

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
June 16, 2015**

A meeting of the Fayetteville City Council was held on June 16, 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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. Nominating Committee Report

APPROVED

Agenda Additions

A. Consent

1. Approval of the June 2, 2015 City Council meeting minutes.

APPROVED

2. **Bid #15-32 Peterbilt of Fort Smith:** A resolution to award Bid #15-32 and authorize the purchase of two (2) Peterbilt 348 trucks with Labrie Rear Loaders from Peterbilt of Fort Smith in the total amount of \$369,180.00 for use by the Recycling and Trash Collection Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 106-15

3. **Bid #15-33 T&T Green, LLC:** A resolution to award Bid #15-33 and authorize a contract with T&T Green, LLC of Fayetteville, Arkansas for the replacement of insulation at the City Recycling Center in the amount of \$38,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 107-15

4. **Bid #15-34 Leigh Earthworks, LLC:** A resolution to award Bid #15-34 and authorize a contract with Leigh Earthworks, LLC of Winslow, Arkansas for the Fayetteville Senior Activity and Wellness Center Parking Lot Expansion Project in the amount of \$35,063.00, and to approve a project contingency in the amount of \$3,506.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 108-15

B. Public Hearing

1. **Jerome Lopez & Elizabeth Young and the Randall J. Wright Trust Condemnation and Possession:** A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by Jerome Lopez & Elizabeth Young and the Randall J. Wright Trust needed for the Highway 45 and Old Wire Road Intersection Improvement Project. *At the June 2, 2015 City Council meeting, this resolution was tabled to the June 16, 2015 City Council meeting.*

THIS RESOLUTION WAS TABLED INDEFINITELY

C. Unfinished Business

1. **Amendment of the Master Street Plan:** A resolution to amend the Master Street Plan by removing a bridge connection on Raven Lane over Clabber Creek south of Crystal Springs Phase III. *At the May 19, 2015 City Council meeting, this resolution was tabled to the June 16, 2015 City Council meeting.*

THIS RESOLUTION WAS TABLED INDEFINITELY

2. **RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. *At the June 2, 2015 City Council meeting, this ordinance was left on the first reading.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING

3. **Amend § 97.088 (B)(2)(b) and § 97.088 (d):** An ordinance to amend Fayetteville Code § 97.088 (B)(2)(b) and its exhibit “A”, Donor Recognition Signs and to amend § 97.088 (d) *Facility Naming* and its exhibit “B”, Naming Park Facilities to clarify that the City Council has final authority to name park and trail facilities. *At the June 2, 2015 City Council meeting, this ordinance was left on the first reading.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5778

D. New Business

1. **Amend 34.27 Sale of Municipally Owned Real Property:** An ordinance to amend 34.27 **Sale of Municipally Owned Real Property** to authorize the use of a realtor for the sale of the two houses at Gulley Park.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5779

2. **RZN 15-5053 (West of 4195 W. Persimmon St./McBride)** An ordinance rezoning that property described in Rezoning Petition RZN 15-5053, for approximately 2.16 acres, located west of 4195 W. Persimmon Street from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential-Office.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5780

3. **Place Holder: Maple Street & Lafayette Street Bridge Rehab:** A resolution to award a contract in the amount of \$X,XXX,XXX.XX to Contractor, Inc. for the construction of the Maple Street & Lafayette Street Bridge Rehab, approve a project contingency of \$XXX,XXX.X (5%), and approve a budget adjustment.

THIS RESOLUTION WAS TABLED TO THE JULY 7, 2015 CITY COUNCIL MEETING

4. **Uniform Civil Rights Protection:** An ordinance to ensure uniform nondiscrimination protections within the City of Fayetteville for groups already protected to varying degrees throughout state law.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5781

Announcements

City Council Agenda Session Presentations

1. Agenda Session Presentation - Solid Waste Reduction, Diversion and Recycling Master Plan update by Mitch Kessler.

City Council Tour

Adjournment: 9:58 p.m.

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

9-0

Subject:	Nominating Committee Report				
Motion To:		Approve			
Motion By:		Kinion			
Seconded:		Marsh			
<u>Approved</u>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Long			
<i>Minutes</i> <i>Approved</i> <i>Approved</i> 106-15 HJM 108-15	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

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

Subject:	JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST CONDEMNATION AND POSESSION				
Motion To:		<i>Table Indefinitely</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
B. 1 Public Hearing <i>Tabled Indefinitely</i> 	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

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

Subject:	AMENDMENT OF THE MASTER STREET PLAN				
Motion To:		<i>Table Indefinitely</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Long</i>			
C. 1 Unfinished Business <i>Table Indefinitely</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:	RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)				
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Gray</i>			
C. 2 Unfinished Business <i>Left on the Second Reading</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:		AMEND § 97.088 (B)(2)(b) and § 97.088 (d)			
Motion To:		Amend as Presented by City	and Read	3rd Read	Pass
Motion By:		Kinion	Attorney Marsh	Tennant	
Seconded:		Marsh	Gray	Marsh	
C. 3 Unfinished Business <u>Passed</u> 5778	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Mayor Jordan				

8-0

8-0

8-0

8-0

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

Subject:	AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Tennant</i>	<i>Tennant</i>		
Seconded:		<i>Marsh</i>	<i>Gray</i>		
D. 1 New Business <i>passed</i> 5779	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:	RZN 15-5053 (WEST OF 4195 W. PERSIMMON ST./MCBRIDE)				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Long</i>	<i>Marsh</i>		
Seconded:		<i>Marsh</i>	<i>Tennant</i>		
D. 2 New Business <i>passed</i> 5780	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:	PLACE HOLDER: MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB				
Motion To:		<i>Jable to</i>			
		<i>July 7, 2015</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Marsh</i>			
D. 3 New Business <i>Jabled</i> <i>to</i> <i>July 7,</i> <i>2015</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:	UNIFORM CIVIL RIGHTS PROTECTION				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Kinion</i>		
Seconded:		<i>Kinion</i>	<i>Marsh</i>		
D. 4 New Business <i>passed</i> <i>5481</i>	La Tour	<i>N</i>	<i>N</i>	<i>N</i>	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	<i>N</i>	✓	
	Schoppmeyer	✓	<i>N</i>	<i>N</i>	
	Mayor Jordan		<i>yes</i>		

7-1

6-3

Mayor Voted
yes

6-2

Subject:		1	2	3	4
Motion To:		Amend Section C	Amend Section 1	Amend Section 1	Amend Section 1
Motion By:		La Tour	La Tour	La Tour	La Tour
Seconded:					
	La Tour	Died	Died	Died	Died
	Long	no	no	no	no
	Gray	second	second	second	second
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:		5	6	7	8
Motion To:		Amend Section 2	Amend Section A	Amend Section 1	Amend Section D
Motion By:		La Tour	La Tour	La Tour	La Tour
Seconded:					
	La Tour	Died	Died	Died	Died
	Long	no	no	no	no
	Gray	second	second	second	second
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:					
		9	10	11	12
Motion To:		Amend Section E	Amend Section E	Amend Section E	Amend Section E
Motion By:		La Tour	La Tour	La Tour	La Tour
Seconded:					
	La Tour	Died	Died	Died	Died
	Long	no	no	no	no
	Gray	second	second	second	second
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:					
		13	14	15	
Motion To:		Amend Section E	Amend Section F		
Motion By:		La Tour	La Tour		
Seconded:					
	La Tour	Died	Died		
	Long	no	no		
	Gray	second	second		
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	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: **June 17, 2015**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 16, 2015**

1. A resolution to award bid #15-32 and authorize the purchase of two (2) Peterbilt 348 trucks with Labrie rear loaders from Peterbilt of Fort Smith in the total amount of \$369,180.00 for use by the Recycling and Trash Collection Division.
2. A resolution to award bid #15-33 and authorize a contract with T&T Green, LLC of Fayetteville, Arkansas for the replacement of insulation at the City Recycling Center in the amount of \$38,000.00.
3. A resolution to award bid #15-34 and authorize a contract with Leigh Earthworks, LLC of Winslow, Arkansas for the Fayetteville Senior Activity and Wellness Center parking lot expansion project in the amount of \$35,063.00, and to approve a project contingency in the amount of \$3,506.00.
4. An ordinance to amend Exhibit A, Donor Recognition Signs, and Exhibit B, Naming Park Facilities which are attached and a part of § 97.088 (B)(2)(b) and § 97.088 (d) of the Fayetteville Code.
5. An ordinance to amend 34.27 **Sale of Municipally Owned Real Property** to authorize the use of a realtor for the sale of the two houses at Gulley Park.
6. An ordinance to ensure uniform nondiscrimination protections within the City of Fayetteville for groups already protected to varying degrees throughout state law.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, June 16, 2015

5:30 PM

City Hall Room 219

City Council Meeting

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

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

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:**[2015-0158](#)**NOMINATING COMMITTEE REPORT****Agenda Additions:****A. Consent:****A. 1** [2014-0505](#)

APPROVAL OF THE JUNE 2, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0264](#)**BID #15-32 PETERBILT OF FORT SMITH**

A RESOLUTION TO AWARD BID #15-32 AND AUTHORIZE THE PURCHASE OF TWO (2) PETERBILT 348 TRUCKS WITH LABRIE REAR LOADERS FROM PETERBILT OF FORT SMITH IN THE TOTAL AMOUNT OF \$369,180.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments:[SRP - RTC Rear Loaders 4030-4031](#)**A. 3** [2015-0266](#)**BID #15-33 T&T GREEN, LLC**

A RESOLUTION TO AWARD BID #15-33 AND AUTHORIZE A CONTRACT WITH T&T GREEN, LLC OF FAYETTEVILLE, ARKANSAS FOR THE REPLACEMENT OF INSULATION AT THE CITY RECYCLING CENTER IN THE AMOUNT OF \$38,000.00

Attachments:[SRP 2015-0266 Bid 15-33 T&T Green, LLC](#)

A. 4 [2015-0262](#)**BID #15-34 LEIGH EARTHWORKS, LLC**

A RESOLUTION TO AWARD BID #15-34 AND AUTHORIZE A CONTRACT WITH LEIGH EARTHWORKS, LLC OF WINSLOW, ARKANSAS FOR THE FAYETTEVILLE SENIOR ACTIVITY AND WELLNESS CENTER PARKING LOT EXPANSION PROJECT IN THE AMOUNT OF \$35,063.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,506.00

Attachments: [2015-0262 Bid 15-34 Leigh Earthworks contract](#)

B. Public Hearing:**B. 1** [2015-0250](#)**JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST CONDEMNATION AND POSSESSION**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST NEEDED FOR THE HIGHWAY 45 AND OLD WIRE ROAD INTERSECTION IMPROVEMENT PROJECT

Attachments: [2015-0250](#)

At the June 2, 2015 City Council meeting, this resolution was tabled to the June 16, 2015 City Council meeting.

C. Unfinished Business:**C. 1** [2015-0229](#)**AMENDMENT OF THE MASTER STREET PLAN**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments: [Ex A](#)
 [15-5035 Full Packet](#)
 [Additional 2006 Development Staff Report Crystal Springs](#)

At the May 19, 2015 City Council meeting, this resolution was tabled to the June 16, 2015 City Council meeting.

C. 2 [2015-0249](#)**RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments:[15-5044 CC EX A & EX B](#)[15-5044 CC reports](#)

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading.

C. 3 [2015-0251](#)**AMEND § 97.088 (B)(2)(b) and § 97.088 (d)**

AN ORDINANCE TO AMEND FAYETTEVILLE CODE § 97.088 (B)(2) (b) AND ITS EXHIBIT “A”, DONOR RECOGNITION SIGNS AND TO AMEND § 97.088 (d) FACILITY NAMING AND ITS EXHIBIT “B”, NAMING PARK FACILITIES TO CLARIFY THAT THE CITY COUNCIL HAS FINAL AUTHORITY TO NAME PARK AND TRAIL FACILITIES

Attachments:[C. 3 NEWLY REVISED PACKET Amend 97.088 \(B\)\(2\)\(d\) and 97-088 \(d\)](#)[Old Packet Amend 97.088 \(B\)\(2\)\(b\) and 97.088 \(d\)](#)

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading.

D. New Business:**D. 1** [2015-0271](#)**AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY**

AN ORDINANCE TO AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY TO AUTHORIZE THE USE OF A REALTOR FOR THE SALE OF THE TWO HOUSES AT GULLEY PARK

Attachments:[2015-0271 Exemption Provision Request for 34.27](#)

D. 2 [2015-0269](#)**RZN 15-5053 (WEST OF 4195 W. PERSIMMON ST./MCBRIDE)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5053, FOR APPROXIMATELY 2.16 ACRES, LOCATED WEST OF 4195 W. PERSIMMON STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO R-O, RESIDENTIAL-OFFICE

Attachments:[15-5053 CC Exhibits](#)[15-5053 CC Reports](#)**D. 3** [2015-0265](#)**PLACE HOLDER: MAPLE STREET & LAFAYETTE STREET
BRIDGE REHAB**

A RESOLUTION TO AWARD A CONTRACT IN THE AMOUNT OF \$X,XXX,XXX.XX TO CONTRACTOR, INC. FOR THE CONSTRUCTION OF THE MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB, APPROVE A PROJECT CONTINGENCY OF \$XXX,XXX.XX (5%), AND APPROVE A BUDGET ADJUSTMENT.

Attachments:[Historic Bridges Construction Contract.pdf](#)**D. 4** [2015-0274](#)**UNIFORM CIVIL RIGHTS PROTECTION**

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

Attachments:[Agenda Packet Ordinance Uniform Nondiscrimination Protections](#)**E. City Council Agenda Session Presentations:****E. 1** [2015-0212](#)

AGENDA SESSION PRESENTATION - SOLID WASTE REDUCTION, DIVERSION AND RECYCLING MASTER PLAN UPDATE BY MITCH KESSLER

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 Staff Review Form

2015-0251

Legistar File ID

6/16/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

6/5/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances Chapter 97: Parks and Recreation, Exhibits "A" and "B" under Section 97.088 Signs Prohibited.

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 # 5335

Original Contract Number:

Approval Date:

Comments: Revisions made to the June 2, 2015 memo is in red print on the June 5 memo. This is a new packet for the June 16, 2015 City Council meeting.

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: June 8, 2015

SUBJECT: **Code of Ordinances Amendment for Chapter 97: Parks and Recreation**
Tabled from the June 2, 2015 City Council Meeting
Revised Memo in Red Print

RECOMMENDATION:

Parks staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances Chapter 97: Parks and Recreation, Exhibits "A" and "B" under Section 97.088 Signs Prohibited.

BACKGROUND:

As the City of Fayetteville grows, the need for diverse recreational opportunities grows. Seeking partnerships and donations from private organizations and businesses can enhance the City's ability to provide parks and recreation services for park improvement projects. Private partnerships with businesses and individuals offering services and products consistent with the Parks and Recreation mission have the potential to reduce the City's investment in capital projects. Park staff has recognized the need for an avenue allowing donor recognition signs on park and trail property. Donor recognition is vital to successfully soliciting and securing funding for projects. The use of corporate names and logos are often used in recognizing contributions.

Chapter 97 of the Unified Development Code (§97.088) was amended in 2010 to allow donor recognition signs on park and trail property to improve the ability to successfully secure funding from private sources.

DISCUSSION:

Friends for Parks was formed in 2014 by a group of citizens interested in helping raise funding for the Parks and Recreation Department. This group was formed under the umbrella of the Northwest Arkansas Community Foundation, a 501(c) 3 organization. They have already received a \$5,000 donation from Ozarks Electric Cooperative to develop promotional material and donor packages to raise funds for the Regional Park.

In order to better solicit funding for Parks and Recreation, Staff has proposed the attached policy changes for Donations for Naming Rights for new facilities that are not built yet, as well as for existing facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The proposed revisions to the existing policy in Ordinance No. 5535

(Exhibit “A” – Donor Recognition Signs) is included in the attachments. The policy changes were approved by the Parks and Recreation Advisory Board on May 4, 2015.

In addition to this proposal, staff is recommending to amend Exhibit “B” of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly PRAB meeting. The item must be approved by the City Council after a recommendation from the PRAB; therefore, the public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

June 2, 2015 Meeting Recommendations

There were a changes made to the policy after review by the City Council at the June 2, 2015 City Council meeting. Changes made include the following:

1. City Attorney has amended City Code §97.088 as follows: (B)(2)(d) Facility Naming, to clarify the City Council has final authority on naming park and trail facilities. (B)(2)(b)(i) Maximum size of Recognition Signs, has been omitted because the size of the sign will be determined when the facility/park naming request is reviewed by the City Council.
2. Shortened Exhibit “A” to include the purpose and policy for the Operations Policy for Donor Recognition Signs. The Recognition for Parks and Trails Facilities Policy is referred to in the Exhibit “A” of the ordinance, but it is not part of the ordinance. The details of the standard operational procedures are found in this Park Policy.
3. In Exhibit “A” and “B”, the wording was changed to note the City Council has final selection and approval of the park facility name including the right to approve a different name. Naming of facilities donated must meet the Naming Park Facilities Operational Policy unless accepted by City Council Resolution.
4. A 25 year time period for the donor recognition of donations of \$25,000 to \$250,000 for the Bronze Category on a donor wall.
5. A 25 year time period for the naming rights was set for the Gold Category for a field/court/facility with donations over \$250,000.
6. A 30 year time period for the naming rights for the Platinum Category for a complex with donations of \$1 million up to \$5 million.
7. A 25 year time period for the donor recognition for the Trail Facilities Gold Category for facilities located on a trailhead.
8. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
9. The City will reserve the right to remove a donor’s name from the facility if the City Council determines by resolution that a donor’s actions would otherwise cause undue embarrassment or other issues for the city or its citizens.
10. These recent changes are noted in red print in Exhibit A and B, as well as the Recognition for Parks and Trails Facilities Policy.

BUDGET/STAFF IMPACT:

This ordinance amendment would not impact the budget negatively. If approved, the potential for securing donations may increase, thereby positively impacting the budget.

Attachments:

Existing Code of Ordinances: Chapter 97
May 4, 2015 PRAB Meeting Minutes
Proposed Revisions to Exhibit “A”
Proposed Revisions to Exhibit “B”
Recognition for Parks and Trails Facilities Policy

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS



(C) Food trucks permitted pursuant to §178.05 may operate in City Parks as described below:

- (1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.
- (2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

(D) For special events, food trucks and sales of items other than food may be approved by the Parks and Recreation Director through a special event permit

(Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10; Ord. No. 5531, 10-02-12; Ord. 5666, 3-18-14)

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(Code 1965, §17A-30; Ord. No. 1594, 4-1-68; Code 1991, §97.087)

Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

(A) No person in a park shall paste, glue, tack, or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth hereinbelow.

(B) *Exceptions.*

(1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and in sizes designated by the Parks and Recreation Director. Uniform fees shall be charged dependent upon placement and size of the permitted signs. The content of the sign and whether it is commercial or non-commercial may not be considered. Designated spaces shall be sold at the established price on a first come basis. The owner of a sign at a designated location shall have first right to renew before others can purchase the size/location for a new or replacement sign.

(2) *Recognition Signs.* Signs located in City parks or on City trails that are used for the purpose of memorializing a person or family through naming, recognition of significant donors, or recognition of contributions to the facility or amenity on which the sign is installed shall meet the following conditions:

(a) *Maximum Number of Recognition Signs.* Most donor or honoree recognition signs shall be limited to one for the facility financed by the donor or memorializing the honoree. For a park or a major facility with more than one major entrance, a second recognition sign may be recommended by the Parks and Recreation Advisory Board and approved by the City Council.

(b) *Maximum Size of Recognition Signs.*

(i) Park Recognition Signs shall not exceed sixteen square feet for parks and major facilities with lesser square foot

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

limitations for smaller facilities as set forth in the Operations Policy for Donor Recognition Signs attached as Exhibit "A" and approved as part of this ordinance.

final approval by the City Council. Naming of the facilities must meet the Naming Park Facilities Operations Policy attached as Exhibit "B."

- (ii) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
 - (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any advertising or slogans) may be used on the sign.
 - (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
 - (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.
- (d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, the Facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of a facility shall be recommended by the Parks and Recreation Advisory Board with

Parks and Recreation Advisory Board

May 4, 2015 at 5:30 p.m.

City Administration Building, Room 326

113 West Mountain Street

Fayetteville, AR 72701

Members: Phillip Watson, Kyle McHan, Wade Colwell, Richie Lamb, Terry Lawson, Chuck Maxwell, Phillip McKnight, David Priest, David Proffitt

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

6. Naming Rights Proposal: Connie Edmonston, Parks & Recreation Director

Friends for Parks received a \$5,000 donation from Ozarks Electric to develop promotional material and donor packages to raise funds for the Regional Park. In order to solicit requests for donations including naming rights of a park amenity, a policy needed to be developed. Friends for Parks has proposed the attached policy for Donations for Naming Rights for New Facilities that are not built yet, as well as for Existing Facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The existing policy in Ordinance No. 5535 that would need to be amended is included in the attachments.

In addition to this proposal, staff is recommending to amend Attachment B of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly meeting. The reason why this is requested to be omitted is because the item must go before City Council at their agenda session as well as scheduled meetings. The public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

Edmonston said the naming rights needs to be revised, since funding is being solicited for the Regional Park. There are different categories for donors, such as the bronze, silver, platinum and gold levels.

Priest wanted to know how PRAB needs to solicit.

Edmonston said to be watching and listening for possible donors. She said a packet can be offered to them if they seem interested.

Lamb said the Friends of Parks is also raising money.

Edmonston commented that this proposal has to be approved next by City Council.

Maxwell said Frank Sharp isn't a funder, but was very active in promoting Kessler Mountain and getting donations.

Lamb asked if the City Council would always have the final say-so.

Edmonston said yes. She said PRAB will make a recommendation and the City Council will have final approval.

Lamb wanted to know if PRAB would need to recommend this proposal and then it will go to Council.

Edmonston said yes.

Maxwell said that the funding will go to Friends of Parks, and then PRAB.

Edmonston added that the Friends of Parks is a non-profit. Their mission is to raise money. Their first priority right now is Regional Park.

Priest asked if Parks would have a way to oversee the donations.

Edmonston said yes, because Parks staff attend the meetings.

Jumper added that McKnight is on the board.

Edmonston said a PRAB member could be added if the PRAB members were interested.

Colwell asked if a park could be named after someone if that person didn't fit any of the criteria.

Jumper said yes, that option is still open.

Lamb wanted to know if PRAB's recommendation is what PRAB decides.

Edmonston said yes, and Parks will help guide.

Colwell commented that he has never liked the name Southpass Park.

Edmonston said the Regional Park has not been named yet.

Parks & Recreation Staff Recommendation: Approval of the above proposal and amendment to Ordinance No. 5535.

PRAB Motion: Proffitt motioned to approve the proposal and amendment to Ordinance No. 5535, and Lamb seconded it. Motion passed 6-0-0 by voice vote.

Minutes taken by Melanie Thomas.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR DONOR RECOGNITION SIGNS	
	NUMBER:	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 1
	SUPERSEDES :	APPROVED BY:		

DONOR RECOGNITION SIGNS

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined **pursuant to the Recognition for Parks and Trails Facilities Policy**. Any exceptions to this policy must be approved by City Council. Park Planners **have** the latitude to design signs recognizing donations based on site location and donor specific criteria. Naming of facilities donated must meet the Naming Park Facilities Operational Policy **unless accepted under City Council resolution. The naming proposal will be presented to the Parks and Recreation Advisory Board for their recommendation to City Council. City Council has final approval of the park facility name, including the right to approve a different name.** The option for naming facilities is only permitted under the Park Facility **Diamond**, Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds can not be named.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

NAMING PARK FACILITIES

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation Department will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss and approve the recommendations at their monthly meeting. Once a recommended name has been selected, the Parks and Recreation staff will forward the name to the City Council for **its** final park name selection **including a potentially different name**.

The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Department or City of Fayetteville.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Active Transportation Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 3
	SUPERSEDES:	APPROVED BY:		

RECOGNITION FOR PARKS AND TRAILS FACILITIES

Bronze Category: Recognition on Donor Wall **for 25 year period**

Donation of \$25,000 up to \$250,000 for park amenities. Examples include

Bleachers	Picnic Table and Grill
Batting Cages	Art Sculpture
Bike Racks	Single Playground Apparatus (climbing rocks/swing set)
Lighting	Landscape Feature
Drinking Fountain with Dog Bowl	
Prefabricated Pavilion	

Size of donor wall and names to be approved by the City Council.

Silver Category: Naming Rights for 10 year period

Donation of 75% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility **for 25 year period**

Donation of 100% cost of new facility over \$250,000. Examples include:

Soccer Field	Basketball Court
Baseball Field	Disc Golf Course
Tennis Court	Concession Stand/Restroom

Park Restroom
One Mile Asphalt/Concrete Park Trail
Small Amphitheater (seating for 150)
Water Feature

Parking Lot (25 cars)
Greenhouse
Playground
Dog Park

Platinum Category: Naming Rights of a Complex for 30 year period

Donation of \$1 million up to \$5 million to name a complete complex. Examples include:

Sport Complex: 4-6 field lighted complex such as softball, baseball, soccer, tennis

Aquatic center
Amphitheater- seating for 1,200
Development of a new park

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields
\$150,000 per soccer field for 10 years or \$250,000 for two fields

TRAIL FACILITIES

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads for a 25 year period and include the following:

Parking Lot
Pavilion

Restroom
One Mile Asphalt/Concrete Trail

City Process

1. Parks and Recreation Staff or the Friends of Parks Board meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy for Donor Recognition Signs.
2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final park name selection and approval.
5. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
6. The City will reserve the right to remove a donor's name from the facility if the City Council determines by resolution that a donor would otherwise cause undue embarrassment or other issues for the City or its citizens.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Connie Edmonston, Parks & Recreation Director

FROM: **Kit Williams**, City Attorney

DATE: **June 5, 2015**

RE: **Donor recognition and naming of a park facility**

Pursuant to the City Council's request at the last City Council meeting, Connie and I worked on the ordinance's exhibits to ensure that the City Council would always have the discretion and final decision for donor recognition and naming of park facility. Connie has prepared new exhibits (removing most procedural and operation policies and detail from them which will be in a new separate operations policy). I have also proposed an amendment to § 97.088 (d) *Facility Naming* to change the last sentence of this section to read:

"Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit 'B', unless otherwise determined by City Council Resolution."

The changes to the exhibits and the amendment of the code section should ensure that the City Council will have complete control over the donor recognition and naming of park facilities. I would imagine that you would ordinarily accept the Parks and Recreation Advisory Board's recommendation, but these changes ensure that you do not have to accept such recommendation and that you can instead recognize or name a park facility for the person of your choice.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND FAYETTEVILLE CODE § 97.088 (B)(2)(b) AND ITS EXHIBIT “A”, DONOR RECOGNITION SIGNS AND TO AMEND § 97.088 (d) FACILITY NAMING AND ITS EXHIBIT “B”, NAMING PARK FACILITIES TO CLARIFY THAT THE CITY COUNCIL HAS FINAL AUTHORITY TO NAME PARK AND TRAIL FACILITIES

WHEREAS, in 2010, the Fayetteville City Council amended § 97.088 **Signs Prohibited** (B)(2) *Recognition Signs* to designate the allowed sign size for Donor Recognition Signs in City Parks as detailed in Exhibit “A” to this code subsection; and

WHEREAS, at the same time the Fayetteville City Council adopted § 97.088 (d) *Facility Naming* with Exhibit “B” Naming Park Facility Operations Policy; and

WHEREAS, the Fayetteville Parks and Recreation Department has suggested changes to these two policies and have received endorsement by the Fayetteville Parks and Recreation Advisory Board of its proposed changes.

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby amends § 97.088 of the Fayetteville Code by deleting subsection (i) in its entirety and enacting a new (i) as follows:

“Donor recognition signs in city parks shall be sized in accordance with Exhibit ‘A’, Donor Recognition Signs, unless otherwise determined by City Council Resolution.”

Section 2. That the City Council for the City of Fayetteville, Arkansas hereby amends § 97.088 (d) *Facility Naming* by deleting its final sentence in its entirety and enacting a new final sentence as follows:

“Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit ‘B’, unless otherwise determined by City Council Resolution.

Section 3. That the City Council for the City of Fayetteville, Arkansas hereby removes and deletes in their entirety the current Exhibit “A” Operations Policy for Donor Recognition and Exhibit “B” Naming Park Facilities Operations Policy and enacting as their replacements the attached Exhibit “A” Donor Recognition Signs and Exhibit “B” Naming Park Facilities.

PASSED and **APPROVED** this 16th day of June, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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
June 2, 2015**

A meeting of the Fayetteville City Council was held on June 2, 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, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Tennant arrived at 5:36 p.m.

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 May 19, 2015 City Council meeting minutes.

Approved

Bid 15-25 Evans Enterprises, Inc.: A resolution to award Bid #15-25 and authorize the purchase of two (2) pumps and motors for the Airport North Lift Station from Evans Enterprises, Inc. in the amount of \$42,010.00 plus applicable sales taxes.

Resolution 103-15 as recorded in the office of the City Clerk

2015 Body-Worn Camera Pilot Implementation Program Matching Grant: A resolution to approve a multi-jurisdictional application by the City of Fayetteville, the City of Springdale and Washington County for a 2015 Body-Worn Camera Pilot Implementation Program matching grant in the amount of \$133,000.00, with the matching portion paid by the City of Fayetteville in the amount of \$51,000.00, the City of Springdale in the amount of \$51,000.00 and Washington County in the amount of \$31,000.00.

Resolution 104-15 as recorded in the office of the City Clerk

Progressive Trail Design, LLC: A resolution to authorize a Professional Design Services Agreement with Progressive Trail Design, LLC for the preparation of the Kessler Mountain Trails Master Plan in an amount not to exceed \$26,320.00, and to approve a project contingency in the amount of \$2,632.00.

Resolution 105-15 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 7-0. Alderman Tennant was absent during the vote.

Unfinished Business:

RZN 15-4965 (South End of Ruppel Rd./Ruppel Road Extension Corridor): An ordinance rezoning that property described in Rezoning Petition RZN 15-4965, for approximately 642 acres, located at the southern end of Ruppel Road from R-A, Residential-Agriculture; RSF-1, Residential Single Family One Unit Per Acre; RSF-4, Residential Single Family Four Units Per Acre; and RSF-8, Residential Single Family Eight Units Per Acre to NC, Neighborhood Conservation; CS, Community Services, UT, Urban Thoroughfare; and R-A, Residential Agricultural. ***This ordinance was left on the First Reading at the May 19, 2015 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 7-0. Alderman Tennant was absent during the vote.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty voting no.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: I support this with reservation. I want the public record to show this is step one and we still have the obligation as the City Council to look at this property, as the development progresses, to see if there is zoning needs that have to be reevaluated. There are some sensitive environmental properties along here. They have been identified in a very broad and general way, but as the development proceeds we might see that there might be further protections.

As the chairman of the Water, Sewer, and Solid Waste Committee I worry about run off management of the storm water as we proceed forward with this very large acreage.

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

Ordinance 5775 as Recorded in the office of the City Clerk

RZN 15-5004 (South end of Pumpkin Ridge Dr./Falling Waters) Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 15-5004, for approximately 17.37 acres, located south of Pumpkin Ridge Road from R-A, Residential-Agriculture to RSF-2, Residential Single Family, 2 Units per Acre. ***This ordinance was left on the First Reading at the May 19, 2015 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 unanimously.

City Attorney Kit Williams read the ordinance

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff did not support this item.

Jay Ray, Cherry Hills Drive stated he is worried about traffic and flooding.

Gregory Cater, 2045 South Cherry Hills Drive asked the City Council if they were going to vote yes, if they would reconsider and have the builders and City Planning Commission get together and readdress the issues.

Casey Weathers, 2080 South Pumpkin Ridge stated he has an issue with the current drainage situation. He stated he has to sand bag his house as it sits now. He also talked about safety concerns regarding additional traffic loading within Pumpkin Ridge and Cherry Hills onto Goff Farm with the infrastructure that is currently in place.

Dr. Craig Rennie, Associate Professor of Finance, 2005 South Cherry Hills Drive stated there was some prior spending. He stated the amounts that have been spent are sunk costs and therefore not relevant to current decision making. He is especially concerned with safety.

Greg Zeck, Oakmount Drive: For the sake of clarification, is the City obligated to consider environmental and safety aspects? Is it legally required to do so?

City Attorney Kit Williams stated the City Council and Planning Commission can consider traffic safety issues both for rezoning and development. Traffic safety is relevant to both decisions. The city has a drainage manual for environmental matters like drainage. The City Engineer or staff will evaluate any drainage proposals during development.

Greg Zeck: Those questions have been or have not been considered to date?

Kit Williams: The development cannot be proposed until the land is properly zoned.

Jeremy Pate: The rezoning is a land use policy decision by the City Council as opposed to an administration decision. This body reviews policy decisions determining primarily if the land use is compatible, looking at traffic safety and noise. There is a whole list of criteria that have been utilized in certain cases legally throughout the State of Arkansas to consider a rezoning decision.

We don't look at the minimum standards for development. If a zoning is approved, a development application is submitted, it goes to the Planning Commission and we look at things like drainage, tree preservation, and park land dedication, if the street meets our minimum standard requirements, detention ponds and green space. The developer is then required to meet those minimum thresholds established by this Council as part of our Unified Development Code.

Larry Altman: 2059 Cherry Hills Drive stated this proposed development represents the worst kind of suburban sprawl. He spoke in opposition of the ordinance.

Wanda Altman, 2059 South Cherry Hills Drive stated her major concern is the environmental impact of the rezoning. She spoke in opposition of the rezoning and employed the City Council to vote no on the rezoning appeal.

Edwin Williams, 1901 Pumpkin Ridge stated he feels it's very important that the development remain in its pristine natural environment. He spoke in opposition of the rezoning.

Laura Phillips, 2055 South Cline stated that nobody wants a housing development in their backyard, but this town is growing. It is a beautiful town, people move here and people need houses.

Diane Waters, 2032 Pumpkin Ridge stated she fell in love with Stonebridge because it's unique, beautiful and quiet. She stated she hopes the neighborhood can stay with the same environment, beauty, comfort, and safety that is enjoyed now.

Tom Luetkemeyer, 2031 Cherry Hills spoke in opposition of the rezoning.

Jeane Stutzman, 3970 East Spyglass Hill stated flooding is an issue and spoke in opposition of the rezoning.

Sue Garland, 1030 South River Meadows Road wants to leave the zoning the way it is. She asked to please leave the beautiful hillside.

Adam Jones, 1819 South Cherry Hills Lane stated he just bought a house a month ago. He stated it was down to this house and a house in Springdale and what made his decision was stepping out the back door and seeing Dead Horse Mountain.

Greg Mathis, 3848 Spyglass Hill Drive spoke in opposition of the rezoning.

Tom Steven, 3803 East River Bluff stated he was dead set against the rezoning for environmental reasons and spoke in opposition of the rezoning. He urged the City Council to vote against the rezoning.

Jennifer Zeck, 4274 Oakmount Drive stated she agrees with most of her neighbors and shared concerns regarding the traffic and the water issues. She stated she was concerned about the environmental impact and spoke in opposition of the rezoning.

Karen Mathis, 3848 Spyglass Hill Drive: I want the City Council to have the same song stuck in their head, *"You don't know what you have until it is gone, they paved paradise and put in a parking lot."*

Looking at Fayetteville vision 2020, I noticed the number one principle is a naturally beautiful city. Our mountains, hills, and creeks are open green spaces. Does changing the zoning that's in place support the guiding principle?

Robert Rhoads, Attorney for Property Owners Clay Carlton and Mike Lambreth: There have been a lot of points brought up. Most of those points I have already addressed in some form or fashion two weeks ago or in Mr. Carlton's letter.

The two biggest things I'm hearing is traffic. The Buffington Home folks have looked at this again since the last meeting and they still can't come up with a way that it is financially feasible to open up a road going from Dead Horse Mountain. If this zoning goes through and they are able to then build and sell the homes, yes it is their intention to try to develop the rest of the mountain.

The first thing they will do if they develop one more home on the additional 120 acres is open the road and the ingress and egress will be through Dead Horse Mountain. Unfortunately they can't do it at this stage. The extension of Cherry Hills does allow for connectivity. That connectivity is something the city has had in its plan for 11 years because there is a sign that indicates that.

I had a slight sense there was a drainage issue here. Until getting really involved in the last two weeks I didn't realize it's a pretty good size issue. The ordinances, state laws, and city staff, if this development is zoned and does go through in a development stage, they will make sure the drainage is no worse. That's what the law is. Mr. Jorgenson, the Buffington's Engineer, has sent

you all an email indicating what I've just said. The agreement the developers have with the owner of the golf course is not just to divert water onto the golf course into their ponds to take care of drainage. The agreement is to expand the capacity of the ponds.

If they are allowed this rezoning, they will do the project right. They will do it in such a way that logic would tell you that if you are not allowed to make drainage any worse, then why wouldn't you try your very hardest to make it better for all the people they want to sell homes too, but also for the people that live in Stonebridge Meadows.

Vickie Wright, 2046 South Pumpkin Ridge Drive questioned who was going to repair the roads after they are destroyed. She spoke in opposition of the rezoning.

Dan Skoff, 2039 South Pumpkin Ridge Drive spoke on the flooding issues over the last few years. He spoke in opposition of the rezoning.

Alderman Petty: Does anyone know how many inches of rain we received this last session?

A citizen in the audience stated 13 inches.

Alderman Petty: That's a pretty big event, but it's not an uncommon event. Certainly not a 100 year event. I wanted to ask our City Engineer about our Drainage Criteria Manual, which hasn't been adopted for very long. We get the sense sometimes, and I've been guilty, that we hold it up as an explanation for all flooding concerns. I don't think it is true in this case, but I wanted to ask you for an interpretation. I think we are being a little loose with our language. In this letter, *post development flows will not exceed pre development flows*, but isn't the precise language used in the Drainage Criteria Manual the "peak flow" when we talk about these more infrequent events of 5, 10, and 25 year events?

Chris Brown, City Engineer: Yes, when we talk about the larger events it is the "peak flow."

Alderman Petty: So it may be the case that a development could increase the volume of water that is being drained from the site. It would just have to release more slowly so the peak flow is not increased.

Chris Brown: Correct.

Alderman Petty: What that says to me is if we are being precise with our language, it may not flood more, but it could flood for longer.

Alderman Marsh thanked all the residents who took time to come and comment or sent emails. She stated she hears the concerns regarding flooding in particular. She stated the Drainage Criteria Manual limits runoff so basically you have to control or mitigate 80% of total solids. She stated that still leaves room for a 20% increase in total suspended solids that can go into the West Fork of the White River and that is an impaired water way.

She feels it is a good point about the 2030 City Plan. She doesn't believe this is consistent with the goals of the 2030 City Plan. The Planning Commission and staff can concur with that finding and she sees no compelling reason to overturn their recommendations.

She also stated she had concerns with ingress and egress. Where the parcel is located there is only one point of access. She went on to express her concerns regarding only one point of access. She stated the stone bridge has historical value to the citizens of Fayetteville. She stated she can't support the rezoning of the land.

Alderman La Tour: Where in relation to the floodplain and White River is this neighborhood located?

Jeremy Pate: The area in question is not within the floodplain or floodway of White River. The majority of Dead Horse Mountain Road approximately 1,800 feet of that road, where the bridge sits is within the floodway. Normally we try to span a floodway with a bridge. That would be practically impossible for this particular application because it is a large river. This is almost to the river and so a lot of that drainage is heading towards it. It's not within a floodplain so you don't have to get floodplain insurance.

Alderman La Tour: We have to recognize that gravity is a natural phenomenon. Water is going to run downhill. We don't have the development that we are complaining about right now and you already have a flooding problem. There are issues now that need to be addressed by the City Engineer and staff to relieve people who live in that neighborhood of this flooding problem.

I want to protect private property rights. I don't want to tell the developer what you have to do with your land. I'm not saying go and build whatever you want. There is a way you can keep Dead Horse Mountain undeveloped. You buy it yourself, invest your money and keep it natural. I find it offensive that we tell some other property owner that we can tell you your investment is worth nothing now because you can't develop it. This is a bad precedent for our city. If we follow our number one principle there would not be another house built in Fayetteville. We have to balance these principles with the reality of needing housing. There is nothing wrong with making a profit as long as you do it morally and legally.

Alderman Gray: I appreciate every person who has spoken. Stonebridge is a beautiful area. I have confidence in these developers that they are going to keep it a beautiful area. Ten years ago this body gave unanimous support for them to build two houses on one acre. This is all they want to do now. These developers struggled during the recession paying the interest so that beautiful hill didn't go back to the bank. For us to change the rules in the middle of the game and say it was good for you to build out there under the 2025 Plan, but now we have the 2030 Plan and you aren't supposed to build out there. That exasperates the reputation we have had in the City of Fayetteville about being hard to do business with. I know this Mayor and administration has worked very hard to overcome that stigma. Making a decision to not let these developers develop this land is not going to help that reputation. We need to be looking at what we can do to help the flooding.

Chris Brown, City Engineer: There obviously was a problem. The Transportation Division has cleaned out the channel. It is a natural channel that comes from the southeast of the site that comes

into the pipe system that was put in as part of the Stonebridge Meadows development. We haven't done a full analysis of that and it is something we will be looking at to check the pipe sizing. We got a lot of rain and it was an unusually large event. We may have had some blockage in that drainage way. We will be looking at it to see if we can open that up a little bit.

Alderman Gray: I have had more complaints about drainage in this city than anything else during all the time I have been on the Council. We love living in the hills and mountains and water goes downhill. Our engineers are constantly looking at that in a lot of different areas trying to figure out how we can control that. I know these developers will keep that as a major focus as they develop this area. We have to keep in mind that these gentlemen have owned this property for ten years. We went through a terrible recession and there wasn't any money to build and no money to buy. They managed to hold on to that beautiful mountain. I feel the City of Fayetteville is doing a grave disservice if we say sorry we've changed the rules now and you can't build there. I don't want to be a part of that situation.

Alderman Kinion: We have the 2030 Plan in place and it directs our vision as we move forward. Within this plan there is an opportunity to develop this property. It doesn't say you can't develop the property. It says, develop the property and keep the 2030 Future Land Use Plan vision alive. It would be completely compatible with the 2030 Land Use Plan to do a cluster development or a conservation development. If you look at housing trends across the United States these are popular types of development.

I want to point out the problem with the West Fork of the White River. We can't minimize the problems we have in that watershed as an impaired waterway. The critical area of the West Fork of the White River that is being impaired is around Fayetteville. When Fayetteville goes in front of the ADEQ with concerns and we are trying to prevent further impairment of Beaver Lake we have to show that we are honestly managing the sediment, turbulence, velocity and management of the stormwater that is draining into the West Fork of the White River. It's a constant struggle. We aren't trying to prevent development. We are trying to encourage the right type of development.

Alderman Kinion discussed the maintenance of the property infrastructure. He stated staying within the current zone and developing it within the guidelines can help manage future infrastructure management and cost.

Alderman Long: The developers have said if there are over 30 homes built they will add a second entrance. When they hit that 31st home is there a requirement for this second ingress and egress?

David Dayringer, Fire Chief: Yes. When you get over 30 in a development you have to have two ways in and out.

Alderman Long: Please speak about the drainage review process in general and the drainage review process in the Hilltop Overlay area.

Chris Brown and Jeremy Pate gave a brief description of the drainage review process and the drainage review process in the Hilltop Overlay area district.

Alderman Tennant: I don't want to give any comment until we go through the three readings. I don't know that we need to wait another two weeks and have the same exact two hours of conversation.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-2. Alderman Long and Kinion voting no.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: Did the Planning Commission vote for this or against this?

Jeremy Pate: They voted against this.

Alderman Tennant: City staff has recommended for this or against this?

Jeremy Pate: We recommended against the rezoning.

Alderman Tennant: To overturn something I must have several reasons. I have a lot of confidence in the Planning Commission and city staff. I think there will be serious traffic issues especially in the construction phase of this particular development. There needs to be a road to Dead Horse Mountain and if not an actual paved road, then a construction road is needed. It is difficult for me to tell a developer you can't do something with property you own. Nobody is saying you can't develop this at all. Unfortunately, it won't be with this limited project. I don't think this is a good thing for the community right now.

Alderman La Tour: I have to defer to the landowners. They have a whole lot more than \$850,000. invested in this project. I'm not sure they will ever get to a bigger project to build a road that we all want until they get this project built. They have to start generating some cash flow or it's not going anywhere. I'm for developing in a smart way. We have hillside restrictions. There will be extra ordinary requirements on this construction which should keep us going in the right direction with our development.

Alderman Petty: This land can still be developed, it just can't be developed according to the original intentions. The decision made in the past was to give this zoning a sunset and everybody knew that. That was the agreement and it expired. It isn't our job or obligation to bail out developers. It is the wrong place to build more.

Mayor Jordan: I was on the City Council when we approved this to begin with. It was under a certain rezoning that I supported, but it was before the 2030 Plan. That rezoning came and it went. There was a sunset on that development and it expired. I am concerned there is no connection to Dead Horse Mountain. There needs to be one. The location of the property will require more infrastructure, maintenance and it will be costly. Staff and Planning Commission are against it and it goes against the 2030 Plan.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 2-6. Alderman La Tour and Gray voting yes. Alderman Schoppmeyer, Long, Marsh, Kinion, Petty, and Tennant voting no.

This ordinance Failed.

Public Hearing:

Jerome Lopez & Elizabeth Young and the Randall J. Wright Trust Condemnation and Possession: A resolution to authorize the City Attorney to seek condemnation and possession of certain lands owned by Jerome Lopez & Elizabeth Young and the Randall J. Wright Trust needed for the Highway 45 and Old Wire Road Intersection Improvement Project.

City Attorney Kit Williams: We have some good news. We are asking that this resolution be tabled because we have worked out agreements with all of the landowners. We don't have everything in writing and all signed yet, but hopefully by the next meeting we will have it in writing.

Alderman Petty moved to table the resolution to the June 16, 2015 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

This resolution was Tabled to the June 16, 2015 City Council meeting.

New Business:

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA): An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, 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 recommending approval. Planning Commission voted 6-1 in favor of the request.

Clint McDonald, 1385 South Roberts Road, Developer asked if any Aldermen had questions for him. No questions were asked.

Hardin Hanks, 1440 South River Meadows Drive stated his concerns about flooding and traffic conditions. He spoke in opposition of the ordinance

Bobby Smith, 1159 South St. Andrews Circle stated his concerns about traffic and the safety of residents in his neighborhood. He spoke in opposition of the ordinance.

Tom Stevens, 3803 River Bluff Cove stated his concerns about traffic. He stated more apartment complexes are not needed. He spoke in opposition of the ordinance.

Glenda Patterson, 1106 St. Andrews Circle stated apartments are not a good idea. She believes the density of the single family home is too great for the area. She stated her concerns about traffic. She spoke in opposition of the ordinance.

Jay Ray, Cherry Hills Drive stated his concerns about traffic. He stated a traffic light is needed. He spoke in opposition of the ordinance.

Cindy Hodskins, 1128 St. Andrews Circle stated she is concerned about the possibility of flooding in her backyard. She stated her concerns about traffic. She spoke in opposition of the ordinance.

Larry Altman, 2059 South Cherry Hills Drive stated his concerns about traffic. He spoke in opposition of the ordinance.

Greg Zeck, Oakmont Drive stated if the right business was offered and met a need, it might work. He stated this should be considered after the water and traffic problems are addressed.

A discussion followed about leaving the ordinance on the first reading.

Jeremy Pate discussed the process of the State Highway and Transportation Department to establish a traffic signal.

This ordinance was left on the First Reading

VAC 15-5037 (Harbor Isle & Zion Rds./Woodbury S/D) An ordinance to approve VAC 15-5037 submitted by Blew & Associates for property located at Harbor Isle and Zion Road to vacate portions of existing utility easements.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5776 as Recorded in the office of the City Clerk

Amend §97.088 (B)(2)(b) and §97.088 (d): An ordinance to amend Exhibit A, Donor Recognition Signs, and Exhibit B, Naming Park Facilities which are attached and a part of §97.088 (B)(2)(b) and §97.088 (d) of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Alderman Marsh: I see on some of them they have the naming rights for a ten year period. When you get into the gold, platinum, and diamond, does the naming rights have a sunset?

Connie Edmonston: It would probably be as long as the facility would last. We don't have a sunset date.

City Attorney Kit Williams: I was reluctant to put any wording in saying it would be a forever naming. There have been facilities in the past that have been named for people and sometimes things happen to them and they have to be unnamed. I like to guard not only the power of this City Council, but the power of future City Councils. That's why it is not spelled out except in the ten year one.

Alderman Marsh: I'm uncomfortable with it as well. Maybe they donate a sport complex and 20 years from now it needs a major revamp. Are we liable to keep it the original name or can we rename it to the donor that pays for the upgrades? I would like more clarity. I think the sunset clause is a good idea.

Alderman La Tour stated he agreed with Alderwoman Marsh.

A discussion followed about the City Council having final approval of the naming.

Peter Tonnessen, 3500 Hearthstone Drive stated he grew up in a city where parks were named after war heroes and police officers who were killed in the line of duty.

This ordinance was left on the First Reading

Amend §174.07 Placing Signs on Public and Private Property: An ordinance to amend §174.07 Placing Signs on Public and Private Property by clarifying the placement of directional and wayfinding signs on public property and enacting a new Subsection (F) *Trail/Trailhead Wayfinding Signs and Recognition Markers*.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending the amendment.

Alderman Marsh: In §174.07(D) it says that informational kiosk with a map of the Downtown Master Plan area may be placed within the city right-of-way by the city. The kiosk shall contain a map or description of the Downtown Master Plan area, public buildings and facilities, parking areas and entertainment. Does this preclude us from putting maps and informational kiosk of other areas of town such as the Uptown or around the Gregg and Township intersections and other areas where people need to be able to navigate from the trail to other destinations?

Jeremy Pate: It would not preclude directional signage. We can't place businesses on those signs. A public area that someone's needing to find, such as a trail head location, a public park location, any of those things we identified in the Wayfinding Sign program we could provide arrows, distances and we have begun doing that as part of our Wayfinding Sign program. The intent is to limit those kiosk within high pedestrian uses in Downtown. This section was created when we just had the Downtown Master Plan boundary.

Alderman Marsh: If somebody gets to Uptown and would like to see a map of Uptown so you could navigate to wherever you are trying to get, it wouldn't have to locate specific businesses.

Jeremy Pate: It may be the semantics of it. Section D was created before we had any Wayfinding Signs. I would look at a directional Wayfinding informational sign as being allowed within our trail system. If you look at the Master Plan it includes maps of our trails system. The trail head signage includes interpretive information as well as a map of where you are within a regional trail system. I think they would fall within those Wayfinding Signs, interpretive and informational signs that could be permitted from our trail system.

Alderman Marsh: I do see that as helping you navigate within the trail. We want people to use our trail to access other things that are off the trail. It seems we might be making this a little narrow.

City Attorney Kit Williams: This predated the directional Wayfinding Signs. It was done when we did the Downtown Master Plan. It was directed toward our entertainment area where there is the vast majority of our pedestrian traffic. I don't see any reason why they could not be in other places. We could expand the definition.

A discussion followed changing the wording and removing Downtown Master Plan in Section D.

Alderman Marsh moved to amend Section D of the ordinance to remove Downtown Master Plan. Alderman Petty seconded the motion. Upon roll call the motion to amend passed unanimously.

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

City Attorney Kit Williams read the ordinance.

Alderman Marsh: In Section C it is again limiting us to the Downtown Master Plan area. I would like to strike within the boundaries of the Downtown Master Plan.

Alderman Marsh moved to amend Section C of the ordinance to remove Downtown Master Plan. Alderman Petty seconded the motion. Upon roll call the motion to amend passed unanimously.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5777 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: We would like to welcome the Wal-Mart shareholders.

The University of Arkansas is hosting the Super Regional baseball tournament this weekend at Baum Stadium.

On June 5, 2015 the Wilson Park Pool will open for the season. The first dive in movie will be shown. It is a free attendance day for the pool.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:53 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

Handed out at the
June 16, 2015 City Council meeting
Uniform Civil Rights Protection

Amendment 1

Section (C) of Definitions shall be amended to replace the last sentence thereof as follows: *Gender identity corresponds to the readily observable biological and scientifically determinable fact of a person being either male or female at birth.*

Amendment 2

Section 1 shall be amended to provide that the entire ordinance be printed on the ballot. Further the City of Fayetteville shall provide no summary statement or shortened description of the ordinance to the Washington County Clerk for printing on the ballot.

Amendment 3

Section 1 shall be amended to provide that no City of Fayetteville resources shall, directly or indirectly, be used to promote the approval of the ordinance by the Fayetteville voters.

Amendment 4

Section 1 shall be amended to provide that the scheduling of an election shall be held in abeyance until the Attorney General of the State of Arkansas has rendered an opinion as to whether the proposed ordinance violates A.C.A. § 14-1-401. If the Attorney General determines that the proposed ordinance is in violation of the foregoing statute, then the ordinance shall be considered void ab initio and no election shall be held.

Amendment 5

Section 2 shall be amended to provide that, if the ordinance is rejected by the voters of the City of Fayetteville, the City of Fayetteville shall not enact another ordinance concerning discrimination on the basis of sexual orientation and gender identity for a minimum of two (2) years from the date of the election which rejected the ordinance. This provision alone shall survive the rejection of the ordinance by the voters.

Amendment 6

Section (A) of the **Discrimination Offense** shall be amended to provide that the observance or practice of gender identity or sexual orientation shall be subject to the same limitation as set forth in A.C.A. § 16-123-103(b) for religious observance or practice.

Solely for reference purposes: A.C.A. § 16-123-103(b)

It shall not constitute employment discrimination under this subchapter for an employer to refuse to accommodate the religious observance or practice of an employee or prospective employee if the employer demonstrates that he is unable to reasonably make such accommodation without undue hardship on the conduct of the employer's business.

Amendment 7

Section 1 shall be amended that the ordinance shall be put to a vote at the next regular general election in November 2016.

Amendment 8

Complaint Procedures and Enforcement Section (D) shall be amended to provide that notice of the complaint be provided to the Respondent with notice in a similar manner as the service of a summons in a civil suit. Respondent shall have 30 days after service to respond in writing to the complaint. Any hearing shall be set not earlier than 60 days after receipt by Civil Rights Commission of the written response by Respondent.

Amendment 9

Complaint Procedures and Enforcement Section (E) shall be amended to provide that the Arkansas rules of evidence, including but not limited to the exclusion of hearsay evidence, shall apply to the conduct of the hearing before the Civil Rights Commission.

Amendment 10

Complaint Procedures and Enforcement Section (E) shall be amended to provide that the Respondent shall be presumed innocent of a violation until determined guilty beyond a reasonable doubt by the Civil Rights Commission.

Amendment 11

Complaint Procedures and Enforcement Section (E) shall be amended to provide that the Respondent shall have the right afforded in the U.S. Constitution, Amendment 6, to confront each witness against her at the hearing.

Amendment 12

Complaint Procedures and Enforcement Section (E) shall be amended to provide that the Respondent shall have the right to appeal any adverse decision against him to the State Circuit Court.

Amendment 13

Complaint Procedures and Enforcement Section (E) shall be amended to provide that it shall be a defense to any alleged discrimination that the Respondent holds a good faith belief in traditional marriage and that her allegedly discriminatory acts were a reasonable expression of her belief in the sanctity of traditional marriage. For these purposes, "traditional marriage" is to be defined as a marriage of one man to one woman.

Amendment 14

Complaint Procedures and Enforcement Section (F) shall be amended to provide that Fayetteville City Code § 10.99 **General Penalty** shall not apply to impose imprisonment on anyone cited and fined under this ordinance.

PROCEDURE FOR ADDRESSING CITY COUNCIL



- At the podium, please state your name and address
- Speakers have one turn to speak, unless a Council member calls you back to the podium
- Direct your comments to the Mayor
- Do not engage Council members or members of the public

If you wish to speak at tonight's City Council meeting please sign in below so that the City Clerk's Office will have accurate information.

NAME	ADDRESS OR PHONE NUMBER
Madison Beeler	479. 876. 9349
Dwight Gonzales	479 4227289
Dr. Lisa Corrigan	479 443 2392
RAYMOND Sweet	479- 316- 5923
Wendy Campbell	479- 301 -1850
Bobby Ballinger	479- 445- 8526
William Colclim	479- 283- 5951
Robert Stafford	479 415- 816- 9971
Evelyn Rios	415 - 722 - 7754
John Burnett	479- 841- 9074

PROCEDURE FOR ADDRESSING CITY COUNCIL



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- Direct your comments to the Mayor
- Do not engage Council members or members of the public

If you wish to speak at tonight's City Council meeting please sign in below so that the City Clerk's Office will have accurate information.

NAME	ADDRESS OR PHONE NUMBER
Joey Collins	800-4261
Laura Phillips	479-409-0035
PAUL PHANEUF	479-966-4242
PAUL SAGAN	(479) 409 4670
Ben Korach	479 856 3330
Josh Waters	810 761 8220
Kyle Smith	479 479 200 0891
Danielle Weatherby	
Olivia DeMille	479-409-6779
Teah Knight	479-616-2344
RUSTIN CUNNINGHAM	479-790-2720

PROCEDURE FOR ADDRESSING CITY COUNCIL



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NAME	ADDRESS OR PHONE NUMBER
Jeanne Champagne	4219 E BLK CANYON, FAY AR
April Rafferty	307 (479) 312-9255

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 9, 2015

4:30 PM

City Hall Room 326

City Council Meeting

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

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

[2015-0158](#)

NOMINATING COMMITTEE REPORT

Agenda Additions:

A. Consent:

A. 1 [2014-0505](#)

APPROVAL OF THE JUNE 2, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0264](#)

BID #15-32 PETERBILT OF FORT SMITH

A RESOLUTION TO AWARD BID #15-32 AND AUTHORIZE THE PURCHASE OF TWO (2) PETERBILT 348 TRUCKS WITH LABRIE REAR LOADERS FROM PETERBILT OF FORT SMITH IN THE TOTAL AMOUNT OF \$369,180.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments:

[SRP - RTC Rear Loaders 4030-4031](#)

A. 3 [2015-0266](#)

BID #15-33 T&T GREEN, LLC

A RESOLUTION TO AWARD BID #15-33 AND AUTHORIZE A CONTRACT WITH T&T GREEN, LLC OF FAYETTEVILLE, ARKANSAS FOR THE REPLACEMENT OF INSULATION AT THE CITY RECYCLING CENTER IN THE AMOUNT OF \$38,000.00

Attachments:

[SRP 2015-0266 Bid 15-33 T&T Green, LLC](#)

A. 4 [2015-0262](#)

BID #15-34 LEIGH EARTHWORKS, LLC

A RESOLUTION TO AWARD BID #15-34 AND AUTHORIZE A CONTRACT WITH LEIGH EARTHWORKS, LLC OF WINSLOW, ARKANSAS FOR THE FAYETTEVILLE SENIOR ACTIVITY AND WELLNESS CENTER PARKING LOT EXPANSION PROJECT IN THE AMOUNT OF \$35,063.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,506.00

Attachments: [2015-0262 Bid 15-34 Leigh Earthworks contract](#)

B. Public Hearing:

B. 1 [2015-0250](#)

JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST NEEDED FOR THE HIGHWAY 45 AND OLD WIRE ROAD INTERSECTION IMPROVEMENT PROJECT

Attachments: [2015-0250](#)

Legislative History

6/2/15 City Council Meeting tabled

C. Unfinished Business:

C. 1 [2015-0229](#)

AMENDMENT OF THE MASTER STREET PLAN

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments: [Ex A](#)
 [15-5035 Full Packet](#)
 [Additional 2006 Development Staff Report Crystal Springs](#)

Legislative History

5/19/15 City Council Meeting tabled

C. 2 [2015-0249](#)

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments: [15-5044 CC EX A & EX B](#)
 [15-5044 CC reports](#)

Legislative History

6/2/15 City Council Meeting left on first reading

C. 3 [2015-0251](#)

AMEND § 97.088 (B)(2)(b) and § 97.088 (d)

AN ORDINANCE TO AMEND EXHIBIT A, DONOR RECOGNITION SIGNS, AND EXHIBIT B, NAMING PARK FACILITIES WHICH ARE ATTACHED AND A PART OF § 97.088 (B)(2)(b) and § 97.088 (d) OF THE FAYETTEVILLE CODE

Attachments: [2015-0251 Chapter 97 Ordinance Amendment](#)

Legislative History

6/2/15 City Council Meeting left on first reading

D. New Business:

D. 1 [2015-0271](#)

AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY

AN ORDINANCE TO AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY TO AUTHORIZE THE USE OF A REALTOR FOR THE SALE OF THE TWO HOUSES AT GULLEY PARK

Attachments: [2015-0271 Exemption Provision Request for 34.27](#)

D. 2 [2015-0269](#)

RZN 15-5053 (WEST OF 4195 W. PERSIMMON ST./MCBRIDE)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5053, FOR APPROXIMATELY 2.16 ACRES, LOCATED WEST OF 4195 W. PERSIMMON STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO R-O, RESIDENTIAL-OFFICE

Attachments: [15-5053 CC Exhibits](#)
 [15-5053 CC Reports](#)

D. 3 [2015-0265](#)

**PLACE HOLDER: MAPLE STREET & LAFAYETTE STREET
BRIDGE REHAB**

A RESOLUTION TO AWARD A CONTRACT IN THE AMOUNT OF \$X,XXX,XXX.XX TO CONTRACTOR, INC. FOR THE CONSTRUCTION OF THE MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB, APPROVE A PROJECT CONTINGENCY OF \$XXX,XXX.XX (5%), AND APPROVE A BUDGET ADJUSTMENT.

Attachments: [Historic Bridges Construction Contract.pdf](#)

D. 4 [2015-0274](#)

UNIFORM CIVIL RIGHTS PROTECTION

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

Attachments: [Agenda Packet Ordinance Uniform Nondiscrimination Protections](#)

E. City Council Agenda Session Presentations:

E. 1 [2015-0212](#)

AGENDA SESSION PRESENTATION - SOLID WASTE REDUCTION, DIVERSION AND RECYCLING MASTER PLAN UPDATE BY MITCH KESSLER

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

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 8 of 234
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0264

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

BID #15-32 PETERBILT OF FORT SMITH

A RESOLUTION TO AWARD BID #15-32 AND AUTHORIZE THE PURCHASE OF TWO (2) PETERBILT 348 TRUCKS WITH LABRIE REAR LOADERS FROM PETERBILT OF FORT SMITH IN THE TOTAL AMOUNT OF \$369,180.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

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 #15-32 and authorizes the purchase of two (2) Peterbilt 348 trucks with Labrie 2RIII Rear Loaders from Peterbilt of Fort Smith in the total amount of \$369,180.00 for use by the Recycling and Trash Collection Division.

City of Fayetteville Staff Review Form

2015-0264

Legistar File ID

6/16/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn

5/27/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve the purchase of two Peterbilt 348 with Labrie 2RIII Rear Loaders in the amount of \$184,590 each for a total of \$369,180 off of Bid 15-32 through Peterbilt of Fort Smith.

Budget Impact:

9700.1920.5802.00		Shop Fund	
Account Number		Fund	
02082.2014 & 2015		Solid Waste Equipment	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 987,045.00
		Funds Obligated	\$ -
		Current Balance	\$ 987,045.00
Does item have a cost?	Yes	Item Cost	\$ 369,180.00
Budget Adjustment Attached?	No	Budget Adjustment	
		Remaining Budget	\$ 617,865.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: May 27, 2015

SUBJECT: Purchase of two Rear Load Trash Trucks for Recycling & Trash Collection

RECOMMENDATION:

That City Council approve the purchase of two Peterbilt 348 trucks with Labrie 2RIII Rear Loaders in the amount of \$184,590 each for a total of \$369,180 off of Bid 15-32 through Peterbilt of Fort Smith.

BACKGROUND:

Unit 481 is a 2006 Autocar rear loading trash truck. It has over 95,000 miles and has cost more than 95% of its original purchase price in maintenance. It was budgeted in 2014 but was pushed to 2015 for purchase.

Unit 482 is a 2006 Autocar rear loading trash truck. It has over 93,000 miles and has cost more than 77% of its original purchase price in maintenance.

DISCUSSION:

Fleet recommends the purchase of two Peterbilt 348 with Labrie 2RIII Rear Loaders in the amount of \$184,590 each for a total of \$369,180 off of Bid 15-32 through Peterbilt of Fort Smith.

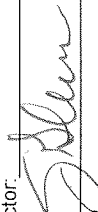
This purchase was presented to the Equipment Committee on May 26, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for both of these purchases.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO)										Requisition No.: _____		Date: 5/27/2015	
(Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.										P.O Number: _____			
Vendor #:		19771		Vendor Name:		Peterbilt of Fort Smith				Legistar#: 2015-0264			
Address:				FOB Point:				Taxable ☐ Yes ☒ No		Expected Delivery Date:			
City:				State:				Ship to code: 50					
Requester:		Sara Glenn		Requester's Employee #:		3912		Extension: 3485					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #				
1	Peterbilt 348 truck with Labrie 2RIII Rear Loader	1	ea	184,590.00	\$184,590.00	9700.1920.5802.00	02082.2014	4030	704030				
2	To be unit 4030 Fixed asset # 704030				\$0.00								
3	Peterbilt 348 truck with Labrie 2RIII Rear Loader	1	ea	184,590.00	\$184,590.00	9700.1920.5802.00	02082.2015	4031	704031				
4	To be unit 4031 Fixed asset # 704031				\$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: Bid 15-32													
Subtotal: \$369,180.00 Tax: \$0.00 Total: \$369,180.00													
Approvals:													
Mayor: _____				Department Director: _____				Purchasing Manager: _____					
Chief Financial Officer: _____				Budget Director: _____				IT Director: _____					
Dispatch Manager: _____				Utilities Manager: _____				Other: 					



Bid 15-32, Diesel Powered Refuse Trucks

Bid: 15-32
4/28/2015
2:00 PM
City of Fayetteville

BIDDER	QTY	Chassis	25 Yard Rear Load Refuse Body	
MHC Kenworth - Opt 1 Mfg/Model Bid	2	\$ 121,550.00 Kenworth T440	\$ 75,609.00 Wayne Phoenix 25 YD	\$ 394,318.00
MHC Kenworth - Opt 2 Mfg/Model Bid	2	\$ 121,550.00 Kenworth T440	\$ 58,860.00 Load Master Excel 25 YD	\$ 360,820.00
MHC Kenworth - Opt 3 Mfg/Model Bid	2	\$ 121,550.00 Kenworth T440	\$ 70,594.00 New Way 25yd Cobra Magnum	\$ 384,288.00
MHC Kenworth - Opt 4 Mfg/Model Bid	2	\$ 121,550.00 Kenworth T440	\$ 61,632.00 Pac-Mac RLX25	\$ 366,364.00
MHC Kenworth - Opt 5 Mfg/Model Bid	2	\$ 121,550.00 Kenworth T440	\$ 73,120.00 Labrie/Leach 2RIII	\$ 389,340.00
Peterbilt of Fort Smith - Opt 1 Mfg/Model Bid	2	\$ 111,470.00 Peterbilt 348	\$ 73,120.00 Labrie/Leach 2RIII Rear Loader	\$ 369,180.00
Peterbilt of Fort Smith - Opt 2 Mfg/Model Bid	2	\$ 111,470.00 Peterbilt 348	\$ 75,609.00 Wayne Phoenix 25 YD LR	\$ 374,158.00
Peterbilt of Fort Smith - Opt 3 Mfg/Model Bid	2	\$ 111,470.00 Peterbilt 348	\$ 64,960.00 Load Master Excel 25 YD RL	\$ 352,860.00
RDK Municipal Truck Center Inc Mfg/Model Bid	2	\$ 116,000.00 2016 International 7600SBA6x4	\$ 78,000.00 EZ Pack Goliath G-400-25	\$ 388,000.00
Shipley Motor Equipment Co - Opt 1 Mfg/Model Bid	2	\$ 128,000.00 Mack GU813	\$ 73,120.00 Labrie/Leach 2RIII Rear Loader	\$ 402,240.00
Shipley Motor Equipment Co - Opt 2 Mfg/Model Bid	2	\$ 128,000.00 Mack GU813	\$ 61,632.00 Pac-Mac RLX25 yd	\$ 379,264.00
Shipley Motor Equipment Co - Opt 3 Mfg/Model Bid	2	\$ 128,000.00 Mack GU813	\$ 70,594.00 New Way Magnum 25 Yd	\$ 397,188.00
Truck Component Service - Opt 1 Mfg/Model Bid	2	\$ 106,094.00 International 7500	\$ 64,960.00 Load Master Excel 25 yd RL	\$ 342,108.00
Truck Component Service - Opt 2 Mfg/Model Bid	2	\$ 109,220.00 Freightliner 114-SD	\$ 75,609.00 Wayne Phoenix 25 yard LD	\$ 369,658.00
Truck Component Service - Opt 3 Mfg/Model Bid	2	\$ 106,094.00 International 7500	\$ 75,609.00 Wayne Phoenix 25 yd RL	\$ 363,406.00
Truck Component Service - Opt 4 Mfg/Model Bid	2	\$ 109,220.00 Freightliner 114-SD	\$ 64,960.00 Load Master Excel 25 YD RL	\$ 348,360.00
Truck Centers of Arkansas - Opt 1 Mfg/Model Bid	2	\$ 110,359.00 Freightliner 114-SD	\$ 61,632.00 Pac-Mac RLX25	\$ 343,982.00
Truck Centers of Arkansas - Opt 2 Mfg/Model Bid	2	\$ 110,359.00 Freightliner 114-SD	\$ 70,594.00 New Way 25yd Cobra Magnum	\$ 361,906.00

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

CERTIFIED:

P. Vice, Purchasing Manager

Witness

Date

P. Vice

Carolyn Reif

4-29-15



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Parkway, Suite 100
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0266

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID #15-33 T&T GREEN, LLC

A RESOLUTION TO AWARD BID #15-33 AND AUTHORIZE A CONTRACT WITH T&T GREEN, LLC OF FAYETTEVILLE, ARKANSAS FOR THE REPLACEMENT OF INSULATION AT THE CITY RECYCLING CENTER IN THE AMOUNT OF \$38,000.00

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 #15-33 and authorizes a contract with T&T Green, LLC of Fayetteville, Arkansas for the replacement of insulation at the City Recycling Center in the amount of \$38,000.00.

City of Fayetteville Staff Review Form

2015-0266

Legistar File ID

6/16/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh

5/29/2015

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to award bid # 15-33 to T&T Green, LLC for the application of spray foam insulation at the City Recycling Center for the amount of \$38,000.

Budget Impact:

5500.5080.5816.00

Recycling and Trash

Account Number

Fund

07012.1

Material Recovery Facility Insulation
Replacement

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 71,276.00

Funds Obligated \$ 38,000.00

Current Balance \$ 33,276.00

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 33,276.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Bid #15-33 Spray Foam insulation at City Recycling Center

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 16TH, 2015

TO: Mayor and City Council

THRU: Jeff Coles, Recycling and Trash Collections Director

FROM: Brian Pugh, Waste Reduction Coordinator

DATE: May 28, 2015

SUBJECT: A RESOLUTION TO AWARD BID #15-33 TO T&T GREEN, LLC FOR THE APPLICATION OF SPRAY FOAM INSULATION AT THE CITY RECYCLING CENTER FOR THE AMOUNT OF \$38,000

RECOMMENDATION:

Approve a resolution to award bid #15-33 to T&T Green, LLC for the application of spray foam insulation at the City Recycling Center for the amount of \$38,000.

BACKGROUND:

Bid 15-33 was issued and advertised on April 15th, 2015 and April 22, 2015 and closed on May 8th, 2015. The bid requests services for the removal of old fiberglass insulation and application of new spray foam insulation inside the recycling center located at 1560 S. Happy Hollow Road adjacent to the Transfer Station. The bid was requested in order to replace insulation that has deteriorated and is needed to maintain the facility.

DISCUSSION:

There were 4 bids received for the service with T&T Green, LLC being the lowest responsible bidder for the project. T&T Green, LLC has met all requirements for the bid.

BUDGET/STAFF IMPACT:

The project was planned and budgeted for this year and there is money allocated in project 07012 sub project 1 to cover the project.

Attachments:

#15-33 Bid from T&T Green, LLC, #15-33 Bid tabulation, Contract for project with T&T Green, Purchase Order for Bid #15-33.

City of Fayetteville
Bid 15-33, Construction – Spray Foam Insulation
Bid Form

Contract Name: Bid 15-33, Construction – Spray Foam Insulation
Bid Number 15-33

BID TO:

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

BID FROM:

Bidder:

T & T Green, LLC
808 N. Highland Ave
Fayetteville, AR 72701

Section 1 – Intent:

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

Section 2 – Terms & Conditions:

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

Section 3 – Bidder's Representations:

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

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

<u>Number</u>	<u>Date</u>
#1	5/1/15
_____	_____
_____	_____
_____	_____

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4 – Price:

Total lump sum bid amount of for all work described in this bid package: \$

38,000.00
Thirty-eight thousand & ^{no}/₁₀₀

Section 5 – Listing of Subcontractors:

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

Section 6 – Contract Times:

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

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

Section 7 – Debarment:

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

- a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Section 8 – Communications:

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

T&T Green, LLC
808 N. Highland Ave
Fayetteville, AR 72701

Phone No. 479-531-7658

email jtucker@tandtgreen.com
FAX No. 479 668 0822
for

Section 9 – SIGNATURE:

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

SUBMITTED on this 8th Date of May, 2015.

Arkansas State Contractor License No. 0221490515

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: _____ (SEAL)

By: _____

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

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 3: A Corporation OR LLC

Corporation Name: T&T Green, LLC (SEAL)

Date of Incorporation: May 5, 2011

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

By: _____

(Signature – attach evidence of authority to sign)

Name (type or printed):

Josef Tucker

Title:

Member, T&T Green, LLC

(CORPORATE SEAL)

Business address:

808 N. Highland Ave

Fayetteville, AR 72701

Phone No.:

479-531-7658

FAX No.:

479 668 0822

email jtucker@t&tgreen.com

City of Fayetteville
Bid 15-33, Construction – Spray Foam Insulation
Vendor References

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

COMPANY NAME: T & T Green, LLC
BUSINESS ADDRESS: 808 N. Highland Ave, Fayetteville, AR 72701
NUMBER OF YEARS IN BUSINESS: 4 HOW LONG IN PRESENT LOCATION: 5 months
TOTAL NUMBER OF CURRENT EMPLOYEES: 7 FULL TIME N/A PART TIME
NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 5 FULL TIME N/A PART TIME

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

1. Milestone Construction Company
COMPANY NAME

2002 South 48th St. Springdale, AR 72762
CITY, STATE, ZIP

2. Beshears Construction, Inc.
COMPANY NAME

PO Box 6299 Ft. Smith, AR 72906
CITY, STATE, ZIP

Gaea Fercus
CONTACT PERSON

Miranda Robinson
CONTACT PERSON

479-966-5310
TELEPHONE

479-646-0846
TELEPHONE

Various, most recently 8/25/14
DATE COMPLETED

2/20/15 Air National Guard Renovation
DATE COMPLETED

gfercus@milestonecc.com
E-MAIL ADDRESS

miranda@beshearsconstruction.com
E-MAIL ADDRESS

3. Kinco Constructors, LLC
COMPANY NAME

3803 Kelley Ave. Springdale, AR 72762
CITY, STATE, ZIP

Chase Taylor
CONTACT PERSON

479-353-4813
TELEPHONE

11/15/14 - various
DATE COMPLETED

ctaylor@kinco.net
E-MAIL ADDRESS

4. Keating Enterprises
COMPANY NAME

216 East Township, Fayetteville, AR 72703
CITY, STATE, ZIP

Bill Keating
CONTACT PERSON

479 263-4762
TELEPHONE

6/12/13 - various
DATE COMPLETED

bill@keatingent.com
E-MAIL ADDRESS

BID BOND
(Percentage)

Bond No. 62386152

KNOW ALL PERSONS BY THESE PRESENTS, That we T & T Green, LLC
of 808 N. Highland Ave, Fayetteville, AR 72701

_____, hereinafter referred to as the Principal, and
WESTERN SURETY COMPANY

as Surety, are held and firmly bound unto City of Fayetteville

~~xx~~ _____, hereinafter referred to as the Obligee, in the amount of
Five Percent of the Amount Bid
(5%), for the payment of which we bind ourselves, our legal representatives,
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Obligee on a contract for _____
Bid 15-33, Construction- Spray Foam Insulation

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within such time as may be specified, enter into the contract in writing and give such bond or bonds as may be specified in the bidding or contract documents with surety acceptable to Obligee; or if Principal shall fail to do so, pay to Obligee the damages which Obligee may suffer by reason of such failure not exceeding the penalty of this bond, then this obligation shall be void; otherwise to remain in full force and effect.

SIGNED, SEALED AND DATED this 8th day of May, 2015.

Principal

T & T Green, LLC

BY: _____

Surety

WESTERN SURETY COMPANY

BY: _____

Terri Dianne Stuart, Attorney-in-Fact



Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 62386152

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Terri Dianne Stuart

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: T & T Green, LLC

Obligee: City of City of Fayetteville

Amount: \$500,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Senior Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

All authority hereby conferred shall expire and terminate, without notice, unless used before midnight of August 6th, 2015, but until such time shall be irrevocable and in full force and effect.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 8th day of May, 2015.



WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

On this 8th day of May, in the year 2015, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



My Commission Expires August 11, 2016

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 8th day of May, 2015.

WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President



BID: 15-33
05/08/15
2:00 PM
CITY OF FAYETTEVILLE

Bid 15-33, Construction - Spray Foam Insulation

Revised 05/19/2015

BIDDER		TOTAL BID PRICE
1	Arkansas Foam Insulation	\$ 39,412.00
2	Davis Construction	\$ 57,800.00
3	Ozark Foam LLC	\$ 41,195.00
4	T & T Green LLC	\$ 38,000.00

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

CERTIFIED:

A. Foren Rennie, Purchasing Agent

Witness

Date

Handwritten signature of A. Foren Rennie in black ink.

Handwritten signature of the witness in black ink.

5/19/2015



City of Fayetteville, AR

CONTRACT

Bid 15-33, Construction – Spray Foam Insulation

Vendor: T&T Green, LLC, 808 N. Highland Ave, Fayetteville, AR 72701

This contract executed this ____ day of _____, 2015, between the City of Fayetteville, Arkansas, and T&T Green, LLC. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. T&T Green, LLC 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 15-33 as stated in T&T Green, LLC bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 15-33, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay T&T Green, LLC based on their bid proposal in an amount not to exceed \$38,000.00. 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 T&T Green, LLC consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 15-33 with the specifications and conditions typed thereon.
 - B. T&T Green, LLC 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 T&T Green, LLC and may be modified only by a duly executed written instrument signed by the City of Fayetteville and T&T Green, LLC.
5. T&T Green, LLC shall not assign its duties under the terms of this agreement.
6. T&T Green, LLC 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 T&T Green, LLC 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. T&T Green, LLC 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, T&T Green, LLC shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General & Automobile Insurance

Bodily Injury Liability

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

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by T&T Green, LLC.

8. T&T Green, LLC to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or T&T Green, LLC with 30 days written notice.
10. This project shall be completed within **60 calendar days** from issue date of Notice to Proceed.
11. Liquidated Damages: N/A
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2015.

T&T GREEN, LLC

CITY OF FAYETTEVILLE, ARKANSAS

By: 
Signature

By: _____
LIONELD JORDAN, Mayor

Jose T. Tucker, Member, LLC
Printed Contractor Name & Title


ATTEST (Signature)

Kirsten C.D. Tucker
Company Secretary (Printed Name)

Business Address
808 N. Highland Ave.
Fayetteville, AR 72701
City, State & Zip Code

Date Signed: 5/22/15

T&T Green, LLC
808 N. Highland Ave.
Fayetteville, AR 72701
(479) 531-7658, jtucker@tandtgreen.com

City of Fayetteville, AR
Bid 15-33, Construction – Spray Foam Insulation
Page 2 of 2

ATTEST: (Signature)

Sondra Smith, City Clerk

Date Signed: _____

City of Fayetteville, AR
113 W. Mountain
Fayetteville, AR 72701

City Of Fayetteville

(Not a Purchase Order)

June 9, 2015
Agenda of 234

Vendor #: 25619 Vendor Name: T&T Green LLC
Address: 808 N Highland Ave
City: Fayetteville State: AR
Requester: Glenda Eden

Fob Point: fvy

Ship to code: 72701 170
Requester's Employee #: 1701

Mail Yes: No: XX
Taxable Yes: XX
Division Head Approval: *[Signature]* No: Yes: *[Signature]*

Quoties Attached Yes: No: *[Signature]*

Extension: 497

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Remove and install MRF Insulation	1	job	38,000.00	\$38,000.00	5500.5080.5816.00	7012.1		
2	Bid#15-33				\$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				
	freight				\$0.00				

Special Instructions:

Subtotal: \$38,000.00
Tax: \$3,705.00
Total: \$41,705.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 200
Fayetteville, AR 72701
(479) 575-8323
Page 28 of 234

Text File

File Number: 2015-0262

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID #15-34 LEIGH EARTHWORKS, LLC

A RESOLUTION TO AWARD BID #15-34 AND AUTHORIZE A CONTRACT WITH LEIGH EARTHWORKS, LLC OF WINSLOW, ARKANSAS FOR THE FAYETTEVILLE SENIOR ACTIVITY AND WELLNESS CENTER PARKING LOT EXPANSION PROJECT IN THE AMOUNT OF \$35,063.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,506.00

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 #15-34 and authorizes a contract with Leigh Earthworks, LLC of Winslow, Arkansas for the Fayetteville Senior Activity and Wellness Center parking lot expansion project in the amount of \$35,063.00, and further approves a project contingency in the amount of \$3,506.00.

City of Fayetteville Staff Review Form

2015-0262

Legistar File ID

6/16/2015

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

Carole Jones

5/29/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract with Leigh Earthworks, LLC for Bid #15-34 in the amount of \$35,063 plus a project contingency of \$3,506

Budget Impact:

4470.9470.5315.00

Fayetteville Senior Center Parking Lot

Account Number

Fund

14006.1

Fayetteville Senior Center Parking Lot

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 57,697.00

Funds Obligated \$ 302.50

Current Balance \$ **57,394.50**

Does item have a cost? Yes

Item Cost \$ 38,569.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ **18,825.50**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Alison Jumper, Park Planning Superintendent

FROM: Carole Jones, Park Planner II

DATE: May 29, 2015

SUBJECT: Approval of a contract with Leigh Earthworks, LLC for Bid #15-34 in the amount of \$35,063 plus a project contingency of \$3,506

RECOMMENDATION:

Approval of a contract with Leigh Earthworks, LLC for Bid #15-34 in the amount of \$35,063 plus a project contingency of \$3,506

BACKGROUND:

The Fayetteville Senior Activity and Wellness Center opened in July 2003. The goals of the center are to help senior Arkansans remain healthy, active, independent and contributing members of the community as long as possible. The center offers wellness/exercise programs as well as a wide range of daily activities. They also offer delivered home meals to homebound seniors through the meals on wheels program.

The center has flourished and become a popular, well-used facility. Senior residents and center staff have requested additional parking for many years. Parking improvements were identified in the 2015 Capital Improvement Plan. The project includes the addition of eight new standard parking spaces and restriping of the existing parking lots at the center. This will result in a total of 12 additional standard parking spaces and three new motorcycle/scooter spaces. Parking lot trees and site restoration are also included.

DISCUSSION:

The project was advertised on April 24 and May 1, and bids were opened on May 21, 2015. Seven vendors submitted bids as shown in the following table:

Bidder	Total Base Bid
Arco Excavation and Paving, Inc.	\$69,025.00
Fochtman Enterprises, Inc.	\$49,826.00
LJB Construction, Inc.	\$48,413.00
C3 Consulting, Inc.	\$43,896.00
Sweetser Construction, Inc.	\$43,402.50
Tomlinson Asphalt Company, Inc.	\$38,732.10
Leigh Earthworks, LLC	\$35,063.00

Leigh Earthworks, LLC was the low bid in the amount of \$35,063. (See attached certified bid tabulation.) If approved, the construction of the project is anticipated to begin in July.

BUDGET/STAFF IMPACT:

This project is funded with Sales Tax Funds. The cost of \$35,063 is accounted for in project number 14006 – Senior Center Parking Improvements.

Attachments:

Bid Submittal – Leigh Earthworks, LLC
Certified Bid Tabulation
Agreement Signed by Contractor
PO Request

City of Fayetteville
Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid
Bid Form

Contract Name: Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid
Bid Number 15-34

BID TO:

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

BID FROM:

Bidder: Beigh Earthworks, LLC

Section 1 – Intent:

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

Section 2 – Terms & Conditions:

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

Section 3 – Bidder's Representations:

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

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

<u>Number</u>	<u>Date</u>
<u>1</u>	<u>5/20/15</u>
_____	_____
_____	_____
_____	_____

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

- a. **Attachment A:** Technical Specifications (Included electronically with FILE 1)
- b. **Attachment B:** Project Drawings (Distributed electronically with FILE 2)

40. **ADDITIONAL PROJECT REQUIREMENTS:**

- a. Bidders shall have experience in providing products and/or services of the same or similar nature for a minimum of five (5) years.
- b. Work shall be completed within thirty (30) calendar days of Notice to Proceed.
- c. All work shall be performed between the hours of 7:00 AM and 11:00 PM, Monday through Sunday, as allowed by the Fayetteville Noise Ordinance.
- d. All applicable permits will be required; however, fees for City associated permits will be waived.
- e. The City will not hold a retainage from payments associated with this project.
- f. There will be no liquidated damages associated with this bid.
- g. Department of Labor Prevailing Wage Rates will apply only to bids exceeding \$75,000.
- h. Work shall not start without the acceptance of insurance, performance and payment bonds by the City.
- i. Warranty: Contractor shall provide a complete 1 year material and workmanship warranty beginning from the date of acceptance by the City.

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

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

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

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

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

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

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

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

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

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

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

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

Section 4 – Price:

Item #	Description	Unit	Quantity	Unit Price	Total
1	Mobilization – shall not exceed 5% of bid	LS	1	900 ¹²	900 ¹²
2	Erosion Control	LS	1	1350 ¹²	1350 ¹²
3	Clearing, Grubbing and Demolition	LS	1	525 ¹²	525 ¹²
4	Curb and Gutter Removal	LF	90	150 ¹²	135 ¹²
5	Sidewalk Removal	SF	70	80 ¹²	56 ¹²
6	Undercut and Backfill (as directed)	CY	100	750 ¹²	750 ¹²
7	Unclassified Excavation	CY	125	750 ¹²	937 ¹²
8	Subgrade Preparation	SY	220	150 ¹²	330 ¹²
9	4" Topsoil Placement	SY	130	275 ¹²	357 ¹²
10	Standard Concrete Curb and Gutter	LF	130	20 ¹²	2600 ¹²
11	Sidewalk Handicap Access Ramp	SY	5	100 ¹²	500 ¹²
12	Sidewalk Underdrain	EA	1	700 ¹²	700 ¹²
13	6" Depth Class 7 Aggregate Base Course	SY	220	9 ¹²	1980 ¹²
14	Asphalt Concrete Hot Mix Surface Course	SY	160	55 ¹²	8800 ¹²
15	Remove and Reinstall Mailbox	EA	1	50 ¹²	50 ¹²
16	4" Thick Concrete Bicycle Parking Pad w/Rack	LS	1	800 + 432 ¹²	1232 ¹²
17	Pavement Marking Removal (Handicap Symbols)	EA	7	20 ¹²	140 ¹²
18	Motorcycle/Scooter Parking Sign	EA	3	250 ¹²	750 ¹²
19	4" Pavement Marking (Paint)	LF	1,350	65 ¹²	877 ¹²
20	12" Crosswalk Pavement Marking (Paint)	LF	50	2 ¹²	100 ¹²
21	Fire Lane Striping (Paint)	LF	500	75 ¹²	375 ¹²
22	Handicap Pavement Symbol (Paint)	EA	9	40 ¹²	360 ¹²
23	Tree Protection Fencing	LF	370	1150 ¹²	4255 ¹²
24	Parking Lot Trees	EA	8	725 ¹²	5800 ¹²
25	Seeding	SY	130	925 ¹²	1202 ¹²
Total Base Bid					35063.00

If Bidder is:

OPTION 1: An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

OPTION 2: A Partnership

Partnership Name: Leigh Earthworks, LLC (SEAL)

By: Rhonda Delbre

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

Name (type or printed): Leigh Earthworks, LLC

Business address: 16726 Sunset Rd Winslow, AR 72959

Phone No.: 479-634-7761 FAX No.: 479-634-7212

OPTION 3: A Corporation OR LLC

Corporation Name: _____ (SEAL)

Date of Incorporation: _____

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

By: _____

(Signature – attach evidence of authority to sign)

Name (type or printed): _____

Title: _____

(CORPORATE SEAL)

Business address: _____

Phone No.: _____ FAX No.: _____

City of Fayetteville, AR

Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid

Page 26 of 29

Section 5 – Listing of Subcontractors:

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

Glutchens Construction, Gardisser Construction, MJ mitchell Enterprises,
Marking Systems,

Section 6 – Contract Times:

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

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

Section 7 – Debarment:

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

- a. Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
- b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Section 8 – Communications:

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

Leigh Earthworks, LLC

Phone No. 479-634-7761

FAX No. 479-634-7212

Section 9 – SIGNATURE:

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

SUBMITTED on this 21st Date of May, 2015.

Arkansas State Contractor License No. 0213470515

City of Fayetteville
Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid
Vendor References

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

COMPANY NAME: Welfh Earthworks, LLC

BUSINESS ADDRESS: 16726 Sunset Rd. Winslow, AR 72959

NUMBER OF YEARS IN BUSINESS: 4 HOW LONG IN PRESENT LOCATION: 4

TOTAL NUMBER OF CURRENT EMPLOYEES: 1 FULL TIME 1 PART TIME

NUMBER OF EMPLOYEES YOU PLAN TO USE TO SERVICE THIS CONTRACT: 1 FULL TIME 1 PART TIME

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

1. Baldwin & Shell Construction Co
COMPANY NAME

Rogers, AR 72758
CITY, STATE, ZIP

Joe Toher
CONTACT PERSON

479-644-9012
TELEPHONE

12/31/14
DATE COMPLETED

Jtoher@baldwinshell.com
E-MAIL ADDRESS

3. Stonebridge Construction
COMPANY NAME

Jonesboro, AR 72401
CITY, STATE, ZIP

Matt Davis
CONTACT PERSON

870-926-0701
TELEPHONE

4/9/15
DATE COMPLETED

mdavis@sbconst.com
E-MAIL ADDRESS

2. Mahan Construction INC
COMPANY NAME

Little Rock, AR 72201
CITY, STATE, ZIP

Butch Stewart
CONTACT PERSON

501-626-0191
TELEPHONE

3/23/15
DATE COMPLETED

Angela @ Mahan Construction Net
E-MAIL ADDRESS

4. SEMS INC.
COMPANY NAME

Baton Rouge, LA 70815
CITY, STATE, ZIP

Mike Hebert
CONTACT PERSON

225-924-2002
TELEPHONE

11/30/14
DATE COMPLETED

mhebert@semsinc.net
E-MAIL ADDRESS

City of Fayetteville

Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid

Contract – Between City and Contractor

This contract executed this 21st day of May, 2015, between the City of Fayetteville, Arkansas, and Leigh Earthworks LLC. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Leigh Earthworks LLC 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 15-34 as stated in Construction bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 15-34, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Leigh Earthworks based on their bid proposal in an amount not to exceed \$35063.00. 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 Leigh Earthworks consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 15-34 with the specifications and conditions typed thereon.
 - B. Leigh Earthworks' 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 Leigh Earthworks and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Leigh Earthworks.
5. Leigh Earthworks shall not assign its duties under the terms of this agreement.
6. Leigh Earthworks 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 Leigh Earthworks 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. Leigh Earthworks 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, Leigh Earthworks shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount



NOTICE TO PURCHASER: IN THE EVENT THIS CHECK IS
LOST, MISPLACED OR STOLEN, A SWORN STATEMENT
AND 90 DAY WAITING PERIOD WILL BE REQUIRED PRIOR
TO REPLACEMENT. THIS CHECK SHOULD BE NEGOTIATED
WITHIN 90 DAYS.

Cashier's Check

Date: 5/21/15 100719551

Branch: 5540

REMITTER LEIGH EARTHWORKS

**PAY
TO THE**

EXACTLY **1,753 AND 15/100 DOLLARS

$\frac{43}{829}$
\$1,753.15

ORDER OF CITY OF FAYETTEVILLE

VOID AFTER 90 DAYS

Robert A. Fehlmann

BID 15-34

⑈100719551⑈ ⑆082900432⑆11088376⑈



City of Fayetteville, Arkansas
Purchasing Division
OFFICIAL BID TABULATION
Bid 15-34, Construction - Senior Center Parking Lot - REBID
Thursday, May 21, 2015 2:00 PM, local time

June 9, 2015
Tentative Agenda
Page 41 of 234

				Arco Excavation and Paving Inc				C3 Consulting Inc				Fochtman Enterprises Inc				Leigh Earthworks				LJB Construction Inc				Sweetser Construction Inc				Tomlinson Asphalt Inc																	
ITEM	DESCRIPTION	Est Qty	Unit	PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL																			
1	Mobilization - shall not exceed 5% of bid	1	LS	x	\$	13,000.00	=	\$	13,000.00	x	\$	699.25	=	\$	699.25	x	\$	2,000.00	=	\$	2,000.00	x	\$	900.00	=	\$	900.00	x	\$	2,000.00	=	\$	2,000.00	x	\$	2,000.00	=	\$	2,000.00	x	\$	1,750.00	=	\$	1,750.00
2	Erosion Control	1	LS	x	\$	6,500.00	=	\$	6,500.00	x	\$	1,048.87	=	\$	1,048.87	x	\$	2,500.00	=	\$	2,500.00	x	\$	1,350.00	=	\$	1,350.00	x	\$	2,000.00	=	\$	2,000.00	x	\$	800.00	=	\$	800.00	x	\$	1,900.00	=	\$	1,900.00
3	Clearing, Grubbing, and Demolition	1	LS	x	\$	10,000.00	=	\$	10,000.00	x	\$	3,076.69	=	\$	3,076.69	x	\$	5,000.00	=	\$	5,000.00	x	\$	525.00	=	\$	525.00	x	\$	4,613.00	=	\$	4,613.00	x	\$	3,000.00	=	\$	3,000.00	x	\$	3,297.00	=	\$	3,297.00
4	Curb and Gutter Removal	90	LF	x	\$	10.00	=	\$	900.00	x	\$	4.66	=	\$	419.40	x	\$	10.00	=	\$	900.00	x	\$	1.50	=	\$	135.00	x	\$	20.00	=	\$	1,800.00	x	\$	25.00	=	\$	2,250.00	x	\$	13.89	=	\$	1,250.10
5	Sidewalk Removal	70	SF	x	\$	1.00	=	\$	70.00	x	\$	5.99	=	\$	419.30	x	\$	10.00	=	\$	700.00	x	\$	0.80	=	\$	56.00	x	\$	3.00	=	\$	210.00	x	\$	5.00	=	\$	350.00	x	\$	14.14	=	\$	989.80
6	Undercut and Backfill (as directed)	100	CY	x	\$	25.00	=	\$	2,500.00	x	\$	30.77	=	\$	3,077.00	x	\$	30.00	=	\$	3,000.00	x	\$	7.50	=	\$	750.00	x	\$	17.00	=	\$	1,700.00	x	\$	34.00	=	\$	3,400.00	x	\$	44.87	=	\$	4,487.00
7	Unclassified Excavation	125	CY	x	\$	15.00	=	\$	1,875.00	x	\$	27.97	=	\$	3,496.25	x	\$	18.00	=	\$	2,250.00	x	\$	7.50	=	\$	937.50	x	\$	30.00	=	\$	3,750.00	x	\$	24.00	=	\$	3,000.00	x	\$	16.16	=	\$	2,020.00
8	Subgrade Preparation	220	SY	x	\$	2.25	=	\$	495.00	x	\$	14.24	=	\$	3,132.80	x	\$	5.00	=	\$	1,100.00	x	\$	1.50	=	\$	330.00	x	\$	20.00	=	\$	4,400.00	x	\$	3.00	=	\$	660.00	x	\$	5.00	=	\$	1,100.00
9	4 Inch Topsoil Placement	130	SY	x	\$	10.00	=	\$	1,300.00	x	\$	37.62	=	\$	4,890.60	x	\$	15.00	=	\$	1,950.00	x	\$	2.75	=	\$	357.50	x	\$	8.00	=	\$	1,040.00	x	\$	4.00	=	\$	520.00	x	\$	4.90	=	\$	637.00
10	Standard Concrete Curb and Gutter	130	LF	x	\$	16.00	=	\$	2,080.00	x	\$	12.59	=	\$	1,636.70	x	\$	25.00	=	\$	3,250.00	x	\$	20.00	=	\$	2,600.00	x	\$	15.00	=	\$	1,950.00	x	\$	24.00	=	\$	3,120.00	x	\$	14.50	=	\$	1,885.00
11	Sidewalk Handicap Access Ramp	5	SY	x	\$	1,000.00	=	\$	5,000.00	x	\$	83.91	=	\$	419.55	x	\$	150.00	=	\$	750.00	x	\$	100.00	=	\$	500.00	x	\$	200.00	=	\$	1,000.00	x	\$	1,400.00	=	\$	7,000.00	x	\$	215.13	=	\$	1,075.65
12	Sidewalk Underdrain	1	EA	x	\$	1,500.00	=	\$	1,500.00	x	\$	839.10	=	\$	839.10	x	\$	850.00	=	\$	850.00	x	\$	700.00	=	\$	700.00	x	\$	2,000.00	=	\$	2,000.00	x	\$	1,600.00	=	\$	1,600.00	x	\$	1,631.15	=	\$	1,631.15
13	6 Inch Depth Class 7 Aggregate Base Course	220	SY	x	\$	10.00	=	\$	2,200.00	x	\$	8.30	=	\$	1,826.00	x	\$	13.00	=	\$	2,860.00	x	\$	9.00	=	\$	1,980.00	x	\$	15.00	=	\$	3,300.00	x	\$	7.50	=	\$	1,650.00	x	\$	11.09	=	\$	2,439.80
14	Asphalt Concrete Hot Mix Surface Course	160	SY	x	\$	25.00	=	\$	4,000.00	x	\$	24.47	=	\$	3,915.20	x	\$	66.00	=	\$	10,560.00	x	\$	55.00	=	\$	8,800.00	x	\$	45.00	=	\$	7,200.00	x	\$	25.00	=	\$	4,000.00	x	\$	24.00	=	\$	3,840.00
15	Remove and Reinstall Mailbox	1	EA	x	\$	300.00	=	\$	300.00	x	\$	69.62	=	\$	69.62	x	\$	300.00	=	\$	300.00	x	\$	50.00	=	\$	50.00	x	\$	250.00	=	\$	250.00	x	\$	300.00	=	\$	300.00	x	\$	400.00	=	\$	400.00
16	4 Inch Thick Concrete Bicycle Parking Pad w/Rack	1	LS	x	\$	1,800.00	=	\$	1,800.00	x	\$	1,328.57	=	\$	1,328.57	x	\$	2,260.00	=	\$	2,260.00	x	\$	1,232.00	=	\$	1,232.00	x	\$	1,500.00	=	\$	1,500.00	x	\$	1,000.00	=	\$	1,000.00	x	\$	1,912.00	=	\$	1,912.00
17	Pavement Marking Removal (Handicap Symbols)	7	EA	x	\$	350.00	=	\$	2,450.00	x	\$	119.87	=	\$	839.09	x	\$	120.00	=	\$	840.00	x	\$	20.00	=	\$	140.00	x	\$	40.00	=	\$	280.00	x	\$	110.00	=	\$	770.00	x	\$	101.00	=	\$	707.00
18	Motorcycle/Scooter Parking Sign	3	EA	x	\$	325.00	=	\$	975.00	x	\$	186.47	=	\$	559.41	x	\$	180.00	=	\$	540.00	x	\$	250.00	=	\$	750.00	x	\$	275.00	=	\$	825.00	x	\$	165.00	=	\$	495.00	x	\$	151.50	=	\$	454.50
19	4 Inch Pavement Marking (Paint)	1,350	LF	x	\$	1.00	=	\$	1,350.00	x	\$	0.72	=	\$	972.00	x	\$	1.00	=	\$	1,350.00	x	\$	0.65	=	\$	877.50	x	\$	0.60	=	\$	810.00	x	\$	0.60	=	\$	810.00	x	\$	0.56	=	\$	756.00
20	12 inch Crosswalk Pavement Marking (Paint)	50	LF	x	\$	2.00	=	\$	100.00	x	\$	6.99	=	\$	349.50	x	\$	12.00	=	\$	600.00	x	\$	2.00	=	\$	100.00	x	\$	2.00	=	\$	100.00	x	\$	11.00	=	\$	550.00	x	\$	10.10	=	\$	505.00
21	Fire Lane Striping (Paint)	500	LF	x	\$	1.50	=	\$	750.00	x	\$	0.84	=	\$	420.00	x	\$	1.00	=	\$	500.00	x	\$	0.75	=	\$	375.00	x	\$	0.70	=	\$	350.00	x	\$	0.60	=	\$	300.00	x	\$	0.56	=	\$	280.00
22	Handicap Pavement Symbol (Paint)	9	EA	x	\$	350.00	=	\$	3,150.00	x	\$	41.95	=	\$	377.55	x	\$	30.00	=	\$	270.00	x	\$	40.00	=	\$	360.00	x	\$	40.00	=	\$	360.00	x	\$	27.50	=	\$	247.50	x	\$	26.00	=	\$	234.00
23	Tree Protection Fencing	370	LF	x	\$	5.00	=	\$	1,850.00	x	\$	10.28	=	\$	3,803.60	x	\$	7.00	=	\$	2,590.00	x	\$	11.50	=	\$	4,255.00	x	\$	5.00	=	\$	1,850.00	x	\$	5.00	=	\$	1,850.00	x	\$	2.78	=	\$	1,028.60
24	Parking Lot Trees	8	EA	x	\$	450.00	=	\$	3,600.00	x	\$	716.73	=	\$	5,733.84	x	\$	282.00	=	\$	2,256.00	x	\$	725.00	=	\$	5,800.00	x	\$	600.00	=	\$	4,800.00	x	\$	385.00	=	\$	3,080.00	x	\$	450.00	=	\$	3,600.00
25	Seeding	130	SY	x	\$	5.00	=	\$	650.00	x	\$	4.16	=	\$	540.80	x	\$	5.00	=	\$	650.00	x	\$	9.25	=	\$	1,202.50	x	\$	2.50	=	\$	325.00	x	\$	5.00	=	\$	650.00	x	\$	4.25	=	\$	552.50
TOTAL BASE BID						\$	68,395.00			\$	43,890.69			\$	49,826.00			\$	35,063.00			\$	48,413.00			\$	43,402.50			\$	38,732.10														

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

CERTIFIED: P. Vice Carolyn Reef 5-22-15
P. Vice, Purchasing Manager Witness Date

** Bid is rejected due to mobilization percentage exceeding allowed amount
** Denotes Calculation error



Bid 15-34, Construction – Senior Center Parking Lot Expansion Re-Bid

Vendor: Leigh Earthworks, LLC

Terms: Single Project

This contract executed this ____ day of _____, 2015, between the City of Fayetteville, Arkansas, and Leigh Earthworks, LLC. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Leigh Earthworks, LLC 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 15-34 as stated in Leigh Earthworks, LLC bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 15-34, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Leigh Earthworks, LLC based on their bid proposal in an amount not to exceed \$35,063. 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 Leigh Earthworks, LLC consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 15-34 with the specifications and conditions typed thereon.
 - B. Leigh Earthworks, LLC 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 Leigh Earthworks, LLC and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Leigh Earthworks, LLC.
5. Leigh Earthworks, LLC shall not assign its duties under the terms of this agreement.
6. Leigh Earthworks, LLC 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 Leigh Earthworks, LLC 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. Leigh Earthworks, LLC 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, Leigh Earthworks, LLC shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation
Comprehensive General &
Automobile Insurance

Statutory Amount

Bodily Injury Liability

\$500,000 for each person injured.

\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Leigh Earthworks, LLC.

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

WITNESS OUR HANDS THIS _____ DAY OF _____, 2015.

CONTRACTOR

CITY OF FAYETTEVILLE, ARKANSAS

By: Rhonda DeVore
Signature

By: _____
LIONELD JORDAN, Mayor

Rhonda DeVore
Printed Contractor Name & Title

Racinda Biswell
ATTEST (Signature)

ATTEST: (Signature)

Racinda Biswell
Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

16726 Sunset Rd
City, State & Zip Code WINSLOW, AR 72959

Date Signed: 5/26/2015

Date Signed: _____

5/29/2015

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:	
Vendor #: 25621 Vendor Name: Leigh Earthworks, LLC						P.O Number:			
Address: 16726 Sunset Road FOB Point:						Mail ☐ Yes ☐ No		Legistar#: 2015-0262 Expected Delivery Date:	
						Taxable ☒ Yes ☐ No			
City: Winslow			State: AR			Zip Code: 72959		Ship to code:	
Requester: Carole Jones						Requester's Employee #: 3003		Extension: 3472	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Construction - Senior Center Parking Lot Improvements per Bid #15-34	1	LS	\$35,063.00	\$35,063.00	4470.9470.5315.00	14006.1		
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: Tax is included.						Subtotal: \$35,063.00			
						Tax: \$0.00			
						Total: \$35,063.00			
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Parkway, Suite 100
Fayetteville, AR 72701
(479) 575-8323
Page 45 of 234

Text File

File Number: 2015-0250

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 1

JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST NEEDED FOR THE HIGHWAY 45 AND OLD WIRE ROAD INTERSECTION IMPROVEMENT PROJECT

WHEREAS, the City of Fayetteville and certain property owners have been unable to agree on a fair price for the portions of property owned by each of them which is needed for the Highway 45 and Old Wire Road Intersection Improvement Project; and

WHEREAS, the City of Fayetteville needs to gain possession of these needed properties promptly to begin work on these public improvements.

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Highway 45 and Old Wire Road Intersection Improvement Project and owned by Jerome Lopez and Elizabeth Young that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Highway 45 and Old Wire Road Intersection Improvement Project and owned by the Randall J. Wright Trust that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor

City of Fayetteville Staff Review Form

2015-0250

Legistar File ID

6/2/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

5/15/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Jerome Lopez and Elizabeth Young, and the Randall J. Wright Trust necessary for the Hwy 45. and Old Wire Rd. Intersection Improvements Project.

Budget Impact:

4520.9555.5805.00

Transportation Bond Street Improvements

Account Number

Fund

06035.2600

Old Wire Road (Mission to 265)

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 20,029,672.00

Funds Obligated \$ 5,174,121.50

Current Balance **\$ 14,855,550.50**

Does item have a cost? Yes

Item Cost \$ 26,426.00

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget **\$ 14,829,124.50**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 2, 2015

TO: Mayor and City Council

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

FROM: Matt Casey, Engineering Design Manager

DATE: May 15, 2015

SUBJECT: **Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Jerome Lopez and Elizabeth Young, and the Randall J. Wright Trust necessary for the Hwy 45. and Old Wire Rd. Intersection Improvements Project.**

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of portions of properties along Hwy. 45 and Old Wire Road.

BACKGROUND:

The Arkansas Highway and Transportation Department will be bidding the construction of the Hwy 45 and Old Wire Road Intersection project in the fall of 2015. This project includes improvements to the lane configuration to allow for the installation of a traffic signal. Sidewalk installation and storm sewer are also included in the work proposed by the AHTD. AHTD is responsible for the engineering, advertising and awarding the construction contract, and construction inspection of the project. The City is responsible for relocation of the public water and sewer mains as well as acquisition of the rights-of-way and utility easements to accommodate this project. The project was approved for Federal (80%) and State (10%) funding with the City responsible for the remaining 10%. The total amount of Federal Funds available is \$1,200,000.

DISCUSSION:

The owners of the attached properties have expressed various concerns and have refused to sign right-of-way and/or easement documents based on their concerns. These properties represent 5 of the total 18 properties to be acquired. Staff will continue to negotiate with these property owners to avoid condemnation whenever possible. However, it is imperative that the right-of-way and easements be acquired in a timely manner so as not to delay the construction of the project.

BUDGET/STAFF IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Old Wire Road Project (Mission to 265), which is funded by the Transportation Bond Fund. The agenda item staff review form indicates \$26,426 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the properties, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

Attachments:

Easement Exhibits



CITY OF Fayetteville ARKANSAS	ENGINEERING DIVISION 113. W. MOUNTAIN STREET FAYETTEVILLE, AR 72701 PHONE NO: (479) 575-8206 FAX NO: (479) 575-8202
---	--

LOPEZ/YOUNG PROPERTY

765-02223-000
James C. Marlatt II
Lot 2, Amrita Acres

Scale: 1" = 30'

765-14081-000
Lopez, Jerome;
Young, Elizabeth

S 78°00'04" E
28.71'

N 23°50'50" E
19.08'

N 29°10'48"W
24.17'

P.O.B.

40.48'

S 36°22'34" W

MISSION BLVD.

STA. 45+90.00

45+00

46+00

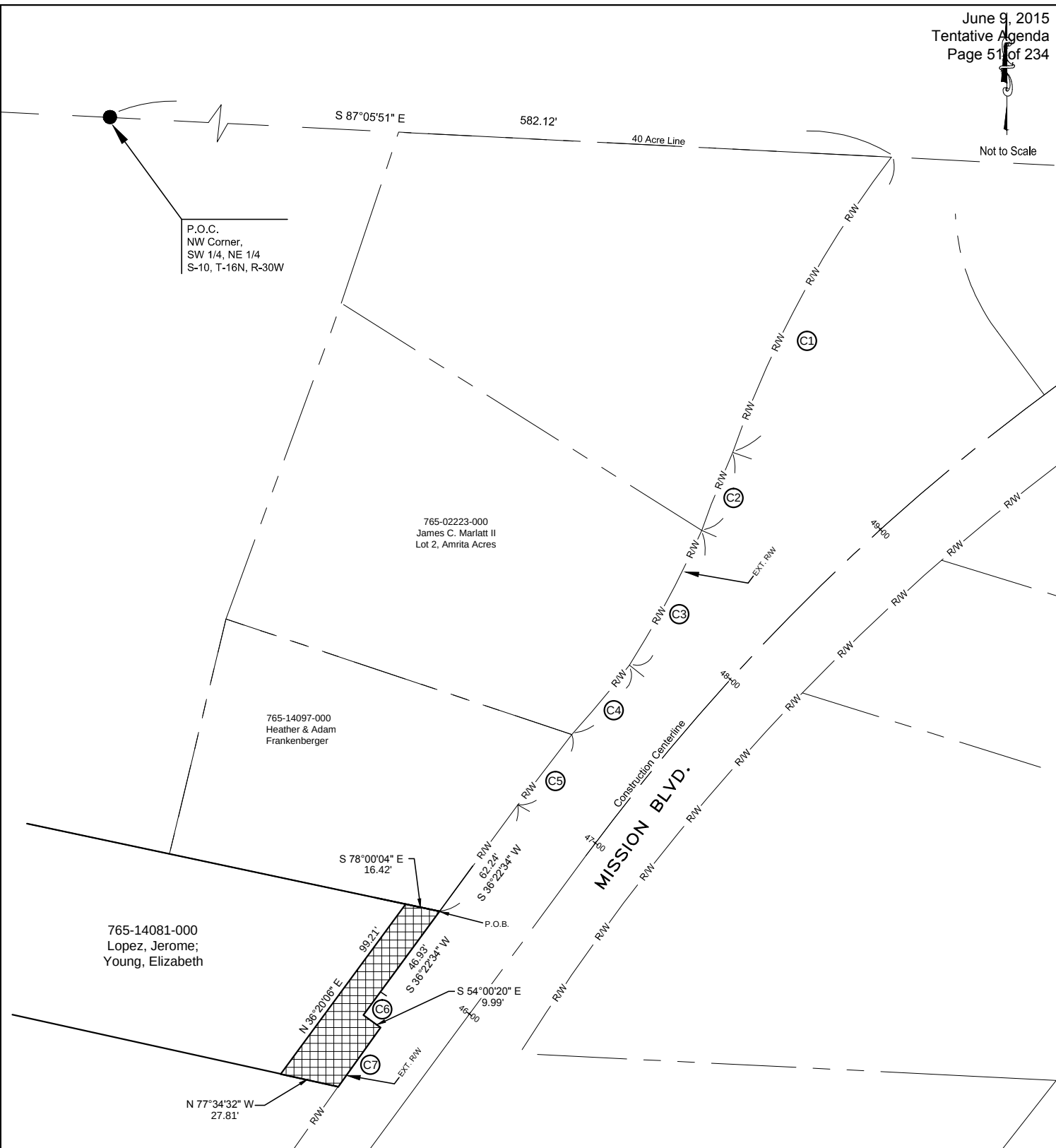


PROP. TEMPORARY CONSTRUCTION
EASEMENT - 714 Sq. Ft.

EXHIBIT
MAR. 2015

TEMPORARY
CONSTRUCTION EASEMENT
FOR
JEROME LOPEZ AND
ELIZABETH YOUNG

Not to Scale



C1	C2	C3	C4	C5	C6	C7
L = 158.61' R = 500.00' Δ = 18°10'33" CHORD: S 28°14'15" W 157.95'	L = 39.57" R = 500.00' Δ = 4°32'03" CHORD: S 21°47'59" W 39.56'	L = 72.20" R = 500.00' Δ = 8°16'19" CHORD: S 28°12'13" W 72.13'	L = 42.46' R = 1081.74' Δ = 4°52'00" CHORD: S 39°42'47" W 42.45'	L = 41.77" R = 1081.74' Δ = 2°12'44" CHORD: S 37°28'57" W 41.77'	L = 13.61" R = 2123.48' Δ = 0°22'02" CHORD: S 36°11'33" W 13.61'	L = 34.23" R = 2113.48' Δ = 0°55'41" CHORD: S 35°32'42" W 34.23'

EXHIBIT
MAR. 2015



PROP. UTILITY EASEMENT
- 1,859 Sq. Ft.

UTILITY EASEMENT
FOR
JEROME LOPEZ AND
ELIZABETH YOUNG



Not to Scale



ENGINEERING DIVISION
113. W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PHONE NO: (479) 575-8206

FAX NO: (479) 575-8202

WRIGHT PROPERTY

765-08436-000
Baird, Howard & Naomi
Instrument No. 2012-19763
Part of Lots 18, 19, & 23
Meadowview Addition

765-08437-000
Randell J. Wright Trust
Warranty Deed 2012-28339
Part of Lots 19, 20, & 23
Meadowview Addition

765-08438-000
Kelley, Mark E.
Part of Lots 20 & 21
Meadowview Addition

765-08440-000
Fraley, John R.
Parts of Lots 20, 21, 22, & 23
Meadowview Addition

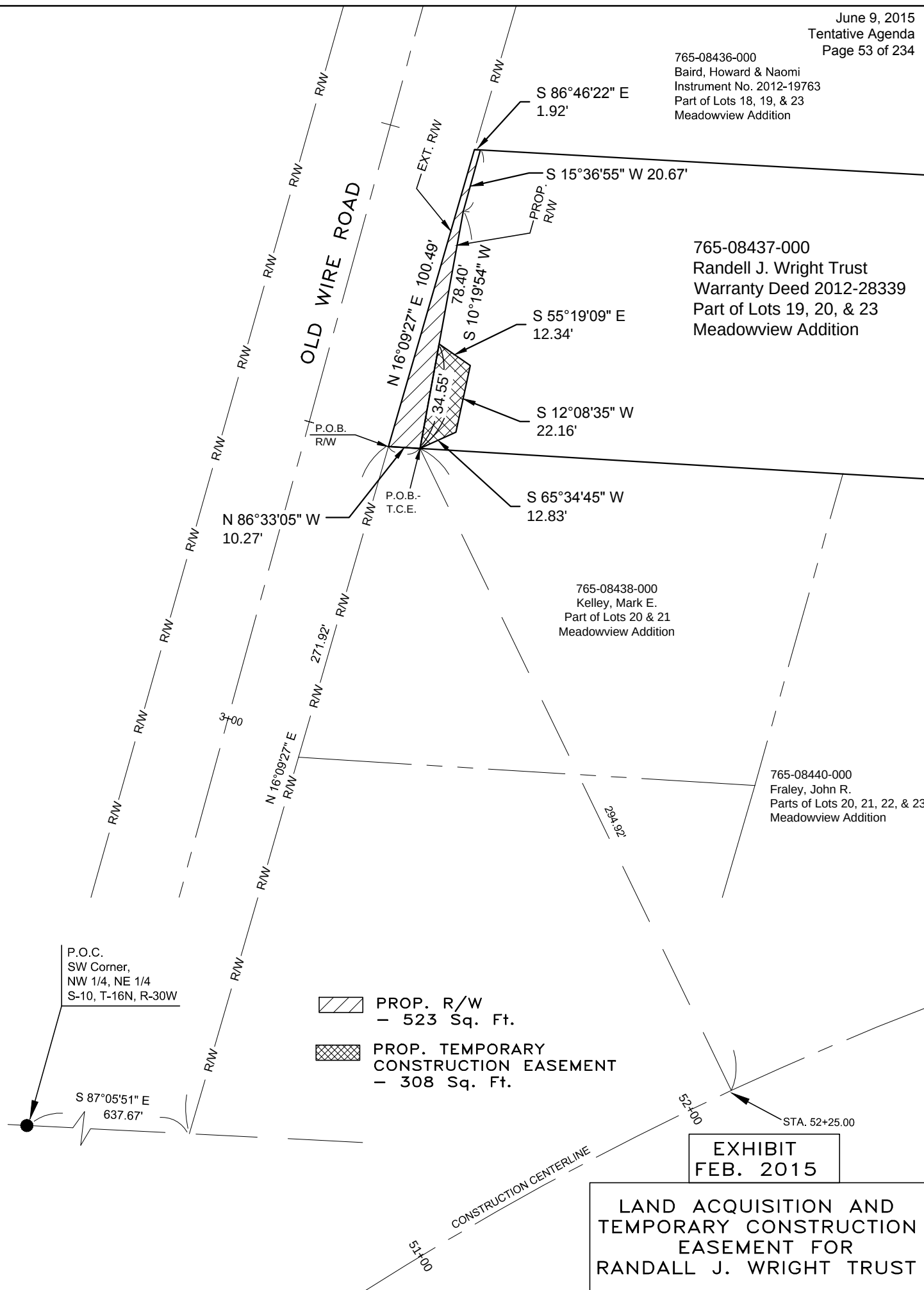
P.O.C.
SW Corner,
NW 1/4, NE 1/4
S-10, T-16N, R-30W

 PROP. R/W
- 523 Sq. Ft.

 PROP. TEMPORARY
CONSTRUCTION EASEMENT
- 308 Sq. Ft.

EXHIBIT
FEB. 2015

LAND ACQUISITION AND
TEMPORARY CONSTRUCTION
EASEMENT FOR
RANDALL J. WRIGHT TRUST



765-08436-000
Baird, Howard & Naomi
Instrument No. 2012-19763
Part of Lots 18, 19, & 23
Meadowview Addition

765-08437-000
Randell J. Wright Trust
Warranty Deed 2012-28339
Part of Lots 19, 20, & 23
Meadowview Addition

S 86°46'22" E
16.37'

N 15°36'55" E
20.66'

PROP.
R/W

EXT. R/W

OLD WIRE ROAD

N 86°33'05" W
10.27'

P.O.B. - U.E.

N 86°33'05" W
15.11'

765-08438-000
Kelley, Mark E.
Part of Lots 20 & 21
Meadowview Addition

765-08440-000
Fraley, John R.
Parts of Lots 20, 21, 22, & 23
Meadowview Addition

PROP. UTILITY EASEMENT
- 1,526 Sq. Ft.

P.O.C.
SW Corner,
NW 1/4, NE 1/4
S-10, T-16N, R-30W

S 87°05'51" E
637.67'

EXHIBIT
FEB. 2015

UTILITY EASEMENT
FOR
RANDALL J. WRIGHT TRUST



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 200
Fayetteville, AR 72701
(479) 575-8323
Page 5 of 234

Text File

File Number: 2015-0229

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

AMENDMENT OF THE MASTER STREET PLAN

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

WHEREAS, on April 27, 2015, the Planning Commission recommended denial of a request by Crystal Springs Limited Partnership to remove from the Master Street Plan a bridge connection on Raven Lane over Clabber Creek to the south of Crystal Springs Phase III; and

WHEREAS, Crystal Springs Limited Partnership has appealed the recommendation of the Planning Commission and now requests approval of the Master Street Plan amendment by the City Council.

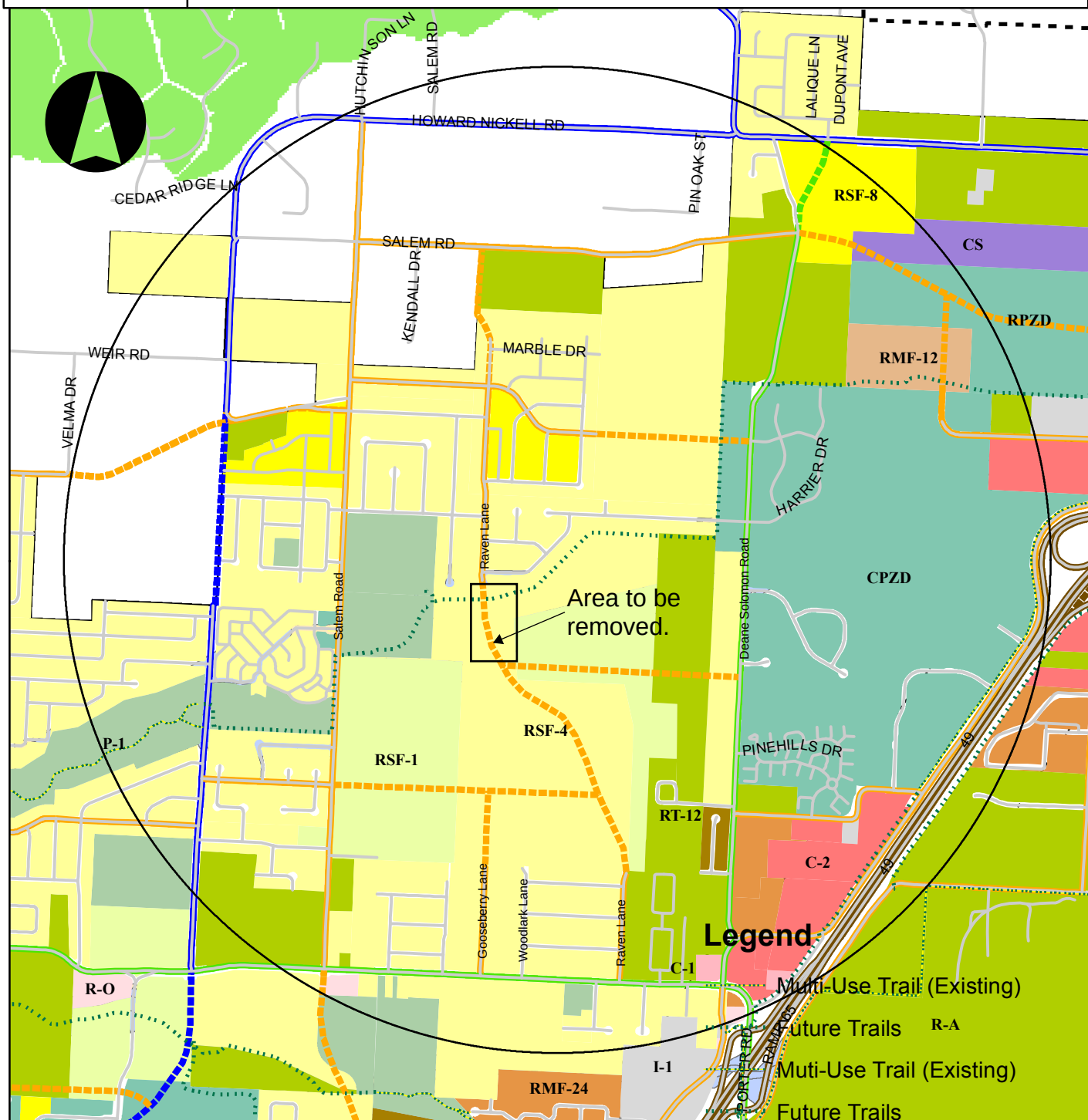
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Crystal Springs Limited Partnership and, pursuant to its request, hereby amends the Master Street Plan to remove the bridge connection on Raven Lane over Clabber Creek as indicated in Exhibit "A," attached hereto and made a part hereof.

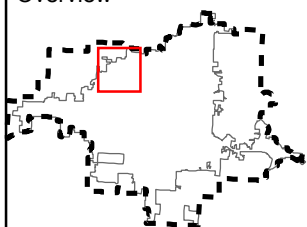
ADM15-5035

CRYSTAL SPRINGS PHASE IV

One Mile View



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

Fayetteville

Multi-Use Trail (Existing)

Future Trails

Multi-Use Trail (Existing)

Future Trails

City of Fayetteville Staff Review Form

2015-0229

Legistar File ID

5/19/2015

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

Jeremy Pate 

5/1/2015

City Planning /
Development Services Department
Division / Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):
Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is
zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request
is for an amendment to the Master Street Plan to remove the future extension of Raven Lane over Clabber Creek.

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 MAY 19, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: May 1, 2015

SUBJECT: **ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):** Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request is for an amendment to the Master Street Plan to remove the future extension of Raven Lane over Clabber Creek.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend denial of a resolution to remove a portion of a future collector street (Raven Lane) over Clabber Creek from the Master Street Plan.

BACKGROUND:

The subject property contains approximately 92 acres and is located between Clabber Creek and the Crofton Manor, Mount Comfort and Bird Haven Terrace Subdivisions. The property is undeveloped with the north portion of the property in the floodway and floodplain of Clabber creek.

In 2006 the land owner proposed to develop the property for Crystal Springs Phase 4, containing 273 single-family lots. The development proposal included a bridge connection over Clabber Creek, which would connect the land to Crystal Springs Phases 1-3 and provide access to Salem Road and Deane Solomon Road. The Raven Lane bridge connection has been shown on the City's adopted Master Street Plan since at least 2000.

The Planning Commission approved the Crystal Springs 4 preliminary plat with two street connections to the south, through Raven Lane and Woodlark Lane and the bridge connection over Clabber Creek. There was insufficient right-of-way to make a connection to Gooseberry Lane. The approval was appealed to the City Council. The City Council modified the approval and limited connections to the south through Raven Lane only. In addition, the bridge connection over Clabber Creek was required to be constructed prior to Phase 3, which would permit 77 lots prior to bridge construction.

Crystal Springs Phase 4 was never constructed and all approvals have expired. This includes Resolution No. 113-06, which required bridge construction to the north and connectivity only through Raven Lane.

Master Street Plan: The Raven Lane connection has been shown on the Master Street Plan for the last 15 years, but it wasn't until 2011 when the Gooseberry extension was added to the plan. Based on research, however, there is insufficient right-of-way for Gooseberry to be extended unless the property owners on either side of the street dedicate additional right-of-way. Therefore, it is very unlikely that the street will be extended if the Crystal Springs property is developed. Both Woodlark Lane and Raven Lane were constructed as stub outs and provide sufficient right-of-way for street connections into Crystal Springs.

MASTER STREET PLAN AMENDMENT:

The applicant is proposing an amendment to the Master Street Plan to remove a section of the future Raven Lane extension over Clabber Creek. The applicant is requesting this amendment prior to finalizing plans for Crystal Springs Phase IV to determine if bridge construction, or an assessment for a future bridge will be required at the time of development. The applicant is not requesting determinations on connections to the south through Gooseberry Lane, Woodlark Lane or Raven Lane.

The applicant has submitted a traffic study and conceptual site plan showing 271 single-family lots and no bridge connection to the north. The traffic study provides the number of 24-hour vehicle trips from the subdivision to be approximately 2,593, as well as traffic distribution through three proposed streets that would connect to Salem Road and Deane Solomon Road. The traffic study indicates the three new streets, as well as the receiving streets, Salem Road, Deane Solomon Road, Howard Nickel Road and Mount Comfort Road, have sufficient capacity to handle the additional traffic created by the development. The traffic study does not show any street connections to the south. However, data for these streets is included in the 2006 traffic study, which is attached.

City staff does have reservations about another bridge connection over Clabber Creek. One concern is the long-term maintenance responsibility by the public. There are four existing bridges over Clabber Creek in the vicinity of this property that must be maintained and potentially even upgraded as development in the area grows. A fifth bridge increases connectivity in the area, but at a long-term cost to the public. The second concern is the additional environmental impacts through the floodplain and floodway of Clabber Creek. Bridge construction requires significant land disturbance that has negative impacts on water quality and aquatic habitat. Ultimately, it must be determined if the benefits or needs of another north/south connection outweigh the short and long-term costs of construction and maintenance.

The scenario presented by the development team provides three new street connections to Salem Road and Deane Solomon Road. Salem Road and Deane Solomon Road already cross Clabber Creek and are signalized at Mount Comfort Road. Salem Road also provides direct access to Holcomb Elementary School. The need to construct a new bridge is greatly reduced, and possible negated, if these new east/west connections can be constructed concurrently with the Crystal Springs development.

However, if the east/west connections can't be provided, then a new connection over Clabber Creek is essential. Woodlark Lane and Raven Lane are two-lane, local streets that should not provide the only means of ingress and egress to 271 new residential lots. Staff's concern with removing the bridge connection from the Master Street Plan at this time is that the east/west connections are critical for traffic circulation. Staff conversations with the land owners to the west, both in 2006, again in 2015, and the landowners public comment at the April 27, 2015 Planning Commission meeting indicate that they don't support a street across their property.

DISCUSSION:

On April 27, 2015 the Planning Commission voted on this item with a recommendation for denial with a vote of 7-0-0. Staff recommends denial of the request finding that it is premature to remove the bridge crossing from the Master Street Plan until there are guarantees in place for street connections to the east and west when Crystal Springs Phase 4 is developed. The neighborhoods and streets to the south can't support the development of 271 lots without new street connections to the east and west, or to the north. There were nine members of the public that spoke at the April 27, 2015 Planning Commission meeting. Public comment centered around existing traffic congestion on Mount Comfort Road and that the neighborhoods do not want their streets connected to Crystal Springs 4.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Exhibit 'A'

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~April 27, 2015~~ Updated April 28, 2015

SUBJECT: **ADM 15-5035: Administrative Item (NORTH OF QUAIL DR. & RAVEN LN./CRYSTAL SPRINGS S/D, PH. IV, 285):** Submitted by MILHOLLAND ENGINEERS for property located NORTH OF QUAIL DR. & RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 92.31 acres. The request is for an amendment to the Master Street Plan.

RECOMMENDATION:

Staff recommends tabling **ADM 15-5035** until such time as agreements are in place to allow street construction across adjacent properties to Salem Road and Deane Solomon Road.

BACKGROUND:

The subject property contains approximately 92 acres and is located between Clabber Creek and the Crofton Manor, Mount Comfort and Bird Haven Terrace Subdivisions. The property is undeveloped with the north portion of the property in the floodway and floodplain of Clabber creek.

In 2006 the land owner proposed to develop the property for Crystal Springs Phase 4, containing 273 single-family lots. The development proposal included a bridge connection over Clabber Creek, which would connect the land to Crystal Springs Phases 1-3 and provide access to Salem Road and Deane Solomon Road. The Raven Lane bridge connection has been shown on the City's adopted Master Street Plan since at least 2000.

The Planning Commission approved the Crystal Springs 4 preliminary plat with two street connections to the south, through Raven Lane and Woodlark Lane and the bridge connection over Clabber Creek. There was insufficient right-of-way to make a connection to Gooseberry Lane. The approval was appealed to the City Council. The City Council modified the approval and limited connections to the south through Raven Lane only. In addition, the bridge connection over Clabber Creek was required to be constructed prior to Phase 3, which would permit 77 lots prior to bridge construction.

Crystal Springs Phase 4 was never constructed and all approvals have expired. This includes Resolution No. 113-06, which required bridge construction to the north and connectivity only through Raven Lane. The surrounding zoning and land uses are listed in *Table 1*.

Master Street Plan: The Raven Lane connection has been shown on the Master Street Plan for the last 15 years, but it wasn't until 2011 when the Gooseberry extension was added to the plan. Based on research, however, there is insufficient right-of-way for Gooseberry to be extended,

unless the property owners on either side of the street dedicate additional right-of-way. Therefore, it is very unlikely that the street will be extended if the Crystal Springs property is developed. Both Woodlark Lane and Raven Lane were constructed as stub outs and provide sufficient right-of-way for street connections into Crystal Springs.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Single-family homes	RSF-4
South	Single-family homes	RSF-4
East	Golf Course	R-A/RSF-1
West	Single-family homes	RSF-1

Proposal: The applicant is not requesting approval of a new subdivision at this time. Nor are they requesting determinations on connections to the south through Gooseberry Lane, Woodlark Lane or Raven Lane. The intent of the request is to determine if a bridge needs to be constructed over Clabber Creek with the development of Crystal Springs Subdivision.

The applicant has submitted a traffic study and conceptual site plan showing 271 single-family lots and no bridge connection to the north. The traffic study provides the number of 24-hour vehicle trips from the subdivision to be approximately 2,593, as well as traffic distribution through three proposed streets that would connect to Salem Road and Deane Solomon Road. The traffic study indicates the three new streets, as well as the receiving streets, Salem Road, Deane Solomon Road, Howard Nickel Road and Mount Comfort Road, have sufficient capacity to handle the additional traffic created by the development. The traffic study does not show any street connections to the south. However, data for these streets is included in the 2006 traffic study, which is attached.

City staff does have reservations about another bridge connection over Clabber Creek. One concern is the long-term maintenance responsibility by the public. There are four existing bridges over Clabber Creek in the vicinity of this property that must be maintained and potentially even upgraded as development in the area grows. A fifth bridge increases connectivity in the area, but at a long-term cost to the public. The second concern is the additional environmental impacts through the floodplain and floodway of Clabber Creek. Bridge construction requires significant land disturbance that has negative impacts on water quality and aquatic habitat. Ultimately, it must be determined if the benefits or needs of another north/south connection outweigh the short and long-term costs of construction and maintenance.

The scenario presented by the development team provides three new street connections to Salem Road and Deane Solomon Road. Each of the streets already cross Clabber Creek and are signalized at Mount Comfort Road. Salem Road also provides direct access to Holcomb Elementary School. The need to construct a new bridge is greatly reduced, and possibly negated, if these new east/west connections can be constructed concurrently with the Crystal Springs development.

However, if the east/west connections can't be provided, then a new connection over Clabber Creek is essential. Woodlark Lane and Raven Lane are two-lane, local streets that should not provide the only means of ingress and egress to 271 new residential lots. Staff's concern with removing the bridge connection from the Master Street Plan at this time is that the east/west connections are critical for traffic circulation. Staff conversations with the land owners to the west,

both in 2006 and again in 2015, lead us to believe that they don't support a street across their property.

RECOMMENDATION: Staff doesn't support removing the Raven Street bridge connection until there are guarantees that new street connections to the east and west will be constructed with the development of Crystal Springs Phase 4. The neighborhoods and streets to the south can't support the development of 271 lots without new street connections to the east and west, or to the north.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: April 27, 2015

Motion: Brown The Planning Commission forwarded the request to the City Council with
Second: Hoskins a recommendation for denial.
Vote: 7-0-0

BUDGET/STAFF IMPACT:

None.

Attachments:

- Applicant's letter
- 2006 Crystal Springs Plat
- Resolution 113-06
- 2006 Traffic Study
- 2015 Traffic Study
- Existing Street Connections
- Proposed Street Connections
- Land Use Map
- Close Up Map
- One Mile Map

Miltholland Company
Engineering & Surveying
Melvin L. Miltholland, PE, PLS

REGISTRATIONS:
ARKANSAS: PE, PLS

CRYSTAL SPRINGS, PHASE IV

Crystal Springs Ltd. Partnership
Howard Davis, Managing Partner
5247 Harbor Avenue
Springdale, AR 72762

March 20, 2015

City of Fayetteville
Jesse Fulcher, City Planner
Planning Department
113 West Mountain Street
Fayetteville, AR 72701

PROJECT: CRYSTAL SPRINGS, PHASE IV

MATTER: REQUEST: "AMENDMENT" TO CITY OF FAYETTEVILLE
MASTER STREET PLAN MAP

Mr. Jesse Fulcher:

Please be advised that Land Owners of "Crystal Springs, Phase IV", respectfully request the City's Master Street Plan Map be "AMENDED" in accordance with MAPS submitted by Melvin Miltholland, P.E., Miltholland Engineers and a "TRAFFIC STUDY" developed by Peters and Associates, Ernie Peters, P.E. The primary objective is to provide Collector Streets through Crystal Springs, Phase IV, to direct traffic flows Westerly to Salem Road, an Existing Collector Street, and Easterly to Deane Solomon Road, an Existing Minor Arterial.

The City's favorable review and recommendation to the Fayetteville Planning Commission and City Council is very much appreciated!

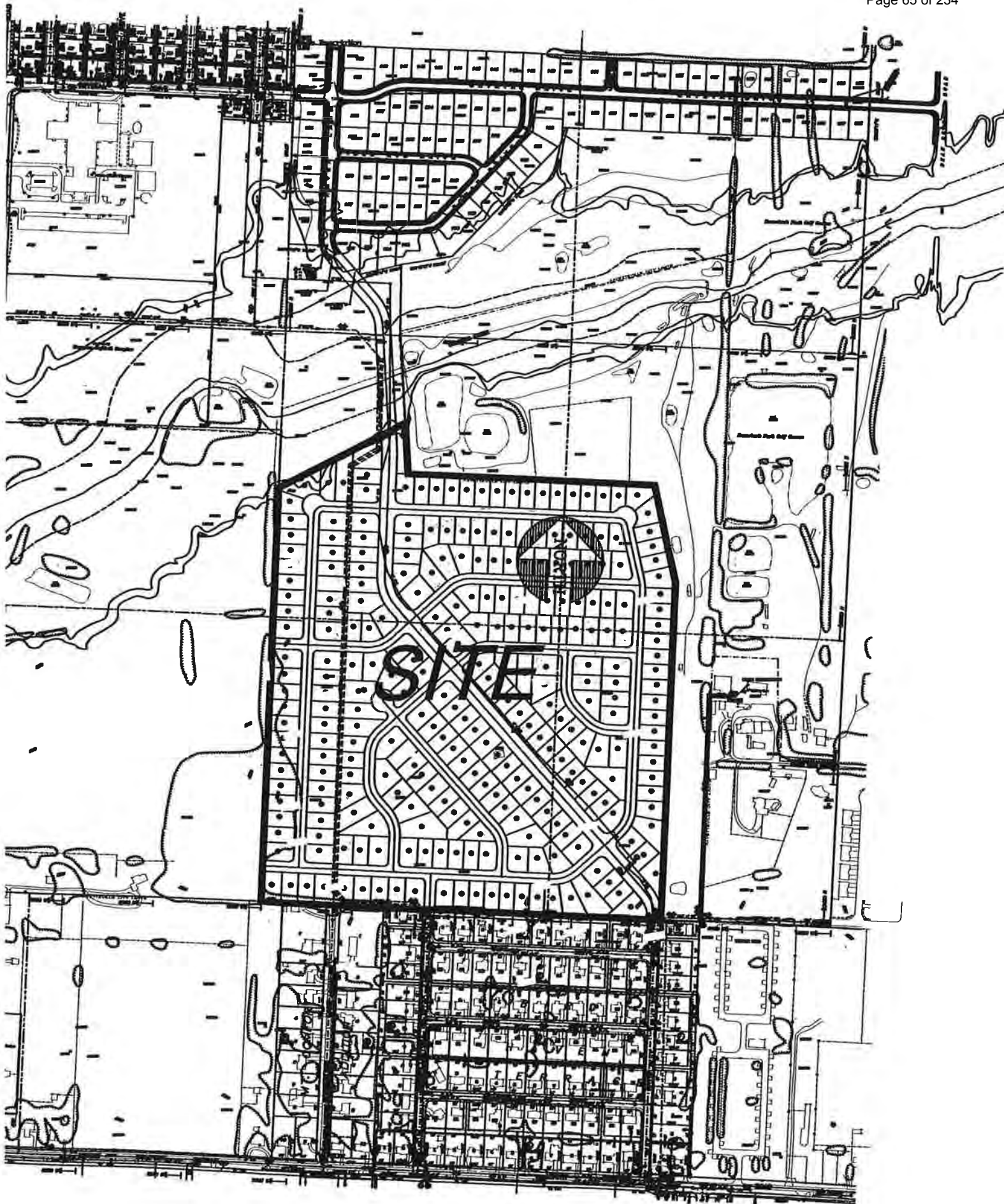
Respectfully submitted,


Howard Davis, Managing Partner

Land Owner: Crystal Springs Ltd. Partnership
Parcel: 756-16658-050
Phone: 479-409-9393

2006 PLAT

June 9, 2015
Tentative Agenda
Page 65 of 234



RESOLUTION NO. 113-06

A RESOLUTION TO GRANT THE APPEAL OF THE
APPROVAL OF PPL 06-1977 (CRYSTAL SPRINGS IV) AND
TO APPROVE PPL 06-1977 AS SLIGHTLY MODIFIED BY
THE CITY COUNCIL

WHEREAS, Raven Lane is a collector street on the Master Street Plan and should provide sufficient north/south connectivity between Mt. Comfort Road and Crystal Drive without the need to connect Woodlark Lane, a residential street; and

WHEREAS, the neighborhood served by Woodlark, Quail, Dove, Meadowlark and Raven has requested that Woodlark not be connected to the north through its current cul-de-sac.

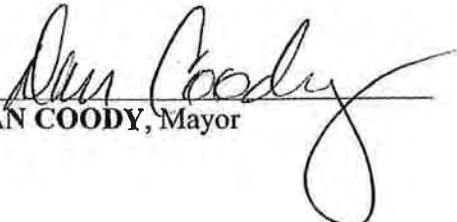
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of the approval of Preliminary Plat 06-1977 (Crystal Springs Phase IV), but approves a slightly modified Preliminary Plat for PPL 06-1977 (Crystal Springs Phase IV) which removes the street connection from the north end of Woodlark to Street B between lots 33 and 34, but retains a five foot wide sidewalk connection at this location. An additional condition of approval to PPL 06-1977 is also added which requires the construction of the bridge crossing Clabber Creek to the north to be completed and accepted by the City with Phase I and II of the subdivision and prior to the construction of any house within the subdivision.

PASSED and APPROVED this 20th day of June, 2006.

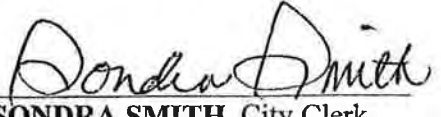
APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



2006 TRAFFIC STUDY

Traffic Study

Crystal Springs

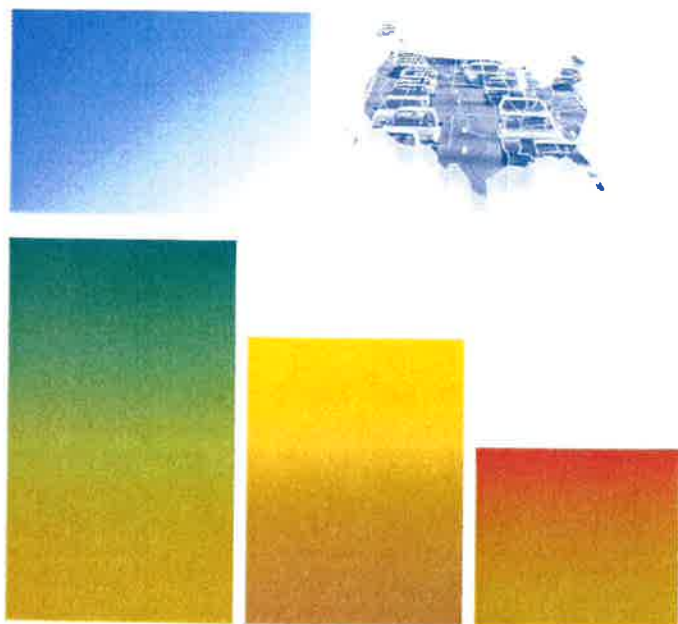
Residential Subdivision

prepared for:
JED Enterprises, Inc.



Raven Lane

Fayetteville, Arkansas



PETERS & ASSOCIATES
ENGINEERS, INC

• CIVIL & TRAFFIC ENGINEERING •
P.O. BOX 21638 (501) 225-0500
LITTLE ROCK, ARKANSAS 72221

Project No.: P-1182

March 21, 2006

Traffic Study

Appendix. The worst-case conditions of adjacent street AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- o Existing traffic volumes and patterns.
- o Directional distribution of projected traffic volumes.
- o Proposed intersection geometry (including elements such as turn lanes).
- o Existing background traffic volumes (and three-year growth in the volumes), projected site-generated volumes and projected volumes generated by other planned developments in the immediate vicinity.
- o Existing and proposed traffic control.

CAPACITY ANALYSIS

Results and Level of Service Analysis -

Existing Traffic Conditions

Capacity and level of service analysis was performed for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) for the AM and PM peak hours for the following intersections:

- o Mt. Comfort Road and Raven Lane
- o Mt. Comfort Road and Woodlark Lane
- o Crystal Drive and Salem Road
- o Crystal Drive and Deane Solomon Road.

EXISTING TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION		PEAK HOUR - LEVEL OF SERVICE													
PEAK HR															
AM	Mt. Comfort Road and Raven Lane	SIGN	A				A					C		C	n/a
PM			A				A					C		C	n/a
AM	Mt. Comfort Road and Woodlark Lane	SIGN	A				A					C		C	n/a
PM			A				A					C		C	n/a
AM	Salem Road and Crystal Drive	SIGN		B			B		A				A		n/a
PM				A			A		A				A		n/a
AM	Crystal Drive and Deane Solomon Road	SIGN		A			A		A				A		n/a
PM				A			A		A				A		n/a

Table 3 - Level of Service Summary - Existing Traffic Conditions

As indicated in Table 3, "Level of Service Summary – Existing Traffic Conditions," for each intersection included in this study all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours. Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

Results and Level of Service Analysis -

Projected Traffic Conditions

Capacity and level of service analyses were performed for projected traffic conditions for the adjacent street AM and PM peak hours for the following intersections in the vicinity of the site:

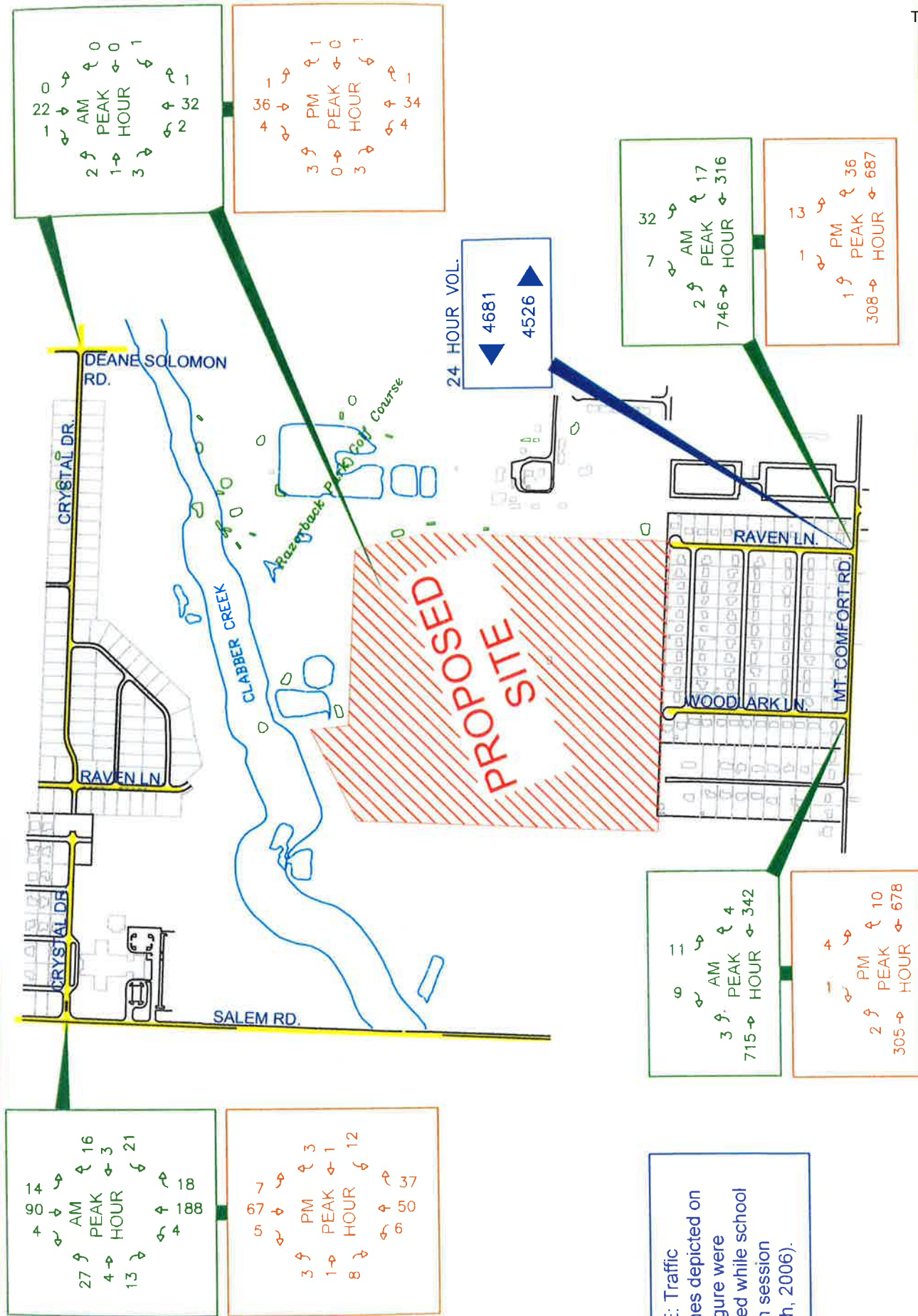
- Mt. Comfort Road and Raven Lane
- Mt. Comfort Road and Woodlark Lane
- Crystal Drive and Salem Road
- Crystal Drive and Deane Solomon Road
- Salem Road and New East West Street.

Projected traffic operating conditions were analyzed with existing lane geometry at the study intersections plus New East / West Street as a two-lane roadway.

PROJECTED TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	NB LT	NB TH	NB RT	SB LT	SB TH	SB RT	Overall Intersection
INTERSECTION															
PEAK HR	PEAK HOUR - LEVEL OF SERVICE														
AM	Mt. Comfort Road and Raven Lane	SIGN	A				A					E		E	n/a
PM			A				A					D		D	n/a
AM	Mt. Comfort Road and Woodlark Lane	SIGN	A				A					D		D	n/a
PM			A				A					C		C	n/a
AM	Salem Road and Crystal Drive	SIGN	B			B			A			A			n/a
PM			A			B			A			A			n/a
AM	Crystal Drive and Deane Solomon Road	SIGN	A			A			A			A			n/a
PM			A			A			A			A			n/a
AM	Salem Road and New East/West Street	SIGN				B		B		A		A			n/a
PM						B		B		A		A			n/a

Table 4 - Level of Service Summary - Projected Traffic Conditions

EXISTING TRAFFIC
 VOLUMES



NOTE: Traffic volumes depicted on this figure were counted while school was in session (March, 2006).

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
 RAVEN LANE AND MT. COMFORT ROAD
 FAYETTEVILLE, ARKANSAS



DIRECTIONAL DISTRIBUTION
 SITE TRAFFIC

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
 RAVEN LANE AND MT. COMFORT ROAD
 FAYETTEVILLE, ARKANSAS

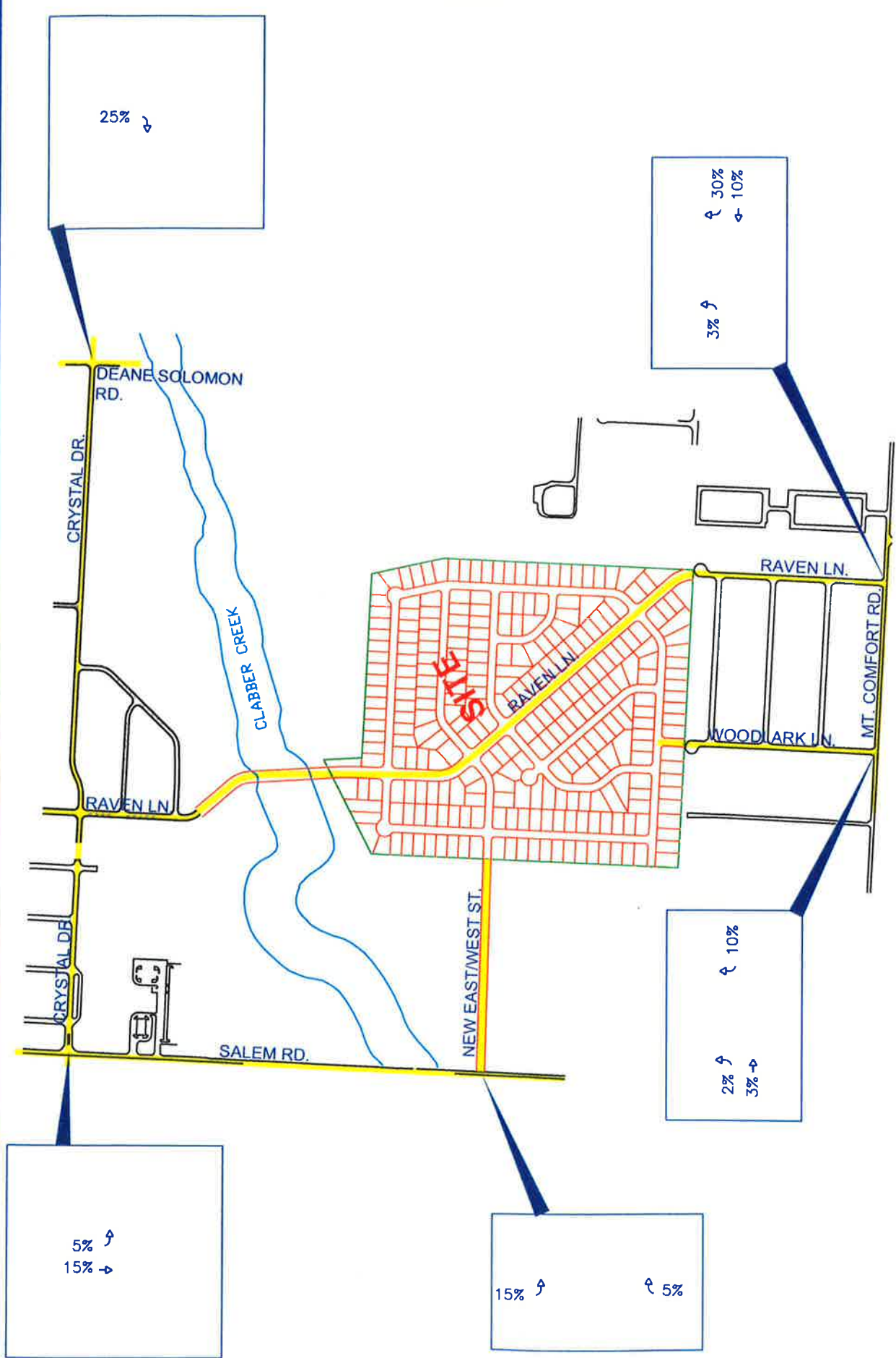
PROJECT No. P-1182
 DATE: 3-20-2006
 PETERS & ASSOCIATES
 ENGINEERS, INC.

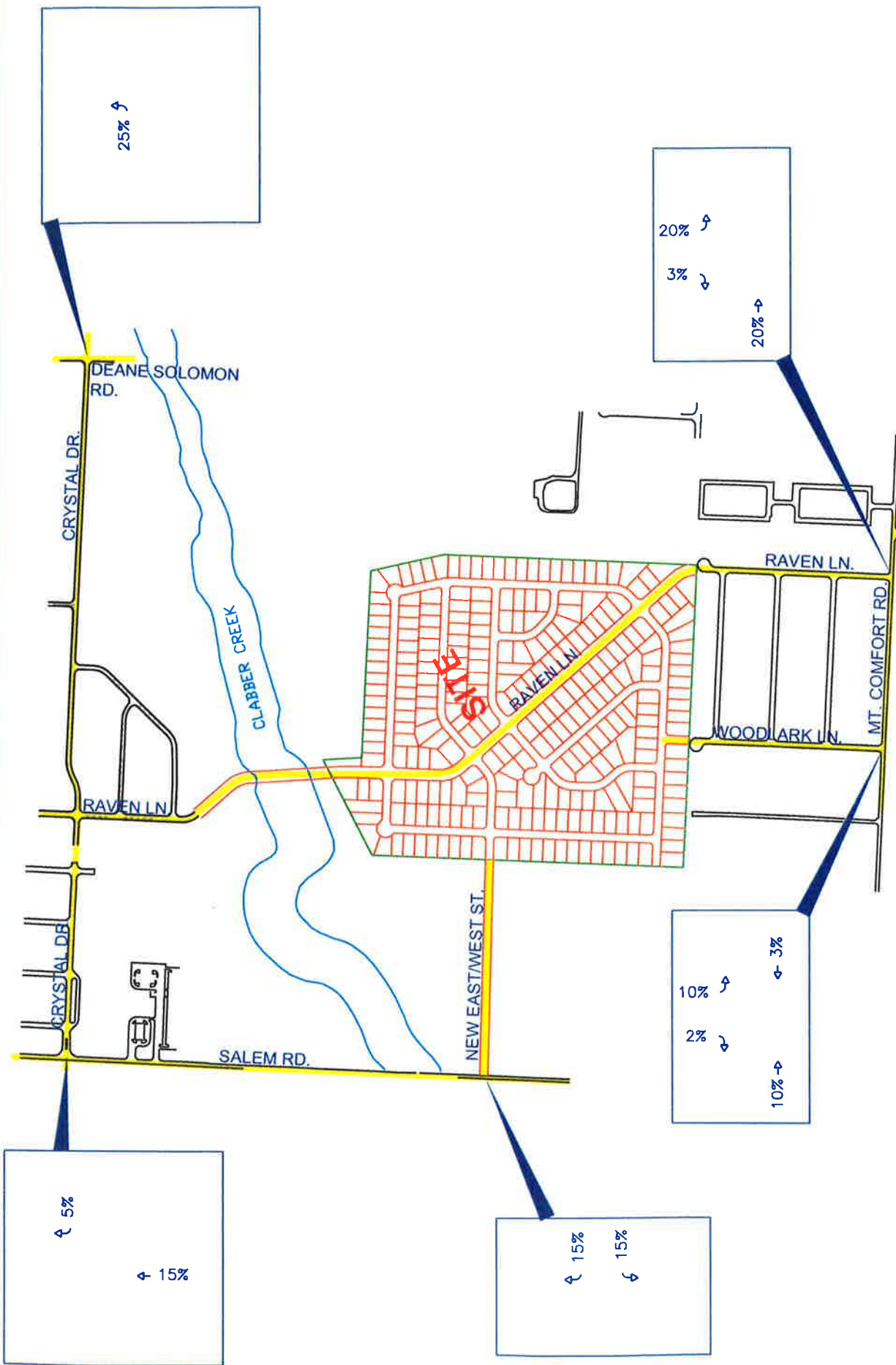


ENTERING THE SUBDIVISION
 PERCENTAGE TURNS

CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
 RAVEN LANE AND MT. COMFORT ROAD
 FAYETTEVILLE, ARKANSAS

PROJECT No. P-1182
 DATE: 3-20-2006
 PETERS & ASSOCIATES
 ENGINEERS, INC.





PROJECT No. P-1182
DATE: 3-20-2006

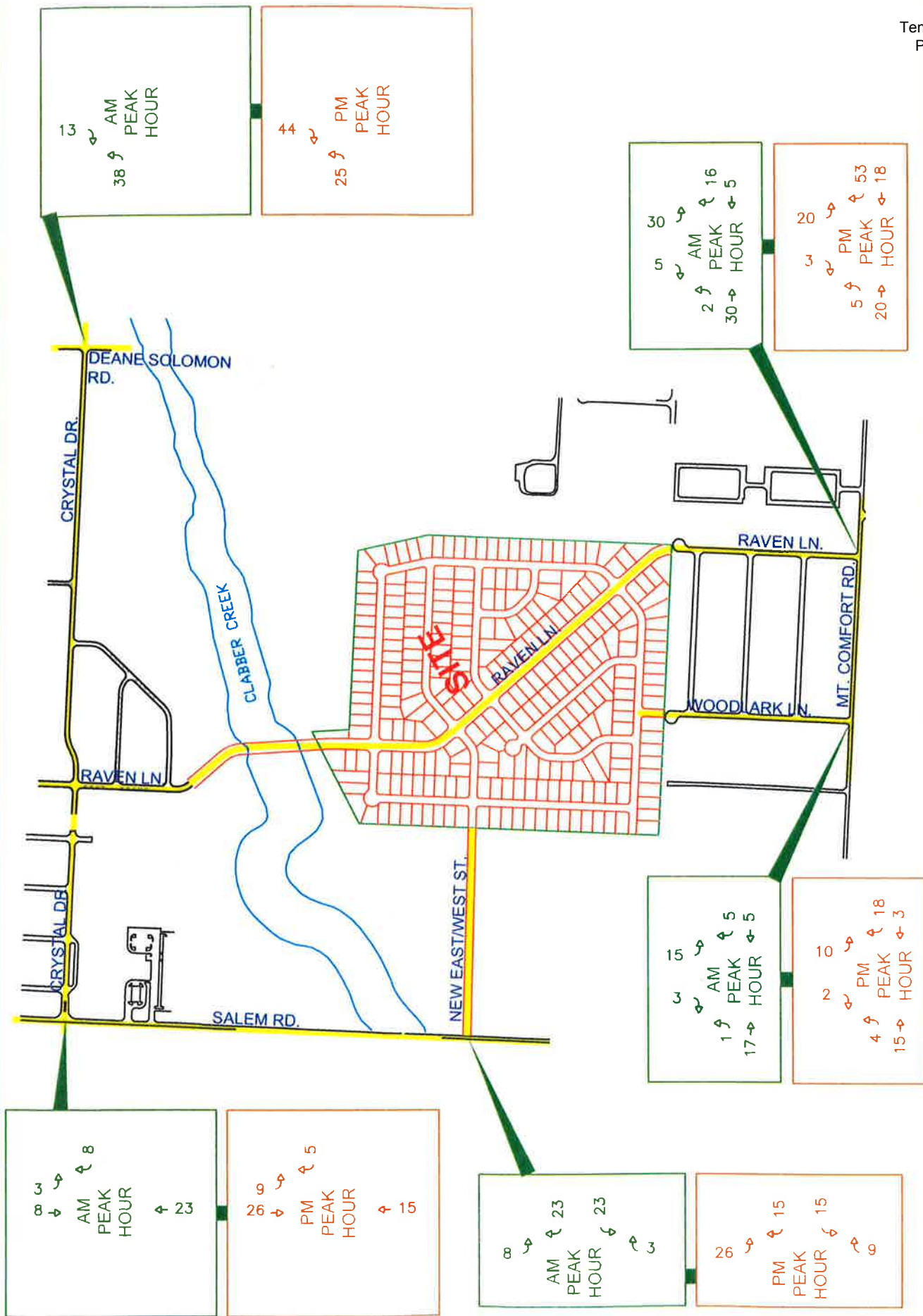
PETERS & ASSOCIATES
ENGINEERS, INC.



CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
RAVEN LANE AND MT. COMFORT ROAD
FAYETTEVILLE, ARKANSAS

EXITING TRAFFIC
PERCENTAGES

June 29, 2015
Tentative Agenda
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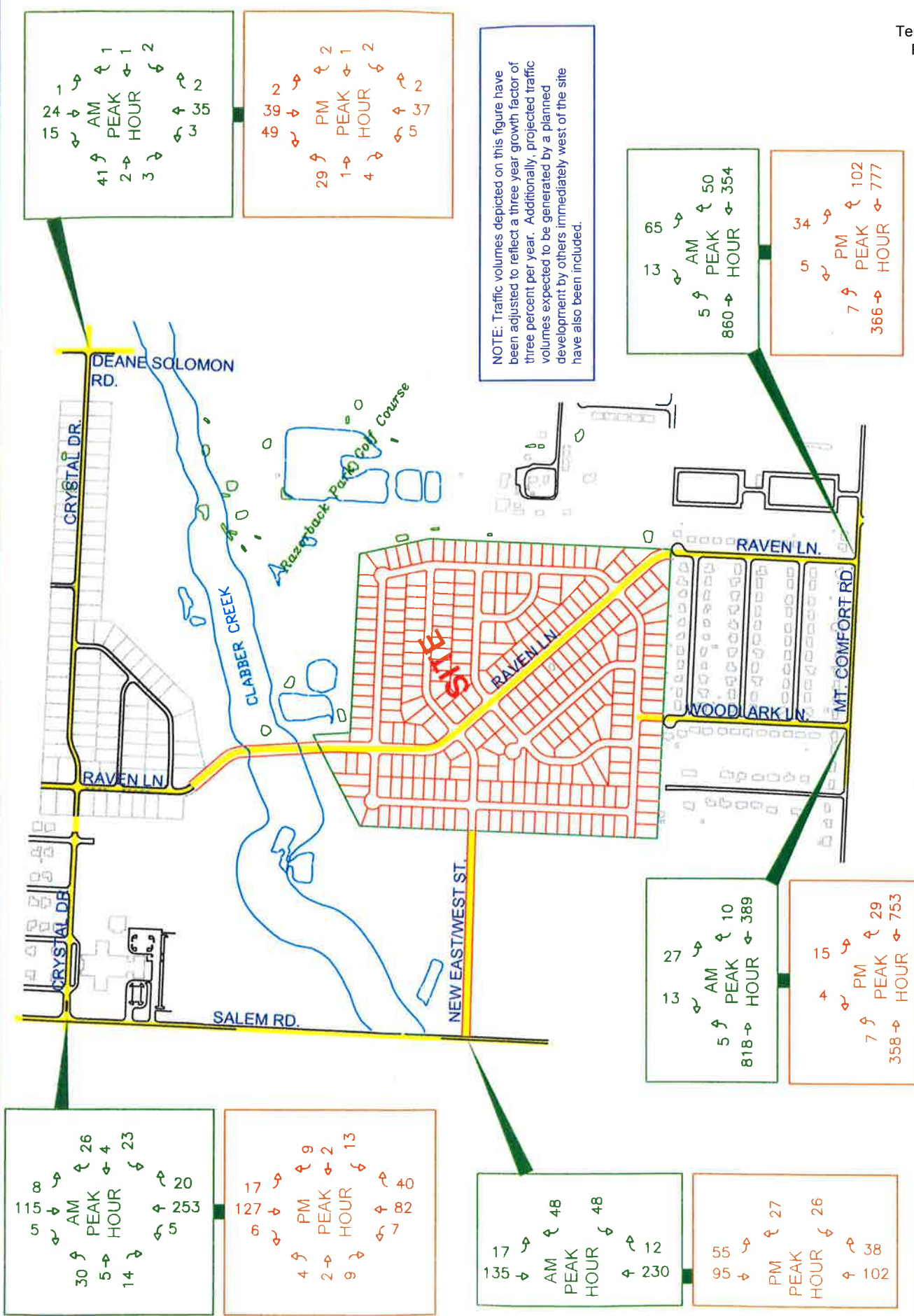
PROJECT No. P-1182
DATE: 3-20-2006

PETERS & ASSOCIATES
ENGINEERS, INC.



CRYSTAL SPRINGS RESIDENTIAL SUBDIVISION
RAVEN LANE AND MT. COMFORT ROAD
FAYETTEVILLE, ARKANSAS

SITE-GENERATED
TRAFFIC VOLUMES
AM AND PM PEAK HOURS



2015 TRAFFIC STUDY

Traffic Study

Proposed City of Fayetteville Master Street Plan Revisions

prepared for:
Mr. Gerald Johnson

Crystal Springs IV
Subdivision Vicinity

Fayetteville, Arkansas



A handwritten signature in black ink, appearing to read "Ernest J. Peters".

Project No.: P-1743



**PETERS & ASSOCIATES
ENGINEERS, INC.**

• CIVIL & TRAFFIC ENGINEERING •

5507 Ranch Drive - Suite 205 (501) 868-3999
Little Rock, Arkansas 72223 Fax (501) 868-9710

March 2, 2015

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Trip Generation & Site Traffic Projections	9
Projected Traffic Volumes	10
Summary of Findings	15

APPENDIX

Subdivision Plat and Proposed Street Network
Trip Generation Data

Traffic Study

INTRODUCTION

Peters & Associates Engineers, Inc., has conducted a traffic engineering study relating to proposed City of Fayetteville Master Street Plan (MSP) revisions in the immediate vicinity of the planned Crystal Springs IV Residential Subdivision. The study area is bound by Dean Solomon Road to the east, Mt. Comfort Road to the south, Salem Road to the west and Howard Nickell Road to the north in Fayetteville, Arkansas. The Crystal Springs IV Residential Subdivision development is proposed to be constructed within this study area and consist of approximately 271 single-family lots. The primary focus of this study is to determine the effect of changes proposed to the MSP. Included in this study is a comparison of projected daily traffic volumes including existing plus Crystal Springs IV Residential Subdivision generated traffic volumes at several key locations in the vicinity to the typical service volumes for corresponding City of Fayetteville MSP street classifications. A reduced copy of the subdivision plat and proposed street network within the site is included in the Appendix for reference.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Evaluate existing traffic average daily traffic (ADT) volumes at the following locations:
 - o Mt. Comfort Road near Salem Road
 - o Deane Solomon Road, just north of Mt. Comfort Road
 - o Salem Road, just north of Mt. Comfort Road
 - o Howard Nickell Road between Salem Road and Deane Solomon Road.
- Calculate re-distributed existing daily traffic volumes to account for the proposed MSP revisions .
- Determine projected traffic volumes expected to be associated with Crystal Springs IV Residential Subdivision at several key locations within the study area.

Traffic Study

- Identify the traffic volumes that can be expected for existing traffic in combination with site-generated traffic associated with the development as proposed.
- Make a comparison of projected daily traffic volumes to the typical service volumes for corresponding City of Fayetteville MSP street classifications.

In the following sections of this traffic study report are traffic data, study methods summary of findings.

Traffic Study

THE STUDY AREA

The study area and proposed development is within the city limits of Fayetteville in Washington County, Arkansas. The study area is bound by Dean Solomon Road to the east, Mt. Comfort Road to the south, Salem Road to the west and Howard Nickell Road to the north. The existing MSP in the vicinity of the study area is shown on Figure 1 which follows.

The surrounding study streets, MSP classifications and MSP daily service volumes are as follows:

- o Mt. Comfort Road and Dean Solomon Road are each classified as a Minor Arterial on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Minor Arterial street is 7,000 to 14,000 vehicles per day.
- o Salem Road is classified as a Collector on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Collector street is 2,000 to 7,000 vehicles per day. Additionally several of the street sections within the proposed subdivision are proposed to be classified as Collector streets.
- o Howard Nickell Road is classified as a Principal Arterial on the City of Fayetteville MSP. Per the City's MSP, typical service volumes for a Principal Arterial street is over 14,000 vehicles per day.

This development, as shown on the attached site plan, calls for approximately 271 single-family residential lots and an internal street network proposed to serve the subdivision and the vicinity. The proposed MSP revisions are shown on Figure 2, "Proposed Master Street Plan Revisions."

Traffic Study

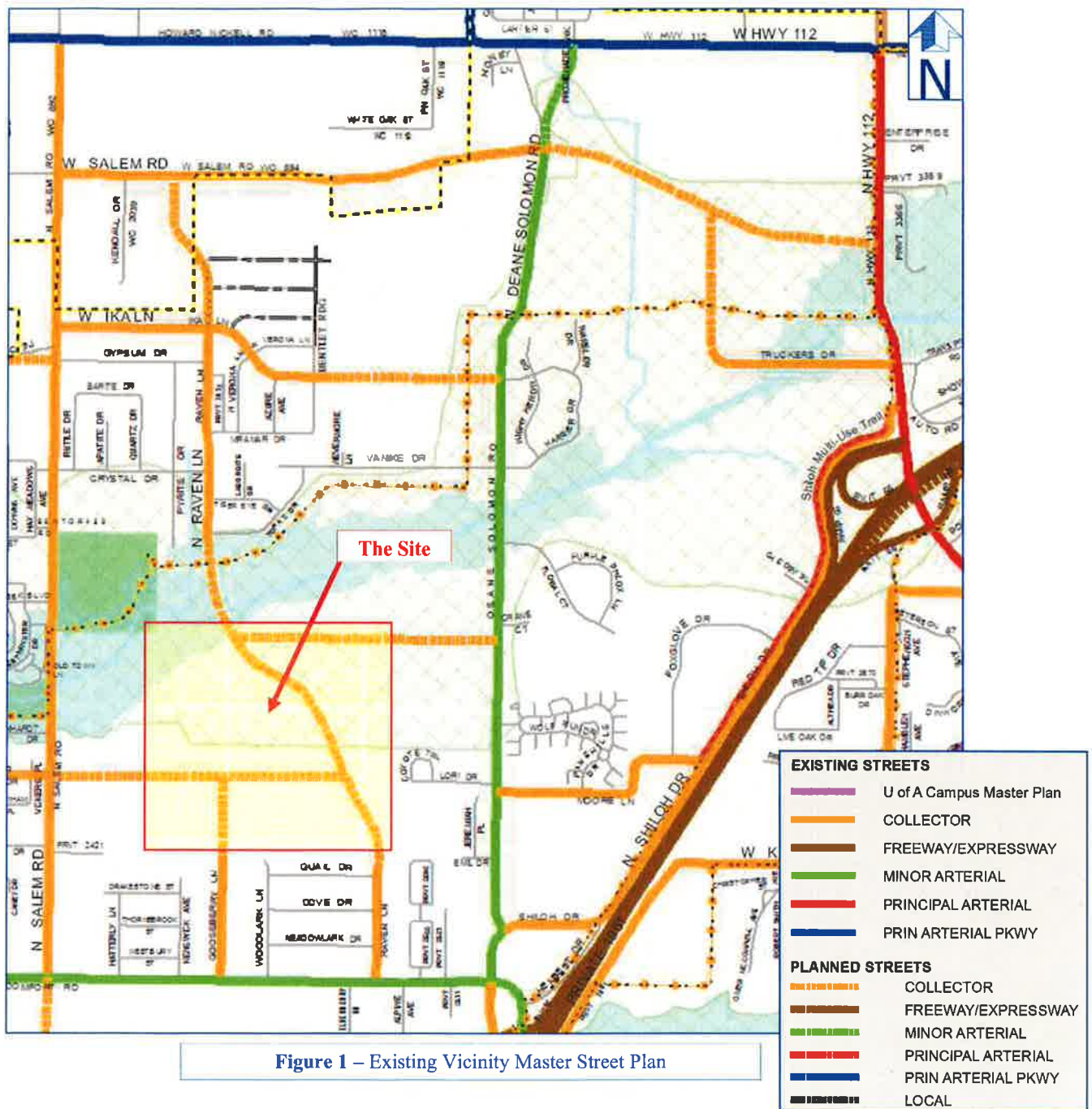


Figure 1 – Existing Vicinity Master Street Plan

Traffic Study



Traffic Study

EXISTING TRAFFIC CONDITIONS

As a part of this study, this consultant researched city of Fayetteville and Arkansas State Highway and Transportation Department (AHTD) 2013 average daily traffic volumes (ADT) or conducted 24-hour directional typical weekday traffic volume counts at the following locations:

- o Mt. Comfort Road near Salem Road
- o Deane Solomon Road, just north of Mt. Comfort Road
- o Howard Nickell Road between Salem Road and Deane Solomon Road
- o Salem Road, just north of Mt. Comfort Road
- o Salem Road, just south of Howard Nickell Road.

24-hour traffic counts at these locations in the vicinity of the study area are summarized as followed:

STREET	24-HOUR TWO-WAY VOLUME	SOURCE	TABLE & CHART
Mt. Comfort Road at Salem Road	11,000	*AHTD	n/a
Deane Solomon Road, just North of Mt. Comfort Road	3,900	*AHTD	n/a
Howard Nickel Road Between Salem Road and Deane Solomon Road	3,700	*AHTD	n/a
Salem Road, just North of Mt. Comfort Road	4,887	**P&A	Table 1/Chart 1
Salem Road, just South of Howard Nickell Road	2,647	**P&A	Table 2/Chart 2
*AHTD = AHTD 2013 ADT.			
**P&A = Peters & Associates 2015 Count Data.			

Hourly 24-hour traffic count data for the Salem Road count locations are summarized on Table 1 and Chart 1 and Table 2 and Chart 2.

The existing 24-hour traffic count data all of these locations are shown on Figure 3, "Existing Traffic Volumes, MSP Classifications and Typical Service Volumes."

Traffic Study

TIME	N. Salem Rd., Just North of W. Mt. Comfort Rd.		
	Northbound	Southbound	NB + SB
01:00 PM	109	120	229
02:00 PM	181	97	278
03:00 PM	168	249	417
04:00 PM	189	168	357
05:00 PM	265	320	585
06:00 PM	203	174	377
07:00 PM	119	100	219
08:00 PM	104	73	177
09:00 PM	75	42	117
10:00 PM	34	21	55
11:00 PM	16	16	32
12:00 AM	3	6	9
01:00 AM	5	7	12
02:00 AM	5	1	6
03:00 AM	3	3	6
04:00 AM	5	6	11
05:00 AM	8	22	30
06:00 AM	54	81	135
07:00 AM	362	450	812
08:00 AM	107	172	279
09:00 AM	68	112	180
10:00 AM	85	73	158
11:00 AM	98	99	197
12:00 PM	101	108	209
24-Hour Total:	2367	2520	4887

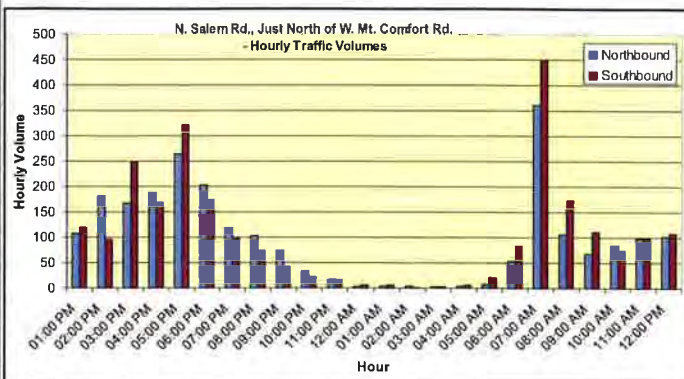


Table 1 - Chart 1
24-Hour Traffic Counts
Salem Road, Just North of Mt. Comfort Road

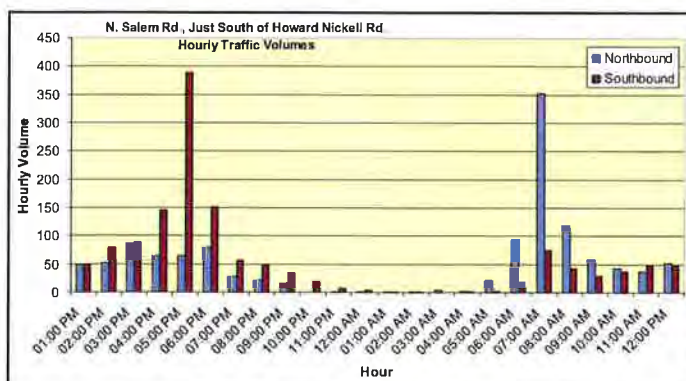


Table 2 - Chart 2
24-Hour Traffic Counts
Salem Road, Just South of Howard Nickell Road

TIME	N. Salem Rd., Just South of Howard Nickell Rd.		
	Northbound	Southbound	NB + SB
01:00 PM	50	50	100
02:00 PM	52	80	132
03:00 PM	87	89	176
04:00 PM	65	146	211
05:00 PM	65	388	453
06:00 PM	80	151	231
07:00 PM	29	57	86
08:00 PM	22	49	71
09:00 PM	16	34	50
10:00 PM	0	19	19
11:00 PM	2	8	10
12:00 AM	1	4	5
01:00 AM	1	2	3
02:00 AM	1	1	2
03:00 AM	5	0	5
04:00 AM	3	1	4
05:00 AM	22	3	25
06:00 AM	95	19	114
07:00 AM	352	75	427
08:00 AM	120	43	163
09:00 AM	60	30	90
10:00 AM	44	38	82
11:00 AM	38	49	87
12:00 PM	53	48	101
24-Hour Total:	1263	1384	2647

Traffic Study



Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Manual by Trafficware, LLC (9th Edition), 2012, were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed land-use of residential single-family lots. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land use proposed for the development makes these calculations. Results of these calculation are summarized on Table 3, “Summary of Trip-Generation.”

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME
Residential Single-Family	271 Lots	210	2,593

Table 2 – Summary of Trip-Generation

Traffic Study

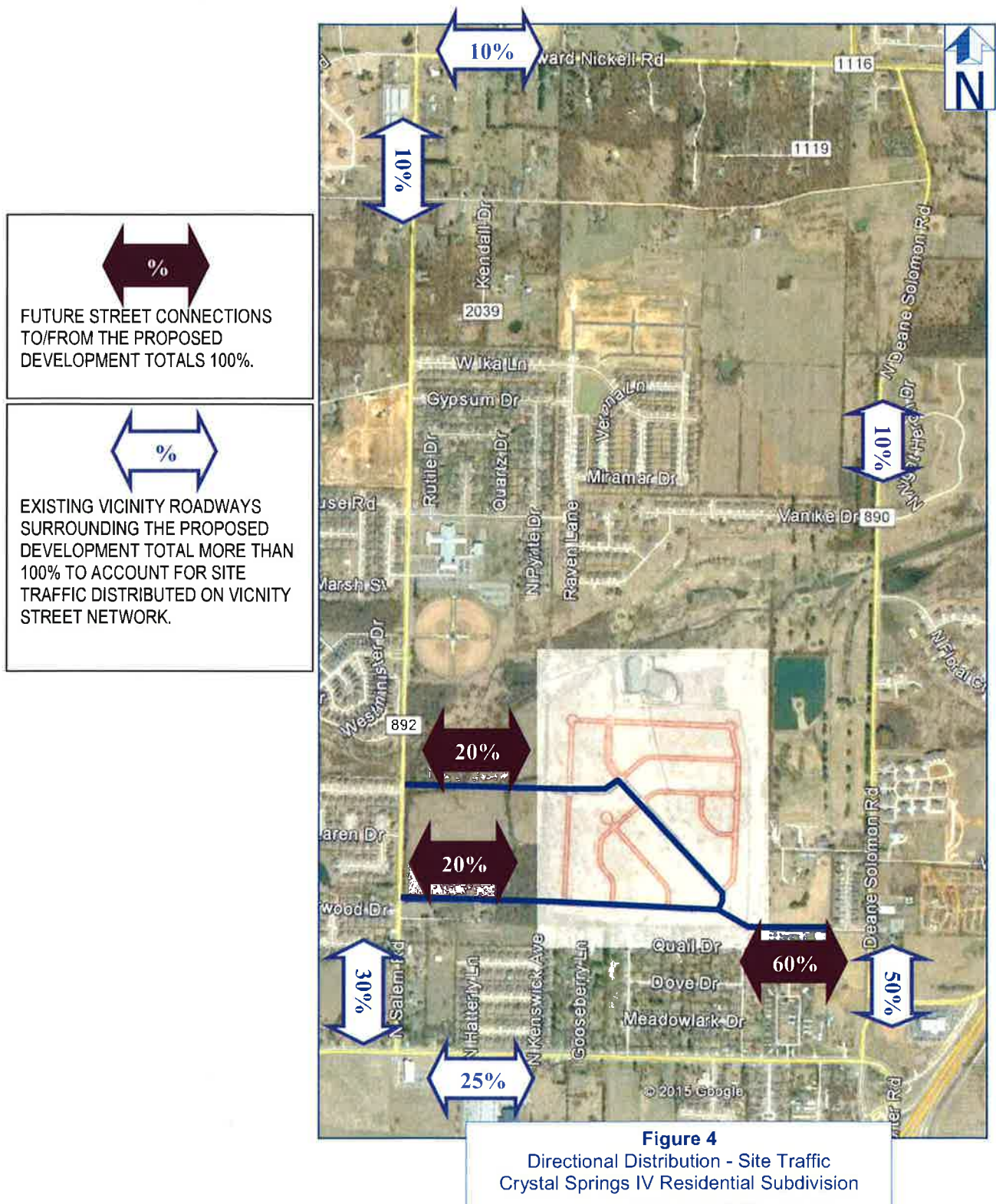
PROJECTED TRAFFIC VOLUMES

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of traffic volumes at several of the study roadway sections within the study area. Vehicle trip distribution was developed based on current traffic counts and expected travel patterns to and from the proposed development. Directional distribution percentages used in this report are shown on Figure 4, "Directional Distribution - Site Traffic - Crystal Springs IV Residential Subdivision."

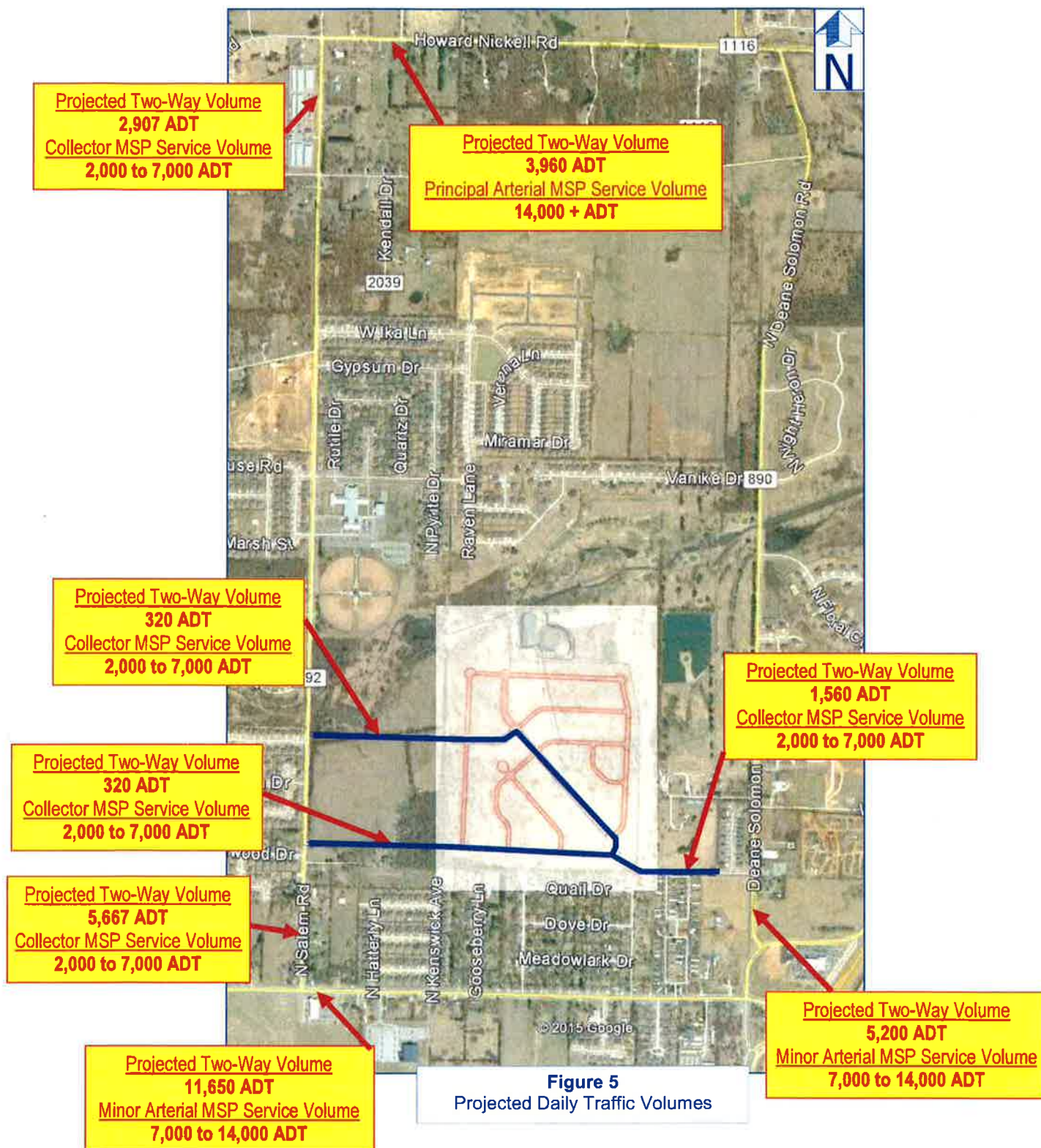
The projected traffic volumes result from applying the projected directional distribution to the corresponding projected site-generated traffic volumes summarized on Table 3, "Summary of Trip- Generation." The site-generated traffic volumes and existing background traffic volumes shown on Figure 3 have been combined and the results are depicted on Figure 5, "Projected Daily Traffic Volumes."

Traffic volumes shown on Figure 5, "Projected Traffic Volumes," are the values used to make comparisons of projected daily traffic volumes to the typical service volumes of the City of Fayetteville MSP street classifications. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) and projected traffic associated with the development as proposed has thus been accounted for in these projected traffic volumes.

Traffic Study



Traffic Study



Traffic Study

The surrounding study streets, the proposed Collector streets within the development as proposed, projected traffic volumes, MSP street classifications and MSP daily service volumes are as follows:

- o Howard Nickell Road is classified as a Principal Arterial street on the City of Fayetteville MSP. Per the City's MSP, service for a Principal Arterial street is over 14,000 vehicles per day. Projected traffic volumes on Howard Nickell Road (3,960 ADT) are well below the MSP upper range service volume for a Principal Arterial street. Reserve capacity is available for future growth of background traffic volumes with the proposed MSP revisions.
- o Mt. Comfort Road and Dean Solomon Road are each classified as a Minor Arterial streets on the City of Fayetteville MSP. Per the City's MSP, service for a Minor Arterial street is 7,000 to 14,000 vehicles per day. Projected traffic volumes on Mt. Comfort Road (11,650 ADT) and on Dean Solomon Road (5,200 ADT) are well below the MSP upper range service volume for a Minor Arterial street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.
- o Salem Road is classified as a Collector street on the City of Fayetteville MSP. Per the City's MSP, service for a Collector street is 2,000 to 7,000 vehicles per day. Projected traffic volumes on Salem Road, just north of Mt. Comfort Road (5,667 ADT) and on Salem Road just south of Howard Nickell Road (2,907 ADT) are well below the MSP upper range service volume for a Collector street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.

Traffic Study

- o There are several of the street sections through the proposed site development to be classified as Collector streets with the proposed MSP revisions. Per the City's MSP, typical service volumes for a Collector street is 2,000 to 7,000 vehicles per day. As shown on Figure 5, projected traffic volumes on these new proposed Collector streets (maximum projected volume of 1,560 ADT) are well below the MSP upper range service volume for a Collector street. Reserve capacity is available for future growth to background traffic volumes with the proposed MSP revisions.

Traffic Study

SUMMARY OF FINDINGS

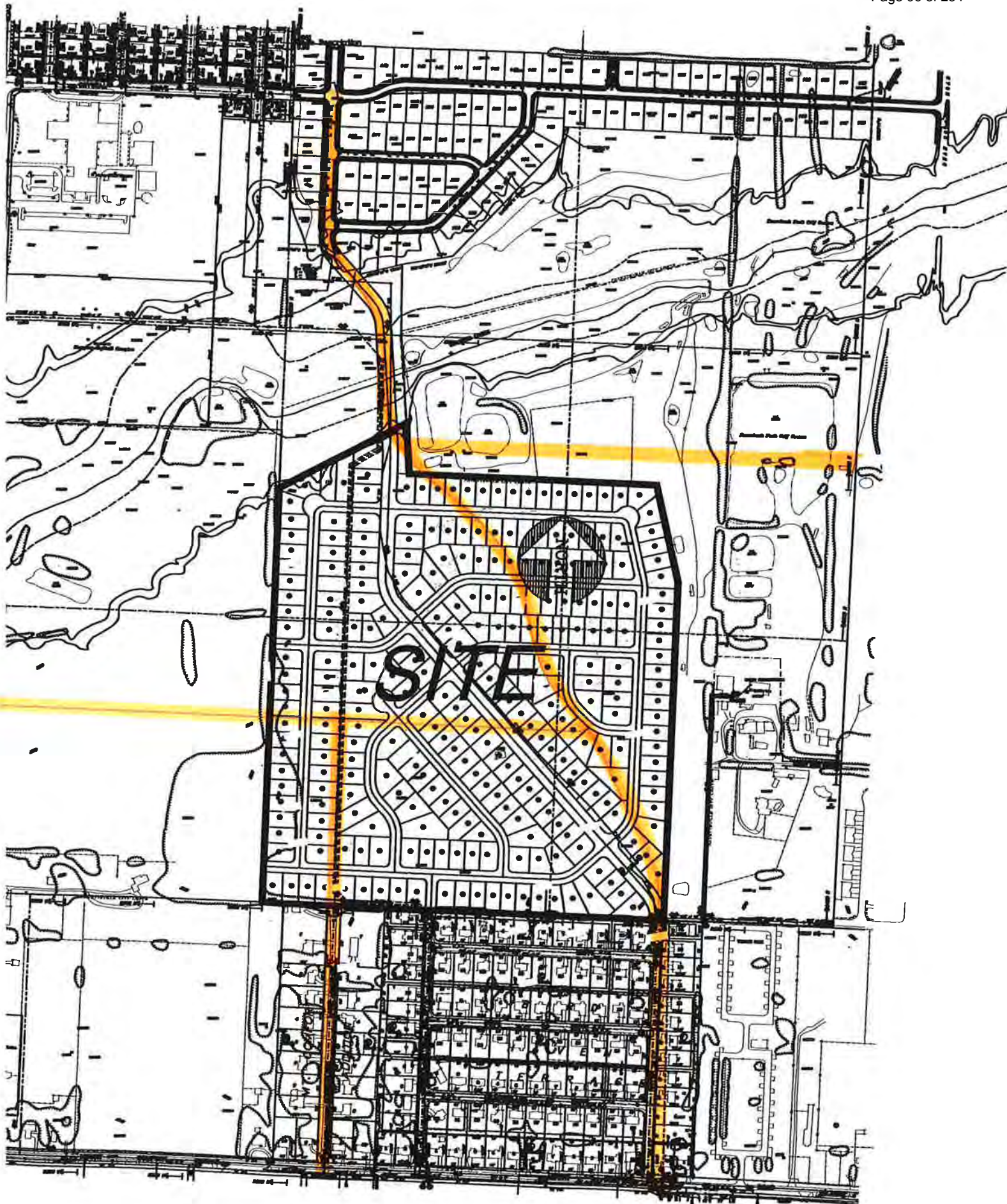
Findings of this study are summarized as follows:

- Approximately 2,593 vehicle trips (combined in and out) per average weekday are projected to be generated by the proposed Crystal Springs IV Residential Subdivision land use.
- There is found to be reserve capacity available in City of Fayetteville MSP service volumes to the vicinity roadways with the MSP revisions as proposed. With these proposed MSP revisions, minor changes in traffic follow would be accommodated as follows:
 - Some traffic can connect to the east to Deane Solomon Road (Minor Arterial) via Emil Drive adjacent to the southern boundary of the Razor-back Golf Course.
 - Some traffic can connect to the west to Salem Road (Collector) via two future Collector extensions through the proposed development.
 - Some traffic can connect to the south to Mt. Comfort Road (Minor Arterial) through the existing Raven Lane, which future connection was planned with a temporary cul-de-sac.
- It was found that with these proposed MSP revisions, there is justification to eliminate a bridge crossing Clabber Creek since proposed street connections to the east and the west to Deane Solomon Road (Minor Arterial) and to Salem Road (Collector) rather than to Mt. Comfort Road to the south thereby disrupting an existing residential neighborhood. Since Salem Road and Deane Solomon Road are expected to have reserve capacity for future growth of background traffic volumes with the proposed MSP revisions, an additional north / south Collector streets between them is not justified.

MAPS

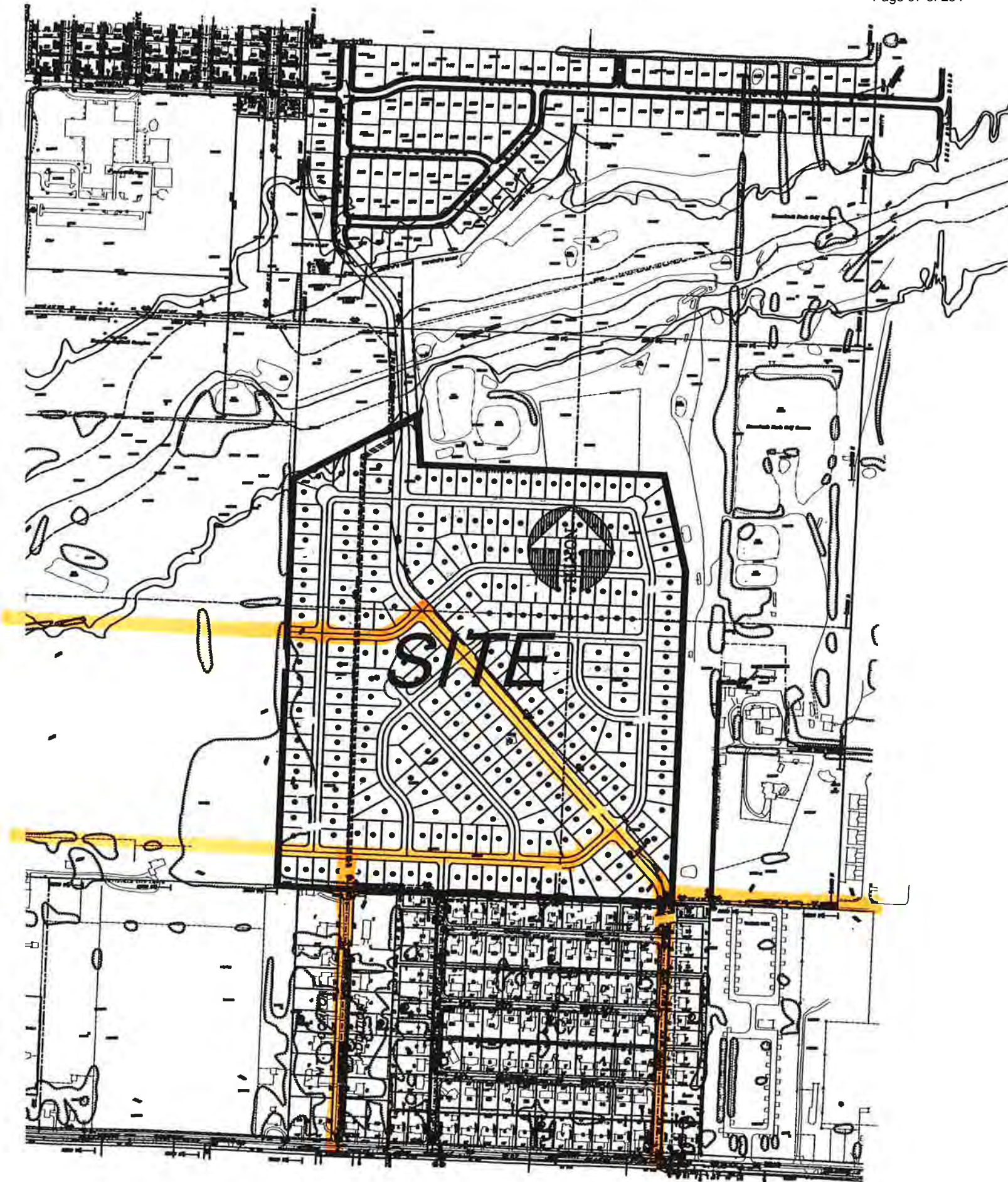
EXISTING MSP

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PROPOSED MSP

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ADM15-5035

CRYSTAL SPRINGS PHASE IV

Aerial View



Legend

..... Drake Middle School Use Trail (Existing)

Overview Future Trails

----- Fayetteville City Limits

----- Footprints 2010

----- Hillside-Hilltop Overlay District

----- Design Overlay District

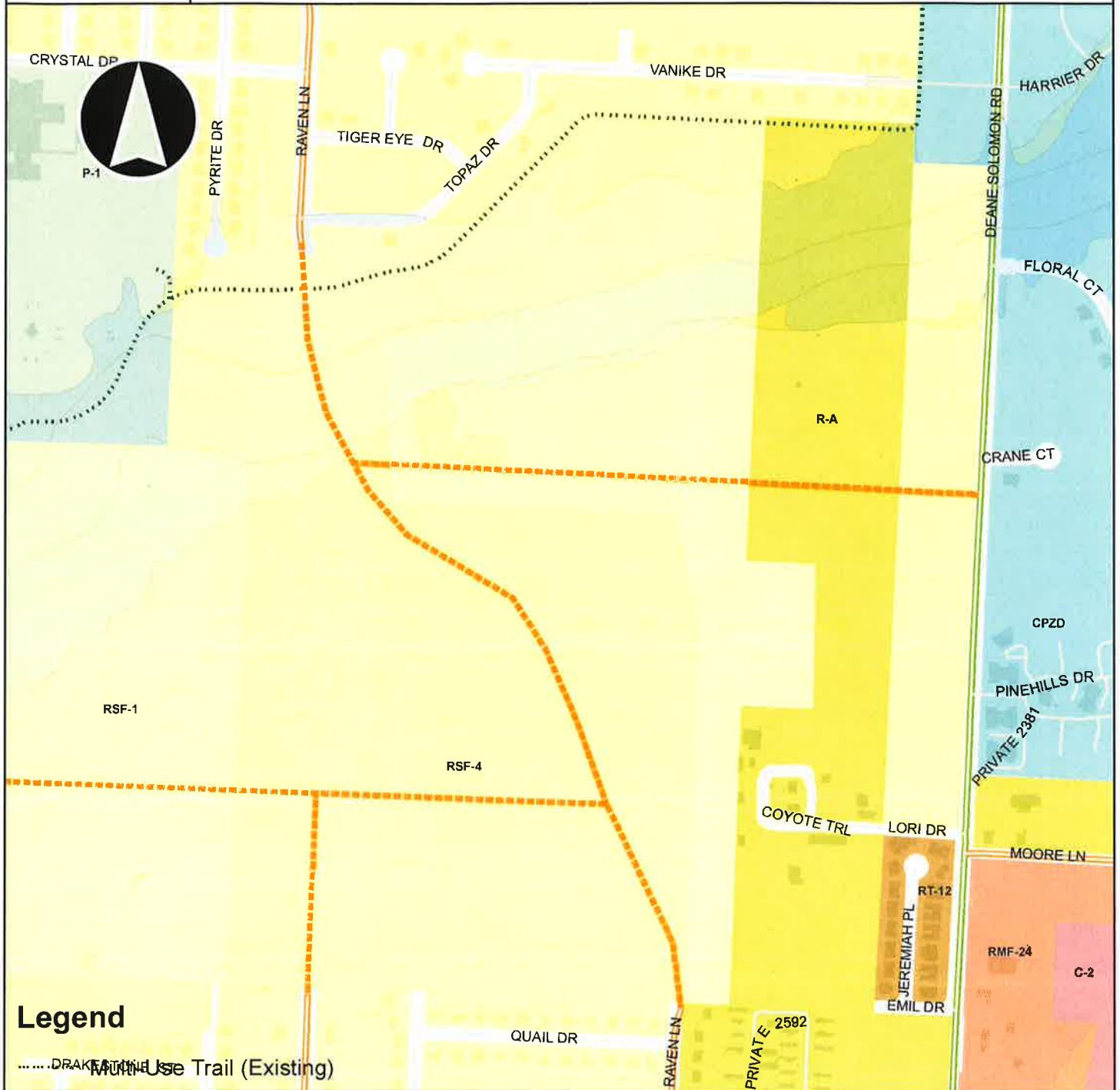
----- Planning Area

0 225 450 900 1,350 1,800 Feet

ADM15-5035

CRYSTAL SPRINGS PHASE IV

Close Up View



Legend

..... DRAFT Future Trail (Existing)

..... DRAFT Future Trail (Future)

..... Fayetteville City Limits

..... Footprints 2010

..... Hillside-Hilltop Overlay District

..... Design Overlay District

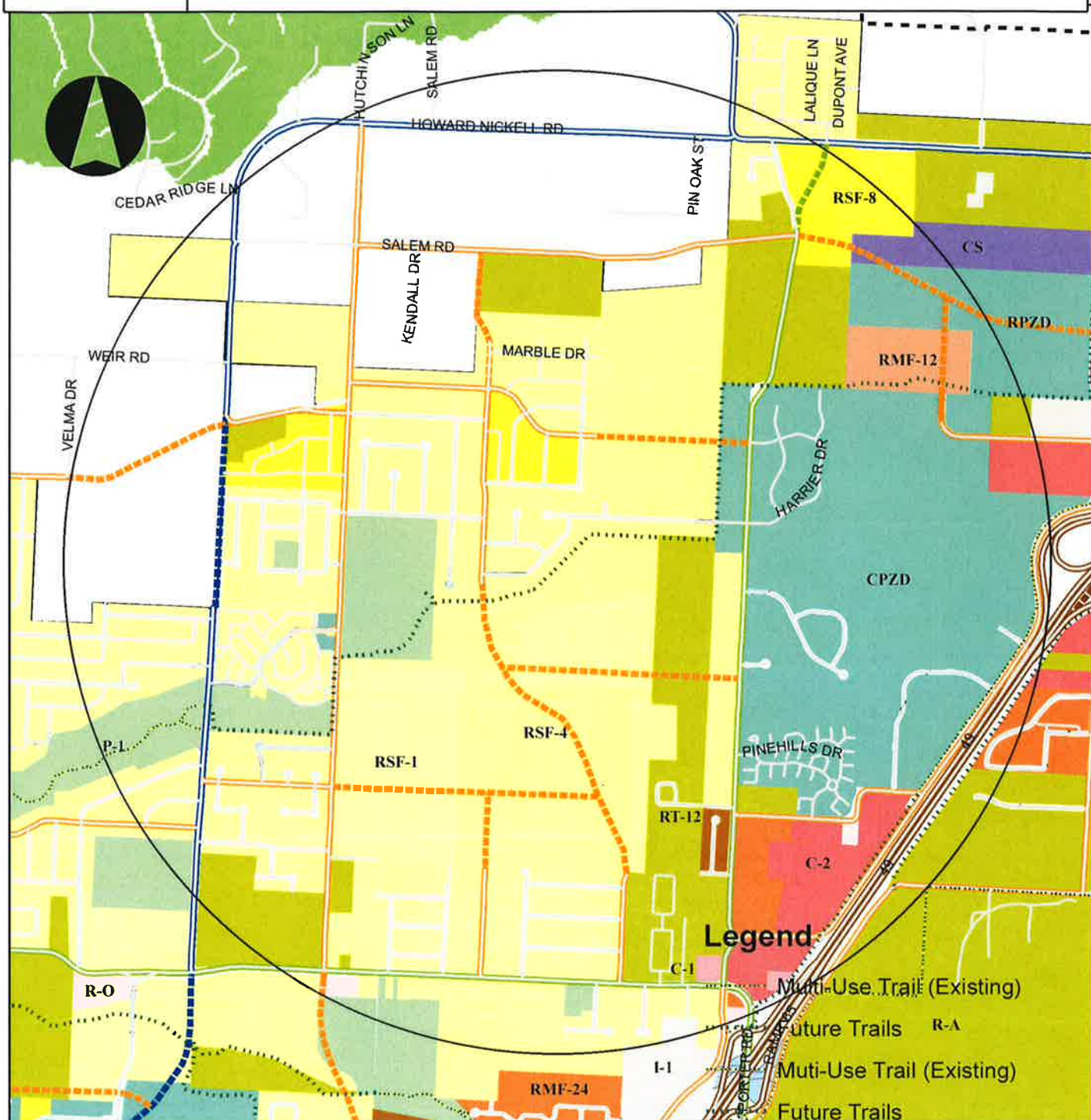
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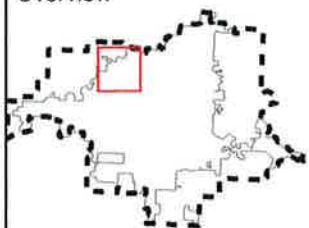
ADM15-5035

CRYSTAL SPRINGS PHASE IV

One Mile View



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles

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

April 16, 2015

TO: Fayetteville Planning Commission

RE: Amendment to Master Street Plan proposed by Crystals Springs Ltd.

I am writing this letter regarding plans to amend the Master Street Plan Map. I think the developer is wasting your time with this plan and they know it. The only way out of this piece of property is through the Birdhaven Subdivision. The Birdhaven subdivision is a small established neighborhood who has vehemently protested this developments traffic coming through their neighborhood. For the following reasons:

- We have a very low crime rate and would like to keep it that way
- We have very few sidewalks but children and adults feel safe and comfortable walking in the neighborhood. Kids play basketball in the streets and several people in the neighborhood ride their bikes.
- Traffic flowing out onto Mt. Comfort still poses a problem due to the amount of traffic Mt. Comfort generates from other completed developments.

As you may or may not be aware a Resolution 113-06 was passed by City Council in 2006 which removed the street connection from the north end of Woodlark and also added an additional condition of a bridge to the north prior to any construction of any house within the subdivision. Residents of our subdivision and Gooseberry put in a lot of time and effort with meetings, petitions etc. to get this resolution passed. Please do not disregard our concerns with this development.

In 2006, from documentation I reviewed city staff stated it was necessary to have the bridge so traffic could flow to the north. The developer in 2006 failed to gain access to the east and west (which is what they are trying to do again).

I am requesting you stand by the City Councils resolution from 2006 in regards to removing the connection from the north end of Woodlark. Require the developer to reduce the scope of his project of 271 houses and put a tree barrier between the adjacent properties to reduce intrusion of our neighborhoods from this development.

I understand that the April 27th meeting will not be addressing all these issues but want to make sure the Planning Commission has a clear picture of the issues involved.

Thanks for your consideration

Kathleen Stocker

Resident 2848 W. Quail Drive

479-521-9264

Fulcher, Jesse

From: Vicki Kelley <vicki-k@att.net>
Sent: Sunday, April 26, 2015 4:38 PM
To: Harrison, Andy
Subject: The proposed Master Street Plan Change to add a bridge across Clabber Creek

RE: The proposed Master Street Plan Change to add a bridge across Clabber Creek

I STRONGLY OBJECT to the proposed change to the Master Street Plan calling for a bridge across Clabber Creek. I relocated to Fayetteville from another state and purchased my home on Raven Lane in 2012.

Had I ANY idea Raven Ln. would become a higher traffic area (i.e., other than a normal, quiet residential neighborhood street) I would NOT have ever considered purchasing a home on Raven Lane.

Also, this subdivision is not setup for high traffic, the street is barely wide enough for two cars to pass. If there are cars parked in the street, which there always are, two cars cannot even pass at the same time.

Making Raven Ln. a higher traffic route will REDUCE property values without any doubt and will greatly impinge on the quiet enjoyment of my property.

The purpose of a Master Street Plan should be to plan ahead and communicate the plan so those who may be impacted by the plan can make informed decisions.

The City also needs to also consider the negative impacts of any increase in traffic along streets bordering the golf course. I hadn't even lived here a year before my windshield was busted by a golf ball while driving down Deanne Solomon. Some cities have ordinances that require golf courses to erect fences to protect public roads. It cost over \$300 for me to have my windshield replaced and I no longer take that route home. It's a shooting gallery; no telling how many other drivers and homes in the area have been hit and suffered a financial loss. The golf course doesn't have to pay for fencing and the rest of us pay the price. It makes me wonder who or what is pressing to add a bridge across Clabber Creek. One thing I know for sure, me and my neighbors will be paying the price in lower property values, more difficulty (time/cost) selling our homes in the future, and greatly reduced quiet enjoyment of our property.

Vicki Kelley

Wayland Harris
2397 Woodlark Lane
Fayetteville, AR 72704
Phone 479-521-6269
April 14, 2015

Mr. Andy Harrison
125 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mr. Harrison,

I am referencing the documents I discussed with you concerning the Crystal Springs IV subdivision development. The documents can be found in the City of Fayetteville, AR files.

Currently the subdivision developer has not met the current agreement agreed upon by Crystal Springs Developer and the Birdhaven Addition homeowners immediately south of the Crystal Springs IV development. The agreement was for a bridge to be built across Clabber Creek and it would be completed before any building started in Crystal Springs IV south of Clabber Creek. As of this date, no bridge has been built or even started. The agreement, also, stated that Woodlark Lane would not be opened up into Crystal Springs IV (current cul de sac would remain a cul de sac).

Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership is proposing an Amendment to Master Street Plan Map. They are proposing as part of this change to eliminate the cul de sac and make Woodlark Lane into a through street.

The above changes requested returns the Crystal Springs IV to the original development plan that was repealed by Resolution No. 113-06. I oppose any change or modification to the Woodlark Lane cul de sac now and in the future. I oppose any and all other changes being proposed or considered for Crystal Springs IV until the bridge across Clabber Creek is built as agreed to in the appeal dated June 20, 2006 and all the property for building Emil Drive is owned by the Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership.

All the conditions that justified the original appeal in 2006 still exists and will impact the Birdhaven addition.

Thanks,

Wayland Harris

Refer to follow documents:

Resolution No. 113-06 Approved: June 20, 2006

Letter to appeal PPL 06-1977 from Lioneld Jordan to Sondra Smith Dated May 11, 2006

Fulcher, Jesse

From: Zach Davis <zacharyldavis@gmail.com>
Sent: Monday, April 27, 2015 9:23 AM
To: Harrison, Andy
Subject: Crystal Springs Phase IV Proposal

Hi,

I would like to voice my opposition to the above proposal. I live at 3176 W Ika Lane and the thought of having a major traffic thoroughfare on my street is disturbing. There is already enough traffic and speeders (which hasn't been addressed) on this completely residential street. Children are always playing on this street. Putting more traffic and moving vehicles on this street would without a doubt lead to a tragic accident. I believe this would also bring down property value which isn't fair to the residents that have made this street a nice place to live.

Thanks,

Zach Davis

Fulcher, Jesse

From: Holly Davidson <hollymartin81@gmail.com>
Sent: Monday, April 27, 2015 3:23 PM
To: Harrison, Andy
Subject: Crystal Springs, Phase IV bridge OPPOSITION

Hi,
My name is Holly Davidson and I live at 3229 W. Ika Lane with my husband Nick and our six month old son. We strongly oppose the bridge that is planned in our area, which would increase traffic on our street. We already have issues with cars flying down our road and running the stop sign at Ika and Raven. As a parent, and living in a neighborhood full of small children, I think this is a horrible idea as our street is already heavily used as a through way. I am also concerned about how this would affect our property value. Please do not approve this project. Thank you.
Holly Davidson
479-459-8322

Fulcher, Jesse

From: Tim Taylor <timtay4@gmail.com>
Sent: Sunday, April 26, 2015 10:57 AM
To: Harrison, Andy
Subject: Crystal Springs, phase IV

To whom this may concern,

I live on the corner of Topaz and Raven and I'm 100% against the bridge being built. We don't need more traffic driving around our neighborhood.

Thank you,
Tim Taylor

Fulcher, Jesse

From: carlajean nail <cjnail@yahoo.com>
Sent: Monday, April 27, 2015 3:51 PM
To: Harrison, Andy
Subject: Clabber Creek bridge opposition

We are writing to oppose the proposed change to the Master Street Plan that involves a bridge over Clabber Creek. We live on Vanike Drive and our daughter, Elsa, lives on W Topaz Drive. It is our understanding that the road would meet the intersection of North Raven and West Topaz Drive. We are concerned about the increased traffic that would be generated as a result of this bridge. Not only is this a residential area, but also home to Holcomb Elementary and the Hampton Softball Complex. We do not need more traffic in this area.

Please reconsider this proposed bridge.

Thank you,

Mike and Jean Nail

Fulcher, Jesse

From: elsanail@ymail.com
Sent: Monday, April 27, 2015 2:46 PM
To: Harrison, Andy
Subject: Clabber Creek Bridge

I am writing to express my opposition to the proposed bridge across Clabber Creek. This bridge would result in more traffic through my residential neighborhood since the bridge would result in a road entering the intersection of N Raven Lane and W Topaz Drive. I live on W Topaz Drive. There is currently so much construction on Raven, Topaz, Vanike and the surrounding roads, that the CURRENT traffic flow at times is slowed to a one-lane situation. I can only imagine what it would do if there were more access from the proposed bridge. I ask you to also consider that the potential increased traffic is near Holcomb Elementary School and The Gary Hampton Softball Complex. Do we really need more traffic near this school?

I respectfully ask you to please reconsider this bridge.

Thank you,

Elsa Nail

Fulcher, Jesse

From: Bill Hamilton <wmhjd@cox.net>
Sent: Monday, April 27, 2015 9:55 AM
To: Harrison, Andy
Subject: Citizen's Notice

Please register our vote as being OPPOSED to the proposed bridge across Clabber Creek due to the likelihood of increased traffic down Gypsum Drive. Thank you!

Bill & Donna Hamilton
3136 W Gypsum Drive
Fayetteville, AR. 72704
(479) 841-2271

Sent from my Verizon Wireless 4G LTE DROID

**City Planning Division
Jeremy Pate
125 West Mountain Street
Fayetteville, AR 72701**

May 4, 2015

City Planning Division
Jeremy Pate
113 West Mountain Street
Fayetteville, AR 72701

Re: Amending the Master Street Plan
No Bridge (cost of about 2 million)
Collector Street from Salem Road to Deane Solomon Road

The reason I bought my house on Gooseberry Lane 43 years ago is because it is a dead end street.. Raven Street as a collector street has 3 streets that go over to Woodlark which gives more than one outlet..and the streets have Curbs and gutters..

Herbert Holcomb plotted Gooseberry Lane (Mt Comfort Addition) around the seventies and designated this as a dead end street and told me it could never be a thru street.

At the end of Gooseberry about 2300 feet is Clabber Creek that has Beaver and their dams which can contribute to waterfowl habitat and other wild life. There are deer that Come into the neighborhood. A bridge would take away from this.

Crystal Springs is a wet land, there are springs all under the ground. Houses are a very Expensive investment to build in a wet land.

Enclosed are signed documents by Gooseberry Lane Homeowners attesting to the fact that they want Gooseberry Lane to remain a dead end street.

I want to Thank everyone that has taken their time and energy to work on this

Sincerely ,

Bettie Patrick
2361 N Gooseberry Lane
Fayetteville, AR 72704
479-521-3749
bettiepatrick@att.net

cc: Milholland Company

May 4, 2015

**City Planning Division
Jeremy Pate
125 West Mountain Street
Fayetteville, AR 72701**

**Enclosed are Originals of home owners signatures that want Gooseberry Lane,
Fayetteville, AR to remain a dead end street. Copies will be hand delivered to Milholland
Company..**

**Bettie Patrick
2361 N Gooseberry Lane
Fayetteville, AR 72704
479-521-3749
bettiepatrick@att.net**

cc: Milholland Company

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Terry & Liz Carpenter

Address: 2333 Gooseberry Lane

City: Fayetteville

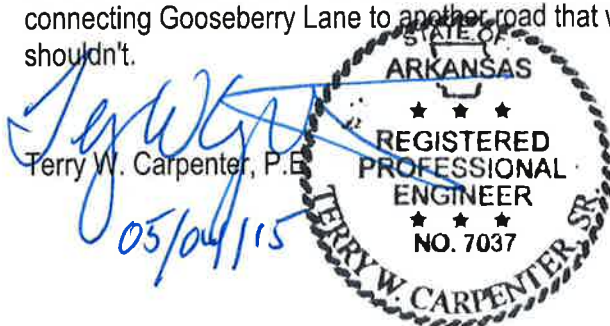
Phone: 479-521-4389 (H) 479-530-0913 (C)

E mail: twcarpenter@att.net

My family and I have lived at the above address since January 1st, 1991. Most of the residents have been there since it was constructed. Several have died in recent years. I am also a practicing professional engineer and design streets and highways in NW Arkansas as well as other types of infrastructure. Gooseberry Lane is only about 18 feet wide and is not designed to handle the increased traffic that would result in connecting it to the subdivisions that are to the north. Also, there is no where for the traffic to go except onto Mount Comfort road, which has line of site issues now and is difficult to get on during peak traffic times. It cannot be extended to the south unless the residence directly across from Gooseberry is purchased.

I understand the need for cities to develop Master Street Plans. However, I do not see the sensibleness of connecting Gooseberry Lane to another road that would greatly overload it. It was never meant to be and shouldn't.

Terry W. Carpenter, P.E.



May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *Bettie Patrick*
Address: *2361 N. Gooseberry Lane*
City: *Fayetteville On 72704*
Phone: *479-521-3749*
E mail: *bettiepatrick@att.net*

Resident for 43 years.

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Jay Moseley.
Address: 2306 Gooseberry LN
City: Fayetteville, AR 72704
Phone: 479-387-2923
E mail: john joy abigail @ hot mail . com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Michael Freeman

Address: 2327 Gooseberry

City: Fayetteville +

Phone: 521-6473

E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: William Treet
Address: 2246 N. Gooseberry
City: Fayetteville
Phone: 479 459 4031
E mail: btreet2002@yahoo.com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name:

Jim H. Morton

Address:

2218 Gooseberry

City:

Fayette.

Phone:

501 9710

E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Cynthia + Kevin Smith
Address: 2299 N Gooseberry Lane
City: Fayetteville,
Phone: 466-1650 601-1750
E mail: kevin.smith@iscanwa.net
cynfam00@yahoo.com

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *Betty Young*
Address: *2330 Gooseberry*
City: *Fayetteville AR 72704*
Phone: *479-301-7591*
E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name:

Vickie Stafford

Address:

2325 Gooseberry

City:

Fair

Phone:

300-

E mail:

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: Burke Russell
Address: 2395 Gooseberry
City: Fayetteville
Phone: 479 236 6971
E mail:

RESOLUTION NO. 113-06

**A RESOLUTION TO GRANT THE APPEAL OF THE
APPROVAL OF PPL 06-1977 (CRYSTAL SPRINGS IV) AND
TO APPROVE PPL 06-1977 AS SLIGHTLY MODIFIED BY
THE CITY COUNCIL**

WHEREAS, Raven Lane is a collector street on the Master Street Plan and should provide sufficient north/south connectivity between Mt. Comfort Road and Crystal Drive without the need to connect Woodlark Lane, a residential street; and

WHEREAS, the neighborhood served by Woodlark, Quail, Dove, Meadowlark and Raven has requested that Woodlark not be connected to the north through its current cul-de-sac.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of the approval of Preliminary Plat 06-1977 (Crystal Springs Phase IV), but approves a slightly modified Preliminary Plat for PPL 06-1977 (Crystal Springs Phase IV) which removes the street connection from the north end of Woodlark to Street B between lots 33 and 34, but retains a five foot wide sidewalk connection at this location. An additional condition of approval to PPL 06-1977 is also added which requires the construction of the bridge crossing Clabber Creek to the north to be completed and accepted by the City with Phase I and II of the subdivision and prior to the construction of any house within the subdivision.

PASSED and APPROVED this 20th day of June, 2006.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning 

Date: May 12, 2006

Subject: Alderman Appeal of Crystal Springs IV (PPL 06-1977)

RECOMMENDATION

Staff recommended and the Planning Commission approved with a vote of 7-2-0 a preliminary plat for Crystal Springs Subdivision Phase IV (PPL 06-1977), with conditions of approval as noted in the staff report.

BACKGROUND

A masterplan of development for the overall Crystal Springs Development has been in place since the early 1990s. Almost every phase of Crystal Springs Development has been appealed or challenged; all have been upheld (or amended) by the City Council as meeting applicable city ordinances. Phase I consisted of 112 lots accessed off of Salem Road, in an area that was in the county at the time of submittal in 1993. With this initial phase, the developer donated approximately 20 acres to the Fayetteville School District, on which Holcomb Elementary is now located. An additional 15.45 acres was dedicated in 1994 to the City for parkland; the Parks and Recreation Board and Planning Commission accepted land that would meet the requirements for a total of 575 single family residential lots in all of the future Crystal Springs phases. Gary Hampton Softball Field complex was constructed in 2000-2001 on this property, and is enjoyed by the neighborhoods that have since developed in this rapidly growing area. Crystal Springs II and III have been developed/platted north of Clabber Creek, and consist of 14 and 101 lots, respectively.

The applicant received approval by the Planning Commission of PPL 06-1977 for Crystal Springs IV, the final phase of a planned residential development north of Mount Comfort Road, south of Clabber Creek. This final phase consists of 273 single family lots on 85 acres, to be constructed in six (6) phases. Based on the amount of lots proposed and future traffic generation, staff recommended significant off-site improvements to be constructed as part of this project. Most significantly, this includes a crossing of Clabber Creek to the north, which will distribute traffic and thereby decrease dependency of use on Mount Comfort Road, which is an unimproved street at this time. This bridge crossing is anticipated to be close to \$500,000 in cost, and will include trail crossings along Clabber Creek. No cost-share by the city for this significant street improvement is recommended by staff. Other off-site improvements recommended include an assessment for a turn lane at Raven Lane and Mount Comfort Road, the removal of existing

temporary cul-de-sacs and installation of curb, gutter, sidewalk, etc. to make adequate street connections and the installation (at the developer's cost) of four (4) speed tables within Birdhaven Terrace Subdivision, south of the planned development to alleviate any future speeding within the established neighborhood. Two streets within Birdhaven Terrace currently provide access to the subject 85-acre parcel, including the Collector Street Raven Lane, and will be continued into the development in the first phase, which contains a maximum of 58 lots. Staff's recommendation to the Planning Commission also included the Clabber Creek crossing to occur at minimum with the second phase of development, which ensures that a maximum of 58 homes (and the traffic generated therefrom) can be constructed before the north connection is completed.

DISCUSSION

Staff has spoken with numerous residents in this area, primarily those residing in Bird Haven Terrace to the south of Crystal Springs IV or on Gooseberry Lane. The resounding concern has been the detrimental impact of through traffic within the established neighborhood and expected congestion and delays on Mount Comfort Road without significant improvements. Staff recognized the impact on these neighborhoods, and made recommendations to the Planning Commission for the developer to make improvements which would be considered roughly proportional to the impact of the development, as required by city ordinance. Five persons spoke at the Planning Commission meeting, and all written comments are included in the attached reports.

The Planning Commission also questioned staff as to future improvements of Mount Comfort Road. As noted at recent Street Committee meetings, a bond program for improvements to streets, including Mt. Comfort Road, is being discussed. This is a decision to be made by the City Council and ultimately by voters, however, and can not be depended upon as of right now to occur. At this time, staff is recommending assessments for most developments that have an impact on Mount Comfort Road and are not contributing in other ways to alleviate the impact that additional traffic created by their proposal is having on existing infrastructure. This decision to take assessments instead of piecemeal improvements along Mt. Comfort is relatively recent, and is in part an effort to plan for comprehensive improvements to Mt. Comfort Road as has been discussed in meetings with the Street Committee. It must be noted, however, that staff does not at this time depend whatsoever on planned improvements by the City to offset the contributions a developer must make. Our ordinances direct us to recommend to the Planning Commission the improvement that would be proportional to the development requested. A future Capital project to improve Mt. Comfort Road may be forthcoming, and may not. With that in mind, staff recommended significant improvements for this development to increase connectivity between neighborhoods and decrease dependency upon Mt. Comfort Road as the only means of east-west access in the area.

BUDGET IMPACT

None.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of May 08, 2006

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Matt Casey, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: May 3, 2006

PPL 06-1977: Preliminary Plat (CRYSTAL SPRINGS IV, 285): Submitted by MEL MILHOLLAND for property located at N OF MT. COMFORT RD., AT THE N END OF RAVEN LANE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 85.18 acres. The request is for a residential subdivision with 273 single-family lots.
Planner: SUZANNE MORGAN

Findings:

Property: The subject property contains approximately 85.18 acres located north of Bird Haven Terrace, north of Mount Comfort Road. This property is zoned RSF-4. The applicant proposes to create a 273 single-family lot subdivision (with an additional unbuildable lot), a density of 3.2 units per acre, within six phases of development. A bridge connection is proposed to Raven Lane within Crystal Springs Phase III, which cost and construction is the burden of the developer. A masterplan of the overall Crystal Springs development, including this property, has been in place since the early 1990s. This developer, with the initial phase of Crystal Springs, donated land for parks and schools in this area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential (Crystal Springs Phase III), Clabber Creek	RSF-4
South	Single family residential (Bird Haven Terrace, Mt Comfort Addition, Crofton Manor)	RSF-4
East	Golf Course	RSF-1
West	Vacant – Pasture	RSF-1

Water and Sewer: Water and sewer lines shall be extended to serve the proposed development.

Adjacent Master Street Plan Streets: Raven Lane, a Collector Street. Staff finds that the extension of Raven Lane is compliant with the Master Street Plan, as is the east-west Collector Street which will provide a future connection to McClaren Drive within Salem Heights Subdivision.

Right-of-way to be dedicated: The majority of interior streets are proposed to be 42' rights-of-way with a 24' wide street and 4' sidewalks on both sides. Streets A, C, and D are 50' rights-of-way with 28' wide streets and sidewalks on both sides. The two interior Collector Streets (a portion of Street H and Raven Lane) will be dedicated with 70' right-of-way. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. Right-of-way for this street/bridge connection shall be dedicated by separate document prior to recordation of Phase II.

Phasing:

As proposed by the developer, the Phasing of the subdivision will occur with the following number of lots and street connections to existing infrastructure:

Phase	Number of Lots	Number of Street Connections to Existing Streets	Stub-outs to the east and west for future street connections
I	58	2 (Raven Lane & Woodlark Lane)	1 (East)
II	19	1 (Raven Lane connection to the north)	0
III	43	0	0
IV	58	0	1 (East)
V	35	0	0
VI	61	0	2 (West)

Staff finds that the number of street connections made for each phase are adequate for the volume of traffic generated by the lots proposed.

Connectivity:

To the South (Phase I):

Two street connections are proposed to the south, through Bird Haven Terrace Subdivision. The right-of-way for Woodlark Lane and Raven Lane were platted to the property line which would allow future right-of-way extension to the north. The connection to these streets has been shown. The existing cul-de-sacs shall be removed by the developer.

Staff requested that the applicant explore the possibility of a street connection onto Gooseberry Lane located within Mount Comfort Addition, which would require the dedication of right-of-way on either side of the existing cul-de-sac. Staff received a petition from the neighbors within this subdivision stating their disagreement to a street connection; however, this petition did not include the signatures of the owners on either side of the cul-de-sac. The applicant stated that an informal discussion with Mr. Strange and Mr. Thompson who, according to the applicant, indicate a negative attitude to any development. Staff has met with the owners to discuss this connection, and Mr. Strange did attend one Subdivision Committee meeting and expressed his disagreement with a street connection to Gooseberry Drive. Another street connection would further disperse traffic in the area. Should the adjoining property owners agree to sell property to allow this street connection, staff would recommend such a connection.

A street connection to Kenswick Avenue, located to the southwest of property within Crofton Manor Subdivision, will alleviate the volume of traffic through Bird Haven Subdivision.

Kenswick Ave. was platted to be extended to the north. Staff recommended that the applicant obtain right-of-way to connect Street B to Kenswick Ave. prior to the recordation of an initial Phase of this development, also stating that if the applicant provides this connection to Kenswick Avenue, a connection to Gooseberry Lane is less desirable. Since the Subdivision Committee meeting on March 30, 2006, staff has met with the owner of the property to the west through which the street connection to Kenswick Avenue would occur. The owner has stated his opposition in this connection and submitted a letter regarding the matter (see attached).

To the West (Phase VI):

The applicant has provided two street connections to the west. The southern connection can eventually connect to Kenswick Ave. within the Crofton Manor Subdivision, just off-site of the property. The second western stub-out is shown as a Collector Street, per the Master Street Plan. This street will align with McClaren Drive, located within the Salem Heights Subdivision, at Salem Road.

To the North (Phase II):

The applicant proposes to construct Raven Street, a Collector Street, across Clabber Creek. The street will make a connection with the constructed Raven Lane within Crystal Springs Phase III. Staff recommends that this street connection occur no later than Phase II in order to provide sufficient connectivity to the north and potentially relieve some traffic exiting through Bird Haven Terrace onto Mount Comfort Road. Another connection to the north is not desirable, due to the presence of significant floodplain and floodway.

To the East (Phase I and IV):

Two street stub-outs are provided to the east – at the southeast and northeast corners of the subdivision. The property to the north and east is currently developed for a golf course. However, it may not remain undeveloped for this use and this amenity is not being utilized as a main feature within this subdivision with homes directed toward views of the golf course. If ever developed, traffic would have the ability to access the property via Deane Solomon Road and through the proposed subdivision. The street connection at the northeast corner of the property will provide a street connection to the north when the adjacent property develops.

Traffic Calming: The applicant shall install two speed tables on both Raven Lane and Woodlark Lane at a location specified by the Transportation Division.

Street Improvements: The applicant has submitted a traffic study to evaluate the effect of the additional 273 lots on the existing infrastructure. After review of the traffic study and current traffic demands, staff recommends the following street improvements:

- a. If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.
- b. The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I of the subdivision.
- c. The developer shall pay an assessment in the amount of \$9,405.00 for a left turn

- lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.
- d. Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.
 - e. The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.

Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that the cost of the bridge will be from \$488,000 to \$560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.

<i>Tree Preservation:</i>	Existing:	9.9%
	Preserved:	5.8%
	Required:	9.9%
	Mitigation:	Required – 350 trees

Parks: On July 15th 1994 a deed for 15.45 acres was received from Crystal Springs Limited Partnership satisfying the park land dedication requirements for this development. Below is a break down of the banked park land.

- o Phase I – Lots 1-112 = 112 units x .025 = 2.8 acres
- o Phase II – Lots 113-127 = 14 units x .025 = .35 acres
- o Phase III – Lots 128-229 = 101 units x .025 = 2.525 acres
- o Phase IV – 274 SF units proposed x .025 = 6.85

Total Used = 12.525 acres - 2.925 acres remains.

*Land calculations are based the 1994 ordinance amount of .025 acres per single family Unit.

Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the flood plain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land shall be approved by the Trails Coordinator.

Public Comment: Many neighbors attended the Subdivision Committee meetings, voicing concerns regarding the project. The Planning Division has received numerous petitions, comments, post cards, and letters from surrounding property owners who are in opposition to the proposed development with most concerns addressing the increase in traffic and connections onto Woodlark Lane, Raven Lane and Goosberry Lane. These comments are available at the Planning Division.

Background: This project was heard at the March 30, 2006 Subdivision Committee. It was tabled at this meeting to address the comments regarding the phasing, connectivity, street design, and other plat comments. The Subdivision Committee considered this preliminary plat again on April 27, 2006 at which meeting it was forwarded to the Planning Commission with recommendations. The discussion by the Subdivision Committee included the routing of construction traffic through Crystal Springs Phase III to avoid Bird Haven Terrace, the possibility of requiring repair to Raven Lane and Woodlark Lane if damaged during construction, the proposed block lengths, and traffic circulation around the proposed landscape islands on Raven Lane.

Recommendation: Staff recommends approval of PPL 06-1977 subject to the following conditions:

Conditions of Approval:

1. Planning Commission determination of appropriate street connectivity. *Staff finds that the dedication of right-of-way to provide a street connection from Street B to Kenswick Avenue in Crofton Manor prior to the recordation of Phase II is essential to provide sufficient connectivity to Mount Comfort Road for this amount of lots. Staff finds that all other street connections are adequate.*
The Subdivision Committee recommended in favor of the proposed street connectivity.
2. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a. *If the applicant is able to secure right-of-way for a connection to Kenswick Avenue in Crofton Manor Subdivision, the street connection of a 28' street with curb, gutter, storm drains, sidewalks and street lights shall be constructed with Phase VI of the development. The off-site dedication of 50' right-of-way by separate document should occur prior to the recordation of Phase VI.*
 - b. *The installation of 4 speed tables (2 on Raven Lane and 2 on Woodlark Lane) to provide traffic calming. These speed tables shall be installed at a location approved by the Transportation Department prior to recordation of Phase I.*
 - c. *The developer shall pay an assessment in the amount of \$9,405.00 for a left turn lane on Raven Lane for traffic accessing onto Mount Comfort prior to the recordation of Phase I.*
 - d. *Construction of a bridge or crossing over Clabber Creek to connect the proposed subdivision to Crystal Springs Phase III to be completed prior to the recordation of Phase II of Crystal Springs Phase IV.*
 - e. *The developer shall be responsible for the removal of the existing cul-de-sacs on Raven Lane and Woodlark Lane, into which the new streets will connect, and the extension of a minimum 28' street, curb, gutter, storm drain, and sidewalk (6' on Raven Lane and 4' on Woodlark Lane) to the cut-point as shown on the plat. The sidewalk shall extend beyond the cut point to tie into the existing sidewalk. The applicant shall reconstruct the existing driveways to connect to the new street, along with all soil, grass, etc. to reconstruct these yards.*

Staff is not recommending additional off-site improvements on Mount Comfort Road due to the significant cost associated with the construction of a crossing over Clabber Creek, for which a cost-share is not recommended. The applicant's engineer has estimated that

the cost of the bridge will be from \$488,000 to \$560,000. This connection will alleviate traffic on Mount Comfort Road and will be utilized by residents in the area to move north and south.

The Subdivision Committee recommended in favor of street improvements as listed above.

3. Planning Commission determination of appropriate phasing of the development. *Staff recommends in favor of the phase lines in relationship to street connectivity.*
The Subdivision Committee recommended in favor of the proposed phasing of the development.
4. ~~Planning Commission determination of a waiver of the maximum 1400' block length requirement for the eastern block on Street 'C', which is approximately 1520' in length. Staff recommends the requested waiver, finding that the two proposed eastern street connections to the existing golf course are adequate for future development connections.~~
Street 'F' shall extend to the east property line (a new stubout).
5. Raven Lane is proposed to be extended between Crystal Springs Phase III and Phase IV through property owned by Crystal Springs LTD Partnership. The complete construction and acceptance of a bridge or crossing over Clabber Creek and the dedication of right-of-way for this portion of Raven Lane by separate document is required prior to recordation of Phase II.
6. Construction traffic other than passenger vehicles is encouraged not to access the property through Woodlark Lane and Raven Lane. Temporary barricades shall be installed at the terminus of the existing streets to discourage construction traffic access. Once sufficient access has been established from the north, no construction traffic shall access the sight from residential streets to the south.
7. The applicant shall repair any damage of existing streets caused by vehicular traffic generated by the construction of this subdivision.
8. The applicant shall submit a guarantee (letter of credit, bond, or cash) of \$1,000 per lot prior to the recordation of the final plat for contributions to an interim solution to wastewater capacity concerns in the Owl Creek/Hamestring Creek basin, if the improvement is required. Final determination of the contribution shall be made by the City Engineer.
9. Sidewalks along all Collector Streets within the Subdivision shall be constructed (not guaranteed) prior to recordation of the final plat for each Phase.
10. The applicant shall provide a separate filed document dedicating off-site drainage easements to the detention pond prior to recordation of the final plat. The P.O.A. shall be responsible for maintenance of the required detention pond.
11. No lots shall access the east-west Collector Street or Raven Lane (a Collector Street) if an interior street may be accessed. A note shall be included on the final plat to indicate this requirement. Lots required to access these Collector Streets are encouraged to utilize shared drives to decrease curb cuts on the Collector Street.

12. Clabber Creek Trail is identified on the Fayetteville Alternative Transportation and Trail Plan and is shown along the northern part of this development. The developer has agreed to donate all the land between the floodplain lines from the west property line to the east property line prior to approval of final plat. Additional land may be necessary to provide an at-grade trail crossing at Raven Lane. The additional land and location of the trail under the creek crossing shall be approved by the Trails Coordinator.
13. Mitigation is required in the amount of 350 (2) inch caliper large. Staff is recommending the Residential On-Site Mitigation Option. An on-site mitigation plan must be submitted at time of Final Plat for review and approval by the Urban Forester.
14. A 3-year maintenance and monitoring bond in the amount of \$87,500 will be required for these trees.
15. The P.O.A. shall be responsible for the maintenance of the landscape islands and Lot 77, an unbuildable lot.
16. The developer shall install a centerline between the two proposed landscape islands on Raven Lane and north to the intersection of Street 'B' and Raven Lane in order to delineate traffic lanes.
17. Street lights shall be installed or guaranteed with a maximum separation of 300 feet along all streets within each Phase prior to recordation of the final plat for that Phase.
18. Subdivision area signage shall be permitted in accordance with applicable city codes.
19. Signs shall be installed at each street stub-out to indicate the future extension of the right-of-way (including the stub-out provided on Raven Lane at the southeast corner of the property) prior to recordation of the final plat of each Phase. (Coordinate with the Transportation Division.)
20. All lots shall be platted in conformance with the RSF-4 bulk and area regulations. It is inconclusive whether all lots meet the lot width requirements at the right-of-way and building setback lines. Note the lot width at the 25' building setback on the plat for those lots that are either located on a curve or cul-de-sac and have less than 70' lot width. (See lots 24-26, 61, 78, 85, 96, 97, 109, 110, 148-150, 179, 192, 196, 197, 200, 201, 233.)
21. In addition to those items within the conditions of approval that must be addressed on the proposed plat, modify the plat to address the following comments prior to construction plan review:
 - a. Revise the note regarding improvements to Woodlark Lane and Raven Lane to include all requirements set forth in condition of approval 4e, which requires some improvements to extend beyond the cut point.
 - b. Building setbacks applied to corner lots are as follows: a 25' front BSB adjacent to the right-of-way and an 8' side BSB (or greater if a utility easement) on the remaining two property lines. Revise the building setback lines on all corner lots to meet this requirement.
 - c. Verify that all lots are of sufficient size for home construction (see lots 16, 20 and

- 108 specifically).
- d. The GIS Division will review the revised plat to ensure that the State Plane Coordinates are correct. Please modify if necessary. (Coordinate with Planning Staff.)
 - e. Show the location of the all streets identified on the Master Street Plan on the vicinity map.
 - f. Identify the west building setback line of lot 148 as a drainage easement, as it appears to be.

Standard Conditions of Approval:

- 22. All street names and addresses shall be approved by the 911 coordinator.
- 23. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
- 24. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
- 25. All overhead electric lines under 12Kv shall be relocated underground. All proposed utilities shall be located underground.
- 26. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

- a. Motion to Strike Condition #4 as written and in stead require
- b. a street stub-out at street 'F'. Motion: Ostrum; Second: Myres Vote: 9-0-0
- c. _____

Planning Commission Action:

☒ Approved ☐ Denied ☐ Tabled

Meeting Date: May 08, 2006 ;

Motion to approve: Graves
Second: Trumbo

Comments: _____

Vote: 7-2-0 w/ Anthes & Myres voting no.

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

May 4, 2015

Mel Milholland
Milholland Company
205 W Center Street
Fayetteville, AR 72704

I, the undersigned live on Gooseberry Lane, Fayetteville, AR want this street to remain as a Dead End Street..

Name: *EVERETT L. EVANS*

Address: *2340 Gooseberry Ln,*

City: *Fayetteville, AR.*

Phone: *479-442-5109*

E mail: *everettevans@sbc Global.net*

ADM 15-5035 Submitted by Bettie Patuck

Wayland Harris
2397 Woodlark Lane
Fayetteville, AR 72704
Phone 479-521-6269

May 11, 2015

Mayor Lioneld Jordan
125 West Mountain Street
Fayetteville, Arkansas 72701

Dear Mayor Jordan,

I am writing concerning ADM 15-5035 before the Fayetteville City Council on your May 19, 2015. This item is concerning the Crystal Springs S/D, PH. IV, 285. I am referencing the documents that resolved this issue concerning the Crystal Springs IV subdivision development in 2006. The documents can be found in the City of Fayetteville, AR files.

Currently the subdivision developer has not met the current agreement agreed upon by Crystal Springs Developer and the Birdhaven Addition homeowners immediately south of the Crystal Springs IV development. The agreement was for a bridge to be built across Clabber Creek and it would be completed before any building started in Crystal Springs IV south of Clabber Creek. As of this date, no bridge has been built or even started. The agreement, also, stated that Woodlark Lane would not be opened up into Crystal Springs IV except for a five foot wide sidewalk (current cul de sac would remain a cul de sac).

Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership is proposing an Amendment to Master Street Plan Map. They are proposing as part of this change to eliminate the cul de sac and making Woodlark Lane into a through street.

The above changes requested returns the Crystal Springs IV to the original development plan that was repealed by Resolution No. 113-06. I oppose any change or modification to the Woodlark Lane cul de sac now and in the future. I oppose any and all other changes being proposed or considered for Crystal Springs IV until the bridge across Clabber Creek is built as

agreed to in the appeal dated June 20, 2006 and all the property for building Emil Drive is owned by the Howard Davis, Managing Partner, Crystal Springs Ltd. Partnership.

All the conditions that justified the original appeal in 2006 still exists and will impact the Birdhaven addition.

Thanks,

A handwritten signature in black ink, appearing to read 'Wayland Harris', written in a cursive style.

Wayland Harris

Refer to follow documents:

Resolution No. 113-06 Approved: June 20, 2006

Letter to appeal PPL 06-1977 from Lioneld Jordan to Sondra Smith Dated May 11, 2006

Branson, Lisa

From: Fulcher, Jesse
Sent: Wednesday, May 13, 2015 3:46 PM
To: Branson, Lisa; McCoy, Dee
Cc: Pate, Jeremy
Subject: FW: Council meeting for MSP Amendment

FYI.

-----Original Message-----

From: Melvin Milholland [mailto:mmilholand@aol.com]
Sent: Wednesday, May 13, 2015 3:39 PM
To: Fulcher, Jesse
Cc: Crystal Springs I V Howard Davis; Crystal Springd I V Gerald Johnson; Peters & Assoc Engineers, Inc Traffic Study: Ernie 101 ; M C O Sam; Milholland Pat Company; MCO Robt Office
Subject: Council meeting for MSP Amendment

Mr Howsrd David respectfully request this item be rescheduled for the June 16 City Council meeting.
Please contact me at 601-5087 if any questions.

Respectfully submitted,

Melvin Milholland, PE, PLS
Milholland Engineers & Surveyors
205 West Center
Fayetteville, AR. 72701
479-443-4724 Office
479-443-4707 Fax
479-601-5087 Cell
www.MCOEngr.com
MMilholand@aol.com



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323
Page 69 of 234

Text File

File Number: 2015-0249

Agenda Date: 6/16/2015

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units per Acre, NS, Neighborhood Services, 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.

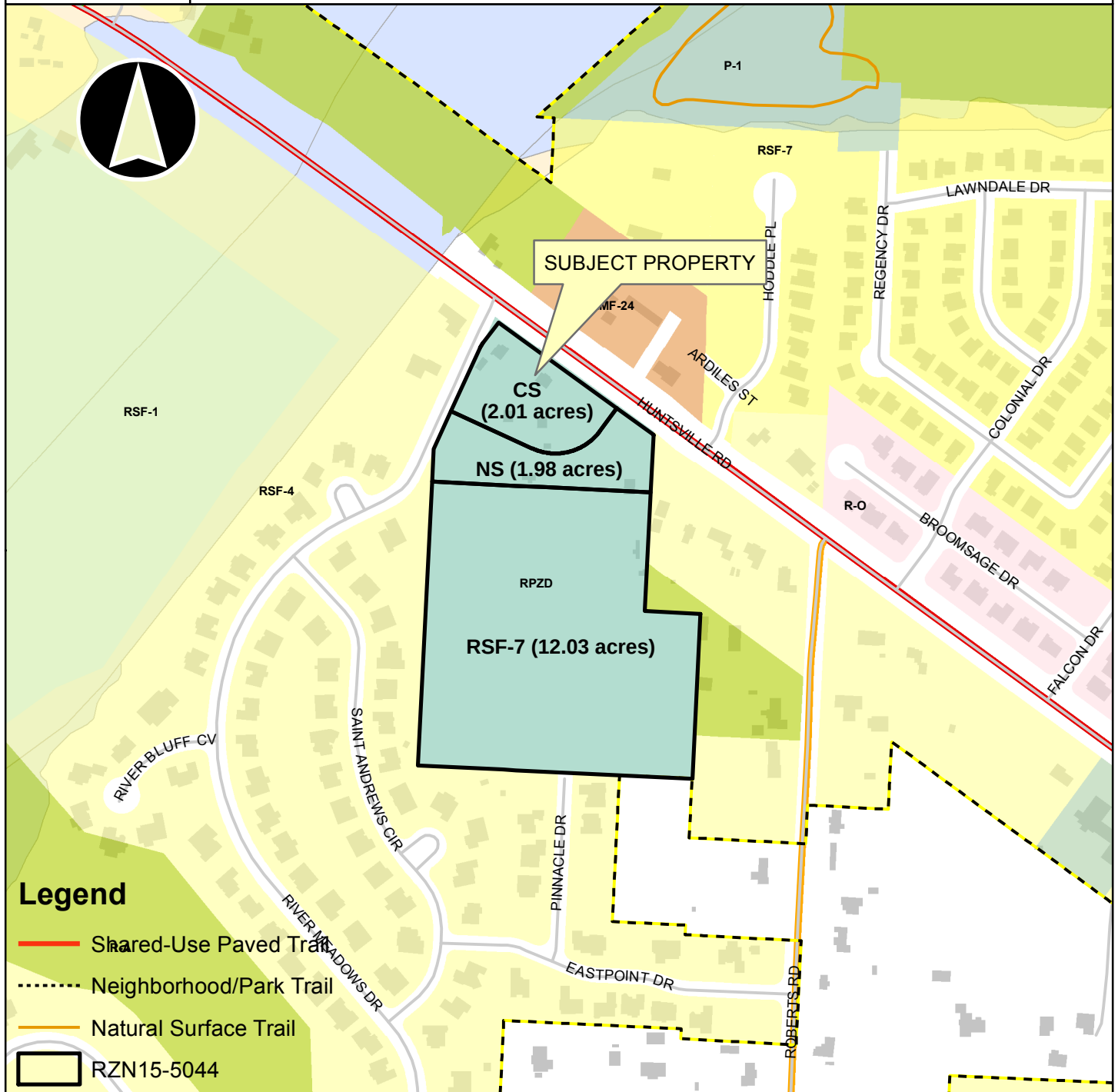
15-5044 EXHIBIT 'A'

June 9, 2015
Tentative Agenda
Page 140 of 234

RZN15-5044

THE PLAZA

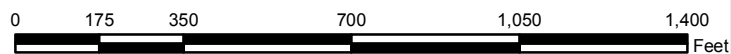
Close Up View



Legend

- Shared-Use Paved Trail
- - - - Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5044

- Overview**
- Fayetteville City Limits
 - Footprints 2010
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Design Overlay District
 - - - - Planning Area



LEGAL DESCRIPTION: (ENTIRE TRACT)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B., THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 301.26 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET, SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING OF N30°55'40"E 19.77 FEET, THENCE N37°18'14"E 65.78 FEET, THENCE S54°18'58"E 79.68 FEET, THENCE S53°59'33"E 439.95 FEET, THENCE S02°54'07"W 477.63 FEET, THENCE S86°54'34"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 16.02 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (RSF-7, Residential Single Family Seven Units per Acre)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET TO THE P.O.B., THENCE N02°51'17"E 769.60 FEET, THENCE S87°08'43"E 593.04 FEET, THENCE S02°54'07"W 321.93 FEET, THENCE S86°54'34"E 150.65 FEET, THENCE S02°46'49"W 446.94 FEET, THENCE N87°12'11"W 513.27 FEET, THENCE N87°02'40"W 230.74 FEET TO THE P.O.B.; CONTAINING 12.03 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (NS, Neighborhood Services)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET, THENCE N02°51'17"E 769.60 FEET TO THE P.O.B., THENCE N02°51'17"E 87.89 FEET, THENCE N24°33'07"E 112.82 FEET, THENCE S65°26'17"E 241.92 FEET, THENCE ALONG A CURVE TO THE LEFT 205.58 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF N75°17'56"E 189.87 FEET, THENCE N36°02'08"E 75.63 FEET, THENCE S53°59'33"E 124.56 FEET, THENCE S02°54'07"W 155.70 FEET, THENCE N87°08'43"W 593.04 FEET TO THE P.O.B.; CONTAINING 1.98 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION: (CS, Community Services)

A PART OF THE W1/2 OF THE NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SECTION 19 THENCE N02°46'52"E 3400.63 FEET, THENCE N02°51'17"E 857.50 FEET, THENCE N24°33'07"E 112.82 FEET TO THE P.O.B., THENCE N24°33'07"E 188.43 FEET, THENCE ALONG A CURVE TO THE RIGHT 19.81 FEET, SAID CURVE HAVING A RADIUS OF 89.00 FEET AND A CHORD BEARING AND DISTANCE OF N30°55'40"E 19.77 FEET, THENCE N37°18'14"E 65.78 FEET, THENCE S54°18'58"E 79.68 FEET, THENCE S53° 59'33"E 315.39 FEET, THENCE S36°02'08"W 75.63 FEET, THENCE ALONG A CURVE TO THE RIGHT 205.58 FEET, SAID CURVE HAVING A RADIUS OF 150.00 FEET AND A CHORD BEARING AND DISTANCE OF S75°17'56"W 189.87 FEET, THENCE N65°26'17"W 241.92 FEET TO THE P.O.B.; CONTAINING 2.01 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

City of Fayetteville Staff Review Form

2015-0249

Legistar File ID

6/2/2015

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

Jeremy Pate

5/15/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569): Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND 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:

MEETING OF JUNE 2, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: May 15, 2015

SUBJECT: **RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569):**
Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RSF-7, Residential Single Family, 7 Units per Acre, NS, Neighborhood Services, and CS, Community Services.

BACKGROUND:

The subject property contains approximately 16.02 acres located at the southeast corner of Highway 16 East and River Meadows Drive. All five parcels are zoned R-PZD Bridgedale Plaza, which was a mixed-use development approved by the City Council in 2008 by Ordinance No. 5197. The development was never constructed and the project has expired. The Bridgedale Plaza development was approved in three planning areas including 60 single family dwellings, 30,250 sq. ft. of non-residential space and 24 multi-family dwelling units over offices.

The request is to rezone the north 2.01 acres to CS, Community Services, the middle 1.98 acres to NS, Neighborhood Services, and the south 12.03 acres to RSF-7, Residential Single Family Seven Units per Acre.

Land Use Compatibility:

The property is located along a busy highway corridor with single and multi-family homes to the north, standard subdivision lots to the west and south, and some larger lots of approximately one acre to the east. The proposed zoning for mixed use at the intersection and transitioning to single family zoning provides adequate transition and compatible uses with the surrounding single and multi-family dwellings.

Land Use Plan Analysis:

The zoning is in compliance with many of the goals of City Plan 2030 in particular the mixed-use nature of the commercial, office, and different transitional zonings to create the opportunity for a viable neighborhood. The proposal provides the opportunity for neighborhood services in an area where services are limited. These potential services could serve the surrounding primarily

residential uses for commercial goods and services and provide an area in which residents can live, work, and play. Providing nodes of neighborhood commercial and mixed use zoning discourages sprawl, decreases a neighborhood's reliance on regional commercial developments, and can potentially reduce the number of vehicle trips in the area. The zoning proposal also provides the opportunity for a variety of dwelling types increasing diversity and vibrancy in the community.

Goal 3 in City Plan 2030 states that, "We will make traditional town form the standard". This goal promotes a variety of uses within a neighborhood for daily needs and services within walking distance. In particular, the CS and NS zoning districts are form-based zones intended for buildings to create an inviting pedestrian streetscape with mixed-use buildings and residences close to the street, screening parking areas, and providing sidewalks in a traditional town form.

DISCUSSION:

On May 11, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-1-0 (Commissioner Brown voted 'no'). At the Planning Commission meeting three members of the public spoke against the rezoning citing concerns with traffic, property values, and flooding.

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

FROM: Andrew Garner, City Planning Director

MEETING DATE: May 11, 2015 Updated with Planning Commission results

SUBJECT: **RZN 15-5044: Rezone (4065 E. HUNTSVILLE RD./THE PLAZA, 569):**
Submitted by JORGENSEN & ASSOCIATES for property located at the 4065 E. HUNTSVILLE RD. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 16.02 acres. The request is to rezone the property to RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 15-5044** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property contains approximately 15.95 acres located at the southeast corner of Highway 16 East and River Meadows Drive. All five parcels are zoned R-PZD Bridgedale Plaza, which was a mixed-use development approved by the City Council in 2008 by Ordinance No. 5197. The development was never constructed and the project has expired. The Bridgedale Plaza development was approved in three planning areas including 60 single family dwellings, 20,000 sq. ft. of non-residential space and 24 multi-family dwelling units over offices, and 20,000 sq. ft. of non-residential space. 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	Single-family/multi-family	RMF-24, Residential Multi-family 24 units per acre; R-A, Residential Agricultural
South	Single-family	RSF-4, Residential Single-family; unincorporated county (1 dwelling per acre)
East	Single-family	RSF-4, Residential Single-family; R-A, Residential Agricultural
West	Single-family	RSF-4, Residential Single-family

Request: The request is to rezone the north 2.01 acres to CS, Community Services, the middle 1.98 acres to NS, Neighborhood Services, and the south 12.03 acres to RSF-7, Residential Single Family Seven Units per Acre.

Public Comment: Staff has received a phone call from a resident in the Stonebridge Meadows who discussed concerns with traffic and adverse impacts to property values..

INFRASTRUCTURE:

Streets: The subject parcel has access to River Meadows Drive to the northwest (Local Street), Huntsville Road (Hwy. 16) to the north (Principal Arterial Drive), and Pinnacle Drive (Local Street) to the south. Any required improvements to these streets will be determined at time of development. Previous improvements required with the Bridgedale Plaza PZD included the addition of right- and left-turn lanes on River Meadows at Highway 16; all standard improvements to Highway 16 and the potential for a center turn lane; and potential for construction of or contribution of payment for a traffic signal at River Meadows and Highway 16.

Water: Public water is available to the site. There are three locations where water can be accessed by this site. One is an existing 8-inch main along the property frontage of River Meadows Drive, another is the 12-inch main along the property frontage on Huntsville, and the last is along the south side of the property where an 8-inch main has been stubbed out from Pinnacle Dr. for future extension.

Sewer: Sanitary sewer is available to the site at multiple places. An 8-inch main runs along the southern side of the property near the stub out of Pinnacle Drive. There is also an 8-inch line stubbed out to the property along the property frontage of River Meadows Drive. Both of these connection points flow to Sanitary Sewer Lift Station #27. There is also gravity sewer available to the property along the Huntsville Road frontage.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not located within the floodplain, but the City's GIS mapping does indicate Hydric Soils near the northeast corner. Therefore, a wetlands determination will be necessary at the time of development. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.

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**.*

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 15-5044** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 11, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Hoskins</u>	Second: <u>Selby</u>	Vote: <u>6-1-0</u> (commissioner Brown voted 'no')	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: _____	☐ Approved	☐ Denied	
<i>Note: The Planning Commission recommended approval of the rezoning</i>			

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 three zoning districts proposed for the property are compatible with the surrounding land uses and consistent with land use planning objectives and land use plans.

The property is located along a busy highway corridor with single and multi-family homes to the north, standard subdivision lots to the west and south, and some larger lots of approximately one acre to the east. The proposed zoning for mixed use at the intersection and transitioning to single family zoning provides adequate transition and compatible uses with the surrounding single and multi-family dwellings.

The zoning is in compliance with many of the goals of City Plan 2030 in particular the mixed-use nature of the commercial, office, and different transitional zonings to create the opportunity for a viable neighborhood. The zoning proposal provides the opportunity for neighborhood services in an area where services are limited. These potential services could serve the surrounding primarily residential uses for commercial goods and services and provide an area in which residents can live, work, and play. Providing nodes of neighborhood commercial and mixed use zoning discourages sprawl, decreases a neighborhood's reliance on regional commercial developments, and can potentially reduce the number of vehicle trips in the area.

Goal 3 in City Plan 2030 states that, "*We will make traditional town form the standard*". This goal promotes a variety of uses within a neighborhood for daily needs and services within walking distance. In particular, the CS and NS zoning districts are form-based zones intended for buildings to create an inviting pedestrian streetscape with mixed-use buildings and residences close to the street, screening parking areas, and providing sidewalks in a traditional town form.

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 Bridgedale Plaza, 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.

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. Highway 16 is a very congested roadway at peak times and in particular it is very difficult turning left out of River Meadows Drive onto Highway 16 during these times. However, any new development will also create the requirement for new streets and street improvements that will help facilitate additional traffic. With adequate street improvements required as part of the development to the surrounding street infrastructure, 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 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 not expressed concerns with this rezoning.

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 161.08; 161.16; 161.19
- Request letter
- Proposed Zoning Exhibit
- Bridgedale Plaza R-PZD 08-3071 site plan
- Close Up Map
- Current Land Use Map
- Future Land Use Map
- One Mile Map

161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

Single-family dwelling units per acre	7 or less
---------------------------------------	-----------

(D) *Bulk and area regulations.*

(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(F) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(G) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(J) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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

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
Unit 45	Small scale production

(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.
-------------------------	--------

- (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; Ord. 5735, 1-20-15)

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
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)



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.

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

3/26/15

At: Andrew Garner
Re: Bridgedale Plaza Rezoning

Attached please find information pertaining to a rezoning request for Bridgedale Plaza. This project was previously processed as a PZD and due to the bad economy nothing was started so it has expired.

The owner would now like to request a rezoning as follows;

Area #1	to RSF -7
Area #2	to NS
Area #3	to CS

Area #1 consists of 12.03 acres and the request is to rezone to RSF-7 which would allow for 60' wide lots, 6000 sf minimum. Our plan shows a maximum 57 single family lots.

Area #2 consists of 1.98 acres and the request is to rezone to NS (Neighborhood services) serving as mixed use low intensity promoting walkable, pedestrian oriented neighborhood businesses.

Area #3 consist of 2.01 acres and the request is to rezone to CS (Community services) providing convenience goods and personal services.

This property is surrounded by RSF-4 to the west, south and partially to the east. A portion of the property to the east is R-A. Property to the north is RMF-24, RSF-7 and RSF-4. This property will be accessed by Pinnacle Drive to the south and River Meadows Drive and Hwy 16 to the north. Water and sewer will be accessed to the north, west and south.

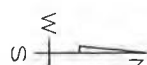
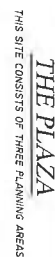
Detention will be provided to the north and to the south.

Please review and contact me concerning any questions you may have.

Sincerely;

David L. Jorgensen, P.E.

• PUBLIC WORKS • LAND DEVELOPMENT • WATER SYSTEMS • WASTEWATER SYSTEMS • LAND SURVEYING •

[illegible]

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

SCALE	FIG	DATE REVISED	DESIGNED BY	DESIGNED BY S/N
DATE	NUMBER		DLJ	1000 2000 3000
THE PLAZA				11
REZONING REQUEST				

ENGINEER
CONCRETE & ALUMINUM
CONCRETE THE CONCRETE
124 WEST SIMMONDS ST.
FAYETTEVILLE AR 72704
(479) 662-9127

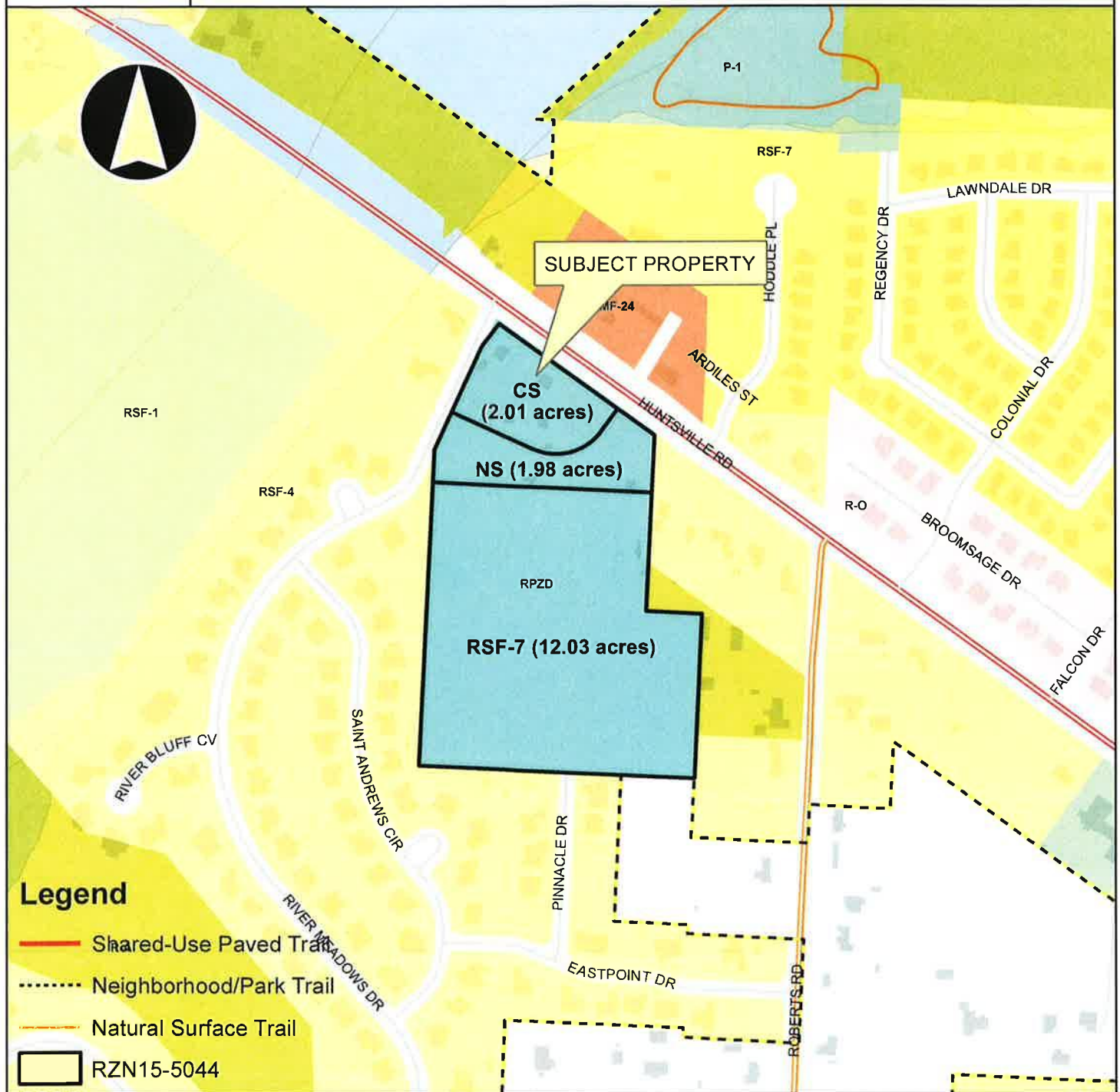
OWNER / DESIGN OPTS.
CLAYTON CONCRETE
3704 JACKSONVILLE CIR
SPRINGDALE AR 72764

ZARCEL MATTERS
734-2440-2000
734-2440-2000
734-2440-2000
734-2440-2000

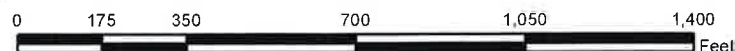
RZN15-5044

THE PLAZA

Close Up View



- Overview**
- Fayetteville City Limits
 - Footprints 2010
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Design Overlay District
 - Planning Area

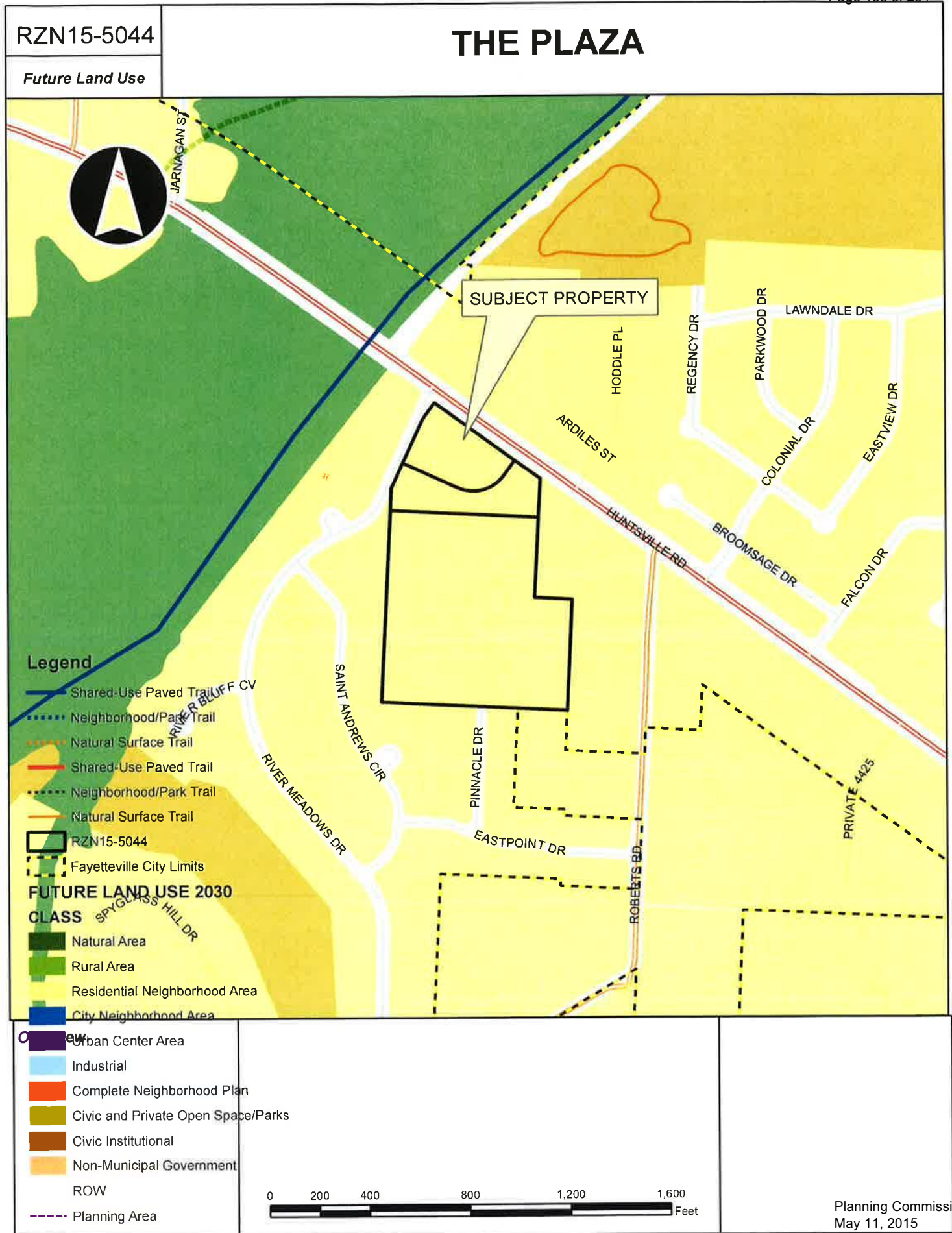


RZN15-5044

Current Land Use

THE PLAZA

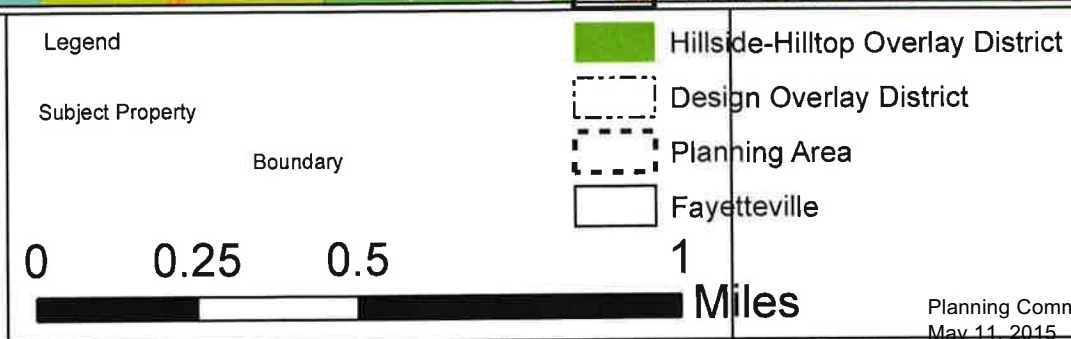
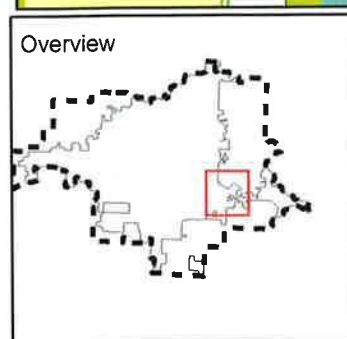
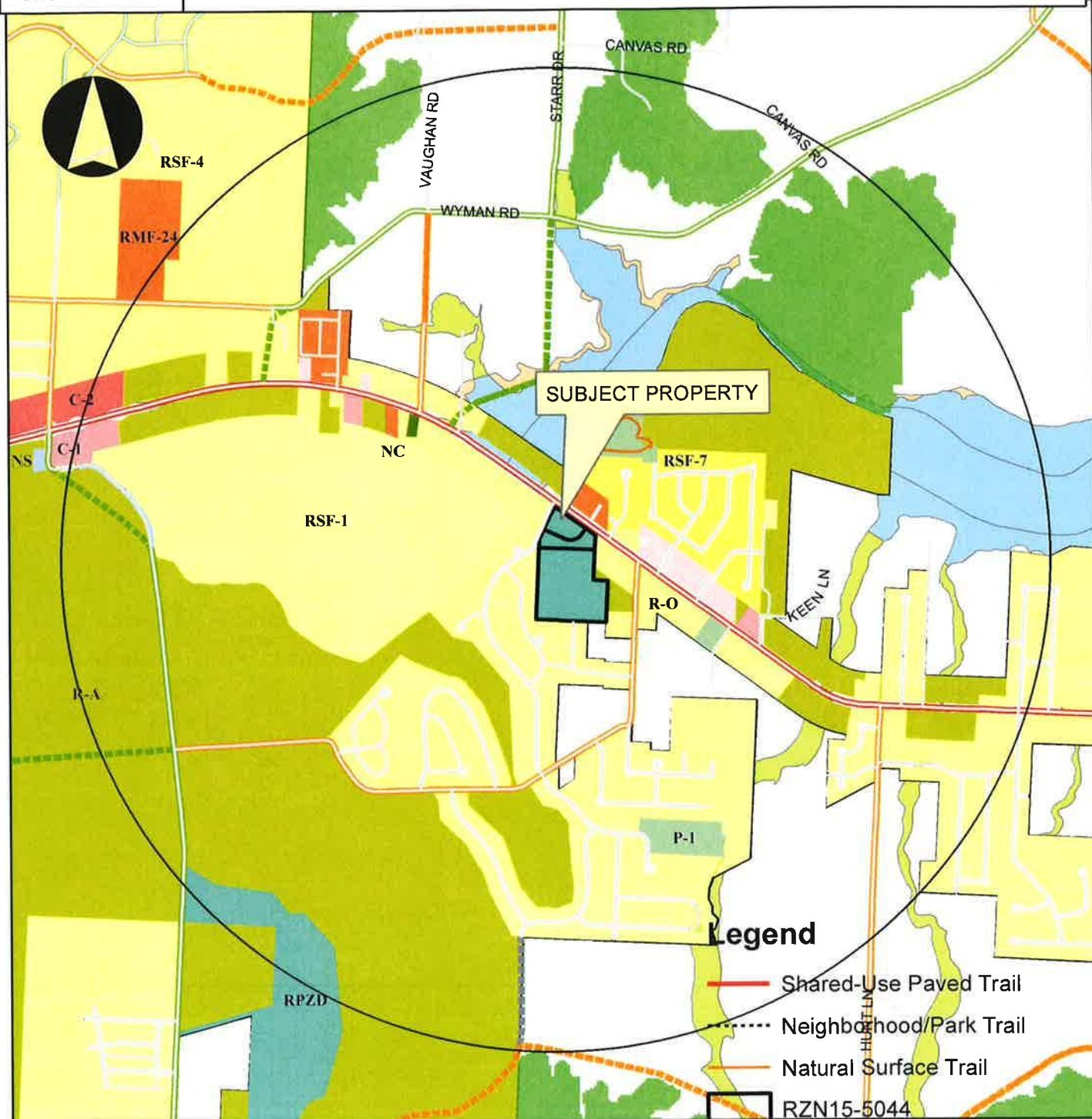




RZN15-5044

THE PLAZA

One Mile View





City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 100 of 234
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0251

Agenda Date: 6/16/2015

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

AMEND § 97.088 (B)(2)(b) and § 97.088 (d)

AN ORDINANCE TO AMEND EXHIBIT A, DONOR RECOGNITION SIGNS, AND EXHIBIT B, NAMING PARK FACILITIES WHICH ARE ATTACHED AND A PART OF § 97.088 (B)(2)(b) and § 97.088 (d) OF THE FAYETTEVILLE CODE

WHEREAS, in 2010, the Fayetteville City Council amended § 97.088 **Signs Prohibited** (B)(2) *Recognition Signs* to designate the allowed sign size for Donor Recognition Signs in City Parks as detailed in Exhibit "A" to this code subsection; and

WHEREAS, at the same time the Fayetteville City Council adopted § 97.088 (d) *Facility Naming* with Exhibit "B" Naming Park Facility Operations Policy; and

WHEREAS, the Fayetteville Parks and Recreation Department has suggested changes to these two policies and have received endorsement by the Fayetteville Parks and Recreation Advisory Board of its proposed changes.

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby amends § 97.088 of the Fayetteville Code by removing and deleting in their entirety the current Exhibit "A" Operations Policy for Donor Recognition and Exhibit "B" Naming Park Facilities Operations Policy and enacting as their replacements the attached Exhibit "A" Donor Recognition Signs and Exhibit "B" Naming Park Facilities.

City of Fayetteville Staff Review Form

2015-0251

Legistar File ID

6/2/2015

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

Connie Edmonston

5/15/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances Chapter 97: Parks and Recreation, Exhibits "A" and "B" under Section 97.088 Signs Prohibited.

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 \$ -

Previous Ordinance or Resolution # 5335

V20140710

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 2, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: May 15, 2015

SUBJECT: Code of Ordinances Amendment for Chapter 97: Parks and Recreation

RECOMMENDATION:

Parks staff recommends approval of an ordinance amending the Fayetteville Code of Ordinances Chapter 97: Parks and Recreation, Exhibits "A" and "B" under Section 97.088 Signs Prohibited.

BACKGROUND:

As the City of Fayetteville grows, the need for diverse recreational opportunities grows. Seeking partnerships and donations from private organizations and businesses can enhance the City's ability to provide parks and recreation services for park improvement projects. Private partnerships with businesses and individuals offering services and products consistent with the Parks and Recreation mission have the potential to reduce the City's investment in capital projects. Park staff has recognized the need for an avenue allowing donor recognition signs on park and trail property. Donor recognition is vital to successfully soliciting and securing funding for projects. The use of corporate names and logos are often used in recognizing contributions.

Chapter 97 of the Unified Development Code (§97.088) was amended in 2010 to allow donor recognition signs on park and trail property to improve the ability to successfully secure funding from private sources.

DISCUSSION:

Friends for Parks was formed in 2014 by a group of citizens interested in helping raise funding for the Parks and Recreation Department. This group was formed under the umbrella of the Northwest Arkansas Community Foundation, a 501(c) 3 organization. They have already received a \$5,000 donation from Ozarks Electric Cooperative to develop promotional material and donor packages to raise funds for the Regional Park.

In order to better solicit funding for Parks and Recreation, Staff has proposed the attached policy changes for Donations for Naming Rights for new facilities that are not built yet, as well as for existing facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The proposed revisions to the existing policy in Ordinance No. 5535 (Exhibit "A" – Donor Recognition Signs) is included in the attachments. The policy changes were approved by the Parks and Recreation Advisory Board on May 4, 2015.

In addition to this proposal, staff is recommending to amend Exhibit “B” of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly PRAB meeting. The item must be approved by the City Council after a recommendation from the PRAB; therefore, the public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

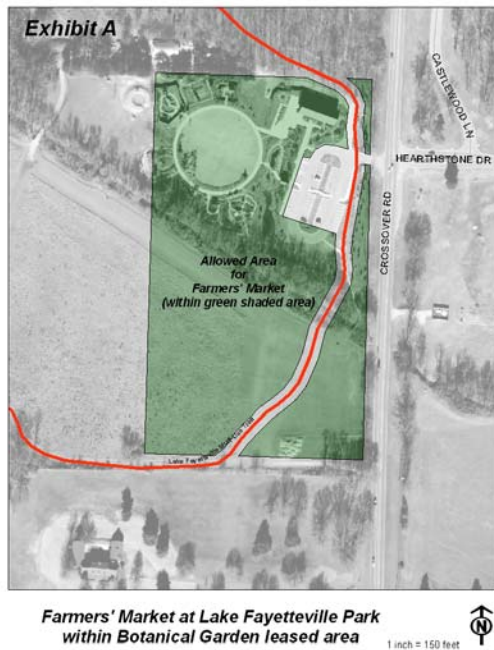
BUDGET/STAFF IMPACT:

This ordinance amendment would not impact the budget negatively. If approved, the potential for securing donations may increase, thereby positively impacting the budget.

Attachments:

Existing Code of Ordinances: Chapter 97
May 4, 2015 PRAB Meeting Minutes
Proposed Revisions to Exhibit “A”
Proposed Revisions to Exhibit “B”

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS



Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

(A) No person in a park shall paste, glue, tack, or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth hereinbelow.

(B) *Exceptions.*

(1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and in sizes designated by the Parks and Recreation Director. Uniform fees shall be charged dependent upon placement and size of the permitted signs. The content of the sign and whether it is commercial or non-commercial may not be considered. Designated spaces shall be sold at the established price on a first come basis. The owner of a sign at a designated location shall have first right to renew before others can purchase the size/location for a new or replacement sign.

(2) *Recognition Signs.* Signs located in City parks or on City trails that are used for the purpose of memorializing a person or family through naming, recognition of significant donors, or recognition of contributions to the facility or amenity on which the sign is installed shall meet the following conditions:

(a) *Maximum Number of Recognition Signs.* Most donor or honoree recognition signs shall be limited to one for the facility financed by the donor or memorializing the honoree. For a park or a major facility with more than one major entrance, a second recognition sign may be recommended by the Parks and Recreation Advisory Board and approved by the City Council.

(b) *Maximum Size of Recognition Signs.*

(i) Park Recognition Signs shall not exceed sixteen square feet for parks and major facilities with lesser square foot

(C) Food trucks permitted pursuant to §178.05 may operate in City Parks as described below:

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

(D) For special events, food trucks and sales of items other than food may be approved by the Parks and Recreation Director through a special event permit

(Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. 5310, 4-6-10; Ord. No. 5531, 10-02-12; Ord. 5666, 3-18-14)

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(Code 1965, §17A-30; Ord. No. 1594, 4-1-68; Code 1991, §97.087)

limitations for smaller facilities as set forth in the Operations Policy for Donor Recognition Signs attached as Exhibit "A" and approved as part of this ordinance.

final approval by the City Council. Naming of the facilities must meet the Naming Park Facilities Operations Policy attached as Exhibit "B."

- (ii) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
 - (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any advertising or slogans) may be used on the sign.
 - (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
 - (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.
- (d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, the Facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of a facility shall be recommended by the Parks and Recreation Advisory Board with

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

Exhibit "A"

	Parks and Recreation Division Policies and Procedures Manual		SUBJECT: DONOR RECOGNITION SIGNS	
	NUMBER: PRK-	REVISIONS: 7/16/10	EFFECTIVE DATE: 7/20/10	PAGE: 1 OF 2

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined according to the categories defined in this policy. Any exceptions to this policy must be approved by City Council. The sign size in each of the categories provides Park Planners with the latitude to design signs recognizing donations based on site location and donor specific criteria. Recognition signs and plaques will be displayed for the life of the facility. Naming of facilities donated must meet the Naming Park Facilities Operational Policy and have approval by the Parks and Recreation Advisory Board and City Council. Exceptions outside of this Operational Policy must be approved by the Parks and Recreation Advisory Board and City Council. The option for naming facilities is only permitted under the Park Facility Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds can not be named.

City Process

1. Parks and Recreation Staff meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy for Donor Recognition Signs.
2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final approval.

PARK FACILITIES

Bronze Category receives donor recognition of a press release, plaque constructed of high quality durable materials up to 1 sq ft.

Park Facilities donated in the Bronze Category may include the following:

Drinking fountain with dog bowl
Prefabricated pavilion
Picnic table and grill
Art sculpture
Single playground apparatus (climbing rocks/swing set)
Landscape feature

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials up to 4 sq ft.

Park Facilities donated in the Silver Category may include the following:

Disc golf course
Concession stand/restroom
Park restroom
One mile asphalt/concrete park trail
Small amphitheater (seating for 150)
Water feature
Parking lot (25 cars)
Greenhouse
Playground

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials up to 12 sq ft.

Park Facilities donated in the Gold Category may include the following:

Custom pavilion with restroom
One athletic facility – soccer field, baseball field, tennis court, ultimate frisbee field
Dog park

Platinum Category receives donor recognition of a press conference, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials, designed into facility up to 16 sq ft.

Park Facilities donated in the Platinum Category may include the following:

Sport Complex: 4-6 field lighted complex - softball, baseball, soccer, tennis
Aquatic center
Amphitheater- seating for 1200
Development of a new park
Park Office with meeting rooms, kitchen, stage, fitness center

TRAIL FACILITIES

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads and include the following:

Parking lot
Pavilion
Restroom
One mile asphalt/concrete trail

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

Exhibit "B"

	Parks and Recreation Division Policies and Procedures Manual		SUBJECT: NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS: 1/29/10	EFFECTIVE DATE: 1/29/10	PAGE: 1 OF 1

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation Division will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss the recommendations at their monthly meeting and will leave the issue on the table until the next scheduled meeting. This one month duration will allow time for any public comment on the proposed names. Once a recommended name has been selected, the Parks and Recreation Staff will forward the name to the City Council for review and approval.

The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Division or City of Fayetteville. Generally, the naming of park facilities in recognition of an individual will not be considered unless received posthumously.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Sidewalk & Trails Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088; Ord. 5335, 7-20-10; Ord. 5335, 7-20-10)

Cross reference(s)--Penalty, §97.999.

97.089–97.998 Reserved

97.999 Penalty

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day the same is unlawfully continued.
- (B) Any person violating any provision of §97.070 shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00.

(Code 1965, §§1-5, 13-12; Ord. No. 2128, 7-15-75; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Code 1991, §97.999)

MINUTES

Parks and Recreation Advisory Board

May 4, 2015 at 5:30 p.m.
City Administration Building, Room 326
113 West Mountain Street
Fayetteville, AR 72701

Members: Phillip Watson, Kyle McHan, Wade Colwell, Richie Lamb, Terry Lawson, Chuck Maxwell, Phillip McKnight, David Priest, David Proffitt

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

6. Naming Rights Proposal: Connie Edmonston, Parks & Recreation Director

Friends for Parks received a \$5,000 donation from Ozarks Electric to develop promotional material and donor packages to raise funds for the Regional Park. In order to solicit requests for donations including naming rights of a park amenity, a policy needed to be developed. Friends for Parks has proposed the attached policy for Donations for Naming Rights for New Facilities that are not built yet, as well as for Existing Facilities. Donors would have the opportunity for naming rights as well as naming rights for a ten year period. The existing policy in Ordinance No. 5535 that would need to be amended is included in the attachments.

In addition to this proposal, staff is recommending to amend Attachment B of the Naming Park Facilities Policy included in Ordinance No. 5535 by omitting the requirement to table a proposed park facility name until the next scheduled monthly meeting. The reason why this is requested to be omitted is because the item must go before City Council at their agenda session as well as scheduled meetings. The public would have three opportunities to give input as to the name of a facility. In addition, this is a long process and we would not want a donor to have to wait an additional month for approval.

Edmonston said the naming rights needs to be revised, since funding is being solicited for the Regional Park. There are different categories for donors, such as the bronze, silver, platinum and gold levels.

Priest wanted to know how PRAB needs to solicit.

Edmonston said to be watching and listening for possible donors. She said a packet can be offered to them if they seem interested.

Lamb said the Friends of Parks is also raising money.

Edmonston commented that this proposal has to be approved next by City Council.

Maxwell said Frank Sharp isn't a funder, but was very active in promoting Kessler Mountain and getting donations.

Lamb asked if the City Council would always have the final say-so.

Edmonston said yes. She said PRAB will make a recommendation and the City Council will have final approval.

Lamb wanted to know if PRAB would need to recommend this proposal and then it will go to Council.

Edmonston said yes.

Maxwell said that the funding will go to Friends of Parks, and then PRAB.

Edmonston added that the Friends of Parks is a non-profit. Their mission is to raise money. Their first priority right now is Regional Park.

Priest asked if Parks would have a way to oversee the donations.

Edmonston said yes, because Parks staff attend the meetings.

Jumper added that McKnight is on the board.

Edmonston said a PRAB member could be added if the PRAB members were interested.

Colwell asked if a park could be named after someone if that person didn't fit any of the criteria.

Jumper said yes, that option is still open.

Lamb wanted to know if PRAB's recommendation is what PRAB decides.

Edmonston said yes, and Parks will help guide.

Colwell commented that he has never liked the name Southpass Park.

Edmonston said the Regional Park has not been named yet.

Parks & Recreation Staff Recommendation: Approval of the above proposal and amendment to Ordinance No. 5535.

PRAB Motion: Proffitt motioned to approve the proposal and amendment to Ordinance No. 5535, and Lamb seconded it. Motion passed 6-0-0 by voice vote.

Minutes taken by Melanie Thomas.

Proposed Revisions to Exhibit "A"

	Parks and Recreation Division Department Policies and Procedures Manual		SUBJECT: DONOR RECOGNITION SIGNS	
	NUMBER: PRK-	REVISIONS: 7/16/10	EFFECTIVE DATE:	PAGE: 1 OF 1 4
	SUPERSEDES:	APPROVED BY:		

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined according to the categories defined in this policy. Any exceptions to this policy must be approved by City Council. The sign size in each of the categories provides Park Planners with the latitude to design signs recognizing donations based on site location and donor specific criteria. Recognition signs and plaques will be displayed for the life of the facility. Naming of facilities donated must meet the Naming Park Facilities Operational Policy and have approval by the Parks and Recreation Advisory Board and City Council. Exceptions outside of this Operational Policy must be approved by the Parks and Recreation Advisory Board and City Council. The option for naming facilities is only permitted under the Park Facility **Diamond**, Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds can not be named.

City Process

1. Parks and Recreation Staff **or the Friends of Parks Board** meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy for Donor Recognition Signs.
2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final approval.

RECOGNITION FOR NEW PARK FACILITIES

Bronze Category: Recognition on Donor Wall ~~receives donor recognition of a press release, plaque constructed of high quality durable materials up to 1 sq ft.~~

Donation of \$25,000 - \$250,000 for park amenities. Examples include: ~~Park Facilities donated in the Bronze Category may include the following:~~

~~Drinking fountain with dog bowl~~

~~Prefabricated pavilion~~

~~Picnic table and grill~~

~~Art sculpture~~

~~Single playground apparatus (climbing rocks/swing set)~~

~~Landscape feature~~

Bleachers

Batting Cages

Bike Racks

Lighting

Drinking Fountain with Dog Bowl

Prefabricated Pavilion

Picnic Table and Grill

Art Sculpture

Single Playground Apparatus (climbing rocks/swing set)

Landscape Feature

Size of donor wall and names to be approved by the City Council.

Silver Category: Naming Rights for 10 yr. Period ~~receives donor recognition of a press release, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials up to 4 sq ft.~~

Park Facilities donated in the Silver Category may include the following:

~~Disc golf course~~

~~Concession stand/restroom~~

~~Park restroom~~

~~One mile asphalt/concrete park trail~~

~~Small amphitheater (seating for 150)
Water feature
Parking lot (25 cars)
Greenhouse
Playground~~

Donation of 75% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility ~~receives donor recognition of a press release, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials up to 12 sq ft.~~

~~Park Facilities donated in the Gold Category may include the following:~~

~~Custom pavilion with restroom
One athletic facility—soccer field, baseball field, tennis court, ultimate frisbee field
Dog park~~

Donation of 100% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	Dog Park

Platinum Category: Naming Rights of a Complex ~~receives donor recognition of a press conference, ribbon cutting ceremony, option to name facility, sign constructed of high quality durable materials, designed into facility up to 16 sq ft.~~

~~Park Facilities donated in the Platinum Category may include the following:~~

~~Sport Complex: 4-6 field lighted complex—softball, baseball, soccer, tennis
Aquatic center
Amphitheater—seating for 1200
Development of a new park
Park Office with meeting rooms, kitchen, stage, fitness center~~

Donation of \$1 million to \$5 million to name a complete complex. Examples include:

Sport Complex: 4-6 field lighted
complex such as softball, baseball,
soccer, tennis

Aquatic center
Amphitheater- seating for 1,200
Development of a new park

Diamond Category: Naming Rights of a Park

Donation of \$5 million or more to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields
\$150,000 per soccer field for 10 years or \$250,000 for two fields

TRAIL FACILITIES

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.

Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads and include the following:

Parking Lot
Pavilion

Restroom
One Mile Asphalt/Concrete Trail

Legend:

Park – Existing policy to be revised

Donation – Proposed policy revisions

	Parks and Recreation Division Department Policies and Procedures Manual		SUBJECT: NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation ~~Division~~ **Department** will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss **and approve** the recommendations at their monthly meeting. ~~and will leave the issue on the table until the next scheduled meeting. This one month duration will allow time for any public comment on the proposed names.~~ Once a recommended name has been selected, the Parks and Recreation Staff will forward the name to the City Council for review and approval.

The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation ~~Division~~ **Department** or City of Fayetteville. ~~Generally, the naming of park facilities in recognition of an individual will not be considered unless received posthumously.~~

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the ~~Sidewalk & Trails~~ **Active Transportation** Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

Legend:

~~Division~~ – Existing policy to be revised

Department – Proposed policy revisions

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: DONOR RECOGNITION SIGNS	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 3
	SUPERSEDES:	APPROVED BY:		

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2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final approval.

RECOGNITION FOR NEW PARK FACILITIES

Bronze Category: Recognition on Donor Wall

Donation of \$25,000 - \$250,000 for park amenities. Examples include:

Bleachers	Picnic Table and Grill
Batting Cages	Art Sculpture
Bike Racks	Single Playground Apparatus (climbing rocks/swing set)
Lighting	Landscape Feature
Drinking Fountain with Dog Bowl	
Prefabricated Pavilion	

Size of donor wall and names to be approved by the City Council.

Silver Category: Naming Rights for 10 yr. Period

Donation of 75% cost of new facility over \$250,000. Examples include:

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility

Donation of 100% cost of new facility over \$250,000. Examples include:

Soccer Field	Baseball Field
--------------	----------------

Tennis Court	Small Amphitheater (seating for 150)
Basketball Court	Water Feature
Disc Golf Course	Parking Lot (25 cars)
Concession Stand/Restroom	Greenhouse
Park Restroom	Playground
One Mile Asphalt/Concrete Park Trail	Dog Park

Platinum Category: Naming Rights of a Complex

Donation of \$1 million to \$5 million to name a complete complex. Examples include:

Sport Complex: 4-6 field lighted complex such as softball, baseball, soccer, tennis	Aquatic center Amphitheater- seating for 1,200 Development of a new park
---	--

Diamond Category: Naming Rights of a Park

Donation of \$5 million or more to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields
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Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads and include the following:

Parking Lot	Restroom
Pavilion	One Mile Asphalt/Concrete Trail

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

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POLICY

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Once park development begins, the Parks and Recreation Department will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will discuss and approve the recommendations at their monthly meeting. Once a recommended name has been selected, the Parks and Recreation Staff will forward the name to the City Council for review and approval.

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- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Department or City of Fayetteville.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Active Transportation Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 101 of 234
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0271

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 1

AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY

AN ORDINANCE TO AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY TO AUTHORIZE THE USE OF A REALTOR FOR THE SALE OF THE TWO HOUSES AT GULLEY PARK

WHEREAS, on March 15, 2015, the City Council authorized the sale of the two houses at Gulley Park with the minimum bids based upon their appraised values; and

WHEREAS, despite considerable staff effort and expense, only one property received a bid which was later rescinded and it is hereby determined that, in this limited circumstance, it is in the City's best interest to hire a realtor for the sale of these properties.

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 enacts § 34.27(E) of the Fayetteville City Code as follows:

“34.27(E)

The City Council authorizes the use of a realtor for the sale of the two houses at Gulley Park. The realtor shall be selected in accordance with the City's formal competitive bidding procedures. All offers for the sale or purchase of this City property shall be subject to final approval by the City Council.”

City of Fayetteville Staff Review Form

2015-0271

Legistar File ID

6/16/2015

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

Connie Edmonston

6/1/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an exemption provision request for City Ordinance §34.27 – Sale of Municipally Owned Real Property to contract with a real estate broker to sell two single family lots with existing houses situated on 1.20± acres in Gulley Park

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; 61-15

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: June 1, 2015

SUBJECT: Exemption Provision Request for City Ordinance §34.27 – Sale of Municipally Owned Real Property

RECOMMENDATION:

Approval of an exemption provision request for City Ordinance §34.27 – Sale of Municipally Owned Real Property to contract with a real estate broker to sell two single family lots with existing houses situated on 1.20± acres in Gulley Park

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'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.

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." It was determined to sell the two homes and that the natural expansion of Gulley Park with the 10.12 acres of this newly required land would offer 38 acres of park land that would continue to preserve the pastoral setting in which people appear to flock.

On March 3, 2015, the Fayetteville City Council passed Resolution #61-15 authorizing the City to offer for sale the ±1.20 acres containing the two single-family homes with a minimum bid based upon their appraised values. The smaller home at 2634 Old Wire Road was appraised at \$111,500 and the larger home with the work shop at 2648 Old Wire Road was appraised at \$218,500. Park and Recreation staff sent public notices to adjacent property owners, displayed prominent signs on the property and publicized the sale in newspapers and five various social media websites as required by City Code. Bid 15-30 was issued and advertised on March 18, 2015 with a bid deadline of May 4. Six on-site inspection dates were opened to the public to view the homes from March 25th until April 29th. One bid was received at the May 4th bid deadline date for the smaller home at 2634 Old Wire Road. The bid offer was rescinded on June 1st.

DISCUSSION:

City staff has determined after considerable efforts have gone into trying to sell the two single-family homes, it would be in the city's best interest to obtain a real estate broker through the RFP process to sell the properties.

BUDGET/STAFF IMPACT:

Cost for the real estate broker's services would be taken out of the closing costs for the sale of the homes. The exact amount of proceeds from the lot sales will be determined at the point of sale. The sale of the property will come back to City Council for final approval.

Attachments:

City Ordinance §34.27 – Sale of Municipally Owned Real Property
Resolution No. 157-14
Resolution No. 61-15
Property location map

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

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

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



RESOLUTION NO. 61-15

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 May 4, 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.

PASSED and APPROVED this 3rd day of March, 2015.

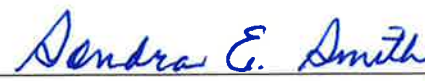
APPROVED:

By:


LIONELD JORDAN, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer





2634 and 2648 Old Wire Road
Fayetteville, AR

0 30 60 120 180 240
Feet





City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
113 West Mountain Road, Suite 100 of 234
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0269

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 2

RZN 15-5053 (WEST OF 4195 W. PERSIMMON ST./MCBRIDE)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5053, FOR APPROXIMATELY 2.16 ACRES, LOCATED WEST OF 4195 W. PERSIMMON STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO R-O, RESIDENTIAL-OFFICE

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

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 Units Per Acre, to R-O, Residential-Office, 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.

15-5053 EXHIBIT 'A'

June 9, 2015
Tentative Agenda
Page 191 of 234

RZN15-5053

MCBRYDE

Close Up View

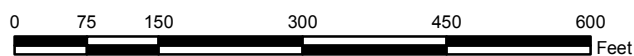


Legend

- Shared-Use Paved Trail
- - - - - Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5053

Overview

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- - - - - Planning Area



15-5053
EXHIBIT 'B'

LOT 3B OF CROSS KEYS SUBDIVISION, PHASE 2, FAYETTEVILLE, ARKANSAS, AS PER SURVEY PLAT RECORDED IN BOOK 2010 AT PAGE 37086 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

City of Fayetteville Staff Review Form

2015-0269

Legistar File ID

6/16/2015

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

Jeremy Pate

5/29/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478): Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

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 JUNE 16, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: May 29, 2015

SUBJECT: **RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478):** Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to R-O, Residential-Office.

BACKGROUND:

The subject property is located south of Persimmon Street west of Ruppel Road and contains approximately 2.16 acres within the RSF-4 zoning district. The property is undeveloped parcel in between Cedar Crest Academy private school and Katherine's Place assisted living. Property to the south is currently being considered for a rezoning action of 642 undeveloped acres as part of the south Ruppel Road rezoning. The request is to rezone the property from RSF-4, Residential Single-family/4 Units per Acre to R-O, Residential/Office. The applicant has stated that the rezoning will allow the property to be developed with a real estate office.

Land Use Compatibility:

The site is located between two large institutional uses: a private school and an assisted living facility. The proposed zoning is compatible with the adjacent institutional uses and medium density residential use across Persimmon Street. R-O zoning will allow for the development of single or two family residential as well as small business and professional office uses.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map (FLUM) designates this area as Civic Institutional Area. R-O zoning is generally consistent with the FLUM as office and residential uses can be a compatible component of a neighborhood with civic uses. Civic Institutional Areas encourage educational, cultural or non-profit uses. This area is well supplied with development that meets this requirement, and the uses allowed under the proposed zoning would not prohibit such use in the future. The P-1, Institutional zoning district would be the sole district that is fully consistent with the FLUM, but it would not allow the general professional office use desired by the applicant.

DISCUSSION:

On May 26, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by 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: May 26, 2015 Updated with Planning Commission results

SUBJECT: **RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478):** Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

RECOMMENDATION:

Staff recommends **RZN 15-5053** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located south of Persimmon Street west of Ruppel Road and contains approximately 2.16 acres within the RSF-4 zoning district. The property is undeveloped parcel in between Cedar Crest private school and Katherine's Place assisted living. Property to the south is currently being considered for a rezoning action that would put 642 undeveloped acres into NC, CS, UT and R-A zones. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	R-PZD, Ruppel Row Sub-division
South	Undeveloped/Agricultural	R-A, Residential-Agricultural
East	Educational (Cedar Crest Academy)	P-1, Institutional
West	Assisted Living (Katherine's Place)	P-1, Institutional

Request: The request is to rezone the property from RSF-4, Residential Single-family/4 Units per Acre to R-O, Residential/Office. The applicant has stated that the rezoning will allow the property to be developed with a real estate office.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Persimmon Street, an improved Minor Arterial street with existing curb/gutter and storm drainage. Sidewalk has not yet been

constructed along the frontage of this parcel. Any required improvements to this street will be determined at time of development.

Water: Public water is available to the site. A 12-inch public water main exists along the north of the property within the public right of way and is accessible for service taps.

Sewer: Sanitary sewer is available to the site. An 8-inch main runs along north and west of the subject parcel in existing utility easements and is accessible for service taps.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not located within the floodplain, but GIS records indicate Hydric Soils exist on much of the site. Therefore, a wetlands determination will be necessary at the time of development. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.

Fire: This development will be protected by Engine 7 located at 835 Ruppel Road. It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will negatively affect calls for service or response times.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Civic Institutional Area**.* These areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5053 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 26, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Chesser</u>	Second: <u>Selby</u>	Vote: <u>9-0-0</u>	
<i>Note: Planning Commission recommended approval</i>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>June 16, 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: ***Land Use Compatibility:*** The proposed zoning is compatible with the surrounding mixture of residential and institutional uses. R-O zoning will allow for the development of single or two family residential as well as small business and professional office uses. These uses are not expected to adversely impact the medium density residential development to the north or the assisted living and educational developments to the east and west.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Civic Institutional Area. The proposed zoning is not wholly consistent with the FLUM, which encourages educational, cultural or non-profit uses, however, the area is well supplied with development that meets this requirement, and the uses allowed under the proposed zoning would not prohibit such use in the future. The P-1, Institutional zoning district is the sole district that is entirely consistent with the FLUM.

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

Finding: **The proposed rezoning is justified at this time, as the existing RSF-4 zoning is not appropriate given the surrounding institutional uses and FLUM designation.**

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

Finding: **The site has access to Persimmon Street, an improved Minor Arterial street with existing curb/gutter and storm drainage. The low intensity R-O zoning district is not expected to appreciably 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 single-family to R-O to allow for office development is unlikely to undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 & 161.17
- Request Letter
- Survey
- Fire Comments
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(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.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
-------------------------	--------

Height regulations. 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.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5735 1-20-15)



Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

524 West Sycamore St., Suite #4
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

City of Fayetteville Planning Department

April 14, 2015

Re: McBryde Family Limited Partnership
Persimmon St.
Fayetteville, AR 72704
Parcel #765-28666-000

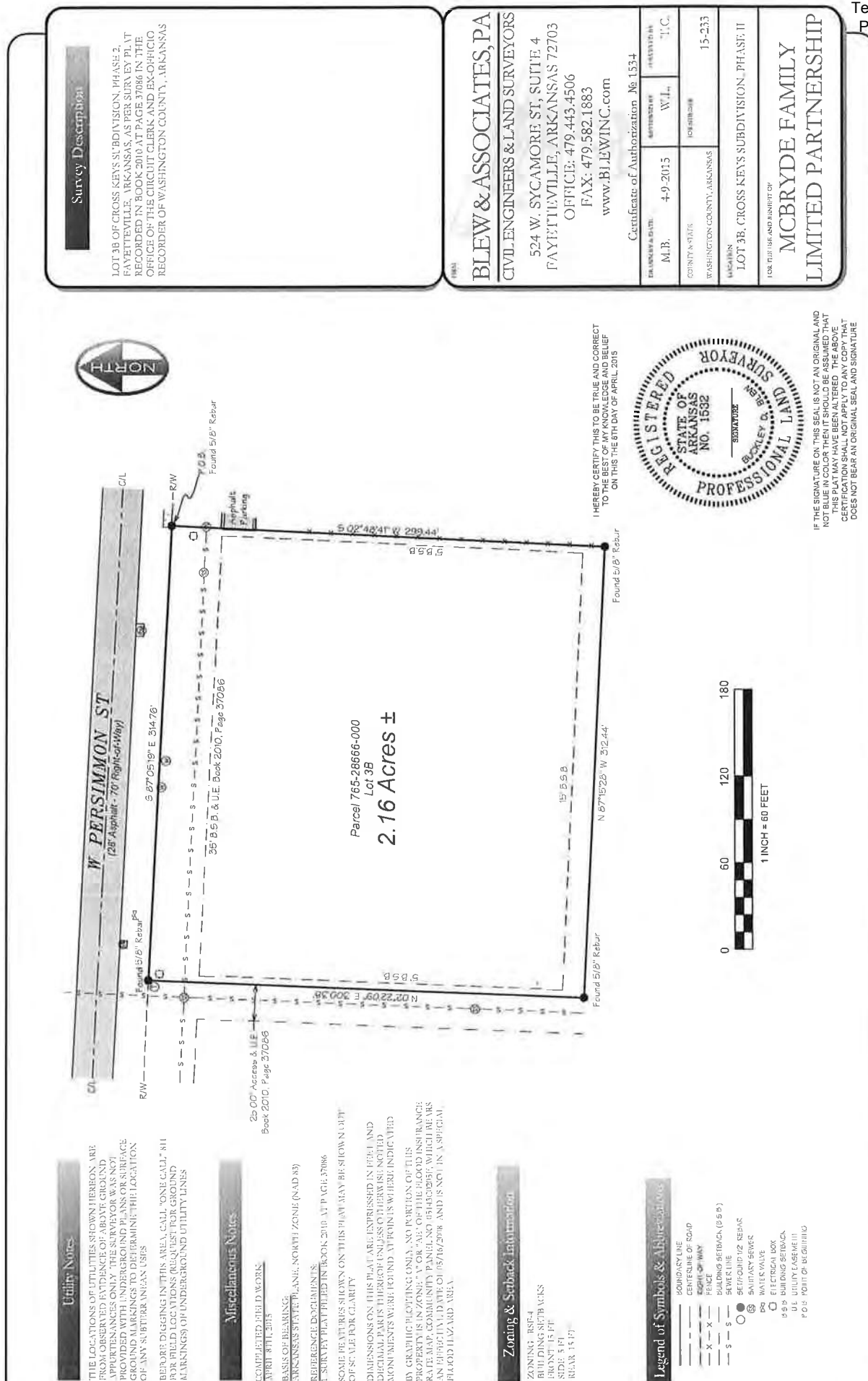
To Whom It May Concern,

Our Clients, McBryde Family Limited Partnership and McNaughton Realtors are requesting to have the property at Persimmon St. (Parcel #765-28666-000) to be rezoned from RSF-4 to R-O. They plan to build a real estate office at this location if approved and believe it to be a good fit with the adjacent properties.

We believe this potential rezoning would only have a positive effect on the surrounding properties. The proposed real estate office would have a very limited effect on increasing the traffic as well as a very limited increase on the use of public services in the area. There currently is an 8" sewer line and a 12" water line at the north line of the property, so access to utilities would not be an issue. If you have any additional questions or comments feel free to contact our office.

Sincerely,

Heath Myers
Project Manager
Blew & Associates, P.A.





The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

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

To: Blew and Associates, Quin Thompson
From: Will Beeks, Assistant Fire Marshal
Date: May 18, 2015
Re: RZN 15-5053

This development will be protected by Engine 7 located at 835 Ruppel Rd.

It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Will Beeks
Fayetteville Fire Department

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

RZN15-5053

MCBRYDE

Close Up View

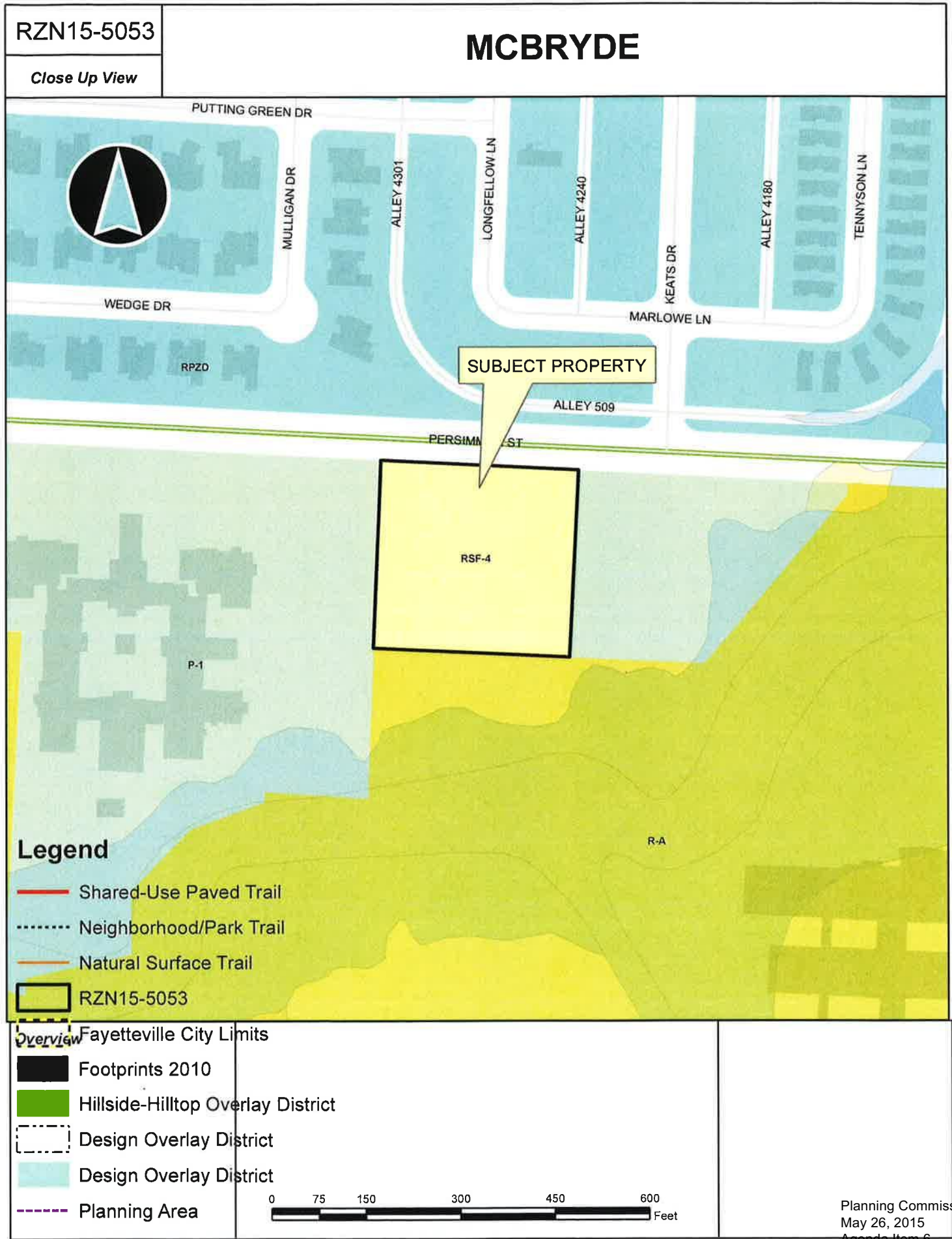


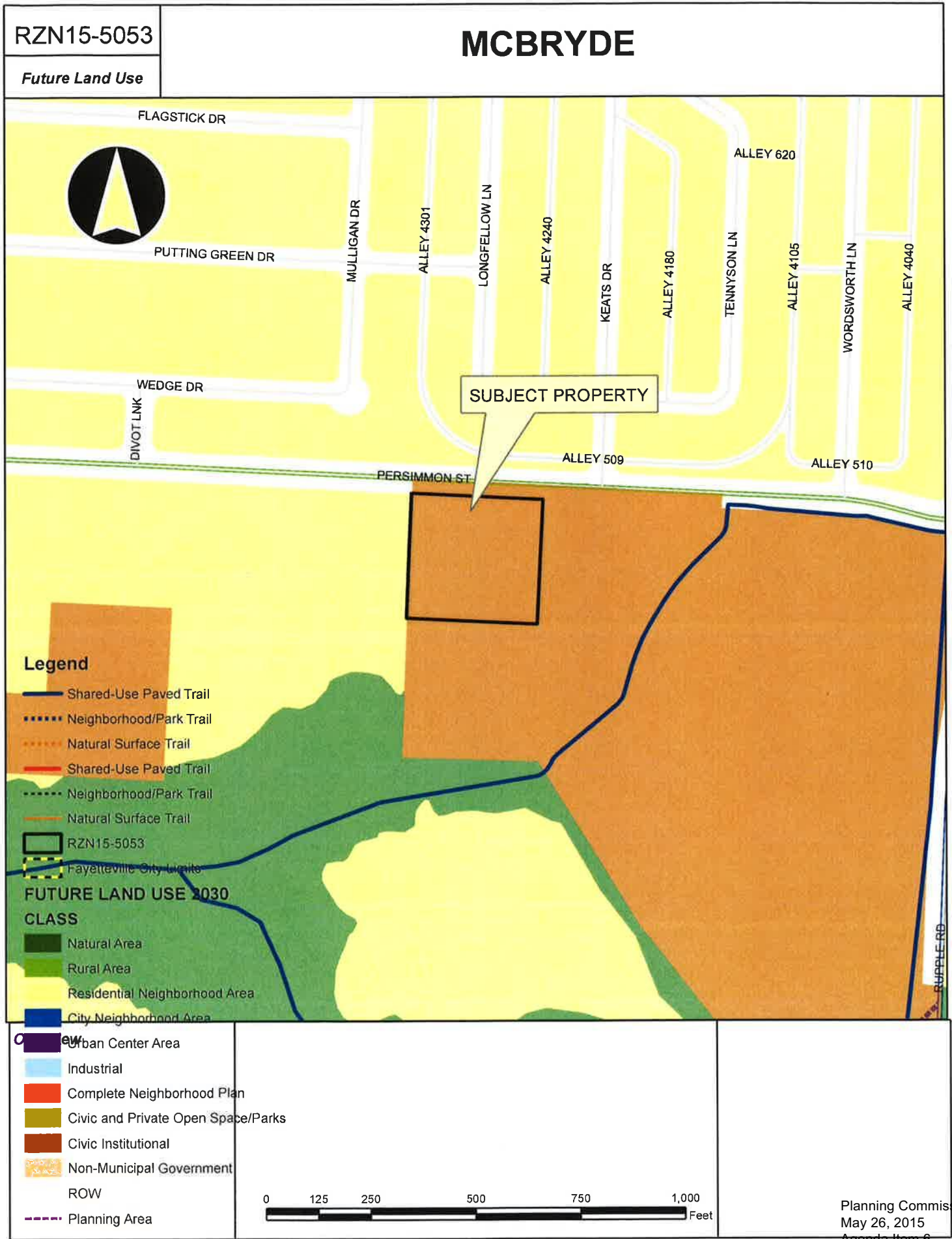
Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

- Overview**
- RZN15-5053
 - Fayetteville City Limits
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Planning Area



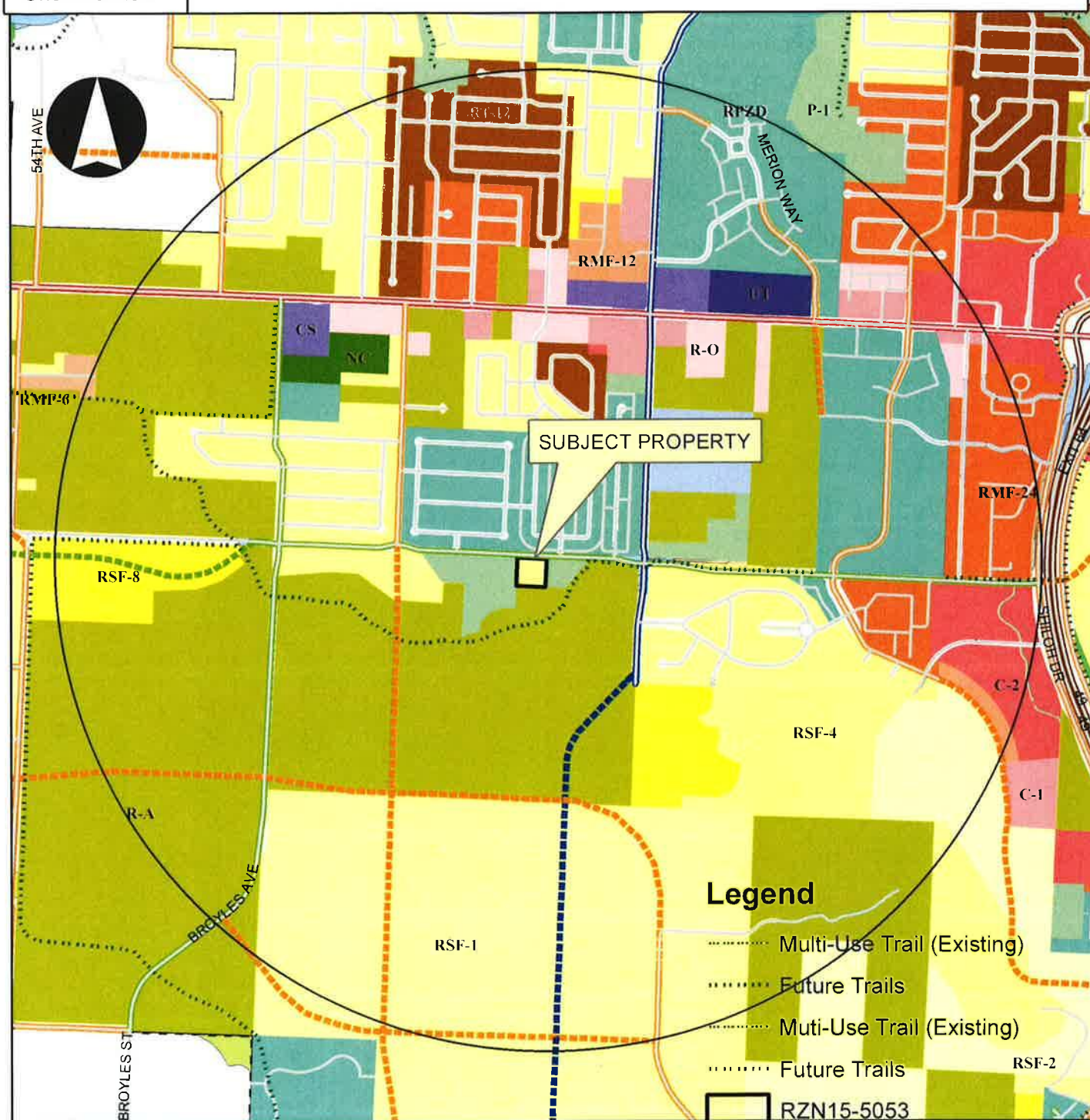




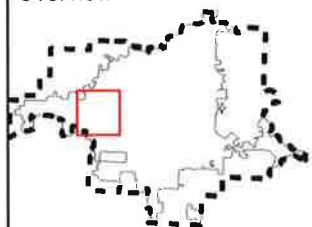
RZN15-5053

MCBRYDE

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

1 Miles

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



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
Page 2
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0265

Agenda Date: 6/16/2015

Version: 1

Status: Draft

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 3

PLACE HOLDER: MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB

A RESOLUTION TO AWARD A CONTRACT IN THE AMOUNT OF \$X,XXX,XXX.XX TO CONTRACTOR, INC. FOR THE CONSTRUCTION OF THE MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB, APPROVE A PROJECT CONTINGENCY OF \$XXX,XXX.XX (5%), AND APPROVE A BUDGET ADJUSTMENT.

City of Fayetteville Staff Review Form

2015-0265

Legistar File ID

6/16/2015

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

Paul Libertini

6/3/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A Resolution to award a contract in the amount of \$x,xxx,xxx.xx to General Contractor, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$xxx,xxx.xx (10%), and approve a Budget Adjustment.

Budget Impact:

Account Number		Fund	
06035.1101		Lafayette & Maple Bridges	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ -
		Funds Obligated	\$ -
Does item have a cost?	Yes	Current Balance	\$ -
		Item Cost	
Budget Adjustment Attached?	Yes	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JUNE 16, 2015

TO: Mayor and City Council

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

FROM: Paul Libertini, Staff Engineer

DATE: June 03, 2015

SUBJECT: A Resolution to award a contract in the amount of \$x,xxx,xxx.xx to General Contractor, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$xxx,xxx.xx (10%), and approve a Budget Adjustment.

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$x,xxx,xxx.xx to General Contractor, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab., approval of a project contingency of \$xxx,xxx.xx (10%), and approval of the attached Budget Adjustment.

BACKGROUND:

This project is located in central Fayetteville on the east side of the University of Arkansas campus on Maple Street and Lafayette Street over a single track of the Arkansas & Missouri Railroad. It is the intention of the City of Fayetteville to restore both historic bridges to their original beauty and to thus set a high example for restoration for a municipality in Arkansas and the United States.

On February 16, 2011 in response to a letter from the City requesting federal funding for the Maple and Lafayette Street historic bridges, the City received a letter from the Arkansas State Highway and Transportation Department advising that the subject bridges qualify for funding from the Federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP) to restore both bridges. The HBRRP utilizes 80% Federal-aid and 20% local matching funds with a limitation of \$1 million in Federal-aid available per project.

DISCUSSION:

On June 12th, the City received five (x) construction bids ranging from a low of \$x,xxx,xxx.xx to a high of \$x,xxx,xxx.xx. General Contractor, Inc. submitted the low bid which was approximately x% below the Engineer's Estimate of \$1,357,476.33. The City has received a written recommendation from our consultant engineer, McClelland Consulting Engineers, Inc. to award this contract to General Contractor, Inc. and staff concurs with this recommendation. The contract time is 180 days (6 months) for substantial completion.

Please note that as part of the Federal-aid process, the Mayor has submitted the required Certification Letter to the Arkansas State Highway and Transportation Department (AHTD) requesting their review of the bid tabulations and concurrence in award of the contract to General Contractor, Inc. The actual execution of the construction agreement will occur after receipt of AHTD concurrence.

BUDGET/STAFF IMPACT:

This project is based on an Agreement Of Understanding with AHTD in which Federal-aid money will pay 80% of the contract amount of \$x,xxx,xxx.xx up to a maximum of \$1 million and the City will pay 20% (\$x,xxx,xxx.xx) plus any amount over the \$1 million cap. The Federal portion will be paid from the Federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP) and the City's portion will be paid from the Transportation Bond Fund and the Sales Tax Capital Improvement Fund.

City of Fayetteville, Arkansas - Budget Adjustment Form

June 9, 2015
Tentative Agenda
Page 214 of 234

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

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A resolution to award a contract in the amount of \$X,XXX,XXX.XX to General Contractor, Inc. for the construction of the Maple Street and LaFayette Bridge Rehav, approve a contingency of \$XXX,XXX.XX (10%) and approve a budget adjustment.

Division Head Date		REQUEST DATE: 6/12/2015
Department Director Date		Budget Director Date
Chief Financial Officer Date		TYPE: DESCRIPTION:
Chief of Staff Date		GLDATE: POSTED: /

TOTAL	755,163	755,163					v.20150402
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
4470.0947.4309.00	-	755,163	06035	1101	RE	Federal Grants - Capital	
4470.9470.5817.00	755,163	-	06035	1101	EX	Bridge & Drainage Improve	
4470.9470.5817.00	(475,906)	-	03005	1	EX	Bridge & Drainage Improve	
4470.9470.5817.00	475,906	-	06035	1101	EX	Bridge & Drainage Improve	
4520.9555.5817.00	(1)	-	06035	2200	EX	**Bridge & Drainage Improve	
4520.9555.5817.00	1	-	06035	1101	EX	**Bridge & Drainage Improve	
	-	-					
	-	-					
	-	-					
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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:

Mail

☐ YES ☐ NO

Legistar#:

Taxable

☐ YES ☐ NO

Expected Delivery Date:

Quotes Attached

☐ YES ☐ NO

Extension:

575-8207

Vendor #:		Vendor Name:				FOB Point:		City:		State:		Zip Code:		Ship to code:		Requester:		Chris Brown		Requester's Employee #:		2695		Extension:		575-8207	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #																		
1					\$0.00																						
2	Bridge & Drainage Improvements	1			\$0.00	4520.9555.5817.00	06035.1101																				
3					\$0.00																						
4	THIS IS A GRANT				\$0.00																						
5					\$0.00																						
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Special Instructions:										Subtotal: \$0.00 Tax: \$0.00 Total: \$0.00																	
Approvals:																											
Mayor: _____					Department Director: _____					Purchasing Manager: _____																	
Chief Financial Officer: _____					Budget Director: _____					IT Director: _____																	
Dispatch Manager: _____					Utilities Manager: _____					Other: _____																	



City of Fayetteville, Arkansas

June 9, 2015
Tentative Agenda
Page 216 of 234
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0274

Agenda Date: 6/16/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: D. 4

UNIFORM CIVIL RIGHTS PROTECTION

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

WHEREAS, federal laws including the Civil Rights Act (42 U.S.C § 2000e, et seq.), the Arkansas Civil Rights Act of 1993 (A.C.A. § 16-123-101 et seq.) and the Arkansas Fair Housing Act (A.C.A. § 16-123-201 et seq.) provide Fayetteville citizens with protections against discrimination on the basis of race, ethnicity, national origin, age, sex, religion and disability; and

WHEREAS, the General Assembly has determined that attributes such as “gender identity” and “sexual orientation” require protection {A.C.A. § 6-18-514 (b)(1)}; and

WHEREAS, Fayetteville citizens deserve fair, equal and dignified treatment under the law; and

WHEREAS, Fayetteville seeks to attract a diverse and creative workforce by promoting itself to prospective businesses and employees as a fair, tolerant and welcoming community; and

WHEREAS, the protected classifications in A.C.A. § 6-18-514 (b)(1) for persons on the basis of gender identity and sexual orientation should also be protected by the City of Fayetteville to prohibit those isolated but improper circumstances when some person or business might intentionally discriminate against our gay, lesbian, bisexual and transgender citizens; and

WHEREAS, in response to the concerns recently expressed by the citizens of Fayetteville on a similar issue, the Fayetteville City Council recognizes their interest in participating in the democratic process and invites the citizens to decide whether gender identity and sexual orientation should also be protected by the City 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 refers this ordinance to the Fayetteville voters for their enactment or rejection in a Special Election to be held on September 8, 2015. The operative provisions that will be enacted by Fayetteville citizens into the Fayetteville Code if approved by a majority of Fayetteville citizens voting in the election shall be as follows:

“Uniform Civil Rights Protection

Purpose

Fayetteville is a welcoming, fair and tolerant city which endeavors to ensure that all of its citizens and visitors will be free from unfair discrimination. Since Federal and State law already protect citizens from most discrimination, the **Uniform Civil Rights Protection** Article shall extend existing protections to lesbian, gay, bisexual, and transgender citizens and visitors as recognized elsewhere in state law.

Definitions

(A) *“Employee”*. This definition adopts and incorporates herein the definition of “Employee” as stated in the Arkansas Civil Rights Act of 1993, A.C.A. § 16-123-102 (4).

(B) *“Employer”*. This definition adopts and incorporates herein the definition of “Employer” as stated in the Arkansas Civil Rights Act of 1993, A.C.A. § 16-123-102 (5).

(C) *“Gender Identity”* means an individual's own, bona fide sense of being male or female, and the related external characteristics and behaviors that are socially defined as either masculine or feminine. Gender identity may or may not correspond to the sex assigned to the individual at birth.

(D) *“Housing accommodation”*. This definition adopts and incorporates herein the definition of “Housing accommodation” as stated in the Arkansas Fair Housing Act of 1993, A.C.A. § 16-123-202 (1).

(E) *“Place of public resort, accommodation, assemblage or amusement”*. This definition adopts and incorporates herein the definition of “Place of public resort, accommodation, assemblage or amusement” as stated in the Arkansas Civil Rights Act of 1993, A.C.A. § 16-123-102 (7). Furthermore, this shall not mean any religious facility or other religious institution including their owned and operated schools and daycare facilities.

(F) *“Real estate broker or salesman”*. This definition adopts and incorporates herein the definition of “Real estate broker or salesman” as stated in the Arkansas Fair Housing Act of 1993, A.C.A. § 16-123-202 (2).

(G) *“Real estate transaction”*. This definition adopts and incorporates herein the definition of “Real estate transaction” as stated in the Arkansas Fair Housing Act of 1993, A.C.A. § 16-123-202 (3).

(H) *“Real property”*. This definition adopts and incorporates herein the definition of “Real property” as stated in the Arkansas Fair Housing Act of 1993, A.C.A. § 16-123-202 (4).

(I) *“Sexual Orientation”* means heterosexuality, homosexuality or bisexuality by practice, identity or expression.

Applicability and Exemptions

(A) The **Uniform Civil Rights Protection Article** is only applicable to discriminatory actions occurring within the Fayetteville city limits.

(B) This Article adopts and incorporates herein the entirety of A.C.A. § 16-123-103 **Applicability** of the Arkansas Civil Rights Act.

(C) Churches, religious schools and daycare facilities, and religious organizations of any kind shall be exempt from this Article.

Discrimination Offense

(A) The right of an otherwise qualified person to be free from discrimination because of sexual orientation and gender identity is the same right of every citizen to be free from discrimination because of race, religion, national origin, gender and disability as recognized and protected by the Arkansas Civil Rights Act of 1993.

(B) The **Uniform Civil Rights Protection Article** adopts and incorporates herein these rights as quoted below:

- (1) The right to obtain and hold employment without discrimination;
- (2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;
- (3) The right to engage in property transactions (including sales and leases) without discrimination;
- (4) The right to engage in credit and other contractual transactions without discrimination; and
- (5) The right to vote and participate fully in the political process.

(C) A person engaging in a real estate transaction, or a real estate broker or salesman, shall not on the basis of sexual orientation or gender identity engage in any conduct likewise prohibited by A.C.A. § 16-123-204 **Prohibited Acts** of the Arkansas Fair Housing Act on the basis of other enumerated attributes.

(D) No employer shall discriminate against nor threaten any individual because such individual in good faith has opposed any act or practice made unlawful by this section or because such person in good faith made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing related to the **Uniform Civil Rights Protection Article**.

Establishment and Duties of a Civil Rights Commission

There is hereby established the Civil Rights Commission. The Civil Rights Commission shall review and decide complaints of alleged discrimination in violation of the **Uniform Civil Rights Protection Article**. The Commission will provide to the City Council an annual accounting of the number of complaints received and the outcomes.

Composition

(A) The Civil Rights Commission shall consist of seven members composed of the following:

- (1) Two (2) representatives of the business community;
- (2) Two (2) owners or managers of rental property;
- (3) One (1) representative with experience in Human Resources or employment law;
- (4) Two (2) citizens at large, at least one of whom identifies as gay, lesbian, bisexual, or transgender.

(B) Members will be appointed by the City Council, each for a term of three years. Appointments shall be staggered so that each year either two or three members' terms shall be available for appointment by the Nominating Committee.

(C) Members of the Civil Rights Commission may be removed from office by the City Council for cause upon written charges and after a public hearing.

Meetings

(A) The Civil Rights Commission shall meet for an organizational meeting within 60 days after the citizens enact this ordinance and every year thereafter following the appointment of new members.

(B) Meetings shall be held at the call of the chairperson.

(C) A majority of the membership of the Civil Rights Commission shall constitute a quorum.

(D) All meetings shall be open to the public.

(E) The Civil Rights Commission shall adopt rules necessary to the conduct for its affairs, and in keeping with the provisions of the City's **Uniform Civil Rights Protection** Article.

Staff Support

The City Attorney's office shall receive complaints on behalf of the Civil Rights Commission and assist the Commission in performing its duties and carrying out its responsibilities.

Complaint Procedure and Enforcement

(A) A person asserting a claim of discrimination, herein referred to as the "Complainant", pursuant to this **Uniform Civil Rights Protection** Article must present such claim in writing to the City Attorney's office no more than ninety (90) days after the person has knowledge of the facts giving rise to the claim of discrimination. The City Attorney's office will, within two (2) business days, notify the Civil Rights Commission that a complaint was received.

(B) Informal mediation or conciliation between the alleged discriminator, herein referred to as the "Respondent", and Complainant shall be attempted by the City within four business days and before any

other enforcement measures can begin. Such mediation or conciliation measures shall be pursued in accordance with the confidentiality protections provided by A.C.A. § 16-7-2-6. Mediation and conciliation should be concluded within two weeks after the complaint is received unless both parties agree to further efforts.

(C) If conciliation efforts are successful in resolving the complaint, the Civil Rights Commission will be notified of resolution and take no further action.

(D) If conciliation efforts fail to resolve the complaint, the Civil Rights Commission shall notify both parties that a hearing will be conducted at a specified place and time not more than fourteen (14) business days after the conclusion of conciliation efforts but not less than five (5) business days after issuance of notice of the hearing.

(E) Conduct of the Hearing:

(1) The Civil Rights Commission shall review the initial complaint and may receive any additional evidence from the Complainant.

(2) The Respondent shall have an opportunity to explain or provide evidence to rebut any allegations of illegal discriminatory acts. No person shall be compelled to be a witness against himself in any formal or informal hearing.

(3) After considering all the evidence presented, if the Civil Rights Commission determines that the Respondent has violated this Article, the Commission shall forward the original claim and their findings to the City Prosecutor.

(F) Penalty:

(1) A person's first violation of this ordinance shall carry a penalty of up to a \$100.00 fine. Fayetteville City Code § 10.99 **General Penalty** shall apply to any subsequent violations.

(2) No violation of this Article shall be construed to be a misdemeanor or felony.

Severability

If any part, provision or section of this ordinance is held invalid or unconstitutional it shall be severed from the remainder which shall remain valid and enforceable."

Section 2. That the City Council for the City of Fayetteville, Arkansas hereby determines that if the Fayetteville voters fail to approve the referred ordinance, the ordinance will not go into effect; but if the voters approve the ordinance, the ordinance quoted in Section 1 will be enacted into the Fayetteville Code and become effective sixty (60) days after the approving election.

Legistar ID No.: 2015-0274

AGENDA REQUEST FORM

FOR: Council Meeting of June 16, 2015

FROM:

City Council Member Adella Gray

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

APPROVED FOR AGENDA:



City Council Member Adella Gray

6-3-15
Date

Legistar ID No.: 2015-0274

AGENDA REQUEST FORM

FOR: Council Meeting of June 16, 2015

FROM:

City Council Member Adella Gray

City Council Member Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

APPROVED FOR AGENDA:

City Council Member Adella Gray

Date



City Council Member Matthew Petty

6-3-2015
Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: June 3, 2015

RE: **Legality of enacting an ordinance to prohibit some types of discrimination based upon a person's gender identity or sexual orientation**

Act 137 of 2015 codified as A.C.A. § 14-1-401 "Intrastate Commerce Improvement Act" states that a "municipality . . . shall not adopt or enforce an ordinance . . . that creates a protected classification or prohibits discrimination **on a basis not contained in state law.**" (emphasis added).

Little Rock City Attorney Tom Carpenter wrote a detailed analysis in his **City Attorney Opinion No. 2015-001** concerning whether Little Rock could pass a non-discrimination ordinance that would provide some protection against discrimination for some persons if such discrimination was based upon their sexual orientation or gender identification. His short answer is that Little Rock could pass such an ordinance because

"the proposed ordinance does not create any protected class, nor does it list any prohibited discrimination not already protected by state law." (emphasis in original).

Although reasonable legal arguments may be advanced by opponents of such ordinances, I believe that Little Rock City Attorney Tom Carpenter has the better argument that ordinances such as Little Rock's

and the one now offered by Aldermen Gray and Petty are legal and not prohibited by A.C.A. § 14-1-401, et seq. I certainly would be prepared to defend the legality of the Gray/Petty ordinance in Court if opponents file suit (which is likely).

I have attached Mr. Carpenter's ten page **City Attorney Opinion** for your review.

I have not had time yet to prepare an additional legal analysis in which I will discuss other reasons and factors to support the City Council's legal authority to enact a non-discrimination ordinance. You should know that Little Rock's ordinance was very limited in its scope and only covered its own employees and contractors seeking to do business with the City. The one now proposed by Aldermen Gray and Petty would cover most employees, tenants, and business customers in Fayetteville as did the initial non-discrimination ordinance.

Therefore, I believe it is likely that once the Intrastate Commerce Improvement Act goes into legal effect in July, an opponent will sue Fayetteville if you have passed the Gray/Petty ordinance.

OFFICE OF THE CITY ATTORNEY

500 West Markham, Ste. 310
Little Rock, Arkansas 72201

Thomas M. Carpenter
City Attorney

Telephone (501) 371-4527
Telefacsimile (501) 371-4675

April 19, 2015

Honorable Joan Adcock
Director-at-Large, Position 10
6808 Mablevale Pike
Little Rock, Arkansas 72209

CITY ATTORNEY OPINION NO. 2015-001

**Re: WHETHER PROPOSED ORDINANCE ON CITY ANTI-DISCRIMINATION POLICIES WILL BE
VALID AFTER ACT 137 TAKES EFFECT IN JULY, 2015.**

Dear Director Adcock:

This letter contains the opinion of this office to the question you posed about a proposed anti-discrimination ordinance which will be considered by the Little Rock Board of Directors on Tuesday, April 21, 2015.

QUESTION PRESENTED

Whether a proposed ordinance to codify City anti-discrimination practices will be valid after the effective date of Act 137 of 2015 on July 22, 2015.¹

SHORT ANSWER

Yes. As to intrastate commerce, the proposed ordinance does not create any protected class, nor does it list any prohibited discrimination not already protected by state law. As to discrimination on activities in interstate commerce, Act 137 by its express terms does not apply.

¹ Amendment VII to the Arkansas Constitution provides that no law is effective until 90 days after final adjournment of the General Assembly. The General Assembly is scheduled to adjourn *sine die* on April 22, 2015, so the effective date of Act 137 will be July 22, 2015.

FACTUAL BACKGROUND

On Tuesday, April 21, 2015, the Board of Directors will consider a proposed ordinance entitled "An ordinance to declare the policy of the City of Little Rock on issues not to be considered in hiring; to declare the policy on companies with which the City contract; to declare an emergency; and, for other purposes." The ordinance has three basic sections:

1. The first section declares that the City will not discriminate against City vendors "...because of the race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, political opinions or affiliation of the vendors' owners." It also requires that all City departments, divisions, and commissions, comply with this policy;
2. The second section of the ordinance declares that in the delivery of City services, the City will not discriminate "because of race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, political opinions or affiliation." It contains a similar requirement for compliance throughout all City departments, division, and commissions; and,
3. The third section notes that the City will not contract with any entity that discriminates "on the basis of race, color, creed, religion, sex, national origin, age, disability, marital status, sexual orientation, gender identity, genetic information." The section also notes that City bid documents will note this requirement, and will also require that all contracts with the City note the vendor's agreement to adhere to such a policy.²

The first two sections apply to the City. The third section applies only to vendors who wish to do business with the City and be considered for contracts with the City.

The question of whether the ordinance is contrary to state law arises from the fact that Act 137 of the 90th Regular Session of the Arkansas General Assembly states "A...municipality...shall not adopt or enforce an ordinance, resolution, rule, or policy that creates a protected classification or

² The provision applies to all contracts. So, whether a bid is decided on the lowest responsible and responsive price bid (RFP), or on the basis of the most qualified firm to do the work (RFQ), or even in a sole source bid where it is impractical and unfeasible to bid for a particular good or service, this provision applies.

prohibits discrimination on a basis not contained in state law.” 2015 ARK. ACTS 137 § 1 (2015). The title of the Act is the “Intrastate Commerce Improvement Act.” *Id.* By its express terms, it applies only to contracts that in no way involve interstate commerce.³

DISCUSSION

1. Arkansas law already lists the types of discrimination identified in the proposed ordinance.

The specific question is whether the proposed ordinance, if passed, would at any time violate Arkansas law as set forth in Act 137 of 2015 (“the Act”). The Act prohibits two actions: (1) The creation of a protected classification; and, (2) A prohibition against discrimination that is not otherwise present in “state law.” The language reads:

14-1-403. Prohibited conduct.

(a) A county, municipality, or other political subdivision of the state shall not adopt or enforce an ordinance, resolution, rule, or policy that creates a protected classification *or prohibits discrimination on a basis not contained in state law.*

(b) *This section does not apply to a rule or policy that pertains only to the employees of a county, municipality, or other political subdivision.*

2015 Ark. Acts 137 § 1 (emphasis added).

Nothing in the proposed ordinance creates a protected classification of individuals. The issue is whether state law already prohibits discrimination for the reasons listed in the proposed ordinance. It does. Because state law already prohibits each kind of discrimination contained in the proposed ordinance, then the proposed ordinances does not violate the plain words of the Act.

The kinds of discrimination the proposed ordinance would prohibit are:

1. Race;
2. Color;

³ Because the Act applies only to intrastate commerce, any interstate commerce aspect of the ordinance is not under question. Still, as demonstrated in the opinion, provisions of Article II of the Arkansas Constitution, as well as various Arkansas statutes in existence, and the 14th Amendment to the U.S. Constitution clearly establish that the City’s ordinance would not violate the provisions of the Act.

3. Creed;
4. Religion;
5. Sex;
6. National origin;
7. Age;
8. Disability;
9. Marital status;
10. Sexual orientation;
11. Gender Identity; and,
12. Genetic information.⁴

Race and color are expressly protected in the 1874 Arkansas Constitution:

The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of *race, color* or previous conditions.

Article II, § 3, ARK. CONST. In addition to race, religion, national origin, gender, and disability are expressly protected in the Arkansas Civil Rights Act.

The right of an otherwise qualified person to be free from discrimination because of *race, religion, national origin, gender*⁵, or the presence of any sensory, mental, or physical *disability* is recognized as and declared to be a civil right.

Ark. Code Ann. § 16-123-107 (a) (West 2013). Marital status, as part of the broader term “familial status” is referenced in the Arkansas Fair Housing Act.

The opportunity to obtain housing, and other real estate, without discrimination because of *religion, race, color, national origin, sex, disability*, or familial status, as prohibited by this chapter, is recognized and declared to be a civil right.

⁴ In the quotations from state law that follows this list, the words contained in the list are in italics.

⁵ For purposes of this provision, “[b]ecause of gender,” means, *but is not limited to*, on account of pregnancy, childbirth, or related medical conditions.” Ark. Code Ann. § 16-123-102 (1) (West 2013) (emphasis added).

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Ark. Code Ann. § 16-123-203 (a) (West 2013). Age discrimination is prohibited in the state Age Discrimination Act.

It shall be unlawful for a public employer to:

(1) Fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his her or compensation, terms, conditions, or privileges of employment because of the individual's *age*;

(2) Limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of the individual's *age*....;

Ark. Code Ann. § 21-2-203 (a) (1) (2) (West 2008). Discrimination by public agencies based upon a person's creed is expressly prohibited by state law:

(a) Every state agency shall include in its personnel manual a statement that discrimination by any officer or employee based upon *race, creed, religion, national origin, age, sex, or gender* shall constitute grounds for dismissal.

Ark. Code Ann. § 21-12-103 (West 2008). An employer's discrimination against a potential employee because of genetic information is prohibited. In fact, it is illegal under state law to even seek genetic information from a potential employee:

(a) An employer shall not seek to obtain or use a genetic test or *genetic information* of the employee or the prospective employee for the purposes of distinguishing between or discriminating against or restricting any right or benefit otherwise due or available to an employee or prospective employee.

(b) An employer shall not require a genetic test of or require *genetic information* from the employee or prospective employee for the purpose of distinguishing between or discriminating against or restricting any right or benefit otherwise available to an employee or prospective employee.

Ark. Code Ann. §11-5-403 (West 2014). State law already has specific provisions to prohibit discrimination based upon gender identity and sexual orientation.

(b) (1) "Attribute" means an actual or perceived personal characteristic including without limitation *race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation.*

(2) "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

(A) Physical harm to a public school employee or student or damages to the public school employee's or student's property; or ...

(C) A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act....

Ark. Code Ann. § 6-18-514 (West Supp. 2015). As to sexual orientation, and marital status, state law again has a statute in place to prohibit such discrimination:

Every shelter shall: (1) Develop and implement a written nondiscrimination policy to provide services without regard to *race, religion, color, age, marital status, national origin, ancestry, or sexual preference;*

Ark. Code Ann. § 9-4-106 (1) (West 2009).

In addition, Arkansas law expressly permits the change of official birth records for transgender individuals:

(d) Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual born in this state has been changed by surgical procedure and that the individual's name has been changed, the certificate of birth of the individual shall be amended accordingly.

Ark. Code Ann. § 20-18-307(d) (West Supp. 2015). While this statute does not mention discrimination, it is clear that Arkansas does not limit sexual identity to that found at birth.⁶

In short, the proposed ordinance, which only lists types of discrimination that are already prohibited for one reason or another by state law,⁷ does not violate the Act. Since the state statutory or constitutional provisions quoted above are already in place, the argument that anything in the proposed ordinance violates state law, and therefore violates the Act, is easily dispatched. After all, “[t]o give the same words a different meaning for each category would be to invent a statute rather than interpret one.” *Burwell v. Hobby Lobby Stores, Inc.*, 134 S.Ct. 2751, 2769 (2014), *quoting with approval, Clark v. Martinez*, 543 U.S. 371, 378 (2005). The City does not create any new form of discrimination in the proposed ordinance.

2. The proposed ordinance complies with the Arkansas Constitution Equal Protection Clause.

As already shown, the proposed ordinance does not list any type of discrimination that is not already a part of Arkansas law. A secondary question is whether the ordinance somehow violates the Equal Protection provision of the Arkansas Constitution. The general provision, more fully cited above, is that “[t]he equality of all persons before the law is recognized, and shall ever remain inviolate....” Article II, § 3, ARK. CONST. In terms of a local governmental interest to prohibit discrimination, what does this mean?

‘[I]f the constitutional conception of “equal protection of the laws” means anything, it must at the very least mean that a bare . . . desire to harm a political unpopular group cannot constitute a *legitimate* governmental interest’ . . . *Government cannot avoid the strictures of equal protection simply be deferring to the wishes or objections of some fraction of the body politic.*

⁶ *Accord, Radtke v. Miscellaneous Drivers & Helpers Union*, 867 F.Supp.2d 1023, 1033 (D. Minn. 2012).

⁷ Sections 1 and 2 of the ordinance mandate that the City not discriminate on the basis of “political opinions and affiliation.” This particular requirement is not passed on to private businesses since it is clear that businesses, including corporations, are entitled to First Amendment rights:

We find no basis for the proposition that, in the context of political speech, the Government may impose restrictions on certain disfavored speakers. Both history and logic lead us to this conclusion.

Citizens United v. Federal Election Comm’n, 558 U.S. 310, 340 (2009).

Jegley v. Picado, 349 Ark. 600, 635, 80 S.W.3d 332, 352 (2002) (citations omitted)(first emphasis supplied)(second emphasis added). The general question in *Jegley* was whether it was proper to criminalize same sex consensual behavior. The Arkansas Supreme Court held that it was not, particularly when the same activities by heterosexual couples were not also criminalized.

The key to the equal protection argument is that the Court's statement effectively provides there is no governmental interest in using taxpayer revenues to fund entities or persons which wish to deny equal protection to some group. The desire to assure that the City revenues do not directly or indirectly support the denial of constitutional rights to the listed groups is the thrust of the proposed ordinance. A legislative body "cannot act, under the cloak of police power or public morality, arbitrarily to invade personal liberties of the individual citizen." *See Jegley*, 349 Ark. at 638, 80 S.W.3d at 353. Since a government cannot act in such a manner, the fact that the proposed ordinance merely states that the City will not act in such a manner, directly or indirectly, is certainly consistent with the Arkansas Constitution, i.e. state law.

3. *The proposed ordinance is consistent with federal interpretations on certain issues.*

Of the twelve practices prohibited in the proposed ordinance by entities that wish to contract with the City, only two – sexual orientation, gender identity – can even be said to raise a question about prohibited discrimination. Race, color, creed, religion, and national origin, have been standard prohibitions since the 13th, 14th, and 15th Amendments to the U.S. Constitution were ratified. The Equal Protection provision of the 1874 Arkansas Constitution, as demonstrated, contained similar protections.⁸

Sex discrimination became prohibited under federal law through Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e. Age discrimination became prohibited through the Age Discrimination in Employment Act in 1967. 29 U.S.C. § 621, *et seq*; additional protections were offered in the Civil Rights Act of 1991. *See, e.g.*, 29 U.S.C. § 626(e). Disability discrimination was prohibited for projects that received federal funds with the Rehabilitation Act of 1973, and for state and local government projects in the Americans with Disabilities Act of 1991. 29 U.S.C. § 701, *et seq*; 42 U.S.C. § 12101, *et seq*. Genetic information became protected at the federal level by the Genetic Information Non-Discrimination Act of 2008. 42 U.S.C. § 2000ff, *et seq*.

In terms of sex discrimination, this prohibition does not apply merely to the fact that a person is male or female. For example, the U.S. Supreme Court has expressly held that sexual stereotyping

⁸ Indeed, Arkansas was one of the first formerly Confederate states to ratify the 13th Amendment after the close of the Civil War. JAMES MCPHERSON, *Battle Cry of Freedom* at 840 (Oxford, 1988).

OFFICE OF THE CITY ATTORNEY

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is prohibited under Title VII. *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989). “Such stereotypical attitudes violate Title VII if they lead to an adverse employment decision.” *Lewis v. Heartland Inns of America, LLC*, 591 F.3d 1033, 1038 (2010). The Eighth Circuit has cited with approval a federal case from the Sixth Circuit that found sex discrimination under Title VII when a firefighter, who wished to identify as female, was targeted for termination because he wished “to express a more feminine appearance.” *Id.*, quoting *Smith v. City of Salem, Ohio*, 378 F.3d 566, 568 (6th Cir. 2004). Adverse employment decisions “based on ‘gender non-conforming behavior and appearance’ [are] impermissible under *Price Waterhouse*.” *Lewis*, 591 F.3d at 1039.

At present, the U.S. Department of Labor is seeking comments on proposed rule changes for the Office of Federal Compact Compliance Programs to assure that Executive Order 13672 (July 21, 2014), is properly implemented. The Executive Order specifically prohibits discrimination on the basis of sexual orientation in federal contracting, which means for contracts that involve the expenditure of federal funds. The Notice of Proposed Rulemaking (NPRM) was issued earlier this year. 80 Fed. Reg. 5246-5279 (January 30, 2015). Not only was the NPRM issued because of the Executive Order, but also because current federal guidelines were woefully out of date and did not take account of changes in federal law, or federal court decisions.⁹

4. *The proposed ordinance does not require action by any business in Arkansas.*

The proposed ordinance does not require any business, or individual, in Arkansas to take any affirmative act. There is no requirement that any business within the City adopt any personnel policy because of this ordinance. Instead, the ordinance states that discrimination for certain reasons is not allowed, and that if a company wishes to vie for a contract with the City, it must follow the very policies the City follows. In short, the proposed ordinance would define an aspect of a “responsive” bidder in a price bid, and a “qualified” bidder in a services bid, as one that adhered to the City’s requirements against discrimination, and were willing to execute a document to that effect.

CONCLUSION

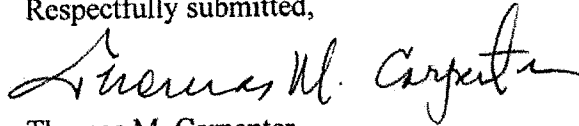
The proposed ordinance does not violate Arkansas law, specifically Act 137 of 2015, because every prohibition against discrimination named is already named somewhere in state law. Further, the proposed ordinance is consistent with interpretation by the Arkansas

⁹ These changes included the amendment to Title VII of the Civil Rights Act to Prohibit Sex Discrimination on the Basis of Pregnancy; the Lily Ledbetter Fair Pay Act of 2009; the Family Medical Leave Act of 1993; and cases that identify sexual harassment such as *City of Los Angeles v. Manhart*, 435 U.S. 702 (1976); and same sex harassment such as *Oncale v. Sundowner Offshore Servs.*, 523 U.S. 75, 78 (1998). See 80 Fed. Reg. 5246, 5249 and nn. 18-23.

City Attorney Opinion No. 2015-001
April 19, 2015: Page 10 of 10

Supreme Court of the Equal Protection clause of the Arkansas Constitution. Finally, the proposed ordinance is also in conformity with federal law and regulations that bar discrimination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas M. Carpenter", written in a cursive style.

Thomas M. Carpenter
City Attorney

TMC:ct

cc. Mayor Stodola and Members of the Board of Directors (via email)
Bruce T. Moore, City Manager (via email)
James E. Jones, Assistant City Manager (via email)
William C. Mann, III, Chief Deputy City Attorney (via email)
Bonnie Engster, Law Office Coordinator

No Changes

*Agenda Session
June 9, 2015*

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 9, 2015

4:30 PM

City Hall Room 326

City Council Meeting

*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*

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

2015-0158

NOMINATING COMMITTEE REPORT

Agenda Additions:

A. Consent:

✓ A. 1 2014-0505

APPROVAL OF THE JUNE 2, 2015 CITY COUNCIL MEETING MINUTES.

✓ A. 2 2015-0264

BID #15-32 PETERBILT OF FORT SMITH

A RESOLUTION TO AWARD BID #15-32 AND AUTHORIZE THE PURCHASE OF TWO (2) PETERBILT 348 TRUCKS WITH LABRIE REAR LOADERS FROM PETERBILT OF FORT SMITH IN THE TOTAL AMOUNT OF \$369,180.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments:

SRP - RTC Rear Loaders 4030-4031

✓ A. 3 2015-0266

BID #15-33 T&T GREEN, LLC

A RESOLUTION TO AWARD BID #15-33 AND AUTHORIZE A CONTRACT WITH T&T GREEN, LLC OF FAYETTEVILLE, ARKANSAS FOR THE REPLACEMENT OF INSULATION AT THE CITY RECYCLING CENTER IN THE AMOUNT OF \$38,000.00

Attachments:

SRP 2015-0266 Bid 15-33 T&T Green, LLC

✓ A. 4 2015-0262**BID #15-34 LEIGH EARTHWORKS, LLC**

A RESOLUTION TO AWARD BID #15-34 AND AUTHORIZE A CONTRACT WITH LEIGH EARTHWORKS, LLC OF WINSLOW, ARKANSAS FOR THE FAYETTEVILLE SENIOR ACTIVITY AND WELLNESS CENTER PARKING LOT EXPANSION PROJECT IN THE AMOUNT OF \$35,063.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,506.00

Attachments: 2015-0262 Bid 15-34 Leigh Earthworks contract

B. Public Hearing:✓ B. 1 2015-0250**JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST CONDEMNATION AND POSSESSION**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY JEROME LOPEZ & ELIZABETH YOUNG AND THE RANDALL J. WRIGHT TRUST NEEDED FOR THE HIGHWAY 45 AND OLD WIRE ROAD INTERSECTION IMPROVEMENT PROJECT

Attachments: 2015-0250

Legislative History

6/2/15 City Council Meeting tabled

C. Unfinished Business:✓ C. 1 2015-0229**AMENDMENT OF THE MASTER STREET PLAN**

A RESOLUTION TO AMEND THE MASTER STREET PLAN BY REMOVING A BRIDGE CONNECTION ON RAVEN LANE OVER CLABBER CREEK SOUTH OF CRYSTAL SPRINGS PHASE III

Attachments: Ex A
 15-5035 Full Packet
 Additional 2006 Development Staff Report Crystal Springs

Legislative History

5/19/15 City Council Meeting tabled

✓ 2

2015-0249**RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments:15-5044 CC EX A & EX B15-5044 CC reports**Legislative History**

6/2/15

City Council Meeting

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✓ 3

2015-0251**AMEND § 97.088 (B)(2)(b) and § 97.088 (d)**

AN ORDINANCE TO AMEND EXHIBIT A, DONOR RECOGNITION SIGNS, AND EXHIBIT B, NAMING PARK FACILITIES WHICH ARE ATTACHED AND A PART OF § 97.088 (B)(2)(b) and § 97.088 (d) OF THE FAYETTEVILLE CODE

Attachments:2015-0251 Chapter 97 Ordinance Amendment**Legislative History**

6/2/15

City Council Meeting

left on first reading

D. New Business:

✓ 1

2015-0271**AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY**

⊕ See note

Add a space

AN ORDINANCE TO AMEND 34.27 SALE OF MUNICIPALLY OWNED REAL PROPERTY TO AUTHORIZE THE USE OF A REALTOR FOR THE SALE OF THE TWO HOUSES AT GULLEY PARK

Attachments:2015-0271 Exemption Provision Request for 34.27

~~D. 2~~2015-0269**RZN 15-5053 (WEST OF 4195 W. PERSIMMON ST./MCBRIDE)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5053, FOR APPROXIMATELY 2.16 ACRES, LOCATED WEST OF 4195 W. PERSIMMON STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO R-O, RESIDENTIAL-OFFICE

Attachments:15-5053 CC Exhibits15-5053 CC Reports~~D. 3~~2015-0265**PLACE HOLDER: MAPLE STREET & LAFAYETTE STREET
BRIDGE REHAB**

A RESOLUTION TO AWARD A CONTRACT IN THE AMOUNT OF \$X,XXX,XXX.XX TO CONTRACTOR, INC. FOR THE CONSTRUCTION OF THE MAPLE STREET & LAFAYETTE STREET BRIDGE REHAB, APPROVE A PROJECT CONTINGENCY OF \$XXX,XXX.XX (5%), AND APPROVE A BUDGET ADJUSTMENT.

Attachments:Historic Bridges Construction Contract.pdf~~D. 4~~2015-0274**UNIFORM CIVIL RIGHTS PROTECTION**

AN ORDINANCE TO ENSURE UNIFORM NONDISCRIMINATION PROTECTIONS WITHIN THE CITY OF FAYETTEVILLE FOR GROUPS ALREADY PROTECTED TO VARYING DEGREES THROUGHOUT STATE LAW

Attachments:Agenda Packet Ordinance Uniform Nondiscrimination Protections**E. City Council Agenda Session Presentations:**~~E. 1~~2015-0212

AGENDA SESSION PRESENTATION - SOLID WASTE REDUCTION, DIVERSION AND RECYCLING MASTER PLAN UPDATE BY MITCH KESSLER

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

H. Adjournment**NOTICE TO MEMBERS OF THE AUDIENCE**

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Pre Agenda Meeting 6-3-15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, June 9, 2015

4:30 PM

City Hall Room 326

City Council Meeting

*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*

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

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

2015-0158

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APPROVAL OF THE JUNE 2, 2015 CITY COUNCIL MEETING MINUTES.

A✓2 2015-0264

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A✓4

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B. 1✓

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Attachments:2015-0250Legislative History

6/2/15

City Council Meeting

tabled

C. Unfinished Business:

C✓1

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Attachments:15-5044 CC EX A & EX B15-5044 CC reportsLegislative History

6/2/15

City Council Meeting

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D. New Business:

D.1

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D.3

2015-0265**PLACE HOLDER:**

A resolution to award a contract in the amount of \$X,XXX,XXX.XX to CONTRACTOR, Inc. for the construction of the Maple St. & Lafayette St. Bridge Rehab, approve a project contingency of \$xxx,xxx.xx (5%), and approve a Budget Adjustment.

Attachments: Historic Bridges Const Contract.pdf

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Attachments:Ex A15-5035 Full PacketAdditional 2006 Development Staff Report Crystal SpringsLegislative History

5/19/15

City Council Meeting

tabled

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E. 1

2015-0212

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June 16, 2015

City Council Meeting

Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, and Alan Long

The Mayor recommends the following candidates for appointment:

HISTORIC DISTRICT COMMISSION

Jerry Hogan – One term ending 06/30/18

Christine Myres – One term ending 06/30/18

Will Watson – One term ending 06/30/18

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Alyson Low - One Citizen at Large term ending 06/30/18

Nicole Ferguson - One Citizen at Large term ending 06/30/18

AUDIT COMMITTEE

Scott Pacheco – One unexpired term ending 12/31/16

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Allison Quinlan – One unexpired term ending 03/31/20

Joe Terminella – One unexpired term ending 03/31/20

ENVIRONMENTAL ACTION COMMITTEE

Josh Crittenden – One Citizen at Large term ending 06/30/18

FAYETTEVILLE ARTS COUNCIL

Nathan Morton - One Working Artist term ending 06/30/18

Donna Smith - One Arts and Cultural/Citizen at Large term ending 06/30/18

Sean Morrissey - One Arts and Cultural/Citizen at Large term ending 06/30/18

TELECOMMUNICATIONS BOARD

Khandice Baldwin - One unexpired term ending 06/30/17

Aubrey Shepard – One term ending 06/30/19

Allie Taylor – One term ending 06/30/19

TOWN AND GOWN ADVISORY COMMITTEE

Alex Femister - One University of Arkansas Student term ending 09/30/17

WALTON ARTS CENTER COUNCIL, INC.

Bill Waite – One term ending 06/30/18