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

RESOLUTION NO. 16-03

A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID
MONIES FOR THE FOLLOWING CITY PROJECT: WIDENING
HIGHWAY 112 (RAZORBACK ROAD) FROM HIGHWAY 180
(6TH STREET) TO GARLAND AVENUE

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation
Program funds are available for certain local projects at the following federal participating ratios:

<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Share</u>
Preliminary Engineering	0%	100%	0%
Right-of-way	80%	0%	20%
Utilities	80%	0%	20%
Construction	80%	0%	20%
Construction Engineering	80%	0%	20%

City projects programmed
but not let to contract

Right-of-way	0%	0%	100%
Utilities	0%	0%	100%

**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 the City will participate in accordance with its designated responsibilities in this project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby
authorizes Mayor Dan Coody or his designee to execute all appropriate agreements and contracts
necessary to expedite the construction of this project.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby pledges
the City's full support and hereby authorizes the Arkansas State Highway and Transportation
Department to initiate action to implement this project.

PASSED and APPROVED this the 4th day of February, 2003.



APPROVED:

By:

Dan Coody
DAN COODY, Mayor

By:

Sondra Smith
Sondra Smith, City Clerk



Resolution No. 16-03[illegible][illegible]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Jim Beavers
Engineering Division

From: Clarice Buffalohead-Pearman *cbp*
City Clerk's Division

Date: 2/18/2003

Re: Res. 16-03

Attached you will find an executed copy of the above referenced resolution, passed by the City Council on February 4, 2003, expressing the city's willingness to utilize federal-aid monies for widening Razorback Road.

If anything else is needed please let the city clerk's office know.

/cbp

Attachments

cc: Nancy Smith, Internal Auditor

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

Jim Beavers
Name

Engineering
Division

CPE Services
Department

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

\$ 17,500
Cost of this Request

4470.9470.5809.00
Account Number

02116 - 10
Project Number

\$350,000
Category/Project Budget 2003

\$0
Funds Used To Date 2003

\$332,500
Remaining Balance 2003

Street Impvt
Category/Project Name

Cost Shares
Program Name

Sales Tax
Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature]
Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Fattig 1/17/03
Accounting Manager Date

W. P. Whitcomb 1/17/03
City Attorney Date

P. Ulice 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beaver 01-17-03
Division Head Date

Department Director Date

ATP 1-21-03
Finance and Internal Services Director

Cross Reference

New Item: Yes x No

Prev Ord/Res #:
Date

Orig Contract Date:

Orig Contract No:

Hugh Burnett 1-21-03
Chief Administrative Officer Date

Dan Coody 2/8/03
Mayor Date

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation Program funds are available for certain local projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Share</u>
	Preliminary Engineering	0%	100%	0%
	Right-of-Way	80%	0%	20%
	Utilities	80%	0%	20%
	Construction	80%	0%	20%
	Construction Engineering	80%	0%	20%
City projects programmed but not let to contract	Right-of-Way	0%	0%	100%
	Utilities	0%	0%	100%

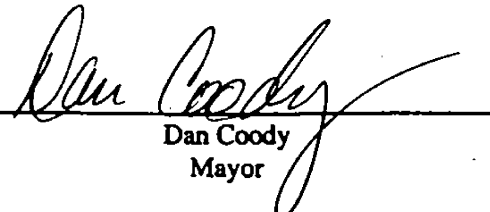
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS, THAT:

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: Mayor Dan Coody or his designee is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

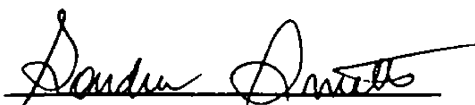
SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this 4th day of February, 2002.
2003



Dan Coody
Mayor

ATTEST:



(SEAL)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE/PUBLIC WORKS DEPARTMENT

TO: FAYETTEVILLE STREET COMMITTEE
Bob Davis, Chairman; Lioneld Jordan, Alderman; Don Marr,
Alderman; Robert Reynolds, Alderman

COPY: Mayor Dan Coody, Jim Beavers, Heather Woodruff, Hugh
Earnest, Terry Gulley, Tim Conklin

FROM: Greg Boettcher, Public Works Director

DATE: January 15, 2003

RE: Razorback Road Improvement Project
Federal-aid Surface Transportation Program

BACKGROUND

Representatives of the University of Arkansas met with Fayetteville City Administration in early 2002 to discuss the concept of improving Razorback Road from South Street north to the intersection of Garland Avenue and Maple Street. The University had developed a preliminary schematic of widening and wished to collaborate with the City on such capital improvement project. Since this improvement would connect two pending improvement projects (Razorback Road improvements from 15th to 6th Street and Garland Avenue Improvements from Wedington to Maple), it was deemed an essential link in a major transportation corridor. Also, since the road was under the jurisdiction of the Arkansas State Highway and Transportation Department (AHTD) as Highway 180, the improvement project could be eligible for state/federal assistance.

Mayor Coody has requested the AHTD to consider funding of this critical road improvement project due to its connectivity to other major corridors. On July 9, 2002, the AHTD responded to this request by forwarding an "Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department". On July 30, 2002, Mayor Coody advised the University of Arkansas of the AHTD participation agreement and requested that the University of Arkansas financially participate in and support this activity. A fax was received from the University on August 2, 2002 from Mr. Pederson confirming the 50-50 cost share on the preliminary engineering cost of \$35,000.00. Copies of the correspondence are attached.

RECOMMENDATION

It is recommended that the Fayetteville Street Committee approve the preliminary engineering activities on Razorback Road Improvement Project with the net cost to the City of Fayetteville being \$17,500.00. This agreement shall need to then proceed to the City Council for approval and authorization of the mayor's execution of the Agreement of Understanding.

FAYETTEVILLE

KAZORBACK RD

THE CITY OF FAYETTEVILLE, ARKANSAS

March 27, 2002

Mr. Dan Flowers, P.E.
Arkansas State Hwy. & Transportation Dept.
P.O. Box 2261
Little Rock, AR 72209

RE: Surface Transportation Program (STP)
Razorback Road (State Hwy. 265)
Fayetteville, Washington County, Arkansas

Dear Mr. Flowers,

Fayetteville's surface transportation system is becoming increasingly inadequate for the public's transportation needs. Continued community growth coupled with the unique demands of the University of Arkansas campus require infrastructure improvement projects that exceed local resources. To alleviate a pressing local transportation system deficiency, the City requests funding assistance for the improvement of Razorback Road, beginning at Sixth St. and continuing north to Garland Avenue. It is understood that the \$4 - 6 million project may obtain financial assistance under Arkansas Highway and Transportation Program (STP). Incorporation of the Razorback Road Project into the STP work plan is requested. In addition to providing a critically needed interior transportation corridor, this activity may provide long-term benefits by becoming an institutional drive of the University of Arkansas. Discussions with Don Pederson, Vice Chancellor of Finance at the University of Arkansas have confirmed this project to be a high priority for them, as it is for the City.

The construction of this segment of Razorback Road is a crucial link between other transportation projects, and is essential for realization of full benefits from other projects. North of this project, the improvement of Garland Avenue, from Maple Street to Wedington Drive is nearing start of construction. South of this project, improvement of Razorback Road from Sixth Street to Fifteenth St. is scheduled; completion expected in the next two to three years. Full function and benefit of these transportation projects depends upon completion of the requested Razorback Road Improvements (see attached location map).

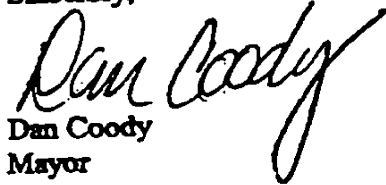
Fayetteville has placed a strong emphasis on local transportation needs and is securing a consultant to perform a comprehensive traffic study. This expected traffic

Dan Flowers
Arkansas Highway & Transportation Dept.
Page 2

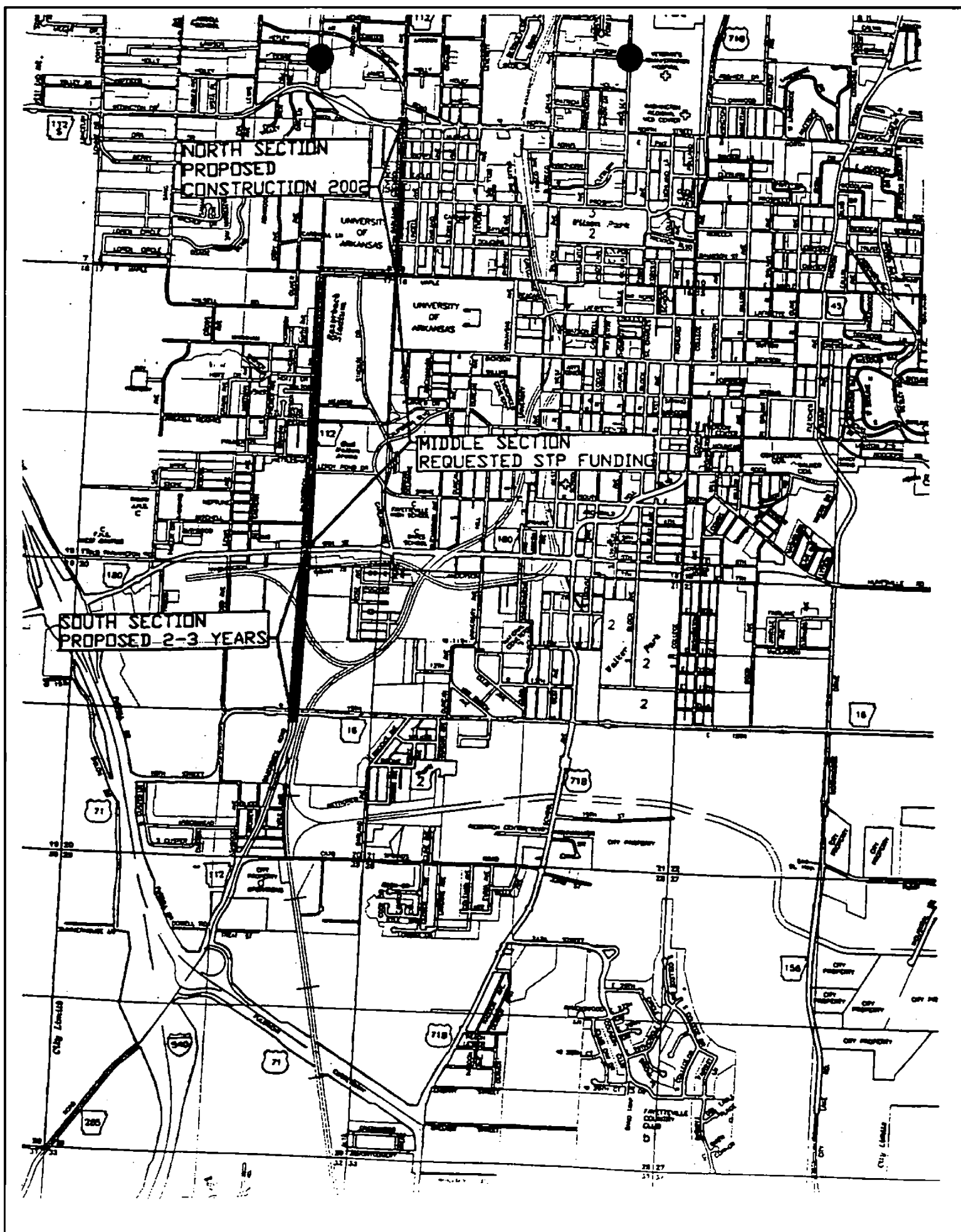
analysis will further validate the need for Razorback Road Improvements as well as identify and prioritize other needs. It is requested that the Arkansas State Highway and Transportation Department include this middle segment of Razorback Road Improvements in its STP funding schedule, granting this need a high priority.

Should there be any questions, or if additional information is needed, please don't hesitate to contact me at 479-575-8330.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Don Pederson, University of Arkansas
Jonathan Barnett, Arkansas State Highway Commission



ARKANSAS STATE HIGHWAY COMMISSION

JOHN "M" LIPTON, CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD, VICE CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA



JONATHAN BARNETT
SILOAM SPRINGS

RECEIVED CARL S. ROSENBAUM
LITTLE ROCK

JUL 15 2002

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-2261
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400
July 9, 2002

CITY OF FAYETTEVILLE
CITY ENGINEER'S OFFICE

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your most recent letter requesting that we program a Federal-aid Surface Transportation Program (STP) City project to widen Highway 112 (Razorback Road) from Highway 180 (6th Street) to Garland Avenue in Fayetteville.

Enclosed is an Agreement of Understanding for the project that includes a sample resolution (Attachment B) for your City Council to pass. Once the resolution is passed, please sign the Agreement and return it with a signed and sealed copy of the resolution to the Department. We will then execute the Agreement and return a copy to you.

If you have any questions, please advise.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

FAYETTEVILLE

RAZORBACK RD

THE CITY OF FAYETTEVILLE, ARKANSAS

July 30, 2002

Mr. Donald O. Pederson
Vice Chancellor for Finance and Administration
University of Arkansas
406 Administration Building
Fayetteville, AR 72701

RE: Razorback Road Improvement Project
Highway 180 (6th Street) to Garland Avenue
Federal-aid Surface Transportation Program

Dear Mr. Pederson,

Following our meeting earlier this year to discuss improvement concepts for Razorback Road, I have pursued possible funding avenues for such a project. One such option was the use of the Federal-aid Surface Transportation Program (STP) to cover a portion of the road improvement project costs. In response to this request, the Arkansas Highway and Transportation Department has tendered an Agreement of Understanding for this project. In essence, the project scope involves the improvement of Razorback Road between 6th Street and Garland Avenue. It has been indicated that the University of Arkansas is interested in the improvement of this road segment due to its connectivity with the campus. Similarly, the City of Fayetteville has interest in the road improvement due to its potential to improve the public transportation network. It appears that there are shared benefits from this proposed project that accrue equally to the University of Arkansas and the City of Fayetteville.

Under the STP program, this project would be eligible for 80% federal aid towards allowable elements with a funding ceiling of \$1,000,000.00. The 20% local match, ineligible project activities and project costs above \$1,000,000.00 must all be secured to complete this project's financing program. At this time, the amount of local matching funds needed is not known as first the preliminary engineering must be completed. Once this preliminary design is available, a project budget will be developed and funding sources secured. It is evident that this Razorback Road Improvement Project will have a cost far exceeding the \$1,000,000.00, therefore, local match funding must be secured. Also, with the current economic conditions and the limited capital improvement funding in the municipal budget, the use of municipal resources alone may not be feasible for completion of the project's financing program.

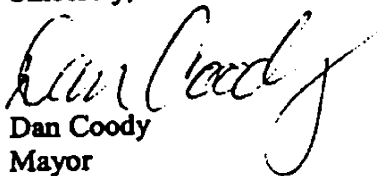
Donald Pederson
University of Arkansas
Page 2

In view of the University of Arkansas's interests in and benefits from this project, would a funding partnership be possible with the University and City being equal partners in the local match requirements? With respect to municipal utility relocation, the City of Fayetteville's Water & Sewer Division would bear the costs, and with respect to additional rights-of-way, the University would provide easements/right-of-way at no cost to the project. These cooperative participations may bring the local share of the project costs within our collective resources. I would appreciate the University's consideration of this partnership as this represents the only viable financing program for the Razorback Road Improvement Project.

While it is important that these arrangements be confirmed, these are not an immediate priority. It is considerably more important that the "Agreement of Understanding" be approved enabling the Arkansas Highway and Transportation Department to place the preliminary engineering design on its schedule. At such time as the preliminary design enters the work flow, a payment of \$35,000.00 will be required. To confirm the University of Arkansas's interest in this project and its intent to partner with the City on such improvement, it is requested that the University of Arkansas agree to fund 50% of the preliminary engineering costs, or \$17,500.00.

If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager



RAZORBACK RD

UNIVERSITY of ARKANSAS

1871

University of Arkansas, Fayetteville
Office of the Vice Chancellor for Finance & Administration
406 Administration Building
Fayetteville, AR 72701
Fax #479-575-5400

Number of pages including cover: 2 Date: 8-2-02

Company sent to:

Company name:

City of Fay.

ATTN:

Don Cordy

FAX Number:

() 575-8257

Phone Number:

()

Sent from:

Sender's name:

Don Pederson

Phone Number:

(479) 575-5828

Message/Notes:

Is this sufficient?Don Pederson

If you have problems with this transmission, please call (479) 575-5828

Donald Pederson
University of Arkansas
Page 2

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D. J. Pederson
If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002. *8/2/02*

Sincerely,

Dan Coody
Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

RESOLUTION NO. 15-03

A RESOLUTION TO APPROVE THE AGREEMENT OF UNDERSTANDING BETWEEN THE CITY OF FAYETTEVILLE AND THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR COST SHARING FOR THE PRELIMINARY ENGINEERING WORK TO WIDEN RAZORBACK ROAD

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the Agreement of Understanding between the City of Fayetteville and the Arkansas Highway and Transportation Department (attached as Exhibit A) relative to widening Razorback Road and requiring an initial payment of \$35,000 for preliminary engineering work by the Arkansas Highway and Transportation Department.

PASSED and APPROVED this the 4th day of February, 2003.



By: Sondra Smith
Sondra Smith, City Clerk

APPROVED:

By: Dan Coody
DAN COODY, Mayor



AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of

February, ~~2002~~
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director of Highways and Transportation

CITY OF
FAYETTEVILLE

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

file w/Res
15-03

MICROFILMED
ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Telephone (501) 569-2000



May 5, 2003

P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

RECEIVED
MAY 07 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Job 040418
F.A.P. STP-9142(14)
Hwy. 180-Garland Ave.
(Hwy. 112) (Fayetteville) (S)
Washington County

Dear Mayor Coody:

As referenced above, State and Federal-aid numbers have been assigned for the City's Federal-aid project. Enclosed is your copy of the executed Agreement of Understanding.

As previously discussed, due to the backlog of projects programmed and limited funding, it will be several years before construction can begin. We will postpone requesting the City's initial deposit of \$35,000 until prior to beginning preliminary engineering.

If you have any questions, please contact Steve Morgan in our Programs and Contracts Division at (501) 569-2261.

Yours truly,

Robert L. Walters
Chief Engineer

Enclosure

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

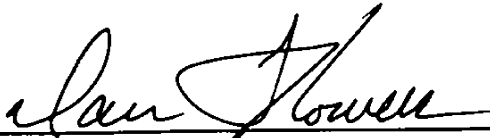
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2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

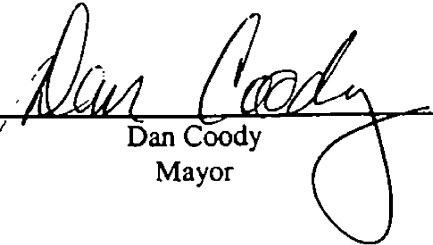
IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of February, 2002.
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT



Dan Flowers
mn Director of Highways and Transportation

CITY OF
FAYETTEVILLE



Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

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If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

Resolution No. 15-03[illegible][illegible]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Jim Beavers
Engineering Division

From: Clarice Buffalohead-Pearman 
City Clerk's Division

Date: 2/18/2003

Re: **Res. 15-03**

Attached you will find an executed copy of the above referenced resolution, passed by the City Council on February 4, 2003 approving the Agreement of Understanding with the AHTD for preliminary engineering services to widen Razorback Road. Also attached you will find the Agreement of Understanding with the mayor's signature. Please obtain Mr. Flowers' signature on the agreement. Upon the return of the agreement please make your division a copy of the agreement and return the original agreement to the city clerk's office.

Thank you for your cooperation, if anything else is needed please let the city clerk's office know.

/cbp

Attachments

cc: Nancy Smith, Internal Auditor

STAFF REVIEW FORM

<u> x </u>	AGENDA REQUEST
<u> x </u>	CONTRACT REVIEW
<u> </u>	GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

Jim Beavers
Name

Engineering
Division

CPE Services
Department

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

\$ 17,500
Cost of this Request

\$350,000
Category/Project Budget 2003

Street Impvmt
Category/Project Name

4470.9470.5809.00
Account Number

\$0
Funds Used To Date 2003

Cost Shares	Program Name

02116 - 10
Project Number

\$332,500
Remaining Balance 2003

Sales Tax
Fund

BUDGET REVIEW:

<u>x</u>	Budgeted Item
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Budget Adjustment Attached


Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maisha Fattling 1/17/03
Accounting Manager Date

W. P. Whitaker 1/17/03
City Attorney Date

P. Ulice 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 01-17-03
Division Head Date

Department Director Date

A. P. S. O. 1-21-03
Finance and Internal Services Director

Michael Garrett 1-21-03
Chief Administrative Officer Date

Dan Coody 2/8/03
Mayor Date

Cross Reference

New Item: Yes X No

Prev Ord/Res #:
Date

Orig Contract Date:
Orig Contract No:

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

RESOLUTION NO. 14-03

A RESOLUTION TO APPROVE A COST SHARE IN THE AMOUNT OF \$17,500.00 WITH THE UNIVERSITY OF ARKANSAS TO FUND THE PRELIMINARY ENGINEERING SERVICES FOR RAZORBACK ROAD IMPROVEMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a cost share with the University of Arkansas to pay the Arkansas Highway Department \$35,000.00 for preliminary engineering services for Razorback Road improvement. The City of Fayetteville's share shall be \$17,500.00.

PASSED and APPROVED this the 4th day of February, 2003.



ATTEST:

By: Sondra Smith
Sondra Smith, City Clerk

APPROVED:

By:

Dan Coody
DAN COODY, Mayor



AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

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IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this 4th day of February, ~~2002~~
2003

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director of Highways and Transportation

CITY OF
FAYETTEVILLE

Dan Coody
Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. 14-03

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation Program funds are available for certain local projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Share</u>
	Preliminary Engineering	0%	100%	0%
	Right-of-Way	80%	0%	20%
	Utilities	80%	0%	20%
	Construction	80%	0%	20%
	Construction Engineering	80%	0%	20%
City projects programmed but not let to contract	Right-of-Way	0%	0%	100%
	Utilities	0%	0%	100%

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

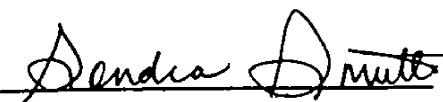
SECTION II: Mayor Dan Coody or his designee is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this 4th day of February, 2002
2003



Dan Coody
Mayor

ATTEST: 

(SEAL)

Resolution No. 14-03[illegible][illegible]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Jim Beavers
Engineering Division

From: Clarice Buffalohead-Pearman *cbp*
City Clerk's Division

Date: 2/18/2003

Re: Res. 14-03

Attached you will find an executed copy of the above referenced resolution passed by the City Council on February 4, 2003, approving a cost share with the University of Arkansas to pay the Arkansas Highway Department \$35,000.00 for preliminary engineering service for the Razorback Road Improvement with the city's share in the amount of \$17,500.00. Also attached you will find the Agreement of Understanding signed by the mayor. Please obtain Mr. Flower's signature on the agreement. Upon AHTD return of an executive agreement, please make yourself a copy and return the original to the city clerk's office.

Thank you for your cooperation, if anything else is needed please let the city clerk's office know.

/cbp

Attachments

cc: Nancy Smith, Internal Auditor

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

Jim Beavers
Name

Engineering
Division

CPE Services
Department

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

\$ 17,500
Cost of this Request

4470.9470.5809.00
Account Number

02116 - 10
Project Number

\$350,000
Category/Project Budget 2003

\$0
Funds Used To Date 2003

\$332,500
Remaining Balance 2003

Street Impvmt
Category/Project Name

Cost Shares
Program Name

Sales Tax
Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature]
Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fetting 1/17/03
Accounting Manager Date

W. J. Whitaker 1/17/03
City Attorney Date

P. Ulice 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 01-17-03
Division Head Date

Department Director Date

Steve [Signature] 1-21-03
Finance and Internal Services Director

Cross Reference

New Item: Yes ☒ No

Prev Ord/Res #:
Date

Orig Contract Date:

Orig Contract No:

Hugh Garnett 1-21-03
Chief Administrative Officer Date

Dan Corby 2/8/03
Mayor Date

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Engineering Division

To: Dan Coody, Mayor
Fayetteville City Council

Thru: Staff Review

From: Jim Beavers, Engineering *Jim Beavers*

Date: January 17, 2002

Re: City Council Meeting February 4, 2003
Proposed agreement with the Arkansas Highway and Transportation Department relative to preliminary engineering for Razorback Road from 6th Street to Garland/Maple.

Please find attached the proposed agreement and supporting documentation.

The project scope is Razorback Road (State Highway 112) from 6th Street (State Highway 180) north and east to the Garland/Maple intersection.

The total costs are \$35,000.00 which will be shared "50/50" with the University of Arkansas. The City's costs for the preliminary study will be \$17,500.00.

This agreement and authorization for the cost share was approved by the City of Fayetteville Council Street Committee on January 15, 2003.

Enclosures:

1. "Agreement Of Understanding Between The City Of Fayetteville And The Arkansas State Highway And Transportation Department . . . relative to widening Hwy 112 from Hwy. 180 (6th Street) to Garland Avenue"

Such Agreement includes as additional formal Resolution as Attachment B.

2. Memorandum from Greg Boettcher, P.E., to the City of Fayetteville Street Committee dated January 15, 2003.

3. Letter from Mayor Coody to Dan Flowers (AHTD) dated March 27, 2002.
4. Letter from Dan Flowers (AHTD) to Mayor Coody dated July 9, 2002.
5. Letter from Mayor Coody to Donald Pederson (University of Arkansas) dated July 30, 2002.
6. Fax response from Donald Pederson (U of A) to Mayor Coody dated August 2, 2002 with agreement to the cost share of \$17,500.00.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE/PUBLIC WORKS DEPARTMENT

TO: FAYETTEVILLE STREET COMMITTEE
Bob Davis, Chairman; Lioneld Jordan, Alderman; Don Marr,
Alderman; Robert Reynolds, Alderman

COPY: Mayor Dan Coody, Jim Beavers, Heather Woodruff, Hugh
Earnest, Terry Gulley, Tim Conklin

FROM: Greg Boettcher, Public Works Director

DATE: January 15, 2003

RE: Razorback Road Improvement Project
Federal-aid Surface Transportation Program

BACKGROUND

Representatives of the University of Arkansas met with Fayetteville City Administration in early 2002 to discuss the concept of improving Razorback Road from South Street north to the intersection of Garland Avenue and Maple Street. The University had developed a preliminary schematic of widening and wished to collaborate with the City on such capital improvement project. Since this improvement would connect two pending improvement projects (Razorback Road improvements from 15th to 6th Street and Garland Avenue Improvements from Wedington to Maple), it was deemed an essential link in a major transportation corridor. Also, since the road was under the jurisdiction of the Arkansas State Highway and Transportation Department (AHTD) as Highway 180, the improvement project could be eligible for state/federal assistance.

Mayor Coody has requested the AHTD to consider funding of this critical road improvement project due to its connectivity to other major corridors. On July 9, 2002, the AHTD responded to this request by forwarding an "Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department". On July 30, 2002, Mayor Coody advised the University of Arkansas of the AHTD participation agreement and requested that the University of Arkansas financially participate in and support this activity. A fax was received from the University on August 2, 2002 from Mr. Pederson confirming the 50-50 cost share on the preliminary engineering cost of \$35,000.00. Copies of the correspondence are attached.

RECOMMENDATION

It is recommended that the Fayetteville Street Committee approve the preliminary engineering activities on Razorback Road Improvement Project with the net cost to the City of Fayetteville being \$17,500.00. This agreement shall need to then proceed to the City Council for approval and authorization of the mayor's execution of the Agreement of Understanding.

FAYETTEVILLE

RAZORBACK RD

THE CITY OF FAYETTEVILLE, ARKANSAS

March 27, 2002

Mr. Dan Flowers, P.E.
Arkansas State Hwy. & Transportation Dept.
P.O. Box 2261
Little Rock, AR 72209

RE: Surface Transportation Program (STP)
Razorback Road (State Hwy. 265)
Fayetteville, Washington County, Arkansas

Dear Mr. Flowers,

Fayetteville's surface transportation system is becoming increasingly inadequate for the public's transportation needs. Continued community growth coupled with the unique demands of the University of Arkansas campus require infrastructure improvement projects that exceed local resources. To alleviate a pressing local transportation system deficiency, the City requests funding assistance for the improvement of Razorback Road, beginning at Sixth St. and continuing north to Garland Avenue. It is understood that the \$4 - 6 million project may obtain financial assistance under Arkansas Highway and Transportation Program (STP). Incorporation of the Razorback Road Project into the STP work plan is requested. In addition to providing a critically needed interior transportation corridor, this activity may provide long-term benefits by becoming an institutional drive of the University of Arkansas. Discussions with Don Pederson, Vice Chancellor of Finance at the University of Arkansas have confirmed this project to be a high priority for them, as it is for the City.

The construction of this segment of Razorback Road is a crucial link between other transportation projects, and is essential for realization of full benefits from other projects. North of this project, the improvement of Garland Avenue, from Maple Street to Wedington Drive is nearing start of construction. South of this project, improvement of Razorback Road from Sixth Street to Fifteenth St. is scheduled; completion expected in the next two to three years. Full function and benefit of these transportation projects depends upon completion of the requested Razorback Road Improvements (see attached location map).

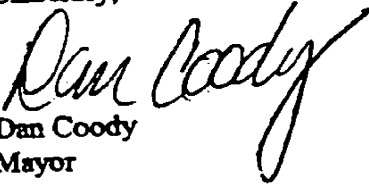
Fayetteville has placed a strong emphasis on local transportation needs and is securing a consultant to perform a comprehensive traffic study. This expected traffic

Dan Flowers
Arkansas Highway & Transportation Dept.
Page 2

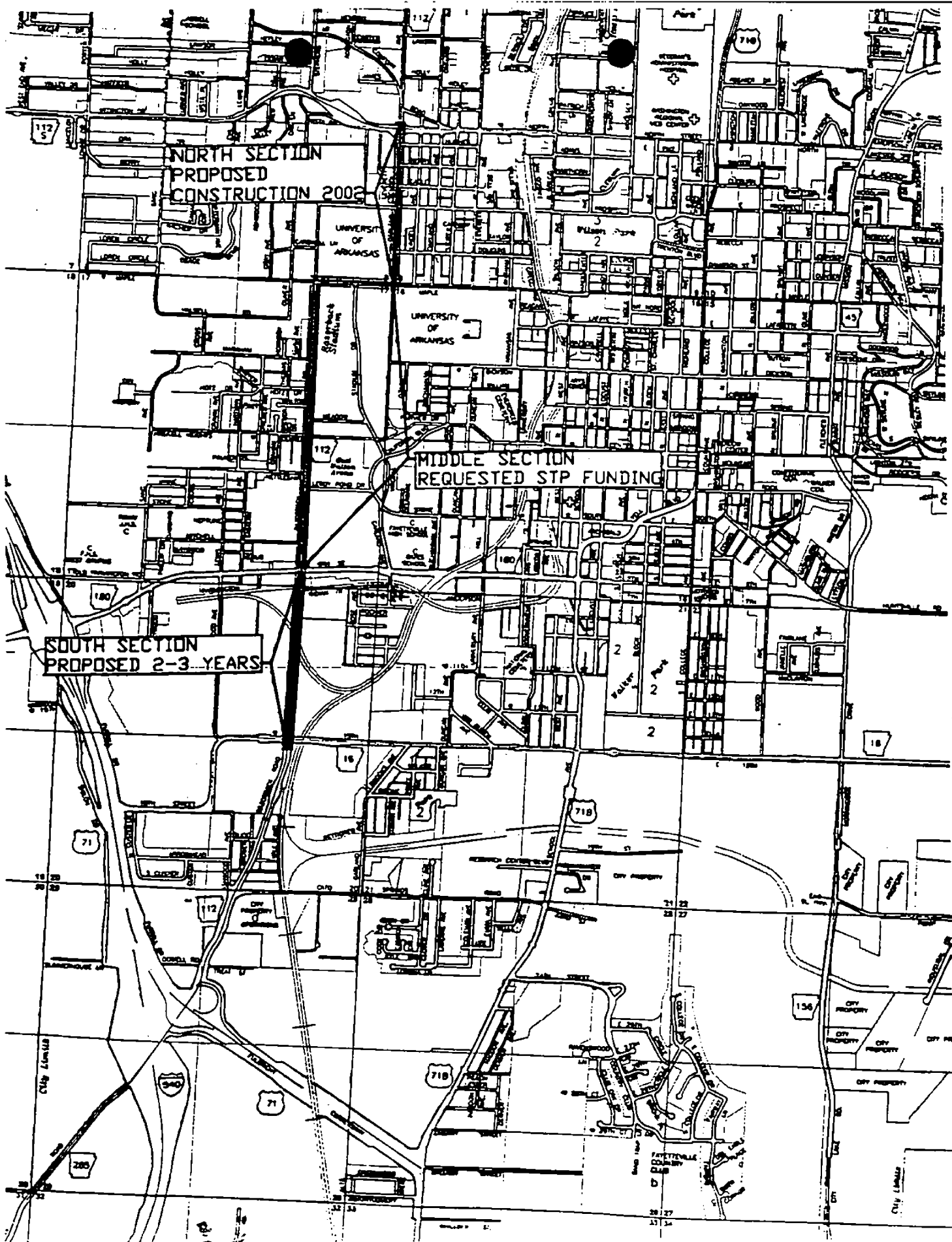
analysis will further validate the need for Razorback Road Improvements as well as identify and prioritize other needs. It is requested that the Arkansas State Highway and Transportation Department include this middle segment of Razorback Road Improvements in its STP funding schedule, granting this need a high priority.

Should there be any questions, or if additional information is needed, please don't hesitate to contact me at 479-575-8330.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Don Pederson, University of Arkansas
Jonathan Barnett, Arkansas State Highway Commission



ARKANSAS STATE HIGHWAY COMMISSION

JOHN "M" LIPTON, CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD, VICE CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA



JONATHAN BARNETT
SILOAM SPRINGS

RECEIVED CARL S. ROSENBAUM
LITTLE ROCK

JUL 15 2002

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-9860
CITY OF FAYETTEVILLE
CITY MANAGER'S OFFICE
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400
July 9, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your most recent letter requesting that we program a Federal-aid Surface Transportation Program (STP) City project to widen Highway 112 (Razorback Road) from Highway 180 (6th Street) to Garland Avenue in Fayetteville.

Enclosed is an Agreement of Understanding for the project that includes a sample resolution (Attachment B) for your City Council to pass. Once the resolution is passed, please sign the Agreement and return it with a signed and sealed copy of the resolution to the Department. We will then execute the Agreement and return a copy to you.

If you have any questions, please advise.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

FAYETTEVILLE

RAZORBACK RD

THE CITY OF FAYETTEVILLE, ARKANSAS

July 30, 2002

Mr. Donald O. Pederson
Vice Chancellor for Finance and Administration
University of Arkansas
406 Administration Building
Fayetteville, AR 72701

RE: Razorback Road Improvement Project
Highway 180 (6th Street) to Garland Avenue
Federal-aid Surface Transportation Program

Dear Mr. Pederson,

Following our meeting earlier this year to discuss improvement concepts for Razorback Road, I have pursued possible funding avenues for such a project. One such option was the use of the Federal-aid Surface Transportation Program (STP) to cover a portion of the road improvement project costs. In response to this request, the Arkansas Highway and Transportation Department has tendered an Agreement of Understanding for this project. In essence, the project scope involves the improvement of Razorback Road between 6th Street and Garland Avenue. It has been indicated that the University of Arkansas is interested in the improvement of this road segment due to its connectivity with the campus. Similarly, the City of Fayetteville has interest in the road improvement due to its potential to improve the public transportation network. It appears that there are shared benefits from this proposed project that accrue equally to the University of Arkansas and the City of Fayetteville.

Under the STP program, this project would be eligible for 80% federal aid towards allowable elements with a funding ceiling of \$1,000,000.00. The 20% local match, ineligible project activities and project costs above \$1,000,000.00 must all be secured to complete this project's financing program. At this time, the amount of local matching funds needed is not known as first the preliminary engineering must be completed. Once this preliminary design is available, a project budget will be developed and funding sources secured. It is evident that this Razorback Road Improvement Project will have a cost far exceeding the \$1,000,000.00, therefore, local match funding must be secured. Also, with the current economic conditions and the limited capital improvement funding in the municipal budget, the use of municipal resources alone may not be feasible for completion of the project's financing program.

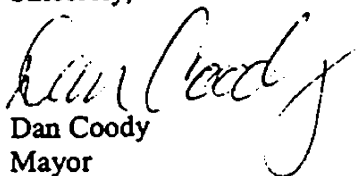
Donald Pederson
University of Arkansas
Page 2

In view of the University of Arkansas's interests in and benefits from this project, would a funding partnership be possible with the University and City being equal partners in the local match requirements? With respect to municipal utility relocation, the City of Fayetteville's Water & Sewer Division would bear the costs, and with respect to additional rights-of-way, the University would provide easements/right-of-way at no cost to the project. These cooperative participations may bring the local share of the project costs within our collective resources. I would appreciate the University's consideration of this partnership as this represents the only viable financing program for the Razorback Road Improvement Project.

While it is important that these arrangements be confirmed, these are not an immediate priority. It is considerably more important that the "Agreement of Understanding" be approved enabling the Arkansas Highway and Transportation Department to place the preliminary engineering design on its schedule. At such time as the preliminary design enters the work flow, a payment of \$35,000.00 will be required. To confirm the University of Arkansas's interest in this project and its intent to partner with the City on such improvement, it is requested that the University of Arkansas agree to fund 50% of the preliminary engineering costs, or \$17,500.00.

If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager



RAZORBACK RD

UNIVERSITY of ARKANSAS

1871

University of Arkansas, Fayetteville
Office of the Vice Chancellor for Finance & Administration
406 Administration Building
Fayetteville, AR 72701
Fax #479-575-5400

Number of pages including cover: 2 Date: 8-2-02

Company sent to:

Company name:

City of Fay.

ATTN:

Don Coady

FAX Number:

() 575-8257

Phone Number:

()

Sent from:

Sender's name:

Don Pederson

Phone Number:

(479) 575-5828

Message/Notes:

Is this sufficient?Don Pederson

If you have problems with this transmission, please call (479) 575-5828

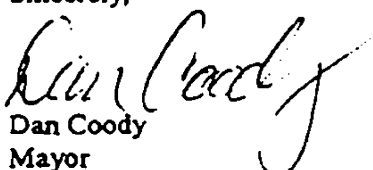
Donald Pederson
University of Arkansas
Page 2

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While it is important that these arrangements be confirmed, these are not an immediate priority. It is considerably more important that the "Agreement of Understanding" be approved enabling the Arkansas Highway and Transportation Department to place the preliminary engineering design on its schedule. At such time as the preliminary design enters the work flow, a payment of \$35,000.00 will be required. To confirm the University of Arkansas's interest in this project and its intent to partner with the City on such improvement, it is requested that the University of Arkansas agree to fund 50% of the preliminary engineering costs, or \$17,500.00.

If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

agreed
D. J. Pederson

8/2/02

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
Statewide Transportation Improvement Program (STIP) Amendment Approval Request

Date: January 17, 2014

In order to comply with the Statewide Planning Requirements as set forth in the MAP-21, the following item(s) have been added to the applicable TIP.

Northwest Arkansas Regional Transportation Study

Job (Item) Number	County	Route	Termini / Length	Type / Phase of Work	Estimated Cost Funding Breakdown (x1000)	Agency Responsible for:		Estimated Scheduling (FFY)	
						Providing Matching Funds	Carrying Out the Project		
090385	Benton	County Road	Illinois River Fisher Ford Bridge	Right-of-Way	13.15 - Total 10.52 - STP-A 2.63 - Local	Local	State	2014	Increase Funding
040582	Washington	112	Maple Street Impvts. and Traffic Signal at Maple and Razorback Road	Major Widening	3,000 - Total 2,400 - STP-A 600 - Local	Local	State	2014	Add to STIP
040642	Washington	45	Hwy. 45/Old Wire Rd. Traffic Signal and Intersection Improvements	Intersec. Impvts.	1,500 - Total 850 - STP-A 350 - STP 300 - Local	Local	State	2014	Add to STIP
090---	Benton	City Street	South Dixieland Road Extension	PE and Environmenal	450 - Total 360 - STP-A 90 - Local	Local	Local	2014	Add to STIP
012---	Benton/ Washington	N/A	NARTStudy Area	Planning	125 - Total 100 - STP-A 25 - Local	Local	Local	2014	Add to STIP
090---	Benton	N/A	Lake Springdale Trailhead	Construction	600 - Total 200 - TAP 400 - Local	Local	Local	2014	Add to STIP
090---	Benton	N/A	Walton Blvd. Multi-use Trail	Construction	717 - Total 226 - TAP 491 - Local	Local	Local	2014	Add to STIP
040---	Washington	N/A	Gordon Long Park Trailhead - Razorback Regional Greenway	Construction	262 - Total 22 - TAP 240 - Local	Local	Local	2014	Add to STIP
090---	Benton	N/A	New Hope Bridge - Razorback Regional Greenway	Construction	1250 - Total 225 - TAP 1025 - Local	Local	Local	2015	Add to STIP
040---	Washington	N/A	Drake Street Cycle Track and Trail	Construction	325 - Total 260 - TAP 65 - Local	Local	Local	2015	Add to STIP

Recommended by:

Paul Scrim
Metropolitan Planning Coordinator

MPO Approval Date:

1-3-14

Submitted by:

Hemi Hunter
Engineer of Programs and Contracts Division

Date:

1-21-14

(For Federal Highway Administration Use Only)

Approved by:

Sam DeWitt

Date:

2/19/14

RECEIVED

FEB 20 2014

Programs & Contracts
AHTD



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0047

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 9

WALTON ARTS CENTER COUNCIL, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR EDUCATIONAL, ENTERTAINMENT AND ADMINISTRATIVE SERVICES IN 2015 TO THE WALTON ARTS CENTER COUNCIL, INC. IN THE AMOUNT OF \$250,000.00

WHEREAS, the Walton Arts Center Council, Inc. was jointly created by the City of Fayetteville and the University of Arkansas to bring cultural arts and entertainment to our citizens; and

WHEREAS, the Walton Arts Center has long provided excellent cultural and fine arts performances and presentations for University staff and students and for the citizens of Fayetteville and the surrounding region; and

WHEREAS, the Walton Arts Center on Dickson Street in Fayetteville is uniquely situated and capable of providing unmatched arts education and cultural arts experiences and entertainment to Fayetteville citizens; and

WHEREAS, the City of Fayetteville desires to purchase such educational and entertainment services from the Walton Arts Center on Dickson Street to be delivered at reduced or no cost to Fayetteville citizens during 2015 and thereafter.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the unique experience, capability, and expertise of the Walton Arts Center to provide superior cultural and fine arts education and entertainment at reduced or no cost to Fayetteville citizens and to provide space and administrative help for Fayetteville citizen/artists makes formal competitive bidding not feasible nor practical and thereby waives the requirements of formal competitive bidding for these services and approves an Educational, Entertainment and Administrative Services contract with the Walton Arts Center Council, Inc. for 2015 in the amount of \$250,000.00 which is automatically renewable for three additional years and authorizes Mayor Jordan to execute the contract attached to this Ordinance and made a part hereof.

City of Fayetteville Staff Review Form

2015-0047

Legistar File ID

2/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Sharon Waters

1/26/2015

Parking & Telecommunications /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to Waive Competitive Bidding and Award a Contract for Educational, Entertainment and Administrative Services in 2015 to the Walton Arts Center Council, Inc. in the Amount of \$250,000.00; provided from revenues earned through the parking program in the Entertainment District.

Budget Impact:

2130.9131.5719.00

Parking Fund

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 250,000.00

Funds Obligated \$ -

Current Balance \$ 250,000.00

Does item have a cost? Yes

Item Cost \$ 250,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

Previous Ordinance or Resolution # 5409

V20140710

Original Contract Number:

Approval Date:

Comments:



City Council Meeting Date:
February 17, 2015

City Council Agenda Memo

To: Mayor and Members of the City Council
From: Sharon Waters, Parking & Telecommunications Manager
Thru: Don Marr, Chief of Staff
Date: January 26, 2015
Subject: Walton Arts Center, Contract for Arts & Related Services

Recommendation:

The City Staff recommends on behalf of the Mayor's office that the City of Fayetteville, AR contract with the Walton Arts Center for Arts Education Services, Discounted Space and Administrative Services (marketing, promotion, administration) for local arts organizations, and discounted and free tickets for art festivals and visual arts exhibits.

Background:

During the approval of the 2010 City of Fayetteville Entertainment Parking Program Ordinance and budget approvals the City Council approved a line item budget for \$250,000 of parking revenues to be allocated to the Walton Arts Center contract for art services and discounted space and administration fees for local arts organizations. This proposed contract is a continuation of the annual funding of \$250,000.00 to the Walton Arts Center. Attached to this proposed is a list of services to be provided by the Walton Arts Center at Net Cost. This listing is showing costs for more services than the budget allocated amount of \$250,000. It shows services provided estimated at a value near \$500,000.

The City Staff recommends after consultation with the City Attorney's office to ensure compliance with legal requirements necessary when spending tax payer dollars for services to pay \$250,000 for Programs directly serving 7,300 children each year within the Fayetteville School District. This provides programming to children, who might not otherwise have access to performing arts programs. The Staff also recommends that the contract include services that are either free to the attendees for Fayetteville Citizens or provide reduced ticket prices of \$10 or less. Such events would include Artosphere Festival events, visual arts exhibitions that support local artists as well as nationally prominent artists to Fayetteville. Lastly, the Staff recommends that the contract for services also provide reduced rent and professional services (marketing, promotion, public relations, and administration) for growing local arts organizations (such as Theater Squared) to promote a strong cultural infrastructure in the City of Fayetteville.

Budget Impact:

This contract will utilize the \$250,000 approved in the 2015 Parking Program Budget which were designated for this purpose.

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.

Vendor #:		141		Vendor Name:		Walton Arts Center		Requisition No.:		Date:	
Address:		P.O. Box 3547		City:		Fayetteville		P.O. Number:		1/26/2015	
Requester:		Sharon Waters		State:		AR		Mail		Yes ☐ No ☐	
Item		Description		Quantity		Unit of Issue		Unit Cost		Extended Cost	
1		2015 WAC Contract for Educational, Entertainment and Admin Services Contract		1		lot		250,000.00		250,000.00	
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: _____

CONTRACT
FOR THE PROVISION OF EDUCATIONAL,
ENTERTAINMENT AND ADMINISTRATIVE SERVICES
FOR CITIZENS OF THE CITY OF FAYETTEVILLE,
ARKANSAS TO BE PROVIDED BY THE WALTON ARTS
CENTER COUNCIL, INC.

THIS CONTRACT made and entered by and between the City of Fayetteville, Arkansas, an Arkansas municipal corporation, and the Walton Arts Center Council, Inc., an Arkansas nonprofit corporation, WITNESSETH:

IN CONSIDERATION of the mutual promises and obligations of the parties contained herein, and other good and valuable consideration, **the City of Fayetteville and the Walton Arts Center Council, Inc. hereby agree** as follows:

1. The City of Fayetteville agrees to purchase educational services for its citizens; discounted and free tickets for its citizens, discounted space and administrative services for its citizen/artists and other educational and entertainment services for its citizens.

2. The Walton Arts Center Council, Inc. agrees to provide educational services for Fayetteville citizens; discounted and free tickets for Fayetteville citizens, discounted space and administrative services for Fayetteville citizen/artists and other educational and entertainment services for Fayetteville citizens. These services are more particularly described in the Walton Arts Center Schedule of City Services Provided at Estimated Net Cost for Calendar Year 2015 attached as Exhibit 1.

3. To accomplish both the goals of Fayetteville and the Walton Arts Center, Fayetteville agrees to pay Walton Arts Center, and Walton Arts Center agrees to accept **Two Hundred Fifty Thousand Dollars (\$250,000.00)** in monthly installments of \$20,833.33 for services identified in the Schedule of City Services Provided for 2015. The Walton Arts Center agrees to provide the services noted in

paragraph 2 above and in the Schedule of City Services Provided for the amount of Two Hundred Fifty Thousand Dollars for 2015.

4. The initial term of this Contract shall be one (1) year from January 1, 2015 to December 31, 2015. This Contract shall automatically renew for up to three successive one (1) year periods. Both parties may terminate this contract without penalty by giving the other party thirty (30) days written notice of its intent to terminate. For purposes of notice required by this paragraph, notice shall be sent by the parties via first-class U.S. Mail to the addresses indicated below, or otherwise delivered to the administrative office of the other party.

To Fayetteville: City of Fayetteville
Mayor's Office
113 W. Mountain St.
Fayetteville, AR 72701

To the Walton Arts Center: The Walton Arts Center Council, Inc.
c/o Walton Arts Center Executive Director
P.O. Box 3547
Fayetteville, AR 72702-3547

5. The Walton Arts Center shall invoice Fayetteville monthly for services provided herein. Payments by Fayetteville shall be made within thirty (30) days of the receipt of the Walton Arts Center invoice.

6. Changes, modifications or amendments to the scope, price or fees dictated by this Contract shall not be allowed without a prior formal Contract amendment approved by the Mayor and the City Council of Fayetteville in advance of the change.

7. Freedom of Information Act: City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If an FOIA request is presented to Fayetteville, the Walton

Arts Center will do everything possible to provide the documents in a prompt and timely manner as prescribed in the FOIA (Ark. Code Ann. § 25-19-101, *et seq.*). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8. Jurisdiction: Legal jurisdiction and venue for the resolution of any legal or equitable disputes arising under this Contract lie exclusively in the Circuit Court of Washington County, Arkansas.

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
LIONELD JORDAN, Mayor

Date: _____

ATTEST:

By: _____
Sondra E. Smith, City Clerk

**THE WALTON ARTS CENTER
COUNCIL, INC.**

By: _____
Authorized Agent

Date: 1/27/15

WITNESS: Sandra E. Smith

EXHIBIT 1

**Walton Arts Center
Schedule of City Services Provided
at Estimated Net Cost*
For Calendar Year 2015**

	Net Cost
Learning & Classroom	
WAC learning programs will directly serve an estimated 7,300 children this year in the Fayetteville school district - many of whom would not otherwise have access to performing arts programs. In addition, WAC will provide teacher development programs in Fayetteville school classrooms to improve learning which will impact thousands of students.	
<i>Classroom Series ticket price subsidy</i>	\$ 51,100
<i>Bus transportation subsidy</i>	\$ 3,200
<i>In-school residencies and teacher development</i>	\$ 32,700
Public Performances	
Performances in Fayetteville that will be either free to the attendees or have a subsidized ticket price of \$10 or less, including Artosphere Festival events. Visual arts exhibitions are free and support local artists as well as bringing nationally prominent artists to Fayetteville.	
<i>Take-A-Seat ticket giveaways - free tickets for social service groups</i>	\$ 9,950
<i>Free events and performances - or subsidized (less than \$10/ticket)</i>	\$ 72,700
<i>Visual arts - free exhibits</i>	\$ 53,500
Community Support	
Walton Arts Center subsidizes rent and professional services (marketing, PR, administration) for growing local arts organizations to promote a strong cultural infrastructure in the City of Fayetteville. These include Theater Squared, Community Creative Center, and Symphony of Northwest Arkansas.	
<i>Resident company lease subsidies, marketing support, and provided box office and ticketing services</i>	\$ 270,000
Total Net Cost of Services Provided	\$ 493,150

*estimates are based on actual 2014 costs and organizational budgets



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0063

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 10

ASSOCIATED TIME & PARKING CONTROLS SPRING STREET PARKING DECK:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$98,805.95 FOR THE SPRING STREET PARKING DECK

WHEREAS, Associated Time & Parking Controls is the City's current supplier of digital parking equipment in the Entertainment District and Downtown Business District as well as the servers and infrastructures supporting those parking systems and it is more cost effective to use compatible equipment for the Spring Street Parking Deck.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$98,805.95 for the Spring Street Parking Deck.

City of Fayetteville Staff Review Form

2015-0063

Legistar File ID

2/17/2015

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

Sharon Waters

1/30/2015

Parking & Telecommunications /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to Waive Competitive Bidding and Approval to Purchase Parking Equipment from Associated Time & Parking Controls for the Spring Street Parking Deck in the Amount of \$98,805.95.

Budget Impact:

4560.9560.5801.00

Parking Deck Fund

Account Number

Fund

11028.1701

Entertainment District Parking Facility

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 100,000.00

Funds Obligated \$ -

Current Balance \$ 100,000.00

Does item have a cost? Yes

Item Cost \$ 98,805.95

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 1,194.05

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:



City Council Meeting Date:
February 17, 2015

City Council Agenda Memo

To: Mayor and Members of the City Council
From: Sharon Waters, Parking & Telecommunications Manager *SW*
Thru: Don Marr, Chief of Staff
Date: January 30, 2015
Subject: Bid Waiver and Approval to Purchase Parking Deck Equipment from Associated Time & Parking Controls in the Amount of \$98,805.95

Recommendation:

The City Staff recommends to waive competitive bidding and approve the purchase of parking equipment from Associated Time & Parking Controls for the Spring Street Parking Deck in the amount of \$98,805.95.

Background:

The City currently uses Associated Time & Parking Controls for all Digital Parking Equipment in the Entertainment District and in the Downtown Business District. The servers and infrastructure that supports these systems are already in place and were purchased from Associated Time & Parking Controls. A bid waiver will be needed in order to continue growing upon this system and adding additional equipment to the existing configuration. The funding of \$100,000.00 for this equipment has already been approved by City Council for this project.

Budget Impact:

This contract will utilize the \$98,805.95 of the \$100,000.00 approved in the 2015 Parking Deck Budget which were designated for this purpose.

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.: **3** Date: **1/30/2015**

P.O Number:

Vendor #: **14882** Vendor Name: Associated Time & Parking Controls

Address: **9104 Diplomacy Row** FOB Point: Taxable ☒ Yes ☐ No

City: **Dallas** State: **TX** Zip Code: **75247** Ship to code: **62** Expected Delivery Date: **2015-0063**

Requester: **Sharon Waters** Requester's Employee #: **174** Extension: **8277**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #
1	Digital Luke II Pay Machines	1	lot	90,028.20	\$90,028.20	4560.9560.5801.00	11028.1701		
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:

Approvals:

Subtotal: **\$90,028.20**
Tax: **\$8,777.75**
Total: **\$98,805.95**

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Chief Financial Officer: _____ Budget Director: _____ IT Director: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____



Associated Time & Parking Controls

January 23, 2015

Ms. Sharon Waters
Parking & Telecommunications Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Sharon,

Please find the following proposal to furnish and install the Digital Luke II Pay by Space Machines that will provide for paid parking in the new Spring Street Parking Deck. The units being proposed are compatible and will directly interface with the units and software currently being utilized by the City on Dickson Street and other lots. Likewise, the pricing includes the credit for the two Amano Pay in Lane Machines, as discussed. In addition, the **Warranty for these units will not take effect until such time as the units are installed, as long as that occurs before the end of September 2015.** If you have any questions, please do not hesitate to contact me at your convenience.

ITEM	QTY	DESCRIPTION
1	6	900.0021 Digital LUKE II Pay By Space Machines
2	6	880.4030 Digital Lock-Maintenance-L2 - Match to existing Key
3	6	880.4036 Lock-Collections-L2
4	2	450.0018 Key-Green Ex.Access-S/L/LR/L2
5	1	450.0019 Key Yellow Ex.Access-S/L/LR/L2
6	2	450.0033 Key-Bill Stacker Access-L2
7	2	450.0006 Key Hopp/Canister Acc-S/LR/L2
8	6	115.0108 Coin Canister-L2
9	6	115.0108 Coin Canister-L2 Spare
10	6	115.0132 Bill Stacker 1000 Note-L2
11	6	115.0132 Bill Stacker 1000 Note-L2 Spare
12	1	880.4084 USB Data Key-C

TOTAL EQUIPMENT COST.....	\$107,423.00
LESS COF TRADE-IN ALLOWANCE.....	\$ 22,444.80
TOTAL INSTALLATION, PROGRAMMING & WARRANTY.....	\$ 5,050.00
TOTAL SALES TAX.....	\$ 8,777.75
 TOTAL INVESTMENT SPRING STREET PARKING DECK.....	 \$ 98,805.95

Excludes: 110VAC, Ethernet Connectivity, Concrete, Bollards, and Sales Tax

Corporate Office- Dallas: 9104 Diplomacy Row • Dallas, Texas 75247 • Phone (214) 637-2763 • Fax (214) 688-0411
Austin: 4020 S. Industrial Drive, Suite 150 • Austin, Texas 78744 • Phone (512) 693-9200 • Fax (512) 693-9091
Houston: 1217 West Loop North, Suite 190 • Houston, Texas 77055 • Phone (713) 263-1366 • Fax (713) 263-8154
New Orleans: 1447 West Lindberg Drive, Suite 204 • Slidell, Louisiana 70458 • Phone (985) 781-3929 • Fax (985) 781-3950
NW Arkansas: 13902 Highway 279 • Hiwassee, Arkansas 72739-6002 • Phone (479) 435-1361 • Fax (479) 855-4642

www.associatedtime.com

January 23, 2015
City of Fayetteville
Spring Street Parking Deck
Page 2

Terms/Conditions

Iris/Ems Quote & information provided separately
Order will not ship without Iris/EMS agreement being accepted by Client
Add to existing Iris/EMS Profile: Fayetteville

No modems included in this quote
Ethernet connection only
ATPC to provide paper from stock on separate quote

We appreciate the opportunity to work with you on this exciting new project for Fayetteville. Please let me know if I can provide any additional information or pricing.

Respectfully submitted,



Christopher J. Archer
President
Associated Time & Parking Controls



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0065

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: D. 11

ASSOCIATED TIME & PARKING CONTROLS WEST AVENUE PARKING LOT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$66,985.91 FOR THE WEST AVENUE PARKING LOT

WHEREAS, Associated Time & Parking Controls is the City's current supplier of digital parking equipment in the Entertainment District and Downtown Business District as well as the servers and infrastructures supporting those parking systems and it is more cost effective to use compatible equipment for the West Avenue Parking Lot.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$66,985.91 for the West Avenue Parking Lot.

City of Fayetteville Staff Review Form

2015-0065

Legistar File ID

2/17/2015

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

Sharon Waters

1/30/2015

Parking & Telecommunications /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to Waive Competitive Bidding and Approval to Purchase Parking Equipment from Associated Time & Parking Controls for the West Avenue Parking Lot in the Amount of \$66,985.91.

Budget Impact:

2130.9130.5819.00

Parking Fund

Account Number

Fund

06001.1

Parking Lot Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 67,609.54

Funds Obligated \$ -

Current Balance \$ **67,609.54**

Does item have a cost? Yes

Item Cost \$ 66,985.91

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ **623.63**

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:



City Council Meeting Date:
February 17, 2015

City Council Agenda Memo

To: Mayor and Members of the City Council
From: Sharon Waters, Parking & Telecommunications Manager
Thru: Don Marr, Chief of Staff
Date: January 30, 2015
Subject: Bid Waiver and Approval to Purchase Parking Equipment from Associated Time & Parking Controls in the Amount of \$66,985.91 for the West Avenue Parking Lot

Recommendation:

The City Staff recommends to waive competitive bidding and approve the purchase of parking equipment from Associated Time & Parking Controls for the West Avenue Parking Lot in the amount of \$66,985.91.

Background:

The City currently uses Associated Time & Parking Controls for all Digital Parking Equipment in the Entertainment District and in the Downtown Business District. The servers and infrastructure that supports these systems are already in place and were purchased from Associated Time & Parking Controls. A bid waiver will be needed in order to continue growing upon this system and adding additional equipment to the existing configuration.

Associated Time & Parking Controls has allowed us a credit of \$13,975.00 for the trade-in allowance on the old equipment.

Budget Impact:

This contract will utilize the \$66,985.91 of the \$67,609.54 approved in the 2015 CIP Budget which were designated for this purpose.

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.

Vendor #: 14882

Vendor Name:

Associated Time & Parking Controls

Mail ☐ Yes ☒ No

Legistar#: 2015-0065

Address: 9104 Diplomacy Row

FOB Point:

Taxable ☒ Yes ☐ No

Expected Delivery Date:

City: Dallas

State: TX

Zip Code: 75247

Ship to code: 62

Quotes Attached ☐ Yes ☒ No

Requester: Sharon Waters

Requester's Employee #: 174

Extension: 8277

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #
1	Digital Luke II Pay Machines for the West Avenue Parking Lot	1	lot	61,035.00	\$61,035.00	2130.9130.5819.00	06001.1		
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: \$61,035.00
Tax: \$5,950.91
Total: \$66,985.91

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Requisition No.: 4

Date: 1/30/2015

P.O. Number:



Associated Time & Parking Controls

January 26, 2015

Ms. Sharon Waters
Parking & Telecommunications Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Sharon,

Please find the following proposal to furnish and install the Digital Luke II Pay by Space Machines that will replace the existing equipment currently in the WAC Lot. The units being proposed are compatible and will directly interface with the units and software currently being utilized by the City on Dickson Street and other lots, including the new Spring Street Parking Deck. As we have previously done, we are providing a credit for the Amano equipment currently installed in the WAC Lot, with the exception of the gates, which will remain. The Total Installation does include removal and haul away of all existing equipment. In addition, the **Warranty for these units will not take effect until such time as the units are installed, as long as that occurs before the end of September 2015.** If you have any questions, please do not hesitate to contact me at your convenience.

ITEM	QTY	DESCRIPTION
1	4	900.0021 Digital LUKE II Pay By Space Machines
2	4	880.4030 Digital Lock-Maintenance-L2 – Match to existing Key
3	4	880.4036 Lock-Collections-L2
4	2	450.0018 Key-Green Ex.Access-S/L/LR/L2
5	1	450.0019 Key Yellow Ex.Access-S/L/LR/L2
6	2	450.0033 Key-Bill Stacker Access-L2
7	2	450.0006 Key Hopp/Canister Acc-S/LR/L2
8	4	115.0108 Coin Canister-L2
9	4	115.0108 Coin Canister-L2 Spare
10	4	115.0132 Bill Stacker 1000 Note-L2
11	4	115.0132 Bill Stacker 1000 Note-L2 Spare
12	1	880.4084 USB Data Key-C

TOTAL EQUIPMENT COST.....	\$71,615.00
LESS COF TRADE-IN ALLOWANCE.....	\$13,975.00
TOTAL INSTALLATION, PROGRAMMING & WARRANTY.....	\$ 3,395.00
TOTAL SALES TAX.....	<u>\$ 5,950.91</u>
 TOTAL INVESTMENT WAC LOT.....	 \$66,985.91

Excludes: 110VAC, Ethernet Connectivity, Concrete, Bollards, and Sales Tax

Corporate Office- Dallas: 9104 Diplomacy Row • Dallas, Texas 75247 • Phone (214) 637-2763 • Fax (214) 688-0411
Austin: 4020 S. Industrial Drive, Suite 150 • Austin, Texas 78744 • Phone (512) 693-9200 • Fax (512) 693-9091
Houston: 1217 West Loop North, Suite 190 • Houston, Texas 77055 • Phone (713) 263-1366 • Fax (713) 263-8154
New Orleans: 1447 West Lindberg Drive, Suite 204 • Slidell, Louisiana 70458 • Phone (985) 781-3929 • Fax (985) 781-3950
NW Arkansas: 13902 Highway 279 • Hotwasse, Arkansas 72739-6002 • Phone (479) 435-1361 • Fax (479) 855-4642

www.associatedtime.com

January 26, 2015
City of Fayetteville
WAC Lot
Page 2

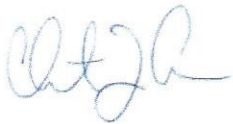
Terms/Conditions

Iris/Ems Quote & information provided separately
Order will not ship without Iris/EMS agreement being accepted by Client
Add to existing Iris/EMS Profile: Fayetteville

No modems included in this quote
Ethernet connection only
ATPC to provide paper from stock on separate quote

We appreciate the opportunity to work with you on this exciting new project for Fayetteville. Please let me know if I can provide any additional information or pricing.

Respectfully submitted,



Christopher J. Archer
President
Associated Time & Parking Controls



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0056

Agenda Date: 2/17/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: D. 12

GULLEY PARK TWO SINGLE FAMILY LOT SELL:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO OFFER FOR SALE APPROXIMATELY 1.25 ACRES OF CITY OWNED REAL PROPERTY ON OLD WIRE ROAD NEAR GULLEY PARK

WHEREAS, pursuant to §34.27 of the Code of Fayetteville, the City Council shall issue notice of its authorization to sell city owned real estate by Resolution.

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 gives notice and authorization to offer for sale approximately 1.25 acres as described in Exhibit A on Old Wire Road near Gulley Park.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the appraisal dated July 18, 2014, a copy of which is attached to this Resolution and made a part hereof, which estimates the value of the real property located at 2634 Old Wire Road as \$111,500.00 and the value of the real property located at 2648 Old Wire Road as \$218,500.00 and determines that no new appraisal or rezoning of the property is necessary.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that this 1.25 acres of real property and the structures located on the property no longer serve a municipal purpose in that proceeds from the sale of this property will contribute more to the expansion of and improvements to city parks than if the City were to retain the land and structures themselves.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to offer for sale the properties located at 2634 Old Wire Road and 2648 Old Wire Road through a sealed bid process with bids submitted by April 20, 2015, before 2.00 p.m. local time at the City of Fayetteville Purchasing Division office located at 113 W. Mountain Street, Room 306, Fayetteville, AR 72701.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby sets the minimum bid for 2634 Old Wire Road at \$111,500.00 and for 2648 Old Wire Road at \$218,500.00 based on their appraised values and the City Council shall determine whether to accept or reject any bid that has been submitted.

City of Fayetteville Staff Review Form

2015-0056

Legistar File ID

2/17/2015

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

Connie Edmonston

1/29/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval to sell two single family lots with existing houses situated on 1.20± acres in Gulley Park according to City Ordinance §34.27 – Sale of Municipally Owned Real Property and keep the current zoning of RSF-4, as well as accept the appraisal report for the lots performed by Reed and Associates, Inc. on July 10, 2014.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 157-14

Original Contract Number:

Approval Date:

Comments:

MEETING OF FEBRUARY 17, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: January 30, 2015

SUBJECT: Approval to sell two single family lots in Gulley Park

RECOMMENDATION:

Approval to sell two single family lots with existing houses situated on 1.20± acres in Gulley Park according to City Ordinance §34.27 – Sale of Municipally Owned Real Property and keep the current zoning of RSF-4, as well as accept the appraisal report for the lots performed by Reed and Associates, Inc. on July 10, 2014.

BACKGROUND:

Gulley Park was purchased by the City of Fayetteville in 1988 from the Fred Gulley family in order to establish a 28-acre community park in the northeast section of our city. Gulley Park has grown to be a very popular park and serves as host to the famous Gulley Park Summer Concert Series for the upcoming 19th consecutive year and other annual events including the Dogwood Walk, Cow Paddy Run and our own drama camp. Gulley Park's walking trail, playgrounds, swings, pavilion, gazebo and open space are actively and highly used by the public, and it is one of the few parks that still retains a somewhat pastoral atmosphere due to the nature of the land and open, non-programmed usable green space.

In the spring of 2014, the Dunn family, who owned the adjoining acreage to the north of Gulley Park, contacted the Parks and Recreation Department to notify the city of their intent to sell their 11+ acres including a pasture and two existing residential houses. Our citizens became zealous over the opportunity to expand Gulley Park to the north where they had enjoyed the Dunn's beautiful green pasture with grazing donkeys and wanted to preserve this green space as part of the park. Quickly the Friends of Gulley Park formed and took on the campaign for expanding the park and assisted the city in seizing this premium piece of property. The Parks and Recreation Department had to be very creative to develop a plan to be able to purchase this property. Through the help of citizens including Friends of Gulley Park and the Fayetteville Natural Heritage Association, as well as a thorough review of the capital funds and projects, a proposal for purchase was created. On August 19, 2014, the Fayetteville City Council passed Resolution #157-14 approving the purchase of 11.32 acres for expansion of the park at a cost of \$1.1 million. The Fayetteville Natural Heritage Association (FNHA) committed to raise \$130,000 of the \$1.1 million total land purchase in their effort to "preserve beautiful and important natural areas and park land."

DISCUSSION:

The August 19, 2014 agenda packet informed the City Council about the anticipation of selling the two lots and existing homes. The 2015 capital project to renovate the Gulley Park trail and trail lighting and add parking to the park was delayed until the next five year CIP plan in order to fund this purchase. In addition, funding for the 2016 capital project for improvements at Wilson Park was used to pay the 2016 payment of the land through the contract agreement. The memo stated, "...The revenue from the sale of these houses will go towards the second payment of \$270,000 in 2016 and will help replenish the funding planned for the improvements to Wilson Park."

The 11.32-acre expansion minus the 1.20 acres included in the two lots would leave Gulley Park containing approximately 38 acres. The additional 10.12 acres is a natural expansion of what the city currently provides and will preserve the pastoral setting to which people appear to flock. It is the opinion of staff that the revenue from the sale of the lots is more important and advantageous to our citizens to be used for improvements to Wilson Park than to keep the 1.20 acres as part of Gulley Park. Parks and Recreation staff strives to meet the needs of our citizens through as many parks as possible. Wilson Park is one of our city's oldest parks and it is in need of improvement to the playground, restrooms, rock house, basketball courts and driveways. Wilson Park improvements cannot be overlooked as a priority for 2016 as a result of the sale of the two homes in Gulley Park.

BUDGET/STAFF IMPACT:

The two homes containing 1.20 acres were appraised at \$111,500 and \$218,500, for a total of \$330,000, by Reed and Associates, Inc. in their report on July 10, 2014. The city requests to sell the two homes and place all net proceeds up to \$270,000 from the sale of these houses back into the Wilson Park capital improvement fund, and place all net proceeds exceeding \$270,000 into the Gulley Park Capital Improvement Fund.

A public meeting will be held at some point in the future to determine the citizens' desires for development of the approximately 10.12-acre addition to Gulley Park. A master plan will be developed and presented to the public and the Parks and Recreation Advisory Board for approval.

Attachments:

City Ordinance §34.27 – Sale of Municipally Owned Real Property

Reed and Associates, Inc. appraisal dated July 10, 2014

Resolution 157-14

August 19, 2014 City Council Agenda Memo

Property Survey dated October 14, 2014

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

site, adjustments as determined by site operating personnel, will be made to the base price for quantity purchases; according to the type of bale purchased; and the relative quality of the harvested hay; and for damage the hay may have received during the harvest.

(D) In regard to the marketing and sale of dried biosolids produced by the City of Fayetteville Wastewater Utility:

(1) Bulk quantities of dried biosolids (defined as amounts greater than 500 pounds not in a bag or other container) shall be advertised for sale as an organic based fertilizer product at a pre-determined base price twice each year, normally on or about March 1st and September 1st of a given year. Bulk quantities, if available, shall be pre-committed for each marketing period on a first call, first commit basis, up to 60% of the projected available amount. Any remaining amount shall be marketed during the marketing period at the same base price on a first call, first commit basis.

(2) A base or standard price for bulk quantities of dried biosolids shall be established for each marketing period based on the best information available from fair market value of similar products or from the cooperative extension service. Adjustments as determined by operating personnel may be made based on current costs of production; method of delivery; quality of product available; quantities purchased; or other market-driven conditions.

(3) Quantities of dried biosolids less than 500 pounds and placed in a bag or other container may be made available to the public via various reputable retail outlets at any given time, according to reasonable terms and conditions as approved by the City Purchasing Manager. The price charged for less than bulk quantities may be adjusted by operating personnel based on current costs of production; method of delivery; quality of product available; quantities purchased; or other market-driven conditions.

(E) The City Council may waive the requirements for public auction or formal competitive bids for sales of personal property in exceptional situations where such procedures are deemed not feasible

nor practical.

(Code 1965, §2-69; Ord. No. 1215, 9-14-59; Ord. No. 1827, 10-4-71; Ord. No. 2006, 5-7-74; Ord. No. 3545, 4-16-91; Code 1991, §34.25; Ord. 4553, 04-06-04; Ord. 4723, 7-19-05; Ord. 5440, 9-20-11)

34.26 Limited Authority of City Employee To Provide Services To The City

An employee of the city shall be permitted to furnish services as an independent contractor to the City only if:

(A) The employee fully discloses his or her direct or indirect financial interest in any contract or service agreement to the City Council and such services are approved by City Council Resolution;

(B) No favoritism is allowed to the city employee over other possible service providers;

(C) Such services are not of the same type as performed by the city employee in his or her regular city job, nor are services for the department wherein the employee works;

(D) The employee's immediate supervisor specifically approves such extension of employee service and ensures it will not adversely affect the employee's regular city employment duties;

(E) City employees who are not within the Parks and Recreation Department are specifically allowed to work as independent contractors as scorekeepers, referees and umpires for the Fayetteville Parks and Recreation Department without the need for a City Council Resolution.

(Code 1965, §2-70; Ord. No. 3013, 6-5-84; Code 1991, §34.26; Ord. 5351, 9-7-10)

State law reference(s)--Purchase, lease and sale authorized, A.C.A. §14-42-107.

34.27 Sale Of Municipally Owned Real Property

(A) The City may sell real property only after the City Council has passed a Resolution expressly authorizing such sale. The City Council shall determine whether the property should be rezoned or appraised prior to its sale.

(B) Such City Council Resolution shall contain a specific finding by the City Council that the subject real property is no longer needed for

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

municipal purposes.

(C) Public Notice, that the City Council is considering the sale of the real property at the City Council Meeting with the appropriate date and time of the meeting and which shall include the property's address, acreage, improvements and potential purchase price, shall be given not less than fifteen (15) days before the City Council may consider a Resolution to approve a sale of City real property (except rights of way or easements for public utilities) by all of the following means:

- (1) First class mail to all adjacent property owners;
- (2) Prominently displayed signs on the property; and
- (3) Publication in a newspaper of general circulation in the City.

(D) The City may exchange real and personal property with other cities or Washington County only after authorization by ordinance passed by the City Council. The City Council through such ordinance may place limits on the uses that will be allowed of such property as part of the exchange of property agreement.

(Ord. 4358, 1-2-02; Ord. 4380, §1, (Ex. A), 3-19-02; Ord. No. 4651, 12-07-04; Ord. 4752, 9-06-05; Ord. 5465, 12-6-11; Ord. 5497 05-01-12)

State law reference(s)--Purchase, lease and sale authorized, A.C.A. §14-54-302; Bidding process, A.C.A. §14-54-402.

34.28 Purchase By Reverse Internet Auction

- (A) Bidders shall be provided instructions and individually secured passwords for access to the reverse Internet auction by either the City, or reverse Internet auction vendor;
- (B) The bidding process shall be timed, and the time shall be part of the reverse Internet auction specifications;
- (C) The reverse Internet auction shall be held at a specific date and time;
- (D) The reverse Internet auction and bidding process shall be interactive with each bidder able to make multiple bids during

the allotted time;

(E) Each bidder shall be continually signaled his or her relative position in the bidding process;

(F) Bidders shall remain anonymous and shall not have access to other bidders or bids; and

(G) The City Council shall have access to real-time data including all bids and bid amounts.

(H) The City is authorized to pay a reasonable fee to the reverse Internet auction vendor.

- (1) The fee may be included as part of the bids received during the reverse Internet auction and paid by the winning bidder or paid separately by the City.

(a) The City Council retains the right to:

- (i) Refuse all bids made during the reverse Internet auction; and

- (ii) Begin the reverse Internet auction process anew if the City Council determines it is in the best interest of the city or town.

(Ord. 4724, 7-19-05)

34.29-34.99 Reserved

APPRAISAL REPORT ON

THE “GULLEY PARK EXPANSION” PROPERTY;

TWO SINGLE-FAMILY RESIDENTIAL DWELLINGS
SITUATED ON 1.25± ACRES, AND 9.7± ACRES OF
EXCESS LAND; LOCATED ALONG THE SOUTHEAST
SIDE OF NORTH OLD WIRE ROAD, SOUTHWEST OF
NORTH OLD MISSOURI ROAD, IN FAYETTEVILLE,
ARKANSAS; WASHINGTON COUNTY

FOR

CITY OF FAYETTEVILLE
PARKS & RECREATION DEPARTMENT
FAYETTEVILLE, ARKANSAS

BY

REED & ASSOCIATES, INC.
3739 N. STEELE BLVD., SUITE 220
FAYETTEVILLE, ARKANSAS

Appraisal No. 5301

AS OF

JULY 10, 2014

Reed & Associates, Inc.

Real Estate Appraisers – Consultants

3739 N. Steele Blvd., Suite 220, Fayetteville, AR 72703 * 479-521-6313 * Fax: 479-521-6315 * www.reedappraisal.biz

Tom Reed, MAI • Brian Kenworthy • Barbara Rhoads • Shannon Mueller • Katie Hampton

July 18, 2014

City of Fayetteville
Attn: Ms. Connie Edmonston
Director of Parks & Recreation
1455 South Happy Hollow Rd
Fayetteville, Arkansas 72701

RE: Appraisal Report on the “Gulley Park Expansion” property; two single-family residential dwellings situated on 1.25± acres (ACS), and approximately 9.7± ACS of excess land; located along the southeast side of North Old Wire Road, southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County.

Dear Ms. Edmonston:

In compliance with your request and for the purpose of estimating the market value of the above captioned property, I hereby certify that I have examined the subject property and have made a survey of matters pertinent to the estimation of its value.

I further certify that I have no interest, present or contemplated, in the property appraised and that my fee was not contingent upon the value estimate reported.

The following written real property appraisal report contains data gathered in my investigation, information from my files, and shows the method of appraisal in detail. This report has been prepared under the Appraisal Report option.

Based upon an analysis of relevant data and contingent upon the Assumptions and Limiting Conditions which follow and appear later in this report, it is my opinion the market value of the **fee simple estate** of the subject property, as of July 10, 2014, was:

**NINE HUNDRED SEVENTY THOUSAND DOLLARS
(\$970,000)**

The preceding value reflects terms equivalent to cash to the owner, and represents that for real property only. No personal property has been included in this valuation assignment.

The preceding value estimate is based upon the following Extraordinary Assumptions:

1. That the subject and adjacent properties are in compliance with all applicable EPA regulations;
2. That the subject excess acreage does not need a second point of ingress/egress;
3. That the subject dwellings are structurally sound, and are not adversely affected by the presence of mold or other environmental issues;
4. That the plumbing, electrical, and HVAC systems in the subject dwellings are in proper working order; and,
5. That the subject land and dwelling sizes are approximately as indicated.

If any, or all, of these Extraordinary Assumptions prove to be untrue, the preceding value estimate could be influenced.

The reader is referred to additional Assumptions and Limiting Conditions appearing in the Introduction Section of this report.

The estimated exposure time for the subject property is one± year or less. This was determined from an analysis of market conditions and comparable sales.

At the request of the client, the contributory value of each of the subject parts to the market value of the subject whole property is broken down as follows:

2634 Old Wire Rd. Homesite (0.50± AC)	= \$111,500
2648 Old Wire Rd. Homesite (0.75± AC)	= \$218,500
9.7± ACS of Excess Land	= \$640,000

Sincerely,



Brian J. Kenworthy, CG3496
REED & ASSOCIATES, INC.



PART I - INTRODUCTION

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SUBJECT PHOTOGRAPHS



*Red lines represent approximate boundaries of the subject whole property.

AERIAL PHOTOGRAPH



NORTHWESTERN AND SOUTHWESTERN ELEVATIONS OF 2648 OLD WIRE ROAD LOOKING
NORTHERLY



SOUTHWESTERN ELEVATION OF 2648 OLD WIRE ROAD LOOKING NORTHEASTERLY



NORTHWESTERN AND SOUTHWESTERN ELEVATIONS OF 2648 OLD WIRE ROAD LOOKING SOUTHWESTERLY



SOUTHEASTERN ELEVATION OF 2648 OLD WIRE ROAD LOOKING NORTHWESTERLY



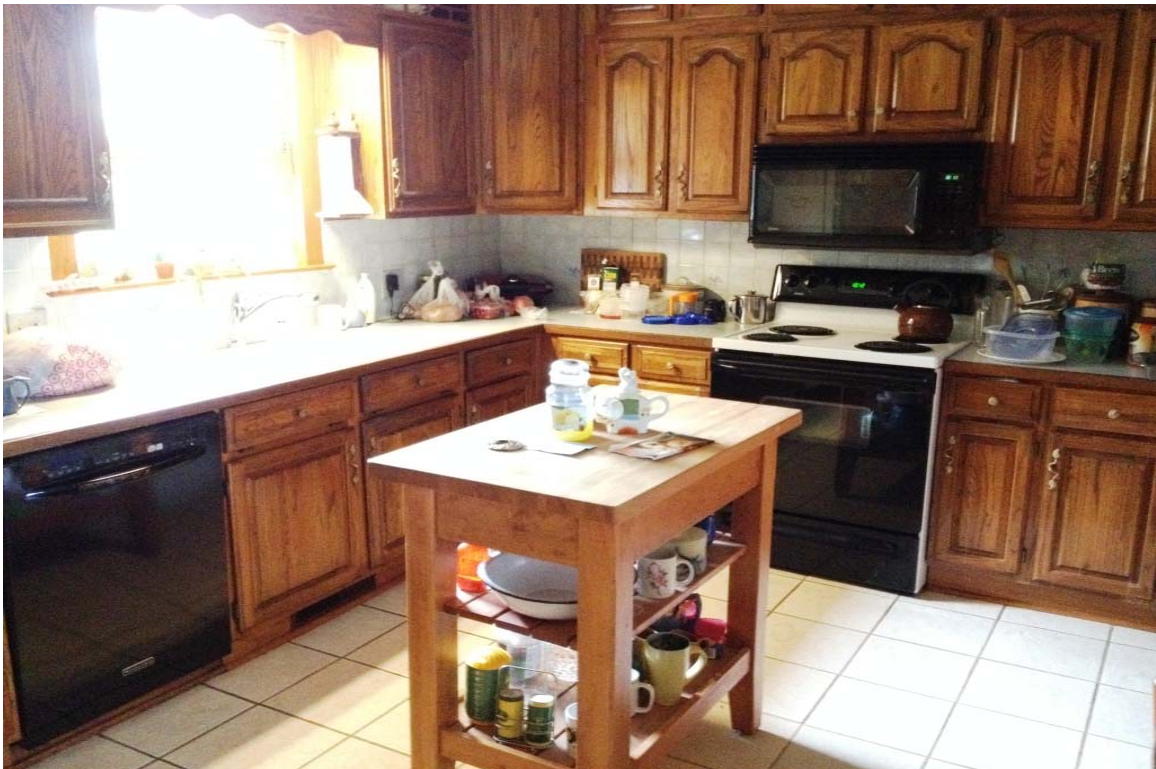
LIVING ROOM IN 2648 OLD WIRE ROAD



BEDROOM IN 2648 OLD WIRE ROAD



BEDROOM IN 2648 OLD WIRE ROAD



KITCHEN IN 2648 OLD WIRE ROAD



DEN IN 2648 OLD WIRE ROAD



ENCLOSED PORCH IN 2648 OLD WIRE ROAD



LAUNDRY ROOM IN 2648 OLD WIRE ROAD



GARAGE AT 2648 OLD WIRE ROAD



NORTHWESTERN AND SOUTHWESTERN ELEVATIONS OF SHOP BUILDING LOOKING NORTHERLY



NORTHWESTERN ELEVATION OF SHOP BUILDING LOOKING SOUTHEASTERLY



INTERIOR VIEW OF SHOP BUILDING AT 2648 OLD WIRE ROAD



VIEW OF SHED AT 2648 OLD WIRE ROAD



VIEW OF SHED AT 2648 OLD WIRE ROAD



GARDEN AREA AT 2648 OLD WIRE ROAD



NORTHWESTERN ELEVATION OF 2634 OLD WIRE ROAD LOOKING SOUTHERLY



NORTHEASTERN ELEVATION OF 2634 OLD WIRE ROAD LOOKING SOUTHWESTERLY



SOUTHWESTERN ELEVATION OF 2634 OLD WIRE ROAD LOOKING EASTERLY



LIVING ROOM IN 2634 OLD WIRE ROAD



KITCHEN IN 2634 OLD WIRE ROAD



BEDROOM IN 2634 OLD WIRE ROAD



BEDROOM IN 2634 OLD WIRE ROAD



STREET SCENE LOOKING SOUTHWESTERLY ALONG NORTH OLD WIRE ROAD



STREET SCENE LOOKING NORTHEASTERLY ALONG NORTH OLD WIRE ROAD



VIEW OF EXCESS ACREAGE LOOKING SOUTHWESTERLY FROM THE HOMESITES



VIEW OF EXCESS ACREAGE LOOKING SOUTHERLY FROM THE HOMESITES



VIEW OF EXCESS ACREAGE LOOKING NORTHEASTERLY FROM THE HOMESITES



VIEW OF THE SUBJECT SITE LOOKING SOUTHWESTERLY FROM MAGNOLIA DRIVE



STREET SCENE LOOKING NORTHEASTERLY ALONG MAGNOLIA DRIVE FROM THE SUBJECT SITE



VIEW OF EXCESS ACREAGE NEAR MAGNOLIA DRIVE LOOKING SOUTHERLY



VIEW OF EXCESS ACREAGE NEAR MAGNOLIA DRIVE LOOKING NORTHERLY



VIEW OF EXCESS ACREAGE LOOKING SOUTHERLY FROM THE NORTHERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING SOUTHWESTERLY TOWARDS THE HOMESITE FROM THE
NORTHERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING WESTERLY FROM THE NORTHERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING NORTHEASTERLY FROM THE SOUTHERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING NORTHWESTERLY FROM THE SOUTHERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING EASTERLY FROM THE SOUTHWESTERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING NORTHEASTERLY FROM THE WESTERN PART OF THE SITE



VIEW OF EXCESS ACREAGE LOOKING SOUTHEASTERLY FROM THE WESTERN PART OF THE SITE

CERTIFICATE

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I, Brian Kenworthy, have not previously performed services, as an appraiser, or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- Brian Kenworthy has examined the property that is subject of this report.
- No one provided significant professional assistance to the persons signing this report.
- I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.
- I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I, Brian Kenworthy, have completed the Standards and Ethics Education Requirement of the Appraisal Institute for Associate Members.

Sincerely,



Brian J. Kenworthy, CG3496
REED & ASSOCIATES, INC.



ASSUMPTIONS AND LIMITING CONDITIONS

This Appraisal Report has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title consideration. Title to the property is assumed to be good and merchantable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report.
8. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in the appraisal report.
9. It is assumed that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
11. "Unless otherwise stated in this report, the existence of hazardous materials which may or may not be present on the property was not observed by the appraiser. No responsibility is assumed for any such conditions or any expertise or engineering knowledge required to discover them. The client is urged to retain an expert if desired."

This Appraisal Report has been made with the following general limiting conditions:

1. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event only with proper written qualification and only in its entirety.
3. The appraiser herein by reason of this appraisal is not required to give further consultation, testimony, or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations news, sales, or other media without the prior written consent and approval of the appraiser.
5. The Americans with Disabilities Act (ADA) became effective January 26, 1992. I (we) have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since I (we) have no direct evidence relating to this issue, I (we) did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.

SUMMARY OF IMPORTANT CONCLUSIONS

Client: City of Fayetteville, Parks & Recreation
Department – Fayetteville, Arkansas

Property Location: The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical addresses of the homesites are indicated to be 2634 & 2648 North Old Wire Road. The subject site is situated adjacent to the north/northeast of Gulley Park.

Purpose Of The Appraisal: Market value estimate

Property Rights Appraised: Fee simple estate

Ownership Of The Appraised Property: Allen & Mary L. Dunn

Dates Of Value Estimate: July 10, 2014

Description Of Site: The subject site consists of approximately 10.95± acres (ACS), or 476,982± square feet (SF), of land area. The subject land area is allocated as follows: 2634 North Old Wire Road- 0.50± acre (AC); 2648 North Old Wire- 0.75± AC; and, excess land- 9.70± ACS. The shape of the subject acreage is irregular, overall; each of the subject homesites is near rectangular in shape. The topography of the subject site is undulating/near level to gently sloping, overall. The subject acreage is cleared, for the most part, with some trees along the North Old Wire Road frontage and also in the southeast part of the site. The subject site has vehicular access/frontage along the southeast right-of-way of North Old Wire Road in the northwest part of the site (homesites); this frontage is considered near road grade. There is a drainage ditch located along the North Old Wire Road frontage. The subject site has additional frontage along the west right-of-way of the Magnolia Drive cul-de-sac in the southeast part of the site (excess land); this frontage is also considered near road grade. As of the effective date of this report, vehicular access to the subject site is not available via Magnolia Drive. The southwestern boundary of the subject site has frontage along Gulley Park. Approximately 0.3± AC in the extreme southern part of the subject site (excess land) is located within the 100-Year Flood Zone “AE”. All typical city utilities are located at/near the subject site. The subject acreage is located within the Fayetteville City Limits, and is zoned RSF-4 (Residential Single-Family- Four Units Per Acre).

Please see Description of Site section later in this report for further details.

Description Of Improvements: The subject property is improved with two single-family residential dwellings, and related site improvements. The dwelling situated at **2634 North Old Wire Road** consists of approximately 1,316± square feet (SF) of living

area. In addition, this homesite includes a 372± SF attached garage, 460± SF attached shop, and 210± SF enclosed porch. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, a living room, kitchen, laundry room, and storage closet. Kitchen appliances include an oven, range, and refrigerator. The interior finish includes: wood and carpet floor cover; painted gypsum board and wood panel wall cover; and, painted gypsum board ceilings. Based on Assessment Records, this dwelling was originally constructed in 1963±. The dwelling has received minimal updates since its original construction, and is considered “dated” in appearance. This dwelling is considered to be in fair to average condition, overall.

The dwelling situated at **2648 North Old Wire Road** consists of approximately 1,551± square feet (SF) of living area. In addition, this homesite includes a 580± SF attached garage, 340± SF enclosed porch, and 152± SF attached greenhouse. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, one half bathroom, a living room, den, kitchen, and storage closet. The laundry room is located in the garage. Kitchen appliances include an oven/range combination, built-in microwave, dishwasher, and refrigerator. The interior finish includes: wood, carpet, and tile floor cover; painted and wall papered gypsum board wall cover; and, painted gypsum board ceilings. Based on Assessment Records, this dwelling was originally constructed in 1961±. Discussions with the property owner indicated the dwelling was updated in the early 1990’s. This dwelling is considered to be in average to good condition, overall.

The dwelling situated at 2634 North Old Wire Road is accessed via an asphalt paved drive, while the dwelling situated at 2648 North Old Wire Road is accessed via a gravel paved drive. A 1,200± square foot (SF) metal shop building is located behind the dwelling located at 2648 North Old Wire Road. The shop building has concrete floors, two- 8’ manual overhead doors, electricity/plumbing, and is insulated. The shop building includes a 2-fixture restroom, and has wall heat and air units. In addition, there is a built-in vacuum system in the shop building. Discussions with the property owner indicated the “shop” building was originally constructed 15± years ago; the shop building is considered to be in average condition. Other site improvements include: 238± SF wood storage building; 529± SF wood lean-to agricultural building; well house; landscaping; garden; water feature; agricultural, chain link, and PVC fencing; etc.

Please see Description of Improvements section later in this report for further details.

Highest And Best Use:

In my opinion, the **“highest and best use” of the subject** is continued single-family residential use of the homesites, and to hold the subject excess land for future single-family residential or special-purpose development, within size/Flood Zone limitations, that comply with the RSF-4 zoning requirements, and in conformity to the Market Area, as demand dictates.

The agricultural improvements situated on the subject excess land are older and in poor condition. These improvements, in my opinion, do not provide any contributory value to the subject excess land.

Final Value:

Indicated Land Value "As Vacant":	\$765,000
Indicated Value by Cost Approach:	Not Utilized
Indicated Value by Sales Comparison Approach:	\$974,000
Indicated Value by Income Capitalization Approach:	\$969,000
INDICATED FINAL VALUE	\$970,000

The preceding value reflects terms equivalent to cash to the owner, and represents that for real property only. No personal property has been included in this valuation assignment.

The preceding value estimate is based upon the following Extraordinary Assumptions:

1. That the subject and adjacent properties are in compliance with all applicable EPA regulations;
2. That the subject excess acreage does not need a second point of ingress/egress;
3. That the subject dwellings are structurally sound, and are not adversely affected by the presence of mold or other environmental issues;
4. That the plumbing, electrical, and HVAC systems in the subject dwellings are in proper working order; and,
5. That the subject land and dwelling sizes are approximately as indicated.

If any, or all, of these Extraordinary Assumptions prove to be untrue, the preceding value estimate could be influenced.

The reader is referred to additional Assumptions and Limiting Conditions appearing in the Introduction Section of this report.

The estimated exposure time for the subject property is one± year or less. This was determined from an analysis of market conditions and comparable sales.

At the request of the client, the contributory value of each of the subject parts to the market value of the subject whole property is broken down as follows:

2634 Old Wire Rd. Homesite (0.50± AC)	= \$111,500
2648 Old Wire Rd. Homesite (0.75± AC)	= \$218,500
9.7± ACS of Excess Land	= \$640,000

QUALIFICATIONS OF BRIAN J. KENWORTHY

EDUCATION

B.S. Finance (Real Estate Concentration) – Clemson University – 2008

Master of Science, Real Estate (M.S.R.E.) – Georgia State University – 2010

PROFESSIONAL COURSES COMPLETED

Basic Appraisal Principles, 30-Hr. Course- Career Webschool – July 2009

Basic Appraisal Procedures, 30-Hr. Course- Career Webschool – July 2009

Residential Report Writing and Case Studies, 15-Hr. Course- Career Webschool – July 2009

Business Practices and Ethics- 7-Hr. Course – The Appraisal Institute, Atlanta Chapter – June 2010

National Uniform Standards of Professional Appraisal Practice, 15-Hr. Course- Appraisal Institute – October 2011

General Appraiser Sales Comparison Approach, 30-Hr. Course, Appraisal Institute – December 2011

General Demonstration Report Writing, 7-Hr. Course, Appraisal Institute- August 2013

Evaluating Commercial Construction, 15-Hr. Course, Appraisal Institute- October 2013

Appraisal of Real Estate 14th Edition Webinar, 2- Hr. Course, Appraisal Institute- November 2013

National Uniform Standards of Professional Appraisal Practice, 7-Hr. Course- Appraisal Institute – March 2013

OTHER RELEVANT COURSES COMPLETED

Clemson University – Fall 2007 – Real Estate Finance

Clemson University – Spring 2008 – Real Estate Investment Analysis

Clemson University – Spring 2008 – Real Estate Valuation

Georgia State University – Fall 2008 – Real Estate Development

Georgia State University – Fall 2008 – Legal and Regulatory Environment of Real Estate

Georgia State University – Spring 2009 – Advanced Real Estate Investment Analysis

Georgia State University – Spring 2009 – Real Estate Case Analysis

Georgia State University – Spring 2009 – Strategic Management of Real Property in a Corporate Environment

Georgia State University – Spring 2009 – Real Property Project Planning and Development

Georgia State University – Summer 2009 – Equity Real Estate Investment Trust Analysis

Georgia State University – Fall 2009 – Applied Real Estate Market Analysis

Georgia State University – Fall 2009 – Quantitative Analysis of Real Estate

REAL ESTATE DESIGNATIONS/ASSOCIATIONS

Arkansas Certified General Real Estate Appraiser No. CG3496

Associate Member of The Appraisal Institute

Member, Ozark Mountain Appraisal Institute Chapter

WORK EXPERIENCE

August 2008 to August 2009 – Georgia State University Real Estate Department, Atlanta Georgia – Graduate Research Assistant

August 2009 to August 2010 – Greystone Valuation Services, Inc., Atlanta Georgia – Assistant Appraiser

August 2010 to Present – Reed & Associates, Inc., Fayetteville, Arkansas - Staff Appraiser/Consultant

PART II - FACTUAL DESCRIPTIONS

IDENTIFICATION OF THE PROPERTY

The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical addresses of the homesites are indicated to be 2634 & 2648 North Old Wire Road. The subject site is situated adjacent to the north/northeast of Gulley Park. The legal descriptions of the subject property are as follows:

Part of the East half of the Southwest Quarter and part of the West half of the Southeast Quarter of Section 36, in Township 17 North, of Range 30 West, described as follows: Beginning at a point 1485 feet East and 805 $\frac{1}{3}$ feet North of the South West corner of the Southeast Quarter of the Southwest Quarter, and running thence North $0^{\circ}10'$ East 1185.2 feet; thence North 89° West 220 feet; thence South $33^{\circ}36'$ West 486.6 feet; thence South $42^{\circ}6'$ West 127.6 feet; thence South $30^{\circ}11'$ West 124 feet; thence South 47° East 861.6 feet to the point of beginning, containing 9.7 acres, more or less.

-AND-

Part of the Northeast quarter of the Southwest quarter of Section thirty six (36) in Township seventeen (17) North of Range thirty (30) West, described as follows: Beginning two hundred forty five and one-tenth (245.1) feet West and four hundred ninety one (491) feet North of the South East corner of said forty acre tract, thence South $12^{\circ}08'11''$ West fifty-nine and seven tenths (59.7) feet for a place of beginning, and running, thence North $87^{\circ}37'15''$ West one hundred ninety eight and eighty five hundredths (198.85) feet, more or less, to East line of Old Wire Road; thence South $28^{\circ}55'19''$ West one and eight-tenths (1.8) feet with East right of way line of said road; thence South $60^{\circ}58'19''$ East two hundred five and seventy five hundredths (205.75) feet; thence North $12^{\circ}08'11''$ East ninety five and three-tenths (95.3) feet to the place of beginning.

-AND-

Part of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-six (36) in Township Seventeen (17) North of Range Thirty (30) West, beginning two hundred forty-five and one-tenth (245.1) feet West and four hundred ninety-one (491) feet North of the Southeast corner of said forty (40) acre tract, and running, thence South 12 degrees 8'11" West one hundred fifty-five (155) feet for a point of beginning to the lands herein described, and running, thence North 60 degrees 58'19" West two hundred five and seventy-five hundredths (205.75) feet, more or less to the East right of way line of the Old Wire Road; thence South 28 degrees 55'19" West with said East line one hundred (100) feet; thence South 60 degrees 58'19" East two hundred (200) feet; thence Northeasterly one hundred (100) feet to the point of beginning.

Subject to easements, rights-of-way and restrictive covenants, if any.

Based on Assessment Records, the total land area is indicated to be 10.95± acres (ACS). The first legal description presented (excess land) does not appear to close, and as written, appears to be closer to 10.2± ACS; however, the legal description states a land area of 9.7± ACS and Assessment Records also indicate a land size of 9.7± ACS. In addition, the second legal description presented (2648 North Old Wire Road homesite) as written appears to be near triangular in shape and supports a land size of approximately 0.22± AC. Assessment Records for this homesite indicate a land area of 0.75± AC, which appears to be more accurate. The third legal description presented (2634 North Old Wire Road homesite) indicates a land area of 0.5± AC, and is also supported by Assessment Records. The land sizes indicated by Assessment Records appear to be a more accurate representation of the actual subject land size, and are relied upon for the purposes of this report. An Extraordinary Assumption of this report is that the land sizes are as indicated. A Survey Plat of the subject property is recommended to confirm the reasonableness of this Assumption.

The subject property is improved with two single-family residential dwellings, and related site improvements. The dwelling situated at 2634 North Old Wire Road consists of approximately 1,316± square feet (SF) of living area, while the dwelling situated at 2648 North Old Wire Road consists of approximately 1,551± square feet (SF) of living area.

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the fee simple interest in the subject property, as of the effective date.

DEFINITION OF MARKET VALUE

Market value is defined as follows:

"The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;*
- b. both parties are well informed or well advised, and each acting in what they considers their best interest;*
- c. a reasonable time is allowed for exposure in the open market;*
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto, and;*
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."*¹

¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 123.

INTENDED USE/USER OF REPORT

The intended use of this report is to assist the client with internal decisions regarding a potential acquisition of the subject property.

The intended user of this report is the City of Fayetteville – Parks & Recreation Department.

PROPERTY RIGHTS APPRAISED

In this appraisal, I am concerned with the valuation of the fee simple estate of the subject property. Fee simple estate is defined as follows:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”²

SCOPE OF THE WORK

The scope of work in this appraisal involves the application of the "Valuation Process" in estimating the market value of the subject property. This real property appraisal report has been prepared under the Appraisal Report option.

Subject was last inspected in July 2014. Pertinent locational and physical data was obtained on the property inspections. Photographs were taken on a July 10, 2014, and a July 11, 2014, inspection, by Brian Kenworthy. General data pertinent to the appraisal assignment was obtained from local sources. The legal description of the subject property was obtained from public records. Building measurements were taken by the appraiser on the July 10, 2014, inspection. Certain information pertaining to the subject property (marketing information, property history, offer letter, etc.) were provided by property owner and listing broker. Property tax data and the history of the property were researched through Washington County Assessment Records. The highest and best use of the property was projected based upon location, physical characteristics, zoning, past, present, and potential use, etc.

The Cost and Sales Comparison Approaches to Value have been utilized in this report. The Income Capitalization Approach was not utilized, as this is not typically the basis upon which buy/sell decisions are being made in this market on properties of the subject's nature. Application of the Income Capitalization Approach to Value was not considered necessary to produce credible appraisal results for the subject property. The "Approaches to Value" appear later in the report.

In the Land Value Section, the estimated value of the subject site "as vacant" was established first utilizing comparable land sales in Fayetteville. The unit of comparison was price per acre (AC) of land area. The sales were compared to subject and adjustments made for differences

² Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 78.

with respect to the subject. The per AC value of the subject was estimated from within the adjusted range of the comparables, and was multiplied by the subject whole property acreage to arrive at the estimated market value of the subject site “as vacant”. The estimated market value of the subject site “as vacant” was then allocated to each of the homesites, and the excess acreage.

In the Cost Approach, the Replacement Cost New of the respective improvements were estimated, utilizing Marshall Valuation Service (national cost service) and a market derived entrepreneurial incentive. Accrued Depreciation attributable to the improvements was then estimated based upon the Economic Age-Life Method, and was subtracted from Replacement Cost New to arrive at Depreciated Replacement Cost New of the respective improvements. The estimated land value was then added to the Depreciated Replacement Cost New of the improvements to arrive at the estimated market value of the subject property by the Cost Approach. The estimated market value of the subject whole property was then allocated to each of the homesites, and the excess acreage.

In the Sales Comparison Approach, comparable improved sales were examined and analyzed for comparison purposes to the respective dwelling improvements. The unit of comparison was whole property. Adjustments were made to the sales based upon differences with respect to the respective subject dwellings. The market value of the respective subject dwellings was then estimated from within the adjusted range of the comparables. Finally, the contributory value of the excess land (from Land Value Section) was added to the value of the subject dwellings to arrive at the estimated market value of the whole subject property by the Sales Comparison Approach. No discount could be supported to the sum of the values of the improved subject homesites and the excess land.

The two approaches utilized were reconciled to a final market value conclusion for the subject based on the appraisers’ evaluation of the appropriateness, the accuracy, and the quantity of the evidence in the entire appraisal.

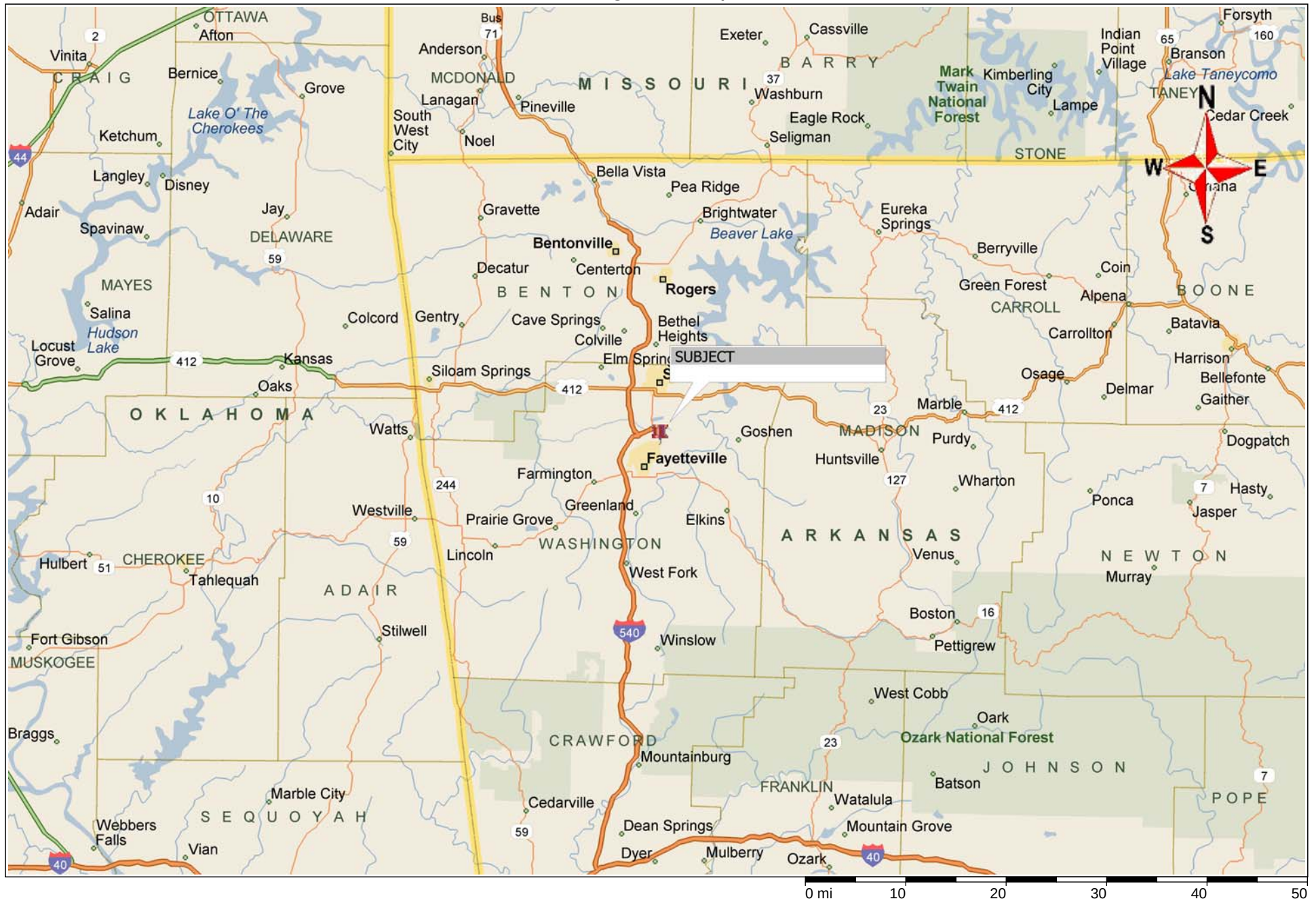
OWNERSHIP OF THE APPRAISED PROPERTY

As of the effective date of this report, the subject property was under the ownership of Allen & Mary L. Dunn.

DATE OF THE APPRAISAL

The effective date of this report is July 10, 2014; this represents one of the dates of inspection. The date of this appraisal report is July 18, 2014.

Regional Map



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 Certain mapping and direction data © 2010 NAVTEQ. All rights reserved. The Data for areas of Canada includes information taken with permission from Canadian authorities, including: © Her Majesty the Queen in Right of Canada, © Queen's Printer for Ontario. NAVTEQ and NAVTEQ ON BOARD are trademarks of NAVTEQ. © 2010 Tele Atlas North America, Inc. All rights reserved. Tele Atlas and Tele Atlas North America are trademarks of Tele Atlas, Inc. © 2010 by Applied Geographic Systems. All rights reserved.

AREA DATA

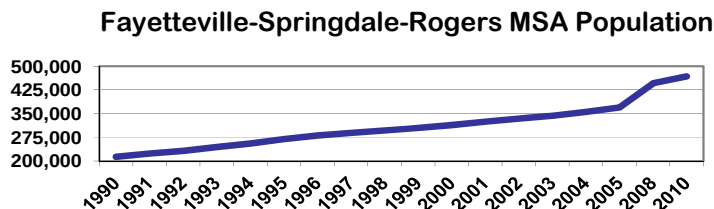
The Trade Area includes Washington and Benton Counties in Arkansas, as well as Madison County, Arkansas, and McDonald County, Missouri. The four counties are located in the extreme northwestern part of Arkansas and extreme southwestern part of Missouri, respectively, and make up the Fayetteville-Springdale-Rogers, AR Metropolitan Statistical Area (MSA). This area is bordered by the Oklahoma State line on the west, Newton County (Missouri) on the north, Carroll, Newton and Barry (Missouri) Counties on the east, and Crawford, Franklin and Johnson Counties on the south. The total land area of Benton County is indicated to be 847.36± square miles, Washington County 941.97± square miles, Madison County 834.26± square miles, and McDonald County 539.48± square miles. It should be noted that near 92%± of the population of the MSA is located in Washington and Benton Counties. As a result, this Area Data analysis primarily pertains to Washington and Benton Counties in Arkansas.

The value of real property reflects and is influenced by the interaction of basic forces that motivate human activity. These forces are divided into four major categories: Social trends; Economic circumstances; Governmental controls and regulations; and, environmental conditions. These forces exert pressure on human activities and are also affected by these activities. The interaction of all the forces influences the value of every parcel of real estate in the market.

Social Forces: Social forces are exerted primarily through population characteristics. The demographic composition of the population reveals the potential, basic demand for real estate services.

The 1980 Census showed population figures of 78,115 and 100,494, respectively, for the two counties. This totals 178,609 for the two-county area. The population of Benton County in 1990 was 97,499, while Washington County indicated a population 113,409. The combined population of the two counties in 1990 was 210,908, representing an 18.1%± increase over 1980, or 1.81%± per year. The 2000 Census indicated populations for Benton and Washington Counties of 153,406 and 157,715, respectively. The total for the two counties, 311,121, represents a 47.5%± increase over 1990, or 4.75%± per year. Based on data released by the U.S. Census Bureau, the population of the two-county area as of 2010 was 424,404, with Benton County reflecting a total of 221,339 and Washington County a total of 203,065. The growth between 2000 and 2010 is indicated to be 36.4%±, or 3.64%± per year. The estimated 2012 populations of Benton and Washington Counties, based on State & County QuickFacts, were 232,268± and 211,411±, respectively, or a total of 443,679±. The U.S. Census Bureau data reflected the population of the MSA as of 2010 to be 465,780. The estimated 2012 population of the MSA, based on State & County QuickFacts, was 482,200±.

The following chart reflects the population trend in the four-county MSA since 1990:



Source: U.S. Census

Bentonville is the County Seat of Benton County. This city is located in the north part of the county. Bentonville had a population of 11,257 in 1990, a 28.6%± increase since 1980. The 2000 population of Bentonville was approximately 19,730. This represents a 75.3%± increase since 1990. The 2010 population was indicated to be 35,301, a 78.9%± increase from 2000. Rogers is the largest city in the county. Its 1990 population of 24,692 reflects a 41.7%± increase since 1980. The 2000 population was indicated to be 38,829. This represents a 57.3%± increase since 1990. The 2010 population was indicated to be 55,964, a 44.1%± increase from 2000. Siloam Springs, located on the Oklahoma line in the southwest part of the county, is the third major city in Benton County. It grew from a population of 8,151 in 1980 to 10,843 in 2000, a 33%± increase. The 2010 population was indicated to be 15,039, a 38.7%± increase from 2000.

Some of the smaller cities and towns in Benton County include Gentry, Gravette, Pea Ridge, Lowell, Centerton, Decatur, Cave Springs, Bella Vista, etc. It should be noted that the City of Centerton, located just west of the Bentonville City Limits, reflected an increase in population from 491 in 1990 to 2,146 in 2000, and to 9,515 in 2010. The indicated increase was 343.4%± from 2000 to 2010, or 34.34%± per year. Within the county, there are a total of 18± incorporated towns and cities. It should also be noted that Lowell, lying between Springdale and Rogers, experienced an increase in population between 1990 and 2000 of 309.6%±. The 2000 population of Lowell was indicated to be 5,013±, while the 2010 population was 7,327. The indicated increase was 46.2%±, or 4.62%± per year, between 2000 and 2010.

Fayetteville is the County Seat of Washington County. This city is located in the north central part of the county. Fayetteville had a population of 42,099 in 1990. This represented a 15%± increase since 1980. The 2000 population of Fayetteville was indicated to be 58,047. This represents a 37.9%± increase since 1990. The 2010 population was indicated to be 73,580, an increase of 26.8%± from 2000. Fayetteville is also the largest city in the county. Springdale is the second largest city in Washington County. Its 1990 population of 29,941 showed a 27.6%± increase since 1980. The 2000 population of Springdale was indicated to be 45,798. This represents a 53%± increase since 1990. The 2000 population figure for Springdale includes an indicated 2,011 people living in that part of Springdale located in Benton County. The 2010 population of Springdale was indicated to be 69,797, an increase of 52.4%± from 2000.

Some of the smaller cities in Washington County include Prairie Grove, Lincoln, Farmington, West Fork, Johnson, Elm Springs, etc. There are a total of 13± incorporated cities and towns within Washington County. A small part of Elm Springs is also located in Benton County.

The following table reflects population changes for major cities in the MSA since 2000:

City	2000	2005	2007	2008	2010	2000-2010 % Increase	2012 Estimate
Fayetteville	58,047	66,656	72,208	73,372	73,580	26.8%	76,899
Springdale	45,798	62,459	66,881	68,180	69,797	52.4%	73,123
Rogers	38,829	48,353	54,959	56,726	55,954	44.1%	58,895
Bentonville	19,730	29,530	33,744	35,526	35,301	78.9%	38,284
Lowell	5,013	7,042	7,044	7,173	7,327	46.2%	7,714
Centerton	2,146	5,477	8,162	8,593	9,515	343.4%	10,170
Siloam Springs	10,843	13,604	14,480	14,825	15,039	38.7%	15,680

Source: U.S. Census

The increased population trend is expected to continue in the Benton-Washington County area. This should have a positive effect on real property values. However, it should be noted that the rate of growth has declined from what appears to have been the peak period between July 1, 2004, and July 1, 2005. The net monthly population growth in the Benton-Washington County area between July 1, 2004, and July 1, 2005, was estimated to be 1,256± people. Between July 1, 2008 and July 1, 2009, the net monthly population growth was estimated to be 748± people. This reflects a 40.5%± decline. Between 2000 and 2010, census data supports net monthly population growth of 944± people. The estimated net monthly population growth between July 1, 2011, and July 1, 2012, was 695± people. This reflects a decline of 26.4%±. Oversupply issues in the real estate market and slow improvement in overall economic conditions have had an adverse impact on population growth. The country officially went into a recession in December 2007. The recession officially ended in June 2009; however, consumer sentiment doesn't necessarily support this.

Economic Forces: Economic forces are also significant to real property values. It is necessary to analyze the fundamental relationships between current and anticipated supply and demand and the economic ability of the population to satisfy its wants, needs, and demands through its purchasing power.

For 2003, the Fayetteville-Springdale-Rogers MSA ranked 1st nationally in Forbes/Milken Institute's "Best Performing Cities: Where America's Jobs are Created" measuring economic vibrancy and potential.

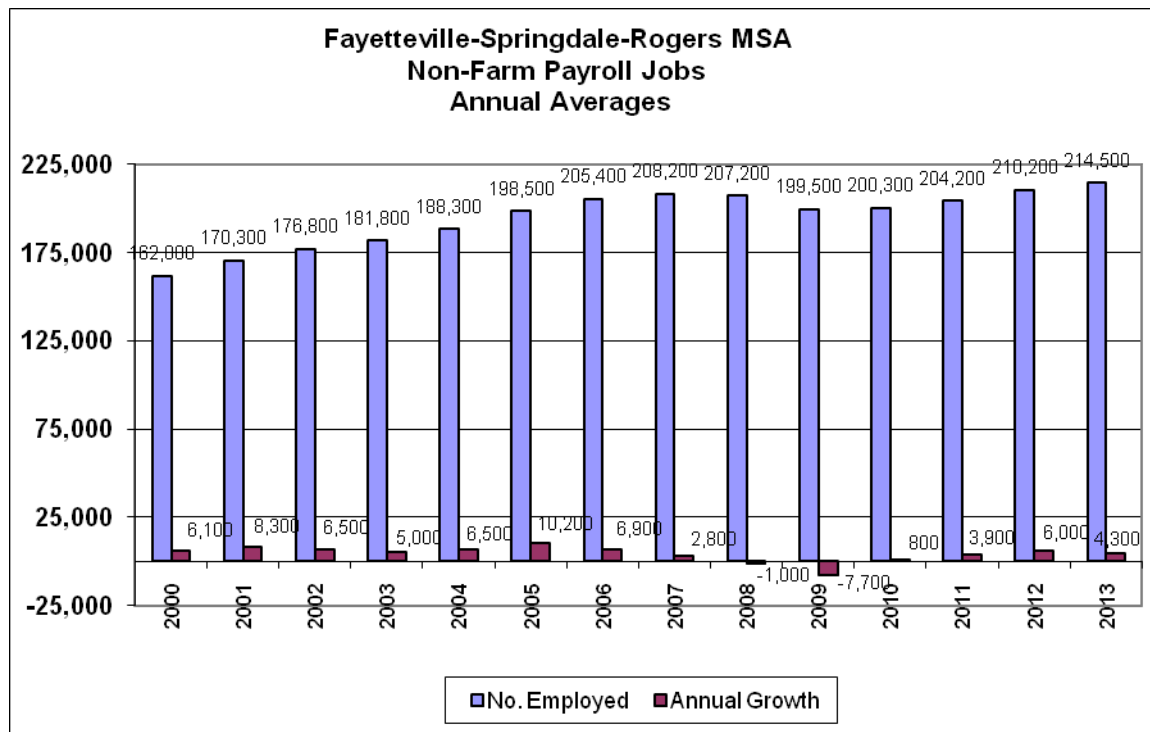
For 2004, the Fayetteville-Springdale-Rogers Metropolitan Statistical Area (MSA) was listed as the 5th "Best Small Metro for Business" by *Forbes*. This publication also listed the MSA as #1 in job growth.

For 2005, The Milken Institute named Northwest Arkansas to the Top Ten in Job Growth.

For 2013, Milken ranked the Fayetteville-Springdale-Rogers MSA second in the nation in Short-Term Job Growth. Milken defines short-term job growth as the percentage of job growth between July 2012 and July 2013. Only Santa Cruz, California, ranked higher in creating more short-term jobs among the nation's largest 200 metropolitan areas. Northwest Arkansas also ranks high in Milken's review of job creation over longer periods of time, rating 18th nationally in 1-year Job Growth and 34th in 5-year Job Growth. As a region, Northwest Arkansas is ranked as the nation's 57th Best Performing City, the highest ranked MSA in the State of Arkansas.

The Job Growth USA website of Arizona State University's W.P. Carey School of Business ranked 383 of 428 Metropolitan Statistical Areas for 2013 on the basis of non-farm job growth over a 12-month moving average. The Fayetteville-Springdale-Rogers MSA ranked Number 87 nationwide for 2013. This is down from 2012 when the region ranked Number 67 nationwide in non-farm job growth.

The following chart represents Non-Farm Employment Growth for the MSA since 2000:



As previously indicated, the country was officially in a recession between December 2007 and June 2009. This recession, referred to as the “Great Recession”, lasted 18 months. The previous longest recorded recessions since the Great Depression, the 1973-75 recession and the 1981-82 recession, each lasted 16 months. The Great Depression lasted 43 months. The recessions in 1991 and 2001 each lasted 8 months.

The recession obviously impacted the rate of job growth in the Fayetteville-Springdale-Rogers MSA. While the United States as a whole experienced negative year on year non-farm employment growth through all of 2008, the Fayetteville-Springdale-Rogers MSA remained positive through part of the year. However, non-farm employment numbers (year on year) did turn negative in this MSA in 2008 and remained negative throughout 2009. Obviously, local economic activity was affected by the national recession. In May 2010, non-farm employment numbers (year on year) turned positive and have remained positive year over year through the latest recorded data researched, which was November 2013.

Employment gains for the MSA between November 2012 and November 2013 were in the following sectors: trade, transportation, and utilities; professional and business services; education and health services; leisure and hospitality services; and natural resources, mining, and construction.

The civilian labor force in Benton County averaged 111,200 for the year 2012. Washington County averaged 105,300 for the same time period. The average civilian labor force for January-

November 2013 was reported at 112,786 for Benton County and 107,005 for Washington County. In 2012, Benton County's unemployment rate averaged 5.7% while Washington County's rate averaged 5.4%. The 2012 average, annual unemployment rates for the State of Arkansas and the United States were 7.3% and 8.1%, respectively. The average unemployment rates for Benton and Washington Counties for the January–November 2013 time period were indicated to be 5.5%± and 4.8%±, respectively. All of the preceding rates represent non-seasonally adjusted rates.

U.S. Census data reflect the following income figures for the Benton-Washington County area:

Benton County				
	2000	2010	Change	2013
Median Household Income	\$40,276	\$54,592	35.5%	\$51,977
Average Household Income	\$50,556	\$66,147	30.8%	\$69,676
Per Capita Income	\$19,377	\$24,912	28.6%	\$25,885

Washington County				
	2000	2010	Change	2013
Median Household Income	\$34,683	\$45,544	31.3%	\$44,056
Average Household Income	\$44,747	\$56,617	26.5%	\$59,789
Per Capita Income	\$17,347	\$21,840	25.9%	\$23,137

Combined Counties				
	2000	2010	Change	2013
Median Household Income	\$37,483	\$50,588	35.0%	\$48,687
Average Household Income	\$47,604	\$61,551	29.3%	\$64,937
Per Capita Income	\$18,348	\$23,441	27.8%	\$24,850

The real estate market in Benton and Washington Counties expanded at a rapid rate between 2003 and mid-2006. Oversupply issues in the residential sector became very visible in 2006, particularly in the latter half of the year. There were definite indicators in 2005 that this sector of the market was headed in this direction. As of the second Quarter of 2013, Benton County totaled approximately 7,399 empty, single-family and duplex lots with Final Plat filed and/or receiving final approval. The total for Washington County was approximately 5,436. Based on lot sales to end users in 2012 in the two-county area, the total empty lot supply could constitute near a 9± year inventory. This likely overstates the situation as near 15%± of the empty lot inventory represents not yet active lots. Regardless, the current lot supply in the two-county area remains significant; however, it should be noted that the supply of empty lots in Benton and Washington Counties has decreased substantially over the past couple of years. The decrease from Quarter Four 2012 to Quarter Two 2013 was approximately 7.5%±. Housing starts and residential construction activity in both Benton and Washington Counties have increased significantly since 2011. Interest rates remain low, which is a positive for the housing market; however, have increased somewhat as of late. Rates are expected to continue to slowly move upward, with the Federal Reserve cutting back on monthly bond purchases. However, rates are still projected to remain in an affordable range. This, along with continued improvement in non-

farm employment should sustain the downward movement in the number of empty residential lots in the two-county area.

Problems in the housing market are viewed by many as what led us into the recession, and there is a belief that continued improvement in this sector is necessary for the country to completely rebound from this last economic downturn. Obviously, the decrease in home values and the high rates of residential foreclosures across the country as a result of the “Great Recession” negatively impacted consumer sentiment. Many economists feel that the housing market bottomed in the Fourth Quarter of 2011, with an average decline in value from peak to trough of 30% to 35%±. There is definite evidence that home values are rebounding. In Benton County, Multiple Listing Service (MLS) data reflects the median home price for the first half of 2013 to be \$152,000, as compared to \$140,500 for the first half of 2012. This indicates an 8.2% increase. In Washington County, the median home price for the first half of 2013 was indicated by MLS data to be \$149,900. This compares to \$135,000 for the first half of 2012. The increase calculates to 11.04%. As homeowners experience increased equity, consumer confidence should improve. Through November 2013, home sales in Arkansas were up near 12% compared to the first 11 months of 2012. The year 2013 appears to be the best year for home sales in Arkansas since 2009 and 2010, when the government’s homebuyer tax credit gave consumers extra incentive to buy a house.

The multi-family residential sector of the real estate market in Benton and Washington Counties was the first sector to rebound from the recent “Great Recession”. In the multi-family sector, the two-county area indicated an overall vacancy rate of 2.73% in the Third Quarter of 2013. The Fayetteville multi-family market has a good history of strength, due to the University of Arkansas, and reflected a Third Quarter 2013 vacancy rate of 2.47%. However, it should be noted that a substantial amount of new product has been added over the past 1-2± years in the Fayetteville multi-family market, and more units are in the planning stage. The Rogers, Bentonville, Siloam Springs, and Springdale multi-family markets also appear to each be in good shape with a range of vacancy rates between 2.56% and 3.54% as of the Third Quarter 2013. The Rogers and Bentonville markets in particular are doing well with vacancy rates of 2.56% and 2.67%, respectively.

With respect to the commercial market in Benton and Washington Counties, the primary concerns are the professional office, retail, and development land sectors. The professional office sector of the market, Class “A” and “B” properties, has been oversupplied for some time in the two-county area. The overall vacancy rate for Class “A” and “B” professional office space for the First Quarter of 2013 was slightly above 15%. The rate for Class “A” space alone was reported at 13.2%. These rates are for investment grade, non-owner occupied space. Obviously, job creation is critical to the absorption of office space. It should be noted that the overall professional office vacancy rate was thought to have peaked in mid/late 2010, with vacancy slowly decreasing since that time.

The retail sector of the commercial market had been the strength of the market through the first half of 2008; however, in the second half of the year vacancy began to rise. In the Fourth Quarter of 2009 the overall vacancy rate in this sector of the market was estimated between 15% and 16%. Obviously, problems in the national economy impacted the local retail community.

The overall vacancy rate in the retail sector has slowly declined since 2010 and was near 10% (Class “A” and “B” combined) in the First Quarter of 2013. This, too, is for investment grade, non-owner occupied space. It should be noted that the reported vacancy rate for Class “A” retail space in the First Quarter of 2013 was 6.5%.

Commercial development land must also be considered. The two areas of concern are in the north part of Fayetteville and the southwest part of Rogers. Land that was acquired at the peak of prices in 2005/2006 continues to periodically face refinancing. With a decline in values in this sector, in order to refinance and keep loan to value ratios within bank guidelines, the borrower may have to bring funds to the closing table. This is the mark to market issue that has been discussed nationally over the past several years.

The service sector of the commercial market had been a concern in Benton and Washington Counties; however, has shown improvement since 2011. This pertains to hotels/motels and restaurants. With respect to hotels/motels, the following increases in tax receipts collected between Quarter One 2012 and Quarter One 2013 were indicated:

Bentonville	+9.5%±
Fayetteville	+10.5%±
Rogers	+4.8%±
Siloam Springs	+7.4%±
Springdale	+6.6%±

Restaurant tax receipts collected reflected the following increases between Quarter One 2012 and Quarter One 2013:

Bentonville	+1.6%±
Fayetteville	+.25%±

Springdale and Rogers do not collect restaurant tax receipts.

The service sector, locally and nationally, appears to have rebounded from the “Great Recession” sooner than originally expected. It should be noted that a new full-service hotel facility is being considered for the University of Arkansas Campus in Fayetteville. This hotel is expected to feature 125-150 beds, with 13,000± square feet of conference space. It should also be noted that the recent construction of the 21C Museum Hotel in Bentonville, just off the “square” in the Central Business District, has proven to be a success.

Following is a listing of building permit values for cities in Benton and Washington Counties, as indicated by the Northwest Arkansas Regional Planning Commission:

NWA BUILDING PERMITS

City	2007	2008	2009	2010	2011
Johnson	\$12,894,627.00	\$11,480,561.00	\$2,201,298	\$3,139,035	\$4,815,327
Elkins	\$1,448,865.00	\$2,992,700.00	\$1,659,255	\$1,217,567	\$395,100
Bentonville	\$175,179,387.00	\$84,042,846.00	\$166,253,077	\$92,641,213	\$151,852,753
Tontitown	\$9,117,183.00	\$12,317,817.00	\$5,943,915	\$4,000,663	\$4,178,087
Rogers	\$364,610,284.00	\$221,417,100.00	\$66,680,186	\$84,916,060	\$77,350,756
Lowell	\$23,018,357.00	\$10,507,847.00	\$5,156,363	\$10,280,864	\$9,320,710
Siloam Springs	\$26,571,074.00	\$8,369,852.00	\$51,494,178	\$15,504,723	\$33,626,432
Fayetteville	\$282,642,878.00	\$301,388,827.00	\$90,257,059	\$111,470,014	\$140,148,788
Pea Ridge	\$10,613,632.00	\$11,617,647.00	\$1,701,901	\$1,315,208	\$7,731,042
Little Flock	\$1,997,419.00	\$1,801,420.00	\$1,807,373	\$751,034	\$1,675,196
Bella Vista	\$39,336,280.00	\$19,235,786.00	\$12,059,939	\$8,437,960	\$7,379,000
Prairie Grove	\$9,276,304.00	\$7,929,728.00	\$3,298,300	\$8,230,109	\$5,208,052
Greenland	\$1,411,691.66	\$173,470.00	\$707,300	\$576,269	\$135,000
Cave Springs	\$9,715,915.00	\$4,835,350.00	\$6,622,764	\$7,666,117	\$10,281,180
West Fork	\$2,412,200.00	\$1,568,000.00	\$414,100	\$713,000	\$1,381,350
Goshen	\$4,246,683.80	\$2,824,327.43	\$2,104,269	\$3,245,078	\$1,738,686
Lincoln	\$2,507,545.00	\$0.00	\$191,944	\$1,219,120	\$13,256,610
Elm Springs	\$500,000.00	\$150,000.00	\$1,056,647	\$870,696	\$1,488,000
Farmington	\$11,793,393.00	\$10,730,420.00	\$8,577,800	\$11,185,157	\$6,256,614
Springdale	\$114,491,552.00	\$111,956,457.00	\$59,871,046	\$46,904,148	\$85,993,770
Gentry	\$2,034,963.90	\$1,705,248.20	\$526,450	\$2,793,005	\$2,283,500
Bethel Heights	\$5,582,958.00	\$702,967.00	\$675,967	\$686,050	\$570,721
Centerton	\$18,033,067.00	\$9,928,847.00	\$5,712,560	\$15,359,184	\$15,033,136
Decatur	\$1,150,000.00	\$252,000.00	\$9,471,500	\$348,500	\$3,097,660
Gravette	\$2,149,440.00	\$840,115.00	\$5,726,000		\$1,848,347
Total	\$1,132,735,699.36	\$838,769,332.63	\$510,171,191	\$433,470,774	\$587,045,817

WASHINGTON COUNTY PERMITS

City	2007	2008	2009	2010	2011
Johnson	\$12,894,627.00	\$11,480,561.00	\$2,201,298	\$3,139,035	\$4,815,327
Elkins	\$1,448,865.00	\$2,992,700.00	\$1,659,255	\$1,217,567	\$395,100
Tontitown	\$9,117,183.00	\$12,317,817.00	\$5,943,915	\$4,000,663	\$4,178,087
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Goshen	\$4,246,683.80	\$2,824,327.43	\$2,104,269	\$3,245,078	\$1,738,686
Lincoln	\$2,507,545.00	\$0.00	\$191,944	\$1,219,120	\$13,256,610
Elm Springs	\$500,000.00	\$150,000.00	\$1,056,647	\$870,696	\$1,488,000
Farmington	\$11,793,393.00	\$10,730,420.00	\$8,577,800	\$11,185,157	\$6,256,614
Springdale	\$114,491,552.00	\$111,956,457.00	\$59,871,046	\$46,904,148	\$85,993,770
Total	\$452,742,922.46	\$463,512,307.43	\$176,282,933	\$192,770,856	\$264,995,384

BENTON COUNTY PERMITS

City	2007	2008	2009	2010	2011
Bentonville	\$175,179,387.00	\$84,042,846.00	\$166,253,077	\$92,641,213	\$151,852,753
Rogers	\$364,610,284.00	\$221,417,100.00	\$6,668,0186	\$84,916,060	\$77,350,756
Lowell	\$23,018,357.00	\$10,507,847.00	\$5,156,363	\$10,280,864	\$9,320,710
Siloam Springs	\$26,571,074.00	\$8,369,852.00	\$51,494,178	\$15,504,723	\$33,626,432
Pea Ridge	\$10,613,632.00	\$11,617,647.00	\$1,701,901	\$1,315,208	\$7,731,042
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Gentry	\$2,034,963.90	\$1,705,248.20	\$526,450	\$2,793,005	\$2,283,500
Bethel Heights	\$5,582,958.00	\$702,967.00	\$675,967	\$686,050	\$570,721
Centerton	\$18,033,067.00	\$9,928,847.00	\$5,712,560	\$15,359,184	\$15,033,136
Decatur	\$1,150,000.00	\$252,000.00	\$9,471,500	\$348,500	\$3,097,660
Gravette	\$2,149,440.00	\$840,115.00	\$5,726,000		\$1,848,347
Total	\$679,992,776.90	\$375,257,025.20	\$333,888,258	\$240,699,918	\$322,050,433

The economic base of the region consists of four basic areas: **First**, agricultural production with the primary commodities being beef cattle, dairy cattle, and poultry. The general offices of Tyson Foods, Inc., the largest poultry producer in the world, are located in Springdale in Washington County. Benton and Washington Counties have a considerable amount of rural acreage and, therefore, it would stand to reason that agriculture would be important to the area. There is also some cropland in the area, primarily green bean and orchard production (grapes). According to the USDA, Benton and Washington counties had total agricultural sales in 2007 of \$433,957,000 and 417,965,000, respectively. **Second**, influence from the University of Arkansas located in Fayetteville. Total enrollment for Fall 2013 at the University was 24,537, an increase of 5.8% since the Fall 2012. The University provides considerable employment opportunities for area residents. It is not uncommon for residents of the outlying areas of Benton and Washington Counties to work at the University. A second public academic institution, the Northwest Arkansas Community College, is located in Bentonville. Fall 2013 enrollment for the school was indicated to be 8,020, a decrease of 3.8% from the Fall 2012. In addition to the main campus, the NWACC also has branch campuses located in Springdale, Rogers, and Farmington. NWACC is considering the purchase of an acreage site located in the southwest part of Springdale for the construction of a new Washington County Campus. **Third**, recreational usage primarily in the northeast part of Washington County, and the southeast, east, and northeast parts of Benton County. This recreational usage is primarily provided by Beaver Lake, a Corps of Engineer Reservoir on the White River. Beaver Lake affords typical fresh water sports such as boating, fishing, skiing, swimming, etc. Each of the major cities in the two-county area also has recreational amenities. It should be noted that Arvest Baseball Park opened in the Spring of 2008 in the southwest part of Springdale. This baseball park is the home of the Northwest Arkansas Naturals (Minor League AA Affiliate of the Kansas City Royals). The location is at the southwest corner of Watkins Avenue and 56th Street, just west of I- 540. Completion of the Don Tyson Parkway/I-49 Interchange, just southeast of the baseball park, is expected in 2014. **Fourth**, the large number of manufacturing businesses and industries located within the two counties. Again, residents of outlying areas of the two counties will commute to Fayetteville, Springdale, Rogers, Bentonville, etc. to work at these facilities. The general offices of Wal-Mart, Inc., the world's largest retailer, are located in Bentonville. Wal-Mart has had a tremendous impact on the area, particularly Benton County. Over the past several years, Wal-Mart vendors have been locating branch offices in the Benton County area in order to better service their account with Wal-Mart. Both professional office and residential construction increased significantly due to the influx of these suppliers. The general offices of J.B. Hunt, Inc., a major trucking company, are located in Lowell. As previously indicated, the general offices of Tyson Foods, Inc., the world's largest poultry processor, are located in Springdale. Wal-Mart, J.B. Hunt, and Tyson Foods are each Fortune 500 Companies. The presence of these companies drives demand for lawyers, accountants, architects, hotels, restaurants, retailers, etc. Most of the major industries are located in the larger cities in the counties. According to the 2002 Economic Census, total value of shipments by manufacturers in Benton County was \$2,615,524,000. According to State & County QuickFacts, total value of shipments by manufacturers in Washington County in 2007 was \$3,497,554,000. Retail sales estimates for Benton and Washington Counties for 2007, based on State & County QuickFacts, were \$2,390,591,000 and \$2,723,279,000, respectively.

The following table represents major employers in the MSA (as of 2012):

Employer	# of Employees±	Sector/Product	Main Location
Wal-Mart Stores (Home Office, DC's & Stores)	28,000+	Retail	Bentonville
Tyson Foods	12,000+	Protein Processing/Marketing	Springdale
University of Arkansas	4,000+	Education	Fayetteville
Simmons Foods, Inc.	3,900+	Poultry Processing	Siloam Springs
J.B. Hunt Transport Services	2,600+	Transportation	Lowell
Washington Regional	2,100+	Health	Fayetteville
George's Inc.	2,000+	Poultry	Springdale
Northwest Health Systems	1,900+	Health	Bentonville/Springdale
Mercy Health Systems	1,500+	Health	Multiple
Arvest Bank	1,500+	Finance	Bentonville

Source: Employers; Local Chambers of Commerce

In addition, Northwest Arkansas is the home of several satellite offices of Fortune 500 companies supplying products to Wal-Mart Stores, Inc. These Fortune 500 companies with a presence in Northwest Arkansas include:

IBM, Coca-Cola, Proctor & Gamble, Pfizer, Gillette, Mattel, Hershey, Sara Lee, Kimberly Clark, Heinz, Colgate, Clorox, Ball Corp., Disney, General Mills, Kellogg, Hormel, Newell Rubbermaid, Johnson & Johnson, Pepsico, Philip Morris, etc.

Construction of the Crystal Bridges Museum of American Art in Bentonville has been a plus for the Northwest Arkansas economy, particularly the City of Bentonville. This museum opened in November 2011, and was a project of the Walton family. Crystal Bridges is located near the Central Business District of Bentonville, and, along with the "Downtown Bentonville" program, has been instrumental in the revitalization of the Central Business District.

There are many financial institutions in Benton and Washington Counties. These institutions have typically provided an adequate supply of funds for residential, commercial, industrial, and agricultural growth. It should be noted that credit conditions tightened in 2008 as financial institutions dealt with problem real estate loans, and deteriorating economic conditions. The Federal Government infused funds into the financial market in an attempt to provide liquidity and ease credit. The major financial institutions in the area are located in Bentonville, Fayetteville, Rogers, Siloam Springs, and Springdale, with smaller banks and branches situated in many of the smaller communities. Currently, interest rates on long-term (15-30 years) residential first mortgages are generally in the 3.50% - 4.50% range. Federal Deposit Insurance Corporation (FDIC) data indicate there are a total of 58 financial institutions in the Fayetteville-Springdale-Rogers MSA. Deposits as of June 30, 2013, totaled \$8,277,239± based on the FDIC data.

Real estate development in the area has primarily been centered in the major cities, and in such smaller communities as Centerton, Farmington, Lowell, and Prairie Grove. However, rural development is also occurring with small acreage homesites visible throughout the two counties.

Economic conditions at the present time are improving in the two-county area; however, the local economy has not yet fully rebounded from the recent "Great Recession." A plus for the area is continued year over year increases in non-farm employment numbers. Sustained growth

in non-farm employment will go a long way to absorb vacant commercial space. The long-term outlook is that economic forces will have a positive effect on real estate values in Benton and Washington Counties; however, at the present time the two-county area continues in a correction period, particularly with respect to the commercial sector.

Governmental Forces: Governmental, political, and legal actions at all levels have a great impact on property values.

The county seats of Benton and Washington Counties, as previously discussed, are Bentonville and Fayetteville, respectively. These two cities are some 20± minutes apart via I-49.

County government in each county is under the direction of the County Judge and Quorum Court. Other elected county officials include the County Clerk, Circuit Clerk, Collector, Assessor, Treasurer, Sheriff, Coroner, etc.

Property taxes in Arkansas are collected at the county level and distributed to the counties, cities, and school districts. In Arkansas, all real property, except agricultural land, is to be appraised at market value. Agricultural land is valued based upon soil class productivity. The appraised value is multiplied by a 20% assessment ratio to arrive at the assessed value. The assessed value is then multiplied by the appropriate millage rate to arrive at the annual property tax. However, in 2001, a tax relief act was passed in Arkansas, which limits the annual increase in property tax from the base year. A new term was created, called Taxable Value. Taxable Value is now multiplied by the applicable millage rate to arrive at the annual real estate tax. The annual property tax is due by October 15th in the year after it is levied. Individual property taxes in Benton and Washington Counties have generally increased over the last several years due to continuing reappraisal; however, it should be noted that both Benton and Washington Counties made adjustments in real estate appraised values for property tax purposes due to the recent "Great Recession."

Benton County does not have county zoning at the present time. Washington County; however, passed an ordinance introducing zoning regulations to unincorporated parts of Washington County. This zoning ordinance became effective in December of 2007. This zoning is enforced by the Washington County Planning Board. The major cities in the area also have zoning regulations. There are no adverse legislative restrictions on the use and development of real property in the area. However, it should be noted that some of the cities in Benton and Washington Counties have established Overlay Districts which place limitations on development of lands within the established districts.

Benton and Washington Counties are considered to have adequate medical, school, lodging, and religious facilities to service the Trade Area.

The following table reflects area schools' enrollments for the previous years:

Area School Enrollment	Fall 2009	Fall 2010	Fall 2011	Fall 2012	Fall 2013
Fayetteville Public Schools	8,566	8,838	9,017	9,142	9,421
Springdale Public Schools	18,188	18,810	19,381	20,141	20,547
Rogers Public Schools	13,774	14,145	14,145	14,454	14,757
Bentonville Public Schools	13,701	14,147	14,144	14,893	15,114
University of Arkansas – Fayetteville	19,849	23,199	23,199	23,199	24,537
Northwest Arkansas Community College Rogers/Bentonville	8,006	8,365	8,528	8,341	8,020
John Brown University – Siloam Springs	2,073	2,130	2,130	2,130	2,183

Source: Schools' Administration Offices

There are also private church schools in operation in the two-county area, as well as charter schools. There are a total of five charter schools in Benton and Washington Counties, with additional schools planned. Fall 2013 enrollment at the area charter schools was reported at 2358.

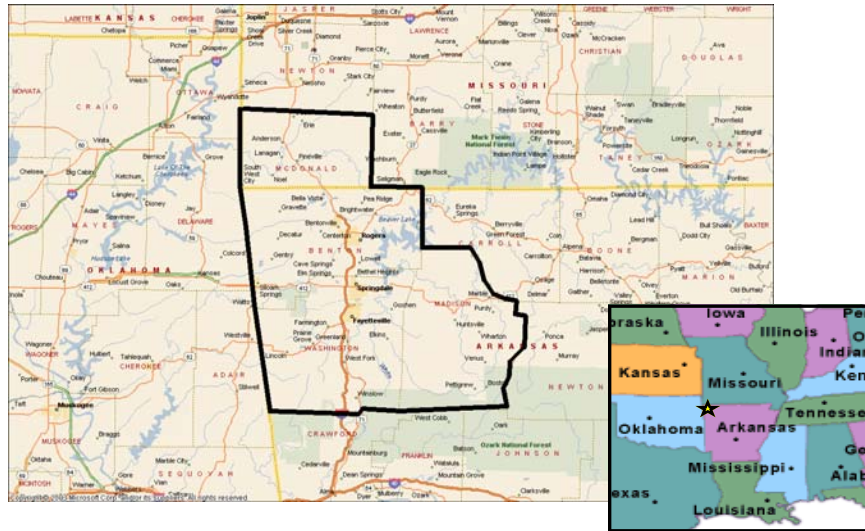
Public utilities available in the rural areas of Benton and Washington Counties include electricity and telephone service. Natural gas and public water are also available in certain areas. Public sewer is available in the major cities and in some of the smaller communities.

Overall, governmental forces in the area provide a positive effect on real property values. Lack of public water and sewer in certain rural areas is a drawback. However, the Two Ton Water Project and Benton-Washington County Water Authorities are addressing rural water needs in the two counties.

Environmental Forces: Both natural and man-made environmental forces influence real property values. Environmental forces include climatic conditions, topography and soil, natural barriers to future development, primary transportation systems, and the nature and desirability of the immediate area surrounding a property.

The two-county area has relatively warm summers and mild winters. High temperatures in summer are often accompanied by high humidity. The average daily temperature is about 57 degrees. Each year there are about 58± days when temperatures go above 90 degrees and typically only a few days when temperatures drop to freezing or below; however, the past few years have seen cold extremes where the temperature has dropped below freezing on several days. The area has an average of 4 to 5± inches of snow annually, although the past few years have also exceeded this. Rainfall averages around 45± inches annually.

The following map illustrates the relationship between the cities and counties of the MSA (the four-county MSA is outlined in black):



The area is part of the Ozark Highlands. In Benton County, topography ranges from broad plains and rolling hills in the western and central parts to rocky, rough, steeper hills in the east. Much of the eastern one-third of the county is covered by Beaver Reservoir. The elevation increases from west to east and ranges from 1,000± to 1,700± feet above sea level. The elevation of Washington County also varies from 1,000± to 1,700± feet. In general, the topography of Washington County is rough along the western, eastern, southern, and northwestern boundaries. Extending through the heart of the county, from the Oklahoma line to the City of Springdale, is a plateau-like area consisting of rolling, reasonably level land. The City of Fayetteville, located in the edge of the Boston Mountain Range, is quite hilly. Soil and subsoil conditions within the two counties range from fair to good for agricultural purposes.

There are natural barriers to real property development in the area. These consist primarily of mountainous regions, rivers, etc. However, many of these barriers have a positive effect on agricultural usage.

The primary transportation routes in the two counties are I-49 and U.S. 71B (north-south) and U.S. 412 (east-west). From Fayetteville north to Bella Vista, I-49 provides divided highway access. South from Fayetteville, I-49 provides divided highway access to Interstate 40 at Alma. U.S. 71 south from Fayetteville was made a Scenic Byway in 1998. Divided highway access is now available from the region to Fort Smith to the south via I-49/40 and to Little Rock to the southeast via I-49/40. Also, U.S. 412 provides divided highway access from Tontitown westerly to Siloam Springs near the Oklahoma State Line. Divided highway access is available westerly from the region to Tulsa, Oklahoma. U.S. 71B, I-49 and U.S. 412 are each heavily traveled traffic arteries. U.S. 71B traverses Fayetteville, Springdale, Rogers, Bentonville, and Bella Vista. U.S. 412 traverses Springdale, Tontitown, and Siloam Springs. Construction on a new phase of U.S. 412 east of Springdale was completed in 2001. U.S. 412 is now 5 lanes or divided highway from U.S. 71B east to just east of the small community of Hindsville. Construction is

near complete for an extension of the U.S. 412 divided highway to the east to near Huntsville. U.S. Highway 62 and State Highway 16 in Washington County also provide east-west access, as do State Highways 12, 102, and 264 in Benton County. In addition, there are other state highways as well as county roads providing adequate access throughout the area. Proposed major highway construction in the two-county area includes a Bella Vista Bypass and a northern Springdale Bypass. With respect to the northern Springdale Bypass, it appears that the segment of the highway west of I-49 (between I-49 & U.S. 412) will be constructed prior to the segment east of I-49. The timing of completion of the Bella Vista Bypass and the west segment of the northern Springdale Bypass is not known. It should be noted that construction of additional lanes to I-49 is also proposed in Benton and Washington Counties. Finally, several of the cities in the region are in the process of improving/constructing new transportation routes within their municipalities.

A new airport for the region opened in November 1998. The Northwest Arkansas Regional Airport (XNA) is located near the small community of Highfill in the northwest part of the region. Total construction cost was estimated near \$109± million. Some 2,185± acres were involved. There are two runways, both 8,800± feet in length by 150'± in width. There is also a 75' x 8,800± taxiway. The terminal building was indicated initially near 69,000± square feet in size; however, has been expanded adding a new terminal. The new terminal reportedly cost \$20-25 million, and allowed parking space for twelve additional planes. The addition reportedly added 51,000± SF of building area. Direct flights are now available to many of the major MSA's across the country. In 2012, the airport served some 1,135,023± passengers. Through November 2013, the airport is reported to have served 1,069,198 passengers. A new transportation route to the airport is also projected. This new route is to run northwesterly from the west segment of the northern Springdale Bypass. The new route will likely intersect the northern Springdale Bypass near State Highway 112 (north-south route). State Highway 264 currently provides access to the south entrance to the airport, while State Highway 12 provides access to the north entrance. Growth has occurred toward the airport, especially along State Highway 12 from Bentonville. The airport has exceeded initial projections on the number of people utilizing the facility.

The two-county area is reasonably well located and is within relatively short driving times of major metropolitan areas. Driving time to Tulsa is less than 2± hours, to Little Rock is 2.5-3± hours, and to Kansas City is 3-4± hours.

Environmental forces, for the most part, are considered favorable for real property development in the area.

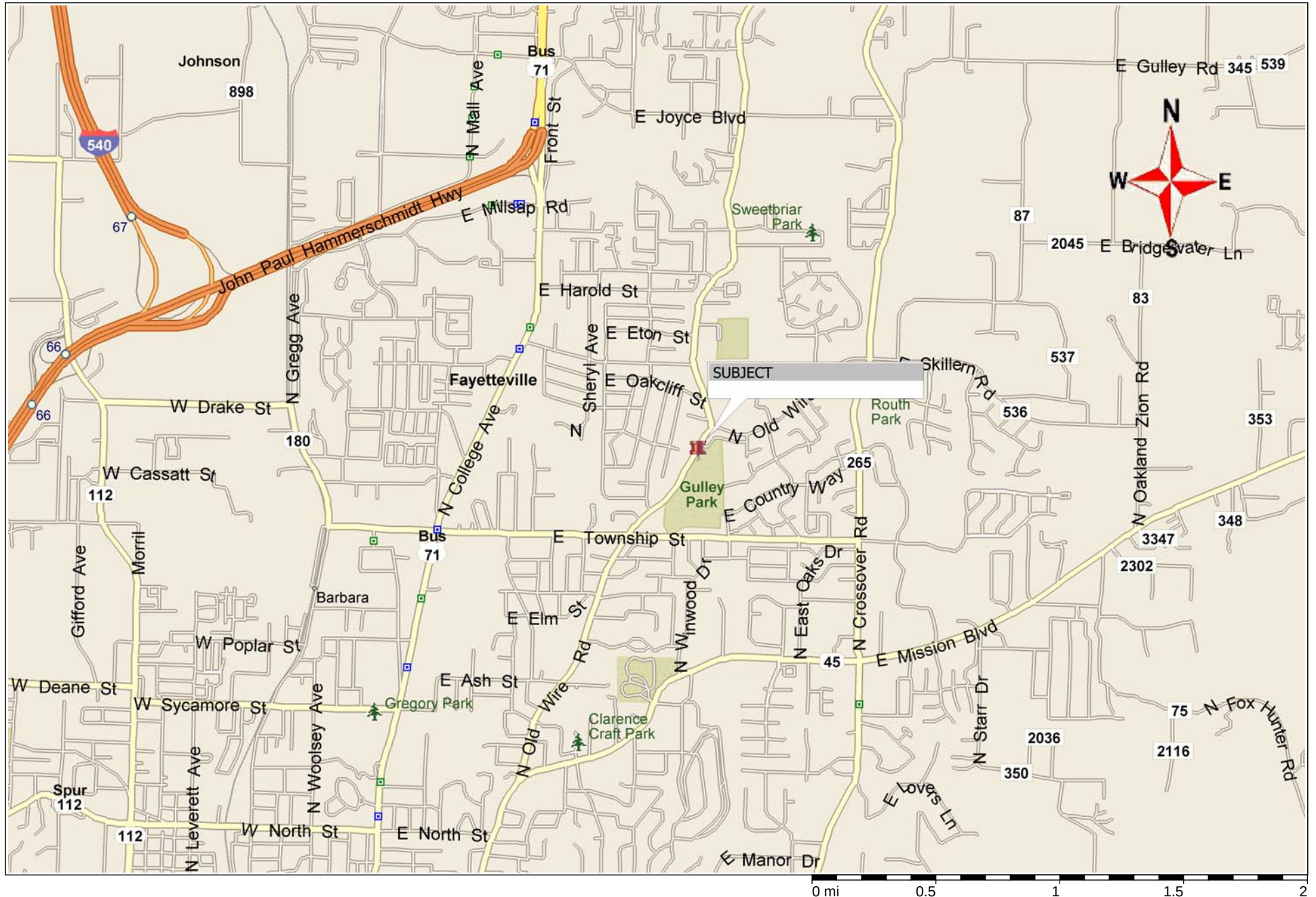
CONCLUSIONS

Each of the major forces affecting real property values has been discussed in this section. The conclusion is that these forces appear, basically, to favorably influence real property values in the area with the possible exception of current economic conditions. The trend in Benton and Washington Counties, overall, had been upward through 2005 and into 2006. The long-term outlook is still considered good; however, currently the real estate market in the two-county area, particularly the commercial sector, is in a correction period. This correction period is the result of excessive supply brought to the market in the 2003 to early 2006 time period, and has been prolonged by the slow improvement in overall economic conditions. Oversupply problems first became evident in the single-family and professional office sectors of the market. The professional office sector still faces oversupply issues; however, conditions have continued to improve since late 2011. The single-family residential sector also experienced improvement in 2012 and 2013, and appears now to be on the upswing. The Class “A” retail sector had been the strength of the commercial market through the first half of 2008; however, vacancy rates increased during the second half of the year and, as economic conditions continued to deteriorate, remained at higher than desired levels through 2009, 2010, 2011, and 2012. It should be noted; however, that the retail sector has shown continued slow improvement since 2010. The multi-family residential sector had been very healthy in the Northwest Arkansas Area for several years. As a result of the introduction of substantial new product, the multi-family sector experienced increasing vacancy rates in 2007. Higher than norm vacancy levels continued through 2008, 2009, and 2010. However, significant improvement has occurred in the multi-family residential sector since mid 2010. This sector of the real estate market was the first to rebound from the “Great Recession”. Finally, the majority of industrial growth has been limited to the expansion of existing industries. There is also substantial vacancy in the office/warehouse sector of the real estate market in Benton and Washington Counties at the present time; however, this sector of the market has also improved since late 2011.

The Benton-Washington County Area continues to experience a favorable interest rate environment, which is a positive demand indicator. In addition, year on year non-farm employment numbers reflect good positive growth. Employment obviously impacts population growth. The latest census figures are through 2010. At that time the Fayetteville-Springdale-Rogers MSA reflected a total population of 465,780. The unemployment rate for the Fayetteville-Springdale-Rogers MSA remains favorable relative to the national and state levels. The December 2013 unemployment rate for the MSA was reported at 4.9%. For December 2013, the State of Arkansas reported an unemployment rate of 7.2%. The Bureau of Labor Statistics reported the United States unemployment rate at 6.5% for December 2013. These represent non-seasonally adjusted rates.

The current correction period in the Benton-Washington County real estate market is expected to continue in 2014. As previously stated, the long-term outlook for the Northwest Arkansas Area is considered good.

Market Area Map



MARKET AREA

Market Area is defined as:

“The area associated with a subject property that contains its direct competition.”³

The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical addresses of the homesites are indicated to be 2634 & 2648 North Old Wire Road. The subject site is situated adjacent to the north/northeast of Gulley Park. Fayetteville, the Washington County Seat, had a 2010 population of 73,580±, according to the U.S. Census Bureau. The City of Springdale is located just to the north of Fayetteville and had a 2010 population of 70,747±. Fayetteville and Springdale lie within Washington County; the extreme northern portion of Springdale extends into Benton County. The indicated 2010 populations of Washington and Benton Counties were 203,065± and 221,339±, respectively. Washington, Benton, and Madison Counties, in Arkansas, and McDonald County, in Missouri, comprise the Fayetteville-Springdale-Rogers MSA (FSR MSA). The 2010 population of the MSA was approximately 465,780±. The May 2014 unemployment rate for the Fayetteville-Springdale-Rogers MSA was indicated to be 4.9% (preliminary, not seasonally adjusted).

The Market Area appears to consist of properties located south of East Joyce Boulevard, west of North Crossover Road (State Highway 265), north of East Mission Boulevard (State Highway 45), and east of North College Avenue (U.S. Highway 71B). The Market Area is considered to be near 80%± built-up.

Each of the Market Area boundaries represents a primary roadway. East Joyce Boulevard represents a five-lane roadway that runs in an east-west direction in the northern part of the Market Area. East Mission Boulevard (State Highway 45), also runs in a generally east-west direction in the southern part of the Market Area. East Mission Boulevard alternates between two and three lanes. North College Avenue (U.S. Highway 71B) and North Crossover Road (State Highway 265) represents four to five lane roadways in the western and eastern parts of the Market Area, respectively. Interstate 49 is the principle traffic artery serving the F-S-R MSA, and is situated just west of the Market Area. It should be noted that Interstate 49 was recently known as Interstate 540; however, I-540 was rededicated as I-49. Access to I-49 is available in the northwest part of the Area. The City of Fayetteville recently completed construction of a “fly over” that connects North College Avenue to the Fulbright Expressway. Construction of this project began in 2013, and was completed in early July 2014. Plans have been submitted for development of a Whole Foods grocery store located along the west side of North College Avenue, just south of the “fly over.” The plans call for a 35,500± SF grocery store, along with two other smaller retail buildings to be constructed on the 6.6± acre site. The site is currently improved with a former automobile dealership building that has been vacant for several years. The exact timeline for this project is unknown.

³ Appraisal Institute, *The Dictionary of Real Estate Appraisal – Fifth Edition*, (Chicago: Appraisal Institute, 2010), P. 121.

The predominant property uses in the Market Area are residential and special-purpose in nature. Both uses are primarily situated along secondary roadways; however, are also situated along/near primary roadways. The majority of residential uses in the Market Area are older; however, there is some evidence of new residential development in the Market Area. A recently completed subdivision, known as “Cottages at Old Wire”, is located along the east side of Old Wire Road, just north of East Mission Boulevard. This subdivision addresses the \$270,000 to mid \$300,000’s home price range. This subdivision is located adjacent to the north of Clarence Craft Park. Clarence Craft Park is a 4.75± acre park that includes a gazebo, picnic area, and water feature. There are also some multi-family residential uses in the Market Area. Special-purpose uses include religious facilities, schools, public parks, Paradise Valley Athletic Club, etc. Gulley Park is the largest public park in the Market Area. The park consists of 27± acres and includes a 1.5± mile multi-use trail, playgrounds, gazebo, pavilion, restrooms, picnic area, etc.

Commercial development is situated along each of the primary roadways in the Market Area, especially North College Avenue and East Joyce Boulevard. The Northwest Arkansas Mall is located just northwest of the Market Area along the west side of North College Avenue, just North of East Joyce Boulevard. Commercial development located along East Joyce Boulevard in the Market Area includes professional and medical offices, retail strip centers, restaurants, bank branches, etc. North College Avenue has similar types of commercial development; however, this area of development is considered to be somewhat older. Another area of significant commercial development in the Market Area is the intersection of East Mission Boulevard and North Crossover Road. This area includes several commercial properties including: a Wal-Mart Neighborhood Market, Walgreens’, First Federal Bank Branch, Arvest Bank Branch, Firestone Tire Center, Harp’s Grocery Store, restaurant uses, c-stores, etc.

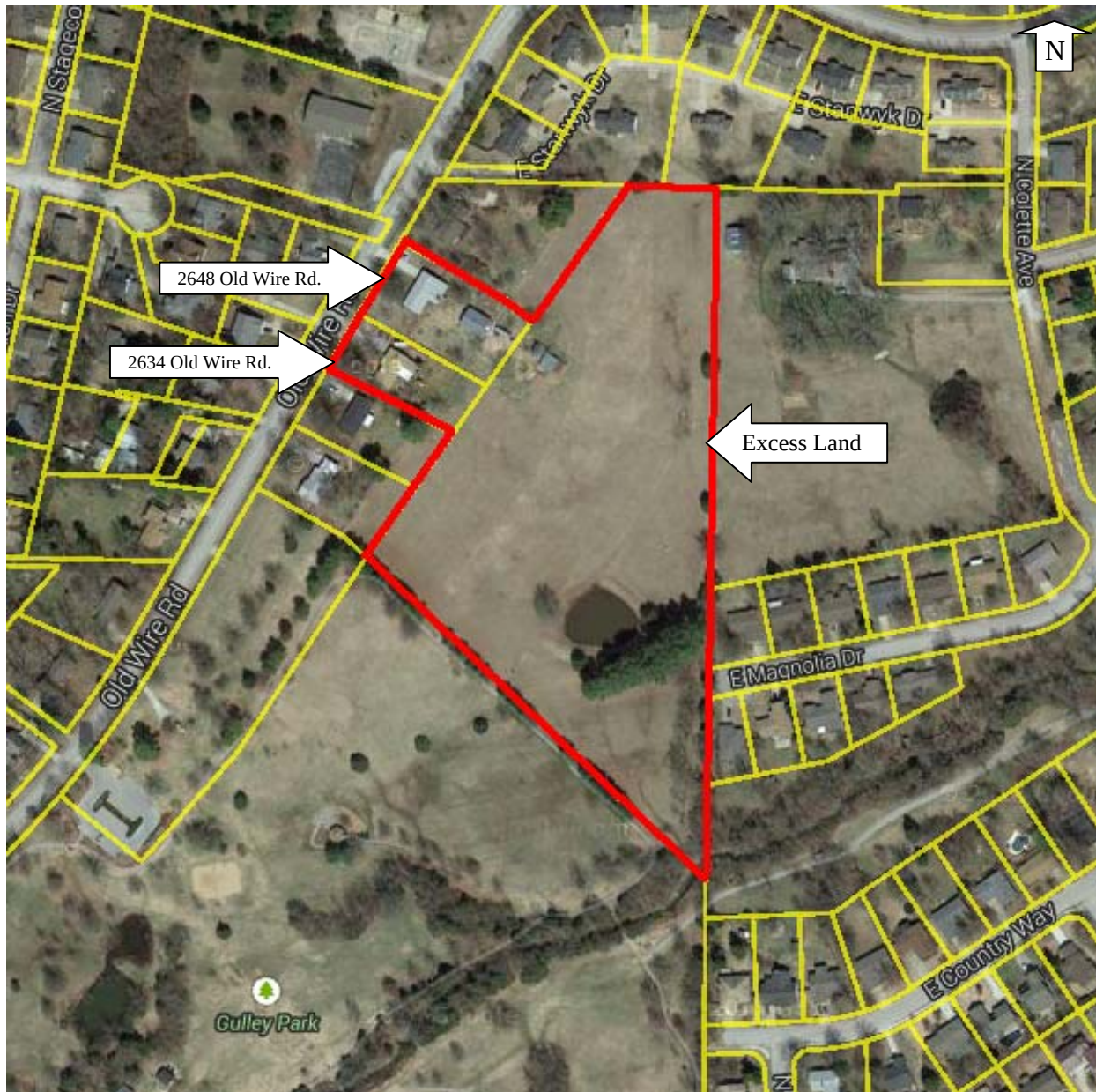
The topography of the Market Area is undulating/near level to gently rolling/sloping, for the most part. Soil and subsoil conditions are not generally considered adverse to building construction. Portions of the Market Area are situated within the 100-Year Flood Zone. Overall, drainage is considered adequate.

Utilities available in the Market Area include public water and sewer, electricity, natural gas, cable television/communications, and telephone service.

The Market Area is in the growth stage of its life cycle; however, growth has slowed significantly since the late 2006/early 2007 time period. The Northwest Arkansas real estate market remains in a correction period, particularly the commercial sector, due to oversupply issues which occurred in the mid part of the past decade. The correction period was prolonged by slow improvement in overall economic conditions. New construction virtually came to a halt, with the exception of special-purpose projects, and this continued through the “Great Recession.” Property values in every sector of the market started downward, and continued downward through mid-2010, and even into 2011 for some areas. It should be noted there are definite signs of improvement in overall economic conditions. Total non-farm employment in the Fayetteville-Springdale-Rogers MSA is actually at a higher level as of the effective date of this report than in the 2006 time period. The Fayetteville-Springdale-Rogers MSA has the lowest unemployment rate of all MSA’s in the State of Arkansas. The multi-family sector became the first sector to rebound, and is showing good strength at the present time. The single-family sector has slowly

followed, with significant improvement visible in 2012 and 2013. There have also been some positive signs in the commercial sector (declining vacancy rates and some new development); however, the commercial sector as a whole is still lagging. There is still a significant amount of Other Real Estate Owned (OREO) being held by financial institutions in Northwest Arkansas. With the on-going improvement in the residential sector in Northwest Arkansas, the commercial sector is expected to continue to slowly improve. The correction period for the commercial sector is expected to last through 2014, and possibly beyond. The Market Area is considered well located in the eastern part of Fayetteville. The physical characteristics of the Market Area are considered adequate for development. Overall, the outlook for the Market Area is considered positive.

AERIAL VIEW OF SUBJECT



*Red lines represent approximate boundaries of the subject whole property.

DESCRIPTION OF SITE

AREA/DIMENSIONS/SHAPE: The subject consists of approximately 10.95± acres (ACS), or 476,982± square feet (SF), of land area; this is based on Assessment Records. As discussed in the “Identification of Subject” section, the legal descriptions indicate different land sizes; however, there appears to be some discrepancies with the legal descriptions. The land sizes indicated by Assessment Records appear to be a more accurate representation of the actual subject land size, and are relied upon for the purposes of this report. An Extraordinary Assumption of this report is that the land sizes are as indicated. A Survey Plat of the subject property is recommended to confirm the reasonableness of this Assumption. The subject land area is allocated as follows: 2634 North Old Wire Road- 0.50± acre (AC); 2648 North Old Wire- 0.75± AC; and, excess land- 9.70± ACS. Dimensions of the subject site, starting in the southwest corner of the site and moving in a clock-wise direction, are approximately as follows: 244.9'± (NE) x 210.4'± (NW) x 251.7'± (NE) x 221.8'± (SE) x 245.1'± (NE) x 217.7'± (E) x 1,190.5'± (S) x 855.4'± (NW). The dimensions were obtained from the Washington County GIS Parcel Map, and represent estimates of the subject boundaries. The subject site has an irregular “L” shape, overall. Each of the subject homesites is considered to be near rectangular in shape. An illustration of the subject site can be found on the Aerial presented on the preceding page.

FRONTAGE/ACCESS: The subject site has approximately 251.7'± of frontage along the southeast right-of-way of North Old Wire Road in the northwest part of the site (homesites); the frontage is considered near road grade. North Old Wire Road represents a two-lane, secondary roadway through the Market Area. There is a drainage ditch located along the North Old Wire Road frontage. The subject site has additional frontage along the west right-of-way of the Magnolia Drive cul-de-sac in the southeast part of the site (excess land); this frontage is also considered near road grade. As of the effective date of this report, vehicular access to the subject site is not available via Magnolia Drive. Finally, the subject site has approximately 855.4'± of frontage along Gulley Park; this represents the southwest boundary of the site. Visibility of the subject site is considered average.

TOPOGRAPHY/SOILS/DRAINAGE: The topography of the subject site is undulating/near level to gently sloping, overall. Each of the homesites is undulating/near level near the dwellings; however, slope downward gently from east to west some 2-3'± west of the dwellings towards North Old Wire Road. The subject excess land slopes downward gently generally in a north to south direction. The highest elevations in the northern part of the site are near 1,350'± and the lowest elevations are in southern part of the site are near 1,320'±. The subject acreage is cleared, for the most part, with some trees along the North Old Wire Road frontage and also in the southeast part of the site. There is a former wet weather pond in the southern part of the site; however, the selling broker indicated the pond has been dry for a significant period of time. Approximately 0.3± AC in the extreme southern part of the subject site (excess land) is located within the 100-Year Flood Zone “AE”. Soil and subsoil conditions are assumed to be adequate

for building construction; however, a soil test report on the site has not been examined. Building improvements are located on the subject site, and nearby sites. Please see the Flood Zone Map appearing in the Addenda. Overall, site drainage is assumed to be adequate.

STREET IMPROVEMENTS:

Sidewalks	-	☐ Yes	☒ No
Curbs	-	☐ Yes	☒ No
Street Paving	-	☐ Concrete	☒ Asphalt
On-Site Parking	-	Asphalt/Gravel	
Off-Site Parking	-	None	

UTILITIES:

Water System	-	☒ Public	☐ Commercial	☐ Individual
Sewer System	-	☒ Public	☐ Commercial	☐ Individual
Gas	-	☒ Yes	☐ No	
Electric	-	☒ Yes	☐ No	

DISCUSSION OF ECONOMIC

INADEQUACIES:

As stated previously in this report, the real estate market in Northwest Arkansas remains in a correction period, particularly the commercial sector, due to oversupply issues that occurred in the mid-part of the past decade. Slow improvement in economic conditions prolonged the correction period; however, national and local economic conditions have improved over the recent past and continued improvement is expected. This has resulted in significant improvement in the overall residential sector. However, the commercial sector is still lagging. The correction period for the commercial sector is expected to last through 2014, and possibly beyond.

EASEMENTS OR ENCROACHMENTS ON SITE: Typical utility easements are believed to be situated along the boundaries of the subject site. The City of Fayetteville Utility Map indicates a 6" sewer line runs along the northwestern boundary of the subject excess land; this also represents the southeastern boundary of the homesites. No adverse easements or encroachments were noted on the property inspection; however, a Survey Plat of the subject site was not provided to the appraiser.

ENVIRONMENTAL CONTAMINATION/HAZARDS: There are many materials that can be considered as hazardous. When these materials are present at or near a property, a property can be categorized as contaminated. This can potentially affect the value and/or marketability. Some examples of hazardous materials include mold, asbestos, PCPs and radioactive waste. Hazardous conditions are often in the form of soil or water contamination, and are rarely detectable without testing by a qualified expert. The existence of potentially hazardous material or contaminated conditions present at the subject or adjoining properties was not observed by us; nor do I have knowledge of the existence of such materials or conditions on or near the property being appraised.

However, I am not professionally qualified to detect such substances or situations. I have made my appraisal subject to the assumption that there are no environmental problems or concerns related to the subject or nearby properties. An expert in this field may be required to confirm the reasonableness of this assumption. Please see the Extraordinary Assumptions previously presented.

CONCLUSIONS: The subject site relates reasonably well to its surroundings and is considered to be functionally adequate for certain types of residential and/or special-purpose uses.

ZONING

The subject property is zoned RSF-4 (Residential Single-Family- Four Units Per Acre) by the City of Fayetteville. According to the Zoning Ordinances published by the City of Fayetteville:

“The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.”

Permitted uses in the RSF-4 district include: city-wide uses by right; single-family dwellings; and, accessory dwellings. Various conditional uses, including utility facilities, cultural and recreational facilities, government facilities, etc. are outlined in the Zoning Ordinances. The indicated maximum density of the RSF-4 district is four units per acre; and, the minimum lot size is 8,000 square feet (0.18± acre). The minimum lot width is indicated to be 70 linear feet. Discussions with the City of Fayetteville Fire Marshal’s office indicated that subdivisions with 30± or more lots are required to have two points of ingress/egress. Based on the zoning requirements the subject excess acreage (9.7± ACS) could have a maximum of 38± lots; however, it would be difficult to achieve the maximum density allowance on the subject excess land. The City of Fayetteville Planning Department indicated subdivisions typically achieve just over 50% of the maximum density allowance, which would indicate approximately 20-25± lots for the subject excess acreage. Therefore, it is my opinion the subject excess land would not need a second point of ingress/egress. Please see the Extraordinary Assumptions previously presented.

The present use of the subject property is assumed to be legal and permissible. Possible future uses of the subject excess land include residential and special-purpose uses.

ASSESSMENT AND TAX

The subject consists of three parcels in Washington County. The following information was obtained through Washington County Assessment Records:

Parcel No.	Acreage Size±	Appraised Value (2014)	Taxable Value (2014)	Estimated Taxes (2014)
765-16080-000	9.70	\$ 2,200	\$ 440	\$ 23.65
765-16092-000	0.75	\$168,000	\$19,403	\$ 692.91*
765-16095-000	<u>0.50</u>	<u>\$135,700</u>	<u>\$27,140</u>	<u>\$1,458.78</u>
Totals	10.95	\$305,900	\$46,983	\$2,175.34

**Estimated taxes less the \$350 homestead tax credit*

Based on Assessment Records, the total Appraised Value of the subject is \$305,900; approximately \$98,450 is attributable to land value. The total Taxable Value is \$46,983. Based on the most recent Ad Valorem Millage Rates published by the Washington County Tax Assessor, the estimated 2014 taxes for the subject property, due by October 15, 2015, are \$2,175.34. The 2013 real estate taxes, which are due by October 15, 2014, are also indicated to be \$2,175.34.

There are no known private use restrictions encumbering the subject property. To my knowledge, there are no special assessments in connection with the subject; the property is located in the Fayetteville School District.

AREA CALCULATIONS

2648 NORTH OLD WIRE SKETCH

File No 5301

SUBJECT

Property Address 2648 Old Wire Road

City Fayetteville

County Washington

State Arkansas

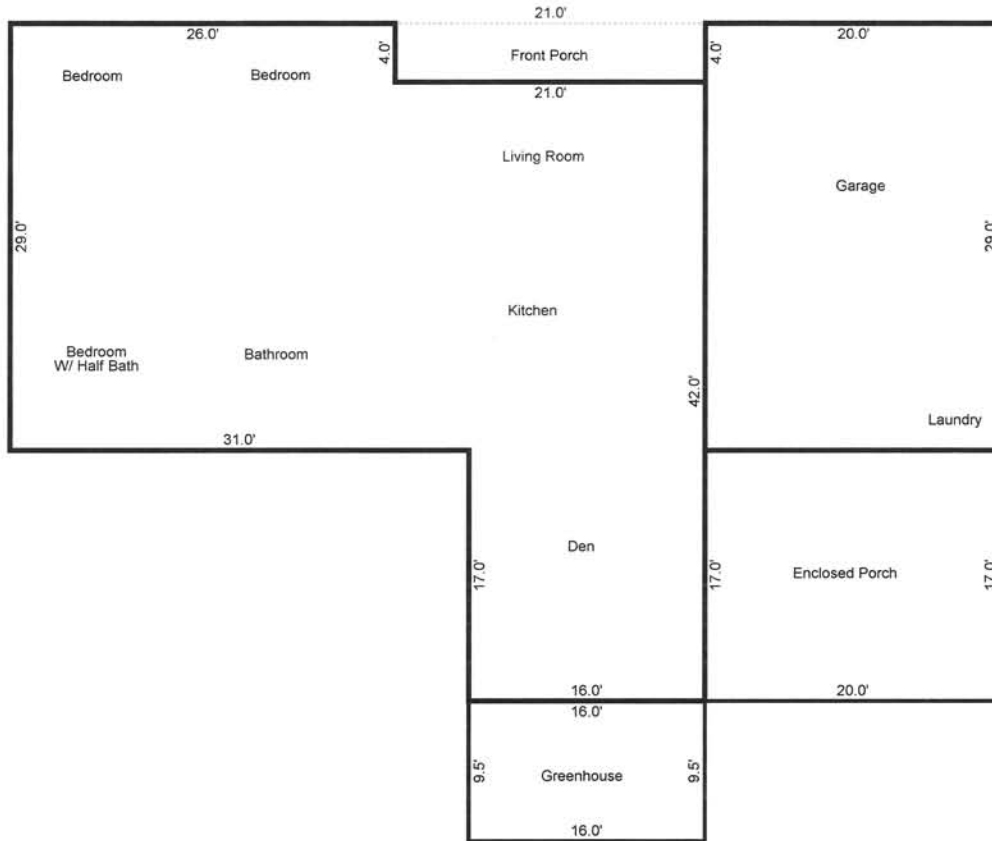
Zip

Borrower N/A

Lender/Client City of Fayetteville

Appraiser Name Reed & Associates, Inc.

2648 NORTH OLD WIRE SKETCH



Scale: 1 = 13

AREA CALCULATIONS

AREA CALCULATIONS SUMMARY

Code	Description	Size	Net Totals
GLA1	First Floor	1551.00	1551.00
P/P	Porch	84.00	84.00
GAR	Garage	580.00	580.00
OTH	Enclosed Porch	340.00	
	Greenhouse	152.00	492.00
TOTAL LIVABLE (rounded)			1551

LIVING AREA BREAKDOWN

Breakdown	Subtotals
First Floor	
26.0 x 29.0	754.00
16.0 x 42.0	672.00
5.0 x 25.0	125.00
3 Calculations Total (rounded)	1551

DESCRIPTION OF IMPROVEMENTS

The subject property is improved with two single-family residential dwellings, and related site improvements. The dwelling situated at 2634 North Old Wire Road consists of approximately 1,316± square feet (SF) of living area, while the dwelling situated at 2648 North Old Wire Road consists of approximately 1,551± square feet (SF) of living area. Each of the subject dwellings vary with respect to property characteristics and will, therefore, be discussed separately.

The dwelling situated at **2634 North Old Wire Road** consists of approximately 1,316± square feet (SF) of living area. In addition, this homesite includes a 372± SF attached garage, 460± SF attached shop, and 210± SF enclosed porch. Site work consists of excavation, fill, and preparation. The foundation is a reinforced concrete block perimeter crawl space, with a wood floor structure. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, a living room, kitchen, laundry room, and storage closet. Kitchen appliances include an oven, range, and refrigerator. The interior finish includes: wood and carpet floor cover; painted gypsum board and wood panel wall cover; and, painted gypsum board ceilings. The plumbing system is assumed to be adequate for the present use. The dwelling utilizes central heat/air conditioning systems. The electrical system is assumed to be adequate for the present use. Wall and ceiling insulation was noted throughout the dwelling. Based on Assessment Records, this dwelling was originally constructed in 1963±. The dwelling has received minimal updates since its original construction, and is considered “dated” in appearance. This dwelling is considered to be in fair to average condition, overall. External obsolescence is indicated due to current market conditions in the Northwest Arkansas real estate market, as well as overall economic conditions. No functional obsolescence is indicated. The overall effective age of the dwelling, in my opinion, is approximately 40± years. This includes physical deterioration and external obsolescence. The remaining economic life is projected to be 15± years, based on a 55-year economic life.

The dwelling situated at **2648 North Old Wire Road** consists of approximately 1,551± square feet (SF) of living area. In addition, this homesite includes a 580± SF attached garage, 340± SF enclosed porch, and 152± SF attached greenhouse. Site work consists of excavation, fill, and preparation. The foundation is a reinforced concrete block perimeter crawl space, with a wood floor structure. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, one half bathroom, a living room, den, kitchen, and storage closet. The laundry room is located in the garage. Kitchen appliances include an oven/range combination, built-in microwave, dishwasher, and refrigerator. The interior finish includes: wood, carpet, and tile floor cover; painted and wall papered gypsum board wall cover; and, painted gypsum board ceilings. The enclosed porch has aggregate flooring. The plumbing system is assumed to be adequate for the present use. The dwelling utilizes central heat/air conditioning systems. The enclosed porch is heated and cooled by a wall unit. The electrical system is assumed to be adequate for the present use. Wall and ceiling insulation was noted throughout the dwelling. Based on Assessment Records, this dwelling was originally constructed in 1961±. Discussions

with the property owner indicated the dwelling was updated in the early 1990's. This dwelling is considered to be in average to good condition, overall. External obsolescence is indicated due to current market conditions in the Northwest Arkansas real estate market, as well as overall economic conditions. No functional obsolescence is indicated. The overall effective age of the dwelling, in my opinion, is approximately 28± years. This includes physical deterioration and external obsolescence. The remaining economic life is projected to be 27± years, based on a 55-year economic life.

The dwelling situated at 2634 North Old Wire Road is accessed via an asphalt paved drive, while the dwelling situated at 2648 North Old Wire Road is accessed via a gravel paved drive. A 1,200± square foot (SF) metal shop building is located behind the dwelling located at 2648 North Old Wire Road. The shop building has concrete floors, two- 8' manual overhead doors, electricity/plumbing, and is insulated. The shop building includes a 2-fixture restroom, and has wall heat and air units. In addition, there is a built-in vacuum system in the shop building. Discussions with the property owner indicated the "shop" building was originally constructed 15± years ago; the shop building is considered to be in average condition. Other site improvements include: 238± SF wood storage building; 529± SF wood lean-to agricultural building; well house; landscaping; garden; water feature; agricultural, chain link, and PVC fencing; etc.

HISTORY

As of the effective date of this report, subject property was under the ownership of Allen & Mary L. Dunn. The 9.7± acres (ACS) representing the subject excess land transferred to this ownership on April 27, 1973, via a Warranty Deed filed at Book 93/Page 19847 in the Washington County Circuit Clerk's office. Revenue stamps affixed to the deed are not entirely legible. The Grantors were Fred and Floy Gulley. The dwelling situated at 2648 North Old Wire Road transferred to this ownership on June 22, 1959, via a Warranty Deed filed at Book 526/Page 444 in the Washington County Circuit Clerk's office. Revenue stamps affixed to the deed are not entirely legible. The Grantors were also Fred and Floy Gulley. Finally, the dwelling situated at 2936 North Old Wire Road transferred to this ownership on May 20, 1993, via a Warranty Deed filed at Book 93/Page 27263 in the Washington County Circuit Clerk's office. No revenue stamps were affixed to the deed. The Grantor was Allen Dunn.

The subject is currently listed for sale by Bassett Mix & Associates. The list price is indicated to be \$1,200,000 for the whole property. The listing broker indicated the property owners are not interested in sub-dividing the property. Based on a document provided by the listing broker, the property owners offered to sell the property for \$1,100,000 to the City of Fayetteville for expansion of Gulley Park. The terms of the offer were a down payment of \$450,000, with the remaining \$650,000 being paid over 5-years with 4.0% interest. A copy of the offer letter is presented in the Addenda. The listing broker indicated several local developers have expressed interest in purchasing the property; however, details pertaining to these discussions were not disclosed to the appraiser. The listing broker indicated an out of state developer has made a "full price" offer to purchase the subject property; however, the listing broker declined to provide a written copy of this offer. The listing broker did indicate that each of the potential buyers has

expressed interest in razing the improvements situated at 2634 North Old Wire Road to provide better access to the subject excess land.

No sales or transfers involving the subject property were noted in the three-year period of time preceding the effective date of this report. The subject is not under contract to sell, to my knowledge.

Based on Assessment Records, the dwelling located at 2634 North Old Wire Road was originally constructed in 1963±. The dwelling has received minimal updates since its original construction, and is considered “dated” in appearance. Based on Assessment Records, the dwelling located at 2648 North Old Wire Road was originally constructed in 1961±. Discussions with the property owner indicated this dwelling was updated in the early 1990’s.

PART III - ANALYSIS OF DATA AND OPINIONS OF THE APPRAISERS

HIGHEST AND BEST USE AND IMPROVEMENTS ANALYSIS

The definition of highest and best use is as follows:

“The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.”⁴

In estimating Highest and Best Use, the appraiser goes through essentially four stages of analysis:

1. **Physically Possible** - To what uses is it physically possible to put the site in question?
2. **Legally Permissible** - What uses are permitted by zoning and deed restrictions on the site in question?
3. **Financially Feasible** - Which possible and permissible uses will produce any net return to the owner of the site?
4. **Maximally Productive** - Among the financially feasible uses, which use will produce the highest net return or the highest present worth?

Highest And Best Use “As Vacant”

Physically Possible

The subject site consists of approximately 10.95± acres of land area. The shape of the subject site is irregular, overall. Dimensions are considered adequate for building development. The topography of the subject site is undulating/near level to gently sloping, overall. The subject site is cleared, for the most part, with some trees along the North Old Wire Road frontage and also in the southeast part of the site. The subject site has vehicular access/frontage along the southeast right-of-way of North Old Wire Road in the northwest part of the site; this frontage is considered near road grade. There is a drainage ditch located along the North Old Wire Road frontage. The subject site has additional frontage along the west right-of-way of the Magnolia Drive cul-de-sac in the southeast part of the site; this frontage is also considered near road grade. As of the effective date of this report, vehicular access to the subject site is not available via Magnolia Drive. The southwestern boundary of the subject site has frontage along Gulley Park. Approximately 0.3± AC in the extreme southern part of the subject site is located within the 100-Year Flood Zone “AE”. All typical city utilities are located at/near the subject site.

Physically possible uses of the subject site include those within size/Flood Zone limitations.

Legally Permissible

The subject site is zoned RSF-4 (Residential Single-Family- Four Units Per Acre) by the City of Fayetteville. Permitted uses in the RSF-4 district include: city-wide uses by right; single-family

⁴ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 93.

dwelling; and, accessory dwellings. Various conditional uses, including utility facilities, cultural and recreational facilities, government facilities, etc. are outlined in the Zoning Ordinances. The indicated maximum density of the RSF-4 district is four units per acre; and, the minimum lot size is 8,000 square feet (0.18± acre). The minimum lot width is indicated to be 70 linear feet. Discussions with the City of Fayetteville Fire Marshal's office indicated that subdivisions with 30± or more lots are required to have two points of ingress/egress. Based on the zoning requirements the subject excess acreage (9.7± ACS) could have a maximum of 38± lots; however, it would be difficult to achieve the maximum density allowance on the subject excess land. The City of Fayetteville Planning Department indicated subdivisions typically achieve just over 50% of the maximum density allowance, which would indicate approximately 20-25± lots for the subject excess acreage. Therefore, it is my opinion the subject excess land would not need a second point of ingress/egress. Please see the Extraordinary Assumptions previously presented.

The physically possible and legally permissible uses of the subject property are those within size/Flood Zone limitations, and that comply with the RSF-4 zoning requirements.

Financially Feasible

The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical addresses of the homesites are indicated to be 2634 & 2648 North Old Wire Road. The subject site is situated adjacent to the north/northeast of Gulley Park. The predominant property uses in the Market Area are primarily single-family residential and special-purpose in nature. Commercial uses were noted along primary roadways in the Market Area.

Overall real estate market conditions in Northwest Arkansas have previously been discussed in this report. Basically, the multi-family residential sector was the first to rebound from the recent "Great Recession". This sector is strong at the present time; however, due to new product added, vacancy rates in some cities are beginning to creep upward slightly. The single-family residential sector has seen significant improvement over the past couple of years, and economist are predicting continued improvement through 2014. The commercial sector is seeing some improvement; however, overall, is still lagging. The correction period for the commercial sector is expected to continue through 2014, and possibly beyond.

Despite improvement in the residential sector, the overall N.W. Arkansas market still faces an over-supply of single-family lots at the present time. There has been improvement in certain price points; however, supply still exceeds demand. Developers/builders over-addressed the demand for new lots/homes during the 2003-2007 time period. Streetsmart NWA (real estate research company located in Fayetteville) tracks the status of Active and Inactive Subdivisions in the N.W. Arkansas Area. Following is a breakdown of the lot status in Benton and Washington Counties, respectively, as of the recent past:

Benton County Active Subdivision SFD Lot Status						
	Empty	Starts	Under Construction	Complete	Occupied	Total
Q4 2013	5,542	117	481	227	9,852	16,219
Q2 2013	6,010	101	514	160	9,321	16,106
Q4 2012	6,221	87	402	170	8,792	15,672
Q2 2012	6,600	95	322	119	8,357	15,493
Note: The activity of Springdale lots are all reflected in the Washington County lot status totals. If interested in the activity of Springdale lots located in Benton County, please see the Springdale active subdivision table located elsewhere in this report.						

4th Quarter 2013 Market Insight report published by Streetsmart NWA, LLC

Washington County Active Subdivision SFD Lot Status						
	Empty	Starts	Under Construction	Complete	Occupied	Total
Q4 2013	4,204	62	224	147	5,619	10,256
Q2 2013	4,350	77	251	95	5,773	10,546
Q4 2012	4,571	47	202	111	5,600	10,531
Q2 2012	4,777	67	197	84	5,429	10,554
Note: The activity of Springdale lots are all reflected in the Washington County lot status totals. If interested in the activity of Springdale lots located in Benton County, please see the Springdale active subdivision table located elsewhere in this report.						

4th Quarter 2013 Market Insight report published by Streetsmart NWA, LLC

As can be seen from the preceding tables, the number of Empty Lots decreased from Q4 2012 to Q4 2013 in both Benton and Washington Counties. The most recent quarters researched also show a decrease in the number of empty lots in both counties. Dwelling starts increased in both Benton and Washington Counties, between Q4 2012 and Q4 2013. As of the most recent quarters researched, dwelling starts also increased in Benton County while dwelling starts in Washington County decreased somewhat. These factors represent positive indicators for the Northwest Arkansas residential sector. The number of complete (but unoccupied) dwellings increased year over year since Q4 2012 in both Benton and Washington Counties. There is some concern that new home construction in recent quarters has outpaced the demand for single-family residential dwellings; this would represent a negative indicator for the Northwest Arkansas residential sector. The figures presented in the preceding exhibits pertain to Active Subdivisions (subdivisions that have experienced at least some vertical building construction; these subdivisions are considered to primarily make the market at the present time). If lots in Inactive Subdivisions (S/D's with no vertical building construction) are considered, the overall lot supply would increase substantially.

The Fayetteville market, like the rest of the Northwest Arkansas Area, faces an over-supply of single-family lots at the present time. There were 3,326± lots in Active⁵ Subdivisions in Fayetteville in Q4 2013; only 2,147± (64.5%) of which were occupied. This also indicates that there were 1,179± un-occupied lots in Active subdivisions as of Q4 2013. Gross lot absorption, or lot demand, over the past four quarters was 342± lots in Fayetteville; this is an average of approximately 85.5± lots/quarter in Fayetteville since Q4 2012. Based on Fayetteville's overall supply/demand over the latest year, a **3.5± year (1,179 ÷ 342) absorption period is indicated**. The indicated absorption period represents a significant decrease from previous quarters. It is not clear if the recent absorption rates will continue in the future at the high rates. Lot absorption

⁵ Subdivision that has experienced some vertical building construction

for Q3-Q4 of 2014 was 128± lots, while lot absorption for Q1-Q2 of 2014 was 214± lots; this obviously represents a significant decline over a short period of time. These statistics are for all of Fayetteville, and includes only those lots in Active Subdivisions. Including Inactive subdivisions would obviously increase the indicated absorption period. A breakdown of lot status with respect to subdivisions in Fayetteville as of the 4th Quarter 2013 has been retained in the appraisal file.

Historical employment data provided by the Bureau of Labor and Statistics (BLS) indicated that the FSR MSA experienced year-on-year declines in non-farm employment from May 2008 until January 2011. However, these estimates were revised in February 2011 and now show year-on-year employment growth from May 2010 to June 2011 in the MSA. There was a slight decline in year-on-year employment growth in the July-September 2011 time period; however, October 2011 through May 2014 reflected growth in year-on-year non-farm employment in comparison to October 2010 through May 2013. Overall, total non-farm employment in the Fayetteville-Springdale-Rogers MSA was actually at a higher level as of the effective date of this report than in the 2006 time period.

Area residential demand is much lower than what was experienced in the 2004 to mid-2006 time period; however, there has been some improvement in the recent past. Although supply still exceeds demand, there have been a few new residential subdivision projects started in the recent past. Most of the newer projects appear to address the \$150,000± to \$200,000 home price range. A recent article published in the Northwest Arkansas Business Journal indicated there has been some improvement in demand for the high end single-family residential dwelling home price range, as well.

The majority of residential uses in the Market Area are older; however, there is some evidence of new residential development in the Market Area. A recently completed subdivision, known as “Cottages at Old Wire”, is located along the east side of Old Wire Road, just north of East Mission Boulevard. This subdivision addresses the \$270,000 to mid \$300,000’s home price range. This subdivision is located adjacent to the north of Clarence Craft Park. Clarence Craft Park is a 4.75± acre park that includes a gazebo, picnic area, and water feature.

The physically possible, legally permissible, and financially feasible use of the subject site is considered to be single-family residential or special-purpose development, as demand dictates, within size/Flood Zone limitations and that comply with the RSF-4 zoning requirements.

Maximally Productive

In my opinion, the **highest and best use of the subject property “as a vacant site”** is to hold for future mixed-use (residential, special-purpose, or a combination of these uses) development, as demand dictates, within size/Flood Zone limitations, that complies with the RSF-4 zoning requirements, and that conforms to the Market Area.

Highest And Best Use “As Improved”

Again, the subject consists of approximately 10.95± acres (ACS), or 476,982± square feet (SF), of land area. The subject site is improved with two single-family residential dwellings, and related site improvements. The subject land area is allocated as follows: 2634 North Old Wire Road- 0.50± acre (AC); 2648 North Old Wire- 0.75± AC; and, excess land- 9.70± ACS.

The dwelling situated at 2634 North Old Wire Road consists of approximately 1,316± square feet (SF) of living area. In addition, this homesite includes a 372± SF attached garage, 460± SF attached shop, and 210± SF enclosed porch. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, a living room, kitchen, laundry room, and storage closet. Kitchen appliances include an oven, range, and refrigerator. The interior finish includes: wood and carpet floor cover; painted gypsum board and wood panel wall cover; and, painted gypsum board ceilings. Based on Assessment Records, this dwelling was originally constructed in 1963±. The dwelling has received minimal updates since its original construction, and is considered “dated” in appearance. This dwelling is considered to be in fair to average condition, overall.

The dwelling situated at 2648 North Old Wire Road consists of approximately 1,551± square feet (SF) of living area. In addition, this homesite includes a 580± SF attached garage, 340± SF enclosed porch, and 152± SF attached greenhouse. The dwelling represents Class “D”, wood frame construction. The exterior is brick veneer, with composition shingle roof cover. The layout of this dwelling includes three bedrooms, one bathroom, one half bathroom, a living room, den, kitchen, and storage closet. The laundry room is located in the garage. Kitchen appliances include an oven/range combination, built-in microwave, dishwasher, and refrigerator. The interior finish includes: wood, carpet, and tile floor cover; painted and wall papered gypsum board wall cover; and, painted gypsum board ceilings. Based on Assessment Records, this dwelling was originally constructed in 1961±. Discussions with the property owner indicated the dwelling was updated in the early 1990’s. This dwelling is considered to be in average to good condition, overall.

The dwelling situated at 2634 North Old Wire Road is accessed via an asphalt paved drive, while the dwelling situated at 2648 North Old Wire Road is accessed via a gravel paved drive. A 1,200± square foot (SF) metal shop building is located behind the dwelling located at 2648 North Old Wire Road. The shop building has concrete floors, two- 8’ manual overhead doors, electricity/plumbing, and is insulated. The shop building includes a 2-fixture restroom, and has wall heat and air units. In addition, there is a built-in vacuum system in the shop building. Discussions with the property owner indicated the “shop” building was originally constructed 15± years ago; the shop building is considered to be in average condition. Other site improvements include: 238± SF wood storage building; 529± SF wood lean-to agricultural building; well house; landscaping; garden; water feature; agricultural, chain link, and PVC fencing; etc.

The improvements do suffer from Accrued Depreciation including physical deterioration and external obsolescence (due to market conditions); however, in my opinion, there is still significant remaining economic life.

In my opinion, the **“highest and best use” of the subject** is continued single-family residential use of the homesites, and to hold the subject excess land for future single-family residential or special-purpose development, within size/Flood Zone limitations, that comply with the RSF-4 zoning requirements, and in conformity to the Market Area, as demand dictates.

The agricultural improvements situated on the subject excess land are older and in poor condition. These improvements, in my opinion, do not provide any contributory value to the subject excess land.

LAND VALUE

In the valuation model, land value estimate is a separate step. Sales comparison is the most reliable way to estimate land value. When few sales are available, or when the value indication by sales comparison needs additional support, other procedures may be applied. The other procedures used to obtain land value indications are allocation, extraction, subdivision development, land residual, and ground rent capitalization. The techniques are defined as follows:

1. **Sales Comparison Approach** is the process of deriving a value indication for the subject property by comparing market information for similar properties with the property being appraised, identifying appropriate units of comparison, and making qualitative comparisons with or quantitative adjustments to the sale prices (or unit prices, as appropriate) of the comparable properties based on relevant, market-derived elements of comparison⁶.
2. **Allocation** is a method of estimating land value in which sales of improved properties are analyzed to establish a typical ratio of land value to total property value and this ratio is applied to the property being appraised or the comparable sale being analyzed.⁷
3. **Extraction** is a method of estimating land value in which the depreciated cost of the improvements on the improved property is calculated and deducted from the total sale price to arrive at an estimated sale price for the land.⁸
4. **Subdivision Development** is a method of estimating land value when subdivision development is the highest and best use of the parcel of land being appraised. When all direct and indirect costs and entrepreneurial incentive are deducted from an estimate of the anticipated gross sales price of the finished lots (or residences), the resultant net sales proceeds are then discounted to present value at a market-derived rate over the development and absorption period to indicate the value of the land.⁹
5. **Land Residual Technique** is a method of estimating land value in which the net operating income attributable to the land is capitalized to produce an indication of the land's contribution to the total property.¹⁰
6. **Ground Rent Capitalization** is a method of estimating land value; applied by capitalizing ground rent at a market-derived rate. This method is useful when comparable rents, rates, and factors can be developed from an analysis of sales of leased land or other market sources.¹¹

In this section of the report, the estimated value of the subject site “as vacant” is established first utilizing comparable land sales in Fayetteville. The subject site value “as vacant” is then allocated to each of the homesites, and the excess acreage. The following comparables are

⁶ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 175

⁷ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 7

⁸ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 73

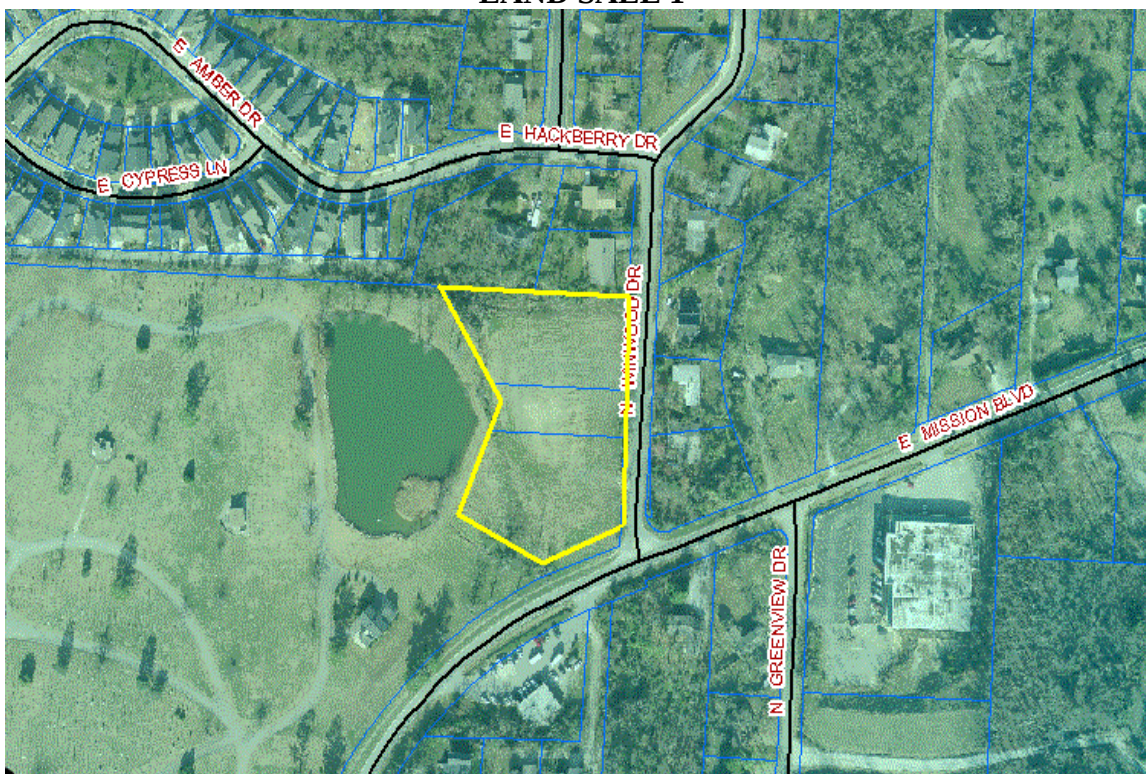
⁹ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 188

¹⁰ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 109

¹¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 92

utilized in estimating the market value of the subject site “as vacant” by the Sales Comparison Approach:

LAND SALE 1



GENERAL INFORMATION

General/Specific Type: Residential

Location: Northwest corner of Mission Boulevard and Winwood Drive

City: Fayetteville

County: Washington

Record #: 1106

Book/Page:

Parcel(s): 765-13375-000

S-T-R: 02-16-30

Lot/Block: N/A

Subdivision: N/A

Legal: PT SW SW 2.33 A.

SALE INFORMATION

Sale Date: March 01, 2012

Sale Price: \$215,000

Adjusted Sale Price: \$215,000

Grantor: Pearson Family Trust

Grantee: Penny Lane Construction, LLC

Financing: Believed to be Market Terms

Exposure Time: 636± Days

Rights Conveyed: Fee simple

Verification: MLS/Public Records

PROPERTY INFORMATION

Gross Land Size: 2.330± Acres or 101,494.8± SF

Total Frontage: Mission Blvd. & Winwood Dr.

Zoning: RSF-4, Residential Single Family- 4 units per acre

Topography: Gently sloping

Utilities: Typical City

Indicators

Sale Price/Gross Acre: \$92,275

Sale Price/Gross SF: \$2.12

Adjusted Sale Price/Gross Acre: \$92,275

Adjusted Sale Price/Gross SF: \$2.12

Remarks: This represents the sale of 2.33 acres located at the northwest corner of Mission Boulevard and Winwood Drive, in the east part of Fayetteville. Subsequent to the sale, the site was replatted into five single-family residential building lots.

LAND SALE 2



GENERAL INFORMATION

General/Specific Type: Residential
Location: East side of Old Wire Rd., north of E. Mission Blvd.
City: Fayetteville
County: Washington
Parcel(s): 765-14066-000/765-13428-000/765-13432-000
S-T-R: 03-16-30
Lot/Block: N/A
Subdivision: N/A
Legal: PT. S/2 of SE/4 of Section 3, and PT NE/4 of NE/4 of Section 10, all in Township 16N, Range 30W, Washington County, Arkansas

Record #: 1324

Book/Page: See Remarks

State: AR

SALE INFORMATION

Sale Date: See Remarks
Sale Price: \$825,000
Adjusted Sale Price: \$825,000
Grantor: See Remarks
Grantee: BCCL Bentonville, LLC

Financing: Market Terms
Exposure Time: N/A
Rights Conveyed: Fee Simple
Verification: Broker (Jackson Williams)

PROPERTY INFORMATION

Gross Land Size: 13.620± Acres or 593,287.2± SF
Total Frontage: Old Wire Rd.
Zoning: RSF-4, Residential Single Family- 4 units per acre
Topography: Undulating/near level to Gently Sloping
Utilities: Typical City

Indicators
Sale Price/Gross Acre: \$60,573
Sale Price/Gross SF: \$1.39
Adjusted Sale Price/Gross Acre: \$60,573
Adjusted Sale Price/Gross SF: \$1.39

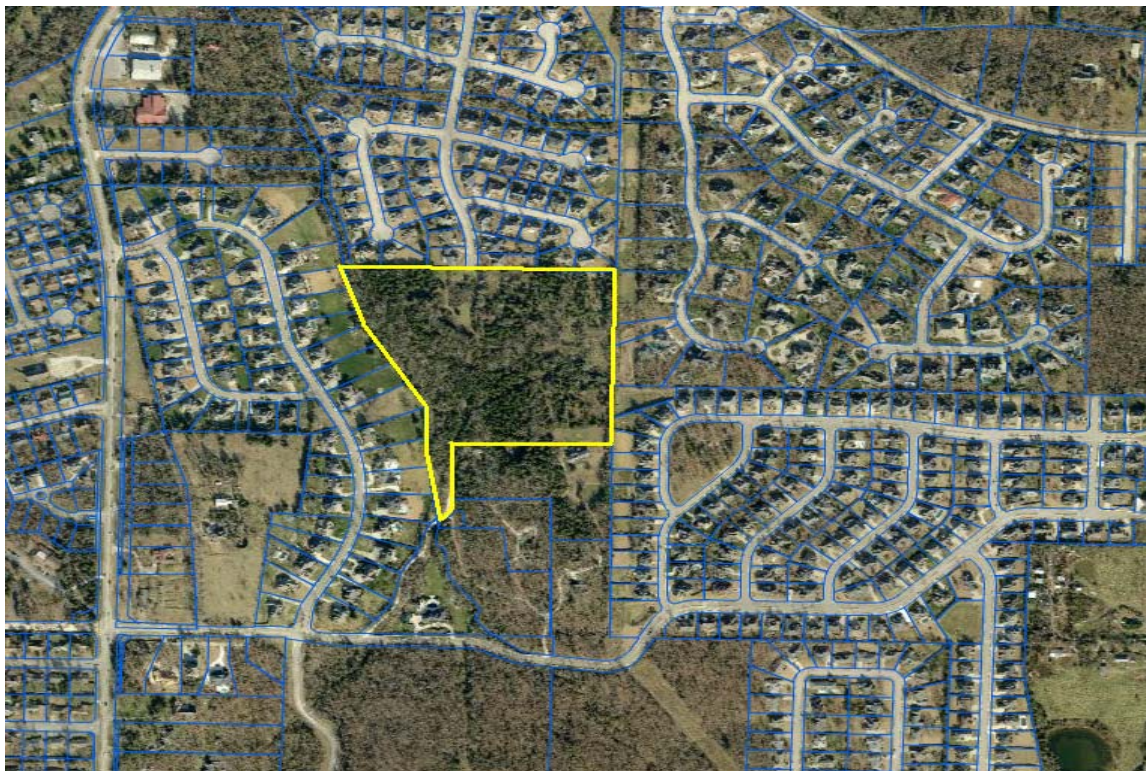
Remarks: This represents the assemblage of approximately 13.62± acres (ACS) situated along the east side of Old Wire Road, just north of East Mission Boulevard (State Highway 45), in Fayetteville. The property is situated adjacent to the north of Clarence Craft Park. Clarence Craft Park is a 4.75± acre park that includes a gazebo, picnic area, and water feature.

Approximately 4.9± ACS sold on August 23, 2012, in consideration of \$200,000, or \$40,816/AC. The Grantor in this transaction was Harry Jackson, Jr., and the transaction was recorded at Book 2012/Page 25506 in the Washington County Circuit Clerks office. This land area is encumbered by a 50' utility easement, and also has approximately 1.18± ACS located within the 100-Year Flood Zone "AE".

The balance of the site (8.72 ACS) sold on September 21, 2012, in consideration of \$625,000, or \$71,674/AC. The Grantor in this transaction was Janice Torbett, Trustee of the Torbett Family Revocable Trust, dated August 12, 2009, and the transaction was recorded at Book 2012/Page 28645 in the Washington County Circuit Clerks office. This acreage was improved with a 2,056 square foot (SF) dwelling and barn, each of which were considered to be in average condition at the time of sale. Discussions with the broker indicated that no contributory value was allocated to the improvements in the purchase price.

The acreage was purchased for development of "Cottages at Old Wire" residential subdivision. The subdivision consists of 53 buildable single-family residential lots. Dwellings in this subdivision are being constructed by Buffington Homes, and address the \$270,000 to mid \$300,000's home price range.

LAND SALE 3



GENERAL INFORMATION

General/Specific Type: Residential

Location: North of East Township Street, east of North Crossover Road

City: Fayetteville

Parcel(s): 765-13292-001

S-T-R: 31-17-29

Legal: PT E/2 SW 20.99 ACS

County: Washington

Lot/Block: N/A

Record #: 1143

Book/Page: 2012/34939

State: AR

Subdivision: N/A

SALE INFORMATION

Sale Date: November 16, 2012

Sale Price: \$750,000

Adjusted Sale Price: \$750,000

Grantor: George B. and Mona Josephine Brown Trust

Grantee: Emanuele and Diana Terminella

Financing: Market Terms

Exposure Time: 1,264 Days

Rights Conveyed: Fee Simple

Verification: Buyer

PROPERTY INFORMATION

Gross Land Size: 20.990± Acres or 914,324.4± SF

Total Frontage: Brookbury Crossing

Zoning: R-A, Residential - Agricultural

Topography: Rolling/Sloping

Utilities: Typical City

Indicators

Sale Price/Gross Acre: \$35,731

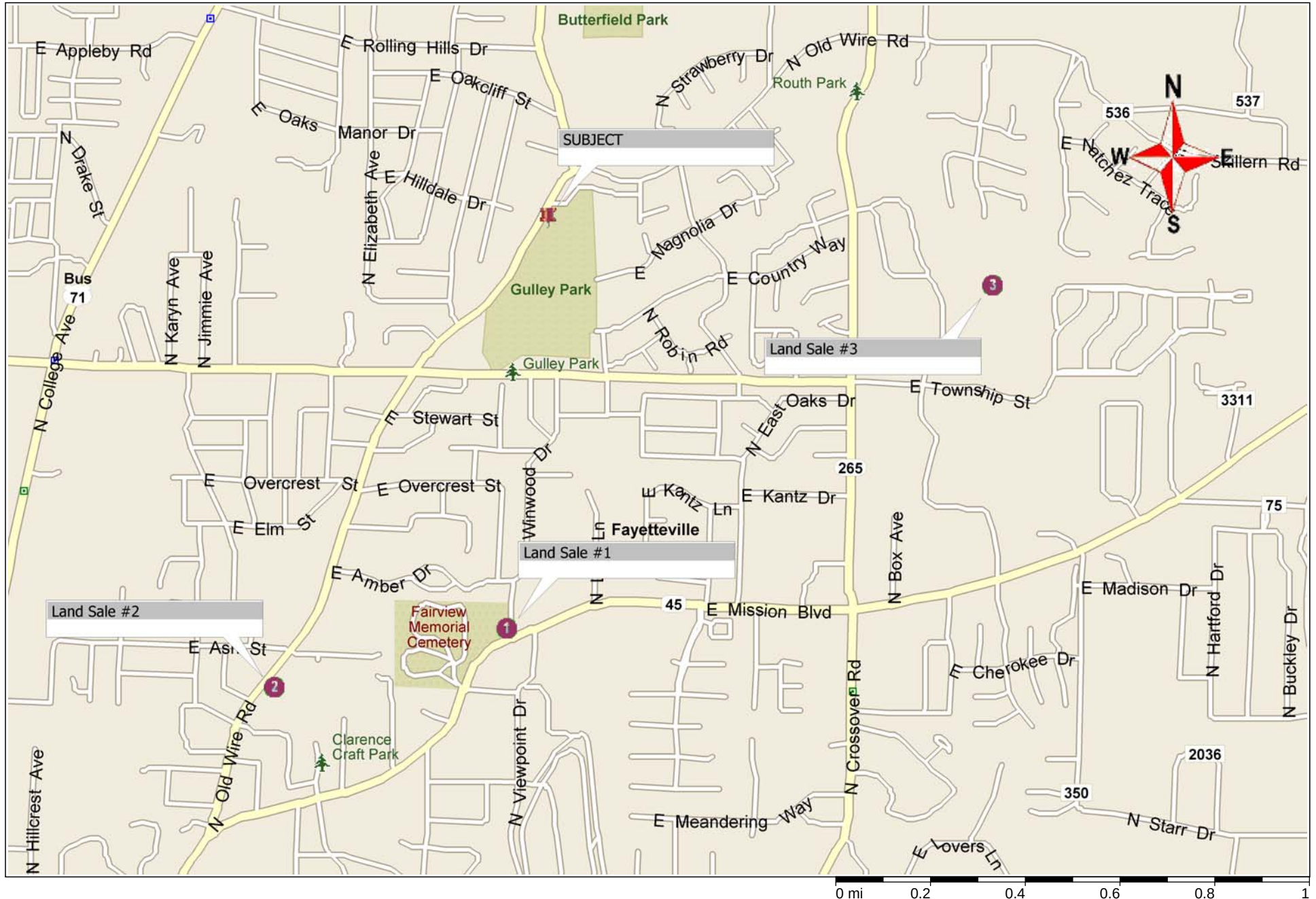
Sale Price/Gross SF: \$0.82

Adjusted Sale Price/Gross Acre: \$35,731

Adjusted Sale Price/Gross SF: \$0.82

Remarks: This represents the sale of 20.99 acres of land in the eastern part of Fayetteville. This location is between Savannah Estates Subdivision to the east and Candlewood Subdivision to the west. Access to the site is southerly from Brookbury Woods, or from Township Drive along a private drive. The site is primarily wooded. Approximately 1.61± ACS along the western boundary of the site is situated within the 100-Year Flood Zone "AE".

Comparable Land Sales Map



SUMMARY OF COMPARABLE LAND SALES

A summary of the comparable land sales is presented in the following exhibit:

COMPARABLE LAND SALES SUMMARY			
Sale No.	1	2	3
Date Of Sale	03/01/2012	09/21/2012	11/16/2012
Sales Price	\$215,000	\$825,000	\$750,000
Land Size ACS±	2.33	13.62	20.99
Price/AC	\$92,275	\$60,573	\$35,731
Location	Northwest corner of Mission Blvd. and Winwood Dr., Fayetteville	East side of Old Wire Rd., north of E. Mission Blvd., Fayetteville	North of E. Township St., east of N. Crossover Rd., Fayetteville

ANALYSIS OF SALES

The unit of comparison is price per acre (AC) of land area. The elements of comparison are property rights, financing, conditions of sale, market conditions, location/appeal, and physical characteristics.

Property Rights: Each of the sales appears to have involved the transfer of the fee simple interest. No property rights adjustments can be supported.

Financing: Each of the sales is believed to have involved typical market financing terms/cash to seller. No financing adjustments are indicated.

Conditions Of Sale: Each of the sales is believed to have been an arm's-length transaction involving typical market financing terms/cash to seller. It should be noted that Sale Two represents an assemblage with two separate Grantors. No conditions of sale/financing adjustments can be supported.

Market Conditions: The respective sale dates of the comparables appear in the table above; the sales occurred between March and November 2012. As previously discussed, the local real estate market is currently in a correction period that became evident in mid to late 2006; the correction period for the commercial sector is expected to last through 2014, and possibly beyond. Raw land values have been impacted the most. Based on data available to the appraiser, each of the comparable sales is believed to be representative of current market conditions. No market conditions adjustments are warranted.

Location/Appeal: The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical addresses of the homesites are indicated to be 2634 & 2648 North Old Wire Road. The subject site is situated adjacent to the north/northeast of Gulley Park. The predominant property uses in the Market Area are primarily single-family residential and special-purpose in nature. Sale One is located at the northwest corner of Mission Boulevard

(State Highway 45) and Winwood Drive, in Fayetteville. This location is approximately 0.85± mile south of the subject property. Sale One is located adjacent existing residential subdivisions, and was replatted into five single-family residential lots subsequent to its sale. Overall, Sale One is considered reasonably similar to the subject with respect to location/appeal. Sale Two is located along the east side of Old Wire Road, just north of Mission Boulevard (State Highway 45), in Fayetteville. This location is approximately 1.2± miles south/southwest of the subject. Sale Two is located adjacent to the north of Clarence Craft Park. Sale Two was purchased for development of “Cottages at Old Wire” Subdivision. Overall, Sale Two is considered reasonably similar to subject with respect to location/appeal. Sale Three is located north of East Township Street and east of North Crossover Road, in Fayetteville. This location is approximately 1.0± mile south of the subject. Sale Three is located between Savannah Estates Subdivision and Candlewood Subdivision. Access to Sale Three is southerly from Brookbury Woods Subdivision, or northerly from Township Street along a private drive. Overall, Sale Three is considered much inferior to subject with respect to location/appeal due to its limited road frontage/access.

In summary, each of Sales One and Two is considered reasonably similar to subject with respect to location/appeal, while Sale Three is considered much inferior to subject. Paired Sales Analysis, matching Sales Two and Three indicates an upward adjustment of near 65% to Sale Three in comparison to Sale Two. Again, Sale Two is considered reasonably similar to subject while Sale Three is considered much inferior to subject. Therefore, Sale Three is adjusted upward by 65% in comparison to the subject. This adjustment appears to be somewhat excessive; however, is supported by Paired Sales Analysis. An argument could be made that the subject is somewhat superior to each of Sales One and Two as it is located adjacent to Gulley Park; however, no adjustment can be supported based on MLS data. In fact, the average per SF home sales price since January 2013 with 0.5± mile of each of Land Sales One and Two was slightly higher than the average per SF home sales price within 0.5± mile of the subject. This will be considered in the reconciliation.

Physical Characteristics: With respect to physical characteristics, the necessary categories of adjustment are land size, topography/composition, and Flood Zone. The subject site is considered reasonably similar to each of the comparables with respect to utility availability, zoning, etc.

- **Land Size:** The subject (10.95± ACS) is larger than Sale One (2.33± ACS), and smaller than each of Sales Two (13.63± ACS) and Three (20.99± ACS). The tendency in the market is that as a property's land size increases, its price per unit decreases, and vice versa; this is for otherwise similar properties. Sales Analysis supports that as a property's land area approximates doubling, its price/AC decreases about 10%±. Based on this premise, the following adjustments are applied: downward 22% to Sale One; upward 3% to Sale Two; and, upward 9% to Sale Three.
- **Topography/Composition:** The topography of the subject site is undulating/near level to gently sloping, overall. The subject site is cleared, for the most part, with some trees along the North Old Wire Road frontage and also in the southeast part of the site. Each of Sales One and Two is considered undulating/near level to gently rolling in topography

and was primarily cleared at the time of sale. Sale Three is considered rolling/sloping in topography and was densely wooded at the time of sale. Overall, each of Sales One and Two is considered reasonably similar to subject with respect to topography/composition, while Sale Three is considered inferior to subject. Based on Sales Analysis, a 15% upward adjustment to Sale Three is warranted. No adjustments to Sales One and Two are warranted.

- Flood Zone:** Approximately 0.3± AC in the extreme southern part of the subject site is located within the 100-Year Flood Zone “AE”. Sale One is not indicated to be located within the 100-Year Flood Zone. Approximately 1.18± acres of Sale Two are located within the 100-Year Flood Zone “AE”, and approximately 1.61± ACS of Sale Three are located within the 100-Year Flood Zone “AE”. Overall, Sale One is considered slightly superior to the subject, and each of Sales Two and Three is considered inferior to subject with respect to the Flood Zone category. Paired Sales Analysis, matching Sales One and Two indicates an upward adjustment of 15% to Sale Two (inferior) in comparison to Sale One (slightly superior). Therefore, Sale One is adjusted downward by 2.5% in comparison to the subject, while Sale Two is adjusted upward by 12.5% in comparison to the subject. Based on the preceding analysis, Sale Three (inferior) is also adjusted upward by 12.5% in comparison to the subject.

Conclusions:

The following adjustment grid is indicated:

Sale	1	2	3
Sales Price/Acre	\$92,275	\$60,573	\$35,731
Property Rights	\$0	\$0	\$0
Conditions of Sale/Financing	\$0	\$0	\$0
Market Conditions	\$0	\$0	\$0
Adjusted Price/Acre	\$92,275	\$60,573	\$35,731
Location/Appeal	\$0	\$0	\$21,439
<i>Physical Characteristics</i>			
Land Size	(\$20,301)	\$1,817	\$3,216
Topography/Composition	\$0	\$0	\$5,360
Flood Zone	(\$2,307)	\$7,572	\$4,466
Indicated Value/Acre	\$69,668	\$69,962	\$70,211

The range of the adjusted comparable sales is \$69,668/acre to \$70,211/acre. The mean of the sales is \$69,947/acre, while the median is \$69,962/acre. Each of the sales is given some consideration. Sale Three represents the most recent transaction. Each of the comparables is located in close proximity to the subject. Sale Two received the lowest gross adjustment.

In addition to the comparable sales presented and analyzed, two comparable listings in close proximity to the subject are discussed. Detailed MLS profiles of the comparable listings are presented in the Addenda of this report. The first comparable listing presented is for approximately 50.24± ACS of vacant land along the northeast side of Old Missouri Road, just north of Old Wire Road. This property is listed by Downtown Properties Real Estate Group for \$3,900,000, or \$77,628± per acre. The listing broker indicated approximately 10± acres along

Old Missouri Road could be rezoned for potential light commercial use, while a preliminary subdivision concept for the remainder of the acreage could support 135± single-family residential lots. The list price was established considering approximately \$150,000 per acre for the 10± ACS with commercial potential, and \$60,000 per acre for the balance of the site. The acreage is adjacent to Butterfield Elementary School. The site is undulating/near level to gently sloping in topography, and primarily wooded. The listing broker indicated the property has seen significant interest from local developers for small parts of the property; the listing broker further indicated the offers have been near/slightly below list price. No further information pertaining to the offers was available to the appraiser. The second comparable listing is for approximately 5.368± ACS of land at the northeast corner of Old Wire Road and Oak Bailey Drive. This property is listed by Legend Realty for \$400,000, or \$74,516± per acre. The property is improved with a 1,665± square foot (SF) dwelling and 1,408± SF shop building; however, the listing broker indicated no consideration was given to the improvements in the list price. The site is undulating/near level to gently sloping in topography, and primarily wooded. The listing broker indicated the property has seen significant interest, despite being listed on the market for a short period of time.

Based on the preceding analysis, it is my opinion the indicated per acre value for subject site “as vacant” is **\$70,000**. Therefore:

$$10.95\pm \text{ Acres @ } \$70,000/\text{Acre} = \$766,500$$

Rounded To \$765,000

The preceding represents the estimated market value estimate of the fee simple interest in the subject site “as vacant”. Please see the Extraordinary Assumptions previously presented.

The preceding subject site value “as vacant” is allocated as follows:

2634 Old Wire Rd. Homesite (0.50± AC)	=	\$ 50,000
2648 Old Wire Rd. Homesite (0.75± AC)	=	\$ 75,000
9.7± ACS of Excess Land	=	\$640,000

Please see the Extraordinary Assumptions previously presented.

COST APPROACH

In the Cost Approach, an estimated reproduction or replacement cost of the building and land improvements as of the date of the appraisal is developed, together with the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences. To the depreciated building cost estimate is added the estimated value of the land. The total represents the indicated value by the Cost Approach. The following terms utilized in the Cost Approach require defining:

*"**Reproduction Cost** is the estimated cost to construct, at current prices as of the effective date of the appraisal, an exact duplicate or replica of the building being appraised, using the same materials, construction standards, design, layout, and quality of workmanship and embodying all the deficiencies, superadequacies, and obsolescence of the subject building".¹²*

*"**Replacement Cost** is the estimated cost to construct, at current prices as of the effective appraisal date, a building with utility equivalent to the building being appraised, using modern materials and current standards, design, and layout."¹³*

*"**Entrepreneurial Incentive**" is the amount an entrepreneur expects to receive for his or her contribution to a project. Entrepreneurial incentive may be distinguished from entrepreneurial profit (often called developer's profit) in that it is the expectation of future profit as opposed to the profit actually earned on a development or improvement."¹⁴*

*"**Accrued Depreciation** is the difference between the reproduction or replacement cost of the improvements on the effective date of the appraisal and the market value of the improvements on the same date."¹⁵*

*"**Effective Age** is the age of property that is based on the amount of observed deterioration and obsolescence it has sustained, which may be different from its chronological age."¹⁶*

*"**Economic Life** is the period over which improvements to real property contribute to property value".¹⁷*

*"**Economic Age-Life Method** is the method of estimating depreciation in which the ratio between the effective age of a building and its total economic life is applied to the current cost of the improvements to obtain a lump-sum deduction."¹⁸*

Subject land value has previously been estimated in the Land Value Section. In the Cost Approach, the Replacement Cost New of the respective improvements are estimated, utilizing Marshall Valuation Service (national cost service) and a market derived entrepreneurial incentive. Accrued Depreciation attributable to the improvements is then estimated based upon

¹² Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 169.

¹³ Ibid., P. 244.

¹⁴ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 67.

¹⁵ Ibid., P.4.

¹⁶ Ibid., P.9.

¹⁷ Ibid., P.92.

¹⁸ Ibid., P. 8.

the Economic Age-Life Method, and is subtracted from Replacement Cost New to arrive at Depreciated Replacement Cost New of the respective improvements. The estimated land value is then added to the Depreciated Replacement Cost New of the improvements to arrive at the estimated market value of the subject property by the Cost Approach. The estimated market value of the subject whole property was then allocated to each of the homesites, and the excess acreage.

IMPROVEMENTS

Marshall & Swift Residential Cost Handbook, Pages Average -1 through Average -29, Page F-1, and Page F-3 indicate the following:

2634 N. Old Wire Road		
Base Price Per SF	=	\$93.00
Multipliers		
Cost 1.01		
Area .93	x	<u>0.9393</u>
Adjusted Price Per SF	=	\$87.35
x 1,316± SF	=	\$114,953
Plus: Kitchen Appliances	=	\$2,510
Fireplace/Insert	=	\$1,810
Garage/Shop – 832± SF @ \$23.78	=	\$19,785
Enclosed Porch – 210± SF @ \$32.85	=	<u>\$6,899</u>
Estimated Cost New	=	\$145,957
Plus: Entrepreneurial Incentive		
@ 10% (From Market)	=	<u>\$14,596</u>
Replacement Cost New	=	\$160,553
Less: Accrued Depreciation		
(40± Yr. Eff. Age ÷ 55± Yr. Ec. Life = 72.7%)	=	<u>(\$116,722)</u>
Depreciated Replacement Cost New	=	\$43,831
Plus: Estimated Contributory Value		
Of Site Improvements	=	<u>\$20,000</u>
Estimated Present Value Of Improvements	=	\$63,831
	Say	\$64,000

2648 N. Old Wire Road		
Base Price Per SF	=	\$93.00
Multipliers		
Cost 1.01		
Area .93	x	<u>0.9393</u>
Adjusted Price Per SF	=	\$87.35
x 1,551± SF	=	\$135,480
Plus: Kitchen Appliances	=	\$3,310
Fireplace/Insert	=	\$1,810
Garage – 580± SF @ \$23.78	=	\$13,792
Greenhouse – 152± SF @ \$45.50	=	\$6,916
Enclosed Porch – 340± SF @ \$42.30	=	<u>\$14,382</u>
Estimated Cost New	=	\$175,690
Plus: Entrepreneurial Incentive		
@ 10% (From Market)	=	<u>\$17,569</u>
Replacement Cost New	=	\$193,259
Less: Accrued Depreciation		
(28± Yr. Eff. Age ÷ 55± Yr. Ec. Life = 50.9%)	=	<u>(\$98,369)</u>
Depreciated Replacement Cost New	=	\$94,890
Plus: Estimated Contributory Value		
Of Site Improvements & Shop Bldg.	=	<u>\$50,000</u>
Estimated Present Value Of Improvements	=	\$144,890
Say		\$145,000

The Cost Approach is summarized as follows:

SUMMARY OF COST APPROACH

Dwelling/Site Improvements	=	\$209,000
Land Value	=	<u>\$765,000</u>
Total	=	\$974,000

The preceding represents the indicated market value of the fee simple interest in the subject whole property by the Cost Approach. Please see the Extraordinary Assumptions previously presented.

The preceding indicated value of the subject whole property is allocated as follows:

2634 Old Wire Rd. Homesite (0.50± AC)	=	\$114,000
2648 Old Wire Rd. Homesite (0.75± AC)	=	\$220,000
9.7± ACS of Excess Land	=	\$640,000

Please see the Extraordinary Assumptions previously presented.

SALES COMPARISON APPROACH

In the Sales Comparison Approach, the subject property is compared to similar properties that have been sold recently or for which listing prices or offering figures are known. Data for generally comparable sale properties are used, and comparisons are made to demonstrate a probable price at which the subject property would sell if offered on the market.

“To apply the Sales Comparison Approach, appraisers follows a systematic procedure:

- 1. Research the competitive market for information on properties that are similar to the subject property and that have recently sold, are listed for sale, or are under contract. Information on agreements of sale, options, listings, and bona fide offers may also be collected. The characteristics of the properties such as property type, date of sale, size, physical condition, location, and land use constraints should be considered. The goal is to find a set of comparable sales or other evidence such as property listings or contracts as similar as possible to the subject property to ensure they reflect the actions of similar buyers. Market analysis and highest and best use analysis set the stage for the selection of appropriate comparable sales.*
- 2. Verify the information by confirming that the data obtained is factually accurate and that the transactions reflect arm’s-length market considerations. Verification should elicit additional information about the property such as buyer motivation, economic characteristics (if the property is income-producing), value component allocations, and other significant factors as well as information about the market to ensure that comparisons are credible.*
- 3. Select the most relevant units of comparison used by participants in the market (e.g., price per acre, price per square foot, price per front foot, price per dwelling unit) and develop a comparative analysis for each unit. The appraiser’s goal is to define and identify a unit of comparison that explains market behavior.*
- 4. Look for differences between the comparable sale properties and the subject property using all appropriate elements of comparison. Then adjust the price of each sale property, reflecting how it differs, to equate it to the subject property or eliminate that property as a comparable. This step typically involves using the most similar sale properties and then adjusting for any remaining differences. If a transaction does not reflect the actions of a buyer who would also be attracted to the subject property, the appraiser should be concerned about comparability.*
- 5. Reconcile the various value indications produced from the analysis of comparables into a value conclusion. A value opinion can be expressed as a single point estimate, as a range of values, or in terms of a relationship (e.g., more or less than a given amount). ”¹⁹*

The Sales Comparison Approach is utilized to estimate the market values of the improved subject homesites. The comparable sales utilized are presented on the following pages. The estimated contributory value of the excess land (from Land Value Section) is added to the estimated values of the improved homesites to arrive at the indicated value of the whole property

¹⁹ Appraisal Institute, *The Appraisal of Real Estate* – Fourteenth Edition, (Chicago: Appraisal Institute, 2013), P. 381-382.

by the Sales Comparison Approach. No discount can be supported to the sum of the two value indications.

Improved Sale No. 1



Location:	1211 North Crestwood Drive, Fayetteville, Arkansas; Washington County
Date Of Sale:	March 29, 2013
Grantor:	Carolyn C. Pugh
Grantee:	Robert D. & Karen A. Brandon
Recorded:	Book 2013/Page 10949; Filed April 3, 2013
Legal Description:	Lot 21 & Pt. Lot 1, Block 2 of Broadview Subdivision to the City of Fayetteville; Detailed Legal Description Kept On File
Reported Consideration:	\$175,000
Financing:	Conventional; Arm's-Length
Verified:	Selling Agent
Land Size:	0.30± Acre
Dwelling Size:	1,568± SF
Price/SF Dwelling:	\$111.61
Remarks:	This property is located along the north side of North Crestwood Drive, just east of Shrewsbury Lane, in Fayetteville; this location is approximately 1.5± miles south of the subject. The site is near rectangular in shape. The topography is undulating/near level. All typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing approximately 1,568± SF of living area. There is also a two-car attached carport containing approximately 540± SF, covered storage area (216± SF) with electricity, and 456± SF wood deck with pergolas. The

dwelling is Class "D" construction, with brick veneer and vinyl exterior siding. The roof cover is composition shingle. The dwelling is indicated to contain 3 bedrooms and 1.5 bathrooms. The dwelling includes a wood burning fireplace and kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered to be average; however, needed some updating. The dwelling is indicated to have been constructed in 1967±. The condition at the date of sale was good. The effective age of the dwelling was estimated to be 25± years.

Additional improvements included: asphalt/concrete driveways; fencing; landscaping; etc. The additional improvements generally were in average condition.

Land value at the date of sale was estimated to be approximately \$50,000±.

Improved Sale No. 2



Location:	1500 North Old Wire Road, Fayetteville, Arkansas; Washington County
Grantor:	Don Edgar Kirby, Successor Trustee of the Marie L. Kirby Revocable Trust u/t/d December 27, 2004
Grantee:	Howard D. & Naomi J. Baird
Date Of Sale:	July 5, 2012
Recorded:	Book 2012/Page 19763; Filed July 9, 2012
Legal Description:	Pt. Lots 18, 19, & 23 in Meadowview Addition to the City of Fayetteville, Arkansas
Consideration:	\$160,000
Financing:	Conventional; Arm's-Length
Verified:	Selling Agent
Land Size:	0.49± Acre
Dwelling Size:	1,566 SF
Price/SF Dwelling:	\$102.17

Remarks: This property is located on the south side of North Old Wire Road, a short distance north of Mission Boulevard, in Fayetteville; this location is approximately 1.40± miles southwest of the subject. The site is near rectangular in shape. The topography is undulating/near level. All typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing an indicated 1,566± SF. There is also a two car attached carport containing approximately 456± SF and two storage

buildings totaling 188± SF. The dwelling is Class “D” construction, with a brick veneer and vinyl exterior. The roof cover is composition shingle. The dwelling is indicated to contain 3 bedrooms and 2 bathrooms. The dwelling includes kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered to be average; however, needed some updating. The dwelling is indicated to have been constructed in 1959±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be approximately 25 to 30± years.

Additional improvements included: asphalt/concrete driveways; fencing; landscaping; etc. The additional improvements generally were in average condition.

Land value at the date of sale was estimated to be approximately \$50,000±.

Improved Sale No. 3



Location:	2763 North Old Wire Road, Fayetteville, Arkansas; Washington County
Grantor:	Lance & Anna Williams
Grantee:	Nathan & Kelsey Friend
Date Of Sale:	February 14, 2014
Recorded:	Book 2014/Page 3687; Filed February 18, 2014
Legal Description:	Pt. of the NE ¼ NW ¼ SE ¼ Of 36-17-30 Detailed Legal Description Kept On File
Consideration:	\$136,250
Financing:	Conventional; Arm's-Length
Verified:	Selling Agent
Land Size:	0.75± Acre
Dwelling Size:	1,644 SF
Price/SF Dwelling:	\$82.88

Remarks: This property is located on the north side of North Old Wire Road, a short distance east of Old Missouri Road, in Fayetteville; this location is approximately 0.25± mile northeast of the subject. The site is near rectangular in shape, and has a deep/narrow shape. The topography is undulating/near level to gently rolling. All typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing an indicated 1,644± SF. There is also a large detached garage containing approximately 936± SF and 144± SF wood deck. The dwelling is Class "D" construction, with vinyl exterior. The roof cover is composition shingle. The dwelling is indicated to contain 4 bedrooms and 1.5 bathrooms. The dwelling

includes kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered to be average. The dwelling is indicated to have been constructed in 1976±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be approximately 20 to 25± years.

Additional improvements included: asphalt/concrete driveways; fencing; landscaping; etc. The additional improvements generally were in average condition.

Land value at the date of sale was estimated to be approximately \$65,000±.

Improved Sale No. 4



Location: 2626 North Old Wire Road, Fayetteville, Arkansas; Washington County
Grantor: Marlin K. & Rhonda Reddell
Grantee: Matthew B. & Amanda Jo Niehues
Date Of Sale: June 20, 2014
Recorded: Book 2014/Page 15609;
Filed June 24, 2014
Legal Description: Part Of The NE ¼ SW 1/4 Of 36-17-30;
Detailed Legal Description Kept On File
Consideration: \$153,000
Financing: Conventional; Arm's-Length
Verified: Public Records
Land Size: 0.58± Acre
Dwelling Size: 1,393± SF
Price/SF Dwelling: \$109.83
Remarks: This property is located on the southeast side of North Old Wire Road, just southwest of Old Missouri Road; this location is adjacent to the southwest of the subject. The site is near rectangular in shape. The topography is undulating/near level to gently rolling. All typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing an indicated 1,393± SF. There is also a two-car attached garage (finished) containing approximately 420± SF, as well as a 276± SF covered patio. The dwelling is Class "D" construction, with brick veneer and "James

Hardie” exterior siding. The dwelling is indicated to contain 3 bedrooms and 1 bathroom. The dwelling includes kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered average. The dwelling is indicated to have been constructed in 1965±. The condition at the date of sale was average. The dwelling had recently been updated with exterior paint, roof, carpet, windows, etc. The effective age of the dwelling was estimated to be approximately 25 to 30± years.

Additional improvements include: fencing; concrete/asphalt driveways; landscaping; etc. The condition of the site improvements, overall, was considered average.

Land value at the date of sale was estimated to be approximately \$58,000±.

Improved Sale No. 5



Location: 814 East Peel Street, Fayetteville, Arkansas;
Washington County
Grantor: Jason K. & Jodi L. Reynolds
Grantee: Cynthia D. Nielsen, Trustee of the Cynthia D.
Nielson Trust, u/t/d October 19, 2001
Date Of Sale: May 29, 2013
Recorded: Book 2013/Page 18044;
Filed May 31, 2013
Legal Description: Lot 8, Block E, North Ridge Subdivision to the
City of Fayetteville
Consideration: \$135,000
Financing: Conventional; Arm's-Length
Verified: Selling Agent
Land Size: 0.44± Acre
Dwelling Size: 1,270± SF
Price/SF Dwelling: \$106.30
Remarks: This property is located along the north side of East Peel Street, just east of Juneway
Terrace; this location is approximately 0.81± mile southwest of the subject. The site is near
rectangular in shape, and has a deep/narrow shape. The topography is undulating/near level. All
typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing an indicated 1,270± SF. There is also a two-car attached garage (finished) containing approximately 567± SF, as well as a

522± SF covered patio and small storage building. The dwelling is Class “D” construction, with brick veneer and wood exterior. The dwelling is indicated to contain 3 bedrooms and 1.5 bathroom. The dwelling includes kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered average. The dwelling is indicated to have been constructed in 1965±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be approximately 30± years.

Additional improvements include: fencing; concrete/asphalt driveways; landscaping; etc. The condition of the site improvements, overall, was considered average.

Land value at the date of sale was estimated to be approximately \$40,000±.

Improved Sale No. 6



Location: 707 East Ash Street, Fayetteville, Arkansas;
Washington County
Grantor: Carol Anne Marsh
Grantee: James Lewis
Date Of Sale: May 5, 2014
Recorded: Book 2014/Page 11029;
Filed May 7, 2014
Legal Description: Lot 22, Jug Wheeler Addition to the City of Fayetteville
Consideration: \$125,000
Financing: Conventional; Arm's-Length
Verified: Selling Agent
Land Size: 0.38± Acre
Dwelling Size: 1,267± SF
Price/SF Dwelling: \$98.66
Remarks: This property is located on the south side of East Ash Street, just west of Austin Drive; this location is approximately 1.25± miles southwest of the subject. The site is near rectangular in shape. The topography is undulating/near level. All typical city utilities are available to the site.

The site is improved with a one story single-family dwelling containing an indicated 1,267± SF. There is also a two-car attached garage (finished) containing approximately 490± SF, as well as 131± SF of porches and a 56± SF storage building. The dwelling is Class "D" construction, with wood exterior. The dwelling is indicated to contain 3 bedrooms and 1.5 bathrooms. The dwelling

includes a double fire place and kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered average. The dwelling is indicated to have been constructed in 1966±. The condition at the date of sale was average to good. The dwelling had recently been updated with exterior paint and carpet. The effective age of the dwelling was estimated to be approximately 30 ± years.

Additional improvements include: fencing; concrete/asphalt driveways; landscaping; etc. The condition of the site improvements, overall, was considered average.

Land value at the date of sale was estimated to be approximately \$40,000±.

Improved Sale No. 7



Location: 2786 North Old Wire Road, Fayetteville, Arkansas; Washington County
Grantor: William W. & Barbara A. McIver
Grantee: Mark Zweig, Inc.
Date Of Sale: October 1, 2012
Recorded: Book 2012/Page 29837; Filed October 2, 2012
Legal Description: Part Of The NW ¼ SE 1/4 Of 36-17-30; Detailed Legal Description Kept On File
Consideration: \$101,000
Financing: Conventional; Arm's-Length
Verified: Selling Agent
Land Size: 0.61± Acre
Dwelling Size: 1,248± SF
Price/SF Dwelling: \$80.93
Remarks: This property is located on the south side of North Old Wire Road, just west of Azalea Terrace; this location is approximately 0.35± mile northeast of the subject. The site is near rectangular in shape, and has a deep/narrow shape. The topography is undulating/near level. All typical city utilities are available to the site.

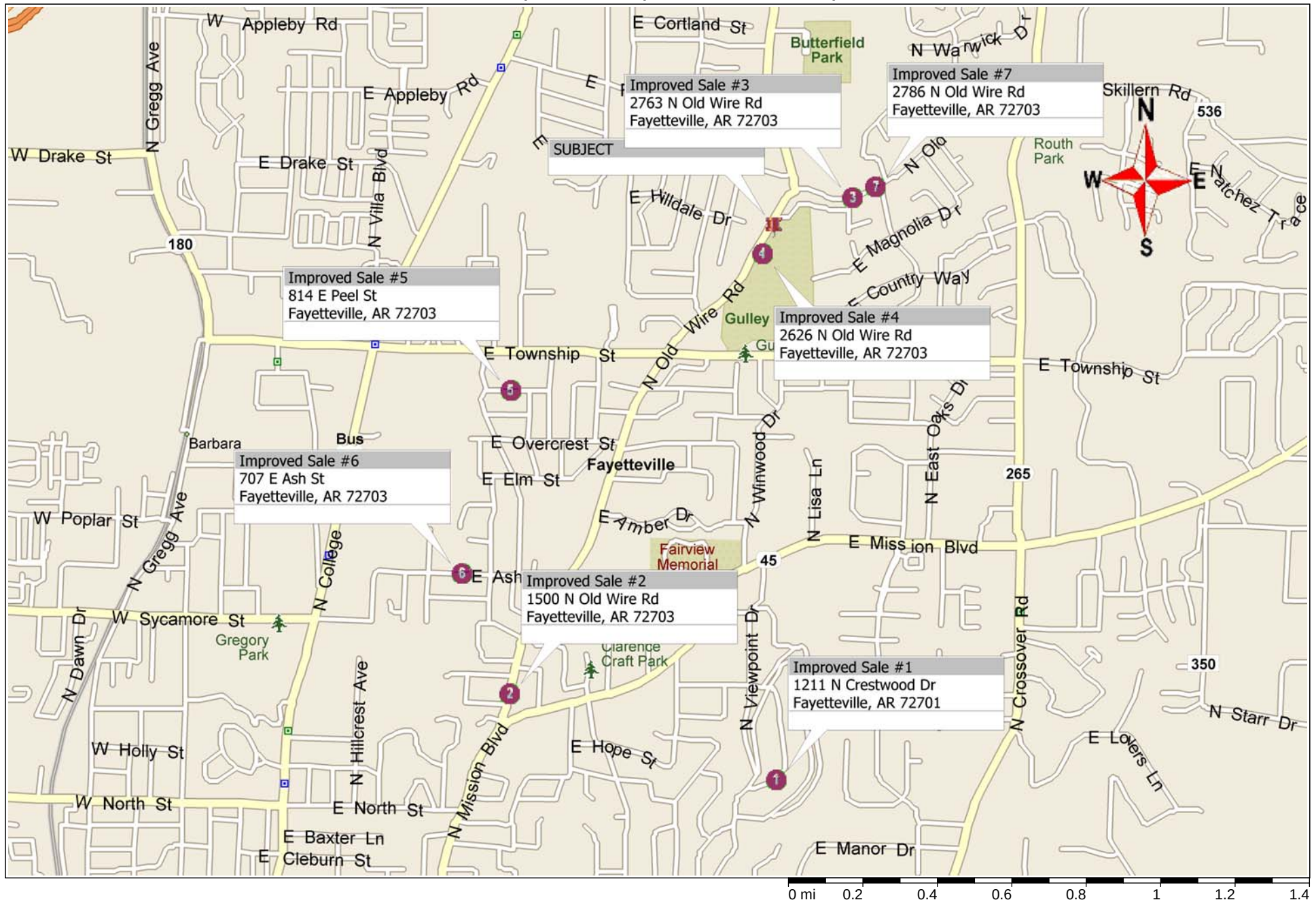
The site is improved with a one story single-family dwelling containing an indicated 1,248± SF. There is also a one-car attached carport containing approximately 312± SF, as well as a 180± SF open porch and 144± SF wood deck. The dwelling is Class "D" construction, with brick veneer

and cedar exterior siding. The dwelling is indicated to contain 3 bedrooms and 2 bathrooms. The dwelling includes kitchen appliances. The dwelling is centrally heated and cooled. The overall construction quality of the dwelling is considered average; however, needed some updating. The dwelling is indicated to have been constructed in 1964±. The condition at the date of sale was fair to average. The effective age of the dwelling was estimated to be approximately 40± years.

Additional improvements include: fencing; gravel driveways; landscaping; etc. The condition of the site improvements, overall, was considered average.

Land value at the date of sale was estimated to be approximately \$50,000±.

Comparable Improved Sales Map



SUMMARY OF COMPARABLE IMPROVED SALES

The comparable improved sales are summarized as follows:

Sale	1	2	3	4
Date of Sale	03/29/2013	07/05/2012	02/14/2014	06/20/2014
Consideration	\$175,000	\$160,000	\$136,250	\$153,000
Dwelling Size SF (±)	1,568	1,566	1,644	1,393
Price/SF	<i>\$111.61</i>	<i>\$102.17</i>	<i>\$82.88</i>	<i>\$109.83</i>
Use	Single-Family	Single-Family	Single-Family	Single-Family
Location	1211 N. Crestwood Dr., Fayetteville	1500 N. Old Wire Rd., Fayetteville	2763 N. Old Wire Rd., Fayetteville	2626 N. Old Wire Rd., Fayetteville

Sale	5	6	7
Date of Sale	05/29/2013	05/05/2014	10/01/2012
Consideration	\$135,000	\$125,000	\$101,000
Dwelling Size SF (±)	1,270	1,267	1,248
Price/SF	<i>\$106.30</i>	<i>\$98.66</i>	<i>\$80.93</i>
Use	Single-Family	Single-Family	Single-Family
Location	814 E. Peel St., Fayetteville	707 E. Ash St., Fayetteville	2786 N. Old Wire Rd., Fayetteville

ANALYSIS OF SALES

The preceding sales represent comparable improved sales in Fayetteville, all of which are in close proximity to the subject property. The unit of comparison is whole property. The elements of comparison are property rights, financing, conditions of sale, market conditions, location, and physical characteristics. First, Improved Sales One through Four are utilized in the adjustment process with respect to the dwelling situated at 2648 North Old Wire Road. Next, Improved Sales Four through Seven are utilized in the adjustment process with respect to the dwelling situated at 2634 North Old Wire Road. The contributory value of the excess land (from Land Value Section) is added at the end of the Sales Comparison Approach to arrive at the indicated market value of the subject whole property by the Sales Comparison Approach.

Property Rights: I am addressing the fee simple estate of subject in this report. Each of the sales involved the transfer of the fee simple estate. No adjustments are indicated.

Financing: Each of the sales involved conventional financing at market terms. No adjustments for financing are indicated.

Conditions Of Sale: Each of the sales appears to have been an arm's-length transaction; however, Sale Three appears to have occurred at the lower end of the market range for a property of this nature. No adjustment can be supported to Sale Three; however, this will be considered in the reconciliation of the sales. No adjustments for conditions of sale can be supported.

Market Conditions: The respective sale date of each comparable appears on the summary table on the preceding page. The sales occurred between the July 2012 and June 2014 time period. Market conditions during this time period were considered reasonably similar to those as of the effective date of this report. Based on data available to the appraiser, each of the comparable sales is believed to be representative of current market conditions. No market conditions adjustments are warranted.

Location: The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical address of this homesite is indicated to be 2648 North Old Wire Road. The subject site is situated just north/northeast of Gulley Park. The predominant property uses in the Market Area are primarily single-family residential and special-purpose in nature.

Sale One is located along the north side of North Crestwood Drive, just east of Shrewsbury Lane, in Fayetteville; this location is approximately 1.5± miles south of the subject. Sale Two is located on the south side of North Old Wire Road, a short distance north of Mission Boulevard, in Fayetteville; this location is approximately 1.40± miles southwest of the subject. Sale Three is located on the north side of North Old Wire Road, a short distance east of Old Missouri Road, in Fayetteville; this location is approximately 0.25± mile northeast of the subject. Finally, Sale Four is located on the southeast side of North Old Wire Road, just southwest of Old Missouri Road; this location is two parcels to the southwest of the subject.

Each of the comparable properties, and subject, has an adequate location for their respective use. Overall, no separate location adjustments can be supported to any of the sales. Any necessary location adjustments are considered to be adequately reflected in the 'site value' category in the next section.

Physical Characteristics: The categories of adjustment considered under physical characteristics are site value, dwelling living area size, dwelling age/condition, dwelling quality, garage/porch, and "other".

First, site value is considered. The value of the subject homesite (0.75± acre) has previously been estimated in the Land Value Section at \$75,000. The estimated land values of the comparables are \$45,000, \$50,000, \$65,000, and \$58,000, respectively. The following upward adjustments are indicated: \$30,000 to Sale One; \$25,000 to Sale Two; \$10,000 to Sale Three; and, \$17,000 to Sale Four.

Next, dwelling living area size is considered. The subject (1,551± SF) is smaller in dwelling living area size than each of the Sales One (1,568± SF), Two (1,566± SF), and Three (1,644± SF), and larger than Sale Four (1,393± SF). Sales and Cost Analysis supports a size multiplier of \$35.00 per SF. Therefore, in comparison to subject, Sale Three requires a downward adjustment of \$3,255 (93± SF @ \$35), while Sale Four requires an upward adjustment of \$5,530 (158± SF @ \$35). No adjustment can be supported to Sales One and Two for the small difference in dwelling living area size compared to subject.

Next, dwelling age/condition is considered. Based on Assessment Records, the subject dwelling was originally constructed in 1961±. Discussions with the property owner indicated the dwelling was updated in the early 1990's. The subject dwelling is considered to be in average to good condition, overall. The effective age is estimated to be 28± years. *Sale One* was originally constructed in 1967±. The condition at the date of sale was good. The effective age of the dwelling was estimated to be 25 ± years. *Sale Two* was originally constructed in 1959±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be 25 to 30± years. *Sale Three* was originally constructed in 1976±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be 20 to 25± years. *Sale Four* was originally constructed in 1965±. The condition at the date of sale was average. The effective age of the dwelling was estimated to be 25 to 30± years. Overall, *Sale One* is considered somewhat superior to subject with respect to dwelling age/condition, while each of *Sales Two* and *Four* is considered reasonably similar, and *Sale Three* is considered superior. Paired Sales Analysis utilizing *Sales One* and *Two* indicates, after adjusting for other differences, that *Sale One* requires a 10%± downward adjustment for dwelling age/condition. The indicated dollar adjustment is -\$17,500 to *Sale One*. Although *Sale Three* is considered superior to subject with respect to dwelling age/condition, no adjustment could be supported based on Paired Sales Analysis. No adjustments to *Sales Two* and *Four* are warranted.

Next, dwelling quality is considered. Subject dwelling represents average quality construction. Subject dwelling is centrally heated and cooled, and includes 3 bedrooms and 1.5 bathrooms. Subject also includes a fireplace and kitchen appliances. Each of the comparable improved sales is also considered to represent average quality construction and includes kitchen appliances. *Sale One* has 3 bedrooms and 1.5 bathrooms, *Sale Two* has 3 bedrooms and 2 bathrooms, *Sale Three* has 4 bedrooms and 1.5 bathrooms, and *Sale Four* has 3 bedrooms and 1 bathroom. Overall, *Sale One* is considered reasonably similar to subject in construction quality, while *Sales Two* and *Three* each appear to be slightly superior, and *Sale Four* is considered to be slightly inferior. Paired Sales Analysis utilizing *Sales Two* and *Four* indicates a difference of near 5% between *Sales Two* and *Four* with respect to dwelling quality. Again, *Sale Two* is considered slightly superior to subject while *Sale Four* is considered slightly inferior to subject. Therefore, *Sale Two* is adjusted downward by 2.5% in comparison to the subject, while *Sale Four* is adjusted upward by 2.5% in comparison to the subject. Again, *Sale Three* is considered slightly superior to subject with respect to the dwelling quality category; however, no adjustment can be supported based on Paired Sales Analysis.

Next, garage/porch is considered. Subject includes a 580± SF attached garage. Subject also includes a 340± SF enclosed porch. *Sale One* includes a 540± SF carport. *Sale Two* has a 456± SF carport. *Sale Three* has a 936± SF detached garage with no electricity. *Sale Four* has a 420± SF garage. None of the sales include an enclosed porch. Based on Cost and Sales Analysis, an adjustment of \$10 per SF is indicated for difference in garage sizes, and an additional \$5 per SF for difference between garage and carport. The indicated adjustment for the enclosed porch is \$20 per SF. In comparison to subject: *Sale One* requires a net adjustment of +\$7,400; *Sale Two* a net adjustment of +\$8,660; *Sale Three* a net adjustment of +\$3,240; and, *Sale Four* a net adjustment of +\$8,400.

Lastly, the “other” category is considered. This pertains to other buildings, as well as site improvements. Subject other improvements have previously been described in this report. The other improvements on the sale properties were previously described in this report in the sale narratives. Each of the comparable sales, and subject, are considered reasonably similar to subject with respect to site improvements; however, are each considered inferior to subject with respect to other buildings. Based on Sales and Cost Analysis, each of the comparable sales is adjusted upward by \$30,000; this is mostly reflective of the subjects superior “other buildings” situation due to the shop building.

Conclusions:

The following adjustment grid is indicated:

Sale	1	2	3	4
Sales Price	\$175,000	\$160,000	\$136,250	\$153,000
Property Rights	\$0	\$0	\$0	\$0
Financing	\$0	\$0	\$0	\$0
Conditions of Sale	\$0	\$0	\$0	\$0
Market Conditions	\$0	\$0	\$0	\$0
Adjusted Sales Price	\$175,000	\$160,000	\$136,250	\$153,000
Location	\$0	\$0	\$0	\$0
Physical Characteristics				
Site Value	\$30,000	\$25,000	\$10,000	\$17,000
Dwelling Size	\$0	\$0	(\$3,255)	\$5,530
Dwelling Age/Condition	(\$17,500)	\$0	\$0	\$0
Dwelling Quality	\$0	(\$4,000)	\$0	\$3,825
Garage/Porch	\$7,400	\$8,660	\$3,240	\$8,400
Other	\$30,000	\$30,000	\$30,000	\$30,000
Indicated Value/Lot	\$224,900	\$219,660	\$176,235	\$217,755

The range of the adjusted comparable sales is \$176,235 to \$224,900; the mean is \$209,638 and the median is \$218,708. The mean is distorted by Sale Three which falls much below the indicated values by Sales One, Two, and Four; the reason for this is not clear. Sale Four represents the most recent sale and is located nearest to the subject. Sale Three received the lowest gross adjustment; however adjustments for dwelling age/condition and quality could not be supported by Paired Sales Analysis. Sale Four received the most weight, followed by Sales One and Two. Sale Three is given the least amount of weight. Based on the preceding analysis, it is my opinion the indicated market value of the subject improved homesite located at 2648 North Old Wire Road by the Sales Comparison Approach is:

\$218,000

Please see the Extraordinary Assumptions previously presented.

Next, the subject improved homesite located at 2534 North Old Wire Road is addressed with consideration to Sales Four through Seven previously presented. A summary of Sales Four through Seven is presented again in the following exhibit:

Sale	4	5	6	7
Date of Sale	06/20/2014	05/29/2013	05/05/2014	10/01/2012
Consideration	\$153,000	\$135,000	\$125,000	\$101,000
Dwelling Size SF (±)	1,393	1,270	1,267	1,248
Price/SF	\$109.83	\$106.30	\$98.66	\$80.93
Use	Single-Family	Single-Family	Single-Family	Single-Family
Location	2626 N. Old Wire Rd., Fayetteville	814 E. Peel St., Fayetteville	707 E. Ash St., Fayetteville	2786 N. Old Wire Rd., Fayetteville

Property Rights: I am addressing the fee simple estate of subject in this report. Each of the sales involved the transfer of the fee simple estate. No adjustments are indicated.

Financing: Each of the sales involved conventional financing at market terms. No adjustments for financing are indicated.

Conditions Of Sale: Each of the sales appears to have been an arm's-length transaction. No adjustments for conditions of sale can be supported.

Market Conditions: The respective sale date of each comparable appears on the summary table above. The sales occurred between the October 2012 and June 2014 time period. Market conditions during this time period were considered reasonably similar to those as of the effective date of this report. Based on data available to the appraiser, each of the comparable sales is believed to be representative of current market conditions. No market conditions adjustments are warranted.

Location: The subject property is located along the southeast side of North Old Wire Road, just southwest of North Old Missouri Road, in Fayetteville, Arkansas; Washington County. The physical address of this homesite is indicated to be 2634 North Old Wire Road. The subject site is situated just north/northeast of Gulley Park. The predominant property uses in the Market Area are primarily single-family residential and special-purpose in nature.

Sale Four is located on the southeast side of North Old Wire Road, just southwest of Old Missouri Road; this location is two parcels to the southwest of the subject. Sale Five is located along the north side of East Peel Street, just east of Juneway Terrace; this location is approximately 0.81± mile southwest of the subject. Sale Six is located on the south side of East Ash Street, just west of Austin Drive; this location is approximately 1.25± miles southwest of the subject. Finally, Sale Seven is located on the south side of North Old Wire Road, just west of Azalea Terrace; this location is approximately 0.35± mile northeast of the subject.

Each of the comparable properties, and subject, has an adequate location for their respective use. Overall, no separate location adjustments can be supported to any of the sales. Any necessary location adjustments are considered to be adequately reflected in the 'site value' category in the next section.

Physical Characteristics:

The categories of adjustment considered under physical characteristics are site value, dwelling living area size, dwelling age/condition, dwelling quality, garage/porch, and “other”.

First, site value is considered. The value of the subject homesite (0.5± acre) has previously been estimated in the Land Value Section at \$50,000. The estimated land values of the comparables are \$58,000, \$40,000, \$40,000, and \$50,000, respectively. The following adjustments are indicated: downward \$8,000 to Sale One; and, upward \$10,000 to each of Sales Two and Three. No site value adjustment is warranted to Sale Four

Next, dwelling living area size is considered. The subject (1,316± SF) is smaller in dwelling living area size than Sale Four (1,393± SF), and larger in dwelling living area size than each of Sales Five (1,270± SF), Six (1,267± SF), and Seven (1,248± SF). Sales and Cost Analysis supports a size multiplier of \$35.00 per SF. Therefore, in comparison to subject, Sale Four requires a downward adjustment of \$2,695 (77± SF @ \$35), Sale Five requires an upward adjustment of \$1,610 (46± SF @ \$35), Sale Six requires an upward adjustment of \$1,715 (49± SF @ \$35), and Sale Seven requires an upward adjustment of \$2,380 (68± SF @ \$35).

Next, dwelling age/condition is considered. Based on Assessment Records, this dwelling was originally constructed in 1963±. The dwelling has received minimal updates since its original construction, and is considered “dated” in appearance. This dwelling is considered to be in fair to average condition, overall. The effective age is estimated to be 40± years. *Sale Four* was originally constructed in 1965±. The condition at the date of sale was average. The effective age of the dwelling was estimated to be 25 to 30± years. *Sale Five* was originally constructed in 1965±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be 25 to 30± years. *Sale Six* was originally constructed in 1966±. The condition at the date of sale was average to good. The effective age of the dwelling was estimated to be 25 to 30± years. *Sale Seven* was originally constructed in 1964±. The condition at the date of sale was fair to average. The effective age of the dwelling was estimated to be 40± years. Overall, each of Sales Four, Five, and Six is considered superior to subject with respect to dwelling age/condition, while Sale Seven is considered reasonably similar. Paired Sales Analysis utilizing Sales Four and Seven indicates, after adjusting for other differences, that Sale Four requires a 25%± downward adjustment for dwelling age/condition. The indicated dollar adjustment is -\$38,250 to Sale One. Based on the preceding analysis, each of Sales Five and Six are also adjusted downward by 25% in comparison to the subject, or \$33,750 and \$31,250, respectively. No adjustment to Sale Seven is warranted.

Next, dwelling quality is considered. Subject dwelling represents average quality construction. Subject dwelling is centrally heated and cooled, and includes 3 bedrooms and 1 bathroom. Subject also includes a fireplace and kitchen appliances. Each of the comparable improved sales is also considered to represent average quality construction and includes kitchen appliances. Sale Four has 3 bedrooms and 1 bathroom, Sale Five has 3 bedrooms and 1.5 bathrooms, Sale Six has 3 bedrooms and 1.5 bathrooms, and Sale Seven has 3 bedrooms and 2 bathrooms. Overall, Sale One is considered reasonably similar to subject in dwelling quality, while Sales Five and Six each appear to be slightly superior, and Sale Seven is considered to be somewhat superior. Sales Analysis supports a downward adjustment of 2.5% to each of Sales Five and Six,

and a downward adjustment of 5% to Sale Seven. No adjustment to Sale Four is warranted for dwelling quality.

Next, garage/porch is considered. Subject includes a 372± SF attached garage, 460± SF attached shop, and a 210± SF enclosed porch. Sale Four has a 420± SF garage. Sale Five has a 567± SF attached garage and a 522± SF covered patio. Sale Six has a 490± SF attached garage. Sale Seven has a 312± SF attached carport. None of the sales include an enclosed porch. Based on Cost and Sales Analysis, an adjustment of \$10 per SF is indicated for difference in garage/shop sizes, and an additional \$5 per SF for difference between garage and carport. The indicated adjustment for the enclosed porch is \$20 per SF. In comparison to subject: Sale Four requires a net adjustment of +\$8,320; Sale Five a net adjustment of +\$2,650; Sale Six a net adjustment of +\$7,620; and, Sale Seven a net adjustment of +\$12,000.

Lastly, the “other” category is considered. This pertains to other buildings, as well as site improvements. Subject other improvements have previously been described in this report. The other improvements on the sale properties were previously described in this report in the sale narratives. Each of the comparable sales, and subject, are considered reasonably similar to subject with respect to site improvements and other buildings. No adjustments for the “other” category are warranted to any of the comparable sales.

Conclusions:

The following adjustment grid is indicated:

Sale	4	5	6	7
Sales Price	\$153,000	\$135,000	\$125,000	\$101,000
Property Rights	\$0	\$0	\$0	\$0
Financing	\$0	\$0	\$0	\$0
Conditions of Sale	\$0	\$0	\$0	\$0
Market Conditions	\$0	\$0	\$0	\$0
Adjusted Sales Price	\$153,000	\$135,000	\$125,000	\$101,000
Location	\$0	\$0	\$0	\$0
Physical Characteristics				
Site Value	(\$8,000)	\$10,000	\$10,000	\$0
Dwelling Size	(\$2,695)	\$1,610	\$1,715	\$2,380
Dwelling Age/Condition	(\$38,250)	(\$33,750)	(\$31,250)	\$0
Dwelling Quality	\$0	(\$3,375)	(\$3,125)	(\$5,050)
Garage/Porch	\$8,320	\$2,650	\$7,620	\$12,000
Other	\$0	\$0	\$0	\$0
Indicated Value/Lot	\$112,375	\$112,135	\$109,960	\$110,330

The range of the adjusted comparable sales is \$109,960 to \$112,375; the mean is \$111,200 and the median is \$111,233. Sale Four represents the most recent sale and is located nearest to the subject. Sale Seven received the lowest gross adjustment. Sales Four and Seven received the most weight. Each of Sales Five and Six also provide strong support. Based on the preceding analysis, it is my opinion the indicated market value of the subject improved homesite located at 2634 North Old Wire Road by the Sales Comparison Approach is:

\$111,000

Please see the Extraordinary Assumptions previously presented.

SUMMARY OF SALES COMPARISON APPROACH

2634 Old Wire Rd. Homesite (0.50± AC)	= \$111,000
2648 Old Wire Rd. Homesite (0.75± AC)	= \$218,000
9.7± ACS of Excess Land	= <u>\$640,000</u>
Estimated Value Based on	= \$969,000
Sales Comparison Approach	

The preceding represents the indicated market value of subject whole property by the Sales Comparison Approach. No discount could be supported to the sum of the values of the improved subject homesites and the excess land. Please see the Extraordinary Assumptions previously presented.

INCOME CAPITALIZATION APPROACH

In the Income Capitalization Approach, the current rental income is shown with deductions for vacancy and credit loss and operating expenses. A conclusion about the prospective Net Operating Income of the property is developed. In support of this Net Operating Income estimate, operating statements for the previous years may be reviewed, together with available operating-cost estimates. An applicable capitalization method and appropriate Capitalization Rate are developed for use in computations that lead to an indication of value by the Income Capitalization Approach.

The following definitions are necessary before applying the Income Capitalization Approach to the subject property:

"Potential Gross Income (PGI) is the total income attributable to real property at full occupancy before vacancy and operating expenses are deducted."²⁰

"Effective Gross Income (EGI) is the anticipated income from all operations of the real property after an allowance is made for vacancy and collection losses and an addition is made for any other income."²¹

"Net Operating Income (NOI) is the actual or anticipated net income that remains after all operating expenses are deducted from effective gross income but before mortgage debt service and book depreciation are deducted. Note: This definition mirrors the convention used in corporate finance and business valuation for EBITDA (earnings before interest, taxes, depreciation, and amortization)."²²

"Overall Capitalization Rate (R_O) is an income rate for a total real property interest that reflects the relationship between a single year's net operating income expectancy and the total property price or value ($R_O = I_O/V_O$)"²³

"Direct Capitalization is a method used to convert an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the net income estimate by an appropriate capitalization rate or by multiplying the income estimate by an appropriate factor. Direct capitalization employs capitalization rates and multipliers extracted or developed from market data. Only a single year's income is used. Yield and value changes are implied but not identified

The Income Capitalization Approach is not utilized as this is not typically the basis upon which buy/sell decisions are being made in this market on properties of the subject's nature. Application of the Income Capitalization Approach to Value is not considered necessary to produce credible appraisal results for the subject property.

²⁰ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 148.

²¹ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 65.

²² Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 134.

²³ Appraisal Institute, *The Dictionary of Real Estate Appraisal* – Fifth Edition, (Chicago: Appraisal Institute, 2010), P. 141.

RECONCILIATION

Reconciliation is the part of the valuation process in which the appraiser attempts to resolve differences among the value indications derived from the application of the approaches. The conclusion drawn in the reconciliation is based on the appropriateness, the accuracy, and the quantity of the evidence in the entire appraisal.

Indicated Land Value "As Vacant":	\$765,000
Indicated Value by the Cost Approach:	\$974,000
Indicated Value by the Sales Comparison Approach:	\$969,000
Indicated Value By the Income Capitalization Approach:	Not Utilized

Cost Approach

The Cost Approach is based, in part, upon the principle of substitution. This principle is basic to the Cost Approach and holds that no prudent investor would pay more for an existing property than the cost to acquire the site and construct improvements of equal desirability and utility without undue delay. Other appraisal principles that relate to the Cost Approach are: Supply and demand; balance; externalities; and, highest and best use.

In the Cost Approach, the Replacement Cost New of the respective improvements were estimated, utilizing Marshall Valuation Service (national cost service) and a market derived entrepreneurial incentive. Accrued Depreciation attributable to the improvements was then estimated based upon the Economic Age-Life Method, and was subtracted from Replacement Cost New to arrive at Depreciated Replacement Cost New of the respective improvements. The estimated land value was then added to the Depreciated Replacement Cost New of the improvements to arrive at the estimated market value of the subject property by the Cost Approach. The estimated market value of the subject whole property was then allocated to each of the homesites, and the excess acreage.

The strength of the Cost Approach is the availability of recent comparable land sales in estimating the market value of the subject site "as vacant" in the Land Value section, and the availability of cost estimates from Marshall Valuation Service. A weakness of this approach is the difficulty in estimating Accrued Depreciation of the older improvements. Overall, the reliability of the Cost Approach is considered to be average.

Sales Comparison Approach

Certain principles are also basic to the Sales Comparison Approach: Substitution; supply and demand; balance; and, externalities. Again, the principle of substitution is very important. This principle states that the value of a specific property generally is set by the price necessary to acquire a substitute property of equivalent utility.

In the Sales Comparison Approach, comparable improved sales were examined and analyzed for comparison purposes to the respective dwelling improvements. The unit of comparison was whole property. Adjustments were made to the sales based upon differences with respect to the respective subject dwellings. The market value of the respective subject dwellings was then estimated from within the adjusted range of the comparables. Finally, the contributory value of the excess land (from Land Value Section) was added to the value of the subject dwellings to arrive at the estimated market value of the whole subject property by the Sales Comparison Approach. No discount could be supported to the sum of the values of the improved subject homesites and the excess land.

The strength of the Sales Comparison Approach is the availability of recent and reliable comparable sales. A weakness of this approach is that each of the comparables required adjustments; however, the adjustments were believed to be market supported. Overall, the reliability of the Sales Comparison Approach is considered to be good.

Income Capitalization Approach

The application of the Income Capitalization Approach is based on the operation of value influences and appraisal principles. The appraisal principles considered are: Anticipation and change; supply and demand; substitution; balance; and, externalities. Anticipation and change are very important. The principle of anticipation states that value is created by the expectation of benefits to be derived in the future. Income Capitalization methods attempt to forecast future benefits and estimate their present value. The Income Capitalization Approach also focuses on how change affects the value of income-producing properties.

The Income Capitalization Approach was not utilized as this is not typically the basis upon which buy/sell decisions are being made in this market on properties of the subject's nature. Application of the Income Capitalization Approach to Value was not considered necessary to produce credible appraisal results for the subject property.

Final Value

In the final value analysis both the Cost and Sales Comparison Approaches are given consideration. Most weight is placed on the Sales Comparison Approach due to the quantity and quality of evidence available to the appraiser; however, some weight is still placed on the Cost Approach

It is my opinion the **market value of the fee simple estate of the subject property**, as of July 10, 2014, was:

**NINE HUNDRED SEVENTY THOUSAND DOLLARS
(\$970,000)**

The preceding value reflects terms equivalent to cash to the owner, and represents that for real property only. No personal property has been included in this valuation assignment.

The preceding value estimate is based upon the following Extraordinary Assumptions:

- 1. That the subject and adjacent properties are in compliance with all applicable EPA regulations;**
- 2. That the subject excess acreage does not need a second point of ingress/egress;**
- 3. That the subject dwellings are structurally sound, and are not adversely affected by the presence of mold or other environmental issues;**
- 4. That the plumbing, electrical, and HVAC systems in the subject dwellings are in proper working order; and,**
- 5. That the subject land and dwelling sizes are approximately as indicated.**

If any, or all, of these Extraordinary Assumptions prove to be untrue, the preceding value estimate could be influenced.

The reader is referred to additional Assumptions and Limiting Conditions appearing in the Introduction Section of this report.

The estimated exposure time for the subject property is one± year or less. This was determined from an analysis of market conditions and comparable sales.

At the request of the client, the contributory value of each of the subject parts to the market value of the subject whole property is broken down as follows:

2634 Old Wire Rd. Homesite (0.50± AC)	= \$111,500
2648 Old Wire Rd. Homesite (0.75± AC)	= \$218,500
9.7± ACS of Excess Land	= \$640,000

EXPOSURE TIME

Exposure time is the length of time the subject property would have been exposed for sale in the market had it sold at the market value concluded in this analysis as of the date of this valuation.

The exposure times of Land Sales One and Three utilized in the Land Value section were 636± days and 1,264± days, respectively. The exact exposure time for Land Sale Two utilized in the Land Value section is not known. The exposure times of Improved Sales One through Three, and Five Through Seven utilized in the Sales Comparison Approach are 70± days, 72± days, 99± days, 71± days, 164± days, and 66± days, respectively. The exact exposure time for Improved Sale Four utilized in the Sales Comparison Approach is not known. Based on MLS data, the average exposure time for residential land sales in Benton and Washington Counties, greater than 1 acre in size, for the twelve months preceding the effective date of this report was indicated to be 385± days, while the median was indicated to be 184± days; this is based on 328 transactions. Based on MLS data, the average exposure time for single-family residential sales in Fayetteville for the twelve months preceding the effective date of this report was indicated to be 130± days, while the median was indicated to be 97± days; this is based on 1,235 transactions.

As previously discussed in this report, the real estate market in Benton and Washington Counties remains in a correction period, particularly the commercial sector. Slow improvement in economic conditions prolonged the correction period; however, national and local economic conditions have improved over the recent past and continued improvement is expected. This has resulted in significant improvement in the overall residential sector. There have also been some positive signs in the commercial sector (declining vacancy rates and some new development); however, the commercial sector as a whole is still lagging. There is still a significant amount of Other Real Estate Owned (OREO) being held by financial institutions in Northwest Arkansas. The correction period for the commercial sector is expected to last through 2014, and possibly beyond. Exposure times have extended as a result of the correction period.

The subject property is reasonably well located in an area with significant residential and special-purposes uses. The subject's proximity to Gulley Park is also a positive factor with respect to exposure time.

In my opinion, an exposure time of one± year or less is considered applicable to subject whole property.

PART IV-ADDENDA

Property Owner

Name: DUNN, ALLEN L & MARY L

Property Information

Physical Address: N OLD WIRE RD

Mailing Address: 2648 N OLD WIRE RD
FAYETTEVILLE, AR 72703-3771

Subdivision: 36-17-30 FAYETTEVILLE OUTLOTS

Block / Lot:

Type: (AM) - Agri UMisc Imps

S-T-R: 36-17-30

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Size (in Acres): 9.700

Millage Rate: 53.75

Extended Legal: PT W/2 SE PT E/2 SW 9.7 A

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$1,700	\$340	\$340
Building:	\$500	\$100	\$100
Total:	\$2,200	\$440	\$440

Homestead Credit: \$0.00

Status: (N) - No Adj

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land:

Land Use	Size	Units
Pasture(15)	0.300	Acres
Pasture(04)	0.540	Acres
Pasture(13)	4.110	Acres
Pasture(13)	4.750	Acres

Not a Legal Document.

Subject to terms and conditions.

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Parcel: 765-16080-000
Prev. Parcel: 149063-000-00
As of: 6/26/2014

Washington County Report

ID: 53806

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
1/1/1985	93	19847	Warr. Deed	4.40	\$4,000	DUNN, ALLEN L. & MARY L. 2648 OLD WIRE RD	Insufficien t Amount	

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
			N/A		N/A	N/A	N/A	N/A		N/A

Exterior Wall: N/A

Foundation: N/A

Floor Struct: N/A

Floor Cover: N/A

Insulation: N/A

Roof Cover: N/A

Roof Type: N/A

Plumbing: N/A

Fireplace: N/A

Heat / Cool: N/A

Basement: N/A

Basement Area: N/A

Year Remodeled: N/A

Style: N/A

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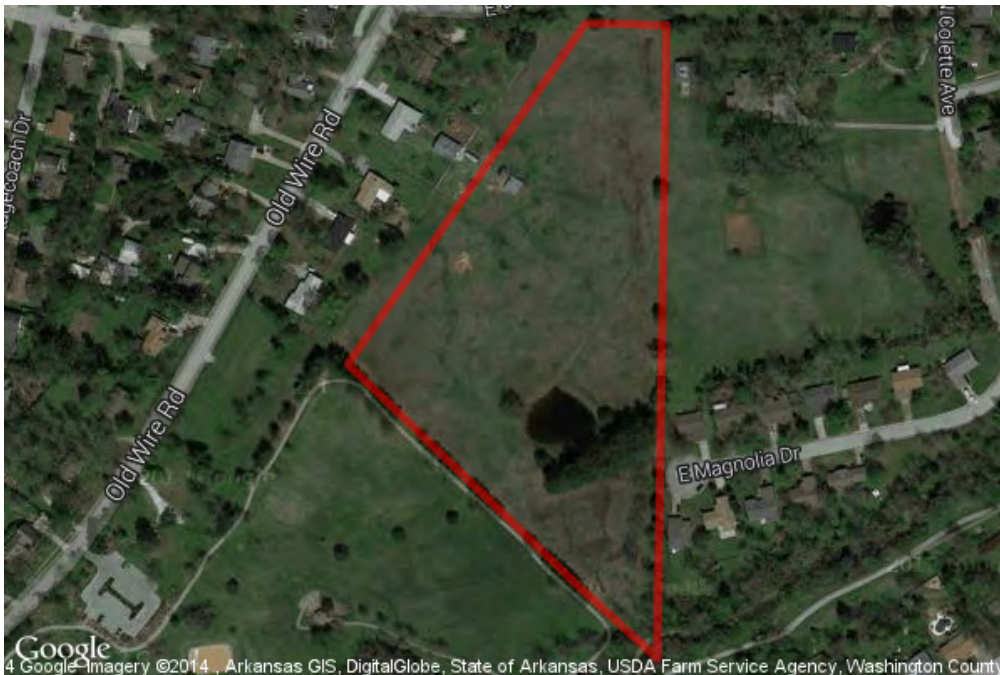
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Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding,frame		7x30			
General Purpose Barn		20x35			

Map:



Parcel: 765-16092-000
Prev. Parcel: 149075-000-00
As of: 6/26/2014

Washington County Report

ID: 53821

Property Owner

Name: DUNN, ALLEN L & MARY L

Property Information

Physical Address: 2648 N OLD WIRE RD

Mailing Address: 2648 N OLD WIRE RD
FAYETTEVILLE, AR 72703-3771

Subdivision: 36-17-30 FAYETTEVILLE OUTLOTS

Block / Lot:

Type: (RI) - Res. Improv.

S-T-R: 36-17-30

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Size (in Acres): 0.000

Millage Rate: 53.75

Extended Legal: PT NE SW .75 A

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$54,000	\$10,800	\$7,680
Building:	\$114,000	\$22,800	\$11,723
Total:	\$168,000	\$33,600	\$19,403

Homestead Credit: \$350.00

Status: (F) - Fixed

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
6/22/1959	526	444	Warr. Deed	0.00	\$0	DUNN, ALLEN L & MARY L		

Not a Legal Document.

Subject to terms and conditions.

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Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Fence, chain link 4'		188	1		
Utility Bldg, Avg, Std Class		30x40	1		2000
Gravel Driveway					
Fence, wood 6'		121			
Driveway, concrete		18x80			
Driveway, concrete		15x16			

Map:



Not a Legal Document.

Subject to terms and conditions.

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Property Owner

Name: DUNN, ALLEN & MARY L

Property Information

Physical Address: 2634 N OLD WIRE RD

Mailing Address: 2634 N OLD WIRE RD
FAYETTEVILLE, AR 72703-3771

Subdivision: 36-17-30 FAYETTEVILLE OUTLOTS

Block / Lot:

Type: (RI) - Res. Improv.

S-T-R: 36-17-30

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Size (in Acres): 0.000

Millage Rate: 53.75

Extended Legal: PT NE SW .50 A

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$42,750	\$8,550	\$8,550
Building:	\$92,950	\$18,590	\$18,590
Total:	\$135,700	\$27,140	\$27,140

Homestead Credit: \$0.00

Note: Tax amounts are estimates only. Contact the
county/parish tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Not a Legal Document.

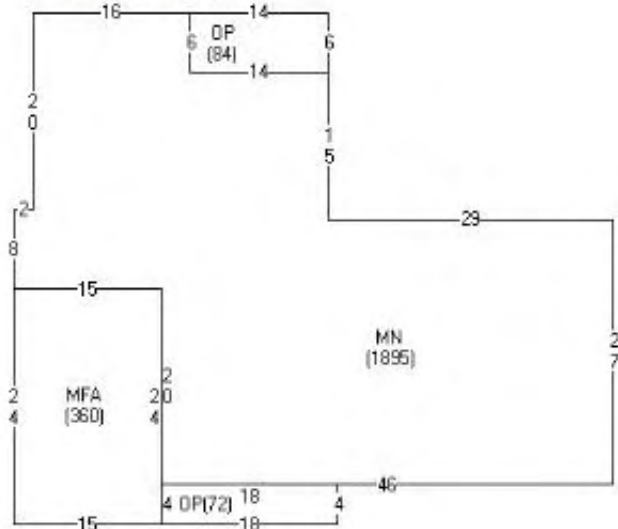
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Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
5/20/1993	93	27263	Warr. Deed	0.00	\$0	DUNN, ALLEN & MARY L. 2634 OLD WIRE RD		
3/29/1993	93	15833	FidDeed	0.00	\$0	DAVENPORT, RICHARD E.		
2/16/1993	93	20041		0.00	\$0	DUNN, ALLEN		
6/30/1992	92	33142	Warr. Deed	0.00	\$0	HENDRICKS, BERTHA E. TRUSTEE OF BERTHA E. HENDRICKS TRUST		
1/1/1985	622	135		0.00	\$0	HENDRICKS, GLENN G. & BERTHA E.		

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Masonry Veneer	1895	0	1895	4+5	1963	47	Average	N/A

Style: N/A



Page 2

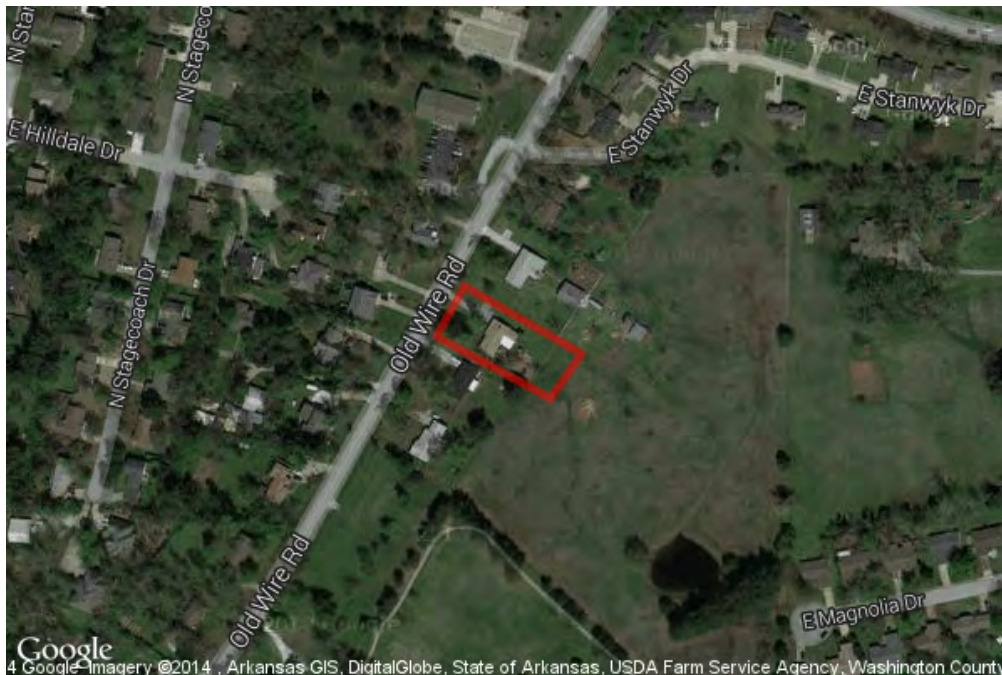
Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1895
B	MFA	Garage - masonry finished, att	360
C	OP	Porch, open	84
D	OP	Porch, open	72

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Asphalt Driveway		16x17	1		
Asphalt Driveway		12x104	1		
Fence, chain link 4'		251	1		
Well House		4x4			

Map:



Not a Legal Document.

Subject to terms and conditions.

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WARRANTY DEED

with relinquishment of dower and homestead

KNOW ALL MEN BY THESE PRESENTS:

That we, Fred Gulley and Floy Gulley, husband and wife

for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to ~~xxx~~ us in hand paid by Allen Dunn and Mary L. Dunn, husband and wife

do hereby grant, bargain and sell unto the said Allen Dunn and Mary L. Dunn, husband and wife, and unto their

heirs and assigns, the following described land, situate in Washington County, State of Arkansas, to-wit:

Part of the East half of the Southwest Quarter and part of the West half of the Southeast Quarter of Section 36, in Township 17 North, of Range 30 West, described as follows: Beginning at a point 1485 feet East and 805 1/3 feet North of the South West corner of the Southeast Quarter of the Southwest Quarter, and running thence North 0°10' East 1185.2 feet; thence North 89° West 220 feet; thence South 33°36' West 486.6 feet; thence South 42°6' West 127.6 feet; thence South 30°11' West 124 feet; thence South 47° East 861.6 feet to the point of beginning, containing 9.7 acres, more or less.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Allen Dunn and Mary L. Dunn, husband and wife, and unto their heirs and assigns, forever. And we, the said Fred Gulley and Floy Gulley, husband and wife hereby covenant that we are lawfully seized of said land and premises; that the same is unincumbered, and we will forever warrant and defend the title to the said lands against all legal claims whatever.

And I, the said Floy Gulley wife of Fred Gulley

in consideration of said sum of money, do hereby release and relinquish unto the said Allen Dunn and Mary L. Dunn, husband and wife all my interest, right, title and dower and convey my homestead in and to said lands.

WITNESS our hands and seals on this 27 day of April 1973.

Fred Gulley [Seal]
Floy Gulley [Seal]
[Seal]

ACKNOWLEDGMENT

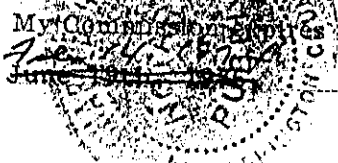
STATE OF ARKANSAS

County of Washington

ss.

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Fred Gulley and Floy Gulley, husband and wife to me well known as the Grantor in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

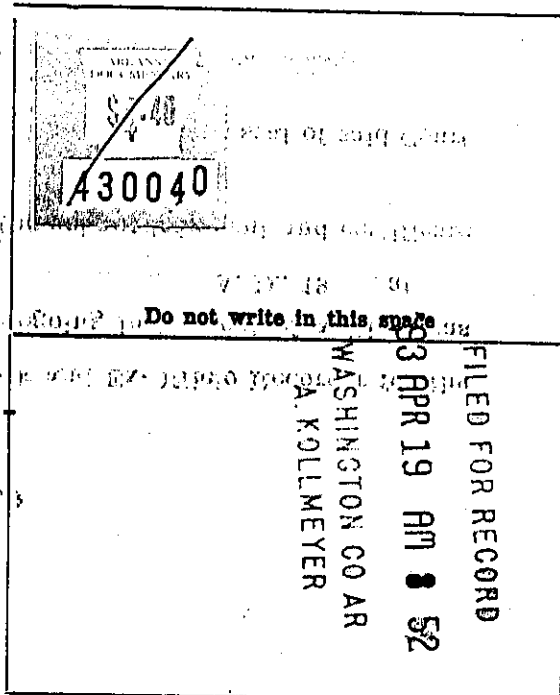
Witness my hand and seal as such Notary Public this 27 day of April 1973.



GREER ABSTRACT COMPANY

15 EAST MEADOW STREET

93 19847



WARRANTY DEED 526

with relinquishment of dower and homestead

KNOW ALL MEN BY THESE PRESENTS:

That we, Fred Gulley
and Floy Gulley, his wife

for and in consideration of the sum of One Dollar and other
valuable considerations
to us in hand paid by Allen L. Dunn and Mary L.
Dunn, husband and wife,

do hereby grant, bargain and sell unto the said Allen L. Dunn and
Mary L. Dunn, husband and wife, and unto their

heirs and assigns, the following described land, situate in
Washington County, State of Arkansas, to-wit:

Part of the Northeast quarter of the Southwest quarter of Section thirty six (36) in Township
seventeen (17) North of Range thirty (30) West, described as follows: Beginning two hundred
forty five and one-tenth (245.1) feet West and four hundred ninety one (491) feet North of
the South East corner of said forty acre tract, thence South 12°08'11" West fifty-nine and seven
tenths (59.7) feet for a place of beginning, and running, thence North 87°37'15" West one hundred
ninety eight and eighty five hundredths (198.85) feet, more or less, to East line of Old Wire
Road; thence South 28°55'19" West one and eight-tenths (1.8) feet with East right of way line
of said road; thence South 60°58'19" East two hundred five and seventy five hundredths (205.75)
feet; thence North 12°08'11" East ninety five and three-tenths (95.3) feet to the place of
beginning.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said
Allen L. Dunn and Mary L. Dunn, husband and wife, and unto their
heirs and assigns, forever. And we, the said grantors,

hereby covenant that we are lawfully seized of said land and premises; that the same is unincumbered, and we
will forever warrant and defend the title to the said lands against all legal claims whatever.

And I, the said Floy Gulley wife of Fred Gulley

in consideration of said sum of money, do hereby release and relinquish unto the said Allen L. Dunn and
Mary L. Dunn, husband and wife,
all my interest, right, title and dower and convey my homestead in and to said lands.

WITNESS our hands and seal s on this 22nd. day of June, 1959.

Fred Gulley [Seal]
Floy Gulley [Seal]
[Seal]

ACKNOWLEDGMENT

STATE OF ARKANSAS }
County of Washington } ss.

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public
within and for the County aforesaid, duly commissioned and act-
ing, Fred Gulley and Floy Gulley, husband and wife,
to me well known as the Grantors in the foregoing Deed, and stated that they
had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 22nd. day of
June, A.D. 1959.

My Commission expires
February 14, 1962.

Richard B. Keen
Notary Public.

WARRANTY DEED

MARRIED PERSON CONVEYING SOLE OWNERSHIP
WITH SPOUSE'S RELINQUISHMENT OF ALL
RIGHTS AND INTERESTS

KNOW ALL MEN BY THESE PRESENTS:

That I, Allen Dunn

hereinafter called Grantor, for and in consideration of the sum of
One Dollar (\$1.00) and other good and valuable consideration to me
in hand paid by

Allen Dunn and Mary L. Dunn,
husband and wife

hereinafter called Grantee, do hereby grant, bargain and sell unto the
said Grantee and Grantee's heirs and assigns, the following described
land, situate in

Washington County, State of Arkansas, to-wit:

Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-six
(36) in Township Seventeen (17) North of Range Thirty (30) West, beginning two hundred
forty-five and one-tenth (245.1) feet West and four hundred ninety-one (491) feet North
of the Southeast corner of said forty (40) acre tract, and running, thence South 12
degrees 8'11" West one hundred fifty-five (155) feet for a point of beginning to the
lands herein described, and running, thence North 60 degrees 58'19" West two hundred
five and seventy-five hundredths (205.75) feet, more or less to the East right of way
line of the Old Wire Road; thence South 28 degrees 65'11" West with said East line one
hundred (100) feet; thence South 60 degrees 58'19" East two hundred (200) feet; thence
Northeasterly one hundred (100) feet to the point of beginning.

Subject to easements, rights-of-way and restrictive covenants, if any.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's
heirs and assigns, forever. And I, the said Grantor, hereby covenant that I am lawfully seized of said land and premises,
that the same is unincumbered, and that I will forever warrant and defend the title to the said lands against all legal claims
whatever.

And I, the said Grantor, hereby release and relinquish unto the said Grantee my dower/curtesy and homestead in and to
said lands.

I, Mary L. Dunn, spouse of said Grantor, do hereby release and
relinquish unto the said Grantee my dower/curtesy and homestead in and to said lands and quitclaim unto said Grantee any
interest, right and title I may have therein.

WITNESS our hands and seals on this 20th day of May, 19 93
THIS INSTRUMENT PREPARED BY:

I certify a true and correct copy of this
instrument has been filed for record in the
proper office of the County Clerk of
Washington County, Arkansas.

Grantee Squire

Address Allen Dunn

Allen Dunn (Seal)

Mary L. Dunn (Seal)

Mary L. Dunn

ACKNOWLEDGMENT

STATE OF ARKANSAS : ss
County of Washington

On this 20th day of May, 19 93 before me, a notary public, personally appeared

Allen Dunn

and Mary L. Dunn

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and
acknowledged that they had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires

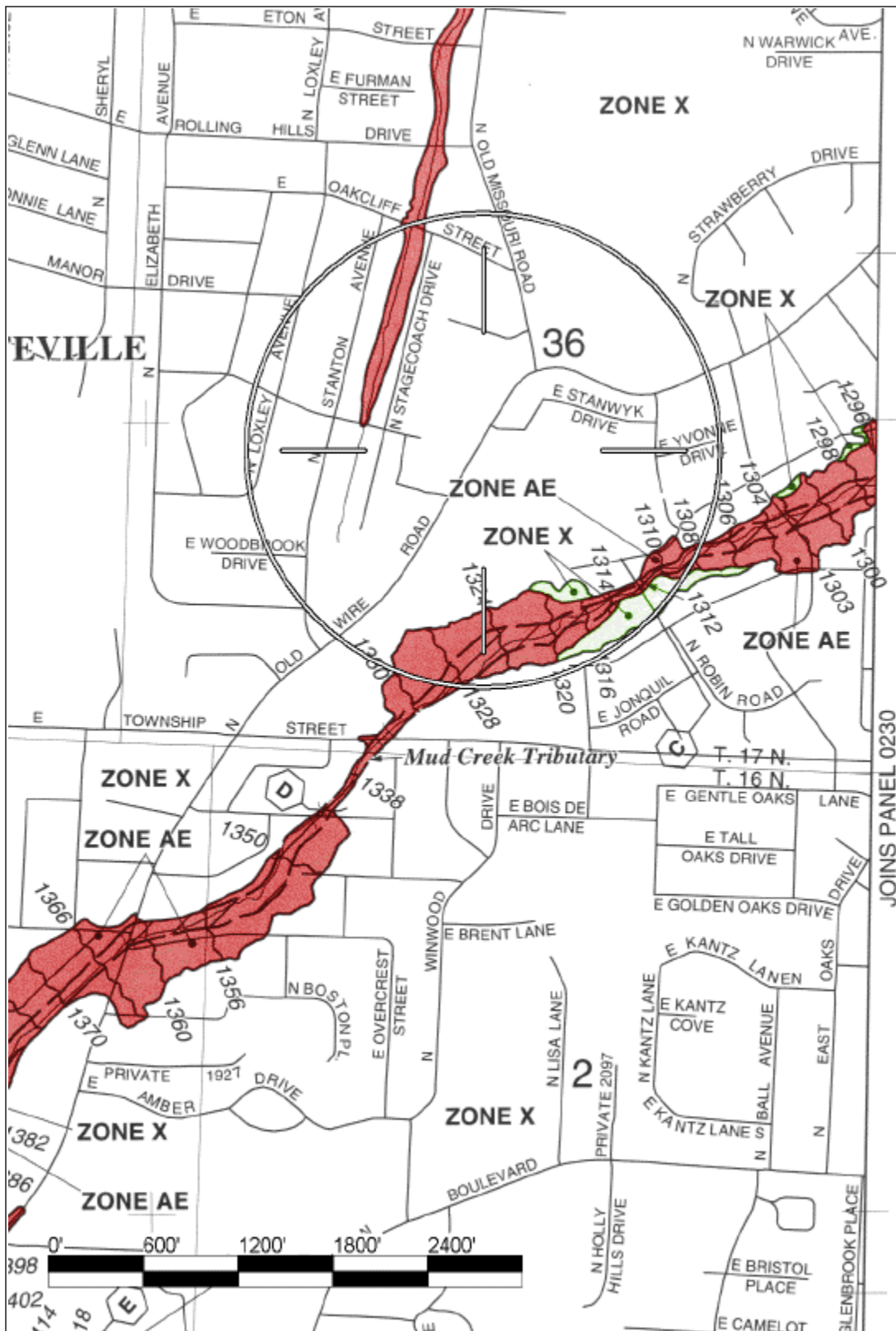
OFFICIAL SEAL
CHERYL THOMAS MILLER
NOTARY PUBLIC - ARKANSAS
WASHINGTON COUNTY

Notary Public

93 27263



2648 N Old Wire Rd, Fayetteville, Arkansas, 72703



FLOODSCAPE™

Flood Hazards Map

Map Number
05143C0210F

Effective Date
May 16, 2008

Flood Legend

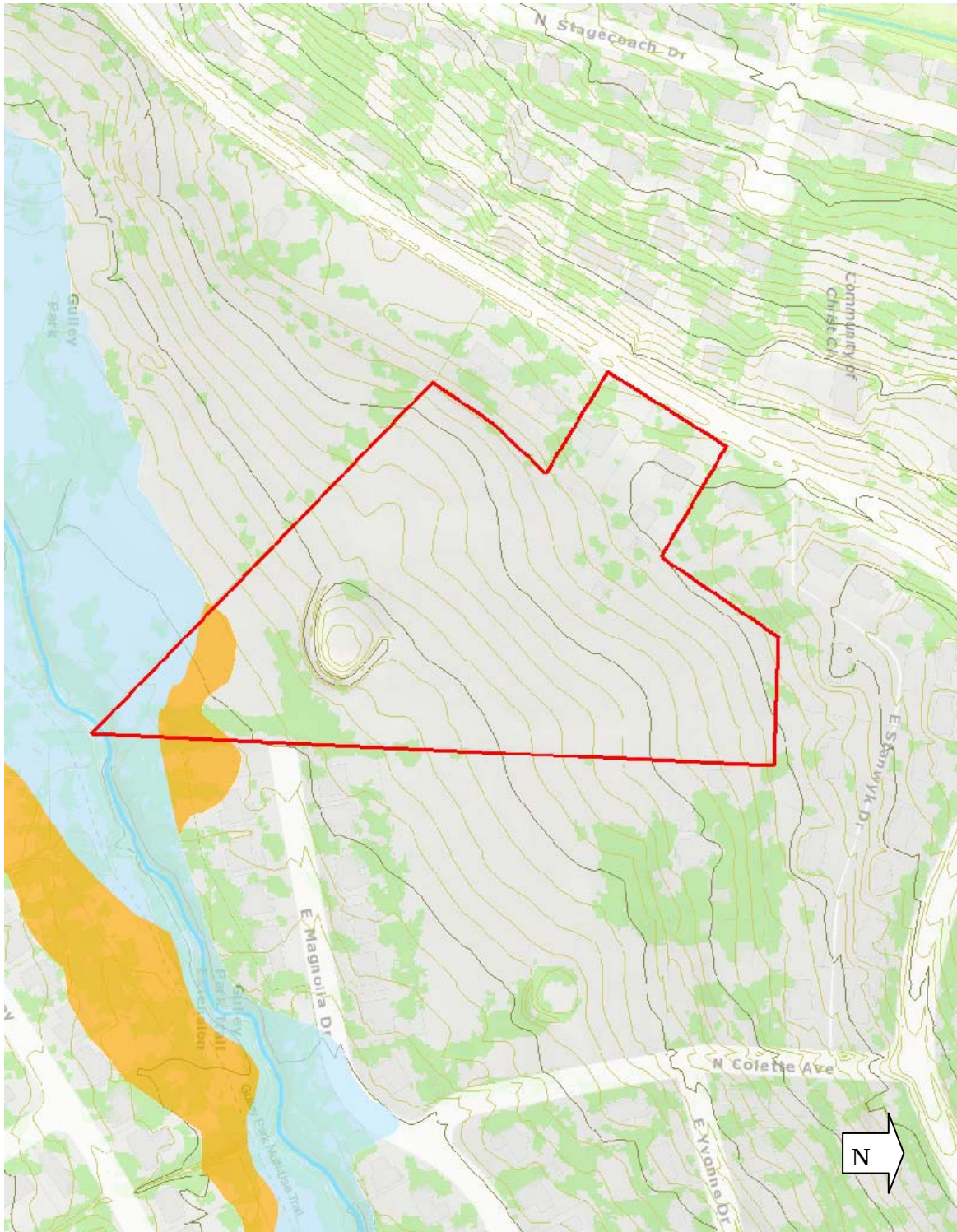
- High flood risk
 - Moderate flood risk
 - Low flood risk

This report makes no representations or warranties concerning its content, accuracy or completeness.

STDBonline.com
469.574.1234

Powered by FloodSource
877.77.FLOOD
www.floodsource.com

TOPOGRAPHY MAP



Irwin Partners 3739 N. Steele Blvd. Ste 220 Fayetteville, AR 72703 Phone: 479-444-9111 Fax: 479-444-9112	Tom Reed ML # 704776 Current House	07/03/14 List \$1,200,000
---	---	-------------------------------------

2648 OLD WIRE RD N FAYETTEVILLE	AR 72703	RESIDENTIAL
--	-----------------	--------------------

INTERNAL INFORMATION List Agt: David Mix 479-521-5600 List Ofc: Bassett Mix & Associates Ofc/Agt: 479-521-5600 479-841-7377 Agt Fax: 479-521-5698 Co-Agt: Agt Email: david@bassettmix.com Owner: Finance Terms: Appr Name: Lkbx:				Type: Ranch New Constr: Bedrms: 3 Total Baths: 2 Apx Heat SqFt /-: 1567 Full Baths: 1 1/2 Baths: 1 Levels: 1 SqFt Source: COURT Rooms: 7 School Dist: Fay-Ville Tubs/Shwr: Combo: 1 Tubs/Shwr: Age: Apx Yr Bt: 1959 Disabled Access: N Driveway: CONC GRVL Garage/Cpt: 2/Attached Garage	
Virtual Tour: Showing List Agent Present APP CALL NOKEY Inst: Call to Show: List \$/HtSqFt: \$765.80 Sold \$/HtSqFt: Commissions/Fees Agency: ER Buyer Agent Fee: 2.7 Variable: N Contingency: List Date: 04/21/14 Pend Date: Wdrwn Date: Exp Date: Days Pending: DOM: 73 Subject To: NOT APPL		Taxes: 2100 Assmnt: Transfer Fee: Assmnt Yr: Monthly Fee: Mill Rate: Parcel ID: 765-16080-000		Liv Rm: 21.5X11 Mstr Bd: 11.5X11.5 Frml Bdrm 2: 11.5X10.5 Kitchen: 25X11 Bdrm 3: 11.5X9.5 Fam Rm: 15X14 Bdrm 4: Bonus: Bdrm 5: Oth Rm: Util Rm: 11X6 Main Level: LR KT MB 2B 3B DN UT FB 2nd Level: 3rd Level: Bsmt Level: Spcl Rms:	
County: Washington Subdv: FAYETTEVILLE OUTLOTS Acres: 10.950 Lot: Flood Zn: N Block: Covenant: N Zoning: AGR Lot Dim: IRREGULAR Lndscp: Discsure: Y Lot Loc: HSPL SCHL BSNS Lot Desc: CLR OPEN LEV VIEW Legal: PT W/2 SE PT E/2 36-17-30		Make: Appv: Model #: Anchor: Serial #: Pk Name:			
Amenities: ATCSTR BLNDS CELFAN WDCONN Appliances: REF ELEC OVEN MW DISH Equipment: GDOPE Hnd Amen: Com Amer: PARK PLYGD Wter/Lke: NA		Assoc. Fees Incl: Golf Course: Pool Type:		Pool Y/N: N Aso/POA Fee: Aso/POA Paid:	
Air: 1/ ELEC Exterior: BRK FRM Fencing: BACK CHNLNK Fireplace: 1/ FAM GLOG Floor: CER CRPT WOOD Foundation: CRWLSP Exclusions:		Heat Sys: 1/ CEN GAS Patio: 1PAT COV Roads: PUB Utilities: ELEC SEWAV TEL WATPU Wtr Htr: 1/GAS Windows: VNYL 2P Workshop: DET		Elem Sch: Mid Sch: High Sch: Det. Bldg: Storm Shelter:	
Public Remarks: THIS IS ONE OF THE BEST PARCELS OF LAND LEFT IN THE CITY OF FAYETTEVILLE ADJOINING GULLEY PARK. TOTAL IS 10.95 ACRES WITH ACCESS TO ALL UTILITIES AND 2 STREET FOR ACCESS. MAGNOLIA & OLD WIRE ROAD. PROPERTY INCLUDES 2 HOUSES AND A 38X30 SHOP WITH CONCRETE FLOORS, WATER AND ELECTRIC. 2 HOUSES ZONED RESIDENTIAL AND ADJOINING LAND IS ZONED AGRI. ABSOLUTELY THE BEST PROPOERTY FOR A FANTASTIC SUBDIVISION.					
MLS Remarks: 2 HOUSES ZONED RESIDENTIAL AND ADJOINING LAND IS ZONED AGRI. ABSOLUTELY THE BEST PROPOERTY FOR A FANTASTIC SUBDIVISION.					
Directions: MISSION TURN NORTH ON OLD WIRE OR OLD MISSOURI. TURN SOUTH ON OLD WIRE ROAD.					
Selling Office: Selling ID:		Selling Office Name: Selling Agent Name: Buyer:			

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Information deemed reliable but not guaranteed.

07/03/2014

9:30 AM

David Mix

From: David Mix <david@bassettmix.com>
Sent: Thursday, June 26, 2014 12:45 PM
To: Edmonston, Connie (cedmonston@fayetteville-ar.gov)
Subject: FW: Message from "RNP0026732E7288"
Attachments: 20140626120247942.pdf

Connie,

Attached please find a amortization schedule pertaining to the property that is owned by Mrs. Dunn on Old Wire Road here in Fayetteville.

They have decided to offer to the City of Fayetteville the following proposal.

Purchase price \$1.1 million

Down Payment of \$450,000.00

They will carry at 4% interest a loan to be paid out over a 5 year period in the amount of \$650,000.00.

They will consider monthly or yearly payments.

Please see the amortization chart with the terms as described.

Mrs. Dunn has an offer on the table from 3 local developers but she is waiting to see the response from the city. I am ethically bound to tell you that there is an offer. So this is not a sales ploy, but the truth to the matter. Their wish is for it to go to the City for the park. We need a quick response if this is even anything the City will respond to. She and the family are open to discussions on the proposal.

Thank you and you may call me any time. I would appreciate it if you would run all correspondence through me as the Dunn's are a little worn out with all the people that have been contacting them about the property.

You can reach me any time at 479-841-7377

Thank you sincerely,

David Mix
Broker/Owner
Bassett Mix and Assoc.

-----Original Message-----

From: David Mix [<mailto:david@bassettmix.com>]
Sent: Thursday, June 26, 2014 11:03 AM
To: David Mix
Subject: Message from "RNP0026732E7288"

This E-mail was sent from "RNP0026732E7288" (Aficio MP C5501).

Scan Date: 06.26.2014 12:02:47 (-0400)

Queries to: lanier@bassettmix.com



Arvest Personal Banking

How much will my fixed rate mortgage payment be?

This calculator computes the payments (principal and interest) for a fixed rate loan, using monthly interest compounding and monthly payments.

Home price	\$1,100,000.	
Down payment	\$450,000.00	☐ % ☒ \$
Loan term	5	☐ Months ☒ Years
Interest rate	4.000 %	

☒ Show payment schedule

Your payment will be \$11,970.74.

Financial Details

Home price	\$1,100,000.00
Down payment	\$450,000.00
Total amount financed	\$650,000.00
Payment amount	\$11,970.74
Total payments	\$718,244.36
Interest rate	4.000 %
Interest compounding	Monthly
Total finance charge	\$68,244.36

Payment Summary

Event	Amount	Term	Period
Loan	\$650,000.00	1	
Payment	\$11,970.74	59	Monthly
Payment	\$11,970.70	1	

Payment 31	\$11,970.74	\$1,137.37	\$10,833.37	\$330,376.14
Payment 32	\$11,970.74	\$1,101.25	\$10,869.49	\$319,506.65
Payment 33	\$11,970.74	\$1,065.02	\$10,905.72	\$308,600.93
Payment 34	\$11,970.74	\$1,028.67	\$10,942.07	\$297,658.86
Payment 35	\$11,970.74	\$992.20	\$10,978.54	\$286,680.32
Payment 36	\$11,970.74	\$955.60	\$11,015.14	\$275,665.18
Payment 37	\$11,970.74	\$918.88	\$11,051.86	\$264,613.32
Payment 38	\$11,970.74	\$882.04	\$11,088.70	\$253,524.62
Payment 39	\$11,970.74	\$845.08	\$11,125.66	\$242,398.96
Payment 40	\$11,970.74	\$808.00	\$11,162.74	\$231,236.22
Payment 41	\$11,970.74	\$770.79	\$11,199.95	\$220,036.27
Payment 42	\$11,970.74	\$733.45	\$11,237.29	\$208,798.98
Payment 43	\$11,970.74	\$696.00	\$11,274.74	\$197,524.24
Payment 44	\$11,970.74	\$658.41	\$11,312.33	\$186,211.91
Payment 45	\$11,970.74	\$620.71	\$11,350.03	\$174,861.88
Payment 46	\$11,970.74	\$582.87	\$11,387.87	\$163,474.01
Payment 47	\$11,970.74	\$544.91	\$11,425.83	\$152,048.18
Payment 48	\$11,970.74	\$506.83	\$11,463.91	\$140,584.27
Payment 49	\$11,970.74	\$468.61	\$11,502.13	\$129,082.14
Payment 50	\$11,970.74	\$430.27	\$11,540.47	\$117,541.67
Payment 51	\$11,970.74	\$391.81	\$11,578.93	\$105,962.74
Payment 52	\$11,970.74	\$353.21	\$11,617.53	\$94,345.21
Payment 53	\$11,970.74	\$314.48	\$11,656.26	\$82,688.95
Payment 54	\$11,970.74	\$275.63	\$11,695.11	\$70,993.84
Payment 55	\$11,970.74	\$236.65	\$11,734.09	\$59,259.75
Payment 56	\$11,970.74	\$197.53	\$11,773.21	\$47,486.54
Payment 57	\$11,970.74	\$158.29	\$11,812.45	\$35,674.09
Payment 58	\$11,970.74	\$118.91	\$11,851.83	\$23,822.26
Payment 59	\$11,970.74	\$79.41	\$11,891.33	\$11,930.93
Payment 60	\$11,970.70	\$39.77	\$11,930.93	\$0.00

Grand Total \$650,000.00 \$718,244.36 \$68,244.36 \$650,000.00 \$0.00

This amortization schedule is powered by: ©TimeValue Software

Irwin Partners
3739 N. Steele Blvd. Ste 220
Fayetteville, AR72703
Phone: 479-444-9111 Fax: 479-444-9112

Tom Reed
ML# 699818
Current

07/16/14
List \$3,900,000

2900 OLD MISSOURI RD FAYETTEVILLE

AR 72703

Land

INTERNAL INFORMATION

List Agt: Mitch Weigel 479-443-1313
List Ofc: Downtown Properties Real Estate Group
Ofc/Agt: 479-443-1313 479-466-2369
Co Agt:

Agt Fax: **479-527-7128**

Agt Email: mitch@dpreg.com

Owner:

Finance Terms:

Appraiser:

Showing Instructions:

Call to Show:

LP/Acre: \$77627.389

SP/Acre:

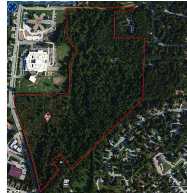
Subject To: NOT APPL

Commissions/Fees Agency: ER

Buyer Agent Fee: 2.5 Variable: N

Contingency:

Virtual Tour:



SubType: RESD DEVPTNL

Location:

Description: NO

School Dist: Fay-Ville

Elementary School:

Middle School:

High School:

Taxes: 3,900

Assmnt:

Assmnt Yr:

Mill Rate:

Disclosure: Y

Mobile Hm Allowed: N

Covenants:

Flood Zn: N

Zoning: RES

Parcel ID:

County: Washington Lot: 0 Block: 0 Subdivision: 36-17-30 Fayetteville Ou

Legal: PT W/2 NE & PT SE NW 52.24A

Acres: 50.240 Lot Dim: Irregular

Surveyed: Y Fronttg:

Lot Desc: LEV SLP

Aso/POA Fee:

Exclusions:

Aso/POA Paid

Financing:

Assoc. Fees Incl:

Electric:

Lake/Property:

Gas:

Water/Sewer: STRTSWR

TV HkUp:

Ponds:

Roads: PUB PAVE

Streams:

Topography: **LEV SLP PTWOOD**

Minerals:

Fencing: PART WIRE

Public Remarks: 50 +/- acres located in north Fayetteville currently zoned RSF4. Prime undeveloped residential acreage adjacent to Butterfield Elementary School, with convenient transportation corridors and access to utilities. Exact parcel size will be determined by two splits required to separate existing structures from the property. Preliminary S/D concept layouts indicate the "potential" for between 135 and 159 lots at the properties current RSF4 zoning. Seller will consider offers on smaller parcels. 1

MLS Remarks: Parcel offered is subject to lot splits within the city of Fayetteville to separate existing structures from the property. I currently have concept designs for RSF2, RSF4 and RSF7 zoning prepared by McClelland Engineering.

Directions: From Joyce in Fayetteville, south on Old Missouri, or from College Ave (Hwy 71) east on Rolling Hills to Old Missouri Rd.

Sell Ofc:

Selling Office Name:

Sell Agt:

Selling Agent Name:

Buyer Name:

Irwin Partners
3739 N. Steele Blvd. Ste 220
Fayetteville, AR72703
Phone: 479-444-9111 Fax: 479-444-9112

Tom Reed
ML# 711541
Current
07/16/14
List \$400,000

2911 OLD WIRE RD N FAYETTEVILLE

AR 72703

Land

INTERNAL INFORMATION

List Agt: Gina Lyle-Bailey 479-846-2222
List Ofc: Legend Realty
Ofc/Agt: 479-267-5911 479-263-1739
Co Agt:

Agt Fax: **479-267-5912**

Agt Email: ginalyle42@yahoo.com

Owner:

Finance Terms:

Appraiser:

Showing Instructions: Apmt Only LBSUP

Call to Show:

LP/Acre: \$74515.648

Subject To: NOT APPL

Commissions/Fees Agency: ER

Buyer Agent Fee: 3 Variable: N

Contingency:

Virtual Tour:



SP/Acre:

List Date: 07/10/14

Pend Date:

Wdrwn Date:

Exp Date:

Days Pending:

DOM: 6

SubType: RESD

Location:

Description: NO

School Dist: Fay-Ville

Elementary School:

Middle School:

High School:

Taxes: 620

Assmnt:

Assmnt Yr:

Mill Rate:

Disclosure: Y

Mobile Hm Allowed: N

Covenants:

Flood Zn:

Zoning:

Parcel ID: 765-16035-000

County: Washington

Lot: 0

Block: 0

Subdivision

FAYETTEVILLE OUTLOTS

Legal: PT NE NE 2.368 A, PT SE NE 3 AC

Acres: 5.368

Lot Dim: 5.368 AC

Surveyed:

Frontg:

Lot Desc: NSUBDV SEC

Aso/POA Fee:

Exclusions:

Aso/POA Paid

Financing:

Assoc. Fees Incl:

Electric: ONSITE

Gas: ONSITE

Water/Sewer: SITEWTR EXSTSPTC

TV HkUp:

Roads: PUB

Topography: **OPEN PTWOOD**

Lake/Property:

Ponds: NO

Streams:

Minerals: UNK

Fencing: NO

Public Remarks: Small house on property (no value), 32x44 garage/shop, barn. Shop is in good condition with steel beams & concrete floors. House is in need of repairs. Current appraisal. Great place to build a home. See MLS 711509

MLS Remarks: Make appointment to show. Seller is related to agent.

Directions: From I-49, go 71B (College) to Rolling Hills, turn left, go to Old Missouri & turn left onto Old Wire Rd. property on the left past Oak Bailey.

Sell Ofc:

Selling Office Name:

Sell Agt:

Selling Agent Name:

Buyer Name:



Katie Hampton <katie.hampton85@gmail.com>

FW: Gulley Park Expansion Project

Tom Reed <TReed@reedappraisal.biz>
To: katie.hampton85@gmail.com

Thu, Jul 3, 2014 at 12:45 PM

From: Edmonston, Connie [mailto:cedmonston@fayetteville-ar.gov]
Sent: Thursday, July 03, 2014 12:15 PM
To: Tom Reed
Cc: Tom Reed; Bearden, Alan; Spann, Alan
Subject: Re: Gulley Park Expansion Project

David Mix requested that you call him when you need to get on the property so he can notify the Dunn Family. David's cell is 841-7377. Thank you.

Sent from my iPad

On Jul 3, 2014, at 11:46 AM, "Spann, Alan" <aspann@fayetteville-ar.gov> wrote:

Mr. Reed,

My name is Alan Spann and I am writing to you on behalf of Connie Edmonston. The City would like for your company to proceed with the appraisal of the property adjacent to Gulley Park, according to the details in the email exchange between yourself and Connie. Within the appraisal, we would like for each home and corresponding lot to be valued separately from the open acreage. We have created **P.O. # 14-303** for \$3,500 for the appraisal by Reed & Associates.

Thanks very much and let me know if you have any questions or concerns.

Alan Spann

Recreation Superintendent

City of Fayetteville, Arkansas

T 479.444.3471 | F 479.521.7714

Website | Facebook | Twitter | Instagram | YouTube



Katie Hampton <katie.hampton85@gmail.com>

FW: Gulley Park Expansion Project

Tom Reed <TReed@reedappraisal.biz>
To: katie.hampton85@gmail.com

Thu, Jul 3, 2014 at 11:01 AM

From: Edmonston, Connie [mailto:cedmonston@fayetteville-ar.gov]
Sent: Thursday, July 03, 2014 9:46 AM
To: Tom Reed
Subject: RE: Gulley Park Expansion Project

Thank you Tom. I am waiting to hear back from the Dunn family if they will not sell the property until the City receives the appraisal and makes an offer on the property.

From: Tom Reed [mailto:TReed@reedappraisal.biz]
Sent: Thursday, July 03, 2014 9:33 AM
To: Edmonston, Connie
Subject: Gulley Park Expansion Project

Connie,

We will complete the appraisal in connection with the above captioned project by 1:00 P.M. on Friday, July 18th. Our fee will be \$3,500. I originally told you we accept credit cards for payment, but forgot we discontinued this a short time ago.

Thank-you,

TOM REED, MAI, CRE

Reed and Associates, Inc.

One Steele Plaza

3739 N. Steele Boulevard, Suite 220

Fayetteville, AR 72703

7/3/2014

Gmail - FW: Gulley Park Expansion Project

Email: *treed@reedappraisal.biz*

Phone: 479-521-6313 Ext. 102

Fax: 479-521-6315

RESOLUTION NO. 157-14

A RESOLUTION TO APPROVE THE ATTACHED OFFER AND ACCEPTANCE CONTRACT IN WHICH THE CITY AGREES TO PURCHASE ABOUT 11 ACRES OF LAND INCLUDING TWO HOUSES AND ANY OUTBUILDINGS FROM MARY L. DUNN FOR THE AMOUNT OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00), TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS FOR THIS PURCHASE AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT

WHEREAS, Mayor Jordan has signed the attached Offer and Acceptance Contract which is expressly contingent upon approval of the City Council; and

WHEREAS, the owner, Mary L. Dunn has also signed the attached Offer and Acceptance Contract.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and agrees to the attached Offer and Acceptance Contract in the amount of One Million One Hundred Thousand Dollars (\$1,100,000.00) to be paid as specified therein to Mary L. Dunn for the purchase of her property (about 11 acres) and authorizes Mayor Jordan to sign all necessary documents to carry out this purchase including a contract with the Fayetteville Natural Heritage Association, Inc.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment for this purchase.

PASSED and APPROVED this 19th day of August, 2014.

APPROVED:

ATTEST:

By:


LIONEL JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer





CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 19, 2014

TO: Mayor and City Council

THRU: Justin Tenant, City Council Alderman, Ward 3, Position 1
Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director

FROM: Alison Jumper, Park Planning Superintendent

DATE: August 8, 2014

SUBJECT: Approval to Purchase approximately 10.95 acres of land adjacent to Gulley Park

RECOMMENDATION:

Approval of the purchase of approximately 10.95 acres of land including two single family residences adjacent to Gulley Park for \$1,100,000.

BACKGROUND:

Gulley Park is a 27 acre community park that was created in 1988 when the Fred Gulley family sold the land to the City of Fayetteville. Its walking trail, playgrounds, pavilion and open space are very highly used by citizens city wide. Fayetteville is fortunate to have many parks, however Gulley is one of the few parks that still retains a somewhat pastoral atmosphere due to the nature of the land, open, non-programmed usable green space. As many are aware, people do not have to be actively engaged in any particular outdoor sport or recreation activity to reap the benefits of being in nature. Often it just takes 'being' in nature to reset. The addition of the land to the north is a natural expansion of what the City currently provides and will preserve that pastoral setting to which people appear to flock.

Gulley Park is one of the City's most popular parks. It is home to the Gulley Park Concert Series, which has completed its 18th consecutive year. The concerts draw an average crowd of 1,000 people per show. In 2013, citizens reserved the Gulley Park pavilions over 400 times. In additions, many events are held at Gulley Park such as the annual Dogwood Walk, Cow Paddy Run and our own drama camp.

The property adjacent to the park has been offered for sale. A group of citizens formed the Friends of Gulley Park group in support of purchasing the property and they are currently raising funds to assist in the purchase. An offer and acceptance contract has been signed by the seller (attached).

DISCUSSION:

The City of Fayetteville solicited bids to conduct an appraisal of the land. Reed and Associates, Inc. was the low bid. According to the attached appraisal, the land and two homes are worth \$970,000. Staff is requesting approval to make an offer to purchase the land and two residences

for \$1,100,000 The offer includes an initial payment of \$700,000, a second payment \$270,000 to be made on February 1, 2016 and a final payment of \$130,000 on February 1, 2017.

The Fayetteville Natural Heritage Association (FNHA) has committed to raise \$130,000 above the appraised value. The efforts of the "Friends of Gulley Park" group have already raised a substantial amount of the \$130,000 to go towards FNHA's commitment.

The opportunity to preserve greenspace in the center of the city does not present itself often. This property acquisition would add important land to the City's parks system, improving upon our Green Infrastructure. A public meeting will be held at some point in the future to determine the citizen's desires for development of the approximate 9.7 acres addition to Gulley Park. A master plan will be designed and presented to the public and Parks and Recreation Advisory Board for approval.

BUDGET/STAFF IMPACT:

Funding for the purchase would come from the Parks Development Funds proposed in 2015 of the Capital Improvement Plan (\$700,000), and 2016 (\$270,000). The original proposal for the 2015 capital project included the renovation of the trail, lighting, and additional parking at Gulley Park. These Gulley Park improvements would be delayed until the next five year Capital Improvement Plan.

The current proposed 2016 capital project is to make improvements at Wilson Park to the rock house, restroom, basketball court and playground. If the purchase of the land adjacent to Gulley is approved, it is anticipated that the two lots with homes fronting Old Wire Road would be sold. The revenue from the sale of these houses will go towards the second payment of \$270,000 in 2016 and will help replenish the funding planned for the improvements to Wilson Park.

This land purchase would increase maintenance costs minimally as it will be incorporated into the existing maintenance plan for Gulley Park.

Attachments:

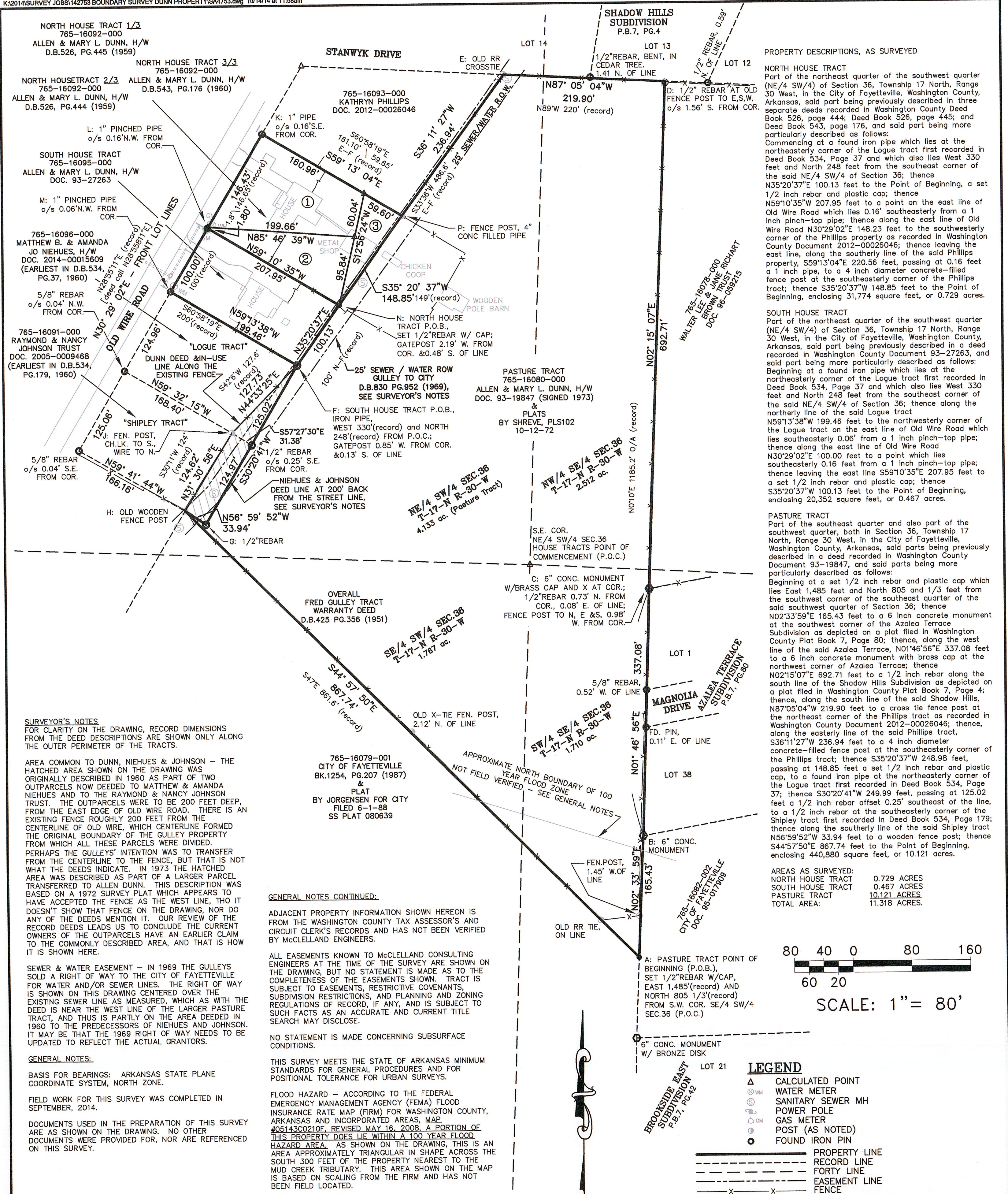
Offer and Acceptance Contract
Letter of Commitment from FNHA
Appraisal
Staff Review Form

TO: Connie Edmonston, Parks & Recreation Director
THRU: Don Marr, Chief of Staff
FROM: Connie Edmonston, Parks & Recreation Director
DATE: August 11, 2014
SUBJECT: Change of CIP if Gulley Park Land Expansion Purchase is approved

RECOMMENDATION:

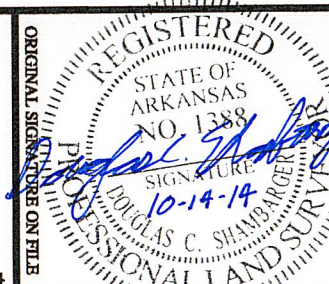
If the Gulley Park land expansion is approved, there will be a couple of changes to our CIP as follows:

1. Gulley Park land expansion purchase: \$1,100,000
2015: \$700,000
2016: \$270,000
2017: \$130,000 – Contracted to be funded by the Fayetteville Natural Heritage Association.
2. In 2015, the original proposal of \$700,000 to renovate the trail and lighting, and providing additional parking at Gulley Park will be delayed until the next five year Capital Improvement Plan.
3. The current proposed 2016 capital project is to make improvements at Wilson Park to the rock house, restroom, basketball court and playground. It is anticipated that the two lots with homes fronting Old Wire Road would be sold. The revenue from the sale of these houses will go towards the second payment of \$270,000 in 2016 and will help replenish the funding planned for the improvements to Wilson Park



500-17N-30W-0-36-203-72-1388

ALLEN & MARY DUNN PROPERTY
2648 NORTH OLD WIRE ROAD
NORTH OF GULLEY PARK
FOR THE CITY OF FAYETTEVILLE, ARKANSAS



MCE McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1810 N. College
Fayetteville, Arkansas 72702
P: 479.443.2377
F: 479.443.2371
P: 501.371.0922

501 E. Allison Blvd.
Spartanburg, SC 29576
P: 803.535.0555

HTTP://WWW.MCCLELLAND-ENGRS.COM

Agenda Session 2/10/15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, February 17, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4

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 2014-0495 Approval of the February 3, 2015 City Council meeting minutes.

✓ A. 2 2015-0045 ANIMALS SERVICES DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$23,098.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND CDBG PROGRAM INCOME RECEIVED FROM TWO HOUSING PROGRAM LIEN PAYOFFS

Attachments:

SRF-SRM-Donation Recognition

BA-Donation Recognition

✓ A. 3 2015-0048 BID #15-17 AMERLUX EXTERIOR, LLC:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF LED TRAIL LIGHT FIXTURES FROM AMERLUX EXTERIOR, LLC IN THE AMOUNT OF \$1,450.00 PER LIGHT FIXTURE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

2015-0048 Trail light Fixtures - Amerlux Exterior

✓ A. 4 2015-0061 BID #15-17 ALLIANCE COMPOSITES, INC.:

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF FIBERGLASS TRAIL LIGHT POLES FROM ALLIANCE COMPOSITES, INC. IN THE AMOUNT OF \$450.00 PER LIGHT POLE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

2015-0061 Fiberglass Traill Light Pole - Alliance Composities

A. 5 2015-0049 KING ELECTRICAL CONTRACTORS:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$34,920.00, PURSUANT TO BID #10-47, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL, AND TO APPROVE A TEN PERCENT (10%) PROJECT CONTINGENCY

Attachments:

2015-0049 King Electrical Contractors - Town Branch Trail Lighting Installation

A. 6 2015-0054 GARVER, LLC:

A RESOLUTION TO AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC FOR FINAL DESIGN SERVICES FOR WATER AND SEWER RELOCATIONS ASSOCIATED WITH ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT PROJECT BB0414 - INTERSTATE 49 AND HIGHWAY 112 INTERCHANGE IN AN AMOUNT NOT TO EXCEED \$102,742.50, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

021715 Garver-AHTD-B0414

BA - Garver - I-49 Interchange and Hwy 112

A. 7 2015-0050 WATERSHED CONSERVATION RESOURCE CENTER TASK ORDER NO. 2:

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR CONTINUED MAINTENANCE OF PREVIOUSLY COMPLETED STREAM RESTORATION PROJECTS AT NIOKASKA CREEK AND THE WHITE RIVER THROUGH 2015 IN THE AMOUNT OF \$62,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

2015-0050 - Vegetation Restoration and Stability

BA2015 2015-0050 Watershed.xlsm

A. 8 2015-0055 PLACEHOLDER: BID 15-16:

PLACEHOLDER: AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$ _____ TO _____ FOR THE INSTALLATION OF TREES AND SHRUBS WITHIN THE MEDIA OF CROSSOVER ROAD AND GARLAND AVENUE (BID # 15-16) AND APPROVAL OF A PROJECT CONTINGENCY OF \$ _____.

B. Public Hearing:

- ✓ **B.1** **2015-0069** PUBLIC HEARING: REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10
- REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10

C. Unfinished Business:

- ✓ **C.1** **2015-0003** REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND CHAPTER 51 AND CHAPTER 10:
- AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III DISCHARGE AND PRETREATMENT REGULATIONS; TO AMEND § 51.137 MONTHLY SEWER RATES; TO AMEND § 51.138 DEFINITIONS PERTAINING TO WATER AND SEWER RATES; TO AMEND § 51.999 PENALTY; AND TO AMEND § 10.99 GENERAL PENALTY OF THE FAYETTEVILLE CODE

Attachments:

2015-0003 Discharge and Pretreatment Regulation Changes A-III A-V
EXHIBIT A & B

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the Second Reading at the February 3, 2015 City Council Meeting.

- ✓ **C.2** **2015-0023** RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE):
- AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES

Attachments:

14-4882 Agenda Item
14-4882 Exhibit A and B
14-4882 CC ORD

This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.

✓ C. 3

2015-0029

RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS
DRIVE/PARKWEST):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4883, FOR APPROXIMATELY
93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS
DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING
DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE
FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES

Attachments:SRF and Reports 14-4883Exhibits A & B 14-4883ORD 14-4883

*This ordinance was left on the First Reading at the February 3, 2015 City
Council Meeting.*

✓ C. 4

2015-0030

RZN 14-4916 (956 RAY AVENUE/HODOUS):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32
ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24,
RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS,
NEIGHBORHOOD SERVICES

Attachments:SRF and Reports 14-4916Exhibits A & B 14-4916ORD 14-4916

*This ordinance was left on the Second Reading at the February 3, 2015 City
Council Meeting.*

✓ C. 5

2014-0437

AMEND § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS:

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY
ENACTING § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

Attachments:Agenda Packet § 71.016 Insurance Requirements

*This ordinance was left on the First Reading and sent to the Ordinance Review
Committee. This ordinance was Tabled to the February 17, 2015 City Council
meeting and left on the Second Reading at the January 6, 2015 City Council
Meeting.*

D. New Business:

~~D.1~~

2015-0060

RZN 14-4938 (N.W. CROSS & MAINE INTERSECTION/WEST
END ADDITION):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5
ACRES, LOCATED AT NORTHWEST CORNER OF CROSS &
MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL
PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES
(R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8
UNITS PER ACRE

Attachments:14-4938 Staff reports14-4938 exhibits14-4938 CC ORD~~D.2~~

2015-0018

R-PZD 07-2452 (LINKS AT FAYETTEVILLE:)

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING
DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE,
LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND
EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY
152.23 ACRES, TO REPEAL THE PHASING PLAN

Attachments:14-4930 CC PACKET14-4930 CC ORD~~D.3~~

2015-0058

VAC 14-4933 (PERSIMMON AND MTN. RANCH BLVD/PARKHILL
AT MTN. RANCH SUBDIVISION):

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY
JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED
SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN
RANCH BOULEVARD TO VACATE A PORTION OF AN EXISTING
UTILITY EASEMENT

Attachments:14-4933 CC PACKET14-4933 CC EX A14-4933 CC ORD

~~D. 4~~

2015-0064

VAC 14-4935 (N. RAVEN LN./COBBLESTONE SUBDIVISION PH 4):

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:14-4935 CC PACKET14-4935 EXHIBITS14-4935 CC ORD~~D. 5~~

2015-0062

VAC 14-4936 (2269 N. HENBEST DR./ADVENTURE SUBARU):

AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE AN EXISTING UTILITY EASEMENT

Attachments:SRF and Reports 14-4936EX A & B 14-4936CC ORD 14-4936~~D. 6~~

2015-0043

INSTRUMENT & SUPPLY, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE AN AGREEMENT WITH INSTRUMENT & SUPPLY, INC. OF HOT SPRINGS, ARKANSAS IN THE AMOUNT OF \$40,948.00 PLUS APPLICABLE TAXES FOR THE PURCHASE OF TWO WATER BOOSTER PUMPS AND ONE VARIABLE FREQUENCY DRIVE FOR THE SOUTH MOUNTAIN WATER PUMP STATION

Attachments:Instrument and Supply - South Mtn. Pump Station~~D. 7~~

2015-0044

U.S. GEOLOGICAL SURVEY:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE INSTALLATION, OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2015 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments:2015-0044 USGS Joint Funding Agreement

- D. 8 2015-0035 UNIVERSITY OF ARKANSAS UTILITY RELOCATION AGREEMENT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A UTILITY RELOCATION AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR THE RELOCATION OF COPPER AND FIBER OPTIC CABLES NECESSARY FOR THE HIGHWAY 112 WIDENING PROJECT BETWEEN RAZORBACK ROAD AND GARLAND AVENUE WITH THE AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$33,476.50

Attachments: 2015-0035 UofA Utility Relocation Agreement

- D. 9 2015-0047 WALTON ARTS CENTER COUNCIL, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR EDUCATIONAL, ENTERTAINMENT AND ADMINISTRATIVE SERVICES IN 2015 TO THE WALTON ARTS CENTER COUNCIL, INC. IN THE AMOUNT OF \$250,000.00

Attachments: 2015-0047 Walton Arts Center Contract

- D. 10 2015-0063 ASSOCIATED TIME & PARKING CONTROLS SPRING STREET PARKING DECK:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$98,805.95 FOR THE SPRING STREET PARKING DECK

Attachments: ATPC Parking Deck Equipment Purchase 02-17-2015

- D. 11 2015-0065 ASSOCIATED TIME & PARKING CONTROLS WEST AVENUE PARKING LOT:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$66,985.91 FOR THE WEST AVENUE PARKING LOT

Attachments: ATPC Parking Lot Equipment Purchase 02-17-2015

D. 12 2015-0056 GULLEY PARK TWO SINGLE FAMILY LOT SELL:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO OFFER
FOR SALE APPROXIMATELY 1.25 ACRES OF CITY OWNED
REAL PROPERTY ON OLD WIRE ROAD NEAR GULLEY PARK

Attachments: 2015-0056 Request to Sell Gulley Park Lots

E. City Council Agenda Session Presentations:

2015-0046 Agenda Session Presentation - Economic Development Quarterly
Report - Chung Tan

F. City Council Tour:**G. Announcements:****H. 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.

Pre Agenda Meeting 2/4/15

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
479-575-8323*



Meeting Agenda - Tentative Agenda

Tuesday, February 17, 2015

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
John S. La Tour Ward 4
Alan Long Ward 4*

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 2014-0495 Approval of the February 3, 2015 City Council meeting minutes.

A✓2 2015-0045

Attachments:

SRF-SRM-Donation Recognition

BA-Donation Recognition

A✓3 2015-0048

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF LED TRAIL LIGHT FIXTURES FROM AMERLUX EXTERIOR, LLC IN THE AMOUNT OF \$1,450.00 PER LIGHT FIXTURE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

2015-0048_Trail light Fixtures - Amerlux Exterior

A✓4 2015-0061

A RESOLUTION TO AWARD BID #15-17 AND AUTHORIZE THE PURCHASE OF FIBERGLASS TRAIL LIGHT POLES FROM ALLIANCE COMPOSITES, INC. IN THE AMOUNT OF \$450.00 PER LIGHT POLE PLUS APPLICABLE TAXES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF CALENDAR YEAR 2015

Attachments:

2015-0061_Fiberglass Traill Light Pole - Alliance Composites

A. 5

2015-0049

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KING ELECTRICAL CONTRACTORS IN THE AMOUNT OF \$34,920.00, PURSUANT TO BID #10-47, FOR THE INSTALLATION OF LED TRAIL LIGHT FIXTURES AND LIGHT POLES ALONG THE TOWN BRANCH TRAIL, AND TO APPROVE A TEN PERCENT (10%) PROJECT CONTINGENCY

Attachments:2015-0049 King Electrical Contractors - Town Branch Trail Lighting Installation

A. 6

2015-0054

Attachments:

021715 Garver-AHTD-B0414

BA - Garver - I-49 Interchange and Hwy 112

A. 7

2015-0050

A RESOLUTION TO APPROVE TASK ORDER NO. 2 WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR CONTINUED MAINTENANCE OF PREVIOUSLY COMPLETED STREAM RESTORATION PROJECTS AT NIOKASKA CREEK AND THE WHITE RIVER THROUGH 2015 IN THE AMOUNT OF \$62,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:2015-0050 - Vegetation Restoration and StabilityBA2015 2015-0050 Watershed.xlsm

A. 8

2015-0055

Place holder

B. Public Hearing:

B. 1

2015-0069

Repeal & Replace

C. Unfinished Business:

C 1

2015-0003

**REPEAL AND REPLACE TITLE V PUBLIC WORKS AND AMEND
CHAPTER 51 AND CHAPTER 10:**

AN ORDINANCE TO REPEAL AND REPLACE TITLE V PUBLIC WORKS, ARTICLE III **DISCHARGE AND PRETREATMENT REGULATIONS**; TO AMEND § 51.137 **MONTHLY SEWER RATES**; TO AMEND § 51.138 **DEFINITIONS PERTAINING TO WATER AND SEWER RATES**; TO AMEND § 51.999 **PENALTY**; AND TO AMEND § 10.99 **GENERAL PENALTY** OF THE FAYETTEVILLE CODE

Attachments:2015-0003 Discharge and Pretreatment Regulation Changes A-III A-VEXHIBIT A & B

This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the 2nd reading at the February 3, 2015 City Council Meeting.

C 2

2015-0023

RZN 14-4882 (EAST SIDE OF RUPPLE RD./WESTSIDE VILLAGE):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4882, FOR APPROXIMATELY 21.63 ACRES, LOCATED ON THE EAST SIDE OF RUPPLE ROAD NORTH OF THE BOYS AND GIRLS CLUB, FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT R-PZD 06-1884 WESTSIDE VILLAGE, TO NS, NEIGHBORHOOD SERVICES

Attachments:14-4882 Agenda Item14-4882 Exhibit A and B14-4882 CC ORD

This ordinance was left on the 1st reading at the February 3, 2015 City Council meeting.

G 3

2015-0029

**RZN 14-4883 (HWY. 112 NORTH OF TRUCKERS
DRIVE/PARKWEST):**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4883, FOR APPROXIMATELY 93.04 ACRES, LOCATED AT HWY 112 NORTH OF TRUCKERS DRIVE FROM R-PZD 05-1796, RESIDENTIAL PLANNED ZONING DISTRICT PARK WEST, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, AND CS, COMMUNITY SERVICES

Attachments:SRF and Reports 14-4883Exhibits A & B 14-4883ORD 14-4883

This ordinance was left on the 1st reading at the February 3, 2015 City Council Meeting.

C 4

2015-0030

RZN 14-4916 (956 RAY AVENUE/HODOUS):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4916, FOR APPROXIMATELY 0.32 ACRES, LOCATED AT 956 RAY AVENUE FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES

Attachments:SRF and Reports 14-4916Exhibits A & B 14-4916ORD 14-4916

This ordinance was left on the 2nd reading at the February 3, 2015 City Council Meeting.

C 5

2014-0437

**AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY
ENACTING § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS****Attachments:**Agenda Packet § 71.016 Insurance Requirements

This ordinance was left on the 1st reading and sent to the Ordinance Review Committee. This ordinance was tabled to the February 17, 2015 City Council meeting and left on the 2nd reading at the January 6, 2015 City Council Meeting.

D. New Business:

D.1

2015-0060

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4938, FOR APPROXIMATELY 2.5 ACRES, LOCATED AT NORTHWEST CORNER OF CROSS & MAINE STREETS FROM AN EXPIRED R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT MARKHAM HILL COTTAGES (R-PZD 09-3237), TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments:

14-4938 Staff reports
14-4938 exhibits
14-4938 CC ORD

D.2

2015-0018

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 07-2452, LINKS AT FAYETTEVILLE, LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE AND EAST OF RUPPLE ROAD, CONTAINING APPROXIMATELY 152.23 ACRES, TO REPEAL THE PHASING PLAN

Attachments:

14-4930 CC PACKET
14-4930 CC ORD

D.3

2015-0058

AN ORDINANCE APPROVING VAC 14-4933 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED SOUTHWEST OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:

14-4933 CC PACKET
14-4933 CC EX A
14-4933 CC ORD

D.4

2015-0064

AN ORDINANCE APPROVING VAC 14-4935 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT THE NORTH END OF RAVEN LANE TO VACATE A PORTION OF AN EXISTING UTILITY EASEMENT

Attachments:

14-4935 CC PACKET
14-4935 EXHIBITS
14-4935 CC ORD

D\5

2015-0062

AN ORDINANCE APPROVING VAC 14-4936 SUBMITTED BY JORGENSEN & ASSOCIATES FOR PROPERTY LOCATED AT 2269 NORTH HENBEST DRIVE TO VACATE AN EXISTING UTILITY EASEMENT

Attachments:

SRF and Reports 14-4936
EX A & B 14-4936
CC ORD 14-4936

D\6

2015-0068

*move to March 3rd*Attachments:

Wayfinding Signs on Trails
Ord § 174 07 Placing Signs On Public And Private Property

D\7

2015-0043

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE AN AGREEMENT WITH INSTRUMENT & SUPPLY, INC. OF HOT SPRINGS, ARKANSAS FOR THE PURCHASE OF TWO WATER BOOSTER PUMPS AND ONE VARIABLE FREQUENCY DRIVE IN THE AMOUNT OF \$44,940.43 FOR THE SOUTH MOUNTAIN WATER PUMP STATION

*update memo/lem*Attachments:

021715 Instrument and Supply- South Mountain Pump Station Agenda Packet

D\8

2015-0044

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE INSTALLATION, OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE FOR 2015 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,721.00

Attachments:

2015-0044 USGS Joint Funding Agreement

D\9

2015-0035

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A UTILITY RELOCATION AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR THE RELOCATION OF COPPER AND FIBER OPTIC CABLES NECESSARY FOR THE HIGHWAY 112 WIDENING PROJECT BETWEEN RAZORBACK ROAD AND GARLAND AVENUE WITH THE AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$33,476.50

Attachments:

2015-0035 UofA Utility Relocation Agreement

D✓10 2015-0047

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT FOR EDUCATIONAL, ENTERTAINMENT AND ADMINISTRATIVE SERVICES IN 2015 TO THE WALTON ARTS CENTER COUNCIL, INC. IN THE AMOUNT OF \$250,000.00

Attachments:2015-0047 Walton Arts Center Contract

D✓11 2015-0063

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$98,805.95 FOR THE SPRING STREET PARKING DECK

Attachments:

ATPC Parking Deck Equipment Purchase 02-17-2015

D✓12 2015-0065

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL PARKING EQUIPMENT FROM ASSOCIATED TIME & PARKING CONTROLS IN THE AMOUNT OF \$66,985.91 FOR THE WEST AVENUE PARKING LOT

Attachments:

ATPC Parking Lot Equipment Purchase 02-17-2015

D✓13 2015-0056

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO OFFER FOR SALE APPROXIMATELY 1.25 ACRES OF CITY OWNED REAL PROPERTY ON OLD WIRE ROAD NEAR GULLEY PARK

Attachments:

2015-0056_Request to Sell Gulley Park Lots

E. City Council Agenda Session Presentations:

2015-0046

Agenda Session Presentation - Economic Development Quarterly Report - Chung Tan

F. City Council Tour:**G. Announcements:****H. 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.