

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
April 5, 2016**

A meeting of the Fayetteville City Council was held on April 5, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports, and Discussion Items

Agenda Additions

A. Consent:

1. Approval of the March 15, 2016 City Council Meeting Minutes.

Approved

2. **BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:** A resolution to award bid #16-20 to Lift Truck Service Center, Inc. and authorize the purchase of a 2016 Nissan Platinum II Series forklift in the amount of \$44,608.00 for use by the Recycling and Trash Collection Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-16

3. **BID #16-21 PIG TRAIL HARLEY DAVIDSON:** A resolution to award bid #16-21 to Pig Trail Harley Davidson of Rogers, Arkansas and authorize the purchase of a 2016 Harley Davidson FLHTP Motorcycle in the amount of \$24,459.88 for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-16

4. **UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:** A resolution to approve a cost share agreement with the University of Arkansas for a water main upgrade along portions of Maple Street and Oliver Avenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-16

5. **ARKANSAS FORESTRY COMMISSION GRANT:** A resolution to authorize acceptance of a 50/50 matching grant from the Arkansas Forestry Commission in the amount of \$14,105.00 for the planting of native species in the medians of Garland Avenue and College Avenue, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-16

6. **ARKANSAS RECREATIONAL TRAILS GRANT:** A resolution to approve an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Recreational Trails Grant in the amount of \$56,000.00 for the construction of a Nature Trail Boardwalk at Lake Fayetteville, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 73-16

7. **SWEETSER CONSTRUCTION, INC.:** A resolution to authorize a contract with Sweetser Construction, Inc. in the amount of \$2,537,900.00 for the construction of the Ruppel Road widening project from Persimmon Street to Congressional Road, and to approve a project contingency in the amount of \$250,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 74-16

8. **FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:** A resolution to approve an extension of up to three (3)

months to the contract with the Fayetteville Chamber of Commerce for Economic Development Consulting Services in an amount not to exceed \$41,250.00, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 75-16

B. Unfinished Business:

- 1 AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:** An ordinance to amend § 72.58 Off-Street Parking Facilities; Rules and Rates (m) to limit the Mayor's authority to assign any city owned paid parking lots or on-street paid parking spaces within the entertainment district or the closure of city streets for the use of a permitted special event to not more than two (2) days per year without express approval of the City Council.

THIS ORDINANCE WAS TABLED TO THE MAY 17, 2016 CITY COUNCIL MEETING

C. New Business:

- 1. TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:** An ordinance to vacate portions of a tree preservation area to facilitate development, to preserve the best quality, most significant trees and to dedicate a larger tree preservation.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5861

- 2. WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL:** A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$2,000,000.00 matching grant for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park, to approve the grant agreement and to approve a budget adjustment to recognize this \$2,000,000.00 grant.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 76-16

- 3. INTERNAL AUDIT DIVISION CHARTER:** An ordinance to amend Chapter 33 of The Fayetteville Code to renumber the sections of Article XXV Audit Committee and Internal Auditor and Reserve Sections 33.365 through 33.369 and 33.375 through 33.379 for future use, and to approve an amendment to the Internal Audit Division Charter

reducing the number of required annual meetings from four to three to be consistent with the requirements of the City Code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5862

4. **VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM):** An ordinance to approve VAC 16-5324 submitted by Jorgensen and Associates, Inc. for property located at the Northeast corner of Drake and McConnell to vacate portions of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5863

5. **VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):** An ordinance to approve VAC 16-5323 submitted by Crafton Tull, Inc. for property located at 4030 North College Avenue to vacate a portion of a utility easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5864

6. **VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):** An ordinance to approve VAC 16-5322 submitted by Crafton Tull, Inc. for property located at 2011 West Foxglove Drive to vacate portions of access and utility easements.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 5865

7. **ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):** An ordinance to amend the definition of accessory dwelling unit in § 151.01 and to amend portions of § 164.19 Accessory Dwelling Units to remove lot size requirements, increase the allowed size from 600 square feet to 950 square feet and make other changes.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5866

8. **AMEND THE RULES OF ORDER AND PROCEDURE:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. 7. d. to authorize the City Council to allow a representative of the public opposing the ordinance or resolution to use an electronic visual aid presentation on the issue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 77-16

Announcements

City Council Agenda Session Presentations:

1. Agenda Session Presentation update on construction efforts at Regional Park.

2. Tour of the renovated City Council Chambers and review with the City Council the new Vote Cast System & Presentation Technology.

City Council Tour: None

Adjournment: 6:28 p.m.

per vote cast

City Council Meeting:

April 5, 2016

Adjourn:

6:28 pm

Subject:	ROLL				
Matthew Petty arrived 6:05	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan	✓			

Subject:	ADVERTISING AND PROMOTION COMMISSION APPOINTMENT				
Motion To:		Approve			
Motion By:		Kinion			
Seconded:		Marsh			
Passed	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	N			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

7-1

Subject:	CONSENT				
Motion To:					
Motion By:		<i>Approve</i> <i>Tennant</i>			
Seconded:		<i>Marsh</i>			
A.1 - 8 <i>Minutes</i> <i>Approved</i> <i>passed</i> <i>69-16</i> <i>thru</i> <i>75-16</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

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

Subject:	AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES				
Motion To:		<i>Table to May 17, 2016</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>La Tour</i>			
B. 1 Unfinished Business <i>Tabled to May 17, 2016</i>	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Mayor Jordan				

8-0

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

per recording

Subject:		TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS			
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Petty	Petty / Tennant		
Seconded:		Marsh	Gray		
C. 1 New Business passed 5/8/16	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL			
Motion To:		Approve			
Motion By:		Tennant			
Seconded:		Kinion			
C. 2 New Business passed 7/6-16	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	recuse			
	Kinion	✓			
	Mayor Jordan				
		7-0			

Subject:		INTERNAL AUDIT DIVISION CHARTER <i>Math Search (check)</i>			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:			<i>Petty</i>	<i>Schoppmeyer</i>	
Seconded:			<i>Marsh</i>	<i>LaTour</i>	
C. 3 New Business <i>passed</i> <i>5862</i>	Petty		✓	✓	✓
	Tennant		✓	✓	✓
	Schoppmeyer		✓	✓	✓
	La Tour		✓	✓	✓
	Long		✓	✓	✓
	Gray		✓	✓	✓
	Marsh		✓	✓	✓
	Kinion		✓	✓	✓
	Mayor Jordan				

8-0

8-0

per recording 8-0

Subject:		VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM) <i>big item look again</i>			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:			<i>Tennant</i>	<i>Marsh</i>	
Seconded:			<i>Long</i>	<i>Gray</i>	
C. 4 New Business <i>passed</i> <i>5863</i>	Petty		✓	✓	✓
	Tennant		✓	✓	✓
	Schoppmeyer		✓	✓	✓
	La Tour		✓	✓	✓
	Long		✓	✓	✓
	Gray		✓	✓	✓
	Marsh		✓	✓	✓
	Kinion		✓	✓	✓
	Mayor Jordan				

8-0

8-0

8-0

per recording

Subject:	VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER)				
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Petty	Petty		
Seconded:		Tennant	Tennant		
C. 5 New Business passed 5864	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

80

80

80

Subject:	VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON)				
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Petty ✓	Petty ✓		
Seconded:		Long ✓	Gray ✓		
C. 6 New Business passed 5865	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Mayor Jordan				

80

80

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Subject:		ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS)			
Motion To:		2 nd Read	3 rd Read	Table to May 3 rd	Approve
Motion By:		Petty ✓	Petty ✓	Long ✓	
Seconded:		Marsh ✓	Marsh ✓	Tennant ✓	
C. 7 New Business passed 58-46	Petty	✓	✓	N	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	La Tour	✓	✓	N	✓
	Long	✓	✓	✓	N
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	N	✓
	Kinion	✓	✓	N	✓
	Mayor Jordan			—	

8-0

8-0

4-4 failed

7-1

Subject:		AMEND THE RULES OF ORDER AND PROCEDURE			
Motion To:		Amend to limit presentations to 5 mins for audience	Table for 2 wks	Approve	
Motion By:		Long ✓	Marsh ✓	Long ✓	
Seconded:		Petty ✓	Kinion ✓	Petty ✓	
C. 8 New Business passed 77-16	Petty	✓	✓	✓	
	Tennant	✓	N		
	Schoppmeyer	✓	N	✓	
	La Tour	✓	N	✓	
	Long	✓	N	✓	
	Gray	✓	N	✓	
	Marsh	✓	✓	N	
	Kinion	✓	✓	N	
	Mayor Jordan				

8-0

3-5 failed



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: April 6, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 6, 2016

1. A resolution to award bid #16-20 to Lift Truck Service Center, Inc. and authorize the purchase of a 2016 Nissan Platinum II series forklift in the amount of \$44,608.00 for use by the Recycling and Trash Collection Division.
2. A resolution to award bid #16-21 to Pig Trail Harley Davidson of Rogers, Arkansas and authorize the purchase of a 2016 Harley Davidson FLHTP motorcycle in the amount of \$24,459.88 for use by the Police Department.
3. A resolution to approve a cost share agreement with the University Of Arkansas for a water main upgrade along portions of Maple Street and Oliver Avenue.
4. A resolution to authorize acceptance of a 50/50 matching grant from the Arkansas Forestry Commission in the amount of \$14,105.00 for the planting of native species in the medians of Garland Avenue and College Avenue, and to approve a budget adjustment.
5. A resolution to approve an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Recreational Trails Grant in the amount of \$56,000.00 for the construction of a nature trail boardwalk at Lake Fayetteville, and to approve a budget adjustment.
6. A resolution to authorize a contract with Sweetser Construction, Inc. in the amount of \$2,537,900.00 for the construction of the Ruppel Road widening project from Persimmon Street to Congressional Road, and to approve a project contingency in the amount of \$250,000.00.

7. A resolution to approve an extension of up to three (3) months to the contract with the Fayetteville Chamber Of Commerce for Economic Development Consulting Services in an amount not to exceed \$41,250.00, and to approve a budget adjustment.
8. An ordinance to vacate portions of a tree preservation area to facilitate development, to preserve the best quality, most significant trees and to dedicate a larger tree preservation area.
9. A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$2,000,000.00 matching grant for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park, to approve the Grant Agreement and to approve a budget adjustment to recognize this \$2,000,000.00 grant.
10. An ordinance to amend Chapter 33 of the Fayetteville Code to renumber the sections of Article XXV Audit Committee and Internal Auditor and Reserve Sections 33.365 through 33.369 and 33.375 through 33.379 for future use, and to approve an amendment to the Internal Audit Division charter reducing the number of required annual meetings from four to three to be consistent with the requirements of the City Code.
11. An ordinance to approve VAC 16-5324 submitted by Jorgensen and Associates, Inc. for property located at the northeast corner of Drake and Mcconnell to vacate portions of a utility easement.
12. An ordinance to approve VAC 16-5323 submitted by Crafton Tull, Inc. for property located at 4030 North College Avenue to vacate a portion of a utility easement.
13. An ordinance to approve VAC 16-5322 submitted by Crafton Tull, Inc. for property located at 2011 West Foxglove Drive to vacate portions of access and utility easements.
14. An ordinance to amend the definition of accessory dwelling unit in § 151.01 and to amend portions of § 164.19 Accessory Dwelling Units to remove lot size requirements, increase the allowed size from 600 square feet to 950 square feet and make other changes.
15. A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. 7. d. to authorize the City Council to allow a representative of the public opposing the ordinance or resolution to use an electronic visual aid presentation on the issue.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, April 5, 2016

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:****1. [2016-0158](#)****ADVERTISING AND PROMOTION COMMISSION
APPOINTMENT:****Attachments:**[Tim Freeman A&P Appointment](#)**Agenda Additions:****A. Consent:****A. 1 [2015-0644](#)**

APPROVAL OF THE MARCH 15, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0127](#)**BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:**

A RESOLUTION TO AWARD BID #16-20 TO LIFT TRUCK SERVICE CENTER, INC. AND AUTHORIZE THE PURCHASE OF A 2016 NISSAN PLATINUM II SERIES FORKLIFT IN THE AMOUNT OF \$44,608.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments:[Bid #16-20 Lift Truck Service Center, Inc.](#)**A. 3 [2016-0126](#)****BID #16-21 PIG TRAIL HARLEY DAVIDSON:**

A RESOLUTION TO AWARD BID #16-21 TO PIG TRAIL HARLEY DAVIDSON OF ROGERS, ARKANSAS AND AUTHORIZE THE PURCHASE OF A 2016 HARLEY DAVIDSON FLHTP MOTORCYCLE IN THE AMOUNT OF \$24,459.88 FOR USE BY THE POLICE DEPARTMENT

Attachments:[Bid #16-21 Pig Trail Harley Davidson](#)

A. 4 [2016-0148](#)**UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR A WATER MAIN UPGRADE ALONG PORTIONS OF MAPLE STREET AND OLIVER AVENUE

Attachments:

[University of Arkansas Cost Share Agreement](#)

A. 5 [2016-0129](#)**ARKANSAS FORESTRY COMMISSION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS FORESTRY COMMISSION IN THE AMOUNT OF \$14,105.00 FOR THE PLANTING OF NATIVE SPECIES IN THE MEDIANS OF GARLAND AVENUE AND COLLEGE AVENUE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Arkansas Forestry Commission Grant](#)

[BA \(Agenda Item\) - UCF Median Tree Planting grant 3-11-16 \(002\)](#)

A. 6 [2016-0132](#)**ARKANSAS RECREATIONAL TRAILS GRANT:**

A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN 80/20 ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$56,000.00 FOR THE CONSTRUCTION OF A NATURE TRAIL BOARDWALK AT LAKE FAYETTEVILLE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Arkansas Recreational Trails Grant](#)

[BA \(Agenda Item\) - Federal Highway Admin boardwalk grant 3-11-16](#)

A. 7 [2016-0146](#)**SWEETSER CONSTRUCTION, INC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$2,537,900.00 FOR THE CONSTRUCTION OF THE RUPPLE ROAD WIDENING PROJECT FROM PERSIMMON STREET TO CONGRESSIONAL ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$250,000.00

Attachments:

[Sweetser Construction, Inc](#)

A. 8 [2016-0137](#)**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:**

A RESOLUTION TO APPROVE AN EXTENSION OF UP TO THREE (3) MONTHS TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$41,250.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:

[Fayetteville Chamber of Commerce Economic Development Consulting Service](#)
[BA E.D Contract Extension](#)

B. Unfinished Business:**B. 1** [2016-0057](#)**AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

Attachments:

[Amend 72.58 Off-Street Parking Facilities; Rules and Rates](#)

C. New Business:**C. 1** [2016-0139](#)**TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:**

AN ORDINANCE TO VACATE PORTIONS OF A TREE PRESERVATION AREA TO FACILITATE DEVELOPMENT, TO PRESERVE THE BEST QUALITY, MOST SIGNIFICANT TREES AND TO DEDICATE A LARGER TREE PRESERVATION AREA

Attachments:

[Tree Preservation Area Modification at Forest Hills](#)

C. 2 [2016-0149](#)**WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$2,000,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO THE REGIONAL PARK, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$2,000,000.00 GRANT

Attachments:[Walton Family Foundation Agreement Cato Springs Trail](#)[BA - Walton Family Foundation Grant \(Cato Springs Trail 02016.1405\)](#)**C. 3** [2016-0130](#)**INTERNAL AUDIT DIVISION CHARTER:**

AN ORDINANCE TO AMEND CHAPTER 33 OF THE FAYETTEVILLE CODE TO RENUMBER THE SECTIONS OF ARTICLE XXV **AUDIT COMMITTEE AND INTERNAL AUDITOR** AND RESERVE SECTIONS 33.365 THROUGH 33.369 AND 33.375 THROUGH 33.379 FOR FUTURE USE, AND TO APPROVE AN AMENDMENT TO THE INTERNAL AUDIT DIVISION CHARTER REDUCING THE NUMBER OF REQUIRED ANNUAL MEETINGS FROM FOUR TO THREE TO BE CONSISTENT WITH THE REQUIREMENTS OF THE CITY CODE

Attachments:[Internal Audit Division Charter](#)**C. 4** [2016-0144](#)**VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM):**

AN ORDINANCE TO APPROVE VAC 16-5324 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF DRAKE AND MCCONNELL TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments:[16-5324 VAC 16-5324: Vacation \(NE CORNER OF DRAKE & MCCONNELL/N](#)

C. 5 [2016-0145](#)**VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):**

AN ORDINANCE TO APPROVE VAC 16-5323 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 4030 NORTH COLLEGE AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments:

[16-5323 VAC 16-5323: Vacation \(4030 N. COLLEGE AVE./WHATABURGER\)](#)

C. 6 [2016-0150](#)**VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):**

AN ORDINANCE TO APPROVE VAC 16-5322 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 2011 WEST FOXGLOVE DRIVE TO VACATE PORTIONS OF ACCESS AND UTILITY EASEMENTS

Attachments:

[16-5322 VAC 16-5322: Vacation \(2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON\)](#)

C. 7 [2016-0151](#)**ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):**

AN ORDINANCE TO AMEND THE DEFINITION OF ACCESSORY DWELLING UNIT IN § 151.01 AND TO AMEND PORTIONS OF § 164.19 ACCESSORY DWELLING UNITS TO REMOVE LOT SIZE REQUIREMENTS, INCREASE THE ALLOWED SIZE FROM 600 SQUARE FEET TO 950 SQUARE FEET AND MAKE OTHER CHANGES

Attachments:

[ADM 16-5340 \(UDC Chapter 164.19 Amendments\)](#)

C. 8 [2016-0125](#)**AMEND THE RULES OF ORDER AND PROCEDURE:**

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

Attachments:

[Amend the Rules of Order and Procedure](#)

D. City Council Agenda Session Presentations:**D. 1** [2016-0048](#)

AGENDA SESSION PRESENTATION - UPDATE ON CONSTRUCTION EFFORTS AT REGIONAL PARK

D. 2 [2016-0160](#)**TOUR OF THE RENNOVATED CITY COUNCIL CHAMBERS AND
REVIEW WITH THE CITY COUNCIL THE NEW VOTE CAST
SYSTEM & PRESENTATION TECHNOLOGY****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.

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
March 15, 2016**

A meeting of the Fayetteville City Council was held on March 15, 2016 at 5:30 p.m. at the Washington County Courthouse-Quorum Courtroom located at 208 North College Avenue, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report:

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

A copy of the report is attached.

Alderman Marsh: I have some concerns about one of the appointments to the Planning Commission. We were unable to interview this individual. I am concerned about the precedent it will set. It is a very important committee and it is essential that we conduct interviews. There were some issues with the individual's application which we should have the opportunity to ask questions about in an interview. I would be concerned about the potential for someone to dispute a Planning Commission decision based on the fact that one member could be alleged to be improperly nominated. I would like to pull the nomination for one of the Planning Commissioners until we have an opportunity to interview in person, both candidates that had submitted for the position. The nominee was Leslie Belden.

City Attorney Kit Williams explained the proper procedure of amending the current motion on the floor.

Alderman Petty: I would like to hear a response from the chair.

Alderman Kinion: We reviewed all the applications. We have the opportunity to vet individuals based on their application. That's why this was nominated. There were three of us and the vote was 2-1. I have no problem in honoring Alderman Marsh's recommendation.

Alderman Petty: If the chair doesn't have a problem with it, I'll second it.

Alderman Tennant: You want everyone interviewed again or that one person interviewed?

Alderman Marsh: I would like the two remaining candidates who applied to come in for interviews. One of the other candidates we did a phone interview with because he was traveling. The other one did not come in for an interview at all.

Alderman Tennant: Alderman Kinion, you don't have a problem with scheduling some time for those two people?

Alderman Kinion: I have no problem with that and would support it.

Alderman Long: I won't be supporting this. We debated and took a vote at the Nominating Committee meeting. The applicant that we didn't get to interview at this meeting is well known in the community.

Don Marr, Chief of Staff: The appointment of commissioners will need to be in place by March 31, 2016 or we will be short one commissioner. The terms end March 31, 2016.

A discussion followed about a having a special City Council meeting.

Alderman Marsh moved to amend the Nominating Committee report to remove Belden from the Planning Commission appointments. Alderman Petty seconded the motion. Upon roll call the motion failed 3-4. Alderman Kinion, Petty and Marsh voting yes. Alderman Tennant, Schoppmeyer, La Tour and Long voting no. Alderman Gray was absent.

Alderman Kinion moved to approve the Nominating Committee Report as read. Alderman Long seconded the motion. Upon roll call the motion passed 5-2. Alderman Kinion, Petty, Tennant, Schoppmeyer and Long voting yes. Alderman La Tour and Marsh voting no. Alderman Gray was absent.

Agenda Additions: None

Consent:

Approval of the March 1, 2016 City Council Meeting Minutes.

Approved

Ricoh USA, Inc.: A resolution to approve the purchase of professional digital imaging services from Ricoh USA, Inc. through its local vendor, Preferred Office Products, Inc., in varying amounts as needed through June 30, 2016 and any future renewal periods, pursuant to a U.S. Communities Government Purchasing Alliance cooperative purchasing agreement.

Resolution 57-16 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$11,318.00 and increasing the related expense budget.

Resolution 58-16 as recorded in the office of the City Clerk

Carahsoft Technology Corporation: A resolution to approve the purchase of three (3) Nimble Storage expansion shelves and a five (5) year hardware maintenance contract from Carahsoft Technology Corporation in the amount of \$246,677.91 plus applicable taxes, pursuant to a General Services Administration Federal Acquisition Service cooperative purchasing contract.

Resolution 59-16 as recorded in the office of the City Clerk

City of Greenland Two Year Extension Agreement: A resolution to approve a two year extension of the agreement between the City of Fayetteville and the City of Greenland regarding the provision of wastewater collection services in the City of Greenland.

Resolution 60-16 as recorded in the office of the City Clerk

Watermark at Fayetteville AR, LLC: A resolution to approve a cost share agreement with Watermark at Fayetteville AR, LLC in an amount not to exceed \$43,241.00 for a sewer main upgrade near Van Asche Drive and Steele Boulevard.

Resolution 61-16 as recorded in the office of the City Clerk

Northwest Arkansas Economic Development District, Inc. Grant: A resolution to authorize acceptance of a General Improvement Fund grant through the Northwest Arkansas Economic Development District, Inc. in the amount of \$9,198.00 for the construction of a garden shelter for the Yvonne Richardson Community Center's Kid Crops program, and to approve a budget adjustment.

Resolution 62-16 as recorded in the office of the City Clerk

Sourcegas Arkansas, Inc. Utility Work Agreement: A resolution to approve a utility work agreement with Sourcegas Arkansas, Inc. in an amount not to exceed \$167,231.78 for the relocation of two gas lines necessary for the extension of Ruppel Road from Martin Luther King, Jr. Boulevard to Persimmon Street, and to approve a project contingency in the amount of \$25,084.00.

Resolution 63-16 as recorded in the office of the City Clerk

RFQ #15-04 Burns & McDonnell Engineering Company, Inc.: A resolution to award RFQ #15-04 and authorize a contract with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed \$557,695.00 for engineering services associated with the Sain Street extension from North Front Street to Vantage Boulevard, and to approve a budget adjustment.

Resolution 64-16 as recorded in the office of the City Clerk

Garver, LLC Supplemental Agreement No. 1: A resolution to approve Supplemental Agreement No. 1 to the contract with Garver, LLC in an amount not to exceed \$455,066.00 for additional archeological testing and mitigation services associated with the design of a portion of Ruppel Road between west Starry Night View and West Mount Comfort Road, and to approve a budget adjustment.

Resolution 65-16 as recorded in the office of the City Clerk

Arkansas Highway and Transportation Department Federal-Aid Funds: A resolution to approve two budget adjustments recognizing federal-aid funds received from the Arkansas Highway and Transportation Department in the amount of \$48,928.00 for the Highway 45/Old Wire Road Signal and Intersection Project.

Resolution 66-16 as recorded in the office of the City Clerk

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

Unfinished Business: None

Public Hearing:

Fayetteville Public Facilities Board: A resolution ratifying the resolution of the Fayetteville Public Facilities Board approving a refunding and improvement revenue bond (Butterfield Trail Village project), Series 2016 in a principal amount of not to exceed \$17,450,000; and prescribing other matters pertaining thereto.

Mayor Jordan opened the Public Hearing.

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

Jim McCord, Attorney: The Public Facilities Board approved a request by Butterfield Trail Village to authorize the issuance of \$17,450,000 in revenue bonds. Approximately \$3.6 million would be used for new improvements and new facilities at Butterfield Trail Village. The remainder would be used to refund outstanding bonds that were issued in 2010 and save about three quarters of a percentage point in interest.

Quintin Trammell, President and CEO of Butterfield Trail Village: At Butterfield Trail Village we are a continuing care retirement community. We provide independent living, assisted living, healthcare, and a memory care Alzheimer's unit. We have three projects on our drawing board and two have already started. We have an extensive remodel of our healthcare unit, remodeling and updating of our main corridors of our independent living unit facility, and to add a \$17,000 wing addition to the front of Butterfield Trail Village. This would give us a new covered entry for residents to exit or enter their cars without getting in the weather. It would provide a new lobby, casual dining facility, large group meeting room, dedicated board room, larger general store, and a smaller group meeting room. The cost of these projects is \$10.6 million. We have \$7 million in cash available from various sources. We need the \$3.6 million from this bond issue to complete the projects.

Mayor Jordan closed the Public Hearing.

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

Resolution 67-16 as recorded in the office of the City Clerk

New Business:

RFQ #15-08 Nelson/Nygaard Consulting Associates, Inc.: A resolution to award RFQ #15-08 and authorize a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of \$584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility report, to approve a project contingency in the amount of \$14,740.00, and to approve a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. He stated a lot of time was given in selecting Nelson/Nygaard and feels confident that it is a good team. He stated staff and the Transportation Committee recommends approval.

Alderman La Tour: Who designed our current transportation model?

Chris Brown, City Engineer: We had a Transportation Master Plan done in 2003 and that has been the basis for a lot of the decisions that have been made for the last 12 years. There is not a single answer to your question. The Cross Section Plan and the Master Street Plan are in the City Plan 2030, which was originally developed by a consultant, but updated by staff.

Alderman La Tour: Would we expect the study to show deficiencies in our existing infrastructure?

Chris Brown, City Engineer: Absolutely.

Alderman La Tour: How much did we pay for the original plan that we are under right now?

Chris Brown, City Engineer: The plan that was done in 2003 was in the range of \$200,000. It has been a very successful plan. It became the basis for our bond program. The work that we have done over the past ten years through the Transportation Bond Program has come out of that plan. It has served us well. These things need to be updated and it is now time to do that.

Alderman Long: I like that the study includes the consultants teaching our staff how to conduct the field surveys on parking utilization and accumulation. This will be a more sustainable approach.

Alderman Tennant: I like that the same people that are doing the University of Arkansas study are doing this one because we cross so many intersections in areas of town. We have so many growth patterns that are changing all over the area. Mayor, you were on the Council when the last transportation study was done. Do you think that was a good use of our dollars then and the same usefulness would come out of this one?

Mayor Jordan: I do. I remember spending around \$250,000. We took that very plan and we developed our bond program in 2006. The plan is 13 years old. We need to go forward with a new plan, new objectives, and one of those is the parking plan. We got a good bang for our buck with that plan.

Alderman Tennant: If you think it was a good use then, I think it would be a good use now.

Mayor Jordan: It would give us a tool. It went through the Transportation Committee and you all were pleased with it.

Alderman Petty: It has been through a few times and has had support each time.

Bob Munger, Owner of SUMO, Sustainable Urban Mobility: Fayetteville is behind in car sharing. The transportation industry is changing rapidly. People are driving less. It is a good time to do a detailed transportation study.

Alderman Marsh: This is a transportation plan. This is not a study and it's not just about cars. This is about how we as a city are going to grow. It will address our cycling, more active modes of transportation, and hopefully emphasizing how we can revitalize some of our main street corridors and be more efficient with our transportation dollars. This is a great direction we are going in and I strongly support this plan.

Alderman Petty: We have over 2,800 acres of streets. That is half of our public space. Everything we have when it comes to planning for our streets is obsolete. Thank you to the other members of the Transportation Committee who first supported this two years ago and have been patient as we have navigated the RFP to get Nelson/Nygaard. We are going to get some valuable evaluation tools that we can use to compare various projects even after this plan has been presented to us and adopted. Unlike with our previous planning tools or with our Master Plan we will come away with the tools we need to be able to adapt to changing technologies, demographics, and market trends. The value of that is really hard to quantify. It would be tremendously valuable to us. The transportation industry has had rapid change in the last 13 years. Transportation investment drives real estate investment. Nelson/Nygaard is fast obtaining a reputation of being one of the best transportation planners on the planet. I hope we see a plan in 15 months that reflects that and I am confident that we will.

Alderman La Tour: I have concerns about spending half a million dollars of our taxpayers money. There is a situation where thousands of people on football game days share the street with automobiles. I can't get this City Council to agree to build a sidewalk there. We don't have to spend \$500,000 to figure that out. Until we correct some basic element of public safety, I'd say let's have priorities. We need to get that rectified and then go on with our century plan.

Alderman Marsh moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 6-1. Alderman Kinion, Petty Tennant, Schoppmeyer, Long and Marsh voting yes. Alderman La Tour voting no. Alderman Gray was absent.

Resolution 68-16 as recorded in the office of the City Clerk

RZN 16-5310: (1564 E. Huntsville Rd./Zweig Properties): An ordinance to rezone that property described in Rezoning Petition RZN 16-5310 for approximately 0.46 acres located at 1564 East Huntsville Road from RSF-4, Residential Single Family, 4 Units Per Acre to CS, Community Services.

City Attorney Kit Williams read the ordinance.

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

Alderman Long: Usually there is a map attached with the larger picture of that quadrant of our city. This agenda item doesn't have that. Can we make sure those are there in the future?

Jeremy Pate: Yes, definitely.

Alderman La Tour gave a brief description of a conference he attended called Growing the City and asked Jeremy, if the developer was asking for this zoning change?

Jeremy Pate: That is correct.

Alderman La Tour stated he was in favor of the rezoning.

Alan Reed, Representing Mark Zweig Properties stated he concurs with staff.

Alderman Petty: I am going to vote for this, but I do it with one reservation. We see a lot of stuff out on the edges of town that gets rezoned Community Services and I voted for them virtually every time. Given the zoning designations we have, that is usually the best designation. This time I think that Community Services is probably a little bit of over zoning for the parcels in question. I would be able to vote for Downtown General on this location without any reservation, except it's got the word Downtown in it. We need to have some type of middle scale intensity for these requests for the outside of the town. It will bring projects like this into compliance so they don't run the risk of diluting the market by over zoning parcels where there may not be a demand for the kind of intensity they allow.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: I have not received any comments one way or the other from citizens in this area regarding the proposed rezoning. This property has been underutilized for quite some time and I look forward to seeing something new happen here.

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

Ordinance 5858 as recorded in the office of the City Clerk

ADM 16-5319 (UDC Chapters 166,172,177 Amendments): An ordinance to Amend §166.24 **Nonresidential Design standards**, §172.04 **Parking Lot Design Standards**, §177.04 **Site Development and Parking Lot Landscape Standards** and §177.05 **Street Tree Planting Standards** of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated this is to clarify some of the codes that are in place such as street tree and green space requirements. Staff and the Planning Commission recommend approval.

Alderman Petty stated this is primarily a clarification.

Alderman La Tour: Are we giving more latitude for these design standards or are we tightening up and making them more restrictive?

Jeremy Pate stated that they are definitely tightening up the language so it can be understood more. He spoke about some things being relaxed and gave an example of perimeter landscaping and the elimination of green space in front of a building.

Alderman La Tour: Could you give me an example of where it might be making the regulations more restrictive?

Alderman Petty: Jeremy, you are going to be looking for a while. I don't think there are any.

Jeremy Pate: I'm not sure there is any specifically. The purpose of this was not to do that. The purpose was to provide more predictability and to clarify our standards as they are today.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh 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 Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty thanked staff for their work on the item.

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

Ordinance 5859 as recorded in the office of the City Clerk

Amend §97.082 (B), §94.05 (D) and to Enact a New §94.05 (G): An ordinance to Amend §97.082 (B), § 94.05 (D) and to enact a new §94.05 (G) of the Fayetteville Code to authorize the Mayor to issue a public fireworks display permit for an annual display by the Botanical Garden of the Ozarks at Lake Fayetteville.

City Attorney Kit Williams read the ordinance.

Alderman Tennant gave a brief description of the ordinance.

Danica Dingman, Event Coordinator for the Botanical Garden of the Ozarks: The Firefly Flings serves 3,000 guest. We community partner with local businesses to put educational booths together and help promote things going on in the community. Every year we try to end with something beautiful. We would like to have a brief fireworks display and it wouldn't be a 4th of July type display. We would use people who have permits to do these types of fireworks and make it safe.

City Attorney Kit Williams: This is going to be handled with a Special Events Permit. The Mayor and the Fire Chief will check it out and make sure it is going to be safe and will grant it once a year at the Mayor's discretion. This is why we have several code sections cited in this. Prior to this, no fireworks were allowed to be fired off in the city parks. This doesn't open the city parks to anything but a single display at the Botanical Gardens if the Mayor grants a Special Events Permit. The other two changes were because there had been a mistake in citing the wrong code section.

Alderman Marsh: As a courtesy to our citizens with PTSD or those with jumpy pets, we will be using our citizen alert system to let people know about the fireworks in advance.

Mayor Jordan: We will take care of that.

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

City Attorney Kit Williams read the ordinance.

Alderman Marsh 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 Gray 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 Gray was absent.

Ordinance 5860 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The city is currently seeking nominations for the 2016 Historic Preservation awards. The applications can be found online at the City of Fayetteville website. The deadline for the nominations are April 8, 2016 at 5:00 p.m.

The Lafayette Historic Bridge construction has begun and will be closed from March 14, 2016 to June 1, 2016. Please plan for detours.

Construction has begun on College Avenue between east Cleburn Street and North Street. It will go from March to November.

There will be a Bulky Waste Cleanup at Owl Creek School and the Recycling & Trash Facility on March 19, 2016.

As a reminder, all future meetings will be back at City Hall after this Council meeting.

Alderman Tennant: There will be an Ordinance Review Committee meeting on March 31, 2016 in Room 326 at 4:30 p.m. at City Hall. We will be electing a Chairman and discuss the festival ordinance.

Alderman Long: There will be a Ward 4 meeting on March 28, 2016 at 6:00 p.m. in Room 111 at City Hall.

City Attorney Kit Williams thanked the Fayetteville School District and Washington County for allowing the City of Fayetteville to use their facilities while City Council Chambers is being renovated.

Mayor Jordan thanked everyone for their work on the restoration of the Lafayette and Maple Historic Bridges.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:37 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, March 29, 2016

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:

1. [2016-0158](#)

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT:

Attachments: [Tim Freeman A&P Appointment](#)

Agenda Additions

A. Consent:

A. 1 [2015-0644](#)

APPROVAL OF THE MARCH 15, 2016 CITY COUNCIL MEETING MINUTES.

A. 2 [2016-0127](#)

BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:

A RESOLUTION TO AWARD BID #16-20 TO LIFT TRUCK SERVICE CENTER, INC. AND AUTHORIZE THE PURCHASE OF A 2016 NISSAN PLATINUM II SERIES FORKLIFT IN THE AMOUNT OF \$44,608.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments: [Bid #16-20 Lift Truck Service Center, Inc.](#)

A. 3 [2016-0126](#)**BID #16-21 PIG TRAIL HARLEY DAVIDSON:**

A RESOLUTION TO AWARD BID #16-21 TO PIG TRAIL HARLEY DAVIDSON OF ROGERS, ARKANSAS AND AUTHORIZE THE PURCHASE OF A 2016 HARLEY DAVIDSON FLHTP MOTORCYCLE IN THE AMOUNT OF \$24,459.88 FOR USE BY THE POLICE DEPARTMENT

Attachments: [Bid #16-21 Pig Trail Harley Davidson](#)

A. 4 **2016-0128****BID #16-24 FLEET SAFETY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-24 AND AUTHORIZE THE PURCHASE OF UPFIT ITEMS FOR TWELVE (12) POLICE PATROL UNITS FROM FLEET SAFETY EQUIPMENT, INC. OF LITTLE ROCK IN THE AMOUNT OF \$41,982.09 PLUS APPLICABLE TAXES

Attachments: SRP - PD Upfit

A. 5 [2016-0148](#)**UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR A WATER MAIN UPGRADE ALONG PORTIONS OF MAPLE STREET AND OLIVER AVENUE

Attachments: [University of Arkansas Cost Share Agreement](#)

A. 6 [2016-0129](#)**ARKANSAS FORESTRY COMMISSION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS FORESTRY COMMISSION IN THE AMOUNT OF \$14,105.00 FOR THE PLANTING OF NATIVE SPECIES IN THE MEDIANS OF GARLAND AVENUE AND COLLEGE AVENUE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [Arkansas Forestry Commission Grant](#)
[BA \(Agenda Item\) - UCF Median Tree Planting grant 3-11-16 \(002\)](#)

A. 7 [2016-0132](#)**ARKANSAS RECREATIONAL TRAILS GRANT:**

A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN 80/20 ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$56,000.00 FOR THE CONSTRUCTION OF A NATURE TRAIL BOARDWALK AT LAKE FAYETTEVILLE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[Arkansas Recreational Trails Grant](#)[BA \(Agenda Item\) - Federal Highway Admin boardwalk grant 3-11-16](#)**B. Unfinished Business:****B. 1 [2016-0057](#)****AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

Attachments:[Amend 72.58 Off-Street Parking Facilities; Rules and Rates](#)**C. New Business:****C. 1 [2016-0139](#)****TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:**

AN ORDINANCE TO VACATE PORTIONS OF A TREE PRESERVATION AREA TO FACILITATE DEVELOPMENT, TO PRESERVE THE BEST QUALITY, MOST SIGNIFICANT TREES AND TO DEDICATE A LARGER TREE PRESERVATION AREA

Attachments:[Tree Preservation Area Modification at Forest Hills](#)

C. 2 [2016-0146](#)**SWEETSER CONSTRUCTION, INC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$2,537,900.00 FOR THE CONSTRUCTION OF THE RUPPLE ROAD WIDENING PROJECT FROM PERSIMMON STREET TO CONGRESSIONAL ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$250,000.00

Attachments: [Sweetser Construction, Inc](#)

C. 3 [2016-0149](#)**WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$2,000,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO THE REGIONAL PARK, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$2,000,000.00 GRANT

Attachments: [Walton Family Foundation Agreement Cato Springs Trail](#)
 [BA - Walton Family Foundation Grant \(Cato Springs Trail 02016.1405\)](#)

C. 4 [2016-0130](#)**INTERNAL AUDIT DIVISION CHARTER:**

AN ORDINANCE TO AMEND CHAPTER 33 OF THE FAYETTEVILLE CODE TO RENUMBER THE SECTIONS OF ARTICLE XXV **AUDIT COMMITTEE AND INTERNAL AUDITOR** AND RESERVE SECTIONS 33.365 THROUGH 33.369 AND 33.375 THROUGH 33.379 FOR FUTURE USE, AND TO APPROVE AN AMENDMENT TO THE INTERNAL AUDIT DIVISION CHARTER REDUCING THE NUMBER OF REQUIRED ANNUAL MEETINGS FROM FOUR TO THREE TO BE CONSISTENT WITH THE REQUIREMENTS OF THE CITY CODE

Attachments: [Internal Audit Division Charter](#)

C. 5 [2016-0137](#)**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT
CONSULTING SERVICES:**

A RESOLUTION TO APPROVE AN EXTENSION OF UP TO THREE (3) MONTHS TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$41,250.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [Fayetteville Chamber of Commerce Economic Development Consulting Services](#)
 [BA_E.D Contract Extension](#)

C. 6 [2016-0144](#)**VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING
GYM):**

AN ORDINANCE TO APPROVE VAC 16-5324 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF DRAKE AND MCCONNELL TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments: [16-5324 VAC 16-5324: Vacation \(NE CORNER OF DRAKE & MCCONNELL/NELM](#)

C. 7 [2016-0145](#)**VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):**

AN ORDINANCE TO APPROVE VAC 16-5323 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 4030 NORTH COLLEGE AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [16-5323 VAC 16-5323: Vacation \(4030 N. COLLEGE AVE./WHATABURGER, 135'](#)

C. 8 [2016-0150](#)**VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):**

AN ORDINANCE TO APPROVE VAC 16-5322 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 2011 WEST FOXGLOVE DRIVE TO VACATE PORTIONS OF ACCESS AND UTILITY EASEMENTS

Attachments: [16-5322 VAC 16-5322: Vacation \(2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON\)](#)

C. 9 [2016-0151](#)**ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):**

AN ORDINANCE TO AMEND THE DEFINITION OF ACCESSORY DWELLING UNIT IN § 151.01 AND TO AMEND PORTIONS OF § 164.19 **ACCESSORY DWELLING UNITS** TO REMOVE LOT SIZE REQUIREMENTS, INCREASE THE ALLOWED SIZE FROM 600 SQUARE FEET TO 950 SQUARE FEET AND MAKE OTHER CHANGES

Attachments: [ADM 16-5340 \(UDC Chapter 164.19 Amendments\)](#)

C. 10 [2016-0125](#)**AMEND THE RULES OF ORDER AND PROCEDURE:**

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

Attachments: [Amend the Rules of Order and Procedure](#)

D. City Council Agenda Session Presentations:**D. 1** [2016-0048](#)

AGENDA SESSION PRESENTATION - UPDATE ON CONSTRUCTION EFFORTS AT REGIONAL PARK

D. 2 [2016-0160](#)

TOUR OF THE RENNOVATED CITY COUNCIL CHAMBERS AND REVIEW WITH THE CITY COUNCIL THE NEW VOTE CAST SYSTEM & PRESENTATION TECHNOLOGY

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

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

Text File

File Number: 2016-0158

Agenda Date: 4/5/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Report

Agenda Number: 1.

ADVERTISING AND PROMOTION COMMISSION APPOINTMENT:



Fayetteville Advertising and Promotion Commission
21 S. Block Ave.
Fayetteville, Arkansas 72701

March 22, 2016

TO: Fayetteville City Clerk

From: Kym Hughes

Executive Director, Fayetteville Advertising & Promotion Commission

**RE: Vacancy on the Advertising and Promotion Commission for
4 year term expiring March 31, 2016**

The Fayetteville Advertising & Promotion Commission during their March 21, 2016 regular meeting voted to re -elect Tim Freeman, to fill the open industry position seat on the A & P Commission. Mr. Freeman is a resident of Fayetteville and a registered voter.

The Commission asks for the approval of the City Council per state statute as follows:

26-75-605. Advertising and promotion commissions

(2) (d) Whether resulting from expiration of a regular term or otherwise, a vacancy on the commission in any of the four (4) tourism industry positions provided for in subdivision (a)(1) of this section or in the at-large position provided for in subdivision (a)(3) of this section shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of city.



City of Fayetteville, Arkansas

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

Text File

File Number: 2015-0644

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 1

APPROVAL OF THE MARCH 15, 2016 CITY COUNCIL MEETING MINUTES.



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0127

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:

A RESOLUTION TO AWARD BID #16-20 TO LIFT TRUCK SERVICE CENTER, INC. AND AUTHORIZE THE PURCHASE OF A 2016 NISSAN PLATINUM II SERIES FORKLIFT IN THE AMOUNT OF \$44,608.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #16-20 to Lift Truck Service Center, Inc. and authorizes the purchase of a 2016 Nissan Platinum II Series Forklift in the amount of \$44,608.00 for use by the Recycling and Trash Collection Division.

City of Fayetteville Staff Review Form

2016-0127

Legistar File ID

4/5/2016

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

Jesse Beeks/Sara Glenn

3/9/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one 2016 Nissan Forklift, Platinum II Series available through Lift Truck Service Center of Springdale, AR for the amount of \$44,608.00, the lowest price from bid 16-20.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02080.2015

Other Equipment

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 189,800.15

Funds Obligated \$ -

Current Balance \$ 189,800.15

Does item have a cost? Yes

Item Cost \$ 44,608.00

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 145,192.15

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 9, 2016
SUBJECT: Purchase of one forklift for Recycling and Trash Collection

RECOMMENDATION:

That City Council approve the purchase of one 2016 Nissan Forklift, Platinum II Series available through Lift Truck Service Center of Springdale, AR for the amount of \$44,608.00, the lowest price from bid 16-20.

BACKGROUND:

9058 is a 2005 Nissan Forklift and used in the MURF on a daily bases. It has 3,280 hours. The bale clamp that is attached to the front is 20 years old and has considerable wear. This is the only machine with the capabilities that RTC needs. Fleet would like to replace the Forklift and bale clamp together, to have a more reliable piece of equipment.

DISCUSSION:

Fleet recommends the purchase of one 2016 Nissan Forklift, Platinum II Series available through Lift Truck Service Center of Springdale, AR for the amount of \$44,608.00, the lowest price from bid 16-20.

BUDGET/STAFF IMPACT:

Sufficient funds have been budgeted and collected for this purchase.

This purchase was approved by the Equipment Committee on March 8, 2016.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date: 3/9/2016	
							P.O Number:			
Vendor #: 10657			Vendor Name: Lift Truck Service Center				Mail ☐ YES ☒ NO		Legistar#: 2016-0127 Expected Delivery Date:	
Address:					FOB Point:		Taxable ☐ YES ☒ NO			
City:			State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ YES ☒ NO			
Requester: Sara Glenn					Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2016 Nissan Forklift, Platinum II Series	1	ea	44,608.00	\$44,608.00	9700.1920.5802.00	02080.2015	9220	709220	
2	To be Unit 9220, Fixed Asset 709220				\$0.00					
3	Off of Bid 16-20				\$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: \$44,608.00			
							Tax: \$0.00			
Approvals:							Total: \$44,608.00			
Mayor: _____ Department Director: _____ Purchasing Manager: _____ Chief Financial Officer: _____ Budget Director: _____ IT Director: _____ Dispatch Manager: _____ Utilities Manager: _____ Other: _____										



Bid: 16-20
2/10/2016
2:00 PM
City of Fayetteville

Bid 16-20, Forklift Truck - Re-Bid

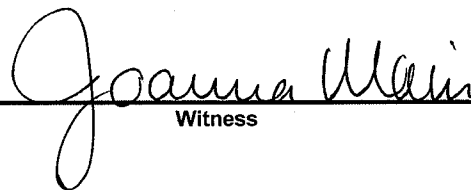
DESCRIPTION	QTY	BIDDER		
		Briggs Equipment	Lift Truck Service Center	**Technology International Inc
LP Gas Powered, 8000 pound capacity forklift truck Mfg/Model Bid	1	\$ 43,444.13 <i>Hyster/580FT</i>	\$ 29,728.00 <i>Nissan/UniCarrier/CF80LP</i>	\$ 32,825.00 <i>UniCarriers(Nissan)/CF80LP</i>
Bale clamp attachment installed complete on item 1 Mfg/Model Bid	1	\$ 16,331.47 <i>Cascade/50D-BCR-74B</i>	\$ 14,880.00 <i>Cascade/50D-BCR-74B</i>	\$ 14,665.00 <i>Rightline/RB50C-05-1D</i>
TOTAL BASE BID		\$ 59,775.60	\$ 44,608.00	\$ 47,490.00

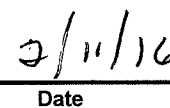
**UPS delivery shown as 1:26 PM on 2/10/16

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

CERTIFIED:


Andrea Foren Rennie, Purchasing Manager


Witness


Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0126

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 3

BID #16-21 PIG TRAIL HARLEY DAVIDSON:

A RESOLUTION TO AWARD BID #16-21 TO PIG TRAIL HARLEY DAVIDSON OF ROGERS, ARKANSAS AND AUTHORIZE THE PURCHASE OF A 2016 HARLEY DAVIDSON FLHTP MOTORCYCLE IN THE AMOUNT OF \$24,459.88 FOR USE BY THE POLICE DEPARTMENT

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 #16-21 to Pig Trail Harley Davidson of Rogers, Arkansas and authorizes the purchase of a Harley Davidson FHLTP motorcycle in the amount of \$24,459.88 for use by the Police Department.

City of Fayetteville Staff Review Form

2016-0126

Legistar File ID

4/5/2016

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

Jesse Beeks/Sara Glenn

3/9/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of one 2016 Harley Davidson FLHTP Motorcycle available through Pig Trail Harley Davidson of Rogers, AR for the amount of \$24,459.88, the lowest price from bid 16-21.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02081.2016

Police/Passenger

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 367,576.65

Funds Obligated \$ -

Current Balance \$ 367,576.65

Does item have a cost? Yes

Item Cost \$ 24,459.88

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 343,116.77

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Mayor and City Council
THRU: Terry Gulley, Director of Transportation
FROM: Jesse Beeks, Fleet Operations Superintendent
DATE: March 9, 2016
SUBJECT: Purchase of one motorcycle for Police

RECOMMENDATION:

That City Council approve the purchase of one 2016 Harley Davidson FLHTP Motorcycle available through Pig Trail Harley Davidson of Rogers, AR for the amount of \$24,459.88, the lowest price from bid 16-21.

BACKGROUND:

The Police Department will be hiring an additional motorcycle officer in 2016, this expansion unit will be for that officer. This was approved with the 2016 budget to go along with the added personnel.

DISCUSSION:

Fleet recommends the purchase of one 2016 Harley Davidson FLHTP Motorcycle available through Pig Trail Harley Davidson of Rogers, AR for the amount of \$24,459.88, the lowest price from bid 16-21

BUDGET/STAFF IMPACT:

Sufficient funds were budgeted for this purchase.

This purchase was approved by the Equipment Committee on March 8, 2016.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date: 3/9/2016	
							P.O Number:			
Vendor #: 16942			Vendor Name: Pig Trail Harley-Davidson				Mail ☐ YES ☒ NO		Legistar#: 2016-0126 Expected Delivery Date:	
Address:					FOB Point:		Taxable ☐ YES ☒ NO			
City:			State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ YES ☒ NO			
Requester: Sara Glenn					Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2016 Harley Davidson FLHTP Motorcycle	1	ea	24,459.88	\$24,459.88	9700.1920.5802.00	02081.2016	1309	701309	
2	To be Unit 1309, Fixed Asset 701309				\$0.00					
3	Off of Bid 16-21				\$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: \$24,459.88			
							Tax: \$0.00			
							Total: <u>\$24,459.88</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



Bid: 16-21
2/18/2016
2:00 PM
City of Fayetteville

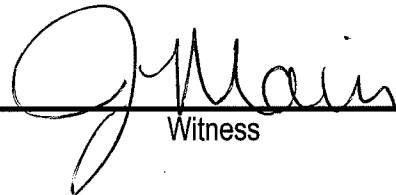
Bid 16-21, Police Patrol Motorcycle

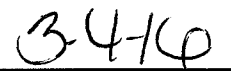
BIDDER	QTY	Price Per Each	Total Bid
Pig Trail Harley-Davidson Mfg/Model Bid	1	\$ 24,459.88 Harley-Davidson/FLHTP	\$ 24,459.88

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

CERTIFIED:


A. Rennie, Purchasing Manager


Witness


Date



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0128

Agenda Date:

Version: 1

Status: Discarded

In Control: City Council Meeting

File Type: Discarded

Agenda Number:

BID #16-24 FLEET SAFETY EQUIPMENT, INC.:

A RESOLUTION TO AWARD BID #16-24 AND AUTHORIZE THE PURCHASE OF UPFIT ITEMS FOR TWELVE (12) POLICE PATROL UNITS FROM FLEET SAFETY EQUIPMENT, INC. OF LITTLE ROCK IN THE AMOUNT OF \$41,982.09 PLUS APPLICABLE TAXES

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 #16-24 and authorizes the purchase of upfit items for twelve (12) Police Patrol Units from Fleet Safety Equipment, Inc. of Little Rock in the amount of \$41,982.09 plus applicable taxes.

City of Fayetteville Staff Review Form

2016-0128

Legistar File ID

4/5/2016

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

Jesse Beeks/Sara Glenn

3/17/2016

Fleet Operations /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to authorize the purchase of upfit items for Police Patrol Units from Fleet Safety Equipment, Inc of Little Rock, AR per Bid 16-24 for the amount of \$41,982.09 plus applicable taxes.

Budget Impact:

9700.1920.5802.00

Shop Fund

Account Number

Fund

02081.2014/2015

Police/Passenger

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 279,088.15

Funds Obligated \$ -

Current Balance \$ 279,088.15

Does item have a cost? Yes

Item Cost \$ 41,982.09

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget \$ 237,106.06

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Mayor and City Council

THRU: Terry Gulley, Director of Transportation

FROM: Jesse Beeks, Fleet Operations Superintendent

DATE: March 17, 2016

SUBJECT: Purchase of upfit items for Police

RECOMMENDATION:

That City Council approve the purchase of upfit items for twelve (12) Police Patrol Units from Fleet Safety Equipment, Inc of Little Rock, AR per bid 16-24 for the amount of \$41,982.09 plus applicable taxes.

BACKGROUND:

Fleet currently has six Police Tahoes that were ordered in 2014 and are awaiting upfit items before they can be placed in service. Bid 16-24 will include enough to upfit the existing six units, as well as the six that were ordered in 2015.

Fleet Safety Equipment, Inc was the only bidder who submitted a complete bid. However, item# 11 for a Better Built Aluminum Short Drawer for SUV was not bid correctly. The City will not be purchasing this item from Fleet Safety Equipment, Inc and the \$11,167.92 that they bid has been removed from their total for that reason.

DISCUSSION:

Fleet recommends the purchase of upfit items for twelve (12) Police Patrol Units from Fleet Safety Equipment, Inc of Little Rock, AR per bid 16-24 for the amount of \$41,982.09 plus applicable taxes.

BUDGET/STAFF IMPACT:

Sufficient funds have been collected for this purchase. Upfit items are considered when calculating the amount needed when replacing a Police Patrol Unit.

This purchase was presented to the Equipment Committee on March 8, 2016.

Attachments:

PO – Purchase Requisition

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov. Purchase shall not be made until an actual PO has been issued.							Requisition No.:		Date: 3/17/2016	
							P.O Number:			
Vendor #: 12931			Vendor Name: Fleet Safety Equipment, Inc				Mail ☐ YES ☒ NO		Legistar#: 2016-0128 Expected Delivery Date:	
Address:					FOB Point:		Taxable ☒ YES ☐ NO			
City:			State:		Zip Code:	Ship to code: 50	Quotes Attached ☐ YES ☒ NO			
Requester: Sara Glenn					Requester's Employee #: 3912		Extension: 3485			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Various Upfit items	1	ea	41,982.09	\$41,982.09	9700.1920.5802.00	02081.2014/2015			
2	Bid 16-24				\$0.00					
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: <u>\$41,982.09</u> Tax: <u>\$4,093.25</u> Total: <u>\$46,075.34</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



City of Fayetteville, Arkansas

Purchasing Division

OFFICIAL BID TABULATION

16-24, Police SUV Upfit Equipment

Tuesday, March 15, 2016 at 2:00 PM, Local Time

				Cap Fleet Upfitters		Fleet Safety Equipment, Inc		Light Em Up, Inc.	
Item	Description	Manufacturer, or equal	Estimate d Quantit y	Price Per Each	Total Line Item Price	Price Per Each	Total Line Item Price	Price Per Each	Total Line Item Price
Section A	1 S5705T150SB Rear Seat including rear cargo barrier and outboard mounted seat	Pro-Guard	12	\$1,063.41	\$12,760.92	\$ 1,119.03	\$13,428.36	\$1,079.00	\$12,948.00
	2 Plexiglass top & side wings for rear screen	Pro-Guard	12	included above	included above	\$ 73.67	\$884.04	Included Above	Included above
	*TOTAL BASE BID (SECTION A ONLY)								
	*Total Base Bid for Section A shall be the sum of items 1-2. Each line item shall be calculated by multiplying the Quantity times Price per Each. Price Per Each shall be inclusive of the item, freight.			\$12,760.92		\$14,312.40		\$12,948.00	
Section B	3 (425-6268) console with locking lid box with faceplates, see description	Jotto	12	\$425.00	\$5,100.00	\$ 396.67	\$4,760.04	\$423.99	\$5,087.88
	4 (425-6042) dual cup holder	Jotto	12	\$32.00	\$384.00	\$ 28.00	\$336.00	\$29.99	\$359.88
	5 (425-6260) Armrest	Jotto	12	\$40.00	\$480.00	\$ 33.99	\$407.88	\$35.99	\$431.88
	6 (475-0192) single vertical weapon mount for AR-15 lock head to handcuff lock	Jotto	12	\$210.00	\$2,520.00	\$ 244.66	\$2,935.92	\$273.99	\$3,287.88
	7 (475-0696) handcuff lock head with handcuff key	Jotto	12	\$69.50	\$834.00	\$ 103.63	\$1,243.56	Included Above	Included above
	8 (475-0962) Window Armor & door panel. Left & Right	Jotto	12	\$304.00	\$3,648.00	\$ 250.36	\$3,004.32	\$257.99	\$3,095.88
	9 (475-0865) Space creator partition with recessed housing	Jotto	12	\$585.00	\$7,020.00	\$ 530.67	\$6,368.04	\$529.99	\$6,359.88
	10 (425-2273) 12 volt outlets, 2 needed per vehicle	Jotto	24	\$7.50	\$180.00	\$ 8.00	\$192.00	\$6.99	\$167.76
	**TOTAL BASE BID (SECTION B ONLY)								
	**Total Base Bid for Section B shall be the sum of items 3-10. Each line item shall be calculated by multiplying the Quantity times Price per Each. Individual line items shall be inclusive of the item.			\$12,966.00		\$19,247.76		\$18,791.04	
Section C	11 76217119 Better Built Aluminum Short Drawer for SUV	Better Built	12	NA	\$0.00	\$ 930.66	\$11,167.92	\$349.00	\$4,188.00
	***TOTAL BASE BID (SECTION C ONLY)								
	****Total Base Bid for Section D shall be equal to the calculated total for item 11. Each line item shall be calculated by multiplying the Quantity times Price per Each. Individual line items shall be			\$0.00		\$11,167.92		\$4,188.00	
Section D	12 (10.750B) Hertz quick mount cargo side lights, 40 blue LEDs Per light	Hertz	24	NA	\$0.00	\$ 78.83	\$1,891.92	\$61.99	\$1,487.76
	13 M-63BB Ghost light blue LED (6-light head)	N/A	24	NA	\$0.00	\$ 92.00	\$2,208.00	\$61.99	\$1,487.76
	14 Blue OE 921 back up bulb	N/A	24	NA	\$0.00	\$ 8.00	\$192.00	\$2.99	\$71.76
	****TOTAL BASE BID (SECTION D ONLY)								
	**Total Base Bid for Section B shall be the sum of items 12-14. Each line item shall be calculated by multiplying the Quantity times Price per Each. Individual line items shall be inclusive of the item.			\$0.00		\$4,291.92		\$3,047.28	
	15 LIT 185-150 Kittke Fuse circuit breaker 150amp	N/A	12	NA	\$0.00	\$ 23.00	\$276.00	NB	\$0.00
	16 1250 Air Solurce Relay	N/A	24	NA	\$0.00	\$ 6.00	\$144.00	NB	\$0.00

Section E	17	PDU42WB Power Distribution Unit	N/A	12	NA	\$0.00	\$ 182.67	\$2,192.04	NB	\$0.00
	18	RG581U Antenna Wire Kit	N/A	24	NA	\$0.00	\$ 12.00	\$288.00	NB	\$0.00
	19	MPLCRIMP Larson Mini Connector	N/A	12	NA	\$0.00	\$ 6.00	\$72.00	NB	\$0.00
	20	182100 Amphenol UHF connector	N/A	12	NA	\$0.00	\$ 13.99	\$167.88	NB	\$0.00
	21	DB301 Star Park ISO fuseblock 3 in; 4 out	N/A	12	NA	\$0.00	\$ 40.00	\$480.00	NB	\$0.00
	22	AT1514EV 14' Ethernet cable with connectors	N/A	24	NA	\$0.00	\$ 30.00	\$720.00	NB	\$0.00
	23	12" USB 2.0 A/B cable	N/A	12	NA	\$0.00	\$ 10.00	\$120.00	NB	\$0.00
	*****TOTAL BASE BID (SECTION E ONLY)				\$0.00		\$2,612.04		\$0.00	
	*****Total Base Bid for Section E shall be the sum of Items 15-23. Each line item shall be calculated by multiplying the Quantity times Price per Each. Individual line items shall be inclusive of the item.									
	24	3/4" split braided self wrapping loom	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 30.50	\$61.00	\$399.50	\$799.00
Section F	25	Clear zip 2 conductor - copper, silver, 18 gauge	N/A: Price per 100 ft spool	4	NA	\$0.00	\$ 68.25	\$273.00	\$51.25	\$205.00
	26	Gray Jacket 2 conductor - red, black, 20 gauge price	N/A: Price per 100 ft spool	5	NA	\$0.00	\$ 29.60	\$148.00	\$55.00	\$275.00
	27	Brown, white 2 conductor, 16 gauge	N/A: Price per 100 ft spool	3	NA	\$0.00	\$ 38.33	\$114.99	\$53.33	\$159.99
	28	Red, White 2 conductor- 16 gauge	N/A: Price per 100 ft spool	1	NA	\$0.00	\$ 47.00	\$47.00	\$101.00	\$101.00
	29	black, 18 gauge, 2 conductor zip cord	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 47.00	\$47.00	\$57.50	\$115.00
	30	black, 8 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 63.50	\$127.00	\$87.50	\$175.00
	31	Red 8 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 63.50	\$127.00	\$87.50	\$175.00
	33	Orange 16 gauge	N/A: Price per 100 ft spool	3	NA	\$0.00	\$ 17.33	\$51.99	\$27.33	\$81.99
	34	Green, 16 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 19.50	\$39.00	\$31.50	\$63.00
	35	Yellow 16 gauge	N/A: Price per 100 ft spool	3	NA	\$0.00	\$ 17.33	\$51.99	\$27.33	\$81.99
	36	Blue 16 Gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 19.50	\$39.00	\$31.50	\$63.00
	37	Red 16 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 19.50	\$39.00	\$31.50	\$63.00
	38	blue/ orange stripe wire, 14 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	39	blue/ purple stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	40	yellow/ orange stripe 14 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	41	yellow/ purple stripe 14 gauge	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	42	red/ white stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	43	Red/ yellow stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	44	Red/ Green stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	45	Red / gray stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
	46	Red/ black stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00

47	Green/ orange stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
48	Brown/ orange stripe, 14 gauge wire	N/A: Price per 100 ft spool	2	NA	\$0.00	\$ 32.00	\$32.00	\$97.50	\$195.00
*****TOTAL BASE BID (SECTION F ONLY)				\$0.00		\$1,517.97		\$4,502.97	
*****Total Base Bid for Section F shall be the sum of items 24-48 (total for wiring harness). Each line item shall be calculated by multiplying the Quantity times Price per Each. Individual line									
*****TOTAL BASE BID (ALL SECTIONS COMBINED)									
***** Total Base Bid shall be the sum of all sections. Total base bid shall be inclusive of the items, freight, shipping, etc.				\$25,726.92		\$53,150.01		\$43,477.29	
Color indicates calculation **				Note: Failure to bid all line items results in rejection per Bidding Requirements, Section 1.11 of Bid 16-24		Note: The following line items are priced as a single 250 ft spool: Line items 28, 29, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48		Note: Failure to bid all line items results in rejection per Bidding Requirements, Section 1.11 of Bid 16-24	

CERTIFIED:
A. Rennie, PURCH MOR

A. Rennie

WITNESS

[Signature]

DATE

3/16/16



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0148

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 4

UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR A WATER MAIN UPGRADE ALONG PORTIONS OF MAPLE STREET AND OLIVER AVENUE

WHEREAS, the University has requested that the City construct and share in the cost of constructing a 12-inch water main along a portion of Maple Street west of Razorback Road to Oliver Avenue, a distance of approximately 150 feet, and then north along Oliver Avenue a distance of approximately 300 feet, so that the University may further develop the property near the Chancellor's residence; and

WHEREAS, increasing the size of this segment to a 12-inch main will alleviate the current capacity deficiency and the lack of a loop, allow the University to develop the property, and also allow for ample future capacity which the City recognizes will be necessary for the area that is served by this water main; and

WHEREAS, § 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size larger than required to service subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system."

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 a cost share agreement with the University of Arkansas for a water main upgrade along portions of Maple Street and Oliver Avenue, with construction material costs in the amount of \$22,999.44 to be paid by the University, and labor and equipment costs in the amount of \$7,254.40 along with any construction material costs exceeding the amount of \$22,999.44 to be paid by the City.

City of Fayetteville Staff Review Form

2016-0148

Legistar File ID

4/5/2016

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

Tim Nyander

3/17/2016

Utilities Director /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and the University of Arkansas, to share the costs of installing an upgraded water main in the area of Razorback Road and Oliver Avenue. The cost share is \$22,999.44 for construction materials provided by the University, and \$7,254.40 in labor and equipment provided by the City.

Budget Impact:

N/A

N/A

Account Number

Fund

N/A

N/A

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:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Mayor and City Council

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

FROM: Tim Nyander, Utilities Director *TN*

DATE: March 17, 2016

SUBJECT: Resolution Approving a Cost-Share Agreement between the City of Fayetteville and the University of Arkansas

RECOMMENDATION:

Staff recommends approval of a cost-share agreement between the City of Fayetteville and the University of Arkansas, to share the costs of installing an upgraded water main in the area of Razorback Road and Oliver Avenue. The cost share is \$22,999.44 for construction materials provided by the University, and \$7,254.40 in labor and equipment provided by the City.

BACKGROUND:

The University has requested that the City construct and share in the cost of constructing a 12-inch water main on a portion of Maple Street between Razorback Road and Oliver Avenue, a distance of approximately 150 feet, and a portion of Oliver Avenue between Maple Street and West Cardwell Lane, a distance of approximately 300 feet, so that the University may further develop the property near the Chancellor's residence.

The City of Fayetteville also benefits from the installation of this water line segment. In addition to alleviating the current capacity deficiency in that area, providing the capacity needed for future growth and increasing the fire flow protection, this project will establish a looped line between Oliver Avenue and Maple Street. This decreases the age of the water in the pipe, and therefore reducing the possibility of forming of Disinfection Byproducts in the public water system.

DISCUSSION:

Section 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size that is larger than required to serve subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system." Since the 12-inch line will provide a loop to convey much more water to the area, the Utility Staff feels it is fair and equitable to provide labor and equipment toward the upgrade.

BUDGET/STAFF IMPACT:

The Water & Sewer Division will be able to provide the labor and equipment needed without impeding upon the overall mission of the Utilities Department.

Attachments:

Staff Review Form

Cost-Share Agreement

Map of Area

**CONTRACTUAL AGREEMENT FOR
COST SHARE OF SEWER MAIN UPGRADE COSTS**

This Agreement, made and entered into on this ____ day of April, 2016, by and between the City of Fayetteville, Arkansas ("City") and the University of Arkansas ("University"), witnesseth:

WHEREAS, the University has requested that the City construct and share in the cost of constructing a 12-inch water main along a portion of Maple Street west of Razorback Road to Oliver Avenue, a distance of approximately 150 feet, and then north along Oliver Avenue a distance of approximately 300 feet, so that the University may further develop the property near the Chancellor's residence; and

WHEREAS, increasing the size of this segment to a 12-inch main will alleviate the current capacity deficiency and the lack of a loop, allow the University to develop the property, and also allow for ample future capacity which the City recognizes will be necessary for the area that is served by this water main; and

WHEREAS, § 51.112 of the Fayetteville City Code provides that "the City shall pay the excess material cost of facilities of a size larger than required to service subdivisions when such excess size is specified and required by the water and wastewater director for the general benefit of the water system."

NOW, THEREFORE, the City of Fayetteville, Arkansas and the University of Arkansas agree as follows:

1. The City of Fayetteville, Arkansas agrees to:

- A. Furnish the labor, materials, and equipment to upgrade approximately 450 linear feet of 2 and ¼-inch water main on Maple Street and Oliver Avenue to 12-inch main.
- B. Bear any costs associated with the water main installation that exceed the amount the University agrees to pay below.

2. The University of Arkansas agrees to:

- A. Reimburse the City for the cost of the water main installation up to a maximum-not-to-exceed amount of **\$22,999.44**, which represents the cost estimated by Fayetteville.
- B. Make payment to Fayetteville within thirty (30) days after receipt of valid invoices.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

UNIVERSITY OF ARKANSAS

By: Mike Johnson 3/17/16
MIKE JOHNSON, Associate
Vice Chancellor for Facilities

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: Dawn Hefley

ATTEST:

By: _____
SONDRA SMITH, City Clerk

OFFICIAL SEAL
DAWN M. HEFLEY
NOTARY PUBLIC, ARKANSAS
WASHINGTON COUNTY #12393552
COMMISSION EXP. 05/01/2023





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0129

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 5

ARKANSAS FORESTRY COMMISSION GRANT:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS FORESTRY COMMISSION IN THE AMOUNT OF \$14,105.00 FOR THE PLANTING OF NATIVE SPECIES IN THE MEDIANS OF GARLAND AVENUE AND COLLEGE AVENUE, 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 50/50 matching grant from the Arkansas Forestry Commission in the amount of \$14,105.00 for the planting of native species in the medians of Garland Avenue and College Avenue.

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

2016-0129

Legistar File ID

4/5/2016

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

John J. Scott

3/10/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of the matching grant for \$14,105 from Arkansas Forestry Commission to plant native species plants in the Garland Avenue and College Avenue medians. Staff recommends approval of the budget adjustment.

Budget Impact:

4470.9470.5315.00

Sales Tax

Account Number

Fund

15012.1601

UF Native Planted Medians

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 14,105.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 14,105.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 05, 2016

TO: Mayor and City Council

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

FROM: John J. Scott, Urban Forester

DATE: March 10, 2016

SUBJECT: Grant Award from Arkansas Forestry Commission

RECOMMENDATION:

Staff recommends approval of the matching grant for \$14,105 from Arkansas Forestry Commission to plant native species plants in the Garland Avenue and College Avenue medians. Staff recommends approval of the budget adjustment.

BACKGROUND:

The City of Fayetteville strives to create environmental programs that demonstrate innovation. This project would continue that tradition of innovation with environmental benefits but would also demonstrate economic benefits of native planted environments.

The City of Fayetteville has been awarded funds through the Arkansas Forestry Commission Grant in the amount of \$14,105 for the installation of a low impact native planting in existing street medians. The grant is a 50/50 reimbursable matching grant. Award funds and matching funds will be used to create a cost effective Monarch Butterfly habitat with native plantings in street medians on College Avenue and Garland Avenue.

DISCUSSION:

A recent cost analysis conducted by Urban Forestry staff found that long term maintenance of turf grass medians on Garland Avenue is more expensive to maintain than the same median planted with native plantings. The annual cost of maintenance for Garland Avenue to be mowed is \$2,678.28 per year and the annual cost estimate to maintain a native planting on the Garland Avenue medians is \$672.00. Native plantings become more cost effective for the City of Fayetteville after the first year of installation and maintenance than Bermuda grass planted medians. Over a 10 year period the City of Fayetteville would spend \$18,298.20 less with a native planted median than through a regular mowing schedule of grass covered median. Native plantings will serve as habitat and food sources for birds and insects.

The project would require removal of the current sod in six medians on Garland Avenue and replacement with Virginia Sweetspire - *Itea virginica*, Butterfly Milkweed – *Asclepias tuberosa*,

and Asters – *Aster alpinus*. The planting design for Garland Avenue would include planting three gallon Virginia Sweetspire and seeding the Butterfly Milkweed and Asters. The establishment of native seed plantings can take two years to become full and fruitful.

College Avenue has two smaller street medians between Dickson Street and Maple that have newly replanted street trees and a sparsely planted mix of perennials. The project would include removing the perennial plantings on College Avenue and planting a fully designed mixture of Virginia Sweetspire, Butterfly Milkweed, and Asters from three gallon and one gallon plants. The medians on College Avenue would fill in much sooner and serve as display garden for what the medians planted from seed will look like in the future.

The project will serve as example of how native plants along our city streets and in medians can create cost effective strategies for new infrastructure and improve safety of maintenance staff by reducing maintenance hours. The medians will further demonstrate an economic solution to adding more native habitat for insects, birds and specifically contribute habitat to the stressed Monarch Butterfly population fulfilling one aspect of the Mayor's Monarch Pledge.

The short term research will focus on the cost of maintenance, the cost of installation and public reception. The long term research will focus on maintenance cost, time of establishment of native plantings from seeds in street medians and include butterfly counts for the Monarch Butterfly. A successful project could provide a standard for choosing native plantings over sod for future street rights of ways and medians.

Environmental Benefits: habitat for birds, insects and native plant restoration

Economic Benefits: lower maintenance cost, less manpower, less use of resources

Safety Benefits: less staff on busy highways, less use of machinery

Social Benefits: traffic calming, aesthetics, civic pride by contributing to the environment

The City of Fayetteville strives to create environmental programs that demonstrate innovation. This project would continue that tradition of innovation with environmental benefits but would also demonstrate economic benefits of native planted environments.

BUDGET/STAFF IMPACT:

Total project cost is estimated at \$ 28,790 (see attached budget proposal). Staff was awarded \$ 14,105 in grant funds. Matching funds for the grant \$ 14,685 are available in project 15012 Forestry and Habitat Improvements.

Attachments:

Staff Review Form

Budget Adjustment

Fayetteville Award Letter

Fayetteville Agreement between Arkansas Forestry Commission and City of Fayetteville

Project Budget Proposal

Planting Plan

Initial Cost Analysis for Median Plantings on Garland Avenue



ARKANSAS FORESTRY COMMISSION

2752 North Garland Avenue
Fayetteville, Arkansas 72704
(479) 442-4963 fax: (479) 587-1442

Joe Fox
State Forester

March 2, 2016

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

Dear Mr. Scott:

I am pleased to award a grant for \$14,105 to the City of Fayetteville after a detailed review of the Urban & Community Forestry Assistance Grant applications. This grant is funded through U&CF#**14-DG-11083105-004**. The Arkansas Forestry Commission has assigned this project the number UCF1416-05.

Please have the attached agreement signed and return to me.

This project is an opportunity to be a model showing the benefits of using native plants with trees to enhance their health over the long term. Removing the competition of sod and reducing the use of equipment around the trees will provide an educational opportunity to display the proper procedure for growing trees in medians. Your vision will help to foster stewardship of our natural resources and enhance the character and economic viability of our communities. With eighty percent of citizens living in urban areas it is important that we keep our communities healthy through proper planning and management of our community forest.

Thank you for your dedication in furthering the importance of Arkansas' natural resources.

Sincerely yours,
Patti Erwin
Patti Erwin
Urban Forestry Coordinator

GRANT AGREEMENT
BETWEEN
ARKANSAS FORESTRY COMMISSION
AND
City of Fayetteville

3/2/2016 – 8/1/2016

This Grant Agreement is hereby entered into by and between the Arkansas Forestry Commission, hereafter referred to as 'AFC', and the City of Fayetteville, hereafter referred to as 'Grantee.'

This grant is funded through U&CF#**14-DG-11083105-004**. All funds must be used for the purposes stated below. Any modification of purpose, final product, grant award, or matching contribution must be requested in writing and approved by the AFC. Grantee must raise the entire balance of funds necessary to complete the budget as proposed, from non-federal sources.

Purpose: **Native Planted Street Tree Medians Grant**

The **\$14,105** grant will be paid on a reimbursement basis upon submission of approved cost records AND a project final report. The amount paid will equal 50% of the approved project costs, not to exceed either the grant amount or the out-of-pocket expenses. The Grantee shall be responsible for a minimum match of **\$14,105**, in eligible cash purchases or in-kind contributions.

The Grantee shall be responsible for providing proof-of-payment records for all purchases and in-kind contributions. These include source documentation such as invoices, canceled checks, paid receipts, payroll or time and attendance records, contract documents, and valuation letters for third-party in-kind contributions. Cost records must be retained for three years following conclusion of the project.

The Grantee shall submit a final project performance report, a financial summary with supporting documentation, and a copy of any product developed through the grant within 30 days of project completion, or by **August 1, 2016**, at the latest.

The State Forester and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of the Grantee which are pertinent to the grant in order to make audits, examinations, excerpts, and transcripts.

The Grantee agrees to include in all promotion, publicity, programs, advertising, and in any printed materials pertaining to all AFC Urban Forestry funded programs and/or projects, the following credit line: "This project is supported in part by the Arkansas Forestry Commission's Urban Forestry Program and the U. S. Forest Service."

If a Grantee materially fails to comply with any term of this award, as stated above, the AFC may disallow all or part of the cost of the activity or action not in compliance, wholly or partly suspend or terminate the current award for the Grantee, withhold further awards for the program,

demand repayment of the grant, or take other legally available remedies.

The Grantee agrees not to discriminate against any employee, applicant for employment or any person participating in any aspect of this grant on the basis of race, creed, color, national origin, religion, sex, age or physical or mental disability.

The Grantee may terminate this entire Agreement, without cause, prior to the expiration of the grant period, upon sixty (60) days written notice. Upon cancellation of this Agreement and release of the unexpended grant funds, the Grantee is fully released of all obligations under this Agreement.

If any part of this Agreement shall be deemed to be or shall, in fact, be invalid, inoperative, or unenforceable as applied, such circumstance shall not have the effect of rendering any other provision of this Agreement invalid, inoperative, or unenforceable to any extent whatever.

We accept this grant subject to the terms and provisions stated above.

Signature_____

Signature_____

Date _____

Date_____

Patti Erwin, Urban Forestry Coordinator
Arkansas Forestry Commission

Lioneld Jordon, Mayor
City of Fayetteville

Detailed Project Budget Proposal

Categories		Non- Federal Match		
Personnel (include fringe benefits)	Federal Grant	Cash	In-Kind	Total
Labor to plant and seed Garland Avenue				\$ 3,240.00
Labor for prep and scrape for seeds				\$ 2,160.00
Sod removal applications				\$ 1,330.00
In house College Avenue Installation Labor			\$ 9,520.00	
Equipment				
Supplies				
Virginia Sweetspire on College (18)		\$ 288.00		
Virginia Sweetspire on Garland (200) Blue Ribbon				\$ 6,720.00
Milkweed 1 gal. (360)		\$ 2,160.00		
Aster 1 gal. (262)		\$ 1,572.00		
Milkweed Seeds In house purchase		\$ 1,028.13		
Aster Seeds In house purchase		\$ 116.87		
Other				
Tax 9.75% on Plant materials under supplies				\$ 655.20
Totals	\$ -	\$ 5,165.00	\$ 9,520.00	\$ 14,105.20

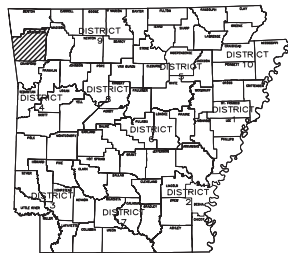
Garland Avenue and College Avenue Native Median Planting Plan

2016 for the

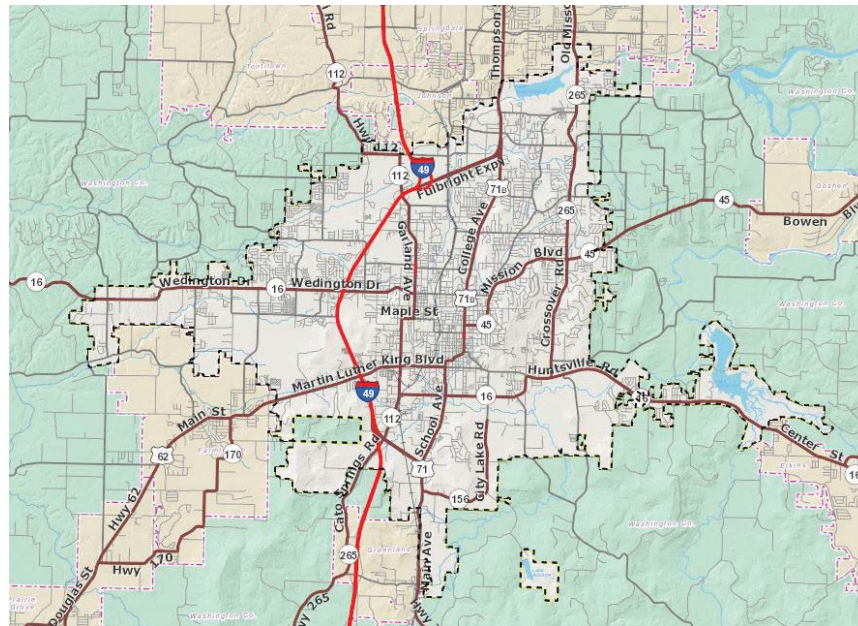
City of Fayetteville

PLAN INDEX

SHEET NO.	DESCRIPTION
1	TREE LOCATIONS AND QUANTITIES
2-3	PLANTING DETAILS College Avenue
4-6	PLANTING DETAILS Garland Avenue



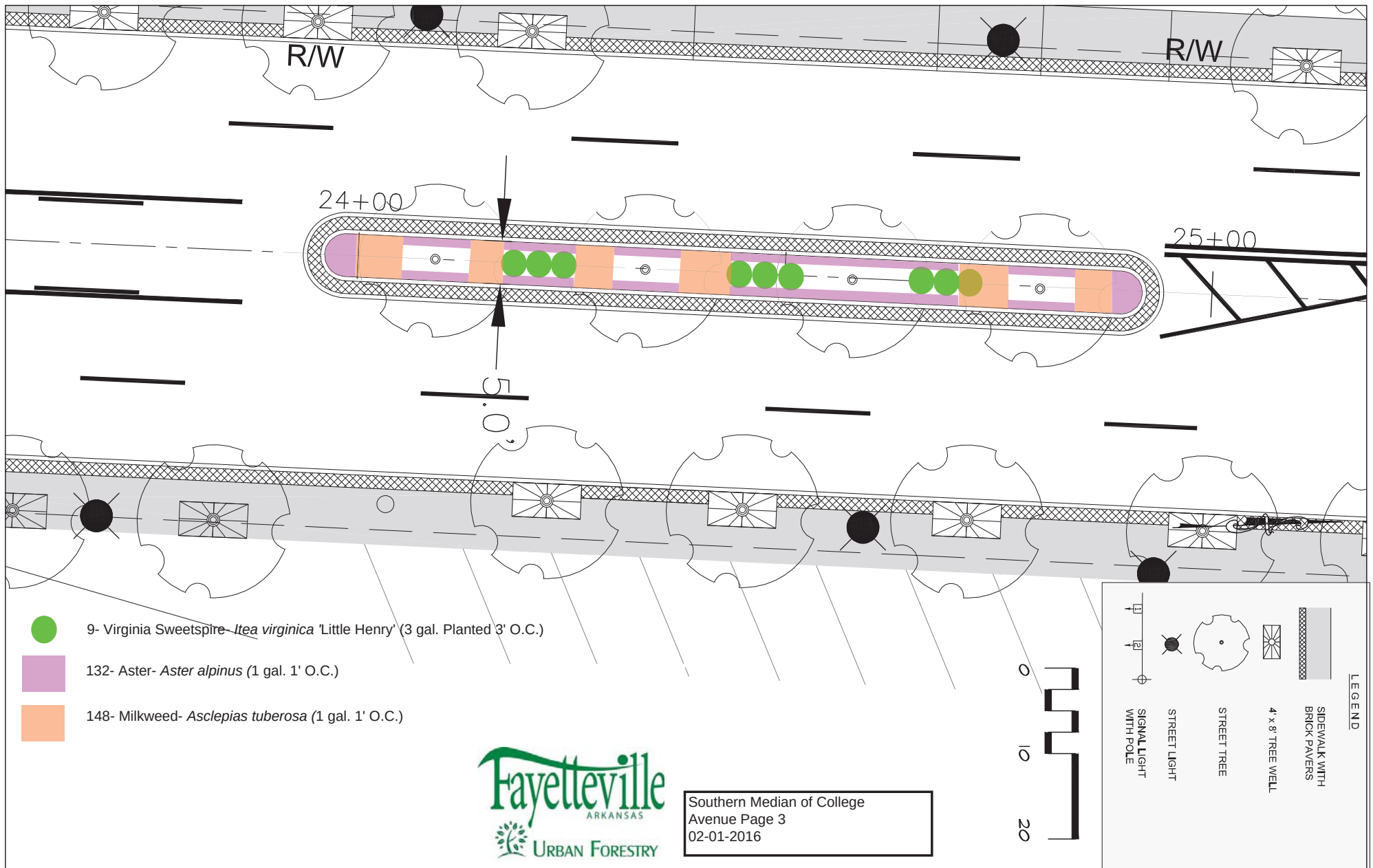
ARK.HWY.DIST.NO.4

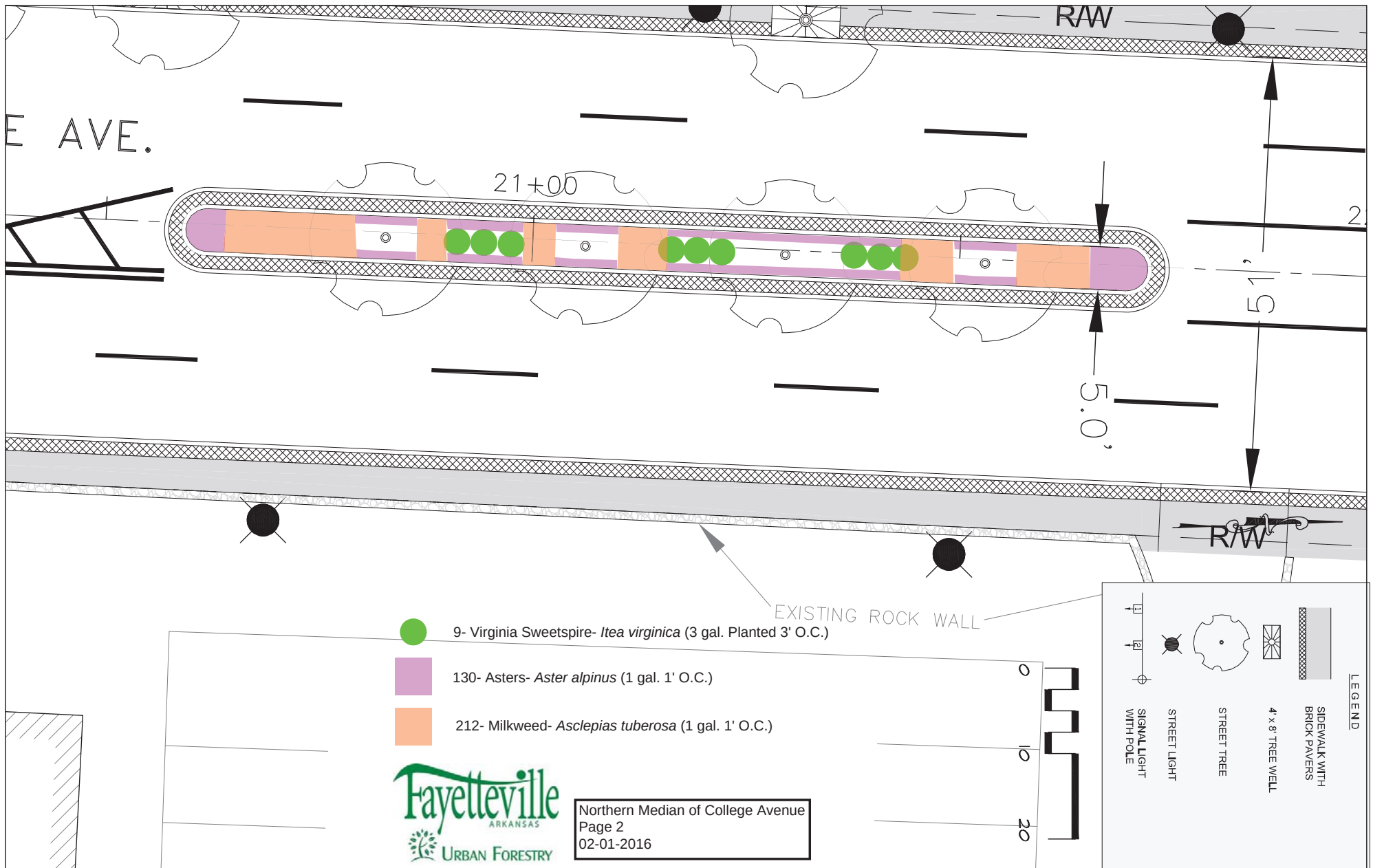


Park Planning/ Urban Forestry
Phone 479-444-3471 Fax 479-521-7714

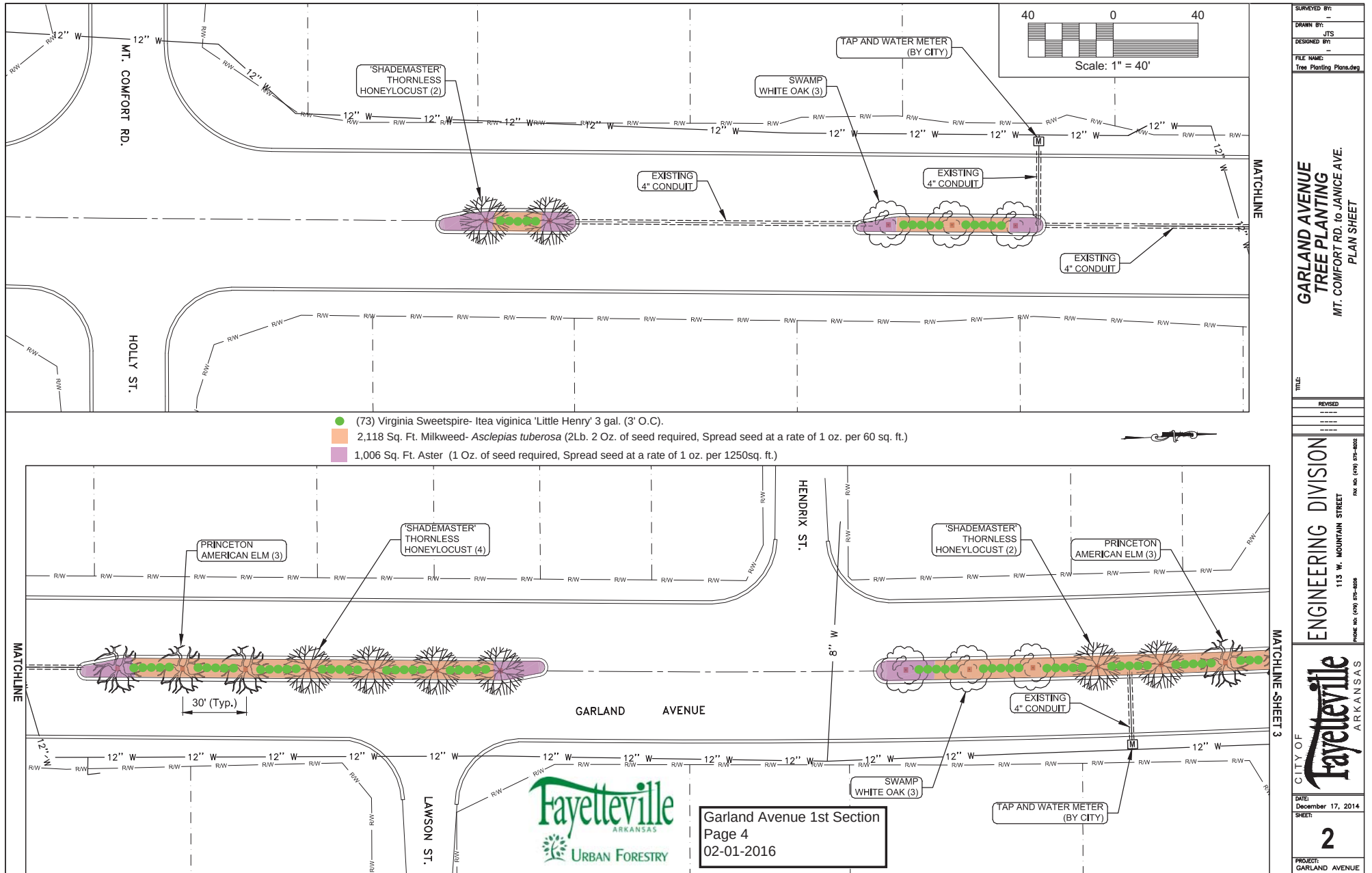


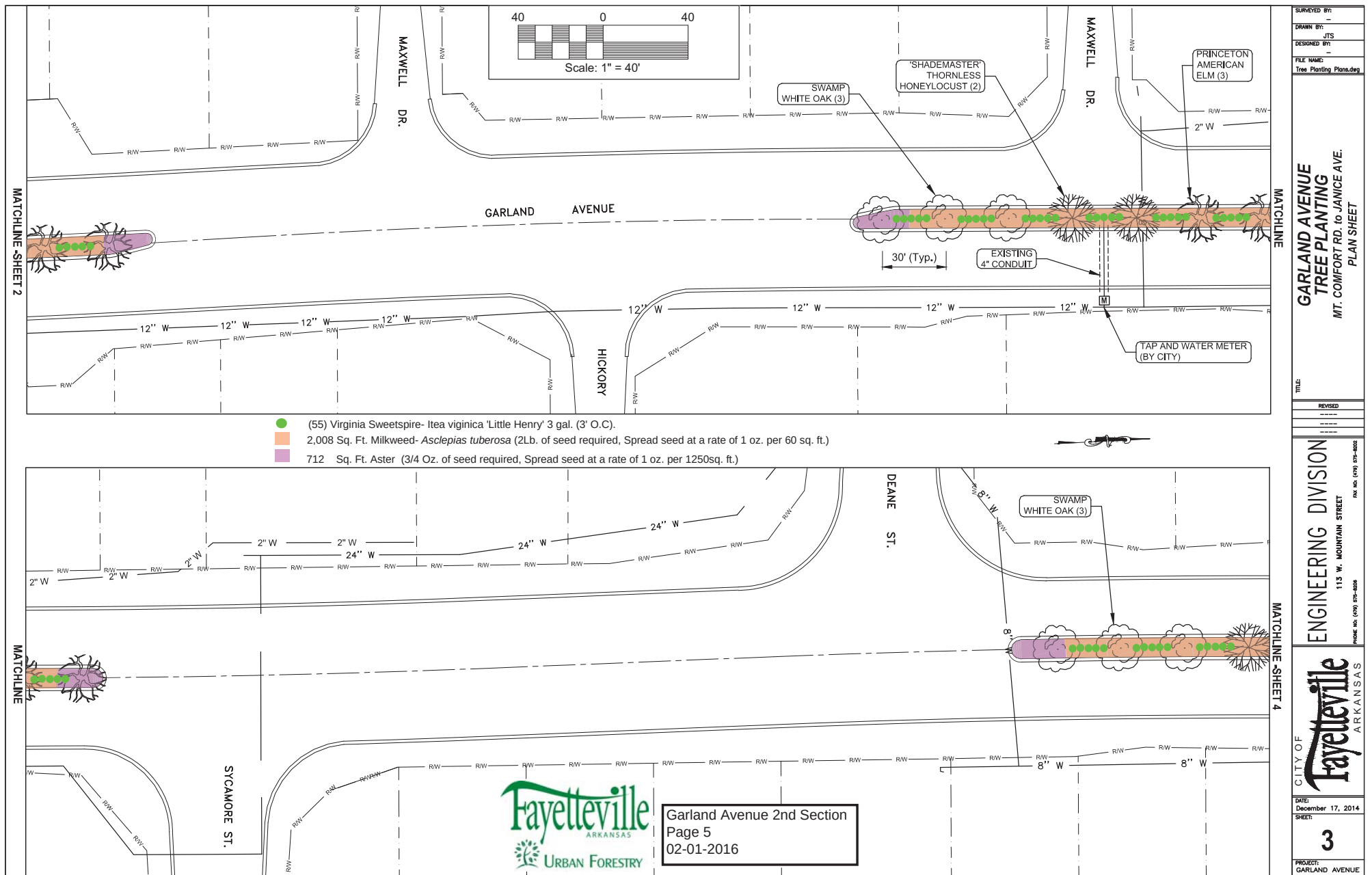
Location	Plant Species	Quantity	Planting Spec.	Size
College Avenue	Virginia Sweetspire- <i>Itea virginica</i> 'Little Henry'	18	3' O.C.	3 gal.
	Milkweed- <i>Asclepias tuberosa</i>	360	1' O.C.	1 gal.
	Aster- <i>Aster alpinus</i>	262	1' O.C.	1 gal.
Sub-Total		640		
Garland Avenue	Virginia Sweetspire- <i>Itea virginica</i> 'Little Henry'	200	3' O.C.	3 gal.
	Milkweed- <i>Asclepias tuberosa</i>	6 lbs. 1/4 oz. for 6,070 sq. ft.	1 oz. per 60 sq. ft.	
	Aster- <i>Aster alpinus</i>	2 and 1/4 oz. for 2,818 sq. ft.	1 oz. per 1,250 sq. ft	13 pks





- 9- Virginia Sweetspire- *Itea virginica* (3 gal. Planted 3' O.C.)
- 130- Asters- *Aster alpinus* (1 gal. 1' O.C.)
- 212- Milkweed- *Asclepias tuberosa* (1 gal. 1' O.C.)







The Costs for Median Plantings on Garland Avenue

A ten year cost comparison of a median planted
with sod versus a median planted with native plants



Added Values of a Native planting

Environmental: Provides habitat for birds and insects

Economic: lower maintenance cost

Safety: less staff hours on high speed roadway

Social: traffic calming

Garland Avenue Installation Costs

Installation Cost of Sod: \$5,846.78

Installation Cost of Native Plantings: \$8,548.58

Garland Avenue Annual Maintenance Costs

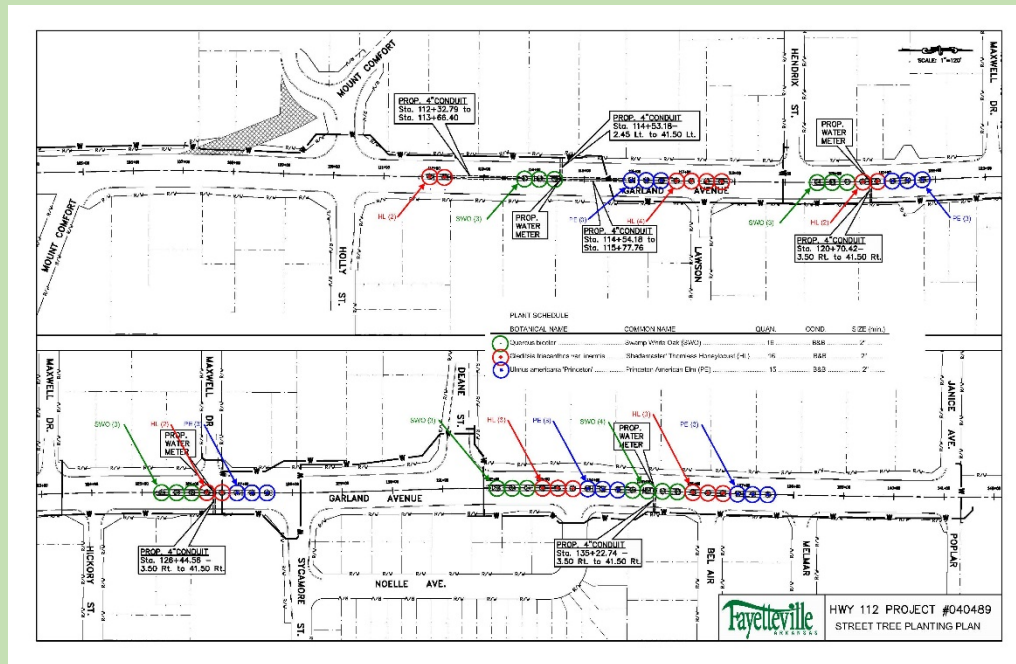
Maintenance Cost of Sod: \$2,678.28

Maintenance Cost of Native Plantings: \$ 672.00

After the first year of installation, the cost of Native Plantings becomes less than the cumulative cost of Sod.

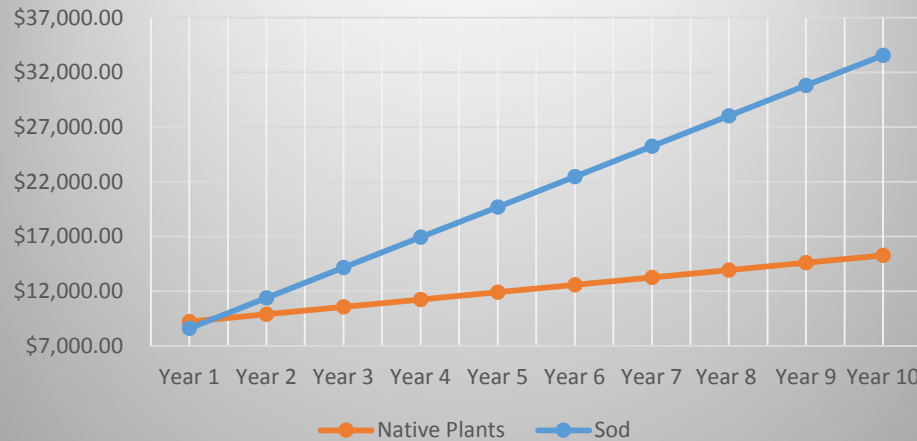
*Costs are based on estimation from plans submitted for HWY 112 project #040489. Maintenance costs are based on information provided by the Transportation Departments cost for maintaining the Garland Avenue medians and Parks Maintenance cost for a similar space in the city. All numbers are approximation based on real world conditions, however costs may vary depending on labor and material cost at time of purchase.

Estimates were done for the recently installed 12,485 Sq. Ft. median on Garland Avenue. The trees in the median, shown below, were given 4 Sq. Ft. of space under each tree, which was not included in the estimate. These areas were left for mulch.



- 50 %** of the native planting estimate is native Milkweed – *Asclepias tuberosa*. Native Milkweed is the primary habitat and food source for the Monarch Butterfly.
- 26 %** of the native planting is Asters- *Aster novae*. Asters are an excellent source of food for bees and butterflies.
- 24 %** of the native planting is for Virginia Sweetspire – *Itea virginica*. Virginia Sweetspire has showy fragrant blooms in the spring and provides nectar for birds and insects.

A Cumulative 10 Year Cost Garland Avenue Median
1st Year Includes Installation Cost



Installation Cost of Sod:	\$5,846.78
First Year Maintenance Sod:	<u>\$2,678.28</u>
Total for First Year with Sod:	\$8,618.78

Installation Cost of Native Plantings:	\$8,548.58
First Year Maintenance Native Plants:	<u>\$ 672.00</u>
Total for First Year with Native Plants:	\$9,220.58

After 1 year, including installation, native plantings are more cost effective.

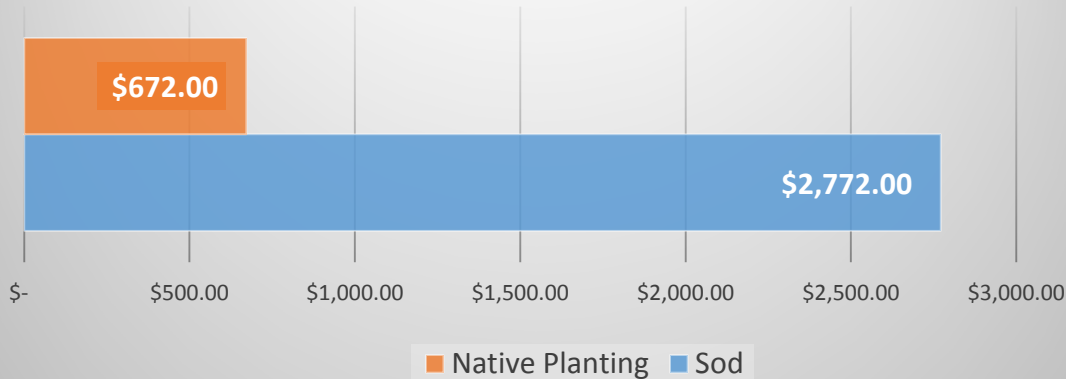
Cost Per Square Foot for Ten Years

Sod	\$2.76/Sq. Ft.
Native Planting	<u>-\$1.25/Sq. Ft</u>
Difference	\$1.51/Sq. Ft.

A unique native planting can afford the City of Fayetteville opportunities for grants available for Monarch Butterfly Habitat.

*Costs are based on estimation from plans submitted for HWY 112 project #040489. Maintenance costs are based on information provided by the Transportation Departments cost for maintaining the Garland Avenue medians and Parks Maintenance cost for a similar space in the city. All numbers are approximation based on real world conditions, however costs may vary depending on labor and material cost at time of purchase.

Cost Comparison: Sod v Native Planting of Garland Avenue (12,174 Sq. Ft.) 1 year Maintenance



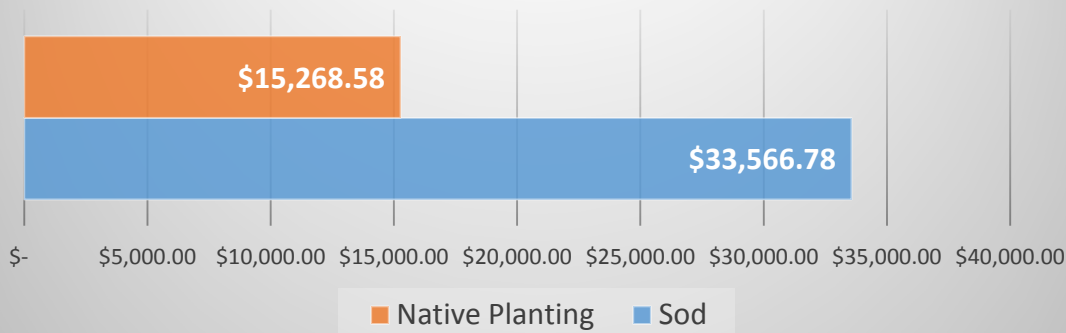
Yearly Maintenance Cost for 12,174 Sq. Ft. mowing: \$2,772

Based on \$ 14/ hour pay, 21 mowing's in a year 1 person at 9 hours per mow. Gas is included at \$2.00 gallon and the use of 3 gallon per visit. Information provided by Transportation. *

Yearly Maintenance Cost for 12,174 Sq. Ft. of native planting: \$672.00

Based on \$ 14/hour and a similar site maintenance provided by Parks Maintenance. 12 hours per visit and four visits a year for litter and weed clean up. *

Cost Comparison Sod v. Native Planting of Garland Avenue (12,174 Sq. Ft.) Installation and 10 year Maintenance



Overall savings after ten years with native plantings for 12,174 Sq. Ft.

\$33,566.78 Sod
-\$15,268.58 Plantings
\$18,298.20 Saving with Native Plantings

*Costs are based on estimation from plans submitted for HWY 112 project #040489. Maintenance costs are based on information provided by the Transportation Departments cost for maintaining the Garland Avenue medians and Parks Maintenance cost for a similar space in the city. All numbers are approximation based on real world conditions, however costs may vary depending on labor and material cost at time of purchase.

Benefits

Environmental

- habitat
- food source
- beautification



Safety

- less staff on busy highways
- less chance of throwing debris (gravel) into traffic
- less use of machinery



Cost

- less gas used
- less manpower required
- significantly lower cost



Social

- traffic calming
- aesthetics
- contributing to a healthy environment

Federal Highway Administration has had a highway beautification project since 1973
Iowa is using native plantings to restore prairie habitat along new highways
Other Midwestern states are using roadsides for prairie and native grass restoration
Sacramento Valley has been using native plantings along roadways since the 90's
The consensus results for all these projects is lower cost, lower maintenance, and habitat restoration.

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

Budget Year	Division: Parks & Recreation	Adjustment Number
2016	Dept.: Parks & Recreation	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Urban Forestry Group - To receive/recognize matching grant funds of \$14,105 from U.S. Department of Agriculture (USDA) through the Arkansas Forestry Commission (funded through U&CF # 14-DG-11083105-004) for use to plant native trees & plants in the medians on Garland & College avenues. There is a 50% matching requirement by the City. This will be provided with in-kind labor and landscape materials from the current budgeted expenses.

RESOLUTION/ORDINANCE	COUNCIL DATE:	4/5/2016
	LEGISTAR FILE ID#:	2016-0129
	<i>Barbara Fell</i>	
	3/11/2016 10:54 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	14,105	14,105					v.20160125
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
4470.9470.5315.00	14,105	-	15012	1601	EX	Contract Services	
4470.0947.4309.00	-	14,105	15012	1601	RE	Federal Grants - Capital	
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0132

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 6

ARKANSAS RECREATIONAL TRAILS GRANT:

A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN 80/20 ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$56,000.00 FOR THE CONSTRUCTION OF A NATURE TRAIL BOARDWALK AT LAKE FAYETTEVILLE, 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 an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Recreational Trails Grant in the amount of \$56,000.00 for construction of a Nature Trail Boardwalk at Lake Fayetteville.

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

2016-0132

Legistar File ID

4/5/2016

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

Byron Humphry

3/11/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a resolution to authorize the City to accept \$56,000 from the Arkansas Recreational Trails Program to construct a boardwalk at Lake Fayetteville and approval of an Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department. Approval of a Budget Adjustment.

Budget Impact:

2250.9255.5400.00

Parks Development

Account Number

Fund

13001.1602

Community Park Improvements

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 473,182.00

Funds Obligated \$ -

Current Balance \$ 473,182.00

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 56,000.00

Remaining Budget \$ 529,182.00

V20140710

Previous Ordinance or Resolution # 55-15

Original Contract Number:

Approval Date:

Comments:

TO: Mayor and City Council

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

FROM: Byron Humphry, Parks Maintenance Superintendent

DATE: March 11, 2016

SUBJECT: Resolution to Accept the Recreational Trail Grant for Lake Fayetteville Boardwalk and approval of an Agreement of Understanding between the City and Arkansas State Highway and Transportation Department.

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to accept \$56,000 from the Arkansas Recreational Trails Program to construct a boardwalk at Lake Fayetteville and approval of an Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department.

BACKGROUND:

On March 3, 2015, City Council approved Resolution 55-15 to express the willingness to apply for a federal grant through the Recreational Trails Program to build a boardwalk at Lake Fayetteville. The grant is an 80/20 match with the City responsible for 20% of the project total. The requested funds were \$60,000 with a project total of \$75,000.

On December 21, 2015, Parks and Recreation received notification that the City had been awarded grant funding in the amount of \$56,000, for a project total of \$70,000. The City's required match is \$14,000 which can be composed in part or whole of in-kind services.

DISCUSSION:

On January 27, 2015, Parks staff attended a grant kick-off meeting and obtained the details regarding grant administration. The first required step is for the Mayor and City Attorney to sign an Agreement of Understanding between the City and the Arkansas State Highway and Transportation Department.

Also requiring the Mayor's signature is Attachment B and Attachment N. Attachment B allows the Mayor to designate a full time employee who will be responsible for the day to day oversight of the grant. Staff requests Byron Humphry, Parks Maintenance Superintendent, be that designee. Construction of the boardwalk will be conducted in-house with force labor account and/or volunteer labor.

Attachment N certifies that federal funds were obtained ethically and without persuasion.

BUDGET/STAFF IMPACT:

The project was partially funded in the total amount of \$70,000. The City is responsible for 20% of the total, or \$14,000. The remaining 80%, or \$56,000 will be awarded to the City as a reimbursement. A change in scope will be required to offset the partially funded award. This will likely result in a change in materials.

The 20% match of \$14,000 will primarily be composed of in-house, force account labor. Any monetary funds required for the match will come from budgeted funds in the Lake Fayetteville Improvement project. Construction is tentatively scheduled for fall of 2016 after staff has completed installation of the Lights of the Ozarks display.

Attachments:

Agreement of Understanding

Attachment B

Attachment N

Budget Adjustment

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation Federal Highway Administration

RELATIVE TO

Implementation of **Job 040701, Nature Trail Boardwalk (Fayetteville) (RTP-15) (S)** (hereinafter called the "Project") as an Arkansas Recreational Trails NonMotorized Program project.

WHEREAS, funding in the Moving Ahead for Progress in the 21st Century Act (MAP-21) includes 80% Federal-aid funds to be matched with 20% non-federal funds for approved Recreational Trails Program projects; and

WHEREAS, the **City of Fayetteville** (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas State Highway and Transportation Department (hereinafter called the "Department") a signed and sealed Resolution from the Sponsor's governing body authorizing the Sponsor's CEO or their designated representative to execute agreements and contracts with the Department for the Project; and

WHEREAS, funding participation will be as follows, subject to a limit of **\$56,000** maximum Federal-aid approved for the Project:

	Maximum	Minimum
	<u>Federal %</u>	<u>Sponsor %</u>
Project Design:	0	100
Right-of-Way/Utilities:	0	100
Project Construction:	80	20
Project Construction Inspection:	0	100

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Attachment A) and that, as part of these requirements, the Department may set goals for DBE participation in the Project ranging from 0% to 100% that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to make the public or any member

thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement.

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Attachment B). The duties and functions of this person are:
 - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
 - Maintains familiarity of day to day project operations, including project safety issues;
 - Makes or participates in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
 - During construction, visits and reviews the project on a daily basis;
 - Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
 - Directs project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
 - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Sponsors that require a reduction in the scope of their project will submit the Revision of Project Scope and Budget (Attachment C) with the signed Agreement of Understanding.
3. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer or licensed architect must sign the plans and specifications for the project if the project includes design of structural components. Plans which include the design of only non-infrastructure components will not require a registered stamp.
4. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations. (See Attachment D for items to be included in the bid proposal).
5. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right-of-way and adjusting utilities in conformance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**
6. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").

7. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the Project and the land is accessible to the general public for public recreational purposes (See Attachment E).
8. Ensure the preparation of utility adjustment and right-of-way plans are in accordance with Arkansas State Highway Commission Policy.
9. Submit a certification letter (Attachment F), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.
10. **Refrain from any Project construction** for which the Sponsor expects monetary reimbursement **until a Notice to Proceed is received from the Department.**
11. If the project is to be advertised, it must be done in accordance with federal procedures as shown in Attachment G. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**
12. Forward a copy of all addenda to the Project during the advertisement to the Department.
13. After bids are opened and reviewed, submit a certification (Attachment H), including all items noted, to the Department and request concurrence in award of the contract.
14. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**
15. Prior to executing the work, submit change orders to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.
16. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
17. Perform construction inspection in accordance with Attachment I.
18. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Attachment J). Requests for reimbursement must be made at least once every six months that construction projects are active in order to avoid being put on the FHWA inactive project list.
19. Attach Report of Daily Work Performed (Attachment K) for all days that correspond with each CCRR submittal.
20. Upon project completion hold a final acceptance meeting for the Project and submit the Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Attachment L). This form must be signed by the engineer/architect performing construction inspection on the Project, the Department's Resident Engineer assigned to the project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.

21. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.
22. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.
23. To the extent permitted by law, indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of the Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code 19-10-305, or the 11th Amendment of the United State Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement. It is acknowledged that the Sponsor is entitled to certain immunities provided by A.C.A. §21-9-301 and that nothing contained herein shall be construed as a waiver of any such statutory immunities.
24. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.
25. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 49 CFR 18.42 - Retention and access requirements for records (Attachment M).
26. Grant the right of access to Sponsor's records pertinent to this Project and the right to audit by the Department and Federal Highway Administration officials.
27. Be responsible for 100% of all project costs incurred should the Project not be completed as specified.
28. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.
29. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Attachment N), which is necessary for Project participation.

30. Repay to the Department the federal share of the cost of any portion of this Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's Motor Fuel Tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the Project as specified, or fail to adequately maintain or operate the Project.
31. Repay all federal funds if this is determined necessary for any reason.
32. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the Project as approved;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of a project due to the Project's obsolescence.
33. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of all future Federal-aid funds.
34. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than \$500,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The \$500,000 threshold is subject to change after OMB periodic reviews.
35. Promptly notify the Department if the Project is rendered unfit for continued use by natural disaster or other cause.
36. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Attachment O).
37. Private or Non-Profit Organizations must review and submit Attachment P with all documents requested to the Department. A Notice to Proceed will not be granted to these organizations without the documents being submitted in full.

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Request review from the Arkansas Historic Preservation Program (AHPP).
3. Provide routine environmental documentation for the Project.

4. Notify the Sponsor when right-of-way and/or utility plans are approved and the Sponsor may proceed with right-of-way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
6. Review plans and specifications for project/program eligibility.
7. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
8. Advise the Sponsor when to proceed with Project construction or advertisement of the Project for construction bids.
9. Review bid tabulations and concur in award of the construction contract for the Project.
10. Participate in the Sponsor's preconstruction and final acceptance meetings.
11. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
12. Review and approve any necessary change orders for project/program eligibility.
13. Reimburse the Sponsor 80% (Federal-aid share) for eligible costs up to the maximum Federal-aid amount as approved in the CCR form (Attachment J). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
14. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified Final Acceptance Report form (Attachment L).
15. Reserve the right to cancel the Project if there is an unreasonable delay in project development or completion of the project, there is a lack of progression toward project development or completion of the project, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process or the Sponsor is unresponsive to Department requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving all future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the Project or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, 2016.

**ARKANSAS STATE HIGHWAY AND
TRANSPORTATION DEPARTMENT**

CITY OF FAYETTEVILLE

Scott E. Bennett, P.E.
Director of Highways and Transportation

Lioneld Jordan
Mayor of Fayetteville

Kit Williams
City Attorney

**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**

NOTICE OF NONDISCRIMINATION

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Sponsor Letterhead

*(Designating Full-Time Employee
in Responsible Charge)*

April 5, 2016

Mr. Emanuel Banks
Deputy Director and Chief Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: **Job # 040701**
Nature Trail Boardwalk (Fayetteville)
Washington County

Dear Mr. Banks:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be **Byron Humphry**. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding.

Sincerely,

(Mayor Lioneld Jordan)

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed \$100,000, and that all such sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

City of Fayetteville

Sponsor:

Signature:

Mayor Lioneld Jordan

Name:

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

Budget Year	Division: Parks & Recreation	Adjustment Number
2016	Dept.: Parks & Recreation	
	Requestor: Alan Bearden	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval to receive/recognize matching grant funds of \$56,000 from the Federal Highway Administration through the Arkansas Recreational Trails Program for use to construct a boardwalk at Lake Fayetteville. There is a 20% matching requirement by the City. This will be provided with in-kind labor and materials from the current budgeted expenses.

RESOLUTION/ORDINANCE	COUNCIL DATE:	4/5/2016
	LEGISTAR FILE ID#:	2016-0132
	<i>Barbara Fell</i> 3/18/2016 10:48 AM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	56,000	56,000						v.20160125
	Increase / (Decrease)		Project.Sub#					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
2250.9255.5400.00	56,000	-	13001	1602	EX	Building & Grounds Maintenance		
2250.0925.4309.00	-	56,000	13001	1602	RE	Federal Grants - Capital		
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0057

Agenda Date: 5/17/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

WHEREAS, the Mayor is authorized to assign any and all city owned paid parking lots in the Entertainment District Parking Lot by special event permit for up to sixteen (16) days per calendar year; and

WHEREAS, multi-day special events that close parking facilities and city streets significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefor citizens should have the opportunity for input in the decision-making process; and

WHEREAS, special events that request or need to occupy and use such city parking lots or city streets more than two (2) days should not only receive the Mayor's express approval through the Mayor's issuance of a special event permit, but must receive express approval of the City Council for any and all city owned parking lots or city street closures needed beyond the two day limit.

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 § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

“(M) Special Event Permits Needed To Use City Owned Parking Lots, paid on- street parking spaces, or to close city streets

(1) Events needing the use of city owned parking lots for two days or less.

The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces within the Entertainment District Parking Zone for up to two days per special event for the use of a permitted special event or other necessary reason for not more than a total of sixteen (16) days per calendar year.

(2) Events requesting the use of city owned parking lot or on-street paid parking spaces or to close city streets for more than two days in a calendar year.

Subject to the overall limit of 16 days per calendar year, the Mayor may propose and the City Council may agree to or reject an expanded special event permit which would authorize the special event to use city owned paid parking lots or on-street paid parking in the Entertainment District Parking Zone for more than two and up to five days per year. The Mayor may also propose the closure of city streets for more than two days for a special event. The approval and any conditions imposed for such approval by the City Council shall be by City Council Resolution. Proposed special event permits shall be evaluated by the City Council on the basis of, but not limited to, weighing the potential benefits and detriments to the community, impact to public services, including City, schools, transportation, and medical services, and the effect on the overall quality of life to residents and businesses. Any violation of the City Council required conditions shall subject the special event permit authorization beyond two days to be voided and withdrawn by the Mayor.”

AGENDA REQUEST FORM

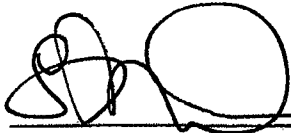
FOR: Council Meeting of February 16, 2016

FROM: City Council Member Sarah Marsh

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES (M)** TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

APPROVED FOR AGENDA:



City Council Member Sarah Marsh

1/28/2016

Date



City Attorney Kit Williams
(as to form)

January 27, 2016

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Paul Becker, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **February 18, 2016**

RE: **Proposed change to City Council Member Marsh's Ordinance to require City Council approval of special events utilizing city infrastructure more than two days per year**

City Council Member Marsh requested to expand the scope of her proposed amendment from the Entertainment Parking District to all of Fayetteville. I have attempted to do so with the attached amended draft ordinance.

Expanding this requirement into the downtown area required consideration of the current "events" such as the Farmer's Market, First Thursday Fayetteville and Lights of the Ozarks which have already been approved for parking spaces and road closures of more than two days by City Council ordinance codified into the Fayetteville Code. Accordingly, I needed to add (3) to remove these already authorized events from the more than two day event limitations and requirements of (2). Also attached are the code sections for each of these events.

ORDINANCE NO.

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS, ON-STREET PAID PARKING SPACES OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

WHEREAS, the Mayor is authorized to assign any and all city owned paid parking lots in the Entertainment District Parking Lot by special event permit for up to sixteen (16) days per calendar year; and

WHEREAS, multi-day special events that close parking facilities and city streets significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefor citizens should have the opportunity for input in the decision-making process; and

WHEREAS, special events that request or need to occupy and use such city parking lots or city streets more than two (2) days should not only receive the Mayor's express approval through the Mayor's issuance of a special event permit, but must receive express approval of the City Council for any and all city owned parking lots or city street closures needed beyond the two day limit.

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 § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

“(M) Special Event Permits Needed To Use City Owned Parking Lots, Paid On-Street Parking Spaces, Or To Close City Streets

(1) Events needing the use of city owned parking lots, paid on-street parking spaces or the closure of city streets for two days or less in a calendar year

The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots, some or all on-street paid parking spaces, or the closure of city streets for up to two days per year for the use of a permitted special event. Parking lots within the Entertainment District Parking Zone may be assigned for no more than sixteen (16) days per calendar year for all permitted special events to ensure sufficient parking revenue is collected to pay the City's parking bonds.

(2) Events requesting the use of city owned parking lots, paid on-street parking spaces or the closure of city streets for more than two days in a calendar year

Subject to the overall limit of 16 days per calendar year for parking lots in the Entertainment District, the Mayor may propose and the City Council may agree to or reject an expanded special

event permit which would authorize the special event to use city owned paid parking lots or on-street paid parking for more than two and up to five days per year. The Mayor may also propose the closure of city streets for more than two days for a special event. The approval and any conditions imposed for such approval by the City Council shall be by City Council Resolution. Proposed special event permits shall be evaluated by the City Council on the basis of, but not limited to, weighing the potential benefits and detriments to the community, impact to public services, including City, schools, transportation, and medical services, and the effect on the overall quality of life to residents and businesses. Any violation of the City Council required conditions shall subject the special event permit authorization beyond two days to be voided and withdrawn by the Mayor.

(3) Farmers' Market, First Thursday Fayetteville And Lights Of The Ozarks Exempt From Limitations

The closure of city streets and use of on-street parking spaces for § 114.02 **Farmers' Market**; § 114.03 **First Thursday Fayetteville**; and § 117.93 **Lights of the Ozarks** are not subject to the limitations or requirements of (2)."

PASSED and **APPROVED** this 1st day of March, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 114: FOOD SALES

114.01 Drive-In Restaurants

- (A) A drive-in restaurant, within the meaning of this chapter, shall be deemed to be any restaurant where meals, sandwiches, ice cream, or other food, is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles, or other vehicles parked on the premises.
- (B) Prohibited Acts.
- (1) It shall be unlawful for any person, while on or adjacent to the premises of a drive-in restaurant, to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise.
 - (2) It shall also be unlawful for any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.
 - (3) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant, whether in or out of an automobile, to drink any intoxicating beverage of any nature.
 - (4) It shall be unlawful for a group of three or more persons to congregate and linger at any location on the premises of a drive-in restaurant. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle on to the premises of a drive-in restaurant and then from said premises without parking such motor vehicle, unless there is no unoccupied parking space available on said premises.
 - (5) It shall be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and to leave the premises thereof, except with the knowledge and consent of the operator of the restaurant.

(Code 1965, §§7A-1, 7A-3, 7A-4; Ord. No. 1706, 10-6-69; Code 1991, §114.01)

Cross reference(s)--Penalty, §114.99(A).

114.02 Farmer's Market

- (A) *Operation of the Farmers' Market on the Square.*
The nonprofit Rural Mountain Producers Exchange

is authorized to continue to operate the Farmers' Market on the Fayetteville Square in conformance with the following conditions. This marketplace shall be located on the interior parking spaces (those parking spaces adjoining the Old Post Office) of the Downtown Square. Vendors shall be permitted to park their vehicles at right angles to street curbs provided that no vehicle shall be permitted to extend into the street in such a manner as to obstruct the free flow of traffic, and no vehicle shall be parked within 15 feet of any fire plug. All public sidewalks around the Square shall remain freely available to the public with the inside two-thirds width of the sidewalks free from any tables, booths or displays. Farmers' Market vendors may occupy no more than one-third of the width of the sidewalk directly in front of their assigned parking space. As long as pedestrian traffic is not obstructed or hindered, the corners of the Square's sidewalks and any unoccupied space around the outside third of the sidewalk can be used during the authorized hours and days of the Farmers' Market for governmental communications, free speech and acoustic music purposes. No sound amplification may be used unless approved by the City through its Special Event Permit Process.

- (B) *Expanded Saturday use of the Square.*

- (1) Three streets around the Square: East, Mountain and Block shall be closed to vehicular traffic. The exterior parking spaces for these three streets around the Square shall be available for vendors and exhibitors pursuant to subsection (3) below as assigned by the Rural Mountain Producers' Exchange management by closing these streets and parking spaces to non-vendor vehicular traffic. Vendors using large commercial delivery vehicles, such as box trucks, shall either be located on the interior parking spaces around the Old Post Office Building or outside the designated market area to maintain storefront visibility. No vendor parking is allowed on the west side of Block Avenue, except for food trucks which shall be limited to the southernmost and northernmost parking spaces.
- (2) Pedestrian aisles. To facilitate the flow of pedestrians between storefront and the streets, midblock pedestrian aisles of at least five feet in width shall be maintained on both sides of each closed street if both sides of the street are occupied by vendors or exhibitors (as further shown on Exhibit A which shall

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

remain attached to this ordinance for future reference, but not codified). On the west side of East Avenue, the Old Post Office access easement shall be such an aisle. On the south side of Mountain Street, the opening into the Town Center Plaza shall be used for the aisle.

- (3) **Exhibition spaces.** A minimum of twenty eight (28) feet on either side of all three closed streets shall be set aside, integrated and managed by the Rural Mountain Producers Exchange management as exhibition space for nonprofit charitable corporations and free speech entities including issue campaigns and candidates. The Exchange management shall make available an online form for the reservation of exhibition space on a first-come, first-served basis. No vehicles may be parked within exhibit spaces. Unclaimed exhibition space shall be managed by the Rural Mountain Producers Exchange management and may be used by store owners for sidewalk sales, as temporary seating or by market vendors.
- (4) **Prepared food vendors.** Vendors serving prepared food for consumption at the Farmers' Market shall not be located directly in front of any restaurant storefront without the written permission of the restaurant owner. Prepared food vendors must supply their own garbage container, ensure the area around their vending location remains constantly clean and litter free throughout their operation and prior to leaving and remove all of their equipment and the garbage container, the contents of which must be properly disposed of in a private (not public) dumpster to which they have legal access.
- (5) **Animal Services corner.** The City of Fayetteville Animal Services Division may continue to occupy its normal location in the intersection of Mountain Street and East Avenue for its pet adoption program and other uses.
- (C) **Days and hours.** The Farmers' Market may be open and operating Tuesdays and Thursdays from 6:00 a.m. until 1:00 p.m. and on Saturdays from 6:00 a.m. until 2:00 p.m. from April until Thanksgiving.
- (D) **Articles permitted to be sold.** The following articles may be sold at the marketplace established hereby: vegetables, honey, raw juices, molasses, fruit, and other produce grown by the vendor thereof, plants, art work, craft work, and other processed farm products produced by the vendor thereof. All products sold at the marketplace must be produced in compliance with all applicable regulations of the State Department of Health and have all appropriate permits. Food prepared by local vendors including baked goods from local bakeries, nuts, coffee, tea, non-alcoholic beverages, and items from approved food trucks may also be sold.
- (E) **Sanitation.** At the close of each market day, each vendor shall be required to leave the marketplace in a clean and sanitary condition, free from debris and insects.
- (F) **Use of public streets for business prohibited; exception.** It shall be unlawful for any person to use any public street, public parking place, or public sidewalk, as a place of business except as authorized by this section; provided, any merchant whose building is adjacent to a public sidewalk may conduct business thereon if pedestrian traffic is not obstructed thereby; provided further, the City Council may approve temporary use of a public street, place, or sidewalk as a marketplace where such use is part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such use as are necessary to safeguard the public health, safety, and welfare.
- (G) **City laws and regulations prevail over Rural Mountain Producers Exchange Board policies.** If the Mayor determines that a policy of the Rural Mountain Producers Exchange Board concerning its operation of the Farmers' Market on city property violates the law or city regulations, such policy shall be revoked and no longer operative. The Rural Mountain Producers Exchange Board may appeal such revocation of any of its policies to the City Council.
- (H) **Dogs on the Square during Farmers' Market.** The presence of properly leashed and socialized dogs shall be allowed on the Square during Farmers' Market. Each person with a leashed dog shall immediately clean up and remove any and all feces from their dog. The available plastic bag must be immediately shown to any Fayetteville Animal Control Officer or Police Officer when requested. If a dog damages any vendor's produce or product, the owner or handler shall immediately pay the full value to the vendor for such damaged produce or product. Any unprovoked dog that acts aggressively toward other dogs or provokes other dogs, and any dog that growls or acts aggressively toward any person shall immediately be removed from the entire Square area by its owner or handler and never returned until properly socialized not to

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to \$250.00.

- (I) *Annual report to City Council.* The Rural Mountain Producers Exchange shall present its annual written report and answer questions about the operation and revenues received and expended in the Rural Mountain Producers Exchange to the City Council during its first meeting in March of each year. This written report shall include year-to-year changes in gross revenues and expenditures and the portion of revenue that is used for administrative overhead, and not actual sales numbers. It shall also provide this same information relative to its operation on any other City property such as the Botanical Gardens at the Lake Fayetteville Park. This information will not be combined, but differentiated between the Square and other locations. The Rural Mountain Producers Exchange shall publish a map of the Square showing the locations of vendor and nonprofit exhibit spaces and provide for online reservation for nonprofits.

- (J) *Vendor fees.* The Rural Mountain Producers Exchange shall not adjust the fees it charges to vendors except by a vote of its full membership.

(Code 1965, §13-14; Ord. 2040, 8-20-74; Ord. No. 2846, 8-17-82; Ord. No. 2862, 10-5-82; Ord. No. 2925, 6-7-83; Code 1991, §114.03; Ord. No. 4045, §1, 7-15-97; Ord. No. 4246, 6-6-00; Ord. 5309, 4-6-10; Ord. No. 5587, 6-4-13)

Cross reference(s)--Penalty, §10.99.

State law reference(s)--Maintenance and regulation of markets, A.C.A. §14-140-101.

114.03 First Thursday Fayetteville

- (A) *Establishment, hours and dates.* First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 3:00 P.M. through 10:00 P.M.
- (B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block

Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between 3:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.

- (C) *Articles permitted to be sold.* Only objects of art or craft produced and sold by a local artist or craftsman may be sold at the First Thursday Fayetteville event. The Fayetteville Convention and Visitors Bureau is empowered to assign precise locations for any vendors wishing to display or sell their personally created art or craft work.

- (D) *Sanitation.* At the close of a vendor's operation (no later than 10:00 P.M.), the vendor shall clean the immediate area around the vendor's operation and ensure that all trash and debris are removed and properly discarded.

(Ord. 5307, 3-16-10; Ord. 5392, 3-15-10; Ord. 5487, 3-6-12; Ord. 5682, 4-15-14)

114.04-114.98 Reserved

114.99 Penalty

Any person found guilty of violating any of the provisions of §114.01 shall be deemed guilty of a misdemeanor and shall be fined not more than \$100.00.

(Code 1965, §7A-2, 11-5; Ord. No. 786, 9-2-35; Ord. No. 1706, 10-6-69; Code 1991, §114.99; Ord. No. 4045, 7-15-97)

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

- (a) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each nonmotorized passenger transport vehicle:

- (i) Headlights;
- (ii) Tail lights;
- (iii) Flashing lights;
- (iv) Approved braking system;
- (v) Rubber on all wheels;

- (vi) A "slow moving vehicle" sign attached to the rear of the vehicle;

- (vii) Evidence of insurance;

- (viii) A copy of this article.

- (2) *Helmets.* Unless the operator, holder, or handler of a pony, horse, camel or dromedary ride keeps all of its mounted ponies, horses, camels or dromedaries adequately and safely tethered to a ring apparatus, the operator, holder or handler shall ensure that every rider wears an equestrian or bicycle-type safety helmet while riding on horseback, camelback or dromedaryback.

(Ord. No. 3931, §9, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.87; Ord. 4497 06-17-03; Ord. 4939, 10-17-06)

117.88 Transfer Of Certificate

No Certificate of Public Convenience and Necessity may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Public Transit Board.

(Ord. No. 3931, §10, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.88)

117.89 License Fees

No certificate shall be issued or continued in operation unless the holder thereof has paid annual license fee of \$250.00 for the right to operate a nonmotorized passenger transport service under a Certificate of Public Convenience and Necessity. The license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder.

(Ord. No. 3931, §11, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.89)

117.90 Suspension, Revocation Of Certificate

- (A) A certificate issued under the provisions of this article may be revoked or suspended by the Public Transit Board if the holder thereof has:

- (1) Violated any of the provisions of this article;
- (2) Violated any ordinances of the city, or the laws, federal or state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

- (B) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Ord. No. 3931, §12, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02)

117.91 A.D.A. Compliance

Holder shall comply with all applicable provisions of the Americans with Disabilities Act.

(Ord. No. 3931, §13, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.91)

117.92 Authority To Summon Veterinarian

The police department is hereby authorized to immediately summon the City Veterinarian (or other licensed veterinarian as available) if at any time an officer reasonably believes a horse, pony, camel or dromedary is ill, overtired, undernourished, overloaded, injured, or lame or whose health or life may otherwise be in imminent danger.

(Ord. No. 3931, §14, 10-3-95; Ord. No. 4396, Ex. A, 5-21-02; Code 1991, §117.92; Ord. 4939, 10-17-06)

ARTICLE VIII LIGHTS OF THE OZARKS

117.93 Lights Of The Ozarks

- (A) *Establishment, location and parking restrictions.* The Lights of the Ozarks celebration is hereby established in the city as an annual celebration beginning after the end of Farmers' Market (around Thanksgiving) and running through January 1 of the next year. This event shall be located on those interior parking spaces (adjoining the old post office) of the downtown square and on the sidewalks adjoining those parking spaces as well as those portions of the Town Center Plaza needed for this event's success. The block of East Avenue between Mountain Street and Center Street may be restricted to horse-drawn carriages, pony rides, or

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

other event vendors. No vendor shall obstruct pedestrian traffic on public sidewalks nor shall more parking spaces be utilized for vendors than absolutely necessary. The Fayetteville Advertising and Promotion Commission and Fayetteville Town Center staff are empowered to manage and administer all vendors operating on the Fayetteville Square during Lights of the Ozarks.

- (B) *Hours of operations.* Vendors for the Lights of the Ozarks shall be managed by the Fayetteville Town Center staff such that active operation of pony rides, carriage rides, etc. shall not commence, nor shall East Street be impeded from normal traffic prior to 6:00 P.M. nor obstructed later than midnight except for New Years when such use will be extended one hour until 1:00 a.m. on New Year's Day.
- (C) *Sanitation.* At the close of each Lights of the Ozarks business evening, each vendor must ensure that the area in which the vendor was located or operating is completely clean, sanitary and free of trash, debris, manure, etc. Failure to properly clean up shall be grounds to revoke that vendor's license or permission to operate during Lights of the Ozarks.
- (D) *Vendors and licenses.* Any vendors operating within the area of the Lights of the Ozarks shall have all proper, necessary and valid licenses applicable to the vendor's business and keep all such licenses available for inspection and in good standing while operating during Lights of the Ozarks. Any event or other reasonable fee charged by the Town Center Staff or the City of Fayetteville to defray costs to manage Lights of the Ozarks must be paid or the vendor shall be prohibited from operating in this event.
- (E) *Sidewalk vendors.* Sidewalk vendors must comply with §178.03 of the Unified Development Code and obtain proper permits from the Zoning and Development Administrator as well as the Fayetteville Town Center staff {which shall constitute compliance with §178.03(E)(2)}.

(Ord. 5286, 11-17-09)

117.94-117.97 Reserved

117.98 Prohibited Activity

No person or company shall provide or offer to provide motor vehicle rides to passengers if such service resembles a taxicab or limousine service unless the person and company have fully complied with Article IV **Taxicabs** or Article V **Limousine Service**. It shall not be a defense under this section if rides are offered to

passengers for tips or gratuities only.

(Ord. No. 4623, 10-05-04)

117.99 Penalty

- (A) Violation of any provision of this chapter for which another penalty is not already otherwise provided, shall subject the person in violation to the penalty provisions of §10.99.
- (B) Any person or company violating any of the provisions of Article IV § 117.30 through § 117.50 and Article V § 117.60 through § 117.63 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$250.00. Each occurrence and each day's continuance shall be considered a separate offense. In addition, the city shall have a right to revoke the permit or license required by § 117.37 and § 117.61 for any person or company convicted of violating Article IV or Article V.
- (C) Any person violating the provisions of § 117.98 **Prohibited Activity** shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00. A second and any subsequent convictions of § 117.98 within a one year period by the same person shall result in fines not to exceed \$1,000.00 per occurrence.
- (D) Any person who shall violate any of the provisions of §117.75 through §117.77 shall, upon conviction, be punishable by a fine of not less than \$5.00 nor more than \$250.00.

(Code 1965, §20-53; Ord. No. 1261, 4-10-61; Code 1991, §117.99; Ord. No. 4623, 10-05-04)

ARTICLE IX PEDICABS

117.100 Definitions

For the purpose of this article, the following words and terms have the meaning ascribed thereto:

Driver. An individual who operates a pedicab.

Holder. A person who is granted a Certificate of Public Convenience and Necessity under this article to provide pedicab service in the city.

Motorized electric powered tricycle. A tricycle that is equipped with an electric assist motor.

Pedicab. A tricycle or a motorized electric powered tricycle, not wider than fifty-four (54) inches at its widest point, which transports or is held out to the public as



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Ordinance Review Committee Members
City Council Member Adella Gray
City Council Member Matthew Petty
City Council Member Justin Tennant
City Council Member John La Tour

CC: City Council
Mayor Jordan
Don Marr, Chief of Staff

FROM: Kit Williams, City Attorney

DATE: March 4, 2016

RE: Ordinance Review Committee Meeting

On March 2, 2016, Cary Arsaga who is the primary citizen sponsor of the request to amend § 72.58 in relation to special event request to use city parking lots more than two days sent City Council Member Justin Tennant the attached email. As you see, Cary does not "think BBQ should be held up in their permitting process because we are considering this Ordinance, I think they should be able to go ahead as normal."

If his thoughts coincide with City Council Member Sarah Marsh and the rest of the City Council, there is certainly no rush to finalize the proposed ordinance and the necessity of holding a quick Ordinance Review Committee meeting has dissipated. That is probably good for a couple of reasons. Both City Council Members Tennant and Gray will be out of state for a lot of time over the next few weeks making it difficult to achieve a quorum. Secondly, the City Council can take plenty of time to try to work out an ordinance that most will be able to approve.

Let me request that the Ordinance Review Committee Members provide my office with dates they can be available for an Ordinance Review Committee meeting from mid to late March into mid April. Please send your available dates to my paralegal, Patti Mulford.



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

FROM: Kit Williams, City Attorney

DATE: March 9, 2016

RE: Ordinance Review Committee Meeting Scheduled for March 31, 2016

Pursuant to the agreement of the members of the Ordinance Review Committee, it will conduct a meeting on March 31, 2016 at 4:30 p.m. in Room 326 to elect this year's chairman and to consider:

"AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL"

Attached is the Agenda for that meeting with a copy of the ordinance presented by Council Member Sarah Marsh which has gone through two readings. Committee Member Matthew Petty made a good suggestion during the last City Council meeting that Committee Members might present proposed changes in writing to my office before the meeting so they can be reviewed by other Committee Members prior to meeting to discuss them.

Please provide my office any suggestions or comments you would like me to share or include as part of the Agenda of this Ordinance Review Committee. Please provide your suggestions several days in advance of the March 31st meeting so everyone will have sufficient time to consider your views.



AGENDA

Ordinance Review Committee

March 31, 2016

4:30 p.m.

City Hall Room 326

Members:

Justin Tennant (Chairman)-Alderman Ward 3

Adella Gray-Alderman Ward 1

Matthew Petty-Alderman Ward 2

John La Tour-Alderman Ward 4

City Staff:

Kit Williams, City Attorney

1. Call to Order

2. New Business

a. Election of Chair.

b. Discussion of proposed ordinance to amend § 72.58 **Off-Street Parking Facilities; Rules And Rates** (M) to limit the Mayor's authority to assign any City owned paid parking lots or on-street paid parking spaces within the Entertainment District or the closure of City streets for the use of a permitted special event to not more than two (2) days per year without express approval of the City Council.

c. Other business.

3. Adjourn

NOTICE TO MEMBERS OF THE AUDIENCE:

All cell phones must be silenced or turned off while in Room 326. No phone conversations or texting is allowed in Room 326.

The Ordinance Review Committee may, but is not required to allow public comments during the meeting. The primary purpose of an Ordinance Review Committee meeting is for the City Council members to discuss among themselves possible improvements or changes to the ordinance under consideration. This meeting is not a public hearing, but the Chairman may allow limited public discussion if the Committee believes it may be helpful for their discussions.

Interpreters or TDD, Telecommunication Device for the Deaf, are available for all public hearings; 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

ORDINANCE NO.

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

WHEREAS, the Mayor is authorized to assign any and all city owned paid parking lots in the Entertainment District Parking Lot by special event permit for up to sixteen (16) days per calendar year; and

WHEREAS, multi-day special events that close parking facilities and city streets significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefor citizens should have the opportunity for input in the decision-making process; and

WHEREAS, special events that request or need to occupy and use such city parking lots or city streets more than two (2) days should not only receive the Mayor's express approval through the Mayor's issuance of a special event permit, but must receive express approval of the City Council for any and all city owned parking lots or city street closures needed beyond the two day limit.

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 § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

“(M) Special Event Permits Needed To Use City Owned Parking Lots, paid on- street parking spaces, or to close city streets

(1) Events needing the use of city owned parking lots for two days or less.

The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces within the Entertainment District Parking Zone for up to two days per special event for the use of a permitted special event or other necessary reason for not more than a total of sixteen (16) days per calendar year.

(2) Events requesting the use of city owned parking lot or on-street paid parking spaces or to close city streets for more than two days in a calendar year.

Subject to the overall limit of 16 days per calendar year, the Mayor may propose and the City Council may agree to or reject an expanded special event permit which would authorize the special event to use city owned paid parking lots or on-street paid parking in the Entertainment District Parking Zone for more than two and up to five days per year. The Mayor may also propose the closure of city streets for more than two days for a special event. The approval and

any conditions imposed for such approval by the City Council shall be by City Council Resolution. Proposed special event permits shall be evaluated by the City Council on the basis of, but not limited to, weighing the potential benefits and detriments to the community, impact to public services, including City, schools, transportation, and medical services, and the effect on the overall quality of life to residents and businesses. Any violation of the City Council required conditions shall subject the special event permit authorization beyond two days to be voided and withdrawn by the Mayor.”

PASSED and **APPROVED** this 16th day of February, 2016.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Williams, Kit

From: Tennant, Justin
Sent: Wednesday, March 02, 2016 2:10 PM
To: Williams, Kit
Subject: Fwd: Arsaga Comment

Is there a way we can let bbbq go on this year as normal as mr arsega suggests? Then work this out for future years (say 2017 and beyond).

Justin

Sent from my iPhone

Begin forwarded message:

From: Cary Arsaga <arsaga@sbcglobal.net>
Date: March 2, 2016 at 7:17:37 AM PST
To: Justin Tennant <ward3_pos1@fayetteville-ar.gov>
Subject: Arsaga Comment
Reply-To: Cary Arsaga <arsaga@sbcglobal.net>

Justin,

I think sending the Ordinance to the Review Committee was a good idea. I saw problems with it as written, also. One of the problems, as Adella expressed, was the necessity to go before the City Council every year for approval. I think that is unnecessary and unwieldy. I think the Legacy Event concept that I mentioned is one possible way of dealing with that.

I don't think BBBQ should be held up in their permitting process because we are considering this Ordinance. I think they should be able to go ahead as normal. It's unfair to them this late in the game to throw this at them. If this ordinance consideration is a problem I'd rather pull it now and let them get their permit and then reintroduce it.

I will try and find some information on the Legacy Event concept and send it to you. I also think it may be a good idea to grant all three day events that we now have a Legacy Event status for a year or two in order for them to be able to plan ahead. They have all been approved by the current process and deserve some preferential treatment.

Thanks,
Cary

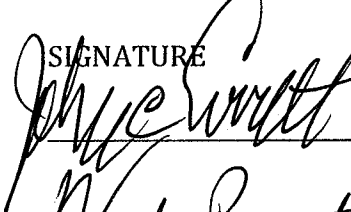
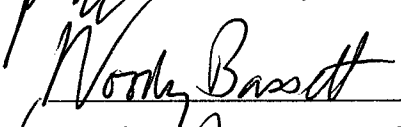
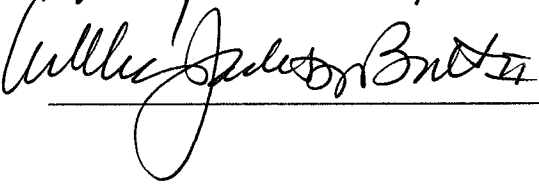
2-16-14

D. 7, Amend 72.58

At this time, the city of Fayetteville has no forum for citizen input in the permitting process for major events and festivals. If an organization wishes to get a Major Event Permit, they must fill out standard forms and obtain the signature of the Major.

We believe there is a better approach for Fayetteville. If an organization wishes to host an event that would use city parking lots and/or parks and close down public streets for MORE than two days, this should require City Council approval. This process would allow citizens a forum to discuss the value of the event to the city. Major festivals affect our entire city and help define our community. Allowing for citizen input and approval through our elected leaders is fair and appropriate.

THEREFORE, WE THE UNDERSIGNED, REQUEST THE CITY COUNCIL ADOPT AN ORDINANCE THAT REQUIRES CITY COUNCIL APPROVAL AS A FINAL STEP IN THE PERMITTING PROCESS FOR ANY MAJOR EVENT THAT PROPOSES TO CLOSE CITY STREETS, PARKS AND/OR PARKING LOTS FOR TWO OR MORE DAYS.

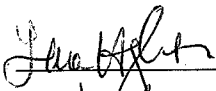
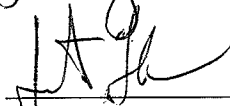
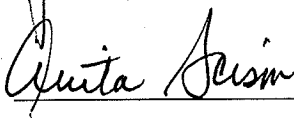
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	JOHN C. EVERETT	YES _____ NO ☒
	Noosy Bassett	YES ☒ NO _____
	Willie Jackson Brister	YES ☒ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701
Or drop off at The Depot, 548 W. Dickson.

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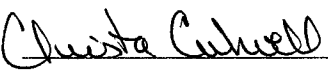
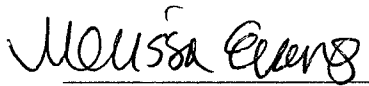
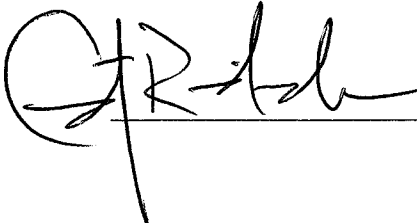
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	LARA HIGHTOWER	YES ☒ NO ☐
	JUSTIN FLETCHER	YES ☒ NO ☐
	ANITA SCISM	YES ☒ NO ☐
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____
_____		YES _____ NO _____

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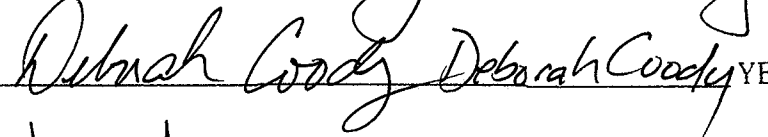
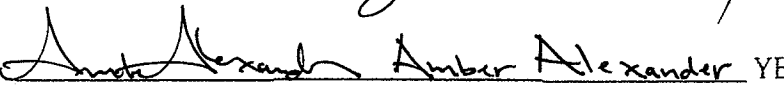
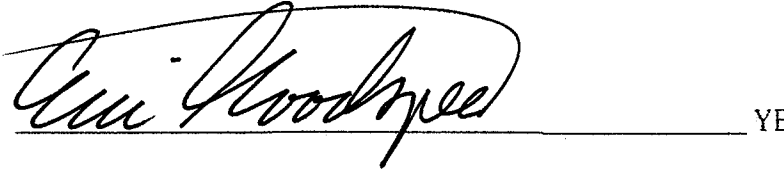
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Stacey Park	YES ☒ NO ☐
	BRET PARK	YES ☒ NO ☐
	Christa Culwell	YES ☐ NO ☒
	Melissa Evans	YES ☒ NO ☐
	Sarah Voorhees	YES ☐ NO ☒
	Alan Ostner	YES ☒ NO ☐
	Curt Richardson	YES ☒ NO ☐

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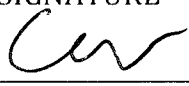
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Dan Coody	YES ☒ NO ☐
	Deborah Coody	YES ☒ NO ☐
	Amber Alexander	YES ☒ NO ☐
	Tim Woodspeed	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

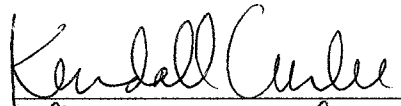
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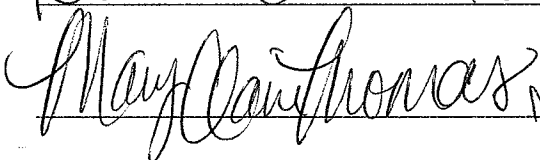
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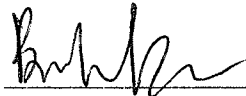
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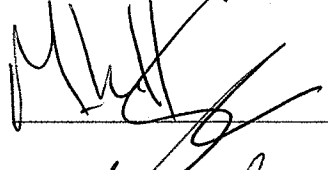
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Charmi Gooden	YES ☒ NO ☐

	Kendall Curlee	YES ☒ NO ☐
--	----------------	---

	MARY CLAIRE THOMAS	YES ☒ NO ☐
--	--------------------	---

	Brooke Bullock	YES ☒ NO ☐
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	Rachel Murray	YES ☒ NO ☐
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	Mitchell Simpson	YES ☒ NO ☐
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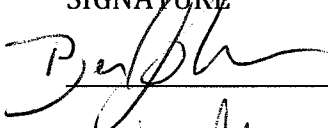
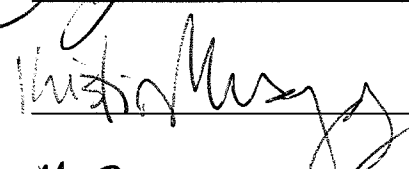
	Jonathan Holder	YES ☒ NO ☐
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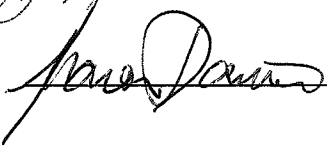
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Ben Johnson	YES ☒	NO ☐
	Kristin Musgnug	YES ☒	NO ☐
	MARK THOMAS	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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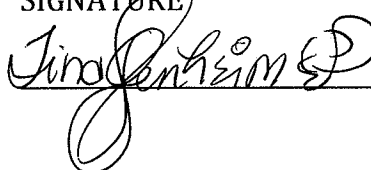
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Joseph Hutton	YES ☒ NO ☐
	Sharon Dawson	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	TINA OPPENHEIMER	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Kellie Rollins</u>	<u>Kellie Rollins</u>	YES ☒ NO ☐
<u>Christine A. Myres</u>	<u>Christine A. Myres</u>	YES ☒ NO ☐
<u>Becca Clark</u>	<u>BECCA CLARK</u>	YES ☒ NO ☐
<u>Erin Crawley</u>	<u>ERIN CRAWLEY</u>	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Frances D. Alexander</u>	<u>FRANCES D. ALEXANDER</u>	YES <u>✓</u> NO <u>✗</u>
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

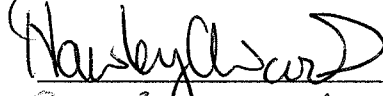
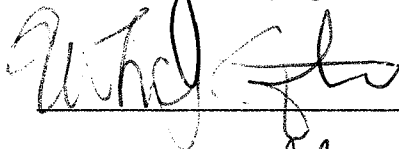
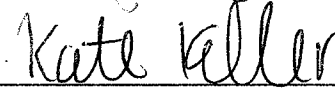
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** own commercial property in downtown Fayetteville at 116 W. Spring.*

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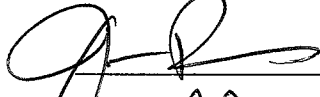
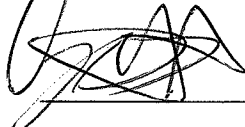
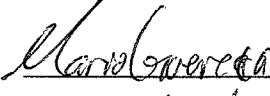
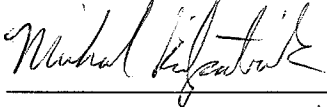
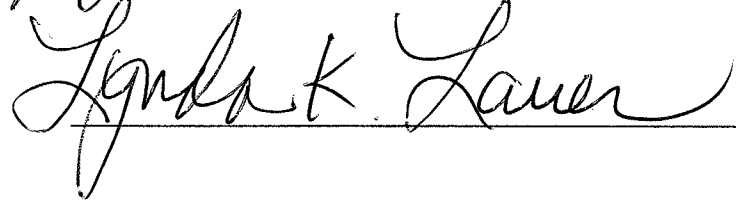
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	N. Alan Hill	YES ☒	NO ☐
	Hawley Woods	YES ☒	NO ☐
	Whitney Schreder	YES ☒	NO ☐
	Kate Keller	YES ☒	NO ☐
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____
_____	_____	YES _____	NO _____

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	James Reavis	YES ☒ NO ☐
	Patrick Stewart	YES ☒ NO ☐
	Mario Guercia	YES ☒ NO ☐
	Michael Kilpatrick	YES ☒ NO ☐
	KATIE ZWICK	YES ☒ NO ☐
	Sarah Sprague	YES ☒ NO ☐
	Joshua Johnson	YES ☒ NO ☐
	Lynda K. Lauer	YES ☒ NO ☐

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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

Cindy Morgan

Cindy Morgan

YES

X

NO

Megan Linsing

Megan Linsing

YES

X

NO

Tonia Squires

Tonia Squires

YES

X

NO

Janet May

May King

YES

X

NO

Kara Iribarren

Kara Iribarren

YES

NO

X

David Bassett

David Bassett

YES

X

NO

Justin Adams

Justin Adams

YES

X

NO

Sherry Dixon

SHERRY DIXON

YES

X

NO

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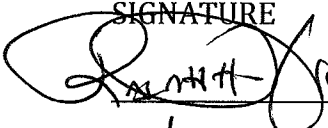
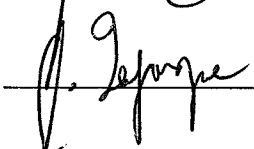
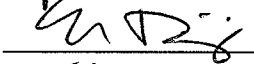
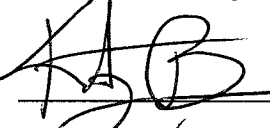
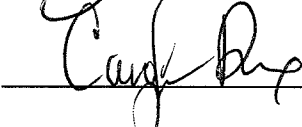
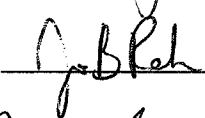
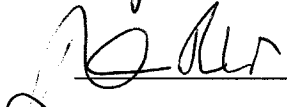
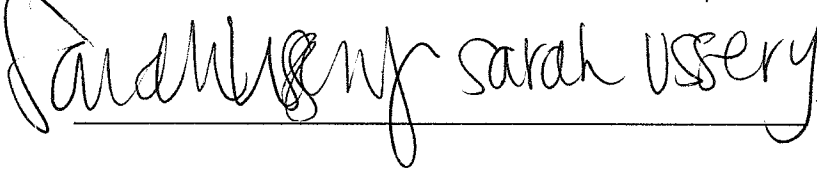
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>George P. Paulson</u>	<u>George P. Paulson</u>	YES ☒ NO ☐
<u>Kathleen W. Paulson</u>	<u>Kathleen W. Paulson</u>	YES ☒ NO ☐
<u>Terry G. Hunt</u>	<u>TERRY G. HUNT</u>	YES ☒ NO ☐
<u>Renee Hunt</u>	<u>Mary Renée Hunt</u>	YES ☒ NO ☐
<u>TOM TERMINELLA</u>		YES ☒ NO ☐
<u>Michael Dishen</u>		YES ☒ NO ☐
<u>Simone Dunn</u>	<u>Simone Dunn</u>	YES ☒ NO ☐
<u>Seymour Butts JR</u>		YES ☐ NO ☒

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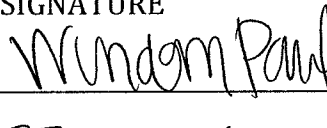
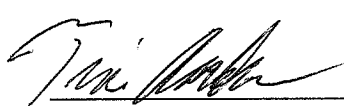
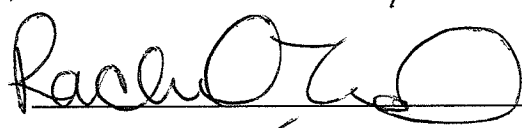
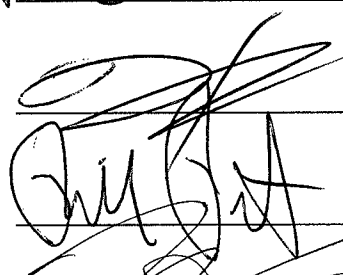
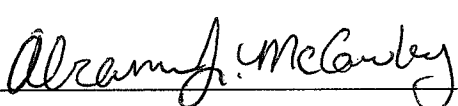
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	BALOH H. NESSON	YES ☒ NO ☐
	Jackson Lafargue	YES ☒ NO ☐
	SAGE BULLIG	YES ☒ NO ☐
	Kathy Brick	YES ☒ NO ☐
	Carolyn Dux	YES ☒ NO ☐
	John B Robinson	YES ☒ NO ☐
	Royal McClayon	YES ☒ NO ☐
	sarah ussery	YES ☒ NO ☐

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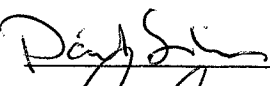
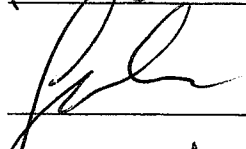
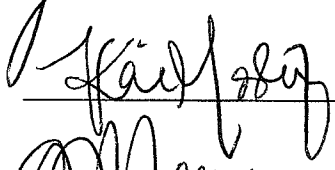
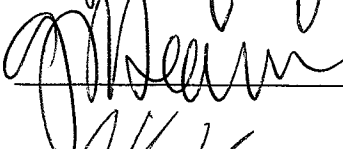
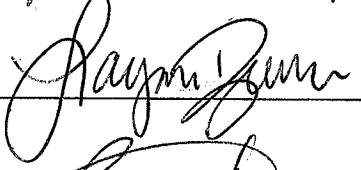
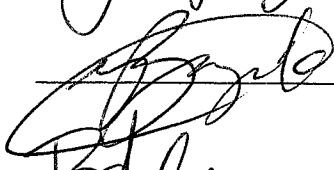
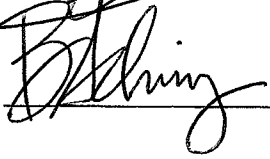
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Windom Paul	YES ☒ NO ☐
	Travis Anderson	YES ☒ NO ☐
		YES ☒ NO ☐
	Bill Putman	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐

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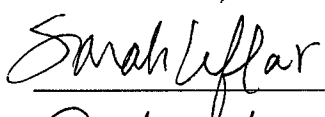
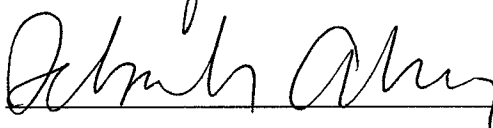
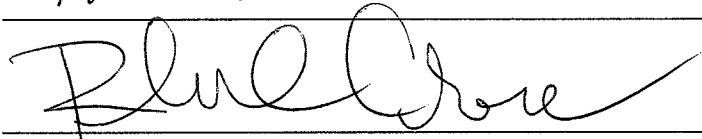
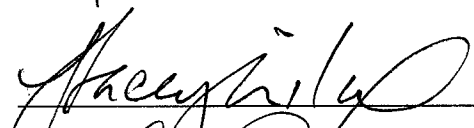
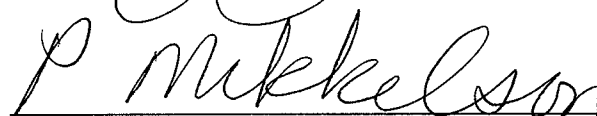
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	David Silva	YES ☒ NO ☐
	John Springer	YES ☒ NO ☐
	Kai Masley	YES ☒ NO ☐
	GREG HERMAN	YES ☒ NO ☐
	Aaron Kelzer	YES ☒ NO ☐
	Jaymi Bowman	YES ☒ NO ☐
	ECEHAN BAYRAK	YES ☒ NO ☐
	BETH SCHWEIGER	YES ☒ NO ☐

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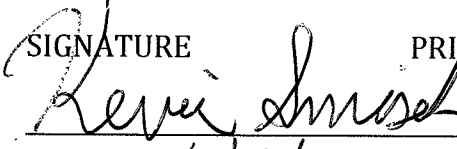
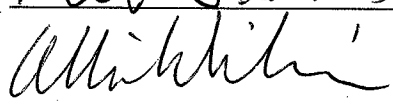
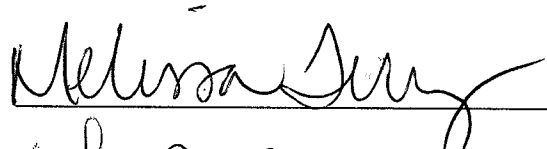
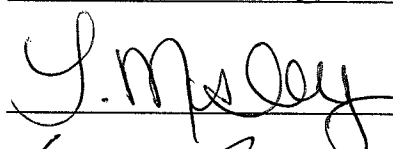
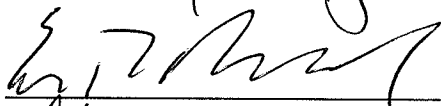
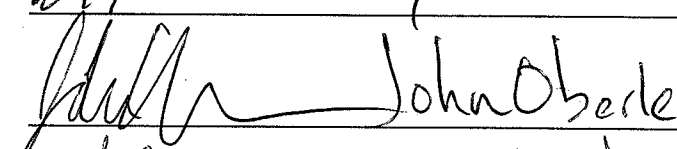
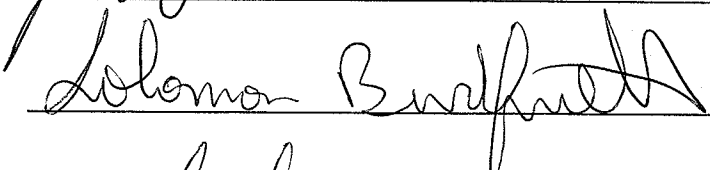
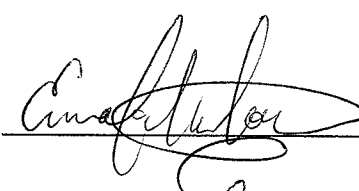
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Nick Shoups	YES ☒ NO ☐
	SARAH LEFFLAR	YES ☒ NO ☐
	Deborah Ahning	YES ☒ NO ☐
	JILL ANTIES	YES ☒ NO ☐
	Phil Crow	YES ☒ NO ☐
	Tracy Riley	YES ☒ NO ☐
	Mike Goon	YES ☒ NO ☐
	P Mikkelsen	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kevin Smisek	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☒ NO ☐
	John Oberle	YES ☒ NO ☐
	Solomon Burdette	YES ☒ NO ☐
	EMMA FULLERTON	YES ☒ NO ☐

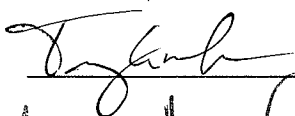
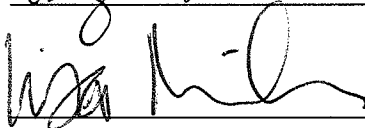
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C

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Ganna Smith	YES ☒ NO ☐
	Ed NETHERLAND	YES ☒ NO ☐
	Robin Deunir	YES ☒ NO ☐
	Tammy D. Graham	YES ☐ NO ☒
	LISA Miller	YES ☐ NO ☒
	Anna Warsham	YES ☒ NO ☐
	Jimmy Asher	YES ☐ NO ☒
	Katherine Guendling	YES ☒ NO ☐

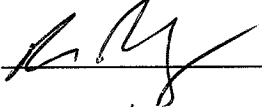
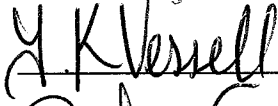
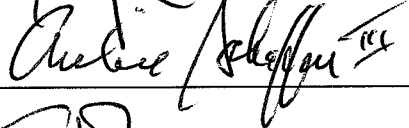
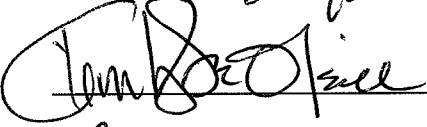
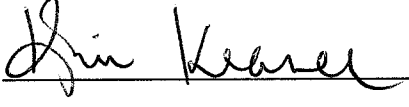
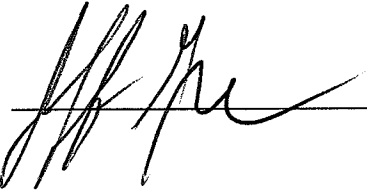
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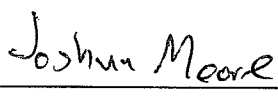
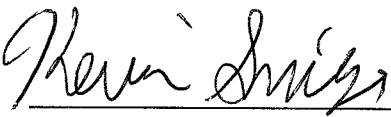
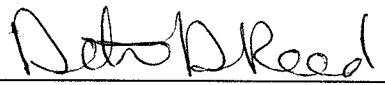
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Drew Rodgers	YES ☒ NO ☐
	Tara Vessell	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	ARCHIE SCHAFFER II	YES ☒ NO ☐
	Kim Leslie Owens	YES ☒ NO ☐
	Kim Leslie Owens	YES ☒ NO ☐
	Jeff Glover	YES ☒ NO ☐
	Jeff Glover	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	RALPH H. NESSON	YES ☒ NO ☐
	JOSHUA MOORE	YES ☒ NO ☐
	LESLIE TABOR	YES ☒ NO ☐
	MATT PARNELL	YES ☒ NO ☐
	KEVIN SMISEK	YES ☒ NO ☐
	COLE LEUTENBERGA	YES ☒ NO ☐
	RENEE BENNETT	YES ☒ NO ☐
	DETRA D REED	YES ☒ NO ☐

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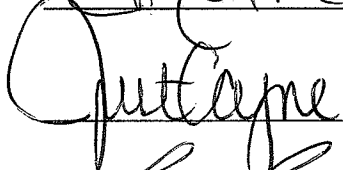
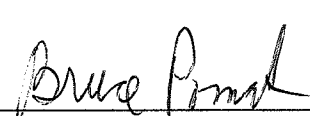
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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

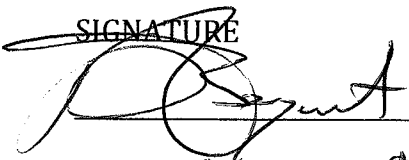
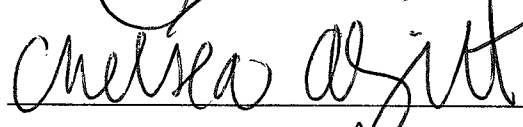
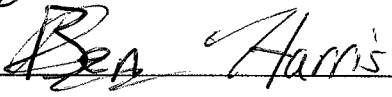
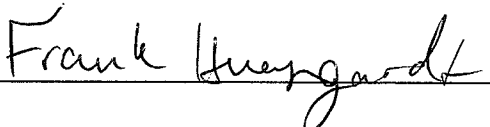
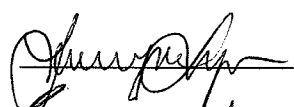
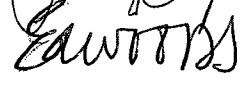
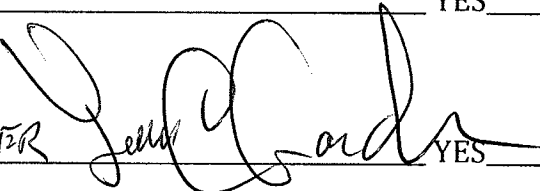
	Gina Bengaist	YES ☒	NO ☐
	Lee Nagel	YES ☒	NO ☐
	Sarah Wendell	YES ☒	NO ☐
	[unclear]	YES ☒	NO ☐
	Patricia C. Mitchell	YES ☒	NO ☐
	Justin Cayne	YES ☒	NO ☐
	[unclear]	YES ☐	NO ☒
	Bruce Bond	YES ☒	NO ☐

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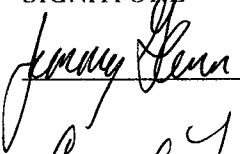
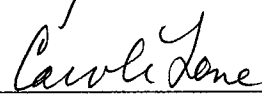
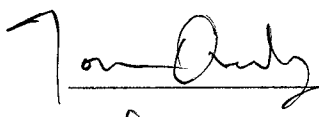
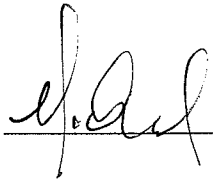
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	RT Berquist	YES ☒ NO ☐
	Chelsea Azitt	YES ☒ NO ☒
	Shannon Harris	YES ☐ NO ☐
	Ben Harris	YES ☒ NO ☐
	Frank Huerigard	YES ☒ NO ☐
	Tamara Lora	YES ☐ NO ☒
	Elizabeth Woods	YES ☒ NO ☐
	JAMES C GARDNER	YES ☐ NO ☒

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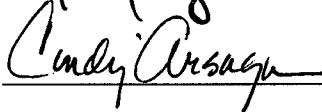
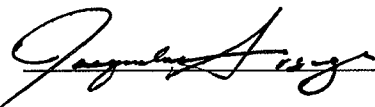
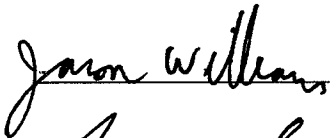
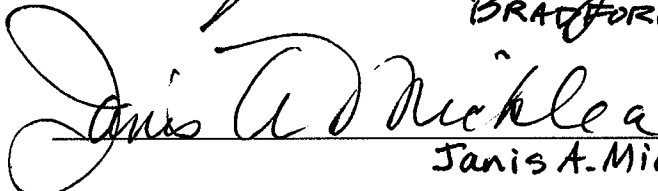
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	Jimmy Glenn	YES ☒	NO ☐
	Carole Lane	YES ☒	NO ☐
	Tom Orvby	YES ☒	NO ☐
	Michael Cockran	YES ☒	NO ☐
	DEA SELF	YES ☒	NO ☐
	MATTHEW CROUCHT	YES ☒	NO ☐
	K. EPPERSON	YES ☒	NO ☐

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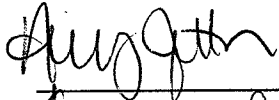
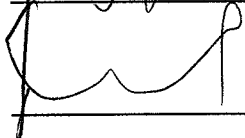
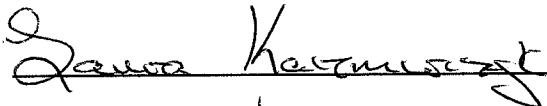
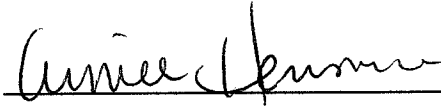
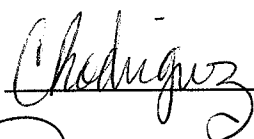
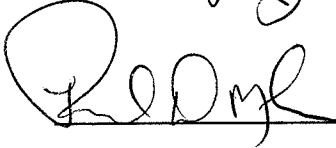
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	AVA ARSAGA	YES ☒ NO ☐
	Cindy Arsaga	YES ☒ NO ☐
	Jacqueline Arsaga	YES ☒ NO ☐
	JASON WILLIAMS	YES ☒ NO ☐
	BRADFORD L. KEYS	YES ☒ NO ☐
	JANIS A. MICKLEA	YES ☐ NO ☒
	GRETA P. AUENDOLF	YES ☒ NO ☐

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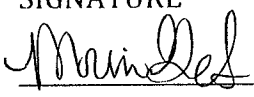
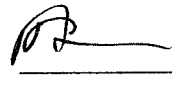
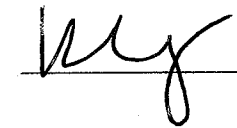
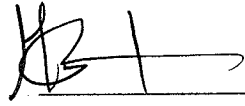
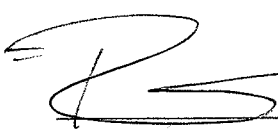
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	K. MARKELL	YES ☒ NO ☐
	Amy Jelton	YES ☒ NO ☐
	BRADLEY EDWARDS	YES ☒ NO ☐
	D. Jones	YES ☒ NO ☐
	Laura Karmus	YES ☒ NO ☒
	Arnee Henson	YES ☒ NO ☐
	Carrie Rodriguez	YES ☒ NO ☐
	Richard Mhoon	YES ☒ NO ☐

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	Marino Galibao	YES ☒	NO ☐
	Paul Deagan	YES ☐	NO ☒
	Tim K. Newman	YES ☒	NO ☐
	Patrick Lane	YES ☒	NO ☐
	Rebecca Iney	YES ☒	NO ☒
	Marcus Goster	YES ☒	NO ☐
	Robyn Bowen	YES ☒	NO ☐

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Bob

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SIGNATURE	PRINTED NAME	YES	NO
<u>Chuck Dithorford</u>	<u>CHUCK RUTHERFORD</u>	YES ☒	NO ☐
<u>Donilyn Brennan</u>	<u>Donilyn Brennan</u>	YES ☐	NO ☒
<u>Becky A. Hauck</u>	<u>Becky A. HAUCK</u>	YES ☒	NO ☐
<u>Hank Rominsky</u>	<u>HANK ROMINSKY</u>	YES ☒	NO ☐
<u>Carrie Trink</u>	<u>CARRIE TRINKA</u>	YES ☒	NO ☐
<u>William J. Browner</u>	<u>WILLIAM J. BROWNER</u>	YES ☒	NO ☐
<u>Kelsy Bishop</u>	<u>Kelsy Bishop</u>	YES ☒	NO ☐
<u>Teresa Maurer</u>	<u>Teresa Maurer</u>	YES ☐	NO ☒

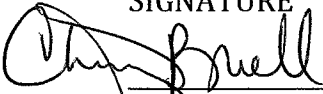
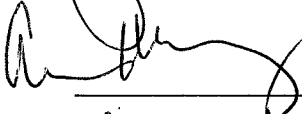
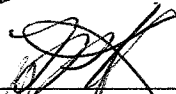
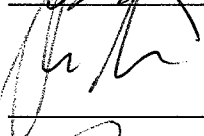
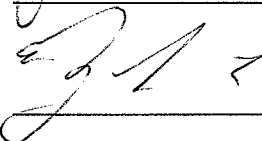
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	CHERYL BUELL	YES _____	NO ☒
	ANDREW MONEY	YES ☒	NO _____
	John Erwin	YES ☒	NO _____
	Peyton Keel	YES ☒	NO _____
	Chad Thurman	YES ☒	NO _____
	Brandon Gill	YES ☒	NO _____
	Barbara Dillon	YES ☒	NO _____
	William Deaton	YES ☒	NO _____

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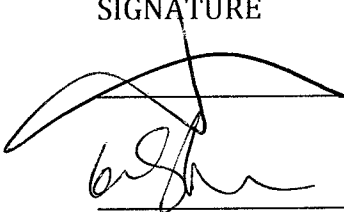
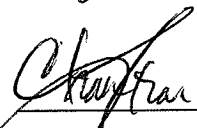
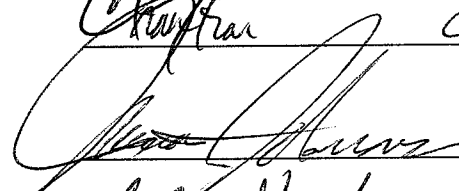
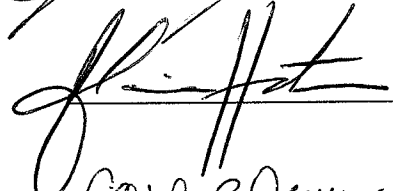
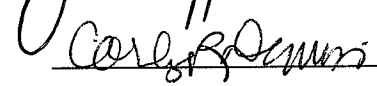
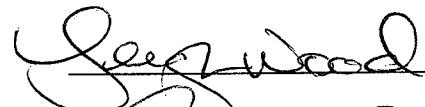
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Cleek</u>	<u>Claire Luchking</u>	YES ☒ NO ☐
<u>W. H. L. L. L.</u>	<u>W. A. Schuss</u>	YES ☐ NO ☒
<u>Art Hobson</u>	<u>Art Hobson</u>	YES ☒ NO ☐
<u>Robert A. Lewis</u>	<u>Robert A. Lewis</u>	YES ☒ NO ☐
<u>James Alexander</u>	<u>James Alexander</u>	YES ☐ NO ☒
<u>Marcia Doney</u>	<u>MARCIA DONEY</u>	YES ☒ NO ☐
<u>Jeff Mitchell</u>	<u>Jeff Mitchell</u>	YES ☒ NO ☐
<u>RMC Cusker</u>	<u>RMC Cusker</u>	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jessica McClendon	YES ☒ NO ☐
	BEN STRAWN	YES ☒ NO ☐
	CHAU TRAN	YES ☒ NO ☐
	James Johnson	YES ☒ NO ☐
	Ainaffartmas	YES ☒ NO ☐
	CARLYE R. DENNIS	YES ☒ NO ☐
	Leighwood	YES ☒ NO ☐
	Analee McDell	YES ☒ NO ☐

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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

Gallaway

STEPHANIE ALEXANDER GALLAWAY

NO ☒

Greg

GREG SHER

YES ☒

NO

Lowmy

KATHLOWMY

YES ☒

NO

April

APRIL WILSON

YES ☒

NO

Bethany Sebesta

BETHANY SEBESTA

YES ☒

NO

Whitney Rose Chesla

WHITNEY ROSE CHESLA

YES ☒

NO

Lisa Mills

LISA MILLS

YES ☒

NO

Megan Downey

MEGAN DOWNEY

YES ☒

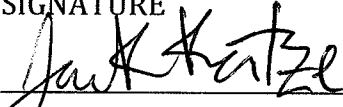
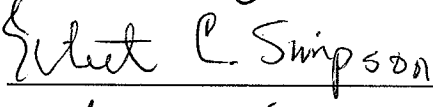
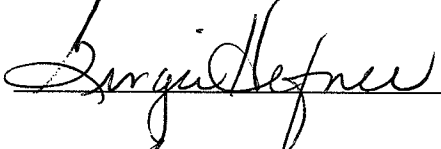
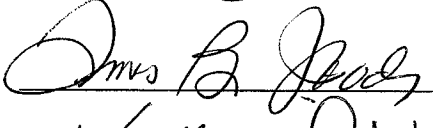
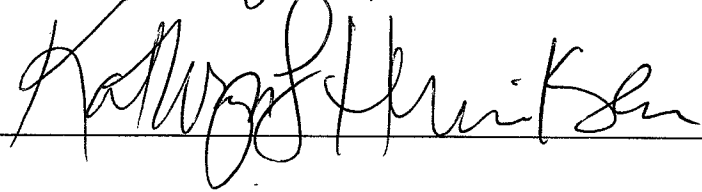
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	Jack Katze	YES ☒ NO ☐
	Jennifer Braden	YES ☒ NO ☐
	Ethel C. Simpson	YES ☒ NO ☐
	Lorgine Hefner	YES ☒ NO ☐
	April Reed	YES ☒ NO ☐
	Amanda Grell	YES ☒ NO ☐
	Mrs B. Leeds	YES ☒ NO ☐
	Kathryn Hunkeler	YES ☒ NO ☐

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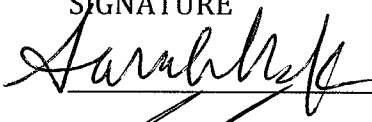
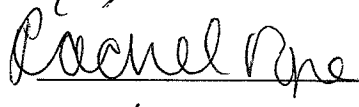
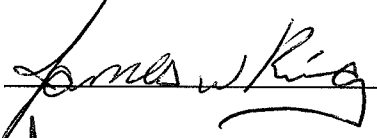
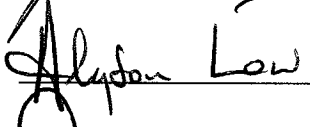
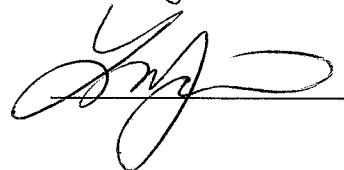
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Barbara Jaguish</u>	<u>Barbara Jaguish</u>	YES <u>X</u> NO <u> </u>
<u>Jacklyn Fratesi</u>	<u>Jacklyn Fratesi</u>	YES <u>✓</u> NO <u> </u>
<u>Stuart Lane</u>	<u>Stuart Lane</u>	YES <u>✓</u> NO <u> </u>
<u>JOSEPH ENZEBEY</u>	<u>JOSEPH ENZEBEY</u>	YES <u>✓</u> NO <u> </u>
<u>Ryan Felt</u>	<u>Ryan Felt</u>	YES <u>✓</u> NO <u> </u>
<u>Ashtyn Nilser</u>	<u>ASHTYN NILSER</u>	YES <u>✓</u> NO <u> </u>
<u>Shawn Corder</u>	<u>Shawn Corder</u>	YES <u>✓</u> NO <u> </u>
<u>Julia Brooks</u>	<u>Julia Brooks</u>	YES <u>✓</u> NO <u> </u>

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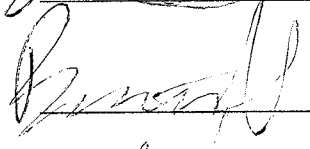
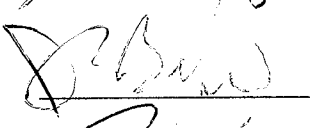
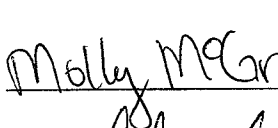
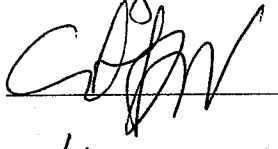
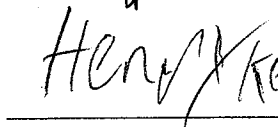
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sarah McKenna	YES ☒ NO ☐
	David M. Martin	YES ☒ NO ☐
	Rachel Pope	YES ☒ NO ☐
	James King	YES ☒ NO ☐
	Alyson Low	YES ☒ NO ☐
	Justin Lee	YES ☒ NO ☐
	Abby Richards	YES ☒ NO ☐
	Lindsay Wilson	YES ☒ NO ☐

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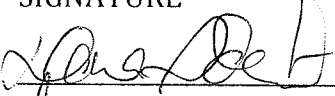
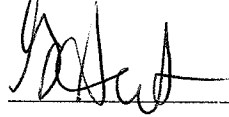
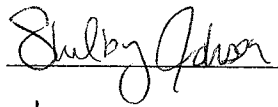
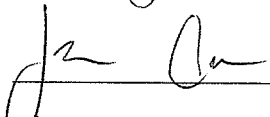
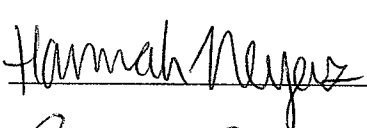
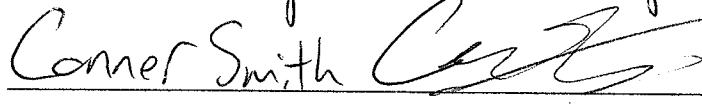
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	James Signorini	YES ☒ NO ☐
	Abigail Southard	YES ☒ NO ☐
	BARRETT LARSON	YES ☒ NO ☐
	John Betew	YES ☒ NO ☐
	Johnathan Jarmon	YES ☒ NO ☐
	Molly McGraw	YES ☒ NO ☐
	Crystal Johnson	YES ☒ NO ☐
	Henry Kessler	YES ☒ NO ☐

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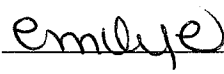
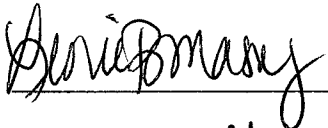
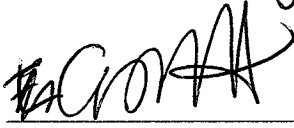
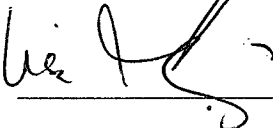
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	DANA IDLET	YES ☒ NO ☐
	Gabrielle Idlet	YES ☐ NO ☒
	SHELBY JOHNSON	YES ☒ NO ☐
	Jackson Cellers	YES ☒ NO ☐
	Sarah Hagopian	YES ☒ NO ☐
	Hannah Neyens	YES ☒ NO ☐
	Comer Smith	YES ☒ NO ☐
	Brittany Paul	YES ☒ NO ☐

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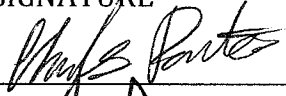
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	emily errin	YES ☒ NO ☐
	Chase Swift	YES ☒ NO ☐
	Leslie Massey	YES ☒ NO ☐
	Eszter Takacs	YES ☒ NO ☐
	Pamish Guy	YES ☒ NO ☐
	Lisa Marsulis	YES ☒ NO ☐
	Mehak Gupta	YES ☒ NO ☐

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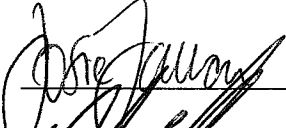
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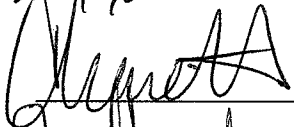
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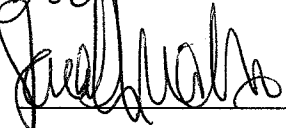
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Chuck Partain	YES ☒ NO ☐

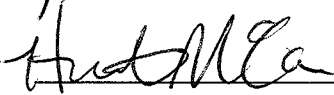
	Susannah Farrar	YES ☒ NO ☐
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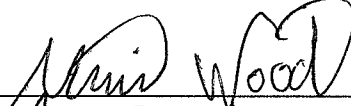
	Josie Farrar	YES ☒ NO ☐
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	Michael Thomas	YES ☒ NO ☐
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	Chandler Martin	YES ☒ NO ☐
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	Sarah Nichols	YES ☒ NO ☐
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	HUNTER McCALISTER	YES ☒ NO ☐
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	MARIAN WOOD	YES ☒ NO ☐
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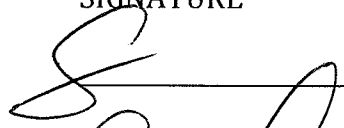
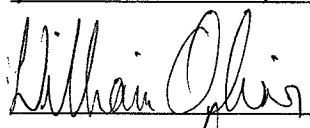
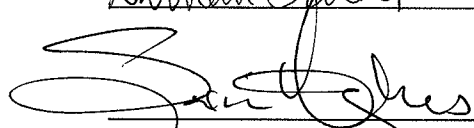
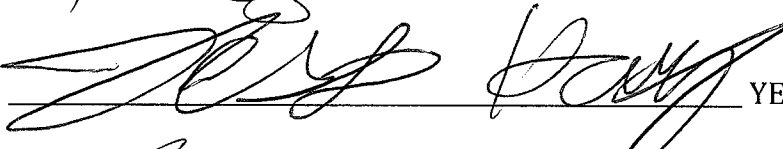
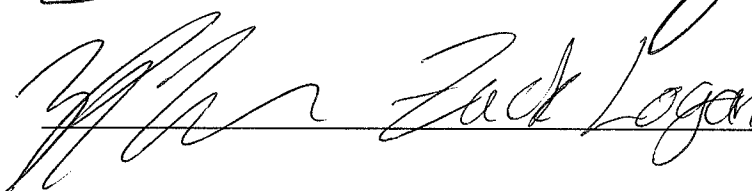
	Jon Braschler	X (yes)
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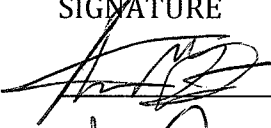
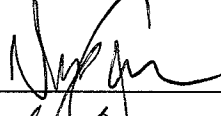
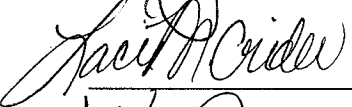
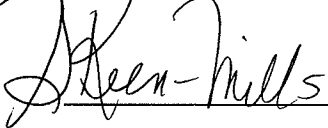
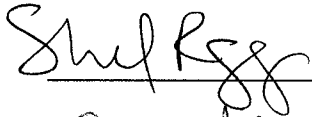
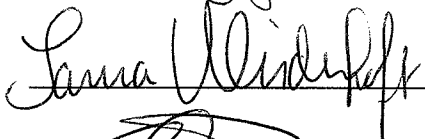
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Susan Robinson	YES ☒ NO ☐
	Casey Harris	YES ☒ NO ☐
	Samantha Hersey	YES ☒ NO ☐
	Al W. Meel	YES ☒ NO ☐
	William Oliver	YES ☒ NO ☐
	Sakitt Highers	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Zack Logan	YES ☒ NO ☐

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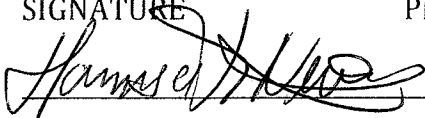
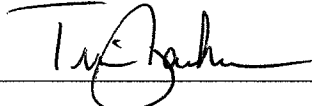
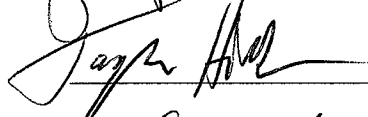
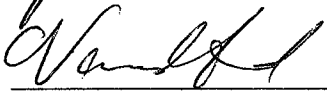
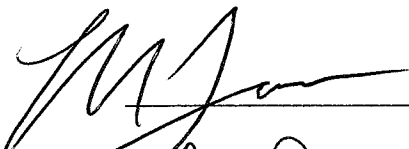
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Anos McDaniel	YES ☒ NO ☐
	Nicholas Clare	YES ☒ NO ☐
	Lacie M. Crider	YES ☒ NO ☐
	Sharla P. Koon-Mills	YES ☒ NO ☐
	Shelby Riggs	YES ☒ NO ☐
	Laura Weidenhof	YES ☒ NO ☐
	Joe A. Roberts	YES ☒ NO ☐
	Greg Holmes	YES ☒ NO ☐

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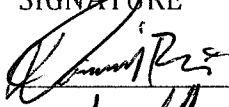
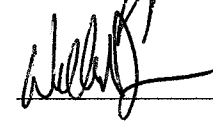
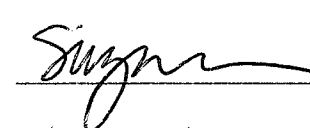
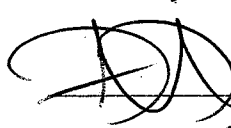
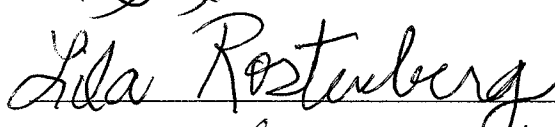
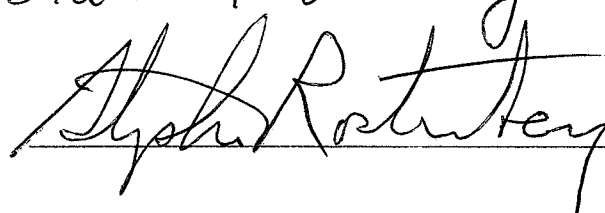
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	^{Newmark} Hamsa Kurthy	YES ☒ NO ☐
Tim PARKER		YES ☒ NO ☐
	Sofia Baygari	YES ☒ NO ☐
	Taylor Hicks	YES ☒ NO ☐
	Vanessa Hubbard	YES ☒ NO ☐
	Madison Jones	YES ☒ NO ☐
	Stena Green	YES ☒ NO ☐
	Monica Van Wille	YES ☒ NO ☐

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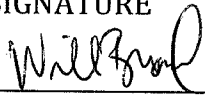
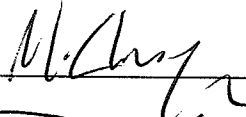
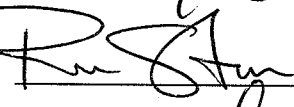
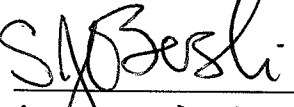
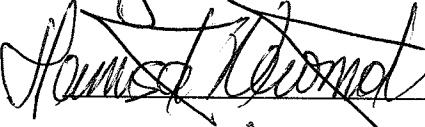
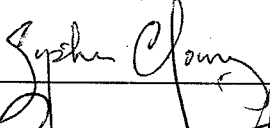
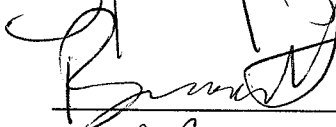
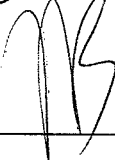
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Daniel Brezinski	YES ☒ NO ☐
	Adam Lettingwell	YES ☒ NO ☐
	William Schreckhise	YES ☒ NO ☐
	Suzannah Schreck	YES ☒ NO ☐
	JARED WIERMAN	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐
	Lila Rostenberg	YES ☒ NO ☐

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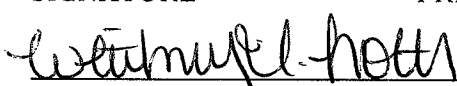
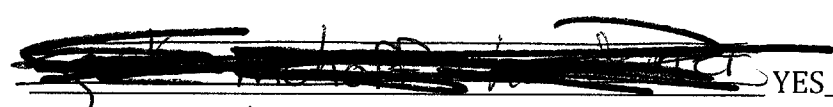
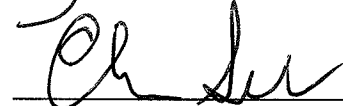
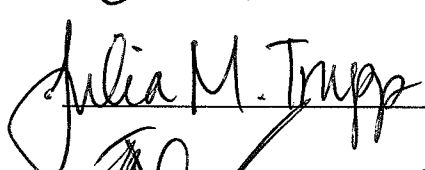
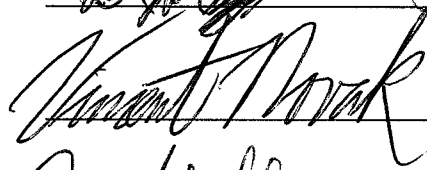
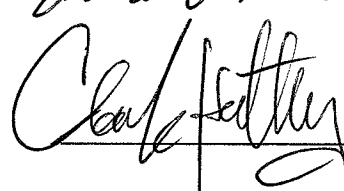
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Will Brand	YES ☒ NO ☐
	M. Clary Wilson	YES ☒ NO ☐
	Robin Starr	YES ☒ NO ☐
	S. John O'Berksi	YES ☒ NO ☐
	Hansokun Hanast	YES ☒ NO ☐
	Stephen Clowney	YES ☒ NO ☐
	Barrett Larson	YES ☒ NO ☐
	Nathan Baickey	YES ☒ NO ☐

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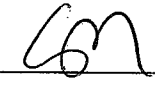
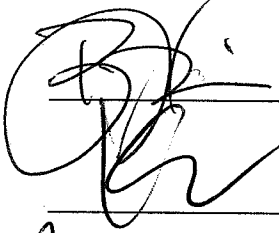
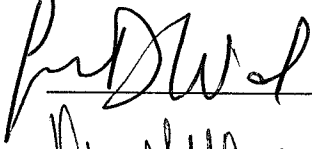
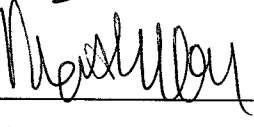
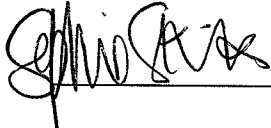
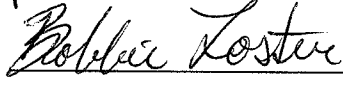
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	WHITNEY INDLE	YES ☒ NO ☐
	Ernest Arambel	YES ☒ NO ☐
		YES ☒ NO ☐
	Chris Selby	YES ☒ NO ☐
	JULIAM. TRUPP	YES ☒ NO ☐
	James B. Schlechte	YES ☒ NO ☐
	Vincent Novak	YES ☒ NO ☐
	CLARK HATTEY	YES ☒ NO ☐

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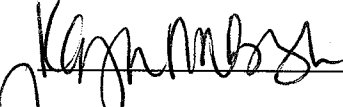
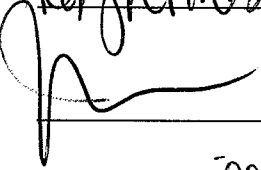
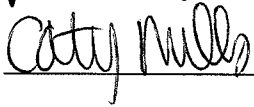
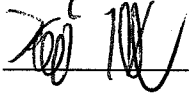
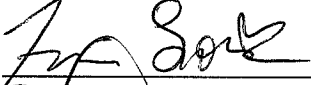
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sadie McDonald	YES ☒ NO ☐
	William Harris	YES ☒ NO ☐
	Kale Osle	YES ☒ NO ☐
	TERRA WOOD	YES ☒ NO ☐
	Marty Marshall Lane	YES ☒ NO ☐
	Sophie Skinner	YES ☒ NO ☐
	Bobbie Foster	YES ☒ NO ☐
	Caroline Wilbourn	YES ☒ NO ☐

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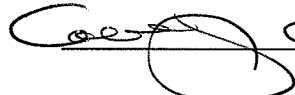
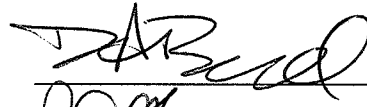
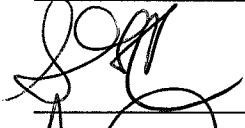
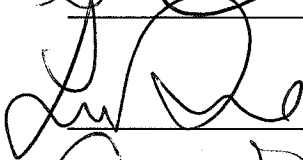
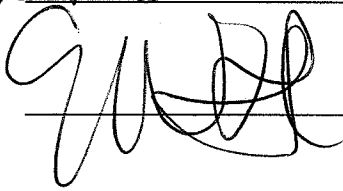
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kayla Norbush	YES ☒ NO ☐
	Jennifer Howell	YES ☒ NO ☐
	caty mills	YES ☒ NO ☐
	Kaia Hodo	YES ☒ NO ☐
	Travis Lorton	YES ☒ NO ☐
	Sam Childress	YES ☒ NO ☐
	Kelly Miller-lee	YES ☐ NO ☒ <i>springdale</i>
	olivia West	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Abel Soster	YES ☒ NO ☐
	Courtney Helling	YES ☒ NO ☐
	Elliott E. Tobin	YES ☒ NO ☐
	Douglas A. Behr	YES ☒ NO ☐
	Sharon Gayle Anderson	YES ☒ NO ☐
	Lauren Daniels	YES ☒ NO ☐
	Erin Wright	YES ☒ NO ☐
	Kirstin Erickson	YES ☒ NO ☐

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SIGNATURE

PRINTED NAME

FAYETTEVILLE RESIDENT

James J. Suber James J. Suber YES ☒ NO ☐

Megan Whit Megan Whit YES ☒ NO ☐

Kimberly Miller Kimberly Miller YES ☒ NO ☐

Nicolas McLeod Nicolas McLeod YES ☒ NO ☐

Charlotte Taylor Charlotte Taylor YES ☒ NO ☐

CHAD MAUPIN CHAD MAUPIN YES ☒ NO ☐

Madelaine Thola Madelaine Thola YES ☒ NO ☐

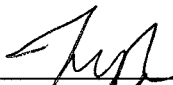
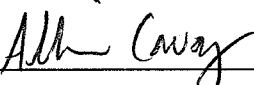
James J. Hass James J. Hass YES ☒ NO ☐

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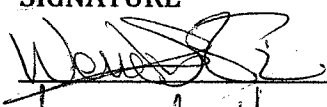
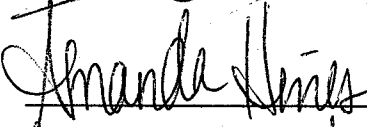
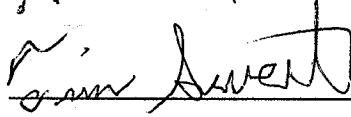
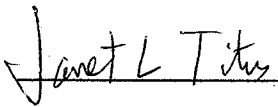
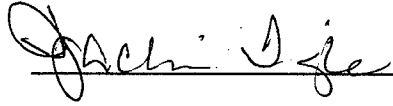
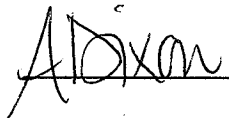
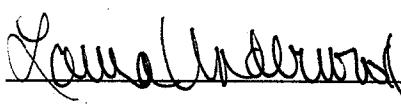
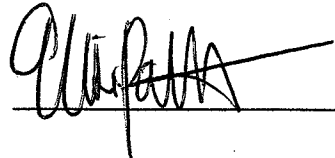
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	Carl E. Haldeman	YES ☒ NO ☐
	Taylor Smith	YES ☒ NO ☐
	Mike Milburn	YES ☒ NO ☐
	Brandon Flammang	YES ☒ NO ☐
	Lindsay Albright	YES ☒ NO ☐
	Emily Pullman	YES ☒ NO ☐
	Allison Cavazos	YES ☒ NO ☐
	Sarah Adams	YES ☒ NO ☐

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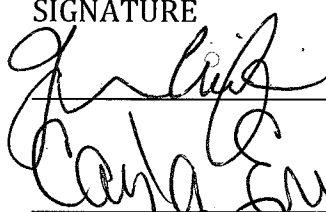
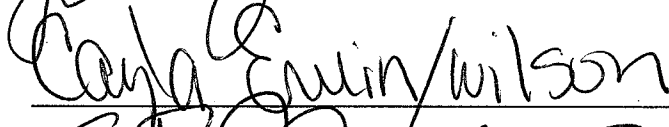
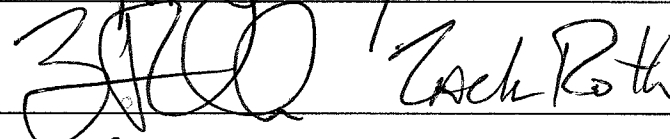
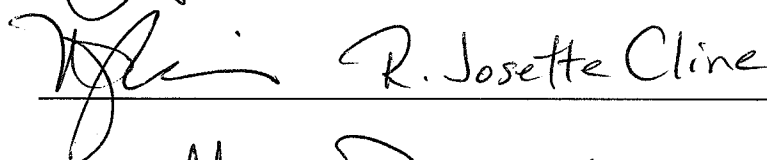
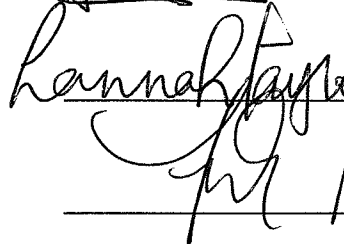
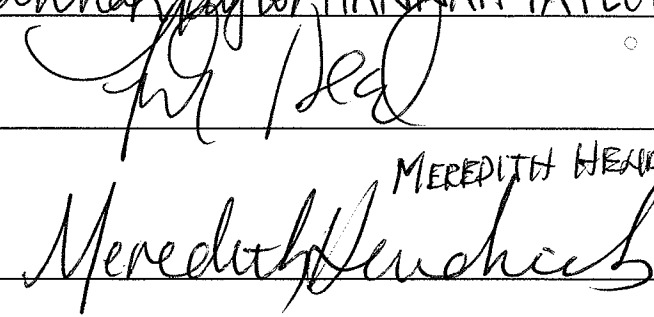
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Wendy Finn	YES ☒ NO ☐
	Amanda Hines	YES ☒ NO ☐
	Tim Sweet	YES ☐ NO ☒
	Janet Titus	YES ☒ NO ☐
	JACK TIGHE	YES ☒ NO ☐
	Amanda Dixon	YES ☒ NO ☐
	Laura Underwood	YES ☐ NO ☒
	Elise Patterson	YES ☒ NO ☐

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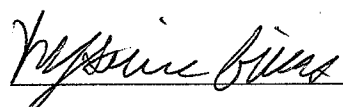
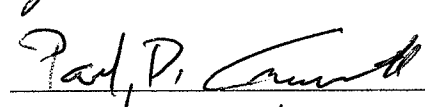
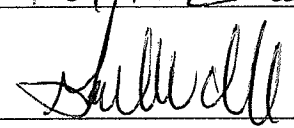
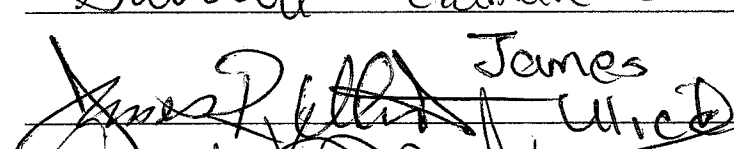
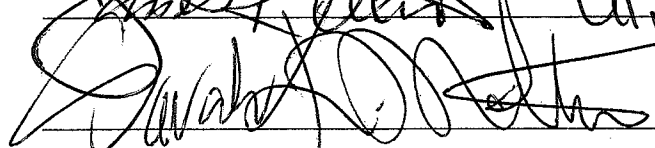
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Grace Crifasi	YES ☒ NO ☐
	Carla Ewing/Wilson	YES ☒ NO ☐
	Zach Roth	YES ☒ NO ☐
	R. Josette Cline	YES ☒ NO ☐
	Ransom Murray	YES ☒ NO ☐
	HANNAH TAYLOR	YES ☒ NO ☐
	MEREDITH HENDRICKS	YES ☒ NO ☐

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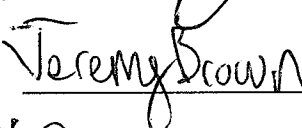
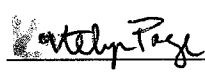
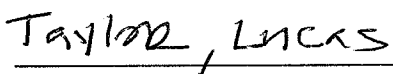
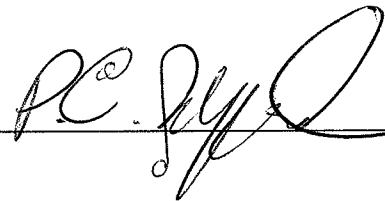
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	Ben Poeschl	YES ☒ NO ☐
	Devin Gamache	YES ☒ NO ☐
	Krystina Crites	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Gabrielle Isaac	YES ☒ NO ☐
	James [unclear]	YES ☒ NO ☐
	[unclear]	YES ☒ NO ☐
	Moshe [unclear]	YES ☒ NO ☐

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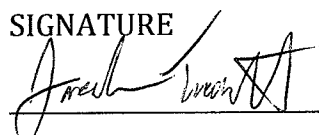
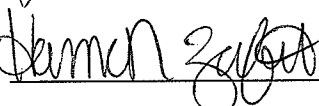
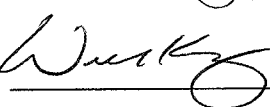
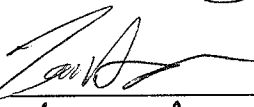
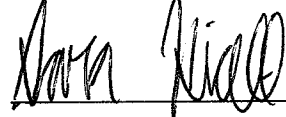
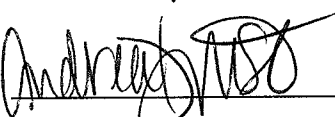
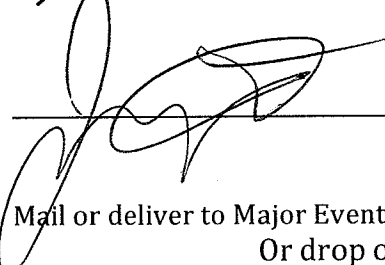
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	Marlo Gohla	YES ☒ NO ☐
	Mike C. Kelley	YES ☒ NO ☐
	Jeremy Brown	YES ☒ NO ☐
	Brittany Cusamnek	YES ☒ NO ☐
	Rebekah Schneider	YES ☒ NO ☐
	Katelyn Page	YES ☒ NO ☐
	Lucas Taylor	YES ☒ NO ☐
	Philip C. Shepherd	YES ☒ NO ☐

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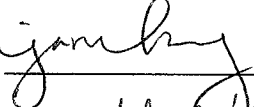
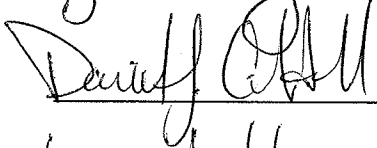
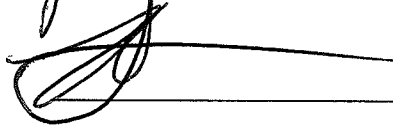
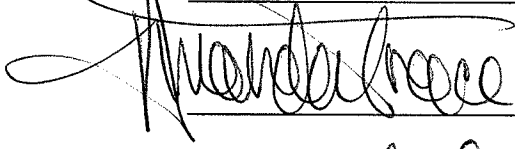
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jacob Troutt	YES ☒ NO ☐
	Hannah Zolter	YES ☒ NO ☐
	William King	YES ☒ NO ☐
	Zane Adams	YES ☒ NO ☐
	Sara Hiatt	YES ☒ NO ☐
	Andrea Wise	YES ☒ NO ☐
	Sam King	YES ☒ NO ☐
	Joseph Largent	YES ☒ NO ☐

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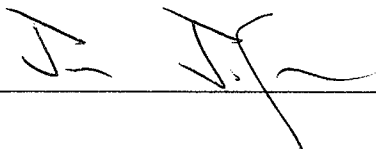
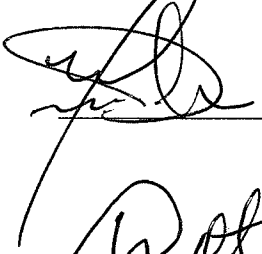
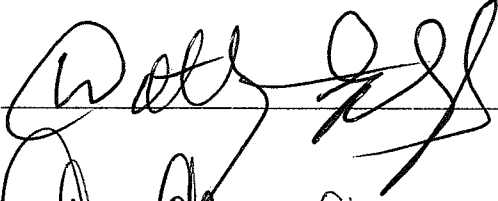
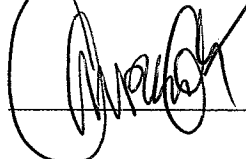
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	JANE KANG	YES ☒ NO ☐
	Daniel Caldwell	YES ☒ NO ☐
	KAT HATT	YES ☒ NO ☐
	Jane Howard	YES ☒ NO ☐
	Brent Miller	YES ☒ NO ☐
	Emily Catclaw	YES ☒ NO ☐
	Amanda Treece	YES ☒ NO ☐
	Karen McSpadden	YES ☒ NO ☐

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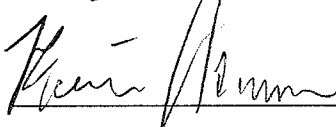
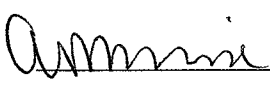
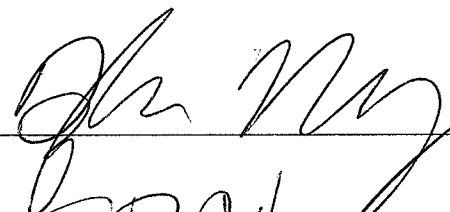
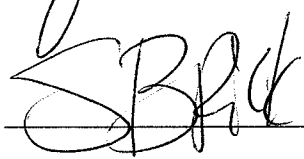
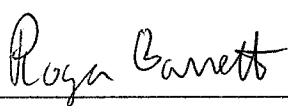
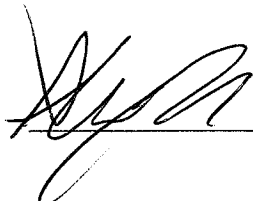
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Paula Ellington	YES ☒ NO ☐
		YES ☒ NO ☐
		YES ☐ NO ☒
	Sharon Ann Wilcox	YES ☒ NO ☐
	Fiona Davidson	YES ☒ NO ☐
		YES ☒ NO ☐
	Christina	YES ☒ NO ☐

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701

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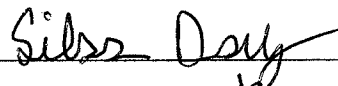
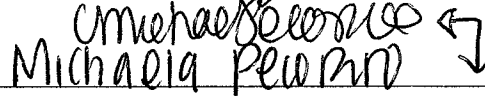
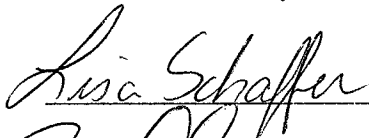
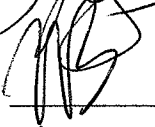
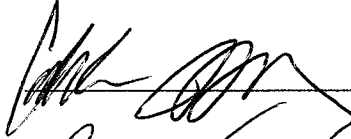
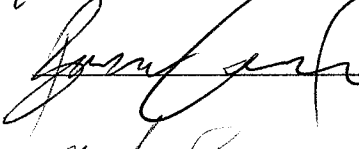
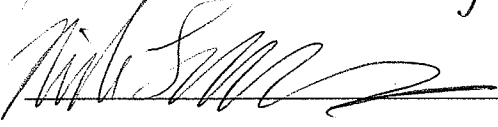
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Whitney Dwyer	YES ☒ NO ☐
	Kevin Hannon	YES ☒ NO ☐
	Ashlea Milburn	YES ☒ NO ☐
	John Noy	YES ☒ NO ☐
	Savannah Brick	YES ☒ NO ☐
	ROGER BARRETT	YES ☒ NO ☐
	Alex Burlison	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Silas Day	YES ☒ NO ☐
	Michaela Pewmnd	YES ☒ NO ☐
	Lisa Schaffer	YES ☒ NO ☐
	Barry Ozturk	YES ☒ NO ☐
	Nathan Bailey	YES ☒ NO ☐
	Caleb Mack	YES ☒ NO ☐
	Bryan Lowery	YES ☒ NO ☐
	Nick Finkbeiner	YES ☒ NO ☐

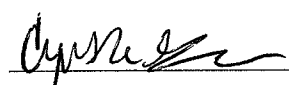
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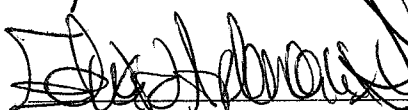
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Crystal Bardin	YES ☒ NO ☐

	Cynthia Smith	YES ☒ NO ☐
--	---------------	---

	Eric Anderson	YES ☒ NO ☐
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	K. Vimer	YES ☒ NO ☐
---	----------	---

	Megan Valone	YES ☒ NO ☐
---	--------------	---

	Samuel M. Lemore	YES ☒ NO ☐
---	------------------	---

	Carline Belinfante	YES ☒ NO ☐
---	--------------------	---

	Steven Parson	YES ☒ NO ☐
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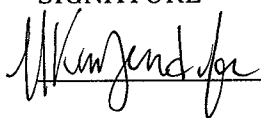
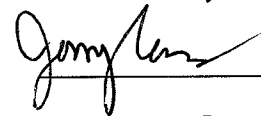
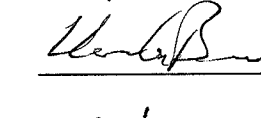
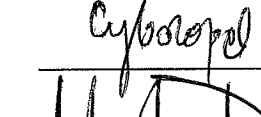
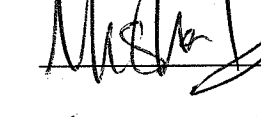
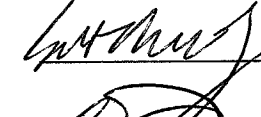
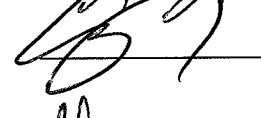
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Alison Wolf</u>	<u>Alison Wolf</u>	YES ☒ NO ☐
<u>Dana Mulhollan</u>	<u>Dana Mulhollan</u>	YES ☒ NO ☐
<u>Emily Kartz</u>	<u>Emily Kartz</u>	YES ☒ NO ☐
<u>Kelly Mulhollan</u>	<u>Kelly Mulhollan</u>	YES ☒ NO ☐
<u>Deborah Keazer</u>	<u>Deborah Keazer</u>	YES ☒ NO ☐
<u>Preston Head</u>	<u>Preston Head</u>	YES ☒ NO ☐
<u>Craig Young</u>	<u>CRAIG Young</u>	YES ☐ NO ☒
<u>Ashley Jolly</u>	<u>Ashley Jolly</u>	YES ☒ NO ☐

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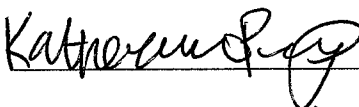
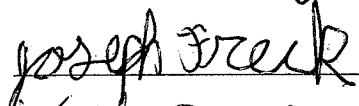
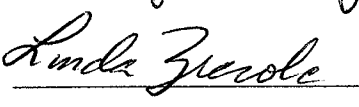
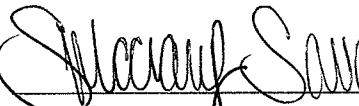
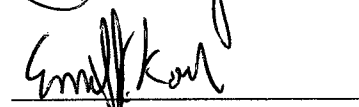
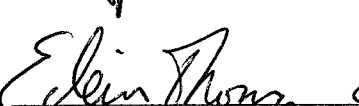
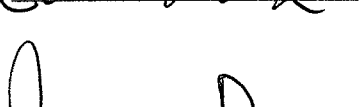
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Maria Korzendorfer	YES ☒ NO ☐
	Jessy Lang	YES ☒ NO ☐
	Clarke Buehling	YES ☒ NO ☐
	SUVOCAREV KOCANA	YES ☒ NO ☐
	MISHA DYER	YES ☒ NO ☐
	Seth Kong	YES ☒ NO ☐
	Cynthia VanBiber	YES ☒ NO ☐
	Michele Helton	YES ☐ NO ☒

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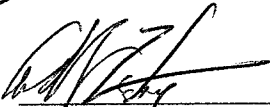
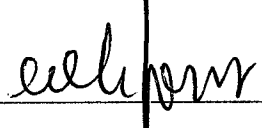
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	Katherine Pickap	YES ☒ NO ☐
	Joseph Freck	YES ☒ NO ☐
	KELLY STUCKEY	YES ☒ NO ☐
	Linda Zeecola	YES ☐ NO ☒
	Savannah McCrary	YES ☐ NO ☒
	Emil J Koch	YES ☒ NO ☐
	Eileen Thoma	YES ☒ NO ☐
	Jorgin Rippe	YES ☒ NO ☐

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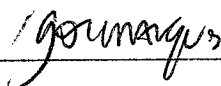
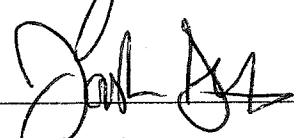
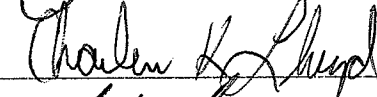
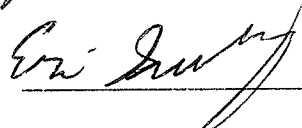
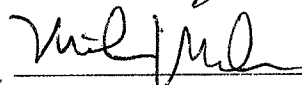
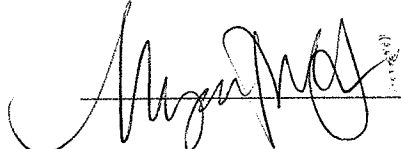
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Kathleen Biggs	YES ☒ NO ☐
	MARK CAIN	YES ☒ NO ☐
	CALEB CAIN	YES ☒ NO ☐
	Hannah Jones	YES ☐ NO ☒
	Antonio Carpenter	YES ☒ NO ☐
	Eleanor Jones	YES ☐ NO ☒
	Samantha Blackburn	YES ☒ NO ☐
	MARTY SHUTTER	YES ☒ NO ☐

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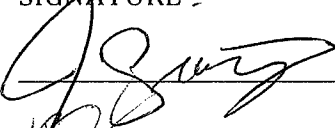
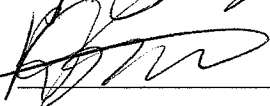
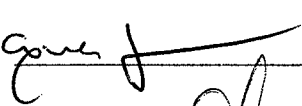
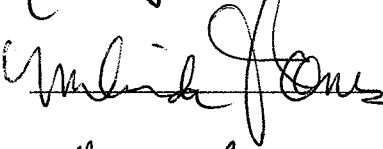
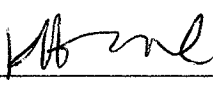
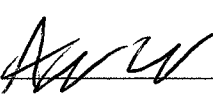
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	Iga Marques	YES ☒ NO ☐
	Amy Gillham	YES ☒ NO ☐
	Josh Stovall	YES ☒ NO ☐
	Charlene K. Lloyd	YES ☒ NO ☐
	Luke Knox	YES ☒ NO ☐
	Eric Saulsbury	YES ☒ NO ☐
	Mike Malone	YES ☒ NO ☐
	Megan Hurley	YES ☒ NO ☐

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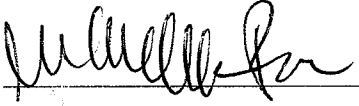
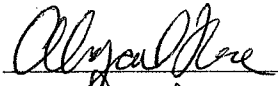
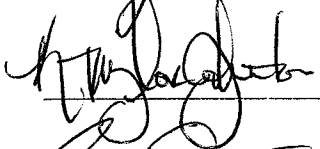
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	Joseph Sims	YES ☒ NO ☐
	Samantha Sigmon	YES ☒ NO ☐
	Lukas Taylor	YES ☐ NO ☒
	Brooke Baker	YES ☒ NO ☐
	Gregory Shorman	YES ☒ NO ☐
	Melinda Jones	YES ☒ NO ☐
	Kelly Hammond	YES ☒ NO ☐
	Andrew Crowe	YES ☒ NO ☐

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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Robin Jones	YES ☒ NO ☐
	Michelle Parks	YES ☐ NO ☒
	ABIGAIL ROSE	YES ☒ NO ☐
	K. Taylor Johnston	YES ☒ NO ☐
	Nicholas Grager	YES ☒ NO ☐
	Robin Burch	YES ☒ NO ☐
	Stephanie Mallicote	YES ☒ NO ☐
	Caitlin Turner	YES ☒ NO ☐

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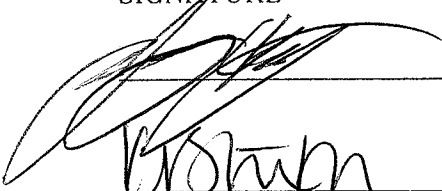
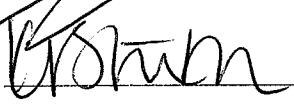
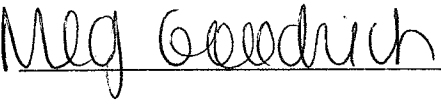
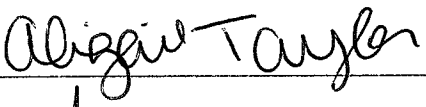
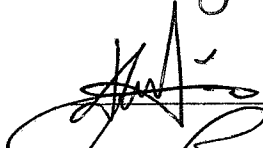
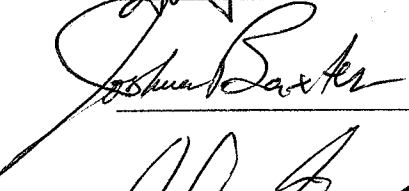
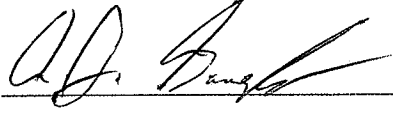
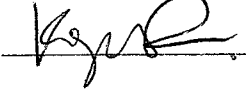
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u><i>J. Dylan Stewart</i></u>	<u>J. Dylan Stewart</u>	YES <u>X</u> NO <u> </u>
<u><i>minam Daniel</i></u>	<u>minam Daniel</u>	YES <u>X</u> NO <u> </u>
<u><i>George Becker</i></u>	<u>George Becker</u>	YES <u>✓</u> NO <u> </u>
<u><i>MICAH SMITH</i></u>	<u>MICAH SMITH</u>	YES <u>✓</u> NO <u> </u>
<u><i>Rebecca Call</i></u>	<u>Rebecca Call</u>	YES <u>X</u> NO <u> </u>
<u><i>James Cohen</i></u>	<u>James Cohen</u>	YES <u>X</u> NO <u> </u>
<u><i>Alison Nae</i></u>	<u>Alison Nae</u>	YES <u>X</u> NO <u> </u>
<u><i>RAMEY MOORE</i></u>	<u>RAMEY MOORE</u>	YES <u>X</u> NO <u> </u>

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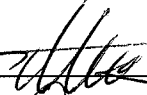
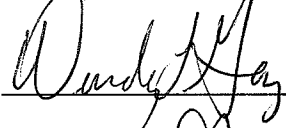
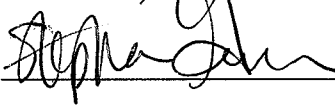
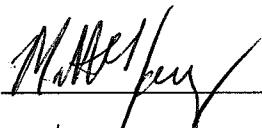
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Jimmy Key	YES ☒ NO ☐
	KIRSTEN BAUER	YES ☒ NO ☐
	Meg Goodrich	YES ☒ NO ☐
	Abigail Taylor	YES ☒ NO ☐
	Andrew Miner	YES ☐ NO ☒
	JOSHUA BAXTER	YES ☒ NO ☐
	A.J. Douglas	YES ☒ NO ☐
	Kagan P. Puy-Reyes	YES ☒ NO ☐

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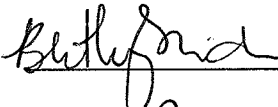
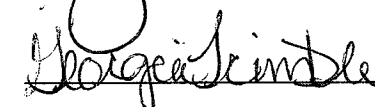
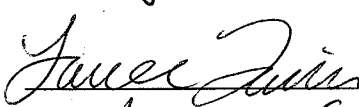
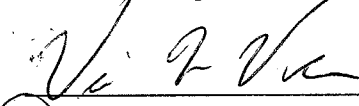
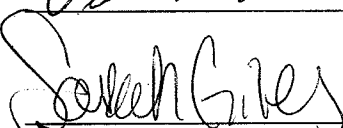
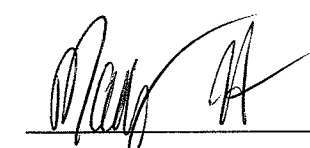
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Brandon Leal	YES ☒ NO ☐
	TIM WALKER	YES ☒ NO ☐
	WENDY GAY	YES ☒ NO ☐
	Stephanie Garman	YES ☒ NO ☐
	Aislinn Beaumont	YES ☒ NO ☐
	Matthew Garrett Young	YES ☒ NO ☐
	Bethie Stephanie Lauricchio	YES ☒ NO ☐
	GRANT ADAMS	YES ☒ NO ☐

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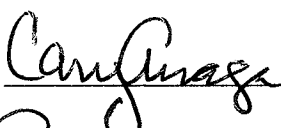
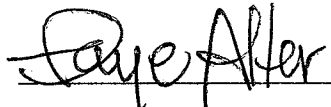
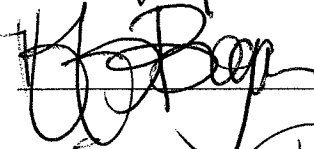
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Bentley Snider	YES ☒ NO ☐
	Bryn Bagwell	YES ☒ NO ☐
	George Trimble	YES ☒ NO ☐
	Lance Lanier	YES ☒ NO ☐
	Victoria Vek	YES ☒ NO ☐
	Sarah Gies	YES ☒ NO ☐
	Adam Driver	YES ☒ NO ☐
	Molly Hatcher	YES ☒ NO ☐

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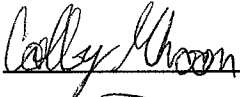
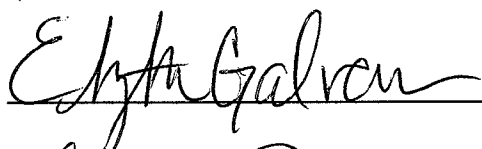
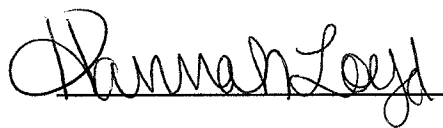
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	Jess Harp	YES ☒ NO ☐
	Lanee Mille	YES ☒ NO ☐
	CARY Arsaga	YES ☐ NO ☐
	Paula Matthews	YES ☒ NO ☐
	Michele Harrington	YES ☒ NO ☐
	FAYE ALTER	YES ☐ NO ☒ County
	Tiffany Bogan	YES ☒ NO ☐
	ERIC T Noyd	YES ☒ NO ☐

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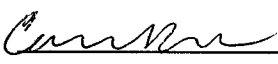
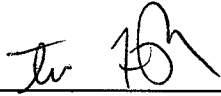
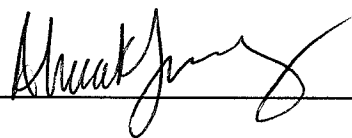
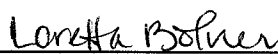
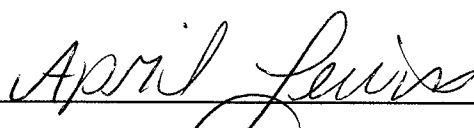
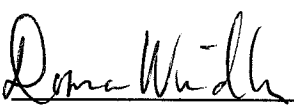
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<u></u>	<u>Coby Mhoon</u>	YES ☒ NO ☐
<u></u>	<u>Marcie MacLean</u>	YES ☒ NO ☐
<u></u>	<u>Alondra Guerrero</u>	YES ☒ NO ☐
<u></u>		YES ☒ NO ☐
<u></u>		YES ☒ NO ☐
<u></u>	<u>Erika Kelleck</u>	YES ☒ NO ☐
<u></u>	<u>Geneva Harrington</u>	YES ☒ NO ☐
<u></u>	<u>Hannah Loyd</u>	YES ☒ NO ☐

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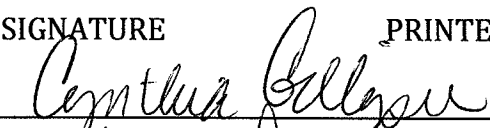
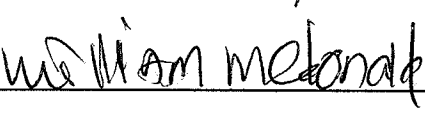
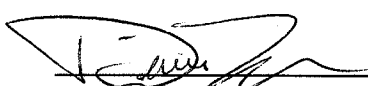
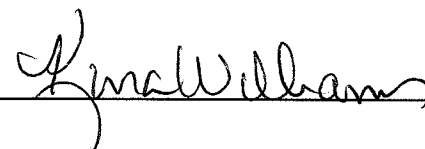
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	Christopher Johnson	YES ☒ NO ☐
	Carmen Taymore	YES ☒ NO ☐
	Ted F. Sh	YES ☐ NO ☒
		YES ☒ NO ☐
	Loretta Bolner	YES ☐ NO ☒
	April Lewis	YES ☐ NO ☒
	Amanda Farts	YES ☐ NO ☒
	Donna Windler	YES ☒ NO ☐

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		YES ☒	NO ☐
		YES ☐	NO ☒
		YES ☒	NO ☐
		YES ☒	NO ☐
		YES ☐	NO ☒
	Lee Clara	YES ☒	NO ☐
	Joe Westfall	YES ☐	NO ☒
		YES ☒	NO ☐

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<u>Aaron Beckman</u>	<u>Aaron Beckman</u>	YES ☒ NO ☐
<u>Steve Gress</u>	<u>Steve Gress</u>	YES ☒ NO ☐
<u>Chris Hale</u>	<u>Chris Hale</u>	YES ☐ NO ☒
<u>Marie Swider</u>	<u>Marie Swider</u>	YES ☒ NO ☐
<u>Emily White</u>	<u>Emily White</u>	YES ☒ NO ☐
<u>Tina Rottmann</u>	<u>Tina Rottmann</u>	YES ☒ NO ☐
<u>Kerry Jones</u>	<u>Kerry Jones</u>	YES ☒ NO ☐
<u>Franklin Welborn</u>	<u>Franklin Welborn</u>	YES ☐ NO ☒

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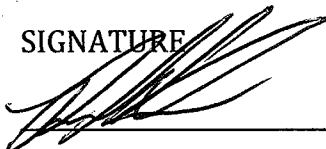
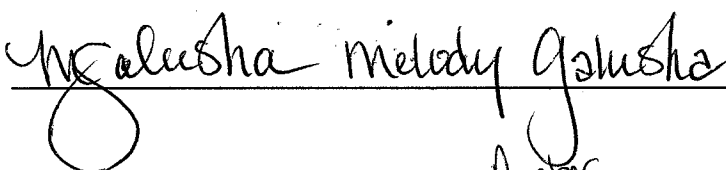
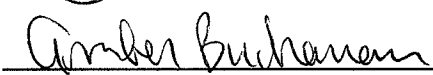
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<u>Cecil Traphagan</u>	<u>CTRAFHAGAN</u>	YES ☒ NO ☐
<u>999 Frazier</u>	<u>Elizabeth Frazier Gandy</u>	YES ☒ NO ☐
<u>Joseph Abu</u>	<u>Lorehid Benz</u>	YES ☒ NO ☐
<u>Katelyn Porter</u>	<u>Katelyn Morton</u>	YES ☐ NO ☒
<u>Sheryl Butler</u>	<u>Sheryl Grotewald</u>	YES ☒ NO ☐
<u>J. Amos</u>		YES ☐ NO ☒
<u>Rexanne Graves</u>	<u>Rexanne Graves</u>	YES ☒ NO ☐
<u>Jennifer Johnston</u>	<u>Jennifer Johnston</u>	YES ☒ NO ☐

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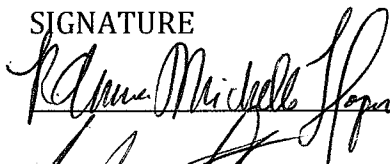
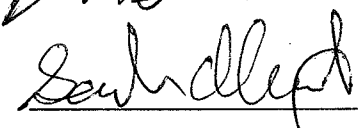
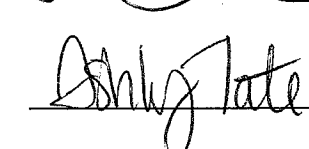
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Rachel Hetzendorfer	YES ☒ NO ☐
	Cherie Flournoy	YES ☐ NO ☒
	Maggie Mullican	YES ☒ NO ☐
	Marsha Chriss	YES ☒ NO ☐
	Kara Welch	YES ☒ NO ☐
	Melody Galsus	YES ☒ NO ☐
	Amber Buchanan	YES ☒ NO ☐

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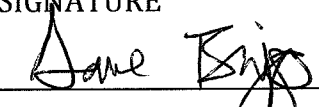
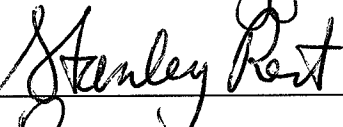
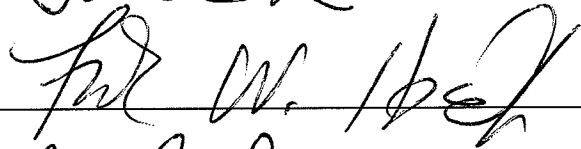
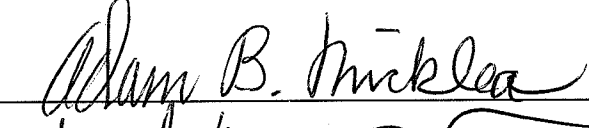
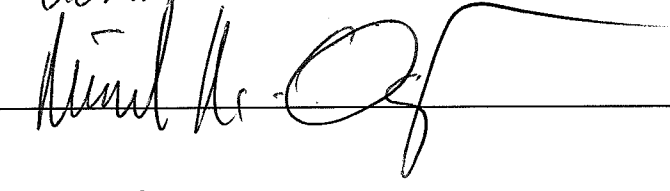
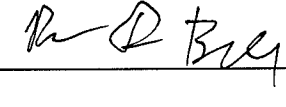
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	R. Anne-Michelle Hopwood	YES ☒ NO ☐
	Josh Stanley	YES ☒ NO ☐
	Sarah Alexander	YES ☒ NO ☐
	Shauntae Treant	YES ☒ NO ☐
	Steve Glean	YES ☒ NO ☐
	ASHLY Tate	YES ☒ NO ☐
_____	_____	YES _____ NO _____
_____	_____	YES _____ NO _____

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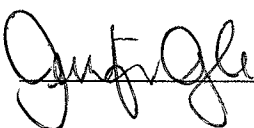
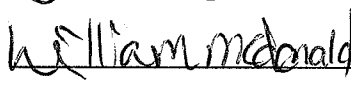
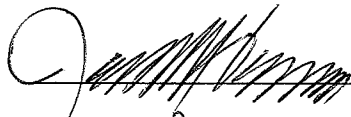
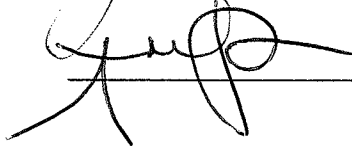
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	DAVE BRIGGS	YES _____ NO ☒
	Stanley Rest	YES ☒ NO _____
	Bruce L. Welsh	YES _____ NO ☒
	Mark W. Bell	YES ☒ NO _____
	Michael Hill	YES _____ NO ☒
	Adam B. Nickless	YES _____ NO ☒
	David R. O'Connell	YES _____ NO ☒
	Braden T. Bull	YES ☒ NO _____

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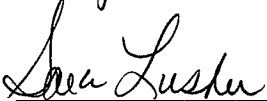
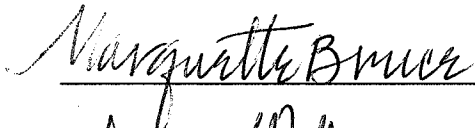
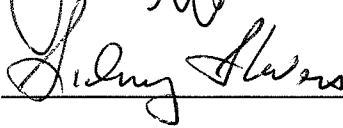
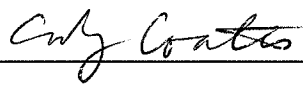
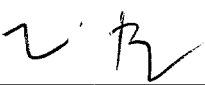
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Tascha Farris	YES ☒ NO ☐
	Frank Williams	YES ☒ NO ☐
	EDWARD DOWNIE	YES ☒ NO ☐
	JENNIFER OGLE	YES ☐ NO ☒
	William McDonald	YES ☒ NO ☐
	JAMES HORAN	YES ☒ NO ☐
	Aimee Paparicio	YES ☒ NO ☐
	Brad Andersen	YES ☒ NO ☐

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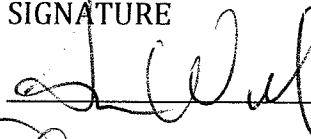
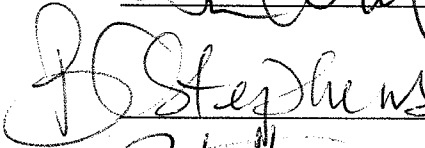
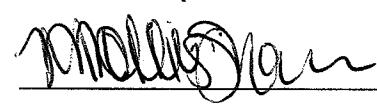
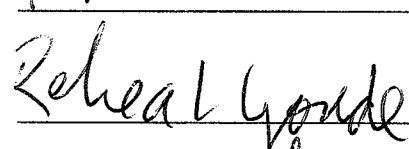
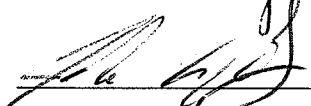
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Sidney Hall Elkins	YES ☐ NO ☒
	SARA LUSTER	YES ☐ NO ☒
	Andrew Dilatosh	YES ☒ NO ☐
	Marguerite Bruce	YES ☒ NO ☐
	Jackson Wells	YES ☐ NO ☒
	Sidney Stevens	YES ☒ NO ☐
	Andy Coates	YES ☒ NO ☐
	LACIE BRAY	YES ☒ NO ☐

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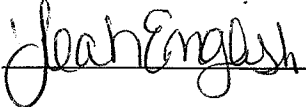
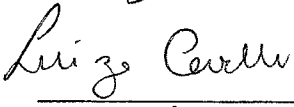
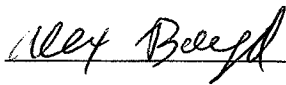
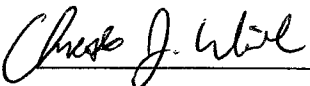
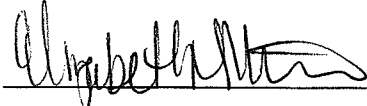
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	Sara Wilson	YES ☒ NO ☐
	Brittany Stephenson	YES ☒ NO ☐
	Peter J Hartman	YES ☒ NO ☐
	Mollie Slavin	YES ☒ NO ☐
	Keith Bern	YES ☒ NO ☐
	Reheal Youde	YES ☐ NO ☒
	Josh Carter	YES ☒ NO ☐
	William H. Little	YES ☒ NO ☐

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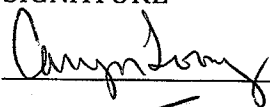
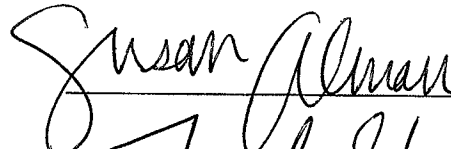
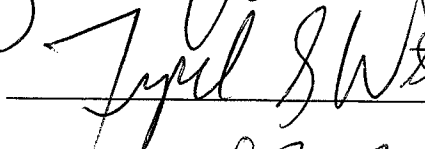
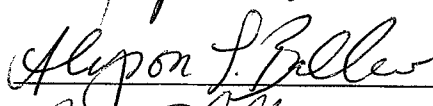
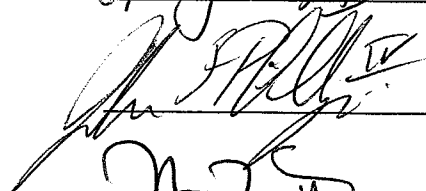
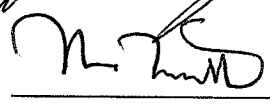
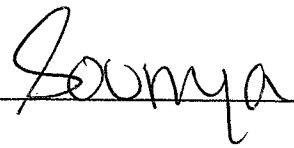
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	Leah English	YES ☒ NO ☐
	E.W. Jaust	YES ☒ NO ☐
	LUIZA CARVALHO	YES ☒ NO ☐
	KEVIN HACKLER	YES ☒ NO ☐
	Alex Boyd	YES ☒ NO ☐
	Christine J. Wilson	YES ☒ NO ☐
	Dylan DeWitt	YES ☒ NO ☐
	Elizabeth Miller	YES ☒ NO ☐

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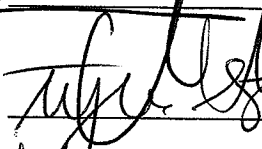
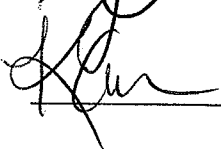
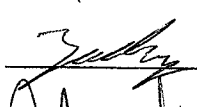
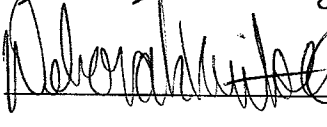
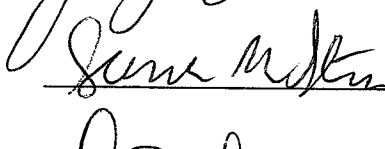
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	Canyon Looney	YES ☒ NO ☐
	Austin Eubanks	YES ☒ NO ☐
	Susan Alman	YES ☒ NO ☐
	Tyrel J. Weston	YES ☒ NO ☐
	Alyson Baller	YES ☒ NO ☐
	John F. Phillips IV	YES ☒ NO ☐
	Tim LaTorrette	YES ☒ NO ☐
	Soumya Chigurupati	YES ☒ NO ☐

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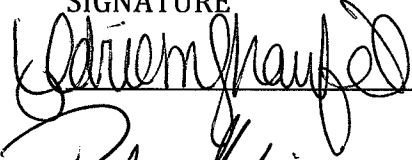
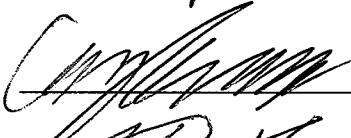
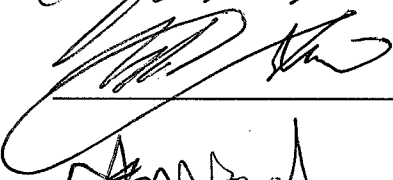
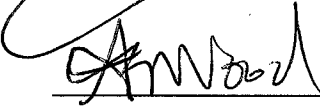
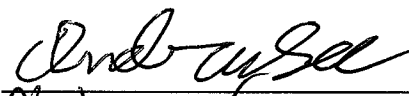
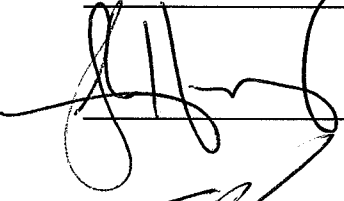
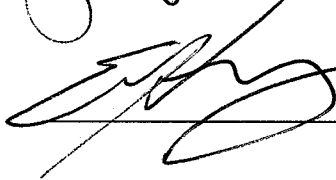
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	Emma Hempstead	YES ☒ NO ☐
	Tyler Stolt	YES ☒ NO ☐
	Kathryn Cario	YES ☒ NO ☐
	Zach Hoffman	YES ☒ NO ☐
	Deborah Kintzel	YES ☒ NO ☐
	James Stogton	YES ☒ NO ☐
	Sarah M. Stanley	YES ☒ NO ☐
	Kimberly Dike	YES ☒ NO ☐

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	Adrienne Shaunfield	YES ☒ NO ☐
	Rob Shaunfield	YES ☒ NO ☐
	Cong Emerson	YES ☒ NO ☐
	Adam Garner	YES ☒ NO ☐
	Audrey Best	YES ☒ NO ☐
	Andrew Lee	YES ☒ NO ☐
	S. Hunt	YES ☒ NO ☐
	ERIC HENRY	YES ☒ NO ☐

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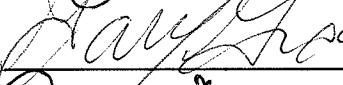
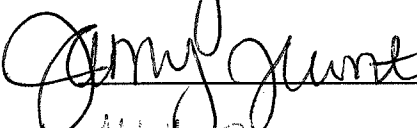
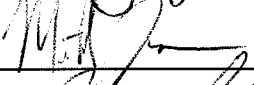
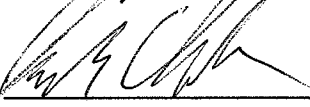
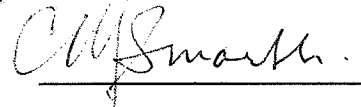
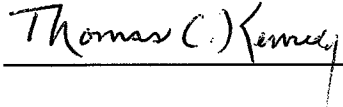
SIGNATURE.	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Katie Nichol</u>	<u>Katie Nichol</u>	YES <u>X</u> NO <u> </u>
<u>[Signature]</u>	<u>Maria Guenard</u>	YES <u>X</u> NO <u> </u>
<u>Gerry Bernard</u>	<u>Gerry Bernard</u>	YES <u>X</u> NO <u> </u>
<u>Christina Lane</u>	<u>Christina Lane</u>	YES <u>X</u> NO <u> </u>
<u>Patricia Lee</u>	<u>Patricia Lee</u>	YES <u>X</u> NO <u> </u>
<u>Devin Stanley</u>	<u>Devin Stanley</u>	YES <u>X</u> NO <u> </u>
<u>Heather Milton</u>	<u>Heather Milton</u>	YES <u>X</u> NO <u> </u>
<u>Emily Field</u>	<u>Emily Field</u>	YES <u>X</u> NO <u> </u>

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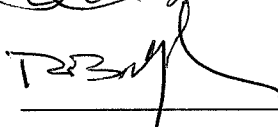
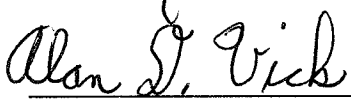
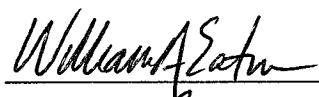
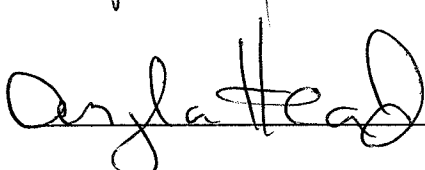
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Amy Field	YES ☒ NO ☐
	GARY GRAY	YES ☒ NO ☐
	CASSANDRA DOMINICK	YES ☒ NO ☐
	Jany Hunter	YES ☒ NO ☐
	Michael Ferrara	YES ☐ NO ☒
	Joseph Chesla	YES ☒ NO ☐
	C. M. SMART	YES ☒ NO ☐
	Thomas C. Kennedy	YES ☒ NO ☐

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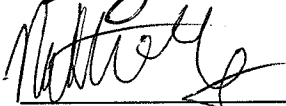
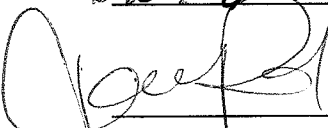
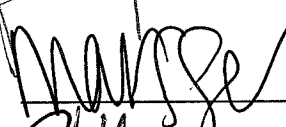
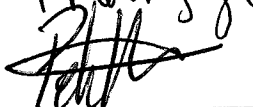
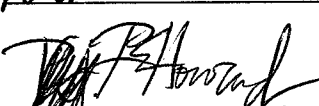
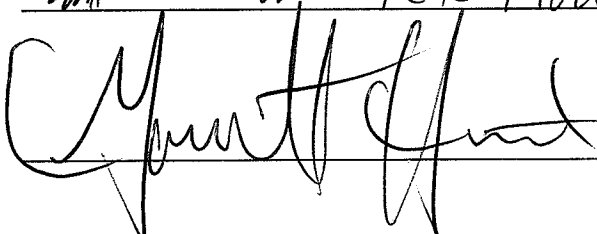
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	William A. Quinn	YES ☒ NO ☐
	ROBERT BILLINGSLEY	YES ☒ NO ☐
	Alan D. Vick	YES ☒ NO ☐
	William Eaton	YES ☒ NO ☐
	MIKE RICKARD	YES ☒ NO ☒
	Patrick Cahway	YES ☒ NO ☐
	ROGER HENRY	YES ☒ NO ☐
	ANGELA HEAD	YES ☒ NO ☐

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	Daniel C.	YES ☒ NO ☐
	Nathan Hardenburg	YES ☒ NO ☐
	Brandon Schmitt	YES ☒ NO ☐
	Jessica Peters	YES ☒ NO ☐
	Marissa Williams	YES ☒ NO ☐
	Peter J. Hartman	YES ☒ NO ☐
	Pete Howard	YES ☒ NO ☐
		YES ☒ NO ☐

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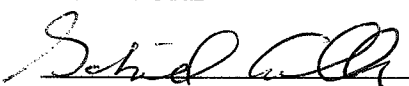
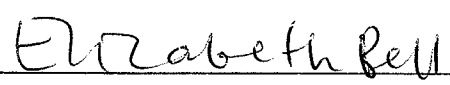
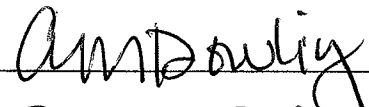
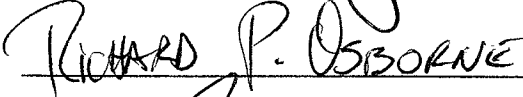
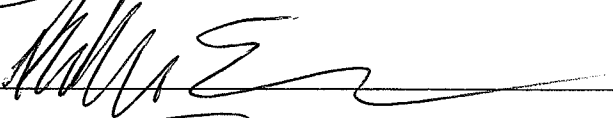
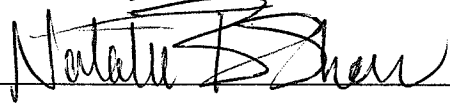
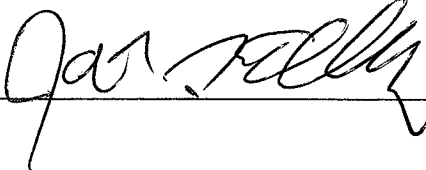
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<u>Ann Greenwood</u>	<u>Ann Greenwood</u>	YES <u>X</u> NO <u> </u>
<u>Linda Flores</u>	<u>Linda Flores</u>	YES <u>✓</u> NO <u> </u>
<u>Rehanna Deborah Champagne</u>	<u>Rehanna Deborah Champagne</u>	YES <u>✓</u> NO <u> </u>
<u>Elizabeth Harriss</u>	<u>Elizabeth Harriss</u>	YES <u>✓</u> NO <u> </u>
<u>Edward Deymorek</u>	<u>Edward Deymorek</u>	YES <u>✓</u> NO <u> </u>
<u>Janet Borders</u>	<u>Janet Borders</u>	YES <u>X</u> NO <u> </u>
<u>Adam Butler</u>	<u>Adam Butler</u>	YES <u> </u> NO <u>X</u>
<u>Arden Kate</u>	<u>Arden Kate</u>	YES <u>X</u> NO <u> </u>
<u>Amanda K Harris</u>	<u>Amanda K Harris</u>	YES <u>✓</u> NO <u> </u>

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	Gabriel Culler	YES ☒ NO ☐
	Elizabeth Bell	YES ☒ NO ☐
	Amanda Dowling	YES ☒ NO ☐
	Richard P. Osborne	YES ☒ NO ☐
	Brandon Carter	YES ☒ NO ☐
	[illegible]	YES ☒ NO ☐
	Natalie [illegible]	YES ☒ NO ☐
	Jan Kelly	YES ☒ NO ☐

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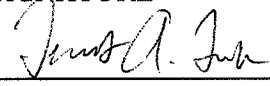
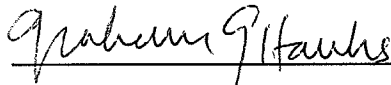
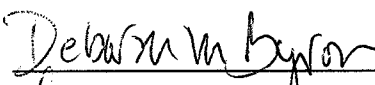
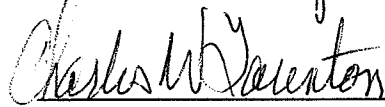
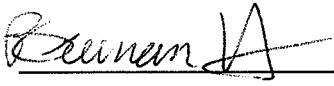
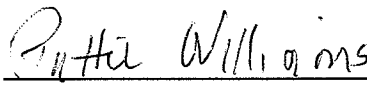
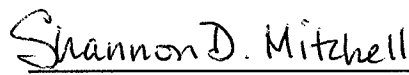
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
<u>Grant Hall</u>	<u>Grant Hall</u>	YES ☒ NO ☐
<u>Briana Kordsmeier</u>	<u>Briana Kordsmeier</u>	YES ☒ NO ☐
<u>William Taylor</u>	<u>William TAYLOR</u>	YES ☒ NO ☐
<u>Freddy Dominguez</u>	<u>Freddy DOMINGUEZ</u>	YES ☒ NO ☐
<u>Betty Weber</u>	<u>Betty Weber</u>	YES ☒ NO ☐
<u>Dylan Stewart</u>	<u>Dylan Stewart</u>	YES ☒ NO ☐
<u>Jodi Nimmo</u>	<u>Jodi Nimmo</u>	YES ☒ NO ☐
<u>Gerry Berard</u>	<u>Gerry Berard</u>	YES ☒ NO ☐

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<u></u>	<u>TERZA A. TURNER</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>GRAHAM G. HANKS</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>DEBORAH M. BYRON</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>CHARLES W. TACKSTON</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>Drake Breshers</u>	YES <u>Student</u> NO <u> </u>
<u></u>	<u>Brennan Hicks</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>PATTIE WILLIAMS</u>	YES <u>X</u> NO <u> </u>
<u></u>	<u>Shannon D. Mitchell</u>	YES <u>X</u> NO <u> </u>

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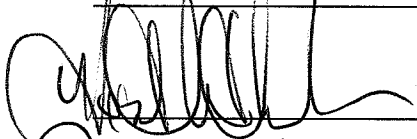
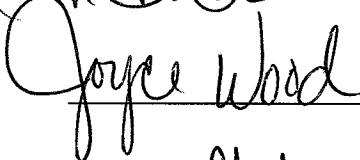
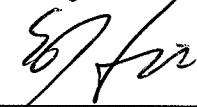
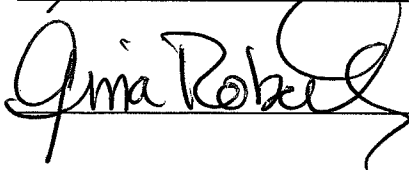
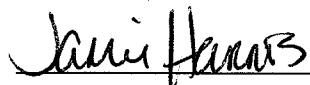
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<u>Brian Hertzog</u>	<u>Brian Hertzog</u>	YES <u>X</u> NO <u> </u>
<u>Alyson Reaves</u>	<u>Alyson Reaves</u>	YES <u> </u> NO <u>X</u>
<u>Betony Maringer</u>	<u>Betony Wearley-Maringer</u>	YES <u> </u> NO <u>X</u>
<u>LEILANI LAW</u>	<u>LEILANI LAW</u>	YES <u>✓</u> NO <u> </u>
<u>R. Suzanne Call</u>	<u>Call Rebecca Suzanne</u>	YES <u>✓</u> NO <u> </u>
<u>Allyson Lord</u>	<u>Allyson Lord</u>	YES <u>✓</u> NO <u> </u>
<u>BETH CARO</u>	<u>BETH CARO</u>	YES <u>✓</u> NO <u> </u>
<u>Kyle Scott</u>	<u>Kyle Scott</u>	YES <u> </u> NO <u>X</u>

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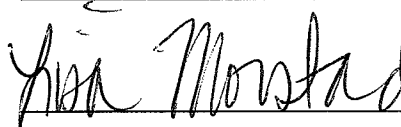
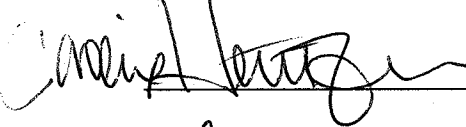
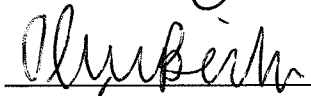
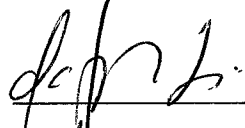
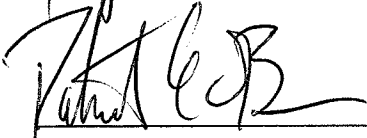
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Daniel Ferris	YES ☒ NO ☐
	Dave Proctor	YES ☒ NO ☐
	Heather Wilson	YES ☒ NO ☐
	Joyce Wood	YES ☒ NO ☐
	Nick	YES ☒ NO ☐
	Eric Holle	YES ☐ NO ☒
	Gina Robel	YES ☐ NO ☒
	Jamie Harris	YES ☒ NO ☐

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701
Or drop off at The Depot, 548 W. Dickson.

At this time, the city of Fayetteville has no forum for citizen input in the permitting process for major events and festivals. If an organization wishes to get a Major Event Permit, they must fill out standard forms and obtain the signature of the Major.

We believe there is a better approach for Fayetteville. If an organization wishes to host an event that would use city parking lots and/or parks and close down public streets for MORE than two days, this should require City Council approval. This process would allow citizens a forum to discuss the value of the event to the city. Major festivals affect our entire city and help define our community. Allowing for citizen input and approval through our elected leaders is fair and appropriate.

THEREFORE, WE THE UNDERSIGNED, REQUEST THE CITY COUNCIL ADOPT AN ORDINANCE THAT REQUIRES CITY COUNCIL APPROVAL AS A FINAL STEP IN THE PERMITTING PROCESS FOR ANY MAJOR EVENT THAT PROPOSES TO CLOSE CITY STREETS, PARKS AND/OR PARKING LOTS FOR TWO OR MORE DAYS.

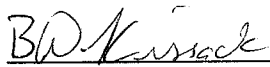
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Matthew Sheppard	YES ☒ NO ☐
	LISA MORSTAD	YES ☒ NO ☐
	Bill Birnie	YES ☒ NO ☐
	Nicole Shipley	YES ☒ NO ☐
	Caroline Heitzman	YES ☒ NO ☐
	Olivia Becker	YES ☒ NO ☐
	Ian Sheu	YES ☒ NO ☐
	Patrick O'Brien	YES ☒ NO ☐

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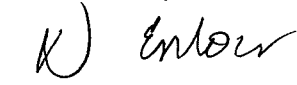
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SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Brandon Lissack	YES ☒ NO ☐

	Michelle Hunter	YES ☒ NO ☐
--	-----------------	---

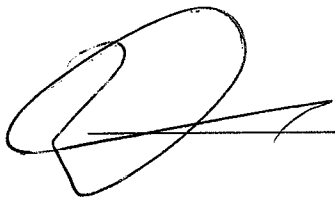
	Terri Ann Howard	YES ☒ NO ☐
---	------------------	---

	Elliott E. Tobin	YES ☒ NO ☐
---	------------------	---

	David Enlow	YES ☒ NO ☐
---	-------------	---

	Nancy Buckley	YES ☒ NO ☐
---	---------------	---

	Elizabeth Stripling	YES ☒ NO ☐
---	---------------------	---

	Zachary Enlow	YES ☒ NO ☐
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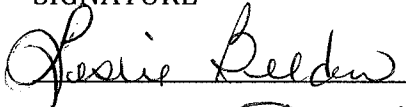
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SIGNATURE

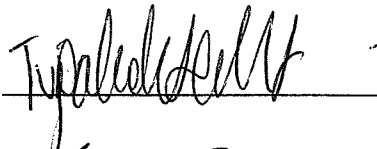
PRINTED NAME

FAYETTEVILLE RESIDENT

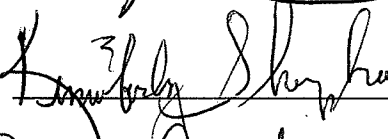
 Leslie Beben YES ☒ NO ☐

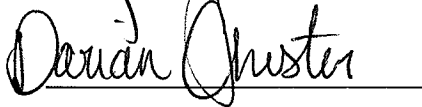
 Marla Steele YES ☒ NO ☐

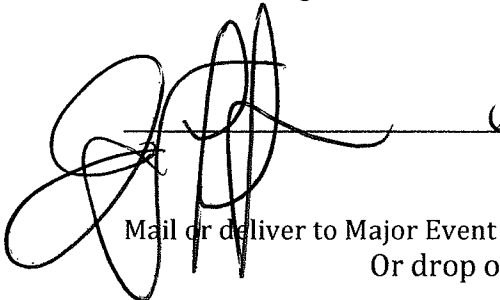
 Eva C. Madison YES ☒ NO ☐

 Tugue Utecht YES ☒ NO ☐

 Kagan D. P. Ryan YES ☒ NO ☐

 Kimberly Shepherd YES ☒ NO ☐

 Darian Chester YES ☒ NO ☐

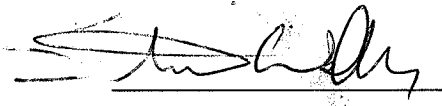
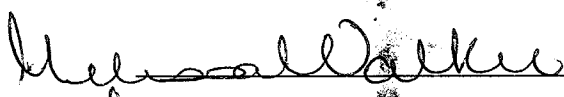
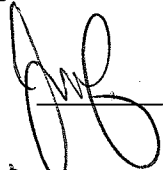
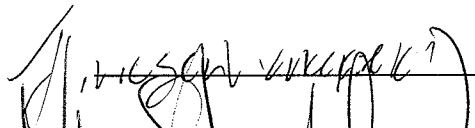
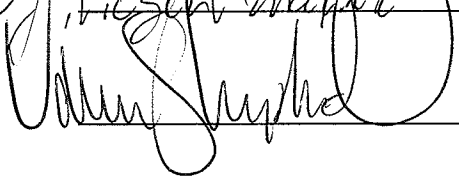
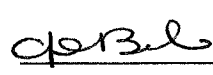
 Terrod Shaffer YES ☒ NO ☐

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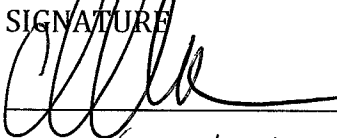
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT
	Constance Hensley Kral	YES ☒ NO ☐
	Stuart Walker	YES ☒ NO ☐
	Melissa Walker	YES ☒ NO ☐
	JIM GOZA	YES ☒ NO ☐
	Derek Dellinger	YES ☒ NO ☐
	INOGEN WAKEFIELD	YES ☒ NO ☐
	Valerie Shepherd	YES ☒ NO ☐
	John Beebe	YES ☒ NO ☐

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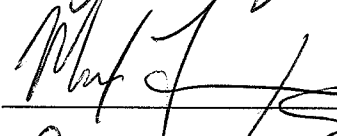
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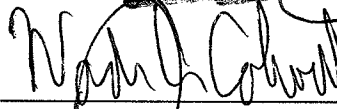
SIGNATURE	PRINTED NAME	FAYETTEVILLE RESIDENT	
	CHRIS DYE	YES ☒	NO ☐

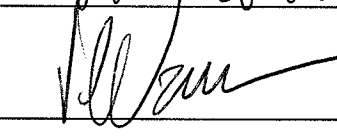
	Beth Stockdell	YES ☒	NO ☐
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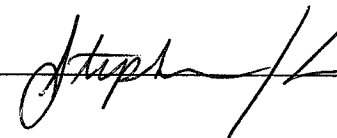
	Bryan Jones	YES ☒	NO ☐
---	-------------	---	-----------------------------

	Max Fanning	YES ☒	NO ☐
---	-------------	---	-----------------------------

		YES ☒	NO ☐
---	--	---	-----------------------------

	Wade Colwell	YES ☒	NO ☐
---	--------------	---	-----------------------------

	Van Leems	YES ☒	NO ☐
---	-----------	---	-----------------------------

		YES ☒	NO ☐
---	--	---	-----------------------------

Mail or deliver to Major Event Ordinance; 3572 S School Suite A; Fayetteville, AR 72701
Or drop off at The Depot, 548 W. Dickson.

*Handed out at the City Council
meeting 2-16-16*

Smith, Lorinda

Amend 72.58 Off-Street Parking Facilities

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 3:34 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: annhenry1@me.com
Subject: FW: Please forward to members of council

Please review the email below. Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

-----Original Message-----

From: Ann Henry [mailto:annhenry1@me.com]
Sent: Tuesday, February 16, 2016 2:43 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Please forward to members of council

I support proposed amendment to parking ordinance to city of Fayetteville current laws.

We should be transparent about what is being proposed and for how long when we close public right of way and block streets in front of businesses.

Thank you for your consideration.
Ann henry

Sent from my iPhone

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 12:21 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: kevin@ftownlongboards.com
Subject: FW: Major Events Ordinance

Please see the email below.

Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

-----Original Message-----

From: Kevin Higgins [mailto:kevin@ftownlongboards.com]
Sent: Tuesday, February 16, 2016 12:07 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major Events Ordinance

To Whom it may concern at the City of Fayetteville,

First of all, as a business owner in the city, I appreciate your service to the city where I choose to locate my business.

I have been in copy on the majority of emails regarding a push to introduce the ordinance listed below which has a potential to impact the legacy major events as well as attract new events to the city. As a business owner in Fayetteville, I Do NOT support this proposal. I see this as an attempt for a small group of businesses to try and decide what is good for the city and in fact, discriminate against people that attend these events. I have heard of such things on social media regarding Bikes Blues and BBQ like, "those kind are not good for Fayetteville".

Bikes, Blues, and BBQ does have a negative impact on the traffic I see come through my door. However, I see the positive impact an event like this has on the city, my fellow business owners, and the charities they support. Events like this also bring together families and friends for a time of fellowship. This year we are looking at how, as a business, we

can take advantage of these major events to drive business to our store, or how we go to them with product they would purchase, again generating revenue for the city.

The Joe Martin Stage Race, Bikes Blues and BBQ, and other events bring significant sales tax revenue to Fayetteville. A small group of businesses who believe it's detrimental to their stores, haven't figured out how to capitalize on the events, or rather they do not like the biker culture to be specific, should not be able to decide what is good for this city.

In closing, even though we see traffic slow through our doors, I do NOT support this ordinance and hope everyone votes with the city's best interest in mind and not those of a very small group of businesses who appear to want to discriminate against certain events and are using this proposal to do just that.

Best regards,
Kevin Higgins
F-Town Longboards LLC

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 12:18 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: casey@greylinecreative.com
Subject: FW: Major Event Ordinance

Please see the email below.

Thanks!

Sondra

*Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov*



From: Casey Mayer [mailto:casey@greylinecreative.com]
Sent: Monday, February 15, 2016 8:22 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major Event Ordinance

Dear Aldermen,

I support the proposed Major Event Ordinance to provide for input by citizens and businesses for major events that fit Fayetteville. I am a small business owner in town, with my photography studio located on the square, and I am forced to shut down during Bikes, Blues and BBQ specifically. The size and traffic of this particular event keeps me from being able to use my studio, or meet clients there. It averages around a \$1200 loss for me each year. I would hope that we, citizens and business owners, could possibly find new ways to accommodate everyone for events of this size. Thank you-

Sondra Smith, City Clerk ssmith@fayetteville-ar.gov

Ward 1	Sarah Marsh	(479) 287-4054	ward1_pos2@fayetteville-ar.gov
Ward 2	Mark Kinion	(479) 442-7868	ward2_pos1@fayetteville-ar.gov

Ward 2	Matthew Petty	(479) 595-8703	citycouncil@matthewpetty.org
Ward 3	Justin Tennant	(479) 387-8462	ward3_pos1@fayetteville-ar.gov
Ward 3	Martin Schoppmeyer	(479) 935-4605	ward3_pos2@fayetteville-ar.gov
Ward 4	John La Tour	(479) 443-7878	ward4_pos1@fayetteville-ar.gov
Ward 4	Alan Long	(479) 304-0585	ward4_pos2@fayetteville-ar.gov

AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

WHEREAS, the Mayor is authorized to assign any and all city owned paid parking lots in the Entertainment District Parking Lot by special event permit for up to sixteen (16) days per calendar year; and

WHEREAS, multi-day special events that close parking facilities and city streets significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefore citizens should have the opportunity for input in the decision-making process; and

WHEREAS, special events that request or need to occupy and use such city parking lots or city streets more than two (2) days should not only receive the Mayor's express approval through the Mayor's issuance of a special event permit, but must receive express approval of the City Council for any and all city owned parking lots or city street closures needed beyond the two-day limit.

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 § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

"(M) Special Event Permits Needed To Use City Owned Parking Lots, paid on- street parking spaces, or to close city streets

(1) Events needing the use of city owned parking lots for two days or less.

The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces within the Entertainment District Parking Zone for up to two days per special event for the use of a permitted special event or other necessary reason for not more than a total of sixteen (16) days per calendar year.

(2) Events requesting the use of city owned parking lot or on-street paid parking spaces or to close city streets for more than two days in a calendar year.

Subject to the overall limit of 16 days per calendar year, the Mayor may propose and the City Council may agree to or reject an expanded special event permit which would authorize the special event to use city owned paid parking lots or on-street paid parking in the Entertainment District Parking Zone for more than two and up to five days per year. The Mayor may also propose the closure of city streets for more than two days for a special event. The approval and any conditions imposed for such approval by the City Council shall be by City Council Resolution. Proposed special event permits shall be evaluated by the City Council on the basis of, but not limited to, weighing the potential benefits and detriments to the community, impact to public services, including City, schools, transportation, and medical services, and the effect on the overall quality of life to residents and businesses. Any violation of the City Council required conditions shall subject the special event permit authorization beyond two days to be voided and withdrawn by the Mayor."

Casey Mayer, Artist/Photographer
Greyline Creative
100 E Center Street Ste. 001
Fayetteville, AR 72701

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 11:54 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: adheinz1@gmail.com
Subject: FW: Major ordinance

Please see the email below.

Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

-----Original Message-----

From: Andrew Heinzlmann [mailto:adheinz1@gmail.com]
Sent: Tuesday, February 16, 2016 6:56 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major ordinance

I support the major ordinance proposal that allows citizens' via their ward alderman input on city events.
Thank you
Andy Heinzlmann

Sent from my iPhone

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 11:53 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Major Event Ordinance

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Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov*

CITY OF

www.fayetteville-ar.gov

From: John Eldridge [mailto:johne@eldridgelawfirm.com]
Sent: Monday, February 15, 2016 11:11 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major Event Ordinance

I support the proposed Major Event Ordinance to provide for input by citizens and businesses for major events that fit Fayetteville. Please distribute to all council members.

Thanks,
John

John R. Eldridge, III
Attorney at Law
P. O. Box 580
Fayetteville, AR 72702-0580
479.443.0908
479.443.2713 fax
johne@eldridgelawfirm.com

To ensure compliance with IRS requirements, we inform you that any tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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.

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 11:52 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: jayy@dcf-fay.com
Subject: FW: Please review, take action, and forward to your friends

Please see the email below.

Thanks!

Sondra

*Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov*



From: Jay Young [mailto:jayy@dcf-fay.com]
Sent: Monday, February 15, 2016 9:27 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: FW: Please review, take action, and forward to your friends

Sondra,

I am a Fayetteville resident and business owner with office located downtown.

I concur with the statements in the email below.

**Allen "Jay" Young
Development Consultants Inc.**

From: Tom Overbey [mailto:t1t1t1@gmail.com]
Sent: Monday, February 15, 2016 9:19 AM
To: Tom Overbey
Subject: Please review, take action, and forward to your friends

Major Event Ordinance for Fayetteville

Attached below is the text of a proposed ordinance that will be presented for first reading at the City Council meeting Tuesday at 5:30.

The goal is to have our city resources applied to events that promote Fayetteville in a positive way and fit within our culture. Events lasting more than two days have a significant effect on the residents and businesses. The current procedure for major events is a checklist with no opportunity for comments (unless you go directly to the mayor). A better approach for Fayetteville would be to require an event that wants to use city parking lots and/or close down public streets for more than two days be required to obtain City Council approval. This would allow our citizens to have a forum to discuss the value of the event to the city. Festivals or rallies that our city adopts help to define our community. Allowing for citizen input and approval through its elected leaders only seems fair and appropriate.

Please send an email to the Fayetteville City Council members today! Suggested wording is below. Send it to Sondra Smith, City Clerk, and it will go to all aldermen. Or, select your alderman from the list.

It is important to make a comment if a major event impacts you or your business. Several of the aldermen have said that they have not had any comments on how major events impact businesses. They have assumed the major events are all neutral or beneficial. If you have a different view, please express it. If you leave town during major events, please express your concerns.

Then, please forward this email to your friends. Thanks so much.

I support the proposed Major Event Ordinance to provide for input by citizens and businesses for major events that fit Fayetteville.

Sondra Smith, City Clerk

ssmith@fayetteville-ar.gov

Ward 1	Sarah Marsh	(479) 287-4054	ward1_pos2@fayetteville-ar.gov
Ward 2	Mark Kinion	(479) 442-7868	ward2_pos1@fayetteville-ar.gov
Ward 2	Matthew Petty	(479) 595-8703	citycouncil@matthewpetty.org
Ward 3	Justin Tennant	(479) 387-8462	ward3_pos1@fayetteville-ar.gov
Ward 3	Martin Schoppmeyer	(479) 935-4605	ward3_pos2@fayetteville-ar.gov
Ward 4	John La Tour	(479) 443-7878	ward4_pos1@fayetteville-ar.gov
Ward 4	Alan Long	(479) 304-0585	ward4_pos2@fayetteville-ar.gov

AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

WHEREAS, the Mayor is authorized to assign any and all city owned paid parking lots in the Entertainment District Parking Lot by special event permit for up to sixteen (16) days per calendar year; and

WHEREAS, multi-day special events that close parking facilities and city streets significantly impact citizens, businesses, and institutions as well as the quality of life in our community and therefor citizens should have the opportunity for input in the decision-making process; and

WHEREAS, special events that request or need to occupy and use such city parking lots or city streets more than two (2) days should not only receive the Mayor's express approval through the Mayor's issuance of a special event permit, but must receive express approval of the City Council for any and all city owned parking lots or city street closures needed beyond the two-day limit.

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 § 72.58 (M) and enacts a replacement § 72.58 (M) as shown below:

"(M) Special Event Permits Needed To Use City Owned Parking Lots, paid on- street parking spaces, or to close city streets

(1) Events needing the use of city owned parking lots for two days or less.

The Mayor is empowered by the issuance of a special event permit to assign any and all city owned paid parking lots and some or all on-street paid parking spaces within the Entertainment District Parking Zone for up to two days per special event for the use of a permitted special event or other necessary reason for not more than a total of sixteen (16) days per calendar year.

(2) Events requesting the use of city owned parking lot or on-street paid parking spaces or to close city streets for more than two days in a calendar year.

Subject to the overall limit of 16 days per calendar year, the Mayor may propose and the City Council may agree to or reject an expanded special event permit which would authorize the special event to use city owned paid parking lots or on-street paid parking in the Entertainment District Parking Zone for more than two and up to five days per year. The Mayor may also propose the closure of city streets for more than two days for a special event. The approval and any conditions imposed for such approval by the City Council shall be by City Council Resolution. Proposed special event permits shall be evaluated by the City Council on the basis of, but not limited to, weighing the potential benefits and detriments to the community, impact to public services, including City, schools, transportation, and medical services, and the effect on the overall quality of life to residents and businesses. Any violation of the City Council required conditions shall subject the special event permit authorization beyond two days to be voided and withdrawn by the Mayor."

Tom Overbey
T1TLOTT@gmail.com

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 1:40 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: jromine@nwark.com
Subject: FW: major event ordinance

Please see the email below.

Thanks!

Sondra

*Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov*



From: Jim Romine [mailto:jromine@nwark.com]
Sent: Tuesday, February 16, 2016 1:18 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: major event ordinance

I support the major event ordinance to provide for input by citizens and businesses

James C. Romine

CityClerk

From: Marsh, Sarah
Sent: Tuesday, February 16, 2016 4:46 PM
To: City_Clerk-old
Subject: Fw: Transit Issues for BBB

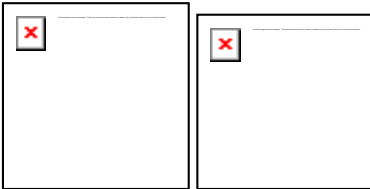
Categories: Forwarded

Sondra,

Please forward this to the other Council Members.

Thanks,
-Sarah

Sarah Marsh, bARCH, LEED AP BD+C
Vice Mayor | City Council Member, Ward 1, Position 2
City of Fayetteville, Arkansas
ward1_pos2@fayetteville-ar.gov | 479.799.0393



From: Jeff Castellano <jeffachadnezzar@gmail.com>
Sent: Tuesday, February 16, 2016 4:16 PM
To: Marsh, Sarah
Subject: Transit Issues for BBB

My name is Jeff Castellano, and during last year's BBB, I was a resident of Ward 2, not far from campus. I was a first-term student, which was an adjustment enough but compounded upon because of my unique obstacles being physically disabled. My mobility issues are unpredictable at best; some days I'm able to walk but must rest often, and bad days leave me entirely dependent on a wheelchair. Usually, this isn't too big of a deal. Fayetteville has the best public transit system anywhere, with the best staff and best conditions you could ask for. Thing is, that means nothing when it's inaccessible.

It may not seem like much, but two days is a lot of time to miss, particularly your first year. BBB is supposed to only be for the weekend, but traffic congestion started on the Tuesday before and got steadily worse until Thursday, when I just gave up and went on a mini-vacation elsewhere until everyone left. By then, it was bad enough the the brown and green lines (the only two that pass near my house on Davidson Street) were disrupted, and without those, myself and probably many other residents couldn't get around the areas around campus and Dickson. You know, two of the most important points in town. It was unnerving and way more

time-consuming than usual when the buses shut down--it normally took about twenty minutes or so to get from the front door of my apartment to Old Main. With no bus service, it took over an hour. More people are willing to behave in traffic for a person in a wheelchair, but apparently not for regular pedestrians, and I observed near-accidents happening more than once. It was so bad that this year, we actually plan on taking the entire week out of town, if possible, because it's a nightmare trying to get around otherwise. I realize that the revenue generated by the event is important, but I live here. I live here for many reasons, but one of those chief reasons is the accessibility for people like me with disabilities.

To say that I'm thrilled that someone is taking this issue seriously is an understatement. I fully support this ordinance--it takes into account the needs of all residents, including the disabled and those who don't use a car as transportation. That's very much in keeping with the values of being an inclusive community, something that Fayetteville does like no place else. Thank you!

(Anonymous, if possible?)

Jeff Castellano

Resident (Address withheld for security reasons.)

Branson, Lisa

From: Smith, Sondra
Sent: Friday, February 19, 2016 12:21 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: john@ocinc.biz
Subject: FW: Major Event Ordinance

Please see the email below. Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov



From: John Olson [mailto:john@ocinc.biz]
Sent: Friday, February 19, 2016 10:12 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major Event Ordinance

To whom it may concern,

I support the proposed Major Event Ordinance to provide for input by citizens and businesses for major events that fit Fayetteville.

John Olson
1777 N Independence Place
Fayetteville, AR 72704

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, February 24, 2016 11:14 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Major Event Ordinance

Please see the email below.

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

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www.fayetteville-ar.gov

From: Joe Hiryak [mailto:jhiryak@gmail.com]
Sent: Tuesday, February 23, 2016 11:11 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Major Event Ordinance

I support the proposed Major Event Ordinance to provide for input by citizens and businesses for major events that fit Fayetteville.

Thank You,

Joe Hiryak

--

FAYETTEVILLE WINDOW WASHING
PO BOX 510
FAYETTEVILLE AR 72702
(479) 856-5660 (Joe's Cell)
www.fayettevillewindowwashing.com

Branson, Lisa

From: Smith, Sondra
Sent: Wednesday, February 24, 2016 12:50 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: stevebeacham55@gmail.com
Subject: FW: How BBQ affects Eureka Springs - Major Event Ordinance

Please see the email below. Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov



From: Stephen v2 [mailto:stevebeacham55@gmail.com]
Sent: Wednesday, February 24, 2016 12:05 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: How BBQ affects Eureka Springs - Major Event Ordinance

To- Sondra Smith, City Clerk

Ms. Smith, below is a letter I am sending to the Fayetteville City Council concerning an upcoming vote on the Major Event Ordinance. Would you please see that it goes to the proper person? Thanks for your help with this, Steve Beacham

To- The Fayetteville City Council concerning how BBQ affects Eureka Springs and your Major Event Ordinance

My name is Steve Beacham. I have been a resident of Eureka Springs since 1979 as well as owning and operating a business in the Historic Downtown area. During that time, our tourism demographics has gone from 60+ by the bus load to now 50+ by motorcycles. Each group has presented

challenges to our city infrastructure and ambiance.

The Motorcycle group has been a two edged situation. Yes, they are tourist and bring a certain amount of tourism related spending with them. In Eureka, the bars, restaurants and lodging are the main businesses that benefit.

The cost of that tourism seems to be putting up with a small percentage of bikers that love to make noise with their illegal exhaust systems. Many business owners report customers that leave town when the noise arrives. The sound is a health risk because of the loudness. It can and does do physical damage to your hearing.

I was part of a City Council approved committee made up of 9 people that set about creating a City Noise Ordinance to try to give a legal way to quieten down the issue. The committee had bike bar owners, city alderman, business owners and bike enthusiasts. Over a period of months an Ordinance was created and common ground was found. Most bikers are just as bothered by loud bikes as everyone else is.

BBBQ as an event brings thousands of tourists to Northwest Arkansas. The unasked question is how many tourists do they drive away? How threatened do most folks feel when everywhere they look is leather clad bikers? When the special cleanup crews go around Fayetteville, how many drug related articles are found?

Here in Eureka, we are told by a very vocal group to just take their money and shut up. Don't worry about your quality of life as long as money comes in.

I guess our only mark of success so far in this issue is that during BBBQ last year Eureka Springs gave out more Noise citations than the city of Fayetteville.

Branson, Lisa

From: Smith, Sondra
Sent: Monday, February 29, 2016 8:24 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: Major Event Ordinance
Attachments: Major Event Ordinance Letter.doc; ATT00001.htm

Please see the attached letter. Have a great day!

From: Glenda Satterfield [mailto:glendasatterfield@gmail.com]
Sent: Monday, February 29, 2016 8:04 AM
To: Smith, Sondra <:ssmith@fayetteville-ar.gov>
Subject: Fwd: Major Event Ordinance

Subject: Major Event Ordinance

My name is Glenda Satterfield. I have been a resident of Eureka Springs for 15 years. I am also a real estate Broker.

I find BBBQ to be a horrendous occasion for all of Northwest Arkansas. The noise level in Eureka Springs is especially bad because of our canyon like downtown area with its rock walls and stone buildings. The overwhelming cacophony forces residents indoors for a 4 day stretch (and is still a painful pounding), or to leave town. It pains me to see our beautiful, historic, healing town abused in this manner.

Please pass the Major Event Ordinance so that some control over this event can be taken back by the citizens of this area.

Sincerely,

Glenda Satterfield

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 10:53 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: Proposed Festival Ordinance

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
[Website](#) | [Twitter](#) | [YouTube](#)



From: MS RIKER [mailto:elitevaporpros@hotmail.com]
Sent: Monday, February 29, 2016 10:37 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Proposed Festival Ordinance

Sondra Smith ,

Good morning. I'm emailing you to let your office know I'm not at all happy about this new proposed Festival Ordinance. I'm from Eureka Springs , and this type of micro managing ruined our unique reputation to the point of no repair. Eureka will never be same after the city council made such horrendous decisions year after year to run the tourists with actual money to spend ...right out of town. They still are at it today .

I would hate to see this become another Eureka Springs story ... And this is just how that story starts.

Thanks for listening to my voice. Please have a great day.

Matt Riker

National Sales Manager
Carolina Arms Group
Mattriker@carolinaarmsgroup.com
<http://www.carolinaarmsgroup.com/>
<http://carolinaarmsgroup.tumblr.com/>
<https://www.instagram.com/carolinaarmsgroup>
<https://twitter.com/CarolinaArmsGrp>
<https://www.facebook.com/CarolinaArmsGroup>
Fax 704-360-2469
Gerald's Restaurant
417-847-1000
Zoe Crist Steel
<http://www.zoecristknives.com/>
Cell 479-244-6243
Have a great day !
Matt1911jmb@yahoo.com
Elite Vapor Pro's
870-204-6051
elitevaporpros@hotmail.com

Matt Riker
National Sales Manager
Carolina Arms Group
Mattriker@carolinaarmsgroup.com
<http://www.carolinaarmsgroup.com/>
<http://carolinaarmsgroup.tumblr.com/>
<https://www.instagram.com/carolinaarmsgroup>
<https://twitter.com/CarolinaArmsGrp>
<https://www.facebook.com/CarolinaArmsGroup>
Fax 704-360-2469
Gerald's Restaurant
417-847-1000
Zoe Crist Steel
<http://www.zoecristknives.com/>
Cell 479-244-6243
Have a great day !
Matt1911jmb@yahoo.com
Elite Vapor Pro's
870-204-6051
elitevaporpros@hotmail.com

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 10:52 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: regarding the festival ordinance - I hate Bikes/Blues

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

-----Original Message-----

From: briandickinson@cox.net [mailto:briandickinson@cox.net]
Sent: Monday, February 29, 2016 10:39 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: regarding the festival ordinance - I hate Bikes/Blues

Hi Sondra.

I have not read the proposed city festival ordinance but if it has an intended outcome of spelling doom for Bikes/Blues, I'm for it.

I do enjoy a music festival but I prefer to travel across the country to attend a good one. I've been to Lollapalooza in Chicago seven times. The type of event I enjoy cannot exist in Fayetteville. We just don't have the population or the infrastructure to support it.

I love Dickson St. I will hang out at S&B and have a drink or sing a karaoke song at Uno's, or enjoy a steak at Doe's any night of the week. But the pretend biker culture -- I just don't get it. The people are scummy for the most part and I hate turning over my town to them once a year. I know a lot of business owners on/near downtown and I know that some of them depend on the once-per-year Bikes/Blues revenue as their annual profit. Still others have their business hurt by the festival. It's a hugely convoluted mixed bag. My position is - if you need an event like Bikes/Blues to make your ends meet, then there's probably a better bar waiting to take your place. I leave town or stay home when the pretend bikers are here. I have nothing in common with them. I dislike most of the entertainment that is brought to the stages for them (95% non blues).

This is my piece. There, I've said it.

Sincerely Yours,
Brian

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:32 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: I support this ordinance

Please see the email below.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov

[Website](#) | [Twitter](#) | [YouTube](#)

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www.fayetteville-ar.gov

From: Mary Jo Schneider [mailto:mary.jo.schneider1944@gmail.com]
Sent: Saturday, February 27, 2016 10:43 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: I support this ordinance

I think that this is a good idea. I'd also like to see a thorough examination of the costs of this festival—including how many restaurants and other venues close or lost revenue.

A few months back I announced that I was looking for citizens to sign a petition asking our City Council to adopt a Major Event Ordinance, one which would require City Council approval for events lasting three days or longer and using city streets and/or parking lots. We received well over 800 signatures. Thanks!

We now have an ordinance before the City Council. Our first reading was at the last city council meeting. They will be making some adjustments in the original wording but the intent is still the same.

Despite what you read in the paper this is not an ordinance to do away with Bikes, Blues, and BBQ (BBB). People who are supporters of BBB have signed the petition because they believe that the decision to hold Major Events in Fayetteville should be in the hands of our elected representatives.

If you would like to support this ordinance please email our City Council members. You can do so by emailing our City Clerk and asking her to forward it to all City Council members. Her email address: cityclerk@fayetteville-ar.gov. Her name is Sondra Smith.

Mary Jo Schneider

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:31 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: BBBBQ

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

-----Original Message-----

From: 1bwells@cox.net [mailto:1bwells@cox.net]
Sent: Saturday, February 27, 2016 10:40 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: BBBBQ

Sondra Smith,

Sending this email to you today, because I feel it is my duty to help protection the above subject.
I am against this so called ordinance for Fayetteville's BBBBQ.

Thank you!

Beverly Wells

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:31 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: Event ordinance

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

-----Original Message-----

From: Jeff Kimbrough [mailto:jmkimbrough11@yahoo.com]
Sent: Saturday, February 27, 2016 9:53 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Event ordinance

There are to many ordinands in place already. Don't need any more.

Sent from my iPhone

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:30 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: please fwd to city council members

Please see the email below.

Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308

Fayetteville, AR 72701

479.575.8323

cityclerk@fayetteville-ar.gov

[Website](#) | [Twitter](#) | [YouTube](#)

CITY OF



From: Wendy S. Finn [mailto:finnality@hotmail.com]

Sent: Friday, February 26, 2016 8:48 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: please fwd to city council members

I want to voice my support the Major Event Ordinance that requires City Council approval for events lasting three days or longer and using city streets and/or parking lots.

Thank you for your time,

Wendy Finn

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 7:30 AM
To: 'Alan Long (Longward4@gmail.com)'; 'bpennington@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'dmarr@fayetteville-ar.gov'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'lbroyles@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; 'ssmith@fayetteville-ar.gov'; 'ward1_pos1@fayetteville-ar.gov'; 'ward1_pos2@fayetteville-ar.gov'; 'ward2_pos1@fayetteville-ar.gov'; 'ward3_pos1@fayetteville-ar.gov'; 'ward3_pos2@fayetteville-ar.gov'; 'ward4_pos1@fayetteville-ar.gov'; 'ward4_pos2@fayetteville-ar.gov'
Subject: FW: City council ordinance

Please see the email below.

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

-----Original Message-----

From: bekahmail@yahoo.com [mailto:bekahmail@yahoo.com]
Sent: Friday, February 26, 2016 7:42 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: City council ordinance

My name is Rebekah Schneider. I'm in favor for the major event ordinance. I think we should all be able to vote on what kinds of events we have in this town. I would like it if you forward the information to other city council members.

Thanks,
Rebekah Schneider

CityClerk

From: Doug Allen <doug@oleforjoses.com>
Sent: Friday, February 26, 2016 3:11 PM
To: CityClerk

Categories: Completed, Responded

Sondra Smith,

I hope you will take the time to let our city council know that I absolutely do not support the Fayetteville event ordinance and hope they will do the same.

Sincerely,
Doug Allen

Branson, Lisa

From: Smith, Sondra
Sent: Friday, February 26, 2016 11:00 AM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: tkring@uark.edu
Subject: FW: Please Distribute: "Major Event Ordinance: Do not amend 72.59"

Please see the email below.

Sondra

*Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323*



From: Tim Kring [mailto:tkring@uark.edu]
Sent: Friday, February 26, 2016 10:00 AM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Please Distribute: "Major Event Ordinance: Do not amend 72.59"

Sondra:

Please distribute to City Council members for their packet for the upcoming meeting.

Greetings;

I am a property owner in Ward 3 (901 E. Jackson, Fayetteville, AR), and am very familiar with the current request to amend Ordinance 72.59 Off Street Parking Facilities: Rules and Rates. The amendment seeks to influence the approval process of major events occurring in Fayetteville, although its sponsors are clearly focused on eliminating, or at least significantly altering, Bikes Blues and Barbeque motorcycle rally.

Conceptually, I agree with the inclusion of City Council input into all event approval (although use of this ordinance as the tool is odd). This is not a "Major Event Ordinance". Amending the ordinance as a way to specifically alter an existing event is inappropriate. If the council wants to eliminate or impose greater regulation on Bikes Blues (or any other event that might be impacted by the ordinance, like the Joe Martin Stage Race), it should do so as a separate action.

If the Council adopts this action, it should also specifically exclude current, large, annual events (like the 2 previously mentioned) that could be adversely impacted by the amended ordinance (i.e., grandfather these events into the amendment). The current ordinance has exclusions already (e.g., for First Night and Farmer's Market), so this vehicle is already available.

The benefits/difficulties of Bikes Blues BBQ should be addressed separately, not through muddying up City Ordinances dealing with off street parking. Independent economic assessments of the rally have consistently found huge economic benefits to city businesses and the region. While the majority of businesses thrive, there are a number that are adversely affected.

If the Council allows this conversation to "devolve" to a discussion of the pros and cons of Bikes Blues, I ask the council to carefully study other large rallies nationally, and how cities have attempted to manage their rallies (successfully, and not so much). Cities hosting several other rallies (notably the Daytona Beach Bike Week) through over-regulation effectively removed all city oversight of their rally when the rallies "moved" to neighboring towns. For example, if Bikes Blues BBQ were to "move" to Farmington, or Rogers, or even Bentonville or Ft. Smith, then Dickson Street and Fayetteville would still be the attraction and epicenter of motorcycle enthusiasts. Fayetteville is the crown jewel for riders. If the official home is another NW Arkansas city, there would be no infrastructure (or oversight) to manage the hundreds of thousands of visitors. Daytona Beach learned this the hard way, and has since reversed course and regained oversight. Please try to prevent Fayetteville from reinventing square wheels!

Thank you for your consideration and your service

Tim Kring

CityClerk

From: CityClerk
Sent: Monday, February 29, 2016 12:23 PM
To: 'Dave Nelson'
Subject: RE: Festival ordinance

Thank you for your email. I have forwarded to the City Council members.

Have a nice day!

Office of the City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
479.575.8323
cityclerk@fayetteville-ar.gov
Website | Twitter | YouTube

-----Original Message-----

From: Dave Nelson [mailto:clearsoundsolutionsnwa@gmail.com]
Sent: Monday, February 29, 2016 11:12 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Festival ordinance

Good morning,

I just to say that as a resident and business owner in the community, I'm very disappointed to see this even being discussed.

This area has several other real issues out there to be concerned about other than events that bring such revenue to the city and gives everything back to local charities.

It's no different when people are visiting for sporting events and such between parking and traffic issues. I feel it's things like this that have other parts of northwest thriving with the city inviting them with open arms.

This being said big events such as Bike Blues Bbq and others could very easily be moved to one of the neighboring cities as they would welcome these events and use the revenue to expand community.

Thank you,

Sent from my iPhone

CityClerk

From: Jennie <trihog98@gmail.com>
Sent: Monday, February 29, 2016 12:05 PM
To: CityClerk
Subject: Oppose the Festival Ordinance

I want to let my city council know that I oppose the Festival Ordinance that is being brought before you.

My two reasons I'm against this is first of all, I think its directly aimed at Bikes Blues and BBQ which has a great and positive impact on our city. I'm not a biker nor do I participate, but I see the importance of it to our city.

Secondly, there are already permit rules and policies in place. All events must go follow them to be approved. Why do we need additional red tape?

Thank you for your time.

Jennifer Horton
Ward 1

CityClerk

From: Jeri Hill <jerirebecca@yahoo.com>
Sent: Monday, February 29, 2016 11:30 AM
To: CityClerk
Subject: Festival Ordinance

I am against the festival ordinance.

Thanks

Jeri R. Hill The Rubber Stamp & Engraving Shop 479-973-9100 Phone 479-973-9108 Fax

CityClerk

From: Dave Nelson <clearsoundsolutionsnwa@gmail.com>
Sent: Monday, February 29, 2016 11:12 AM
To: CityClerk
Subject: Festival ordinance

Good morning,

I just to say that as a resident and business owner in the community, I'm very disappointed to see this even being discussed.

This area has several other real issues out there to be concerned about other than events that bring such revenue to the city and gives everything back to local charities.

It's no different when people are visiting for sporting events and such between parking and traffic issues. I feel it's things like this that have other parts of northwest thriving with the city inviting them with open arms.

This being said big events such as Bike Blues Bbq and others could very easily be moved to one of the neighboring cities as they would welcome these events and use the revenue to expand community.

Thank you,

Sent from my iPhone

CityClerk

From: pauline allen <paulinedallen@gmail.com>
Sent: Monday, February 29, 2016 1:19 PM
To: CityClerk
Subject: Festival Ordinance

I am against the new festival ordinance being proposed.
Pauline Allen

CityClerk

From: Phyllis Head <mamahead51@aol.com>
Sent: Monday, February 29, 2016 2:38 PM
To: CityClerk
Subject: Fwd: Ordinance about special events

Sent from my iPhone

Begin forwarded message:

From: Phyllis Head <>
Date: February 29, 2016 at 8:50:15 AM CST
To:
Subject: Ordinance about special events

Hello sandra smith, i believe that the decision to hold special events in fayetteville should be left in the hands of our elected representatives. I don't think that the city benefits from some of these events. Please forward to all of the alderman on the city Council. Thank you very much. Phyllis head, 402 ila st, fayetteville, ar

Sent from my iPhone

CityClerk

From: Jed Bullock <jedbullock@gmail.com>
Sent: Monday, February 29, 2016 11:48 PM
To: CityClerk
Subject: Proposed major event ordinance

Dear members of the Fayetteville city council,

I am writing you this evening to encourage you to not consider passing any ordinance restricting commerce & specifically major events that substantially have positive impact on your community.

The suggestion & continued discussion of even creating an ordinance that restricts major events sends a message to potential event & business developers that Fayetteville is a hostile business environment. This action could have a devastating long term impact on the community influenced by a small vocal minority concerned about their own benefits rather than what is best for the overall citizenry & businesses.

To site an example, in 1997 Eureka Springs adopted a "large vehicle ordinance" for the purpose of restricting motor coaches from traveling within the historic district. The resulting impressing to the group travel industry was that Eureka Springs did not want this business coming to town at all & ultimately lost the motor coach business that had taken decades to build. The long term impact is that many people lost their business, growth diminished & 19 years later the community in many areas is still trying to overcome this action.

I would hate to see Fayetteville fall into potentially similar pitfalls after watching such a successful growth period that's been enjoyed by both businesses & residents.

I encourage you to not only reject any notion of creating a "major events ordinance" but to further take a position that Fayetteville needs & supports such events as they are deemed vital to the business community & residents.

Respectfully,
Jed Bullock
Eureka Springs

Please forward to Fayetteville City Council Members regarding an amendment to 72.58.

I have been extremely pleased with the compromises which have been made recently regarding requirements for housing, new businesses, parking, etc. I believe this City, which I love, has become much better known for making a stronger effort of working with others to reach a common goal, satisfactory to all. I realize this has taken many hours of planning and work, but has definitely made us a City more welcoming to new and different ideas.

I am asking you to vote against the proposed amendment to 72.58 which would require all event plans requiring more than 2 days to be presented to the City Council. I believe this would take us back a step and discourage many of the events that our City has welcomed. The current process is quite detailed and reviewed by many who assist the Mayor to respond to these requests. Our Mayor is certainly one of the most approachable elected officials in our City. I have not known him to decline requests for a meeting on any detail of importance. Therefore, in my opinion, it appears the amendment would cause unnecessary meeting time for a Council who carries a full load. It also would definitely lengthen the application process, causing a possible loss of events/revenue. The Mayor is also an elected official and should have the ability to make a decision of this nature, particularly with the application process in place. I respectfully ask you to vote to leave the current process in place.

Thanks for your consideration,

Gail Eads

4190 NW Meadow Creek Circle

Fayetteville, AR 72703

Phone 479-586-0180

Branson, Lisa

From: Smith, Sondra
Sent: Monday, February 29, 2016 4:22 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Subject: FW: FV event ordinance

Please see the email below.

Sondra

*Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov*



From: Glenda Satterfield [mailto:glendasatterfield@gmail.com]
Sent: Monday, February 29, 2016 3:54 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: FV event ordinance

As a resident of Eureka Springs I support the proposed Major Event Ordinance for Fayetteville. For better or for worse all of the communities in the NWA area are being affected.

My husband and I moved to Eureka Springs two years ago with the intention of buying a home. The community is everything we expected & wanted for six months of the year. The other six months - biker season - is anywhere from annoying to unbearable.

As a direct result of the "bikers" we find ourselves less and less amenable to the idea of purchasing property here.

Anything you can do to help protect our little community will be greatly appreciated.

Thank you,

Julie & Gordon Norrell
135 North Main Street
Eureka Springs, AR 72632
Reply Reply to All Forward More

Branson, Lisa

From: Smith, Sondra
Sent: Tuesday, February 16, 2016 3:34 PM
To: Alan Long (Longward4@gmail.com); Pennington, Blake; citycouncil@matthewpetty.org; Marr, Don; Eads, Gail; Roberts, Gina; Johnson, Kimberly; Williams, Kit; Branson, Lisa; Broyles, Lana; Jordan, Lioneld; Mulford, Patti; Norton, Susan; Pate, Jeremy; Smith, Lorinda; Smith, Sondra; Gray, Adella; Marsh, Sarah; Kinion, Mark; Tennant, Justin; Schoppmeyer, Martin; La Tour, John; Long, Alan
Cc: annhenry1@me.com
Subject: FW: Please forward to members of council

Please review the email below. Thanks!

Sondra

Office of the City Clerk Treasurer
Sondra E. Smith CAMC, CMC
City Clerk Treasurer
113 W. Mountain Street, Suite 308
Fayetteville, AR 72701
(479) 575-8323
ssmith@fayetteville-ar.gov

-----Original Message-----

From: Ann Henry [mailto:annhenry1@me.com]
Sent: Tuesday, February 16, 2016 2:43 PM
To: Smith, Sondra <ssmith@fayetteville-ar.gov>
Subject: Please forward to members of council

I support proposed amendment to parking ordinance to city of Fayetteville current laws.

We should be transparent about what is being proposed and for how long when we close public right of way and block streets in front of businesses.

Thank you for your consideration.
Ann henry

Sent from my iPhone

*Handed out at the City Council
meeting 2-16-16
Amend 72:58 Off-Street Parking Facilities*

Event Permit Application Instructions/Rules

These instructions are intended to help you complete your event permit application and all associated forms. Please take the time to read these instructions prior to completing your application. If you have any questions, please do not hesitate to contact us. All information must be legible and printed. Please do not use a pencil in completing this application. It is very important that our organization, as well as others, is able to read the information submitted. We want to make sure that your event is successful and without problems.

Application must be submitted with the appropriate fee amount **21 days prior to the event date.** Applicable fees may be paid by cash or check. Checks must be payable to the City of Fayetteville. Application fees are refundable if an event is cancelled or if the event permit is denied.

There are three (3) permit forms provided for the event permit application. The size and activities of your event will determine which forms you will need to submit.

- **Section I – Event Permit Application:** This form will need to be submitted for all events that take place on City property or require City resources (police assistance, parking lots, street closings, etc.).
- **Section II – Major Event Permit Application:** This form will need to accompany the Event Permit Application if your event involves certain activities such as alcoholic beverages, street closings, vendor booths, carnival rides, etc.
- **Section III – Request for Noise Ordinance Variance:** This form will need to accompany the two forms listed above and is required if your event may possibly involve sound levels that may exceed the normal requirements of the City of Fayetteville Noise Ordinance.

Return event permit applications to:

City of Fayetteville
Parking Management Division
113 W. Mountain Street
Fayetteville, AR 72701
Fax 479-575-8250
parking@ci.fayetteville.ar.us

Direct questions and inquiries to:

Parking Management Office
479-575-8280
479-575-8250 (fax)
parking@ci.fayetteville.ar.us

Event Permit Application

If at any time the application form does not provide adequate space, provide the additional information on a separate sheet and write “see attached” on the application form. Please do not write on the back side of any page of this form. When additional sheets are attached, place the event name and event date at the top of each additional sheet.

For example: **Lights of the Ozarks 11/24/04**

Event Name: Enter the name of the event. This name should be the one that you are using to advertise or promote your event.

Event Producer: Enter the name of the organization, corporation, neighborhood group, etc. that is producing the event. If the organization, corporation or group contracts with a firm or agency to produce the event, the event producer is the firm/agency contracted.

Primary Contact: Enter the name of the primary person who is to be contacted regarding the application or event.

Address, City, State, and Zip: Enter the mailing address information in these blanks of the primary contact.

Phone: Enter the telephone numbers and email address of the primary contact. It is important that the city has the ability to contact this person at all times during the event to ensure it runs smoothly and successfully.

Secondary Contact: Enter name of one additional person who can be contacted regarding application or event.

Phone: Enter telephone numbers and email address of the secondary contact. It is important that the city has the ability to contact the primary or secondary person at all times during the event to ensure it runs smoothly and successfully.

Event Location: Describe where the event will be held. *If you will be using one of the City Parks or Trails, you must complete a Special Event Application through the Parks and Recreation Department.*

Event Type: Check all boxes that apply to your event.

Event Description: Give a brief description of the event. Please describe any unique characteristics of your event (use additional page if necessary; please **do not write on the back** side of any page of this application).

Event Duration: (Starting Date, Ending Date): Enter the dates that the event will be open and closed for attendance.

Hours of operation: Enter the hours the event site will open for attendance.

Site Preparation: Enter the starting date and time that you will start to prepare the event site. If no preparation is necessary, enter the Starting Date and Time of the event.

Dismantling & Cleanup: This is the date and time it will take to dismantle and cleanup the event site. Enter the date and time when the dismantling and cleanup will be completed and the streets/or sidewalks opened again.

Total Attendance: Enter the total number of attendees that you expect for your entire event, beginning to end.

Peak Attendance: Enter the highest number of attendees you expect at any one time during the event.

Event Features: Review list of possible features and check all that apply to your event. *If you have checked any of these features, you must also complete Section II – Major Event Permit Application.*

Hold Harmless Clause: No application will be processed or permit issued for an event without the hold harmless clause being signed by the agent duly authorized by the event applicant. Proof of liability insurance may be required for a major event.

SECTION II - Major Event Permit Application

Site Map Requirement: Regardless of event location, a site map must be submitted showing the location of the event and the event features. Please review the site map requirements section of the application for all items that are required on the site map.

Street Closure: Enter the date and time of any requested street closures and the date and time the street will be reopened to traffic. Please contact the Transportation Division at 479-575-8228 to make arrangements for barricades and safety cones.

Security: It is the responsibility of an event producer to provide adequate security for an event. If security is being provided complete the security section of the event permit application.

Emergency Medical Assistance: The local Fire Chief or Fire Marshal may determine that an Emergency Response Team shall be required for major events. The fee for this service will be determined, if needed, upon review of this application.

Vendors: If you are having vendors set up at your event, then fill out this section.

Alcoholic Beverages: If you are selling alcoholic beverages, then fill out this section. Please contact the Alcoholic Beverage Control Division at 501-682-1105 to apply for a permit. When alcohol is on site, the City requires security to be present at all times. The number of security officers varies based on attendance per event. The Police Department has specific guidelines for the sale of alcohol.

Fireworks: Per City Code 94.05, Fireworks may only be discharged July 1st – July 4th. See Ordinance for times.

Electrical Service: If electrical service is required, then complete this section. Events needing more than 120 amps electricity will be required to provide an alternate power source or generators for power. Otherwise, event producers may use the City's active electrical outlets for minimal requirements. The event producer is responsible to ensure proper usage of all electrical

services, and is responsible for all electrician fees, including fees for servicing/repairing blown electrical services due to improper use of electrical supply.

Restroom Facilities: If groups of 500 or more are attending an event, the City requires the producer to supply portable restrooms. If restroom facilities (portalets) are being provided, then complete this section.

Trash, Recycling, and Clean Up Plans/Procedures: Any event producer holding an event on City property is responsible for trash removal during the event, and clean up and removal of debris after the event is concluded. Although it is not mandatory that recycling be a part of your event, it is highly recommended if aluminum or plastic drink containers will be a part of the event. Please contact the Solid Waste Division at 479-575-8397 or 479-601-4368 for all your events refuse and recycling needs.

Parking lots and vendor booth areas must be cleaned, swept, washed, and restored to its original set up once the event is concluded. Sub-contractors must load out at end of event unless pre-arranged with the City (i.e. ice merchandisers, staging, lights and sound, soft drink dispensers, signage, decorations, tables, chairs, vehicles, delivery and supply trucks, portable restrooms, etc.). Any items left will result in a day rental charge for space occupancy.

A clean up deposit is required of all major events and is payable in advance to the City of Fayetteville.

ADDITIONAL RULES

Reservation Policy: Any event that occurs annually and has had at least 3 successful events in the past 3 consecutive years, will automatically be reserved a spot on the City event reservation calendar for the event dates that are normal to the event. The producer of the "Established Event" will still be responsible for submission of all applicable permit applications by the appropriate deadlines. All other event requests submitted will be considered on a first-come-first-serve basis.

Barricades and Fencing: The event producer is responsible for placement of all required barricades, cones, fencing, etc. The producer may borrow these items by checking them out and picking them up at the Transportation Division located at 1525 Happy Hollow Road. Please call the Transportation Division at 479-575-8228 to make arrangements.

Towing of Vehicles: If the producer expects the possible need to tow any vehicles during an event, this information must be submitted with the permit application. All areas that may require towing of a vehicle must have proper signage (approved by the City) prominently displayed at each site that a vehicle(s) may be towed. If towing is necessary where the proper signage is not displayed, the producer must contact the Fayetteville Police Department at 479-587-3555 to see if they can legally tow or relocate the vehicle.

Pavement Markings: Pavement markings are strictly prohibited except with temporary spray chalk material that is approved by the City. Spray chalk can be purchased in the Parking Management Office located at 113 W. Mountain Street.

Pavement Holes/Marring: Drilling into pavement (parking lots, streets, sidewalks, curbs, etc.) is strictly prohibited. All signage and anchoring must be accomplished with weights such as sandbags or concrete filled barrels. Any holes or damage made to public property will be charged at cost to the producer of the event, but not less than \$100.00 per hole and/or marring of pavement.

Banners and Flyers: All banners and flyers must be pre-approved by the City including wording on banners and placement of banners.

Sales Tax and HMR Tax: All vendors conducting sales at the event must report and pay all applicable state and local sales taxes, including HMR taxes.

Noise Ordinance Variance: Instructions for requesting for a Noise Ordinance Variance are provided with the application in Section III.

Important Telephone Numbers:

Alcoholic Beverage Control Division	501-682-1105
Event Permit Applications (Parking Office)	479-575-8280
Farmer's Market on the Square	479-236-2910
Fire Department – Fayetteville	479-575-8365
Lights of the Ozarks	479-521-5776
Parking Management Office	479-575-8280
Police Department – Fayetteville	479-587-3555
Police Department – Univ. of Ark.	479-575-2222
Solid Waste & Recycling Division	479-575-8397
State Fire Marshal – Little Rock	501-618-8624
Transportation Division	479-575-8228
Walton Arts Center	479-443-9216

City of Fayetteville website: www.accessfayetteville.org



City of Fayetteville, Arkansas
Event Permit Application
Section I

Please read the Event Permit Application Instructions & Rules prior to completing the Event Permit Application.

I have read and understand the Instructions & Rules (signature required):

Signature of Applicant

Date

Event Name: _____

Event Date(s): _____

Event Producer: _____

***Required**

Primary Contact: _____

Primary contact is person who is to be contacted regarding the application or event

Address: _____

City: _____

State: _____

Zip: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Secondary Contact: _____

Phone:

Day: _____

Night: _____

Cell: _____

Fax: _____

Email: _____

Event Location:

Event Types: Check all that apply

☐

Not for Profit

☐

Wedding Ceremony

☐

Walk/Run Footrace

☐

For Profit

☐

Wedding Reception

☐

Competition

☐

Public

☐

Meeting/Dinner

☐

Parade

☐

Private

☐

Press Conference

☐

Rally/Demonstration

☐

Concert

☐

Auction

☐

Festival

☐

Trade Show/Expo

☐

Block Party

If you will be using one of the City Parks or Trails, you must complete a Special Event Application through the Parks & Recreation Department. Phone: 479-444-3471

Event Description:

--

Event Duration:	Hours of Operation:	Start	End
Starting Date: _____	Day 1	_____	_____
Ending Date: _____	Day 2	_____	_____
	Day 3	_____	_____
Site Preparation:	Starting Date: _____	Time: _____	_____
Dismantle/Cleanup	Ending Date: _____	Time: _____	_____
Total Attendance: _____	Peak Attendance: _____	Time: _____	

Event Features: Check all that apply

☐ Alcoholic Beverages Served	☐ Fireworks **	☐ Temporary Electrical Service
☐ Alcoholic Beverages Sold	** See City Code 94.05	☐ Temporary Restrooms
☐ Carnival Rides	☐ Parade/March	☐ Tents ***
☐ Crowd Control Required	☐ Parking Lot/Spaces	☐ Vendor Booths ***
☐ Elevated Noise Levels *	Needed	☐ Vendor Food ***
* Section III Required	☐ Security Required	
☐ EMS Required	☐ Street Closings	

If you have checked any of the features above, please continue with Section II – Major Event Permit Application.

*** Refer to Temporary Structure Safety Requirements under Special Event Permits & Information / Event Permit Resources.

Hold Harmless Clause:

The City shall not be liable to user's employees, agents, invitees, licensee, visitors, or to any other person, for injury to person or damage to property on or about the leased premises caused by the negligence or misconduct of user, its agents, servant or employees, or of any other person entering upon the leased premises under express or implied invitation by user, or caused by the building improvements located on the leased premises becoming out of repair, or caused by leakage of gas, oil, water, smoke, or steam or by electricity emanating from the lease premises. The event producer agrees to indemnify and hold harmless the City from any loss, attorney's fees, and expenses or claims arising out of any such damage or injury. The City reserves the right to revoke this application at any time.

The applicant ensures compliance with the following:

- The observance of applicable laws and ordinances;
- Any stipulations or restrictions of the permit;
- Any stipulations or rules outlined in the Event Permit Application Instructions/Rules;
- The applicant assumes all liabilities that may arise by street closing and related activity.

Permit applied for and all terms and stipulations agreed to by (signature required):

Signature: _____ Date: _____

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250
 Parking Management, 113 W Mountain St, Fayetteville, AR 72701 / Phone 479.575.8280



SECTION II

Major Event Permit Application

Site Map Required:

Major events require a site map. Indicate on map the exact placement of the following items, if applicable.

> Gate(s)/Official Entrance(s)	> Money Rooms	> Emergency Medical Tent(s)
> Restroom Facilities/Portable Toilets	> Fencing	> Sign/Banner Placement
> Performance Areas/Lighting	> Food Areas	> Street Closures/Barricades
> Dumpsters & Trash Containers	> Alcohol Areas	> Communication Center
> Event Headquarters	> Security Tent(s)	> Communication Center
> Vendor Booths/Tents		> Parking Lot/Spaces Needed

Street Closure:

Date: _____ Time: _____

Reopen:

Date: _____ Time: _____

All businesses must be notified in writing of the street closure(s). A copy of the written notification must accompany the Event Permit Application.

List streets to be closed (Map Required):

Security:

It is the responsibility of an event producer to provide adequate security for an event, and to ensure that an adequate number of security personnel are present to manage the expected size of the event's crowd. Security must include proper crowd control. Security personnel must meet the requirements of the Fayetteville Police Department.

Number of off-duty police or private security personnel being provided: _____

Organization providing off-duty or private security: _____

Contact: _____ Phone: _____

Type of Security	Number of Personnel	Check if not Needed
Gate Security		☐
Alcohol Sales Security		☐
Money Handling Security		☐
Stage/Artists Security		☐
Parking Lot Security		☐
Overnight Security (outside of event hours)		☐

Emergency Response/Fire Team:

Special emergency response team required? Yes _____ No _____

Type of response unit required: _____ Fee: \$ _____

Vendors:

List types of vendor booths (food, clothing, crafts, etc.):

Alcoholic Beverages:

Alcoholic Beverage Vendor(s): _____

ABC License Number: _____

Fireworks:

Fireworks Provider/Handler: _____

Fireworks Permit Number: _____

Electrical Service:

How will electrical service be supplied : Public Utilities _____ Generator _____

On-call Electrician: _____

Business Phone: _____ Emergency Phone (during event): _____

Restroom Facilities:

Number of permanent facilities: _____ Number of portable facilities: _____

Company Supplying Portables: _____

Contact: _____ Phone: _____

Trash, Recycling, and Clean Up Plans/Procedures:

Please contact the Recycling and Trash Collection Division for all your events refuse and recycling needs at 479-575-8397. Event Recycling Guidelines & Tips can be found under Special Event Permits & Information / Event Recycling.

Name of trash and recycling coordinator: _____

Name of clean up coordinator: _____

Number of people on clean-up crew: _____

Number and Size of Dumpsters: _____ Type of Dumpsters: _____

Number of times to be serviced: _____

Briefly describe plan for trash and recycle removal (how will trash be collected and disposed of?):

Briefly describe plan for clean up after event is concluded:

Clean Up Deposit Required: \$500.00

This fee is payable in advance to the City of Fayetteville for clean up and removal of debris. An inspection of the event location will be performed by City personnel within 24 hours after the ending date and time of the event as established in this permit. Upon establishment of a satisfactory inspection of the site of the clean up performed by the event producer, the clean up deposit will be refunded within thirty (30) days of the inspection. If said clean up was not totally successful, then all or a portion of the deposit may be forfeited to the City in order to pay for the appropriate clean up efforts. Clean up tasks performed by the City are charged out at \$50.00 per hour. If cleanup efforts performed by the City exceed \$500.00, the event producer will be billed the additional cost.

Clean Up Deposit Received:

Date: _____ Amount: _____ Check #: _____

Refundable to:

Name: _____

Address: _____

City, St, Zip: _____

Telephone No.: _____

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250

Parking Management, 113 W Mountain St, Fayetteville, AR 72702 / Phone 479.575.8280

INSTRUCTIONS

CITY OF FAYETTEVILLE NOISE ORDINANCE VARIANCE REQUEST

In order for your request for a variance from the City of Fayetteville Noise Ordinance to be completed properly and meet your needs, please read the following directions:

1. The City needs to receive the completed Request for Variance application at least two (2) weeks before the date you are requesting your event to begin, but earlier if possible.
2. Carefully read Ordinance No. 3926 (the last two pages of this packet). If you do not fully understand any section, please call the Mayor's Office at 479-575-8330.
3. All requests for Variance from the Noise Ordinance must be submitted along with an Event Permit Application (Section I and II).

Once your request has been returned to the City of Fayetteville, it will follow these procedures before it is approved:

1. Your request will be sent to the Parking/Events Division, Police Department, Fire Department, and Transportation Division (respectively) for their review, comments, and approval.
2. After it has been reviewed by these departments, it is given to the Mayor or his designate for final approval.
3. **If the request is approved**, you will be contacted by phone to pick up your original request at the Parking Management Office. Please keep this approval request with you during the event in case the Police Department receives a complaint and they are sent to your event. You will need to show them the approved variance to avoid any confusion.
4. **If the Variance Request is not approved**, you will be notified immediately. However, Sections I and II of your Event Permit Application may still be approved for all other aspects of the event.

ORDINANCE NO.

AN ORDINANCE REPEALING §96.04 OF THE CODE OF FAYETTEVILLE AND SUBSTITUTING A NEW §96.04 LIMITING NOISE LEVELS WITHIN LAND USE CATEGORIES, ESTABLISHING NOISE LEVELS FOR TRANSIENT AND CONSTRUCTION SOUNDS AND PROVIDING FOR RELATED MATTER AND ADDING §96.05(D) TO THE CODE OF FAYETTEVILLE PROHIBITING OPERATION OF ANY SOUND AMPLIFICATION DEVICE WITHIN A VEHICLE PLAINLY AUDIBLE AT A DISTANCE OF 30 FEET.

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

Section 1. Section 96.04 of the Code of Fayetteville is hereby repealed and the following is hereby substituted in its place:

§96.04 LIMITATIONS BY LAND USE CATEGORY.

A. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 as measured at any point on the boundary of the property from which the sound or noise is emanating. A complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

<u>Use Districts</u>	<u>Time</u>	<u>Maximum Noise Levels</u>
All Residential Zones	11:00 PM to 7:00 AM	55 dB(A)
	7:00 AM to 11:00 PM	60 dB(A)
All Commercial Zones	7:00 AM to 11:00 PM	75 dB(A)
	11:00 PM to 7:00 PM	70 dB(A)
All Industrial Zones	11:00 PM to 7:00 AM	75 dB(A)
	7:00 AM to 11:00 PM	80 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

B. District Boundaries. When a noise source can be identified and its noise measured in more than one use district, the noise limits of the most restrictive use district shall apply at that district boundary.

C. Commercial Source. Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this ordinance.

D. Transient Source. For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

E. Construction. Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

Section 2. If any part of this ordinance or the application of the same to any person or set of circumstances, is for any reason held to be void or invalid, the validity of the remaining parts of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby.

Section 3. §96.05(D) is hereby added to the Code of Fayetteville:

§96.05 Motor Vehicle and Motorcycle Sound Limit.

D. Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of thirty feet (30) feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property is prohibited and declared to be a noise disturbance in violation of this ordinance.

PASSED AND APPROVED this 3rd day of October, 1995.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Traci Paul, City Clerk



SECTION III
REQUEST FOR VARIANCE FROM
CITY OF FAYETTEVILLE NOISE ORDINANCE

Note: This form must be accompanied by Section I of the Event Permit Application

Section I: General Variance Information

1. Variance is requested for (date and time): _____
2. The decibel level will not exceed: _____
3. Place of event:

4. Event will be held (*check one*): Indoors ☐ Outdoors ☐
5. Number of people expected to attend: _____
6. Sound system to be used: _____
7. Description of entertainment planned:

8. Why do you **not** expect to be able to comply with normal requirements of the Noise Ordinance?

9. Actions planned by organization/applicant to assure compliance with the Noise Ordinance or with restrictions designated in Variance, if granted:

Section II: Submission

1. This request is submitted on behalf of organization/applicant by:

Name

Phone No.

Signature

e-mail address

Section III: Approvals

1. *(This Section applies only if prior approval from the University of Arkansas Student Services is required.)*

The foregoing request has been submitted and reviewed by the Office of Student Services and the Director of Arkansas Union.

Signature, Director of Campus Activities

Date

Return completed form to: parking@fayetteville-ar.gov or Fax 479.575.8250
Parking Management, 113 W Mountain St, Fayetteville, AR 72701 / Phone 479.575.8280



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0139

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 1

TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:

AN ORDINANCE TO VACATE PORTIONS OF A TREE PRESERVATION AREA TO FACILITATE DEVELOPMENT, TO PRESERVE THE BEST QUALITY, MOST SIGNIFICANT TREES AND TO DEDICATE A LARGER TREE PRESERVATION AREA

WHEREAS, the initial Forest Hills Planned Zoning District was approved on June 3, 2008; and

WHEREAS, Planet Hills LSD (a portion of Forest Hills PZD) was approved in April of 2012, and dedicated some undeveloped areas for tree preservation; and

WHEREAS, future planned development of this area now referred to as the "The Flats" needs to modify the tree preservation area to allow for the development while still preserving the best quality, most significant trees, dedicating a larger preservation area than the one reduced and by the planting of ten additional trees.

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 approves the vacation of a portion (1.13 acres) of the existing tree preservation area and its modification by accepting the dedication of a nearby 1.36 acres of tree preservation area and the planting of ten trees all pursuant to the agreed tree preservation plan submitted by the developer and approved by the Fayetteville Urban Forester in accordance with items 2, 3 and 4 in the **Discussion** section of the Urban Forester's memo.

City of Fayetteville Staff Review Form

2016-0139

Legistar File ID

4/5/2016

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

Derek Linn

3/17/2016

Parks & Recreation /
Parks & Recreation Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of a request to vacate portions of an existing tree preservation easement, and dedicate a tree preservation easement in a nearby forest, also owned by the applicant.

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 #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 05, 2016

TO: Mayor and Fayetteville City Council

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

FROM: Derek Linn, Urban Forester

DATE: March 17, 2016

SUBJECT: **Tree Preservation Area Modification at Forest Hills**

RECOMMENDATION:

Staff recommends approval of a request to vacate portions of an existing tree preservation area, and to dedicate a new tree preservation area in a nearby forest.

BACKGROUND:

The subject property is located south of West Wedington Drive, along Salem Road. The property is located within the Forest Hills Planned Zoning District (PZD), approved by City Council on June 03, 2008. The PZD submittal planned for overall tree preservation of 25% per Chapter 167.04(C)(Table 1). Section 167.04(F)(2) provides that tree preservation may be coordinated either through initial dedication with a tree preservation plan for the entire subdivision, or through individual reviews as phases develop. Forest Hills was approved to be developed with individual tree preservation plans—rather than initial dedication of an overall PZD tree preservation area. Therefore, staff are reviewing individual tree preservation plans with each development submittal.

When the Planet Hills LSD 12-4083 was approved in April 2012, tree preservation areas in the adjacent, undeveloped area known as The Flats were dedicated. At the time of this proposal, the future development footprints provided by the consultant did not accurately depict the future buildout anticipated for the area, as indicated in the PZD booklet.

In early 2015 the applicant proposed to construct four (4) apartment buildings and associated parking in this area known as The Flats, and staff found that the Technical Plat Review submittal was in conflict with the preservation areas. To help meet the overall preservation intent, ensure high quality trees are preserved, and to work with the applicant to achieve the buildout as indicated in the PZD booklet, urban forestry staff worked with the applicant to identify the highest priority trees to retain within the existing tree preservation area, and to identify an alternative area of canopy that could be preserved within the greater Forest Hills development.

PROPOSAL:

The applicant has indicated that three (3) apartment buildings will meet the development goal of The Flats, and has proposed to reduce the existing tree preservation easement in this area to make this possible. In exchange for the modification request, the applicant has proposed to dedicate a greater amount of equal priority canopy, and to plant 10 trees within a common area lot.

DISCUSSION

Staff recommends vacating 1.13 acres of an existing tree preservation area to facilitate future buildout of The Flats, and to dedicate a nearby 1.36 acre tree preservation area plus plant ten (10) 2" caliper trees on a nearby common area, through the following determination:

- 1) The plan proposed by consultants with the 2012 tree preservation area dedication did not accurately accommodate future development footprints, as indicated in the PZD booklet.
- 2) In lieu of the area to be vacated, the applicant has proposed to dedicate a greater sized tree canopy area nearby on Forest Hills land and to plant ten (10) 2" caliper shade trees on a nearby common area lot.
- 3) The best quality, most significant trees, including 20" and greater Post Oaks, within the existing tree preservation area will remain intact and preserved with the proposal.
- 4) The new forest area to be dedicated is composed of equal or higher priority trees than the area proposed for vacation, and is adjacent to an existing forest tree preservation area. Contiguous areas of preservation is ideal for individual tree health and sustainability, as their surroundings stay in the native condition.

BUDGET/STAFF IMPACT:

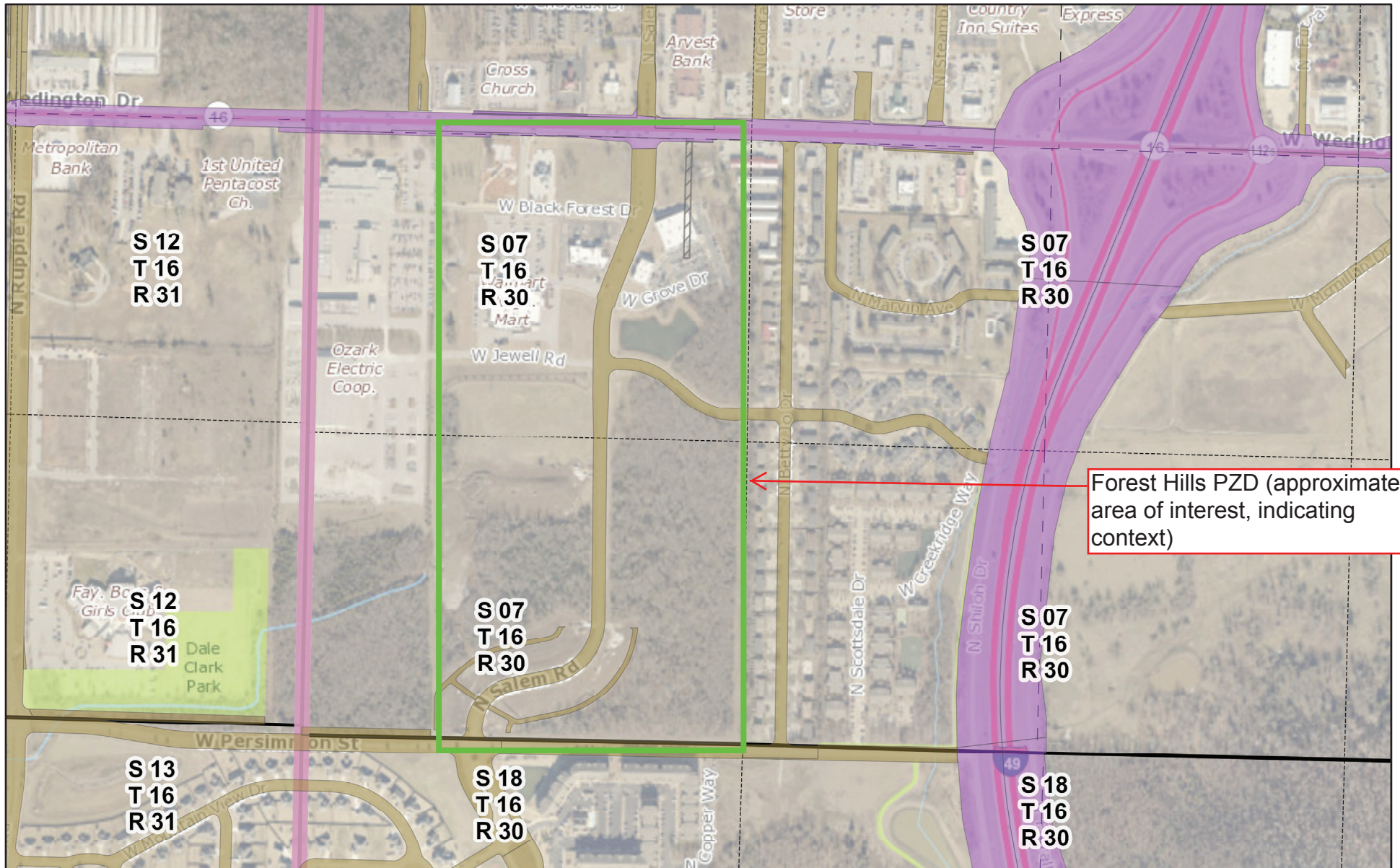
None

Attachments:

- Exhibit A: Overall Context Map
- Exhibit B: Applicant Proposal
- Exhibit C: 2008 PZD Land Use Plan
- Exhibit D: 2008 PZD Tree Preservation Planning
- Exhibit E: Current Preservation Planning Exhibit
- Exhibit F: Vacation Area
- Exhibit G: Dedication Area

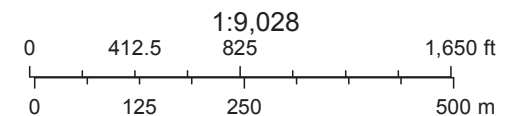
Fayetteville, AR

EXHIBIT A



March 14, 2016

-  Right-of-Way Abandoned
-  AHTD
-  Farmington
-  Fayetteville



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.



City Council
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

Re: Request to Vacate Tree Preservation Easement
Forest Hills Subdivision, Fayetteville, AR

City Council,

Morrison Shipley Engineers, on behalf of Forest Hills Partners, LLC, would like to respectfully request the vacation of part of an existing Tree Preservation Easement (TPE) in the Forest Hills subdivision at the northeast corner of Salem Road and Jewell Road. The attached survey shows the desired TPE to be vacated, totaling 1.13 acres. Forest Hills Partners, LLC would like to construct a new set of apartments known as The Flats as planned in the PZD of the Forest Hills subdivision. The only way to make it economical for the developer to build the planned apartments is to construct three apartment buildings. With the layout of the existing TPE, only two buildings could be constructed. Forest Hills Partners, LLC is willing to plant ten mitigation trees around the existing detention pond as shown in the attached Offsite Tree Mitigation Exhibit. We also understand that tree preservation is very important to the well being of the surround community and wildlife, and would like to dedicate 1.36 acres of offsite TPE to make up for the vacation, if granted. As shown on the attached site plan of the Forest Hills Subdivision this 1.36 acres of offsite area would create a larger area of TPE. Based on tree surveys conducted for the original PZD of Forest Hills, there would be more canopy and significant trees being preserved under this proposed TPE than the existing TPE.

If you should have any questions please feel free to contact me.

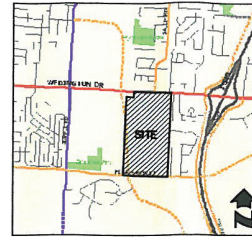
Respectfully,
Morrison-Shipley Engineer's



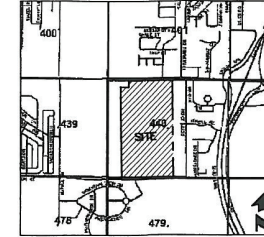
Patrick Foy, E.I.



TREE PRESERVATION AREAS - 12.83 ACRES
RIGHT-OF-WAY DEDICATION - 12.69 ACRES
(N.T.S.)



MASTER STREET PLAN
(N.T.S.)



FLAT PAGE MAP
(N.T.S.)



ZONING MAP
(N.T.S.)

FOREST HILLS

LAND USE SUMMARY

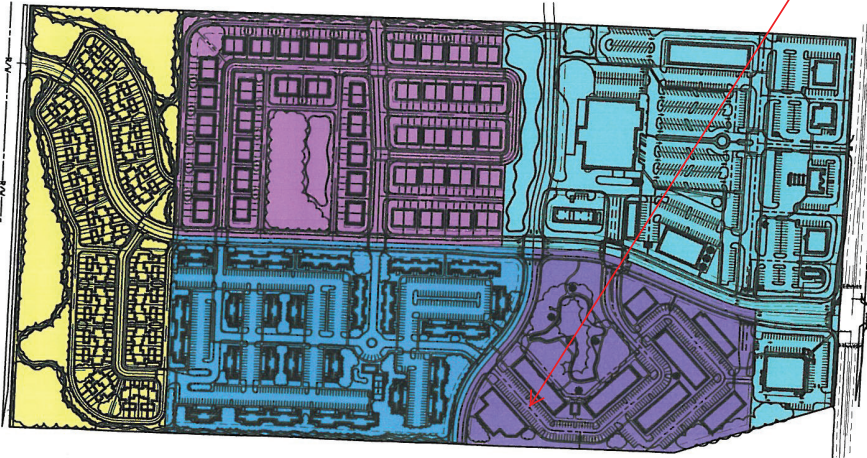
COLOR	LAND USE	RESIDENTIAL DENSITY UNITS / ACRE	RESIDENTIAL UNITS	NON-RESIDENTIAL INTENSITY (S.F. / ACRE)	NON-RESIDENTIAL BUILDING SQUARE FEET	ACRES	% OF SITE
Blue	COMMERCIAL	0	0	5,244	111,666	22.41	21.11%
Green	MIXED USE	1.11	100	7,112	86,236	10.43	10.22%
Yellow	MULTI-FAMILY (CONDO)	22.12	254	N/A	N/A	9.38	9.11%
Purple	GARDEN HOMES	4.82	86	N/A	N/A	17.85	17.44%
Orange	TOWN HOMES	5.85	60	N/A	N/A	15.81	15.02%
	TOTAL	10.00 (600 units/60.00 Ac.)	600	206,102 (97,751 S.F. Ac.)	206,102	82.94	100%

The Flats

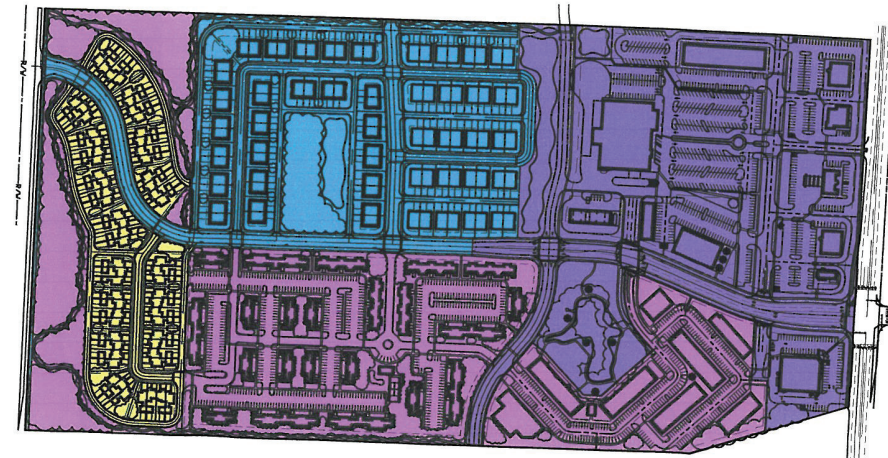
PROJECT SCHEDULE

PHASING LEGEND

- Phase 1 - 2008 to 2015
- Phase 2 - 2011 to 2015
- Phase 3 - 2015 to 2016
- Phase 4 - 2016 to 2018



LAND USE SUMMARY
(N.T.S.)



PROJECT SCHEDULE
(N.T.S.)

Revision	By	Date
Revised Plan Technical Plot Review Comments	NGR	12-4-07
Revised Plan Layout Change	CLD	1-14-08
Revised Plan City Comments	CLD	4-4-08

MORRISON SHIPLEY
ENGINEERS ■ SURVEYORS
2407 SE Cottonwood Street • Bentonville, AR 72712 • 479.273.2209 • morrisonshipley.com



Drawn By: CLD	Checked By: HMR	Vertical Scale: -
Approved By: HMR	Date: 4-15-08	Horizontal Scale: ?
Project No: WAP-24	Drawing Name: P21-1-31-08 2	Plotting Scale: ?

THE SHoppes AND RESIDENCES AT FOREST HILLS
Fayetteville, Washington County, Arkansas

LAND USE, PROJECT SCHEDULE AND PLANNING INFORMATION
Issued for Review

Sheet No:
4
6

The buildings within Forest Hills will contain a variety of uses and will be designed to include varying facades. Within the commercial portion of the development, there will be smaller retail/restaurant size facilities, strip shopping centers, a 40,000 SF Wal-Mart Neighborhood Market grocery store, and a 13,650 SF Walgreens' store. Interconnection will be provided between each of the commercial facilities on the west side of Salem Road so as to promote vehicular circulation without having to re-access Salem Road. This same type of interconnectivity will be provided inside the residential office area located on the east side of Salem Road. A network of sidewalks will be installed to allow the residents of the multi-family areas and the users of the office space to walk to the retail and restaurant facilities.

2. Site Plan Showing Improvements

Proposed improvements to the City of Fayetteville will include the construction and dedication of Salem Road and North Jewell Road, along with their associated sidewalks and drainage improvements. Utilities, including the extension of a 12" water main, will also be extended the entire length of Salem Road and connect into existing facilities located at both Wedington Drive and Persimmon Street. Please see the attached site plan for locations of these street improvements. The residential component of the development is planned to contain 600 units equating to a density of 10.00 units per acre.

3. Buffer Areas

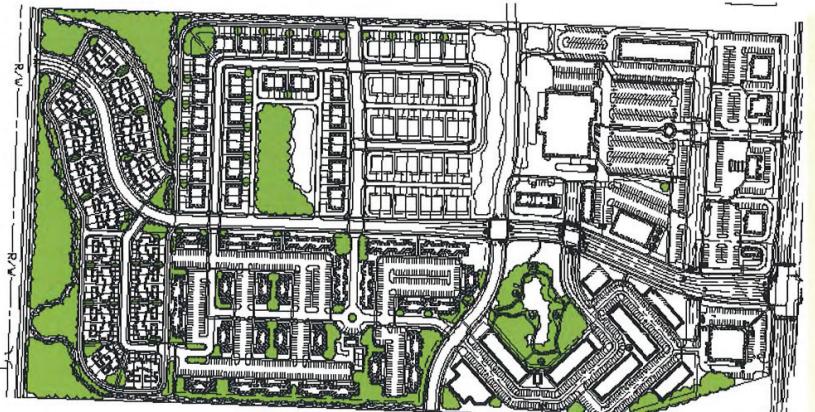
Green spaces along Salem Road and Jewell Road will be planted with trees at a rate to match city requirements. The residential-office and multi-family condominiums will maintain as much of the existing tree canopy as possible on the east side to provide a buffer between Forest Hills and the Maple Terrace development. The residential areas will be designed to situate internal bufferings, including the installation of landscaping and appropriate screening fences.

4. Tree Preservation Area

A block of largely undisturbed tree canopy, approximately 6.18 acres in size, will be preserved on the south side of the development, adjacent to Persimmon Street. An additional 6.65 acres of tree canopy will be preserved around the regional detention basin and on the east side of The Village at Forest Hills, on the east side of The Trails at Forest Hills, around the detention basin within The Villas at

Forest Hills and at various other areas throughout the development. There will also be the opportunity to preserve more individualized areas of tree canopy throughout the development as each planning area is developed in more detail at the Large Scale Development portion of this project. It is anticipated that a large portion, if not all, of the remaining 7.77 acres (to achieve 20.60 total acres) of required tree canopy preservation will be achieved at full project build-out.

There is minimal existing tree cover in the commercial portion of the project. Most of the existing tree canopy will be affected within the office/retail and residential portions and in the Salem Road right-of-way.

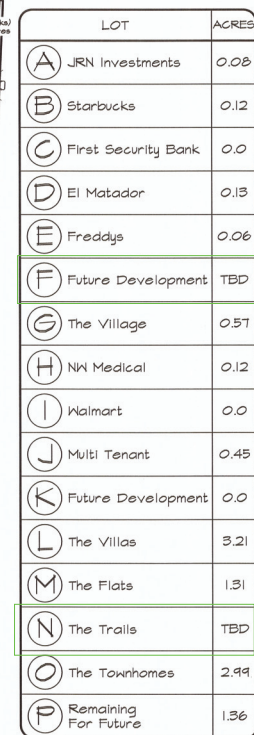


Tree Preservation Areas - 12.83 Total Acres

2008 Plan: Indication of planned bulk preservation areas, being coordinated through individual development tree preservation plans.

FOREST HILLS

a mixed-use planned zoning development



(Current Total Tree Preservation = 10.40 Acres)

[illegible]

2407 SE Cottonwood Street ■ Bentonville, AR 72712 ■ 479.273.2209 ■ morrisonshopley.com

Drawn By:	JDS	Vertical Scale:	—
Approved By:	PF	Horizontal Scale:	100
Date:	01.06.16	Plotting Scale:	1
Project No.:	WAP	Drawing Name:	TREE PRESERV

FOREST HILLS
Subdivision

Fayetteville, Washington County, Arkansas

WORKING TREE
PRESERVATION EXHIBIT

01.06.16

Sheet No. 1

Fayetteville, AR

Most significant trees in this exhibit are located here; and remain preserved with the proposal.

EXHIBIT F

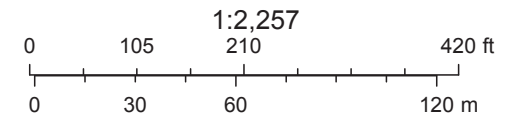


March 14, 2016

Parcel Ownership

 Right-of-Way Abandoned

Approximate Area of Vacation request



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user, and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

All that part of a Tree Preservation Easement, as shown on the Easement Plat of Lot 5 of Forest Hills, File 0024-00000007 of the Plat Records of Washington County, Arkansas;

Commencing at an existing rebar at the Northeast corner of said Lot 5; Thence S02°08'11"W, along the East line of said Lot 5, 653.28 feet to a point on the North right of way line of Jewell Road and the Southeast corner of said Lot 5; Thence N56°52'08"W, 36.20 feet to the intersection of the North line of an existing 20 feet-wide Utility Easement, and the West line of an existing 30 feet wide Utility Easement, as shown on said Easement Plat, for the POINT OF BEGINNING(1);

Thence along said North easement line, the following three (3) courses: 1.) S88°50'10"W, 28.33 feet; 2.) 24.41 feet along a 180.00 foot-radius, non-tangent curve to the right, whose chord bears N86°51'38"W, 24.39 feet; 3.) 126.46 feet along a 258.49 foot-radius, non-tangent curve right, whose chord bears N68°57'42"W, 125.20 feet; Thence N39°57'57"E, 95.57 feet, leaving said North easement line; Thence S50°02'03"E, 19.00 feet; Thence N39°57'57"E, 130.00 feet; Thence N50°02'03"W, 19.00 feet; Thence N39°57'57"E, 37.52 feet; Thence 20.63 feet along a 118.00 foot-radius curve to the left, whose chord bears N34°57'30"E, 20.60 feet to a point on the said West easement line; Thence S02°26'31"W, along said West easement line, 264.47 feet to the POINT OF BEGINNING (1);

Also:
Commencing at said existing rebar at the Northeast corner of Lot 5; Thence S02°08'11"W, along the East line of said Lot 5, 653.28 feet to a point on the North right of way line of Jewell Road and the Southeast corner of said Lot 5; Thence N56°52'08"W, 36.20 feet to the intersection of the North line of an existing 20 feet-wide Utility Easement, and the West line of an existing 30 feet wide Utility Easement, as shown on said Easement Plat; Thence along said North easement line, the following four (4) courses: 1.) S88°50'10"W, 28.33 feet; 2.) 24.41 feet along a 180.00 foot-radius, non-tangent curve to the right, whose chord bears N86°51'38"W, 24.39 feet; 3.) 153.72 feet along a 258.50 foot-radius, non-tangent curve right, whose chord bears N65°56'25"W, 151.47 feet; 4.) N48°54'15"W, 9.09 feet to the POINT OF BEGINNING (2);

Thence N48°54'15"W, 123.28 feet, continuing along said north easement line; Thence 26.34 feet along a 336.45 foot-radius curve to the left, whose chord bears N51°07'41"W, 26.34 feet; Thence 225.45 feet along a 4390.66 foot-radius non-tangent curve left whose chord bears N47°40'40"E, 225.43 feet; Thence N74°58'35"E, 50.05 feet; Thence N70°11'38"E, 84.00 feet; Thence S19°48'22"E, 8.81 feet; Thence 85.55 feet along an 82.00 foot-radius non-tangent curve right, whose long chord bears S10°04'48"W, 81.72 feet; Thence S39°57'57"W, 37.52 feet; Thence N50°02'03"W, 84.00 feet; Thence S39°57'57"W, 130.00 feet; Thence S50°02'03"E, 84.00 feet; Thence S39°57'57"W, 96.08 feet to the POINT OF BEGINNING.

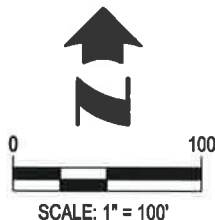
Containing 49,042 square feet or 1.13 acres of land.

Curve Table

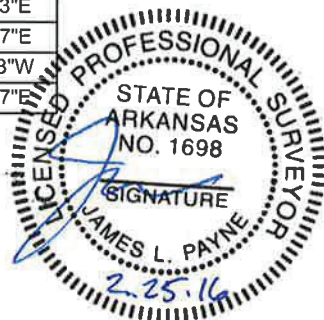
Curve #	Length	Radius	Delta	Chord Brg.	Chord
C1	24.41'	180.00'	007°46'06"	N86°51'38"W	24.39'
C2	126.46'	258.49'	028°01'45"	N68°57'42"W	125.20'
C3	20.63'	118.00'	010°00'54"	N34°57'30"E	20.60'
C4	26.34'	336.45'	004°29'09"	S51°07'41"E	26.34'
C5	225.45'	4390.66'	002°56'31"	S47°40'40"W	225.43'
C6	85.55'	82.00'	059°46'27"	N10°04'48"E	81.72'

Line Table

Line #	Length	Direction
L1	28.33'	S88°50'10"W
L2	95.57'	N39°57'57"E
L3	19.00'	S50°02'03"E
L4	130.00'	N39°57'57"E
L5	19.00'	N50°02'03"W
L6	37.52'	N39°57'57"E
L7	264.47'	S02°26'31"W
L8	123.28'	S48°54'15"E
L9	50.05'	S74°58'35"W
L10	84.00'	S70°11'38"W
L11	8.81'	N19°48'22"W
L12	37.52'	N39°57'57"E
L13	84.00'	S50°02'03"E
L14	130.00'	N39°57'57"E
L15	84.00'	N50°02'03"W
L16	96.08'	N39°57'57"E



Tree Preservation Easement To Be Relinquished



Parcel No.: 765-29415-000

Lot 5, Forest Hills

File No.: 2010-00001296

Lot 5, Forest Hills

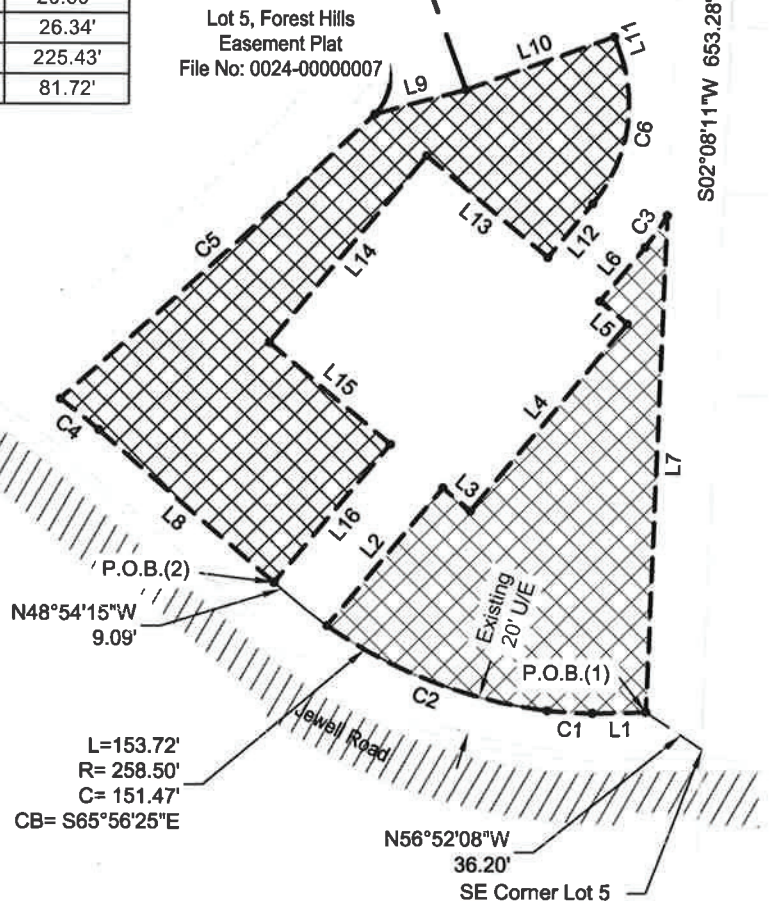
Easement Plat

File No: 0024-00000007

Point of
Commencing
Existing Rebar
NE Corner Lot 5

Existing
30' U/E

S02°08'11"W 653.28'



MORRISON SHIPLEY

ENGINEERS ■ SURVEYORS

2407 SE Cottonwood Street ■ Bentonville, AR 72712 ■ 479.273.2209 ■ morrisonshipley.com

**Lot 5, Forest Hills
Tree Preservation Easement
Relinquishment Exhibit**

Fayetteville, Washington County, Arkansas

Drawn By

JLP

Date:

02/24/2016

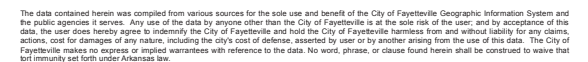
Project No.:

WAP-64

Drawing Name:

RW 1

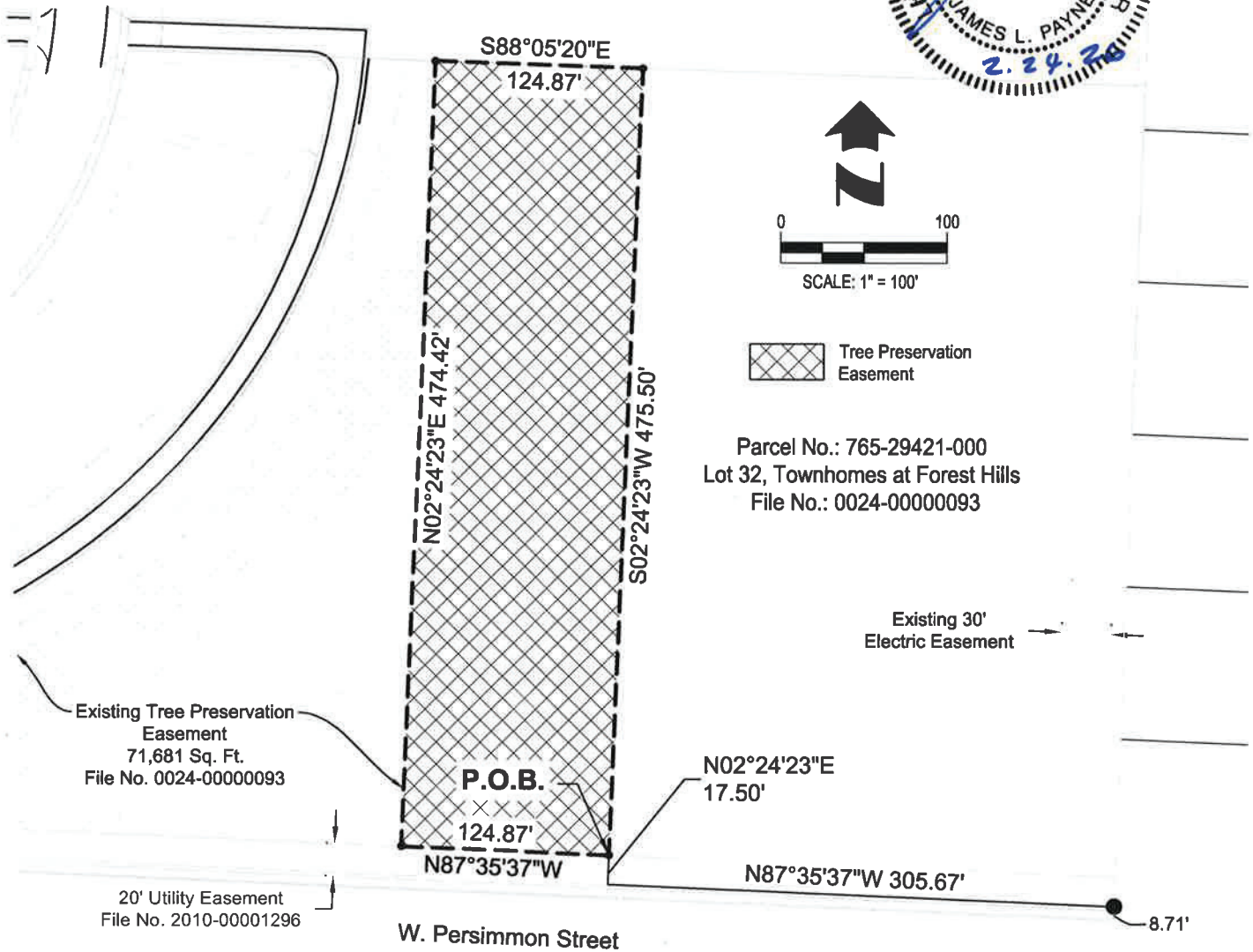
EXHIBIT G



TREE PRESERVATION EASEMENT DESCRIPTION:

All that part of Lot 32 of the Townhomes at Forest Hills, a subdivision recorded in File No. 0024-00000093, Plat Records of Washington County, Arkansas, being more particularly described as follows:

COMMENCING at an existing 1/2 inch rebar, with cap stamped "PLS 1507" at the Southeast corner of said Lot 32; thence N87°35'37"W, 305.67 feet along the South line of said Lot 32; thence N02°24'23"E, 17.50 feet, leaving said South line, to a point on the North line of a 20 foot-wide utility easement, File 2010-00001296 of said plat records for the **POINT OF BEGINNING**; thence N87°35'37"W, 124.87 feet along said North line to the Southeast corner of an existing Tree Preservation Easement, as shown on said File No. 0024-00000093; thence N02°24'23"E, 474.42 feet, along the East line of said easement to the Northeast corner of said easement, on the North line of said Lot 32; thence S88°05'20"E, 124.87 feet along said North line; thence S02°24'23"W, 475.50 feet, leaving said North line, to the **POINT OF BEGINNING**.
Containing **59,308 square feet, or 1.36 acres of land.**





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0146

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 7

SWEETSER CONSTRUCTION, INC.:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$2,537,900.00 FOR THE CONSTRUCTION OF THE RUPPLE ROAD WIDENING PROJECT FROM PERSIMMON STREET TO CONGRESSIONAL ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$250,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with Sweetser Construction, Inc. in the amount of \$2,537,900.00 for the construction of the Ruppel Road widening project from Persimmon Street to Congressional Road, and further approves a project contingency in the amount of \$250,000.00.

City of Fayetteville Staff Review Form

2016-0146

Legistar File ID

4/5/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Matt Casey

3/17/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a contract in the amount of \$2,537,900.00 with Sweetser Construction, Inc. for the construction of the Ruppel Road –Persimmon to Congressional Project and a project contingency of \$250,000 (10%).

Budget Impact:

4520.9555.5809.00

Transportation Bond Street Improvements

Account Number

Fund

06035.3300

Ruppel Road (Persimmon to Congressional)

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 24,860,737.00

Funds Obligated \$ 875,469.04

Current Balance \$ 23,985,267.96

Does item have a cost? Yes

Item Cost \$ 2,787,900.00

Budget Adjustment Attached? No

Budget Adjustment \$ -

#

Remaining Budget \$ 21,197,367.96

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: Item Cost reflects contract of \$2,537,900.00 plus a contingency of \$250,000.00 for a total item cost of \$2,787,900.00

CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Mayor and City Council

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

FROM: Matt Casey, Engineering Design Manager

DATE: March 17, 2016

SUBJECT: Approval of a contract in the amount of \$2,537,900.00 with Sweetser Construction, Inc. for the construction of the Ruppel Road – Persimmon to Congressional Project and a project contingency of \$250,000 (10%).

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$2,537,900.00 to Sweetser Construction, Inc. for the construction of the Ruppel Road – Persimmon to Congressional Project and a project contingency of \$250,000 (10%).

BACKGROUND:

The City of Fayetteville Engineering Division has developed the design plans for the construction of this portion of Ruppel Road. Ruppel Road is shown on the City of Fayetteville Master Street plan as a Principal Arterial Parkway from Martin Luther King Blvd. (Highway 62) north to Howard Nickell Road. The street cross section for this project includes four lanes with a center median, a 12' trail and a 8' sidewalk.

DISCUSSION:

On March 10, 2016, the City received three (3) construction bids for this project. Sweetser Construction, Inc. submitted the lowest bid which was approximately 5% below the Engineer's Estimate of \$2,674,777.72.

Engineering staff recommends awarding this contract to Sweetser Construction, Inc. The contract time is 365 days (12 months) for substantial completion.

BUDGET/STAFF IMPACT:

This project is funded by the Transportation Bond Program.

Attachments:

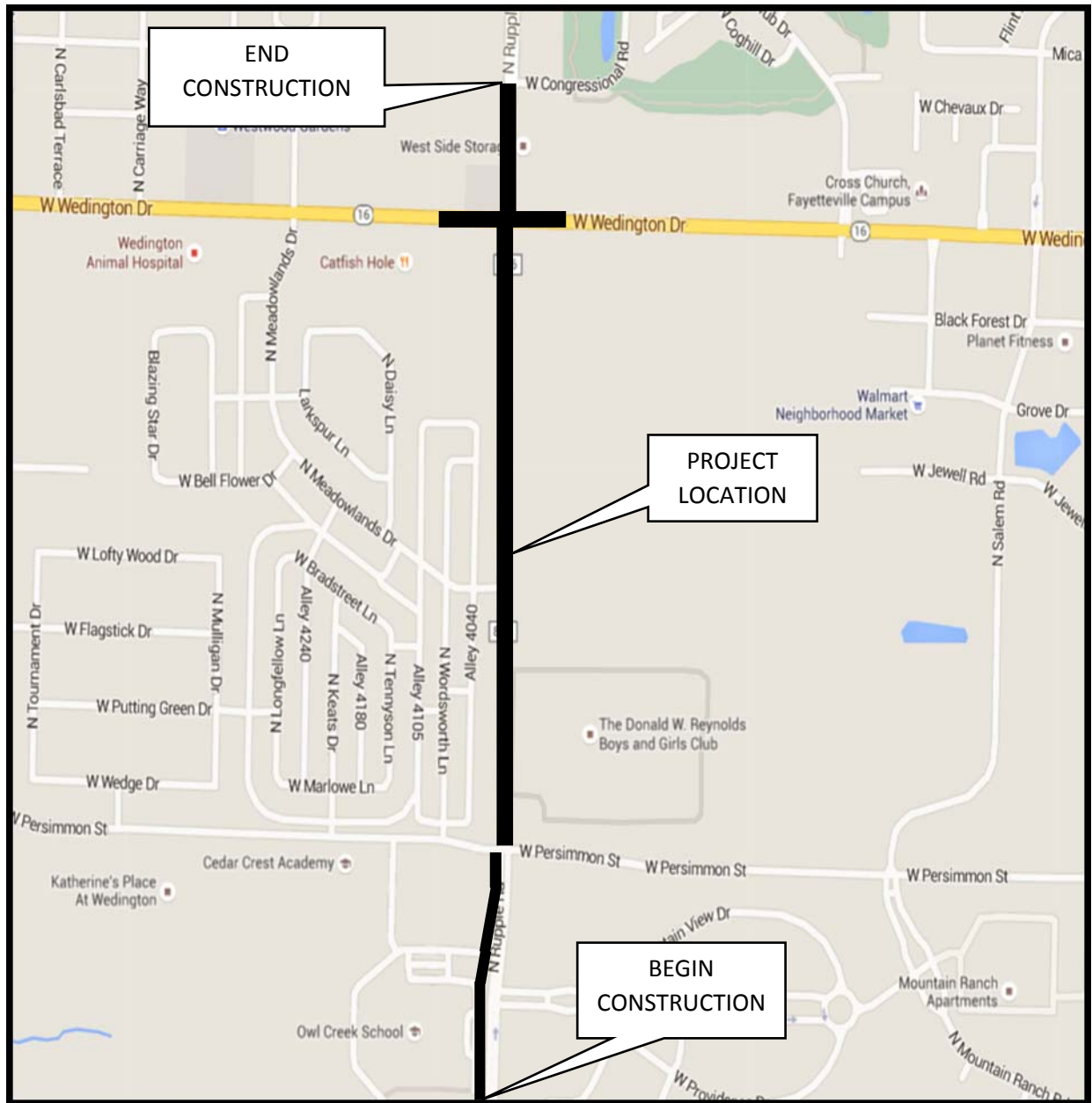
Bid Tab

Section 0500 Agreement

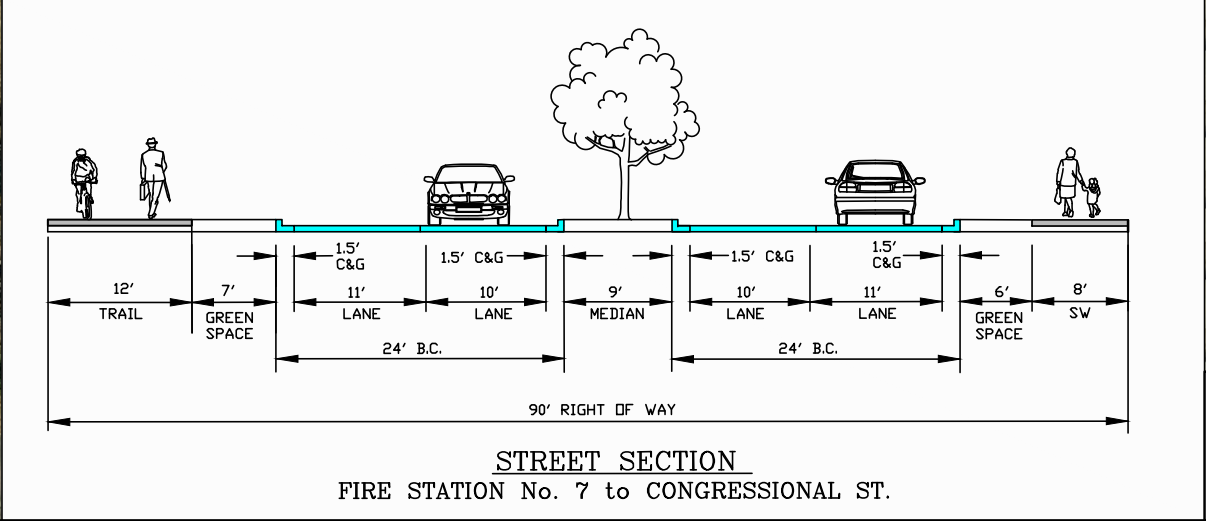
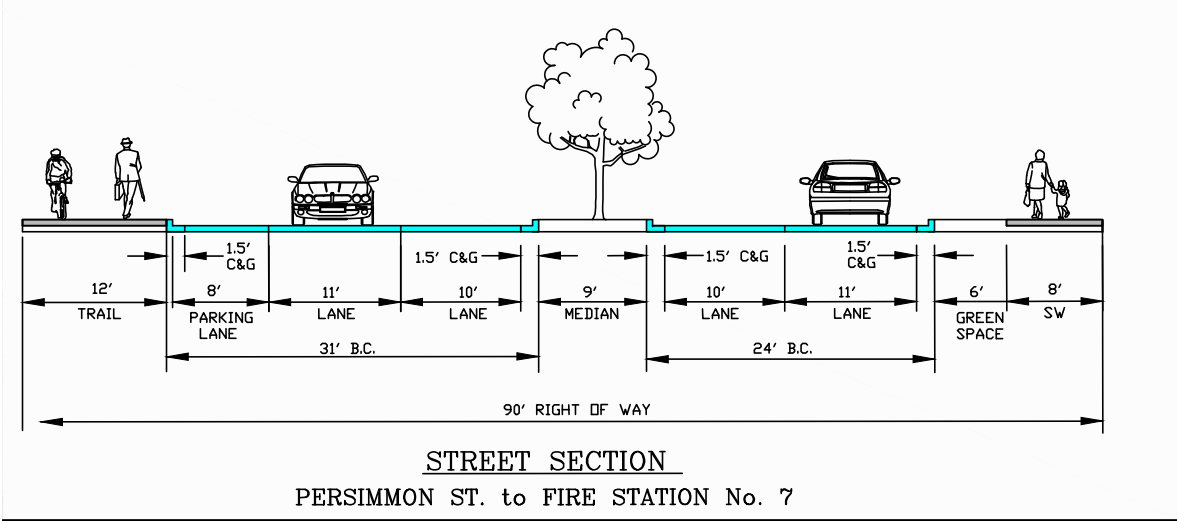
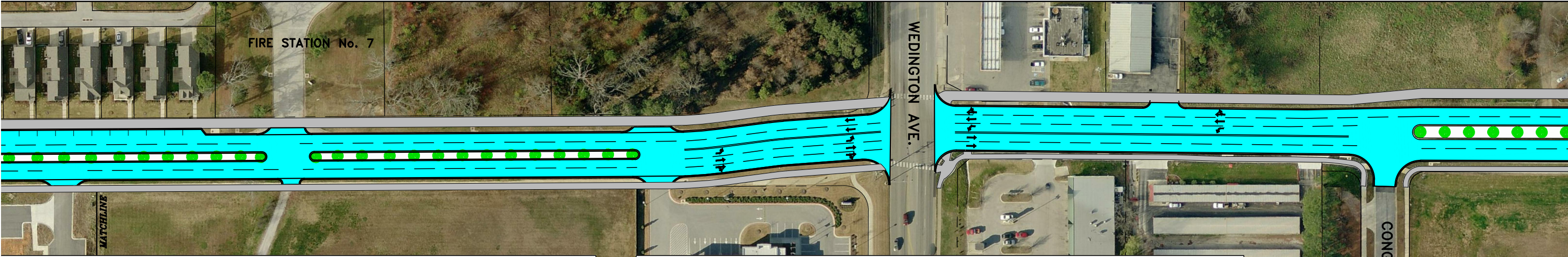
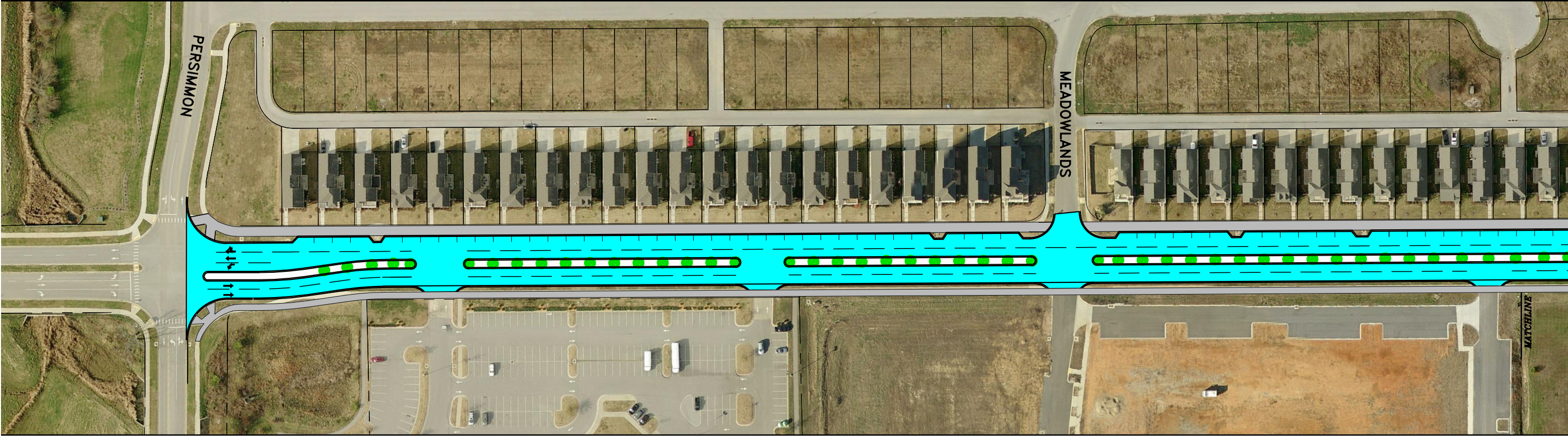
Section 0400 Bid Form

Purchase Order Request

RUPPLE ROAD STREET IMPROVEMENTS PERSIMMON ST. TO CONGRESSIONAL ST.



VICINITY MAP
NTS



⑨B RUPPLE ROAD IMPROVEMENTS
PERSIMMON ST. to CONGRESSIONAL ST.
CONCEPT PLAT



City of Fayetteville, Arkansas

Purchasing Division

OFFICIAL BID TABULATION

Bid 16-22, Construction - Ruppel Rd. Street Improvements

Thursday, March 10, 2016 at 2:00 PM, Local Time

ITEM	DESCRIPTION	Unit	Est Qty.	Fochtman Enterprises, Inc.				JLA Enterprises, Inc.				Sweetser Construction, Inc.			
				PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL		PRICE PER UNIT		TOTAL	
1	Mobilization (Not to exceed 5% of total bid)	LS	1	x	\$ 30,000.00	=	\$ 30,000.00	x	\$ 110,000.00	=	\$ 110,000.00	x	\$ 87,500.00	=	\$ 87,500.00
2a	Insurance and Bonding	LS	1	x	\$ 60,000.00	=	\$ 60,000.00	x	\$ 40,000.00	=	\$ 40,000.00	x	\$ 28,880.00	=	\$ 28,880.00
2b	Roadway Construction Control (Staking)	LS	1	x	\$ 10,000.00	=	\$ 10,000.00	x	\$ 25,000.00	=	\$ 25,000.00	x	\$ 24,000.00	=	\$ 24,000.00
3	Trench & Excavation Safety Systems	LS	1	x	\$ 5,000.00	=	\$ 5,000.00	x	\$ 10,000.00	=	\$ 10,000.00	x	\$ 4,500.00	=	\$ 4,500.00
4	Clearing, Grubbing & Demolition	LS	1	x	\$ 380,000.00	=	\$ 380,000.00	x	\$ 215,000.00	=	\$ 215,000.00	x	\$ 120,000.00	=	\$ 120,000.00
5	Rock Excavation	CY	300	x	\$ 275.00	=	\$ 82,500.00	x	\$ 135.00	=	\$ 40,500.00	x	\$ 250.00	=	\$ 75,000.00
6	Unclassified Excavation (Plan Quantity)	CY	6200	x	\$ 15.00	=	\$ 93,000.00	x	\$ 7.25	=	\$ 44,950.00	x	\$ 8.00	=	\$ 49,600.00
7	Select Embankment (Plan Quantity)	CY	5700	x	\$ 13.00	=	\$ 74,100.00	x	\$ 6.75	=	\$ 38,475.00	x	\$ 8.00	=	\$ 45,600.00
8	Embankment (Plan Quantity)	CY	500	x	\$ 13.00	=	\$ 6,500.00	x	\$ 5.85	=	\$ 2,925.00	x	\$ 8.00	=	\$ 4,000.00
9	Subgrade Preparation (Plan Quantity)	SY	11500	x	\$ 3.50	=	\$ 40,250.00	x	\$ 2.85	=	\$ 32,775.00	x	\$ 2.00	=	\$ 23,000.00
10	4" Topsoil Placement	SY	7500	x	\$ 3.90	=	\$ 29,250.00	x	\$ 3.90	=	\$ 29,250.00	x	\$ 1.50	=	\$ 11,250.00
11	*Undercut and Stone Backfill	CY	500	x	\$ 30.00	=	\$ 15,000.00	x	\$ 25.00	=	\$ 12,500.00	x	\$ 19.00	=	\$ 9,500.00
12	18" RCP Class III, Under Pavement	LF	440	x	\$ 63.00	=	\$ 27,720.00	x	\$ 55.00	=	\$ 24,200.00	x	\$ 44.50	=	\$ 19,580.00
13	18" RCP Class III	LF	1001	x	\$ 53.00	=	\$ 53,053.00	x	\$ 39.00	=	\$ 39,039.00	x	\$ 37.00	=	\$ 37,037.00
14	24" RCP Class III, Under Pavement	LF	17	x	\$ 82.00	=	\$ 1,394.00	x	\$ 85.00	=	\$ 1,445.00	x	\$ 72.50	=	\$ 1,232.50
15	24" RCP Class III	LF	0	x	\$ 82.00	=	\$ -	x	\$ -	=	\$ -	x	\$ 60.50	=	\$ -
16	30" RCP Class III	LF	154	x	\$ 78.00	=	\$ 12,012.00	x	\$ 72.00	=	\$ 11,088.00	x	\$ 82.50	=	\$ 12,705.00
17	30" x 19" ERCP, Class III, Under Pavement	LF	28	x	\$ 91.00	=	\$ 2,548.00	x	\$ 125.00	=	\$ 3,500.00	x	\$ 108.50	=	\$ 3,038.00
18	30" x 19" ERCP, Class III	LF	15	x	\$ 80.00	=	\$ 1,200.00	x	\$ 125.00	=	\$ 1,875.00	x	\$ 90.50	=	\$ 1,357.50
19	18" RCP FES w/Curtain Wall	EA	1	x	\$ 1,200.00	=	\$ 1,200.00	x	\$ 1,200.00	=	\$ 1,200.00	x	\$ 1,000.00	=	\$ 1,000.00
20	30" x 19" RCP FES w/Curtain Wall	EA	1	x	\$ 1,600.00	=	\$ 1,600.00	x	\$ 1,650.00	=	\$ 1,650.00	x	\$ 1,500.00	=	\$ 1,500.00
21	18" RCP Collar	EA	3	x	\$ 500.00	=	\$ 1,500.00	x	\$ 250.00	=	\$ 750.00	x	\$ 500.00	=	\$ 1,500.00
22	24" RCP Concrete Collar	EA	1	x	\$ 550.00	=	\$ 550.00	x	\$ 350.00	=	\$ 350.00	x	\$ 600.00	=	\$ 600.00
23	30" x 19" Concrete Collar	EA	1	x	\$ 550.00	=	\$ 550.00	x	\$ 500.00	=	\$ 500.00	x	\$ 625.00	=	\$ 625.00
24	Modifying Drop Inlets (4'x4')	EA	1	x	\$ 1,100.00	=	\$ 1,100.00	x	\$ 1,500.00	=	\$ 1,500.00	x	\$ 2,200.00	=	\$ 2,200.00
25	Modifying Drop Inlets (4'x5')	EA	1	x	\$ 1,200.00	=	\$ 1,200.00	x	\$ 1,500.00	=	\$ 1,500.00	x	\$ 2,300.00	=	\$ 2,300.00
26	Modifying Drop Inlets (4'x6')	EA	5	x	\$ 1,350.00	=	\$ 6,750.00	x	\$ 1,500.00	=	\$ 7,500.00	x	\$ 2,500.00	=	\$ 12,500.00
27	Modifying Drop Inlets (5'x10')	EA	2	x	\$ 1,500.00	=	\$ 3,000.00	x	\$ 1,500.00	=	\$ 3,000.00	x	\$ 3,000.00	=	\$ 6,000.00

28	Modifying Drop Inlets (5'x12')	EA	1	x	\$ 1,700.00	= \$ 1,700.00	x	\$ 1,650.00	= \$ 1,650.00	x	\$ 3,200.00	= \$ 3,200.00
29	Modifying Drop Inlets (5'x14')	EA	3	x	\$ 2,000.00	= \$ 6,000.00	x	\$ 1,975.00	= \$ 5,925.00	x	\$ 3,500.00	= \$ 10,500.00
30	Modifying Drop Inlets 4' Extensions	EA	7	x	\$ 650.00	= \$ 4,550.00	x	\$ 500.00	= \$ 3,500.00	x	\$ 1,100.00	= \$ 7,700.00
31	4' DIA. Type MO Curb Inlet	EA	10	x	\$ 3,300.00	= \$ 33,000.00	x	\$ 3,275.00	= \$ 32,750.00	x	\$ 2,400.00	= \$ 24,000.00
32	5' DIA. Type MO Curb Inlet	EA	3	x	\$ 4,200.00	= \$ 12,600.00	x	\$ 3,975.00	= \$ 11,925.00	x	\$ 2,800.00	= \$ 8,400.00
33	6' DIA. Type MO Junction Box	EA	1	x	\$ 5,300.00	= \$ 5,300.00	x	\$ 4,875.00	= \$ 4,875.00	x	\$ 3,200.00	= \$ 3,200.00
34	4' x 6' Type C Curb Inlet	EA	2	x	\$ 4,350.00	= \$ 8,700.00	x	\$ 4,950.00	= \$ 9,900.00	x	\$ 3,800.00	= \$ 7,600.00
35	8' Curb Inlet Extensions	EA	14	x	\$ 1,200.00	= \$ 16,800.00	x	\$ 1,000.00	= \$ 14,000.00	x	\$ 1,200.00	= \$ 16,800.00
36	Ex. DI #16 Convert to JB (5' x 4')	EA	1	x	\$ 1,700.00	= \$ 1,700.00	x	\$ 4,500.00	= \$ 4,500.00	x	\$ 2,800.00	= \$ 2,800.00
37	Ex. DI #2 Convert to JB (4' x 4')	EA	1	x	\$ 1,600.00	= \$ 1,600.00	x	\$ 4,500.00	= \$ 4,500.00	x	\$ 2,600.00	= \$ 2,600.00
38	Connection to Ex. Curb Inlet 18" RCP	EA	2	x	\$ 1,500.00	= \$ 3,000.00	x	\$ 1,250.00	= \$ 2,500.00	x	\$ 1,400.00	= \$ 2,800.00
39	Connection to Ex. Curb Inlet 30" RCP	EA	1	x	\$ 1,700.00	= \$ 1,700.00	x	\$ 2,000.00	= \$ 2,000.00	x	\$ 1,600.00	= \$ 1,600.00
40	Rip Rap with Filter Blanket	SY	10	x	\$ 65.00	= \$ 650.00	x	\$ 40.00	= \$ 400.00	x	\$ 125.00	= \$ 1,250.00
41	Mailbox Removal	EA	38	x	\$ 250.00	= \$ 9,500.00	x	\$ 50.00	= \$ 1,900.00	x	\$ 110.00	= \$ 4,180.00
42	New Double Mailbox Installation	EA	19	x	\$ 500.00	= \$ 9,500.00	x	\$ 500.00	= \$ 9,500.00	x	\$ 375.00	= \$ 7,125.00
43	2" Asphalt Milling	SY	7500	x	\$ 2.50	= \$ 18,750.00	x	\$ 2.55	= \$ 19,125.00	x	\$ 3.40	= \$ 25,500.00
44	6" ABC Class 7	SY	12200	x	\$ 8.00	= \$ 97,600.00	x	\$ 8.65	= \$ 105,530.00	x	\$ 7.50	= \$ 91,500.00
45	HMAC Surface Course (PG70-22)	TON	4300	x	\$ 84.87	= \$ 364,941.00	x	\$ 81.00	= \$ 348,300.00	x	\$ 74.25	= \$ 319,275.00
46	HMAC Binder Course (PG70-22)	TON	2100	x	\$ 66.50	= \$ 139,650.00	x	\$ 64.00	= \$ 134,400.00	x	\$ 61.00	= \$ 128,100.00
47	Asphalt Concrete Patching for Maintenance of Traffic	TON	20	x	\$ 190.00	= \$ 3,800.00	x	\$ 200.00	= \$ 4,000.00	x	\$ 150.00	= \$ 3,000.00
48	P.C.C. Base Widening (Wedington)	SY	200	x	\$ 65.00	= \$ 13,000.00	x	\$ 215.00	= \$ 43,000.00	x	\$ 75.00	= \$ 15,000.00
49	Concrete Curb and Gutter (Standard)	LF	10900	x	\$ 11.00	= \$ 119,900.00	x	\$ 15.75	= \$ 171,675.00	x	\$ 16.00	= \$ 174,400.00
50	Concrete Curb and Gutter (Modified)	LF	1100	x	\$ 10.50	= \$ 11,550.00	x	\$ 15.75	= \$ 17,325.00	x	\$ 16.50	= \$ 18,150.00
51	1' Concrete Valley Gutter	LF	1700	x	\$ 9.00	= \$ 15,300.00	x	\$ 15.75	= \$ 26,775.00	x	\$ 6.60	= \$ 11,220.00
52	4" Concrete Sidewalk w/Class 7 Base	SY	1050	x	\$ 48.00	= \$ 50,400.00	x	\$ 47.00	= \$ 49,350.00	x	\$ 45.00	= \$ 47,250.00
53	4" Concrete Trail w/Class 7 Base	SY	5800	x	\$ 48.00	= \$ 278,400.00	x	\$ 47.00	= \$ 272,600.00	x	\$ 45.00	= \$ 261,000.00
54	6" Driveway Concrete	SY	1200	x	\$ 56.00	= \$ 67,200.00	x	\$ 53.00	= \$ 63,600.00	x	\$ 61.00	= \$ 73,200.00
55	6" Concrete Pavement (Street Parking)	SY	1000	x	\$ 65.00	= \$ 65,000.00	x	\$ 55.00	= \$ 55,000.00	x	\$ 64.00	= \$ 64,000.00
56	Seeding and Mulching	AC	3	x	\$ 4,360.00	= \$ 13,080.00	x	\$ 2,000.00	= \$ 6,000.00	x	\$ 2,100.00	= \$ 6,300.00
57	Solid Sod	SY	7500	x	\$ 3.00	= \$ 22,500.00	x	\$ 4.50	= \$ 33,750.00	x	\$ 3.75	= \$ 28,125.00
58	Temporary Pavement Markings	LS	1	x	\$ 14,850.00	= \$ 14,850.00	x	\$ 14,850.00	= \$ 14,850.00	x	\$ 13,500.00	= \$ 13,500.00
59	Raised Pavement Marker (Type II)	EA	100	x	\$ 11.00	= \$ 1,100.00	x	\$ 12.00	= \$ 1,200.00	x	\$ 10.00	= \$ 1,000.00
60	Handicap Pavement Marking	EA	1	x	\$ 550.00	= \$ 550.00	x	\$ 600.00	= \$ 600.00	x	\$ 500.00	= \$ 500.00
61	8" Pavement Marking (Thermoplastic)	LF	250	x	\$ 2.20	= \$ 550.00	x	\$ 2.25	= \$ 562.50	x	\$ 2.00	= \$ 500.00
62	4" P-Lot Pavement Marking (White Paint)	LF	1000	x	\$ 4.40	= \$ 4,400.00	x	\$ 4.35	= \$ 4,350.00	x	\$ 4.00	= \$ 4,000.00
63	4" Pavement Marking (Thermoplastic)	LF	6000	x	\$ 1.10	= \$ 6,600.00	x	\$ 1.15	= \$ 6,900.00	x	\$ 1.00	= \$ 6,000.00

64	4" Trail Skip Marking (Yellow Paint)	LF	1200	x	\$ 4.40	=	\$ 5,280.00	x	\$ 4.50	=	\$ 5,400.00	x	\$ 4.00	=	\$ 4,800.00
65	12" Pavement Markings (Thermoplastic)	LF	1500	x	\$ 8.80	=	\$ 13,200.00	x	\$ 9.00	=	\$ 13,500.00	x	\$ 8.00	=	\$ 12,000.00
66	Pavement Symbols (Arrows-Thermo)	EA	25	x	\$ 330.00	=	\$ 8,250.00	x	\$ 350.00	=	\$ 8,750.00	x	\$ 300.00	=	\$ 7,500.00
67	Pavement Symbols ("Only"-Thermo)	EA	12	x	\$ 385.00	=	\$ 4,620.00	x	\$ 395.00	=	\$ 4,740.00	x	\$ 350.00	=	\$ 4,200.00
68	Walgreens Driveway Painted Pavement Markings	LS	1	x	\$ 1,100.00	=	\$ 1,100.00	x	\$ 1,250.00	=	\$ 1,250.00	x	\$ 1,000.00	=	\$ 1,000.00
69	30" x 30" R10-15 (Fluorescent) w/Mounting Hardware	EA	1	x	\$ 259.00	=	\$ 259.00	x	\$ 140.00	=	\$ 140.00	x	\$ 235.00	=	\$ 235.00
70	30" x 36" R10-12M w/Mounting Hardware	EA	4	x	\$ 237.00	=	\$ 948.00	x	\$ 140.00	=	\$ 560.00	x	\$ 215.00	=	\$ 860.00
71	9" x 15" Push Button Sign R10-3E w/Mounting Hardware	EA	12	x	\$ 66.00	=	\$ 792.00	x	\$ 84.00	=	\$ 1,008.00	x	\$ 60.00	=	\$ 720.00
72	24" x 30" Speed Limit Sign R2-1 w/Support	EA	6	x	\$ 220.00	=	\$ 1,320.00	x	\$ 230.00	=	\$ 1,380.00	x	\$ 200.00	=	\$ 1,200.00
73	30" x 30" Crosswalk Warning Sign S1-1 w/Support	EA	4	x	\$ 297.00	=	\$ 1,188.00	x	\$ 230.00	=	\$ 920.00	x	\$ 200.00	=	\$ 800.00
74	12" x 24" Warning Diagonal Arrow Plaque W16-7p L/R (Sign Only)	EA	2	x	\$ 83.00	=	\$ 166.00	x	\$ 115.00	=	\$ 230.00	x	\$ 100.00	=	\$ 200.00
75	30" x 30" Stop Sign R1-1 w/Support	EA	3	x	\$ 220.00	=	\$ 660.00	x	\$ 230.00	=	\$ 690.00	x	\$ 200.00	=	\$ 600.00
76	Custom 12" x 18" Trail Sign w/Support	EA	1	x	\$ 110.00	=	\$ 110.00	x	\$ 230.00	=	\$ 230.00	x	\$ 200.00	=	\$ 200.00
77	Overhead Intersection Guide Signs D3-1 w/Mounting Hardware	EA	4	x	\$ 479.00	=	\$ 1,916.00	x	\$ 750.00	=	\$ 3,000.00	x	\$ 435.00	=	\$ 1,740.00
78	Rectangular Rapid Flashing Beacon w/Foundation (RRFB)	EA	2	x	\$ 9,306.00	=	\$ 18,612.00	x	\$ 5,500.00	=	\$ 11,000.00	x	\$ 8,460.00	=	\$ 16,920.00
79	Erosion Control	LS	1	x	\$ 40,000.00	=	\$ 40,000.00	x	\$ 20,000.00	=	\$ 20,000.00	x	\$ 46,500.00	=	\$ 46,500.00
80	Traffic Control & Maintenance	LS	1	x	\$ 60,000.00	=	\$ 60,000.00	x	\$ 65,000.00	=	\$ 65,000.00	x	\$ 75,000.00	=	\$ 75,000.00
81	Five Strand Barbed Wire Fence	LF	400	x	\$ 10.00	=	\$ 4,000.00	x	\$ 6.75	=	\$ 2,700.00	x	\$ 5.50	=	\$ 2,200.00
82	Handicap Ramp	SY	350	x	\$ 25.00	=	\$ 8,750.00	x	\$ 65.00	=	\$ 22,750.00	x	\$ 74.00	=	\$ 25,900.00
83	Cast-in-Place Detectable Warning Devices	SF	500	x	\$ 15.00	=	\$ 7,500.00	x	\$ 16.25	=	\$ 8,125.00	x	\$ 15.00	=	\$ 7,500.00
84	Project Sign	EA	1	x	\$ 750.00	=	\$ 750.00	x	\$ 850.00	=	\$ 850.00	x	\$ 650.00	=	\$ 650.00
85	Tree Protection Fencing	LF	1650	x	\$ 5.00	=	\$ 8,250.00	x	\$ 3.50	=	\$ 5,775.00	x	\$ 3.50	=	\$ 5,775.00
86	Site Photographs and Video	LS	1	x	\$ 3,500.00	=	\$ 3,500.00	x	\$ 500.00	=	\$ 500.00	x	\$ 3,500.00	=	\$ 3,500.00
87	Abandon Existing Sewer Manhole	EA	5	x	\$ 750.00	=	\$ 3,750.00	x	\$ 1,500.00	=	\$ 7,500.00	x	\$ 1,000.00	=	\$ 5,000.00
88	Adjust Water Valve Box to Grade	EA	10	x	\$ 360.00	=	\$ 3,600.00	x	\$ 250.00	=	\$ 2,500.00	x	\$ 500.00	=	\$ 5,000.00
89	Service Point Assembly (2 Circuits)	EA	2	x	\$ 1,513.00	=	\$ 3,026.00	x	\$ 1,650.00	=	\$ 3,300.00	x	\$ 1,375.00	=	\$ 2,750.00
90	System Local Controller (16 Phase) (PEEK 3000E)	EA	2	x	\$ 20,108.00	=	\$ 40,216.00	x	\$ 20,000.00	=	\$ 40,000.00	x	\$ 18,280.00	=	\$ 36,560.00
91	Video Detector (Mast Mount) (PEEK Color Video Traffic Detector #82-1773)	EA	12	x	\$ 2,646.00	=	\$ 31,752.00	x	\$ 2,850.00	=	\$ 34,200.00	x	\$ 2,405.00	=	\$ 28,860.00
92	Video Processor Unit - (PEEK Videotrak-IQ 2 channel x 2)	EA	2	x	\$ 5,819.00	=	\$ 11,638.00	x	\$ 6,500.00	=	\$ 13,000.00	x	\$ 5,290.00	=	\$ 10,580.00
93	Encom Commpak IP	EA	2	x	\$ 3,300.00	=	\$ 6,600.00	x	\$ 3,300.00	=	\$ 6,600.00	x	\$ 3,000.00	=	\$ 6,000.00
94	Laird PC 9013 N Yagi Antenna	EA	2	x	\$ 424.00	=	\$ 848.00	x	\$ 428.00	=	\$ 856.00	x	\$ 385.00	=	\$ 770.00
95	Polyphaser IS-50NX-C2 Arrestor	EA	2	x	\$ 188.00	=	\$ 376.00	x	\$ 190.00	=	\$ 380.00	x	\$ 171.00	=	\$ 342.00
96	Non-Metallic Conduit (1/2")	LF	75	x	\$ 6.00	=	\$ 450.00	x	\$ 6.75	=	\$ 506.25	x	\$ 5.55	=	\$ 416.25
97	Non-Metallic Conduit (2")	LF	320	x	\$ 11.50	=	\$ 3,680.00	x	\$ 13.50	=	\$ 4,320.00	x	\$ 10.50	=	\$ 3,360.00
98	Non-Metallic Conduit (3")	LF	1020	x	\$ 26.50	=	\$ 27,030.00	x	\$ 29.50	=	\$ 30,090.00	x	\$ 24.00	=	\$ 24,480.00
99	Galvanized Steel Conduit (1.25")	LF	80	x	\$ 13.00	=	\$ 1,040.00	x	\$ 13.60	=	\$ 1,088.00	x	\$ 12.00	=	\$ 960.00

100	Concrete Pull Box (Type 1 HD)	EA	2	x	\$ 583.00	=	\$ 1,166.00	x	\$ 678.00	=	\$ 1,356.00	x	\$ 530.00	=	\$ 1,060.00
101	Concrete Pull box (Type 2 HD)	EA	12	x	\$ 693.00	=	\$ 8,316.00	x	\$ 725.00	=	\$ 8,700.00	x	\$ 630.00	=	\$ 7,560.00
102	Traffic Signal Cable (5C/14 AWG)	LF	1800	x	\$ 1.50	=	\$ 2,700.00	x	\$ 1.65	=	\$ 2,970.00	x	\$ 1.35	=	\$ 2,430.00
103	Traffic Signal Cable (7C/14 AWG)	LF	950	x	\$ 1.76	=	\$ 1,672.00	x	\$ 1.85	=	\$ 1,757.50	x	\$ 1.60	=	\$ 1,520.00
104	Traffic Signal Cable (20C/14 AWG)	LF	1300	x	\$ 4.40	=	\$ 5,720.00	x	\$ 4.50	=	\$ 5,850.00	x	\$ 4.00	=	\$ 5,200.00
105	Lead-in Cable (Feeder Wire)	LF	1250	x	\$ 1.20	=	\$ 1,500.00	x	\$ 1.30	=	\$ 1,625.00	x	\$ 1.12	=	\$ 1,400.00
106	Belden Video Cable	LF	2400	x	\$ 4.80	=	\$ 11,520.00	x	\$ 4.80	=	\$ 11,520.00	x	\$ 4.35	=	\$ 10,440.00
107	Elect. Cond. For Luminaires (2C/12 AWG)	LF	1825	x	\$ 1.43	=	\$ 2,609.75	x	\$ 1.50	=	\$ 2,737.50	x	\$ 1.30	=	\$ 2,372.50
108	Electrical Conductors-in-conduit (2C/6 AWG)	LF	100	x	\$ 2.92	=	\$ 292.00	x	\$ 3.00	=	\$ 300.00	x	\$ 2.65	=	\$ 265.00
109	Electrical Conductors-in-conduit (1C/8 AWG EGC)	LF	1180	x	\$ 1.60	=	\$ 1,888.00	x	\$ 1.65	=	\$ 1,947.00	x	\$ 1.45	=	\$ 1,711.00
110	Electrical Conductors-in-conduit (1C/12 AWG EGC)	LF	300	x	\$ 1.05	=	\$ 315.00	x	\$ 1.15	=	\$ 345.00	x	\$ 0.95	=	\$ 285.00
111	LMR-600 Coax Cable (Antenna)	LF	155	x	\$ 5.85	=	\$ 906.75	x	\$ 6.00	=	\$ 930.00	x	\$ 5.30	=	\$ 821.50
112	Traffic Signal Head (3-Section)(LED)	EA	20	x	\$ 795.00	=	\$ 15,900.00	x	\$ 800.00	=	\$ 16,000.00	x	\$ 723.00	=	\$ 14,460.00
113	Traffic Signal Head (4-Section)(LED)	EA	4	x	\$ 983.50	=	\$ 3,934.00	x	\$ 990.00	=	\$ 3,960.00	x	\$ 894.00	=	\$ 3,576.00
114	Countdown Pedestrian Signal Head (LED)	EA	16	x	\$ 737.00	=	\$ 11,792.00	x	\$ 740.00	=	\$ 11,840.00	x	\$ 670.00	=	\$ 10,720.00
115	Traffic Signal Mast Arm (27') & Pole w/Foundation	EA	1	x	\$ 13,046.00	=	\$ 13,046.00	x	\$ 13,300.00	=	\$ 13,300.00	x	\$ 11,860.00	=	\$ 11,860.00
116	Traffic Signal Mast Arm (32') & Pole w/Foundation	EA	1	x	\$ 13,569.00	=	\$ 13,569.00	x	\$ 13,810.00	=	\$ 13,810.00	x	\$ 12,335.00	=	\$ 12,335.00
117	Traffic Signal Mast Arm (36') & Pole w/Foundation	EA	1	x	\$ 15,521.00	=	\$ 15,521.00	x	\$ 15,780.00	=	\$ 15,780.00	x	\$ 14,110.00	=	\$ 14,110.00
118	Traffic Signal Mast Arm (38') & Pole w/Foundation	EA	3	x	\$ 14,586.00	=	\$ 43,758.00	x	\$ 14,865.00	=	\$ 44,595.00	x	\$ 13,260.00	=	\$ 39,780.00
119	Traffic Signal Mast Arm (44') & Pole w/Foundation	EA	1	x	\$ 19,910.00	=	\$ 19,910.00	x	\$ 20,000.00	=	\$ 20,000.00	x	\$ 18,100.00	=	\$ 18,100.00
120	Traffic Signal Mast Arm (52') & Pole w/Foundation	EA	1	x	\$ 21,384.00	=	\$ 21,384.00	x	\$ 21,750.00	=	\$ 21,750.00	x	\$ 19,440.00	=	\$ 19,440.00
121	Traffic Signal Pedestal Pole (15') w/Foundation	EA	5	x	\$ 2,728.00	=	\$ 13,640.00	x	\$ 2,960.00	=	\$ 14,800.00	x	\$ 2,480.00	=	\$ 12,400.00
122	Luminaire Assembly (Full Cutoff)(LED)	EA	8	x	\$ 1,200.00	=	\$ 9,600.00	x	\$ 1,350.00	=	\$ 10,800.00	x	\$ 1,091.00	=	\$ 8,728.00
123	Video Monitor w/Mouse	EA	2	x	\$ 512.00	=	\$ 1,024.00	x	\$ 510.00	=	\$ 1,020.00	x	\$ 465.00	=	\$ 930.00

124	Video Detector Rack	EA	2	x	\$ 1,028.50	=	\$ 2,057.00	x	\$ 1,020.00	=	\$ 2,040.00	x	\$ 935.00	=	\$ 1,870.00
125	Insurance and Bonding	LS	1	x	\$ 5,347.00	=	\$ 5,347.00	x	\$ -	=	\$ -	x	\$ 2,167.75	=	\$ 2,167.75
126	4" Sch. 40 PVC Conduit	LF	300	x	\$ 18.00	=	\$ 5,400.00	x	\$ 25.00	=	\$ 7,500.00	x	\$ 16.00	=	\$ 4,800.00
127	Adjust Existing Manhole to Finish Grade	EA	1	x	\$ 1,000.00	=	\$ 1,000.00	x	\$ 1,250.00	=	\$ 1,250.00	x	\$ 1,200.00	=	\$ 1,200.00
TOTAL BASE BID					\$ 2,927,062.50				\$ 2,750,510.75					\$ 2,537,900.00	

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

Indicated Calculation Correction

CERTIFIED:


Andrea Rennie, Purchasing Manager


Witness

08/11/16

Contract Name:	Ruppel Road Street Improvements-Persimmon St. to Congressional St.
Bid Number:	16-22, Ruppel Road Street Improvement-Persimmon St. to Congressional St.

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

Bidder: SWEETSER CONSTRUCTION, INC.
590 W. POPLAR
FAYETTEVILLE, AR 72703

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

2.01 Bidder accepts all of the terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

Addendum #1

DOCUMENT 00400 –BID FORM (continued)

ARTICLE 3 - BIDDER'S REPRESENTATIONS

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

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

<u>Number</u>	<u>Date</u>
<u># /</u>	<u>2/29/16</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

- B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Bidder acknowledges that such reports and drawings are not Contract Documents and may not be complete for Bidder's purposes. Bidder acknowledges that Owner and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Bid Documents with respect to Underground Facilities at or contiguous to the Site.
- E. Bidder has obtained and carefully studied (or assumes responsibility for having done so) all such additional or supplementary examinations,

DOCUMENT 00400 –BID FORM (continued)

investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder and safety precautions and programs incident thereto.

- F. Bidder does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performing and furnishing of the Work in accordance with the times, price, and other terms and conditions of the Contract Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.
- H. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.
- K. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

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

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

ARTICLE 4 - BID PRICE

Bidders are required to provide pricing for all line items, including deductive alternate items. Failure to provide deductive alternate pricing can result in bid rejection.

The City intends to award this contract to the lowest qualified responsive responsible bidder based on the total base bid as long as the base bid amount falls within the amount of funds certified for the project plus 25%.

In the event no bid falls within the amount of funds certified for the project, plus 25%, all bids shall be rejected and become confidential.

In no case shall the amount bid for the item of “mobilization” exceed 5% of the total contract amount for all items listed in the proposal or bid. Should the amount entered into the proposal or bid for this item exceed 5%, the bid shall be rejected.

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

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
1	Mobilization (Not to exceed 5% of total bid)	LS	1	87,500. ⁰⁰	87,500. ⁰⁰
2	Insurance and Bonding	LS	1	28,880. ⁰⁰	28,880. ⁰⁰
2	Roadway Construction Control (Staking)	LS	1	24,000. ⁰⁰	24,000. ⁰⁰
3	Trench & Excavation Safety Systems	LS	1	4,500. ⁰⁰	4,500. ⁰⁰
4	Clearing, Grubbing & Demolition	LS	1	120,000. ⁰⁰	120,000. ⁰⁰
5	Rock Excavation	CY	300	250. ⁰⁰	W65 75,000. ⁰⁰

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
6	Unclassified Excavation (Plan Quantity)	CY	6200	8.00	49,600.00
7	Select Embankment (Plan Quantity)	CY	5700	8.00	45,600.00
8	Embankment (Plan Quantity)	CY	500	8.00	4,000.00
9	Subgrade Preparation (Plan Quantity)	SY	11500	2.00	23,000.00
10	4" Topsoil Placement	SY	7500	1.50	11,250.00
11	*Undercut and Stone Backfill	CY	500	19.00	9,500.00
12	18" RCP Class III, Under Pavement	LF	440	44.50	19,580.00
13	18" RCP Class III	LF	1001	37.00	37,037.00
14	24" RCP Class III, Under Pavement	LF	17	72.50	1,232.50
15	24" RCP Class III	LF	0	60.50	0
16	30" RCP Class III	LF	154	82.50	12,705.00
17	30" x 19" ERCP, Class III, Under Pavement	LF	28	108.50	3,038.00
18	30" x 19" ERCP, Class III	LF	15	90.50	1,357.50
19	18" RCP FES w/Curtain Wall	EA	1	1,000.00	1,000.00
20	30" x 19" RCP FES w/Curtain Wall	EA	1	1,500.00	1,500.00
21	18" RCP Collar	EA	3	500.00	500.00
22	24" RCP Concrete Collar	EA	1	600.00	600.00
23	30" x 19" Concrete Collar	EA	1	625.00	625.00

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
24	Modifying Drop Inlets (4'x4')	EA	1	2,200. ⁰⁰	2,200. ⁰⁰
25	Modifying Drop Inlets (4'x5')	EA	1	2,300. ⁰⁰	2,300. ⁰⁰
26	Modifying Drop Inlets (4'x6')	EA	5	2,500. ⁰⁰	12,500. ⁰⁰
27	Modifying Drop Inlets (5'x10')	EA	2	3,000. ⁰⁰	6,000. ⁰⁰
28	Modifying Drop Inlets (5'x12')	EA	1	3,200. ⁰⁰	3,200. ⁰⁰
29	Modifying Drop Inlets (5'x14')	EA	3	3,500. ⁰⁰	3,500. ⁰⁰
30	Modifying Drop Inlets 4' Extensions	EA	7	1,100. ⁰⁰	1,100. ⁰⁰
31	4' DIA. Type MO Curb Inlet	EA	10	2,400. ⁰⁰	24,000. ⁰⁰
32	5' DIA. Type MO Curb Inlet	EA	3	2,800. ⁰⁰	8,400. ⁰⁰
33	6' DIA. Type MO Junction Box	EA	1	3,200. ⁰⁰	3,200. ⁰⁰
34	4' x 6' Type C Curb Inlet	EA	2	3,800. ⁰⁰	7,600. ⁰⁰
35	8' Curb Inlet Extensions	EA	14	1,200. ⁰⁰	16,800. ⁰⁰
36	Ex. DI #16 Convert to JB (5' x 4')	EA	1	2,800. ⁰⁰	2,800. ⁰⁰
37	Ex. DI #2 Convert to JB (4' x 4')	EA	1	2,600. ⁰⁰	2,600. ⁰⁰
38	Connection to Ex. Curb Inlet 18" RCP	EA	2	1,400. ⁰⁰	2,800. ⁰⁰
39	Connection to Ex. Curb Inlet 30" RCP	EA	1	1,600. ⁰⁰	1,600. ⁰⁰
40	Rip Rap with Filter Blanket	SY	10	125. ⁰⁰	1,250. ⁰⁰
41	Mailbox Removal	EA	38	110. ⁰⁰	4,180. ⁰⁰
42	New Double Mailbox Installation	EA	19	375. ⁰⁰	7,125. ⁰⁰

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
43	2" Asphalt Milling	SY	7500	3.40	25,500.00
44	6" ABC Class 7	SY	12200	7.50	91,500.00
45	HMAC Surface Course (PG70-22)	TON	4300	74.25	319,275.00
46	HMAC Binder Course (PG70-22)	TON	2100	61.00	128,100.00
47	Asphalt Concrete Patching for Maintenance of Traffic	TON	20	150.00	3,000.00
48	P.C.C. Base Widening (Wedington)	SY	200	75.00	15,000.00
49	Concrete Curb and Gutter (Standard)	LF	10900	16.00	174,400.00
50	Concrete Curb and Gutter (Modified)	LF	1100	16.50	18,150.00
51	1' Concrete Valley Gutter	LF	1700	6.60	11,220.00
52	4" Concrete Sidewalk w/Class 7 Base	SY	1050	45.00	47,250.00
53	4" Concrete Trail w/Class 7 Base	SY	5800	45.00	261,000.00
54	6" Driveway Concrete	SY	1200	61.00	73,200.00
55	6" Concrete Pavement (Street Parking)	SY	1000	64.00	64,000.00
56	Seeding and Mulching	AC	3	2,100.00	6,300.00
57	Solid Sod	SY	7500	3.75	28,125.00
58	Temporary Pavement Markings	LS	1	13,500.00	13,500.00
59	Raised Pavement Marker (Type II)	EA	100	10.00	1,000.00
60	Handicap Pavement Marking	EA	1	500.00	500.00

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
61	8" Pavement Marking (Thermoplastic)	LF	250	2.00	500.00
62	4" P-Lot Pavement Marking (White Paint)	LF	1000	4.00	4,000.00
63	4" Pavement Marking (Thermoplastic)	LF	6000	1.00	6,000.00
64	4" Trail Skip Marking (Yellow Paint)	LF	1200	4.00	4,800.00
65	12" Pavement Markings (Thermoplastic)	LF	1500	8.00	12,000.00
66	Pavement Symbols (Arrows-Thermo)	EA	25	300.00	7,500.00
67	Pavement Symbols ("Only"-Thermo)	EA	12	350.00	4,200.00
68	Walgreens Driveway Painted Pavement Markings	LS	1	1,000.00	1,000.00
69	30" x 30" R10-15 (Fluorescent) w/Mounting Hardware	EA	1	235.00	235.00
70	30" x 36" R10-12M w/Mounting Hardware	EA	4	215.00	860.00
71	9" x 15" Push Button Sign R10-3E w/Mounting Hardware	EA	12	60.00	720.00
72	24" x 30" Speed Limit Sign R2-1 w/Support	EA	6	200.00	1,200.00
73	30" x 30" Crosswalk Warning Sign S1-1 w/Support	EA	4	200.00	800.00
74	12" x 24" Warning Diagonal Arrow Plaque W16-7p L/R (Sign Only)	EA	2	100.00	200.00
75	30" x 30" Stop Sign R1-1 w/Support	EA	3	200.00	600.00
76	Custom 12" x 18" Trail Sign w/Support	EA	1	200.00	200.00
77	Overhead Intersection Guide Signs D3-1 w/Mounting Hardware	EA	4	435.00	1,740.00
78	Rectangular Rapid Flashing Beacon w/Foundation (RRFB)	EA	2	8,460.00	16,920.00

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
79	Erosion Control	LS	1	46,500. ⁰⁰	46,500. ⁰⁰
80	Traffic Control & Maintenance	LS	1	75,000. ⁰⁰	75,000. ⁰⁰
81	Five Strand Barbed Wire Fence	LF	400	5. ⁵⁰	2,200. ⁰⁰
82	Handicap Ramp	SY	350	74. ⁰⁰	25,900. ⁰⁰
83	Cast-in-Place Detectable Warning Devices	SF	500	15. ⁰⁰	7,500. ⁰⁰
84	Project Sign	EA	1	650. ⁰⁰	650. ⁰⁰
85	Tree Protection Fencing	LF	1650	3. ⁵⁰	5,775. ⁰⁰
86	Site Photographs and Video	LS	1	3,500. ⁰⁰	3,500. ⁰⁰
87	Abandon Existing Sewer Manhole	EA	5	1,000. ⁰⁰	5,000. ⁰⁰
88	Adjust Water Valve Box to Grade	EA	10	500. ⁰⁰	5,000. ⁰⁰
89	Service Point Assembly (2 Circuits)	EA	2	1,375. ⁰⁰	2,750. ⁰⁰
90	System Local Controller (16 Phase) (PEEK 3000E)	EA	2	18,280. ⁰⁰	36,560. ⁰⁰
91	Video Detector (Mast Mount) (PEEK Color Video Traffic Detector #82-1773)	EA	12	2,405. ⁰⁰	28,860. ⁰⁰
92	Video Processor Unit - (PEEK Videotrak-IQ 2 channel x 2)	EA	2	5,290. ⁰⁰	10,580. ⁰⁰
93	Encom Commpak IP	EA	2	3,000. ⁰⁰	6,000. ⁰⁰
94	Laird PC 9013 N Yagi Antenna	EA	2	385. ⁰⁰	770. ⁰⁰
95	Polyphaser IS-50NX-C2 Arrestor	EA	2	171. ⁰⁰	342. ⁰⁰
96	Non-Metallic Conduit (1/2")	LF	75	5. ⁵⁵	416. ²⁵

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
97	Non-Metallic Conduit (2")	LF	320	10.50	3,360.00
98	Non-Metallic Conduit (3")	LF	1020	24.00	24,480.00
99	Galvanized Steel Conduit (1.25")	LF	80	12.00	960.00
100	Concrete Pull Box (Type 1 HD)	EA	2	530.00	1,060.00
101	Concrete Pull box (Type 2 HD)	EA	12	630.00	7,560.00
102	Traffic Signal Cable (5C/14 AWG)	LF	1800	1.35	2,430.00
103	Traffic Signal Cable (7C/14 AWG)	LF	950	1.60	1,520.00
104	Traffic Signal Cable (20C/14 AWG)	LF	1300	4.00	5,200.00
105	Lead-in Cable (Feeder Wire)	LF	1250	1.12	1,400.00
106	Belden Video Cable	LF	2400	4.35	10,440.00
107	Elect. Cond. For Luminaires (2C/12 AWG)	LF	1825	1.30	2,372.50
108	Electrical Conductors-in-conduit (2C/6 AWG)	LF	100	2.65	265.00
109	Electrical Conductors-in-conduit (1C/8 AWG EGC)	LF	1180	1.45	1,711.00
110	Electrical Conductors-in-conduit (1C/12 AWG EGC)	LF	300	.95	285.00
111	LMR-600 Coax Cable (Antenna)	LF	155	5.30	821.50
112	Traffic Signal Head (3-Section)(LED)	EA	20	723.00	14,460.00
113	Traffic Signal Head (4-Section)(LED)	EA	4	894.00	3,576.00
114	Countdown Pedestrian Signal Head (LED)	EA	16	670.00	10,720.00

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

BID SCHEDULE 1					
ITEM NO.	DESCRIPTION	UNIT	EST. QTY	UNIT PRICE	TOTAL
115	Traffic Signal Mast Arm (27') & Pole w/Foundation	EA	1	11,860. ⁰⁰	11,860. ⁰⁰
116	Traffic Signal Mast Arm (32') & Pole w/Foundation	EA	1	12,335. ⁰⁰	12,335. ⁰⁰
117	Traffic Signal Mast Arm (36') & Pole w/Foundation	EA	1	14,110. ⁰⁰	14,110. ⁰⁰
118	Traffic Signal Mast Arm (38') & Pole w/Foundation	EA	3	13,260. ⁰⁰	39,780. ⁰⁰
119	Traffic Signal Mast Arm (44') & Pole w/Foundation	EA	1	18,100. ⁰⁰	18,100. ⁰⁰
120	Traffic Signal Mast Arm (52') & Pole w/Foundation	EA	1	19,440. ⁰⁰	19,440. ⁰⁰
121	Traffic Signal Pedestal Pole (15') w/Foundation	EA	5	2,480. ⁰⁰	12,400. ⁰⁰
122	Luminaire Assembly (Full Cutoff)(LED)	EA	8	1,091. ⁰⁰	8,728. ⁰⁰
123	Video Monitor w/Mouse	EA	2	465. ⁰⁰	930. ⁰⁰
124	Video Detector Rack	EA	2	935. ⁰⁰	1,870. ⁰⁰
125	Insurance and Bonding	LS	1	2,167. ⁷⁵	2,167. ⁷⁵
126	4" Sch. 40 PVC Conduit	LF	300	16. ⁰⁰	4,800. ⁰⁰
127	Adjust Existing Manhole to Finish Grade	EA	1	1,200. ⁰⁰	1,200. ⁰⁰
*To be only used at the direction of the Engineer					

TOTAL AMOUNT BID \$ 2,523,300.⁰⁰

ARTICLE 5 - CONTRACT TIMES

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment within the number of calendar days indicated in the Agreement.

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

5.02 Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

ARTICLE 6 - BID CONTENT

6.01 The following documents are attached to and made a condition of this Bid:

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

ARTICLE 7 - COMMUNICATIONS

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

SWEETSER CONSTRUCTION, INC.
590 W. POPLAR
FAYETTEVILLE, AR 72703

Email. charlie@sweetserconstruction.com

Phone No. PHONE 479-443-3026

FAX No. FAX 479-442-0119

ARTICLE 8 - TERMINOLOGY

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

SUBMITTED on March 10, 2016.

Arkansas State Contractor License No. ARKANSAS CONTRACTOR LICENSE # 027470416

If Bidder is:

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

An Individual

Name (type or printed): _____

By: _____ (SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

Phone No.: _____ FAX No.: _____

A Partnership

Partnership Name: _____ (SEAL)

By: _____

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

Name (type or printed): _____

Business address: _____

Phone No.: _____ FAX No.: _____

SWEETSER CONSTRUCTION, INC.

DOCUMENT 00400 –BID FORM (continued)

A Corporation or LLC

Corporation Name: SWEETSER CONSTRUCTION, INC. (SEAL)

State of Incorporation: ARKANSAS

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

General Business

By: [Signature]

(Signature – attach evidence of authority to sign)

WILLIAM G. SWEETSER

Name (type or printed): _____

Title: PRESIDENT

(CORPORATE SEAL)

Attest: Sharon I Sweetser

(Signature of Corporate Secretary)

SWEETSER CONSTRUCTION, INC.

Business address: 590 W. POPLAR

FAYETTEVILLE, AR 72703

PHONE 479-443-3026

PHONE 479-443-3026

FAX 479-442-0119

FAX 479-442-0119

Phone No.: _____ FAX No.: _____

END OF DOCUMENT 00400

SWEETSER CONSTRUCTION, INC.

BID BOND**TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**Hartford, Connecticut 06183

KNOWN ALL BY THESE PRESENTS, That we, Sweetser Construction Inc., as Principal, and Travelers Casualty and Surety Company of America, as Surety, are held and firmly bound unto City of Fayetteville, AR, as Obligee, in the sum of 5% of Bid Dollars (\$5%) for the payment of which we bind ourselves, and our successors and assigns, jointly and severally, as provided herein.

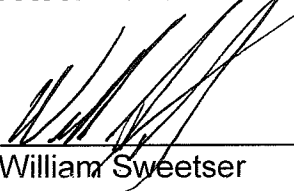
WHEREAS, Principal has submitted or is about to submit a bid to the Obligee on a contract for furnishing all labor and materials for Bid 16-22, Construction-Ripple Road Street Improvements, Persimmon St to Congressional St., Fayetteville, AR ("Project").

NOW, THEREFORE, the condition of this bond is that if Obligee accepts Principal's bid, and Principal enters into a contract with Obligee in conformance with the terms of the bid and provides such bond or bonds as may be specified in the bidding or contract documents, then this obligation shall be void; otherwise Principal and Surety will pay to Obligee the difference between the amount of Principal's bid and the amount for which Obligee shall in good faith contract with another person or entity to perform the work covered by Principal's bid, but in no event shall Surety's and Principal's liability exceed the penal sum of this bond.

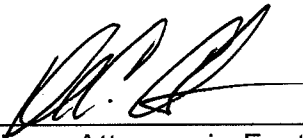
Signed this 10th day of March, 2016.

Sweetser Construction Inc.

(Principal)

By: _____
William Sweetser

Travelers Casualty and Surety Company of America

By: _____
David Chilson, Attorney-in-Fact



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No.

227800

Certificate No. 006072046

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Cheryl Ann Pankey, Adrian Luttell, Roland Julian, and David Chilson

of the City of Fayetteville, State of Arkansas, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 31st day of October, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By:

Robert L. Raney, Senior Vice President

On this the 31st day of October, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.



Marie C. Tetreault
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

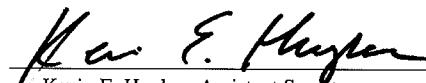
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this _____ day of _____, 20 ____.


Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

DOCUMENT 00500 – AGREEMENT

BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Ruppel Road Street Improvements-Persimmon St. to Congressional St.

Contract No.: 16-22, Ruppel Road Street Improvements-Persimmon St. to Congressional St.

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2016 by and between The City of Fayetteville, Arkansas and _____ (hereinafter called Contractor).

ARTICLE 1 - WORK

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

Improvements to approximately 3,850 linear feet of roadway located between Persimmon Street and Congressional Street. The improvements include widening Ruppel Road from a 2-lane principal arterial to a 4-lane principal arterial with medians. Other improvements to be included in this project are: multi-use trail & sidewalk construction, storm drainage, on-street parking, and traffic signal installation.

Any use of a third party dumpster or roll off container shall be procured from the City of Fayetteville Recycling and Trash Collection Division. Use of a Non-City dumpster or roll off container is not allowed.

Contractor is responsible for obtaining all applicable permits; however, fees for the City issued permits shall be waived.

The Contract includes work in AHTD Right-of-way, City of Fayetteville Right-of-way and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities:

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 2 - ENGINEER

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

ARTICLE 3 - CONTRACT TIME

3.01 TIME OF THE ESSENCE:

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

3.02 DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:

- A. The Work shall be Substantially Completed within **365** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and final completion and ready for final payment in accordance with the GENERAL CONDITIONS within **395** calendar days after the date when the Contract Times commence to run.

3.03 LIQUIDATED DAMAGES:

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day

DOCUMENT 00500 – AGREEMENT (continued)

that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Five Hundred Dollars (\$500.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

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

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 SUBMITTAL AND PROCESSING OF PAYMENTS:
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.02 **PROGRESS PAYMENTS, RETAINAGE:**

- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.
- 1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 95% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 FINAL PAYMENT:

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

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

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

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

DOCUMENT 00500 – AGREEMENT (continued)

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

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

DOCUMENT 00500 – AGREEMENT (continued)

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

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
1. This Agreement.
 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 3. Performance, Payment, and other Bonds.
 4. General Conditions.
 5. Supplementary Conditions.
 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
 7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Rupple Road Street Improvements
 8. Addenda numbers one (1) to two (2), inclusive.

DOCUMENT 00500 – AGREEMENT (continued)

9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 TERMS:

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

8.02 ASSIGNMENT OF CONTRACT:

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

8.03 SUCCESSORS AND ASSIGNS:

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

DOCUMENT 00500 – AGREEMENT (continued)

8.04 SEVERABILITY:

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

8.05 FREEDOM OF INFORMATION ACT:

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

8.06 LIENS:

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

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

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

CONTRACTOR: _____

CITY OF FAYETTEVILLE _____

SWEETSER CONSTRUCTION, INC.

By: 

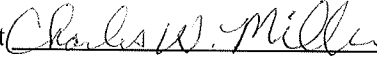
By: Lioneld Jordan

Title: PRESIDENT

Title: Mayor

(SEAL)

(SEAL)

Attest 

Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

SWEETSER CONSTRUCTION, INC.

590 W. POPLAR

FAYETTEVILLE, AR 72703

Address for giving notices

113 W. Mountain St.

Fayetteville, AR 72701

License No. _____

ARKANSAS CONTRACTOR LICENSE #

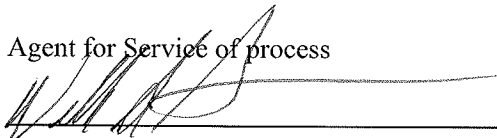
0027470416

(attach evidence of authority to

sign and resolution or other documents

authorizing execution of Agreement)

Agent for Service of process



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

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

CORPORATE RESOLUTION
OF
BOARD OF DIRECTORS
OF
SWEETSER CONSTRUCTION

I, Sharon Sweetser, certify that I am the secretary and treasurer of Sweetser Construction, a corporation legally organized and existing under and by virtue of the laws of the State of Arkansas, and that I am the custodian of the records and the seal of the corporation; that at a meeting of the board of directors of the corporation duly and legally called and held in accordance with the law and the bylaws of the corporation on the 27th day of December 2004, at which meeting a quorum of the board of directors of the corporation was present, the following resolutions were duly adopted by the board of directors of the corporation and are set forth in the minutes of the meeting, namely:

"BE IT RESOLVED, by the board of directors of this corporation that:

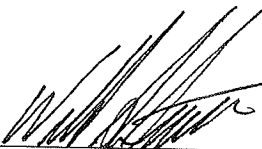
That Billy Sweetser as President of the Corporation and Sharon Sweetser as Secretary and Treasurer of the Corporation, are authorized to sign any and all contracts, deeds, assurances or any document which may be proper to effectuate the negotiations or transactions of the corporation.

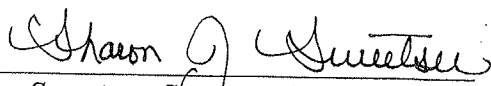
That Billy Sweetser as President of the Corporation and Sharon Sweetser as Secretary and Treasurer of the Corporation, any one or jointly are authorized to sign any and all contracts, deeds, assurances or any document which may be proper to effectuate the negotiations or transactions of the corporation from time to time on behalf of this Corporation.

The above resolution will continue in force until express written notice of its rescission or modification has been received.

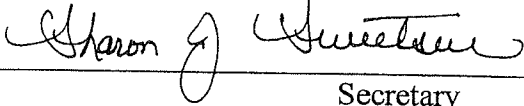
I further certify that the above resolutions have not been in any way altered, amended, or rescinded; they are not in contravention of or in conflict with any of the conditions or provisions of the bylaws or charter of the corporation; and they are now in force and effect.

I further certify that the names of all presently qualified and acting officers of the corporation are as follows, and the genuine signature of those presently authorized to sign for the corporation pursuant to the above resolutions appears below, identified by their signature:

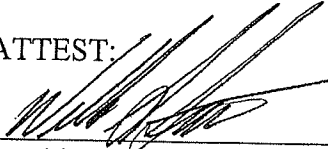

Billy Sweetser, President


Sharon Sweetser, Secretary/Treasurer

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of said corporation and have affixed hereto the official seal of the corporation this _____ day of Dec 27, 2004.


Secretary

ATTEST:


President

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: 3/14/2016			
							P.O Number:			
Vendor #: 56870		Vendor Name: Sweetser Construction Inc.					Mail ☒ YES ☐ NO		Legistar#: 2016-0146	
Address: 590 West Poplar					FOB Point:		Taxable ☐ YES ☒ NO			
City: Fayetteville			AR		Zip Code: 72703		Ship to code:		Expected Delivery Date:	
Requester: Matt Casey					Requester's Employee #: 2119		Extension: 3429			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	Construction of Ruppel Road (Persimmon to Congressional)	1		2,537,900.00	\$2,537,900.00	4520.9555.5809.00	06035.3300			
2										
3					\$0.00					
4					\$0.00					
5					\$0.00					
6					\$0.00					
7					\$0.00					
8					\$0.00					
9					\$0.00					
10					\$0.00					
*	Shipping/Handling		Lot		\$0.00					
Special Instructions:							Subtotal: <u>\$2,537,900.00</u> Tax: <u>\$0.00</u> Total: <u>\$2,537,900.00</u>			
Approvals: Mayor: _____ Chief Financial Officer: _____ Dispatch Manager: _____ Department Director: _____ Budget Director: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Director: _____ Other: _____										



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0149

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL:

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$2,000,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO THE REGIONAL PARK, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$2,000,000.00 GRANT

WHEREAS, the Walton Family Foundation has proven to be a strong supporter of Fayetteville's trail systems including the Mount Kessler acquisition; and

WHEREAS, the Walton Family Foundation has offered a 50/50 grant in the amount of \$2,000,000.00 for the construction of the Cato Springs Trail which will connect the City's existing trail system to the new Regional Park and Mount Kessler.

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 thanks and expresses its gratitude to the Walton Family Foundation for its generous \$2,000,000.00 matching grant for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park, approves the attached Grant Agreement, authorizes Mayor Jordan to sign this Grant Agreement, and agrees to match the grant using the Trail Development Capital Improvement Program.

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

City of Fayetteville Staff Review Form

2015-0149

Legistar File ID

4/5/2016

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

Matt Mihalevich

3/17/2016

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Staff recommends approval of grant agreement #2015-1250 with the Walton Family Foundation in the amount of \$2,000,000 and approval of a budget adjustment to recognize this revenue. The grant funds will be used for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park.

Budget Impact:

4470.9470.5814.05

Sales Tax Capital Improvements

Account Number

Fund

02016.1405

Trail Development
Cato Springs Trail

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 3,694,698.00

Funds Obligated \$ 900,844.97

Current Balance \$ 2,793,853.03

Does item have a cost? No

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 2,000,000.00

Remaining Budget \$ 4,793,853.03

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 5TH, 2016

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: March 18th, 2016

SUBJECT: 2016-0149 Walton Family Foundation Agreement - Cato Springs Trail

RECOMMENDATION:

Staff recommends approval of grant agreement #2015-1250 with the Walton Family Foundation in the amount of \$2,000,000 and approval of a budget adjustment to recognize this revenue. The grant funds will be used for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park.

BACKGROUND:

The proposed Cato Springs Trail will extend approximately 2.7 miles south from the Town Branch Trail starting Greathouse Park and continuing southwest along the Cato Springs Branch to the Fayetteville Regional Park and Kessler Mountain. The trail has been designed as a 12 foot wide concrete shared-use paved trail with pedestrian lighting. This trail will also include a bridge across the Cato Springs Branch, a bridge over the Fulbright Expressway and a tunnel under Razorback Road. All aspects of the trail design and construction will meet the standards of the Razorback Regional Greenway.

The Fayetteville Regional Park and Kessler Mountain will soon be a major recreational destination. As soon as the property acquisition took place, the community began requesting a safe alternative transportation route to the new park. The Walton Family Foundation also expressed interested in the trail connection. In June of 2014, the City was graciously awarded a matching grant from the Walton Family Foundation for the design and engineering of the Cato Springs Trail. Garver, LLC was selected to perform the design. To date, Garver is finalizing the 90% design drawings and are working to obtain the necessary permits.

With design nearing completion, the City applied for an additional grant from the Walton Family Foundation for the construction phase of the Cato Springs Trail. On March 7th, 2016, the City was awarded the matching grant of 2,000,000 and the award letter is attached. The City in-house trail construction crew plans to start work soon on approximately 1.7 miles of the project and the remaining approximately 1 mile of trail including the bridges and tunnel is planned to be constructed by a private contractor. Bids will be solicited and submitted to the City Council for approval in estimated in mid-2016.

The completion of the Cato Springs Trail will extend the Razorback Regional Greenway to the Fayetteville Regional Park and the Kessler Mountain and provide an active transportation route for all the residents of Northwest Arkansas to visit and enjoy the cultural and recreation amenities and beautiful natural areas in Fayetteville.

DISCUSSION:

The Walton Family Foundation continues to be very supportive of the City of Fayetteville trail system and they are pleased to work together on this extension of the Razorback Regional Greenway to the new Regional Park and Kessler Mountain.

BUDGET/STAFF IMPACT:

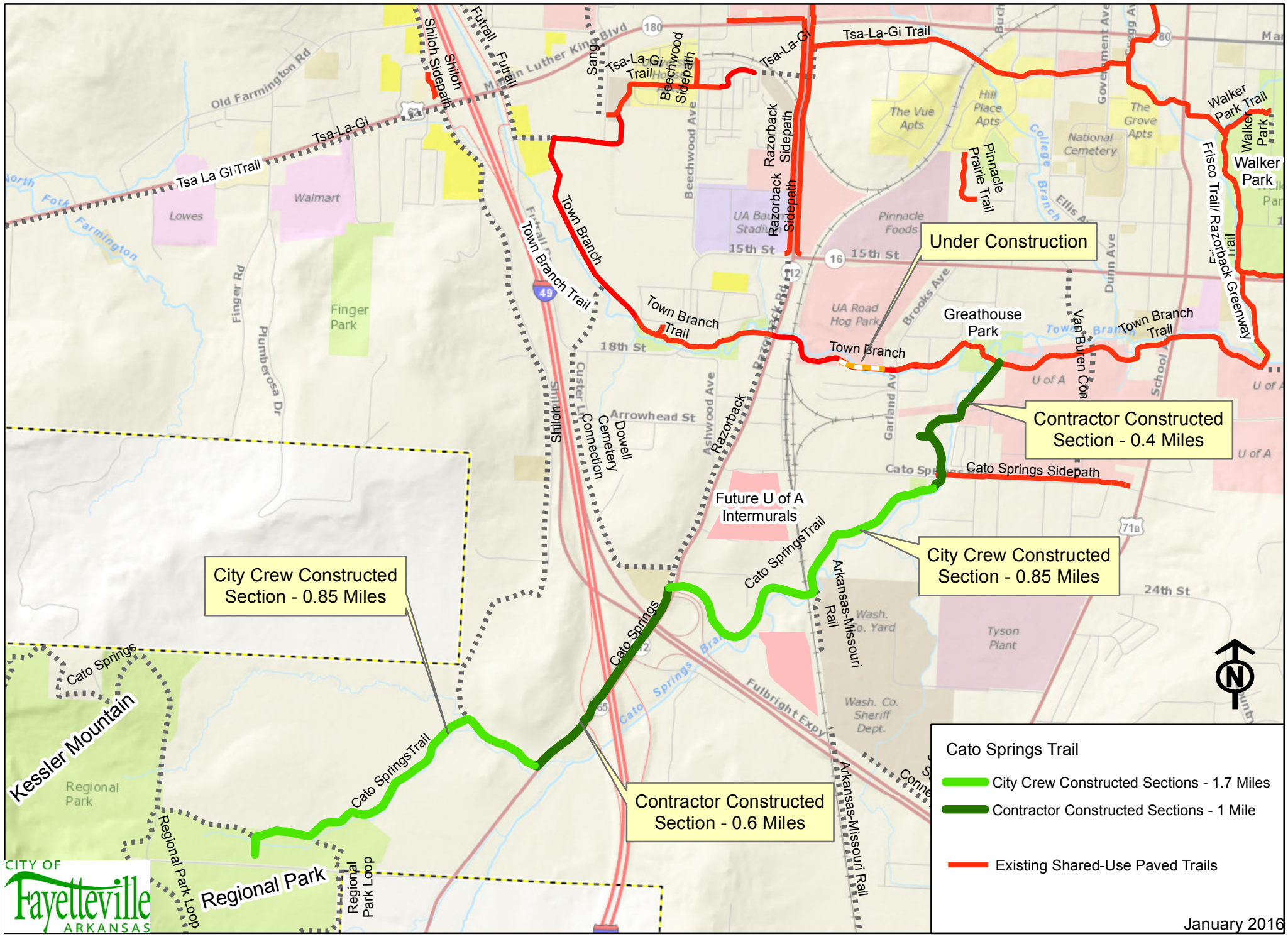
The Walton Family Foundation Grant is a 50:50 matching grant program. The City portion of the matching funds are available through the Trail Development Capital Improvement Program for 2016 and includes the labor cost for the in-house construction crew.

Attachments:

Clabber Creek Trail Map

Walton Family Foundation Grant #2014-1250 agreement

Budget Adjustment



0 500 1,000 2,000 3,000 4,000 5,000 Feet

Cato Springs Trail - 2.7 Miles

January 2016



P.O. Box 2030 | Bentonville, AR 72712-2030
479.464.1570 phone | 479.464.1580 fax
www.waltonfamilyfoundation.org

March 7, 2016

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

RE: Grant #2015-1250

Dear Mayor Jordan,

It is my pleasure to inform you that The Walton Family Foundation, Inc. ("Foundation") has approved a 17-month grant of up to \$2,000,000.00 to the City of Fayetteville ("Grantee"). The project term will be March 1, 2016 to July 1, 2017. This grant is subject to the following terms and conditions:

1. **Purpose:** The purpose of the grant is to be used for the construction of the "Cato Springs Trail" in the southwest part of Fayetteville. The proposed Cato Springs Trail will extend approximately 2.4 miles south from the Town Branch Trail to the Fayetteville Regional Park and Kessler Mountain. This trail has been designed as a 12-foot-wide concrete multi-use trail with pedestrian lighting. This grant is more fully described in Grantee's proposal dated September 23, 2015. Grantee agrees to use all grant funds exclusively for the grant's purposes. Any changes in these purposes must be authorized in advance by the Foundation in writing.

2. **Amount: Up To Two Million Dollars (\$2,000,000.00).**

Grant payments will be made as follows:

Installment	Amount	Date
#1	Up to \$1,000,000.00	12/1/2016
#2	Up to \$1,000,000.00	1/15/2017

3. **Payable:** The Foundation will make payments and match revenue collected by Grantee according to the conditions outlined below:

Installment One (December 1, 2016): up to \$1,000,000 shall be payable upon receipt of a copy of this letter acknowledging the terms and conditions set forth herein, evidence that all rights-of-way/easements have been secured, proof that a construction contract with a qualified and experienced contractor has been executed, a letter of commitment from the City stating they will maintain this section of the trail and proof that 100% of matching funds has been allocated for this project. Upon completion of the terms WFF will fund up to 50% of the project costs.

Installment Two (January 15, 2017): up to \$1,000,000 shall be payable upon receipt of documentation showing that 50% of the project is complete and upon inspection and approval, WFF will fund the remaining costs of construction not to exceed the remaining grant amount.

At each payment request, the City will submit a financial and narrative report outlining work completed and expenses paid to date related to the construction of the identified sections of trail.

All terms must be met by no later than July 1, 2017 to be eligible for payment.

4. **Accounting:** (a) The Foundation encourages, whenever feasible, the deposit of grant funds in an interest-bearing account. For purposes of this letter, the term “grant funds” includes the grant and any income earned thereon.

(b) Grantee will maintain records of receipts and expenditures made in connection with the grant funds and will keep these records during the period covered by the Grantee’s reporting obligations specified in paragraph 5 and for at least four years thereafter (“Maintenance Period”). Grantee will make its books and records in connection with the grant funds available for inspection by the Foundation during normal business hours as the Foundation may request at any time during the Maintenance Period.

5. **Reporting and Evaluation:** Grantee will provide the Foundation with financial and narrative reports by the due dates listed in the report schedule below. Each report shall include an account of expenditures of grant funds, and a brief narrative of what was accomplished (including a description of progress made in fulfilling the purposes of the grant and a confirmation of Grantee’s compliance with the terms of the grant).

Report Date	Report Type
12/15/2016	Interim Financial and Narrative
7/1/2017	Final Financial and Narrative

Success will be measured against the outputs and outcomes described in Appendix A.

All reports will be sent electronically to HomeRegion@wffmail.com. Please reference Grant #2015-1250 on all reports submitted.

In addition to matching requirements, Grantee payments are always contingent upon the Foundation’s approval of Grantee’s operations based on the above reports and the Foundation’s satisfaction with such information as it chooses to obtain from other sources.

6. **Representations:** Grantee represents and warrants to the Foundation that:

(a) Grantee is an organization in good standing, is either an organization described in section 501(c) (3) of the Internal Revenue Code (“Code”) or a governmental unit, and is not a “private foundation” described in section 509(a) of the Code. Grantee will promptly notify the Foundation of any change in Grantee’s tax status under the Code.

(b) In no event will Grantee use any grant funds:

(i) to carry on propaganda, or otherwise to attempt, to influence legislation;

(ii) to influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive; or

(iii) to undertake any activity other than for a charitable, educational or other exempt purpose specified in section 170(c)(2)(B) of the Code.

(c) Grantee will comply with all applicable laws and regulations.

7. **Repayment:** Grantee agrees to repay to the Foundation any portion of the grant funds not used for the grant's purposes. In addition, the Foundation may discontinue any further payments to Grantee, and may direct Grantee to repay any unexpended grant funds to the Foundation, if any of the following events occurs:

(a) Grantee ceases to maintain its tax-exempt status as described in paragraph 6(a) above;

(b) Grantee fails to comply with the terms of this letter; or

(c) There is a material change in Grantee's key personnel that in the sole opinion of the Foundation adversely affects Grantee's management of the grant.

8. **Release and Indemnity:** Unless prohibited by law, Grantee shall release, indemnify, defend and hold harmless the Foundation and its directors, officers, employees and agents from and against any and all claims, actions, suits, demands, damages, losses, expenses and liabilities, arising out of or related in any way to the actions or omissions of Grantee (or its directors, officers, employees, agents or contractors) in connection with the Grant and the project funded by the Grant, except to the extent caused by the Foundation's (or its directors', officers', employees' or agents') negligent actions or omissions. Grantee further agrees to carry insurance in such forms and amounts as are commercially reasonable and appropriate to cover Grantee's operations and to enable Grantee to indemnify and defend the Foundation as provided hereunder.

9. **Grant Publicity:** Grant publicity related to this grant consistent with Grantee's normal practice is permitted, subject to the following provisions. The Foundation expects any announcements and other publicity to focus on Grantee's work and the project or issue funded by the grant. Recognition of the Foundation's role in funding the project is permitted, provided that the timing, content and strategic focus of such publicity should be approved by the Foundation contact listed in paragraph 11. Publicizing the grant and the Foundation in Grantee's publications and communications in a manner consistent with similar grants obtained by Grantee is permitted.

The Foundation may ask Grantee to provide illustrations, photographs, videos, recordings, information or other materials related to the grant (collectively "Grant Work Product") for use in Foundation communications including the Foundation's website, annual report, newsletters, board materials, presentations, communications and other publications. Grantee agrees to provide the Foundation with such items upon the Foundation's reasonable request and hereby grants to the Foundation and anyone acting under the authority of the Foundation a fully paid-up, world-wide, right and license to use, reproduce, display and distribute the Grant Work Product in connection with the Foundation's charitable operations and activities. In connection therewith, Grantee shall be responsible for obtaining all necessary rights and permissions from third parties for the Foundation to use the Grant Work Product for these purposes. By signing this Agreement, Grantee also acknowledges and agrees to use by the Foundation of historical, programmatic and other information relating to Grantee and the grant hereunder.

10. **Gratuities:** The Foundation desires that all of Grantee's resources be dedicated to accomplishing its philanthropic purposes. Therefore, Grantee agrees that it will not furnish the Foundation or its Board of Directors, officers, staff or affiliates with any type of benefit related to this grant including tickets, tables, memberships, commemorative items, recognition items, or any other benefit or gratuity of any kind.

11. **Contact:** For all communications regarding this grant, please contact the Foundation by email at HomeRegion@wffmail.com. Please reference Grant #2015-1250 in your communication.

By electronically signing this letter the Grantee acknowledges and agrees to the terms and conditions herein. A copy of the completed document will be emailed to the Grantee through DocuSign. If the electronic signing of this letter is not completed by March 14, 2016 the Foundation will consider the Grantee to have declined the grant.

On behalf of the Foundation, I extend every good wish for the success of your organization's endeavors.

Sincerely,

DocuSigned by:

Buddy D. Philpot

5B5647728CAF4FE...

Buddy D. Philpot
Executive Director

ACKNOWLEDGED AND AGREED

By: _____
Lioneld Jordan (Date)
City of Fayetteville

**Appendix A: City of Fayetteville
Cato Springs Trail**

Who will do what and how much?	By when?	Measured or evaluated by?
Goal: To complete the Cato Springs Trail from the Town Branch Trail at Greathouse Park to the Regional Park at Kessler Mountain.		
Outputs		
The City of Fayetteville will acquire all rights-of-way or easements and permits needed to complete the Cato Springs Trail.	12/31/2016	Signed easement documents and approved permits
The City of Fayetteville will construct approximately 8,976 linear feet, or 1.7 miles of 12-foot-wide concrete shared use paved trail, meeting the uniform design and construction standards per design guidelines outlined in the "Trails Design Resource Notebook" developed by ALTA Planning and utilized for the Razorback Regional Greenway, as evidenced by inspection of Walton Family Foundation consultant.	06/01/2017	The completed trail will be measured by the length of shared use paved trail installed.
The City of Fayetteville will oversee the completion of a minimum of 5,280 linear feet, or 1 mile of trail, including a bridge over the Fulbright Expressway, a tunnel under Razorback Road and a bridge over the Cato Springs Branch (work to be completed by a qualified and experienced contractor). Trail and all built structures will meet the uniform design and construction standards per design guidelines outlined in the "Trails Design Resource Notebook" developed by ALTA Planning and utilized for the Razorback Regional Greenway, as evidenced by inspection of Walton Family Foundation consultant.	06/01/2017	The completed trail will be measured by the length of shared use paved trail installed.
Outcomes		
The City of Fayetteville will commit to manage and maintain this section of the Cato Springs Trail to the same standards as the Razorback Regional Greenway.	03/31/2016	A signed letter by the Mayor.
The City of Fayetteville will commit match funding in the amount of up to \$2 million for this project.	3/31/2016	A signed letter by the Mayor.

Authorization for Direct Deposit via ACH (ACH Credits)

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

I hereby authorize The Walton Family Foundation ("WFF") to electronically credit grant payments to the following account and if necessary, to electronically debit the account to correct erroneous credits.

The account is located at the depository financial institution named below:

Financial Institution Name _____

Account Number _____ Routing Number _____

Name on Account _____

WFF will provide transaction notification electronically at the email address provided below.

Contact name _____ email address _____

I understand that this authorization will remain in full force and effect until either party cancels this authorization. I/we will notify WFF in writing by mail to P.O. Box 2030, Bentonville, AR 72712-2030 if I/we wish to revoke this authorization. I/We understand that WFF requires at least 1 week prior notice in order to cancel this authorization.

Name: Lioneld Jordan

Title: Mayor

Signature _____ Date _____

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

Budget Year	Division: Transportation Services	Adjustment Number
2016	Dept.: Transportation Services	
	Requestor: John Nelson	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

The Walton Family Foundation approved the City's application for a grant (2015-1250) in the amount of \$2,000,000 for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park.

This grant requires a 50:50 match and the City's portion has been budgeted in the Trail Development capital project.

RESOLUTION/ORDINANCE	COUNCIL DATE:	4/5/2016
	LEGISTAR FILE ID#:	2016-0149
	<i>Barbara Fell</i>	
	<i>3/18/2016 2:01 PM</i>	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL	2,000,000	2,000,000						v.20160302
	<u>Increase / (Decrease)</u>		<u>Project.Sub#</u>					
Account Number	Expense	Revenue	Project	Sub	AT	Account Name		
4470.9470.5814.05	2,000,000	-	02016	1405	EX	Trails		
4470.0947.4305.00	-	2,000,000	02016	1405	RE	Commercial Grants		
	-	-						
	-	-						
	-	-						
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City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0130

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 3

INTERNAL AUDIT DIVISION CHARTER:

AN ORDINANCE TO AMEND CHAPTER 33 OF THE FAYETTEVILLE CODE TO RENUMBER THE SECTIONS OF ARTICLE XXV **AUDIT COMMITTEE AND INTERNAL AUDITOR** AND RESERVE SECTIONS 33.365 THROUGH 33.369 AND 33.375 THROUGH 33.379 FOR FUTURE USE, AND TO APPROVE AN AMENDMENT TO THE INTERNAL AUDIT DIVISION CHARTER REDUCING THE NUMBER OF REQUIRED ANNUAL MEETINGS FROM FOUR TO THREE TO BE CONSISTENT WITH THE REQUIREMENTS OF THE CITY CODE

WHEREAS, Chapter 33 of the Fayetteville City Code should be amended to renumber the sections of Article XXV **Audit Committee and Internal Auditor**, and to reserve sections 33.365-33.369 and sections 33.375-33.379 for future use; and

WHEREAS, the Internal Audit Division Charter should be amended to reduce the number of required annual meetings from four to three in order to be consistent with the City Code.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the numbering of the sections of Article XXV **Audit Committee and Internal Auditor** of the Fayetteville City Code from §§ 33.365 through 33.369 to §§ 33.370 through 33.374, and further reserves §§ 33.365 through 33.369 and §§ 33.375 through 33.379 for future use.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the Internal Audit Division Charter reducing the number of annual meetings of the Audit Committee from four to three in order to be consistent with the City Code.

City of Fayetteville Staff Review Form

2016-0130

Legistar File ID

4/5/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Leslie Smith

3/10/2016

Internal Audit /
Chief of Staff

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Correction of error conflict between the Internal Audit Charter and Ordinance 5522 making the charter agree with the ordinance and re-numbering city code to allow for reserved sections.

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 APRIL 5, 2015

TO: Mayor Lioneld Jordan and the City Council

THRU: Don Marr, Chief of Staff *DM*

FROM: Leslie Smith, Internal Auditor *LS*

DATE: March 10, 2016

SUBJECT: Correction of error conflict between the Internal Audit Charter and Ordinance 5522 making the charter agree with the ordinance and re-numbering city code to allow for reserved sections.

RECOMMENDATION:

Staff recommends City Council approval of an error correction between the Internal Audit Charter and Ordinance 5522 making the charter agree with the ordinance. Also staff recommends City Council approval of re-numbering of city code in order to allow for reserved sections.

BACKGROUND:

There is a conflict between Ordinance 5522 and the Internal Audit Charter regarding the minimum number of meetings required annually.

The numbering of Chapter 33: Departments, Boards, Commissions, and Authorities did not allow for reserved numbers for future use. With the re-numbering and reserved numbers for the Town and Gown Advisory Committee, the Audit Committee and Internal Auditor sections will move to 33.370 through 33.374 with 33.375-33.379 reserved for future use.

DISCUSSION:

None.

BUDGET/STAFF IMPACT:

None.

Attachments:

Agenda packet for correction of Internal Audit charter and code Chapter 33.pdf

City of Fayetteville Internal Audit Division Charter

Introduction:

Internal Auditing is an independent and objective assurance and consulting activity that is guided by a philosophy of adding value to improve the operations of the City of Fayetteville. It assists the City in accomplishing its objectives by bringing a systematic and disciplined approach to evaluate and improve the effectiveness of the City's risk management, control, and governance processes.

Role:

The City of Fayetteville Internal Audit Division is established by the City Council, and its responsibilities are defined by the Audit Committee of the City of Fayetteville and the City Council as part of their oversight function.

Policies and Procedures:

The Internal Audit Division will adhere to City of Fayetteville policies and procedures, and specifically Policy and Procedure IC-01, Internal Auditing Procedure, and the City of Fayetteville Internal Audit Standard Operating Procedures. The Internal Audit Division will apply the *International Standards for the Professional Practice of Internal Auditing* as possible in a single staff Internal Audit Division.

Authority:

Authority is granted for full, free, and unrestricted access by the Internal Audit Division to any and all City of Fayetteville records, physical properties, and personnel relevant to any function under review. All City of Fayetteville employees are requested to assist the Internal Audit Division in fulfilling its role. The Internal Audit Division shall also have free and unrestricted access to the City Council and the Audit Committee.

Documents and information given to the Internal Audit Division during a periodic review will be handled in the same prudent and confidential manner as by those employees normally accountable for them.

Organization:

The Internal Audit Division shall report administratively to the Mayor for assistance in establishing direction, support, and administrative interface; and functionally through the Audit Committee to the City Council for strategic direction, reinforcement, and accountability. The Internal Audit Division shall meet with the Audit Committee at least three ~~four~~ times annually.

Independence:

All Internal Audit Division activities shall remain free of influence by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing,

or report content to permit maintenance of an independent and objective mental attitude necessary in rendering reports.

The Internal Audit Division shall have no direct operational responsibility or authority over any of the activities reviewed. Accordingly, the Division shall not develop nor install systems or procedures, prepare records, or engage in any other activity which would normally be audited.

Audit Scope:

The scope of the Internal Audit Division encompasses the examination and evaluation of the adequacy and effectiveness of the City's governance, risk management process, system of internal control structure, and the quality of performance in carrying out assigned responsibilities to achieve the City's stated goals and objectives. It includes:

- Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.
- Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws, and regulations which could have a significant impact on operations and reports and whether the City is in compliance.
- Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets.
- Reviewing and appraising the economy and efficiency with which resources are employed.
- Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned.
- Reviewing specific operations at the request of the Audit Committee, the City Council, or management, as appropriate.
- Monitoring and evaluating the effectiveness of the City's risk management system.
- Reviewing the quality of performance of external auditors and the degree of coordination with the Internal Audit Division.
- Reviewing the internal control statement by senior management, contained in the Letter of Transmittal of the Comprehensive Annual Financial Report, and the related opinion and comments by the attest auditor for audit planning.

Audit Planning:

Annually, the Internal Audit Division shall submit to senior management, the Audit Committee, and the City Council, a summary of the audit work plan and budget for the following fiscal year. The audit work plan is to be developed based on a prioritization of audit tasks using a risk-based methodology. Any significant deviation from the formally approved work plan shall be communicated to senior management, the Audit Committee, and the City Council through periodic activity reports.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

the University of Arkansas, to be selected by the Chancellor or the Chancellor's designee.

(Ord. 5511, 7-3-12; Ord. 5564, 02-05-13)

33.362 Terms Of Office

Members appointed by the City Council shall serve a two (2) year term, Members appointed by the Mayor, with the exception of the City Council member appointed by the Mayor, shall serve at the pleasure of the Mayor. Members appointed from the University of Arkansas shall serve for such period as to be determined by the University.

(Ord. 5511, 7-3-12)

33.363 Officers And Quorum

At the first regularly scheduled Committee meeting of each calendar year, the members of the Committee shall elect from among themselves a Chairperson and a Secretary, who shall operate as Vice-Chair. A majority of the whole number of members shall constitute a quorum to conduct business, and a majority vote of those present shall be sufficient to approve or deny any matter before the Committee.

(Ord. 5511, 7-3-12)

33.364 Meetings

The Town and Gown Advisory Committee shall meet at least once per quarter to conduct regular business, at a time and place that is mutually convenient to the membership. The Town and Gown Advisory Committee may meet more frequently if needed.

(Ord. 5511, 7-3-12)

33.365-33.369 Reserved

ARTICLE XXV AUDIT COMMITTEE AND INTERNAL AUDITOR

33.370 Establishment and Purpose

The Audit Committee which was established by Resolution No. 134-00 remains established pursuant to this Article. Its purpose remains to serve in an advisory capacity between the City Council, the independent auditor, the Internal Auditor and City Administration concerning financial accounting and reporting, audit functions, internal controls and compliance with governmental regulations. The Audit Committee shall ensure the independence of the independent auditor, the ability and responsibility of

the Internal Auditor to report any concerns about finances or accounting to the Audit Committee, Administration and City Council, the integrity of the Administration and the adequacy of public disclosures. The Audit Committee shall, in conjunction with the external auditors, review the City's financial reports and information, the City's system of internal financial and accounting controls, and the City's compliance with governmental laws and regulations regarding financial matters.

(Ord. 5522, 9-4-12)

33.371 Composition and Term

The Audit Committee shall include one City Council member appointed by the Mayor and three citizens of Fayetteville, at least one of which shall be a Certified Public Accountant. The three citizens shall serve three year terms of office.

(Ord. 5522, 9-4-12)

33.372 Meetings

The Audit Committee shall meet at least three times annually, one of which must be with the independent auditor, Internal Auditor, and Administration to discuss the independent auditor's report and findings following its audit of the City.

(Ord. 5522, 9-4-12)

33.373 Responsibilities and Duties

To fulfill its responsibilities and duties the Audit Committee shall:

- (A) Review the Charter periodically and update as conditions dictate;
- (B) Serve on the review committee to select the independent auditors. On an annual basis, the committee should review and discuss with the auditors all significant relationships the auditors have with the City to determine the auditor's independence. The annual independence review should include a review of all non-audit related consulting fees for nature of services and effect on independence; a review of any and all relationships between members of the audit firm and employees of the City; the obtaining of a formal written statement from the auditors as to their compliance with professional guidelines relating to independence; and discussion with the auditors regarding the firm's own internal controls over monitoring independence;

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

- (C) Review the City's annual financial statements and related financial information, including any certification, report, opinion, or review rendered by the independent auditors and any changes in accounting principles or the application thereof;
 - (D) Review the performance of the independent auditors. Annually, clarify with the independent auditors that the auditors are ultimately accountable to the City Council and that the City Council has ultimate power in the appointment or removal of the independent auditors;
 - (E) Periodically consult with the independent auditors, outside the presence of management, regarding internal controls and the completeness and accuracy of the organization's financial statements and related disclosures;
 - (F) In conjunction with the external auditors, review with financial and accounting personnel and the Internal Auditor the adequacy and effectiveness of the accounting and financial controls of the City, including controls over data processing activities and functions. Approve recommendations for the improvement of such internal control procedures;
 - (G) Establish regular reporting to the Audit Committee by management, the Internal Auditor and the independent auditors regarding any significant judgments made in financial management's preparation of the financial statements and the view of each to the appropriateness of such judgments; and
 - (H) Following completion of the annual audit, review with management and the independent auditors financial statements and supplemental disclosures required by generally accepted accounting principles;
 - (1) The City's Comprehensive Annual Financial Report, including the financial statements and supplemental disclosures required by generally accepted accounting principles;
 - (2) Significant transactions not a normal part of the City's operations;
 - (3) Selection of, and changes, if any, during the year in the City's accounting principles or their application;
 - (4) Significant adjustments proposed by the independent auditor's conclusions regarding the reasonableness of those estimates;
- (5) Any disagreements between the independent auditor and management about matters that could be significant to the City's financial statements or the auditor's report;
 - (6) Difficulties encountered in performances of the audit;
 - (7) Evaluate the cooperation received by the independent auditor during its audit including its access to all requested records, data and information. Also, elicit the comments of management regarding the responsiveness of the independent auditor to the City's needs. Inquire as to whether there have been any disagreements with management that, if not satisfactorily resolved, would have caused the independent auditor to issue a nonstandard report on the City's financial statements.
 - (I) Advise the City Council on any issues reported by the Internal Auditor and recommendations to improve or correct any situations brought to the Committee's attention by the Internal Auditor;
 - (J) Perform any other activities consistent with the City's governing law, as the City Council deems necessary or appropriate.
- (Ord. 5522, 9-4-12)
- 33.374 Internal Auditor**
- The City of Fayetteville Internal Audit Division Charter (attached) is approved and adopted. Any amendments to such Charter must be approved by the Audit Committee with the revised Charter provided to the City Clerk. The desire and intent of the City Council is that the Internal Auditor shall report directly to the City Council if the Internal Auditor believes any audit, financial or accounting issue is not being properly and timely addressed by the Audit Committee, independent auditor or administration.
- (Ord. 5522, 9-4-12)
- 33.375-33.379 Reserved**



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0137

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 8

FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT CONSULTING SERVICES:

A RESOLUTION TO APPROVE AN EXTENSION OF UP TO THREE (3) MONTHS TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$41,250.00, AND TO APPROVE A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an extension of up to three (3) months to the contract with the Fayetteville Chamber of Commerce for economic development consulting services in an amount not to exceed \$41,250.00.

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

City of Fayetteville Staff Review Form

2016-0137

Legistar File ID

4/5/2016

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

Jeremy Pate

3/14/2016

Development Services /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution to approve a contract extension with the Fayetteville Chamber of Commerce for Economic Development Services for a period of up to three months, to allow for the City to complete an update to the Economic Development Strategic Plan, and approval of a budget adjustment.

Budget Impact:

1010.6600.5315.00

General Fund

Account Number

Fund

59027-901

Contract Services

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? Yes

Item Cost \$ 41,250.00

Budget Adjustment Attached? Yes

Budget Adjustment \$ 41,250.00

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # 5620

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 05, 2016

TO: Mayor Lioneld Jordan
Fayetteville City Council

THRU: Don Marr, Chief of Staff

FROM: Jeremy Pate, Development Services Director 

DATE: March 11, 2016

SUBJECT: Economic Development Contract for Services - Extension

RECOMMENDATION:

Staff recommends up to a three-month contract extension with the Fayetteville Chamber of Commerce for economic development consulting services, in order for the City to complete an update to our Economic Development Strategic Plan and not have a gap in services.

BACKGROUND:

The Fayetteville Chamber of Commerce was selected by the City Council through a competitive bidding process in 2009 to perform economic development consulting services. The City defined specific focus areas, work tasks and deliverables for the Chamber to achieve as part of the contract. In 2013, due to the success of the services provided, the City Council chose to waive the competitive bidding process and again approve a contract with the Chamber of Commerce, under virtually the same terms. In response to more recent input from the City Council and the mayor, the City chose to contract with Boyette Strategic Advisors in November of last year to update the City's Economic Development Strategic Plan. In doing so, the City Council also extended the contract with the Chamber of Commerce for a period of six months, ending March 31, 2016.

DISCUSSION:

The Strategic Planning process conducted by Boyette Strategic Advisors is well under way, and we have been very pleased with the input received thus far. In addition to interviewing each of the City's elected Council members and mayor, BSA conducted online surveys, getting responses from 1022 residents, 331 businesses and 110 entrepreneurial and innovation entities. Close to 100 stakeholders were engaged in group or one-on-one meetings to gain input from various interests in our community. Boyette has drafted a Comparative Analysis of Fayetteville to select other cities in our state, as well as a draft Benchmark Research report, comparing five other cities in the nation with similar growth rates and other unique similarities. We currently expect a draft report in early April, with plans for a presentation of a final report to the City Council in May. Extending the contract up to three months would allow for the City to concentrate its efforts in completing the strategic plan update while the Chamber can continue to provide its contracted services without a gap in information. It is currently the intent for the City to competitively bid economic development consulting services once the strategic plan update has been adopted.

BUDGET/STAFF IMPACT:

Under the same terms as the current contract, an extension for up to a six-month period has a \$41,250 budget impact, should services be provided for all three months. Should the City be ready to end the current contract before that time, there is a 30-day notification period that allows the City or Chamber to terminate the contract. Staff proposes a budget adjustment in this amount to be taken from the use of Designated Fund Balance.

Attachments:

Proposed Contract and Attachments
Budget Adjustment

**CONTRACT FOR
ECONOMIC DEVELOPMENT CONSULTING SERVICES
BETWEEN
THE CITY OF FAYETTEVILLE, ARKANSAS
AND
THE FAYETTEVILLE CHAMBER OF COMMERCE**

WHEREAS, the City of Fayetteville, Arkansas wishes to contract for Economic Development Consulting Services, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce wishes to provide Economic Development Consulting Services to the City of Fayetteville, Arkansas, and;

WHEREAS, the Fayetteville, Arkansas Chamber of Commerce was initially selected to perform Economic Development Consulting Services for the City of Fayetteville utilizing the competitive Request for Proposal selection process in 2009 (via RFP 09-14, Economic Development Consulting Services), and;

WHEREAS, the City Council of Fayetteville, Arkansas has waived competitive bidding and approved a contract for Economic Development Consulting Services with the Fayetteville, Arkansas Chamber of Commerce, and;

WHEREAS, the City of Fayetteville, Arkansas wishes to extend the same contract for consulting services for a period of up to three (3) months while performing an update to the City's Economic Development Strategic Plan,

NOW THEREFORE:

In consideration of the mutual promises contained in this Agreement and other good and valuable consideration,

1. Agreement is made this ____ day of _____, 2016 by and between the City of Fayetteville, Arkansas located at 113 W. Mountain, Fayetteville, Arkansas 72701 and the Fayetteville, Arkansas Chamber of Commerce located at 21 West Mountain Street, Suite 300, Fayetteville, Arkansas 72701. **Term**: This Agreement shall be for a term of up to three (3) months ending June 30, 2016. This contract may be canceled by either party within thirty days written notice.
2. **Renewals**: This agreement may be renewed for one additional term of three (3) months with mutual agreement of the parties.

3. **Appendix & Attachments:** The Contract documents which comprise the contract between the City of Fayetteville and the Fayetteville Chamber of Commerce consist of this Contract and the following documents attached hereto, and made a part hereof:
- a.) Appendix A - Schedule Detail for Deliverables and Performance Measures

* The City of Fayetteville shall coordinate with the Fayetteville Chamber of Commerce for modifications to this schedule. Any modifications shall be agreed upon by both the City and Fayetteville Chamber of Commerce; however, any changes affecting price shall have prior approval by the Fayetteville City Council. In the event Appendix A is revised and price is not modified, such revised document shall be provided to the City Council at the next regularly scheduled quarterly update.

4. **Services to be Provided:** During the terms of this Agreement, the Fayetteville Chamber of Commerce Shall:

- Serve as the first point of contact for economic development services and maintain good relations with the Arkansas Economic Development Commission and other economic development partners locally, nationally and internationally;
- Ensure that the City of Fayetteville is competitive locally, nationally and internationally in attracting prospective companies;
- Maintain and manage social media presence for the City of Fayetteville Economic Development activities. Produce materials that market Fayetteville including tools (but not limited to) an Economic Development website that caters to existing and prospective businesses and information packets for targeted industries, Facebook and other pertinent social sites.;
- Continue to work on the four (4) pillars of economic development – business attraction, business retention & expansion local entrepreneurship development and infrastructure including workforce development; ;
- Monitor and report matrices such as the number of new jobs created, jobs lost, new businesses created, businesses lost (each with dates), workforce skills inventory, new inquiry details, and any other pertinent reports relating to the economic development services requirements.
- Provide a diversity of opportunity in business types, job wages, & skill sets with a focus on jobs with living wages;
- Provide all deliverables and performance measures outlined in Attached scope of work

5. **Fees and Expenses:** The City of Fayetteville agrees the consulting fee shall be paid upon invoice as follows:

Consultation Services shall be invoiced for each quarter in the amount of \$41,250 per quarter. Total fees for consultation services shall not exceed \$41,250, from date of contract. The Fayetteville Chamber of Commerce shall track, log and report hours and expenses directly related to this Agreement along with invoice for payment for each quarter. Invoices shall be itemized.

6. **Notices:** Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, fax (receipt confirmed), or overnight courier.
7. **Applicable Law:** This Agreement shall be governed by and construed in accord with the laws of the State of Arkansas.
8. **Entire Agreement:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.
9. **Amendments and Waivers:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees. No modification of this Agreement shall be binding unless made in writing and executed by both parties. No waiver by either party or any breach or obligation of the other party under this Agreement shall constitute a waiver of any other prior or subsequent breach or obligation.
10. **Performance Measures:** The Fayetteville Chamber of Commerce shall provide the following deliverables. Performance measures are included (with examples) for each item and will be used to evaluate the work performed throughout the entire term of the contract.

One: Economic Development Infrastructure

The City wants to develop appropriate infrastructure necessary to foster economic development opportunities for the City of Fayetteville. The Arkansas Economic Development Commission has suggested that Fayetteville work to have more spade ready building sites available for responses to new facility inquires. The Economic Development team will work to identify future development sites, and work to complete necessary task so that sites are more “ready” for immediate business opportunity availability.

Performance measures:

- *Positive relationship with AEDC & Appropriate communicated vision for Fayetteville.*
- *Marketing Materials Directed Toward Target Industries, and Social Media Sites, Website, etc.*
- *Work with the City and Community on creating an Economic Development Fund without raising new taxes.*
- *Real Estate Development – prepare sites & buildings ready for development.*
- *Establish market Statistics & Demographics*

- *Develop State & Regional partnerships by working with the state AEDC & regional economic development council.*
- *Support City's development of Quality of Life Programs*
- *Work with existing employers to develop workforce; attract quality employees to the City*
- *Conduct Economic Development training to ensure that the economic development team is knowledgeable and professional by attending at least 1 economic development related conferences & training classes during the contract period. Maintain updated information, highlights, available site locations, and any possible incentives, containing highlights on why companies should locate in Fayetteville, and maintain the State of Arkansas Site Availability listings.*

Two: Business Retention and Expansion

The City wants to ensure existing businesses thrive and remain or expand in Fayetteville. The Fayetteville Chamber of Commerce shall solicit continual feedback from the more than 3000 existing businesses to determine how they can best be served and how programs can be developed to leverage their assets and the assets of other similar businesses and the assets of the City of Fayetteville. The Chamber of Commerce shall develop concepts which promote existing business. For example, businesses located on the Fayetteville Square and in the Downtown are sponsoring a First Thursday event with extended store hours and additional attractions.

Performance measure:

- *Development of business community data*
 - *Retention rate for existing businesses*
 - *Existing employee headcount*
 - *Other data as requested by and coordinated with the City*
- *Provide technical assistance to existing businesses to assist them to retain jobs and/or expand.*
- *Continued Support of Local Purchase programs (like "Find it in Fayetteville")*
- *Bring or organize appropriate seminars and training to Fayetteville, AR, or within NWA Training Opportunities offered within the Region that would benefit Fayetteville Specific Companies.*
- *Develop business opportunities*
 - *Through GreenWAY initiatives, Programs, promotion of international trade, and development of trade directories.*
- *Analysis of existing businesses by utilizing Business Registry Data to evaluate growth, decline, establishment, or closure of existing businesses within the City of Fayetteville.*
- *Develop or recommend training & education opportunities to start up businesses.*
- *Provide resources to entrepreneurs as requested.*

Three: Business Attraction

The Fayetteville Chamber of Commerce shall take steps necessary to ensure that Fayetteville competes at local, state, national and international levels for prospective businesses. ARTP Economic Development Consulting Services Contract

incubates companies that are developing new technologies and products. As these companies scale up and consider permanent locations, the Chamber of Commerce shall coordinate programs, procedures, policies and promotional materials that make the City an attractive and competitive option. In addition, the Chamber of Commerce shall actively promote the City of Fayetteville at the state, national and international levels, particularly to companies in the clean tech, healthcare, hospitality and tourism and nonprofit sectors. The Economic Development website will have, as a minimum, a graphically engaging design, relevant demographic information, a comprehensive list of awards and distinctions received by the City, identification of publicly-owned, shovel-ready sites, incentive packages and materials for targeted industries, and opportunities and support services for existing businesses.

Performance measure:

- *Develop Site Selector Visits to the City of Fayetteville, AR*
- *Evaluate, and recommend trade shows to attend and meet perspective companies. Attendance will utilize Senior Administration Staff and Elected Officials. Identify up to two trade shows or similar events to attend and coordinate attendance.*
- *Number of home grown businesses locating in Fayetteville*
- *New businesses in Fayetteville*
- *Employee headcount attributed to new businesses*
- *Assistance in the coordination and development of a regional economic development council*
- *Listing of contacts or potential businesses obtained through serving as the lead contact*
- *Implementation of business registry*
- *Active website, updated content, and easy-to-find content as provided by other cities*
- *Number of monthly unique visitor hits on the website*
- *Maintain & review community profile with AEDC*

Four: Strengthened Relationship with the Arkansas Economic Development Commission (AEDC) and Regional Economic Development Organizations

These organizations are assets to the City's economic development efforts. They can provide free marketing for the City and expand our contact base and opportunities. Fostering relationships with these organizations will provide a competitive advantage at the state and regional level and ensure that the City receives feedback from prospective companies about what Fayetteville can do to provide an attractive business package. The Fayetteville Chamber of Commerce shall serve as the primary point of contact for the City of Fayetteville for economic development related purposes.

Performance measure:

- *Regular meetings with AEDC staff and commissioners, ARTP staff and other relevant organizations*
- *Documented efforts and participation in regional partnership*
- *Positive relationship with AEDC and appropriate communicated vision for Fayetteville*
- *AEDC understanding of firm's primary contact responsibility*

Five: Market Statistics and Demographics

The City of Fayetteville is interested in receiving up to date market statistics and demographics for existing businesses and labor shed and market data for businesses interested in locating in Fayetteville AR.

Performance measure:

- *Utilize and provide updated market, trend, and demographic analysis through current studies.*

Six: Reports and Presentations to the Mayor and City Council

The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.

Performance measure:

- *Written report and presentation on a quarterly basis to Mayor and City Council*
- *Timely updates to Mayor and City Council on potential and ongoing projects as necessary*

The City recognizes that the overall economy will affect some of the performance measures and success will be outside the control of the Fayetteville Chamber of Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way. However, the City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.

11. Contract Administration

The Mayor or his/her Designated Representative shall be the Contract Administrator for this contract. The Fayetteville Chamber of Commerce President and CEO or his/her Designated Representative shall be the primary contact for all matters pertaining to this contract. While it is understood that many facts pertaining to projects must be held in the strictest confidence, the Fayetteville Chamber of Commerce President and CEO will insure that the Mayor is kept abreast of details and progress made pertaining to Economic Development prospects considering development in Fayetteville to the greatest extent possible.

12. Freedom of Information Act

City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the Fayetteville Chamber of Commerce will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom

of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Fayetteville Chamber of Commerce

By: _____

J. Steven Clark, President and CEO

Date: _____

3/15/16

Witness: _____

Date: _____

3/15/16.

The City of Fayetteville, Arkansas

By: _____

Lioneld Jordan, Mayor

Date: _____

Attest:

Sondra E. Smith, City Clerk/Treasurer

Date: _____

City of Fayetteville, Arkansas & Fayetteville Chamber of Commerce

Appendix A - Schedule Detail for Deliverables and Performance Measures

Scope of Work

SECTION I: Deadline Identification Schedule

Quarter	Dates per Quarter	Deadline for Quarter	Update Deadline to Admin	Update Deadline to City Council
Qtr 1	October 2013 - December 2013	Monday, January 13, 2014	Wednesday prior to January Agenda Session	City Council meeting in February, 2014
Qtr 2	January 2014 - March 2014	Monday, April 14, 2014	Wednesday prior to April Agenda Session	City Council meeting in May, 2014
Qtr 3	April 2014 - June 2014	Monday, July 14, 2014	Wednesday prior to July Agenda Session	City Council meeting in August, 2014
Qtr 4	July 2014- September 2014	Monday, October 13, 2014	Wednesday prior to October Agenda Session	City Council meeting in November, 2014
Qtr 5	October 2014 - December 2014	Monday, January 12, 2015	Wednesday prior to January Agenda Session	City Council meeting in February, 2015
Qtr 6	January 2015 - March 2015	Monday, April 13, 2015	Wednesday prior to April Agenda Session	City Council meeting in May, 2015
Qtr 7	April 2015 - June 2015	Monday, July 13, 2015	Wednesday prior to July Agenda Session	City Council meeting in August, 2015
Qtr 8	July 2015 - September 2015	Monday, October 12, 2015	Wednesday prior to October Agenda Session	City Council meeting in November, 2015
Qtr 9	October 2015 - December 2015	Monday, January 11, 2016	Wednesday prior to January Agenda Session	City Council meeting in February, 2016
Qtr 10	January 2016 - March 2016	Monday, April 11, 2016	Wednesday prior to April Agenda Session	City Council meeting in May, 2016
Qtr 11	April 2016 - June 2016	Monday, June 13, 2016	Wednesday prior to July Agenda Session	City Council meeting in August, 2016

SECTION II: Details of Deliverables and Performance Measures

Category	Category Description		Performance Measure	Deadline (Quarter)	Notes
1	Business Attraction	A	Promote Fayetteville to Site Selection Consultants, Intermediary Agencies, and Direct Clients	Quarters 1 - 10	Both inbound and outbound visits
		B	Operate and manage social media tools such as Economic Development webpages, Facebook, etc. to keep businesses and social community informed and updated	Quarters 1 - 10	Provide quarterly statistics

		C	Operate and manage an international trade and investment program	Quarters 1 - 10	Evaluate trade shows/conferences/sister city; 2 inbound/outbound visits which could include city staff and elected officials; Target sectors: Education/Research & Dev, Healthcare, Manufacturing, Hi Tech/Sustainability
		D	Be the Point-Of-Contact for economic development purposes	Quarters 1 - 10	Respond to inquiries, Request-For-Proposals (RFPs) and Request-For-Information (RFIs)
		E	Develop, Assist and Support home grown businesses	Quarters 1 - 10	Develop and implement programs to support this activity
		F	Support and Assist New Businesses Coming to Fayetteville	Quarters 1 - 10	Logistics
		G	Employee headcount attributed to new businesses	Quarters 1 - 10	
2	Business Retention & Expansion	A	Development of business community data, retention rate for existing businesses, existing employee headcount	Quarters 1 - 10	Include information and statistics on businesses closed and/or jobs lost from the community; analysis of existing businesses utilizing the Business License data

		B	Provide technical assistance to existing businesses to assist them to retain jobs and/or to expand	Quarters 1 - 10	Include finding incentives and resources
		C	Support "Find It in Fayetteville" campaign	Quarters 1 - 10	
		D	Bring or organize appropriate seminars and training to Fayetteville or NWA	Quarters 1 - 10	
		E	Develop business opportunities for existing businesses	Quarters 1 - 10	Through GreenWAY Initiative Program and promotion of local, national and international trade
3	Development of Local Entrepreneurs	A	Provide technical assistance to perspective entrepreneurs	Quarters 1 - 10	How to start a business in Fayetteville, etc.
		B	Develop or recommend training and education opportunities to start up businesses	Quarters 1 - 10	
		C	Provide resources to entrepreneurs as requested.	Quarters 1 - 10	

4	Infrastructure	A	Managed Relationships and wherever possible, partner with the AEDC and Relevant Partners	Quarters 1 - 10	Regular interactions and communications with AEDC and other relevant organizations; partner on projects together
		B	Development of an Economic Development Fund for the City of Fayetteville	Quarters 1 - 10 or till Fund is created	Work with City and Community and without raising taxes
		C	Work on attracting/creating jobs with a focus on jobs with living wages	Quarters 1 - 10	Both business attraction and entrepreneurship start-ups
		D	Monitor and manage internal and external environments to be sure that City is competitive in developing, attracting and retaining businesses		Report findings, make recommendations and so on to the City leadership
		E	Support and Assist Development of the NWA Region for economic development purposes	Quarters 1 - 10	Include establishing statistics and demographics
		F	Development of marketing materials for economic development purposes	Quarters 1 - 10	Manage real estate inventory, maintain Arkansas Site Selection, print, social media and media

		G	Workforce Development	Quarters 1 - 10	Work with existing employers to develop existing workforce; attract quality employees through quality of place programs
		H	Economic Development Training	Quarters 1 - 10	Team to attend at least 2 economic development related conferences and training classes a year.
5	Reports and Presentations	A	Provide written reports and prepare a brief presentation to the Mayor and City Council	Every quarter	

The Fayetteville Chamber of Commerce shall provide a written report and prepare a brief presentation for the Mayor and City Council on a quarterly basis. Reports and presentations should outline the tasks accomplished and include statistics for each performance measure outlined herein.

Performance measures include:

* Written report and presentation on a quarterly basis to Mayor and City Council

*Timely updates to Mayor and City Council on potential and ongoing projects as necessary

The City recognizes that national and international economies could affect some of the performance measures and success and that they are outside the control of the Fayetteville Commerce. The City also recognizes that some of the needed statistics are not currently collected in a systematic way.

The City expects the Fayetteville Chamber of Commerce to show evidence of experience in conducting comparative market and trend analyses and due diligence in amassing the detailed information necessary to support the Economic Development effort.

Budget Year	Division: Development Services	Adjustment Number
2016	Dept.: Development Services	
	Requestor: Jeremy Pate	

\$41,250 is requested in the Economic Development Services account. These funds will be used for a maximum three-month contract renewal with the Fayetteville Chamber of Commerce. The funds are being taken from the Use of Fund Balance.

[illegible]



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0144

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 4

VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM):

AN ORDINANCE TO APPROVE VAC 16-5324 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF DRAKE AND MCCONNELL TO VACATE PORTIONS OF A UTILITY EASEMENT

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

WHEREAS, the City Council has determined that the following described portions of a utility easement are not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates portions of a utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following conditions:

1. Any costs associated with relocation of or damage to utilities and new easement dedication shall be at the owner/developer's expense.
2. The existing water line shall be cut and capped and hydrant removed per the approved plans at the owner/developer's expense.

City of Fayetteville Staff Review Form

2016-0144

Legistar File ID

4/5/2016

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

Jeremy Pate

3/18/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5324: Vacation (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM, 248): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the NE CORNER OF DRAKE AND MCCONNELL. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.97 acres. The request is to vacate portions of a utility easement.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 5, 2016

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: March 18, 2016

SUBJECT: **VAC 16-5324: Vacation (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM, 248):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the NE CORNER OF DRAKE AND MCCONNELL. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.97 acres. The request is to vacate portions of a utility easement.

RECOMMENDATION: Planning staff and the Planning Commission recommend approval of VAC 16-5334 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. The existing water line to be cut and capped and hydrant removed per the approved plans at the owner/developer's expense.

BACKGROUND:

The subject property is an undeveloped parcel located at the northeast corner of Drake Street and McConnell Avenue and contains approximately 3.55 acres in the C-2 zoning district. Surrounding land use and zoning is depicted on *Table 1*. On February 22, 2016 the Planning Commission approved LSD 16-5313, an indoor climbing gym on the site with a 19,500 square foot building and associated parking lot.

The applicant proposes vacation of a portion of utility easement (comprising 6,587 square feet) as depicted in Exhibit 'A' and described in Exhibit 'B' to allow development on the site.

DISCUSSION:

On March 14, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-2 as a consent item, with Commissioners Autry and Hoffman recused.

BUDGET/STAFF IMPACT:

N/A

Attachments:

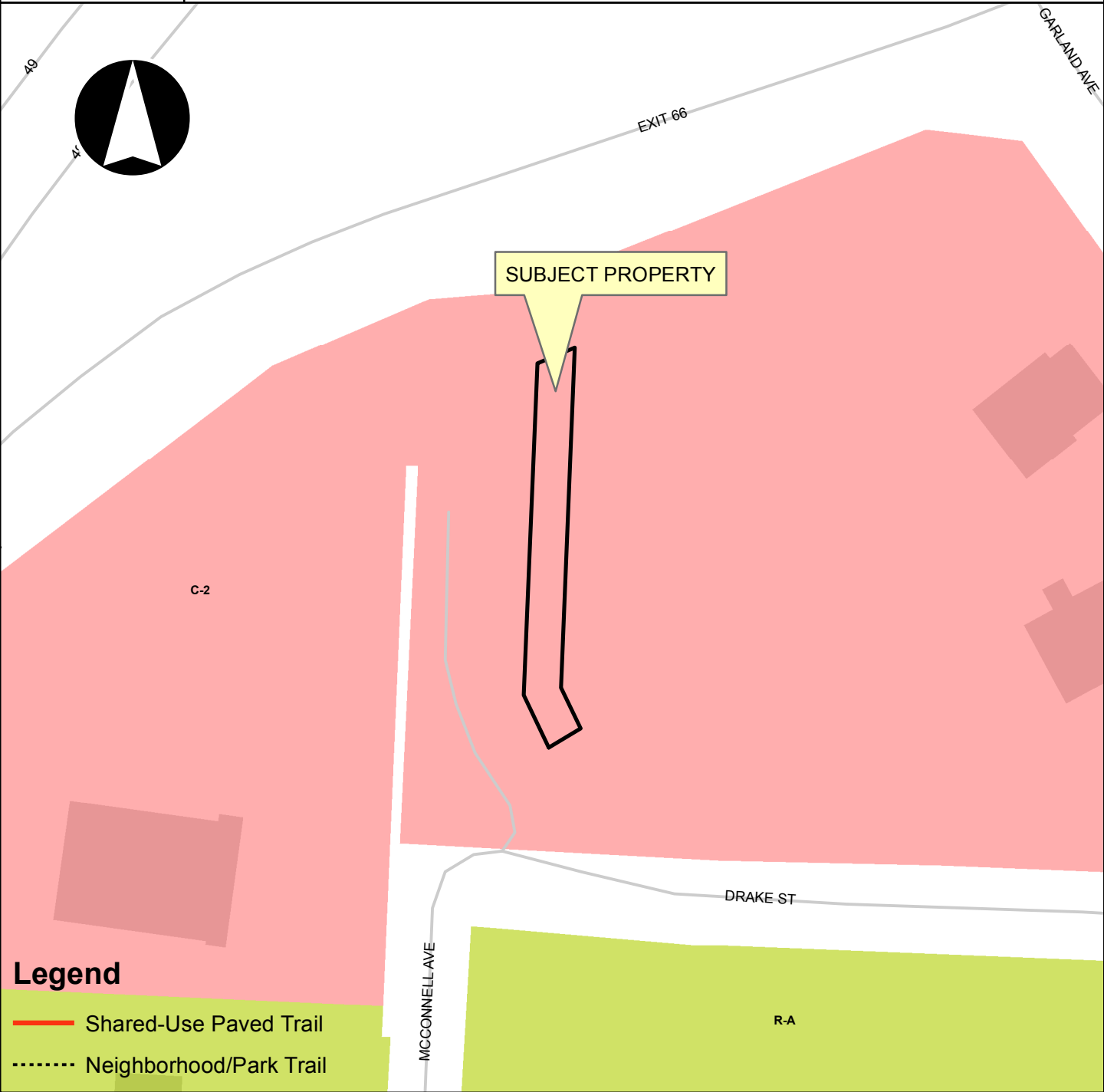
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

16-5324
EXHIBIT 'A'

VAC16-5324

Close Up View

NELMS CLIMBING GYM



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Overview

- Natural Surface Trail
- VAC16-5324
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

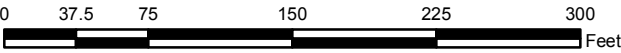


EXHIBIT 'B'
16-5324

LEGAL DESCRIPTION:

EASEMENT TO BE VACATED

COMMENCING AT THE SE CORNER OF THE SE 1/4, NE 1/4 OF SECTION 33, T-17-N, R-30-W THENCE WEST 818.38 FEET, THENCE NORTH 30.00 FEET, THENCE S88°17'56"W 151.57 FEET, THENCE N78°20'42"W 38.71 FEET, THENCE N69°11'16"W 37.21 FEET, THENCE N52°00'45"W 40.53 FEET, THENCE N36°22'04"W 38.27 FEET TO THE POINT OF BEGINNING, THENCE N25°41'08"W 39.42 FEET, THENCE N02°20'01"E 225.75 FEET, THENCE N67°42'05"E 27.50 FEET, THENCE S02°20'01"E 230.97 FEET, THENCE S25°41'08"E 30.85 FEET, THENCE S58°58'24"W 25.11 FEET TO THE POINT OF BEGINNING, CONTAINING 6,587 SQUARE FEET.

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

FEE: \$200.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant ☒ Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: Vertical LLC

Dennis Nelms

Name: Jorgensen & Associates

Justin Jorgensen

Address: 2780 Crossover Rd

Fayetteville, AR. 72703

Address: 124 West Sunbridge, Suite 5

Fayetteville, AR. 72703

Phone: ()

Email: adventure.dnelms@gmail.com

Phone: (479) 442-9127

Email: justin@jorgensenassoc.com

Fax: ()

Fax: ()

Site Address / Location: NE corner of Drake and McConnel

Legal description of area to be vacated (attach separate sheet if necessary):

See attached

Current Zoning District: C-2

Assessors Parcel Number(s) for subject property: 765-15846-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed):

Dennis Nelms

Date:

2/17/2016

Signature:

Dennis Nelms

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed):

Address:

Signature:

Date:

Phone: ()

Name (printed):

Address:

Signature:

Date:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$200.00 application fee
\$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: ~~March 14, 2016~~ **UPDATED MARCH 16, 2016**

SUBJECT: **VAC 16-5324: Vacation (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM, 248):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at the NE CORNER OF DRAKE AND MCCONNELL. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.97 acres. The request is to vacate portions of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5324** with conditions of approval.

BACKGROUND:

The subject property is an undeveloped parcel located at the northeast corner of Drake Street and McConnell Avenue and contains approximately 3.55 acres in the C-2 zoning district. Surrounding land use and zoning is depicted on *Table 1*. On February 22, 2016 the Planning Commission approved LSD 16-5313 for the Nelms Climbing gym on the site for a new 19,500 sq. ft. building and parking lot.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Interstate 49	N/A
South	UARK/Agricultural	R-A, Residential-Agricultural
East	Commercial Retail	C-2, Thoroughfare Commercial
West	Equipment Rental	C-2, Thoroughfare Commercial

Proposal: The applicant proposes vacation of a portion of utility easement to allow for development of the previously approved Nelms Climbing Gym (LSD 16-5313).

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections
AEP/SWEPCO	No objections
Source Gas	No objections
AT&T	No objections
Ozarks Electric	No objections

<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections with conditions

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5324 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.
2. The existing water line to be cut and capped and hydrant removed per the approved plans at the owner/developer's expense.

Planning Commission Action: ☐ Approved ☒ Forwarded ☐ Denied

Meeting Date: March 14, 2016

Motion: **COOK**

Second: **SELBY**

Vote: **6-0-2, ON CONSENT, AUTRY AND HOFFMAN RECUSED**

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map



JORGENSEN
+ASSOCIATES
Civil Engineering & Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassociates.com

January 14, 2016

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

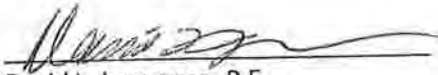
Att: Planning
Re: U.E. Vacation (N McConnel Ave.)

Attached please find information pertaining to a vacation of a utility easement East of the North end of McConnell Ave. A proposed building is planned and we would like to vacate this easement after the waterline is abandoned.

Please place this on the Planning commission agenda.

Thank you.

Sincerely;


David L. Jorgensen, P.E.

PETITION

PETITION TO VACATE A UTILITY EASEMENT EAST OF NORTH McCONNEL AVENUE, CITY OF FAYETTEVILLE, ARKANSAS

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

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

(SEE ATTACHMENT – EXHIBIT ‘A’)

That the abutting real estate affected by said abandonment would not be adversely affected by this abandonment.

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

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

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

Dated this 3 day of Feb, 2016.

Dennis Nelms

Printed Name

Dennis Nelms

Signature

Printed Name

Signature

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

DATE: 01/15/2016

UTILITY COMPANY: AT&T

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←
DAVE JORGENSEN

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' UE EAST OF NORTH LEG OF
McConnell AVE.

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
if any AT&T facilities are required to be relocated or are damaged will be the
responsibility of the the owner/ developer

[Signature]
Signature of Utility Company Representative

MGR OSP Plng & Engrg Design

Title

December 2014
Page 5

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

DATE: 1/15/2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←

REQUESTED VACATION (applicant must check all that apply):

DAVE JORGENSEN

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' VE EAST OF NORTH LEG OF
McCannel AVE.

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
We have lines close to the proposed vacated section that are not shown on the survey. Any damage to
or relocation of our existing lines will be at the oweners/developers expense.



Signature of Utility Company Representative

Planning & Construction Manager

Title

UTILITY APPROVAL FORM

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

DATE: 01/15/2016

UTILITY COMPANY: SourceGas

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←

REQUESTED VACATION (applicant must check all that apply):

DAVE JORGENSEN

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' UE EAST OF NORTH LEG OF
McConnell AVE.

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Brian A. Dapert
Signature of Utility Company Representative

SUPERVISOR - DIVISION OPERATIONS
Title

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

DATE: 1-15-2016

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←
DAVE JORGENSEN

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' VE EAST OF NORTH LEG OF
McConnell Ave.

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Greg McGee
Signature of Utility Company Representative

Lead Staking Tech

Title

UTILITY APPROVAL FORM

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

DATE: 1-15-16

UTILITY COMPANY: AEP SWEPCO

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←

REQUESTED VACATION (applicant must check all that apply):

DAVE JORGENSEN

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' VE EAST OF NORTH LEG OF
McConnell AVE.

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Thomas A.
Signature of Utility Company Representative

DISTRIBUTION ENGINEER
Title

UTILITY APPROVAL FORM

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

DATE: 1-28-16

UTILITY COMPANY: City of Fayetteville (Transportation)

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 DAVE JORGENSEN

REQUESTED VACATION (applicant must check all that apply):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' DE EAST OF NORTH LEG OF
McConnell AVE.

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

UTILITY APPROVAL FORM

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

DATE: 1/27/2016

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Dennis NELMS APPLICANT PHONE: 442-9127 ←

REQUESTED VACATION (applicant must check all that apply):

DAVE JORGENSEN

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 20' DE EAST OF NORTH LEG OF
McConnell AVE.

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

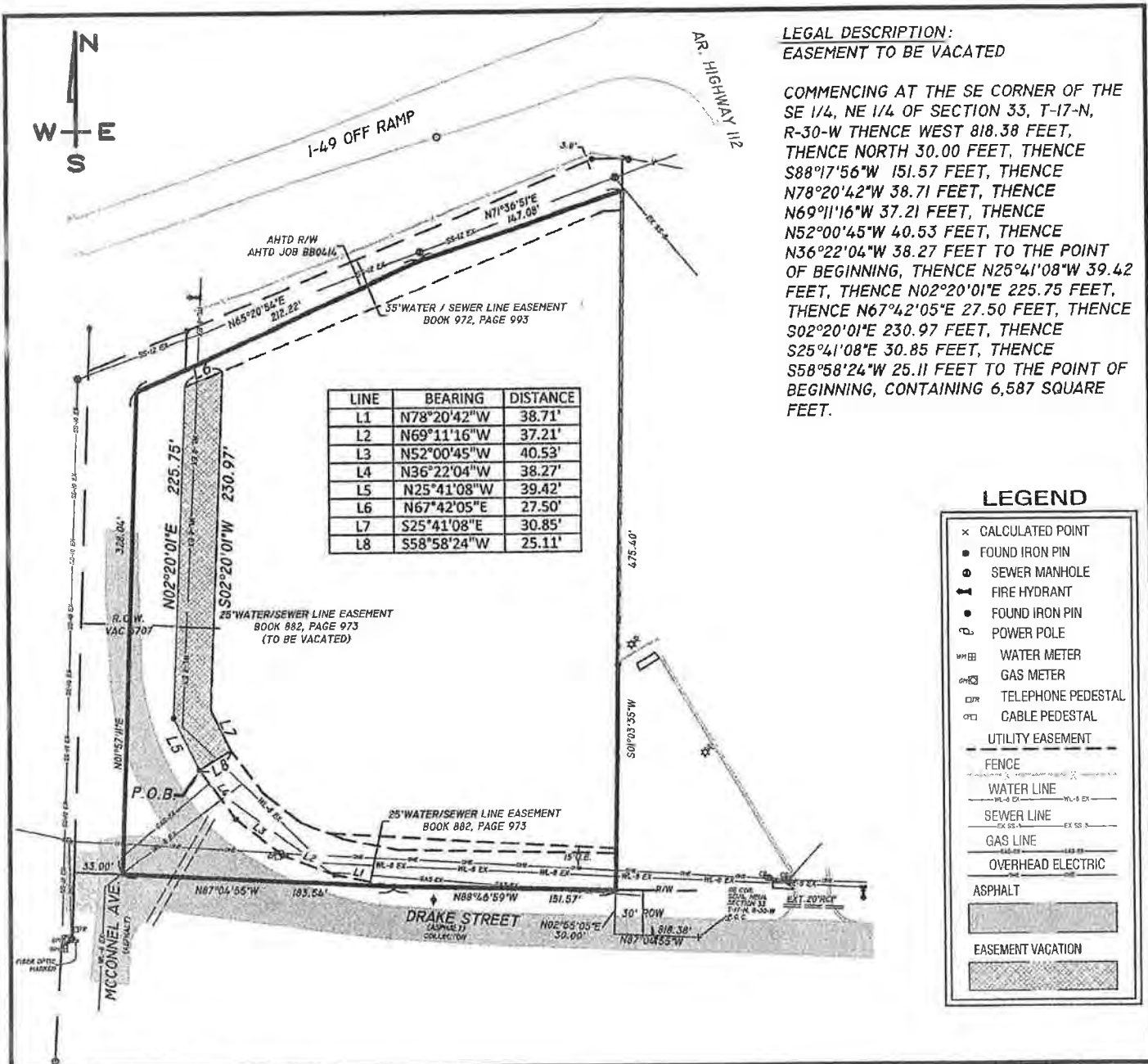
UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
EXISTING WATER LINE TO BE CUT & CAPPED,
AND HYDRANT REMOVED PER APPROVED PLANS

[Signature]
Signature of Utility Company Representative

W & S OPERATIONS MANAGER
Title



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"=100'

DATE REVISED

CHECKED BY:

DRAWN BY: PMM

DATE: 12-8-15

DLJ

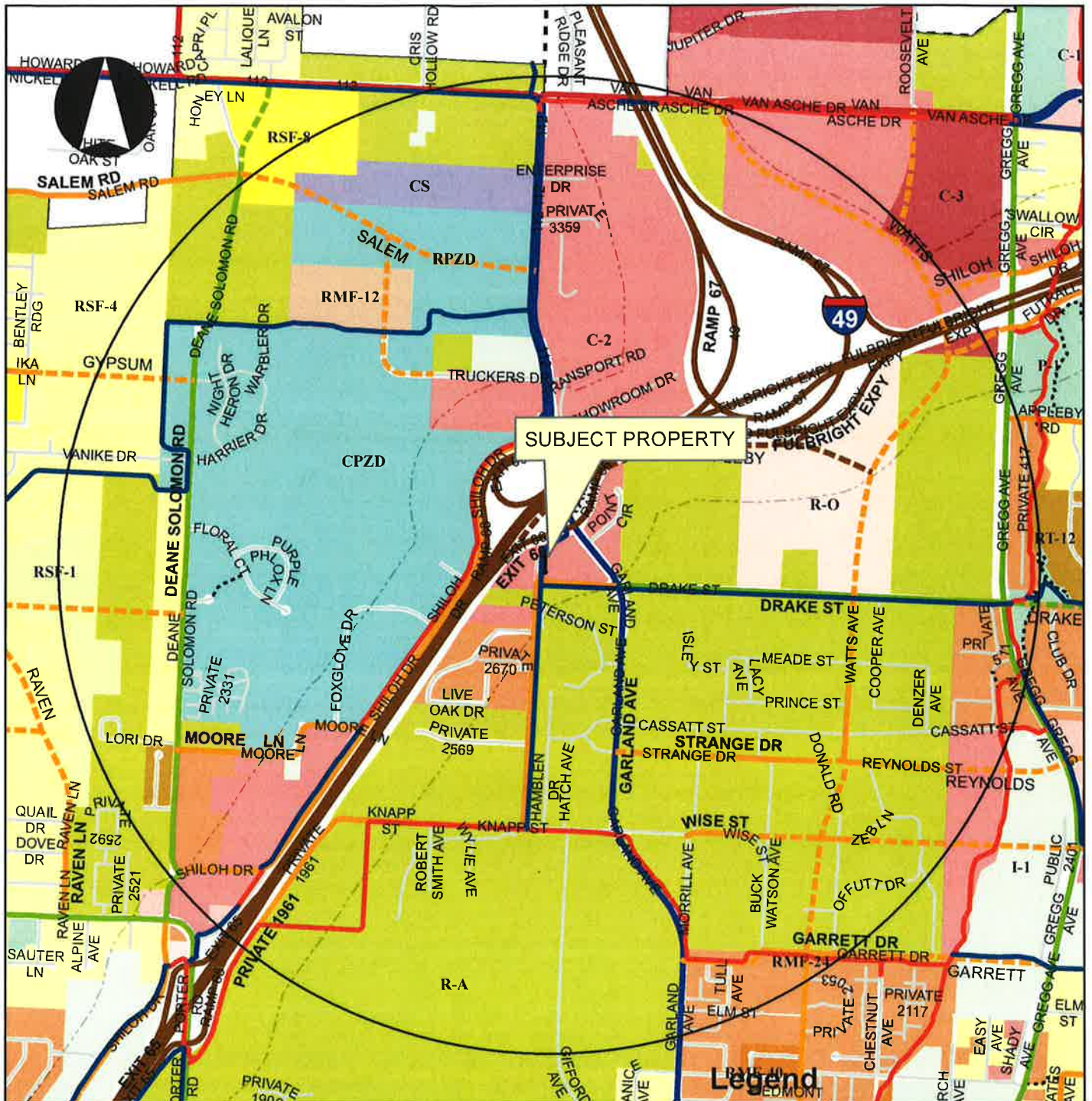
Z:\LSD\2014020\UE-ABANDON

EASEMENT VACATION EXHIBIT "A"

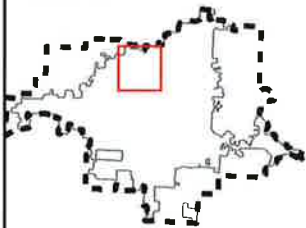
VAC 16-5324

One Mile View

NELMS CLIMBING GYM



Overview



Legend

Subject Property

Boundary

0

0.25

0.5

1

Miles



VAC 16-5324



Design Overlay District



Planning Area



Fayetteville

Planning Commission

March 14, 2016

Agenda Item 2

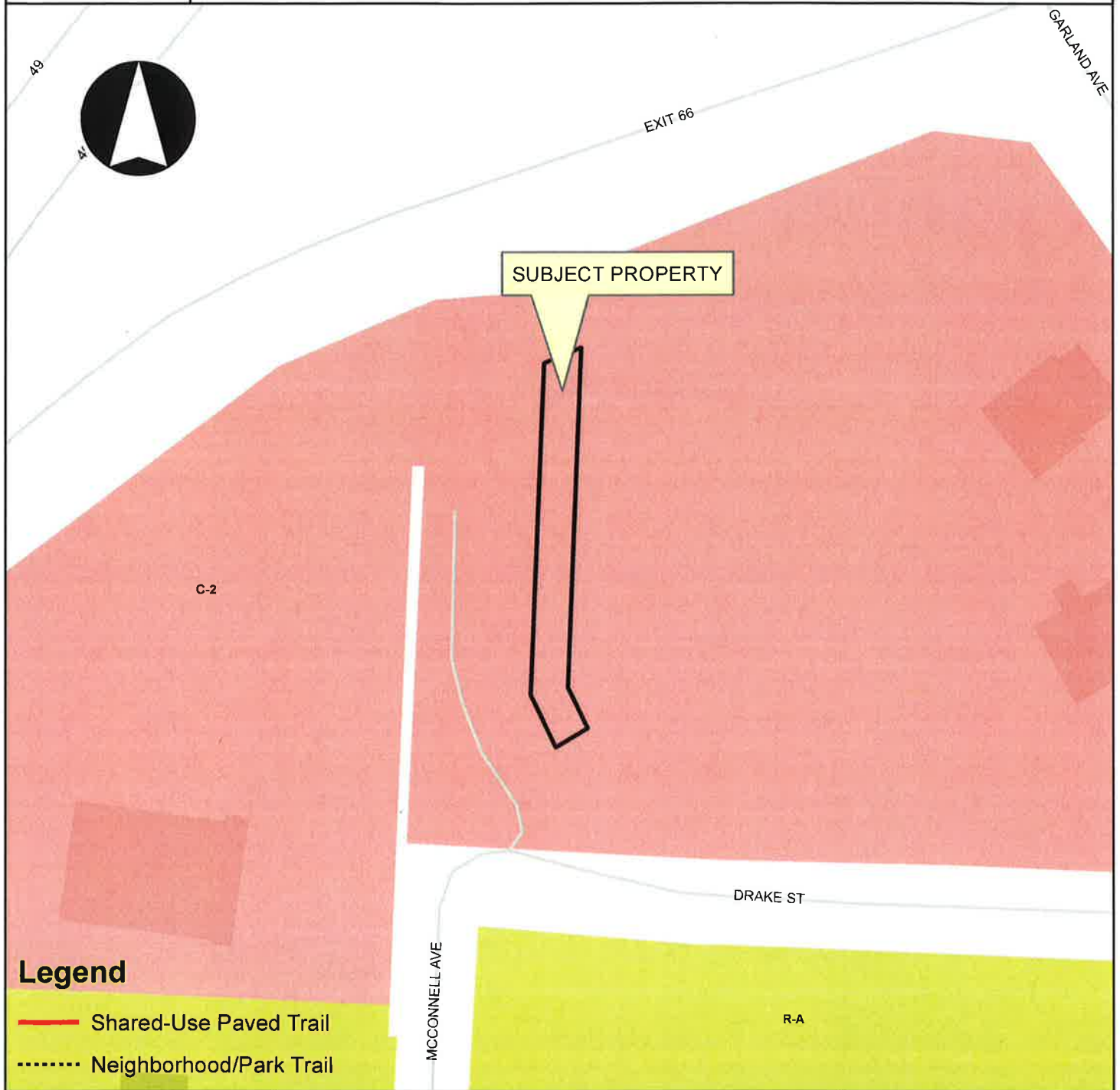
16-5324 Climbing Gym

Page 13 of 14

VAC16-5324

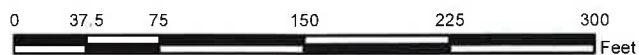
NELMS CLIMBING GYM

Close Up View



Overview

- Natural Surface Trail
- VAC16-5324
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0145

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 5

VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):

AN ORDINANCE TO APPROVE VAC 16-5323 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 4030 NORTH COLLEGE AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

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

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

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates a portion of a utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following condition:

1. Any costs associated with relocation of or damage to utilities and the required new easement dedication shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2016-0145

Legistar File ID

4/5/2016

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

Jeremy Pate

3/18/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5323: Vacation (4030 N. COLLEGE AVE./WHATABURGER, 135): Submitted by CRAFTON TULL, INC. for properties located at 4030 N. COLLEGE AVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and contain approximately 1.99 acres. The request is to vacate portions of a utility easement

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 5, 2016

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: March 18, 2016

SUBJECT: **VAC 16-5323: Vacation (4030 N. COLLEGE AVE./WHATABURGER, 135):** Submitted by CRAFTON TULL, INC. for properties located at 4030 N. COLLEGE AVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and contain approximately 1.99 acres. The request is to vacate a portion of utility easement

RECOMMENDATION: Planning staff and the Planning Commission recommend approval of VAC 16-5323 with the following conditions:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

BACKGROUND:

The subject property is located on the northeast corner of Joyce Boulevard and College Avenue. The property is a through lot and has frontage on both College Avenue and Frontage Road. The property contains approximately 2 acres and is currently being developed with a Whataburger restaurant. An existing 10 foot wide utility easement has been discovered on the site, a portion of which is covered by the newly built restaurant. In this case, the easement is an agreement between Ozarks Electric and the property owner and did not appear on legal plats of the property. The Development Code (UDC 166.12) does not allow structures over easements.

The applicant proposes vacation of a portion of utility easement as depicted in Exhibit 'A' and described in Exhibit 'B' to bring the development into compliance with code.

DISCUSSION:

On March 16, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-2 as a consent item; Commissioners Autry and Hoffman recused from the vote.

BUDGET/STAFF IMPACT:

N/A

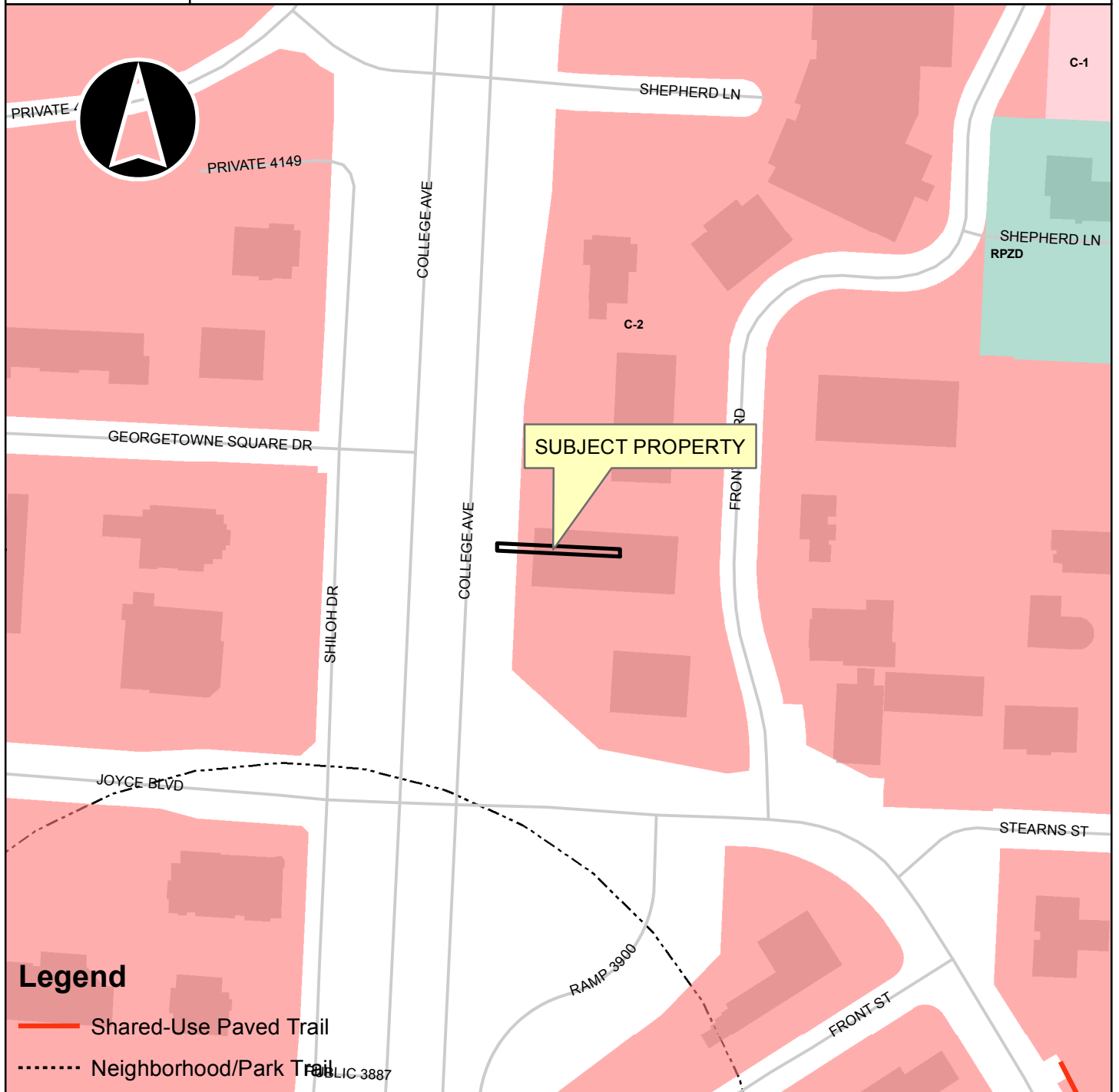
Attachments: CC Ordinance, Exhibit A, Exhibit B, Application, Planning Commission Staff Report

16-5323
EXHIBIT 'A'

VAC16-5323

Close Up View

WHATABURGER



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Overview Natural Surface Trail

- VAC16-5323
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

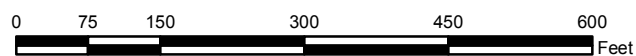


EXHIBIT B
16-5323

LEGAL DESCRIPTION FOR A 10' EASEMENT TO BE VACATED

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23 IN TOWNSHIP 17 NORTH OF RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 71, SAID POINT OF BEGINNING BEING 1263.3 FEET WEST AND NORTH 0 DEGREES 24 MINUTES WEST 37.5 FEET FROM A STONE MARKING THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, THENCE NORTH 0 DEGREES 24 MINUTES WEST ALONG SAID RIGHT-OF-WAY 160.0 FEET; THENCE EAST 167.0 FEET; THENCE SOUTH 0 DEGREES 24 MINUTES EAST 160.0 FEET; THENCE WEST 167.0 FEET TO THE POINT OF BEGINNING.

PREPARED BY: CRAFTON & TULL

PROJECT # 15103100

DATE: 03/15/2016

CITY OF FAYETTEVILLE, ARKANSAS

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Project Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant X Representative

Applicant (person making request):

Name: Robert C. Nolan
Managing Member

Address: 200 North Jefferson, Suite 308
El Dorado, AR 71730

Phone: (870) 863-7118

Email: _____

Fax: () _____

Site Address / Location: 4030 N. College Avenue

Representative (engineer, surveyor, realtor, etc.):

Name: Daniel Ellis, P.E.
Crafton Tull

Address: 901 N. 47th Street, Suite 200
Rogers, AR 72756

Phone: (479) 878-2463

Email: daniel.ellis@craftontull.com

Fax: () _____

Legal description of area to be vacated (attach separate sheet if necessary):

Current Zoning District: C-2

Assessors Parcel Number(s) for subject property: 765-15587-000, 765-02563-000, 765-02562-000

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed):

Date:

Signature:

Daniel P. Ellis

January 29, 2016

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Robert C. Nolan, Managing Member

Address: 200 North Jefferson, Suite 308

Signature:

Robert C. Nolan

El Dorado, AR 71730

Date: 1/6/16

Phone: (870) 863-7118

Name (printed):

Address:

Signature:

Date:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$200.00 application fee
\$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

- (9) Petition to vacate street right-of-way, alley, or easement (sample petition is attached).
- (10) For applications to vacate an access easement, alley or right-of-way only: Written consent is required from all adjacent property owners and is required to be submitted with the application (example form is attached).
- (11) Comments from all utility companies concerning the street right-of-way, alley, or easement to be vacated and its relationship to existing or planned utilities with recommendations as to what action should be taken (an example comment form is attached) is required at application submittal.
- (12) The applicant is responsible for meeting the public notification requirements for a Vacation listed on the Notification Requirements pages in this application.

Utility Representatives for a Vacation Request *

Name	Company	Telephone	Email
Jeff Hamilton	AT&T	442-1967	jh5430@att.com
Chad Hodge	Cox Communications	365-2402	Chad.Hodge@cox.com
Josh Barger	AEP/SWEPCO	973-2411	jpbarger@aep.com
Scott Stokes	Source Gas	435-0229	Scott.Stokes@sourcegas.com
Greg McGee Or Mike Phipps	Ozarks Electric	684-4634 684-4696	gmcgee@ozarksecc.com mphipps@ozarksecc.com

City Divisions:

Mark Rogers	Water and Sewer	575-8392	mrogers@fayetteville-ar.gov
Maury Nelson	Solid Waste	575-8397	mnelson@fayetteville-ar.gov
Terry Gulley	Transportation	444-3491	tgulley@fayetteville-ar.gov

***Solid Waste & Transportation sign off is required only when a ROW, Alley, or Drainage Easement Vacation is being requested.**

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~March 14, 2016~~ **UPDATED MARCH 16, 2016**

SUBJECT: **VAC 16-5323: Vacation (4030 N. COLLEGE AVE./WHATABURGER, 135):** Submitted by CRAFTON TULL, INC. for properties located at 4030 N. COLLEGE AVE. The properties are zoned C-2, THOROUGHFARE COMMERCIAL and contain approximately 1.99 acres. The request is to vacate portions of a utility easement.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5323** with conditions of approval.

BACKGROUND:

The subject property is located on the northeastt corner of Joyce Boulevard and College Avenue. The property is a through lot and has frontage on both College Avenue and Frontage Road. The property contains approximately 2 acres and is currently being developed with a Whataburger restaurant.

An existing 10 foot wide utility easement has been found on the site, a portion of which is covered by the newly built restaurant. The Development Code (UDC 166.12) does not allow structures over easements. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Commercial/Retail	C-2
South	Undeveloped/Highway ROW	NA
East	Undeveloped	C-2
West	Undeveloped/Highway ROW	NA

Proposal: The applicant proposes vacation of a portion of utility easement as depicted in an exhibit provided by the applicant (comprising approximately 3,049 square feet) to allow construction of a new single-family residence on the property.

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

Utility

Cox Communications

AEP/SWEPCO

Source Gas

AT&T

Ozarks Electric

City of Fayetteville

Water/Sewer

Trash & Recycling

Transportation

Response

No objections with conditions

No objections

No objections

No objections

No objections

Response

No objections

No objections

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5323 with the following conditions:**Conditions of Approval:**

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

Planning Commission Action:☐ Approved☒ Forwarded☐ Denied**Meeting Date:** March 14, 2016**Motion:** COOK**Second:** SELBY**Vote:** 6-0-2, ON CONSENT, AUTRY AND HOFFMAN RECUSED**BUDGET/STAFF IMPACT:**

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit

- Plat Detail
- One Mile Map
- Close Up Map



Crafton Tull
architecture | engineering | surveying

901 N 47th Street, Suite 200
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

January 5, 2016

Planning Division
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

Re: LSD 15-5098 Whataburger Joyce & College Easement Vacation Request
Fayetteville, AR
CTA Job No. 15103100

This is the letter for the formal Easement Vacation Request for the proposed Whataburger restaurant. The project is located on the northeast corner of E. Joyce Boulevard and N. College Avenue (4030 N. College Avenue). A vacation of an existing 10' Ozarks Electric easement is requested for this project because of the new development.

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

Sincerely,
Crafton Tull

Ronald Watkins, Jr., E.I.
Project Engineer

PETITION FOR EASEMENT VACATION

PETITION TO VACATE AN EASEMENT LOCATED IN LOTS 1 AND 2 OF BASSETT PLACE, OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated lying in Lots 1 and 2 of Bassett Place, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

LEGAL DESCRIPTION FOR A 10' EASEMENT TO BE VACATED

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23 IN TOWNSHIP 17 NORTH OF RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY NO. 71, SAID POINT OF BEGINNING BEING 1263.3 FEET WEST AND NORTH 0 DEGREES 24 MINUTES WEST 37.5 FEET FROM A STONE MARKING THE SOUTHEAST CORNER OF SAID 40 ACRES TRACT, THENCE NORTH 0 DEGREES 24 MINUTES WEST ALONG SAID RIGHT-OF-WAY 160.0 FEET; THENCE WEST 167.0 FEET TO THE POINT OF BEGINNING.

That the abutting real estate affected by said abandonment of the easement are Lots 1 and 2 of Bassett Place, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

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

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

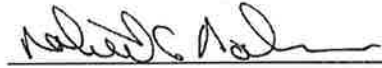
WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting

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

Dated this 8th day of February, 2016.

Robert C. Nolan, Managing Member

Printed Name



Signature

Printed Name

Signature

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

DATE: 02-03-2016

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Title

 Customer Design Supervisor

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

DATE: 01-07-2016

UTILITY COMPANY: AT&T

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

MGR OSP Planning & Engrg Design

Title

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

DATE: 01-07-2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

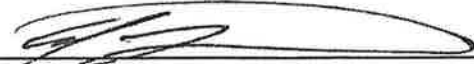
General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
Any damage to or relocation of our existing facilities will be at the owners/developers expense.



Signature of Utility Company Representative

Construction and Planning Manager

Title

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

DATE: 01-07-2016

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Mike Phillips
Signature of Utility Company Representative

System Staking Tech
Title

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

DATE: 01-07-2016

UTILITY COMPANY: Solid Waste

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ .Street right-of-way

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

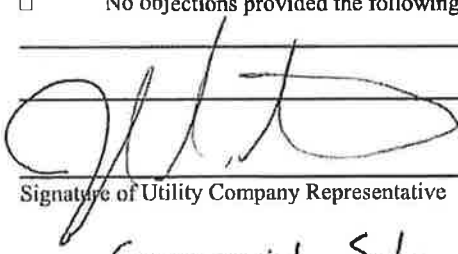
General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Title

Commercial Sales Rep - Recycling & Trash

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

DATE: 01-07-2016

UTILITY COMPANY: Transportation

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Joey Smith
Signature of Utility Company Representative

Assistant Transportation Manager
Title

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

DATE: 01-07-2016

UTILITY COMPANY: Water and Sewer

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

W's OPERATIONS MANAGER

Title

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

DATE: 01-07-2016

UTILITY COMPANY: Source Gas

APPLICANT NAME: Robert C. Nolan APPLICANT PHONE: (870) 863-7118

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 4030 N. College Avenue

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

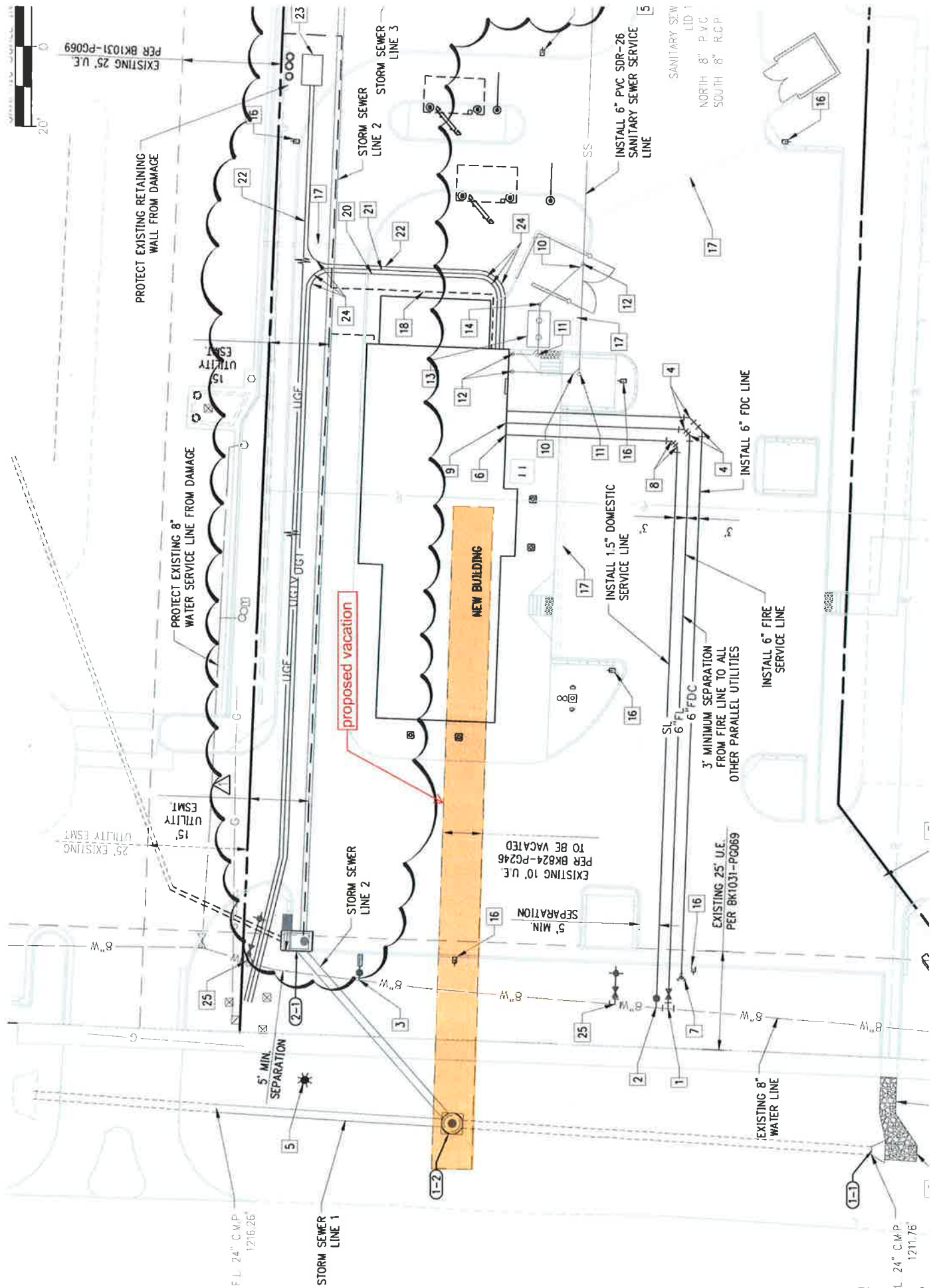
UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Brian A. Darnett
Signature of Utility Company Representative

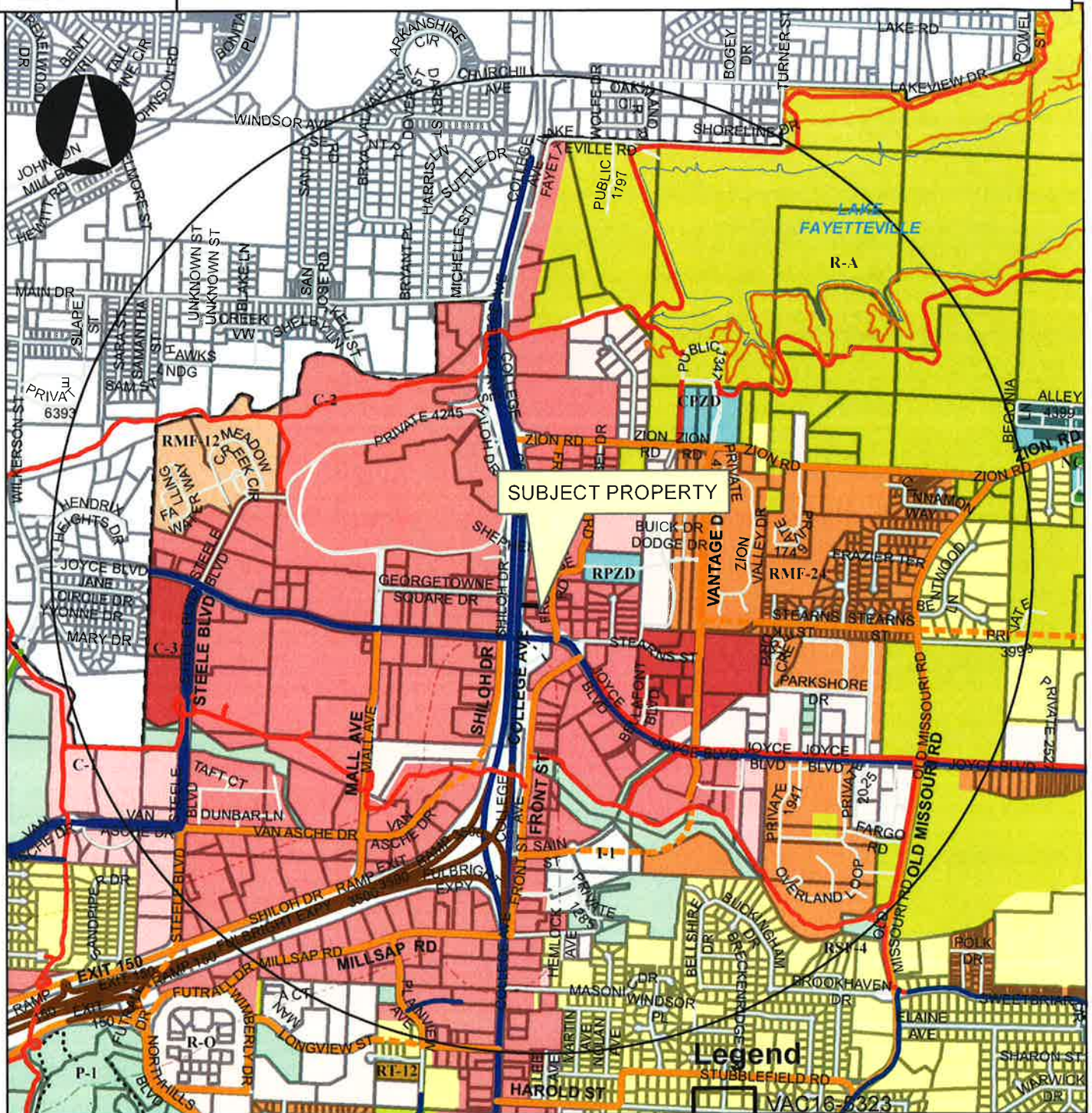
Supervisor - Division Operations
Title



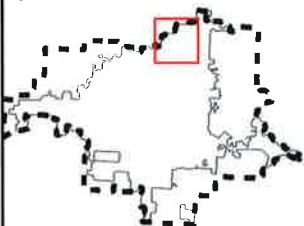
VAC 16-5323

WHATABURGER

One Mile View



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

County_Parcels

Design Overlay District

Planning Area

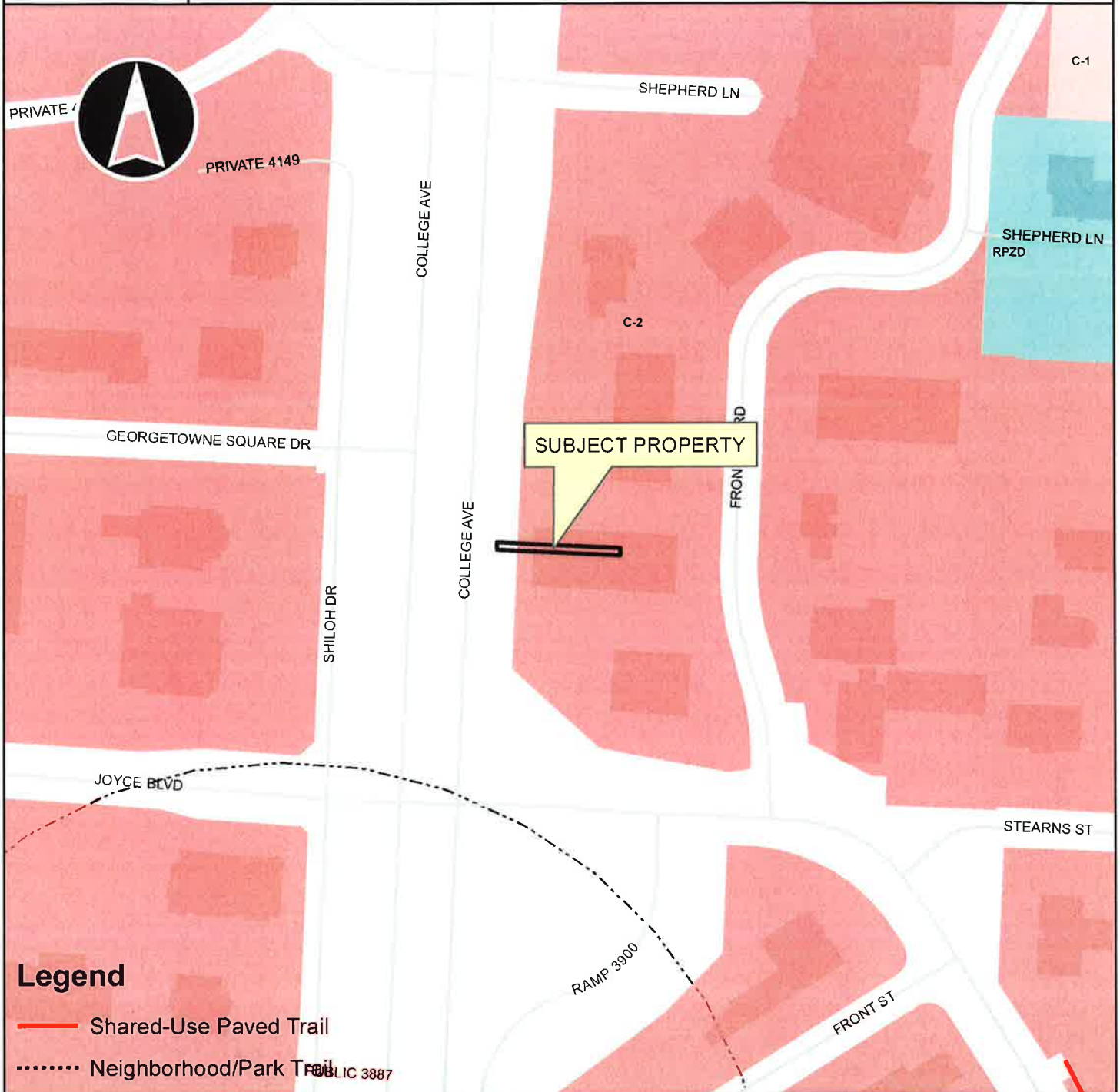
Fayetteville

1 Miles

VAC16-5323

Close Up View

WHATABURGER

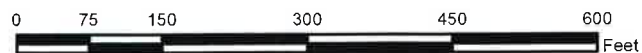


Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Natural Surface Trail

- VAC16-5323
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area





City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0150

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 6

VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):

AN ORDINANCE TO APPROVE VAC 16-5322 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 2011 WEST FOXGLOVE DRIVE TO VACATE PORTIONS OF ACCESS AND UTILITY EASEMENTS

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

WHEREAS, the City Council has determined that the following described portions of access and utility easements are not required for corporate purposes.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates portions of access and utility easements as described in Exhibit B attached to the Planning Department's memo.

Section 2. A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3. This vacation approval is subject to the following condition:

1. Any costs associated with relocation of or damage to utilities and new easement dedication shall be at the owner/developer's expense.

City of Fayetteville Staff Review Form

2016-0150

Legistar File ID

4/5/2016

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

Jeremy Pate

3/18/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

VAC 16-5322: Vacation (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON, 286): Submitted by CRAFTON TULL, INC. for properties located at 2011 W FOXGLOVE DR. The properties are zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contain approximately 4.79 acres. The request is to vacate portions of access and utility easements.

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 APRIL 5, 2016

TO: Mayor and City Council

FROM: Andrew Garner, City Planning Director

DATE: March 18, 2016

SUBJECT: **VAC 16-5322: Vacation (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON, 286):** Submitted by CRAFTON TULL, INC. for properties located at 2011 W FOXGLOVE DR. The properties are zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contain approximately 4.79 acres. The request is to vacate portions of access and utility easements.

RECOMMENDATION:

Planning staff and the Planning Commission recommend approval of **VAC 16-5322** with the following condition:

Condition of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

BACKGROUND:

The subject property consists of three undeveloped parcels on Foxglove Drive that are zoned C-PZD, being part of the Springwoods Commercial Planned District. The property contains approximately 4.76 acres of primarily cleared fields with a platted tree preservation area located on the southern portion of the property.

The applicant proposes to vacate access and utility easements as depicted in Exhibit 'A' and described in Exhibit 'B' to allow for development of the previously approved Crain Volkswagen (LSD 15-5275).

DISCUSSION:

On January 25, 2016 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-2 (Commissioners Autry and Hoffman recused) as a consent agenda item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Exhibit A, Exhibit B, Application, Planning Commission Staff Report

16-5322
EXHIBIT 'A'

VAC16-5322

Close Up View

CRAIN VOLKSWAGON



CPZD

SUBJECT PROPERTY

Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Overview Natural Surface Trail

- VAC16-5322
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

EXHIBIT 'B'
VAC 16-5322

LEGAL DESCRIPTION FOR PORTION OF A 20' EASEMENT TO BE VACATED

A PART OF AN EXISTING 20' EASEMENT TO BE VACATED, BEING PART OF LOTS 15, 16 AND 19 OF THE FINAL PLAT OF MEADOW FIELD COMMERCIAL SUBDIVISION, IN FAYETTEVILLE, ARKANSAS AS SHOWN ON FINAL PLAT 0023-00000234 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 02°26'52" WEST A DISTANCE OF 43.29 FEET; THENCE NORTH 87°33'08" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 2°32'26" EAST A DISTANCE OF 231.89 FEET; THENCE NORTH 00°33'51" EAST A DISTANCE OF 140.58 FEET; THENCE SOUTH 89°05'36" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°34'07" WEST A DISTANCE OF 141.12 FEET; THENCE SOUTH 02°33'43" WEST A DISTANCE OF 188.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.17 ACRES MORE OR LESS OR 7445.75 SQ. FT.

Access Easement #5 To be Vacated

(as shown on the Final plat of Meadow Field Commercial Subdivisions)

A part of Lot 15 and a part of Lot 16 of Meadow Field Commercial Subdivision in Fayetteville, Washington County, Arkansas, more precisely described as follows:
Starting at the SW Comer of Lot 15 for the POINT OF BEGINNING;
thence North 02 degrees 02 minutes 07 seconds East, 20.65 feet; thence along a non tangent curve to the Left, with a radius of 30 feet, an arc length of 20.36 feet, and a chord of South 68 degrees 06 minutes 37 seconds East, 19.97 feet;
thence South 87 degrees 33 minutes 08 seconds East, 81.22 feet;
thence South 02 degrees 02 minutes 07 seconds West, 28.00 feet; thence North 87 degrees, 33 minutes, 08 seconds West, 80.79 feet; thence along a curve to the left having a radius of 30.00 feet, an Arc length of 20.79 feet, and a chord of South 72 degrees, 35 minutes, 36 seconds West, 20.38 feet;
thence North 02 degrees 02 minutes 07 seconds East, 20.92 feet
to the true POINT OF BEGINNING containing 0.066 acres more or less.

Right-of-Way, Easement or Alley VACATION

FOR STAFF USE ONLY	FEE: \$200.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Project Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: _____ Applicant X Representative

Applicant (person making request):

Name: Crain Automotive Group
Chris Crain

Address: 810 South Amity Road
Conway, AR 72034

Phone: (501) 470-7001

Email: chriscrain@crainteam.net

Fax: (501) 542-6107

Site Address / Location: 2011 W. Foxglove Drive, due west of Crain Hyundai

Representative (engineer, surveyor, realtor, etc.):

Name: Crafton Tull
Tom Hennelly, P.E.

Address: 901 N. 47th Street
Rogers, AR 72756

Phone: (479) 878-2419

Email: thomas.hennelly@craftontull.com

Fax: (479) 631-6224

Legal description of area to be vacated (attach separate sheet if necessary):

See attached

Current Zoning District: C-PZD

Assessors Parcel Number(s) for subject property: 765-25759-000, 765-25760-000, 765-25763-000

FINANCIAL INTERESTS

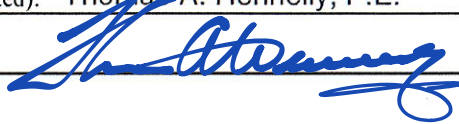
The following entities and / or people have financial interest in this project:

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Thomas A. Hennelly, P.E.

Date:

Signature:



01/29/2016

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Owners (attach additional info if necessary):

Name (printed): Chris Crain

Address: 810 South Amity Road

Signature:



Conway, AR 72034

Date: 1-8-2016

Phone: (501) 470-7001

Name (printed):

Address:

Signature:

Date:

Phone: ()

Vacation Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
 - \$200.00 application fee
 - \$5.00 public notification sign fee
- (2) Metes and bounds legal description of the area to be vacated, not the entire property (this may be included on the survey plat).
- (3) Survey of the site depicting the perimeter property lines and area within the property to be vacated.
- (4) CD containing a copy of the legal description in MS Word and PDF copies of the signed application and all other items submitted with this project.
- (5) A surveyor should stake the area on the site to be vacated for utility company review on their site visit.
- (6) A letter addressed to the Planning Commission and City Council describing the scope, nature, and intent of the request.
- (7) Abstractor's Certificate of Ownership stating names of all owners of property adjacent to the street right-of-way, alley, or easement to be vacated (this document is obtained from a title company).
- (8) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: March 14, 2016 *Updated with Planning Commission results*

SUBJECT: **VAC 16-5322: Vacation (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON, 286):** Submitted by CRAFTON TULL, INC. for properties located at 2011 W FOXGLOVE DR. The properties are zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contain approximately 4.79 acres. The request is to vacate portions of access and utility easements.

RECOMMENDATION:

Staff recommends forwarding **VAC 16-5322** with conditions of approval.

BACKGROUND:

The subject property consists of three undeveloped parcels on Foxglove Drive that are zoned C-PZD, being part of the Springwoods Commercial Planned District. The property contains approximately 4.76 acres of primarily cleared fields with a platted tree preservation area located on the southern portion of the property. The property is located within the I-540 Design Overlay District which applies only to signage. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	Springwoods C-PZD
South	Undeveloped	Springwoods C-PZD
East	Crain Automotive	Springwoods C-PZD
West	Undeveloped	Springwoods C-PZD

Proposal: The applicant proposes vacate access and utility easements to allow for development of the previously approved Crain Volkswagen (LSD 15-5275).

DISCUSSION:

Vacation Approval: The applicant has submitted the required vacation forms to the City utility departments and applicable franchise utilities, with the following responses:

Utility

Cox Communications

AEP/SWEPCO

Source Gas

AT&T

Ozarks Electric

City of Fayetteville

Water/Sewer

Response

No objections

No objections

No objections

No objections

No objections

Response

No objections

Public Comment:

No public comment has been received.

RECOMMENDATION: Staff recommends forwarding VAC 16-5322 with the following conditions:

Conditions of Approval:

1. Any relocation or damage to utilities and associated new easement dedication shall be at the owner/developer's expense.

Planning Commission Action:

☐ Approved

☒ Forwarded

☐ Denied

Meeting Date: March 14, 2016

Motion: Cook

Second: Selby

Vote: 6-0-2 (Commissioners Autry and Hoffman recused) Note: on consent agenda

BUDGET/STAFF IMPACT:

None.

Attachments:

- Request Letter
- Petition to Vacate
- Utility Approvals
- Easement Vacation Exhibit
- One Mile Map
- Close Up Map



January 11, 2016

Planning Division
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

Re: LSD 15-5275 Crain Volkswagen Easement Vacation Requests
Fayetteville, AR
CTA Job No. 15105900

This is the letter for the formal Easement Vacation Requests for the proposed Crain Volkswagen car dealership. The project is located at 2011 W. Foxglove Drive, due west of the Crain Hyundai. A vacation of an existing 20' utility easement along the eastern boundary is requested for this project. City of Fayetteville code prohibits the construction of retaining walls within utility easements. It is required to abandon the full width of the easement anywhere retaining wall is located.

A vacation of an existing 28' access easement on the western boundary of the site is also requested. The proposed building is positioned on top of this existing access easement. The existing driveway that will be removed currently straddles a property line. The proposed driveway is approximately 50' north of the existing driveway. Please see the attached legal descriptions and exhibits for details.

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

Sincerely,
Crafton Tull

Ronald Watkins, Jr., E.I.
Project Engineer

PETITION FOR EASEMENT VACATION

PETITION TO VACATE AN EASEMENT LOCATED IN LOTS 15, 16 AND 19 OF THE FINAL PLAT OF MEADOW FIELD COMMERCIAL SUBDIVISION, OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated lying in Lots 15, 16 and 19 of the Final Plat of Meadow Field Commercial Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

LEGAL DESCRIPTION FOR PORTION OF A 20' EASEMENT TO BE VACATED

A PART OF AN EXISTING 20' EASEMENT TO BE VACATED, BEING PART OF LOTS 15, 16 AND 19 OF THE FINAL PLAT OF MEADOW FIELD COMMERCIAL SUBDIVISION, IN FAYETTEVILLE, ARKANSAS AS SHOWN ON FINAL PLAT 0023-00000234 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16; THENCE SOUTH 02°26'52" WEST A DISTANCE OF 43.29 FEET; THENCE NORTH 87°33'08" WEST A DISTANCE OF 20.00 FEET; THENCE NORTH 2°32'26" EAST A DISTANCE OF 231.89 FEET; THENCE NORTH 00°33'51" EAST A DISTANCE OF 140.58 FEET; THENCE SOUTH 89°05'36" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°34'07" WEST A DISTANCE OF 141.12 FEET; THENCE SOUTH 02°33'43" WEST A DISTANCE OF 188.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.17 ACRES MORE OR LESS OR 7445.75 SQ. FT..

That the abutting real estate affected by said abandonment of the easement are Lots 14, 17 and 18 of the Final Plat of Meadow Field Commercial Subdivision, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

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

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

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

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

Dated this 5th day of February, 2016.

Chris Crain

Printed Name

Ch Crain

Signature

Printed Name

Signature

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

DATE: 02-03-2016

UTILITY COMPANY: AEP/SWEPCO

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Customer Design Supervisor
Title

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

DATE: 01-08-2016

UTILITY COMPANY: AT&T

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

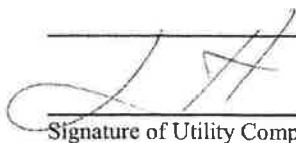
General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

MGR OSP PIng & Engrg Design

Title

UTILITY APPROVAL FORM

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

DATE: 01-08-2016

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

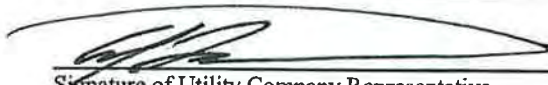
General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

☒ No objections provided the following conditions are met:
Any damage to or relocation of our existing facilities will be at the owners/developers expense.


Signature of Utility Company Representative

Planning & Construction Manager
Title

UTILITY APPROVAL FORM

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

DATE: 01-08-2016

UTILITY COMPANY: Source Gas

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

- ☐ No objections provided the following conditions are met:

Brian A. Dampert
Signature of Utility Company Representative

SUPERVISOR - DIVISION OPERATIONS
Title

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

DATE: 01-08-2016

UTILITY COMPANY: Ozarks Electric

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:

Mike Phipps
Signature of Utility Company Representative

System Staking Tech
Title

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

DATE: 01-08-2016

UTILITY COMPANY: Transportation

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

Assistant Transportation Manager
Title

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

DATE: 01-08-2016

UTILITY COMPANY: CITY OF FAYETTEVILLE WATER & SEWER

APPLICANT NAME: Chris Crain APPLICANT PHONE: (501) 470-7001

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

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

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

General location / Address 2011 W. Foxglove Drive, due west of Crain Hyundai

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

UTILITY COMPANY COMMENTS:

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

☐ No objections provided the following conditions are met:


Signature of Utility Company Representative

W & S OPERATIONS MANAGER
Title

EXHIBIT "A"



GRAPHIC SCALE IN FEET

40' 0 40'

LOT 15
78,204 SQ. FT.

LOT 16
60,008 SQ. FT.

NEW BUILDING

LOT 19
69,288 SQ. FT.

S89° 05' 36"E
20.00'

20' U.E.
PER 023-00000234

PORTION OF 20' U.E.
TO BE VACATED

N0° 33' 51"E 140.58'

S0° 34' 07"W 141.12'

EXISTING PARKING LOT

PORTION OF 20' U.E.
TO BE VACATED
7445.75 SQ. FT. OR
0.17ACRES +/-

N2° 32' 26"E 231.89'

S2° 33' 43"W 188.60'

EXISTING PARKING LOT

30' U.E.
PER 023-00000234

N87° 33' 08"W
20.00'

S02° 26' 52"W
43.29'

P.O.B.
SE CORNER
LOT 16

THIS EASEMENT SKETCH IS A
REPRESENTATION OF THE SIZE,
SHAPE, AND LOCATION OF THE
EASEMENT TO WHICH IT IS
ATTACHED; THIS DRAWING IS
NOT A PLAT OF SURVEY.

DRAWING: \\ROGFILE\JOFILES\15105900_CRAIN VW\SUR\DWG\EASEMENT VACATION EXHIBIT.DWG
LAYOUT: — LAST SAVED: RW5090, 1/8/2016 9:52:22 AM
LAST PLOTTED BY: RODNEY WOODS, 1/8/2016 12:46:13 PM (PLOTTED BY: VALID ON HARD COPY ONLY)

PROJECT NO.:

15105900

DRAWN BY:

RDW

DATE:

01/08/2016

SHEET:

1 OF 1

CHECKED:



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architecture | engineering | surveying

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www.craftontull.com

901 N. 47th St., Suite 200
Rogers, Arkansas 72756

Planning Commission
March 14, 2016

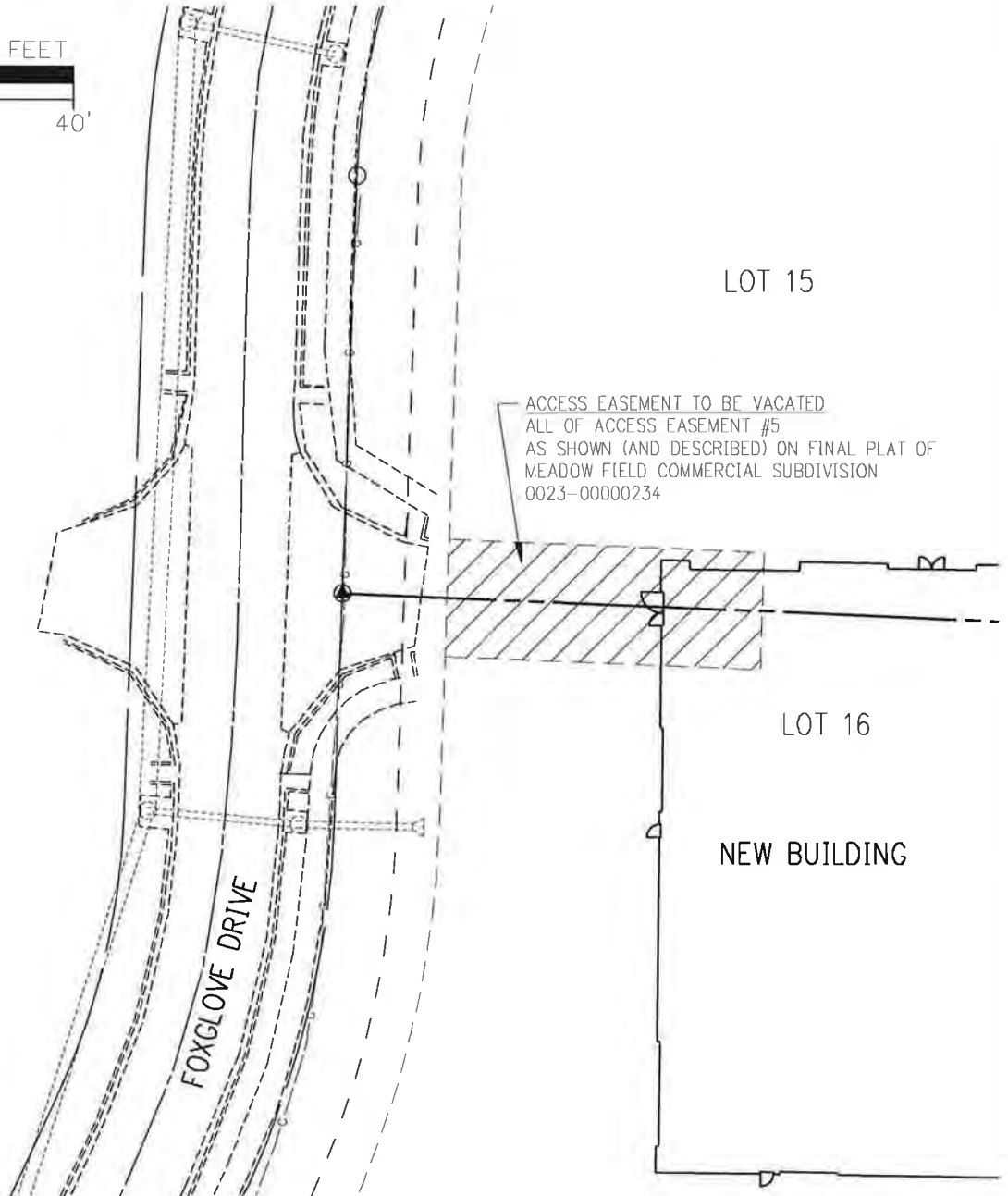
Agenda Item 3
16-5322 Crain VW
Page 13 of 16

EXHIBIT "A"

THIS EASEMENT SKETCH IS A REPRESENTATION OF THE SIZE, SHAPE, AND LOCATION OF THE EASEMENT TO WHICH IT IS ATTACHED; THIS DRAWING IS NOT A PLAT OF SURVEY



GRAPHIC SCALE IN FEET



DRAWING: \\ROGFILE\JOFILES\15105900_CRAIN VW\SUR\DWG\ACCESS EASEMENT VACATION EXHIBIT DWG
LAYOUT: ---, LAST SAVED: RW5090, 1/11/2016 9:58:05 AM
LAST PLOTTED BY: RODNEY WOODS, 1/11/2016 10:32:11 AM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

PROJECT NO.:	15105900	DRAWN BY:	RDW	DATE:	01/11/2016	SHEET:	1 OF 1	CHECKED:	
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Rogers, Arkansas 72756



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VAC16-5322

Close Up View

CRAIN VOLKSWAGON



CPZD

SUBJECT PROPERTY

SHILOH DR

FOXGLOVE DR

49

49

RMF-24

RED TIP DR

LIVE OAK DR

R-A

Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail

Overview Natural Surface Trail

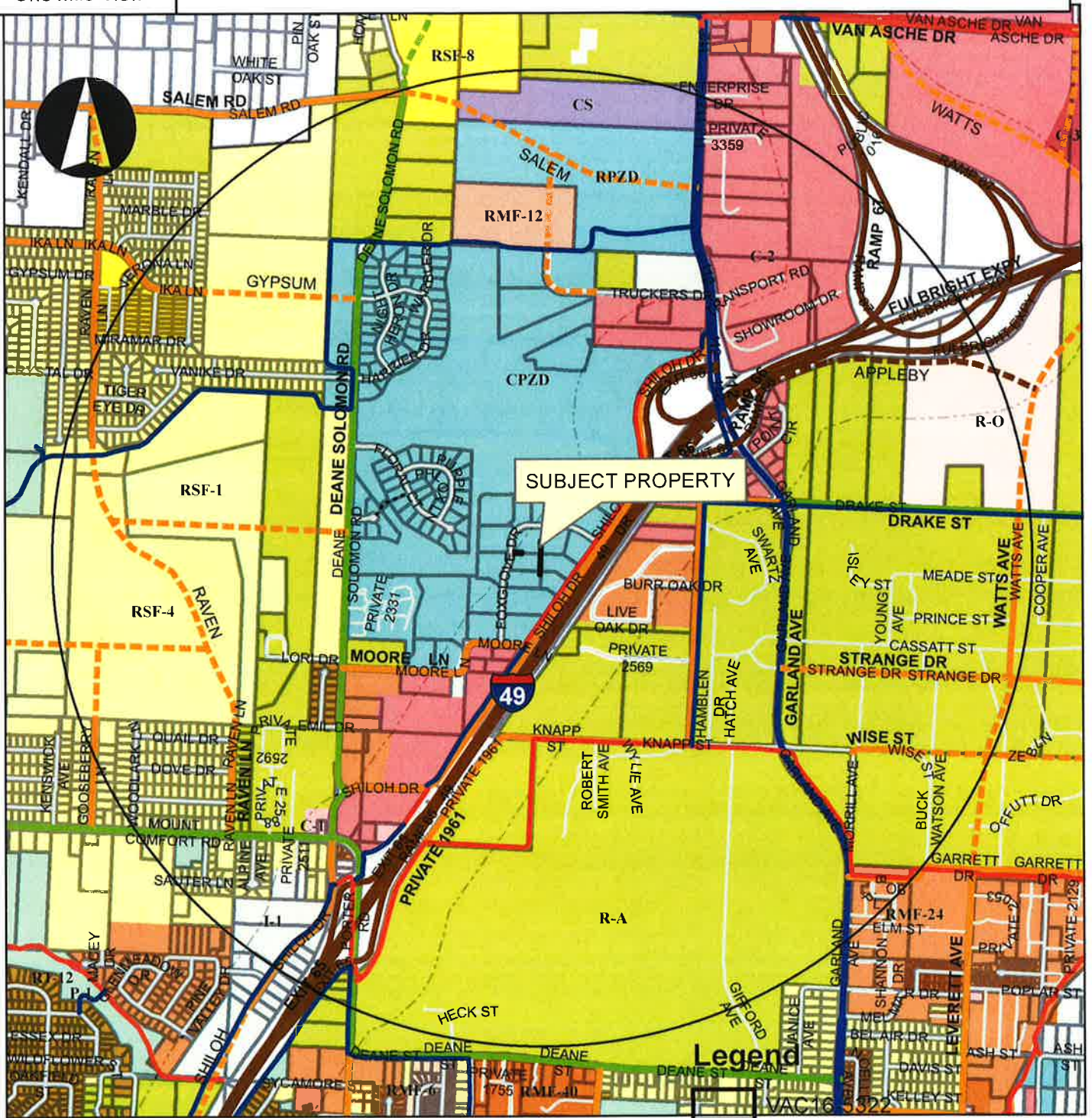
- VAC16-5322
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

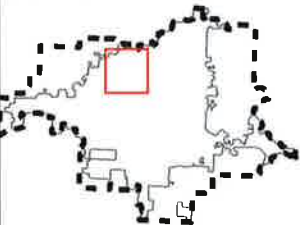
VAC 16-5322

One Mile View

CRAIN VOLKSWAGON



Overview



Legend

Subject Property

Boundary

0 0.25 0.5

Miles

- County_Parcels
- Design Overlay District
- Planning Area
- Fayetteville



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0151

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: C. 7

ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):

AN ORDINANCE TO AMEND THE DEFINITION OF ACCESSORY DWELLING UNIT IN § 151.01 AND TO AMEND PORTIONS OF § 164.19 **ACCESSORY DWELLING UNITS** TO REMOVE LOT SIZE REQUIREMENTS, INCREASE THE ALLOWED SIZE FROM 600 SQUARE FEET TO 950 SQUARE FEET AND MAKE OTHER CHANGES

WHEREAS, Alderman Matthew Petty worked with Planning Staff to make changes to § 164.19 **Accessory Dwelling Units** to eliminate lot size requirements and allow these houses increase in size; and

WHEREAS, the Planning Commission recommended a further size increase to 950 square feet from the existing 600 square feet current limit and recommended the other changes supported by Planning Staff and Alderman Petty.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 151.01 **Definitions** of the Unified Development Code by repealing the current definition of *Accessory Dwelling Unit* in its entirety and enacting a replacement definition as shown below:

“Accessory Dwelling unit. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.19 **Accessory Dwelling Units (ADD)** of the Unified Development Code in the following ways:

(1) Repeal in its entirety (B) (3) and renumber remaining subsections.

(2) Repeal in its entirety (C) and re-letter remaining subsections.

(3) Amend (D) (1) by repealing its first sentence and enacting the following as the new (C) (1)’s first sentence:

“The accessory dwelling unit shall not be greater than 950 square feet of habitable space.”

(4) Repeal in its entirety (D) (2) and enact the following as (C) (2):

“(2) *Zoning*. The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.”

(5) Amend (D) (7) by replacing “shall” with “should” and adding “if so” in front of “shall be metered separately from the principal residence.”

(6) Amend (D) (8) by adding the following sentence:

“A resident of one of the two dwelling units must provide proof of ownership if requested by the Planning Division.”

(7) Repeal (D) (10) in its entirety and renumber the remaining sections.

(8) Amend (E)’s introductory words by repealing the current wording and replacing it as follows:

“(D) *Site Plan Requirements*. Detailed site plans are required to be submitted for review with the following information.”

(9) Amend (G) which has been re-lettered to (F) by repealing the second to last sentence.

(10) Amend (H) (1) which has been re-lettered to (G) (1) by repealing its last sentence.

City of Fayetteville Staff Review Form

2016-0151

Legistar File ID

4/5/2016

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

Jeremy Pate

3/18/2016

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 16-5340 Administrative Item (UDC CHAPTER 164.19 AMENDMENTS): Submitted by ALDERMAN MATTHEW PETTY AND CITY STAFF for an ordinance to amend UDC Chapter 164.19 (Accessory Dwelling Units) of the Fayetteville 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? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF APRIL 5, 2016

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: March 18, 2016

SUBJECT: **ADM 16-5340 Administrative Item (UDC CHAPTER 164.19 AMENDMENTS):** Submitted by ALDERMAN MATTHEW PETTY AND CITY STAFF for an ordinance to amend UDC Chapter 164.19 (Accessory Dwelling Units) of the Fayetteville City Code.

RECOMMENDATION:

The Planning Commission and Alderman Petty recommend approval to amend UDC Chapter 164.19 Accessory Dwelling Units. The City Planning Division staff recommends in favor of all of the proposed changes except for one as described below.

BACKGROUND:

Alderman Matthew Petty recently discussed with City staff a desire to remove the 5,000 square feet minimum requirement for Accessory Dwelling Units (ADU) in the Fayetteville Unified Development Code (UDC). After reviewing Alderman Petty's requested code change, there were additional related minor code changes that staff recommended for clarification, or to simply remove an unnecessary requirement.

This item was discussed at the February 22, 2016 Planning Commission meeting where it was tabled. The commission requested staff to evaluate several of the primary elements in the Accessory Dwelling Unit (ADU) ordinance including limitations on building height and size. These topics were fully discussed internally within the City Planning Division. After further review and research on the topic staff recommended additional changes to the proposed amendment including increasing the allowable size of an ADU to 800 sq. ft. On March 14, 2016 the Planning Commission recommended an additional increase in the allowable size of an ADU to 950 sq. ft. The Planning Commission recommended changes are shown in attached Exhibit 'A'.

City Planning Division staff recommends in favor of the following primary elements of the proposed code changes:

- Add a definition of ADU to UDC 151.
- Remove the 5,000 sq. ft. per lot limitation.
- Remove the requirement for separate water and sewer connections for ADUs.
- Remove the requirement to register ADUs annually with the Planning Division.
- Minor clarification and administrative changes.

City Planning Division staff does not recommend the following proposed change:

- Increase the maximum square footage from 600 to 950 sq. ft. Staff does not recommend increasing the square footage any larger than 800 sq. ft.

The background and intent behind these proposed code changes are discussed in the attached Planning Commission memo, and research and comparison of other cities' ADU ordinances are also included for further review.

DISCUSSION:

On March 14, 2016 the Planning Commission made two motions on this item as follows:

Motion # 1:

Commissioner Hoskins made a motion to **amend ADM 16-5340** to increase the square footage from 800 to 950 sq. ft. for an ADU. **Commissioner Autry** seconded the motion. **The motion passed with a vote of 6-2-0** (Commissioners Brown and Cook voted 'No').

Motion # 2:

Commissioner Hoskins made a motion to **forward ADM 16-5340 to the City Council** with recommendation of approval. **Commissioner Hoffman** seconded the motion. **The motion passed with a vote of 8-0-0.**

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit 'A' - Planning Commission Proposed UDC 164.19
- Planning Commission Staff Report

CHAPTER 151: DEFINITIONS

Accessory Dwelling unit. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.
- (B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:
- (1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
 - (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
 - (3) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.
 - (4) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
 - (5) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.
- (C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:
- (1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 950 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.
 - (2) *Zoning.* The accessory dwelling unit shall comply with the required building area and setbacks but shall be exempt from the density requirements of the underlying zoning district
 - (3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
 - (4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.
 - (5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.
 - (6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.
 - (7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit should be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and if so shall be metered separately from the principal residence.
 - (8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit. A resident of one of the two dwelling units must provide proof of ownership if requested by the Planning Division, upon receipt of a complaint.
 - (9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.
 - (10) *Tree Preservation.* To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

- (a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.
 - (b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.
 - (c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.
- (11) *Building Height and Stories.*
- (a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.
 - (b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - (c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.
- (12) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:
- (a) A material sample board indicating type of materials and colors to be used on the exterior of the building.
 - (b) An architectural elevation drawing of all sides of the proposed structure.
 - (c) Images or architectural elevations of the principal dwelling unit.
- (D) *Site Plan Requirements.* Detailed site plans are required to be submitted for review with the following information:
- (1) Scale no smaller than 1" = 30' (one inch equals thirty feet)
 - (2) A north arrow
 - (3) Property lines
 - (4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks
 - (5) All existing and proposed structures with accompanying uses
 - (6) Size of parcel in square feet or acres.
 - (7) Size of all existing and proposed structures in square feet
 - (8) Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - (9) Pertinent special features such as drainage features, berms, fences, and retaining walls
 - (10) Parking areas, including driveways, with paving materials and dimensions
 - (11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species
 - (12) Tree protection plan including all significant trees and protection measures
- (E) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- (1) The accessory dwelling unit shall not be sold separately from the principal residence.
 - (2) The accessory unit is restricted to the approved size.
 - (3) The property owner shall at all times reside on the property.
 - (4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

EXHIBIT 'A'

ADM 16-5340 Proposed Code Changes Clean Version (Planning Commission Recommendation)

- (F) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.
- (G) *Existing Detached Second (Accessory) Dwelling Units.*
- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property.
- (2) *Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that cannot meet the requirements herein, the applicant may apply for a variance of the requirements stated.
- (H) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.
- (I) If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.
- (J) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.
- (Ord. 5128, 4-15-08)

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: March 14, 2016 *Updated with Planning Commission results*

SUBJECT: **ADM 16-5340 Administrative Item (UDC CHAPTER 164.19 AMENDMENTS):** Submitted by ALDERMAN MATTHEW PETTY AND CITY STAFF for an ordinance to amend UDC Chapter 164.19 (Accessory Dwelling Units) of the Fayetteville City Code.

RECOMMENDATION:

Staff recommends that the Planning Commission forward **ADM 16-5340** to the City Council with a recommendation for approval.

BACKGROUND:

Alderman Matthew Petty recently discussed with City staff a desire to remove the 5,000 square feet minimum requirement for Accessory Dwelling Units (ADU) in the Fayetteville Unified Development Code (UDC). After reviewing Alderman Petty's requested code change, there were additional related minor code changes that staff recommended for clarification, or to simply remove an unnecessary requirement.

This item was discussed at the February 22, 2016 Planning Commission meeting where it was tabled. The commission requested staff to evaluate several of the primary elements in the Accessory Dwelling Unit (ADU) ordinance including limitations on building height and size. These topics were fully discussed internally within the City Planning Division. Additionally, two Planning Commissioners emailed staff recommended changes to the code and/or research for consideration (attached). After further review and research on the topic staff recommends additional changes to the proposed amendment including increasing the allowable size of an ADU to 800 sq. ft., and adding a definition of an ADU.

Staff does not recommend modifying other limitations in the code such as the number of bedrooms or building height. These elements are critical to keeping an ADU to its stated intent as an "accessory" dwelling unit. If some of these basic elements are substantially modified or removed it would start to change the entire character of a single family detached lot. This would change the density and the underlying zoning district without going through a rezoning process. While appropriate infill and density is beneficial, it is best regulated through the underlying zoning code. If a property owner wishes to construct multiple full-size dwellings on a single parcel, a rezoning request or conditional use permit for a duplex should be submitted. These elements are discussed further in this memo, and research and comparison of other cities' ADU ordinances are attached to this packet for further review.

DISCUSSION:

The proposed code changes provide clarification and remove unnecessary regulation to the ADU requirements in the UDC (section 164.19).

The proposed code changes are shown in strikeout-highlight in the attached document.

Staff recommends that ADM 16-5340 be forwarded to City Council with a recommendation for approval.

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC shown in strikeout-highlight

Attachments Under Separate Cover:

- Peer City ADU review chart
- Approved ADU ordinance #5128
- City Council meeting minutes from ordinance #5128
- Santa Cruz ADU manual (under separate cover)
- Email from Commissioner Matthew Hoffman
- Email and research from Commissioner Tom Brown

PLANNING COMMISSION ACTION: ☐ Approved ☐ Denied	
<u>Date:</u> February 22, 2016	
<u>Motion:</u> Chesser	
<u>Second:</u> Autry	
<u>Note:</u> Tabled until the March 14, 2015 meeting	
<u>Vote:</u> 9-0-0	
<u>Date:</u> March 14, 2016	
Motion #1 <u>Motion:</u> Hoskins <u>Second:</u> Autry <u>Note:</u> Motion to modify the code change to increase the allowable square footage on an ADU to a maximum of 950 sq. ft. <u>Vote:</u> 6-2-0 (Commissioners Brown and Cook voted 'no')	Motion #2 <u>Motion:</u> Hoskins <u>Second:</u> Hoffman <u>Note:</u> Motion to forward the code change to City Council with the increase in square footage up to 950 sq. ft. <u>Vote:</u> 8-0-0

ADDITIONAL RESEARCH AND BACKGROUND PROVIDED AFTER THE 02-22-16 MEETING

Background: The Accessory Dwelling Unit (ADU) ordinance #5128 was adopted in April of 2008 allowing for administrative or as-of-right approval of ADU's in single-family residential (RSF) zoning districts (attached). Prior to this time, ADU's were approved through a Conditional Use Permit process (CUP) in RSF zoning districts. The CUP public hearing process for ADU approvals could often be contentious especially when ADU's were being proposed in established neighborhoods. A number of ADU's were denied due to neighborhood opposition. Neighbors'

objections were primarily related to the proposed square footage or size, building height, building setbacks, and lot coverage percentages.

At the direction of then Mayor Dan Coody, staff was tasked with developing an as-of-right ADU ordinance that created prescriptive design standards to minimize cited concerns about appearance, mass and scale in order to ensure reasonable compatibility with adjacent similarly zoned RSF properties.

In 2008 there were only a handful of peer cities that had developed codes allowing ADU's as a permitted use-by-right in single-family residential zoning districts. Santa Cruz, CA had developed an excellent ADU design manual in 2003, (attached), that served as the primary model for the development of Fayetteville's ADU standards. Additional research documents consulted included a 1995 Report from the *Municipal Research and Services Center* titled "Accessory Dwelling Units – Issues and Options", and a *Public Policy Institute* publication titled "Accessory Dwelling Units – Model State Act and Local Ordinance" developed for AARP in 2000. Both of these white papers offered model ordinances for developing as-of-right ADU ordinances that included recommended occupancy restrictions, parking requirements, design/appearance standards, size restrictions, minimum lot size requirements, density controls, etc.

Discussion: The current item, ADM 16-5340, before the Planning Commission includes a number of housekeeping or clean-up items for the ADU code that staff supports. In addition, the Planning Commission and Alderman Petty requested feedback on a number of additional amendments that were discussed at the February 22, 2016 meeting. Documents and research compiled in 2008 were reviewed for the original drafting of this ordinance and then more recent examples of ADU ordinances from peer cities were reviewed to see how the concept, standards and development process for the creation of as-of-right ADU's has changed in the intervening eight years. A peer city matrix was created comparing the assortment of standards commonly found in as-of-right ADU ordinances (attached). Specifically, staff looked for standards related to the items brought up by Commissioners at the February 22, 2016 Planning Commission meeting: (1) dwelling unit square footage limitations; (2) minimum lot size requirement; (3) building height regulations; and (4) maximum number of bedrooms permitted. Here is staff's analysis of each of these items as they relate to peer cities ADU codes:

- *ADU Square footage requirement.* Fayetteville currently restricts the size of ADU's to 600 sq. ft. Of the eight peer cities that were used as comparable this is on the lower side for the maximum square footage allowed, but it is not an outlier. A size limitation of 800 sq. ft. is the most standard dimensional regulation among these peer cities. Often the ADU size limitation is expressed as a percentage of the floor area of the principal dwelling or 800 sq. ft. whichever is less (Columbia, MO., Minneapolis, MN., Charlotte, NC., Portland, OR.) Typically, cities that permit the larger square footage ADU units will increase the parking requirement to 1 space per bedroom to ensure adequate parking.
- *Minimum lot size.* Fayetteville has a minimum lot size requirement of 5,000 sq. ft. for an ADU. This lot size matches the traditional small lot development pattern found in much of central and south Fayetteville (50'x100'). The goal of the ADU ordinance was to develop design standards to help ensure that ADU's would be reasonably compatible in existing neighborhoods and could be approved administratively. The lot area requirement was integral to achieving this goal. In the years since the adoption of the ADU ordinance there have been a number of development code changes to single-family residential zoning requirements. These include: reductions in front, side and rear setbacks in most RSF districts and the addition of new RSF districts with increased density such as RSF-18.

These tools have increased the available building envelope and significantly reduce the bulk and area requirements for RSF lots. Generally it is staff's opinion that a 5,000 sq. ft. minimum is the appropriate size for a lot with an ADU. It is staff's opinion that ADU's fit a very narrow purpose and if additional density is preferred on smaller lots then the zoning code is the best available tool for prescribing such density. However, Alderman Petty has requested removal of the minimum lot size and staff is generally in support of this proposal assuming the other checks and balances in the ADU ordinance remain in place.

- *Building height.* Fayetteville has a single story height limit of 20' and two story building height limit of 25'. Building height regulations for ADU's vary greatly among the peer cities. This can be attributed to the fact that the building height of ADU's, particularly detached ADU's, is probably the most cited concern of neighbors and therefore this is the standard that is often adjusted to match the local building height preference. Typically, cities that have liberalized the ADU height limits ensure neighborhood compatibility through more conservative bulk or area regulations such as: increased minimum lot size, larger building setbacks, site impervious cover or lot area requirements, etc.
- *Maximum number of bedrooms.* Fayetteville limits ADU's to one bedroom units. Among the peer cities analyzed the number of bedrooms is not generally specified and this density measurement is commonly controlled de facto through a combination of square footage limitations, parking requirements, lot area requirements or site building coverage limitations. However, in staff's opinion the one bedroom limitation has been a successful component of limiting the density impacts and ensuring neighborhood compatibility of ADU's in Fayetteville. Staff does not support removing this limitation especially given the proposal to remove the lot size limitation.

Recommendations: After reviewing these eight peer cities' ADU regulations and hearing the concerns expressed by Alderman Petty and the Planning Commission members', staff proposes the following amendments:

- Amend the ADU maximum size limitation from 600 sq. ft. to 800 sq. ft. This appears to be the most common size limitation standard among peer cities. The variance procedure would still remain for applicants that can demonstrate that a larger ADU is still compatible with the neighborhood and adjacent land owners.
- Staff would propose to leave the building height regulations in place as is. The current standard of 20' for one-story, and 25' for two-story is more than adequate for most ADU development proposals. The reduced front, side and rear setbacks for RSF zoning districts makes a reasonable height limitation an integral mitigating design standard to help ensure an adequate level of neighborhood compatibility for ADU's approved administratively as-of-right.
- Staff proposes to leave the maximum number of bedrooms in place as is. This criteria has effectively limited the density and impact of ADU's on surrounding neighborhoods, ensuring that they remain accessory to an existing primary dwelling. In a university city like Fayetteville with a large number of students living off campus and rental units, this criteria should be retained to ensure compatibility of ADU's in established neighborhoods. If a developer or property owner wishes to provide more bedrooms than one in a second dwelling, they may request a conditional use permit for a two-family/duplex unit or a rezoning request.

- Add a definition of "Accessory Dwelling Unit" to Chapter 151 of the Unified Development Code. This amendment will clarify in the code what has previously been interpreted and enforced by staff.

CHAPTER 151: DEFINITIONS

This definition is an industry standard and will clarify what has already been interpreted and enforced over the years by city staff

Accessory Dwelling unit. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Source: A Planners Dictionary, published by American Planning Association

164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.
- (B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

- (1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
- (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

Unnecessary statement- all structures must comply with setbacks

- ~~(3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.~~

- (3) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.
- (4) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
- (5) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.

Use Unit 41 (ADUs) is already listed in each of these zoning districts in Ch. 161. No need to have it here too.

- ~~(C) Permitted Zoning Districts: Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by right on lots containing 5,000 square feet or more in the following Zoning districts:~~

- ~~(1) R-A Residential Agricultural~~

This proposal would remove the 5,000 SF limitation (further explanation in PC memo)

- ~~(2) RSF 0.5 Residential Single Family One Half Unit per Acre~~

- ~~(3) RSF 1 Residential Single Family One Unit per Acre~~

- ~~(4) RSF 2 Residential Single Family Two Units per Acre~~

- ~~(5) RSF 4 Residential Single Family Four Units per Acre~~

- ~~(6) RSF 7 Residential Single Family Seven Units per Acre~~

- ~~(7) RSF 8 Residential Single Family Eight Units per Acre~~

- ~~(8) NC Neighborhood Conservation~~

- (C) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than ~~600~~ 800 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

Staff proposes to increase the minimum square footage by 200 feet and keep the bedroom limitation (explanation in memo)

- (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to the required building area, bulk and area, and setbacks but shall be exempt from the density requirements of the underlying zoning district

minor clarification

- (3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

- (4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

- (5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.

We see variances for this requirement occasionally and the PC hasn't denied one yet. It was originally in there at the request of the neighborhoods, in an attempt to make sure older homes water/sewer pipes did not get overcome with an additional dwelling. Staff sees this as something the property owner should concern themselves with.

(6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.

(7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall ~~shall~~ should be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and if so shall be metered separately from the principal residence.

(8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit. A resident of one of the two dwelling units must provide proof of ownership if requested by the Planning Division, upon receipt of a complaint.

This should sufficiently take care of removing #10 below

(9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.

No one does this, nor should they have to.

~~(10) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.~~

This was another neighborhood request when we first brought this forward as a by-right development.

(10) *Tree Preservation.* To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to

application for an accessory dwelling unit, the application shall not be approved administratively.

(11) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(12) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

(a) A material sample board indicating type of materials and colors to be used on the exterior of the building.

(b) An architectural elevation drawing of all sides of the proposed structure.

(c) Images or architectural elevations of the principal dwelling unit.

~~(D) *Site Plan Requirements.* Three sets of Detailed site plans are required to be submitted for review~~ with the following information:

minor clarification

(1) Scale no smaller than 1" = 30' (one inch equals thirty feet)

(2) A north arrow

(3) Property lines

(4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks

(5) All existing and proposed structures with accompanying uses

(6) Size of parcel in square feet or acres.

- (7) Size of all existing and proposed structures in square feet
 - (8) Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - (9) Pertinent special features such as drainage features, berms, fences, and retaining walls
 - (10) Parking areas, including driveways, with paving materials and dimensions
 - (11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species
 - (12) Tree protection plan including all significant trees and protection measures
- (E) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- (1) The accessory dwelling unit shall not be sold separately from the principal residence.
 - (2) The accessory unit is restricted to the approved size.
 - (3) The property owner shall at all times reside on the property.
 - (4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

- (F) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps

a variance will no longer be necessary for this requirement

~~if a hardship exists, such as difficult access or topography.~~ The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(G) *Existing Detached Second (Accessory) Dwelling Units.*

- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.

unnecessary requirement as described earlier

- (2) *Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that cannot meet the requirements herein, the applicant may apply for a variance of the requirements stated.

- (H) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.

- (I) If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.

- (J) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

(Ord. 5128, 4-15-08)

ADM 16-5340
Accessory Dwelling Unit Amendments
Attachments to
Planning Commission Memo

City	ADU Maximum Size	Maximum # Bedrooms	Single Story Building Height	Two Story Building Height	Parking	Homeowner Residency on Property	Lot Area Required	Site Impervious Cover	Site Building Cover	Fire Sprinkler	Notes
Fayetteville, AR	600 Sq. Ft.	1	20'	25'	1 space/ADU	Required	5,000 Sq. Ft.	NA	NA	NA	
Columbia, MO	Shall not exceed 75% of the Sq. Ft. of principal dwelling or 800 Sq. Ft. whichever is less	NA	NA	Shall not exceed the height of the principal dwelling or 24' whichever is less	1 space/bdrm	NA	5,000 Sq. Ft.	NA	NA	NA	Adopted in 2014. Only permitted in one and two family residential zoning districts. Lot width minimum of 50 feet
Minneapolis, MN	800 Sq. Ft./Attached - 1,000 Sq. Ft./Detached	NA	NA	Not higher than principal residence or 20 feet whichever is less	No additional parking required	Required	NA	NA	NA	NA	Adopted in 2014. Has side and rear yard area requirements.
Redwood City, CA	640 Sq. Ft. - 700 Sq. Ft. if ADA	1	Max. Building Height of Zoning District	Max. Building Height of Zoning District	1 space/ADU	Required	NA	NA	NA	Required	
Austin, TX	1,100 Sq. Ft. or FAR of 0.15 whichever is smaller. Maximum 550 Sq. Ft. on the second story	NA	30 Feet	30 Feet	1 space/1 bdrm - 1.5 space/2 bdrm	NA	NA	>45%	>40%	NA	May not be used as a short term rental (airbnb)
Charlette, NC	35% FAR of main residence or Max. of 800 Sq. Ft.	NA	No taller than principle dwelling	No taller than principle dwelling	1 space/ADU	Required	NA	NA	NA	NA	
Lexington, MA	Max. 1,000 Sq. Ft.	2	NA	NA	1 space/ADU	Required	10,000 Sq. Ft.	NA	NA	NA	
Santa Cruz, CA	640-800 Sq. Ft. depending on lot size	2	NA	NA	1 space/Bedroom	Required	5,000 Sq. Ft.	NA	NA	NA	
Portland, OR	No more than 75% of living area of principle dwelling or 800 Sq. Ft. whichever is less	NA	NA	NA	No additional parking required	NA	NA	NA	NA	NA	

ORDINANCE NO. 5128

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164 SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and

WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and

WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and

WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and

WHEREAS, the City of Fayetteville recognizes that an administrative approval process will streamline the development process and encourage the construction of additional accessory dwelling units; and

WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 159: Fees is amended by adding Accessory Dwelling Unit \$100.00 to §159.01(B)(6).

Section 3. That Chapter 161: Zoning Regulations is amended by adding Use Unit 41: Accessory Dwelling Units in §161.03 (B)(1), §161.04 (B)(1), §161.05 (C), §161.06 (C), §161.07 (B)(1), §161.08 (B)(1), §161.09 (B)(1), and §161.23 (B)(1).

Section 4. That Chapter 162: Use Units is amended by adding Accessory Dwelling Units as Use Unit 41 in §162.01.

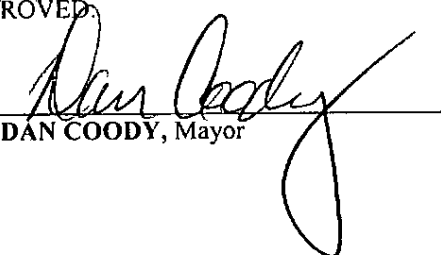
Section 5. That Chapter 163: Use Conditions is amended by removing Detached Second Dwelling Units (granny units) from §163.01: Listing, and removing all of §163.07: Detached Second Dwelling Units (Granny Units) and re-numbering the remainder of Chapter 163: Use Conditions accordingly.

Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and APPROVED this the 15th day of April, 2008.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA E. SMITH, City Clerk/Treasurer

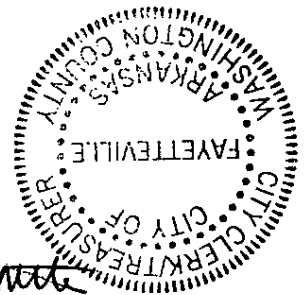


EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.
- (B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:
- (1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
 - (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
 - (3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.
 - (4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.
 - (5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
 - (6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.
- (C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:
- (1) R-A Residential Agricultural
 - (2) RSF – 0.5 Residential Single Family – One Half Unit per Acre
 - (3) RSF – 1 Residential Single Family – One Unit per Acre
 - (4) RSF – 2 Residential Single Family – Two Units per Acre
 - (5) RSF – 4 Residential Single Family – Four Units per Acre
 - (6) RSF – 7 Residential Single Family – Seven Units per Acre
 - (7) RSF – 8 Residential Single Family – Eight Units per Acre
 - (8) NC Neighborhood Conservation
- (D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:
- (1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.
 - (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and

setbacks with the exception of density.

- (3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.
- (5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.
- (6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.
- (7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.
- (8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.
- (9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.
- (10) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.
- (11) *Tree Preservation.* To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All

significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(12) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(13) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

(a) A material sample board indicating type of materials and colors to be used on the exterior of the building.

- (b) An architectural elevation drawing of all sides of the proposed structure.
 - (c) Images or architectural elevations of the principal dwelling unit.
- (E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:
- (1) Scale no smaller than 1" = 30' (one inch equals thirty feet)
 - (2) A north arrow
 - (3) Property lines
 - (4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks
 - (5) All existing and proposed structures with accompanying uses
 - (6) Size of parcel in square feet or acres.
 - (7) Size of all existing and proposed structures in square feet
 - (8) Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - (9) Pertinent special features such as drainage features, berms, fences, and retaining walls
 - (10) Parking areas, including driveways, with paving materials and dimensions
 - (11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species
 - (12) Tree protection plan including all significant trees and protection measures
- (F) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- (1) The accessory dwelling unit shall not be sold separately from the principal residence.
 - (2) The accessory unit is restricted to the approved size.
 - (3) The property owner shall at all times reside on the property.
 - (4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.
- (G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps if a hardship exists, such as difficult access or topography. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.
- (H) *Existing Detached Second (Accessory) Dwelling Units.*
- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.
 - (2) *Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.
- (I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of

ORD
4/15/08
5128
ADM 07-2712
Amend Various
Chapters

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

18-Mar-08
City Council Meeting Date

Leif Olson
Submitted By

Long Range Planning
Division

Operations
Department

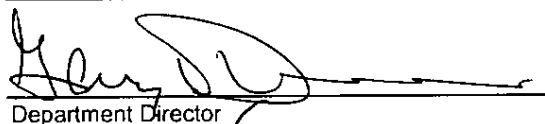
Action Required:

ADM 07-2712: Approval of an ordinance amending the Unified Development Code to allow Accessory Dwelling Units as a use by right with administrative approval in all single family zoning districts.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

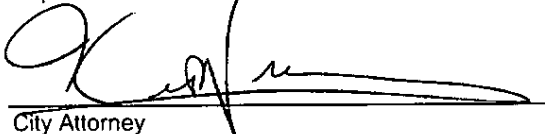
Budgeted Item ☐

Budget Adjustment Attached ☐

 2-29-08
Department Director Date

Previous Ordinance or Resolution # n/a

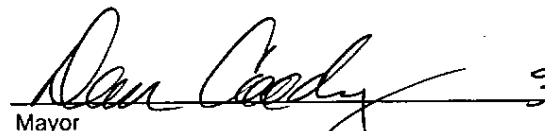
Original Contract Date: n/a

 2-29-08
City Attorney Date

Original Contract Number: n/a

 3-3-08
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED 2/29/08

 3/4/08
Mayor Date

Received in Mayor's Office
ENTERED 2/29/08

Comments:

Left on the second reading 4/11/08
Left on the first reading 3/18/08
Planning Commission
March 14, 2016
Agenda Item 7b
14.19 Amend.
Page 9 of 161

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director

From: Leif Olson, Long Range Planner

Date: February 1, 2008

Subject: The request is to approve the proposed amendments to the Unified Development Code allowing Accessory Dwelling Units as a use-by-right in all residential zoning districts with administrative approval.

RECOMMENDATION

Planning Staff recommends approving the proposed Accessory Dwelling Unit Ordinance by the City Council.

BACKGROUND

The City Council has adopted a policy of addressing attainable housing as one of its top priorities. Planning Staff drafted a Housing White Paper in 2005 which outlined a series of policy alternatives that the City could implement in order to diversify the housing stock in terms of size and price points. One of the policy recommendations discussed in the white paper was to allow existing homeowners to construct accessory dwelling units on their property with administrative review and approval.

Accessory Dwelling Units (ADUs) are currently permitted by conditional use in residential districts of the City. The Conditional Use Permit process by its very nature can discourage residents from proposing ADUs. The current structure of the ordinance gives very little design guidance to the property owner and the public. The public hearing process can also have the undesired consequence of creating a reactionary response by the public and results in projects being re-designed by adjoining neighbors and appointed and elected officials. This is often a result because there are few guiding rules for the applicant, the public, Planning Staff or the appointed and elected officials to follow.

Planning Staff believes that a prescriptive ADU ordinance which addresses site design, bulk and area considerations, building heights, setbacks and architectural compatibility will ensure that new ADUs are appropriate in scale and design and that they will contribute to the community and neighborhood.

Planning Staff is bringing this ordinance forward at this time in order to advance three of the six goals adopted by the City Council's passage of City Plan 2025. Allowing ADUs by right is a benchmark in City Plan 2025 for the Fall 2006 – Summer 2007 schedule. Specifically, this ordinance is designed to address:

- Goal 1: We will make appropriate infill and revitalization our highest priority,
- Goal 2: We will discourage suburban sprawl, and
- Goal 6: We will create attainable housing.

Administrative approval of ADUs will advance Goals 1 and 2 by encouraging the creation of dwelling units on property that has already been developed within the City. Low-density single-use residential property has the infrastructure already in place to allow for these infill opportunities. The larger lot sizes associated with low density zoning are prime locations for ADUs and will discourage sprawl by allowing appropriate and compatible small-scale residential uses to existing neighborhoods. ADUs by right are the very definition of infill and revitalization.

ADUs can create attainable housing in a number of ways. They are often designed as a housing alternative for members of the family who may have special needs or life circumstances, for instance the traditional role of an ADU as a "granny unit" for the mother-in-law. Families with college age children may choose to construct an ADU rather than pay rent for a dorm room or off-campus apartment. ADUs can be a very effective housing solution for a variety of familial circumstances that evolve over time. Additionally, ADUs as rental units can provide the necessary income needed for a family to meet their monthly mortgage obligations. There is an abundance of literature that can be found on the internet regarding the social and economic advantages of ADUs. Here is a brief list of links about ADU ordinances in other municipalities:

<http://rainier.wa.us/Publications/adu30.pdf>

<http://www.ci.santa-cruz.ca.us/pl/hcd/ADU/adu.html>

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/handouts/ADU.pdf>

DISCUSSION

The Planning Commission forwarded this item to the Ordinance Review Committee with a unanimous vote of 6-0. A concern brought up by the Planning Commission was that 600 sq. ft. would allow too large of a unit and perhaps 400 sq. ft. would be more appropriate. Staff has looked at the advantages and disadvantages of reducing the allowable square footage and is in favor of leaving it at 600 sq. ft. The downside of reducing the square footage is that you can reduce it to the point where it will in effect prescribe an efficiency type unit without a separate bedroom. An efficiency unit may be appropriate for younger people and students but most adults would not find it very practical. Staff believes that reducing the square footage will significantly limit the potential for a broad cross-section of the community to take advantage of this form of attainable housing.

The City Council Ordinance Review Committee forwarded this item to the full City Council with a unanimous 3-0 vote in favor of the proposed ordinance.

Planning Staff has met internally and with the Council of Neighborhoods in February to discuss the Accessory Dwelling Unit Ordinance and to make any additional changes that would create a stronger "by right" ordinance. Therefore, Planning Staff has made the following changes to the ordinance in order to address some of the concerns brought up during these meetings;

- Requirement of impact fees for all accessory dwelling units.
- Requirement for separate water and sewer taps for the accessory dwelling unit.
- Proof of occupancy of the owner of the residence with a registration requirement annually.
- Requirement of site plan review by the Urban Forester with mitigation requirements for the removal of significant trees on the building site.
- The maximum building heights have been amended in order to mirror the way building height is determined for single family development.
- Requirement for the removal of cooking facilities when the owner no longer resides in either the principal or accessory dwelling unit.

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164 SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and

WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and

WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and

WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and

WHEREAS, the City of Fayetteville recognizes that an administrative approval process will streamline the development process and encourage the construction of additional accessory dwelling units; and

WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That Chapter 159: Fees is amended by adding Accessory Dwelling Unit \$100.00 to §159.01(B)(6).

Section 3. That Chapter 161: Zoning Regulations is amended by adding Use Unit 41: Accessory Dwelling Units in §161.03 (B)(1), §161.04 (B)(1), §161.05 (C), §161.06 (C), §161.07 (B)(1), §161.08 (B)(1), §161.09 (B)(1), and §161.23 (B)(1).

Section 4. That Chapter 162: Use Units is amended by adding Accessory Dwelling Units as Use Unit 41 in §162.01

Section 5. That Chapter 163: Use Conditions is amended by removing Detached Second Dwelling Units (granny units) from §163.01: Listing, and removing all of §163.07: Detached Second Dwelling Units (Granny Units) and re-numbering the remainder of Chapter 163: Use Conditions accordingly.

Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and APPROVED this the ____ day of ____, 2008.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.

Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.
- (B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:
- (1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
 - (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
 - (3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.
 - (4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.
 - (5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
 - (6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.
- (C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:
- (1) R-A Residential Agricultural
 - (2) RSF – 0.5 Residential Single Family – One Half Unit per Acre
 - (3) RSF – 1 Residential Single Family – One Unit per Acre
 - (4) RSF – 2 Residential Single Family – Two Units per Acre
 - (5) RSF – 4 Residential Single Family – Four Units per Acre
 - (6) RSF – 7 Residential Single Family – Seven Units per Acre
 - (7) RSF – 8 Residential Single Family – Eight Units per Acre
 - (8) NC Neighborhood Conservation
- (D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:
- (1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

- (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.
- (3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.
- (5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.
- (6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.
- (7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.
- (8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.
- (9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.
- (10) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.
- (11) *Tree Preservation.* To protect existing tree canopy to the greatest extent

possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:

(a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

(b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.

(c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(12) *Building Height and Stories.*

(a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.

(b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.

(c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

- (13) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof

pitch. The following materials must be submitted for review of an application:

- (a) A material sample board indicating type of materials and colors to be used on the exterior of the building.
- (b) An architectural elevation drawing of all sides of the proposed structure.
- (c) Images or architectural elevations of the principal dwelling unit.

(E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:

- (1) Scale no smaller than 1" = 30' (one inch equals thirty feet)
- (2) A north arrow
- (3) Property lines
- (4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks
- (5) All existing and proposed structures with accompanying uses
- (6) Size of parcel in square feet or acres.
- (7) Size of all existing and proposed structures in square feet
- (8) Name of the applicant or property owner, plan preparer, project name and project address in a title block
- (9) Pertinent special features such as drainage features, berms, fences, and retaining walls
- (10) Parking areas, including driveways, with paving materials and dimensions
- (11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species
- (12) Tree protection plan including all significant trees and protection measures

(F) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the

property was acquired by the present owner and stating that:

- (1) The accessory dwelling unit shall not be sold separately from the principal residence.
- (2) The accessory unit is restricted to the approved size.
- (3) The property owner shall at all times reside on the property.
- (4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.

(G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps if a hardship exists, such as difficult access or topography. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(H) *Existing Detached Second (Accessory) Dwelling Units.*

- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.
- (2) *Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.

(I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.

(J) If the property owner no longer resides on the

property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.

(K) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

ADM 07-2712: (ACCESSORY DWELLING UNITS): An ordinance amending the Unified Development Code to allow Accessory Dwelling Units by right in Residential Zoning Districts.

Tim Conklin, Planning and Development Management Director, explained that the accessory dwelling unit ordinance was one of the benchmarks adopted by the City Council. The proposed ordinance was drafted to allow existing homeowners to construct accessory dwelling units. He explained that accessory dwelling units also known as detached second dwelling units are currently permitted by conditional use. Planning staff was bringing forward a prescriptive ordinance that addresses site design, bulk and area, building height, setback, and architectural compatibility. The ordinance advances three of the six goals adopted in City Plan 2025: Allowing accessory dwelling units meets Goal 1, Appropriate Infill, discouraging suburban sprawl meets Goal 2, and creating attainable housing meets Goal 6. He suggested the Commissioners review what was adopted by other communities in Washington, Wisconsin, and California. A PowerPoint presentation was shown that discussed the benefits of the ordinance and how it relates specifically to Fayetteville.

Conklin asked that if the Commissioners had any additional requirements or suggestions above and beyond those discussed, that he be notified. Each exhibit was presented and summarized.

Commissioner Anthes asked if it will modify approved PZDs.

Conklin stated that no, it's too complicated to do so with all Residential PZDs. Instead, Use Unit 41, Accessory Dwelling Units, will be added to the UDC and could be used to amend an existing PZD through the City Council process.

Public Comment was received:

Joann Kvamme, neighbor, stated she is concerned about small lot sizes. She stated that the amount of coverage on a lot be considered by the amount of impervious surface. She expressed drainage concerns and how the additional units would change the flavor of neighborhood. She expressed that ADU's should be looked at on a case by case basis. She thought this proposed ordinance was too risky for the City to blanket approval ADU's. She understood PZDs won't change, but once a person buys the property, they could change it after it is built. She also expressed concern that off-street parking won't be enough to serve the ADU.

Dan Conner stated the main reason they haven't been approved is the whole neighborhood comes out and fights it. He suggested they keep ADU's as a conditional use permit.

Conklin stated that the City does have lot coverage standards, but they don't have them for actual paving. With regard to previous ones, they typically aren't a problem if they are done correctly. If this is something we want to encourage, as affordable housing, or if there needs to be additional requirements to make it more prescriptive, please let staff know your ideas.

Commissioner Anthes asked if development in PZDs can change.

Conklin stated that no, the PZD ordinance goes with the Land.

Commissioner Ostner asked about R-O zoning and ADU's.

Conklin stated they tried to stay with just single-family, because they currently only allow one single family dwelling.

Commissioner Ostner asked if there was an impact fee for an additional unit.

Conklin confirmed that impact fees would apply to each new unit.

Commissioner Ostner asked if there were separate water/sewer taps, or together?

Conklin stated that he has seen it done both ways.

Commissioner Ostner stated it can get expensive to build an ADU. He questioned trash pick up and how that would be handled. He stated that Mr. Conner had a good point that people fight these requested-for ADU's. He stated that there were no parameters in previous applications – no specific rules and that they probably should have been fought. He stated he thought 600 square feet was too big. He thought 400-500 s.f. would be more appropriate. He would like to see the ordinance say 400 s.f., instead. He stated that he lived in 420 s.f. with a roommate. He thought the Ordinance is terrific, to set up rules to promote ADU's. He stated that density is what is going to save this town. You can get more shops, and keep Dickson alive. This is a great way to do density right.

Commissioner Winston asked about the size of the dwelling unit on the right in the slideshow.

Conklin stated that he did not know but would find out.

Commissioner Ostner stated he hopes that the entire property, both ADU and primary dwelling don't become rent houses. And that you could have six people living in these houses.

Commissioner Anthes asked about a deed restriction on the property that requires owner occupancy for one of the units.

Commissioner Ostner asked about the potential problem of an unscrupulous owner who doesn't occupy one of the units.

Commissioner Bryant asked how the deed restriction worked and how it would be enforced. She asked what stops them from renting both out.

Pate stated that if there is a violation of UDC, it will be prosecuted.

Commissioner Cabe asked about the amount of buildable area, and how this ordinance would impact existing second dwelling units that did not go through CUP. He also asked about grandfathered units.

Motion:

Commissioner Myres made a motion to forward the request to ordinance review.

Commissioner Cabe seconded the motion.

Commissioner Anthes stated she appreciates staff's work on research to produce a predictable outcome with this process. She discussed the benefits of this ordinance with helping to create additional income to allow citizens afford housing, the downsizing of families, and being able to stay in neighborhood. She stated that she supported this ordinance.

Upon roll call the motion passed with a vote of 6-0-0.

Page Break

From: Jeremy Pate
To: Pearman, Clarice
Date: 4.16.08 1:25 PM
Subject: Re: CC items approved 04-15-08

CC: Conklin, Tim

Tim is out on vacation today, but I've copied him on this message so he can get the correct ordinance exhibits upon his return.

thanks,
Jeremy

>>> Clarice Pearman 4/16/2008 1:21 PM >>>

Thanks Jeremy. What do you have an ordinance for ADM 4712 Amending 151, 159, 161, 162, 163 & 164? I appreciate your help.
Clarice

>>> Jeremy Pate 4.16.08 8:35 AM >>>

Clarice,
Please find the attached item, approved last night by the City Council:

RZN 08-2936 (Mullins): ord + Exh A

Please let me know if you have any questions.

thanks,
Jeremy

Jeremy C. Pate, APA, ASLA
Director of Current Planning
City of Fayetteville

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

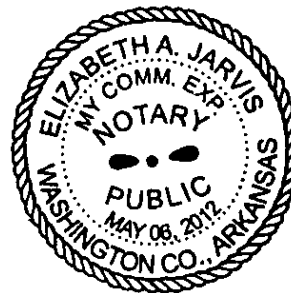
I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – Ordinance 5128

April 23, 2008

Publication Charge: \$416.73

Subscribed and sworn to before me

This 24 day of April, 2008.



Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent

RECEIVED

MAY 02 2008

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CODE OF FAYETTEVILLE TO AMEND CHAPTER 151: DEFINITIONS, CHAPTER 159: FEES, CHAPTER 161: ZONING REGULATIONS, CHAPTER 162: USE UNITS, CHAPTER 163: USE CONDITIONS AND CHAPTER 164: SUPPLEMENTARY DISTRICT REGULATIONS IN ORDER TO MAKE ACCESSORY DWELLING UNITS A PERMITTED USE IN ALL RESIDENTIAL ZONING DISTRICTS CONTINGENT UPON PLANNING DIVISION ADMINISTRATIVE APPROVAL.

Fayetteville

ARKANSAS

RECEIVED

MAY 02 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

WHEREAS, the City of Fayetteville recognizes that accessory dwelling units provide an additional housing choice for many residents of the City such as students and senior citizens; and
WHEREAS, the City of Fayetteville has identified the need for increased housing options and variations in the existing housing market; and
WHEREAS, the City of Fayetteville has determined that accessory dwelling units are appropriate in residential zoning districts; and
WHEREAS, the City of Fayetteville recognizes that strict design guidelines will minimize cited concerns about appearance, mass and scale; and
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WHEREAS, Accessory dwelling units that exceed the maximum standards prescribed in the proposed ordinance may request a variance from specific standards to the Planning Commission;

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

Section 1. That Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01, a copy of which marked Exhibit "A" is attached hereto and made a part hereof.

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Section 6. That Chapter 164: Supplementary District Regulations is amended by adding the proposed language in §164.19, a copy of which is marked Exhibit "B" attached hereto and made a part hereof.

PASSED and APPROVED this the 15th day of April, 2008.

APPROVED:

By: **DAN GOODY, Mayor**

ATTEST:

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

EXHIBIT "A"

Chapter 151: Definitions is amended by adding Accessory Dwelling Unit and Principal Dwelling Unit to §151.01:

Accessory Dwelling Unit. (Zoning) An Accessory Dwelling Unit is a separate dwelling unit from the principal dwelling unit, located on a single family zoned lot. The owner of the lot shall permanently reside in either the principal dwelling unit or the accessory dwelling unit located on the property.
 Principal Dwelling Unit. (Zoning) A Principal Dwelling Unit is the primary and larger of two dwelling units located on a single lot.

EXHIBIT "B"

Chapter 164: Supplementary District Regulations is amended by adding the following section §164.19: Accessory Dwelling Units:

164.19 Accessory Dwelling Units (ADU)

(A) Purpose. The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.

(B) Intent. Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
 (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
 (3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.

(4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.

(5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain gardens, indigenous plants and landscape berms.

(C) Permitted Zoning Districts: Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:

- (1) R-A - Residential Agricultural
- (2) RSF - 0.5 Residential Single Family - One Half Unit per Acre
- (3) RSF - 1 Residential Single Family - One Unit per Acre
- (4) RSF - 2 Residential Single Family - Two Units per Acre
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- (7) RSF - 8 Residential Single Family - Eight Units per Acre
- (8) NC Neighborhood Conservation

(D) Administrative Design Review and Approval. All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

(1) Maximum Square Feet and Number of Bedrooms. The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.

(2) Zoning. The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.

(3) Parking. One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.

(4) Existing Development on Lot. A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.

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- (5) Maximum Number of Accessory Dwelling Units per Lot. A maximum of one accessory dwelling unit shall be permitted for each lot.
- (6) Other Code Requirements. The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.
- (7) Water and Sewer. Water and sewer service for the accessory dwelling unit shall be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.
- (8) Occupancy. The property owner must permanently occupy either the principal or accessory dwelling unit.
- (9) Maximum Occupancy of the Accessory Dwelling Unit. A maximum of two persons shall reside in an accessory dwelling unit.
- (10) Registration of Dwelling Units. The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.
- (11) Tree Preservation. To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:
- The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.
 - For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.
- (c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.
- (12) Building Height and Stories.
- A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.
 - A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
 - An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.
- (13) Building Design. The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:
- A material sample board indicating type of materials and colors to be used on the exterior of the building.
 - An architectural elevation drawing of all sides of the proposed structure.
 - Images or architectural elevations of the principal dwelling unit.
- (E) Site Plan Requirements. Three sets of detailed site plans are required with the following information:
- Scale no smaller than 1" = 30' (one inch equals thirty feet)
 - A north arrow
 - Property lines
 - Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks
 - All existing and proposed structures with accompanying uses
 - Size of parcel in square feet or acres.
 - Size of all existing and proposed structures in square feet
 - Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - Pertinent special features such as drainage features, berms, fences, and retaining walls
 - Parking areas, including driveways, with paving materials and dimensions
 - A landscape plan showing the location of all proposed landscaping, size of plant materials and species
 - Tree protection plan including all significant trees and protection measures
- (F) Deed Restrictions. Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- The accessory dwelling unit shall not be sold separately from the principal residence.
 - The accessory unit is restricted to the approved size.
 - The property owner shall at all times reside on the property.
 - The above restrictions are binding upon any successor in ownership of the property and shall run with the property.
- (G) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps if a hardship exists, such as difficult access or topography. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.
- (H) Existing Detached Second (Accessory) Dwelling Units.
- Conforming Units. Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.
 - Nonconforming Units. Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.
 - Non-Conforming Structures. Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.
 - If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.
 - Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**City of Fayetteville Arkansas
City Council Meeting Minutes
March 18, 2008**

A meeting of the Fayetteville City Council was held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Deputy City Clerk Amber Wood, Staff, Press, and Audience

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

This is the first live web streaming meeting exercise we are going through and Amber Wood, Deputy City Clerk is working with the company that is live web streaming.

Presentations, Reports and Discussion Items:

Sustainability Report: John Coleman, Sustainability Coordinator gave an update on the sustainability efforts of the city. He stated the utility costs are down from last year, but this is not a trend because more data needs to be collected. He has set up a sustainability team that is made up of City employees.

Alderman Thiel thanked John for his service and the work that he has done for the Environmental Concerns Committee.

Nominating Committee Report: Alderman Cook presented the Nominating Committee Report. A copy of the report is attached.

Alderman Ferrell moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the March 04, 2008 City Council meeting minutes.

Approved

Landers Ford State Vehicle Purchase: A resolution approving the purchase of two (2) compact extended cab 2X4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of \$23,784.00 for use by the Meter Division.

Resolution 52-08 as Recorded in the office of the City Clerk.

Bid # 08-17 Truck Centers of Arkansas: A resolution awarding Bid # 08-17 and approving the purchase of two (2) tandem axle dump trucks from Truck Centers of Arkansas in the amount of \$200,050.00 for use by the Water & Sewer Division.

Resolution 53-08 as Recorded in the office of the City Clerk.

Bid # 08-18 Truck Centers of Arkansas: A resolution awarding Bid # 08-18 and approving the purchase of two (2) tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of \$210,960.00 for use by the Transportation Division.

Resolution 54-08 as Recorded in the office of the City Clerk.

Bid # 08-19 Truck Centers of Arkansas: A resolution awarding Bid # 08-19 and approving the purchase of one (1) tri-axle dump truck from Truck Centers of Arkansas in the amount of \$106,259.00 for use by the Transportation Division.

Resolution 55-08 as Recorded in the office of the City Clerk.

Bid # 08-20 Truck Centers of Arkansas: A resolution awarding Bid # 08-20 and approving the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of \$471,873.00 for use by the Solid Waste & Recycling Division.

Resolution 56-08 as Recorded in the office of the City Clerk.

Bid # 08-21 Downing Sales and Service: A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of \$158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of \$1,805.00.

Resolution 57-08 as Recorded in the office of the City Clerk.

Bid # 08-22 Truck Centers of Arkansas: A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of \$76,423.00 for use by the Solid Waste & Recycling Division.

Resolution 58-08 as Recorded in the office of the City Clerk.

Bid # 08-23 Scruggs Equipment Company: A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of \$90,332.00 for use by the Solid Waste & Recycling Division.

Resolution 59-08 as Recorded in the office of the City Clerk.

Bid # 08-26 Golden Circle Ford: A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of \$46,504.00 for use by the Transportation Division.

Resolution 60-08 as Recorded in the office of the City Clerk.

Bid # 08-27 Longo Toyota: A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of \$44,360.00 for assignment to the rental pool.

Resolution 61-08 as Recorded in the office of the City Clerk.

West Side Wastewater Treatment Plant Deed Restriction: A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

Resolution 62-08 as Recorded in the office of the City Clerk.

Arkansas Western Gas Company Agreement: A resolution approving an agreement with Arkansas Western Gas Company in the amount of \$397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

Resolution 63-08 as Recorded in the office of the City Clerk.

Arkansas Highway and Transportation Department Agreement: A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation

Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

Resolution 64-08 as Recorded in the office of the City Clerk.

Peace at Home Shelter Building Permit Fee: A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.

Resolution 65-08 as Recorded in the office of the City Clerk.

2008 Assistance To Firefighters Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2008 Assistance to Firefighters Grant in the amount of \$300,000.00 to replace self-contained breathing apparatus (SCBA) and a SCBA Mobile Cascade system.

Resolution 66-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

Alderman Allen: This is an enormous number of trucks and a lot of money. Were they all bought at the same time and so they are all going out of commission at the same time? Why is there such a large number?

David Bragg, Fleet Operations Superintendent: This is really not an unusual amount of equipment for what we do every year. This year we have just gone about it a little differently. We are doing all the acquisitions in the first half of the year. Our budget is up a little over previous years. It is a cyclical thing where we go on an eight to ten year service life. Some years we have more equipment that comes due than other years. The money is accumulated into the fleet fund on an even basis so that money will be available in the fleet fund when the vehicle is due for replacement. There is another fairly large group of vehicles coming up for approval next month but that is essentially the end of the acquisitions for this year. We have a fleet with a value of over \$25 million. We have to spend \$1.5 million to \$2.5 million every year just to stay even.

Mayor Coody: To replace old equipment as it phases out.

David Bragg: Yes.

Alderman Ferrell: There were some vehicles that the equipment committee did not approve. If you are flush in money then you can afford a great fleet, if you are not you can't.

Unfinished Business:

Hiring Freeze:

Hiring Freeze Appeals: A resolution to approve the hiring of replacement employees

Animal Services – One Animal Services Officer and One Animal Services Caregiver

Jim Hatfield, Animal Services Superintendent: The caregiver position was created when we promoted from within. We promoted one of the caregivers to the vet assistant position. By promoting from within we have opened another position. We have an officer position also. By continuing this position it will save us overtime on call pay for two senior officers when we look at overtime emergency on call pay.

Alderman Lucas: Do they not get paid overtime and on call pay when they are called at night. The other officers could not cover that?

Jim Hatfield: Yes but the two senior officers are paid more. There are two other officers and they are paid about mid level.

Mayor Coody: You could cover this slot but it would be more stressful for the staff and you would be using more expensive people at a higher overtime rate to cover for this entry level position.

Jim Hatfield: Correct.

Alderman Ferrell: These are replacement positions correct?

Jim Hatfield: Absolutely.

Mayor Coody: We aren't bringing new positions forward.

Alderman Lucas: Is this an increase to a full time position?

Jim Hatfield: We have the caregiver slot that is open; we have a part time person that is trying to cover that position.

Alderman Thiel moved to approve the Animal Services Officer and the Animal Services Caregiver position. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

**One Animal Services Officer – Approved
One Animal Services Caregiver – Approved**

Human Resources – Administrative Assistant

Missy Leflar, Human Resources Division Manager: I am losing 20% of my work force which is one person. We did have five full time positions and one part time position. This past November my division voluntary cut the part time position in an effort to help the City with budget cuts. If we lose this position we can not keep the balls juggling in the air. Each of us

would have to man that front desk two hours per day and make sure her other work got done as well. Our staff is at a current level of five which is under sized for an organization with the number of employees we have. Seven HR staff members would be the medium number and we have five. I would like to request that you allow me to replace this position. It is not a new position.

Alderman Ferrell: Do you have any indication of whether the replacement person would be a new hire or a transfer?

Missy Leflar: No sir, we would post it internally as well as run a job advertisement.

Alderman Ferrell: Chances are that a new person would cost less wouldn't it?

Missy Leflar: I should hope so.

Alderman Rhoads moved to approve the Human Resources Administrative Assistant position. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Human Resources Administrative Assistant - Approved

Resolution 67-08 as Recorded in the office of the City Clerk.

Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and 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 resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.*

Mayor Coody: You guys came to some terms in the past few days haven't you?

Alderman Jordan: Yes we have. There were funding issues and equipment cost reimbursement and other issues. I had concerns about Springdale not being involved. Other things that were discussed were price per capita, which all cities will pay the same per capita. Exclusivity was also passed by the committee. I think it is an agreement that is good for both parties in general.

City Attorney Kit Williams: We have had some very good committee meetings. We made some changes to the agreement that would be a positive improvement for everyone involved.

Kit explained the conditions of the agreement.

Alderman Lucas: After 2011 the equipment will be owned by the authority.

City Attorney Kit Williams: Yes. Everything that is purchased new by the authority is going to be the authority's from day one. Equipment that has been transferred by another party if they have not left the authority by July 1, 2011 all the property will be the authority's property.

Jeff Dick with Arkansas Paramed Transfer: We are nonemergency providers within the City of Fayetteville. I understood it would have to come before the City Council another time to vote for exclusivity.

Alderman Ferrell: Tonight.

City Attorney Kit Williams: The amendment itself does not require it but the resolution that would adopt this does authorize exclusivity for nonemergency services. That part of the resolution would have to be removed or else exclusivity would be granted tonight.

Jeff Dick: I would like to ask the Council to reconsider the exclusivity part. You would be going to a drastic step of granting a monopoly to one provider and you would basically be pushing the other providers out. I would like to see competition in the market place.

John Gibson, Chairman of the Board of Central EMS: When we thought about putting the board together, we put a hospital and nursing home representative on the board. I suspect they will be looking very seriously at the rates that are charged to their businesses for nonemergency service. We have a good agreement that I think we can all live with.

He thanked the people that worked on the agreement.

Mayor Coody: Thanks for your patience. The County and the City have always been good partners and I am glad we will be able to continue this great relationship that we have.

John Gibson: I am going to stay around and make sure that this ambulance service is as good or better than it is right now.

Rick Wilcox, owner of Northwest Medical Transfer: I disagree that it is automatic money in your pockets to create a monopoly. I pulled out of Fayetteville about a year and a half ago. He discussed an independent study that was done on ambulance services. He discussed Medicare payments that are received for ambulance service. He said insurance is a tough business to deal with.

Alderman Jordan gave a summary of the proposed contract.

Alderman Thiel: The recommendation from the committee is to approve this?

Alderman Jordan: Yes.

Alderman Thiel: I appreciate the concerns from the private businesses about exclusivity. Looking at the potential for possible savings to the citizens of Fayetteville is one of the reasons we started this discussion several years ago. She quoted what the City Attorney wrote in a memo

about exclusivity. Based on this memo and the committee recommendation I support exclusivity.

Mayor Coody: Central EMS if granted exclusivity will contract out with the private folks to handle the load that they can't.

Alderman Ferrell: I think all of us want to have good ambulance service. I want to thank the committee. I do not support exclusivity in ambulance service. EMS today is in the nonemergency business. They are another provider.

Alderman Lucas: This has bothered me to have exclusivity.

A discussion followed on the contract.

Alderman Allen: I spoke to several nurses and the exclusivity was troublesome to them. What percentage of nonemergency transfers is being done by EMS now?

Becky Stuart, Chief of Central EMS: We do about 120 nonemergency calls per month.

Alderman Allen: Could someone need a nonemergency transfer and be unable to be transferred for a lengthy period of time?

Becky Stuart: We would be able to learn more about the call volume and add resources through the authority and Central EMS. We might have to have another provider that we contract with to come in and help with the peak demand times.

Alderman Allen: So these other companies could come in at that time even if we go with the exclusivity?

Becky Stuart: That would be through a contractual agreement between another provider and the EMS Authority.

Alderman Rhoads: If they don't do what they say and don't hire someone else then we will get complaints and they will change their ways or we will go non exclusive.

Alderman Thiel: Didn't you say that if this passed you are going to add a truck or two?

Becky Stuart: Right now we have the infrastructure in place and we are able to add two ambulances a day, Monday through Friday 8-5 which is when most of the nonemergency calls occur.

Alderman Jordan: You said exclusivity could be a gain for the City of Fayetteville.

City Attorney Kit Williams: At least for the authority and that would mean that we would not have to pay as much subsidy.

Becky Stuart: It will be a gain to the overall system both emergency and nonemergency.

Alderman Jordan: Do you have any estimates on how much that could be?

Becky Stuart: At this time our estimates are \$300,000 net per year.

Alderman Allen: Did the committee have any concern about competition?

Alderman Jordan: Yes.

Alderman Lucas: When you have exclusivity you can designate different staff and vehicles for those transfers which helps.

Becky Stuart: Yes. Currently all of the ambulances that are in place for Washington County and Fayetteville through Central EMS are paramedic level certified. That is the highest and most expensive level. If we know how many nonemergency calls and what time of day they are scheduled we can put on a nonemergency basic life support ambulance. We can then match the resource with the type of call. We feel this is a better use of our resources.

Alderman Ferrell: If you have to call someone that you are contracting with to help there wouldn't be any correlation between whether they had insurance or not in a situation like that.

Becky Stuart: Absolutely not.

Alderman Cook: When we first came into this I was against exclusivity. Since then I have kind of swayed. I think it would be a mistake at this point if we didn't at least give this a try.

Alderman Ferrell moved to amend the resolution to remove exclusivity of non-emergency transfers services from the agreement. Alderman Jordan seconded the motion. Upon roll call the motion failed 1-7. Alderman Ferrell voting yes.

This amendment failed.

Alderman Jordan thanked several individuals for their work on this.

Alderman Lucas thanked several individuals for their work on this.

Alderman Gray moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-1. Alderman Ferrell voting no.

Resolution 68-08 as Recorded in the office of the City Clerk.

John Gibson: Thanked each member of the Council for working on this.

A discussion followed on the appointment of someone to this board.

New Business:

Economic Development Strategic Plan: A resolution to approve a budget adjustment in the amount of \$75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

Gary Dumas, Director of Operations gave a brief description of this resolution. He stated they are trying to create an economic development vision statement followed by a fairly detailed strategic plan. The University has agreed to partner with us for half of this, up to \$75,000. All we are doing today is appropriating the funds.

Alderman Cook: I thought this was a partnership with the University and now you are saying we are contracting with the University. It sounds like the University is taking the lead on it.

Gary Dumas: It is a partnership. We thought it was best to go through their selection process, just like we do a normal selection process. If you choose to have the City in the lead I would have to talk to the University but I don't think there would be any problem with that.

Alderman Cook: This came from the City initially. I don't disagree with partnering with the University, I think that is a good thing, but I don't want the citizens to feel like we are throwing money at the University and they are bringing somebody in here.

City Attorney Kit Williams: Would it not be possible to have a joint selection?

Gary Dumas: That is what the process is going to be.

Alderman Allen: I thought that part of our process was to bring forth our ideas about economic development to the table. It seems to me in these difficult economic times that should be where we start rather than with a consultant. I find it problematic particularly in tough economic times to bring in a consultant.

Gary Dumas: I suppose if the City Council wants to take that direction you certainly can. The recommendation to you is that we solicit outside assistance to gain from their prior experience and knowledge and to gain a new point of view of our local issues. What outside services will bring is facilitation of constructive discussion bringing that diverse knowledge and diverse opinion into a consolidated statement with which all sides can identify and move forward toward the achievement of our common objective a sustainable, successful, Fayetteville economy.

He read a brief statement from the University about bringing in a consultant.

I think the staff and those at the University that have participated feel that a fresh prospective from the outside, and in the essence of time, it is best to use external services.

Alderman Allen: I have concern for economic development in Fayetteville too. It seems like we should have started six months ago rather than with a consultant.

Mayor Coody: We brought in Dover Kohl to do our Downtown Master Plan. We have plenty of expertise in house to do it if they had nothing else to do. We would not have been able to focus on it like Dover Kohl did. They brought some very interesting and workable ideas to Fayetteville. Economic development is not a single thing that we do. We have been doing economic development seriously for the last seven years and I am very pleased with our progress. It is time to ratchet it up and go to the next level.

Phil Stafford, University of Arkansas: Every thing we have been trying to do is to accelerate the process. The concern about whether we are using outside consultants or not is really directed at the efficiencies. You will be a part of that vision and process. Having someone that can help us to guide us and keep us focused I think is the real value of working with outside consultants. I believe we will achieve better results by utilizing outside services that will help us to participate in a team like fashion.

Mayor Coody: One of the things I am excited about is the potential to really capitalize on the sustainability issue.

Phil Stafford: We have a history of partnering together. I think we are now able to take advantage of some of the additional strengths that we have been able to develop and couple that with new initiatives within the region.

Alderman Cook: I think there is some value with bringing someone in from the outside. Ultimately we are trying to attract from outside the community. We want to bring jobs here, to me that is the bottom line. Those jobs are going to be created by someone investing that money from outside the community. I think when we have that view and we get suggestions that ultimately we can create a better strategy.

Alderman Rhoads: I look forward to and endorse bringing someone else in. I think we have talented people at the University of Arkansas and with the City. I do not discount the smart people that are here. This is an opportunity to take this to another level and take advantage of folks that have done this before.

Alderman Allen: I agree with what Alderman Rhoads said. My point of disagreement was the process where I thought we would have more input. My concern is having a consultant at a time when we didn't give raises to people on our staff, because of tough economic times. That makes it hard for me to justify. It is not because I don't value our goals and that we need to do every thing we can in order to do the best job we can with economic growth in Fayetteville and have the proper kind of growth.

Alderman Ferrell: This money is coming out of the economic development fund and I think that is an appropriate place for it to come out of. I think we are over due. We don't have the luxury of waiting any longer. I think we need to have agreement on how to be successful and I think this partnership can direct us toward that.

Alderman Cook: If this actually works we will see what we have gotten from Van Scoyoc and much more in the long run.

Alderman Jordan: Why is FEDC or the A&P Commission not partnering with us on this?

Gary Dumas: There is no reason that they are not. FEDC looks to the City to provide guidance on what direction the City wants them to go. They are an implementer of your vision not the creator of the economic development vision. They are here to make things happen after you decide where we should go. This creates that plan so they have guidance and then we can actually measure success.

Alderman Jordan: If they are going to benefit from it.

City Attorney Kit Williams: It is not absolutely clear that A&P could donate money in this particular area. I have not researched that.

Alderman Jordan: That is a concern of mine.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-2. Alderman Allen and Jordan voting no.

Resolution 69-08 as Recorded in the office of the City Clerk

Norman Company: A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of \$29,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of \$1000.00.

David Jurgens, Water and Wastewater Director: This is the furniture purchase for the West Side Treatment Plant.

Alderman Ferrell voiced his concern about the cost of the chairs. He stated he will not vote for this.

Alderman Gray: I am going to vote for this. I want us to have furniture that is going to last. I would rather buy a good chair from the beginning and have it last a long time. The staff has given us their recommendation and I support it.

Alderman Thiel: A selection committee reviewed this and we do want to buy quality furniture because in the long run it pays for itself.

Alderman Ferrell: Who was on the selection committee?

David Jurgens: It wasn't a selection committee; it was two of my employees and one OMI representative.

Alderman Ferrell: As the plant comes on line they will not be spending as much time there is that correct?

David Jurgens: The wastewater plant now is manned 24/7. The new plant as time goes on will be able to cut the night shift but the operation staff will still be a 16 hour a day operation.

Alderman Lucas: I have a little bit of a struggle with the cost of the chairs.

David Jurgens: The average price is just under \$100. We tried to select furniture that was appropriate for the location and the use. We selected furniture that met the sustainable green type requirement. We followed the City's purchasing policy. We choose industrial grade furniture rather than standard or residential grade.

Mayor Coody: The people that have been building the wastewater treatment center have been doing a marvelous job on value engineering and making sure we get the best bang for our buck out there. OMI has done a stupendous job for the City of Fayetteville as far as managing our wastewater treatment center.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 4-4. Alderman Gray, Thiel, Cook, and Rhoads voting yes. Alderman Allen, Ferrell, Lucas, and Jordan voting no. Mayor Coody voted yes to pass the resolution.

Resolution 70-08 as Recorded in the office of the City Clerk

Arkansas Highway & Transportation Department Proposal: A resolution approving a proposal from the Arkansas State Highway and Transportation Department (AHTD) to widen Crossover Road from Mission Boulevard to Joyce Street; and reaffirming the City of Fayetteville's commitment of \$7,700,000.00 to the project.

Ron Petrie, City Engineer gave a brief update on the project. He gave the four possible options. He stated the Street Committee voted 3-1 to use the second option which was to use the City commitment of \$7.7 million and proceed with the project.

Alderman Thiel: This project will proceed from Highway 45 to Joyce Street.

Alderman Jordan: The Street Committee recommended this option.

Alderman Thiel: I heard from a lot of people that supported following the plan that was originally given to us. I support doing it like this.

Alderman Allen: I also support building it like this.

Alderman Lucas: I also support this.

Alderman Ferrell: I voted against this at the Street Committee meeting however I will support it tonight.

Alderman Thiel moved to approve the resolution. **Alderman Jordan** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 71-08 as Recorded in the office of the City Clerk

Transportation Bond Program Funds: A resolution approving the use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard extension to the west of Gregg Avenue upon formal acceptance of an annexation from the adjoining property owner WG Land Company Limited Partnership.

Ron Petrie gave an update on this proposal. He said there was specific language within this agreement having to do with the industrial zoning within the cavern area and the commercial zoning for the remaining property when it is annexed or when it is developed.

Alderman Jordan thanked **Alderman Thiel** because some of this funding is coming from a project that was proposed for Ward 1.

Alderman Thiel: This is just delaying the proposed Fifteenth Street project.

Alderman Allen: This is the right thing to do.

Alderman Cook: My concern is the de-annexation. That will be a fight.

Gary Dumas: The annexation and de-annexation is not going to be an easy task.

Alderman Cook: What if the City of Johnson says no to the de-annexation?

City Attorney Kit Williams: This has happened before between other cities with property owners. A property owner has the right, if the city that he is currently a member of doesn't provide the kind of services that another city would offer, to go to court to require de-annexation from the other city, if the new city is willing to accept him in and offer the services that he can't get from the prior city. I think that is the situation that we have right now in this particular property.

Alderman Cook: Is that a lengthy process?

City Attorney Kit Williams: Yes.

Gary Dumas: I sent a letter to the City of Johnson proposing a negotiated agreement.

Alderman Cook: If we agree to this nothing happens until that land is in the City of Fayetteville?

Gary Dumas: I think that we should probably proceed with the design that will be done internally.

A discussion followed on a proposed amendment.

Alderman Lucas moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 72-08 as Recorded in the office of the City Clerk

Red Oak Park Streambank Improvements: A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.

Carole Jones, Fayetteville Parks and Recreation: We have had discussion since this was tabled. Residents of Ward 4 voted and agreed that we should proceed with the Arkansas Game and Fish Commission design. They also wanted us to work on the master plan of park once we get the stream finished and the possibility of looking at rain gardens in conjunction with this.

David Evans, Arkansas Game and Fish Commission: I don't see any change from what I said before. The slight narrowing of the channel from the modification that you asked me to make I am not willing to modify it any farther down than that.

Lowell Boynton, Bell Gabel Chapel Owner: I sent my comments to everyone in written form. I think there is a lack of appreciation for how much water is coming down through there.

Aubrey Shepherd, citizen: I think this is a chance to educate people. This is a poster child for bad development.

Valerie Biendara, citizen thanked Alderman Jordan and Lucas for the meetings they had regarding this. She also thanked Carole and Connie from Parks and Recreation for their hard work to see something done with this park. I appreciate the Council voting on this and giving us our park back.

Paul Becker, Finance Director reviewed the funding for the project. If the Council wants to use park land dedication funds they would need to amend the resolution. This is currently budgeted in the capital improvement fund.

A discussion followed on the funding for the project and where the funds are coming from. A discussion also followed regarding future park land dedication funds.

Alderman Ferrell moved to amend the resolution to use Park Land Dedication Funds in the amount of \$39,578. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-2. Alderman Gray and Thiel voting no.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 73-08 as Recorded in the office of the City Clerk

ADM 06-2380 Amend Chapters 166 & 172: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.

City Attorney Kit Williams read the ordinance.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent during the vote.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Planning Division gave a brief update on the proposed ordinance. Planning Commission forwarded this ordinance to the Ordinance Review Committee with a vote of 7-0. The Ordinance Review Committee forwarded this ordinance to the City Council with a vote 3-0.

Alderman Ferrell: Was there any thought about the PZD's being able to be considered?

Jeremy Pate, Director of Current Planning: For this particular item a PZD would not likely utilize these standards.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5118 as Recorded in the office of the City Clerk.

ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.

City Attorney Kit Williams read the ordinance.

Leif Olson, Planning Division: The Planning Commission forwarded this to the Ordinance Review Committee with a vote of 6-0. The Ordinance Review Committee forwarded it to the City Council with a vote of 3-0. He gave a list of proposed requirements from the Council of Neighborhoods.

There was a discussion on the proposed changes from the Council of Neighborhoods. After discussion this was left on the first reading and sent back to the Ordinance Review Committee to review.

Alderman Allen: I have concerns about implementation and how this will be regulated. Basically I think it is a really good ordinance.

Jeremy Pate: We looked at utilizing this for PZD's but we didn't get a lot of support for that. We did not feel it was the right thing to do to propose these as a use by right for PZD's

Alderman Thiel: During the Ruskin Heights discussion this was a big issue so I appreciate that being looked at in a different way.

This ordinance was left on the First Reading.

ADM 08-2927 (Stadium Centre Cottages): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the proposed ordinance. Planning Commission voted unanimously to support this amendment.

Alderman Lucas: This does not increase the density.

Jeremy Pate: That's correct.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Allen** was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Allen** was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Allen was absent during the vote.

Ordinance 5119 as Recorded in the office of the City Clerk.

Amend Chapter 72 Parking Regulations: An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.

City Attorney Kit Williams read the ordinance.

John Coleman, Sustainability Coordinator gave a brief description of the proposed ordinance. He stated this will cost very little money in time on behalf of staff.

Mayor Coody: I asked John to bring this forward because I have been supportive of encouraging people to buy as fuel efficient vehicles as possible.

Alderman Thiel: I support this. I feel it is sending a signal to our city and other cities that we value this.

Alderman Gray: I think we need to do anything we can to encourage people to save gas and this is one more way we can encourage them.

Alderman Allen: I am not sure this is the way to reward. I would like for us to think of other ways we can reward. This seems it discriminates toward the poor.

Alderman Ferrell: I think it was a good intention but a bad application.

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

City Attorney Kit Williams read the ordinance.

Dillon Ferrell: I believe the ordinance as written is ill-advised at this time. We are in a budget short fall and cutting parking revenue even in a slight way would jeopardize other programs in the city. This does not take into account electric vehicles. There are a number of motorcycles that would far exceed the 40 mile per gallon rating. I feel to limit to strictly four wheel gas pedestrian powered vehicles at this point would send the wrong message from the City.

Mayor Coody: These cars would have to meet certain mileage standards and as technology improves if EPA says that a car meets the high mileage standards then they might be available to take advantage of the program too. If the program becomes so popular that we see a real hit to the budget we could always scale it back or do away with it.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-6. Alderman Gray and Thiel voting yes.

This ordinance failed.

Amend Chapter 150 General Provisions: An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: In the UDC this only had the title and nothing written under it. I suggest that we include the language to refer back to the general penalty section of our entire Code of Fayetteville.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent during the vote.

Ordinance 5120 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:20 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Meeting Date: March 13, 2008

Room 313, City Hall 5:00pm

Members present: Kyle Cook, Adella Gray, Shirley Lucas

Also present: Nancy Allen, Robert Ferrell

The following is being submitted by the Nominating Committee to the entire City Council for consideration.

Board of Adjustments

The committee recommends the following candidates for appointment:

Bob Kohler – one term ending 3/31/13

Steven Bandy – one unexpired term ending 3/31/10

Civil Service Commission

The committee recommends the following candidates for appointment:

Steve Coppinger – one term ending 3/31/14

Fred Vorsanger – one term ending 3/31/14

Construction Board of Adjustments and Appeals

The committee recommends the following candidate for appointment:

Jim Key – one term ending 3/31/13

Fayetteville Public Library Board of Trustees

The committee recommends the following candidates for appointment:

Don Marr – one term ending 4/01/13

Dan Ferritor – one term ending 4/01/13

Planning Commission

The committee recommends the following candidates for appointment:

James Graves – one term ending 3/31/11

Audy Lack – one term ending 3/31/11

Jeremy Kennedy – one term ending 3/31/11

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**City of Fayetteville Arkansas
City Council Meeting Minutes
April 01, 2008**

A meeting of the Fayetteville City Council was held on April 1, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody complimented City employees for the hard work that is being done on the square renovation.

Presentations, Reports and Discussion Items: None

Consent:

Approval of the March 18, 2008 City Council meeting minutes.

Approved

Bid # 08-25 Golden Circle Ford: A resolution to award Bid # 08-25 to Golden Circle Ford of Jackson, TN in the amount of \$26,593.00 to purchase a heavy-duty, 4X4 regular cab pickup truck for use by the Fire Department.

Resolution 74-08 as Recorded in the office of the City Clerk.

Bid # 08-37 Landers McLarty Ford: A resolution awarding Bid # 08-37 and approving the purchase of one (1) crew cab chassis with reading utility body from Landers McLarty Ford in the amount of \$42,493.73 for use by the Transportation Division.

Resolution 75-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

No Appeals

ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. *This ordinance was left on the First Reading at the March 18, 2008 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Coody: I understand this is going to be forwarded to the Ordinance Review Committee is that right?

Alderman Thiel: Right, so we can just leave it on this reading.

This ordinance was left on the Second Reading.

Public Hearing:

Public Hearing for Monthly Sewer Rate Ordinance.

Mayor Coody opened the Public Hearing

There was no public comment.

Paul Becker, Finance and Internal Services Director: This moves the sewer rates to a cost of service methodology. It also provides for two different rate structures in the residential class. This is to meet the committee's objectives of affordability and conservation. These rates would go into effect January 1, 2009.

Mayor Coody closed the Public Hearing

New Business:

WG Land Company LTD: A resolution approving a Memorandum of Understanding concerning annexation and zoning of certain real property with WG Land Company LTD Partnership.

Gary Dumas, Director of Operations explained a memorandum of understanding from WG Land Company indicating their request for specific zoning when the property is ready for development. He said this is the appropriate use for that area in the future.

Mayor Coody asked Gary to clarify the story in the paper about the fire station.

Gary Dumas: The City of Johnson had some issues and one was fire protection west of I-540 and east of I-540. There is a possibility that the City could provide fire protection for those areas consistent with the plans to also expand fire service both to the northwest quadrant and east of I-540. There is a possibility that the station might be relocated in the area around Van Asche in the future. There is not a commitment to build a fire station for them and there would be cost sharing in the future should they choose to participate.

Mayor Coody: The fire station issue isn't related to the 100 acres in this memorandum of understanding.

Gary Dumas: Not at all.

Alderman Jordan moved to approve the resolution. **Alderman Ferrell** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Rhoads** was absent during the vote.

Resolution 76-08 as Recorded in the office of the City Clerk.

RZN 07-2889 (Cooper): An ordinance amending ordinance number 5114 to correct the legal description for the 0.64 acre parcel rezoned by said ordinance located at the southwest corner of North College Avenue and East Cleburn Street.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the item. He stated this is simply a correction to an ordinance in Exhibit "B" which is the legal description. The property is officially rezoned however this corrects the legal description and inserts an amended Exhibit "B".

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5121 as Recorded in the office of the City Clerk.

VAC 08-2930 (Wilmoth/Wellsley Place): An ordinance approving VAC 08-2930 submitted by Dave Jorgensen for property located at 1609 Wellsley Place to vacate a portion of the utility and drainage easements on the subject property, containing a total of 643 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff recommended approval and the Planning Commission voted unanimously in support of the vacation as well.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5122 as Recorded in the office of the City Clerk.

ADM 08-2941 (Hoskins Parkland Variance): Submitted by Tracy Hoskins, requesting a variance from the parkland dedication contribution formula, relative to the land trade between Hoskins and the City Council as referred to in Resolution No. 149-06.

Jeremy Pate: In 2006 the City Council and Mr. Hoskins entered into an agreement, a land trade. This particular request addresses the land bank which is a parkland dedication that is made in anticipation of future development within a parks quadrant. In this particular case Mr. Hoskins would like to do this for a project called Oakbrooke Subdivision. The request is to utilize the value of the land at \$40,000 per acre. What that would relate to is instead of 1.5 acres of land it would be 1.5 acres times \$40,000. The confusing part is Oakbrooke was approved in 2005 when land value for parkland was at a very different value which was \$23,000 per acre as opposed to now. If Oakbrooke were developing today the fees would be in excess of \$103,000 whereas right now his requirement is \$59,000 based on the old requirement. The request is to utilize the value of the bank land which is not allowed by our ordinance so Mr. Hoskins has to request a variance. He has been before the Parks and Recreation Advisory Board who did not support the request and also to the Planning Commission who voted 3-3 and then forwarded a recommendation for you to consider their comments. Their concerns are that a lot of this land trade was made without the Parks Board or Planning Commission being involved, it was heard by you as a Council. The issue at hand for staff is we feel the utilization of the value of parkland is not anticipated by our parkland dedication ordinance. Secondly as applied to this particular case it is not meeting our parkland dedication ordinances for Oakbrooke Subdivision. When you run the numbers the City actually gets less land and less money in the overall scheme of things.

Alderman Thiel: I am trying to understand why the City used the \$40,000 per acre on what they paid him.

Mayor Coody: It was based on the value that we put on parkland.

Alderman Thiel: If that is the case then it would make sense that he would assume that he was banking the same amount.

Mayor Coody: We negotiated back and forth.

Gary Dumas: This was several years ago and at that time the value of parkland was \$40,000 per acre. The issue tonight is that when Oakbrooke was approved it was \$23,000 per acre so if you are going to redo the calculation for Oakbrooke then you need to redo the calculation completely instead of mixing the two.

Alderman Thiel: Why is he just now banking this for Oakbrooke?

Gary Dumas: He can use the bank at any time he wants. He finished the first phase of Oakbrooke last month.

Alderman Thiel: In other words the first phase has been completed and at that point is when he uses his bank.

Alderman Allen: I am trying to understand who or how it was determined that it was \$23,000 then and \$40,000 now.

Gary Dumas: The Parks Board in early 2000 did a parkland evaluation to see what the land costs were. They redid that analysis in 2005 and 2006 and it was more than \$40,000. The City Council set the number at \$40,000.

Alderman Allen: That is regardless of where the land was or where the land is now?

Gary Dumas: Correct, that is an ordinance requirement that the Council established based on some information the Parks Board forwarded to you.

Alderman Allen: So all banked land in 2005 was \$23,000 an acre?

Mayor Coody: It wasn't just banked land it was any parkland dedication.

Jeremy Pate briefly explained the parkland dedication process and how it works.

Alderman Allen: Has this particular situation or a situation similar to this ever come up?

Jeremy Pate: Not that I am aware of. I have never seen the value of land requested.

City Attorney Kit Williams: However the bank part has come up many times and every time it has, it has been the banked amount of land not the banked value of land.

Alderman Cook: When the City valued the piece of land that it paid Mr. Hoskins for, that was an agreement between the City and Mr. Hoskins, it had nothing to do with the parkland dedication value of the land. It was an agreement between Mr. Hoskins and the City of Fayetteville. The banked piece of land, we always do that as the land itself, not the value of the land.

Alderman Ferrell: This was a transaction between the Fayetteville City Council and Mr. Hoskins. There is a chance that there was some confusion. This wasn't a normal transaction, this was a trade, and when you look at the amount of money that was paid based on \$40,000 per acre I can see where there would be some confusion. This Council can make the decision and I hope we make the right one and approve Mr. Hoskins appeal.

Alderman Lucas: I don't think the banking of parkland was even discussed when we were talking about buying this land.

Alderman Jordan agreed with Alderman Lucas.

Mayor Coody: Jeremy do you have the agreement?

Jeremy Pate: It is in your packet. He read the highlights of the agreement.

Mayor Coody: That resolution was approved by the City Council when?

Jeremy Pate: September 5, 2006.

Mayor Coody: So the banking was a part of the agreement.

Alderman Lucas: But it wasn't a part of the money that we paid.

Mayor Coody: There was money, a land trade, and banking of land. It was those three things that totaled the 7 plus acres.

Tracy Hoskins, the petitioner: It is very possible that the Council doesn't remember the mention of the banking of land within the trade agreement. I have all the recommendations and background information that went to the Council for them to make their decision as far as approving the resolution. I am not asking for any consideration on Oakbrooke's park fees whatsoever. In 2006 the Parks Board and the Council elected to raise the parks fees to a value of \$40,000 per acre. The reason this property is banked to begin with was to make the trade deal more palatable for the Council. I had every reason to believe that I was receiving \$40,000 per acre. It is in the recommendation background sections, not in the resolution itself. According to ordinance this trade should have been seen by the Parks Board and the Planning Commission and it was only seen by the City Council. When we made the trade I fulfilled my part of the trade, the City got 100 percent of what they bargained for. When I asked to use this banked property for the fees of Oakbrooke initially staff and the Parks Department approved it. When we scheduled the signatures for final plat we were told we could not do that. They said you can not use the value of property. This was news to me and it was not disclosed when I agreed to bank this property to lower the City's check writing back in 2006.

Alderman Thiel: The understanding was that he banked it for \$40,000. There is a value of property used when there is money in lieu. I don't like to go against staff's recommendation but I feel like there was a certain commitment on the Council's part. I will probably support this.

Mayor Coody: The only issue is the \$23,000 at one time and the \$40,000 at another time.

Alderman Thiel: I understand that but whenever he banked the land it was at \$40,000.

Mayor Coody: It was 1.5 acres not a value. We have always banked acres for acres. We banked 1.5 acres.

Alderman Thiel: You banked 1.5 acres but at that time the value of park land was \$40,000. He did not bank it when it was valued at \$23,000. The trade with the City dealt directly with the Council. I believe there was an understanding.

Alderman Rhoads: As I listen to Tracy unwind the story that is jiving with my recollection as well.

Alderman Lucas: When we bank land we don't look at the value of what that person paid for his land. It is just a formula that the Parks Department looks at. We have always done that as far as I know in the past.

Jeremy Pate: That is correct; banking of land has nothing to do with the actual value of the land under our current ordinances as they are written.

Alderman Thiel: Then again there is a value placed on that land when they take money in lieu of that land.

Jeremy Pate: Not for a bank though. The only time the value enters into the equation is a development that is paying parks fees.

Alderman Thiel: So in other words this 1.5 acres isn't even worth \$23,000.

Jeremy Pate: To us it has no value associated with it.

Alderman Thiel: So he is going to have to trade 1.5 acres for 1.5 acres. Is that the bottom line?

Jeremy Pate clarified the process.

Alderman Thiel: From what you just said it has to be land it can't be fees. If it can be fees then there has to be a value set on that. If it has got to be land it's got to be land.

Gary Dumas: This is a confusing issue. In 2005 the park fees were \$23,000 an acre, the park fee should be for 2.59 acres \$59,940. That is the park fee for the 2.59 acres.

Alderman Rhoads: Based on 2003 numbers.

Gary Dumas: Yes. Just because the park fees have gone up since 2005 that number does not change. That number stays the same based on the approval date. The 1.5 acres today is banked. That 1.5 acres has a value today based upon the park land fee of around \$60,000. The issue is the park land requirement in 2005 and today is 2.59 acres.

Alderman Thiel: Oh, it's not 1.5 acres.

Gary Dumas: No, there is 1.5 in the bank and 2.59 was required in 2005. You can change the rules any way you want to but the issue is that 1.09 acres. If you want to use the 1.5 acres as value for a development that was approved in 2005 you should use \$23,000.

Alderman Thiel: What if Tracy wanted to utilize the \$40,000 formula for 1.5 acres and then pay the parkland fee for the other additional acre?

Tracy Hoskins: The Parks Board did not elect to take land they elected to take fees not land. Every time the Council considers how much an acre of park land is they are considering value every single time. The only reason we are having this discussion is because Oakbrooke was approved at \$23,150 and that number was derived at a value of \$23,150 an acre at .024 acres per house time's 108 houses. Today it is calculated at \$40,000 per acre so there is where the difference is. If I was dedicating land I could see where I might have a difficult time even though in my opinion City Code 166.03 does not apply because we didn't bank anything in excess of anything as I stated earlier. This was a trade. We are talking about fees here and as far as I knew I had \$60,400 worth of credit sitting in the bank somewhere from that trade which would be more than enough to cover the \$59,940 that is owed.

He went on to reference other sections from the City Code Book.

City Attorney Kit Williams reminded the Council that the official actions of the City are your ordinances and resolutions. Staff gives you reports but when you take action it is by resolution or ordinance. The resolution in this particular case is your official agreement with Mr. Hoskins. Section 3 of that resolution is the one that talks about banking. He read that section of the resolution. I think it was understood when I wrote this resolution and I hope when you passed it that this would be the common City policy that we have had in the past. When I wrote this resolution I was assuming that it would be done like we have always done it before, it would be banking the acreage not the value of the acreage. I don't think Mr. Hoskins argument works with this particular resolution.

Mayor Coody: When we did this negotiated deal it was clear that you were going to be banking 1.5 acres for future development. That is exactly what is reflected in the resolution. If we go value to value that is going to change on an appraisal basis to where we will never have a hard number to use in the future.

Gary Dumas: When we went into the agreement there was an understanding on some of the staff's part that there was a limit on the number of dollars that the City would pay for the Scull Creek Trail. At some point in the discussions with Mr. Hoskins the idea of us coming up with a maximum number of about \$100,000 came up and then we came up with a way to provide him some compensation for the remainder. That was the banking. The bottom line is we tried to keep it under \$100,000 and perhaps it created complications that shouldn't have been created. I think there might be a way to do this without jeopardizing the entire park land dedication ordinance if you want to approve this.

Alderman Allen: I want to be fair to Mr. Hoskins. I wondered if it would be of any help to us to produce the minutes of that meeting and read what was said at that time. I have a huge concern about what kind of precedent this might cause.

Alderman Jordan: Alderman Cook you were involved in a lot of this negotiation.

Alderman Cook: Yes sir.

Alderman Jordan: What is your recollection of this, was it the value of the land?

Alderman Cook: It was not value of land. My personal opinion is that no way is that piece of property worth \$40,000 per acre because it is drainage easement and floodplain. I think Mr. Hoskins got a very fair deal out of that and I think what he is proposing is going against what we originally agreed on in my personal opinion.

Alderman Thiel: Staff negotiated this. The Council did not sit down and negotiate this.

Alderman Jordan: Alderman Cook was involved.

Alderman Thiel: You were at all the staff meetings?

Alderman Cook: No, Tracy and I met together on some of it.

Alderman Thiel: What we just heard from Mr. Dumas and from Mr. Hoskins indicates to me that there was an understanding. I agree the land is probably not worth \$40,000 but none the less that is what they understood. How much are we talking about if he had to pay \$23,000 for 2.5 acres?

Jeremy Pate: For the development he still has the option to pay the \$59,940. He can use the 1.5 acres for any other land bank or development he does tomorrow.

Mayor Coody: I think it is about \$25,000 difference.

Alderman Thiel: So it's not really costing the city anything much is it.

Jeremy Pate: The \$25,000 difference in parks fees.

Alderman Thiel: That would make \$25,000 more?

Jeremy Pate: Less.

Alderman Thiel: That is basing his land on being worth \$23,000. I am going to have to support him on this. I don't think it is setting a precedent because I think this is unique.

Alderman Ferrell: I don't think I have ever said that anything that staff said that was based on the normal process that their interpretation was wrong. This wasn't the normal process; this was a land swap between the Council and Mr. Hoskins. I don't think land swaps are bad if we can come to a clear understanding.

Alderman Cook: This really boiled down to the fact that we needed that piece of right of way for the trail and that is the only reason why we were interested in it. We paid a premium because

we needed that piece for a connection to the Mud Creek Trail. We gave him other considerations for that piece of land besides the cash so I think he got what he bargained for.

Alderman Rhoads: I think we backed into the numbers to make it work. So we have a \$40,000 value that we have backed into. In the totality of the deal it was worth \$40,000 and that is why I have to support this.

Alderman Lucas: I can't support this. It is area for area. We are not denying him his \$40,000 because it is subsequent development so he would get credit for 1.5 acres at the value now on any development that he has.

Alderman Allen: Regardless of what happens here I certainly hope we make certain of that in the future so this problem won't come up for anyone else.

Tracy Hoskins read Section 3 of the resolution. He stated my request actually falls right in line with this. It is a subsequent residential development obligation. We fall within those guidelines.

Alderman Ferrell moved to approve the variance. **Alderman Rhoads** seconded the motion. Upon roll call the motion failed 3-5. **Alderman Thiel Rhoads** and **Ferrell** voting yes. **Alderman Cook, Allen, Lucas, Jordan** and **Gray** voting no.

Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Development Management Director stated this ordinance is being brought forward to address the issue of decentralized sewer systems within our City and those we annexed in the election in 2006.

Mayor Coody: If a home and an accessory dwelling unit are too far away from the sewer and they are on septic systems is that two or more homes?

City Attorney Kit Williams: I think they would have to have their own separate system.

David Jurgens: For the septic system the county actually has regulations for it. If they are tying onto the public sewer they have to have two separate connections. If the sewer system is not close by, it is State Health Department regulations administered by the County office of the Health Department that rules for the septic systems. I hadn't thought about that question when we were talking about this ordinance. I'm not sure if I know the answer to the question.

Alderman Thiel: Does this allow for variances for requests?

Tim Conklin: This ordinance prohibits decentralized sewer systems within the City of Fayetteville.

Alderman Thiel: I wonder if we need to look at this and provide some kind of variance that people could apply for if there was a situation.

Mayor Coody: Is there a way we could fine tune that because I would suspect that there will be situations like this.

A discussion followed on the current systems.

Alderman Thiel: I think there might be enough variables that we at least need to add some kind of a variance request.

David Jurgens: I don't think the Health Department will be approving septic systems unless they are all on one lot. Part of the intent of this is that we did not want sprawl and the sewer system was one of the mechanisms to insure that developments were within the city limits and connected to the sewer so that we would not have the long term problems of disconnecting decentralized systems and then hooking up to the public sewer system.

Mayor Coody: It's a very laudable goal it's just that this detail might net people that might not fit that category.

Alderman Ferrell: I would think we would want some language in there that would mention some kind of an appeal process. Otherwise we would not be able to consider it.

Alderman Thiel: That is all I am suggesting because I agree with you whole heartedly. Rather than us trying to do this tonight possibly the administration can go back and add an appeal clause to this.

David Jurgens: The Sewer Committee has some legal authority. Kit would it be possible that this could be something that is approved by request to the Sewer Committee as an appeal process?

City Attorney Kit Williams: If the ordinance says the Sewer Committee can grant a variance then they could. It needs to be in the ordinance if you want to have some sort of variance or appeal procedure. If you want something like that put in we should leave this on the first reading and let staff work on it.

Alderman Lucas: Do we want to give an out for someone who wants to put a sewer system in the City limits?

Mayor Coody: No, I don't think that is the intent.

Tim Conklin: We are spending a great deal of money to build a Wastewater Treatment Plant. The question that I had was as a city do we want to require people to tie onto our Wastewater

Treatment Plant System versus installing a decentralized sewer system. That is why we want to clarify in the ordinance that they are prohibited.

Mayor Coody: That is not the issue.

Alderman Thiel: The question is that whenever someone lives outside of 300 feet.

Mayor Coody: The question is "is a septic tank a decentralized sewer system."

David Jurgens: For an individual dwelling the answer is no.

Mayor Coody: Yes, until we talk about accessory dwelling units and then you are talking about two homes on one septic tank.

David Jurgens: That is where we get into two homes on one septic or multiple structures on one septic. If there is a development in the newly annexed area west of Double Springs Road would there be a mechanism by which they should be allowed to have a decentralized system provided they meet all the requirements in the code. If we make it a Water and Sewer Committee decision it is still appealed to policy level. I would suggest that we leave this on the first reading. We have a Water and Sewer Committee meeting next Tuesday and we can discuss this then.

Alderman Lucas: One of the things that we talked about in sprawl was that with this need of being on our sewer system it would help us control growth.

Mayor Coody: I don't think anybody wants step systems in town and I don't think that is the appeal process we are talking about.

Alderman Lucas: We were just talking about beyond Double Springs Road.

David Jurgens: That would be a policy decision that a Council Committee would have to make the ruling on.

Alderman Jordan: We have had many discussions where someone just outside the City limits wanted to put in a step system and we brought them in because we didn't want the step systems. I don't want to give them a way to put in step systems outside the City limits either.

Alderman Lucas: Or in the City limits.

Mayor Coody: I was just asking about the septic tanks.

Alderman Lucas: It needs to be clarified how they would be handled.

This ordinance was left on the First Reading.

Repealing and Replacing § 51.136: An ordinance repealing and replacing § 51.136, Monthly Water Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5123 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.137: An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is what we had the public hearing on earlier.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I would ask that before we pass this that we leave it on the second reading. These rates don't go into effect until next year so there is no rush to pass this tonight. The sewer rates are a little different.

This ordinance was left on the Second Reading

Repealing and Replacing § 51.138: An ordinance repealing and replacing § 51.138, Definitions pertaining to Water and Sewer Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5124 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.139: An ordinance repealing and replacing § 51.139, Users Outside City Limits with a new § 51.139, Reviews of Water and Sewer Rates, Notification to User of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5125 as Recorded in the office of the City Clerk.

Repealing and Replacing § 51.144: An ordinance repealing and replacing § 51.144, Filling Water Tanks on Commercial Trucks; Rates, of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: This shows us what the proposed rates are going to be. What are the rates right now for the same thing?

David Jurgens: The rate right now is \$1.00 less per 1,000 gallons. It is \$3.00 per thousand gallons and \$4.00 for labor so each of those were increased by \$1.00. The last time these were changed was in 1994 or 1995.

Alderman Ferrell: On the others it says a 3% annual increase shall be used to offset inflation. If our Beaver Water District bill stays the same for three years, will these inflation charges still apply to everything?

David Jurgens: We are required to do a rate study so that gives us a default number but we are going to have to validate those numbers by rates and we have a resolution to do that every three years. The intent is not to stop doing rate studies but if the next one takes us 24 months then we have a mechanism to match inflation. There are mechanisms by which that doesn't have to occur but it would be the default point.

Alderman Ferrell: I thought part of our intent on the annual increase is so we wouldn't continue to have these exorbitant increases.

David Jurgens: It would match inflation. The intent is to do that so hopefully no Council will have to have the large increases like we are facing right now.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5126 as Recorded in the office of the City Clerk.

Amend §157.05 and §171.05: An ordinance to amend §157.05 Vacations of Streets, Alleys, Rights-of-Way and Easements and §171.05 Procedure for Closing Utility Easements and Street Rights-of-Way.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This ordinance request is by Alderman Ferrell.

Alderman Ferrell: Kit, this says following a vote of at least 2/3 of its membership and the Mayor. Is the Mayor included in that 2/3?

City Attorney Kit Williams: The Mayor is normally included as a member of the Council for purposes of voting if his vote is needed.

Alderman Ferrell: I had a citizen that had a locked in mortgage on a loan and they were under a time frame. She wasn't able to get this through the Planning process. With the strict restrictions on this it is not something that is built for abuse or that will be, it is certainly something that perhaps we can help a citizen. That is the intent of it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5127 as Recorded in the office of the City Clerk.

Agenda Additions:

Mayor Coody: Laverne and her husband are here to talk about a particular issue that has not come before the City Council. It is a liquor store that has been approved by the Planning Commission on Highway 62. It is not on the agenda.

City Attorney Kit Williams: We need to suspend the rules and place it on the agenda for discussion.

Alderman Lucas moved to suspend the rules and add a discussion regarding a conditional use permit that was granted by the Planning Commission for a liquor store to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Laverne Cooper, a citizen: The Planning Commission passed a conditional use for a liquor store in our area. There is really no need for one out there because there are already three liquor stores within a mile of this. At the meeting where they voted unanimously to do this I spoke to them and told them this. It is going in at a family subdivision entrance. This is just not something that we need out there. There are several people against it and no one was notified that it was going in. There is also a church within less than 1/10 of a mile.

Mayor Coody: Tim, are you up to speed on this? We send out notices for conditional uses don't we?

Tim Conklin: I would have to review the file. We do not approve liquor stores that often.

Kit Williams: I think the conditional use notification is supposed to be sent to the adjoining property owners. They put up a sign too. We publish it in the newspaper also.

Mayor Coody: I know it went to the Planning Commission and once it is approved at the Planning Commission it doesn't come to the City Council.

Laverne Cooper: As I understand this, the permit was issued on east Highway 16 and then it was transferred to west Highway 62.

Alderman Thiel: So the one on East 16 is not going to go in there then? They cannot use the permit in two places.

Laverne Cooper: I don't know, maybe you all need to look into it.

Alderman Thiel: Are you requesting to appeal a conditional use?

City Attorney Kit Williams: It is too late. You have only 10 working days to appeal something from the Planning Commission. It has been longer than two weeks so at this point it is too late to appeal.

Mayor Coody: I wanted to give you a chance to get up and speak since you stayed here all night.

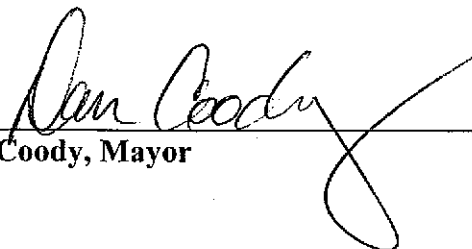
Laverne Cooper: We weren't here specifically for that.

Mayor Coody: I wasn't aware of that. I thought you were. I am sorry.

Laverne Cooper: We actually had some items that we wanted to listen to.

Alderman Jordan: If there is an Alderman that does not agree with the liquor store they can write a letter.

Meeting adjourned at 7:45 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

Assistant City Attorney David
Whitaker

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
April 15, 2008**

A meeting of the Fayetteville City Council was held on April 15, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Jordan, Mayor Coody, Assistant City Attorney David Whitaker, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Lucas

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Coody welcomed the students from Spring International which were representing different countries. He asked them to stand and be recognized.

Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 01, 2008 City Council meeting minutes.

Approved

Bid # 08-33 Professional Turf Products: A resolution awarding Bid # 08-33 and approving the purchase of one (1) multi-deck mower from Professional Turf Products in the amount of \$41,562.00 for use by the Parks & Recreation Division.

Resolution 77-08 as Recorded in the office of the City Clerk.

Bid # 08-34 Truck Centers of Arkansas: A resolution awarding Bid # 08-34 and approving the purchase of one (1) tandem-axle truck tractor from Truck Centers of Arkansas in the amount of \$85,038.00 for use by the Transportation Division.

Resolution 78-08 as Recorded in the office of the City Clerk.

Bid # 08-35 Williams Tractor: A resolution awarding Bid # 08-35 and approving the purchase of one (1) compact track excavator from Williams Tractor in the amount of \$26,264.00 for use by the Water & Sewer Division.

Resolution 79-08 as Recorded in the office of the City Clerk.

Bid # 08-36 Warrior of Arkansas: A resolution awarding Bid # 08-36 and approving the purchase of one (1) compact tractor backhoe from Warrior of Arkansas in the amount of \$30,798.00 for use by the Parks & Recreation Division.

Resolution 80-08 as Recorded in the office of the City Clerk.

Bid # 08-38 Wayest Safety: A resolution awarding Bid # 08-38 and approving the purchase of one (1) breathing air station from Wayest Safety in the amount of \$30,523.00 for use at the new fire station #3.

Resolution 81-08 as Recorded in the office of the City Clerk.

Arkansas Recreational Trails Program Grant: A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize federal-aid funds.

Resolution 82-08 as Recorded in the office of the City Clerk.

OMI Agreement: A resolution approving an out-of-scope agreement with OMI in the amount of \$65,000.00 for WSIP West Side Cutover/Tieover Actions, WSIP Subproject WL-9; and approving a 5% contingency in the amount of \$3,250.00.

Resolution 83-08 as Recorded in the office of the City Clerk.

Cherokee Nation: A resolution approving a budget adjustment in the amount of \$500,000.00 to the Solid Waste Fund and recognizing like revenue from the Cherokee Nation for reimbursement of costs associated with operation of the Transfer Station.

Resolution 84-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

- A. One Senior Legal Assistant**
- B. One Senior Secretary**
- C. Two Animal Services Caregivers**

Casey Jones, Prosecuting Attorney gave a description of the positions the City Prosecutor's office was requesting to be approved. He stated we have not added to our staff since 1999 even though the work load has increased.

Mayor Coody: These are not new positions. This is replacing existing positions of people who are leaving.

Casey Jones: Yes sir.

Alderman Rhoads: I would highly support this. Having worked with the Prosecutor's office quite a bit it would be nice to be able to keep the good service level.

If these are replacement positions and they are not adding to the head count why don't we let them do that and then if they are adding to the head count, then they can come before the City Council.

Mayor Coody: Paul was thinking about bringing this forward for discussion because the Council wanted to know after the first quarter where we stood on all this. Were you going to bring something forward for Council consideration pretty soon?

Paul Becker, Finance and Internal Services Director: We will have a discussion at the April 29th agenda meeting.

Alderman Rhoads: If we haven't added to the head count then we should put our efforts elsewhere.

Paul Becker: These are not new positions; they are replacements for existing positions.

Alderman Cook moved to approve two positions for the City Prosecutor's Office. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Jill Hatfield, Animal Services Superintendant gave a description of the current vacancies in the Animal Services Division. These are not new positions.

Alderman Rhoads moved to approve two positions for Animal Services. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Resolution 85-08 as Recorded in the office of the City Clerk

ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval. *This ordinance was left on the First Reading at the March 18, 2008 City Council meeting. This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.*

Tim Conklin, Planning and Development Management Director gave a brief description of the item. He pointed out a revised Exhibit "B" which was discussed at the Ordinance Review Committee. He briefly explained the differences between the old and new ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Thiel: The Ordinance Review Committee recommended this to the Council for passage after the changes were made.

Alderman Allen: This is an excellent ordinance. This brings forth a lot of things in the 2025 Plan that we want to have happen in our city. This will bring density, infill, and hopefully some affordable housing. Across the board there are no parts of the City that are exempt. It is available to everyone.

Alderman Cook: What I like about it is it standardizes the discussion of the accessory dwelling units which I have supported.

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

Ordinance 5128 as Recorded in the office of the City Clerk

Mayor Coody: Thank you very much. You have done a lot of good work on this and your staff deserves to be commended. This is a good fleshing out of the 2025 Plan which is important to the City.

Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and

Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. *This ordinance was left on the First Reading at the April 1, 2008 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Cook** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Rhoads** was absent during the vote. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Cook: We discussed this at the Water and Sewer Committee.

Tim Conklin: The direction at the Water and Sewer Committee was for me to develop a policy paper of the advantages and disadvantages of using our wastewater treatment plant, decentralized sewer, or septic. I would recommend that you table this to the 2nd meeting in May until the Water and Sewer Committee can make a formal recommendation to the entire Council.

David Jurgens, Water/Wastewater Director: On the accessory dwelling units, the health department doesn't consider it to be a community sewer system until there are three or more dwelling units. An accessory dwelling unit does not fall under the same definition therefore this ordinance would not apply.

Alderman Jordan moved to table the ordinance to the May 20, 2008 City Council Meeting. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

This item was tabled to the May 20, 2008 City Council meeting.

Repealing and Replacing § 51.137: An ordinance repealing and replacing § 51.137, Monthly Sewer Rates, of the Fayetteville Code of Ordinances. *This ordinance was left on the Second Reading at the April 1, 2008 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Cook** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Lucas** was absent.

Ordinance 5129 as Recorded in the office of the City Clerk

Alderman Ferrell: I give Kyle a lot of credit; we worked a long time with staff and the consultant. This was not an easy decision to arrive at.

New Business:

Fayetteville Municipal Property Owners' Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 25 – Falcon Ridge Subdivision Infrastructure Project.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Coody: This is a routine housekeeping item. It doesn't involve any taxpayer money.

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

Ordinance 5130 as Recorded in the office of the City Clerk

RZN 08-2936 (Mullins): An ordinance rezoning that property described in rezoning petition RZN 08-2936, for approximately 0.2 acres, located at 2846 South School Avenue from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the item. He stated staff felt that this was a good transitional zoning within that area to provide an office use that would help buffer some of the residential single family uses to the east. Staff and the Planning Commission recommend in favor of this rezoning.

Alderman Thiel: Is it going to continue to be just bail bond offices along there? I know this is appropriate in that it adjusts with the neighborhood zoning adjacent to it but we are doing a lot of R-O along there and no commercial. Do you feel that this is a good use?

Jeremy Pate: While probably a majority of those properties have been utilized as a bail bond office it does not limit it to that. The R-O zoning is appropriate at this time.

Alderman Thiel: I haven't heard anything negative about it.

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Lucas** was absent.

Ordinance 5131 as Recorded in the office of the City Clerk

RZN 08-2937 (Mountain Ranch Ph. III): An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Ruppel Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff is supportive of this request. The Planning Commission voted 9-0.

Blake Jorgensen with Jorgensen Associates: We would like to point out that although we are trying to get it rezoned for higher density the overall development is still under the four units per acre as we delineate that throughout the rest of the acreage.

Alderman Jordan: I would like for you to show this at the Ward 4 Meeting.

Blake Jorgensen: That will be fine. We can meet with everyone and see if we can't move forward from there.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Cook** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

This item was left on the second reading.

C-PZD 08-2894 (Park Centre): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans

Park Entry Drive, containing approximately 8.58 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the item. He stated staff recommended approval of this project as did the Planning Commission. There are 39 conditions of approval. I believe the street improvements were something that was discussed the most and deserves your consideration. For this particular project there is an existing agreement in place. The agreement that was reached with City Council approval is that the City would write the developer a check for roughly \$42,000 for acquisition of right of way and also agree not to assess for any other street improvements. I originally reported that those street improvements were estimated around \$67,000. In discussion with the City Engineer the amount is roughly \$114,000. I want to correct the number that I presented to you. The City agreed to not assess \$114,000 and only look at \$42,000 as the maximum assessment for that development. Staff is recommending that the original agreement be held.

Alderman Thiel: So are you saying that the developer is not going to pay the City back \$42,000?

Jeremy Pate: That is what staff is recommending. That is ultimately your decision.

Alderman Thiel: So the only improvements they are actually making are building a public street through their project.

Jeremy Pate: That is the only physical improvements.

Alderman Thiel: Plus the City has paid them \$42,000 for right of way.

Jeremy Pate: That is correct. The City is obviously constructing the street improvements for Zion Road as part of the bond program.

Alderman Thiel: Does staff feel like that is in line with what other projects of this impact had to pay?

Jeremy Pate: From our perspective the agreement is from the City Council the resolution is included in your packet. That decision was made before hand, that no further assessments beyond that \$42,000 for street improvements adjacent to this project would be required. I think it is relatively clear in that agreement that whatever improvements that would normally be required of the developer along Zion Road in front of his project would not be required because the City needed this right of way before the development occurred.

Ron Petrie: The reason we had to do the agreement was because from a legal standpoint it was questionable whether we could come back and make an assessment after the project, Zion Road had already started. That is why we had this agreement. We felt it was a win win to both sides.

Alderman Ferrell: What was the cost before the right of way and the building of the double lane public street down to the city park?

Jeremy Pate: I don't know if we know the cost for sure. There is a cost estimate in your packets. That is not something that we have necessarily reviewed in detail. What they have estimated is that the total additional construction expense for the public street is roughly \$68,466. The total additional land expense for a public street is \$146,906.

Alderman Ferrell: If traffic signalization is put there would you say that would benefit the City immediately as opposed to benefiting the development when the project is more complete?

Jeremy Pate: I would say so even if this project wasn't constructed.

Alderman Allen: On the issue of compatibility did you say it was resolved by the tree buffer?

Jeremy Pate: We did a comparison to our residential office zoning and looked at the separation from these property lines. This would exceed that separation distance. The developer should be given credit for trying to extend the park into the development as opposed to simply putting a development right beside the park. The tree preservation area extends into the property and there are certain areas set aside. The park like setting will not be lost and that will help contribute to the overall compatibility in transition for this development.

Alderman Allen: I wondered if the Ward 3 Alderman had any responses to this project.

Alderman Ferrell: I haven't had any public responses. I have visited with one of the owners and builders about their thoughts on it.

Roger Boskus with Miller Boskus Lack Architects: The staff has been great to work with. We have gone through this process and really put together what is an outstanding development for the City. The Zion Road improvements and the prior agreement to Zion Road, that is its own thing. What we are really asking tonight is that you consider the amount of cost of the public street that goes through the property. It is really not required. We chose to do this street to put together a better development and project for the City and a better connection to the park. The cost that Jeremy referred to is the difference in cost to go from a private street to a City street. We asking for the cost difference of going from a private street to a public street be shared and credited back to our development. We are asking that the \$68,000 difference be paid by the City and we will provide the land for the street.

Alderman Ferrell: There is going to be a lot of green space in this development. You really want to be able to have a connection to better serve the clients and the people that are going to go through the park. Is that correct?

Roger Boskus: That is correct.

Alderman Thiel: I appreciate the developers working to make this a good project and I support it as it is. I feel they have gotten a fair deal from the City. There is going to be an impact from this project and because of that having the public street through their project is going to benefit them. I wouldn't support any changes to it.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Cook** voting no. **Alderman Lucas** was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Ferrell: I would like to amend this to the cost for building a private road. The developer is saying the difference in the cost would be \$68,000 between them building a private road and a public road.

Ron Petrie: Are you saying they should also pay us \$42,000 and we pay them \$36,000 so there is approximately \$10,000 they owe us?

Alderman Ferrell: No.

Alderman Cook: I am not prepared to vote on this and if we move forward I will probably vote against it. I have not had a chance to get clear on it.

Roger Boskus: I think the clearest way to say it is \$34,000. Have the City pay us back half of the cost of the difference of improving the road. We would not be asking for \$68,000, we would be asking for \$34,000 which is half the difference in the cost of upgrading the road from a private street to a public street.

Alderman Ferrell moved to amend the ordinance to pay the developer \$34,000 the cost difference between the private and public street. **Alderman Rhoads** seconded the motion. Upon roll call the motion failed 4-3. **Alderman Rhoads, Ferrell, Jordan and Gray** voting yes. **Alderman Cook, Allen and Thiel** voting no. **Alderman Lucas** was absent.

The amendment failed.

Mayor Coody: I am not clear enough to make a decision on this either so I am not going to vote on this. We could hold this on the third reading until we come back and get some more information. We want to be fair and do right but at the same time we want to make sure we are fully informed on the impact of the tax payer on this decision.

A discussion followed on whether or not the ordinance needed to be tabled.

Alderman Ferrell moved to table the ordinance to the May 6, 2008 City Council Meeting. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Lucas** was absent.

This ordinance was tabled to the May 6, 2008 City Council Meeting.

Amend Chapter 96 Noise Control: An ordinance to amend Chapter 96: Noise Control of the Code of Fayetteville to enact §96.09 to restrict the use of a compression release engine brake also known as "Jake Brake."

Assistant City Attorney David Whitaker read the ordinance.

Alderman Thiel: I brought this forward a few years ago and at that time the Council favored letting the Police Department try using other measures to control the problem. Those measures have not worked because we still have citizens complain who live in the vicinity of Highway 265 and 15th Street. Fayetteville is about the only City in the area which doesn't have this restriction. We are asking the Council to reconsider this ordinance.

Don Oliver, a resident of 2614 Wyman Road spoke in favor of the ordinance. He stated I have spoke to a lot of people over there and it is getting bad.

Alderman Thiel: I visited with the Police Chief before we brought this forward again and he is in support of it. It would make it easier for them to enforce.

Police Chief Greg Tabor: I am in support of this. It makes it much easier for us to enforce. I know there are some issues with the mufflers. The current ordinance is difficult to enforce, if you say no engine compression brakes it is much simpler and easier to enforce.

Mayor Coody: You can hear jake brakes for a mile. This needs to be at least as serious of an offense as a loud stereo at 30 feet.

Alderman Allen: I wondered if someone could explain if there might be some occasions where jake brakes are really necessary.

Dave Duncan, resident of Ward 1: The jake brake was invented to reduce the wear and tear on the brake system and not for safety. The safety issue comes into play with gasoline tankers and you could look at that as an exemption. In our mountainous regions they would have serious problems with brakes catching on fire and tires catching on fire. Mainly they were invented to reduce the wear and tear on the brake systems.

Alderman Ferrell: Mr. Duncan I am assuming you were or are a trucker?

Dave Duncan: I use to be.

Alderman Ferrell: Did you say gasoline tanker trucks require inspections in their brakes quite often?

Dave Duncan: I am not familiar with the current regulations but they use to have to stop ever so many hours to check the brakes and tires. The gasoline tankers don't fool around with the straight pipes anyway. I hear trucks everyday and night on 15th Street with mufflers working the jake brakes. There is really not a whole lot of difference in the sound when they flip the switch.

Mayor Coody: If someone got into trouble and their brakes started to go out they would hit the switch and the jake brakes would kick in?

Dave Duncan: It kicks in but it doesn't make a whole lot of difference in slowing you down depending on the amount of grade. Depending on the amount of grade the Jake brake can keep a truck from gaining speed but if the grade is great the Jake brake doesn't make much of a difference because the truck could run away with itself.

Alderman Allen: My questions about Jake brakes are covered in the ordinance. I don't see this as being problematic I just wanted to understand whether there would be times where that would be hazardous for a driver.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Lucas was absent.

Assistant City Attorney David Whitaker read the ordinance.

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

Ordinance 5132 as Recorded in the office of the City Clerk

R.W. Beck, Inc: A resolution approving a contract with R.W. Beck, Inc. in the amount of \$110,700.00 to conduct a recycling study for the City of Fayetteville; and approving a budget adjustment in the amount of \$10,700.00.

Brian Pugh, Waste Reduction Coordinator: This study will help us define how we want our recycling program to look into the future. The staff feels that this recycling program is a vital service to Fayetteville. The pressures that we are getting to expand our recycling programs, this study will help us to thoughtfully and carefully examine those options and make our program much better in the future.

Alderman Jordan: Were there any companies that were local that bid on it?

Brian Pugh: Yes, Springline Consulting out of Fayetteville.

Alderman Jordan: So you did have a company bid out of Fayetteville.

Alderman Thiel: Yes, I was on that selection committee.

Alderman Jordan: Why did you pick the one from Austin over the one from Fayetteville?

Alderman Thiel: I don't really want to go into depth as to why we picked one over the other. I would say that we selected the best group for what we wanted. Their response in the RFP was

what we were asking for. There were four firms that we interviewed and this was the one we decided on. This firm had a great deal of experience. I agree with you Lioneld that anytime we should use local firms. I like to use local firms but I think sometimes you get more expertise and experience.

Brian Pugh: R. W. Beck is a nationally known consulting firm specializing in solid waste issues and they have done studies all around the country. They have a lot of experience and that is the main reason we chose them.

Alderman Thiel: The budget adjustment is coming from buildings and grounds maintenance?

Brian Pugh: The reason is that we had some money left over in that part of our budget.

Alderman Thiel: It is a part of the Solid Waste buildings and grounds maintenance?

Brian Pugh: Yes. We had some funds there to use.

Alderman Thiel: I just wanted to make sure that it was coming out of Solid Waste.

Alderman Allen: I am glad to hear that it is not coming out of the General Fund. I continue to make comments about consultants in the lean years, however I feel that this is something that we are all committed to and a very important thing to do. I agree with Alderman Jordan that it is always best to do it locally and I think maybe we can try to find ways to partner with the University on these kinds of issues in the future. I think this is a necessary adjustment because it is so important.

Alderman Cook: Is this a not to exceed number? They are going to provide deliverables based on this number?

Brian Pugh: That is correct. That is the final number.

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

Resolution 86-08 as Recorded in the office of the City Clerk

Fayetteville Municipal Airport Name Change: A resolution adopting the recommendation of the Airport Board and renaming the Fayetteville Municipal Airport.

Ray Boudreaux, Aviation and Economic Development Director recognized Bob Nickell, Dave Bowman and Dr. Vaughn Decoster, members of the Airport Board who were present. He stated we would be happy to answer any questions.

Alderman Thiel: It is probably important that the name be changed.

Alderman Allen: I went to their board meeting and I completely understand why they feel this change is necessary.

Alderman Cook: How fast does this change take effect?

Ray Boudreaux: We will be using it in the marketing program right away. The idea is for Millionaire to be able to market their product and be able to sell to the flying public. It will take a little while to get the highway sign changed so when people come down there they know it is really not where the airlines are going to be.

Mayor Coody: I bet you still get those folks down there but I hope that number drops.

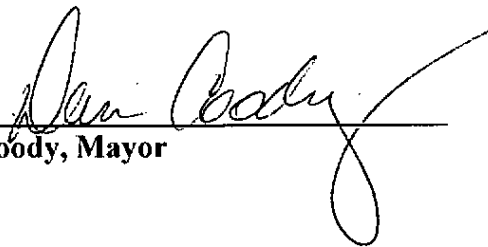
Alderman Cook: For lack of a better description are there flying maps and does it change on them?

Ray Boudreaux: It really doesn't, the flying maps will just say Drake Field.

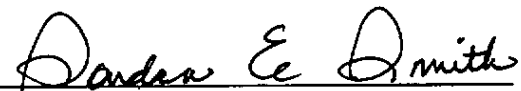
Alderman Ferrell moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 7-0. Alderman Lucas was absent.

Resolution 87-08 as Recorded in the office of the City Clerk

Meeting adjourned at 7:35 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

GROWING SANTA CRUZ'S NEIGHBORHOODS FROM THE INSIDE



ACCESSORY DWELLING UNIT MANUAL

SANTA CRUZ, CALIFORNIA

GETTING STARTED Introduction to ADU development and how to start your project

DESIGNING YOUR ADU Neighborhood compatibility, planning your ADU and prototypical ADU designs

BEING A PROJECT MANAGER Understanding the application process, building your ADU and renting your ADU

MORE RESOURCES Glossary of terms, checklist and other useful information

Prepared by the City of Santa Cruz • 2003
Funded by the California Pollution Control Financing Authority
Sustainable Communities Grant and Loan Program

Planning Commission
March 14, 2016
Agenda Item 7b
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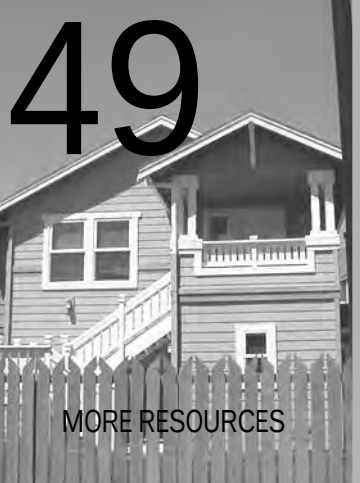
Foreword

Although challenged by growth pressures associated with increasing enrollment at the University of California at Santa Cruz (UCSC) and the attractiveness of Santa Cruz's proximity to Silicon Valley, the City of Santa Cruz endeavors to maintain a small town atmosphere, distinguished by a diverse community and encircled by the natural beauty of a greenbelt. By necessity, infill-housing opportunities are a critical part of the City's approach to providing new affordable housing choices. Accessory Dwelling Units (ADUs) are one way for the City to provide more rental housing as well as making home ownership more affordable. With each new ADU, the overall stock of rental housing increases and with the added rental income, a homeowner might more easily afford their home.

However, the community has expressed concerns about the effects that this form of infill housing might have on the neighborhoods. So, with funding from the California Pollution Control Financing Authority (CPCFA) Sustainable Communities Program, the City of Santa Cruz has implemented a program to help homeowners develop ADUs that are sensitive to the surrounding neighborhood, contributing, rather than detracting, from the Santa Cruz community. This ADU Development Manual is part of that program. Information on other aspects of the program is also included in this Manual.

The purpose of the Manual is to assist homeowners with the process of developing an ADU. The Manual includes relevant zoning, design standards, building codes and showcases ADU Prototype designs. For a more in depth look at the Prototypes, please refer to the Manual's companion volume, the *ADU Development Program Prototype Plan Sets*.

Accessory Dwelling Unit Manual

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Section One: Getting Started

Mapping out your process to design and develop an Accessory Dwelling Unit (ADU) requires you to do your homework. Section One helps you get started. What is an ADU? Who can build them? What governs their development? What technical and financial assistance programs are offered by the City to help you build an ADU on your property?

Introduction to ADU Development

When you look around your neighborhood, you may see that some of your neighbors have built an ADU on their property. Perhaps to supplement their mortgage payments, provide for elderly parents or allow their children to stay in Santa Cruz. Each had their own reason to build their ADU and each had to navigate the development process. You may be wondering what an ADU is, who can build them, and how to get started. Here we go.

What is an ADU?

An Accessory Dwelling Unit (ADU) is an additional, self-contained housing unit that is secondary to the main residence. ADUs are sometimes referred to as “Granny units” or “Mother-In-Law units” since many ADUs were initially constructed to provide for family members.

ADUs can take many forms. In some cases, an ADU can be attached as an addition to the house or as a second story over a garage.

The garage itself may be converted to an ADU or the ADU may occupy a basement. An ADU can even be a section of the main house that has been separated from the main living space. And of course, an ADU can be a stand-alone unit like a small house or cottage. The City only requires that an ADU have a kitchen, bathroom, and place to sleep. Alleys provide excellent opportunities for ADU development with an access that is separate from the main house.

AB 1866 was signed by the Governor in 2003. The new law is intended to promote development of second units in existing and future single family lots. It makes review of Accessory Dwelling Units (ADUs) ministerial. That is, development of an ADU cannot be prohibited if it meets development standards.



In communities that are mostly built-out, ADUs provide a way to add needed housing utilizing existing infrastructure.

This older ADU over a garage demonstrates how they have provided a source of affordable housing in traditional neighborhoods.

An ADU is different than a duplex in two ways. (1) Typically the two units that make up a duplex are relatively equal in size and one unit does not usually dominate the other on the lot. The City of Santa Cruz strictly limits the size of ADUs. (2) Both units in a duplex may be rented. For ADUs, the owner must reside either in the ADU or in the main house.

Who Can Build an ADU in the City of Santa Cruz?

Any homeowner within the City of Santa Cruz boundaries who has a lot that is 5,000 square feet or more in area and is zoned for single-family dwellings may consider building an ADU. However, the configuration of the lot (especially the lot width), the amount of area covered by the main house, and other factors affect whether or not the ADU can actually be built on a lot.

No matter what kind of ADU is developed, the property owner must live at the same address as the ADU and only one ADU per single-family lot is allowed.

What Do I Need to Know to Start the Planning of an ADU?

In some ways, building an ADU requires the same thought as any investment. Take a look at your needs, your finances, and determine if an ADU makes sense for you at this time. You will also need to research the zoning requirements for an ADU to determine if an ADU will be allowed on your lot. If you decide that you want to pursue building an ADU, the following sections in this Manual will take you step by step through the process.

How Do I Start?

Congratulations! If you are continuing to read this, chances are you are seriously considering building an ADU. After you've looked at your finances and have decided that building an ADU makes good economic sense, you need to look at the practicality of creating an ADU on your property. Over half of Santa Cruz land area is zoned for single-family housing. There are now an estimated 1,800 single family lots that could be eligible for ADUs. So what does this mean to you?

Determining if Your Property Qualifies for an ADU

In Santa Cruz, lots have to be at least 5,000 SF in size to be considered eligible for an ADU. Even if your property is large enough, there are a variety of other considerations. Do you have heritage trees (see Appendix for definition) on your property? Are you located in an area with unstable soils or steep slopes or near a creek or waterway? Does the land have archeological value? Is your house or property a cultural or historic landmark? These issues may not prevent you from developing an ADU, but would require additional studies or mitigation. The City can help you gain a better understanding if these types of issues affect your property.

ADUs are allowed only within residential zones. If you have any doubt, whether your property is in a zoning area that allows ADUs, call or visit the Planning Department for a final determination.

ADU Zoning Standards

Getting to Know Your ADU Zoning and Design Standards

Santa Cruz has developed zoning standards for ADUs. These standards are intended to make ADUs work with the community's small lots and compact neighborhoods. You and your design professional will need to review the standards to design your ADU. The table to the right provides a summary of the City's standards for a one-story ADU located on a R-1-5 parcel. Your parcel may be different. Some information for a two-story unit is included in the table as well.

Hiring Design Professionals to Help You Develop Your ADU

This Manual includes prototypes of ADUs and suggests how they can be adapted for various sites, neighborhoods, and architectural contexts. If you use these prototypes for your ADU, you will have site-specific conditions to accommodate or you may want to customize the plans. You will also need to modify the plans for neighborhood compatibility. (See Section 2 for a discussion of what this means.) Or you may want to start from scratch and

Zoning Code for ADUs	Typical R1-5 Requirements*	Exceptions/Comments
Minimum lot size	5,000 SF	NO exceptions.
Maximum unit size for lot up to 7,499 SF	500 SF	7,500-9,999 SF lot can have 640 SF ADU. 10,000 SF+ lot can have 800 SF ADU.
Side yard setback, one story	3 feet	5 feet for 2 story ADU.
Side yard setbacks, one story, on a corner lot	8 feet	8 feet for 2 story ADU.
Front yard setback	20 feet	ADU can built in front of the main house as long as required setback is maintained.
Rear yard setback, one story only	3 feet	20 feet for 2 story ADU without Administrative Use Permit.
Maximum height*	13 feet to mid roof**	22 feet to roof peak for 2 story ADU.
Minimum distance between habitable structures	10 feet	6 feet between habitable and non-habitable structures (sheds, garages, etc.)
Maximum rear yard coverage	30% of 20 foot setback	Not required if facing alley.
Parking spaces	1 space per ADU 2 spaces for house	Assumes 1 bedroom ADU and 3 bedroom house. More bedrooms need more spaces.
Covered parking	None	Building an ADU eliminates required covered parking for lot.***
Parking location	Up to 3 cars can be parked in tandem in driveway. Up to 3 spaces allowed in front yard (maximum of 50% front yard may be paved).	
ADU entrance, main windows and entry	May be oriented towards main house but not towards neighbor’s property	
ADU exterior	Must relate to main house in building materials, roofline and other details.	
Notes: * Typical requirements for an ADU located in R-1-5 zone (check Zoning Code for your lot) ** Maximum height is measured to midpoint of highest gable. *** This facilitates converting a garage into ADU		



In historic neighborhoods, “carriage houses” along alleys were common methods for adding worker housing.

This single story cottage was built in the 1920’s creating a second address out of the neighborhood alley.

design your own unit. In any case, you will probably need to work with a qualified designer, builder, or engineer to make sure your project meets your needs as well as the City’s permitting requirements.

When choosing an architect or design professional, ask them for references and look at their previous experience. It is important that their designs and quality of work is something that is agreeable to you. It is also helpful if they have experience in your community in the project review and development process. Often, design professionals with local experience can better anticipate the types of technical and regulatory issues you will need to address. They can help you determine what you need, what design suites you and your neighborhood, estimate costs, identify necessary technical studies, and administer construction.

Taking Advantage of the City’s ADU Development Program

Santa Cruz has a progressive ADU program with both technical and

financial assistance. The State’s California Pollution Control Financing Authority (CPCFA) Sustainable Communities Program has funded this Manual and the ADU Prototypes Plan Sets, a series of ADU design workshops on video tapes and the following additional assistance to homeowners:

- **Technical Assistance Grant:** For a limited time, the City will pay up to \$100 for one hour of a professional’s time to help you solve particular design problems or adjust your ADU Prototype. Apply for this assistance with your building permit.
- **ADU Loans:** A joint City/Santa Cruz Community Credit Union loan program provides up to \$70,000 at 4.5% interest. Affordable covenants are requisite. Apply at the Credit Union, call (831) 425-7708.
- **Wage Subsidy Program:** The Community Action Board of Santa Cruz County’s Women Venture Project will provide 50%

salary assistance for builders using graduates from their training program for the building trades. Call (831) 724-0206 for information.

The types and amounts of assistance will vary from year to year depending on available resources. If you have questions about these programs, the City of Santa Cruz Housing and Community Development Division can be reached at (831) 420-5110 and visited on-line at www.ci.santa-cruz.ca.us/pl/hcd. You can also visit the Planning Department at 809 Center Street.

Other Resources to Help You Get started

There are a variety of books and other resources that can be found on-line, at the Santa Cruz library, and bookstores. Books about small houses and cottages are popular as Americans and Californians discover opportunities in their own back yards for ADUs. The Appendix includes a list of ADU-related resources.



Section Two: Designing your ADU

Your ADU has to meet your needs, result in a livable home for the tenant, and be a compatible fit with your neighborhood. This section is about understanding how to plan your ADU. It includes methods for evaluating how to be a good neighbor, the best location for your ADU, and some examples of designs.

Neighborhood Compatibility

Santa Cruz residential neighborhoods have a variety of architectural styles, block and lot patterns. To make sure your ADU is a good neighbor, you will want to talk to your neighbors, take a look around, and see how your ADU can best fit on your site and into your neighborhood.

Take a Look Around: Assessing Your Neighborhood

Santa Cruz evolved from a lumber industry town in the 1800's to a sec-

ond home, university and resort community in the late-1900's. The combination of climate, natural setting, social consciousness and lifestyle has resulted in a community that values its historic neighborhoods while embracing counter culture attitudes about design. The City's neighborhoods reflect these traditions.

As a result, Santa Cruz has a broad variety of single-family neighborhood, each with distinct characteristics. By understanding the unique

features of your neighborhood, you can plan an ADU to preserve or enhance some of these features such as yards, views, and landscape or architectural character.

Neighborhoods in central Santa Cruz have been designated as historic districts with special guidelines and review procedures to protect their character. Some neighborhoods, such as the Morrissey Avenue area on the Eastside, were planned prior to WWII and have traditional plan features such as

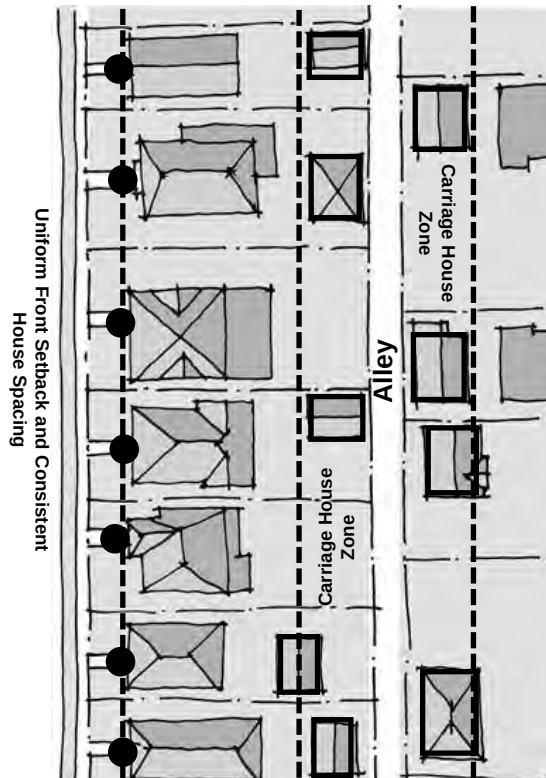
Have a look at the "Take a Look Around Your Neighborhood" checklist on the next page. It has a list of questions to consider and the potential implications for planning your ADU.

Take a Look Around Checklist

What questions do we need to ask before designing an ADU?	How does it effect your planning?
What is the predominant height of homes in your neighborhood? One or two stories?	If a neighborhood has predominantly one-story homes, then you probably would want to build a one story ADU.
Are homes set back the same distance from the street or are they staggered? Is there an established pattern to the house and lot patterns in your neighborhood?	Some neighborhoods have uniform setbacks and relationships to the streets. Other neighborhoods have irregular patterns. An ADU should fit into the pattern of setbacks for houses and garages.
What do most of the roofs in the neighborhood look like? What are the materials, colors and pitch?	Typically for best neighborhood fit, your roofline may mirror the main house's roof. In some neighborhoods, garages and ancillary structures have a different roof forms. You may chose to reflect these traditions instead.
Where do most of the homes have their garages? Are they detached or attached? Are they in front, back or on the side of the house?	ADUs are typically about the size of a large garage. Look at your neighborhood pattern for garage placement to reduce the impact on your neighborhood character.
Is there typically a narrow or wide space between homes?	If your ADU is in the backyard, consider how you will enter the ADU. If possible it should be from an alley. The goal is to minimize the impact that the ADU access way might have on neighbor's windows.
Is landscaping or fencing or a combination used to define lot lines?	Fencing or landscaping in a neighborhood establishes different degrees of privacy. You may want to screen your ADU with plant materials that are compatible with the neighborhood.
Do lots typically have only one structure or several (i.e. house, garage, sheds, etc.)?	A pattern with multiple structures would enhance the option of building a stand-alone ADU.
Is there one material or color that is predominantly used for the homes on your block?	Often the best option for exterior materials is to match the main house. However, if there is a dominant material or color in the neighborhood, that might be considered as well.
Are front yards nicely landscaped or is the most prominent feature paved parking areas?	Placement of parking is critical when thinking of neighborhood impact. If you are using your front driveway to accommodate more cars, think of how you might use landscaping to help reduce the visual impact on the street. Try to keep your front yard in keeping with your neighbors.
Does your neighborhood have heavy or light vegetation in the back yard areas?	Your ADU siting and design should respond to the pattern of landscape located in your neighborhood. The pattern of canopy trees and hedges is part of the neighborhood context.

Santa Cruz Neighborhood Contexts

Traditional Neighborhoods



Traditional Neighborhood Blocks

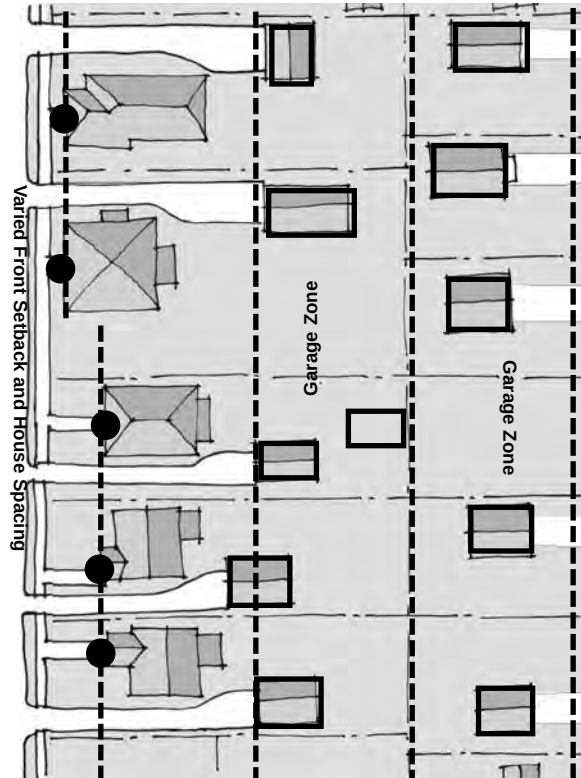
Features:

- Shallow lots, with or without alley
- Carriage houses and garages at the back of the lot
- Original carriage houses small single bay buildings

ADU Sites:

- Place ADUs along alley frontage or rear property line

Transitional Neighborhoods



Transitional Neighborhood Blocks

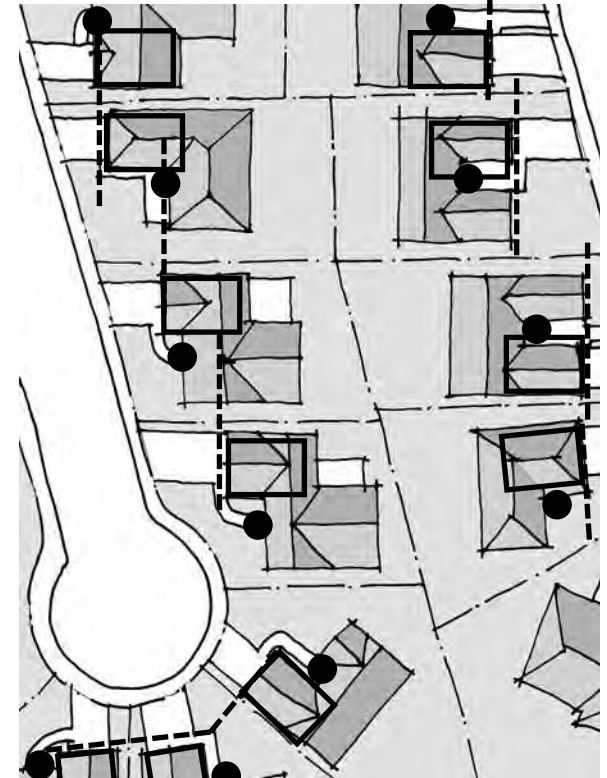
Features:

- Pre-war grid blocks with pre- and post war housing
- Deep lots
- Garages located in rear yards

ADU Sites:

- Place ADUs within garage zone in rear yards

Post War Neighborhoods



Suburban Neighborhood Blocks

Features:

- Cul-de-sac blocks
- Small yards
- Parking in front of lot with 20' driveway parking

ADU Sites:

- Garage conversions
- Place ADUs in rear lot areas on bigger lots



This Spanish Revival house has converted the garage into a ADU. The corner lot has an expanded driveway with special brick pavers and landscaping to visually reduce the parking area in that yard.

gridded streets, narrow lots, porches, alleys, and garages placed in the rear of the lot. Post-war neighborhoods, such as the Westlake neighborhood, have developed with very suburban features including curving streets, wider lots, single story ranch-style homes, and attached garages with driveways facing streets. And then there are the remnants of summer cottages in the Seabright and Circles areas.

Whether a pre- or post war vintage, Santa Cruz's neighborhoods have accommodated generations of additions and secondary structures. While reflecting zoning requirements, floor plans and lot configurations found in the neighborhood, many patterns have emerged to accommodate change over time. For example, there may be a tradition for additions built on to the rear of the house thus protecting side yard separations. In other neighborhoods, garages and secondary structures were built along an alley leaving backyards open. Because they evolved in response to the neighborhood pattern, these changes look and feel natural.

Today, numerous Santa Cruz neighborhoods are showing new signs of transition. Some smaller lot subdivisions and locations that offer views of the ocean are being pressured by the desire for larger homes. Neighborhoods adjacent to commercial areas or higher density housing are affected by the changing scale of buildings. Both of these types of neighborhoods are considered to be in transition, offering past and future contexts for building ADUs. In these areas, the questions of privacy, scale and architectural character are a moving targets and make talking with your neighbors even more important.

Determining Fit

Determining what type of ADU design will fit your block and yard requires understanding your neighborhood patterns and a more focused examination of your lot and those of your neighbors'. There are several elements that will determine the fit of your new unit. These include placement on the site, orientation, outdoor spaces, and architectural design.

The top issue discussed in the community workshops conducted during the preparation of the ADU manual was protecting the privacy of neighbors. The views of private and shared spaces, acoustical privacy, and entry routes used by tenants were identified as concerns. To respect your neighbor's privacy, you need to think about how your ADU is sited and designed. Whether attached, detached, one or two-story, each type of unit has its own set of issues.

The orientation of ADUs is an important privacy consideration. This means you have to think about which way your unit faces and where it is placed on the site. The entry, porches, private or shared outdoor spaces, window placement and closeness to property lines should be considered when designing your unit. Depending on your site constraints and parking needs, you may also have a choice whether it is a single or two-story ADU.

Privacy between the main house and the ADU should also be part of your design plan. Besides views from

windows, there are other considerations including the use of rear and side yard spaces, entry pathways, and parking location for the ADU. When designing your ADU, there is an opportunity to plan which parts of the yard will be exclusively for the tenant's or home owner's use and which part is shared. These areas can be defined with landscaping, gardens, paving and other devices. The way someone enters the ADU can cause privacy concerns as well. Planning the site to limit the routine use of private yard areas or passing by private rooms to access the ADU can improve privacy. The location of parking can also have an impact on where tenants walk and the noises from after hour departures and arrivals. Alley lots and corner lots provide more flexibility in terms of locating ADU parking away from the owner's house.

Architectural design is another area of consideration. Santa Cruz has been particularly careful that new projects are architecturally compatible in historic and traditional neighborhoods. However, many post war

single family subdivisions and sites located adjacent to commercial or industrial areas provide opportunities to explore more contemporary design solutions for ADUs. Contemporary solutions can feature new energy saving technology or sustainable design, non-traditional indoor and outdoor spaces, or fanciful and sculptural roof and building forms.

As the owner, you will also need to consider the compatibility of the ADU design with your home. Your existing house may provide a palette of roof forms, window design, materials and colors, and other architectural features that can be replicated. This would create an esthetic and ownership connection between the main house and the ADU.

Talk to Neighbors

Of course an important part of being a good neighbor is discussing your plans with adjacent property owners. This can help you better understand how your ADU can be designed to reduce the impact on their lifestyle. In some cases, your

neighbor may also be considering developing an ADU in the future and the coordination of siting and orientation can result in a better situation for both. Some issues you may want to discuss include privacy, views, solar access, parking location, and the timing and schedule for construction. Talking with your neighbor provides an opportunity to discuss the merits and trade-offs of different design approaches.

Some potential talking points are listed below.

- **Privacy.** One of the most obvious topics will be visual privacy. This often includes views into houses and into private backyards. The location of the ADU, window placement and orientation of private and public rooms in ADUs could be topics of discussion in this regard.
- **Solar Access.** Access to the sun for gardens and yards can be an important concern of neighbors. Placing a two-story unit close to your northern property line can impact a neighbor's solar access.



This single family house has added an ADU as part of a new garage project. The ADU design reflects the design of the house and uses dormer windows to keep the building at a 1-1/2 story height.

Pages 11-13 have diagrams illustrating various ADU options. The drawings show how detached, alley, and attached ADUs can be more compatible with your neighborhood and own home.

- **Views.** In some of Santa Cruz's neighborhoods, views of the ocean, woodlands and other scenic features are important assets that should be shared by neighbors. The placement of ADUs, particularly two-story buildings, should reflect an understanding that views are shared.
- **Parking.** Parking standards in Santa Cruz for homeowners building ADUs are very flexible. However, although the location of cars conforms to City codes, your parking spaces may still impact your neighbors.
- **Scheduling the Work.** In some cases, your neighbor may have young children or other needs that cause you to consider how you schedule construction of your ADU. You may want to discuss the schedule of your construction project, both in terms of start and finish dates and the times of day and days of the week that construction will take place.

Remember, your neighbor may be the next one to develop an ADU, and you would like the same opportunity to discuss their project.

Planning Your New ADU

As you begin to plan your ADU, you will want to think about the criteria that will determine its size, floor plan, location on your site, and your budget. Besides your housing and economic needs, these types of decisions will be affected by the City's zoning and building codes. A summary of zoning code highlights is included in Section 1. The complete Zoning Code for ADUs is included in the Appendix.

How Big? What will Be Included?

In Santa Cruz, ADUs are allowed to be a maximum of 500 SF on lots from 5,000 SF to 7,500 SF. For lots between 7,500 SF and 10,000 SF, ADUs may be up to 640 SF. For lots in excess of 10,000 SF, an ADU may be up to 800 SF. Besides the zoning ordinance requirements, you will want to think about who will live there and what amenities or design features should be included.

You may want to build an ADU for income purposes or to make room for an elderly parent or grown child. You may even build the ADU for yourself. Each ADU resident may have different needs. For example, making a unit accessible for wheel-chairs by locating it at grade and providing wider doors and bathrooms adds to the diversity of affordable units in Santa Cruz and gives it greater flexibility by anticipating the needs of a physically challenged person or an elderly parent. Think about the needs of the person living in the ADU. Will they need additional storage space? Is it important that they have access to a laundry room? Do they get a deck or private outdoor space?

Where On Your Property Will the ADU Be Located?

In addition to the neighborhood context issues previously discussed, you may have personal reasons to locate an ADU on one part of the site instead of another. For example, if you are building the ADU for an elderly parent or extended family member, you may want to have an attached unit. If the ADU is rented, you may want to increase your pri-

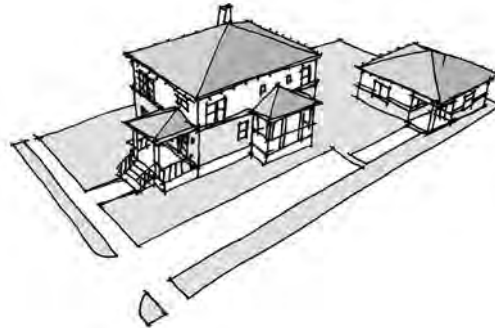
Detached ADUs

How can detached ADUs be in scale with the neighborhood and architecturally compatible with the existing house?

- In what ways is the ADU architecturally compatible with the primary structure and other houses in the neighborhood?
- Is the ADU subordinate in scale and size to the primary house?
- How is the ADU designed to reduce the impact on privacy of neighbors?
- Does the lowest side of the ADU roof face adjacent properties to reduce the visibility of the ADU from the adjacent property?
- Are ADU entries oriented towards rear alleys, the main house, or yard rather than the neighboring house or yard?
- Are ADU windows either oriented or glazed to ensure privacy for neighbors?

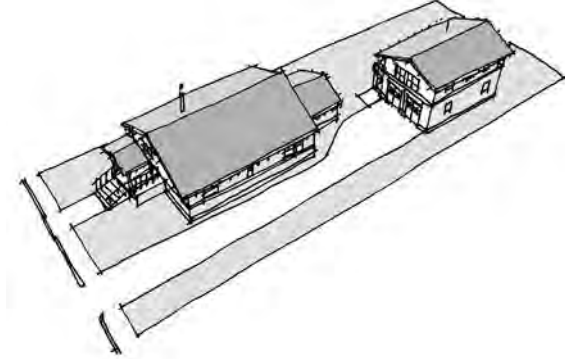


Sketch of Two Story ADU over Garage



One Story Backyard Cottage

- 5' setbacks
- Uncovered parking in driveway



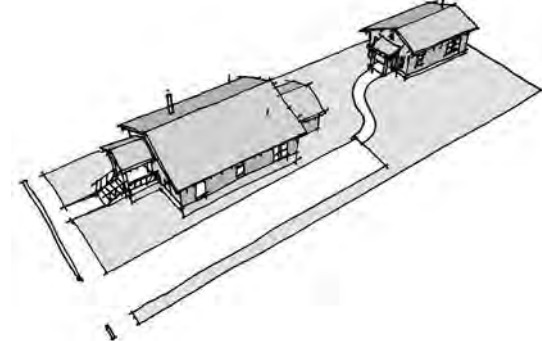
Two Story ADU over Garage

- 5' side yard setback
- 20' rear yard setback
- Parking in garage and driveway



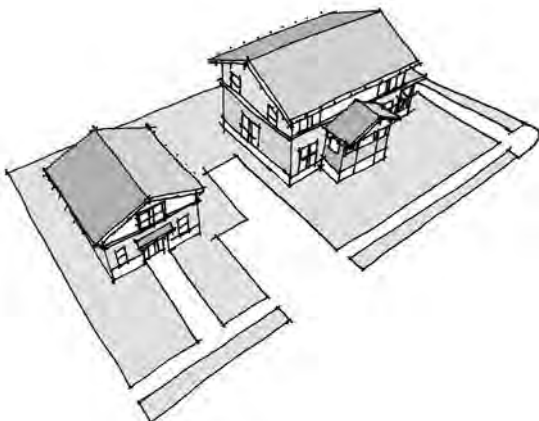
1-1/2 Story Backyard Cottage

- 5' side yard setback
- 20' rear yard setback
- Uncovered parking in driveway



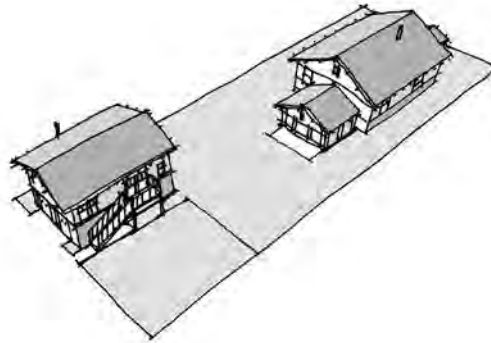
One Story Backyard Cottage

- 5' setbacks
- Uncovered parking in driveway



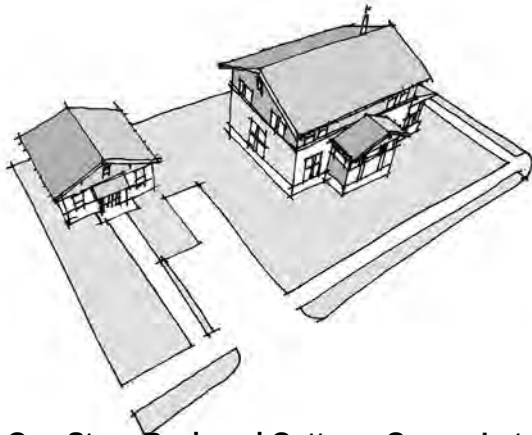
1-1/2 Story Backyard Cottage–Corner Lot

- 5' side yard setback
- 20' rear yard setback
- Uncovered parking in driveway



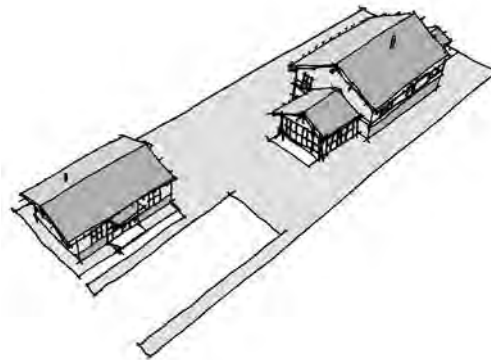
Two Story ADU over Garage–Alley

- 5' side yard setback
- Private ADU yard space
- Parking in alley garage and front driveway



One Story Backyard Cottage–Corner Lot

- 5' side yard setbacks
- Uncovered parking in driveway



One Story Backyard Cottage–Alley

- 5' side yard setback
- Uncovered parking in driveway

ADUs on Alleys and Corner Lots

How can alley access and corner lot ADUs be compatible with the primary structure and neighborhood?

- Is the ADU built along the edge of the alley to maintain the pattern of back yard open space in neighborhoods?
- Is an alley ADU designed to provide “eyes-on-the-street” security?
- Does the ADU preserve existing trees in rear yards and along alleys?
- If the alley ADU is located over a garage, is the building set back far enough to back a car into the alley?
- Is enhanced landscaping provided along the street or alley edge?



Sketch of 1-1/2 Story Backyard Cottage

Attached ADUs

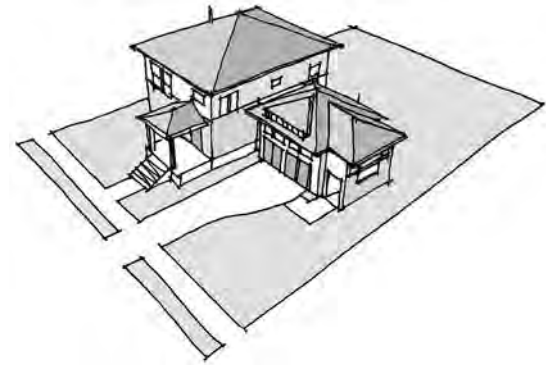
How can ADUs that are added to existing structures be designed to maintain the building scale, architectural character, and yard patterns found in the surrounding neighborhood?

- Is the primary residence containing the ADU of a compatible scale with nearby residences?
- Is the ADU addition visually subordinate to the original building? Do the massing, scale, and the location of an addition allow the original building to remain visually prominent?
- If the ADU addition is taller than the original building, is it set back from the primary facade?
- Is the ADU entrance visible from the street front? Does it maintain the appearance of a single-family home?
- Are the materials and windows of the ADU compatible with those in the original house?
- Is the ADU roof or attic addition in scale and compatible with the original structure?
- Are dormer or roof additions subordinate to, and set back from, the primary facade so the original roofline can be seen from the street?
- Does the ADU have yard setbacks, street orientation, use of front porches and other design elements found on your block?



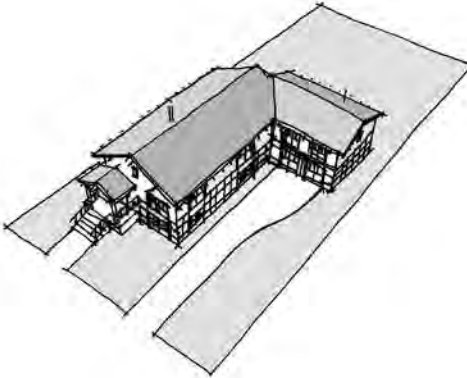
ADU and Garage Addition–Front

- 5' side yard setback
- 20' rear yard setback
- Parking in garage and driveway



ADU and Garage Addition–Side

- 5' side yard setback
- 20' rear yard setback
- Parking in garage and driveway



ADU and Garage Addition–Rear

- 5' side yard setback
- 20' rear yard setback
- Parking in garage and driveway



One Story Backyard Addition

- 5' side yard setback
- 20' rear yard setback
- Parking in garage and driveway



This small converted garage located on a corner lot is now a back yard garden cottage.

vacy by locating the ADU farther away from your house.

In addition to privacy issues, there are physical design criteria that are important to you and unique to your site. You may be an avid gardener so orienting the location and design of your garden toward the sun is important. Your yard could have a heritage tree (see Appendix for definition) that has to be saved or a nice patio or deck that must be worked around. By considering all site plan variables at once you have a better opportunity to create the win-win design that satisfies you, your neighbors and the tenant.

What Will Be the Ultimate Cost?

As with any development project, you want to be able to anticipate the costs of your ADU project. There are several ways to look at these costs. If your ADU will be for added income, you will want to make sure the ADU rent covers the costs. Or you may want to increase the equity in your home as an investment. If you are building an ADU for other reasons, you have to weigh the benefits with your own

economic situation and family needs.

Regardless of your motivation, you want to be able to design an ADU that meets your budget. One of the common pitfalls of any development project is not anticipating costs or understanding the types of costs. So, what do we mean by costs?

There are “hard costs” and “soft costs”. Hard costs include construction (materials and labor), site preparation, utilities, building, and landscaping. Soft costs include financing (second mortgage or construction loan), planning and building permits, development fees, utility hook up fees, and professional design and engineering services.

A good place to start to identify costs is from what you can easily find out. For example, you can find out what development fees you will need to pay to the City. Then, a contractor, architect or an estimating book can give you a range of construction costs on a square foot basis in Santa Cruz. This can start to

provide a ballpark number to use for planning. You should also check on types and amounts of financing that might be available to you before you start. The City’s new ADU loan program is something to consider if you are willing to maintain an affordable unit for 15 or 20 years.

For hard costs, you may be surprised that you do have some control over your destiny. Here are some things you, your contractor and/or architect might consider.

- **Lower Construction Costs.** Garage conversions can be an affordable way to utilize your existing structure to create an ADU. Single story at-grade units are also cost effective if you have room on your site. If you build an ADU above parking then you have to consider the cost of the garage. Two story units can save yard space and have smaller foundations and less roof area but tend to have higher structural costs and require the added cost of building stairs.

Example ADU Budget

Off Site Improvements	Water Service	3,500
Foundation	Grading/Excavating/Backfill/Compaction Concrete & Rebar, Anchoring	2,500 7,500
Framing	Studs, joists, rafters, sheathing, beams, headers, connectors	24,500
Plumbing	Rough Finish	2,500 900
Roofing	Asphalt shingle	3,500
Doors	Interior, exterior, shower encl.	3,500
Windows	Wood	4,500
Finishes	Drywall Carpeting Resilient Flrg Countertops (laminated) Cabinets Ceramic Tile Painting (interior and exterior)	3,250 900 800 750 1,200 1,200 5,000
Metalwork	Piperail Guardrails (Int.) Gutters, downspouts	2,500 1,000
Mechanical	Tankless Water Heater Gas Fired Wall Heaters Garbage Disposal	750 800 200
Landscaping	Allowance	500
Total Preliminary Estimation of Construction Cost		\$76,000

This table shows an example construction budget for a 500 SF ADU. In addition to construction budgets, a home owner needs to consider other types of costs such as permit fees, insurance, professional design or engineering services, or financing costs. These can add up to over 30% of the construction cost. It is important to do the research on these other costs when planning your project.

See the Appendix for a list of other permits and fees.



This new single family house has added an ADU built above the garage. The garage and ADU are built to the rear of the site making them less conspicuous from the street.

- **Parking.** For any ADU type, you still need to consider the cost of parking. Is it covered in a garage? Do you need to expand your driveway or build a new one? Do you access the ADU from an alley?
- **Access to Utilities.** Planning your site to have easy access to utilities can save money by avoiding the necessity of digging long trenches.
- **Utility Meters.** Utility meters and connections can be a big initial cost. Providing separate water connections is expensive. The Fire Department will determine if your water service has enough pressure for fire sprinkler systems required by the City of Santa Cruz. PG&E will not install a separate gas or electric meter on the same parcel for you. Sharing them may save money but you will have to consider how you share the cost of utilities with your tenant.
- **Materials.** The choice of building materials is a cost item you have some control over.

However, you can see on the sample budget summary on page 15, that you might not save as much as you might think. Basic planning decisions can make a bigger difference in cost savings.

- **Labor.** The cost of labor can be a big variable. Are you going to do part of the work yourself? Will you be your own contractor? Should you?
- **Time.** Regardless of the approach you take to budgeting for your ADU, a common item is the cost of time. The longer the project takes, the longer you go paying on your construction loan without rental income. Sometimes trying to make the construction costs cheaper by doing it yourself and not hiring a contractor extends the construction period increasing the soft costs.

Often people do not consider the life cycle costs of construction. These include resource consumption, such as the cost of energy and water, and maintenance. For example, you may choose to save money

by selecting a cheaper siding material or a 15-year roof rather than a 25-year roof. You may end up paying more in the long run with maintenance or replacement costs. Making some initial investment in energy-efficient design and materials can make energy bills smaller too.

There is also an environmental cost of using certain materials because of toxic byproducts in the manufacturing process or problems with disposal at the end of the life of the building. Santa Cruz's progressive tradition brings a natural awareness and concern about these types of hidden or deferred costs to the planet. There is a list of "green" building materials on page 18.

Prototypical Designs and Details for ADUs

One of the most exciting parts of developing your ADU is planning and designing it. As with any small home, you can design it, have an architect help you, or pick one out of a catalog. This section provides ADU Prototypes to help inform your efforts in selecting and modify-

ing the type of ADU that meets your needs. It also has some tips on energy conservation and accessibility.

The ADU Prototypes are all designed as 500 SF one-bedroom units with the exception of the garage conversion. The garage conversion Prototypes reflect a typical two car structure of 400 SF. The City has worked with architects and engineers to provide drawing sets that can be used as the basis for building your ADU if you so choose. However, not every site is the same, so the Prototypes will need to be modified to suit your lot and detailed to be compatible with your main house and neighborhood. But, the ADU Prototypes are a pretty handy way to get a project quickly through the process without too many surprises. All the Prototypes have been pre-reviewed by City departments, and are available at the City Planning counter.

Pages 19-36 provide brief written and graphic descriptions of the seven Prototypes. They include one and two-story ADUs, parking garages with ADUs above, alterna-

tive construction methods, and garage conversions.

How to Choose a Prototype

Between reading the “Take a Look Around” checklist on page 6, thinking about your plan and talking to your neighbors, you should have a pretty good idea what type of ADU will suit your needs and let you be a good neighbor. You may choose to build one of the Prototypes as they are drawn or modify one for your site and needs. In either case, you need to make a clear list of your objectives. You will need to consider the type of neighborhood you are in, the location on your lot, need for disabled access, alternative construction options, construction period, and whether your existing two car garage could be used for your ADU.

How to Modify the Prototype to Fit Your Needs

After reviewing the Prototype you may find they would have to be modified to fit your situation or needs. A Prototype plan may have to respond to a special site planning or architectural context. Planning reasons to modify a

Prototype could include:

- Changing its orientation and entry location;
- Flipping the plan for better access to utilities;
- Rotating a plan to change the location of private space or access to parking; or
- Rotating a plan for better solar orientation or to capture views.

Architectural design reasons to modify a Prototype could include:

- Changing the roof, window or siding types to match the existing house;
- Moving windows and doors to reflect privacy needs; or
- Accessorizing your ADU to suit your site and personality.

The Prototype plans attempt to anticipate a variety of contexts. They make the effort to be flexible within technical constraints of meeting building codes. There are some things that cannot be changed. Some of these include the amount of foundation and wall area that is needed for structural support, the minimum amount of window area

Using Green Building Materials

The following is a list of just a few “Green Building” materials considered to significantly reduce environmental impacts during manufacture, placement, lifetime use and post-lifecycle deconstruction. Combined with State mandatory energy conservation measures the finished structure poses much less impact on the environment and utility needs.

When ordering materials, consider not only the manufacturing process but also where materials are coming from. A local supplier/manufacturer can save considerable transport costs and use of fossil fuels. Compared with their conventional counterparts the following materials require generally less manufacturing and help to minimize environmental impacts:

Getting Started/Site Selection:

- Consider Renovating Older Building
- Deconstruct/Recycle/Reuse Existing Structures
- Choose Least Disruptive Pad Location To:
 - Minimize Grading / Land Disturbance
 - Work Around/Protect Existing Trees
 - Protect Eco/Archeologically Sensitive Areas.
 - Use Solar Orientation for Maximum Gain
 - Provide For Onsite Storm and Gray
- Water Management
- Locate Close to Public Transportation Hub

Foundation / Under Floor:

- High Volume Fly Ash Concrete (Min. 15%)
- CBA and/or ABQ Treated Wood (avoid arsenic)
- Permanent Forms / Insulated Foundations

Framing/Sheathing/Exterior Cover:

- Forest Stewardship Council Certified Lumber
- Light Gauge Steel Framing / Straw Bales
- Structurally Insulated Panels (SIP's)
- Finger Jointed /Engineered Wood
- Salvaged Timbers
- Agricultural Boards (wheat/straw)
- Europly / Medium Density Fiberboard
- Fiber-Cement/Recycled Content Siding & Roofing
- Recycled Content Decking

Interior Environment/Finishes:

- Cellulose or Cotton Insulation vs. Fiberglass
- Low or No VOC Adhesives/Solvents/Paints/Finishes
- Natural Linoleum vs. Oak/Vinyl
- Cork and/or Bamboo Flooring vs. Oak/Vinyl
- Recycled Ceramic Content Tiles
- Natural Fiber/Recycled Content Carpeting
- Salvaged Wood Flooring
- Recycled Door/Window Trims

Plumbing/Electrical/Mechanical:

- Tankless or Solar Water Heating
- Hot Water Circulation
- Ultra Low Flow Fixtures
- Ultra High Efficiency Lighting
- Solar Photovoltaic Electric Panels
- High Efficiency Heating/Cooling
- Passive/Active Solar Heating

required for emergency egress; ventilation, materials and design features required to meet minimum energy efficiency requirements; and other minimum/maximum dimensions prescribed by codes. The Prototype plans in this section of the ADU Manual illustrate some potential design variations.

Energy Conservation and Accessibility

In California, Title 24 prescribes energy efficiency and access requirements for new construction. These are minimum requirements. You may desire to have better energy efficiency or make your unit specially equipped for disabled access.

The ADU Prototypes strive to take advantage of Santa Cruz's climate, solar access and use of materials with higher insulating values.

Prototype: Detached ADU over Existing Garage

Key Features:

- Preserves and reuses existing garage and driveway.
- Private deck and yard for ADU.
- Dining and living room spaces have sliding windows that open to visually expand rooms to the outdoors.
- Provides for architectural variations to match existing house or unique architectural expression.
- The plan can be rotated to accommodate utility connections or alley access.

Site Plan

This Prototype demonstrates how an ADU can be constructed over the top of an existing detached two-car garage located at the rear of the lot. Your existing garage may be built too close to the property line. Two-story ADUs have to be built at the minimum setback, which is 5' in Santa Cruz. This plan offsets the ADU over the garage providing the necessary side yard setback. The ADU and owner share the same driveway and split the backyard. The ADU has a private deck and small yard at the back.

Floor Plan

The one bedroom plan orients the public spaces (living, dining and kitchen spaces) towards the front driveway and private spaces (bath and bedroom) towards the rear. Dining and living spaces have large operable windows that expand the visual space of these

rooms to the outdoors. The plan includes tenant storage at the lower level adjacent to the deck.

Context Issues

The site illustrated is in an older neighborhood that has experienced higher density apartment infill. Many of the backyard spaces have already been developed with garages or apartments. The ADUs outdoor spaces and windows are oriented into the back yard of the house. This protects the privacy of neighbors and tenants.

Potential Variations

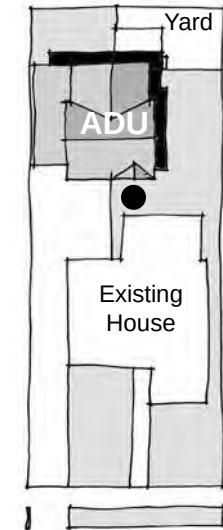
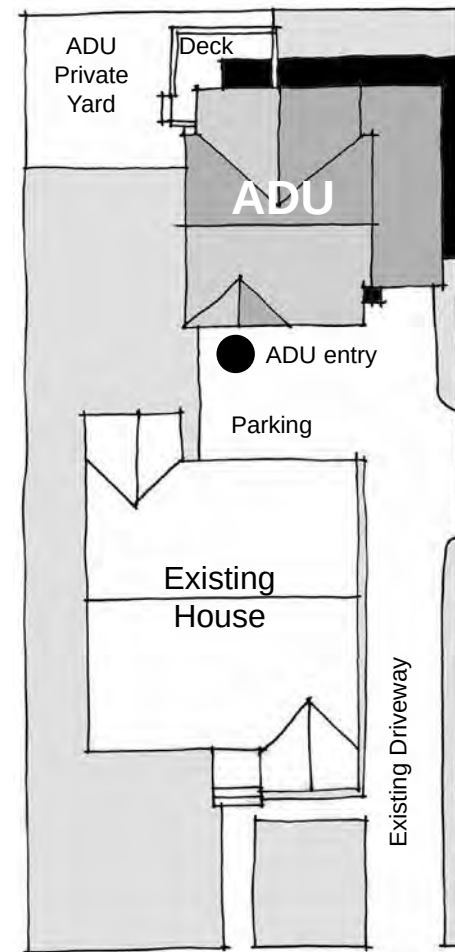
The plan is flexible and can be rotated and flipped to accommodate right, left or rear access to the garage. The alley access variation presents itself as though the alley is a traditional residential street with a porch and front yard. The porch can be deleted or expanded depending on the site. Architectural variations could include traditional styles or contemporary expressions. Key to either approach will be the consistency of the new ADU and the existing garage in terms of materials, windows, and proportions.

“Green” Features

The plan also demonstrates opportunities to include “green” features such as solar panels on the garage roof and rainwater collection and storage under the ADU deck.

Site Plan

These illustrations show the overall site layout for the Prototype. Below is the “base case” option. To the right are variations of a reversed plan and rotated plan to address access from an alley.

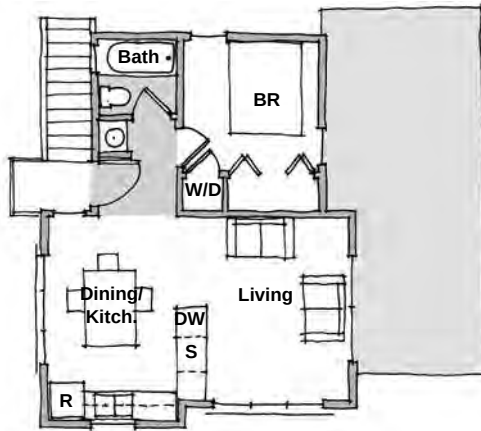


Reverse Plan Option

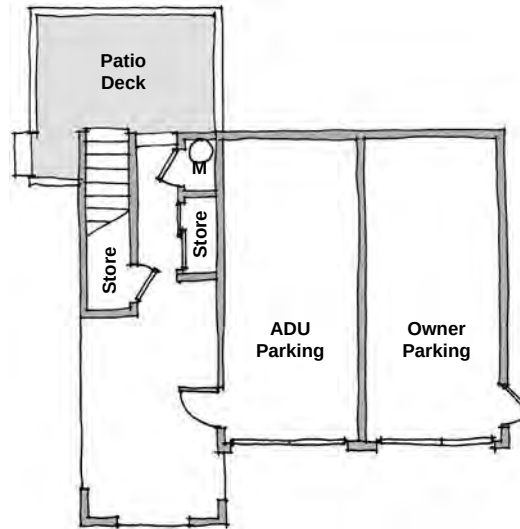


Alley Access Option

Floor Plans



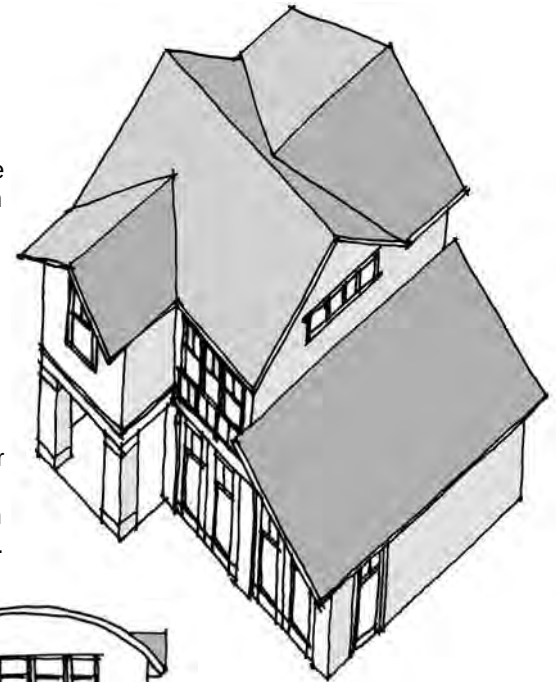
Upper Level • ADU



Ground Floor • Parking

Massing

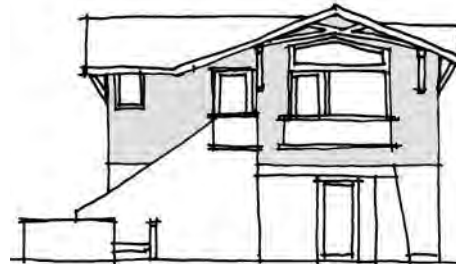
Right: This drawing illustrates the shape of the roof and orientation of the ADU. You can see how the garage roof steps down towards the property line and windows are facing towards the main house or interior of the lot, away from the neighbors.



Elevations



Traditional Example



Contemporary Example 1



Contemporary Example 2

Left: These illustrators show three styles of design. You can take the same plans and develop elevations that match your home, fit the neighborhood or esthetic preferences.



South Elevation



East Elevation



West Elevation



North Elevation

Left: These sketches illustrate all four elevations of the ADU Traditional Example. Window placement reflects the need for privacy, sun access and views.

Prototype: Detached ADU over New Garage

Key Features:

- Lower level has parking, workshop and studio space.
- Unit faces away from neighbors.
- Includes garage parking under the ADU.
- Private rear yard for ADU and shared patio.
- Provides for modern expression with open plan and high ceilings.
- Dining and living room spaces have sliding windows that visually expand rooms to entry deck.
- The plan can be rotated to accommodate utility connections or alley access.

Site Plan

This Prototype demonstrates how an ADU can be constructed in a rear yard reusing an existing driveway. The building requires a five-foot side yard setback and a 20' rear yard setback. The rear setback is accessible via a rear garage door and can be used as a private yard for the ADU or an extended workspace for the workshop or studio.

Floor Plan

The one bedroom plan orients the public spaces (living, dining and kitchen spaces) towards the front driveway and private spaces (bath and bedroom) towards the rear. Dining and living spaces have large operable windows that expand the visual space of these rooms to the outdoors. The plan creates a lower level that is useable for both owners and tenants. A studio

space opens on to a patio space and there is a shop and laundry room.

Context Issues

The site illustrated is in an older neighborhood with a mix of house sizes and styles. Most of the houses have parking located behind the house. Many of the backyard spaces have already been developed with garages or additions. The ADUs outdoor spaces and windows are oriented into the back yard of the house. This protects the privacy of neighbors and tenants.

Potential Variations

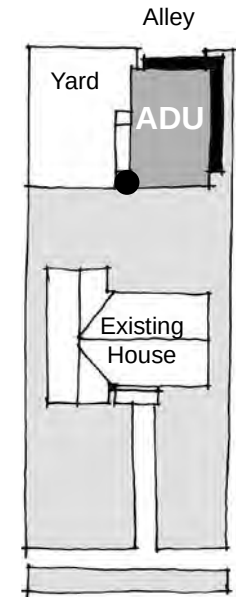
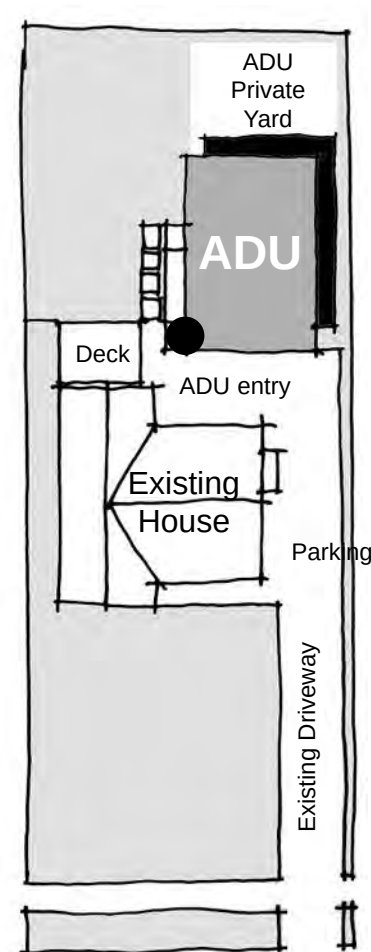
The plan is flexible and can be rotated and flipped to accommodate right, left or rear access to the garage. The alley access variation presents itself as though the alley is a traditional residential street with a porch and front yard. The porch can be deleted or expanded depending on the site. Architectural variations could include traditional styles or contemporary expressions. Key to either approach will be the consistency of new the ADU and the existing garage in terms of materials, windows, and proportions.

“Green” Features

The plan “scoops” light and breezes with its hood-shaped form. It has opportunities to include “green” features such solar panels on the roof (works best when roof is oriented south) and renewable and recycled materials.

Site Plan

These illustrations show the overall site layout for the prototype. Below is the “base case” option. The ADU is located behind the existing house and provides access to the garage from the existing driveway. To the right is a variation. It shows the ADU rotated towards an alley at the rear of the lot.



Alley Access Option

Parking over a garage provides an efficient use of the site. The variation above moves the ADU to an alley and includes two parking spaces. The stair could face the yard or make it possible for the ADU to have access from the alley.

Floor Plans



Upper Level • ADU



Ground Floor • Parking

Elevations



Contemporary Example 1



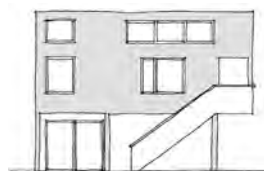
Contemporary Example 2



Traditional Example



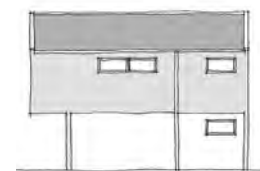
South Elevation



West Elevation



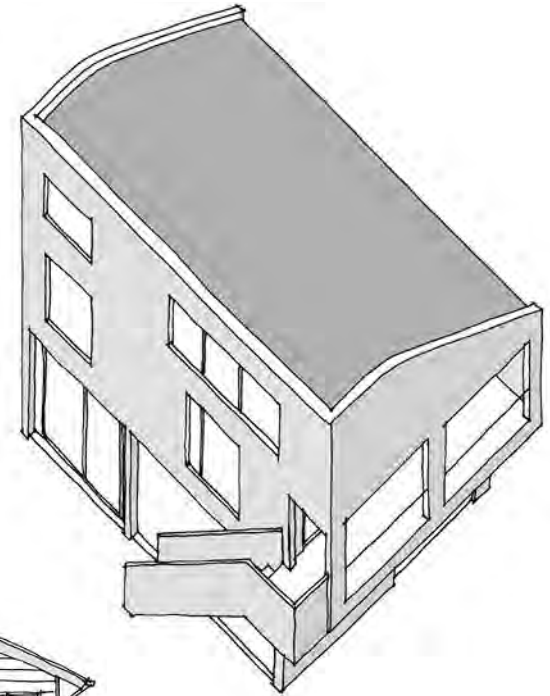
North Elevation



East Elevation

Massing

Right:
This drawing illustrates the shape of the roof and orientation of the ADU. You can see how the roof steps down towards the side property line and windows are facing the back yard and driveway, away from the neighbors.



Left:
These illustrations show three styles of design. You can take the same plans and develop elevations that match your home, fit the neighborhood or esthetic preferences.

Left:
These sketches illustrate all four elevations of the ADU Contemporary Example. Window placement reflects the need for privacy, sun access and views.

Prototype: Detached 1-1/2 Story ADU

Key Features:

- Small footprint fits easily in rear yards.
- 1-1/2 story height allows two living levels in a shorter building.
- Private rear yard for ADU and shared patio.
- “Loft-style” provides vertical open volume.
- Compact bathroom and kitchen layout.
- Easily adaptable for architectural styles and context.

Site Plan

This Prototype demonstrates how a two-story ADU can be constructed to limit the impact on the yard while maintaining a low profile. The ADU can be oriented towards views, private yards, away from neighbors or to shape a shared space. The siting of the ADU will require a 5' side yard setback and a 20' rear yard setback. The rear yard setback can be used as a private space for the ADU tenant.

Floor Plan

The two-level ADU is organized symmetrically as four quadrants. The stair, bathroom and kitchen are on half the lower level. The other half has dining and living spaces with an open ceiling to the sleeping room above. Storage pantry and linen closet are tucked under the stair.

Context Issues

The site illustrated is in a cul-de-sac on a private road along the edge of one of Santa Cruz's green belt open space areas. It is located with a view over the existing house and away from the neighbors. However, the flexible plan can be placed in a variety of rear yard and block locations.

Potential Variations

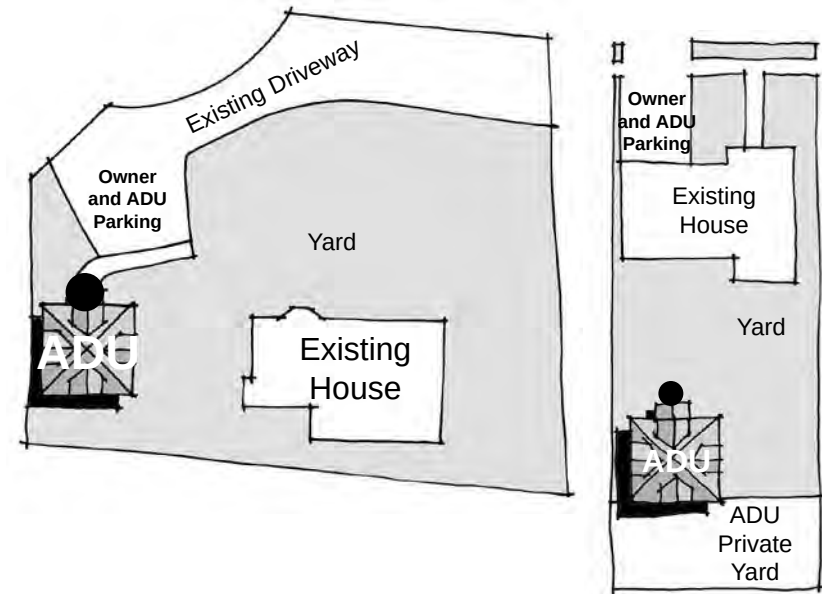
The plan is flexible and can be rotated and flipped to accommodate a variety of privacy, view and utility access situations. Larger porches, window types and roof styles can be added to the basic form of the ADU.

“Green” Features

The plan provides vertical venting through upper level dormer windows. A smaller footprint reduces the amount of paving and related runoff. As with the other ADUs, it can accommodate a variety of recycled and renewable materials.

Site Plan

The illustration on the left shows the overall site layout for the prototype. The illustrated site for the ADU is a cul-de-sac location allowing for a secluded setting. The alternative location on the right illustrates a more common rear yard setting where location and orientation are important for privacy considerations.



Other Options

The 1-1/2 story ADU can be placed in a variety of locations. One consideration will be providing parking elsewhere on the lot. This could happen by expanding the surface parking. In alley locations, parking could be provided adjacent to the ADU. If there is not room to add a parking spot, then consider developing an ADU that incorporates parking under the ADU.

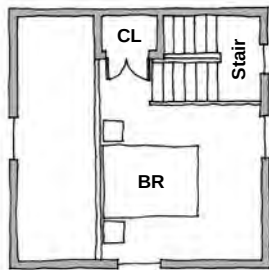
Rear Yard Option

The 1-1/2 story ADU has a small footprint and can easily fit in back yards. The placement of windows and orientation of the ADU should be carefully considered to protect the privacy of neighbors.

Floor Plans

Below:

The 1-1/2 story ADU floor plans have a footprint smaller than a two-car garage. Only 18'x18' and 17' tall, the ADU provides spatial variety and privacy.



Upper Level • Sleeping

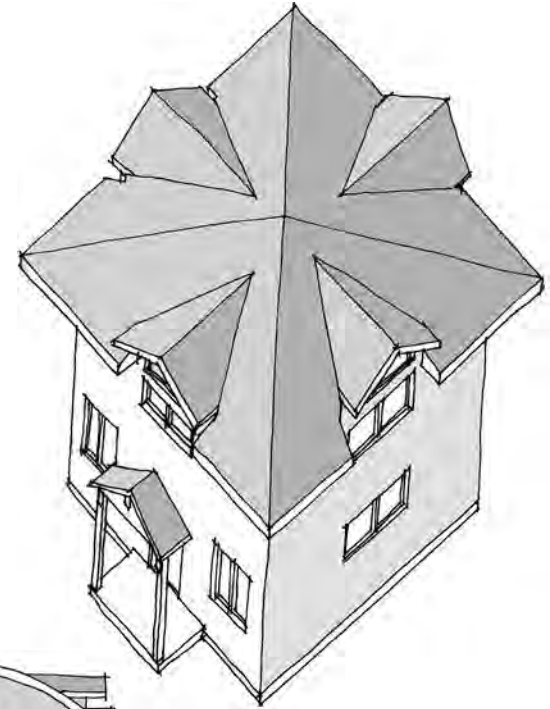


Ground Floor • Living

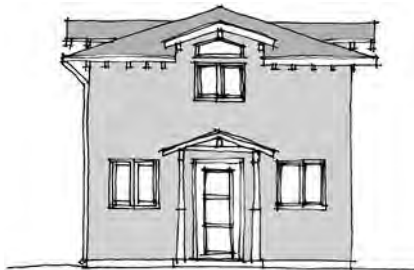
Massing

Right:

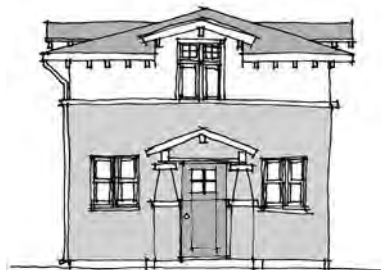
This drawing illustrates the shape of the roof and orientation of the ADU. This ADU has expressive dormer windows that add to the visual interest of the building and provide added character to the sleeping room on the second level.



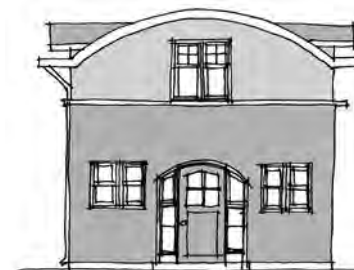
Elevations



Traditional Example 1



Traditional Example 2



Contemporary Example



South Elevation



West Elevation



North Elevation



East Elevation

Left:

These illustrators show three styles of design. You can take the same plans and develop elevations that match your home, fit the neighborhood or esthetic preferences.

Left:

These sketches illustrate all four elevations of the ADU Traditional Example 1. Window placement reflects the need for privacy, sun access and views.

Prototype: Detached Single Story ADU Facing Alley

Key Features:

- Open floor plan that visually and physically incorporates outdoor spaces.
- Locates public spaces along alley edge.
- High ceilings and clerestory windows allow for sunlight and ventilation.
- Encourages landscaping design to become a visual part of each room.

Site Plan

This Prototype is a delightful urban contemporary alley house. It is airy and bright, because the ADU gets the most out of its site. Built five feet from the property line, the ADU presents the public spaces and entry towards the alley. Parking happens adjacent to the ADU with direct access from the alley. The ADU can be designed to orient towards the alley and give the yard to the owner, or be designed to use only part of the yard.

Floor Plan

The one-level ADU gets the most out of the 28'x24' footprint by incorporating outdoor spaces. A private patio and tree well are enveloped by the plan. The kitchen, dining and living space are brightly sunlit spaces that flow into gardens and patio. The bedroom also orients towards the patio and has private access to the bathroom.

Context Issues

The site is located in an older neighborhood with a variety of architectural styles but is predominately a single story in character. The alley has the potential to become a secondary residential address as other lots develop ADUs creating a small street of alley houses. The single story height fits into the scale of the neighborhood and the alley orientation keeps the pattern of backyards in the block open and landscaped.

Potential Variations

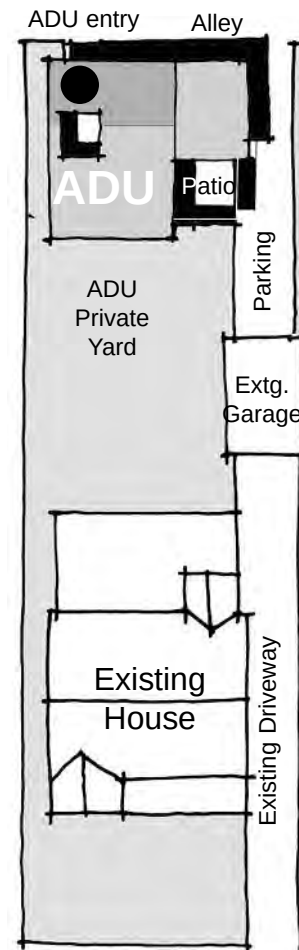
The plan is flexible and can be rotated and flipped to accommodate a variety of privacy, view and utility access situations. The ADU can accommodate alternative parking locations. Parking could be located in an existing or new garage or in the front park of the lot. The ADU could be adapted for rear yard locations.

"Green" Features

The plan provides for natural ventilation through clerestory windows and excellent sun lighting. As with the other ADUs, it can accommodate a variety of recycled and renewable materials.

Site Plan

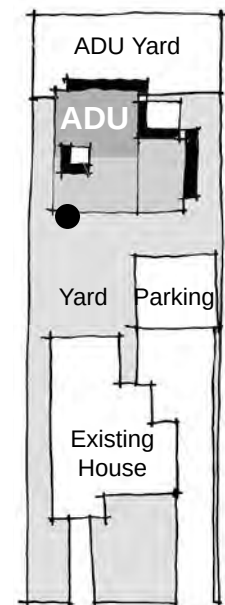
These illustrations show the overall site layout for the Prototype. The plan on the left shows the ADU with alley access and existing driveway and parking. On the right are variations to the site plan.



The ADU is adaptable to various site conditions. Below is an example of how parking can be accommodated from the alley to a garage. The ADU could also be adapted for a rear yard location where a 5' side yard and 20' rear yard setback are maintained.



Alley Parking Access Option



Rear Yard Option

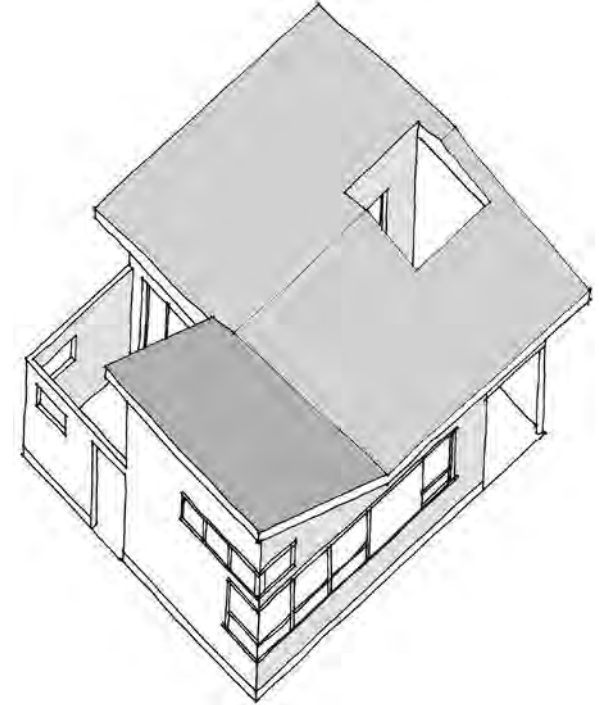
Floor Plan



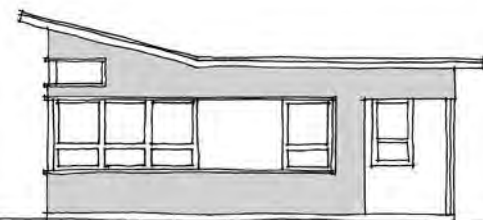
Left:
The plan for this ADU balances public and private places with alley orientation and enclosed outdoor spaces. The plan allows for visual and physical connections of the rooms. The design offers privacy for adjacent neighbors and a social orientation towards the alley.

Massing

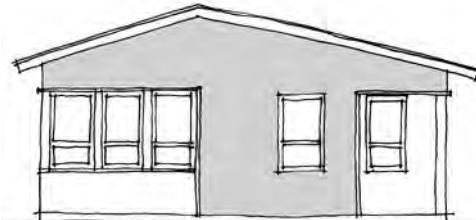
Right:
This drawing illustrates the shape of the roof and orientation of the ADU. You can see how outdoor rooms around the patio and tree well spaces are an integral part of the ADU floor plan.



Elevations



Contemporary Example 1

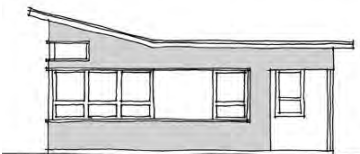


Contemporary Example 2

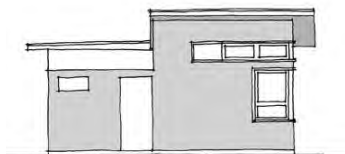


Traditional Example

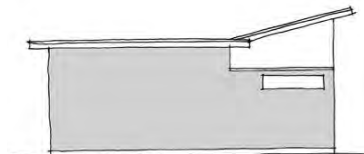
Left:
These illustrations show three styles of design. You can take the same plans and develop elevations that match your home, fit the neighborhood or esthetic preferences.



East Elevation



South Elevation



West Elevation



North Elevation

Left:
These sketches illustrate all four elevations of the ADU Contemporary Example 1. Window placement reflects the need for privacy, sun access and views.

Prototype: Detached Single Story ADU—Alternative Materials and Techniques

Key Features:

- Meshes technology with a simple plan.
- Oriented around a private patio space.
- Dining and living room spaces have large operable doors that expand the rooms to the outdoors.
- Provides for a technological kit of parts that can improve the ADUs energy and environmental performance.
- The plan can be rotated to accommodate utility connections or different methods of alley access and yard patterns.

Site Plan

This Prototype demonstrates an innovative use for a building panel system to create a small alley house. The ADU is set back the depth of a parking space and provides a small front yard facing the alley. A walkway passes along the edge of the yard and enters into a private courtyard. Operable window-walls surround the courtyard. This allows the unit to spill into the courtyard space.

Floor Plan

The one bedroom plan orients the dining and living spaces towards the courtyard with large operable windows that expand the visual space of these rooms to the outdoors. The bedroom also provides visual connection to the courtyard. Translucent panels allow light into the kitchen and bathroom but maintain privacy.

Context Issues

The site illustrated is a traditional alley block with a variety of architectural styles. The ADU has an efficient footprint. The ADU, courtyard and parking cover only about 950 SF of the site making it a good low-impact neighbor. The panel system can deliver a fun and edgy building but may look out of place in traditional historic neighborhoods.

Potential Variations

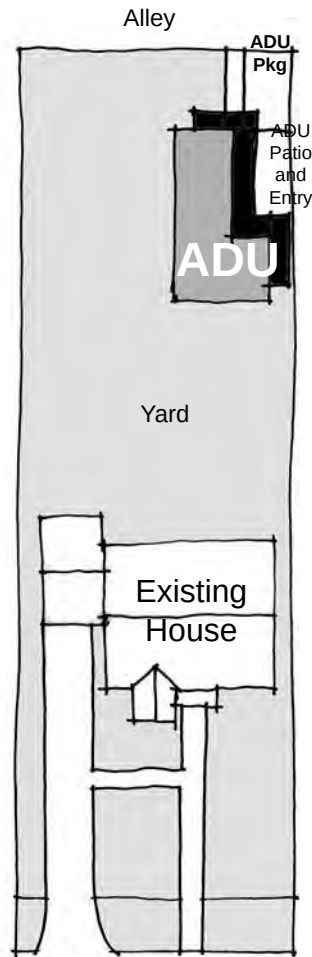
The construction technology is a commercial-grade system adapted for residential use. The non-structural panels come in a variety of sizes and colors. Translucent and transparent panels can be integrated into the design. Hung from a structural steel frame, the panels deliver high insulation values. The modular nature allows countless plan configurations. The plan as illustrated can be flipped and rotated creating different yard and spatial patterns.

“Green” Features

The plan also demonstrates a high level of attention to energy efficiency and integration of green finish materials. The design can be adapted to include a sod roof, water garden using gray water, and solar panels. The daylighting on the ADU is another outstanding feature.

Site Plan

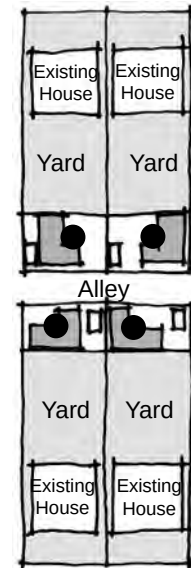
The illustration on the left shows the ADU site plan. Located along an alley, the ADU uses a small corner of the lot allowing the owner to maintain use of the rear yard. The ADU has a five foot side yard setback. The ADU can be rotated and oriented in various ways as shown on the right.



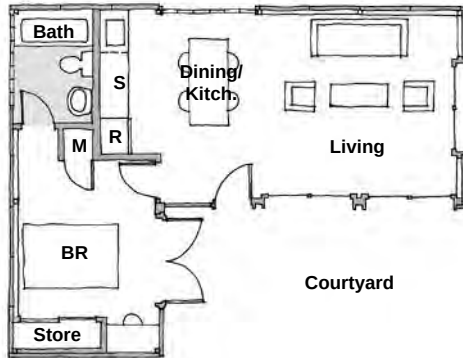
Other Siting Options

The ADU has a small footprint and can easily fit along alleys. It can be rotated and flipped to provide variety of public and private spaces and parking access. In some layouts, the courtyard space is accessed directly from the alley. In other site layouts, you would be walking through gardens and rear yards to access the courtyards.

In each case, the ADU has considered the impact it will have on the social and spatial quality of the alley.



Floor Plan



Left:
The plan of the ADU delivers a tall space and rooms that connect to the outdoors. Translucent panels provide light and privacy for the bathroom and kitchen.

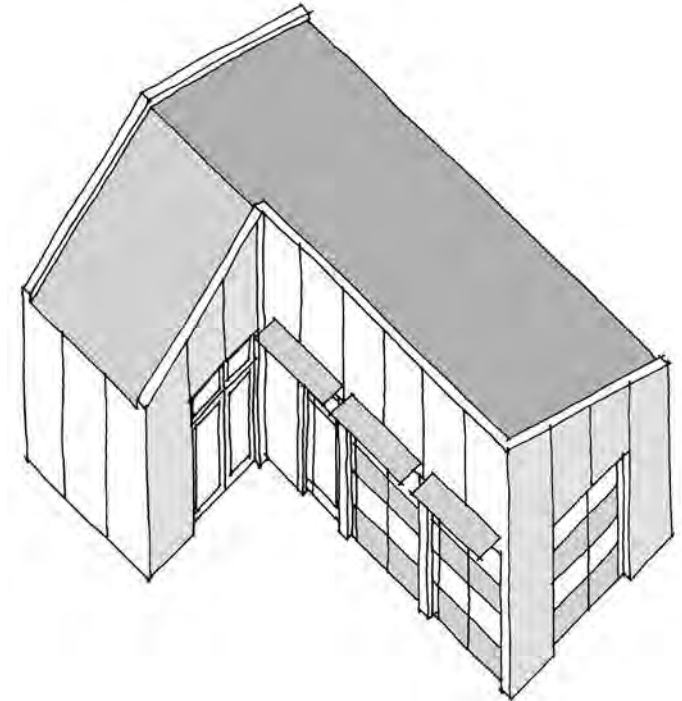
The windows and doors can be selected to reflect the esthetic and functional requirements of the owner and ADU resident.

Massing

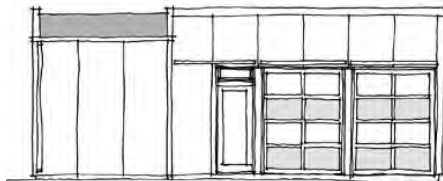
Right:
This drawing illustrates the shape of the ADU.

The building wraps around a private courtyard. Walls open to outdoors.

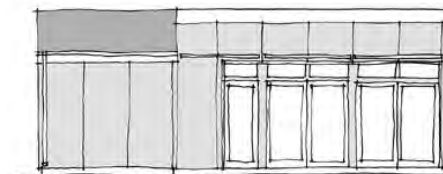
The roof can be modified to meet the performance criteria for the owner and occupant. It could include a sod roof, composite materials or membrane roofing.



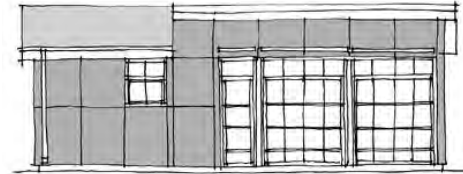
Elevations



Light tint panels and sod roof

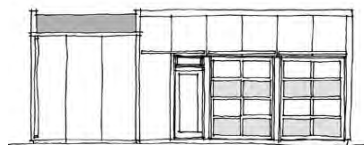


Medium tint panels and composite roof

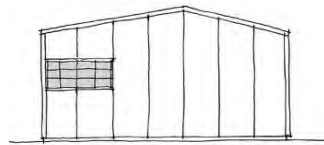


Dark tint panels and roof overhang

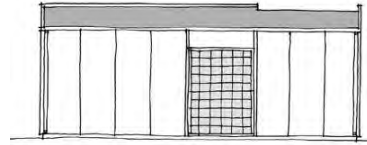
Left:
These illustrations show three ways to use wall panels, windows and roof systems.



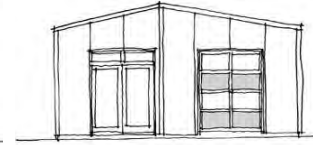
South Elevation



West Elevation



North Elevation



East Elevation

Left:
These sketches illustrate all four elevations of the ADU with light tint panels and sod roof. Window placement reflects the need for privacy, sun access and views.

Prototype: Single Story Alternative Construction Method

Key Features:

- Uses composite panel system that is fast to assemble.
- Provides generous sitting porch.
- Dining, bed and living rooms flow together.
- The plan can be rotated to accommodate utility connections or different methods access and yard patterns.

Site Plan

The ADU is designed to be located in a rear yard. The porch design encourages a social orientation of the ADU towards a shared yard or alley. Raised up about 12", the porch creates a private space that is reached by steps and ramp. The porch elevation is also best suited for southern exposure.

Floor Plan

This prototype uses a four-foot grid as a basic organizational element. The panel system provides discipline to the plan making room proportions and window placement rational. The bedroom has a rolling door that opens it into the living and dining area. Windows paired in the corners provide views out, but away from neighbors.

Context Issues

The site illustrated is in a traditional single-family neighborhood with a variety of traditional and post war houses. The block has evolved to include secondary structures that fill in the rear yards. Most yards have six-foot tall privacy fences. A single story ADU fits the 1 and 1-1/2 story neighborhood.

Potential Variations

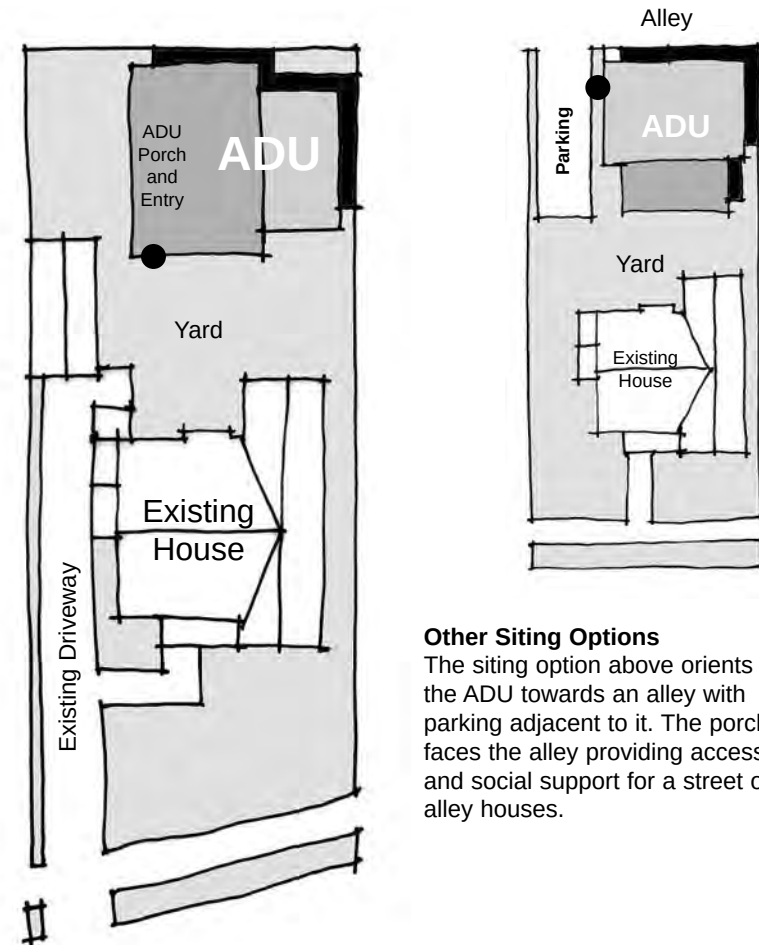
The construction technology reflects the emerging interest in prefabricated construction—trading off factory prices and quality for faster and less labor-intensive erection. The composite panels can be designed to incorporate a variety of performance and design features. The planning grid provides opportunities to develop layouts that are efficient and responsive to your site and program. Different roofing, door and window systems can be incorporated into the design.

"Green" Features

The plan demonstrates a high level of attention to energy efficiency and integration of green finish materials. The design can be adapted to include solar panels.

Site Plan

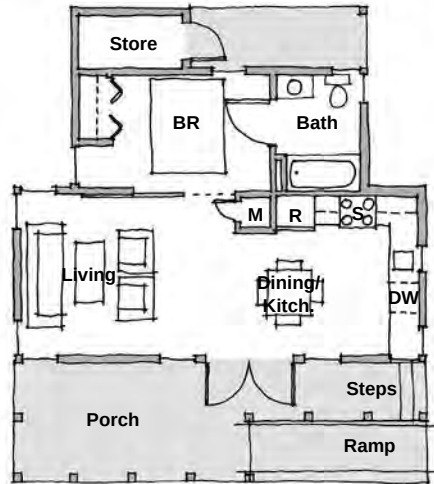
The plan for the site orients the ADU towards the shared rear and the south. Parking is accommodated in the existing driveway and carport.



Other Siting Options

The siting option above orients the ADU towards an alley with parking adjacent to it. The porch faces the alley providing access and social support for a street of alley houses.

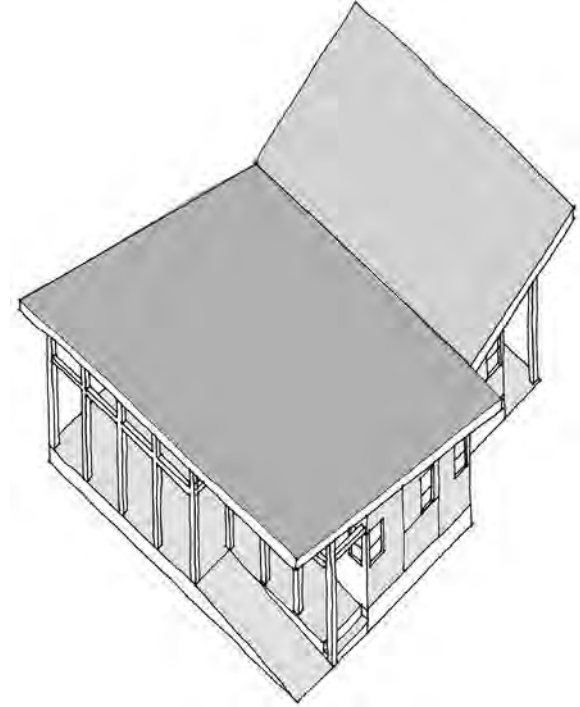
Floor Plan



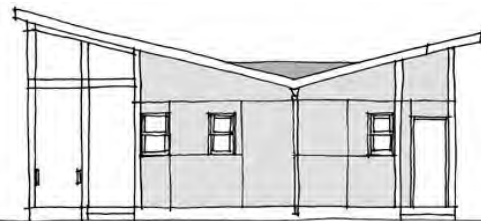
Left:
The floor plan provides easy visual and spatial flow between rooms. Corner windows provide views out but protects the privacy of neighbors and ADU occupants. The porch provides a semi-private space with a social purpose.

Massing

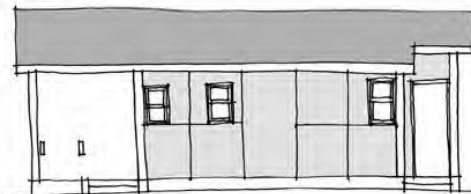
Right:
This drawing illustrates the shape of the roof and orientation of the ADU. The porch and column system adds visual interest to the front of the ADU. The illustration shows a fanciful "butterfly" roof form.



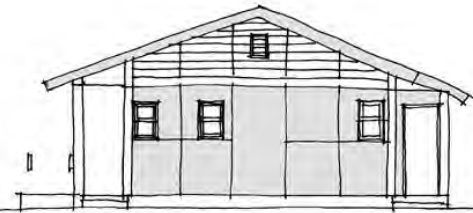
Elevations



Butterfly roof

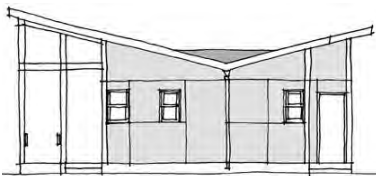


North-south gable roof

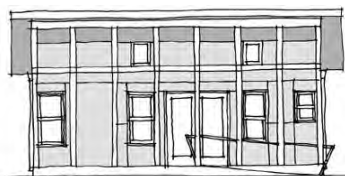


East-west gable roof

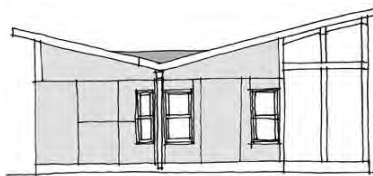
Left:
These illustrations show three approaches using different types of roof forms. You can take the same plans and develop elevations that match your home, fit the neighborhood or esthetic preferences.



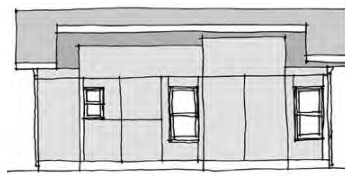
East Elevation



South Elevation



West Elevation



North Elevation

Left:
These sketches illustrate all four elevations of the ADU with a Butterfly Roof. Window placement reflects the need for privacy, sun access and views.

Prototype Garage Conversion–Attached ADU in Front Yard

Site

This site includes an attached garage oriented towards a side yard. The house entry is back from the street and features a garden path approach. It is an unusual plan but provides an interesting opportunity to provide an ADU garage conversion that has its own street frontage.

The house is a simple 1970's Ranch with a gable roof and board and batten siding.

ADU Orientation

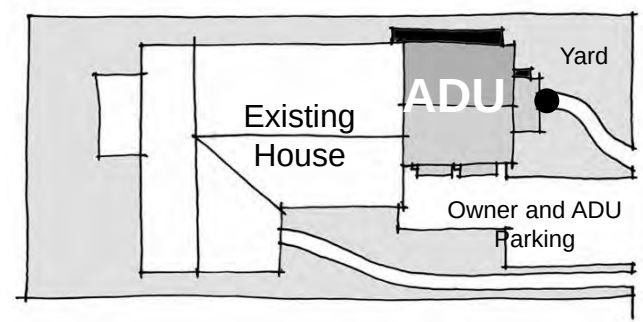
The ADU is oriented towards the street with its own front yard and porch.

Architectural interest is added to the sides of the garage with panels, window and awnings with an emphasis on privacy. The side yard is shallow and drive way is used for parking.

Parking

The driveway is converted into three parking spaces. One compact space is parked in tandem.

Site Plan



Prototype Garage Conversion–Detached Side Yard ADU on Corner Lot

Site

This corner site includes a detached garage oriented towards a side yard. The garage has a 5' side yard and 20' rear yard.

The house is a 1920's cottage with simple details, a wainscot of plaster, and multi-light windows.

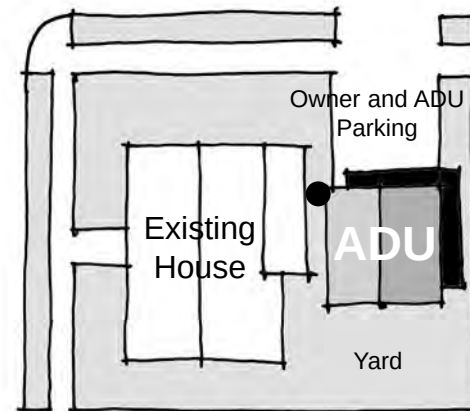
ADU Orientation

The ADU has a side porch with a covered entry. The driveway edge has a planting strip and the unit opens out on to a private back patio. The bathroom and sleeping areas are at the back of the ADU.

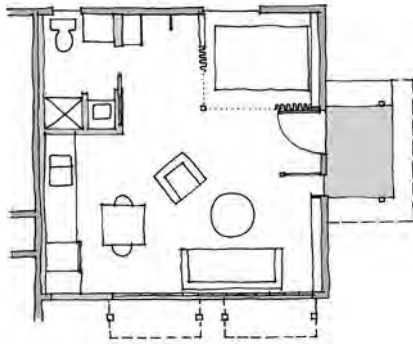
Parking

The driveway is widened and converted into three parking spaces. The driveway is rebuilt with brick pavers to provide a patio-type esthetic.

Site Plan



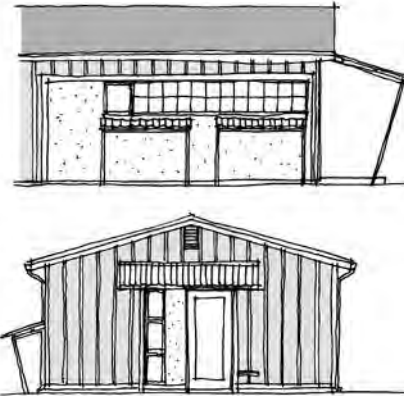
Floor Plan



Plan

The floor plan maintains an open and flexible layout with a sleeping space divided by curtains. The kitchen and living area are lined with shelves.

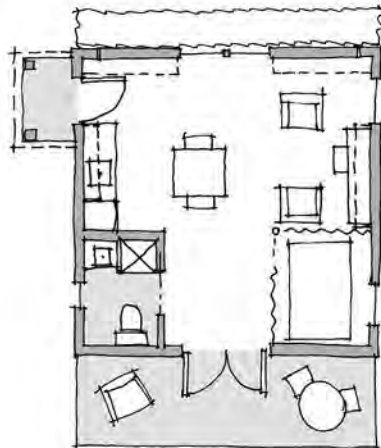
Elevations



Elevations

The plain Ranch house is used as a canvas for an industrial and modern inset of windows, doors and panels. The south elevation (top) has clerestory windows and canopies for outdoor storage. The east elevation (bottom) has the entry porch with a metal canopy and bench.

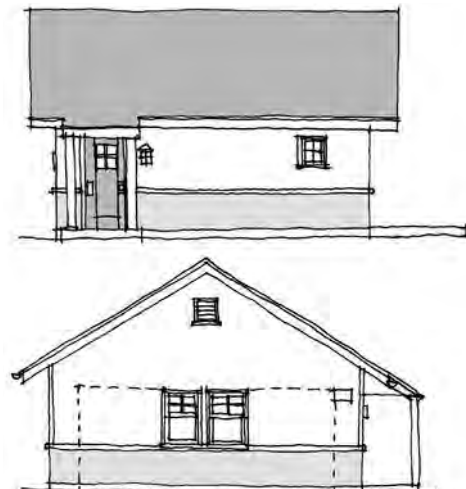
Floor Plan



Plan

The floor plan features a small side entry stoop and a private patio. The layout is open and flexible with a sleeping space divided by curtains. There is a desk built into the east wall. The kitchen and living area are lined with shelves.

Elevations



Elevations

The simple cottage details are maintained in the ADU conversion. The stucco siding is repaired and windows are added that match the house. The west elevation (top) has a small covered entry porch. The north elevation (bottom) was the former garage door and has filled in and has a pair of double hung windows.

Prototype Garage Conversion–Detached Rear Yard ADU

Site

This site includes a detached garage at the rear of the lot. The garage has a long driveway and an ample parking apron. The garage is set back 5' from the property line and has a 20' rear yard.

The house is a 1920's cottage with a hip roof. The garage has a pyramidal roof form.

ADU Orientation

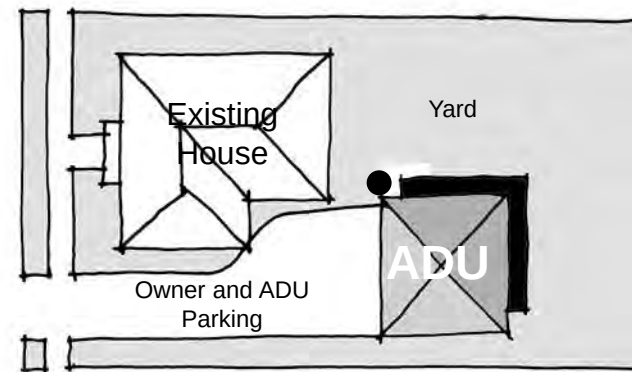
The ADU has a side porch with a covered entry. The driveway edge has a planting strip and the unit opens out onto a covered private back patio. The

bathroom and sleeping areas are at the back of the ADU.

Parking

The driveway is long enough to provide three parking spaces. The driveway is rebuilt with brick pavers in front of the ADU to provide a patio-type esthetic.

Site Plan



Prototype Garage Conversion–Attached ADU

Site

This site includes an attached garage facing the street. The garage has a 20' wide driveway and an ample parking apron. The garage is set back 5' from the property line and has more than a 20' rear yard.

The house is a 1970's Ranch with a gable roof. The house has board and batten siding with a brick wainscot. The garage and ADU will receive new energy efficient and similar siding treatment.

ADU Orientation

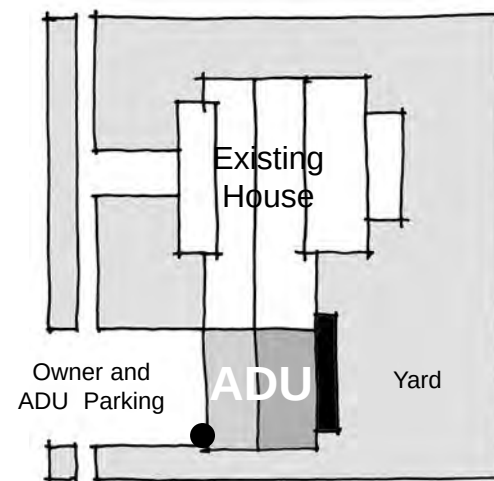
The ADU has a side porch entry. The driveway edge has a planting strip and

the unit opens out on to a covered private back patio. The bathroom and sleeping areas are at the back of the ADU.

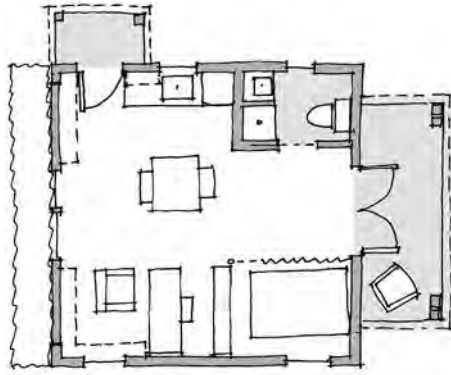
Parking

The driveway is widened to provide three parking spaces. The driveway is rebuilt with brick pavers in front of the ADU to provide a patio-type esthetic.

Site Plan



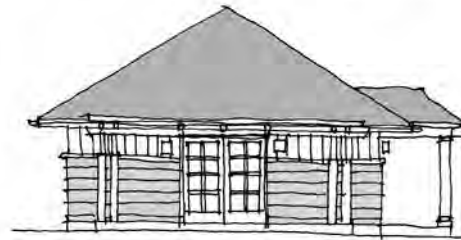
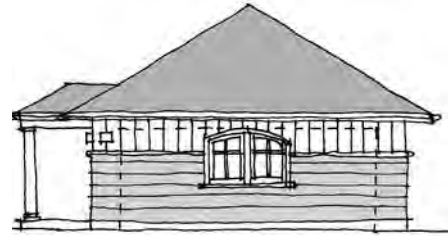
Floor Plan



Plan

The floor plan features a small side covered entry stoop and a private patio with a trellis. The layout is open and flexible with a sleeping space divided by curtains. There is a "U" shaped office area. The kitchen and living area are lined with shelves.

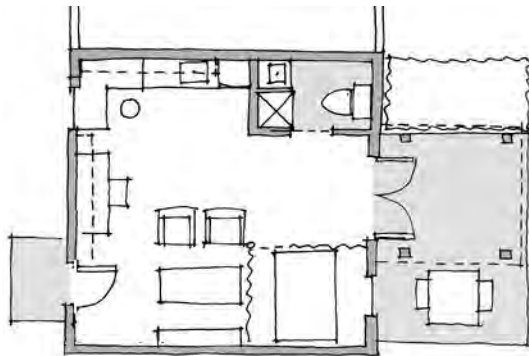
Elevations



Elevations

The 1920's cottage is used as a reference for the ADU conversion. The west elevation (top) has a pair of custom windows that match the living room on the house. The east elevation (bottom) has a trellis over the sitting area.

Floor Plan



Plan

The floor plan features a small side entry stoop and a private patio. The layout is open and flexible with a sleeping space divided by curtains. There is a desk built into the west wall. The kitchen and living area are lined with shelves.

Elevations



Elevations

The Ranch house board and batten and brick wainscot siding are replicated to fill in the garage door. The west elevation (top) has a pair of windows facing the driveway. The east elevation (bottom) has a covered sitting porch and patio.

Prototype Garage Conversion–Attached Rear Yard ADU

Site

This site includes an attached garage at the rear of the house. There is a 12' wide drive and a 20' wide parking apron. The garage is set back 5' from the property line and has more than a 20' rear yard.

The house is a 1950's vernacular beach house with a gable roof. The garage was added in the 1960's. The house and garage have stucco siding and aluminum windows.

ADU Orientation

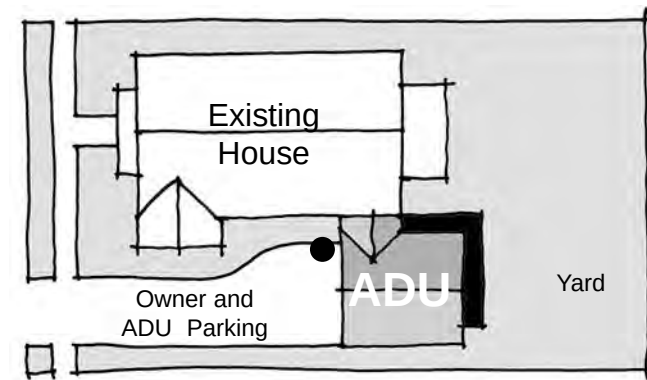
The ADU has a small front porch entry. The driveway edge has a planting strip

and the unit opens out on to a covered private back patio. The bathroom and sleeping areas are at the back of the ADU.

Parking

The driveway is wide and long enough to provide three parking spaces. The driveway edges are landscaped with shrubs to screen the cars.

Site Plan



Prototype Garage Conversion–Alley ADU

Site

This site includes a detached garage at the rear of the lot facing an alley. The garage is set back 5' from the property line and 5' from the alley.

The house is a 1950's vernacular house with a gable roof. The garage was added in the 1960's. The house and garage have stucco siding and aluminum windows.

ADU Orientation

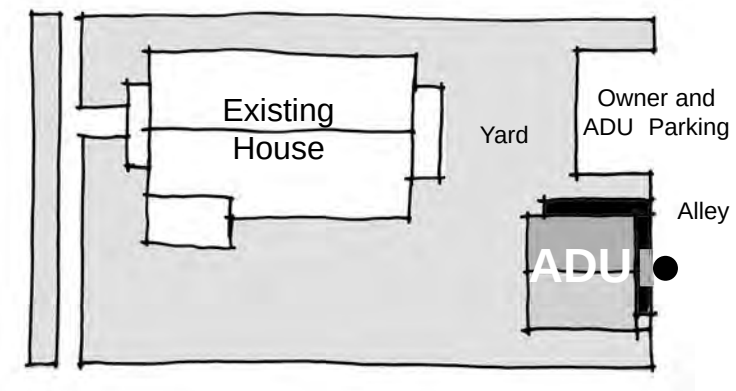
The ADU opens towards the alley. There is a 5' deep garden along the alley and a covered porch. The bath-

room and sleeping areas are at the back of the ADU.

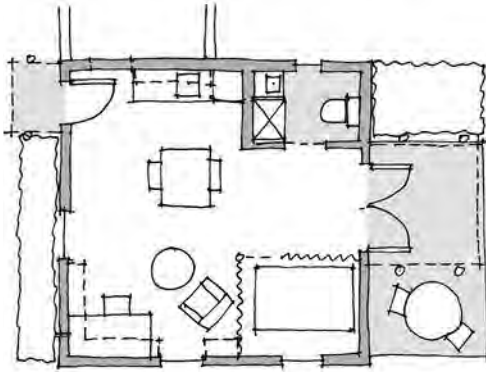
Parking

Parking for the ADU and owner is provided along the edge of the alley. Three spaces are provided. The parking and alley edges are landscaped with shrubs to screen the cars.

Site Plan



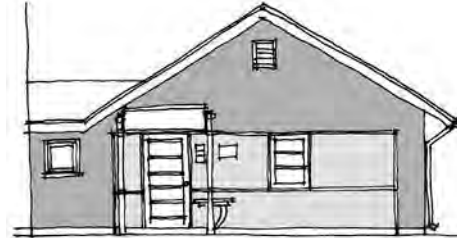
Floor Plan



Plan

The floor plan features a front entry stoop facing the driveway and a private patio at the rear. The layout is open and flexible with a sleeping space divided by curtains. There is a desk built into the south wall. The kitchen and living area are lined with shelves.

Elevations



Elevations

The 1950's house is used as a plain frame for a modern architectural insert. The west elevation (top) has a perforated metal canopy, stucco panels with painted metal windows and door. The east elevation (bottom) has a metal and corrugated steel trellis over the sitting area.

Floor Plan



Plan

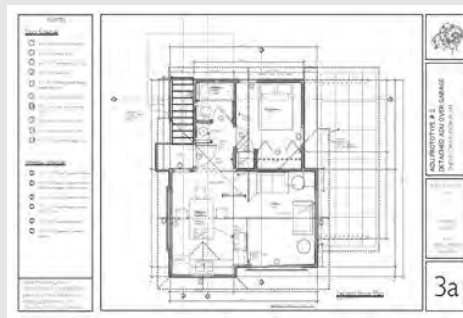
The ADU floor features a front entry facing the alley. The layout is open and flexible with a sleeping space divided by curtains. There is a desk built into the south wall. The kitchen and living area are lined with shelves.

Elevations



Elevations

The 1950's stucco garage is dressed up with a simple window and door system that is brightly painted. The east elevation (top) has a pair of doors facing the alley with a metal canopy. The west elevation (bottom) has simple window frames.



Section Three: Being a Project Manager

As the owner-builder of an ADU, you will need to navigate the development process. This section walks you through how to get a planning and building permit, provides some observations about building your ADU, and offers suggestions on how to rent your ADU.

The ADU Planning and Building Permit Process

Thanks to a new State law (AB 1866) passed in 2002, the ADU review process is simpler and shorter. In addition, the City of Santa Cruz is encouraging ADU development as a way to provide greatly needed additional housing, and has revised its ADU regulations to reflect this. This section outlines how to get planning and building permits for an ADU, and also discusses how to obtain a technical

assistance grant from the City which will help defray part of the cost of hiring a design or construction professional.

First Stop, the City Planning Counter

After you have thought about what type of ADU you might want to build, it is time to head to City Hall. The Planning Counter is located in downtown Santa Cruz in the two-story annex building behind City Hall at 809 Center Street, Room #206. Counter hours are from 8 to 5, Monday through Thursday, and

from 8 to noon on Friday. You do not need an appointment. Just look for the “Zoning” sign, and a Planner will be there to help you. If you need to call the Planning Department, the phone number is (831)-420-5100.

For your first visit, bring a rough sketch showing your property, the location and outline of all structures, and where you would like to build the ADU on your lot. To do this, you will need to measure the distances from the property lines to

ADU Building Codes

Construction of an ADU within the City of Santa Cruz is governed by the following building codes:

2001 CA Building, Plumbing, Mechanical and Electrical Codes as adopted by Title 18 of the Santa Cruz Municipal Code.

Title 19 of the Santa Cruz Municipal Code - residential fire sprinklers installation requirements

CA State Title 24 - energy conservation requirements.

each structure as well as the distances between the structures. (This is easy to do with a tape measure and a sheet of graph paper.) It is also helpful to bring pictures of your lot and your main house. If you are going to use one of the City's ADU Prototypes, it would be good to bring a copy of that set of plans as well.

The purpose of this first visit is to find out information about your site that will help determine how you develop your ADU. The development of ADUs in Santa Cruz is governed by Chapter 24.16 Part 2 of the City's Zoning Ordinance. These regulations determine how large your ADU can be, where it can be located on your lot, what design and development standards will apply etc. A copy of these rules is located in the Appendix, but since they are revised from time-to-time, you should always be sure to check with the Planning Counter for the most recent version.

When you first discuss your ideas and plans for an ADU on your property with the Planner on duty, he or

she will be looking for "red flags" or things which may be in conflict with the ADU zoning regulations.

At the end of the first meeting, you should know what limitations your site has as well as understand what your range of options might be. At this point, you will also know if you will need to do an archeological report, if you are in an environmentally sensitive area that requires special setbacks, how to orient your ADU entrance, and what off-street parking will be required.

Administrative Use Permit

If the Planner tells you that you will need an Administrative Use Permit, you will have to prepare a formal submittal to the Planning Department that includes the site plan, floor plan, and elevations of your proposed ADU. Administrative Use Permits are required for any two-story ADU located in the backyard setback or any ADU that does not comply with the development standards that are applicable to your lot.

Administrative Use Permits require a public hearing before the City's Zoning Administrator. This is a meeting at which the potential impacts generated by your proposed ADU (privacy, noise, solar access, parking, etc.) will be reviewed by the Zoning Administrator. The public hearing also provides an opportunity for your neighbors to comment on your ADU plans.

Remember that your Planner is a great resource. Take advantage of their knowledge and experience. If you are having difficulty deciding what plan might be best for you, they can help you with that as well.

Back to the Drawing Board

The next step is to refine your ADU concept to be sure that it meets all of the City's requirements as well as your own needs. By now you should have a fairly clear picture of what you can build within the physical constraints of your property and the requirements of the zoning code. If you are going to work with a designer, architect or contractor and have not already brought them on board, now is the time to do so.

When using an ADU Prototype design you may continue on your own with much less assistance from the professionals. Of course you will need to provide your own site plan. The ADU Prototype floor plans and the elevations are essentially ready for submittal, although in some cases, exterior material and rooflines will need to be modified to comply with the zoning code requirement that your ADU be compatible with your main house.

Each ADU Prototype provides a number of variations from which to choose. Depending on your choices, you may be able to make the modifications by writing simple notes on the ADU Prototype plan set.

During this design phase, you may want to talk to a Planner again. If you have questions, you can return to the Planning Counter as many times as you need. The Planners are there to help you.

Next Stop, the City Building Counter

After you have developed your preliminary plans, or if required, have your Administrative Use Permit, it is time to head for the City Building

Counter. To do this, return to the Planning Department and look for the sign that says “Building”. Once there, a Building Plan Checker will greet you. Like the Planning staff, they are there to assist you through the permit process and can be a great asset for you.

The purpose of your first trip to the Building Counter should be similar to that of your first visit to the Planning Counter – to gather information about how and what you can or cannot build on your property. For this, you will need to bring your preliminary plans which, at a minimum, includes the dimensioned site plan.

If you have developed a floor plan and elevations, bring those as well and you will have that much more information to share with the Plan Checker. And, if you are using an ADU Prototype, be sure to bring a copy for making notes about possible modifications. It is also helpful to bring the same site photos that you did for your first Planning Counter visit.

Fire Sprinklers and Fire Safety

The City requires a fire sprinkler system for all ADUs. Under current regulations, you can design and install the system yourself if you have the skills. Advice is available from the Fire Department, or you can hire a C-16 Fire Protection Contractor to do this. In any case, a fire sprinkler plan must be submitted to the Fire Department for review and approval. The Fire Department will also conduct required in-progress and final inspections of the fire sprinkler work.

Fire sprinkler systems will sometimes require the installation of new water service and meter to the ADU. In some cases, depending on capacity and flow rates, the existing water service to the main house on your property can be used. If your home is in an older neighborhood, this may not be possible. The Fire Department will be able to tell you if your existing water service is adequate for the new fire sprinkler system.

Smoke detectors are also required in ADUs. One smoke detector that operates on electrical power (“hard-wired”) from the main electrical service is required in each sleeping room and on each level of your ADU. These detectors must also have a 12-volt battery back-up in case the power goes out and a fire occurs before it is restored.

Sleeping rooms must have at least one exterior opening to allow you to escape in case of a fire, as well as to admit rescuers to enter the room. These openings must be a minimum of 5.7 SF in size, and be at least 20” wide by 24” high. The finished window sill height may be no more than 44” high.

And, so that the Police or Fire Department can locate your ADU in case of an emergency, you must have the ADU’s address placed on the building in such a manner that it is clearly visible and legible from the street. If your ADU is located behind the main house in the backyard, and can’t be seen from the street, you might have to install a post or other type of marker in the front yard with the ADU address on it. The Fire Department can tell you the best location for ADU address.

Check with the Fire Department for more fire prevention and safety information and tips.



The City will require appropriate fire safety design for new ADU development. Appropriate water pressure, smoke detectors and sprinklers will be required for your project.

The Plan Checker will go over submittal requirements for a Building Permit as well as advise you about any special requirements regarding soils or slopes. You will also be told to contact other City Departments such as Fire, Water, and Public Works. Staff in those departments will let you know of any additional special requirements related to your ADU.

The Plan Checker will also advise you as to what other types of professional services you may require, such as an electrical contractor, structural engineer or architect. However, be aware that the City cannot recommend a particular firm or individual, so you might want to ask around to see if your friends or co-workers can give you names. Or, check with the Builders Exchange or even the telephone yellow pages.

Back to the Drawing Board Again

After leaving the Building Counter, you should have a checklist of required plans and permits and a list of contacts in other Departments. Your task now is to complete this

checklist and set up necessary meetings with other City departments to gather additional information. As with Planning, you are welcome to return to the Building Counter at anytime during this plan development process. In order to apply for a building permit, you will need drawings listed on page 41.

Structural engineering calculations will also be required for any ADU using non-traditional building techniques or materials. Depending on your particular site, you may also need other information on the plans. The Plan Checker will advise you. For a more complete list of plan check requirements, please see the Appendix.

If you are using an ADU Prototype, most of required information has already been included on the plans. However as previously noted, you will need a plan for your specific site, you will need to adjust other sheets in the ADU Prototype plan set to reflect any changes you have made to the prototype, and you will also need to complete an Energy Conservation Plan. This last task

was not done for the Prototypes, since an Energy Conservation Plan depends on the orientation of an ADU as well as other factors.

Submitting Your Plans for a Building Permit

Once your plans are complete, you will return to the Building Counter. Typically, plans are submitted on 24"x36" paper, but 11"x17" paper is being allowed for submittals using the ADU Prototypes. If the Plan Checker has indicated that the City will review your plans internally, then only 7 sets are required. ADU prototypes and ADUs using conventional construction are usually reviewed internally by the City. If your ADU uses non-conventional construction, then you will need 9 sets and your plans will be sent to an outside plan check consultant for review.

At the Building Counter, you will be asked to fill out a Building Permit application. The Plan Checker will determine the value of your structure based on square footage and collect some of your fees, including Planning, Building,

and Energy Plan Check Fees. If you are using an ADU Prototype, your Building Plan Check fee will be reduced up to 50%, depending on how close your final plan is to the Prototype. For a list of 2003 ADU fees, see page 58 of the Appendix.

The City's Technical Assistance Grant Program provides up to \$100 on a reimbursable basis for a professional consultation from a licensed architect, engineer, or electrician. If you wish to receive this grant, you will need to bring in a paid invoice from your consultant, fill out a form and submit it with your building permit application. The \$100 will be deducted from your building permit fees.

Plan check takes about 10-15 working days. During this time, in addition to reviewing your submittal, Planning and Building staff will be visiting your site to verify conditions and to make sure your plan will be compatible in your neighborhood. When this review is complete, you will be contacted by your Plan Checker.



City of Santa Cruz
Inspection Services
Dept. of Planning and Community Development
809 Center Street, Room 206
Santa Cruz, CA 95060
(831) 420-5120

BUILDING PERMIT APPLICATION

SAMPLE

No. _____

Date: _____		Assessor's Parcel No.: _____		Project Address: _____	
Owner:	Address:	City/Zip:	Phone:		
Tenant:	Address:	City/Zip:	Phone:		
Contractor:	Address:	City/Zip:	Phone:		
Bus. Lic. No.:	Work Comp.:	Lic. No.:			
Architect/Engineer/Draftsman:	Address:	City/Zip:	Phone:		
License No.:					

Project Description:

Nature of Work:

	Residential	Non-Residential
New Construction		
Alteration/Repair		
Addition		
Other		

DO NOT WRITE BELOW THIS LINE — STAFF USE ONLY

Plan Permit #: _____

Flood Plain: ☐ yes ☐ no

Occup. Group: _____ Const. Type: _____

Quimby Fees: ☐ yes ☐ no

Park Quadrant: ☐ NW ☐ NE ☐ SW ☐ SE

Date Called: _____ Date Card Sent: _____

	Estimate	Final Cost/SF	Value
New Htd/sf			
Rmld Htd/sf			
Non-Htd/sf			
Decks/sf			
Contractor Bid			
TOTAL VALUATION			

Routing	NO DateSig	Comments	APPROVED DateSig
PLANNING			
BUILDING			
ENERGY			
PUBLIC WORKS		☐ < 50% > ☐	
WATER		☐ < 50% > ☐	
FIRE		☐ < 50% > ☐	
PARKS & REC.			
WATER CONSER.			

Fees	Prepaid	Actual	Refund/Due
Building Plan check			
Planning Plan check			
Public Works Plan check			
Building Permit			
Document Handling			
Electrical			
Mechanical			
Energy			
Plumbing			
Strong Motion			
Fire			
Parks & Rec			
Water Conservation			
BIT		\$3.00	
General Plan Maintenance			
GRAND TOTAL			
TOTAL PERMIT FEE			

This is a sample Building Permit Application. The Application will require basic information about the nature of your ADU project. It will be used by various City departments to review the scope of your project and the types of permit fees required.

Required Drawings for Building Permit

- Site Plan;
- Floor Plan;
- Foundation Plan;
- Building Elevations;
- Framing Details;
- Plumbing/Electrical/Mechanical Drawings;
- Engineering Details;
- Energy Conservation Plan; and
- Others as requested by Plan Checker.

Contractor Agreement

Be sure your contract includes:

The contractor's name, address, and license number.

Approximate dates the work will begin and be substantially completed.

Description of the work, materials and equipment to be used or installed, and costs.

Schedule of payments (if the contract provides for a down payment, it may not exceed \$1,000 or 10 percent of the contract price.)

A description of what constitutes substantial commencement of work.

Notices about state lien laws and consequences of failure to start work.

Please note that other City Departments will be reviewing your plans as well and you will receive written comments from each department. This includes not only Planning and Building, but also Fire, Water, Public Works, and Parks & Recreation.

If you do not receive any comments, this means your plans have passed their review. It is rare that plans are approved by all Departments on the first round. Most likely, you will at least receive a letter regarding necessary changes or a marked up copy of your plans from the Building Plan Checker in addition to some comments from other Departments.

When you have completed all of the required changes, you will re-submit 3 sets of revised plans. This second plan check takes about five days. When this review is successfully completed, you will be notified by your Plan Checker to pick up your Building Permit. At this time, you will also be assessed any additional fees. Typically, total fees for a 500 SF ADU that does not

require an Administrative Use Permit will be about \$7,000.

Building your ADU

Unless you are a contractor, architect or developer, you may not have gone through the process of building a house. As the owner, you will likely be working with a general contractor. This section provides a summary of how to select a contractor, what to include in your construction contract, and what happens during the inspection phase.

Choosing a Contractor

For your ADU project you will want to hire a licensed and insured general building contractor. One of the best ways to select a licensed contractor is to get recommendations from friends who have had success in hiring a good contractor for their own projects.

You should ask two or three contractors to bid on your ADU. All bids should be based on the same set of plans and specifications. Contractors should bid on the same materials, appliances, carpeting, windows etc., and bids should also

include the contractor's profit and overhead and liability insurance.

Discuss the bids in detail with each contractor, and make sure you understand the reasons for any variations in price between one bid and the others. Watch out for any bid that is substantially lower than the others. A low bid may indicate that the contractor has made a mistake or is not including all the work.

Make sure to ask the contractor for their business address and telephone number, and verify them. A contractor who operates out of the back of a pickup truck with a cellular telephone may be difficult to find to complete a job or fix something that has gone wrong after the last bill is paid.

Ask the contractor for local references, and call them to see if they were satisfied with the contractor's work. If possible, go out and look at finished projects.

In addition to talking with other customers, you may want to obtain references from material suppliers,

subcontractors, and financial institutions to determine whether the contractor is financially responsible. For work over \$500, a valid California Contractor's License is required. Ask to see the contractor's license and some additional form of identification. The name on the license should be the same as the name of the contractor or business name under which the contractor is working. Call the Contractors State License Board's toll-free number, (800)-321-2752, to verify the information.

Ask the contractor if the company is insured against claims covering workers' compensation, property damage, and personal liability in case of accidents. Ask to see a copy of the certificate of insurance, or ask for the name of the contractor's insurance carrier and agency to verify that the contractor has the insurance. You may want to ask the contractor to have you named as an "additional insured" on his policy. This will afford you and your property an extra level of protection if things go wrong on your project. You may choose to work with a contractor even if they are not

insured but be aware that if the contractor does not have insurance and a worker is injured on your property, you will probably be the one billed for medical expenses.

The Construction Contract

Make sure you have a written contract in place with your contractor and do not sign anything until you completely understand what you are signing. One of the best ways to stop problems before the job begins is with your contract. Get all oral promises in writing, and spell out exactly what the contractor will and will not do. If you intend to do some of the work yourself or hire another contractor to do it, this also should be written into the contract.

Be as specific as possible. Be sure the financial terms of the contract are clear. The contract should include the total price, when payments will be made and whether there is a cancellation penalty.

Make sure your contract includes everything you feel is important to the job, including complete cleanup and removal of debris and materials, and special requests like saving

scrap lumber for firewood or protecting existing landscape features during construction. Also give instructions regarding pets, children or areas where materials may not be stored.

It is perfectly reasonable and legal for you to add or modify things in a contract offered to you by a contractor. You can do so by attaching a written "exhibit" or "addendum" to the contract, and referencing the attachment in the body of the contract.

After the contract is signed and work has begun, your contractor may offer suggestions that will change your original ideas for the work. Always use a signed "change order" if you add or delete work, substitute materials or equipment, or change the completion date. It is very important to have all change orders signed by all parties to the contract, before the extra work is started.

Inspections

Your ADU project will require a series of inspections to ensure that the project is being built according



Foundations, framing, electrical and plumbing, sheetrock and other stages of your project will need to be inspected.

Building Inspections

The following list of building inspections will need to occur in the order shown below.

1. Grading (if necessary due to site/slope conditions)
2. Foundation Forms
3. Floor Framing/ Underfloor Insulation
4. Framing Inspection and Rough Plumbing/ Electrical
5. Wall and Ceiling Insulation
6. Lath/Plaster/Sheetrock
7. Stucco (if applicable)
8. Final

Some inspections might not be required depending on your project, and others not shown may be necessary depending on what kind of ADU you are building.

to plans you submitted for the permits. These inspections also verify that the contractor is complying with building, plumbing, mechanical and electrical codes.

You as the property owner are ultimately responsible for calling for building inspections. The contractor is most always the one to do so, but you should always check the building permit (which must be posted on site) to ensure that necessary inspections have been performed in the correct order.

The Planning Department may also conduct a final planning inspection, particularly in the case of an ADU that received an Administrative Use Permit. This inspection is usually to confirm that any special conditions imposed on the project have been fulfilled. Planners may place a hold on the Building Department's final inspection until this is done.

Other City departments such as Fire, Public Works or Water may also conduct their own inspections for the fire sprinklers, sidewalks and curbs (you will have to install these if they are not already in place).

Please check the Appendix for contact information for these departments.

Renting your ADU

At some point, most of us have been renters, and may have dealt with good and bad landlords alike. If you intend to rent your new ADU, you will now be a landlord and there are many things you need to consider.

The landlord-tenant relationship is governed by many local, state and federal laws, and new landlords can often find themselves in a situation which could have been avoided through the application of common sense and tried and true procedures and tools. There is no one-step solution or packaged approach, but take a look at the information below before you rent your ADU and you will go a long way towards solving problems before they occur.

Selecting a Tenant

Selecting the right tenant is THE most important step you will take. You may think you know someone or you may trust your intuition, but

a methodical selection process is the best way to find a tenant. After all, now that you have an ADU you will also have a new individual or household living with you on your property! Here are some steps you can take to ease the transition into your new job as a landlord:

1. Establish a Screening Process.

The goal is to attract responsible and honest applicants as opposed to those who may cause you heartache and financial strain. Develop written, fair criteria that you will use to judge all applicants. Provide all applicants with a written copy of the criteria when you hand them a rental application. Apply the criteria consistently to all applicants. Also, let the applicant know that you intend to do credit and criminal background checks. You may charge a reasonable fee to recover the costs of screening each individual on the application. Following are a few suggested screening points you might consider:

a. Require Submittal of a Complete Application.

Incomplete applications make it difficult to judge an applicant or check

background and credit. Sometimes applicants omit information on purpose in the hopes that a landlord will not check too deeply. State directly on the application that failure to provide a complete application may result in the application being returned or denied.

b. Require 2 pieces of ID.

This will help eliminate persons who may be hiding under an alias. Two pieces of fake ID showing the same personal information is harder to come by.

c. Require a Rental History from Unbiased Sources.

Many people may only have rented from friends or relatives who may be inclined to give them an undeserved good reference. If applicants are unable to provide an unbiased rental history, you may elect to require a qualified co-signer on your lease who will be responsible for payment.

d. State That Provision of False Information is Grounds for Denial.

If your applicants are not honest with you, you may turn them down—it is that simple.

e. First Qualified Applicant Will be Accepted.

Take applications in order, noting the time and date. Start with the first application. If the first application meets your requirements, go no further—offer the ADU to the first applicant. This is the fairest policy you can set, and it helps make sure that you do not discriminate when choosing between two different, qualified applicants.

The preceding criteria can be structured to allow exceptions in borderline cases. Some flexibility can also be introduced by setting rules that require borderline applicants to provide larger deposits, more prepaid rent or a co-signor. Making your application process flexible can help to ensure, for example, that you do not turn down applicants who would be great tenants for you but who might have an explainable problem on their credit report. Having a method that allows you to deal with borderline applicants can result in a more fair process for all parties. As with all aspects of managing rental housing, apply your policies for borderline applicants consistently regardless of who the applicant is.

2. Use a Written Rental Application.

You need to find out the history of the individual(s) you are considering as a tenant. A good application gives you access to verifiable information.

Do not reinvent the wheel. Contact a local legal publishing company, a rental housing association, or your own attorney for copies of appropriate forms. Make sure you have forms that were designed specifically for California and are up-to-date with any recent changes. You should collect information requested on the application for each adult (anyone who is 18 years of age or older) who intends to reside in the unit.

At the time potential tenants submit their application, it is a good idea to provide them with a copy of your rental agreement so that they can be familiar with what they will sign if they become your tenant. You should also hand out a copy of your tenant selection criteria as well as specific information or flyers about security deposits, smoke detector compliance, pet policy and other issues related to the rental of your

Credit Reporting Agencies

Equifax

**P.O. Box 740241
Atlanta, GA
30374-0241**

**telephone: (800)-685-1111.
Website:
www.equifax.com**

Experian (formerly TRW)

**P.O. Box 2002
Allen, TX
75013**

**telephone: (888)-397-3742
website:
www.experian.com**

TransUnion

**P.O. Box 1000
Chester, PA
19022**

**telephone: (800)-916-8800
website: www.tuc.com**

Rental Application

A rental application should require, but does not have to be limited to, the following information:

- First, middle and last name.
- Date of birth.
- Driver's license/I.D. number, and state. Asking to see their driver's license is a good opportunity to check out the picture ID. It is a red flag if they hesitate to show it to you.
- Social security number.
- Name, address, and phone number of past two landlords.
- Income/employment history for the past year. Income/salary, contact/supervisor's name, phone number, address. If self-employed, ask for copy of business license, tax returns, bank records, or client references.
- Credit and loan references; auto payments, department stores, credit cards, other loans.
- Bank references; bank name, account number, address, phone number.
- Criminal history/convictions.

ADU. Much of this information will probably be included in the rental agreement, but it can help to eliminate confusion or misunderstanding at the earliest stage possible.

3. Run a Credit Check.

Using the information submitted on the rental application, request a credit check on each tenant who will be signing the lease. A credit check can be obtained from any one of three different credit reporting agencies, and will be invaluable in helping you to make a decision on to whom to rent your ADU. Credit checks will reveal information about your potential tenant's installment and revolving credit lines (department store cards, auto loans, mortgages, and credit cards), collection accounts, and court records (bankruptcies, judgments, satisfied judgments, liens, satisfied liens, and divorce).

4. Call the Applicant's References.

Talk to previous landlords and confirm that your applicant actually rented from that person before. Try to call a landlord who is not the most recent one the applicant lists.

The most recent landlord may say a bad tenant is actually a good one, just so the landlord can be rid of him. Also, make sure it is the landlord and not a friend posing as the landlord. Call the applicant's employer to verify the information on the application is correct. Be sure to talk with the applicant's manager or supervisor instead of a co-worker.

5. Visit the Applicant's Current Address.

A drive by visit will show you how the applicant is keeping up the outside of his rental unit. Even if you do not go inside the unit, its appearance may be informative; if the yard is cluttered, or there is an old rusty car parked on the lawn, or trash and debris is piled up against the house, this may not be right tenant for your brand new ADU. On the other hand, if the lawn is mowed, the landscaping appears cared for and the premises are generally presentable, this is an indication that the tenant is responsible and will take care of your property should you decide to rent to them.

6. Make a Decision.

Use a process that is simple, legal and fair. California and Federal fair housing guidelines and civil rights laws are designed to protect the way applicants are screened and to make sure that all qualified applicants feel equally invited to apply. The purpose of these laws is to prevent discrimination on the basis of issues that are unrelated to a person's qualifications to be a good tenant. Nothing in these laws forbids you from setting screening guidelines for issues that relate to tenant lease compliance and applying them equally to all applicants.

7. Execute a Written Lease With Your New Tenant.

The two most common types of rental agreements are month-to-month or year-long leases. Either type is appropriate in Santa Cruz, and the decision as to which one to use is up to you. Of course, the most important part of any rental agreement is character of the people who sign it. This is why the screening process mentioned above is key to a successful landlord/tenant relationship.

A written agreement is vital to protecting both the landlord's and the tenant's rights, and creates an even playing field from the start. Rental agreements or leases should be as comprehensive and as clear and concise as possible, and spell out all expectations and responsibilities of each party.

Following are some examples of what might be included in your ADU lease:

- Only those people listed on the rental agreement are allowed to live at the property.
- No subleasing;
- No disturbing the neighbors;
- No illegal drug use, sale, growth, or manufacture on the property.

A sample lease agreement can be found in the Appendix. As with all written documents you may use in renting and managing your ADU, it is advisable to have them checked by your attorney, local property management association or real estate agent.

Finally, you should check with your insurance agent to make sure you

have adequate coverage for your new ADU. A well designed insurance program will protect you from losses caused by fire, storms, burglary, vandalism and personal injury and discrimination lawsuits.

For a more complete look at how to effectively manage your rental ADU, please see the Appendix for an online link to the City's "Landlord Training Manual" and the State of California's "Guide to Residential Tenants' and Landlords' Rights and Responsibilities".

ADUs as Affordable Housing

You may consider placing your ADU in the City's Affordable Housing Program. This would require that you rent your ADU to low-income tenants and would also restrict the amount of rent you can charge. The City offers financial incentives in exchange. Participation in this program is entirely voluntary. Here's how it works:

Fee Waiver Program

Certain fees are eliminated in exchange for affordability restrictions on your ADU. Under this program, the requirement that your ADU be affordable is in effect for the life of the unit or until you opt to pay the waived fees at some point in the future. There are two levels of fee reductions:

The first level is a partial reduction if you agree to rent your unit to a tenant household that is at or below 60% of the area median income for Santa Cruz. In 2003, for a one-person household, this amount is \$31,800. Typical workers earning this level of income would include entry level teachers or nurses' aids.

The second level of fee waivers eliminates all of the Planning and Building fees. At this level, you must agree to rent only to a tenant household that is at or below 50% of the area median income. In 2003, the maximum income for a household of one is \$26,500. This income level might include seniors on fixed income, students who are working part-time or service industry workers (waiters, store clerks).

SANTA CRUZ INCOME AND RENT RESTRICTIONS FOR 2003

ADU Loan Program

The City has a loan program to help you build your ADU. Fifteen and twenty year loans are available, with fifteen and twenty year affordability requirements respectively.

Income restrictions for this program are at 80% of the area median income, which is \$42,400 for a one-person household. New teachers and many professionals who are just starting out qualify at this level. The chart above shows the 2003 income and rent levels for a 1 or 2 person household. Annual adjustments are generally made in February of each year.

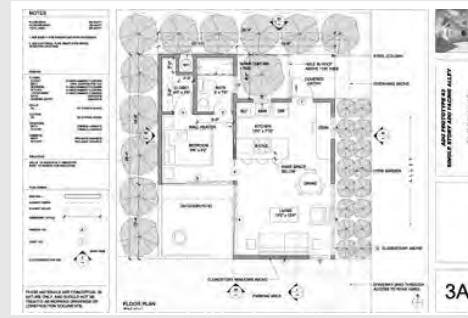
For all of the above programs, you are responsible for verifying your tenant's income. The tenant must

%AMI	Household Size	Maximum Total Income	Maximum Rent
80%	1 Person	\$42,400	\$1,060
80%	2 Persons	\$48,450	\$1,211
60%	1 Person	\$31,800	\$795
60%	2 Persons	\$36,300	\$908
50%	1 Person	\$26,500	\$662
50%	2 Persons	\$30,300	\$758

sign a form certifying their household income and you must request and keep records that include the form and backup information such as copies of pay stubs, income tax returns, etc.

The City will monitor your ADU for compliance on an annual basis and ask you to submit certifications as to who is living in your ADU, what

their income is and how much rent you are charging them. The affordability restrictions are recorded on the title to your property, and will extend to subsequent buyers of your property, unless you pay the waived fees or until the expiration of your ADU loan term.



Appendix: More Resources

The Appendix contains additional resources for ADUs.

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City Departments Contact Information

Questions regarding your ADU can be answered by City staff. The following contact information is provided for your convenience.

Department of Planning and Community Development

809 Center St., Rm. 206
Santa Cruz, CA 95060
Planning Counter: (831)-420-5416
Building Counter: (831)-420-5417
Website: www.ci.santa-cruz.ca.us/pl
Email: cityplan@ci.santa-cruz.ca.us

Public Works Department

809 Center Street, Room 201
Santa Cruz, California 95060
Phone: (831) 420-5160
Website: www.ci.santa-cruz.ca.us/pw
Email: citypw@ci.santa-cruz.ca.us

Fire Department

230 Walnut Ave.
Santa Cruz, CA 95060
Phone: (831)-420-5280
Website: www.ci.santa-cruz.ca.us/fd
Email: cityfire@ci.santa-cruz.ca.us

Water Department

809 Center Street
Administration: Room 102
Customer Service: Room 101
Santa Cruz, California 95060
Phone: (831)-420-5200
Website: www.ci.santa-cruz.ca.us/wt
Email: citywtad@ci.santa-cruz.ca.us

Useful Web Sites

The City's and other web resources can provide useful information for planning, designing, and leasing your ADU.

- **City of Santa Cruz Accessory Dwelling Unit Development Program**
www.ci.santa-cruz.ca.us/hcd/ADU/adu.html
- **City of Santa Cruz Landlord Training Manual**
www.ci.santa-cruz.ca.us/pl/hcd/LandlordTrainingManual.pdf
- **State of California Guide to Residential Tenants' and Landlord's Rights and Responsibilities**
www.dca.ca.gov/legal/landlordbook/index.html

Green Building Information

- **California Integrated Waste Management Board Green Building Web Site:**
www.ciwmb.ca.gov/GreenBuilding
- **City of Austin, Texas Green Building Program**
www.ci.austin.tx.us/greenbuilder/gbpmembers.htm
- **City of San Jose – Green Building Site Map**
www.ci.san-jose.ca.us/esd/gb-sitemap.htm
- **City of Santa Monica Sustainable City Program**
www.santa-monica.ca.us/environment/policy
- **Environmental Building News:**
www.buildinggreen.com

Building Codes

In California, the model building codes prepared by the International Conference of Building Officials (ICBO), the International Association of Plumbing and Mechanical Officials (IAPMO), and the National Fire Protection Association (NFPA) are modified by the California Building Standards Commission to become the California Building Code. These codes are contained in Title 24 of the State Health and Safety Code.

If you are not familiar with the California Building Code, there are subtle changes from the model codes. You are required by state law to follow these changes. If you try to decipher the California code yourself from the text, you have to use the adoption matrix contained in each code to determine applicability. Plan Checkers/Inspection staff can help with much of the information you need. Visit our counter, or write to the Department. Staff cannot perform individual structural or energy calculations to fit your particular situation, but they can give you guidance as to what you will need to do or what type of professional you will need to hire.

ADU Definitions

There are a number of terms used when discussing planning, designing and developing ADUs. The following pages include some of the more important ones.

Accessory Dwelling Unit (ADU):

A dwelling unit accessory to a main single-family dwelling.

Administrative Use Permit:

Special planning permit required for ADUs of more than one story in height. Requires a public hearing.

Alley: A public or private way which affords secondary access to an abutting property.

Deed Restriction: A special condition or requirement pertaining to the property recorded in the public record. The restriction stays with the property unless and until removed by the permitting agency.

Duplex: A two-family dwelling or duplex designed or used exclusively as a residence, including two separate dwelling units.

Dwelling: A structure or portion thereof including one or more rooms designed or used as a residence by one family or housekeeping unit, with facilities for living, sleeping, eating and food preparation.

Easement: A limited right of one person or class of persons to use real property owned or occupied by another.

Family: An individual, or two or more persons living together and occupying a dwelling.

General Contractor: A general building contractor is a contractor whose principal contracting business is in connection with any structure built, being built, or to be built, for the support, shelter and enclosure of persons, animals, chattels or moveable property of any kind requiring in its construction the use of at least two unrelated building trades or crafts, or to do or superintend the whole or any part thereof.

Green Building: Utilization of environmentally appropriate and

resource conserving materials and techniques.

Heritage Tree: Any tree, grove of trees, shrub or group of shrubs, growing on public or private property within the city of Santa Cruz which has a trunk with a circumference of 44" measured at 54" above grade, has a historical or horticultural significance, is a distinctive size or structure for its species, provides a valuable habitat, or is identified by the City Council as having a significant arboicultural value to the City.

Loft: A space directly beneath the roof structure raised above the main floor which opens into interior space.

Lot: A piece or parcel of land, occupied or intended to be occupied, by a permitted principal building or a group of such buildings and accessory buildings, together with required open spaces, and having frontage on a dedicated, accepted and improved public street.

On-Site Parking: A permanently surfaced area for vehicular parking, either within a structure or in the open, and connected to a public street, alley or other public way by a permanently surfaced driveway or access drive.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Property Line: A line of record that divides one lot from another.

Primary Residence: A building in which is conducted the principal use of the lot on which it is located. For residentially zoned lots, such a building would be a dwelling.

Public Hearing: A meeting in which testimony and arguments are presented publicly before a hearing body.

Setback: The distance by which any structure is required to be removed from a property line, street or alley, right-of-way line or the like.

Single-Family Dwelling: A building designed or used exclusively as a residence and including only one dwelling unit.

Zoning Ordinance: A municipally adopted set of laws and regulations governing uses of property located within a jurisdiction.

ADU Plans Checklist

The City of Santa Cruz has developed a number of Accessory Dwelling Unit (ADU) Prototypes that homeowners may utilize on their own property. The Prototypes have been pre-reviewed by City staff for compliance with local building and zoning codes.

However, because of variations in sites including slope, property line setbacks, distance from adjoining buildings and soil conditions, each application for an ADU must be tailored to fit your individual needs. Even though the ADU Prototype plans contain many of the elements necessary to obtain a permit, there is some basic data about your particular site and project that you will be required to supply.

Construction drawings of your projects will be necessary for you to obtain a building permit. Some of this information has already been provided in the ADU Prototype plan sets. As the property owner, you may prepare plans for buildings for your own use or occupancy, including single-family dwellings of wood frame construction, not over two stories and a basement in height. An

architect or engineer, registered in the State of California, must prepare plans and specifications for any other project. For unusual or non-standard designs, the Building Official may require plans and specifications to be prepared and designed by such an architect or engineer. Only complete construction drawings will be accepted for review.

Your completed application will be reviewed by the appropriate City agencies, who will also advise you by mail of any deficiencies in your plans. You will also be notified either by letter or telephone of the completion of processing and fees due. Any deficiencies noted must be corrected before the building permit will be issued.

One copy of the approved plans, with corrections and requirements noted, will be returned to you with your building permit. The plans and permit must be available on the job site at all times during construction. Information concerning inspection requirements will be given to you with your permit.

The City is employing a multi-distribution process for permit processing in which each reviewing department receives a copy of the plans at the same time. Generally, for new ADUs, this involves nine sets of plans, six of which are routed to each of the City reviewing departments, two to the plans examiner, and one control set. Two of the sets must be signed by you if you've modified them yourself, or by the architect or designer you may have hired to help you with any modifications.

The City has already done an engineering review on the ADU Prototypes, and if you have not modified these designs significantly, it's likely that no additional engineering will be required. If you have significantly altered a Prototype design, you'll have to hire an engineer to provide calculations asserting that the alterations are safe from a structural point of view. You'll need to supply three sets of calculations, specifications or special product information. (Be sure all calculations are signed by the engineer.) You should verify with

the Building Counter exactly how many sets are needed before applying.

In addition, the County Assessor's Office requires an 11" X 17" fully delineated reduced floor and site plan or a full size set of any work requiring permits. Applications will not be accepted unless you have this item.

A checklist of needed information on your project in order to complete the permitting process follows.

General Requirements

- ☐ Nine copies of plans, plus three sets of structural and energy calculations, brochures, etc. Indelible reproductions only, no originals.
- ☐ Good grade of single sheet plain white paper, (no tape) for plans.
- ☐ One extra set of 11" X 17" reduced size floor and site plan for the County Assessor.
- ☐ No red ink or pencil marks on plans.
- ☐ Signature of designer (and stamp, if licensed) on first sheet of two sets of plans. All signatures must

be original and in ink, no copies or stamped signatures.

- ☐ Signature and stamp of engineer on calculations and/or engineered sheets of drawings. All signatures to be original and in ink, no copies.
- ☐ Minimum sheet size 11" X 17" if using City ADU Prototype; for all other designs, minimum 18"x24" sheets are required (engineering calculations and product/material specifications may be 8 1/2" X 11").

Plot Plan

- ☐ Scale 1" = 10' or 20', 1/8" or 1/4" = 1' or other appropriate scale.
- ☐ Entire property shown with dimensions of boundaries, locations of existing and proposed buildings in relation to each other.
- ☐ North arrow.
- ☐ Topographic contours in vicinity of improvements (building, drive-way, street & sidewalk (you may use base 100') Contour interval normally 2' unless otherwise directed by Planning staff.
- ☐ Building setbacks from property lines, percent of lot coverage.

- ☐ Off street parking, driveways, walkways.
- ☐ All rights-of-way (streets and alleys) and easements adjacent to or on property.
- ☐ Proposed location of on-site sewer, lateral, clean-outs, etc. If connecting to the existing main dwelling drain verify there is sufficient fall from the ADU.
- ☐ Indicate if curbside improvements are existing (sidewalk, gutter, etc.).
- ☐ Drainage system (see erosion control plan requirements).

Elevations

- ☐ Scale 1/4" = 1'- 0".
- ☐ Four elevations labeled North, South, East, West.
- ☐ Relative ground elevations in relation to ADU, including natural and finished grades.
- ☐ Height of structure (plate lines and ridge).
- ☐ Demonstrate roofing material, exterior finish, height of chimney above combustible material, trim, gutters, downspouts, velocity dissipaters, handrails, guardrails, etc.

Floor Plans

- ☐ Scale 1/4" = 1' - 0".
- ☐ Width of walls and partitions delineated (single lines indicating walls are unacceptable).
- ☐ Dimension lines must clearly demonstrate termination of dimension such as outside, inside or centerline of partition. Use feet and inches normally, inches only on small distances.
- ☐ Dimensions and arrangement of rooms and partitions on each floor.
- ☐ Square footage of heated space.
- ☐ Fully dimension all partitions.
- ☐ Label doors and windows with identifying symbols (window and door schedule is required, but may be on a separate sheet).
- ☐ Indicate finish of floors, countertops, vanities, etc. such as carpet, tile, hardwood, etc.
- ☐ Splash protection type for showers and bath tubs (doors or curtains). Indicate tempered glass where required.
- ☐ Location of smoke alarm, fans, skylights.
- ☐ Indicate hand rails and guard rails.
- ☐ Indicate water heater, furnace and dryer types. If gas, call out Btu rating, make and model (units must be CEC approved).
- ☐ If ADU is attached to a garage, indicate firewall protection between garage and ADU. Under stair storage areas in two story applications must also be protected with 5/8-inch type X gypsum board.
- ☐ Call out rise and run of stairs, indicate stairway width (36" min.).

Electrical Plan (May be included on floor plan)

- ☐ Scale 1/4" = 1' - 0".
- ☐ Location of all outlets, switches, lights, fans, smoke detectors, sub-panels (w/rating), service (w/rating), electrical appliances.
- ☐ Identify location of all GFI protected outlets in bathrooms, garages, kitchens, outdoors
- ☐ Identify that all 15 and 20 ampere circuits in bedroom or sleeping area (outlets and lights) are protected with arc-fault circuit interrupter (AFCI) type breakers.
- ☐ Indicate specialized circuits (i.e.;

kitchen small appliance, dedicated laundry, dishwasher/garbage disposal, etc.).

- ☐ State law now requires a minimum service of 100 amps to any dwelling unit. Indicate either a separate service for ADU or a minimum 200-amp service on the main dwelling with a 100-amp sub-feed to the ADU.

Plumbing Plan (May be included on floor & foundation plans)

- ☐ Scale 1/4" = 1' - 0".
- ☐ Location of all fixtures.
- ☐ Location of hose bibs (approximate).
- ☐ Location of back flow preventers and pressure reducers as needed.
- ☐ Location of gas meter or piping from main dwelling.
- ☐ Size and material of gas lines serving fuel burning appliances. Gas lines may need to be upsized from the main meter to the ADU to accommodate distances normally encountered from the main meter to the ADU.
- ☐ Size and material of water piping.
- ☐ Size and material of DWV piping.

- ☐ Layout of hydronic heating piping if applicable.
- ☐ Layout of fire sprinkler system (Note: all new residential construction must be fire sprinklered with a residential system approved by the Fire Department and Water Department).

Mechanical Plan (May be included on floor & foundation plans)

- ☐ Scale 1/4" = 1' - 0"
- ☐ Location, output BtuH, make and model of HVAC unit(s).
- ☐ Location of ductwork and floor registers, incl. size and material.
- ☐ Location, size and material of return air register and duct.
- ☐ Location of fire dampers and/or protection of fire wall penetration.
- ☐ Identify combustion air sources for fuel burning appliances.

Foundation Plan

- ☐ Scale: 1/4" = 1' - 0".
- ☐ Layout of foundation walls, footings and slabs w/ dimensions.
- ☐ Layout of piers, beams, trusses, joist direction, pilings, etc.
- ☐ Detail of footing/stem/slab design, slab connection, sill

material, anchor bolts (include spacing), indicate minimum Fb for concrete (2000 psi min.).

- ☐ Location of crawl space vents, U/F access, heating duct layout as applicable.
- ☐ A soils report is required unless waived by the Building Official.

Framing

- ☐ Indicate size, spacing, material, species and grade of all wood members. Call out species and grade of all wood used (Note: On specialty types of framing such as structural insulated panels (SIPS), there will need to be detailing of the connections to sills and rafters).
- ☐ Complete typical cross section of each major framing type (use section lines on floor and foundation plans to identify section). Detail as necessary.
- ☐ Footing, foundation and finish grades in relation to framing.
- ☐ Crawl space, ceiling and attic heights (show on section drawing).
- ☐ All floor, wall, ceiling & roof framing with size and spacing of members (show compliance with UBC Table 25-Q "Nailing

Schedule").

- ☐ Exterior frame elevation detail along major wall.
- ☐ Lateral and seismic bracing details (basic engineering will be done for you in ADU Prototypes. You may need to provide additional review for modifications to fit your specific project).
- ☐ Roofing, roof sheathing and exterior wall materials.
- ☐ Insulation type and placement.
- ☐ Show positive cross-flow ventilation of under floor, attic, cathedral ceiling, flat roof areas.

Details

- ☐ Scale: suitable to fully explain the depicted detail.
- ☐ High strength connections (may also require special inspection).
- ☐ Rated floor ceiling assemblies, party walls, property line walls.
- ☐ Connection of framing members including hanger, straps, etc.
- ☐ Nailing schedule for shear walls.
- ☐ Footing, pier, grade beam (including connections to framing).
- ☐ For Decks: Framing layout, footing design, bracing, guardrails, etc.

- ☐ Wood stoves, fireplaces (Note: if using manufactured stove or fireplace, include make, model and manufacturer's brochure if available. If masonry fireplace, detail design – Masonry Design Handbook OK).
- ☐ Cross section of stair framing and handrail design.
- ☐ Engineering calculations (be sure they're signed and identified).

Energy Conservation Requirements

- ☐ Basic energy standards for residential buildings shall be the current Title 24 standards for new residential buildings as adopted by the California Energy Commission (CEC). Consideration should be given to installation of renewable energy source devices such as solar hot water and photovoltaic systems.
- ☐ Compliance forms are required to be incorporated into the plan set. All signatures must be affixed before issuance of permit.

General Engineering Requirements

- ☐ Retaining walls over 4 feet high or carrying a surcharge.
- ☐ Large load bearing beams, including glu-lams.
- ☐ Large or high strength timber connections.
- ☐ Non-standard foundations.
- ☐ Any span exceeding 25 feet.
- ☐ All trussed spans (calculations required at time of submission—usually obtained from truss manufacturer).
- ☐ Buildings employing steel frame components such as moment frames (those portions only).
- ☐ Buildings of alternate materials.
- ☐ Buildings of other than standard construction practice.
- ☐ Wind analysis is required on all exposure "C" and "D" (high wind) structures. These structures are generally located where there is nothing to block the wind such as other buildings, trees, hills, etc.
- ☐ Elevation certificates are required for structures in flood plain.

Erosion Control Plan

- ☐ Scale: same as plot plan (may be included on plot plan).
- ☐ Details of existing and proposed drainage patterns.
- ☐ Proposed run-off control measures.
- ☐ Re-vegetation proposal for all disturbed slopes.
- ☐ Sediment containment measures and special precautions for winter grading operations (December 1 to April 1).
- ☐ Demonstration of Best Management Practices (BMP) and compliance with State Storm Water Retention requirements.
- ☐ General landscaping and irrigation plan.

ADU Permit Fees

The chart on the right summarizes the 2003 permit fees required for a single story 1 or 2 bedroom 500 SF ADU. The total fees will depend on the scope of your project. If you use an ADU Prototype, fees maybe reduced because the plans have been “pre-reviewed” by the City.

These fees are subject to periodic adjustments. Make sure you get a current fee schedule from the City.



PLANNING DEPARTMENT
Housing & Community Development Division

809 CENTER STREET, ROOM 206, SANTA CRUZ, CA 95060 • 831/420-6250 • FAX 831/420-6458

ADU PERMIT FEES

Note: The following are typical fees for a 1 or 2 bedroom, 1 bath, 1-story 500 sq.ft. ADU on a standard 5,000 sq.ft. lot. Fees current as of November 2003. Fees will increase for larger ADUs, and not all fees may apply to your project. Please see the qualifying notes below.

Fee Type	Cost
Building Plan Check	432.09
Building Permit	664.75
Electrical Permit	78.08
Mechanical Permit	36.55
Plumbing Permit	71.90
Strong Motion (seismic reinforcement)	5.22
Energy Plan Check	110.00
Planning Plan Check	416.00
Administrative Use Permit <i>(see note 1)</i>	1,033.00
General Plan Maintenance	281.90
Public Works Plan Check	100.00
Fire Plan Check	132.95
Water Plan Check	50.00
Water Connection	2,349.00
Sewer Connection	900.00
Water Service Installation Permit <i>(see Note 2)</i>	180.00
Water Meter Installation <i>(see Note 2)</i>	267.00
Street Opening Permit <i>(see Note 2)</i>	75.00
Building Inspector Training	3.00
Parks and Recreation	1,500.00
Schools <i>(see Note 3)</i>	

Note 1: Not required for single story ADUs complying with the development standards applicable to the zoning district. This fee is required for all other ADU projects.

Note 2: This fee charged only if a separate fire sprinkler service and meter are required by Fire Department.

Note 3: Not required for ADUs of 500 sq.ft. or less. The current rate is \$1.65 per sq.ft. for ADUs larger than 500 sq.ft.

ADU Zoning Regulations

TITLE 24 ZONING ORDINANCE OF THE CITY OF SANTA CRUZ CHAPTER 24.16 PART 2

24.16.100 Purpose.

The ordinance codified in this part provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Thus, it is found that accessory units are a residential use which is consistent with the General Plan objectives and zoning regulations and which enhances housing opportunities that are compatible with single-family development.

To ensure that accessory units will conform to General Plan policy the following regulations are established. (Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.120 Locations Permitted.

Accessory dwelling units are permitted in the following zones on lots of 5000 square feet or more:

1. RS-5A, RS-10A
2. RS-1A, RS-2A
3. R-1-10
4. R-1-7
5. R-1-56.R-L, R-T(A), (B), and (D).

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.130 Permit Procedures.

The following accessory dwelling units shall be principally permitted uses within the zoning districts specified in Section 24.16.120 and subject to the development standards in Section 24.16.160.

1. Any accessory dwelling unit meeting the same development standards as permitted for the main building in the zoning district, whether attached or detached from the main dwelling.
2. Any single story accessory dwelling unit.

Any accessory dwelling unit not meeting the requirements above shall be conditionally permitted uses within the zoning districts specified in Section 24.16.120 and shall be permitted by administrative use permit at a public hearing before the zoning administrator, subject to the findings per Section 24.16.150 and the development

standards in Section 24.16.160.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.150 Findings Required for Conditionally Permitted Accessory Dwelling Units.

Before approval or modified approval of an application for an accessory dwelling unit, the decision making body shall find that:

1. Exterior design of the accessory unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory unit does not result in excessive noise, traffic or parking congestion.
4. The property fronts on an adequate water main and sewer line each with the capacity to serve the additional accessory unit.
5. The site plan provides adequate open space and landscaping that is useful for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
6. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
7. The one and one-half to two-story structure generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
8. The site plan shall be consistent with physical development policies of the General Plan, any required or optional element of the General Plan, any area plan or specific plan or other city policy for physical development. If located in the Coastal Zone, a site plan shall also be consistent with policies of the Local Coastal Program.
9. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation relate to natural land forms.
10. The site plan is situated and designed to protect views along the ocean and of scenic coastal areas. Where

appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

11. The site plan incorporates water-conservation features where possible, including in the design of types of landscaping and in the design of water-using fixtures. In addition, water restricting shower heads and faucets are used, as well as water-saving toilets utilizing less than three gallons per flush.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.160 Design and Development Standards.

All accessory dwelling units must conform to the following standards:

1. **Parking.** One parking space shall be provided on-site for each studio and one bedroom accessory unit. Two parking spaces shall be provided on site for each two bedroom accessory unit. Parking for the accessory unit is in addition to the required parking for the primary residence. (See Section 24.16.180 for parking incentives.)
2. **Unit Size.** The floor area for accessory units shall not exceed five hundred square feet for lots between 5000 and 7500 square feet. If a lot exceeds 7500 square feet, an accessory unit may be up to 640 square feet and, for lots in excess of 10,000 square feet, a unit may be up to 800 square feet. In no case may any combination of buildings occupy more than thirty percent of the required rear yard for the district in which it is located, except for units which face an alley, as noted below. Accessory units that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall have the unit square footage size measured similar to the interior square footage of a traditional frame house.
3. **Existing Development on Lot.** A single-family dwelling exists on the lot or will be constructed in conjunction with the accessory unit.
4. **Number of Accessory Units Per Parcel.** Only one accessory dwelling unit shall be allowed for each parcel.
5. **Setbacks for Detached Accessory Dwelling Units.** The side-yard and rear-yard setback for detached single story structures containing an accessory dwelling unit shall not be less than three feet in accordance with the Uniform Building Code, and the distance between buildings on the same lot must be a minimum of 10 feet. Accessory units higher than one story shall provide side yard setbacks of five feet and rear yard setbacks of ten feet. If any portion of an accessory dwelling unit is located in front of the main building, then the front and sideyard setbacks shall be the same as a main building in the zoning district. Accessory dwelling units are not eligible for variances to setbacks.
6. **Setbacks for Attached Accessory Dwelling Units.** Attached accessory dwelling units shall meet the same setbacks as a main building in the zoning district.
7. **Other Code Requirements.** The accessory unit shall meet the requirements of the Uniform Building Code.

8. Occupancy. The property owner must occupy either the primary or accessory dwelling.
 9. Building Height and Stories.
 - a. A one story detached accessory dwelling unit shall be no more than thirteen feet in height.
 - b. A one and one-half to two story detached accessory dwelling shall be no more than twenty-two feet in height measured to the roof peak.
 - c. An attached accessory unit may occupy a first or second story of a main residence if it is designed as an integral part of the main residence and meets the setbacks required for the main residence.
 - d. If the design of the main dwelling has special roof features that should be matched on the detached accessory unit, the maximum building height of the accessory dwelling unit may be exceeded to include such similar special roof features subject to review and approval of the Zoning Administrator.
 10. Alley Orientation. When an accessory dwelling unit is adjacent to an alley, every effort shall be made to orient the accessory dwelling unit toward the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a twenty-four foot back out which includes the alley. Fences shall be three feet six inches along the alley. However, higher fencing up to six feet can be considered in unusual design circumstances subject to review and approval of the Zoning Administrator.
 11. Design. The design of the accessory unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.
 12. Large Home Design Permit. The square footage of an attached or detached accessory unit shall be counted with the square footage of the single family home in determining whether a large home design permit is required.
 13. Open Space and Landscaping: The site plan shall provide open space and landscaping that are useful for both the accessory dwelling unit and the primary residence. Landscaping shall provide for the privacy and screening of adjacent properties.
 14. The following standards apply to accessory dwelling units located outside the standard side and rear yard setbacks for the district.
 - The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street.
 - Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.
 15. A notice of application shall be sent to the immediately adjoining neighbors.
- (Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.170 Deed Restrictions.

Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

1. The accessory unit shall not be sold separately.
2. The unit is restricted to the approved size.
3. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
4. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the conditional use permit.
5. The deed restrictions shall lapse upon removal of the accessory unit.

(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

26.16.180 Zoning Incentives.

The following incentives are to encourage construction of accessory dwelling units.

1. **Affordability Requirements for Fee Waivers.** Accessory units proposed to be rented at affordable rents as established by the city, may have development fees waived per Part 4 of Chapter 24.16 of the Zoning Ordinance. Existing accessory dwelling units shall be relieved of the affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual CPI increase commencing with the date of application for Building Permit.
2. **Covered Parking.** The covered parking requirement for the primary residence shall not apply if an accessory dwelling unit is provided.
3. **Front or Exterior Yard Parking.** Three parking spaces may be provided in the front or exterior yard setback under this incentive with the parking design subject to approval of the Zoning Administrator. The maximum impervious surfaces devoted to the parking area shall be no greater than the existing driveway surfaces at time of application. Not more than 50% of the front yard width shall be allowed to be parking area.
4. **Tandem Parking.** For a parcel with a permitted accessory dwelling unit, required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than three total cars in tandem may be counted towards meeting the parking requirement.
5. **Alley Presence.** If an accessory dwelling unit faces an alley as noted in the design standards in this chapter, the

limitations on rear yard coverage as specified in Section 24.16.160 (2) and/or Section 24.12.140 (5) do not apply.
(Ord. 2003-17 § 2 (part), 2003; Ord. 2003-16 § 2 (part), 2003).

24.16.300 Units Eligible for Fee Waivers.

Developments involving residential units affordable to low or very-low income households may apply for a waiver of the following development fees:

1. Sewer and water connection fees for units affordable to low and very low income households.
 2. Planning application and planning plan check fees for projects that are one hundred percent affordable to low and very-low income households.
 3. Building permit and plan check fees for units affordable to very-low income households.
 4. Park land and open space dedication in-lieu fee for units affordable to very low income households.
 5. Parking deficiency fee for units affordable to very-low income households.
 6. Fire fees for those units affordable to very-low income households.
- (Ord. 93-51 § 6, 1993).

24.16.310 Procedure for Waiver of Fees.

A fee waiver supplemental application shall be submitted at the time an application for a project with affordable units is submitted to the city.
(Ord. 93-51 § 6, 1993)

Sample Residential Lease Agreement

The following sample lease is intended only to serve as an example of what might be included on a lease between a property owner and tenant. This sample lease is not intended to serve as a legal binding document, nor does it presume to be comprehensive or all inclusive. The reader is advised to contact an attorney, property management association or real estate professional prior to selecting a lease form to use.

Recitals

THIS LEASE is entered into on _____, 20__ by and between _____, hereafter referred to as "Landlord", and _____, hereafter collectively referred to as "Tenant". Landlord hereby leases to Tenant the single-family dwelling unit located at _____, Santa Cruz, CA hereafter called the "leased premises."

NOW, THEREFORE, the parties hereto agree as follows:

1.00 Recitals. The foregoing recitals are part of this Agreement.

2.00. Term. This lease shall be for a term of one year commencing at 12:01 A.M. on _____, 20__ (the "Commencement Date"), and ending at 12:01 A.M. on _____, 20__ unless sooner terminated under the provisions of this lease.

3.00 Rent. Tenant agrees to pay to Landlord as rent for the use and occupancy of the leased premises the sum of _____ (\$_____.00) per month. The rent is payable in advance on or before the first day of each month, commencing on _____, 20__, at _____, Santa Cruz, CA 95____ or at any other place designated by Landlord in a written notice served on Tenant. Landlord acknowledges receipt of the sum of _____ (\$_____) as the first month's rent.

4.00 Late Charges & Interest on Unpaid Rent.

(a) Tenant acknowledges that late payment by Tenant to Landlord of rent will cause Landlord to incur costs not contemplated by this lease, the exact amount of such costs being difficult and impracticable to fix. Such costs include, without limitation, processing and accounting charges, and late charges that may be imposed on Landlord by the terms of any encumbrance and note secured by any encumbrance covering the premise.

(b) Therefore, if any installment of rent due from Tenant is not received by Landlord when due, Tenant shall pay to Landlord an additional sum of _____ Dollars and no cents (\$_____.00) as a late charge, and interest at the rate of one and one half percent (1 1/2%) per month, or the maximum rate of interest allowed by law, on the unpaid balance of said rent or sum until paid. The parties agree that said late charges and interest represents a fair and reasonable estimate of the costs

that Landlord will incur by reason of late payment by Tenant. The acceptance by Landlord of any late charge shall not constitute a waiver of Tenant's default with respect to the overdue amount, nor prevent Landlord from exercising any of the other rights and remedies available to Landlord under this Agreement or as provided by law.

5.00 Security Deposit. On execution of this lease, Landlord acknowledges Tenant's previous deposit of _____ Dollars and no cents (\$_____.00) as a security deposit. Landlord will hold this security deposit for the faithful performance by Tenant of Tenant's obligations under this lease and for the cleaning and repairing of the leased premises after surrender by Tenant. Landlord agrees to hold the security deposit for Tenant, free from the claim of any creditor of Landlord. Landlord will return to Tenant the full amount of the deposit within two weeks after Tenant has vacated the leased premises, less any amounts that are reasonably necessary to remedy any defaults in the payment of rent by Tenant, to repair damages to the leased premises caused by Tenant or Tenant's guests other than ordinary wear and tear, and to clean the leased premises. At the time Landlord returns the deposit to Tenant, Landlord will furnish Tenant with an itemized written statement of the amount of the security deposit received, the charges made by Landlord against the security deposit, and the disposition made or to be made of the security deposit.

6.00 Interest on Security Deposit. In accordance with Section 21.02.040 of the Santa Cruz Municipal Code, for every tenant whose tenancy is continuing, Landlord shall, without demand, pay Tenant each year, no later than January 1st, Tenant's interest for the previous calendar year or portion of the calendar year, in the form of either a draft payment or a credit against the Tenant's rent. Landlord shall choose between the two methods of payment. "Tenant's interest" shall mean an amount of simple interest per year on all security deposits in excess of \$50.00 paid by Tenant to Landlord. The minimum rate of simple interest, earned and payable under this section, shall be established from time to time by resolution of the Santa Cruz City Council based on the recommendation of the Santa Cruz County treasurer-tax collector. Upon termination of the tenancy, Landlord shall pay all interest due no later than three weeks after Tenant has vacated the premises. Should Landlord fail to disburse interest to Tenant by January 1st, or credit Tenant's rent, Tenant's interest shall, on a daily basis, accrue on the sum of the principal amount of the security deposit held by Landlord, plus the amount of any previous interest earned but not disbursed or credited.

7.00 Utilities. Tenant agrees to pay all charges for all utilities, including electricity, gas, water, sewage, garbage disposal, and telephones, used in or on the leased premises during the term of this lease. Tenant shall make payments for these utilities directly to the utility companies.

8.00 Occupancy of Leased Premises. Except as otherwise provided in this paragraph, only those persons collectively referred to in this lease as "Tenant" will occupy the leased premises. The persons collectively referred to as "Tenant" shall execute this lease. It is expressly understood that this lease is between Landlord and each Tenant signatory individually and severally. In the event of default by any one signatory, the remaining signatory shall be responsible for timely payment of

rent and all other provisions of this lease. Tenant may have up to 2 guests on the leased premises at any one time. A person shall be considered a "guest" for these purposes if he or she occupies the leased premises for a total of fewer than 30 calendar days in a year. No other person shall be permitted to occupy the leased premises except with the prior written approval of Landlord.

9.00 Use of Leased Premises. Tenant agrees that the leased premises are to be used exclusively as a single-family residence. Tenant must obtain Landlord's prior written consent before keeping pets (or permitting pets to be kept) on the leased premises. Tenant shall not do or permit anything to be done in or about the leased premises that will in any way obstruct or interfere with the rights of occupants of neighboring buildings or injure or annoy them or use or allow the leased premises to be used for any improper, unlawful, or objectionable purpose. Tenant shall not cause, maintain, or permit any nuisance in, on, or about the leased premises, or commit any waste in or on the leased premises. Further, Tenant shall not do or permit anything to be done in or about the leased premises or bring or keep anything in the leased premises that will in any way increase the existing rate of or affect any fire or other insurance on the house or any of its contents, or cause a cancellation of any insurance policy covering the house or any part of it or any of its contents. Finally, Tenant shall not put the leased premises to any use that violates local zoning ordinances or any other law applicable to the leased premises.

10.00 Condition of Leased Premises. The rights and responsibilities of Landlord and Tenant relating to the condition of the leased premises are as follows:

(a) Landlord will, at Landlord's own cost and expense, put and maintain the leased premises in a safe and sanitary condition and shall comply with all laws, ordinances, and regulations pertaining to the condition of the leased premises. Tenant shall remedy, at Tenant's own cost and expense, any deteriorations of or injuries to the leased premises occasioned by Tenant's lack of ordinary care.

(b) Tenant acknowledges that Tenant has inspected the leased premises prior to executing this Agreement, including all furnishings, fixtures, appliances, and other personal property subject to this Agreement and agrees that they are in satisfactory condition and good working order, except as noted by Tenant on the "Inspection Sheet" attached as Exhibit "A" and hereby incorporated and made part of this Agreement.

11.00 Alterations and Repairs by Tenant. The parties agree that the following provisions govern all alterations and repairs of the leased premises by Tenant:

(a) Tenant shall make no alterations to the leased premises without the prior written consent of Landlord. Any alteration made to the leased premises by Tenant after that consent has been given, and any fixtures installed as a part of that work, will at Landlord's option become the Landlord's property on the expiration or earlier termination of this lease, provided,

however, that Landlord shall have the right to require Tenant to remove any fixtures at Tenant's cost on termination of this lease.

(b) Tenant shall notify Landlord of any dilapidations or other defective conditions on the leased premises that require repairs. If Landlord fails to repair or arrange for the repair of the condition within a reasonable time (not exceeding 30 days), Tenant may make the repairs or arrange for them to be made and deduct the cost of the repairs, provided Tenant does not deduct more than the equivalent of one month's rent.

12.00 Entry by Landlord. Landlord may enter the leased premises only under the following circumstances:

- (a) In case of emergency;
- (b) To make necessary or agreed repairs, decorations, alterations, or improvements; supply necessary or agreed services; or exhibit the leased premises to prospective or actual purchasers, mortgagees, tenants, workers, or contractors;
- (c) If Tenant abandons or surrenders the leased premises;
- (d) Pursuant to court order.

Landlord will give Tenant at least 24 hours notice of Landlord's intent to enter unless an emergency exists, Tenant has abandoned or surrendered the leased premises, or it is impracticable to do so. Further, Landlord will enter only during normal business hours unless an emergency exists, Tenant has abandoned or surrendered the leased premises, or Tenant consents, at the time of an entry that is not during normal business hours, to the entry.

13.00 Locks and Keys. Tenant may not change or add any lock to the leased premises without obtaining Landlord's prior written consent and without providing Landlord with a key to the changed or added lock.

14.00 Assignment and Subletting. Tenant may not assign this lease or sublet all or any portion of the leased premises, without the prior written consent of Landlord. The consent of Landlord to any one assignment or subletting shall not be deemed to be consent by Landlord to any subsequent assignment or subletting. Any assignment or subletting without Landlord's prior written consent shall be void and shall, at Landlord's option, terminate this lease.

15.00 Default by Tenant. Landlord and Tenant agree that every condition, covenant, and provision of this lease is material and reasonable. Any breach by Tenant of a condition, covenant, or provision of this lease will constitute a material breach. For any material breach by Tenant, Landlord may provide Tenant with a written three-day notice that describes the breach and demands that Tenant cure the default (if a cure is possible). If Tenant does not cure the default within the three days, or if a cure is not possible, this lease will be terminated. Termination of this lease for a breach by Tenant will not occur unless the events described in this paragraph occur.

16.00 Name and Address of Owner. The owner of the leased premises is _____. Owner's usual street address and phone number is _____. The person who is authorized to manage the leased premises is _____. His or her mailing address and phone number is _____

17.00 Notices. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this lease or by law to be served on or given to either party to this lease by the other party shall be in writing and shall be deemed to be served when personally delivered to the party to whom the notice is directed or, in lieu of personal service, when deposited in the United States mail, first-class postage prepaid, addressed to Tenant at _____ St., Santa Cruz, CA 95____, or to Landlord at _____

_____. Either party to this lease may change their address for purposes of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

18.00 Waiver. The waiver by Landlord of any breach by Tenant of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent breach by Tenant either of the same or of another provision of this lease. Landlord's acceptance of rent following a breach by Tenant of any provision of this lease, with or without Landlord's knowledge of the breach, will not be deemed to be a waiver of Landlord's right to enforce any provision of this lease.

19.00 Attorneys' Fees. If any legal action or proceeding arising out of or relating to this lease is brought by either party to this lease, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

20.00 Binding on Heirs and Successors. This lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Landlord and Tenant; provided, however, that nothing in this paragraph shall be construed as a consent by Landlord to any assignment of this lease or any interest in it by Tenant.

21.00 Time of Essence. Time is expressly declared to be of the essence in this lease.

22.00 Sole and Only Agreement. This instrument is the full, complete, sole, final, and exclusive agreement of the parties concerning the matters covered by this Agreement and the rights granted and duties undertaken as between the parties. There is no other agreement between the parties respecting the subject matter of this Agreement or the rights, duties, promises, and undertakings of the parties. Any statement, representation, promise, or undertaking made prior to or contemporaneously with the execution of this Agreement shall be void and of no effect, or to be held to have merged or been superseded by the terms and conditions of this Agreement. Any statement, promise, or representation made to or by any party, or made to or by an

employee, attorney, servant, agent or representative of any party, respecting the matters set forth in this Agreement shall not be valid or binding as to these parties unless it is specifically contained in this Agreement. Any oral representation, modification, or change concerning this Agreement, or the terms or conditions of this Agreement, shall be of no force and effect, except for a subsequent modification being reduced to writing and signed by the parties to this Agreement.

Executed on _____, 20__, at Santa Cruz, Santa Cruz County, California.

By: LANDLORD

By: TENANT
Exhibit "A"
Inspection Checklist



Acknowledgements

The ADU Manual and Prototype designs are the result of a partnership between the City of Santa Cruz, the California Pollution Control Financing Authority, and the community. Prototype designs were presented and discussed at five community workshops that were taped and edited for broadcast on Santa Cruz's community access channel.

City Council

Mayor Emily Reilly
Vice Mayor Scott Kennedy
Councilmember Tim Fitzmaurice
Councilmember Cynthia Mathews
Councilmember Ed Porter
Councilmember Mark Primack
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Mary Alsip, Associate Planner

Community Television of Santa Cruz
Peter McGettigan

ADU Manual and Workshop Facilitation Assistance

Bruce A. Race, FAIA, AICP
RACESTUDIO

ADU Prototype Architects

David Baker + Partners, Architects
Boone/Low Architects and Planners
CCS Architecture
Peterson Architects
Mark Primack Architect
Eve Reynolds Architect
SixEight Design

ADU Prototype Engineer

Mesiti-Miller Engineering, Inc.

Funding Assistance

California Pollution Control Financing
Authority
Sustainable Communities Grant
Program

Garner, Andrew

From: Matt Hoffman <matt@mbi-arch.com>
Sent: Wednesday, February 24, 2016 2:50 PM
To: Garner, Andrew
Subject: ADU area changes

Andrew,

I just wanted to send you some quick thoughts on the accessory dwelling unit ordinance changes.

1. I don't think the allowed area should be a function of the existing house, as this disadvantages property owners who have small houses. Instead, if anything it should be a function of the size of the lot.

If you said that 1000sf was a reasonable size to shoot for, and assume a 1/4 acre lot is typical, that would suggest that 10% of the total lot area might be a good place to start.

2. Another approach I'd like to take would be a straight footprint regulation. Allowing an 800sf footprint and a maximum of two stories regardless of if there's a garage underneath or not.

3. You could also combine these two types of regulation and say that the applicant is entitled to an 800sf footprint, or a certain percentage of the buildable area, whichever is *larger*. This allows people with large lots to take advantage of their space, while also ensuring that people with small lots won't be restricted to an unrealistic number based on their smaller area.

4. We should remove restrictions on the number of bedrooms. Not that I don't understand the intent here, it's just that I don't think we should have regulations that we can't realistically enforce. Plus, I don't think it's really our business how people use their space.

hopefully this helps,
thanks,

Matt Hoffman, Assoc. AIA

Miller Boskus Lack Architects, P.A.
2397 N Green Acres Rd
Fayetteville, Arkansas 72703
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f.479.443.7139
www.mbi-arch.com



Garner, Andrew

From: Tom <dog13gregg@aol.com>
Sent: Friday, February 26, 2016 2:02 PM
To: Garner, Andrew
Subject: Potential Provisions to Regulate Accessory Dwelling Unit Size
Attachments: Accessory Dwelling Units.docx

Andrew

I checked several sources to see how they dealt with the issue of regulating the size of Accessory Dwelling Units (ADU). I thought this might be useful when we discussed making potential changes to our current ordinance language. After looking at a larger list of regulatory sources, I selected six (see attachment) that I felt illustrated the range of approaches I found to deal with regulating ADU size.

I personally liked the ordinance language presented in the Sacramento County Zoning Code. I liked that the maximum size varied by lot size, that a conditional use could be sought if the ADU did not fit the range of maximums and that it identified an overall maximum size permitted. Of course we will still need to modify the "numbers" to meet Fayetteville's particular conditions and needs.

Please pass the attachment on to the other Commissioners if you feel it might be helpful.
Tom Brown

Potential Provisions to Regulate Accessory Dwelling Unit Size

Sacramento County Zoning Code Section 5.4.5.B, C, and D

Lot Area and Maximum Floor Area. Minimum of 5,200 Sq. Ft. per lot. The maximum accessory dwelling size is based on the size of the lot.

Lot Size	Maximum Permitted ADU Size
5,200 – 8,500 Sq. Ft.	400 Sq. Ft.
8,501 – 10,000 Sq. Ft.	500 Sq. Ft.
>10,000 Sq. Ft.	600 Sq. Ft.

If the proposed ADU is not consistent with these size standards, a Conditional Use Permit will be required. An ADU may not exceed 1,200 Sq. Ft. in size.

<http://www.per.saccounty.net/applicants/Pages/ResAccessoryDwellingRegs.aspx>

City of Golden Colorado Municipal Code Chapter 18.28.240

Unit Size and Configuration. Except as modified in sub-section 5 herein, for a principal dwelling unit of 1000 square feet or more of living space, the accessory dwelling unit shall be no larger than 50% of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1000 square feet of living space, the accessory dwelling unit shall be no larger than 500 square feet.

Unit Size Exception. The Director may approve an accessory dwelling unit that is up to 20% larger than otherwise allowed if it is located within the principal structure, provided that all other requirements of section 18.28.240 have been met and it does not conflict with any other requirement of this title.

<http://www.cityofgolden.net/city-services/accessory-dwelling-units/>

A Model State Act and Local Ordinance AARP / Public Policy Institute/APA

ADU Building Standards - Size.

Note: This section deals with a number of issues related to the size of the ADU. The intentions of communities in setting size limitations are commonly to require the ADU to be subordinate to the principal dwelling unit, to control neighborhood density, and to control visual impacts.

The standards of this section set minimums on the ADU square footage and maximums on the total square footage and number of bedrooms of the ADU. A common minimum size requirement for an ADU is 300 square feet; a frequent maximum on number of bedrooms is two; and the maximum size for ADUs falls in the range of 600 to 1,200 square feet, with 800 square feet occurring most often as a maximum size (APA 1996).

This model local ordinance does not directly require the ADU to be subordinate to the principal unit but does so indirectly by setting the maximum floor space of the ADU as a percentage of the living area of the principal unit. Advocates for ADUs point out that less affluent homeowners in smaller houses may not qualify to build an ADU if their house is too small (MRSCW 1995, 30). For example, if the ADU may not be larger than 30 percent of the living area of the principal unit but may not be smaller than 300 square feet, a homeowner with a living area of only 900 square feet could not have an ADU (270 square feet is 30 percent of 900 square feet and less than the minimum required size of 300 square feet). For this reason, the favorable and minimal provisions below raise the maximum percentage to 40 percent of the living space of the principal unit. Such a maximum percentage

is not unusual (APA 1996). Communities wanting to be more strict than the minimal option can change the percentage after determining that greater limitations are needed to protect the public interest. The maximum size of an ADU in the optimal provision is 1,200 square feet and 800 square feet in the minimal provision. (The maximum ADU size allowed in a recent survey of 50 ADU ordinances was 1,200 square feet [APA 1996].)

No alternative is listed as the optimal option. Size can be limited by other regulations. The Uniform Building Code (Sections 1207 and 1208), for example, contains a minimum size for efficiency units. Similarly, lot coverage maximums and minimum lot sizes limit the size of accessory cottages. Health codes can also limit the number of bedrooms in an ADU.

[Favorable provision] In no case shall an ADU be more than 40 percent of the living area of a principal dwelling unit, nor more than 1,200 square feet, nor less than 300 square feet, nor have more than two bedrooms (adapted from WOOD 1994, Section A.8.).

[Minimal provision] In no case shall an ADU be more than 40 percent of the living area of a principal dwelling unit, nor more than 800 square feet, nor less than 300 square feet, nor have more than two bedrooms (adapted from WOOD 1994, Section A.8.).

http://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf

City of Portland Oregon / Bureau of Development Services

B. Size Allowances.

1. General. The maximum size of an ADU may be no more than 75% of the living area of the house or 800 square feet, whichever is less. Living area is calculated by *excluding* the following areas from the overall gross building area:

- a. The thickness of the exterior walls;
- b. Garage areas;
- c. Basement areas where the ceiling height measured from the floor is less than 6 feet 8 inches; and
- d. Any other building areas where the floor to ceiling height is either less than 5 feet, or areas not accessible by a stairway.

For example, if an existing house has 1,000 square feet of living area after subtracting all spaces described above, the ADU size is limited to 750 square feet. For a house that has 2,500 square feet of living area, 75% of the floor area would be 1,875 square feet. In this case, however, the ADU size is limited to no more than 800 square feet.

<https://www.portlandoregon.gov/bds/article/68689>

City of Boulder Colorado Planning and Development Services Center

(ii) The accessory dwelling unit is a minimum of 300 square feet, and does not exceed one-third of the total floor area of the principal structure, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or 1,000 square feet, whichever is less.

https://www-static.bouldercolorado.gov/docs/103_adu_attachment-1-201305080946.pdf

City of Bentonville Arkansas

ARTICLE 601 USE REGULATIONS

ACCESSORY DWELLING UNITS (ADUs).

F. Size. An ADU shall be no larger than 40% of the livable floor area of the primary structure, shall not exceed 800 square feet in size and shall not have

more than two bedrooms. Except that ADU's in the A-1 and RE district may be allowed up to 1,000 square feet in size.

[http://www.bentonvillear.com/assets/planning_files/ZON_06_ART_601_Supp_Regulations_\(08-27-13\).pdf](http://www.bentonvillear.com/assets/planning_files/ZON_06_ART_601_Supp_Regulations_(08-27-13).pdf)



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0125

Agenda Date: 4/5/2016

Version: 1

Status: Passed

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 8

AMEND THE RULES OF ORDER AND PROCEDURE:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

WHEREAS, if a City Council member and/or a representative of a group of citizens opposing such ordinance or resolution desires to present an electronic visual aid, a Motion to Suspend the Rules must be passed (requiring six affirmative votes regardless of the number of City Council members attending the meeting); and

WHEREAS, a simple majority of the City Council members attending and voting at the meeting should be enough to authorize a single representative of a group of citizens opposing the ordinance or resolution to present a short electronic visual aid on the issue.

WHEREAS, a City Council member should have the same right as City staff to present an electronic visual aid on an agenda item.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Rule A. 7. d. (1) by amending its last sentence to read:

“City staff, City Council members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends Rule A. 7. d. (2) by amending its second sentence to read as follows:

“A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens’ group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, the public may submit photos, petitions, etc. to be distributed to the City Council.”

Legistar ID No.: 2016-0125

AGENDA REQUEST FORM

FOR: Council Meeting of APRIL 5, 2016

FROM:

City Council Member Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

APPROVED FOR AGENDA:



City Council Member Alan Long

03-08-16
Date



City Attorney Kit Williams
(as to form)

2-23-16
Date

Williams, Kit

From: Longward4@gmail.com <longward4@gmail.com>
Sent: Monday, February 22, 2016 7:00 PM
To: Williams, Kit
Subject: Re: Res to Amend Rules of Order & Procedure

Thanks for working on that. Actually, I want it to effectually read that any council member can present at a council meeting without a vote (basically making us equal to staff in our meetings). Also, if a council member wishes to have someone present for them, only a simple majority vote will be required (no suspension of the rules).

I'm not going to be there tomorrow due to my father having surgery, but I can do it during the next cycle.

Sincerely,

Alan T Long
City Council Member-Ward 4
City of Fayetteville, AR

On Feb 22, 2016, at 4:12 PM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Alan,

Here is a proposed change to the Rules to make it easier for an alderman or representative of a citizens' group opposing the passage of an ordinance (rezoning) or resolution to present an electronic video aid (PowerPoint). Please let me know if this is what you had in mind.

Kit Williams
Fayetteville City Attorney
479.575.8313

<image001.jpg> <image002.png>

From: Mulford, Patti
Sent: Monday, February 22, 2016 3:43 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Res to Amend Rules of Order & Procedure

Patti Mulford
Paralegal
City Attorney's Office
T 479.575.8313

<Res Rules of Order and Procedure.docx>

7. Presentation of Agenda Items

a. Agenda items not included within the Tentative Agenda packet.

(1) Staff agenda items. If the City staff requests to "walk-on" an agenda item for the City Council Agenda during the City Council Agenda Session, the memo from the City staff shall begin with a clear and compelling reason why this proposed agenda item could not have been included within the Tentative Agenda and cannot wait for City Council consideration at a later City Council meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda.

(2) City Council Member agenda items. City Council Members should also strive to include any agenda item a Council Member wishes the City Council to consider be included within the Tentative Agenda. If that is not possible, the City Council Member should explain during the Agenda Session why the proposed agenda item should be included in the Final Agenda rather than postponed to the next meeting. Any member of the City Council including the Mayor can then place this item on the Final Agenda."

b. 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.

c. 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.

d. Old Business and New Business.

(1) 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.

(2) 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's 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

Amended
Subsections



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0048

Agenda Date: 4/5/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Presentation

Agenda Number: D. 1

AGENDA SESSION PRESENTATION - UPDATE ON CONSTRUCTION EFFORTS AT REGIONAL PARK



City of Fayetteville, Arkansas

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

Text File

File Number: 2016-0160

Agenda Date: 4/5/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: D. 2

**TOUR OF THE RENNOVATED CITY COUNCIL CHAMBERS AND REVIEW WITH THE
CITY COUNCIL THE NEW VOTE CAST SYSTEM & PRESENTATION TECHNOLOGY**

Agenda Session

3-29-16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, March 29, 2016

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:

1. ✓ 2016-0158

**ADVERTISING AND PROMOTION COMMISSION
APPOINTMENT:**

Attachments:

Tim Freeman A&P Appointment

Agenda Additions

A. Consent:

A. 1 ✓ 2015-0644

APPROVAL OF THE MARCH 15, 2016 CITY COUNCIL MEETING
MINUTES.

A. 2 ✓ 2016-0127

BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:

A RESOLUTION TO AWARD BID #16-20 TO LIFT TRUCK SERVICE
CENTER, INC. AND AUTHORIZE THE PURCHASE OF A 2016
NISSAN PLATINUM II SERIES FORKLIFT IN THE AMOUNT OF
\$44,608.00 FOR USE BY THE RECYCLING AND TRASH
COLLECTION DIVISION

Attachments:

SRP - SWRC Forklift 9058-9220

A. 3 ✓ 2016-0126

BID #16-21 PIG TRAIL HARLEY DAVIDSON:

A RESOLUTION TO AWARD BID #16-21 TO PIG TRAIL HARLEY
DAVIDSON OF ROGERS, ARKANSAS AND AUTHORIZE THE
PURCHASE OF A 2016 HARLEY DAVIDSON FLHTP MOTORCYCLE
IN THE AMOUNT OF \$24,459.88 FOR USE BY THE POLICE
DEPARTMENT

Attachments:

SRP - PDPT Motorcycle - 1309

Remove

A. 4

2016-0128**BID #16-24 FLEET SAFETY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-24 AND AUTHORIZE THE PURCHASE OF UPFIT ITEMS FOR TWELVE (12) POLICE PATROL UNITS FROM FLEET SAFETY EQUIPMENT, INC. OF LITTLE ROCK IN THE AMOUNT OF \$41,982.09 PLUS APPLICABLE TAXES

Attachments:SRP - PD Upfit

LA. 5

2016-0148**UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR A WATER MAIN UPGRADE ALONG PORTIONS OF MAPLE STREET AND OLIVER AVENUE

Attachments:UofA Cost Share (Maple-Oliver) Agenda Packet

LA. 6

2016-0129**ARKANSAS FORESTRY COMMISSION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS FORESTRY COMMISSION IN THE AMOUNT OF \$14,105.00 FOR THE PLANTING OF NATIVE SPECIES IN THE MEDIANS OF GARLAND AVENUE AND COLLEGE AVENUE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Grant for College and Garland (002)BA (Agenda Item) - UCF Median Tree Planting grant 3-11-16 (002)

LA. 7

2016-0132**ARKANSAS RECREATIONAL TRAILS GRANT:**

A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN 80/20 ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$56,000.00 FOR THE CONSTRUCTION OF A NATURE TRAIL BOARDWALK AT LAKE FAYETTEVILLE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRM RTP Grant Acceptance Legistar PacketBA (Agenda Item) - Federal Highway Admin boardwalk grant 3-11-16**B. Unfinished Business:**

B.1 2016-0057**AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

Attachments:Agenda Request Form § 72.58**C. New Business:****C.1** 2016-0139**TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:**

AN ORDINANCE TO VACATE PORTIONS OF A TREE PRESERVATION AREA TO FACILITATE DEVELOPMENT, TO PRESERVE THE BEST QUALITY, MOST SIGNIFICANT TREES AND TO DEDICATE A LARGER TREE PRESERVATION AREA

Attachments:2016-0139 Tree Preservation Area Modification at Forest Hills**C.2** 2016-0146**SWEETSER CONSTRUCTION, INC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$2,537,900.00 FOR THE CONSTRUCTION OF THE RUPPLE ROAD WIDENING PROJECT FROM PERSIMMON STREET TO CONGRESSIONAL ROAD, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$250,000.00

Attachments:Legistar 2016-0146

✓
C. 32016-0149**WALTON FAMILY FOUNDATION AGREEMENT - CATO
SPRINGS TRAIL:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$2,000,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO THE REGIONAL PARK, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$2,000,000.00 GRANT

Attachments:2016-0149 Cato Springs Trail - Walton Family Foundation GrantBA - Walton Family Foundation Grant (Cato Springs Trail 02016.1405)✓
C. 42016-0130**INTERNAL AUDIT DIVISION CHARTER:**

AN ORDINANCE TO AMEND CHAPTER 33 OF THE FAYETTEVILLE CODE TO RENUMBER THE SECTIONS OF ARTICLE XXV **AUDIT COMMITTEE AND INTERNAL AUDITOR** AND RESERVE SECTIONS 33.365 THROUGH 33.369 AND 33.375 THROUGH 33.379 FOR FUTURE USE, AND TO APPROVE AN AMENDMENT TO THE INTERNAL AUDIT DIVISION CHARTER REDUCING THE NUMBER OF REQUIRED ANNUAL MEETINGS FROM FOUR TO THREE TO BE CONSISTENT WITH THE REQUIREMENTS OF THE CITY CODE

Attachments:Agenda packet for correction of Internal Audit charter and code Chapter 33Consent
(C. 5)2016-0137**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC
DEVELOPMENT CONSULTING SERVICES:**

A RESOLUTION TO APPROVE AN EXTENSION OF UP TO THREE (3) MONTHS TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$41,250.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:2016-0137 Fayetteville Chamber of Commerce for Economic ContractBA E.D Contract Extension

C. 6

2016-0144**VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS CLIMBING GYM):**

AN ORDINANCE TO APPROVE VAC 16-5324 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF DRAKE AND MCCONNELL TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments:16-5324 VAC 16-5324: Vacation (NE CORNER OF DRAKE & MCCONNELL/N

C. 7

2016-0145**VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):**

AN ORDINANCE TO APPROVE VAC 16-5323 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 4030 NORTH COLLEGE AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments:16-5323 VAC 16-5323: Vacation (4030 N. COLLEGE AVE./WHATABURGER,

C. 8

2016-0150**VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):**

AN ORDINANCE TO APPROVE VAC 16-5322 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 2011 WEST FOXGLOVE DRIVE TO VACATE PORTIONS OF ACCESS AND UTILITY EASEMENTS

Attachments:16-5322 VAC 16-5322: Vacation (2011 W. FOXGLOVE DR./CRAIN VOLKSWA

C. 9

2016-0151**ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):**

AN ORDINANCE TO AMEND THE DEFINITION OF ACCESSORY DWELLING UNIT IN § 151.01 AND TO AMEND PORTIONS OF § 164.19 ACCESSORY DWELLING UNITS TO REMOVE LOT SIZE REQUIREMENTS, INCREASE THE ALLOWED SIZE FROM 600 SQUARE FEET TO 950 SQUARE FEET AND MAKE OTHER CHANGES

Attachments:16-5340 CC reports

✓ C. 10 2016-0125

AMEND THE RULES OF ORDER AND PROCEDURE:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

Attachments:

Agenda Packet Amend Rules of Order & Procedure

D. City Council Agenda Session Presentations:

✓ D. 1 2016-0048

**AGENDA SESSION PRESENTATION - UPDATE ON
CONSTRUCTION EFFORTS AT REGIONAL PARK**

✓ D. 2 2016-0160

**TOUR OF THE RENNOVATED CITY COUNCIL CHAMBERS AND
REVIEW WITH THE CITY COUNCIL THE NEW VOTE CAST
SYSTEM & PRESENTATION TECHNOLOGY**

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.

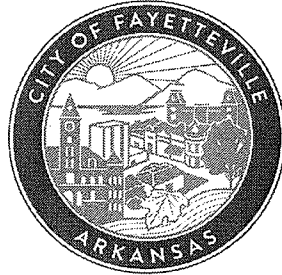
Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

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 Meeting 3/23/16

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, March 29, 2016

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:

✓

2016-0158

**ADVERTISING AND PROMOTION COMMISSION
APPOINTMENT:**

Attachments:

Tim Freeman A&P Appointment

Agenda Additions

A. Consent:

✓
AV1

2015-0644

APPROVAL OF THE MARCH 15, 2016 CITY COUNCIL MEETING
MINUTES.

✓
AV2

2016-0127

BID #16-20 LIFT TRUCK SERVICE CENTER, INC.:

A RESOLUTION TO AWARD BID #16-20 TO LIFT TRUCK SERVICE
CENTER, INC. AND AUTHORIZE THE PURCHASE OF A 2016
NISSAN PLATINUM II SERIES FORKLIFT IN THE AMOUNT OF
\$44,608.00 FOR USE BY THE RECYCLING AND TRASH
COLLECTION DIVISION

Attachments:

SRP - SWRC Forklift 9058-9220

✓
AV3

2016-0126

BID #16-21 PIG TRAIL HARLEY DAVIDSON:

A RESOLUTION TO AWARD BID #16-21 TO PIG TRAIL HARLEY
DAVIDSON OF ROGERS, ARKANSAS AND AUTHORIZE THE
PURCHASE OF A 2016 HARLEY DAVIDSON FLHTP MOTORCYCLE
IN THE AMOUNT OF \$24,459.88 FOR USE BY THE POLICE
DEPARTMENT

Attachments:

SRP - PDPT Motorcycle - 1309

A✓4

2016-0128**BID #16-24 FLEET SAFETY EQUIPMENT, INC.:**

A RESOLUTION TO AWARD BID #16-24 AND AUTHORIZE THE PURCHASE OF UPFIT ITEMS FOR TWELVE (12) POLICE PATROL UNITS FROM FLEET SAFETY EQUIPMENT, INC. OF LITTLE ROCK IN THE AMOUNT OF \$41,982.09 PLUS APPLICABLE TAXES

Attachments:SRP - PD Upfit

A✓5

2016-0148**UNIVERSITY OF ARKANSAS COST SHARE AGREEMENT:**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS FOR A WATER MAIN UPGRADE ALONG PORTIONS OF MAPLE STREET AND OLIVER AVENUE

Attachments:UofA Cost Share (Maple-Oliver) Agenda Packet

A✓6

2016-0129**ARKANSAS FORESTRY COMMISSION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 50/50 MATCHING GRANT FROM THE ARKANSAS FORESTRY COMMISSION IN THE AMOUNT OF \$14,105.00 FOR THE PLANTING OF NATIVE SPECIES IN THE MEDIANS OF GARLAND AVENUE AND COLLEGE AVENUE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:Grant for College and Garland (002)BA (Agenda Item) - UCF Median Tree Planting grant 3-11-16 (002)

A✓7

2016-0132**ARKANSAS RECREATIONAL TRAILS GRANT:**

A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN 80/20 ARKANSAS RECREATIONAL TRAILS GRANT IN THE AMOUNT OF \$56,000.00 FOR THE CONSTRUCTION OF A NATURE TRAIL BOARDWALK AT LAKE FAYETTEVILLE, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:SRM RTP Grant Acceptance Legistar PacketBA (Agenda Item) - Federal Highway Admin boardwalk grant 3-11-16**B. Unfinished Business:**

B✓1

2016-0057**AMEND § 72.58 OFF-STREET PARKING FACILITIES; RULES AND RATES:**

AN ORDINANCE TO AMEND § 72.58 **OFF-STREET PARKING FACILITIES; RULES AND RATES** (M) TO LIMIT THE MAYOR'S AUTHORITY TO ASSIGN ANY CITY OWNED PAID PARKING LOTS OR ON-STREET PAID PARKING SPACES WITHIN THE ENTERTAINMENT DISTRICT OR THE CLOSURE OF CITY STREETS FOR THE USE OF A PERMITTED SPECIAL EVENT TO NOT MORE THAN TWO (2) DAYS PER YEAR WITHOUT EXPRESS APPROVAL OF THE CITY COUNCIL

Attachments:Agenda Request Form § 72.58**C. New Business:**

C✓1

2016-0139**TREE PRESERVATION AREA MODIFICATION AT FOREST HILLS:**

AN ORDINANCE TO VACATE PORTIONS OF A TREE PRESERVATION AREA TO FACILITATE DEVELOPMENT, TO PRESERVE THE BEST QUALITY, MOST SIGNIFICANT TREES AND TO DEDICATE A LARGER TREE PRESERVATION AREA

Attachments:2016-0139 Tree Preservation Area Modification at Forest Hills

C✓2

2016-0146**SWEETSER CONSTRUCTION, INC.:***Add map***Attachments:**

Legistar 2016-0146

C✓3

2016-0149**WALTON FAMILY FOUNDATION AGREEMENT - CATO SPRINGS TRAIL:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$2,000,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CATO SPRINGS TRAIL FROM THE TOWN BRANCH TRAIL TO THE REGIONAL PARK, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$2,000,000.00 GRANT

Attachments:2016-0149 Cato Springs Trail - Walton Family Foundation GrantBA - Walton Family Foundation Grant (Cato Springs Trail 02016.1405)

C. 4

2016-0137**FAYETTEVILLE CHAMBER OF COMMERCE ECONOMIC
DEVELOPMENT CONSULTING SERVICES:***Change
title*

A RESOLUTION TO APPROVE A THREE (3) MONTH EXTENSION TO THE CONTRACT WITH THE FAYETTEVILLE CHAMBER OF COMMERCE FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES WITH AN OPTION TO RENEW FOR AN ADDITIONAL THREE (3) MONTHS IN AN AMOUNT NOT TO EXCEED \$41,250.00 PER QUARTER, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:2016-0137 Fayetteville Chamber of Commerce for Economic ContractBA E.D Contract Extension

C. 5

2016-0144**VAC 16-5324 (NE CORNER OF DRAKE & MCCONNELL/NELMS
CLIMBING GYM):**

AN ORDINANCE TO APPROVE VAC 16-5324 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF DRAKE AND MCCONNELL TO VACATE PORTIONS OF A UTILITY EASEMENT

Attachments:16-5324 VAC 16-5324: Vacation (NE CORNER OF DRAKE & MCCONNELL/N

C. 6

2016-0145**VAC 16-5323 (4030 N. COLLEGE AVE./WHATABURGER):**

AN ORDINANCE TO APPROVE VAC 16-5323 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 4030 NORTH COLLEGE AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments:16-5323 VAC 16-5323: Vacation (4030 N. COLLEGE AVE./WHATABURGER,

C. 7

2016-0150**VAC 16-5322 (2011 W. FOXGLOVE DR./CRAIN VOLKSWAGON):**

AN ORDINANCE TO APPROVE VAC 16-5322 SUBMITTED BY CRAFTON TULL, INC. FOR PROPERTY LOCATED AT 2011 WEST FOXGLOVE DRIVE TO VACATE PORTIONS OF ACCESS AND UTILITY EASEMENTS

Attachments:16-5322 VAC 16-5322: Vacation (2011 W. FOXGLOVE DR./CRAIN VOLKSWA

CV8

2016-0151

ADM 16-5340 (UDC CHAPTER 164.19 AMENDMENTS):

AN ORDINANCE TO AMEND THE DEFINITION OF ACCESSORY DWELLING UNIT IN § 151.01 AND TO AMEND PORTIONS OF § 164.19 ACCESSORY DWELLING UNITS TO REMOVE LOT SIZE REQUIREMENTS, INCREASE THE ALLOWED SIZE FROM 600 SQUARE FEET TO 950 SQUARE FEET AND MAKE OTHER CHANGES

Attachments:

16-5340 CC reports

C.4 C.9
2016-0130**INTERNAL AUDIT DIVISION CHARTER:****Attachments:**

Agenda packet for correction of Internal Audit charter and code Chapter 33

CV10

2016-0125

AMEND THE RULES OF ORDER AND PROCEDURE:

A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL A. 7. d. TO AUTHORIZE THE CITY COUNCIL TO ALLOW A REPRESENTATIVE OF THE PUBLIC OPPOSING THE ORDINANCE OR RESOLUTION TO USE AN ELECTRONIC VISUAL AID PRESENTATION ON THE ISSUE

Attachments:Agenda Packet Amend Rules of Order & Procedure**D. City Council Agenda Session Presentations:**

D. 1 2016-0048

AGENDA SESSION PRESENTATION - UPDATE ON
CONSTRUCTION EFFORTS AT REGIONAL PARK

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.