

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
August 4, 2015**

A meeting of the Fayetteville City Council was held on August 4, 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

Agenda Additions

A. Consent

1. Approval of the July 21, 2015 City Council meeting minutes.

APPROVED

2. **Bid No. 15-27 Austin King, Inc. d/b/a King Electrical Contractors:** A resolution to award Bid No. 15-27 and authorize a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. in the amount of \$82,700.00 for the purchase and installation of electrical busways at the Noland Wastewater Treatment Plant, and to approve a project contingency in the amount of \$8,270.00

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 127-15

3. **Bid No. 15-41 Bulk Crushed Rock Salt:** A resolution to award Bid No. 15-41 and authorize the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier for materials delivered, and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up, for varying unit prices as needed through the 2015-2016 winter season.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 128-15

4. **Riggs Cat Of Springdale:** A resolution to authorize the purchase of three (3) 2015 Caterpillar 420F2 backhoes from Riggs Cat of Springdale, Arkansas in the total amount of \$286,007.58 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by Transportation Services, Parks and Recreation, and Water and Sewer Operations.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 129-15

5. **Williams Tractor of Fayetteville:** A resolution to authorize the purchase of two (2) 2015 Bobcat E45 T4 Excavators from Williams Tractor of Fayetteville, Arkansas in the total amount of \$118,800.00 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 130-15

6. **Ranger's Pantry and Community Development Block Grant Program Income:** A resolution to approve a budget adjustment in the total amount of \$20,910.00 representing donations to Ranger's Pantry and Community Development Block Grant Program Income received from housing lien payoffs and the sale of public facilities equipment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 131-15

7. **Arkansas Department of Parks and Tourism's Outdoor Recreation Grant:** A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 132-15

8. **Paymentus Agreement:** A resolution to approve a two (2) year Master Services Agreement with Paymentus Corporation to upgrade the City's electronic utility bill payment services for an initial setup fee of \$15,000.00 and an estimated cost of \$35,000.00 per year.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 133-15

9. **Habberton Road Water Main Construction:** A resolution to express the City Council's agreement that the City should facilitate the construction and financing of a water main along Habberton Road by accepting debt service payments as part of the customers' water bills and remitting those payments to the financing entity.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 134-15

10. **2016 Employee Benefits Package:** A resolution to approve the 2016 employee benefits package.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 135-15

B. Unfinished Business

1. **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. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.*

THIS ORDINANCE WAS TABLED TO THE AUGUST 18, 2015 CITY COUNCIL MEETING

2. **Arkansas Legacy LLC Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 15-5066, for approximately 3.98 acres, located at 1338 and 1326 W. Cleveland Street from RMF-24, Residential Multi-Family, 24 units per acre and RSF-4, Residential Single-Family, 4 units per acre to DG, Downtown General subject to a Bill of Assurance. *At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING

3. **City Council's Intention to Purchase the Fayetteville Chamber of Commerce Building:** A resolution to express the City Council's intention to investigate a possible purchase of the Fayetteville Chamber of Commerce building on Mountain Street. ***At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.***

THIS RESOLUTION FAILED

C. New Business

1. **Kessler Consulting Amendment No. 1:** A resolution to approve Amendment No. 1 to the contract with Kessler Consulting, Inc. in the amount of \$39,980.00 for assistance with the design and implementation of a commercial food waste pilot program and a single stream recycling pilot program, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 136-15

2. **Uniform Nondiscrimination Protections Special Election:** A resolution to approve a budget adjustment in the amount of \$40,000.00 to provide funding for payment of costs related to the Uniform Nondiscrimination Protections Special Election.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 137-15

3. **RZN 15-5103 (1837 W. Mitchell St./Dunn):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5103, for approximately 0.23 Acres, located at 1837 W. Mitchell St. from RMF-24, Residential Multi Family, 24 Units per Acre, to RSF-8, Residential Single Family, 8 Units per Acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5788

4. **ADM 15-5093 (UDC Chapters 161, 164 And 172 - Single Family and Two Family Infill):** An ordinance amending Title XV Unified Development Code of the City of Fayetteville to amend Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small lot single family and two family infill in multi-family zoning districts and to include minimum design standards for this type of development.

THIS ORDINANCE WAS TABLED TO THE OCTOBER 16, 2015 CITY COUNCIL MEETING

5. **Repeal Chapter 171 Streets And Sidewalks:** An ordinance to repeal Chapter 171 **Street and Sidewalks** and enact a replacement Chapter 171, **Streets and Sidewalks** of the Unified Development Code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5789

Announcements

City Council Agenda Session Presentations

1. Agenda Session Presentation - Willow Bend Project Update, John Anderson

City Council Tour: Monday, August 3, 2015 Chamber Building and Police Department

Adjournment: 8:57 p.m.

City Council Meeting:

August 4, 2015

Adjourn: 8:57 p.m.

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

7-0

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
<i>passed</i> <i>Minutes</i> <i>Approved</i> <i>127-15</i> <i>thru</i> <i>135-15</i>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	<i>Absent</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

6-0

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

Subject:	RZN 15-5044 (4065 E. Huntsville Rd./the Plaza)				
Motion To:		<i>Tabled to August 18, 2015</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>La Tour</i>			
B. 1 Unfinished Business <i>Tabled to August 18, 2015</i>	Marsh	<i>✓</i>			
	Kinion	<i>✓</i>			
	Petty	<i>✓</i>			
	Tennant	<i>absent</i>			
	Schoppmeyer	<i>absent</i>			
	La Tour	<i>✓</i>			
	Long	<i>✓</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

6-0

Subject:	Arkansas Legacy LLC Appeal				
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>		
Motion By:		<i>Long</i>	<i>Long</i>		
Seconded:		<i>Petty</i>	<i>Kinion</i>		
B. 2 Unfinished Business <i>Left on the Second Reading</i>	Marsh	<i>✓</i>	<i>N</i>		
	Kinion	<i>✓</i>	<i>✓</i>		
	Petty	<i>✓</i>	<i>N</i>		
	Tennant	<i>absent</i>	<i>absent</i>		
	Schoppmeyer	<i>absent</i>	<i>absent</i>		
	La Tour	<i>✓</i>	<i>N</i>		
	Long	<i>✓</i>	<i>✓</i>		
	Gray	<i>✓</i>	<i>N</i>		
	Mayor Jordan				

6-0

2-4
Failed

Subject:	City Council's Intention to Purchase the Fayetteville Chamber of Commerce Building				
Motion To:		<i>Approve</i>			
Motion By:		<i>Gray</i>			
Seconded:		<i>Kinion</i>			
B. 3 Unfinished Business <i>Failed</i>	Marsh	<i>N</i>			
	Kinion	<i>✓</i>			
	Petty	<i>N</i>			
	Tennant	<i>Absent</i>			
	Schoppmeyer	<i>Absent</i>			
	La Tour	<i>N</i>			
	Long	<i>N</i>			
	Gray	<i>✓</i>			
	Mayor Jordan				

2-4
Failed

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

Subject:		Kessler Consulting Amendment No. 1			
Motion To:					
Motion By:			Approve		
Motion By:			Petty		
Seconded:			Marsh		
C. 1 New Business <u>passed</u>	Marsh		✓		
	Kinion		✓		
	Petty		✓		
	Tennant		absent		
	Schoppmeyer		absent		
	La Tour		N		
	Long		N		
	Gray		✓		
	Mayor Jordan		✓		

136-15

5-2

Subject:		Uniform Nondiscrimination Protections Special Election			
Motion To:					
Motion By:			Approve		
Motion By:			Petty		
Seconded:			Long		
C. 2 New Business <u>passed</u>	Marsh		✓		
	Kinion		✓		
	Petty		✓		
	Tennant		absent		
	Schoppmeyer		absent		
	La Tour		N		
	Long		✓		
	Gray		✓		
	Mayor Jordan				

137-15

5-1

Subject:		RZN 15-5103 (1837 W. Mitchell St./Dunn)			
Motion To:			2nd Read	3rd Read	PASS
Motion By:			Gray	Gray	
Seconded:			Long	Marsh	
C. 3 New Business <u>passed</u> 5788	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Schoppmeyer	absent	absent	absent	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Mayor Jordan				
		6-0	6-0	6-0	

Subject:		ADM 15-5093 (UDC Chapters 161, 164 And 172 - Single Family and Two Family Infill)			
Motion To:			Table to October 6, 2015		
Motion By:			Petty		
Seconded:			Long		
C. 4 New Business Dabled to October 6, 2015	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	absent			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				
		6-0			

Subject:		Repeal Chapter 171 Streets And Sidewalks			
Motion To:		<i>Amend to remove opening & illegibility</i>	<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:		<i>Long</i>	<i>Petty</i>	<i>Gray</i>	
Seconded:		<i>Petty</i>	<i>Long</i>	<i>Long</i>	
C. 5 New Business <i>passed</i> <i>5489</i>	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	<i>absent</i>	<i>absent</i>	<i>absent</i>	<i>absent</i>
	Schoppmeyer	<i>absent</i>	<i>absent</i>	<i>absent</i>	<i>absent</i>
	La Tour	<i>N</i>	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Mayor Jordan				
		<i>5-1</i>	<i>6-0</i>	<i>6-0</i>	<i>6-0</i>

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



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: August 5, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of August 4, 2015

1. A resolution to award bid no. 15-27 and authorize a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. in the amount of \$82,700.00 for the purchase and installation of electrical busways at the Noland Wastewater Treatment Plant, and to approve a project contingency in the amount of \$8,270.00.
2. A resolution to award bid no. 15-41 and authorize the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier for materials delivered, and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up, for varying unit prices as needed through the 2015-2016 winter season.
3. A resolution to authorize the purchase of three (3) 2015 Caterpillar 420F2 backhoes from Riggs Cat of Springdale, Arkansas in the total amount of \$286,007.58 pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement for use by Transportation Services, Parks and Recreation, and Water and Sewer Operations.
4. A resolution to authorize the purchase of two (2) 2015 Bobcat E45 T4 excavators from Williams Tractor of Fayetteville, Arkansas in the total amount of \$118,800.00 pursuant to a National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Transportation Services Department, and to approve a budget adjustment.
5. A resolution to approve a budget adjustment in the total amount of \$20,910.00 representing donations to Ranger's Pantry and Community Development Block Grant Program income received from housing lien payoffs and the sale of public facilities equipment.

6. A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park.
7. A resolution to approve a two (2) year Master Services Agreement with Paymentus Corporation to upgrade the City's electronic utility bill payment services for an initial setup fee of \$15,000.00 and an estimated cost of \$35,000.00 per year.
8. A resolution to express the City Council's agreement that the city should facilitate the construction and financing of a water main along Habberton Road by accepting debt service payments as part of the customers' water bills and remitting those payments to the financing entity.
9. A resolution to approve the 2016 Employee Benefits Package.
10. A resolution to approve amendment no. 1 to the contract with Kessler Consulting, Inc. in the amount of \$39,980.00 for assistance with the design and implementation of a Commercial Food Waste Pilot Program and a Single Stream Recycling Pilot Program, and to approve a budget adjustment.
11. A resolution to approve a budget adjustment in the amount of \$40,000.00 to provide funding for payment of costs related to the uniform nondiscrimination protections special election.
12. An ordinance to repeal Chapter 171 Street and Sidewalks and enact a replacement Chapter 171, Streets and Sidewalks of the Unified Development Code. (Engineering needs to provide the City Clerk with the very slightly amended Exhibit A.)

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, August 4, 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:****Agenda Additions:****A. Consent:****A. 1** [2014-0508](#)

APPROVAL OF THE JULY 21, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0315](#)

BID NO. 15-27 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS

A RESOLUTION TO AWARD BID NO. 15-27 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$82,700.00 FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL BUSWAYS AT THE NOLAND WASTEWATER TREATMENT PLANT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,270.00

Attachments:

[080415 Austin King DBA King Electric-Electrical Busway Replacement](#)

A. 3 [2015-0313](#)

BID NO. 15-41 BULK CRUSHED ROCK SALT

A RESOLUTION TO AWARD BID NO. 15-41 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM CENTRAL SALT, LLC AS PRIMARY SUPPLIER AND OAKLEY FERTILIZER, INC. AS SECONDARY SUPPLIER FOR MATERIALS DELIVERED, AND OAKLEY FERTILIZER, INC. AS PRIMARY SUPPLIER AND CENTRAL SALT, LLC AS SECONDARY SUPPLIER FOR MATERIALS PICKED UP, FOR VARYING UNIT PRICES AS NEEDED THROUGH THE 2015-2016 WINTER SEASON

Attachments:

[SRP - 2015-0313 Bulk Crushed Rock Salt - Bid 15-41](#)

A. 4 [2015-0321](#)**RIGGS CAT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) 2015 CATERPILLAR 420F2 BACKHOES FROM RIGGS CAT OF SPRINGDALE, ARKANSAS IN THE TOTAL AMOUNT OF \$286,007.58 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES, PARKS AND RECREATION, AND WATER AND SEWER OPERATIONS

Attachments: [SRP 7-15-15 PK WS TR Backhoes 655-680-688](#)

A. 5 [2015-0322](#)**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 BOBCAT E45 T4 EXCAVATORS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$118,800.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SRP 7-15-15 TRAN Excavators 816-819](#)
 [BA move funds from 02083 to 02077 for 830](#)

A. 6 [2015-0331](#)**RANGER'S PANTRY AND COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM INCOME**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$20,910.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS AND THE SALE OF PUBLIC FACILITIES EQUIPMENT

Attachments: [SRF-SRM- PI Donation Recognition](#)
 [BA-PI Donation Recognition](#)

A. 7 [2015-0325](#)**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S
OUTDOOR RECREATION GRANT**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

Attachments:[Legistar Packet - Rec Grant 2015-0325](#)**A. 8** [2015-0338](#)**PAYMENTUS AGREEMENT**

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF \$15,000.00 AND AN ESTIMATED COST OF \$35,000.00 PER YEAR

Attachments:[Agenda Packet - Paymentus Corporation](#)**A. 9** [2015-0327](#)**HABBERTON ROAD WATER MAIN CONSTRUCTION**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

Attachments:[Agenda Packet Habberton Road](#)**A. 10** [2015-0337](#)**2016 EMPLOYEE BENEFITS PACKAGE**

A RESOLUTION TO APPROVE THE 2016 EMPLOYEE BENEFITS PACKAGE

Attachments:[Benefits Renewal Council Packet](#)**B. Unfinished Business:**

B. 1 [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. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.

B. 2 [2015-0316](#)**ARKANSAS LEGACY LLC APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments:[15-5066 EX A & B](#)[Exhibit #4 Revision 3 - 071715](#)[15-5066 Full Report](#)[B.2 Additional Arkansas Legacy](#)

At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.

B. 3 [2015-0324](#)**CITY COUNCIL'S INTENTION TO PURCHASE THE
FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments:

[Agenda Request Packet City Council intent to purchase Chamber Building](#)

At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.

C. New Business:**C. 1** [2015-0308](#)**KESSLER CONSULTING AMENDMENT NO. 1**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH KESSLER CONSULTING, INC. IN THE AMOUNT OF \$39,980.00 FOR ASSISTANCE WITH THE DESIGN AND IMPLEMENTATION OF A COMMERCIAL FOOD WASTE PILOT PROGRAM AND A SINGLE STREAM RECYCLING PILOT PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP - Kessler Pilots Waste Diversion Plan](#)

[BA 2015-0308 Kessler Contract Amendment](#)

C. 2 [2015-0319](#)**UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL
ELECTION**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$40,000.00 TO PROVIDE FUNDING FOR PAYMENT OF COSTS RELATED TO THE UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

Attachments:

[Uniform Nondiscrimination Protections Special Election Packet](#)

[BA 2015 Special Election Uniform Discrimination](#)

C. 3 [2015-0329](#)**RZN 15-5103 (1837 W. MITCHELL ST./DUNN)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5103, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1837 W. MITCHELL ST. FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments:[15-5103 CC EXHIBITS](#)[15-5103 STAFF REPORT](#)**C. 4** [2015-0330](#)**ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)**

AN ORDINANCE AMENDING TITLE XV UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL LOT SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

Attachments:[15-5093 CC EX A](#)[15-5093 CC EX B](#)[15-5093 CC reports](#)**C. 5** [2015-0326](#)**REPEAL CHAPTER 171 STREETS AND SIDEWALKS**

AN ORDINANCE TO REPEAL CHAPTER 171 STREET AND SIDEWALKS AND ENACT A REPLACEMENT CHAPTER 171, STREETS AND SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE

Attachments:[Legistar Item 2015--0326](#)**D. City Council Agenda Session Presentations:****D. 1** [2015-0196](#)

AGENDA SESSION PRESENTATION - WILLOW BEND PROJECT UPDATE, JOHN ANDERSON

E. City Council Tour: Monday, August 3, 2015 Chamber Building and Police Department

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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

Arkansas Legacy
Zoning Options

Offered
7/27/15
Brian at
5:58 pm

In a continuing effort to respond to expressed concerns regarding our proposed zoning change, we are continuing to consider a variety of zoning options.

Alternatives being considered to that would remove the Downtown General zoning request (and the potential precedence it would set) include;

1. Using RMF zoning designations to create less dense development along the west boundary (near Sunset Drive) and more dense development along the east boundary (near Theta Tau). Perhaps RMF-12 along the west side, RMF-18 in the center, and retaining the existing RMF-24 on the eastern side of the property.
2. Using the Community Services zoning category for the area west of the existing RMF-24.
3. Using a Planned Zoning District (PZD) with an identified target density of 60 units for the entire parcel and a 10% tree retention standard.

And the last alternative;

4. Continuing with the original proposal for Downtown General with the attached Bill of Assurance.

To address questions regarding parking, the following standards are established in City code. Parking requirements will be addressed during the 'Large Scale Development' process.

Number of Bedrooms	Bike rack credit	Bus stop credit	Moped credit	Required Parking in draft plan	Parking spaces	Difference
132	-10%	-10%	-10%	91	113	+22

Please remember that this potential development is very expensive (up to \$1.4 million for streets and other infrastructure). A certain density is needed to make the development economically feasible.



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: Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

DATE: July 29, 2015

RE: Legacy Rezoning Appeal Considerations

I have provided a discussion of **Zoning Considerations** to every member of the City Council both during your orientation for new City Council members and when a controversial or highly contested rezoning request is before the City Council for decision. Because the City Council is now facing two controversial rezoning requests: one on Highway 16 East and one on Cleveland; I thought I should provide you another copy. I request that you refer to any appropriate such consideration during your discussion to help explain your vote.

I do want to mention that the applicant for the Legacy proposed rezoning has emphasized something that I had never heard as a justification for a rezoning during my twenty years sitting as a City Council member and later as City Attorney. The applicant initially rejected presenting a PZD because of its 25% tree preservation requirement and thus requested Downtown General for its 10% tree preservation requirement. In the applicant's handout to the Ward 4 meeting of July 27, 2015, the applicant offered to use a Planned Zoning District with "a 10% tree retention standard."

Their about four acre parcel is mainly zoned RSF-4, Residential Single Family, 4 units per acre which carries a 25% tree preservation minimum. The remaining about .75 acre area is zoned RMF-24 which carries a 20% tree preservation minimum. The percent of required tree preservation for the entire parcel is about 24% as the lot is now zoned. Thus, an important reason cited by the rezoning applicant is to reduce the current tree preservation requirement of 24% to the 10% level allowed by Downtown General. This reduction in preserved trees would enable the developer to place more housing units onto this four acre parcel to generate more profit and avoid having to plant mitigation trees, preserve trees on other owned property or city parks or pay into the tree escrow fund to plant trees nearby.

I guess the applicant could claim he should be allowed to preserve fewer than 42% of the trees that his current zoning now requires in order to put his property to its "highest and best use" from a monetary viewpoint. As I have stated many times to you in my Zoning Consideration memos "The benefit to the owner of a proposed rezoning may certainly be considered, '(h)owever, we have held that **rezoning is not justified solely on the ground that it is necessary to put a particular tract to its most remunerative use.**' *Tanner v. City of Green Forest*, 302 Ark. 170, 788 S.W. 2d 727, 729 (1990). (emphasis added)." Alderman Orientation memo of December 29, 2014.

Never have I heard before from a rezoning applicant that his desire to not preserve, but to remove more trees from his property justifies a rezoning. It may be ancient history to many of our current City Council members, but a controversial decision to help a developer avoid some of the tree ordinance's tree preservation requirements was one of the most important and decisive issues in the 2000 Fayetteville Mayor's race and maybe in a City Council Member's race. This issue even motivated acts of civil disobedience to try to save trees that the soon to be defeated mayor with some City Council support allowed to be removed. The City was even sued and paid hundreds of thousands of dollars to preserve trees in another part of town as part of a settlement agreement. It is surprising to me to see this same type of issue once again being asserted by a developer.

CONCLUSION

When summarizing state law and Arkansas Supreme Court decisions, I have advised the City Council for over a dozen years that probably "the most important factor and underlying reason to have zoning in the first place is to promote COMPATIBILITY among neighboring parcels." I have also provided this summary of legally sanctioned rezoning considerations.

"SUMMARY OF CONSIDERATIONS FOR A REZONING REQUEST

Factors that may be legally considered in rezoning issues:

1. Compatibility with adjacent zones (avoiding spot zoning)
2. Public opposition that is logical and reasonable
3. Traffic (safety and congestion)
4. Safety and Fire protection
5. Good civic design and efficiency
6. Adequacy of public facilities (sewage, water, streets)
7. Noise
8. Litter
9. Decrease in value of adjoining land
10. Appropriate and best use of land
11. City's need or lack of need for more land to be zoned as requested
12. 2030 Plan objectives"

Arkansas Legacy
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7/27/15
Brian at
5:58 pm

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*Handed out at the City
Council Meeting 8/4/15*

CityClerk

From: brian@communitybydesignllc.com
Sent: Tuesday, August 04, 2015 1:56 PM
To: CityClerk
Subject: Arkansas Legacy Rezone

The applicant requests to table tonight's City Council Agenda Item regarding the Arkansas Legacy Rezone to the August 18th City Council meeting.

Thank you. Please let me know if you have questions or need further info.

Brian Teague
Community By Design
479-790-6775

C.1 Handed out at the 8-11-15 City Council Meeting.

About Single Stream Collection

<http://wapo.st/1I6OI9X> Washington Post

Wall Street Journal article April 2015, "Big Cracks in Glass Recycling"

National Public Radio did a story on single stream earlier this year. Susan Collins from the Container Recycling Institute was interviewed. Once an advocate for single stream, she now has evidence against it.

National Recycling Coalition, February webinar, "Paper and Plastic Update" Webinars [here](#).

Resource Recycling magazine, June 6th, Waste Management CEO says about single stream, "We screwed up."

Proponents say single stream increases volume and participation. Participation in what? Isn't the goal to reduce consumption and save natural resources.

Single stream proponents also talk about worker safety. Wouldn't you rather be standing 4 feet above one of Fvile's recycling bins so you could see that dirty diaper, instead of being a worker on sort line with that dirty diaper TWO feet in front of your face, as it passes by on the assembly line.

Single stream proponents will tell you technology/the machines are improved and can take out the contaminants. Listen to NRC Feb webinar. Envision Plastic rep tells of rejecting seven large loads from a large single stream MRF because the machines do not catch things as well as the human eye.

Try to visit a facility unannounced... Couple years back group of us (from Fayetteville), were at a national conference in Dallas. We went to see a single stream MRF. Bus driver got lost for TWO hours. Hmm. About ten minutes after we finally entered the MRF, a garbage colleague nudged me and pointed to an 18 wheeler pulling away from the facility. He asked if I knew what was in it. I said no. He said garbage. He said as we pulled up he saw them finish loading it and close it up. Go visit unannounced.

Thanks for reading
Louise Mann

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Leding

HR 1043

HOUSE RESOLUTION

SUPPORTING TRANSPARENCY AND ACCOUNTABILITY REGARDING
MATERIALS COLLECTED FOR RECYCLING.

Subtitle

SUPPORTING TRANSPARENCY AND
ACCOUNTABILITY REGARDING MATERIALS
COLLECTED FOR RECYCLING.

WHEREAS, municipal recycling programs designate various types of materials to be separated from the waste stream with the intent that these materials will be recycled by being reprocessed and returned to the marketplace; and

WHEREAS, a public trust exists when Arkansas citizens participate in municipal recycling programs and these citizens rightfully expect that the materials collected will in fact be recycled; and

WHEREAS, a portion of the materials collected for recycling by municipal recycling programs are not being recycled, either because collected materials are contaminated or there is no economically viable market for the materials; and

WHEREAS, citizens of the Natural State deserve transparency and accountability regarding the total volume of materials collected for recycling by a municipal recycling program and the percentage of that volume which is actually recycled and the percentage that is not recycled,



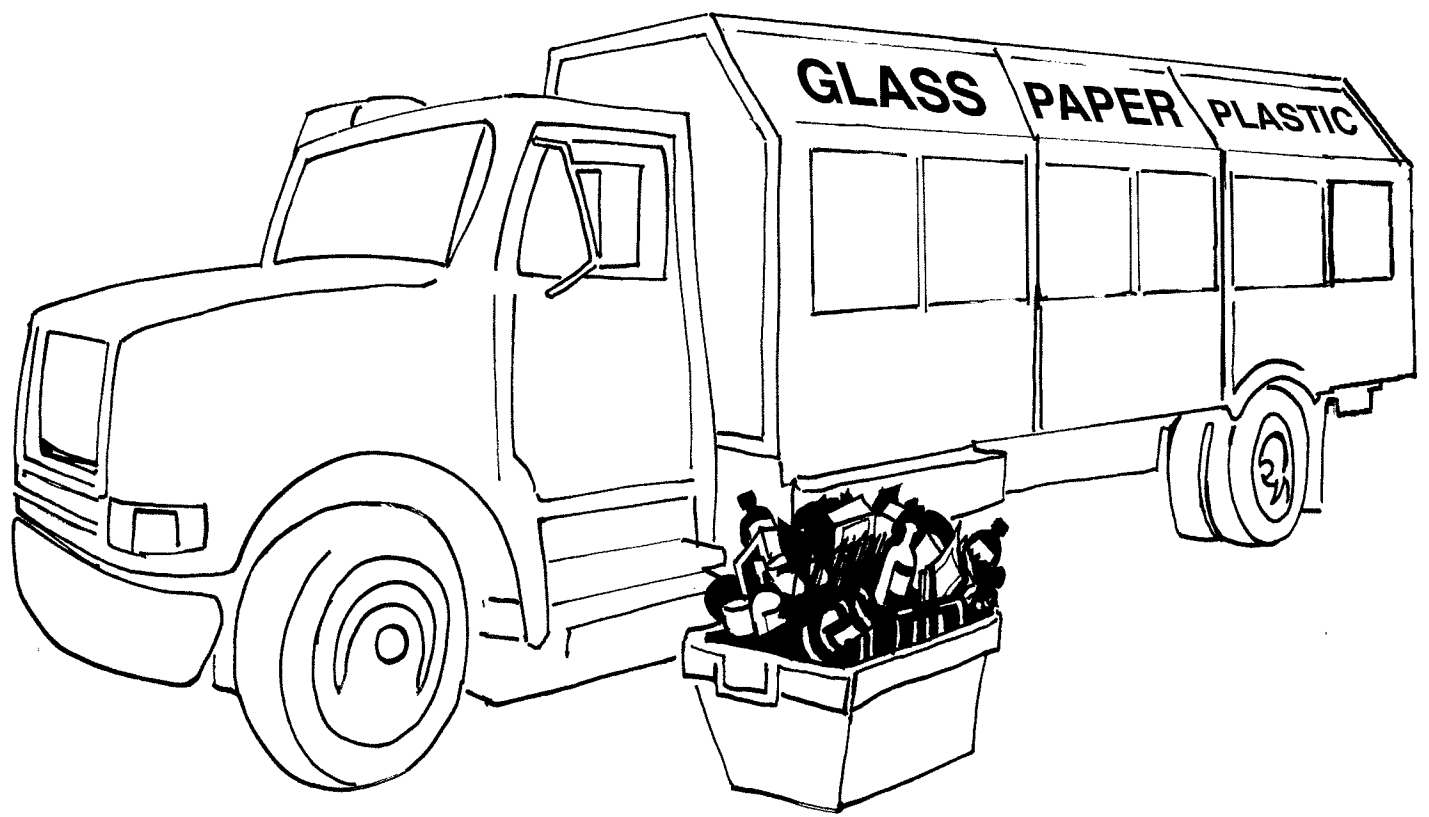
03-09-2013 21:12:48 MGF373

1 NOW THEREFORE,
2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
3 ASSEMBLY OF THE STATE OF ARKANSAS:

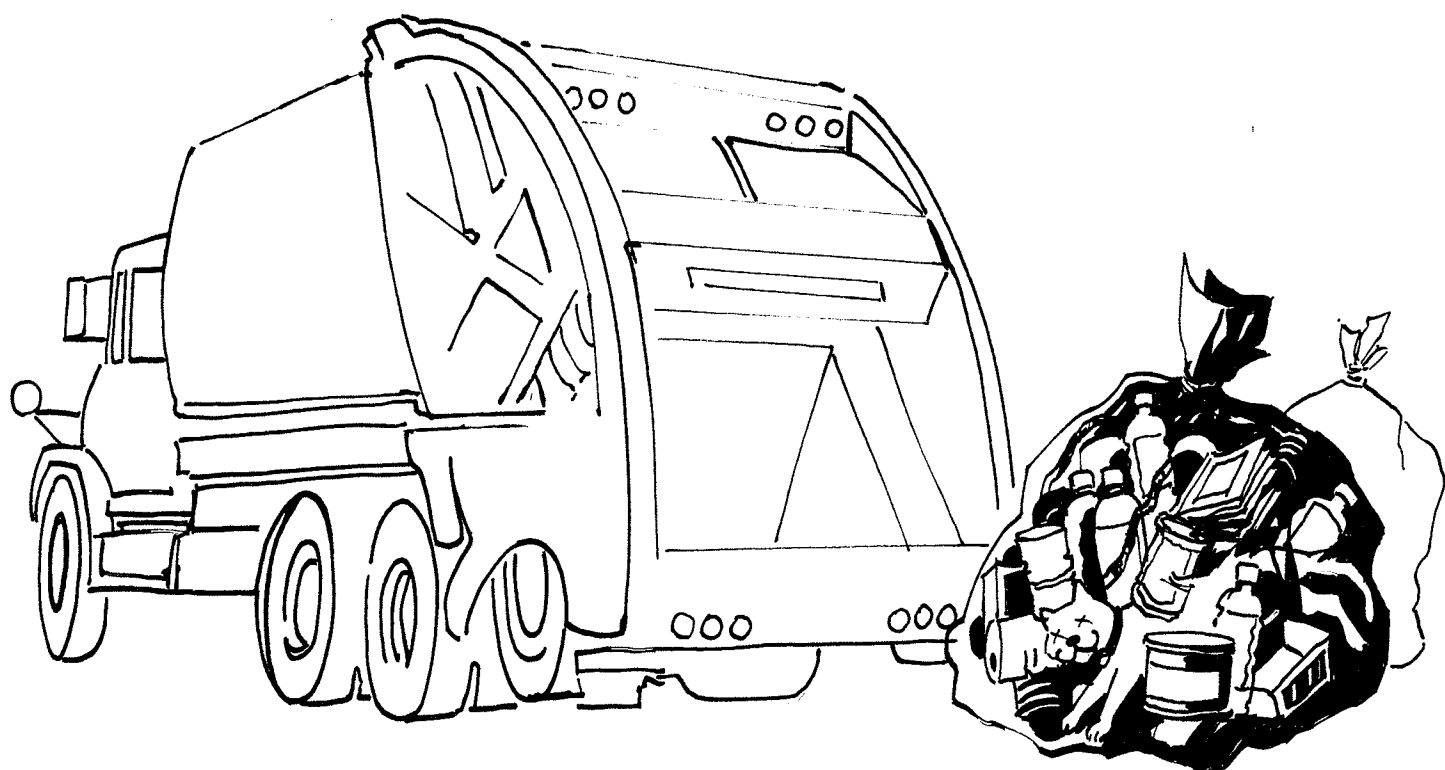
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5 That the General Assembly commends municipal recycling programs that
6 honor the public trust by providing documentation of the volume and
7 percentage of material that is actually recycled from the municipal program
8 as well as the volume and percentage of material which is not recycled; and

9
10 BE IT FURTHER RESOLVED THAT the General Assembly encourages all municipal
11 recycling programs to include transparency and accountability clauses in any
12 solid waste collection agreements in order to assure citizens that materials
13 collected for recycling are, in fact, being re-processed and returned to the
14 marketplace.

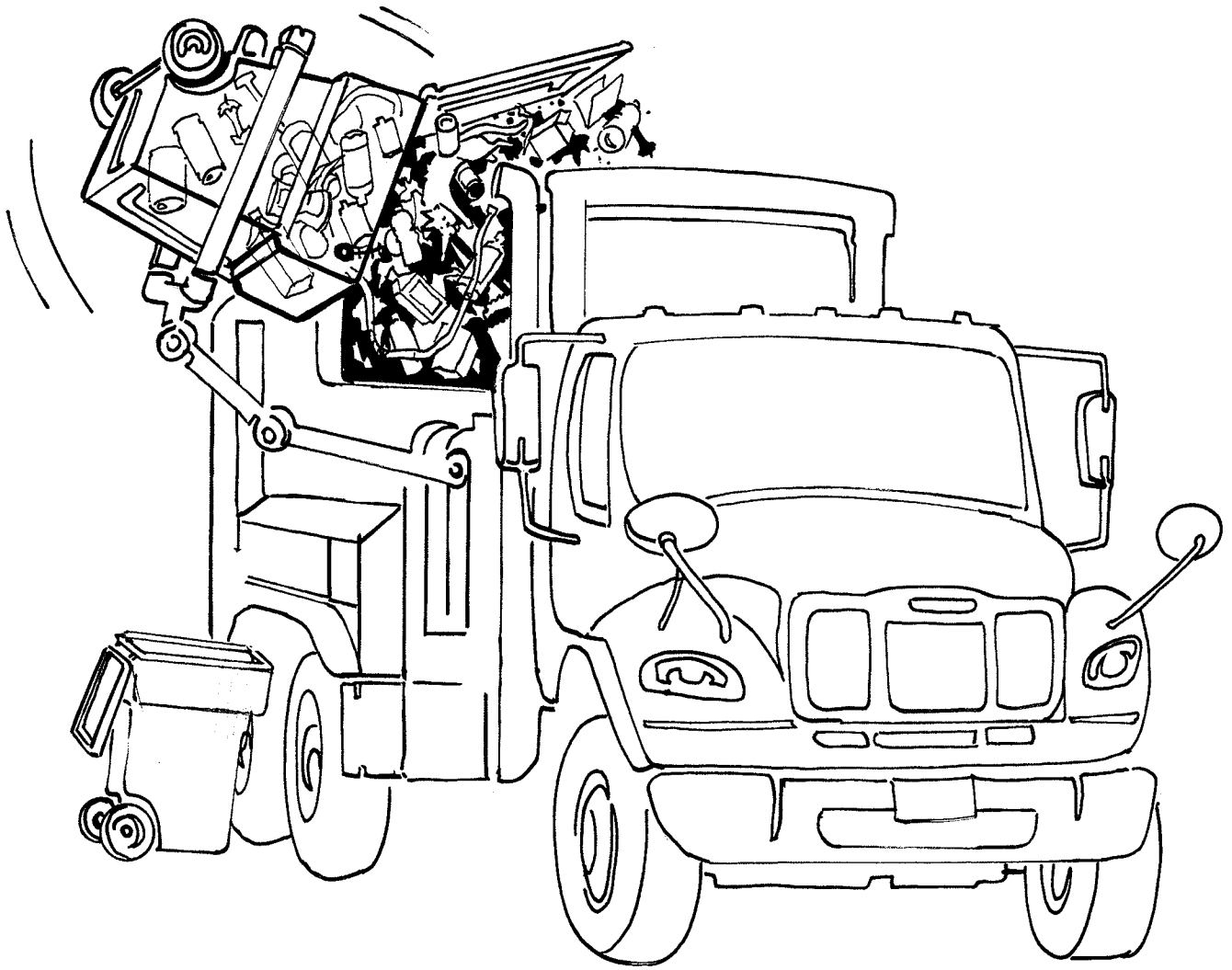
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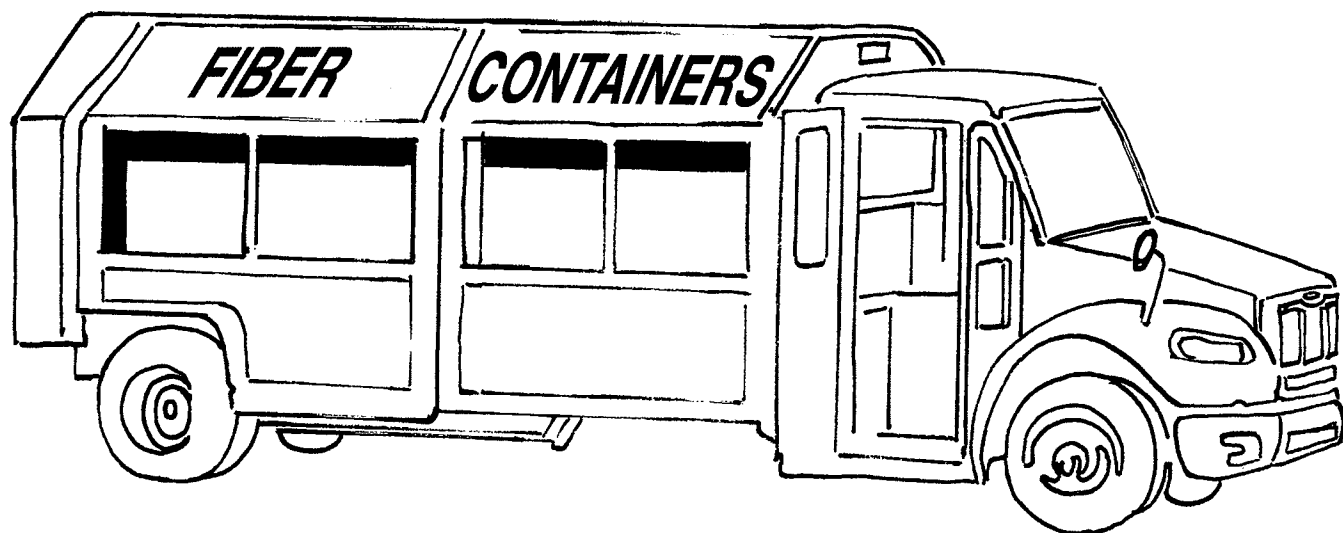
Fayetteville's Current Curbsort System 2015



Fayetteville's Blue
Bag (Single Stream)
System 1990's
Included glass



Current Single
Stream being used
in NWAR
Includes glass



Dual Stream
Minus the glass

Smart Plastics Guide

NATIONAL GEOGRAPHIC'S STRANGEDAYS ON PLANET EARTH

Plastic products are typically labeled with a number surrounded by the recycling symbol. These numbers and labels identify both the type of resin used to make the plastic and the products' recyclability. Associated with the different types of resin are potential health risks. The following table summarizes seven different types of commonly used plastics, product examples, recyclability, and potential health risks.

USED FOR	RECYCLABILITY	HEALTH	NOTES
PLASTIC #1 - POLYETHYLENE TEREPHTHALATE (PET)			
 • soft drink, water, and other beverage bottles • detergent and cleaning containers • peanut butter and other food containers and bottles	PET is recycled into: new bottles, polyester for fabrics and carpet, fill for bumper cars and fiberfill for sleeping bags and jackets.	No known health issues.	PET is one of the most easily recycled plastic.
PLASTIC #2 - HIGH DENSITY POLYETHYLENE (HDPE)			
 • milk and water jugs • laundry detergents, shampoo, and motor oil containers • shampoo bottles • some plastic bags	Clear HDPE containers are easily recycled back into new containers. Colored HDPE are converted into plastic lumber, lawn and garden edging, pipes, rope, and toys.	No known health issues.	HDPE is easily recycled.
PLASTIC #3 - POLYVINYL CHLORIDE (PVC OR V)			
 • clear food packaging, cling wrap • detergents and window cleaner bottles • some plastic squeeze bottles, cooking oil and peanut butter jars • vinyl pipes • shower curtains • flooring, home siding, and window and door frames	PVC is one of the least recyclable plastic due to additives. Potentially harmful substances are also created by its disposal.	Many harmful chemicals are produced in the manufacturing, disposal, or destruction of PVC including: • Lead • DEHA (di(2ethylhexyl)adipate) • Dioxins • Ethylene dichloride • Vinyl chloride Effects of exposure to these chemicals may include: decreased birth weight, learning and behavioral problems in children, suppressed immune function and disruption of hormones in the body, cancer and birth defects, genetic changes.	Harmful chemicals created as a byproduct of PVC can also settle on grassland, where they can be consumed by livestock, and accumulate in meat and dairy products that are directly ingested by us.
PLASTIC #4 - LOW DENSITY POLYETHYLENE (LDPE)			
 • bread, frozen food, and grocery bags • most plastic wraps • some bottles	LDPE is not usually recycled.	No known health issues.	While no known health effects associated with the use of this plastic are known, organic pollutants are formed during manufacturing.

Just because the recycling number on a plastic object indicates that it is potentially recyclable doesn't necessarily mean that it is. Normally, only #1 and #2 plastic bottles with narrow necks are recycled. Check to see what plastics your local waste management organization recycles. The Earth911 Web site is a good place to start your search: www.earth911.org

Smart Plastics Guide

NATIONAL GEOGRAPHIC'S STRANGEDAYS ON PLANET EARTH

PLASTIC #5 - POLYPROPYLENE (PP)



- deli soups, syrup, yogurt and margarine containers
- disposable diapers
- outdoor carpet
- house wrap
- clouded plastic containers, e.g. baby bottles, straws

PP is not easily recycled. Differences in the varieties of type and grade, mean achieving consistent quality during recycling is difficult.

No known health issues.

PLASTIC #6 - POLYSTYRENE (PS)



- Rigid Polystyrene**
- CD cases
 - disposable cutlery
- Formed Polystyrene (Styrofoam)**
- food containers
 - packaging
 - insulation
 - egg cartons
 - building insulation

Recycling PS is possible, but not normally economically viable.

Styrene can leach from polystyrene. Over the long term, this can act as a neurotoxin. Studies on animals report harmful effects of styrene on red-blood cells, the liver, kidney, and stomach organs¹.

¹ US Environmental Protection Agency (1992) "Styrene". Air Toxics Website. Retrieved on 31/1/2008 from <http://www.epa.gov/ttn/atw/hlthef/styrene.html>

Styrene can be absorbed by food, and once ingested can be stored in body fat. It is thought that repeated exposure could lead to bioaccumulation².

² WHO International Programme On Chemical Safety. "Styrene". Environmental Health Criteria 26. Retrieved on 31/1/2008 <http://www.inchem.org/documents/ehc/ehc/ehc26.htm>

Try reusing styrofoam packing peanuts, and polystyrene cutlery where practical.

PLASTIC #7 - MIXED (OTHER)



- lids
- medical storage containers
- electronics
- most plastic baby bottles
- 5-gallon water bottles
- "sport" water bottles
- metal food can liners
- clear plastic "sippy" cups
- some clear plastic cutlery

Mixed resin plastics like #7 are difficult, if not impossible, to recycle.

Health effects vary depending on the resin and plasticizers in this plastic that often includes polycarbonates. Polycarbonate plastic leaches bisphenol A (BPA) a known endocrine disruptor. By mimicking the action of the hormone, estrogen, bisphenol A has been found to: effect the development of young animals; play a role in certain types of cancer; create genetic damage and behavioral changes in a variety of species.

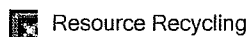
bisphenol A is widespread--one study found BPA in 95% of American adults sampled³.

³ Calafat, A.M., Kuklenyik, Z., Reidy, J.A., Caudill, S.P., Ekong, J. & Needham, L.L. (2005) "Urinary Concentrations of Bisphenol A and 4-Nonylphenol in a Human Reference Population" Environmental Health Perspectives 113: 391-395. Retrieved 31/1/2008 from <http://www.ehponline.org/members/2004/7534/7534.html>

The number of studies documenting the detrimental effects between BPA and health are increasing.

TIPS FOR USE OF PLASTIC CONTAINERS WITH FOOD

- **Avoid heating food in plastic containers.** Heat can release chemicals so avoid heating food in plastic containers. For the same reason, only drink cold liquids from plastic containers.
- **Wash plastic containers in mild detergents.** Harsh detergents help liberate chemical from plastics making the container much more likely to leach chemicals into food.
- **Avoid using plastic packaging where you can.** For example, bring reusable bags when grocery shopping, and your own "to-go" containers when dining out.
- **Select safe plastics for food storage.** Only use plastic containers with the recycling #1, #2, #4 and #5 for food storage. Consider switching to glass storage containers since plastic containers can leach chemicals into the environment and your food as they age and become used.



Published on *Resource Recycling* (<http://resource-recycling.com>)

[Home](#) > Printer-friendly

Hauler CEOs discuss 'broken' curbside recycling model

By *scott*

Created 06/09/2015 - 11:42

Hauler CEOs discuss 'broken' curbside recycling model

■ Tue, 06/09/2015 - 11:42 | *scott*

Hauler CEOs discuss 'broken' curbside recycling model

By Bobby Elliott, Resource Recycling

June 9, 2015

Leaders at four of the country's largest waste management companies told attendees of last week's Waste Expo conference America's curbside recycling system is in need of a dramatic overhaul.

While lending tentative optimism toward the waste industry as a whole, participants of the "Heavy Hitters" panel stressed curbside recycling is no longer the cash cow it used to be.

"It's the single-stream, high-volume residential stream that's completely broken," David Steiner, CEO of Waste Management, commented. "We all screwed it up."

The issue was a major focus of the hour-long session held at the Las Vegas Convention Center. The executives said low recycling fees and prevalent revenue-sharing with communities fails to account for today's increasing processing costs associated with single-stream programs and falling recycled commodity pricing.

"This is a crisis," Steiner said. "Never have we had prices as down as they are today."

Processing costs, meanwhile, are going up.

According to Ron Mittelstaedt, the CEO of Waste Connections, processing costs today average \$80 to \$100 per ton for his company despite the fact that households typically

only see a \$2 recycling fee per month. Disposal, meanwhile, costs Waste Connections between \$30 and \$40 per ton and residents pay about \$25 a month for the service.

All four leaders agreed collection and processing costs should be covered before sharing surplus revenues with communities.

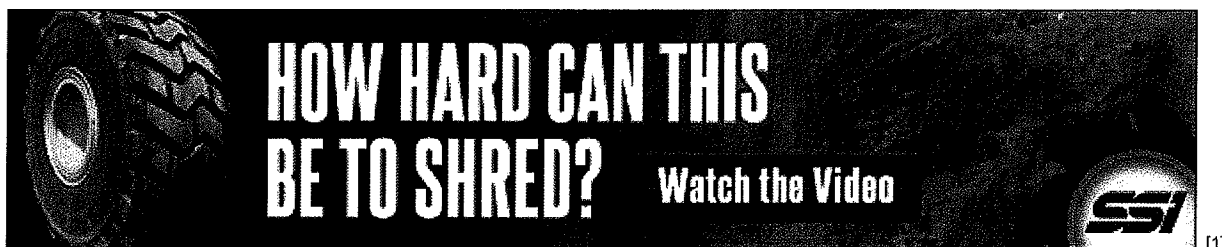
"If you're collecting, you've got to charge for collection," Joseph Quarin, CEO of Progressive Waste Solutions noted. "If you're processing, you've got to charge for processing."

"We're bearing too much risk in our balance sheet," Richard Burke, Advanced Disposal's CEO, added.

Annual financial filings for all four of the publicly traded companies show recycling revenues account for between 2 and 10 percent of overall revenues. Together, the companies represented at the Waste Expo panel generate nearly half of the \$65 billion annual revenues of the waste management industry, panel moderator Michael Hoffman, managing director of Stifel Financial, noted.

Despite the widespread support for the re-working of municipal contracts to make them more hauler-friendly, Waste Connections leader Mittelstaedt cautioned such changes might be difficult to implement.

"It's a little naive for us to think we can completely change the system," Mittelstaedt said.



2013 EPA CHARACTERIZATION REPORT
Advancing Sustainable Materials Management:
Facts and Figures 2013* Assessing Trends in Materials Generation,
Recycling, and Disposal in the United States

THURSDAY JUNE 18TH | 1:00PM EST | FREE WEBINAR

CHANGING HOW WE THINK ABOUT OUR RESOURCES FOR A BETTER TOMORROW

The Rethink logo, featuring a stylized recycling symbol (three arrows forming a triangle) to the left of the word "Rethink" in a bold, sans-serif font.

[2]

To return to the Resource Recycling newsletter, click [here](#) [3]

To sign up for the Resource Recycling newsletter, click [here](#) [4]

* Tags: [June](#) [5], [2015](#) [6], [Resource Recycling](#) [7]

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The Washington Post

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D.C. Politics

American recycling is stalling, and the big blue bin is one reason why

By Aaron C. Davis June 20, 2015

Tucked in the woods 30 miles north of Washington is a plant packed with energy-guzzling machines that can make even an environmentalist's heart sing — giant conveyor belts, sorters and crushers saving a thousand tons of paper, plastic and other recyclables from reaching landfills each day.

The 24-hour operation is a sign that after three decades of trying, a culture of curbside recycling has become ingrained in cities and counties across the country. Happy Valley, however, it is not.

Once a profitable business for cities and private employers alike, recycling in recent years has become a money-sucking enterprise. The District, Baltimore and many counties in between are contributing millions annually to prop up one of the nation's busiest facilities here in Elkridge, Md. — but it is still losing money. In fact, almost every facility like it in the country is running in the red. And Waste Management and other recyclers say that more than 2,000 municipalities are paying to dispose of their recyclables instead of the other way around.

In short, the business of American recycling has stalled. And industry leaders warn that the situation is worse than it appears.

"If people feel that recycling is important — and I think they do, increasingly — then we are talking about a nationwide crisis," said David Steiner, chief executive of Waste Management, the nation's largest recycler that owns the Elkridge plant and 50 others.

[Five ways Americans should — and shouldn't — recycle]

The Houston-based company's recycling division posted a loss of nearly \$16 million in the first quarter of the year. In recent months, it has shut nearly one in 10 of its biggest recycling facilities. An even larger percentage of its plants may go dark in the next 12 months, Steiner said.

The problems of recycling in America are both global and local. A storm of falling oil prices, a strong dollar and a weakened economy in China have sent prices for American recyclables plummeting worldwide.

Environmentalists and other die-hard conservation advocates question if the industry is overstating a cyclical slump.

"If you look at the long-term trends, there is no doubt that the markets for most recyclables have matured and that the economics of recycling, although it varies, has generally been moving in the right direction," said Eric A. Goldstein, a lawyer with the Natural Resources Defense Council who tracks solid waste and recycling in New York.

"And that's without factoring in the external impact of landfilling or anything else," he added. "There aren't a lot of people saying, 'Send more material to landfills.'"

Still, the numbers speak for themselves: a three-year trend of shrinking profits and rising costs for U.S. municipalities — and little evidence that they are a blip.

Trying to encourage conservation, progressive lawmakers and environmentalists have made matters worse. By pushing to increase recycling rates with bigger and bigger bins — while demanding almost no sorting by consumers — the recycling stream has become increasingly polluted and less valuable, imperiling the economics of the whole system.

"We kind of got everyone thinking that recycling was free," said Bill Moore, a leading industry consultant on paper recycling who is based in Atlanta. "It's never really been free, and in fact, it's getting more expensive."

The problem with blue bins

Many of the problems facing the industry can be traced to the curbside blue bin — and the old saying that if it sounds too good to be true, it just might be. Anyone who has ever tossed a can into a bin knows what's supposed to happen: Anything recyclable can go in, and then somehow, magically, it's all separated and reused.

The idea originated in California in the 1990s. Environmental advocates believed that the only way to increase participation in recycling programs was to make it easier. Sorting took time and was messy. No one liked it. So-called Material Recovery Facilities, or MRFs, were created to do what consumers wouldn't.

With conveyers, spinning flywheels, magnets and contraptions that look like giant Erector Sets, companies found that they could recycle almost everything at once. Lightweight newspaper and cardboard were sent tumbling upward, as if in a clothes dryer. Glass, plastic and metal fell into a series of belts and screens. Automation was adopted to sort, bale and send to manufacturers all those tons of paper, bottles and cans.

From the start, it was hard to argue that glass should have been allowed in the curbside mix. It's the heaviest of recyclables but has always been of marginal value as a commodity. In the rough-and-tumble sorting facilities, a large share of it breaks and contaminates valuable bales of paper, plastic and other materials.

Today, more than a third of all glass sent to recycling facilities ends up crushed. It is trucked to landfills as daily cover to bury the smell and trap gases. The rest has almost no value to recyclers and can often cost them to haul away.

In recent years, the problem of contamination has spread beyond glass. The problem was exacerbated when municipalities began increasing the size of bins, believing that bigger was better to keep more material from landfills.

Consumers have indeed been filling the bigger bins, but often with as much garbage as recyclable material.

With the extra room, residents stopped breaking down cardboard boxes. Because a full shipping box sometimes fits inside, even with foam and plastic wrap attached, all of it more frequently shows up at sorting facilities.

Residents have also begun experimenting, perhaps with good intentions, tossing into recycling bins almost anything rubber, metal or plastic: garden hoses, clothes hangers, shopping bags, shoes, Christmas lights.

That was exactly the case last year, when the District replaced residents' 32-gallon bins with ones that are 50 percent larger.

[D.C. said it was recycling — it wasn't.]

“Residue jumped a ton,” said Hallie Clemm, deputy administrator for the city’s solid waste management division. In fact, so much nonrecyclable material was being stuffed into the bins that after an audit by Waste Management last fall, the share of the city’s profit for selling recyclables plummeted by more than 50 percent.

That has driven up the city’s processing price for recyclables to almost \$63 a ton — 24 percent higher than if it trucked all of its recycling material, along with its trash, to a Virginia incinerator.

The D.C. Council recently approved a payment of \$1.2 million to Waste Management for the contract year that ended in May. In 2011, the city made a profit of \$389,000.

Little demand for newsprint

A large part of the problem for recyclers is falling global commodity prices — a phenomenon largely out of recyclers’ hands. But the negative impact of that trend is amplified by the contents of most recycling bins, because the composite of what Americans try to reuse has changed dramatically over the past decade.

Dwindling have been the once-profitable old newspapers, thick plastic bottles and aluminum cans that could be easily baled and reused.

With oil prices driving up transportation costs, manufacturers have engaged in a race to make packaging more lightweight. Coffee cans disappeared in favor of vacuum-packed aluminum bags; some tuna cans went the same way. Tin cans and plastic water bottles became thinner, too: The amount of plastic that once came from 22 bottles now requires 36.

There was an even more pronounced drop in newsprint. Long a lucrative recycling commodity, it’s not a key commodity market. In its place is something known as mixed residential paper: the junk mail, flattened cereal boxes and other paper items that these days can outweigh newspaper in a one-ton bale.

One bright spot has been an increase in cardboard. Analysts say that with more people buying items through online merchants, cardboard can account for up to 15 percent of cities’ recyclable loads — more than double that of a decade ago.

The demand for that paper and cardboard, however, remains at a near-decade low. In China, containerboard, a common packaging product from recycled American paper, is trading at just over \$400 a metric ton, down from

nearly \$1,000 in 2010. China also needs less recycled newsprint; the last paper mill in Shanghai closed this year.

[China doesn't even want to buy our garbage anymore]

With less demand, Chinese companies have become pickier about the quality.

Last week in Elkridge, an inspector from a Chinese company studied bales of paper being loaded into shipping containers bound for the port of Baltimore and, eventually, Asia.

If the inspector found more than five nonpaper items protruding from any one side of the bale, it was rejected, forcing workers to break down the material and send it all back through the processing facility.

The lightweight vacuum packs for food and paper-thin plastic bottles are increasingly part of the problem. They are so light that they get blown upward with the paper.

“We’ve seen economic downturns in the value of material in the past, but what’s different now is that the material mix has changed,” said Patty Moore, head of California-based Moore Recycling Associates, which specializes in plastic recycling. “The problem is, to get the same value out of your scrap, you have to shove a whole lot more material through the facility. That was fine when scrap values were high, but when they dropped, we realized it’s expensive to push all of this lightweight stuff through, and we’re in trouble.”

Brent Bell, Waste Management’s vice president for recycling, said the company has yet to see municipalities abandon recycling, and the company is maintaining its ability to recycle whatever cities send their way. But it is downsizing its operation and expecting little increase in recycling rates nationwide.

Last week, the Environmental Protection Agency announced a nationwide tally for recycling in 2013 that showed overall recycling had contracted for a second straight year, to 34.3 percent of the waste stream.

With those trends, Bell said the company is beginning tough discussions with cities about what it sees as a long-term economic reality: Cities must bear more of the financial impact of falling commodity prices. That’s the only way, Bell said, for recyclers like his company to invest in the business.

Steiner, Waste Management’s chief executive, went further. “We want to help our customers, but we are a for-profit business. We won’t stay in the industry if we can’t make a profit,” he said.

Clemm, the District's recycling chief, said small efforts can begin to turn the tide. The District must begin by getting more garbage out of its recycling stream.

"Residents have a way to influence this by making sure they are recycling right," she said.

Another possibility is to follow the urgings of the environmental community by expanding recycling programs to include composting — the banana peels and grass clippings degrading in landfills that by some estimates have become the nation's third-biggest source of methane gas contributing to global warming. Composting is partly credited with the success of such cities as San Francisco, Portland and Seattle in increasing the share of the waste stream that is recycled each year.

There are also a few encouraging signs downstream in the recycling market. A recycled-plastics company in Troy, Ala., processes more than 500 million pounds of recycled material annually from plastic bottles — and with 450 employees, the company is growing. In the Midwest, another company opened two additional facilities this month to feed an Indiana paper mill that churns out 100 percent recycled cardboard.

Turning a profit on the initial, dirty task of sorting and processing the nation's recyclables, however, may take a larger overhaul, said Patty Moore. Governments may need to set standards or even consider taking over part of the effort and ensure that profits remain a public benefit.

"If we're going to be serious about secondary-materials management, we're really going to have to address it as a state or preferably national level," she said. "We need to harmonize what we're doing and make it work in a way that we're not spending all this money and spinning our wheels."

Aaron Davis covers D.C. government and politics for The Post and wants to hear your story about how D.C. works — or how it doesn't.

PROMOTED STORIES

Recommended by

A COMMON THEME

IS SINGLE-STREAM RECYCLING SERVICE THE SALVATION OF ALL RECYCLING PROGRAMS OR IS THERE A BETTER WAY FORWARD? OUR AUTHOR DIGS INTO THE UNTOLD STORY OF REAL RESIDUE RATES AND A PREFERABLE METHOD TO TRULY RECYCLE MORE MATERIALS AT MATERIALS RECOVERY FACILITIES.

BY SUSAN COLLINS

The importance of preserving material quality and avoiding cross-contamination has become a common theme in many recent technical reports on recycling. Indeed, the Container Recycling Institute's (CRI) website features over a dozen reports and articles about the issue of quality problems with single-stream recycling collection and processing. Unfortunately, there is widespread confusion about what losses in materials mean. Most studies rely on the materials recovery facility (MRF) residue rate, without quantitative consideration of additional losses that occur post-MRF. As the data in this article show, the additional losses after materials leave the MRF can be up to twice as large as the MRF residue rate. With an overall loss rate of 22 to 27 percent by weight, single-stream recycling is a system that is far from optimal.

In the average single-stream collection program, if you collect 100 tons of recyclables at the curb, 73 to 78 tons will actually be recycled into new products, and most of the rest will be landfilled.

There are existing systems in different parts of the world that use multiple streams of collection in order to maximize tonnage recovered, while delivering high-quality recyclables.

As we seek new policies to increase recycling rates, we need to start reporting what is *actually* recycled, not just what is *collected* for recycling. Collection and processing methods have changed dramatically in the last two decades, but reporting mechanisms haven't evolved to capture new recycling rate information correctly. Process losses occur at the MRF when contaminants are removed, and even greater levels of contamination are removed when materials arrive at paper mills, plastics reclaimers and other materials processing facilities.

In the average single-stream collection program, if you collect 100 tons of recyclables at the curb, just 73 to 78 tons will actually be recycled into new products, with most of the rest landfilled.

Continuation of CRI's single-stream research

In the 2009 report, *Understanding the economic and environmental impacts of single-stream recycling*, CRI detailed the contamination rates and yield losses for specific recyclables, but at that time, there was not enough data to create an overall yield loss number for all recyclables

collected through single-stream curbside recycling. A key element that was missing was the average composition of single-stream residential recyclables. *Resource Recycling* released the results of their first annual survey of materials recovery facility (MRF) operators in the Jan. 2011 issue, and the results included the composition of recyclables at MRFs.

Moving materials at MRFs

Resource Recycling received survey responses from 200 MRF managers of large and small facilities in 44 states. Some facilities were dual-stream, some single-stream. A few used mixed waste processing. The source of materials varied, from residential to commercial, to a mix of both. Incoming material types varied as well, with some facilities excluding such materials as glass, Nos. 3-7 plastics or other categories.

For this project, we selected all of the facilities that both processed all residential recyclables from single-stream collection, and were from states without a container deposit program. There were eight facilities that met these criteria located in eight different states. The average composition of the materials sorted by these MRFs is indicated in Table 1, with the majority of the material stream being paper. Note that the residual rate for these selected facilities, eight percent, is lower than the average residual rate of 10 percent for the entire list of facilities surveyed. Also, due to a lack of data about the contamination rate for "other" recyclables, we assumed, for the sake of these calculations, that there was no contamination. This is an unlikely scenario – therefore, the overall contamination calculation would likely be higher than that shown in Table 1.

Averages and ranges

The data are presented here as averages and ranges. There isn't a single, specific number that represents the total yield loss from single-stream collection. Brokers, mills and processors will nearly always say "it depends on the MRF" when asked about quality and percent contamination. Brokers often go on to say that they have some single-stream MRF clients that produce lower levels of contamination than source-separated programs. The variation is due to different program parameters, such as types of materials accepted, type and frequency of public education,

Table 1 | Losses through single-stream recycling in states without container deposit programs

	Composition per 100 tons, as sorted at the MRF (%)	Percent loss at secondary processing facility	Remaining amount that is actually recycled (%)
Glass	17	21 to 40	10.2 to 13.43
Paper	55	15 to 18	45.1 to 46.75
Plastic	10	32.2	6.78
Steel	4	0	4
Aluminum	3	2 to 11	2.67 to 2.94
Other (recyclables)	4	unknown	4
Residual	8	100	0
TOTAL	101	22.10 to 27.255	72.75 to 77.90

Note: total adds to 101, due to rounding.
Source: Container Recycling Institute, 2012

pay-as-you-throw or incentive-based programs, versus unlimited service, as well as the demographics of each community. All of these factors affect the percent residuals that will be received by the MRF due to improper sorting by residents. Therefore, if you want to know the quality and contamination levels achieved by a certain program, consult the documentation specific to that program.

It is important to understand that some of these losses are due to the collection and sorting method, while other losses are consistent across all collection methods. There will be unavoidable losses from processing even the cleanest materials. Some "contaminants" are attached to the recyclable, such as polypropylene caps on most PET bottles, or metal caps on glass bottles. We have explained the nature of the losses in the description for each material type.

PET yield loss

Like paper mills, PET reclaimers carefully measure yield loss for different sources of materials. Yield loss measurement is critical to their financial health – they must know how much material they will be able to sell after cleaning and processing incoming bales. These reclaimers must also know how much the cleaning process will cost and the amount of material they will need to landfill.

Some of the yield loss in PET bottles is naturally attached to the bottle, such as caps, labels and adhesives, which, collectively, make up approximately 13 percent of the weight of PET bottles (note that this

number varies from bottle to bottle, because bottle designs are so different). Many of the caps are polypropylene, and they are often removed and recycled, but the labels and adhesives are generally disposed of. Other contaminants may be "look-alike" bottles that were mistakenly added to the PET bale, but are a different resin type, and so they must be separated before the bottles are recycled.

The yield loss for PET is used as a proxy for all plastics in Table 1, but this may overstate yield losses for all plastics. The bale yield loss rate for "all bottles" was significantly lower (22.1 percent in 2009) than the yield loss rate for PET bottles (32.2 percent for 2010), but 2010 "all-bottle" data are not available. PET bottles make up more than half of all bottles recovered in the U.S., by weight, according to 2009 data from the American Chemistry Council (ACC).

If recycling rates are reported without removing yield loss from the contamination, it can lead to inflated recycling rates and double-counting. For example, when the polypropylene caps are recycled, the weight of those caps is counted in the polypropylene recycling rate. The labels, adhesives and other contaminants are disposed of, but their weight has already been counted as "recycling" in the annual National Association for PET Container Resources (NAPCOR) and Association of Postconsumer Plastic Recyclers (APR) report. For these reasons, the U.S. Environmental Protection Agency has recently adjusted its calculation

of the PET recycling rate to include only the amount of PET that is actually recycled, and to exclude contaminants, other materials and yield losses.

Plastics

In 2009, *Plastics News* conducted a survey of HDPE and PET reclaimers, and the results indicated that yields in 2009 were 10 points lower than in 2007. The NAPCOR/APR 2010 Report on Post-Consumer PET Container Recycling Activity has detailed information about yield losses, noting in 2010, "U.S. reclaimers reported yield losses ranging from 24.4 percent for deposit bottles to 32.2 percent for curbside material," which is an increase of about seven percentage points from 2009.

For non-bottle rigid plastic recycling, similar contamination issues exist, and they are also a threat to the plastics recycling industry and the jobs they create. As the ACC reported in its 2009 *United States National Post-Consumer Plastics Bottle Recycling Report*, "This lack of adherence to quality standards is a significant barrier to developing more domestic reclamation capacity."

Paper

In CRI's 2009 report, *Understanding economic and environmental impacts of single-stream collection systems*, we found that paper mills that receive materials from single-stream MRFs have contamination rates that are as high as 18 percent. Individual interviews with several paper mills indicate an average contamination rate of 15 percent, but these mills are all in regions that have container deposit programs, which remove most of the glass and much of the plastic from the curbside stream.

Aluminum

An interview with the largest aluminum recycler, cited in the 2009 CRI single-stream report, give us the average contamination rate range of 2 to 11 percent. Like other materials, aluminum recyclers report that contamination rates are increasing, and that they have made additional investments in pre-treatment facilities to improve material quality. Contamination in aluminum is not merely inconvenient – there can be serious consequences. For decades, the aluminum industry has fervently warned against the inclusion of plastics in the alu-

minum stream because of safety concerns in processing and melting.

Glass

It is important to know the breakdown of the amount of glass that is recycled for use as cullet to make glass bottles or fiberglass, versus the amount of glass that is used for aggregate or landfill daily cover. Recycling tonnages are often used in calculations of energy savings, greenhouse gas and other emission savings, and job creation, and there is a potential to overstate these environmental and economic benefits if the use of the glass is misunderstood.

Data from a dozen glass processing (beneficiation) facilities indicate that 60 percent of glass coming from single-stream programs is useable for making glass bottles or fiberglass. Another 19 percent is undersize material, some of which can be used as road base or landfill daily cover, and 21 percent is a combination of non-glass residue and undersize material, which is not useable and is sent directly to landfill.

In contrast, 90 percent of glass from dual-stream programs can be recycled into containers and fiberglass, with the remaining 10 percent being glass fines used for low-end applications. Glass from container deposit programs is color-sorted, resulting in 98 percent being recycled and only 2 percent marketed as glass fines.

Alternatives to single-stream collection

Multi-stream collection is the norm in European countries such as Germany and Belgium, where municipalities collect all glass separately in neighborhood drop-off igloos, while paper and paperboard are collected separately from containers and packaging. European glass recycling rates reached 67 percent in 2009, around twice the U.S. glass recycling rate.

In addition to accepting glass in its curbside recycling program, the City of Fort Collins, Colorado encourages residents to use glass-only drop-off bins to ensure that 100-percent of the glass can be used to make new glass bottles.

Mark Bowers, of Sunnyvale, California, reports that his community has provided dual-stream collection, using split carts, for over a decade. Mr. Bowers concludes that, "Based on our data compared to data from single-stream conversions, it is clearly

the cart, not the ability to put all of one's recyclables in one container, that spurs the increase in recycling when people switch to carts and (coincidentally) single-stream. That is, you get the same participation boost by going to carts and dual stream. At the same time, processing capital and operating costs are lower and you maintain the value of the fibers by keeping them separate from the other materials."

The City of Auburn, Maine had implemented a single-stream recycling program, but decided to convert the program to a dual-stream collection program, in order to preserve material quality. A 2011 report by the Waste & Resources Action Programme in the U.K. goes a step farther, and recommends curbside sorting of materials, to preserve maximum quality.

Daniel Lantz, of Cascades Recovery Inc., reports that the City of Ottawa conducted a survey of the public and, in response, they chose to retain their dual-stream collection system, relying on alternating week collection to provide the same cost savings as single-stream.

Conclusion

While there have been many debates about the merits of single-stream versus dual-stream recycling, they have occurred in the absence of complete data on the total losses that occur as a result of single-stream collection systems. This article attempts to quantify the amount that is *actually* recycled as a result of single-stream collection, which provides a correction to the previous error in the calculations of recycling rates and recycling tonnages. However, there is much more work to be done to correct cost-per-ton calculations and convert to cost-per-ton-recycled, as well as to research best practices for dual- or multi-stream collection that achieve the best possible cost efficiencies. With better data, we can make better decisions. 

Susan Collins is the executive director of the Container Recycling Institute. She can be reached at scollins@container-recycling.org. CRI has more information about single-stream recycling on its website at <http://www.container-recycling.org/issues/singlestream.htm>.

Reprinted with permission from Resource Recycling, P.O. Box 42270, Portland, OR 97242-0270; (503) 233-1305, (503) 233-1356 (fax); www.resource-recycling.com.

Handed out at the City Council meeting 8/4/15



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Facsimile: (479) 973-0520
rrhoads@hallestill.com

August 4, 2015

VIA E-MAIL CITYCLERK@FAYETTEVILLE-AR.GOV

Fayetteville City Council

Re: RZN 15-5044(4065 E. Huntsville Rd. /the Plaza)

Dear Members of the Council:

I represent the Developer, Bridgedale (the "Developer") in the above-referenced rezoning. If you will recall, in your July 7th meeting, this matter came up on the third (3rd) reading and after one member of the public and the Developer spoke, the council discussed it. However, before putting it to a vote, the Developer requested it be tabled in order to rework the plan. That has been done (see the new Plat attached) and what is new about it for presentation tonight is as follows:

The twelve-acre portion has been reclassified to request Neighborhood Conservation instead of RSF 7. As you know, Neighborhood Conservation allows for ten (10) lots per acre. However, the Developer will enter into a Bill of Assurance to limit the number of lots at 57 or 4.7 lots per acre. Also note that this is compatible with the surrounding area. I have enclosed a copy of a plat prepared by the Developer's engineer, showing that there are 16 developments around the area of The Plaza, with a total of 1224 lots (a good argument could be made that this project is the type of infill the City is looking for).

To show further the compatibility of The Plaza, the Planning Department supports the Project at the 4.7 lots per acre request. The prior PZD, from 2008, allowed 60 single family dwellings and 24 multi-family dwelling units over offices. On May 11, 2015 the Planning Commission voted in favor of this project 6 to 1. Further, on the July 7th meeting, Alderwoman Marsh stated this project "was compatible" and Alderman Mark Kinion indicated that "compatibility wasn't an issue." Actually, none of you specifically said the Project was incompatible.

In addition, the Developer will add five (5) other promises on a Bill of Assurance that speak to not only the single family twelve (12) acres, but also to the Residential Office and Community Service portions of the rezoning request. Those contractual promises are:

- 1) A gas station, although permitted by the zoning request, will not go on the property.

- 2) There will be three points of ingress and egress, plus there will be a stub out to the East.
- 3) That Developer will pay his share of any future traffic signal.
- 4) That Developer will pay his fair share of work to alleviate an offsite drainage issue that the City and the Developer had planned to fix as stated in the original PDZ (there are neighbors, specifically on Robert's Road, that have been waiting for this fix since 2008).
- 5) In order to ease any traffic issues before the light can be installed, the Developer will pay a reasonable amount to re-stripe a third (3rd) turning lane (with the highway department's permission) to serve the main entrance for this development on Huntsville Road (based on the almost completed widening of Huntsville Road, this part of the road is currently wide enough where no further asphalt or dirt work would be needed).

The Developer for this Project has owned this property before it was a PZD, but unfortunately, due to the economy turn, couldn't develop it, and, as you know, it expired. What is unusual about this Developer is that this entire time, from before it was a PZD until today, he has lived on the property and therefore knows the benefit that the commercial services, and the offsite drainage fix, etc. will be for this neighborhood. Also, if people can get to the commercial services he plans to build without having to get on to Huntsville Road, that will lessen the burden on Huntsville Road. These commercial services would be accessible, not just to the people in this rezoning development, but to many of the people in Stone Bridge Meadows, Crescent Lake, the Hamptons, Bridgedale, etc.

In reviewing the Planning Department's Memo addressed to you on May 15th, 2015, I'd highlight a few things showing why you should support this project:

- 1) "The zoning is in compliance with many of the goals of City Plan 2030."
- 2) "The proposal provides the opportunity for neighborhood services in an area where services are limited."
- 3) "Providing nodes of neighborhood, commercial and mixed use zoning discourages sprawl...and can potentially reduce the number of vehicle trips in the area."

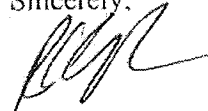
In a May 11th Memo from Andrew Garner to the Planning Commission, he talks about water and sewer being available on the site, a lot in part due to this Developer's contribution to the water and sewer lines going under the west fork of the White River back when he had the PZD. That is, he contributed (\$850,000) with other developers to make that happen potentially serving not only his development but the area in general. In that same Memo, Mr. Garner indicates that in regard to the subject of drainage, any additional requirements would be determined at that time of the development. As Kit can confirm, drainage should not be a

Fayetteville City Council
August 4, 2015
Page 3

determining factor to rezone, instead you should be looking at compatibility. Nonetheless, this Developer believes that between him and the City's requirements, since this area is not in the flood plain, he will be able to do the things necessary to hopefully help any issue that might already exist in the surrounding areas.

I thank you for your consideration. Myself, as well as Mr. Jorgensen, will be available for questions tonight at the meeting. Unfortunately, the Developer is unable to be there. See you tonight.

Sincerely,



Robert K. Rhoads

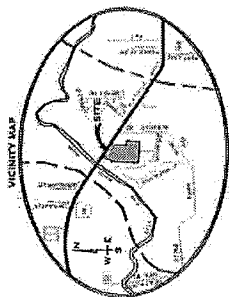
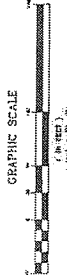
RKR:kns

Enclosures

cc: Mayor Jordan (via email)
Jeremy Pate (via email)
Kit Williams (via email)
Dave Jorgensen (via email)
Client (via email)

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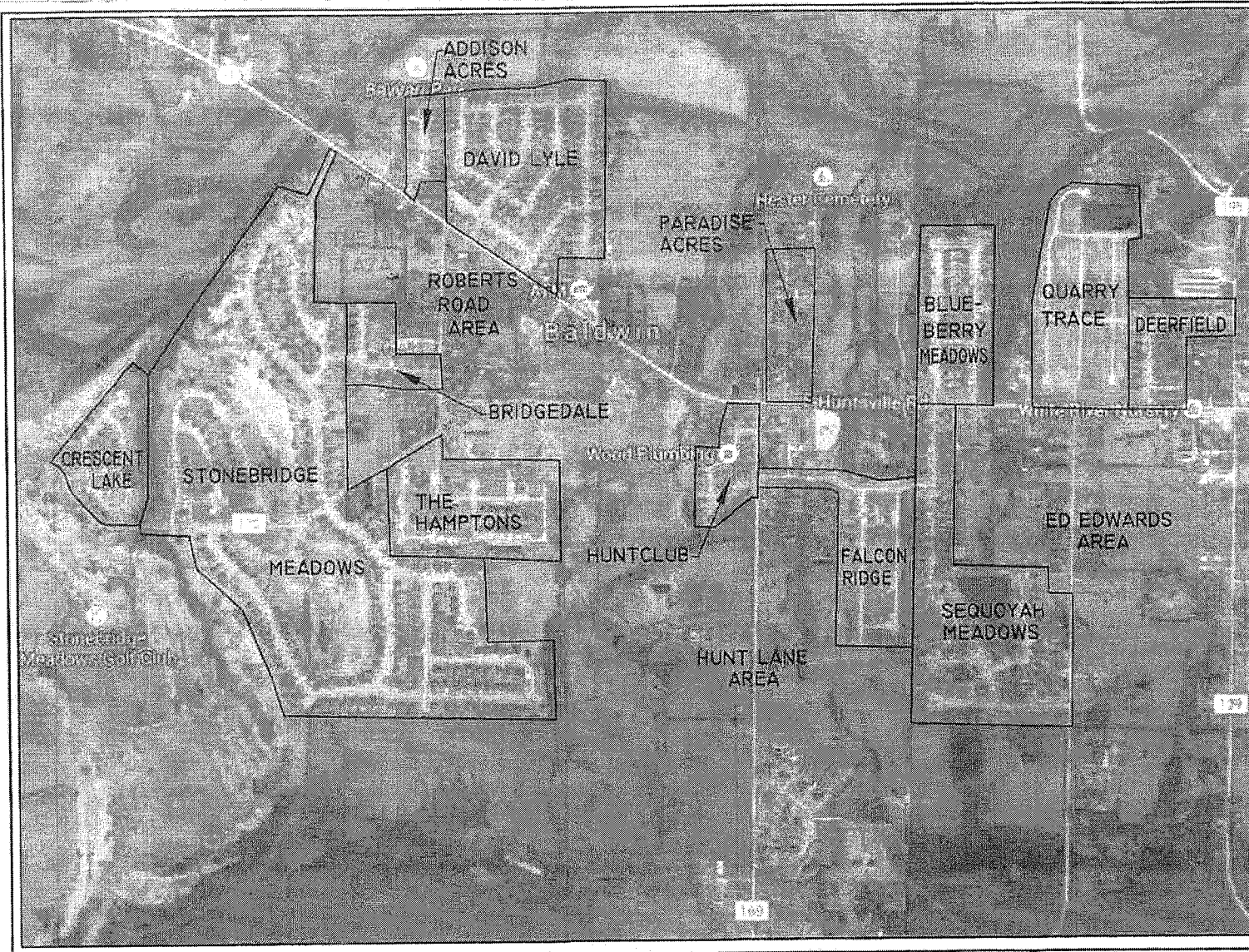
THIS SITE CONSISTS OF THREE PLANNING AREAS.

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LEGAL ATTORNEY GENERAL (PLANNING) 404 423

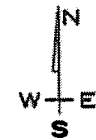
[illegible]

Schwarz et al., N⁶-N⁷-N⁸-N⁹



HOMES EAST OF BRIDGE/WEST OF MALLY WAGON:

STONEBRIDGE MEADOWS	313 LOTS
FALCON RIDGE	65 LOTS
BLUEBERRY MEADOWS	73 LOTS
QUARRY TRACE	114 LOTS
ROBERTS ROAD AREA	26 LOTS
CRESCENT LAKE	43 LOTS
DAVID LYLE	172 LOTS
ADDISON ACRES	20 LOTS
THE HAMPTONS	69 LOTS
BRIDGEDALE	25 LOTS
DEERFIELD	37 LOTS
ED EDWARDS AREA	71 LOTS
PARADISE ACRES	22 LOTS
SEQUOYAH MEADOWS	97 LOTS
HUNT CLUB	29 LOTS
HUNT LANE AREA	69 LOTS
TOTAL	1,224 LOTS



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

THE PLAZA
REZONING REQUEST

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, July 28, 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:****Agenda Additions:****A. Consent:****A. 1** [2014-0508](#)

APPROVAL OF THE JULY 21, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0308](#)**KESSLER CONSULTING AMENDMENT NO. 1**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH KESSLER CONSULTING, INC. IN THE AMOUNT OF \$39,980.00 FOR ASSISTANCE WITH THE DESIGN AND IMPLEMENTATION OF A COMMERCIAL FOOD WASTE PILOT PROGRAM AND A SINGLE STREAM RECYCLING PILOT PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP - Kessler Pilots Waste Diversion Plan](#)

[BA 2015-0308 Kessler Contract Amendment](#)

A. 3 [2015-0315](#)**BID NO. 15-27 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS**

A RESOLUTION TO AWARD BID NO. 15-27 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$82,700.00 FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL BUSWAYS AT THE NOLAND WASTEWATER TREATMENT PLANT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,270.00

Attachments:

[080415 Austin King DBA King Electric-Electrical Busway Replacement](#)

A. 4 [2015-0313](#)**BID NO. 15-41 BULK CRUSHED ROCK SALT**

A RESOLUTION TO AWARD BID NO. 15-41 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM CENTRAL SALT, LLC AS PRIMARY SUPPLIER AND OAKLEY FERTILIZER, INC. AS SECONDARY SUPPLIER FOR MATERIALS DELIVERED, AND OAKLEY FERTILIZER, INC. AS PRIMARY SUPPLIER AND CENTRAL SALT, LLC AS SECONDARY SUPPLIER FOR MATERIALS PICKED UP, FOR VARYING UNIT PRICES AS NEEDED THROUGH THE 2015-2016 WINTER SEASON

Attachments: [SRP - 2015-0313 Bulk Crushed Rock Salt - Bid 15-41](#)

A. 5 [2015-0321](#)**RIGGS CAT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) 2015 CATERPILLAR 420F2 BACKHOES FROM RIGGS CAT OF SPRINGDALE, ARKANSAS IN THE TOTAL AMOUNT OF \$286,007.58 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES, PARKS AND RECREATION, AND WATER AND SEWER OPERATIONS

Attachments: [SRP 7-15-15 PK WS TR Backhoes 655-680-688](#)

A. 6 [2015-0322](#)**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 BOBCAT E45 T4 EXCAVATORS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$118,800.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SRP 7-15-15 TRAN Excavators 816-819](#)
 [BA move funds from 02083 to 02077 for 830](#)

A. 7 [2015-0331](#)**RANGER'S PANTRY AND COMMUNITY DEVELOPMENT
BLOCK GRANT DONATIONS**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$20,910.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS AND THE SALE OF PUBLIC FACILITIES EQUIPMENT

Attachments:[SRF-SRM- PI Donation Recognition](#)[BA-PI Donation Recognition](#)**A. 8** [2015-0325](#)**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S
OUTDOOR RECREATION GRANT**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

Attachments:[Legistar Packet - Rec Grant 2015-0325](#)**A. 9** [2015-0338](#)**PAYMENTUS AGREEMENT**

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF \$15,000.00 AND AN ESTIMATED COST OF \$35,000.00 PER YEAR

Attachments:[Agenda Packet - Paymentus Corporation](#)

A. 10 [2015-0327](#)**HABBERTON ROAD WATER MAIN CONSTRUCTION**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

Attachments: [Agenda Packet Habberton Road](#)

A. 11 [2015-0319](#)**UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL
ELECTION**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$40,000.00 TO PROVIDE FUNDING FOR PAYMENT OF COSTS RELATED TO THE UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

Attachments: [Uniform Nondiscrimination Protections Special Election Packet](#)
 [BA 2015 Special Election Uniform Discrimination](#)

B. Unfinished Business:**B. 1** [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. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.

B. 2 [2015-0316](#)**ARKANSAS LEGACY LLC APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments:[15-5066 EX A & B](#)[Exhibit #4 Revision 3 - 071715](#)[15-5066 Full Report](#)

At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.

B. 3 [2015-0324](#)**CITY COUNCIL'S INTENTION TO PURCHASE THE
FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments:[Agenda Request Packet City Council intent to purchase Chamber Building](#)

At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.

C. New Business:**C. 1** [2015-0337](#)**2016 EMPLOYEE BENEFITS PACKAGE**

A RESOLUTION TO APPROVE THE 2016 EMPLOYEE BENEFITS PACKAGE

Attachments:[Benefits Renewal Council Packet](#)

C. 2 [2015-0329](#)**RZN 15-5103 (1837 W. MITCHELL ST./DUNN)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5103, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1837 W. MITCHELL ST. FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments:[15-5103 CC EXHIBITS](#)[15-5103 STAFF REPORT](#)**C. 3** [2015-0330](#)**ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)**

AN ORDINANCE AMENDING TITLE XV UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL LOT SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

Attachments:[15-5093 CC EX A](#)[15-5093 CC EX B](#)[15-5093 CC reports](#)**C. 4** [2015-0326](#)**REPEAL CHAPTER 171 STREETS AND SIDEWALKS**

AN ORDINANCE TO REPEAL CHAPTER 171 STREET AND SIDEWALKS AND ENACT A REPLACEMENT CHAPTER 171, STREETS AND SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE

Attachments:[Legistar Item 2015--0326](#)**D. City Council Agenda Session Presentations:****D. 1** [2015-0196](#)

AGENDA SESSION PRESENTATION - WILLOW BEND PROJECT UPDATE, JOHN ANDERSON

E. City Council Tour:

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

**Meeting Agenda - Tentative
Agenda**

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

Tentative Agenda
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0308

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

KESSLER CONSULTING AMENDMENT NO. 1

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH KESSLER CONSULTING, INC. IN THE AMOUNT OF \$39,980.00 FOR ASSISTANCE WITH THE DESIGN AND IMPLEMENTATION OF A COMMERCIAL FOOD WASTE PILOT PROGRAM AND A SINGLE STREAM RECYCLING PILOT PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 1 to the contract with Kessler Consulting, Inc. in the amount of \$39,980.00 for assistance with the design and implementation of a commercial food waste pilot program and a single stream recycling pilot program.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0308

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Brian Pugh

7/14/2015

Recycling & Trash Collection /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution to amend the scope of services with Kessler Consulting, Inc. to assist the City in conducting a commercial food waste pilot and a single stream recycling pilot and to approve a budget adjustment of \$39,980.

Budget Impact:

5500.5080.5314.00

Recycling and Trash

Account Number

Fund

14019 / 1

Waste Reduction and Recycling Plan

Project Number

Project Title

Budgeted Item? No

Current Budget \$ 258,653.00

Funds Obligated \$ 258,652.50

Current Balance \$ 0.50

Does item have a cost? Yes

Item Cost \$ 39,980.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 39,980.00

Remaining Budget \$ 0.50

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4TH, 2015

TO: Mayor and City Council

THRU: Peter Nierengarten, Sustainability and Resilience Director
Jeff Coles, Recycling and Trash Division Director

FROM: Leif Olson, Associate Planner

DATE: July 1, 2015

SUBJECT: Food Waste Composting and Single Stream Recycling Pilot Programs

RECOMMENDATION:

Approval of a Resolution to amend the scope of services with Kessler Consulting, Inc. to assist the City in conducting a commercial food waste pilot and a single stream recycling pilot and to approve a budget adjustment of \$39,980.

BACKGROUND:

The City Council passed Resolution Number 171-14 on September 16, 2014 to contract with Kessler Consulting, Inc. (KCI) to develop a 10 year solid waste master plan in order to attain a waste diversion rate of 80%. Staff worked extensively with KCI to develop a final scope of work that included:

- A baseline operational assessment of the current system,
- A waste audit and litter composition study with an option to partner with the University to assess their solid waste generation and composition,
- An analysis of waste reduction and diversion options,
- Recovery scenarios modeling and financial evaluation,
- Policy recommendations,
- Development of the final solid waste master plan, and
- Master plan project coordination, community input process and final presentation.

DISCUSSION:

KCI, working with Recycling and Trash Division Staff, have completed the baseline operational assessment and the waste composition study. Currently, KCI is working through waste reduction and diversion options. At this time, Kessler Consulting is recommending that the City develop two pilot programs to demonstrate the viability of commercial food waste composting and single stream recycling as waste diversion options. Food waste and recyclables combine to make up 45% of Fayetteville's waste stream. Conducting the pilot programs now will provide the City with specific data on which to model the potential impacts of full-scale programs and also enable the City to start seeing tangible results.

BUDGET/STAFF IMPACT:

Kessler Consulting is proposing completing the two pilot projects for an amount not to exceed \$39,980. This project will be paid for with Recycling and Trash Division Enterprise Funds.

Attachments:

- Amendment 1 Kessler Contract
- Food Waste Composting and Single Stream Recycling Pilots Scope of Work
- Resolution 171-14 – Resolution Authorizing a Contract with Kessler Consulting for a 10 Year Solid Waste Plan
- PO Kessler Pilot Waste Reduction and Recycling Plan

**AMENDMENT #1 TO CONTRACT FOR
SOLID WASTE CONSULTING SERVICES BETWEEN
THE CITY OF FAYETTEVILLE AND
KESSLER CONSULTING, INC.**

BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas (the "City") and Kessler Consulting, Inc. ("KCI"), on this _____ day of _____, 2015, hereby agree that the Contract for Solid Waste Consulting Services dated September 24, 2014, shall be amended to adopt and incorporate the "City of Fayetteville, AR Food Waste Composting and Single Stream Recycling Pilots Scope of Work", a copy of which is attached hereto as Exhibit "A" and made a part hereof, in order for KCI to assist the City in conducting a commercial food waste pilot program and a single stream recycling pilot program with the cost of the services not to exceed \$39,980.00.

The parties agree and understand that this Amendment is supplemental to their Contract dated September 24, 2014, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

KESSLER CONSULTING, INC.



Mitch Kessler, President

**CITY OF FAYETTEVILLE,
ARKANSAS**

Lioneld Jordan, Mayor

ATTEST:

Sondra E. Smith, City Clerk-Treasurer

City of Fayetteville, AR

Food Waste Composting and Single Stream Recycling Pilots

Scope of Work

Following an initial evaluation of the City's existing solid waste management system and completion of a waste composition study, Kessler Consulting, Inc. (KCI) identified waste diversion opportunities that we believe merit further evaluation through pilot programs. Conducting the pilot programs now, rather than waiting for completion of the Master Plan, will provide city-specific data on which to model the potential impacts of full-scale programs and also enable the City to start seeing tangible results. This scope of work is to assist the City in conducting two pilot programs, one for commercial food waste and the other for single stream recycling.

Scope of Services

Task 1 Food Waste Pilot

Purpose: Food waste makes up approximately 17% of commercial waste disposed, which is the single largest component of the waste stream. The purpose of this pilot is to evaluate the feasibility of using a Modified Static Aerated Pile (MSAP) composting system to incorporate food waste into the City's existing yard waste composting operation, as well as to evaluate a commercial food waste collection system.

Activities:

1. Review State requirements applicable to food waste composting pilot program.
2. Develop operations plan, implementation timeline, and other necessary documentation to obtain ADEQ approval.
3. Provide technical assistance to City staff with collection logistics, as needed, including the following:
 - Selection of pilot participants.
 - Estimating anticipated tonnage.
 - Selection of appropriate collection containers.
 - Development of education and outreach materials.
 - Educating pilot participants.
4. Provide technical assistance to City staff with MSAP composting logistics, as needed, including the following:
 - Identifying site requirements, equipment, and labor needs.
 - Identifying any site preparation needs.
 - Training and technical assistance for composting operations personnel.
5. Provide inoculant for the MSAP composting.
6. Provide technical assistance to City staff with monitoring requirements, as needed, including the following:
 - Identification of data to be collected during the pilot.
 - Training composting operations personnel regarding data collection.

- Guidance on compost analysis.
 - Surveying/obtaining feedback from pilot participants.
7. Analyze pilot results and evaluate estimated cost and potential implications of full-scale facility and operations.

Deliverable: Technical memorandum summarizing results of the food waste pilot and evaluating the potential implications of full-scale implementation.

Task 2 Single Stream Recycling Pilot

Purpose: More than 26% of residential waste and 29% of commercial waste disposed consists of recyclable paper and containers. In addition, the City's current system of curbsorting recyclables is highly inefficient from a collection perspective. The need to sort recyclables by type prior to collection has also been an impediment to expanding multi-family and commercial recycling. The purpose of this pilot is to evaluate the potential impacts of converting to carted single stream recycling on recycling participation, tons of materials collected, and collection efficiency.

Activities:

1. Work with City staff to develop the overall framework and timeline for the pilot.
2. Provide technical assistance to City staff with collection logistics, as needed, including the following:
 - Selection of pilot participants, including curbside routes, multi-family complexes, and commercial customers.
 - Estimating anticipated tonnage.
 - Routing and collection logistics.
 - Identifying options for obtaining collection carts with RFID.
 - Identifying options for obtaining RFID readers or other monitoring devices.
 - Development of education and outreach materials.
 - Educating pilot participants.
3. Assist City staff with processing logistics, as needed, including the following:
 - Identifying processor.
 - Negotiating terms of agreement with private sector processor for term of the pilot.
 - Developing the agreed upon scope of work for inclusion in the agreement.
4. Provide technical assistance to City staff with monitoring requirements, as needed, including the following:
 - Identifying data to be collected during the pilot.
 - Training City personnel regarding data collection.
 - Surveying/obtaining feedback from pilot participants.
5. Analyze pilot results, as well as evaluate estimated cost and potential implications of full-scale implementation of single stream recycling.

Deliverables:

- Technical memorandum summarizing the results of the single stream recycling program and evaluating the potential implications of full-scale implementation.

Budget and Timeline

Because of the nature of this project and the potential variability in the level of effort required, KCI proposes to conduct this scope of work on a time-and-materials basis for an amount not to exceed \$39,980. A budget breakdown by task is provided below. Services will be invoiced at the rates indicated, which include all overhead and direct and indirect costs. Expenses (travel, etc.) will be billed at cost without markup. KCI will submit monthly invoices with a written explanation of activities completed that month.

KCI will initiate work upon notice to proceed. A proposed timeline will be developed, in conjunction with City staff, for each pilot project.

CATEGORY (NAME)	HOURLY RATE	Task 1	Task 2	TOTAL HOURS	TOTAL DOLLARS
		Food Waste Pilot	Single Stream Pilot		
LABOR					
Project Director	\$185.00	8.0	12.0	20.0	\$3,700
Project Manager	\$140.00	30.0	42.0	72.0	\$10,080
Senior Consultant	\$125.00	10.0	22.0	32.0	\$4,000
Consultant/Associate	\$95.00	56.0	76.0	132.0	\$12,540
Research Analyst	\$80.00	56.0	0.0	56.0	\$4,480
Office Manager/Technical Support	\$60.00	4.0	4.0	7.0	\$480
SUBTOTAL LABOR HOURS		164.0	156.0	320.0	
SUBTOTAL LABOR DOLLARS		\$16,970	\$18,310		\$35,280
DIRECT COSTS					
TRAVEL		\$2,400	\$1,500		\$3,900
SUPPLIES		\$800			\$800
CONTRACTED LABOR					\$0
SUBCONTRACTOR					\$0
SUBTOTAL DIRECT COST		\$3,200	\$1,500		\$4,700
TOTAL PROJECT BUDGET					
LABOR + DIRECT COST		\$20,170	\$19,810		\$39,980

KCI looks forward to assisting the City in conducting the pilot projects, which will provide valuable, city-specific information on which to base future program recommendations.

RESOLUTION NO. 171-14

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KESSLER CONSULTING, INC. OF TAMPA, FLORIDA FOR THE DEVELOPMENT OF A TEN YEAR SOLID WASTE MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$264,890.00, AND TO APPROVE A BUDGET ADJUSTMENT

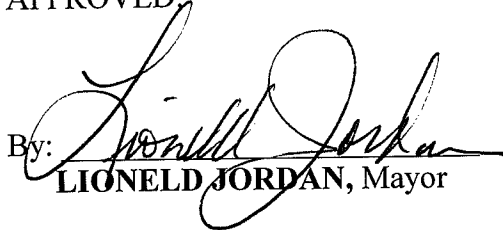
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a contract with Kessler Consulting, Inc. of Tampa, Florida for the development of a ten year solid waste master plan in an amount not to exceed \$264,890.00.

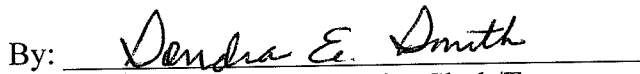
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A".

PASSED and APPROVED this 16th day of September, 2014.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Tentative Agenda
Page 19 of 578

City of Fayetteville Staff Review Form

2014-0396

Legistar File ID

9/16/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Leif Olson

8/29/2014

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a Resolution to contract with Kessler Consulting in the amount of \$264,890 to complete a Master Plan to achieve an efficient and cost effective solid waste system that maximizes solid waste reduction, diversion and recycling and puts the City on the path to achieve our goal of 80% waste diversion. Approval of a Budget Adjustment.

Budget Impact:

5500.5080.5314.00

5500 - Solid Waste

Account Number

Fund

14019.1

Solid Waste Reduction/Recycling Master Plan

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 264,890.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 264,890.00

Remaining Budget \$ -

Previous Ordinance or Resolution # 260-13

V20140710

Original Contract Number:

Approval Date:

Comments:

9/3/14



Paul G. Butler 2014 9-10-14
9-3-14
Paul G. Butler

CITY COUNCIL AGENDA MEMO

MEETING OF SEPTEMBER 16, 2014

TO: Mayor Jordan and City Council

THRU: Peter Nierengarten, Sustainability and Resilience Director *PW*

CC: Jeff Coles, Recycling and Trash Collection Director

FROM: Leif Olson, Associate Planner

DATE: August 28, 2014

SUBJECT: Solid Waste Reduction, Diversion and Recycling Master Plan

RECOMMENDATION:

Approval of a Resolution to contract with Kessler Consulting in the amount of \$264,890 to complete a Master Plan to achieve an efficient and cost effective solid waste system that maximizes solid waste reduction, diversion and recycling and puts the City on the path to achieve our goal of 80% waste diversion.

BACKGROUND:

The City Council passed Resolution Number 260-13 in December 17, 2013 to develop a Request for Qualifications to hire a consultant to develop a 10 year solid waste master plan in order to attain a waste diversion rate of 80%. Staff developed a detailed project scope and received a total of five project proposals from qualified consulting firms. A selection committee made up of City Staff reviewed the proposals and interviewed the top three firms. Kessler Consulting Inc. was selected by the committee to be the most qualified to develop the master plan. Staff worked extensively with Kessler to develop a final scope of work that includes:

- A baseline operational assessment of the current system,
- A waste audit and litter composition study with an option to partner with the University to assess their solid waste generation and composition,
- An analysis of waste reduction and diversion options,
- Recovery scenarios modeling and financial evaluation,
- Policy recommendations,
- Development of the final solid waste master plan, and
- Master plan project coordination, community input process and final presentation.

The consultant will present the final master plan and recommendations to the City Council at the conclusion of the planning process.

BUDGET/STAFF IMPACT:

Kessler Consulting is proposing completing the master plan within a 12 month timeline at a total cost of \$249,930 to the City of Fayetteville. Inclusion of the University of Arkansas' waste composition study raises the total cost of the project to \$264,890. The University will reimburse the City \$14,960 for the cost of their waste composition study. This project will be paid for with Recycling and Trash Division Enterprise Funds.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE A CONTRACT WITH KESSLER CONSULTING, INC. OF TAMPA, FLORIDA FOR THE DEVELOPMENT OF A TEN YEAR SOLID WASTE MASTER PLAN IN AN AMOUNT NOT TO EXCEED \$264,890.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a contract with Kessler Consulting, Inc. of Tampa, Florida for the development of a ten year solid waste master plan in an amount not to exceed \$264,890.00.

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

PASSED and APPROVED this 16th day of September, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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: 8/29/2014	
P.O Number:											
Vendor #:		24798		Vendor Name:		Kessler Consulting, Inc.		Legistar#: 2014-0396		Expected Delivery Date: n/a	
Address:		14620 N. Nebraska, Ave., Bldg. D				FOB Point: n/a		Taxable: ☐ Yes ☒ No			
City:		Tampa		State:		FL		Zip Code: 33613		Ship to code:	
Requester:		Leif Olson		Requester's Employee #:		2364		Extension: 8269			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project Sub#	Inventory #	Fixed Asset #		
1	Solid Waste Reduction, Diversion and Recycling Master Plan	1	each	264,890.00	\$264,890.00	5500.5080.5314.00	14019.1				
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling		Lot		\$0.00						
Special Instructions:											
Subtotal: \$264,890.00 Tax: \$0.00 Total: \$264,890.00											

Approvals:

Mayor: _____

Chief Financial Officer: _____

Dispatch Manager: _____

Department Director: _____

Budget Director: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Director: _____

Other: _____

**CONTRACT FOR
SOLID WASTE CONSULTING SERVICES**

THIS CONTRACT, made this 10 day of September 2014, is by and between the City of Fayetteville, Arkansas ("City"), whose address is 113 West Mountain Street, Fayetteville, Arkansas 72701, and Kessler Consulting, Inc. ("KCI"), a Florida corporation whose address is 14620 N. Nebraska Avenue, Building D, Tampa, FL 33613.

I. SCOPE

For and in consideration of timely payment by the City of the compensation set forth below, KCI shall provide the Scope of Services ("Services") specified in Exhibit A, which is attached hereto and incorporated herein by reference, subject to the other terms and conditions set forth in this contract. The Services to be provided may be changed by the mutual agreement of the parties hereto. The City shall promptly provide KCI with any and all documents and information needed by KCI to provide the Services. It is expressly agreed that KCI is an independent contractor of the City.

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

Changes, modifications, or amendments in scope, price, or fees to the 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.

II. TERM OF AGREEMENT

The initial contract period shall commence on the date this contract is executed by the City and KCI, whichever date is later, and shall terminate two (2) years after the commencement date, unless extended by mutual agreement of the parties hereto.

III. COMPENSATION

The compensation to be paid by the City to KCI for providing the Services shall be as stated in Exhibit B, which is attached hereto and incorporated herein by reference. The City shall pay KCI for completion of Services on a time-and-materials basis for an amount not to exceed that specified in Exhibit B without prior approval by the Mayor and City Council. Labor shall be invoiced based on the hourly rates specified in Exhibit B and expenses shall be invoiced at cost, without mark-up. Labor rates may be adjusted if the contract is extended beyond the initial two (2) years upon approval of a formal contract amendment by the Mayor and the City Council.

If requested to provide additional services pursuant to Section I, compensation for these additional services shall be as negotiated between the City and KCI, as approved by the Mayor and City Council.

IV. METHOD OF BILLING AND PAYMENT

KCI may submit monthly invoices to the City requesting payment for services accomplished during each calendar month. Monthly invoices will include breakdown of employees and hours worked, description of activities performed, and reimbursable costs and expenses incurred. All invoices shall be due and payable by the City to KCI within thirty (30) days of invoice receipt. Failure to pay compensation to KCI, as and when required, shall entitle KCI to immediately cease all services, and to terminate this

contract as set forth below. Any failure by the City to pay any sums due and owing KCI shall be a material breach of this contract.

V. RIGHT TO AUDIT

The City reserves the privilege of auditing KCI's records as such records relate to purchases between the City and KCI.

VI. FREEDOM OF INFORMATION ACT

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

VII. JURISDICTION AND VENUE

Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case. Venue for any legal dispute shall be Washington County, Arkansas.

VIII. TERMINATION

- A. The City reserves the right to cancel this contract without cause by giving sixty (60) days prior notice to KCI in writing of the intention to cancel or with cause if at any time KCI fails to fulfill or abide by any of the terms or conditions specified.
- B. Failure of KCI to comply with any of the provisions of this contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City.
- C. In addition to all other legal remedies available to the City, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City.
- D. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify KCI of such occurrence and the contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.
- E. If this contract is terminated for any reason, the City shall compensate KCI for all services completed through the date of termination, together with all reimbursable costs and expenses. Such payment to KCI shall be considered a payment on account, and shall not constitute payment in full of all sums owed to KCI pursuant to this contract or otherwise.

IX. INSURANCE

KCI shall procure and maintain throughout the term of this contract the following insurance limits and coverage and shall, upon executing this contract, provide the City with certificates of insurance evidencing same, showing other party as Additional Insured on all coverage except workers' compensation and professional liability. Such insurance shall include appropriate clauses and/or endorsements pursuant to which the insurance companies shall waive its right of subrogation against the City.

- A. Workers' Compensation Insurance and Employer's Liability Insurance, in accordance with Chapter 440, Florida statutes, and/or any other applicable law requiring workers' compensation, of not less than the following:

Workers' Compensation	\$1,000,000.00 limit	each accident
Employer's Liability	\$1,000,000.00 limit	disease aggregate
	\$1,000,000.00 limit	disease each employee

- B. Commercial General Liability Insurance, on forms no more restrictive than the latest edition of the Commercial General Liability policy (CG 00 01) of the Insurance Services Office, in the amount of not less than \$1,000,000.00 per occurrence to protect against claims for damages for bodily injury, including wrongful death, as well as from claims of property damages, which may arise from any operations under this contract, whether such operation be by KCI or by the City or anyone directly employed by or contracting with KCI or the City.
- C. Comprehensive Automobile Liability Insurance in the amount of not less than \$100,000.00 combined single limit for bodily injury and property damage liability to protect both parties from claims for damages for bodily injury, including the ownership, use, or maintenance of owned and non-owned automobiles, including rented automobiles whether such operations be by KCI or the City or by anyone directly or indirectly employed by KCI or the City.
- D. Professional Liability Insurance in the amount of not less than \$1,000,000 per occurrence.

Any subconsultants shall provide certificates of insurance evidencing coverage and terms in accordance with the insurance requirements outlined above.

X. ASSIGNMENT, SUBCONTRACTING, ACQUISITIONS AND/OR MERGERS

- A. KCI and any subconsultants identified in KCI's proposal to the City shall perform services pursuant to this contract. No other assignment or subcontracting shall be allowed without prior written consent of the City.
- B. In the event of a corporate acquisition and/or merger, KCI shall provide written notice to the City within thirty (30) calendar days of KCI's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws.

XI. DISPUTE RESOLUTION

If a dispute arises out of or relates to this contract, or the breach thereof, the parties will attempt to settle the matter through amicable discussion.

XII. ATTORNEY'S FEES

In the event of any demand, action or proceeding between the parties arising out of or relating to this contract, the prevailing party shall be entitled to recover any and all costs, including attorney's fees and court costs, incurred in any investigations, actions, trials, appeals, mediations, arbitrations, bankruptcy proceedings, collection proceedings, collection efforts, and supplementary proceedings.

XIII. UNCONTROLLABLE CIRCUMSTANCES

KCI will not be liable in any way to the City for any delay or non-performance resulting from or arising out of any act(s) of God, severe weather, strike, civil disorder, earthquake, any law, order, proclamation, regulation, ordinance, demand or requirement of any governmental agency, or any other condition or occurrence whatsoever beyond KCI's sole control.

XIV. SEVERENCE

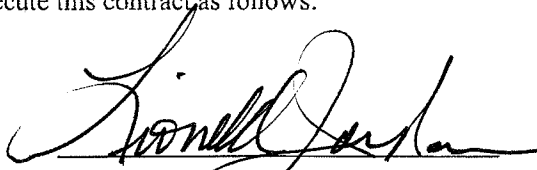
In the event a portion of this contract is found by a court of competent jurisdiction to be invalid or unenforceable, the provisions not having been found by a court of competent jurisdiction to be invalid or unenforceable shall continue to be effective.

XV. ENTIRETY OF AGREEMENT

This contract embodies the entire agreement and understanding between the City and KCI, and there are no other agreements and understandings, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby. No alteration, change or modification of the terms of the contract, or any attachments, shall be valid unless made in writing signed by both parties hereto.

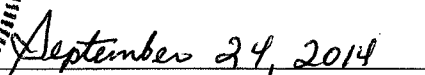
IN WITNESS WHEREOF, the City and the KCI execute this contract as follows:

CITY OF FAYETTEVILLE


LIONELD JORDAN, Mayor




Sandra E. Smith, City Clerk/Treasurer


Date

KESSLER CONSULTING, INC.


MITCH KESSLER, President

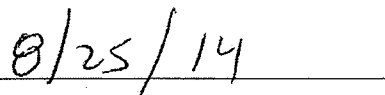

Date

EXHIBIT A

City of Fayetteville, AR Solid Waste Reduction, Diversion, and Recycling Master Plan Scope of Work

Outlined herein is Kessler Consulting, Inc.'s (KCI) scope of work to assist the City of Fayetteville (City) in developing a Master Plan aimed at achieving an efficient, cost-effective solid waste system that maximizes waste reduction and recycling and puts the City on a path to attaining its goal of 80 percent waste diversion. Achieving this goal will require new and expanded programs, innovative policies, productive partnerships, and/or implementation of new technologies. It will require a fundamental shift from waste management to resource management.

KCI anticipates subcontracting with the University of Arkansas Applied Sustainability Center (ASC) to assist with discreet tasks and activities. In particular, we will seek to engage student participation in the project, primarily in assisting with the waste composition study and stakeholder meeting logistics. In addition, ASC will provide local knowledge and assist in exploring opportunities for collaboration between the City and the University.

Scope of Services

Task 1 Baseline and Operational Assessment of Current System

Purpose: In this initial task, KCI will examine, inventory, and benchmark for future comparison the City's existing solid waste programs and operations. We will review studies recently completed for the City to avoid duplication of efforts. KCI will also conduct operational assessments of the City's collection operations and the City-owned and operated transfer station, recycle center, and compost facility. We will review any existing information and performance metrics provided by the City, complemented by field observations as needed. Analyzing existing solid waste and recycling systems will lay the foundation for all future planning activities.

Activities:

1. Participate in a kick-off call with City staff to initiate the project and clearly define project objectives.
2. Review and evaluate relevant information and data including, but not limited to, the following:
 - Tonnage of solid waste, recyclables materials, yard waste, construction and demolition debris (CDD), white goods, household hazardous waste, etc. generated by source (i.e., residential, commercial, etc.) and final disposition of these wastes and recycling streams, whether at public or private facilities.
 - Current solid waste contracts.
 - Current facility permits and operating plans.
 - Solid waste system budgets and actual revenues and expenditures.
 - Recordkeeping, data management, revenue assurance systems, and user fee structure.
 - Current bond covenants.
 - Current organizational chart of solid waste department.
 - City Ordinances and other policies pertaining to solid waste and any recent planning documents regarding solid waste.
 - Inter-local agreements with Washington County or other municipalities, if applicable.

- Existing education and outreach materials.
- 3. Develop population and waste generation projections for a 10-year period, and identify factors that will affect population growth and waste generation.
- 4. Conduct an onsite assessment, anticipated to last five days, to observe collection operations and operations at the transfer station, recycle center, and compost facility. The assessment will include the following:
 - Group meeting with operational employees to gain a clear understanding of operations and engage front-line staff in the evaluation process.
 - Field-level observations, ride-alongs, and route-based data collection in cooperation with front-line staff.
 - Use of proprietary wireless and web-based technology to collect real-time, on-route data and measure route performance and to estimate recycling participation.
- 5. Analyze labor requirements, production, and current workforce levels in order to develop staffing recommendations.
- 6. Analyze equipment replacement schedules.
- 7. Compare findings with industry standards.
- 8. Identify program components and options that could potentially lower costs, improve efficiency, or otherwise help the City meet its objectives.
- 9. Identify tools to assist the City in measuring improvement progress over time.
- 10. Prepare a summary of Task 1 results and findings.

Deliverable: Technical memorandum summarizing the current solid waste system, results and findings of the operational assessment, and 10-year population and waste generation projections.

Task 2 Waste and Litter Composition Study

Purpose: KCI will conduct a study to determine the composition of waste generated within the City that is delivered to the City's transfer station for disposal. Understanding the types and quantities of materials contained in the waste stream is critical to developing effective systems to divert these resources for recycling or composting. Waste composition data also serves as a benchmark for comparing future system changes. Concurrently, KCI will conduct a study to determine the composition of litter collected from various locations throughout the City. The budget provided herein is for one sampling and sorting event lasting five days in duration. The City may wish to conduct additional sorting events to account for seasonal variability in waste composition.

The University of Arkansas (UA) has expressed interest in participating in the waste composition study while KCI's team is mobilized for the City's study. The option of including UA's waste as part of the study is discussed in Task 2A below.

Activities:

1. Request from the City and review four weeks of scale house data regarding inbound vehicles to the transfer station, including source, vehicle number, time of arrival, and tonnage.
2. Request from the City and review the windshield litter survey conducted by City staff.
3. Develop a list of material categories into which waste will be sorted, ensuring that these categories are consistent with the City's existing recycling program and any previous composition studies.

4. Identify the generator sectors (e.g., residential, commercial, litter) that will be targeted in the waste composition study.
5. Develop a sampling schedule, sampling and sorting protocol, and site safety plan for review by City staff. KCI will work closely with City staff to develop the sampling schedule for litter since the City will be responsible for mobilizing staff or volunteers to collect the litter from specified areas, mark it, and deliver it to the sorting area.
6. Work with City staff to identify an appropriate sampling and sorting area. The City will be asked to provide a covered area (an existing structure or a tent) under which the sorting team will work and a loader and operator to pull samples, as directed by KCI's Sampling Supervisor, and deliver them to the sorting area.
7. Obtain the necessary equipment for conducting the sorting event. The City will be asked to provide four six-foot folding tables and recycling bins and other containers into which materials will be sorted. KCI will provide all other safety and sorting equipment and a calibrated platform scale.
8. Mobilize for the sorting event. KCI will provide a Sort Supervisor, Sampling Supervisor, and up to seven sorters. KCI is working with ASC to hire students as the sorters, which will provide a rare hands-on learning opportunity for the students.
9. Execute the sorting event. KCI's Sampling Supervisor will work with the loader operator to pull representative samples from selected incoming loads of waste in accordance with the sampling schedule. Samples will be transferred to the sorting area and stored on tarps until sorted. All samples will be sorted into the defined material categories and weighed. KCI's Sort or Sampling Supervisor will conduct all data recording. To ensure quality and safety, KCI will conduct a training session, prior to starting work each day, to review safety and sorting procedures.
10. Analyze the data from the sorting event to calculate the percentage by weight of each material category for each generator sector, as well as for the City's overall waste stream. Data analysis will follow the *ASTM Standard Test Method for Determination of the Composition of Unprocessed Municipal Solid Waste* (D5231-92; reapproved 2008).
11. Prepare a technical memorandum summarizing the results and findings of the study.

Deliverables:

- Material categories list, sampling and sorting protocol, sampling schedule, and site safety plan.
- Technical memorandum providing the results of the waste composition study.

Task 2A UA Waste Composition Study (optional task)

Purpose: This optional task will entail sampling and sorting waste generated on the UA campus. KCI anticipates adding three additional days of field work, which will enable the KCI team to sample and sort at least 24 samples of UA waste. To ensure the statistical validity of this data, no more than three separate UA generator sectors will be included. Specific generator sectors will be determined based on discussions with UA staff, but might include classrooms, dormitories, and food service areas.

Activities:

1. Request from UA staff and review waste tonnage data, collection schedules, and other relevant, available information needed to develop the sampling schedule.
2. Confirm with UA staff that the material categories list developed for Task 2 is acceptable.
3. Identify the generator sectors that will be targeted in the waste composition study.

4. Develop a sampling schedule and provide the schedule and sampling and sorting protocol developed in Task 2 to UA staff for review.
5. Work with UA staff to ensure the necessary loads of waste will be directed to the sorting area for sampling in accordance with the sampling schedule.
6. Execute the sorting event.
7. Analyze the data from the sorting event to calculate the percentage by weight of each material category for each generator sector, as well as for UA's overall waste stream (all generators combined).
8. Incorporate the results of the UA study into the Task 2 technical memorandum.

Deliverables:

- Material categories list, sampling and sorting protocol, and sampling schedule.
- Section of Task 2 technical memorandum providing the results of the UA waste composition study.

Task 3 Reduction and Diversion Options Analysis

Purpose: The purpose of this task is to evaluate proven recovery technologies and programmatic approaches, and to identify those that offer the greatest potential material recovery and waste reduction/diversion opportunities to the City. For example, collection options might include wet/dry collection, dual stream recycling, cart-based single stream recycling, compressed natural gas (CNG) collection vehicles, incentive-based contracts, and rewards programs such as Recycling Perks. Processing technologies to capture or utilize material resources include single stream, mixed waste, and wet/dry material processing, organics processing technologies, and other emerging technologies that seek to minimize the disposal of waste.

Activities:

1. Identify and conduct an initial evaluation of material recovery technologies and programs to identify those most viable or having the greatest materials recovery and waste reduction/diversion potential. Such evaluation will include reviewing recognized regional and national programs, analyzing the potential applicability to the City, and conducting an initial analysis of the economic feasibility.
2. Evaluate potential public and private strategic partnerships for leveraging expertise and economies of scale.
3. Prepare a summary of this evaluation and identify material recovery technologies and programs that warrant further consideration. Scenarios for future consideration may include modifications to existing contracts and programs, as well as implementation of new technologies and programs.

Deliverable: Technical memorandum of this initial evaluation of technology and program options.

Task 4 Recovery Scenarios Modeling and Financial Evaluation

Purpose: KCI will use a proprietary spreadsheet-based model to conduct a more detailed analysis of high-recovery, integrated materials management system scenarios that the City desires to consider further. This interactive model takes into consideration that changes in one system component will have operational and financial impacts on other system components. Based on a set of City-specific assumptions, the model will estimate the

capital and operating cost of each scenario, potential revenues, potential waste diversion (material recovery), and site requirements. An appropriate fee structure will be linked to the anticipated costs and benefits of new or expanded services to ensure a healthy and sustainable enterprise fund. The scenario modeling and financial evaluation will also consider the intrinsic value of the selected scenarios as it relates to the triple bottom line so that the City has a comprehensive foundation for decision-making.

Activities:

1. Based on the results of Tasks 4, conduct a work session with City staff to identify material recovery scenarios for further analysis.
2. Develop and confirm assumptions that will be used in the model.
3. Evaluate the identified scenarios using KCI's comparative model.
4. Conduct a financial analysis of the implications of selected scenarios to the City's existing solid waste business model.
5. Prioritize the model results based on waste reduction/diversion potential and cost-effectiveness to the City.
6. Review the model results with City staff to identify selected scenarios for inclusion in the Master Plan.
7. Develop rate structure modifications for scenarios selected by the City that will ensure the long-term viability of the solid waste system and enterprise fund, as well as incentivize increased recycling or waste diversion.
8. Develop recommendations for inclusion in the draft Master Plan, including a consolidated rate structure and potential modifications to the City's solid waste business model.

Deliverable: Technical memorandum that includes the results of the detailed analysis of selected scenarios and associated rate structure as recommendations for inclusion in the draft Master Plan.

Task 5 Policy Recommendations

Purpose: The purpose of this task is to identify policies to implement and support the various technology and program options selected in Task 5. Policies are the principles and guidelines by which the City will reach its solid waste and resource management goals. These policies will influence future decisions regarding the solid waste system, thereby translating these policies into compatible actions and programs. Examples of policies for consideration include residential and/or commercial recycling mandates, disposal bans on specific types of recyclable or compostable materials, bans of the use of certain types of products (e.g., plastics bags, polystyrene containers), source separation standards, minimum service standards, private sector participation, and regional cooperation.

Activities:

1. Define and evaluate policies that would encourage specific behaviors and/or complement the technologies and programs selected in Task 5.
2. Identify policy recommendations that will best help guide the City toward meeting its goals and objectives, while also ensuring the long-term financial viability of the solid waste system.
3. Review the draft policy recommendations with City staff and revise as needed.

Deliverable: Technical memorandum identifying policy recommendations.

Task 6 Solid Waste Master Plan Development

Purpose: The results of the previous tasks and technical memoranda developed as part of these tasks will be incorporated into a Master Plan. Based on review and discussions with City staff, KCI will develop near-term and long-term recommendations deemed cost-effective and operationally feasible on the scale required by the City.

Activities:

Develop a draft Master Plan that includes or addresses the following:

1. **Baseline Summary:**
 - Summary of the City's current solid waste system, including waste and recyclables tonnage, flow, and management.
 - Population and waste generation projections over a 10-year period and summary of factors that affect these projections.
 - Operational assessments of City collection operations and City-owned and operated facilities, along with initial recommendations for improvements.
2. **Reduction and Diversion Options Evaluation:**
 - Evaluation of proven material recovery technologies and programs.
 - Results of the more detailed analysis of selected scenarios, prioritizing scenarios based on waste reduction/diversion potential and cost-effectiveness.
 - Potential opportunities for partnership.
 - Discussion of impacts on the City's business model and recommended modifications.
3. **Short-, Medium- and Long-Term Recommendations:**
 - **Policies:** Policy recommendations that provide the framework that derives sustainable materials recovery and guides decision-making, program and facility development, stakeholder engagement, and systems financing.
 - **Programs:** Program recommendations that are cost-effective and deemed most viable to substantially increase waste reduction and diversion, taking into account the availability of sustainable markets for the recovered resources.
 - **Facilities:** Proven technology and facility recommendations that are effective in recovering material from the waste stream, have been demonstrated on a scale commensurate with the City, and are financially viable.
 - **Education:** Recommended marketing strategy and programs that will complement and help ensure the success of the various policy, program, and facility recommendations. Emphasis will be placed on strategies for affecting changes in behavior. A summary of all community input (Task 8) will be included.
4. **Financial Analysis:**
 - Proposed business plan and financial implications (ranges from high to low) of the Master Plan recommendations.
 - Proposed rate structure intended to preserve the health and sustainability of the enterprise fund.

Deliverable: Draft and final Master Plan integrating the technical memoranda from all other tasks.

Task 7 Project Coordination, Community Input, and Presentations

Purpose: Throughout this project, KCI will maintain frequent communication with City staff regarding project status and technical aspects of the work. We also will seek stakeholder input through a variety of mechanisms including, but not limited to, workshops, meetings, and surveys. Whenever possible, we will include a web-based option for providing input, such as on-line access to town hall type meetings and on-line surveys. In addition, KCI will present the final Master Plan to elected officials, the public, or other stakeholders.

Activities:

1. Participate in monthly project team calls.
2. Prepare a monthly summary of activities.
3. Coordinate and participate in up to three days of workshops and/or meetings with stakeholder groups, the general public, and/or elected officials. KCI will arrange for stakeholders to have a web-based option to provide input whenever feasible.
4. Develop and execute a stakeholder survey in a variety of formats, including a web-based survey tool such as Survey Monkey.
5. Participate in up to two days of one-on-one and/or public meetings with City management and elected officials, as deemed appropriate, to present, review, and discuss the final Master Plan.

Deliverables:

- Monthly summary of activities.
- Participation in up to three stakeholder workshops, meetings, or focus groups.
- Survey instrument.
- Technical memorandum summarizing survey results and other stakeholder input.
- Presentation of Master Plan.

Budget and Timeline

Because of the nature of this project and the potential variability in the level of effort required, KCI proposes to conduct this scope of work on a time-and-materials basis for an amount not to exceed \$249,930, excluding Task 2A. The budget for Task 2A is \$14,960. A detailed budget breakdown by task is provided in Attachment B. Services will be invoiced at the rates indicated, which include all overhead and direct and indirect costs. Expenses (travel, etc.) will be billed at cost without markup. KCI will submit monthly invoices with a written explanation of activities completed that month.

KCI will initiate work upon notice to proceed. A proposed timeline is provided herein, which may be modified as the project progresses.

KCI looks forward to assisting the City in developing a comprehensive Solid Waste Reduction, Diversion, and Recycling Master Plan that seeks to maximize waste diversion while maintaining the long-term financial viability of the City's solid waste and resource management system.

Proposed Timeline

Tasks	Month											
	1	2	3	4	5	6	7	8	9	10	11	12
1 Baseline and Operational Assessment												
2 Waste and Litter Composition Study												
3 Reduction and Diversion Options Analysis												
4 Recovery Scenarios Modeling and Financial Evaluation												
5 Policy Recommendations												
6 Solid Waste Master Plan Development												
7 Project Coordination, Community Input, and Presentations												

EXHIBIT B

City of Fayetteville, AR Solid Waste Reduction, Diversion, and Recycling Master Plan Proposed Budget

CATEGORY (NAME)	HOURLY RATE	Task 1	Task 2	Task 2A	Task 3	Task 4	Task 5	Task 6	Task 7	With Task 2A		Without Task 2A	
		Baseline & Operational Assessment	Waste & Litter Composition Study	Optional UA Waste Composition Study	Reduction & Diversion Options Analysis	Recovery Scenario Modeling & Financial Evaluation	Policy Recommend's	Solid Waste Master Plan Development	Project Coordination, Community Input & Presentation	TOTAL HOURS	TOTAL DOLLARS	TOTAL HOURS	TOTAL DOLLARS
LABOR													
Project Director	\$185.00	10.0	4.0	2.0	10.0	10.0	8.0	20.0	50.0	114.0	\$21,090	112.0	\$20,720
Project Manager	\$140.00	48.0	16.0	8.0	40.0	40.0	40.0	60.0	60.0	312.0	\$43,680	304.0	\$42,560
Senior Consultant	\$125.00	110.0	0.0	0.0	40.0	40.0	10.0	20.0	8.0	228.0	\$28,500	228.0	\$28,500
Consultant	\$100.00	80.0	20.0	10.0	170.0	170.0	72.0	110.0	60.0	692.0	\$69,200	682.0	\$68,200
Consultant	\$95.00	0.0	150.0	50.0	0.0	0.0	0.0	0.0	0.0	200.0	\$19,000	150.0	\$14,250
Consultant	\$85.00	140.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	140.0	\$11,900	140.0	\$11,900
Research Analyst	\$80.00	0.0	16.0	12.0	80.0	80.0	40.0	80.0	20.0	328.0	\$26,240	316.0	\$25,280
Office Manager/Technical Support	\$60.00	14.0	68.0	24.0	10.0	10.0	10.0	10.0	10.0	156.0	\$9,360	132.0	\$7,920
SUBTOTAL LABOR HOURS		402.0	274.0	106.0	350.0	350.0	190.0	300.0	208.0	2170.0	\$228,970	2064.0	\$219,330
SUBTOTAL LABOR DOLLARS		\$43,060	\$24,590	\$9,640	\$36,450	\$36,450	\$19,330	\$32,600	\$26,850		\$228,970		\$219,330
DIRECT COSTS													
TRAVEL		\$3,700	\$3,700	\$2,300		\$2,000			\$6,000		\$17,700		\$15,400
SUPPLIES			\$1,000	\$500							\$1,500		\$1,000
CONTRACTED LABOR			\$4,200	\$2,520							\$6,720		\$4,200
SUBCONTRACTOR		\$1,000	\$2,000		\$500		\$500	\$1,000	\$5,000		\$10,000		\$10,000
SUBTOTAL DIRECT COST		\$4,700	\$10,900	\$5,320	\$500	\$2,000	\$500	\$1,000	\$11,000		\$35,920		\$30,600
TOTAL PROJECT BUDGET													
LABOR + DIRECT COST		\$47,760	\$35,490	\$14,960	\$36,950	\$38,450	\$19,830	\$33,600	\$37,850		\$264,890		\$249,930

City of Fayetteville Staff Review Form

2014-0408

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Leif Olson

9/10/2014

Sustainability & Resilience /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Administrative approval of a Memorandum of Understanding with the University of Arkansas Facilities Management Department to contract with Kessler Consulting to complete a Waste Composition Study of 24 selected waste samples from no more than three separate UofA generator sectors.

Budget Impact:

<u>Account Number</u>		<u>Fund</u>	
<u>Project Number</u>		<u>Project Title</u>	
Budgeted Item?	<u>NA</u>	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	<u>No</u>	Item Cost	
Budget Adjustment Attached?	<u>No</u>	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # 171-14

Original Contract Number:

Comments:



Approval Date: 9-22-14

TO: Mayor Jordan
Don Marr, Chief of Staff
Paul Becker, Finance Director

THRU: Peter Nierengarten, Sustainability and Resilience Director

CC: Jeff Coles, Recycling and Trash Collection Division Director

FROM: Leif Olson, Associate Planner

DATE: September 19, 2014

SUBJECT: Memorandum of Understanding – Recycling Master Plan with University of Arkansas

RECOMMENDATION:

Administrative approval of a Memorandum of Understanding with the University of Arkansas Facilities Management Department to contract with Kessler Consulting to complete a Waste Composition Study of 24 selected waste samples from no more than three separate UofA generator sectors. Generator sectors may include classrooms, dormitories and food service areas.

BACKGROUND:

The City Council passed Resolution Number 171-14 on September 16, 2014 to hire Kessler Consulting to develop a 10 year solid waste master plan in order to attain a waste diversion rate of 80%. One critical component of a solid waste and recycling plan is to conduct a waste composition study in order to determine the precise makeup of the waste materials that are being discarded in the landfill. This is accomplished by pulling sample waste containers from different waste generating sectors and measuring the type and volume of the waste that is currently being landfilled. Kessler Consulting will perform waste composition studies for both the University and the City in order to provide quantifiable data on the type and volume of waste generated by all sectors within the City.

BUDGET/STAFF IMPACT:

This Memorandum of Understanding prescribes that the University of Arkansas will reimburse The City of Fayetteville \$14,960 for the cost of their waste composition study.

MEMORANDUM OF UNDERSTANDING
between
THE UNIVERSITY OF ARKANSAS
FACILITIES MANAGEMENT DEPARTMENT
and
THE City of Fayetteville, AR
FY 2015

This Memorandum of Understanding (MOU) is entered into and executed on the date indicated beside the signature blocks, by and between the University of Arkansas Facilities Management Department and the City of Fayetteville, Arkansas.

I. PURPOSE

The City of Fayetteville (City) is contracting with Kessler Consulting, Inc. (KCI) of Tampa, FL to provide a Solid Waste Reduction, Diversion and Recycling Master Plan for the City. The Master Plan is aimed at achieving an efficient, cost-effective solid waste system that maximizes waste reduction and recycling and puts the City on a path to attaining its goal of 80 percent waste diversion. The City's Contract with KCI includes a task for a University of Arkansas (UA) Waste Composition Study which entails sampling and sorting waste generated on the UA campus.

The purpose of this MOU is to establish the contractual relationship (scope, deliverables schedule and price) between the City and UA to enable KCI to perform this work on behalf of the UA.

Regarding this agreement contact people for the City of Fayetteville will be:

Peter Nierengarten 479.575.8272 / pnierengarten@fayetteville-ar.gov

-----Primary contact

name

ph#/email

Jeff Coles 479.444.3499 / jcoles@fayetteville-ar.gov

-----Alternate contact

name

ph#/email

Contact people at FMD are:

Carlos Ochoa 5-2405 / cochoajr@uark.edu

-----Primary contact

name

ph#/email

Peggy Cromer 5-6593 / pbcomer@uark.edu

-----Alternate contact

name

ph#/email

II. SCOPE

KCI anticipates the UA Waste Composition Study requiring three days of fieldwork, which will enable the KCI team to sample and sort at least 24 samples of UA waste. To ensure the statistical validity of this data, no more than three separate UA generator sectors will be included. Specific generator sectors will

be determined based on discussions with UA staff, but might include classrooms, dormitories, and food service areas.

Activities

1. Request from UA staff and review waste tonnage data, collection schedules, and other relevant, available information needed to develop the sampling schedule.
2. Confirm with UA staff that the material categories list developed for Task 2 is acceptable.
3. Identify the generator sectors that will be targeted in the waste composition study.
4. Develop a sampling schedule and provide the schedule and sampling and sorting protocol developed in Task 2 to UA staff for review.
5. Work with UA staff to ensure the necessary loads of waste will be directed to the sorting area for sampling in accordance with the sampling schedule.
6. Execute the sorting event.
7. Analyze the data from the sorting event to calculate the percentage by weight of each material category for each generator sector, as well as for UA's overall waste stream (all generators combined).
8. Incorporate the results of the UA study into the Task 2 technical memorandum.

III. DELIVERABLES

- Material categories list, sampling and sorting protocol, and sampling schedule.
- Technical memorandum providing the results of the City and UA waste composition studies.

VI. SCHEDULE

The UA waste composition study will be completed as part of task 2 of the City's Solid Waste Reduction, Diversion and Recycling Master Plan. That plan is scheduled to begin in October 2014 and to follow the propose time line below.

Tasks	Month											
	1	2	3	4	5	6	7	8	9	10	11	12
1 Baseline and Operational Assessment												
2 Waste and Litter Composition Study												
3 Reduction and Diversion Options Analysis												
4 Recovery Scenarios Modeling and Financial Evaluation												
5 Policy Recommendations												
6 Solid Waste Master Plan Development												
7 Project Coordination, Community Input, and Presentations												

V. PRICE

The total task budget for the UA Waste Composition Study is \$14,960.

IV. TERMINATION OF SERVICES

Should either Party decide to terminate this MOU, a Notice of Discontinuation of Services must be sent to the other party in writing at least 60 days prior to the date of termination. Included in the notice should be the reason for the termination with a list of any discrepancies noted. Any equipment/materials purchased with University of Arkansas monies or transferred from the City of Fayetteville to Facilities Management to use during the waste assessment, will be returned to the City of Fayetteville in their current condition/status.

This Memorandum of Understanding supersedes any previous agreement(s). This MOU is effective upon signature and shall remain in effect until December 31, 2015, or such time as a Notice of Discontinuation of Services is executed by either party hereunto.

By: M. R. Johnson Date 9/17/14
M. R. Johnson, Associate Vice Chancellor for Facilities
University of Arkansas Facilities Management Department

CITY OF FAYETTEVILLE

By: Lionel Jordan Date 9/22/14
Lionel Jordan, Mayor

Attest:

By: Sondra E. Smith Date 9/23/14
Sondra E. Smith, City Clerk/Treasurer





PURCHASE ORDER

VENDOR NO. 24798

Kessler Consulting Inc
14620 N Nebraska Avenue
Building D
Tampa FL 33613

Each Package Must Be Marked
Exactly As Shown Here
City of Fayetteville, Arkansas

Tentative Agenda
PURCHASE ORDER #

14-0000415-001

DATE 10/13/14

FOB Fyv

TERMS NET 30 DAY

Qty.	Unit of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	EA	<u>0</u>	a) Solid Waste Reduction, Diversion and Recycling Master Plan Contract #2337 Per Res #171-14 RFP #14-08 5500.5080.5314.00 14019 1	264890.00	264890.00

Please add line item (B) (+) \$39,980.00
Waste Reduction & Recycling Plan
5500.5080.5314.00 14019 1
"Amendment 1"

SHIP TO: PLANNING DEPT
CITY OF FAYETTEVILLE
125 W MOUNTAIN
FAYETTEVILLE AR 72701

Olson, Lei

Sales Tax Total: \$0.00
Purchase Order Total: ~~264890.00~~

DEPARTMENT VERIFICATION

RECEIVED
DEPT HEAD APPROVAL
AMOUNT TO PAY

A/P VERIFICATION

PURCHASING VERIFICATION
PRICE CHANGE VERIFICATION

RETURN CHECK TO
SEND COPY TO

BY G. E. Olson DATE 7/14/15
7/14/15

ADDITIONAL APPROVAL

CHECK #
DOES NOT MEET PURCHASING POLICY
CONTRACT PAYMENT
OTHER
APPROVED BY

PROJECT #
THIS PAYMENT \$
PREVIOUS PAYMENT(S) \$
TOTAL PYMT(S) \$
BALANCE \$

DEPT. WHEN COMPLETE DELIVER TO ACCTS. PAYABLE

Tentative Agenda
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[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0315

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID NO. 15-27 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS

A RESOLUTION TO AWARD BID NO. 15-27 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$82,700.00 FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL BUSWAYS AT THE NOLAND WASTEWATER TREATMENT PLANT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,270.00

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 No. 15-27 and authorizes a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. in the amount of \$82,700.00 for the purchase and installation of electrical busways at the Noland Wastewater Treatment Plant, and further approves a project contingency in the amount of \$8,270.00.

City of Fayetteville Staff Review Form

2015-0315**Legistar File ID****8/4/2015**

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jim Beavers

7/2/2015

Wastewater Treatment Plant /
Utilities Department**Submitted By****Submitted Date****Division / Department****Action Recommendation:**

The Fayetteville City Administration recommends approval of a construction contract with Austin King, Inc., DBA King Electric Contractors, Inc. in the amount of \$82,700.00 for Construction Bid 15-27, and approval of a 10% project contingency of \$8,270.00 for a total of \$90,970.00 for the purchase and installation of electrical busways at the Paul R Noland WWTP.

Budget Impact:

5400.5800.5414.00

Water/Sewer

Account Number

Fund

02069.1

Plant, Pumps and Equipment-WWTP

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 422,014.64

Funds Obligated \$ 47,358.50

Current Balance **\$ 374,656.14****Does item have a cost?** Yes

Item Cost \$ 90,970.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ 283,686.14**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF AUGUST 4, 2015

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff
Tim Nyander, Utilities Director
Water & Sewer Committee

FROM: Jim Beavers, P.E. Utilities Engineer

DATE: June 30, 2015

SUBJECT: Resolution approving a construction contract with Austin King, Inc., DBA King Electrical Contractors, Inc. in the amount of \$82,700.00 for Construction Bid 15-27, and approving a construction contingency of \$8,270.00 for a total of \$90,970.00.

RECOMMENDATION:

The Fayetteville City Administration recommends approval of a construction contract with Austin King, Inc., DBA King Electrical Contractors, Inc. in the amount of \$82,700.00 for Construction Bid 15-27, and approval of a 10% project contingency of \$8,270.00 for a total of \$90,970.00 for the purchase and installation of electrical busways at the Paul R Noland WWTP.

BACKGROUND:

This project will replace two electrical busways used to power the Noland WWTP Effluent Pump Station. The transformer busways are 30 years old with the East Transformer busway currently inoperable after suffering 2014 storm damage.

DISCUSSION:

Public Bids were opened on June 24, 2015. The City received 2 bids as follows:

King Electric	\$82,700.00
Multi-Craft Contractors	\$110,550.00

CH2M and the City Staff have reviewed the bids and recommend awarding the contract to King Electrical Contractors, Inc. in the amount of \$82,700.00 and a project contingency of \$8,270.00.

BUDGET/STAFF IMPACT:

Funds are available within the Plant, Pumps and Equipment project CIP Budget.

ATTACHMENTS:

Staff Review Form
Purchase Order Request
Contract
Bid Tabulation
Certification of Funds

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: 6/30/2015		
							P.O Number:			
Vendor #: 5974		Vendor Name: Austin King Inc dba King Electrical Contractors, Inc					Mail ☐ Yes ☐ No		Legistar#: 2015-0315	
Address: 2145 West Moore Lane					FOB Point:		Taxable ☐ Yes ☒ No		Expected Delivery Date:	
City: Fayetteville		State: AR			Zip Code: 72704	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No			
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Two Electrical Busways-Used to Power the Noland WWTP Effluent Pump Station Bid 15-27	1	EA	82,700.00	\$82,700.00	5400.5800.5414.00	02069.1			
2					\$0.00					
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$82,700.00 Tax: \$0.00 Total: \$82,700.00			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				



City of Fayetteville, Arkansas

Purchasing Division

OFFICIAL BID TABULATION

Bid 15-27, Construction - Electrical Busway Replacement

Wednesday, June 24, 2015, 2:00 PM, Local Time

Tentative Agenda
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				King Electric				Multi-Craft Contractors			
ITEM	DESCRIPTION	Est Qty	Unit	PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL	
1	Total Bonds, Insurances & Contract Submittals	1	LS	x	\$ 2,441.00	=	\$ 2,441.00	x	\$ 1,050.00	=	\$ 1,050.00
2	Mobilization - shall not exceed 5% of bid	1	LS	x	\$ 800.00	=	\$ 800.00	x	\$ 5,527.50	=	\$ 5,527.50
3	East Transformer	1	LS	x	\$ 44,580.00	=	\$ 44,580.00	x	\$ 50,983.50	=	\$ 50,983.50
4	Certified Production Reports, etc. for East Transformer	1	LS	x	\$ 4,400.00	=	\$ 4,400.00	x	\$ 9,500.00	=	\$ 9,500.00
5	West Transformer	1	LS	x	\$ 26,079.00	=	\$ 26,079.00	x	\$ 33,989.00	=	\$ 33,989.00
6	Certified Production Reports, etc. for West Transformer	1	LS	x	\$ 4,400.00	=	\$ 4,400.00	x	\$ 9,500.00	=	\$ 9,500.00
TOTAL AMOUNT BID:						\$ 82,700.00				\$ 110,550.00	

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

CERTIFIED:

P. Vice

P. Vice, Purchasing Manager

A. Lennie

Witness

6/24/15

Date

SECTION 00140 – BIDDER'S QUALIFICATION STATEMENT:

Contract Name: **Paul R Noland WWTP Effluent Pump Substation Bus Duct Replacement**

Date: JUNE 24TH, 2015

SUBMITTED TO:

The City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

SUBMITTED BY:

Company King Electric

Name Chris King

Address 2145 W Moore Lane Fayetteville AR 72704

Principal Office _____

Corporation, partnership, individual, joint

venture, other Corporation

Arkansas State General Contractor's License Number

0063870416

For a Contractor to be considered as Commercially Proven, the Contractor must satisfy all insurance, financial, and bonding requirements of the City of Fayetteville, and must have had at least **5 (five) years active experience under the current Contractor name** in the installation of the product bid. The Contractor shall provide an acceptable list of installations with similar equipment demonstrating compliance with this equipment. The manufacturer of this equipment shall have produced similar electrical equipment for a minimum period of 10 years. Acceptable documentation of these minimum installations must be submitted to the City of Fayetteville.

SECTION 00140 – BIDDER'S QUALIFICATION STATEMENT:

EXPERIENCE STATEMENT

1. Bidder has been engaged as a General Contractor in construction for 28 years and has performed work of the nature and magnitude of this Contract for 28 years. Bidder has been in business under its present name for 28 years.

2. Bidder now has the following bonded projects under contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and estimated completion date.) None

3. Bidder has completed the following (list minimum of 3) contracts consisting of work similar to that proposed by this Contract: (On a separate sheet, list project name, owner, name of owner contact, engineer / architect, name of engineer/architect contact, amount of contract, surety, and date of completion and percentage of the cost of the Work performed with Bidder's own forces.)

4. Has Bidder ever failed to complete any project? If so, state when, where, and why.

No

5. Bidder normally performs the following work with his own forces:

Electrical Installations

6. Construction experience of key individuals in the organization is as follows
(continued on attached sheets if needed):

All Journeyman Electricians have at least 6 years experience
All Master electricians have at least 10 years of experience
All Apprentices currently in Apprentice School

.....

King Electrical Contractors Inc.

June 19, 2015

Georges Debone Addition, Georges Inc., Don Carter, Crafton Tull, \$120,000.00, No surety, completed 6-2013, 100%

PLP addition, Preformed Line Products, Dale Hoofard, Robert Jones Engineering, \$1,450,000.00, No surety, Completed 6-2014, 100%

Tyson Green Forest service upgrade, Tyson Foods, Don Carter, Tyson Engineering, \$170,000.00, No surety, completed 7-2014, 100%

.....

SECTION 00140 – BIDDER'S QUALIFICATION STATEMENT:

7. In the event the Contract is awarded to Bidder, the required surety Bonds will be furnished by the following surety company and name and address of agent:

The Cashion Company
PO Box 550 Little Rock AR 72263

8. Bidder's Workmen's Compensation Experience Modifier Factor is:

1.41

FINANCIAL STATEMENT

Bidder possesses adequate financial resources as indicated by the following:

1. Assets and Liabilities: Attach a financial statement, audited if available, including Bidder's latest balance sheet and income statements showing the following items:
 - a. Current assets (cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory, and prepaid expenses).
 - b. Net fixed assets.
 - c. Other assets.
 - d. Current liabilities (accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries, and accrued payroll taxes).
 - e. Other liabilities (capital, capital stock, authorized and outstanding shares par values, earned surplus, and retained earnings).
 - f. Name of firm preparing financial statement and date thereof:

SECTION 00140 – BIDDER’S QUALIFICATION STATEMENT:

If financial statement is not for identical organization named herein, explain relationship and financial responsibility of the organization furnished.

2. Current Judgments: The following judgments are outstanding against Bidder:

	<u>Judgment Creditors</u>	<u>Where Docketed and Date</u>	<u>Amount</u>
a.	<u>None</u>	<u></u>	<u>\$</u>
b.	<u>None</u>	<u></u>	<u>\$</u>

Bidder hereby represents and warrants that all statements set forth herein are true and correct.

Date: 6-19, 2015

(OFFICIAL SEAL)

Name of Organization:

King Electric

By CBK

Title President

(If Bidder is a partnership, the partnership name shall be signed, followed by the signature of at least one of the partners. If Bidder is a corporation, the corporate name shall be signed, followed by the signature of a duly-authorized officer and with the corporate seal affixed.)

END OF SECTION 00140

SECTION 0400 –BID FORM

Contract Name: **Paul R Noland WWTP Effluent Pump Substation Bus Duct Replacements**

Bid Number: # 15-27, Construction

BID TO:

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

BID FROM:

Bidder:

King Electric
2145 W Moore Lane
Fayetteville AR 72704

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner 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.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 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 90 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 Owner's Notice of Award.

SECTION 00400 –BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 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>6/17/2015</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner 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,

SECTION 00400 –BID FORM

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 Owner 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

SECTION 00400 – BID FORM

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- 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.

ARTICLE 4 - BID PRICE

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Total Bonds, Insurances & Contract Submittals	LS	1		2441.00
2	Mobilization (Max 5% of Total Bid)	LS	1		800.00
3	East Transformer 2,000 A, 480 V, 3-Phase, 4-Wire Outdoor Feeder Busway System Demolition & All Electrical & Mechanical Installation	LS	1		44580.00
4	Certified Production Reports; Visual & Mechanical Inspection; Electrical Tests & Final Performance Acceptance Testing Reports for East Transformer Busway System	LS	1		4400.00
5	West Transformer 2,000 A, 480 V, 3-Phase, 4-Wire Outdoor Feeder Busway System Demolition & All Electrical & Mechanical Installation	LS	1		26679.00
6	Certified Production Reports; Visual & Mechanical Inspection; Electrical Tests & Final Performance Acceptance Testing Reports for West Transformer Busway System	LS	1		4400.00

TOTAL AMOUNT BID \$ 82,700.00

SECTION 00400 – BID FORM

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of 5% of Bid
_____ Dollars (\$_____).
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Chris Kings
2145 W Moore Ln Fay AL 32704

Email. Chris@KingsElectric.net
Phone No. 479-443-0006
FAX No. 479-443-1719

ARTICLE 8 - TERMINOLOGY

- 8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

ARTICLE 9 - CONTRACTOR'S ASSURANCES AND EXECUTION/SIGNATURE

- 9.01 Contractor's Assurances.

SECTION 00400 –BID FORM

As the authorized representative of the individual, incorporation, or corporation (hereinafter referred to as the company) bidding on or participating in the project, I certify that I have read and understand the requirements of the General and/or Supplemental Conditions and that the principles, agents and employees of the company will comply with these requirements including all relevant statutes and regulations issued pursuant thereto. I further certify as the authorized agent of the company that:

EQUAL OPPORTUNITY I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each sub-contract awarded in excess of \$10,000 and I will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES The company that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under company control where segregated facilities are maintained; and that the company will obtain a similar certification prior to the award of any subcontract exceeding \$10,000 which is not exempt from the equal opportunity clause.

LABOR STANDARDS I will comply with the Labor Standards Provisions contained in the Contract Documents and furnish weekly payrolls and certifications as may be required by the City of Fayetteville to affirm compliance. I will also require that weekly payrolls be submitted to the City of Fayetteville for all subcontracts in excess of \$2,000.

OSHA REQUIREMENTS I will comply with the Department of Labor Safety and Health Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in the performance of the contract.

PROCUREMENT PROHIBITIONS As required by Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law if the goods or services are to be produced by the facility that gave rise to the violation.

DEBARMENT AND SUSPENSION I certify that to the best of my knowledge and belief that the company that I represent and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

SECTION 00400 –BID FORM

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

9.02 Execution/Signatures for Contractors Assurances above, Bid and total Bid Form.

SUBMITTED on JUNE 24, 2015.

Arkansas State Contractor License No. 0063870416.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

SECTION 00400 –BID FORM

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.: _____

A Corporation or LLC

Corporation Name: Austin King Inc (SEAL)

State of Incorporation: Arkansas

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

By: CK King

(Signature – attach evidence of authority to sign)

Name (type or printed): Chris King

Title: President

(CORPORATE SEAL)

Attest: Karen King

(Signature of Corporate Secretary)

Business address: 2145 W Moore Ln

Fayetteville AR 72704

Phone No.: 479-443-0006 FAX No.: 479-443-1719

END OF SECTION 00400

SECTION 00430 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

Paul R Noland WWTP Effluent Pump Substation Bus Duct Replacements

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

<u>Subcontractor's Work</u>	<u>Subcontractor's Name and Address</u>	<u>Expected Percentage or Value</u>
Busway Manufacturer	<u>GENERAL ELECTRIC</u>	<u>70%</u>
Mobilization	<u>KING ELECTRIC</u>	<u>1%</u>
Busway System Demolition & Installation	<u>KING ELECTRIC</u>	<u>24%</u>
Busway System Inspection & Performance Testing	<u>KING ELECTRIC</u> <u>SKYLINE SERVICES</u>	<u>5%</u>
Other (designate)	<u></u>	<u></u>

NOTE: This form must be submitted in accordance with the Instructions to Bidders.


Bidder's Signature

END OF SECTION 00430

SECTION 00410 – BID BOND

which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 24th day of June 2015.

PRINCIPAL

(CORPORATE SEAL)

King Electrical Contractors, Inc.

By CKH

Chris King

SURETY

Granite Re, Inc.

By Pamela K Hays

Pamela K. Hays

ATTORNEY-IN-FACT

(CORPORATE SEAL)

P. O. Box 550

Little Rock, AR 72203

(This Bond shall be accompanied with
Attorney-in-Fact's authority from Surety)

END OF SECTION 00410

GRANITE RE, INC.

GENERAL POWER OF ATTORNEY

Know all Men by these Presents:

That GRANITE RE, INC., a corporation organized and existing under the laws of the State of OKLAHOMA and having its principal office at the City of OKLAHOMA CITY in the State of OKLAHOMA does hereby constitute and appoint:

BENSON A. CASHION; MATTHEW K. CASHION, JR.; WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; PAMELA K. HAYS; JUDY SCHOGGEN; NICK W. PETERS; JAMES R. RAMSAY; MICHAEL G. DORNBLASER its true and lawful Attorney-in-Fact(s) for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said GRANITE RE, INC. a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said GRANITE RE, INC. through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said:

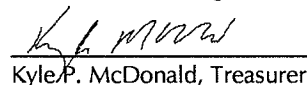
BENSON A. CASHION; MATTHEW K. CASHION, JR.; WILLIAM H. GRIFFIN; CYNTHIA L. TRICKEY; PAMELA K. HAYS; JUDY SCHOGGEN; NICK W. PETERS; JAMES R. RAMSAY; MICHAEL G. DORNBLASER may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said GRANITE RE, INC. has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its President and Secretary/Treasurer, this 17th day of April, 2014.

STATE OF OKLAHOMA)
) SS:
COUNTY OF OKLAHOMA)




Kenneth D. Whittington, President


Kyle P. McDonald, Treasurer

On this 17th day of April, 2014, before me personally came Kenneth D. Whittington, President of the GRANITE RE, INC. Company and Kyle P. McDonald, Secretary/Treasurer of said Company, with both of whom I am personally acquainted, who being by me severally duly sworn, said, that they, the said Kenneth D. Whittington and Kyle P. McDonald were respectively the President and the Secretary/Treasurer of GRANITE RE, INC., the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their name thereto by like order as President and Secretary/Treasurer, respectively, of the Company.

My Commission Expires:
August 8, 2017
Commission #: 01013257




Notary Public

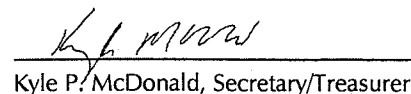
GRANITE RE, INC. Certificate

THE UNDERSIGNED, being the duly elected and acting Secretary/Treasurer of Granite Re, Inc., an Oklahoma Corporation, HEREBY CERTIFIES that the following resolution is a true and correct excerpt from the July 15, 1987, minutes of the meeting of the Board of Directors of Granite Re, Inc. and that said Power of Attorney has not been revoked and is now in full force and effect.

"RESOLVED, that the President, any Vice President, the Secretary, and any Assistant Vice President shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the Company in the course of its business. On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the Company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

IN WITNESS WHEREOF, the undersigned has subscribed this Certificate and affixed the corporate seal of the Corporation this
24th day of June, 2015.




Kyle P. McDonald, Secretary/Treasurer

AUSTIN KING, INC., dba
Balance Sheet
May 31, 2015

Tentative Agenda
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ASSETS

Current Assets

PETTY CASH	\$	68.64
BANK OF AMERICA		132,485.23
ACCOUNTS RECEIVABLE		273,880.41
ALLOW FOR DOUBTFUL ACCTS		180.00
RETAINAGE RECEIVABLE		141,022.96
COST/EARN IN EXC. OF BILL		32,411.00
INVENTORY		50,000.00
COMPANY CAR ADVANCE		835.86
PAYROLL DEDUCTION ACCOUNT		7,366.81
UNITED BANK		3,810.49
EMP ADV/TOOLS		12,443.69
SHAREHOLDER RECEIVABLE		43,163.20
2015 CHEVY-2733		3,448.99
DUE TO CCC		1,750.00

Total Current Assets 702,867.28

Property and Equipment

EQUIPMENT	202,573.06
ACCUMULATED DEP/EQUIP	(202,790.00)
OFFICE EQUIPMENT	36,057.16
ACC DEP/OFFICE EQUIP	(32,946.00)
VEHICLES	454,452.74
ACC DEP/VEHICLES	(452,792.74)
ACC. DEPR: OFFICE EQUIP.	(3,106.16)

Total Property and Equipment 1,448.06

Other Assets

Total Other Assets 0.00

Total Assets \$ 704,315.34

LIABILITIES AND CAPITAL

Current Liabilities

INSURANCE PAYABLE	\$	3,207.14
ACCRUED INTEREST		130.80
LIFE INSURANCE PAYABLE		702.32
ACCOUNTS PAYABLE		195,122.69
GARNISHMENT PAYABLE		124.34
EMPLOYEE INVESTMENT		(1,020.00)
OTHER PAYROLL LIABILITY		(6,627.50)
FICA PAYABLE		1,105.76
FEDERAL W/H PAYABLE		(240.53)
STATE W/H PAYABLE		35,333.15
FUTA PAYABLE		(3,901.29)
SUTA PAYABLE		(25,414.29)
401K PLAN PAYABLE		11,847.79

Total Current Liabilities 210,370.38

AUSTIN KING, INC., dba
Balance Sheet
May 31, 2015

Tentative Agenda
Page 69 of 578

Long-Term Liabilities		
UB LINE OF CREDIT-136824	44,227.85	
N/P CHASE 2013 GMC TRUCK	29,550.34	
ALLY - DUSTIN	(5,007.60)	
ALLY - KEVIN	(5,841.96)	
2015 CHEVY 2500-8677	(7,169.88)	
KUBOTA	(1,634.24)	
ALLY-'15 CHEVY- 0786	(3,230.56)	
N/P 96 F-250 RE88	(303.72)	
TOWABLE BOOM LIFT	828.37	
C/L: COPIER	(1,246.07)	
ALLY 2013 YUKON	29,098.21	
LINE OF CR 00949268847811	72,028.66	
Total Long-Term Liabilities		151,299.40
Total Liabilities		361,669.78
Capital		
COMMON STOCK	1,000.00	
ADDIT PAID IN CAPITAL	41,229.73	
OWNERS DRAW	(24,200.00)	
RETAINED EARNINGS	193,951.29	
Net Income	130,437.01	
Total Capital		342,418.03
Total Liabilities & Capital	\$	704,087.81

AUSTIN KING, INC., dba
Income Statement
For the Five Months Ending May 31, 2015

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Tentative Agenda
Page 70 of 578

	Current Month		Year to Date	
Revenues				
SALES	\$ 259,427.63	90.80	\$ 1,213,225.45	94.88
SALES-RETAINAGE	17,532.80	6.14	56,707.62	4.43
sales & use tax refund	8,736.31	3.06	8,736.31	0.68
DISCOUNTS TAKEN	16.21	0.01	18.97	0.00
Total Revenues	285,712.95	100.00	1,278,688.35	100.00
Cost of Sales				
MATERIALS	81,622.10	28.57	458,874.17	35.89
SHOP MATERIALS	(3,575.30)	(1.25)	(20,873.60)	(1.63)
CONTRACT LABOR	1,789.46	0.63	4,887.96	0.38
SUB-CONTRACTORS	0.00	0.00	5,490.00	0.43
EXPENSE-401K PLAN	590.10	0.21	2,830.96	0.22
INSURANCE	6,300.10	2.21	28,901.73	2.26
PERMITS	143.13	0.05	893.98	0.07
RENT/EQUIPMENT	2,407.46	0.84	28,203.91	2.21
TAXES/PAYROLL	7,103.93	2.49	63,832.27	4.99
WAGES	71,605.46	25.06	424,284.60	33.18
Total Cost of Sales	167,986.44	58.80	997,325.98	78.00
Gross Profit	117,726.51	41.20	281,362.37	22.00
Expenses				
401K EXPENSE	0.00	0.00	979.00	0.08
ACCOUNTING	0.00	0.00	2,040.00	0.16
ACCOUNT SERVICE CHARGE	22.32	0.01	267.91	0.02
ADVERTISING	79.00	0.03	974.00	0.08
SERVICE CHARGE	0.00	0.00	223.10	0.02
BAD DEBT EXPENSE	0.00	0.00	648.44	0.05
BANK SERVICE CHARGE	363.96	0.13	2,334.59	0.18
BANK CHARGES	197.03	0.07	197.03	0.02
CONTRIBUTIONS	0.00	0.00	320.50	0.03
COMPUTER EXPENSE	4.71	0.00	873.92	0.07
DUES & SUBSCRIPTIONS	0.00	0.00	2,319.28	0.18
DUES/SUBSCRIPTIONS:GOLF	461.46	0.16	2,307.30	0.18
EDUCATION AND SEMINARS	(195.00)	(0.07)	2,630.00	0.21
ENTERTAINMENT/MEALS	0.00	0.00	790.24	0.06
SHOP TOOLS LARGE<250	0.00	0.00	8,795.08	0.69
GAS & OIL	2,777.94	0.97	18,977.58	1.48
HEALTH INS.-SHAREHOLDERS	0.00	0.00	3,303.27	0.26
INTEREST	0.00	0.00	2,180.50	0.17
MISCELLANEOUS EXPENSES	0.00	0.00	(1,167.85)	(0.09)
OFFICERS SALARY	5,700.00	2.00	31,350.00	2.45
OFFICE WAGES	2,701.88	0.95	14,949.04	1.17
OFFICE SUPPLIES	0.00	0.00	1,255.57	0.10
OFFICE REPAIRS/MAINT	0.00	0.00	824.23	0.06
OFFICE: CLEANING	34.00	0.01	34.00	0.00
PENALTIES	0.00	0.00	1,526.89	0.12
POSTAGE	0.00	0.00	430.07	0.03
REPAIRS TOOLS LARGE	226.47	0.08	731.61	0.06
REPAIRS VEHICLES MECHANIC	240.74	0.08	14,177.72	1.11
SECURITY	0.00	0.00	60.50	0.00
SERVICE CHARGE-CREDIT CRD	0.00	0.00	14.19	0.00

For Management Purposes Only

AUSTIN KING, INC., dba
Income Statement
For the Five Months Ending May 31, 2015

	Current Month		Year to Date	
SHOP TOOLS SMALL>250	632.51	0.22	5,659.37	0.44
SOFTWARE EXPENSE	0.00	0.00	1,884.00	0.15
SUPPLIES: DRAFT	254.46	0.09	1,175.37	0.09
TAXES & LICENSES	0.00	0.00	4,928.57	0.39
TELEPHONE	1,658.57	0.58	5,304.42	0.41
UTILITIES	329.32	0.12	2,385.90	0.19
UNIFORMS	367.52	0.13	2,200.18	0.17
VEHICLE OIL CHANGE	169.88	0.06	780.33	0.06
WORK EXPENSE	0.00	0.00	6,597.35	0.52
VEHICLE MISC PARTS	3,627.81	1.27	5,662.16	0.44
Total Expenses	19,654.58	6.88	150,925.36	11.80
Net Income	\$ 98,071.93	34.33	\$ 130,437.01	10.20



ARKANSAS
SECRETARY OF STATE
Mark Martin

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LLC Member information is now confidential per Act 865 of 2007

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For service of process contact the [Secretary of State's office](#).

Corporation Name	AUSTIN KING, INC.
Fictitious Names	KING ELECTRICAL CONTRACTORS, INC.
Filing #	100142465
Filing Type	For Profit Corporation
Filed under Act	Dom Bus Corp; 958 of 1987
Status	Good Standing
Principal Address	
Reg. Agent	CHRISTERFER L KING
Agent Address	2145 MOORE LANE FAYETTEVILLE, AR 72703
Date Filed	12/27/1996
Officers	SEE FILE, Incorporator/Organizer PIER, BURCH & SCHERMERHORN, Tax Preparer CHRISTERFER L. KING , President KAREN KING , Secretary CHRISTERFER L. KING , Vice-President KAREN KING , Treasurer
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

**[Purchase a Certificate of Good
Standing for this Entity](#)**

[Pay Franchise Tax for this corporation](#)

SECTION 0400 –BID FORM

Contract Name: **Paul R Noland WWTP Effluent Pump Substation Bus Duct Replacements**

Bid Number: # 15-27, Construction

BID TO:

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

BID FROM:

Bidder: Multi-Craft Contractors, Inc.
P.O. Box 1760
2300 Lowell Road
Springdale, AR 72764

ARTICLE 1 - INTENT

- 1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner 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.

ARTICLE 2 - TERMS AND CONDITIONS

- 2.01 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 90 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 Owner's Notice of Award.

SECTION 00400 –BID FORM

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 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>June 17, 2015</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner 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,

SECTION 00400 –BID FORM

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 Owner 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

SECTION 00400 –BID FORM

Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

- 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.

ARTICLE 4 - BID PRICE

Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Total Bonds, Insurances & Contract Submittals	LS	1		\$ 1,050.00
2	Mobilization (Max 5% of Total Bid)	LS	1		\$ 5,527.50
3	East Transformer 2,000 A, 480 V, 3-Phase, 4-Wire Outdoor Feeder Busway System Demolition & All Electrical & Mechanical Installation	LS	1		\$ 50,983.50
4	Certified Production Reports; Visual & Mechanical Inspection; Electrical Tests & Final Performance Acceptance Testing Reports for East Transformer Busway System	LS	1		\$ 9,500.00
5	West Transformer 2,000 A, 480 V, 3-Phase, 4-Wire Outdoor Feeder Busway System Demolition & All Electrical & Mechanical Installation	LS	1		\$ 33,989.00
6	Certified Production Reports; Visual & Mechanical Inspection; Electrical Tests & Final Performance Acceptance Testing Reports for West Transformer Busway System	LS	1		9,500.00

TOTAL AMOUNT BID \$ 110,550.00

SECTION 00400 –BID FORM

ARTICLE 5 - CONTRACT TIMES

- 5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.
- 5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

- 6.01 The following documents are attached to and made a condition of this Bid:
- A. Required Bid security in the form of a certified or bank cashier's check or a Bid Bond and in the amount of five percent
_____ Dollars (\$ 5%).
- B. A tabulation of Subcontractors and other persons and organizations required to be identified in this Bid.

ARTICLE 7 - COMMUNICATIONS

- 7.01 Communications concerning this Bid shall be addressed to the Bidder as follows:

Jerod Bradshaw

Email. jbradshaw@multi-craft.net

Phone No. (479) 751-4330

FAX No. (479) 927-4275

ARTICLE 8 - TERMINOLOGY

- 8.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

ARTICLE 9 - CONTRACTOR'S ASSURANCES AND EXECUTION/SIGNATURE

- 9.01 Contractor's Assurances.

SECTION 00400 –BID FORM

As the authorized representative of the individual, incorporation, or corporation (hereinafter referred to as the company) bidding on or participating in the project, I certify that I have read and understand the requirements of the General and/or Supplemental Conditions and that the principles, agents and employees of the company will comply with these requirements including all relevant statutes and regulations issued pursuant thereto. I further certify as the authorized agent of the company that:

EQUAL OPPORTUNITY I will comply with all requirements of 41 CFR Chapter 60 and Executive Orders 11246 and 11375, including inclusion of all required equal opportunity clauses in each sub-contract awarded in excess of \$10,000 and I will furnish a similar statement from each proposed subcontractor, when appropriate. I will also comply with all Equal Employment Opportunity requirements as defined by Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 regarding sex discrimination.

NONSEGREGATED FACILITIES The company that I represent does not and will not maintain any facilities provided for its employees in a segregated manner, or permit its employees to perform their services at any location under company control where segregated facilities are maintained; and that the company will obtain a similar certification prior to the award of any subcontract exceeding \$10,000 which is not exempt from the equal opportunity clause.

LABOR STANDARDS I will comply with the Labor Standards Provisions contained in the Contract Documents and furnish weekly payrolls and certifications as may be required by the City of Fayetteville to affirm compliance. I will also require that weekly payrolls be submitted to the City of Fayetteville for all subcontracts in excess of \$2,000.

OSHA REQUIREMENTS I will comply with the Department of Labor Safety and Health Regulations promulgated under Section 107 of the Contract Work Hours and Safety Standard Act (40 U.S.C. 327-333) in the performance of the contract.

PROCUREMENT PROHIBITIONS As required by Executive Order 11738, Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, I certify that I will not procure goods and services from persons who have been convicted of violations of either law if the goods or services are to be produced by the facility that gave rise to the violation.

DEBARMENT AND SUSPENSION I certify that to the best of my knowledge and belief that the company that I represent and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

SECTION 00400 –BID FORM

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

9.02 Execution/Signatures for Contractors Assurances above, Bid and total Bid Form.

SUBMITTED on June 24th, 2015.

Arkansas State Contractor License No. 0025810516.

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

SECTION 00400 –BID FORM

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.: _____

A Corporation or LLC

Corporation Name: Multi-Craft Contractors, Inc. (SEAL)

State of Incorporation: Arkansas

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

Contractor

By: Rick Barrows Pres.

(Signature – attach evidence of authority to sign)

Name (type or printed): Rick Barrows

Title: President

Attest: James L. Lister (CORPORATE SEAL)
(Signature of Corporate Secretary)

Business address: 2300 Lowell Road, Springdale, AR 72764

Phone No.: (479) 751-4330 FAX No.: (479) 927-4275

END OF SECTION 00400

Bid or
Proposal
Bond

Westfield Insurance Company

Westfield GroupSM One Park Circle, P O Box 5001
Westfield Center, Ohio 44251-5001

KNOW ALL MEN BY THESE PRESENTS, that we, Multi-Craft Contractors, Inc.
P.O. Box 1760; 2300 Lowell Rd; Springdale, AR 72765 as Principal, and
the WESTFIELD INSURANCE COMPANY, an Ohio Corporation, with its principal office at Westfield Center, Ohio,
as Surety, are held and firmly bound unto The City of Fayetteville, Arkansas
113 West Mountain St, Fayetteville AR 72701, as Obligee, in
the penal sum of Five Percent DOLLARS,
lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves,
our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS the said Principal is herewith submitting a bid or proposal for Paul R Noland WWTP Effluent Pump Substation Bus
Duct Replacements;

NOW THEREFORE, the condition of the above obligation is such, that if the said Principal shall execute a contract
and give bond for the faithful performance thereof, if required by the contract, or if the Principal or Surety shall pay the
Obligee the difference, not exceeding the penal sum hereof, between the amount of the contract entered into in good
faith to perform the work to which the bid or proposal relates and the amount bid or proposed by the Principal, then this
obligation shall be void; otherwise it shall remain in full force and effect.

SIGNED this 24th day of June, 2015.

Multi-Craft Contractors, Inc.

Principal

By: Dennis Kelly

Westfield Insurance Company

By: Sonja Nelson

Sonja Nelson

Attorney-in-fact

General
Power
of Attorney

Westfield Insurance Co.
Westfield National Insurance Co.
Ohio Farmers Insurance Co.
Westfield Center, Ohio

CERTIFIED COPY

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint
WARREN T. BALDWIN, JR., JOHNNIE WASHBURN, SONJA NELSON, JOINTLY OR SEVERALLY

of FAYETTEVILLE and State of AR its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship.

LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact, may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be It Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their National Surety Leader and Senior Executive and their corporate seals to be hereto affixed this 04th day of JUNE A.D., 2014 .

Corporate
Seals
Affixed



WESTFIELD INSURANCE COMPANY
WESTFIELD NATIONAL INSURANCE COMPANY
OHIO FARMERS INSURANCE COMPANY

By:
Dennis P. Baus, National Surety Leader and
Senior Executive

State of Ohio
County of Medina ss.:

On this 04th day of JUNE A.D., 2014 , before me personally came Dennis P. Baus to me known, who, being by me duly sworn, did depose and say, that he resides in Wooster, Ohio; that he is National Surety Leader and Senior Executive of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial
Seal
Affixed



David A. Kotnik, Attorney at Law, Notary Public
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio
County of Medina ss.:

I, Frank A. Carrino, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this 24th day of June, 2015.



Frank A. Carrino, Secretary



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0313

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

BID NO. 15-41 BULK CRUSHED ROCK SALT

A RESOLUTION TO AWARD BID NO. 15-41 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM CENTRAL SALT, LLC AS PRIMARY SUPPLIER AND OAKLEY FERTILIZER, INC. AS SECONDARY SUPPLIER FOR MATERIALS DELIVERED, AND OAKLEY FERTILIZER, INC. AS PRIMARY SUPPLIER AND CENTRAL SALT, LLC AS SECONDARY SUPPLIER FOR MATERIALS PICKED UP, FOR VARYING UNIT PRICES AS NEEDED THROUGH THE 2015-2016 WINTER SEASON

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 No. 15-41 and authorizes the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier for materials delivered, and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up, for varying unit prices, as set forth in the bid sheet attached to this Resolution, as needed through the 2015-2016 winter season.

City of Fayetteville Staff Review Form

2015-0313

Legistar File ID

August 4, 2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Terry Gulley

7/17/2015

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a resolution awarding Bid 15-41 to and authorizing the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier, for delivered materials and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up by City staff, in variable amounts, as needed throughout the 2015-2016 winter season.

Budget Impact:

2100.4120.5204.00

Street

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 85,059.00

Funds Obligated \$ 66,214.39

Current Balance \$ **18,844.61**

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ **18,844.61**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: The "does item have a cost" question was answered with "NA" due to the fact that materials are purchased on an "as needed" basis, and expenditures will cross fiscal years and operating budgets, so a purchase requisition will not be included in this request.

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Terry Gulley, Transportation Services Director

DATE: July 17, 2015

SUBJECT: Bid 15-41, Bulk Crushed Rock Salt

RECOMMENDATION:

Staff recommends approval of a resolution awarding Bid 15-41 to and authorizing the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier, for delivered materials and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up by City staff, in variable amounts, as needed throughout the 2015-2016 winter season.

BACKGROUND:

Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

Compass Minerals America, Inc. submitted the low bid for delivered materials, however their bid was submitted with conditional requirements which did not meet the needs of the Transportation Division. These include a bid price binding for only 30 days after the bid opening, unwillingness to be awarded as a secondary supplier, requiring the City to agree to purchase 80% of the total estimated material quantity before April 2016, and a bid expiration date of March, 31, 2016.

The Transportation Division has a limited storage capacity for crushed rock salt and can only purchase this material on an "as needed" basis, as existing supplies are exhausted to create the necessary storage space for additional materials. The utilization of current materials on hand depends on inclement weather conditions which cannot be accurately predicted in the distant future. Additionally, the terms and conditions of Bid 15-41 clearly state that "*bid pricing shall remain good and firm until July 31, 2016*", which is a condition that Compass Minerals America, Inc. is not willing to meet according to the attached amendments.

For the reasons outlined above, Transportation Division staff recommend disqualifying the bid submitted by Compass Minerals America, Inc.

Oakley Fertilizer, Inc. also submitted conditional requirements with their bid, which will be attached. These conditions include the supplier's product containing 5 gallons of beet juice per ton of crushed rock salt. This is an acceptable condition, as the Transportation Division already utilizes beet juice for snow and ice removal and often includes it in the salt or brine mixture.

DISCUSSION:

Central Salt, LLC submitted the low bid for delivered materials, if Compass Minerals America, Inc.'s bid is not considered. Transportation Division staff recommend that Central Salt, LLC be awarded Bid 15-41 - Line Item 1 (primary supplier).

Central Salt, LLC submitted the low bid for materials picked up by City staff. However, this supplier's physical address and pick up location is in Lyons, Kansas, which is over 350 miles away from the City of Fayetteville. It is neither practical nor feasible for staff to drive over 12 hours round-trip, especially during inclement weather conditions, to pick up materials from this location. For this reason, it is recommended that Oakley Fertilizer, Inc. be awarded Bid 15-41 – Line Item 2 (primary supplier).

Oakley Fertilizer, Inc.'s physical address and pick up location is in Morrilton, AR. Transportation Division staff have traveled to this location to pick up crushed rock salt in the past, due to emergency circumstances, when crushed rock salt was needed but no deliveries could be made in an acceptable amount of time. Management determined that it was feasible for staff to travel 143 miles (286 miles round-trip) to purchase materials from this supplier.

BUDGET/STAFF IMPACT:

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

Attachments:

Bid 15-41 Tabulation
Conditional Requirements



Bid: 15-41
DATE: 06/19/2015
2:00 PM
CITY OF FAYETTEVILLE

Bid 15-41, Bulk Crushed Rock Salt

			Cargill		Central Salt LLC		Compass Minerals **		Independent Salt Co		Morton Salt		Oakley Fertilizer Inc **	
Plant Address for Pickup			N/A		State Rd 14, Lyons, KS		Riverfront Rd, Van Buren, AR		N/A		N/A		Hwy 9, Morrilton, AR	
ITEM	DESCRIPTION	EST TONS	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE			PRICE EACH	TOTAL PRICE	PRICE EACH	TOTAL PRICE
1	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% exceeding size 3/8", meeting AHTD specifications - DELIVERED to the City of Fayetteville, 1525 S. Happy Hollow, Fayetteville, AR 72701 - Through July 31, 2016	600	NO BID	NO BID	\$ 106.16	\$ 63,696.00	\$ 102.28	\$ 61,368.00	NO BID	NO BID	NO BID	NO BID	\$ 124.30	\$ 74,580.00
2	Medium Crushed Clean Rock Salt for Snow and Ice Removal: Maximum size 3/8" with no more than 5% plus 3/8" in the mix, meeting AHTD specifications - PICKED UP by the City of Fayetteville - Through July 31, 2016	200	NO BID	NO BID	\$ 65.00	\$ 13,000.00	\$ 99.78	\$ 19,956.00	NO BID	NO BID	NO BID	NO BID	\$ 95.00	\$ 19,000.00
TOTAL BASE BID (Item 1 + Item 2)			NO BID		\$ 76,696.00		\$ 81,324.00		NO BID		NO BID		\$ 93,580.00	

*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

Carlyle Lee

6-19-15

** Submitted Conditional Requirements for Bids



June 17, 2015

Dear Sir / Madam:

Compass Minerals International (CMP) appreciates the opportunity to submit a rock salt bid to the City of Fayetteville, AR for the 2015/2016 season. In an effort to assist us in better servicing your needs moving forward, we are asking the City of Fayetteville to accept the following amendments to the current bid documents. Acceptance of these amendments will allow CMP to better service your requirements for the coming year by optimizing inventory levels at your service depot.

- 1) Bid is binding for thirty (30) days after the bid opening date.
- 2) CMP will not accept a secondary or back-up award.
- 3) The City agrees to purchase 80% of the base bid amount of 800 tons, and CMP agrees to provide up to 100% of the base bid amount.
- 4) The City agrees to take delivery of the 80% minimum on or before April 30, 2016. (Please understand that CMP is unable to carry over inventory at our depot.)
- 5) Contract expires on March 31, 2016.

Should you have questions please do not hesitate to call me on my direct line at (913) 344-9360.

Sincerely,

A handwritten signature in cursive script that reads "Monica Lloyd".

Monica Lloyd
Sales Manager-Highway Sales

Dear City of Fayetteville,

Looking forward to the potential of doing business with you. However, it should be noted that due to our business with the State Highway Department our salt will have five gallons of beet juice per ton. The beet juice, as you might already be aware, lowers the freezing point of the salt. Along with this, the added beet juice helps the salt stick to the road when it is dispersed. This lowers the chances of salt bouncing off of the ground when it is spread and not being as effective. I am also attaching a spec sheet of our salt for your convenience. Simply wanted to be clear as to what our product contains. Look forward to doing business together.

Regards,

Luke Vance
Salt Division Manager
Oakley Fertilizer LLC
(501) 351-7270 Mobile
(501) 320-8554 Direct



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 90 of 578

Text File

File Number: 2015-0321

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

RIGGS CAT OF SPRINGDALE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) 2015 CATERPILLAR 420F2 BACKHOES FROM RIGGS CAT OF SPRINGDALE, ARKANSAS IN THE TOTAL AMOUNT OF \$286,007.58 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES, PARKS AND RECREATION, AND WATER AND SEWER OPERATIONS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of three (3) 2015 Caterpillar 420F2 backhoes from Riggs CAT of Springdale, Arkansas in the total amount of \$286,007.58 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by Transportation Services, Parks & Recreation, and Water & Sewer Operations.

City of Fayetteville Staff Review Form

2015-0321

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn

7/15/2015

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve the purchase of three 2015 Caterpillar 420F2 backhoes that are available off the NJPA purchase contract from Riggs of Springdale Arkansas in the amount of \$95,335.86 each for a total of \$286,007.58.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02076.2014 & 2015

Backhoes/Loaders

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 704,853.03

Funds Obligated \$ -

Current Balance **\$ 704,853.03**

Does item have a cost? Yes

Item Cost \$ 286,007.58

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ 418,845.45**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: July 15, 2015

SUBJECT: Purchase of three Backhoes for Parks, Transportation and Water & Sewer

RECOMMENDATION:

That City Council approve the purchase of three 2015 Caterpillar 420F2 backhoes that are available off the NJPA purchase contract from Riggs of Springdale Arkansas in the amount of \$95,335.86 each for a total of \$286,007.58.

BACKGROUND:

Water and Sewers' unit 655 is a 2005 new Holland Backhoe that was slated for replacement in 2014 but was pushed to 2015. Maintenance cost have reached 116% of the original purchase price. It can no longer stand up to Water and Sewers demanding needs.

Transportation's unit 688 is a 2008 New Holland Backhoe. Maintenance costs have reached 85% of the purchase price of the unit. It is no longer in a condition that fits the needs of our Transportation department.

Parks' unit 680 is a 2006 New Holland Backhoe that was slated for replacement in 2014 but was pushed to 2015. Maintenance cost have reached 98% of its original purchase price. It is no longer reliable for the Parks Department's everyday use.

DISCUSSION:

Fleet recommends the purchase of three 2015 Caterpillar 420F2 backhoes that are available off the NJPA purchase contract from Riggs of Springdale Arkansas in the amount of \$95,335.86 each for a total of \$286,007.58.

This purchase was approved by the Equipment Committee on July 14, 2015.

BUDGET/STAFF IMPACT:

For Water and Sewer and Transportation's backhoes sufficient funds have been budgeted and collected for this purchase. Parks' has sufficient funds budgeted and there is only a slight shortfall in funds collected, however once the old unit is sold on GovDeals we will have more than enough for this purchase.

Attachments:

PO – Purchase Requisition

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: 7/15/2015		
							P.O Number:			
Vendor #: 11700		Vendor Name: JA Riggs Tractor Co					Mail ☐ YES ☒ NO Taxable ☒ YES ☐ NO		Registrar#: 2015-0321	
Address:					FOB Point:		Expected Delivery Date:			
City:		State:			Zip Code:	Ship to code: 50				Quotes Attached ☐ YES ☒ NO
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	Caterpillar 420F2 Backhoe	2	ea	95,335.86	\$190,671.72	9700.1920.5802.00	02076.2014	6013 & 6014	706013 & 706014	
2	To be unit 6013 & 6014, Fixed asset #706013 & 706014				\$0.00					
3	Caterpillar 420F2 Backhoe	1	ea	95,335.86	\$95,335.86	9700.1920.5802.00	02076.2015	6015	706015	
4	To be unit 6015, Fixed asset #706015				\$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: Purchased using NJPA pricing contract							Subtotal: \$286,007.58			
							Tax: \$0.00			
							Total: \$286,007.58			
Approvals: Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____										

[Home](#) > [National Cooperative Contract Solutions](#) > [Contracts - Fleet](#) > [Construction & Agricultural Equipment](#) > [Caterpillar, Inc. - Heavy Construction Equip](#)

Caterpillar, Inc. - Heavy Construction Equip

[Overview](#)[Contract Documentation](#)[Pricing](#)[Marketing Materials](#)[NJPA Contact Information](#)

HOW TO PURCHASE

[Our step-by-step guide](#)

Vendor Contact Info

Mike Hynes

Direct Phone: 309-675-4095

Hynes_Mike_J@cat.comwww.GovBidSpec.com**Contract#:** 060311-CAT**Category:** Heavy & Ag Equipment**Description:** Construction Equipment**Maturity Date:** 10/19/2015

Caterpillar has grown to be the largest maker of construction and mining equipment, diesel and natural gas engines, and industrial gas turbines in the world. Team Caterpillar is proud to be providing our products to the NJPA membership by way of contract #060311-CAT.

Through Caterpillar's extensive dealer network, NJPA members will be able to select from over 120 models spanning from 14 product families. In addition to the breadth of products, Caterpillar's dealer network will deliver the exceptional service and support our customers have grown to expect.

[Contact Your Dealer](#)[Contract Discount Structure](#)



June 23, 2015

CITY OF FAYETTEVILLE

1525 S HAPPY HOLLOW RD
FAYETTEVILLE Arkansas 72701-7258

Attention: MR JESSE BEEKS

RE: Quote 119680-02

Dear Mr Jesse Beeks,

We are pleased to quote the following for your purchase consideration.

One (1) New CATERPILLAR 2015 Model: 420F2 Backhoe Loader with all standard equipment in addition to the additional specifications listed below:

Sell Price	\$95,335.86
Ext Warranty	Included
Before Tax Balance	\$95,335.86

NOTE: Pricing pursuant to NJPA Contract 060311-CAT

WARRANTY

Standard Warranty: 12 Month/Unlimited Hours Full Machine
Extended Warranty: 36 MO/5000 HR POWERTRAIN & HYDRAULICS

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Smith', written over a horizontal line.

Steve Smith
Machine Sales Representative Riggs CAT
Steves@jariggs.com
(479) 601-1330

Accepted by _____ on _____

Signature

One (1) New CATERPILLAR Model: 420F2 Backhoe Loader with all standard equipment in addition to the additional specifications listed below:

STANDARD EQUIPMENT

CONSIST NOTE

THIS LISTING IS A GENERAL DESCRIPTION OF A 420F2 BACKHOE LOADER EQUIPPED WITH THE LOWEST CHARGE ITEMS.

BOOMS, STICKS AND LINKAGES

14'4" Center pivot excavator style backhoe

Pilot operated joystick hydraulic controls with pattern changer valve

POWERTRAIN

ejection system & filter condition indicator
Hydraulically boosted multi-plate wet integral pre cleaner, automatic dust
A dry-type axial seal air cleaner with Eco mode
Thermal starting aid system

Water separator with service indicator with Selective Catalytic Reduction(SCR)
US EPA Tier4 Final Emissions Compliant with ACERT technology.
Direct Injection Turbo Charged Engine, Cat C4.4, 74.5KW (Net 93HP / 69kW)

BOOMS, STICKS AND LINKAGES

Single Tilt Loader
Transmission neutralizer switch control
Self-leveling loader with single lever
Return-to-dig (auto bucket positioner)
Lift cylinder brace
Bucket level indicator

Cat Cushion Swing(tm) system (Boom, Stick and E-Stick)
Anti-drift hydraulics
Street pads stabilizer shoes
Swing transport lock
Boom transport lock
Pilot operated stabilizer controls

POWERTRAIN

disk brake with dual pedals & interlock

ELECTRICAL

Halogen head lights (4)
Halogen rear flood lights (4)

Stop and tail lights

POWERTRAIN

Differential lock
Drive-line parking brake
High Ambient Cooling Package
Torque converter
Transmission--four speed synchro mesh

switch
Spin-on fuel, engine oil & transmission oil filters
Outboard planetary rear axles
Open Circuit Breather

with power shuttle & neutral safety

HYDRAULICS

Load sensing, variable flow system
with 43 gpm axial piston pump
6 micron hydraulic filter
O-ring face seal hydraulic fittings
Caterpillar XT-3 hose

Hydraulic oil cooler
Pilot control shutoff switch
PPPC, Flow-sharing hydraulic valves
Hydraulic suction strainer

ELECTRICAL

12 volt electrical start
150 ampere alternator
Horn and Backup Alarm

Hazard flashers/turn signals
Audible system fault alarm

OTHER STANDARD EQUIPMENT

gallon capacity
Ground line fill diesel exhaust fluid
tank with 5 gallon capacity
Rubber impact strips on radiator guards
Bumper
CD-ROM Parts Manual

Backhoe Safety Manual
Operations and Maintenance Manual
Lockable hood
Tire Valve Stem Protection
Long Life Coolant -30C (-20F)
Padlocks (2 on ST, 3 on IT)

ELECTRICAL

Key start/stop system
880 CCA maintenance free battery
Battery disconnect switch
External/internal power receptacles(12v)

Diagnostic ports for engine and machine
Electronic Control Modules
Remote jump start connector

OPERATOR ENVIRONMENT

Lighted gauge group
Interior rearview mirror
Rear fenders
ROPS canopy
2-inch retractable seat belt
Tilt steering column
Steering knob

Hand and foot throttle
Automatic Engine Speed Control
One Touch Low Idle
Floor mat and Coat Strap
Lockable storage area
Air suspension seat

OTHER STANDARD EQUIPMENT

Hydrostatic power steering
Standard Storage Box

Transport tie-downs
Ground line fill fuel tank with 44

MACHINE SPECIFICATIONS

Description

420F2 BACKHOE LOADER
CATERPILLAR ENGINE C4.4 (105 PEAK NET HP)

420F2 BHL ST, TIER 4, HRC
COUNTERWEIGHT, 1015 LBS
ENGINE,C4.4 ACERT, T4F
STICK, EXTENDABLE
RIDE CONTROL
CAB, DELUXE w/ a/c,air ride seat, tilt/ telesc. wheel ,auto-up stabilizers, AM-FM,
ECO MODE (20% fuel savings with no performance loss)
SEAT, DELUXE FABRIC
HYDRAULICS, MP, 6FCN/8BNK, ST
PT, 4WD, STD SHIFT
COLD WEATHER PACKAGE, 120V / HEAVY DUTY BATTERIES
CAT CUSHION BOOM SWING SYSTEM
REAR BUCKET-HEAVY DUTY, 24"
LOADER BUCKET-MP, 1.3 CYD W/ Bolt on cutting edge
TIRES, 4WD, BIAS, FIRESTONE
COLD WEATHER PACKAGE, 120V HRC
PRODUCT LINK, CELLULAR, PL641 (remote machine access and information
Including location and machine health. No subscription fee. Free monitoring)
CAT LOADING SENSING VARI FLOW HYDRAULICS (full power at idle)
STABILIZER PADS, FLIP-OVER (street / dirt)



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 100
Fayetteville, AR 72701
(479) 575-8323
Page 9 of 578

Text File

File Number: 2015-0322

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

WILLIAMS TRACTOR OF FAYETTEVILLE

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 BOBCAT E45 T4 EXCAVATORS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$118,800.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of two (2) 2015 Bobcat E45 T4 Excavators from Williams Tractor of Fayetteville, Arkansas in the total amount of \$118,800.00 pursuant to a National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0322

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Beeks/Sara Glenn

7/15/2015

Fleet Operations /
Transportation Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

A resolution to authorize the purchase of two 2015 Bobcat E45 T4 Excavators available off of NJPA contract through William's Tractor of Fayetteville Arkansas in the amount of \$59,400 each for a total of \$118,800.00.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02077.2015

Construction Equipment

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 71,505.75

Funds Obligated

\$

-

Current Balance

\$

71,505.75

Does item have a cost? Yes

Item Cost

\$

118,800.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$

47,763.00

Remaining Budget

\$

468.75

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: July 15, 2015

SUBJECT: Purchase of two Excavators for Transportation

RECOMMENDATION:

That City Council approve the purchase of two 2015 Bobcat E45 T4 Excavators available off of NJPA contract through William's Tractor of Fayetteville Arkansas in the amount of \$59,400 each for a total of \$118,800.00.

BACKGROUND:

Unit 816 is a 2007 Bobcat 435 Excavator. It has cost more than 54% of its original purchase price in maintenance and will no longer stand up to Transportation's demanding use.

Unit 819 is a 2009 Bobcat 435 Excavator. It has cost more than 75% of its original purchase price in maintenance and will no longer stand up to Transportation's demanding use. This unit has had more than 2,000 hours of down time due to maintenance and it is now impacting the productivity of our Trails crew.

DISCUSSION:

Fleet recommends the purchase of two 2015 Bobcat E45 T4 Excavators available off of NJPA contract through William's Tractor of Fayetteville Arkansas in the amount of \$59,400 each for a total of \$118,800.00.

This purchase was approved by the Equipment Committee on July 14, 2015.

BUDGET/STAFF IMPACT:

Sufficient funds have been collected for the replacement of unit 816. Unit 819 has a shortfall in funds that have been collected, however, the average sale of like units is \$23,500 and will more than cover the remaining balance.

These units were originally budgeted for 2016, they were moved to 2015 after last year's review. Sufficient funds are available within the 2015 budget for this purchase, a BA for this adjustment is included in this request.

Attachments:

PO – Purchase Request
BA – Budget Adjustment

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: Tentative Agenda 7/15/2015 Page 102 of 578		
							P.O Number:			
Vendor #: 11133		Vendor Name: Williams Tractor Inc					Mail ☐ YES ☒ NO Taxable ☒ YES ☐ NO		Legistar#: 2015-0322 Expected Delivery Date:	
Address:					FOB Point:					
City:			State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ YES ☒ NO			
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	Bobcat E45 T4 Excavators	2	ea	59,400.00	\$118,800.00	9700.1920.5802.00	02077.2015	829 & 830	700829 & 700830	
2	To be units 829 & 830, Fixed asset #700829 & 700830				\$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: Purchased using NJPA pricing contract							Subtotal: <u>\$118,800.00</u> Tax: <u>\$0.00</u> Total: <u>\$118,800.00</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

Williams Tractor, Inc.
2501 SHILOH DRIVE
P.O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 479/442-8284
FAX 479/442-6013
Email: dewilliams@williamstractor.com



May 19, 2015

City of Fayetteville

Attn: Jesse Beeks

Please accept the following proposal for a Bobcat Excavator bid using the NJPA contract #060311-CEC

1. Bobcat E45 T4 Compact Excavator with Zero Tail Swing

-A91 package(Cab with AC, Suspension seat, Hyd. X-Change, Hyd. Thumb, 2nd aux. hyd., hyd. angle blade, travel alarm, deluxe panel with keyless start, and radio)

-long arm with 12'6" dump height

-24" trenching bucket	Bid Price	\$55550.00 -2
-----------------------	-----------	---------------

Optional accessories

a.) 18" Trenching Bucket	Add	\$859.00 -1
--------------------------	-----	-------------

b.) HB980 Hyd breaker with nail point	Add	\$6841.00 -1
---------------------------------------	-----	--------------

All Bobcat attachments quoted will fit prior model 435 Bobcat excavator as well.

Total \$118,800.00

*please add any applicable sales tax

Thank you for considering Williams Tractor

Tim Bailey

Home > National Cooperative Contract Solutions > Contracts - Fleet > Construction & Agricultural Equipment > Bobcat



Bobcat



Overview

Contract Documentation

Pricing

Marketing Materials

NJPA Contact Information

HOW TO PURCHASE

Our step-by-step guide



Contract#: 060311-CEC

Category: Heavy & Ag Equipment

Description: Construction Equipment

Maturity Date: 07/19/2015

Bobcat Company is a leading provider of compact equipment for global construction, rental, landscaping, agriculture, grounds maintenance, government, utility, industrial and mining markets. We strive to empower our customers to do their jobs more efficiently and effectively. We're North Dakota's largest manufacturer, with the most extensive compact equipment distribution network in the world.

[Find a Dealer](#)

Vendor Contact Info

Randy L. Fuss

Direct Phone: 701-241-8746

randy.fuss@doosan.com

www.bobcat.com/government

Tentative Agenda
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[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 106 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0331

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT DONATIONS

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$20,910.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS AND THE SALE OF PUBLIC FACILITIES EQUIPMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of \$20,910.00 representing donations to Ranger's Pantry and Community Development Block Grant Program income received from housing lien payoffs and the sale of public facilities equipment.

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

City of Fayetteville Staff Review Form

2015-0331

Legistar File ID

8/4/2015

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

Yolanda Fields

7/17/2015

Community Resources /
Development Services Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Approval of a Budget Adjustment recognizing Ranger's Pantry donations in the amount of \$1,697 and CDBG program income received from lien payoffs and the resale of CDBG-purchased equipment in the amount of \$19,213

Budget Impact:

See Comments Below

2180 - CDBG

Account Number

Fund

See Comments Below

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 20,910.00

Remaining Budget

\$ 20,910.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Account Numbers and Project Numbers Affected

2180.4940.5315.00 \$19,213

2180.4945.5390.01 32003.1 \$1,697

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

THRU: Jeremy Pate, Development Services Director

FROM: Yolanda Fields, Community Resources Director

DATE: July 16, 2015

SUBJECT: Approval of Budget Adjustment for the Community Resources Division

RECOMMENDATION:

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

BACKGROUND:

Community Resources would like to recognize program income from two lien payoffs, a public facilities equipment resale, and a lien payoff plan, as well as donations from citizens and local businesses for Ranger's Pantry

DISCUSSION:

On February 12, 2015, the new buyers of 1000 S. College Ave. sent in a check for \$7,262.13 to repay the CDBG program since the home had been sold before the forgivable lien period expired. On June 12, 2015, the Yvonne Richardson Community Center sold used Sport Court flooring on GovDeals. The flooring was paid for with CDBG funds, therefore the money received for the court had to be returned to the CDBG program as program income. The total received was \$92.50. In July 2015, an agreement was reached with the owners of 1747 N. Oakland Ave. to repay the CDBG program \$11,737.58 in installments due to the terms of the contract being violated. The first payment of \$500 was received on July 14, 2015. On July 16, 2015, the new buyers of 265 S. Cross Ave. sent in a check for \$11,358.33 to repay the CDBG program since the home had been sold before the forgivable lien period expired. All program income received totals \$19,212.96.

On February 9, 2015, a local business, The Mustache, sent a donation check for \$85 to Ranger's Pantry for holiday cards that were sold in their stores at the end of 2014. This year, Fayetteville Foam Fest chose Ranger's Pantry as one of their beneficiaries of their fundraiser, and a check for \$1,250 was received from Fayetteville Foam Fest on June 9, 2015. Also, throughout the year, citizen's private donations were received totaling \$362. All Ranger's Pantry donations received total \$1,697.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$19,213
Increase Community Outreach Projects by \$1,697

Attachments:

Budget Adjustment

Tentative Agenda
Page 109 of 578

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

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a Budget Adjustment recognizing Ranger's Pantry donations in the amount of \$1,697 and CDBG program income received from lien payoffs and the resale of CDBG-purchased equipment in the amount of \$19,213

	COUNCIL DATE:	8/4/2015
	LEGISTAR FILE ID#:	2015-0331
		<i>Kevin Springer</i>
		<i>7/16/2015 4:59 PM</i>
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 10 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0325

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

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

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

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

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

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

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to

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

City of Fayetteville Staff Review Form

2015-0325

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Alison Jumper

7/17/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for \$150,000 from the Arkansas Parks and Tourism Outdoor Recreation Grants Program for construction of playground and parking improvements at Wilson Park.

Budget Impact:

2250.9255.5806.00

Parks Development

Account Number

Fund

13001.1101

Wilson Park Improvements

Project Number

Project Title

Budgeted Item? No

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Project has been indentified in the 2016 Capital Improvement Plan.

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

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

FROM: Alison Jumper, Park Planning Superintendent

DATE: July 17, 2015

SUBJECT: Resolution to Apply for the 2016 Arkansas Outdoor Recreation Grant

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for \$150,000 from the Arkansas Parks and Tourism Outdoor Recreation Grants Program for the construction of playground and parking improvements at Wilson Park.

BACKGROUND:

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

Arkansas Parks and Tourism has awarded our City with several grants for the development of improvements to Doc Mashburn Park, Sweetbriar Park, Bryce Davis Park, Braden Park, Grinders Skate Park at Walker Park, Gulley Park, Veterans Memorial Park at Lake Fayetteville Park and the Botanical Garden of the Ozarks at Lake Fayetteville Park. The 2016 grant application deadline is August 28, 2015. A resolution from the City of Fayetteville is required to apply for the grant (see attached sample resolution).

A public hearing was held at City Hall, Room 326 on June 25, 2015 to gather input from the public regarding recreation needs and to prioritize an eligible grant project (see attached public hearing affidavit of publication and minutes). Outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through additional group meetings as required by the grant. Specific projects for the grant application were not defined at the outreach meetings or the public hearing.

DISCUSSION:

After consideration of public input, available matching funds and current projects, staff recommends applying for funds for parking and ADA improvements as well as the replacement of the large playground at Wilson Park (see attached conceptual plans). Wilson park is one of the most popular parks and the playground is heavily used. The equipment and surfacing was most recently updated in 1995 and is deteriorating and is in need of replacement. Better defined parking is needed to accommodate park patrons and to protect trees and prevent erosion. Additionally, existing ADA access is in need of improvement. Existing overhead utility lines will be placed underground with the project as a requirement of the grant program.

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

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

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

The Parks and Recreation Advisory Board approved the selection of this project for the 2016 Arkansas Parks and Tourism Outdoor Recreation Grant. The conceptual plan was approved by PRAB on July 6, 2015 (see attached PRAB meeting minutes).

BUDGET/STAFF IMPACT:

This grant application is for \$150,000. The Arkansas Outdoor Recreation Grant is a 50/50 matching grant. If the full amount requested is awarded, the City is responsible for matching \$150,000 towards the project. The matching funds are available in project 13001.1101 Wilson Park Improvements.

Attachments:

Sample Resolution
Public Hearing Affidavit of Publication
Public Hearing Minutes and Sign In Sheet from June 25, 2015
Conceptual Plan
Arkansas Outdoor Recreation Grant Obligations
PRAB Meeting Minutes from July 6, 2015

RESOLUTION NO. _____

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

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

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

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

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

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

Passed this _____ day of _____, 2015.

APPROVED: _____
Mayor/County Judge

Clerk

NORTHWEST ARKANSAS Democrat Gazette

P.O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

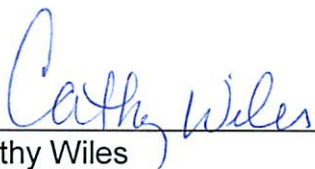
I, Cathy Wiles, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat Gazette, printed and published in Washington and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement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

CITY OF FAYETTEVILLE
Public Meeting

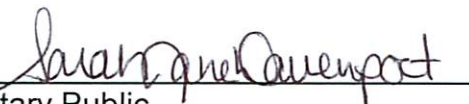
Was inserted in the Northwest Arkansas Democrat
Gazette on:

June 17, 2015

Publication Charges: \$234.00


Cathy Wiles

Subscribed and sworn to before me
This 19 day of June, 2015.


Notary Public
My Commission Expires 10/24/24

****NOTE****

Please do not pay from Affidavit. Invoice will be sent.

PUBLIC MEETING INVITATION

The City of Fayetteville invites its citizens and other interested persons to a public meeting to be held at Room 326 at City Hall located at 113 W. Mountain Street on Thursday, June 25, 2015 at 5:30 p.m.


Fayetteville
ARKANSAS

The purpose of this meeting is to identify potential outdoor park and recreation needs and priorities for 2016. Following the identification process, city officials will select those priorities to be submitted to the Arkansas Department of Parks and Tourism for a matching grant application.

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

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



A public hearing was held on June 25, 2015 at City Hall Room 326 located at 113 West Mountain. There were 11 people in attendance plus two City of Fayetteville employees. The hearing began at 5:30 PM. The hearing was filmed by the City of Fayetteville Cable Administration staff to be broadcast on the government channel at a later date. Parks staff in attendance were:

Alison Jumper	Park Planning Superintendent
Carole Jones	Park Planner II

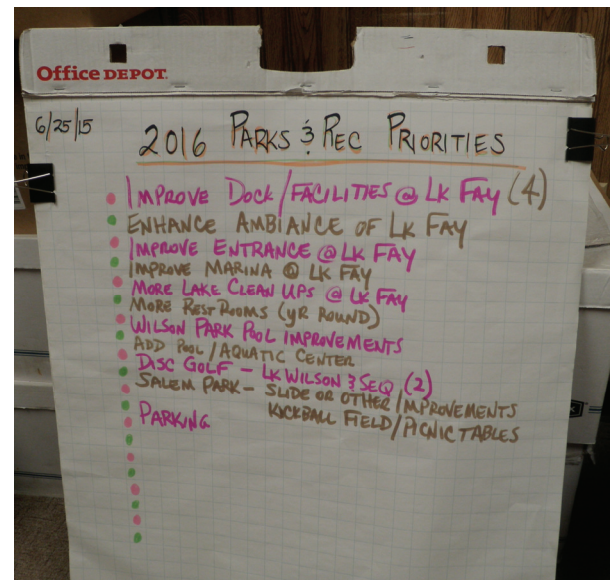
Carole Jones greeted the attendees and thanked everyone for attending. Alison Jumper gave a brief description of the Arkansas Parks and Tourisms Outdoor Recreation Grant Program and described the details of the 50/50 match process and how the land must remain in outdoor recreation use forever. Jumper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

Comments and ideas from the public included:

- Four citizens expressed the need for improvements and enhancements at Lake Fayetteville. Improvements to the dock facilities, marina and main entrance to the park were mentioned. A need for additional lake clean up events was also stated.
- Citizen expressed the need for additional restrooms throughout the overall parks and trails system. Citizen also requested there be more restrooms open year round.
- Citizen expressed the need for improvements to Wilson Park pool or additional pools or aquatic centers in the city.
- Two citizens expressed the need for improvements to the disc golf course at Lake Fayetteville North Shore and the need for additional disc golf courses throughout the city.
- Citizen expressed the need for improvements to Salem Park. A need for a slide or additional play structures was mentioned. Citizen also requested a kickball field and/or picnic tables in the open area of the park.
- Citizen expressed the need for additional parking throughout the overall parks and trails system.

Parks staff stated that comment sheets would be available on the city's website, and persons who were unable to attend the hearing could submit their comments to the Parks and Recreation Department by e-mail, U.S. mail or by phone until July 2. Staff stated that the grant application and potential project will be discussed at the next Parks and Recreation Advisory Board meeting on Monday, July 6. The public hearing concluded at 6:45 PM.

ORGP Public Hearing
June 25, 2015
City Hall Room 326
113 West Mountain Street



Arkansas Department of Parks and Tourism
 2016 Outdoor Recreation Grant Program Public Hearing
 City Hall Room 326
 5:30 PM Thursday, June 25, 2015
 Sign In Sheet

Name	Address	Phone	E-mail
1. NAN LAWLER	68 S. KESTREL ⁷²⁷⁰¹	479-442-2263	nlawler@uark.edu
2. RICHARD COVEY	" "	(479)-287-3074	
3. Victoria B. McClendon		479-200-7899	viktorialeigh@gmail.com
4. Joel Walsh	212 N. East Ave.	479-571-6403	jwalsh@wwndg.com
5. Lowell Holder	1100 Hartington	(479)-713-0045	lholderfehotraker
6. Jay McGinnis	1965 Harold	479-571-0743	jay.0807@att.net
7. ERIC WHITEHEAD	2409 HENDER CREEK	479-790-1598	jericw@gmail.com
8. Ryan Miller	2879 N. Bluegrass Pl.	(479) 857-0116	rmiller@arkedz
9. Linda Baker			lindanoribaker@gmail.com
10. Robert Davis			rsdavis123@gmail.com Disc Golf
11. Roy C Rom	3098 Rom ORCHARD RD		Rowing Club
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
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22.			

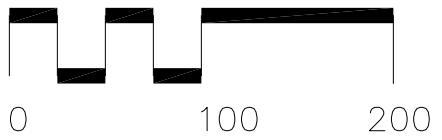


LEGEND

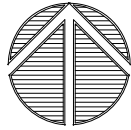
— PL/ROW —	— PL/ROW —	— PARK BOUNDARY/ROW —
— ROW —	— EX. STREET ROW —	
— SS —	— SS —	— EX. SANITARY SEWER —
— W —	— W —	— EX. WATER —
— UT —	— UT —	— EX. UNDERGROUND PHONE —
— OHE —	— OHE —	— EX. OVERHEAD ELECTRIC —
— ○ —	— ○ —	— PROPOSED TREE PROTECTION FENCE —
— UGE —	— UGE —	— PROPOSED UNDERGROUND ELECTRIC —



● PP	EX. ELECTRICAL POLE
○ FH	EX. FIRE HYDRANT
⊗ W	EX. WATER VALVE
⊙ D	EX. DRAINAGE MH
□	EX. PEDESTAL
—	EX. SIGN
⊙	EX. TRAIL LIGHT



1 INCH = 100 FEET



WHO CAN PREPARE THE APPLICATION?

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

WHAT ARE OUR OBLIGATIONS IF WE RECEIVE A GRANT?

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

1. Once a public park project boundary has been identified by the local project sponsor and provided to the Department of Parks and Tourism, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program Project Management Guide. This also applies to those facilities constructed in whole or in part with local funds.
2. Property acquired or developed with grant funds must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction

and before final reimbursement is made.

3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground. This regulation applies to any overhead lines including electric lines, phone lines and public announcement system wiring. No vehicular right-of-way easements are allowed within the boundary.
4. A permanent sign indicating that federal LWCF or state ANCRGTF monies were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. The Outdoor Recreation Grants Program will provide the grantee a sign, 10" wide x 8" tall, to be mounted in a prominent location within the park (ex. near entrance). Upon project completion the applicant will be required to describe the location of the sign and state that the sign location will not change.
5. All public recreation facilities constructed within a Matching Grant Program-assisted park must be accessible to persons with disabilities. This also applies to facilities in the park that were not developed with grant assistance.
6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.
7. Property acquired or developed with assistance from the Matching Grant Program shall be

operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed upon notification of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Notification must be provided prior to removal of the facilities.

8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.
9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.
10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant

Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.

11. All recipients of Matching Grant Program monies must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.
12. Properties (parks and recreation areas) acquired or developed with LWCF/ANCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to any use other than public outdoor recreation use.

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

MINUTES

Parks and Recreation Advisory Board
July 6th , 2015 at 5:30 p.m.
City Administration Building, Room 326
113 West Mountain Street
Fayetteville, AR 72701

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

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Parks Planning Superintendent; Alan Spann, Program Superintendent, Chanel Pennington; Operations Assistant

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

Jumper gave a brief explanation of Arkansas Parks and Tourism Outdoor Grant Application that will match the department 50/50. Jumper also gave a brief update regarding the process and status of the grant application. Three meetings have been hosted for input from the community regarding the grant. Staff will take input and compare it to what is available in the budget and try to match the best grant application.

Staff is proposing to replace the older playground (ages 5-12) at Wilson Park, make parking and road improvements, and improve ADA accesses. Jumper mentioned that that there \$175,000 of matching funds available for the grant.

PRAB Motion: Lamb motioned to approve the funds for application, McHan seconded. Motion passed, 6-0-0



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 204 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0338

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

PAYMENTUS AGREEMENT

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF \$15,000.00 AND AN ESTIMATED COST OF \$35,000.00 PER YEAR

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a two (2) year Master Services Agreement with Paymentus Corporation to upgrade the City's electronic utility bill payment services for an initial setup fee of \$15,000.00 and estimated costs of \$35,000.00 per year based on the service fee schedule attached as Schedule A to the Agreement.

City of Fayetteville Staff Review Form

2015-0338

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Cheryl Partain

7/20/2015

Billing & Collections /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

The Fayetteville City Administration recommends approval of a two (2) year service agreement to upgrade our current Paymentus onsite Utility Billing internet and interactive voice recognition (IVR) system to Paymentus' hosted solution and credit card payment processing and approval of payment to Paymentus of \$15,000.00 for a one time set up fee.

Budget Impact:

5400.1840.5314.00 / 5400.1810.5320.02		Water/Sewer	
Account Number		Fund	
13016.1 / XXXXX		Business Office Technology Improvements / Credit Card Service Charges	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 45,000.00
		Funds Obligated	\$ -
		Current Balance	\$ 45,000.00
Does item have a cost?	Yes	Item Cost	\$ 15,000.00
Budget Adjustment Attached?	No	Budget Adjustment	\$ -
		Remaining Budget	\$ 30,000.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff
Paul Becker, Chief Financial Officer

FROM: Cheryl Partain, Utilities Financial Services Manager

DATE: July 20, 2015

SUBJECT: Resolution approving a service agreement with Paymentus to upgrade our existing Utility Billing online and Interactive Voice Response (IVR) payment system.

RECOMMENDATION:

The Fayetteville City Administration recommends approval of a two (2) year service agreement to upgrade our current Paymentus onsite Utility Billing internet and phone interactive voice recognition (IVR) system to Paymentus' hosted solution. The City has utilized Paymentus since 2002 to provide Utility Billing online payment services via credit card, e-check, and IVR.

BACKGROUND:

Due to the age of our current Paymentus equipment, and recent changes with Payment Card Industry (PCI) requirements, staff recommends upgrading to Paymentus latest solution to improve our Utility Billing online payment security and functionality. In addition to improved security Paymentus' new solution also provides a mobile device friendly interface that will improve customers' ability to make Utility Billing payments from a mobile device. Staff is recommending approval of this is an extension to our existing agreement with Paymentus software and state purchasing laws do not require us to competitively bid software upgrades.

DISCUSSION:

We have utilized Paymentus, formerly called Teleworks, as our Utility Billing internet and IVR payment processor since the inception of the City accepting online payments in in 2002. Since 2002 we have utilized Paymentus onsite solution, which consists of server and related hardware installed at the City of Fayetteville. The system was upgraded in 2007, at a cost of \$18,300.00, in order to keep up with changing technology. Paymentus no longer offers an onsite solution and now provides a hosted solution where all hardware is located at their datacenter. As part of Paymentus' new solution, they will also serve as our payment processor, which will simplify our online payment reconciliation process. The city will no longer be charged future upgrade fees, all processing costs and future upgrade fees are included within Paymentus transaction based fee structure.

BUDGET/STAFF IMPACT:

Water/Sewer budget will absorb additional credit card/e-check processing fees for the remainder of 2015. Total additional credit card fees for the upgrade will have a yearly water/sewer operational budget impact of approximately \$50,000.00, based on 121,000 annual transactions. The City will no longer pay an annual server maintenance fee of \$14,750.00,

which is budgeted in the general fund. Total budget impact for the City will be approximately \$35,000.00 per year. The additional fees will be requested in the future operational budget process. As part of the upgrade from an onsite to a hosted solution Paymentus is charging the city a onetime \$15,000.00 setup fee which will be paid out of the Business Office Technology Improvement project.

ATTACHMENTS:

Staff Review Form

Service Agreement

Purchase Order Request

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: Tentative Agenda 7/20/2015 Page 128 of 578		
							P.O Number:			
Vendor #: 25803		Vendor Name: Paymentus Corporation					Mail ☐ Yes ☐ No		Legistar#: 2015-0338 Expected Delivery Date:	
Address: 13024 Ballantyne Corp. Place Suite 450					FOB Point:		Taxable ☐ Yes ☒ No			
City: Charlotte		State: NC			Zip Code: 28277	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No			
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Initial setup fee related to the initial setup and personalization of Web Page for Web and IVR interfaces for Utility Web Payments.	1	EA	15,000.00	\$15,000.00	5400.1840.5314.00	13016.1			
2					\$0.00					
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: \$15,000.00 Tax: \$0.00 Total: \$15,000.00			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										

MASTER SERVICES AGREEMENT

City:	City of Fayetteville, Arkansas
City Address:	113 West Mountain, Fayetteville, AR 72701
Contact for Notices to City:	Keith Macedo
Estimated Yearly Bills / Invoices:	504,000

This Master Services Agreement ("Master Agreement") is entered into as of the Effective Date below, by and between the City of Fayetteville ("City") identified above and **Paymentus Corporation**, a Delaware Corporation ("Paymentus").

WHEREAS Paymentus desires to provide and the City desires to receive certain services under the terms and conditions set forth in this Agreement. Paymentus provides electronic bill payment services to utilities, municipalities, insurance and other businesses.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby covenant and agree as follows. This Agreement consists of this signature page, General Terms and Conditions, and the attachments ("**Attachments**") with schedules ("**Schedules**") listed below:

Schedule A: Paymentus Service Fee Schedule

This Agreement represents the entire understanding between the parties hereto with respect to its subject matter and supersedes all other written or oral agreements heretofore made by or on behalf of Paymentus or City with respect to the subject matter hereof and may be changed only by agreements in writing signed by the authorized representatives of the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives.

City:

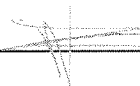
By: _____

Name: _____

Title: _____

Date: _____

Paymentus:

By:  _____

Name: Jerry Portocalis

Title: Senior Vice President

Date: July 16, 2015

GENERAL TERMS AND CONDITIONS

1 Definitions:

For the purposes of this Agreement, the following terms and words shall have the meaning ascribed to them, unless the context clearly indicates otherwise.

1.1 “**Agreement**” or “**Contract**” shall refer to this Agreement, as amended from time to time, which shall constitute an authorization for the term of this contract for Paymentus to be the exclusive provider of services, stated herein, to the City

1.2 “**User**” shall mean the users of the City’s services

1.3 “**Effective Date**” shall be the last date upon which the parties signed this Agreement. The Agreement will not be effective against any party until the said date

1.4 “**Launch Date**” shall be the date on which City launches this service to the Users

1.5 “**Payment**” shall mean Users to make payments for City’s services or City’s bills

1.6 “**Payment Amount**” shall mean the bill amount User wants to pay to the City.

1.7 “**Services**” shall include the performance of the Services outlined in section 2 of this Agreement

1.8 “**Paymentus Authorized Processor**” shall mean a Paymentus authorized merchant account provider and payment processing gateway

1.9 “**Average Bill Amount**” shall mean the total amount of Payments collected through Paymentus system in a given month divided by the number of the Payments for the same month.

2 Description of Services to be performed

2.1 **Scope of Services**

Paymentus shall provide Users the opportunity to make Payments by Visa, MasterCard, Discover, E-check and other payment methods as deemed necessary by Paymentus. Payments may be made by Interactive Telephone Voice Response

System (“IVR”) or secure Internet interface provided at the Paymentus Corporation’s web site or other websites part of Paymentus’ Instant Payment Network (“WebSites”), collectively referred to as the (“System”).

2.2 **Professionalism**

Paymentus shall perform in a professional manner all Services required to be performed under this Agreement.

3 Compensation

3.1 **No Cost Installation**

Paymentus will charge an initial setup fee of \$15,000 related to the initial setup and personalization of its standard service for both Web and IVR interfaces.

3.2 **Paymentus Service Fee**

For each payment, Paymentus will charge a Paymentus Service Fee as per Schedule A (hereinafter called “Paymentus Service Fee”).

For each payment, the Paymentus Service Fee collected will be used to pay the corresponding Credit Card transaction fees or transaction fees associated with Debit Cards or eChecks (hereinafter called “Transaction Fees”) except for the return items (eCheck returns or Credit/Debit Card chargebacks).

A schedule of Paymentus Service Fee is attached hereto as Schedule A. The Paymentus Service Fee is based on the Average Bill Amount, current payment method mix (credit vs debit vs e-check) and on the assumption that the total number of payments and the total Payment Amount collected each month from the use of non-consumer cards shall be under 5% of the total per month (“Fee Assumptions”). City shall be billed an additional Paymentus Service Fees based on the rate of 3.5% of the Payment Amount for any excess amount if the Fee Assumptions vary by more than 5%. Paymentus can amend this schedule upon prior written notice to the City, if such change is required due to changes in the Visa and MasterCard regulations or changes in Credit Card fees or changes in the Average Bill Amount or changes in Fee Assumptions.

4 Payment Processing

4.1 Integration with City's Billing System

At no cost to City, Paymentus will develop one (1) file format interface with City's billing system using City's existing text file format currently used to post payments to City's billing system. City will be responsible to provide Paymentus with the one file format specification and will fully cooperate with Paymentus during the development of the said interface. If City chooses to create an automated file integration process to download the posting file, due to Paymentus security requirements, City will use Paymentus specified integration process.

4.2 Explicit User Confirmation

Paymentus shall confirm the dollar amount of all Payments and the corresponding Paymentus Service Fee to be charged to a Card and electronically obtain the User approval of such charges prior to initiating Card authorizations transaction. Paymentus will provide User with electronic confirmation of all transactions.

4.3 Merchant Account

Paymentus will arrange for the City to have a merchant account with the Paymentus Authorized Processor for processing and settlement of the credit card transactions.

4.4 Card Authorization

For authorization purposes, Paymentus will electronically transmit all Card transactions to the appropriate Card-processing center, in real time as the transactions occur.

4.5 Settlement

Paymentus together with its authorized Card processor shall forward the payment transactions and corresponding Paymentus Service Fee to the appropriate card organizations for settlement directly to the City's depository bank account previously designated by the City (hereinafter the "City Bank Account").

Paymentus will debit the Paymentus Service Fees from City's account on a monthly basis. Paymentus together with Paymentus Authorized Processor will continuously review its settlement and direct debit processes for its simplicity and efficiencies. City and Paymentus agree to fully co-

operate with each other if Paymentus were to change its settlement and invoicing processes.

5 General Conditions of Services

5.1 Service Reports

Paymentus shall provide City with reports summarizing use of the Services by Users for a given reporting period.

5.2 User Adoption Communication by City

City will make Paymentus' Services available to its residential and commercial Citys by different means of City communication including a) through bills, invoices and other notices; b) by providing IVR and Web payment details on the City's website including a "Pay Now" or similar link on a mutually agreed prominent place on the web site; c) through City's general IVR/Phone system; and d) other channels deemed appropriate by the City.

Paymentus shall provide City with logos, graphics and other marketing materials for City's use in its communications with its users regarding the Services and/or Paymentus.

Both parties agree that Paymentus will be presented as a payment method option. City will communicate Paymentus option to its end residential and commercial Citys wherever City usually communicates its other payment methods.

5.3 Independent Contractor

City and Paymentus agree and understand that the relationship between both parties is that of an independent contractor.

5.4 City's Responsibilities

In order for Paymentus to provide Services outlined in this Agreement, the City shall co-operate with Paymentus by:

(i) City will enter into all applicable merchant Card or cash management agreements.

(ii) For the duration of this Agreement, City will keep a bill payment link connecting to Paymentus System at a prominent and mutually agreed location on the City website. The phone number for the IVR payment will also be added to the web site. City will also add the IVR payment option as part of the City's general phone system.

- (iii) User Adoption marketing as described in 5.2.
- (iv) Within 30 days of the merchant account setup, City will launch the service to the Users.
- (v) For the purpose of providing City a posting file for posting to City's billing system, City will provide the file format specification currently used to post its payments to the billing system. City will fully cooperate with Paymentus and provide the information required to integrate with City's billing system.

6 Governing Laws

This Agreement shall be governed by the laws of the state of Arkansas and jurisdiction and venue to resolve any disputes shall be in the Circuit Court of Washington County, Arkansas.

7 Communications

7.1 Authorized Representative

Each party shall designate an individual to act as a representative for the respective party, with the authority to transmit instructions and receive information. The parties may from time to time designate other individuals or change the individuals.

7.2 Notices

All notices of any type hereunder shall be in writing and shall be given by Certified Mail or by a national courier or by hand delivery to an individual authorized to receive mail for the below listed individuals, all to the following individuals at the following locations:

To City

C/O: Keith Macedo
Address: 113 West Mountain, Fayetteville, AR 72701
Phone: 479-575-8320
Fax: 479-718-7668

To Paymentus

C/O: President and CEO
Address: 13024 Ballantyne Corporate Place
Suite 450
Charlotte, NC 28277
Phone: 980-255-3000
Fax: 704-322-3776

Notices shall be declared to have been given or received on the date the notice is physically received.. Any party hereto by giving notice in the manner set forth herein may unilaterally change the name of the person to whom notice is to be given or the address at which the notice is to be received.

7.3 Interpretation

It is the intent of the parties that no portion of this Agreement shall be interpreted more harshly against either of the parties as the drafter.

7.4 Amendment of Agreement

Modifications or changes in this Agreement must be in writing and executed by the parties bound to this Agreement.

7.5 Severability

If a word, sentence or paragraph herein shall be declared illegal, unenforceable, or unconstitutional, the said word, sentence or paragraph shall be severed from this Agreement, and this Agreement shall be read as if said word, sentence or paragraph did not exist.

7.6 Attorney's Fees

Should any litigation arise concerning this Agreement between the parties hereto, the parties agree that Arkansas law shall determine whether attorney's fees should be awarded to either party..

7.7 Confidentiality

With the exception of information required to be disclosed pursuant to the Arkansas Freedom of Information Act:

(i) City will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential or proprietary non-public information it obtains during the term of this Agreement about Paymentus' business, operations, financial condition, technology, systems, know-how, products, services, suppliers, City's, marketing data, plans, and models, and personnel.

(ii) Paymentus will not disclose to any third party or use for any purpose inconsistent with this Agreement any confidential User information it receives in connection with its performance of the services.

Paymentus agrees and understands that this Agreement and documents submitted to the City or Paymentus pursuant hereto or 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 or or Paymentus requesting such documents, Paymentus will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs may be assessed for this compliance.

7.8 Intellectual Property

In order that the City may promote the Services and Paymentus' role in providing the Services, Paymentus grants to City a revocable, non-exclusive, royalty-free, license to use Paymentus' logo and other service marks (the "Paymentus Marks") for such purpose only. City does not have any right, title, license or interest, express or implied in and to any object code, software, hardware, trademarks, service mark, trade name, formula, system, know-how, telephone number, telephone line, domain name, URL, copyright image, text, script (including, without limitation, any script used by Paymentus on the IVR or the WebSite) or other intellectual property right of Paymentus ("Paymentus Intellectual Property"). All Paymentus Marks, Paymentus Intellectual Property, and the System and all rights therein (other than rights expressly granted herein) and goodwill pertain thereto belong exclusively to Paymentus.

7.9 Force Majeure

Paymentus will be excused from performing the Services as contemplated by this Agreement to the extent its performance is delayed, impaired or rendered impossible by acts of God or other events that are beyond Paymentus' reasonable control and without its fault or judgment, including without limitation, natural disasters, war, terrorist acts, riots, acts of a governmental entity (in a sovereign or contractual capacity), fire, storms, quarantine restrictions, floods, explosions, labor strikes, labor walk-outs, extra-ordinary losses utilities (including telecommunications services), external computer "hacker" attacks, and/or delays of common carrier, except that Paymentus shall always be responsible for remitting to the City any funds belonging to the City that Paymentus has received through the use of its services.

7.10 Time of the Essence

Paymentus and City acknowledge and agree that time is of the essence for the completion of the Services to be performed and each parties respective obligations under this Agreement.

8 Indemnification

8.1 Paymentus Indemnification and Hold Harmless

Paymentus agrees to the fullest extent permitted by law, to indemnify and hold harmless the City and its governing officials, agents, employees, and attorneys (collectively, the "City Indemnitees") from and against all liabilities, demands, losses, damages, costs or expenses (including reasonable attorney's fees and costs), incurred by any City Indemnitee as a result or arising out of (i) the willful misconduct or negligence of Paymentus in performing the Services or (ii) a material breach by Paymentus of its covenants.

8.2 Warranty Disclaimer

Except as expressly set forth in this Agreement, Paymentus disclaims all other representations or warranties, express or implied, made to the City or any other person, including without limitation, any warranties regarding quality, suitability, merchantability, fitness, for a particular purpose or otherwise of any services or any good provided incidental to the Services provided under this Agreement.

8.3 Limitation of Liability

Notwithstanding the foregoing, the parties agree that neither party shall be liable to the other for any lost profits, lost savings or other special, indirect or consequential damages, even if the party has been advised of or could have foreseen the possibility of such damages. Paymentus' total liability for damages for any and all actions associated with this Agreement or the Services shall in no event exceed the specific dollar amount of the Paymentus Service Fee paid to Paymentus for the particular payment transaction which is the subject matter of the claim of damage. The preceding limitation shall not apply to the Payment Amount collected through this service.

9 Term and Termination

9.1 Term

The term of this Agreement shall commence on the effective date of this Agreement and continue for a period of 2 (two) years ("Initial Term") from the Launch Date. Services under this Agreement shall begin within 30 days of the merchant account setup.

At the end of the Initial Term, this Agreement will automatically renew for successive three (3) year periods unless either City or Paymentus provide the other party with not less than 1 (one) month prior written notice before such automatic renewal date that such party elects not to automatically renew the term of this Agreement.

9.2 Material Breach

A material breach of this Agreement shall be cured within 90 (ninety) days ("Cure Period") after a party notifies the other of such breach. In the event, such material breach has not been cured within the Cure Period, the non-breaching party can terminate this Agreement by providing the other party with a 30 (thirty) days notice.

9.3 Upon Termination

Upon termination of this Agreement, the parties agree to cooperate with one another to ensure that all Payments are accounted for and all refundable transactions have been completed. Upon termination, Paymentus shall cease all Services being provided hereunder unless otherwise directed by the City in writing.

Paymentus

Schedule A – Paymentus Service Fee Schedule

Paymentus Service Fee charged to the City will be based on the following model:

Absorbed Fee Model	
☐	Absorbed Model
☐	Average Bill Amount: \$ 66.00
☐	Paymentus Service Fee per qualified utility rate transaction
•	Credit/Debit Card \$ 1.41 (Visa, MasterCard , Discover utility Program Rate)
•	ACH/ eCheck \$ 1.00

Note: Maximum Amount per Payment is \$500.00. Multiple payments can be made.

One Time Set up Fee of \$15,000.00.

Chargebacks will be billed at \$9.95 per chargeback.

Outbound notifications include 40,000 outbound calls and 40,000 text / email messages annually; additional usage is invoiced at \$0.12 per call and \$0.05 per text/email.

Paymentus may apply different limits per transactions for user adoption or to mitigate risks only upon written approval by the City.



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 106 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0327

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 10

HABBERTON ROAD WATER MAIN CONSTRUCTION

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

WHEREAS, more than a dozen residences and a church along Habberton Road would like to have Fayetteville water, but would need to build and pay for a water main along Habberton Road to the existing city main along Highway 45 for such water service; and

WHEREAS, these potential water customers are all within the Fayetteville Water District and entitled to our city water if a water main is extended to their properties; and

WHEREAS, the estimated cost of this water main would be about \$100,000.00 and can be financed by Community Resource Group which administers the CRG Loan Fund for Water and Wastewater lending; and

WHEREAS, the proponents of this financing plan have agreed to secure the signed agreements of the residents of Habberton Road who desire to pay for and receive the benefits of the new water main to provide clear authority for the City of Fayetteville to collect not only the normal water bill fees, but an additional debt services payment from each customer.

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 expresses agreement that the City should facilitate the construction and financing of a water main along Habberton Road by accepting debt service payments as part of the customers' water bills and remitting those payments to the financing entity.

Legistar ID No.: 2015-0327

AGENDA REQUEST FORM

FOR: Council Meeting of August 4, 2015

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

APPROVED FOR AGENDA:

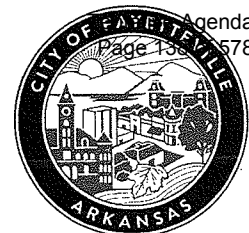

City Attorney Kit Williams

July 15, 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

CC: **Don Marr**, Chief of Staff
Paul Becker, Finance Director
Tim Nyander, Utilities Director

FROM: **Kit Williams**, City Attorney

DATE: **July 15, 2015**

RE: **Habberton Road proposed new water main**

Several landowners along Habberton Road within the City's water district would like to obtain access to city water. Many established houses and a church are currently using wells which are not very satisfactory. A farm on the road was recently sold and subdivided into four large lots where it is anticipated that houses will be built. Rather than spending around \$15,000.00 or more to dig a well for each house, the residents would like to pool their resources to pay the costs of extending the water main along Habberton to reach a dozen or more new customers.

As always, money is the primary concern. While the new house purchasers and a couple other could pay their share immediately, several others would have to pay their portion over time. Engineer Mel Milholland has priced the project (a three inch main reducing to a two inch main about half way down the new run) at around \$100,000.00. Mel has had dealing with the Community Resource Group which administers the CRG Loan Fund for Water and Wastewater Lending. Jerry Kopke (4443-2700 ext. 128) is the Arkansas State Coordinator for CRG.

While the City should require that the new house builders and other residents who could pay their share immediately do so to reduce the overall debt and the City administrative costs, CRG or other financing entity would like the other new customers to be able to pay the debt to CRG by the City adding an agreed amount to the customers' water bills for a number of years. They would be responsible to secure individual written, signed agreements by each such water customer to accomplish this.

Finance Director Paul Becker has agreed, conditioned upon City Council approval, to have his department collect the extended debt payments from water customers unable to pay their portion up front for a period of not to exceed five years. A nominal fee may be assessed by our billing department for their administrative costs.

The City is not required to extend water mains (especially outside the City limits) to potential water customers within our Water District. However, the provision of good Beaver Lake water to persons within our Water District who now have only insufficient and unsatisfactory well water should be accomplished if it can be done with little or no real cost to our existing water customers.

My reading of § 159.02 **Water and Wastewater Impact Fees** (A) *Applicability* would require these Habberton Road new water customers (as all new water customers) to pay a water impact fee of at least \$971.00 each. This water impact fee "shall be paid at the time of installation of the water meter serving the property"

The proposal was presented to the Aldermen's Water and Sewer Committee on July 14, 2015. After discussion including Engineer Mel Miholland's presentation, the Water and Sewer Committee unanimously recommended this proposal be submitted to the full City Council and recommend its approval.



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 100 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0319

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 11

UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$40,000.00 TO PROVIDE FUNDING FOR PAYMENT OF COSTS RELATED TO THE UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$40,000.00 to provide funding for payment of costs related to the Uniform Nondiscrimination Protections Special Election.

City of Fayetteville Staff Review Form

2015-0319

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Sondra E. Smith

City Clerk/Treasurer /
General Government Department

Submitted By

Division / Department

Action Recommendation:

Approval of a Budget Adjustment to pay for the Uniform Nondiscrimination Protections Special Election

Budget Impact:

1010.6600.5318.00

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$ 40,000.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$ 40,000.00

Remaining Budget

\$ -

V20140502

Previous Ordinance or Resolution # 5781

Original Contract Number:

Approval Date: 06/16/2015

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor Lioneld Jordan and City Council

FROM: Sondra E. Smith, City Clerk Treasurer

DATE: July 9, 2015

SUBJECT: Uniform Nondiscrimination Protections (Civil Rights) Special Election Cost

RECOMMENDATION:

At the time the 2015 budget was completed there were no special or general elections planned for the calendar year. The City Council approved Ordinance Number 5781, Uniform Nondiscrimination Protections on June 16, 2015 and set a date for a special election on September 8, 2015.

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

It is necessary to bring forth a budget adjustment ordinance to pay for the election. Elections vary in cost therefore the cost for this special election is an estimated cost. I am requesting a budget adjustment in the amount of \$40,000.00 to cover the estimated special election cost.

The City Clerk recommends the approval of a Budget Adjustment to pay for the Uniform Nondiscrimination Protections Special Election.

BUDGET/STAFF IMPACT:

\$40,000.00

ORDINANCE NO. 5781

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

WHEREAS, 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:

Page 2
Ordinance No. 5781

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).

Page 3
Ordinance No. 5781

(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.

Page 4
Ordinance No. 5781

(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.

Page 5
Ordinance No. 5781

- (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. § 16-7-206. 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.

Page 6
Ordinance No. 5781

(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

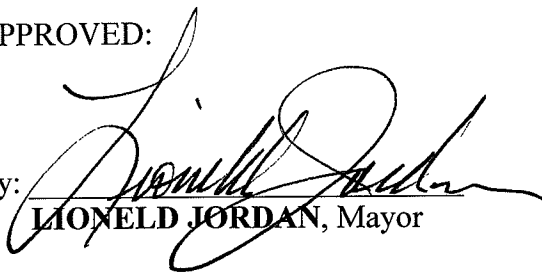
If any part, provision or section of this ordinance is held invalid or unconstitutional it shall be severed from the remainder which shall remain valid and enforceable."

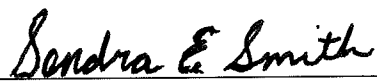
Section 2. That the City Council for the City of Fayetteville, Arkansas hereby determines that if the Fayetteville voters fail to approve the referred ordinance, the ordinance will not go into effect; but if the voters approve the ordinance, the ordinance quoted in Section 1 will be enacted into the Fayetteville Code and become effective sixty (60) days after the approving election.

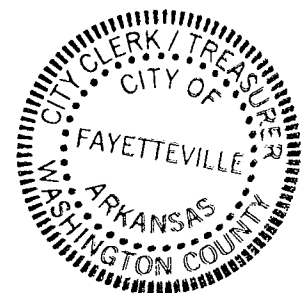
PASSED and APPROVED this 16th day of June, 2015.

APPROVED:

ATTEST:

By: 
LIONEL JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk Treasurer



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



City Council Member Matthew Petty

Date

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).

City Attorney Opinion No. 2015-001
April 19, 2015: Page 5 of 10

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.

City Attorney Opinion No. 2015-001
April 19, 2015: Page 6 of 10

(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.

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April 19, 2015: Page 7 of 10

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 by 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).

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April 19, 2015: Page 9 of 10

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

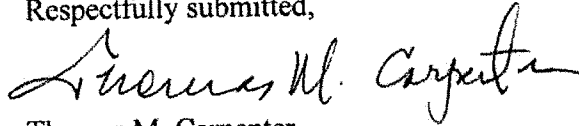
The proposed ordinance does not violate Arkansas law, specifically Act 137 of 2015, because every prohibition against discrimination named is already named somewhere in state law. Further, the proposed ordinance is consistent with interpretation by the Arkansas

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

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.

NORTHWEST ARKANSAS Democrat Gazette

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AFFIDAVIT OF PUBLICATION

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JUL 02 2015

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

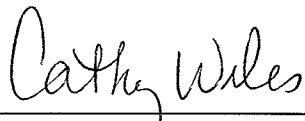
I, Cathy Wiles, do solemnly swear that I am the Legal Clerk of the Northwest Arkansas Democrat Gazette, printed and published in Washington and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement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

CITY OF FAYETTEVILLE
Ord. 5781

Was inserted in the Northwest Arkansas Democrat
Gazette on:

June 25, 2015

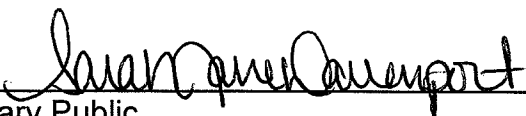
Publication Charges: \$ 557.71



Cathy Wiles

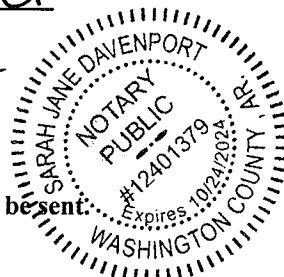
SEE ATTACHED

Subscribed and sworn to before me
This 29 day of June, 2015.



Notary Public

My Commission Expires: 10/24/24



****NOTE****

Please do not pay from Affidavit. Invoice will be sent.

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

WHEREAS, 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. § 16-7-206. 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.

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

APPROVED:

ATTEST:

By:

By:

LIONELD JORDAN, Mayor

SONDRA E. SMITH, City Clerk Treasurer

Tentative Agenda
Page 180 of 578

Budget Year	Division: Miscellaneous Dept.: General Government Requestor: Sondra Smith	Adjustment Number
2015		

The City Clerk recommends the approval of a Budget Adjustment to pay for the Uniform Nondiscrimination Protections Special Election. It is necessary to bring forth a budget adjustment ordinance to pay for the special election. Elections vary in cost therefore the cost for this special election is an estimated cost. I am requesting a budget adjustment in the amount of \$40,000.00 to cover the estimated special election cost.

	COUNCIL DATE:	7/21/2015
	LEGISTAR FILE ID#:	2015-0319
	<i>Barbara Fell</i>	
	<i>7/10/2015 7:39 AM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/
RESOLUTION/ORDINANCE		

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 101 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0249

Agenda Date: 8/4/2015

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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:

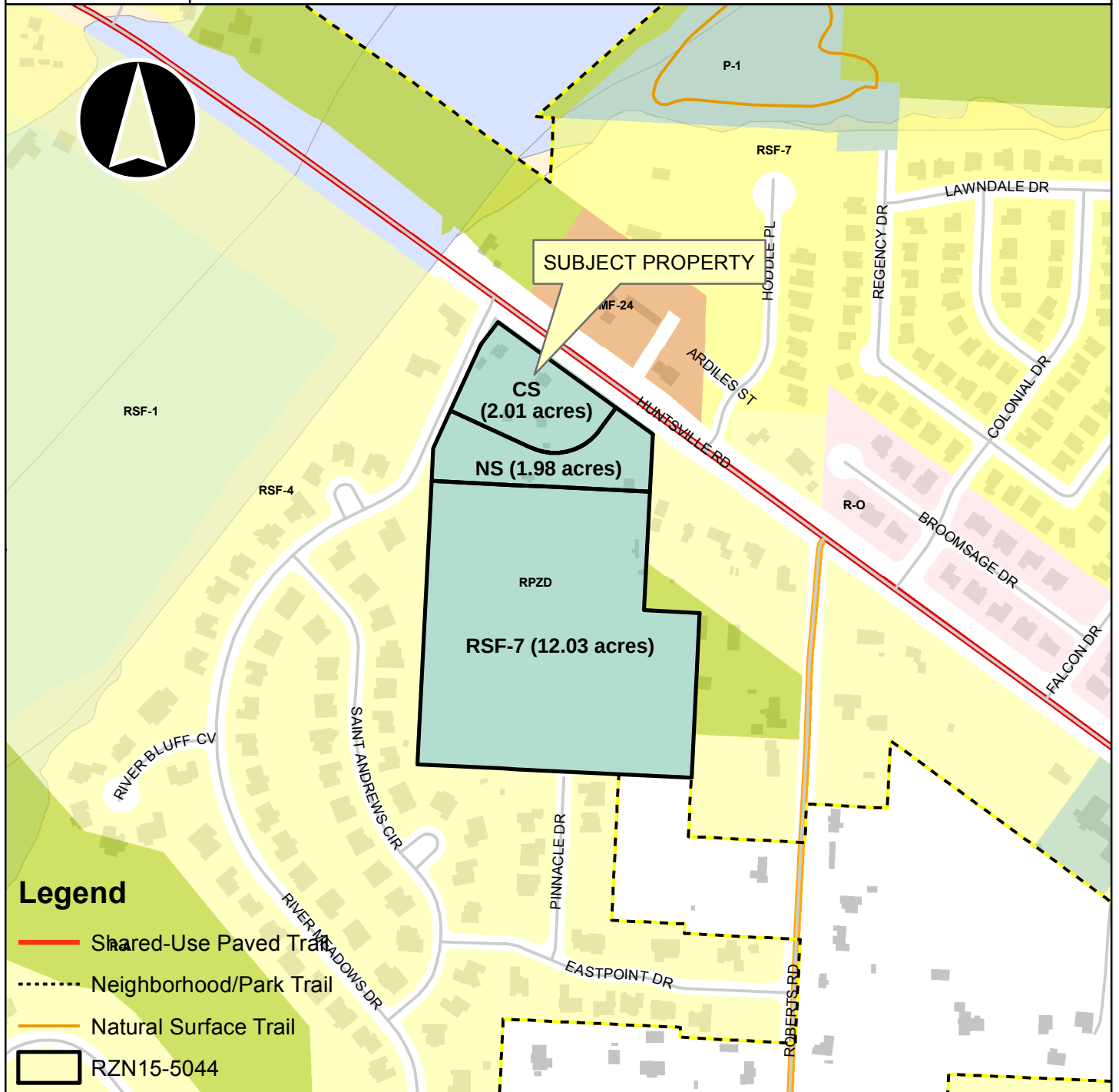
Section 1. That the City Council for the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units per Acre, NS, Neighborhood Services, 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.

RZN15-5044

THE PLAZA

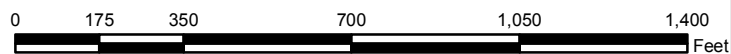
Close Up View



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
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(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.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(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
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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- (G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; 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.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; 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.

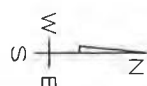
Detention will be provided to the north and to the south.

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 •



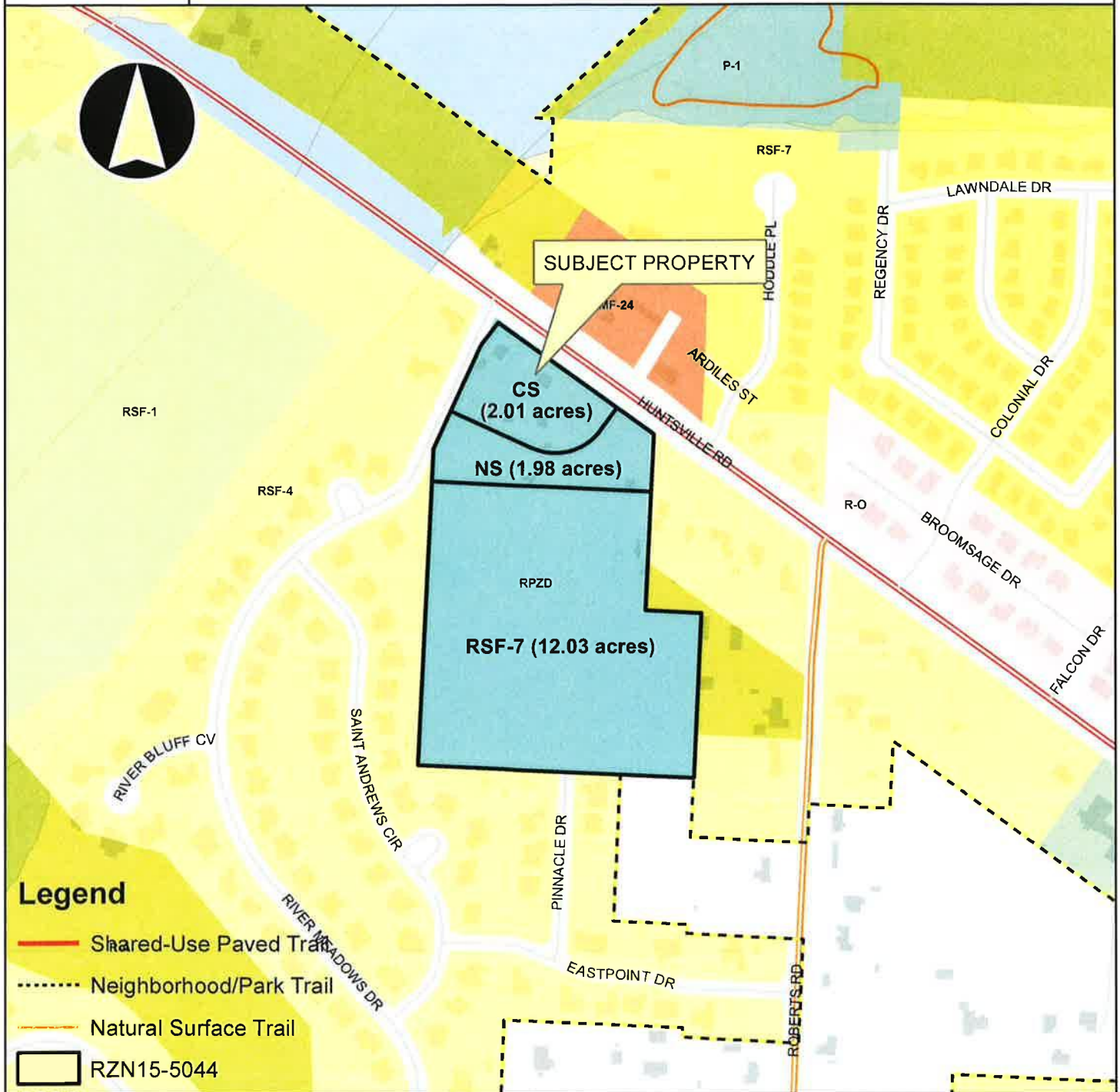
FL000 PLAIN NOTE

Planning Commission
May 11, 2015
Agenda Item 4
15-5044 The Plaza S/D
Page 10 of 15

RZN15-5044

THE PLAZA

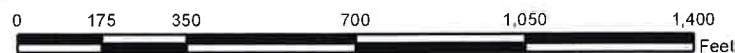
Close Up View



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



RZN15-5044

THE PLAZA

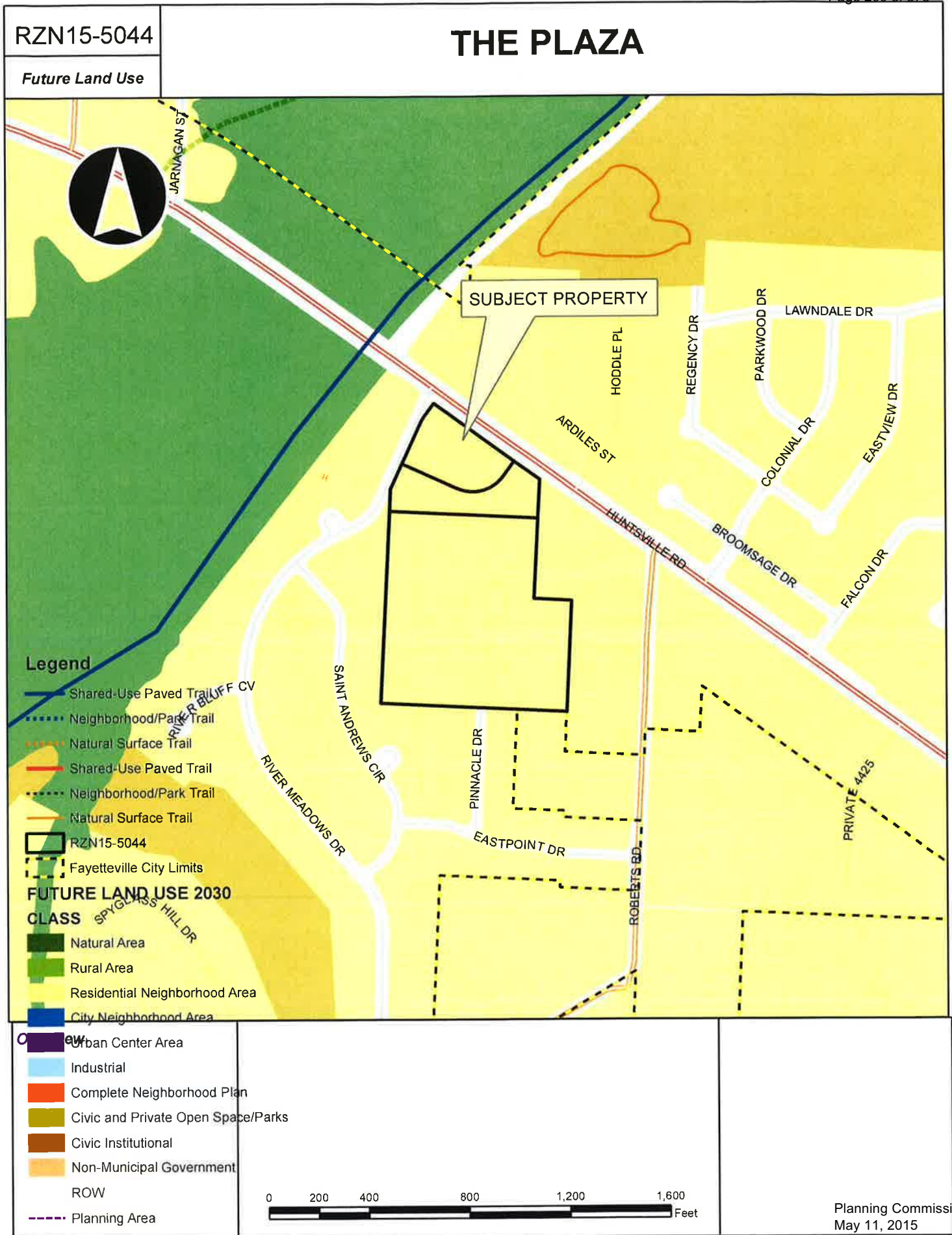
Current Land Use



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5044
- Fayetteville City Limits
- Design Overlay District
- Planning Area

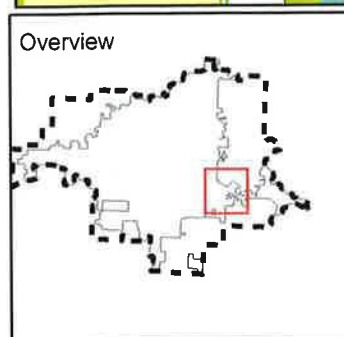
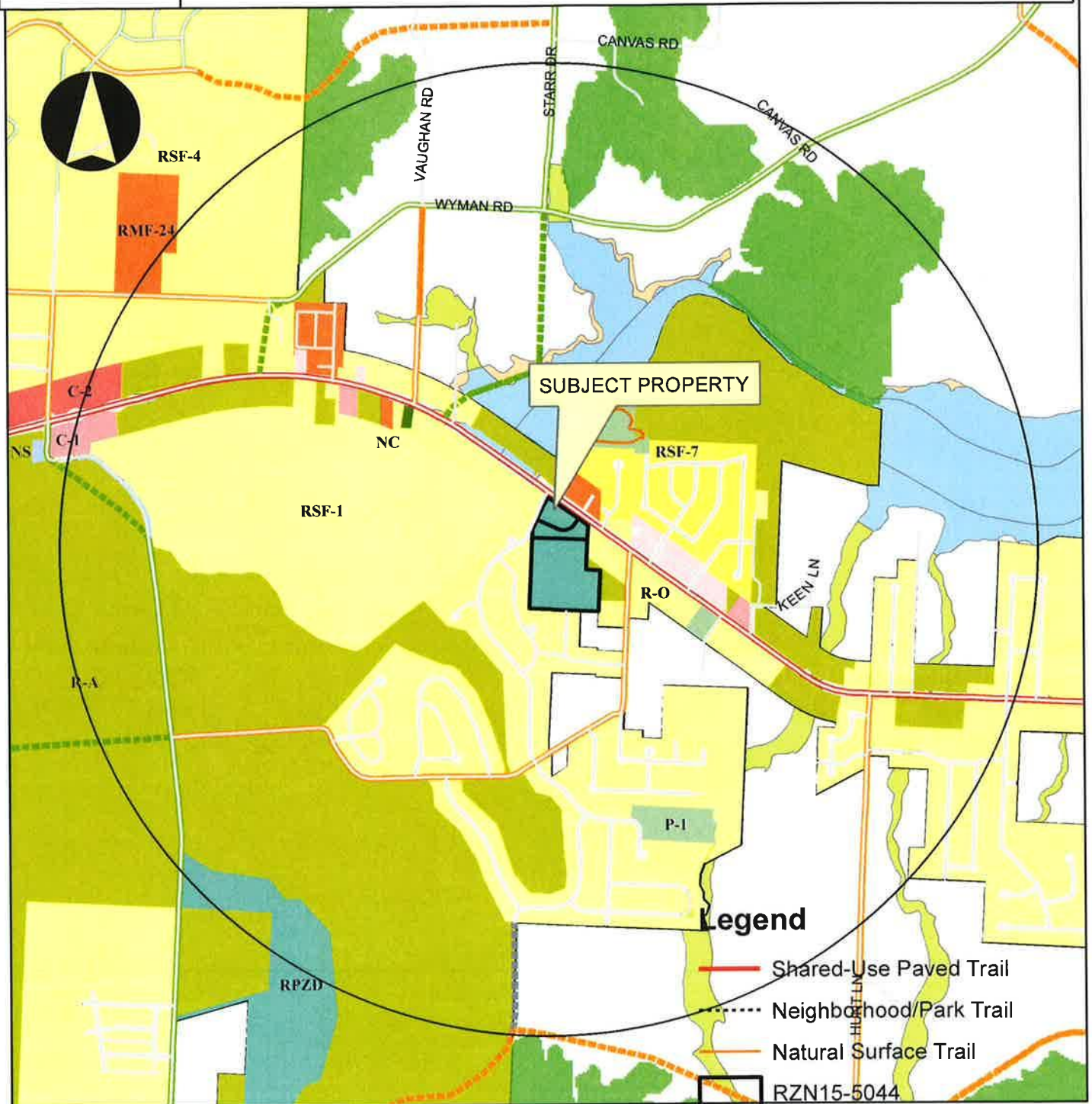




RZN15-5044

THE PLAZA

One Mile View





City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 20 of 578

Text File

File Number: 2015-0316

Agenda Date: 8/4/2015

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RMF-24, Residential Multi-family, 24 units per acre and RSF-4, Residential Single-family, 4 units per acre, to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

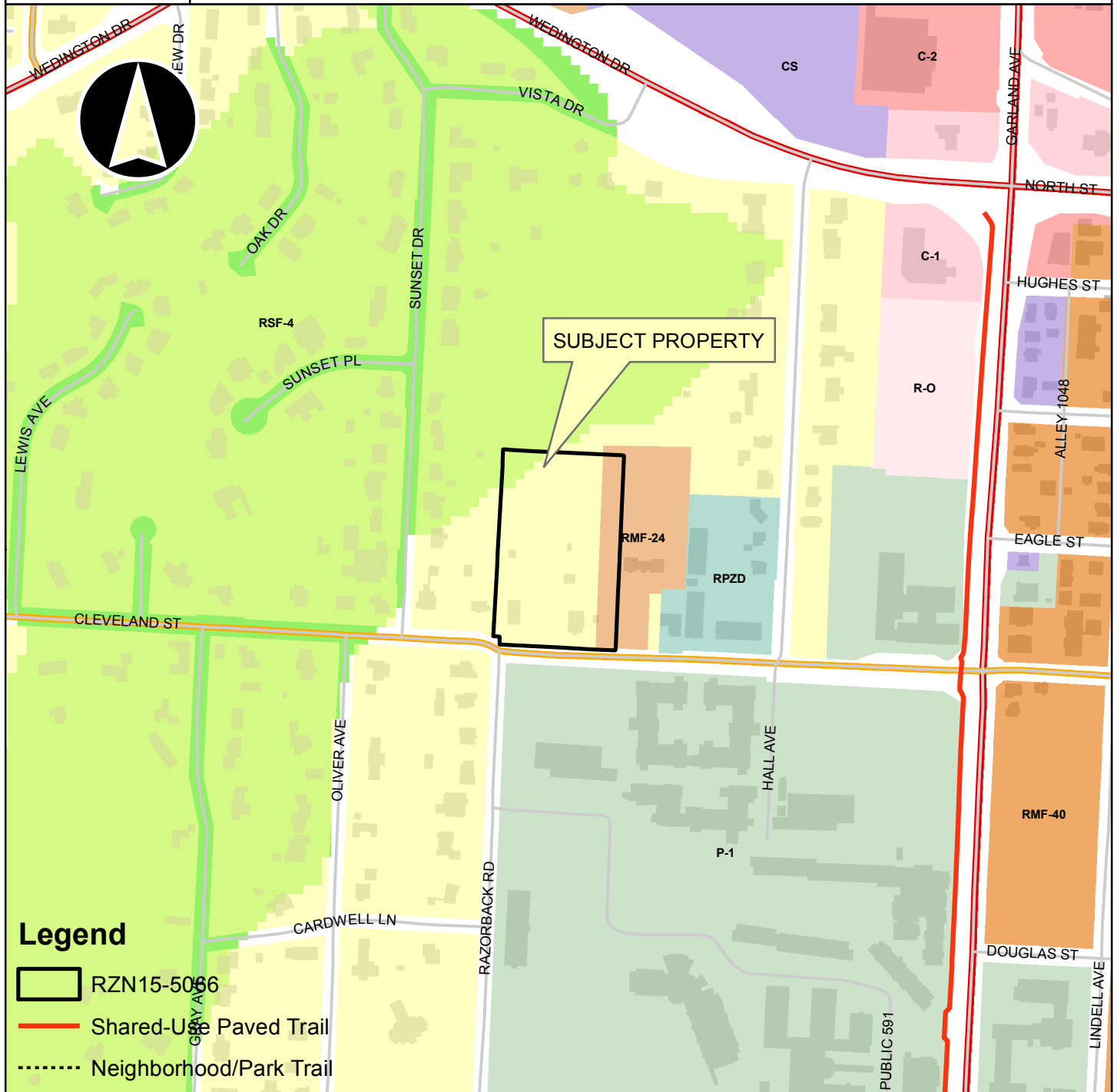
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby accepts the Bill of Assurance from the applicant and relies upon this Bill of Assurance in making this rezoning decision. The Bill of Assurance is attached as Exhibit "C" to this ordinance.

Section 3: 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.

RZN15-5066

ARKANSAS LEGACY LLC

Close Up View



WASHINGTON COUNTY PARCEL: 765-02582-000

STREET ADDRESS: 1324 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 8, T-16-N, R-30-W, DESCRIBED AS BEGINNING AT A POINT WHICH IS S87°11'39"E 315.00 FEET FROM THE SW CORNER OF SAID NE1/4 OF THE SE1/4, SAID POINT OF BEGINNING BEING A CHISELED "X"; THENCE N2°20'54"E 164.50 FEET TO A FOUND IRON PIPE; THENCE N86°43'35"W 61.55 FEET TO A SET IRON PIN; THENCE S2°30'33"W 165.00 FEET TO A CHISELED "X"; THENCE S87°11'39"E 62.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.23 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

WASHINGTON COUNTY PARCEL: 765-02590-000

STREET ADDRESS: 1326 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE NE1/4 OF THE SE1/4 OF SECTION 8, T-16-N, R-30-W DESCRIBED AS BEGINNING AT A POINT WHICH IS S87°11'39"E 165.00 FEET FROM THE SW CORNER OF SAID NE1/4 OF THE SE1/4, SAID POINT OF BEGINNING BEING A SET IRON PIN; THENCE S87°11 '39"E 88.00 FEET TO A CHISELED "X"; THENCE N2°30'33"E 165.00 FEET TO A SET IRON PIN; THENCE S86°43'35"E 61.55 FEET TO A FOUND IRON PIPE; THENCE N2°34'33"E 363.50 FEET TO A FOUND IRON PIN; THENCE N86°57'10"W 149.82 FEET TO A FOUND IRON PIN; THENCE S2°31'32"W 528.63 FEET TO THE POINT OF BEGINNING, CONTAINING 1.58 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

WASHINGTON COUNTY PARCEL: 765-02588-000

STREET ADDRESS: 1338 W CLEVELAND ST FAYETTEVILLE, AR 72701

SURVEY DESCRIPTION: A PART OF THE N1/2 OF THE SE1/4 OF SECTION 8, T-16-N, R-30-W DESCRIBED AS BEGINNING AT THE SW CORNER OF THE NE1/4 OF SAID SE1/4; THENCE S87°11'39"E 165.00 FEET TO A SET IRON PIN; THENCE N2°31'32"E 528.63 FEET TO A FOUND IRON PIN; THENCE N87°22'00"W 176.44 FEET TO A SET IRON PIN WHICH IS 11.3 FEET WEST OF THE EAST LINE OF THE NW1/4 OF THE SE1/4; THENCE S3°20'55"W 279.16 FEET TO A FOUND IRON PIPE WHICH IS 15.4 FEET WEST OF THE EAST LINE OF THE NW1/4 OF THE SE1/4; THENCE S2°43'35"W 228.84 FEET TO A FOUND IRON PIN; THENCE S86°50'49"E 16.25 FEET TO A SET IRON PIN; THENCE ALONG THE WEST LINE OF SAID NE1/4 OF THE SE1/4, S2°30'33"W 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

EXHIBIT #4 (Revision 3 - 7/17/15)

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Arkansas Legacy LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code: single-family dwellings, two-family dwellings, three-family dwellings, cottage housing development, and home occupations.
2. Development of the property will be limited to no more than fifty-four (54) total dwelling units.
3. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.
4. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Paul E. Jeske, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

July 20, 2015
Date

Paul E. Jeske
Printed Name

2870 Riverside Dr S
Address
Salem, OR 97306

Paul E. Jeske
Signature

NOTARY OATH

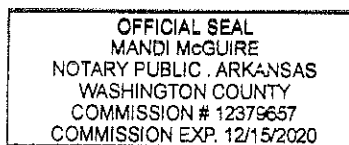
STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 20 day of July, 2015, ~~2009~~, appeared before me, Paul Jeske, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Mandi McGuire
NOTARY PUBLIC

My Commission Expires:

12/15/2020



RECEIVED

JUL 02 2015

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



July 2, 2015
Via Hand Delivery

Ms. Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain Street, Room 308
Fayetteville, Arkansas 72701

RE: **Request for appeal to the City Council of the June 22nd, 2015 Planning Commission action to deny RZN 15-5066**

Ms. Smith

As a representative of Arkansas Legacy, LLC, owner of 4.0 acres on 3 separate parcels located at 1324, 1326, and 1338 West Cleveland Street, I respectfully request to appeal the June 22nd, 2015 Planning Commission action to deny RZN 15-5066 per UDC 155.05(A)(1)(b).

With a bill of assurance attached, the property owner feels that the proposed rezoning is compatible with the surrounding land use and is encouraged by the City of Fayetteville long range planning goals found in City Plan 2030 and the Future Land Use Plan. The proposed rezoning would give the property owner a clear and predictable path for development approval of the proposed project. All other rezoning options, including a PZD, would require variances and be less predictable.

For the following reasons the property owner feels that the proposed rezoning request was not accurately represented by the Planning Commission Memo from planning department staff to the planning commissioners, which prevented proper consideration by the full Planning Commission:

1. The opinion of planning department staff that the Downtown General Zoning District is an inappropriate designation for the property is not consistent with the policies set forth in City Plan 2030 and the Future Land Use Plan. The stated purpose of the Downtown General Zoning District in the zoning code is very consistent with the property owner's proposal and with what is encouraged for City Neighborhood Areas by the Future Land Use Plan.
 - a. **From Zoning Code** - "*Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone."
 - b. **From Future Land Use Plan for properties designated as City Neighborhood** - "City Neighborhood Areas are more densely developed than Residential Neighborhood Areas and provide a varying mix of nonresidential and residential uses."
2. The property owner's proposed bill of assurance is very clear and concise, restricting density and development on the property to residential use and building heights to less than 30 feet. Approval of the bill of assurance would not grant any kind of development approval, all development codes would still apply.
3. There were conflicting opinions between City planning department staff and the City Attorney regarding the enforceability of the proposed bill of assurance.

100 West Center Street Suite 300
Fayetteville, AR 72701
479.444.0095

Letter to Sondra Smith
RE: RZN 15-5066

July 2, 2015

4. The letter from Urban Forester was not provided to the Planning Commission. This was key since it seemed that many of the commissioners did not understand the tree preservation issues and that the Urban Forester felt like our tree preservation proposal was appropriate given the infill location.
5. The Planning Commission Memo stated that "Approval of this proposal essentially approves a tree preservation plan without final evaluation by the Urban Forester, or input by Planning Commission on a detailed tree preservation plan or site analysis". This does not seem to be accurate. All development codes would still apply to the property.
6. Lastly, at the Planning Commission meeting the Planning Commission Chair did not allow the applicant the full amount time as provided by City policy to attempt to clarify the above discrepancies.

Could you please see that the following items, as previously submitted to the planning department, are made available to the alderman for consideration. These items can be provided again upon your request but should be on file in the planning department:

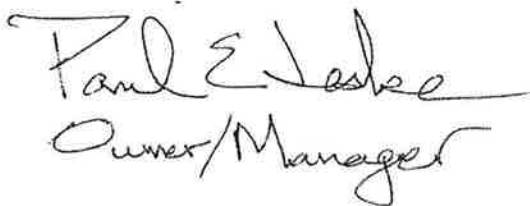
- One (1) PDF copy of a completed and signed rezoning application.
- One (1) PDF copy of Exhibit #1 – Survey Description of Property to be Rezoned.
- One (1) PDF copy of Exhibit #2 – County Parcel Map.
- One (1) PDF copy of Exhibit #3 – Written Description of Request per City of Fayetteville rezoning application.
- One (1) PDF copy of Exhibit #4 (Revised 05/31/15) – Bill of Assurance proposed with this rezoning application.
- One (1) PDF copy of Exhibit #5 (Revised 05/31/15) – Arkansas Legacy Master Plan.
- One (1) PDF copy of Exhibit #6 – Arkansas Legacy Master Plan Presentation Slides
- One (1) PDF copy of Exhibit #7 – Zoning Analysis Presentation Slides, which attempt to further illustrate the need for the request.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,



Brian Teague
Community By Design



Owner/Manager

City of Fayetteville Staff Review Form

2015-0316

Legistar File ID

7/21/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

7/7/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443): Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

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 JULY 21, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: July 7, 2015

SUBJECT: **RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443):** Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

The Planning Commission and staff recommend denial of an ordinance to rezone the property to DG, Downtown General. The applicant has appealed the Planning Commission's decision to the City Council.

BACKGROUND:

The subject properties are located at the northeast corner of Cleveland Street and Razorback Road. There are two existing single-family homes that were constructed in the 1920's. The overall property contains approximately 4 acres, with approximately 0.75 acres zoned RMF-24, Residential Multi-family and 3.25 acres zoned RSF-4, Residential Single-family.

The property is surrounded by a variety of land uses and zoning designations. To the east is a fraternity house zoned RMF-24; to the north and west are single-family homes zoned RSF-4; and to the south is University of Arkansas housing zoned Institutional.

Surrounding Land Use Compatibility: The applicant has submitted a request for Downtown General, which is an inappropriate designation for this property, in staff's opinion. In order to mitigate concerns with certain land uses and building heights, the applicant has also submitted an extensive, though relatively unclear Bill of Assurance. The applicant's proposal will allow all types of residential uses, including single-family, two-family, three-family, multi-family and cottage housing, and has limited the number of units along Streets #1 and #2 to 30 units. However, there are no details on the number of units along Cleveland, nor is a maximum density stated. Further, the exact make-up of the development is unknown. The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude detached single-family homes. Staff is unsure what the final development proposal will be for this property. However, given the land uses and densities permitted the proposed rezoning is incompatible with surrounding properties.

Further, the proposal is inconsistent with land use planning objectives and with basic zoning policy. Rather than creating clarity through a standard zoning district, or a comprehensive Planned Zoning District, the request attempts to modify a zoning designation that is just not appropriate for this property. The result, in staff's opinion, is a zoning and development plan that can't be accurately defined or enforced.

Land Use Plan Analysis: *City Plan 2030 Future Land Use Plan* designates this site as a City Neighborhood Area. City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily.

Staff supports a variety of housing types and even an increased density over the existing four units per acre allowed on this property. However, the most appropriate path for the owner to obtain development rights on this property, if the desire is to provide a variety of housing types, is to submit a Planned Zoning District (PZD) application. As described in the Unified Development Code, a PZD is "intended to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development."

DISCUSSION:

Request: The property owner is requesting to rezone approximately 4 acres to DG, Downtown General. The applicant has submitted a detailed Bill of Assurance that will restrict the allowable uses to single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing and home occupations. In addition to the limit on land uses, the applicant has submitted a conceptual site plan (Exhibit #5) that is intended to illustrate site planning characteristics, including street alignment, tree preservation areas, building location and massing, and parking. A maximum building height of 30 feet is also provided.

DISCUSSION:

On June 22, 2015 the Planning Commission denied the rezoning with a vote of 9-0-0. At the meeting five members of the public spoke that live near the subject property. They were opposed to the rezoning citing concerns with the Downtown General zoning designation, tree preservation, and enforcement of the Bill of Assurance.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Appeal Letter

Resolution

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: June 22, 2015 Updated July 7, 2015

SUBJECT: **RZN 15-5066: Rezone (1324 W. CLEVELAND ST./ARKANSAS LEGACY, LLC., 443):** Submitted by COMMUNITY BY DESIGN for properties located at 1338 and 1326 W. CLEVELAND ST. The properties are zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 3.98 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommends denial of **RZN 15-5066**.

BACKGROUND:

The subject properties are located at the northeast corner of Cleveland Street and Razorback Road. There are two existing single-family homes that were constructed in the 1920's. The overall property contains approximately 4 acres, with approximately 0.75 acres zoned RMF-24, Residential Multi-family and 3.25 acres zoned RSF-4, Residential Single-family.

The property is surrounded by a variety of land uses and zoning designations. To the east is a fraternity house zoned RMF-24; to the north and west are single-family homes zoned RSF-4; and to the south is University of Arkansas housing zoned Institutional.

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/Undeveloped	RSF-4, Residential Single-Family
South	University Housing	P-1, Institutional
East	Fraternity House	RMF-24, Residential Multi-Family
West	Single-family Homes	RSF-4, Residential Single-Family

DISCUSSION:

Request: The property owner is requesting to rezone approximately 4 acres to DG, Downtown General. The applicant has submitted a detailed Bill of Assurance that will restrict the allowable uses to single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing and home occupations. In addition to the limit on land uses, the applicant has submitted a conceptual site plan (Exhibit #5) that is intended to illustrate site planning characteristics, including street alignment, tree preservation areas, building location and massing, and parking. A maximum building height of 30 feet is also provided.

Public Comment: See letters attached.

Infrastructure:

Streets: The site has direct access to Cleveland Street.

Water: Public water is available to the site. There is a 6-inch line along Cleveland Street and a 12-inch line that runs north and south along the west property line.

Sewer: Public sewer is available to the site. There is an 8-inch line along Cleveland Street.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: This development will be protected by Engine 2 located at 708 N. Garland Avenue. It is 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Nonresidential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone. **City Neighborhood Areas** encourage complete, compact and connected neighborhoods and are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.*

Guiding Policies:

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

- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The applicant has submitted a request for Downtown General, which is an inappropriate designation for this property, in staff's opinion as discussed below. In order to mitigate concerns with certain land uses and building heights, the applicant has also submitted an extensive, though relatively unclear Bill of Assurance. The applicant's proposal will allow all types of residential uses, including single-family, two-family, three-family, multi-family and cottage housing, and has limited the number of units along Streets #1 and #2 to 30 units. However, there are no details on the number of units along Cleveland, nor is a maximum density stated. Further, the exact make-up of the development is unknown. The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude detached single-family homes.

The applicant has set aside areas for tree preservation as shown in the conceptual site plan. However, staff has no idea of the exact percentage proposed to be preserved, tree species, or condition of the canopy. Approval of this proposal essentially approves a tree preservation plan without final evaluation by the Urban Forester, or input by the Planning Commission on a detailed tree preservation plan and site analysis.

Finally, the plan lays out the internal street system, which as designed, violates the connectivity requirements of Chapter 166. Acceptance of this zoning proposal essentially grants a variance of the Access Management Ordinance without a detailed review of an actual development plan.

Given these facts, the proposal is not only inconsistent with land use planning objectives, but also with basic zoning policy. Rather than creating clarity through a standard zoning district, or a comprehensive Planned Zoning District, the request attempts to modify a zoning designation that is just not appropriate for this property. The result, in staff's opinion, is a zoning and development plan that can't be accurately defined or enforced.

The most appropriate path for the owner to obtain development rights on this property, if the desire is to provide a variety of housing types, is to submit a Planned Zoning District (PZD) application. As described in the Unified Development Code, a PZD is "intended to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development."

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 zoning request and accompanying Bill of Assurance are not justified at this time. The Downtown General zoning district is not an appropriate district for this property. The Bill of Assurance attempts to alleviate some concerns with this zoning district. Ultimately though, it creates a development scenario that is inconsistent with development regulations and policy, and in staff's opinion, difficult to enforce or regulate.

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

Finding: At this point staff can only assume the development of at least 30 residential units, however, it's likely that more are planned. Access to the site will line up with Razorback Road and allow for an appropriate and safe four-way stop condition. At an appropriate density, staff feels redevelopment of the site can occur without an appreciable increase in 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: Again, staff can only assume how many units will be built on the property if the property is rezoned. However, at only four acres, it's very unlikely that the development would undesirably increase the load on public services.

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

RECOMMENDATION:

Staff recommends denial of RZN 15-5066 based on the findings herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>June 22, 2015</u>	☐ Tabled	☐ Forwarded	☒ Denied
The motion was to deny the rezoning.			
Motion: <u>Autry</u>	Second: <u>Hoskins</u>	Vote: <u>9-0-0</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	☐ Approved	☐ Denied	
Date: July 21, 2015			

BUDGET/STAFF IMPACT:

None

Attachments:

Request Letter
Bill of Assurance
Fire Comments
Public Comment
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map

TO: Alison Jumper
Park Planning Superintendent

FROM: Ken Eastin
Urban Forester

DATE: May 22, 2015

SUBJECT: REQUEST FOR POSITION ON TREE PRESERVATION REQUIREMENTS

I met Brian Teague of Community By Design and toured a site proposed for development at 1324 West Cleveland. Brian's immediate concern is determination of a target zoning request in order to best meet the intent of the proposed development. The current request submitted by the applicant is for DG-Downtown General which has less stringent tree preservation requirements, but does not particularly match the adjacent neighborhood zoning. Rather, a zoning request of PZD-Planned Zone Development has been suggested by Fayetteville Planning staff in order to allow for guideline establishment that will more closely match surrounding land use; however, tree preservation minimums for PZD zoning is much greater than that of DG. Brian has inquired if these minimums could be reduced should they pursue the PZD designation. After an overview of the initial concept plan and a visit to the site, I feel that Brian has done a very good job of integrating the proposed layout around the existing mature trees on site.

The standard minimum tree preservation in PZD zones is 25% of the site area. This is a target minimum; however, when working with tight infill projects such as this proposal, that minimum can often be difficult or impossible to achieve with a feasible development project. As you know, that is one of the reasons that other options to meet minimum canopy requirements are available rather than only preservation. These options include planting of mitigation trees or payment into the tree escrow fund. After becoming familiar with the concept plan and the site, it is obvious that the target minimum may be difficult to achieve. This memo is submitted in order to acknowledge the difficulty of developing this site as an infill project in alignment with the 2030 plan and the willingness of Urban Forestry to work with the applicant to achieve minimum canopy requirements through available mitigation options. Through the course of Development and Construction plan preparation and review, I will be working with the consultants to maximize preservation opportunities, while acknowledging that the target minimum may not be met. As you know, this is typical of Development review, particularly in these tight neighborhood infill proposals. This is in line with the intent and recommendations of the City Plan 2030 in order to encourage greater infill development. Hopefully this will be an acceptable position for the project applicants.

Please understand that this does not mean automatic approval of the project, but after reviewing the site and concept, I am comfortable working with the applicant, based on the currently proposed design, to meet minimum canopy requirements through other mitigation options other than preservation only.

EXHIBIT #3 - WRITTEN DESCRIPTION OF REQUEST PER THE CITY OF FAYETTEVILLE REZONING APPLICATION

a. Current ownership information and any proposed or pending property sales.

The subject properties are currently owned by Arkansas Legacy, LLC. There are no proposed or pending property sales.

b. Reason (need) for requesting the zoning change.

The primary reason for the zoning change request is that the existing zoning does not allow for development of the property in accordance with the City's long range planning goals.

Arkansas Legacy, LLC and the Jeske Family wish to keep the existing home at 1326 Cleveland, where they grew up, and incorporate this home into a new master plan for the property. The design of the Arkansas Legacy Master Plan was guided by the the City's long range planning goals, objectives, and principles as set forth in City Plan 2030 and the City of Fayetteville Future Land Use Plan. The master plan calls for 54 homes. This includes a range of different housing types and sizes, all designed to be at scale that is small and more neighborhood friendly. The homes are organized in a manner that keeps about 160 of an estimated 242 existing trees and which creates high-quality open spaces connected with pedestrian pathways, rear access drives, and public streets. The Bill of Assurance attached to this request ensures that any new development on this property will be in substantial accordance with this master plan.

According to City Plan 2030, the City Neighborhood Future Land Use designation attached to the property encourages denser development with a mixture of both residential and nonresidential use. The existing zoning does not allow development consistent with City Plan 2030 or the City Neighborhood Future Land Use designation. In accordance with this land use designation The Arkansas Legacy Master Plan contains a mixture of single-family detached and single-family attached unit types at varying sizes at a medium density of 13.5 dwelling units per acre. The existing RSF-4 district encourages low density development and the large lot size and street frontage requirements of this district prevent the construction of the unit types as proposed on the Arkansas Legacy Master Plan. The RMF-24 district encourages higher density, however the larger lot size and street frontage requirements prevent the subdivision and the individual selling of the homes proposed in the Arkansas Legacy Master Plan and thus encourages rentals.

Specifically the lesser street frontage, lot size, setback, and tree preservation requirements of the Downtown General Zoning District make the Arkansas Legacy Master Plan viable. The Downtown General Zoning District will allow for the highest and best use of the property in a manner consistent with the City's long range planning goals.

The Bill of Assurance attached to this request ensures that any new development on this property will be in substantial accordance with this master plan. The Bill of Assurance is proposed to alleviate concerns of neighbors and to eliminate the possibility of something not as substantially shown on the Master Plan being built on the property. During the review of this rezoning application the applicant expects to receive suggestions for specific assurances that would limit building height and density in accordance with the master plan.

A Planned Zoning District (PZD) is not a viable option for the Arkansas Legacy Master Plan due to the significantly increased tree preservation requirements, which is inconsistent with the Arkansas Legacy Master Plan.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The smaller scale, more neighborhood friendly unit types proposed in the Arkansas Legacy Master Plan are compatible with and will serve as an asset to the existing neighborhood. Furthermore it will provide an appropriate transition from the less dense RSF-4 neighborhoods to the west into the more intense land uses to the south and east which contain the University of Arkansas and large areas of RMF-40 units per acre zoning.

d. *Availability of water and sewer (state size of lines).*

Water and Sewer is available. A 12" water main runs north to the south across the property along its west property line. A 6" water main runs west to east in the Cleveland Street Right of Way. An 8" sanitary sewer main also runs west to east in the Cleveland Street Right of Way.

e. *The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.*

The proposed Downtown General Zoning District with attached Bill of Assurance requiring any development on the property to be in substantial accordance with the Arkansas Legacy Master Plan is highly consistent with the City of Fayetteville Future Land Use Plan and City Plan 2030.

As mentioned previously, the City of Fayetteville Future Land Use Plan designates the property as "City Neighborhood". The written goals of this designation suggest a transition away from the lower-density, single-use neighborhoods to the west to a denser type development with a mixture of both residential and nonresidential use. The property was likely given this designation due to its close proximity to the University of Arkansas, Leverett Elementary School, and other jobs / retail that are within a short walk from the property. The locations proximity to multiple walkable amenities and the existing transit stop immediately adjacent to the property will make it possible for a built Arkansas Legacy Master Plan to meet the goals and objectives of the City Neighborhood Future Land Use designation.

In addition, The Arkansas Legacy Master Plan is in general accordance with and if built would contribute to the following planning objectives, principles, and policies of City Plan 2030:

Existing City Planning Goals

Contributions made by Arkansas Legacy Master Plan

<u>City Plan 2030 Goal 1</u> - We will make appropriate infill and revitalization our highest priorities. - Objective d – Promote densest development around logical future transit stops. - Objective g – Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A.	The Arkansas Legacy Master Plan would provide housing on relatively undeveloped land. The land is immediately adjacent to the University of Arkansas and adjacent to existing homes. The development would support and complement the existing neighborhood and the housing and social needs of the area. The Master Plan encourages use of the existing transit stop. The homes would provide housing for University employees within walking distance. Children living within the master plan could easily walk to nearby Leverett Elementary.
<u>City Plan 2030 Goal 2</u> - We will discourage suburban sprawl. Accommodating growth in the center of the city preserves farms and forests on the edge.	Development of a medium density housing in this location will reduce the need for less dense development further away from the center of the City.
<u>City Plan 2030 Goal 3</u> - We will make traditional town form the standard. - Objective a – Require new growth that results in neighborhoods, districts, and corridors that are: - compact - via denser housing; meaningful open spaces & preserves; small blocks - complete - via varied housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods - connected - via street-oriented buildings; interconnected streets;	With a variety of house sizes and designs the Arkansas Legacy Master Plan will contribute to growth that results in a neighborhood that encourages a diversity of users. With its walkable location the property lends itself to medium density housing. In addition to the already walkable location, the transit stop immediately adjacent to the property will further encourage residents to be less dependent on the car for transportation. Connected with tree-lined streets, sidewalks, rear access courts, and pedestrian pathways, the planned open spaces of the master plan will provide a high quality area for

interconnected greenways & trails • Objective b – Prepare a transit-worthy community: densify in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes. • Objective c – Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space. • Aggregate employment into mixed use centers with walkable amenities.	interaction between the neighbors. Front porches are planned to enhance the quality of these open spaces. The front porches will further social interaction between the neighbors and also provide “eyes on the street”. In addition, to even further enhance these open spaces, access to garages have been located to the rear of the homes and garage parking has been provided for nearly all of them. The planned street internal to the project will focus use and traffic to those who live in the area. This will minimize the impact of traffic to the surrounding neighborhood. The street is designed in a manner that will encourage vehicles to move slowly so pedestrians should feel safe walking.
<u>City Plan 2030 Goal 4</u> - We will grow a livable transportation network. • Objective a – Community design should precede and outrank traffic planning. • Objective b – Make walkable, cyclist friendly road designs with slow design speeds, and block and street layouts the standard; walkability is a part of the street function. • Objective f - Commit to evolving a rich menu of transit choices, including citywide and regional mass transit. • Objective h - Plan employment in locations with access to walkable amenities and transit rather than in isolated locations.	Creating livable space within the development and minimizing the impact to the surrounding neighborhood is a primary objective built into the Master Plan. The planned street will focus use and traffic to those who live in the area. This will minimize the impact of traffic to the surrounding neighborhood. The street design encourages slow speeds by vehicles, which should encourage walking and biking. Sidewalks and greenways will further encourage use by pedestrians. The location of the property and the medium density design is very pedestrian friendly. The existing transit stop adjacent to the property will be an important asset for residents and offer transportation options that do not include the car.
<u>City Plan 2030 Goal 5</u> - We will assemble an enduring green network. • Objective a – Vigilantly nurture a continuum of greenspace, including riparian buffer areas, canopy restoration and protection, small neighborhood parks and squares, major parks and recreation facilities, greenways and trails, and large-scale preserves.	Greenways along planned pedestrian pathways will preserve many existing mature trees. The central green space/park will preserve many mature trees but will also provide space for a small neighborhood park.
<u>City Plan 2030 Goal 6</u> - We will create opportunities for attainable housing • Objective a – Increase housing choices by encouraging a mixture of housing types and sizes and dispersed throughout the city. • Objective c – Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing. • Objective d - Make housing relatively more affordable by influencing cost of living items such as utilities and transportation. Complete, compact and connected neighborhoods are pedestrian-friendly and provide everyday services within walking distance, allowing residents to reduce transportation costs, which could positively affect their ability to obtain housing.	The Arkansas Legacy Master Plan offers a mixture of housing types and sizes that will allow residents to age in place. The goal is not to create a monoculture, but to build a range of unit types that will provide the opportunity for someone to live out their entire lives in the neighborhood. The master plan will create attainable housing in two ways. Since there is a range of housing types, smaller houses will be available that will be more affordable simply due to their smaller square footage. Also, housing will be inherently more affordable at this location due to its proximity to employment and retail. On average, residents of Northwest Arkansas pay more for their transportation than they do for their housing. The Arkansas Legacy Master Plan will provide the option to significantly reduce and in some cases nearly eliminate the cost of transportation. No similar neighborhood exists in the area immediately adjacent to the University campus.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed Downtown General Zoning District is the lesser intense of four existing zoning categories (DG, MSC, UC, and UT) that provide setback, lot size, and street frontage zoning regulations that allow the subdivision of the mixture of unit types as proposed in the Arkansas Legacy Master Plan. A PZD could provide the zoning regulations that are needed, however development regulations require increased tree preservation for PZDs, which are inconsistent with the Arkansas Legacy Master Plan. Varying from this requirement without review and consideration of detailed development plans is not allowed by the City of Fayetteville. The Arkansas Legacy Master Plan does however meet the tree preservation requirements of the Downtown General Zoning District.

If in fact the Arkansas Legacy Master Plan is highly consistent with the planning objectives, principles, and policies of the City of Fayetteville Future Land Use Plan and City Plan 2030 as previously suggested, then the proposed zoning seems justified and needed at this time.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Traffic studies provided for analysis of the approved Project Cleveland (R-PZD 12-4079) showed that it would not have a significant impact to traffic on the surrounding streets and that levels of service on surrounding streets would not be significantly impacted. Separated by only 189 feet from the approved Project Cleveland PZD, The Arkansas Legacy Master Plan is proposing 54 dwelling units while the Project Cleveland PZD contained 122 dwelling units. Given its close proximity and while containing significantly less dwelling units, the Arkansas Legacy Master Plan should not have an impact on traffic conditions either. If built, the Arkansas Legacy Master Plan could potentially make conditions on Cleveland Street safer for both pedestrians and vehicles.

h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Rezoning the property to the Downtown General Zoning District with a Bill of Assurance to develop the property in substantial accordance with the Arkansas Legacy Master Plan would not significantly increase the load to public services.

i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

If the subject property was developed under the existing zoning classification, then many of the goals, objectives, and principles of the City of Fayetteville Future Land Use Plan and City Plan 2030 could not be met. Rezoning the subject property to the Downtown General Zoning District would allow the goals, objectives, and principles of the City of Fayetteville Future Land Use Plan and City Plan 2030 to be met.

Arkansas Legacy
Comments to Fayetteville Planning Commission
June 22, 2015

We understand that in some ways this is a unique and in some was complex proposal. Thank you for your consideration of our proposal. We believe that creative flexibility is needed to achieve our proposed Master Plan and City Plan 2030 objectives.

One expressed concern is that this area will become like downtown. Our objective is to build a neighborhood, not a downtown area. This is shown in the Master Plan and the Bill of Assurance. We don't want a downtown area either.

Downtown General is the City's label, not ours. It is only a label and does not reflect what is in the Master Plan or our intent.

Downtown General is **the only city zoning category that allows our Master Plan to be implemented.** We want to build the project at a scale that would be acceptable to neighbors while still allowing us the density to make the project feasible. City requirements that prevent using other zoning categories include those relating to green tree retention, residence set back distances and street frontage.

The City staff and some written comments suggest that we should be using a PZD application. We carefully examined using the PZD zoning. It does not allow implementing this Master Plan, primarily due to the 25% tree retention standard. A zoning variance from the PZD standard would be required, but this variance is not assured.

The existing Master Plan design includes retention of many large trees and exceeds the 10% tree retention requirement included in Downtown General.

The City Forester has reviewed the Master Plan on site and has written a letter regarding the Master Plan that is not included in the City's package. Part of the letter states, "when working with tight infill projects such as this proposal, that minimum (25% tree retention) can often be difficult or impossible to achieve with a feasible development project." The letter also states, "This (Plan) is inline with the intent and recommendations of the City Plan 2030 in order to encourage greater infill development."

The Master Plan design is consistent with the City's long range plan and objectives (*see 'part e' of zoning application*).

The property is a transition zone from the University to the neighborhood. The Master Plan design and zoning change request are consistent with the transitional nature of the property.

Community by Design has worked with the City Attorney to create the Bill of Assurance. There is legal precedence for using a Bill of Assurance. It is clear and specific regarding proposed restrictions.

The City Planning staff is asking for specifics in our design that are not appropriate for this zoning change step in the process. Those details are normally provided with the Large Scale Development application part of the process. One example is the concern regarding the connectivity of the street. Creating a through street here will significantly increase traffic into and around the neighborhood, especially at the intersection of Razorback Road and Cleveland Street. Having this limited access street design is intended to focus traffic to only the traffic associated with the immediate neighborhood. This is a subject that would normally be addressed in the Large Scale Development application stage, not as part of a zoning change application.

We are family members that grew up in the neighborhood, went to the local Leverett Elementary School, still have emotional connections to the neighborhood and want to complete a project that contributes to and helps to build the neighborhood community. We feel that the Master Plan achieves that objective.



June 4, 2015
Via Hand Delivery

Mr. Andrew Garner
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **RZN – 15-5066**

Mr. Garner,

In addition to the documents submitted April 28, 2015, please find attached the following documents for consideration at the June 22, 2015 Planning Commission:

- One (1) PDF copy of Exhibit #2 – County Parcel Map.
- One (1) PDF copy of a revised Exhibit #4 – Bill of Assurance proposed with this rezoning application.
- One (1) PDF copy of a revised Exhibit #5 – Arkansas Legacy Master Plan.
- One (1) copy of a public hearing notice sent to the adjacent property owners
- One (1) copy of certificate of mailing
- One (1) copy of certificate of sign posting
- One (1) compact disc with PDF copies of the documents listed above

The revisions to Exhibit #4 and #5 are intended to make the proposed Bill of Assurance more enforceable per our meetings and conversations.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,

Brian Teague
Community By Design

EXHIBIT #4 (Revision 1 - 5/31/15)

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC**, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

- a) The general horizontal alignment of the proposed new streets.
- b) The general location of the proposed tree preservation areas.
- c) The general location and massing of the proposed buildings in relation to the street.
- d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code: single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than thirty (30) dwelling units located on or using New Streets #1 and #2 for the required street frontage. The majority of these thirty (30) dwelling units will be either attached or detached single family dwellings. Additional dwelling units will be located on or utilize West Cleveland Street for required street frontage.

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Paul E. Jeske, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

June 22 2015
Date

Paul E. Jeske
Printed Name

2820 Riverside Drive
Address
Salem, OR 97306

Paul E. Jeske
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 22nd day of June, ~~2009~~²⁰¹⁵, appeared before me, Michelle S. Sprauer, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Michelle S. Sprauer
NOTARY PUBLIC

My Commission Expires:

11/02/2018



Master Plan Key:

- A Existing House
- B Proposed House
- C Private Courtyards
- D Tree Preservation
- E Pedestrian Pathway

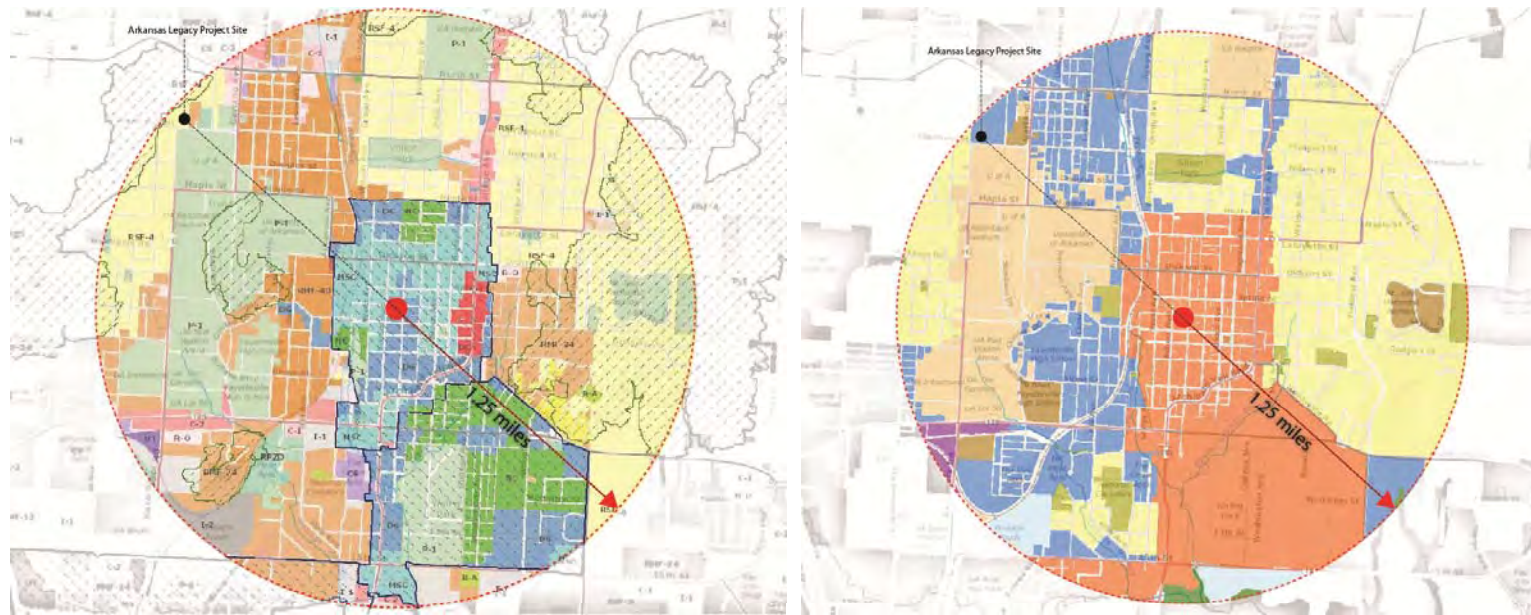
- F Central Green
- G Razorback Transit Stop



Exhibit #5 (Revision 1- 5/31/15)
Arkansas Legacy Master Plan

Zoning Analysis Presentation

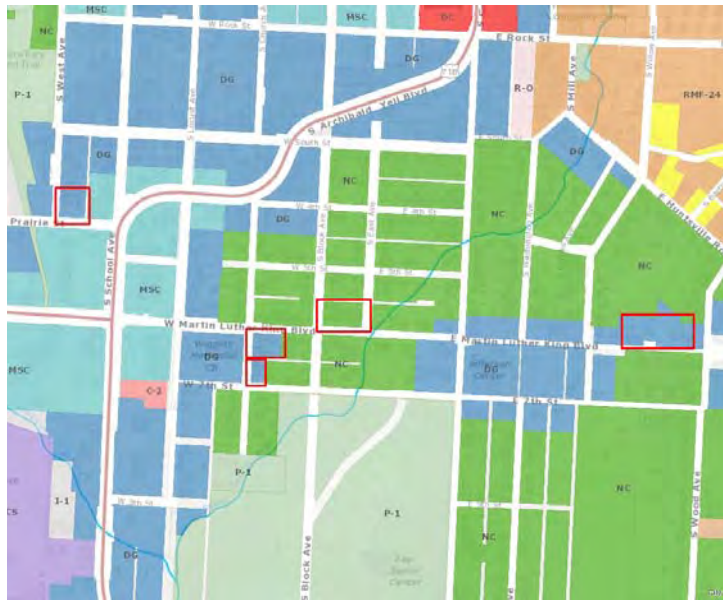


ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation**Comparison of Existing Zoning (left) and Future Land Use Plan (right)**

The City Neighborhood designation encourages denser development with a mixture of both residential and nonresidential uses. Looking at the expanded downtown area, areas with the City Neighborhood designation primarily contain a mix of NC, DG, RMF24, RMF40, CS, C1 and C2 zoning districts. The majority of new development in these areas have been multi-family apartments

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Existing Smaller Scale Residential Development in City Neighborhood Areas



The majority of new smaller-scale development in City Neighborhood areas has been along MLK in the Walker Park Neighborhood. Primarily this smaller-scale new development is in areas zoned Downtown General. At Church and MLK these new single-family homes and duplexes were built at a net density of 15 du/acre or a gross density of 10 du/acre.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Existing Zoning on Arkansas Legacy Property



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 41	Single-family dwellings
Unit 41	Accessory dwellings

(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	80 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.

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) Purpose. The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) Uses:

(1) Permitted uses:

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 28	Multi-family dwellings
Unit 44	Cottage Housing Development

(C) Density:

Units per acre	24 or less
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(D) Bulk and area regulations:

(1) Lot width minimum:

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single family	80 ft.
Two family	90 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) Lot area minimum:

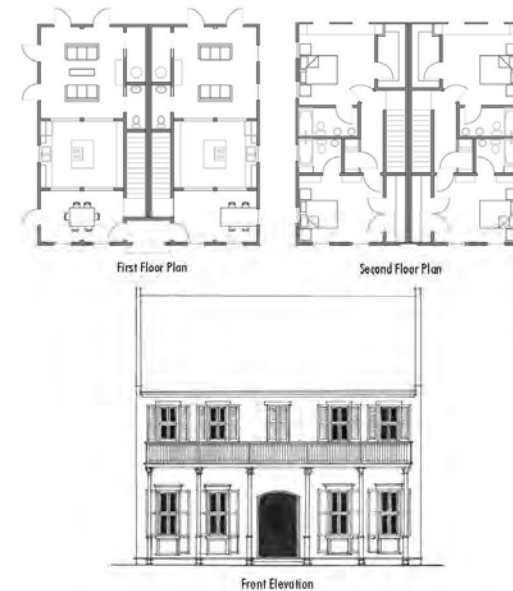
Manufactured home park	3 acres
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Lot within a mobile home park	4,200 sq. ft.
Townhomes Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

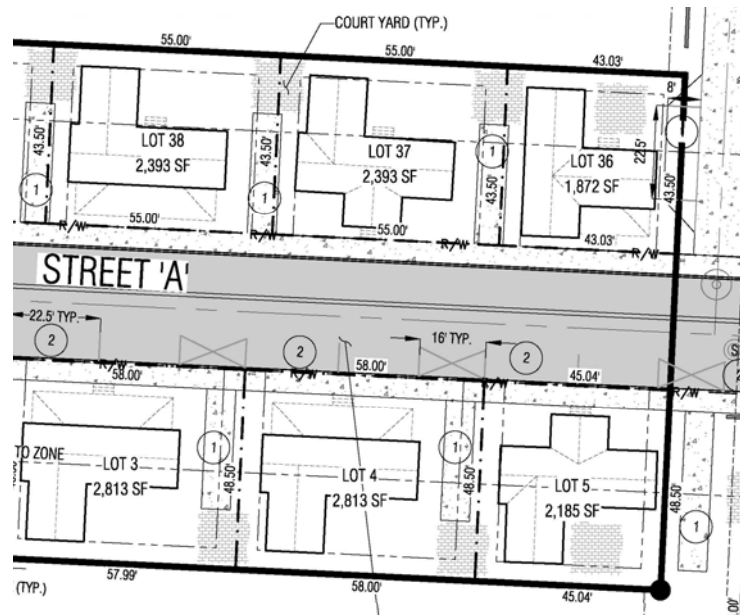
(3) Land area per dwelling unit:

Manufactured home	3,000 sq. ft.
Apartments	1,700 sq. ft.
No bedroom	1,700 sq. ft.
One bedroom	2,000 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

If we are to meet the goal of medium density with a mix of unit types at a smaller, more neighborhood-friendly scale (not with apartment buildings), then the existing zoning does not work. RSF4 encourages low-density single-family homes and RMF24 encourages apartment buildings. Both require large lot sizes and large street frontages for those lots.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation**Form-Based Districts with No Lot Size Requirements – DC, MSC, UT, DG, CS**

Looking at the existing zoning categories, only the truly form-based districts allow this type of development. These districts have no lot size requirements and they only require 18 feet of street frontage in order to subdivide. In these districts we can build this two-bedroom townhome(1,296 SF) on a 1,600 SF Lot and sell it individually to a family. Outdoor amenities include front porch, private courtyard, and garage parking.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation**Form-Based Districts with No Lot Size Requirements – DC, MSC, UT, DG, CS**

There are no lot size requirements. This four-bedroom(1,728 SF) home would fit comfortably on a 2,400 SF lot. There is room for a front porch, a back porch/patio courtyard, and one off-street parking space. Two more parking spaces would be provided on-street. A smaller two-bedroom home would fit on a lot less than 2,000 SF in size and still have adequate space for all of the same amenities.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Rezoning Options - Downtown General or Community Services

161.25 Downtown General

(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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(C) Density: None

(D) Bulk and area regulations:

(1) Lot width minimum:

Dwelling (all unit types)	18 ft.
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(2) Lot area minimum: None.

(E) Setback regulations:

Front	A build to zone that is located between the front property line and is set 25 ft. from the front property line
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(G) Building height regulations:

Building Height Maximum	56 ft.
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161.19 Community Services

(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

(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 is set 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) Building Height Regulations:

Building Height Maximum	56 ft.
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Table 1
Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A Residential - Agricultural (nonagricultural uses)	25%
RSP-5, Single-family Residential - One Half Unit per Acre	25%
RSP-1, Single-family Residential - One Unit per Acre	25%
RSP-2, Single-family Residential - Two Units per Acre	20%
RSP-4, Single-family Residential - Four Units per Acre	25%
RSP-7, Single-family Residential - Seven Units per Acre	20%
RSP-8, Single-family Residential - Eight Units per Acre	20%
R-O, Residential - Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-Family Residential - Six Units per Acre	20%
RMF-12, Multi-family Residential - Twelve Units per Acre	20%
RMF-18, Multi-family Residential - Eighteen Units per Acre	20%
RMF-24, Multi-family Residential - Twenty-Four Units per Acre	20%
RMH-40, Multi-family Residential - Forty Units per Acre	20%
NIS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DG, Downtown Core	10%
USC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
I-3, Institutional	25%
PZD, Planned Zoning District (PHQD)	25%

• Downtown General (DG) allows the smaller scale mixture of unit types at medium density as proposed in our plan.

• Community Services (CS) does the same thing but the 10' front setback and 20% tree preservation does not work.

• Neighbors Concerns include the unlimited density, the 56' bldg. height max, and nonresidential uses in DG.

• This identifies the need for a New Zoning District with similar setback, lot size, and street frontage regulations as DG - but with limited density, smaller bldg. height maximums, and minimal nonresidential uses allowed.

• As an alternative, we propose a Bill of Assurance Attached to a Downtown General Rezone that limits density, building height, and nonresidential uses.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Rezoning Options - Planned Zoning District (PZD)



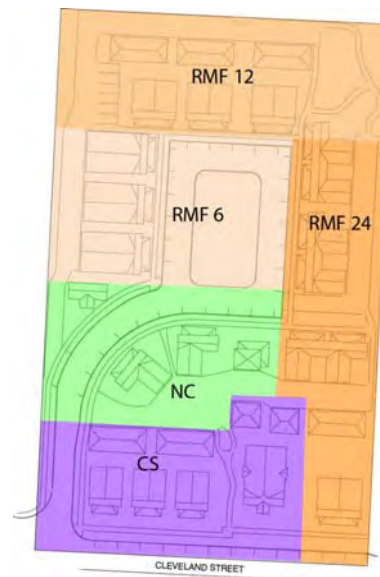
ZONING DESIGNATIONS:	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (Nonagricultural Uses)	25%
RSF-5, Single-family Residential - One Half Unit per Acre	25%
RSF-1, Single-family Residential - One Unit per Acre	25%
RSF-2, Single-family Residential - Two Units per Acre	20%
RSF-4, Single-family Residential - Four Units per Acre	25%
RSF-7, Single-family Residential - Seven Units per Acre	20%
RSF-8, Single-family Residential - Eight Units per Acre	20%
R-O, Residential - Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential - Six Units per Acre	20%
RMF-12, Multi-family Residential - Twelve Units per Acre	20%
RMF-18, Multi-family Residential - Eighteen Units per Acre	20%
RMF-24, Multi-family Residential - Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential - Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (WHOD)	25% (30%)



The PZD option would allow us the flexibility with lot sizes and street frontages that we need, however the tree preservation requirements do not work. A variance may be possible, however this would come after the zoning is approved which is problematic.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Rezoning Options - Combination of NC, RMF6, RMF12, RMF24, and CS



ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-5, Single-family Residential - One Half Unit per Acre	25%
RSF-1, Single-family Residential - One Unit per Acre	25%
RSF-2, Single-family Residential - Two Units per Acre	20%
RSF-4, Single-family Residential - Four Units per Acre	25%
RSF-7, Single-family Residential - Seven Units per Acre	20%
RSF-8, Single-family Residential - Eight Units per Acre	20%
R-O, Residential - Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential - Six Units per Acre	20%
RMF-12, Multi-family Residential - Twelve Units per Acre	20%
RMF-18, Multi-family Residential - Eighteen Units per Acre	20%
RMF-24, Multi-family Residential - Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential - Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
U-T, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

This option would include a number of different existing districts in a rezone. Due to the lot size and street frontage regulations in the multi-family districts a majority of those units could not be sold fee simple to a family and thus would encourage rentals. The 20% tree preservation requirement is also problematic.



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

To: Community by Design, Jesse Fulcher
From: Will Beeks, Assistant Fire Marshal
Date: May 12, 2015
Re: RZN 15-5066

This development will be protected by Engine 2 located at 708 N Garland.
It is 1 miles from the station with an anticipated response time of 3 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

PUBLIC COMMENT

Fulcher, Jesse

From: Hamilton, George <George.Hamilton@unilever.com>
Sent: Monday, June 15, 2015 12:55 PM
To: Pate, Jeremy; Fulcher, Jesse
Subject: Arkansas Legacy Project: submission on comments to the written packet

Dear Jeremy and Jesse

It is my understanding that are able to submit written comments and questions to the packet for the public hearing on the above project, being held on 6/22.

As such please see the below and thank you for your consideration of our comments in this matter, it is much appreciated.

I and my wife (Sara Burningham) are the owners of 1400 W Cleveland Street, the property directly adjacent to the property in question for the Arkansas Legacy Project.

As such I am writing in advance of the Public Hearing on this matter, to be held 6/22 @ 5.30pm, to express our deep concerns with the project as currently submitted.

We are not adverse to development of this site, in fact are supportive of development of this property in an appropriate fashion both for the neighborhood and this property in particular.

Our concerns are twofold:

1. The rezoning of this property as "Downtown General" is inappropriate in the sense that it is not a downtown location, will sit as an island of zoning surrounded by less dense zoning and will set a concerning precedent that seems at odds with the City 2030 plan that seeks to avoid "rapid growth (that) has led to suburban sprawl....., environmental concerns and increased traffic congestion"
2. The density of the project causes several issues with regards to Traffic and Parking. The current plans as laid out for the Arkansas Legacy project calls for 56 dwellings, but with less than 2 parking spots per property, within the development. As the stated goal is to make this a residential area for families and given the fact that stores are not walking accessible (hills, distance, variety of shops that are even remotely walk able), the likelihood of 2 or more cars per dwelling is high. The result will therefore be on street parking on Cleveland St. or the surrounding area and a significant increase in traffic. This will increase risk to pedestrians in an area that has relatively high pedestrian activity given the proximity to Leverett School and the College Halls, through:
 - a. Addition of **the sole** access road to the development next to an existing and busy 3 way intersection (Razorback Rd and Cleveland St)
 - b. Street parking blocking sight lines, which are further reduced at night through poor street lighting.

Our suggestions:

1. In order to develop this property in an appropriate fashion that fits with the existing neighborhood, existing zoning and future plans for the city AND doesn't cause a potentially dangerous traffic issue in the locality, we would recommend that
 - a. the zoning application is changed to a PZD application or one more fitting with a residential area.
 - b. that the property is developed so that parking is provided at a minimum of 2 cars per dwelling and potentially more, so that public street parking is avoided.
 - c. the access road be moved to the north of the property, via Weddington Road to relieve traffic concentration in a residential area.

The end result we hope is a development that sits well in the environment that surrounds it, as it currently stands the plans for this project do not meet this standard and require alteration.

Yours Sincerely

George Hamilton
Owner 1400 W Cleveland St, Fayetteville, AR, 72701

Fulcher, Jesse

To: Garner, Andrew
Subject: RE: Jeske

From: Ken Gardner [<mailto:KGardner@lmcancercenter.com>]
Sent: Monday, June 08, 2015 10:14 AM
To: Garner, Andrew
Subject: Jeske

Andrew- Susan and I oppose the rezone request that Paul Jeske has submitted for his family's property on Cleveland. I do not believe that Downtown General is appropriate in this location and their proposed " Bill of Assurance" will not be sufficient to address traffic, storm water drainage, parking and other issues that their project will create for the area. I believe that the owners can develop this as RSF-4 or submit a PZD request. Thank you, Ken Gardner

Fulcher, Jesse

From: Beverly Schaffer <bschaffer@arkansas.net>
Sent: Wednesday, June 17, 2015 2:05 PM
To: Fulcher, Jesse
Cc: Pate, Jeremy; Garner, Andrew
Subject: Arkansas Legacy Project

Greetings Jesse,

I would like to share some thoughts about the proposed development plans of the Jeske family, referred to as the Arkansas Legacy Project. My husband, Archie, and I own the property at 1404 W. Cleveland, two doors down from the four acres that will comprise the project.

There are many things we like about the conceptual plans for this project. We appreciate the consideration of the applicant for not proposing to build another single purpose student housing project. We like the mix of housing sizes and designs. We especially are pleased with the plans to preserve the Jeske family home located on the four acres that would be developed. We are encouraged by the applicant's stated desire to build residences that, hopefully, would become owner occupied homes rather than more rentals. We don't object to a modest increase in density that will accommodate the conceptual development plans. However, we oppose the request to rezone the four acres currently zoned mostly RSF-4 to a Downtown General (DG) Zoning district.

The Downtown Master Plan

The DG zoning district was established as a result of the 2006 Downtown Master Plan (DMP). It was intended to be a district restricted to the downtown district of Fayetteville. It would be an arbitrary and unprecedented decision to extend this zoning district to the UA campus edge area, especially within an established residential neighborhood with significant historic significance to the city. The project will encompass only four acres in the center of an almost exclusively residential neighborhood north of Cleveland Street. A downtown zoning district appears to be incompatible with the surrounding land uses.

It would be a bad precedent for the city to extend the DG zoning district to areas not contiguous with the downtown area. Once done, other developers will want the same consideration. The city would have a hard time denying these future requests, resulting in a piecemeal extension of the downtown district to isolated areas of the city to facilitate projects encompassing only a small amount of acreage. This could leave the city open to attack for "spot zoning" or, alternatively, for arbitrarily allowing the use of a downtown zoning district in one case and denying it in another.

As a practical matter, establishing a downtown district in a residential area raises the question whether the architectural and design standards applicable to a downtown district also would apply to a DG district isolated within an existing residential district. This is the kind of confusion that results when you try to put a square peg in a round hole.

The DMP established four downtown zoning districts, Downtown Core, Main Street Central, Downtown General and Neighborhood Conservation. Of these, the NC district (according to the Unified Development Code) "has the least activity and lower density than the other zones" and "is the most purely residential zone" and it "serves to promote and protect neighborhood character". If the applicant was looking for a downtown, form based zoning district compatible with the existing land use in the area, we are puzzled as to why this option was ignored in favor of DG. In any event, NC is a downtown district and, like DG, not intended to be used outside of the downtown area.

Bill of Assurance (BOA)

The BOA offered by the applicant is not a satisfactory or workable solution to the problem of establishing a downtown district within a residential neighborhood. Although the restrictions offered would run with the land, the BOA itself is not enforceable by the city staff. It is only enforceable by the city filing a lawsuit against the developer or a future owner in the circuit court to enforce compliance. This is an undesirable position for the city to be in. City staff and financial resources would have to be regularly deployed to ensure that what ultimately is built complies with the BOA. If the project is built in phases, that burden could extend many years.

While the BOA eliminates some of the problematic permitted uses in the DG zoning district, it doesn't address the many other uses available with a conditional use permit. The BOA does not exclude these conditional uses. If requested in the future by this applicant or a future owner, and if granted, any of those uses would substantially change the character of this property.

Moreover, the BOA merely references an attachment of the conceptual drawings of the project, as currently contemplated, and promises the project ultimately built will be substantially the same. What does "substantially the same" mean? The project may change a great deal before it's built. A court would have to decide whether what eventually is built is substantially the same as what was promised. City resources should not be diverted to monitoring compliance with a BOA that attempts to construct a special zoning district to accommodate a specific project.

In short, the use of a BOA to persuade the city to rezone these four acres to DG places a continuing regulatory burden on the city that is unacceptable. This is not a wise way to establish a new category of zoning to accommodate higher density housing on the perimeter of the UA campus. If that is a desirable goal, there should be a future effort to address this broad objective in a more comprehensive and orderly fashion.

Once again, if the DG/BOA combination is accepted for this project, there will be other requests. It's a matter of concern that other investors would choose to begin buying more single family homes nearby and using them temporarily for student rentals pending similar rezoning requests. Each time this occurs there is a further erosion of the residential character of the neighborhood. Speculative investing in campus edge homes and conversion of owner occupied homes to rentals already has destabilized the sole surviving residential neighborhood on the campus edge. It would be a shame to further incentivize this activity. We need the city's help preserving the unique character of this neighborhood. It adds great value to the city and to the attractiveness of the northwestern border of the UA campus. -

The 2030 Plan

The applicant is correct that the 2030 Plan designates the future land use area of the project as City Neighborhood, which encourages greater density and a mix of housing types. However, the guiding policies for City Neighborhood also include the following goals: "protect adjoining properties from...adverse impacts", employ "proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values", and "protect and restore Fayetteville's outstanding residential architecture of all periods and styles". (See the 2030 Plan)

Although the four acres that will comprise the project are within the City Neighborhood planning area, they directly adjoin an exclusively low density residential neighborhood. Because of this, the highest sensitivity should be given to those guiding principles in considering a rezoning request that would more than triple density, generate significant new traffic alongside and behind existing single family homes, add lighting and parking that potentially could create nuisances for neighbors, and would provide no buffer of any kind between these homes and probable rental properties.

While City Neighborhood encourages higher density, common sense dictates that, within an area with this designation, not all land should be developed with the same level of increased density. Rezoning requests should consider the proximity of the specific acreage in relation to an established single family home neighborhood. In this case, the project will be situated within feet of the residential neighborhoods to the north and west. We think only a modest increase in

density would be compatible with the surrounding land use. That would allow some of the land area to be used for mitigation measures to buffer the new development from the adjoining single family homes.

Unfortunately, the 2030 Plan did not specifically address future development on the campus edge, specifically as it applies to student housing. It was passed before the largely unplanned, but significant, increase in student enrollment at the UA. That increase set off a frenzy of student housing development. Regrettably, it also resulted in the conversion of many, many single family homes in our neighborhood from owner occupied homes to student rentals. Quite often, these homes have been purchased by parents of UA students who believe it is financially wiser to own a nearby home for their children and rent the extra bedrooms to their friends rather than to pay for dorm rooms and parking passes.

The point is that, as much as the applicant hopes this project will consist of owner occupied homes, the reality is that these residences will be predominantly rentals, and most likely student rentals. These kinds of residential properties present unique issues. With that reality in mind, it's imperative that this rezoning request be considered in that context so that appropriate mitigation measures are required of the applicant.

Availability of Other Zoning Districts

There are existing residential single family home districts available to the applicant that would allow a modest increase in density. Most of this acreage is zoned RSF-4 and a small portion is RMF-24. The following districts would allow the Jeske family to develop their property to a higher density level compatible with the surrounding properties: RSF-7, RSF-8, RSF-12, RMF-6, or a Residential Planned Zoning District. Some of these districts permit two attached townhouses, others allow duplexes, some allow 2 and 3-family homes and cottage housing.

We understand that these districts are not attractive to the applicant because of the required setbacks and limitations on the percentage of building area or street frontage. But it is exactly those kinds of restrictions that prevent overbuilding on acreage located within a residential zoning district and protect the property values and quality of life of the existing homeowners.

The applicant should be required to design a development that fits within an available zoning district rather than using a downtown zoning district with a bill of assurance to create a special zoning district to fit the desired development. That's the purpose of the Residential Planned Zoning District ordinance (RPZD). If the applicant is wedded to the current conceptual design plans, it seems that an RPZD is the appropriate zoning district for the project.

Specific Challenges of This Development

The traffic and parking issues associated with the project site are well known to both the nearby residents and to the city. Both have been the subject of considerable debate in recent years. Cleveland Street experiences heavy commuter traffic associated with the UA campus and local in/out traffic from residents. Developers may encourage walkability but development plans must embrace the reality that it will be years or decades before any meaningful level of foot traffic or mass transit replaces the daily use of automobiles, even across the street from campus.

There will be only one way in and one way out of this project. Unfortunately, that access point is directly into and out of a very busy and dangerous intersection at Razorback Road and Cleveland Street. This will be a very awkward entry/exit and it will add a significant burden to the existing traffic congestion on Cleveland Street. The applicant should be encouraged to explore connectivity to the north onto Wedington Drive. That would alleviate the pressure on Cleveland Street and allow residents an alternative, and safer, route out of the project. This issue needs to be given careful attention. Serious consideration should be given to relocation of the road in/out of the project away from Razorback Road and to the east end of the property. Traffic already stays backed-up at the three-way stop at Razorback Road.

Moreover, the new road into the project would adjoin the property of the homeowners next door on Cleveland Street and extend into the backyards of homeowners whose houses front Sunset Drive to the west. This is an unacceptable hardship for these homeowners. The applicant isn't offering any buffer or greenspace between this road and these homes. That should be required.

Given the reality that this project will most likely be lived in by UA students, the present plans offer far too few parking spaces for the residents, not to mention probable guests. More on-site parking should be required.

The applicant has complained that the other available zoning districts require too many trees. Tree preservation and adequate greenspace go hand-in-hand with creating developments compatible with nearby established neighborhoods. It should be a high priority.

The bottom line is that the applicant is trying to put too many units on this four acres. Reducing the density to no more than 10 units per acre hopefully would allow room to move the road to the opposite side of the acreage, to preserve more trees, to create a buffer between the existing single family homes, and to allow more space for adequate parking. Adding a second way in and out of the project would reduce substantially the impact of the project on existing traffic problems on Cleveland Street and especially at the Razorback Road intersection.

As presently conceived, this project doesn't adequately address the infrastructure and design challenges associated with this location. But these issues must be considered alongside the rezoning request in order to fully evaluate their impact and to require appropriate mitigation by the applicant as a part of the rezoning approval. Again, the RPZD zoning ordinance would allow all of these issues to be considered and addressed in conjunction with the rezoning.

We request that the planning commission deny the applicant's request to rezone the property to DG. That said, we would be willing to work with the applicant to find common ground on an alternative zoning district that would facilitate the existing conceptual plans, with modifications consistent with the concerns expressed by neighboring property owners.

Thank you for your consideration,

Beverly and Archie Schaffer III

Fulcher, Jesse

From: cbduty@aol.com
Sent: Monday, June 22, 2015 2:38 PM
To: Fulcher, Jesse

As a 58 year resident of Sunset Drive, I am horrified to see the developer plans for the Jeske property on Cleveland Street. This will clearly have a negative impact on the living conditions of property owners here as well as reducing property values.
Please do not vote for Downtown General rezoning!

Sincerely,
Carolyn Banks

Fulcher, Jesse

From: Ethel C. Simpson <esimpson@uark.edu>
Sent: Monday, June 22, 2015 2:20 PM
To: Fulcher, Jesse
Subject: Jeske development on Cleveland Street

I am a long-time resident of University Heights, at the address below. I write to ask the planners to oppose the Downtown General rezoning application. If the property were rezoned as a residential planned zoning district, I understand that the city could consider the development plans AT THE SAME TIME as the rezoning request, thus having much greater control over what ultimately is built BEFORE the rezoning is approved. Especially vital is the location of a new street in this development. It should be constructed to cause the least possible disruption to the established residential character of the adjoining property.

Thank you for your consideration.

Ethel C. Simpson

409 N. Oliver Avenue
Fayetteville AR 72701
(479) 442-2925

Fulcher, Jesse

From: Amy White <moreismore84@gmail.com>
Sent: Monday, June 22, 2015 3:12 PM
To: Fulcher, Jesse
Subject: Jeske Land

Hi,

My name is Amy White and I live at 901 N Sunset Drive. I am unable to attend tonight's meeting. I ask that you please pass my concerns along to the commissioners:

Placing a road behind the homes on the east side of Sunset will generate major noise and light pollution. The homeowners on our street are professionals who work during the day and sleep at night. Students typically do the opposite.

We already feel pressure on our street from campus traffic--this would make it worse.

The developers need to take care of ingress/egress near their own property.

Please protect our street and quality of life in our neighborhood. Please!

Thanks!

Amy White

Sent from my iPhone

June 21, 2015

Andrew Garner, City Planning director

Please forward to the Planning Commission Members for June 22nd meeting.

Re: RZN 15-5066 Rezone (1324 W. Cleveland St. / Arkansas Legacy, LLC., 443)

Dear Mr. Garner and Commission,

I am writing to express my objection to the rezoning of the property at 1324 W. Cleveland. The current zoning is appropriate for the neighborhood and should be left as is. I do not support any rezoning of this property. The location, limited access, available infrastructure (especially traffic issues) and surrounding, majority housing and the residents living in those houses clearly indicate that the property is appropriately and correctly zoned.

If the Planning Commission considers any change to the current zoning, it should be zoning that reflects a reasonable increase in density but keeps the property zoned residential. There is simply no way the location could accommodate more. Anyone that has had long term, first hand, daily experience with having to travel the Cleveland / Razorback intersection is aware of this. We are three blocks from it.

I have been a member of the Fayetteville community for forty-five years and a resident at 668 Gray Street for thirty-five years. Since purchasing the property in 1980, I've married. My wife and I raised our twenty-six year old son here. We are intimately aware of living in this area. We are members of UHNA. Please, do not bulldoze away these fantastic, family neighborhoods so close to all that is Fayetteville.

I ask you to deny any request for rezoning and development that would further erode this wonderful neighborhood. There are so many (and too many) examples around the U of A community of atrocious, strictly-for-profit, inappropriate developments leading to eventual destruction of great neighbors living in great neighborhoods.

Please. Don't let that happen to this property.

Joe Paul
668 Gray
Fayetteville, AR
72701

jpaul91952@aol.com

RZN15-5066

ARKANSAS LEGACY LLC

Current Land Use



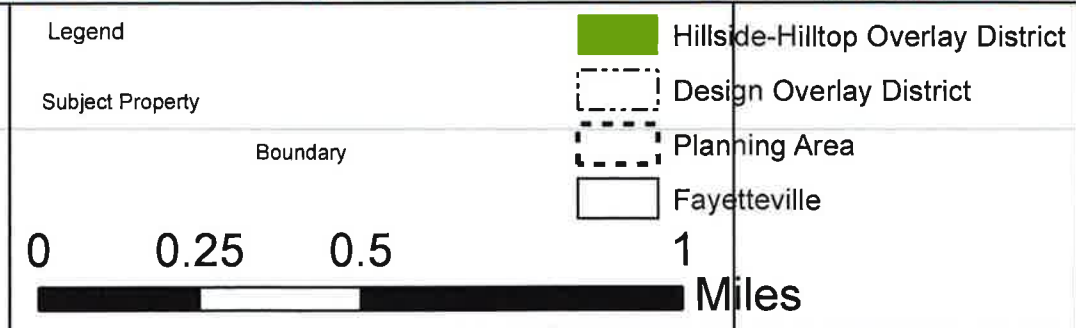
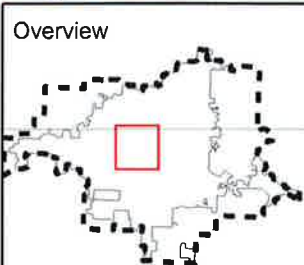
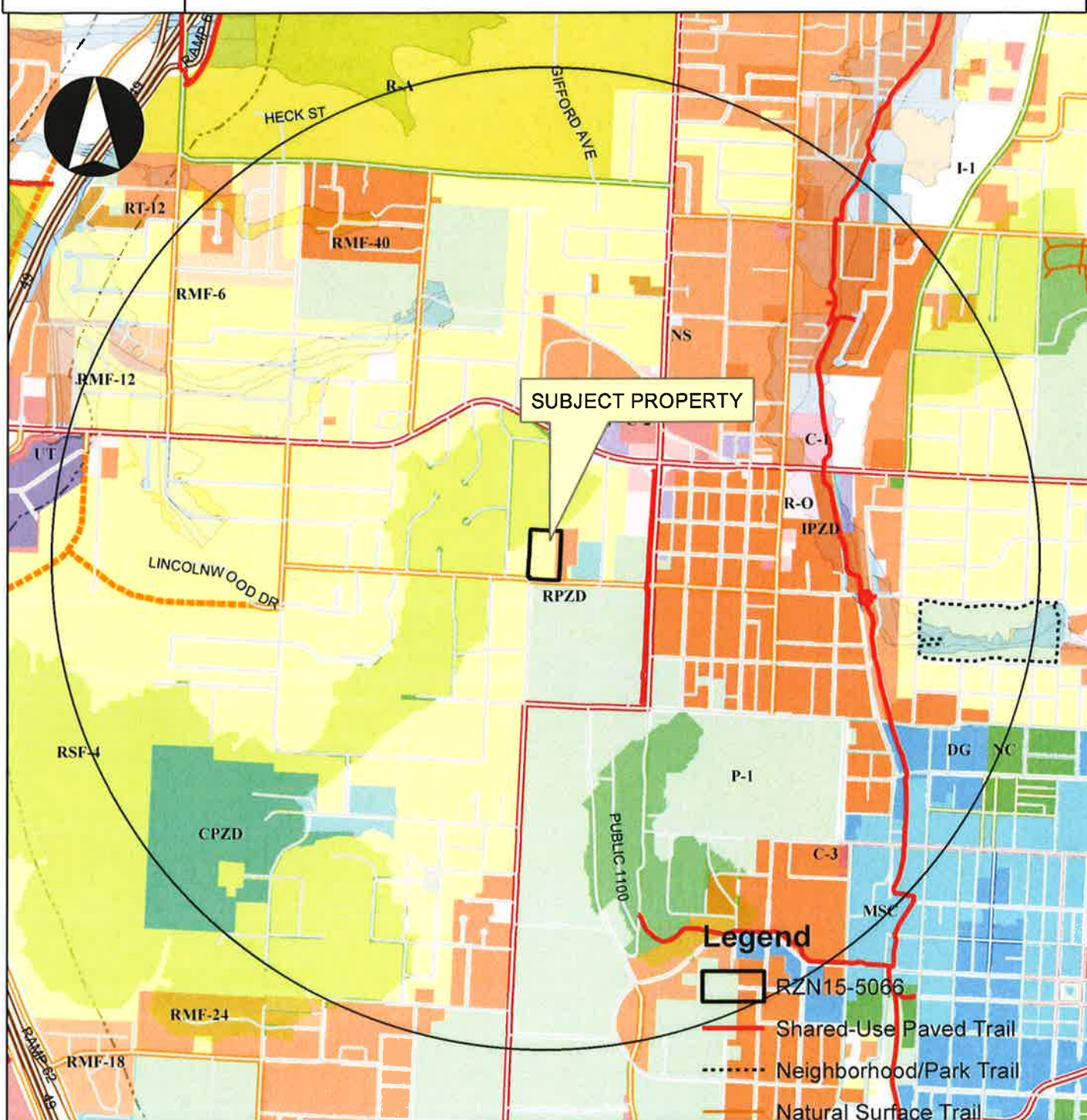
Legend

	RZN15-5066
	Shared-Use Paved Trail
	Neighborhood/Park Trail
	Natural Surface Trail
	Fayetteville City Limits
	

RZN15-5066

ARKANSAS LEGACY

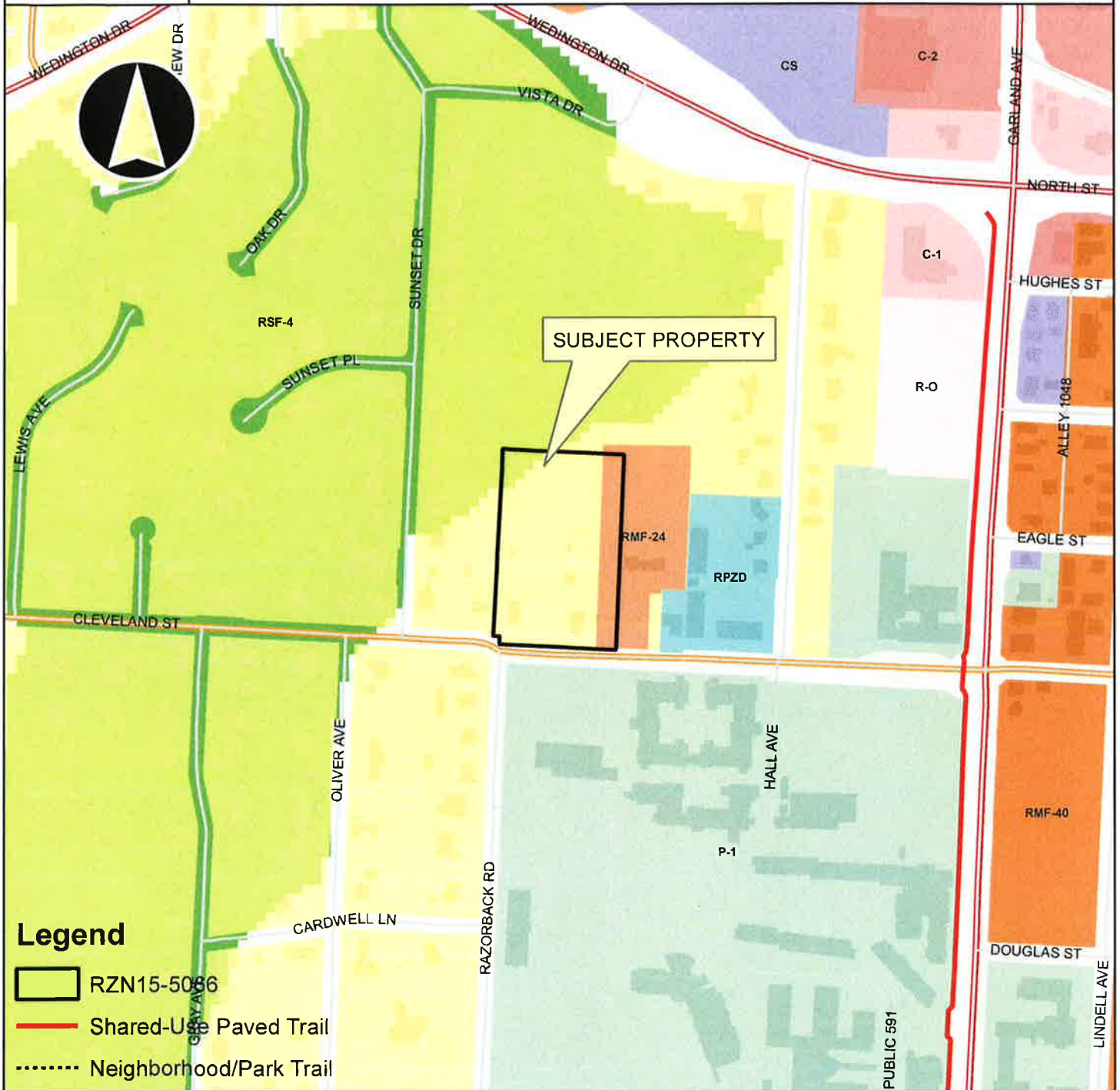
One Mile View



RZN15-5066

ARKANSAS LEGACY LLC

Close Up View



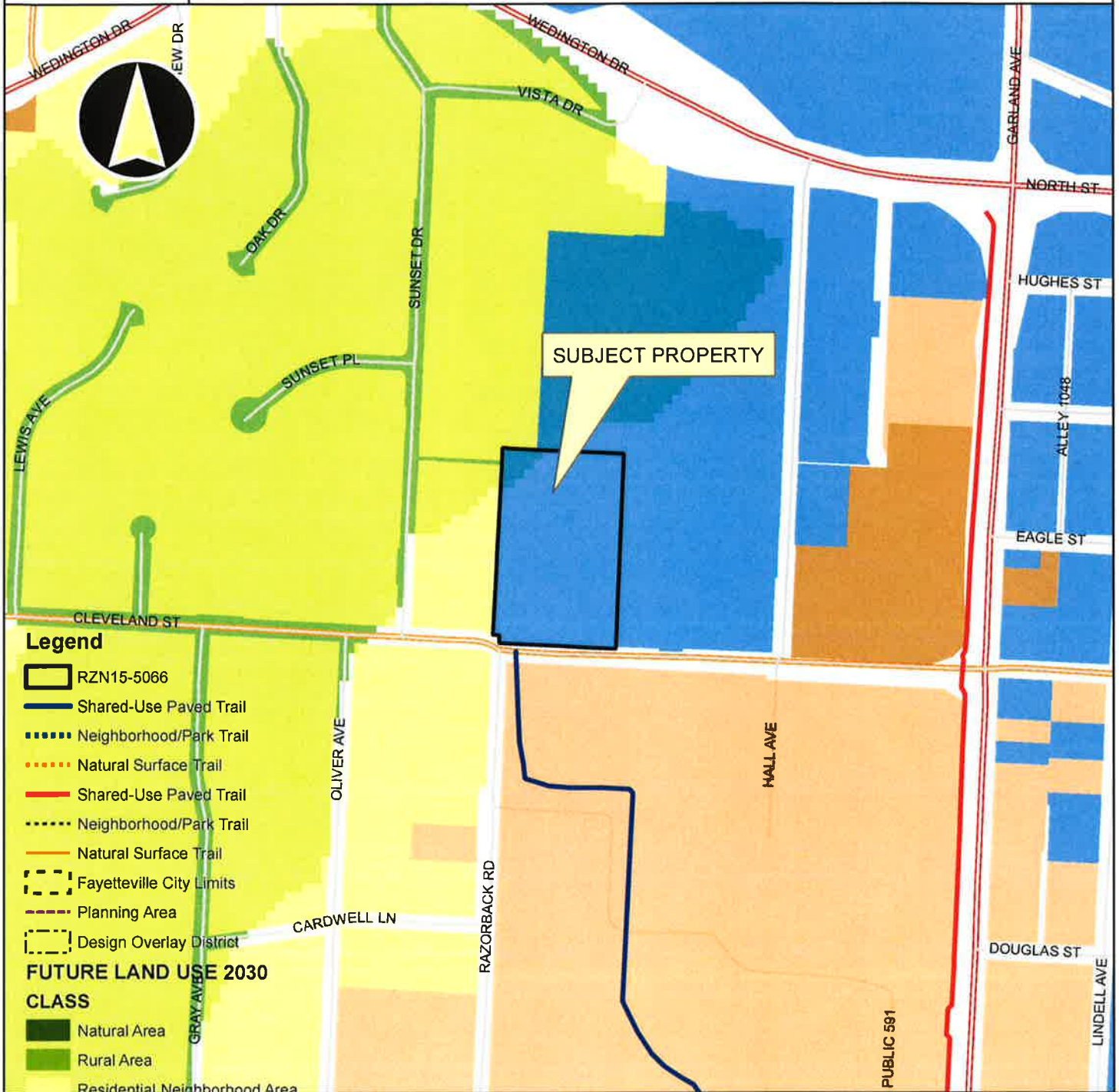
- Overview**
- Fayetteville City Limits
 - Footprints 2010
 - Hillside-Hilltop Overlay District
 - Design Overlay District
 - Planning Area



RZN15-5066

Future Land Use

ARKANSAS LEGACY



ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Introduction to the proposed Arkansas Legacy Project



ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Introduction –Community By Design



Brian Teague, P.E.
Principal

brian@communitybydesignllc.com



Community By Design was founded with the intent of providing the community with planning and engineering consultants who understand and encourage compact, walkable, livable neighborhoods.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

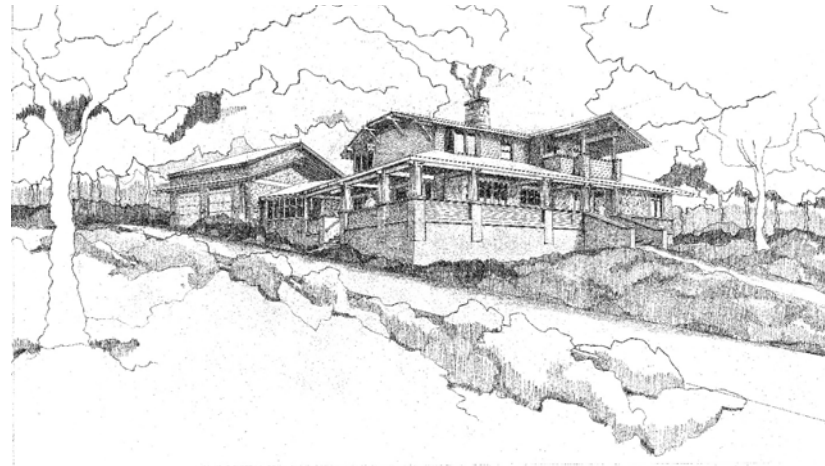
Introduction – **deMx** Architecture



Tim Maddox, AIA
Principal



Landon Foster, AIA
Project Architect



www.demxarchitecture.com

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Property – Four Acres Owned By The Arkansas Legacy, LLC.



The Property is located just to the northeast of the intersection of Razorback Road and West Cleveland Street.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

We are not doing this:



...or anything like it.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

We don't want this:

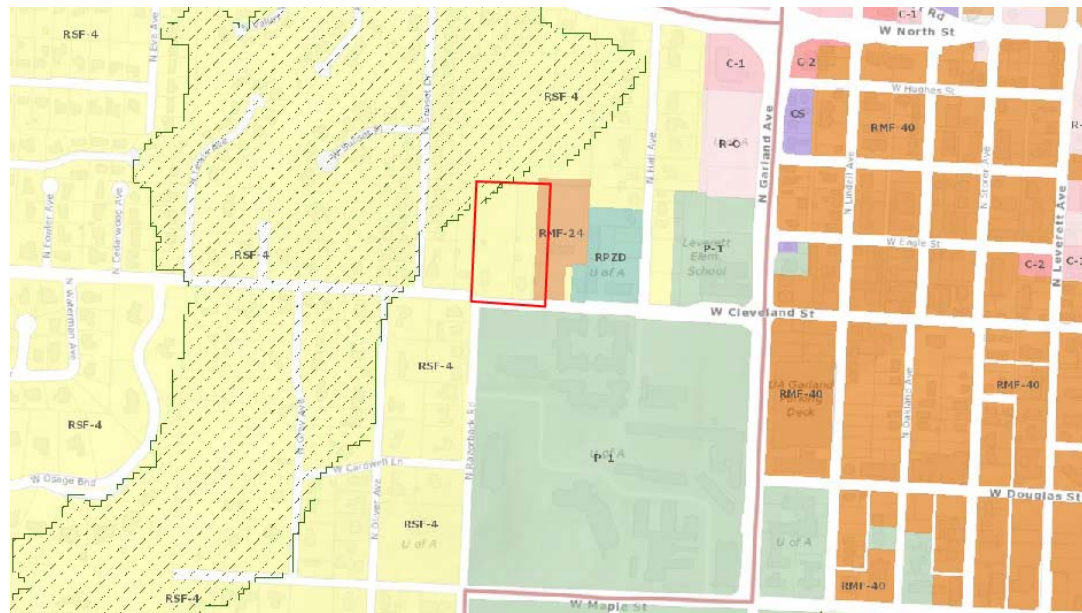


ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Our Project Goals:

- Contribute to and build the neighborhood
- Townhouse, single family look and feel
- Manage traffic and parking
- Preserve trees and green space
- Pedestrian friendly
- Contribute to the City's goals

City of Fayetteville Existing Zoning Map – RSF4 and RMF 24



8

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

City Plan 2030 Goals

Goal 1

We will make appropriate infill and revitalization our highest priorities.

Goal 2

We will discourage suburban sprawl.

Goal 3

We will make traditional town form the standard.

Goal 4

We will grow a livable transportation network.

Goal 5

We will assemble an enduring green network.

Goal 6

We will create opportunities for attainable housing.

Goal 1

- Objective d – Promote densest development around logical future transit stops
- Objective g – Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown and the U of A

Goal 3

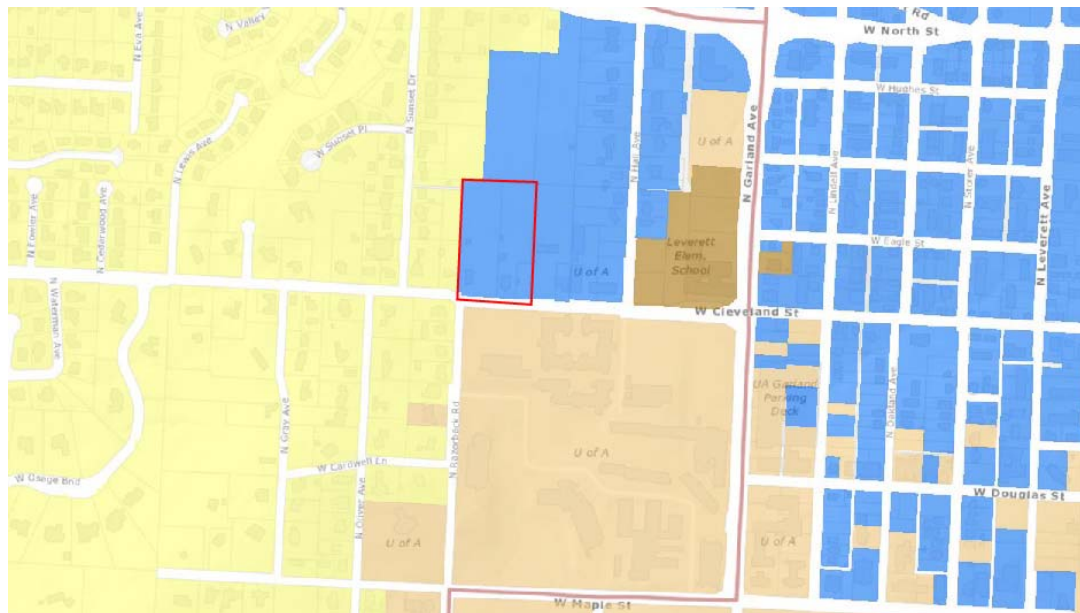
- Objective a – Require new growth that results in neighborhoods that are compact, complete, and connected via denser and varied housing
- Objective b – Prepare a transit-worthy community with density in highly walkable areas along logical future transit routes

Goal 6

- Objective a – Increase housing choices by encouraging a mixture of housing types and sizes and disperse throughout the city
- Objective c – Establish partnerships with non-profit and private entities to facilitate the development of attainable workforce housing
- Objective d – Make housing relatively more affordable by reducing cost of transportation

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

City of Fayetteville Future Land Use Plan – City Neighborhood Designation



City of Fayetteville Future Land Use Plan - The future land use plan designates the property as City Neighborhood. This designation encourages more densely developed neighborhoods with a wide spectrum of both of nonresidential and residential uses.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

A Range of Different Unit Types — Age In Place



City Plan 2030 - One of the objectives of Goal #6 is to encourage a mixture of housing types and sizes, allowing residents to age in place. Our goal is not to create a monoculture, but to build a range of unit types that will provide the opportunity for someone to live out their entire lives in the neighborhood.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

1/4 Mile Pedshed – Five Minute Walk



City Plan 2030-Part of Goal #6 is to make housing more affordable by reducing the cost of transportation. The University, Leverett Elementary, Harps, Wal-Mart, and restaurants are all within a five-minute walk of the property. A Razorback transit stop is located adjacent to the property making it possible to conduct daily activities with significantly reduced use of a personal car.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Building Scale



Buildings will be at a scale that provides a neighborhood feel. This will provide a transition from the single-family neighborhood to the west to the more intense uses centered around the University. The renderings are general illustrations only. They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

Arkansas Legacy Master Plan – Approximately 54 Homes



The Arkansas Legacy Master Plan - We have been working on plans for development of the property for most of 2014. A number of different concept plans were developed before the family agreed upon the proposed master plan that contains approximately 54 Homes.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – High Quality Public Spaces



The Arkansas Legacy Master Plan - Connected with streets, rear access courts, and pedestrian pathways, high-quality public and semi-public spaces have been incorporated into the master plan. Front porches are planned to enhance the quality of these spaces. This is in accordance with Goal #3 of City Plan.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

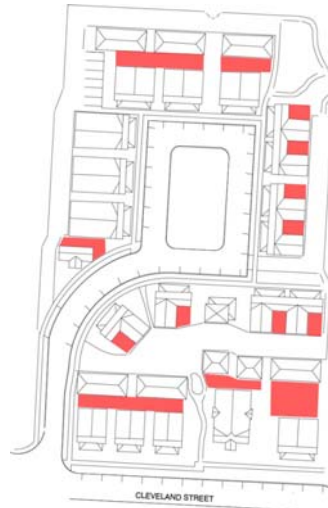
The Arkansas Legacy Master Plan – Rear Vehicular Access



The Arkansas Legacy Master Plan - In addition, to further enhance these public spaces, access to garages have been located to the rear of the homes and garage parking has been provided for nearly all of them. This is also in accordance with Goal #3 of City Plan 2030 and the Urban Residential Design Standards.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – Private Courtyards



The Arkansas Legacy Master Plan - In addition to the more public front porches planned for the homes, a more private courtyard is planned for a majority of the homes at Pecan Hill in order to expand living areas into the outdoors.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Arkansas Legacy Master Plan – Tree Preservation



The Arkansas Legacy Master Plan - Tree Preservation also played a major role in development of the master plan. Mature trees are preserved along an old fence line that extends through the property, trees are preserved on either side of the existing house, and also mature pecan trees in the northeast corner are preserved.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)



Potential Cleveland Street Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)



Potential North Courtyard Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Design)



Potential East Courtyard Elevation.
Preliminary Renderings by deMx Architecture.

The renderings are general illustrations only.
They do not necessarily reflect final design.

ARKANSAS LEGACY DEVELOPMENT – Community Group Presentation

The Project (Preliminary Numbers)

- Build a diverse neighborhood
 - 1 existing five bedroom home
 - Approximately 8 four bedroom homes
 - Approximately 14 three bedroom homes
 - Approximately 22 two bedroom units
 - Approximately 9 one bedroom units

- 54 potential units

Branson, Lisa

From: Garner, Andrew
Sent: Thursday, July 09, 2015 1:57 PM
To: Smith, Sondra
Cc: Branson, Lisa
Subject: RE: Jeske proposals in re University Heights neighborhood

Yes, it looks like this is public comment for the Legacy Rezoning Appeal (RZN 15-5066) that is on the 07-21-15 City Council agenda.

Andrew

From: Smith, Sondra
Sent: Wednesday, July 08, 2015 5:58 PM
To: Garner, Andrew
Cc: Branson, Lisa
Subject: FW: Jeske proposals in re University Heights neighborhood

Hi Andrew

Does this email go with an agenda item for the July 21, 2015 City Council meeting? Thanks

Sondra

Office of the City Clerk/Treasurer
Sondra E. Smith CAMC, CMC
City Clerk/Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov



From: cbduty@aol.com [<mailto:cbduty@aol.com>]
Sent: Wednesday, July 08, 2015 3:40 PM
To: Smith, Sondra
Subject: Jeske proposals in re University Heights neighborhood

I have lived in this neighborhood since 1958. From the beginning it was a family friendly single family residential area occupied primarily by professional people and university faculty. As the years have gone by, we in this area have seen numerous attempts by developers to "block bust" the neighborhood to allow student housing and commercial interests. The fact is, there are many historical homes in this area and it retains its nature as a single family area. We residents have had to fight off too many attempts to destroy our homes and lifestyles. I recall an attempt in 1963 to widen and extend Wedington up and over the neighborhood. That was the first attempt in my memory. Since then we saw

student housing wedged into a section of expensive homes on Lewis Street, and many attempts to convert existing homes to apartments or duplexes. None of these succeeded and as time went on the homes have been converted back into their original forms, including one Fay Jones home on Sunset now under renovation; Several developers tried to extend Razorback Road through existing backyards to connect to Wedington. Homeowners on either side resisted this incursion. The neighborhood remains beautiful, as is proven by the Fowler House being sited there. Other developers tried to cut through from the western side and found sturdy opposition. With Fayetteville almost solidly high density now, and apartments proliferating as far as the eye can see, it is good to know that one historical family neighborhood still holds its ground on University Heights. There is enough land, enough space for the apartment builders in other areas without destroying this last remaining bastion of a kinder era.

Please give consideration to other goals than developers' profits.

Sincerely,
Carolyn Duty Banks

Branson, Lisa

From: CityClerk
Sent: Tuesday, July 14, 2015 8:41 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Arkansas Legacy Project appeal--please deliver to Mayor and Aldermen

-----Original Message-----

From: MAH [mailto:holksma@att.net]
Sent: Monday, July 13, 2015 10:17 PM
To: CityClerk
Subject: Re: Arkansas Legacy Project appeal--please deliver to Mayor and Aldermen

Mayor Jordan and City Aldermen:

I reside in the University Heights neighborhood. I am writing concerning an appeal of a planning commission denial of a proposed zoning change for the Arkansas Legacy Project on property that is two blocks from my home. I do not consider the requested Downtown General zoning at all appropriate for a residential project in a residential neighborhood zoned RSF-4. In my understanding, the bill of assurance the project designers have offered is an inadequate means to address the many issues raised by this project, and fails to compensate for the incompatibility of the zoning requested. I urge you to uphold the decision of the city planning staff and the entire planning commission and vote against this zoning change.

Thank you for your consideration of this matter.

Sincerely,

Margaret Ann Holcomb
548 N Gray Ave
Fayetteville, AR 72701
(479)442-9853

Branson, Lisa

From: Branson, Lisa
Sent: Tuesday, July 14, 2015 2:11 PM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'dmccoy@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Norton, Susan; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Cc: 'sara.burningham@gmail.com'
Subject: FW: Arkansas Legacy

I am writing to register our objections to the Arkansas Legacy Project's appeal of the City of Fayetteville Planning Commission's unanimous decision to deny a request to rezone the property next door to us to Downtown General.

My husband, our two young children, and I have been living at 1400 West Cleveland Street since the summer of 2013. We moved to Fayetteville from New York City and are delighted to be raising our kids in such a special place. We chose the pretty yellow house on Cleveland Street for its walkability (I work downtown); the lush green canopy afforded by its gorgeous, mature trees; and the neighborhood's family-friendly feel.

We are not opposed to any and all development on this site. We have been living next door to the Jeske's very poorly managed student house for a couple of years now, and its replacement by owner-occupied family homes is a potential improvement we would very much welcome. Luckily, there is a zoning option that can make that happen: a PZD. And this is precisely the message Arkansas Legacy has been sent from neighbors, planners, and commissioners from the very beginning of this process: Though there are elements of the conceptual plans you have offered that we like, you need to go with a PZD.

The developers, however, are unwilling to hear us. Brian Teague of Communities by Design has repeatedly said that the reason they have persisted in pushing for spot zoning to Downtown General is that they could not get assurances regarding variances on the tree preservation requirements of a PZD, and they don't want to have to pay for detailed plans if they may not get the variances they want. But allowing a Downtown General spot zoning with an attached "relatively unclear Bill of Assurance"—thus creating an island of Downtown General not contiguous with downtown and a zoning with minimal tree preservation requirements—effectively shifts the costs of developing an acceptable plan from the developers to the City of Fayetteville. Instead of investing in a rigorous planning process from their end, Arkansas Legacy is asking for the city to approve conceptual plans that outline a future development that is bound to be "substantially" the same and for the city to, therefore, bear the costs of enforcing a Bill of Assurance via lawsuit.

I can see how attractive the possibility of rezoning to Downtown General would be to developers, particularly in conjunction with a Bill of Assurance that offers such vague 'specifics' - language like "substantially" and "general" and "concept". But is it best for the city and its residents? If this precedent were set, it could very well result in the Fayetteville Planning Commission, Planning Staff,

and City Council having to devote a great deal of time to dealing with a surge in speculative zoning requests from developers, and neighbors and the city would find themselves bearing the burden of having to enforce Bills of Assurance.

Brian Teague emphasizes that the tripling of density that their conceptual drawings suggest is in line with the City Neighborhood designation. But City Neighborhood is not zoning. The City Plan 2030 Goal 1 calls for **appropriate** (emphasis mine) infill. The Fayetteville Planning Staff has stated that the conceptual renderings and Bill of Assurance provide no maximum density along Cleveland Street and no specifics on the units along internal streets #1 and #2. Per the staff's report: "The proposal may contain a variety of housing types, or provide all attached housing units and completely exclude single-family homes." The revised Bill of Assurance does not resolve this problem.

The trees, the great lungs of our city, are crucial to our quality of life, our enjoyment of our house, our privacy, our birds—even the fat squirrels that feast on the pecan trees my family loves so much. That said, we understand that this land is ripe for development and that some trees will have to go. But it is not good enough to say that because you can't build at the density you want to make whatever profit you have deemed desirable unless you ditch tree preservation requirements, the City has a duty to grant a zoning so incompatible with the neighborhood and unwelcomed by the neighborhood.

Preserving trees in a new development is a challenge, but when both sides are working together, it's far from impossible. The City Forester, in fact, has provided a memo that acknowledges the difficulties of achieving minimum canopy requirements in infill development like this, but that makes clear he will work with the developers through a PZD process "to achieve minimum canopy requirements through available mitigation options." Arkansas Legacy, however, continues to reject our best efforts to find a mutually satisfactory solution.

I would like to reiterate that we support and encourage sustainable growth and development for our neighborhood. We would love for more families to be able to make a home in our wonderful community—and we had high hopes that the development would take these wishes into account. But their insistence upon pursuing a Downtown General designation instead of working with the city on a PZD despite universal and unanimous opposition leaves us with little confidence in the intentions of Arkansas Legacy.

We hugely appreciate your service to the community and the time you have taken to read these concerns. We are eager to answer any questions you may have.

Yours,

Sara Burningham (& family).

Branson, Lisa

From: Vince Chadick <vchadick@bassettlawfirm.com>
Sent: Tuesday, July 21, 2015 10:56 AM
Cc: Smith, Sondra

Dear Council Members Gray, Marsh, Kinion, Petty, Tennant, Schoppmeyer, La Tour, and Long,

Thank you each for your dedicated service to our beloved Fayetteville. We citizens are grateful.

My family and I live at 681 N. Razorback Road.

As it relates to the Arkansas Legacy Project's appeal of the Planning Commission's decision to deny a re-zoning request, I support your denying the appeal and affirming the unanimous decision of the Commission (and the recommendation of City staff).

Thank you for your time and consideration. (And, please – you don't need to reply to this email. I know you're already busy!)

Best regards,

Vincent Chadick

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:33 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; Harrison, Rebecca
Subject: FW:

From: Rebecca Harrison [mailto:rebeccanewth@gmail.com]
Sent: Monday, July 20, 2015 8:42 PM
To: Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject:

very much want to establish that I am against the rezoning for the jeske project. I am a resident thirty years, husband the dean of libraries and I live in the historic farm house on Oliver and Cardwell. Cannot imagine more traffic on Cleveland. Rebecca Newth Harrison

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:33 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; teresa_turk@hotmail.com
Subject: FW: Proposed rezoning of Jeske property

From: Teresa Turk [mailto:teresa_turk@hotmail.com]
Sent: Monday, July 20, 2015 9:28 PM
To: Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Proposed rezoning of Jeske property

Please distribute to all the Council members.

Dear City Council Members,

My name is Teresa Turk and I live at 1408 W. Cleveland St, 3 houses west of the proposed rezoning of the Jeske property. I am against any increase in density or rezoning for the University Heights neighborhood. Allowing this area to be rezoned to Downtown General sets a very bad precedent and is completely incompatible with the existing neighborhood.

Cleveland street is already overused with too many vehicles using this street. The additional allowance of having a single entry and exit point on Cleveland for a huge development will greatly increase congestion on already overloaded and dangerous street.

Finally the property owners are not being transparent with their development plans. Without all the design plans how can anyone truly know what they will build. They could have even higher densities than what is proposed.

For all these reasons, please do not approve this rezoning proposal. It is a bad idea and bad for the neighborhood. The planning commission made the correct decision.

Thank you for your consideration,
Teresa Turk
1408 W Cleveland St.

Branson, Lisa

From: Branson, Lisa on behalf of Smith, Sondra
Sent: Tuesday, July 21, 2015 8:32 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; McCoy, Dee; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Norton, Susan; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: Pate, Jeremy; Garner, Andrew; Fulcher, Jesse; sdh2@cox.net
Subject: FW: Arkansas legacy project

-----Original Message-----

From: Susan Hall [mailto:sdh2@cox.net]
Sent: Monday, July 20, 2015 9:56 PM
To: Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Arkansas legacy project

Please forward this email to our mayor and aldermen.

My husband and I live on Oliver Avenue near the proposed legacy project. We would like to register our deep concern about the rezoning proposed. It would seem that one purpose of zoning is so residents can feel secure in planning and investing in a particular area. We have always been aware that the area in question would be developed eventually, but we thought the nature of the project would be determined by existing zoning. Downtown General certainly was not intended to be used in residential areas outside the core of the city.

The developers argument that they cannot make the profit they want to make if they abide by present zoning seems like a poor one to us. The reason for this zoning is to help maintain the neighborhood in the face of such encroachment. This zoning was determined calmly with due consideration for many factors. It should not be overturned to satisfy whims.

Thank you for considering the neighborhood and neighbors.

Sincerely, Susan and Orville Hall

Sent from my iPad'

June 21, 2015

Andrew Garner, City Planning director

Please forward to the Planning Commission Members for June 22nd meeting.

Re: RZN 15-5066 Rezone (1324 W. Cleveland St. / Arkansas Legacy, LLC., 443)

Dear Mr. Garner and Commission,

I am writing to express my objection to the rezoning of the property at 1324 W. Cleveland. The current zoning is appropriate for the neighborhood and should be left as is. I do not support any rezoning of this property. The location, limited access, available infrastructure (especially traffic issues) and surrounding, majority housing and the residents living in those houses clearly indicate that the property is appropriately and correctly zoned.

If the Planning Commission considers any change to the current zoning, it should be zoning that reflects a reasonable increase in density but keeps the property zoned residential. There is simply no way the location could accommodate more. Anyone that has had long term, first hand, daily experience with having to travel the Cleveland / Razorback intersection is aware of this. We are three blocks from it.

I have been a member of the Fayetteville community for forty-five years and a resident at 668 Gray Street for thirty-five years. Since purchasing the property in 1980, I've married. My wife and I raised our twenty-six year old son here. We are intimately aware of living in this area. We are members of UHNA. Please, do not bulldoze away these fantastic, family neighborhoods so close to all that is Fayetteville.

I ask you to deny any request for rezoning and development that would further erode this wonderful neighborhood. There are so many (and too many) examples around the U of A community of atrocious, strictly-for-profit, inappropriate developments leading to eventual destruction of great neighbors living in great neighborhoods.

Please. Don't let that happen to this property.

Joe Paul
668 Gray
Fayetteville, AR
72701

jpaul91952@aol.com

July 21, 2015

Addendum to my letter to the Planning Commission for City Council Meeting

Council Members,

I am sending another copy of my letter for your meeting. In addition, I want to add that my position has not changed. Everything I read or hear concerning the Jeske property continues to solidify my position. The property is zoned correctly and should not be changed. The PZD zoning is a compromise I am willing to accept reluctantly. Our neighborhood surrounding the west, northwest and north of the U of A is the last neighborhood around the University campus that has not been slowly turned into massive, student housing projects. Can we not have a University community that reflects the needs of families, too?

A drive around the U of A neighborhoods and an examination of satellite images of the area reveal clearly the loss of family-planned neighborhoods. If this project is approved as anything except RSF-4, many long-term residents see that as the last sign they need to sell their homes and property to whoever is the highest bidder and regardless of what their plans may be.

Appropriate in-fill to the property is RSF-4. I have neither seen nor heard anything that convinces me otherwise. Please, reject this rezoning. There is a lot more at stake than tree canopy and how many beds could be crammed onto four acres.

Lastly, the letter by Sara Burningham is, by far, the most concise of any argument to prevent the DG rezoning. I support everything she states and the reasoning by which she arrives at her conclusions. I just don't see ANY reason to go beyond the RSF-4.

Sincerely,

Joe Paul

Fayetteville City Council
Comments by Paul Jeske, Arkansas Legacy LLC
July 21, 2015

Introduction

I grew up in Fayetteville and am familiar with changes in area around the University campus

Many examples of neighborhoods that no longer exist, not sustainable

Dickson Street, especially west of Duncan Street

Maple Street

Cleveland Street

Things the neighbors and I share

- Love for the City and the local neighborhood
- History with and emotional attachment to the neighborhood
 - The family lived on the property for 60 years.
- Love for the University but also 'on the front line' of interaction with the University
- Project Cleveland experience
- Several community and ward meeting discussions on this project
- Anguish and stress over this process
- Concern for future of the neighborhood
- Concern that Downtown General zoning means there will be a downtown commercial area in the neighborhood
- We do NOT want a commercial development in the neighborhood.
- *We all want a high quality, sustainable neighborhood and community!*

The best way to protect the neighborhood is to grow the neighborhood.

How we got here

- Work with engineer and architect to develop concept
 - Develop and build a sustainable neighborhood
 - Not Project Cleveland and not a parking lot
 - Recognize the unique location of the property
 - Contribute to City 2030 Goals
 - Traditional town form
- Met with City Planning staff
- Presented original concept to neighbors and asked for feedback.
 - Traffic, parking, street location
 - PZD use
- Wide review of City zone options
 - RSF Large lot and street frontage requirements
 - RMF Generally directed toward apartment and multi-family developments
 - PZD Shared planning
 - Uncertain outcome
 - Tree retention requirements not likely to be met (Urban Forester), variance required
 - Downtown General
 - Label gives impression of commercial development
 - Lot size and street frontage requirements provide more flexibility
 - Language in City code directly describes variety of family homes to be built.

When presented to neighbors, “What happens if make the zone change & then we sell the property to someone else?”

Bill of Assurance (BOA)

Intended to meet neighbor concerns

Components

- Master Plan (Dropped due to development design questions)
- Height
- Residential Use only
- Density

Meetings with City Attorney and City Planning staff

Several versions

Precedence for using BOA

In discussions with the City Attorney, I understood that he felt the BOA was enforceable. In discussions with Jeremy Pate, I understood that he feels that the current form of the BOA is understandable and enforceable. This is different from the statement in the City Planning staff to you regarding this proposal (in part based on earlier versions of the BOA).

Not normal, but legal and effective.

Appeal Concerns

- The Planning Commission did not have the full public record available for their review. The letter from the Urban Forester was omitted. It includes a key statement regarding inability to achieve PZD 25% tree canopy retention requirement.
- City Attorney stated that BOA was enforceable while Development staff said it was not.
- Inconsistent application of Downtown General zoning (Walker Park neighborhood).
- Difference of opinion regarding consistency of the request with City Long Range goals.

Downtown General appropriate at this location

- Downtown General (DG) code seems very appropriate for the intended use:

"Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. . . . There is a mixture of single family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, . . ."

"City Neighborhood Areas are more densely developed than Residential Neighborhood Areas and provide a varying mix of nonresidential and residential uses." (Emphasis added.)

- DG is being used for residential development in many parts of the City beyond the downtown core.
- There is precedence for using DG to encourage residential development, including areas away from the downtown core and the area is designated City Neighborhood in the Future land Use Plan.
- This area is closely tied to the urban/densely populated University and commercial areas along Garland and near the Garland & Weddington intersection. Much closer to the urban & commercial areas than some areas designated as DG in SE portion of town.

Basic Government decision-making test

Legal basis for action

Rationale clearly expressed

Consistently applied

When can't meet these basic tests, then decision or action could be arbitrary and capricious.

Does the city Planning staff rationale for use of DG zoning category in many other areas of the City, but not here pass these basic tests?

Doing something differently

In discussions I understood that Jeremy Pate stated that there is not a 'form based' zoning category that allows the type of development as was originally included in our Master Plan. Current zoning tends to direct developers toward typical housing tracts or apartment developments. I acknowledge the difficulty of our application that is trying to do something different.

It is different, but

- Consistent with City Long Range Plans
- Encouraged by City Plan 2030 Goals

City Plan 2030

Our application (that included a Master Plan) identified many ways the application is meeting the stated objectives.

One – “Appropriate infill and revitalization our highest priorities.”

Two – “Discourage suburban sprawl”

Three – “Make traditional town form the standard.”

Four – “Livable transportation network”

Six – Housing - “encourage *a mixture of housing types and sizes and dispersed throughout the city.*” “. . . complete, compact and connected neighborhoods are pedestrian friendly”

With these many examples, the proposed zoning change (even without the Master Plan) STRONGLY CONTRIBUTES to the City's 2030 Goals and Objectives. This is different from the opinion expressed by the City planning staff.

Sustainability

For a sustainable community, the three basic components must be integrated and in balance;

- The economy,
- The environment, and
- Social systems

Our proposed density of 54 units is at the minimum needed to economically support the development. When compared with the density included in Project Cleveland (13.5 units/acre for our proposal versus 45 units/acre in Project Cleveland), you can see that **significant density and economic concessions have already been made.**

City regulations will ensure that environmental and safety concerns are met on the site. For this site **a 10% tree canopy retention level is planned and is the level appropriate for infill and traditional town form.**

The proposed 54 dwelling units is a density that should build and maintain a community. **The proposed density and other restrictions included in the BOA recognizes its 'transitional location' and respects the adjacent residential uses.** The potential variety of unit sizes and shapes is intended to encourage a diverse mix of users, including families with children who could attend the local Leverett Elementary School.

Some Reasons to Approve the Zoning Change Request

1. The proposal provides for thoughtful growth and economic development.
2. The proposal protects quality of life concerns in the neighborhood by restricting height, use and density.
3. It provides for a walkable, sustainable neighborhood close to the University.

4. The zoning change will allow the development to contribute to City Plan 2030 goals.
5. The proposal uses an existing City code for Downtown General with all the requirements and restrictions it includes.
6. DG is appropriate for traditional, 'town form' residential development and it is already being used for residential areas in the City.
7. Language in the DG code specifically allows for a wide range of residential development.
8. Both the City Attorney and the Director of Development Services have stated that the BOA is enforceable.
9. The zoning change with BOA restrictions is consistent with the City Neighborhood designation in the City of Fayetteville Land Use Plan.
10. The zoning change with BOA restrictions allows for limited growth in a sensitive area near the University.
11. There is precedence for using the DG zone for residential development away from 'the downtown core' and for using legal documents such as BOA.
12. The restrictions in the BOA should satisfy neighborhood concerns.
13. The proposal makes a positive contribution to the community and makes the entire area a more sustainable neighborhood.
14. This proposal is significantly different from and should not be confused with Project Cleveland.
15. The proposal takes into consideration the Urban Forester's statement that PZD Green tree retention requirements are not appropriate or achievable on this site.
16. Encourages a major economic investment in the community.
17. Allows for flexibility in the zoning change process and zoning interpretation.

18. DG with the BOA allows a greater level of predictability for the owner. The project should be allowed to proceed.

Stewardship

'You don't plan a tree for yourself. You plant it for future generations.'

I feel the responsibility to be a good steward of the property and make a positive contribution to the neighborhood.

This proposal is like planting a tree. I do expect lots of work to make the neighborhood a success and help it grow. The major benefit from this new neighborhood will be for those who follow me rather than myself. This zoning change request is the beginning of our attempt to make a positive investment in and contribution to the neighborhood and the City.

The best way to protect the neighborhood is to grow the neighborhood.

Please approve our family's request to make this positive change.

This was replaced in the Final Agenda packet as additional information.

EXHIBIT #4 (Revision 1 - 5/31/15)

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC**, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonable rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

- a) The general horizontal alignment of the proposed new streets.
- b) The general location of the proposed tree preservation areas.
- c) The general location and massing of the proposed buildings in relation to the street.
- d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code: single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than thirty (30) dwelling units located on or using New Streets #1 and #2 for the required street frontage. The majority of these thirty (30) dwelling units will be either attached or detached single family dwellings. Additional dwelling units will be located on or utilize West Cleveland Street for required street frontage.

This was replaced in the Final Agenda packet as additional information.

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

This was replaced in the Final Agenda packet as additional information.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Paul E. Jeske, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

June 22 2015
Date

Paul E. Jeske
Printed Name

2820 Riverside Drive
Address
Salem, OR 97306

Paul E. Jeske
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 22nd day of June, 2015, ~~2009~~, appeared before me, Michelle S. Sprauer, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Michelle S. Sprauer
NOTARY PUBLIC

My Commission Expires:

11/02/2018



Master Plan Key:

- A Existing House
- B Proposed House
- C Private Courtyards
- D Tree Preservation
- E Pedestrian Pathway
- F Central Green
- G Razorback Transit Stop



Exhibit #5 (Revision 1- 5/31/15)
Arkansas Legacy Master Plan

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Arkansas Legacy LLC**, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. Development of the property will be constructed as substantially shown on the attached Arkansas Legacy Master Plan labeled as Exhibit #5. Exhibit #5 has been included as a part of this Bill of Assurance in order to show the following site planning characteristics that are being proposed:

- a) The general horizontal alignment of the proposed new streets.
- b) The general location of the proposed tree preservation areas.
- c) The general location and massing of the proposed buildings in relation to the street.
- d) The general location of the proposed rear lanes and the concept that most of the immediate vehicular access to off-street parking is located to the rear of the buildings and generally not visible from the front of the homes or the street.

2. Development of the property will be limited to the following permitted uses as defined by the City of Fayetteville Unified Development Code: single-family dwellings, two-family dwellings, three-family dwellings, multi-family dwellings, cottage housing development, and home occupations.

3. Development of the property will be limited to no more than fifty-four (54) total dwelling units. No more than thirty (30) dwelling units will be located on or use New Streets #1 and #2 for the required street frontage.

4. Development of the property will be limited to construction of new buildings that do not exceed thirty (30) feet in height, as measured from the soffit to the finished grade around the outside perimeter of the building.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, _____, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

Date

Printed Name

Address

Signature

NOTARY OATH

STATE OF OREGON }
COUNTY OF MARION }

And now on this the ____ day of _____, 2015 appeared before me, _____, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

NOTARY PUBLIC

My Commission Expires:

Master Plan Key:

- A Existing House
- B Proposed House
- C Private Courtyards
- D Tree Preservation
- E Pedestrian Pathway

This has been revised.

- F Central Green
- G Razorback Transit Stop



Exhibit #5 (Revision 2 - 7/10/15)
Arkansas Legacy Master Plan



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 3 of 578

Text File

File Number: 2015-0324

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 3

CITY COUNCIL'S INTENTION TO PURCHASE THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

WHEREAS, the Fayetteville Chamber of Commerce has announced its intention to purchase a building on the Square and sell its building on Mountain Street located between the City Administration Building and the Development Services Building; and

WHEREAS, the City Council believes it would be wise for the City Administration to examine the possible purchase or acquisition of the Chamber of Commerce building and determine whether this building, its offices and other spaces would be beneficial and needed for City of Fayetteville administrative uses.

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 expresses interest in the possible purchase of the Fayetteville Chamber of Commerce Building and requests that the City Administration investigate this purchase with potential advantages and disadvantages and report back to the City Council.

Legistar ID No.: 2015-0324

AGENDA REQUEST FORM

FOR: Council Meeting of July 21, 2015

FROM:

City Council Member Adella Gray
City Council Member Mark Kinion

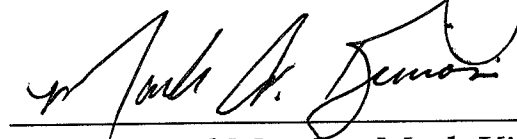
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

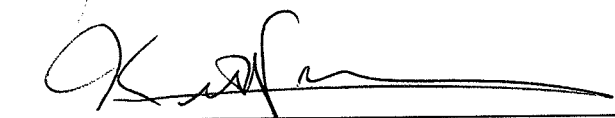
APPROVED FOR AGENDA:


City Council Member Adella Gray

July 14, 2015
Date


City Council Member Mark Kinion

July 14, 2015
Date


City Attorney Kit Williams
(as to form)

July 10, 2015
Date

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

WHEREAS, the Fayetteville Chamber of Commerce has announced its intention to purchase a building on the Square and sell its building on Mountain Street located between the City Administration Building and the Development Services Building; and

WHEREAS, the City Council believes it would be wise for the City Administration to examine the possible purchase or acquisition of the Chamber of Commerce building and determine whether this building, its offices and other spaces would be beneficial and needed for City of Fayetteville administrative uses.

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 expresses interest in the possible purchase of the Fayetteville Chamber of Commerce Building and requests that the City Administration investigate this purchase with potential advantages and disadvantages and report back to the City Council.

PASSED and APPROVED this 21st day of July, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



July 21, 2015

MEMORANDUM

To: Mayor Lioneld Jordan
City Council Fayetteville
Paul Becker
Sonia Smith

From: Steve Clark

A handwritten signature in black ink, appearing to read 'Steve Clark', written over the 'From:' line.

Re: Chamber building 123 wests Mountain

The Chamber has previously furnished each of you information about its building and our real estate listing to sell the property. Additionally as requested, information was provided regarding the Chamber's history of utility usage and monthly costs.

The Chamber wanted to further update our position regarding the potential uses of our building. The Chamber will also consider an offer from the City to lease our facility. Spokespersons for the City have indicated that the City had short term needs for space as well.

The Chamber will lease the City our building for one year with an option to renew for an additional year. The rental rate would be \$15 per square foot and the City would be responsible for payment of utilities.





City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 007 of 578

Text File

File Number: 2015-0337

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

2016 EMPLOYEE BENEFITS PACKAGE

A RESOLUTION TO APPROVE THE 2016 EMPLOYEE BENEFITS PACKAGE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the 2016 employee benefits package as recommended in the staff memorandum attached to this Resolution.

City of Fayetteville Staff Review Form

2015-0337

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Pachee Lee

7/17/2014

Human Resources /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends that Council approve the proposed 2016 employee benefits renewals, as discussed in the memo.

Budget Impact:

xxxx.xxxx.51xx.xx

Citywide

Account Number

Fund

N/A

N/A

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 4,715,899.00

Funds Obligated \$ -

Current Balance **\$ 4,715,899.00**

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ 4,715,899.00**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Michele Bechhold, Sr. Human Resources Officer

FROM: Pachee Lee, Benefits Administrator

DATE: July 17, 2015

SUBJECT: Employee Benefits Renewals for 2016

RECOMMENDATION:

Staff recommends Council approve renewal of employee benefits for 2016 as outlined below and in the attached spreadsheets.

DISCUSSION:

Staff and Gallagher Benefit Services, the City's benefits broker, have reviewed annual renewals for employee insurance plans. Employee benefit renewals are brought forward now to ensure the annual open enrollment may proceed according to schedule.

Health Insurance

The City's claims history for the 12 month look back period, (6/1/2014-5/31/2015), reflects a 90% utilization rate of claims paid versus premium paid. This utilization rate has helped keep the premium increase for 2016 at a relatively low 6.4%. As a benchmark comparison, the national medical and pharmacy annual trend factor is 7.2%. The City's benefits broker states that 4.1% of this 6.4% increase is driven by Health Care Reform fee requirements.

Staff recommends the 6.4% increase dollar amount be split evenly (50/50) between the City and City employees. Please refer to the attached spreadsheets for details.

Due to the relatively low premium increase and the inherent disruption to employees anytime their health insurance coverage changes, Staff and the broker recommend renewing with Blue Cross Blue Shield rather than taking competitive bids for health insurance for 2016.

Flexible Spending Accounts and Health Savings Accounts

Staff recommends DataPath Administrative Services continue as the administrator for Flexible Spending Accounts with no change to current fees and services.

Health Savings Accounts are currently administered by Simmons Bank. Simmons Bank is implementing a monthly maintenance fee of \$3 to account holders for 2016. The City is currently evaluating proposals from Health Savings Account administrators to ensure the selected administrator provides the services valued by City employees at the most competitive rate.

City Paid Benefits

Staff recommends renewing with The Standard to provide City Paid Life Insurance and Long Term Disability insurance for employees. The Standard will continue to provide the same benefits and services with no new charges or price increase.

Employee Paid Dental Insurance

Currently dental insurance is provided through Delta Dental. In the 2016 renewal, Delta proposed a 9% premium increase. The increase in premium is attributed to an increased utilization, 112%, and 2% of the increase is attributed to Health Care reform requirements. Competitive bids were taken. Staff recommends renewing with Delta Dental due to minimal premium differences and the fact that Delta has the largest provider network in Arkansas.

Voluntary Employee Paid Benefits

Staff also recommends renewing with The Standard for optional, employee paid Short Term Disability coverage and Employee Paid Life Insurance. There will be no increase in rates for these two products for 2016.

BUDGET/STAFF IMPACT:

These planned insurance/benefit items are being budgeted for in the City's 2016 budget.

Attachments:

- 2015 & 2016 Health Insurance Cost Comparison
- 2016 Health Insurance Annualized Cost

2015 & 2016 Health Insurance Cost Comparison

TRADITIONAL PPO						
	MONTHLY CALCULATIONS					
PPO Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %		
2015 Single	\$414.79	\$82.96	\$331.83	20.00%		
2015 Family	\$1,099.16	\$384.72	\$714.44	35.00%		
2016 Single	\$441.42	\$96.28	\$345.14	21.81%		
2016 Family	\$1,169.73	\$420.00	\$749.73	35.91%		
HIGH DEDUCTIBLE HEALTH PLAN (HDHP)						
	MONTHLY CALCULATIONS					
HDHP Rate Tier	Total Monthly Premiums	Monthly Employee Contribution	Monthly Employer Contribution	Employee Cost Share %	Employer's Monthly Health Savings Account Contribution	Total Employer Monthly Contribution (Premium + Health Savings Account Contribution)
2015 Single	\$218.81	\$13.16	\$205.65	6.01%	\$70.80	\$276.45
2015 Family	\$579.80	\$40.68	\$539.12	7.02%	\$156.66	\$695.78
2016 Single	\$232.86	\$20.18	\$212.68	8.67%	\$70.80	\$283.48
2016 Family	\$617.02	\$59.28	\$557.74	9.61%	\$156.66	\$714.40

2016 Health Insurance Annualized Cost

	ANNUALIZED CALCULATIONS		
	Current Employee Participants (Excludes COBRA and Statutory Insureds, since they pay 100% for their coverage)	Current <u>ANNUAL</u> Cost to City at 2015 rates (Excluding Health Savings Account Contributions, which would not increase in 2016)	<u>ANNUAL</u> Cost to City at 2016 rates based on Current 2015 Employee Participants (Excluding Health Savings Account Contributions)
PPO Individual	95	\$378,286.20	\$393,459.60
PPO Family	48	\$411,517.44	\$431,844.48
HDHP Individual	147	\$362,766.60	\$375,167.52
HDHP Family	344	\$2,225,487.36	\$2,302,350.72
TOTAL	634	\$3,378,057.60	\$3,502,822.32
<u>Additional</u> Cost to City for 2016			\$124,764.72



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 13 of 578

Text File

File Number: 2015-0329

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

RZN 15-5103 (1837 W. MITCHELL ST./DUNN)

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5103, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1837 W. MITCHELL ST. FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

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 RMF-24, Residential Multi Family, 24 Units per Acre, to RSF-8, Residential Single Family, 8 Units per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

EXHIBIT 'A'

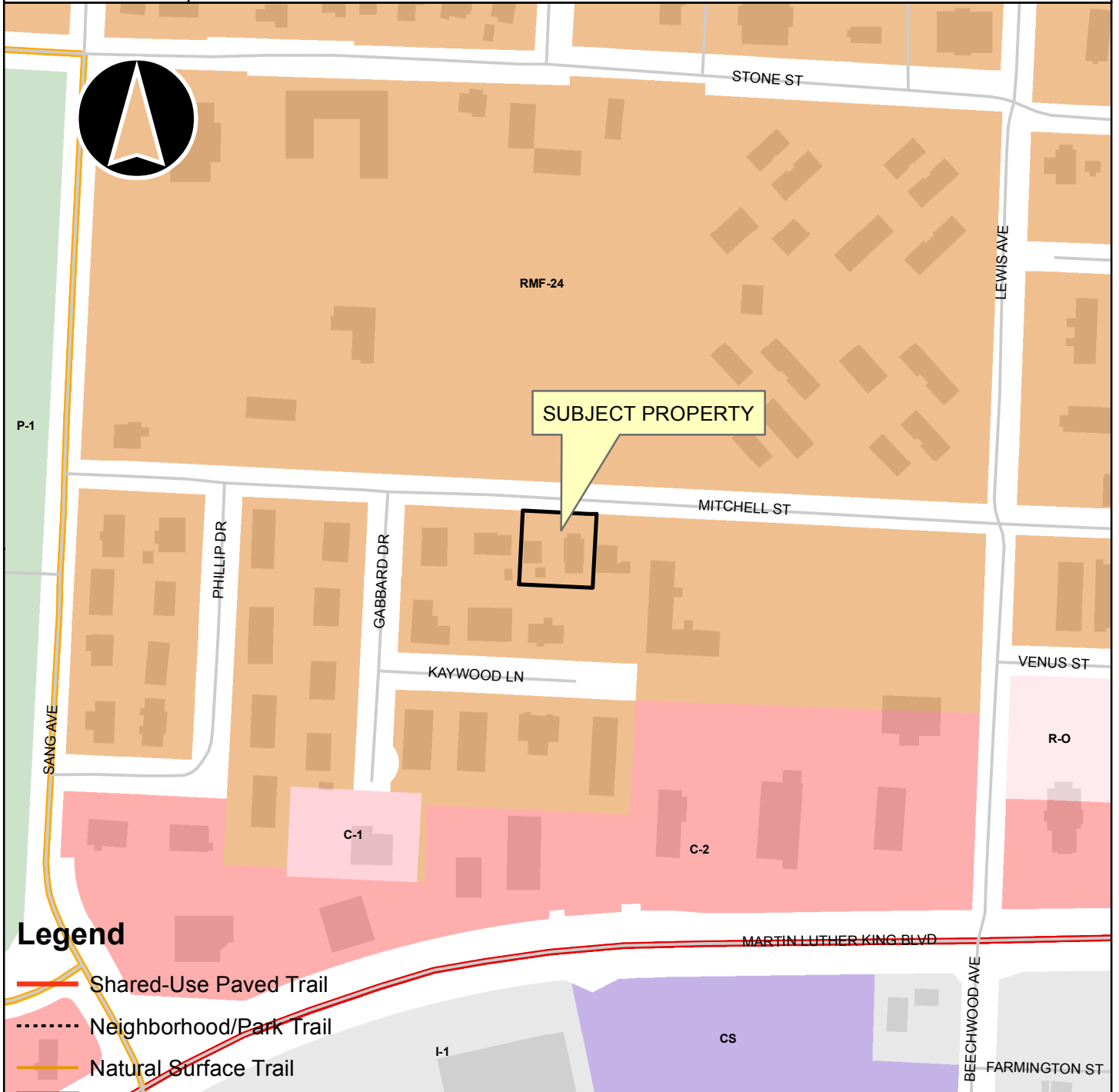
15-5103

Tentative Agenda
Page 314 of 578

RZN15-5103

DUNN

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

RZN15-5103

 Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

 Design Overlay District

--- Planning Area

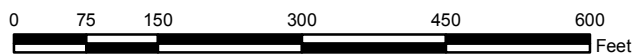


EXHIBIT 'B'
15-5103

LOT 1 DESCRIPTION:

LOT 1, BLOCK 1, OF VALLEY VISTA SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 1, AT PAGE 153, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

LOT 1-A DESCRIPTION:

THE WEST HALF OF LOT 1, BLOCK 1, OF VALLEY VISTA SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 1, AT PAGE 153, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

LOT 1-B DESCRIPTION:

THE EAST HALF OF LOT 1, BLOCK 1, OF VALLEY VISTA SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 1, AT PAGE 153, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

City of Fayetteville Staff Review Form

2015-0329

Legistar File ID

8/4/2015

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

Jeremy Pate

7/17/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5103: Rezone (1837 W. MITCHELL ST./DUNN, 520): Submitted by BLEW & ASSOCIATES for property located at 1837 W. MITCHELL ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: July 17, 2015

SUBJECT: RZN 15-5103: Rezone (1837 W. MITCHELL ST./DUNN, 520): Submitted by BLEW & ASSOCIATES for property located at 1837 W. MITCHELL ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

BACKGROUND:

The subject property is located at 1837 W. Mitchell St and contains approximately 0.23 acres within the RMF-24 zoning district. The property is developed with a residence of approximately 874 square feet constructed in 1939, and a detached garage building of approximately 800 square feet. The request is to rezone the property from RMF-24 to RSF-8. The applicant has indicated that the rezoning is needed so that the property can be split for development of two single family dwellings.

Land Use Compatibility:

The proposed zoning is compatible with the surrounding mixture of single and multi-family residential uses.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood Area, a designation which encourages a wide variety of uses, increased density, and appropriate infill of properties with existing infrastructure.

DISCUSSION:

On July 13, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-0.

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: ~~July 13, 2015~~ **UPDATED 7-14-2015**

SUBJECT: **RZN 15-5103: Rezone (1837 W. MITCHELL ST./DUNN, 520):** Submitted by BLEW & ASSOCIATES for property located at 1837 W. MITCHELL ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends **RZN 15-5103** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at 1837 W. Mitchell St and contains approximately 0.23 acres within the RMF-24 zoning district. The property is developed with a residence of approximately 874 square feet constructed in 1939, and a detached garage building of approximately 800 square feet. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	RMF-24, Residential Multi-Family
South	Single-Family Residential	RMF-24, Residential Multi-Family
East	Single-Family Residential	RMF-24, Residential Multi-Family
West	Single-Family Residential	RMF-24, Residential Multi-Family

Request: The request is to rezone the property from RMF-24, Residential Multi-family/24 Units per Acre to RSF-8, Residential Single-family/8 units per acre. The applicant has stated that the rezoning is needed so that the property can be split and the garage can be renovated into a dwelling.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Mitchell Street. Any required improvements to this street will be determined at time of development.

Water: Public water is available to this parcel. An existing 6" main is located along the property frontage of Mitchell Street.

Sewer: Sanitary sewer is available to this lot. An existing 6" sanitary sewer main reaches the southwest corner of this parcel within an existing utility easement. Future splitting of this lot would likely require sewer main extension to service any additional lots.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-yr floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with the request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.* These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5103 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 13, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: HOSKINS	Second: COOK	Vote: 7-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>August 4, 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 single and multi-family residential uses.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood Area, a designation which encourages a wide variety of uses, increased density, and appropriate infill of properties with existing infrastructure.

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 proposed zoning will allow infill development in an area where it is encouraged.

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

Finding: The site has access to Mitchell Street, an unimproved local street. The rezoning would allow an additional single-family dwelling to be built on the lot, which is likely to perceptibly increase neither traffic danger nor 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 RMF-24 to RSF-8 will not undesirably affect density or load on public services. This down-zoning would reduce potential population density and the associated impacts. 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 161.14 & 161.09
- Request Letter
- Survey
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.

Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
-------------------------	--------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 06-18-13)

161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

Townhouse, no more than two attached	2,500 sq. ft.
--------------------------------------	---------------

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)



Blew & Associates, P.A.

Professional Land Surveyors

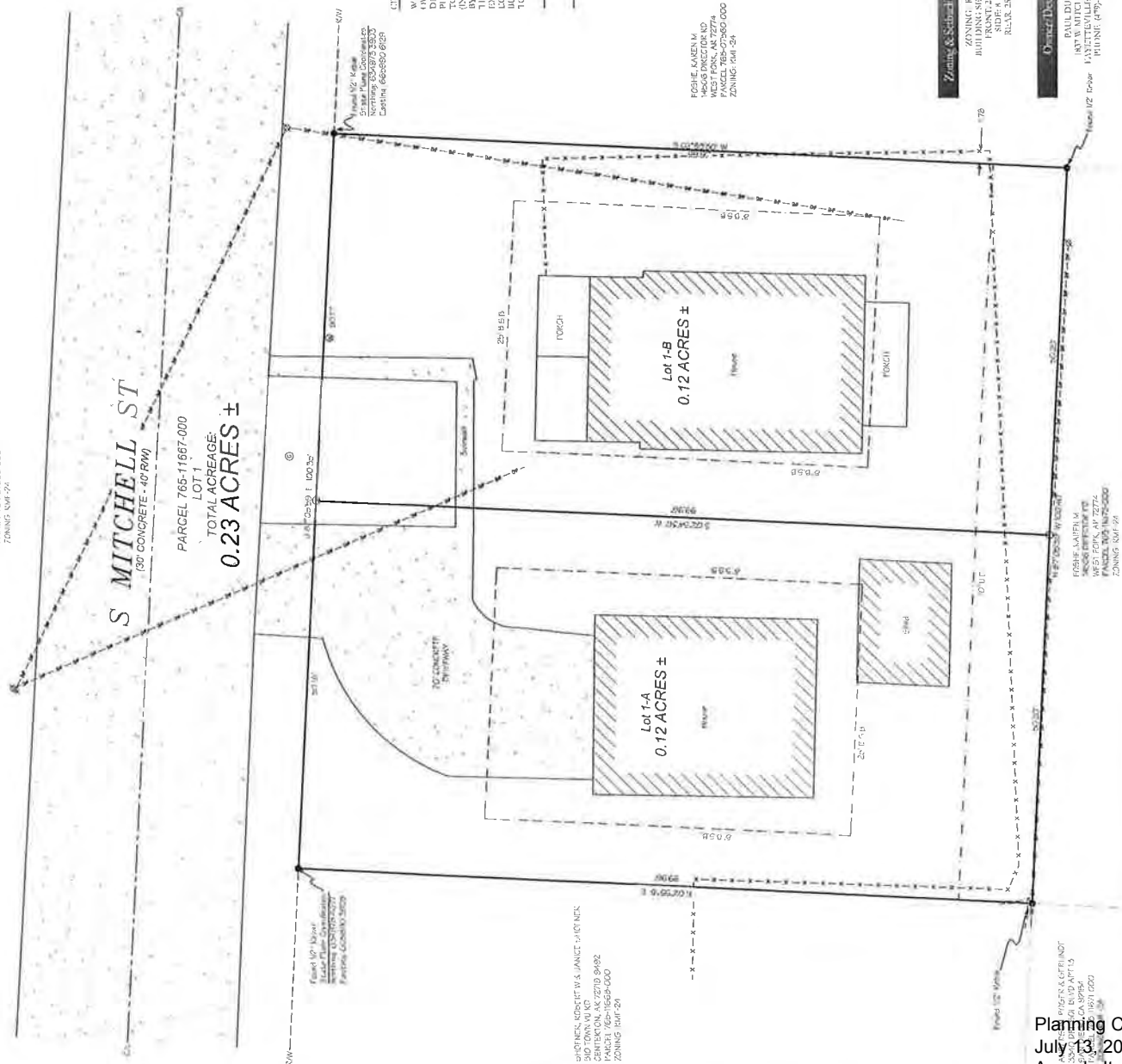
524 W. Sycamore Street Suite 4, Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
<http://www.blewinc.com>

To Whom It May Concern,

Our client, Paul Dunn, wishes to rezone his property. The current Zoning on his property, Parcel number 765-11667-000, is RMF-24. The requested Zoning is RSF-8. The purpose of the rezone is to meet minimum requirements of a future lot split on the above location. If you have any additional questions feel free to contact our office.

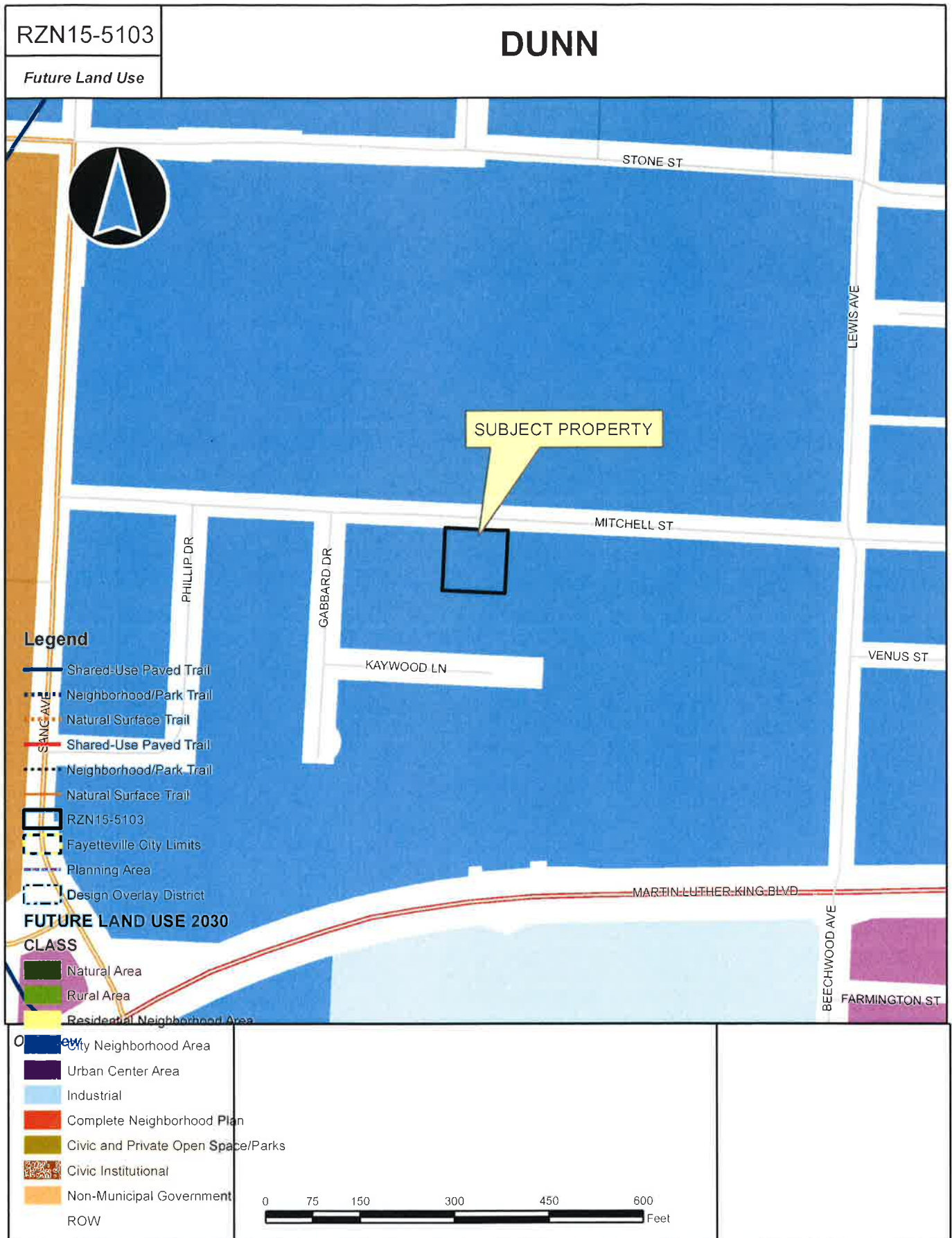
Thanks,
Heath Myers
Office Manager

ALIFANIM, ABDUL AZIZ;
ALIFANIM FOUNDATION
110 BOX 10079
PINYACH 11435, SALUDAPULA
PATOFI 76% 07:36 CGG
ZONING 4MF-24



Planning Commission
July 13, 2015
Agenda Item 8
15-5103 Dunn
Page 8 of 12

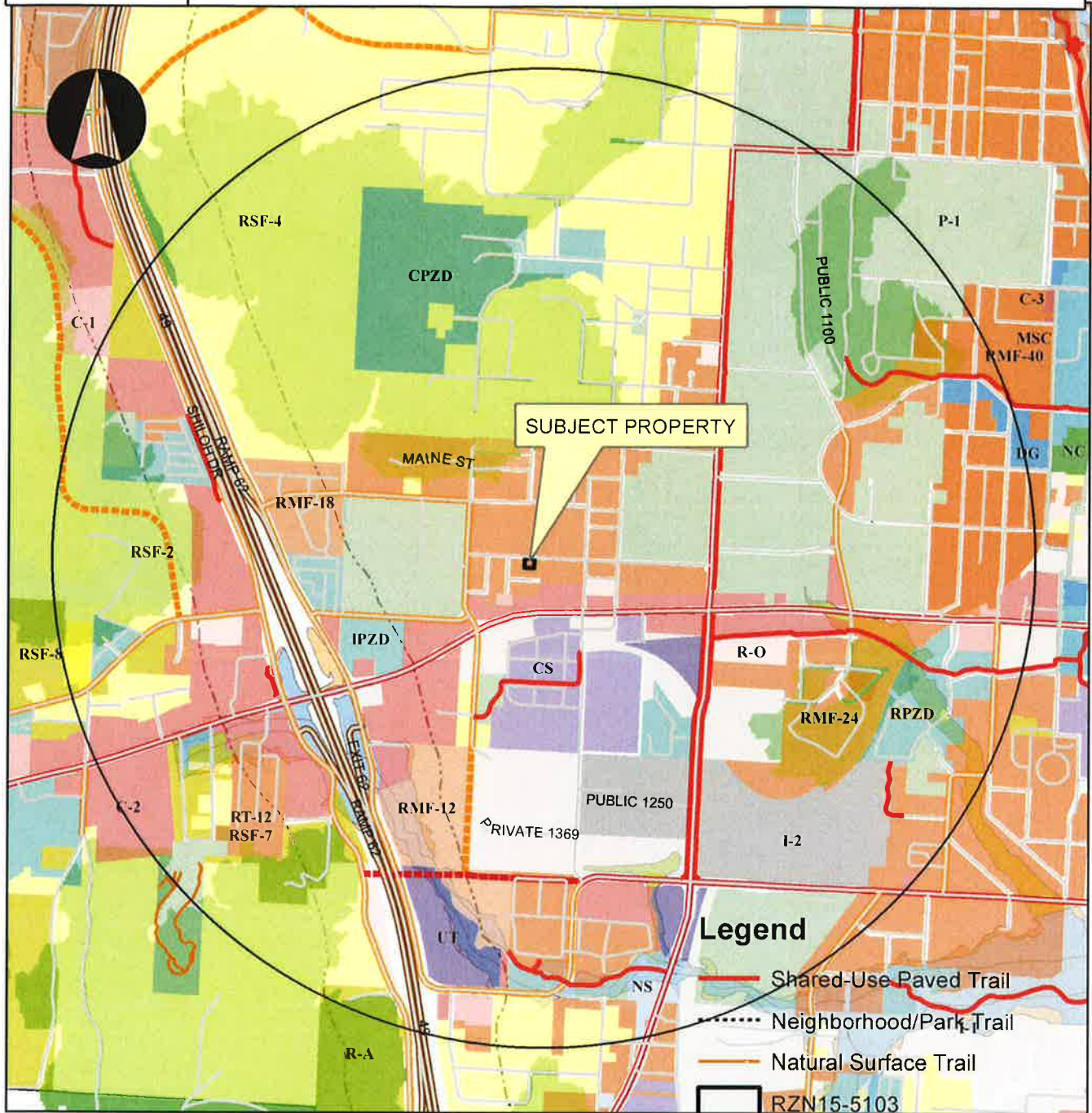




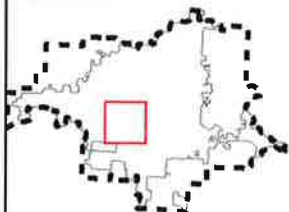
RZN15-5103

DUNN

One Mile View



Overview



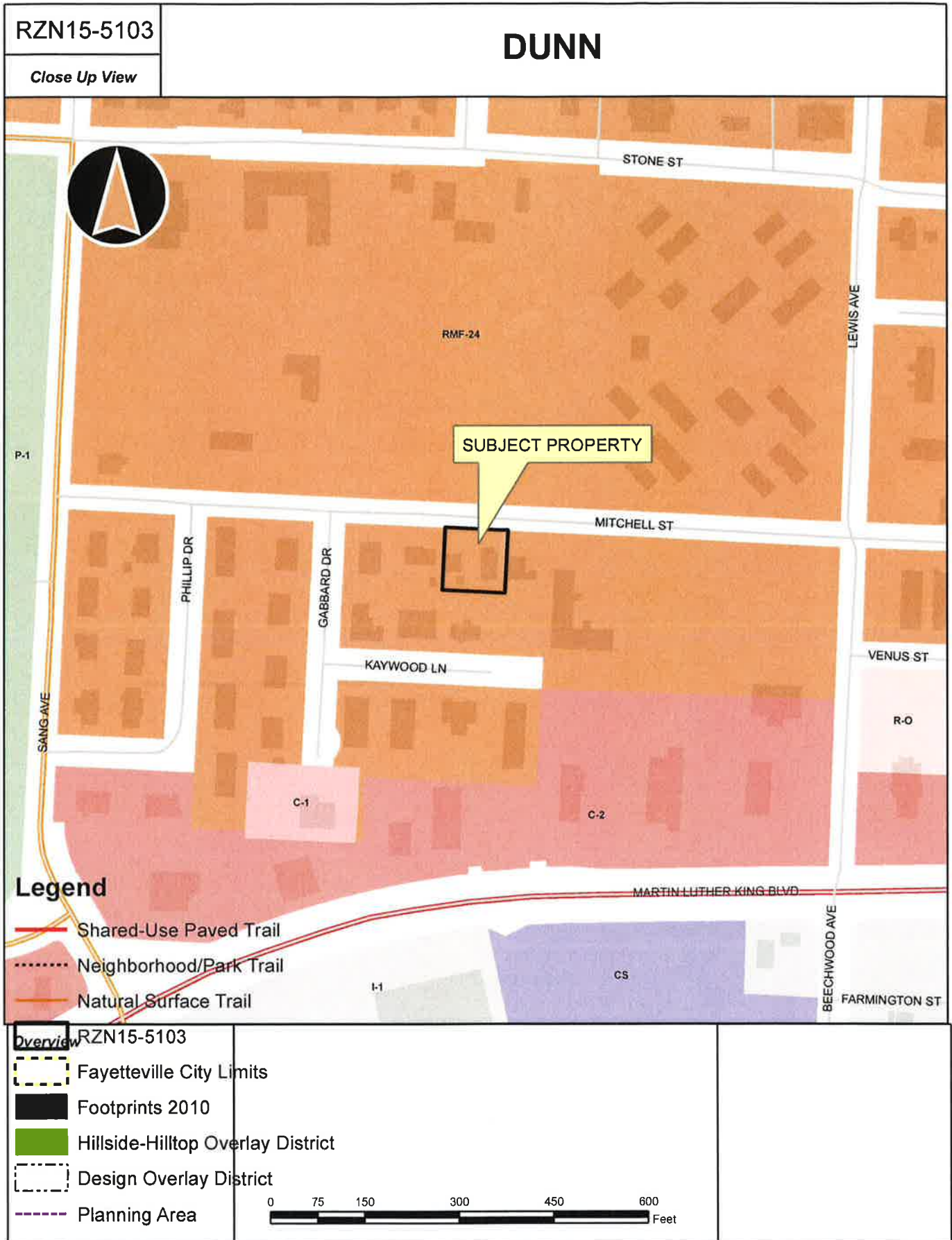
Legend

Subject Property

Boundary

0 0.25 0.5 1 Miles

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





City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road, Suite 101 of 578
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0330

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)

AN ORDINANCE AMENDING TITLE XV UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL LOT SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

WHEREAS, the City of Fayetteville recognizes that the opportunity to provide appropriate neighborhood density through small lot development supports City Plan 2030 goals of prioritizing infill development and discouraging suburban sprawl; and

WHEREAS, small lot development with reduced lot sizes and building setbacks may encourage the creation of housing that may be financially attainable to a large segment of the Fayetteville community; and

WHEREAS, the City of Fayetteville recognizes that small lot developments are appropriate in many areas of the city zoned for high-density, multi-family housing; and

WHEREAS, the overall residential density of single-family and two-family developments in multi-family zoning districts will better match the underlying permitted density by reducing the lot size requirements for residential development; and

WHEREAS, design standards for narrow lot development shall be utilized to maximize visual transparency between homes and the street to increase "eyes on the street" and promote safe urban environments.

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

Section 1. That the City Council of Fayetteville, Arkansas repeals and replaces Chapter 161: Zoning Regulations with Exhibit "A" attached hereto and made a part hereof.

Section 2. That the City Council of Fayetteville, Arkansas hereby amends Chapter 164: Supplementary Zoning Regulations by inserting Section 164.23 Single-Family Infill Standards as shown on Exhibit "B" attached hereto and made a part hereof.

Section 3. That the City Council of Fayetteville, Arkansas hereby amends Chapter 172: Parking and Loading by repealing 172.11(G)(2) *Driveways Beyond the Property Line* and replacing it with the following language:

§172.11(G)(2). *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property. To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to provide at least 18 feet between the sidewalk or Master Street Plan right-of-way line and the garage or carport.

CHAPTER 161: ZONING REGULATIONS

161.10 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	50 60 ft.	50 70 ft.	90 ft.
Lot area minimum	5,000 6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Other	Side	Rear
-------	------	-------	------	------

	Uses	Single & Two Family	
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.

(F) *Building height regulations.*

Building height maximum	30/45 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

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

161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 50 ft.
Two-family	60 ft. 50 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse: •Development •Individual lot	10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartment: No bedrooms One bedroom Two or more bedrooms	1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Other	Side	Rear
-------	------	-------	------	------

	Uses	Single & Two Family	
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	25 ft. 20 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings

Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
----------------	------------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft. 45 ft.
Two-family	60 ft. 45 ft.
Three and more	90 ft. 80 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft. 4,500 sq. ft.
Two-family	7,000 sq. ft. 6,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Other	Side	Rear
-------	------	-------	------	------

	Uses	Single & Two Family	
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	25 ft. 20 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. **None.**

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

Unit 44	Cottage Housing Development
---------	-----------------------------

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	18 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 40 ft.
Two-family	60 ft. 40 ft.
Three and more	90 ft. 75 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft. 4,000 sq. ft.
Two-family	7,000 sq. ft. 5,000 sq. ft.
Three or more	9,000 sq. ft. 7,500 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Uses	Other Side Single & Two Family	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	8 ft. 5 ft.	25 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings

Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft. 35 ft.
Two-family	60 ft. 35 ft.
Three or more	90 ft. 70 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft. 2,000 sq. ft.
Single-family	6,000 sq. ft. 3,000 sq. ft.
Two-family	7,000 sq. ft. 4,000 sq. ft.
Three or more	9,000 sq. ft. 7,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Other	Side	Rear
-------	------------	------	------

	Uses	Single & Two Family	
A build-to-zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 25 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
-------------------------	--------------

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 30 ft.
Two-family	60 ft. 30 ft.
Three or more	90 ft. 70 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft. 2,000 sq. ft.
Single-family	6,000 sq. ft. 2,500 sq. ft.
Two-family	6,500 sq. ft. 3,000 sq. ft.
Three or more	8,000 sq. ft. 7,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

Front	Side Uses	Other Side Single & Two family	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS
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164.01	ACCESSORY COMMERCIAL USES.....
164.02	ACCESSORY STRUCTURES AND USES
164.03	ACCESSORY RESIDENTIAL USES IN NONRESIDENTIAL DISTRICTS
164.04	URBAN AGRICULTURE (FOWL, BEES & GOATS)
164.05	MOTOR VEHICLE REPAIR.....
164.06	MINIMUM BUILDABLE STREET FRONTAGE.....
164.07	ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT OF RECORD
164.08	EXTRACTION
164.09	FENCES, WALLS, AND VEGETATION
164.10	GARAGE AND/OR AGRICULTURAL & PRODUCE SALES.....
164.11	HEIGHT OR SETBACK REGULATIONS; EXCEPTIONS AND HOME PROTECTION REQUIREMENTS
164.12	NONCONFORMING STRUCTURES, USES AND LOTS
164.13	NON RESIDENTIAL USES IN RSF DISTRICTS
164.14	PARKING AND STORAGE OF CERTAIN VEHICLES
164.15	PREFABRICATED CONSTRUCTION
164.16	STRUCTURES TO HAVE ACCESS
164.17	VISIBILITY AT INTERSECTIONS IN RESIDENTIAL/NONRESIDENTIAL DISTRICTS.....
164.18	SUPPLEMENTARY USE REGULATIONS
164.19	ACCESSORY DWELLING UNITS (ADU).....
164.20	APPROVAL OF VITAL MUNICIPAL FACILITIES
164.21	LIMITED BUSINESS
164.22	COTTAGE HOUSING DEVELOPMENT
164.23	SINGLE-FAMILY INFILL STANDARDS
164.23 164.24	164.99 RESERVED

CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS**164.23 Single-family infill standards**

(A) *Purpose.* The purpose of the standards is to maintain visibility and security of the primary residence to and from the streetscape, provide pedestrian safety, and reduce opportunities for criminal activities.

(B) *Applicability.* The following standards apply to new detached single-family homes on lots with less than 70 feet of street frontage.

(1) Lots with 46 feet - 69 feet of street frontage.

(a) Each home shall have a clearly defined front door and windows on the ground floor façade facing the street. This is only required on one side of the home where there is more than one street frontage.

(b) Garage openings that are on the same side of the home as the front door shall be recessed at least 5 feet behind the principal façade.

(c) A garage does not have to be recessed behind the principal façade if the garage opening is located on a different side of the home than the front door.

(2) Lots with less than 46 feet of street frontage.

(a) Each home shall have a clearly defined front door and windows on the ground floor façade facing the street. This is only required on one side of the home where there is more than one street frontage.

(b) Garage openings that are on the same side of the home as the front door shall be recessed at least 5 feet behind the principal façade. Where a garage cannot be located at least 5 feet behind the principal façade, due to unique site characteristics, at least two of the following standards shall be implemented.

(i) The garage opening shall be less than 50 percent of the principal façade length.

(ii) The front door shall be even with or extend forward of the garage opening.

(iii) For multi-story homes, the principal façade, a balcony, deck, or similar feature shall project at least 12 inches beyond the garage opening. The upper floor(s) shall also have windows facing the street.

164.23 164.24-164.99 Reserved

City of Fayetteville Staff Review Form

2015-0330

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

7/17/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 15-5093: Administrative Item (UDC Chapters 161, 164 and 172 – SINGLE FAMILY AND TWO FAMILY INFILL): Submitted by CITY PLANNING STAFF for revisions to Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small-lot, single family and two family infill in multi-family zoning districts, and to include minimum design standards for this type of development.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

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

FROM: Jesse Fulcher, Senior Planner

DATE: July 15, 2015

SUBJECT: **ADM 15-5093: Administrative Item (UDC Chapters 161, 164 and 172 – SINGLE FAMILY AND TWO FAMILY INFILL):** Submitted by CITY PLANNING STAFF for revisions to Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small-lot, single family and two family infill in multi-family zoning districts, and to include minimum design standards for this type of development.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to amend Chapters 161, 164 and 172.

BACKGROUND:

The Unified Development Code provides several single-family zoning districts with varying lot size requirements. In particular, new zoning districts such as Neighborhood Conservation, Neighborhood Services and RSF-8 have increased options for developing smaller homes and smaller lots in appropriate locations. Flexibility in mixed-use and commercial development has also been provided with the adoption of form-based districts such as Community Services and Urban Thoroughfare.

However, the bulk and area standards for multi-family zoning districts have remained unchanged for several decades. In staff's opinion, some of the zoning standards for multi-family zoning are outdated and are a barrier to the development of smaller, higher density single-family and two-family homes, in particular. As an example, the RMF-40 zoning district allows apartments at a density of 40 units per acre. Single-family homes, however, are limited to only 7 units per acre due to the lot size and frontage (bulk and area) requirements, which is less dense than the RSF-8 and Neighborhood Conservation zoning districts, which only allow single-family development.

Over the last several years staff has seen a desire in the marketplace to build new, smaller single-family and two-family dwellings within multi-family zoning districts rather than a larger multi-family building with associated parking lot. Unfortunately, this rarely occurs without additional action by a City board or the City Council. In most cases the applicants have to rezone the property, or request zoning variances. These processes can take several months to complete, if they are successful. Needless to say, the current zoning requirements don't support the development of single-family or two-family homes on small, infill lots.

In addition to perceived market demands, staff believes that the development of smaller single-family and two-family homes in a denser format is an appropriate land use that provides a piece of the “missing middle” housing type and supports many City Plan 2030 goals, as follows:

Goal 1. We will make appropriate infill and revitalization our highest priorities.

Goal 2. We will discourage suburban sprawl.

- Reducing the lot size requirements for single-family and two-family homes, as well as other residential land uses, provides an opportunity to support infill development in areas that are already zoned for dense development.
- Infill development can reduce the pressures to extend new public infrastructure to support new housing at the edge of the City.
- Infill development allows existing public infrastructure to be utilized more efficiently.
- Fees from infill development can be directed back towards existing infrastructure versus future costs for new infrastructure.

Goal 3. We will make traditional town form the standard.

- Denser housing and infill lead to complete, compact and connected neighborhoods, a trademark of traditional neighborhood development.

Goal 4. We will grow a livable transportation network.

- A greater variety of housing types and smaller lot sizes with buildings fronting the street can contribute to a better pedestrian experience and make neighborhoods more walkable, cyclist-friendly and reduce vehicle speeds.

Goal 6. We will create opportunities for attainable housing.

- A variety of housing types promotes mixed-income neighborhoods where residents can age in place.
- Allowing more housing within the core of the City provides opportunities for residents to live within short distances of schools and services, thereby reducing transportation costs.
- Denser housing can also lead to lower price points for buyers and renters.

DISCUSSION:

This item was discussed and tabled at the June 22, 2015 Planning Commission meeting. After that meeting staff and the Planning Commission continued to evaluate infill development patterns and made additional changes to the bulk and area regulations to ensure more flexibility for development of two-family dwellings in appropriate infill locations. On July 13, 2015 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET/STAFF IMPACT:

None

Attachments:

- Draft Ordinance
- Exhibit A: Chapter 161 (Zoning)
- Exhibit B: Chapter 164 (Supplementary Zoning Regulations)
- July 13, 2015 Planning Commission staff report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: June 22, 2015 ~~July 13, 2015~~ **Updated July 15, 2015**

SUBJECT: **ADM 15-5093: Administrative Item (UDC Chapters 161, 164 and 172 – SINGLE-FAMILY INFILL):** Submitted by CITY PLANNING STAFF for revisions to Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small-lot, single family infill in multi-family zoning districts, and to include minimum design standards for this type of development.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 15-5093** to the City Council with a recommendation for approval.

PROJECT SYNOPSIS:

DISCUSSION:

The Planning Commissioner reviewed the project on June 22, 2015 and tabled the proposal until the July 13, 2015 meeting. Commissioner Hoskins provided feedback about the lot requirements for two-family and three-family units; specifically requesting staff to evaluate reducing the lot size requirements to allow two and three-family units to be stacked either horizontally or vertically. Staff has updated several of the multi-family districts to allow a smaller lot width and side setback requirement for two-family units to allow increased variety and flexibility for this development pattern. This would permit a two-family dwelling on a lot that is as narrow as a single-family lot. The intent under this scenario is for the front of the two-family dwelling to appear as a single-family home from the street, with the second unit along the side, rear or second story.

The Unified Development Code provides several single-family zoning districts with varying lot size requirements. In particular, new zoning districts such as Neighborhood Conservation, Neighborhood Services and RSF-8 have increased options for developing smaller homes and smaller lots in appropriate locations. Flexibility in commercial development has also been provided with the adoption of form-based districts such as Community Services and Urban Thoroughfare.

However, multi-family zoning districts have remained unchanged for several decades. In staff's opinion, the zoning standards for multi-family zoning are outdated and are a barrier to the development of single-family homes, in particular. As an example, the RMF-40 zoning district allows apartments at a density of 40 units per acre. Single-family homes, however, are limited to

only 7 units per acre, which is less dense than the RSF-8 and Neighborhood Conservation zoning districts, which only allow single-family development.

Over the last several years staff has seen a desire in the marketplace to build new single-family dwellings within multi-family zoning districts. Unfortunately, this rarely occurs without additional action by a City board or the City Council. In most cases the applicants have to rezone the property, or request zoning variances. These processes can take several months to complete, if they are successful. Needless to say, the current zoning requirements don't support the development of single-family homes on small, infill lots.

In addition to perceived market demands, staff believes that the development of single-family homes in a denser format is an appropriate land use and supports many City Plan 2030 goals, as follows:

Goal 1. We will make appropriate infill and revitalization our highest priorities.

Goal 2. We will discourage suburban sprawl.

- Reducing the lot size requirements for single-family homes, as well as other residential land uses, provides an opportunity to support infill development in areas that are already zoned for dense development.
- Infill development can reduce the pressures to extend new public infrastructure to support new housing at the edge of the City.
- Infill development allows existing public infrastructure to be utilized more efficiently.
- Fees from infill development can be directed back towards existing infrastructure versus future costs for new infrastructure.

Goal 3. We will make traditional town form the standard.

- Denser housing and infill lead to complete, compact and connected neighborhoods, a trademark of traditional neighborhood development.

Goal 4. We will grow a livable transportation network.

- A greater variety of housing types and smaller lot sizes with buildings fronting the street can contribute to a better pedestrian experience and make neighborhoods more walkable, cyclist-friendly and reduce vehicle speeds.

Goal 6. We will create opportunities for attainable housing.

- A variety of housing types promotes mixed-income neighborhoods where residents can age in place.
- Allowing more housing within the core of the City provides opportunities for residents to live within short distances of schools and services, thereby reducing transportation costs.
- Denser housing can also lead to lower price points for buyers and renters.

In order to promote the goals and policies adopted by the City Council, staff recommends the following changes:

1. Chapter 161.10-161.15 Zoning Regulations. Reduce the lot width and lot area requirements for all residential land uses and reduce the side setbacks for single-family homes.

2. Chapter 164.23 Small Lot Design Standards. Introduce a set of design standards for single-family homes on small lots. For the purposes of this section, small lots are defined as having less than 70 feet of street frontage. This is intended to address unique issues that arise thwn developing homes on small lots.
3. Chapter 172.11 Driveway and Parking Standards for Four (4) or Less Parking Spaces. Amended to require an 18 foot long driveway for single-family homes as measured from the garage/carport to the sidewalk. This ensures that driveways are long enough to allow parking without vehicles encroaching over the sidewalk.

As noted above, Chapter 161 is being updated to allow greater variability in the types of residential units constructed in multi-family zoning districts, principally by reducing the barriers to construct single-family homes. However, as lot width and building footprints are reduced it becomes more difficult to design a home and maintain visibility between the street and building. A primary goal of Crime Prevention Through Environment Design (CPTED) is to maintain natural surveillance, or "see and be seen." Unfortunately, poor design choices when building smaller homes can greatly reduce and sometimes even eliminate natural surveillance. As a result, staff is proposing a relatively brief set of design standards for single-family homes on small lots (see exhibit "B" attached). The code specifies the standards only apply to lots with less than 70 feet of street frontage. This exempts a majority of all single-family lots in the City which are typically located in the RSF-4 zoning district, with a minimum lot width of 70 feet and maximum density of 4 units per acre.

The change to Chapter 172.11 is intended to clarify an existing standard for driveway construction for single-family homes. Section (G)(2) requires driveways to be constructed at least 18 feet beyond the right-of-way line unless no parking is provided between the right-of-way line and structure. The minimum parking requirement for a single-family home is two parking spaces, so a two-car garage provides all of the required parking. In zoning districts with minimal front building setbacks the driveway is sometimes only 5-10 feet long between the sidewalk and garage doors. This leads to residents and guests parking in the driveway and over the sidewalk. Staff has amended this code section to specifically require at least an 18-foot driveway between the sidewalk and garage, so vehicles don't park over the sidewalk.

RECOMMENDATION:

Staff recommends that the proposed code changes be discussed and forwarded to the City Council with recommendations by the Planning Commission to be included the proposal to the City Council.

Planning Commission Action: ☐ Tabled ☒ Forwarded ☐ Denied

Meeting Date: July 13, 2015

Motion: Cook

Second: Brown

Vote: 7-0-0 (Bunch and Sleby Absent)

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC Chapters 161, 164, and 172.
- Example photos

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 161: ZONING REGULATIONS

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161.05 DISTRICT RSF-1, RESIDENTIAL SINGLE-FAMILY – ONE UNIT PER ACRE	5
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161.08 DISTRICT RSF-7, RESIDENTIAL SINGLE-FAMILY – SEVEN UNITS PER ACRE	7
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161.10 District RT-12, Residential Two And Three Family

- (A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	50 60 ft.	50 70 ft.	90 ft.
Lot area minimum	5,000 6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side Other Uses	Side Single & Two Family	Rear
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A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.
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(F) *Building height regulations.*

Building height maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

- (G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

- (H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

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

161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre

- (A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 50 ft.
Two-family	60 ft. 50 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse:	
•Development	10,000 sq. ft.
•Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Other Uses	Side Single & Two Family	Rear
A build-to zone that is located between the	8 ft.	5 ft.	25 ft. 20 ft.

front property line and a line 25 feet from the front property line.			
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Cross reference(s)--Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use
--------	-----------------------------------

	permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft. 45 ft.
Two-family	60 ft. 45 ft.
Three and more	90 ft. 80 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft. 4,500 sq. ft.
Two-family	7,000 sq. ft. 6,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Uses	Other Single & Two Family	Rear
A build-to zone that is located	8 ft.	5 ft.	25 ft. 20 ft.

between the front property line and a line 25 feet from the front property line.			
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Cross reference(s)--Variances, Ch. 156(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. **None.**(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.(B) *Uses.*(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use
--------	-----------------------------------

	permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	18 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 40 ft.
Two-family	60 ft. 40 ft.
Three and more	90 ft. 75 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft. 4,000 sq. ft.
Two-family	7,000 sq. ft. 5,000 sq. ft.
Three or more	9,000 sq. ft. 7,500 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartment:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Other Uses	Side Single & Two Family	Rear
A build-to	8 ft.	8 ft.	25 ft.

zone that is located between the front property line and a line 25 feet from the front property line.	5 ft.	
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Cross reference(s) --Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft. 35 ft.
Two-family	60 ft. 40 ft.
Three or more	90 ft. 70 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft. 2,000 sq. ft.
Single-family	6,000 sq. ft. 3,000 sq. ft.
Two-family	7,000 sq. ft. 4,000 sq. ft.
Three or more	9,000 sq. ft. 7,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartment:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side Other Uses	Side Single & Two Family	Rear
A build-to zone that is	8 ft.	5 ft.	20 25 ft.

located between the front property line and a line 25 feet from the front property line.			
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Cross reference(s)--Variance, Ch. 156.(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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

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

(B) *Uses.*(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft. 30 ft.
Two-family	60 ft. 30 ft.
Three or more	90 ft. 70 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft. 2,000 sq. ft.
Single-family	6,000 sq. ft. 2,500 sq. ft.
Two-family	6,500 sq. ft. 3,000 sq. ft.
Three or more	8,000 sq. ft. 7,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

Front	Side Other Uses	Side Single &	Rear
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		Two family	
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	5 ft.	20 ft.

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

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area. ~~None.~~

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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164.23 Single-family infill standards

inches beyond the garage opening.
The upper floor(s) shall also have
windows facing the street.

~~164.23~~ 164.24-164.99 Reserved

(A) *Purpose.* The purpose of the standards is to maintain visibility and security of the primary residence to and from the streetscape, provide pedestrian safety, and reduce opportunities for criminal activities.

(B) *Applicability.* The following standards apply to new detached single-family homes on lots with less than 70 feet of street frontage.

(1) Lots with between 45 feet and 70 feet of street frontage.

(a) Each home shall have a clearly defined front door and windows on the ground floor façade facing the street. This is only required on one side of the home where there is more than one street frontage.

(b) Garage openings that are on the same side of the home as the front door shall be recessed at least 5 feet behind the principal façade.

(c) A garage does not have to be recessed behind the principal façade if the garage opening is located on a different side of the home than the front door.

(2) Lots with less than 45 feet of street frontage.

(a) Each home shall have a clearly defined front door and windows on the ground floor façade facing the street. This is only required on one side of the home where there is more than one street frontage.

(b) Garage openings that are on the same side of the home as the front door shall be recessed at least 5 feet behind the principal façade. Where a garage cannot be located at least 5 feet behind the principal façade, due to unique site characteristics, at least two of the following standards shall be implemented.

(i) The garage opening shall be less than 50 percent of the principal façade length.

(ii) The front door shall be even with or extend forward of the garage opening.

(iii) For multi-story homes, the principal façade, a balcony, deck, or similar feature shall project at least 12

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motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.

(G) *Driveway Standards.*

(1) *Driveway Approach to Property Line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 *Sidewalk and Driveway Specifications.*

(2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property ~~unless no parking is provided between the property line and structure.~~ To prevent vehicles from parking over the public sidewalk, garages and carports shall be positioned to accommodate the minimum driveway length as measured from the sidewalk or Master Street Plan right-of-way line.

(3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.

(4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.

(H) *Driveway and Parking Area Maintenance Requirements.*

(1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.

(2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy

and/or soil from being blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.

(I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.

(J) *Maximum Driveway Width.* Driveway width shall be limited to:

Lot Width	Maximum Driveway Width
70 feet or more	24 feet
50 feet to 69 feet	20 feet
Less than 50 feet	18 feet

(K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other restrictions for driveway separations in the UDC.

(L) *"Pay-to-park" operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.

(M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:

(1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of 12 hours before and 12 hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.

(2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit



City of Fayetteville, Arkansas

Tentative Agenda
113 West Mountain Road
Fayetteville, AR 72701
(479) 575-8323
Page 15 of 578

Text File

File Number: 2015-0326

Agenda Date: 8/4/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

REPEAL CHAPTER 171 STREETS AND SIDEWALKS

AN ORDINANCE TO REPEAL CHAPTER 171 STREET AND SIDEWALKS AND ENACT A REPLACEMENT CHAPTER 171, STREETS AND SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE

WHEREAS, it is proper and appropriate for the City Council to enact a **Purpose** section to Chapter 171, **Streets and Sidewalks** and to better define and clarify “retaining wall”; and

WHEREAS, the Minimum Street Standards manual needed to be updated from its 1996 version and be adopted as a technical supplement of the **Street and Sidewalks** Chapter; and

WHEREAS, certain technical criteria for street and sidewalk construction should be moved from this chapter and placed with the newly adopted Minimum Street Standards manual.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals the existing Chapter 171, **Streets and Sidewalks** and enacts a replacement Chapter 171, **Streets and Sidewalks** along with the replacement Minimum Street Standards manual of the Unified Development Code as attached as Exhibit A.

City of Fayetteville Staff Review Form

2015-0326

Legistar File ID

8/4/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

7/15/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the updates to the Minimum Street Standards and revisions to Unified Development Code, Chapter 171, Streets and Sidewalks.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

#

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 4, 2015

TO: Mayor and City Council

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

FROM: Chris Brown, City Engineer

DATE: July 16, 2015

**SUBJECT: UPDATES TO THE MINIMUM STREET STANDARDS AND UDC REVISIONS
TO CHAPTER 171 STREETS AND SIDEWALKS**

RECOMMENDATION:

Staff recommends approval of the updates to the Minimum Street Standards and revisions to Unified Development Code, Chapter 171, Streets and Sidewalks.

BACKGROUND:

City staff has prepared the final draft of the guidance document for design and construction of streets, sidewalks and trails. This document will replace a 1996 version of the Minimum Street Standards, and will serve as a technical supplement to the City's Unified Development Code. In addition, the associated revisions to Chapter 171 Streets and Sidewalks are attached.

The Transportation Committee has reviewed the item and recommends approval. On July 13, 2015, the Planning Commission voted to forward this item to the City Council with a recommendation for approval with a minor revision from the City Attorney.

DISCUSSION:

The revisions proposed to Chapter 171 are summarized below:

- 171.01 A purpose statement was added to the chapter.
- 171.02 Adoption of the Minimum Street Standards added.
- 171.02 Language for retaining wall locations adjacent to the ROW was clarified.
- 171.06 Procedure for Vacations was changed to reflect the current submittal procedure.
- 171.07 Removed technical criteria for utilities within the ROW and referenced the Minimum Street Standards.
- 171.13 Changed language from Sidewalk Administrator to City Engineer.
- 171.14 Removed technical criteria for sidewalk, driveway and trail construction and referenced the Minimum Street Standards.
- 171.15 Removed technical criteria for excavations in the ROW and updated the permitting procedure.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

Unified Development Code Revisions:

Chapter 171 Streets and Sidewalks

Planning Commission Memo

Chapter 171 Streets and Sidewalks as submitted to Planning Commission

Minimum Street Standards

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 171: STREETS AND SIDEWALKS

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CHAPTER 171: STREETS AND SIDEWALKS

171.01 Purpose

It is the purpose of this chapter to preserve and protect the health, safety, and general welfare of citizens by providing regulations for design and construction of public streets and sidewalks; thereby providing safe, convenient, cost effective transportation systems that are accessible to all users and modes of transportation.

171.02 General Provisions

(A) *Minimum Street Standards.*

(1) *Adoption and enforcement of Minimum Street Standards.* The City Council adopts the Minimum Street Standards as recommended by the City Engineer and attached to the enacting ordinance. All technical procedures and design standards contained within the Minimum Street Standards shall be enforceable as part of the Unified Development Code through enforcement procedures of Chapter 153 as well as § 150.12 **Penalty.**

(2) *Variances to Minimum Street Standards.* When the City Engineer determines that application of the technical procedures or design standards within the Minimum Street Standards would cause undue hardship or unnecessary practical problems for a particular street or sidewalk project, the City Engineer may vary such Minimum Street Standards and may condition such variances by requiring other standards to safeguard the purposes of this chapter and the Minimum Street Standards.

(B) *Designation as streets or avenues.* All thoroughfares now or hereafter platted, which run in an east and west direction through the corporate limits of the city, shall be designated as "street," and all thoroughfares now or hereafter platted, which run in a north and south direction through the corporate limits of the city, shall be designated as "avenues." This section shall not be construed so as to prohibit the use of such descriptive names as "boulevard," "road," "way," "trail," and the like which might be used indiscriminately as a designation of the thoroughfare, and this section shall in no way be deemed applicable to any alleys or alleyways.

(C) *Retaining walls near sidewalk or right-of-way.*

(1) *Definition.* For purposes of this section, retaining walls are defined as vertical or near vertical walls at least 2.5 feet in height, that

require a footing or other structural reinforcement for structural stability.

(2) *City Engineer Approval.* The City Engineer may approve retaining walls within rights of way where necessary to protect adjacent property, minimize right of way widths, protect sensitive environmental areas, or for other reasons that further the purpose of this chapter.

(3) *Requirements.* Retaining walls constructed within rights of way shall:

- (a) Be constructed such that footings or other structural reinforcement do not conflict with existing or future storm drainage or utility installations.
- (b) Be of sufficient distance from sidewalks or trails so as to not impede or encroach on the minimum effective width.
- (c) Have adequate safety railings or other precautions to prevent falls.
- (d) Meet any other requirements of the City Engineer to protect the public interest.

(D) Gated streets not allowed in most residential subdivisions.

No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city's policies in favor of connectivity, openness and neighborliness.

(E) *Taxi Stands.* Taxi stand shall mean such portion or portions of the public street or highway designated by the City Council of the City of Fayetteville as a place in which taxis may stand or park.

(1) No unattended parking allowed. A taxi must remain attended by its driver and ready for service while located within a taxi stand.

(2) City Council Establishment of Taxi Stands:

- (a) The City Council may establish taxi stands on portions of public streets or facilities or private areas if permitted by the owner.
- (b) The establishment, enlargement, or removal of a taxi stand shall be by City Council Resolution after a public hearing. Adjoining property owners within the block of the street or abutting the parking lot in which the taxi stand is

proposed shall be notified by mail by the Planning Division and a planning notification sign shall be placed near the taxi stand location two weeks before the public hearing at City Council.

(Ord. No. 845, 5-6-40; Ord. No. 1026, 6-23-52; Ord. No. 1262, 5-8-61; Code 1965, §18-1, 18-2, 18-7; Ord. No. 2623, 4-15-80; Code 1991, §98.01, 98.02, 98.06; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4579, 06-01-04; Ord. 4946, 11-21-06)

Cross reference(s)--Enforcement, Ch. 153.

171.03 Intersections

- (A) Streets shall be planned and designed to provide a safe system for present and prospective traffic and shall be approved by the City Engineer.
- (B) Proposed streets shall be planned in such a manner as to provide safe access to proposed lots.

(Code 1965, App. C., Art. IV, §E; Ord. No. 2196, 2-17-76; Code 1991, §159.50; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.04 Reserved

(Code 1965, App. C., Art. IV, §J; Ord. No. 2935, 8-2-83; Ord. No. 3302, 10-20-87; Code 1991, §159.55; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

171.05 Crosswalks To Be Accessible To Physically Disabled

Adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced shall be provided

(Code 1965, §18-14; Ord. No. 2267, 8-17-76; Code 1991, §98.12; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.06 Procedure For Closing Public Utility Easements And Street Rights-Of-Way

The procedure for closing of streets and alleys shall hereafter be as follows:

- (A) *Information to City Planning Division.* Petitioners shall present to the City Planning Division in duplicate the following information before processing shall begin:

- (1) *Petition* Petition to vacate public easement or right-of-way, including a certified or photostatic copy of the plat on record in the Circuit Clerk's office.
- (2) *Documentation of Ownership.* Abstractor's certificate of ownership or other acceptable documentation of ownership of the area to be

vacated and properties adjacent to the vacated area.

- (3) *Utilities comments.* Comments from owners or agents, of all utility companies concerning public easements or rights of way to be vacated and its relationship to existing or planned utilities, with recommendations, as to what action should be taken.

- (B) *Information to Planning Commission.* One copy of the above shall be presented by the Planning Division to the Planning Commission for review and recommendation.

- (C) *Recommendation to City Council.* The recommendation of the Planning Commission shall be forwarded to the City Council.

- (D) *Record with Circuit Clerk.* If an ordinance is adopted vacating the public easement or right of way, it shall be published and reported in the Circuit Clerk's office.

- (E) *Exception.* The vacation request need not be presented to the Planning Commission before being submitted to the City Council if the City Council finds the following by a vote of at least two-thirds of its membership and the Mayor:

- (1) The public easement or right-of-way to be vacated has not been constructed or has not been used by the public for at least five years or the easement does not contain any utilities within the area to be vacated; and
- (2) Special circumstances exist which require prompt consideration of the vacation request and justify the bypass of the Planning Commission.

(Code 1965, §18-15; Ord. No. 1685, 7-7-69; Ord. No. 1898, 1-16-73; Code 1991, §98.13; Ord. No. 3925, §1, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5127, 4-01-08)

Cross reference(s)--Notifications and Public Hearings, Ch. 157, Fees, Ch. 159.

171.07 Occupation Of Streets And Highways By Public Utilities

Any public utility, as defined by state law, which occupies the streets, highways or other public places of the city under a franchise granted by the city or the state shall occupy said streets, highways or other public places in accordance with the requirements of the Minimum Street Standards and subject to the following terms and conditions:

- (A) *Written approval.* A public utility shall not erect or place any facility more than seven (7) feet inside the right-of-way line for any street without the

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prior written approval of the City Engineer, who shall grant such approval only if he determines that the facility will not impair or obstruct present or future vehicular and pedestrian traffic.

- (B) *Relocation.* Whenever public utility facilities which are located within a public right-of-way must be relocated in order not to impair or obstruct vehicular or pedestrian traffic on any new or existing street, highway, road, or sidewalk, the public utility shall be required to relocate its facilities within a reasonable time from receipt of written notice from the City, and shall bear its own relocation costs; provided, where any project is funded with federal or state funds and said funds are received by the city for the purpose of reimbursing utility relocation expenses, the utility shall receive such reimbursement. This division shall not be construed as requiring a utility to relocate its facilities within or from a private easement without payment of just compensation.

- (C) *City Engineer approval.* All proposed locations and utility designs shall be reviewed and subject to approval by the City Engineer to ensure that the proposed construction will not cause avoidable interference with existing or planned street facilities, or with street operation or maintenance. The procedure for submitting plans and information to the City Engineer for approval shall be developed and agreed upon by each utility and the City Engineer.

- (D) *Street design.* When plans for street improvement and development are formulated, utility line locations should be recognized and the street designed so as to minimize conflict with existing utilities.

(Code 1965, §18-17.1; Ord. No. 2850, 8-17-82; Ord. No. 2926, 6-7-83; Ord. No. 3245, 3-3-87; Code 1991, §98.14; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.08 Maintenance And Construction Policies

The city's policies concerning and regarding the maintenance and construction of streets, curbs, gutters, and sidewalks shall be as follows:

- (A) *Maintenance.* The city shall maintain roadways in the city which have been accepted by the city as city streets, or which have come under the jurisdiction of the city by or through annexation.
- (B) *Priorities.* The following factors shall be considered in establishing priorities for roadway resurfacing and rebuilding:
- (1) *Function.* The function of the street, that is, the streets which carry or are expected to

carry heavy amounts of traffic shall have priority over lesser streets.

- (2) *Condition.* The condition of the pavement, in general, roadways which are more deteriorated shall have priority over those streets of lesser deterioration. However those streets of lesser deterioration may have priority when it is determined that the benefits of resurfacing the roadways of lesser deterioration may be greater.

(C) *Sidewalks.*

- (1) *Repair/replacement.* Existing city sidewalks shall be repaired and replaced by the city, as needed.

- (2) *Priorities.* In establishing priorities for sidewalk repair or replacement, the factors to be considered shall include, but not be limited to the following:

- (a) The conditions of the sidewalk;
- (b) The expected level of pedestrian traffic; and,
- (c) The use of the sidewalk by school children.

(Code 1965, 18-47; Ord. No. 1725, 1-8-70; Ord. No. 2647, 7-15-80; Ord. No. 2655, 8-5-80; Ord. No. 2724, 5-19-81; Code 1991, §98.15; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Sidewalks, §158.06.

171.09 Order Of City Council Or Permit Required

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb-cut, driveway or street on the public streets, unless the same has been properly ordered by the City Council, or plans for such have been approved by the city as site improvements for a subdivision, or a permit has been issued by the city's official charged with the administration of this chapter.

(Code 1965, §18-25; Ord. No. 1790, 3-15-71; Code No. 1991, §98.61; Ord. No. 4100, §2 (Ex.), 6-16-98)

Cross reference(s)--Penalty, §98.99; Sidewalks, §158.06.

171.10 Application For Permit

An applicant for a permit hereunder shall file with the city official an application showing:

- (A) Name and address of the owner, or agent in charge, of the property abutting the proposed work area;
- (B) Name and address of the party doing the work;

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(C) Location of the work area;

(D) A plan or clear description of the work to be done;

(E) Such other information as the city official shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(Code 1965, §18-26; Ord. No. 1790, 3-15-71; Code 1991, §98.62; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.11 Standards For Issuance Of Permit; Expiration And Removal

(A) The city official shall issue a permit hereunder when he/she finds:

(1) That the plans have been approved.

(2) That the work shall be done according to the specifications contained herein.

(3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.

(4) That the health, safety, and welfare of the public will not be unreasonably impaired.

(B) Any permit issued shall expire three (3) months from the date of issue and may be renewed upon application.

(Code 1965, §18-29; Ord. No. 1790, 3-15-71; Code 1991, §98.64; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.12 Inspection Of Work; Replacement Of Rejected Work

(A) The city official shall make all necessary inspections before, during and after the construction of all sidewalks, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his/her nonacceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.

(B) Advance notification must be given the city official for inspections under this section.

(Code 1965, §18-30; Ord. No. 1790, 3-15-71; Code 1991, §98.65; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.13 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk

(A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan shall construct a sidewalk in accordance with this chapter, along said street or highway upon the receipt of notice issued at the time a building or parking lot permit is issued.

(1) The property owner shall construct the sidewalk in accordance with the specifications provided in the Minimum Street Standards.

(2) The property owner may request a waiver to §171.13(A)(1) requiring sidewalk construction. The City Engineer shall review the following factors to determine whether or not to grant a waiver:

(a) Pedestrian traffic generators such as parks and schools in the area.

(b) The existence of a sidewalk network in the area.

(c) The density of current and future development in the area.

(d) The amount of pedestrian traffic likely to be generated by the proposed development.

(e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.

(f) The overall need for a sidewalk to be constructed on the lot.

(3) If the City Engineer grants the waiver to construct a sidewalk, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:

(a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development

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- and approximate pedestrian trip generation rates of the development.
- (b) To facilitate administration of this ordinance for certain recurrent types of development, the City Council has determined that the city will accept, as the roughly proportionate impact, the amount shown below:
- | | |
|-------------------------|----------|
| (i) Single family house | \$630.00 |
| (ii) Duplex | \$720.00 |
- (c) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of the construction of sidewalks, all industrial, commercial, and multi-family developments shall make a cash contribution in lieu of the construction of the sidewalk at a rate of three dollars (\$3.00) per square foot of the sidewalk that normally would have been required. The amount per square foot and amounts for a single family house and a duplex shall be reviewed by the City Council at least every five (5) years.
- (d) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
- (e) Contributions must be expended within one (1) year to build a sidewalk close enough to serve the project being constructed.
- (f) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.
- (4) An owner/builder may appeal the City Engineer's refusal to grant a waiver or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).
- (B) *Application of provisions.* The provisions of this section shall only apply to the following property:
- (1) *New structure.* On which a new structure is being built;
- (2) *Existing residential structure.* On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use of the nonresidential use.
- (3) *Parking lot/garage.* On which a parking lot, or parking garage having a minimum capacity of five (5) automobiles is constructed.
- (4) *Building Additions.* Additions of 2,500 square feet or larger.
- (5) *Conditional use.* Any development which requires conditional use approval.
- (Code 1965, §18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85; Code 1991, §98.66; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4311, 5-1-01; Ord. No. 4387, 4-16-02)

171.14 Sidewalk, Driveway And Trail Specifications

(A) *Sidewalks.*

- (1) *Grades; establishment of property lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 4 feet. Effective sidewalk width is the actual sidewalk width, less:
- A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk.
 - A shy distance of 1.5 feet for curb adjacent to the sidewalk
 - A shy distance of 1 foot for all other fixed obstacles.
- The greatest of the above distances shall apply for each side of the walk.
- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, or be as specified in the final plat unless otherwise approved by the City Engineer.

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- (4) *ADA guidelines.* Sidewalks within rights of way shall conform to ADA guidelines.
- (5) *Sidewalk elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City Engineer. This elevation shall be continuous through the driveway approach.
- (6) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete placement.
- (B) *Access ramps.*
- (1) *ADA requirements.* Access ramps shall conform to ADA requirements, including detectable warning devices such as truncated domes.
- (2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
- (3) *Raised crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City engineer.
- (4) *Minimum width.* The minimum width of a curb ramp shall be Forty-eight (48) inches.
- (5) *Slope.* The slope of the ramp shall not be greater than slopes specified in the Minimum Street Standards.
- (D) *Multi-use Trails.*
- (1) *Minimum width of multi-use trails.* The minimum width of trails shall follow the trail cross-section guidelines of the Active Transportation Plan.
- (2) *ADA guidelines.* Trails shall conform to ADA guidelines, to the extent possible.
- (3) *Bollards.* Bollards are required at trail intersections with streets.
- (4) *Trail signage.* Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities.
- (5) *Street Crosswalks.* Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side, a patterned thermoplastic overly for the full crossing area, or other approved treatment to clearly mark the trail crossing. For major streets, this crosswalk may be raised 2.5 inches above pavement surface.
- (6) *Striping.* Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety in accordance with MUTCD standards
- (Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919, 9-05-06; Ord. 5044, 8-07-07; Ord. 5270, 9-1-09; Ord.5333, 7-6-10)
- ### 171.15 Excavations
- (A) *Permit required.* It shall be unlawful for any person to make any excavation in any street, alley, sidewalk, road, highway, or other public way in the city without first obtaining a permit to do so from the Mayor, or his/her duly authorized representative. Such permit shall be granted only after written application has been filed and the deposit or bond required by §158.02 has been filed. The fee for each permit shall be paid in advance. Provided, however, that utility companies franchised by the city may be billed monthly for all permits granted during the previous month.
- (B) *Lights and guards.* Every person making an excavation as provided for in this chapter shall place and maintain lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the Mayor.
- (C) *Repairs of public property; return of cash deposit.*
- (1) *Cost.* Each person making an excavation under this chapter shall repair the street or other public way at his own expense, and under the direction and supervision of the City Engineer or designee.
- (2) *Standards.* Repair of the street or other public way shall be made in accordance with the requirements of the Minimum Street Standards.
- (3) *Notice.* The permittee shall notify the City Engineer, prior to beginning such repair, of the time and manner of repair and obtain the approval of the City Engineer prior to beginning of such repair.
- (4) *Return of deposit.* When the repairs required by this section are completed and

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approved, the return of any sum deposited under §171.14 above will be made to the permittee. In the event the permittee shall fail, refuse, or neglect to make such repairs, the city may repair the street and deduct the cost therefrom from the amount on deposit with the city and the balance of the deposit, if any, shall be paid to the permittee.

(D) *Street closings for excavations.*

(1) *Prohibited without approval.* It shall be unlawful for any person to cause a street to be closed due to the making of an excavation without the prior written approval of the City. In granting such approval, the City shall impose time limits and such other reasonable conditions as are necessary to minimize any inconvenience or danger to the public.

(2) *Exception.* This section shall not apply to emergency repairs.

(Code 1965, §18-40, 18-42, 18-44; Ord. No. 1829, 10-18-71; Ord. No. 2806, 4-20-82; Code 1991, §98.80, 98.82, 98.83, 98.84; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Penalty, §98.99; Enforcement, Ch. 153; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

171.16 Street Improvement Districts

(A) *Petition to form street improvement district.* Any person desiring to initiate the formation of a street improvement district shall file with the City Clerk a petition requesting the organization of a street improvement district and signed by persons claiming to be a majority in value, as shown by the last county assessment, of the owners of real property in the proposed district. Forms of this petition shall be available to any person at the office of the City Clerk, and the City Engineer shall assist in the preparation of said petition by providing a legal description of the property to be included in the proposed district. Such petition may limit the cost of the improvement to either a fixed sum or to a percentage of the assessed value of the real property in the proposed district.

(B) *Notice of public hearing.* When persons claiming to be a majority in value, as shown by the last county assessment of the owners of real property in a proposed street improvement district file with the City Clerk a petition for the organization of such an improvement district, it shall be the duty of the City Clerk to give notice that such petition will be heard at a meeting of the City Council to be held more than 15 days after the filing of such petition. Such notice shall be published once a week for two (2) weeks, the last insertion to be not less than seven (7) days before the date fixed for the hearing. The Mayor, if he sees fit, may

call a special meeting of the City Council for the purpose of hearing such petition, such called meeting to be held not less than 15 days after the date of the call and the notice of the hearing thereat to be published for the time and in the manner above stated.

(C) *Hearing on petition; ordinance establishing district.*

(1) At the time named in said notice, the City Council shall meet and hear all owners of real property within the proposed district who desire to be heard on the question of whether a majority in assessed value of property owners has signed the petition, and shall make a finding of whether the petition is signed by a majority in assessed value of such property owners. The finding of the governing body shall be expressed in an ordinance. If it finds that a majority has signed the petition, it shall then be its duty by the same ordinance to establish the district. The ordinance shall designate the boundaries of the district and shall also give the district a name descriptive of the nature of the proposed improvement and a number to prevent it from being confused with similar districts.

(2) The ordinance shall be published within 30 days after its adoption for one insertion in some newspaper published in the city and the findings of the governing body shall be conclusive unless attached by a suit in the Chancery Court brought within 30 days after such publication.

(D) *Appointment of Board of Improvement.* In the ordinance creating the district, the City Council shall appoint three (3) owners of real property therein as commissioners, who shall compose a Board of Improvement for the district. Such Board of Improvement shall have control of the construction of the improvements in the district.

(E) *Plans for improvement.* Immediately after their qualification, the Board of Improvement shall form plans for the improvement as prayed in the petition, and shall procure estimates of the costs thereof. For this purpose, the board may employ such engineers and other agents as may be needful, and may provide for their compensation which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. If for any cause the improvement shall not be made, said cost shall be raised and paid by an ad valorem tax upon the real property in the district as assessed for state and county purposes, which shall be levied by the City Council on the application of any person interested, and shall be paid to the Board of

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Improvement, to be distributed amongst the creditors of the district.

conform thereto if any change has been made therein by said City Council.

(F) *Appointment of Board of Assessment.* As soon as the Board of Improvement shall have formed said plan, and shall have ascertained the cost of the improvement, it shall report the same to the City Council who shall appoint three electors of the city, who shall constitute a Board of Assessment of the benefits to be received by each lot or block, or other subdivision of land within said district, by reason of said proposed improvement.

(K) *Assessments payable in annual installments.* It shall be provided by ordinance that the local assessment of benefits shall be paid in successive annual installments so that the tax levied in any one (1) year shall not exceed 25% of the assessed benefits accruing to real property.

(G) *Assessment of benefits.* The Board of Assessment shall at once proceed to inscribe in a book to be used for the purpose of description of each of said lots, blocks, or parcels of land and shall assess the value of the benefit to accrue to each of said lots, blocks, or parcels of land by reason of such improvement, which assessment of said benefits they shall enter upon said book opposite the description thereof; and they shall then subscribe said assessment and deposit it in the office of the City Clerk, where it shall be kept and preserved as a public record. Provided, said assessment may be annually readjusted according to additional improvements placed upon the lands, when a succession of collections is necessary to pay for the improvements.

(L) *Publication of ordinance.* Within 30 days after the passage of the ordinance mentioned in subsection (C) above, the City Clerk shall publish a copy of it in some newspaper published and having a bona fide circulation in the city for one time. Within 30 days after such publication the district, or any property owner may bring suit in Chancery Court for the purpose of correcting or invalidating such assessment; but if such suit is not brought within the time, all objections to the creation of the district for the validity of the assessment shall be forever barred and precluded.

(H) *Notice of filing of assessment.* Immediately on the filing of said assessments, the City Clerk shall insert in some newspaper published in the city, the following notice:

(M) *Copy of assessment delivered to collector.* Within 40 days after the passage of the ordinance mentioned in (C) above, unless the time be extended by the City Council, the City Clerk shall deliver to the County Collector a certified copy of said assessment of benefits containing a description of said blocks, lots, and parcels of land in said district, and the amount assessed on each, duly extended against each lot, block, or parcel of land, and a certified copy of the ordinance fixing the percentum to be collected each year. At the same time the City Clerk delivers to the County Collector a certified copy of the assessment of benefits, and the certified copy of the ordinance fixing the percentum to be collected, he/she shall deliver like said copies to the County Clerk.

"The assessment of Street Improvement District No. _____, was filed in my office on the _____ day of _____, _____, and the same is now subject to inspection.

Clerk of the City of Fayetteville, Arkansas."

(I) *Appeal of assessments to City Council.* Anyone whose real estate is embraced in said assessment may at any time within 10 days from the giving of said notice, file with the City Clerk in writing his/her notice of appeal from the action of said Board of Assessment in making said assessment of his/her property, which appeal shall be heard and disposed of at the next regular meeting of the City Council, and on such appeal the matter shall be heard de novo on such evidence as may be adduced on either side.

(N) *Annual financial report required.* The commissioners of each street improvement district shall file an annual financial report with the City Clerk on or before the first day of March of each year, covering the financial affairs of their respective districts for the preceding year. Such financial statements shall be certified and filed as herein provided by the chief financial officer of each such improvement district.

(Code 1965, §§18.18, 18.19--18.22, 18-22.1--18-22.9; Ord. No. 2051, 9-17-74; Code 1991, §98.30, §98.43; Ord. No. 4100, §2 (Ex. A), 6-16-98)

(J) *Finding of City Council.* The City Council shall enter on its minutes the results of its finding on any such appeal, and shall cause a copy of its finding to be certified to said Board of Assessment, which shall make its assessment

171.17-171.99 Reserved

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CHAPTER 171: STREETS AND SIDEWALKS

171.01 Purpose

It is the purpose of this chapter to preserve and protect the health, safety, and general welfare of citizens by providing regulations for design and construction of public streets and sidewalks; thereby providing safe, convenient, cost effective transportation systems that are accessible to all users and modes of transportation.

171.02~~1~~ GeneralMiscellaneous Provisions

~~(A)~~

(A) Minimum Street Standards.

(1) Adoption and enforcement of Minimum Street Standards. The City Council adopts the Minimum Street Standards as recommended by the City Engineer and attached to the enacting ordinance. All technical procedures and design standards contained within the Minimum Street Standards shall be enforceable as part of the Unified Development Code through enforcement procedures of Chapter 153 as well as § 150.12 Penalty.

(2) Variances to Minimum Street Standards. When the City Engineer determines that application of the technical procedures or design standards within the Minimum Street Standards would cause undue hardship or unnecessary practical problems for a particular street or sidewalk project, the City Engineer may vary such Minimum Street Standards and may condition such variances by requiring other standards to safeguard the purposes of this chapter and the Minimum Street Standards.

Rules and regulations governing street improvements. The City Council hereby adopts by reference the Minimum Street Standards of the City of Fayetteville, and as may be amended from time to time by the City Engineer. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter. The City Engineer is hereby authorized to prepare such rules and regulations in connection with the standardization of the design, construction, and maintenance of street and alley paving, including driveways, sidewalks, storm sewers, culverts and bridges, material, and construction methods, including approval of all such work, and for other matters and things in connection with the construction and maintenance of such work, which lie within the jurisdiction of the city, as to him/her shall deem proper, necessary, or expedient. Upon the preparation of such rules

~~and regulations, they shall be submitted to the City Council and upon approval by the City Council, either by motion or resolution, such rules and regulations shall govern the design, construction and maintenance of street improvements as stated in this section. Such rules and regulations, when approved by the City Council, shall have the same force and effect as law and violations thereof shall be punished as provided in Chapter 153.~~

(B) *Designation as streets or avenues.* All thoroughfares now or hereafter platted, which run in an east and west direction through the corporate limits of the city, shall be designated as "street," and all thoroughfares now or hereafter platted, which run in a north and south direction through the corporate limits of the city, shall be designated as "avenues." This section shall not be construed so as to prohibit the use of such descriptive names as "boulevard," "road," "way," "trail," and the like which might be used indiscriminately as a designation of the thoroughfare, and this section shall in no way be deemed applicable to any alleys or alleyways.

(C) *Retaining walls near sidewalk or right-of-way.*

(1) ~~Permit~~Definition. It shall be unlawful for any person to construct any portion of a retaining wall more than 3.5 feet in height, including footings or other reinforcements, within two (2) feet of the inside of any sidewalk in the city or, if there is no sidewalk, within two (2) feet of the platted line of the city right-of-way, without first obtaining a permit to do so from the Mayor, or other official designated by the Mayor. For purposes of this section, retaining walls are defined as vertical or near vertical walls at least 2.5 feet in height, that require a footing or other structural reinforcement for structural stability.

(2) ~~Established line City Engineer Approval.~~ The City Engineer may approve retaining walls within rights of way where necessary to protect adjacent property, minimize right of way widths, protect sensitive environmental areas, or for other reasons that further the purpose of this chapter.

(3) Requirements. Retaining walls constructed within rights of way shall:

(a) Be constructed such that footings or other structural reinforcement do not conflict with existing or future storm drainage or utility installations.

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- (b) Be of sufficient distance from sidewalks or trails so as to not impede or encroach on the minimum effective width.
- (c) Have adequate safety railings or other precautions to prevent falls.
- (d) Meet any other requirements of the City Engineer to protect the public interest.
- ~~(a) In all cases where a permit is required under the terms of this section, the City Engineer shall establish the line upon which the retaining wall is to be built.~~

- (D) Gated streets not allowed in most residential subdivisions.

No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city's policies in favor of connectivity, openness and neighborliness.

- (E) *Taxi Stands.* Taxi stand shall mean such portion or portions of the public street or highway designated by the City Council of the City of Fayetteville as a place in which taxis may stand or park.

- (1) No unattended parking allowed. A taxi must remain attended by its driver and ready for service while located within a taxi stand.

- (2) City Council Establishment of Taxi Stands:

- (a) The City Council may establish taxi stands on portions of public streets or facilities or private areas if permitted by the owner.
- (b) The establishment, enlargement, or removal of a taxi stand shall be by City Council Resolution after a public hearing. Adjoining property owners within the block of the street or abutting the parking lot in which the taxi stand is proposed shall be notified by mail by the Planning Division and a planning notification sign shall be placed near the taxi stand location two weeks before the public hearing at City Council.

(Ord. No. 845, 5-6-40; Ord. No. 1026, 6-23-52; Ord. No. 1262, 5-8-61; Code 1965, §18-1, 18-2, 18-7; Ord. No. 2623, 4-15-80; Code 1991, §98.01, 98.02, 98.06; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4579, 06-01-04; Ord. 4946, 11-21-06)

Cross reference(s)--Enforcement, Ch. 153.

171.032 Intersections

- (A) Streets shall be planned and designed to provide a safe system for present and prospective traffic and shall be approved by the City Engineer.
- (B) Proposed streets shall be planned in such a manner as to provide safe access to proposed lots.

~~(C) Design standards:~~

	Ordinary	Hilly
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Approach	25 mph	20 mph
Sight distance	90 feet	70 feet
Grades within 100 ft.	Flat	4%
Minimum angle	75°	75°

Minimum Curb Radius		
Minor streets	30 feet	30 feet
Collector streets	50 feet	50 feet

Minimum Jog		
Minor streets	150 feet	150 feet
Collector streets	200 feet	200 feet

(Code 1965, App. C., Art. IV, §E; Ord. No. 2196, 2-17-76; Code 1991, §159.50; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.043 Reserved

(Code 1965, App. C., Art. IV, §J; Ord. No. 2935, 8-2-83; Ord. No. 3302, 10-20-87; Code 1991, §159.55; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

171.054 Crosswalks To Be Accessible To Physically Disabled

~~At all pedestrian crosswalks on collector and arterial streets, in commercial zones, and on those streets financed by federal funds throughout the city, Adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after the effective date of this section shall be provided.~~

(Code 1965, §18-14; Ord. No. 2267, 8-17-76; Code 1991, §98.12; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.065 Procedure For Closing Public Utility Easements And Street Rights-Of-Way

The procedure for closing of streets and alleys shall hereafter be as follows:

~~(A) Information to City Planning Division~~ City Clerk. Petitioners shall present to the City Planning Division City Clerk in duplicate the following information before processing shall begin:

- (1) ~~Petition~~ plat. Petition to ~~close and vacate public easement or right-of-way~~ street or alley, including a certified or photostatic copy of the plat on record in the Circuit Clerk's office.
- (2) Documentation of Ownership ~~Abstractor's certificate~~. Abstractor's certificate of ownership or other acceptable documentation of ownership of the area to be

vacated and properties adjacent to the vacated area.

(3) *Utilities comments.* Comments from owners or agents, of all utility companies concerning ~~streets or alleys~~ public easements or rights of way to be ~~closed~~ vacated and its relationship to existing or planned utilities, with recommendations, as to what action should be taken.

(B) *Information to* ~~Zoning and Development Administrator~~ Planning Commission. One copy of the above shall be presented by the City Clerk Planning Division to the Zoning and Development Administrator Planning Commission ~~who shall submit same for review and recommendation of the Planning Commission.~~

(C) *Recommendation to City Council.* The recommendation of the Planning Commission shall be forwarded to the City Council.

(D) *Record with Circuit Clerk.* If an ordinance is adopted ~~closing or~~ vacating the ~~street or alley~~ public easement or right of way, it shall be published and reported in the Circuit Clerk's office.

(E) *Exception.* The vacation request need not be presented to the Planning Commission before being submitted to the City Council if the City Council finds the following by a vote of at least two-thirds of its membership and the Mayor:

- (1) The ~~street, alley, public easement~~ or right-of-way to be vacated has not been constructed or has not been used by the public for at least five years or the easement does not contain any utilities within the area to be vacated; and
- (2) Special circumstances exist which require prompt consideration of the vacation request and justify the bypass of the Planning Commission.

(Code 1965, §18-15; Ord. No. 1685, 7-7-69; Ord. No. 1898, 1-16-73; Code 1991, §98.13; Ord. No. 3925, §1, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5127, 4-01-08)

Cross reference(s)--Notifications and Public Hearings, Ch. 157, Fees, Ch. 159.

171.076 Occupation Of Streets And Highways By Public Utilities

Any public utility, as defined by state law, which occupies the streets, highways or other public places of the city under a franchise granted by the city or the state shall occupy said streets, highways or other public places in accordance with the requirements of

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the Minimum Street Standards and subject to the following terms and conditions:

- (A) *Written approval.* A public utility shall not erect or place any facility more than seven (7) feet inside the right-of-way line for any street without the prior written approval of the MayerCity Engineer, who shall grant such approval only if he determines that the facility will not impair or obstruct present or future vehicular and pedestrian traffic.
- (B) *Relocation.* Whenever public utility facilities which are located within a public right-of-way must be relocated in order not to impair or obstruct vehicular or pedestrian traffic on any new or existing street, highway, road, or sidewalk, the public utility shall be required to relocate its facilities within a reasonable time from receipt of written notice from the MayerCity, and shall bear its own relocation costs; provided, where any project is funded with federal or state funds and said funds are received by the city for the purpose of reimbursing utility relocation expenses, the utility shall receive such reimbursement. This division shall not be construed as requiring a utility to relocate its facilities within or from a private easement without payment of just compensation.
- (C) ~~*Policies.* The following policies approved by Arkansas State Highway Commission, Minute Order 70-300 shall apply to the accommodation and adjustment of utilities on street and alley right-of ways within the city:~~

~~(1) *General criteria:*~~

- ~~(a) *Underground utility construction.* Underground utility construction shall conform to all applicable codes, standards, and specifications.~~
- ~~(b) *Depth.* The depth of bury for new or replacement utility installations shall be established by the utility on the basis of engineering and safety factors for the area; and in keeping with the degree of hazard or protection required for the line involved; provided, however, that the normal minimum depth of bury on all cross lines shall be 2 ½ feet below the low points of roadway cross section, or 3 ½ feet below the bottom of surfacing (top of subgrade), whichever gives the greater depth; and the normal minimum depth of bury on all parallel (longitudinal) lines shall be two (2) feet.~~
- ~~(c) *Aboveground appurtenances.* Pedestals or other aboveground utility appurtenances shall be located at or near the right-of-way line well outside of the street maintenance operation area.~~

~~(d) *City Engineer approval.* All proposed locations and utility designs shall be reviewed and subject to approval by the City Engineer to ensure that the proposed construction will not cause avoidable interference with existing or planned street facilities, or with street operation or maintenance. The procedure for submitting plans and information to the City Engineer for approval shall be developed and agreed upon by each utility and the City Engineer.~~

~~(e) *Expansion of underground utilities.* On both cased and uncased installations, particularly on crossings installed in advance of new street construction, consideration should be given by the utility for placing a spare conduit or duct to accommodate known or planned expansion of underground lines.~~

~~(f) *Underground installations.* The controls for pipelines as apply to encasements, conduits, appurtenances, installations, trenched and untrenched construction, and adjustments shall be followed, as applicable, on underground installation of electric power and communication lines.~~

~~(2) *Location and alignment:*~~

~~(a) *Crossings.* Crossings should be located as near normal to the street alignment as practical.~~

~~(b) *Underground crossings.* Conditions which are generally unsuitable or undesirable for underground crossings should be avoided. These include locations such as deep cuts; near footings of bridges retaining walls; across intersections at grade or ramp terminals; at cross drains where flow of water, drift, or stream bedload may be obstructed; within basins of an underpass drained by a pump; land in wet or rocky terrain where it would be difficult to attain minimum bury.~~

~~(3) *Cased and uncased construction:*~~

~~(a) *Without protective conduit.* Where acceptable to both the utility and the City Engineer on minor streets, underground crossings may be installed without protective conduit or duct. Normally, such installations should be limited to open-trenched construction or to small bores for pipe, wire or cable facilities where soil conditions permit installation by boring a hole about the same diameter as the pipe or cable and pushing the pipe or pulling the cable through.~~

~~(b) *Encased in protective conduit.* Where crossings of underground lines are encased in protective conduit or duct, the encasement shall extend a suitable distance (minimum where practical equal to the depth of bury) beyond the slope or ditch~~

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~~lines. On curbed sections, it should extend outside the outer curbs or sidewalk. Where appropriate, the encasement shall extend to the access control lines, to the outside of frontage roads, or to an indicated line that allows for future widening of the street.~~

~~(c) Other. Consideration should be given to encasement or other suitable protection for any pipe, wire or cable facilities with less than minimum bury, near the footings of bridges or other street structures, or near other locations where there may be hazard.~~

~~(D)(C)(4)~~ **Street design.** When plans for street improvement and development are formulated, utility line locations should be recognized and the street designed so as to minimize conflict with existing utilities.

(Code 1965, §18-17.1; Ord. No. 2850, 8-17-82; Ord. No. 2926, 6-7-83; Ord. No. 3245, 3-3-87; Code 1991, §98.14; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.087 Maintenance And Construction Policies

The city's policies concerning and regarding the maintenance and construction of streets, curbs, gutters, and sidewalks shall be as follows:

(A) **Maintenance.** The city shall maintain roadways in the city which have been accepted by the city as city streets, or which have come under the jurisdiction of the city by or through annexation.

(B) **Priorities.** The following factors shall be considered in establishing priorities for roadway resurfacing and rebuilding:

(1) **Function.** The function of the street, that is, the streets which carry or are expected to carry heavy amounts of traffic shall have priority over lesser streets.

(2) **Condition.** The condition of the pavement, in general, roadways which are more deteriorated shall have priority over those streets of lesser deterioration. However those streets of lesser deterioration may have priority when it is determined that the benefits of resurfacing the roadways of lesser deterioration may be greater.

(C) **Sidewalks.**

(1) **Repair/replacement.** Existing city sidewalks shall be repaired and replaced by the city, as needed.

(2) **Priorities.** In establishing priorities for sidewalk repair or replacement, the factors to

be considered shall include, but not be limited to the following:

(a) The conditions of the sidewalk;

(b) The expected level of pedestrian traffic; and,

(c) The use of the sidewalk by school children.

(Code 1965, 18-47; Ord. No. 1725, 1-8-70; Ord. No. 2647, 7-15-80; Ord. No. 2655, 8-5-80; Ord. No. 2724, 5-19-81; Code 1991, §98.15; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Sidewalks, §158.06.

171.098 Order Of City Council Or Permit Required

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb-cut, driveway or street on the public streets, unless the same has been properly ordered by the City Council, or plans for such have been approved by the city as site improvements for a subdivision, or a permit has been issued by the city's official charged with the administration of this chapter.

(Code 1965, §18-25; Ord. No. 1790, 3-15-71; Code No. 1991, §98.61; Ord. No. 4100, §2 (Ex.), 6-16-98)

Cross reference(s)--Penalty, §98.99; Sidewalks, §158.06.

171.1009 Application For Permit

An applicant for a permit hereunder shall file with the city official an application showing:

(A) Name and address of the owner, or agent in charge, of the property abutting the proposed work area;

(B) Name and address of the party doing the work;

(C) Location of the work area;

(D) A plan or clear description of the work to be done;

(E) Such other information as the city official shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(Code 1965, §18-26; Ord. No. 1790, 3-15-71; Code 1991, §98.62; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.110 Standards For Issuance Of Permit; Expiration And Removal

(A) The city official shall issue a permit hereunder when he/she finds:

(1) That the plans have been approved.

- (2) That the work shall be done according to the specifications contained herein.
 - (3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.
 - (4) That the health, safety, and welfare of the public will not be unreasonably impaired.
- (B) Any permit issued shall expire three (3) months from the date of issue and may be renewed upon application.

(Code 1965, §18-29; Ord. No. 1790, 3-15-71; Code 1991, §98.64; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.1214 Inspection Of Work; Replacement Of Rejected Work

- (A) The city official shall make all necessary inspections before, during and after the construction of all sidewalks, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his/her nonacceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.
- (B) Advance notification must be given the city official for inspections under this section.

(Code 1965, §18-30; Ord. No. 1790, 3-15-71; Code 1991, §98.65; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.132 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk

- (A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan, shall construct a sidewalk in accordance with ~~§171.13 of this code~~this chapter, along said street or highway upon the receipt of notice issued at the time a building or parking lot permit is issued.
- (1) The property owner shall construct the sidewalk in accordance with ~~§171.13. Sidewalk and driveway specifications~~the specifications provided in the Minimum Street Standards.-

- (2) The property owner may request a waiver to §171.132(A)(1) requiring sidewalk construction. The ~~sidewalk administrator~~City Engineer shall review the following factors to determine whether or not to grant a waiver:
- (a) Pedestrian traffic generators such as parks and schools in the area.
 - (b) The existence of a sidewalk network in the area.
 - (c) The density of current and future development in the area.
 - (d) The amount of pedestrian traffic likely to be generated by the proposed development.
 - (e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.
 - (f) The overall need for a sidewalk to be constructed on the lot.
- (3) If the ~~Sidewalk Administrator~~City Engineer grants the waiver to construct a sidewalk, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:
- (a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development and approximate pedestrian trip generation rates of the development.
 - (b) To facilitate administration of this ordinance for certain recurrent types of development, the City Council has determined that the city will accept, as the roughly proportionate impact, the amount shown below:

(i) Single family house	\$630.00
(ii) Duplex	\$720.00
 - (c) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of the construction of sidewalks, all

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- industrial, commercial, and multi-family developments shall make a cash contribution in lieu of the construction of the sidewalk at a rate of three dollars (\$3.00) per square foot of the sidewalk that normally would have been required. The amount per square foot and amounts for a single family house and a duplex shall be reviewed by the City Council at least every five (5) years.
- (d) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
 - (e) Contributions must be expended within one (1) year to build a sidewalk close enough to serve the project being constructed.
 - (f) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the ~~sidewalk administrator~~City Engineer.
- (4) An owner/builder may appeal the ~~sidewalk administrator's~~City Engineer's refusal to grant a waiver or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).
- (B) *Application of provisions.* The provisions of this section shall only apply to the following property:
- (1) *New structure.* On which a new structure is being built;
 - (2) *Existing residential structure.* On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use of the nonresidential use.
 - (3) *Parking lot/garage.* On which a parking lot, or parking garage having a minimum capacity of five (5) automobiles is constructed, ~~and/or improved or altered.~~
 - (4) *Building Additions.* Additions of 2,500 square feet or larger.
 - (5) *Conditional use.* Any development which requires conditional use approval.

(Code 1965, §18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85; Code 1991, §98.66; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4311, 5-1-01; Ord. No. 4387, 4-16-02)

171.143 Sidewalk, Driveway And Trail Specifications

(A) *Sidewalks.*

- (1) *Grades; establishment of property lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 4 feet. Effective sidewalk width is the actual sidewalk width, less:
 - (a) ~~_____~~ A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk.
 - (b) ~~A shy distance of 1.5 feet for curb adjacent to the sidewalk~~
 - (c) ~~A shy distance of 1 foot~~ is required for all other fixed obstacles.
The greatest of the above distances shall apply for each side of the walk.
- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, ~~of the Comprehensive Land Use Plan or be as specified in the final plat unless otherwise approved by the City Engineer.~~
- (4) ~~Minimum distance between sidewalk and slopes. There shall be a minimum of one (1) foot between the sidewalk and the beginning of a slope as shown on the typical section detail.~~
- (5) ~~Cement concrete requirements. All sidewalks, access ramps, and concrete driveway approaches shall be constructed of a portland cement concrete mixture that includes at least 5.5 bags of cement per cubic yard and contains 4 to 7 percent air entrainment and that will produce a concrete of a compressive strength of 3,500 pounds per square inch after 28 days set under standard laboratory methods.~~
- (6) ~~Minimum thickness of sidewalks and driveway approaches.~~

- (a) ~~Sidewalks.~~ The minimum thickness of sidewalks shall be four (4) inches. Any fill materials required for residential or commercial sidewalks shall consist of approved compacted material.
- (b) ~~Residential driveway approaches.~~ The minimum thickness of residential driveway approaches shall be six (6) inches with four inches of compacted base material or six inch by six inch 10-gauge reinforcing steel mesh.
- (c) ~~Commercial driveway approaches.~~ The minimum thickness of commercial driveway approaches shall be six (6) inches with six (6) inches of compacted base material or six inch by six inch 10-gauge reinforcing steel mesh.
- (47) *ADA guidelines.* Sidewalks within rights of way shall conform to ADA guidelines.
- (8) ~~Continuous through driveway approach.~~ Sidewalks shall be continuous through driveways with an expansion joint at the edge of the sidewalk opposite the street.
- (9) ~~Edge adjacent to street.~~ The sidewalk edge adjacent to the street shall have at least one (1) inch deep grooved joint mark (cannot be a saw cut, however it can be a cold joint) to clearly define the sidewalk through the driveway and approach.
- (150) *Sidewalk elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City Engineer. This elevation shall be continuous through the driveway approach.
- (11) ~~Cross Slope.~~ Sidewalk cross slopes shall be a minimum of one (1) percent and a maximum of two (2) percent. Sidewalks that are to be constructed adjacent to the curb shall be so located at their intersection with the driveway approach the ADA requirement of the two (2) percent maximum cross slope is met.
- (12) ~~Joint material.~~ Wood shall not be acceptable in sidewalks for expansion joints. The joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest version of the Arkansas State Highway and Transportation Department Standard Specifications.
- (13) ~~Expansion joint.~~ Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, and where sidewalks abut drainage structures, retaining walls, building faces, and all other fixed objects. One-quarter depth (one inch) weakened plane joints, or saw cut joints, shall be placed in sidewalk at regular intervals not greater than the width of the sidewalk. Maximum joint spacing shall not be greater than two times the thickness of the sidewalk. Saw joints shall be filled with self leveling sealant such as Sonneborn SL1 or equivalent.
- (614) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete placement.
- (15) ~~Materials.~~ The material used for sidewalk construction shall be Portland cement concrete having a broom finish. The use of other materials must have the approval of the Sidewalk/ADA Administrator or the City Engineer.
- (16) ~~Edges.~~ All sidewalks shall have one-half (1/2) inch rolled edges.
- (17) ~~Removal/replacement.~~ Removal and replacement of broken sidewalks require vertical saw cuts on both ends of the sidewalk being replaced.
- (18) ~~Curing compound.~~ All sidewalks and driveway approaches require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.
- (B) ~~Driveway approaches.~~
- (1) ~~Curb removal.~~ Curb, if existing, shall be removed for full width of the drive approach.
- (2) ~~Vertical curb cut.~~ Vertical curb cutting along the flow line of the gutter is allowed.
- (3) ~~No vertical curb cut.~~ If no vertical curb cut is made, complete curb and gutter removal is required.
- (4) ~~Concrete removal.~~ All concrete to be removed shall be saw cut.
- (5) ~~Driveway approach.~~ The area remaining between the sidewalk and the flow line of the gutter, called the approach to the driveway, shall slope up to the elevation of the sidewalk.

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~~(6) Broken edges of saw cuts. Broken edges of saw cuts caused by demolition require a new saw cut.~~

~~(CB)~~ Access ramps.

(1) *ADA requirements.* Access ramps shall conform to ADA requirements, including detectable warning devices such as truncated domes.

(2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.

(3) *Raised crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City engineer.

(4) *Minimum width.* The minimum width of a curb ramp shall be Forty-eight (48) inches. ~~Sixty (60) inches is recommended, exclusive of flared sides.~~

(5) *Slope.* The slope of the ramp shall not be greater than slopes specified in the Minimum Street Standards. ~~8.33% (1:12).~~

~~(6) Slope of flared sides. The slope of the flared sides shall not be greater than 10% (1:10).~~

~~(7) Broom finish. Access ramps shall have a broom finish.~~

(D) Multi-use Trails.

(1) *Minimum width of multi-use trails.* The minimum width of trails ~~shall be 12 feet and~~ shall follow the trail cross-section guidelines of the Master Active Transportation Plan.

~~(2) Trail materials. Selection of trail surface materials depends upon site conditions. Generally, trails shall be constructed of asphalt except where they are located in floodprone areas or adjacent to vehicular traffic. Final determination of trail construction materials shall be made by the Trail Coordinator.~~

~~(a) Asphalt. Trails shall be constructed of asphalt in areas where the trail is located above floodprone areas and away from vehicular traffic. (Refer to detail in the Master Transportation Plan.)~~

~~(b) Concrete. Trails shall be constructed of concrete when located in or near floodprone areas, vehicular road crossings and access ramps. (Refer to detail in the Master Transportation Plan.)~~

~~(3) Grades. All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied by the Trails Coordinator for sites with difficult topography. In such cases the AASHTO longitudinal grade requirement for bicycles shall apply.~~

~~(4) Asphalt trail requirements. Asphalt trails shall be constructed of asphalt concrete hot mix surface course. Type III surface course meeting the requirements of AHTD Specifications, 1996 Edition, shall be used unless otherwise approved. Asphalt trail sections shall be constructed to the following standards:~~

~~(a) Surface. Asphalt trail sections shall have a 3 inch thick surface.~~

~~(b) Base Course. Base course for asphalt trails shall consist of a 6 inch thickness of Class 7 aggregate compacted to 95% M.P.D.~~

~~(c) Subgrade. The top 24 inches of subgrade shall meet the requirements of City of Fayetteville Minimum Street Standards. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.) Specific site conditions may require the addition of 4 inch shot rock or other material in order to create a solid base.~~

~~(5) Concrete trail requirements. All concrete portions of trails shall be constructed of a portland cement concrete mixture with a compressive strength of 3500 p.s.i. with 4 to 7 percent air entrainment. Concrete trail sections shall be constructed to the following standards:~~

~~(a) Surface. Concrete trail portions shall have a 4 inch fiber reinforced concrete surface with a medium broom finish.~~

~~(b) Base Course. Base course for concrete trails shall consist of a 4 inch thickness of class 7 aggregate compacted to 95% M.P.D.~~

~~(c) Subgrade. Subgrade for concrete trails shall meet the requirements of asphalt trail subgrade.~~

~~(d) Expansion joints. Full depth expansion joints (four inches) shall be provided at intervals not greater than 50 feet, unless slipform paving methods are used. If slipform paving~~

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~~methods are used, expansion joints shall be placed at the end of each day's placement, or as directed. Expansion joints shall also be placed when concrete abuts existing structures.~~

~~(e) Contraction Joints. One-quarter depth weakened plane joints, or saw cut joints, shall be placed in sidewalk at regular intervals matching the trail width, but not greater than 12 feet apart.~~

~~(f) Joint Sealant. All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C920, Type S. A self-leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.~~

~~(26) ADA guidelines. Trails shall conform to ADA guidelines, to the extent possible.~~

~~(7) Trail shoulders. A two foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail. The Trail Coordinator shall determine the appropriateness and maintenance requirements of plants and grasses adjacent to trails.~~

~~(8) Tie back slopes. The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1.~~

~~(39) Bollards. Bollards are required at trail intersections with streets. The Trail Coordinator will provide a bollard detail with standard requirements to the developer prior to construction.~~

~~(410) Trail signage. Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. The Trails Coordinator will provide a signage detail with standard requirements to the developer prior to construction.~~

~~(511) Street Crosswalks. Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side, a patterned thermoplastic overly for the full crossing area, or other approved treatment to clearly mark the trail crossing. For major streets, this crosswalk may be raised 2.5 inches above pavement surface. For newly paved lower traveled roads, a red thermoplastic brick pattern may be applied. The Trails Coordinator will provide a~~

~~crosswalk detail with standard requirements to the developer prior to construction.~~

~~(612) Striping. Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety in accordance with MUTCD standards. Trails Coordinator will provide a striping detail to the developer prior to construction.~~

~~(13) Variances. The City of Fayetteville Trails Coordinator may vary the requirements of this section so long as the variance is within the allowances set forth in the Manual on Uniform Traffic Control Devices (MUTCD) or the American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities.~~

(Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919, 9-05-06; Ord. 5044, 8-07-07; Ord. 5270, 9-1-09; Ord.5333, 7-6-10)

171.154 Excavations

(A) *Permit required.* It shall be unlawful for any person to make any excavation in any street, alley, sidewalk, road, highway, or other public way in the city without first obtaining a permit to do so from the Mayor, or his/her duly authorized representative. Such permit shall be granted only after written application has been filed and the deposit or bond required by §158.02 has been filed. The fee for each permit shall be paid in advance. Provided, however, that utility companies franchised by the city ~~shall may~~ be billed monthly for all permits granted during the previous month.

(B) *Lights and guards.* Every person making an excavation as provided for in this chapter shall place and maintain lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the Mayor.

(C) *Repairs of public property; return of cash deposit.*

(1) *Cost.* Each person making an excavation under this chapter shall repair the street or other public way at his own expense, and under the direction and supervision of the ~~Mayor~~ City Engineer or designee.

(2) *Standards.* Repair of the street or other public way shall be made in accordance with

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~~the requirements of the Minimum Street Standards to the following standards:~~

~~(a) Backfill. All excavations shall be back-filled with SB-2 material applied in eight (8) inch lifts.~~

~~(b) Lift. Each lift shall be individually compacted.~~

~~(c) Asphaltic surface streets. In the case of asphaltic surface streets, six inches (6") of Portland concrete shall be placed on allowed to core. The concrete shall have a layer of prime coat applied and followed by a minimum of three inches (3") of hot-mixed, hot-land asphaltic concrete placed to an elevation matching the existing finished grade.~~

~~(d) Portland concrete surface streets. In the case of Portland concrete streets, all excavations shall be resurfaced with nine inches (9") of Portland concrete. Joint sealer shall be placed in the area between the repaired surface and the original surface.~~

~~(e) Asphaltic sealed streets/unpaved streets. Asphaltic sealed streets or unpaved streets shall be resurfaced with a surface similar to that which existed before excavation.~~

(3) *Notice.* The permittee shall notify the ~~Mayor/City Engineer~~, prior to beginning such repair, of the time and manner of repair and obtain the approval of the ~~Mayor/City Engineer~~ prior to beginning of such repair ~~and afford the Mayor the opportunity of being present during the progress of such repair until completed.~~

(4) *Return of deposit.* When the repairs required by this section are completed, ~~and approved, and paid for, the Mayor shall authorize the return of any sum deposited under §171.14 above will be made to the permittee.~~ In the event the ~~permittee-holders~~ shall fail, refuse, or neglect to make such repairs, the city may repair the street and deduct the cost therefrom from the amount on deposit with the city and the balance of the deposit, if any, shall be paid to the ~~permittee-holder~~.

(D) *Street closings for excavations* ~~in excess of 24 hours.~~

(1) *Prohibited without approval* ~~of Mayor.~~ It shall be unlawful for any person to cause a street to be closed ~~for more than 24 hours~~ due to the making of an excavation without the prior written approval of the ~~Mayor/City~~. In

granting such approval, the ~~Mayor/City~~ shall impose time limits and such other reasonable conditions as are necessary to minimize any inconvenience or danger to the public.

(2) *Exception.* This section shall not apply to emergency repairs.

(Code 1965, §18-40, 18-42, 18-44; Ord. No. 1829, 10-18-71; Ord. No. 2806, 4-20-82; Code 1991, §98.80, 98.82, 98.83, 98.84; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Penalty, §98.99; Enforcement, Ch. 153; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

171.1~~65~~ Street Improvement Districts

(A) *Petition to form street improvement district.* Any person desiring to initiate the formation of a street improvement district shall file with the City Clerk a petition requesting the organization of a street improvement district and signed by persons claiming to be a majority in value, as shown by the last county assessment, of the owners of real property in the proposed district. Forms of this petition shall be available to any person at the office of the City Clerk, and the City Engineer shall assist in the preparation of said petition by providing a legal description of the property to be included in the proposed district. Such petition may limit the cost of the improvement to either a fixed sum or to a percentage of the assessed value of the real property in the proposed district.

(B) *Notice of public hearing.* When persons claiming to be a majority in value, as shown by the last county assessment of the owners of real property in a proposed street improvement district file with the City Clerk a petition for the organization of such an improvement district, it shall be the duty of the City Clerk to give notice that such petition will be heard at a meeting of the City Council to be held more than 15 days after the filing of such petition. Such notice shall be published once a week for two (2) weeks, the last insertion to be not less than seven (7) days before the date fixed for the hearing. The Mayor, if he sees fit, may call a special meeting of the City Council for the purpose of hearing such petition, such called meeting to be held not less than 15 days after the date of the call and the notice of the hearing thereat to be published for the time and in the manner above stated.

(C) *Hearing on petition; ordinance establishing district.*

(1) At the time named in said notice, the City Council shall meet and hear all owners of real property within the proposed district who desire to be heard on the question of whether a majority in assessed value of

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- property owners has signed the petition, and shall make a finding of whether the petition is signed by a majority in assessed value of such property owners. The finding of the governing body shall be expressed in an ordinance. If it finds that a majority has signed the petition, it shall then be its duty by the same ordinance to establish the district. The ordinance shall designate the boundaries of the district and shall also give the district a name descriptive of the nature of the proposed improvement and a number to prevent it from being confused with similar districts.
- (2) The ordinance shall be published within 30 days after its adoption for one insertion in some newspaper published in the city and the findings of the governing body shall be conclusive unless attached by a suit in the Chancery Court brought within 30 days after such publication.
- (D) *Appointment of Board of Improvement.* In the ordinance creating the district, the City Council shall appoint three (3) owners of real property therein as commissioners, who shall compose a Board of Improvement for the district. Such Board of Improvement shall have control of the construction of the improvements in the district.
- (E) *Plans for improvement.* Immediately after their qualification, the Board of Improvement shall form plans for the improvement as prayed in the petition, and shall procure estimates of the costs thereof. For this purpose, the board may employ such engineers and other agents as may be needful, and may provide for their compensation which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. If for any cause the improvement shall not be made, said cost shall be raised and paid by an ad valorem tax upon the real property in the district as assessed for state and county purposes, which shall be levied by the City Council on the application of any person interested, and shall be paid to the Board of Improvement, to be distributed amongst the creditors of the district.
- (F) *Appointment of Board of Assessment.* As soon as the Board of Improvement shall have formed said plan, and shall have ascertained the cost of the improvement, it shall report the same to the City Council who shall appoint three electors of the city, who shall constitute a Board of Assessment of the benefits to be received by each lot or block, or other subdivision of land within said district, by reason of said proposed improvement.
- (G) *Assessment of benefits.* The Board of Assessment shall at once proceed to inscribe in a book to be used for the purpose of description of each of said lots, blocks, or parcels of land and shall assess the value of the benefit to accrue to each of said lots, blocks, or parcels of land by reason of such improvement, which assessment of said benefits they shall enter upon said book opposite the description thereof; and they shall then subscribe said assessment and deposit it in the office of the City Clerk, where it shall be kept and preserved as a public record. Provided, said assessment may be annually readjusted according to additional improvements placed upon the lands, when a succession of collections is necessary to pay for the improvements.
- (H) *Notice of filing of assessment.* Immediately on the filing of said assessments, the City Clerk shall insert in some newspaper published in the city, the following notice:
- "The assessment of Street Improvement District No. _____, was filed in my office on the _____ day of _____, _____, and the same is now subject to inspection.
- _____
Clerk of the City of Fayetteville, Arkansas."
- (I) *Appeal of assessments to City Council.* Anyone whose real estate is embraced in said assessment may at any time within 10 days from the giving of said notice, file with the City Clerk in writing his/her notice of appeal from the action of said Board of Assessment in making said assessment of his/her property, which appeal shall be heard and disposed of at the next regular meeting of the City Council, and on such appeal the matter shall be heard de novo on such evidence as may be adduced on either side.
- (J) *Finding of City Council.* The City Council shall enter on its minutes the results of its finding on any such appeal, and shall cause a copy of its finding to be certified to said Board of Assessment, which shall make its assessment conform thereto if any change has been made therein by said City Council.
- (K) *Assessments payable in annual installments.* It shall be provided by ordinance that the local assessment of benefits shall be paid in successive annual installments so that the tax levied in any one (1) year shall not exceed 25% of the assessed benefits accruing to real property.
- (L) *Publication of ordinance.* Within 30 days after the passage of the ordinance mentioned in subsection (C) above, the City Clerk shall publish a copy of it in some newspaper published and

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having a bona fide circulation in the city for one time. Within 30 days after such publication the district, or any property owner may bring suit in Chancery Court for the purpose of correcting or invalidating such assessment; but if such suit is not brought within the time, all objections to the creation of the district for the validity of the assessment shall be forever barred and precluded.

(M) *Copy of assessment delivered to collector.* Within 40 days after the passage of the ordinance mentioned in (C) above, unless the time be extended by the City Council, the City Clerk shall deliver to the County Collector a certified copy of said assessment of benefits containing a description of said blocks, lots, and parcels of land in said district, and the amount assessed on each, duly extended against each lot, block, or parcel of land, and a certified copy of the ordinance fixing the percentum to be collected each year. At the same time the City Clerk delivers to the County Collector a certified copy of the assessment of benefits, and the certified copy of the ordinance fixing the percentum to be collected, he/she shall deliver like said copies to the County Clerk.

(N) *Annual financial report required.* The commissioners of each street improvement district shall file an annual financial report with the City Clerk on or before the first day of March of each year, covering the financial affairs of their respective districts for the preceding year. Such financial statements shall be certified and filed as herein provided by the chief financial officer of each such improvement district.

(Code 1965, §§18.18, 18.19--18.22, 18-22.1--18-22.9; Ord. No. 2051, 9-17-74; Code 1991, §98.30, §98.43; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.167-171.99 Reserved

STAFF MEMO

TO: Fayetteville Planning Commission

THRU: Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

MEETING DATE: ~~June 22, 2015~~ July 13, 2015

**SUBJECT: UPDATES TO THE MINIMUM STREET STANDARDS AND UDC
AMENDMENT CHAPTER 171 STREETS AND SIDEWALKS**

RECOMMENDATION:

Staff recommends forwarding the Minimum Street Standards and code amendments to the City Council with a recommendation for approval.

BACKGROUND:

City staff has prepared the final draft of the guidance document for design and construction of streets, sidewalks and trails. This document will replace a 1996 version of the Minimum Street Standards, and will serve as a technical supplement to the City's Unified Development Code. In addition, the associated revisions to Chapter 171 Streets and Sidewalks are attached,

DISCUSSION:

The revisions proposed to Chapter 171 are summarized below:

- 171.01 A purpose statement was added to the chapter.
- 171.02 Adoption of the Minimum Street Standards added.
- 171.02 Language for retaining wall locations adjacent to the ROW was clarified.
- 171.06 Procedure for Vacations was changed to reflect the current submittal procedure.
- 171.07 Removed technical criteria for utilities within the ROW and referenced the Minimum Street Standards.
- 171.13 Changed language from Sidewalk Administrator to City Engineer.
- 171.14 Removed technical criteria for sidewalk, driveway and trail construction and referenced the Minimum Street Standards.
- 171.15 Removed technical criteria for excavations in the ROW and updated the permitting procedure.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

Unified Development Code Revisions:
Chapter 171 Streets and Sidewalks
Minimum Street Standards

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 171: STREETS AND SIDEWALKS

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CHAPTER 171: STREETS AND SIDEWALKS

171.01 Purpose

It is the purpose of this chapter to preserve and protect the health, safety, and general welfare of citizens by providing regulations for design and construction of public streets and sidewalks; thereby providing safe, convenient, cost effective transportation systems that are accessible to all users and modes of transportation.

171.02 General Provisions

(A) *Rules and regulations governing street improvements.* The City Council hereby adopts by reference the Minimum Street Standards of the City of Fayetteville, and as may be amended from time to time by the City Engineer. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter. Such rules and regulations shall have the same force and effect as law and violations thereof shall be punished as provided in Chapter 153.

(B) *Designation as streets or avenues.* All thoroughfares now or hereafter platted, which run in an east and west direction through the corporate limits of the city, shall be designated as "street," and all thoroughfares now or hereafter platted, which run in a north and south direction through the corporate limits of the city, shall be designated as "avenues." This section shall not be construed so as to prohibit the use of such descriptive names as "boulevard," "road," "way," "trail," and the like which might be used indiscriminately as a designation of the thoroughfare, and this section shall in no way be deemed applicable to any alleys or alleyways.

(C) *Retaining walls near sidewalk or right-of-way.*

(1) *Definition.* For purposes of this section, retaining walls are defined as vertical or near vertical walls at least 2.5 feet in height, that require a footing or other structural reinforcement for structural stability.

(2) *City Engineer Approval.* The City Engineer may approve retaining walls within rights of way where necessary to protect adjacent property, minimize right of way widths, protect sensitive environmental areas, or for other reasons that further the purpose of this chapter.

(3) *Requirements.* Retaining walls constructed within rights of way shall:

(a) Be constructed such that footings or other structural reinforcement do not conflict with

existing or future storm drainage or utility installations.

(b) Be of sufficient distance from sidewalks or trails so as to not impede or encroach on the minimum effective width.

(c) Have adequate safety railings or other precautions to prevent falls.

(d) Meet any other requirements of the City Engineer to protect the public interest.

(D) Gated streets not allowed in most residential subdivisions.

No residential subdivision or apartment complex shall be constructed with a gate across a street without prior express approval by resolution of the City Council that finds that security considerations favoring a gate outweigh aesthetic considerations and the city's policies in favor of connectivity, openness and neighborliness.

(E) *Taxi Stands.* Taxi stand shall mean such portion or portions of the public street or highway designated by the City Council of the City of Fayetteville as a place in which taxis may stand or park.

(1) No unattended parking allowed. A taxi must remain attended by its driver and ready for service while located within a taxi stand.

(2) City Council Establishment of Taxi Stands:

(a) The City Council may establish taxi stands on portions of public streets or facilities or private areas if permitted by the owner.

(b) The establishment, enlargement, or removal of a taxi stand shall be by City Council Resolution after a public hearing. Adjoining property owners within the block of the street or abutting the parking lot in which the taxi stand is proposed shall be notified by mail by the Planning Division and a planning notification sign shall be placed near the taxi stand location two weeks before the public hearing at City Council.

(Ord. No. 845, 5-6-40; Ord. No. 1026, 6-23-52; Ord. No. 1262, 5-8-61; Code 1965, §18-1, 18-2, 18-7; Ord. No. 2623, 4-15-80; Code 1991, §98.01, 98.02, 98.06; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4579, 06-01-04; Ord. 4946, 11-21-06)

Cross reference(s)--Enforcement, Ch. 153.

171.03 Intersections

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- (A) Streets shall be planned and designed to provide a safe system for present and prospective traffic and shall be approved by the City Engineer.
- (B) Proposed streets shall be planned in such a manner as to provide safe access to proposed lots.

(Code 1965, App. C., Art. IV, §E; Ord. No. 2196, 2-17-76; Code 1991, §159.50; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.04 Reserved

(Code 1965, App. C., Art. IV, §J; Ord. No. 2935, 8-2-83; Ord. No. 3302, 10-20-87; Code 1991, §159.55; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

171.05 Crosswalks To Be Accessible To Physically Disabled

Adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced shall be provided

(Code 1965, §18-14; Ord. No. 2267, 8-17-76; Code 1991, §98.12; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.06 Procedure For Closing Public Utility Easements And Street Rights-Of-Way

The procedure for closing of streets and alleys shall hereafter be as follows:

- . (A) *Information to City Planning Division.* Petitioners shall present to the City Planning Division in duplicate the following information before processing shall begin:

- (1) *Petition* Petition to vacate public easement or right-of-way, including a certified or photostatic copy of the plat on record in the Circuit Clerk's office.
 - (2) *Documentation of Ownership.* Abstractor's certificate of ownership or other acceptable documentation of ownership of the area to be vacated and properties adjacent to the vacated area.
 - (3) *Utilities comments.* Comments from owners or agents, of all utility companies concerning public easements or rights of way to be vacated and its relationship to existing or planned utilities, with recommendations, as to what action should be taken.
- (B) *Information to Planning Commission.* One copy of the above shall be presented by the Planning Division to the Planning Commission for review and recommendation.

- (C) *Recommendation to City Council.* The recommendation of the Planning Commission shall be forwarded to the City Council.

- (D) *Record with Circuit Clerk.* If an ordinance is adopted vacating the public easement or right of way, it shall be published and reported in the Circuit Clerk's office.

- (E) *Exception.* The vacation request need not be presented to the Planning Commission before being submitted to the City Council if the City Council finds the following by a vote of at least two-thirds of its membership and the Mayor:

- (1) The public easement or right-of-way to be vacated has not been constructed or has not been used by the public for at least five years or the easement does not contain any utilities within the area to be vacated; and
 - (2) Special circumstances exist which require prompt consideration of the vacation request and justify the bypass of the Planning Commission.

(Code 1965, §18-15; Ord. No. 1685, 7-7-69; Ord. No. 1898, 1-16-73; Code 1991, §98.13; Ord. No. 3925, §1, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5127, 4-01-08)

Cross reference(s)--Notifications and Public Hearings, Ch. 157, Fees, Ch. 159.

171.07 Occupation Of Streets And Highways By Public Utilities

Any public utility, as defined by state law, which occupies the streets, highways or other public places of the city under a franchise granted by the city or the state shall occupy said streets, highways or other public places in accordance with the requirements of the Minimum Street Standards and subject to the following terms and conditions:

- (A) *Written approval.* A public utility shall not erect or place any facility more than seven (7) feet inside the right-of-way line for any street without the prior written approval of the City Engineer, who shall grant such approval only if he determines that the facility will not impair or obstruct present or future vehicular and pedestrian traffic.
- (B) *Relocation.* Whenever public utility facilities which are located within a public right-of-way must be relocated in order not to impair or obstruct vehicular or pedestrian traffic on any new or existing street, highway, road, or sidewalk, the public utility shall be required to relocate its facilities within a reasonable time from receipt of written notice from the City, and shall bear its own relocation costs; provided, where any project is funded with federal or state

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funds and said funds are received by the city for the purpose of reimbursing utility relocation expenses, the utility shall receive such reimbursement. This division shall not be construed as requiring a utility to relocate its facilities within or from a private easement without payment of just compensation.

- (C) *City Engineer approval.* All proposed locations and utility designs shall be reviewed and subject to approval by the City Engineer to ensure that the proposed construction will not cause avoidable interference with existing or planned street facilities, or with street operation or maintenance. The procedure for submitting plans and information to the City Engineer for approval shall be developed and agreed upon by each utility and the City Engineer.

- (D) *Street design.* When plans for street improvement and development are formulated, utility line locations should be recognized and the street designed so as to minimize conflict with existing utilities.

(Code 1965, §18-17.1; Ord. No. 2850, 8-17-82; Ord. No. 2926, 6-7-83; Ord. No. 3245, 3-3-87; Code 1991, §98.14; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.08 Maintenance And Construction Policies

The city's policies concerning and regarding the maintenance and construction of streets, curbs, gutters, and sidewalks shall be as follows:

- (A) *Maintenance.* The city shall maintain roadways in the city which have been accepted by the city as city streets, or which have come under the jurisdiction of the city by or through annexation.
- (B) *Priorities.* The following factors shall be considered in establishing priorities for roadway resurfacing and rebuilding:
- (1) *Function.* The function of the street, that is, the streets which carry or are expected to carry heavy amounts of traffic shall have priority over lesser streets.
 - (2) *Condition.* The condition of the pavement, in general, roadways which are more deteriorated shall have priority over those streets of lesser deterioration. However those streets of lesser deterioration may have priority when it is determined that the benefits of resurfacing the roadways of lesser deterioration may be greater.

- (C) *Sidewalks.*

- (1) *Repair/replacement.* Existing city sidewalks shall be repaired and replaced by the city, as needed.

- (2) *Priorities.* In establishing priorities for sidewalk repair or replacement, the factors to be considered shall include, but not be limited to the following:

- (a) The conditions of the sidewalk;
- (b) The expected level of pedestrian traffic; and,
- (c) The use of the sidewalk by school children.

(Code 1965, 18-47; Ord. No. 1725, 1-8-70; Ord. No. 2647, 7-15-80; Ord. No. 2655, 8-5-80; Ord. No. 2724, 5-19-81; Code 1991, §98.15; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Sidewalks, §158.06.

171.09 Order Of City Council Or Permit Required

No person shall begin to construct, reconstruct, repair, alter or grade any sidewalk, curb, curb-cut, driveway or street on the public streets, unless the same has been properly ordered by the City Council, or plans for such have been approved by the city as site improvements for a subdivision, or a permit has been issued by the city's official charged with the administration of this chapter.

(Code 1965, §18-25; Ord. No. 1790, 3-15-71; Code No. 1991, §98.61; Ord. No. 4100, §2 (Ex.), 6-16-98)

Cross reference(s)--Penalty, §98.99; Sidewalks, §158.06.

171.10 Application For Permit

An applicant for a permit hereunder shall file with the city official an application showing:

- (A) Name and address of the owner, or agent in charge, of the property abutting the proposed work area;
- (B) Name and address of the party doing the work;
- (C) Location of the work area;
- (D) A plan or clear description of the work to be done;
- (E) Such other information as the city official shall find reasonably necessary to the determination of whether a permit should be issued hereunder.

(Code 1965, §18-26; Ord. No. 1790, 3-15-71; Code 1991, §98.62; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.11 Standards For Issuance Of Permit; Expiration And Removal

(A) The city official shall issue a permit hereunder when he/she finds:

- (1) That the plans have been approved.
- (2) That the work shall be done according to the specifications contained herein.
- (3) That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress to and egress from the property affected and adjacent properties.
- (4) That the health, safety, and welfare of the public will not be unreasonably impaired.

(B) Any permit issued shall expire three (3) months from the date of issue and may be renewed upon application.

(Code 1965, §18-29; Ord. No. 1790, 3-15-71; Code 1991, §98.64; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.12 Inspection Of Work; Replacement Of Rejected Work

(A) The city official shall make all necessary inspections before, during and after the construction of all sidewalks, curbing and guttering to insure the work is being done in accordance with the plans and specifications. In the event any or part of any work is not done in a satisfactory manner or not in conformity with the plans and specifications, the city official shall notify the contractor and owner in writing of his/her nonacceptance of the work. All such rejected work shall be removed and replaced within 30 days of this notification.

(B) Advance notification must be given the city official for inspections under this section.

(Code 1965, §18-30; Ord. No. 1790, 3-15-71; Code 1991, §98.65; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.13 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk

(A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan shall construct a sidewalk in accordance with this chapter, along said street or highway upon the receipt of notice issued at the time a building or parking lot permit is issued.

(1) The property owner shall construct the sidewalk in accordance with the specifications provided in the Minimum Street Standards.

(2) The property owner may request a waiver to §171.13(A)(1) requiring sidewalk construction. The City Engineer shall review the following factors to determine whether or not to grant a waiver:

- (a) Pedestrian traffic generators such as parks and schools in the area.
- (b) The existence of a sidewalk network in the area.
- (c) The density of current and future development in the area.
- (d) The amount of pedestrian traffic likely to be generated by the proposed development.

(e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.

(f) The overall need for a sidewalk to be constructed on the lot.

(3) If the City Engineer grants the waiver to construct a sidewalk, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:

(a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development and approximate pedestrian trip generation rates of the development.

(b) To facilitate administration of this ordinance for certain recurrent types of development, the City Council has determined that the city will accept, as the roughly proportionate impact, the amount shown below:

- | | |
|-------------------------|----------|
| (i) Single family house | \$630.00 |
| (ii) Duplex | \$720.00 |

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- (c) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of the construction of sidewalks, all industrial, commercial, and multi-family developments shall make a cash contribution in lieu of the construction of the sidewalk at a rate of three dollars (\$3.00) per square foot of the sidewalk that normally would have been required. The amount per square foot and amounts for a single family house and a duplex shall be reviewed by the City Council at least every five (5) years.
- (d) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
- (e) Contributions must be expended within one (1) year to build a sidewalk close enough to serve the project being constructed.
- (f) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.
- (4) An owner/builder may appeal the City Engineer's refusal to grant a waiver or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).
- (B) *Application of provisions.* The provisions of this section shall only apply to the following property:
 - (1) *New structure.* On which a new structure is being built;
 - (2) *Existing residential structure.* On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use of the nonresidential use.
 - (3) *Parking lot/garage.* On which a parking lot, or parking garage having a minimum capacity of five (5) automobiles is constructed.
 - (4) *Building Additions.* Additions of 2,500 square feet or larger.

- (5) *Conditional use.* Any development which requires conditional use approval.

(Code 1965, §18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85; Code 1991, §98.66; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4311, 5-1-01; Ord. No. 4387, 4-16-02)

171.14 Sidewalk, Driveway And Trail Specifications

(A) Sidewalks.

- (1) *Grades; establishment of property lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum width of sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 4 feet. Effective sidewalk width is the actual sidewalk width, less:
 - (a) A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk.
 - (b) A shy distance of 1.5 feet for curb adjacent to the sidewalk
 - (c) A shy distance of 1 foot for all other fixed obstacles.The greatest of the above distances shall apply for each side of the walk.
- (3) *Sidewalk distances from the curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, or be as specified in the final plat unless otherwise approved by the City Engineer.
- (4) *ADA guidelines.* Sidewalks within rights of way shall conform to ADA guidelines.
- (5) *Sidewalk elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City Engineer. This elevation shall be continuous through the driveway approach.

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- (6) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete placement.

(B) *Access ramps.*

- (1) *ADA requirements.* Access ramps shall conform to ADA requirements, including detectable warning devices such as truncated domes.
- (2) *Sidewalk intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
- (3) *Raised crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City engineer.
- (4) *Minimum width.* The minimum width of a curb ramp shall be Forty-eight (48) inches.
- (5) *Slope.* The slope of the ramp shall not be greater than slopes specified in the Minimum Street Standards.

(D) *Multi-use Trails.*

- (1) *Minimum width of multi-use trails.* The minimum width of trails shall follow the trail cross-section guidelines of the Active Transportation Plan.
- (2) *ADA guidelines.* Trails shall conform to ADA guidelines, to the extent possible.
- (3) *Bollards.* Bollards are required at trail intersections with streets.
- (4) *Trail signage.* Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities.
- (5) *Street Crosswalks.* Trails that intersect and cross public streets shall have a red colored concrete crosswalk with two foot wide white thermoplastic stripes on each side, a patterned thermoplastic overly for the full crossing area, or other approved treatment to clearly mark the trail crossing. For major streets, this crosswalk may be raised 2.5 inches above pavement surface.
- (6) *Striping.* Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety in accordance with MUTCD standards

(Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919, 9-05-06; Ord. 5044, 8-07-07; Ord. 5270, 9-1-09; Ord.5333, 7-6-10)

171.15 Excavations

- (A) *Permit required.* It shall be unlawful for any person to make any excavation in any street, alley, sidewalk, road, highway, or other public way in the city without first obtaining a permit to do so from the Mayor, or his/her duly authorized representative. Such permit shall be granted only after written application has been filed and the deposit or bond required by §158.02 has been filed. The fee for each permit shall be paid in advance. Provided, however, that utility companies franchised by the city may be billed monthly for all permits granted during the previous month.

- (B) *Lights and guards.* Every person making an excavation as provided for in this chapter shall place and maintain lights and guards around the same for the protection of the public. Such lights and guards shall be subject to the approval of the Mayor.

(C) *Repairs of public property; return of cash deposit.*

- (1) *Cost.* Each person making an excavation under this chapter shall repair the street or other public way at his own expense, and under the direction and supervision of the City Engineer or designee.
- (2) *Standards.* Repair of the street or other public way shall be made in accordance with the requirements of the Minimum Street Standards.
- (3) *Notice.* The permittee shall notify the City Engineer, prior to beginning such repair, of the time and manner of repair and obtain the approval of the City Engineer prior to beginning of such repair.
- (4) *Return of deposit.* When the repairs required by this section are completed and approved, the return of any sum deposited under §171.14 above will be made to the permittee. In the event the permitteeshall fail, refuse, or neglect to make such repairs, the city may repair the street and deduct the cost therefrom from the amount on deposit with the city and the balance of the deposit, if any, shall be paid to the permittee.

(D) *Street closings for excavations.*

- (1) *Prohibited without approval.* It shall be unlawful for any person to cause a street to

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be closed due to the making of an excavation without the prior written approval of the City. In granting such approval, the City shall impose time limits and such other reasonable conditions as are necessary to minimize any inconvenience or danger to the public.

- (2) *Exception.* This section shall not apply to emergency repairs.

(Code 1965, §18-40, 18-42, 18-44; Ord. No. 1829, 10-18-71; Ord. No. 2806, 4-20-82; Code 1991, §98.80, 98.82, 98.83, 98.84; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Penalty, §98.99; Enforcement, Ch. 153; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

171.16 Street Improvement Districts

(A) *Petition to form street improvement district.* Any person desiring to initiate the formation of a street improvement district shall file with the City Clerk a petition requesting the organization of a street improvement district and signed by persons claiming to be a majority in value, as shown by the last county assessment, of the owners of real property in the proposed district. Forms of this petition shall be available to any person at the office of the City Clerk, and the City Engineer shall assist in the preparation of said petition by providing a legal description of the property to be included in the proposed district. Such petition may limit the cost of the improvement to either a fixed sum or to a percentage of the assessed value of the real property in the proposed district.

(B) *Notice of public hearing.* When persons claiming to be a majority in value, as shown by the last county assessment of the owners of real property in a proposed street improvement district file with the City Clerk a petition for the organization of such an improvement district, it shall be the duty of the City Clerk to give notice that such petition will be heard at a meeting of the City Council to be held more than 15 days after the filing of such petition. Such notice shall be published once a week for two (2) weeks, the last insertion to be not less than seven (7) days before the date fixed for the hearing. The Mayor, if he sees fit, may call a special meeting of the City Council for the purpose of hearing such petition, such called meeting to be held not less than 15 days after the date of the call and the notice of the hearing thereat to be published for the time and in the manner above stated.

(C) *Hearing on petition; ordinance establishing district.*

- (1) At the time named in said notice, the City Council shall meet and hear all owners of real property within the proposed district who

desire to be heard on the question of whether a majority in assessed value of property owners has signed the petition, and shall make a finding of whether the petition is signed by a majority in assessed value of such property owners. The finding of the governing body shall be expressed in an ordinance. If it finds that a majority has signed the petition, it shall then be its duty by the same ordinance to establish the district. The ordinance shall designate the boundaries of the district and shall also give the district a name descriptive of the nature of the proposed improvement and a number to prevent it from being confused with similar districts.

- (2) The ordinance shall be published within 30 days after its adoption for one insertion in some newspaper published in the city and the findings of the governing body shall be conclusive unless attached by a suit in the Chancery Court brought within 30 days after such publication.

(D) *Appointment of Board of Improvement.* In the ordinance creating the district, the City Council shall appoint three (3) owners of real property therein as commissioners, who shall compose a Board of Improvement for the district. Such Board of Improvement shall have control of the construction of the improvements in the district.

(E) *Plans for improvement.* Immediately after their qualification, the Board of Improvement shall form plans for the improvement as prayed in the petition, and shall procure estimates of the costs thereof. For this purpose, the board may employ such engineers and other agents as may be needful, and may provide for their compensation which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. If for any cause the improvement shall not be made, said cost shall be raised and paid by an ad valorem tax upon the real property in the district as assessed for state and county purposes, which shall be levied by the City Council on the application of any person interested, and shall be paid to the Board of Improvement, to be distributed amongst the creditors of the district.

(F) *Appointment of Board of Assessment.* As soon as the Board of Improvement shall have formed said plan, and shall have ascertained the cost of the improvement, it shall report the same to the City Council who shall appoint three electors of the city, who shall constitute a Board of Assessment of the benefits to be received by each lot or block, or other subdivision of land within said district, by reason of said proposed improvement.

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(G) *Assessment of benefits.* The Board of Assessment shall at once proceed to inscribe in a book to be used for the purpose of description of each of said lots, blocks, or parcels of land and shall assess the value of the benefit to accrue to each of said lots, blocks, or parcels of land by reason of such improvement, which assessment of said benefits they shall enter upon said book opposite the description thereof; and they shall then subscribe said assessment and deposit it in the office of the City Clerk, where it shall be kept and preserved as a public record. Provided, said assessment may be annually readjusted according to additional improvements placed upon the lands, when a succession of collections is necessary to pay for the improvements.

(H) *Notice of filing of assessment.* Immediately on the filing of said assessments, the City Clerk shall insert in some newspaper published in the city, the following notice:

"The assessment of Street Improvement District No. _____, was filed in my office on the _____ day of _____, _____, and the same is now subject to inspection.

Clerk of the City of Fayetteville, Arkansas."

(I) *Appeal of assessments to City Council.* Anyone whose real estate is embraced in said assessment may at any time within 10 days from the giving of said notice, file with the City Clerk in writing his/her notice of appeal from the action of said Board of Assessment in making said assessment of his/her property, which appeal shall be heard and disposed of at the next regular meeting of the City Council, and on such appeal the matter shall be heard de novo on such evidence as may be adduced on either side.

(J) *Finding of City Council.* The City Council shall enter on its minutes the results of its finding on any such appeal, and shall cause a copy of its finding to be certified to said Board of Assessment, which shall make its assessment conform thereto if any change has been made therein by said City Council.

(K) *Assessments payable in annual installments.* It shall be provided by ordinance that the local assessment of benefits shall be paid in successive annual installments so that the tax levied in any one (1) year shall not exceed 25% of the assessed benefits accruing to real property.

(L) *Publication of ordinance.* Within 30 days after the passage of the ordinance mentioned in subsection (C) above, the City Clerk shall publish

a copy of it in some newspaper published and having a bona fide circulation in the city for one time. Within 30 days after such publication the district, or any property owner may bring suit in Chancery Court for the purpose of correcting or invalidating such assessment; but if such suit is not brought within the time, all objections to the creation of the district for the validity of the assessment shall be forever barred and precluded.

(M) *Copy of assessment delivered to collector.* Within 40 days after the passage of the ordinance mentioned in (C) above, unless the time be extended by the City Council, the City Clerk shall deliver to the County Collector a certified copy of said assessment of benefits containing a description of said blocks, lots, and parcels of land in said district, and the amount assessed on each, duly extended against each lot, block, or parcel of land, and a certified copy of the ordinance fixing the percentum to be collected each year. At the same time the City Clerk delivers to the County Collector a certified copy of the assessment of benefits, and the certified copy of the ordinance fixing the percentum to be collected, he/she shall deliver like said copies to the County Clerk.

(N) *Annual financial report required.* The commissioners of each street improvement district shall file an annual financial report with the City Clerk on or before the first day of March of each year, covering the financial affairs of their respective districts for the preceding year. Such financial statements shall be certified and filed as herein provided by the chief financial officer of each such improvement district.

(Code 1965, §§18.18, 18.19--18.22, 18-22.1--18-22.9; Ord. No. 2051, 9-17-74; Code 1991, §98.30, §98.43; Ord. No. 4100, §2 (Ex. A), 6-16-98)

171.17-171.99 Reserved



Minimum Street Standards

May 2015

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CHAPTER 1 – GENERAL PROVISIONS

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CHAPTER 1 – GENERAL PROVISIONS

1.1 AUTHORITY OF THIS DOCUMENT

This document adopted by Resolution No. _____ of the City of Fayetteville, provides technical procedures and design standards to support Chapter 171: Streets and Sidewalks and other applicable Chapters of the Title XV Unified Development Code (UDC).

1.2 INTENT AND PROVISIONS

These Standards shall be required for all development projects within the jurisdiction of the City of Fayetteville. The City's review and approval of any plans, reports, or drawings or the City's inspection and approval of any improvements constructed by the Developer in accordance with these Standards, does not constitute a representation, warranty, or guarantee by the City that such improvements are free from defects or will operate adequately for the purpose intended. These Standards shall also be used as a guidance document for projects to be constructed by the City, including construction by City crews.

The chapters and appendices that make up these standards pertain to planning, design, approval, construction, inspection, testing, and documentation of street improvements. The intent of this manual is to establish the minimum acceptable standards.

These Standards are a supplement to the City of Fayetteville Code of Ordinances Title XV Unified Development Code and other Ordinances. Where conflict between these Standards and City Code exists, the Code shall govern.

1.2.1 Objectives of Street Standards

A. Minimum Standards

These Standards shall be the minimum standards necessary for design and construction of all street improvements required for development projects within the jurisdiction of the City of Fayetteville. Special situations as determined by the City may require different facilities and/or standards. For items not covered by these Standards, the City may require the use of resource standards in Section 1.3 below.

B. Objectives

It is the objective of these Minimum Street Standards to address the following:

1. Public Safety and Convenience. To protect the public health, safety, and welfare and to minimize public inconvenience resulting from construction and maintenance activities within the public rights-of-way.
2. Maintaining Public Use. To assure that bicycle, pedestrian and vehicular uses of rights-of-way are the primary uses thereof and that the rights-of-way are properly maintained during construction and repair work in these areas.
3. Standardizing Criteria. To protect the City's infrastructure investment by establishing standardized design, materials, construction, and repair criteria for all public improvements.
4. Optimizing Use. To optimize the use of the limited physical capacity of public rights-of-way held by the City.
5. Protecting Private Property. To protect private property from damages that could occur because of faulty design and construction of public improvements upon public rights-of-way and easements.
6. Inspection. To provide criteria for inspection of public and private improvements, by the City or Design Engineer's designated inspector, in order to assure conformance with approved plan's uniformity, proper construction techniques, and to ensure that acceptable materials are used for the construction process of such public and/or private improvements.

1.3 RESOURCE STANDARDS

The following Resource Standards (the latest editions unless otherwise stated) may be used as reference material when certain design or construction methods and materials are not specifically addressed in these Standards and require approval of the City Engineer.

A. List of Resource Standards for Reference

1. Arkansas State Highway and Transportation Department, Standard Specifications for Highway Construction (Latest Edition unless otherwise specified).
2. American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highways and Streets.
3. Institute of Traffic Engineers (ITE), Trip Generation Volumes 1 through 3.
4. Institute of Traffic Engineers (ITE), Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
5. Institute of Traffic Engineers, Highway Capacity Manual.
6. ASTM, American Society for Testing and Materials.
7. Federal Americans with Disabilities Act, (A.D.A.) Regulations.
8. U.S. Department of Transportation, Manual on Uniform Traffic Control Devices (M.U.T.C.D.)

9. Federal Highway Administration, Roundabouts: An Informational Guide.
10. American Association of State Highway and Transportation Officials, Guide for the Development of Bicycle Facilities.
11. Standard Specifications for Transportations Materials and Methods of Sampling and Testing and AASHTO Provisional Standards.
12. City of Fayetteville standard drawings, details and specifications when available.
13. National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide

1.4 AUTHORITY OF THE CITY ENGINEER

The City Engineer shall have the authority on behalf of the City to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in these Minimum Street Standards.

1.5 ENFORCEMENT RESPONSIBILITY

It shall be the duty of the City Engineer acting on behalf of the City of Fayetteville to enforce the provisions of these Minimum Street Standards.

1.6 AMENDMENTS AND REVISIONS TO STANDARDS

These Standards may be periodically amended as necessary to provide additional clarity or to reflect changes in policy or in construction or engineering practice.

Technical revisions shall consist of such additions, revisions, and corrections to these Standards as may, in the judgment of the City Engineer, be necessary to better conform to good engineering and/or construction standards and practice. The City Engineer shall approve only those proposed technical revisions that are consistent with all existing policies relevant to the revision and are consistent with existing law. Technical revisions shall become effective when approved, in writing, by the City Engineer.

1.7 DEFINITIONS OF TERMS AND ABBREVIATIONS

When the following words, phrases, or abbreviations appear in these Standards, they shall have the following definition and meaning. Where conflict between these Standards and Chapter 151:Definitions in the Unified Development Code exists, the Code shall govern.

AASHTO – American Association of State Highway and Transportation Officials.

ABC – Aggregate Base Course.

Access Management – The concept of a public agency controlling the location of access points in order to achieve the dual purposes of providing access to individual land uses and limiting access on higher order streets in order to facilitate the smooth flow of traffic with a limited amount of impedance.

ACI – American Concrete Institute.

ADH – Arkansas Department of Health

AHTD – Arkansas State Highway and Transportation Department

AISC – American Institute of Steel Construction.

Alley – A minor public way dedicated to public use for utility easements and vehicle access to the back or the side of properties abutting a street.

ANSI – American National Standards Institute.

Applicant – The person or designated agent providing pertinent information for preparation of permit, etc. This is often the Developer.

Approach Taper – A taper from the point where all approaching traffic must shift laterally, to the point of the beginning bay taper.

APWA – American Public Works Association.

Arterials – A street or road of considerable continuity which serves or is intended to serve as the principal traffic way between separated areas or districts which is the main means of access to the primary street system or expressways.

ASA – American Standards Association.

ASTM – American Society for Testing and Materials.

ATSSA – American Traffic Safety Services Association.

Attached Sidewalk – Sidewalk that is adjoining the curb.

Bay Taper – A taper from the edge of the adjacent through traffic lane to the beginning of the full width of the turn lane storage.

Bicycle Facilities – A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping of all bikeways, and shared roadways not specifically designated for bicycle use.

Bicycle Lane (Bike Lane) – The portion of the shoulder or roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bridge – Any structure conveying a roadway or path over a body of water or other feature. Bridges shall be designed to carry a varying combination of loading, including vehicular, bicycle, and/or pedestrian traffic.

Calendar Day – Each and every day shown on the calendar, beginning and ending at midnight.

Chicanes – Offset curb extensions which change the path of vehicular travel from straight to curvilinear.

City – The City of Fayetteville, Arkansas

CMP – Corrugated Metal Pipe.

Code – The latest official adopted ordinances, policies, codes, and/or regulations of the City of Fayetteville.

Collector – A street which in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system.

Construction Costs – Generally, the cost of all right-of-way, earthwork, paving, drainage, structures, signing and striping, traffic control, curb and gutter, sidewalk, and utility work necessary to complete the required improvements.

Consultant Engineer – An Arkansas licensed professional engineer working on behalf of the Developer.

Continuity – The continuous length of a roadway segment that is uninterrupted by 90 degree turns or controlled intersections.

Contract Documents – The executed contract agreement, approved plans, and technical specifications, prepared by an Arkansas licensed professional engineer, for constructing a facility.

Contractor – The person, firm, or organization to whom a construction contract is awarded by the Developer or City. Agents, employees, workers, or designers employed by the Contractor are also bound by the terms of the contract or permit.

Corner Sight Distance – The distance necessary for the driver of a motor vehicle stopped at a stop sign on a Minor Street or driveway to see approaching vehicles, pedestrians, and bicyclists along the intersecting major street and have sufficient space to make any allowed move to cross the Major Street or merge with traffic on the Major Street without causing vehicles, pedestrians, or bicyclists traveling at or near the design speed on the major street to slow down. The controlling distance for design is the longest distance, generally the distance necessary to merge with traffic.

Cross Slope – Slope of the pavement surface, excluding gutter, measured perpendicular to the street centerline.

Days – Intended as calendar days and not working days unless stipulated as working days.

Deceleration Lane – A right-turn lane or left turn lane lengthened to provide for safe reduction of travel speed.

Departure Taper – A left-turn bay from the point where through traffic beyond the intersection begins a lateral shift to the left to the point where the through lane is adjacent and parallel to the centerline.

Design Speed – The speed determined for design which takes into account the physical features of a street influencing vehicle operation; the maximum safe speed maintainable on a specified section of street when conditions permit design features to govern. Design speed is normally 5 to 10 mph higher than the posted speed limit to provide a factor of safety and allow for other conditions or uses of the street that may affect vehicle operation.

Designer – The person or company responsible for the creation and submission of contract documents or construction plans for the purpose of one-time construction of a facility. This person shall be an Arkansas licensed professional engineer.

Developer – Any person(s), parties, partnerships, or corporations, private or public, engaging in activities described as development.

Development – Shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities.

Driveway – A private access from a public or private roadway.

Driveway Approach – The portion of the driveway lying in the public right-of-way or public access easement between the street gutter lip or roadway of a public street and the right-of-way or public access easement line, for the full width of the access, including both apron and side slopes.

Engineer of Record - The person or company responsible for the creation and submission of contract documents or construction plans for the purpose of one-time construction of a facility. This person shall be an Arkansas licensed professional engineer.

FEMA – Federal Emergency Management Agency.

Fence – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material, or combination of materials, erected to enclose, partition, beautify, mark, or screen areas of real property.

FHWA – Federal Highway Administration, Department of Transportation.

Final Acceptance – The written notification from the City, after the City Engineer finds the Warranty Period to be satisfactorily completed, that all public improvements are free of defects and the City releases the Developer from future maintenance obligations.

FIRM – Flood Insurance Rate Map.

Franchise Agreement – An agreement between the City and certain private utility companies, specifying terms and conditions for use of the City's public rights-of-way or other public lands.

Frontage – The property line or lines of a lot which coincide with a right-of-way or other public open space.

Greenspace – Area of right-of-way between the face of the curb and the sidewalk.

HMA – Hot Mix Asphalt

HHOD – Hillside Hilltop Overlay District

Improvements – All public or private improvements within City rights-of-way or easements.

Initial Acceptance – This is the City's document and process, by which the City initially accepts for ownership, maintenance, and warranty the public improvements identified in the approved plans for a specific project.

Inspector – An authorized representative of the Design Engineer, assigned to make inspections to assure work is completed in compliance with plans, standards and specifications.

Intersection Nose – The radius or distance from the end of the storage bay to the near edge of the cross-route exit lane for the left-turning vehicle. For left-turn bays the cross-route exit reference is normally the centerline of an unchannelized 2-way street or the far edge of the median in a channelized street.

Intersection Sight Distance – Refer to Corner Sight Distance.

“Issued for Construction” Plans – Design plans that conform to these Standards and are signed and stamped by the Designer, ready for distribution to the Contractor for construction.

ITE – Institute of Transportation Engineers.

Landscaping – The area within the boundaries of a given lot which consists of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Knuckle – A bulb or semi-circular extension of a curb on the outside edge of a street or at an “L” turn to provide more street frontage for adjacent lots.

Lane Width – The width of a travel lane measured from the centerline of the lane striping to the centerline of the parallel lane stripe, the face of curb, or to the lip of gutter, whichever is applicable.

Lift – The maximum specified thickness of material that may be placed at one time.

Lip – Defines the outermost edge of the gutter pan.

Local Streets – All street facilities that are not in one of the higher systems. Their primary purpose is to provide direct access to abutting lands and connections to the higher classification streets.

Mini-Roundabout – Elevated circular islands placed in the center of a street intersection to reduce vehicular travel speeds by requiring the motorist to travel in a counter clockwise direction around the circular island.

MSP - Master Street Plan

MUTCD – Manual on Uniform Traffic Control Devices.

Neckdowns – A narrowing of the roadway for traffic calming at intersections or mid-block.

Neighborhood – A residential or commercial area defined by ordinance, resolution or common understanding.

Opinion of Cost (Cost Estimate) – Unit costs, based on those approved by the City and assigned to materials and related quantities.

Ordinance – A law established by the City Council.

OSHA – Occupational Safety and Health Administration.

P.C. – Point of curvature.

P.C.R. – Point of curb return.

Pedestrian Walkway – A public facility for pedestrian traffic either within the right-of-way of the vehicular traffic roadway or within a public easement (e.g., public tunnels).

Permittee – The holder of a valid permit issued in accordance with these Standards or other City related process.

Phasing Plan – A plan that defines improvements to be completed in specified parts over a defined sequence.

P.I. – Point of intersection.

Plans – Construction plans signed by the City depicting public improvements to be constructed for the project.

Pre-Construction Meeting – A meeting between the Designer and assigned agents and the City to review proposed work necessary to construct the project, **prior** to proceeding with the work. A meeting may be required for each project, at the City's discretion.

Professional Engineer (P.E.) – An Arkansas licensed professional engineer.

Professional Land Surveyor (P.L.S.) – An Arkansas licensed land surveyor.

Project – The public or private improvement(s) designated in the approved plans, which are to be constructed in conformance with these Standards. The term “Project” includes any and all public or private improvement projects whether development projects, private utility projects, or capital improvement projects.

Project Supervisor – The person appointed by the Developer or Contractor for management and control of the work on the project as performed by the Contractor and Subcontractors.

Proposed Roadway Improvements – Those roadway improvements deemed necessary due to the impact of the project development.

P.T. – Point of tangency.

Public Improvements – Those public-type facilities to include: pavement, curb and gutter, sidewalk, pedestrian/bike paths, storm drain facilities with related appurtenances, culverts, channels, bridges, water distribution or transmission facilities with related appurtenances, sanitary sewer collection facilities with related appurtenances, water and waste water treatment facilities, pavement markings, signage and striping, traffic signals and related appurtenances, erosion control and right-of-way grading, or earth excavation processes integral to construction of other public improvements listed herein.

Punch list, Initial or Final – A written list of work items, compiled by the Inspector, which do not conform to these Standards, the plans or other associated City Codes that govern the project.

Raised Crosswalk – A roadway crossing that slightly elevates the pedestrian crossing surface above the general roadway surface. A raised crosswalk is a traffic calming device.

Record Drawings – (Also As-Built Plans) Original design drawings updated by a Professional Engineer depicting all modifications from the design that occurred during construction.

Report – A bound document, the contents of which may contain certain necessary analyses, surveys, tests, exhibits, and other pertinent data supporting the subject matter.

Right-of-way – (Also ROW or “public right-of-way.”) The land opened, reserved or dedicated for streets, sidewalks, drainage or other public purposes.

Roadway – The portion of the highway, arterial, collector, or local street, including shoulders, intended for vehicle and/or bicycle use.

Roundabout – A circular street intersection used as a traffic control device in lieu of a multi-way stop or a traffic signal.

Shall – A mandatory condition.

Shared Roadway – Any roadway upon which a bicycle lane is not designated and which may be legally used by bicyclists regardless of whether such facility is specifically designated as a bikeway.

Should – An advisory condition, recommended, but not required.

Sidewalks – Paved or otherwise improved area for pedestrian use.

Specifications – Construction specifications and standards adopted by the City.

Speed Tables - Elevated areas placed in the street roadway with the intent to slow vehicular traffic. The geometrics of the speed table determine how fast it can be navigated.

Stop Work Order (S.W.O.) – A written instruction/notice from the City, revoking the Developer's and/or Contractor's rights to continue work on the project due to nonconformance with these Standards.

Stopping Sight Distance – The distance required by the driver of a vehicle traveling at the design speed to bring the vehicle to a stop after an object on the road becomes visible. This distance is measured from the driver's eye, 3.5 feet above the pavement to the top of an object 2 feet high on the pavement anywhere on the roadway.

Storage Length – The distance from the end of the bay taper to the nearest flow line extension of the intersecting street.

Street – A strip of land intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

Streetscape – Pedestrian and landscape improvements in the right-of-way, generally occurring between the curb and the right-of-way line. Streetscape generally includes sidewalks, street trees, pedestrian lighting, fencing, furnishings, and landscaped areas, including medians and irrigation.

Structure – Anything constructed or erected with a fixed location below, upon, or above grade, including without limitation foundations, traffic signals, fences, retaining walls, buildings, inlets, vaults, poles, bridges, and major drainage facilities.

Subcontractor – A person, other than the Contractor, supplying labor and materials, or labor only, for the Project, and working for the Contractor or the City.

Substantial Completion – Major completion of all Work for the Project, prior to certain inspection(s) or the creation of Punch lists.

Target Speed – The desired operating speed of a roadway.

TIS - Transportation Impact Study.

Trail – Any path used by pedestrians or bicyclists within a public right-of-way or easement. This would include concrete, gravel, or natural surfaces.

U.D.C. –Unified Development Code

USGS – United States Geological Survey.

Variance – A grant of relief to a person from the requirements of these Standards. A variance, therefore, permits construction in a manner otherwise prohibited by these Standards.

Warranty Period – The period of time that the Developer or Contractor is responsible for material and workmanship defects in the public improvements, until written notification by the City of final acceptance of the public improvements.

Work – All construction activity, including materials, labor, supervision, and use of tools and equipment necessary to complete the Project in full compliance with these Standards, or approved Plans.

1.8 INTERPRETATION OF STANDARDS

In the interpretation and application of the provisions of these Minimum Street Standards, the following principles apply:

1.8.1 Governing Standards

These Standards are a supplement to the City of Fayetteville Code of Ordinances Title XV Unified Development Code and other Ordinances. Where conflict between these Standards and City Code exists, the Code shall govern.

1.8.2 Prior Acceptance of Construction Plans

These Minimum Street Standards shall not modify or alter any street construction plans that have been filed with and accepted by the City prior to the effective date of the ordinance or resolution adopting these Standards. This exception shall be subject to the conditions and limitations under which said plans were accepted by the City Engineer.

1.9 VARIANCES AND APPEALS

1.9.1 Variances

Any design that does not conform to these Standards must be approved by the City Engineer. Variances from these Standards will be considered administratively on a case-by-case basis following a written request for a variance prepared by a Professional Engineer and submitted to the City Engineer. If the developer, contractor, or utility responsible to the City for public improvements desires to design and construct such improvements in variance to criteria in these standards, such variance(s) shall be identified in a written attachment to the initial submittal of construction plans to the City Engineer. The design submitted for review shall show the variance.

To assist with their plan preparation, designers may submit variance requests, along with sufficient documentation to support the variance, prior to formal submittal of construction plans for informal advisory consideration. Such advisory consideration shall not be binding on the City Engineer, but may help to guide the requestor in the preparation of plans.

The variance request(s) shall include the following:

- a. Identifying Issue. Identification of the standard to be waived or varied and why the standard is unfeasible or is not in the public interest.
- b. Proposed Alternate Design. Identification of the proposed alternative design or construction criteria.
- c. Comparing to Standards. A thorough description of the variance request including impact on capital and maintenance requirements, costs, and how the new design compares to the standard.
- d. Justification. The Professional Engineer must determine and state that the variance will not be detrimental to the public health, safety and welfare, will not reduce design life of the improvement nor cause the City additional maintenance costs. The proposed plan (as varied) must advance the public purpose of the standard sought to be varied equally well or better than would compliance with such standard.
- e. Approval or Denial of Variance. Based upon review of the plans and additional information submitted, and an analysis of the criteria set forth in this subsection the City Engineer may approve or deny the variance request.

If the City Engineer approves the variance request, the plans will continue to be reviewed and approved within the typical review process.

If the City Engineer denies the variance request, the developer shall subsequently submit revised plans in compliance with these Standards. The City Engineer shall provide a written response outlining the basis for all approvals or denials of variance requests.

1.9.2 Appeals

If a variance request is denied by the City Engineer, the Developer may appeal the decision as outlined in Chapter 155, Appeals of the Unified Development Code.

1.10 WORK SCHEDULE

Normal working day hours are 7:00 a.m. to 5:00 p.m., Monday through Friday excluding City Holidays. No work requiring Public Works Inspector observation may be conducted outside of these normal working hours without prior approval.

Minimum Street Standards

Contractors shall follow the guidelines of Chapter 96, Noise Control, of the City of Fayetteville Code of Ordinances. Noise from construction activities shall be limited to no later than 11:00 p.m. every day and no earlier than 7:00 a.m. on all days except Sundays when the time is extended to 9:00 a.m.

1.11 UTILITY COORDINATION

The Developer shall coordinate construction with affected private utility companies and notify said utilities in accordance with their notification prior to interruption of service or operation. Prior to construction, the Developer shall be responsible to make special arrangements with private utilities for any relocation necessary within the approved project and to coordinate such relocation activities with adjacent affected property owners. The Developer shall be responsible to notify said utilities of any damage to utility systems caused during construction.

All private utility installation within the City of Fayetteville Right of Way shall follow all requirements of Section 171.06, Occupation of Streets and Highways by Public Utilities of the City of Fayetteville Unified Development Code and the AHTD Utility Accommodation Policy.



CHAPTER 2 – SUBMITTAL AND REVIEW PROCEDURES

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CHAPTER 2 – SUBMITTAL AND REVIEW PROCEDURES

2.1 GENERAL

2.1.1 General Submittal Criteria and Procedures

This chapter gives criteria and procedures for submitting engineering drawings as required by these Minimum Street Standards. All other requirements for planning and related submittals can be found in the City of Fayetteville Unified Development Code.

2.1.2 Authorization/Certification

A. Designer's Signature

All documents, including plans and other submittals noted below, shall be prepared, stamped, signed, and dated by a Professional Engineer registered in the State of Arkansas.

B. Additional Requirements

The Designer should be aware that whenever unusual or serious problems are anticipated or encountered for a proposed construction project, additional information and analysis beyond the minimum requirements of these specifications and criteria will be required.

C. Final Authorization

No plans are considered final and ready for construction until signed and stamped by the Designer and signed by the City Engineer or designee. Refer to **Chapter 3, Construction Plan Submittal Requirements**.

D. Construction Traffic Control Plans

Plans for traffic control during construction for the development project must be accepted by the City prior to any issuance of grading permits for Collector and Arterial streets and on lower classification streets when deemed necessary by the City Engineer.

E. Storm Water Pollution Prevention Plans (SWPPP)

A Storm Water Pollution Prevention plan for the construction of the development project must be accepted by the City and the Arkansas Department of Environmental Quality (ADEQ), when required, prior to issuance of the grading permit.

2.2 SUBMITTALS AND CONTENT

2.2.1 Public Improvement Construction Plans

Refer to **Chapter 3, Construction Plan Submittal Requirements**, for further description and requirements.

2.2.2 Soils Investigation Report

Refer to **Chapter 6, Pavement Design and Report**, for the content and requirements for the soils report.

2.2.3 Pavement Design Report

Refer to **Chapter 6, Pavement Design and Report**, for the content and requirements for the pavement design report.

2.2.4 Work Area Traffic Control Plan

The plans shall be designed in accordance with MUTCD, Section VI.

2.2.5 Street Cross Sections

Typical and unique street cross sections shall be submitted for each street, including the proposed width, treatment of curbs and gutters, sidewalk systems, and bikeway systems where deviations are proposed from these Standards.

2.2.6 Drainage Report

The Developer is required to submit a drainage report in compliance with the City of Fayetteville Drainage Criteria Manual.

2.2.7 Opinion of Costs

As a separate attachment to the Plans, an Opinion of Costs for all Public Improvements will be required. The items shall be identified by unit price and total cost for each item for each type of Project.

2.2.9 Record Drawings

Record Drawings shall follow the requirements set forth in **Chapter 12, Acceptance Procedures and Record Drawings/Warranty**, and be signed, stamped, and dated by the Professional Engineer. The Record Drawings shall be prepared utilizing the original plans. They must show any deviations from the approved plans. Record Drawings must be signed and stamped with the Professional Engineer's statement that the changes have not changed the intent of the approved plans.

2.3 SUBMITTAL PROCEDURES

2.3.1 Submittal Process

The submittal shall be complete with all necessary information included for review of the project. The material shall include, but shall not be limited to the Plans, Traffic Impact Study (where required), soils report, pavement design, utility plans, erosion control plans, SWPPP, tree preservation plans where required, and the Drainage Report.

The review and approval process for Construction Plans shall comply with the following criteria:

- A The Plans shall be submitted digitally in PDF format.
- B All Construction Plans shall be submitted directly to the City's Engineering Division.
- C Upon completion of the Engineering Division review, the Design Engineer will be notified that comments are available. These comments can be given to the Design Engineer by e-mail, ftp, cd, or portable data storage device.
- D After the Design Engineer has addressed all review comments, the Consultant Engineer shall re-submit in pdf format as stated above and include a typed written response to each of the City's comments or questions either on the plans or in a separate correspondence.
- E The submittal process may be repeated until such time as the City deems the plans to meet the City standards. At that time, the Design Engineer will be contacted by the City with a request to submit the final plans both in digital pdf format and four (4) hard copies as described in Chapter 3 of these standards.
- F Upon subsequent review and approval by the City the plans will be stamped and signed by the City's review engineer. The Design Engineer (or Developer) will be contacted to pick up the approved plans.

2.3.2 Construction Permits

- A. A Grading and Drainage Permit must be issued before construction can begin. In order to obtain a Grading and Drainage Permit, the following is required:
 - 1. Approved Construction Plans and Drainage Report.
 - 2. Material submittals must be submitted with the City standard checklist through the Engineer of Record and approved prior to the preconstruction conferentc.

Minimum Street Standards

3. The Design Engineer shall schedule a pre-construction conference with the City's Review Engineer, the City's Public Works Inspector, and the contractor.
 4. The Storm Water Pollution Prevention Plan and NOI, if required, shall be submitted in PDF form to the City.
 5. The erosion control measures and tree preservation fencing shall be installed.
 6. An Erosion Control performance bond shall be submitted for projects over 5 acres.
 7. A Public Infrastructure performance bond shall be submitted when required.
 8. Signed easements or written permission from owner for off-site work.
- B. Additional permits may be required by State and/or Federal agencies. All permits required shall be obtained prior to construction. These permits may include, but are not limited to AHD, ADEQ, US Army COE, and AHTD.



CHAPTER 3 – CONSTRUCTION PLANS SUBMITTAL REQUIREMENTS

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CHAPTER 3 – CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS

3.1 GENERAL

3.1.1 Plan Set

The submittal shall be complete with all necessary information included for review of the project. The material shall include, but shall not be limited to the Plans, Traffic Impact Study (where required), soils report, pavement design, utility plans, erosion control plans, SWPPP, tree preservation plans where required, and the Drainage Report.

3.1.2 Horizontal and Vertical Datum

The horizontal datum shall be NAD83, Arkansas State Plane, North Zone. The units shall be U.S. Survey Foot.

The vertical datum shall be North American Vertical Datum of 1988 (NAVD88).

At least two horizontal control monuments shall be shown on each sheet. At least one benchmark shall be shown on each sheet. A horizontal and vertical tie to at least one City of Fayetteville GPS monument shall be made and the results provided to the City Surveyor.

3.1.3 Expiration of Plan Set

Public improvement construction plans shall be valid for a period of one year from the date of approval by the City Engineer unless construction has begun and continual progress is made towards completion of the improvements. Refer to section 166.20 of the Unified Development Code for time limits and the process for time extensions.

3.2 GENERAL FORMATTING AND REQUIRED INFORMATION

The following information is provided for the Developer when determining Plan format and design requirements required by the City. This information should be considered the minimum information to be provided.

3.2.1 Size of Plan Sheets

All sheets in the construction plan set shall be either 22 inches x 34 inches or 11 inches x 17 inches..

3.2.2 Title Block

A title block is required on every sheet submitted for review and acceptance. The title block shall be located in the extreme lower right hand corner, the right side margin, or along the bottom edge of the sheet. Provide an area 2" x 4" on each sheet for the City to place a stamp of approval.

A. Required Information

The following information shall appear in title block on each sheet:

1. The subdivision or Development name and project number (if applicable).
2. The type of improvement (Grading, Site Plan, Utility Plan).
3. Designer's Name, address, including zip code, telephone number, e-mail address, professional seal, company name and date.
4. Sheet number (consecutive, beginning with the cover sheet).
5. Revision block.

3.2.3 Incomplete Plans

Incomplete plan submittals or plans that do not have a sufficient level of detail will not be reviewed. The Applicant shall be notified if the submitted plans are incomplete. Partial plans may be submitted when appropriate. This may be allowed on a case by case basis and must be authorized by the review engineer prior to submittal.

3.2.4 Stamped Plans & Designer Statement

All sheets shall include the Designer's signature, stamp and date and shall be stamped and signed in accordance with the rules and regulations established by the Arkansas State Board of Licensure for Professional Engineers and Professional Surveyors.

3.2.5 Scale

A. General

All scales listed below shall be based on a standard 22"x34" full scale drawing.

All Plan and profile sheets:

1. Horizontal. 1 inch = 10, 20, 30, 40, or 50 feet.
2. Vertical. 1 inch = 5 or 10 feet.
3. Overall Plan. 1 inch = 100 feet.
4. Cross Sections. Vertical exaggeration ratio shall be a maximum of 5:1. 1:1 is preferred.

B. Bar Scale and Other Options

Show bar scale. Other scales may be used upon City approval.

C. Signing and Striping

All signing and striping plans require a scale of 1 inch = 30 feet minimum.

D. Key Map

1 inch = 500 - 1,000 feet

E. Vicinity Map

1 inch = 1,000- 1,500 feet

3.2.6 Dates

All sheets shall have dates shown in the Title Block for both Plan preparations and subsequent revisions. An electronic date shall appear on all electronic files to be submitted. Final approved construction plans shall start the date sequence again.

3.2.7 North Arrow

All design sheets shall have a north arrow oriented toward the top or right side of applicable sheets.

3.2.8 Existing Facilities

Each sheet shall show all existing facilities in a ghosted or alternate line weight or type.

3.2.9 Legend of Symbols

Each plan sheet shall include a legend that identifies the symbols pertaining to the sheet unless an overall legend is provided for the entire plan set.

3.2.10 Key Map

For plan sets that include 3 or more plan and profile sheets, each Plan and profile sheet shall provide a key map showing the location of the street being detailed.

3.3 SHEET TITLE NAMES AND SPECIFIC REQUIREMENTS

This section outlines the minimum required information to be included on specific sheets of the Plan set. The following sheets are listed in the order they should appear in the Plan set. Some sections of the Plan set may have more than one sheet, but should be labeled alike.

3.3.1 Cover Sheet

All sets of construction drawings shall include a cover sheet with the following information provided:

A. General Construction Notes

General Notes may be shown on this sheet or as a separate sheet.

B. Vicinity Map

1. Information to Include. The vicinity map shall show the location and name of all Arterial roadways within one mile of the proposed construction, and all other roadways within 1/2 mile of the proposed construction. The project area shall be indicated by shading.
2. Size. Minimum size of vicinity map shall be 10 inches x 10 inches and to a scale of 1 inch = 1,000 – 1,500 feet.

C. Engineer/Owner Contacts

The name, address, e-mail address and phone number of the Developer (owner) and Design Engineer shall be listed on the cover sheet.

D. Index

Each cover sheet shall include an index of all sheets within the Plan set.

E. Indemnification Statement

The indemnification statement shall be shown on the cover sheet. Annotate the following on Cover Sheet only:

These plans have been reviewed by the City for concept only. The review does not imply responsibility by the reviewing department, the City Engineer, or the City for accuracy and correctness of the calculations. Furthermore, the review does not imply that quantities of items on the plans are the final quantities required. The review shall not be construed for any reason as acceptance of financial responsibility by the City for additional quantities of items shown that may be required during the construction phase.

F. Project Title

The project title shall be clearly shown.

G. Legend of Symbols

Provide City of Fayetteville standard symbols for all appurtenances related to each type of facility. The standard legend may be expanded as necessary to fit specific projects

3.3.2 Grading and SWPPP

These Plan sheets shall be drawn at a legible scale (1"=10' to 1"=50') which will clearly convey design and construction intent. All erosion control devices (temporary and long term) shall be included, as well as revegetation methods with specific notes. Plan must show grades of all drainage facilities. All grading plans shall meet the requirements as described in Chapter 169 of the Unified Development Code. The SWPPP shall meet all ADEQ requirements.

3.3.3 Street Improvements

The Plans shall include Plan and Profile views for each street (private or public) proposed in the development. Cross-section sheets are required for all roadways. All plans shall be produced at a scale that is completely legible for review and for construction. In addition to the requirements set forth elsewhere in these Minimum Street Standards, the following information shall be shown on all Roadway plans submitted for review and approval:

A. Street Plan View

The plan view shall include, but not be limited to, the following:

1. Existing and proposed Property and/or right-of-way lines, easements, and adjacent property owners names and addresses. Type and dimension of easement or tract is to be clearly labeled. Dimensions of Property and right-of-way lines are to be marked.
2. Survey lines and stationing lines shall normally be based on centerline of travel lanes; other profiles may be included but shall be referenced to centerline stationing. Stationing in cul-de-sacs shall be on the centerline to the center of the bulb with flowlines dimensioned within the bulb.
Survey lines and stationing lines shall deviate from centerline of street to parallel the roadway for situations where two sides of a divided roadway are not parallel.
3. Stationing shall read in ascending order in the direction of the north arrow or to the right.
4. Roadways and Roadway names.
5. Existing utilities and structures (shown as phantom lines), including, but not limited to:
 - a. Storm sewer and appurtenances.
 - b. Ditches or swales.
 - c. Bridges or culverts.
 - d. Fence lines and gates.
 - e. Water lines and appurtenances.
 - f. Sewer lines and appurtenances.
 - g. Curbs and gutters.

- h. Pavement limits.
 - i. Telephone lines and appurtenances.
 - j. Electric lines, poles and appurtenances.
 - k. CATV lines and appurtenances.
 - l. Gas lines and appurtenances, etc.
 - m. Signs.
 - n. Guardrails.
 - o. Houses or other buildings.
 - p. Trees.
 - q. Driveways.
- 6. Critical elevation (flowline, invert of pipe, etc.) of all existing and proposed utility or drainage structures.
 - 7. Storm drainage flow direction arrows, particularly at intersections and all high and low points.
 - 8. Match lines, stations and consecutive sheet numbers, beginning with cover sheet.
 - 9. Station and elevation of all horizontal curves including PI, PC's, PT's, etc.; high or low point and VPI/PVI of all vertical curves; existing and proposed, centerline bearings, distances, and complete curve data.
 - 10. Curb return radii, existing and proposed. Stations and elevations of all curb returns at the gutter line; mid-point elevations and additional locations as necessary, flowline-flowline intersection elevations, corresponding centerline spot elevations and percent of grade from the P.C.R. to flowline-flowline intersections of all crossspans.
 - 11. Centerline stations of all intersecting roadways.
 - 12. Survey tie lines to section corners or quarter corners, consistent with that shown on the plat.
 - 13. Intersections. Any roadway intersections shall include construction and lane details for the new construction and existing facilities for a minimum of 150 feet beyond the limits of construction.
 - 14. Basis of plan view and profile elevations shall be the same, i.e., flowline and flowline, top of curb and bottom of curb, etc.
 - 15. Cul-de-sacs. High point and grades shown with percent arrows at critical points (cross-slope and flow line).
 - 16. Location of all proposed and existing sidewalk and/or trails.
 - 17. Soil Boring Locations and CBR test locations (when available).
 - 18. Location of all existing or proposed retaining walls.

B. Street Profile

Profiles shall include, but not be limited to, the following:

- 1. All streets shall be designed to show profile of center line.

2. Original ground (dashed) and design grade (heavy, solid). Both grades are to be plainly labeled for all centerline profiles.
3. Existing and design elevations shall be provided for the centerline.
4. Elevation and location of all utilities and storm sewer in the immediate vicinity of the construction shall be shown on the profile. Separate left and right profiles may be required for clarification when there are multiple utility or storm sewer lines.
5. Station and elevation of all vertical grade breaks.
6. Distance and grade between VPI's.
7. Vertical curves, when necessary, with VPI, VPC, and VPT, high or low point (if applicable) stations and elevations. All vertical curves shall be labeled with length of curve (L) and $K=L/A$ where A is the algebraic difference in slopes, in percent.
8. Profiles for curb returns when requested.
9. Specify limits of typical sections and transitions.
10. Separate drainage profiles are required for off-site storm drainage.

C. Typical Street Section(s)

A typical street section shall be included in the Plans and shall show the following:

1. Pavement section type, width and thickness
2. Cross slope and crown
3. Location of profile grade (crown, center line, curb line)
4. Curbs and/or ditches/swales
5. Existing and proposed grades
6. Right of way width
7. Sidewalks and/or trails, where required
8. Landscaping, if required
9. Stationing limits for the typical section
10. Street name and classification
11. Parking, where required

D. Cross-Sections

Roadway Cross-Sections. Roadway cross-sections shall be provided at intervals deemed necessary by the City to effectively evaluate connection with the existing facilities, (typically every 50 feet horizontally, at intersections, transition points, driveways, storm sewer structures, etc...).

The cross-sections shall include the following:

1. Profile centerline including proposed and existing spot elevations,
2. Roadway width.
3. Right-of-way width.
4. Pavement cross slope.

5. Pavement thickness.
6. Curbs and/or ditches/swales.
7. Proposed and existing drainage and utilities in the right of way (size, material, elevation and location).
8. Street name.

E. Key Map

1. Clearly depict each sheet's relative position compared to the overall project. The Roadway or area that the design pertains to will be shaded.
2. Minimum scale is 1 inch = 500 feet, showing the location and name of all roadways within and adjacent to the proposed construction and all future roadways. Scale should be indicated. The key map should be oriented consistent with detail in the sheet, i.e., same north.

3.3.4 Street Improvements Details

All pertinent details related to street improvements shall be shown on a detail sheet (or sheets) for the Project. Standard City of Fayetteville Detail Sheets shall be included, along with standard AHTD detail sheets where work is planned with AHTD right of way.

3.3.5 Traffic Signing and Pavement Markings

All permanent and temporary traffic signing and pavement markings shall be shown on the signing and striping plan, with the existing and proposed street system used as the base layout. Locations of signs and pavement markings shall be indicated by station/offset, or other specific dimensions indicating exact locations. This sheet shall also contain any construction or application notes, (e.g., application temperatures, surface cleaning methods to be used prior to application, etc.).

A. Area Map

Separate signage and striping plans are to consist of an overall area map noting all specific use areas, such as schools, parks, recreation centers, library, commercial, industrial, fire zones, no-parking and designated parking.

B. Road Segment Pages

The pages following the area map are to be broken down into road segments, for notation of signage and striping details.

C. Signing Plan

The permanent signing plan should:

1. Show the general longitudinal location of each sign (horizontal offset and station).

2. Specify the sign legend and sign type (from MUTCD).
3. Specify the sign size.
4. Detail post and base dimensions and installation plan (showing sleeves, depth below surface, and materials used, according to City standards).
5. Specify the blank gauge of the sign.
6. Note the reflectorization provided.

D. Striping Plan

The striping plan must show:

1. Color and type.
2. Lane widths, taper lengths, storage lengths, etc.
3. Striping/skip interval.
4. Typical treatments for acceleration/deceleration lanes, turning lanes, and crosswalks.
5. Type of material (thermoplastic).
6. Station and offset or dimensions to all angle points, symbol locations, and line terminations.
7. Pedestrian crossings.

E. Traffic Control Plan

All temporary traffic control signage and striping for lane closures and detours shall be shown. Controls must be designed to meet all MUTCD standards.

Minimum Street Standards



CHAPTER 4 – STREET DESIGN AND TECHNICAL CRITERIA

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CHAPTER 4 – STREET DESIGN AND TECHNICAL CRITERIA

4.1 GENERAL

This chapter defines layout criteria and other design criteria that shall be followed for locating and designing all streets.

4.2 STREET LAYOUT REQUIREMENTS

The locations of Arterial and Collector streets shall be in accordance with the current Master Street Plan. Other streets shall be located in accordance with all other applicable street layout requirements.

4.2.1 Logical Placement and Extension

All streets shall have a logical relationship to the existing topography and to the location of existing or platted streets within adjacent properties. Certain streets within the project may need to be extended to the project boundary to provide for the future extension of the street through adjacent properties.

4.2.2 Master Planned Arterial and Collector Streets

The Master Street Plan shows the approximate locations of all Arterial streets and some Collector streets for the City and its Planning Area. The Master Street Plan shall be used for establishing approximate locations of these streets. The City Engineer shall hold approval authority for specific alignments for all Arterial and Collector streets.

4.2.3 Local Streets

Layout of new Local streets not covered by the Master Street Plan shall meet the needs of the specific development and satisfy all other specific requirements of this chapter and the access management requirements of Chapter 166 of the Unified Development Code. The City retains the authority for approval of the overall street layout.

A. Neighborhood Traffic Safety and Traffic Calming

A major component in street layout is neighborhood traffic safety. This is an essential transportation issue in the City of Fayetteville. Traffic calming is the implementation of physical and perceptual techniques intended to slow or divert traffic on existing or planned roadways. It is often a reactive approach to minimize high speeds and volumes of vehicular traffic. Significant efforts in traffic calming have been put forward on existing roadways and in the development of new roadways to limit traffic speeds and traffic volumes in

Street cross sections shall meet the classifications as shown in the current City of Fayetteville Master Street Plan.

All streets shall be designed in accordance with design speeds specified for each street classification in **Table 4-1**. Where ranges are specified, the design speed shall be determined by the City Engineer.

Design Element		Arterial		Collector	Local	Alley
		Principal	Minor			
Overall Design Parameters						
Design Speed (mph)		25-40	25-40	25-30	15-25	5-10
Target Speed (mph)*		25-40	25-40	25-30	15-25	5-10
Stopping Sight Distance		See Table 4-3				
Horizontal Alignment						
Minimum Centerline Radius (ft)		Design	Design	175	90	
Maximum Super-Elevation (%)		4	4	4	n/a	
Minimum Tangent between Curves or at Intersections (ft)		100	100	100	30	n/a
Vertical Alignment						
Maximum Centerline Grade (%)	Ordinary	8	8	8	10	10
	Hilly	8	8	12**	15**	15
Minimum Center Line Grade (%)		.5	.5	.5	.5	.5
Minimum K-values	Crest	50	50	30	20***	10
	Sag	50	50	40	30***	20
Intersection Design						
Minimum Sight Distance at Intersections		See Figure 4-1 and 4-1a				
* Through streets shall be designed to minimize excessive speeds. Traffic calming measures may be required by the City Engineer when a street design creates conditions where target speeds are expected to be exceeded due to horizontal and vertical alignment.						
** These grades are allowed for a maximum distance of 300 feet.						
*** In HHOD, K-values may be less than the minimum upon approval by the City Engineer.						

4.4.1 Alignment

Horizontal and vertical street alignments should conform to existing land layout plus the following criteria:

A. Horizontal Alignment

On Arterial and Collector roadways, curve radii and tangents shall be as large as possible using the minimums only where necessary. All changes in direction shall be made using standard curves. Traffic calming measures may be required for relatively straight sections of local streets that encourage excessive speeds.

1. Horizontal Curve Radii. The minimum allowable centerline radii for horizontal curves shall be as designated in **Table 4-1**. For low speed, low volume subdivision streets with 90 degree turns, it may be appropriate to have a curve radius less than the minimum shown. These will be evaluated on a case by case basis and may be approved by the City Engineer. For these curves, a Knuckle design may be used to provide additional lot frontage around the curve (See Figure 4-2). Reverse and compound curves should be used only when a single radius curve will not work. For driver safety, compound curves shall have a ratio no greater than 1.5 where the value of the larger radius is divided by the smaller radius.
2. Minimum Tangent Length
 - a. Intersection. Whenever a minor street intersects a street of higher classification, a tangent length (measured from the nearest gutter flowline of the intersected street to the point of curvature in the intersecting street) shall be provided for a safe sight distance and safe traffic operation. The minimum required tangent lengths indicated in **Table 4-1** apply to the minor leg(s) only. The angle of departure shall not exceed 10 degrees for the length of tangent.
 - b. Reverse Curves. The tangent between reverse curves shall be no less than the length shown in **Table 4-1**. If the curve radii are at least 50% greater than the radii required by the design speed, the tangent sections may not be required depending on grades and topography. If the curves are superelevated, the superelevation transition lengths will determine the minimum length of tangent between reverse curves.
3. Consistent Radii. All curves along a local street segment shall be designed with radii that are approximately equal to provide consistency and minimize unexpected difficult or quick maneuvers for the driver.
4. Curves with Small Deflection Angles (10° or less). To reduce the appearance of kinks in the street, minimum lengths of curve shall be designed with minimum arc lengths as shown in **Table 4-2**.

Table 4- 2
Centerline Arc Lengths

Street Classification	Minimum Centerline Arc Length (ft.)
Arterial	400
Collector	300
Local	200

5. Horizontal Curves on Vertical Curves. For driver safety, horizontal curves shall not begin near the top of a crest vertical curve nor near the bottom of a sag vertical curve.
6. Coefficient of Friction. The coefficient of friction shall conform to the recommendations in Chapter 3 of the **AASHTO “Green Book.”**
7. Joining Existing Improvements. Connection with existing streets shall be made to match the existing alignment of the existing improvements, in accordance with horizontal alignment criteria.
8. Lane Transitions. The lengths for the transition in the lane width or for the addition or reduction of the number of travel lanes shall be designed in accordance with AASHTO standards.

B. Vertical Alignment

1. Maximum and Minimum Grades for Streets. The maximum and minimum grades for specific street classifications are shown in **Table 4-1**. The centerline grade in the bulb of a cul-de-sac shall not exceed 3 percent (See **Figure 4-3**).
2. Minimum Flowline Grades. Minimum flowline grades for gutters shall be 0.50 percent, except the bulb of cul-de-sacs where the minimum shall be 1.0 percent (See **Figure 4-3**).
3. Requirements for Using Vertical Curves. Vertical curves are required for grade changes that exceed 1.0 percent. Both centerlines and the curb and gutter flowlines shall be designed with vertical curves to meet AASHTO requirements. A series of grade breaks may be used in lieu of a specified vertical curve as long as the series of breaks meet the vertical curve criteria in these Standards for the design speed. K-values for design shall conform to **Table 4-1**. In sag curves on flow line, the minimum grade requirement of 0.50 percent shall override the slope within the vertical curve.

4. Joining Existing Improvements. Connection with existing streets shall be made to match the existing grade of the existing streets, in accordance with vertical alignment criteria. (Grade breaks shall not exceed allowable.)
5. Vertical Clearance. Vertical clearance above a roadway is a minimum of 16.5 feet. Clearance may be higher in AHTD right of way. AHTD requirements will govern.
6. Intersection Approach Grades. Intersection approach grades are discussed in **Chapter 5, Intersections**.
7. Off-Site Continuance of Grade and Ground Lines. To assure that future street improvements will meet these Standards the future grade and ground lines of all streets, except cul-de-sacs, shall be continued for 100 feet beyond the proposed construction.
8. Master Residential Lot Grading Plan. Consideration should be given to the earthwork associated with the individual lot grading for finished floor elevations, driveway slopes, etc...

C. Sight Distance

Sight distance is the distance necessary for a vehicle operator to perform expected functions and be able to do so without causing a hazard for the driver or other vehicle operators for the specific design speed of the street. In no case shall the distance be less than the stopping sight distance. This includes visibility at intersections and higher volume driveways as well as around curves and roadside encroachments.

1. Stopping Sight Distance for Vertical Crest Curves. Stopping sight distance is calculated assuming the following:
Object height is 2 feet above road surface and viewer's height is 3.5 feet above road surface.
2. Stopping Sight Distance on Horizontal Curves. Where an object off the pavement restricts sight distance, the minimum radius of curvature is determined by the stopping sight distance. In no case shall the stopping sight distance be less than as specified in **Table 4-3**. The sight distance design procedure shall assume a 6-foot high obstruction (as measured from actual finished grade) exists at all property lines except in the sight distance easements that may be required to preserve the needed sight distance.

Stopping sight distance on horizontal curves is based upon lateral clearance from the inner edge of pavement to sight obstruction, for various radii of inner edge of pavement and design speeds. The position of the driver's eye and the object sighted shall be assumed to be 6 ft. from the inner edge of pavement, with the sight distance being measured along this arc. Minimum stopping sight distances are given in **Table 4-3**.

Table 4-3
Stopping Sight Distance

Design Speed (mph)	Stopping Sight Distance (ft)
20	125
25	150
30	200
35	250
40	275
45	325
50	400

From AASHTO "Green Book"
(For Intersection Sight- Distance, see **Figure 4-1.**)

3. Corner Sight Distance. The corner sight distance provides for vehicles to enter traffic and accelerate to the average running speed. Corner sight distance shall be measured as shown in **Figure 4-1.**
4. Intersection Sight Distance Triangles. All sight-distance triangles must be shown on the street plan/profile plans. All sight distances must be within the public right-of-way or a sight distance easement. The easement shall be dedicated to the City and be kept free of sight obstructions.
5. Sight Obstructions. Any object within the sight distance easement more than 30 inches above the flow line elevation of the adjacent street shall constitute a sight obstruction, and shall be removed or lowered. Such objects include but are not limited to berms, buildings, parked vehicles on private property, cut slopes, hedges, trees, bushes, utility cabinets or tall crops. Mailbox clusters must be installed a minimum of 2 feet from back of curb and not cause any sight obstruction. The City may limit parking to protect visibility. The sight distance shall be measured to the centerline of the closest through-lane in both directions. In no case shall any permanent object encroach into the line-of-sight of any part of the sight distance triangle.

4.4.2 Cross Slope

Cross slope on a pavement is provided to drain water from the street surface. The design of cross slope shall consider driver comfort and safety.

A. Minimum Cross Slope

A minimum cross slope on all streets shall be 2.0 percent. Minimum cross slope on reconstruction or overlays of existing roadways is 1.5 percent.

B. Maximum Allowable Cross Slope

Maximum allowable cross slope on all new construction shall be 3 percent.
Maximum allowable cross slope on any reconstruction or overlays of existing roadways shall be 4 percent.

C. Cross Slope for Street Modifications

When widening an existing street or adding turn lanes to an existing street, the resulting cross slope of the widened portion shall be within the limits stated above and the new cross slope shall be no less than the existing cross slope. However, if the cross slope of the existing street exceeds the Standards then new curb and gutter shall be designed such that the existing pavement, when overlaid, will result in a straight line cross slope grade that meets these Standards. Alternatively, the existing pavement may be removed and reprofiled to comply with these Standards.

D. Cross Slope for Cul-de-Sacs

Refer to **Figure 4-6** for cul-de-sac bulb cross slopes.

4.4.3 Superelevation on Horizontal Curves

The purpose of superelevating a roadway is to maintain the riding comfort on smaller than standard curves. Superelevation may only be used when other means of design will not work and is subject to review and approval by the City Engineer. The following criteria shall be followed:

A. Where Superelevation Is Permitted

Superelevation may be allowed for curves on Arterial and Collector streets in order to reduce the minimum centerline radius. In no case shall superelevation exceed 4.0 percent cross slope. Superelevation shall not be used to reduce minimum radii on Local Streets.

B. Run-Out

When superelevation is used, the minimum run-out used entering and exiting the superelevated portion shall be 100 feet.

4.4.4 Design Speed

Each roadway classification has a specific design speed. See **Table 4-1**.

4.4.5 Curb Return Radii

The required curb return radii are defined in **Table 5-1**, unless otherwise approved or required by the City Engineer.

4.5 MEDIANS

4.5.1 Turn Lane and Access

The design of medians shall include the evaluation for needed turn lanes and accesses. For the minimum requirements of turn lanes, refer to **Chapter 5, Intersections**.

4.5.2 Drainage

Landscaped medians shall be provided with drainage facilities to handle sprinkler runoff and nuisance flows. Sprinklers shall be designed to prevent spray onto the pavement surface. A properly designed under drain system shall be required.

4.5.3 Nose

Vehicle tracking templates shall be used to determine the position of the median nose so that vehicles do not track onto the median. The minimum radius for nose curbs shall be 2 feet to back of curb. A Single Unit (SU) truck template should be used for the design vehicle.

4.5.4 Transitions

The ends of medians shall transition into turn lanes with a minimum radius of 100 feet. A change of directions must be accomplished with the use of radii. Angle points shall not be allowed. See **Figure 5-10**.

4.5.5 Objects

No permanent structures, including light poles, fire hydrants, etc., shall be placed within 5 feet of the travel lane or in any location that would obstruct sight distance except for structures as approved in these Standards. If a median streetlight is placed within 5 feet of the travel lane, the light must be a breakaway model.

4.6 NON-CONNECTIVE STREET ALIGNMENTS

4.6.1 Cul-de-Sacs

A. Permitted Locations.

Cul-de-sacs shall be used only where necessary. Cul-de-sacs are permitted only on Local Streets in conformance with **Chapter 166 of the U.D.C.**

B. Minimum Radius

The cul-de-sac shall have a minimum radius of 50', or as required by the fire code.

4.6.2 Knuckle

A. Permitted Locations

Knuckles may be permitted only on Local Streets that intersect Local Streets.

B. Permitted Lengths

Knuckles shall have a maximum radius as indicated in **Figure 4-2**.

4.6.3 Dead-End Streets

A. Temporary Dead-End Streets

Temporary dead-end streets will be permitted only on streets that have no direct access from adjoining property. Additionally, a temporary dead-end street shall be planned to extend into neighboring property during a later development phase or project. The road must be fully constructed to the property line. Refer to **Figure 4-4**.

B. Temporary Turnarounds

At locations where a temporary dead-end street exceeds 150 feet in length, a temporary turnaround shall be constructed. Refer to **Figure 4-5** for two layout options.

C. Temporary Turnaround Easements

All temporary turnarounds shall be constructed within an access Easement or street ROW. The Easement may be vacated by the City when the Easement is no longer necessary.

4.7 DRAINAGE SYSTEMS

4.7.1 Drainage

Drainage system design shall be in accordance with current City of Fayetteville Drainage Criteria Manual.

4.7.2 Underdrains

A. Controlling Groundwater

Under drains used for the purpose of controlling groundwater on private property may be constructed within public right-of-way. The system shall be private and must be maintained by viable private parties.

B. Protecting Right-of-way Improvements

Under drains constructed for the purpose of protecting public right-of-way improvements may be installed only if other means are not possible. The City shall own and maintain these systems.

C. Design Criteria

All Under drains covered by these Standards shall be designed to meet the following criteria:

1. Positive Outfall: Demonstrate that under drain has positive outfall for gravity drainage.
2. Groundwater Barriers: The system shall be designed such that clay cutoff walls are provided at boundaries of the development to preclude hydraulic communication with offsite utility trenches either upstream or downstream.
3. Filter Fabric: The under drain trench shall be lined with a filter fabric specifically selected in consideration of on-site soil conditions in order to minimize the invasion of fine soil particles into the bedding gravel.

4.7.3 Sidewalk Underdrain

Storm water from concentrated points of discharge shall not be allowed to flow over sidewalks, but shall drain to the roadway by use of a sidewalk underdrain or other methods approved by the City Engineer.

A sidewalk underdrain shall not be located within a curb ramp, curb cut, or driveway. Sidewalk underdrains shall only be allowed in special situations, on a case-by-case basis, as determined by the City Engineer. Sidewalk underdrain sections shall be constructed in accordance with **Figure 4-7**.

4.7.4 Crossspans

A. Basic Requirements

Crossspans for passing storm drainage flow across roadways shall be constructed at intersections along streets that have a slope of one percent or less. Crossspans shall be constructed as shown in **Figure 4-6**.

B. Dimensions and Depth

Crossspans shall be a minimum width of 2 feet and a 1-inch typical depth adjacent to all streets classifications.

C. Minimum Grade

Minimum grade on crossspans at flowline of pan shall be 0.5 percent.

4.7.5 Inlets

Refer to the Drainage Criteria Manual requirements for sizing of inlets. Inlets or inlet depressions should not be located in the curb return or in the ADA ramp location, but shall be located at or behind the tangent points of the curb returns. Inlets located in a sidewalk shall be integrated with sidewalks. The inlet access shall be flush with the sidewalk surface. No manholes, inlets, or other storm sewer facilities are allowed within handicap access ramps.

4.7.6 Waterway Crossings

All waterway crossings beneath and/or within the public right-of-way shall be designed to minimize maintenance requirements. The design shall maintain or increase the water velocity through the structure to minimize silting or provide other design elements to address this issue.

If the waterway crossing is designated as an area with a streamside protection zone, all requirements of U.D.C. Chapter 168.12 shall be met.

4.7.7 Roadside Ditches and Driveway Culverts

A. Roadside Ditches

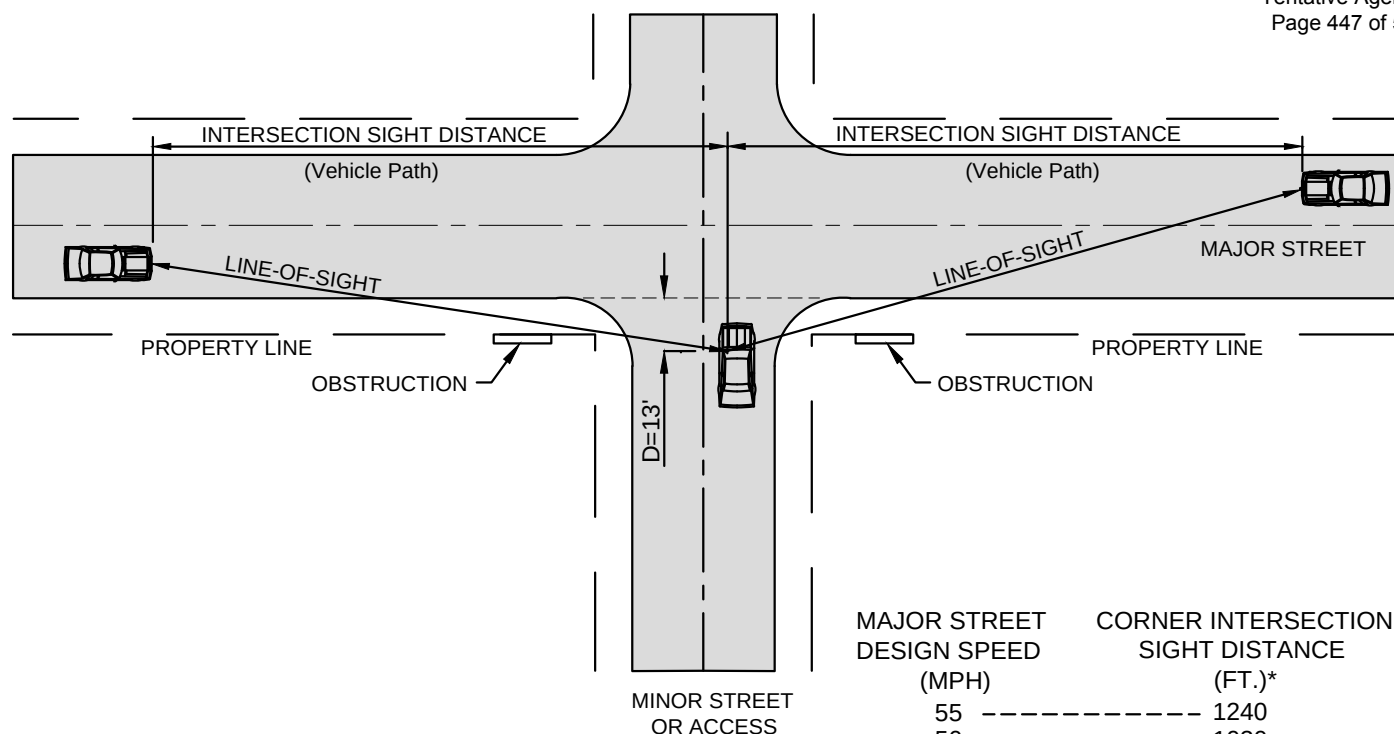
Any roadway sections developed without curbs (and with roadside drainage ditches) must complete the ditch construction with the installation of sod or other approved erosion control blanket within the ditch area. The profile grade of the ditch shall be maintained at a minimum slope of one (1) percent and a maximum slope of five (5) percent. A ditch profile grade greater than 5% may be approved by the City Engineer if the ditch is permanently stabilized to prevent erosion. The side slopes of the ditches shall be a 3:1 slope or less with a 4' wide shoulder between the edge of pavement and the top of slope.

Minimum Street Standards

B. Driveway Culverts

The slope and capacity of any roadside ditches shall be maintained in any areas that driveways cross the ditch. Each site is required to provide a pipe culvert a minimum of eighteen (18) inches in diameter, calculated to meet capacity and strength. The pipe shall be designed to have no less than twelve (12) inches of cover over the pipe. At each end of the culvert, there shall be a headwall or a flared end section installed. If a HDPE or CMP flared end section is used, a min. 6" wide concrete band shall be constructed around the exposed edges of the flared end section.



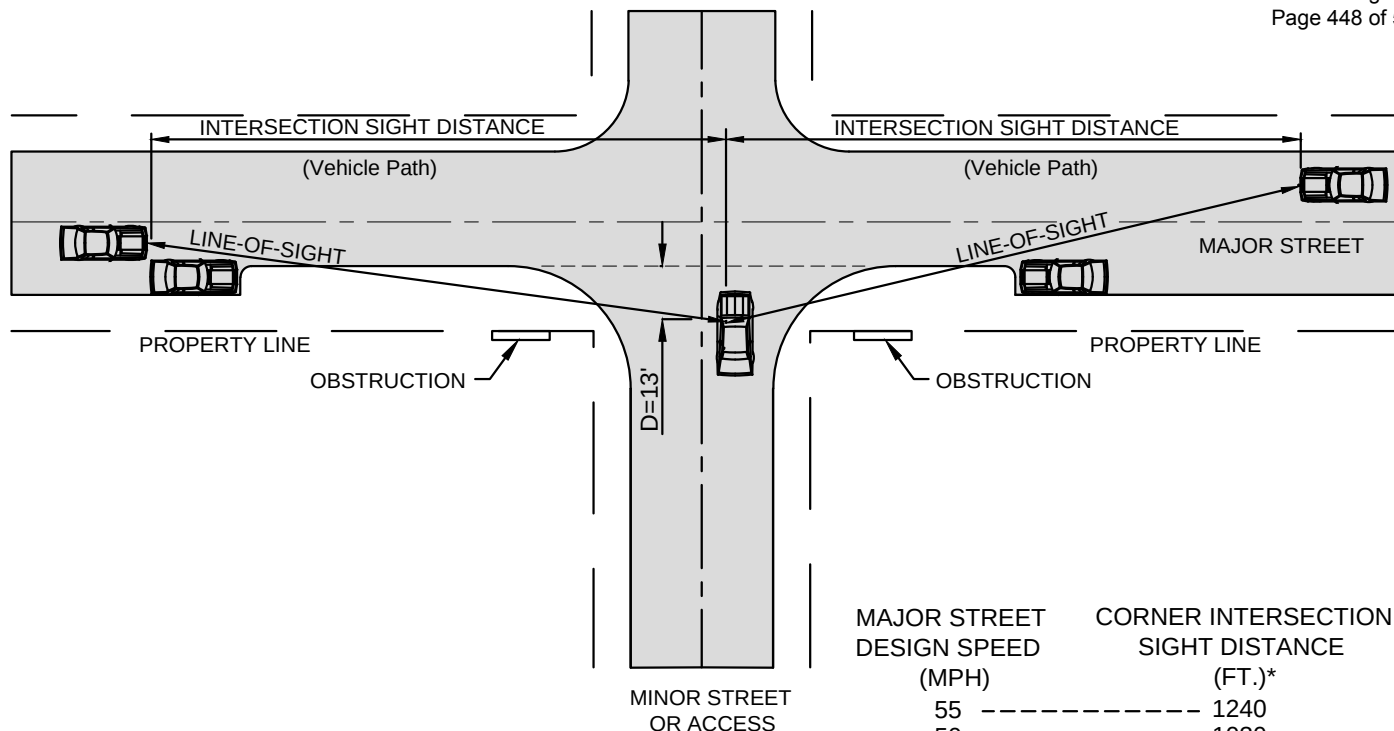


*NOTE: Line of Sight must be within
R.O.W. or sight distance easement

MAJOR STREET DESIGN SPEED (MPH)	CORNER INTERSECTION SIGHT DISTANCE (FT.)*
55	1240
50	1030
45	830
40	660
35	520
30	310
25	260
20	210
15	210

1. Corner sight distance measured from a point on the minor road at 13 feet back from the edge of the travel lane (flowline) and measured from a height of eye at 3.50 feet on the minor road to a height of object at 3.5 feet on the major road.
2. At Local-Local street intersections only, the "D" distance shall be ten feet (10') and the sight distance shall be measured to the centerline of the street.
3. For private driveway access to a public street, use 10 feet back from flowline (or shoulder for gravel roads).
4. These values apply to passenger cars on 2-lane roads only. Intersections and access serving trucks or on multi-lane roadways requires separate analysis.
5. Adjustments may be required on a skewed intersection.
6. For local/local street intersection, the minimum sight distance allowed is the stopping sight distance. See Table 4-3.

SIGHT DISTANCE AT INTERSECTIONS
(Unsignalized)

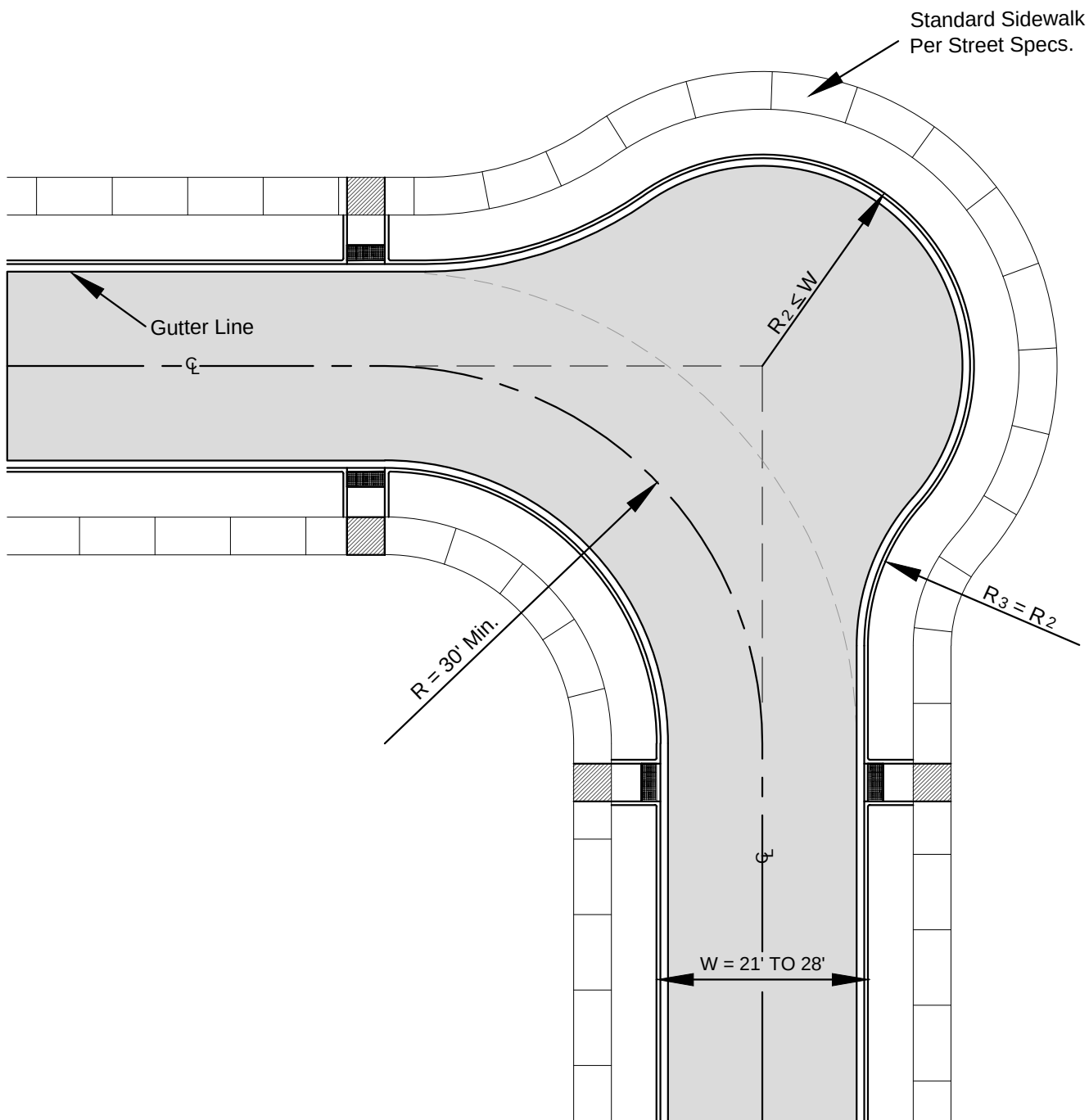


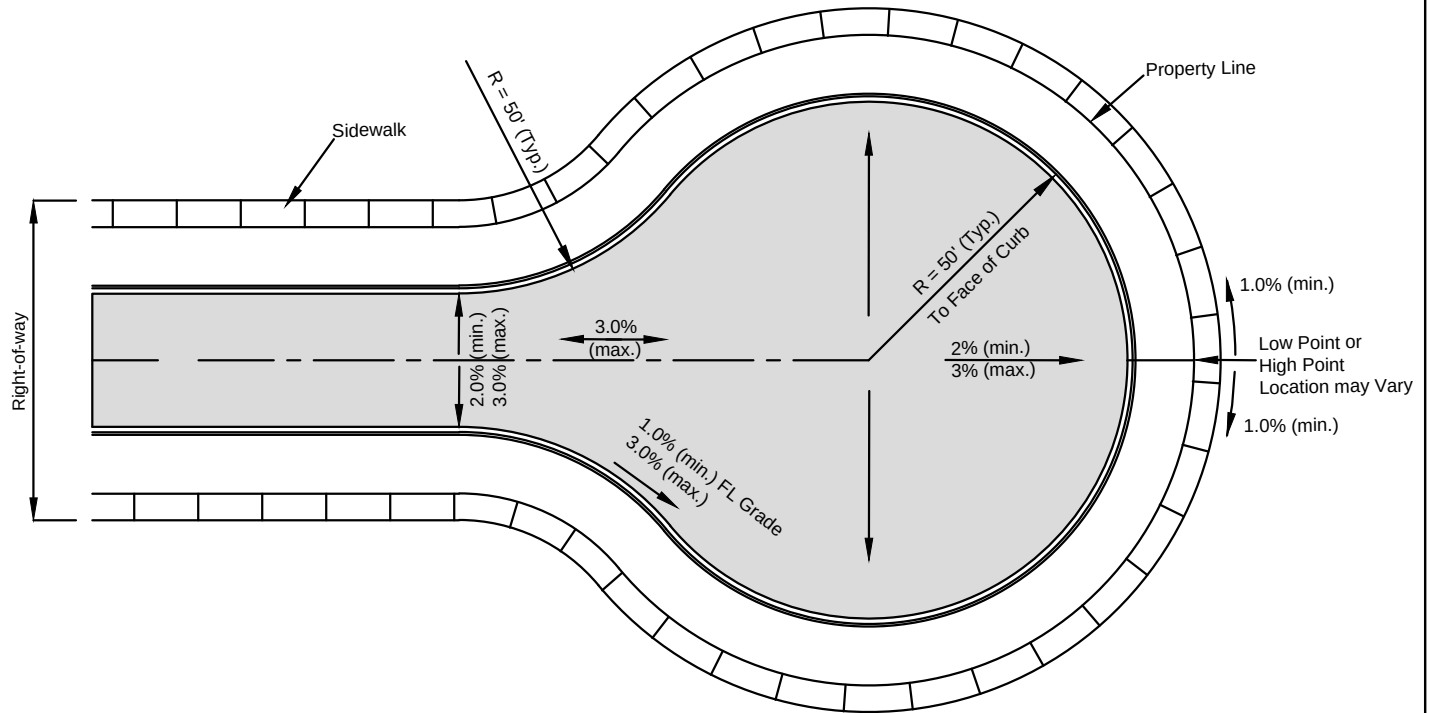
NOTE: Line of Sight must be within
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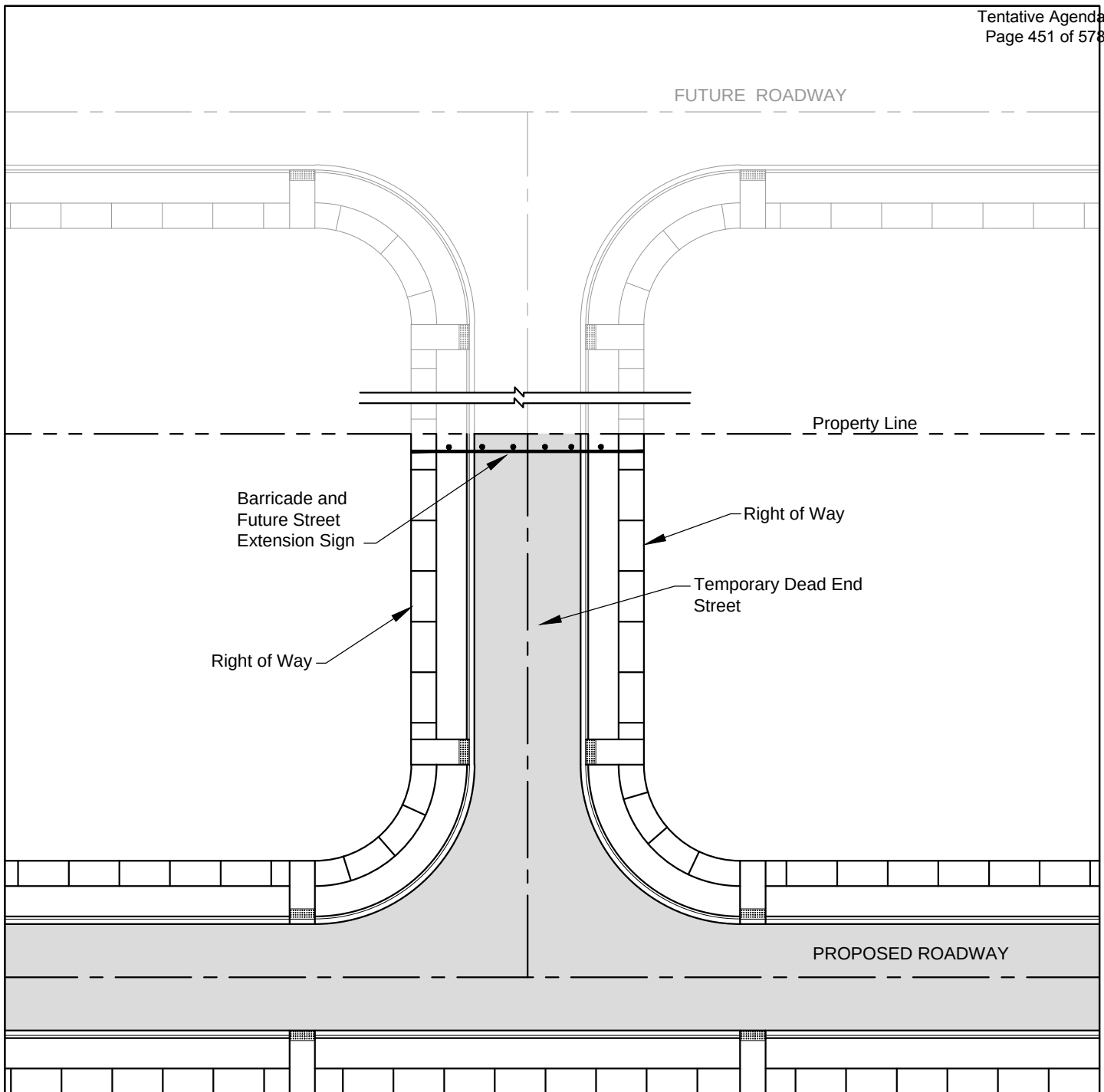
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SIGHT DISTANCE AT INTERSECTIONS
(Unsignalized)

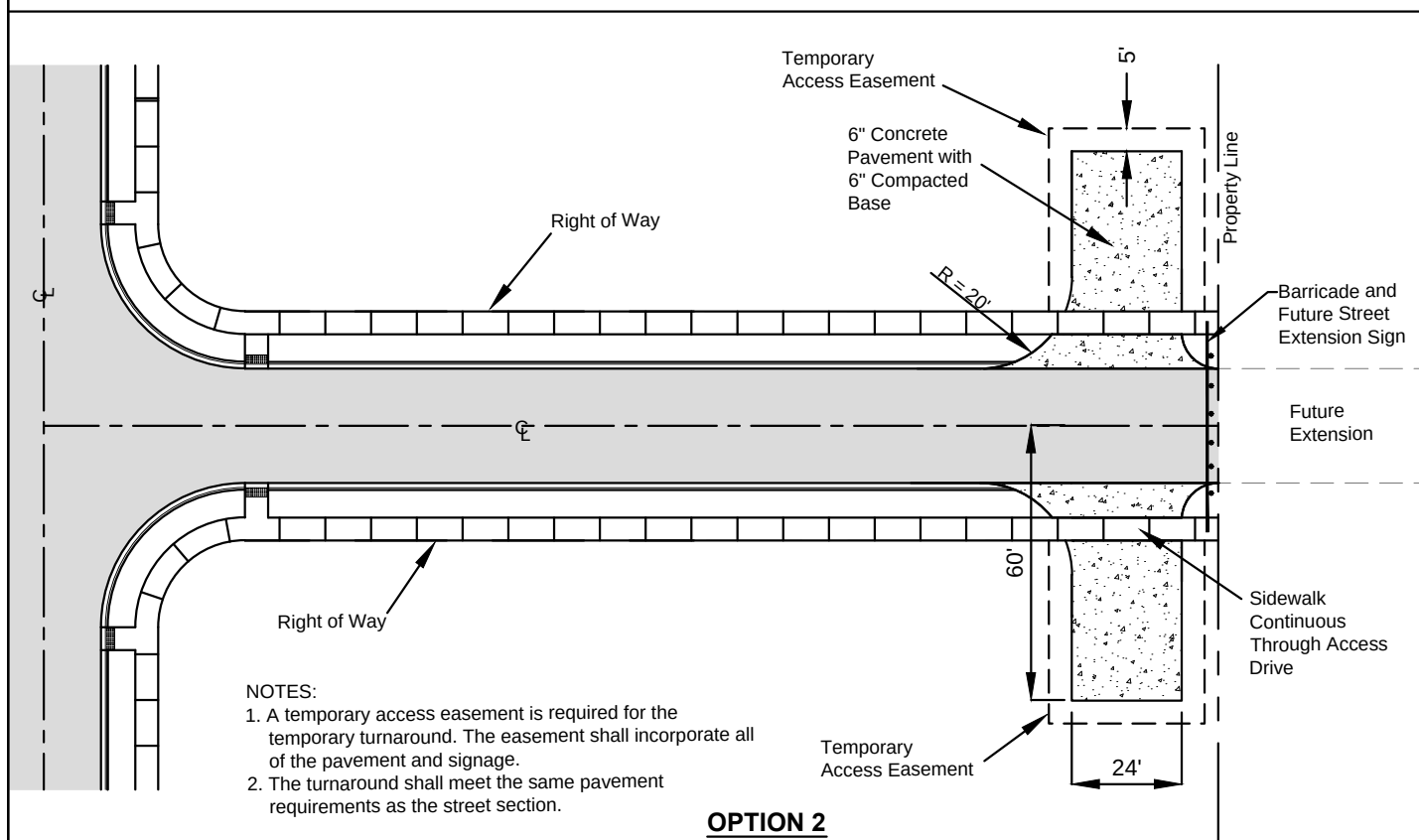
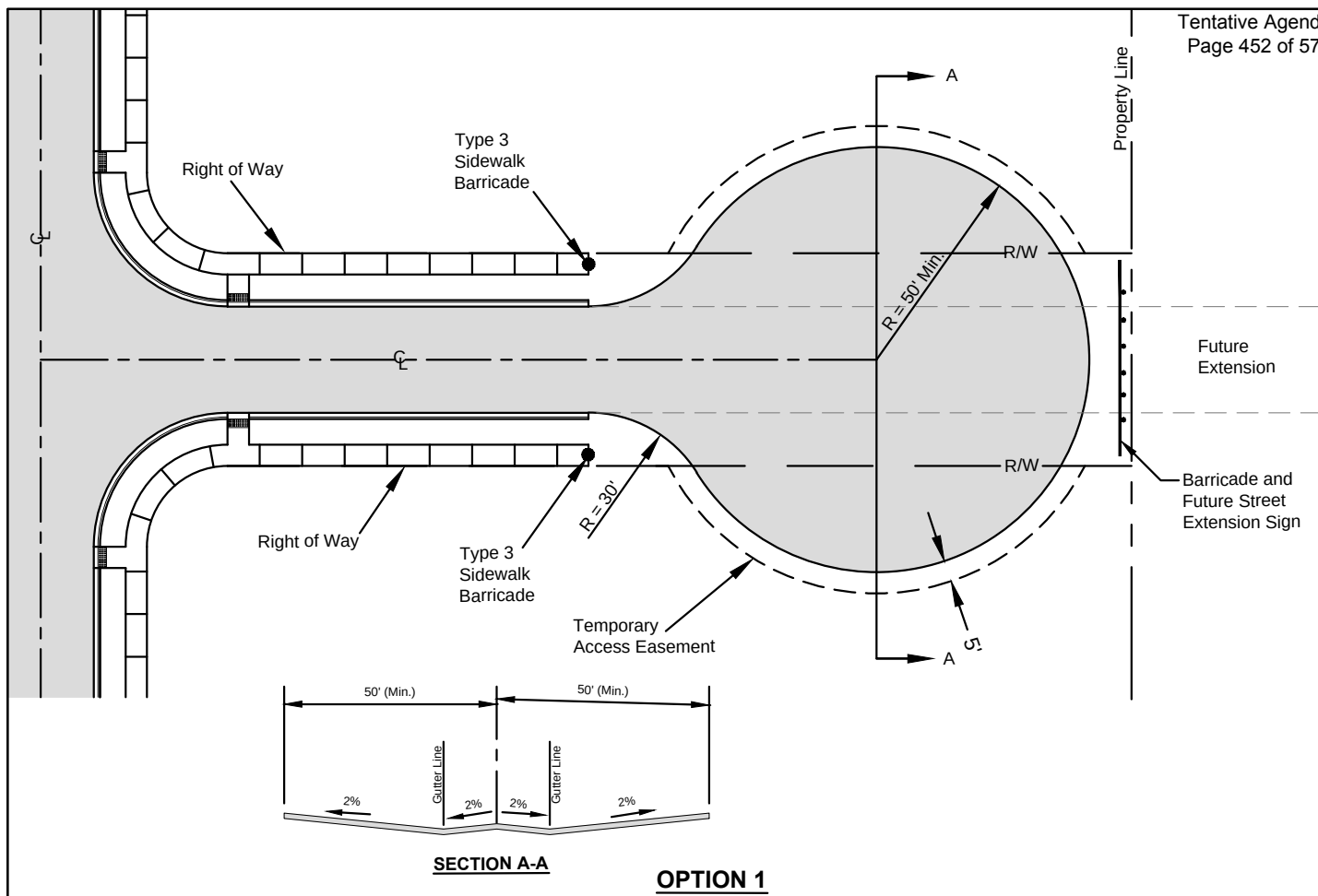




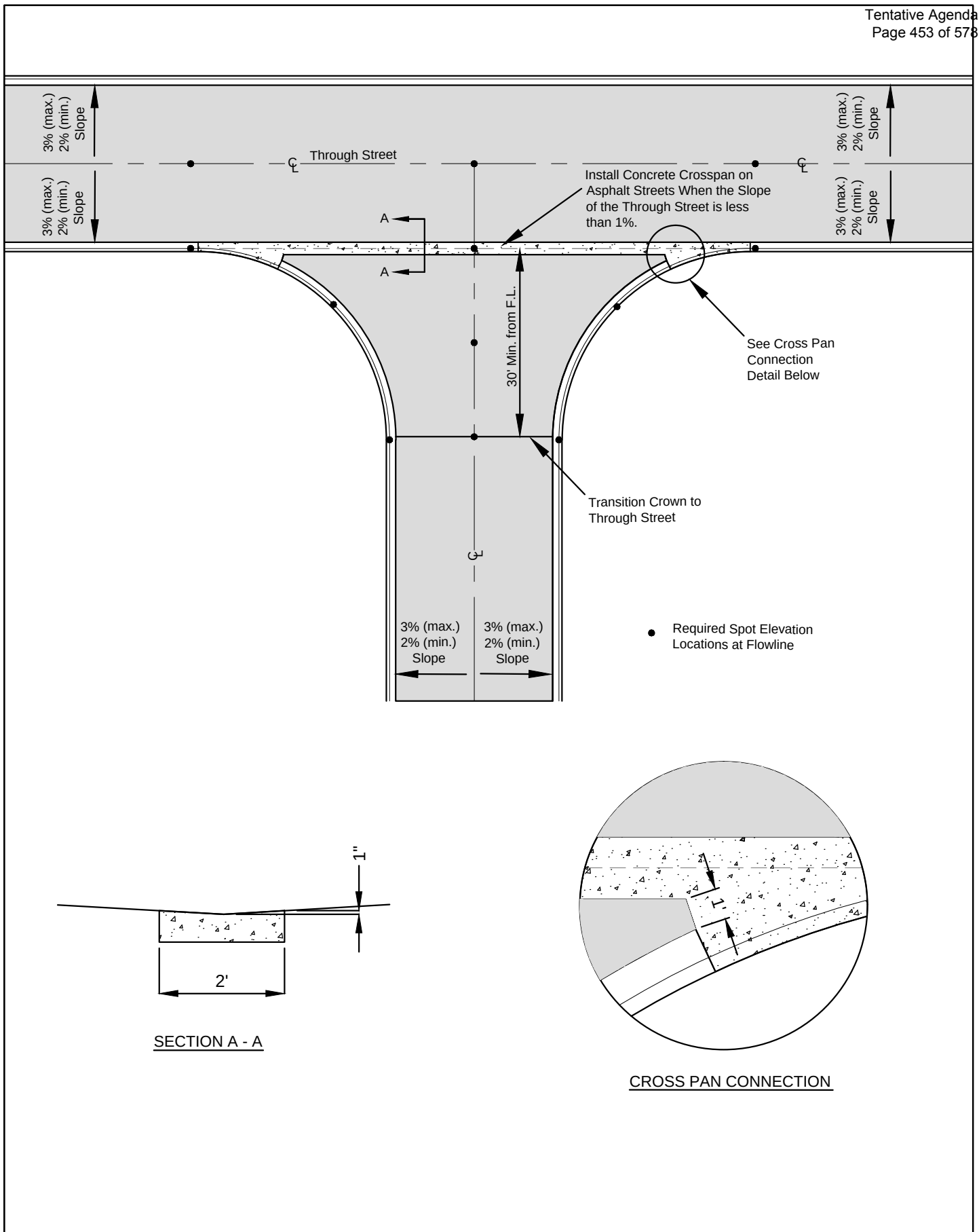


Notes:

1. The temporary dead end is limited to 150' in length.
2. A turnaround is not required.



- NOTES:
1. A temporary access easement is required for the temporary turnaround. The easement shall incorporate all of the pavement and signage.
 2. The turnaround shall meet the same pavement requirements as the street section.



CHAPTER 5 – INTERSECTIONS

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CHAPTER 5 – INTERSECTIONS

5.1 GENERAL

Intersections shall be designed to provide for the safety of motorists, pedestrians, and bicyclists. This chapter is based on criteria from the ITE Traffic Engineering Handbook, ITE Designing Walkable Urban Thoroughfares and AASHTO's A Policy on Geometric Design of Highways and Streets.

5.1.1 General Principals and Considerations

By their nature, intersections are conflict locations. Vehicles, pedestrians, and bicycles all cross paths. Each crossing is a conflict point. The basic design of intersections includes the following objectives:

- A. Minimize conflicts between modes of transportation
- B. Accommodate all modes with appropriate levels of service for motorists, pedestrians, bicyclists, and transit given the recommended speed, volume and expected mix of traffic.
- C. Avoid elimination of any travel modes due to intersection design.
Intersection widening for additional turn lanes to relieve traffic congestion should be balanced against impacts to pedestrians, bicyclists and transit.
- D. Provide good driver and non-driver visibility through proper sight distance triangles and geometric features that increase visibility.
- E. Minimize pedestrian exposure to moving traffic.
- F. Avoid extreme intersection angles and break up complex intersections with pedestrian refuge islands. Keep intersections easily and fully comprehensible for all users. Strive for simplicity in intersection design.
- G. Ensure intersections are fully accessible to the physically disabled.

5.2 INTERSECTION DESIGN CRITERIA

5.2.1 Location of Intersections

For intersection location criteria, refer to **Section 166.08 (Street Design and Access Management Standards)** of the U.D.C., and the current Master Street plan.

5.2.2 Lane Alignment

All lanes shall be in alignment through each intersection, with a maximum of a 2-foot shift in a hardship situation only, subject to approval by the City Engineer.

5.2.3 Angle of Intersection

Crossing roadways should intersect at 90 degrees whenever possible. In no case shall they intersect at less than 75 degrees or more than 105 degrees.

5.2.4 Horizontal Alignment and Vertical Profile

A. Horizontal

The horizontal alignment of streets through an intersection shall be designed in conformance with **Table 4-1**. Intersections may be placed on horizontal curves, provided that the tangent lengths given in **Table 4-1** are provided on the minor street and the required sight distance is obtained.

B. Vertical

The grade of the street with the higher classification shall prevail at intersections. The lesser street shall adapt to the grade of the Major street. When roads are of equal classification, the City Engineer shall determine which street grade prevails.

The street profile grade of the lesser street shall not exceed 5 percent on the approach to the intersection, as measured along the centerline of the street for a minimum distance equal to the tangent length for the street classification, see **Table 5-1**. In areas where steep terrain is an issue, the City Engineer may allow a greater approach grade in order to reduce the grading impact on the site.

5.2.5 Exclusive Left Turn Lanes

Exclusive left turn lanes shall be provided on all arterial streets and other streets wherever left turn lanes are warranted and approved by the City Engineer. The Designer shall use information in the Transportation Impact Study (TIS) to determine whether an exclusive left turn lane is warranted on non-arterial streets. Refer to **Figures 5.2, 5.3 and 5.4** for design requirements.

5.2.6 Exclusive Right Turn Lanes

Exclusive right turn lanes shall be provided at locations where they are required by the applicable TIS, and approved by the City Engineer.

A. Warrants for Right Turn Lanes

Figure 5-5 provides guidelines and warrants for whether a right turn lane shall be provided at intersections or accesses.

B. Design Criteria

Right turn lanes shall be designed to accomplish the following functions:

1. Provide a means of safe deceleration outside the high speed through lane.
2. Provide a separate storage area for right turns to assist in the optimization of traffic signal phasing.
3. Provide a means of separating right turn movements at stop controlled intersections. The design elements, as shown in **Figure 5-6**, are the approach taper, bay taper, lengths of lanes, width of lanes, and departure taper. For approach taper lengths, see **Figure 5-7**.

C. Pedestrian Refuge

Where Pedestrian refuge is required, it shall be designed in accordance with **Figure 5-8**. If a right turn lane turns into an exclusive lane that continues, use **Figure 5-9**

5.2.7 Design Vehicles

As a minimum, intersections shall be designed to accommodate the following design vehicles for the specified turns. The minimum allowable intersection turning radii are as follows.

A. DL-23 (Delivery Truck)

All DL-23 vehicles must be able to turn easily from one street to the next and remain in the correct lane for each roadway. This is required for all roadways.

B. SU-30 (Single Unit Truck)

All SU-30 vehicles must be able to turn easily from one street to the next and remain in the correct lane for each roadway. For low traffic Local/Local intersections, the SU-30 may use more than one traffic lane to complete the turn without tracking onto the curb at corners. For all other roadways this vehicle must be able to complete turns without entering into opposing lanes.

C. CITY-BUS (City Transit Bus)

All CITY-BUS vehicles may use more than one traffic lane to complete the turn when turning from the correct lane without tracking onto the curb at corners. This shall apply to all streets. When the intersection is on a regular or planned transit route where the turning movement could conflict with a stopped vehicle at the intersection, then the intersection must be designed to allow the bus to turn easily from one street to the next without entering opposing lanes of either roadway.

D. WB-40 (Intermediate Semitrailer)

All WB-40 vehicles may use more than one traffic lane to complete the turn without tracking onto the curb at corners. In addition, the vehicle must make the turn in one forward maneuver not encroaching into opposing traffic lanes unless the intersection has been designed to allow for safe encroachment. This requirement shall apply to all Arterial/Arterial, Arterial/Collector, Arterial/Local and Collector/Collector. For all other intersections (including mini-roundabouts), the vehicles may use the entire paved surface of the street to negotiate the turn. The vehicle may have to back up to complete the turn.

E. WB-67 (Interstate Semitrailer).

All modern roundabouts and arterial intersections containing raised medians and channelizing islands shall be designed to accommodate a WB-67 vehicle.

F. Other Vehicles.

For special circumstances other design vehicles may be required by the City Engineer.

5.2.8 Curb Returns

A. Curb Return Radii

The corner radii at intersections shall be set so that the selected design vehicles can pass through the intersection in an appropriate manner. The design vehicle types and use of lanes shall be per Section 5.2.7. Intersections shall be designed to minimize curb radii while still accommodating the largest applicable design vehicle. The following should be considered when possible in order to minimize the curb return radii:

1. Bike lanes, on-street parking, and other facilities should be included to create an effective corner radius which accommodates the design vehicle. When on-street parking is used to establish an effective turning radius, the effective radius shall be delineated within the parking lane by an approved striping pattern, raised curb, or other approved traffic control device.
2. Traffic control devices should be arranged as to allow safe encroachment of infrequent vehicles into approaching lanes of traffic.
3. Compound radii should be used to minimize the crossing distance for pedestrians.
4. The outside vehicular lane should be widened through the intersection to increase the effective turning radius.

A variance from the above requirements and 5.2.7 may be approved by the City Engineer where:

1. High pedestrian volumes are present or reasonably anticipated.
2. Volumes of turning vehicles are low.
3. The design vehicle constitutes a very low proportion of the turning vehicles.
4. Occasional encroachment of the design vehicle beyond that provided in Section 5.2.7 is acceptable.
5. Occasional encroachment of turning school bus, moving van, or oversized delivery truck into an opposing lane is not acceptable.
6. Larger vehicles than those listed in 5.2.7 are expected to be frequent users of the street.

For curb returns on a State Highway, every effort shall be made to minimize curb radii through negotiation with AHTD while acknowledging **AHTD's** curb radii requirements

supersede these Standards.

B. Curb Return Grades

The minimum allowable grade for flowlines around curb returns shall be no less than 0.5 percent. One percent (1%) minimum slope is recommended.

5.2.9 Traffic Islands.

The following is a list of different types of traffic islands:

A. Corner Islands Separating Right Turns

Standard corner islands may be used in Arterial/Arterial intersections to channelize traffic where required to provide pedestrian refuge or where required by the City Engineer. The corner islands shall be designed as raised islands in accordance with **Figures 5-8** or **5-9** for a right turn lane continuing to an exclusive lane or for a right turn lane stop condition, respectively. The striping shall be in accordance with the requirements of **Chapter 7, Traffic Control Devices**.

B. Median Islands Separating Opposing Traffic

Median islands are required at all Arterial/Arterial intersections. The length of the island shall include the appropriate approach taper, bay taper and length of lane required by these Standards, or supported by another approved resource standard. The design shall be in accordance with **Figure 5-10** and as follows:

1. No Obstruction. Medians must not obstruct the minimum left turn radius for the design vehicle(s).

2. Drainage. Landscaped medians shall include drainage facilities to handle sprinkler run-off and nuisance flows. When low maintenance landscaping is used in conjunction with trickle irrigation, drainage requirements may be waived and outfall curb and gutter should be used.
3. A pedestrian refuge area shall be provided at all pedestrian crossings.

C. Splitter Islands on Roundabouts

In modern roundabout designs, raised splitter islands shall be designed in accordance with Federal Highway Administration Roundabouts to direct traffic and provide pedestrian refuge.

5.2.10 Traffic Signals, Striping and Signing

See Chapter 7, Traffic Control Devices.

5.2.11 Access Ramps

See Chapter 8, Pedestrian Facilities Design and Technical Criteria.

5.2.12 Right-of-way

A. Requirements

All intersection rights-of-way shall be dedicated as shown in the current **Master Street Plan** to provide adequate right-of-way to include greenspace, sidewalks, and access ramps around the radii. Additional right-of-way may be required at intersections to provide space for additional left or right turn lanes without reducing the widths of standard required facilities.

5.2.13 Intersection Sight Distance

Street intersections shall be designed so that adequate sight distance is provided along all streets. The required sight distance shall be determined by the design speed and grades of the street and the acceleration rate of an average vehicle as prescribed below.

A. Minimum Requirements

All designs must provide minimum safe stopping sight distance in accordance with **Chapter 4, Street Design and Technical Criteria**, and **AASHTO**. In addition, for all streets that intersect with Arterial and Collector streets, the sight distance must be large enough to allow a vehicle to enter the street and accelerate to the average running speed without interfering with the traffic flow on the Arterial or Collector street.

B. Landscaping and Hardscaping

No landscaping or hardscaping higher than 30 inches above the flow line of the gutter shall be permitted within a corner cut that will block the line of sight for pedestrian visibility.

5.2.14 Pedestrian Requirements

See **Chapter 7, Traffic Control Devices**, concerning crosswalk requirements and **Chapter 8, Pedestrian Facilities Design and Technical Criteria**.

5.2.15 Drainage

See **Chapter 4, Street Design and Technical Criteria**, concerning drainage.

5.3 ROUNDABOUTS

Roundabouts shall be specially designed to the specific need on high traffic volume streets and used to improve traffic flow. Refer to **Federal Highway Administration, Roundabouts: An Informational Guide** for typical layout. Also refer to **Figure 5-11 and 5-12** for typical roundabout layout features. The following are certain minimum requirements:

5.3.1 Design Vehicle

Arterial and Collector Roundabouts shall be designed to accommodate WB-67 trucks. The design vehicle is to be accommodated by maintaining a 2-foot separation between the truck and the curb face. A truck apron shall be provided around the circulatory island. The WB-67 vehicle may use the truck apron for left turn movements and may use the truck apron for right-turn movements if necessary.

5.3.2 Design Speed

The design speed for a single-lane roundabout shall be 20-25 mph. The design speed for a multi-lane roundabout shall be 25 to 30 mph.

5.3.3 Horizontal Configuration

The roundabout layout shall be determined by the Design Engineer and approved by the City Engineer.

5.3.4 Roadway Width

The circulatory roadway width shall be a minimum of 1.0 to 1.2 times the width of the widest entering roadway. This width may include the truck apron when approved by the City Engineer.

5.3.5 Truck Apron

1. The width of the truck apron shall be a minimum of 8-feet to allow for emergency or maintenance vehicles. The truck apron shall be constructed of a material different in appearance from the adjacent pavement to provide visual contrast. Final truck apron design shall be based on truck turning analysis plus a two-foot buffer. The designer shall provide a jointing pattern plan to control shrinkage cracking.
2. The truck apron shall have a 4% to 6% Cross Slope to allow utility and maintenance vehicles access and discourage any pedestrian use.
3. Curb for the truck aprons shall be a 6-inch mountable curb with a 1:1 slope face. No expansion material shall be specified between the back of curb and the truck apron.
4. Truck apron pavement thickness shall be developed with the Final Pavement Design and may require subgrade stabilization if swelling soils exist.

5.3.6 Pedestrian Access Ramps for Bikes

1. Bicycle traffic shall be assisted / encouraged to leave the roadway prior to the roundabout by construction of bicycle exit and re-entrance ramps.

5.3.7 Pedestrian Crossings

1. The pedestrian crossing through the splitter island shall be set back 25-feet from the yield line at the nose of the splitter island pending sight triangle analysis. The pedestrian crossing and ramps shall meet the ADA requirements for accessible pathways.
2. A 7 to 8-foot wide of pedestrian refuge opening shall be provided in the splitter island.
3. The pedestrian crossing shall cross both the entry and exit roads along a single tangent roughly perpendicular to the centerline of the splitter island as shown on **Figure 5-11**.
4. Pedestrian ramps shall be lined up directly with the crosswalk. A two-foot wide truncated dome surface shall be located perpendicular to the pedestrian crossing at each location where pedestrians are designated to enter the traffic way including the splitter island refuge.
5. The pedestrian ramps and splitter island pedestrian refuge shall be contained by six-inch vertical curbs to give direction at the crossing as shown on **Figure 5-11**.

5.3.8 Drainage

1. All drainage within the roundabout shall drain away from the center island at a slope of 2% min. (1% min. for concrete). A crowned circulatory roadway shall be designed for all multi-lane roundabouts unless a variance is granted by the City Engineer.
2. No pavement swales or drainage crosspans shall be allowed to take storm drainage away from center island or across roundabout entry or exit alignments. Drainage directed to the roundabout from adjacent legs must be intercepted by storm drain inlets to minimize encroachment into the circulatory roadway.

5.3.9 Where Allowed

Roundabouts may be allowed on any roadway as approved by the City Engineer. Design engineers are encouraged to evaluate the appropriateness of roundabouts for intersections within proposed developments.

5.3.10 Design Software

The roundabout design shall be completed with the aid of computer software. Acceptable products include the latest versions of Auto Turn, ARCADY, RODEL or other software as approved by the City Engineer. VISSIM or other simulation software may be used for public presentation. The City Engineer is authorized to require the use of a specific software package when warranted by the needs of a specific intersection. The Design Engineer shall have specific knowledge of how to control the software and be able to demonstrate that understanding to the City Engineer.

5.3.11 Right-of-way

The City will require additional right-of-way to be dedicated by the Developer to accommodate the roundabout.

5.3.12 Splitter Islands

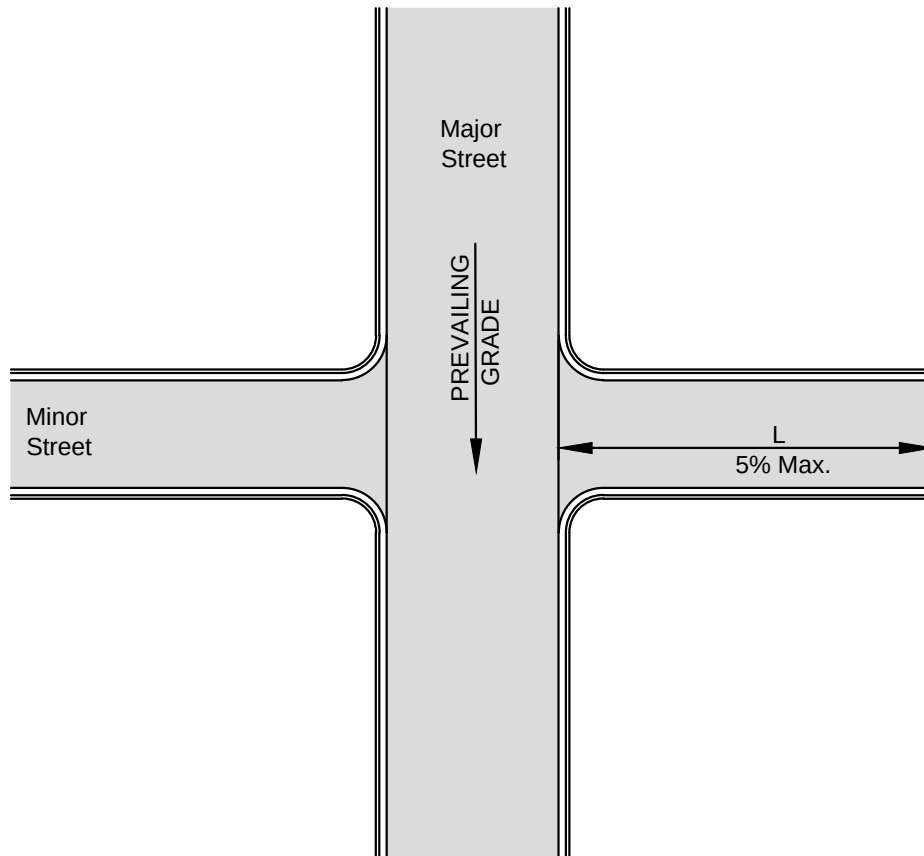
Raised splitter islands shall be required on all approaches. Where the approach leg has a central turning lane or median, the splitter island shall be extended to connect to the median or a sufficient distance from the pedestrian refuge to provide confinement of the entering and exit movements and control of the fastest paths (125-feet is suggested). The vertical face of the raised splitter island shall be set back approximately 3-feet from the approach edge of a median nose and 1 to 1.5-feet at the trailing edge (down traffic).

Minimum Street Standards

5.3.13 Signage

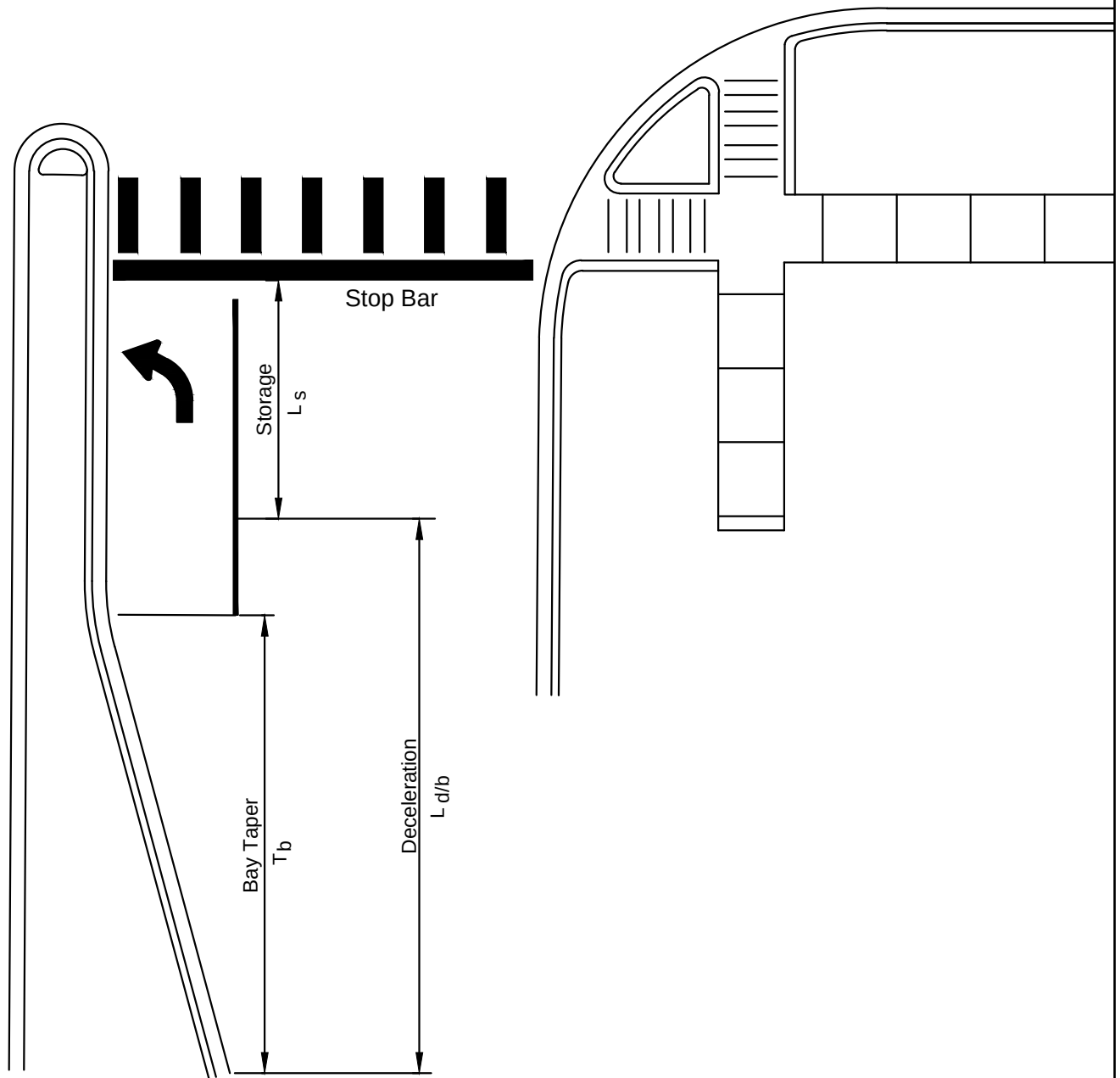
The signage shall be in accordance with **Chapter 7, Traffic Control Devices**.





INTERSECTION GRADE CONTROL LENGTHS (L)

MINOR LEG	LOCAL	COLLECTOR	ARTERIAL
Local	95 ft	100 ft	125 ft
Collector	100 ft	120 ft	200 ft
Arterial	125 ft	200 ft	200 ft



NOTES:

1. Refer to **Figures 5-3, and 5-4** for design requirements.
2. Provide a $50\pm$ arc length at angle points for a smooth curve.

Deceleration

L_{d/b} -- Length of Taper and Lane for Deceleration and Braking (ft.)

Functional Basis: To provide sufficient length for a vehicle to decelerate and brake entirely outside the through traffic lanes.

Desirable Design: Deceleration in gear for 3 seconds (occurs over bay taper) followed by comfortable braking to a stopped position. .

Design Values For L_{d/b}

S-- Speed (mph)	Total	Length Lane (ft)	Bay Taper
30	235	115	(120)
40	315	155	(160)
50	435	235	(200)
60	530	290	(240)

Storage

L_s -- Length of Lane for Storage (Full Width Lane) (ft.)

Functional Basis: To provide sufficient length for a reasonable number of vehicles to queue within the lane without affecting other lanes.

Desirable Design: Based on twice the mean arrival rate (per cycle for signals, per 2-minute period for stop control) during the peak hour of traffic.

Minimum Design: Based on mean arrival rate, with minimum storage for one vehicle.

L_s for Stop
Control

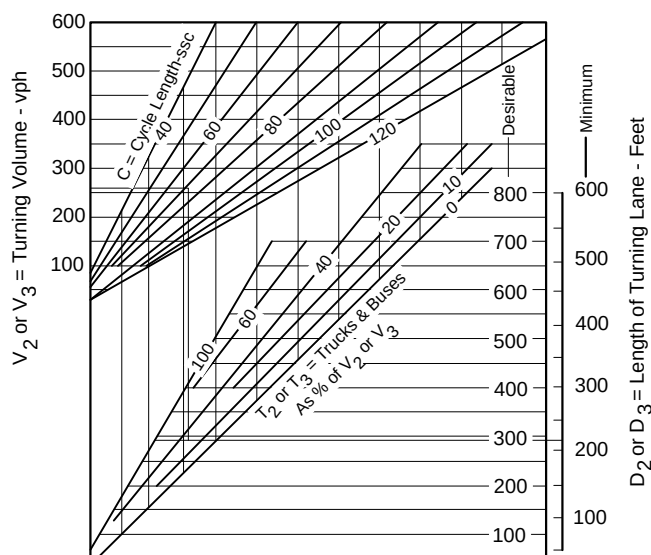
DHV (vph)	L _s (ft)
≤60	50-75
61-120	100
121-180	150
>180	200 or more

Minimum Design: Braking begins at 2/3 full lane width, with minimum 50-foot storage. For low speeds only, the following values apply:

Design Values For L_{d/b}

S-- Speed (mph)	Total	Length Lane (ft)	Bay Taper
30	230	50	(180)
35	250	70	(180)
40	280	100	(180)
45	320	140	(180)

L_s for Traffic
Signal Control



T_a -- Approach Taper Design (ft) (Redirect Taper)

Functional Basis: To provide a smooth lateral transition for all vehicles approaching the intersection.

Form of Alignment: Tangent

Low Speed Design: (<45) Provide a fully shadowed lane.

$$T_a = \frac{WS^2}{60}$$

W = Width of Offset (ft)
S = Speed (mph)

Typical Values for T_a*

S-- Speed (mph)	W -- Width of Offset (ft)		
	11	11.5	12
25	115	120	125
30	165	170	180
35	225	235	245
40	295	305	320

*Rounded to nearest 5 ft.

High Speed Design: (≥45) Provide a fully shadowed lane. Design as follows:

$$T_a = WS$$

W = Width of Offset (ft)
S = Speed (mph)

S-- Speed (mph)	W -- Width of Offset (ft)		
	11	11.5	12
45	495	520	540
50	550	575	600

*Rounded to nearest 5 ft.

T_b = Bay Taper Design

Functional Basis: To direct left-turning vehicles into the turn lane.

Form of Alignment: Tangent; or reverse curves with 1/3 of the total length comprised of a central tangent.

Desirable Design: For fully shadowed left turn lane.

$$T_b = \frac{W_1 S}{3}$$

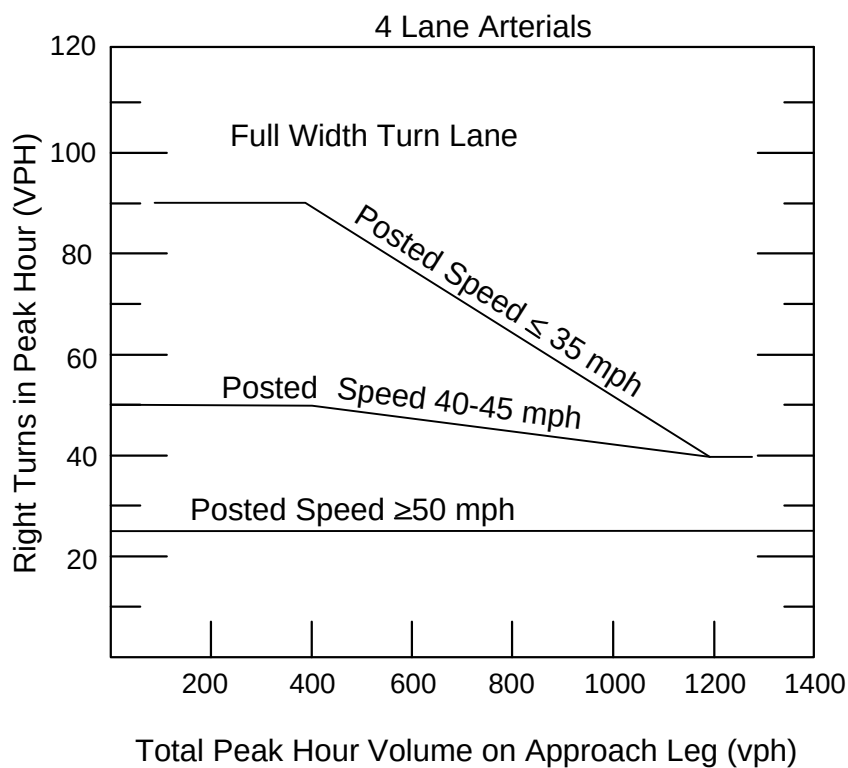
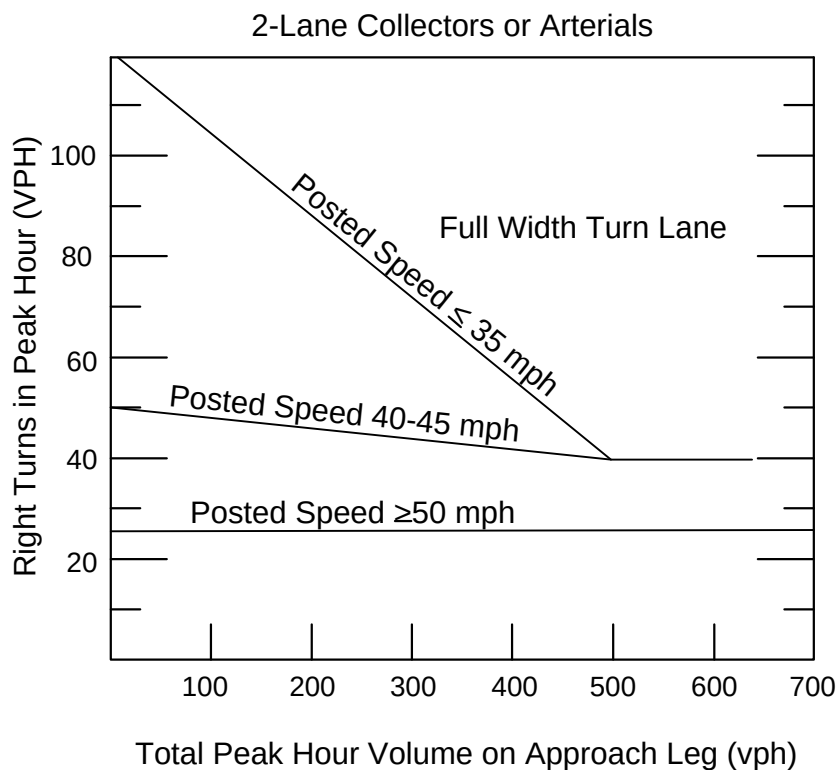
W₁ = Width of Lane
S = Speed (mph)

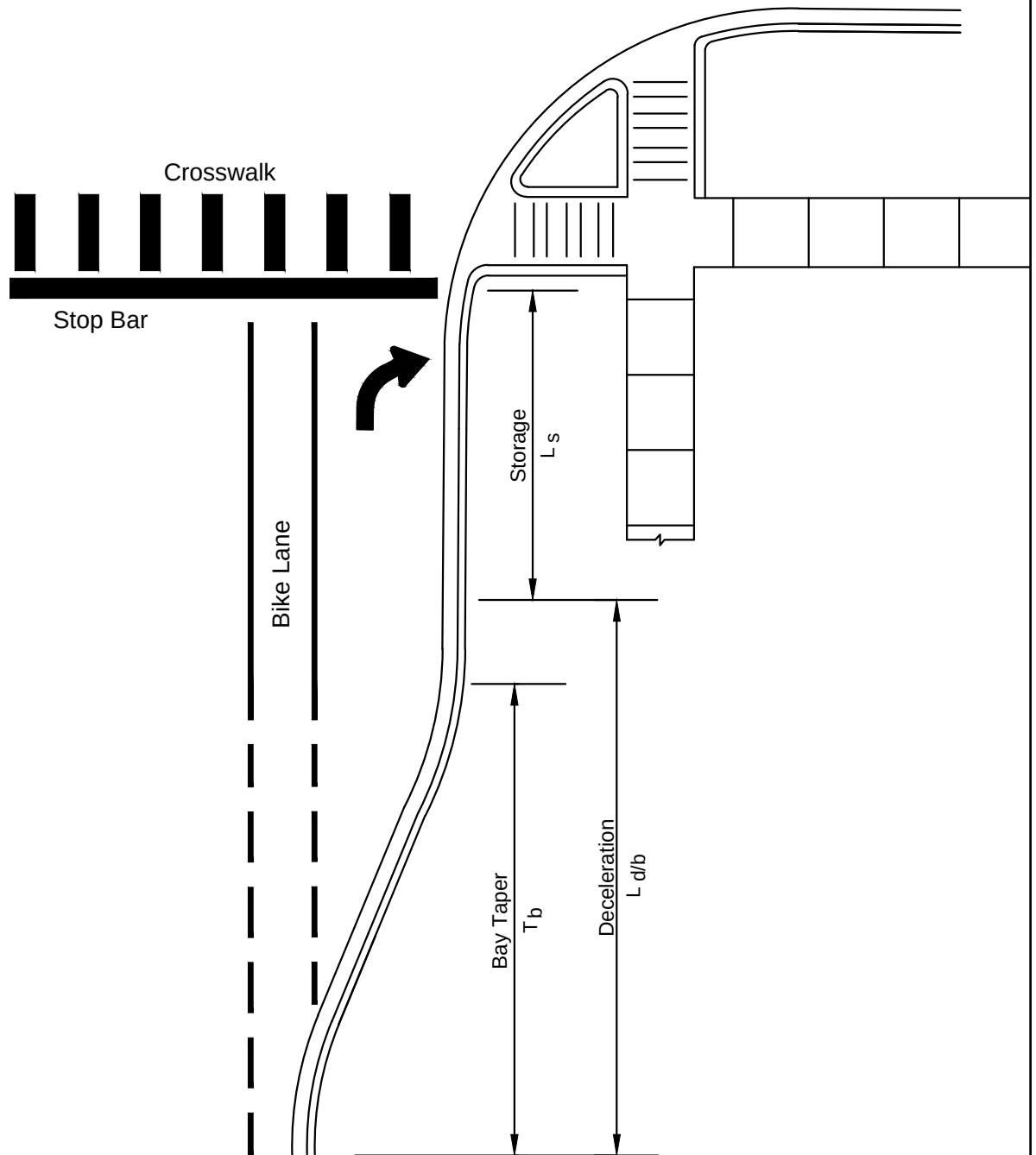
Typical Values for T_b*

S-- Speed (mph)	W ₁ -- Width of Lane (ft.)	
	11	12
30	110	120
40	145	160
50	185	200

*Rounded to nearest 5 ft.

Minimum Design: Taper ratios of 8:1 can be used for tangent bay tapers in constrained locations.





NOTES:

1. Refer to **Figures 5-7** for design requirements.
2. Provide a $50\pm$ arc length at angle points for a smooth curve.

L_{d/b} -- Length of Taper and Lane for Deceleration and Braking (ft.)

Functional Basis: To provide sufficient length for a vehicle to decelerate and brake entirely outside the through traffic lanes.

Desirable Design: Deceleration in gear for 3 seconds (occurs over bay taper) followed by comfortable braking to a stopped position.

T_b = Bay Taper Design

Functional Basis: To direct left-turning vehicles into the turn lane.

Form of Alignment: Tangent; or reverse curves with 1/3 of the total length comprised of a central tangent.

Desirable Design: For fully shadowed left turn lane.

Design Values For L_{d/b}

Highway Design Speed, V (mph)	Stop Conditions*	Design Speed of Corner Radius (mph)			
		15	20	25	30
30	235	185	160	140	-
35	275	240	213	188	93
40	315	295	265	235	185
45	375	350	325	295	250
50	435	405	385	355	315

$$T_b = \frac{W_1 S}{3}$$

W₁ = Width of Lane
S = Speed (mph)

Typical Values for T_b*

S -- Speed (mph)	W ₁ -- Width of Lane (ft.)	
	11	12
30	110	120
40	145	160
50	185	200

* Approximate for right turn lanes in approaches to stop signs and traffic signals.

$$\text{Bay Taper Length} = \frac{WS}{3}$$

$$T_b = \frac{W_1 S}{3}$$

*Rounded to nearest 5 ft.

Minimum Design: Taper ratios of 8:1 can be used for tangent bay tapers in constrained locations.

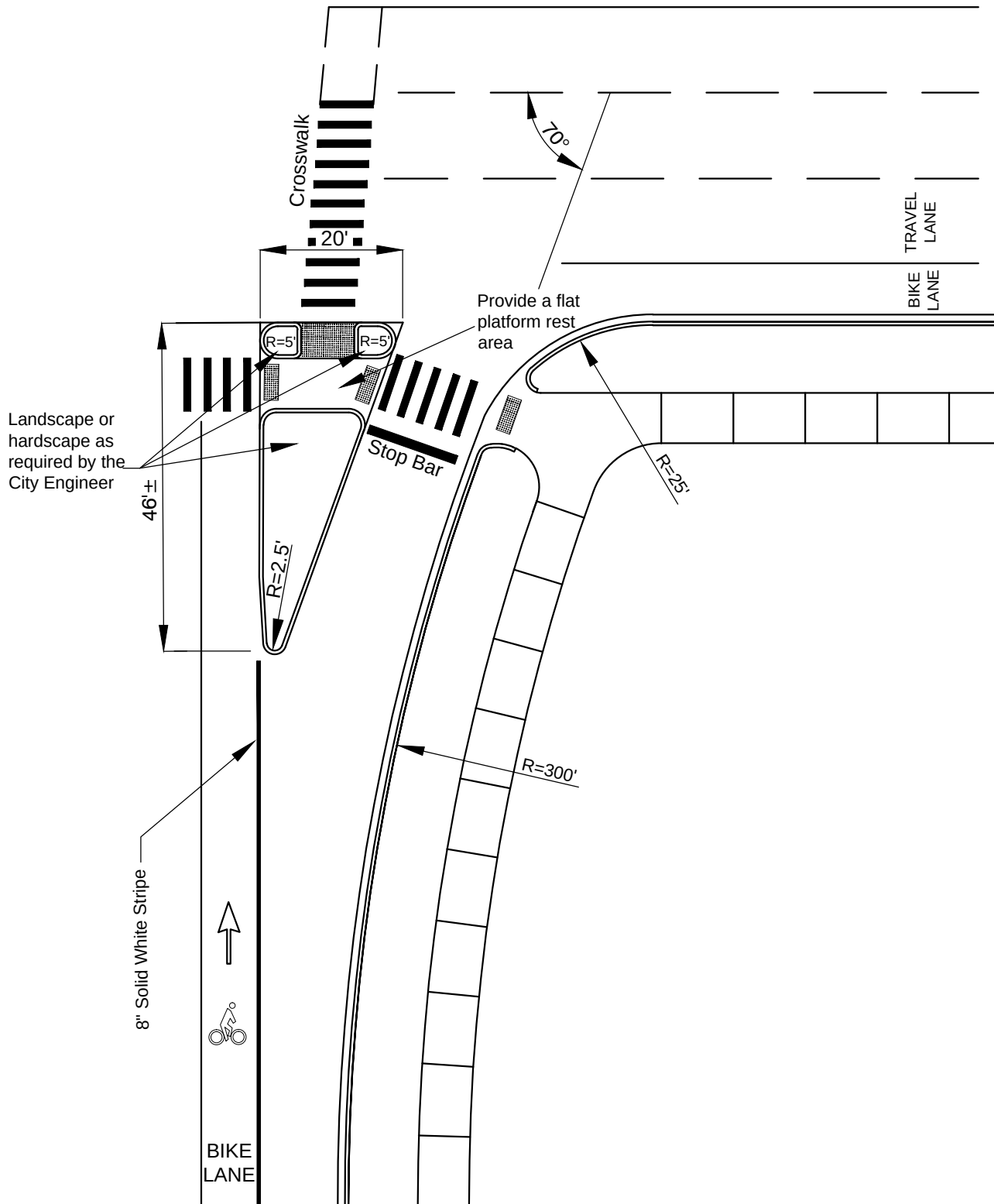
L_s -- Length of Lane for Storage (Full Width Lane) (ft.)

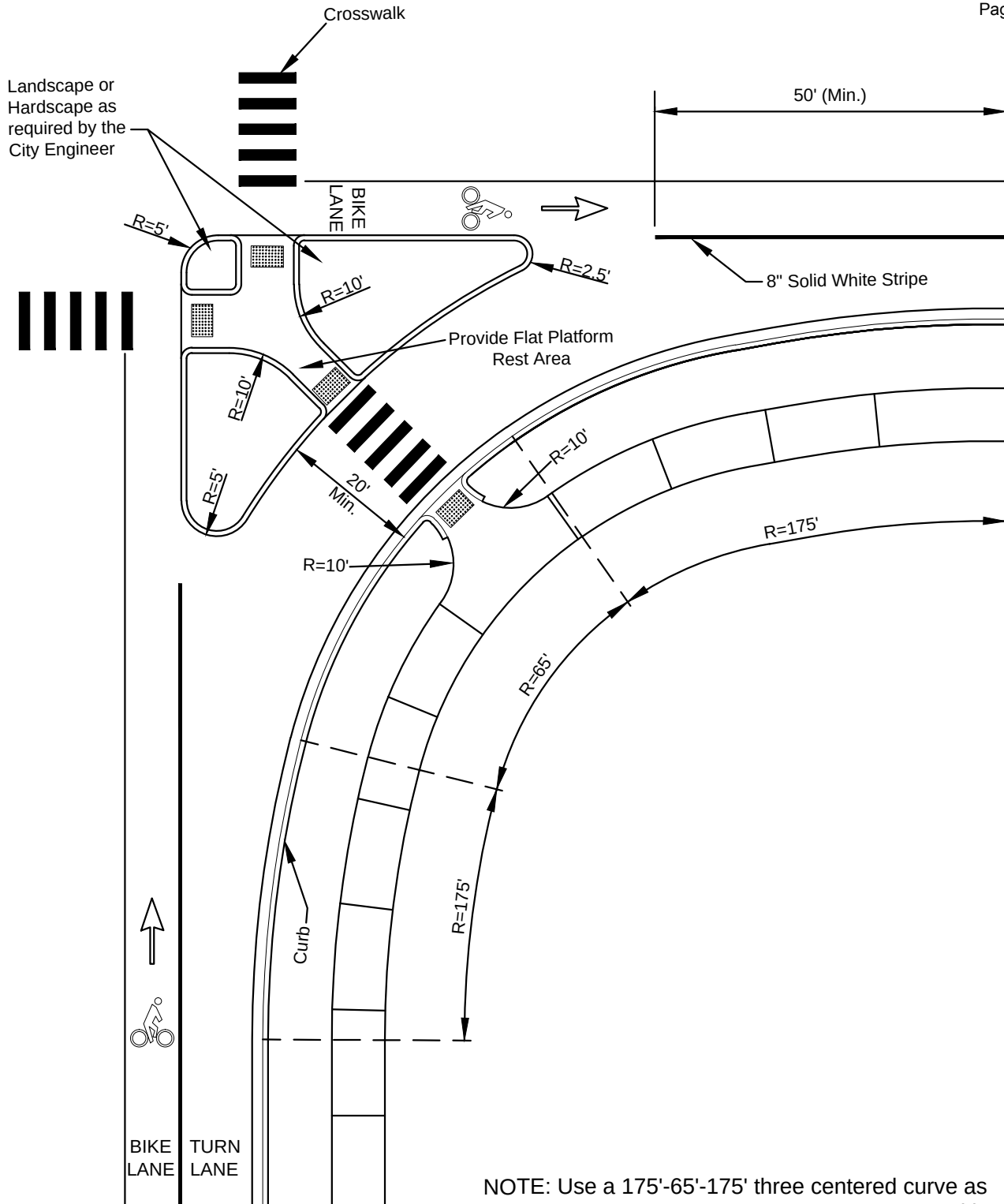
Functional Basis: To provide sufficient length for a reasonable number of vehicles to queue within the lane without affecting other lanes.

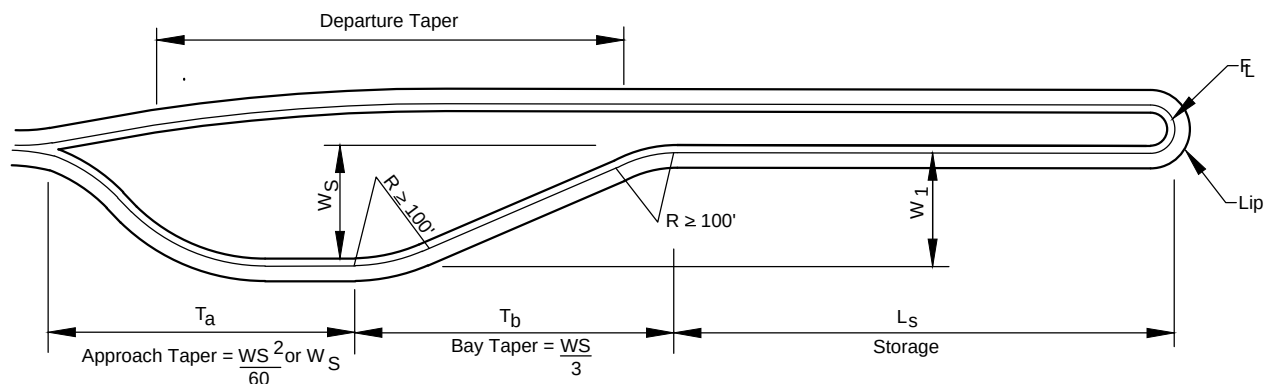
Desirable Design: Based on twice the mean arrival rate (per cycle for signals, per 2-minute period for stop control) during the peak hour of traffic.

Minimum Design: Based on mean arrival rate, with minimum storage for one vehicle.

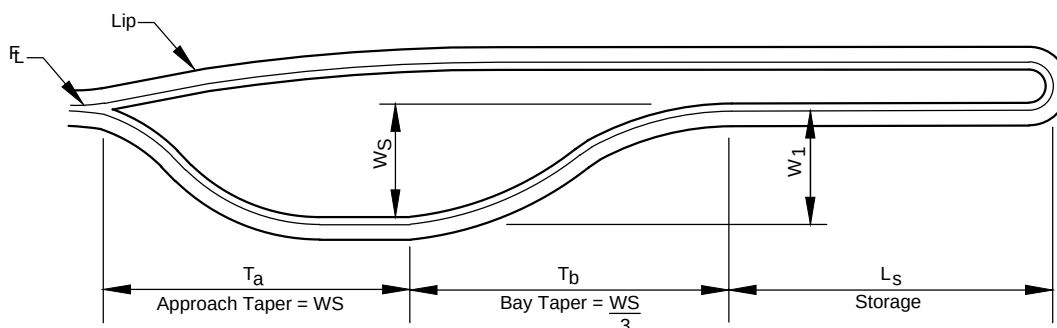
L _s for Stop Control	
DHV (vph)	L _s (ft)
≤60	50-75
61-120	100
121-180	150
>180	200 or more







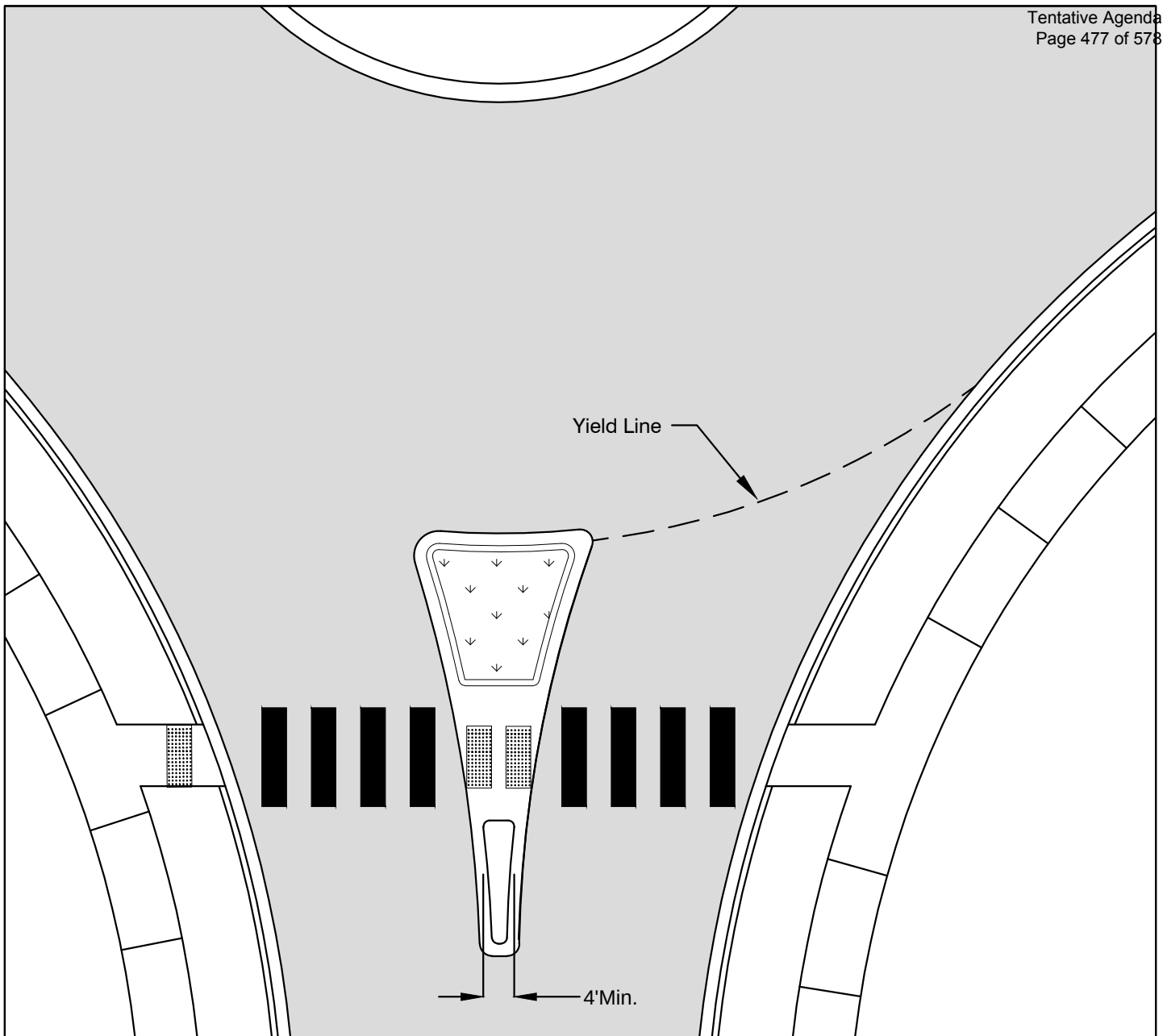
Left Turn Lane with Full Shadow
High Speed (≥ 45 MPH)



Left Turn Lane with Partial Shadow

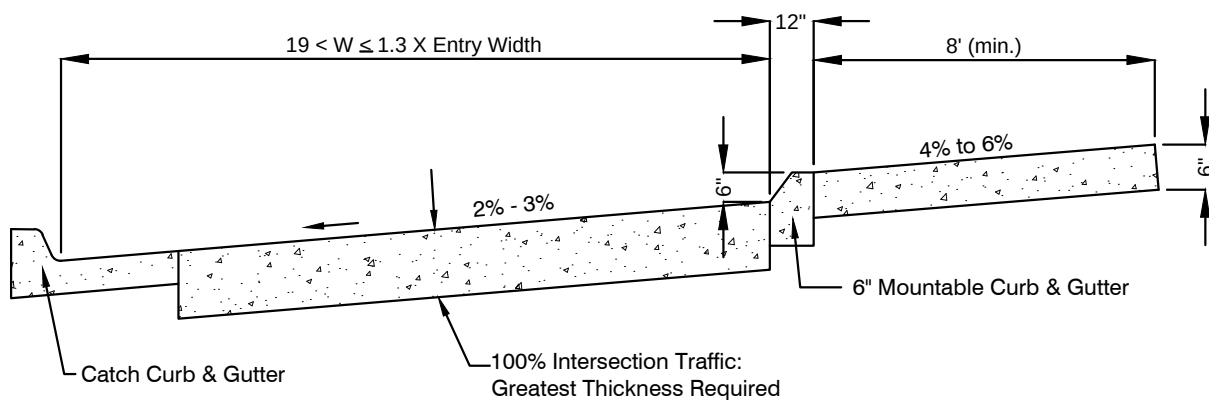
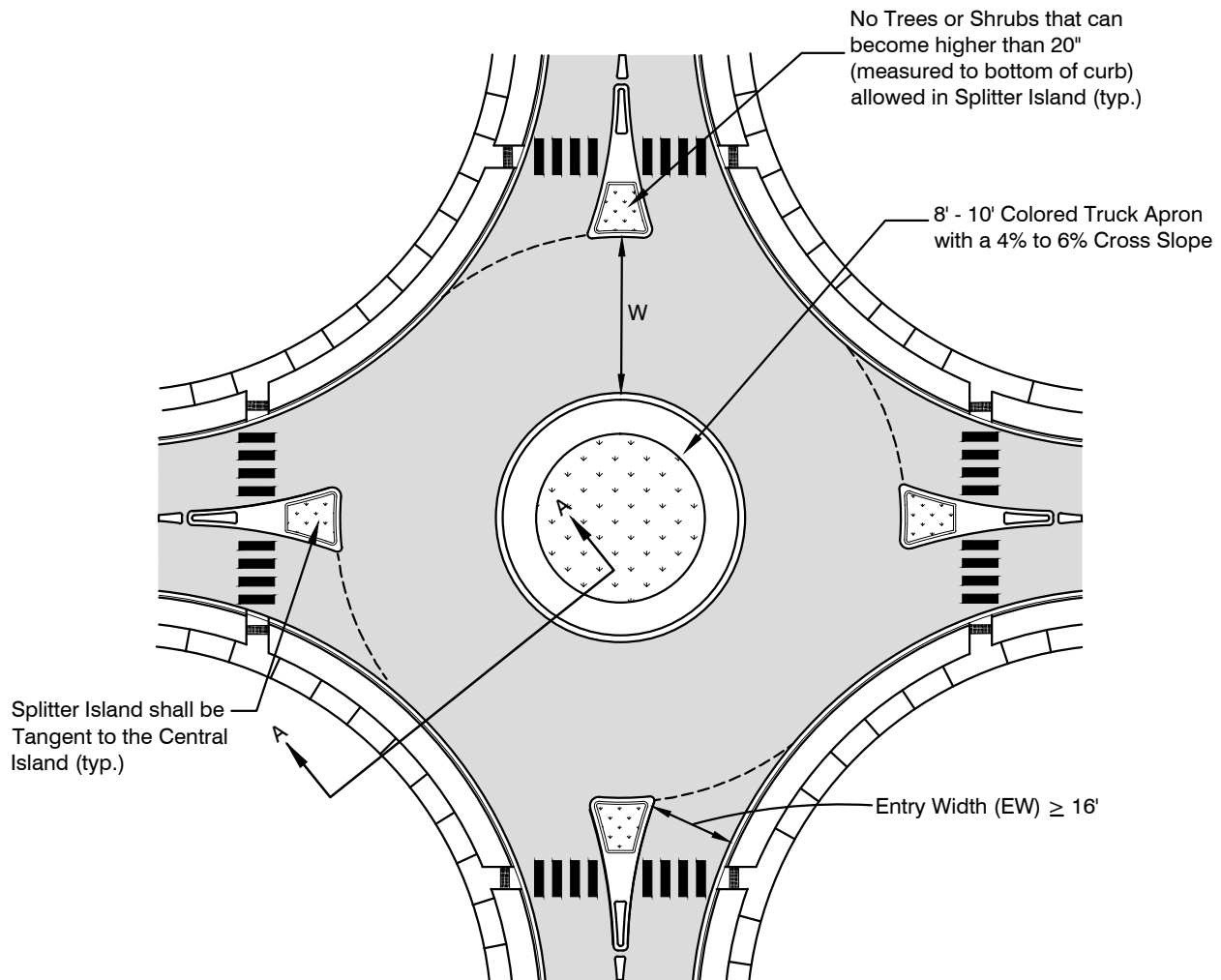
NOTE: Refer to **Figure 5-4** for Design Requirements.

TAPER RATIOS				
TAPER TYPE	DESIGN SPEED			
	35	40	45	50
Bay	12:1	13.3:1	15:1	16.7:1
Approach	20:1	27:1	45:1	50:1
Depart	NA	NA	NA	NA
Combined	20:1	27:1	45:1	50:1



Notes:

1. Each Splitter Island shall have a minimum width equal to the street classification sidewalk width.
2. The specific design shall determine minimum radii and island lengths.
3. Raised crosswalk may be required.
4. Designer shall provide design to drain water out of pedestrian refuge.



SECTION A - A

CHAPTER 6 – PAVEMENT STRUCTURE AND MATERIALS

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CHAPTER 6 – PAVEMENT STRUCTURE AND MATERIALS

6.1 GENERAL

The purpose of this chapter is to present the Pavement Design Criteria required for use on streets in the City of Fayetteville. These criteria shall be used in conjunction with **Chapter 4, Street Design and Technical Criteria**. The Final Pavement Design Report shall include all testing in accordance with **Table 6-1**.

6.1.1 Existing Streets

For existing streets the City Engineer may require an evaluation of the existing pavement and base structure to determine if an overlay is feasible, or if reconstruction is necessary.

Any damage done to existing City streets during construction shall be repaired and/or replaced at the contractor's expense. All repair work shall meet the requirements of this document.

6.1.2 AASHTO Design

The design criteria and procedures presented follow **American Association of State Highway and Transportation Officials (AASHTO)** Guide for the Design of Pavement Structures.

6.1.3 Standard Pavement Section

Streets are to be constructed of asphaltic concrete pavement or Portland cement concrete pavement, base course material, and subbase material (where required), and placed on compacted, unyielding subgrade.

The use of treated subgrade, treated base, and/or full depth asphalt pavement may be acceptable when designed and submitted by the designer, and approved by the City Engineer in accordance with these standards.

On streets with grades steeper than 10%, concrete pavement may be required. The final determination will be made by the City Engineer.

The pavement section requirements for alley construction, whether private or public, shall be the same as for a public roadway. Alternative pavement materials proposals will require approval from the City Engineer.

6.1.4 Roundabouts

The pavement thickness design for the circulatory roadway shall be based on the sum of the 20 year design volumes from all legs. A separate design analysis is required. Refer to **Section 5.3** for Roundabout design requirements.

6.1.5 Approval

The pavement design shall be submitted with final construction plans for approval.

6.1.6 Pavement Report Revisions

A revised Pavement Design investigation and report shall be required if the following conditions occur:

A. Phases

If a street is to be built in phases, (i.e., the center two lanes are built first, then at some later date more lanes are added), and it has been at least two years since the original design was completed.

B. Imported Fill Material

If any new fill material that does not match the properties of the subgrade soil proposed in the design is imported, the City may require a new pavement design report or additional testing to verify the acceptability of this material for roadway fill.

C. Change in Existing Conditions

If material that is not consistent with the approved design report is discovered during construction, the City may require a new pavement design report or additional testing to verify the acceptability of this material

6.2 SOIL INVESTIGATION REQUIREMENTS

6.2.1 Location and Frequency of Soil Borings

Soil borings shall be taken in the existing or proposed street right-of-way. Subgrade samples shall be taken upon the material that will be subgrade for the proposed street improvements. Sample sizes shall be adequate for soil classification, compaction, and CBR testing.

A minimum of one boring shall be obtained for any roadway segment. The distance between borings shall not exceed 500 feet. Multiple samples shall be taken alternately

among lanes and shall be evenly spaced. The City Engineer may require more frequent testing.

Samples shall be taken to a minimum depth of 5 feet below the proposed subgrade elevation.

6.2.2 Imported Fill

All fill material placed in the right-of-way shall be tested and approved by the City prior to its use on the project. The material shall meet minimum requirements. Sampling shall be at the beginning of the project, and after every 5,000 cubic yards of material is placed.

6.2.3 Supervision by Engineer

All sampling and testing of soils shall be performed under the direct supervision of a Professional Engineer who must sign and stamp the report.

6.3 SUBGRADE AND FILL REQUIREMENTS

6.3.1 General

To simplify subgrade support testing, soil samples may be combined to form soil groups consistent with the **AASHTO** classification, group index, and location for the area investigated. Groupings shall not mix samples with different **AASHTO** classifications.

Appropriate tests, to include gradation, Atterberg limits, maximum compaction testing, and California Bearing Ratio tests, shall be accomplished in order to determine the suitability of soils for use as subgrade material within the roadway.

“Subgrade” shall be defined as material within 2 feet of the first paving layer (base or asphalt). Roadway limits shall extend to 1 foot behind the back of curb, or edge of pavement when no curb is present.

6.3.2 Classification Testing

Soils shall be classified visually and tested to determine the properties. Soils shall be classified according to the AASHTO Classification system.

6.3.3 Compaction Testing

Maximum density of soils proposed for use as subgrade material shall be determined by AASHTO T-99 (Standard Proctor Test), using Note 7. A new moisture/density test shall

be completed for every 5,000 cubic yards of material imported, or when field testing results indicate a change in material. This includes instances when field testing results yield percentages of compaction relative to maximum of 105% or greater.

6.3.4 California Bearing Ratio (CBR) Testing

CBR testing in accordance with ASTM D 1883-94 shall be completed on all soils proposed for use as subgrade material. CBR testing shall be performed at the dry density corresponding to 95% of the maximum dry density of the material being tested, and at 2% above optimum moisture content.

The 3-point method of CBR testing shall be performed on in-situ soils classified as A-1 or A-2, and on all soils proposed for use as borrow material for subgrade.

6.3.5 Subsurface Water Investigation

If groundwater is encountered or predicted to be encountered within 5 feet of the original or proposed ground surface, a subsurface water investigation report shall be submitted for approval by the City Engineer. This report is required to ensure mitigation of high groundwater effects upon public improvements within the right-of-way. This information may be a separate report or may be included in the geotechnical report.

6.3.6 Subgrade Requirements

The top 24 inches of subgrade must be of material meeting the following specifications unless a formal design is approved:

- A. Material classified by the AASHTO Soil Classification System as A-1, A-2, or A-3, having a maximum of 35 percent of the material passing the number 200 sieve, and having a CBR equal to or greater than 8.
- B. Material not meeting the above requirements for AASHTO Classification and gradation, but having a CBR equal to or greater than 8 and a Liquid Limit and Plasticity Index of less than or equal to 40 and 15, respectively.
- C. Material not meeting the above requirements for Liquid Limit and Plasticity Index may be used if chemically modified by the use of lime, fly ash, or cement. The type and amount of treatment shall be determined by a material testing lab and approved by the City. The chemically modified soil must meet all requirements of Section A above.
- D. Material not meeting the CBR requirements of Section A above, but meeting the requirements for Liquid and Plasticity limits may be used provided a formal pavement design based on the actual CBR value of the soil is provided. For this case, CBR values shall be a minimum of 4. Use of lower CBR values may be allowed

where specialized pavement designs using geogrids or other technologies are proposed.

6.3.7 Embankment Outside the Roadway

Material for curb backfill, under sidewalks, on backslopes, or in other areas within the right-of-way may be any material that is free from sod, stumps, roots, or other perishable or deleterious material that it be capable of forming a stable embankment when compacted. Areas outside the roadway shall be compacted to minimum of 90% Standard Proctor density unless otherwise specified.

6.4 PAVEMENT DESIGN CRITERIA

6.4.1 Flexible Pavement

Flexible pavements are those pavements that have sufficiently low bending resistance to maintain continuous contact with the underlying structure, yet have sufficient stability to support a given traffic loading condition. Commonly known as asphaltic concrete pavement.

Refer to **Table 6-1** below for structural number coefficients for the pavement design.

Table 6-1 Pavement Strength Coefficients

Pavement Structure Component Conventional Materials	Design Strength Coefficients (Per Inch of Material)	Limiting Test Criteria
ACHM Surface Course	0.44	*2" Min. Course
ACHM Binder Course	0.44	*3" Min. Course
ACHM Base Course	0.36	R 90+ *4.5" Min. Course
Aggregate Base Course (Class 7)	0.14	R>72 6" Min. Course
Chemically Treated Subgrades (or Approved Substitute)		Compressive Strength of Field Specimen
Cement Treated Subgrade	0.23	7 day, 650–1000 psi
Fly Ash Treated Subgrade	0.10	7 day, 150 psi @ 70°±
Lime Treated Subgrade	0.14	7 day, 160 psi, PI <6
Kiln Dust Treated Subgrade	0.10	7 day, 150 psi, PI <6

* Maximum lift is only limited by compaction requirements.

6.4.2 Rigid Pavement

A. General

Rigid pavements are those that possess a high bending resistance and distribute loads over a large area of foundation soil. Commonly known as Portland Cement Concrete Pavement.

B. Joint Design

The construction plans for rigid pavement areas shall include a joint pattern layout for each street, alley and intersection. All joints and joint filling in rigid pavement shall be designed and detailed in accordance with the current AASHTO standards.

6.4.3 Design Factors

A. Equivalent Single Axle Loads (ESAL)

Equivalent Single Axle Loads (ESAL) units are based on 18 kip (80 kN) axle loading on each design lane. All data and design procedures in this section use ESAL units for pavement loading repetitions. Maximum ESAL criteria for local residential and collector streets are given in **Table 6-2**. Where existing or projected traffic is such that maximum ESAL's are exceeded, a formal design will be required, at the discretion of the City Engineer. ESAL calculations are required for arterial streets.

Directional distribution of ESAL's may be 50% unless the Traffic Study indicates otherwise. Lane distribution factors shall be 80% for two lanes of travel in each direction.

In the absence of truck traffic distribution data, 5% trucks shall be used, distributed across truck types in accordance with Federal Highway Administration guidance for urban arterial streets. The City Engineer may require a higher percentage of trucks to be included in the calculations when existing or projected truck traffic is expected to exceed 5%.

B. Design Serviceability

The Serviceability Index to be used for all City Roadways dedicated for public use is given in **Table 6-2**.

C. Minimum Pavement Section

Table 6-2 provides the minimum acceptable pavement sections and Structural Numbers for each roadway classification based on a minimum CBR of the subgrade material of 8, and on the maximum number of ESAL's as specified. For lower CBR values and higher ESAL's, pavement design calculations shall be provided. In

specifying layer thickness, the designer shall consider how the pavement section will be physically constructed, including minimum asphalt layer thicknesses.

D. Portland Cement Concrete Working Stress (f^t)

The working stress (f^t) to be used in the design shall be 75 percent of that provided by third-point beam loading, which shall have a minimum laboratory 28-day strength of 600 psi based on actual tests of materials to be used.

E. Arterial and Collector Level Intersections

The pavement thickness design for arterial and collector level intersections shall be the combined 20-year design for both directions for the shared use areas. A separate design analysis is required.

Table 6-2 Pavement Design Criteria

ROAD CLASSIFICATION	20-Year Design Traffic Information	Serviceability Index (PSI)			Reliability	Minimum Asphalt for Composite Section	Default Aggregate Base Course Section	Default Full Depth Asphalt Pavement Thickness inches	Minimum Concrete for Rigid Section	Min. Struct. No.
		p_o	p_t	Δ PSI						
		Init.	Final	Diff.	(%)	Layer, inches	Layer, inches	Layer, inches	Layer, inches	
<u>LOCAL</u>	50,000	4.5	2.0	2.5	80	3.0	8.0	5.5	6.0	2.42
<u>COLLECTOR *</u>	500,000	4.5	2.0	2.5	85	5.0	6	7	Design	3.04
<u>ARTERIAL</u>										
Two lane	Design	4.5	2.5	2.0	95	Design	Design	Design	Design	Design
Four lane	Design	4.5	2.5	2.0	95	Design	Design	Design	Design	Design

* A pavement design may be required as requested by the City Engineer.

6.4.4 Pavement Materials

A. Aggregate Base Material

Materials for aggregate base courses shall meet the requirements of Section 303.02 of the AHTD Standard Specifications Edition of 2014.

B. Asphalt Concrete Hot Mix

Materials for Asphalt Concrete Hot Mix base, binder, and surface courses shall meet the requirements of the 2014 AHTD Standard Specifications referenced in the

following. NO MARSHALL MIXES ARE ALLOWED UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE CITY ENGINEER.

Asphalt mix designs shall meet the requirements of Section 404.01(b), and Tables 405-1, 406-1, 407-1, and 407-2 of Sections 405, 406, and 407, with additional requirements as follows:

Table 6-3 Asphalt Requirements

20-Year Design Traffic Information	Number of Gyration (N)			Asphalt Grade	Surface Course Aggregate Size Allowed
	N _{Initial}	N _{Design}	N _{Max}		N _{mas}
ESAL'S					
<300k	6	50	115	64-22	9.5
300k-3 Million	7	75	160	70-22	9.5/12.5
>3 Million	8	100	205	76-22	12.5

3/8" (9.5) mm surface course shall be used on all residential and local streets. 1/2" (12.5 mm) surface course shall be used on arterial streets. Collector streets may use either type of surface mix.

Lift thicknesses shall be a minimum of 3 times the maximum nominal aggregate size. Maximum lift thicknesses will be limited by capability of compaction equipment to achieve minimum compaction requirements, but will not be allowed to exceed 6 times the maximum nominal aggregate size.

C. Concrete Requirements

Materials for Portland Cement Concrete Pavement shall meet the requirements of the latest edition of the AHTD Standard Specifications. Concrete for paving shall be Class B concrete with a minimum 28-day compressive strength of 4,000 psi and shall have air entrainment of 4 to 7 percent.

6.4.5 Special Considerations

A. Staged Construction

This is an alternative for the Developer to provide a minimum thickness pavement during construction, and after repairs, construct the final lift of asphalt, providing for a new finished pavement surface.

(HMA) may be submitted for approval with a minimum wearing course thickness of 2.0 inches. If the full pavement section is not to be placed immediately, a pavement

design for staged construction may be required by the City Engineer. The staged construction design must include asphalt thickness for each proposed stage. Calculations, traffic numbers, and construction truck traffic numbers supporting the staged design must also be submitted. For staged construction, accommodations must be provided for the paved surface to drain with no water left standing on the pavement.

B. Full Depth Sections

Full depth asphalt pavement sections will be considered on a case by case basis where depth of bedrock, drainage, and soil conditions are compatible with full-depth asphalt. When permitted by the City Engineer, full depth asphalt pavements shall consist of one or more layers of black base or binder course topped with one or more layers of surface course.

C. Rehabilitating Existing Asphalt Streets

Prior to overlaying existing asphalt, the City Engineer may accept nondestructive testing to determine the amount of overlay necessary to bring the street to current standards. All “pot-holes,” utility trench settlement, cracking, and any similar imperfections shall be repaired to the City Engineer’s satisfaction prior to overlaying.

D. Special Requirements

The City Engineer may require full depth asphalt, Portland cement concrete or chemically treated base or subgrade in locations where traffic, utilities, type of construction, subsurface drainage, or time of construction would make asphalt on aggregate base impractical.

6.5 PAVEMENT DESIGN REPORT

The pavement design report shall be prepared by or under the supervision of and signed and stamped by a Professional Engineer registered in the State of Arkansas. The report shall make a recommendation for a typical pavement structural section based on known site soil conditions and a valid traffic impact study, when required. The report shall be submitted in pdf format.

6.5.1 Required Information for Pavement Design Report

A. List of Required Information

1. Project Name.
2. Owner Name and Contact Information.

Minimum Street Standards

3. Vicinity map to locate the investigated area.
4. Scaled drawings showing the location of final borings.
5. Plat with street names.
6. Scaled drawings showing the estimated extent of subgrade soil types and ESAL for each street classification.
7. Pavement design alternatives for each street classification.
8. Tabular listing of sample designation, sample depth, Group Number, liquid limit, plasticity index, percent passing the No. 200 sieve, **AASHTO** Classification, Group Index and soil description.
9. Swell/consolidation tests.
10. Borrow source identification.
11. Design calculations for all phases of soil report.
12. Design coefficient used for asphalt, base course, etc. Refer to **Table 6-1**.
13. Mix design test results as discussed in **Chapter 11, Street Inspection and Testing Procedures**, where chemical stabilization has been approved.
14. A discussion of potential subgrade soil problems including, but not limited to:
 - a. Heave or settlement prone soils.
 - b. Frost susceptible soils.
 - c. Ground water.
 - d. Drainage considerations (surface and subsurface).
 - e. Cold weather construction (if appropriate).
 - f. Soluble sulfates in subgrade.
 - g. Other factors or properties that could affect the design or performance of the pavement system.
15. Recommendations to alleviate or mitigate the impact of problems discussed in Item 14 above.
16. Professional Engineer Stamp



CHAPTER 7 – TRAFFIC CONTROL DEVICES

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CHAPTER 7 – TRAFFIC CONTROL DEVICES

7.1 GENERAL

This chapter describes general signal, signing, and striping design requirements for use in the City of Fayetteville. All design and construction of signals, signing, and striping shall be in conformance with this chapter and the latest revision of the **MUTCD**. The traffic signal and signage plans shall be included in the construction plan submittal.

7.1.1 Installation Responsibility

The cost of the installation of traffic signals, street signage and pavement markings is the responsibility of the developer when required with a proposed development. The work and materials necessary for the installation shall be included as part of the street improvements.

7.2 DESIGN REQUIREMENTS

7.2.1 Traffic Signal Design Requirements

The design of traffic signals shall be performed by a qualified Traffic Engineer approved by the City. The design will follow the latest edition of “Standard Specifications for Highway Construction,” published by **AHTD**.

A. Design Requirements

1. All mast arm/signal poles, luminaire arms, extensions, foundations, pull boxes and conduit shall meet AHTD Standards and details.
2. Street light luminaire shall be LED or a 250 Watt HPS streetlight fixture with cut off design.
3. Controller and cabinet shall be Peek equipment.
4. Radio shall be Ip addressable or compatible with closed loop system.
5. Tomar fire preemption system complete with detectors, wiring, and card in the cabinet is required.
6. Attachment height for mast arms to signal pole shall be at 20 feet.
7. Video detection with wiring and detector cards for detection counting traffic on all approach lanes shall be used per Traffic Superintendent approval.
8. Black, 12”-12”-12” polycarbonate signal head tunnel visors with 5” black back plates shall be mounted using astrobrackets over the center of each lane. Side of pole mounted 12”-12”-12” are for the far side right, which

will cover any dedicated right turn lanes. Use of far side left 12"-12"-12" or 12"-12"-12"-12" heads with tunnel visors are determined on an intersection by intersection basis but will be used in most cases on State Highways or Arterials with significant large truck traffic. Section heads shall not be doghouse style.

9. Black 16-inch LED pedestrian heads (hand/man) countdown with visors and a clamshell/banding mounting system are required with ADA pedestrian buttons for all standard pedestrian movements. Crate style protection shall be provided for all pedestrian heads.
10. Two 3-inch conduits (Schedule 40 PVC minimum) will be used for wiring between the signal bases and the cabinet.
11. Pedestrian buttons shall be the Pelro SE-2000-08-P33 type with audio alert, LED light, and sign housing/back plate.
12. The City of Fayetteville operates its own communications network for the traffic management system, and as such, any new traffic signal installation shall include the design and expansion of that communications network from an approved existing access point to the new signal. The design and expansion of the communications network shall be per the traffic operations specifications current at that time.

7.3 TRAFFIC SIGNING

7.3.1 General

A. Type and Location of Signs

The Traffic Superintendent shall make the final determination regarding the type and location of signage controls within the city right-of-way. These controls shall include traffic control signs, street name signs, delineators, and permanent barricades. AHTD requirements shall apply for all signage within AHTD right-of-way.

B. Design, Installation, and Maintenance

Because the City will maintain the permanent traffic control devices on public rights-of-way, all traffic control devices shall be fabricated and installed in accordance with this chapter and the latest revision of the **MUTCD**.

C. New Roadway

Permanent signage, unless otherwise approved by the Traffic Superintendent, shall be completely in place before any new roadway is opened to the public.

D. Other Standards

These Standards are to be used in conjunction with other applicable City Regulations.

E. Sign Posts, Supports, and Mountings

1. Sign Post. The post shall be 12' 2#/ft green U-channel post. If the sign area is greater than 6 sf, then the post must be 3#/ft.
2. Sign Bolts. Signs shall be mounted to the post with a minimum of two 5/16" hex bolts with metal washers and nylon washer (against sign face) at the top of sign.

F. Sign Reflectivity

All traffic control signs must be fabricated with reflective materials. All reflective materials to be a minimum of high intensity material or greater per **ASTM TYPE III**. All signs or traffic control devices must have a 7-year materials warranty.

G. Backing Plates

Aluminum blanks of .080 gauge are standard, except for signs larger than 36 x 36 inches, which shall be .100 or .125 gauge aluminum.

7.3.2 Intersections

A. Street Name Sign

1. General. All street name signs must conform to these standards. If the intersection has a traffic signal, street name signs will be designated as part of the signal.
2. Minor Intersection. Nine-inch plates shall be used at all minor intersections; lengths will vary to fit street names.
3. Major Intersection. Nine-inch plates shall be used at all major intersections, which include the intersections with Collector and Arterial Roadways.
4. Sign Assembly. There shall be one plate for each road, with a minimum of two plates per street sign assembly. Typical installation shall include two street name signs, one for each direction. For signs with lengths of 18" – 30" use .125 gage blank thickness; for signs 36" – 48" us .125 gage blank thickness.
5. Sign Face.
 - a. Letter Size - 6"; Height of Sign Blank – 9".
 - b. Color. Letters and numbers are to be white on a green background face. The colors shall not fade when exposed to an accelerated test of

ultraviolet light equivalent to 5 years of outdoor exposure. No silk screened signs are permitted.

- c. Border. There shall be a .625" white border on post mounted street name signs.
- d. The street names shall be a combination of upper and lower case with the suffix (St., Ave., Ln....) being in 3.5" upper and lower case.
6. Street Name. Street names designations should be obtained from the approved plat.

B. Stop Signs

1. Location of all stop signs shall be determined and discussed in the TIS, when required.
2. Stop signs will be placed in accordance with the TIS, approved construction plans, and the **MUTCD**. Stop signs shall be placed at point of curvature (PC) behind attached sidewalk and before the access ramp.

7.3.3 Traffic Control Signs

A. Design and Size

Sign specifications and diagrams are detailed in the latest revision of the Federal "Standard Highway Signs," latest version. This publication is available from the U.S. Department of Transportation, Federal Highway Administration. Acceptable sign sizes are listed in the standard column of the table printed with each diagram. Expressway and construction signs shall be a minimum 36 inches.

B. Regulatory

1. Reflectivity. All regulatory signs, except parking, shall be **ASTM TYPE III** grade reflectivity or greater. This includes the red series and black on white signs.
2. Sheeting Material. All signs shall be fabricated with sheeting material, including letters.
3. Stop Sign. Stop signs shall be a minimum of 30 inches and **ASTM TYPE III** sheeting or greater.
4. Yield Sign. For minor intersections only, a 36"x36"x36" yield sign may be used in lieu of a stop sign, at the discretion of the City according to **MUTCD**.
5. Parking/No Parking Sign. Designated parking and "no parking" zones shall be signed in accordance with **MUTCD**. No silk screened signs are permitted.

C. Warning

1. Reflectivity Requirements. All pedestrian crossing, school crossing, and W16-7P signs shall be made with diamond grade fluorescent yellow/green sheeting.
2. “Future Street Extension” Sign and Barricades.
Dead End. All dead-end streets shall have a Type III barricade with appropriate advance warning sign(s). Type III Barricades shall have a “Future Road Extension” sign mounted on the barricade. See **Figure 7-8**.
4. Crosswalk Sign. Crosswalks shall be signed where adjacent to a school and on an established school pedestrian route per Traffic Superintendent approval. There are usually a minimum of 4 signs per crosswalk. The color and installation shall be completed according to **MUTCD**. The color shall be fluorescent yellow green. The diamond shaped sign shall have a minimum height and width of 36 inches.

7.3.4 Roundabouts

Signage in advance of the circulating roadway shall be required. Use “Yield At Roundabout” (W3-2a, 30 x 30 inches; R1-2, 36 x 36 inches), “Roundabout Advisory Sign” (RB-1, 24 x 24 inches) and “Reduced Speed Ahead” (R2-5a, 24” x 30”) signs. The “Yield” sign (R1-2, 36 x 36 inches) shall be located at each entry to the circulatory roadway. An “arrow” sign, designating direction of travel in circulatory roadway, shall be located within the central island. Refer to **MUTCD**. Specifications for traffic control signs, listed in **MUTCD**, shall apply to these signs.

7.3.5 Temporary Construction Signage

All temporary construction signage shall be placed according to **MUTCD** standards. All temporary signage is subject to review and approval by the City. Temporary street lane closures shall be coordinated with the City, emergency services and transportation providers. Detour plans shall be submitted for review when detours are required.

7.4 PAVEMENT MARKING AND STRIPING

7.4.1 General

A. Type and Location of Striping and Markings

Per **MUTCD** Section 3 B.01: Centerline markings shall be placed on arterials and collectors 20 feet or more in width and having an ADT of 6000 vpd or greater.

The Traffic Superintendent shall make the final determination in regards to the type and location of pavement striping and marking within the right-of-way during the review of the project signing and striping plans.

B. Design, Installation, and Maintenance

The City maintains the permanent pavement striping and marking on public rights-of-way after completion of the warranty period. All such devices shall be specified and installed in accordance with these Standards; all designs shall be in accordance with these Standards and the latest revision of the **MUTCD**.

C. New Roadway

Permanent striping and marking, unless otherwise approved by the City Engineer, shall be completely in place before any new Roadway is opened to the public.

7.4.2 Pavement Markings (Symbols and Arrows)

A. General

Preformed thermoplastic shall be used on all pavement markings such as arrows, “onlys,” crosswalks, railroad crossings, school crossings, stopbars, and bike symbols.

B. Preformed Thermoplastic Pavement Marking Specifications

The prefabricated markings described shall be 125 mils in thickness unless otherwise specified and consist of white or yellow pigmented plastic film with imbedded reflective glass spheres, uniformly distributed throughout their entire cross-sectional area. It shall be possible to affix the markings to bituminous or Portland cement concrete pavements by either a pressure sensitive precoated adhesive or a liquid contact cement and shall have a black contrasting border 4” wide. Prefabricated legends and symbols shall conform to the applicable shapes and sizes as outlined in the **MUTCD**.

C. Crosswalks

1. General. Crosswalks shall be used at all signalized intersections, approved crossings, school routes, adjacent to schools, and as otherwise directed.
2. Standard Crosswalk. White 10-feet long x 12-inch wide bars with 48" spacing shall be used for all crosswalks.

D. Stop Bars

All stop bars shall be white and a minimum of 12 inches wide. Stop bars are required at signalized locations where the speed limit is 35 mph or higher and other locations specified by the City Engineer.

E. Symbols

Preformed thermoplastic pavement marking standard material shall be a minimum of 125 mils thick unless otherwise approved. This material shall be used for all arrows, "only," bike symbols, bike diamonds, sharrows, railroad crossing symbols, etc.

F. Roundabouts

1. Yield Line. The roundabout shall require a yield line at the point of entry into the circulatory roadway unless otherwise approved by the City Engineer.
2. Crosswalk. Generally, crosswalks do not need special markings on each approach leg at a roundabout.
3. Lane use arrows shall be fish-hook type with circle.

7.4.3 Striping

A. General

1. Typical striping widths for lane lines are 4 inches, unless otherwise noted. Double yellow centerline must have a 4-inch minimum gap between stripes.
2. Preformed thermoplastic shall be used on all striping. Thermoplastic as specified in 7.4.2 shall be used.
3. All striping on sealcoats shall require a layout line. Prior to striping, tabs are required for sealcoats (prior to the sealcoat process). All other conditions require spot taping at an interval of 25 ft or closer.

B. Broken Line

All broken lines shall be 4-inch wide using a 40 foot cycle (10' long with 30' gap).

Minimum Street Standards

C. Dotted Line

All dotted lines shall be 4-inch wide using a 6 foot cycle (2' long with 4' gap).

D. Turn Bay Line

All turn bay lines shall be created with a minimum 4-inch wide line. However, if a turn bay occurs on a horizontal curve, the bay taper from the start of the double wide 4" may be marked with short 4-inch wide dotted lines (2' long with 4' gap).

E. Centerline

All centerline striping shall be double yellow, each a minimum of 4 inches wide, with an 8-inch minimum gap between the two.

F. Parking Stalls and Angle Parking

All striping for parking shall be white and 4 inches wide. All edge lines of parking areas shall also be white and a minimum of 4 inches wide.

G. Bikeway

A 4-inch minimum wide white stripe shall be used for Bike Lanes.

7.4.4 Temporary Striping

All temporary striping shall conform to "Standard Specifications for Highway Construction," published by **AHTD**, the latest revision except as herein amended. When approved, temporary striping shall be required prior to the opening of a Roadway for travel where pavement and/or permanent striping cannot be completed due to weather and/or time constraints or for staged construction.

A. Specifications

Temporary striping shall be the same color and width as for permanent striping. Temporary striping shall consist of tabs, 4 x 4-inch (min.) tape, or paint depending on the pavement surface, spaced at 25-foot intervals.

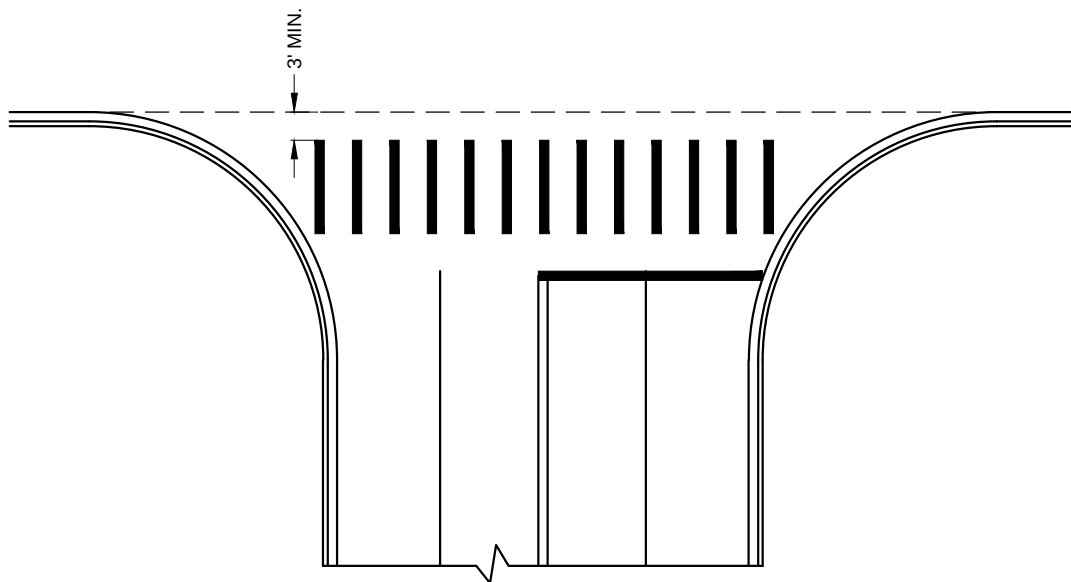
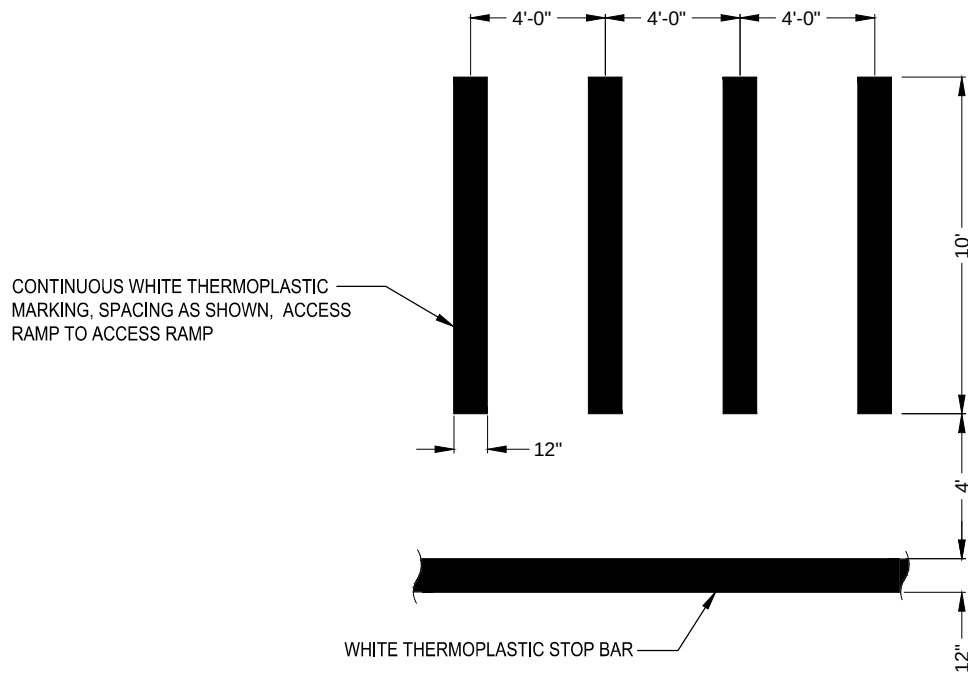
B. Time Duration Limit

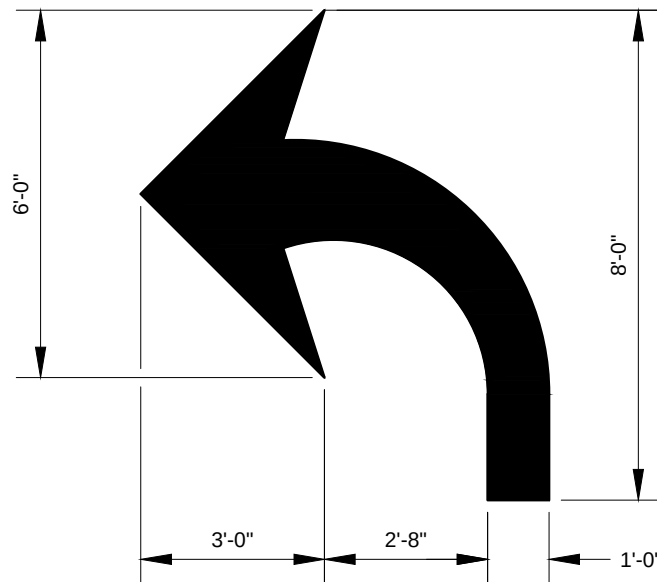
Temporary striping is permitted for no more than 7 days unless for staged construction or otherwise approved.

C. Extensions

Extensions must be requested in writing if weather does not allow installation of permanent striping.

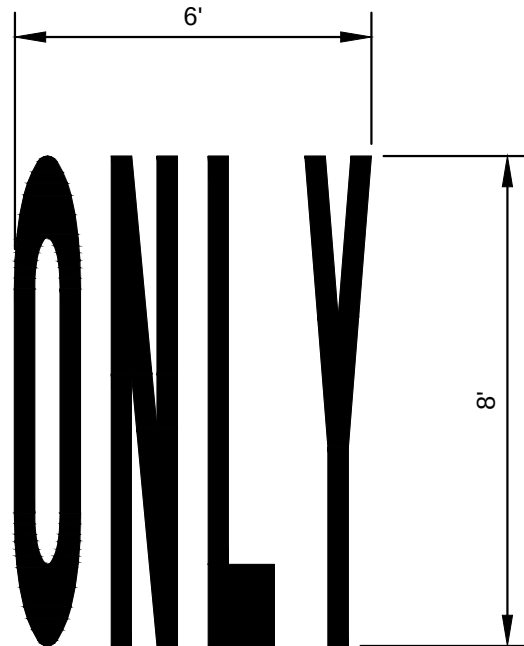




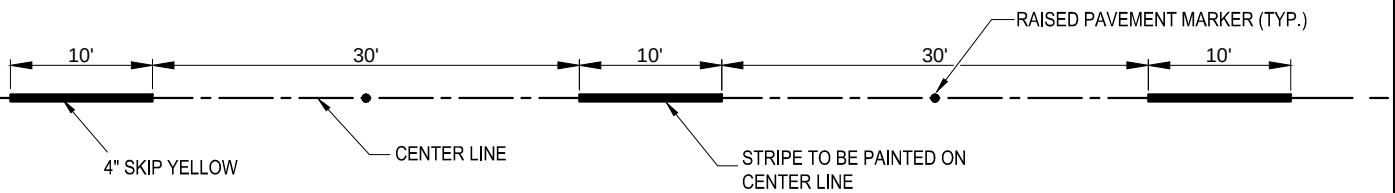


NOTE: ALL PAVEMENT MARKINGS TO BE
THERMOPLASTIC MATERIAL

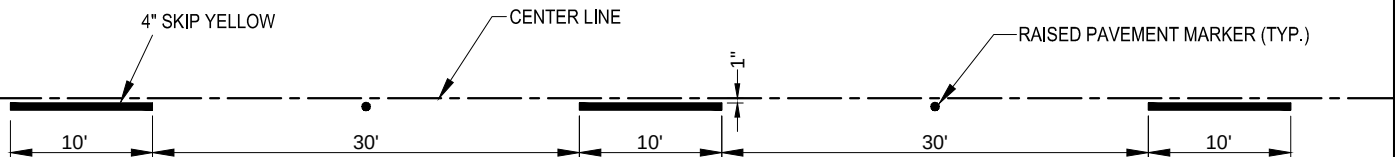
CITY OF Fayetteville ARKANSAS ENGINEERING DIVISION	TITLE: MINIMUM STREET STANDARDS DESCRIPTION: TURN ARROW MARKING	DATE: October 7, 2014	FIGURE: 7-2
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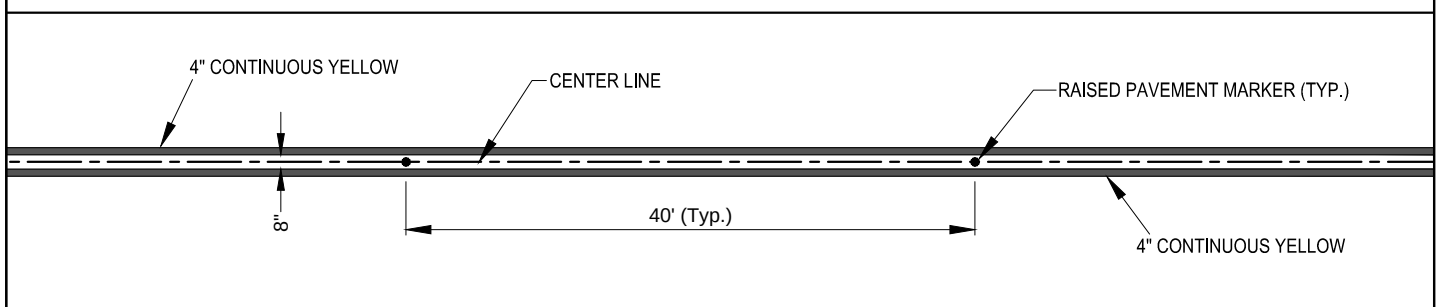
CITY OF  ENGINEERING DIVISION	TITLE: MINIMUM STREET STANDARDS		DATE: October 7, 2014	FIGURE: 7-3
	DESCRIPTION: "ONLY" MARKING			

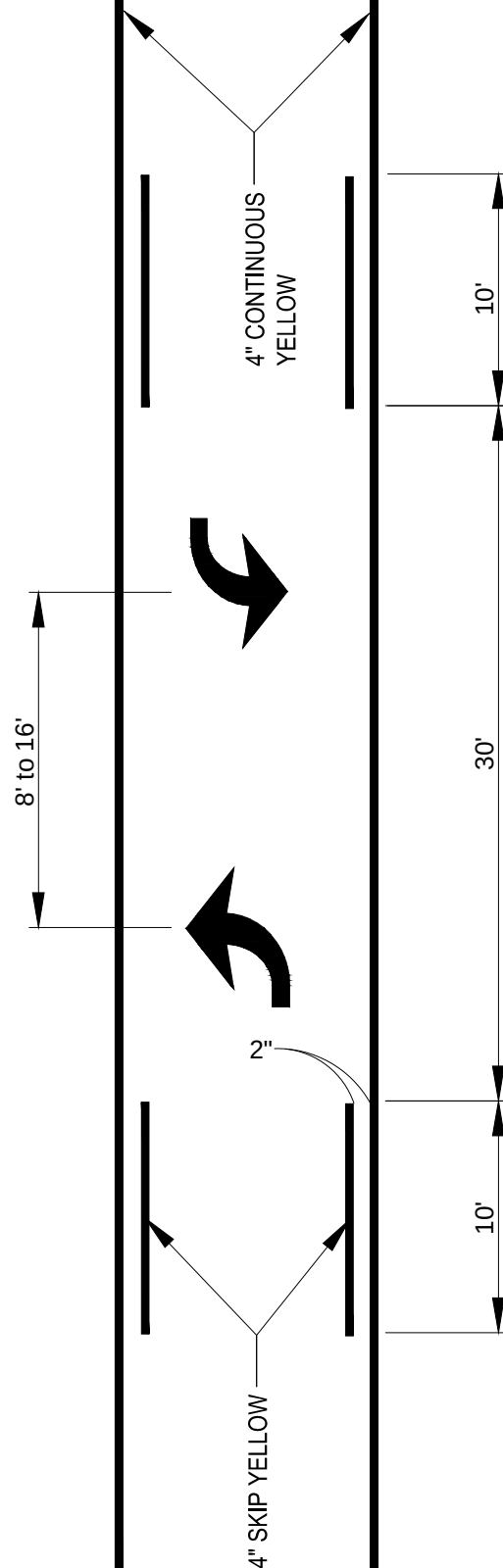


ASPHALT PAVEMENT



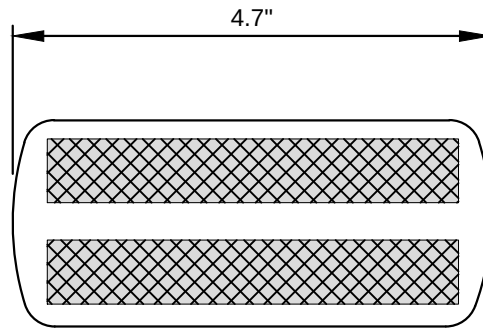
CONCRETE PAVEMENT



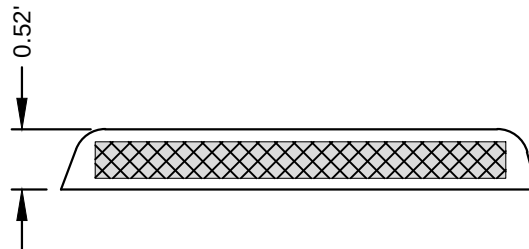
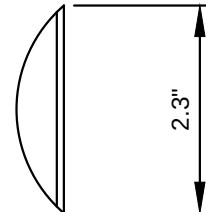
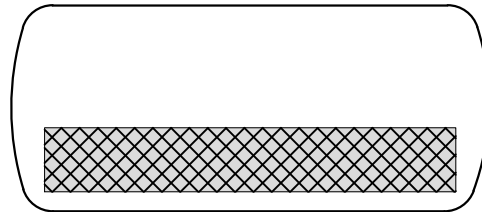


NOTE:
THE PAIRS OF ARROWS
SHOULD BE INSTALLED
A MAX. OF 500' APART

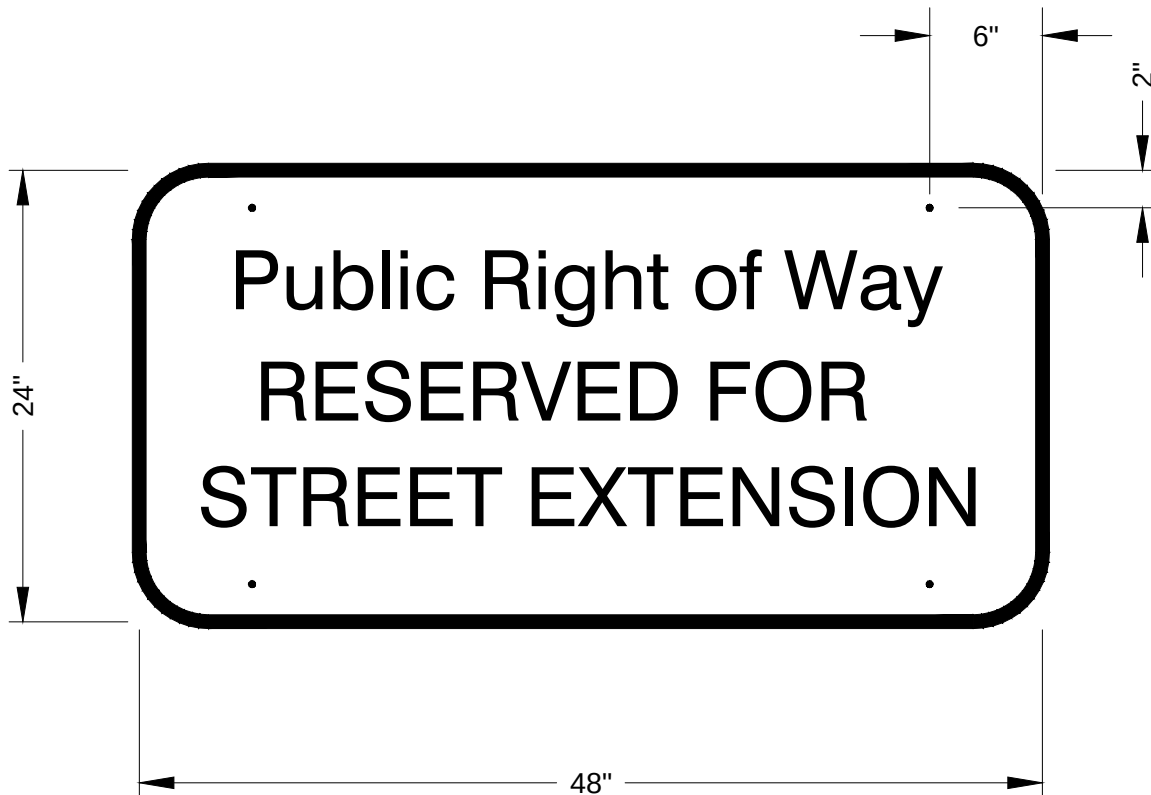
TYPE II
RED/CLEAR OR
YELLOW/YELLOW



TYPE I
CLEAR OR
YELLOW



NOTE:
THE RED LENS OF THE TYPE II
R.P.M. SHALL FACE THE INCORRECT
TRAFFIC MOVEMENT



1. SIGN SHALL HAVE ASTM TYPE III GRADE REFLECTIVITY.
2. SIGN SHALL BE WHITE WITH BLACK LETTERING.
3. INCLUDE FOUR 3/8" DIAMETER HOLES FOR MOUNTING.
4. SIGN SHALL BE MOUNTED ON A TYPE III BARRICADE.

CHAPTER 8 – PEDESTRIAN FACILITIES DESIGN AND TECHNICAL CRITERIA

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CHAPTER 8 – PEDESTRIAN FACILITIES DESIGN AND TECHNICAL CRITERIA

8.1 GENERAL

This chapter sets forth the minimum criteria to be used in the design of all sidewalks, access ramps, and other pedestrian facilities within the right-of-way, or other public easements.

8.1.1 Reference Documents

Within this chapter, AASHTO's A Policy on Geometric Design of Highways and Streets, as published by the American Association of State Highway and Transportation Officials, and the ITE Designing Walkable Urban Thoroughfares were used as a reference.

8.1.2 ADA Requirements

All pedestrian facilities shall be designed in accordance with American Disabilities Act (ADA) regulations and the requirements of these Standards. Any variances from these requirements shall be in accordance with ADA requirements and shall be approved by the City Engineer prior to construction.

8.1.3 Obstructions

Manholes, utility poles or other appurtenances or obstructions, should not be located in sidewalks or trails unless specifically approved by the City Engineer. A minimum ADA accessible path of 3 feet in width should be provided that is free of such obstruction when feasible.

8.1.4 Sidewalk Underdrains (Chases)

Sidewalk underdrains shall not interfere with the pedestrian's use of the sidewalk. Underdrains shall not be located within an access ramp, curb cut, or driveway.

8.1.5 Pedestrian Crossings

All crosswalks shall be marked in accordance with **Chapter 7, Traffic Control Devices**. Crosswalks will be required at all signalized intersections, school areas, and high pedestrian areas as designated by the City Engineer.

8.1.6 Pedestrian Refuge Areas

For Arterials with raised medians and on splitter islands for roundabouts, a pedestrian refuge area shall be created in the median to increase pedestrian safety. See **Figure 5-8 and Figure 5- 9**.

8.1.7 Safety Railing (Handrails)

Safety railings will be required on any drop adjacent to a sidewalk/trail greater than 30" that has a slope of 1:1 or greater.

8.2 SIDEWALKS

8.2.1 General Layout and Design Criteria

A. Width

Minimum sidewalk widths for the various street classifications shall be as specified in the City of Fayetteville Master Street Plan. The City Engineer may require additional width for activity areas and routes leading to and from these areas. The final sidewalk width shall be determined through additional study of higher pedestrian traffic areas.

When a sidewalk is located adjacent to the back of curb where on street parking is allowed, the sidewalk shall be widened by 1.5' to accommodate the car doors opening onto the sidewalk area.

B. Shy Distance

A shy distance of 2 feet is required where vertical barriers (walls, fences, signs, etc) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk. A shy distance of 1.5' is required from the back of curb. A shy distance of 1 foot is required for all other fixed obstacles. Shy distances shall be added to the minimum widths of sidewalks specified in the Master Street Plan or required by the City Engineer to determine the final sidewalk width.

C. Minimum Distance to Slope

There shall be a minimum of 1 foot between the sidewalk and the beginning of a slope.

D. Concrete Requirements

All sidewalks, access ramps and driveway approaches shall be constructed of a Portland Cement concrete mixture that includes at least 5.5 bags of cement per cubic yard and contains 4 to 7 percent air entrainment and that will produce a concrete of a compressive strength of 3,500 psi after 28 days set under standard laboratory methods.

E. Concrete Thickness

All sidewalks not within driveways shall be a minimum of 4 inches thick concrete. All sidewalks within a driveway shall be a minimum of 6 inches thick.

F. Sidewalk Crossings of Driveways and Alleys

Sidewalks shall be continuous through driveways and alleys. Sidewalks shall have an expansion joint at the edge of sidewalk opposite the street. The sidewalk edge adjacent to the street shall have at least 1 inch deep grooved joint mark (cannot be a saw cut) to clearly define the sidewalk through the driveway or alley.

G. Sidewalk Elevation

The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2% unless otherwise approved by the City Engineer.

H. Slope

1. *Cross Slope.* Sidewalk cross slopes shall be a minimum of 1 percent and a maximum of 2%. The cross slope shall be towards the street unless otherwise approved.
2. *Longitudinal Slope.* Longitudinal slope of sidewalks shall be consistent with the adjacent street slopes.
3. *ADA Requirements for Steeper Slopes.* Sidewalks with greater than 5 percent longitudinal slope or those not adjacent to a street, shall be constructed to meet ADA requirements by use of ramps and landings, construction of switchbacks, or other acceptable means.

I. Joints

1. *Material.* Expansion joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest edition of the AHTD standard specifications.

2. *Location.* Full depth expansion joints shall be provided where sidewalks abut drainage structures, retaining walls, building faces, and all other fixed objects. Expansion joint material shall be provided at each cold joint. One-quarter depth (1 inch) weakened plane joints, or saw-cut joints shall be placed in sidewalks at regular intervals not greater than the width of the sidewalk.
3. *Saw Joints.* Saw joints shall be filled with self leveling sealant such as Sonneborn SL1 or equivalent meeting the requirements of ASTM C 920, Type S.
3. *Joint Sealant.* All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C 920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.

J. Finish

All sidewalks shall have a broom finish.

K. Curing Compound

All sidewalks require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.

L. Existing Sidewalks

When redevelopment is proposed on properties with existing sidewalks, the plans shall show the location of all existing and proposed sidewalk improvements. In accordance with Chapter 166.04 of the UDC, each development will be subject to review of the overall impact to the sidewalks to evaluate the extent of the sidewalk replacement.

Widening of the existing sidewalks to meet current sidewalk width standards is not allowed.

Removal and replacement of the existing sidewalks is required for all:

- a. Segments of the sidewalk, including ramps, that do not meet all applicable ADA standards, including cross slope and running slope.
- b. Segments that have cracked and/or settled to the extent that they are out of ADA compliance. This is defined as more than ¼ inch of vertical displacement or cracks or joints more than ½ inch wide.
- c. Segments that display surface spalling or other distress such that a trip hazard (more than ¼ inch vertical displacement) is created.
- d. Segments of sidewalk damaged during construction to the extent that any of the items above apply.

M. Storm Water Runoff at Curb Cuts

Drainage shall meet the requirements specified in **Chapter 4**, in the section/subsection titled **Drainage Systems/Sidewalk Culvert (Chases)**.

8.3 ACCESS RAMPS

8.3.1 Ramp Requirements

Access ramps shall be installed at all sides of all intersections and at certain mid-block locations for all new construction or reconstruction of curb and sidewalk. Access ramps shall meet ADA requirements to the maximum extent feasible.

A. Locations

Intersections. Two access ramps shall be included at all intersection corners. On T-intersections, corresponding access ramp are required opposite the intersecting street. Access ramps shall not be placed in designated parking areas nor in or across from driveways. Ramps shall be located to avoid conflicts with the storm drain inlet depressions.

B. Width

The minimum width of an access ramp shall be 48 inches excluding the flared sides.

C. Slope

The slope of the ramp shall not be greater than 8.33% (1:12) for all new developments.

In existing developed rights-of-way, it may be necessary to install a steeper ramp to provide access to street crossings. In an alteration, slopes as steep as 1:10 (10%) are permitted for the distance of a 6-inch rise if it is not technically feasible to provide a ramp at 1:12 (8.33%). For a 3-inch rise, the maximum slope may be as steep as 1:8 (12.5%) where necessary.

D. Flared Sides

The slope of the flared sides shall not be greater than 10% (1:10).

E. Finish

Access ramps shall have a broom finish.

F. Curing Compound

All access ramps require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.

G. Detectable Warnings

Detectable warning devices (truncated domes) meeting ADA requirements shall be installed on all access ramps.

8.4 MULTI-USE TRAILS

8.4.1 General Layout and Design Criteria

A. Width

The minimum width of trails shall be 12 feet and shall follow the trail cross-section guidelines of the Master Transportation Plan.

B. Materials

Selection of trail surface materials depends upon site conditions. Final determination of trail construction materials shall be made by the Trail Coordinator.

1. *Concrete.* Trails shall be constructed of concrete when located in or near floodprone areas, vehicular road crossings, access ramps and within street right of way.
2. *Asphalt.* Trails may be constructed of asphalt in areas where the trail is located above floodprone areas and away from vehicular traffic and street right of way.

C. Grades

All trails shall be constructed with a 2% maximum cross slope in the same direction as the existing grade unless otherwise designated to allow drainage to sheet flow across the trail. Trails adjacent to streets shall have 2% maximum cross slope towards the street. Longitudinal grade shall not exceed 5%. Longitudinal grade may be varied by the Trails Coordinator for sites with difficult topography. In such cases, the AASHTO longitudinal grade requirement for bicycles shall apply.

D. Asphalt Trail Requirements (By approval of the Trail Coordinator Only)

Asphalt trails shall be constructed of asphalt concrete hot mix surface course. Type III surface course meeting the requirements of AHTD Specifications. Asphalt trail sections shall be constructed to the following standards:

1. *Surface.* Asphalt trail sections shall have a minimum 3 inch thick surface.
2. *Base Course.* Base course for asphalt trails shall consist of a minimum 6 inch thickness of Class 7 aggregate compacted to 95% M.P.D.
3. *Subgrade.* The top 24 inches of subgrade shall meet the requirements of **Chapter 6**, Section 6.3.5 for street construction. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.). Specific site conditions may require the additional undercut, placement of stone backfill or other methods in order to create a solid base.

E. Concrete Trail Requirements

All concrete portions of trails shall be constructed of a portland cement concrete mixture with a compressive strength of 3500 p.s.i. and with 4 to 7 percent air entrainment. Concrete trail sections shall be constructed to the following standards:

1. *Surface.* Concrete trail portions shall have a minimum 4 inch thick concrete surface reinforce with fibers or welded wire fabric with a medium broom finish.
2. *Base Course.* Base course for concrete trails shall consist of a 4 inch minimum thickness of class 7 aggregate compacted to 95% M.P.D.
3. *Subgrade.* The top 24 inches of subgrade shall meet the requirements of **Chapter 6**, Section 6.3.5 for street construction. Existing material not meeting these requirements shall be removed and replaced with approved select fill and compacted to 95% Standard Proctor Density (S.P.D.). Specific site conditions may require the additional undercut, placement of stone backfill or other methods in order to create a solid base. This requirement does not apply where trails are constructed within the right of way adjacent to a street.
4. *Expansion joints.* Full depth expansion joints shall be provided where trails abut drainage structures, retaining walls, building faces, and all other fixed objects. Expansion joint material shall be provided at each cold

joint. Expansion joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest edition of the AHTD standard specifications.

5. *Contraction Joints.* One inch depth weakened plane joints, or saw-cut joints, shall be placed in trail at regular intervals matching the trail width, but not greater than 12 feet apart.
6. *Joint Sealant.* All expansion joints and saw joints shall be sealed with joint sealant such as Sonneborn SL! meeting the requirements of ASTM C 920, Type S. A self leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.

F. Trail Shoulders

A two foot shoulder adjacent to the trail shall be graded smooth and should not exceed 2% cross-slope in the same direction as the trail. The Trail Coordinator shall determine the appropriateness and maintenance requirements of plants and grasses adjacent to trails.

G. Tie Back Slopes

The ground beyond the shoulder shall meet the existing grade with a maximum slope of 3:1. A swale may be required on the uphill side of the trail to direct stormwater runoff to a storm sewer system or culvert crossing. These may be required where runoff is concentrated onto the trail.

H. Trail Signage

Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities.

I. Street Crosswalks

Trails that intersect and cross public streets shall have a red concrete crosswalk with two foot wide white thermoplastic stripes on each side. Where appropriate, this crosswalk may be raised 2.5 inches above pavement surface. The concrete shall be colored with integral color mix (Soloman Dry Pigment 417 Apple Red with 4% loading) or with thermoplastic (Decomark Herringbone Patter, Brick Red).

J. Striping

Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 – Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety.

K. Location Criteria

Multi-use trail locations shall be based on safety, circulation, and access considerations.

L. Overhead Clearance

All multi-use trails shall have a minimum of 10 feet clear vertical distance above the path.

M. Drainage Design

All culvert crossings shall be designed to carry the 10-year storm event.

8.4.2 Design Speed

For paved surfaces a minimum design speed of 20 mph shall be used. Where grades exceed 4 percent, a design speed of 30 mph shall be used.

8.5 SIDEWALK UNDERDRAINS (CHASES)

Sidewalk underdrains shall not interfere with the pedestrian's use of the sidewalk. Underdrains shall not be located within an access ramp, curb cut, or driveway.

8.6 PEDESTRIAN CROSSINGS

All crosswalks shall be marked in accordance with **Chapter 7, Traffic Control Devices**. Crosswalk markings will be required at all signalized intersections, school areas, and high pedestrian areas as designated by the City Engineer.

8.7 PEDESTRIAN REFUGE AREAS

For Arterials with raised medians and on splitter islands for roundabouts, a pedestrian refuge area shall be created in the median to increase pedestrian safety. See **Figure 5-8 and Figure 5- 9**.

Minimum Street Standards



CHAPTER 9 – ON-STREET BICYCLE FACILITIES DESIGN AND TECHNICAL CRITERIA

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CHAPTER 9 – ON-STREET BICYCLE FACILITIES DESIGN AND TECHNICAL CRITERIA

9.1 GENERAL

This chapter sets forth the minimum criteria to be used in the design of all bike lanes, bike paths, or other bicycles facilities within the City's rights-of-way.

9.1.1 Reference Documents

In this chapter, the AASHTO "Guide for the Development of Bicycle Facilities" as published by the American Association of State Highway and Transportation Officials, the National Association of City Transportation Officials Urban Bikeway Design Guide and the Manual on Uniform Traffic Control Devices were used as references.

9.1.2 Bicycle Master Plan

This subsection was developed based on the **City of Active Transportation Plan (ATP)**. All projects shall optimize bicycle travel within the city by providing bicycle facilities in all new developments in accordance with this plan.

9.1.3 Obstructions

Manholes, utility poles or other appurtenances or obstructions, should not be located in bike lanes or bike paths.

9.2 ON-STREET BIKE LANES DESIGN REQUIREMENTS

9.2.1 On-Street Bike Routes

Specific streets are designated in the **City of Fayetteville Alternative Transportation and Trails Master Plan** as on-street bicycle routes. Streets designated as on-street bicycle routes shall be designed with additional width for bike lanes in accordance with the master street plan.

9.2.2 Width and Cross Sections

The bike lane shall be designed with widths shown in standard street classification sections. Bicycle lanes on one-way streets shall be on the right side of the street,

Minimum Street Standards

unless otherwise specified by the City Engineer. Bike lane width shall not be less than 5 feet measured from the face of curb or edge of pavement if no curb exists.

9.2.3 Signage and Striping

All designated bike lanes shall be signed and striped, as required by MUTCD and as required in **Chapter 7, Traffic Control Devices**.

9.2.4 Bike Lanes at Intersections

At the intersections where a separate right turn lane exists and is striped, the bicycle lane shall transition and be placed between the through lane and the right turn lane. The bike lane width shall remain the same as the approaching bike lane. See **Figures 5-8 and 5-9 in Chapter 5, Intersections**.



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CHAPTER 10 – NEIGHBORHOOD TRAFFIC SAFETY

10.1 GENERAL

This chapter presents acceptable methods of neighborhood traffic calming that are determined by the City to be necessary for existing Local streets. This chapter also provides for specific design criteria for a number of traffic calming methods.

10.1.1 Intended Use

The necessity or desire for traffic safety and calming stems from the perception that local streets, particularly in residential areas, do not always function as intended. These roadways should be low traffic volume roadways used for direct access to residences on the street. They are also intended as a multi-modal system that is shared by vehicular, bicycle, and pedestrian traffic in a manner that minimally impacts residents in these areas.

10.2 TRAFFIC SAFETY PROBLEMS

The presence of too many vehicles traveling at high speeds through a neighborhood diminishes that neighborhood's quality of life. Traffic calming measures are intended to minimize these issues and return the quality of life to the neighborhood. Care must be taken by the designer so that the installation of traffic calming devices does not create unintended hazards that delay emergency response or jeopardize the safety of bicyclists, pedestrians or motorists.

10.2.1 Speeding

Speeding may occur on roadways that allow the driver to feel safe while exceeding the posted speed limit. Factors that contribute to this perception include long, unbroken lines of sight, steep roadway grades, wide roadways, low density developments, low pedestrian activity, and large building setbacks. In addition, speeding may occur when the street functions as a higher classification street than originally intended.

10.2.2 Measuring Speed of Roadway

The standard method of measuring speed on any street is the determination of the 85th percentile speed. The 85th percentile speed is the speed at which or below which 85 percent of the vehicles travel. If the 85th percentile speed is at or below the posted speed limit, then speeding is not considered a problem. However, if the 85th percentile speed is over the posted speed limit by 5 miles per hour or greater,

either the posted speed limit may be inappropriate or a speeding problem may exist.

10.2.3 Intrusion (Cut-Through Traffic)

Intrusion is increased volume or excessive non-local traffic along a neighborhood street. This cut-through traffic is caused by drivers who use a local street to go through a neighborhood and save time on their trip. These streets, which are less impeded than others, will often invite cut-through traffic. Routes that are perceived to be time-saving will attract more traffic. This increased cut-through traffic can cause local streets to function more like a collector.

10.2.4 Pedestrian Safety

Pedestrian safety negatively impacted by speeding vehicles, cut-through traffic, or a combination of these problems. The high concern areas are in the vicinity of neighborhood schools and parks or mid-block pedestrian crossings, particularly on streets with on-street parking. These areas require special consideration for the mobility and safety of the pedestrian.

10.3 TRAFFIC CALMING DESIGN CRITERIA

10.3.1 Intersection Bulb-Outs

Bulb-outs are areas of expanded curbing, at intersections, that narrow the overall street width and protect on street parking. See **Figure 10-1**.

A. Appropriate Locations

1. Appropriate for local streets.
2. Works well in downtown areas.
3. Primarily used at intersections.

B. Typical Uses

1. Reduce the crossing distance for pedestrians.
2. Improve the line of sight for pedestrians.
3. Make pedestrians more visible to oncoming traffic.
4. Slow traffic by funneling it through a narrower street opening.

C. Signing and Markings

Bulb-outs can be used with the standard intersection signage.

D. Other Considerations

Impact on roadway drainage must be addressed. Drainage may be provided by devices such as inlets, concrete channels, valley gutters, etc...

E. Advantages

1. Improve pedestrian safety.
2. Reduce vehicle speeds.
3. May slow right-turning vehicles.
4. Prevent parking close to intersections.
5. Can improve neighborhood appearance with landscaping.

F. Disadvantages

1. Can result in loss of on-street parking space.
2. May make it difficult to accommodate bicycle lanes.
3. Challenging drainage patterns.
4. Landscaping maintenance.

10.3.2 Center Island Narrowing

Center Island Narrowing are areas of curbed or painted islands located before an intersection or mid-block along the centerline of a street. See **Figure 10-2**.

A. Appropriate Locations

1. Appropriate for local streets.

B. Typical Uses

Slow traffic by narrowing the roadway with a median and to increase pedestrian safety by providing a refuge halfway across the street, so that only one direction of traffic need be crossed at a time.

C. Signing and Markings

Reflectors and street lighting are recommended to improve visibility.

D. Advantages

1. Improve pedestrian safety.
2. Reduce vehicle speeds.
3. Can improve neighborhood appearance with landscaping.

E. Disadvantages

1. Can result in loss of on-street parking space.
2. May make it difficult to accommodate bicycle lanes.
3. Landscaping maintenance.
4. May restrict access.

10.3.3 Gateway Treatment

Gateway Treatments are short medians at the entrance to a residential street. See **Figure 10-3**.

A. Appropriate Locations

1. Appropriate for local streets.

B. Typical Uses

Slow traffic as they turn into the street and to limit the exit to a single lane.

C. Signing and Markings

Reflectors and street lighting are recommended to improve visibility.

D. Advantages

1. Reduce vehicle entry speeds.
2. Prevents drivers from forming a second lane.
3. Can improve neighborhood appearance with landscaping.
4. Does not restrict access for residents.
5. Improve pedestrian safety.

E. Disadvantages

1. Can result in loss of on-street parking space.
2. May make it difficult to accommodate bicycle lanes.
3. Landscaping maintenance.

10.3.4 Oval Median

Oval Medians are curbed oval shaped medians located mid-block See **Figure 10-4**.

A. Appropriate Locations

1. Appropriate for local streets.
2. Appropriate on streets having volumes less than 3,500 vehicles per day.

B. Typical Uses

Slow traffic by narrowing the roadway with a median.

C. Signing and Markings

Reflectors and street lighting are recommended to improve visibility.

D. Advantages

1. Reduce vehicle speeds.
2. Can improve neighborhood appearance with landscaping.
3. Does not restrict access for residents.

E. Disadvantages

1. Can result in loss of on-street parking space.
2. May make it difficult to accommodate bicycle lanes.
3. Landscaping maintenance.

10.3.5 Chokers

Chokers are areas of curbing, typically mid-block, that narrow the overall street width. See **Figure 10-5**.

A. Appropriate Locations

1. Appropriate for local streets.
2. Appropriate on streets having volumes less than 3,500 vehicles per day.

B. Typical Uses

Slow traffic by funneling it through a narrower street opening.

C. Signing and Markings

The “Road Narrows” Sign (W5-1) with an appropriate “Advisory Speed” Sign (W13-1) should be used at least 150 feet in advance of the choker. Reflectors and street lighting are also recommended to improve visibility.

D. Other Considerations

Impact on roadway drainage must be addressed. Drainage may be provided by devices such as inlets, concrete channels, valley gutters, etc...

E. Advantages

1. Improve pedestrian safety.
2. Reduce vehicle speeds.
3. Can improve neighborhood appearance with landscaping.

F. Disadvantages

1. Can result in loss of on-street parking space.
2. May make it difficult to accommodate bicycle lanes.
3. Challenging drainage patterns.
4. Landscaping maintenance.

10.3.6 Chicanes

A chicane is a series of three curb bulb-outs staggered on alternating sides of the street, at a mid-block location, which forces vehicles to negotiate the narrowed roadway in a snake-like fashion. See **Figure 10-6**.

A. Appropriate Locations

1. Appropriate on local streets having volumes less than 3,500 vehicles per day.
2. Appropriate on two-lane, two-way streets or on one-lane, one-way streets.

B. Typical Uses

1. Slows vehicles by forcing motorists to weave through the bulb-outs.

C. Signing and Markings

1. The “Road Narrows Sign” (W5-1) with an appropriate “Advisory Speed Sign” (W13-1) should be used at least 150 feet in advance of the chicane. Object Markers (OM-3R, OM-3L), may be installed within the Chicanes if necessary. Reflectors, street lighting and landscaping are also recommended to improve visibility.

D. Other Considerations

1. Traffic volumes should be balanced in each direction. Chicanes lose effectiveness when volumes are significantly unbalanced.
2. Chicanes may not be appropriate in areas with high truck traffic.
3. Avoid locations where grades exceed 8 percent.
4. Placement of chicanes will depend on site conditions and driveway locations.

E. Advantages

1. Reduce vehicle speeds.
2. Reduce traffic volume.
3. May reduce collisions.
4. Traffic noise may be reduced due to lower speeds and volume.
5. Can improve neighborhood appearance with landscaping.

F. Disadvantages

1. Can result in loss of on-street parking space.
2. With two-lane chicanes, motorists may cross the centerline to maintain a straight line of travel.
3. Landscaping maintenance.

10.3.7 Two-Lane Slow Point

A Two-Lane Slow Point is a pair two islands with an angled median in between, at a mid-block location, which forces vehicles to negotiate the narrowed roadway in a snake-like fashion. See **Figure 10-7**.

A. Appropriate Locations

1. Appropriate on local streets having volumes less than 3,500 vehicles per day.
2. Appropriate on two-lane, two-way streets or on one-lane, one-way streets.

B. Typical Uses

1. Slows vehicles by forcing motorists to weave through the Slow Point.

C. Signing and Markings

1. The “Road Narrows Sign” (W5-1) with an appropriate “Advisory Speed Sign” (W13-1) should be used at least 150 feet in advance of the Slow Point. Object Markers (OM-3R, OM-3L), may be installed within the Slow Point if necessary. Reflectors, street lighting and landscaping are also recommended to improve visibility.

D. Other Considerations

1. Traffic volumes should be balanced in each direction. Slow Points lose effectiveness when volumes are significantly unbalanced.
2. Slow Points may not be appropriate in areas with high truck traffic.
3. Avoid locations where grades exceed 8 percent.
4. Placement of Slow Points will depend on site conditions and driveway locations.

E. Advantages

1. Reduce vehicle speeds.
2. Reduce traffic volume.
3. May reduce collisions.
4. Traffic noise may be reduced due to lower speeds and volume.
5. Can improve neighborhood appearance with landscaping.

F. Disadvantages

1. Can result in loss of on-street parking space.
2. Landscaping maintenance.

10.3.8 Traffic Circles

Traffic circles are raised islands located in the center of an unsignalized intersection. All traffic must negotiate the circle and circulate in a counterclockwise direction. See **Figure 10-8**.

A. Appropriate Locations

1. Appropriate on local streets having volumes less than 3,500 vehicles per day.
2. Appropriate on streets without high pedestrian or left-turning volumes.

B. Typical Uses

1. Slows vehicles due to the horizontal deflection.

C. Signing and Markings

1. The use of the “Advance Traffic Circle Warning Sign” (W6-4) with an appropriate “Advisory Speed Sign” (W13-1) is recommended in advance of the first traffic circle encountered on each street.

D. Other Considerations

1. Depending on the intersection configuration, the shape of the traffic circle may not actually be round.
2. Turning analysis should be completed to ensure that the design vehicle can negotiate the circle. A mountable concrete apron may be used to accommodate emergency service vehicles, trucks and buses.
3. Traffic circles may require additional street lighting.

E. Advantages

1. Reduce vehicle speeds.
2. Reduces the number of potential conflict points at an intersection.
3. May reduce collisions.
5. Can improve neighborhood appearance with landscaping.
6. Creates a visual obstruction that deters through traffic.

F. Disadvantages

1. May make it difficult for emergency vehicles, buses, and trucks to turn left.
2. May require removal of some on-street parking. The prohibition of parking for 30 feet from the intersection is recommended.
3. Landscaping maintenance.
4. Additional right of way may be necessary.

10.3.9 Textured Crosswalks

Textured crosswalks are the use of pavers, imprinted concrete/asphalt, or other materials to demarcate crosswalks and alert motorists that they are entering a pedestrian-friendly area.

A. Appropriate Locations

1. Appropriate on all street classifications where high pedestrian volume exists.
2. May be used on streets posted up to 45 mph.

B. Typical Uses

1. Often used in combination with raised crosswalks, raised intersections or bulb-outs.

C. Advantages

1. Improved street appearance.
2. Alerts motorist to the possible presence of pedestrians.

D. Disadvantages

1. Virtually no effect on traffic speeds or volumes.
2. Extra noise may be produced from vehicles passing over the textured surface.
3. Heavily textured surface may present a traction problem for bicyclists, wheelchairs or disabled persons.

10.3.10 Speed Tables

A speed table is a raised surface on the roadway that is typically 3" in height and 12 to 22 feet in length. See **Figure 10-9 and 10-10**.

A. Appropriate Locations

1. Appropriate on local streets having volumes less than 3,500 vehicles per day with posted speeds of 30 mph or less.
2. Primarily used in mid-block locations.

B. Typical Uses

1. Within typical residential travel speeds, speed tables encourage motorists to slow to a safe speed at or below the speed limit.

C. Signing and Markings

1. The Speed Table Warning Sign (W16-1) is recommended to be installed 100 feet in advance of speed tables, at the table, or in both locations. For a series of tables, the sign may be used at the first table in the series,
2. The pavement markings as shown in Figures 10-4 and 10-5 shall be used for all speed tables.

D. Other Considerations

1. Speed tables should be placed 250 to 600 feet apart.
2. Typically, speed tables should not be placed within 150 feet of an intersection.
3. Speed tables should not be used on curves.
4. Speed tables should not be used on streets with a grade of 8% or greater.
5. Speed tables should not be used on streets without curbing.

E. Advantages

1. Reduce vehicle speeds.
2. Relatively inexpensive to install and maintain.

F. Disadvantages

1. Drainage must be accommodated.
2. Should be avoided on emergency routes.
3. Rutting and pavement damage in retro-fit situations.

10.3.11 Raised Crosswalks

Raised crosswalks are marked and elevated pedestrian areas that are an extension of the sidewalk at intersections or mid-block locations. Raised crosswalks are typically 3 to 6 inches above street level. See **Figure 10-11**.

A. Appropriate Locations

1. Appropriate on local streets having volumes less than 3,500 vehicles per day with posted speeds of 30 mph or less.

B. Typical Uses

1. Reduce vehicle speeds.
2. Improve visibility of pedestrians.

C. Signing and Markings

1. The “Raised Pedestrian Crossing Warning Sign” (W11A-3) is recommended to be installed with each raised pedestrian crossing.

D. Other Considerations

1. Most appropriately used at areas with significant pedestrian crossings.
2. Most effective when combined with textured crosswalks and bulb-outs.
3. Drainage inlets should be installed on the uphill side of the raised crosswalk.
4. All ADA requirements must be met.

E. Advantages

1. Reduce vehicle speeds.
2. Improves visibility of pedestrians.

F. Disadvantages

1. Drainage must be accommodated.
2. May slow emergency vehicles.

10.3.12 Raised Intersections

Raised Intersections are intersections, including crosswalks, which are raised 3 to 6 inches above street level. See **Figure 10-12**.

A. Appropriate Locations

1. Commonly found in commercial areas and business districts with high pedestrian activity.
2. They are appropriate on local and collector streets.
3. They are appropriate on streets with volumes up to 10,000 ADT.

B. Typical Uses

1. Reduce vehicle speeds on all approaches.
2. Decrease conflicts between vehicles and pedestrians by better demarcating crossing areas and elevating pedestrians above the street.

C. Signing and Markings

1. Advance warning signs should be posted. The “Raised Pedestrian Crossing” sign (W11A-3) is recommended.

D. Other Considerations

1. If raised intersections are the same height as the surrounding curb, a slight lip or other tactile measure should be used as a warning to the visually impaired.
2. Textured pavement treatments and curb extensions are often used in conjunction with raised intersections.

Minimum Street Standards

E. Advantages

1. Improves visibility of pedestrians.
2. Visual enhancement.
3. Reduction in vehicle speeds.

F. Disadvantages

1. Expensive to construct.
2. May slow emergency vehicles.
3. May disrupt drainage.

10.3.12 On-Street Parking

On-street parking creates the appearance of a narrower roadway. The proximity of parked vehicles and opening doors tends to slows traffic.

A. Appropriate Locations

1. Commonly found in commercial areas and business districts, but may be used on any street of adequate width.

B. Typical Uses

1. Reduce vehicle speeds.
2. Provide additional parking spaces for businesses and residents.

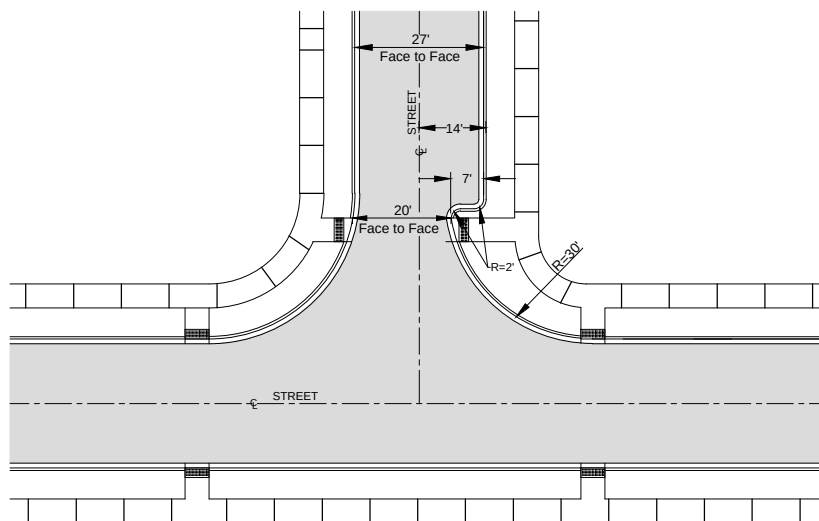
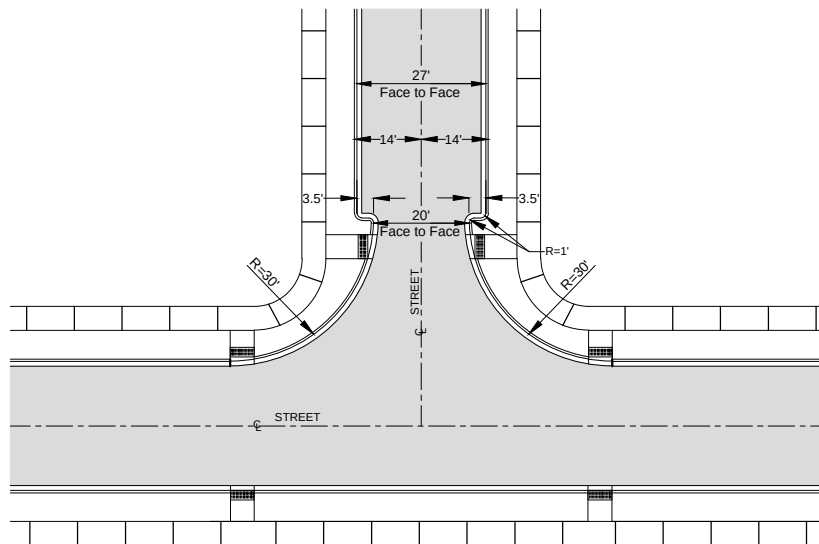
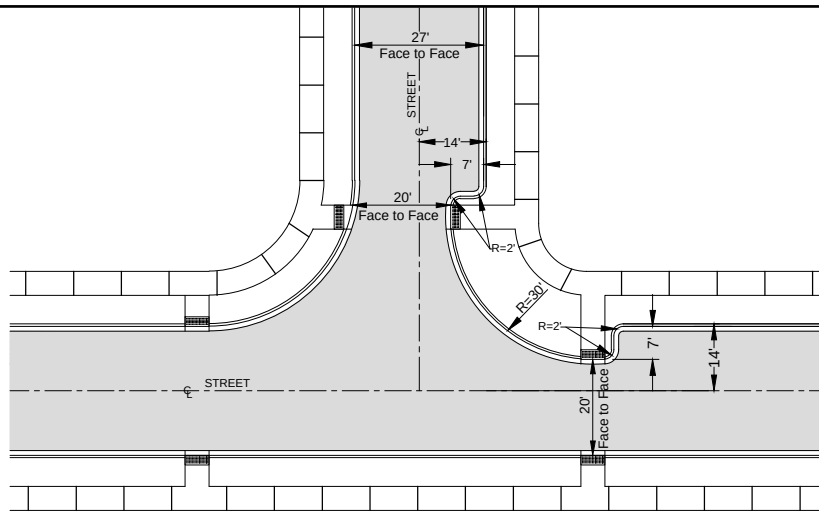
C. Advantages

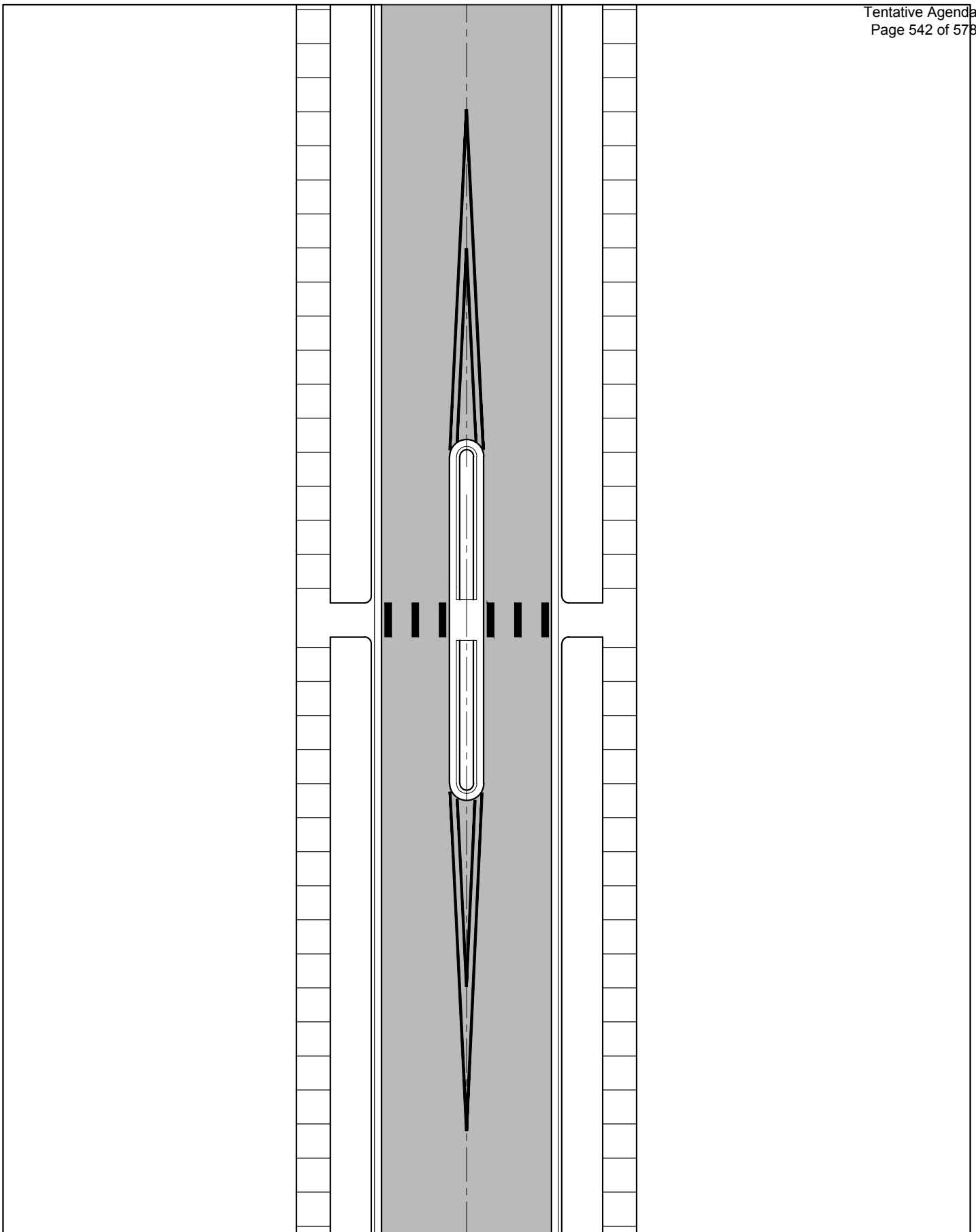
1. Creates a buffer between pedestrians and moving vehicles.
2. Reduction in vehicle speeds.

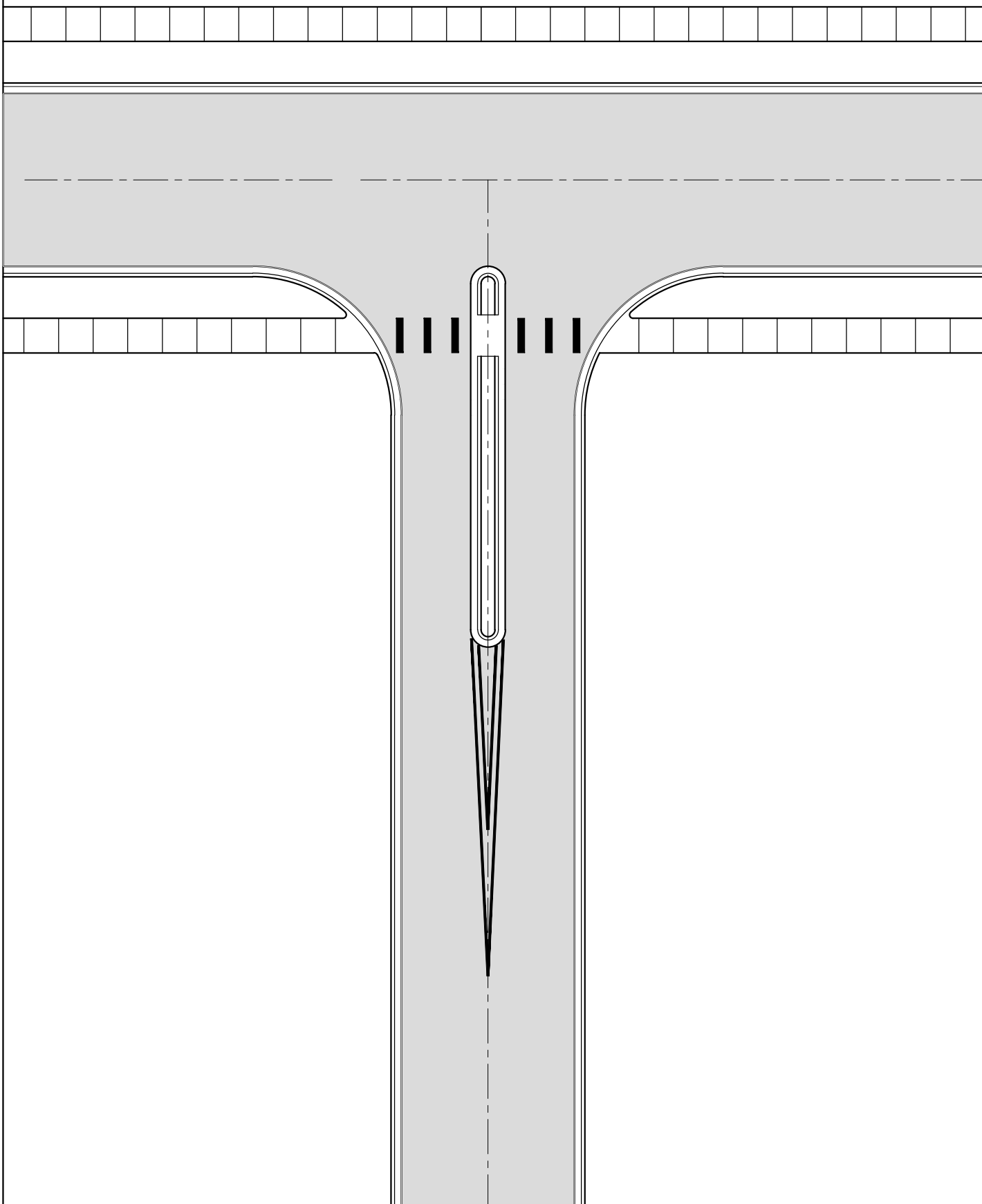
D. Disadvantages

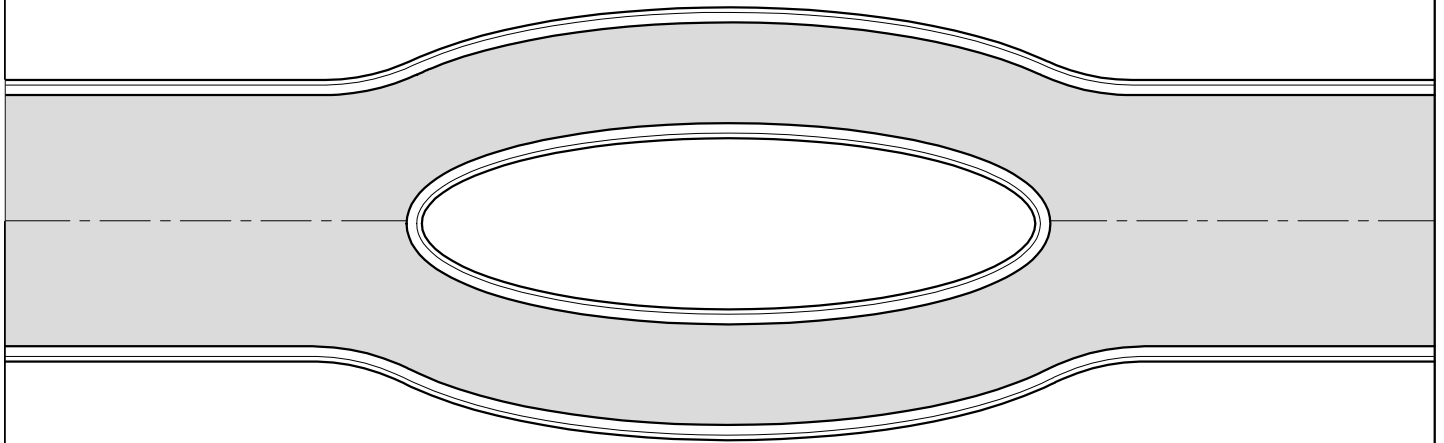
1. ROW Impacts
2. Disruption of traffic flow while motorist is parking.
3. May disrupt drainage.

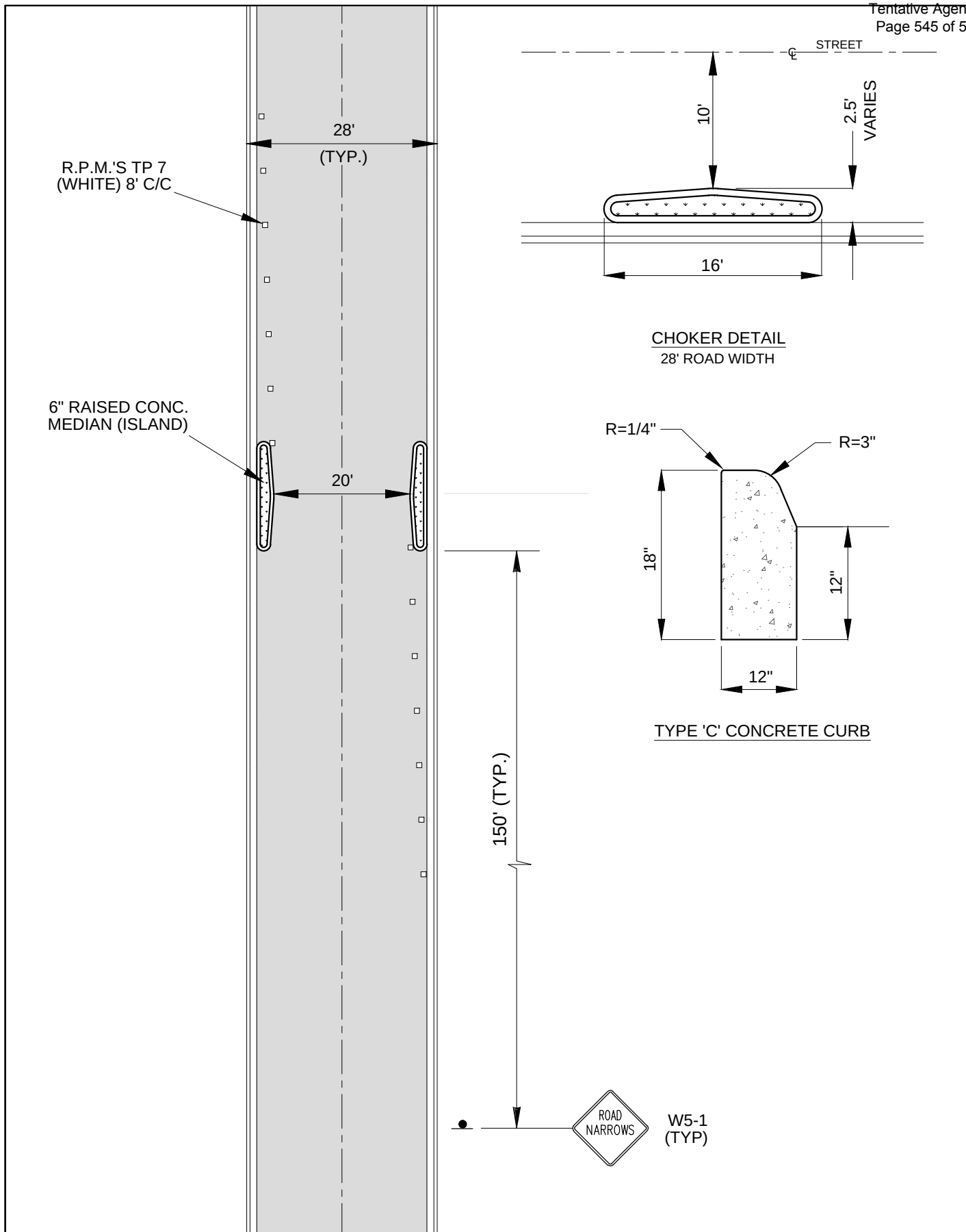


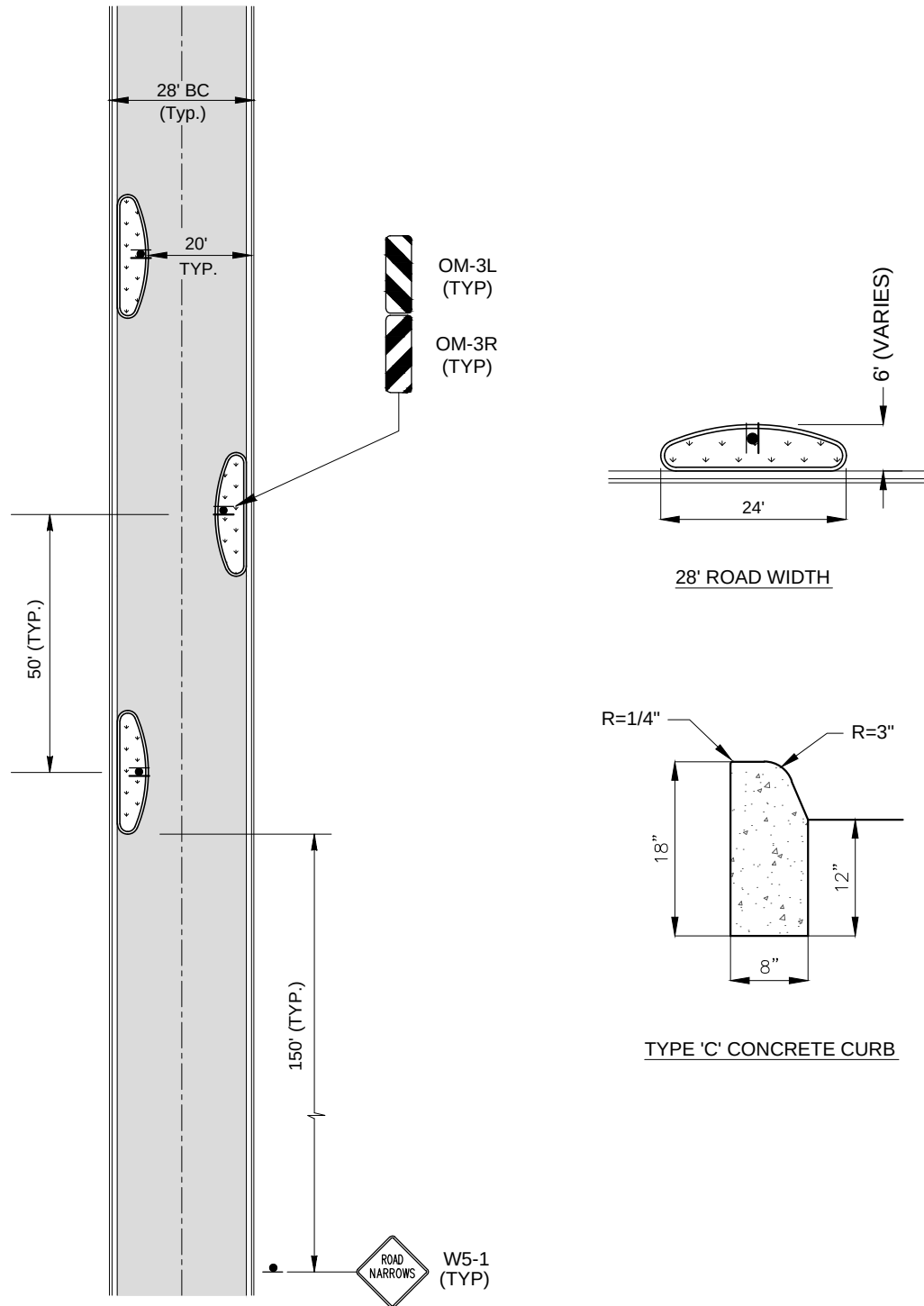


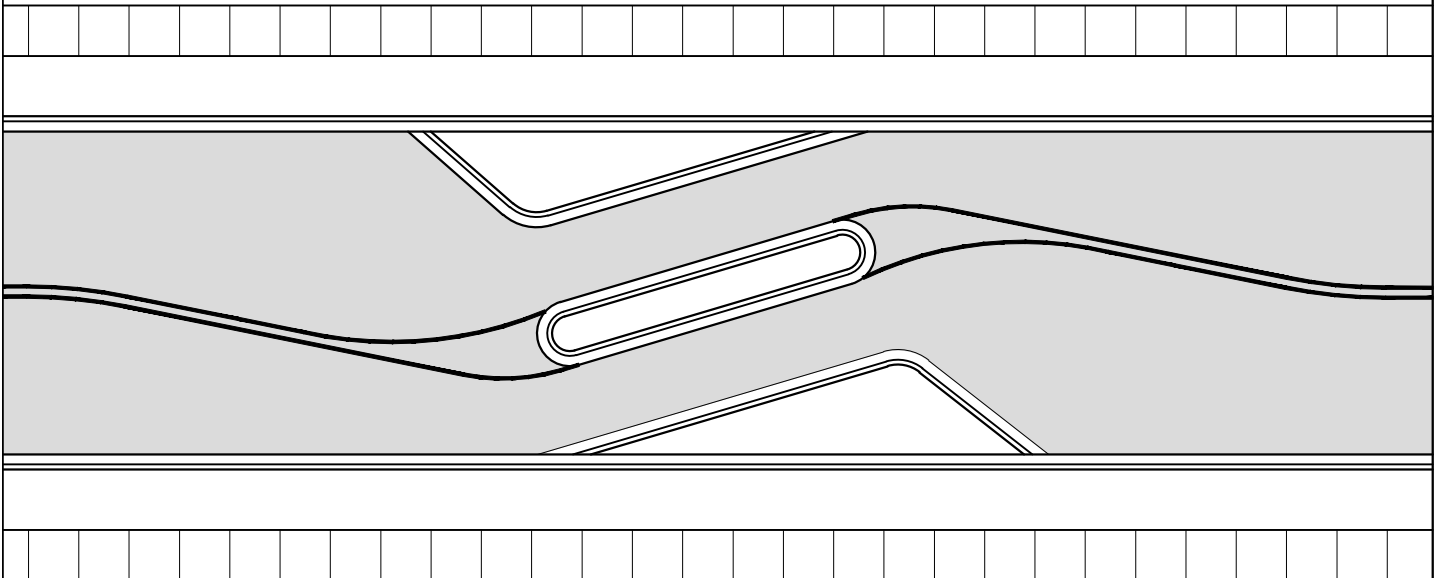


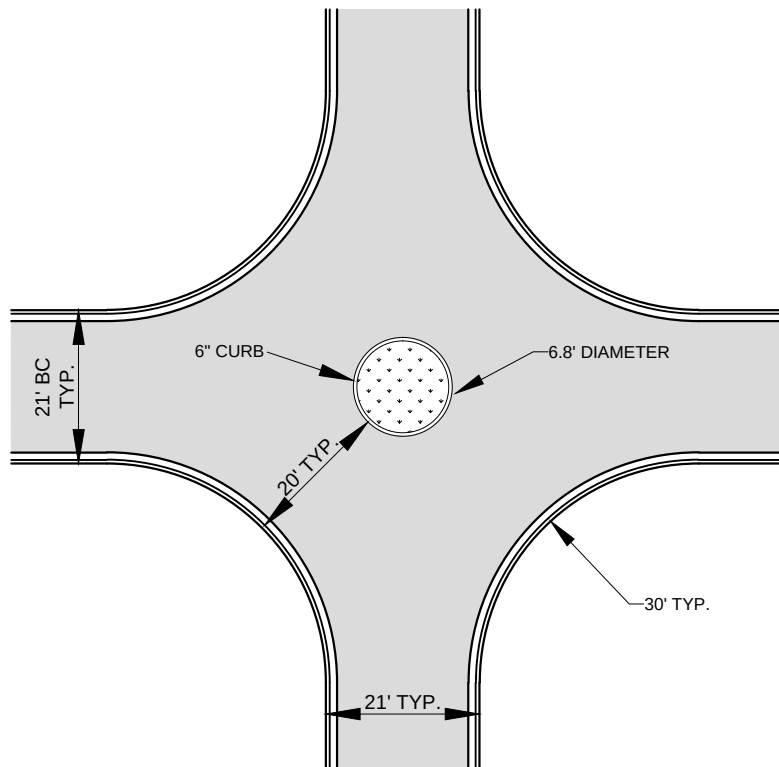
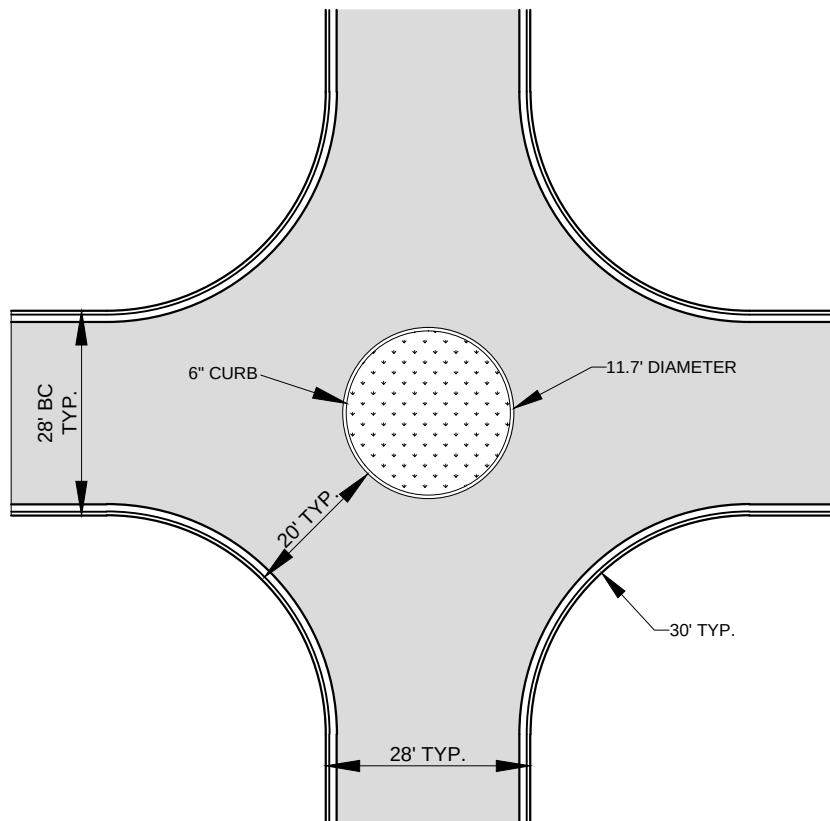


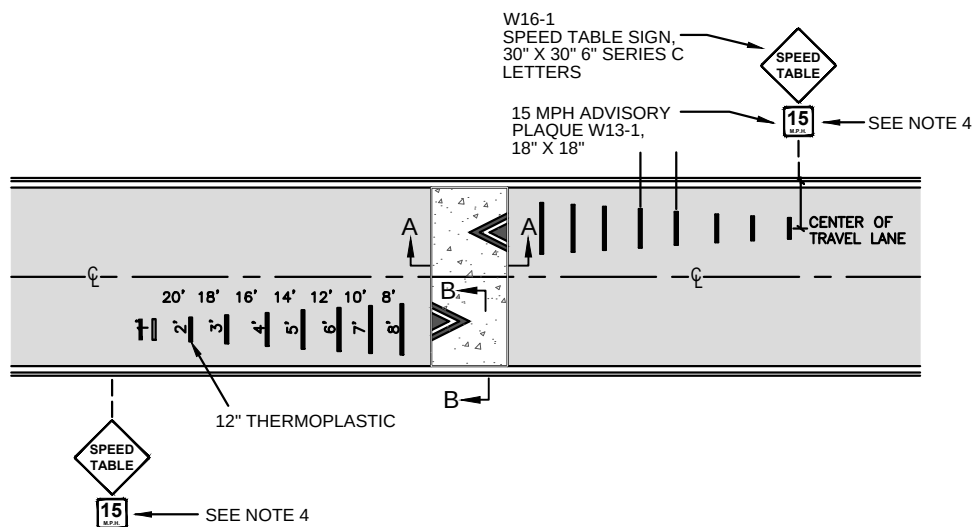






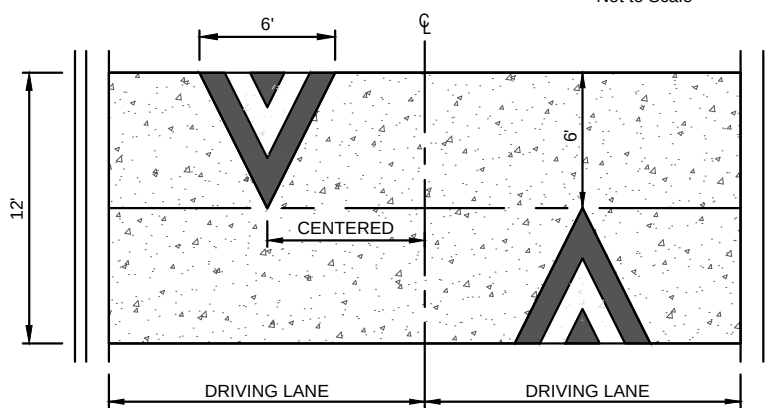




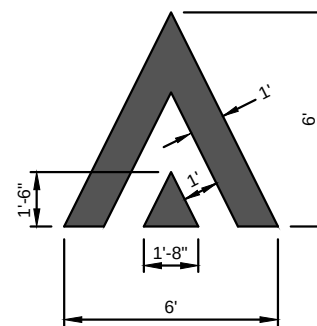


SPEED TABLE MARKING AND SIGNING

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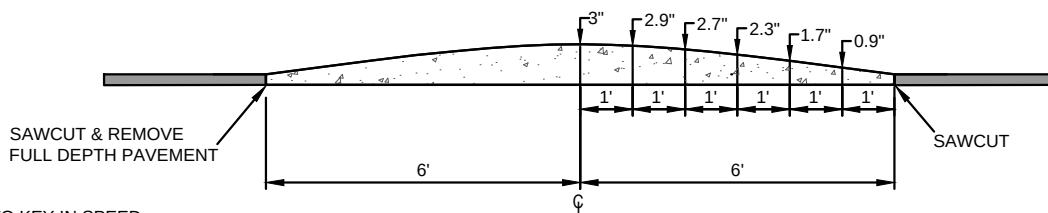
MARKING DETAIL



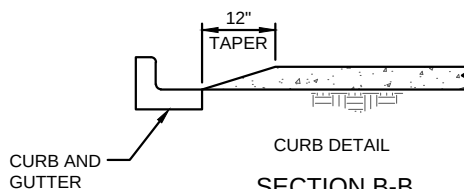
CHEVRON DETAIL

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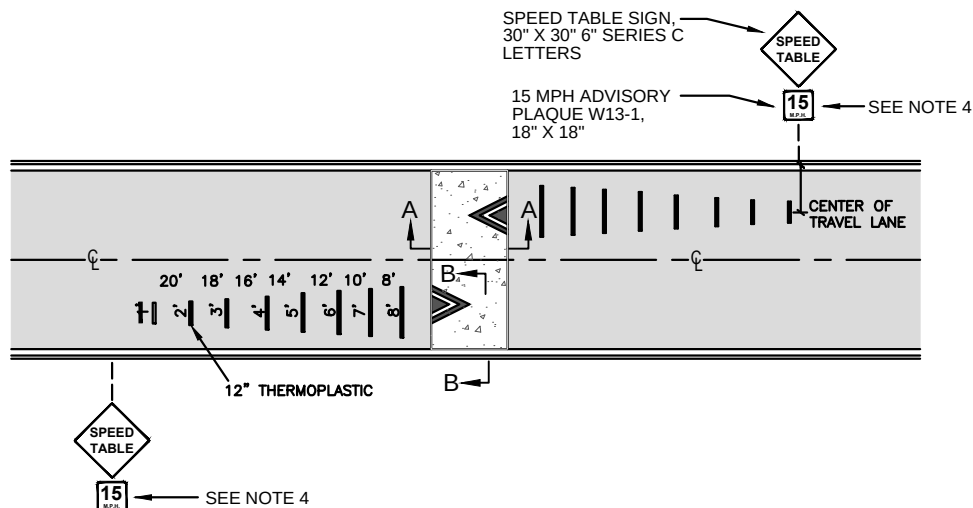
1. SAWCUT OR FEATHER GRIND TO KEY IN SPEED TABLE. SEE SECTION A-A.
2. SIGN LOCATIONS SHALL BE VERIFIED BY THE ENGINEER PRIOR TO INSTALLATION.
3. SPEED TABLE CHEVRON MARKING SHALL BE WHITE THERMOPLASTIC, HEAT FUSED PREFORMED, 125 MIL., OR EQUAL APPROVED BY THE ENGINEER.
4. FOR A SERIES OF SPEED TABLES, USE THE ADVISORY SPEED PLAQUE AT ONLY THE FIRST SPEED TABLE IN EACH DIRECTION OF TRAVEL.
5. SPEED TABLES SHALL BE CONSTRUCTED OF PORTLAND CEMENT CONCRETE 3500 PSI MIN.



SECTION A-A

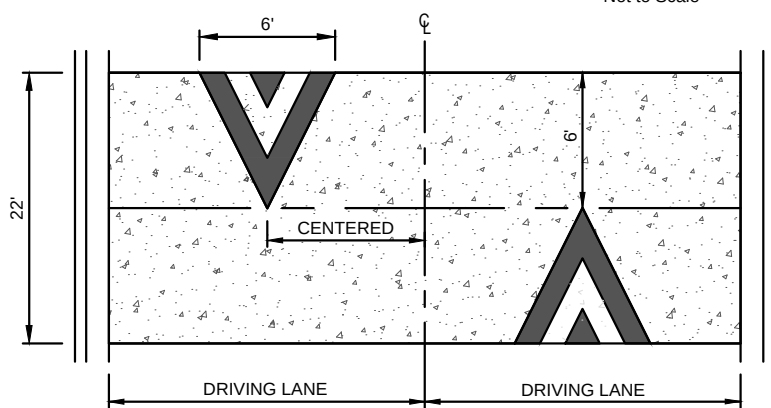


SECTION B-B

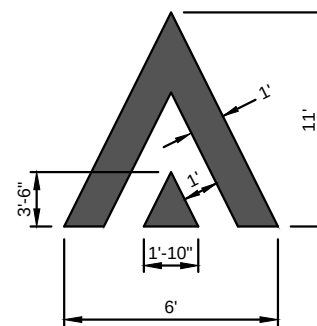


SPEED TABLE MARKING AND SIGNING

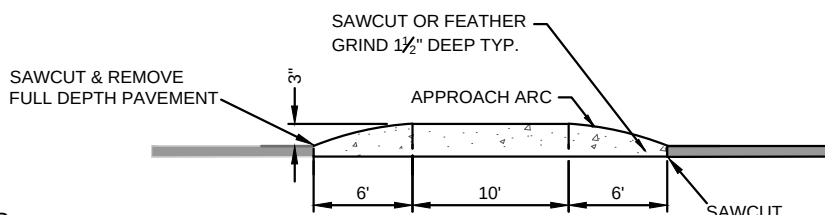
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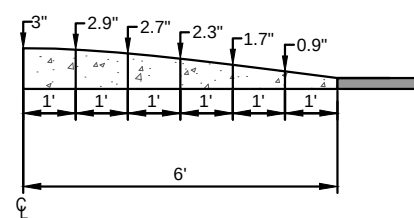
MARKING DETAIL



CHEVRON DETAIL



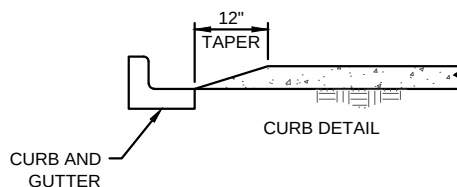
SECTION A-A



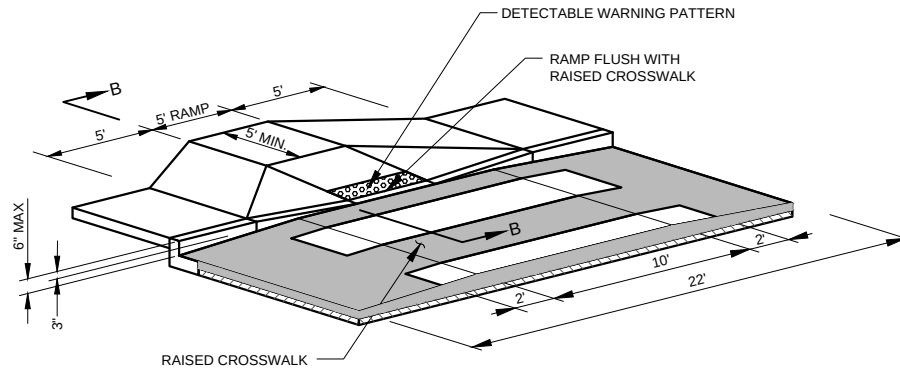
APPROACH ARC DETAIL

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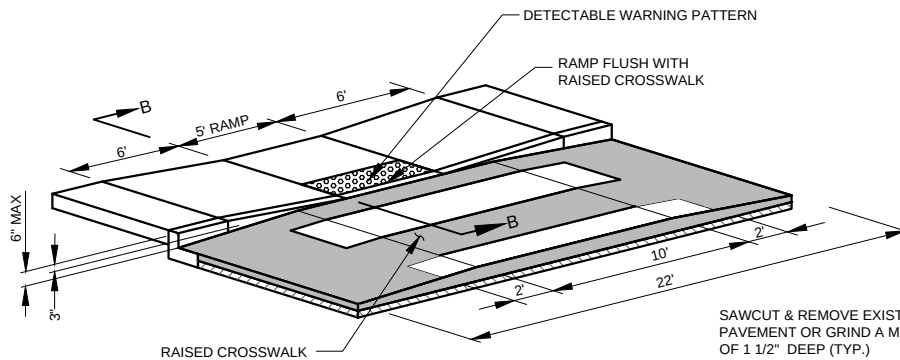
1. SAWCUT OR FEATHER GRIND TO KEY IN SPEED TABLE. SEE SECTION A-A.
2. SIGN LOCATIONS SHALL BE VERIFIED BY THE ENGINEER PRIOR TO INSTALLATION.
3. SPEED TABLE CHEVRON MARKING SHALL BE WHITE THERMOPLASTIC, HEAT FUSED PREFORMED, 125 MIL., OR EQUAL APPROVED BY THE ENGINEER.
4. FOR A SERIES OF SPEED TABLES, USE THE ADVISORY SPEED PLAQUE AT ONLY THE FIRST SPEED TABLE IN EACH DIRECTION OF TRAVEL.
5. SPEED TABLE TO BE INSTALLED USING CITY PROVIDED TEMPLATE, 48 HOURS NOTICE REQUIRED.
6. SPEED TABLES SHALL BE CONSTRUCTED OF PORTLAND CEMENT CONCRETE 3500 PSI MIN.



SECTION B-B

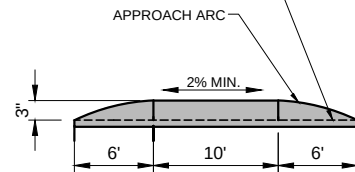


MODIFIED SIDEWALK RAMP TYPE 1

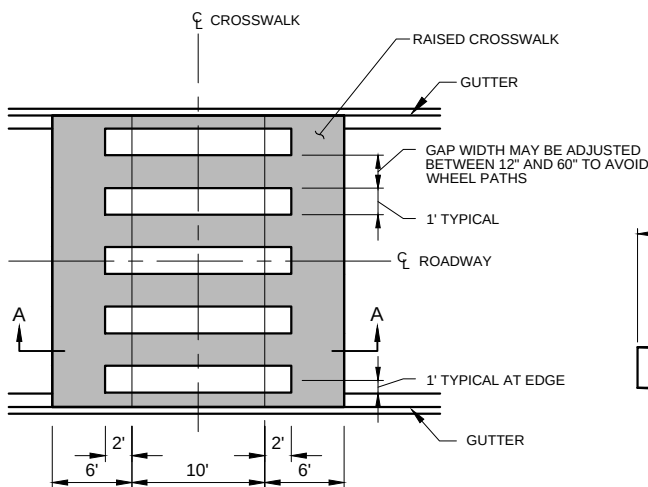


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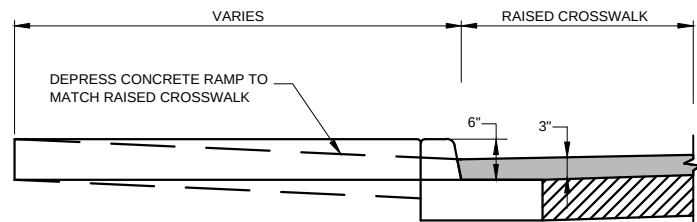
SAWCUT & REMOVE EXIST. PAVEMENT OR GRIND A MIN. OF 1 1/2" DEEP (TYP.)



SECTION A-A

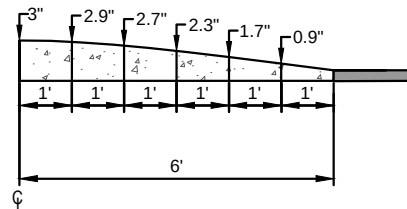


MARKING DETAIL

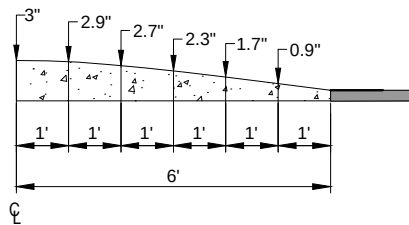
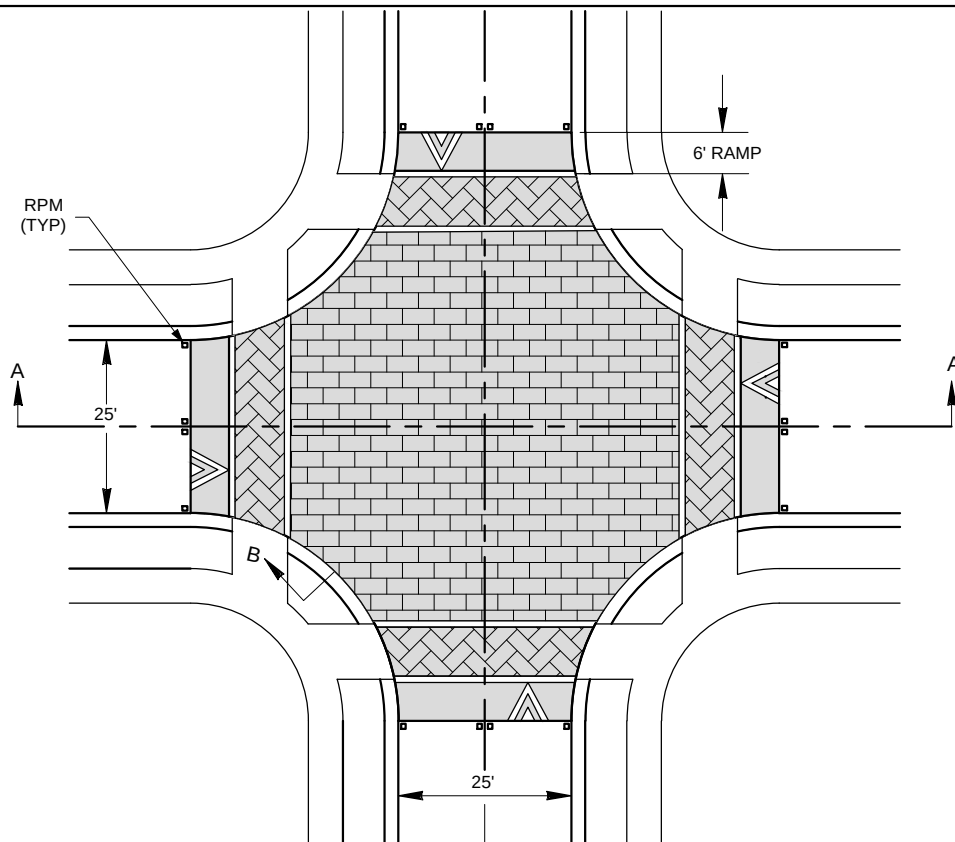


SECTION B-B

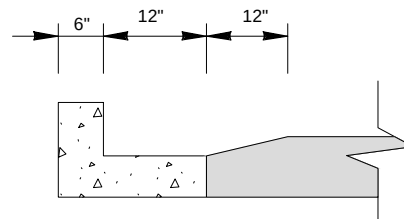
NOTE: LOCATION SHOULD TAKE INTO CONSIDERATION PROXIMITY TO DRAINAGE STRUCTURES, SINCE THE FLOW IN THE GUTTER WILL BE OBSTRUCTED BY THE CROSSWALK. ADDITIONAL INLETS MAY NEED TO BE CONSTRUCTED TO PREVENT PONDING.



APPROACH ARC DETAIL



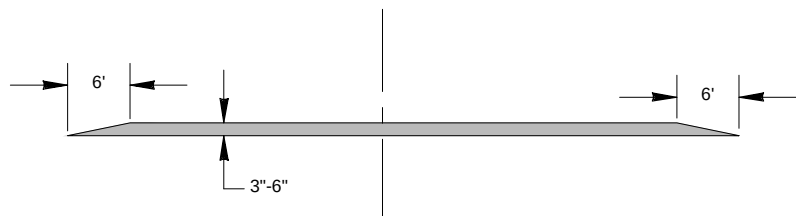
APPROACH ARC DETAIL



SECT. B-B

NOTES:

1. MINIMUM 1% SLOPE REQUIRED IN ALL AREAS FOR DRAINAGE.
2. A 30" X 30" YELLOW WARNING SIGN "RAISED PEDESTRIAN CROSSING" (W11A-3) MAY BE REQUIRED ON ALL APPROACHES NOT CONTROLLED BY A STOP SIGN.
3. INTERSECTION HUMP MAY BE CONSTRUCTED USING ASPHALT OR CONCRETE, PER CITY ENGINEER.
4. CONSTRUCT INTERSECTION HUMP USING 4000 PSI HIGH/EARLY CONCRETE REINFORCED WITH 6 X 6 - W2.9 X W2.9 WELDED WIRE FABRIC.
5. CONCRETE WILL BE COLORED AND TOP STAMPED WITH TEXTURE PER CITY ENGINEER.
6. CONSTRUCT INTERSECTION HUMP USING ASPHALTIC CONCRETE IN ACCORDANCE WITH SECTION 402 OF THE A.H.T.D SPECIFICATIONS, CURRENT EDITION.
7. APPLY PAVEMENT MARKINGS USING WHITE THERMOPLASTIC, 125 MIL., IN THICKNESS IN ACCORDANCE WITH A.H.T.D. STANDARD SPECIFICATIONS, CURRENT EDITION.
8. APPLY RAISED PAVEMENT MARKERS, TP 11 (YELLOW/YELLOW) (CENTERLINE) AND TP 13 (CLEAR/RED) (EDGE OF PAVEMENT), USING HEATED BITUMINOUS ADHESIVE IN ACCORDANCE WITH A.H.T.D. SPECIFICATIONS, CURRENT EDITION.



SECT. A-A

CHAPTER 11 – STREET INSPECTION AND TESTING PROCEDURES

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This Chapter Contains No Figures

CHAPTER 11 – STREET INSPECTION AND TESTING PROCEDURES

11.1 QUALITY ASSURANCE

A. City Observation

A City Public Works Inspector will observe key steps of the construction process to insure compliance with these standards and the approved plans and specifications. Inspections will include but not be limited to: grading, erosion control, storm sewer installation, structures, non-structural concrete, sub-grade, base course, pavement and traffic control devices.

B. Inspection

The engineer of record shall provide inspection services for all work on the approved construction plans. The inspector shall keep a daily log of all construction activities and testing for the project. The logs shall be submitted to the City in pdf format on a weekly basis, unless otherwise approved.

The inspector will be responsible for coordinating the required testing to make sure that the contractor, testing lab and City representatives are present.

All inspection personnel shall be qualified to read and interpret the plans and specifications and to observe the construction and testing procedures to ensure compliance.

The costs of all inspections and oversight of the construction process shall be paid for by the Developer.

C. Testing

During the construction process testing from an independent laboratory is required on all infrastructure installation including soils, concrete, asphalt, and other applicable tests. All testing laboratories engaged in testing for projects shall be pre-qualified by the City Engineer.

These Standards state the minimum requirements for materials sampling, testing, and inspection. All tests shall be made and certified by an approved independent testing laboratory. All costs required and pertaining to testing, the work performed, and materials supplied to verify compliance with these Standards shall be the responsibility of the Developer.

The use of the testing laboratory's services does not relieve the Developer of the responsibility to furnish the required materials and to perform the required construction in full compliance with these Standards. Passing test results do not constitute acceptance of the work or materials represented by the test. The Developer is responsible for quality control of their work.

In various sections of these Standards, specific testing or other data is required by the City to insure that the intent of these Standards is fulfilled. The costs of such tests or other specific data where required by these Standards or on the approved plans shall be borne by the Developer. When evidence indicates that the work performed may not comply with these standards or the approved plan, the City Engineer may require additional tests or data beyond that required in these Standards or on the approved plans. The costs of such tests shall be borne by the Developer. Should such tests or additional data show a failure to meet these Standards or the approved plans, the Developer shall be responsible for all costs associated with repair or replacement of said failure.

D. Pavement Design Report

The pavement design report required in these Standards shall be submitted for review a minimum of 10 working days prior to any paving. Refer to **Chapter 6, Pavement Structure and Materials**.

E. Mix Designs

Pavement mix designs meeting the requirements of these Standards shall be furnished to the City Engineer a minimum of 10 working days prior to intended use of the mix. The mix design shall be reviewed and accepted by the City Engineer prior to use. If a mix design not accepted by the City is used, the City may require removal of all improvements placed with the unaccepted material.

F. Test Reports

Test reports submitted to the City shall include all tests performed on the project. All test reports shall show the location where the test was performed or at which work or batch is represented by the test. Test reports shall include all information specified in the **AASHTO**, ASTM, or local test procedure used. Prior to acceptance of each phase of a project, all final reports shall be submitted to the City indicating compliance with these specifications.

11.2 PAVEMENT

11.2.1 Subgrade

The subgrade will be evaluated by the City Public Works Inspector prior to the placement of the next course. Any necessary reworking, compaction, or replacement will be required prior to continuation. The approval is valid only to a time when weather conditions may have changed the condition of the subgrade.

Changes in weather such as freezing or precipitation, which may cause changes in the subgrade, will require re-approval of the subgrade.

A. Existing Material

Unsuitable material will be excavated to a depth as directed by the City Engineer or the geotechnical engineer, disposed of, and replaced with fill material meeting the requirements of **Chapter 6, Pavement Structure and Materials**.

If the existing material is acceptable for use as subgrade material, or modified to be suitable, the subgrade will be scarified to a depth of 8 inches and recompacted to conform to the requirements of this chapter.

B. Moisture and Density Requirements

All lifts in embankment areas shall be compacted to not less than 95% of the maximum density. The moisture content of the material shall be within 2% of optimum moisture content before compaction.

Maximum density will be determined using AASHTO T-99 (Standard Proctor). In-place field density measurements shall be determined using AASHTO T-191, T-233 or T-310.

Density requirements do not apply to portions of embankments constructed of materials such as rock that cannot be tested by approved testing methods.

C. Final Proof-Rolling

Final proof rolling of subgrade shall be required prior to taking density tests. Proof rolling shall be done with a fully loaded tandem-axle dump truck.

D. Testing Frequency

Density tests shall be taken every 300 feet for each lane or portion thereof.

For streets less than 300 feet in length, a minimum of one test shall be taken for each lane. The Public Works Inspector shall determine the location of the tests.

E. Finished Subgrade

The subgrade shall be shaped for its full width to the required grade and cross section. The finished subgrade shall not vary at any point by more than 1/2" from the design elevation.

11.2.2 Base Course

The base course material shall be placed on a completed and approved subgrade or existing base that conforms to the grade and cross section shown on the plans. Base course shall not be placed on frozen subgrade.

A. Materials

Materials for aggregate base courses shall meet the requirements of Section 303 of the **AHTD Standard Specifications (2014 Edition)** for Class 7.

B. Moisture and Density Requirements

All lifts in embankment areas shall be compacted at substantially optimum moisture content to not less than 98% of the maximum density.

Maximum density will be determined using AASHTO T-180 (Modified Proctor). In-place field density measurements shall be determined using AASHTO T-310.

C. Thickness

The compacted base course shall be tested for thickness in the same general location of the density testing. The finished base course shall not vary at any point by more than 1/4" from the design thickness.

D. Testing Frequency

Density tests shall be taken every 300 feet for each lane or portion thereof. For streets less than 300 feet in length, a minimum of one test shall be taken for each lane. The Public Works Inspector shall determine the location of the tests.

E. Finished Grade

The base course shall be shaped for its full width to the required grade and cross section. The finished base course shall not vary at any point by more than 1/2" from the design elevation.

11.2.3 Hot Mix Asphalt (HMA)

A. Materials

Materials for Hot Mix Asphalt Concrete base, binder and surface courses shall meet the requirements of the **AHTD Standard Specifications (2014 Edition)** as referenced in Section 6.4.4 of these standards. No "Marshall Mixes" are allowed within City right of way unless specifically authorized in writing by the City Engineer.

B. HMA Testing

All testing shall be done in accordance with AASHTO or ASTM as designated throughout this chapter.

Testing results for Asphalt Binder Content, VMA and Air Voids shall be provided by the contractor upon request by the City Engineer.

The pavement shall be cored at 500 foot intervals for each lane, or fraction thereof, in each lane. The core locations shall be chosen so as to accurately represent the quality of the asphalt placed in a particular area.

C. Density Requirements

Minimum asphalt density shall be 92% of the maximum theoretical density. No density of less than 90% shall be accepted. The asphalt where densities are less than 92% and greater than 90% shall be left in place and a penalty of 2% of the in-place construction cost of the deficient asphalt shall be paid to the City for each .10% deviation from the required density up to a maximum of 40 %. Where densities are less than 90%, the paving shall be removed and replaced.

When a deficient density is obtained, two additional cores shall be taken within 10' either side of the deficient core location. If the density of both of these cores is 92% or higher, then no additional cores are necessary and no penalty will be applied. If insufficient density is reported with the new cores, then additional cores shall be taken every 50 feet until the limits of the deficient asphalt have been established.

The asphalt density used for the purpose of computing the penalty shall be the average density over the deficient area. Only the deficient densities (from 90-92%) shall be used to calculate the average.

D. Thickness

Thickness measurements shall be taken for each core sample. The thickness measurement shall be averaged for each run of paving. A run shall be considered a portion of paving constructed in one day on one section of street. Multiple streets paved in one day will result in multiple runs.

Should any deviation be found, additional cores may be taken to define the horizontal limits of the deviation. When measurement of the core is not deficient by more than 1/4 inch from the design thickness, the pavement thickness will be considered to be within acceptable tolerance. When such measurement is deficient more than 1/4 inch from the design thickness, two additional cores at intervals not less than 50 ft will be taken and used to determine the average thickness for that area. When the average thickness of cores is deficient by more than 1/4 inch the City Engineer may require that the area be removed and replaced.

Maximum thickness used for averaging purposes shall be the specified thickness plus 1/2 inch.

E. Surface Tolerance

The finished surface of the pavement, when tested with a 10-foot straight edge parallel to the centerline or perpendicular across joints, will show variations as

measured from the testing face of the straight edge to the surface of the pavement, which shall not exceed 1/8 inch on surface course and 3/16 inch on binder course. Areas that do not meet the required surface accuracy shall be clearly marked and if the City Engineer requires repair, the contractor shall repair the pavement.

11.2.4 Portland Cement Concrete Pavement

A. Materials

Materials for Portland Cement Concrete Pavement shall meet the requirements of the latest edition of the **AHTD Standard Specifications**.

B. Concrete Testing

All testing shall be done in accordance with AASHTO or ASTM as designated throughout this chapter.

C. Concrete Roadway Inspection

1. Tolerances.

- a. Where the constructed surface varies from the design cross slope by more than 1/2 inch in 10 feet, the pavement shall be removed and replaced. This technique may not apply in areas with less than 2% cross slope.
- b. Areas showing high spots greater than 1/4 inch as measured with a 10-foot straight edge, but less than 1/2 inch, may be diamond ground to within the specification of 1/4 inch.
- c. Thickness Tolerance. The thickness of the pavement shall be determined by average caliper measurement of cores tested. A minimum of 1 core per 500 LF will be taken at random. Should any deviation be found, additional cores may be taken to define the horizontal limits of the deviation. When measurement of the core is not deficient by more than 1/4 inch from the design thickness, the pavement thickness will be considered to be within acceptable tolerance. When such measurement is deficient more than 1/4 inch and not more than 1 inch from the design thickness, two additional cores at intervals not less than 50 ft will be taken and used to determine the average thickness for that area. When the thickness of pavement is deficient by more than 1/4 inch the City Engineer may require that the area be removed and replaced.

2. Specifications.

- a. All panels with cracks wider than 1/8 inch shall be repaired by total removal of the panel and replacement as required by the criteria herein.
- b. All panel cracks 1/8 inch and narrower may be routed and sealed at the discretion of the City Engineer.
- c. There shall be no more than one structural crack per panel. Panels with more than one structural crack shall be repaired by total panel removal and replacement.
- d. All sections removed shall have edges parallel to adjacent panel joints.
- e. All saw cuts for removal of slabs shall be full depth cuts.
- f. No panel shall be allowed that has a crack meeting an adjacent panel at an angle more acute than 45 degrees to a finished edge or control joint.
- g. All corner cracks to a panel shall be removed and replaced.
- h. Any vertical differential movement across a crack greater than 3/16 inch shall be repaired by either partial or total panel removal and replacement.
- i. All panels with faulted joints resulting from settlement and/or pumping of the edges shall be repaired by removal and replacement.
- j. All manholes, water valves, range boxes, etc., shall be flush to 1/4 inch below the final surface roadway grade.
- k. When an entire panel is removed, the panel shall be secured to the surrounding panels with 18" long 1/2" diameter smooth dowel bars placed at 12" centers.

**Table 11-1
Materials Testing**

Subgrade	AASHTO	ASTM	Frequency
Sampling	T87	D420	Per Soil Type Encountered
Soil Classification	M145	D3282 D2488/D2487	
Proctor			
Standard	T99/T310	D698	
Modified	T180/T310	D1557	
Density & Moisture Content	T191/T233/T310	D2922/D3017	1 per 300LF lane Min. 1 per lane
Hot Mix Asphalt			
Sampling	T168	D979	
Density			
Nuclear	--	D2950	As Directed by City
Coring	T166	D2726	1 per 500LF lane Min. 1 per lane
Concrete			
Sampling	T141	C172	
Mold and Cure	T23	C31	
Cylinder Transport.	T23	C31	
Physical Properties			1 per 100 cy Min. 1 per day 1 per 1000 LF Curb
Slump	T119	C143	See Table 11-2
Air Content	T152	C231	
Comp. Strength	T22	C39	
Coring	T24	C42	As Directed by City
Comp. Strength	T24	C42	
Aggregate Base Course			
Gradation	T27	C136	1 Per Source
Proctor			
Modified	T180	D1557	
Standard	T99	D698	
Density & Moisture Content			1 per 300LF lane Min. 1 per lane

**Table 11-2
Concrete Mix Designs**

Concrete Class	Class A	Class B
28-Day Comp. Strength (psi)	3500	4000
Portland Cement (bags)	5.5	6.5
Max. Water/Cement Ratio	.49	.44
Slump Range (inches)	1-4	1-4
Air Entrainment (%)	4-7	4-7
Maximum Fly Ash Content	20%	20%

11.3 STRUCTURAL CONCRETE

This section delineates the testing, inspection, and related documentation requirements for all structures, including retaining walls, cast-in-place box culverts, and other concrete structures specified within.

11.3.1 Concrete Specifications

Materials

Class A or B concrete shall be used in drop inlets, junction boxes and others as specified.

Class B concrete shall be used in box culverts, bridges, retaining walls and other structures as specified.

11.3.2 Concrete Testing and Inspections

A. Structural and Inspection Requirements

The structural design Engineer or his representative, familiar with assumptions inherent in the structure design, shall inspect the construction in sufficient detail to confirm that the construction meets the requirements of the plans and specifications.

B. Foundation Testing and Inspection Requirements

Unstable foundation material shall be removed to a depth approved by the City Engineer below the finish grade elevation and be replaced with a material and construction procedure as approved by the City.

C. Inspection of Forms and False Work

1. The forms shall be clean of all dirt, mortar, and all foreign material. Forms that will later be removed shall be thoroughly coated with an approved form oil.
2. The forms shall be mortar tight and of a quality (in addition to the bracing) to withstand the pressures from deposited concrete.
3. Unless otherwise specified, forms for exposed surfaces shall be constructed with triangular fillets 3/4 inch at all exterior corners.

D. Inspection of Reinforcing Steel

1. Material Grade and Size. The material grade and size shall be as specified by the Designer on the certified construction plans.

2. Tying.

- a. The intersections of all bars shall be tied in accordance with the following requirements: Slab bars shall be tied at every intersection around the periphery and at spacing according to bar sizes. Unless bar spacing is less than 12" in which case every other intersection shall be tied. However, in no case shall less than 30% of the intersections be tied.
- b. Wall bars should be tied sufficiently to prevent shifting, at least 3 times in any bar length at every third or fourth intersection and at spaces according to bar sizes, staggered:

#5 and smaller - 3'0"

#6 to #9 - 4'0" to 5'0"

#10 to #11 - 6'0" to 8'0"

Upper and lower mats shall be tied or otherwise fastened at 4 foot maximum spacing in each direction. Minimum splice length shall be 24 bar diameters.

- 1) All reinforcing steel shall be supported with steel chair or precast mortar.
- 2) Reinforcing steel shall be clean and free of all foreign material before concrete is placed.
- 3) All clearances shall be in compliance with approved plans and specifications.

E. Concrete Testing and Inspections

1. Materials Specifications. The class of concrete used shall be in accordance with **Table 11-2**. Concrete that does not meet strength in 28 days is subject to removal.
2. Concrete Tests.
 - a. All testing shall be done in accordance with **AASHTO** or **ASTM** as designated in **Table 11-1**.
 - b. Maximum time allowed between sampling and casting cylinders shall not exceed 15 minutes. Cylinders shall be transported to the laboratory within 24 hours of casting but after the concrete has hardened, (see **AASHTO T23 or ASTM C-31**).
 - c. The slump test shall be performed in accordance with **AASHTO T119**. The air test shall be performed in accordance with **AASHTO T196** or

T121. Slump and air test measurements shall be taken with each cylinder series.

- d. If compressive strength of cylinders does not meet the specified values, the Design Engineer shall recommend and the City Engineer shall approve the necessary mitigation measures needed.

F. Testing Frequency and Related Inspections

1. Testing frequency shall be in accordance with **Table 11-1**.
2. At least 4 compressive strength cylinders shall be taken from the same concrete delivery truck to provide design compliance testing at the laboratory. Two of the four specimens will be tested at 28 days for acceptance and 1 shall be tested at 7 days for information. The fourth cylinder shall only be necessary if the 28-day fails. Additional cylinders may be required, as directed by the City Engineer.

G. Placement (Inspection)

1. Concrete placement shall be done in a manner such that the concrete is not segregated or altered before placing. It shall not be allowed to free fall more than 5 feet. Concrete shall be placed in lifts not to exceed 18 inches.
2. A sufficient number of vibrators shall be used to properly consolidate the concrete as required.
3. Weepholes and drainage systems should be installed in the structure at the locations noted on the plans or specifications.
4. Construction joints and expansion joints shall be constructed in conformance with approved plans and specifications.

11.4 NON-STRUCTURAL CONCRETE

Non-structural concrete includes curb, gutter, sidewalks, driveways, crossspans and ADA ramps.

11.4.1 Concrete Specifications

A. Materials

Class A concrete shall be used in curb and gutter, sidewalks driveways, crossspans, ADA ramps and miscellaneous concrete items as specified. See **Table 11-2**.

B. General Specifications

1. Humps and Depressions. Any localized humps and/or depressions greater than 1/4 inch (as measured with a 10-foot straight edge) will require removal and replacement of the work in question.
2. Water Ponding. No ponding of water shall greater than 1/4 inch be allowed.
3. Flowline Depth. Curb and gutter flowline depth shall not vary from adopted standards by more than $\pm 1/4$ inch, measured vertically from the top of curb to the gutter invert.
4. Cross Slope in Pedestrian Walks. Pedestrian walks shall have a maximum of 2.0 percent cross slope.
5. Joint Spacing. Contraction and construction joints shall be placed at a maximum spacing of 10 feet in curb and gutter, crossspans, trickle channels, etc. Refer to Chapter 8 for Sidewalk and Trail joint spacing.
6. Heave or Settlement of Sidewalk. Heave or settlement of sidewalk, relative to separate curb pour, greater than 1/4" shall be cause for corrective action.
7. Utility Placement. No utility facilities shall be placed in curb and gutter, sidewalk, crossspan, ADA ramp etc., unless specifically called out on the approved construction plans. This includes meter boxes, manholes, power poles, fire hydrants, water valves, etc.
8. Concrete Cracks.
 - a. At the time of final acceptance, the repair of all cracks will be completed.
 - b. Any section of concrete with longitudinal cracks or with cracks greater than 1/16" in width will require complete removal and replacement of that section between joints.
 - c. Repair action for hairline cracks may be waived at the discretion of the City Engineer. For the purpose of this section, a hairline crack is one that is reasonably immeasurable and without separation as determined by the City Engineer.
9. Concrete Chips and Gouges.

Chips and gouges in the concrete will be evaluated on an individual basis. If determined by the City to be unacceptable, then the section shall be removed and replaced.
10. Other Imperfections in Concrete Surface. Stress cracking, pop-outs, spalling, rain damage, graffiti, and other surface defects will remain discretionary and will usually require removal and replacement.

11. Final Grade.

- a. A light broom finish shall be required.
- b. All concrete work shall have the proper finished grade.
- c. No abrupt changes in grade shall be allowed, i.e., curb returns from new to existing, driveway entrances, etc.

11.4.2 Concrete Testing and Inspections

A. Concrete Tests

1. Concrete Tests.

- a. All testing shall be done in accordance with **AASHTO** or **ASTM** as designated in **Table 11-1**.
- b. Maximum time allowed between sampling and casting cylinders shall not exceed 15 minutes. Cylinders shall be transported to the laboratory within 24 hours of casting but after the concrete has hardened, (see **AASHTO T23 or ASTM C-31**).
- c. The slump test shall be performed in accordance with **AASHTO T119**. The air test shall be performed in accordance with **AASHTO T196** or **T121**. Slump and air test measurements shall be taken with each cylinder series.
- d. If compressive strength of cylinders does not meet the specified values, the Design Engineer shall recommend and the City Engineer shall approve the necessary mitigation measures needed.

2. Grade Verification of Gutter Flowline.

After completion of curb and gutter, including curb returns and crosspans, and prior to installation of asphalt, the new installation must be flow-tested with water in the presence of the Public Works Inspector to confirm that there are no areas that hold water. The City Engineer will confirm the results and accept or reject the work. The work will not be accepted if it holds water more than 1/4 inch deep or for a distance greater than 5 feet. Unacceptable work must be removed and replaced.

B. Testing Frequency and Related Inspections

- 1. Testing frequency shall be in accordance with **Table 11-1**.
- 2. At least 4 compressive strength cylinders shall be taken from the same concrete delivery truck to provide design compliance testing at the laboratory. Two of the four specimens will be tested at 28 days for acceptance and 1 shall be tested at 7 days for information. The fourth

Minimum Street Standards

cylinder shall only be necessary if the 28-day fails. Additional cylinders may be required, as directed by the City Engineer.

C. Placement (Inspection)

1. Concrete placement shall be done in a manner such that the concrete is not segregated or altered before placing. It shall not be allowed to free fall more than 5 feet. Concrete shall be placed in lifts not to exceed 18 inches.
2. A sufficient number of vibrators shall be used to properly consolidate the concrete as required.
3. Construction joints and expansion joints shall be constructed in conformance with approved plans and specifications.

11.5 MISCELLANEOUS

11.5.1 Traffic Signs, Striping, and Signals

A. Installation/Application

The City Engineer shall verify that traffic control devices are installed or applied at appropriate locations as shown on the approved signing and striping plans.

All striping layouts will be reviewed by the City Engineer prior to any installation of paint or markings. The City requires a 48-hour notice before any application for inspection or approval.



CHAPTER 12 – ACCEPTANCE/WARRANTY PROCEDURES AND RECORD DRAWINGS

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CHAPTER 12 – ACCEPTANCE/WARRANTY PROCEDURES AND RECORD DRAWINGS

12.1 GENERAL

This chapter defines the requirements for approval and acceptance of the Public Improvements installed within the rights-of-way and easements. This chapter also covers warranty and record plan (as-builts) requirements.

12.1.1 Developer's Process

The Developer shall be required to meet the following process prior to the acceptance of the public improvements and maintenance:

A. Completion of Work

Completion of all Public Improvements required in the approved Construction Plans & Specifications in accordance with these Standards.

B. Notification

Developer notifies the Public Works Inspector and the Engineer of Record of the Project Completion.

C. Inspection – By Engineer of Record

The Engineer of Record shall perform a site inspection to determine if the project is substantially complete and ready for a joint inspection as described below. The Engineer of Record shall generate a deficiency list (punch list) and all items on the list shall be corrected before scheduling a joint inspection. The City Engineer may deem some punch list items as incidental and allow the scheduling of the joint inspection.

C. Joint Inspection

A joint inspection will be performed with City representatives, the Engineer of Record, and the contractor. The public improvements will be inspected for compliance to the plans, standards and specifications. The Engineer of Record shall develop a final punchlist.

D. Correction of Deficiencies

The Contractor or Developer shall correct deficiencies. As-built survey may identify additional deficiencies, which shall be addressed as stated below.

E. Submittal of Record Plans

The Engineer of Record shall submit signed and sealed Record Plans (As-builts) in accordance with the description in **Section 12.5**. One hard copy, one electronic copy in PDF format and one electronic copy in .dwg format shall be submitted to the City Engineer's office. A review copy in PDF format will be required for review purposes prior to the final submittal.

F. Initial Acceptance

After the Contractor has corrected the deficiencies identified on the punch list and the Engineer of Record has inspected the site, the City may be contacted by the Engineer of Record to inspect the corrections. Upon satisfactory completion of the punch list items and submittal of the public improvement construction costs, warranty guarantee, inspection reports, material testing reports, engineer certifications, final as-built drainage report, as-built plans, and any other project requirements per the approval letter, initial acceptance shall be granted.

G. Start of Warranty Period

Upon written initial acceptance by the City, the warranty period shall commence.

H. Warranty Inspection

No more than forty-five days prior to the completion of the warranty period, the City Engineer may inspect all public improvements for defects in workmanship or materials. A deficiency list shall be developed and provided to the Developer. Normal wear and tear shall not be considered a deficiency.

I. Written Notification of Release

Once the Developer/Contractor has satisfactorily completed any necessary repairs or replacements at the end of the warranty period, a written notification from the City shall release the Developer of all future repairs for the Public Improvements and the Warranty Guarantee shall be released to the original provider.

12.2 INITIAL ACCEPTANCE

12.2.1 Recommendation for Initial Acceptance

After the Contractor has completed the punchlist, the Engineer of Record shall inspect and notify the Public Works Inspector that the work has been complete. The Public Works Inspector shall recommend granting or denial of initial

acceptance based on re-inspection for compliance with the joint inspection punch list.

If new deficiencies are found, either in quality or extent of construction, the Developer/Contractor shall be notified in writing of these deficiencies. These deficiencies shall be also be corrected, and additional inspections shall be performed until the work is acceptable.

12.2.2 Initial Acceptance Letter

The City Engineer shall issue written notice either granting or withholding Initial Acceptance within ten working days of the acceptance re-inspection. The Initial Acceptance letter shall specify the date on which the Developer is eligible to request Final Acceptance.

12.2.3 Submittal of Record Plans

Prior to issuance of the Initial Acceptance, Record Plans shall be completed, stamped, and signed by the Engineer of Record and submitted to the City Engineer. The Record Plans shall be submitted in paper and electronic form (as specified by the City Engineer). Refer to **Section 12.5** for Record Drawing requirements.

12.2.4 Submittal of Warranty Guarantee

Prior to issuance of the Initial Acceptance, a Warranty Guarantee in the amount of 25% of all Public Improvements associated with the project shall be submitted to the City. The following items shall be included on the Guarantee:

- Identify guarantee as for MAINTENANCE.
- Name of project.
- Project description & location (address, subdivision, if applicable).
- Description of items guaranteed & total construction cost of public infrastructure.
- Name the City of Fayetteville as Obligee or Dual Obligee.
- Contact information for the provider of guarantee – (who purchased the guarantee).

12.3 WARRANTY PERIOD

12.3.1 Definition of the Warranty Period

The Warranty Period for all Public Improvements shall be two years. During the Warranty Period, the Developer/Contractor shall guarantee the work to be free of any damage or defects in workmanship and material. The Warranty Period shall start the date that Initial Acceptance occurs. The Warranty Period shall end with the Final Acceptance of the Public Improvements. If deficiencies are noted during the City's warranty inspection, the Developer/Contractor shall repair the deficiencies.

12.3.2 The Warranty Guarantee

A Warranty Guarantee shall be required for the entire Warranty Period. The Warranty Guarantee shall be in the form of a letter of credit, maintenance bond, or cash deposit in accordance with the Unified Development Code Chapter 158. The Guarantee shall be in the amount of 25% of the total value of the public improvements for the project. (Including Water/Sewer/Drainage/ Sidewalk/etc.)

12.3.3 Time Frames for Completing Repair

At any time before the completion of the Warranty Period, the City may notify the Developer of needed repairs. If repair areas are considered to be an imminent danger to the public health, safety, and welfare, the Contractor shall act within 24 hours to complete the repair. If the work is not considered a safety issue, the Developer has 10 working days to schedule the work, and 30 calendar days to complete the work. Extensions of time may be considered when necessary due to weather constraints.

12.3.4 Failure to Complete Repair

If the Developer has not completed the warranty repairs in the time frame specified, the City may choose to affect the necessary repairs. The City will either invoice the Developer for all costs for the related work plus a \$500.00 administrative fee or it will collect from the guarantee.

12.3.5 Responsibility for Maintenance

The Developer is responsible for maintaining all public improvements throughout the Warranty Period.

12.4 FINAL ACCEPTANCE

12.4.1 Request for Final Inspection

Within 45 days of the end of the Warranty Period, the Developer shall request a final inspection and acceptance, in writing, to the City Engineer.

12.4.2 Preparation for Inspection

The Developer is responsible for sweeping and cleaning public improvements for inspection. If the Developer does not provide a clean site, including having curb flowlines clear of debris and dirt, then the inspection may be postponed until the site is sufficiently clean.

12.4.3 Inspection and Punchlist

The City Engineer shall inspect all Public Improvements related to the Project. If applicable, a written final punchlist shall be compiled listing any necessary repair or replacement of materials or workmanship. The punchlist shall be sent to the Developer and Contractor.

12.4.4 Damage Caused by City Crews

If the Developer can demonstrate that the City maintenance crews caused damage to certain improvements, the Developer will not be held responsible for the replacement.

12.4.5 Re-Inspection

If repair or replacement of Public Improvements is required, the Developer/Contractor shall complete repair or replacement within thirty calendar days of receipt of the final punchlist, unless otherwise agreed upon. Upon completion, the Developer/Contractor shall contact the City Engineer for a re-inspection.

12.4.6 Release from Responsibility

Once all repairs or replacements are satisfactorily completed, the Developer/Contractor shall receive written notice from the City that all Public Improvements are complete and the City releases the Developer/Contractor from responsibility for all future maintenance and repairs for the Public Improvements on this project.

12.4.7 Release of Warranty Guarantee

Upon the satisfactory completion of the final punchlist the City will release the Warranty guarantee.

12.4.8 Failure to Complete Repair

If the Developer has not completed the warranty repairs in the time frame specified, the City may choose to affect the necessary repairs. The City will either invoice the Developer for all costs for the related work plus a \$500.00 administrative fee or it will collect from the guarantee.

12.5 RECORD PLANS (AS-BUILTS)

12.5.1 Updating Plans with Design Changes

The Construction Plans shall be updated with all design changes that occurred after plan approval. The final installation of all public infrastructure shall be surveyed prior to submittal of record drawings. The Professional surveyor shall provide stamped drawings specifically identifying the limits of as-built survey performed. Field changes not previously approved by City Engineer, discovered during the as-built process are at the Contractor's risk and may not be accepted.

A. Street

Street Record Drawings shall identify the actual pavement type and grade or mix type used; if the subgrade was treated or additional undercut; location of any under drains added; and document all changes to widths and lengths for streets, sidewalks, and curbs.

- At 100 ft interval or as necessary to reflect actual placement of roadway, the back of curb shall be located in reference to the existing/or proposed right-of-way.
 - o Deviations more than 6 inches shall be identified on the plans and included in a transmittal letter to the City Engineer.
 - o Additional Right of Way or Reconstruction may be required.
- At grade breaks, no more than 500 ft intervals, profile and cross slope verification will be performed and shown on plans.
 - o Deviations more than 0.5% profile or cross slope shall be identified on the plans and included in a transmittal letter to the City Engineer.
 - o Geometric K values no longer meeting city criteria shall be evaluated.
 - o Additional Calculations or Reconstruction may be required.

- Record drawings shall identify all signage and striping locations as actually placed in the project.

B. Drainage

Record storm drainage drawings shall document the location, size, rim elevation and invert elevation of all pipes (including pipe class), inlets, riprap, headwalls, detention pond volumes, swale cross-sections and all other storm drainage infrastructure shown on the construction plans, including those improvements located in areas outside of the public right-of-way, if appropriate. Record drawings shall also show all pipe and/or drainage way/swale grade percentages.

- o More than 2 ft deviation of design alignment shall require new easement dedication or adjustment of the storm drain.
- o More than 0.1 ft deviation of design elevation shall require revisions in the drainage report. Any field changes, that no longer meets drainage design criteria, shall be removed and replaced.
- o Any field changes, that creates an adverse slope, shall be removed and replaced to original design.
- o Change in specified material shall require revisions to the drainage report.

C. Utilities

Water and Sanitary Sewer Record drawings shall document the location, size, invert elevations and rim elevation of all pipes and manholes, location of all valves, changes in direction, encasements, meters, services, hydrants, etc.

- o Professional surveyor shall provide stamp drawings specifically identifying the limits of as-built survey performed.
- o More than 2 ft deviation of design alignment shall require new easement dedication or adjustment of the utility drain.
- o See Water & Sewer Specifications for additional criteria.

D. Other

Record drawings shall verify other information as specifically requested by the City Engineer or outlined in the project's conditional approval letter.

12.5.2 Minor Design Changes

Minor changes are not required to be included on the Record Plans. Minor changes include incorrect references and grade changes less than 0.1 foot.

Minimum Street Standards

12.5.3 Submittal of Plans

A Licensed Arkansas Professional Engineer shall update and stamp the As-Built Construction Plans. The Engineer shall submit the plans to the City and receive approval prior to the Initial Acceptance.

The Engineer must also certify that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements.

12.5.4 Form of Submittal

All Record Documents shall be submitted in the following formats as required by the City Engineer:

- Plans shall be submitted in electronic format as specified by the City Engineer, in PDF format, in .dwg format and one full size paper copy.
- Warranty Guarantee shall be original documents.
- All other documents shall be submitted in electronic PDF format.
 - Public improvement construction costs
 - Inspection reports
 - Submittals & material testing reports
 - Engineer certifications
 - Final as-built drainage report



Agenda Session 7/28/15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, July 28, 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:

Agenda Additions:

A. Consent:

A.1 2014-0508

APPROVAL OF THE JULY 21, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 2015-0308

KESSLER CONSULTING AMENDMENT NO. 1

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH KESSLER CONSULTING, INC. IN THE AMOUNT OF \$39,980.00 FOR ASSISTANCE WITH THE DESIGN AND IMPLEMENTATION OF A COMMERCIAL FOOD WASTE PILOT PROGRAM AND A SINGLE STREAM RECYCLING PILOT PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP - Kessler Pilots Waste Diversion Plan

BA 2015-0308 Kessler Contract Amendment

A.3 2015-0315

BID NO. 15-27 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS

A RESOLUTION TO AWARD BID NO. 15-27 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$82,700.00 FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL BUSWAYS AT THE NOLAND WASTEWATER TREATMENT PLANT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,270.00

Attachments:

080415 Austin King DBA King Electric-Electrical Busway Replacement

~~A. 4~~ 2015-0313**BID NO. 15-41 BULK CRUSHED ROCK SALT**

A RESOLUTION TO AWARD BID NO. 15-41 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM CENTRAL SALT, LLC AS PRIMARY SUPPLIER AND OAKLEY FERTILIZER, INC. AS SECONDARY SUPPLIER FOR MATERIALS DELIVERED, AND OAKLEY FERTILIZER, INC. AS PRIMARY SUPPLIER AND CENTRAL SALT, LLC AS SECONDARY SUPPLIER FOR MATERIALS PICKED UP, FOR VARYING UNIT PRICES AS NEEDED THROUGH THE 2015-2016 WINTER SEASON

Attachments:SRP - 2015-0313 Bulk Crushed Rock Salt - Bid 15-41~~A. 5~~ 2015-0321**RIGGS CAT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) 2015 CATERPILLAR 420F2 BACKHOES FROM RIGGS CAT OF SPRINGDALE, ARKANSAS IN THE TOTAL AMOUNT OF \$286,007.58 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES, PARKS AND RECREATION, AND WATER AND SEWER OPERATIONS

Attachments:SRP 7-15-15 PK WS TR Backhoes 655-680-688~~A. 6~~ 2015-0322**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 BOBCAT E45 T4 EXCAVATORS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$118,800.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP 7-15-15 TRAN Excavators 816-819BA move funds from 02083 to 02077 for 830

~~A. 7~~2015-0331**RANGER'S PANTRY AND COMMUNITY DEVELOPMENT
BLOCK GRANT DONATIONS**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$20,910.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS AND THE SALE OF PUBLIC FACILITIES EQUIPMENT

Attachments:SRF-SRM- PI Donation RecognitionBA-PI Donation Recognition~~A. 8~~2015-0325**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S
OUTDOOR RECREATION GRANT**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

Attachments:Legistar Packet - Rec Grant 2015-0325~~A. 9~~2015-0338**PAYMENTUS AGREEMENT**

A RESOLUTION TO APPROVE A TWO (2) YEAR MASTER SERVICES AGREEMENT WITH PAYMENTUS CORPORATION TO UPGRADE THE CITY'S ELECTRONIC UTILITY BILL PAYMENT SERVICES FOR AN INITIAL SETUP FEE OF \$15,000.00 AND AN ESTIMATED COST OF \$35,000.00 PER YEAR

Attachments:Agenda Packet - Paymentus Corporation

~~A. 10~~ 2015-0327

HABBERTON ROAD WATER MAIN CONSTRUCTION

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

Attachments:Agenda Packet Habberton Road

A. 11 2015-0319

UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$40,000.00 TO PROVIDE FUNDING FOR PAYMENT OF COSTS RELATED TO THE UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL ELECTION

Attachments:Uniform Nondiscrimination Protections Special Election PacketBA 2015 Special Election Uniform Discrimination**B. Unfinished Business:**

~~B. 1~~ 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

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.

B. 2 2015-0316

Typos

ARKANSAS LEGACY LLC APPEAL

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments:15-5066 EX A & BExhibit #4 Revision 3 - 07171515-5066 Full Report

At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.

B. 3 2015-0324**CITY COUNCIL'S INTENTION TO PURCHASE THE
FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments:Agenda Request Packet City Council intent to purchase Chamber Building

At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.

C. New Business:**C. 1** 2015-0337move to
Consent Agenda**2016 EMPLOYEE BENEFITS PACKAGE**

A RESOLUTION TO APPROVE THE 2016 EMPLOYEE BENEFITS PACKAGE

Attachments:Benefits Renewal Council Packet

C.22015-0329**RZN 15-5103 (1837 W. MITCHELL ST./DUNN)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5103, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1837 W. MITCHELL ST. FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments:15-5103 CC EXHIBITS15-5103 STAFF REPORTC.32015-0330**ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)**

AN ORDINANCE AMENDING TITLE XV UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL LOT SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

Attachments:15-5093 CC EX A15-5093 CC EX B15-5093 CC reportsC.42015-0326**REPEAL CHAPTER 171 STREETS AND SIDEWALKS**

AN ORDINANCE TO REPEAL CHAPTER 171 STREET AND SIDEWALKS AND ENACT A REPLACEMENT CHAPTER 171, STREETS AND SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE

Attachments:Legistar Item 2015--0326**D. City Council Agenda Session Presentations:**D.12015-0196

AGENDA SESSION PRESENTATION - WILLOW BEND PROJECT
UPDATE, JOHN ANDERSON

E. City Council Tour:

Monday, August 3, 2015
Chamber Building
Police Dept

F. Announcements:**G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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

Pre Agenda Meeting 7/22/15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, August 4, 2015

4:30 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:

Agenda Additions:

A. ~~C~~ Consent:

A.1 ✓ 2014-0508

APPROVAL OF THE JULY 21, 2015 CITY COUNCIL MEETING MINUTES.

A.2 ✓ 2015-0308

KESSLER CONSULTING AMENDMENT NO. 1

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH KESSLER CONSULTING, INC. IN THE AMOUNT OF \$39,980.00 FOR ASSISTANCE WITH THE DESIGN AND IMPLEMENTATION OF A COMMERCIAL FOOD WASTE PILOT PROGRAM AND A SINGLE STREAM RECYCLING PILOT PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP - Kessler Pilots Waste Diversion Plan

BA 2015-0308 Kessler Contract Amendment

A.3 ✓ 2015-0315

BID NO. 15-27 AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS

A RESOLUTION TO AWARD BID NO. 15-27 AND AUTHORIZE A CONTRACT WITH AUSTIN KING, INC. D/B/A KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF \$82,700.00 FOR THE PURCHASE AND INSTALLATION OF ELECTRICAL BUSWAYS AT THE NOLAND WASTEWATER TREATMENT PLANT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,270.00

Attachments:

080415 Austin King DBA King Electric-Electrical Busway Replacement

A.4

2015-0313**BID NO. 15-41 BULK CRUSHED ROCK SALT**

A RESOLUTION TO AWARD BID NO. 15-41 AND AUTHORIZE THE PURCHASE OF BULK CRUSHED ROCK SALT FROM CENTRAL SALT, LLC AS PRIMARY SUPPLIER AND OAKLEY FERTILIZER, INC. AS SECONDARY SUPPLIER FOR MATERIALS DELIVERED, AND OAKLEY FERTILIZER, INC. AS PRIMARY SUPPLIER AND CENTRAL SALT, LLC AS SECONDARY SUPPLIER FOR MATERIALS PICKED UP, FOR VARYING UNIT PRICES AS NEEDED THROUGH THE 2015-2016 WINTER SEASON

Attachments:SRP - 2015-0313 Bulk Crushed Rock Salt - Bid 15-41

A.5

2015-0321**RIGGS CAT OF SPRINGDALE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE (3) 2015 CATERPILLAR 420F2 BACKHOES FROM RIGGS CAT OF SPRINGDALE, ARKANSAS IN THE TOTAL AMOUNT OF \$286,007.58 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY TRANSPORTATION SERVICES, PARKS AND RECREATION, AND WATER AND SEWER OPERATIONS

Attachments:SRP 7-15-15 PK WS TR Backhoes 655-680-688

A.6

2015-0322**WILLIAMS TRACTOR OF FAYETTEVILLE**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TWO (2) 2015 BOBCAT E45 T4 EXCAVATORS FROM WILLIAMS TRACTOR OF FAYETTEVILLE, ARKANSAS IN THE TOTAL AMOUNT OF \$118,800.00 PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY THE TRANSPORTATION SERVICES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP 7-15-15 TRAN Excavators 816-819BA move funds from 02083 to 02077 for 830

A/7

2015-0331

**RANGER'S PANTRY AND COMMUNITY DEVELOPMENT
BLOCK GRANT DONATIONS**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$20,910.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS AND THE SALE OF PUBLIC FACILITIES EQUIPMENT

Attachments:

SRF-SRM- PI Donation Recognition

BA-PI Donation Recognition

A/8

2015-0325**ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S
OUTDOOR RECREATION GRANT**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 50/50 MATCHING GRANT, THROUGH THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM, IN THE AMOUNT OF \$150,000.00 FOR THE CONSTRUCTION OF PLAYGROUND AND PARKING IMPROVEMENTS AT WILSON PARK

Attachments:Legistar Packet - Rec Grant 2015-0325

A/9

2015-0338

PAYMENTUS AGREEMENTAttachments:

Agenda Packet - Paymentus Corporation

A/10

2015-0327**HABBERTON ROAD WATER MAIN CONSTRUCTION**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S AGREEMENT THAT THE CITY SHOULD FACILITATE THE CONSTRUCTION AND FINANCING OF A WATER MAIN ALONG HABBERTON ROAD BY ACCEPTING DEBT SERVICE PAYMENTS AS PART OF THE CUSTOMERS' WATER BILLS AND REMITTING THOSE PAYMENTS TO THE FINANCING ENTITY

Attachments:Agenda Packet Habberton Road**B. Unfinished Business:**

B. 1

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

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.

BV2

2015-0316**ARKANSAS LEGACY LLC APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments:15-5066 EX A & B15-5066 Full ReportD. 5 Additional Arkansas Legacy

At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.

BV3

2015-0324**CITY COUNCIL'S INTENTION TO PURCHASE THE
FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments:Agenda Request Packet City Council intent to purchase Chamber Building

At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.

C. New Business:✓1 2015-0329**RZN 15-5103 (1837 W. MITCHELL ST./DUNN)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5103, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1837 W. MITCHELL ST. FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments:15-5103 CC EXHIBITS15-5103 STAFF REPORT✓2 2015-0330**ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)**

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL-LOT, SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS, AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

Attachments:15-5093 CC EX A15-5093 CC EX B15-5093 CC reportsNB#1
C. 3 2015-0337**2016 EMPLOYEE BENEFITS PACKAGE**

A RESOLUTION TO APPROVE THE 2016 EMPLOYEE BENEFITS PACKAGE

Attachments:Benefits Renewal Council Packet✓4 2015-0326**REPEAL CHAPTER 171 STREETS AND SIDEWALKS**

AN ORDINANCE TO REPEAL CHAPTER 171 STREETS AND SIDEWALKS AND ENACT A REPLACEMENT CHAPTER 171, STREET AND SIDEWALKS OF THE UNIFIED DEVELOPMENT CODE

Attachments:Legistar Item 2015--0326

C. 5

2015-0319

**UNIFORM NONDISCRIMINATION PROTECTIONS SPECIAL
ELECTION**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$40,000.00 TO PROVIDE FUNDING FOR PAYMENT OF
COSTS RELATED TO THE UNIFORM NONDISCRIMINATION
PROTECTIONS SPECIAL ELECTION

Attachments:

Uniform Nondiscrimination Protections Special Election Packet

BA 2015 Special Election Uniform Discrimination

D. City Council Agenda Session Presentations:

D. 1 2015-0196

AGENDA SESSION PRESENTATION - WILLOW BEND PROJECT
UPDATE, JOHN ANDERSON

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

Courtesy and respect.

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

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

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