

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
December 1, 2015**

A meeting of the Fayetteville City Council was held on December 1, 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 November 3, 2015 Special City Council meeting minutes.

Approved

2. **Ball Plaza Holdings, LLC:** A resolution to approve a two year sublease agreement with Ball Plaza Holdings, LLC for ten parking spaces located in Off-Street Parking

Development District Lot 7 for the purpose of converting the spaces from metered parking to free two hour public parking at a monthly cost of \$35.00 per space.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 212-15

3. **CH2M Hill Engineers, Inc. Amendment No. 7:** A resolution to approve Amendment No. 7 to the agreement for Operations, Maintenance and Management Services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. in the amount of \$7,872,234.00 for services in 2016.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 213-15

4. **Internet Crimes Against Children Task Force Program Sub-Grant:** A resolution to authorize acceptance of a non-matching continuation sub-grant from the Internet Crimes Against Children Task Force Program in the amount of \$9,374.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 214-15

5. **Garver, LLC Task Order No. 5:** A resolution to approve Task Order No. 5 with Garver, LLC in the amount of \$45,500.00 for bid package development, bidding services, construction phase services, and closeout services associated with the Airport Taxiway Lighting Rehabilitation Project, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 215-15

6. **Bid No. 15-62 Permatrak North America:** A resolution to award Bid No. 15-62 and authorize a contract with Permatrak North America, LLC of Charlotte, North Carolina for the purchase of a prefabricated concrete boardwalk system in the amount of \$311,678.00 plus applicable taxes for installation on the Clabber Creek Trail between Ruppel Road and Salem Road, and to approve a project contingency in the amount of \$31,167.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 216-15

7. **Ranger's Pantry Donations:** A resolution to approve a budget adjustment in the total amount of \$2,244.00 representing donations to Ranger's Pantry and Community Development Block Grant Program income received from housing lien payoffs.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 217-15

8. **BSN Sports:** A resolution to approve the purchase of thirty-two (32) pairs of soccer goals for the Regional Park from BSN Sports of Dallas, Texas in the amount of \$85,623.00, pursuant to a U.S. Communities National Cooperative Purchasing Program contract, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 218-15

9. **Walker Park New Disc Golf Course - Waxhaws Disc Golf:** A resolution to name the new disc golf course at Walker Park the Waxhaws Disc Golf course in honor of the historic Archibald Yell homestead.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 219-15

B. Unfinished Business

1. **Amend Chapter 97 Parks and Recreation:** An ordinance to amend Chapter 97 **Parks and Recreation** of the Fayetteville City Code to allow twenty four (24) hour access to shared use paved trails; to add leash requirements for animals in certain parks; to prohibit certain activities in parks including unauthorized vehicle operation, use of paddle boards on city lakes, and shooting of model rockets; to provide for certain activities in parks including camping, horseback riding, limited vending at park events, and posting of temporary signs; and to make other technical revisions. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING

2. **Amend §73.04 Riding on Roadways and Bicycle Paths and §73.05 Riding on Sidewalks:** An ordinance to amend §73.04 **Riding on Roadways and Bicycle Paths** to provide for the safe operation of bicycles on roadways and bicycle paths, and to amend §73.05 **Riding on Sidewalks** to provide for the safe operation of bicycles on sidewalks. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING

C. New Business

1. **Lib Horn Animal Shelter of Fayetteville:** A resolution to rename the Fayetteville Animal Shelter the Lib Horn Animal Shelter of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 220-15

2. **Youth Center, Inc.:** An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2016.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5825

3. **Area Agency on Aging of Northwest Arkansas:** An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$101,205.00 to provide public recreation services for the senior citizens of Fayetteville for 2016.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5826

4. **Ambulance Services Interlocal Agreement:** A resolution to approve an interlocal agreement for continuation and expansion of ambulance services by and with the City of Fayetteville, the Washington County Regional Ambulance Authority, Washington County, Elkins, Elm Springs, Farmington, Goshen, Greenland, Johnson, Lincoln, Prairie Grove, Tontitown, West Fork, and Winslow, and to authorize the Ambulance Authority to operate Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 221-15

5. **RZN 15-5223: (SE Corner of W. MLK Blvd. & S. Stadium Dr./Stadium & Railroad, LLC):** An ordinance to rezone that property described in Rezoning Petition RZN 15-5223 for approximately 2.53 acres located at the Southeast corner of West Martin Luther King Boulevard and South Stadium Drive from RMF-24, Residential Multi-Family, 24 units per acre to CS, Community Services.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5827

6. **RZN 15-5214: (West of N. Gregg Ave. & W. Van Asche Dr./WG Land Company) Appeal:** An ordinance to rezone that property described in Rezoning Petition RZN 15-5214 for approximately 186.65 acres located west of the intersection of North Gregg Avenue and West Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

7. **RZN 15-5209: (NE Corner of McGuire St. & Van Asche Dr./McClinton) Appeal:** An ordinance to rezone that property described in Rezoning Petition RZN 15-5209 for approximately 18.34 acres located at the Northeast corner of McGuire Street and Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

Announcements

D. City Council Agenda Session Presentations

1. Agenda Session Presentation - Economic Development Quarterly Report.

City Council Tour:

Adjournment: 7:45 p.m.

City Council Meeting:

December 1, 2015

Adjourn:

7:45 pm.

Subject:	Roll				
Alderman Tennant Arrived 5:33 pm Alderman Long Arrived 5:39 pm	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan	✓			

9-0

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
<i>Minutes Approved</i> <i>Passed Resolution 212-15- 219-15</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	<i>absent during the vote</i>			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

7-0

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

Subject:		Amend Chapter 97 Parks and Recreation			
Motion To:		<i>Amend ord. and Exhibit</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Gray</i>			
B. 1 Unfinished Business <i>Left on the Second Reading</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	<i>Absent during the vote.</i>			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

7-0

Subject:		Amend §73.04 Riding on Roadways and Bicycle Paths and §73.05 Riding on Sidewalks			
Motion To:		<i>2nd Read</i>			
Motion By:		<i>Long</i>			
Seconded:		<i>Tennant</i>			
B. 2 Unfinished Business <i>Left on the Second Reading</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

Subject:		Lib Horn Animal Shelter of Fayetteville			
Motion To:					
Motion By:		Approve			
Seconded:		Marsh			
		Long			
C. 1 New Business <u>passed</u> <u>Res</u> <u>220-15</u>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

Subject:		Youth Center, Inc.			
Motion To:					
		2nd Read	3rd Read	Pass	
Motion By:		Marsh	Marsh		
Seconded:		Tennant	Long		
C. 2 New Business <u>passed</u> Ord. 5825	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Area Agency on Aging of Northwest Arkansas			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Tennant</i>	<i>Long</i>		
C. 3 New Business <i>passed</i> <i>Ord.</i> <i>5826</i>	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Ambulance Services Interlocal Agreement			
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Long</i>			
C. 4 New Business <i>passed</i> <i>Res.</i> <i>221-15</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

Subject:		RZN 15-5223: (SE Corner of W. MLK Blvd. & S. Stadium Dr./Stadium & Railroad, LLC)			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Marsh</i>	<i>Marsh</i>		
Seconded:		<i>Long</i>	<i>La Tour</i>		
C. 5 New Business <i>passed</i> <i>Ord.</i> <i>5827</i>	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		<i>8-0</i>	<i>8-0</i>	<i>8-0</i>	

Subject:		RZN 15-5214: (West of N. Gregg Ave. & W. Van Asche Dr./WG Land Company) Appeal			
Motion To:		<i>Amend Section 1 - Exhibits</i>			
Motion By:		<i>Petty</i>			
Seconded:		<i>Long</i>			
C. 6 New Business <i>Left on the first Reading</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	<i>N</i>			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				
		<i>7-1</i>			

Subject:	RZN 15-5209: (NE Corner of McGuire St. & Van Asche Dr./McClinton) Appeal				
Motion To:					
Motion By:					
Seconded:					
C. 7 New Business <i>Left on</i> <i>the first</i> <u><i>Reading</i></u>	Petty				
	Tennant				
	Schoppmeyer,				
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Mayor Jordan				

[illegible]



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: December 2, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 1, 2015

1. A resolution to approve a two year sublease agreement with Ball Plaza Holdings, LLC for ten parking spaces located in Off-Street Parking Development District Lot 7 for the purpose of converting the spaces from metered parking to free two hour public parking at a monthly cost of \$35.00 per space.
2. A resolution to approve Amendment No. 7 to the agreement for operations, maintenance and management services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. in the amount of \$7,872,234.00 for services in 2016.
3. A resolution to authorize acceptance of a non-matching continuation sub-grant from the Internet Crimes Against Children Task Force Program in the amount of \$9,374.00, and to approve a budget adjustment.
4. A resolution to approve task order no. 5 with Garver, LLC in the amount of \$45,500.00 for bid package development, bidding services, construction phase services, and closeout services associated with the Airport Taxiway Lighting Rehabilitation Project, and to approve a budget adjustment.
5. A resolution to award bid no. 15-62 and authorize a contract with Permatrak North America, LLC of Charlotte, North Carolina for the purchase of a prefabricated concrete boardwalk system in the amount of \$311,678.00 plus applicable taxes for installation on the Clabber Creek Trail between Ruppel Road and Salem Road, and to approve a project contingency in the amount of \$31,167.00.

6. A resolution to approve a budget adjustment in the total amount of \$2,244.00 representing donations to Ranger's Pantry and Community Development Block Grant Program income received from housing lien payoffs.
7. A resolution to approve the purchase of thirty-two (32) pairs of soccer goals for the Regional Park from BSN Sports of Dallas, Texas in the amount of \$85,623.00, pursuant to a U.S. Communities National Cooperative Purchasing Program Contract, and to approve a budget adjustment.
8. A resolution to name the new disc golf course at Walker Park the Waxhaws Disc Golf Course in honor of the historic Archibald Yell Homestead.
9. A resolution to rename the Fayetteville Animal Shelter the Lib Horn Animal Shelter of Fayetteville.
10. An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2016.
11. An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$101,205.00 to provide public recreation services for the senior citizens of Fayetteville for 2016.
12. A resolution to approve an Interlocal Agreement for continuation and expansion of ambulance services by and with the City of Fayetteville, the Washington County Regional Ambulance Authority, Washington County, Elkins, Elm Springs, Farmington, Goshen, Greenland, Johnson, Lincoln, Prairie Grove, Tontitown, West Fork, and Winslow, and to authorize the ambulance authority to operate central emergency medical services as the exclusive emergency and non-emergency ambulance service within the cities.
13. An ordinance to rezone that property described in rezoning petition RZN 15-5223 for approximately 2.53 acres located at the southeast corner of West Martin Luther King Boulevard and south Stadium Drive from RMF-24, Residential Multi-Family, 24 Units Per Acre to CS, Community Services.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, December 1, 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** [2014-0516](#)

APPROVAL OF THE NOVEMBER 3, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0524](#)**BALL PLAZA HOLDINGS, LLC:**

A RESOLUTION TO APPROVE A TWO YEAR SUBLEASE AGREEMENT WITH BALL PLAZA HOLDINGS, LLC FOR TEN PARKING SPACES LOCATED IN OFF-STREET PARKING DEVELOPMENT DISTRICT LOT 7 FOR THE PURPOSE OF CONVERTING THE SPACES FROM METERED PARKING TO FREE TWO HOUR PUBLIC PARKING AT A MONTHLY COST OF \$35.00 PER SPACE

Attachments:

[Ball Plaza Holdings, LLC](#)

[OSPDD Executed Amendment #1](#)

A. 3 [2015-0520](#)**CH2M HILL ENGINEERS, INC. AMENDMENT NO. 7:**

A RESOLUTION TO APPROVE AMENDMENT NO. 7 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$7,872,234.00 FOR SERVICES IN 2016

Attachments:

[CH2M 2016 Contract - Agenda Packet](#)

A. 4 [2015-0530](#)**INTERNET CRIMES AGAINST CHILDREN TASK FORCE
PROGRAM SUB-GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUB-GRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$9,374.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRP - 2015 ICAC Award](#)[BA - 2015 ICAC Award](#)**A. 5** [2015-0538](#)**GARVER, LLC TASK ORDER NO. 5:**

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$45,500.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TAXIWAY LIGHTING REHABILITATION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[SRP-2016 Drake Field Taxiway Lighting Rehab](#)[BA- Garver Consulting](#)**A. 6** [2015-0526](#)**BID NO. 15-62 PERMATRAK NORTH AMERICA:**

A RESOLUTION TO AWARD BID NO. 15-62 AND AUTHORIZE A CONTRACT WITH PERMATRAK NORTH AMERICA, LLC OF CHARLOTTE, NORTH CAROLINA FOR THE PURCHASE OF A PREFABRICATED CONCRETE BOARDWALK SYSTEM IN THE AMOUNT OF \$311,678.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE CLABBER CREEK TRAIL BETWEEN RUPPLE ROAD AND SALEM ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,167.00

Attachments:[2015-0526 - Clabber Creek Trail Boardwalk](#)

A. 7 [2015-0539](#)**RANGER'S PANTRY DONATIONS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,244.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS

Attachments:[SRF-SRM PI and RP Recognition](#)[BA-PI and RP Recognition 12.1.15](#)**A. 8** [2015-0536](#)**BSN SPORTS:**

A RESOLUTION TO APPROVE THE PURCHASE OF THIRTY-TWO (32) PAIRS OF SOCCER GOALS FOR THE REGIONAL PARK FROM BSN SPORTS OF DALLAS, TEXAS IN THE AMOUNT OF \$85,623.00, PURSUANT TO A U.S. COMMUNITIES NATIONAL COOPERATIVE PURCHASING PROGRAM CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[Soccer Goals - Legistar Packet](#)[BA \(Agenda Item\) 2015 PARKS REGIONAL PARK SOCCER GOALS 11-12-15](#)**A. 9** [2015-0537](#)**WALKER PARK NEW DISC GOLF COURSE - WAXHAWS DISC GOLF:**

A RESOLUTION TO NAME THE NEW DISC GOLF COURSE AT WALKER PARK THE WAXHAWS DISC GOLF COURSE IN HONOR OF THE HISTORIC ARCHIBALD YELL HOMESTEAD

Attachments:[Waxhaws - Legistar Packet](#)**B. Unfinished Business:**

B. 1 [2015-0469](#)**AMEND CHAPTER 97 PARKS AND RECREATION:**

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:[Exhibit A - Proposed Chapter 97](#)[Legistar Packet - Chapter 97](#)[Additional Memo](#)

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

B. 2 [2015-0463](#)**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS
AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:[CC packet - Bicycle Ordinance Amendments](#)[Bicycle Ordinance Package CC Memo - Amendment Package w out Map](#)

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

C. New Business:

C. 1 [2015-0543](#)**LIB HORN ANIMAL SHELTER OF FAYETTEVILLE:**

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments:

[Agenda Packet Rename Animal Shelter](#)

[Additional Lib Horn](#)

C. 2 [2015-0522](#)**YOUTH CENTER, INC.:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2016

Attachments:

[B&G Club - Legistar Packet](#)

C. 3 [2015-0535](#)**AREA AGENCY ON AGING OF NORTHWEST ARKANSAS:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$101,205.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2016

Attachments:

[AAA - Legistar Packet](#)

C. 4 [2015-0531](#)**AMBULANCE SERVICES INTERLOCAL AGREEMENT:**

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES BY AND WITH THE CITY OF FAYETTEVILLE, THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, WASHINGTON COUNTY, ELKINS, ELM SPRINGS, FARMINGTON, GOSHEN, GREENLAND, JOHNSON, LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, AND WINSLOW, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

Attachments:[SRF SRM Interlocal Agreement](#)**C. 5** [2015-0533](#)**RZN 15-5223: (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5223 FOR APPROXIMATELY 2.53 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MARTIN LUTHER KING BOULEVARD AND SOUTH STADIUM DRIVE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments:[15-5223 CC EXHIBITS](#)[15-5223 CC DOCUMENTS](#)

C. 6 [2015-0544](#)**RZN 15-5214: (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5214 FOR APPROXIMATELY 186.65 ACRES LOCATED WEST OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:[15-5214 EX A](#)[15-5214 EX B](#)[15-5214 CC reports](#)[RZN 15-5214 City Attorney Memo](#)**C. 7** [2015-0545](#)**RZN 15-5209: (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5209 FOR APPROXIMATELY 18.34 ACRES LOCATED AT THE NORTHEAST CORNER OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:[15-5209 EX A](#)[15-5209 EX B](#)[15-5209 CC reports](#)**D. City Council Agenda Session Presentations:****D. 1** [2015-0519](#)

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY REPORT

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 479-575-8330.

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



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: Connie Edmonston, Parks & Recreation Director

FROM: Kit Williams, City Attorney

DATE: November 20, 2015

RE: Amendment to § 93.48 to prohibit vicious and dangerous animals to be off lease in City parks and potential further amendments to Chapter 93

Below please see my proposal as to how to word the amendment you passed to prohibit vicious and dangerous animals to be off lease in City parks. § 92.36 **Vicious Animals Restricted** requires an animal adjudicated in Court as vicious be kept within a secure and locked enclosure. Anytime it must be taken outside, the owner must securely muzzle the dog and restrain it "with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, shall be collared with a blaze orange collar...." § 92.36 (C) of the Fayetteville Code. Of course, an animal found by the Court to be vicious can be ordered to be euthanized § 92.36 (A).

"Dangerous Animals" may be so determined by the Animal Services Officer, with the owner having appeal rights. § 92.31 **Dangerous Animals Restricted**. The restrictions are not quite so strong as for a Vicious Animal, but "(w)hen not on the property of the owner, the animal shall be muzzled," and of course "securely leashed with a leash no longer than 4 feet in length." *Id.*

It is proper to add the proposed exception language to § 97.38 **Animals to be Leashed** so an owner could never argue a Vicious or Dangerous Animal would have special rights in a dog park or at Lake Wilson Park.

“§ 97.38 Animals to be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park except that all vicious animals and dangerous animals as defined and regulated in Chapter 92 **Animals** may never be allowed to be off leash in any City park. Owners and anyone in control of a pet shall pick up, remove and properly dispose of their pet’s waste as also required by § 92.06 **Animal Waste, Offensive Odors Prohibited.**”

Adding your amended “exception language” to § 97.38 pushed part of § 97.38 onto the next page and caused awkward spacing for several other following sections. Therefore, I looked at previous sections to see if any were overly wordy and could be made more simple and brief without changing their intent. I did not have to look far. The immediately preceding section § 97.37 **Refuse and Trash** used so much stilted language and verbose phrasing that I could say the same thing simply and directly with half the words. Below is the existing 1965 language for § 97.37:

“97.037 Refuse And Trash

No person in a park shall have brought into a park any refuse or other trash. Nor shall any refuse or other trash be left anywhere on the grounds thereof, but shall be placed in proper receptacles. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.”

I propose the above existing language be replaced by my proposed simpler and direct language:

"97.37 Refuse And Trash

No person shall bring any refuse or trash into a park. Trash generated by picnicking or other activities in the park shall be placed within proper receptacles if available or carried out of the park for proper disposal."

I should also note that city employees are constantly unintentionally violating the far too broad prohibitions of § 97.33 **Damaging Trees, Shrubbery, And The Like**. "No person in a park shall damage, cut, climb, carve, injure, transplant or remove any tree, flower, or plant." It would be very hard to mow the grass (which are plants) in our parks without cutting them. Our employees transplant untold numbers of flowers, shrubs and trees into our parks. They remove dead, decaying, dying, or dangerous trees, and I hope they cut and remove as much bush honeysuckle and other invasive plants as possible. Thus, this fifty year old well-meaning section should be rewritten to fulfill the actual intent of the City Council rather than using such broad language that Parks Department employees must violate it to do their jobs.

"§ 97.33 Damaging Trees, Shrubs And Flowers

No person except for City Park and Recreation Department employees or those authorized by the Park and Recreation Director shall damage, cut, climb, carve, injure, transplant or remove any tree, shrub or flower from a city park, nor attach any rope, wire, or other contrivance to any tree or shrub in a city park."

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**ARTICLE III
CARE OF PARK PROPERTY**

97.30 Buildings And Other Property

No person in a park shall willfully mark, deface, disfigure, injure or tamper with any buildings, monuments, bridges, tables, benches, fireplaces, signs, public utilities or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(Code 1965, §17A-3; Ord. No. 1594, 4-1-68; Code 1991, §97.030)

Cross reference(s)--Penalty, §97.999.

97.31 Restrooms And Washrooms

No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(Code 1965, §17A-4; Ord. No. 1594, 4-1-68; Code 1991, §97.031)

Cross reference(s)--Penalty, §97.999.

97.32 Removal Of Natural Resources

No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the city.

(Code 1965, §17A-5; Ord. No. 1594, 4-1-68; Code 1991, §97.032)

Cross reference(s)--Penalty, §97.999.

97.33 Damaging Trees, Shrubbery And The Like

No person in a park shall damage, cut, climb, carve, injure, transplant or remove any tree, flower, or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area.

(Code 1965, §17A-7; Ord. No. 1594, 4-1-68; Code 1991, §97.033)

Cross reference(s)--Penalty, §97.999.

97.34 Pollution Of Water

No person in a park shall throw, discharge, or

otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance which will or may result in the pollution of said waters.

(Code 1965, §17A-9; Ord. No. 1594, 4-1-68; Code 1991, §97.034)

Cross reference(s)--Penalty, §97.999.

97.35 Wild Animals, Birds, Fish, And The Like

No person in a park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile, fish, or bird; nor remove the eggs, nest or young of any wild animal, fish, reptile, or bird.

(Code 1965, §17A-8; Ord. No. 1594, 4-1-68; Code 1991, §97.035)

Cross reference(s)--Penalty, §97.999.

97.36 Erection Of Structures

No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city.

(Code 1965, §17A-6; Ord. No. 1594, 4-1-68; Code 1991, §97.036)

Cross reference(s)--Penalty, §97.999.

97.37 Refuse And Trash

No person shall bring any refuse or trash into a park. Trash generated by picnicking or other activities in the park shall be placed within proper receptacles if available or carried out of the park for proper disposal.

(Code 1965, §17A-10; Ord. No. 1594, 4-1-68; Code 1991, §97.037)

Cross reference(s)--Penalty, §97.999.

97.38 Animals to be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park except that all vicious animals and dangerous animals as defined and regulated in Chapter 92 **Animals** may never be allowed to be off leash in any City park. Owners and anyone in control of a pet shall pick up, remove and properly dispose of their pet's waste as also required by § 92.06 **Animal Waste, Offensive Odors Prohibited**.

AGENDA REQUEST FORM

FOR: Council Meeting of December 1, 2015

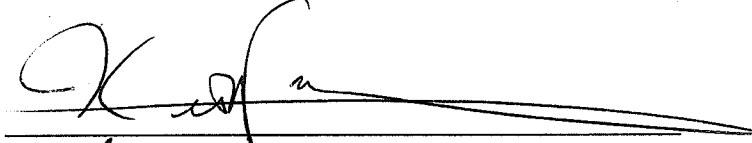
FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE
LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

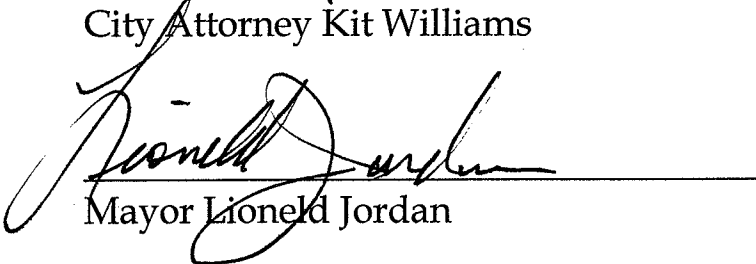
APPROVED FOR AGENDA:



City Attorney Kit Williams

11/24/15

Date



Mayor Lioneld Jordan

11/24/15

Date

*New Resolution - Handed out at
Agenda Session 11-24-15*

RESOLUTION NO. _____

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

WHEREAS, Olivia "Lib" Horn, a true champion for animals, served as the Director of the Fayetteville Animal Shelter for more than thirteen years from August of 1987 to January of 2001 and oversaw the transition of ownership of the shelter from the Humane Society of the Ozarks to the City of Fayetteville; and

WHEREAS, Lib had an integral role as Director in creating the shelter clinic, hiring the City's first staff veterinarian and promoting the low cost spay and neuter program for Fayetteville residents; and

WHEREAS, the innovative practices and procedures developed at the Fayetteville Animal Shelter during Lib's tenure became a model for other shelters nationwide; and

WHEREAS, after leaving her position as the Fayetteville Animal Shelter Director, Lib continued her passionate advocacy for animals and was the driving force behind the creation of the Lester C. Howick Animal Shelter of Washington County; and

WHEREAS, after Hurricane Katrina, Lib led an entirely volunteer shelter for animals rescued from New Orleans and saw every animal taken in by the shelter returned to its original owner or adopted by a new owner; and

WHEREAS, as a final testament to her dedication to the shelter and the citizens and animals served by it, Lib left a very generous portion of her estate to the Fayetteville Animal Shelter, which will likely total more than \$50,000.00; and

WHEREAS, Lib dedicated her life to being a tireless protector of and advocate for the unwanted, mistreated, and tortured animals of the world and will always be remembered for her compassion to both animals and people.

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 renames the Fayetteville Animal Shelter the Lib Horn Animal Shelter of Fayetteville in recognition of the significant contributions Lib made to the lives of the residents and animals of the City of Fayetteville through more than three decades of dedicated public service.

PASSED and APPROVED this 1st day of December, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

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

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

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Martin Schoppmeyer

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Civil Rights Commission Nominating Committee Report.

Alderman Kinion presented the Civil Rights Commission Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman La Tour: I have opposed this from the beginning. The City Council did not appoint these individuals. The Nominating Committee of our City Council did. I'm not suggesting

impropriety or bias existed, but the appearance is present of bias. There are four members of that committee. Three of those four members voted for 119 that was repealed by the people. Those same three voted for the passage of this ordinance. They had every incentive to appoint people to the commission that are biased in favor of the LGBT community and against the conservative traditional marriage communities. I urge my colleagues to vote against this commission.

Alderman Gray: I have all the confidence in the world in the four alderman who serve on the Nominating Committee. I served on that committee for four years. I know we worked hard to make sure we had an objective group. Our alderman who made this selection have done exactly the same thing. I feel that this is a good slate to bring forward.

Alderman Kinion: This is the way our City Council has determined that we operate. The Nominating Committee has a representative from each ward. We are selected to serve on the Nominating Committee to be fair. Anyone can come to the interviews, anyone can look at the applications, and anyone can have discourse with any of the members of the Nominating Committee. To suggest that there is impropriety, shows a disregard and disrespect for the individuals that serve your city with integrity. It is my pleasure to be the Chairman of the Nominating Committee and to represent this slate as selected by the committee after open transparency and fair review of all applicants.

Alderman Marsh: The members of the Nominating Committee were appointed long before we had this current Civil Rights ordinance up for vote. Anyone who has questions or concerns can review the video on the city website.

Alderman Long: This wasn't handled any differently than any of the other boards and commissions.

Alderman Marsh moved to approve the Civil Rights Commission Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Quarterly Financial Report - 3rd Quarter 2015, Paul Becker, Chief Financial Officer.

Paul Becker, Chief Financial Officer gave the 3rd Quarter Financial Report for 2015.

Agenda Additions: None

Consent:

Approval of the October 6, 2015 and October 20, 2015 City Council meeting minutes.

Approved

Bid No. 15-53 Lewis Ford Sales, Inc.: A resolution to award Bid No. 15-53 and authorize the purchase of a Ford F350 with Reading Utility Body and Tiger Crane from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$55,006.38 for use by the Water and Sewer Operations Division.

Resolution 195-15 as recorded in the office of the City Clerk

Bid No. 15-54 Lewis Ford Sales, Inc.: A resolution to award Bid No. 15-54 and authorize the purchase of a Ford F250 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$32,978.38 for use by the Parks and Recreation Department.

Resolution 196-15 as recorded in the office of the City Clerk

Amend Resolution No. 181-15: A resolution to amend Resolution No. 181-15 concerning the purchase of a rotary lift system, pursuant to a National Joint Powers Alliance purchasing agreement, for use by the Fleet Division.

Resolution 197-15 as recorded in the office of the City Clerk

Destruction of Certain Records: A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code annotated related to maintenance and destruction of accounting, court and other records.

Resolution 198-15 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Unfinished Business: None

New Business:

Bid No. 15-57 Austin King, Inc. d/b/a King Electrical Contractors, Inc.: A resolution to award Bid No. 15-57 and authorize a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. for electrical services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

Paul Becker, Chief Financial Officer gave a brief description of the resolution.

Alderman Long: The City Council passed a resolution last year about outsourcing things from the city and keeping things in house where possible so that our city employees would do the work. This would be something that I think would fall in that. Are we making an exception to that for this contract?

Paul Becker: If we can do it in house, we do. We have an individual skilled in electrical work and an air conditioning specialist. Many of the jobs are too large. We don't have staff to handle this.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 199-15 as recorded in the office of the City Clerk

Bid No. 15-57 King Electrical Contractors: A resolution to authorize a contract with King Electrical Contractors in the amount of \$66,240.00, pursuant to Bid No. 15-57, for the installation of LED trail light fixtures and light poles along the Town Branch Trail from Greathouse Park to Hollywood Avenue, and to approve a project contingency in the amount of \$6,624.00.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

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

Resolution 200-15 as recorded in the office of the City Clerk

Boyette Strategic Advisors: A resolution to approve a contract with Boyette Strategic Advisors in an amount not to exceed \$89,210.00 to facilitate and prepare an update to the City's Economic Development Strategic Plan, and to approve a budget adjustment.

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

Alderman Marsh: On Exhibit A that is attached to the contract, one thing I noticed that was missing under, Recommendation Development, was local food. We would be remiss to leave that out.

Jeremy Pate: What they intend on doing at the project launch is to try to find the stakeholders and identify those target sectors. They didn't want to come in preconceiving anything that Fayetteville wants to focus on in the Economic Development strategy. We can discuss this with them.

A discussion followed about the Selection Committee process in determining who received the contract.

Alderman Marsh: I'm feeling concerned that they are already working with Bentonville and the Northwest Arkansas Council. I want to make sure this is about Fayetteville.

Alderman Kinion: That was the first thing on everyone's mind and it was the first thing they handled by pointing out the cities they had worked with. Before we had a chance to inquire, they were up front. What was impressive is that they brought their team. We had a real good insight on what the team members had to offer. We were assured that Fayetteville is not Bentonville. We wanted this to be specifically designed for Fayetteville, and to be sure there wasn't a preconceived template being used as we move forward.

Alderman La Tour: Jeremy, we just raised taxes on our citizens. We just spent \$3.5 million to renovate the administrative offices at our Recycling Facility. I'm concerned with a price tag of nearly \$90,000. Explain the adverse effects on our economic development, business environment, and employment environment if we didn't commission this study. Tell me how frequently we have a study of this type performed in our city.

Jeremy Pate: The last time was in 2009. As a city and region we are growing very rapidly. It is important to understand how to invest our city funds. For example where we build water and sewer lines, and where we upgrade streets. There is an economic development decision that was made to invest in a bond program for projects such as the Ruppel Road connection, and to improve College Avenue. Those are all investment decisions in order to hopefully incite private investment to follow. We are hoping to create a clear strategy for the City Council and citizens to follow.

City Council approved around \$250,000 for a traffic signal for the construction of Whole Foods. This was brought forward by a singular project and was a decision made by the Council as an investment for economic development. We want to be forward looking as opposed to a project already locating here and they are asking us for help with an infrastructure investment. This will hopefully enable us to focus on specific investments so that we don't fall behind our neighbors in the region. Most of our neighbors, if not all, have a strategic plan in place. We are competing against other cities for dollars, jobs, and recreation.

Don Marr, Chief of Staff: This is an agenda item being brought by the staff, but at the direction of the City Council. Mayor Jordan called for the City Council to come to an input session. The consensus of the group that participated was that you wanted to have an updated strategic plan for economic development. Just like on the building issue, the reason we are bringing that forward is because we have a resolution by the City Council that says we aren't going to outsource our services. We planned for the expansion of our Waste and Recycling Facility.

Alderman La Tour: Jeremy, is there a particular reason why we are having the study done at this time?

Jeremy Pate: One reason is that our economic development contract expires. We recently extended it for six months. It expires next April. We want to make sure, as we go forward with a new contractor, that we have a clear vision that they can assist us in implementing.

Alderman Marsh: This initiative is about writing a business plan for our community. It is about doing the research and identifying who our target market is, what our assets are, where our potential challenges may be so that we can effectively plan for that. It would be irresponsible of

us to keep moving forward without a well thought out business plan. This could strategically invest our resources so that we are getting the maximum benefit.

Peter Tonnessen, Ward 3 voiced his concerns if there were any identifiable gains made as a result of the 2009 study and if the study will consider what happens if the economy fails.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 201-15 as recorded in the office of the City Clerk

Crossland Construction Company, Inc. Change Order No. 8: A resolution to approve Change Order No. 8 to the contract with Crossland Construction Company, Inc. in the amount of \$715,453.00 to add a fourth baseball field and lighting for the soccer complex at the Regional Park, to approve an additional project contingency in the amount of \$9,547.00, and to approve a budget adjustment.

Alison Jumper, Park Planning Superintendent gave a brief description of the resolution.

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

Resolution 202-15 as recorded in the office of the City Clerk

Tree Preservation Area Vacation for Crain Automotive: A resolution to reject the recommendation of the Urban Forester who determined that the tree preservation and mitigation areas in easements and dedications agreed to and signed by the owner/developer on June 25, 2014, should not be vacated or changed by a new development proposal for this acreage.

City Attorney Kit Williams read the resolution.

Derek Linn, Urban Forester gave a brief description of the resolution. Staff is requesting denial of the request.

Tom Hennelly, Crafton Tull representing Crain Automotive gave a brief history of the project. He stated Crain Automotive was not of the understanding that they were encumbering that property in perpetuity to the city. He stated they thought that was the tree preservation that they had to meet for the project. He believes they have gone through every iteration possible to try and meet the city's requirement. He stated that this type of business brings in about \$50,000 a month in tax revenue to the city. He believes they are not requesting any special consideration, and that Crain Automotive has gone beyond what the ordinance requires for mitigation. He stated that Fayetteville Public Schools are willing to take 76 trees that are being proposed to give to the city, in lieu of the 5,300 square feet of existing canopy. He stated it will reset the clock on the three year

bond of the 36 mitigation trees that were planted originally. He described the community involvement that Crain Automotive has in Fayetteville.

Alderman Tennant: Nelms Subaru went to great lengths to build a very environmentally sound model. Can you speak to the plans of the actual facility?

Tom Hennelly: There are certain architectural plans that are approved for Volkswagen dealerships. Volkswagen has a very hands-on approach. Subaru franchises may have a much more liberal approach to what each individual franchisee is allowed to do. Volkswagen is not that way.

Alderman Tennant: I've worked with Volkswagen from a corporate perspective. I know that Volkswagen has very strict rules with their vendor partners and their dealerships around the world. I have found them to be environmentally friendly and community oriented. They are a very good company.

Alderman Petty: What is the primary objective of Volkswagen driving this request? Is it the number of vehicles you need to have on display?

Tom Hennelly: Not necessarily on display, but in inventory on-site. They consider display along the right-of-way that is visible as a drive-by. The inventory on-site is what is driving the issue.

Alderman Petty: Are your parking lots developed according to the standards we have on our books?

Tom Hennelly: Not all of them. We have not complied with every standard parking lot design in the areas where the inventory will be stored.

Alderman Petty: I'm skeptical to grant this particular request with my vote. The Crain's should have understood granting an easement is a pretty permanent deal. I would be eager to grant any kind of request that might reduce some of the geometry that are required on our own codes and the parking lot standards. You can make your parking lot more compact, and maybe avoid the tree preservation issue.

Alderman Marsh: What is Crafton Tull's role in this project?

Tom Hennelly: We are the engineer.

Alderman Marsh: Is this project seeking LEED certification?

Tom Hennelly: I do not know if it is seeking LEED certification.

Alderman Marsh: It is not included in your contract?

Tom Hennelly: If there is LEED certification associated with this, it is normally applied for by the architect. We would be requested to find LEED points to attribute to that total score. As of yet, we have not been asked that.

Alderman Marsh: Site planning would play a large role. It would be safe to assume that there is no LEED certification planned at this facility.

Alderman La Tour: I am sorry that you have to appear before City Council to discuss how many trees you have to plant or not plant. I have strong respect for Volkswagen. I have strong respect for every business decision that is made in this city. If a business does something that offends the community, they will pay for that with their business sales. You have my vote.

Peter Tonnessen, Ward 3 believes that the City Council should defer to the city's expert.

James Morgan, Executive Manager at the Fayetteville location expressed that they support Fayetteville through community involvement. He believes they are building a state of the art facility that is above standards. He stated they do things that sometimes the city fails to do, such as mowing, and keeping everything beautiful.

Alderman Long: Your business offered to plant 1.5 times the mitigation trees required by the Unified Development Code.

James Morgan: That is correct.

Alderman Long: Can we actually require that?

Tom Hennelly: The Crain's offered to do that. They understood that Fayetteville's foremost task is to preserve canopy. They have agreed to go up to two times the number of trees required for that amount of canopy.

A discussion followed about taking care of the city and the community.

City Attorney Kit Williams: Your proposal is that all your mitigation trees will be off-site. You aren't going to have any mitigation trees on-site?

Tom Hennelly: We intend on planting every mitigation tree we can on-site. We know that we can't plant 76 trees on that site with all the other landscape requirements. Anything we can't fit on site, we would like to plant at Fayetteville Public Schools, at campuses as close to this as we can get.

City Attorney Kit Williams: Are you preserving any of the existing canopy?

Tom Hennelly: We are. There are still remaining preserved canopy all on this property.

City Attorney Kit Williams: How much of the existing canopy are you going to be able to maintain? We have to follow our own ordinances, and our ordinances allow off-site mitigation on property you own, and with the consent of the Parks Department, in a park. It does not allow you to use school property in order to plant mitigation trees. If you owned other property, then you can sometimes maintain an existing forest there. If you had a property that didn't have trees on it that

you own, then you would be able to plant mitigation trees there. Your proposal is not feasible at this time, because it can't be accomplished to satisfy your tree preservation requirements.

Derek Linn: They preserved it approximately 0.84 acres total, which comes out to just under 40,000 square feet. They would be subtracting 5,300. It is between 36,000 and 40,000.

City Attorney Kit Williams: They are preserving most of the tree canopy that has been reserved, but not the 5,300. Is that what you are saying?

Derek Linn: The request was a smaller portion of the total.

A discussion followed about the map showing the area in question.

City Attorney Kit Williams: City Council, there is another option if someone can't meet any of the first requirements, like planting mitigation trees on-site or off-site or having reforestation on their own property. They can pay into the tree escrow account. It will then be up to the city to try and locate good places to plant trees. The Urban Forester is the official interpreter of the tree ordinance.

Mayor Jordan: They can pay into the tree escrow account?

Derek Linn: It is up to the applicant to prove to City Council that their proposal is in the best interest of the City of Fayetteville. The trees that would be displaced, the 39 existing mitigation trees, those must be planted on-site or other lands that they own. They could exercise some of the other options. It is up to you to determine if you want to support the vacation of what was recently platted in 2014 or not.

Mayor Jordan: You do not recommend that they be allowed to pay into the tree escrow fund?

Derek Linn: It is great that we have a variety of options in Chapter 167. They exercised that option in 2014 to receive their Planning Commission approval. They preserved, mitigated, and exercised that escrow payment. The burden on city staff is that we have to take that money, and within seven years we have to coordinate on city staff time places to plant. We would like to see the private property owner take care of these private property matters, on their property.

Alderman La Tour: Mr. Hennelly, the Crain's are probably indifferent whether they plant them on public school grounds or parks. Would they be willing to plant them in our parks?

Tom Hennelly: They would be willing to plant them anywhere that the city has a need. We met with the Parks Department and there wasn't a need at that time for trees.

Alderman Tennant: If they wanted to pay into the fund, we would value the trees and multiply that?

City Attorney Kit Williams: We have a standard value or cost for us to plant and maintain a tree for three years.

A discussion followed about the amount of possible trees to be planted and the possible escrow amount.

Alderman Tennant: I want to do all we can to let this facility be built. I drive by many dealerships on Moberly Lane in Bentonville that used to be in Fayetteville. I don't want to let 24 trees stand in the way of this happening, especially when the Crains' are willing to give this city either twice the amount of trees or twice the amount of money that it would cost to put these in other places. If we ask them to go to twice the amount of trees or whatever the value is, can we vote on this tonight or does it have to be rewritten?

City Attorney Kit Williams: We can amend the resolution. Planting them in the schools is not an option. Planting them in the parks would be an option, but the Parks Department doesn't believe there is a need. The only true legal option would be for you to pay into the tree escrow account. You partially did that the first time. Does your offer to plant twice the number of trees mean you are offering to pay twice what you would normally have to pay into the tree escrow account if they are willing to vacate a portion of the tree easement you already dedicated?

James Morgan, Absolutely.

City Attorney Kit Williams: With their consent, we could in fact do that. I could draft a resolution to reflect that.

Alderman Long: Bryce Davis Park in Ward 4 does not have a lot of trees lining the park. They need trees at that park. Could we use trees there?

Connie Edmonston: We were looking at an area closer to the dealership to replace that canopy. We can put more trees in the Bryce Davis Park.

City Attorney Kit Williams: The City Council gives the Parks and Recreation Director the power on this. It does say a nearby park which is a relative term. You could donate some of the trees to Bryce Davis Park in Ward 4. If we go this way, then we can't decide this tonight. Connie and her staff will need to look at Bryce Davis to see where and how many potential trees are needed. I suggest we table this. Will this be okay with the Crain dealership?

James Morgan: Yes.

Alderman Marsh: They are anticipating removing numerous hardwood trees. Is that correct?

James Morgan: That's correct.

Alderman Marsh: This is a large expansive parking lot that creates a large amount of stormwater runoff. They exasperate urban heat island effect. There will be issues with violations of night sky ordinances with the large lights they have. I see no indication for any kind of low impact development scenarios. There is no LEED work under contract with the dealership. I see the City Council actually considering selling off all these beautiful urban forest to put in a parking lot. Our Urban Forester is recommending that we not do this. The Parks Department does not have a serious

need for these trees. Even if they pay us the two times rate, what is the value of the ecological services that these trees provide?

I remember when car dealerships were along North College. What remains is not a healthy economic environment. We ended up with a lot of parking lots. These trees have been here for probably 100 years. I don't think that is what our ordinances were designed to do. If we are going to excuse people from the tree ordinance requirement, it has to be for a reason that would provide an exceptional amount of community benefit. I will be voting against it.

Alderman Gray: I appreciate Crain Automotive and Crafton Tull. I will do anything I can to help you all to be able to build this lovely facility that will bring in \$50,000 a month. What I am hearing tonight is the reason why we have a reputation that it is hard to do business in Fayetteville. It is embarrassing to me that we have a person standing here who is willing to do anything and we are quibbling about whether or not we are going to let them build in our city. I want to keep our city beautiful, but we have to be reasonable. I would like to change the ordinance so that the City Council has a little more say in where the trees are planted. It would be wonderful for the Fayetteville schools to get the trees. As far as mitigation, we should give them a certain amount of time to plant those.

James Morgan: Thank you. The dealership is our business and our way of giving back. We provide taxes, we provide to our community and our schools. It's not just a dealership on the side of the road.

Alderman Tennant: I am in favor of redoing North College. When the Mercedes Benz dealership left, we now have the Whole Foods shopping center going in. I agree with Alderman Gray that we should change the ordinance so that the public schools could receive the trees.

Alderman Kinion: I feel a little bit of anguish diminishing the value of a well-established tree preservation plan that we have in place and that is well defined in the ordinance of Fayetteville. City Council wants to develop a compromise and a plan so that we can move forward with Crain. We want the business here. I would like to see this tabled so that we can have more discussion with a well-defined plan. We have a heritage of tree preservation in Fayetteville. We have the opportunity to move forward with a compromise. We have a tough topography with water issues that no place north of us deals with.

Alderman Petty: Have you proposed to staff or Volkswagen that you reduce the parking lot geometry by marginal amounts?

Tom Hennelly: Absolutely.

Alderman Petty: I am pleased to hear that.

Alderman Petty: This is one of those times that reasonable people can disagree. We need to reframe the way this entire discussion has gone. Talking about this proposal as either being remove these trees and plant them elsewhere or kill the project, is false. There are other parameters at play

that aren't being discussed. The majority of the City Council wants to do what we can to make sure Crain Automotive gets to do the project. I want to table it.

If we look across that site from left to right, there are at least five complete rows of parking lanes. Those are 24 feet wide each per our own parking lot design guidelines. Each of the stalls are 19 feet deep per our own parking lot design guidelines. Most vehicles can fit in a space that is smaller than that. There is a lot of room to work with and we have created this condition for ourselves by virtue of our own codes. If the parking lanes could be reduced in size it would give extra feet to work with. Crafton Tull could put together a design that shifts everything by these inches from one side of the site to the other. They could come back to us in two weeks and ask us if it is okay, and we can say, yes. We would then not have a tree preservation issue and they don't have an issue with the number of vehicles they can store on the site. This is assuming that Volkswagen and the City Council doesn't care about 12 inches here or there. If this gets tabled, I want to encourage you to bring back that solution.

Tom Hennelly: If we are able too, we are more than happy to do that.

Alderman Petty: Bentonville planted 1,000 trees in a day with donations and volunteers. We are here talking about less than 50 trees when there is another solution. We should find a new way to design and plan projects like this from the very beginning. This shouldn't even be a conversation we are having right now.

Tom Hennelly: Alderman Kinion, we haven't brought this through large scale yet. This is a conceptual plat. We have to still meet all water quality standards and city ordinances.

Alderman Kinion: Yes, I know we don't have that in front of us yet.

Tom Hennelly: If we are given the latitude to reduce the geometry of the parking lot, then we will do absolutely everything we can to minimize.

City Attorney Kit Williams: Mr. Hennelly, at large scale you could ask for the variance that was suggested by Alderman Petty.

Tom Hennelly: The Fire Department is normally the largest obstacle. There are opportunities to leave the isles around the building the way they need to be for fire access and then everything else can be compressed. We are happy to do that.

Alderman Long: I agree with Alderman Petty and Alderman Gray. If this gets tabled, I would like to see a topographical map next time. If we do mitigation for a portion of the trees, something that Alderman Marsh suggested a while back when we redid our ordinances, is not only that we can use public parks to mitigate, but we can use public property. There are going to be some medians put in that area, maybe we could use some of those trees there.

A discussion followed about variance request procedures and City Council following their own ordinances.

Alderman Tennant moved to table the resolution to the November 17, 2015 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Schoppmeyer was absent.

This resolution was Tabled to the November 17, 2015 City Council meeting.

Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association: A resolution to express the City Council's intent to participate in cooperative regional efforts to evaluate the potential cost savings and environmental benefits that may be available to the City of Fayetteville through the formation of a Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association.

Tim Nyander, Utilities Director gave a brief description of the resolution.

Alderman Petty: Is Fayetteville currently in a position within the watershed to leverage these trading negotiations?

Tim Nyander: Yes, we would. Fayetteville is in the Illinois and White River watersheds. We have opportunities in both watersheds.

Alderman Kinion: This has been discussed at the Water, Sewer & Solid Waste Committee. We have talked about the possibility of this and now it is reality. The benefit is that we have two watersheds. The watersheds are in peril. By having a regional approach we have the opportunity to broaden the risk of peril that we face.

Alderman Long: Do you know who you will be appointing for that position? Is it a current staff member?

Tim Nyander: Yes.

Alderman Long: Just making sure we weren't adding a staff position.

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

Resolution 203-15 as recorded in the office of the City Clerk

Henard Utility Products, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of twelve (12) Trimble Ranger hand-held water meter reading devices manufactured by Badger Meters, Inc. from Henard Utility Products, Inc. in the amount of \$51,725.00 plus applicable taxes for use by the Utilities Department.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance.

Mayor Jordan: Alderman Kinion, has this been through the Water, Sewer & Solid Waste Committee?

Alderman Kinion: Yes. This is the next step of getting efficiency and managing the information we gather at our water meters. This will pay for itself in the long run.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5819 as Recorded in the office of the City Clerk

Bid No. 15-51 Crossland Heavy Contractors, Inc.: A resolution to award Bid No. 15-51 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,725,071.42 for the construction of the Maple Street and Lafayette Street Bridge Rehabilitation Project, to approve a project contingency in the amount of \$172,507.14, and to approve a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. Staff is recommending approval of the contract.

Alderman Gray stated she is delighted that the bridges are being repaired.

Don Marr, Chief of Staff: I was a Council member at the time when this came forward on the bond issue. While we think about it being long, this was actually a project that was supposed to be in the third and final stage. You are getting it early thanks to Mayor Jordan for pushing it and getting federal funding for it. We also got dollars towards it that were originally going to be paid 100% through the local bond that are now with federal matching bridge dollars.

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

Resolution 204-15 as recorded in the office of the City Clerk

Amend Chapter 177 Landscape Regulations: An ordinance to amend Chapter 177 **Landscape Regulations** of the Unified Development Code to adopt regulations prohibiting the installation of certain invasive plant species in new developments that require a landscape plan review and approval by the Urban Forestry Division, and to make certain technical revisions.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance.

Alderman Long: The Environmental Action Committee sent a letter to the Council on October 20, 2015 in support of this. On the exhibit it says, “Cultivars that do not produce flowers or fruit are not considered non-invasive.” Should that be, are not considered invasive?

Peter Nierengarten: Thank you. That is a typo.

City Attorney Kit Williams: I ask you all to amend to this exhibit with that one correction that they are not considered invasive.

Peter Nierengarten: The Urban Forestry Advisory Board also heard this item on October 14, 2015 and recommended that it be forwarded for you all.

Alderman Long moved to amend the ordinance to the new Exhibit A. Alderman Marsh seconded the motion. Upon roll call the motion to amend passed 7-0. Alderman Schoppmeyer was absent.

Jennifer Ogle, Botanist gave a brief description about bamboo species.

Alderman Long: Are there some bamboo species that we would still be able to plant in Fayetteville?

Jennifer Ogle: No.

Alderman Long: Pretty much all bamboo is out?

Jennifer Ogle: All the non-native bamboos. River Cane bamboo is native to Arkansas. It would be an acceptable option.

Peter Nierengarten: River Cane bamboo is the recommended replacement species.

Alderman La Tour: This ordinance would not make the sale of an invasive plant illegal. These prohibitions would not apply to single-family dwelling units. Peter, can you give us your personal assurance as long as you are with the City of Fayetteville that you won't seek to change those?

City Attorney Kit Williams: The only person that can change it, is sitting up here.

Alderman La Tour: He can seek to change it. I want his assurance that he won't do that.

Mayor Jordan: Peter, you don't have to answer that question.

A discussion followed about the different names of bamboo.

Alderman La Tour: I will voting against this.

Sue Madison, Urban Forestry Advisory Board has a Master's Degree in Botany. She stated that her rental properties and church are consistently having to remove invasive plants that they did not plant. She spoke in favor of the ordinance.

Jennifer Ogle stated that invasive plants negatively impact water quality and inhibit forest regeneration. She spoke in favor of the ordinance.

Alan Ostner, Landscape Architect stated he was on the citizen committee that helped Peter work on the project. He spoke in favor of the ordinance.

Kyle Smith, Environmental Action Committee stated he supports the ordinance.

Mayor Jordan: Sue, as a member of the Urban Forestry Advisory Board you have given us a report every year since I have been in office. Every year you tell us we need to develop something to control the invasive plants. Why is it so critically important?

Sue Madison: It is changing the character of our town. When I moved here in 1979 I loved seeing the sassafras and sumac along the side of the road. When you drive down the street now, it is sheared bush honeysuckle and privet. We have fabulous plants that are native to our area. We have native butterflies and birds that need those plants. These plants that are invasive, are native to areas like China, Japan, and Europe.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh expressed her appreciation to the task force that helped develop the ordinance. She stated she hopes that the city goes further to address residential invasive plants.

Alderman Long: This is a good a starting place, but eventually we will have to go further as other communities across the United States are doing right now.

Alderman La Tour spoke in opposition of the ordinance.

Mayor Jordan: John, I apologize I seemed to have been a little bit abrupt with Peter answering your question. The staff works for the Mayor. Whatever they bring before you has been cleared by me.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Ordinance 5820 as Recorded in the office of the City Clerk

Announcements:

Alderman Kinion: Applications are available for various Boards and Commissions. Please get your applications in by November 25, 2015.

Don Marr, Chief of Staff: On November 11, 2015 the city will be closed in observance of Veteran's Day.

The 2016 Budget Session will be on Saturday, November 14, 2015 at 8:00 a.m.

The city was recognized as a 2015 digital city winner using technology to improve service and boost efficiencies.

Alderman Marsh: On Monday, November 16, 2015 Energize Southside will meet at 5:30 p.m. at the new design school.

Alderman Gray gave a brief description of the Civil Rights ordinance.

Alderman Long: In November and December there will be no Ward 4 meetings due to the holidays.

City Attorney Kit Williams: There is a hearing on the case where the city, Mayor Jordan, and all alderman were sued in order to try to overturn the Civil Rights ordinance. The current issue is to be argued on Friday, November 6, 2015. It is a motion to stay the enforcement of the ordinance. I have asked the judge to consider the motion to dismiss.

A discussion followed about who needs to show up at court.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:13 pm

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

UNOFFICIAL



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
Connie Edmonston, Parks and Recreation Director

FROM: Kit Williams, City Attorney

DATE: December 1, 2015

RE: Revised Ordinance and Exhibit A for Parks and Recreation Chapter

Attorney General Rutledge has recently released her Opinion that all exhibits to ordinances must now be published (with the exception of portions of the UDC, fire, plumbing, building codes, etc.). City Clerk Sondra Smith opined this could cost three times as much as her present newspaper publishing budget.

To prevent this massive increase in publishing cost, I have requested staff to shorten exhibits to ordinances to the bare minimum. Therefore, no longer will you see the full proposed newly amended Chapter of the Fayetteville Code, but only the portions of the Chapter — sections or subsections — which have actually been amended as the exhibit to the ordinance. The staff memo will likely still show you highlighted changes and the whole new chapter as an exhibit to their memo, but not to the ordinance.

I have thus revised the originally presented exhibit to the enacting ordinance which had repealed the **Parks and Recreation Chapter** in its entirety and enacted a replacement Chapter. This Exhibit went on for 16 pages. The new Ordinance exhibit is 2 pages long for a substantial publication cost savings for the City Clerk.

Please make a motion to amend both the enacting Ordinance and its Exhibit to what is attached to this memo. You may wish to leave this proposed Ordinance on the second reading unless you are comfortable with the new format. You have seen most of the substantive changes in my November 20, 2015 memo. However, I did make a few other changes:

- (1) Authorizing Fayetteville Police and Animal Control Officers to carry weapons or slings and traps in our parks in § 97.066;
- (2) Authorizing City staff to operate and leave vehicles in City parks in § 97.053; and
- (3) Not repeating the permission for camping for Boy Scouts found in § 97.068 again in § 97.070 (H).

ORDINANCE NO. _____

AN ORDINANCE TO AMEND VARIOUS SECTIONS WITHIN CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION AND USE OF PADDLE BOARDS ON CITY LAKES, TO ALLOW CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

WHEREAS, certain sections of the **Parks and Recreation** chapter of the Fayetteville City Code should be updated to prohibit certain undesirable activities and to authorize certain activities that are appropriate for City parks and to make technical corrections.

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 various sections and subsections of Chapter 97 **Parks and Recreation** of the Fayetteville City Code and enacts replacement sections and subsections of Chapter 97 as shown on Exhibit "A" attached hereto.

PASSED and **APPROVED** this 1st day of December, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit A

The following sections or subsections are repealed and reenacted as shown or amended as shown:

97.015 Operating Hours

- (A) Except for unusual emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. except Shared Use Paved Trails as designated on the Parks and Trails Interactive Map which are open 24 hours every day. Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time.
- (B) Parks and Recreation Staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a tournament or special event.

97.016 Fee For City Park Athletic Facilities and Trails For Tournaments and Special Events

(B) The sponsors of any tournament or special event shall pay a trash and key deposit and arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event in order for deposit to be returned.

97.018 Enforcement By Director, Park Staff, And City Police

The director, park staff and city police shall in connection with their official duties diligently enforce the provisions of this chapter.

97.033 Damaging Trees, Shrubs And Flowers

No person except for City Park and Recreation Department employees or those authorized by the Park and Recreation Director shall damage, cut, climb, carve, injure, transplant or remove any tree, shrub or flower from a city park, nor attach any rope, wire, or other contrivance to any tree or shrub in a city park.

97.037 Refuse And Trash

No person shall bring any refuse or trash into a park. Trash generated by picnicking or other activities in the park shall be placed within proper receptacles if available or carried out of the park for proper disposal.

97.038 Animals to be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park except that all vicious animals and dangerous animals as defined and regulated in Chapter 92 **Animals** may never be allowed to be off leash in any City park. Owners and anyone in control of a pet shall pick up, remove and properly dispose of their pet's waste as also required by § 92.06 **Animal Waste, Offensive Odors Prohibited**.

97.053 Vehicles Prohibited After Closing Hours

No person except City staff shall enter, operate, park, leave or abandon a vehicle within a park after the closing hour of 11:00 p.m. No person except City staff shall operate a vehicle anywhere other than on a paved vehicular road or path designated for vehicular access.

97.066 Hunting And Firearms

No person in a park shall hunt, trap or pursue wildlife at any time; provided that the trapping of muskrats, beavers or other burrowing animals may be permitted on city reservoirs and waterways upon approval of the mayor for the protection of earthen dams. No person except City police and animal control officers shall use, carry, or possess firearms of any description or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife or dangerous to human safety. Bows and arrows will be permitted on archery ranges so designated and supervised by the City.

97.067 Picnic Facilities; Duty Of Picnicker

(A) No person in a park shall use any portion of the park or recreational facilities to the exclusion of other persons; nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded. Use of individual grills, tables, benches, and recreational facilities will generally follow the rule of "first come, first served" unless otherwise scheduled by the Parks and Recreation Department.

97.068 Camping Prohibited

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like. Boy Scouts and other groups who have served the Parks and Recreation Department through approved work programs in parks may be permitted to camp at Lake Sequoyah at the approved campsite as shown on the map if authorized by the Parks and Recreation Director. Tournament Directors of park related sanctioned tournaments may be permitted to camp at the tournament facility site at Walker Park horseshoe, Walker Park baseball, White River baseball, Gary Hampton softball, Regional Park soccer and baseball, and Lake Fayetteville softball, if authorized by the Parks and Recreation Director.

97.069 Horseback Riding

No person in a park shall ride a horse except on designated bridle trails approved by the Parks and Recreation Director. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to go unattended.

97.070 Recreational Activities At Lakes Fayetteville, Sequoyah And Wilson

The first two sentences of (D) are amended as shown:

(D) *Fishing*. All fishing shall be done only from the bank, designated docks or boat. No wading, swimming, paddle boards or belly boats shall be permitted in all City Lakes.

(E) *Boating*. A boating permit for each boat must be purchased before its use on Lake Fayetteville or Lake Sequoyah. All boats must be docked (Lake Fayetteville) or removed from the lake at closing time. No boats except those used by lake employees or the Environmental Study Center will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.

(F) *Place of entry*. All persons boating at Lake Fayetteville and Lake Sequoyah shall enter the lake only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.

The following two sections of (G) are amended as shown:

(G) (2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah and Lake Fayetteville.

(3) No houseboats, paddle boards, water skiing, or jet skis are permitted.

(H) The last sentence of (H) is repealed.

97.086 Vending And Peddling

(B) *Exemptions*. The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages, food and other approved items during an annual event. Sponsors of the Gulley Park Concerts and other Special Events offered by the Parks and Recreation Department may sell food, nonalcoholic beverages, and other approved items during the event when specifically approved by the Parks and Recreation Department Director. Approved merchandise may be sold at special events by performers and hosts if approved in advance by the Parks and Recreation Director. The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A. Organizations the City directly funds, event sponsors and the non-profit Friends of Fayetteville Parks are allowed at no charge to setup a table to distribute information at park events upon approval of the Parks and Recreation Director.

97.088 Signs Prohibited

(B) (2) Adopt-A-Park or Trail groups may post a sign while they are actively working on a park project that provides information about their organization or group. The sign must be approved in advance by the Parks and Recreation Staff.

WG LAND COMPANY LIMITED PARTNERSHIP

PO Box 8157

Fayetteville, Arkansas 72703

TO: Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

DATE: November 30, 2015

RE: RZN 15-5214

Please include the attached timeline in the packet of information for this item on the City Council agenda for 12/1/2015. Thanks.

EVENT TIMELINE
WG LAND COMPANY LIMITED PARTNERSHIP

Dates	Land allocation	Action
1940's to 5/10/2006	137 acres in Johnson 130 acres in Fayetteville	Formation of WG LAND COMPANY on 5/10/2006.
March 4, 2008		Following negotiations with Fayetteville officials, WG Land offers to seek deannexation from Johnson in exchange for the Van Asche Extension being built and commercial zoning.
April 1, 2008		Fayetteville City Council approves the Memo of Understanding regarding WG Land pursuing deannexation in exchange for the Van Asche Extension being built and commercial zoning. Resolution 76-08.
August 21, 2009		WG Land files lawsuit for deannexation.
April, 2010	83 acres in Johnson 183 acres in Fayetteville*	Lawsuit settled with acreage swap between Johnson and Fayetteville, extension of water and sewer services to Johnson, etc. All industrial land in Johnson, all commercial land in Fayetteville.
October, 2013		WG Land enters into a sales and development agreement with a buyer. Development activities included engineering, core drilling, site evaluations, street planning, etc. Contract terminated in part due to lack of commercial zoning.
August 10, 2015		WG Land enters into brokerage agreements.
September 16, 2015		Zoning application filed with Fayetteville.
September 23, 2015		Van Asche Extension dedicated.

An additional 42 acres owned by others inside Johnson city limits was also brought into Fayetteville as part of the settlement.

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, November 24, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

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 [2014-0516](#)

APPROVAL OF THE NOVEMBER 3, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0524](#)

BALL PLAZA HOLDINGS, LLC:

A RESOLUTION TO APPROVE A TWO YEAR SUBLEASE AGREEMENT WITH BALL PLAZA HOLDINGS, LLC FOR TEN PARKING SPACES LOCATED IN OFF-STREET PARKING DEVELOPMENT DISTRICT LOT 7 FOR THE PURPOSE OF CONVERTING THE SPACES FROM METERED PARKING TO FREE TWO HOUR PUBLIC PARKING AT A MONTHLY COST OF \$35.00 PER SPACE

Attachments:

[Ball Plaza Holdings, LLC](#)

[OSPDD Executed Amendment #1](#)

A. 3 [2015-0520](#)

CH2M HILL ENGINEERS, INC. AMENDMENT NO. 7:

A RESOLUTION TO APPROVE AMENDMENT NO. 7 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$7,872,234.00 FOR SERVICES IN 2016

Attachments:

[CH2M 2016 Contract - Agenda Packet](#)

A. 4 [2015-0530](#)

**INTERNET CRIMES AGAINST CHILDREN TASK FORCE
PROGRAM SUB-GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUB-GRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$9,374.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP - 2015 ICAC Award](#)

[BA - 2015 ICAC Award](#)

A. 5 [2015-0538](#)

GARVER, LLC TASK ORDER NO. 5:

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$45,500.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TAXIWAY LIGHTING REHABILITATION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[SRP-2016 Drake Field Taxiway Lighting Rehab](#)

[BA- Garver Consulting](#)

A. 6 [2015-0526](#)

BID NO. 15-62 PERMATRAK NORTH AMERICA:

A RESOLUTION TO AWARD BID NO. 15-62 AND AUTHORIZE A CONTRACT WITH PERMATRAK NORTH AMERICA, LLC OF CHARLOTTE, NORTH CAROLINA FOR THE PURCHASE OF A PREFABRICATED CONCRETE BOARDWALK SYSTEM IN THE AMOUNT OF \$311,678.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE CLABBER CREEK TRAIL BETWEEN RUPPLE ROAD AND SALEM ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,167.00

Attachments:

[2015-0526 - Clabber Creek Trail Boardwalk](#)

A. 7 [2015-0539](#)

RANGER'S PANTRY DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,244.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS

Attachments:

[SRF-SRM PI and RP Recognition](#)

[BA-PI and RP Recognition 12.1.15](#)

A. 8 [2015-0536](#)

BSN SPORTS:

A RESOLUTION TO APPROVE THE PURCHASE OF THIRTY-TWO (32) PAIRS OF SOCCER GOALS FOR THE REGIONAL PARK FROM BSN SPORTS OF DALLAS, TEXAS IN THE AMOUNT OF \$85,623.00, PURSUANT TO A U.S. COMMUNITIES NATIONAL COOPERATIVE PURCHASING PROGRAM CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Soccer Goals - Legistar Packet](#)

[BA \(Agenda Item\) 2015 PARKS REGIONAL PARK SOCCER GOALS 11-12-15](#)

A. 9 [2015-0537](#)

WALKER PARK NEW DISC GOLF COURSE - WAXHAWS DISC GOLF:

A RESOLUTION TO NAME THE NEW DISC GOLF COURSE AT WALKER PARK THE WAXHAWS DISC GOLF COURSE IN HONOR OF THE HISTORIC ARCHIBALD YELL HOMESTEAD

Attachments:

[Waxhaws - Legistar Packet](#)

B. Unfinished Business:

B. 1 [2015-0469](#)

AMEND CHAPTER 97 PARKS AND RECREATION:

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:

[Exhibit A - Proposed Chapter 97](#)

[Legistar Packet - Chapter 97](#)

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

B. 2 [2015-0463](#)

**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS
AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:

[CC packet - Bicycle Ordinance Amendments](#)

[Bicycle Ordinance Package CC Memo - Amendment Package w out Map](#)

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

C. New Business:

C. 1 [2015-0543](#)

LIB HORN ANIMAL SHELTER OF FAYETTEVILLE:

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments:

[Agenda Packet Rename Animal Shelter](#)

C. 2 [2015-0522](#)

YOUTH CENTER, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2016

Attachments:

[B&G Club - Legistar Packet](#)

C. 3 [2015-0535](#)

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$101,205.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2016

Attachments:

[AAA - Legistar Packet](#)

C. 4 [2015-0531](#)

AMBULANCE SERVICES INTERLOCAL AGREEMENT:

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES BY AND WITH THE CITY OF FAYETTEVILLE, THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, WASHINGTON COUNTY, ELKINS, ELM SPRINGS, FARMINGTON, GOSHEN, GREENLAND, JOHNSON, LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, AND WINSLOW, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

Attachments:

[SRF SRM Interlocal Agreement](#)

C. 5 [2015-0533](#)

**RZN 15-5223: (SE CORNER OF W. MLK BLVD. & S. STADIUM
DR./STADIUM & RAILROAD, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5223 FOR APPROXIMATELY 2.53 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MARTIN LUTHER KING BOULEVARD AND SOUTH STADIUM DRIVE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments:

[15-5223 CC EXHIBITS](#)

[15-5223 CC DOCUMENTS](#)

C. 6 [2015-0544](#)

**RZN 15-5214: (WEST OF N. GREGG AVE. & W. VAN ASCHE
DR./WG LAND COMPANY) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5214 FOR APPROXIMATELY 186.65 ACRES LOCATED WEST OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:

[15-5214 EX A](#)

[15-5214 EX B](#)

[15-5214 CC reports](#)

[RZN 15-5214 City Attorney Memo](#)

C. 7 [2015-0545](#)

**RZN 15-5209: (NE CORNER OF MCGUIRE ST. & VAN ASCHE
DR./MCCLINTON) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5209 FOR APPROXIMATELY 18.34 ACRES LOCATED AT THE NORTHEAST CORNER OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:

[15-5209 EX A](#)

[15-5209 EX B](#)

[15-5209 CC reports](#)

D. City Council Agenda Session Presentations:

D. 1 [2015-0519](#)

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT
QUARTERLY REPORT

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 479-575-8330.

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



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 10 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0524

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

BALL PLAZA HOLDINGS, LLC:

A RESOLUTION TO APPROVE A TWO YEAR SUBLEASE AGREEMENT WITH BALL PLAZA HOLDINGS, LLC FOR TEN PARKING SPACES LOCATED IN OFF-STREET PARKING DEVELOPMENT DISTRICT LOT 7 FOR THE PURPOSE OF CONVERTING THE SPACES FROM METERED PARKING TO FREE TWO HOUR PUBLIC PARKING AT A MONTHLY COST OF \$35.00 PER SPACE

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 year sublease agreement with Ball Plaza Holdings, LLC for ten parking spaces located in Off-Street Parking Development District Lot 7 for the purpose of converting those spaces from metered parking to free two hour public parking at a monthly cost of \$35.00 per space.

City of Fayetteville Staff Review Form

2015-0524

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Melissa Elmore

11/5/2015

Parking & Telecommunications /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approving the Sublease Agreement with Ball Plaza Holdings, LLC. The term will be for two (2) years. The City will convert ten (10) metered parking spaces in Lot 7 to free 2 hour parking in a 4 hour time frame. Ball Plaza Holdings, LLC will pay rent of \$35.00 per space per month. Spaces will remain 'Public Parking'.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CONTRACT REVIEW MEMO

TO: Mayor Lioneld Jordan

THRU: Peter Nierengarten, Sustainability & Resilience Department Director

FROM: Melissa Elmore, Parking Management *ME*

DATE: November 5, 2015

SUBJECT: Approve Sublease Agreement with Ball Plaza Holdings, LLC

RECOMMENDATION:

Staff recommends approving the Sublease Agreement with Ball Plaza Holdings, LLC. The term of this Sublease Agreement will be for two (2) years.

BACKGROUND:

In March of 2015, Ball Plaza Holdings, LLC, requested approval from the Off-Street Parking Development District #1 (the "District") to convert ten (10) metered parking spaces in their Lot 7 to free 2 hour parking during any 4 hour period. In exchange for the conversion of these ten (10) metered parking spaces, Ball Plaza Holdings, LLC agreed to pay \$35.00 per space per month. Approval was given by the District through their acceptance of the Amendment #1 to Lease Agreement between the City of Fayetteville and the District that was executed on October 30, 2015.

The Sublease Agreement provides for the City to convert ten (10) metered parking spaces in Lot 7 (Exhibit A) to free 2 hour parking during any 4 hour period, provide parking enforcement for those spaces and collect the monthly rental amount of \$350.00 from Ball Plaza Holding, LLC. The spaces will remain 'Public' parking. At the end of the two (2) years, unless an extension is mutually agreed upon, the spaces will revert back to paid parking.

BUDGET/STAFF IMPACT:

There is no budget impact. The annual monthly rental of \$4,200.00 will become a part of the 'net operating revenues' that are paid back to the District on a quarterly basis.

SUBLEASE AGREEMENT

This Agreement, made and entered into this _____ day of _____ 2015, by and between the City of Fayetteville, Arkansas, a Municipal Corporation, 113 W. Mountain, Fayetteville, Arkansas, as Sublessor, and Ball Plaza Holdings, LLC, 15 South Block Ave. Suite 201, Fayetteville, AR 72701, as Sublessee, **and Witnesseth:**

1. **Leased Premises.** For and in consideration of the rents, covenants and agreements herein entered into and agreed upon by Ball Plaza Holdings, LLC as obligations to the City of Fayetteville, the City of Fayetteville lets, leases and demises unto Ball Plaza Holdings, LLC, subject to the terms and conditions contained herein, the following described property situated in Washington, County, Arkansas:

Ten (10) parking spaces, as set forth on Exhibit "A" attached hereto, located in the Off-Street Parking Districts Lot 7, west of the Ball Plaza Building between Meadow, Church, and Center Streets, a/k/a/ 185 West Meadow Street, Fayetteville, Arkansas.

The same being a portion of the lands leased to the City of Fayetteville by the Off-Street Parking Development District No. 1, to have and to hold said premises unto Ball Plaza Holdings, LLC for and during the term herein stated, subject to the covenants, terms, conditions and liens herein contained.

2. **Term.** This term shall commence on November 15, 2015, and shall extend for a term of two (2) years, ending at midnight on November 14, 2017. The term of this lease may be terminated early or extended only upon the mutual agreement of Ball Plaza Holdings, LLC and the City of Fayetteville.

3. **Rent.** Ball Plaza Holdings, LLC agrees to pay to City of Fayetteville as rental for the term of this lease the sum of \$35.00 per space per month. Each monthly payment is due in advance and payable on or before the first of each month. A late fee shall be imposed, at the highest rate allowable by law, on all payments which are not received by City of Fayetteville within five (5) business days from the due date.

4. **Use.** Ball Plaza Holdings, LLC agrees to use the lease premises only for the purpose of vehicle parking for use by the general public, with the understanding that, upon execution of this agreement, the parking spaces will be converted from metered parking to unpaid parking for up to two hours during any four hour period. The City of Fayetteville will provide parking enforcement for this parking area.

5. **Improvements.** Improvements to this parking area may only be made by, or with the approval of, the Off-Street Parking Development District No. 1, which is the owner of this lot, or by its successors or assigns.

6. **Assignment.** Ball Plaza Holdings, LLC shall not assign this sublease or sublet the leased premises without prior written consent of the City of Fayetteville. Consent for any assignment or subletting shall only be considered at the same rates as established in Paragraph 3 above. Any such assignment or subletting shall in no way relieve Ball Plaza Holdings, LLC from liability for the obligation imposed by this lease. Ball Plaza Holdings, LLC may only be released from liability by a specific written release executed by City of Fayetteville.

7. **Holdover.** Ball Plaza Holdings, LLC hereby agrees that upon termination of this lease by expiration or by earlier termination for any reason whatsoever, the parking spaces will be converted back to metered parking. In the event Ball Plaza Holdings, LLC shall be permitted by City of Fayetteville to hold over after the expiration or termination of this lease, said holding over, in the absence of any written agreement to the contrary, shall be construed as a tenancy from calendar month to calendar month at a monthly rental equal to the rental for the last month paid under this lease, or as may be amended on the anniversary of the term set forth in Paragraph 2 above. A month-to-month tenancy arising by Ball Plaza Holdings, LLC's holding over under this paragraph may be terminated by written notice from either party to the other party on or before the day on which any monthly rent is due with termination not becoming effective until the day on which the next following monthly rental would have otherwise become due.

8. **Termination.** The City of Fayetteville hereby reserves the right to terminate this Sublease at any time during the term of this Sublease if payment of rent in accordance with Paragraph 3 above is not received within five (5) business days from the due date. If the sublease is terminated, the parking spaces will be immediately re-converted to metered parking.

9. **Non-Waiver.** It is agreed that the failure of City of Fayetteville to invoke any of the available remedies under this sublease or under law in the event of one or more breaches or defaults by Ball Plaza Holdings, LLC under the lease shall not be construed as a waiver of such provisions and conditions and shall not prevent City of Fayetteville from invoking such remedies in the event of any future breach or default.

10. **Succession.** This lease agreement shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors and assigns.

11. **Severability.** Each paragraph of this lease agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs will remain in full force and effect.

12. **Interpretation.** This lease agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

13. **Entire Agreement.** This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto. This lease agreement supersedes all prior agreements, contracts and understandings of any kind between the parties relating to the subject matter hereof. This agreement may be executed in all or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the date first written above.

CITY OF FAYETTEVILLE:

By: _____
LIONELD JORDAN, Mayor

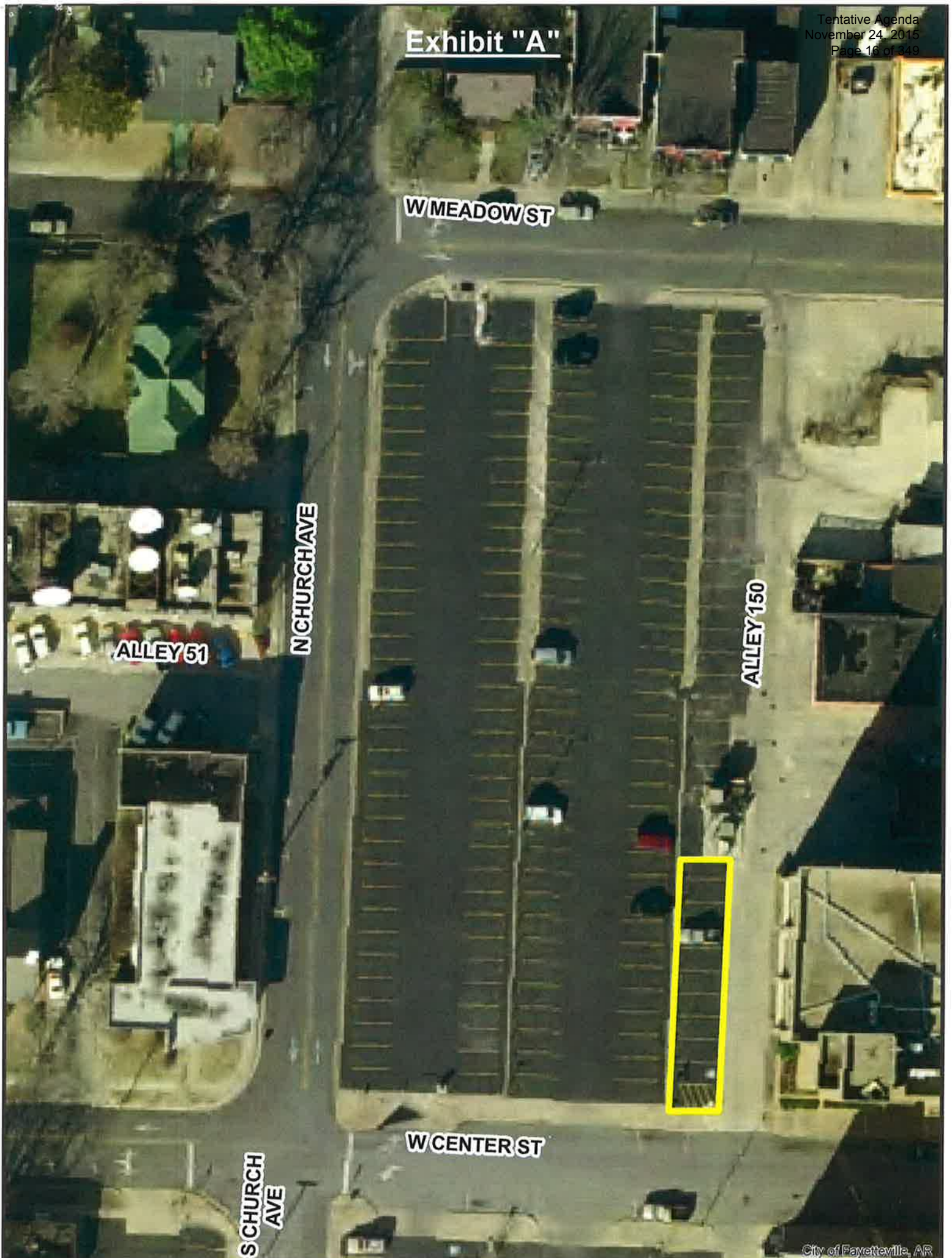
ATTEST:

By: _____
SONDRA SMITH, City Clerk

BALL PLAZA HOLDINGS, LLC

By: *Ted Beldan*
Printed Name: TED BELDAN
Title: *Managing Member*

Exhibit "A"



AMENDMENT #1 TO LEASE AGREEMENT

BE IT KNOWN TO ALL:

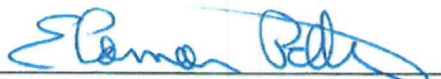
That the City of Fayetteville, Arkansas (the "City") and the Off-Street Parking Development District No. 1 of the City of Fayetteville, Arkansas (the "District"), on this 30th day of October, 2015, hereby agree that their Lease Agreement of October 29, 2009, shall be amended by extending the term of the Lease Agreement retroactively from October 30, 2014, for a term of one (1) year from the effective date of this Amendment as set forth above, after which it shall automatically renew for four (4) additional one (1) year terms, unless the parties, by mutual agreement, choose to amend or terminate the Lease Agreement prior to the expiration of the then current term.

Ten (10) metered spaces adjacent to the Ball Plaza building, as shown in the attached Exhibit "A", will be converted by the City to allow free public parking for up to two hours during any four hour period from 8:00 a.m. until 6:00 p.m. on Monday through Friday. The City of Fayetteville is responsible for collecting payment from Ball Plaza Holdings, LLC, which has agreed to sublease the spaces and pay \$35.00 per space per month for the conversion of the metered spaces. Meters will be reinstalled by the City and free public parking will end for these spaces two (2) years from the effective date of sublease unless Ball Plaza Holdings, LLC and the City of Fayetteville, by mutual agreement, choose to extend or terminate the sublease before that time, or if payment is not received by the City of Fayetteville in accordance with the sublease. OSPD By:

The parties agree and understand that this Amendment is supplemental to their Lease Agreement of October 29, 2009, 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.

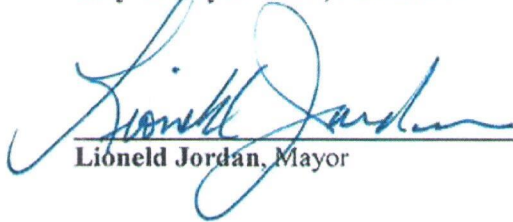
Off-Street Parking Development District
No. 1 of the City of Fayetteville, Arkansas


Chairman of the Board of Improvement

WITNESS:


James A. Williams

City of Fayetteville, Arkansas


Lioneld Jordan, Mayor

ATTEST:

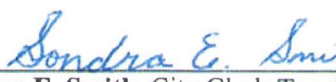

Sondra E. Smith, City Clerk-Treasurer

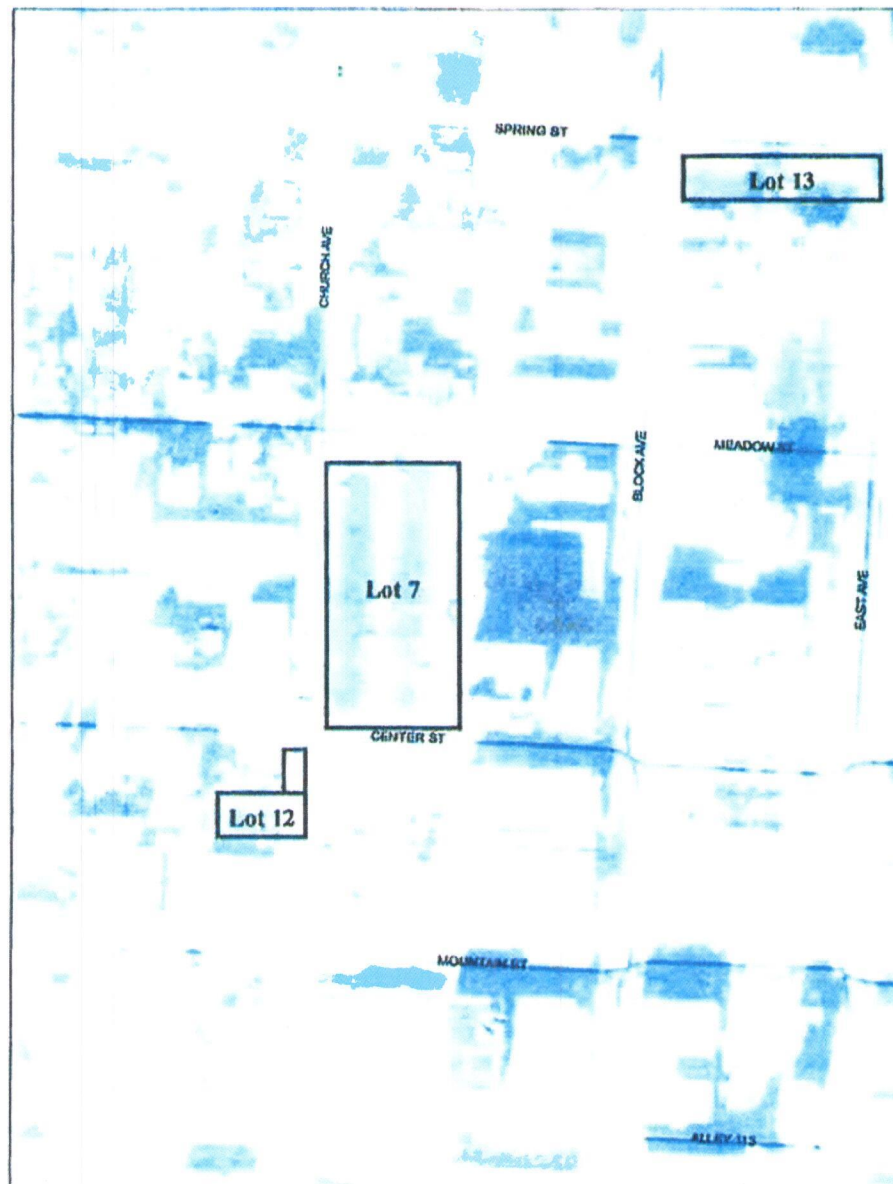


Exhibit A Off-Street Parking District Lots

Lot 7 = lots 7, 8, 9, and 10 in Block 17 of original Town Plat of Fayetteville, Arkansas (parcels: 765-01849-000, 765-01850-000, 765-01851-000, 765-01852-000, 765-01853-000, 765-01854-000, 765-01855-000)

Lot 12 = lot 1 and part of lot 2 in Block 25 of original Town Plat of Fayetteville, Arkansas (parcel: 765-01914-000)

Lot 13 = lots 1 and 2 in Block 13 of original Town Plat of Fayetteville, Arkansas (parcels: 765-01794-000, 765-01795-000)







City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 20 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0520

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

CH2M HILL ENGINEERS, INC. AMENDMENT NO. 7:

A RESOLUTION TO APPROVE AMENDMENT NO. 7 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$7,872,234.00 FOR SERVICES IN 2016

WHEREAS, the City Administration has concluded that utility engineering services can be more efficiently delivered by City employees and desires to remove that from the scope of services to be performed by CH2M HILL Engineers, Inc. ("CH2M"); and

WHEREAS, an incentive provision has been included in Amendment No. 7 whereby budget savings are distributed 87.5% to the City and 12.5% to CH2M in order to encourage cost saving operations.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 7 to the Agreement for Operations, Maintenance and Management Services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. in the amount of \$7,872,234.00 for services in 2016.

City of Fayetteville Staff Review Form

2015-0520

Legistar File ID

12/1/2015

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

Tim Nyander

11/12/2015

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

City Administration recommends approval of Contract Amendment No. 7 with CH2M Engineers, Inc. beginning January 1, 2016 and ending December 31, 2016.

Budget Impact:

5400.XXXX.5328.00

Water/Sewer

Account Number

Fund

04048.XXX

CH2M Hill Contract Expenses Project

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 7,872,234.00

Funds Obligated \$ -

Current Balance \$ 7,872,234.00

Does item have a cost? Yes

Item Cost \$ 7,872,234.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 93-14

Original Contract Number: 2305

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

FROM: Tim Nyander, Utilities Director *TN*

DATE: November 12, 2015

SUBJECT: Approval of Contract Amendment No. 7 with CH2M HILL Engineers, Inc. beginning January 1, 2016 and ending December 31, 2016 with an annual cost of \$7,872,234.00 for 2016.

RECOMMENDATION:

City Administration recommends approval of Contract Amendment No. 7 with CH2M HILL Engineers, Inc. beginning January 1, 2016 and ending December 31, 2016.

BACKGROUND:

When the original Noland WWTP upgrade was completed in 1987, the City contracted with OMI (now CH2M) for wastewater treatment services. The scope of services provided by CH2M HILL include: (1) operate and maintain the Noland and West Side Wastewater Treatment Plants (WWTP); (2) operate and/or maintain 43 wastewater pump station sites; (3) administer the City's NPDES discharge, air, stormwater, and other permits; (4) manage the City's biosolids disposal program; (5) manage the City's industrial pretreatment program; (6) support the SCADA (supervisory control and data acquisition system) network that monitors water and wastewater facilities; (7) pursue operation economies, efficiencies, and permit compliance; and (8) participate in the construction and post-construction work of the Wastewater System Improvement Project (WSIP). In late 2009, the City underwent a rigorous selection process with three competitive proposals. The selection committee selected CH2M HILL for a five year contract and two subsequent five year extensions subject to City review and approval. Contract Amendment No. 6 was implemented for 2015 which updated the scope of services to include utility engineering services, and exercised the first of two available five-year extensions of the overall contract beginning January 1, 2015. City staff has now reached the conclusion that engineering services can be more efficiently delivered by City employees, so this scope has been removed from the CH2M HILL contract for 2016. To encourage cost saving operations, the contract contains an incentive provision whereby budget savings are distributed 87.5% to the City and 12.5% to CH2M HILL. The overall contract price has decreased from the amended total 2015 contract price by 0.4% or \$30,308, due to the reduction in overall scope. The net increase from 2015 to 2016 for the remainder of the scope is approximately 1.8% or \$140,268 with much of this increase due to an anticipated 10% increase in the cost of electricity.

DISCUSSION:

Throughout the transition period created by the unforeseen departures of the City's Utility Engineer and Utility Director in early 2014, CH2M HILL provided stable engineering support for the Wastewater Utility. However, now that a new Utility Director has become firmly established and his former Operations position backfilled with an experienced and competent individual, City Staff is confident that these services can be more efficiently delivered with in-house personnel. This Amendment No. 7 anticipates that the CH2M HILL scope of services will return to the level that existed prior to the recent transitional period.

BUDGET/STAFF IMPACT:

Funds are available within the 2016 Wastewater Treatment Plant operational budget.

ATTACHMENTS:

Staff Review Form
PO Request
Signed Contract Amendment No. 7

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date:	
							P.O Number:			
Vendor #: 20708			Vendor Name: CH2M Engineers, Inc.				Mail ☒ Yes ☐ No		Legistar#: 2015-0520	
Address: 1500 International Dr.				FOB Point:		Taxable ☐ Yes ☒ No				
City: Spartanburg			State: SC		Zip Code: 29303	Ship to code: Fay	Quotes Attached ☐ Yes ☐ No		Expected Delivery Date:	
Requester: Cheryl Partain					Requester's Employee #: 2548		Extension: 8224			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2016 Contract for Management of the City's Wastewater Treatment Facilities- Administration & SCADA	12	EA	94,866.58	1,138,399.00	5400.5100.5328.00	48048.510			
2	Noland WWTP Operations and Management Program	12	EA	174,941.67	2,099,300.00	5400.5110.5328.00	48048.511			
3	West Side WWTP Operations and Management Program	12	EA	94,617.92	1,135,415.00	5400.5120.5328.00	48048.512			
4	WWTP Lab & Industrial Pretreatment	12	EA	42,092.58	505,111.00	5400.5130.5328.00	48048.513			
5	Lift Station Utility & Maintenance	12	EA	68,130.67	817,568.00	5400.5140.5328.00	48048.514			
6	Fixed Fee	12	EA	11,656.00	139,872.00	5400.5100.5328.00	48048.510			
7	Biosolids Management Site Program	12	EA	128,007.42	1,536,089.00	5400.5110.5328.00	48048.515			
8	Lake Sequoyah Sediment Removal	12	EA	41,706.67	500,480.00	5400.5100.5328.00	48048.516			
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions: THIS IS A 2016 PO REQUEST FOR THE CH2M CONTRACT /cp							Subtotal: <u>\$7,872,234.00</u>			
							Tax: <u>\$0.00</u>			
							Total: <u><u>\$7,872,234.00</u></u>			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				

AMENDMENT NO. 7 TO AGREEMENT
For
OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
CH2M HILL ENGINEERS, INC.

THIS AMENDMENT NO. 7 to the Agreement for Operations, Maintenance and Management Services between the City of Fayetteville, Arkansas, Wastewater Treatment Facilities and its pertinent systems dated December 15, 2009 (the "Agreement"), is made effective on the 1st day of January, 2016, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter "City of Fayetteville") and CH2M HILL Engineers, Inc., (hereinafter "CH2M HILL")

NOW THEREFORE, the City and CH2M HILL hereby amend the Agreement as follows:

1. Appendix A is attached for informational purposes only.
2. Appendix B is attached for informational purposes only.
3. Appendix C is hereby deleted in its entirety and replaced with the attached Appendix C.
4. Appendix D is hereby deleted in its entirety and replaced with the attached Appendix D.
5. Appendix E is hereby deleted in its entirety and replaced with the attached Appendix E.
6. Appendix F is attached for informational purposes only.
7. Appendix G is hereby deleted in its entirety and replaced with the attached Appendix G.
8. Appendix H is hereby deleted in its entirety and replaced with the attached Appendix H.
9. Appendix I is attached for informational purposes only.
10. Appendix J is hereby deleted in its entirety and replaced with the attached Appendix J.

This Amendment No. 7, together with prior Amendments and the Agreement, constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

Officer have made and executed this Agreement as of the day and year first above written.

CH2M HILL ENGINEERS, INC.

CITY OF FAYETTEVILLE, ARKANSAS

By: Scott Neelley
Name: Scott Neelley
Title: Senior Designated Manager
Date: 10/30/15

By: _____
Name: Lioneld Jordan, Mayor
Title: Mayor
Date: _____

ATTEST:

By: _____
Name: Sondra Smith
Title: City Clerk
Date: _____

Appendix A

LIST OF APPENDICES

Appendix A – List of Appendices

Appendix B – Definitions

Appendix C – Scope of Services

Appendix D – Compensation for Services

Appendix E – Location of Project

Appendix F – Environmental Permits and Project Characteristics

Appendix G – Industrial Waste Discharges and Monitoring Program

Appendix H – Vehicle and Mobile Equipment Description (Rolling Stock)

Appendix I – Base Fee Adjustment

Appendix J - Lake Sequoyah Dredging Project – Scope of Work

Appendix B

DEFINITIONS

- B.1 “Adequate Nutrients” means plant influent nitrogen, phosphorus and iron contents proportional to BOD₅ in the ratio of five (5) parts nitrogen, one (1) part phosphorus, and one half (0.5) part iron for each one hundred (100) parts BOD₅.
- B.2 “Base Fee” means all costs within the scope of the contract, on an annual basis, including direct costs, labor, utilities, and other allocated costs.
- B.3 “Biologically Toxic Substances” means any substance or combination of substances contained in the plant influent in sufficiently high concentrations so as to interfere with the biological processes necessary for the removal of the organic and chemical constituents of the wastewater required to meet the discharge requirements of City of Fayetteville’s NPDES permit. Biologically toxic substances include but are not limited to heavy metals, phenols, cyanides, pesticides, and herbicides.
- B.4 “Capital Expenditures” means any expenditures for (1) the purchase of new equipment or facility items that cost more than Ten Thousand Dollars (\$10,000); or (2) major repairs which significantly extend equipment or facility service life and cost more than Ten Thousand Dollars (\$10,000); or (3) expenditures that are planned, non-routine and budgeted by City of Fayetteville.
- B.5 “Cost” means the total of all costs determined on an accrual basis in accordance with generally accepted accounting principles including but not limited to direct labor, insurance, labor overhead, chemicals, materials, supplies, utilities, equipment, maintenance, repair, and outside services.
- B.6 “Electrical Evaluation” will be limited to amperage draws, winding resistance measurements, thermographic evaluations, and current and voltage imbalance.
- B.7 “Fixed Asset” means any tangible property that has a value of Five Thousand Dollars (\$5,000) or more and is depreciable. This excludes the repair/replacement parts that are components of a greater fixed asset.
- B.8 “Maintenance” means the cost of those routine and/or repetitive activities required or recommended by the equipment or facility manufacturer or CH2M HILL to maximize the service life of the equipment, vehicles, and facilities as listed in Appendix E.
- B.9 “Out of scope” services will include “capital expenditures” (definition B.4 of this Appendix), added or modified regulatory requirements (that are not contained in the applicable permits), changes to improve efficiency and/or generate income, or other services not described in the contract and requested by the City of Fayetteville. These services shall be performed as stated in Appendix C. Should “Out of Scope Services” become a permanent and ongoing requirement, CH2M HILL will submit a change of scope request within a reasonable amount of time in accordance with Paragraph 1.6 of the Agreement.
- B.10 “Project” means all equipment, vehicles, grounds and facilities described in Appendix E and where appropriate, the management, operations and maintenance of such.

- B.11** “Repairs” means the cost of those non-routine/non-repetitive activities required for operational continuity, safety, and performance generally due to failure or to avert a failure of the equipment, sewer, vehicle, or facility or some component thereof; cost less than ten thousand dollars (\$10,000); and are not included in definition B.4 of this Appendix. “Repairs” exclude cost of repair parts caused by storm damage to the supervisory control and data acquisition (SCADA) system.

Appendix C

SCOPE OF SERVICES

C.1 SCOPE OF SERVICES – CH2M HILL

- C.1.1 Perform professional services in connection with the Project as hereinafter stated.
- C.1.2 Operate and maintain all facilities over a 24-hour per day, 7-day per week period, under full service contract operations and maintenance. Operations may be performed with on-site staff and/or remote monitoring/on-call services for all or portions of this time.
- C.1.3 Within the design capacity and capability of the Project, manage, operate, and maintain the Project so that effluent discharged from the Project meets the requirements specified in Appendix F.
- C.1.4 Operate and maintain the present Industrial Pretreatment Program including all monitoring, inspections, sampling, testing, reporting, and record keeping as described in Appendix G. Results of all industrial sampling and testing shall be made available to City of Fayetteville as requested.
- C.1.5 Provide all Maintenance for the Project. Document as required to continue existing maintenance program and to provide City of Fayetteville requested reporting, including but not limited to updated preventative maintenance schedules. City of Fayetteville shall have full access to preventative maintenance records.
- C.1.6 Pay all costs incurred within the scope of normal Project operations as defined in this Agreement.
- C.1.7 Staff the Project with a minimum of three (3) Arkansas Class IV Wastewater licensed operators.
- C.1.8 Prepare all NPDES permit and other pertinent regulatory reports, letters, or other correspondence, and submit these to City of Fayetteville for signature and approval. Transmittal to appropriate agencies shall be done by CH2M HILL, except for electronic reporting via NETDMR. Any fines levied because of late reports as a result of CH2M HILL's failure to complete and allow sufficient time for City of Fayetteville's signature and transmittal shall be paid by CH2M HILL. Submittal to the City of Fayetteville by the 15th of the month following the reporting period shall be considered timely.
- C.1.9 Provide for proper disposal of screening, scum, grit, and biosolids in compliance with permit and regulatory requirements, as long as a suitable location for such disposal is reasonably available. Should regulations and/or disposal/application options significantly change, projected costs will be revised by mutual agreement.
- C.1.10 Provide all manufacturers' warranties on new equipment purchased by the City of Fayetteville and assist the City of Fayetteville in enforcing existing equipment warranties and guarantees.
- C.1.11 Be responsible for all laboratory testing and sampling presently required by the NPDES permits, stormwater permits, "no discharge" permits, and other related requirements.
- C.1.12 Provide an inventory of vehicles and equipment (rolling stock) that are being used at the Project at the beginning of each contract year.

- C.1.13 Provide twenty four (24) hour per day access to Project for City of Fayetteville's personnel. Visits may be made at any time by any of City of Fayetteville's employees so designated by City of Fayetteville's representative. Keys for Project shall be provided to City of Fayetteville by CH2M HILL. All visitors to the Project shall comply with CH2M HILL's operating and safety procedures.
- C.1.14 Provide for the maintenance of existing City of Fayetteville rolling stock such as dump trucks, tractors, and trailers that are necessary for the operations and maintenance of the facilities.
- C.1.15 Provide training for personnel in areas of operation, maintenance, safety, supervisory skills, laboratory, and energy management. Continue the current project safety program with updates as necessary.
- C.1.16 Provide computerized maintenance, process control, and laboratory management systems.
- C.1.17 Comply with the requirements of City of Fayetteville regarding affirmative action provisions for minority hiring.
- C.1.18 Provide City of Fayetteville with a full accounting of all expenditures at intervals and in sufficient detail as may be determined by City of Fayetteville and assist City of Fayetteville in preparation of annual operating budgets. City of Fayetteville shall be allowed to conduct or have conducted audits of all accounting records related to the direct contract operations of this Agreement at times to be determined by City of Fayetteville.
- C.1.19 Provide City of Fayetteville with full documentation that preventative maintenance is being performed on all City of Fayetteville equipment in accordance with manufacturer's recommendations at intervals and in sufficient detail as may be determined by City of Fayetteville. Maintenance program shall include documentation of corrective and preventive maintenance and a spare parts inventory.
- C.1.20 Provide for repairs as described in the Appendix B.11.
- C.1.21 Maintain the SCADA system as described in Appendix E, to include ongoing updates and upgrades of the software and hardware to ensure operational continuity and in accordance with initiatives as agreed upon by the City of Fayetteville and CH2M HILL.
- C.1.22 Verify the capacity and efficiency of each sewer lift station once per calendar year.
- C.1.23 Provide recommendations for Capital Improvements Program (CIP) with a schedule for improvements and expenditures as requested by the City of Fayetteville. A five (5) year schedule will be presented for all capital improvements and ten (10) year projections will be made for major improvements. These recommendations will be based on requirements determined from facility operations and does not include detailed engineering studies. In addition, CH2M HILL will prepare the required forms and documentation required during budget and capital improvements budget preparation time each year. Except for the improvements requiring an engineering study, the following will be included for each project:
- Improvement needed
 - Justification of improvements
 - Cost of improvements
 - Any projected increase or decrease in O&M costs created by the CIP
 - Proposed expenditure schedule

- Proposed capital recovery schedule
 - Impact of early termination
- C.1.24 Perform other services that are related to but not part of the Scope of Services upon written notification by City of Fayetteville. Such services will be invoiced to City of Fayetteville at CH2M HILL's cost plus eighteen percent (18%).
- C.1.25 At the direction of the City of Fayetteville, CH2M HILL is authorized to act in emergency situations outside this Scope of Services, at CH2M HILL's discretion. The costs related to emergency services are not included in the compensation set forth in this Agreement. CH2M HILL will notify City of Fayetteville as soon as reasonably possible, and shall be compensated by City of Fayetteville for any such emergency work at CH2M HILL's costs for the emergency work plus twenty-two percent (22%).
- C.1.26 Provide City of Fayetteville with oral and written reports as requested.
- C.1.27 Operate and maintain all existing wastewater lift station facilities including buildings, grounds, backup power generators, and certain other appurtenances within the site fenced area. However, maintenance of inlet and outlet pipeworks shall terminate at the wall of lift station. Should the City of Fayetteville add in excess of three (3) additional lift stations, from the prior contract year's number of sites, a corresponding change of scope will be negotiated.
- C.1.28 Conduct annual electrical evaluations of electrical units of 25 horsepower or more which operate at supply voltages of 480V or less to ground.
- C.1.29 CH2M HILL will comply with present federal, state, and local laws in performing their obligations under the terms of this Agreement. CH2M HILL and City of Fayetteville will work cooperatively regarding the application and impact of potential changes in law, including the potential cost impact on the scope of work, and mutually revise this Agreement as applicable.
- C.1.30 Coordinate and schedule the use of training rooms at both wastewater treatment facilities.
- C.1.31 Conduct community outreach and education activities including cooperative efforts with the University of Arkansas as appropriate.
- C.1.32 Maintain compliance with other existing environmental permits as described in Appendix F.
- C.1.33 Maintain the industrial surcharge program and provide for monitoring and control of septage deliveries, as provided for in the City of Fayetteville's Code of Ordinances, Discharge and Pretreatment Regulations.
- C.1.34 The parties contemplate that minor design/engineering services may be provided by CH2M HILL from time to time. The scope and compensation for such services shall be mutually negotiated by the parties prior to the commencement of work.
- C.1.35 Operate and maintain the ongoing nutrient removal efforts at the City of Fayetteville's Biosolids Management Site, including managing harvesting and marketing the hay produced on the site. Biosolids Management Site maintenance shall also include compliance with the current "no discharge" permit.
- C.1.36 Operate and maintain existing onsite power generators at all existing sites, including maintaining compliance with off-peak power rate structure monitoring and generation requirements.

- C.1.37 Operate and maintain the biosolids drying operation, which includes 6 solar houses and a thermal biosolids dryer.
- C.1.38 Coordinate the marketing and/or disposal of the dried biosolids produced from the drying operations as appropriate.
- C.1.39 Coordinate the application of alum sludge from Beaver Water District and invoicing for the services as appropriate.
- C.1.40 Check the condition of and replace the odor canisters that are part of the air release valves in the collection system, as needed. The mechanical condition of these valves will be maintained by the Fayetteville Water and Sewer Division.
- C.1.41 Provide site monitoring activities as directed for Woolsey Wet Prairie to assure that the site continues to meet ecological performance standards.
- C.1.42 Provide maintenance to the White River streambank restoration site near the Biosolids Management Site, as well as support for the pending restoration site near the Noland treatment plant, as contract budget allows.
- C.1.43 Reserved
- C.1.44 Reserved
- C.1.45 Provide incidental small scale support as directed to various not-for-profit groups on issues important to the City of Fayetteville.

C.2 SCOPE OF SERVICES – CITY OF FAYETTEVILLE

- C.2.1 Provide for all Capital Expenditures except for the Projects that City of Fayetteville may authorize CH2M HILL to implement subject to mutually agreeable terms and conditions of repayment.
- C.2.2 Maintain all existing and necessary Project warranties, guarantees, easements, permits, and licenses that have been granted to City of Fayetteville with the proviso that CH2M HILL remains primarily responsible to ensure that the wastewater plants are efficiently, properly and professionally operated so that they will not suffer a loss of permits or licenses.
- C.2.3 Pay all property or other taxes or franchise fees associated with the Project. This excludes taxes to be borne by CH2M HILL for equipment owned by CH2M HILL.
- C.2.4 May provide CH2M HILL within a reasonable time after request any piece of City of Fayetteville's heavy equipment, subject to availability, so that CH2M HILL may fulfill its obligations under this Agreement in the most cost-effective manner.
- C.2.5 Provide all licenses for vehicles used in connection with the Project.
- C.2.6 Provide for CH2M HILL's use all vehicles and equipment presently in use at the Project, including the vehicles described in Appendix H.
- C.2.7 Pay for all wastewater lift station utilities, with the exception of electricity.

- C.2.8 Pay for all gasoline, diesel, and propane for backup power generators and all rolling stock provided by City of Fayetteville, except for the biosolids semi-tractors.
- C.2.9 Pay for all regulatory fees.

Appendix D

COMPENSATION FOR SERVICES

- D.1 CH2M HILL estimates that Base Fee for services, on an annual basis, under this Agreement for 2016 shall be Seven Million Eight Hundred Seventy Two Thousand, Two Hundred Thirty Five Dollars (\$7,872,235). Details of said cost are shown in D.4 below. Thereafter, the Base Fee shall be negotiated each year. Should City of Fayetteville and CH2M HILL fail to agree, the Base Fee will be determined by the application of the Base Fee adjustment formula shown in Appendix I. Upon each contract year renegotiation, CH2M HILL shall continue to invoice City of Fayetteville at the previous amount until the new contract year price is agreed upon. Upon written notice, agreement between the parties as to the new contract year Base Fee, CH2M HILL shall issue an invoice retroactively adjusting the previous Base Fee amount. Should the actual expenditures exceed the total estimated annual expenditures by more than Twenty Thousand Dollars (\$20,000), in any year of this Agreement, specific approval will be obtained from the City of Fayetteville prior to CH2M HILL incurring additional costs.
- D.2 An administrative fee of fifteen percent (15%) will be added to personnel services, five percent (5%) to any support provided to not-for-profit groups, and ten percent (10%) to all other direct costs excluding electricity. An annual fixed management fee of One Hundred Thirty Nine Thousand Eight Hundred Seventy Eight Dollars (\$139,878) shall be billed in equal monthly installments and adjusted annually in relation to the Base Fee.
- D.3 In order to provide an incentive for CH2M HILL to operate in a manner that will result in actual costs below estimated cost, City of Fayetteville will pay CH2M HILL an additional fee when actual costs are below estimated cost. Said fee will be twelve and one half percent (12.5%) of the amount of actual cost are below estimated cost.
- D.4 For occasions when the City equipment may be used for purposes outside the scope of this contract and not for the benefit of the City, CH2M HILL agrees to reimburse the City of Fayetteville for equipment usage. The rate of reimbursement is calculated as equipment capital cost per hour use plus five percent (5%). The City of Fayetteville agrees to provide certificates of insurance evidencing proof of insurance for any equipment or vehicles used by CH2M HILL.
- D.5 **Cost Detail** - The annualized estimated costs for calendar year 2016 are listed in Table D-1.

Table D-1, Cost Detail

2016 Fayetteville Cost Centers

	WWTP Administration & SCADA Program	WWTP East Side Operations Program	WWTP West Side Operations Program	WWTP Lab & IPP Program	WWTP Lift Station Maintenance Program	WWTP Biosolids Management Program	Lake Sequoyah Sediment Removal Program	Total Cost 2016
Direct Labor	637,683	562,822	354,878	312,618	131,183	742,664	93,722	2,835,570
Labor Markup, 15%	95,652	84,423	53,232	46,893	19,677	111,400	14,058	425,335
Direct Expense	368,239	860,257	369,042	132,364	284,357	620,023	357,000	2,991,281
Expense Markup, 10%	36,824	86,026	36,904	13,236	28,436	62,002	35,700	299,128
Electricity		505,773	321,360		353,916			1,181,049
Fixed Fee	139,872							139,872
Totals	1,278,271	2,099,300	1,135,415	505,111	817,568	1,536,089	500,480	7,872,235

Appendix E

LOCATION OF PROJECT

E.1 CH2M HILL agrees to provide the services necessary for the management, operation and maintenance of the following:

E.1.1 All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Noland Wastewater Treatment Plant located at:

1400 North Fox Hunter Road
Fayetteville, Arkansas 72701

E.1.2 All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's West Side Wastewater Treatment Plant located at:

15 South Broyles Avenue
Fayetteville, Arkansas 72704

E.1.3 All equipment, grounds, and facilities now existing within the present property boundaries of wastewater lift stations described as follows:

SCADA NODE	LOCATION	Generator	Site Maintenance Only
WW1	978 E Zion Rd (Lowe's – Zion PS)	YES	
WW2	3500 E Mission Blvd (Timbercrest PS)	YES	
WW4	691 W Poplar St (Poplar PS - ABANDONED)		YES
WW5	3896 N Gregg Ave (Gregg Ave PS)	YES	
WW6	3021 N Old Wire Rd (Old Wire PS)	NO	
WW7	2065 N Sunshine Rd (Hamestring PS)	YES	
WW8	729 W North Street (North Street PS –ABANDONED)		YES
WW9	1236 N Porter Rd (Porter Rd PS)	NO	
WW10	716 N Futrall Dr (Futrall Dr PS)	YES	
WW11	4412 W 6th Street (Farmington East PS –ABANDONED)		YES
WW12	571 N Double Springs Road (Farmington West PS)	YES	
WW13	878 S Dead Horse Mountain Rd (Stonebridge PS)	YES	
WW14	1820 S Armstrong Ave (Industrial Park PS)	YES	
WW16	518 W Ernest Lancaster Dr (Airport North PS)	YES	
WW18	210 N Sandy (Greenland PS)	NO	
WW19	5716 E Norman Murphy Rd (Mally Wagnon PS)	YES	
WW20	3212 N Highway 112 – (Trucker's Drive PS - ABANDONED)		YES
WW22	630 N Double Springs Rd (Owl Creek PS)	YES	

SCADA NODE	LOCATION	Generator	Site Maintenance Only
WW23	440 E Fairway Ln (Masters PS)	NO	
WW24	265 W Ernest Lancaster Dr (Airport East PS)	YES	
WW25	551 W Aster Ave (Willow West PS - Farmington)	YES	
WW27	1031 River Meadows Dr (Stonebridge Meadow Phase I PS)	YES	
WW28	1603 Plantation Ave (Heritage Village PS)	YES	
WW29	390 N Cato Springs Rd (Bohannon PS - Greenland)	NO	
WW32	478 N Durango Place (Silverthorne PS)	YES	
WW33	4644 N Crossover Rd (Stonewood PS - Copper Creek)	YES	
WW34	4572 S School Ave (Airport South PS)	YES	
WW35	3083 W MLK Blvd (Lowe's - 6th St PS)	YES	
WW36	1642 N Willowbrook Dr (Skyler Place PS)	YES	
WW37	3848 W Edgewater Dr (Clabber Creek PS - ABANDONED)		YES
WW38	3710 E Zion Rd (Copper Creek Phase II PS)	YES	
WW39	2392 N Kenswick Ave (Crofton Manner PS)	YES	
WW40	1811 S Cherry Hills Dr (Stone Bridge Meadow Phase II PS)	YES	
WW41	1608 S Springlake Dr (Crescent Lake PS)	YES	
WW44	6061 Dot Tipton Rd (Legacy Pointe Phase 4 PS)	NO	
WW45	4451 N Waterside Ct (Timberlake Office Park PS)	YES	
WW46	3788 E Spyglass Hill Dr (Stonebridge Meadows Phase V PS)	YES	
WW47	3601 E Albright Rd (Embry Acres PS)	YES	
WW48	2435 S Dead Horse Mountain Rd (McDonald PS)	YES	
WW49	3393 E Goff Farm Rd (Meadows PS)	YES	
WW52	485 N Broyles Ave (Broyles Ave PS)	YES	
WW53	1396 Zion Rd (Office Park PS)	YES	

E.1.4 All equipment, grounds, and facilities now existing within the present property boundaries of or being used to operate the City of Fayetteville's Biosolids Management Site located east of the Noland Wastewater Treatment Plant across the White River.

E.1.5 All equipment, grounds, and facilities associated with or being used to complete routine O&M activities for the City of Fayetteville's Mitigated Wetlands Site now existing within the present property boundaries located north of the West Side Wastewater Treatment Plant. The service includes limited herbicide application and site monitoring but excludes burning.

E.1.6 The potable water SCADA system at the following locations:

SCADA NODE	LOCATION	DESCRIPTION
W1	215 W 24th St (South Mountain)	Pump Station
W2	844 N Crossover Rd (Hyland Park)	Pump Station
W4	1016 E Ash St	Pump Station
W5	707 E Rogers Dr	Pump Station
W6	456 E Baxter Ln	Ground Storage Tank (2 each)
W7	707 E Rogers Dr	Ground Storage Tank (2 each)
W8	133 N Sang Ave	Elevated Storage Tank
W9	1170 E South Skyline Dr	Elevated Storage Tank (Mt. Sequoyah)
W10	1044 E Township Rd	Elevated Storage Tank
W11	3280 W Judge Cummins Rd	Ground Storage Tank (2 ea) (Kessler Mountain)
W12	7001 E Mission (Highway 45 Valve	Pressure-Reducing Valve Station)
W13	1589 Fire Tower Road (Goshen)	Pump Station and Ground Storage Tank
W14	17301 Lake Sequoyah Rd (Round Mtn)	Pump Station
W15	14360 Round Mt Comm Church Rd	Stand Pipe County Rd #55 (Round Mountain)
W16	22032 Fire Tower Rd County Rd 4343	Stand Pipe (Benson Mountain)
W17	3265 N Gulley Rd	Elevated Storage Tank
W18	3788 N Gulley Rd	Pump Station
W19	3370 S Coach Rd	Pump Station
W20	2098 Woodcliff Rd (Springdale)	Surge Tank
W21	2210 N Old Wire Rd	Valve
W22	2800 N Old Missouri Rd	Flow Meter
W23	3385 N Par Ct	Valve
W24	3023 E Joyce Blvd	Valve
W25	2567 E Robinson (Springdale)	Valve
W27	17385 Blue Springs Rd (Goshen)	Pump Station
W28	17970 Lake Sequoyah Rd	Pump Station
W29	Beaver Water District	SCADA Interface
W30	1195 N. Canterbury Rd (Canterbury Tank)	Elevated Storage Tank
W31	2903 E. Flagstone Cir (Stonemountain)	Pump Station
WSOPC	2435 S Industrial Dr	Water & Sewer Ops Center
MTROB	12141 Ed Edwards Rd	Mt. Robinson Tower Site

E.1.7 Installation of the necessary Remote Terminal Units (RTUs) and equipment to acquire flow information from the collection system via SCADA. Flow monitoring devices (up to 17 remote locations) are scheduled to be installed by the City's Water and Sewer Division.

E.1.8 Provision and maintenance of RTUs at the following sites located in the City of Elkins, Arkansas:

SCADA NODE	LOCATION	DESCRIPTION
EW1		Lift Station
EW1		Ground Storage Tank

E.1.9 Maintenance of the odor control system associated with the following lift stations:

<u>LOCATION</u>	<u># OF CANISTERS</u>
LS #6 - 3021 N Old Wire Rd (Old Wire)	4
LS #7 - 2065 N Sunshine Rd (Hamestring)	7
LS #12 - 571 N Double Springs Road (Farmington West)	8
LS #22 - 630 N Double Springs Rd (Owl Creek)	2
LS #52 - 485 N Broyles Ave (Broyles Ave)	2

Appendix F

ENVIRONMENTAL PERMITS AND PROJECT CHARACTERISTICS

F.1 CH2M HILL will operate Project so that effluent will meet the requirement of NPDES permit No. AR0020010 and AR0050288. CH2M HILL shall be responsible for meeting the effluent quality requirements of City of Fayetteville's NPDES permit unless one or more of the following occurs:

- The Project influent does not contain Adequate Nutrients to support operation of Project biological processes;
- Contains Biologically Toxic Substances which cannot be removed by the existing process and facilities;

The influent flow, influent BOD₅, and/or suspended solids exceeds the Project design parameters which are:

	Noland WWTP		West Side WWTP	
	Annual Average	Maximum Monthly Average	Annual Average	Maximum Monthly Average
Flow (MGD)	11.2	16.9	10.0	17.8
BOD (lbs/d)	26,370	27,960	14,595	18,853
TSS (lbs/d)	20,620	22,210	14,595	18,853

F.2 In the event any one of the Project influent characteristics, suspended solids, BOD₅, or flow, exceeds the parameters listed above, CH2M HILL shall return the plant effluent to the characteristics required by the NPDES permit in accordance with the following schedule after Project influent characteristics return to within design parameters.

Characteristics Exceeding Listed Parameters By	Recovery Period Maximum
10% or Less	5 days
> 10% but < 20%	10 days
20% and Above	30 days

Notwithstanding the above schedule if the failure to meet effluent quality limitations is caused by the presence of Biologically Toxic Substances or the lack of Adequate Nutrients in the influent, then CH2M HILL will have a thirty (30) day recovery period after the influent is free from said substances or contains Adequate Nutrients.

F.3 CH2M HILL shall not be responsible for fines or legal action as a result of discharge violations within the period that influent exceeds design parameters, does not contain Adequate Nutrients, contains Biologically Toxic Substances (that exceed process inhibiting levels or creates concentrations exceeding application or discharge limitations), and the subsequent recovery period.

F.5 The estimate Costs for services under this Agreement are based upon the following Project

characteristics:

Annual Average	Noland WWTP	West Side WWTP
Flow (MGD)	5.2	6.1
BOD (lbs/d)	14,091	11,932
TSS (lbs/d)	8,837	11,315

The above characteristics are the actual twelve (12) months average prior to the date services are first provided under this Agreement. Any change of 10 percent (10%) or more in any of these characteristics, based upon a twelve (12) month moving average, may constitute a change in scope.

F.6 The current applicable environmental permits are as follows:

Permit	AFIN No.	Permit No.	Expiration Date
NPDES - Noland	72-00781	AR0020010	02/28/2018
NPDES - West Side	72-01033	AR0050288	11/30/10
No Discharge Permit - Noland	72-00829	4748-WR-2	02/28/18
No Discharge Permit – Biosolids Management Site	72-00829	4748-WR-3	08/01/2015
Air - Hamestring	72-01873	2179-A	N/A
Air - West Side	72-01033	2178-A	N/A
Stormwater No Exposure Certification (NEC) - Noland	72-00781	Tracking No. ARR00C377	06/30/19
Stormwater No Exposure Certification (NEC) - West Side	72-01033	Tracking No. ARR000390	06/30/19

Appendix G

INDUSTRIAL WASTE DISCHARGES AND MONITORING PROGRAM

- G.1 CH2M HILL shall: Administer the Industrial Pretreatment Program in accordance with 40 CFR 403. Administration shall include:**
- G.1.1 Maintain the industrial waste sampling and analysis program for pretreatment and surcharge, as described in G.3.**
 - G.1.2 Monitor the compliance status of the current Significant Industrial Users (SIU's) through sampling, analysis, inspection, and record reviews. Recommend appropriate enforcement action to City of Fayetteville.**
 - G.1.3 Receive, review and act upon reports and notification from industrial users.**
 - G.1.4 Prepare notice of violations and other enforcement documentation for City of Fayetteville signature in accordance with the Enforcement Response Plan in the State approved Industrial Pretreatment Program.**
 - G.1.5 Track, determine, and publish industrial users in significant noncompliance.**
 - G.1.6 Draft new, revised, and renewal industrial waste discharge permits for the SIU's for City of Fayetteville signature.**
 - G.1.7 Conduct an Industrial Waste Survey periodically to identify new, or significant, industrial users in Fayetteville and in cities with which Fayetteville has inter-jurisdictional agreements for waste treatment.**
 - G.1.8 Assist City of Fayetteville with review and revision of local limits, the sewer use ordinances, the pretreatment program, and inter-jurisdictional agreements.**
 - G.1.9 Prepare for City of Fayetteville signature and submit the Industrial Pretreatment annual report.**
 - G.1.10 Maintain all industrial monitoring records for at least three (3) years.**
 - G.1.11 Maintain open communication with the SIU's.**
 - G.1.12 Keep City of Fayetteville informed of pretreatment activities and changes in regulatory requirements.**
- G.2 Significant costs due to new or changed Federal, State or local regulations shall cause a change of contract scope.**
- G.3 Industrial Waste Dischargers and Monitoring Program in City of Fayetteville, AR:**

Industry	Parameters Analyzed
Ayrshire Electronics, LLC 1101 S. Beechwood Fayetteville, AR 72701	None (Best Management Practices)
Custom Powder Coating Services, Inc. 1629 W. Farmington St. Fayetteville, AR 72701	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide

Industry	Parameters Analyzed
Elkhart Products Corporation 3265 Highway 71 South Fayetteville, AR 72701	Chromium, copper, lead, nickel, zinc, oil & grease
Hiland Dairy Company 301 E. 15 th Street Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Marshalltown Company 2200 Industrial Drive Fayetteville, AR 72701	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide
Pinnacle Foods Corporation 1100 W, 15 th Street Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Superior Industries International Arkansas, LLC 1901 Borick Drive Fayetteville, AR 72701	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide
Tyson Mexican Original, Inc. 2615 S. School Fayetteville, AR 72701	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease

Appendix H

VEHICLE AND MOBILE EQUIPMENT DESCRIPTION (ROLLING STOCK)

Unit #	Unit Description	Location	Year
85U	1998 Ford F-800 Flatbed	Biosolids Management Site	1998
325U	Ford F350 Super Duty, Reg. Cab	Paul R Noland	2000
339	Ford F-350, Flatbed	Biosolids Management Site	2002
376	Ford F550 Super Duty/Crane, Crew Cab	Biosolids Management Site	2012
382	Ford F550 Super Duty/Crane, Crew Cab	Biosolids Management Site	2015
566	Ford/New Holland LS55 Lawn Tractor	Biosolids Management Site	1999
570	New Holland 8670 Tractor	Biosolids Management Site	2000
695	Bobcat Skidsteer Loader	Biosolids Management Site	2011
696	Caterpillar 420E Backhoe	Biosolids Management Site	2012
727U	Dump Truck	Paul R Noland	1995
741U	Mack Semi Tractor	Biosolids Management Site	1996
751	Sterling LT9500 Semi Tractor	Biosolids Management Site	2006
766	Kenworth T800 Semi Tractor	Biosolids Management Site	2011
768	Kenworth T470 (Spreader)	Biosolids Management Site	2012
770	Kenworth T800 Semi Tractor	Biosolids Management Site	2013
771	Kenworth T800 Semi Tractor	Biosolids Management Site	2013
806	Case 1150G Bulldozer	Biosolids Management Site	1995
818	Caterpillar P5000LP Forklift	West Side	2008
927	Parker 24' Gooseneck Trailer	Biosolids Management Site	1991
966	P.J. Trailer, 18FT	Biosolids Management Site	1996
969	LO-Boy 25T-36FT Trailer	Biosolids Management Site	1996
1092	Ford Explorer XLT	Sediment Removal Project	2002
1274	Chevrolet Equinox	West Side	2014
2156	Chevy Colorado, 4X4	Paul R Noland	2012
3820	2006 Kawasaki Mule 4x4	West Side	2006
5001	John Deere 6615 4X4 Tractor	Biosolids Management Site	2007
5002	John Deere 6615 4X4 Tractor	Biosolids Management Site	2007
5012	Ford/New Holland 4X4 T6030 Loader Tractor	Biosolids Management Site	2009
5022	Case Maxxum 125 4X4 Loader Tractor	Biosolids Management Site	2011
5023	H&S Spreader	Biosolids Management Site	2011
5024	R&R 35' Manure/Litter Conveyor	Biosolids Management Site	2011
5025	R&R 35' Manure/Litter Conveyor	Biosolids Management Site	2011
5030	New Holland H5920 Hay Rake	Biosolids Management Site	2011
5031	John Deere MOCO6030 Discbine	Biosolids Management Site	2012
5032	New Holland BR740 Round Baler	Biosolids Management Site	2012

5033	New Holland BB9060 Square Baler	Biosolids Management Site	2012
5034	Rhino R180 Cutter	Biosolids Management Site	2012
5037	New Holland BR7060 Round Baler	Biosolids Management Site	2012
5044	John Deere 630 Mower Conditioner	Biosolids Management Site	2014
5045	John Deere 630 Mower Conditioner	Biosolids Management Site	2014
5057	Ford/New Holland Workmaster 55 4X4 Tractor	Biosolids Management Site	2015
5058	Ford/New Holland T6.155 4X4 Loader Tractor	Biosolids Management Site	2015
5059	John Deere 615D 4X4 Loader Tractor	Biosolids Management Site	2015
9025	Volvo Penta 400 KW Generator	Lift Station I2	2001
9034	Yale 5000# Fork Lift	Paul R Noland	2002
9088	Lufkin ULD-38 Trailer	West Side	2006
9111	Clement Star-Lite Trailer	Paul R Noland	2009
9124	Thompson 6" Diesel Power Pump/Trailer	Paul R Noland	2009
9193	Clement Starlite End Dump Trailer	Biosolids Management Site	2015
9142	Aulick 42' Belted Trailer	Biosolids Management Site	2011
9165	Clement Star-lite Trailer	Biosolids Management Site	2013
9166	Clement Star-lite Trailer	Biosolids Management Site	2013
1093U	Ford Explorer	Paul R Noland	2002
2080U	Chevy Silverado 4X4 Extended Cab	Biosolids Management Site	2005
	Parkson Electronic Mole – Billy	Biosolids Management Site	2011
	Parkson Electronic Mole – Cricket	Biosolids Management Site	2011
	Parkson Electronic Mole – Goofy	Biosolids Management Site	2011
	Parkson Electronic Mole – Jurgens	Biosolids Management Site	2011
	Parkson Electronic Mole – Tiny Tim	Biosolids Management Site	2011
	Parkson Electronic Mole – Trick	Biosolids Management Site	2011
	Portable Generator for Liftstations	Paul R Noland	2005

Appendix I

BASE FEE ADJUSTMENT

- I.1 Electrical costs will be adjusted by actual increases from power supplier.
- I.2 The Base Fee adjustment formula is as follows:

$$ABF = BF \times (1 + AF)$$

Where:

- BF = Base Fee specified in Appendix D
- ABF = Adjusted Base Fee
- AF = Adjustment Factor as determined by the formula:

$$AF = .5 (ECI + CPI)$$

- ECI = The twelve month percent change (from the third quarter of the prior year to the third quarter in the current year) in the Employment Cost Index for Total Compensation for Civilian Workers, Not Seasonally Adjusted as published by U. S. Department of Labor, Bureau of Labor Statistics in the Detailed Report Series ID: CIU1010000000000A.
- CPI = The twelve month percent change (from October of the prior year to October of the current year) in the Consumer Price Index for All Urban Consumers, Not Seasonally Adjusted as published by U.S. Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report Series Id: CUUR000SA0.

Appendix J

LAKE SEQUOYAH DREDGING PROJECT – SCOPE OF WORK

Lake Sequoyah has accumulated approximately 5 billion pounds of sediment over the past 50 years. Nearly 1% or 4 million pounds of the sediment is phosphorus. The accumulated sediment decreases the lake capacity as a sediment and phosphorus trap as well as severely curtails the recreation uses of the lake.

At the request of the City of Fayetteville, CH2M HILL staff planned for a large scale dredging pilot on Lake Sequoyah in 2012. The purpose of this study was to develop a sustainable approach for a full scale dredging project that will meet all regulatory and implementation objectives. The dredging pilot study began in September 2012, which involved pumping of several hundred thousand gallons of lake sediment and capturing several hundred cubic yards of dried sediment.

In 2013, the CH2M HILL O&M budget included funding for the initiation of the full scale maintenance dredging of Lake Sequoyah. Primary objectives for the additional scope include beginning the process of developing the necessary design, processes and permitting of the of the full scale dredging project. CH2M HILL will continue to make progress as time and resources allow in 2016 with the following goals:

- Maintain all authorization(s) and/or permit(s) pertaining to the Lake Sequoyah Sediment Removal Project for:
 - Removing sediment from Lake Sequoyah
 - Filling-dewatering geobags with removed sediment to the extent practical
 - Constructing project infrastructure to the extent practical
- Oversee Project Quality Assurance and Health & Safety Programs for all aspects of the Lake Sequoyah Sediment Removal Project
- Using Adaptive Management, Update Project Planning & Long-term Strategies; Implement Project Goals; Oversee Project Coordination; Ensure Quality & Safety Assurances
- Implement and/or construct selected sediment containment & dewatering facilities
- Establish contracts for equipment rental and necessary sub-contract agreements, make recommendations for capital purchases, or an appropriate combination of these activities
- Identify preliminary means of sediment beneficial reuse or sale

The dredging project is expected to remove most of the accumulated sediment from the lake over the next 10-15 years, but will likely continue in a reduced fashion beyond that horizon as new sediment is trapped within the lake over that same time period.



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 49 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0530

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM SUB-GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUB-GRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$9,374.00, 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 acceptance of a non-matching continuation sub-grant from the Internet Crimes Against Children Task Force Program in the amount of \$9,374.00.

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

City of Fayetteville Staff Review Form

2015-0530

Legistar File ID

12/1/2015

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

Greg Tabor

11/12/2015

Police /
Police Department
Division / Department

Submitted By

Submitted Date

Action Recommendation:

Acceptance of the 2015 Internet Crimes Against Children grant award and approval of a budget adjustment in the amount of \$9,374.

Budget Impact:

1010.2920.various		General	
Account Number		Fund	
36033-2015		ICAC Task Force Grant	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 9,374.00
		Remaining Budget	\$ 9,374.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

FROM: Greg Tabor, Chief of Police 

DATE: November 11, 2015

SUBJECT: Acceptance of 2015 Internet Crimes Against Children Grant Award

RECOMMENDATION:

Staff recommends acceptance of the 2015 Internet Crimes Against Children (ICAC) grant award and approval of a budget adjustment in the amount of \$9,374

BACKGROUND:

The Arkansas State Police (ASP) has provided periodic grant funding in support of ICAC investigative activities since 2007. Historically, Fayetteville has been very successful in obtaining ICAC funding as it becomes available. In 2013, we became a member in the multi-jurisdictional Northwest Arkansas ICAC Task Force, and assigned a full time investigator from our Special Investigation Unit to participate in the Task Force.

DISCUSSION:

Grant funds are an essential part of ICAC investigations due to the continuous changes in technology and digital data. ICAC investigations require intricate training, complex computer systems and digital forensic software to proactively investigate the exploitation of our children. We must continually upgrade this training, hardware, and software to maintain any technological advantage. This grant funding will provide XRY Forensic and Internet Evidence Finder software renewal, training at the ICAC National Conference, and a new desktop computer system.

BUDGET/STAFF IMPACT:

This grant award has no budget/staff impact.

Attachments:

- Budget Adjustment
- Subgrant Award Notification Letter
- Subgrant Agreement
- Special Conditions
- Approved budget Detail Worksheet



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

October 29, 2015

ARKANSAS STATE POLICE COMMISSION

Frank Guinn, Jr.
Vice-Chairman
Paragould

Dr. Lewis Shepherd
Secretary
Arkadelphia

John Allison
Conway

Bob Burns
Little Rock

Jane Dunlap Christenson
Harrison

Neff Basore
Bella Vista

Bill Benton
Heber Springs

Fayetteville Police Department
Captain William Brown
100-A West Rock Street
Fayetteville, AR 72701

Re: Subgrant Award Notification
Subgrant Award Number: ICAC13-C2-04

On behalf of the Arkansas State Police, it is my pleasure to inform you that a portion of your application for continuation funding in the amount of \$9,374.00 under the Internet Crimes Against Children Task Force Cooperative Agreement #2013-MC-FX-K026 has been approved for the award period of November 1, 2015 through May 31, 2016.

This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports and all other special conditions outlined in your Memorandum of Understanding and Subgrant Agreement. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Ronda Barentine, Grants Specialist, at (501) 618-8373; or
- Mae Humphries, Grants Manager, at (501) 618-8583.

Congratulations and we look forward to working with you.

Sincerely,

Colonel William J. Bryant, Director
Arkansas State Police

Enclosures: Subgrant Agreement with Special Conditions
Approved Subgrant Budget Detail Worksheet
Memorandum of Understanding



Asa Hutchinson
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



William J. Bryant
Director

Internet Crimes Against Children Subaward Agreement

Federal Award Number: 2013-MC-FX-K026 Federal Award Date: 9/24/2015
(ICAC13 2nd Continuation)

Sub Grant Number ICAC13-C2-04 is entered into between the Arkansas State Police herein after referred to as the ASP and the Recipient as indicated below.

I. RECIPIENT INFORMATION:

Name: Fayetteville Police Department

Address: 100-A West Rock Street

City: Fayetteville

State: AR

Zip Code: 72701

Employer Identification Number or Social Security Number: 71-6018462

AASIS Vendor # 100036504

DUNS #(s) 075657742

Recipient Contact Name, Title, & Phone: Captain William Brown (479) 587-3500

ASP Division/Office Contact Name, Title, & Phone: Ronda Barentine, Grant Specialist (501) 618-8373

II. GRANT PERIOD:

This agreement will begin on November 1, 2015 and will end on May 31, 2016

In no event shall the initial term of the grant extend beyond the end of the current biennial period unless the General Assembly, prior to the expiration of the biennial period, makes an appropriation for such purpose.

III. AMOUNT AND SOURCE OF FUNDS:

Regardless of any other provision of this grant, or any costs or obligations of the Recipient, the liability of payment by the ASP to the Recipient under this grant shall be subject to the limits specified below:

FUND	FUND CENTER	COMMITMENT ITEM	COST CENTER	GENERAL LEDGER	WBS	INTERNAL ORDER	AMOUNT
FLA8401	521	501:00:04	456869	5100001000	F.0960.ICAC-13-S		\$ 9,374.00

Total Grant Amount: \$ 9,374.00

Method of Payment: Reimbursement – Payment for allowable costs that have been paid for by the Recipient during the above grant period.

Invoice forms and backup documentation are to be submitted to the ASP by the 10th of the subsequent month in which activities are completed and expenditures are incurred.

IV. OBJECTIVE AND SCOPE:

CFDA Number 16.543

Title of Grant OJJDP- Internet Crimes Against Children Arkansas Task Force

Grant Status: ☒ Discretionary

☐ Discretionary, but exempt

☐ Non-Discretionary

If Discretionary but exempt, indicate reason for exemption

Purpose of Grant: To enhance investigative and forensic efforts in support of the Arkansas Internet Crimes Against Children (ICAC) Task Force.

All parties agree that the following attachments contain the objective and scope and are hereby made a part of this grant. These attachments may not be altered or modified without a written amendment signed by all parties.

Attachment No.	Description
1	Memorandum of Agreement
2	Detailed Budget Worksheet
3	Special Conditions

V. CANCELLATION:

- A. The ASP and the Recipient agree that either party may cancel this agreement with or without cause at any time by giving the other party 30 calendar days written notice, and delivering notice of cancellation either in person or by certified mail, return receipt requested, restricted delivery. Cancellation notices to the Arkansas State Police must be sent to the Fiscal Officer or the authorized representative designated herein.

VI. PROGRAM COMPLIANCE:

- A. **STATE AND FEDERAL LAWS:** Performance of this grant by the Recipient and the ASP must comply with state and federal laws and regulations. If any statute or regulation is enacted which requires changes in this grant, the Recipient will receive notification of the required changes. This grant shall then be amended according to the procedures outlined in Section X.
- B. **FORCE MAJEURE:** Neither party will be held responsible for any delay or failure to perform any part of this grant when such delay or failure results from fire, flood, epidemic, war or insurrection, unusually severe weather, or the legal acts of public authorities.
- C. **COMPLIANCE WITH NONDISCRIMINATION LAWS:** It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

Sub grantee is required to notify Arkansas State Police of any violations to the above.

- D. **CERTIFICATION REGARDING LOBBYING:** The Recipient shall comply with Public Law 101-121, Section 319 (Section 1352 of Title 31 U.S.C.) by certifying that appropriated federal funds have not been or will not be used to pay any person to influence or attempt to influence a federal official/employee in connection with the awarding of any federal contract, grant, loan or cooperative agreement for an award in excess of \$100,000.00.

If the Recipient has paid or will pay for lobbying using funds other than appropriated federal funds, Standard Form-LLL (Disclosure of Lobbying Activities) shall be completed and included with this grant.

E. **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:** The Recipient, as a lower tier recipient of federal funds, shall comply with Executive Order 12549 (Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions). By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

VII. PROGRAM OPERATION:

- A. **PURPOSE AND SCOPE:** The Recipient shall comply with the purpose and scope of this grant as specified in Attachment one (1).
- B. **STATISTICAL AND FINANCIAL INFORMATION:** The Recipient shall certify and compile statistical and financial information. Financial information shall be maintained in accordance with generally accepted accounting principles.
- C. **SUBCONTRACTING:** The Recipient shall be responsible for the performance of all obligations under this grant, including subcontracted services. The Recipient shall notify all subcontractors that the Department is not responsible for payments to the subcontractor and that all reimbursement for subcontracted services will be made by the Recipient.

VIII. INFORMATION AND RECORDS:

- A. **ACCESS TO RECORDS:** The Recipient shall grant access to its records upon request by duly authorized representatives of state or federal government entities. Access shall be given to any books, documents, papers or records of the Recipient which are related to any services performed under this agreement. The Recipient additionally consents that all sub-grants will contain adequate language to allow the same guaranteed access to the records of sub-grantees.
- B. **RECORD RETENTION:** The Recipient will retain all books, records, and other documents relating to expenditures and services rendered under this grant for a period of three years from the date this grant expires, or if an audit is pending at the end of the three-year period, until resolution of the audit.
- C. **CONFIDENTIALITY OF CLIENT RECORDS:** The Recipient will maintain the confidentiality of all client records. This restriction does not apply to disclosures made with the informed, written consent of the client, or if the client is not a competent adult or is a minor, with such consent of the client's parent, guardian or legal representative.
- D. **FREEDOM OF INFORMATION:** The Recipient shall comply with the Freedom of Information Act.

IX. FISCAL PRACTICES

- A. **CLAIMS:** Only those claims for costs and services specifically authorized under this grant will be allowed by the ASP. Any work performed, material furnished, or costs incurred not covered by this grant shall be solely the responsibility of the Recipient.
- B. **NON-DUPLICATION OF PAYMENT:** Services provided or costs incurred under this grant shall not be allocated to or included as a cost of any other state or federally financed program.
- C. **BILLING:** Billing under this Agreement shall be in accordance with established ASP procedures. Payment method shall be as stated in Section III of this agreement.
- D. **LIMITATION OF THE ASP OBLIGATION TO PAY:** The ASP is not obligated to make payment under this grant if the ASP does not receive sufficient monies from the funding source(s) designated in this grant to fund said obligations and other obligations of the ASP, or is not given legal authority from the Arkansas Legislature to expend these funds. The ASP is not obligated to make payment if sufficient state or local matching money is not available at the time the bill is presented for payment.

E. **PAYMENT FROM ASP CONSIDERED PAYMENT IN FULL:** Payment received from the ASP under this grant shall be payment in full for all services and/or costs covered by the payment. No fee or other charge shall be made against a client or a third party for these services and/or costs. This paragraph does not preclude allocation of costs among two or more funding sources, or payment of portions of a service and/or cost under different funding sources, so long as there is no duplication of payment.

F. **AUDIT REQUIREMENT:** Recipient shall send two copies of the audit to the following address:

Arkansas State Police
Fiscal Section
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

G. **RECOVERY OF FUNDS:** The ASP shall seek to recover funds not utilized in accordance with the terms and conditions of this grant.

X. AMENDMENT:

Any amendment to this agreement shall be valid only when in writing and when duly signed by the authorized representative(s) of the Recipient and the ASP. Recipient and ASP acknowledge that no verbal or written representations, other than those contained herein, have been made as an inducement to enter into this Agreement and that this writing constitutes their entire Agreement.

XI. CERTIFICATION AND SIGNATURE:

A. SIGNATURES:

Signature of Subgrant Agreement Recipient Authorized Representative

Signature of Recipient Authorized Representative

Date

Lionel Jordan

Mayor

Printed Name of Recipient Authorized Representative

Title

In signing this document, I attest that I am authorized by the board of Directors or other governing authority to sign this grant on behalf of the Recipient.

Signature of ASP Agency Authorized Representative

Signature of ASP Authorized Representative

Date

William J. Bryant

Director

Printed Name of ASP Authorized Representative

Title

Program Agency: Arkansas State Police (ASP)

Program Contact Person: Ronda Barentine

Phone: (501) 618-8373

Fiscal Contact Person: John Tidwell

Phone: (501) 618-8335

ICAC13 2nd Continuation Subgrant

Special Conditions

1. **Applicability of Part 200 Uniform Requirements**

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230. If this 2015 award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award. Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a timelimited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326). For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>. In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide").
3. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of the Standard Assurances executed by the recipient, and may result in suspension of funding until such time as the recipient is in compliance, or termination of the award.
4. The recipient understands and agrees that OJP may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the

terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

5. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
6. The recipient and any subrecipients must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by - mail: Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530 e-mail: oig.hotline@usdoj.gov hotline: (contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881 Additional information is available from the DOJ OIG website at www.usdoj.gov/oig
7. Restrictions and certifications regarding non-disclosure agreements and related matters.

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient –
 - a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized to make subawards or contracts under this award –

a. it represents that –

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

8. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
9. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

10. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification indicating that he or she has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the OJP Financial Guide.
13. The recipient acknowledges that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient, if applicable) to ensure that this condition is included in any subaward under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

14. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

END OF SPECIAL CONDITIONS

Fayetteville Police Department
 APPROVED Budget Detail Worksheet
 Subgrant Award: ICAC13-C2-04
 Award Period: November 1, 2015 - May 31, 2016

02 Maintenance and Operations
Supply Items (In order of priority)
 Investigative Software - XRY Renewal
 Investigative Software - Internet Evidence Finder
~~Investigative Software - Black Light Forensics~~

<u>Computation</u>	<u>Cost</u>
\$3000 x 1 unit	\$ 3,000
\$3224 x 1 unit	3,224
\$2216 x 1 unit	2,216
TOTAL SUPPLIES	\$ <u>8,440</u>

6224

03 Fringe Benefits
Name/Position
~~Amy Higdon, TFO~~

<u>Computation</u>	<u>Cost</u>
\$2,760 overtime pay x 22.29% fringe benefits	\$ <u>615</u>

TOTAL FRINGE BENEFITS \$ -615

06 Overtime
Name/Position
 Andy Higdon, TFO

<u>Computation</u>	<u>Cost</u>
\$40.591 per hour x 68 hours	\$ <u>2,760</u>

TOTAL PERSONNEL \$ -2,760

09 Travel / Training/ Tuition
Purpose of Travel
 TRAINING
 ICAC Conference April 19th - 22nd

<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Atlanta, GA	Airfare	\$500 x 1 trip x 1 person	\$ 500
	Lodging	\$150 per night x 4 nights x 1 person	600
	Other	Travel from airport to hotel \$50 x 1 trip x 1 person	50

TOTAL TRAVEL \$ 1,150

11 Capitol Outlay
Item
 Investigative Desktop Computer w/ Monitor

<u>Computation</u>	<u>Cost</u>
\$2,000.00 X 1 unit	\$ <u>2,000</u>

TOTAL EQUIPMENT \$ 2,000

GRAND TOTAL \$ 14,985
 \$ 9,374

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 64 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0538

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

GARVER, LLC TASK ORDER NO. 5:

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$45,500.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TAXIWAY LIGHTING REHABILITATION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 5 with Garver, LLC in the amount of \$45,500.00 for bid package development, bidding services, construction phase services, and closeout services associated with the Airport Taxiway Lighting Rehabilitation Project.

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

City of Fayetteville Staff Review Form

2015-0538

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Summer Fallen/ John Roscoe

11/13/2015

Aviation /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution approving the gathering of bids and a budget adjustment to determine the best price for 2016 Drake Field Taxiway Lighting Rehabilitation FAA grant project.

Budget Impact:

5550.3960.5314.00

Airport

Account Number

Fund

15029.1

Engineering Consulting Services

Project Number

Project Title

Budgeted Item? No

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

\$

45,500.00

Budget Adjustment Attached? Yes

Budget Adjustment

\$

45,500.00

Remaining Budget

\$ -

Previous Ordinance or Resolution #

V20140710

Original Contract Number:

Approval Date:

Comments:



MEETING OF DECEMBER 1ST, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Staff/Contract Review Committee
Terry Gully, Transportation Director

FROM: John J. Roscoe, Airport Director 

DATE: 11/13/15

SUBJECT: Garver LLC Task Order 05, Fayetteville Drake-Field Taxiway Lighting Rehabilitation
Project Legistar Item # 2015-0538

RECOMMENDATION:

Staff requests approval of a Resolution to; 1) Authorize Garver LLC Task Order 05, in the amount \$45,500, for Bid Package Development, Bidding Services, Construction Phase Services, and Closeout Services, associated with an FAA Airport Improvement Plan (AIP) Grant Submission by Fayetteville, Drake-Field in May, 2016 for the estimated amount of \$345,500; 2) Approve a Budget Adjustment.

BACKGROUND:

Fayetteville, Drake-Field is entitled to yearly FAA AIP grants in amounts up to \$150,000. Airports entitled to apply for these funds may carry or "bank" up to four years (\$600,000) of entitlement funds. This accrual of funds is beneficial as it allows for the completion of high cost, major construction projects.

DISCUSSION:

Next year, the Airport's Capital Improvement Plan (CIP) projects on file with the FAA are for Lighting Rehabilitation (this project) and a Wildlife Management Plan with a combined cost of approximately \$357,000. If that entitlement is received from the FAA, the Airport would be able to then accrue another \$150,000 in AIP entitlement money for the year.

This project replaces existing taxiway lights with cost efficient LED lighting which benefits the Airport with lower long-term maintenance and energy costs.

Approval of this Task Order will authorize Garver LLC to proceed with the Bid Package Development and development of an exact cost necessary for the FAA Grant submission.

BUDGET/STAFF IMPACT

The Airport will expend a portion of its fund balance reserve to cover these initial costs, however, the Airport will receive 90% back through the FAA Grant, and the remaining 10% is then eligible for reimbursement through a Grant from the Arkansas State of Aeronautics Commission.

Attachments:

SRF, SRM
Task Order 05
Budget Adjustment
Purchase 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:
	11/13/2015
P.O Number:	

Vendor #:	52650	Vendor Name:	Garver Engineers	Mail ☐ YES ☒ NO	Legistar#: 2015-0538		
Address:			FOB Point:	Taxable ☐ YES ☒ NO			
City:		State:		Zip Code:	Ship to code:	Quotes Attached ☐ YES ☒ NO	Expected Delivery Date:
Requester: Summer Fallen			Requester's Employee #: 3584		Extension:	7641	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Engineering Consulting Services	1	EA	45,500.00	\$45,500.00	5550.3960.5314.00	15029. 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: \$45,500.00
Tax: \$0.00
Total: \$45,500.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: 

APPENDIX A-4

TASK ORDER 05 FAYETTEVILLE – DRAKE FIELD (FYV) TAXIWAY LIGHTING REHABILITATION

This TASK ORDER is made as of _____, 2015 by and between the CITY OF FAYETTEVILLE of Fayetteville, Arkansas hereinafter referred to as "CITY OF FAYETTEVILLE," and GARVER, LLC, hereinafter referred to as "GARVER", in accordance with the provisions of the AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES executed on April 21, 2015.

Under this Task Order, the CITY OF FAYETTEVILLE intends to make the following improvements for the FYV Taxiway Lighting Rehabilitation project.

Rehabilitate the existing taxiway edge light system for all taxiways on the airport. Rehabilitation will include clearing conduit of existing conductors, installation of new conductors in existing conduit, and replacement of all existing incandescent taxiway edge light fixtures with new LED fixtures and transformers on existing base cans.

GARVER will provide professional services related to these improvements as described herein.

SECTION 1 - SCOPE OF SERVICES

GARVER will provide services as detailed in Exhibit A-4.

SECTION 2 – PAYMENT

For the work described under SECTION 1 - SCOPE OF SERVICES, the CITY OF FAYETTEVILLE will pay GARVER on a lump sum and cost plus basis. The CITY OF FAYETTEVILLE represents that funding sources are in place with the available funds necessary to pay GARVER.

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

WORK DESCRIPTION	FEE AMOUNT	FEE TYPE
Bid Package Development	\$20,500	Lump Sum
Bidding Services	\$5,500	Lump Sum
Construction Phase Services	\$16,000	Cost + FF
Closeout Services	\$3,500	Lump Sum
TOTAL FEE	\$45,500	

Bid Package Development, Bidding Services, and Closeout Services:

The lump sum amount to be paid under this agreement is \$29,500. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-4 with approximate current hourly rates for each employee classification.

Construction Phase Services:

The Owner will pay GARVER, for time spent on the project, at the unburdened hourly payroll rate of each of GARVER's personnel during the performance of these services for work time directly connected with the project, plus payroll and general overhead costs of 190.34% of the unburdened hourly rate, plus direct reimbursable expenses normal and necessary for the completion of the project, plus a fixed fee of \$2,086.96. Estimated cost of these services, including the fixed fee is \$16,000.00. The actual total fee may not exceed this estimate without approval from the CITY OF FAYETTEVILLE. For informational purposes, a breakdown of GARVER's estimated costs is included in Exhibit B-4 with approximate current hourly rates for each employee classification. Underruns in any phase may be used to offset overruns in another phase as long as the overall contract amount is not exceeded.

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

1. Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
2. Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
3. The amount allowed by the federal government for mileage with an additional \$0.05 for survey trucks/vans.

Additional Services (Extra Work). For work not described or included in Section 2 – Scope of Services but requested by the CITY OF FAYETTEVILLE in writing, the CITY OF FAYETTEVILLE will pay GARVER, for time spent on the project, at the rates shown in Exhibit B-4 for each classification of GARVER's personnel, plus overhead, plus 15% profit, plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The rates shown in Exhibit B-4 will be increased annually with the first increase effective on or about July 1, 2016.

SECTION 3 –EXHIBITS

- 3.1 The following Exhibits are attached to and made a part of this Agreement:
- 3.1.1 Exhibit A-4 Scope of Services
 - 3.1.2 Exhibit B-4 Rate Schedule & Fee Tables
 - 3.1.3 Exhibit C-4 Project Exhibit
 - 3.1.4 Exhibit D-4 Conceptual Cost Estimate

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

Approval and acceptance of this Task Order, including attachments listed in SECTION 3 –EXHIBITS, shall incorporate this document as part of the Agreement. Garver is authorized to begin performance upon receipt of a copy of this Task Order signed by the CITY OF FAYETTEVILLE. The effective date of this Task Order shall be the last date written below.

CITY OF FAYETTEVILLE, ARKANSAS

GARVER

By : _____
Mayor, Lioneld Jordan

By: Michael J. Zilli

ATTEST:

By: _____
City Clerk

Title: Senior Vice President

**EXHIBIT A-4 – SCOPE OF SERVICES
FAYETTEVILLE – DRAKE FIELD (FYV)
TAXIWAY LIGHTING REHABILITATION**

2.1 General

Generally, the scope of services includes bid package development, bidding services, construction phase services, and closeout services for improvements to Fayetteville-Drake Field. Improvements will consist primarily of rehabilitating the existing taxiway lighting systems.

2.2 Surveys

GARVER will use record drawing and visual inspection to determine the existing condition of that taxiway lighting system.

2.3 Bid Package Development

2.3.1 DBE Coordination

GARVER will coordinate with the FAA's Office and Civil Rights and complete a three year DBE goal for the airport's federal funded projects. If required by the FAA, GARVER will also update the airport's overall DBE program and develop a Small Business Element to conform to the most recent Part 39 revisions.

2.3.2 Environmental Coordination

GARVER will work with the FAA in order to obtain a categorical exclusion for the project. Coordination will include completion of a documented CATEX questionnaire in accordance with FAA SOP No. 500 and submission to the FAA's environmental specialist for approval.

2.3.3 Construction Safety Plans

GARVER will develop construction safety plans for the CITY OF FAYETTEVILLE's review prior to inclusion in the bid package. Construction safety plans will also be coordinated with the Air Traffic Controllers. Construction phasing will be designed to limit the construction impact on aircraft operations.

2.3.4 Final Plans and Specifications

GARVER will prepare detailed construction drawings, specifications, instructions to bidders, general provisions and special provisions, all based on guides furnished to GARVER by the CITY OF FAYETTEVILLE and FAA. Contract Documents (Plans, Specifications, and Estimates) will be prepared for award of one (1) construction contract. These designs shall be in accordance with sound engineering principles and shall be submitted to the FAA office from which approval must be obtained. Detailed specifications shall be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10 (latest edition) or other appropriate standards approved for use by the FAA. A specimen copy of the General Provisions and applicable prevailing wage rates will be obtained by GARVER from the FAA as appropriate for incorporation into the specifications for the proposed project.

GARVER will submit to the FAA Airport's Regional Office advance copies of the plans and specifications and cost estimates for review. GARVER will make any additions to respond to comments by the FAA, and when the documents have been approved, GARVER will furnish plans to the FAA and to the CITY OF FAYETTEVILLE for bidding and coordination purposes.

2.4 Bidding Services

GARVER will assist the CITY OF FAYETTEVILLE in advertising for and obtaining bids or negotiating proposals for one prime contract for construction, materials, equipment and services; and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued, and receive and process deposits for Bidding Documents. The CITY OF FAYETTEVILLE will pay advertising costs outside of this contract. GARVER will issue addenda as appropriate to interpret, clarify or expand the Bidding Documents. GARVER will consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of subcontractors, suppliers and other persons and organizations proposed by the prime contractor(s) (herein called "Contractor(s)") for those portions of the work as to which such acceptability is required by the Bidding Documents. GARVER will consult with the CITY OF FAYETTEVILLE concerning and to determine the acceptability of substitute materials and equipment proposed by Contractor(s) when substitution prior to the award of contracts is allowed by the Bidding Documents. GARVER will attend the bid opening, prepare bid tabulation sheets and assist the CITY OF FAYETTEVILLE in evaluating bids or proposals and in assembling and awarding contracts for construction, materials, equipment and services. GARVER will assist the CITY OF FAYETTEVILLE in the execution of all contract documents and furnish a sufficient number of executed documents for the CITY OF FAYETTEVILLE, FAA, and Contractor.

2.5 Construction Phase Services

During the construction phase of work, GARVER will accomplish the following:

1. Support the CITY OF FAYETTEVILLE's improvement plan by accomplishing preliminary planning, and/or engineering work as directed by the CITY OF FAYETTEVILLE. The work shall include the preparation of opinions of costs, preliminary plans, applications for local, state, and federal funds, and services required to support the CITY OF FAYETTEVILLE's applications for funds.
2. Issue a Notice to Proceed letter to the Contractor and attend preconstruction meeting.
3. Attend progress/coordination meetings with the CITY OF FAYETTEVILLE/Contractor.
4. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by GARVER on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. GARVER's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, GARVER shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.

5. Consult with and advise the CITY OF FAYETTEVILLE during the construction period. GARVER will submit, when requested by the CITY OF FAYETTEVILLE, written reports to the CITY OF FAYETTEVILLE on the progress of the construction including any problem areas that have developed or are anticipated to develop. In addition, GARVER shall supply to CITY OF FAYETTEVILLE such periodic reports and information as may be required by the FAA.
6. Issue instructions to the Contractor on behalf of the CITY OF FAYETTEVILLE and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
7. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and will make a recommendation to the CITY OF FAYETTEVILLE regarding payment. GARVER's recommendation for payment shall not be a representation that GARVER has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
8. Maintain a set of working drawings and prepare and furnish record drawings.
9. Provide part-time resident construction observation services for the 28-calendar-day construction contract performance time. The proposed fee is based on approximately 16 hours per week during the construction contract performance time. If the construction time extends beyond the time established in this agreement or if the CITY OF FAYETTEVILLE wishes to increase the time or frequency of the observation, the CITY OF FAYETTEVILLE will pay GARVER an additional fee agreed to by the CITY OF FAYETTEVILLE and GARVER.
10. When authorized by the CITY OF FAYETTEVILLE, prepare change orders or supplemental agreements, as appropriate, for ordering changes in the work from that originally shown on the Plans and Specifications. If re-design or substantial engineering is required in the preparation of these documents, payment for extra services involved will be made in addition to the payment provided in basic engineering services.
11. Participate in final project inspection, prepare punch list, review final project closeout documents, and submit final pay request.

Construction observation services will be provided by GARVER's Resident Project Representative, who will provide or accomplish the following:

- Consult with and advise the CITY OF FAYETTEVILLE during the construction period.
- Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information.
- Maintain a project diary which will contain information pertinent to each site visit.
- Prepare requests for monthly and final payments to the Contractor.
- Provide information for preparation of record drawings of the completed project.
- Submit FAA Form 5370-1, Construction Progress and Inspection Report, or equivalent form to the appropriate FAA field office. The frequency of submittal shall be established at the preconstruction conference.
- Prepare a Construction Materials Quality Control Summary to be submitted weekly/monthly to the FAA. At a minimum, the summary shall include a list of all tests performed showing the date, location, pass or fail, results of retests, and whether or not the test is eligible or ineligible under the A.I.P. program. The Summary will include a certification that all testing was completed in accordance with the "Construction Management Plan."
- Assist the CITY OF FAYETTEVILLE in the observation of Contractor's operations for proper classification of workers, and review of Contractor's payrolls as necessary to determine compliance with the prevailing wage rates.

In performing construction observation services, GARVER will endeavor to protect the CITY OF FAYETTEVILLE against defects and deficiencies in the work of the Contractor(s); but GARVER does not guarantee the performance of the Contractor(s), nor is GARVER responsible for the actual supervision of construction operations. GARVER does not guarantee the performance of the contracts by the Contractors nor assume any duty to supervise safety procedures followed by any Contractor or subcontractor or their respective employees or by any other person at the job site. However, if at any time during construction GARVER observes that the Contractor's work does not comply with the construction contract documents, GARVER will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. GARVER will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, GARVER will notify the CITY OF FAYETTEVILLE immediately, so that appropriate action under the CITY OF FAYETTEVILLE's contract with the Contractor can be taken.

As a minimum, GARVER's project engineer or his qualified representative will visit the site of the work on the average of once during each fifteen (15) working days of the construction period. These visits should be scheduled to coincide with each new phase of construction, scheduled FAA inspections, and other times when his presence is desirable. GARVER's project engineer or his qualified representative will be available at all times work is in progress for telephone contact by the construction observer. GARVER's project engineer shall direct, supervise, advise, and counsel the construction observer in the accomplishment of his duties.

2.6 Closeout Services

During closeout services, GARVER will assist the CITY OF FAYETTEVILLE in the final drawdown of their FAA grant and their application for an ADA grant. In addition, GARVER will prepare a set of record drawings for the CITY OF FAYETTEVILLE.

2.7 Project Deliverables

The following will be submitted to the CITY OF FAYETTEVILLE, or others as indicated, by GARVER:

1. One copy of the Final Design with opinion of probable construction cost to CITY OF FAYETTEVILLE and FAA.
2. Three copies of the Final Plans and Specifications to the Contractor.
3. One hard copy set of Record Drawings.
4. Electronic files as requested.

2.8 Extra Work

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

1. Redesign for the CITY OF FAYETTEVILLE's convenience or due to changed conditions after previous alternate direction and/or approval.
2. Submittals or deliverables in addition to those listed herein.
3. Vault Modifications
4. Preparation of a Storm Water Pollution Prevention Plan (SWPPP). The construction contract

documents will require the Contractor to prepare, maintain, and execute a SWPPP.

5. Construction materials testing.
6. Environmental Handling and Documentation, including wetlands identification or mitigation plans or other work related to environmentally or historically (culturally) significant items.
7. Coordination with FEMA and preparation/submittal of a CLOMR and/or LOMR.
8. Services after construction, such as warranty follow-up.
9. Vault arc-flash or circuit breaker coordination studies.
10. Design of modifications to existing taxiway base can layout, spacing, conduit routing, counterpoise system, or grounding.

Extra Work will be as directed by the CITY OF FAYETTEVILLE in writing for an additional fee as agreed upon by the CITY OF FAYETTEVILLE and GARVER.

2.9 Schedule

GARVER shall begin work immediately upon receipt of the executed task order and shall complete the work within a mutually agreeable schedule.



EXHIBIT B-4
FYV Taxiway Lighting Rehabilitation
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	\$ 31.90
E-2	\$ 37.00
E-3	\$ 44.80
E-4	\$ 52.30
E-5	\$ 63.80
E-6	\$ 80.00
E-7	\$ 105.50
Planners / Environmental Specialist	
P-1	\$ 38.40
P-2	\$ 48.20
P-3	\$ 60.00
Designers	
D-1	\$ 29.80
D-2	\$ 34.90
D-3	\$ 41.50
D-4	\$ 48.20
Technicians	
T-1	\$ 23.20
T-2	\$ 29.50
T-3	\$ 35.90
Surveyors	
S-1	\$ 14.20
S-2	\$ 18.80
S-3	\$ 25.40
S-4	\$ 36.40
S-5	\$ 48.20
S-6	\$ 54.80
2-Man Crew (Survey)	\$ 55.20
3-Man Crew (Survey)	\$ 69.40
2-Man Crew (GPS Survey)	NA
3-Man Crew (GPS Survey)	NA
Construction Observation	
C-1	\$ 28.10
C-2	\$ 36.10
C-3	\$ 44.20
C-4	\$ 54.30
Management / Administration	
M-1	\$ 105.50
X-1	\$ 18.20
X-2	\$ 24.80
X-3	\$ 34.50
X-4	\$ 44.00
X-5	\$ 54.00
X-6	\$ 64.00

EXHIBIT B-4

FAYETTEVILLE - DRAKE FIELD (FYV) TAXIWAY LIGHTING REHABILITATION

BID PACKAGE DEVELOPMENT

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	T-2	T-1	P-2
	\$52.30	\$44.80	\$37.00	\$31.90	\$29.50	\$23.20	\$48.20
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Final Plans							
Cover and Table of Contents				1		2	
Construction Safety and Phasing Plans		2		8		14	
Site Visit		2		4			
Coordination with Owner		2		8			
Environmental Documentation		1		3			4
Specifications/Contract Documents		2		8			
Quantities		1		2			
DBE Plan Update		1		4			
Opinion of Probable Construction Cost		1		4			
QC Review		1		4			
Subtotal - Civil Engineering	0	13	0	46	0	16	4
2. Electrical Engineering							
Final Plans							
Lighting Removal Plans	2			6		16	
Lighting Installation Plans	2			6		20	
Electrical Details	2			4		16	
Site Visit	4			4			
Specifications/Contract Documents	4			8			
Quantities	2			4			
Opinion of Probable Construction Cost	1			6			
QC Review				4			
Subtotal - Electrical Engineering	17	0	0	42	0	52	0

Hours	17	13	0	88	0	68	4
Salary Costs	\$889.10	\$582.40	\$0.00	\$2,807.20	\$0.00	\$1,577.60	\$192.80

SUBTOTAL - SALARIES: \$6,049.10

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD** \$11,513.86

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$138.13
Postage/Freight/Courier	\$75.00
Travel Costs	\$50.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$263.13

SUBTOTAL: \$17,826.09

SUBCONSULTANTS FEE: \$0.00

PROFESSIONAL FEE \$2,673.91

TOTAL FEE: \$20,500.00

EXHIBIT B-4

FAYETTEVILLE - DRAKE FIELD (FYV) TAXIWAY LIGHTING REHABILITATION

BIDDING SERVICES

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	T-2	T-1	X-1
	\$52.30	\$44.80	\$37.00	\$31.90	\$29.50	\$23.20	\$18.20
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Dispense plans and specs to prospective bidders				6			4
Bid Opening		2		6			
Prepare bid tabulation				2			2
Evaluate bids and recommend award				2			
Prepare FAA Grant Application				4			4
Prepare construction contracts		1		4			4
Notice to Proceed		1		2			
Subtotal - Civil Engineering	0	4	0	26	0	0	14
2. Electrical Engineering							
Addendums/Inquiries	2			4			
Subtotal - Electrical Engineering	2	0	0	4	0	0	0

Hours	2	4	0	30	0	0	14
Salary Costs	\$104.60	\$179.20	\$0.00	\$957.00	\$0.00	\$0.00	\$254.80

SUBTOTAL - SALARIES: \$1,495.60

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD** \$2,846.73

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$210.28
Postage/Freight/Courier	\$180.00
Travel Costs	\$50.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: \$440.28

SUBTOTAL: \$4,782.61

SUBCONSULTANTS FEE: \$0.00

PROFESSIONAL FEE \$717.39

TOTAL FEE: \$5,500.00

EXHIBIT B-4

FAYETTEVILLE - DRAKE FIELD (FYV) TAXIWAY LIGHTING REHABILITATION

CONSTRUCTION PHASE SERVICES

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	T-2	T-1	C-2
	\$52.30	\$44.80	\$37.00	\$31.90	\$29.50	\$23.20	\$36.10
	hr	hr	hr	hr	hr	hr	hr
1. Civil Engineering							
Preconstruction Meeting		4		6			6
Monthly Pay Requests		1		4			
Shop Drawings/Material Submittals		1		4			
Resident Construction Observation (4 weeks @ 16 hr/wk)							64
Prepare Change Orders		1		2			2
Final Project Inspection and Punchlist				6			6
Subtotal - Civil Engineering	0	7	0	22	0	0	78
4. Electrical Engineering							
Respond to Contractors Questions	1			4			
Shop Drawings/Material Submittals	1			4			
Final Project Inspection and Punchlist	4			6			
Subtotal - Electrical Engineering	6	0	0	14	0	0	0

Hours	6	7	0	36	0	0	78
Salary Costs	\$313.80	\$313.60	\$0.00	\$1,148.40	\$0.00	\$0.00	\$2,815.80

SUBTOTAL - SALARIES: **\$4,591.60**

LABOR AND GENERAL

ADMINISTRATIVE OVERHEAD **\$8,739.65**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$101.79
Postage/Freight/Courier	\$80.00
Travel Costs	\$400.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$581.79**

SUBTOTAL: **\$13,913.04**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$2,086.96**

TOTAL FEE: **\$16,000.00**

EXHIBIT B-4

FAYETTEVILLE - DRAKE FIELD (FYV) TAXIWAY LIGHTING REHABILITATION

CLOSEOUT SERVICES

WORK TASK DESCRIPTION	E-4	E-3	E-2	E-1	T-2	T-1	C-2
	\$52.30	\$44.80	\$37.00	\$31.90	\$29.50	\$23.20	\$36.10
	hr	hr	hr	hr	hr	hr	hr
1. Closeout Services							
Final Construction Report		2		6		4	
Prepare Record Drawings		2		4		4	
ALD Submission		1		4		2	
ADA Grant Application				2			
Subtotal - Closeout Services	0	5	0	16	0	10	0

Hours	0	5	0	16	0	10	0
--------------	----------	----------	----------	-----------	----------	-----------	----------

Salary Costs	\$0.00	\$224.00	\$0.00	\$510.40	\$0.00	\$232.00	\$0.00
---------------------	--------	----------	--------	----------	--------	----------	--------

SUBTOTAL - SALARIES: **\$966.40**

**LABOR AND GENERAL
ADMINISTRATIVE OVERHEAD** **\$1,839.45**

DIRECT NON-LABOR EXPENSES

Document Printing/Reproduction/Assembly	\$137.63
Postage/Freight/Courier	\$100.00
Travel Costs	\$0.00

SUBTOTAL - DIRECT NON-LABOR EXPENSES: **\$237.63**

SUBTOTAL: **\$3,043.48**

SUBCONSULTANTS FEE: **\$0.00**

PROFESSIONAL FEE **\$456.52**

TOTAL FEE: **\$3,500.00**

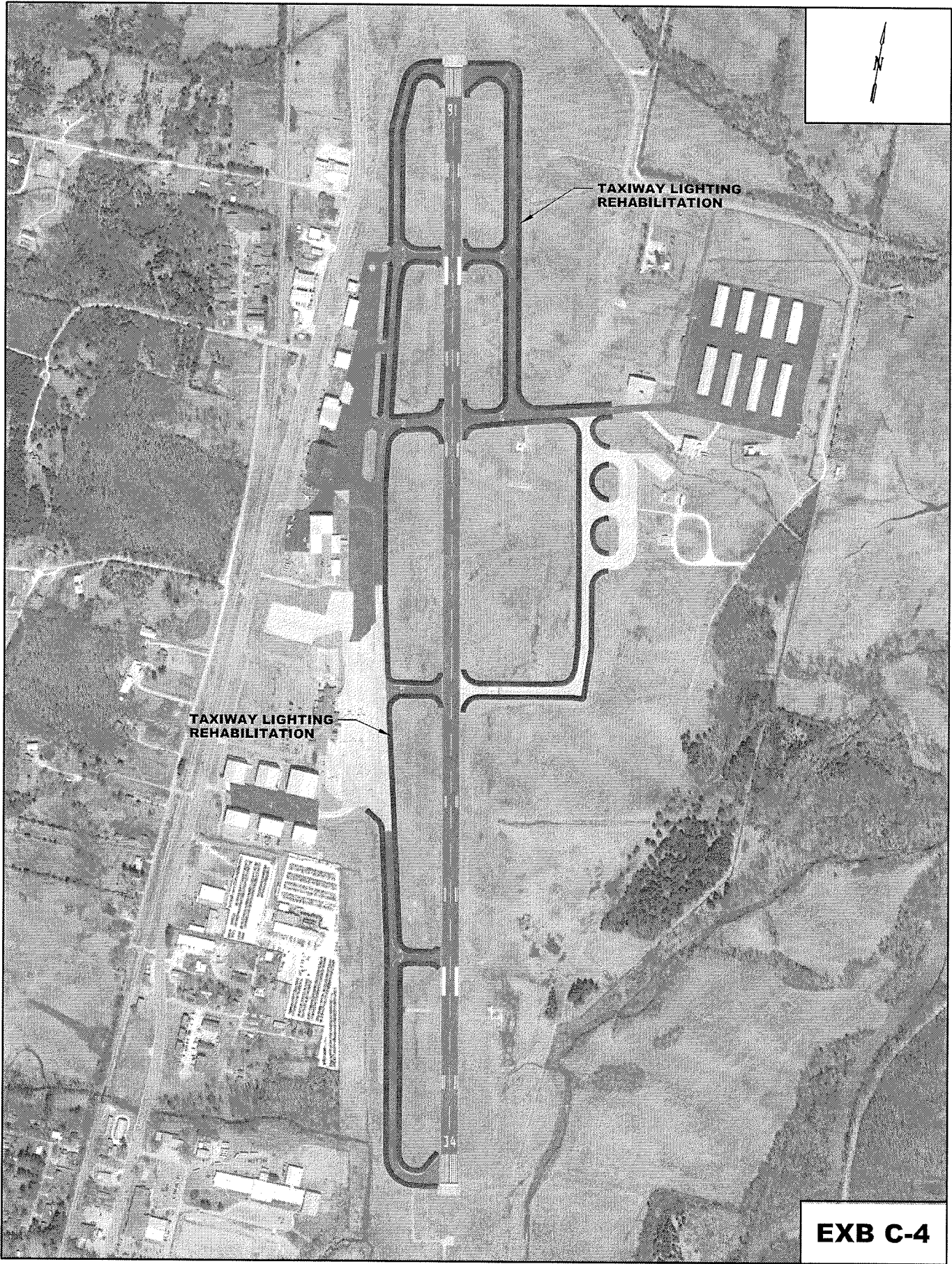


EXHIBIT D-4

**FAYETTEVILLE-DRAKE FIELD
TAXIWAY LIGHTING REHABILITATION**

ENGINEER'S OPINION OF CONCEPTUAL CONSTRUCTION COST

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED AMOUNT
1	Site Preparation / Mobilization	LS	1	\$23,000.00	\$ 23,000.00
2	Temporary Airfield Lighting	LS	1	\$10,000.00	\$ 10,000.00
3	Conduit Replacement	LF	200	\$5.00	\$ 1,000.00
4	Conduit Clearing	LF	30,000	\$0.35	\$ 10,500.00
5	L-824C Cable	LF	30,000	\$1.50	\$ 45,000.00
6	LED Lighting Upgrade	EA	420	\$500.00	\$ 210,000.00
7	Third Party Insurance *	LS	1	\$500.00	\$ 500.00
TOTAL ESTIMATED CONSTRUCTION COST					\$ 300,000.00

* Non-AIP Eligible Items

ENGINEERING SERVICES

Bid Package Development	\$ 20,500.00
Bidding Services	\$ 5,500.00
Construction Phase Services	\$ 16,000.00
Closeout Services	\$ 3,500.00
TOTAL ENGINEERING SERVICES	\$ 45,500.00
TOTAL ESTIMATED CONSTRUCTION COST	\$ 300,000.00
TOTAL ENGINEERING SERVICES	\$ 45,500.00
TOTAL ESTIMATED PROJECT COST	\$ 345,500.00

TOTAL ESTIMATED AIP-ELIGIBLE PROJECT COST	\$ 345,000.00
--	----------------------

PROJECT FUNDING	TOTAL
FAA (90%)	\$ 310,500.00
ADA (10%)	\$ 34,500.00
Sponsor (Remainder)	\$ 500.00
TOTAL PROJECTED FUNDING	\$ 345,500.00

A budget adjustment is needed for the 2016 budget to allow Airport to hire Garver to gather bids to determine the best price for 2016 Drake Field Taxiway Lighting Rehabilitation FAA grant project.

RESOLUTION/ORDINANCE

POSTED:

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 84 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0526

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

BID NO. 15-62 PERMATRAK NORTH AMERICA:

A RESOLUTION TO AWARD BID NO. 15-62 AND AUTHORIZE A CONTRACT WITH PERMATRAK NORTH AMERICA, LLC OF CHARLOTTE, NORTH CAROLINA FOR THE PURCHASE OF A PREFABRICATED CONCRETE BOARDWALK SYSTEM IN THE AMOUNT OF \$311,678.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE CLABBER CREEK TRAIL BETWEEN RUPPLE ROAD AND SALEM ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,167.00

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. 15-62 and authorizes a contract with Permatrak North America, LLC of Charlotte, North Carolina for the purchase of a prefabricated concrete boardwalk in the amount of \$311,678.00 plus applicable taxes for installation on the Clabber Creek Trail between Rurple Road and Salem Road, and further approves a project contingency in the amount of \$31,167.00.

City of Fayetteville Staff Review Form

2015-0526

Legistar File ID

December 1st, 2015

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

Matt Mihalevich

11/13/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of the purchase of a prefabricated concrete boardwalk system from PermaTrak North America, the low bidder of bid #15-62 in the amount of \$311,678.00 plus sales tax of \$30,388.61 for a total purchase price of \$342,066.61 and approval of a 10% contingency in the amount of \$31,167.80 for installation along the Clabber Creek Trail over a mitigated wetland between Ruppel and Salem Roads.

Budget Impact:

4470.9470.5814.05		Trail Development / Sales Tax Capital Imp.	
Account Number		Fund	
02016.1402		Clabber Creek Trail (Ruppel to Holcomb)	
Project Number		Project Title	
Budgeted Item?	Yes	Current Budget	\$ 734,997.00
		Funds Obligated	\$ 21,542.00
		Current Balance	\$ 713,455.00
Does item have a cost?	Yes	Item Cost	\$ 342,066.61
Budget Adjustment Attached?	NA	Budget Adjustment	\$ -
		Remaining Budget	\$ 371,388.39

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1ST 2015

TO: Mayor and City Council

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

FROM: Matt Mihalevich, Trails Coordinator

DATE: November 13th, 2015

SUBJECT: 2015-0526 – Clabber Creek Trail Boardwalk Purchase

RECOMMENDATION:

Approval of the purchase of a prefabricated concrete boardwalk system from PermaTrak North America, the low bidder of bid #15-62 in the amount of \$311,678.00 plus sales tax of \$30,388.61 for a total purchase price of \$342,066.61 and approval of a 10% contingency in the amount of \$31,167.80 for installation along the Clabber Creek Trail over a mitigated wetland between Ruppel and Salem Roads.

BACKGROUND:

The city in-house trail construction crew has started construction on the $\frac{3}{4}$ mile long extension of the Clabber Creek Trail from Ruppel Road east to the east edge of the Gary Hampton Softball complex. A mitigated wetland is located along the proposed trail route between Ruppel Road and Salem Road. Staff has worked diligently for with the U.S. Army Corps of Engineers to obtain approval to construct the trail across this mitigated wetland. Approval was granted in April of 2015 with the requirement that the trail be elevated to minimize impact to the sensitive area and to retain wetland hydraulic system. In addition to the installation of the elevated boardwalk, the City was required to provide 3.14 wetland mitigation credits which were provided from Woolsey Wet Prairie Mitigation Bank.

DISCUSSION:

The elevated boardwalk will be 726 linear feet in length to span the mitigated wetland area approximately 24-30 inches off the ground. The boardwalk system will be composed of prefabricated concrete sections that will be installed by the city in-house construction crew. The concrete for the boardwalk system will provide a long lasting and maintenance-free structure. A 10% contingency has been requested with the boardwalk purchase for unforeseen site conditions that could result in adjustments of the pier depth or boardwalk length.

BUDGET/STAFF IMPACT:

Funding for the bridge purchase has been budgeted through the Trail Development Capital Improvement Program. Half of the funding for the Clabber Creek Trail is provided through a grant from the Walton Family Foundation.

Attachments:

Staff Review Form

Clabber Creek Trail Map

Boardwalk Site Plan

Boardwalk Examples

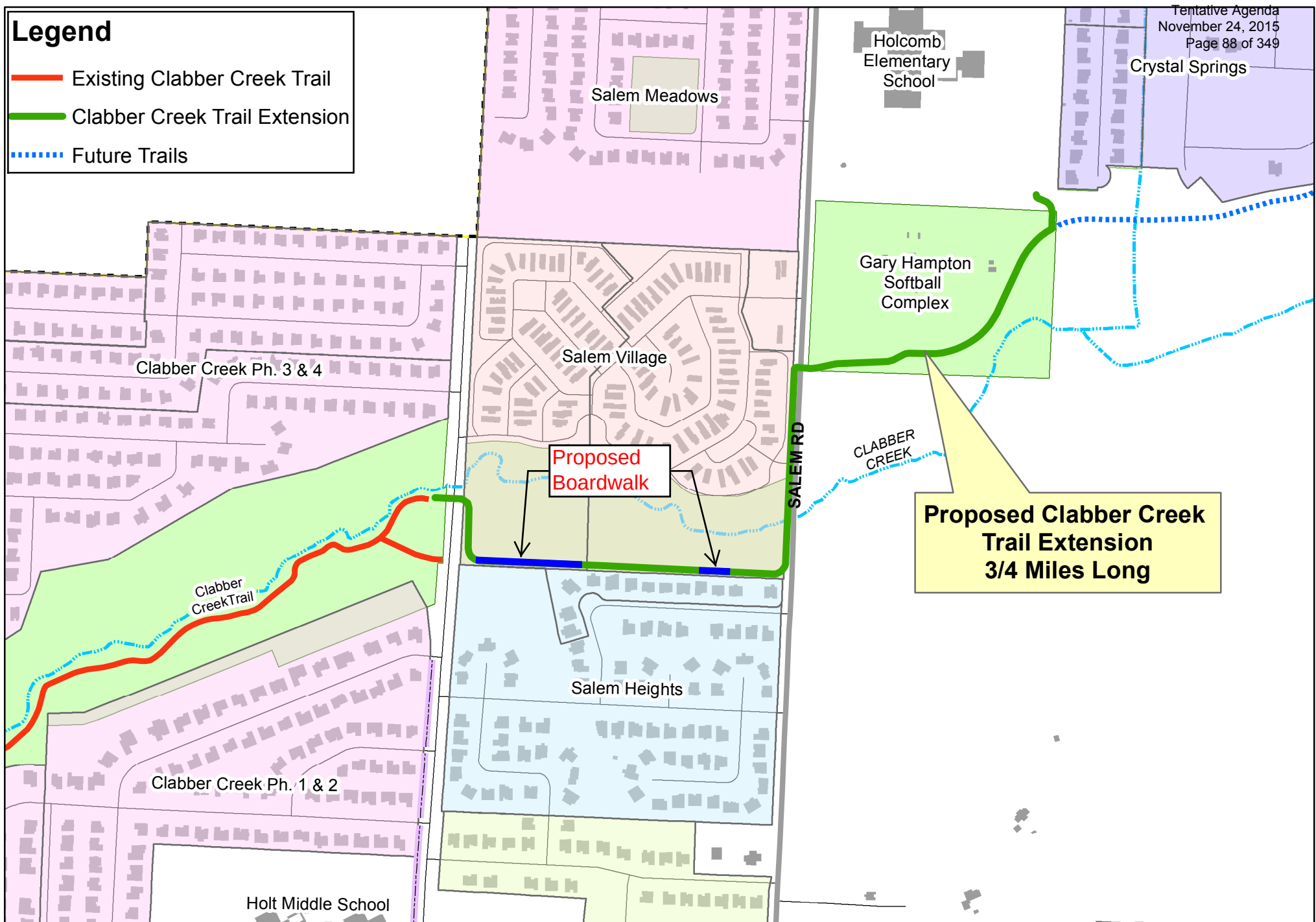
Bid Tabulation #15-60

PermaTrak North America – Bid Submittal

PermaTrak North America - Purchase Requisition

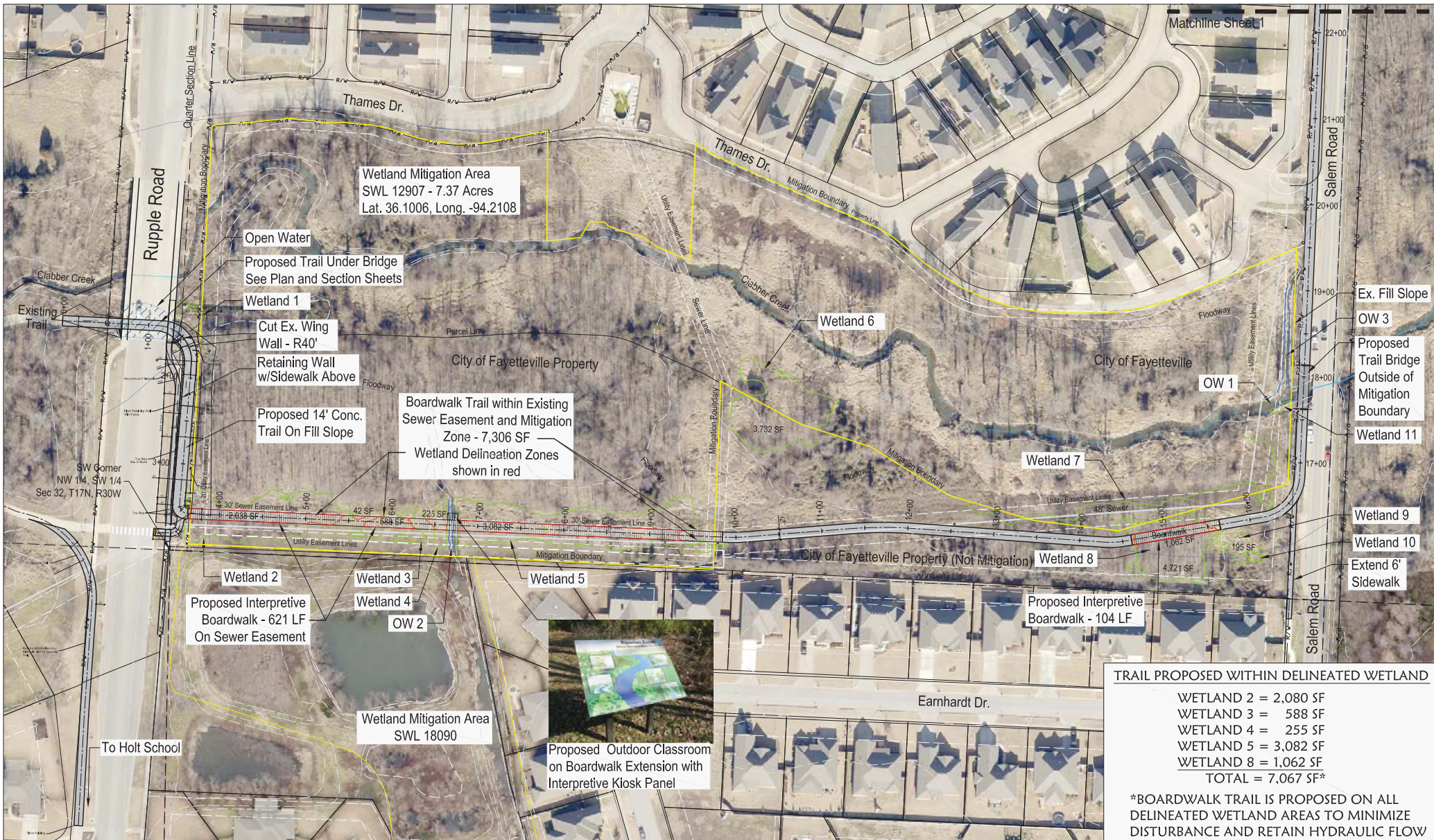
Legend

- Existing Clabber Creek Trail
- Clabber Creek Trail Extension
- Future Trails



0 125 250 500 750 1,000 Feet

Clabber Creek Trail Extension 3/4 Miles Long



Clabber Creek Trail Boardwalk – Installation Examples





11/13/2015

2:00 PM

City of Fayetteville

Bid 15-62, Clabber Creek Trail Boardwalk

DESCRIPTION	QTY	BIDDER
		PermaTrak North America
Elevated Precast Concrete Boardwalk System	1	\$ 311,678.00

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

CERTIFIED:

<u>P Vice</u>	<u>Carolyn Lee</u>	<u>11-13-15</u>
P. Vice, Purchasing Manager	Witness	Date



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

INVITATION TO BID

INVITATION TO BID: Bid 15-62, Clabber Creek Trail Boardwalk

DEADLINE: Friday, November 13, 2015 before 2:00 PM, Local Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren Rennie, CPPO, CPPB, aforen@fayetteville-ar.gov

DATE OF ISSUE AND ADVERTISEMENT: Friday, October 23, 2015

INVITATION TO BID Bid 15-62, Clabber Creek Trail Boardwalk

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

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

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

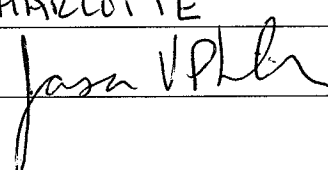
Name of Firm: PermaTRAK NORTH AMERICA

Contact Person: JASON V PHILBIN Title: PRESIDENT

E-Mail: JPHILBIN@PERMATRAK.COM Phone: 980-229-3036

Business Address: 16607 RIVERSTONE DR. STE. 200

City: CHARLOTTE State: NC Zip: 28277

Signature:  Date: 11-9-15

City of Fayetteville
Bid 15-62, Clabber Creek Trail Boardwalk
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made within 60 calendar days from date of approved shop drawings by the City (shop drawings are only required after contract award).

FOB Destination: Fayetteville, AR – Exact location will be provided with purchase order

DESCRIPTION		EST QTY	UNIT PRICE	EXT PRICE
1	Elevated Precast Concrete Boardwalk System	1	x \$ <u>311,678.00</u>	= \$ <u>311,678.00</u>

TOTAL BID PRICE: \$ 311,678.00

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

THIS BID FORM CONTINUES ON THE NEXT PAGE

EXECUTION OF BID -

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

Upon signing this Bid, the bidder certifies that:

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

JWP ✓ 1.) NO KNOWN RELATIONSHIP EXISTS

_____ 2.) RELATIONSHIP EXISTS (Please explain): _____

7. Bidder will perform the Work in compliance with all applicable trench safety standards set forth in Occupational Safety and Health Administration (OSHA) Part 1926 – Subpart P – Excavations.
8. As A bidder on this project, you are required to provide debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.
 - a. Federal Executive Order (E.O.) 12549 “Debarment and Suspension” requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.
 - b. Your signature below certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

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

*NAME OF FIRM: PERMATRAK NORTH AMERICA LLC

Purchase Order/Payments shall be issued to this name

*D/B/A or Corporation Name PERMATRAK NORTH AMERICA LLC

*BUSINESS ADDRESS: 16607 RIVERSTONE WAY STE.200

*CITY: CHARLOTTE *STATE: NC *ZIP: 28277

*PHONE: 980 229 3036 FAX: _____

*E-MAIL: JPHILBIN@PERMATRAK.COM

*BY: (PRINTED NAME) JASON V. PHILBIN

*AUTHORIZED SIGNATURE: Jason V. Philbin

*TITLE: PRESIDENT

DUNS NUMBER: _____ CAGE NUMBER: _____

*TAX ID NUMBER: 36-4663378

Acknowledge Addendums:

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____



Fritz Fromherz
National Sales Manager
ffromherz@permatrak.com

504-535-9922 (direct)
877-332-7862

A premier provider of environmentally-friendly
precast concrete boardwalk and elevated greenway solutions.



Jason V. Philbin, P.E., M.ASCE
President
jphilbin@permatrak.com

16607 Riverstone Way, Suite 200
Charlotte, NC 28277-5750
980-229-3036 (direct)
877-332-7862

A premier provider of environmentally-friendly
precast concrete boardwalk and elevated greenway solutions.

Rex, Carolyn

From: Jason V. Philbin <jphilbin@permatrak.com>
Sent: Wednesday, November 11, 2015 7:29 AM
To: Rex, Carolyn
Cc: 'Fritz Fromherz'
Subject: RE: Bid 15-62, Clabber Creek Boardwalk

Thank you Carolyn, this is my acknowledgment that we have received and understand the addendum.

Thank you.

Best Regards,

Jason



Jason V. Philbin, P.E., M.ASCE
President

PermaTrak North America
16607 Riverstone Way, Suite 200
Charlotte, NC 28277-5750
980-229-3036 (Direct)
704-541-3675 (fax)
877-332-7862
jphilbin@permatrak.com

From: Rex, Carolyn [mailto:crex@fayetteville-ar.gov]
Sent: Tuesday, November 10, 2015 2:31 PM
To: jphilbin@permatrak.com
Subject: Bid 15-62, Clabber Creek Boardwalk

Good afternoon!

Please find attached Addendum 1 for this project. If bids have already been submitted, please acknowledge receipt of the addendum via e-mail.

Thanks!

Carolyn Rex

Purchasing Clerk
City of Fayetteville, Arkansas
113 Mountain St.
Fayetteville, AR 72701
T 479.575.8304 F 479.575.8257

<http://bids.accessfayetteville.org>

TDD 479-521-1316 (Telecommunication Device for the deaf)



November 8, 2015
Revised November 17, 2015

City of Fayetteville
Purchasing Division – Room 306
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Ms. Andrea Foren Rennie

Reference: Precast Concrete Boardwalk
Clabber Creek Trail Boardwalk (Bid 15-62)
Fayetteville, AR
PermaTrak™ Project #2015-542

Dear Andrea:

Per your request, I am pleased to present this quotation for the use of the PermaTrak system at the above described project. The specific components for this quotation are based upon the following documents and/or assumptions:

- Invitation To Bid (Bid 15-62, Clabber Creek Trail Boardwalk) received in email from Ms. Rennie on Thursday October 22, 2015 at 3:35PM.

Design Criteria and Components

- Design live load shall be the controlling live load case between 90 psf, a 5000 lb. maintenance vehicle, and the H-5 design truck.
- Boardwalk alignment shall follow in general conformance the alignment shown contained within the ITB document referenced above.
- The precast boardwalk shall include the following components for two separate structures with lengths of 622'-6 1/4" and 106'-6 1/4".
 - Precast concrete abutments
 - Precast concrete beams
 - Precast concrete treads
 - Precast concrete piers
 - Precast concrete curbs
 - Rubber cushion bearing pad material to be positioned under the treads and on top of the beams as required for above quantities.
 - Adhesive material required for securing precast curbs to precast treads.
- All treads will be formed with a PermaTrak's standard texture style, "Sandblast".
- All precast concrete elements will be a minimum 4000 psi, normal weight

Additionally, PermaTrak will supply the following:

- PermaTrak will supply the boardwalk engineering design and shop drawings showing PermaTrak precast layout and connections to foundations for the PermaTrak system. Drawings shall be sealed and stamped by a Professional Engineer registered in Arkansas.
- PermaTrak will provide a field representative for a minimum of 2 days onsite.
- Price is quoted as freight on board, unloading is the responsibility of the owner or contractor

Exclusions

- Installation
- Sales Tax
- Mock sample. Can be provided at an additional cost if required.

Price:

The PermaTrak precast boardwalk system as described above delivered \$311,678.

Delivery Terms: PermaTrak anticipates that our engineering submittals will be delivered within 2-3 weeks after receipt of order. Delivery of precast material will be within 60 calendar days of City approved shop drawings. FOB – Fayetteville, AR; freight allowed to jobsite. Price as quoted above is inclusive of all shipping costs to the jobsite and is based upon full truck loads as allowed by law. Access to the job site will be provided by the BUYER and shall allow for our loaded trucks to access on their own to such site. Construction of access roads is by the BUYER. Any costs associated with a delay in the delivery date within one week of the agreed upon delivery date, shall be at the BUYER'S expense. Waiting time in excess of two hours at the time of delivery will be charged according to local rates for equipment and operator.

Payment Terms: all subject to credit approval and subject to NO RETAINAGE: Invoicing frequency and amount shall be per a mutually agreed upon schedule for the City and PermaTrak. All invoices are net thirty (30) days.

This quotation expires in 60 days from the above date.

This Quotation has been issued either as our self-initiated proposal to you for the products and services discussed herein or in response to your request for proposal for such products and services. Our offer under this Quotation is subject to and includes the Terms and Conditions attached hereto and those appearing in this Quotation. Your acceptance of this offer is expressly made conditional upon your assent to the attached Terms and Conditions and those appearing in this Quotation. Your receipt of possession of the products or permission as to the commencement of the services discussed herein shall constitute such assent, although your indication of assent is not limited to these methods. Should you issue a purchase order for the products or services discussed in the Quotation, the Terms and Conditions attached hereto and those appearing in the Quotation shall apply and any terms and conditions of your order shall not apply unless we specifically agree to such terms or conditions in writing.

Let it be known that the "Terms and Conditions" become a binding part of this proposal when accepted by the CONTRACTOR or BUYER. PermaTrak North America LLC wants to thank you for this opportunity to submit our proposal and look forward to doing business with you.

Accepted this _____ day of _____, 2015

Buyer: _____

By: _____

Print Name: _____

Title: _____

Buyers P.O. # _____

Respectfully submitted,

PermaTrak North America, LLC

By: Jason V. Philbin 11/17/15

Jason V. Philbin, P.E.

Title: President

TERMS AND CONDITIONS

1. Definitions. The following definitions apply to these Terms and Conditions:

"Attachment" means any document prepared by PermaTrak that is (i) attached to these Terms and Conditions or (ii) expressly referred to in a document that constitutes an Attachment under (i).

"Contract" means these Terms and Conditions, any Attachment and any document mutually executed by PermaTrak and Purchaser intended to comprise the agreement between the parties for the Products and Services.

"Products" means precast products or other products that PermaTrak is to provide Purchaser in accordance with the Contract.

"Purchaser" means the entity to which PermaTrak is providing Products or Services under the Contract.

"PermaTrak" means PermaTrak North America LLC.

"Services" means all services that PermaTrak performs or has agreed to perform under the Contract.

2. Payment. Purchaser agrees to pay in full for the Products and Services without retainage or the right of set-off or back charges or similar charge without PermaTrak's written consent. If Purchaser fails to pay invoices when due or if PermaTrak has reasonable doubt of Purchaser's ability to pay at any time, PermaTrak may demand advance payment for subsequent deliveries or suspend or terminate performance without penalty. Purchaser agrees to comply with any other pricing terms or conditions contained in any Attachment.

3. Delivery; Title Transfer; Risk of Loss. Delivery will be FOB destination, with freight allowed to Purchaser's jobsite. Prices quoted include all shipping costs to the jobsite and are based on upon full truck loads as allowed by law. PermaTrak access to the jobsite will be provided by Purchaser, with all costs of such access to be borne by Purchaser. Any necessary construction of access roads is to be undertaken by Purchaser. Any costs associated with a delay in the delivery date within one week of the agreed upon delivery date shall be at Purchaser's expense. Waiting time in excess of one hour at the time of delivery will be charged according to local rates for equipment and operation.

4. Acceptance of Products. Purchaser shall be deemed to have accepted the Products on the earlier of (i) actual acceptance by Purchaser or Purchaser's representative or (ii) the 5th day after delivery, if Products have not been rejected.

5. Limited Warranties. PermaTrak warrants that its precast products will, under normal conditions, maintain their structural integrity and shape for a period of 20 years from the date of installation. The foregoing warranty does not cover damage due to defective foundation work, faulty installation, loads in excess of those for which the products are designed, sudden impact, explosion, earthquake or other forces or conditions not within the scope of normal condition

With regard to other products, if any, sold by PermaTrak to Purchaser and with regard to Services, if any, provided by PermaTrak to Purchaser, PermaTrak warrants that such products and Services will be free from manifestations of defects in material and workmanship for a period of one year after the date of delivery of the products or performance of the Services.

PERMATRAK MAKES NO OTHER WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO ANY PRODUCTS OR SERVICES. ALL IMPLIED WARRANTIES, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, ARE DISCLAIMED AND EXCLUDED.

6. Limitation of Purchaser's Remedies and PermaTrak's Liability. In the case of precast products, PermaTrak's liability under this warranty shall be limited to, at PermaTrak's option, either repairing or providing replacements for the nonconforming products. In the case of other products, PermaTrak's liability shall be limited to, at PermaTrak's option, repairing, providing replacements for, or refunding the purchase price of, the nonconforming products. In the case of Services, PermaTrak's liability shall be limited to, at PermaTrak's option, reperforming or refunding the amount paid for the nonconforming Services

This warranty does not cover, and PermaTrak shall not be responsible for, costs and expenses incurred in connection with the removal of nonconforming precast or

other products or the installation of replacement precast or other products. PermaTrak's total cumulative liability in any way arising from the Products or Services shall not in any case exceed the purchase price of the Products or Services. IN NO EVENT SHALL PERMATRAK HAVE ANY LIABILITY FOR COMMERCIAL LOSS, LOST PROFITS, CLAIMS FOR LABOR, OR CONSEQUENTIAL, INCIDENTAL OR PUNITIVE DAMAGES OF ANY TYPE, WHETHER PURCHASER'S CLAIM IS FOUNDED IN CONTRACT, TORT, WARRANTY, STRICT LIABILITY, NEGLIGENCE OR OTHERWISE. IT IS EXPRESSLY AGREED THAT PURCHASER'S REMEDIES EXPRESSED IN THIS PARAGRAPH ARE PURCHASER'S SOLE AND EXCLUSIVE REMEDIES.

7. Force Majeure. In any event and in addition to all other limitations stated herein, PermaTrak shall not be liable for any act, omission, result or consequence, including but not limited to any delay in delivery or performance, which is (i) due to any act of God, the performance of any government order, local labor shortage, fire, flood or other casualty, governmental regulation or requirement, shortage or failure or raw material, supply, fuel, power or transportation, breakdown of equipment, or any cause beyond PermaTrak's reasonable control whether of similar or dissimilar nature to those above enumerated, or (ii) due to any strike, labor dispute, or difference with workers, regardless of whether or not PermaTrak is capable of settling any such labor problem.

8. Claims by Purchaser. Purchaser must notify PermaTrak of any claims for nonconforming or defective Products or Services within 90 days after the date within the applicable warranty period on which the nonconformity or defect was or should have been discovered by Purchaser or Purchaser's representative, or else Purchaser's claim will be barred. In addition, PermaTrak must be given an opportunity to investigate the claim before Purchaser disposes of the Products or prevents performance of the Services, or else Purchaser's claim will be barred. Any lawsuit or other action by Purchaser based upon breach of the Contract must be commenced within one year from the date of delivery by PermaTrak or, in the case of a cause of action based upon an alleged breach of warranty, within one year from the date within the applicable warranty period on which the defect is or should have been discovered by Purchaser or Purchaser's representative.

9. Intellectual Property. Purchaser acknowledges that it does not have any existing right, title, or interest in or to any intellectual property related to the Products, Services, or designs provided in connection with the Contract. The Contract does not convey any proprietary interest in any intellectual property related to the Products, Services or the designs provided in connection with the Contract, or grant Purchaser any rights of ownership or to the use of these designs.

10. Taxes. Prices are exclusive of and subject to federal, state and local taxes where applicable.

11. PermaTrak's Right of Termination. In addition to the other rights of termination provided for in the Contract, and if the Contract is made pursuant to any governmental rule or regulation, plan, order or other directive, upon the termination thereof, PermaTrak shall have the option of canceling the Contract in whole or in part.

12. Waiver. Failure or inability of either party to enforce any right hereunder shall not waive any right with respect to any other or future rights or occurrences.

13. Modification; Assignment. No modification, assignment or transfer of the Contract after approval shall be binding upon PermaTrak unless in writing and signed by PermaTrak.

14. Severability. In case any provision of this Contract shall be declared invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

15. Applicable Law. This Contract shall be governed by, and construed and enforced in accordance with, the laws of the State of Arkansas.

16. Attorney Fees and Costs. If any lawsuit is brought to declare the effect of or to enforce any provision of the Terms and Conditions, or to declare the effect of or enforce any right or remedy arising via the quotation and/or the parties' agreement, the prevailing party in such a lawsuit shall be entitled to recover its reasonable attorneys' fees and costs.

TECHNICAL SPECIFICATIONS

Precast Boardwalk System

STANDARD COMPONENTS

Treads: Minimum Width: 3'-9"
Maximum Width: 15'-4"
Color and texture options available

Beams: Lengths: Up to 20'-0"

Abutments: Width: 3'-9"

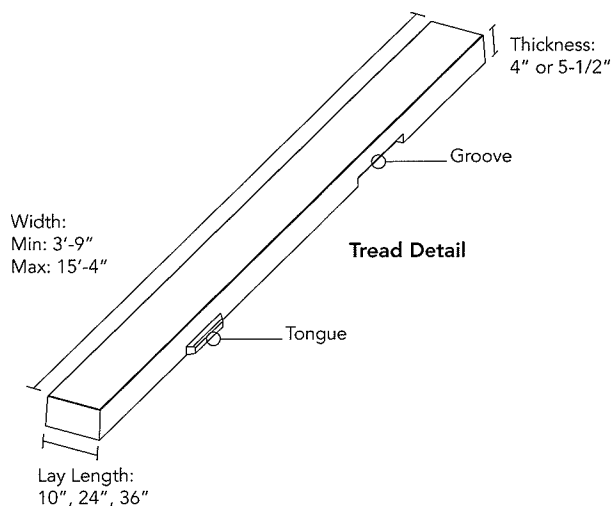
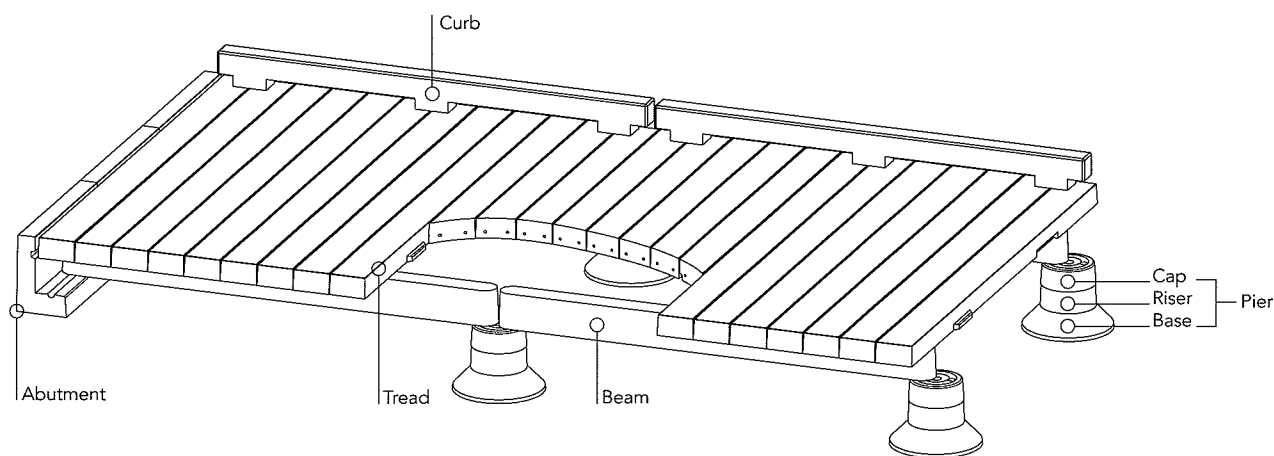
Piers: Precast piers consist of precast base, riser and cap. The heights of each component are 6" nominal. Additional risers are stacked on each other to increase pier heights. Caps are the bearing elements for the precast beams and are connected via "mushroom shaped" urethane pins.

Standard Components

PermaTrak® is produced with reinforced, precast concrete components.

The concrete treads lock together via tongue and groove connections on both sides.

The boardwalk system can be designed to follow curved alignments through the use of tapered treads, and may be engineered to meet uplift requirements.



Notes:

1. Light lifting equipment required to place components.
2. This diagram is for illustrative purposes only. Preliminary engineering drawings available upon request.
3. Railing and curb options available.

City of Fayetteville - Purchase Order Request (PO)

(Not a Purchase Order)

All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov.
Purchase shall not be made until an actual PO has been issued.

Requisition No.:

Date:

P.O Number:

Mail

☒ Yes ☐ No

Legistar#:

2015-0526

Address:

FOB Point:

Taxable

☒ Yes ☐ No

Expected Delivery Date:

City:

State:

Zip Code:

Ship to code:

104

Quotes Attached

☐ Yes ☒ No

Requester: Matt Mihalevich / John Nelson

Requester's Employee #:

2509

Extension:

3416

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Elevated Precast Concrete Boardwalk System - Clabber Creek	1	LOT	311,678.00	\$311,678.00	4470.9470.5814.05	02016.1402		
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:

Per Bid 15-62 and Res No ____

Subtotal:

\$311,678.00

Tax:

\$30,388.61

Total:

\$342,066.61

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Chief Financial Officer: _____

Budget Director: _____

IT Director: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 103 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0539

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

RANGER'S PANTRY DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,244.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the total amount of \$2,244.00 representing donations to Ranger's Pantry and Community Development Block Grant Program income received from housing lien payoffs.

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

2015-0539

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Yolanda Fields

11/13/2015

Community Resources /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Budget Adjustment recognizing Ranger's Pantry donations in the amount of \$744 and CDBG program income received from lien payoff payments totalling \$1500

Budget Impact:

See Below

2180 - CDBG

Account Number

Fund

See 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 \$ 2,244.00

Remaining Budget \$ 2,244.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: 2180.4945.5390.01 32003.1 \$744
2180.4940.5315.00 \$1500



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

THRU: Jeremy Pate, Dir. Development Services

FROM: Yolanda Fields, Community Resources Director

DATE: November 13, 2015

SUBJECT: Approval of a Budget Adjustment for the Community Resources Division

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize and budget Ranger's Pantry and CDBG program income received.

BACKGROUND:

Community Resources would like to recognize program income from three payments from a lien payoff plan, as well as donations from citizens and local businesses for Ranger's Pantry.

DISCUSSION:

In July 2015, an agreement was reached with the owners of 1747 N. Oakland Ave. to prepay the CDBG program \$11,737.58 in installments due to the terms of the contract being violated. The first payment was recognized in August. There have been three more payments since then that need to be recognized totaling \$1,500.

Aside from a \$25 private donation made in August, Ranger's Pantry has held several events with local businesses which resulted in donations from the customers of those businesses, as well as donations directly from the businesses. Two events at Big Star Lounge resulted in \$247, a First Thursday event resulted in \$180, a Bark N' Paws event resulted in \$73, and a Kingfish event resulted in \$219. The total donations needing to be recognized is \$744.

BUDGET/STAFF IMPACT:

Increase Housing Contract Services by \$1,500
Increase Community Outreach Projects by \$744

Attachments:

Budget Adjustment

Approval of a Budget Adjustment recognizing Ranger's Pantry donations in the amount of \$744 and CDBG program income received from lien payoff payments totalling \$1500

RESOLUTION/ORDINANCE

POSTED:

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 107 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0536

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

BSN SPORTS:

A RESOLUTION TO APPROVE THE PURCHASE OF THIRTY-TWO (32) PAIRS OF SOCCER GOALS FOR THE REGIONAL PARK FROM BSN SPORTS OF DALLAS, TEXAS IN THE AMOUNT OF \$85,623.00, PURSUANT TO A U.S. COMMUNITIES NATIONAL COOPERATIVE PURCHASING PROGRAM CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of thirty-two (32) pairs of soccer goals for the Regional Park from BSN Sports of Dallas, Texas in the amount of \$85,623.00, pursuant to a U.S. Communities National Cooperative Purchasing Program contract.

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

2015-0536

Legistar File ID

12/1/2015

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

Byron Humphry

11/12/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to authorize the City to purchase Soccer Goals from BSN Sports for \$85,623.00 and approval of a budget adjustment.

Budget Impact:

2250.9255.5210.00		Regional Park Development	
Account Number		Fund	
02002.1501		NWAEDD GIF Grant (Soccer Goals)	
Project Number		Project Title	
Budgeted Item?	No	Current Budget	\$ 50,000.00
		Funds Obligated	\$ -
		Current Balance	\$ 50,000.00
Does item have a cost?	Yes	Item Cost	\$ 85,623.00
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 35,623.00
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # 122-15

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

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

FROM: Byron Humphry, Parks Maintenance Superintendent

DATE: November 12, 2015

SUBJECT: Resolution to Purchase Soccer Goals from BSN Sports and Budget Adjustment

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to purchase thirty-two (32) pair of soccer goals from BSN Sports for \$85,623 and approval of a budget adjustment from Parks Development Funds.

BACKGROUND:

The City of Fayetteville is currently constructing Phase I of the Regional Park including soccer fields for youth soccer. The City's existing soccer program is programmed on land leased from the University of Arkansas. This lease will expire in 2018 and will not be renewed.

State Representative Charlie Collins, District 84, recommended the GIF grant application to the City for a \$50,000 project to purchase soccer goals for the Regional Park soccer complex. The soccer goals would be used for league play as well as hosting tournaments that would bring in tourism money. This will assist city and state wide efforts in economic and community development. On June 19, 2015, the City was awarded the \$50,000 GIF grant and on July 21, 2015, City Council passed Resolution 122-15 to accept the grant for the purchase of soccer goals for the Regional Park.

In September 2015, the United States Soccer Federation (USSF) and the State Association that sanctions the City's soccer leagues, issued a recommendation to scale down soccer field sizes and goals to better fit age groups and create safer playing conditions. To fully comply with this recommendation, thirty-two (32) pairs of soccer goals are needed.

DISCUSSION:

The GIF Grant was originally intended to be used to update existing goals that are worn out and begin the transition to all aluminum goals which are lighter and safer than existing steel goals. The recent recommendation of the USSF to utilize smaller, age appropriate soccer goals and field sizes, prevents staff from utilizing some of the existing goals due to size differences. An additional \$35,623 is needed to completely resize and update all of the soccer goals to be utilized at the Regional Park. These funds can be transferred within the Parks Development Fund. Without these additional funds, the \$50,000 grant will only partially provide the goals

needed which will cause certain fields utilized for the same age group to have different size goals, creating inconsistent field specs within the same league. As this park will host the City's youth soccer leagues as well as draw regional tournaments, it is important to have the best quality facilities and equipment to offer participants.

The US Communities Bid pricing will be used to purchase the goals. US Communities is a national government purchasing cooperative that leverages purchasing power of up to 90,000 public agencies to access the best overall supplier government pricing. Through this purchasing alliance, BSN Sports offers the best price on soccer goals.

BUDGET/STAFF IMPACT:

The grant award is for \$50,000. Funds are available within the Parks Development Fund which can be utilized with the grant funds to completely update and prepare the Regional Park soccer fields for league and tournament play.

Attachments:

Resolution 122-15 - NWAEDD GIF Grant
BSN Sports US Communities Bid
BSN/US Games Contract
Budget Adjustment

RESOLUTION NO. 122-15

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF \$50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

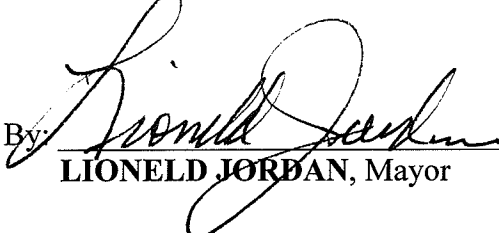
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes acceptance of a General Improvement Fund grant through the Northwest Arkansas Economic Development District, Inc. in the amount of \$50,000.00 for the purchase of soccer goals for the Regional Park and expresses its sincere appreciation to Representative Charlie Collins for his assistance in securing the grant funds.

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

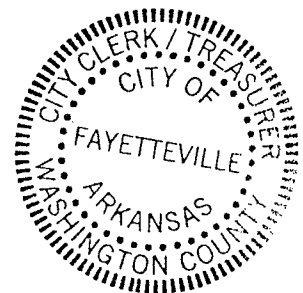
PASSED and APPROVED this 21st day of July, 2015.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk Treasurer





NORTHWEST ARKANSAS
ECONOMIC DEVELOPMENT DISTRICT, INC.

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

RECEIVED

JUN 22 2015

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

June 19, 2015

To Whom It May Concern:

Enclosed you will find two (2) signed grant agreements. One grant agreement is for your records, the other is for you to sign and return to NWAEDD in the envelope provided. This ensures that we will have the proper documentation on file. Once we have received the signed grant agreement we will then issue a check and it will be sent to you along with a close-out form.

Thank you for your cooperation in this matter.

Sincerely,

Jeremy Ragland
Assistant Director, NWAEDD

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

Grantee: CITY OF FAYETTEVILLE

Grant #: 379-84-06-15

Grant Amount: \$ 50,000.00

Purpose: Soccer Equipment

GRANTOR

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

GRANTEE

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone: 479-575-8330

1. PURPOSE

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

2. LEGAL AUTHORITY

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

3. FINANCIAL MANGEMENT AND ACCOUNTING

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

4. RECORDKEEPING

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

5. REPORTING

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

6. INDEMNIFICATION

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

7. METHOD OF PAYMENT

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

8. MODIFICATIONS

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

Approved for the Grantor

Approved for the Grantee

BY:

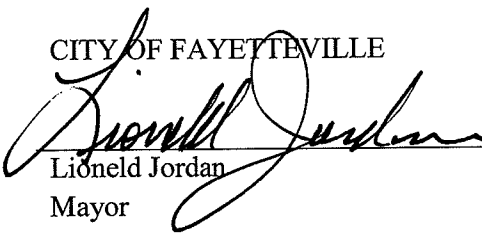
BY:

NORTHWEST ARKANSAS ECONOMIC
DEVELOPMENT DISTRICT, INC.

CITY OF FAYETTEVILLE



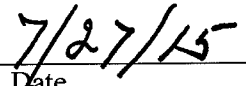
Joe Willis
Executive Director



Lioneld Jordan
Mayor



Date



Date



DALLAS, TX 75209
Tel: 1-800-527-7510 Fax: 1-800-899-0149
Visit us at www.bsnsports.com

Contact Your Rep

Keri Roberson Email:kroberson@bsnsports.com | Phone:**214-459-9031 x9031**

Sold to
1032104
CITY OF FAYETTEVILLE
113 W MOUNTAIN ST
FAYETTEVILLE AR 72701-6069
USA

Ship To
1491451
CITY OF FAYETTEVILLE PARKS AND
1455 S HAPPY HOLLOW RD
FAYETTEVILLE AR 72701
USA

Payer
1032104
CITY OF FAYETTEVILLE
113 W MOUNTAIN ST
FAYETTEVILLE AR 72701-6069
USA

Tentative Agenda
November 24, 2015
Page 115 of 349

Quote	
Quote #:	20761714
Purchase Order #:	Byron Humphrey-soccer goa
Cart Name:	
Quote Date:	11/09/2015
Quote Valid-to:	12/31/2015
Payment Terms:	NT30
Ship Via:	
Ordered By:	Byron Humphrey

Item Description	Qty	Unit Price	Total
Euro Club Goal 6.5 x 18.5 Item # - 1291094	12 PR	\$ 3,127.99	\$ 37,535.88
Euro Club Goal 4 x 6 Item # - 1291124	20 PR	\$ 2,023.99	\$ 40,479.80

	Subtotal:	\$78,015.68
	Other:	\$0.00
US Communities Bid Pricing	Freight:	\$0.00
	Sales Tax:	\$7,606.53
Discount on Catalog Price	Order Total:	\$85,622.21
Plus	Payment/Credit Applied:	\$0.00
Free Shipping	Order Total:	\$85,622.21

BSN Sports/US Games Contract

Home > BSN Sports and US Games > [BSN Sports/US Games Contract](#)

Athletic Supplies and P.E. Equipment

Solutions

BY SUPPLIER ([show all ->](#))

BY CATEGORY

Facilities

Office & School

Specialty

Technology

Lead Agency:

Harford County Public Schools, Maryland

Contract Number:

10-JLH-001

5 year initial term, Oct. 1, 2009 to Sep. 30, 2014

Contract has been extended through Sep. 30, 2016.

Postings

No. of suppliers participated in the solicitation process: 3 suppliers responded

Posting Information:

Purchasing Department of Harford County
Public Schools

Association of Oregon Counties

State of Hawaii and Oregon

Date Posted:

June 10, 2009 to July 4, 2009

June 10, 2009 to July 4, 2009

June 10, 2009 to July 4, 2009

Contract Documents:

Contract 10-JLH-001

BSN Contract Amendments

10-JLH-001 Renewal

RFP Documents:

Request For Proposal

Request For Proposal Amendment
#1

Request for Proposal Posting
Document

Main Menu

JUMP TO:

[Solicitations](#)

[About](#)

[News & Events](#)

[Resources](#)

[Solutions](#)

[Contact Us](#)

[Shop](#)

[Education Purchasing](#)

[Government Purchasing](#)

[Nonprofit](#)

[Housing Authorities](#)

[Go Green Program](#)

[Innovation Exchange](#)

U.S. COMMUNITIES | NATIONAL COOPERATIVE PURCHASING PROGRAM

Getting Started

- Program Overview
- How It Works
- FAQs

Why Use U.S. Communities

- What Makes Us Different
- Webinars & Events
- Supplier Commitments

Discounts on Brands

- Products & Suppliers
- Online Marketplace
- Solicitations

Over 55,000 agencies trust U.S.

- Who Uses U.S. Communities?
- Cooperative Standards
- State Statutes

[CONTACT US](#)

[BECOME A SUPPLIER](#)

[ABOUT US](#)

[LEGAL](#)

[PRIVACY](#)

[MICPA](#)

© 2015 U.S. Communities | All Rights Reserved.

[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 118 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0537

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 9

WALKER PARK NEW DISC GOLF COURSE - WAXHAWS DISC GOLF:

A RESOLUTION TO NAME THE NEW DISC GOLF COURSE AT WALKER PARK THE WAXHAWS DISC GOLF COURSE IN HONOR OF THE HISTORIC ARCHIBALD YELL HOMESTEAD

WHEREAS, the Northwest Arkansas Chain Gang Disc Golf Club has worked more than 1,300 hours to develop a public disc golf course at Wilson Park in partnership with the Fayetteville Parks & Recreation Department and the course is scheduled to open in the summer of 2016; and

WHEREAS, the Northwest Arkansas Chain Gang Disc Golf Club has requested, and the Parks and Recreation Advisory Board has unanimously recommended, that the course be named Waxhaws Disc Golf Course in honor of the historic Archibald Yell homestead which was located on the site before being demolished in the 1970s; and

WHEREAS, § 97.88(D) of the Fayetteville City Code authorizes the naming of a park facility when the “honoree has made a significant contribution to the City in terms of dedicated public service”; and

WHEREAS, Archibald Yell, who served as congressman and governor of the State of Arkansas, made significant contributions to the City of Fayetteville through his many years of public service.

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 names the disc golf course at Walker Park the “Waxhaws Disc Golf Course” in honor of the historic Archibald Yell homestead in recognition of his significant contributions to the City through many years of dedicated public service.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation to the Northwest Arkansas Chain Gang Disc Golf Club and its members for their considerable contributions of time and money in the development of the disc golf course.

City of Fayetteville Staff Review Form

2015-0537

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

11/12/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Resolution to name the new disc golf course at Walker Park "Waxhaws Disc Golf".

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: November 12, 2015

SUBJECT: A Resolution Naming Walker Park's new disc golf course – Waxhaws Disc Golf

RECOMMENDATION:

Approval of a Resolution naming Walker Park's new disc golf course – Waxhaws Disc Golf

BACKGROUND:

On December 3, 2012, Parks and Recreation Staff and the Parks and Recreation Advisory Board approved for the Northwest Arkansas Chain Gang Disc Golf Club to build an 18-hole disc golf course at Walker Park. The course was designed north, west and south of the Walker Park Senior Adult and Wellness Center. (See attached Walker Park Disc Golf Course Layout) The club members volunteered to clear the course consisting mostly of invasive plants and the Parks Maintenance Staff hauled off the debris and planted the fairways to grass. Over the past three years, the club has worked over 1,300 hours on this project. In addition, the club is securing funding for the disc golf baskets. This has been a valuable partnership between the Disc Golf Club and the Parks and Recreation Department in developing the 18 hole disc golf course for the public to enjoy.

DISCUSSION:

Ray Moore and Ben Huss from the Disc Golf Club requested to the Parks and Recreation Advisory Board (PRAB) at the November 2, 2015 meeting to name the new disc golf course Waxhaws Disc Golf in honor of the historical Archibald Yell homestead. Waxhaws was the home of former Arkansas congressman and governor, Archibald Yell. It was built in 1835 and once stood north of the Walker Park Senior Adult and Wellness Center. Yell named this homestead in honor of the birthplace of President Andrew Jackson. The home consisted of four bedrooms and was painted white. Waxhaws was torn down in the 1970's. Yell's law office was preserved and moved to the ground of the the Headquarters House on East Dickson Street. Today, the only reference to the home is the Waxhaws Memorial that is located in Walker Park on the southwest corner of South College Avenue and Seventh Street. (See PRAB November 2, 2015 meeting minutes and Waxhaws – Archibald Yell's Home attachment.)

According to City Code §97.088 Signs Prohibited, (B), (2), (d), Exhibit "B" Naming Park Facilities, Waxhaws Disc Golf request was presented and approved by PRAB on November 2, 2015. The Naming Park Facilities policy states five considerations should be taken when proposing names for park facilities, of which Waxhaws meets the geographic location, outstanding feature, historical

event or individual criteria. The name is being forwarded “to the City Council for its final park name selection including a potentially different name” in abiding by this policy.

The purpose in securing the name of the disc golf course is important as we work on signage and kiosk for the course. The disc golf course is scheduled to open in the summer of 2016.

BUDGET/STAFF IMPACT:

None.

Attachments:

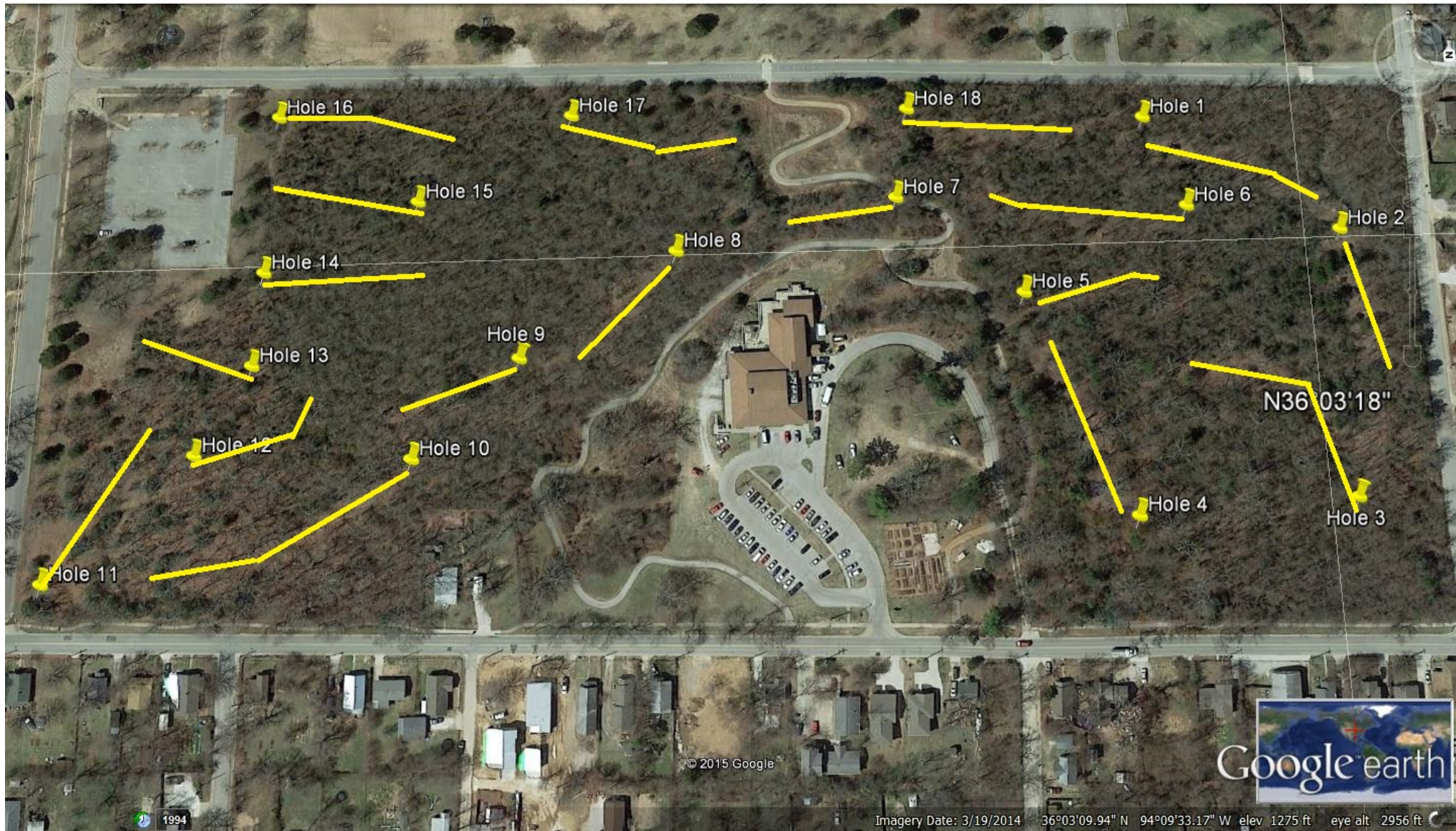
Walker Park Disc Golf Course Layout

PRAB November 2, 2015 Meeting Minutes

Waxhaws – Archibald Yell's Home

City Code §97.088 (B), (2), (d), Exhibit “B” – Naming Park Facilities

Walker Park Disc Golf Course Layout



**Parks and Recreation Advisory Board Meeting
November 2, 2015 at 5:30 p.m.
City Administration Building Room 326
113 West Mountain Street
Fayetteville, AR**

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

City Staff: Connie Edmonston, Director; Byron Humphry, Maintenance Superintendent; Alison Jumper, Park Planning Superintendent; Alan Spann, Recreation Superintendent; Chanel Pennington, Operations Assistant

AGENDA for 5:30 pm.:

5. Fayetteville Chain Gang Disc Golf Club

Update on the disc golf course construction at Walker Park and request to name the new course "Waxhaws" in honor of the old Archibald Yell homestead bearing the same name that was located north of the Walker Park Senior Adult and Wellness Center.

Lamb read aloud a brief history of Waxhaws.

Ray Moore and Ben Huss of the NWA Chain Gang discussed their work in Walker Park regarding the clearing of the course, debris removal, and planting of grass seed. They are also working with the Starr Foundation to acquire funding for the baskets. They are asking for the park to be named Waxhaws, in honor of Archibald Yell and the historic nature of the property.

Watson asked if there was a waiting period.

Edmonston replied no because name will go before City Council next.

Staff Recommendation: Name the disc golf course at Walker Park Waxhaws Disc Golf Course

PRAB Motion: Lamb motioned and Proffitt seconded to name the disc golf course, Waxhaws Disc Golf Course. The motion passed 6-0-0.

Note

PRAB minutes provides the basic discussions and motions of the PRAB meeting. For more information, please refer to the PRAB meeting video provided on the city's website, www.fayetteville-ar.gov



Waxhaws – Archibald Yell's Home

Waxhaws, the home of former Arkansas congressmen and governor, Archibald Yell, was built in 1835 and once stood where the Fayetteville Senior Center sits today. Yell named his homestead in honor of the birthplace of President Andrew Jackson. The home consisted of four bedrooms and was painted white. Waxhaws was torn down in the 1970's, but Yell's law office was preserved and moved the grounds of the Headquarters House on E. Dickson St.

Today the only reference to the home is the Waxhaws Memorial that is located in what is now Walker Park. The memorial can be found on the southwest corner of South College Avenue and Seventh Street.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS



Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

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

(B) Exceptions.

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

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

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

(b) *Maximum Size of Recognition Signs.*

(i) Donor recognition signs in city parks shall be sized in accordance with Exhibit 'A', Donor Recognition Signs,

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

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

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

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

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

unless otherwise determined
by City Council Resolution.

'B', unless otherwise determined by
City Council Resolution.

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

Exhibit "B"

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

NAMING PARK FACILITIES

PURPOSE

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

POLICY

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

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

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

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

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

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

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



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 128 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0469

Agenda Date: 12/1/2015

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

AMEND CHAPTER 97 PARKS AND RECREATION:

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

WHEREAS, certain sections of the Parks and Recreation chapter of the Fayetteville City Code should be updated to provide for certain activities that are appropriate for City parks, to prohibit other activities, and to make technical corrections.

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 Chapter 97 **Parks and Recreation** of the Fayetteville City Code and enacts a replacement Chapter 97 as shown in Exhibit "A" attached hereto.

TITLE IX GENERAL REGULATIONS

CHAPTER 97: PARKS AND RECREATION

ARTICLE I GENERAL PROVISIONS

97.001 DEFINITIONS.....	3
97.002-97.014 RESERVED.....	3

ARTICLE II PARK OPERATIONS; ADMINISTRATION AND ENFORCEMENT

97.15 OPERATING HOURS	3
97.16 FEE FOR CITY PARK ATHLETIC FACILITIES AND TRAILS FOR TOURNAMENTS AND SPECIAL EVENTS	3
97.17 FEES FOR CITY SWIMMING POOLS.....	3
97.18 ENFORCEMENT BY DIRECTOR, PARK STAFF, AND CITY POLICE.....	3
97.019-97.029 RESERVED.....	3

ARTICLE III CARE OF PARK PROPERTY

97.30 BUILDINGS AND OTHER PROPERTY	4
97.31 RESTROOMS AND WASHROOMS.....	4
97.32 REMOVAL OF NATURAL RESOURCES	4
97.33 DAMAGING TREES, SHRUBBERY AND THE LIKE.....	4
97.34 POLLUTION OF WATER	4
97.35 WILD ANIMALS, BIRDS, FISH, AND THE LIKE	4
97.36 ERECTION OF STRUCTURES	4
97.37 REFUSE AND TRASH.....	4
97.038 ANIMALS TO BE LEASHED	
97039 - 97.049 RESERVED.....	4

ARTICLE IV TRAFFIC RULES

97.50 COMPLIANCE WITH STATE AND CITY MOTOR VEHICLE LAWS REQUIRED.....	5
97.51 SPEED OF VEHICLES	5
97.52 PARKING.....	5
97.53 VEHICLES PROHIBITED AFTER CLOSING HOURS	5
97.54 BICYCLES, MOTORBIKES, SKATEBOARDS AND THE LIKE	5

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

97.055-97.064 RESERVED.....	5
-----------------------------	---

ARTICLE V RECREATIONAL ACTIVITIES

97.65 BATHING AND SWIMMING; BATHHOUSES.....	5
97.66 HUNTING AND FIREARMS.....	5
97.67 PICNIC FACILITIES; DUTY OF PICNICKER	5
97.68 CAMPING PROHIBITED	6
97.69 HORSEBACK RIDING.....	6
97.70 RECREATIONAL ACTIVITIES AT LAKES FAYETTEVILLE, SEQUOYAH AND WILSON.....	6
97.71 FAYETTEVILLE SPECIAL USE PERMIT FOR EVENTS THAT INCLUDE A SWIMMING COMPONENT	8
97-072-97.079 RESERVED	8

ARTICLE VI CONDUCT IN PARKS

97.80 GAMBLING PROHIBITED; RECREATIONAL ACTIVITIES TO TAKE PLACE ONLY IN SUITABLE AREAS.....	8
97.81 INTOXICATING BEVERAGES	9
97.82 FIRES; FIREWORKS AND EXPLOSIVES	9
97.83 SOLICITING ALMS.....	9
97.84 ENTERING CLOSED AREAS	9
97.85 GOING ONTO ICE	9
97.86 VENDING AND PEDDLING.....	9
97.87 ADVERTISING PROHIBITED.....	10
97.88 SIGNS PROHIBITED	10
97.89 –97.998 RESERVED.....	16
97.999 PENALTY.....	16

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 97: PARKS AND RECREATION

**ARTICLE I
GENERAL PROVISIONS**

97.001 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City. The City of Fayetteville, Arkansas.

Director. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

Park. A park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks.

(Code 1965, §17-A-1; Ord. No. 1594, 4-1-68; Code 1991, §97.001)

(Code 1965, §17A-2; Ord. No. 1594, 4-1-68; Code 1991, §97.002)

97.002-97.014 Reserved

**ARTICLE II
PARK OPERATIONS;
ADMINISTRATION AND
ENFORCEMENT**

97.15 Operating Hours

- (A) Except for unusual emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. except Shared Use Paved Trails as designated on the Parks and Trails Interactive Map which are open 24 hours every day. Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time.

Parks and Recreation Staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a

tournament or special event.

(Code 1965, §17A-32; Ord. No. 1594, 4-1-68; Code 1991, §97.015; Ord. 5501, 6-5-12)

97.16 Fee For City Park Athletic Facilities and Trails For Tournaments and Special Events

- (A) For the use of City Park Athletic Facilities or City Trails for Tournaments and Special Events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual events approved by the City and operated by non-profit entities and events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at any time unless approved by the Mayor.
- (B) The sponsors of any tournament or special event shall pay a trash and key deposit and arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event in order for deposit to be returned.

(Code 1965, §2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016; Ord. 5681, 4-15-14)

Cross reference(s)--Penalty, §97.999.

97.17 Fees For City Swimming Pools

Upon the recommendation of the Parks and Recreation Advisory Board, the mayor, or his/her designee, shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

(Ord. No. 4371, 2-19-02; Code 1991, §97.017)

97.18 Enforcement By Director, Park Staff, And City Police

The director, park staff and city police shall in connection with their official duties diligently enforce the provisions of this chapter.

(Code 1965, 17A-33; Ord. No. 1594, 4-1-68; Code 1991, §97.018)

97.019-97.029 Reserved

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**ARTICLE III
CARE OF PARK PROPERTY**

97.30 Buildings And Other Property

No person in a park shall willfully mark, deface, disfigure, injure or tamper with any buildings, monuments, bridges, tables, benches, fireplaces, signs, public utilities or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(Code 1965, §17A-3; Ord. No. 1594, 4-1-68; Code 1991, §97.030)

Cross reference(s)--Penalty, §97.999.

97.31 Restrooms And Washrooms

No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(Code 1965, §17A-4; Ord. No. 1594, 4-1-68; Code 1991, §97.031)

Cross reference(s)--Penalty, §97.999.

97.32 Removal Of Natural Resources

No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the city.

(Code 1965, §17A-5; Ord. No. 1594, 4-1-68; Code 1991, §97.032)

Cross reference(s)--Penalty, §97.999.

97.33 Damaging Trees, Shrubbery And The Like

No person in a park shall damage, cut, climb, carve, injure, transplant or remove any tree, flower, or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area.

(Code 1965, §17A-7; Ord. No. 1594, 4-1-68; Code 1991, §97.033)

Cross reference(s)--Penalty, §97.999.

97.34 Pollution Of Water

No person in a park shall throw, discharge, or

otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance which will or may result in the pollution of said waters.

(Code 1965, §17A-9; Ord. No. 1594, 4-1-68; Code 1991, §97.034)

Cross reference(s)--Penalty, §97.999.

97.35 Wild Animals, Birds, Fish, And The Like

No person in a park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile, fish, or bird; nor remove the eggs, nest or young of any wild animal, fish, reptile, or bird.

(Code 1965, §17A-8; Ord. No. 1594, 4-1-68; Code 1991, §97.035)

Cross reference(s)--Penalty, §97.999.

97.36 Erection Of Structures

No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city.

(Code 1965, §17A-6; Ord. No. 1594, 4-1-68; Code 1991, §97.036)

Cross reference(s)--Penalty, §97.999.

97.37 Refuse And Trash

No person in a park shall have brought into a park any refuse or other trash. Nor shall any refuse or other trash be left anywhere on the grounds thereof, but shall be placed in proper receptacles. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Code 1965, §17A-10; Ord. No. 1594, 4-1-68; Code 1991, §97.037)

Cross reference(s)--Penalty, §97.999.

97.038 Animals to be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park. Pet owners are required to pick-up their animal's excretion and properly disposed of.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**ARTICLE IV
TRAFFIC RULES**

**97.50 Compliance With State And
City Motor Vehicle Laws Required**

No person in a park shall fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such applicable regulations as are contained in this chapter and Title VII of this Code of Ordinances.

(Code 1965, §17A-11; Ord. No. 1594, 4-1-68; Code 1991, §97.050)

Cross reference(s)--Penalty, §97.999; Title VII, Traffic Code.

97.51 Speed Of Vehicles

No person in a park shall ride or drive a vehicle at a rate of speed exceeding 10 miles per hour, except upon such roads as the city may designate, by posted signs, for speedier travel.

(Code 1965, §17A-12; Ord. No. 1594, 4-1-68; Code 1991, §97.051)

Cross reference(s)--Penalty, §97.999.

97.52 Parking

No person in a park shall park a vehicle in other than an established or designated parking area, and such use shall also be in accordance with the provisions of Chapter 72 of this Code of Ordinances.

(Code 1965, §17A-13; Ord. No. 1594, 4-1-68; Code 1991, §97.052)

Cross reference(s)--Penalty, §97.999; Ch. 72, Parking Regulations.

**97.53 Vehicles Prohibited After
Closing Hours**

No person in a park shall enter, operate, park, leave or abandon a vehicle within a park after the closing hour of 11:00 p.m. No person shall operate a vehicle anywhere other than on a paved vehicular road or path designated for vehicular access.

(Code 1965, §17A-14; Ord. No. 1594, 4-1-68; Code 1991, §97.053)

Cross reference(s)--Penalty, §97.999.

**97.54 Bicycles, Motorbikes,
Skateboards And The Like**

No person in a park shall ride, drive, operate or push a bicycle, motorbike, scooter, skateboard, roller skates and the like on other than a paved vehicular road, path, or course designated for that purpose.

(Code 1965, §17A-15; Ord. No. 1594, 4-1-68; Code

1991, §97.054)

Cross reference(s)--Penalty, §97.999.

97.055-97.064 Reserved

**ARTICLE V
RECREATIONAL ACTIVITIES**

**97.65 Bathing And Swimming;
Bathhouses**

(A) No person in a park shall swim, bathe, or wade in any waters or waterways in any park, except in such waters as are provided therefor and except during such hours of the day as shall be designated by the city. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the city upon a finding that such use of the water would be dangerous or otherwise inadvisable. Groups wishing to have a special event at Lake Fayetteville that includes swimming shall obtain a special use permit from the City Parks and Recreation staff, see section 97.071.

(B) No person in a park shall dress or undress in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(Code 1965, §17A-17; Ord. No. 1594, 4-1-68; Code 1991, §97.065; Ord. 5285, 11-17-09)

Cross reference(s)--Penalty, §97.999.

97.66 Hunting And Firearms

No person in a park shall hunt, trap or pursue wildlife at any time; provided that the trapping of muskrats, beavers or other burrowing animals may be permitted on city reservoirs and waterways upon approval of the mayor for the protection of earthen dams. No person shall use, carry, or possess firearms of any description or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife and dangerous to human safety. Bows and arrows will be permitted on archery ranges so designated and supervised by the city.

(Code 1965, §17A-18; Ord. No. 1594, 4-1-68; Ord. No. 1963, 11-20-73; Code 1991, §97.066)

Cross reference(s)--Penalty, §97.999.

**97.67 Picnic Facilities; Duty Of
Picnicker**

(A) No person in a park shall use any portion of the park or recreational facilities to the

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

exclusion of other persons; nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded. Use of individual grills, tables, benches, and recreational facilities will generally follow the rule of "first come, first served" unless scheduled by the Parks and Recreation Department.

- (B) No person in a park shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. Where no such trash receptacles are available, the refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(Code 1965, §17A-19; Ord. No. 1594, 4-1-68; Code 1991, §97.067)

Cross reference(s)--Penalty, §97.999.

97.68 Camping Prohibited

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like. Boy Scouts, and other groups who have served the Parks and Recreation Department through approved work programs in parks, may be permitted to camp at Lake Sequoyah at the approved campsite as shown on the map if authorized by the Parks and Recreation Director. Tournament Directors of park related sanction tournaments may be permitted to camp at the tournament facility site at Walker Park horseshoe, Walker Park baseball, White River baseball, Gary Hampton softball, Regional Park soccer and baseball, and Lake Fayetteville softball, if authorized by the Parks and Recreation Director.

(Code 1965, §17A-20; Ord. No. 1594, 4-1-68; Code 1991, §97.068)

Cross reference(s)--Penalty, §97.999.

97.69 Horseback Riding

No person in a park shall ride a horse except on designated bridle trails approved by the Parks and Recreation Director. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to go unattended.

(Code 1965, §17A-22; Ord. No. 1594, 4-1-68; Code 1991, §97.069)

Cross reference(s)--Penalty, §97.999.

Lakes Fayetteville, Sequoyah And Wilson

- (A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided:

- (1) Lake Fayetteville and Lake Sequoyah shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th.
- (2) The Director of the Parks and Recreation Department is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.

- (B) *Permits for fishing and boating.* Fishing and boating permits are required for Lake Fayetteville and Lake Sequoyah. There is no permit requirement for Lake Wilson or other Park areas containing fishable waters.

- (1) *Permits:*

- (a) Annual boating and fishing permit (65 and older and veterans) \$40.00
- (b) Annual boating and fishing permit (16-64) \$50.00
- (c) Daily boating and fishing permit (65 and older and veterans) \$5.00
- (d) Daily boating and fishing permit (16-64) \$6.00
- (e) Annual fishing/use permit (65 and older and veterans) \$20.00
- (f) Annual fishing/use permit (16-64) \$30.00
- (g) Daily fishing/use permit (65 and older and veterans) \$2.00
- (h) Daily fishing/use permit (16-64) \$3.00
- (i) Daily fishing/use permit (under 16 with permitted adult) Free
- (j) Daily Non-motorized Boating (canoes, inflatables, kayaks, paddle boats and sailboats) \$ 3.00
- (k) Annual Non-motorized Boating (per patron, nontransferable) \$20.00

97.70 Recreational Activities At

CD97:6

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

- (2) *Miscellaneous.*
- (a) Each person 16 years of age or older is required to purchase a fishing/use permit for fishing on each lake or any stream within the city owned lake property at Lake Fayetteville and Lake Sequoyah.
 - (b) There will be two free fishing weekends each year where City fishing/use permits will not be required. One weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Parks and Recreation Director will designate the second weekend annually.
 - (c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, 16 years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.
 - (d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.
- (C) *Boat docking.* Boat docking shall be permitted at the boat docks at Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:
- (1) Lake Fayetteville
 - (a) City resident \$250.00
 - (b) Non-resident \$325.00
- (D) *Fishing.* All fishing shall be done only from the bank, designated docks or boat. No wading, swimming, paddle boards or belly boats shall be permitted in all City Lakes. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught; however, the Fayetteville Parks and Recreation Department may provide additional limitations necessary to manage the fish population. All persons fishing at Lake Fayetteville and Lake Sequoyah should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, limb lines, cast nets, yo-yo's or jug fishing.
- (E) *Boating.* A boating permit for each boat must be purchased before its use on Lake Fayetteville or Lake Sequoyah. All boats must be docked (Lake Fayetteville) or removed from the lake at closing time. No boats except those used by lake employees or the Environmental Study Center will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.
- (F) *Place of entry.* All persons boating at Lake Fayetteville and Lake Sequoyah shall enter the lake only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.
- (G) *Use of motors on boats.*
- (1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof. All City Lakes are No Wake Lakes. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.
 - (2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah and Lake Fayetteville.
 - (3) No houseboats, paddle boards, water skiing, or jet skis allowed.
 - (4) All state laws governing boats must be complied with before using a boat on any city lake.
 - (5) The City will not be responsible for any damage to or theft of boats, motors, or equipment.
- (H) *Picnicking or other recreational activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city. Boy Scouts, and other groups who have served the Parks and Recreation Department through approved work programs in parks, may be permitted to camp at Lake Sequoyah at the approved campsite as

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

shown on the map if authorized by the
Parks and Recreation Director.

- (I) *Committing nuisances.* No person shall commit any nuisance while on Lake Fayetteville, Lake Sequoyah, and Lake Wilson or any of the land surrounding the lakes belonging to the city, nor shall any trash or other materials be thrown into the lakes or left about the shore line or on the premises of any lake.
- (J) *Fishing and boating prohibited near intake tower.* No one shall climb upon, enter, or fish from the intake towers of the lakes.
- (K) *Fishing on stream below dam.* State laws governing fishing below dams shall be applicable on city property. Fishing permits are required to fish in the stream on city property below the dams at Lake Fayetteville and Lake Sequoyah.
- (L) *Firearms and hunting.* No firearms, hunting or trapping will be permitted on city owned property at any time.
- (M) *Use of motor vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.
- (N) *Revoking permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

(Code 1965, §13-12; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Ord. No. 3437, 7-5-89; Ord. No. 3533, 2-19-91; Ord. No. 4168, 6-1-99; Code 1991, §97.070; Ord. 4707, 06-07-05; Ord. No. 4811, 12-20-05; Ord. 5139, 5-6-08; Ord. 5229, 3-17-09; Ord. 5285, 11-17-09; Ord. 5596, 07-02-13)

Cross reference(s)--Penalty, §97.999.

97.71 Fayetteville Special Use Permit for Events that Include a Swimming Component

- (A) *Special events that include swimming.* Special events that include a swimming component, such as a triathlon, may be permitted at Lake Fayetteville with a special use permit issued by the Director of the City Parks and Recreation Department. Such issuance will be at the sole discretion of the Director and should comply with the following:

- (1) A special event permit should be processed through the City Parks and Recreation Department at least 90 days prior to the event.
- (2) A water testing fee of \$250 and a special event fee in an amount sufficient to cover all City costs to administer the event shall be charged to the event organizer for the use of the Lake Fayetteville Park space and facilities. A further security deposit to ensure complete clean up or repair of any damage may be required. The Director may require an event organizer to obtain sufficient liability insurance and take measures to increase swimmers' safety.
- (3) The City does not warrant the safety or cleanliness of any lake for swimmers. Event organizers shall provide notice of the inherent danger of swimming in the lake to all persons requesting to swim and shall obtain waivers of liability and responsibility for the City of Fayetteville from all participants.
- (4) The City of Fayetteville reserves the right to allow swimming only in designated areas during the event and prohibit boating in these areas.
- (5) The City of Fayetteville reserves the right to cancel previously approved special events due to unacceptable water quality, inclement weather or other valid reason.

(Ord.5285, 11-17-09)

97-072-97.079 Reserved

**ARTICLE VI
CONDUCT IN PARKS**

**97.80 Gambling Prohibited;
Recreational Activities To Take Place
Only In Suitable Areas**

No person in a park shall gamble, or participate in, or abet any game of chance. Nor shall any person take part in or abet the playing of other forms of recreation except in areas set apart for or conducive to the particular form of recreation.

(Code 1965, §17A-21; Ord. No. 1594, 4-1-68; Code 1991, §97.080)

Cross reference(s)--Penalty, §97.999.

97.81 Intoxicating Beverages

- (a) No person in a park shall bring into or

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.

- (b) Notwithstanding the above prohibition, the Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all Alcohol Beverage Control requirements.

(Code 1965, §17A-23; Ord. No. 1594, 4-1-68; Code 1991, §97.081; Ord. No. 4865, 05-16-06)

Cross reference(s)--Penalty, §97.999.

97.82 Fires; Fireworks And Explosives

- (A) No person in a park shall build or attempt to build a fire except in fireplaces or facilities so designed for such use, nor leave any fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco papers or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
- (B) No person in a park shall bring in, explode or cause to be exploded, discharge or burn any firecrackers, torpedoes, skyrockets, model rockets, roman candles or other fireworks, explosives or flammable materials without having first obtained prior written consent pursuant to the requirements of §94.04.

(Code 1965, §§17A-24, 17A-26; Ord. No. 1594, 4-1-68; Code 1991, §97.082)

Cross reference(s)--Penalty, §97.999, Sale and use of fireworks, §94.04(B).

97.83 Soliciting Alms

No person in a park shall solicit alms or contributions for any purpose, whether public or private.

(Code 1965, §17A-25; Ord. No. 1594, 4-1-68; Code 1991, §97.083)

Cross reference(s)--Penalty, §97.999.

97.84 Entering Closed Areas

No person in a park shall enter an area posted as "Closed to the Public", nor shall any person use,

or abet the use of, any area in violation of posted notices.

(Code 1965, §17A-27; Ord. No. 1594, 4-1-68; Code 1991, §97.084)

Cross reference(s)--Penalty, §97.999.

97.85 Going Onto Ice

No person in a park shall go onto the ice on any of the waters.

(Code 1965, §17A-28; Ord. No. 1594, 4-1-68; Code 1991, §97.085)

Cross reference(s)--Penalty, §97.999.

97.86 Vending And Peddling

- (A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.
- (B) *Exemptions.* The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages, food and other approved items during an annual event. Sponsors of the Gulley Park Concerts and other Special Events offered by the Parks and Recreation Department may sell food, nonalcoholic beverages, and other approved items during the event when specifically approved by the Parks and Recreation Department Director. Approved merchandise may be sold at special events by performers and hosts if approved in advance by the Parks and Recreation Director. The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A. Organizations the City directly funds, event sponsors and the non-profit Friends of Fayetteville Parks are allowed at no charge to setup a table to distribute information at park events upon approval of the Parks and Recreation Director.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS



Cross reference(s)--Penalty, §97.999.

97.88 Signs Prohibited

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

(B) *Exceptions.*

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

(2) Adopt-A-Park or Trail groups may post a sign while they are actively working on a park project that provides information about their organization or group. The sign must be approved in advance by the Parks and Recreation Staff.

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

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

(b) *Maximum Size of Recognition Signs.*

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

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

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

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

Cross reference(s)--Penalty, §97.999.

97.87 Advertising Prohibited

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

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

- (i) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
 - (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any

advertising or slogans) may be used on the sign.

- (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
- (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.

(d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, the Facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit 'B', unless otherwise determined by City Council Resolution.

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

Exhibit "A"

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

DONOR RECOGNITION SIGNS

PURPOSE

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

POLICY

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

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

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

RECOGNITION FOR PARKS AND TRAILS FACILITIES

Bronze Category: Recognition on Donor Wall for 25 year period

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

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

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

Silver Category: Naming Rights for 10 year period

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

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

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

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

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

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

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

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

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

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

TRAIL FACILITIES

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

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

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

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

Parking Lot
Pavilion

Restroom
One Mile Asphalt/Concrete Trail

City Process

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

Exhibit "B"

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

NAMING PARK FACILITIES

PURPOSE

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

POLICY

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

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

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

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

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

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

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088; Ord. 5335, 7-20-10; Ord. 5335, 7-20-10; Ord. 5778, 6-16-15)

Cross reference(s)--Penalty, §97.999.

97.89 –97.998 Reserved

97.999 Penalty

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day the same is unlawfully continued.
- (B) Any person violating any provision of §97.070 shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00.

(Code 1965, §§1-5, 13-12; Ord. No. 2128, 7-15-75; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Code 1991, §97.999)

City of Fayetteville Staff Review Form

2015-0469

Legistar File ID

11/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

11/2/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An Ordinance to Amend Title IX General Regulations, Chapter 97 – Parks and Recreation of the City Code

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # Chapter 97

Original Contract Number:

Approval Date:

Comments:

MEETING OF NOVEMBER 17, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: November 2, 2015

SUBJECT: An Ordinance to Amend Title IX General Regulations, Chapter 97 – Parks and Recreation of the City Code

RECOMMENDATION:

Approval of an Ordinance to amend Title IX General Regulations, Chapter 97 – Parks and Recreation of the City Code in order to update and add clarity to the ordinance.

BACKGROUND:

There were sections of the Parks and Recreation General Regulations found in Chapter 97 that needed to be updated.

DISCUSSION:

Significant changes proposed to Chapter 97 are as follows:

97.15 Operating Hours

Trails are maintained by our Parks and Recreation Department and are considered as part of our parks system. All Fayetteville parks by ordinance close at 11 pm daily and open at daylight, with the exception of Lake Fayetteville and Lake Sequoyah marinas. Our city trails serve as transportation corridors and 24-hour access is needed for trail users to reach destinations regardless of the time-of-day. The amendment distinguishes Shared Use Paved Trails to be open 24 hours every day instead of closing at 11 p.m. when the city parks close. The Shared Use Paved Trails will be designated on the Parks and Trails Interactive Map on our City's website. The GIS map will show the trails that are open 24 hours per day in a specific color and all other trails closing at 11:00 pm in another color. Trails located within city parks and short distant trails would close at 11:00 p.m. These trails would be added to the map to be open 24 hours per day in the future as they are further developed and linked into the overall trail system. Trails that would be open until 11:00 p.m. include Wilson Park, Gulley Park, Davis Park, Walker Park trail surrounding the Sr. Adult Center, Holland Park, Raven Trail, Gulley Park's trail on Azalea Terrace, Clabber Creek Trail, and Hamstring Creek Trail. All nature trails are open daylight until 11 pm.

97.038 Animals to be Leashed

Added the section to keep animals on a leash in parks (except the designated dog parks and Lake Wilson Park) and for pet owners to pick-up after their animal. This item is also covered in the City Code under Chapter 92 Animals; however, it will be beneficial to include it in the Parks Ordinances since it is a major problem in our parks.

97.66 Hunting and Firearms

Added **beavers** to the list of muskrats and other burrowing animals that may be permitted to be trapped on city reservoirs and **waterways** upon approval of the mayor for the protection of earthen dams. Waterways was also added.

97.68 Camping Prohibited

Added language to permit camping in the designated campsite location at Lake Sequoyah Park upon authorization by the Parks and Recreation Director for Boy Scouts and groups that assist the Parks and Recreation Department on park projects and other approved work programs within our parks. This would be used for events such as Boy Scout Troops who host a work day in the park and then camp to receive their badges.

Tournament Directors for sanction tournaments such as softball, baseball, soccer or horseshoe would be allowed to camp by their facility site at Walker Park, White River, Gary Hampton, Lake Fayetteville, or Regional Parks in which extra security is needed and storage for tournament supplies. The RV or camper also allows a place for meetings during the tournament. Prior authorization by the Parks and Recreation Director is required.

97.69 Horseback Riding

Combs Park was omitted as a horseback riding trail due to the close proximity of the model airplane club. Designated bridle trails will be added to our parks system where appropriate and safe, and as approved by the Parks and Recreation Director.

97.70 Recreation Activities at Lakes Fayetteville, Sequoyah and Wilson

(C) There are no boat docks at Lake Sequoyah, therefore it was omitted from the ordinance to reflect there are boat docks for stall rental only at Lake Fayetteville.

(D) Added that fishing is also permitted on **designated docks** at Lake Fayetteville. Docks used for rental boat stalls are excluded from being used as a fishing dock.

Wading, swimming or belly boats are not permitted on our lakes. **Paddle boards** were added to the list because of the no swimming/wading policy, water quality, and the size of the lake and launching area in respect to the logistics of paddle boarding. Paddle board users have a high probability of entering the water.

(E) The public schools utilizes a pontoon boat as part of their educational program and are allowed to dock their boat at the **Lake Fayetteville Environmental Study Center**.

(H) Since camping is allowed at Lake Sequoyah Park for Boy Scouts and other groups with approved work projects in our parks, the exact wording from section 97.68 – Camping Prohibited was added to this section relating to recreational activities allowed at our three lake properties.

97.85 Vending and Peddling

This section was modified to accommodate sponsors of the Gulley Park Concerts, as well as Special Events offered by the Parks and Recreation Department. Language was added to approve for performers and host to sell approved merchandise at special events that are approved in advance by the Parks and Recreation Director.

It was further added to allow organizations the City directly funds, event sponsors and the non-profit Friends of Fayetteville Parks to setup a table and distribute information at park events at no charge if approved by the Parks and Recreation Director.

97.88 Signs Prohibited

Allows Adopt-A-Park or Trail groups to post a sign while they are actively working on a park project that provides information about their organization or group. The signs must be approved in advance by staff.

In addition, minor technical or stylistic changes were made in Chapter 97.16 (B); 97.18; 97.53; 97.67 (A); 97.70 (F) (G); 97.82 (B); 97.85.

BUDGET/STAFF IMPACT:

None.

Attachments:

Chapter 97 Strike-outs

Lake Sequoyah approved campsite locations map

Staff Review Form

TITLE IX GENERAL REGULATIONS

CHAPTER 97: PARKS AND RECREATION

ARTICLE I GENERAL PROVISIONS

97.001 DEFINITIONS.....	3
97.002-97.014 RESERVED.....	3

ARTICLE II PARK OPERATIONS; ADMINISTRATION AND ENFORCEMENT

97.15 OPERATING HOURS	3
97.16 FEE FOR CITY PARK ATHLETIC FACILITIES AND TRAILS FOR TOURNAMENTS AND SPECIAL EVENTS	3
97.17 FEES FOR CITY SWIMMING POOLS.....	3
97.18 ENFORCEMENT BY DIRECTOR, PARK ATTENDANTS STAFF , AND CITY POLICE.....	3
97.019-97.029 RESERVED.....	3

ARTICLE III CARE OF PARK PROPERTY

97.30 BUILDINGS AND OTHER PROPERTY	4
97.31 RESTROOMS AND WASHROOMS.....	4
97.32 REMOVAL OF NATURAL RESOURCES	4
97.33 DAMAGING TREES, SHRUBBERY AND THE LIKE.....	4
97.34 POLLUTION OF WATER	4
97.35 WILD ANIMALS, BIRDS, FISH, AND THE LIKE	4
97.36 ERECTION OF STRUCTURES	4
97.37 REFUSE AND TRASH.....	4
97.038- <u>Animals to be Leashed</u>	
97 <u>039</u> - <u>97</u> .049 RESERVED.....	4

ARTICLE IV TRAFFIC RULES

97.50 COMPLIANCE WITH STATE AND CITY MOTOR VEHICLE LAWS REQUIRED.....	5
97.51 SPEED OF VEHICLES	5
97.52 PARKING.....	5
97.53 VEHICLES PROHIBITED AFTER CLOSING HOURS.....	5
97.54 BICYCLES, MOTORBIKES, SKATEBOARDS AND THE LIKE	5

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

97.055-97.064 RESERVED.....	5
-----------------------------	---

ARTICLE V RECREATIONAL ACTIVITIES

97.65 BATHING AND SWIMMING; BATHHOUSES.....	5
97.66 HUNTING AND FIREARMS.....	5
97.67 PICNIC FACILITIES; DUTY OF PICNICKER	5
97.68 CAMPING PROHIBITED	6
97.69 HORSEBACK RIDING.....	6
97.70 RECREATIONAL ACTIVITIES AT LAKES FAYETTEVILLE, SEQUOYAH AND WILSON.....	6
97.71 FAYETTEVILLE SPECIAL USE PERMIT FOR EVENTS THAT INCLUDE A SWIMMING COMPONENT	8
97-072-97.079 RESERVED	8

ARTICLE VI CONDUCT IN PARKS

97.80 GAMBLING PROHIBITED; RECREATIONAL ACTIVITIES TO TAKE PLACE ONLY IN SUITABLE AREAS.....	8
97.81 INTOXICATING BEVERAGES	9
97.82 FIRES; FIREWORKS AND EXPLOSIVES	9
97.83 SOLICITING ALMS.....	9
97.84 ENTERING CLOSED AREAS	9
97.85 GOING ONTO ICE	9
97.86 VENDING AND PEDDLING.....	9
97.87 ADVERTISING PROHIBITED.....	10
97.88 SIGNS PROHIBITED	10
97.89 -97.998 RESERVED.....	16
97.999 PENALTY.....	16

CHAPTER 97: PARKS AND RECREATION

ARTICLE I GENERAL PROVISIONS

97.001 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City. The City of Fayetteville, Arkansas.

Director. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

Park. A park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks.

(Code 1965, §17-A-1; Ord. No. 1594, 4-1-68; Code 1991, §97.001)

(Code 1965, §17A-2; Ord. No. 1594, 4-1-68; Code 1991, §97.002)

97.002-97.014 Reserved

ARTICLE II PARK OPERATIONS; ADMINISTRATION AND ENFORCEMENT

97.15 Operating Hours

- (A) Except for unusual ~~and unforeseen~~ emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. **except Shared Use Paved Trails as designated on the Parks and Trails Interactive Map which are open 24 hours every day.** Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time.

Parks and Recreation Staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a

tournament or special event.

(Code 1965, §17A-32; Ord. No. 1594, 4-1-68; Code 1991, §97.015; Ord. 5501, 6-5-12)

97.16 Fee For City Park Athletic Facilities and Trails For Tournaments and Special Events

- (A) For the use of City Park Athletic Facilities or City Trails for Tournaments and Special Events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual events approved by the City and operated by non-profit entities and events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than 4 hours at any time unless approved by the Mayor.
- (B) The sponsors of any tournament or special event shall **pay a trash and key deposit and** arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event **in order for deposit to be returned.**

(Code 1965, §2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016; Ord. 5681, 4-15-14)

Cross reference(s)--Penalty, §97.999.

97.17 Fees For City Swimming Pools

Upon the recommendation of the Parks and Recreation Advisory Board, the mayor, or his/her designee, shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

(Ord. No. 4371, 2-19-02; Code 1991, §97.017)

97.18 Enforcement By Director, Park Attendants **Staff**, And City Police

The director, park ~~attendants~~ **staff** and city police shall in connection with their official duties diligently enforce the provisions of this chapter.

(Code 1965, 17A-33; Ord. No. 1594, 4-1-68; Code 1991, §97.018)

97.019-97.029 Reserved

ARTICLE III CARE OF PARK PROPERTY

97.30 Buildings And Other Property

No person in a park shall willfully mark, deface, disfigure, injure or tamper with any buildings, monuments, bridges, tables, benches, fireplaces, signs, public utilities or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(Code 1965, §17A-3; Ord. No. 1594, 4-1-68; Code 1991, §97.030)

Cross reference(s)--Penalty, §97.999.

97.31 Restrooms And Washrooms

No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(Code 1965, §17A-4; Ord. No. 1594, 4-1-68; Code 1991, §97.031)

Cross reference(s)--Penalty, §97.999.

97.32 Removal Of Natural Resources

No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the city.

(Code 1965, §17A-5; Ord. No. 1594, 4-1-68; Code 1991, §97.032)

Cross reference(s)--Penalty, §97.999.

97.33 Damaging Trees, Shrubbery And The Like

No person in a park shall damage, cut, climb, carve, injure, transplant or remove any tree, flower, or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area.

(Code 1965, §17A-7; Ord. No. 1594, 4-1-68; Code 1991, §97.033)

Cross reference(s)--Penalty, §97.999.

97.34 Pollution Of Water

No person in a park shall throw, discharge, or

otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance which will or may result in the pollution of said waters.

(Code 1965, §17A-9; Ord. No. 1594, 4-1-68; Code 1991, §97.034)

Cross reference(s)--Penalty, §97.999.

97.35 Wild Animals, Birds, Fish, And The Like

No person in a park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile, fish, or bird; nor remove the eggs, nest or young of any wild animal, fish, reptile, or bird.

(Code 1965, §17A-8; Ord. No. 1594, 4-1-68; Code 1991, §97.035)

Cross reference(s)--Penalty, §97.999.

97.36 Erection Of Structures

No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city.

(Code 1965, §17A-6; Ord. No. 1594, 4-1-68; Code 1991, §97.036)

Cross reference(s)--Penalty, §97.999.

97.37 Refuse And Trash

No person in a park shall have brought into a park any refuse or other trash. Nor shall any refuse or other trash be left anywhere on the grounds thereof, but shall be placed in proper receptacles. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Code 1965, §17A-10; Ord. No. 1594, 4-1-68; Code 1991, §97.037)

Cross reference(s)--Penalty, §97.999.

97.038 Reserved Animals to be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park. Pet owners are required to pick-up their animal's excretion and properly disposed of.

ARTICLE IV TRAFFIC RULES

97.50 Compliance With State And City Motor Vehicle Laws Required

No person in a park shall fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such applicable regulations as are contained in this chapter and Title VII of this Code of Ordinances.

(Code 1965, §17A-11; Ord. No. 1594, 4-1-68; Code 1991, §97.050)

Cross reference(s)--Penalty, §97.999; Title VII, Traffic Code.

97.51 Speed Of Vehicles

No person in a park shall ride or drive a vehicle at a rate of speed exceeding 10 miles per hour, except upon such roads as the city may designate, by posted signs, for speedier travel.

(Code 1965, §17A-12; Ord. No. 1594, 4-1-68; Code 1991, §97.051)

Cross reference(s)--Penalty, §97.999.

97.52 Parking

No person in a park shall park a vehicle in other than an established or designated parking area, and such use shall also be in accordance with the provisions of Chapter 72 of this Code of Ordinances.

(Code 1965, §17A-13; Ord. No. 1594, 4-1-68; Code 1991, §97.052)

Cross reference(s)--Penalty, §97.999; Ch. 72, Parking Regulations.

97.53 Vehicles Prohibited After Closing Hours

No person in a park shall enter, operate, park, leave or abandon a vehicle within a park after the closing hour of 11:00 p.m. **No person shall operate a vehicle anywhere other than on a paved vehicular road or path designated for vehicular access.**

(Code 1965, §17A-14; Ord. No. 1594, 4-1-68; Code 1991, §97.053)

Cross reference(s)--Penalty, §97.999.

97.54 Bicycles, Motorbikes, Skateboards And The Like

No person in a park shall ride, drive, operate or push a bicycle, motorbike, scooter, skateboard, roller skates and the like on other than a paved vehicular road, path, or course designated for that purpose.

(Code 1965, §17A-15; Ord. No. 1594, 4-1-68; Code

1991, §97.054)

Cross reference(s)--Penalty, §97.999.

97.055-97.064 Reserved

ARTICLE V RECREATIONAL ACTIVITIES

97.65 Bathing And Swimming; Bathhouses

(A) No person in a park shall swim, bathe, or wade in any waters or waterways in any park, except in such waters as are provided therefor and except during such hours of the day as shall be designated by the city. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the city upon a finding that such use of the water would be dangerous or otherwise inadvisable. Groups wishing to have a special event at Lake Fayetteville that includes swimming shall obtain a special use permit from the City Parks and Recreation staff, see section 97.071.

(B) No person in a park shall dress or undress in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(Code 1965, §17A-17; Ord. No. 1594, 4-1-68; Code 1991, §97.065; Ord. 5285, 11-17-09)

Cross reference(s)--Penalty, §97.999.

97.66 Hunting And Firearms

No person in a park shall hunt, trap or pursue wildlife at any time; provided that the trapping of muskrats, **beavers** or other burrowing animals may be permitted on city reservoirs **and waterways** upon approval of the mayor for the protection of earthen dams. No person shall use, carry, or possess firearms of any description or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife and dangerous to human safety. Bows and arrows will be permitted on archery ranges so designated and supervised by the city.

(Code 1965, §17A-18; Ord. No. 1594, 4-1-68; Ord. No. 1963, 11-20-73; Code 1991, §97.066)

Cross reference(s)--Penalty, §97.999.

97.67 Picnic Facilities; Duty Of Picnicker

(A) No person in a park shall ~~picnic or lunch in a place other than those designated for that~~

~~purpose, or use any portion of the picnic areas, picnic facilities, structures, or park~~ or recreational facilities to the exclusion of other persons; nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded. Use of individual ~~fireplaces~~ grills, tables, benches, and recreational facilities will generally follow the rule of "first come, first served" unless scheduled by the Parks and Recreation Department.

- (B) No person in a park shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. Where no such trash receptacles are available, the refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(Code 1965, §17A-19; Ord. No. 1594, 4-1-68; Code 1991, §97.067)

Cross reference(s)--Penalty, §97.999.

97.68 Camping Prohibited

No person in a park shall set up or use tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like. Boy Scouts, and other groups who have served the Parks and Recreation Department through approved work programs in parks, may be permitted to camp at Lake Sequoyah at the approved campsite as shown on the map if authorized by the Parks and Recreation Director. Tournament Directors of park related sanction tournaments may be permitted to camp at the tournament facility site at Walker Park horseshoe, Walker Park baseball, White River baseball, Gary Hampton softball, Lake Fayetteville softball, and Regional Park soccer and baseball if authorized by the Parks and Recreation Director.

(Code 1965, §17A-20; Ord. No. 1594, 4-1-68; Code 1991, §97.068)

Cross reference(s)--Penalty, §97.999.

97.69 Horseback Riding

No person in a park shall ride a horse except in ~~Combs Park or~~ on designated bridle trails approved by the Parks and Recreation Director. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

(Code 1965, §17A-22; Ord. No. 1594, 4-1-68; Code

1991, §97.069)

Cross reference(s)--Penalty, §97.999.

97.70 Recreational Activities At Lakes Fayetteville, Sequoyah And Wilson

- (A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided:

- (1) Lake Fayetteville and Lake Sequoyah shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th.
- (2) The Director of the Parks and Recreation Department is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.

- (B) *Permits for fishing and boating.* Fishing and boating permits are required for Lake Fayetteville and Lake Sequoyah. There is no permit requirement for Lake Wilson or other Park areas containing fishable waters.

- (1) *Permits:*

- (a) Annual boating and fishing permit (65 and older and veterans) \$40.00
- (b) Annual boating and fishing permit (16-64) \$50.00
- (c) Daily boating and fishing permit (65 and older and veterans) \$5.00
- (d) Daily boating and fishing permit (16-64) \$6.00
- (e) Annual fishing/use permit (65 and older and veterans) \$20.00
- (f) Annual fishing/use permit (16-64) \$30.00
- (g) Daily fishing/use permit (65 and older and veterans) \$2.00
- (h) Daily fishing/use permit (16-64) \$3.00
- (i) Daily fishing/use permit (under 16 with permitted adult) Free
- (j) Daily Non-motorized Boating (canoes, inflatables, kayaks, paddle boats and sailboats) \$ 3.00

- (k) Annual Non-motorized Boating (per patron, nontransferable) \$20.00
- (2) *Miscellaneous.*
- (a) Each person 16 years of age or older is required to purchase a fishing/use permit for fishing on each lake or any stream within the city owned lake property at Lake Fayetteville and Lake Sequoyah.
- (b) There will be two free fishing weekends each year where City fishing/use permits will not be required. One weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Parks and Recreation Director will designate the second weekend annually.
- (c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, 16 years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.
- (d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.
- (C) *Boat docking.* Boat docking shall be permitted at the boat docks at Lake Sequoyah and Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:
- (1) Lake Fayetteville
- (a) City resident \$250.00
- (b) Non-resident \$325.00
- (D) *Fishing.* All fishing shall be done only from the bank, **designated docks** or boat. No wading, swimming, **paddle boards** or belly boats shall be permitted in all City Lakes. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught; however, the Fayetteville Parks and Recreation Department may provide additional limitations necessary to manage the fish population. All persons fishing at Lake Fayetteville and Lake Sequoyah should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, limb lines, cast nets, yo-yo's or jug fishing.
- (E) *Boating.* A boating permit for each boat must be purchased before its use on Lake Fayetteville or Lake Sequoyah. All boats must be docked (Lake Fayetteville) or removed from the lake at closing time. No boats except those used by lake employees or the Environmental Study Center will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.
- (F) *Place of entry.* All persons boating at Lake Fayetteville and Lake Sequoyah ~~are warned to~~ **shall** enter the lake only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.
- (G) *Use of motors on boats.*
- (1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof. All City Lakes are No Wake Lakes. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.
- (2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah **and Lake Fayetteville.**
- (3) No houseboats, **paddle boards**, water skiing, or jet skis allowed.
- (4) All state laws governing boats must be complied with before using a boat on any city lake.
- (5) The City will not be responsible for any damage to or theft of boats, motors, or equipment.
- (H) *Picnicking or other recreational activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city. ~~Overnight camping is allowed only by special group permit.~~ **Boy Scouts, and**

other groups who have served the Parks and Recreation Department through approved work programs in parks, may be permitted to camp at Lake Sequoyah at the approved campsite as shown on the map if authorized by the Parks and Recreation Director.

- (I) *Committing nuisances.* No person shall commit any nuisance while on Lake Fayetteville, Lake Sequoyah, and Lake Wilson or any of the land surrounding the lakes belonging to the city, nor shall any trash or other materials be thrown into the lakes or left about the shore line or on the premises of any lake.
- (J) *Fishing and boating prohibited near intake tower.* No one shall climb upon, enter, or fish from the intake towers of the lakes.
- (K) *Fishing on stream below dam.* State laws governing fishing below dams shall be applicable on city property. Fishing permits are required to fish in the stream on city property below the dams at Lake Fayetteville and Lake Sequoyah.
- (L) *Firearms and hunting.* No firearms, hunting or trapping will be permitted on city owned property at any time.
- (M) *Use of motor vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.
- (N) *Revoking permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

(Code 1965, §13-12; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Ord. No. 3437, 7-5-89; Ord. No. 3533, 2-19-91; Ord. No. 4168, 6-1-99; Code 1991, §97.070; Ord. 4707, 06-07-05; Ord. No. 4811, 12-20-05; Ord. 5139, 5-6-08; Ord. 5229, 3-17-09; Ord. 5285, 11-17-09; Ord. 5596, 07-02-13)

Cross reference(s)--Penalty, §97.999.

97.71 Fayetteville Special Use Permit for Events that Include a Swimming Component

- (A) *Special events that include swimming.* Special events that include a swimming component, such as a triathlon, may be permitted at Lake Fayetteville with a special

use permit issued by the Director of the City Parks and Recreation Department. Such issuance will be at the sole discretion of the Director and should comply with the following:

- (1) A special event permit should be processed through the City Parks and Recreation Department at least 90 days prior to the event.
- (2) A water testing fee of \$250 and a special event fee in an amount sufficient to cover all City costs to administer the event shall be charged to the event organizer for the use of the Lake Fayetteville Park space and facilities. A further security deposit to ensure complete clean up or repair of any damage may be required. The Director may require an event organizer to obtain sufficient liability insurance and take measures to increase swimmers' safety.
- (3) The City does not warrant the safety or cleanliness of any lake for swimmers. Event organizers shall provide notice of the inherent danger of swimming in the lake to all persons requesting to swim and shall obtain waivers of liability and responsibility for the City of Fayetteville from all participants.
- (4) The City of Fayetteville reserves the right to allow swimming only in designated areas during the event and prohibit boating in these areas.
- (5) The City of Fayetteville reserves the right to cancel previously approved special events due to unacceptable water quality, inclement weather or other valid reason.

(Ord.5285, 11-17-09)

97-072-97.079 Reserved

ARTICLE VI CONDUCT IN PARKS

97.80 Gambling Prohibited; Recreational Activities To Take Place Only In Suitable Areas

No person in a park shall gamble, or participate in, or abet any game of chance. Nor shall any person take part in or abet the playing of other forms of recreation except in areas set apart for or conducive to the particular form of recreation.

(Code 1965, §17A-21; Ord. No. 1594, 4-1-68; Code 1991, §97.080)

Cross reference(s)--Penalty, §97.999

97.81 Intoxicating Beverages

- (a) No person in a park shall bring into or consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.
- (b) Notwithstanding the above prohibition, the Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all Alcohol Beverage Control requirements.

(Code 1965, §17A-23; Ord. No. 1594, 4-1-68; Code 1991, §97.081; Ord. No. 4865, 05-16-06)

Cross reference(s)--Penalty, §97.999.

97.82 Fires; Fireworks And Explosives

- (A) No person in a park shall build or attempt to build a fire except in fireplaces or facilities so designed for such use, nor leave any fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco papers or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
- (B) No person in a park shall bring in, explode or cause to be exploded, discharge or burn any firecrackers, torpedoes, skyrockets, **model rockets**, roman candles or other fireworks, explosives or flammable materials without having first obtained prior written consent pursuant to the requirements of §94.04.

(Code 1965, §§17A-24, 17A-26; Ord. No. 1594, 4-1-68; Code 1991, §97.082)

Cross reference(s)--Penalty, §97.999, Sale and use of fireworks, §94.04(B).

97.83 Soliciting Alms

No person in a park shall solicit alms or contributions for any purpose, whether public or private.

(Code 1965, §17A-25; Ord. No. 1594, 4-1-68; Code 1991, §97.083)

Cross reference(s)--Penalty, §97.999.

97.84 Entering Closed Areas

No person in a park shall enter an area posted as "Closed to the Public", nor shall any person use,

or abet the use of, any area in violation of posted notices.

(Code 1965, §17A-27; Ord. No. 1594, 4-1-68; Code 1991, §97.084)

Cross reference(s)--Penalty, §97.999.

97.85 Going Onto Ice

No person in a park shall go onto the ice on any of the waters ~~except such areas as are designated as skating fields, and provided a safety signal is displayed.~~

(Code 1965, §17A-28; Ord. No. 1594, 4-1-68; Code 1991, §97.085)

Cross reference(s)--Penalty, §97.999.

97.86 Vending And Peddling

- (A) *General prohibition of selling or offering to sell items in city parks.* No person or business shall, within a city park, display, offer for sale, or sell any article, thing or service, nor place any stand, cart or vehicle for the display, sale or transportation of any such article.
- (B) *Exemptions.* The City's regularly licensed concessionaires acting pursuant to the authority and regulation of the City are exempt from subsection (A). Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages, **and food and other approved items** during an annual event. **Sponsors of the Gulley Park Concerts and other Special Events sponsors offered by the Parks and Recreation Department may sell food, and nonalcoholic beverages, and other approved items** during the **concerts event** when specifically ~~permitted~~ **approved** by the Parks and Recreation Department Director. **Approved merchandise may be sold at special events by performers and hosts if approved in advance by the Parks and Recreation Director.** The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the Society) as shown on Exhibit A. **Organizations the City directly funds, event sponsors and the non-profit Friends of Fayetteville Parks are allowed at no charge to setup a table to distribute information at park events upon approval of the Parks and Recreation Director.**



Cross reference(s)--Penalty, §97.999.

97.88 Signs Prohibited

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

(B) *Exceptions.*

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

(2) *Adopt-A-Park or Trail groups may post a sign while they are actively working on a park project that provides information about their organization or group. The sign must be approved in advance by the Parks and Recreation Staff.*

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

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

(b) *Maximum Size of Recognition Signs.*

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

(1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks and Recreation leagues and tournaments.

(2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Parks and Recreation Director.

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

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

Cross reference(s)--Penalty, §97.999.

97.87 Advertising Prohibited

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

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

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

- (i) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.
- (c) *Design requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail.
 - (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any

advertising or slogans) may be used on the sign.

- (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director of Parks and Recreation who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
- (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.

(d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, the Facility or the Parks and Recreation Department in terms of financial donations, voluntarism or dedicated public service. Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit 'B', unless otherwise determined by City Council Resolution.

Exhibit "A"

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

DONOR RECOGNITION SIGNS

PURPOSE

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

POLICY

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

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

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

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

RECOGNITION FOR PARKS AND TRAILS FACILITIES

Bronze Category: Recognition on Donor Wall for 25 year period

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

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

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

Silver Category: Naming Rights for 10 year period

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

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

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

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

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

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

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

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

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

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.

RECOGNITION FOR EXISTING PARK FACILITIES

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

TRAIL FACILITIES

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

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

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

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

Parking Lot
Pavilion

Restroom
One Mile Asphalt/Concrete Trail

City Process

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

Exhibit "B"

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

NAMING PARK FACILITIES

PURPOSE

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

POLICY

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

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

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

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

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

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

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

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088; Ord. 5335, 7-20-10; Ord. 5335, 7-20-10; Ord. 5778, 6-16-15)

Cross reference(s)--Penalty, §97.999.

97.89 –97.998 Reserved

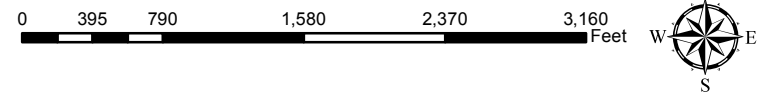
97.999 Penalty

- (A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day the same is unlawfully continued.
- (B) Any person violating any provision of §97.070 shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00.

(Code 1965, §§1-5, 13-12; Ord. No. 2128, 7-15-75; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Code 1991, §97.999)



Approved campsite locations at Lake Sequoyah





City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 166 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0463

Agenda Date: 12/1/2015

Version: 1

Status: First Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 2

AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS AND § 73.05 RIDING ON SIDEWALKS:

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

WHEREAS, the Northwest Arkansas Bicycle and Pedestrian Master Plan and the League of American Bicycles recommend the passage of local ordinances encouraging the safe operation of bicycles on roadways and in dedicated bike lanes, rather than sidewalks, for the safety of bicyclists and pedestrians.

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 § 73.04 of the Fayetteville City Code and enacts a replacement § 73.04 as follows:

“73.04 Riding on Roadways and Bicycle Lanes

(A) Any person operating a bicycle upon a roadway at a speed slower than the flow of traffic shall ride in the right hand lane as far to the right as is safe. A bicyclist may leave this position to turn left, pass, or for any safety reasons.

(B) Bicyclists shall use bicycle lanes when available, and may only use vehicle lanes as needed to turn left, pass, or for any safety reasons.

(C) Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles two abreast shall not unduly impede the normal movement of traffic and shall ride within a single lane.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 73.05 of the Fayetteville City Code and enacts a replacement § 73.05 as follows:

“73.05 Riding on Sidewalks

(A) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.

(B) No person shall operate a bicycle upon a sidewalk which abuts a building, when riding on the sidewalk would endanger pedestrians, or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.

(C) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. To earn the protections of a pedestrian, an individual must dismount, walk the bicycle and obey applicable traffic control devices."

City of Fayetteville Staff Review Form

2015-0463

Legistar File ID

11/17/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Dane Eifling

10/16/2015

Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends amending the City Code Chapter 73: Bicycles, regarding enforcement of signage on trails, riding bicycles on roadways, mandatory side-path use, and riding on 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 NOVEMBER 17th, 2015

TO: Mayor and City Council

THRU: Peter Nierengarten, Sustainability and Resilience Department Director

FROM: Dane Eifling, Bicycle Programs Coordinator

DATE: October 16, 2015

SUBJECT: Bicycle Ordinance Amendments: Submitted by Staff for the City Council to amend Chapter 73: Bicycles, regarding riding bicycles on roadways, mandatory side-path use, and riding on sidewalks.

RECOMMENDATION:

Staff recommends repealing and replacing City Code 73.04: *Riding On Roadways And Bicycle Paths* and repealing and replacing City Code 73.05: *Riding On Sidewalks*.

BACKGROUND:

The City of Fayetteville has a mandatory side path law that requires cyclists to use a side path where provided instead of riding on the road. Cyclists and safety advocates are encouraging communities to move away from these laws because cyclists should have an equal right to share the road and riding on the road is almost always safer for cyclists and pedestrians. Riding on a side path can be unsafe, particularly when sharing the side path with pedestrians. Mandatory side path laws were enacted in the 1960's and today these laws are commonly being replaced at the state and local level. Currently, only seven states have mandatory side path laws. The State of Arkansas does not have a mandatory side path law; however, Fayetteville does have a city ordinance (73.04, adopted in 1965) which mandates side path use. In accordance with the recommendations from the Northwest Arkansas Bicycle and Pedestrian Master Plan and the League of American Bicyclists the City of Fayetteville Staff recommends repealing and replacing City Ordinance 73.04 "*Riding On Roadways And Bicycles Paths*".

Currently, the City of Fayetteville also has a somewhat confusing law, Chapter 73.05 *Riding On Sidewalks*, which regulates where it is legal and/or illegal to ride a bicycle on a sidewalk. Staff proposes to clarify where it is permissible to ride a bicycle on a sidewalk and where to restrict riding on a sidewalk.

DISCUSSION:

Engineering, Education, Encouragement, Evaluation & Planning and Enforcement- these are essential elements across five categories — known as the Five E's — that are consistent in making great places for active transportation. The fifth "E" Enforcement is critically import to help ensure the safety of our roadways, trails and sidewalks. This package of ordinance items addresses some of the relevant enforcement issues in Fayetteville. These two policy items have been identified for repeal and replacement, through recommendations from City of Fayetteville Staff, The *Northwest Arkansas Bicycle and Pedestrian Master Plan* and the League of American Bicyclists Bicycle Friendly Community feedback process. On September 2nd 2015 the Fayetteville Active Transportation Advisory Committee voted unanimously to forward these items to the City Council with a recommendation for approval.

BUDGET/STAFF IMPACT:

No budget impact

Attachments:

Exhibit "A", Chapter 73.04 Riding On Roadways And Bicycle Paths Amendments

Exhibit "B", Chapter 73.05 Riding On Sidewalks

Walk Bike Northwest Arkansas Program & Policy Recommendations for Fayetteville

Feedback from the League of American Bicyclists Bicycle Friendly Community, 2014 Application

Exhibit "A"

~~73.04 Riding On Roadways And Bicycles Paths~~

~~Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one, proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

73.04 Riding On Roadways And On-Street Bicycle Facilities

- a. Any person operating a bicycle upon a roadway at speeds slower than the flow of traffic shall ride in the right hand lane as far to the right as judged safe to facilitate the safe movement of overtaking vehicles. A bicyclist may leave this position to turn left, pass, for any safety reasons or if the right-most lane is a dedicated right turn lane.
- b. Whenever a usable on-street bicycle facility exclusively for the use of bicyclists is provided within the roadway, all bicyclists shall use such on-street bicycle facility and only use vehicle lanes of the roadway as needed to turn left, pass, or for safety reasons.
- c. A bicyclist shall not be expected or required to:
 - i. Ride over or through any hazards or apparent hazards at the edge of a roadway
 - ii. Ride without a reasonable safety margin on the right-hand side of the roadway.
- d. Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles two abreast shall not unduly impede the normal movement of traffic and shall ride within a single lane.

Exhibit "B"

~~73.05 Riding On Sidewalks~~

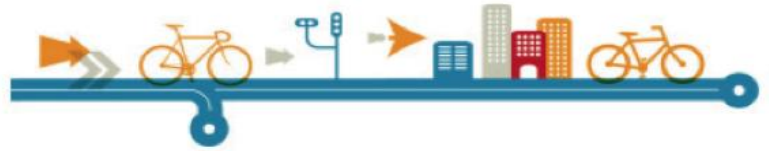
~~No person shall ride a bicycle upon a sidewalk within a business district, except those sidewalks which run along a collector street or a minor or major arterial street when so designated and marked as a bicycle route. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.~~

73.05 Riding On Sidewalks

- (1) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.
- (2) No person shall operate a bicycle upon a sidewalk which abuts a building or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.
- (3) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. To gain all the protections of a pedestrian, an individual may dismount and walk a bicycle and obey applicable traffic control devices.



BICYCLE FRIENDLY COMMUNITY FEEDBACK



FAYETTEVILLE, AR

Fall 2014

Our Bicycle Friendly Community review panel was very pleased to see the current efforts and dedication to make Fayetteville a safe, comfortable and convenient place to bicycle.

Below, reviewers provided recommendations to help you further promote bicycling in Fayetteville. **Key recommendations are highlighted in bold.**

We strongly encourage you to use this feedback to build on your momentum and improve your community for bicyclists.

There may also be initiatives, programs, and facilities that are not mentioned here that would benefit your bicycling culture, so please continue to try new things to increase your ridership, safety, and awareness.

The cost of bicycle facilities and possible funding options are discussed on the last page of this report.

RECOMMENDATIONS

Engineering

Adopt a more comprehensive **Complete Streets** policy that also addresses retrofitting existing roads with context sensitive bike/ped infrastructure, and offer implementation guidance.

Develop and implement streetscape design guidelines that foster a pleasant and comfortable environment for pedestrians and cyclists. Beautiful streetscaping has also shown to increase community livability and pride, reduce crime and increase property values.

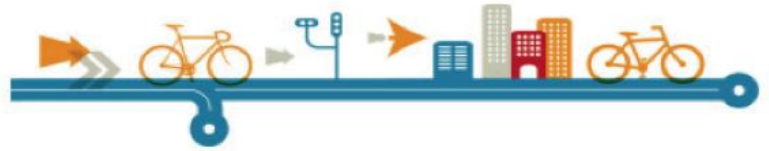
Pass an ordinance that would require larger employers to provide shower and locker facilities.

Continue to increase the amount of high quality bicycle parking throughout the community, especially at commercial buildings. Ensure that people arriving by bicycle have a secure and legal place to lock their bikes at popular destinations.

Continue to expand the bike network, especially along arterials, through the use of different types of bicycle facilities, and to increase connectivity between neighborhoods and paved trails. On roads where automobile speeds exceed 25 mph, it is recommended in your local context to provide protected bicycle infrastructure such as cycle tracks, buffered bike lanes or parallel 10ft wide shared-use paths. Note that shared lane markings should be used sparingly and only on low speed roads. On-street improvements coupled with the expansion of the off-street system will encourage more people to cycle and will improve safety. Ensure smooth and comfortable transitions for bicyclists between the local and regional trail network, and the street network. These improvements will also increase the effectiveness of encouragement efforts by providing a broader range of facility choices for users of various abilities and comfort levels.



BICYCLE FRIENDLY COMMUNITY FEEDBACK



from less congestion, better air quality, increased amenities and new destinations for cyclists, new and powerful partners in advocating for bike infrastructure and programs, and business-sponsored public bike events or classes. Your chamber of commerce or local business association can help promote the program and its benefits. The League offers many tools to help promote the Bicycle Friendly Business program in your community.

Encourage the University of Arkansas to promote cycling to students, staff, and faculty and to seek recognition through the Bicycle Friendly University program.

Many colleges and universities have embraced the growing enthusiasm for more bicycle-friendly campuses by incorporating bike share programs, bike co-ops, bicycling education classes and policies to promote bicycling as a preferred means of transportation. The community will benefit as well: Communities near BFUs have a higher number of regular bicyclists (as many students bike to campus, shops and restaurants), less congestion around campus, safer streets, and university-hosted public bicycle events, programs, and classes. The League offers many tools to help promote the Bicycle Friendly University program in your community.

Enforcement

Ask police officers to target both motorist and cyclist infractions to ensure that laws are being followed by all road users. Ensure that bicycle/motor vehicle crashes are investigated thoroughly and that citations are given fairly.

Pass additional ordinances that protect cyclists, e.g. make it illegal to park or drive in a bike lane (intersections excepted), implement penalties for motor vehicle users that ‘door’ cyclists, ban cell phone use while driving, and pass laws/ordinances protecting all vulnerable road users. Ensure that local law enforcement received training on any new bicycle-related laws.

Repeal the local law that requires cyclists to use bike lanes when provided.

Evaluation & Planning

Have your Bicycle Advisory Committee meet monthly and review all road and construction projects, to step up your Bicycle Friendly Community efforts.

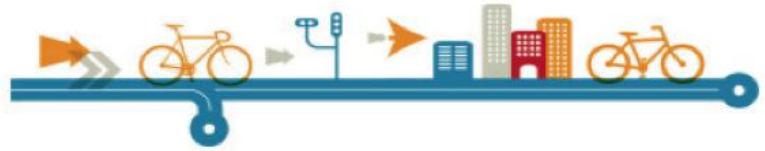
Update your 2003 and 2009 alternative transportation and trail plans to ensure that state-of-the-art bicycle recommendations are included.

Regularly conduct research on bicycle usage beyond the U.S. Census’ Journey to Work report to more efficiently distribute resources according to demand. Conduct at least yearly counts using automated or manual counters in partnership with advocacy organizations. Consider participating in the National Bicycle and Pedestrian Documentation Project.

Ensure that your bicycle counts capture the gender of cyclists. If women ride significantly less than men, this gender gap can be addressed through infrastructure improvements, and targeted education and encouragement efforts. Learn more at bikeleague.org/womenbike.



BICYCLE FRIENDLY COMMUNITY FEEDBACK



Establish a mechanism that ensures that bicycle facilities and programs are implemented in traditionally underserved neighborhoods.

COSTS AND FUNDING OPTIONS

Costs

Building a new roadway for motor vehicles can cost millions of dollars to construct, and many of the pedestrian and bicycle infrastructure facilities are extremely low-cost in comparison. Use [this database](#) to review up-to-date estimates of infrastructure costs of pedestrian and bicycle treatments from states and cities across the country.

Federal Funding

Since 1992 bicycle and pedestrian projects have been eligible for federal transportation funding. To learn more about what federal funds are available for bicycle projects, use Advocacy Advance's interactive [Find it, Fund it tool](#) to search for eligible funding programs by bike/ped project type or review the same information as a PDF [here](#).

State Funding

Biking and walking dollars aren't only available from the federal government. States can also have their own revenue sources that can be used to fund active transportation. Use this [report](#) and an [online tool](#) to explore your state's

funding sources for bicycle and pedestrian improvements.

Local Funding

Local governments can also create their own revenue streams to improve conditions for bicycling and walking. Three common approaches include: special bond issues, dedications of a portion of local sales taxes or a voter-approved sales tax increase, and use of the annual capital improvement budgets of Public Works and/or Parks agencies. Bicycle facility improvements can also be tagged on to larger projects to create economies of scale that results in reduced costs and reduced impacts to traffic, businesses, and residents. For example, if there is an existing road project, it is usually cheaper to add bike lanes and sidewalks to the project than to construct them separately. To learn more about public funding of bicycle infrastructure improvements, visit pedbikeinfo.org/planning/funding_government.cfm.

Resources and Support

[Advocacy Advance](#) offers several tools, resources, and workshops to help advocates and agency staff maximize eligible funding programs.

Program	Term	Lead Entity
Engineering		
Update the Master Street Plan to reflect best practices in bicycle facility design, considering innovative designs such as cycle tracks and buffered bike lanes.	Short	City of Fayetteville
Coordinate with AHTD on bicycle and pedestrian infrastructure on state roads through the City. Include protected bike lanes on highways 35 mph and above.	Short	City of Fayetteville, AHTD
ADA Transition Plans	Medium	City of Fayetteville
Transportation Planning and Land Use Planning Considerations	Long	NWARPC, City of Fayetteville
Increase the amount of high quality bicycle parking throughout the community.		
Expand the street bike network and increase network connectivity.		
Education		
Safe Routes to School	Medium	City of Fayetteville Schools, BCO
Each school should adopt Safe Routes to School plan		
Education campaign including motorists, walkers/runners, and bicyclists	Medium	NWARPC, Northwest Arkansas Council, City of Fayetteville
Continue to expand education programming from elementary school (currently) to middle school and high school	Medium	City of Fayetteville, BCO
Encouragement		
Razorback Regional Greenway Transportation Promotion	Short	NWARPC, Northwest Arkansas Council, City of Fayetteville
Equity Oriented Programs	Short	NWARPC, Northwest Arkansas Council
Open Streets Events	Medium	Northwest Arkansas Council, City of Fayetteville, BCO, local bike shops
Bicycle Friendly Business Program	Short	City of Fayetteville, BCO
Additional staff for expanded responsibilities involved with outreach	Short	City of Fayetteville
Support more family-oriented community or social rides, and bicycle-themed festivals, parades or shows	Medium	City of Fayetteville, BCO
Encourage the University of Arkansas to promote cycling to students, staff, and faculty and to seek recognition through the Bicycle Friendly University Program	Medium	City of Fayetteville, BCO, U of A
Enforcement		
Repeal the mandatory sidepath law.	Medium	City of Fayetteville
Non-mandatory bike registration and bike recovery assistance		
Annual Meeting with Police, Planners and Engineers to Evaluate Collision Trends, Infrastructure Needs and Areas for Targeted Enforcement	Medium	City of Fayetteville
Bicyclist and Motorist Ticket Diversion Program	Long	City of Fayetteville Law Enforcement
Evaluation		
Annual trail and bikeway use counts	Short	City of Fayetteville
Work with AHTD to execute bicycle & pedestrian planning and evaluation on state roadways through Fayetteville	Short	City of Fayetteville, AHTD
Walking, Bicycling and Trails Report Card	Medium	City of Fayetteville
Economy		
Economic Impact Report for Razorback Regional Greenway and Trails	Medium	Northwest Arkansas Council, City of Fayetteville
Bicycle and Walking Tourism Strategy	Medium	Northwest Arkansas Council, City of Fayetteville



CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

FROM: Peter Nierengarten, Sustainability and Resilience Department Director

CC: Don Marr, Chief of Staff
Dane Eifling, Bicycle Programs Coordinator

DATE: October 30, 2015

SUBJECT: **Bicycle Ordinance Amendments:** Chapter 73.04: Riding on Roadways and Bike Lanes

RECOMMENDATION:

Based on feedback from the League of American Bicyclists, Staff recommends amendments to the originally proposed changes to Chapter 73.04: *Riding On Roadways And Bike Lanes*.

BACKGROUND:

At the request of Fayetteville City Staff and the Mayor, the City Attorney's office prepared amendments to Chapter 73.04 regarding riding bicycles on roadways. City Staff shared the drafted amendments with the League of American Bicyclists and asked for feedback on how the proposal might improve safety for Active Transportation and affect Fayetteville's Bicycle Friendly Community Application.

DISCUSSION:

The attached letter from the League of American Bicyclist Legal & Policy Specialist, Ken McLeod suggests that the proposed ordinances amendments are a positive step forward, but could be stronger by more explicitly addressing the needs of bicyclists by incorporating:

- The viewpoint of a "reasonable bicyclists" when deciding what is "safe" for the purpose of the ordinance
- Guidelines that help define what is meant by "safety reasons"

In addition Staff recommends that ordinance references to "bicycle lanes" be replaced with "on-street bicycle facilities exclusively for the use of bicyclists," in order to be consistent with language in Fayetteville's Active Transportation Plan.

Staff has worked with the City Attorney's Office to prepare an amended version of the ordinance that incorporates these items.

Attachments:

- Amended Ordinance Chapter 73.04: *Riding on Roadways And Bicycle Facilities*
- Feedback Letter from the League of American Bicyclists, Legal & Policy Specialist, Ken McLeod
- Fayetteville Active Transportation Plan – On-Street Bicycle Facilities
- Fayetteville Active Transportation Plan Map

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

WHEREAS, the Northwest Arkansas Bicycle and Pedestrian Master Plan and the League of American Bicycles recommend the passage of local ordinances encouraging the safe operation of bicycles on roadways and in dedicated bike lanes, rather than sidewalks, for the safety of bicyclists and pedestrians.

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 § 73.04 of the Fayetteville City Code and enacts a replacement § 73.04 as follows:

“73.04 Riding on Roadways and Bicycle Facilities

(A) Any person operating a bicycle upon a roadway at a speed slower than the flow of traffic shall ride in the right hand lane as far to the right as is **judged safe by a reasonable bicyclist**. A bicyclist may leave this position to turn left, pass, or for any safety reasons.

(B) Bicyclists shall use **on-street bicycle facilities exclusively for the use of bicyclists** when available, and may only use vehicle lanes as needed to turn left, pass, or for any safety reasons.

(C) **A bicyclist shall not be expected or required to:**

- i. Ride over or through any hazards or apparent hazards at the edge of a roadway.**
- ii. Ride without a reasonable safety margin on the right-hand side of the roadway.**

(D) Persons riding bicycles upon a roadway shall not ride more than two abreast. Persons riding bicycles two abreast shall not unduly impede the normal movement of traffic and shall ride within a single lane.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 73.05 of the Fayetteville City Code and enacts a replacement § 73.05 as follows:

“73.05 Riding on Sidewalks

(A) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.

(B) No person shall operate a bicycle upon a sidewalk which abuts a building, when riding on the sidewalk would endanger pedestrians, or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.

(C) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. To earn the protections of a pedestrian, an individual must dismount, walk the bicycle and obey applicable traffic control devices.

PASSED and **APPROVED** this 17th day of November, 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Leading the movement to create a bicycle-friendly America for everyone

1612 K STREET NW, SUITE 308, WASHINGTON, DC 20006 | phone 202-822-1333 | fax 202-822-1334 | WWW.BIKELEAGUE.ORG

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

October 28, 2015

Dear Mayor Jordan and Fayetteville City Council:

The Bicycle Friendly Community program decides community award levels based upon a comprehensive evaluation of community engineering, education, encouragement, enforcement and evaluation & planning activities. I have been asked to provide an opinion on how recently proposed changes to Fayetteville's Traffic Code might affect its Bicycle Friendly Community application.

The proposed ordinance, particularly with some clarification, is likely to significantly improve Fayetteville's earned points in the Enforcement category of its Bicycle Friendly Community application. The average applying community earns 15 points in the Enforcement category based on the efforts of the community's law enforcement and the local laws that affect bicycling within the community. Fayetteville's proposed ordinance would significantly affect several areas that negatively affected its scoring in the enforcement category in its prior application. Depending upon the final adopted language, the proposed ordinance could result in an improvement of 1.5 points for the Enforcement category, or a 10% increase in points awarded from Fayetteville's last application in the fall of 2014.

The version of Fayetteville's bicyclist ordinance shared with me takes a positive step by enabling bicyclists to make safer choices about where to ride based upon the actual conditions of a roadway and their needs based upon their speed and route. However, it could be stronger and more explicitly address the needs of bicyclists in a number of ways. The League of American Bicyclists has recently publicized three [model laws](#) that are meant to serve as guides for communities seeking to improve bicycling-related laws. Gaining points in our Bicycle Friendly Community application is not predicated on adopting these model laws without changes that reflect local context and preference. However, they are illustrative of the goals we believe are important while writing bicycle-related laws. This memo is meant to provide guidance on how the League of American Bicyclists believes the proposed ordinance could be improved.

73.04(A) could incorporate more of our model where to ride law. In particular, it could be made stronger by incorporating:

1. A clarification that the viewpoint of a bicyclist, it could be termed a "reasonable bicyclist," will be the view considered when deciding what is "safe" for purposes of the ordinance. This clarification is important to counter any bias caused by many law enforcement officers, judges, and potential members of a jury not being familiar with bicycling upon roadways.

2. Some guidelines for what is meant by “safety reasons.” In our model law, this is done in part by providing conditions that a person operating a bicycle shall not be expected or required to ride over or through. These guidelines are important so that law enforcement officers and the general public understand what is expected by requiring a bicyclist to ride “far to the right.” It creates conditions where a bicyclist can show those conditions in order to justify their behavior rather than being required to show that their behavior was “safe” or possibly more “safe” than an alternative.

73.04(B) is a step forward from the current requirement of Fayetteville City Code 73.04 which requires “Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.” While paths provide a very different experience for bicyclists and can be highly variable in quality and usefulness for different types of bicycling, bicycle lanes are more accommodating of various types of bicycling and bicyclists are arguably required to use them in most circumstances under 73.04(A), which requires them to ride to the right of the right hand lane in most circumstances. As with 73.04(A), this portion of the proposed ordinance could be improved by addressing what is meant by “safety reasons.” In addition, it would be improved by addressing whether “available” is a sufficient standard for use. Many states have incorporated quality-based standards so that the use of a bicycle lane, or path, is only required when it meets a certain quality standard. For example, the state of Georgia requires municipalities that want to require the use of a bicycle path to provide a mechanism for citizen review of the quality of bicycle paths and provides that any paths that bicyclists are required to use by a municipality meet the standards created by the American Association of State Highway and Transportation Officials (AASHTO). See Ga. Code Ann. §§40-6-294(c) & (d).

I hope that you take these suggestions into account when you review your Traffic Code. Please contact me with any questions you have about the provisions in our model laws or our Bicycle Friendly Community process.

Sincerely,

Ken McLeod

Legal & Policy Specialist
1612 K Street NW, Suite 308
Washington, DC 20006

BACKGROUND

the on-street bicycle network

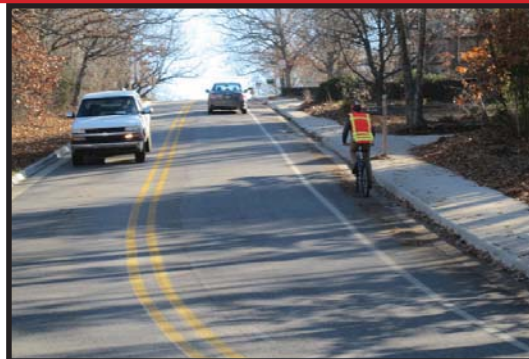
THE ON-STREET BICYCLE NETWORK

Shared-use paved trails serve as the foundation of our active transportation infrastructure, but on-street linkages provide a critical link for cyclists to reach trails and other destinations using city streets. Fayetteville's on-street bicycle network has been rapidly developed in recent years; 25 miles of on-street bike lanes and shared bikeways were added to Fayetteville streets in the years between 2010 and 2014. Fayetteville has gone from a patchy inadequate pattern of on-street bike facilities to a network of usable and navigable bike routes, yet continued progress is needed to meet the growing demand for these on-street facilities.

Fayetteville's varied development patterns and occasionally steep terrain require a variety of on-street solutions to make the most efficient use of space while providing safe and comfortable travelways for cyclists. On-street shared lanes, bike lanes, climbing lanes, buffered bike lanes and bike ways have all been implemented in Fayetteville. Other facilities such as cycletracks, which are fully protected bike lanes, may be constructed in the future. As part of Fayetteville's commitment to the continued expansion of on-street bicycle facilities, City Plan 2030 requires all new street projects and significant street reconstruction incorporate some form of bicycle infrastructure in the public right-of-way where the City Plan indicates bicycle infrastructure is appropriate. The images bellow illustrate examples of the context-sentitive solutions used in various locations in Fayetteville and other regional cities.



ON-STREET SHARED LANES
Willow Avenue - Fayetteville



CLIMBING LANES
Ash Street - Fayetteville



BIKE LANES
Appleby Road - Fayetteville



CYCLETRACKS
Silent Grove Rd. - Springdale



BUFFERED BIKE LANES
Rolling Hills Drive - Fayetteville

On-street bicycle facilities exclusively for the use of bicyclists



BICYCLE WAYS
Asbell Bike way - Fayetteville



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 184 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0543

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

LIB HORN ANIMAL SHELTER OF FAYETTEVILLE:

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

WHEREAS, Olivia “Lib” Horn, a true champion and friend of animals, served as the Director of the Fayetteville Animal Shelter for more than thirteen years from August of 1987 to January of 2001 and oversaw the transition of ownership of the shelter from the Humane Society of the Ozarks to the City of Fayetteville; and

WHEREAS, Lib had an integral role as Director in creating the shelter clinic, hiring the City’s first staff veterinarian and promoting the low cost spay and neuter program for Fayetteville residents; and

WHEREAS, the innovative practices and procedures developed at the Fayetteville Animal Shelter during Lib’s tenure became a model for other shelters nationwide; and

WHEREAS, after leaving her position as the Fayetteville Animal Shelter Director, Lib continued her passionate advocacy for animals and was the driving force behind the creation of the Lester C. Howick Animal Shelter of Washington County; and

WHEREAS, after Hurricane Katrina, Lib led an entirely volunteer shelter for animals rescued from New Orleans and saw every animal taken in by the shelter returned to its original owner or adopted by a new owner; and

WHEREAS, Lib dedicated her life to being a tireless protector of and advocate for the unwanted, mistreated, and tortured animals of the world and will always be remembered for her compassion to both animals and people.

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 renames the Fayetteville Animal Shelter the Lib Horn Animal Shelter of Fayetteville in recognition of the significant contributions Lib made to the lives of the residents and animals of the City of Fayetteville through more than three decades of dedicated public service.

Legistar ID No.: 2015-0543

AGENDA REQUEST FORM

FOR: Council Meeting of December 1, 2015

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE
LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

APPROVED FOR AGENDA:



City Attorney Kit Williams

Nov 17, 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

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: November 17, 2015

RE: Resolution to Rename the Fayetteville Animal Shelter to the Lib Horn Animal Shelter of Fayetteville

The City Administration was approached by friends of Olivia "Lib" Horn after her death asking that the Fayetteville Animal Shelter be renamed in her honor. Lib made significant contributions to the lives of the residents and animals of Fayetteville through more than three decades of public service.

Lib Horn, who had been trained as a veterinary technician, served as the Director of the Fayetteville Animal Shelter from August of 1987 until January of 2001 and oversaw the transition of ownership of the shelter from the Humane Society of the Ozarks to the City of Fayetteville. As Director, Lib opened the shelter clinic and hired the City's first staff veterinarian. She also had an important role in promoting and expanding the low cost spay and neuter program for Fayetteville residents. The practices and procedures that were developed under her leadership became a model for animal shelters nationwide.

After leaving the City, Lib Horn continued to advocate for the protection of animals in our area and was the driving force behind the creation of the Lester C. Howick Animal Shelter of Washington County. After Hurricane Katrina, Lib led an entirely volunteer shelter for animals that had been rescued from New Orleans and every animal taken in was returned to its original owner or adopted by a new owner.

We in the City Administration believe it is very appropriate to honor the memory of Lib Horn by naming the Fayetteville Animal Shelter in her honor.



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 187 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0522

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 2

YOUTH CENTER, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2016

WHEREAS, providing quality recreational opportunities to the youth and citizens of our community is of mutual interest to the City of Fayetteville and Fayetteville Youth Center, Inc.; and

WHEREAS, Fayetteville Youth Center, Inc. and the City of Fayetteville have had a close working relationship for many years and this relationship allows for a continuity of services vital to the efficient provision of recreational opportunities, and;

WHEREAS, were it not for the services offered by Fayetteville Youth Center, Inc., the City of Fayetteville would be required to assume the duty of providing staff, programming, promotion and development for youth recreational services.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2016. A copy of the Contract is attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2015-0522

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

11/4/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an ordinance waiving the requirements of formal competitive bidding and approving a contract between the City and Fayetteville and the Fayetteville Youth Center, Inc. in the amount of \$225,000 to provide public recreation services for the youth and citizens of Fayetteville for 2016, contingent on approval of the 2016 annual city budget and work program.

Budget Impact:

1010.6600.5718.00

General

Account Number

Fund

40901-4002

Transfer to Boys and Girls Club

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 225,000.00

Funds Obligated \$ -

Current Balance \$ 225,000.00

Does item have a cost? Yes

Item Cost \$ 225,000.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 5726

Original Contract Number:

Approval Date:

Comments: Pending on City Council approval of the 2016 Proposed Budget.

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: November 4, 2015

SUBJECT: Fayetteville Boys and Girls Club Recreation Contract for 2016

RECOMMENDATION:

Approval of an ordinance waiving the requirements of formal competitive bidding and approving a contract between the City and Fayetteville and the Fayetteville Youth Center, Inc. in the amount of \$225,000 to provide public recreation services for the youth and citizens of Fayetteville for 2016, contingent on approval of the 2016 annual city budget and work program.

BACKGROUND:

The 2016 budget includes a total of \$225,000 to be transferred to the Fayetteville Youth Center, Inc. from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding is required. The contract outlines the services the Fayetteville Youth Center is providing to the City and the citizens of Fayetteville. Please note the Fayetteville Youth Center refers to the operations of the Fayetteville Boys and Girls Club throughout this contractual agreement. A waiver of competitive bids is being requested to secure the continuity of services provided and because the Fayetteville Youth Center has effectively served our citizens for the past 48 years.

DISCUSSION:

The City of Fayetteville has provided financial support for the Fayetteville Youth Center since 1967. Each year, the Parks and Recreation Director and Boys and Girls Club Executive Director evaluate operations to determine if we are meeting the needs of the citizens of Fayetteville in the most efficient possible manner. The attached "Working Agreement" helps avoid duplication or competition of programs between the two organizations. It is the intent of both agencies to work together for the common good of the citizens by not providing public funding for multiple competing program offerings. If the Boys and Girls Club was not providing recreational services for our youth as well as citizens, the City of Fayetteville would need to assume the responsibility.

The agreement for 2016 is similar to the 2015 agreement with an update of the programs offered and correction that the summer free lunch program may be changed to another school location in which the Boys and Girls Club will provide transportation for the children at YRCC. The number of children at the YRCC needing transportation from the YRCC to the free lunch program has increased from 50 to 70 children. In addition, the Club will provide bus transportation for shuttling purposes for participants in running and biking special events offered by the Parks and Recreation

Department two times a year. The Fayetteville Boys and Girls Club building is designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

BUDGET/STAFF IMPACT:

The 2016 budget includes a total of \$225,000 for this request. Funding was increased five percent from the 2015 budget allocation. The request is contingent upon City Council approval of the 2016 proposed budget. If you have any questions regarding the agenda request or the Working Agreement, please call me at 444-3473, or email cedmonston@fayetteville-ar.gov.

Attachments:

Signed Contract
Proposed Ordinance
PO Request

CONTRACT

*Between The City of Fayetteville
And
Fayetteville Youth Center, Inc.*

WHEREAS, the City of Fayetteville has long been associated with and worked with the Fayetteville Youth Center, Inc. to provide public recreation to the citizens of Fayetteville; and

WHEREAS, the Fayetteville Youth Center, Inc. has long provided public recreation to the youth and citizens of Fayetteville; and

WHEREAS, it remains in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the Fayetteville Youth Center, Inc. in consideration for the substantial recreational programs provided by the Fayetteville Youth Center, Inc. to the youth and citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$18,750 monthly to the Fayetteville Youth Center, Inc. throughout the year of 2016 in consideration of the following duties and obligations to be performed by the Fayetteville Youth Center, Inc.:

- A. The Fayetteville Youth Center, Inc. shall be jointly responsible with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the main facility of the Boys and Girls Club on Ruppel Road. The Fayetteville Youth Center, Inc. agrees to use funding from the City to pay for gymnasium supervisors and custodians at these sites.
- B. The Fayetteville Youth Center, Inc. shall make a substantial portion of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for needy youth. Although basic membership fees may be required for many Fayetteville residents, needy youth wishing to participate at the Fayetteville Youth Center, Inc. facility shall not be denied access solely because they do not have sufficient funds to pay for a regular membership. The Fayetteville Youth Center, Inc. shall report on a quarterly basis the approximate number of Fayetteville Citizens served by its programs and shall include the number of "scholarships" or free memberships provided to Fayetteville citizens.
- C. The Fayetteville Youth Center, Inc. shall provide their facility as an emergency shelter when deemed necessary by the City of Fayetteville.

- D. The Fayetteville Youth Center, Inc. shall continue to follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and The Fayetteville Youth Center, Inc. which is attached as Exhibit A, and made a part hereof.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

FAYETTEVILLE YOUTH CENTER, INC.

BY: _____
President, Board of Directors
Title

ATTEST:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE FAYETTEVILLE YOUTH CENTER, INC.

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Fayetteville Youth Center, Inc., d/b/a Donald W. Reynolds Boys & Girls Club (hereinafter FYC).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Director of Parks and Recreation and the Executive Director of the FYC; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, the FYC facility located on Ruppel Road has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communication and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and FYC would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and FYC, the following set of detailed operating procedures and responsibilities are hereby established.

1. FYC shall be responsible for working with the Fayetteville School System to provide staffing, programming, maintenance, promotion and development for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium and the Boys and Girls Club. FYC will be responsible for the hiring, evaluating, and supervising of gymnasium supervisors and at Holcomb, Asbell, and Vandergriff Gymnasiums during the basketball seasons, after school programs and summer day camp programs.
2. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development for the city

parks, including the following facilities which are utilized for sport programming; Lake Fayetteville Softball Complex, Gary Hampton Softball Complex, Lewis Street Soccer Complex, Walker Baseball/Soccer Complex, White River Baseball Complex, and the Wilson Park Softball Field. Parks and Recreation shall be responsible for outdoor facilities owned or leased by the City of Fayetteville, excluding the property leased to FYC pursuant to written agreements.

3. FYC shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. FYC shall coordinate with the Fayetteville School System for use of their facilities. FYC shall be responsible for the majority of sports and activities held at indoor recreation facilities, including but not limited to the following:

- | | |
|--|----------------------------------|
| - Basketball | - School Kids Connection |
| - Baton | - Swim Lessons |
| - Camps | - Youth Volleyball |
| - Cheerleading | - Tackle Football |
| - Dance | - Track |
| - Fishing Rodeo | - Special Events |
| - Flag Football (Youth) | - Summer / School Break Programs |
| - Golf | - Educational Programs |
| - Gymnastics | - Arts and Crafts |
| - Karate | |
| - Ping Pong | |
| - FYC shall not compete/duplicate with those services listed in paragraph 4, unless agreed upon by the FYC Executive Director and the Parks and Recreation Director. | |

4. Parks and Recreation shall be responsible for providing or approving the management, staffing, promotion, and development of the following programs and activities. Parks and Recreation shall be responsible for the majority of sports and activities held at outdoor recreation facilities, including but not limited to the following:

- | | |
|---------------------------|-------------------------------------|
| - Baseball | - Yvonne Richardson |
| - Kickball | Community Center |
| - Softball | Activities |
| - Flag Football (Adult) | i. Arts and Crafts |
| - Special Interest Groups | ii. Educational Programs |
| - Sand Volleyball | iii. Summer / School Break Programs |
| - Adult Volleyball | iv. Wrestling |
| - Soccer | v. Volleyball (Adult) |
| - Special Events | vi. Other |
| - Swim Lessons | Recreational |
| - Tennis | Programs |
| - Youth Activity Camps | |

5. FYC agrees not to establish a program that competes/duplicates with an established program provided by Parks and Recreation. Moreover, FYC agrees to provide Parks and Recreation with information relating to any of its programs including rosters of players and coaches, rules of the league, and similar relevant data upon request by Parks and Recreation. It is the intent of both parties to work together for the common good of the citizens of Fayetteville by not providing public funding for duplicate program offerings. It is understood that FYC and Parks and Recreation both currently provide swim lessons, aquatic programs, and summer/school break programs, and that both parties agree to work together for the common good of both parties.
6. In the event the FYC wishes to offer programs which fall in the general description of paragraph 5 above, which it does not believe competes with current Parks and Recreation program, FYC shall provide advance notice of intent to start the program to Parks and Recreation with time to determine whether it is a competing program or not. In the event that FYC offers a program that the Parks and Recreation believes is a duplicate program within the meaning of this document, Parks and Recreation Staff shall give FYC written notices of its assessment. FYC shall either cease operating such program within 30 days of such notice or shall provide a written response to Parks and Recreation that disputes whether such program is in fact a competing program. If FYC fails to cease such program or respond to the assessment from Parks and Recreation, the City may discontinue funding for FYC on the 31st day after such notice. If FYC files a dispute, the issue shall be resolved by City Council and finding of City Council shall be final and not subject to appeal. If FYC fails to cease operation of such a program within 30 days of a decision requiring such cessation by City Council, then the City may stop annual funding to FYC.
7. The FYC Executive Director and Parks and Recreation Director will work jointly in opening the FYC as an emergency shelter as deemed necessary by the Washington County Emergency Operations Center. The Club will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.
8. The FYC Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.
9. It is understood and agreed that the City's annual purchase of services shall be negotiated on a yearly basis.
10. The FYC Board of Directors is responsible for the management and operation of the annual funding allocation to FYC from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.
11. As part of the annual funding, FYC agrees to make its facilities available to residents of the City of Fayetteville for a nominal daily fee without the need to purchase a membership to the club.

12. FYC shall schedule a meeting and submit an annual financial report to the City of Fayetteville on or before July 31 of each year. Such report shall detail FYC's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 14.
13. FYC shall comply with schedules and procedures established by the Budget and Research Division of the City of Fayetteville for annual funding requests.
14. FYC shall provide transportation for the Yvonne Richardson Community Center as needed for the following activities including, but not limited to:
 - A. Throughout the Summer Fun4Kids Program provide bus transportation each day to the Fayetteville Public School free lunch program at the designated school site. This should include transportation for up to 70 children from the YRCC to Owl Creek School and back to the YRCC after lunch.
 - B. Throughout the Summer Fun4Kids Program provide bus transportation on pre-scheduled afternoons from the YRCC to FYC. Participants in the Summer Fun4Kids program will also have free admittance to the FYC facilities on pre-scheduled afternoons and transportation back to the YRCC at the conclusion of the program day.
 - C. Throughout the academic school year provide transportation on designated dates previously agreed upon by both parties as part of the YRCC after school program.
 - D. FYC will also provide transportation for YRCC patrons as deemed necessary by FYC Staff and the YRCC Director, provided that these arrangements have been done in a timely matter and are agreed upon by both parties prior to the requested date and time.
 - E. The transportation schedule outlined above is subject to change upon agreement by the Fayetteville Parks and Recreation Director and the Executive Director of the FYC.
15. FYC will provide bus transportation to be used for shuttling purposes for participants in running or biking special events offered by the Parks and Recreation Department two times a year provided that these arrangements have been done in a timely matter and agreed upon by both parties prior to the requested date and time.
16. Quarterly reports shall be submitted to the Parks and Recreation Director on the following dates: April 15, July 15, October 15, and January 15 (2017). These reports will detail the following performance measures:
 - A. Provide a minimum of 30 open recreation hours per week at the FYC club facilities.
 - B. Provide a minimum of 10 youth instructional/educational programs.
 - C. Provide a minimum of three youth sports programs.
 - D. Provide a minimum of two free community-wide events at the FYC club facilities.

- E. Provide marketing materials to Fayetteville school children for major sport programs.
- F. Implement three customer service surveys for FYC programs.
- G. Apply for 10 grants/major corporate sponsorships to provide additional funding to operate the FYC facilities and programs.
- H. Include Parks and Recreation logo on organizational web site and acknowledge the City of Fayetteville on sponsor wall located in the FYC facilities on Ruppel Road.

The working procedures and responsibilities contained herein shall become effective January 1, 2016.

CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

FAYETTEVILLE YOUTH CENTER, INC.

BY:  _____
President, Board of Directors
Title

Attest:

BY: _____

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: 11/13/2015			
							P.O Number:			
Vendor #: 10485			Vendor Name: Donald W. Reynolds - Fayetteville Boys and Girls Club				Mail ☐ Yes ☐ No		Legistar#: 2015-0522 Expected Delivery Date:	
Address: 560 N. Ruppel Road					FOB Point:		Taxable ☐ Yes ☐ No			
City: Fayetteville			State: AR		Zip Code: 72704	Ship to code:	Quotes Attached ☐ Yes ☒ No			
Requester: Alan Bearden					Requester's Employee #: 3664		Extension: 3406			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Contract Payment for Public Recreation per Ordinance	12	Months	18,750.00	\$225,000.00	1010.6600.5718.00	40901.4002			
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: This is a 2016 Purchase Order.							Subtotal: \$225,000.00			
							Tax: \$0.00			
							Total: <u>\$225,000.00</u>			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 199 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0535

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$101,205.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2016

WHEREAS, providing quality recreational opportunities to the senior citizens of our community is of mutual interest to the City of Fayetteville and the Area Agency On Aging of Northwest Arkansas, which has provided these services to seniors in Fayetteville for the past 44 years and;

WHEREAS, the Area Agency on Aging is very qualified and uniquely able to provide the continuity of services vital to the efficient provision of recreational opportunities to the senior citizens of Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds the above circumstances make competitive bidding not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$101,205.00 to provide public recreation services for the senior citizens of Fayetteville for 2016. A copy of the Contract is attached hereto and made a part hereof.

City of Fayetteville Staff Review Form

2015-0535

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Connie Edmonston

11/12/2015

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of an ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Area Agency on Aging of Northwest Arkansas in the amount of \$101,205 to provide public recreation services for senior citizens of Fayetteville for 2016, contingent on approval of the 2016 annual city budget and work program.

Budget Impact:

1010.6600.5718.01

General

Account Number

Fund

40901-4004

Transfer to Council on Aging

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 101,205.00

Funds Obligated \$ -

Current Balance **\$ 101,205.00**

Does item have a cost? Yes

Item Cost \$ 101,205.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ -**

V20140710

Previous Ordinance or Resolution # 5725

Original Contract Number:

Approval Date:

Comments: Pending on City Council approval of the 2016 Proposed Budget.

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Connie Edmonston, Parks and Recreation Director

DATE: November 12, 2015

SUBJECT: Area Agency on Aging of Northwest Arkansas Recreation Contract for 2016

RECOMMENDATION:

Approval of an ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville and the Area Agency on Aging of Northwest Arkansas in the amount of \$101,205 to provide public recreation services for senior citizens of Fayetteville for 2016, contingent on approval of the 2016 annual city budget and work program.

BACKGROUND:

The City of Fayetteville began providing financial support for the Council on Aging, Inc. in 1972 for recreation services to senior citizens at the Hillcrest Towers. In 2003, the Walker Park Senior Activity and Wellness Center was added to the contract when it was built. This has been a very successful agreement that continued with the Northwest Arkansas Economic Development District providing services until April 1, 2014 when the contract reverted back to the Area Agency on Aging (AAA). AAA has the current building lease for the Walker Park Senior Activity and Wellness Center.

AAA provides recreational programs meeting the needs of our senior citizen residents at Walker Park's Senior Activity and Wellness Center and Hillcrest Towers. It is the intent of AAA and the Fayetteville Parks and Recreation Department to work in cooperation to enhance the recreation facilities and programs in our City, while not duplicating services in an effort to spend taxpayers' money as effectively as possible. If the AAA were not serving our senior citizen population, the City would need to assume responsibility.

DISCUSSION:

The 2016 budget includes a total of \$101,205 to be transferred to the AAA from the General Fund. A resolution of contractual services, as well as an ordinance to waive competitive bidding, is required. The contract outlines the services the AAA is providing to the City and the citizens of Fayetteville. We are requesting a waiver of competitive bids to secure the continuity of services provided and because AAA has adequately served our citizens for the past 44 years including when they subcontracted services with the Northwest Arkansas Economic Development District. The agreement for 2016 is similar to the 2015 with a minor program change. The Walker Park's Senior Activity and Wellness Center's building is designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens.

BUDGET/STAFF IMPACT:

The 2016 budget includes a total of \$101,205 for this request. This is a funding increase of 20 percent over last year to compensate for the increase number of seniors utilizing the center's programs. This request is contingent upon City Council approval of the 2016 proposed budget. If you have any questions regarding the agenda request or the working agreement, please call me at 444-3473, or email cedmonston@fayetteville-ar.gov.

Attachments:

Signed Contract
Proposed Ordinance
PO Request

CONTRACT

*Between The City of Fayetteville and the
Area Agency on Aging of Northwest Arkansas (AAA)*

WHEREAS, the Area Agency on Aging of Northwest Arkansas (AAA) is uniquely qualified to provide the full range of public recreation opportunities to the senior citizens of Fayetteville; and,

WHEREAS, it is in the best interest of the City of Fayetteville and its citizens to provide operating revenues to the AAA in consideration for the substantial recreational programs provided by the AAA to the senior citizens of Fayetteville.

NOW, THEREFORE, IT IS AGREED:

The City of Fayetteville shall provide the sum of \$8,433.75 monthly to the AAA from April 1 until December 31, 2016 in consideration of the following duties and obligations to be performed by the AAA:

- A. The AAA shall be responsible for providing staff, programming, promotion, and development for Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers Community Center. AAA agrees to use funding from the City to pay for recreational programs designed specifically for senior citizens.
- B. AAA shall make substantial portions of its programs or facilities available to Fayetteville citizens (the public) at little or no cost for the needy senior citizens. AAA shall report on a quarterly basis the approximate number of Fayetteville citizens served by its programs.
- C. AAA shall provide Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter when deemed necessary by the City of Fayetteville.
- D. The AAA shall follow the general Working Procedures and Responsibilities for the City of Fayetteville Parks and Recreation Division and the AAA which is attached as Exhibit A, and is made a part hereof, as if set forth word for word in its entirety.

CITY OF FAYETTEVILLE

BY: _____

LIONELD JORDAN, Mayor

AREA AGENCY ON AGING OF
NORTHWEST ARKANSAS

BY: _____

Jerry L Mitchell
Executive Director

ATTEST:

BY: _____

Sondra E. Smith, City Clerk / Treasurer

EXHIBIT A

RECREATION IN FAYETTEVILLE

WORKING PROCEDURES AND RESPONSIBILITIES FOR THE CITY OF FAYETTEVILLE PARKS AND RECREATION DIVISION AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS

This agreement is made and entered into between the City of Fayetteville Parks and Recreation Department (Parks and Recreation) and the Area Agency on Aging of Northwest Arkansas (hereinafter referred to as AAA).

WHEREAS, the parties are two of the providers of recreational programs for the citizens of Fayetteville and wish to define a working agreement which may be revised and modified each year upon mutual agreement between the Parks and Recreation Director and the Executive Director of the AAA; and,

WHEREAS, it is the goal of both parties to work in cooperation to enhance the recreation facilities and programs offered by the parties and to act together in meeting the needs of the citizens of Fayetteville; and,

WHEREAS, Walker Park's Fayetteville Senior Activity and Wellness Center has been designated as an emergency shelter for the City of Fayetteville due to the location and facility available to house citizens; and

WHEREAS, increased communications and a new set of operating procedures will assist with the working relationship and will benefit both agencies and their operations; and,

WHEREAS, Parks and Recreation believes the goals of Parks and Recreation and AAA would best be accomplished by defining and streamlining responsibilities and procedures; and, is therefore recommending the merging of facility and program management for all recreation offerings, thereby providing administrative accountability for all services provided to the citizens.

NOW, THEREFORE, in order to define and improve the current working relationship between Parks and Recreation and AAA, the following set of detailed operating procedures and responsibilities are hereby established.

1. AAA shall be responsible for providing staffing, programming and promotion, and development of recreational programs for senior citizens including but not limited to, health and fitness activities, recreational trips, arts and crafts, music and games.
2. There will be no delays or decrease in public recreational services provided to senior citizens due to the change in contractor.
3. Parks and Recreation shall be responsible for providing or approving the staffing, programming, maintenance, promotion and development of the parks

system within the city and the recreational events occurring within the city for all ages.

4. The AAA Executive Director and Parks and Recreation Director shall have periodic meetings to ensure communication between the two entities.
5. It is understood and agreed that the City's annual purchase of services will be negotiated on a yearly basis.
6. The AAA is responsible for the management and operation of annual funding allocation to AAA from the City of Fayetteville and shall have the responsibility for prioritizing the use of such funds.
7. The Fayetteville Senior Activity and Wellness Center Director and Parks and Recreation Director will work jointly in opening Walker Park's Fayetteville Senior Activity and Wellness Center as an emergency shelter as deemed necessary by the City of Fayetteville. AAA will utilize funds appropriated by the City of Fayetteville for operational costs as necessary for the emergency shelter.
8. AAA shall schedule a meeting and submit an annual financial report to the Parks and Recreation Director no more than sixty (60) days after the end of the AAA fiscal year, which ends on June 30, 2016. Such report shall detail AAA's use of the City of Fayetteville's funding allocation and accomplishment of performance measures as stated below in number 10.
9. AAA shall comply with the schedules and procedures established by the Budget and Research Division of the City of Fayetteville for annual funding requests.
10. Quarterly reports shall be submitted to the Parks and Recreation Director on, or before, the following dates: April 15, July 15, October 15, and January 15 (2017). These reports shall detail the following performance measures:
 - A. Operation of a full service senior center at Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers locations to include socialization (recreation) by hosting daily social activities such as bingo, table games, exercise classes, and wellness programs. During the course of the year, an estimated 700 elderly citizens will participate at the two locations.
 - B. Recreation opportunities at the Walker Park location will continue to provide such wellness recreational activities as Tai Chi. Formal exercise classes and Use It or Lose It classes will be provided on a weekly basis. L.I.F.T Classes will be provided on a bi-weekly basis. Dances and music activities will be provided weekly at the Walker Park location.
 - C. Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Tower locations will seek partnerships with outside

organizations or community groups to assist in a variety of recreation programs and wellness classes.

D. Transportation will be provided at both the Walker Park's Fayetteville Senior Activity and Wellness Center and Hillcrest Towers for recreational trips and special interest trips, as well as transporting seniors for necessary appointments as scheduled through the Fayetteville Senior Activity and Wellness Center.

E. AAA shall acknowledge the City of Fayetteville's contribution on general marketing flyers, brochures and other general marketing materials.

11. The working procedures and responsibilities contained herein must continue without delays in service and shall become effective January 1, 2016.

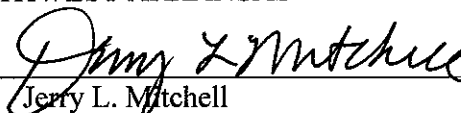
CITY OF FAYETTEVILLE

BY: _____
LIONELD JORDAN, Mayor

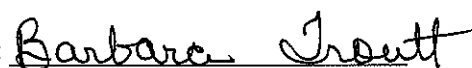
Attest:

BY: _____
Sondra E. Smith, City Clerk / Treasurer

AREA AGENCY ON AGING OF
NORTHWEST ARKANSAS

BY: 
Jerry L. Mitchell
Executive Director

Attest:

BY: 

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: 11/13/2015		
							P.O Number:		
Vendor #: 24275			Vendor Name: Area Agency on Aging of NWA				Mail ☐ Yes ☐ No		
Address: 1510 Rock Springs Road / P. O. Box 1795						FOB Point:		Legistar#: 2015-0535 Expected Delivery Date:	
City: Harrison			State: AR		Zip Code: 72602		Ship to code:		
Requester: Alan Bearden						Requester's Employee #: 3664		Extension: 3406	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #
1	Contract Payment for Public Recreation per Ordinance	12	Months	8,433.75	\$101,205.00	1010.6600.5718.01	40901.4004		
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: This is a 2016 Purchase Order.							Subtotal: \$101,205.00		
							Tax: \$0.00		
							Total: <u>\$101,205.00</u>		
Approvals:									
Mayor: _____			Department Director: _____			Purchasing Manager: _____			
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____			
Dispatch Manager: _____			Utilities Manager: _____			Other: _____			



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 208 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0531

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 4

AMBULANCE SERVICES INTERLOCAL AGREEMENT:

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES BY AND WITH THE CITY OF FAYETTEVILLE, THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, WASHINGTON COUNTY, ELKINS, ELM SPRINGS, FARMINGTON, GOSHEN, GREENLAND, JOHNSON, LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, AND WINSLOW, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

WHEREAS, A.C.A. §14-14-910, and §14-266-102 and §25-20-101 authorize cities and counties to enter into interlocal contracts to provide services such as emergency and non-emergency ambulance services; and

WHEREAS, Resolution No. 68-08, which was passed on March 18, 2008, approved an interlocal agreement creating an Ambulance Authority and establishing the Ambulance Authority and Central Emergency Medical Services (CEMS) as the exclusive emergency and non-emergency ambulance service within Fayetteville and the other participating cities; and

WHEREAS, continuation of the Ambulance Authority is crucial for the continued health and safety of the residents of unincorporated Washington County and the cities that are covered by the Authority; and

WHEREAS, in order to save taxpayer money and to reduce the need for taxpayer revenue to subsidize the furnishing of emergency ambulance service to our citizens, the Ambulance Authority and CEMS should continue to be designated the exclusive provider of emergency and non-emergency ambulance service within all cities that are parties to this agreement.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the interlocal Agreement For Continuation and Expansion of Ambulance Services and for Expanded Membership in the Washington County Regional Ambulance Authority, a copy of which is attached to this Resolution, authorizes Mayor Jordan to sign this agreement, and authorizes the Ambulance Authority to continue to operate Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance services provider throughout Fayetteville and every other city which is a party to this

File Number: 2015-0531

agreement as broadly as authorized in A.C.A. §14-266-102 and 105.

City of Fayetteville Staff Review Form

2015-0531

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

11/12/2015

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approving The Interlocal Agreement for Continuation and Expansion of Ambulance Services and for Expanded Membership in the Washington County Regional Ambulance Authority. This new agreement provides for participating cities to pay \$6.06 per capita based on the 2010 Federal Census and for Washington County to pay \$17.56 per capita for the unincorporated population based on the 2010 Federal Census throughout the five year term of renewal (2016-2020) contingent upon 2016 Budget and Work Program approval from City Council.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

Funds Obligated

Current Balance

\$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution # 202-11

Original Contract Number:

Approval Date:

Comments: Approval of the proposed new Interlocal Agreement for Ambulance Services will result in the current \$270,000 annual subsidy to increase to a \$445,895 annual subsidy. This increase is due to the payment requirement of \$6.06 per capita based on the 2010 census. Funds for ambulance services are included in the 2016 Annual Budget and Work Program Proposal and are contingent upon City Council approval.



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1, 2015

TO: Mayor and City Council

FROM: David Dayringer, Fire Chief

DATE: November 12, 2015

SUBJECT: A resolution approving The Interlocal Agreement for Continuation and Expansion of Ambulance Services and for Expanded Membership in the Washington County Regional Ambulance Authority by and with the City of Fayetteville, Washington County, Elkins, Elm Springs, Farmington, Goshen, Greenland, Johnson, Lincoln, Prairie Grove, Tontitown, West Fork, and Winslow for emergency and non-emergency ambulance services contingent upon 2016 Budget and Work Program approval from City Council.

RECOMMENDATION:

Staff recommends approving The Interlocal Agreement for Continuation and Expansion of Ambulance Services and for Expanded Membership in the Washington County Regional Ambulance Authority. This new agreement provides for participating cities to pay \$6.06 per capita based on the 2010 Federal Census and for Washington County to pay \$17.56 per capita for the unincorporated population based on the 2010 Federal Census throughout the five year term of renewal (2016-2020) contingent upon 2016 Budget and Work Program approval from City Council.

BACKGROUND:

City Council approved Res. 68-08 on March 18, 2008, approving an Interlocal Agreement for Ambulance Services with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow, and Johnson and to establish the Ambulance Authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. This agreement was amended and approved by City Council through Res. 202-11 on November 15, 2011. This current proposed new Interlocal Agreement will add Elm Springs and Tontitown and will change the payment amounts paid by each city and the county.

BUDGET/STAFF IMPACT:

Approval of the proposed new Interlocal Agreement for Ambulance Services will result in the current \$270,000 annual subsidy to increase to a \$445,895 annual subsidy. This increase is due to the payment requirement of \$6.06 per capita based on the 2010 census. Funds for ambulance services are included each year in the Annual Budget and Work Program and are contingent upon 2016 Budget and Work Program approval from City Council.

ATTACHMENTS:

Agreement for Continuation and Expansion of Ambulance Services and for Expanded Membership in the Washington County Regional Ambulance Authority

AGREEMENT
FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES AND FOR
EXPANDED MEMBERSHIP IN THE WASHINGTON COUNTY REGIONAL
AMBULANCE AUTHORITY

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES AND FOR EXPANDED MEMBERSHIP IN THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY (“Agreement”) is made and entered into by and between the WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY (“Authority” or “WCRAA”), WASHINGTON COUNTY, ARKANSAS, (“County”) and the cities of ELKINS, ELM SPRINGS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, JOHNSON LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, and WINSLOW (“Cities”).

WHEREAS, A.C.A. §14-14-910, A.C.A. §25-20-101, and A.C.A. §14-266-102 authorize cities and counties to enter into contracts to co-operate or join with each other to provide emergency and non-emergency medical services and to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, the County and Cities mutually agree that the continuation of an Ambulance Authority or similar entity with participation by and coverage for the Cities of Elm Springs and Tontitown as provided for in A.C.A. §14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 *et. seq* is in the best long-term interests of the parties; and,

WHEREAS, the City of Springdale, which had previously provided ambulance coverage to the Cities of Elm Springs, Tontitown and the northern half of the City of Johnson and the unincorporated areas of northern Washington County, will cease to provide such coverage on December 31, 2015;

WHEREAS, The Cities of Elm Springs and Tontitown do not currently participate in WCRAA as established in an original Interlocal Agreement in 2008, but will begin participation beginning in 2016 and with execution of this Agreement; and,

WHEREAS, said Authority should consist of representatives of all of the above named Cities and the County; and,

WHEREAS, the Original Agreement for Ambulance Services forming the WCRAA is set to renew on its own terms in December 31, 2016 unless a party to that Original Agreement notifies the other parties of its intent to withdraw by September 1, 2016; and

WHEREAS, all parties intend for the WCRAA to continue in operation and administration beyond said December 31, 2016 renewal, with the WCRAA continuing to exist as

it does today with the exception of adding to membership the Cities of Elm Springs and Tontitown; and

WHEREAS, the parties acknowledge that their financial contributions to the WCRAA as set forth in this Agreement and previous Agreements funding the WCRAA is for and in consideration of (a) ambulance service coverage within in each of their respective cities, for the cities, and in the unincorporated areas of Washington County for the County, and (b) beginning or continued participation in the WCRAA; and

WHEREAS, all parties acknowledge that the continuation and expansion of membership of the WCRAA will demand close and continued cooperation of all parties.

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1. AUTHORITY ORGANIZATION.

(a) The chief executive officer of each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.

(b) The Board shall meet no less than annually to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

(c) The Board shall employ an executive director/chief to manage a regional ambulance system.

(d) In order to ensure maximum efficiency and effectiveness of the operation, an executive committee shall be formed to be charged with the oversight of the day-to-day operation of the system. The members of said executive committee shall be as follows:

- (1) The County appointee who shall reside in the unincorporated service area.
- (2) The Fayetteville City Council appointee;
- (3) A second Fayetteville appointee (Both City Council appointees shall serve at the pleasure of the City Council and can be removed and replaced by different representatives by City Council Resolution.);
- (4) A small city appointee to be chosen by the aforestated cities, excluding the City of Fayetteville;
- (5) A Nursing Home or medical profession representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.

- (6) A Hospital representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees, and the small city appointee.
- (7) A representative of the financial community residing in the service area to be chosen by the County appointee, the Fayetteville appointees and the small city appointee.

ARTICLE 2. PURPOSES, POWERS, RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE CREATED ENTITY.

(a) All parties acknowledge that the need to create an entity to own, operate and manage an ambulance service is necessary and appropriate.

(b) The Authority created herein shall have the following powers:

- (1) To provide advanced life support emergency ambulance service in the designated area;
- (2) To provide emergency medical dispatch including pre-arrival instructions in accordance with approved dispatch protocols;
- (3) To set ambulance user fees;
- (4) To own system revenues;
- (5) To provide exclusive emergency and non-emergency (within the cities only) ambulance service;
- (6) To enter into mutual aid and automatic aid Agreements with neighboring ambulance services for emergency services;
- (7) Comprehensive regulatory powers over the ambulance system performance;
- (8) Ownership of or access to key components of the system infrastructure;
- (9) Centralize medical direction and clinical oversight of the ambulance system to the extent deemed necessary;
- (10) To promulgate rules and regulations to further effectuate the purposes of this Agreement;
- (11) To own and dispose of real and personal property;

- (12) To adopt and oversee comprehensive system performance on an annual basis to include periodic revisions to comply with emerging technologies and changes in clinical and operational standards.
- (c) Washington County Regional Ambulance Authority's Specific Duties.

The Authority created herein shall have the following specific duties and responsibilities **in addition to** the statutory and administrative requirements of §14-266-109, the Arkansas Medical Practices Act, and any other government or professional standards.

(1) Response time metrics shall be analyzed no less than monthly to determine the need for additional ambulances and staff to maintain agreed upon service levels.

(2) Reporting Requirements.

(A) Fayetteville. On the third Tuesday of July each year, the Washington County Regional Ambulance Authority by the two Fayetteville representatives on the Executive Committee shall appear before the Fayetteville City Council to present:

(i) The written annual, audited report of the previous year's financial and response data reports;

(ii) A written report of the financial and response data for the first half of the current year;

(iii) Plans and projections to replace or enlarge capital property and equipment within the next 18 months;

(iv) Plans and justifications for any personnel increases within the next 18 months; and

(v) Revenue/expense projections for the next 18 months.

(B) Any Other Member of This Authority. Upon written request by any other member of this authority, the Board Member representing that entity shall provide the full written and oral report referred to in (A) to that City or to the County during its regular July or August meeting.

ARTICLE 3. FINANCING; TRAINING; COMPLIANCE WITH A.C.A. §20-13-301 ET. SEQ.

(a) All parties acknowledge that the need for a guaranteed revenue source independent of and in addition to fees for service is necessary in order to ensure the continued viability of said service.

(b) The annual regional ambulance service-funding source for all parties of this Agreement shall be based upon the most recent Federal Census including any special Census.

- (1) All Cities shall pay \$6.06 per capita based on the 2010 Federal Census.
- (2) Washington County shall pay \$17.56 per capita for the unincorporated population of Washington County based on the 2010 Federal Census. Additionally, Washington County shall pay the amount of \$223,000, previously paid to Springdale Fire Department for ambulance coverage, to the Authority for a period of five years starting in January 2016 and ending in December 31, 2020.

	2010 Census	2016 payment
Farmington	5,974	\$36,202
Prairie Grove	4,380	\$26,543
Elkins	2,648	\$16,047
Elm Springs	1,535	\$9,302
Johnson	3,354	\$20,325
Goshen	1,071	\$6,490
Greenland	1,259	\$7,630
Lincoln	2,249	\$13,629
Winslow	391	\$2,369
Tontitown	2,460	\$14,908
West Fork	2,317	\$14,041
Fayetteville	73,580	\$445,895
County-Rural	38,142	\$669,774
County SFD		\$223,000
	139,360	\$1,506,155

(c) The Authority shall continue to seek a sustainable funding source with the goal of reducing subsidies proportionately across the board.

(d) Except as stated above, no party to this Agreement may be financially obligated without the approval of its governing body.

(e) All governing bodies who are parties to this Agreement must approve any increases in subsidy.

(f) A percentage of these funds shall be set aside for replacement of capital items.

(g) The ambulance service owned or under contract with the Authority shall be required to provide, at no additional charge, the Arkansas Department of Health 24 hour basic refresher course to all EMT certified firefighters that act as first responders with said ambulance service.

- (h) The financing provided by the parties hereto shall be from general revenues; furthermore, the financing and this Agreement are contingent upon compliance with A.C.A. §20-13-301 et. seq. by the County and all the parties will cooperate to the extent necessary in complying with such.
- (i) In addition to the per capita payments, the County, Elm Springs, Johnson and Tontitown agree to pay the below agreed upon cost of financing the additional ambulance and equipment financed by the Authority to begin coverage for the area previously covered by the City of Springdale:

Ambulance and Equipment Costs

Financing the ambulance and equipment starting in 2016 over a five-year period will result in an estimated payment of \$4,500 per month.

The following table reflects each party's contribution for the ambulance and equipment financing based on per capita percent of total.

EXPANDED COVERAGE 2016

Ambulance & Equipment Purchase Agreement

	CENSUS		MTHLY		YEARLY		5 YEAR
ELM SPRINGS	1,535	\$	562	\$	6,748	\$	33,742
JOHNSON	1828	\$	670	\$	8,036	\$	40,182
TONTITOWN	2460	\$	901	\$	10,815	\$	54,075
COUNTY	6460	\$	2,367	\$	28,400	\$	142,001
	12,283	\$	4,500		\$ 54,000		\$ 270,000

ARTICLE 4. TERM.

This initial term of this Agreement shall be from January 1, 2016 at 12:00 a.m. (midnight) through December 31, 2020 at 11:59 p.m. This Agreement shall be automatically renewed with possible changes to **Article 3 Financing** for an additional five year term unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2020. All parties agree to consider the effects of the 2020 Decennial Federal Census, as well as future censuses upon the division of the County Sales Tax between the County and the Cities and the proportional changes of the populations of the Cities and the unincorporated portions of Washington County and make any adjustment or amendments advisable and necessary to **Article 3** to ensure financial viability of the Authority and fairness for all parties. A second automatic renewal shall occur on December 31, 2025 unless any party notifies the Authority in writing of its refusal to participate in the Authority and this Agreement by September 1, 2025. A substantial review of the financial status of the Authority and all parties should occur in 2021 after the 2020 Federal Decennial Census and prior to further renewals of this Agreement.

Notwithstanding the above terms, all parties to this Agreement may withdraw from this Agreement upon six months' written notice to the Authority and shall only be responsible to pay its per capita fee for that pro-rata portion of the year.

ARTICLE 5. CONTINUATION OF OWNERSHIP OF EQUIPMENT BELONGING TO AND OPERATION OF WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY.

Property currently owned by WCRAA and all other property and resources of the Authority purchased during its existence or owned by it on July 2, 2011, or thereafter shall remain the Authority's exclusive property throughout the Authority's existence. It is the intent of all parties that WCRAA's current operations, administration, policies, practices and procedures as they now exist shall continue for the length of this Agreement. Furthermore, it is the intent of all parties that all legal obligations of and rights now belonging to the WCRAA shall continue to bind or inure to the benefit of, as the case may be, the WCRAA during the length of this Agreement. The WCRAA shall continue to exist as a corporate body as it has since the first Interlocal Agreement forming the WCRAA, with the sole exception that the Cities of Elm Springs and Tontitown shall become full members of the WCRAA upon execution of this Agreement and while they honor their obligations hereunder, as any other participating entity. This Agreement shall be construed to effectuate this intent.

ARTICLE 6. SEVERABILITY.

The provisions of this Agreement are declared to be severable. If any provision hereof shall be held to be invalid or to be inapplicable to any person or circumstance, such holdings shall not affect the ability or the applicability of the remainder hereof.

ARTICLE 7. EFFECTIVE DATE.

This Agreement shall not be effective until approved and signed by all parties in accordance with the law.

APPENDIX TO AGREEMENT

APPENDIX DEFINITION OF TERMS WHEN AND IF USED.

Ambulance Authority: Quasi-governmental entity created to oversee and deliver ambulance service in a specified geographical service area.

Ambulance Service: Means emergency and non-emergency transport services offered by the Authority, including management, supervision, mass gathering and community events.

Exclusivity: Sole provider emergency and non-emergency ambulance rights granted by ordinance or resolution by each party to the extent allowed by State Law.

Per Capita: Funding structure set forth by this Agreement based on population. Cities contribute at \$6.06 per capita due to the increased number of calls generated within their city limits. The County contributes at \$17.56 per capita due to the increased coverage area and decreased density of call volume in the unincorporated areas of the County. No reduction of any entity's gross subsidy shall occur during the initial term of this Agreement.

Subsidy: Government funds requested by the Authority to provide ambulance service.

User Fees: Fees charged to patients treated or transported by the ambulance service, or fees charged to an individual or an organization for ambulance standby coverage.

Signed this _____ day of _____, 2015.

**CITY OF
FAYETTEVILLE, ARKANSAS**

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Sondra E. Smith, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
ELKINS, ARKANSAS**

By: _____
Bruce Ledford, Mayor

ATTEST:

By: _____
Delia Foster, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
GREENLAND, ARKANSAS**

By: _____
Bill Groom, Mayor

ATTEST:

By: _____
Stephanie Sharp, City Recorder/Treasurer

Signed this _____ day of _____, 2015.

**CITY OF
LINCOLN, ARKANSAS**

By: _____
Rob Hulse, Mayor

ATTEST:

By: _____
Belinda Beasley, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
FARMINGTON, ARKANSAS**

By: _____
Ernie Penn, Mayor

ATTEST:

By: _____
Kelly Penn, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
PRAIRIE GROVE, ARKANSAS**

By: _____
Sonny Hudson, Mayor

ATTEST:

By: _____
Christine Kelly, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
WEST FORK, ARKANSAS**

By: _____
Charlie Rossetti, Mayor

ATTEST:

By: _____
Marsha Hungate, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
GOSHEN, ARKANSAS**

By: _____
Joe Benson, Mayor

ATTEST:

By: _____
Sharon Baggett, City Recorder/Treasurer

Signed this _____ day of _____, 2015.

**CITY OF
JOHNSON, ARKANSAS**

By: _____
Chris Keeney, Mayor

ATTEST:

By: _____
Jennifer Allen, City Recorder/Treasurer

Signed this _____ day of _____, 2015.

**CITY OF
WINSLOW, ARKANSAS**

By: _____
Randy Jarnagan, Mayor

ATTEST:

By: _____
Mary Bromley, City Clerk

Signed this _____ day of _____, 2015.

**CITY OF
ELM SPRINGS, ARKANSAS**

By: _____
Harold Douthit, Mayor

ATTEST:

By: _____
Glenda Pettus, City Clerk

Signed this ____ day of _____, 2015.

**CITY OF
TONTITOWN, ARKANSAS**

By: _____
Paul Colvin, Mayor

ATTEST:

By: _____
Rhonda Ardemagni, Deputy Recorder

Signed this _____ day of _____, 2015.

WASHINGTON COUNTY, ARKANSAS

By: _____
Marilyn Edwards, County Judge

ATTEST:

By: _____
Becky Lewallen, County Clerk

Signed this _____ day of _____, 2015.

WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY

By: _____
Becky Stewart, Executive Director

By: _____
Bruce Ledford, Chairman of the Board

ATTEST:

By: _____
Ernie Penn, Secretary of the Board



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 234 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0533

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

RZN 15-5223: (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5223 FOR APPROXIMATELY 2.53 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MARTIN LUTHER KING BOULEVARD AND SOUTH STADIUM DRIVE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO CS, COMMUNITY SERVICES

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

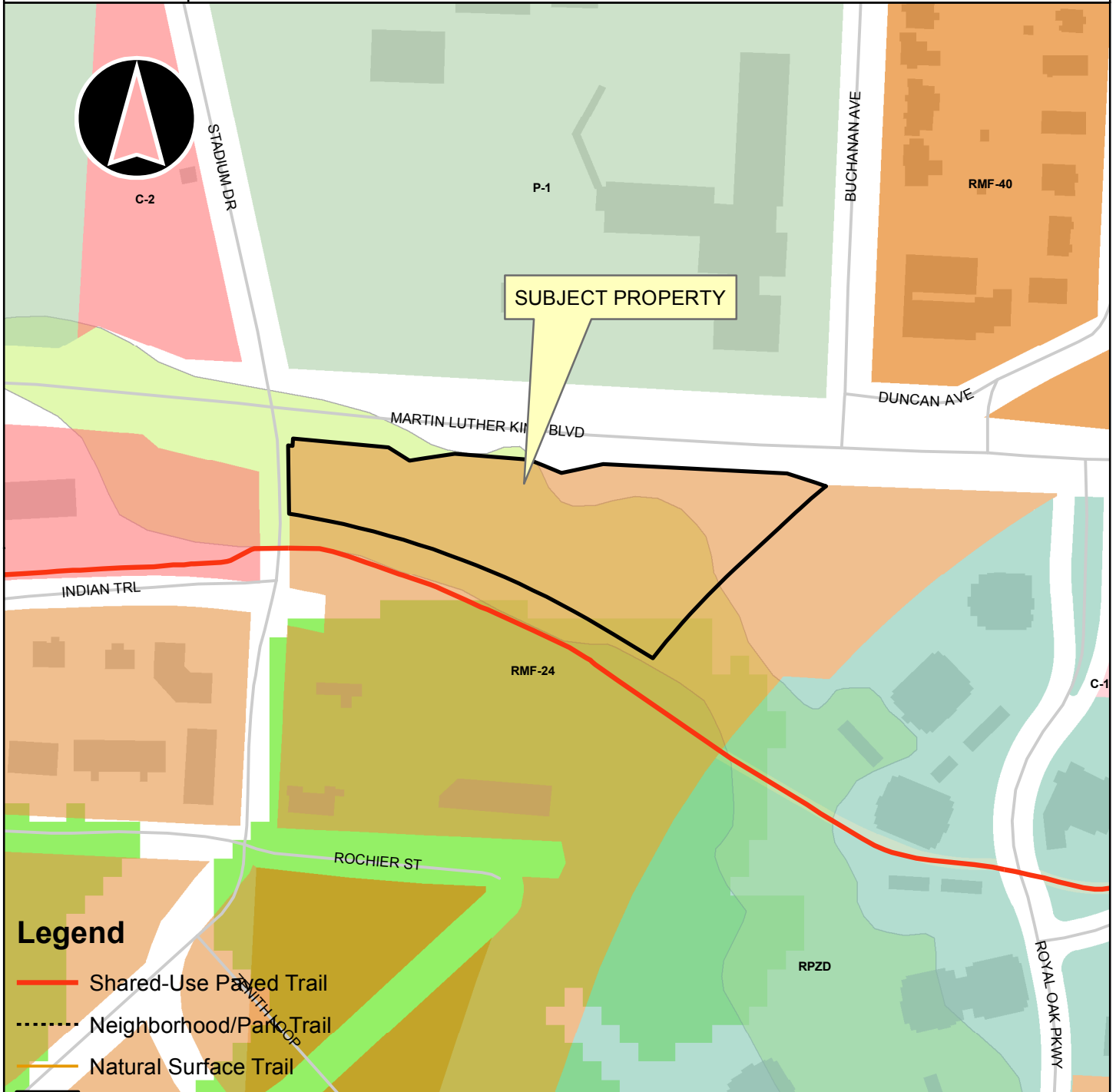
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RMF-24, Residential Multi-Family, 24 Units Per Acre to CS, Community Services as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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.

RZN 15-5223

STADIUM & RAILROAD, LLC

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

RZN15-5223

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- - - Planning Area

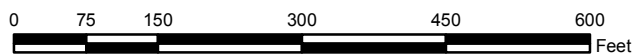


EXHIBIT 'B'
15-5223

All that part of the SW 1/4 of the SW 1/4 of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, lying North of the Right-of-Way of the Ozark Cherokee Central Railroad and West of the Main Line of the St. Louis-San Francisco Railroad and South of the Right-of-Way of U.S. Highway No. 62 and East of Garland Street. LESS AND EXCEPT that part deeded to the Arkansas State Highway Commission by Warranty Deed recorded in record Book 1001 at Page 348 of the records of Washington County, Arkansas.

Subject to easements, rights-of-way, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases.

City of Fayetteville Staff Review Form

2015-0533

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

11/13/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5223: Rezone (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC, 522):
Submitted by BLEW & ASSOCIATES, INC. for property located at the SE CORNER OF W. MLK BLVD. & S. STADIUM DR.
The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 2.53
acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 1, 2015

TO: Fayetteville City Council

FROM: Quin Thompson, Current Planner

THRU: Andrew Garner, City Planning Director

DATE: November 13, 2015

SUBJECT: **RZN 15-5223: Rezone (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC, 522):** Submitted by BLEW & ASSOCIATES, INC. for property located at the SE CORNER OF W. MLK BLVD. & S. STADIUM DR. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 2.53 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to CS, Community Services.

BACKGROUND:

The subject property is an undeveloped 2.53 acre parcel located on the south side of Martin Luther King Boulevard (MLK), and has access to Stadium Drive to the west. The property is crossed by a significant overhead power line and by College Branch, a creek subject to the Streamside Protection Ordinance. A significant portion of the property is within floodplain. Surrounding land use and zoning is depicted on *Table 1*.

Land Use Compatibility:

The proposed zoning is compatible with the surrounding mixture of commercial, residential, and institutional uses. The nearest residence is approximately 200 feet from the property. Non-residential goods and services are needed to serve the surrounding neighborhoods and can be provided in a compatible manner under the proposed CS zoning.

Land Use Plan Analysis:

The proposed CS zoning district is appropriate and compatible with the City Plan 2030 Future Land Use Plan, which designates the site as *City Neighborhood Area*. This designation recognizes existing conventional strip commercial developments, but encourages more complete, compact and connected development patterns. This designation intends that non-residential services in these areas to serve the residents of Fayetteville, rather than serving as a destination development intended to appeal to a regional population.

DISCUSSION:

On November 9, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~November 09, 2015~~ **UPDATED 11-12-2015**

SUBJECT: **RZN 15-5223: Rezone (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC, 522):** Submitted by BLEW & ASSOCIATES, INC. for property located at the SE CORNER OF W. MLK BLVD. & S. STADIUM DR. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 2.53 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends **RZN 15-5223** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is an undeveloped 2.53 acre parcel located on the south of Martin Luther King Boulevard (MLK), and has access to Stadium Drive to the west. The property is crossed by a significant overhead power line and is crossed by College Branch, a creek subject to the Streamside Protection Ordinance. A significant portion of the property is within floodplain. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Institutional (Fayetteville High School)	P-1, Institutional
South	Railroad right-of-way/City multi-use trail	RMF-24, Multi-family Residential
East	Railroad right-of-way	RMF-24, Multi-family Residential
West	Commercial (Strip Center)	C-2, Thoroughfare Commercial

Request: The request is to rezone the property to CS, in order to expand the allowable uses of the property.

Public Comment: Staff has received no written public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to MLK Boulevard along the north side. MLK is an improved Principal Arterial and State Highway with curb, gutter, storm drain and sidewalks. However, the sidewalks along the frontage of the subject parcel are at back of curb, and do not conform to the Master Street Plan.

Water: Public water is available to the site. A 12" public main is located along the property frontage of MLK Boulevard.

Sewer: Sanitary Sewer is available to the site. An 8" public main is located along the southern and eastern portions of the site.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. A significant portion of this property is located within Floodzone A. College Branch is a protected stream that flows from northwest to southeast along the southern boundary of this property. Therefore, any development of the property will need to account for streamside protection zones, and a floodplain development permit.

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 the properties within the proposed rezone 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 15-5223 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning is compatible with the City Plan 2030 Future Land Use Map and nearby properties.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>November 09, 2015</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: CHESSER	Second: AUTRY	Vote: 9-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>December 01, 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 commercial, residential, and institutional uses. The nearest residence is approximately 200 feet from the property.

Land Use Plan Analysis: The site is designated as a City Neighborhood Area in the City Plan 2030 Future Land Use Plan. This designation recognizes existing conventional strip commercial developments, but encourages more complete, compact and connected development patterns. This designation intends for non-residential services in these areas to serve the residents of Fayetteville, rather than serving as a destination development intended to appeal to a regional population.

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 CS zoning district is justified at this time. This zoning district is compatible with the existing neighborhoods to the west and fulfills many of the policies of the City Neighborhood Area designation. This form-based zoning district allows a variety of community, rather than regional, residential and commercial uses and provides a traditional development pattern, encouraged by the City Neighborhood designation. Non-residential goods and services are needed to serve the surrounding neighborhoods and can be provided in a compatible manner under the existing CS zoning.

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

Finding: The site has access to Martin Luther King Boulevard (MLK), a fully improved Principal Arterial street. The rezone would allow uses likely to increase traffic, however MLK has ample capacity with appropriate access features, and should not appreciably increase traffic danger or congestion. The Unified Development Code (UDC) contains a number of access management requirements that can mitigate traffic conflicts, if they are implemented in the site design.

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 CS should not undesirably affect density or load on public services. The UDC does not limit residential density within the proposed zone, however a development with more than the currently allowed 24 units per acre would be appropriate for this site in staff's opinion, given the location along a designated Principal Arterial street near the University of Arkansas. The property is bounded by railroad right-of-way on two sides, providing a wide buffer for the neighboring single family residence. Utilities and roadways have ample capacity to serve the types of development allowed under the CS zone, whether residential or commercial.

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 & 161.19
- Aerial Image
- Request Letter
- 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
----------------	------------

(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)

CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet.

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)





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>

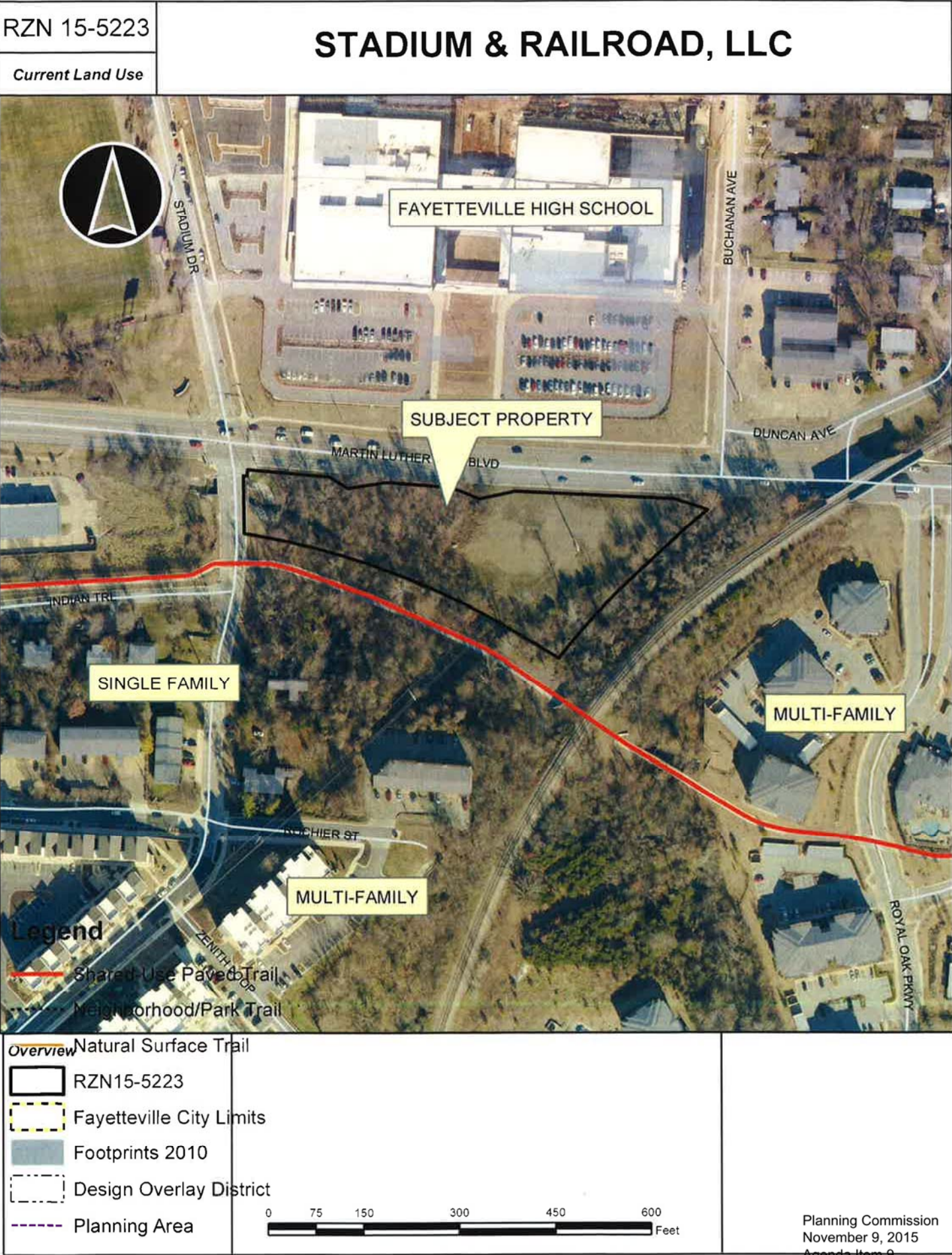
Fayetteville Planning Commission:

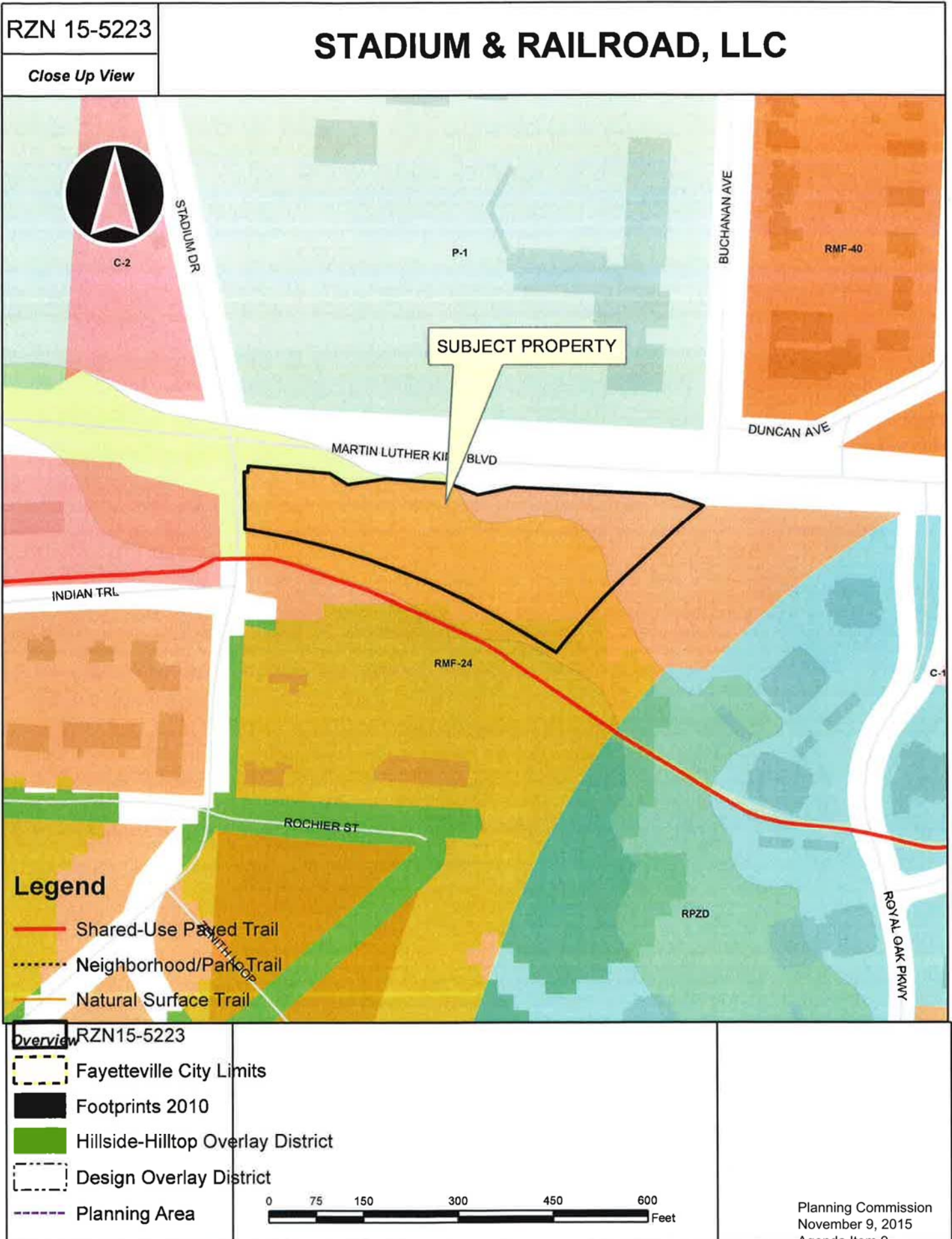
To Whom It May Concern:

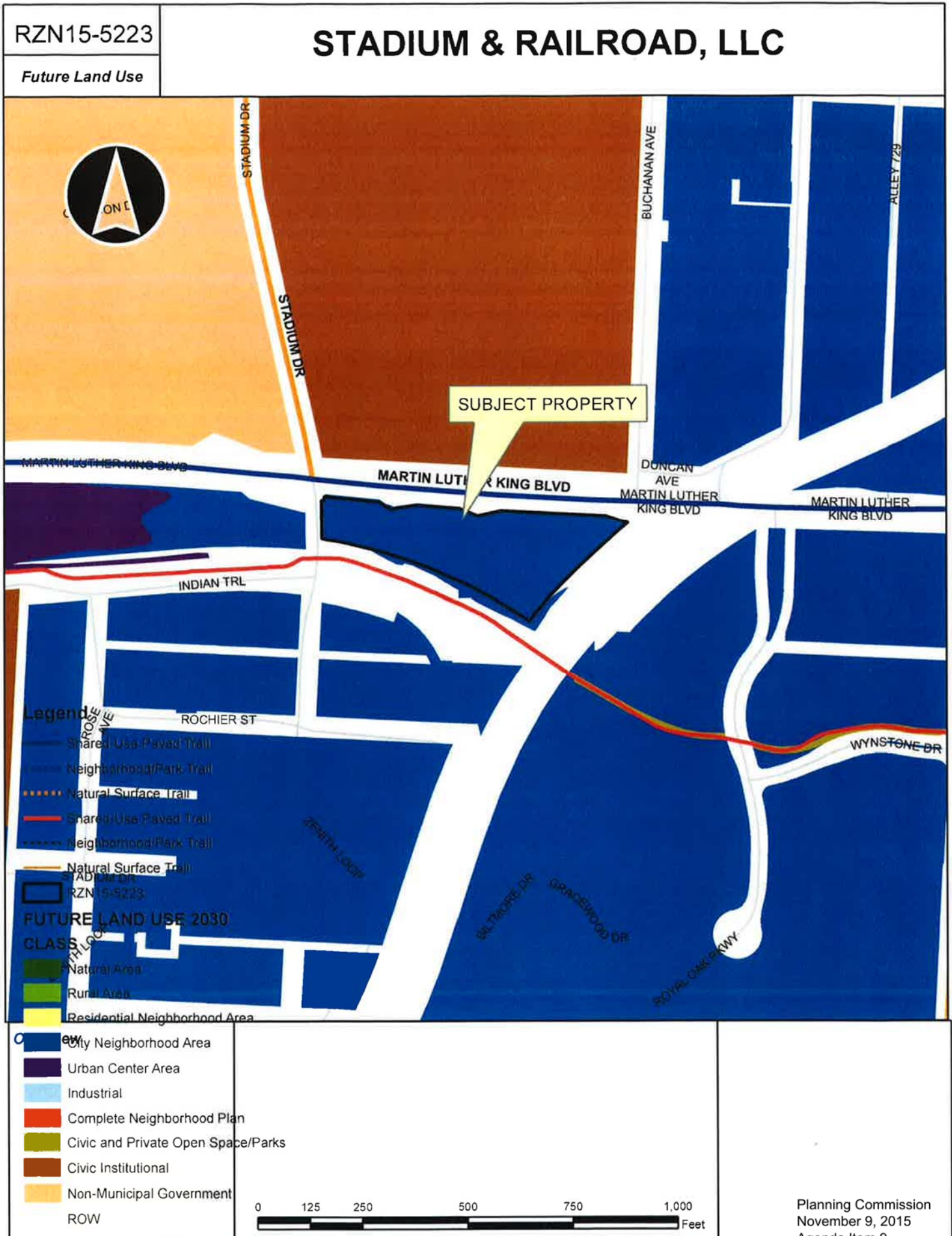
Our client Stadium & Railroad LLC. Would like to request a rezone for parcel 765-14462-000 from its current zoning of RMF-24 to CS. The subject property has road frontage on both W. Martin Luther King BLVD. and S. Stadium DR. It has sufficient water and sewer crossing or adjacent to the site. We feel that zone CS would serve as a good buffer to the higher density zoning that surrounds the property and Martin Luther King BLVD. We see no negative impact that zone CS would bring to this property. If you have any questions or concerns please do not hesitate to contact us.

Sincerely,

Heath Myers
Project Manager
heath@blewinc.com



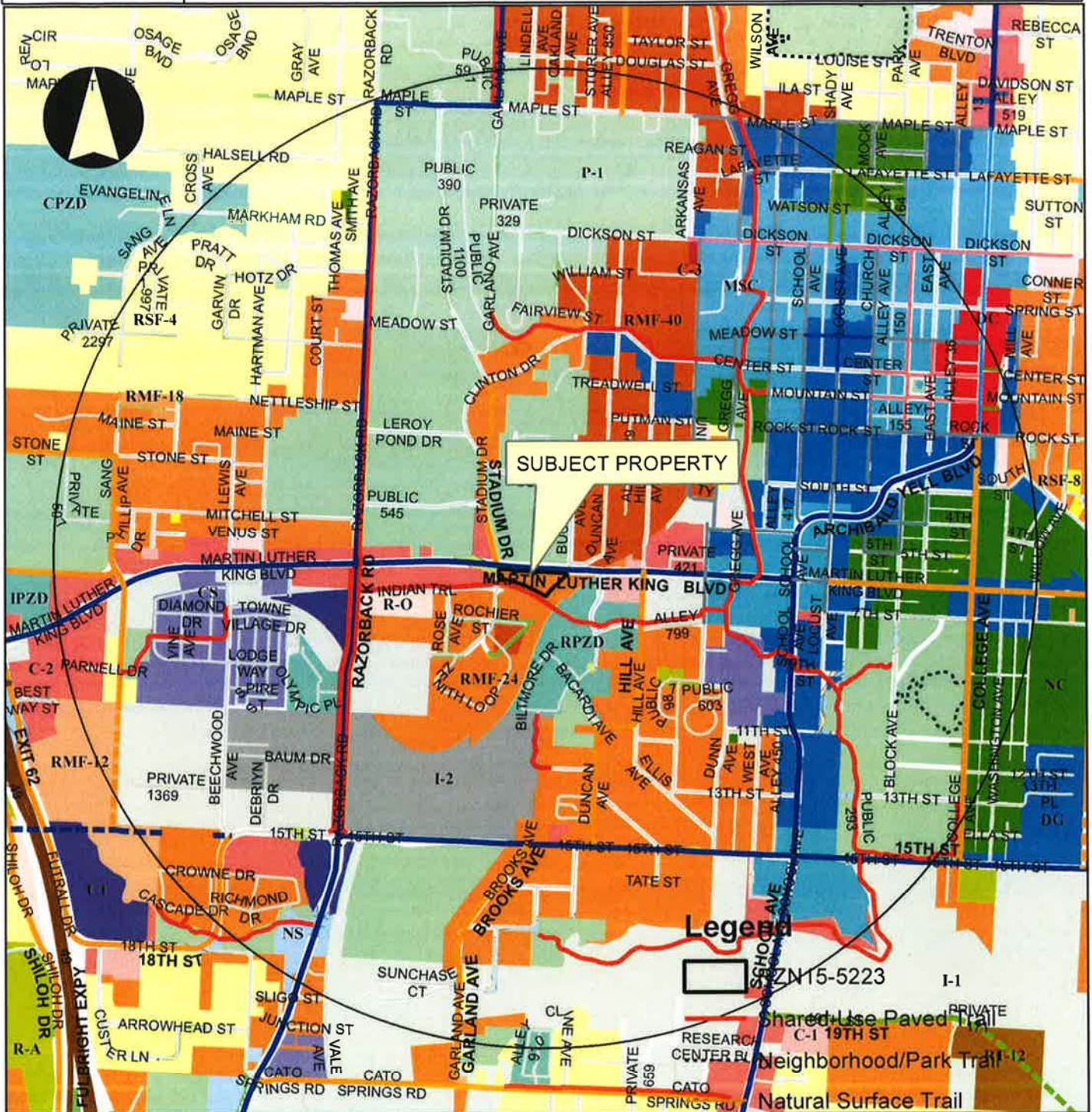




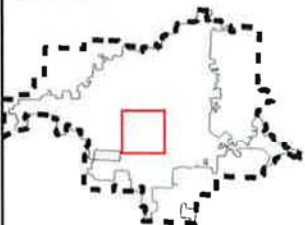
RZN 15-5223

STADIUM & RAILROAD, LLC

One Mile View



Overview



0 0.25 0.5 1 Miles

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

Planning Commission
November 9, 2015



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 253 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0544

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

RZN 15-5214: (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY) APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5214 FOR APPROXIMATELY 186.65 ACRES LOCATED WEST OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3. Severability. That the City Council of the City of Fayetteville, Arkansas hereby determines that if the Johnson City Council determines that a portion of this rezoned acreage is not "compatible with the zoned land uses of the adjoining lands" in Johnson pursuant to its power under A.C.A. § 14-56-306 and refuses to agree to a portion of this rezoning, then all other unaffected property within this Petition RZN 15-5214 shall still be immediately rezoned pursuant to Section 1.

WG LAND COMPANY



VAN ASCHE DR ASCHE DR VAN ASCHE DR

0 450 900 1,800 2,700 3,600 Feet

C-2	118.4 acres
C-3	68.25 acres

C-2 SOUTH OF VAN ASCHE DR (PARCEL 8)

DESCRIPTION:

PART OF THE SW 1/4 OF THE SE 1/4 AND PART OF THE SW 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SW 1/4 SAID SECTION 27;
THENCE ALONG THE NORTH LINE THEREOF S87°28'55"E 988.26 FEET TO THE WEST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD;
THENCE ALONG SAID RIGHT-OF-WAY S01°34'49"W 1712.60 FEET TO THE POINT OF BEGINNING;
THENCE S01°34'49"W 171.00 FEET TO THE RIGHT-OF-WAY OF THE FULBRIGHT EXPRESSWAY;
THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES:
THENCE S65°21'43"W 355.03 FEET;
THENCE S60°30'43"W 100.69 FEET;
THENCE S67°08'02"W 625.91 FEET TO THE RIGHT-OF-WAY OF INTERSTATE 49;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING NINE COURSES:
THENCE N81°59'29"W 198.65 FEET;
THENCE N58°07'30"W 164.05 FEET;
THENCE N37°54'08"W 83.74 FEET;
THENCE N26°05'10"W 266.41 FEET;
THENCE N37°30'29"W 172.40 FEET;
THENCE N50°18'36"W 201.70 FEET;
THENCE N61°54'01"W 434.65 FEET;
THENCE N67°25'47"W 807.54 FEET;
THENCE N52°35'02"W 99.87 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY N02°34'30"E 1191.74 FEET TO THE NORTH LINE OF THE SW 1/4 SAID SECTION 27;
THENCE ALONG SAID NORTH LINE S87°33'34"E 530.13 FEET;
THENCE LEAVING SAID NORTH LINE S02°25'35"W 330.78 FEET;
THENCE 861.15 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 737.00 FEET AND A LONG CHORD OF S31°02'50"E 812.99 FEET;
THENCE S64°31'15"E 903.27 FEET;
THENCE 152.94 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 560.00 FEET AND A LONG CHORD OF S56°41'48"E 152.47 FEET;
THENCE S48°52'22"E 238.02 FEET;
THENCE 414.13 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 600.00 FEET AND A LONG CHORD OF S68°38'46"E 405.96 FEET;
THENCE S88°25'11"E 476.47 FEET TO THE POINT OF BEGINNING, CONTAINING 51.43 ACRES MORE OR LESS.

C-2 SOUTH OF VAN ASCHE DR (PARCEL 9)

DESCRIPTION:

PART OF THE NW 1/4 OF THE SE 1/4 AND PART OF THE N 1/2 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SW 1/4 SAID SECTION 27;
THENCE ALONG THE NORTH LINE THEREOF S87°28'55"E 19.28
THENCE LEAVING SAID NORTH LINE S02°53'13"W 328.61 FEET;
THENCE 615.52 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1529.50 FEET AND A LONG CHORD OF S 14°24'56"W 611.37 FEET;
THENCE S25°56'40"W 421.65 FEET;
THENCE N64°31'15"W 778.17 FEET;
THENCE 861.15 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 737.00 FEET AND A LONG CHORD OF N 31°02'50"W 812.99 FEET;
THENCE N02°25'35"E 330.78 FEET;
THENCE S87°33'34"E 1443.04 FEET TO THE POINT OF BEGINNING, CONTAINING 33.98 ACRES MORE OR LESS.

C-3 SOUTH OF VAN ASCHE AND WEST OF GREGG AVE (PARCEL 10)

DESCRIPTION:

PART OF THE W 1/2 OF THE SE 1/4 AND PART OF THE E 1/2 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SW 1/4 SAID SECTION 27;
THENCE ALONG THE NORTH LINE THEREOF S87°28'55"E 19.28 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID NORTH LINE S87°28'55"E 968.98 FEET TO THE WEST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD;
THENCE ALONG SAID RIGHT-OF-WAY S01°34'49"W 1712.60 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY N88°25'11"W 476.47 FEET;
THENCE 414.13 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 600.00 FEET AND A LONG CHORD OF N 68°38'46"W 405.96 FEET;
THENCE N48°52'22"W 238.02 FEET;
THENCE 152.94 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 560.00 FEET AND A LONG CHORD OF N 56°41'48"W 152.47 FEET;
THENCE N64°31'15"W 125.10 FEET;
THENCE N25°56'40"E 421.65 FEET;
THENCE 615.52 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1529.50 FEET AND A LONG CHORD OF N 14°24'56"E 611.37 FEET;

THENCE N02°53'13"E 328.61 FEET TO THE POINT OF BEGINNING, CONTAINING 40.82 ACRES MORE OR LESS.

C-2 NORTH OF VAN ASCHE DR (PARCEL 11)
DESCRIPTION:

PART OF THE S 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NW 1/4 SAID SECTION 27;
THENCE ALONG THE SOUTH LINE THEREOF N87°33'34"W 1973.17 FEET;
THENCE LEAVING SAID SOUTH LINE N02°24'36"E 702.29 FEET;
THENCE S87°45'36"E 1975.41 FEET TO THE EAST LINE OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 27;
THENCE ALONG SAID EAST LINE S02°35'23"W 709.22 FEET TO THE POINT OF BEGINNING, CONTAINING 31.99 ACRES MORE OR LESS.

C-2 NORTH OF VAN ASCHE DR AND EAST OF BALL ST (PARCEL 12)
DESCRIPTION:

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 27;
THENCE ALONG THE WEST LINE THEREOF N02°35'26"E 10.22 FEET;
THENCE LEAVING SAID WEST LINE S87°28'55"E 13.40 FEET TO THE POINT OF BEGINNING;
THENCE N02°35'23"E 208.71 FEET;
THENCE S87°28'55"E 208.71 FEET;
THENCE S02°35'23"W 208.71 FEET
THENCE N87°28'55"W 208.71 FEET TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRES MORE OR LESS.

C-3 NORTH OF VAN ASCHE DR AND WEST OF BALL ST (PARCEL 13)
DESCRIPTION:

PART OF THE S 1/2 OF THE NW 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 SAID SECTION 27;
THENCE ALONG THE EAST LINE THEREOF N02°35'23"E 709.22 FEET TO THE POINT OF BEGINNING;
THENCE LEAVING SAID EAST LINE N87°45'36"W 1975.41 FEET;
THENCE N02°24'36"E 544.65 FEET TO THE NORTH LINE OF PARCEL 765-15773-500;
THENCE ALONG SAID NORTH LINE THE FOLLOWING SEVEN COURSES:

THENCE S87°02'16"E 1198.25 FEET;
THENCE S59°03'54"W 57.73 FEET;
THENCE S03°11'44"E 116.81 FEET;
THENCE N88°08'05"E 131.25 FEET;
THENCE N85°29'05"E 116.82 FEET;
THENCE N03°11'44"W 122.79 FEET;
THENCE S87°02'16"E 580.82 FEET TO THE EAST LINE OF THE S 1/2 OF THE NW 1/4 OF SAID SECTION 27;
THENCE ALONG SAID EAST LINE S02°35'23"W 519.73 FEET TO THE POINT OF BEGINNING, CONTAINING 23.38 ACRES MORE OR LESS.

C-2 SOUTH OF FULBRIGHT EXPY AND WEST OF GREGG AVE (PARCEL 14)
DESCRIPTION:

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 27;
THENCE ALONG THE SOUTH LINE THEREOF S87°27'54"E 78.35 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE RIGHT-OF-WAY OF THE FULBRIGHT EXPRESSWAY;
THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES:
THENCE N69°12'31"E 205.16 FEET;
THENCE N71°41'54"E 500.42 FEET;
THENCE N75°09'57"E 301.76 FEET TO THE WEST RIGHT-OF-WAY OF THE ARKANSAS & MISSOURI RAILROAD;
THENCE ALONG SAID RIGHT-OF-WAY S01°14'22"W 349.41 FEET TO THE SOUTH LINE OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 27;
THENCE ALONG SAID SOUTH LINE N 87°27'54"W 951.99 FEET TO THE POINT OF BEGINNING, CONTAINING 4.05 ACRES MORE OR LESS.

LEGAL DESCRIPTION BY JORGENSEN: (ZONING: C-2) (PARCEL 15)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas and being described as follows: Beginning at the SW Corner of said SW1/4, NW1/4, said point being the POINT OF BEGINNING, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 581.33 feet, thence S87°45'36"E 659.95 feet, thence S02°24'36"W 702.29 feet, thence N87°33'34"W 660.90 feet to the POINT OF BEGINNING: Containing 10.60 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION BY JORGENSEN: (ZONING: **C-3**) (PARCEL 16)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 581.33 feet to the POINT OF BEGINNING; thence N02°29'17"E 525.51 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 524.27 feet, thence N87°45'36"W 659.95 feet to the POINT OF BEGINNING: Containing 7.95 acres more or less subject to easements and right of way of record.

WG LAND COMPANY LIMITED PARTNERSHIP

PO Box 8157

Fayetteville, Arkansas 72703

Tentative Agenda
November 24, 2015
Page 260 of 349

TO: Sondra Smith
City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

RECEIVED

NOV 13 2015

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DATE: November 12, 2015

RE: RZN 15-5214

This is an appeal of the decision of the Planning Commission on November 9, 2015, to deny the rezoning request of WG LAND COMPANY LIMITED PARTNERSHIP ("WG LAND") as set forth in the application for RZN 15-5214.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. The decision of the Planning Commission was in error in that the applicant has presented a zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

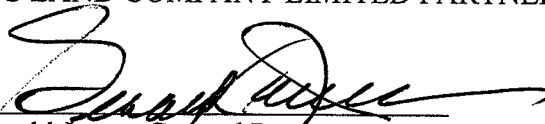
The applicant further states that the denial of the zoning request by the Planning Commission was in error in not following the Memorandum of Understanding dated April 1, 2008, between the City of Fayetteville and the applicant which was approved by the City Council as Resolution No. 76-08. The background and details of the Resolution are stated in a letter dated October 27, 2015, from Kit Williams to Andrew Garner and contained in the records for RZN 15-5214.

The Memorandum of Understanding was the basis upon which WG LAND filed a de-annexation lawsuit against the City of Johnson based on the stated representations of the City of Fayetteville. One of the representations was that the land being annexed into the City of Fayetteville would be rezoned to a Commercial Zoning District. The Memorandum was signed on behalf of WG LAND by Robert Whitfield as a General Partner. Robert Whitfield was a licensed real estate broker for many years and developed real estate. His understanding of a Commercial Zoning District was from the perspective of a licensed real estate professional which would be the three commercial zones in existence in 2008 – C1, C2 and C3.

Another point in the Memorandum was that the R/A zoning would continue until future improvements were commenced. The land has been agriculture with cattle until recently when the development of the land for commercial use commenced. The applicant and related parties have expended significant sums on engineering, core drilling, site evaluations, street planning, and a myriad of other activities that are part of commencing development of a large tract of land. The completion of the Van Asche Extension is itself a commencement of construction. "Actual development" is not the final completion and occupancy of a building on the land; it is the process that begins with activities that have been underway for the last 18 months or so by the WG LAND and others.

Sondra Smith
City Clerk
November 12, 2015
Page 2

WG LAND COMPANY LIMITED PARTNERSHIP


Gerald Jones, General Partner

City of Fayetteville Staff Review Form

2015-0544

Legistar File ID

12/1/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

11/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5214: Rezone (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY, 210): Submitted by TOM TERMINELLA for properties located WEST OF N. GREGG AVE. & W. VAN ASCHE DR. INTERSECTION. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 186.65 acres. The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

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 DECEMBER 1, 2015

TO: Mayor, Fayetteville City Council

FROM: Jeremy Pate, Development Services Director

DATE: November 18, 2015

SUBJECT: **RZN 15-5214: Rezone (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY, 210):** Submitted by TOM TERMINELLA for properties located WEST OF N. GREGG AVE. & W. VAN ASCHE DR. INTERSECTION. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 186.65 acres. The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Based on planning and zoning criteria, the Planning Commission and staff recommend denial of an ordinance to rezone the property to C-2, Thoroughfare Commercial and C-3, Central Commercial. Staff is supportive of portions of the property being rezoned to C-2/C-3, particularly along the boundaries with adjacency to the interstate and railroad, with the balance of the interior of the property being rezoned for commercial uses through one of the City's form-based zones. The applicant has appealed the Planning Commission's decision to the City Council.

Please refer to the memos provided by the City Attorney regarding the legal implications and former agreements of Resolution 76-08 made between the property owner and City. This planning recommendation, made before this resolution was brought to the staff's attention, assumes that the City is not limited by Resolution 76-08 to zone the property to specific zones such as C-1, C-2, or C-3. The Planning Staff makes planning recommendations based on the specific findings used in a rezoning application and found in the staff report, and does not attempt to interpret the legal matters of a resolution that was never discussed at the Planning Commission. All legal interpretation and recommendations around Resolution 76-08 and the memorandum of understanding fall under the purview of the City Attorney, and staff appreciates that offices' direction in these matters.

BACKGROUND:

Background: This is a large undeveloped area of 186.65 acres generally bounded by the I-49 corridor to the west, Fulbright Expressway to the south, Gregg Avenue to the east, and Jupiter Drive to the north. The property is undeveloped farmland that has recently been bisected by the City's construction of Van Asche Drive across the property connecting to Highway 112 just west of I-49. The property is currently zoned R-A, Residential Agricultural. The site includes an isolated undeveloped 4-acre parcel on the south side of the Fulbright Expressway along Gregg Avenue.

Request: The applicant requests to rezone the property to the zoning districts listed in *Table 1* and depicted in the attached rezoning exhibit. The applicant indicated that the rezoning is necessary to support future development of the site.

Table 1
Proposed Zoning

Proposed Zoning	Acres (approximate)
C-2, Thoroughfare Commercial	118.40
C-3, Central Commercial	68.25
TOTAL	186.65

City of Johnson's Comment on this Rezoning: Pursuant to state law, the portion of this rezoning within 1,000 feet of the City of Johnson must also be approved by the City of Johnson. The Mayor of Johnson and their staff engineer submitted a letter to the City of Fayetteville discussing that residential uses would be incompatible with the existing industrial zones located in Johnson. These industrial areas are located to the west of McGuire Street and east of Roosevelt Avenue. Regardless of the zoning district adopted, staff recommends that the rezoning ordinance include a provision excluding all residential use within 1,000 feet of the industrial-zoned property in Johnson. Most all of the city's zoning districts (including C-2 and C-3) allow residential use either as a primary or accessory use. This provision is needed to accommodate the City of Johnson's request pursuant to state law.

City Council Agreement with WG Land Company: On April 1, 2008 the City Council adopted Resolution 76-08 referring to a Memorandum of Understanding regarding the WG Land Company property (attached). This resolution stated an understanding between the City and WG land Company that WG land Company would seek to de-annex its property abutting the proposed Van Asche extension from the City of Johnson, and in return the City would annex the property: (1) zoned as R-A, Residential Agricultural until development of improvements commenced; (2) that as the property was brought into development, north of Van Asche shall be rezoned industrial; and (3) that as the property was brought into development, south of Van Asche shall be rezoned for a commercial zoning district.

During several pre-application meetings with the applicant on the rezoning, this resolution was never mentioned to City Planning or Development Services Department staff. The Planning Commission and City Planning staff were made aware of the resolution by the City Attorney after the rezoning recommendation was published, following the Planning Commission agenda session. However, because staff and the Commission felt the agreement was general and does not specify a certain zoning district, the recommendation for denial included discussion that a smaller portion of continuous highway commercial and form-based commercial zoning districts would be preferred to the applicant's request. However, further discussion with the City Attorney has advised that the legal interpretation of this resolution is that the City must rezone the property to either C-1, C-2, or C-3.

It is ultimately up to City Council to decide if the resolution that the Council passed in 2008 limits the zoning options to C-1, C-2, or C-3 or if all commercial zones available now or then are available. Depending upon how the Council interprets the resolution, staff has two alternative recommendations for this rezoning:

Alternative 1
Zoning is limited to C-1, C-2, or C-3

If the zoning options on this property are limited to C-1, C-2, and C-3 by the stated agreement found in Resolution 76-08, staff would recommend in favor of the applicant's request for C-2 and C-3. It is our understanding that the City Attorney's legal position is that these three commercial zones are the only zones available from which the applicant could choose and meet the definition of commercial – please refer to the City Attorney's correspondence on this matter. The C-1 zoning district is geared primarily for smaller neighborhood scale commercial buildings that would prohibit the development of this property as a large, regional-scale commercial destination, which is the scale of the City Plan designation for much of the site.

Alternative 2
Zoning is not limited to C-1, C-2, or C-3

If zoning is not limited to C-1, C-2, or C-3, staff recommends denial of the applicant's request for the reasons generally discussed below and described in detail in the Planning Commission staff report. Staff has presented zoning recommendations to the applicant that would be supported. These recommendations include utilizing primarily form-based commercial zoning districts along the Van Asche Road corridor and interior to the property to create a walkable, urban, regional destination. The property frontages along I-49 and Fulbright Expressway would be appropriate to be rezoned and developed in suburban, auto-oriented zoning districts such as C-2 or C-3, given lack of potential for walkable commercial districts in these areas and proximity to highway traffic.

Land Use Compatibility: The proposed C-2 and C-3 commercial zoning is generally compatible with the surrounding I-49/Fulbright Expressway transportation corridor and undeveloped land to the north, west, and south. The zoning will allow a high level of density and intensity compared to the single family neighborhood to the east and will establish non-industrial uses in close proximity to some established industrial facilities. The larger areas around this neighborhood have been developed or planned for non-residential growth for many years.

Land Use Plan Analysis: Staff finds that portions of the C-2 and C-3 rezoning request are consistent with the City's land use planning objectives, policies and future land use plan, but that a large portion of the rezoning, particularly interior to the site, is in conflict with these criterion and policies. Some of the primary staff concerns include rezoning the entire site to a zoning that prescribes suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form. The applicant proposes the entire site to be rezoned to the C-2 and C-3 suburban zoning districts. These districts would continue the suburban development pattern of the CMN Business Park/Northwest Arkansas Mall Area into this site. This conflicts with the City's adopted land use policies dating back to 2004 with the adoption of the Downtown Master Plan and to 2006 with the adoption of City Plan 2025. At that time, after a city-wide planning effort and as a result of hundreds of citizens providing input, Council adopted policies that directed change from previous decades of suburban development patterns. Citizens and elected officials indicated a desire for new development to be walkable and for neighborhoods to be complete, compact, and connected. This lead to the adoption of six primary goals in City Plan 2025, which were reiterated into the current plan (City Plan 2030). The rezoning is not consistent with these Council-adopted goals as discussed further in the Planning Commission staff report.

DISCUSSION:

This request was discussed and tabled at the October 26, 2015 Planning Commission meeting. At that meeting one member of the public spoke in favor of applicant's rezoning discussing sales tax revenue that could be generated from commercial development. On November 9, 2015 the Planning Commission denied this request by a vote of 9-0-0. One member of the public discussed opposition to the applicant's proposed rezoning citing that we have enough C-2 zoning in the city and we need progressive zoning and mixed use, walkable neighborhoods to attract and retain the Millennial generation.

The primary point of discussion by the Commission at both of these meetings was that the applicant's proposal for suburban zoning districts was not consistent with the overall goals and policies of the city's Comprehensive Land Use Plan. Further, the Planning Commission members stated that the recommendation for a majority of the site to be rezoned to form-based commercial zoning districts met the requirement that that this property would be zoned commercial, per the previously adopted resolution indicating the property be rezoned commercial.

The City Attorney has concerns with staff and the Planning Commission's recommendation as discussed at the meeting and submitted in writing (attached). He generally discussed concerns that form-based commercial zoning districts recommended for this property by the Commission and staff do not meet the intent of the adopted resolution to rezone this property to commercial. Ultimately the City Attorney's opinion is the one that matters in the case of legal interpretation of the adopted resolution, not the Planning Staff nor the Planning Commission. The Planning Staff and Planning Commission's recommendation should be based in planning and zoning findings.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Exhibit A

Exhibit B

Planning Commission Staff Report

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: November 9, 2015 *Updated with Planning Commission results*

SUBJECT: **RZN 15-5214: Rezone (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY, 210):** Submitted by TOM TERMINELLA for properties located WEST OF N. GREGG AVE. & W. VAN ASCHE DR. INTERSECTION. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 186.65 acres. The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends denial of **RZN 15-5214** for the reasons discussed herein.

BACKGROUND:

October 26, 2015 Planning Commission: This item was tabled at the October 26, 2015 Planning Commission meeting. The request has been modified slightly from this previous meeting by removing the proposed UT zoning and replacing it with C-3.

Property Description: This is a large undeveloped area-of 186.65 acres generally bounded by I-49 corridor to the west, Fulbright Expressway to the south, Gregg Avenue to the east, and Jupiter Drive to the north. The property is undeveloped farmland that has recently been bisected by the City's construction of Van Asche Drive across the property connecting to Highway 112 just west of I-49. The property is currently zoned R-A, Residential Agricultural. The site includes an undeveloped 4-acre parcel on the south side of the Fulbright Expressway along Gregg Avenue. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson); Tune Concrete	A-1, Agriculture
South	Fulbright Expressway; undeveloped rural	R-O; R-A
East	Arkansas Missouri Railway Corridor; undeveloped; Tune Concrete; Johnson Road Subdivision; Washington Regional Medical Center	R-A; C-1; RSF-4; C-2; P-1
West	I-49; Industrial, undeveloped	C-2; I-1

DISCUSSION:

Request: The applicant requests to rezone the property to the zoning districts listed in *Table 2*, depicted in the attached rezoning exhibit. The applicant indicated that the rezoning is necessary to support future development of the site.

Table 2
Proposed Zoning

Proposed Zoning	Acres (approximate)
C-2, Thoroughfare Commercial	118.40
C-3, Central Commercial	68.25
TOTAL	186.65

INFRASTRUCTURE:

- Streets:** The subject property has access to the newly constructed Van Asche Drive (Principal Arterial) through the center of the site. Van Asche Drive is improved to four lanes divided by a center median with curb, gutter, storm drainage, sidewalk, and a multi-use trail/cycle track. The area is bounded by Gregg Avenue (Minor Arterial) to the east, however, access is limited due to the Arkansas Missouri Railroad along the eastern property line. The site is also accessed via McGuire Avenue, Jupiter Drive, and Roosevelt Avenue, all two-lane unimproved streets along the northern portions of the site. Access to the south and west is constrained because of the I-49 and Fulbright Expressway transportation corridors. Access to the west is provided with the new connection of Van Asche Drive to Highway 112 under I-49.
- Water:** Public water is available to portions of the site. An 8-inch public main exists along portions of Van Asche Drive, and portions of Roosevelt Avenue. An existing 36-inch water transmission main runs along Van Asche Drive. This will need to be taken into consideration when developing the property to maintain proper setbacks. Public water will likely need to be extended to serve the property at the time of development. Any extensions of public mains will be the responsibility of the developer.
- Sewer:** Sanitary sewer is available to a portion of the site. There is an existing 8-inch main along the north side of Fulbright Expressway, and northeast of the on ramp to I-49. Public sanitary sewer will likely need to be extended to serve the property at the time of development. Any extensions of public mains will be the responsibility of the developer.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain. This parcel does not contain any protected streams per the Streamside Protection map. A large portion of the site is shown to contain hydric soils, which is an indicator of wetland areas. An evaluation by an appropriate environmental professional will be required at the time of development.

Fire: The Fire Department has expressed no concerns with this request.

Police: The Fire Department has expressed no concerns with this request.

PLANNING COMMISSION ACTION: Required			
Date: <u>October 26, 2015</u>	☒ Tabled	☐ Forwarded	☐ Denied
Motion: <u>Chesser</u>			
Second: <u>Selby</u>			
Vote: <u>5-0-0</u>			
Date: <u>November 9, 2015</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: <u>Chesser</u>			
Second: <u>Hoffman</u>			
Vote: <u>9-0-0</u>			
CITY COUNCIL ACTION: Required			
Date: _____	☐ Approved	☐ Denied	

RECOMMENDATION: Staff recommends denial of **RZN 15-5214** not primarily because of the land uses, but because of the suburban development pattern proposed on the entire site. Staff agrees with the applicant's proposal for heavy commercial uses over much of the property. However, staff finds that the C-2 and C-3 suburban zoning districts proposed over the entire property are in direct contrast to Goal 3 of City Plan 2030: *"We will make a traditional town form the standard."* While suburban development patterns are likely and appropriate along the site's I-49 and Fulbright Expressway frontage, the interior of the site is appropriate to be developed in a "traditional town form" as referenced above. Because the site is completely undeveloped, the form of development faces no physical or environmental constraints to meet the City's adopted policy for better, safer, more efficient forms of development. Clearly there are exceptions along the interstate, expressway and railroad corridor, and staff is not opposed to suburban zoning districts in these locations, for practical purposes.

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area **City Neighborhood Area** north of Van Asche Drive and **Urban Center Area** south of Van Asche.

- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods.

Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

- **Urban Center Areas** contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

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: **Surrounding Land Use Compatibility:** The proposed use of the property for a mixture of commercial and residential properties is generally compatible with the surrounding I-49/Fulbright Expressway transportation corridor and undeveloped land to the north, west, and south. The zoning will allow a high level of density and intensity compared to the single family neighborhood to the east and will establish non-industrial uses in close proximity to some established industrial facilities, the larger areas around this neighborhood have been developed or planned for non-residential growth for many years.

Land Use Plan Analysis: Staff finds that portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan, but that a large portion of the rezoning, particularly interior to the site, is in conflict with these criterion and policies. Some of the primary staff concerns include rezoning the entire site to a zoning that prescribes suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form. The applicant proposes the entire site (187 acres) to be rezoned to the C-2 and C-3 suburban zoning districts. These districts would continue the suburban development pattern of the CMN Business Park/Northwest Arkansas Mall Area into this site. This conflicts with the City's adopted land use policies dating back to 2006 with the adoption of City Plan 2025. At that time after a city-wide planning effort and as a result of hundreds of citizens providing input, Council adopted policies that directed change from previous decades of suburban development patterns. Citizens and elected officials indicated a desire for new development to be walkable and for neighborhoods to be complete, compact, and connected. This lead to the adoption of six primary goals in City Plan 2025, which were reiterated into the current plan (City Plan 2030). The rezoning is not completely consistent with these goals as discussed in *Table 3*.

Table 3
RZN 15-5214 Compliance with City Plan 2030

City Plan 2030 Goals	RZN 15-5214 Compliance With City Plan 2030
Goal 1: We will make appropriate infill and revitalization our highest priorities.	This project is not an infill project. However the site has been recently bisected by the construction of a new Principal Arterial Street and development of this site with a high level of density and/or intensity has been anticipated for years.
Goal 2: We will discourage suburban sprawl.	Rezoning the entire site to C-2 and C-3 will encourage suburban sprawling development patterns. However, given limited access because of surrounding I-49/Fulbright Expressway/A&M Railway corridor, suburban patterns are appropriate around these perimeter areas of the site, due to practical issues with access and the intrinsic use of these transportation corridors.
Goal 3: We will make traditional town form the standard.	This rezoning will not result in a traditional town form as discussed in Finding No. 1.
Goal 4: We will grow a livable transportation network.	This rezoning would encourage intense development near Principal Arterials. The density and intensity of this rezoning would help define a node, or concentration of development in this vicinity of the City, helping towards the goal of public transit. However, the suburban zoning districts do not encourage a well-connected and livable transportation network that supports multiple types of vehicular and pedestrian movement, especially those identified within a neighborhood development pattern. This zoning will likely lead to a suburban commercial street system of large blocks where driving between developments is required.
Goal 5: We will assemble an enduring green network.	Not applicable. This site does not have a high level of environmental resources that have been identified during the rezoning process. The property has been utilized for cattle/hay farming for many years.
Goal 6: We will create attainable housing.	Rezoning this site to commercial suburban zoning districts does not make inclusion of housing a feasible possibility.

This area is designated on the FLUM as Urban Center Area south of Van Asche Drive, and City Neighborhood Area north of Van Asche Drive. The City Neighborhood Area designation recognizes existing conventional strip commercial developments, but encourages new development in a more complete, compact and connected development pattern. This designation intends for non-residential services to serve the residents of Fayetteville, rather than the regional population. The Urban Center Designation contains the most intense and dense development patterns within the city and are intended to serve not only Fayetteville but the region. As with the City Neighborhood designation, development in the Urban Center Areas should utilize principals of traditional urban design to create compatible, livable and accessible neighborhoods.

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

Finding: The City has recently completed construction of the Van Asche Drive project through this property. A rezoning is needed because of the development

pressure that will result from this project, in addition to the FLUM designating this land for future development. The existing R-A zoning is not appropriate for the long term. However, Guiding Policy 'G' of the Urban Center Area designation states:

"Approve new regional commercial development as Planning Zoning Districts (e.g. shopping centers, business parks, medical parks, industrial parks and mixed-use developments) or complete neighborhood plans in order to assure the overall integration of design and use."

Staff finds that the rezoning is not justified as currently submitted and recommends utilization of primarily form-based zoning districts, a PZD, or a complete neighborhood plan as indicated in the policy above to assure that development of this major regional shopping destination meets the City's goals.

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

Finding: A rezoning this size will allow a large volume of development that will increase traffic. The site is severely constrained from traffic access because of the surrounding interstate highways and railway corridors which could lead to severe traffic congestion. However, as discussed earlier in this report, the City's Van Asche Drive project has recently been completed, facilitating planned growth in the area and providing a beneficial east/west transportation corridor connecting Hwy 112 and Gregg Avenue. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended. As mentioned under Finding No. 1, rezoning the site as proposed will likely lead to a suburban commercial street system of large blocks of wide roadways where driving between developments is required, adding to the congestion on surrounding streets.

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

Finding: The proposed rezoning could increase the population density over the current low density zoning that allows 1 unit per 2 acres. The applicant proposes to rezone 68 acres of the site to C-3. This district allows multi-family development with unlimited density. Commercial uses allowed with this rezoning would create additional demand on public services. However, development of this area has been anticipated for many years and the load created on public services is not an undesirable or detrimental impact, with improvements required at the time of development.

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:

- Existing and proposed zoning criteria
- Request letter
- City attorney memo and Resolution 76-08
- Email from former mayor Dan Coody
- Current land use map
- Close up map
- Future land use map
- One mile map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing; increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.20 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) Setback regulations.

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

(F) Building height regulations.

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5735, 1-20-15)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.21 Urban Thoroughfare

- (A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

- (B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

- (C) *Density.* None

- (D) *Bulk and area regulations.*

(1) *Lot width minimum*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

- (E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

- (F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

- (G) *Minimum buildable street frontage.* 50% of the lot width.

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 29	Dance Halls
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.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/168 ft.*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; 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)

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
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 (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; 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)

161.25 Downtown General

(A) *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) *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
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 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; 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)

Garner, Andrew

From: Tom <tterminella@aol.com>
Sent: Wednesday, November 04, 2015 5:05 AM
To: Garner, Andrew
Subject: Re: Van Asche Rezoning Recommendation

Andrew,

I got your voice mail yesterday and the only change I have is UT zoning to C-3 on both tracts. Any questions please call.

Tom Terminella
The Terminella Company Inc.
24 East Meadow Street
Fayetteville, AR 72701
(Cell) 479-841-1621
Email:
tterminella@aol.com

On Oct 8, 2015, at 9:05 AM, Garner, Andrew <agarner@fayetteville-ar.gov> wrote:

Sounds good. See you guys Tuesday the 13th at your office.

Andrew

From: Tom Overbey [<mailto:toverbey@artaxlaw.com>]
Sent: Thursday, October 08, 2015 8:42 AM
To: Garner, Andrew; Tom
Cc: Pate, Jeremy; Gerald Jones (gerald@flyinginvestments.com)
Subject: RE: Van Asche Rezoning Recommendation

Andrew - from those times, 2:30 PM Tuesday works best for everyone involved with WG Land. Can we meet at my office again? Thanks.

TOM OVERBEY
ATTORNEY
OVERBEY, STRIGEL, BOYD & WESTBROOK, PLC
211 North Block Avenue, Suite 102 • Fayetteville AR 72701-5268
479-442-3554

Toverbey@artaxlaw.com
www.artaxlaw.com/thomas-l-overbey.html

This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system.

Thank you.

From: Garner, Andrew [<mailto:agarner@fayetteville-ar.gov>]
Sent: Thursday, October 8, 2015 8:34 AM
To: Tom <tterminella@aol.com>



124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 10, 2015

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

Attn: Development Services

Re: Van Asche Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows: WG Land Company Limited Partnership
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin L. Jorgensen, PE



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Planning Commission**

CC: **Andrew Garner, Planning Director**

FROM: **Kit Williams, City Attorney**

A handwritten signature in blue ink, appearing to read "Kit Williams", written over a horizontal line.

DATE: **November 5, 2015**

RE: **Letter from Johnson Mayor Chris Keeney**

I just received Johnson Mayor Chris Keeney's letter concerning the proposed rezonings along Van Asche Boulevard. A.C.A. § 14-56-306 **Land use adjacent and contiguous cities to be compatible** protects residents, business owners and landowners in both Johnson and Fayetteville when adjoining lands within 1000 feet of the city limits is being considered for rezoning. Earlier Fayetteville rezoning applicants have sought and received approval of the Johnson City Council of proposed rezonings in Fayetteville pursuant to A.C.A. § 14-56-306.

As you may be aware from WG Land Company's letter of March 2008, its most northern most property (the hilltop) was above caverns used for warehousing would have needed to be zoned industrial if brought into Fayetteville. However, we did not annex this area.

Attached please find the letter from Mayor Keeney as well as their enclosed Official Zoning Map of Johnson showing industrial zoning districts abutting the proposed rezonings north of Van Asche on the west border with the McClinton property.

Johnson Mayor Keeney's letter is possibly controlling over the requested rezoning by McClinton. This supportive letter for the McClinton's requested commercial rezoning is very important because the City has no pre-existing agreement with McClinton as it does with WG Land Company about rezoning its land "commercial." Without the City of Johnson's objection to any non-commercial (especially residential or mixed use) zoning for the McClinton property, the Fayetteville Planning Commission would have much more discretion in recommending rejection of McClinton's requested commercial-only zoning district. Now, the Planning Commission needs to take into consideration not only the existing industrial uses on the western border of the McClinton land for compatibility purposes, but also the City of Johnson's statement "that the inclusion of residential uses would be incompatible with the existing industrial zones located in Johnson."

State law requires both cities to agree to a rezoning. Therefore, if Johnson rejects any rezoning except to a commercial-only zoning district, it would be improper to rezone to a residential or mixed use zoning district that would allow residential which Johnson believes would be incompatible with its long established industrial zoned districts.

Chris Keeney
Mayor

11/02/2015



Jennifer Allen
Recorder/Treasurer

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Development Services

RECEIVED
NOV 05 2015
CITY ATTORNEY'S OFFICE

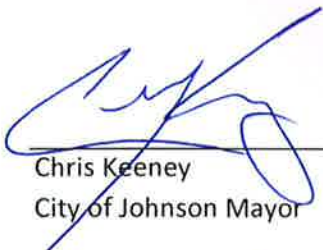
RE: Rezoning along Van Asche corridor

The City of Johnson has recently become aware that lands located in the City of Fayetteville are going through a rezone process. This land is subject to State Law for adjacent properties located in cities to be compatible (see attachment), since it is within 1000' of the city limits. The City of Johnson currently has zoned industrial properties adjacent to the lands located in Fayetteville on both the east and west ends of the Van Asche corridor. (see attached zoning map).

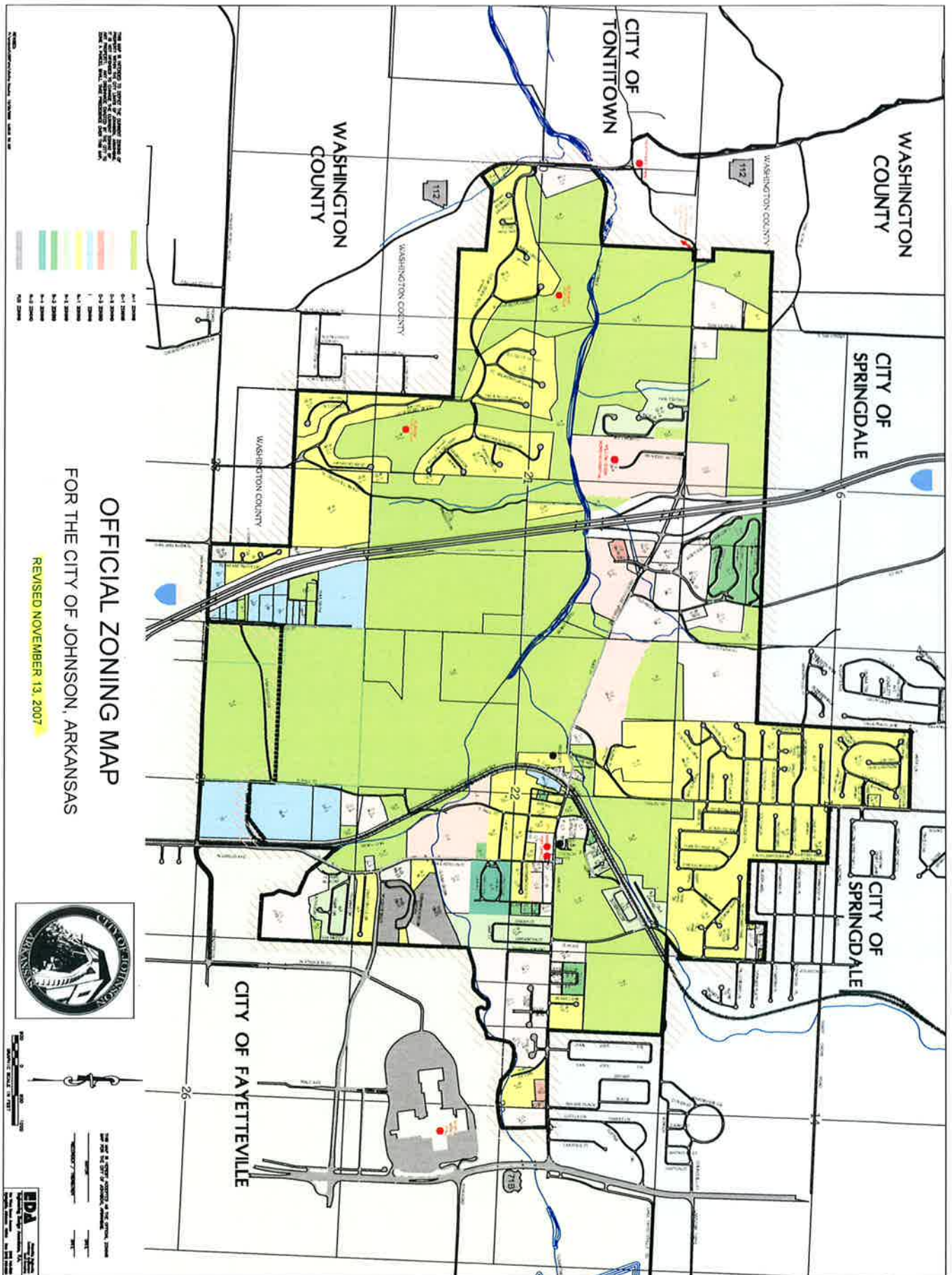
The City of Johnson has reviewed the rezone applications and Fayetteville's staff letter and is in agreement with the proposed zoning changes submitted to the City of Fayetteville for these lands. The proposed commercial districts would provide a buffer to the City of Johnson's current Industrial zones.

The City of Johnson feels that the inclusion of residential uses would be incompatible with the existing Industrial zones located in Johnson. Per the state code, uses need to be compatible across city limits. Residential sitting across from Industrial does not seem to be compatible.

Thank you,


Chris Keeney
City of Johnson Mayor

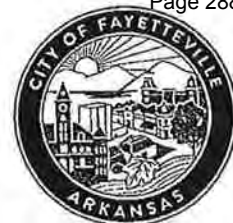

James Geurtz, PE
City of Johnson Contract Engineer





OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Andrew Garner**, City Planning Director

CC: **Mayor Jordan**
Don Marr, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director
Planning Commissioners

FROM: **Kit Williams**, City Attorney

DATE: **October 26, 2015**

RE: **WG Land Company Rezoning Request**

Most major road projects take many years from proposal to ribbon cutting. However, few have been as complicated, and complex and long as the extension of Van Asche Boulevard from Highway 112 under the interstate to Gregg Street. A major problem for the design and construction of Van Asche was that originally it would have to be built on the border between Fayetteville and Johnson unless it veered south and then back north. This expensive and inefficient job was not a good choice so the City Administration sought other solutions. I explained the history of attempted solution in my March 3, 2010 memo to Mayor Jordan and the City Council.

"The City Council approved the Street Committee's plans to provide an 'interior bypass' from Highway 62 to the Northwest Arkansas Mall by connecting Ruppel Road from Highway 62 to Highway 112 and then directly east by extending Van Asche Boulevard to Gregg Street. This would provide not only much improved interior traffic movement for our citizens, but an

important, comfortable and easy access to the Northwest Arkansas Mall area without having to use I-540.

The 'fly in the ointment' of this plan was the fact that the City of Johnson's city limits would come all the way down to this multimillion dollar road project being paid by Fayetteville from I-540 to Gregg Avenue. Recognizing this unfair situation in which Fayetteville would be investing millions of dollars to build a beautiful boulevard that would make land within Johnson accessible and developable, the Fayetteville City Council passed Resolution No. 72-08 on March 18, 2009, which stated that extension of Van Asche Boulevard could be paid by our Transportation Bond Program funds only after the land north of this extension was annexed into the City of Fayetteville. I have attached this Resolution as well as Resolution No. 76-08 passed on April 1, 2008 with a Memo of Understanding that this annexed land would eventually be zoned industrial or commercial when development occurs.

Former Director of Operations Gary Dumas attempted long negotiations with Johnson City Officials to arrive at an agreed simultaneous detachment and annexation. Unfortunately, his negotiations which would have brought hundred of acres of what is now the City of Johnson into the City of Fayetteville and promised extensive road building (beyond the extension of Van Asche) were never successful. An initial extension of a neighborly hand by Mayor Jordan when he first took office was also rebuffed. It appeared that the City of Johnson preferred to fight it out in Court with the landowners who eventually filed suit to deannex from Johnson which could not provide sewer or enhanced water service necessary for substantial commercial development. This case is set for trial in May.

The attorneys for the landowners who were attempting to deannex from Johnson and annex into Fayetteville approached me last fall to see if there was any possibility to resolve this city limits issue by joint agreement between Johnson and Fayetteville. I explained that I had no authority to speak for the City of

Fayetteville on this issue and that the Mayor and City Council would have to approve any possible agreement. However, I did speak with administration officials and then worked with our GIS department to come up with the map showing the movement of our city limits north about 1,250 feet into what is now Johnson. This approximately 99 acres should provide sufficient development potential (and sales tax return to Fayetteville) when the Van Asche Boulevard extension is built in compliance with your Resolution No. 72-08.

This map along with a proposal drawn up by the landowners' attorneys was provided to the Johnson City Attorney by letter of November 10, 2009 (copy enclosed). In January of this year, the Johnson City Council unanimously expressed its willingness (I believe for the first time) to negotiate to deannex a reasonable amount of land north of the proposed extension of Van Asche if the City of Fayetteville would enter into sewer and water contracts.

With this favorable turn of events, the landowners' attorneys asked to set up a meeting with them, Johnson City Attorney Danny Wright, their hired outside counsel Tom Kieklak, and me. We all met in Tom Overbey's office on February 9, 2010 for a couple of hours. I reported the results of this meeting to Mayor Jordan and Chief of Staff Marr. All agreed that similar Resolutions of intent to proceed with the proposed simultaneous detachment and annexation, sewer contract, water contract, and other parts of the proposal would be needed to be passed by both City Councils before we could proceed further. We also agreed that the City of Johnson City Council should pass its Resolution on March 9th so the Fayetteville City Council would know Johnson's position before it considered its Resolution on March 16th.

The City of Johnson desires that we purchase the land Johnson condemned for a sewer line and lift station (.77 acres for \$68,000.00) which probably lies within the right-of-way for the extension of Van Asche. We may have to make this purchase as

well as pay the \$35,000.00 for the loss of sales tax Johnson will suffer.

CONCLUSION

When I supplied the map showing our city limits moving north into the city of Johnson by about 1,250 feet (99 acres) to the landowners' attorneys, I expressly informed them that the map did not have the final approval of Mayor Jordan. I also informed them that I was certain that this map represented the least amount of increased city limits that could be acceptable to the Mayor and City Council. I was informed by David Jurgens during negotiations that our City had properly sized mains and sufficient capacity in place to enable water and sewer service to our water service area in Johnson without further expense to Fayetteville rate payers.

I believe what I have presented and Mayor Jordan has recommended for your approval conforms to the City Council's intentions and goals stated within Resolution No. 72-08 as well as numerous City Council Street Committee meetings and other City Council meetings on the Transportation Bond Program.

I believe it is better to resolve issues amicably with our sister cities. I am glad at least this proposed resolution to the Van Asche expansion/city limits issues can now be considered by you. I join Mayor Jordan's recommendation for approval."

In order to convince the City of Johnson to give up sufficient acreage north of the preferred location of Van Asche, the City of Fayetteville needed and received the help of the owners of WG Land Company Ltd. Partnership. These owners began an involuntary detachment suit in Circuit Court because Johnson would not supply the necessary services (sewer service and firefighting water) that new commercial development would require.

On April 1, 2008 the City of Fayetteville entered into a Memorandum of Understanding with these landowners after approval by the City Council (Resolution No. 76-08 attached). WG Land Company's property went to the

top of the hill under which industrial warehousing was operating (Zero Mountain Storage). Accordingly, WG Land Company desired that the land about this cavernous storage area be zoned I-1 Heavy Commercial/Light Industrial and the area south of Van Asche "should be encouraged to develop as densely as possible For this reason the most logical zoning is C-3." Memo of Operations Director Gary Dumas to City Council of March 19, 2008.

Mr. Dumas' memo and the Memo of Understanding deviated slightly (and probably unintentionally), but importantly from the March 4, 2008 letter from WG Land Company.

"As a consideration, we only ask that the City of Fayetteville bring in the northern most acreage (hilltop) which covers the underground cavern at an Industrial Zoning Classification suitable for warehousing and cold storage. We will assume that the other acreage will be brought in as Commercial."

When the actual annexation occurred we did not annex all of WG Land Company's property. We did not annex the "northern most acreage (hilltop)" so that the need for Heavy Commercial/Light Industrial (I-1) was not needed. However, their request for the remainder to "be brought in as commercial" should be honored. Because of WG Land Company's efforts and litigation expenses, the City was eventually able to annex 1,250 feet to the north for not only their land, but the McClinton property. We also even secured the northwest corner lot of Gregg Street and Van Asche on which a concrete plant has long been located, but which will eventually be likely to convert to high value commercial.

WG Land Company readily dedicated all of the necessary right of way needed for the extension of Van Asche. If gave the City of Fayetteville the necessary leverage to obtain 99 acres north of the new Van Asche which should provide a great commercial shales tax base to be held pay for the boulevard. We should honor our understandings and commitments with WG Land Company and rezone their property "as commercial" and "C-3" as proposed and agreed to in 2008.

RESOLUTION NO. 76-08

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING ANNEXATION AND ZONING OF CERTAIN REAL PROPERTY WITH WG LAND COMPANY LTD. PARTNERSHIP.

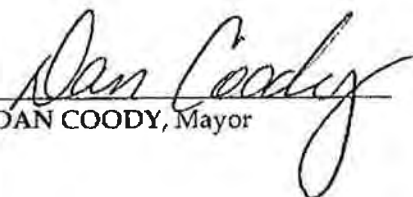
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Memorandum of Understanding concerning annexation and zoning of certain real property with WG Land Company Ltd. Partnership. A copy of the Memorandum, marked Exhibit A is attached hereto and made a part hereof.

PASSED and APPROVED this 1st day of April, 2008.

APPROVED:

ATTEST:

By: 
DAN COODY, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Memorandum of Understanding

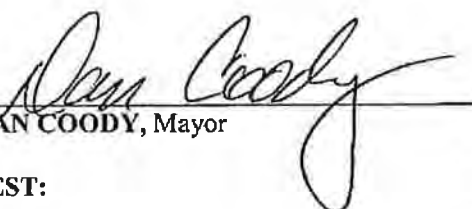
This Memorandum of Understanding, made and entered into this 1st day of April, 2008, by and between the City of Fayetteville, Arkansas, a municipal corporation, 113 W. Mountain, Fayetteville, Arkansas, and WG Land Company Ltd. Partnership, 3535 North College Avenue, Fayetteville, Arkansas

WG Land Company Ltd. Partnership agrees to seek de-annexation of its real property abutting the proposed Van Asche Boulevard Extension from the City of Johnson once the proposed street extension is funded and scheduled for construction by the City of Fayetteville.

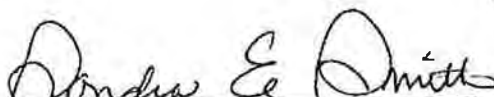
In return, the City of Fayetteville agrees to annex the real property adjacent to the proposed Van Asche Boulevard Extension with the following understandings:

- 1 That the property will be annexed into the City of Fayetteville as an R/A Zoning District, and will remain so until actual development and construction of future improvements is commenced;
- 2 That as the property is brought into development, the portion of the property north of the proposed Van Asche Boulevard Extension shall be re-zoned to an Industrial Zoning District consistent with its use for warehousing and cold storage; and,
- 3 That as the property is brought into development, the portion of the property south of the proposed Van Asche Boulevard Extension shall be re-zoned to a Commercial Zoning District.

CITY OF FAYETTEVILLE:

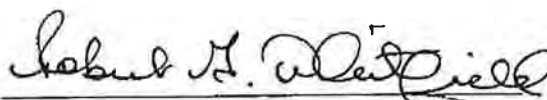
By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



WG LAND COMPANY LTD. PARTNERSHIP

By: 
ROBERT G. WHITFIELD, General Partner

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/1/2008

City Council Meeting Date
Agenda Items Only

PES
4/1/08
76-08
WG Land
Company

Gary Dumas

Submitted By

Division

Operations

Department

Action Required:

Approve Resolution Accepting the Memo of Understanding with the WG Land Company LTD. Partnership Regarding the Van Asche Blvd. Extension

\$	\$	
Cost of this request	Category / Project Budget	Program Category / Project Name
	\$	
Account Number	Funds Used to Date	Program / Project Category Name
	\$	
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Gary Dumas

3/19/2008

Previous Ordinance or Resolution #

Department Director

Date

Original Contract Date:

City Attorney

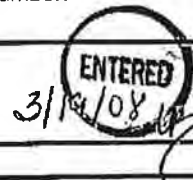
Date

Original Contract Number:

Finance and Internal Service Director

Date

Received in City
Clerk's Office



Mayor

Date

Received in
Mayor's Office

Comments:



OPERATIONS DIRECTOR

To: City Council
From: Gary Dumas
Date: March 19, 2008
RE: Memo of Understanding with the WG Land Company LTD. Partnership Regarding the Van Asche Blvd. Extension

Background

On March 18th the City Council approved the reallocation of bond resources in order to fund the extension of Van Asche Blvd. with the stipulation that the property owner annex into the City of Fayetteville. The property owner had requested that the property be permitted to be zoned consistent with currently surrounding industrial uses and consistent with the type of commercial development contemplated for this property. The area north, east, and west of the proposed Van Asche extension is primarily industrial. The area south of the Van Asche extension is currently used agriculturally.

This area is anticipated to be the extension of the intense development that has occurred in the mall area.

Discussion

The area north of the Van Asche extension is primarily riddled with caverns created during past mining activities. These caverns limit the potential for some uses but also open the realm of possibilities for others. The current primary use of cavern space is for storage, warehousing, and other industrial activities. Using the land above the caverns will require engineering and coordination and agreement from owners and users of other adjacent and nearby caverns. The likely most immediate use of cavern space will be in uses similar to those current in the area, which is underground storage. This would require a zoning of I-1, Light Industrial.

The area south of the extension of Van Asche should be encouraged to develop as densely as possible. This area will develop similarly to the nearby commercial and health related activities. Every effort should be made to promote a dense compact development style, not a highway commercial style development. For this reason the most logical zoning is C-3.

Attached is a Memo of Understanding outlining the zoning classifications that will be granted upon the annexation of this property into Fayetteville.

Recommendation

Adopt resolution agreeing to the attached Memo of Understanding.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

March 4, 2008

Mr. Gary Dumas
Director of Operations
City of Fayetteville
Fayetteville, Arkansas 72701

Re: Van Asche Rd. Extension

Dear Mr. Dumas:

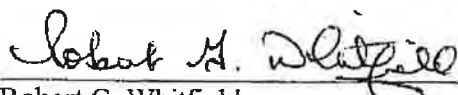
Please be advised that our family has agreed to Annex all property north of Van Asche Rd. Extension to the City of Fayetteville subject to the commitment to build this road ASAP. Once this road is funded and scheduled for construction, we will start the de-annexation process thru the City of Johnson.

As a consideration, we only ask that the City of Fayetteville bring in the northern most acreage (hilltop) which covers the underground cavern at an Industrial Zoning Classification suitable for warehousing and cold storage. We will assume that the other acreage will be brought in as Commercial. It should be further understood that there will be no change whatsoever in the current Farmland Zoning Classification up and until, actual development and construction of improvements is undertaken.

Thank you for your assistance in this matter. We will look forward to being notified when the road will be funded and constructed and as result, we will start the de-annexation process accordingly.

Cordially yours,

WG LAND COMPANY LTD. PARTNERSHIP


Robert G. Whitfield

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING ANNEXATION AND ZONING OF CERTAIN REAL PROPERTY WITH WG LAND COMPANY LTD. PARTNERSHIP.

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 Memorandum of Understanding concerning annexation and zoning of certain real property with WG Land Company Ltd. Partnership. A copy of the Memorandum, marked Exhibit A is attached hereto and made a part hereof.

PASSED and APPROVED this 1st day of April, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Memorandum of Understanding

This Memorandum of Understanding, made and entered into this _____ day of April, 2008, by and between the City of Fayetteville, Arkansas, a municipal corporation, 113 W. Mountain, Fayetteville, Arkansas, and WG Land Company Ltd. Partnership, 3535 North College Avenue, Fayetteville, Arkansas

WG Land Company Ltd. Partnership agrees to seek de-annexation of its real property abutting the proposed Van Asche Boulevard Extension from the City of Johnson once the proposed street extension is funded and scheduled for construction by the City of Fayetteville.

In return, the City of Fayetteville agrees to annex the real property adjacent to the proposed Van Asche Boulevard Extension with the following understandings:

- That the property will be annexed into the City of Fayetteville as an R/A Zoning District, and will remain so until actual development and construction of future improvements is commenced;
- That as the property is brought into development, the portion of the property north of the proposed Van Asche Boulevard Extension shall be re-zoned to an Industrial Zoning District consistent with its use for warehousing and cold storage; and,
- That as the property is brought into development, the portion of the property south of the proposed Van Asche Boulevard Extension shall be re-zoned to a Commercial Zoning District.

CITY OF FAYETTEVILLE:

By: _____
DAN COODY, Mayor

ATTEST:

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

WG LAND COMPANY LTD. PARTNERSHIP

By: _____
ROBERT G. WHITFIELD, General Partner

Handed out at Agenda Session
3-25-08

Memorandum of Understanding

This Memorandum of Understanding, made and entered into this _____ day of April, 2008, by and between the City of Fayetteville, Arkansas, a municipal corporation, 113 W. Mountain, Fayetteville, Arkansas, and WG Land Company Ltd. Partnership, 3535 North College Avenue, Fayetteville, Arkansas

WG Land Company Ltd. Partnership agrees to seek de-annexation of its real property abutting the proposed Van Asche Boulevard Extension from the City of Johnson once the proposed street extension is funded and scheduled for construction by the City of Fayetteville.

In return, the City of Fayetteville agrees to annex the real property adjacent to the proposed Van Asche Boulevard Extension with the following understandings:

- 1 That the property will be annexed into the City of Fayetteville as an R/A Zoning District, and will remain so until actual development and construction of future improvements is commenced;
- 2 That as the property is brought into development, the portion of the property north of the proposed Van Asche Boulevard Extension shall be re-zoned to an Industrial Zoning District consistent with its use for warehousing and cold storage; and,
- 3 That as the property is brought into development, the portion of the property south of the proposed Van Asche Boulevard Extension shall be re-zoned to a Commercial Zoning District.

CITY OF FAYETTEVILLE:

By: _____
DAN COODY, Mayor

ATTEST:

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

WG LAND COMPANY LTD. PARTNERSHIP

By: Robert G. Whitfield
ROBERT G. WHITFIELD, General Partner

(4.3.08) Clarice Pearman - Res. 76-08

From: Clarice Pearman
To: Dumas, Gary
Date: 4.3.08 10:13 AM
Subject: Res. 76-08
Attachments: 76-08 WG Land Company LTD.pdf

CC: Audit

Gary;

Attached is a copy of the above resolution passed by City Council regarding WG Land Company. I am forwarding to you one of two original agreements. Please let me know if there is anything else needed for this item. Have a good day.

Thanks,

Clarice

Garner, Andrew

From: Garner, Andrew
Sent: Wednesday, November 04, 2015 9:40 AM
To: Garner, Andrew
Subject: FW: Request from Planning Commissioner

-----Original Message-----

From: Charles d Coody [mailto:dcoody@icloud.com]
Sent: Wednesday, November 04, 2015 9:26 AM
To: Garner, Andrew
Subject: Re: Request from Planning Commissioner

Hello Andrew,

Commissioner Chesser called and asked if I could clarify the City's intent concerning the 2008 memorandum of understanding with the developers at Van Ashe. I understand the developers are requesting a majority of their property be rezoned to typical suburban commercial zoning districts based on a memo to Council by Gary Dumas.

Both the City and the landowners wanted the land annexed into Fayetteville if we were going to spend a ton of money improving Van Ashe. Commercial development was requested and it was logical that it should be rezoned that way. After reading the documents it is clear that Gary was expressing his personal opinion as to the type of commercial development, not making an edict concerning city policy for this project.

Obviously, commercial zoning for that area is its highest and best use. But having a blanket suburban commercial zoning was not the intent of my office or the Council. If a specific zoning district zoning had been the intent the resolution would have clearly stated that.

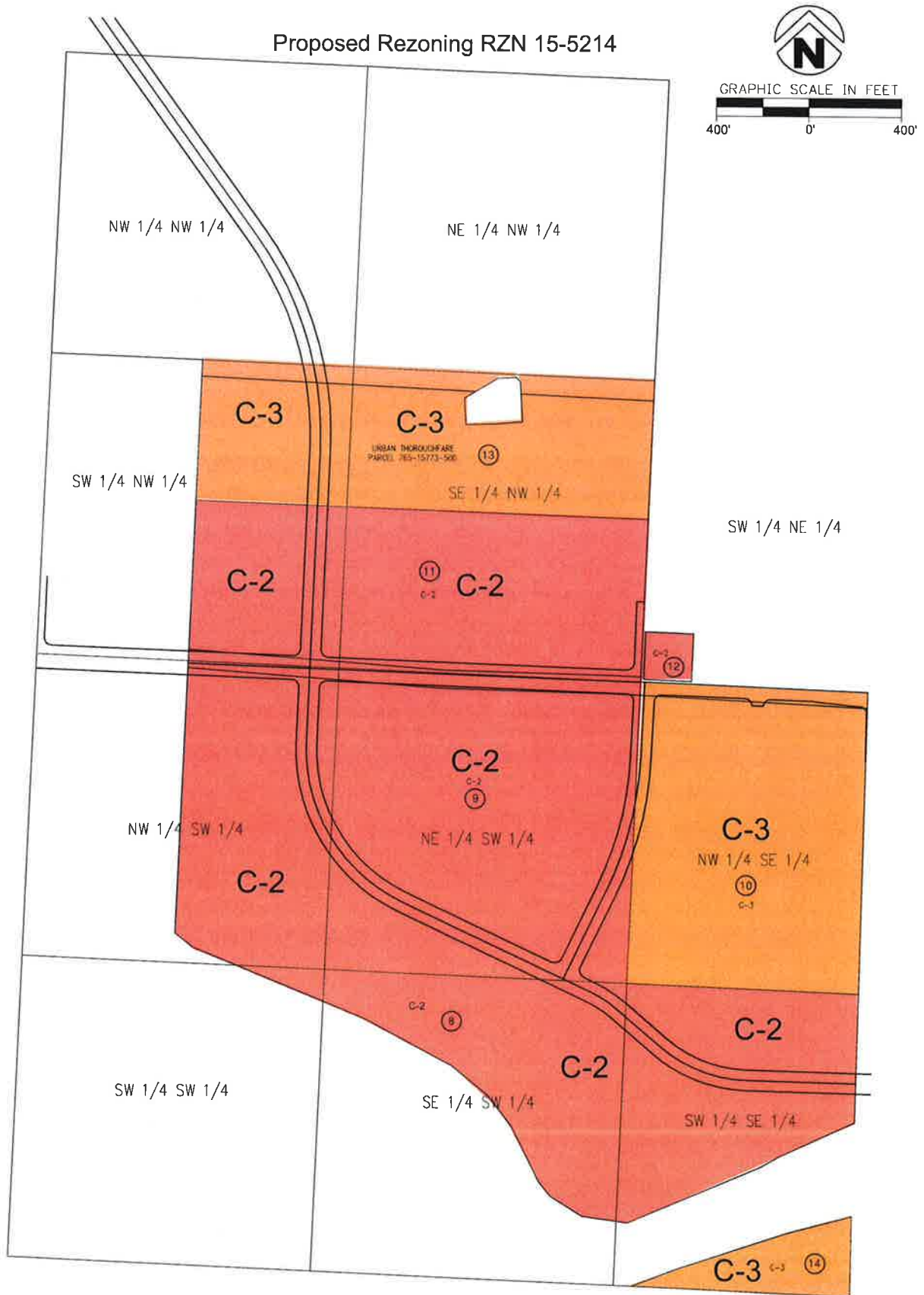
I believe that if the area were rezoned all to typical suburban commercial zoning districts we would end up with a repeat of the CMN business Park. That would not only short change the citizens of Fayetteville, it would short change the developers and owners, as well. CMN was approved 20 years ago. It was designed in the old-school fashion and it still has a surprising amount of vacant land available. If the developers and the City had been more innovative it would have filled up years ago and it would be a draw much more than it has been for both businesses and customers.

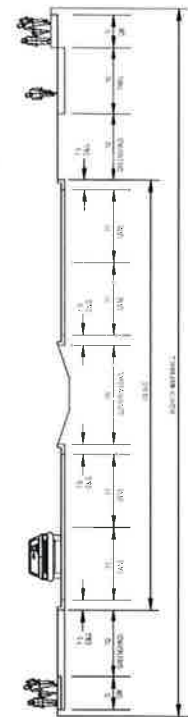
When this Van Ashe land is developed there will be the opportunity to benefit from creative, new urban design that will provide much more interest for the citizens of the region and more income for the owners. It has been proven time and again that artistic design and higher density brings in more businesses and customers more quickly and the produces higher income over a longer period of time.

It's easy to do the same old thing, if that's all we're capable of doing. But Fayetteville and its developers need to lead by example and inspire by design. It's more profitable for everyone.

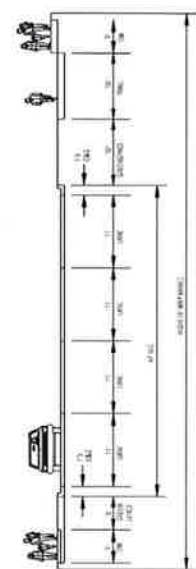
I hope this helps.

Dan Coody
Sent from my iPad

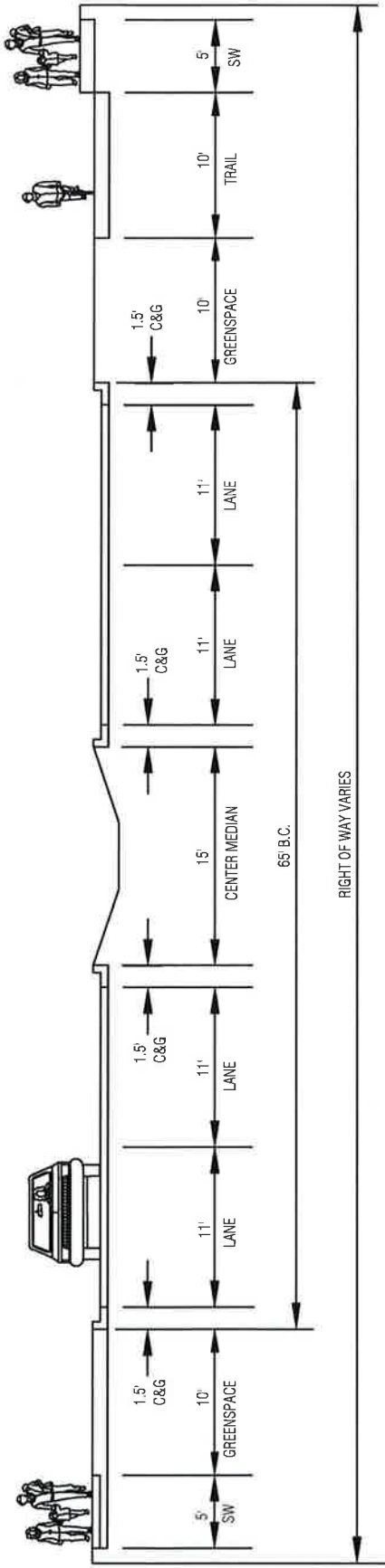




STREET SECTION



STREET SECTION

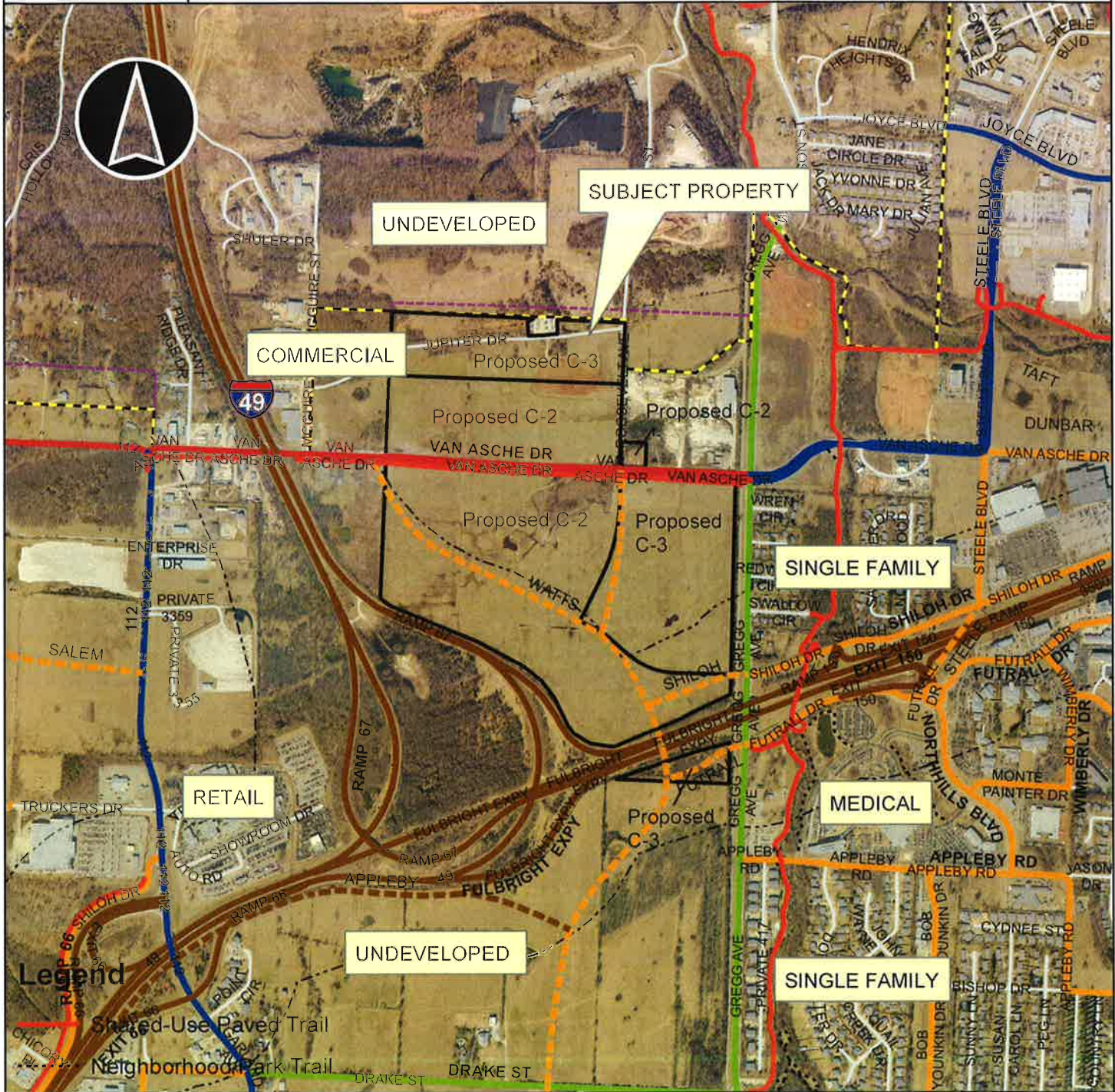


STREET SECTION

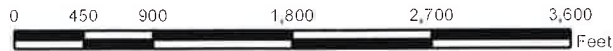
RZN15-5214

WG LAND COMPANY

Current Land Use



- Legend**
- Shaded-Use Paved Trail
 - Natural Surface Trail
 - RZN15-5214
 - Fayetteville City Limits
 - Footprints 2010
 - Design Overlay District
 - Planning Area



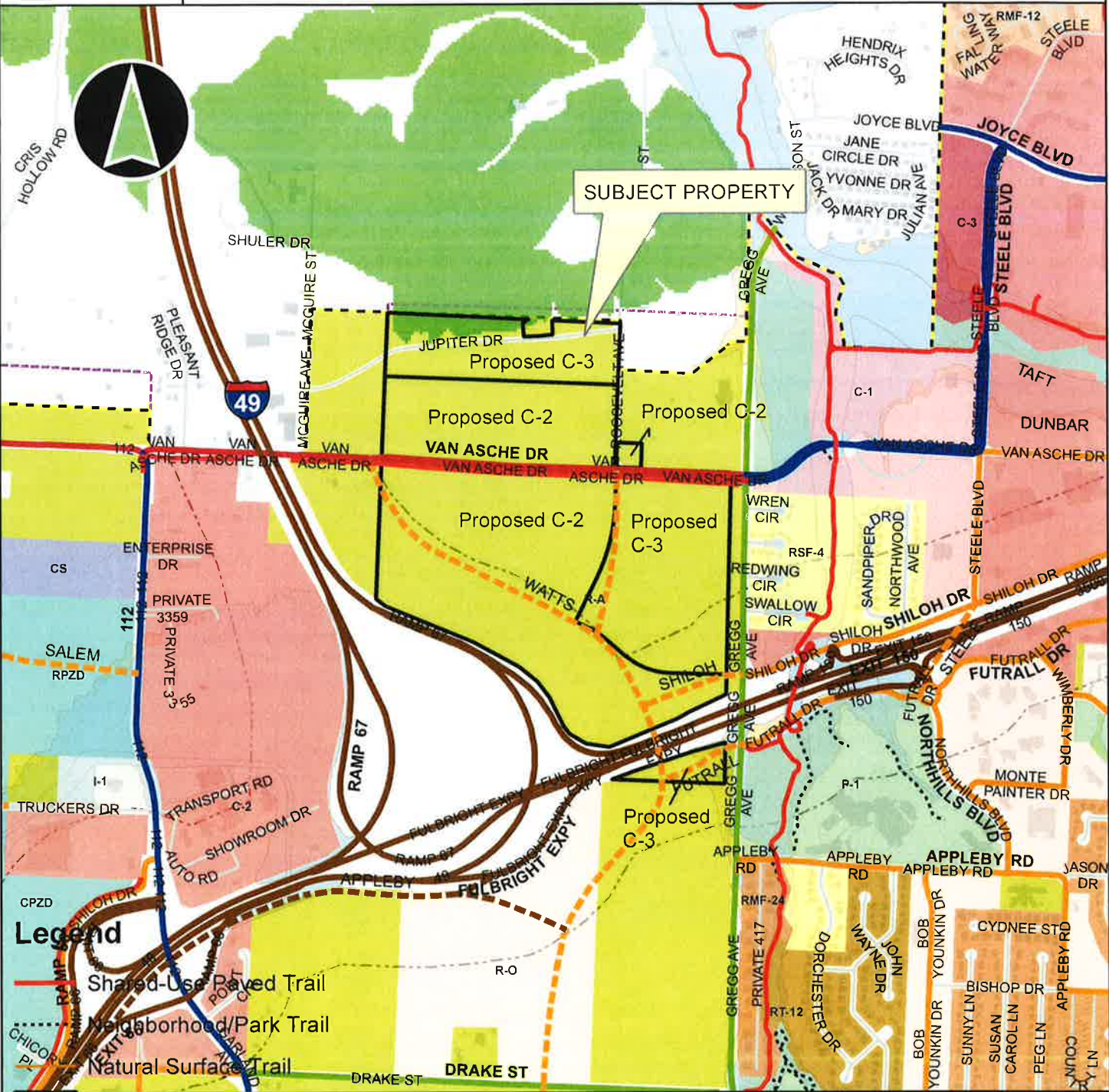
Proposed Zoning:

C-2	118.4 acres
C-3	68.25 acres

RZN15-5214

WG LAND COMPANY

Close Up View

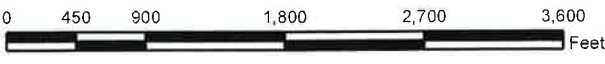


Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

Overview

- RZN15-5214
- Hillside-Hilltop Overlay District
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area



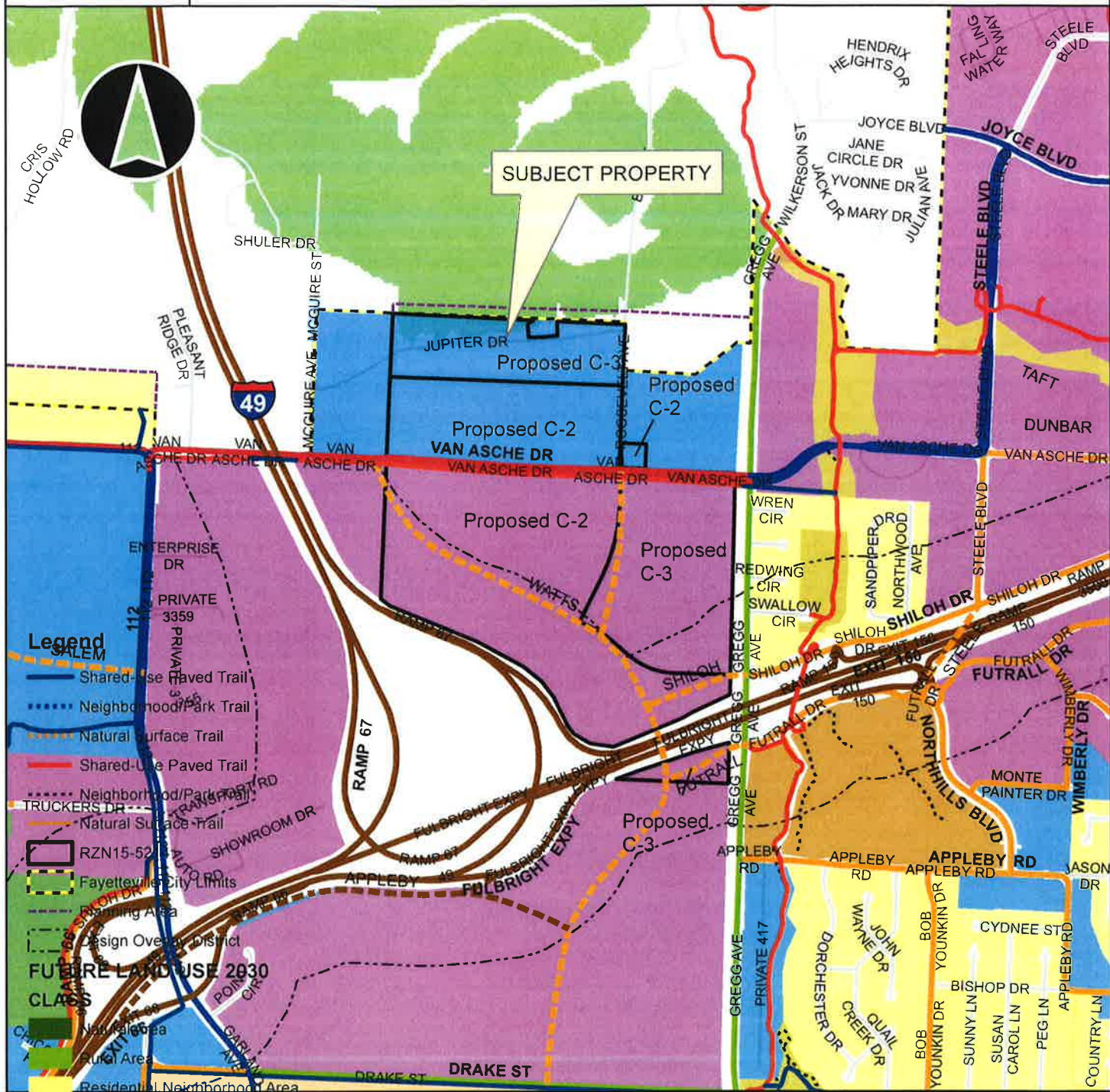
Proposed Zoning:

C-2	118.4 acres
C-3	68.25 acres

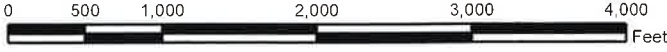
RZN15-5214

Future Land Use

WG LAND COMPANY



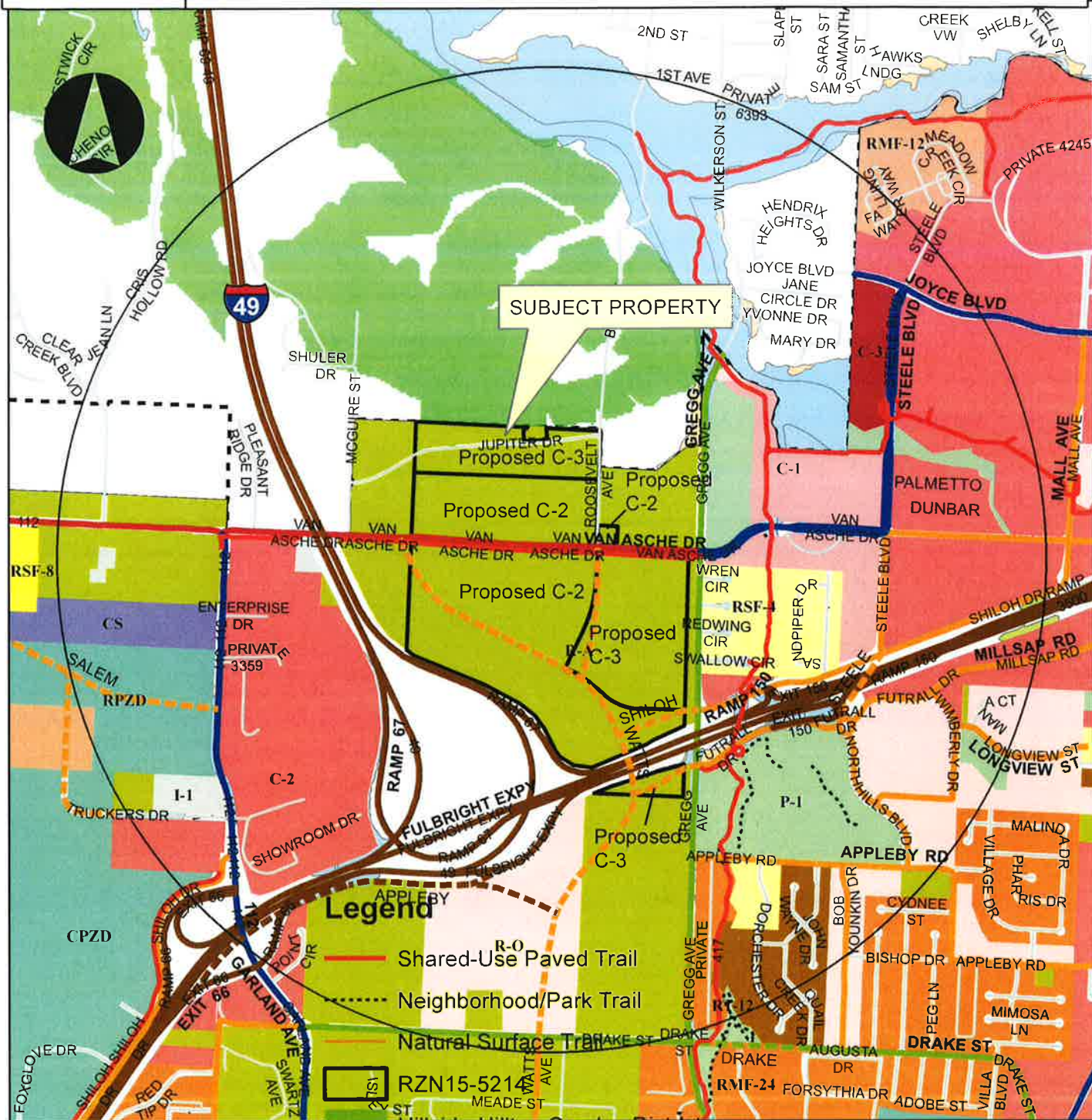
Proposed Zoning:	
C-2	118.4 acres
C-3	68.25 acres



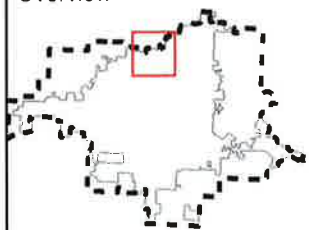
RZN15-5214

WG LAND COMPANY

One Mile View



Overview



- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles



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
Jeremy Pate, Development Services Director
Andrew Garner, Planning Director

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: November 18, 2015

RE: Potential Multi-Million Dollar Judgment Against City If City Council Breaches Contract With WG Land Company, Inc.

Please read my memo of October 27, 2015 to the Fayetteville Planning Commissioners and others for the history and legal analysis of the contract (entitled Memorandum of Understanding) entered into between WG Land Company, Inc. and the City of Fayetteville on April 1, 2008. The key phrase in that contract signed by Mayor Coody is that WG Land Company, Inc.'s property "shall be re-zoned to a Commercial Zoning District."

The Arkansas Supreme Court Has Not Found Contract Zoning To Be Illegal

A non-lawyer sitting on the Planning Commission blithely stated that "contract zoning is against the law." I would ask that you rely upon me as the Fayetteville City Attorney for over 14 years for legal advice rather than any non-lawyer. The Arkansas Supreme Court considered a challenge against a West Memphis rezoning ordinance attacked as "contract zoning" by neighbors. The West Memphis' rezoning ordinance was upheld first by the Circuit Judge and later by the Arkansas Supreme Court:

"The legality of contract zoning is an issue of first impression in the State of Arkansas. However, other jurisdictions have examined contract zoning and found that contracts (which) rezone are not prohibited..." *Murphy v. City of West Memphis*, 352 Ark. 315, 322, 101 S.W. 3d 221, 226 (2003).

When the Supreme Court said "contract zoning is an issue of first impression", it meant that this issue had never been decided by our Supreme Court. The Arkansas Supreme Court noted that other jurisdictions have found "contract zoning" in certain circumstances could be improper. The Arkansas Supreme Court (like the trial court) affirmed the propriety of the rezoning ordinance because "the actions of the West Memphis city government in enacting the ordinance followed a bona fide procedure." *Id.* at 321, 101 S.W. 3d at 226.

"Because the City of West Memphis followed a bona fide procedure, this court need not address the legality of contract zoning at this time." *Id.* at 323, 101 S.W. 3d at 227.

Therefore, the Arkansas Supreme Court did not decide the issue of contract zoning at that time. There is no question that the City of Fayetteville is following a bona fide procedure considering WG Land Company, Inc.'s request for a rezoning. In addition, I do not believe that the Memorandum of Understanding that we entered into would even be the type of contract zoning some other states have found improper.

Please remember that the City Council agreed to rezone the property sold to Kum & Go if it purchased the lot. The City also contractually agreed to rezone the old Water and Sewer headquarter and storage yard when we sold the land to Biobased Realty, Inc. for their construction of a state of the art commercial lab which later was acquired by the U of A for high tech start-ups. I believe these were valid contracts, and the rezonings in conformity with our contracts were proper and legal. I also believe the Memorandum of Understanding we entered into with WG Land Company, Inc. on April 1, 2008, was a legal contract agreed to by the City Council in a City Council meeting after public discussion and signed by Mayor Coody.

Determining The Legal Meaning Of The Contract

So assuming that the contract between the City and WG Land Company was a valid contract what did "shall be re-zoned to a Commercial Zoning District" mean on April 1, 2008?

"The first rule of interpretation of a contract is to give to the language employed the meaning that the parties intended. In construing any contract, we must consider the sense and meaning of the words used by the parties as they are taken and understood in their plain and ordinary meaning." *Health Resources of Arkansas, Inc. v. Flener*, 374 Ark, 208, 211, 286 S.W. 3d 704, 706 (2008) (citations omitted).

"It is the duty of courts to enforce contracts as written and in accordance with the ordinary meaning of the language used and overall intent and purpose of the parties." *Magic Touch Corp. v. Hicks*, 99 Ark. App. 334, 338, 260 S.W. 3d 322, 326 (2007).

"It is well-settled that the polestar of contractual construction is to determine and enforce the intent of the parties...In ascertaining this intention, the court should place itself in the same situation as the parties who made the contract in order to view the circumstances as the parties viewed them **at the time the contract was made.**" *Taylor v. Hinkle*, 360 Ark. 121, 134, 200 S.W. 3d 387, 395 (2004).

So what did "a **Commercial Zoning District**" (emphasis added) mean to the parties to the Memorandum of Understanding in March and April of 2008? One indication is that one party, WG Land Company in its letter to the City asked that "the other acreage will be brought in as Commercial." The Unified Development Code had in 2008 three zoning districts actually titled "**Commercial**": C-1 is "Neighborhood **Commercial**," C-2 is "Thoroughfare **Commercial**" and C-3 is "Central **Commercial**." None of the Downtown Master Plan zoning districts are titled "Commercial" nor refer to "commercial" in their names. They are "Downtown Core" (hardly an appropriate description for land along our northern border): "Mainstreet/Center" and "Downtown General" which also refer "Downtown" and "Center", not our northern outskirts. These are all **Mixed Use Zoning** districts, not "**a Commercial Zoning District.**" The only logical conclusion is that "Commercial Zoning District" was meant by the

parties to mean Neighborhood Commercial, Thoroughfare Commercial or Central Commercial.

Operations Director Gary Dumas who supervised the Planning Department wrote the memo proposing the City Council approve the Memorandum of Understanding (which I believe he drafted). Director Dumas never mentioned any Downtown form based zones, but opined that "the most logical zoning is C-3." The City Council did not even zone the Walker Park Neighbor Master Plan area with the new Downtown Master Plan Zoning Districts **until 3 ½ months after this contact was entered into**. The form based mixed use zoning districts for use away from the downtown area were not even enacted until 2010 — **two years after the agreement was signed**. Please remember that the Arkansas Supreme Court held that a contract must be interpreted using terms in existence "**at the time the contract was made.**" *Id.*

It would be virtually impossible to convince any Court that "a Commercial Zoning District" did not mean C-1, C-2 or C-3 on April 1, 2008, when the City Council approved Resolution No. 76-08 authorizing Mayor Coody to sign the agreement and when Mayor Coody signed the Memorandum of Understanding. The Circuit Court would look at the documentary evidence existing at the time the contract was entered into between the City and WG Land Company, Inc. to interpret the contract, rather than listen to seven year old memories of any of the parties.

Finally, if there could be any ambiguity about what "a Commercial Zoning District" means such "ambiguities in a written contract are **construed strictly against the drafter.**" *Byrne, Inc. v. Ivy*, 367 Ark. 451, 459, 241 S.W. 3d 229, 236 (2006) (emphasis added). I believe all evidence shows that the City rather than WG Land Company drafted the Memorandum of Understanding and so any possible ambiguity would be interpreted as WG Land Company has requested, C-2 and C-3 **commercial** zoning districts. Any uncertainty about the meaning of "a Commercial Zoning District" means WG Land Company, Inc. wins.

Millions Of Dollars Of Liability Are Possible If You Deny WG Land Company, Inc.'s Requested Rezoning

No Court has reversed a rezoning decision by the City Council of the City of Fayetteville since I became Fayetteville City Attorney in 2001. As I have repeatedly advised you, if we get sued over "legislative enactments such as zoning ordinances, there is a strong presumption that the legislative branch acted

in a reasonable manner, and the burden is on the moving party to prove the enactment was arbitrary and unreasonable." *Murphy v. City of West Memphis*, 352 Ark. 315, 321, 101 S.W. 3d 221, 225 (2003). Even if we ever lost a Court case over a simple rezoning, there would be little, if any, liability exposure for the City.

However, WG Land Company, Inc. would likely sue the City for **breach of contract** claiming the City violated its 2008 Memorandum of Understanding. There are no presumptions to help the City in a breach of contract case, no difficult burden for a plaintiff to prove the City was arbitrary or unreasonable. Because of the rules for interpreting a contract, the City could very well be found to have breached the contract and thus liable for any damages such breach caused the WG Land Company, Inc.

These damages could well run into the millions for the City Council's refusal to rezone this over 100 acres of very developable land along our new boulevard which has vastly increased the value of the adjoining land. On top of compensatory damages in the millions, the City could also be ordered to pay WG Land Company, Inc.'s attorney fees.

Our best defense is only a timing issue. The contract states that the WG Land Company, Inc.'s property shall remain zoned R/A "until actual development and construction of infrastructure of future improvement is commenced...." If we can convince the Court this language is not ambiguous and that "actual development and construction of infrastructure" have not yet commenced, then the City's duty to rezone their property "to a Commercial Zoning District" is only a future, not a present, duty for the City.

However, this would be only a **temporary** defense as WG Land Company, Inc. could begin such "development and construction" (which they claim they have already begun) at any time. **Such actual commencement would nullify that defense.**

CONCLUSION

The City Council is the guardian of the City treasury and our citizens' money. The Fayetteville City Board in the late 1980's and early 90's failed to protect our citizens' money and made two significant mistakes that cost our taxpayers and ratepayers in excess of **Five Million Dollars** in attorneys' fees alone. The citizens then ejected all Fayetteville Board Members from office by changing the form of government to Mayor/Council.

When I became Fayetteville City Attorney in 2001, I vowed to myself to do everything I could to protect our citizens' tax revenues by warning the Fayetteville City Council when they were considering a legally dangerous decision that would be very costly to our taxpayers or more graphically: "approaching the cliff." To the Fayetteville City Council's credit, the few times I had to warn them to pull back from the cliff and avoid potentially massive liability, the City Council heeded my warning. The City's treasury has remained safe for 15 years, and the problems of the previous decade have not been repeated.

I again call upon the City Council to preserve our City's treasury by not taking the very risky and dangerous gamble of denying the commercial zoning requested by WG Land Company, Inc. If the City Council denies this rezoning request, you would be betting possibly millions of Fayetteville taxpayer dollars to try to force WG Land Company, Inc. to use mixed-use, form based zoning districts that it does not seek rather than convention commercial districts. This is not a gamble the City of Fayetteville should take. It would likely come up "snake eyes" for Fayetteville and our citizens. Where would you come up with the millions of dollars needed to pay for such a litigation defeat?

The City made a contract with WG Land Company, Inc. in 2008 which led to a great benefit for Fayetteville when we were able to annex 99 acres that had been in Johnson north of the proposed (and now constructed) Van Asche in 2010. The clear intent and actual wording of the contract was that the WG Land Company, Inc.'s property "shall be re-zoned to a Commercial Zoning District." **The City Council needs to not only protect our City's treasury, but prove we will honor our promises by approving the commercial rezonings requested by WG Land Company, Inc.**

RESOLUTION NO. 76-08

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING CONCERNING ANNEXATION AND ZONING OF CERTAIN REAL PROPERTY WITH WG LAND COMPANY LTD. PARTNERSHIP.

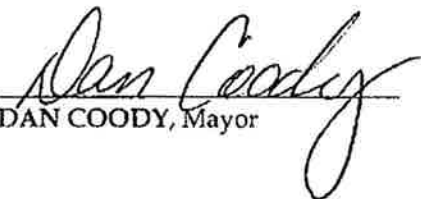
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

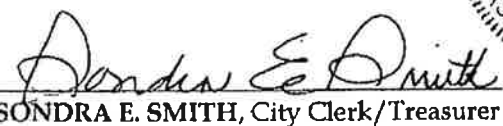
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a Memorandum of Understanding concerning annexation and zoning of certain real property with WG Land Company Ltd. Partnership. A copy of the Memorandum, marked Exhibit A is attached hereto and made a part hereof.

PASSED and APPROVED this 1st day of April, 2008.

APPROVED:

ATTEST:

By: 
DAN COODY, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Memorandum of Understanding

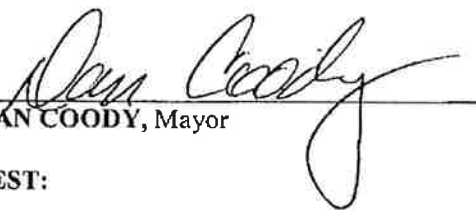
This Memorandum of Understanding, made and entered into this 1st day of April, 2008, by and between the City of Fayetteville, Arkansas, a municipal corporation, 113 W. Mountain, Fayetteville, Arkansas, and WG Land Company Ltd. Partnership, 3535 North College Avenue, Fayetteville, Arkansas

WG Land Company Ltd. Partnership agrees to seek de-annexation of its real property abutting the proposed Van Asche Boulevard Extension from the City of Johnson once the proposed street extension is funded and scheduled for construction by the City of Fayetteville.

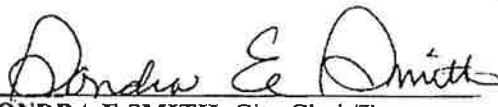
In return, the City of Fayetteville agrees to annex the real property adjacent to the proposed Van Asche Boulevard Extension with the following understandings:

- 1 That the property will be annexed into the City of Fayetteville as an R/A Zoning District, and will remain so until actual development and construction of future improvements is commenced;
- 2 That as the property is brought into development, the portion of the property north of the proposed Van Asche Boulevard Extension shall be re-zoned to an Industrial Zoning District consistent with its use for warehousing and cold storage; and,
- 3 That as the property is brought into development, the portion of the property south of the proposed Van Asche Boulevard Extension shall be re-zoned to a Commercial Zoning District.

CITY OF FAYETTEVILLE:

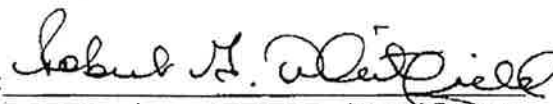
By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



WG LAND COMPANY LTD. PARTNERSHIP

By: 
ROBERT G. WHITFIELD, General Partner



City of Fayetteville, Arkansas

Tentative Agenda
November 24, 2015
Page 318 of 349
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0545

Agenda Date: 12/1/2015

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 7

RZN 15-5209: (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON) APPEAL:

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5209 FOR APPROXIMATELY 18.34 ACRES LOCATED AT THE NORTHEAST CORNER OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

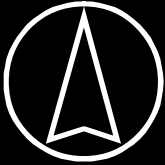
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3. Severability. That the City Council of the City of Fayetteville, Arkansas hereby determines that if the Johnson City Council determines that a portion of this rezoned acreage is not "compatible with the zoned land uses of the adjoining lands" in Johnson pursuant to its power under A.C.A. § 14-56-306 and refuses to agree to a portion of this rezoning, then all other unaffected property within this Petition RZN 15-5214 shall still be immediately rezoned pursuant to Section 1.

RZN15-5209

MCCLINTON

Close Up View



SUBJECT PROPERTY

Overview

RZN15-5209

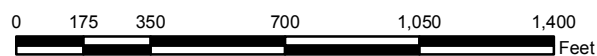
 Hillside-Hilltop Overlay District

 Fayetteville City Limits

 Footprints 2010

 Design Overlay District

 Planning Area



LEGAL DESCRIPTION: (ZONING: C-2)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas and being described as follows: Beginning at the SW Corner of said SW1/4, NW1/4, said point being the POINT OF BEGINNING, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 581.33 feet, thence S87°45'36"E 659.95 feet, thence S02°24'36"W 702.29 feet, thence N87°33'34"W 660.90 feet to the POINT OF BEGINNING: Containing 10.60 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (ZONING: C-3)

A part of the SW1/4 of the NW1/4 of Section 27, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said SW1/4, NW1/4, thence N02°29'17"E 47.32 feet, thence S88°20'38"E 21.51 feet, thence N00°25'06"E 71.11 feet, thence N87°39'29"W 18.94 feet, thence N02°29'17"E 581.33 feet to the POINT OF BEGINNING; thence N02°29'17"E 525.51 feet, thence S87°39'07"E 659.23 feet, thence S02°24'36"W 524.27 feet, thence N87°45'36"W 659.95 feet to the POINT OF BEGINNING: Containing 7.95 acres more or less subject to easements and right of way of record.



**JORGENSEN
+ASSOCIATES**
Civil Engineering + Surveying

RECEIVED

NOV 17 2015

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Tentative Agenda
November 24, 2015
Page 321 of 349

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

November 13, 2015

City of Fayetteville Clerk
113 W. Mountain Street, Room 308
Fayetteville, AR 72701

Attn: Sandra Smith

Re: RZN 15-5209

This is an appeal of the decision of the Planning Commission on November 9, 2015, to deny the rezoning request of David McClinton as set forth in the application for RZN 15-5209.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. The decision of the Planning Commission was in error in that the applicant has presented a zoning request that is in conformity with the Future Land Use Map as published by the City of Fayetteville and with the applicable zoning criteria of Chapter 161 the Uniform Development Code.

If you have any questions, please don't hesitate to contact us.

Sincerely;

Jorgensen + Associates

David McClinton, General Partner

City of Fayetteville Staff Review Form

2015-0545

Legistar File ID

12/1/2015

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

Andrew Garner

11/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5209: Rezone (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON, 171): Submitted by TOM TERMINELLA for property located at the NE CORNER OF MCGUIRE ST. & VAN ASCHE DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 18.34 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

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 DECEMBER 1, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: November 16, 2015

SUBJECT: **RZN 15-5209: Rezone (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON, 171):** Submitted by TOM TERMINELLA for property located at the NE CORNER OF MCGUIRE ST. & VAN ASCHE DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 18.34 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

The Planning Commission and staff recommend denial of an ordinance to rezone the property to C-2, Thoroughfare Commercial and C-3, Central Commercial. The applicant has appealed the Planning Commission's decision to the City Council. Unlike the associated rezoning along Van Asche for WG Land Co., this property is not subject to a previous agreement with the City Council.

BACKGROUND:

Background: This is an undeveloped parcel of 18.34 acres generally located at the intersection of McGuire Avenue and Jupiter Drive located along the City of Fayetteville/Johnson boundary near I-49. The property is bounded along its south property line by the City's recent construction of Van Asche Drive across the property connecting to Highway 112 just west of I-49. The property is currently zoned R-A, Residential Agricultural.

Request: The applicant requests to rezone the property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial (southern 10.60 acres) and C-3, Central Commercial (northern 7.95 acres). The applicant indicated that the rezoning is necessary to support future development of the site.

City of Johnson's Comment on this Rezoning: Pursuant to state law, the portion of this rezoning within 1,000 feet of the City of Johnson must also be approved by the City of Johnson. The Mayor of Johnson and their staff engineer submitted a letter to the City of Fayetteville discussing that residential uses would be incompatible with the existing industrial zones located in Johnson. These industrial areas are located to the west of McGuire Street and east of Roosevelt Avenue. Regardless of the zoning district adopted, staff recommends that the rezoning ordinance include a provision excluding all residential use within 1,000 feet of the industrial-zoned property in Johnson. Most all of the city's zoning districts (including C-2 and C-3) allow residential use either as a primary or accessory use. This provision is needed to accommodate the City of Johnson's request pursuant to state law.

Surrounding Land Use Compatibility: The proposed zoning is somewhat incompatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, commercial zoning districts with mixed uses in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland.

Land Use Plan Analysis: Staff finds that portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan, but that as a whole the rezoning is in conflict with these criterion and policies. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-2 and C-3 districts are both intended to serve a regional population and permit the highest levels of commercial intensity. Additionally, while staff agrees that non-residential and residential zoning are appropriate in this location, the site is proposed to be rezoned to districts that prescribe a suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form. Further, the northern portion of the site proposed for the C-3 district contains steep, wooded slopes and is more appropriate for development on a smaller scale than C-3, such as CS, Community Services, in staff's opinion. A smaller scale zoning would require buildings to be smaller (maximum 25,000 sq. ft.) hopefully leading to less land and tree disturbance, consistent with City policy and development ordinances.

DISCUSSION:

This request was discussed and tabled at the October 26, 2015 Planning Commission meeting. At that meeting one member of the public spoke in favor of applicant's rezoning discussing sales tax revenue that could be generated from commercial development. On November 9, 2015 the Planning Commission denied this request by a vote of 9-0-0. One member of the public discussed opposition to the applicant's proposed rezoning citing that we have enough C-2 zoning in the city and we need progressive zoning and mixed use, walkable neighborhoods to attract and retain the Millennial generation.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: November 9, 2015 *Updated with Planning Commission results*

SUBJECT: **RZN 15-5209: Rezone (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON, 171):** Submitted by TOM TERMINELLA for property located at the NE CORNER OF MCGUIRE ST. & VAN ASCHE DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 18.34 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL and C-3, CENTRAL COMMERCIAL.

RECOMMENDATION:

Staff recommends denial of **RZN 15-5209** for the reasons discussed herein.

BACKGROUND:

October 26, 2015 Planning Commission: This item was tabled at the October 26, 2015 Planning Commission meeting. The request has been modified slightly from this previous meeting by removing the proposed UT zoning and replacing it with C-3.

Property Description: This is an undeveloped parcel of 18.34 acres generally located at the intersection of McGuire Avenue and Jupiter Drive located along the City of Fayetteville/Johnson boundary near I-49. The property is bounded along its south property line by the City's recent construction of Van Asche Drive across the property connecting to Highway 112 just west of I-49. The property is currently zoned R-A, Residential Agricultural. The surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped hillside (City of Johnson)	A-1, Agriculture
South	Rural residential; farmland	R-A
East	Undeveloped hillside; farmland	R-A
West	Industrial (City of Johnson)	I, Industrial

DISCUSSION:

Request: The applicant requests to rezone the property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial (southern 10.60 acres) and C-3, Central Commercial (northern 7.95 acres). The applicant indicated that the rezoning is necessary to support future development of the site.

INFRASTRUCTURE:

Streets: The subject property has access to the newly constructed Van Asche Drive (Principal Arterial) along the southern boundary of the site. Van Asche is fully improved with curb, gutter, storm drain, sidewalks, and a multi-use trail. The area is also bounded by McGuire Avenue along the west and bisected by Jupiter Drive through the middle of the parcel. Both of these streets are unimproved, two-lane paved roads. Access to the west is provided with the new connection of Van Asche Drive to Highway 112 under I-49.

Water: Public water is available to the site. An 8-inch public main exists along the west side of the property, and another 8-inch water main splits thru the middle of the property along the south side of Jupiter Drive. An existing 36-inch water transmission main runs along the south side of the property. This will need to be taken into consideration when developing the property to maintain proper setbacks.

Sewer: Sanitary sewer is not available to the site. The City's GIS database indicates the nearest public sewer main to be located approximately 900 feet west of the southwest property corner. However, the feasibility of connection at this point has not been evaluated. It will be the responsibility of the developer to bring sanitary sewer to the site at the time of development.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain. This parcel does not contain any protected streams per the Streamside Protection map.

Fire: The Fire Department has not expressed any concerns with this request.

Police: The Police Department has not expressed any concerns with this request.

RECOMMENDATION: Staff recommends denial of **RZN 15-5209** finding that the proposed zoning is not consistent with the City's land use plan indicating future growth in this area in traditional development patterns. The C-2 and C-3 suburban zoning districts proposed are in contrast to Goal 3 of City Plan 2030: *"We will make a traditional town form the standard."* While suburban development patterns are more appropriate directly adjacent to I-49 and the Fulbright Expressway, this site is one block off of I-49 and could be developed in a "traditional town form" as referenced above. In addition, this site is designated primarily for local, not regional development per the City Neighborhood classification, while the C-2 and C-3 districts are generally intended for regional shopping and big-box retailers. The recently constructed Van Asche Drive is the distinguishing boundary between the City's adopted Urban Center and City Neighborhood areas on the Future Land Use Map, and should be used as a guide in zoning decisions.

PLANNING COMMISSION ACTION: Required

Date: October 26, 2015

☒ Tabled

☐ Forwarded

☐ Denied

Motion: Chesser

Second: Selby

Vote: 5-0-0

Date: November 9, 2015

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Chesser

Second: Selby

Vote: 9-0-0

CITY COUNCIL ACTION: Required

Date: _____ ☐ Approved

☐ Denied

CITY PLAN 2030 FUTURE LAND USE PLAN:

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area ***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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

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: ***Surrounding Land Use Compatibility:*** The proposed zoning is somewhat incompatible with the surrounding industrial uses and zoning in the City of Johnson adjacent to the west and the single family homes across Van Asche Drive to the south. The land uses to the north and east are undeveloped. However, commercial and mix-used zoning districts in this area are appropriate even given these potential incompatible uses because of the anticipation of future development pressure on this area. This development pressure has been anticipated with the City's recent construction of a new Principal Arterial roadway across undeveloped farmland.

Land Use Plan Analysis: Staff finds that portions of the rezoning request are consistent with the City's land use planning objectives, policies and future land use plan, but that as a whole the rezoning is in conflict with these criterion and policies. This property is designated as City Neighborhood Area on the FLUM. This designation encourages complete, compact and connected neighborhoods intended to serve the residents of Fayetteville, rather than a regional population. The proposed C-2 and C-3 districts are both intended to serve a regional population and permit the highest levels of

commercial intensity. Additionally, while staff agrees that non-residential and residential zoning are appropriate in this location, the site is proposed to be rezoned to districts that prescribe a suburban (auto-oriented) development rather than traditional (pedestrian-oriented) town form. Further, the northern portion of the site proposed for the C-3 district contains steep, wooded slopes and is more appropriate for development on a smaller scale than C-3, such as CS, Community Services, in staff's opinion. A smaller scale zoning would require buildings to be smaller (maximum 25,000 sq. ft.) hopefully leading to less land and tree disturbance, consistent with City policy and development ordinances.

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

Finding: The City has recently completed construction of the Van Asche Drive project through this property. A rezoning is needed because of the development pressure that will result from this project, in addition to the FLUM designating this land for future development. The existing R-A zoning is not appropriate for the long term. However, as discussed in Finding No. 1 above, staff finds that the requested rezoning is not justified because of its inconsistency with the City's adopted land use goals and policies. Staff would recommend utilization of form-based zoning districts over the entire parcel, including a smaller scale district such as CS on the northern portion of the site given the sensitive environmental resources in this area.

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

Finding: This rezoning would allow a large volume of development that will increase traffic over the existing R-A zoning district. However, as mentioned earlier in this report, the City's Van Asche Drive project has recently been completed facilitating planned growth in the area. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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 permit a potential increase in population density as the C-3 district allows a multi-family residential and non-residential uses. Commercial uses allowed with this rezoning would also create additional demand on public services. However, these impacts were evaluated by various City divisions in review of this rezoning and determined that it should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal. Improvements to public services will be reviewed at the time of development.

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:

- Existing and proposed zoning criteria
- Request letter and email
- City attorney memo and Resolution 76-08
- Email from former mayor Dan Coody
- Current land use map
- Close up map
- Future land use map
- One mile map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.20 District C-2, Thoroughfare Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

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

(F) *Building height regulations.*

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5735, 1-20-15)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14; Ord. 5735, 1-20-15)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cottage Housing Development
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 29	Dance Halls
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.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/168 ft.*
-------------------------	-------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; 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)

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street/Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
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 18	Gasoline service stations and drive-in/drive through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
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 (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56/84 ft.*
-------------------------	------------

*A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; 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)

161.25 Downtown General

(A) *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) *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
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 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Building height regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; 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)

Garner, Andrew

From: Tom <tterminella@aol.com>
Sent: Wednesday, November 04, 2015 5:05 AM
To: Garner, Andrew
Subject: Re: Van Asche Rezoning Recommendation

Andrew,

I got your voice mail yesterday and the only change I have is UT zoning to C-3 on both tracts. Any questions please call.

Tom Terminella
The Terminella Company Inc.
24 East Meadow Street
Fayetteville, AR 72701
(Cell) 479-841-1621
Email:
tterminella@aol.com

On Oct 8, 2015, at 9:05 AM, Garner, Andrew <agarner@fayetteville-ar.gov> wrote:

Sounds good. See you guys Tuesday the 13th at your office.

Andrew

From: Tom Overbey [<mailto:toverbey@artaxlaw.com>]
Sent: Thursday, October 08, 2015 8:42 AM
To: Garner, Andrew; Tom
Cc: Pate, Jeremy; Gerald Jones (gerald@flyinginvestments.com)
Subject: RE: Van Asche Rezoning Recommendation

Andrew - from those times, 2:30 PM Tuesday works best for everyone involved with WG Land. Can we meet at my office again? Thanks.

TOM OVERBEY
ATTORNEY
OVERBEY, STRIGEL, BOYD & WESTBROOK, PLC
211 North Block Avenue, Suite 102 • Fayetteville AR 72701-5268
479-442-3554

Toverbey@artaxlaw.com
www.artaxlaw.com/thomas-l-overbey.html

This email message and any attachments are confidential. If you are not the intended recipient, please immediately reply to the sender and delete the message from your email system.

Thank you.

From: Garner, Andrew [<mailto:agarner@fayetteville-ar.gov>]
Sent: Thursday, October 8, 2015 8:34 AM
To: Tom <tterminella@aol.com>



124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

September 16, 2015

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

Attn: Development Services

Re: McClinton Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows: David McClinton
- B. Currently this property is zoned R-A. The reason for the requested rezoning is to convert the existing agricultural land, to allow for development to occur around the newly constructed Van Asche corridor.
- C. To the west of I-49 is C-2, to the north is a mix of vacant land along with industrial. To the east is a mix of P-1, C-1, and RSF-4. To the south side of Fulbright Expressway is mostly vacant land with R-O and R-A.
- D. Existing water and sewer are already at this site.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and that development in the future in this area will to be consistent with growth patterns in this area.
- F. This rezoning is needed at this time to allow this property to develop and coincides with the construction of Van Asche.
- G. This development will not adversely affect the existing or proposed streets in the area (it will support it).
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase the load on public services.
- I. The current agricultural zoning does not allow development along the newly constructed Van Asche.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin L. Jorgensen, PE

Chris Keeney
Mayor



Jennifer Allen
Recorder/Treasurer

11/02/2015

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
Attn: Development Services

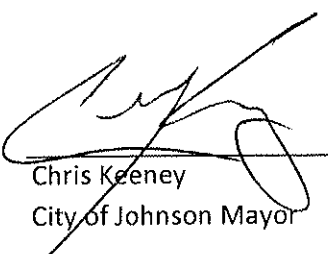
RE: Rezoning along Van Asche corridor

The City of Johnson has recently become aware that lands located in the City of Fayetteville are going through a rezone process. This land is subject to State Law for adjacent properties located in cities to be compatible (see attachment), since it is within 1000' of the city limits. The City of Johnson currently has zoned industrial properties adjacent to the lands located in Fayetteville on both the east and west ends of the Van Asche corridor. (see attached zoning map).

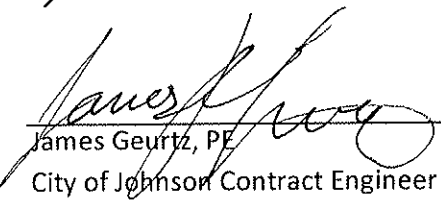
The City of Johnson has reviewed the rezone applications and Fayetteville's staff letter and is in agreement with the proposed zoning changes submitted to the City of Fayetteville for these lands. The proposed commercial districts would provide a buffer to the City of Johnson's current Industrial zones.

The City of Johnson feels that the inclusion of residential uses would be incompatible with the existing Industrial zones located in Johnson. Per the state code, uses need to be compatible across city limits. Residential sitting across from Industrial does not seem to be compatible.

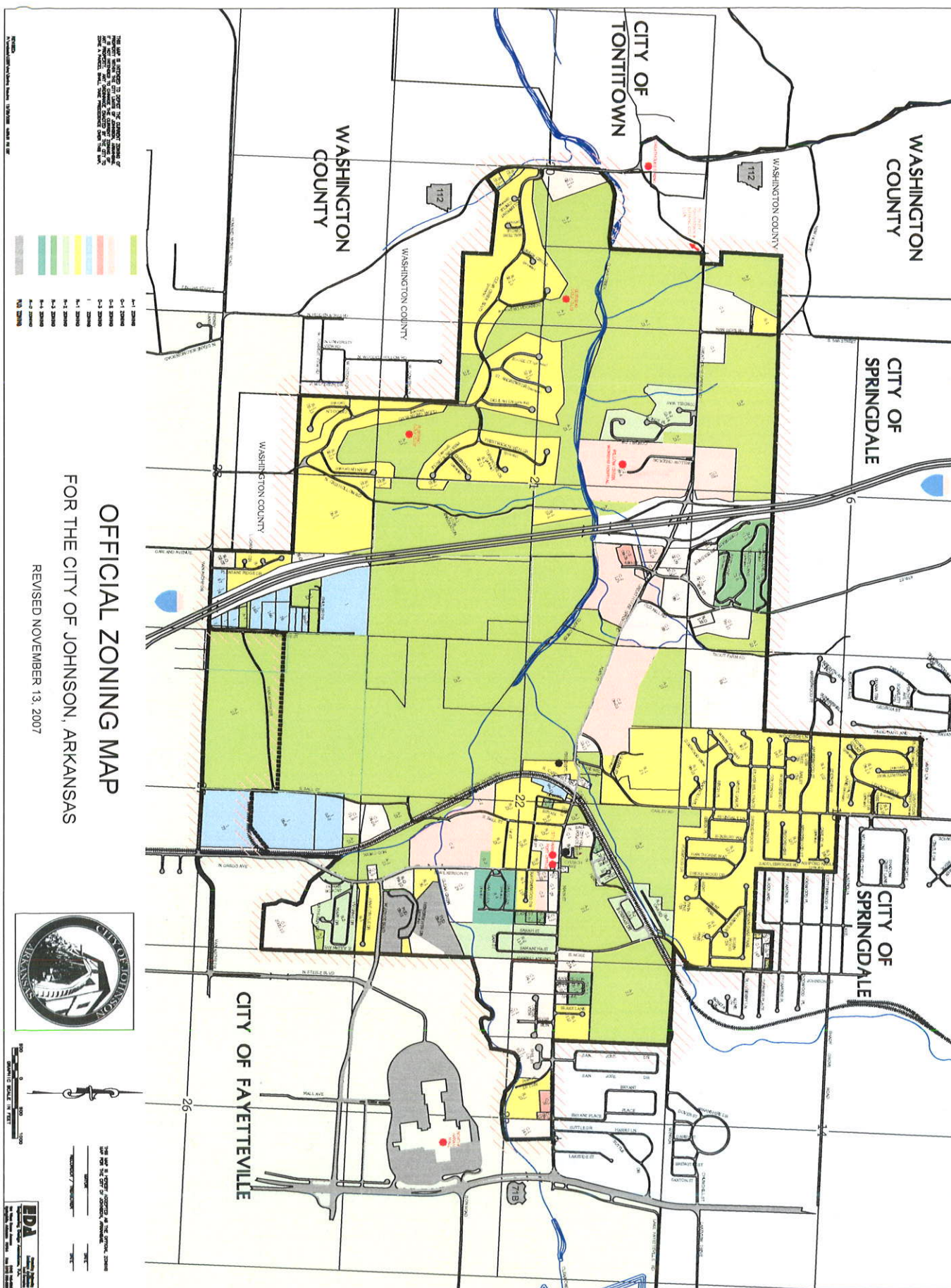
Thank you,



Chris Keeney
City of Johnson Mayor



James Geurtz, PE
City of Johnson Contract Engineer



Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: 11/3/20/01

A Bill

Act 1198 of 2001
SENATE BILL 173

5 By: Senator Bisbee
6 By: *Representatives Holt, Verkamp*
7

For An Act To Be Entitled

8
9
10 AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE
11 TITLE 14, CHAPTER 56, SUBCHAPTER 3, TO REGULATE
12 THE USE OF LANDS IN CITIES THAT BECOME ADJACENT
13 AND CONTIGUOUS TO ONE ANOTHER TO REQUIRE THAT
14 LAND USES WITHIN THE BOUNDARY AREAS OF EACH CITY
15 ARE COMPATIBLE; AND FOR OTHER PURPOSES.
16

Subtitle

17
18 TO REGULATE THE USE OF LANDS IN CITIES
19 THAT BECOME ADJACENT AND CONTIGUOUS TO
20 ONE ANOTHER TO REQUIRE THAT LAND USES
21 WITHIN THE BOUNDARY AREAS ARE
22 COMPATIBLE.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code Title 14, Chapter 56, Subchapter 3 is amended
28 to add an additional section to read as follows:

29 14-56-306. Land use in adjacent and contiguous cities to be compatible.

30 (a) If municipalities become adjacent and contiguous to one another
31 through annexation or other procedures, then lands or properties within the
32 boundary area of each municipality shall only be zoned for land uses which are
33 compatible with the zoned land uses of the adjoining lands or properties, even
34 if the adjoining lands or properties are located outside the corporate limits
35 or are located within the corporate limits of another municipality.

36 (b) Adjoining lands within the boundary area shall remain zoned with a

As Engrossed: H3/20/01

SB173

1 compatible land use until the governing body of each municipality which is
2 adjacent and contiguous to the boundary area adopts a resolution agreeing to a
3 change in the zoning of the lands or properties that adjoin one another and
4 stating that the re-zoning to a land use which is not compatible will not
5 adversely impact the adjoined land or property.

6 (c) As used in this section, unless the context otherwise
7 requires:

8 (1) "Adjacent and contiguous" means any time the corporate limits
9 of one municipality come in contact with the boundaries of the corporate
10 limits of another municipality or if the boundaries of one municipality extend
11 to within one thousand (1,000) feet of the corporate limits of another
12 municipality;

13 (2) "Boundary area" means the area of land along the municipal
14 boundary that is:

15 (A) Inside the municipality and within one thousand (1,000)
16 feet of the municipality's corporate boundary that is adjacent and contiguous
17 to another municipality; and

18 (B) Outside the municipality, but within the planning and
19 zoning jurisdiction of the municipality and also within one thousand (1,000)
20 feet of the municipality's corporate boundary that is adjacent and contiguous
21 to another municipality;

22 (3) "Compatible land use" means any use of lands, buildings, and
23 structures which is harmonious to the uses and activities being conducted on
24 the adjoining lands and properties and which does not adversely affect or
25 unreasonably impact any use or enjoyment of the adjoined land. A compatible
26 land use includes a land use authorized by the municipal zoning ordinance for
27 the zone that is the equivalent to, or that is as nearly equivalent as
28 possible, to a land use authorized by the municipal zoning ordinance; and

29 (4) "Municipality" means a city of the first or second class or
30 an incorporated town.

31 (d) This section shall apply to municipalities with planning
32 commissions and zoning ordinances authorized under §§ 14-56-401 - 14-56-425
33 and shall apply to any other municipal zoning regulations authorized by
34 Arkansas law.

35 (f) Notwithstanding anything contained in subsections (a) through (e)
36 of this section, this section shall not apply to any property if the owners of

As Engrossed: H3/20/01

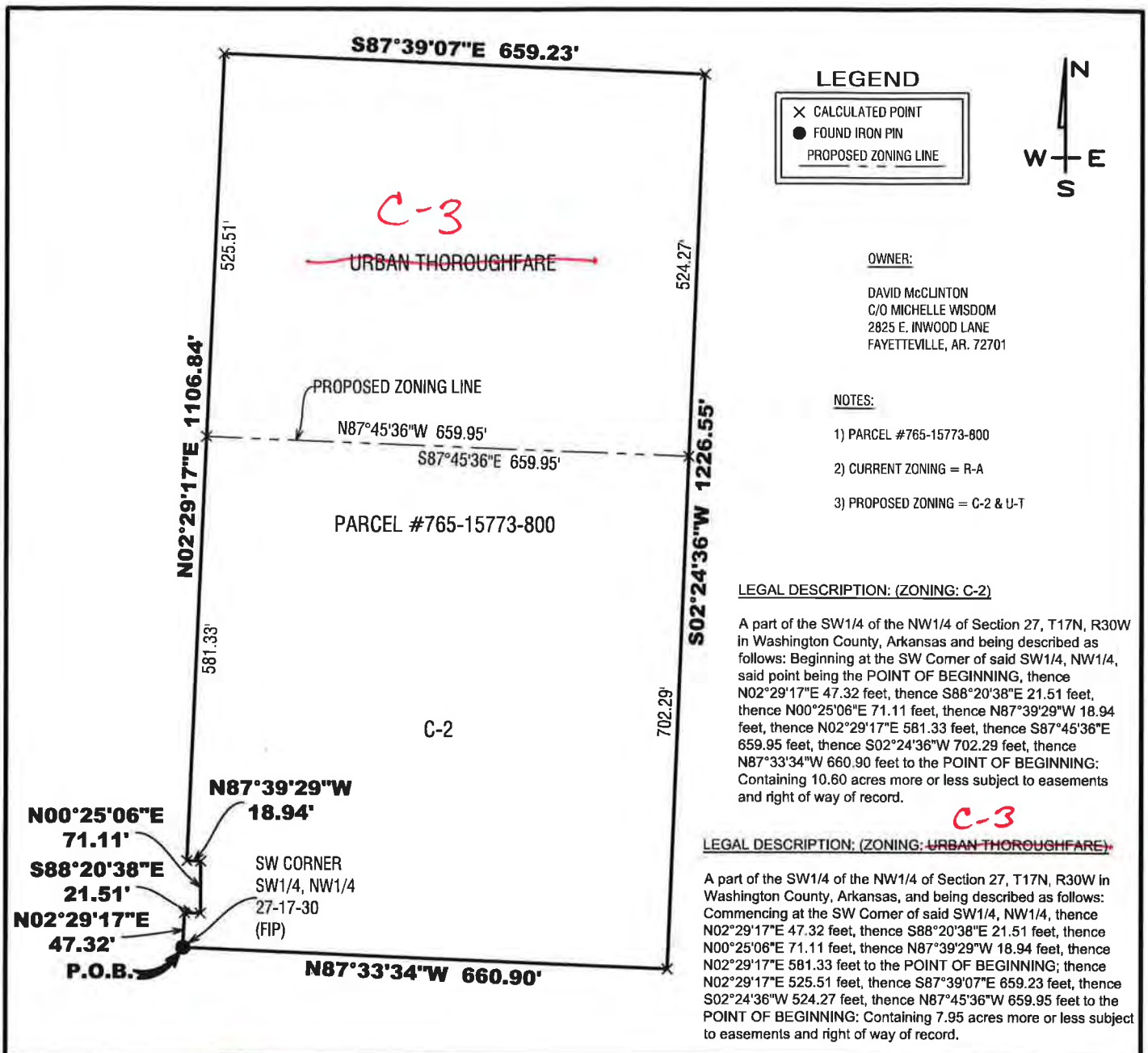
SB173

1 the property have sought to have services extended to the property pursuant to
2 § 14-40-2002 prior to the effective date of this section.

3
4 SECTION 2. Emergency Clause. It is found and determined by the Eighty-
5 third General Assembly of the State of Arkansas that Act 779 of 1999 created
6 many situations whereby municipal boundary areas were changed rapidly and the
7 proper coordination of land use regulations between municipal jurisdictions is
8 nearly impossible; that urban areas of northwest Arkansas are developing
9 rapidly and creating conflicts between the land uses in different
10 municipalities growing into one another; that situations where zoning
11 regulations create incompatible land uses are a hardship on property owners in
12 these boundary areas; and that this act should have immediate effect to
13 prevent any further undue burden on those landowners. Therefore an emergency
14 is declared to exist and this act being immediately necessary for the
15 preservation of the public peace, health and safety shall become effective on
16 the date of its approval by the Governor. If the bill is neither approved nor
17 vetoed by the Governor, it shall become effective on the expiration of the
18 period of time during which the Governor may veto the bill. If the bill is
19 vetoed by the Governor and the veto is overridden, it shall become effective
20 on the date the last house overrides the veto.

21 /s/ Bisbee, et al.

22
23
24 APPROVED: 3/30/2001
25
26
27
28
29
30
31
32
33
34
35
36



**JORGENSEN
+ ASSOCIATES**
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=200'

DATE REVISED

CHECKED BY:

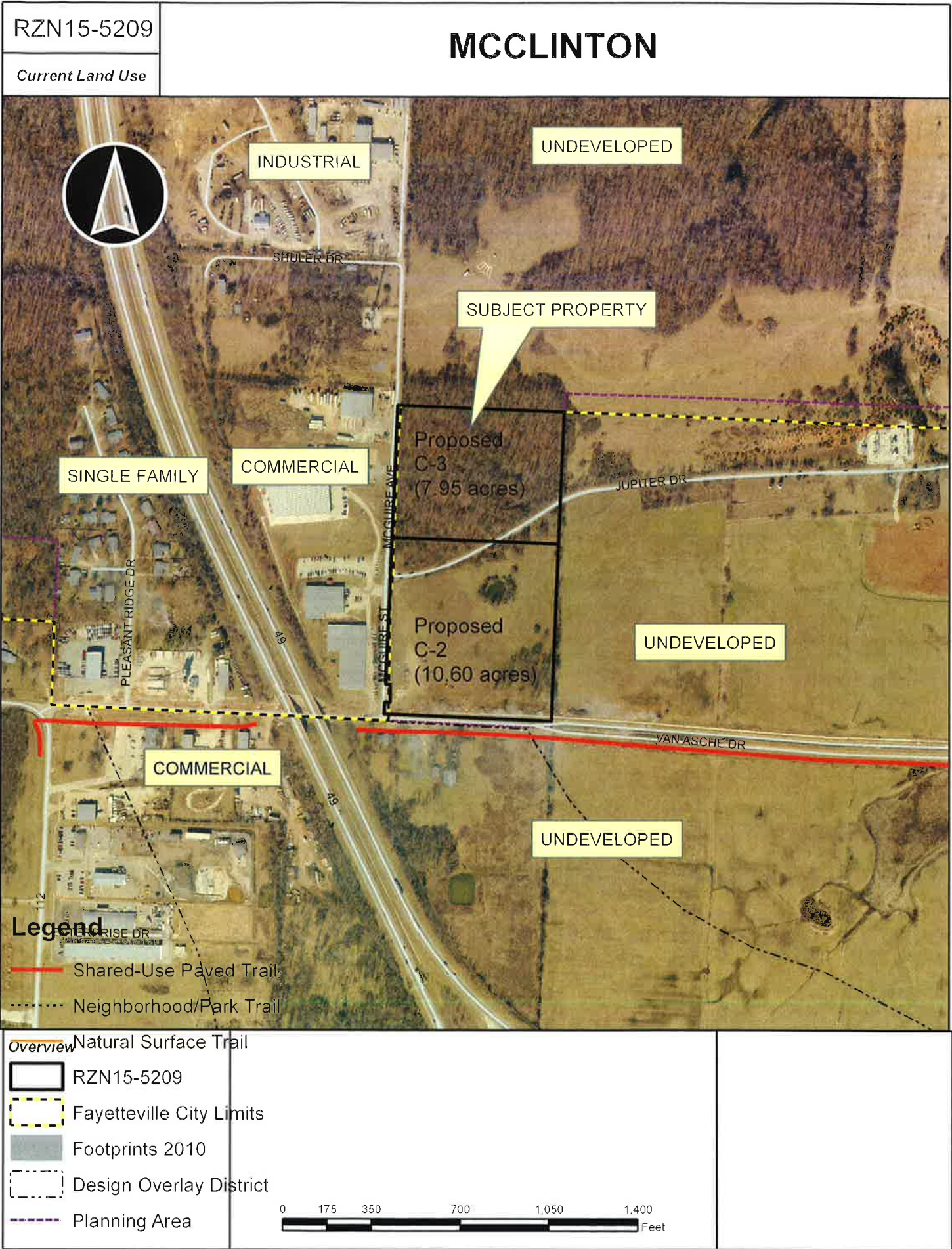
DRAWN BY: BJR

DATE: 21SEPTEMBER15

DLJ

Z:\LSD\2013112\McCLINTON REZONE

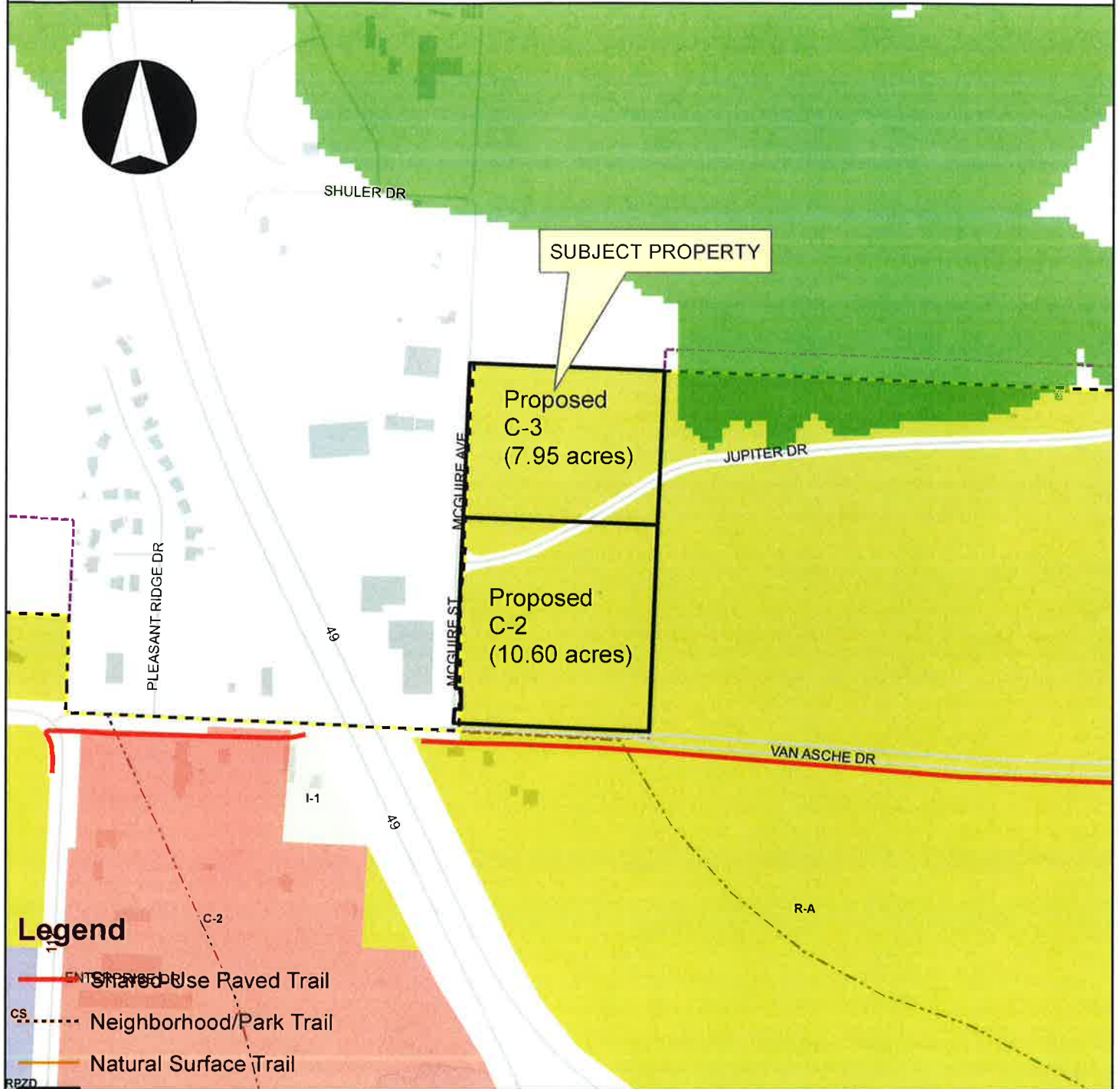
McCLINTON REZONING EXHIBIT "A"



RZN15-5209

MCCLINTON

Close Up View

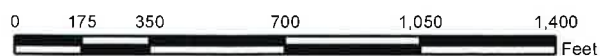


Legend

- Shared Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

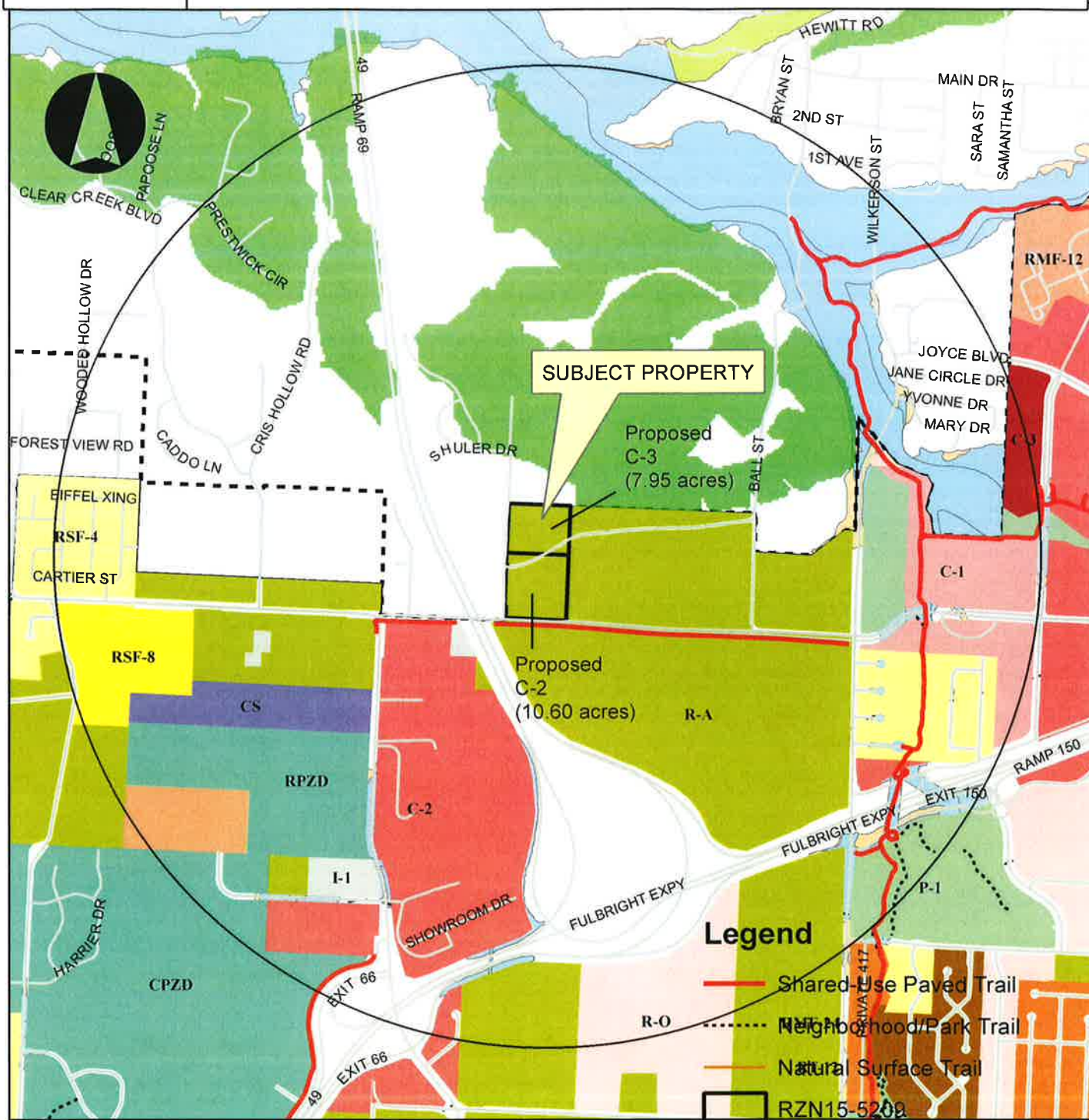
- Hillside-Hilltop Overlay District
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area



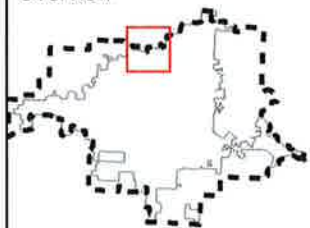
RZN15-5209

MCCLINTON

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

Agenda Session 11-24-15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, November 24, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

*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 2014-0516

APPROVAL OF THE NOVEMBER 3, 2015 CITY COUNCIL MEETING MINUTES.

~~A. 2~~ 2015-0524

BALL PLAZA HOLDINGS, LLC:

A RESOLUTION TO APPROVE A TWO YEAR SUBLEASE AGREEMENT WITH BALL PLAZA HOLDINGS, LLC FOR TEN PARKING SPACES LOCATED IN OFF-STREET PARKING DEVELOPMENT DISTRICT LOT 7 FOR THE PURPOSE OF CONVERTING THE SPACES FROM METERED PARKING TO FREE TWO HOUR PUBLIC PARKING AT A MONTHLY COST OF \$35.00 PER SPACE

Attachments:

Ball Plaza Holdings, LLC

OSPDD Executed Amendment #1

~~A. 3~~ 2015-0520

CH2M HILL ENGINEERS, INC. AMENDMENT NO. 7:

A RESOLUTION TO APPROVE AMENDMENT NO. 7 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$7,872,234.00 FOR SERVICES IN 2016

Attachments:

CH2M 2016 Contract - Agenda Packet

✓ A. 4 2015-0530

**INTERNET CRIMES AGAINST CHILDREN TASK FORCE
PROGRAM SUB-GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUB-GRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$9,374.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP - 2015 ICAC Award

BA - 2015 ICAC Award

✓ A. 5 2015-0538

GARVER, LLC TASK ORDER NO. 5:

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$45,500.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TAXIWAY LIGHTING REHABILITATION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

SRP-2016 Drake Field Taxiway Lighting Rehab

BA- Garver Consulting

✓ A. 6 2015-0526

BID NO. 15-62 PERMATRAK NORTH AMERICA:

A RESOLUTION TO AWARD BID NO. 15-62 AND AUTHORIZE A CONTRACT WITH PERMATRAK NORTH AMERICA, LLC OF CHARLOTTE, NORTH CAROLINA FOR THE PURCHASE OF A PREFABRICATED CONCRETE BOARDWALK SYSTEM IN THE AMOUNT OF \$311,678.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE CLABBER CREEK TRAIL BETWEEN RUPPLE ROAD AND SALEM ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,167.00

Attachments:

2015-0526 - Clabber Creek Trail Boardwalk

✓A. 7

2015-0539**RANGER'S PANTRY DONATIONS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,244.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS

Attachments:SRF-SRM PI and RP RecognitionBA-PI and RP Recognition 12.1.15

✓A. 8

2015-0536**BSN SPORTS:**

A RESOLUTION TO APPROVE THE PURCHASE OF THIRTY-TWO (32) PAIRS OF SOCCER GOALS FOR THE REGIONAL PARK FROM BSN SPORTS OF DALLAS, TEXAS IN THE AMOUNT OF \$85,623.00, PURSUANT TO A U.S. COMMUNITIES NATIONAL COOPERATIVE PURCHASING PROGRAM CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Soccer Goals - Legistar PacketBA (Agenda Item) 2015 PARKS REGIONAL PARK SOCCER GOALS 11-12-15

✓A. 9

2015-0537**WALKER PARK NEW DISC GOLF COURSE - WAXHAWS DISC GOLF:**

A RESOLUTION TO NAME THE NEW DISC GOLF COURSE AT WALKER PARK THE WAXHAWS DISC GOLF COURSE IN HONOR OF THE HISTORIC ARCHIBALD YELL HOMESTEAD

Attachments:Waxhaws - Legistar Packet**B. Unfinished Business:**

✓ **B. 1**2015-0469**AMEND CHAPTER 97 PARKS AND RECREATION:**

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:Exhibit A - Proposed Chapter 97Legistar Packet - Chapter 97

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

✓ **B. 2**2015-0463**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS
AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:CC packet - Bicycle Ordinance AmendmentsBicycle Ordinance Package CC Memo - Amendment Package w out Map

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

C. New Business:✓ **C. 1**2015-0543**LIB HORN ANIMAL SHELTER OF FAYETTEVILLE:**

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments:Agenda Packet Rename Animal Shelter

~~LC. 2~~ 2015-0522

YOUTH CENTER, INC.:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2016

Attachments: B&G Club - Legistar Packet

✓ ~~C. 3~~ 2015-0535

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS:

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$101,205.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2016

Attachments: AAA - Legistar Packet

✓ ~~C. 4~~ 2015-0531

AMBULANCE SERVICES INTERLOCAL AGREEMENT:

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES BY AND WITH THE CITY OF FAYETTEVILLE, THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, WASHINGTON COUNTY, ELKINS, ELM SPRINGS, FARMINGTON, GOSHEN, GREENLAND, JOHNSON, LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, AND WINSLOW, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

Attachments: SRF SRM Interlocal Agreement

✓ C. 5

2015-0533**RZN 15-5223: (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5223 FOR APPROXIMATELY 2.53 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MARTIN LUTHER KING BOULEVARD AND SOUTH STADIUM DRIVE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments:15-5223 CC EXHIBITS15-5223 CC DOCUMENTS

✓ C. 6

2015-0544**RZN 15-5214: (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5214 FOR APPROXIMATELY 186.65 ACRES LOCATED WEST OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:15-5214 EX A15-5214 EX B15-5214 CC reportsRZN 15-5214 City Attorney Memo

✓ C. 7

2015-0545**RZN 15-5209: (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON) APPEAL:**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5209 FOR APPROXIMATELY 18.34 ACRES LOCATED AT THE NORTHEAST CORNER OF MCGUIRE STREET AND VAN ASCHE DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO C-2, THOROUGHFARE COMMERCIAL AND C-3, CENTRAL COMMERCIAL

Attachments:15-5209 EX A15-5209 EX B15-5209 CC reports

D. City Council Agenda Session Presentations:**D. 1 2015-0519**

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT
QUARTERLY REPORT

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 479-575-8330.

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

Pre Agenda Session 11/18/15

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, November 24, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

*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:

AV1 2014-0516

APPROVAL OF THE NOVEMBER 3, 2015 AND ~~NOVEMBER 17~~, 2015
CITY COUNCIL MEETING MINUTES. *Remove*

AV2 2015-0524

BALL PLAZA HOLDINGS, LLC:

A RESOLUTION TO APPROVE A TWO YEAR SUBLEASE AGREEMENT WITH BALL PLAZA HOLDINGS, LLC FOR TEN PARKING SPACES LOCATED IN OFF-STREET PARKING DEVELOPMENT DISTRICT LOT 7 FOR THE PURPOSE OF CONVERTING THE SPACES FROM METERED PARKING TO FREE TWO HOUR PUBLIC PARKING AT A MONTHLY COST OF \$35.00 PER SPACE

Attachments:

Ball Plaza Holdings, LLC

OSPDD Executed Amendment #1

A/3

2015-0520**CH2M HILL ENGINEERS, INC. AMENDMENT NO. 7:**

A RESOLUTION TO APPROVE AMENDMENT NO. 7 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$7,872,234.00 FOR SERVICES IN 2016, ~~CONTINGENT ON APPROVAL OF THE 2016 ANNUAL CITY BUDGET AND WORK PROGRAM~~

Attachments:CH2M 2016 Contract - Agenda Packet

A/4

2015-0530**INTERNET CRIMES AGAINST CHILDREN TASK FORCE
PROGRAM SUB-GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUB-GRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$9,374.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP - 2015 ICAC AwardBA - 2015 ICAC Award

A/5

2015-0538**GARVER, LLC TASK ORDER NO. 5:**

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$45,500.00 FOR BID PACKAGE DEVELOPMENT, BIDDING SERVICES, CONSTRUCTION PHASE SERVICES, AND CLOSEOUT SERVICES ASSOCIATED WITH THE AIRPORT TAXIWAY LIGHTING REHABILITATION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRP-2016 Drake Field Taxiway Lighting RehabBA- Garver Consulting

A/6

2015-0526

BID NO. 15-62 PERMATRAK NORTH AMERICA:

A RESOLUTION TO AWARD BID NO. 15-62 AND AUTHORIZE A CONTRACT WITH PERMATRAK NORTH AMERICA, LLC OF CHARLOTTE, NORTH CAROLINA FOR THE PURCHASE OF A PREFABRICATED CONCRETE BOARDWALK SYSTEM IN THE AMOUNT OF \$311,678.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE CLABBER CREEK TRAIL BETWEEN RUPPLE ROAD AND SALEM ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,167.00

Attachments:

2015-0526 - Clabber Creek Trail Boardwalk

A/7

2015-0539

RANGER'S PANTRY DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$2,244.00 REPRESENTING DONATIONS TO RANGER'S PANTRY AND COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME RECEIVED FROM HOUSING LIEN PAYOFFS

Attachments:

SRF-SRM PI and RP Recognition

BA-PI and RP Recognition 12.1.15

A/8

2015-0536

BSN SPORTS:

A RESOLUTION TO APPROVE THE PURCHASE OF THIRTY-TWO (32) PAIRS OF SOCCER GOALS FOR THE REGIONAL PARK FROM BSN SPORTS OF DALLAS, TEXAS IN THE AMOUNT OF \$85,623.00, PURSUANT TO A U.S. COMMUNITIES NATIONAL COOPERATIVE PURCHASING PROGRAM CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

Soccer Goals - Legistar Packet

BA (Agenda Item) 2015 PARKS REGIONAL PARK SOCCER GOALS 11-12-15

AV9

2015-0537**WALKER PARK NEW DISC GOLF COURSE - WAXHAWS DISC GOLF:**

A RESOLUTION TO NAME THE NEW DISC GOLF COURSE AT WALKER PARK THE WAXHAWS DISC GOLF COURSE IN HONOR OF THE HISTORIC ARCHIBALD YELL HOMESTEAD

Attachments:Waxhaws - Legistar Packet**B. Unfinished Business:**

B.1

2015-0469**AMEND CHAPTER 97 PARKS AND RECREATION:**

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:Exhibit A - Proposed Chapter 97Legistar Packet - Chapter 97

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

B.2

2015-0463**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:CC packet - Bicycle Ordinance AmendmentsBicycle Ordinance Package CC Memo - Amendment Package w out Map

At the November 17, 2015 City Council meeting, this ordinance was left on the first reading.

C. New Business:**Q1** **2015-0543****LIB HORN ANIMAL SHELTER OF FAYETTEVILLE:**

A RESOLUTION TO RENAME THE FAYETTEVILLE ANIMAL SHELTER THE LIB HORN ANIMAL SHELTER OF FAYETTEVILLE

Attachments:

Agenda Packet Rename Animal Shelter

Q2 **2015-0522****YOUTH CENTER, INC.:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2016 ~~CONTINGENT UPON APPROVAL OF THE 2016 CITY BUDGET~~

Attachments:

B&G Club - Legistar Packet

C.3 **2015-0535****AREA AGENCY ON AGING OF NORTHWEST ARKANSAS:**

AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$101,205.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2016, ~~CONTINGENT ON APPROVAL OF THE 2016 ANNUAL CITY BUDGET AND WORK PROGRAM~~

Attachments:

AAA - Legistar Packet

C. 4

2015-0533**RZN 15-5223: (SE CORNER OF W. MLK BLVD. & S. STADIUM DR./STADIUM & RAILROAD, LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5223 FOR APPROXIMATELY 2.53 ACRES LOCATED AT THE SOUTHEAST CORNER OF WEST MARTIN LUTHER KING BOULEVARD AND SOUTH STADIUM DRIVE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Attachments:15-5223 CC EXHIBITS15-5223 CC DOCUMENTS

C. 5

2015-0531**AMBULANCE SERVICES INTERLOCAL AGREEMENT:**

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION AND EXPANSION OF AMBULANCE SERVICES BY AND WITH THE CITY OF FAYETTEVILLE, THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, WASHINGTON COUNTY, ELKINS, ELM SPRINGS, FARMINGTON, GOSHEN, GREENLAND, JOHNSON, LINCOLN, PRAIRIE GROVE, TONTITOWN, WEST FORK, AND WINSLOW, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES, ~~CONTINGENT ON APPROVAL OF THE 2016 ANNUAL CITY BUDGET AND WORK PROGRAM~~

Attachments:SRF SRM Interlocal Agreement

C. 6

2015-0544**PLACEHOLDER RZN 15-5214: (WEST OF N. GREGG AVE. & W. VAN ASCHE DR./WG LAND COMPANY) APPEAL:**Attachments:

15-5214 EX A

15-5214 EX B

15-5214 CC reports

C. 7

2015-0545**PLACEHOLDER RZN 15-5209: (NE CORNER OF MCGUIRE ST. & VAN ASCHE DR./MCCLINTON) APPEAL:****D. City Council Agenda Session Presentations:**

D. 1 2015-0519

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT
QUARTERLY REPORT

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 479-575-8330.

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

