

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2013**

A meeting of the Fayetteville City Council will be held on January 15, 2013 at 6:00 PM 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:

1. State of the City Address – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the January 03, 2013 City Council meeting minutes. **APPROVED**
2. **Bid #12-57 Williams Tractor:** A resolution pursuant to Bid #12-57 authorizing a contract with Williams Tractor, Inc. in the amount of \$24,900.00 for the purchase of one (1) round baler for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-13

113 West Mountain Fayetteville, AR 72701 (479) 575-8323 accessfayetteville.org
Telecommunications Device for the Deaf TDD/TTY (479) 521-1316

3. **Bid #12-63, Hilbilt Sales Corporation-Arkansas:** A resolution pursuant to Bid #12-63 authorizing a contract with Hilbilt Sales Corporation-Arkansas in the amount of \$39,690.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-13

4. **Bid #12-77, Terex Equipment Services:** A resolution pursuant to Bid #12-77 authorizing a contract with Terex Equipment Services in the total amount of \$83,284.00 for the purchase of two (2) Ford F-250 crew cab pickup trucks for use by the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-13

5. **Bid #13-02, Reflectorized Paint Markings:** A resolution awarding Bid #13-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 06-13

6. **Bid #13-03, Construction – Curb and Gutter:** A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as a primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-13

7. **Bid #13-04, Hillside Gravel:** A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-13

8. **Bid #13-05, Concrete:** A resolution awarding Bid #13-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-13

9. **Bid #13-06, Truck Hauling Services:** A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S&R Trucking, in equal amounts, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 10-13

- 10. Bid #13-07, Aggregate Materials:** A resolution awarding Bid #13-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 11-13

- 11. Bid #13-09, Drainage Pipe:** A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 12-13

- 12. Bid #13-10, Crushed Rock Salt:** A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$73.76 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 13-13

- 13. Bid #13-11, Screened Topsoil:** A resolution awarding Bid #13-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed in calendar year 2013.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 14-13

- 14. Landers Toyota of Little Rock:** A resolution authorizing the purchase of three (3) Toyota Tacoma Compact pickup trucks in a total amount of \$69,875.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 15-13

- 15. Bale Chevrolet of Little Rock:** A resolution authorizing the purchase of seven (7) police package Chevrolet Tahoes in a total amount of \$245,651.00, pursuant to a state procurement contract, from Bale Chevrolet of Little Rock for use by the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 16-13

- 16. Ozarks Electric Cooperative Corporation:** A resolution authorizing the transfer of an easement interest to Ozarks Electric Cooperative Corporation on certain city-owned property in Veterans Park to provide for a relocation of electrical utility service.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 17-13

B. Unfinished Business: None

C. New Business:

1. **2012 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an e-waste coupon redemption program, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 18-13

2. **Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2013 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5561

3. **Refurbished Hazmat Truck:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Beverage Body and Trailer Service in the total amount of \$65,974.00 to purchase a refurbished hazmat truck for the Fire Department, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5562

4. **Amend §173.08 Energy Conservation Code:** An ordinance to adopt the 2011 Arkansas Energy Code for new building construction for Commercial and High-Rise Residential Construction projects including thermal and lighting efficiency standards as required by A.C.A. §15-10-205 by amending §173.08 Energy Conservation Code of the Fayetteville Code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5563

5. **Kum & Go, L.C.:** A resolution to authorize Mayor Jordan to sell about two acres of the Tyson Factory Property on Huntsville Road for \$900,000.00 to Kum & Go, L.C., to agree to cost share with Kum & Go roads or driveways within the Tyson Property adjoining this two acre parcel and the demolition of the factory, and to recommend rezoning this parcel to Neighborhood Commercial or other zoning district satisfactory to Kum & Go, L.C.

TABLED TO THE FEBRUARY 5, 2013 CITY COUNCIL MEETING

D. City Council Agenda Session Presentations: None

E. City Council Tour: Monday, January 14, 2013 at 4:30 p.m.

F. Announcements:

Adjournment: 7:45 p.m.

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 aides in a City Council meeting as part of their presentation.

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

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

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

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

City Council Meeting:

January 15, 2013

Adjourn:

7:45 p.m.

Subject:	Roll				
<i>Alderman Sarah Marsh arrived at 6:20 p.m.</i>	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

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

Subject:	Consent				
Motion To:					
Motion By:		<i>Approve</i>			
Seconded:		<i>Tennant</i>			
		<i>Gray</i>			
<i>Minutes</i> <i>Approved</i> <u><i>passed</i></u> <i>03-13</i> <i>thru</i> <i>17-13</i>	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

80

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

Subject:	None				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Marsh				
	Mayor Jordan				

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

Subject:		2012 Arkansas Department of Environmental Quality E-Waste Grant			
Motion To:		<i>Approve</i>			
Motion By:		<i>Tennant</i>			
Seconded:		<i>Gray</i>			
C. 1 New Business <i>passed</i> 18-13	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

8-0

Subject:		Asphalt Materials			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Kinion</i>	<i>Kinion</i>		
Seconded:		<i>Adams</i>	<i>Gray</i>		
C. 2 New Business <i>passed</i> 5561	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Refurbished Hazmat Truck			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Kinion	Gray	
Seconded:			Leng	Kinion	
C. 3 New Business <u>passed</u> 5562	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:		Amend §173.08 Energy Conservation Code			
Motion To:			2nd Read	3rd Read	Pass
Motion By:			Kinion	Petty	
Seconded:			Petty	Schoppmeyer	
C. 4 New Business <u>passed</u> 5563	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:	Kum & Go, L.C				
Motion To:		<i>Table to Feb. 5, 2013</i>			
Motion By:		<i>Kinion</i>			
Seconded:		<i>Adams</i>			
C. 5 New Business <i>Tabled to the February 5, 2013 City Council Meeting</i>	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

8-0

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



Departmental Correspondence



www.accessfayetteville.org

LEGAL
DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: January 16, 2013

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 15, 2013

1. **Bid #12-57:** A resolution pursuant to Bid #12-57 authorizing a contract with Williams Tractor, Inc. in the amount of \$24,900.00 for the purchase of one round baler for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.
2. **Bid #12-63:** A resolution pursuant to Bid #12-63 authorizing a contract with Hilbilt Sales Corporation-Arkansas in the amount of \$39,690.00 for the purchase of one end-dump hauler trailer for use the Noland Wastewater Treatment Facility and approving a budget adjustment.
3. **Bid #12-77:** A resolution pursuant to Bid #12-77 authorizing a contract with Terex Equipment Services in the total amount of \$83,284.00 for the purchase of two Ford F-250 Crew Cab pickup trucks for use by the Fire Department.
4. **Bid #13-02:** A resolution awarding Bid #13-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2013.
5. **Bid #13-03:** A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as a primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

6. **Bid #13-04:** A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
7. **Bid #13-05:** A resolution awarding Bid #13-05 and authorizing the purchase of concrete from Tune Concrete Company. as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
8. **Bid #13-06:** A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S & R Trucking, in equal amounts, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
9. **Bid #13-07:** A resolution awarding Bid #13-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2013.
10. **Bid #13-09:** A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2013.
11. **Bid #13-10:** A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$73.76 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
12. **Bid #13-11:** A resolution awarding Bid #13-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
13. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of three Toyota Tacoma Compact Pickup trucks in a total amount of \$69,875.00, pursuant to a State Procurement Contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division and approving a budget adjustment.
14. **Bale Chevrolet of Little Rock:** A resolution authorizing the purchase of seven Police Package Chevrolet Tahoes in a total amount of \$245,651.00 pursuant to a State Procurement Contract, from Bale Chevrolet of Little Rock for use by the Police Department.

15. **Ozarks Electric Cooperation Corporation:** A resolution authorizing the transfer of an easement interest to Ozarks Electric Cooperative Corporation on certain city-owned property in Veterans Park to provide for a relocation of electrical utility service.
16. **2012 ADEQ E-Waste Grant:** A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an E-Waste coupon redemption program, and approving a budget adjustment.
17. **Asphalt Materials Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during Calendar Year 2013 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.
18. **Refurbished Hazmat Truck:** an ordinance waiving the requirements of formal competitive bidding and approving a contract with Beverage Body and Trailer Service in the total amount of \$65,974.00 to purchase a refurbished Hazmat Truck for the Fire Department and approving a budget adjustment.
19. **Amend §178.08 Energy Conservation Code:** An ordinance to adopt the 2011 Arkansas Energy Code for new building construction for commercial and high-rise residential construction projects including thermal and lighting efficiency standards as required by A.C.A. §15-10-205 by Amending §173.08 **Energy Conservation Code** of the Fayetteville Code.

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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 aides in a City Council meeting as part of their presentation.

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

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

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

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date:	A. 15
P.O Number:	1/4/2013	Bale Chevrolet of Little Rock
	Expected Delivery Date:	Page 1 of 2
Mail Yes: No: X		
Taxable Yes: No: X	Quotes Attached Yes: No: x	
Division Head Approval:		
Requester's Employee #: 1940	Extension: 485	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 POLICE PACKAGE CHEVROLET TAHOES	6	EA	25,093.00	\$150,558.00	9700.1920.5802.00	02081.2012		
2	PER STATE VEHICLE CONTRACT TO BE :				\$0.00				
3	UNIT 1253, FA 701253, UNIT 1254, FA 701254				\$0.00				
4	UNIT 1255, FA 701255, UNIT 1256 FA 701256				\$0.00				
5	UNIT 1257, FA 701257, UNIT 1258, FA 701258				\$0.00				
6	UPFIT ITEMS: CAGE UNIT, CONSOLE, LIGHT BAR,	6	EA	10,000.00	\$60,000.00	9700.1920.5802.00	02081.2012		
7	WINDOW SCREENS, ETC. AS SPECIFIED				\$0.00				
8	2013 POLICE PKG TAHOE, PER STATE CONTRACT	1	EA	25,093.00	\$25,093.00	9700.1920.5802.00	02081.2013		
9	TO BE UNIT 1259, FA 701259; UPFIT ITEMS AS				\$0.00				
10	SPECIFIED: CAGE, CONSOLE, LIGHT BAR, ETC	1	EA	10,000.00	\$10,000.00	9700.1920.5802.00	02081.2013		
	Shipping/Handling		Lot		\$0.00				

Special Instructions:	Subtotal: \$245,651.00
	Tax: EXEMPT
	Total: \$245,651.00

Vendor #: 13292 Vendor Name: BALE CHEVROLET

Address: Fob Point: City: State: Zip Code: Ship to code: 50

Requester: BARBARA OLSEN Requester's Employee #: 1940 Extension: 485

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

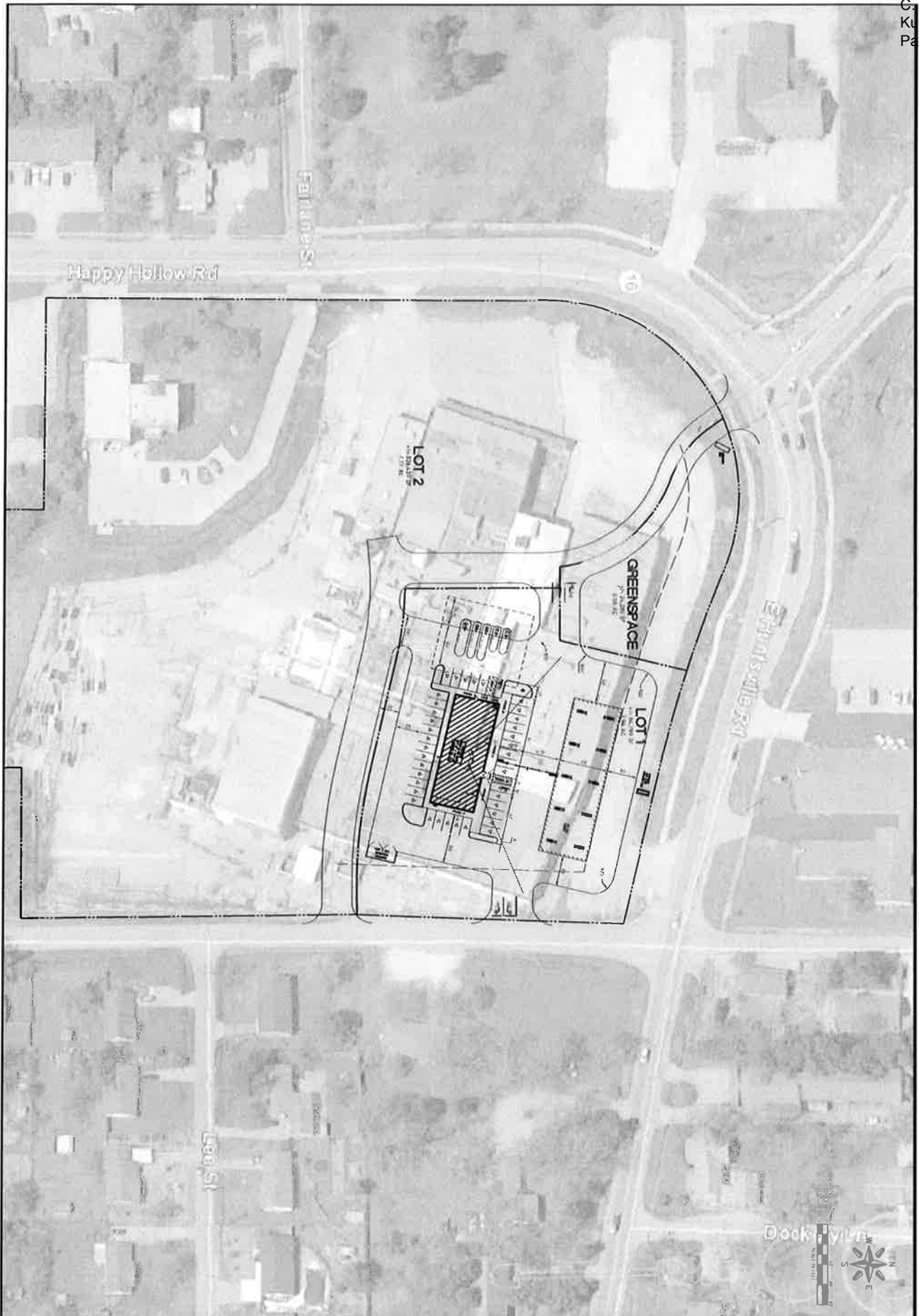
FROM: Kit Williams, City Attorney

DATE: January 8, 2013

RE: Concept Plat from CEI for Kum & Go

Attached please find "Concept 4" for the Lot proposed to be sold to Kum & Go, L.C. It has agreed to remove the direct driveway access onto Huntsville and eliminate one of the curb cuts onto the southern drive or street. The lot is still less than 2 acres, but is now shown to be about 1.94 acres.

One thing that needs to be clarified is that **only City of Fayetteville owned property** within a mile of this site would be restricted from being sold to be used as a convenience store/gas station. **There would be no such restrictions for privately owned property.** This restriction would primarily affect the other possible commercial lot along Happy Hollow (Highway 16 East) which is part of the 10 acre Tyson factory parcel.



SHEET NUMBER 1 OF 1	DATE 11/28/12	REVISION DESCRIPTION REVISIONS	STORE XXX, FAYETTEVILLE, AR HAPPY HOLLOW CONCEPT 4		
	6660 Westwood Parkway West One, Missouri, 64086 P: 417-526-0108 F: 417-526-0812				

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
January 03, 2013**

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

A meeting of the Fayetteville City Council was held on January 03, 2013 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

Oaths of Office:

Sarah Marsh	Alderman Ward 1
Matthew Petty	Alderman Ward 2
Martin W. Schoppmeyer, Jr.	Alderman Ward 3
Alan T. Long	Alderman Ward 4
Lioneld Jordan	Mayor
Sondra E. Smith	City Clerk Treasurer

Judge Moore administrated the oaths of office.

Roll Call

PRESENT: Alderman Gray, Marsh, Kinion, Petty, Tennant, Schoppmeyer, Long, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Election of Vice Mayor

Alderman Petty: I would like to nominate Adella Gray for Vice Mayor. I would like to nominate Adella because of her seniority and because we just lost 24 years of experience on the Council. I think the historical knowledge Adella will bring to the position is invaluable.

Alderman Petty moved to nominate Alderman Gray as Vice Mayor. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Alderman Adella Gray was elected as Vice Mayor

Report on the Firemen's and Policemen's Pension and Relief Fund – Mayor Lioneld Jordan.

Mayor Jordan presented the report on the Firemen's and Policemen's Pension and Relief Fund.

A copy of the report is attached.

Housing Authority Board Appointments

Mayor Jordan read the request from the Fayetteville Housing Authority to appoint the following:

Leon Jones, Jr. a five year term from December 28, 2012 to December 28, 2017.

Mike Emery an unexpired term of three years from December 28, 2012 to December 28, 2015.

Alderman Kinion moved to approve the appointments. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Agenda Additions:

The following item was added to the City Council meeting:

Survey Citizens' Priorities for Capital Projects of a Cultural Nature: A resolution to express the City Council's intention to survey citizens' priorities for Capital Projects of a cultural nature.

Alderman Gray moved to add Survey Citizens' Priorities for Capital Projects of a Cultural Nature to the agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Alderman Petty: The Walton Arts Center has proposed a use for the HMR bond reauthorization. There also appears to be interest to dedicate some of that money to the development of a regional park. This is to get the voters input.

Alderman Tennant: When you look at hundreds of thousands of dollars the input helps all of us.

Alderman Petty: We are asking the A&P Commission to cost share half the cost with a total cost not to exceed \$20,000. We would like to collect ideas and proposals from Council members and Commissioners, why the proposals should be funded. We would allow the public to comment on the proposals and then incorporate the comments into survey questions.

Mayor Jordan: Is there going to be a committee formed on how to draw up the questions.

Alderman Petty: I am not sure yet.

Alderman Tennant: I expect the A&P Commission to do their due diligence and give their input and then I would not be opposed to a committee.

Alderman Kinion: I appreciate this being brought to our attention. It will allow the A&P Commission to move forward and for us to work together.

Mayor Jordan: I don't think you can ever go wrong with hearing from the people.

Alderman Tennant asked Alderman Petty if he would mind removing part of the resolution.

Alderman Petty agreed with the change.

Alderman Tennant moved to amend the resolution. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

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

Resolution 01-13 as recorded in the office of the City Clerk.

Consent:

Approval of the December 4, 2012 and December 18, 2012 City Council meeting minutes.

Approved

Arkansas Entertainers Walk of Fame: A resolution to express the City Council's intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk of Fame on sidewalks around the interior of the Square and on Center Street.

Resolution 02-13 as recorded in the office of the City Clerk.

Alderman Kinion moved to approve the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Unfinished Business: None

New Business:

Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone: An ordinance to amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone (A) Applicability to add the block of Ila between Wilson and Vandeventer to this zone.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: The reason this was brought forward is this is the highest density block that is immediately adjacent to the entertainment district of downtown Fayetteville. It is the only block that is unique in that it has two sorority houses. The addition of the new housing unit at 555 Maple Street is adding higher density. The addition of the new development has taken parking otherwise that was rented by the sorority so they do not have the parking availability that they used to have. Additionally with the parking regulation on Vandeventer the sorority's used to be able to park on Vandeventer Avenue and they can no longer use that as parking. They are restricted in the church parking lot by University Baptist Church because that is the area where construction activity is staged for the new building. This has placed a burden in a unique way on this block of Ila Street due to the density. The parking that would have been available on the alley between Ila Street and Louise Street has been vacated over the years. That is why I brought this forward and it needs to be seriously considered. We are encouraging high density development in this area, but at the same time we need to protect the integrity of the neighborhood and offer the neighborhood the same opportunities for on street parking that we offer in other high density areas of the entertainment district and downtown.

Alicia Williams spoke in favor of the resolution.

Greg Thoma, 414 West Ila: Since the construction and change in parking associated with the church parking lot we have seen a tremendous increase in demand for parking spaces on our street. It makes it very difficult. I would appreciate you voting in favor of this.

Steve Devore 421 West Ila: There are nine houses on that street. There is only parking on one side of the street. If this goes forward how do we decide who gets what? I agree there is a problem.

Don Marr, Chief of Staff: Staff has identified 16 parking spaces within this block. The current policies allow for four residential stickers per house location and two guest tags. For the houses

on that street there are certainly not enough parking spaces if every tag or permit is issued. It would protect it as a street that can only be parked on by people who have a residential permit or guest pass.

David Jurgens, Utilities Director: It would become a first come first serve for folks north of Dickson Street.

Alderman Kinion: This was a concern when I looked at this. This allows an equitable situation between the houses and residents that are there.

Steve Devore: It is a first come first serve basis?

David Jurgens: Not in terms of who gets parking passes. Every resident who lives on that street and brings in a vehicle registration and proves the vehicle registration is for that address will receive a parking sticker. They will receive parking stickers for up to four vehicles per house. In terms of who gets a parking space that is first come first serve.

Melinda Jones Sellers, 408 Ila: Some of the residents have never had a driveway. The idea is to accommodate those of us that have lived on the street a long time.

Alderman Kinion 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 Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: Is there some staging going on in that area that is taking some of the parking away right now.

Alderman Kinion: A few of the spaces. The impact that is mainly occurring is the growth of the overall density. The whole nature of the area has changed as we have matured into a high density area. This offers the same protections or opportunities for the high density areas that we recognize in downtown where parking has been impacted.

Alderman Tennant: The only thing that bothers me about this is there is so much going on within a baseball throw. I can't help but think that impacts the parking. I would be more comfortable in voting once the apartment complex is complete. If it is because the university is growing it is going to continue to get worse not only on that block but on other blocks and we will have more of these proposals come forward.

Alderman Kinion: Even before the construction this was already occurring. The problem is the high density with the sororities.

Alderman Gray asked why the alleys are no longer used.

Alderman Kinion: They have been vacated. If we had protected that alley it would have alleviated this problem.

Alderman Tennant: I would prefer to leave it where it is and not go through all the readings tonight.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Tennant and Schoppmeyer voting no. Alderman Adams was absent.

Ordinance 5558 as Recorded in the office of the City Clerk

Amend §151.01 Definitions and §174.08 Prohibited Signs: An ordinance to amend §151.01 Definitions and §174.08 Prohibited Signs of the Unified Development Code of Fayetteville to clarify regulations concerning electronic message boards.

City Attorney Kit Williams: The Planning Department has suggested a couple of changes to the names of the definitions. I would ask that the ordinance be amended to the revised ordinance that was handed out tonight.

Alderman Long moved to amend the ordinance to the one that was handed out at the City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5559 as Recorded in the office of the City Clerk

Amend §31.30 (E)(1) and §31.45 (G)(1): An ordinance to amend §31.30 (E)(1) and §31.45 (G)(1) of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Alderman Petty: This is a simple ordinance house cleaning. The amount for a starting City Attorney that was set by the ordinance was lower than our pay scale so it needed to be updated. This sets the level the same way all the other elected officials are set.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5560 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

Adjournment: 7:10 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

*Handed out at the City Council meeting
01-15-13*



Departmental Correspondence



**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

**TO: Mayor Jordan
City Council**

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to be "Kit Williams", written over a horizontal line.

DATE: January 15, 2013

RE: Options

OPTIONS FOR THE CITY COUNCIL

Regarding Proposed Land Sale Agreement For Two Acre Parcel

I believe that the City Council has at least the following options regarding the proposed sale of about two acres of the ten acre Tyson factor site:

(1) **Approve the sale to Kum & Go, L.C.** for One Million Dollars, plus up to \$100,000.00 in demolition costs of the old factory and other terms with the Land Sale Agreement Kum & Go has provided. This would be accomplished by amending the old Resolution in your Agenda Packet to the new one handed out tonight and passing it.

(2) **Approve the sale to Casey's Marketing Company, Inc.** for One Million Dollars, plus up to \$100,000.00 in demolition costs of the old factory and other terms with the Land Sale Agreement Kum & Go has provided. This would be accomplished by amending the old Resolution in your Agenda Packet to the new one handed out tonight and passing it.

(3) **Table the Resolution** and authorize both parties to provide a sealed offer to sweeten or improve their offer so that the decision of which purchase offer is best for our citizens and City is made at the next (February 5, 2013) City Council meeting. This sealed offer to improve the current offer should be delivered to me in sealed envelope by 4:00 p.m. on February 5, 2013 and not opened until the City Council reaches the Old Business section for the Land Sale Agreement. I would

then publicly open and read such sealed offer to the City Council and provide it to City Clerk Sondra Smith for our records.

This sealed offer would only include whatever enhancements in price over and above the current offers that either Kum & Go or Casey's General Store would wish to make. This can be zero or any amount of additional money that the company wishes to make. No language to the effect that the company would match or equal the other company's final offer will be considered or have any operative effect. Only an actual amount of dollars increasing its current offer of \$1,000,000.00 will be considered.

The City Council will then consider both final offers and determine which is the most advantageous for the citizens and City of Fayetteville. No further offers to increase or match a competitor's bid will be considered.

If another party wished to submit its offer for this property, it must notify the Mayor's Office no later than 4:30 p.m. on January 28, 2013 by providing a signed Land Sale Agreement in the form as agreed to by both Kum & Go, L.C., and Casey's Marketing Company, Inc. in an amount of at least \$1,000,000.00. If the City determines that this is a valid and proper offer from a company that has established its financial and commercial ability to develop a good business on this parcel, this business will also be allowed to submit a final sealed improvement offer to the City Attorney's Office by 4:00 p.m. on February 5, 2013.

(4) The City Council may reject all offers to purchase this two acre site for \$1,000,000.00, plus another \$100,000.00 for the demolition of the old factory.



TO: Mayor Jordan
City Council

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

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

FROM: Kit Williams, City Attorney

DATE: January 15, 2013

RE: Resolution to Accept \$1,000,000.00 Offer
From Kum & Go, L.C.

We have received a signed original offer from Kum & Go, L.C. in the amount of **ONE MILLION DOLLARS** (\$1,000,000.00) for the two acre parcel of the old Tyson factory property. I have prepared the attached Resolution for the City Council's consideration and use if the City Council determines this is the best offer to purchase the two acre parcel.

If an Alderman wishes to propose that Kum & Go's million dollar offer be accepted, the Alderman should move to amend the Resolution in your Agenda Packet which I drafted when the only offer was one for \$900,000.00 from Kum & Go, L.C. to the Resolution attached to this memo.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT TWO ACRES OF THE TYSON FACTORY PROPERTY ON HUNTSVILLE ROAD FOR \$1,000,000.00 TO KUM & GO, L.C., TO AGREE TO COST SHARE WITH KUM & GO ROADS OR DRIVEWAYS WITHIN THE TYSON PROPERTY ADJOINING THIS TWO ACRE PARCEL AND THE DEMOLITION OF THE FACTORY, AND TO RECOMMEND REZONING THIS PARCEL TO NEIGHBORHOOD COMMERCIAL OR OTHER ZONING DISTRICT SATISFACTORY TO KUM & GO, L.C.

WHEREAS, the City of Fayetteville used portions of the Tyson factory's lot obtained in 2004 for Highway 16 East right-of-way needs and for the construction of a new fire station; and

WHEREAS, now Kum & Go, L.C. has offered to purchase about two acres of the remaining ten acres to be used for a Kum & Go gas station/convenience store; and

WHEREAS, the City Administration and Kum & Go, L.C. have worked out a proposed agreement in which Kum & Go, L.C. would pay \$1,000,000.00 for this two acre parcel and the City and Kum & Go would cost share 50/50 for the streets or driveways within the ten acre parcel on the west and south sides of the two acre parcel, Kum & Go would cost share 25% (up to \$100,000.00) for the demolition of the old factory and both parties would agree to the broad terms of the Concept Plat submitted by Kum & Go, L.C.

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 has determined that for the purposes of this proposed sale to Kum & Go, L.C., the parcel of about two acres should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C. prior to its conveyance.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Land Sale Agreement with Kum & Go, L.C. for the parcel shown on the concept plat (about two acres) for \$1,000,000.00 and sign the deed conveying such parcel to Kum & Go, L.C.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees: to cost share 50/50 with Kum & Go, L.C. for streets or driveways running from the intersection of Happy Hollow and Huntsville through the property (on the west side of the two acre lot) and along the southern border of this parcel to Ray Avenue; to cost share 75/25 (up to \$100,000.00)

for the demolition and removal of the Tyson factory; to agree not to sell any other city-owned property within one mile of this parcel for use of another convenience store/gas station, liquor store or tobacco store; and to agree to the development of this parcel in the general form shown in the Concept Plat attached to the Land Sale Agreement.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and Kum & Go, L.C., an Iowa limited liability company authorized to do business in Arkansas (hereinafter "Kum & Go").

The City of Fayetteville agrees to sell about a 1.96 acre parcel it owns which is a northeastern portion of the about 10 acre parcel of the old Tyson factory site at 1851 East Huntsville Road, Fayetteville, Arkansas to Kum & Go, L.C. for \$1,000,000.00 and to perform the other terms and conditions of this Agreement for this \$1,000,000.00 and Kum & Go's performance of all of the terms and promises set forth later in this Agreement.

Kum & Go, L.C. agrees to pay to the City of Fayetteville \$1,000,000.00 for this 1.96 acre parcel and to perform all of the terms set forth later in this Agreement for the City's performance of all of its required terms and conditions.

TERMS AND CONDITIONS

1. Sale

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a northeastern parcel of about 1.96 acres (hereinafter "**Development Site**") of the 10.05 acre parcel located at 1851 East Huntsville Road, Fayetteville, Arkansas (after it has been split or subdivided from the larger tract) by warranty deed to Kum & Go, L.C. for the amount of One Million Dollars (\$1,000,000.00). This Development Site of about 1.96 acres shall be as shown on the plat attached at Exhibit A and as more particularly described on Exhibit B (to be provided).

The parties agree that a new metes and bounds legal description of the Development Site will be determined and created pursuant to a survey and a lot split procedure for the Development Site. Kum & Go shall be responsible for the cost of any required survey of the Development Site.

2. Purchase

Subject to the terms and conditions, mutual promises and covenants of this Agreement, Kum & Go, L.C. agrees to buy the Development Site for \$1,000,000.00 to be paid to the City of Fayetteville on or before the Closing Date.

3. Demolition Of Tyson Factory

A. The City of Fayetteville agrees to demolish or pay a reputable contractor to demolish and remove unsalvageable debris of the old Tyson Factory to include removing its foundation, footings and slab within four months of both parties' execution of this Agreement.

B. In addition to the purchase price, Kum & Go, L.C. agrees to reimburse the City the lesser of 25% of the demolition and removal costs of the factory or \$100,000.00 within thirty (30) days after the City notifies Kum & Go that the demolition is complete. Such payment is not refundable unless the City materially breaches this Agreement.

4. Cost Shares for Streets/Driveways

The City of Fayetteville and Kum & Go agree to cost share 50/50 (both to pay equal amounts) of the design and construction expenses (including the reasonable value of City professional or construction activities) of a street or driveway from the intersection of Happy Hollow and Huntsville Road to the southwest corner of the Development Site and from that point to Ray Avenue along the southern border of the Development Site. The City will not charge Kum & Go for the property used for the roadway and the roadway shall remain City property, but the City shall grant Kum & Go and the public a full access easement to use these streets/driveways. Such street construction and cost share shall not occur until the Development Site has received formal development approval and actual construction by Kum & Go has commenced.

5. Landscaped Area

The area northwest of the Development Site and east of the road from the Happy Hollow intersection with Huntsville Road to the southwest corner of the Development Site shall be retained as City property. Kum & Go shall pay to have this property landscaped with a sufficient and prominent space left for a City

sculpture, monument, sign or piece of art as determined appropriate by the City Council. Kum & Go and the City shall jointly work on the landscaping plan which will not include items that would unduly block the view of Kum & Go's store from the Happy Hollow/Huntsville intersection. Kum & Go will pay for installation of necessary irrigation, but the City will be responsible for maintenance of this landscaped area once fully and properly installed. Parts of this area may be used for future Highway 16 right-of-way needs, including a possible roundabout to replace the current intersection.

6. Escrow Deposit

Within ten days after the execution of this Land Sale Agreement, Kum & Go will deposit with Waco Title Company, Fayetteville, Arkansas ("Escrow Agent") the sum of Fifteen Thousand Dollars (\$15,000.00) as the escrow deposit to be held, administered and disbursed in accordance with the terms of this Agreement.

7. Closing Date and Place

Closing shall occur within 180 days following the date this Agreement has been executed by both parties. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville. Kum & Go shall have the option to extend the Closing date by up two (2) consecutive sixty (60) day periods by notifying the City of Kum & Go's exercise of each such extension option. Upon the exercise of the first such extension option, \$5,000.00 of the Escrow Deposit shall become non-refundable to Kum & Go but applicable to the purchase price at Closing. Upon the exercise of the second such extension option, \$5,000.00 of the Escrow Deposit shall become non-refundable to Kum & Go, but applicable to the purchase price at Closing.

8. Date of Possession

Possession of the Development Site shall be delivered to Kum & Go on the Closing date free of any tenancies or other third party possessory rights.

9. Title Insurance

The City of Fayetteville shall order a title commitment on the Development Site, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by the City and acceptable to Kum & Go, for an ALTA Form B owner's policy, with extended coverage, or a comparable form,

from a title insurance company in the amount of the purchase price, covering the date of this Agreement, and said title insurance company shall provide to Kum & Go the basic owner's title insurance commitment within twenty (20) days of the effective date. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing from the proceeds due the City), the City shall have thirty (30) days from the date of Kum & Go's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, Kum & Go may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by the City of Fayetteville. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by Kum & Go.

10. Deed and Other Documents

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the premises by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes (to be apportioned between the parties) and existing easements. Kum & Go and the City of Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties provided however that Kum and Go shall be responsible for any revenue stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

11. Use Restriction

At Closing the City of Fayetteville shall restrict the use when sold to a third party of any and all real estate owned by the City of Fayetteville within one mile of the Development Site for a period of twenty (20) years by placing within any deed conveying such City owned property to a third party during the next 20 years a prohibition of the use of such property until 2033 for a gas station, convenience store, tobacco store, or business that generates more than 50% of its revenue from the sale of alcoholic beverages for off-premises consumption.

12. Real Estate Taxes

Real estate taxes shall be prorated in customary fashion to date of possession.

13. Risk of Loss

Risk of loss as to the Development Site shall remain with the City of Fayetteville until the Closing date.

14. Environmental Matters

The City warrants to the best of its knowledge and belief that (i) there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Development Site, (ii) the Development Site does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and (iii) the City had done nothing to contaminate the Development Site with hazardous wastes or substances. The City warrants that the Development Site is not subject to any local, state, or federal judicial or administrative action, investigation or other, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks. Kum & Go shall be responsible for the costs of any Phase I or Phase II environmental site assessment for the Development Site, and for the costs of other customary third party due diligence reports.

15. Kum & Go's Due Diligence

Kum & Go may enter upon the Development Site to conduct any surveying, testing or inspection it deems necessary to ensure the Development Site will be appropriate for the construction and use for a Kum & Go gas station/convenience store. If Kum & Go discovers any problems that would adversely impact its development and use of the Development Site for its store, Kum & Go shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Kum & Go.

16. Large Scale Development Approval

Kum & Go shall, at its sole cost and expense, prepare a Large Scale Development plat of the Development Site and obtain any and all approvals necessary for Kum & Go's intended use of the Development Site as a gas station/convenience store. The City shall reasonably cooperate with Kum & Go in Kum & Go's request for development approval of a gas station and convenience

store. Kum & Go must present its development proposal through the normal City process and follow the Unified Development Code requirements.

17. Kum & Go's Conditions Precedent

Kum & Go's obligation to close this transaction is expressly conditioned upon each of the following:

- (a) City shall have performed and complied in all material respects with all agreements, terms, and conditions required by this agreement to be performed by and complied with by City on or before the Closing date.
- (b) All representations, warranties and covenants of City contained in this Agreement shall be true and correct in all material respects as of the Closing date.
- (c) Kum & Go has obtained final approval of its Large Scale Development proposal to construct a gas station/convenience store on the Development Site.

If any of Kum & Go's conditions precedent have not been satisfied or complied with prior to the Closing date, Kum & Go may, by written notice to City within seven (7) days of the Closing date cancel and terminate this Agreement. In the event that this Agreement is terminated by Kum & Go as permitted by this Section, neither party shall retain any rights or obligations under this Agreement, except that the Escrow Deposit shall be returned to Kum & Go, except any portion thereof that has become non-refundable to Kum & Go and the 25% of demolition costs up to \$100,000.00 must still be paid to the City and not be refundable to Kum & Go unless the City has refused to grant reasonable development rights to Kum & Go after its good faith application for such development rights. Notwithstanding the foregoing, Kum & Go, in its sole discretion, may waive any conditions precedent in its favor and elect to proceed with the closing by the Closing date.

18. Broker

Kum & Go has been represented by David Erstine of CBRE | NW Arkansas during this sale and will be responsible to pay his brokerage fee.

19. Notices

Notices required by this Agreement shall be in writing and shall be delivered to:

Kum & Go, L.C.

ATTN: Real Estate Development
c/o Rob Wadle (or successor)
6400 Westown Parkway
W. Des Moines, Iowa 50266

or by FAX (515) 226-1595

or to:

City of Fayetteville

ATTN: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701 72701-6083

or by FAX (479) 575-8257.

20. Authority

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

21. Counterparts

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

22. Facsimile

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

23. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

24. Survival

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

25. No Waivers

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

26. Time of Essence

Time is of the essence in this Agreement.

27. Invalidity

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

28. Complete Agreement

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Kum & Go at closing.

Date: 11/15/2013

KUM & GO, L.C.

By: Niki Delphi Wips

Title: SVP, Store Development

Witness:

By: Stacie Hatch

Fed. I.D. No.: 42-1352663

FAX No.: (515) 457-6179

Address: 6400 Westown Parkway, West
Des Moines, IA 50266

Date: _____

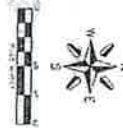
CITY OF FAYETTEVILLE,
ARKANSAS

By: _____
LIONELD JORDAN
Mayor

ATTEST:

By: _____
Sondra E. Smith, City Clerk





1 OF 1

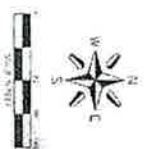
HUNTSVILLE RD.

GREENSPACE
+/- 15,876 SF
0.36 AC

LOT 1
+/- 84,799 SF
1.94 AC

LOT 2
+/- 338,439 SF
7.77 AC

RAY AVE.



Emailed to Alderman for the 1-15-13 CC mtg.

From: Jesse Fulcher
To: Branson, Lisa
CC: Garner, Andrew; Williams, Kit
Date: 1/15/2013 2:25 PM
Subject: Kum & Go concept plan and building elevations
Attachments: Kum & Go concept plan overall site.pdf; Kum & Go concept plan close up.pdf;
Kum & Go Elevations.pdf

I've attached the concept site plans (close up and overall site) and the proposed building elevations.

Jesse



1 OF 1 SHEET NUMBER	DATE 11/20/13	REVISION DESCRIPTION REVISIONS	SCALE 1" = 100'	STORE XXX, FAYETTEVILLE, AR HAPPY HOLLOW CONCEPT 5 - OVERALL	6600 Westland Parkway West Des Moines, Iowa P. 515-276-6126 F. 515-276-2873		 CEI Engineering Associates, Inc. 1001 E. 10th St., Suite 100 Des Moines, IA 50319 P. 515-276-6126 F. 515-276-2873





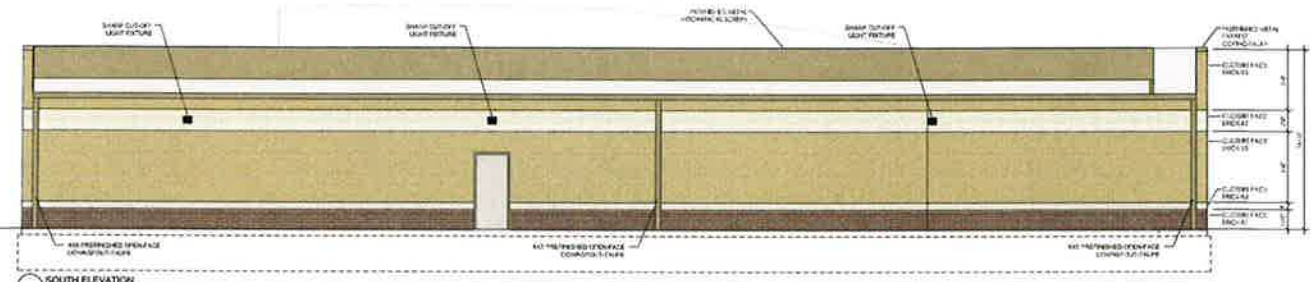
NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

KUM & GO FAYETTEVILLE, ARKANSAS
HUNTSVILLE AND HAPPY HOLLOW

SHIFFLER ASSOCIATES ARCHITECTS, P.L.C.

Emailed to Alderman for the 1-15-13 CC Mtg.



Departmental Correspondence



**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

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

FROM: Kit Williams, City Attorney

A blue ink handwritten signature, likely of Kit Williams, written over a horizontal line.

DATE: January 14, 2013

RE: Offer from Casey's Marketing Company, Inc. d/b/a/ Casey's General Store

This afternoon I received the attached Land Sale Agreement signed by Casey's Marketing Company, Inc. for the two acre parcel of the old Tyson factory property that is also sought by Kum & Go, L.C. Casey's has raised Kum & Go's offer of \$900,000.00 (plus other agreements) by \$100,000.00 to \$1,000,000.00 (plus the same agreements) for this property.

Casey's offer will be able to be considered along with Kum & Go's proposal at tomorrow night's meeting.

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and Casey's Marketing Company, an Iowa corporation authorized to do business in Arkansas (hereinafter "Casey's").

The City of Fayetteville agrees to sell an approximate 2 acre parcel it owns which is a northeastern portion of the about 10 acre parcel of the old Tyson factory site at 1851 East Huntsville Road, Fayetteville, Arkansas to Casey's for \$1,000,000.00 and to perform the other terms and conditions of this Agreement for this \$1,000,000.00 and Casey's performance of all of the terms and promises set forth later in this Agreement.

Casey's agrees to pay to the City of Fayetteville \$1,000,000.00 for this approximate 2 acre parcel and to perform all of the terms set forth later in this Agreement for the City's performance of all of its required terms and conditions.

TERMS AND CONDITIONS

1. Sale

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a northeastern parcel of approximately 2 acres (hereinafter "**Development Site**") of the 10.05 acre parcel located at 1851 East Huntsville Road, Fayetteville, Arkansas (after it has been split or subdivided from the larger tract) by warranty deed to Casey's for the amount of One Million Dollars (\$1,000,000.00). This Development Site shall be approximately 2 acres. The parties hereby agree that at this time there is no existing survey or plat of the Development Site. The parties acknowledge that the Development Site being conveyed to Casey's is a portion of a larger existing real estate parcel of which the City does not have a current legal description. The parties agree that the Development Site will be approximately located as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

The parties agree that a new metes and bounds legal description of the Development Site will be determined and created pursuant to a survey and a lot split procedure for the Development Site. Casey's shall be responsible for the cost of any required survey of the Development Site.

2. Purchase

Subject to the terms and conditions, mutual promises and covenants of this Agreement, Casey's agrees to buy the Development Site for \$1,000,000.00 to be paid to the City of Fayetteville on or before the Closing Date.

3. Demolition Of Tyson Factory

A. The City of Fayetteville agrees to demolish or pay a reputable contractor to demolish and remove unsalvageable debris of the old Tyson Factory to include removing its foundation, footings and slab within four months of both parties' execution of this Agreement.

B. In addition to the purchase price, Casey's agrees to reimburse the City the lesser of 25% of the demolition and removal costs of the factory or \$100,000.00 within thirty (30) days after the City notifies Casey's that the demolition is complete. Such payment is not refundable unless the City materially breaches this Agreement.

4. Cost Shares for Streets/Driveways

The City of Fayetteville and Casey's agree to cost share 50/50 (both to pay equal amounts) of the design and construction expenses (including the reasonable value of City professional or construction activities) of a street or driveway from the intersection of Happy Hollow and Huntsville Road to the southwest corner of the Development Site and from that point to Ray Avenue along the southern border of the Development Site. The City will not charge Casey's for the property used for the roadway and the roadway shall remain City property, but the City shall grant Casey's and the public a full access easement to use these streets/driveways. Such street construction and cost share shall not occur until the Development Site has received formal development approval and actual construction by Casey's has commenced.

5. Landscaped Area

An agreed upon area northwest of the Development Site and east of the road from the Happy Hollow intersection with Huntsville Road to the southwest corner of the Development Site shall be retained or easement granted for the City's use. Casey's shall pay to have this property landscaped with a sufficient and prominent space left for a City sculpture, monument, sign or piece of art as determined appropriate by the City Council. Casey's and the City shall jointly work on the landscaping plan which will not include items that would unduly block the view of Casey's store from the Happy Hollow/Huntsville intersection. Casey's will pay for installation of necessary irrigation, but the City will be responsible for maintenance of this landscaped area once fully and properly installed. Parts of this area may be used for future Highway 16 right-of-way needs, including a possible roundabout to replace the current intersection.

6. Escrow Deposit

Within ten days after the execution of this Land Sale Agreement, Casey's will deposit with Waco Title Company, Fayetteville, Arkansas ("Escrow Agent") the sum of Fifteen Thousand Dollars (\$15,000.00) as the escrow deposit to be held, administered and disbursed in accordance with the terms of this Agreement.

7. Closing Date and Place

Closing shall occur within 180 days following the date this Agreement has been executed by both parties. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville. Casey's shall have the option to extend the Closing date by up to two (2) consecutive sixty (60) day periods by notifying the City of Casey's exercise of each such extension option. Upon the exercise of the first such extension option, \$5,000.00 of the Escrow Deposit shall become non-refundable to Casey's but applicable to the purchase price at Closing. Upon the exercise of the last extension option, \$5,000.00 of the Escrow Deposit shall also become non-refundable to Casey's, but applicable to the purchase price at Closing.

8. Date of Possession

Possession of the Development Site shall be delivered to Casey's on the Closing date free of any tenancies or other third party possessory rights.

9. Title Insurance

The City of Fayetteville shall order a title commitment on the Development Site, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by the City and acceptable to Casey's, for an ALTA Form B owner's policy, with extended coverage, or a comparable form, from a title insurance company in the amount of the purchase price, covering the date of this Agreement, and said title insurance company shall provide to Casey's the basic owner's title insurance commitment within twenty (20) days of the signing of the Agreement. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing from the proceeds due the City), the City shall have thirty (30) days from the date of Casey's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, Casey's may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by the City of Fayetteville. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by Casey's.

10. Deed and Other Documents

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the premises by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes (to be apportioned between the parties) and existing easements. Casey's and the City of Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties provided however that Casey's shall be responsible for any revenue stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

11. Use Restriction

At Closing the City of Fayetteville shall restrict the use when sold to a third party of any and all real estate owned by the City of Fayetteville within one mile of the Development Site for a period of twenty (20) years by placing within any deed conveying such City owned property to a third party during the next 20 years

a prohibition of the use of such property until 2033 for a gas station, convenience store, tobacco store, or business that generates more than 50% of its revenue from the sale of alcoholic beverages for off-premises consumption.

12. *Real Estate Taxes*

Real estate taxes shall be prorated in customary fashion to date of possession.

13. *Risk of Loss*

Risk of loss as to the Development Site shall remain with the City of Fayetteville until the Closing date.

14. *Environmental Matters*

The City warrants to the best of its knowledge and belief that (i) there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Development Site, (ii) the Development Site does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and (iii) the City had done nothing to contaminate the Development Site with hazardous wastes or substances. The City warrants that the Development Site is not subject to any local, state, or federal judicial or administrative action, investigation or other, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks. Casey's shall be responsible for the costs of any Phase I or Phase II environmental site assessment for the Development Site, and for the costs of other customary third party due diligence reports.

15. *Casey's Due Diligence*

Casey's may enter upon the Development Site to conduct any surveying, testing or inspection it deems necessary to ensure the Development Site will be appropriate for the construction and use for a Casey's gas station/convenience store. If Casey's discovers any problems that would adversely impact its development and use of the Development Site for its store, Casey's shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Casey's.

16. Large Scale Development Approval

Casey's shall, at its sole cost and expense, prepare a Large Scale Development plat of the Development Site and obtain any and all approvals necessary for Casey's intended use of the Development Site as a gas station/convenience store. The City shall reasonably cooperate with Casey's in Casey's request for development approval of a gas station and convenience store. Casey's must present its development proposal through the normal City process and follow the Unified Development Code requirements.

17. Casey's Conditions Precedent

Casey's obligation to close this transaction is expressly conditioned upon each of the following:

- (a) City shall have performed and complied in all material respects with all agreements, terms, and conditions required by this agreement to be performed by and complied with by City on or before the Closing date.
- (b) All representations, warranties and covenants of City contained in this Agreement shall be true and correct in all material respects as of the Closing date.
- (c) Casey's has obtained final approval of its Large Scale Development proposal to construct a gas station/convenience store on the Development Site.

If any of Casey's conditions precedent have not been satisfied or complied with prior to the Closing date, Casey's may, by written notice to City within seven (7) days of the Closing date cancel and terminate this Agreement. In the event that this Agreement is terminated by Casey's as permitted by this Section, neither party shall retain any rights or obligations under this Agreement, except that the Escrow Deposit shall be returned to Casey's, except any portion thereof that has become non-refundable to Casey's and the 25% of demolition costs up to \$100,000.00 must still be paid to the City and not be refundable to Casey's unless the City has refused to grant reasonable development rights to Casey's after its good faith application for such development rights. Notwithstanding the foregoing, Casey's, in its sole discretion, may waive any conditions precedent in its favor and elect to proceed with the closing by the Closing date.

18. Broker

Casey's has been represented by Steve Fineberg & Associates, Inc. during this sale and will be responsible to pay their brokerage fee.

19. Notices

Notices required by this Agreement shall be in writing and shall be delivered to:

Casey's General Stores, Inc.

ATTN: Kirk Haworth

One S.E. Convenience Blvd.

P.O. Box 3001

Ankeny, IA 50021

or by FAX (515) 965-6107

or to:

City of Fayetteville

ATTN: Mayor's Office

113 W. Mountain Street

Fayetteville, AR 72701 72701-6083

or by FAX (479) 575-8257.

20. Authority

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

21. Counterparts

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

22. Facsimile

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

23. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

24. Survival

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

25. No Waivers

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

26. Time of Essence

Time is of the essence in this Agreement.

27. Invalidity

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

28. Complete Agreement

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Casey's at closing.

BUYER:

SELLER:

Date: 1/14/13

Date: _____

CASEY'S MARKETING COMPANY

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: 

SAM J. BILLMEYER
Vice President

By: _____

LIONELD JORDAN
Mayor

Witness:

ATTEST:

By: 

By: _____

Sondra E. Smith, City Clerk

Fed. I.D. No.: 42-1435913

FAX No.: (515) 965-6107

Address: One S.E. Convenience Blvd.
P.O. Box 3001
Ankeny, IA 50021



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

**TO: Mayor Jordan
City Council**

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

FROM: Kit Williams, City Attorney

DATE: January 15, 2013

**RE: Resolution to Accept \$1,000,000.00 Offer
From Casey's Marketing Company, Inc.**

Since we have received a signed original offer from Casey's Marketing Company, Inc. d/b/a Casey's General Store in the amount of **ONE MILLION DOLLARS** (\$1,000,000.00) for the two acre parcel of the old Tyson factory property, I have prepared the attached Resolution for the City Council's consideration and use if the City Council determines this is the best offer to purchase the two acre parcel.

If an Alderman wishes to propose that Casey's million dollar offer be accepted, the Alderman should move to amend the Resolution in your Agenda Packet which I drafted when the only offer was one for \$900,000.00 from Kum & Go, L.C. to the Resolution attached to this memo.

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT TWO ACRES OF THE TYSON FACTORY PROPERTY ON HUNTSVILLE ROAD FOR \$1,000,000.00 TO CASEY'S MARKETING COMPANY, INC., TO AGREE TO COST SHARE WITH CASEY'S MARKETING COMPANY, INC. ROADS OR DRIVEWAYS WITHIN THE TYSON PROPERTY ADJOINING THIS TWO ACRE PARCEL AND THE DEMOLITION OF THE FACTORY, AND TO RECOMMEND REZONING THIS PARCEL TO NEIGHBORHOOD COMMERCIAL OR OTHER ZONING DISTRICT SATISFACTORY TO CASEY'S MARKETING COMPANY, INC.

WHEREAS, the City of Fayetteville used portions of the Tyson factory's lot obtained in 2004 for Highway 16 East right-of-way needs and for the construction of a new fire station; and

WHEREAS, now Casey's Marketing Company, Inc. has offered to purchase about two acres of the remaining ten acres to be used for a Casey's Marketing Company, Inc. gas station/convenience store; and

WHEREAS, the City Administration and Casey's Marketing Company, Inc. have worked out a proposed agreement in which Casey's Marketing Company, Inc. would pay \$1,000,000.00 for this two acre parcel and the City and Casey's Marketing Company, Inc., would cost share 50/50 for the streets or driveways within the ten acre parcel on the west and south sides of the two acre parcel, Casey's Marketing Company, Inc., would cost share 25% (up to \$100,000.00) for the demolition of the old factory and both parties would agree to the broad terms of the Concept Plat submitted by Casey's Marketing Company, Inc.

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 has determined that for the purposes of this proposed sale to Casey's Marketing Company, Inc., the parcel of about two acres should be rezoned to Neighborhood Commercial or other zoning district agreeable to Casey's Marketing Company, Inc. prior to its conveyance.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign the attached Land Sale Agreement with Casey's Marketing Company, Inc. for the parcel shown on the concept plat (about two acres) for \$1,000,000.00 and sign the deed conveying such parcel to Casey's Marketing Company, Inc.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees: to cost share 50/50 with Casey's Marketing Company, Inc. for streets or driveways running from the intersection of Happy Hollow and Huntsville through the property (on the west side of the two acre lot) and along the southern border of this parcel to Ray Avenue; to cost share 75/25

(up to \$100,000.00) for the demolition and removal of the Tyson factory; to agree not to sell any other city-owned property within one mile of this parcel for use of another convenience store/gas station, liquor store or tobacco store; and to agree to the development of this parcel in the general form shown in the Concept Plat attached to the Land Sale Agreement.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Kit Williams handed out at the 1-15-13 CC mtg.

CASEY'S GENERAL STORES, INC.

P.O. Box 3001 • One Convenience Blvd., Ankeny, Iowa 50021-8045 • 515-965-6100

Sender's Direct-Dial Telephone Number: 515-965-6284

E-mail Address: doug.beech@caseys.com

Fax Number: 515-965-6160

January 14, 2013

Via Overnight Mail

City of Fayetteville
Attn: Kit Williams, City Attorney
113 West Mountain
Fayetteville, AR 72701

RE: Land Sale Agreement

Dear Kit:

Please find enclosed the original Land Sale Agreement that has been signed on behalf of Casey's Marketing Company. If the Agreement is approved by the City, please have it signed and return it back to my attention at Casey's.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,

Douglas M. Beech
Legal Counsel

DMB/slc
Enclosure

pc: Kirk Haworth/Melani Samora

t:\doug\real estate\fayetteville ar\williams-ltr 1-14-13.docx

LAND SALE AGREEMENT

This Land Sale Agreement is made and entered into by and between the City of Fayetteville, Arkansas, a municipal corporation of the State of Arkansas (hereinafter "City" or "Fayetteville") and Casey's Marketing Company, an Iowa corporation authorized to do business in Arkansas (hereinafter "Casey's").

The City of Fayetteville agrees to sell an approximate 2 acre parcel it owns which is a northeastern portion of the about 10 acre parcel of the old Tyson factory site at 1851 East Huntsville Road, Fayetteville, Arkansas to Casey's for \$1,000,000.00 and to perform the other terms and conditions of this Agreement for this \$1,000,000.00 and Casey's performance of all of the terms and promises set forth later in this Agreement.

Casey's agrees to pay to the City of Fayetteville \$1,000,000.00 for this approximate 2 acre parcel and to perform all of the terms set forth later in this Agreement for the City's performance of all of its required terms and conditions.

TERMS AND CONDITIONS

1. Sale

Subject to existing easements and rights of way and subject to the terms and conditions, mutual promises and covenants of this Agreement, the City of Fayetteville agrees to sell a northeastern parcel of approximately 2 acres (hereinafter "**Development Site**") of the 10.05 acre parcel located at 1851 East Huntsville Road, Fayetteville, Arkansas (after it has been split or subdivided from the larger tract) by warranty deed to Casey's for the amount of One Million Dollars (\$1,000,000.00). This Development Site shall be approximately 2 acres. The parties hereby agree that at this time there is no existing survey or plat of the Development Site. The parties acknowledge that the Development Site being conveyed to Casey's is a portion of a larger existing real estate parcel of which the City does not have a current legal description. The parties agree that the Development Site will be approximately located as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

The parties agree that a new metes and bounds legal description of the Development Site will be determined and created pursuant to a survey and a lot split procedure for the Development Site. Casey's shall be responsible for the cost of any required survey of the Development Site.

2. Purchase

Subject to the terms and conditions, mutual promises and covenants of this Agreement, Casey's agrees to buy the Development Site for \$1,000,000.00 to be paid to the City of Fayetteville on or before the Closing Date.

3. Demolition Of Tyson Factory

A. The City of Fayetteville agrees to demolish or pay a reputable contractor to demolish and remove unsalvageable debris of the old Tyson Factory to include removing its foundation, footings and slab within four months of both parties' execution of this Agreement.

B. In addition to the purchase price, Casey's agrees to reimburse the City the lesser of 25% of the demolition and removal costs of the factory or \$100,000.00 within thirty (30) days after the City notifies Casey's that the demolition is complete. Such payment is not refundable unless the City materially breaches this Agreement.

4. Cost Shares for Streets/Driveways

The City of Fayetteville and Casey's agree to cost share 50/50 (both to pay equal amounts) of the design and construction expenses (including the reasonable value of City professional or construction activities) of a street or driveway from the intersection of Happy Hollow and Huntsville Road to the southwest corner of the Development Site and from that point to Ray Avenue along the southern border of the Development Site. The City will not charge Casey's for the property used for the roadway and the roadway shall remain City property, but the City shall grant Casey's and the public a full access easement to use these streets/driveways. Such street construction and cost share shall not occur until the Development Site has received formal development approval and actual construction by Casey's has commenced.

5. Landscaped Area

An agreed upon area northwest of the Development Site and east of the road from the Happy Hollow intersection with Huntsville Road to the southwest corner of the Development Site shall be retained or easement granted for the City's use. Casey's shall pay to have this property landscaped with a sufficient and prominent space left for a City sculpture, monument, sign or piece of art as determined appropriate by the City Council. Casey's and the City shall jointly work on the landscaping plan which will not include items that would unduly block the view of Casey's store from the Happy Hollow/Huntsville intersection. Casey's will pay for installation of necessary irrigation, but the City will be responsible for maintenance of this landscaped area once fully and properly installed. Parts of this area may be used for future Highway 16 right-of-way needs, including a possible roundabout to replace the current intersection.

6. Escrow Deposit

Within ten days after the execution of this Land Sale Agreement, Casey's will deposit with Waco Title Company, Fayetteville, Arkansas ("Escrow Agent") the sum of Fifteen Thousand Dollars (\$15,000.00) as the escrow deposit to be held, administered and disbursed in accordance with the terms of this Agreement.

7. Closing Date and Place

Closing shall occur within 180 days following the date this Agreement has been executed by both parties. The Closing shall occur at 113 West Mountain Street, Fayetteville, Arkansas in a room supplied by the City of Fayetteville. Casey's shall have the option to extend the Closing date by up to two (2) consecutive sixty (60) day periods by notifying the City of Casey's exercise of each such extension option. Upon the exercise of the first such extension option, \$5,000.00 of the Escrow Deposit shall become non-refundable to Casey's but applicable to the purchase price at Closing. Upon the exercise of the last extension option, \$5,000.00 of the Escrow Deposit shall also become non-refundable to Casey's, but applicable to the purchase price at Closing.

8. Date of Possession

Possession of the Development Site shall be delivered to Casey's on the Closing date free of any tenancies or other third party possessory rights.

9. Title Insurance

The City of Fayetteville shall order a title commitment on the Development Site, as soon as practicable following the full execution of this Agreement, through a title insurance company selected by the City and acceptable to Casey's, for an ALTA Form B owner's policy, with extended coverage, or a comparable form, from a title insurance company in the amount of the purchase price, covering the date of this Agreement, and said title insurance company shall provide to Casey's the basic owner's title insurance commitment within twenty (20) days of the signing of the Agreement. If the report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing from the proceeds due the City), the City shall have thirty (30) days from the date of Casey's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, Casey's may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by the City of Fayetteville. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by Casey's.

10. Deed and Other Documents

On the Closing date, the City of Fayetteville shall convey marketable and insurable title to the premises by general warranty deed, free and clear of all liens, restrictions, and encumbrances except as provided in this Agreement, subject only to current real estate taxes (to be apportioned between the parties) and existing easements. Casey's and the City of Fayetteville shall equally share the cost a reasonable closing fee imposed by the closing agent employed by parties provided however that Casey's shall be responsible for any revenue stamps resulting from this transaction and all recordings fees for the deed and other documents that need to be filed.

11. Use Restriction

At Closing the City of Fayetteville shall restrict the use when sold to a third party of any and all real estate owned by the City of Fayetteville within one mile of the Development Site for a period of twenty (20) years by placing within any deed conveying such City owned property to a third party during the next 20 years

a prohibition of the use of such property until 2033 for a gas station, convenience store, tobacco store, or business that generates more than 50% of its revenue from the sale of alcoholic beverages for off-premises consumption.

12. *Real Estate Taxes*

Real estate taxes shall be prorated in customary fashion to date of possession.

13. *Risk of Loss*

Risk of loss as to the Development Site shall remain with the City of Fayetteville until the Closing date.

14. *Environmental Matters*

The City warrants to the best of its knowledge and belief that (i) there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Development Site, (ii) the Development Site does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and (iii) the City had done nothing to contaminate the Development Site with hazardous wastes or substances. The City warrants that the Development Site is not subject to any local, state, or federal judicial or administrative action, investigation or other, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks. Casey's shall be responsible for the costs of any Phase I or Phase II environmental site assessment for the Development Site, and for the costs of other customary third party due diligence reports.

15. *Casey's Due Diligence*

Casey's may enter upon the Development Site to conduct any surveying, testing or inspection it deems necessary to ensure the Development Site will be appropriate for the construction and use for a Casey's gas station/convenience store. If Casey's discovers any problems that would adversely impact its development and use of the Development Site for its store, Casey's shall notify the City which is granted sixty (60) days to remediate any problem. The City may also terminate this Agreement without penalty rather than remediating any problem or issue discovered by Casey's.

16. Large Scale Development Approval

Casey's shall, at its sole cost and expense, prepare a Large Scale Development plat of the Development Site and obtain any and all approvals necessary for Casey's intended use of the Development Site as a gas station/convenience store. The City shall reasonably cooperate with Casey's in Casey's request for development approval of a gas station and convenience store. Casey's must present its development proposal through the normal City process and follow the Unified Development Code requirements.

17. Casey's Conditions Precedent

Casey's obligation to close this transaction is expressly conditioned upon each of the following:

- (a) City shall have performed and complied in all material respects with all agreements, terms, and conditions required by this agreement to be performed by and complied with by City on or before the Closing date.
- (b) All representations, warranties and covenants of City contained in this Agreement shall be true and correct in all material respects as of the Closing date.
- (c) Casey's has obtained final approval of its Large Scale Development proposal to construct a gas station/convenience store on the Development Site.

If any of Casey's conditions precedent have not been satisfied or complied with prior to the Closing date, Casey's may, by written notice to City within seven (7) days of the Closing date cancel and terminate this Agreement. In the event that this Agreement is terminated by Casey's as permitted by this Section, neither party shall retain any rights or obligations under this Agreement, except that the Escrow Deposit shall be returned to Casey's, except any portion thereof that has become non-refundable to Casey's and the 25% of demolition costs up to \$100,000.00 must still be paid to the City and not be refundable to Casey's unless the City has refused to grant reasonable development rights to Casey's after its good faith application for such development rights. Notwithstanding the foregoing, Casey's, in its sole discretion, may waive any conditions precedent in its favor and elect to proceed with the closing by the Closing date.

18. Broker

Casey's has been represented by Steve Fineberg & Associates, Inc. during this sale and will be responsible to pay their brokerage fee.

19. Notices

Notices required by this Agreement shall be in writing and shall be delivered to:

Casey's General Stores, Inc.

ATTN: Kirk Haworth

One S.E. Convenience Blvd.

P.O. Box 3001

Ankeny, IA 50021

or by FAX (515) 965-6107

or to:

City of Fayetteville

ATTN: Mayor's Office

113 W. Mountain Street

Fayetteville, AR 72701 72701-6083

or by FAX (479) 575-8257.

20. Authority

Each of the undersigned individuals represent and warrant that they are authorized to enter into this Agreement on behalf of their respective entities and that execution hereof will bind the entities to this Agreement.

21. Counterparts

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

22. Facsimile

For purposes of executing this Agreement, a facsimile signature shall be as effective as an actual signature.

23. Applicable Law

This Agreement shall be construed and enforced in accordance with the laws and public policies of the State of Arkansas.

24. Survival

The representations, warranties, and agreements of the parties contained herein shall survive the closing date.

25. No Waivers

The waiver by either party hereto of any condition or the breach of any term, covenant or conditions herein contained shall not be deemed to be a waiver of any other condition or of any subsequent breach of the same or of any other term, covenant or condition herein contained.

26. Time of Essence

Time is of the essence in this Agreement.

27. Invalidity

If for any reason any term or provision of this Agreement shall be declared void and unenforceable by any court of law or equity it shall only affect such particular term or provision of this Agreement and the balance of this Agreement shall remain in full force and effect and shall be binding upon the parties hereto.

28. Complete Agreement

All understandings and agreements heretofore existing between the parties are merged into this Agreement that alone fully and completely expresses their agreement. This Agreement may be changed only in writing signed by both of the parties hereto and shall apply to and bind the successors and assigns of each of the parties hereto and shall not merge with the deed delivered to Casey's at closing.

BUYER:

SELLER:

Date: 1/14/13

Date: _____

CASEY'S MARKETING COMPANY

**CITY OF FAYETTEVILLE,
ARKANSAS**

By: _____


SAM J. BILLMEYER
Vice President

By: _____

LIONELD JORDAN
Mayor

Witness:

ATTEST:

By: _____



By: _____

Sondra E. Smith, City Clerk

Fed. I.D. No.: 42-1435913

FAX No.: (515) 965-6107

Address: One S.E. Convenience Blvd.

P.O. Box 3001

Ankeny, IA 50021

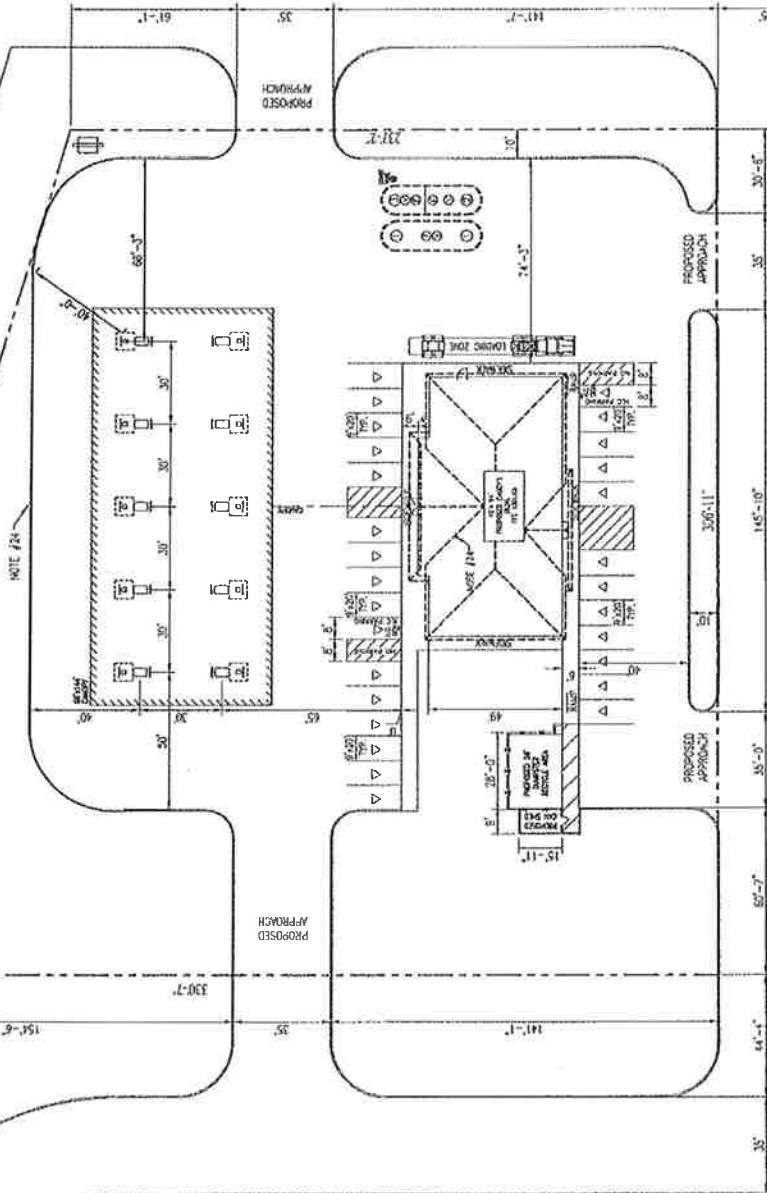
EXHIBIT "A"



Scale: 1" = 30'
 FAYETTEVILLE, AR
 DOUBLE-O FLIP STYLE STORE
 10 QUAD CANOPY
 DRAWN BY: LB
 TOTAL 30. FT. OF LOT = 97,125.47
 APPROX. 3 ADRESSES

HUNTSVILLE ROAD

DESIGNATED
GREEN SPACE



RAY AVENUE

CASEY'S General Stores, Inc.		FAYETTEVILLE, AR	
CASEY'S RETAIL COMPANY		One Convenience Blvd., P.O. Box 3001, Arkensy, Ia. 50021 515-965-0100	
1"=30'-0"	L. BURKE	CONSTRUCTION DIVISION	01-11-13
DOUBLE-O FLIP STYLE STORE		PLOT	

Emailed to Alderman for the 1-15-13 CC mtg.

From: "Amy Mills" <amy@arkrealestate.com>
To: "Kit Williams" <kwilliams@ci.fayetteville.ar.us>
Date: 1/15/2013 12:25 PM
Subject: Casey's Photo
Attachments: Caseys exterior 3.jpg; caseys exterior 1.jpg; Caseys exterior.jpg

Thank you Kit.

I am attaching a few photos of some other Casey's in Northwest Arkansas. We currently have 9 open stores in Northwest Arkansas and 6 more under construction. Hopefully you have visited one of our locations in Arkansas but if you haven't you will be surprised to see that the stores offer many features including home made to go items including subs, pizza and cookies.

If I can provide any other details about Casey's stores to help familiarize you and the council with Casey's stores let me know how I can help.

Amy

Amy Mills, CCIM
Executive Broker
Commercial Sales & Leasing
Steve Fineberg & Associates, Inc.
479-271-4161 (Office) 479-685-8875 (Cell)
www.arkrealestate.com

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

From: Kit Williams [mailto:kwilliams@ci.fayetteville.ar.us]
Sent: Tue 1/15/2013 10:58 AM
To: Amy Mills
Subject: RE: Attached Image

Amy,

We received and distributed Casey's better offer to the City Council. I will have a substitute Resolution ready to accept this offer if that is what the City Council wants to do tonight.

Kit

Kit Williams, Fayetteville City Attorney
(479) 575-8313
FAX (479) 575-8315
113 West Mountain
Fayetteville, AR 72701

>>> "Amy Mills" <amy@arkrealestate.com> 1/15/2013 9:37 AM >>>
Hi Kit,

Wanted to let you know that the client I called about earlier this month is Casey's as they disclosed in their offer to you yesterday.

I will be at the city council meeting tonight and look forward to meeting you.

If you need anything from me or Casey's before the meeting please let us

know.

Amy

Amy Mills, CCIM
Executive Broker
Commercial Sales & Leasing
Steve Fineberg & Associates, Inc.
479-271-4161 (Office) 479-685-8875 (Cell)
www.arkrealestate.com

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

From: Kit Williams [mailto:kwilliams@ci.fayetteville.ar.us]
Sent: Friday, January 04, 2013 3:58 PM
To: Lioneld Jordan
Subject: Fwd: Attached Image

Mayor,

Pursuant to their request, I am forwarding the proposed Land Sale Agreement to representatives of the other entities which might want to make an offer to buy the 1.87 acre parcel from the Tyson property.

Kit

Kit Williams, Fayetteville City Attorney
(479) 575-8313
FAX (479) 575-8315
113 West Mountain
Fayetteville, AR 72701



3075 W Pleasant Grove- Rogers, AR

A photograph of a Casey's restaurant and gas station. The building is a single-story structure with a dark brown gabled roof and brick accents. The "Casey's" logo is visible on the front facade. To the left, a gas station canopy extends over the parking area. Several vehicles are parked in the lot, including a white van with "M dwest" branding, a white pickup truck, a red car, and a white SUV. The sky is clear and blue.

Hwy 265 & Don Tyson- Springdale, AR



Hwy 265 & Don Tyson- Springdale, AR

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2013**

A meeting of the Fayetteville City Council will be held on January 15, 2013 at 6:00 PM 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:

1. State of the City Address – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the January 03, 2013 City Council meeting minutes.
2. **Bid #12-57 Williams Tractor:** A resolution pursuant to Bid #12-57 authorizing a contract with Williams Tractor, Inc. in the amount of \$24,900.00 for the purchase of one (1) round baler for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

3. **Bid #12-63, Hilbilt Sales Corporation-Arkansas:** A resolution pursuant to Bid #12-63 authorizing a contract with Hilbilt Sales Corporation-Arkansas in the amount of \$39,690.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.
4. **Bid #12-77, Terex Equipment Services:** A resolution pursuant to Bid #12-77 authorizing a contract with Terex Equipment Services in the total amount of \$83,284.00 for the purchase of two (2) Ford F-250 crew cab pickup trucks for use by the Fire Department.
5. **Bid #13-02, Reflectorized Paint Markings:** A resolution awarding Bid #13-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2013.
6. **Bid #13-03, Construction – Curb and Gutter:** A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as a primary supplier and Tomlinson Asphalt Co., Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
7. **Bid #13-04, Hillside Gravel:** A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
8. **Bid #13-05, Concrete:** A resolution awarding Bid #13-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
9. **Bid #13-06, Truck Hauling Services:** A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S&R Trucking, in equal amounts, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.
10. **Bid #13-07, Aggregate Materials:** A resolution awarding Bid #13-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2013.
11. **Bid #13-09, Drainage Pipe:** A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2013.
12. **Bid #13-10, Crushed Rock Salt:** A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$73.76 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

13. Bid #13-11, Screened Topsoil: A resolution awarding Bid #13-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed in calendar year 2013.

14. Landers Toyota of Little Rock: A resolution authorizing the purchase of three (3) Toyota Tacoma Compact pickup trucks in a total amount of \$69,875.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division, and approving a budget adjustment.

15. Bale Chevrolet of Little Rock: A resolution authorizing the purchase of seven (7) police package Chevrolet Tahoes in a total amount of \$245,651.00, pursuant to a state procurement contract, from Bale Chevrolet of Little Rock for use by the Police Department.

16. Ozarks Electric Cooperative Corporation: A resolution authorizing the transfer of an easement interest to Ozarks Electric Cooperative Corporation on certain city-owned property in Veterans Park to provide for a relocation of electrical utility service.

NB
#1
17. 2012 Arkansas Department of Environmental Quality E-Waste Grant: A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an e-waste coupon redemption program, and approving a budget adjustment.

B. Unfinished Business: None

C. New Business:

1. **Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2013 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.

2. **Refurbished Hazmat Truck:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Beverage Body and Trailer Service in the total amount of \$65,974.00 to purchase a refurbished hazmat truck for the Fire Department, and approving a budget adjustment.

3. **Amend §173.08 Energy Conservation Code:** An ordinance to adopt the 2011 Arkansas Energy Code for new building construction for Commercial and High-Rise Residential Construction projects including thermal and lighting efficiency standards as required by A.C.A. §15-10-205 by amending §173.08 Energy Conservation Code of the Fayetteville Code.

4. **Kum & Go, L.C.:** A resolution to authorize Mayor Jordan to sell about two acres of the Tyson Factory Property on Huntsville Road for \$900,000.00 to Kum & Go, L.C., to agree to cost share with Kum & Go roads or driveways within the Tyson Property adjoining this two acre parcel and the demolition of the factory, and to recommend rezoning this parcel to Neighborhood Commercial or other zoning district satisfactory to Kum & Go, L.C.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

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 aides in a City Council meeting as part of their presentation.

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

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

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

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
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Don has
needs updated
memo

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12. **Bid #13-10, Crushed Rock Salt for Roads:** A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of \$73.76 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

13. **Bid #13-11, Screened Topsoil:** A resolution awarding Bid #13-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed in calendar year 2013.
14. **Landers Toyota of Little Rock:** A resolution authorizing the purchase of three (3) Toyota Tacoma Compact pickup trucks in a total amount of \$69,875.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division, and approving a budget adjustment.
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17. **2012 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an e-waste coupon redemption program, and approving a budget adjustment.

B. Unfinished Business:

1.

C. New Business:

1. **Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2013 for the purchase of asphalt materials for use by the Transportation Division but requiring informal quarterly bids or quotes.
2. ***Refurbished Hazmat Truck***
~~Beverage Body and Trailer Service:~~ An ordinance waiving the requirements of formal competitive bidding and approving a contract with Beverage Body and Trailer Service in the total amount of \$65,974.00 to purchase a refurbished hazmat truck for the Fire Department, and approving a budget adjustment.
3. **Amend §173.08 Energy Conservation Code:** An ordinance to adopt the 2011 Arkansas Energy Code for new building construction for Commercial and High-Rise Residential Construction projects including thermal and lighting efficiency standards as required by A.C.A. §15-10-205 by amending §173.08 Energy Conservation Code of the Fayetteville Code.

- ✓ **Kum & Go, L.C.:** A resolution to authorize Mayor Jordan to sell about two acres of the Tyson Factory Property on Huntsville Road for \$900,000.00 to Kum & Go roads or driveways within the Tyson Property adjoining this two acre parcel and the demolition of the factory, and to recommend rezoning this parcel to neighborhood commercial or other zoning district satisfactory to Kum & Go, L.C.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

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Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2013**

A meeting of the Fayetteville City Council will be held on January 15, 2013 at 6:00 PM 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:

1. State of the City Address – Mayor Lioneld Jordan

Agenda Additions:

A. Consent:

1. Approval of the January 03, 2013 City Council meeting minutes.
2. **Bid #12-57 Williams Tractor:** A resolution pursuant to Bid #12-57 authorizing a contract with Williams Tractor, Inc. in the amount of \$24,900.00 for the purchase of one (1) round baler for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

3. **Bid #12-63, Hilbilt Sales Corporation-Arkansas:** A resolution pursuant to Bid #12-63 authorizing a contract with Hilbilt Sales Corporation-Arkansas in the amount of \$39,690.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.
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B. Unfinished Business: None

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- 1. 2012 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an e-waste coupon redemption program, and approving a budget adjustment.
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D. City Council Agenda Session Presentations: None

E. City Council Tour: Monday, January 14, 2013 at 4:30 p.m.

F. Announcements:

Adjournment:

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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 15, 2013**

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City of Fayetteville Staff Review Form

A. 2
 Bid #12-57 Williams Tractor
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution approving the purchase of one round baler in the amount of \$24,900 from Williams Tractor of Fayetteville, AR, bid #12-57, for use by Waste Water Noland Plant farm, and approval of a Budget Adjustment to move funds to the Fleet expense account.

\$ 24,900.00

Cost of this request

\$ 267,000.00

Category / Project Budget

Tractors / Mowers

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02083.2013

Project Number

\$ 267,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☒

Tony 2 Hickey
 Department Director

12-28-12
 Date

Previous Ordinance or Resolution # 165-12

Paul A. Beck
 City Attorney

12-28-12
 Date

Original Contract Date:

Original Contract Number:

Paul A. Beck
 Finance and Internal Services Director

1-2-2013
 Date

Received in City 12-23-12 P01:45 RCVD
 Clerk's Office

Don Mann
 Chief of Staff

1-2-13
 Date

Received in
 Mayor's Office

ENTERED
 12/28/12
 p.f.

Frank Jordan
 Mayor

1/2/13
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Dennis Pratt, Fleet Operations Supt.

Date: December 21, 2012

Subject: Purchase of one Round Baler for Waste Water Plant East

PROPOSAL: That City Council approve the purchase of one Round Baler in the amount of \$24,900 from Williams Tractor of Fayetteville, AR, bid #12-57 for use by Waste Water Noland Plant farm, and approval of a Budget Adjustment to move funds to the Fleet expense account.

RECOMMENDATION: Unit 5003 is a 2007 Round Baler that is no longer dependable and needs to be replaced.

Fleet recently purchased a round baler. We contacted the vendor and they have agreed to let us piggy-back bid 12-57 which saves the City the cost of having to re-bid it.

I recommend the purchase of one New Holland Round Baler from Williams Tractor of Fayetteville, AR in the amount of \$24,900.

This purchase was approved by the Equipment Committee at the meeting of December 27, 2012.

BUDGET IMPACT: This baler has been budgeted on both the capital and operating sides for 2013. The capital purchase price was underestimated, so a Budget Adjustment is attached to cover the shortfall.

RESOLUTION NO. _____

A RESOLUTION PURSUANT TO BID #12-57 AUTHORIZING A CONTRACT WITH WILLIAMS TRACTOR, INC. IN THE AMOUNT OF \$24,900.00 FOR THE PURCHASE OF ONE (1) ROUND BALER FOR USE AT THE NOLAND WASTEWATER TREATMENT FACILITY, AND APPROVING 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 pursuant to Bid #12-57 hereby authorizes a contract with Williams Tractor, Inc. in the amount of \$24,900.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility.

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 as Exhibit "A".

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 2 V12.0724
Bid #12-57 Williams Tractor
Page 4 of 6

Budget Year BY 2013	Division: Fleet Operations Department: Transportation Services	Request Date 1/15/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

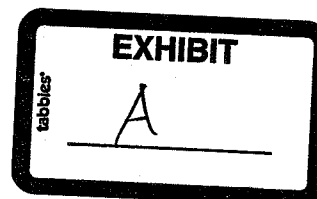
Unit #5003 (WWTP_F030) is a 2007 Round Baler that is being replaced. The purchase price was underestimated for the 2013 capital project. This Budget Adjustment will move funds from fund balance to cover the shortfall.

Sufficient funds remain to meet City objectives.

<u><i>Donna E. Porter</i></u> Division Head	<u>12-13-12</u> Date	Prepared By: <u>Barbara Olsen</u> bolsen
<u><i>[Signature]</i></u> Budget Director	<u>1/32</u> Date	Reference: _____
<u><i>Terry Z. Gullett</i></u> Department Director	<u>12-13-12</u> Date	Budget & Research Use Only
<u><i>Paul A. Buh</i></u> Finance Director	<u>1-2-2013</u> Date	Type: A B C D E P
<u><i>Don Man</i></u> Chief of Staff	<u>1-2-13</u> Date	General Ledger Date _____
<u><i>Lionel Jordan</i></u> Mayor	<u>1/2/13</u> Date	Posted to General Ledger Initial _____ Date _____
		Checked / Verified Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

TOTAL BUDGET ADJUSTMENT			<u>2400</u>	<u>2400</u>	
			Increase / (Decrease)		Project.Sub
Account Name	Account Number		Expense	Revenue	Number
Vehicles and equipment	9700.1920.5802.00	EX	2,400	-	02083 . 2013
Use of fund balance	9700.0970.4999.99	RI	/	2400	.
					.
					.





BID: 12-57
DATE: 07/06/12
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 12-57, Round Baler Re-Bid

BIDDER	Make & Model	Est. Quantity	TOTAL COST
1 Country Side Farm & Lawn	John Deere 458	1	\$24,942.00
2 Larson Farm & Lawn	John Deere 458	1	\$28,017.88
3 Williams Tractor, Inc.	New Holland BR7060	1	\$24,900.00

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

CERTIFIED:

P. Vice
P. VICE, PURCHASING MGR

Julie Paladino
WITNESS

07/06/12
DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #: 11133 Vendor Name: WILLIAMS TRACTOR						Requisition No.:		Date: A. 2 12/28/2012 Bid #12-57 Williams Tractor	
						P.O Number:		Expected Delivery Date:	
Address:						Fob Point:		Mail Yes: No: ☒	
						Zip Code:		Ship to code: 50	
City:						State:		Taxable Yes: No: ☒	
Requester: BARBARA OLSEN						Requester's Employee #: 1940		Quotes Attached Yes: No: ☒	
Division Head Approval:						Extension: 485			

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	ROUND BALER PER BID SPECS #12-57.	1	EA	24,900.00	\$24,900.00	9700.1920.5802.00	02083.2013		705037
2	TO BE UNIT 5037, FIXED ASSET 705037				\$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: \$24,900.00

Total: \$24,900.00

Approvals:

Mayor: _____

 Finance & Internal Services Director: _____

 Dispatch Manager: _____

Department Director: _____

 Budget Manager: _____

 Utilities Manager: _____

Purchasing Manager: _____

 IT Manager: _____

 Other: _____

City of Fayetteville Staff Review Form

A. 3
 Bid #12-63, Hilbilt Sales
 Corporation-Arkansas
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving the purchase of one end dump sludge hauler trailer in the amount of \$39,690 plus tax from Hilbilt Sales Corp - Arkansas, bid #12-63 for use by Waste Water Noland Plant, and approval of a Budget Adjustment to move funds to the Fleet expense account.

\$ 43,561.00

Cost of this request

\$ 969,000.00

Category / Project Budget

Other Vehicles & Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02080.2013

Project Number

\$ 969,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☒

Terry Gully
 Department Director

12-28-12
 Date

Previous Ordinance or Resolution # 167-12

John Kelly
 City Attorney

12-28-12
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beher
 Finance and Internal Services Director

1-2-2013
 Date

Received in City Clerk's Office 12-23-12 P01:44 RCVD
WKS

Jim Mann
 Chief of Staff

1-2-12
 Date

Received in
 Mayor's Office

ENTERED
 12/28/12
PH

Donnell Jordan
 Mayor

1/2/13
 Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation

From: Dennis Pratt, Fleet Operations Supt.

Date: December 21, 2012

Subject: Purchase of One end dump sludge Hauler for Waste Water

PROPOSAL: That City Council approve the purchase of one end dump sludge hauler trailer in the amount of \$39,690 plus tax from Hilbilt Sales Corp – Arkansas, bid #12-63 for use by Waste Water Noland Plant, and approval of a Budget Adjustment to move funds to the Fleet expense account. Multiple trailers are required at each treatment plant so that when one is filling with sludge, it allows one to be hauling sludge to the solar dryer site.

RECOMMENDATION: Unit 9105 – a Lufkin ULD end dump sludge hauler – was wrecked (totaled) in 2012 so it needs to be replaced.

Fleet recently purchased an end dump sludge hauler. We contacted the vendor and they have agreed to let us piggy-back bid 12-63 which saves the City the cost of having to re-bid it.

I recommend the purchase of one Clement Starlite end dump trailer from Hilbilt Sales Corp – Arkansas in the amount of \$39,690 plus tax.

This purchase was approved by the Equipment Committee at the meeting of December 27, 2012.

BUDGET IMPACT: This trailer has been budgeted on both the capital and operating sides for 2013. The capital purchase price was underestimated, so a Budget Adjustment is attached to cover the shortfall.

RESOLUTION NO. _____

A RESOLUTION PURSUANT TO BID #12-63 AUTHORIZING A CONTRACT WITH HILBILT SALES CORPORATION-ARKANSAS IN THE AMOUNT OF \$39,690.00 FOR THE PURCHASE OF ONE (1) END-DUMP HAULER TRAILER FOR USE AT THE NOLAND WASTEWATER TREATMENT FACILITY, AND APPROVING 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 pursuant to Bid #12-63 hereby authorizes a contract with Hilbilt Sales Corporation-Arkansas in the amount of \$39,690.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility.

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 as Exhibit "A".

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 3/12.0724
Bid #12-63, Hilbilt Sales
Corporation-Arkansas
t Number 6

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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Sufficient funds remain to meet City objectives.

TOTAL BUDGET ADJUSTMENT

EXHIBIT

A



BID: 12-63
07/27/12
2:00 PM
CITY OF FAYETTEVILLE

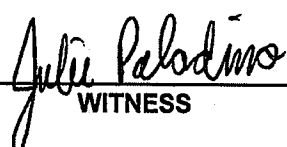
Bid 12-63, Dump Trailer Re-Bid

BIDDER	MANUFACTURER	MODEL	TOTAL BID PRICE
1 Hilbilt Sales Corporation - Arkansas	Clement Ind.	Starlite	\$39,690.00

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

CERTIFIED:


P. VICE, PURCH MGR


WITNESS

07/27/12
DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:
Date: 12/28/2012
P.O Number:
Expected Delivery Date:
A. S
Bid #12-63, Hilbilt Sales Corporation Arkansas
Page 6 of 6

Vendor #: 13491 Vendor Name: HILBILT SALES CORP Mail Yes: No: X

Address: Fob Point: Taxable Yes: x No: Quotes Attached Yes: No: x

City: State: Zip Code: Ship to code: 50 Division Head Approval: Requester's Employee #: 1940 Extension: 485

Requester: BARBARA OLSEN

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 CLEMENT STARLITE END DUMP TRAILER	1	EA	39,690.00	\$39,690.00	9700.1920.5802.00	02080.2013		709166
2	PER BID SPECS 12-63. TO BE UNIT 9166,				\$0.00				
3	FIXED ASSET #709166				\$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: \$39,690.00
Tax: \$3,671.33
Total: \$43,361.33

Approvals:
Mayor: Department Director: Purchasing Manager:
Finance & Internal Services Director: Budget Manager: IT Manager:
Dispatch Manager: Utilities Manager: Other:

City of Fayetteville Staff Review Form

A. 4
 Bid #12-77, Terex Equipment Services
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen
 Submitted By

Fleet Operations
 Division

Transportation
 Department

Action Required:

A resolution approving the purchase of two F250 Crew cab pickups in the amount of \$83,284 from Terex Equipment, bid #12-77 for use by Fire Department.

\$ 83,284.00
 Cost of this request

\$ 604,000.00
 Category / Project Budget

Light / Medium Trucks
 Program Category / Project Name

9700.1920.5802.00
 Account Number

\$ -
 Funds Used to Date

Vehicles and Equipment
 Program / Project Category Name

02078.2013
 Project Number

\$ 604,000.00
 Remaining Balance

Shop Fund
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry D. Bulley 12-28-12
 Department Director Date

Previous Ordinance or Resolution # 240-12

Dr. Bulley 12-28-12
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bulley 12-31-2012
 Finance and Internal Services Director Date

Received in City 12-28-12 P01:44 RCVD
 Clerk's Office

Don Man 1-2-13
 Chief of Staff Date

Received in
 Mayor's Office

ENTERED
 12/28/12
 J.H.

Donald Jordan 1/2/13
 Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TGA*

From: Dennis Pratt, Fleet Operations Supt.

Date: December 21, 2012

Subject: Purchase of two Pickups for Fire Department

PROPOSAL: That City Council approve the purchase of two pickups in the amount of \$83,284 from Terex Equipment, bid #12-77 for use by Fire Department.

RECOMMENDATION: Fire Dept has two pickups that are slated for replacement in 2013. Unit 2058 (a 2002 Ford F150) was originally scheduled for replacement in 2011 and was pushed back to 2013. Unit 2079 (a 2005 Chevy Silverado) was originally scheduled for replacement in 2012 and was pushed back to 2013. Neither truck is dependable for full time front line use; both are too lightweight to carry all the equipment needed by the Fire Dept.

Fleet recently purchased two Fire pickups. We contacted the vendor and they have agreed to let us piggy-back bid 12-77 which saves the City the cost of having to re-bid it.

I recommend the purchase of two new heavy duty pickups for Fire Dept. from Terex Equipment Services in the amount of \$83,284

This purchase was approved by the Equipment Committee at the meeting of December 27, 2012.

BUDGET IMPACT: These units were budgeted for on both the operating and capital sides for 2013.

RESOLUTION NO. _____

A RESOLUTION PURSUANT TO BID #12-77 AUTHORIZING A CONTRACT WITH TEREX EQUIPMENT SERVICES IN THE TOTAL AMOUNT OF \$83,284.00 FOR THE PURCHASE OF TWO (2) FORD F-250 CREW CAB PICKUP TRUCKS FOR USE BY THE FIRE 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 pursuant to Bid #12-77 hereby authorizes a contract with Terex Equipment Services in the total amount of \$83,284.00 for the purchase of two (2) Ford F-250 crew cab pickup trucks for use by the Fire Department.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED: _____

ATTEST: _____

By: _____
LIONELD JORDAN, Mayor

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

BID: 12-77
 11/01/12
 2:00 PM
 CITY OF FAYETTEVILLE



Bid 12-77, HD 4X4 Pickup Trucks Re-Bid

BIDDER	ITEM	Description	MANUFACTURER/MODEL	Quantity	Unit Price	TOTAL BID PRICE
1 George Nunnally Chevrolet	1	Full size HD Diesel (3/4 ton) Crew Cab 4 Wheel Drive Fire Engine Red Pickup Truck	Chevrolet Silverado 2500 HD	2	\$ 40,565.00	\$ 81,130.00
	2	Extendo Bed Model - EB-1275 Slide to fit between wheels	Extendo Bed EB-1272 (Chevrolet)	1	\$ 1,882.00	\$ 1,882.00
	3	Jotto Cargo Slide Medium Duty 1,200 lbs capacity Alumina Plank with weather awning	Jotto 1200 LB Alumaplane	1	\$ 1,654.00	\$ 1,654.00
						\$ 84,666.00
2 Springdale Chrysler Dodge Jeep Ram	1	Full size HD Diesel (3/4 ton) Crew Cab 4 Wheel Drive Fire Engine Red Pickup Truck	Dodge Ram 2500 ST Crew Cab 4x4	2	\$ 42,199.00	\$ 84,398.00
	2	Extendo Bed Model - EB-1275 Slide to fit between wheels	Extendo Bed EB-127 FOL Dodge Ram Trucks	1	\$ 1,816.92	\$ 1,816.92
	3	Jotto Cargo Slide Medium Duty 1,200 lbs capacity Alumina Plank with weather awning	Jotto Extendo BBO Cargo SLJ05 410-9055 and 410-9061	1	\$ 1,625.79	\$ 1,625.79
						\$ 87,840.71
3 Superior Dodge Chrysler Jeep Ram of NWA	1	Full size HD Diesel (3/4 ton) Crew Cab 4 Wheel Drive Fire Engine Red Pickup Truck	Ram 2500 4x4 Crew ST	2	\$ 40,078.00	\$ 80,156.00
	2	Extendo Bed Model - EB-1275 Slide to fit between wheels	Jotto 1200	1	\$ 2,081.25	\$ 2,081.25
	3	Jotto Cargo Slide Medium Duty 1,200 lbs capacity Alumina Plank with weather awning	Extendo Bed Co EB-1270	1	\$ 3,098.75	\$ 3,098.75
						\$ 85,336.00
4 Terex Equipment Services	1	Full size HD Diesel (3/4 ton) Crew Cab 4 Wheel Drive Fire Engine Red Pickup Truck	Ford 2013 F250 4x4 Crew (With Rhino & ARE Shell	2	\$ 38,968.00	\$ 77,936.00
	2	Extendo Bed Model - EB-1275 Slide to fit between wheels	Extendo Bed EB-1272 (New # by E.B.)	1	\$ 2,542.00	\$ 2,542.00
	3	Jotto Cargo Slide Medium Duty 1,200 lbs capacity Alumina Plank with weather awning	Jotto Cargo Slide with Awning 410-9055	1	\$ 2,806.00	\$ 2,806.00
						\$ 83,284.00

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

CERTIFIED:

P. Vice, PURCH MGR

P. Vice

WITNESS

Julie Paladino

DATE

11/01/12

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: 4/12/2012
P.O Number:	Expected Delivery Date:

Vendor #:	15379	Vendor Name:	TEREX EQUIPMENT	Mail Yes: ☐ No: ☒
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Address:	Fob Point:	Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval: <i>J. Beek</i>
-------	--------	-----------	------------------	--

Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
--------------------------	------------------------------	----------------

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 F250 CREW CAB 4 X 4 PICKUPS, PER BID	2	EA	41,642.00	\$83,284.00	9700.1920.5802.00	02083.2013		
2	#12-77. TO BE UNITS 2158, FIXED ASSET				\$0.00				702158
3	702158 AND 2159, FIXED ASSET 702159				\$0.00				702159
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:	\$83,284.00
Total:	\$83,284.00

Approvals:	Department Director: _____	Purchasing Manager: _____
Mayor: _____	Budget Manager: _____	IT Manager: _____
Finance & Internal Services Director: _____	Utilities Manager: _____	Other: _____
Dispatch Manager: _____		

City of Fayetteville Staff Review Form

A. 5
 Bid #13-02, ReflectORIZED
 Paint Markings
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013
 City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectORIZED paint markings, in variable amounts, for the Transportation Division, as needed through the end of calendar year 2013.

\$72,710.00
 Cost of this request

\$ -
 Category / Project Budget

Various Capital Projects
 Program Category / Project Name

4470.9470.5211.00
 Account Number

\$ -
 Funds Used to Date

Trail Improvements
 Transportation Improvements
 Program / Project Category Name

Various
 Project Number

-
 Remaining Balance

Sales Tax Capital Improvements
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry A. Gully 12-27-12
 Department Director Date

Previous Ordinance or Resolution # _____

John B. Kelly 12-27-12
 City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Bush 12-28-2012
 Finance and Internal Services Director Date

Received in City Clerk's Office 12-27-12 A09:29 RCVD

Don Mann 12-28-12
 Chief of Staff Date

Received in Mayor's Office

Frederick Jordan 12/31/12
 Mayor Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TG*

From: John Nelson, Management Accounting Coordinator *JN*

Date: December 19, 2012

Subject: Bid #13-02, Reflectorized Paint Markings

PROPOSAL:

A resolution awarding Bid #13-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-02 AND AUTHORIZING THE PURCHASE FROM ASPHALT STRIPING SERVICE, LLC OF REFLECTORIZED PAINT MARKINGS, IN VARIABLE AMOUNTS, FOR THE TRANSPORTATION DIVISION AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-02 and authorizes the purchase from Asphalt Striping Service, LLC of reflectORIZED paint markings, in variable amounts, for the Transportation Division as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-02
 DATE: 12/18/12
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 13-02, Construction - Reflectorized Paint Markings

Item	Description	Estimated Quantity	Asphalt Striping Service	
			Per Item	Extended
1	Reflectorized Paint Marking <u>White</u> (4") - Per Linear Foot	44,000	\$0.088	\$ 3,872.00
2	Reflectorized Paint Marking <u>Yellow</u> (4") - Per Linear Foot	501,000	\$0.088	\$ 44,088.00
3	Reflectorized Paint Marking Arrows - Per Each	170	\$70.00	\$ 11,900.00
4	Reflectorized Paint Marking (Words only: Lane, etc.) - Per Each	25	\$120.00	\$ 3,000.00
5	Reflectorized Paint Marking (Symbols only: Bike, ADA, etc.) - Per Each	130	\$45.00	\$ 5,850.00
6	Reflectorized Paint Marking <u>Yellow</u> (4" Walk-Behind Trail Striping) - Per Linear Foot	20,000	\$0.20	\$ 4,000.00
TOTAL BID BASED ON ESTIMATES =				\$ 72,710.00

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

CERTIFIED:

A. FOREN, PURCHASING AGENT

WITNESS

DATE

12/19/12

City of Fayetteville Staff Review Form

A. 6
 Bid #13-03, Construction –
 Curb and Gutter
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013
 City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier, Tomlinson Asphalt Co., Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$135,650.00
 Cost of this request

\$ -
 Category / Project Budget

Various Capital Projects
 Program Category / Project Name

4470.9470.xxxx.xx
 Account Number

\$ -
 Funds Used to Date

Transportation Improvements
 Program / Project Category Name

Various
 Project Number

-
 Remaining Balance

Sales Tax Capital Improvements
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry Z. Gully
 Department Director

12-27-12
 Date

Previous Ordinance or Resolution #

Dr. Kelly
 City Attorney

12-27-12
 Date

Original Contract Date:

Original Contract Number:

Paul A. Bueh
 Finance and Internal Services Director

12-28-2012
 Date

Received in City
 Clerk's Office

12-27-12 A09:32 RCVD

Don Man
 Chief of Staff

12-28-12
 Date

Received in
 Mayor's Office

ENTERED
 12/27/12
 JH

Lionel Jordan
 Mayor

12/31/12
 Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TG*

From: John Nelson, Management Accounting Coordinator *jl*

Date: December 26, 2012

Subject: Bid #13-03, Construction – Curb and Gutter

PROPOSAL:

A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier, Tomlinson Asphalt Co., Inc. as secondary supplier, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-03 AND AUTHORIZING THE PURCHASE OF CURB AND GUTTER CONSTRUCTION FROM SWEETSER CONSTRUCTION, INC. AS A PRIMARY SUPPLIER AND TOMLINSON ASPHALT CO., INC. AS SECONDARY SUPPLIER, IN VARIABLE AMOUNTS, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-03 and authorizes the purchase of curb and gutter construction from Sweetser Construction, Inc. as a primary supplier and Tomlinson Asphalt Co., Inc. as a secondary supplier, in variable amounts, and authorizes the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 13-03, Construction - Curb and Gutter

BID: 13-03
 DATE: 12/19/12
 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Description	Estimated Quantity	Fochtman Enterprises, Inc.		Sweetser Construction, Inc.		Tomlinson Asphalt Co, Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	5,000	\$9.60	\$48,000.00	\$9.00	\$45,000.00	\$10.50	\$52,500.00
2	Hand Formed "Type D" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	1,000	\$10.60	\$10,600.00	\$9.90	\$9,900.00	\$9.80	\$9,800.00
3	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	10,000	\$3.00	\$30,000.00	\$3.00	\$30,000.00	\$2.90	\$29,000.00
4	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	5,000	\$3.80	\$19,000.00	\$3.75	\$18,750.00	\$3.70	\$18,500.00
5	Street Repair - 8" Thick - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	2,000	\$5.80	\$11,600.00	\$5.50	\$11,000.00	\$4.00	\$8,000.00
6	Drop Inlet - Max 4' Deep (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing.	10	\$2,100.00	\$21,000.00	\$1,800.00	\$18,000.00	\$2,150.00	\$21,500.00
7	4 Foot Inlet Extension (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing	5	\$500.00	\$2,500.00	\$600.00	\$3,000.00	\$500.00	\$2,500.00
TOTAL BID BASED ON ESTIMATES=				\$142,700.00		\$135,650.00		\$141,800.00

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

CERTIFIED:

A. FOREN, PURCHASING AGENT

WITNESS

12/19/12
 DATE

City of Fayetteville Staff Review Form

A. 7
 Bid #13-04, Hillside Gravel
 Page 1 of 4

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

1/15/2012
City Council Meeting Date
Agenda Items Only

<u>John Nelson</u>	<u>Transportation</u>	<u>Transportation Services</u>
Submitted By	Division	Department

Action Required:

A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

<u>\$ 55,750.00</u> Cost of this request <u>4470.9470.xxxx.xx</u> Account Number <u>Various</u> Project Number	<u>\$ -</u> Category / Project Budget <u>\$ -</u> Funds Used to Date <u>\$ -</u> Remaining Balance	Various Capital Projects Program Category / Project Name Trail Improvements Transportation Improvements Program / Project Category Name Sales Tax Capital Improvements Fund Name
---	---	--

Budgeted Item ☒ Budget Adjustment Attached ☐

<u>Terry J. Gully</u>	<u>12-27-12</u>	Previous Ordinance or Resolution # _____
Department Director	Date	

<u>[Signature]</u>	<u>12-27-12</u>	Original Contract Date: _____
City Attorney	Date	

<u>Paul A. Behm</u>	<u>12-28-2012</u>
Finance and Internal Services Director	Date

Received in City Clerk's Office 12-27-12 A09:33 RCVD
[Signature]

<u>[Signature]</u>	<u>12-28-12</u>
Chief of Staff	Date

Received in Mayor's Office
 ENTERED 12/27/12
[Signature]

<u>[Signature]</u>	<u>12/31/12</u>
Mayor	Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TGB*

From: John Nelson, Management Accounting Coordinator *jln*

Date: December 19, 2012

Subject: Bid #13-04, Hillside Gravel

PROPOSAL:

A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-04 AND AUTHORIZING THE PURCHASE OF HILLSIDE GRAVEL FROM LES ROGERS, INC. FOR VARIABLE UNIT PRICES, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-04 and authorizes the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices as specified in the attached Exhibit "A", and authorizes the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-04
 DATE: 12/18/12
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Bid 13-04, Hillside Gravel

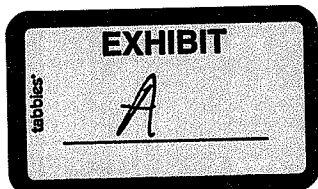
BIDDER	Red Hillside Gravel (Pickup & Loaded on City Truck - Material Cost Only)		Total	Red Hillside Gravel (Delivery Price Only - To be Added to the Cost of Material)		Total	TOTAL BID BASED ON ESTIMATES
	Est. Quantity	Price/Cubic Yd.		Est. Quantity	Price/Cubic Yd.		
1 Fochtman Enterprises, Inc.	15,000	\$ 1.65	\$ 24,750.00	10,000	\$ 3.50	\$ 35,000.00	\$ 59,750.00
2 Les Rogers, Inc.	15,000	\$ 1.39	\$ 20,850.00	10,000	\$ 3.49	\$ 34,900.00	\$ 55,750.00
3 Northwest Arkansas Quarries	15,000	\$ 3.00	\$ 45,000.00	10,000	\$ 4.25	\$ 42,500.00	\$ 87,500.00
4 Sweetser Construction, Inc.	15,000	\$ 1.50	\$ 22,500.00	10,000	\$ 4.00	\$ 40,000.00	\$ 62,500.00

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

CERTIFIED: A. Foren
 A. FOREN, PURCHASING AGENT

Julie Paladino
 WITNESS

12/19/12
 DATE



City of Fayetteville Staff Review Form

A. 8
Bid #13-05, Concrete
Page 1 of 4City Council Agenda Items
and
Contracts, Leases or AgreementsJanuary 15, 2013
City Council Meeting Date
Agenda Items OnlyJohn Nelson
Submitted ByTransportation
DivisionTransportation Services
Department

Action Required:

A resolution awarding Bid #13-05 and authorizing the purchase of concrete from Tune Concrete Company as primary supplier, Beaver Lake Concrete, Inc. as secondary supplier, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$284,765.00
Cost of this request\$ -
Category / Project BudgetVarious Capital Projects
Program Category / Project Name4470.9470.xxxx.xx
Account Number\$ -
Funds Used to DateTrail Improvements
Transportation Improvements
Program / Project Category NameVarious
Project Number\$ -
Remaining BalanceSales Tax Capital Improvements
Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐Terry J. Hulley
Department Director12-27-12
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney12-27-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Behn
Finance and Internal Services Director12-28-2012
Date

Received in City Clerk's Office 12-27-12 A09:33 RCVD

[Signature]
Chief of Staff12-28-12
Date

Received in Mayor's Office

ENTERED
12/27/12
[Signature][Signature]
Mayor12/31/12
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *T24*

From: John Nelson, Management Accounting Coordinator *JN*

Date: December 26, 2012

Subject: Bid #13-05, Concrete

PROPOSAL:

A resolution awarding Bid #13-05 and authorizing the purchase of concrete from Tune Concrete Company as primary supplier, Beaver Lake Concrete, Inc. as secondary supplier, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-05 AND AUTHORIZING THE PURCHASE OF CONCRETE FROM TUNE CONCRETE COMPANY AS A PRIMARY SUPPLIER AND BEAVER LAKE CONCRETE, INC. AS SECONDARY SUPPLIER, IN VARIABLE AMOUNTS, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-05 and authorizes the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as a secondary supplier, in variable amounts as specified in the attached Exhibit "A", and authorizes the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 13-05, Concrete

BID: 13-05
 DATE: 12/19/12
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE

Item #	Description	Est Qty (cubic yards)	APAC - Central, Inc.		Beaver Lake Concrete, Inc.		GCC/Mid-Continent Concrete		Tune Concrete Company	
			Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
1	3500 PSI 1 1/4" Max. Aggregate Size, 4" Slump	500	\$69.00	\$34,500.00	\$62.00	\$31,000.00	\$65.00	\$32,500.00	\$61.00	\$30,500.00
2	4000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	2,500	\$71.00	\$177,500.00	\$63.50	\$158,750.00	\$67.00	\$167,500.00	\$62.00	\$155,000.00
3	4000 PSI 1 1/4" Max. Aggregate Size With Fiber Reinforcement, 4" Slump	1,000	\$76.00	\$76,000.00	\$67.50	\$67,500.00	\$73.00	\$73,000.00	\$65.50	\$65,500.00
4	5000 PSI 1 1/4" Max. Aggregate Size, 4" Slump	100	\$73.00	\$7,300.00	\$68.00	\$6,800.00	\$71.00	\$7,100.00	\$66.00	\$6,600.00
5	Flowable Fill	50	\$62.00	\$3,100.00	\$58.00	\$2,900.00	\$59.00	\$2,950.00	\$55.00	\$2,750.00
6	1% Calcium Chloride Admixture - price to be added to concrete	100	\$2.50	\$250.00	\$2.00	\$200.00	\$3.00	\$300.00	\$2.00	\$200.00
7	2% Calcium Chloride Admixture - price to be added to concrete	60	\$5.00	\$300.00	\$4.00	\$240.00	\$6.00	\$360.00	\$4.00	\$240.00
8	Air Entraining Admixture - price to be added to concrete	2,500	Included	Included	No Bid	No Bid	Included	Included	\$0.00	\$0.00
9	Hot Water - price to be added to concrete	500	\$3.00	\$1,500.00	\$3.00	\$1,500.00	\$3.50	\$1,750.00	\$3.00	\$1,500.00
10	Chilled Water - price to be added to concrete	500	\$7.00	\$3,500.00	\$3.00	\$1,500.00	\$5.00	\$2,500.00	\$3.00	\$1,500.00
11	3/4" Rock - price to be added to concrete	3,000	N/C	N/C	\$1.00	\$3,000.00	\$2.00	\$6,000.00	\$1.25	\$3,750.00
12	Exposed Aggregate - price to be added to concrete	50	\$10.00	\$500.00	\$20.00	\$1,000.00	\$15.00	\$750.00	\$15.00	\$750.00
		Est Qty (per ton)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
14	Type I Portland Cement	100	No Bid	No Bid	\$124.00	\$12,400.00	No Bid	No Bid	\$130.00	\$13,000.00
15	Concrete Sand	100	\$26.00	\$2,600.00	\$18.00	\$1,800.00	No Bid	No Bid	\$21.50	\$2,150.00
16	Masonry Sand	50	\$26.00	\$1,300.00	\$19.50	\$975.00	No Bid	No Bid	\$21.50	\$1,075.00
		Est Qty (each)	Per Item	Extended	Per Item	Extended	Per Item	Extended	Per Item	Extended
17	Mobilization Fee (After Hours & Weekends)	1	\$500.00	\$500.00	\$250.00	\$250.00	\$500.00	\$500.00	\$250.00	\$250.00
18	Colored Concrete Washout Fee (Per Truck)	1	No Bid	No Bid	No Bid	No Bid	Included	Included	\$0.00	\$0.00
TOTAL BID PRICE=				\$308,850.00		\$289,815.00		\$295,210.00		\$284,765.00

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

CERTIFIED:

A. FOREN, PURCHASING AGENT

WITNESS

DATE

EXHIBIT

A

tabbles

City of Fayetteville Staff Review Form

A. 9
 Bid #13-06, Truck Hauling Services
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013
 City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S & R Trucking and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$77,940.00

Cost of this request

Category / Project Budget

Various Capital Projects

Program Category / Project Name

4470.9470.xxxx.xx

Account Number

\$

Funds Used to Date

Transportation Improvements

Program / Project Category Name

Various

Project Number

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry A. Gully
 Department Director

12-27-12
 Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

John A. Kelly
 City Attorney

12-27-12
 Date

Paul A. Besh
 Finance and Internal Services Director

12-28-2012
 Date

Received in City
 Clerk's Office

12-27-12 09:34 RCVD

Sp

Alan Man
 Chief of Staff

12-28-12
 Date

Received in
 Mayor's Office

ENTERED
 12/27/12
PH

Lionel Jordan
 Mayor

12/31/12
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TJH*

From: John Nelson, Management Accounting Coordinator *John*

Date: December 19, 2012

Subject: Bid #13-06, Truck Hauling Services

PROPOSAL:

A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S & R Trucking and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-06 AND AUTHORIZING THE PURCHASE OF TRUCK HAULING SERVICES FROM LES ROGERS, INC. AND S&R TRUCKING, IN EQUAL AMOUNTS, FOR VARIABLE UNIT PRICES, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-06 and authorizes the purchase of truck hauling services from Les Rogers, Inc. and S&R Trucking, in equal amounts, for variable unit prices as specified in the attached Exhibit "A", and authorizes the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-06
 DATE: 12/18/12
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 13-06, Truck Hauling Services

			Les Rogers, Inc.		S&R Trucking		Sweetser Construction, Inc.	
Item #	DESCRIPTION	Est. Quantity (hours)	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Truck Hauling Services - Asphalt Hauling hot mix asphalt from plant to paver. Truck bed shall be clean and free of contaminates. No trailer hitches protruding past rear tires. <u>For 2013 calendar year.</u>	1,000	\$64.95	\$64,950.00	\$64.95	\$64,950.00	\$75.00	\$75,000.00
2	Truck Hauling Services - Misc. Hauling excavation/construction debris - may include rock, dirt, chunks of concrete. EXCLUDES ASPHALT. <u>For 2013 calendar year.</u>	200	\$64.95	\$12,990.00	\$64.95	\$12,990.00	\$75.00	\$15,000.00
				\$77,940.00			\$77,940.00	\$90,000.00

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

CERTIFIED:

A. Foren

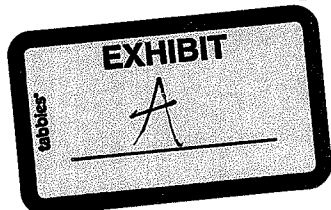
A. FOREN, PURCHASING AGENT

John Paladino

WITNESS

12/19/12

DATE



City of Fayetteville Staff Review Form

A. 10
 Bid #13-07, Aggregate Materials
 Page 1 of 6

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013
 City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-07, Aggregate on a line item basis as specified in this memo, authorizing the use of other bidders based on price and availability, and approving the purchase of aggregate materials for the unit price amounts specified on the attached bid tabulation, as needed through the end of calendar year 2013.

\$229,190.00
 Cost of this request

Category / Project Budget

Various Capital Projects
 Program Category / Project Name

4470.9470.xxxx.xx
 Account Number

\$ -
 Funds Used to Date

Transportation Improvements
 Program / Project Category Name

Various
 Project Number

-
 Remaining Balance

Sales Tax Capital Improvements
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry J. Gully
 Department Director 12-27-12
 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature]
 City Attorney 12-27-12
 Date

Original Contract Number: _____

Paul A. Becher
 Finance and Internal Services Director 12-28-2012
 Date

Received in City Clerk's Office 12-27-12 A09:34 RCV
[Signature]

Don Man
 Chief of Staff 12-28-12
 Date

Received in Mayor's Office
 12/27/12
[Signature]

Frederick Jordan
 Mayor 12/31/12
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TG*

From: John Nelson, Management Accounting Coordinator *jln*

Date: December 21, 2012

Subject: Bid #13-07, Aggregate

PROPOSAL:

The purchase of bulk construction materials and services is necessary to maintain the City's current infrastructure and to implement the Capital Improvement Program projects outlined in the 2013 Annual Budget & Work Program and five-year Capital Improvement Program.

Sealed formal bids for aggregate materials were publicly read and the results are attached to this memo. The following in-house hauling costs were disclosed in the Invitation to Bid for Bid 13-07, Aggregate.

City Costs:

- i. City Staff – Maintenance Worker III (Truck Driver) = \$14.28 / hour
- ii. 10-Wheel Dump Truck (15 ton capacity) = \$10.36 / hour
- iii. Tri-Axle Dump Truck (18 ton capacity) = \$10.89 / hour
- iv. 10-Wheel Dump Truck (15 tons) + Truck Driver = \$24.64 / hour
- v. Tri-Axle Dump Truck (18 tons) + Truck Driver = \$25.17 / hour

The following mileages were calculated based on the distance from each supplier's location to the City of Fayetteville Transportation Division, utilizing Google Maps:

- APAC – Central, Inc. – 17.1 miles, 22 minutes
- Northwest Arkansas Quarries – 15.5 miles, 27 minutes
- Rogers Group, Inc. (Lowell Quarry) – 15.8 miles, 29 minutes
- Rogers Group, Inc. (Hamstring Quarry) – 10.1 miles, 19 minutes

The following City hauling costs were calculated based on the information shown above and added to the unit price per ton in order to fairly evaluate the bids submitted by each potential supplier. The calculation method consisted of converting the mileage and drive time to a percentage of an hour. The resulting percentages were multiplied by the tri-axle dump truck + truck driver cost and divided the dump truck capacity to arrive at the cost per ton added to the original unit price in each bid. Based on the aforementioned method of calculation, the following unit costs were added to the unit bid prices for each potential supplier:

- APAC – Central, Inc. – \$0.50 per ton
- Northwest Arkansas Quarries – \$0.63 per ton
- Rogers Group, Inc. (Lowell Quarry – OPT 1) – \$0.67 per ton
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – \$0.45 per ton

RECOMMENDATION:

Staff recommends awarding the aggregate materials bid on a line item basis as follows:

1. Class 7 Base (SB-2): Primary Supplier: APAC – Central, Inc.
 Secondary Supplier: Northwest Arkansas Quarries
2. Concrete Aggregate – 1.5”: Primary Supplier: Northwest Arkansas Quarries
 Secondary Supplier: APAC – Central, Inc.
3. Concrete Aggregate – ¾”: Primary Supplier: Northwest Arkansas Quarries
 Secondary Supplier: APAC – Central, Inc.
4. “B” Stone: Primary Supplier: APAC – Central, Inc.
 Secondary Supplier: Northwest Arkansas Quarries
5. Abrasives / Grit: Primary Supplier: Northwest Arkansas Quarries
 Secondary Supplier: APAC – Central, Inc.
6. Shot Rock: Primary Supplier: APAC – Central, Inc.
 Secondary Supplier: Northwest Arkansas Quarries
7. Rip Rap – Limestone Primary Supplier: Northwest Arkansas Quarries
 Secondary Supplier: APAC – Central, Inc.

Secondary suppliers are awarded for use on an “as needed” basis in the event that the primary supplier cannot provide the necessary materials or services within the time frame required to complete a project.

BUDGET IMPACT:

Funds for the acquisition of these materials have been budgeted in various capital projects within the Sales Tax Capital Improvements fund.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-07 AND AUTHORIZING THE PURCHASE OF AGGREGATE MATERIALS FOR VARYING UNIT PRICES FROM VARIOUS VENDORS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-07 and authorizes the purchase of aggregate materials for varying unit prices from various vendors, as shown in the attached Exhibit "A", as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



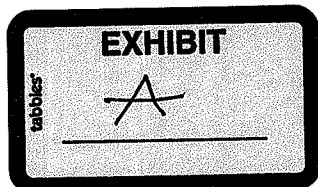
Bid 13-07, Aggregate Materials

BID: 13-07
DATE: 12/18/12
2:00 PM
CITY OF FAYETTEVILLE

Item	DESCRIPTION	Estimated Tons	APAC - Central, Inc.		Northwest Arkansas Quarries		Rogers Group, Inc. (Option 1)		Rogers Group, Inc. (Option 2)	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Class 7 Base (SB-2) - includes wet and dry	30,000	\$5.15	\$154,500.00	\$5.45	\$163,500.00	\$6.50	\$195,000.00	\$6.50	\$195,000.00
2	Concrete Aggregate - 1.5"	500	\$8.50	\$4,250.00	\$7.85	\$3,925.00	\$9.00	\$4,500.00	No Bid	No Bid
3	Concrete Aggregate - 3/4"	500	\$9.00	\$4,500.00	\$8.85	\$4,425.00	\$9.50	\$4,750.00	\$9.50	\$4,750.00
4	"B" Stone	2,500	\$6.75	\$16,875.00	\$6.75	\$16,875.00	\$7.00	\$17,500.00	\$7.00	\$17,500.00
5	Abrasives / Grit (1/4" chips)	500	\$7.50	\$3,750.00	\$4.75	\$2,375.00	No Bid	No Bid	No Bid	No Bid
6	Shot Rock	500	\$6.00	\$3,000.00	\$6.00	\$3,000.00	\$6.50	\$3,250.00	\$6.50	\$3,250.00
7	Rip Rap - Limestone	1,500	\$15.00	\$22,500.00	\$13.00	\$19,500.00	\$16.00	\$24,000.00	No Bid	No Bid
8	Rip Rap - HARD SANDSTONE: Rock shall have an average diameter ranging from 6 inches to 24 inches. Rock can be quarried, cut or fieldstone material but shall be brown in color. No limestone will be accepted.	400	\$15.00	\$6,000.00	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
TOTAL BASED BID =				\$215,375.00		\$213,600.00		\$249,000.00		\$220,500.00

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

CERTIFIED: *A. Foren*
 A. FOREN, PURCHASING AGENT
 WITNESS: *Julia Paladino*
 DATE: 12/19/12



City of Fayetteville Staff Review Form

A. 11
 Bid #13-09, Drainage Pipe
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013

City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices as shown on the attached bid tabulation, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$67,073.16

Cost of this request

Category / Project Budget

Various Capital Projects

Program Category / Project Name

4470.9470.xxxx.xx

Account Number

\$

Funds Used to Date

Transportation Improvements

Program / Project Category Name

Various

Project Number

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry J. Gully
 Department Director

12-27-12
 Date

Previous Ordinance or Resolution #

John Kelly
 City Attorney

12-27-12
 Date

Original Contract Date:

Original Contract Number:

Paula A. Bisher
 Finance and Internal Services Director

12-28-2012
 Date

Received in City
 Clerk's Office

12-27-12 A09:35 RCVD

Don Mann
 Chief of Staff

12-28-12
 Date

Received in
 Mayor's Office

ENTERED
 12/27/12
PH

Lionel Jordan
 Mayor

12/31/12
 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TG*

From: John Nelson, Management Accounting Coordinator *JN*

Date: December 20, 2012

Subject: Bid #13-09, Drainage Pipe

PROPOSAL:

A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices as shown on the attached bid tabulation and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #13-09 AND AUTHORIZING THE PURCHASE OF DRAINAGE PIPE FOR VARYING UNIT PRICES FROM VARIOUS VENDORS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-09 and authorizes the purchase of drainage pipe for varying unit prices from various vendors, as shown in the attached Exhibit "A", as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Bid 13-09, Drainage Pipe

A. 11:
Bid #13-09, Drainage Pipe
BID: 13-09 Page 4 of 4
DATE: 12/18/12
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Item #	Size	Measure	Description	Est Qty	Unit of Measure	Ferguson Waterworks		Hanson Pipe & Precast		HD Supply Waterworks		Keeling Company		Scurlock Industries	
						Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	15"	Diameter	Circular Reinforced Concrete Pipe, Class III	90	Feet	No Bid	No Bid	\$ 16.15	\$ 1,453.50	No Bid	No Bid	No Bid	No Bid	\$ 9.65	\$ 868.50
2	18"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	No Bid	No Bid	\$ 20.83	\$ 3,749.40	No Bid	No Bid	No Bid	No Bid	\$ 11.60	\$ 2,088.00
3	24"	Diameter	Circular Reinforced Concrete Pipe, Class III	180	Feet	No Bid	No Bid	\$ 32.99	\$ 5,938.20	No Bid	No Bid	No Bid	No Bid	\$ 16.90	\$ 3,042.00
	30"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	\$ 47.50	\$ 2,137.50	No Bid	No Bid	No Bid	No Bid	\$ 24.95	\$ 1,122.75
1	36"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	\$ 65.40	\$ 2,943.00	No Bid	No Bid	No Bid	No Bid	\$ 37.40	\$ 1,683.00
2	42"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	\$ 75.40	\$ 3,393.00	No Bid	No Bid	No Bid	No Bid	\$ 47.25	\$ 2,126.25
3	48"	Diameter	Circular Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	\$ 90.71	\$ 4,081.95	No Bid	No Bid	No Bid	No Bid	\$ 57.40	\$ 2,583.00
4	15"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 360.00	\$ 720.00	No Bid	No Bid	No Bid	No Bid	\$ 225.00	\$ 450.00
5	18"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 371.00	\$ 742.00	No Bid	No Bid	No Bid	No Bid	\$ 255.00	\$ 510.00
6	24"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 409.00	\$ 818.00	No Bid	No Bid	No Bid	No Bid	\$ 320.00	\$ 640.00
7	30"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 456.00	\$ 912.00	No Bid	No Bid	No Bid	No Bid	\$ 378.00	\$ 756.00
8	36"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 832.00	\$ 1,664.00	No Bid	No Bid	No Bid	No Bid	\$ 709.00	\$ 1,418.00
9	42"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 1,101.00	\$ 2,202.00	No Bid	No Bid	No Bid	No Bid	\$ 910.00	\$ 1,820.00
10	48"	Diameter	Flared End Section, Circular Reinforced Concrete, Class III	2	Each	No Bid	No Bid	\$ 1,296.00	\$ 2,592.00	No Bid	No Bid	No Bid	No Bid	\$ 1,075.00	\$ 2,150.00
	14" x 23"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	90	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 22.65	\$ 2,038.50
1	19" x 30"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	90	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 24.45	\$ 2,200.50
2	24" x 36"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 34.35	\$ 1,545.75
3	29" x 45"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 50.70	\$ 2,281.50
4	34" x 53"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 66.05	\$ 2,972.25
5	38" x 60"	Rise & Span	Horizontal Elliptical Reinforced Concrete Pipe, Class III	45	Feet	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 81.50	\$ 3,667.50
21	14" x 23"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 312.00	\$ 624.00
22	19" x 30"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 384.00	\$ 728.00
23	24" x 36"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 468.00	\$ 936.00
24	29" x 45"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 624.00	\$ 1,248.00
25	34" x 53"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 780.00	\$ 1,560.00
26	38" x 60"	Rise & Span	Tapered End Section, Horizontal Elliptical RCP, Class III	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 910.00	\$ 1,820.00
27	15"	Diameter	Plastic Pipe	100	Feet	\$ 5.88	\$ 588.00	No Bid	No Bid	\$ 5.75	\$ 575.00	\$ 5.785	\$ 578.50	\$ 5.70	\$ 570.00
28	18"	Diameter	Plastic Pipe	500	Feet	\$ 7.99	\$ 3,995.00	No Bid	No Bid	\$ 7.82	\$ 3,910.00	\$ 7.887	\$ 3,933.50	\$ 8.70	\$ 4,350.00
29	24"	Diameter	Plastic Pipe	500	Feet	\$ 13.61	\$ 6,805.00	No Bid	No Bid	\$ 13.33	\$ 6,665.00	\$ 13.406	\$ 6,703.00	\$ 14.85	\$ 7,425.00
30	30"	Diameter	Plastic Pipe	200	Feet	\$ 19.66	\$ 3,932.00	No Bid	No Bid	\$ 19.26	\$ 3,852.00	\$ 19.365	\$ 3,873.00	\$ 20.50	\$ 4,100.00
31	36"	Diameter	Plastic Pipe	100	Feet	\$ 26.54	\$ 2,654.00	No Bid	No Bid	\$ 26.00	\$ 2,600.00	\$ 26.144	\$ 2,614.40	\$ 28.85	\$ 2,885.00
32	42"	Diameter	Plastic Pipe	60	Feet	\$ 35.75	\$ 2,145.00	No Bid	No Bid	\$ 35.00	\$ 2,100.00	\$ 35.221	\$ 2,113.26	\$ 39.50	\$ 2,370.00
33	48"	Diameter	Plastic Pipe	60	Feet	\$ 40.69	\$ 2,441.40	No Bid	No Bid	\$ 39.87	\$ 2,392.20	\$ 40.083	\$ 2,404.98	\$ 48.35	\$ 2,901.00
34	15"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 82.92	\$ 165.84	No Bid	No Bid	\$ 83.00	\$ 166.00	\$ 83.822	\$ 167.64	No Bid	No Bid
35	18"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 111.37	\$ 222.74	No Bid	No Bid	\$ 111.37	\$ 222.74	\$ 112.590	\$ 225.18	No Bid	No Bid
36	24"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 142.94	\$ 285.88	No Bid	No Bid	\$ 143.00	\$ 286.00	\$ 144.506	\$ 289.01	No Bid	No Bid
37	30"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 347.56	\$ 695.12	No Bid	No Bid	\$ 347.00	\$ 694.00	\$ 351.369	\$ 702.74	No Bid	No Bid
38	36"	Diameter	Flared End Section, Plastic Pipe	2	Each	\$ 368.00	\$ 736.00	No Bid	No Bid	\$ 368.00	\$ 736.00	\$ 372.032	\$ 744.06	No Bid	No Bid
39	42"	Diameter	Flared End Section, Plastic Pipe	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
40	48"	Diameter	Flared End Section, Plastic Pipe	2	Each	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Total Bid Price =							\$24,665.98		\$33,346.55		\$24,198.94		\$24,349.28		\$67,480.50

*EXCEPTION:
Pipe noted as "soil tight" not
"water tight".

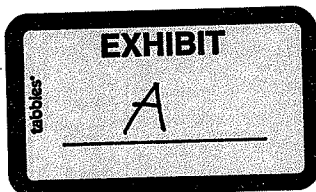
CERTIFIED:

A. FOREN, PURCHASING AGENT

WITNESS

12/19/12
DATE

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



City of Fayetteville Staff Review Form

A. 12
 Bid #13-10, Crushed Rock Salt
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 15, 2013
 City Council Meeting Date
 Agenda Items Only

John Nelson
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Co. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$44,256.00
 Cost of this request

\$ 356,123.00
 Category / Project Budget

Materials & Supplies
 Program Category / Project Name

2100.4120.5204.00
 Account Number

\$ -
 Funds Used to Date

Street Maintenance
 Program / Project Category Name

Project Number

356,123.00
 Remaining Balance

Street
 Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Terry J. Gully
 Department Director

12-27-12
 Date

Previous Ordinance or Resolution #

John P. Kelly
 City Attorney

12-27-12
 Date

Original Contract Date:

Original Contract Number:

Paul A. Beuhr
 Finance and Internal Services Director

12-28-12
 Date

Received in City Clerk's Office 12-27-12 A09:35 RCVD

Don Man
 Chief of Staff

12-28-12
 Date

Received in Mayor's Office

Frank J. Jordan
 Mayor

12/31/12
 Date



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director *TGH*

From: John Nelson, Management Accounting Coordinator *jln*

Date: December 19, 2012

Subject: Bid #13-10, Crushed Rock Salt for Roads

PROPOSAL:

A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Co. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #13-10 AND AUTHORIZING THE PURCHASE OF CRUSHED ROCK SALT FROM NORTH AMERICAN SALT COMPANY IN THE AMOUNT OF \$73.76 PER TON, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2013

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 #13-10 and authorizes the purchase of crushed rock salt from North American Salt Company in the amount of \$73.76 per ton, and authorizing the use of other bidders based on price and availability as shown in the attached Exhibit "A", as needed through the end of calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-10
 DATE: 12/18/12
 2:00 PM
 CITY OF FAYETTEVILLE

Bid 13-10, Crushed Rock Salt for Bids

Item	DESCRIPTION	Estimated Quantity (tons)	Cargill, Inc. Deicing Technology Business Unit		Central Salt		Morton Salt		North American Salt Company	
			PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
1	Medium crushed clean rock salt for snow and ice removal; maximum size 3/8", meeting AHTD specifications	600	\$80.54	\$48,324.00	\$79.85	\$47,910.00	No Bid	No Bid	\$73.76	\$44,256.00
TOTAL BASED BID =				\$48,324.00		\$47,910.00	No Bid			\$44,256.00

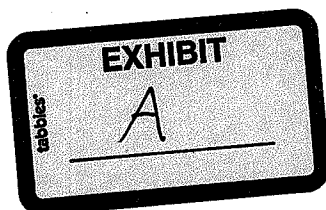
CERTIFIED:

A. FOREN, PURCHASING AGENT

WITNESS

DATE

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



City of Fayetteville Staff Review Form

A. 13
 Bid #13-11, Screened Topsoil
 Page 1 of 4

**City Council Agenda Items
 and
 Contracts, Leases or Agreements**

1/15/2012

**City Council Meeting Date
 Agenda Items Only**

John Nelson

Submitted By

Transportation

Division

Transportation Services

Department

Action Required:

A resolution awarding Bid #13-11 and authorizing the purchase of screened topsoil from Les Rogers, Inc. and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

\$ 26,850.00

Cost of this request

\$ -

Category / Project Budget

Various Capital Projects

Program Category / Project Name

4470.9470.xxxx.xx

Account Number

\$ -

Funds Used to Date

Transportation Improvements

Program / Project Category Name

Various

Project Number

\$ -

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry J. Gully
 Department Director

12-27-12
 Date

Previous Ordinance or Resolution # _____

Chris M. Kelly
 City Attorney

12-27-12
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Buder
 Finance and Internal Services Director

12-28-2012
 Date

Received in City Clerk's Office 12-27-12 A09:36 RCVD

Don M. M...
 Chief of Staff

12-28-12
 Date

Received in Mayor's Office

Don M. M...
 Mayor

12/31/12
 Date

ENTERED
 12/27/12

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Director

From: John Nelson, Management Accounting Coordinator *jln*

Date: December 19, 2012

Subject: Bid #13-11, Screened Topsoil

PROPOSAL:

A resolution awarding Bid #13-11 and authorizing the purchase of screened topsoil from Les Rogers, Inc., and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

RECOMMENDATION:

The purchase of bulk construction materials and services is necessary to maintain current infrastructure and to implement projects outlined in the 2013-2017 Capital Improvements Program and annual budget and work program. Sealed bids in accordance with State statutes, City ordinances, and purchasing procedures were publicly read and the results are attached to this memo.

BUDGET IMPACT:

Funds for the acquisition of materials and services have been budgeted in various capital projects within the Sales Tax Capital Improvements Fund and Street Fund operating programs.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #13-11 AND AUTHORIZING THE PURCHASE OF TOPSOIL FROM LES ROGERS, INC. IN THE AMOUNT OF \$10.74 PER CUBIC YARD, IN VARIABLE AMOUNTS, AND AUTHORIZING THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY, AS NEEDED IN CALENDAR YEAR 2013

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 #13-11 and authorizes the purchase of topsoil from Les Rogers, Inc. in the amount of \$10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability as specified in the attached Exhibit "A", as needed in calendar year 2013.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



BID: 13-11
 DATE: 12/18/12
 2:00 PM
 CITY OF FAYETTEVILLE

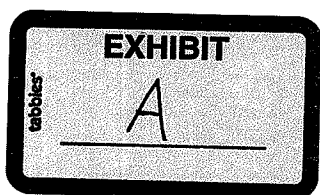
Bid 13-11, Screened Topsoil

			Evans & Evans, Inc.		Heavy Constructors of Arkansas, LLC.		Les Rogers, Inc.	
Item #	DESCRIPTION	Estimated Quantity (CY)	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	TOPSOIL - PER CUBIC YARD FOR TOP DRESSING AND LANDSCAPING PROJECTS. ALL TOPSOIL TO BE SCREENED TO REMOVE LARGE ROCKS, ROOTS, AND OTHER DEBRIS.	2500	11.75	\$ 29,375.00	12.25	\$ 30,625.00	10.74	\$ 26,850.00

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

CERTIFIED: *A. Foren*
 A. FOREN, PURCHASING AGENT

Julie Paladino 12/19/12
 WITNESS DATE



City of Fayetteville Staff Review Form

A. 14
Landers Toyota of Little Rock
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution to approve the purchase of three compact pickup trucks in the amount of \$69,875 from Landers Toyota of Little Rock off the State Vehicle Contract, and approval of a Budget Adjustment to move funds to the Fleet expense account.

\$ 69,875.00

Cost of this request

\$ 604,000.00

Category / Project Budget

Light / Medium Trucks

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 83,284.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2013

Project Number

\$ 520,716.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Tony D. Gully
Department Director

12-28-12
Date

Previous Ordinance or Resolution #

John Kelly
City Attorney

12-28-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
Finance and Internal Services Director

1-3-2013
Date

Received in City 12-23-12 P01:44 RCVD
Clerk's Office

Don Man
Chief of Staff

1-2-13
Date

Received in
Mayor's Office

Lionel Jordan
Mayor

1/3/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *T211*

From: Dennis Pratt, Fleet Operations Supt.

Date: December 21, 2012

Subject: Purchase of three compact pickups for Water and Sewer

PROPOSAL: That City Council approve the purchase of three Toyota Tacoma compact pickup trucks in the amount of \$69,875 from Landers Toyota of Little Rock off the State Vehicle Contract for use by Water and Sewer Division, and approval of a Budget Adjustment to move funds to the Fleet expense account.

RECOMMENDATION: Three compact pickup trucks are due for replacement for Water & Sewer: 2 for Meter and 1 for Backflow Prevention. These trucks are available off the State Vehicle Contract from Landers Toyota of Little Rock for \$21,037 for a 2 x 4, and \$24,419 for a 4 x 4 with limited slip differential. The Toyota Tacoma is the only compact pickup available on the State Contract for 2013.

Meter truck #2020 is a 1999 Ford Ranger 2 x 4 ext cab, Meter truck #2069 is a 2005 Ford Ranger 4 x 4 ext cab, and the Backflow Prevention truck #2048 is a 2002 Ford Ranger 4 x 4 ext cab. As requested by the Equipment Committee, Meter 4 x 4 trucks have been reduced to a total of five. To maintain this level, the 2 x 4 will be replaced with 2 x 4, and the 4 x 4 with a 4 x 4.

I recommend the purchase of these three trucks from Landers Toyota off the State Contract for a total of \$69,875.

This purchase was approved by the Equipment Committee at the meeting of December 27, 2012.

BUDGET IMPACT: These replacements were budgeted on both the capital and operating sides. The purchase price was under-estimated in the capital budget, so a budget adjustment is attached.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) TOYOTA TACOMA COMPACT PICKUP TRUCKS IN A TOTAL AMOUNT OF \$69,875.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FROM LANDERS TOYOTA OF LITTLE ROCK FOR USE BY THE WATER AND SEWER DIVISION, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of three (3) Toyota Tacoma compact pickup trucks in a total amount of \$69,875.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division.

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

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 14 V12.0724
Landers Toyota of Little Rock

Page 4 of 6

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: A. 14
P.O Number:	12/28/2012 Landers Toyota of Little Rock
	Expected Delivery Date:

Vendor #:	18148	Vendor Name:	LANDERS TOYOTA	Mail Yes: ☐ No: ☒
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Address:	Fob Point:	Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval: <i>[Signature]</i>
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	TOYOTA TACOMA ACCESS CAB 7164 2x4, TO	1	EA	21,037.00	\$21,037.00	9700.1920.5802.00	02078.2013		
2	BE UNIT 2162, FA 702162				\$0.00				702162
3	TOYOTA TACOMA ACCESS CAB 7164 4x4,	2	EA	24,419.00	\$48,838.00	9700.1920.5802.00	02078.2013		
4	WITH LIMITED SLIP DIFFERENTIAL, TO				\$0.00				
5	BE UNIT 2163, FA 702163				\$0.00				702163
6	and UNIT 2164, FA 702164				\$0.00				702164
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$69,875.00

Total: \$69,875.00

Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Finance & Internal Services Director: _____	Budget Manager: _____	IT Manager: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____

City of Fayetteville Staff Review Form

A. 15
Bale Chevrolet of Little Rock
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution to approve the purchase of seven Police Package Chevy Tahoes in the amount of \$245,651 from Bale Chevrolet of Little Rock off the State Vehicle Contract for use by the Police Department

\$ 245,651.00

Cost of this request

\$ 329,000.00

Category / Project Budget

Police / Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.2013

Project Number

\$ 329,000.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry S. Gully
Department Director

12-28-12
Date

Previous Ordinance or Resolution #

John B. Kelly
City Attorney

12-28-12
Date

Original Contract Date:

Original Contract Number:

Paula A. Buhner
Finance and Internal Services Director

12-31-2012
Date

Received in City 12-23-12 P01:45 RCVD
Clerk's Office

Don Man
Chief of Staff

1-2-13
Date

Received in
Mayor's Office

Donald Jordan
Mayor

1/2/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *T24*

From: Dennis Pratt, Fleet Operations Supt.

Date: December 20, 2012

Subject: Purchase of 7 Police Package Chevrolet Tahoes off State Vehicle Contract

PROPOSAL: That City Council approve the purchase of seven Police Package Chevrolet Tahoes off the State Vehicle Contract from Bale Chevrolet of Little Rock in the amount of \$245,651 for use by the Police Department.

RECOMMENDATION: Fleet needs to purchase replacements for seven more police patrol units. As the Police Dept is very happy with the Tahoes purchased previously, we would like to continue to purchase Tahoes for Patrol units. These are available off the State contract for a base price of \$25,093 from Bale Chevrolet of Little Rock – the same price as last year.

Fleet allows \$10,000 in upfit costs for the cage unit, consoles, computer mounts, video camera mount, light bar, etc. Fleet orders these items at the same time as the units from Bale Chevrolet so that they are not taxable.

I recommend purchase off the State contract of seven Chevrolet Tahoes from Bale Chevrolet of Little Rock in the amount of \$245,651.

This purchase was approved by the Equipment Committee at the meeting on December 27, 2012.

BUDGET IMPACT: These replacements were budgeted for on both the capital and operating sides.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN (7) POLICE PACKAGE CHEVROLET TAHOES IN A TOTAL AMOUNT OF \$245,651.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FROM BALE CHEVROLET OF LITTLE ROCK 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 authorizes the purchase of seven (7) police package Chevrolet Tahoes in a total amount of \$245,651.00, pursuant to a state procurement contract, from Bale Chevrolet of Little Rock for use by the Police Department.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date: A. 15 12/28/2012
P.O Number:	Expected Delivery Date:

Vendor #:	13292	Vendor Name:	BALE CHEVROLET	Mail Yes: No: X
-----------	-------	--------------	----------------	-----------------

Address:	Fob Point:	Taxable Yes: No: X	Quotes Attached Yes: No: x
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City:	State:	Zip Code:	Ship to code: 50	Division Head Approval:
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Requester: BARBARA OLSEN	Requester's Employee #: 1940	Extension: 485
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Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 POLICE PACKAGE CHEVROLET TAHOES	7	EA	25,093.00	\$175,651.00	9700.1920.5802.00	02081.2013		
2	PER STATE VEHICLE CONTRACT TO BE :				\$0.00				
3	UNIT 1253, FA 701253, UNIT 1254, FA 701254				\$0.00				
4	UNIT 1255, FA 701255, UNIT 1256 FA 701256				\$0.00				
5	UNIT 1257, FA 701257, UNIT 1258, FA 701258				\$0.00				
6	UNIT 1259, FA 701259				\$0.00				
7	UPFIT ITEMS: CAGE UNIT, CONSOLE, LIGHT BAR,	7	EA	10,000.00	\$70,000.00	9700.1920.5802.00	02081.2013		
8	WINDOW SCREENS, ETC. AS SPECIFIED				\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$245,651.00

Total: \$245,651.00

Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Finance & Internal Services Director: _____	Budget Manager: _____	IT Manager: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date:	A. 15
P.O Number:	1/4/2013	Bale Chevrolet of Little Rock
	Expected Delivery Date:	Page 1 of 2
Mail Yes: No: X		
Taxable Yes: No: X	Quotes Attached Yes: No: x	
Division Head Approval:		
Extension:	485	
Requester's Employee #:	1940	

Vendor #:	13292	Vendor Name:	BALE CHEVROLET						
Address:					Fob Point:				
City:			State:			Zip Code:	Ship to code: 50		
Requester:	BARBARA OLSEN				Requester's Employee #:		1940		
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2013 POLICE PACKAGE CHEVROLET TAHOES	6	EA	25,093.00	\$150,558.00	9700.1920.5802.00	02081.2012		
2	PER STATE VEHICLE CONTRACT TO BE :				\$0.00				
3	UNIT 1253, FA 701253, UNIT 1254, FA 701254				\$0.00				
4	UNIT 1255, FA 701255, UNIT 1256 FA 701256				\$0.00				
5	UNIT 1257, FA 701257, UNIT 1258, FA 701258				\$0.00				
6	UPFIT ITEMS: CAGE UNIT, CONSOLE, LIGHT BAR,	6	EA	10,000.00	\$60,000.00	9700.1920.5802.00	02081.2012		
7	WINDOW SCREENS, ETC. AS SPECIFIED				\$0.00				
8	2013 POLICE PKG TAHOE, PER STATE CONTRACT	1	EA	25,093.00	\$25,093.00	9700.1920.5802.00	02081.2013		
9	TO BE UNIT 1259, FA 701259; UPFIT ITEMS AS				\$0.00				
10	SPECIFIED: CAGE, CONSOLE, LIGHT BAR, ETC	1	EA	10,000.00	\$10,000.00	9700.1920.5802.00	02081.2013		
*	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$245,651.00
 Tax: EXEMPT
 Total: \$245,651.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____
 Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____
 Dispatch Manager: _____ Utilities Manager: _____ Other: _____

City of Fayetteville Staff Review Form

A. 16
Ozarks Electric Cooperative Corporation
Page 1 of 8

**City Council Agenda Items
and
Contracts, Leases or Agreements**

1/15/2013

City Council Meeting Date
Agenda Items Only

Alison Jumper *[Signature]*
Submitted By

Park Planning
Division

Parks and Recreation
Department

Action Required:

Resolution granting Ozarks Electric Cooperative an underground 15' easement, 7.5' from centerline both sides of electric line and an overhead 30' easement 15' from centerline both sides of electric line as shown the attached Exhibit A.

N/A	\$ -	N/A
Cost of this request	Category / Project Budget	Program Category / Project Name
N/A	\$ -	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	\$ -	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

12-27-12
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

12-28-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paula A. Buhner
Finance and Internal Services Director 12-28-2012
Date

12-27-12 P03:27 RCV
Received in City Clerk's Office
Kim G.

[Signature]
Chief of Staff 12-28-12
Date

Received in Mayor's Office
ENTERED 12/28/12
[Signature]

[Signature]
Mayor 12/28/12
Date

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan, City Council

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

From: Alison Jumper, Park Planning Superintendent *aj*

Date: December 27, 2012

Subject: Agenda Request for January 15, 2013 City Council Meeting
Easement for Electric Line at Veterans Park

PROPOSAL:

Veterans Park at Lake Fayetteville is located at 4451 N. Vantage Drive. Several amenities are located in Veterans Park including a large pavilion, playgrounds, multi-use trail, restroom and sand volleyball courts. Ozarks Electric Cooperative serves the park with electricity to the pavilion, restroom and volleyball courts. The electric line is currently being relocated out of an existing open play area to follow the road. An easement for the relocated line is needed to allow Ozarks Electric Cooperative access to provide the electrical service and make repairs, if necessary.

RECOMMENDATION:

Staff recommends granting Ozarks Electric Cooperative an underground 15' easement, 7.5' from centerline both sides of electric line and an overhead 30' easement 15' from centerline both sides of electric line as shown the attached Exhibit A.

BUDGET IMPACT:

None.

Attachments:
Staff Review
Easement Document
Exhibit A

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF AN EASEMENT INTEREST TO OZARKS ELECTRIC COOPERATIVE CORPORATION ON CERTAIN CITY-OWNED PROPERTY IN VETERANS PARK TO PROVIDE FOR A RELOCATION OF ELECTRICAL UTILITY SERVICE

WHEREAS, Ozarks Electric Cooperative Corporation provides electrical service to certain city-owned amenities in Veterans Park; and

WHEREAS, the current electric line is being relocated out of an open play area to a location along an adjacent roadway; and

WHEREAS, pursuant to the requirement of Section 34.27(B) of the Code of Fayetteville, the City Council specifically finds that the new proposed easement interest along the adjacent roadway is no longer needed for municipal purposes;

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the transfer of an easement interest to Ozarks Electric Cooperative Corporation as described in the attached draft "Electrical Distribution Line Easement" which is incorporated into this Resolution as Exhibit "A", and further authorizes the Mayor and City Clerk to execute any necessary documents to effectuate the transfer of the easement interest.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Parcel No. 765-13206-100
Parcel No. 765-15612-000

ELECTRICAL DISTRIBUTION LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto **Ozarks Electric Cooperative Corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to place, construct, operate, repair, maintain, relocate, or replace an electrical distribution line on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Book 404 at Page 44)

The West Half of the Northwest Quarter and the North Half of the Northeast Quarter of the Northwest Quarter of Section Twenty-Four (24) and the South Half of the Southeast Quarter of the Southwest Quarter of Section Thirteen (13) all in Township Seventeen (17) North of Range Thirty (30) West, containing One Hundred Twenty-One (121) acres, more or less.

PERMANENT EASEMENT DESCRIPTION:

An underground easement 15 feet in width 7 1/2 feet either side of the centerline of an electric line as staked and built and an overhead easement 30 feet in width 15 feet either side of the centerline of an electric line as staked and built and as shown on the attached Exhibit.

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, until the use of said permanent easement is relinquished, abandoned, or vacated and so long as such electrical power line(s) are maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth. Grantee shall further have the right to cut, trim and control, within said easement, the growth of trees and other vegetation that may interfere with or threaten to endanger the operation and maintenance of said line or system. The undersigned Grantor hereby covenants that it is lawfully seized of said lands and will forever warrant and defend the title to said lands against all legal claims whatsoever.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all lines and/or cables, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that above ground appurtenances will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional electrical power lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.



ELECTRICAL DISTRIBUTION LINE EASEMENT
Page 2 of 2

WITNESS the execution hereof on this the _____ day of _____, 2012.

CITY OF FAYETTEVILLE, ARKANSAS
A Municipal Corporation

By: _____
Lioneld Jordan, Mayor

ATTEST:

Sondra Smith, City Clerk

[SEAL]

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
) ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Lioneld Jordan and Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor and City Clerk**, respectively, of the **City of Fayetteville, Arkansas, a Municipal Corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2012.

MY COMMISSION EXPIRES:

Notary Public

[illegible]

Exhibit A (2 of 2)

LOCATION NUMBER 19243400		OZARKS ELECTRIC COOPERATIVE CORPORATION				WORK ORDER NO 1394143			
PH Voltage <u>X</u> 7.2 <u>14.4</u>	RELOCATE UG 19-24	RURALITY LIMITS		SHEET 2 of 2		STAKED GM		DATE 12/10/2012	
METER PEDESTAL No. _____	ADDRESS _____	SCHOOL DIST _____		STAKED GM		RE-STAKED _____		DATE _____	
AMR _____	TELEPHONE HOME _____	TAC CODE 606		TWP _____		CHECKED _____		DATE _____	
SKETCH _____	SUBDIV. _____	LOT# _____		BLK# _____		EASEMENT _____		DATE 12/7/2012	
EXISTING WIRE PHASE 1 NO 1 SIZE 1/0 KIND URD		RULING SPAN _____		LINE SECTION _____					
ADD WIRE PHASE 1 NO 1 SIZE 1/0 KIND URD		RULING SPAN _____							

City of Fayetteville Staff Review Form

C. 1
2012 Arkansas Department of
Environmental Quality E-Waste Grant
Page 1 of 8

**City Council Agenda Items
and
Contracts, Leases or Agreements**

January 15th, 2013

City Council Meeting Date
Agenda Items Only

Brian Pugh

Submitted By

Solid Waste and Recycling

Division

Operations

Department

Action Required:

Resolution Authorizing Accepting a 2012 ADEQ E-waste grant for \$25,000 for an E-waste Coupon Redemption Program and approving a budget adjustment to recognize the revenue.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

13028.1

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Ty 2 Gully
Department Director

12-28-12
Date

Previous Ordinance or Resolution #

Ch B Kelly
City Attorney

12-31-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Bush
Finance and Internal Services Director

1-2-2013
Date

12-23-12 P02:59 RCVD
Received in City
Clerk's Office

Don Man
Chief of Staff

1-2-13
Date

Lionel Jordan
Mayor

1/2/13
Date

Received in
Mayor's Office



Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Terry Gulley, Transportation Director *TGG*

From: Brian Pugh, Solid Waste and Recycling *BP*

Date: December 27, 2012

Subject: Resolution Authorizing Accepting 2012 ADEQ E-Waste Grant for \$25,000 for an E-Waste Coupon Redemption Program and approving a budget adjustment for the grant funds.

RECOMMENDATION

Fayetteville City Administration recommends accepting a 2012 Arkansas Department of Environmental Quality (ADEQ) E-waste grant for \$25,000 for an E-waste coupon redemption program and approving a budget adjustment for the grant funds.

BACKGROUND

The Arkansas Department of Environmental Quality sells state owned computers and related equipment at auctions each year. The money earned from the sale of this liquidated equipment is then used to fund e-waste programs across the state. Municipalities are eligible and encouraged to apply for grants with this program. Applications were accepted from Aug. 1st through Sept. 1st and funds are now available for awarded recipients. This is the first time the City has applied for funds from this particular grant program.

DISCUSSION

The program would partner with the Washington County Office of Environmental Affairs and print e-waste recycling coupons which can be redeemed at the Washington County HHW site in south Fayetteville where the e-waste is collected for recycling. The current charge for e-waste collected at this site is \$5 per unit. The coupons would be printed showing the \$5 value for recycling of e-waste at the site. Distribution would begin in January 2013 to entice the recycling of e-waste until the coupons are exhausted. The coupons could be handed out at promotional events, given out in appreciation for volunteer service with the recycling program, the Mayor's booth at the Farmers Market on the square, school recycling events and many other City and County related events.

BUDGET IMPACT

The recycling grant awards are not matching grants, so no City funds are obligated with this request. A budget adjustment is being requested to recognize the grant revenue and a capital project will be created.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING ACCEPTANCE OF A 2012 ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY E-WASTE GRANT OF
\$25,000.00 FOR AN E-WASTE COUPON REDEMPTION PROGRAM, AND
APPROVING 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 2012 Arkansas Department of Environmental Quality E-Waste Grant of \$25,000.00 for an E-Waste coupon redemption program.

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

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

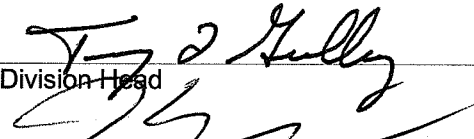
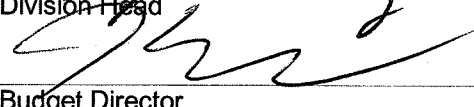
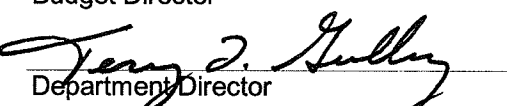
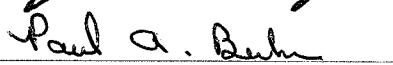
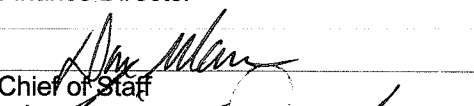
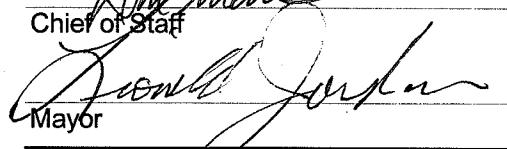
**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 1 V12.0724
2012 Arkansas Department of
Environmental Quality E-Waste Grant
Page 4 of 8

Budget Year BY 2013	Division: *ALL DIVISIONS Department: Citywide	Request Date 1/15/2012	Adjustment Number
-------------------------------	--	----------------------------------	--------------------------

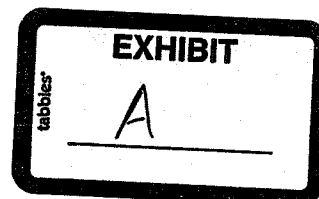
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

The City was awarded an E-Waste grant from the Arkansas Department of Environmental Quality to create an coupon program to have e-waste redeemed through Washing County's e-waste program. The grant will pay for printing of coupons for the program and also cover the recycling fee incurred through Washington County.

 Division Head	12-28-12 Date	Prepared By: _____	_____ <i>bpugh</i>	
 Budget Director	12/3/12 Date	Reference: _____		
 Department Director	12-28-12 Date	Budget & Research Use Only		
 Finance Director	1-2-2013 Date	Type: A B C D E P		
 Chief of Staff	1-3-13 Date	General Ledger Date	_____	
 Mayor	1/3/13 Date	Posted to General Ledger	Initial	Date
		Checked / Verified	Initial	Date

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number		25,000	25,000	Project.Sub Number
			Increase / (Decrease)		
State Grants-Operational	5500.0950.4302.01	RE		25,000	13028. /
ADDOffice supplies/printing	5500.5080.5200.00	EX	900		13028. /
Contract services	5500.5080.5315.00	EX	24,100		13028. /
					.
					.



RESOLUTION NO. 182-12

A RESOLUTION APPROVING APPLICATION FOR A 2012 ARKANSAS
DEPARTMENT OF ENVIRONMENTAL QUALITY E-WASTE GRANT OF
\$25,000.00 FOR AN E-WASTE COUPON REDEMPTION PROGRAM

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

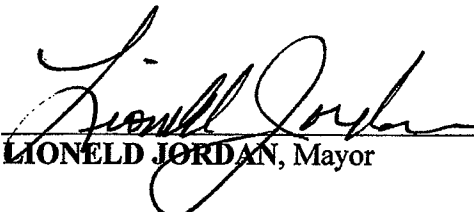
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves
applying for a 2012 Arkansas Department of Environmental Quality E-Waste Grant of
\$25,000.00 for an E-Waste coupon redemption program.

PASSED and APPROVED this 4th day of September, 2012.

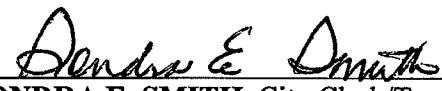
APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



Notice of Grant Awards

Date: December 19, 2012

To: City of Fayetteville

Re: "The Arkansas computer and Electronic Solid Waste Management Act"
(Acts 1410 of 2001 and 970 Of 2005, codified as A.C.A 25-34-101)
E-Waste Grants Program – 2012 Grant Round

The Arkansas Department of Environmental Quality would like to extend a special thank you for making an application to the E-Waste Program's 2012 Grant Round. Each eligible project presented for funding could make a decided impact on the proper final destination of electronic waste in our state.

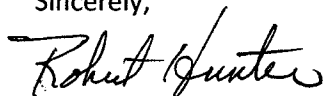
The projects selected were reviewed by staff from the information submitted in grant applications. Evaluations considered the proposed development and implementation of sustained processes that should result in the minimization or elimination of electronic waste in Arkansas.

The City of Fayetteville is a recipient of the 2012 Grant Round in the amount of \$25,000.00. The E-Waste Grants Program allows awards to be made on funds appropriated and available.

Attached is a Statement of Agreement with the State of Arkansas that must be executed with the City of Fayetteville as the grantee and returned before projects may be initiated. All funds available are awarded as reimbursement once the proper documentation has been submitted and verified by ADEQ Staff. Copies of all paid invoices along with the front and back of check of payment are necessary in the request for reimbursement from the State of Arkansas. Additional documentation for reimbursement may be requested by the ADEQ at any time. A complete packet of reporting forms will be mailed to you once the Statement of Agreement has been signed and returned to the ADEQ.

It is our hope that Arkansas will continue developing local e-waste management projects to eliminate e-waste from landfills. Please feel free to contact me for additional information or questions on the E-Waste Grants program, and thank you again for your participation.

Sincerely,



Robert Hunter

Manager of Recycling Branch

Arkansas Department of Environmental Quality

STATEMENT OF AGREEMENT
Arkansas Department of Environmental Quality
Solid Waste Management Division
E-WASTE GRANT FUNDS - A.C.A. § 25-34-101

Project Title: *City of Fayetteville*

Grant Award No.: *E-Waste 2012-05*

Grantee(s): *City of Fayetteville*

2012 State Funds Awarded

\$25,000.00

The State of Arkansas, represented by the Arkansas Department of Environmental Quality, Solid Waste Management Division (hereinafter referred to as the Department) and the recipient (named herein and hereinafter referred to as the Grantee) of a grant award, from funds set-aside from the Computer and Electronic Recycling Fund (hereinafter referred to as E-Waste Grants Fund), mutually agree to perform this Statement of Agreement in accordance with the Arkansas Computer and Electronic Solid Waste Management Act, A.C.A. § 25-34-101 et seq., with the Arkansas Department of Environmental Quality's E-Waste Grants Program Guidelines and Application. Grantees must meet all conditions as set forth herein and in the Arkansas Department of Environmental Quality's E-Waste Grants Program Guidelines and Application.

The Grantee, in consideration of the promises made by the State herein and in accordance with the terms of this Statement of Agreement, hereby promises to execute the project described herein. The Department, in consideration of the conditions agreed to by the Grantee, hereby promises to reimburse the Grantee the State funds awarded in so far as the Grantee meets the terms and conditions of the Grant Application and this Statement of Agreement.

The Grantee may not deviate from the terms of this contract without the written concurrence of the Department. It shall be the responsibility of the Grantee to notify the Department of any irregularities that may in any way effect this award, including any violations of Federal, State or Local laws by employees or agents of the Grantee. The Grantee further understands, agrees, and accepts that the project will not be eligible to receive funds from the State until this Statement of Agreement has been signed by the Grantee and executed by the Department.

Special Conditions to be met by the Grantee:

Funds received from this grant shall be utilized for the project as specified in the grant application.
Funds to be awarded shall be based upon funding availability.

Authorized Signatures:

Grantee(s):

Chief, Solid Waste Management Division
Arkansas Department of Environmental Quality

Authorized Signature

Execution Date: Date: _____

Date: _____

City of Fayetteville Staff Review Form

C. 2
Asphalt Materials
Page 1 of 4City Council Agenda Items
and
Contracts, Leases or AgreementsJanuary 15, 2013
City Council Meeting Date
Agenda Items OnlyJohn Nelson
Submitted ByTransportation
DivisionTransportation Services
Department

Action Required:

An ordinance waiving the requirements of formal competitive bidding during calendar year 2013 for the purchase of asphalt materials for use by the Transportation Division.

Cost of this request	\$ 1,842,000.00
	Category / Project Budget

In-House Pavement Improvements
Program Category / Project Name

4470.9470.5417.00	\$ -
Account Number	Funds Used to Date

Transportation Improvements
Program / Project Category Name

02052.1	\$ 1,842,000.00
Project Number	Remaining Balance

Sales Tax Capital Improvements
Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Terry J. Gully
Department Director

12-27-12
Date

Previous Ordinance or Resolution # 5476

John M. Kelly
City Attorney

12-27-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
Finance and Internal Services Director

12-28-2012
Date

Received in City
Clerk's Office
12-27-12 A09:19 RCVD
GL

Don Ma
Chief of Staff

12-28-12
Date

Received in
Mayor's Office

ENTERED
12/27/12
HL

Donald Jordan
Mayor

12/31/12
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Department Director *TG*

From: John Nelson, Management Accounting Coordinator *jl*

Date: December 19, 2012

Subject: Bid Waiver for Asphalt Materials

PROPOSAL:

Staff proposes an ordinance waiving the requirements of formal competitive bidding during calendar year 2013 for the purchase of asphalt materials for use by the Transportation Division.

RECOMMENDATION:

Due to the fluctuations in the price of crude oil local asphalt suppliers cannot feasibly guarantee a fixed price over a twelve month period.

Staff recommends bidding asphalt materials on a quarterly basis without the need for further approval of the City Council, awarding the respective low bidder, and allowing for price adjustment requests based on the current bid language.

BUDGET IMPACT:

Funds for the acquisition of asphalt materials are budgeted in the In-House Pavement Improvements and Trail Development capital projects.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING DURING CALENDAR YEAR 2013 FOR THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION BUT REQUIRING INFORMAL QUARTERLY BIDS OR QUOTES

WHEREAS, the crude oil market continues to experience extreme price volatility; and

WHEREAS, this volatility has greatly increased the price of asphalt, making normal competitive bidding procedures unworkable, impractical and not feasible; and

WHEREAS, the Transportation Division proposes to solicit and accept bids on a quarterly basis without the need for further approval of the City Council through calendar year 2013.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where annual competitive bidding is not feasible or practical, and therefore through calendar year 2013, waives the requirements of formal competitive bidding for the purchase of asphalt materials, and authorizes the Transportation Division to solicit informal bids or quotes on a quarterly basis without the need for further approval of the City Council.

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

C. 3
Refurbished Hazmat Truck
Page 1 of 8City Council Agenda Items
and
Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
Agenda Items OnlyDennis Pratt / Barbara Olsen
Submitted ByFleet Operations
DivisionTransportation
Department

Action Required:

An ordinance to waive competitive bidding and approve the purchase of a refurbished Hazmat truck from Beverage Body and Trailer Service for \$65,974, and approve a Budget Adjustment to move funds into the Fleet expense account.

\$ 65,974.00

Cost of this request

\$ 604,000.00

Category / Project Budget

Light / Medium Trucks

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 83,284.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2013

Project Number

\$ 520,716.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒Terry Z. Gully
Department Director12-28-12
Date

Previous Ordinance or Resolution #

Chris Skellern
City Attorney12-28-12
Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
Finance and Internal Services Director12-31-2012
Date

Received in City Clerk's Office 12-23-12 P01:44 RCVD

Don Mann
Chief of Staff1-2-13
Date

Received in Mayor's Office

Leonard Jordan
Mayor1/2/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Dennis Pratt, Fleet Operations Supt.

Date: December 21, 2012

Subject: Purchase of Refurbished Hazmat truck for Fire Department

PROPOSAL: That City Council approve an ordinance to waive competitive bidding, approve the purchase of a refurbished Hazardous Materials Response Truck from *Beverage Body and Trailer Service* for \$65,974 and approve a Budget Adjustment to move funds to the Fleet Expense account.

RECOMMENDATION: The Fayetteville Fire Department is forming a joint Hazardous Materials Response Team with the Springdale Fire Department in order to enhance the response capability of both departments. In an effort to standardize our Hazmat response vehicles and equipment, the fire department would like to purchase a refurbished response vehicle that is set up the same as the Springdale Hazmat Truck.

The fire departments have found a vender that recycles beverage trucks into Hazmat response units. This represents a substantial savings for the City. A new Hazmat truck would cost \$200,000 - \$300,000. *Beverage Body and Trailer Service* is uniquely qualified with the complexities of a hazmat incident response from their experience in providing this service. They have a proven history of producing a high quality product, and will set up both fire departments' trucks identically with PTO driven generators, scene lighting, and identical storage compartments.

Ultimately, the Hazmat crews will know where to find the tools and equipment they need without wasting precious time looking through the entire truck from the other fire department for the items they need.

I recommend approval of an ordinance to waive competitive bidding, approval to purchase a refurbished Hazardous Materials Response Truck from *Beverage Body and Trailer Service* for \$65,974, and approval of a Budget Adjustment to move funds to the Fleet Expense account.

This purchase was approved by the Equipment Committee at their meeting on December 27, 2012.

BUDGET IMPACT: Funding is included in the approved 2013 budget. The Budget Adjustment includes the funds needed for a light bar, siren and decals which will be added to the unit.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH BEVERAGE BODY AND TRAILER SERVICE IN THE TOTAL AMOUNT OF \$65,974.00 TO PURCHASE A REFURBISHED HAZMAT TRUCK FOR THE FIRE DEPARTMENT, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, the Fayetteville Fire Department is forming a joint Hazardous Materials Response Team with the Springdale Fire Department in order to enhance the response capability of both departments; and

WHEREAS, in order to standardize the City's hazmat response vehicles and equipment, the Fayetteville Fire Department would like to purchase a refurbished response vehicle with a similar set-up as the City of Springdale's hazmat response vehicle; and

WHEREAS, a vendor has been located which recycles beverage trucks into hazmat response vehicles at a substantial savings for the City; and

WHEREAS, Beverage Body and Trailer Service is uniquely qualified with the complexities of a hazmat incident response from their experience in providing this service, and they have a proven history of producing high quality products

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract with Beverage Body and Trailer Service in the total amount of \$65,974.00 to purchase a refurbished hazmat truck for the Fire Department.

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

PASSED and APPROVED this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**City of Fayetteville, Arkansas
Budget Adjustment Form**

V12.0724

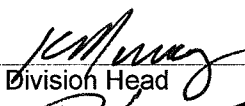
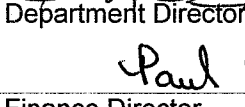
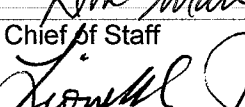
C. 3

Refurbished Hazmat Truck
Page 3 of 8

Budget Year BY 2013	Division: Fire Department Department: Fire Department	Request Date 1/15/2013	Adjustment Number
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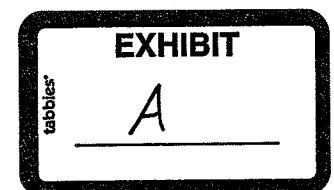
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Funds are requested for the Fire Department to purchase FIRE_F030 Unit 2161 which will be used for hazardous materials incident responses.

 Division Head	 Budget Director	 Department Director	 Finance Director	 Chief of Staff	 Mayor	Date	Date	Date	Date	Date	Date	Prepared By: Ginny Gundlach	#NAME?						
												Reference:							
												Budget & Research Use Only							
												Type:	A	B	C	D	E	P	
												General Ledger Date							
												Posted to General Ledger							
													Initial						Date
												Checked / Verified							
													Initial						Date

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number		73,600	73,600	Project.Sub Number
			Increase / (Decrease)		
Transfer to Shop	1010.6600.7602.70	EX	73,600		03047 . 2012
Fire Act 833	1010.0001.4308.00	RI		73,600	03047 . 2012
Fire Act 833	1010.0001.4308.00	RI		(73,600)	03047 . 0900
Contingency/Savings Other	1010.3020.5911.00	EX	(73,600)		03047 . 0900
Vehicles and equipment	9700.1920.5802.00	EX	73,600		02078 . 2013
Transfer from General	9700.0970.6602.01	RI		73,600	02078 . 2013
					.
					.



City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:	Date:	C. 3
P.O Number:	Expected Delivery Date:	Refurbished Hazmat Truck
Page 6 of 8		
Mail Yes: ☐ No: ☒		
Taxable Yes: ☐ No: ☒	Quotes Attached Yes: ☐ No: ☒	
Divison Head Approval:		
Extension:	485	

Vendor #:	Vendor Name:	BEVERAGE BODY AND TRAILER SERVICE	
Address:		Fob Point:	
City:	State:	Zip Code:	Ship to code: 50
Requester:		Requester's Employee #:	
BARBARA OLSEN		1940	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2001 IHC 4900 10.5 BAY REFURBISHED TRUCK	1	EA	65,974.00	\$65,974.00	9700.1920.5802.00	02078.2013		702161
2	PER SPECS ON QUOTE. TO BE UNIT 2161,				\$0.00				
3	FIXED ASSET 702161				\$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: \$65,974.00

Total: \$65,974.00

Approvals:

Mayor: _____	Department Director: _____	Purchasing Manager: _____
Finance & Internal Services Director: _____	Budget Manager: _____	IT Manager: _____
Dispatch Manager: _____	Utilities Manager: _____	Other: _____

Beverage Body and Trailer Service

Bid Proposal

2990 South Street

Leesburg, FL 34748

(352) 323-6284 fax: (352)323-6285

Invoice Number 40042

Date:

Bill To Fayetteville Fire Dept.

303 W Center

Fayetteville

AR 72701

Attn:

Ship To

Attn:

Quantit	Description	Price
	2001 IHC 4900 10.5 bay, white with refurbished side doors	29,800.00
	Full compartment LED rope lighting in all bays	1,834.00
	25 KW PTO driven generator installed in bay #1 Passenger side, includes LED Volt meter, flattened	13,500.00
	floor between bay #1 passenger and drivers side, with aluminum diamond plate box and breaker box	
	110 power outlets on both ends of box	685.00
	Full awning on one side	1,600.00
	Install unistrut for adjustable shelves in (10) bays	2,750.00
	(18) standard adjustable shelves, (2) larger shelves for wide bays	5,700.00
	(4) total LED scene lights, (2) each side front and rear corners above awning	1,522.00
	(2) Telescoping pole scene lights on rear bulkhead	2,900.00
	Pass through and flatten floor rear bays	1,800.00
	One set of wheel chocks mounted under vehicle	445.00
	Kusmaull auto eject, with in cab trickle charger	1,500.00
	Battery disconnect switch	288.00
	Delivery to Fayetteville, AR	1,650.00
Sub Total:		\$65,974.00
Sales Tax: 0.00%		\$0.00
Bid Amount:		<u>\$65,974.00</u>

Title to all goods not conveyed until payment is received in full.

City of Fayetteville Staff Review Form

C. 4

Amend §173.08 Energy Conservation Code
Page 1 of 114City Council Agenda Items
and
Contracts, Leases or Agreements

1/15/2013

City Council Meeting Date
Agenda Items OnlyJeremy Pate
Submitted ByBuilding Safety
DivisionDevelopment Services
Department

Action Required:

An ordinance to adopt the 2011 Arkansas Energy Code for commercial and high-rise residential construction projects, as amended, in accordance with Arkansas State Statute.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

12-21-2012
Date

Previous Ordinance or Resolution #

City Attorney

12-26-12
Date

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director

12-26-2012
DateReceived in City
Clerk's Office

Chief of Staff

12-28-12
DateReceived in
Mayor's Office

Mayor

12/31/12
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director *JP*

Date: December 21, 2012

Subject: 2011 Arkansas Energy Code for Commercial and High-Rise Residential Construction

RECOMMENDATION

Staff recommends approval of an ordinance adopting the 2011 Arkansas Energy Code for Commercial and High-rise Residential Construction by reference, as required by state statutes.

BACKGROUND

In 2004, the Arkansas Energy Office developed the Arkansas Energy Code in order to establish minimum standards for the design of energy-efficient buildings. This version relied almost exclusively on the International Energy Conservation Code (IECC), 2003 Edition. In 2009, the Arkansas Legislature passed Act 1196, which provided the Arkansas Energy Office with the authority to promulgate rules and regulations that require cities issuing building permits for new building construction to adopt the Arkansas Energy Code by ordinance. In the most recent legislative session, Act 802 requires cities to comply with the most current version of the Arkansas Energy Code, which is now being updated.

The Arkansas Energy Office retooled the Energy Code in 2011. For residential construction, the 2003 IECC remains in effect. As you are aware, the Fayetteville City Council earlier this year elected to update Fayetteville's energy code for residential construction to adopt the 2009 IECC, along with a requirement for a HERS index score and a posted decal (*Footnote: The State Energy Office is currently considering Fayetteville as a model for their next edition of the residential energy codes*). For commercial and high-rise residential construction, 2013 marks a change in energy codes state-wide. The 2011 edition of the Arkansas Energy Code requires cities to adopt the 2009 IECC or ASHRAE 90.1-2007, which are virtually the same. This code must be adopted by all cities issuing building permits for new construction, beginning in 2013. A.C.A. §14-55-207 requires technical codes adopted by reference to be published in a newspaper of general circulation in the city, and copies of the Arkansas Energy Code to be available for inspection prior to passage of the ordinance. Staff has submitted publication, and provided the necessary copies to the Clerk's office to be in compliance with state law.

DISCUSSION

None.

BUDGET IMPACT

None.



**TO: Mayor Jordan
City Council**

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

**CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director**

FROM: Kit Williams, City Attorney

A handwritten signature in dark ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: December 27, 2012

**RE: Statutory requirement to adopt 2011 Arkansas Energy Code
for new commercial and high-rise residential structures**

A.C.A. §15-10-205 (b)(3) gives the Arkansas Energy Office the power to require cities “to adopt the Arkansas Energy Code for New Building Construction” The Arkansas Energy Office has asserted such authority to require cities to adopt the 2011 Arkansas Energy Code for new commercial and high-rise residential construction. See the article in this month’s City & Town published by the Municipal League which is attached.

Accordingly, the City’s Community Development Department has begun the process to comply with the statutory requirement to adopt the 2011 Arkansas Energy Code for new commercial and high-rise residential construction. I have attached §173.08 **Energy Conservation Code** of the Fayetteville Code. The proposed ordinance would amend §173.08 (A) and (B)(6).

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE 2011 ARKANSAS ENERGY CODE FOR NEW BUILDING CONSTRUCTION FOR COMMERCIAL AND HIGH-RISE RESIDENTIAL CONSTRUCTION PROJECTS INCLUDING THERMAL AND LIGHTING EFFICIENCY STANDARDS AS REQUIRED BY A.C.A. §15-10-205 BY AMENDING §173.08 ENERGY CONSERVATION CODE OF THE FAYETTEVILLE CODE

WHEREAS, the Arkansas Legislature has authorized the Arkansas Energy Office to “Promulgate reasonable rules for the purpose of (A) Implementing and prescribing enforcement for thermal and lighting efficiency standards for new building construction; and (B) Requiring a city or county that issues building permits for new building construction to adopt the Arkansas Energy Code for New Building Construction” (A.C.A. §15-10-203 (b)(3); and

WHEREAS, the Arkansas Energy Office has promulgated the 2011 Energy Code for new building construction for commercial and high-rise residential structures and required cities that issue permits for new building construction to adopt the 2011 Energy Code for new commercial and high-rise residential construction; and

WHEREAS, the City of Fayetteville does issue such building permits and therefore must adopt the 2011 Energy Code for new building construction for commercial and high-rise residential structures; and

WHEREAS, pursuant to A.C.A. §14-55-206 and 207, the City of Fayetteville has published notice in the Northwest Arkansas Times that the City Council will consider enacting an ordinance to adopt and require that all new commercial and high-rise residential construction must comply with the 2011 Arkansas Energy Code for new building construction for commercial and high-rise residential structures, three copies of which are available for public inspection and review in the Fayetteville City Clerk’s Office.

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 §173.08 **Energy Conservation Code** (A) *Commercial* and enacts a replacement (A) as shown below:

“(A) *Commercial and high-rise residential.* The 2011 Arkansas Energy Code as promulgated by the Arkansas Energy Office is adopted as required by A.C.A. §15-10-205 (b)(3) as applicable to all new building construction for commercial and high-rise residential structures.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby divides §173.08 (B)(6) *Appeals* into subsection (a) which includes all current language and enacts a new (b) as shown below:

“(b) The Board of Construction Appeals shall hear any appeals from the 2011 Arkansas Energy Code interpretations by the Building Official as called for in Section 108 of that Code.”

PASSED and APPROVED this 5th day of February, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Cities that issue building permits for new building construction must adopt Arkansas Energy Code by December 31, 2012

In 2004, the Arkansas Energy Office, a subdivision of the Arkansas Economic Development Commission, developed the Arkansas Energy Code in order to establish minimum standards for the design of energy-efficient buildings. The 2004 version of the Arkansas Energy Code relied almost exclusively on the International Energy Conservation Code (IECC), 2003 Edition.

In 2009, the Arkansas Legislature passed Act 1196, which provided the Arkansas Energy Office with the authority to promulgate rules and regulations that require cities and counties issuing building permits for new building construction to adopt the 2004 version of the Arkansas Energy Code by ordinance. At the last legislative session, Act 1196 was amended by Act 802, which no longer required cities to comply with the 2004 version of the Arkansas Energy Code, but by the current version of the Arkansas Energy Code. *See Ark. Code Ann. § 15-10-205.*

New rules and regulations promulgated by the Arkansas Energy Office, including new versions of the Arkansas Energy Code, were to be enacted in compliance with the Arkansas Administrative Procedures Act. *See Ark. Code Ann. § 25-15-204 (describing the procedure for adopting, amending, or repealing a state agency's rules or regulations).*

The Arkansas Energy Office retooled the Arkansas Energy Code in 2011. For residential purposes, the 2003 edition of the IECC remains in effect. *See Ark. Energy Code for New Bldg. Constr. Supplements & Amendments*, Ark. Energy Office, available online at arkansasenergy.org/residential/builders/energy-code.aspx.

However, for commercial and high-rise residential construction projects, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2001 will govern until the end of the year. In 2013, ASHRAE 90.1-2007 will govern, with Chapter 8 of the 2003 IECC being replaced with Chapter 5 of the 2009 IECC.

The 2011 edition of the Arkansas Energy Code places certain requirements on cities and counties in order

to bring all cities and counties in compliance with the Code. Specifically, cities and counties that issue building permits for new building construction are required to adopt the Arkansas Energy Code as amended.

The Arkansas Energy Code shall be adopted by ordinance in all applicable cities and counties by Dec. 31, 2012. Once adopted, applicable cities and counties are required to submit a copy of the ordinance to the Arkansas Energy Office. However, if an applicable city and county has not adopted the Code by Dec. 31, 2012, a mayor or county judge is required to submit a letter describing why the city or county is not in compliance with the Code no later than 60 days after the deadline.

Cities or towns enacting the Code should follow the procedures for adopting a technical code by reference. *See Ark. Code Ann. § 14-55-207.* The law requires publication in a newspaper of general circulation in the city giving notice that three copies of the Arkansas Energy Code have been filed either electronically or by hard copy with the clerk or recorder of the municipality in order to ensure the public has the opportunity to inspect the new standards before the passage of the ordinance. Note that in order to have the entire code you must have copies of (1) the Arkansas Energy Code for New Building Construction Supplements, (2) the 2003 version of the IECC, (3) the 2009 version of the IECC, and (4) the ASHRAE standards.

Copies of the 2003 and 2009 versions of the IECC may be obtained by visiting the International Code Council's website at www.iccsafe.org, or by calling 1-800-786-4452. The ASHRAE standards may be obtained by visiting the ASHRAE website at www.ashrae.org, or by calling 1-800-527-4723. The Arkansas Energy Code for New Building Construction Supplements and Amendments is available at: arkansasenergy.org/residential/builders/energy-code.aspx.

TITLE XV UNIFIED DEVELOPMENT CODE

(B) *Amendments, additions, and deletions.* The Arkansas State Mechanical Code, Rules and Regulations of the State HVACR Board, governing the installation and inspections of mechanical systems shall be amended as follows:

(1) *Application.* All mechanical work, unless specifically exempt herein, shall require the application for and approval of a mechanical permit from the city Building Safety Division, prior to beginning mechanical installations in the corporate limits of the city.

(2) *Minor repairs.* No permit is required for minor repairs such as recharging of units, filter changes, and replacement of parts within the units.

(3) *Issuance.* The city Building Safety Division is authorized to issue permits to the following:

(a) State licensee;

(b) A permit may be issued to a property owner for mechanical installations in a single-family residence, provided the property owner does the work himself, and the building is owned and occupied by such owner as his/her home. Such mechanical work must strictly comply with the requirements of this chapter.

(C) *Inspection and tests.*

(1) Underslab/underground;

(2) Rough-in; and/or

(3) Final.

(D) *Right to inspect.* The Building Safety Division Director shall have the right to inspect and may require tests for existing mechanical installations when there is reason to believe that such system is not safe for the use intended. When such inspections or tests indicate a faulty or unsafe system, the system shall be made safe before the system is used.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

173.08 Energy Conservation Code

(A) *Commercial.* The Arkansas Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended, is hereby adopted by reference pursuant to A.C.A. § 14-55-206 and § 14-55-207.

(B) *Residential.* The 2009 International Energy Conservation Code (IECC) is hereby adopted by reference for all new residential structures with the exception of §107 Fees and §109 Board of Appeals.

(1) *New residential construction.* The 2009 IECC is hereby amended by adding a provision requiring a Home Energy Rating System (HERS) Index rating for new residential construction. The City of Fayetteville requires that all new residential construction have a Home Energy Rating System (HERS) Index rating completed by an independent RESNET certified home energy rater, or equivalent, prior to the issuance of a Certificate of Occupancy. Residential developments that utilize the exact same floor plan multiple times are required to have a HERS Index rating completed on a minimum of 20% of the residential units.

(2) *Sticker.* A sticker provided by the city shall be posted in a very visible location near the front entrance to the residential structure indicating the estimated monthly utility cost as derived from the HERS Index rating until the structure is sold, or for at least 90 days, whichever is less.

(3) *Additions, Alteration and renovations.* All additions, alterations and renovations to existing residential structures shall comply with the standards of the 2009 IECC, but shall not be required to provide a HERS Index rating or post a sticker. Where it is shown to be impractical to meet the 2009 IECC, the Building Official may permit additions to comply with the Arkansas Energy Code, its Rules and Regulations as adopted and promulgated by the Arkansas Energy Office, and as from time to time hereafter may be amended."

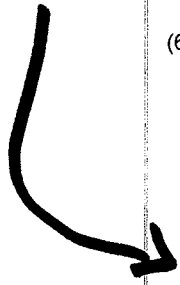
(4) *Repairs.* All repairs to existing residential structures and mechanical systems need only be constructed to at least the same energy conservation standard as the damaged structure or mechanical system which needed repair unless a higher standard is required by the Arkansas Energy Code.

(5) *Fees.* §107 Fees of the IECC is removed to reflect that only the City Council can set required fees and any refund policy, the "code official" cannot set fees nor a refund policy. All fees shall be as prescribed in the Unified Development Code.

Current law

Add new (6)(b)

Fayetteville Code of Ordinances

- 
- (6) *Appeals.* §109 **Board of Appeals** shall be removed from the IECC and have no force or application. Appeals of the Building Official's interpretation of this International Energy Conservation Code shall be heard by the existing Board of Construction Appeals and no new Board of Appeals for interpreting the International Energy Conservation Code shall be created by this Code.

(Ord. 5157, 8-5-08; Ord. 5512, 7-17-12)

173.09 Unsafe Buildings and Property Nuisances

- (A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the city which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.
- (B) Property nuisances. It is unlawful for any person having charge or possession of any property to maintain it in such a manner that it is determined by the City, after a due process hearing, that a property nuisance exists upon such property. A property nuisance shall exist whenever any of the following findings are made by the City Council after a public, due process hearing:
- (1) The condition of the property endangers the life, health, property safety or welfare of the public or occupants of the property.
 - (2) The condition of the property is so dilapidated as to cause a diminution of the enjoyment, use or property values of neighboring properties.
 - (3) The condition of the property is detrimental to the public health, safety and general welfare.
 - (4) Unoccupied. Buildings or structures not properly secured, locked, or closed.
 - (5) Unfinished. Buildings or structures which are unfinished subject to the conditions of §173.02 (B) (8).
 - (6) Inadequate sanitation, light or ventilation. Occupied buildings or structures which lack hot and cold running water to plumbing fixtures or lack the minimum amounts of natural light and ventilation as required by this code.
 - (7) Structural hazards. Buildings or structures which have such defective, deteriorated or inadequate foundations; flooring and/or floor support; wall, partition, or other vertical support; ceiling, roof, or other horizontal support; fireplace or chimney as to result in unsafe conditions.
- (8) Inadequate or hazardous wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (9) Inadequate or faulty plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
- (10) Inadequate Means of Egress. All means of egress and related components except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
- (11) Inadequate Fire Suppression and Alarm systems. All fire suppression and alarm systems except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition.
- (12) Dilapidated Exterior. Dilapidated roof coverings; dilapidated or unfinished exterior wall coverings; broken or missing doors and/or windows.
- (C) Abatement procedures for Unsafe Buildings and Property Nuisances; raze and removal and lien authorized.
- (1) City Prosecution Authorized. The rules and procedures of the Code Compliance Program for abatement of Unsafe Buildings and Property Nuisances should be followed. If the results of such efforts are unsatisfactory, the Code Compliance Division Director may forward the matter for prosecution to the City Prosecutor and/or to the City Council for consideration of a raze and removal Resolution.
 - (2) City Council determination whether property nuisance exists. Upon referral from the Code Compliance Division, the City Council shall hold a public hearing to determine whether or not the subject building is a property nuisance for any of the reasons specified in §173.09 (B) or otherwise unsafe, dilapidated, unsanitary or a detriment to the public welfare.

Arkansas Energy Code for New Building Construction Supplements and Amendments



2011

**Arkansas Energy Office
Arkansas Economic Development Commission**

OVERVIEW

This document supplements and amends the *International Energy Conservation Code (IECC), 2003 Edition*. In cases where there are differences between these “Supplements and Amendments” and the IECC 2003 Edition, or with *ANSI/ASHRAE/IESNA Standard 90.1-2001 or Standard 90.1-2007* or Chapter 5 of the 2009 IECC, these “Supplements and Amendments” shall take precedence.

Each of the following Chapters of this document associates directly with the corresponding chapters of the 2003 IECC unless otherwise noted.

RESIDENTIAL

- **Chapter 1.** Administration – Deleted. Replaced with the *Arkansas Energy Code for New Building Construction Supplements and Amendments, Chapter 1, Administration and Enforcement*.
- **Chapter 2: Definitions.**
- **Chapter 3: Design Conditions.** Establishes the design criteria for the entire state of Arkansas and defines Arkansas’ four climate zones. The climate zones establish the design conditions for use with Chapters 4, 5, 6 and 8.

This chapter has been modified to include a map of Arkansas with a list of counties and their associated climate zones, and a table identifying the Heating Degree Day (HDD) ranges associated with each zone.

- **Chapter 4:** Pertains to **residential building design by systems analysis**, as well as the use of renewable resources such as wind, solar, geothermal, etc.

Section 402.2.3.1.3 has been deleted which required windows to have a 0.40 Solar Heat Gain Coefficient (SHGC) in homes located in areas experiencing less than 3,500 HDD.

- **Chapter 5: Residential compliance by designed component¹ performance**—this analyzes the total building for compliance one component at a time. Assuming each individual component of the building meets the thermal requirements of the code then the entire building is deemed to comply. This chapter offers the use of “trade-offs” to achieve compliance by allowing the builder to substitute or “trade-off” values between building components. A properly executed use of an Arkansas Energy Office approved compliance tool may be used to validate any trade-off.

Section 502.1.5 has been deleted which required the 0.40 SHGC. The *R*-values in the Minimum Duct Insulation Table 503.3.3.3 have been changed. Also footnote “b” under that same table has been deleted which stated that insulation on return ducts located in a basement is not required. All references to the *International Mechanical Code* have been changed to the *Arkansas Mechanical Code*.

- **Chapter 6:** Offers **residential prescriptive compliance** via the single step compliance method by selecting an option directly from the charts in the applicable climate zone. The values from the option show the minimum requirements for each component of a residential structure for the specific climate zone. An approved Arkansas Energy Office prescriptive compliance tool may be used to validate code compliance.

Section 602.2 has been deleted which required the 0.40 SHGC.

COMMERCIAL

- **Chapter 7:** Pertains to **building design for commercial buildings**, except those that comply with Chapter 8. *ANSI/ASHRAE/IESNA Standard 90.1 2001* is adopted by reference and will be in effect until 12/31/2012. On and after 1/1/2013 *ANSI/ASHRAE/IESNA Standard 90.1 2007* will be in effect. An approved Arkansas Energy Office compliance tool may be used to validate compliance.
- **Chapter 8:** Chapter 8 of the 2003 IECC is in effect until 12/31/2012. On and after 1/1/2013 Chapter 8 is removed in its entirety and replaced with Chapter 5 of the 2009 International Energy Conservation Code (2009 IECC) with its associated definitions, general requirements and referenced standards. All references to the *International Mechanical Code* have been changed to the *Arkansas Mechanical Code*. An approved Arkansas Energy Office compliance tool may be used to validate compliance.

¹ The word “component” for the purposes of this code is defined as being a particular segment of a building such as a wall, ceiling, or floor. Hence, the terms *wall component* or *ceiling component*.

Introduction

The Arkansas General Assembly authorized the Arkansas Energy Office to promulgate these regulations in Section 3(B)(2)(c) of Act 7 of 1981. These rules and regulations are in adherence with the Administrative Procedures Act.

For residential structures, Arkansas adopts the International Energy Conservation Code (IECC), 2003 Edition, published and copyrighted by the International Codes Council. The residential portion of the *Arkansas Energy Code for New Building Construction* is composed of the 2003 Edition of the International Energy Conservation Code (2003 IECC) combined with these *Supplements and Amendments*.

Chapters 2 through 6 of the 2003 IECC provide regulations for residential construction. To order copies of the *International Energy Conservation Code, 2003 Edition* contact:

International Code Council
900 Montclair Road
Birmingham, Alabama 35213-1206
Phone: 1-800-786-4452, Fax: 205-591-0775
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For commercial structures, the Arkansas Energy Code for New Building Construction adopts by reference the *American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) ANSI / ASHRAE / IESNA Standard 90.1-2001 Energy Standard for Buildings Except Low-Rise Residential Buildings* which will be in effect until 12/31/2012. On and after 1/1/2013 Arkansas will adopt by reference *ANSI / ASHRAE / IESNA Standard 90.1-2007*, and as an alternative, Chapter 5 of the *2009 International Energy Conservation Code* with its associated definitions, general requirements and referenced standards. Both codes are available from the International Code Council at the above address.

To order copies of *American Society of Heating, Refrigerating, and Air-Conditioning Engineers ANSI/ASHRAE/IESNA Standard 90.1-2001* or *2007* contact:

American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.
1791 Tullie Circle, N.E.
Atlanta, GA 30329
Phone: 404-636-8400, Fax: 404-321-5478
Web: www.ashrae.org

Questions, inquiries or request for copies of the *Arkansas Energy Code for New Building Construction Supplements and Amendments* may be addressed to:

Arkansas Energy Office
Attn: *Arkansas Energy Code for New Building Construction*
900 West Capitol
Little Rock, AR 72201
Phone: 800-558-2633 or 501-682-6103, Fax: 501-682-7499
Email: EnergyInfo@ArkansasEDC.com
Download code information and compliance tools at: www.ArkansasEnergy.org. Click on the Residential tab on top, then Builders and Energy Code on the left side.

SUMMARY

Chapters 4, 5 and 6 of the 2003 IECC offer different methods to achieve code compliance for low-rise residential construction. For commercial and high-rise residential construction Chapters 7 and 8 offer different methods to achieve code compliance for commercial and high-rise residential construction and refer to ASHRAE 90.1-2001 which is in effect until 12/31/2012. On and after 1/1/2013 ASHRAE 90.1-2007 becomes effective for commercial and high-rise residential construction and Chapter 8 of the 2003 IECC is removed and replaced with Chapter 5 of the 2009 IECC.

These amendments have five significant changes:

- 1) Chapter 1 – Administration was deleted and replaced with the *Arkansas Energy Code for New Building Construction Supplements and Amendments, Chapter 1, Administration and Enforcement*.
- 2) The requirement of a 0.4 Solar Heat Gain Coefficient in Chapters 4, 5 and 6 was deleted.
- 3) The residential duct insulation requirement was changed.
- 4) *ANSI/ASHRAE/IESNA 90.1-2001* is referenced for commercial buildings and high-rise residential buildings in Chapters 7 and 8 until 12/31/2012. On and after 1/1/2013 *ANSI/ASHRAE/IESNA 90.1-2007* is referenced for commercial buildings and high-rise residential buildings.
- 5) On and after 1/1/2013 Chapter 8 of the 2003 IECC is deleted and replaced with Chapter 5 of the 2009 IECC.

ARKANSAS ENERGY CODE FOR NEW BUILDING CONSTRUCTION SUPPLEMENTS AND AMENDMENTS

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date energy conservation code addressing the design of energy-efficient building envelopes and installation of energy efficient mechanical, lighting and power systems through requirements emphasizing performance. The *International Energy Conservation Code*®, in this 2009 edition, is designed to meet these needs through model code regulations that will result in the optimal utilization of fossil fuel and nondepletable resources in all communities, large and small.

This comprehensive energy conservation code establishes minimum regulations for energy efficient buildings using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new energy efficient designs. This 2009 edition is fully compatible with all the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including: the *International Building Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Mechanical Code*®, *ICC Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Property Maintenance Code*®, *International Residential Code*®, *International Wildland-Urban Interface Code*™ and *International Zoning Code*®.

The *International Energy Conservation Code* provisions provide many benefits, among which is the model code development process that offers an international forum for energy professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Energy Conservation Code* (1998) was based on the 1995 edition of the *Model Energy Code* promulgated by the Council of American Building Officials (CABO) and included changes approved through the CABO Code Development Procedures through 1997. CABO assigned all rights and responsibilities to the International Code Council and its three statutory members at that time, including Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). This 2009 edition presents the code as originally issued, with changes reflected in the 2000, 2003 and 2006 editions and further changes approved through the ICC Code Development Process through 2008. A new edition such as this is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of an energy conservation code that adequately conserves energy; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Energy Conservation Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page vii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Energy Conservation Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Code and Standard Development Department of the International Code Council.

While the development procedure of the *International Energy Conservation Code* assures the highest degree of care, ICC, its members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC and its members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2006 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

Effective Use of the International Energy Conservation Code

The *International Energy Conservation Code* (IECC) is a model code that regulates minimum energy conservation requirements for new buildings. The IECC addresses energy conservation requirements for all aspects of energy uses in both commercial and residential construction, including heating and ventilating, lighting, water heating, and power usage for appliances and building systems.

The IECC is a design document. For example, before one constructs a building, the designer must determine the minimum insulation *R*-values and fenestration *U*-factors for the building exterior envelope. Depending on whether the building is for residential use or for commercial use, the IECC sets forth minimum requirements for exterior envelope insulation, window and door *U*-factors and SHGC ratings, duct insulation, lighting and power efficiency, and water distribution insulation.

Arrangement and Format of the 2009 IECC

Before applying the requirements of the IECC it is beneficial to understand its arrangement and format. The IECC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection. The IECC is divided into five different parts:

Chapters	Subjects
1–2	Administration and definitions
3	Climate zones and general materials requirements
4	Energy efficiency for residential buildings
5	Energy efficiency for commercial buildings
6	Referenced standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Energy Conservation Code*:

Chapter 1 Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the energy conservation criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Additional definitions regarding climate zones are found in Tables 301.3(1) and (2). These are not listed in Chapter 2.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in *italics* wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 Climate Zones. Chapter 3 specifies the climate zones that will serve to establish the exterior design conditions. In addition, Chapter 3 provides interior design conditions that are used as a basis for assumptions in heating and cooling load calculations, and provides basic material requirements for insulation materials and fenestration materials.

Climate has a major impact on the energy use of most buildings. The code establishes many requirements such as wall and roof insulation *R*-values, window and door thermal transmittance requirement (*U*-factors) as well as provisions that affect the mechanical systems based upon the climate where the building is located. This chapter will contain the information that will be used to properly assign the building location into the correct climate zone and will then be used as the basis for establishing requirements or elimination of requirements.

Chapter 4 Residential Energy Efficiency. Chapter 4 contains the energy-efficiency-related requirements for the design and construction of residential buildings regulated under this code. It should be noted that the definition of a *residential building* in this code is unique for this code. In this code, a *residential building* is an R-2, R-3 or R-4 building three stories or less in height. All other R-1 buildings, including residential buildings greater than three stories in height, are regulated by the energy conservation requirements of Chapter 5. The applicable portions of a residential building must comply with the provisions within this chapter for energy effi-

ciency. This chapter defines requirements for the portions of the building and building systems that impact energy use in new residential construction and promotes the effective use of energy. The provisions within the chapter promote energy efficiency in the building envelope, the heating and cooling system and the service water heating system of the building.

Chapter 5 Commercial Energy Efficiency. Chapter 5 contains the energy-efficiency-related requirements for the design and construction of most types of commercial buildings and residential buildings greater than three stories in height above grade. Residential buildings, townhouses and garden apartments three stories or less in height are covered in Chapter 4. Like Chapter 4, this chapter defines requirements for the portions of the building and building systems that impact energy use in new commercial construction and new residential construction greater than three stories in height, and promotes the effective use of energy. The provisions within the chapter promote energy efficiency in the building envelope, the heating and cooling system and the service water heating system of the building.

Chapter 6 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 6 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 6 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

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ARKANSAS AMENDMENTS

** Revise the Arkansas Energy Code for New Building Construction Supplements and Amendments (the 2003 Edition of the International Energy Conservation Code), as follows:*

CHAPTER 1 ADMINISTRATION

Delete entire CHAPTER 1 ADMINISTRATION. Replace with the *Arkansas Energy Code for New Building Construction Supplements and Amendments, CHAPTER 1, ADMINISTRATION AND ENFORCEMENT* as follows.

CHAPTER 1 ADMINISTRATION and ENFORCEMENT

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the *Arkansas Energy Code for New Building Construction Supplements and Amendments*, and shall be cited as such. Unless otherwise specified, this *Arkansas Energy Code for New Building Construction Supplements and Amendments*, the 2003 International Energy Conservation Code, ASHRAE 90.1-2001, ASHRAE 90.1-2007 and Chapter 5 of the 2009 IECC are referred to herein as “this Code” or “the Arkansas Energy Code.”

101.2 Scope. This Code establishes minimum prescriptive and performance-related regulations for the design of energy-efficient buildings and structures or portions thereof that provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy. This Code thereby addresses the design of energy-efficient building envelopes and the selection and installation of energy-efficient mechanical, service water-heating, electrical distribution and illumination systems and equipment for the effective use of energy in these buildings and structures. NOTE: All referenced Chapters, Sections and Tables in this Chapter correspond directly to the *International Energy Conservation Code, 2003 Edition* unless otherwise noted.

101.2.1 Exempt buildings. Buildings and structures indicated in Sections 101.2.1.1 through 101.2.1.5 shall be exempt from the building envelope provisions of this Code, but shall comply with the provisions for building, mechanical, service water heating and lighting systems.

101.2.1.1 Separated buildings. Buildings and structures, or portions thereof separated by building envelope assemblies from the remainder of the building, that have a peak design rate of energy usage less than 3.4 Btu/h per square foot (10.7 W/m²) or 1.0 watt per square foot (10.7 W/m²) of floor area for space conditioning purposes.

101.2.1.2 Unconditioned buildings. Buildings and structures or portions thereof, which are neither heated nor cooled.

101.2.1.3: Buildings and structures or portions thereof that are exclusively heated or cooled by renewable fuels.

101.2.1.4: Mobile homes

101.2.1.5: Temporary use structures such as hunting and fishing camps, boat houses, remote cabins, etc. that do not meet the definition of "dwelling units" in Section 202; General Definitions.

101.2.2 Applicability. The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

101.2.2.1 Existing installations. Except as otherwise provided for in this chapter, a provision in this Code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, an existing building envelope, mechanical, service water-heating, electrical distribution or illumination system lawfully in existence at the time of the adoption of this Code.

101.2.2.2 Additions to Existing Buildings: Additions to existing buildings or structures may be made to such buildings or structures without making the entire building or structure comply. The new addition shall conform to the provisions of this Code as they relate to new construction only.

101.2.2.3 Renovations: Any rehabilitation of an existing building that requires more than 25 percent of the gross floor area or volume of the entire building to be rebuilt shall comply with this Code. Cosmetic work such as painting, wall covering, wall paneling, and floor covering shall not be included.

101.2.2.4 Historic buildings. The provisions of this Code relating to the construction, alteration, repair, enlargement, restoration, relocation or movement of buildings or structures shall not be mandatory for existing buildings or structures specifically identified and classified as historically significant by the state or local jurisdiction, listed in *The National Register of Historic Places* or which have been determined to be eligible for such listing.

101.2.3 Mixed occupancy. When a building houses more than one occupancy, each portion of the building shall conform to the requirements for the occupancy housed therein. Where minor accessory uses do not occupy more than 10 percent of the area of any floor of a building, the major use shall be considered the building occupancy. Buildings, other than detached one- and two-family dwellings and townhouses, with a height of four or more stories above grade shall be considered commercial buildings for purposes of this Code, regardless of the number of floors that are classified as residential occupancy.

101.3 Intent. The provisions of this Code shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction. It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve effective utilization of energy. This Code is not intended to abridge safety, health or environmental requirements under other applicable codes or ordinances.

101.4 Compliance. Compliance with this Code shall be determined in accordance with Sections 101.4.1 and 101.4.2.

101.4.1 Residential buildings. For residential buildings the following shall be used as the basis for compliance assessment: a systems approach for the entire building (Chapter 4), an approach based on performance of individual components of the building envelope (Chapter 5), an approach based on performance of the total building envelope (Chapter 5), an approach based on acceptable practice for each envelope component (Chapter 5), an approach by prescriptive specification for individual components of the building envelope (Chapter 5), or an approach based on simplified, prescriptive specification (Chapter 6) where the conditions set forth in Section 101.4.1.1 or 101.4.1.2 are satisfied.

101.4.1.1 Detached one- and two-family dwellings. When the glazing area does not exceed 15 percent of the gross area of exterior walls.

101.4.1.2 Residential buildings, Group R-2, R-4 or townhouses. When the glazing area does not exceed 25 percent of the gross area of exterior walls.

101.4.2 Commercial buildings. For commercial buildings, a prescriptive or performance-based approach (Chapter 7) or as specified by acceptable practice (Chapter 8) shall be used as the basis for compliance assessment up to 12/31/2012. On and after 1/1/2013 ANSI/ASHRAE/IESNA 90.1-2007 or Chapter 5 of the 2009 IECC shall be used as a basis for compliance assessment.

101.4.3 Builder Acknowledgement. Cities or counties that issue building permits for new building construction are required to record that the builder has certified that the proposed building will comply with the Arkansas Energy Code.

101.5 Adoption. Arkansas Code § 15-10-205(b)(3)(B) requires that any city or county in Arkansas which issues building permits for new building construction (referred to herein as "applicable cities or counties") shall adopt the Arkansas Energy Code as amended.

101.5.1 Date of Adoption. Applicable cities or counties shall adopt the Arkansas Energy Code prior to December 31, 2012.

101.5.2 Acknowledgement of Adoption. Upon adoption of the Arkansas Energy Code, applicable cities or counties are required to submit a copy of the adoption ordinance to the Arkansas Energy Office. If the applicable city or county has not adopted the Arkansas Energy Code by December 31, 2012, the mayor and/or county judge is required to submit a letter to the Arkansas Energy Office, no later than 60 days after this deadline, describing why the city or county is not in compliance with Arkansas Code § 15-10-205(b)(3)(B).

SECTION 102

MATERIALS, SYSTEMS AND EQUIPMENT

102.1 General. Materials, equipment and systems shall be identified in a manner that will allow a determination of their compliance with the applicable provisions of this Code.

102.2 Materials, equipment and systems installation. All insulation materials, caulking and weatherstripping, fenestration assemblies, mechanical equipment and systems components, and water-heating equipment and system components shall be installed in accordance with the manufacturer's installation instructions.

102.3 Maintenance information. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. Such label shall include the title or publication number, the operation and maintenance

manual for that particular model and type of product. Maintenance instructions shall be furnished for equipment that requires preventive maintenance for efficient operation.

102.4 Insulation installation. Roof/ceiling, floor, wall cavity and duct distribution systems insulation shall be installed in a manner that permits inspection of the manufacturer's *R*-value identification mark.

102.4.1 Protection of exposed foundation insulation. Insulation applied to the exterior of foundation walls and around the perimeter of slab-on-grade floors shall have a rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed area of the exterior insulation and extend a minimum of 6 inches (153 mm) below grade.

102.5 Identification. Materials, equipment and systems shall be identified in accordance with Sections 102.5.1, 102.5.2 and 102.5.3.

102.5.1 Building envelope insulation. A thermal resistance (*R*) identification mark shall be applied by the manufacturer to each piece of building envelope insulation 12 inches (305 mm) or greater in width. Alternatively, the insulation installer shall provide a signed and dated certification for the insulation installed in each element of the building envelope, listing the type of insulation installations in roof/ceilings, the manufacturer and the *R*-value. For blown-in or sprayed insulation, the installer shall also provide the initial installed thickness, the settled thickness, the coverage area and the number of bags installed. Where blown-in or sprayed insulation is installed in walls, floors and cathedral ceilings, the installer shall provide a certification of the installed density and *R*-value. The installer shall post the certification in a conspicuous place on the job site.

102.5.1.1 Roof/ceiling insulation. The thickness of roof/ceiling insulation that is either blown in or sprayed shall be identified by thickness markers that are labeled in inches or millimeters installed at least one for every 300 square feet (28 m²) throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness and minimum settled thickness with numbers a minimum of 1 inch (25 mm) in height. Each marker shall face the attic access. The thickness of installed insulation shall meet or exceed the minimum initial installed thickness shown by the marker.

102.5.2 Fenestration product rating, certification and labeling. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer. The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Where a shading coefficient for a fenestration product is used, it shall be determined by converting the product's SHGC, as determined in accordance with NFRC 200, to a shading coefficient, by dividing the SHGC by 0.87. Such certified and labeled *U*-factors and SHGCs shall be accepted for purposes of determining compliance with the building envelope requirements of this Code.

When a manufacturer has not determined product *U*-factor in accordance with NFRC 100 for a particular product line, compliance with the building envelope requirements of this Code shall be determined by assigning such products a default *U*-factor in accordance with Tables 102.5.2(1) and 102.5.2(2). When a SHGC or shading coefficient is used for code compliance and a manufacturer has not determined product SHGC in accordance with NFRC 200 for a particular product line, compliance with the building envelope requirements of this Code shall be determined by assigning such products a default SHGC in accordance with Table 102.5.2(3). Product features must be verifiable for the product to qualify for the default value associated with those features. Where the existence of a particular feature cannot be determined with reasonable certainty, the product shall not receive credit for that feature. Where a composite of materials from two different product types is used, the product shall be assigned the higher *U*-factor.

102.5.3 Duct distribution systems insulation. A thermal resistance (*R*) identification mark shall be applied by the manufacturer in maximum intervals of no greater than 10 feet (3048 mm) to insulated flexible duct products showing the thermal performance *R*-value for the duct insulation itself (excluding air films, vapor retarders or other duct components).

TABLE 102.5.2(1)
U-FACTOR DEFAULT TABLE FOR WINDOWS, GLAZED DOORS AND SKYLIGHTS

FRAME MATERIAL AND PRODUCT TYPE ^a	SINGLE GLAZED	DOUBLE GLAZED
Metal without thermal break:		
Curtain wall	1.22	0.79
Fixed	1.13	0.69
Garden window	2.60	1.81
Operable (including sliding and swinging glass doors)	1.27	0.87
Site-assembled sloped/overhead glazing	1.36	0.82
Skylight	1.98	1.31
Metal with thermal break:		
Curtain wall	1.11	0.68
Fixed	1.07	0.63
Operable (including sliding and swinging glass doors)	1.08	0.65
Site-assembled sloped/overhead glazing	1.25	0.70
Skylight	1.89	1.11
Reinforced vinyl/metal clad wood:		
Fixed	0.98	0.56
Operable (including sliding and swinging glass doors)	0.90	0.57
Skylight	1.75	1.05
Wood/vinyl/fiberglass:		
Fixed	0.98	0.56
Garden window	2.31	1.61
Operable (including sliding and swinging glass doors)	0.89	0.55
Skylight	1.47	0.84

a. Glass block assemblies with mortar but without reinforcing or framing shall have a *U*-factor of 0.60.

TABLE 102.5.2(2)
U-FACTOR DEFAULT TABLE FOR NONGLAZED DOORS

DOOR TYPE	WITH FOAM CORE	WITHOUT FOAM CORE
Steel doors (1.75 inches thick)	0.35	0.60
	WITH STORM DOOR	WITHOUT STORM DOOR
Wood doors (1.75 inches thick)		
Hollow core flush	0.32	0.46
Panel with 0.438-inch panels	0.36	0.54
Panel with 1.125-inch panels	0.28	0.39
Solid core flush	0.26	0.40

For SI: 1 inch = 25.4 mm.

TABLE 102.5.2(3)
SHGC DEFAULT TABLE FOR FENESTRATION

PRODUCT DESCRIPTION	SINGLE GLAZED				DOUBLE GLAZED			
	Clear	Bronze	Green	Gray	Clear + Clear	Bronze + Clear	Green + Clear	Gray + Clear
Metal frames								
Fixed	0.78	0.67	0.65	0.64	0.68	0.57	0.55	0.54
Operable	0.75	0.64	0.62	0.61	0.66	0.55	0.53	0.52
Nonmetal frames								
Fixed	0.75	0.64	0.62	0.61	0.66	0.54	0.53	0.52
Operable	0.63	0.54	0.53	0.52	0.55	0.46	0.45	0.44

SECTION 103

ALTERNATE MATERIALS—METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

103.1 General. The provisions of this Code are not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design or insulating system has been approved by the code official as meeting the intent of the Code.

Compliance with specific provisions of this Code may be determined through the use of deemed to comply computer software, worksheets, compliance manuals and other similar materials when they have been approved by the Arkansas Energy Office.

SECTION 104

CONSTRUCTION DOCUMENTS

104.1 General. Construction documents and other supporting data shall be submitted in one or more sets with each application for a permit. The construction documents and designs submitted under the provisions of Chapter 4 shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.

Exceptions:

1. The code official is authorized to waive the submission of construction documents and other supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this Code.
2. For residential buildings having a conditioned floor area of 5,000 square feet (465 m²) or less, designs submitted under the provisions of Chapter 4 shall be prepared by anyone having qualifications acceptable to the code official.

104.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail pertinent data and features of the building and the equipment and systems as herein governed, including, but not limited to, design criteria, exterior envelope component materials, *U*-factors of the envelope systems, *U*-factors of fenestration products, *R*-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate compliance with the requirements of this Code and relevant laws, ordinances, rules and regulations, as determined by the code official.

104.3 Design Professional: Architects and engineers employed to prepare plans and specifications for new buildings shall ensure the plans and specifications comply with the provisions of this Code in a manner consistent with their obligations under Arkansas State law (see also the *Arkansas Fire Prevention Code 2007 Edition*, Volume I Fire, Volume II Building and Volume III Residential).

SECTION 105 CONTRACTOR / BUILDER COMPLIANCE

105.1 General: Compliance with this Code shall be the obligation of the licensed builder or contractor.

105.1.1 Compliance: Compliance signifies that the licensed builder or contractor has constructed or will construct or renovate the building in compliance with the requirements of this Code, and that by inspection within a two-year period from the date of completion, if the building fails to meet the Code's specifications, understands that he or she is responsible for bringing the building into compliance with this Code.

105.1.2 Compliance Materials: Compliance materials, instructions and Arkansas Energy Office approved tools and third-party services, are made a part of this Code by reference.

105.1.3 Compliance by Self-Builders: Compliance with this Code by builders who build, or contract to build, single-family buildings for their own occupancy is voluntary.

105.2 Compliance Alternatives

105.2.1 Alternative Compliance Tools: Arkansas Energy Office approved alternative compliance tools may be used to validate code compliance.

105.2.2 Federally Financed Homes: Newly constructed single and multi-family buildings financed through HUD/FHA, VA, and USDA Rural Development programs shall meet the thermal performance requirements of this Code.

SECTION 106 INSPECTIONS

106.1 General. Construction or work that must comply with this Code shall be subject to inspection by the Arkansas Energy Office or its agent, or by the code official.

106.2 Final inspection. Code officials within a county or municipality who have adopted this Code and conduct final inspections as a part of their normal operations shall perform a final inspection and approval for buildings when completed and ready for occupancy.

106.3 Reinspection. The Arkansas Energy Office or its agent or code official may cause a structure to be reinspected.

SECTION 107 ENFORCEMENT

107.1 General: Enforcement of this Code shall be the responsibility of the Arkansas Energy Office or local government (when adopted).

107.2 Local Government: All counties, cities or municipalities that issue building permits for new building construction are required to adopt this Code for new construction, additions and renovation of existing structures. However, the local municipality shall not in any way modify the energy conservation standards in this Code or promulgate or adopt rules or regulations that are less stringent than this Code.

A local government may exercise other administrative and enforcement procedures that it deems necessary to affect the purposes of this Code, including, but not limited to, prior plan approval, building permit requirements, and inspections during the course of construction.

SECTION 108 APPEALS

108.1 Board of Appeals: Any appeal of the energy conservation standards contained in this Code shall be made to the Board of Appeals established by the Arkansas Energy Office, and a decision on an appeal will be made within 45 days of its filing.

108.2 Local Government: In any county or municipality where this Code is adopted, the governing body shall establish a Board of Appeals to adjudicate complaints arising from the application of the Code. When a Board of Appeals is established, the governing body shall prescribe procedures for providing a fair and reasonable hearing of the appeal.

SECTION 109 VALIDITY

109.1 General. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

SECTION 110 RESPONSIBILITY

110.1 These minimum standards shall not be construed as relieving the licensed builder or contractor of his or her responsibility for compliance with local ordinances, codes, and regulations.

SECTION 111 REFERENCED STANDARDS

111.1 General. The standards, and portions thereof, which are referred to in this Code and listed in Chapter 10, shall be considered part of the requirements of this Code to the extent of such reference.

111.2 Conflicting requirements. When a section of this Code and a section of a referenced standard from Chapter 10 specify different materials, methods of construction or other requirements, the provisions of this Code shall apply.

SECTION 112 EFFECTIVE DATE

112.1 The effective date of this Code for residential buildings, as defined herein, is 10/1/2004. ASHRAE 90.1-2001 and Chapter 8 of the 2003 IECC are in effect for commercial buildings until 12/31/2012. The effective date for ASHRAE 90.1-2007 and Chapter 5 of the 2009 IECC for commercial buildings, as defined herein, is 1/1/2013.

CHAPTER 2 DEFINITIONS

* Revise Section 202 GENERAL DEFINITIONS to read as follows:

EFFICIENCY, HVAC SYSTEM. The ratio of useful energy output (at the point of use) to the energy input in consistent units for a designated time period, expressed in percent.

RECOOLING. The removal of heat by sensible cooling of the supply air (directly or indirectly) which has been previously heated above the temperature to which the air is to be supplied to the conditioned space for proper control of the temperature of that space.

RECOVERED ENERGY. Energy utilized which would otherwise be wasted (i.e., not contribute to a desired end use) from an energy utilization system.

RESET. Adjustment of the set point of a control instrument to a higher or lower value automatically or manually to conserve energy.

RESIDENTIAL BUILDING. Detached one- and two-family dwellings.

CHAPTER 2

DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless stated otherwise, the following words and terms in this code shall have the meanings indicated in this chapter.

201.2 Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural includes the singular.

201.3 Terms defined in other codes. Terms that are not defined in this code but are defined in the *International Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *International Plumbing Code* or the *International Residential Code* shall have the meanings ascribed to them in those codes.

201.4 Terms not defined. Terms not defined by this chapter shall have ordinarily accepted meanings such as the context implies.

SECTION 202 GENERAL DEFINITIONS

ABOVE-GRADE WALL. A wall more than 50 percent above grade and enclosing *conditioned space*. This includes between-floor spandrels, peripheral edges of floors, roof and basement knee walls, dormer walls, gable end walls, walls enclosing a mansard roof and skylight shafts.

ACCESSIBLE. Admitting close approach as a result of not being guarded by locked doors, elevation or other effective means (see "Readily accessible").

ADDITION. An extension or increase in the *conditioned space* floor area or height of a building or structure.

AIR BARRIER. Material(s) assembled and joined together to provide a barrier to air leakage through the building envelope. An air barrier may be a single material or a combination of materials.

ALTERATION. Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

APPROVED. Approval by the *code official* as a result of investigation and tests conducted by him or her, or by reason of accepted principles or tests by nationally recognized organizations.

AUTOMATIC. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature or mechanical configuration (see "Manual").

BASEMENT WALL. A wall 50 percent or more below grade and enclosing *conditioned space*.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING THERMAL ENVELOPE. The basement walls, exterior walls, floor, roof, and any other building element that enclose *conditioned space*. This boundary also includes the boundary between *conditioned space* and any exempt or unconditioned space.

C-FACTOR (THERMAL CONDUCTANCE). The coefficient of heat transmission (surface to surface) through a building component or assembly, equal to the time rate of heat flow per unit area and the unit temperature difference between the warm side and cold side surfaces (Btu/h ft² × °F) [W/(m² × K)].

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

COMMERCIAL BUILDING. For this code, all buildings that are not included in the definition of "Residential buildings."

CONDITIONED FLOOR AREA. The horizontal projection of the floors associated with the *conditioned space*.

CONDITIONED SPACE. An area or room within a building being heated or cooled, containing uninsulated ducts, or with a fixed opening directly into an adjacent *conditioned space*.

CRAWL SPACE WALL. The opaque portion of a wall that encloses a crawl space and is partially or totally below grade.

CURTAIN WALL. Fenestration products used to create an external nonload-bearing wall that is designed to separate the exterior and interior environments.

DAYLIGHT ZONE.

- 1. Under skylights.** The area under skylights whose horizontal dimension, in each direction, is equal to the skylight dimension in that direction plus either the floor-to-ceiling height or the dimension to a ceiling height opaque partition, or one-half the distance to adjacent skylights or vertical fenestration, whichever is least.
- 2. Adjacent to vertical fenestration.** The area adjacent to vertical fenestration which receives daylight through the fenestration. For purposes of this definition and unless more detailed analysis is provided, the daylight zone depth is assumed to extend into the space a distance of 15 feet (4572 mm) or to the nearest ceiling height opaque partition, whichever is less. The daylight zone width is assumed to be the width of the window plus 2 feet (610 mm) on each side, or the window width plus the distance to an opaque partition, or the window width plus one-half the distance to adjacent skylight or vertical fenestration, whichever is least.

DEMAND CONTROL VENTILATION (DCV). A ventilation system capability that provides for the automatic reduction of outdoor air intake below design rates when the actual occupancy of spaces served by the system is less than design occupancy.

DUCT. A tube or conduit utilized for conveying air. The air passages of self-contained systems are not to be construed as air ducts.

DUCT SYSTEM. A continuous passageway for the transmission of air that, in addition to ducts, includes duct fittings, dampers, plenums, fans and accessory air-handling equipment and appliances.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ECONOMIZER, AIR. A duct and damper arrangement and automatic control system that allows a cooling system to supply outside air to reduce or eliminate the need for mechanical cooling during mild or cold weather.

ECONOMIZER, WATER. A system where the supply air of a cooling system is cooled indirectly with water that is itself cooled by heat or mass transfer to the environment without the use of mechanical cooling.

ENERGY ANALYSIS. A method for estimating the annual energy use of the *proposed design* and *standard reference design* based on estimates of energy use.

ENERGY COST. The total estimated annual cost for purchased energy for the building functions regulated by this code, including applicable demand charges.

ENERGY RECOVERY VENTILATION SYSTEM. Systems that employ air-to-air heat exchangers to recover energy from exhaust air for the purpose of preheating, precooling, humidifying or dehumidifying outdoor ventilation air prior to supplying the air to a space, either directly or as part of an HVAC system.

ENERGY SIMULATION TOOL. An *approved* software program or calculation-based methodology that projects the annual energy use of a building.

ENTRANCE DOOR. Fenestration products used for ingress, egress and access in nonresidential buildings, including, but not limited to, exterior entrances that utilize latching hardware and automatic closers and contain over 50-percent glass specifically designed to withstand heavy use and possibly abuse.

EXTERIOR WALL. Walls including both above-grade walls and basement walls.

FAN BRAKE HORSEPOWER (BHP). The horsepower delivered to the fan's shaft. Brake horsepower does not include the mechanical drive losses (belts, gears, etc.).

FAN SYSTEM BHP. The sum of the fan brake horsepower of all fans that are required to operate at fan system design conditions to supply air from the heating or cooling source to the *conditioned space(s)* and return it to the source or exhaust it to the outdoors.

FAN SYSTEM DESIGN CONDITIONS. Operating conditions that can be expected to occur during normal system operation that result in the highest supply fan airflow rate to conditioned spaces served by the system.

FAN SYSTEM MOTOR NAMEPLATE HP. The sum of the motor nameplate horsepower of all fans that are required to operate at design conditions to supply air from the heating or cooling source to the *conditioned space(s)* and return it to the source or exhaust it to the outdoors.

FENESTRATION. Skylights, roof windows, vertical windows (fixed or moveable), opaque doors, glazed doors, glazed block and combination opaque/glazed doors. Fenestration includes products with glass and nonglass glazing materials.

F-FACTOR. The perimeter heat loss factor for slab-on-grade floors ($\text{Btu/h} \times \text{ft} \times ^\circ\text{F}$) [$\text{W}/(\text{m} \times \text{K})$].

HEAT TRAP. An arrangement of piping and fittings, such as elbows, or a commercially available heat trap that prevents thermosyphoning of hot water during standby periods.

HEATED SLAB. Slab-on-grade construction in which the heating elements, hydronic tubing, or hot air distribution system is in contact with, or placed within or under, the slab.

HIGH-EFFICACY LAMPS. Compact fluorescent lamps, T-8 or smaller diameter linear fluorescent lamps, or lamps with a minimum efficacy of:

1. 60 lumens per watt for lamps over 40 watts,
2. 50 lumens per watt for lamps over 15 watts to 40 watts, and
3. 40 lumens per watt for lamps 15 watts or less.

HUMIDISTAT. A regulatory device, actuated by changes in humidity, used for automatic control of relative humidity.

INFILTRATION. The uncontrolled inward air leakage into a building caused by the pressure effects of wind or the effect of differences in the indoor and outdoor air density or both.

INSULATING SHEATHING. An insulating board with a core material having a minimum *R*-value of *R*-2.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LISTED. Equipment, materials, products or services included in a list published by an organization acceptable to the *code official* and concerned with evaluation of products or services that maintains periodic inspection of production of *listed* equipment or materials or periodic evaluation of services and whose listing states either that the equipment, material, product or service meets identified standards or has been tested and found suitable for a specified purpose.

LOW-VOLTAGE LIGHTING. Lighting equipment powered through a transformer such as a cable conductor, a rail conductor and track lighting.

MANUAL. Capable of being operated by personal intervention (see "Automatic").

NAMEPLATE HORSEPOWER. The nominal motor horsepower rating stamped on the motor nameplate.

PROPOSED DESIGN. A description of the proposed building used to estimate annual energy use for determining compliance based on total building performance.

READILY ACCESSIBLE. Capable of being reached quickly for operation, renewal or inspection without requiring those to whom ready access is requisite to climb over or remove obstacles or to resort to portable ladders or access equipment (see "Accessible").

REPAIR. The reconstruction or renewal of any part of an existing building.

RESIDENTIAL BUILDING. For this code, includes R-3 buildings, as well as R-2 and R-4 buildings three stories or less in height above grade.

ROOF ASSEMBLY. A system designed to provide weather protection and resistance to design loads. The system consists of a roof covering and roof deck or a single component serving as both the roof covering and the roof deck. A roof assembly includes the roof covering, underlayment, roof deck, insulation, vapor retarder and interior finish.

R-VALUE (THERMAL RESISTANCE). The inverse of the time rate of heat flow through a body from one of its bounding surfaces to the other surface for a unit temperature difference between the two surfaces, under steady state conditions, per unit area ($h \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$) [$(\text{m}^2 \cdot \text{K})/\text{W}$].

SCREW LAMP HOLDERS. A lamp base that requires a screw-in-type lamp, such as a compact-fluorescent, incandescent, or tungsten-halogen bulb.

SERVICE WATER HEATING. Supply of hot water for purposes other than comfort heating.

SKYLIGHT. Glass or other transparent or translucent glazing material installed at a slope of 15 degrees (0.26 rad) or more from vertical. Glazing material in skylights, including unit skylights, solariums, sunrooms, roofs and sloped walls is included in this definition.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not *sleeping units*.

SOLAR HEAT GAIN COEFFICIENT (SHGC). The ratio of the solar heat gain entering the space through the fenestration assembly to the incident solar radiation. Solar heat gain includes directly transmitted solar heat and absorbed solar radiation which is then reradiated, conducted or convected into the space.

STANDARD REFERENCE DESIGN. A version of the *proposed design* that meets the minimum requirements of this code and is used to determine the maximum annual energy use requirement for compliance based on total building performance.

STOREFRONT. A nonresidential system of doors and windows mullied as a composite fenestration structure that has been designed to resist heavy use. *Storefront* systems include, but are not limited to, exterior fenestration systems that span from the floor level or above to the ceiling of the same story on commercial buildings.

SUNROOM. A one-story structure attached to a dwelling with a glazing area in excess of 40 percent of the gross area of the structure's exterior walls and roof.

THERMAL ISOLATION. Physical and space conditioning separation from *conditioned space(s)*. The *conditioned space(s)* shall be controlled as separate zones for heating and cooling or conditioned by separate equipment.

THERMOSTAT. An automatic control device used to maintain temperature at a fixed or adjustable set point.

U-FACTOR (THERMAL TRANSMITTANCE). The coefficient of heat transmission (air to air) through a building component or assembly, equal to the time rate of heat flow per unit area and unit temperature difference between the warm side and cold side air films ($\text{Btu}/\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F}$) [$\text{W}/(\text{m}^2 \cdot \text{K})$].

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

VENTILATION AIR. That portion of supply air that comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space.

ZONE. A space or group of spaces within a building with heating or cooling requirements that are sufficiently similar so that desired conditions can be maintained throughout using a single controlling device.

CHAPTER 3 DESIGN CONDITIONS

TABLE 302.1
EXTERIOR DESIGN CONDITIONS

* Revise footnotes *b* and *c* and add footnote *d* under table 302.1 as follows:

- b. The degree days heating (base 60°F) and cooling (base 60°F) shall be selected from NOAA "Annual Degree Days to Selected Bases Derived from the 1961-1990 Normals," the ASHRAE *Handbook of Fundamentals*, data available from adjacent military installations, or other source of local weather data acceptable to the code official.
- c. The climate zone shall be selected from the map provided in Figure 302.1(1) on the following page.
- d. Load calculations may be determined by using ACCA Manual J for residential, and ACCA Manual N for commercial.

* Add the following FIGURES: 302.1(1) showing the four climate zones in Arkansas with a list of counties and their associated climate zones, and Table 302.2 Arkansas HDD and zones; and add FIGURE 501.3 showing the two commercial climate zones in Arkansas that apply to Chapter 5 of the 2009 IECC and ASHRAE 90.1-2007.

Arkansas Climate Zones for Residential Construction. Applies to Commercial Construction up to 12/31/2012

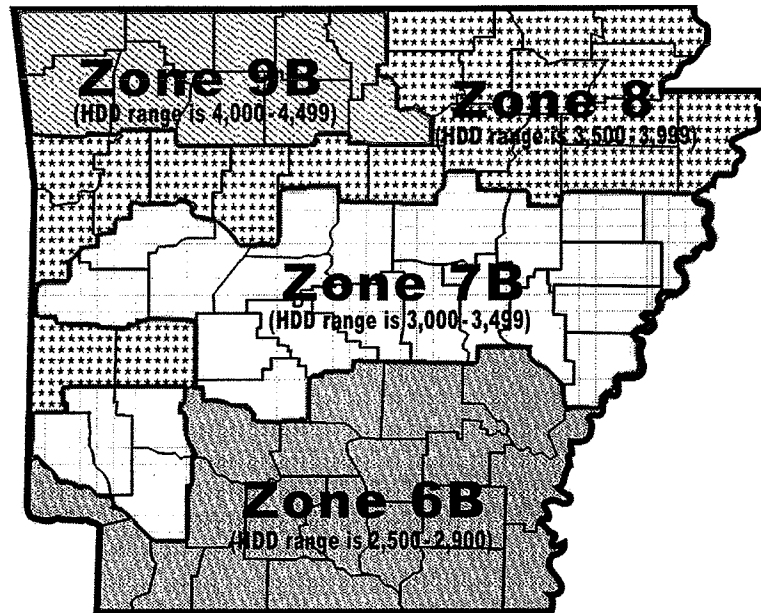


FIGURE 302.1(1)
ARKANSAS

Zone	County	Zone	County
6B	Arkansas (H)	8	Lawrence
6B	Ashley (H)	7B	Lee (H)
9B	Baxter	6B	Lincoln (H)
9B	Benton	6B	Little River (H)
9B	Boone	7B	Logan (H)
6B	Bradley (H)	7B	Lonoke (H)
6B	Calhoun (H)	9B	Madison
9B	Carroll	9B	Marion
6B	Chicot (H)	6B	Miller (H)
6B	Clark (H)	8	Mississippi
8	Clay	7B	Monroe (H)
8	Cleburne	8	Montgomery
6B	Cleveland (H)	6B	Nevada (H)
6B	Columbia (H)	9B	Newton
7B	Conway (H)	6B	Ouachita (H)
8	Craighead	7B	Perry (H)
8	Crawford	7B	Phillips (H)
7B	Crittenden (H)	7B	Pike (H)
7B	Cross (H)	8	Poinsett
6B	Dallas (H)	8	Polk
6B	Desha (H)	8	Pope
6B	Drew (H)	7B	Prairie (H)
7B	Faulkner (H)	7B	Pulaski (H)
8	Franklin	8	Randolph
8	Fulton	7B	Saline (H)
7B	Garland (H)	7B	Scott (H)
6B	Grant (H)	9B	Searcy
8	Greene	8	Sebastian
7B	Hempstead (H)	7B	Sevier (H)
7B	Hot Spring (H)	8	Sharp
7B	Howard (H)	7B	St Francis (H)
8	Independence	9B	Stone
8	Izard	6B	Union (H)
8	Jackson	8	Van Buren
6B	Jefferson (H)	9B	Washington
8	Johnson	7B	White (H)
6B	Lafayette (H)	7B	Woodruff (H)
		7B	Yell (H)

Table 302.2 Arkansas HDD* and zones

Zone	HDD
6B	2,500 – 2,999
7B	3,000 – 3,499
8	3,500 – 3,999
9B	4,000 – 4,499

* HDD = Heating Degree Days

Note: Counties identified with (H) shall be considered “hot and humid climate areas” for purposes of the application of Section 502.1.1.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 CLIMATE ZONES

301.1 General. Climate *zones* from Figure 301.1 or Table 301.1 shall be used in determining the applicable requirements from Chapters 4 and 5. Locations not in Table 301.1 (outside the United States) shall be assigned a climate *zone* based on Section 301.3.

301.2 Warm humid counties. Warm humid counties are identified in Table 301.1 by an asterisk.

301.3 International climate zones. The climate *zone* for any location outside the United States shall be determined by applying Table 301.3(1) and then Table 301.3(2).

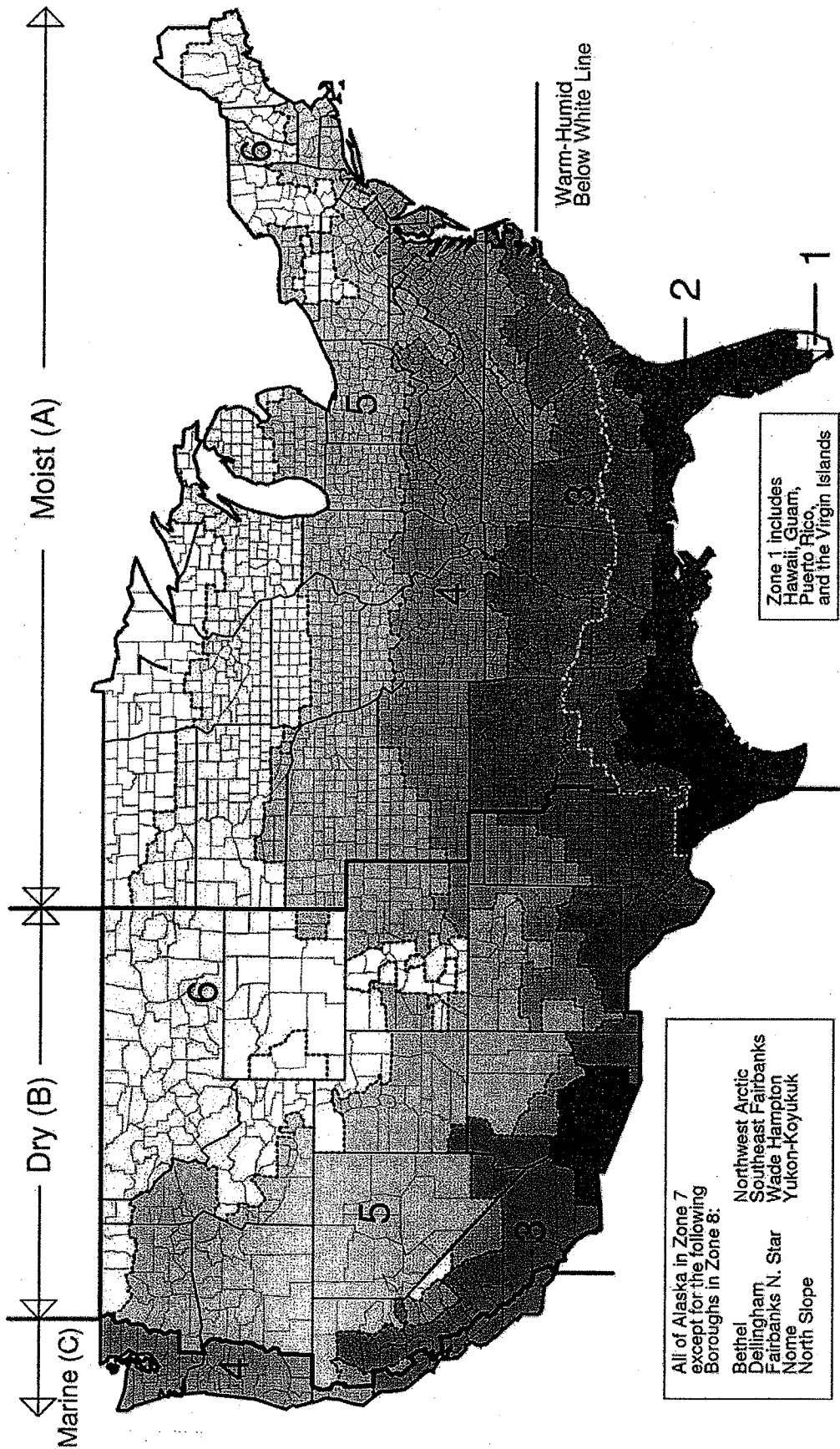


FIGURE 301.1
CLIMATE ZONES

TABLE 301.1
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

Note: Table 301.1 in the 2006 edition has been replaced in its entirety. Margin lines are omitted for clarity.

Key: A – Moist, B – Dry, C – Marine. Absence of moisture designation indicates moisture regime is irrelevant.
Asterisk (*) indicates a warm-humid location.

US STATES

ALABAMA	3A Henry*	ALASKA	5B Coconino	3A Desha
3A Autauga*	3A Houston*	7 Aleutians East	4B Gila	3A Drew
2A Baldwin*	3A Jackson	7 Aleutians West	3B Graham	3A Faulkner
3A Barbour*	3A Jefferson	7 Anchorage	3B Greenlee	3A Franklin
3A Bibb	3A Lamar	8 Bethel	2B La Paz	4A Fulton
3A Blount	3A Lauderdale	7 Bristol Bay	2B Maricopa	3A Garland
3A Bullock*	3A Lawrence	7 Denali	3B Mohave	3A Grant
3A Butler*	3A Lee	8 Dillingham	5B Navajo	3A Greene
3A Calhoun	3A Limestone	8 Fairbanks North Star	2B Pima	3A Hempstead*
3A Chambers	3A Lowndes*	7 Haines	2B Pinal	3A Hot Spring
3A Cherokee	3A Macon*	7 Juneau	3B Santa Cruz	3A Howard
3A Chilton	3A Madison	7 Kenai Peninsula	4B Yavapai	3A Independence
3A Choctaw*	3A Marengo*	7 Ketchikan Gateway	2B Yuma	4A Izard
3A Clarke*	3A Marion	7 Kodiak Island	ARKANSAS	3A Jackson
3A Clay	3A Marshall	7 Lake and Peninsula	3A Arkansas	3A Jefferson
3A Cleburne	2A Mobile*	7 Matanuska-Susitna	3A Ashley	3A Johnson
3A Coffee*	3A Monroe*	8 Nome	4A Baxter	3A Lafayette*
3A Colbert	3A Montgomery*	8 North Slope	4A Benton	3A Lawrence
3A Conecuh*	3A Morgan	8 Northwest Arctic	4A Boone	3A Lee
3A Coosa	3A Perry*	7 Prince of Wales- Outer Ketchikan	3A Bradley	3A Lincoln
3A Covington*	3A Pickens	7 Sitka	3A Calhoun	3A Little River*
3A Crenshaw*	3A Pike*	7 Skagway-Hoonah- Angoon	4A Carroll	3A Logan
3A Cullman	3A Randolph	8 Southeast Fairbanks	3A Chicot	3A Lonoke
3A Dale*	3A Russell*	7 Valdez-Cordova	3A Clark	4A Madison
3A Dallas*	3A Shelby	8 Wade Hampton	3A Clay	4A Marion
3A DeKalb	3A St. Clair	7 Wrangell- Petersburg	3A Cleburne	3A Miller*
3A Elmore*	3A Sumter	7 Yakutat	3A Cleveland	3A Mississippi
3A Escambia*	3A Talladega	8 Yukon-Koyukuk	3A Columbia*	3A Monroe
3A Etowah	3A Tallapoosa		3A Conway	3A Montgomery
3A Fayette	3A Tuscaloosa		3A Craighead	3A Nevada
3A Franklin	3A Walker		3A Crawford	4A Newton
3A Geneva*	3A Washington*	ARIZONA	3A Crittenden	3A Ouachita
3A Greene	3A Wilcox*	5B Apache	3A Cross	3A Perry
3A Hale	3A Winston	3B Cochise	3A Dallas	3A Phillips

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

3A Pike	3B Los Angeles	COLORADO	7 Mineral	2A Charlotte*
3A Poinsett	3B Madera	5B Adams	6B Moffat	2A Citrus*
3A Polk	3C Marin	6B Alamosa	5B Montezuma	2A Clay*
3A Pope	4B Mariposa	5B Arapahoe	5B Montrose	2A Collier*
3A Prairie	3C Mendocino	6B Archuleta	5B Morgan	2A Columbia*
3A Pulaski	3B Merced	4B Baca	4B Otero	2A DeSoto*
3A Randolph	5B Modoc	5B Bent	6B Ouray	2A Dixie*
3A Saline	6B Mono	5B Boulder	7 Park	2A Duval*
3A Scott	3C Monterey	6B Chaffee	5B Phillips	2A Escambia*
4A Searcy	3C Napa	5B Cheyenne	7 Pitkin	2A Flagler*
3A Sebastian	5B Nevada	7 Clear Creek	5B Prowers	2A Franklin*
3A Sevier*	3B Orange	6B Conejos	5B Pueblo	2A Gadsden*
3A Sharp	3B Placer	6B Costilla	6B Rio Blanco	2A Gilchrist*
3A St. Francis	5B Plumas	5B Crowley	7 Rio Grande	2A Glades*
4A Stone	3B Riverside	6B Custer	7 Routt	2A Gulf*
3A Union*	3B Sacramento	5B Delta	6B Saguache	2A Hamilton*
3A Van Buren	3C San Benito	5B Denver	7 San Juan	2A Hardee*
4A Washington	3B San Bernardino	6B Dolores	6B San Miguel	2A Hendry*
3A White	3B San Diego	5B Douglas	5B Sedgwick	2A Hernando*
3A Woodruff	3C San Francisco	6B Eagle	7 Summit	2A Highlands*
3A Yell	3B San Joaquin	5B Elbert	5B Teller	2A Hillsborough*
CALIFORNIA	3C San Luis Obispo	5B El Paso	5B Washington	2A Holmes*
3C Alameda	3C San Mateo	5B Fremont	5B Weld	2A Indian River*
6B Alpine	3C Santa Barbara	5B Garfield	5B Yuma	2A Jackson*
4B Amador	3C Santa Clara	5B Gilpin	CONNECTICUT	2A Jefferson*
3B Butte	3C Santa Cruz	7 Grand	5A (all)	2A Lafayette*
4B Calaveras	3B Shasta	7 Gunnison	DELAWARE	2A Lake*
3B Colusa	5B Sierra	7 Hinsdale	4A (all)	2A Lee*
3B Contra Costa	5B Siskiyou	5B Huerfano	DISTRICT OF COLUMBIA	2A Leon*
4C Del Norte	3B Solano	7 Jackson	4A (all)	2A Levy*
4B El Dorado	3C Sonoma	5B Jefferson	FLORIDA	2A Liberty*
3B Fresno	3B Stanislaus	5B Kiowa	2A Alachua*	2A Madison*
3B Glenn	3B Sutter	5B Kit Carson	2A Baker*	2A Manatee*
4C Humboldt	3B Tehama	7 Lake	2A Bay*	2A Marion*
2B Imperial	4B Trinity	5B La Plata	2A Bradford*	2A Martin*
4B Inyo	3B Tulare	5B Larimer	2A Brevard*	1A Miami-Dade*
3B Kern	4B Tuolumne	4B Las Animas	1A Broward*	1A Monroe*
3B Kings	3C Ventura	5B Lincoln	2A Calhoun*	2A Nassau*
4B Lake	3B Yolo	5B Logan		2A Okaloosa*
5B Lassen	3B Yuba	5B Mesa		2A Okeechobee*

(continued)

TABLE 301.1—continued
 CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
 BY STATE, COUNTY AND TERRITORY

2A Orange*	2A Camden*	4A Gilmer	3A Monroe	3A Twiggs*
2A Osceola*	3A Candler*	3A Glascock	3A Montgomery*	4A Union
2A Palm Beach*	3A Carroll	2A Glynn*	3A Morgan	3A Upson
2A Pasco*	4A Catoosa	4A Gordon	4A Murray	4A Walker
2A Pinellas*	2A Charlton*	2A Grady*	3A Muscogee	3A Walton
2A Polk*	2A Chatham*	3A Greene	3A Newton	2A Ware*
2A Putnam*	3A Chattahoochee*	3A Gwinnett	3A Oconee	3A Warren
2A Santa Rosa*	4A Chattooga	4A Habersham	3A Oglethorpe	3A Washington
2A Sarasota*	3A Cherokee	4A Hall	3A Paulding	2A Wayne*
2A Seminole*	3A Clarke	3A Hancock	3A Peach*	3A Webster*
2A St. Johns*	3A Clay*	3A Haralson	4A Pickens	3A Wheeler*
2A St. Lucie*	3A Clayton	3A Harris	2A Pierce*	4A White
2A Sumter*	2A Clinch*	3A Hart	3A Pike	4A Whitfield
2A Suwannee*	3A Cobb	3A Heard	3A Polk	3A Wilcox*
2A Taylor*	3A Coffee*	3A Henry	3A Pulaski*	3A Wilkes
2A Union*	2A Colquitt*	3A Houston*	3A Putnam	3A Wilkinson
2A Volusia*	3A Columbia	3A Irwin*	3A Quitman*	3A Worth*
2A Wakulla*	2A Cook*	3A Jackson	4A Rabun	HAWAII
2A Walton*	3A Coweta	3A Jasper	3A Randolph*	1A (all)*
2A Washington*	3A Crawford	2A Jeff Davis*	3A Richmond	IDAHO
GEORGIA	3A Crisp*	3A Jefferson	3A Rockdale	5B Ada
2A Appling*	4A Dade	3A Jenkins*	3A Schley*	6B Adams
2A Atkinson*	4A Dawson	3A Johnson*	3A Screven*	6B Bannock
2A Bacon*	2A Decatur*	3A Jones	2A Seminole*	6B Bear Lake
2A Baker*	3A DeKalb	3A Lamar	3A Spalding	5B Benewah
3A Baldwin	3A Dodge*	2A Lanier*	4A Stephens	6B Bingham
4A Banks	3A Dooly*	3A Laurens*	3A Stewart*	6B Blaine
3A Barrow	3A Dougherty*	3A Lee*	3A Sumter*	6B Boise
3A Bartow	3A Douglas	2A Liberty*	3A Talbot	6B Bonner
3A Ben Hill*	3A Early*	3A Lincoln	3A Taliaferro	6B Bonneville
2A Berrien*	2A Echols*	2A Long*	2A Tattnell*	6B Boundary
3A Bibb	2A Effingham*	2A Lowndes*	3A Taylor*	6B Butte
3A Bleckley*	3A Elbert	4A Lumpkin	3A Telfair*	6B Camas
2A Brantley*	3A Emanuel*	3A Macon*	3A Terrell*	5B Canyon
2A Brooks*	2A Evans*	3A Madison	2A Thomas*	6B Caribou
2A Bryan*	4A Fannin	3A Marion*	3A Tift*	5B Cassia
3A Bulloch*	3A Fayette	3A McDuffie	2A Toombs*	6B Clark
3A Burke	4A Floyd	2A McIntosh*	4A Towns	5B Clearwater
3A Butts	3A Forsyth	3A Meriwether	3A Treutlen*	6B Custer
3A Calhoun*	4A Franklin	2A Miller*	3A Troup	5B Elmore
	3A Fulton	2A Mitchell*	3A Turner*	

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

6B Franklin	5A Cook	4A Macoupin	4A Wayne	5A Henry
6B Fremont	4A Crawford	4A Madison	4A White	5A Howard
5B Gem	5A Cumberland	4A Marion	5A Whiteside	5A Huntington
5B Gooding	5A DeKalb	5A Marshall	5A Will	4A Jackson
5B Idaho	5A De Witt	5A Mason	4A Williamson	5A Jasper
6B Jefferson	5A Douglas	4A Massac	5A Winnebago	5A Jay
5B Jerome	5A DuPage	5A McDonough	5A Woodford	4A Jefferson
5B Kootenai	5A Edgar	5A McHenry	INDIANA	4A Jennings
5B Latah	4A Edwards	5A McLean	5A Adams	5A Johnson
6B Lemhi	4A Effingham	5A Menard	5A Allen	4A Knox
5B Lewis	4A Fayette	5A Mercer	5A Bartholomew	5A Kosciusko
5B Lincoln	5A Ford	4A Monroe	5A Benton	5A Lagrange
6B Madison	4A Franklin	4A Montgomery	5A Blackford	5A Lake
5B Minidoka	5A Fulton	5A Morgan	5A Boone	5A La Porte
5B Nez Perce	4A Gallatin	5A Moultrie	4A Brown	4A Lawrence
6B Oneida	5A Greene	5A Ogle	5A Carroll	5A Madison
5B Owyhee	5A Grundy	5A Peoria	5A Cass	5A Marion
5B Payette	4A Hamilton	4A Perry	4A Clark	5A Marshall
5B Power	5A Hancock	5A Piatt	5A Clay	4A Martin
5B Shoshone	4A Hardin	5A Pike	5A Clinton	5A Miami
6B Teton	5A Henderson	4A Pope	4A Crawford	4A Monroe
5B Twin Falls	5A Henry	4A Pulaski	4A Daviess	5A Montgomery
6B Valley	5A Iroquois	5A Putnam	4A Dearborn	5A Morgan
5B Washington	4A Jackson	4A Randolph	5A Decatur	5A Newton
ILLINOIS	4A Jasper	4A Richland	5A De Kalb	5A Noble
5A Adams	4A Jefferson	5A Rock Island	5A Delaware	4A Ohio
4A Alexander	5A Jersey	4A Saline	4A Dubois	4A Orange
4A Bond	5A Jo Daviess	5A Sangamon	5A Elkhart	5A Owen
5A Boone	4A Johnson	5A Schuyler	5A Fayette	5A Parke
5A Brown	5A Kane	5A Scott	4A Floyd	4A Perry
5A Bureau	5A Kankakee	4A Shelby	5A Fountain	4A Pike
5A Calhoun	5A Kendall	5A Stark	5A Franklin	5A Porter
5A Carroll	5A Knox	4A St. Clair	5A Fulton	4A Posey
5A Cass	5A Lake	5A Stephenson	4A Gibson	5A Pulaski
5A Champaign	5A La Salle	5A Tazewell	5A Grant	5A Putnam
4A Christian	4A Lawrence	4A Union	4A Greene	5A Randolph
5A Clark	5A Lee	5A Vermilion	5A Hamilton	4A Ripley
4A Clay	5A Livingston	4A Wabash	5A Hancock	5A Rush
4A Clinton	5A Logan	5A Warren	4A Harrison	4A Scott
5A Coles	5A Macon	4A Washington	5A Hendricks	5A Shelby

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

4A Spencer	5A Clarke	6A Lyon	KANSAS	4A Harvey
5A Starke	6A Clay	5A Madison	4A Allen	4A Haskell
5A Steuben	6A Clayton	5A Mahaska	4A Anderson	4A Hodgeman
5A St. Joseph	5A Clinton	5A Marion	4A Atchison	4A Jackson
4A Sullivan	5A Crawford	5A Marshall	4A Barber	4A Jefferson
4A Switzerland	5A Dallas	5A Mills	4A Barton	5A Jewell
5A Tippecanoe	5A Davis	6A Mitchell	4A Bourbon	4A Johnson
5A Tipton	5A Decatur	5A Monona	4A Brown	4A Kearny
5A Union	6A Delaware	5A Monroe	4A Butler	4A Kingman
4A Vanderburgh	5A Des Moines	5A Montgomery	4A Chase	4A Kiowa
5A Vermillion	6A Dickinson	5A Muscatine	4A Chautauqua	4A Labette
5A Vigo	5A Dubuque	6A O'Brien	4A Cherokee	5A Lane
5A Wabash	6A Emmet	6A Osceola	5A Cheyenne	4A Leavenworth
5A Warren	6A Fayette	5A Page	4A Clark	4A Lincoln
4A Warrick	6A Floyd	6A Palo Alto	4A Clay	4A Linn
4A Washington	6A Franklin	6A Plymouth	5A Cloud	5A Logan
5A Wayne	5A Fremont	6A Pocahontas	4A Coffey	4A Lyon
5A Wells	5A Greene	5A Polk	4A Comanche	4A Marion
5A White	6A Grundy	5A Pottawattamie	4A Cowley	4A Marshall
5A Whitley	5A Guthrie	5A Poweshiek	4A Crawford	4A McPherson
IOWA	6A Hamilton	5A Ringgold	5A Decatur	4A Meade
5A Adair	6A Hancock	6A Sac	4A Dickinson	4A Miami
5A Adams	6A Hardin	5A Scott	4A Doniphan	5A Mitchell
6A Allamakee	5A Harrison	5A Shelby	4A Douglas	4A Montgomery
5A Appanoose	5A Henry	6A Sioux	4A Edwards	4A Morris
5A Audubon	6A Howard	5A Story	4A Elk	4A Morton
5A Benton	6A Humboldt	5A Tama	5A Ellis	4A Nemaha
6A Black Hawk	6A Ida	5A Taylor	4A Ellsworth	4A Neosho
5A Boone	5A Iowa	5A Union	4A Finney	5A Ness
6A Bremer	5A Jackson	5A Van Buren	4A Ford	5A Norton
6A Buchanan	5A Jasper	5A Wapello	4A Franklin	4A Osage
6A Buena Vista	5A Jefferson	5A Warren	4A Geary	5A Osborne
6A Butler	5A Johnson	5A Washington	5A Gove	4A Ottawa
6A Calhoun	5A Jones	5A Wayne	5A Graham	4A Pawnee
5A Carroll	5A Keokuk	6A Webster	4A Grant	5A Phillips
5A Cass	6A Kossuth	6A Winnebago	4A Gray	4A Pottawatomie
5A Cedar	5A Lee	6A Winneshiek	5A Greeley	4A Pratt
6A Cerro Gordo	5A Linn	5A Woodbury	4A Greenwood	5A Rawlins
6A Cherokee	5A Louisa	6A Worth	5A Hamilton	4A Reno
6A Chickasaw	5A Lucas	6A Wright	4A Harper	5A Republic

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

4A Rice	2A Cameron*	2A St. Mary*	4A Cecil	6A Crawford
4A Riley	3A Catahoula*	2A St. Tammany*	4A Charles	6A Delta
5A Rooks	3A Claiborne*	2A Tangipahoa*	4A Dorchester	6A Dickinson
4A Rush	3A Concordia*	3A Tensas*	4A Frederick	5A Eaton
4A Russell	3A De Soto*	2A Terrebonne*	5A Garrett	6A Emmet
4A Saline	2A East Baton Rouge*	3A Union*	4A Harford	5A Genesee
5A Scott	3A East Carroll	2A Vermilion*	4A Howard	6A Gladwin
4A Sedgwick	2A East Feliciana*	3A Vernon*	4A Kent	7 Gogebic
4A Seward	2A Evangeline*	2A Washington*	4A Montgomery	6A Grand Traverse
4A Shawnee	3A Franklin*	3A Webster*	4A Prince George's	5A Gratiot
5A Sheridan	3A Grant*	2A West Baton Rouge*	4A Queen Anne's	5A Hillsdale
5A Sherman	2A Iberia*	3A West Carroll	4A Somerset	7 Houghton
5A Smith	2A Iberville*	2A West Feliciana*	4A St. Mary's	6A Huron
4A Stafford	3A Jackson*	3A Winn*	4A Talbot	5A Ingham
4A Stanton	2A Jefferson*	MAINE	4A Washington	5A Ionia
4A Stevens	2A Jefferson Davis*	6A Androscoggin	4A Wicomico	6A Iosco
4A Sumner	2A Lafayette*	7 Aroostook	4A Worcester	7 Iron
5A Thomas	2A Lafourche*	6A Cumberland	MASSACHUSETTS	6A Isabella
5A Trego	3A La Salle*	6A Franklin	5A (all)	5A Jackson
4A Wabaunsee	3A Lincoln*	6A Hancock	MICHIGAN	5A Kalamazoo
5A Wallace	2A Livingston*	6A Kennebec	6A Alcona	6A Kalkaska
4A Washington	3A Madison*	6A Knox	6A Alger	5A Kent
5A Wichita	3A Morehouse	6A Lincoln	5A Allegan	7 Keweenaw
4A Wilson	3A Natchitoches*	6A Oxford	6A Alpena	6A Lake
4A Woodson	2A Orleans*	6A Penobscot	6A Antrim	5A Lapeer
4A Wyandotte	3A Ouachita*	6A Piscataquis	6A Arenac	6A Leelanau
KENTUCKY	2A Plaquemines*	6A Sagadahoc	7 Baraga	5A Lenawee
4A (all)	2A Pointe Coupee*	6A Somerset	5A Barry	5A Livingston
LOUISIANA	2A Rapides*	6A Waldo	5A Bay	7 Luce
2A Acadia*	3A Red River*	6A Washington	6A Benzie	7 Mackinac
2A Allen*	3A Richland*	6A York	5A Berrien	5A Macomb
2A Ascension*	3A Sabine*	MARYLAND	5A Branch	6A Manistee
2A Assumption*	2A St. Bernard*	4A Allegany	5A Calhoun	6A Marquette
2A Avoyelles*	2A St. Charles*	4A Anne Arundel	5A Cass	6A Mason
2A Beauregard*	2A St. Helena*	4A Baltimore	6A Charlevoix	6A Mecosta
3A Bienville*	2A St. James*	4A Baltimore (city)	6A Cheboygan	6A Menominee
3A Bossier*	2A St. John the Baptist*	4A Calvert	7 Chippewa	5A Midland
3A Caddo*	2A St. Landry*	4A Caroline	6A Clare	6A Missaukee
2A Calcasieu*	2A St. Martin*	4A Carroll	5A Clinton	5A Monroe
3A Caldwell*				5A Montcalm

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

6A Montmorency	7 Cook	7 Pennington	3A Carroll	3A Montgomery
5A Muskegon	6A Cottonwood	7 Pine	3A Chickasaw	3A Neshoba
6A Newaygo	7 Crow Wing	6A Pipestone	3A Choctaw	3A Newton
5A Oakland	6A Dakota	7 Polk	3A Claiborne*	3A Noxubee
6A Oceana	6A Dodge	6A Pope	3A Clarke	3A Oktibbeha
6A Ogemaw	6A Douglas	6A Ramsey	3A Clay	3A Panola
7 Ontonagon	6A Faribault	7 Red Lake	3A Coahoma	2A Pearl River*
6A Osceola	6A Fillmore	6A Redwood	3A Copiah*	3A Perry*
6A Oscoda	6A Freeborn	6A Renville	3A Covington*	3A Pike*
6A Otsego	6A Goodhue	6A Rice	3A DeSoto	3A Pontotoc
5A Ottawa	7 Grant	6A Rock	3A Forrest*	3A Prentiss
6A Presque Isle	6A Hennepin	7 Roseau	3A Franklin*	3A Quitman
6A Roscommon	6A Houston	6A Scott	3A George*	3A Rankin*
5A Saginaw	7 Hubbard	6A Sherburne	3A Greene*	3A Scott
6A Sanilac	6A Isanti	6A Sibley	3A Grenada	3A Sharkey
7 Schoolcraft	7 Itasca	6A Stearns	2A Hancock*	3A Simpson*
5A Shiawassee	6A Jackson	6A Steele	2A Harrison*	3A Smith*
5A St. Clair	7 Kanabec	6A Stevens	3A Hinds*	2A Stone*
5A St. Joseph	6A Kandiyohi	7 St. Louis	3A Holmes	3A Sunflower
5A Tuscola	7 Kittson	6A Swift	3A Humphreys	3A Tallahatchie
5A Van Buren	7 Koochiching	6A Todd	3A Issaquena	3A Tate
5A Washtenaw	6A Lac qui Parle	6A Traverse	3A Itawamba	3A Tippah
5A Wayne	7 Lake	6A Wabasha	2A Jackson*	3A Tishomingo
6A Wexford	7 Lake of the Woods	7 Wadena	3A Jasper	3A Tunica
	6A Le Sueur	6A Waseca	3A Jefferson*	3A Union
MINNESOTA	6A Lincoln	6A Washington	3A Jefferson Davis*	3A Walthall*
7 Aitkin	6A Lyon	6A Watonwan	3A Jones*	3A Warren*
6A Anoka	7 Mahnomen	7 Wilkin	3A Kemper	3A Washington
7 Becker	7 Marshall	6A Winona	3A Lafayette	3A Wayne*
7 Beltrami	6A Martin	6A Wright	3A Lamar*	3A Webster
6A Benton	6A McLeod	6A Yellow	3A Lauderdale	3A Wilkinson*
6A Big Stone	6A Meeker	Medicine	3A Lawrence*	3A Winston
6A Blue Earth	7 Mille Lacs		3A Leake	3A Yalobusha
6A Brown	6A Morrison	MISSISSIPPI	3A Lee	3A Yazoo
7 Carlton	6A Mower	3A Adams*	3A Leflore	
6A Carver	6A Murray	3A Alcorn	3A Lincoln*	MISSOURI
7 Cass	6A Nicollet	3A Amite*	3A Lowndes	5A Adair
6A Chippewa	6A Nobles	3A Attala	3A Madison	5A Andrew
6A Chisago	7 Norman	3A Benton	3A Marion*	5A Atchison
7 Clay	6A Olmsted	3A Bolivar	3A Marshall	4A Audrain
7 Clearwater	7 Otter Tail	3A Calhoun	3A Monroe	4A Barry

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

4A Barton	4A Iron	4A Randolph	5B Eureka	5A Passaic
4A Bates	4A Jackson	4A Ray	5B Humboldt	4A Salem
4A Benton	4A Jasper	4A Reynolds	5B Lander	5A Somerset
4A Bollinger	4A Jefferson	4A Ripley	5B Lincoln	5A Sussex
4A Boone	4A Johnson	4A Saline	5B Lyon	4A Union
5A Buchanan	5A Knox	5A Schuyler	5B Mineral	5A Warren
4A Butler	4A Laclede	5A Scotland	5B Nye	NEW MEXICO
5A Caldwell	4A Lafayette	4A Scott	5B Pershing	4B Bernalillo
4A Callaway	4A Lawrence	4A Shannon	5B Storey	5B Catron
4A Camden	5A Lewis	5A Shelby	5B Washoe	3B Chaves
4A Cape Girardeau	4A Lincoln	4A St. Charles	5B White Pine	4B Cibola
4A Carroll	5A Linn	4A St. Clair	NEW HAMPSHIRE	5B Colfax
4A Carter	5A Livingston	4A Ste. Genevieve	6A Belknap	4B Curry
4A Cass	5A Macon	4A St. Francois	6A Carroll	4B DeBaca
4A Cedar	4A Madison	4A St. Louis	5A Cheshire	3B Dona Ana
5A Chariton	4A Maries	4A St. Louis (city)	6A Coos	3B Eddy
4A Christian	5A Marion	4A Stoddard	6A Grafton	4B Grant
5A Clark	4A McDonald	4A Stone	5A Hillsborough	4B Guadalupe
4A Clay	5A Mercer	5A Sullivan	6A Merrimack	5B Harding
5A Clinton	4A Miller	4A Taney	5A Rockingham	3B Hidalgo
4A Cole	4A Mississippi	4A Texas	5A Strafford	3B Lea
4A Cooper	4A Moniteau	4A Vernon	6A Sullivan	4B Lincoln
4A Crawford	4A Monroe	4A Warren	NEW JERSEY	5B Los Alamos
4A Dade	4A Montgomery	4A Washington	4A Atlantic	3B Luna
4A Dallas	4A Morgan	4A Wayne	5A Bergen	5B McKinley
5A Daviess	4A New Madrid	4A Webster	4A Burlington	5B Mora
5A DeKalb	4A Newton	5A Worth	4A Camden	3B Otero
4A Dent	5A Nodaway	4A Wright	4A Cape May	4B Quay
4A Douglas	4A Oregon	MONTANA	4A Cumberland	5B Rio Arriba
4A Dunklin	4A Osage	6B (all)	4A Essex	4B Roosevelt
4A Franklin	4A Ozark	NEBRASKA	4A Gloucester	5B Sandoval
4A Gasconade	4A Pemiscot	5A (all)	4A Hudson	5B San Juan
5A Gentry	4A Perry	NEVADA	5A Hunterdon	5B San Miguel
4A Greene	4A Pettis	5B Carson City (city)	5A Mercer	4B Sierra
5A Grundy	4A Phelps	5B Churchill	4A Middlesex	4B Socorro
5A Harrison	5A Pike	3B Clark	4A Monmouth	5B Taos
4A Henry	4A Platte	5B Douglas	5A Morris	5B Tarrant
4A Hickory	4A Polk	5B Elko	4A Ocean	4B Union
5A Holt	4A Pulaski	5B Esmeralda		4B Valencia
4A Howard	5A Putnam			
4A Howell	5A Ralls			

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

NEW YORK	5A Putnam	3A Carteret*	4A Madison	3A Wilson
5A Albany	4A Queens	4A Caswell	3A Martin	4A Yadkin
6A Allegany	5A Rensselaer	4A Catawba	4A McDowell	5A Yancey
4A Bronx	4A Richmond	4A Chatham	3A Mecklenburg	NORTH DAKOTA
6A Broome	5A Rockland	4A Cherokee	5A Mitchell	6A Adams
6A Cattaraugus	5A Saratoga	3A Chowan	3A Montgomery	7 Barnes
5A Cayuga	5A Schenectady	4A Clay	3A Moore	7 Benson
5A Chautauqua	6A Schoharie	4A Cleveland	4A Nash	6A Billings
5A Chemung	6A Schuylar	3A Columbus*	3A New Hanover*	7 Bottineau
6A Chenango	5A Seneca	3A Craven	4A Northampton	6A Bowman
6A Clinton	6A Steuben	3A Cumberland	3A Onslow*	7 Burke
5A Columbia	6A St. Lawrence	3A Currituck	4A Orange	6A Burleigh
5A Cortland	4A Suffolk	3A Dare	3A Pamlico	7 Cass
6A Delaware	6A Sullivan	3A Davidson	3A Pasquotank	7 Cavalier
5A Dutchess	5A Tioga	4A Davie	3A Pender*	6A Dickey
5A Erie	6A Tompkins	3A Duplin	3A Perquimans	7 Divide
6A Essex	6A Ulster	4A Durham	4A Person	6A Dunn
6A Franklin	6A Warren	3A Edgecombe	3A Pitt	7 Eddy
6A Fulton	5A Washington	4A Forsyth	4A Polk	6A Emmons
5A Genesee	5A Wayne	4A Franklin	3A Randolph	7 Foster
5A Greene	4A Westchester	3A Gaston	3A Richmond	6A Golden Valley
6A Hamilton	6A Wyoming	4A Gates	3A Robeson	7 Grand Forks
6A Herkimer	5A Yates	4A Graham	4A Rockingham	6A Grant
6A Jefferson	NORTH	4A Granville	3A Rowan	7 Griggs
4A Kings	CAROLINA	3A Greene	4A Rutherford	6A Hettinger
6A Lewis	4A Alamance	4A Guilford	3A Sampson	7 Kidder
5A Livingston	4A Alexander	4A Halifax	3A Scotland	6A LaMoore
6A Madison	5A Alleghany	4A Harnett	3A Stanly	6A Logan
5A Monroe	3A Anson	4A Haywood	4A Stokes	7 McHenry
6A Montgomery	5A Ashe	4A Henderson	4A Surry	6A McIntosh
4A Nassau	5A Avery	4A Hertford	4A Swain	6A McKenzie
4A New York	3A Beaufort	3A Hoke	4A Transylvania	7 McLean
5A Niagara	4A Bertie	3A Hyde	3A Tyrrell	6A Mercer
6A Oneida	3A Bladen	4A Iredell	3A Union	6A Morton
5A Onondaga	3A Brunswick*	4A Jackson	4A Vance	7 Mountrail
5A Ontario	4A Buncombe	3A Johnston	4A Wake	7 Nelson
5A Orange	4A Burke	3A Jones	4A Warren	6A Oliver
5A Orleans	3A Cabarrus	4A Lee	3A Washington	7 Pembina
5A Oswego	4A Caldwell	3A Lenoir	5A Watauga	7 Pierce
6A Otsego	3A Camden	4A Lincoln	3A Wayne	7 Ramsey
		4A Macon	4A Wilkes	

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

6A Ransom	5A Fairfield	5A Perry	3A Coal	3A Okmulgee
7 Renville	5A Fayette	5A Pickaway	3A Comanche	3A Osage
6A Richland	5A Franklin	4A Pike	3A Cotton	3A Ottawa
7 Rolette	5A Fulton	5A Portage	3A Craig	3A Pawnee
6A Sargent	4A Gallia	5A Preble	3A Creek	3A Payne
7 Sheridan	5A Geauga	5A Putnam	3A Custer	3A Pittsburg
6A Sioux	5A Greene	5A Richland	3A Delaware	3A Pontotoc
6A Slope	5A Guernsey	5A Ross	3A Dewey	3A Pottawatomie
6A Stark	4A Hamilton	5A Sandusky	3A Ellis	3A Pushmataha
7 Steele	5A Hancock	4A Scioto	3A Garfield	3A Roger Mills
7 Stutsman	5A Hardin	5A Seneca	3A Garvin	3A Rogers
7 Towner	5A Harrison	5A Shelby	3A Grady	3A Seminole
7 Traill	5A Henry	5A Stark	3A Grant	3A Sequoyah
7 Walsh	5A Highland	5A Summit	3A Greer	3A Stephens
7 Ward	5A Hocking	5A Trumbull	3A Harmon	4B Texas
7 Wells	5A Holmes	5A Tuscarawas	3A Harper	3A Tillman
7 Williams	5A Huron	5A Union	3A Haskell	3A Tulsa
OHIO	5A Jackson	5A Van Wert	3A Hughes	3A Wagoner
4A Adams	5A Jefferson	5A Vinton	3A Jackson	3A Washington
5A Allen	5A Knox	5A Warren	3A Jefferson	3A Washita
5A Ashland	5A Lake	4A Washington	3A Johnston	3A Woods
5A Ashtabula	4A Lawrence	5A Wayne	3A Kay	3A Woodward
5A Athens	5A Licking	5A Williams	3A Kingfisher	OREGON
5A Auglaize	5A Logan	5A Wood	3A Kiowa	5B Baker
5A Belmont	5A Lorain	5A Wyandot	3A Latimer	4C Benton
4A Brown	5A Lucas	OKLAHOMA	3A Le Flore	4C Clackamas
5A Butler	5A Madison	3A Adair	3A Lincoln	4C Clatsop
5A Carroll	5A Mahoning	3A Alfalfa	3A Logan	4C Columbia
5A Champaign	5A Marion	3A Atoka	3A Love	4C Coos
5A Clark	5A Medina	4B Beaver	3A Major	5B Crook
4A Clermont	5A Meigs	3A Beckham	3A Marshall	4C Curry
5A Clinton	5A Mercer	3A Blaine	3A Mayes	5B Deschutes
5A Columbiana	5A Miami	3A Bryan	3A McClain	4C Douglas
5A Coshocton	5A Monroe	3A Caddo	3A McCurtain	5B Gilliam
5A Crawford	5A Montgomery	3A Canadian	3A McIntosh	5B Grant
5A Cuyahoga	5A Morgan	3A Carter	3A Murray	5B Harney
5A Darke	5A Morrow	3A Cherokee	3A Muskogee	5B Hood River
5A Defiance	5A Muskingum	3A Choctaw	3A Noble	4C Jackson
5A Delaware	5A Noble	4B Cimarron	3A Nowata	5B Jefferson
5A Erie	5A Ottawa	3A Cleveland	3A Okfuskee	4C Josephine
	5A Paulding		3A Oklahoma	

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

5B Klamath	5A Cumberland	5A Warren	3A Lee	6A Faulk
5B Lake	5A Dauphin	5A Washington	3A Lexington	6A Grant
4C Lane	4A Delaware	6A Wayne	3A Marion	5A Gregory
4C Lincoln	6A Elk	5A Westmoreland	3A Marlboro	6A Haakon
4C Linn	5A Erie	5A Wyoming	3A McCormick	6A Hamlin
5B Malheur	5A Fayette	4A York	3A Newberry	6A Hand
4C Marion	5A Forest	RHODE ISLAND	3A Oconee	6A Hanson
5B Morrow	5A Franklin		3A Orangeburg	6A Harding
4C Multnomah	5A Fulton	5A (all)	3A Pickens	6A Hughes
4C Polk	5A Greene	SOUTH CAROLINA	3A Richland	5A Hutchinson
5B Sherman	5A Huntingdon		3A Saluda	6A Hyde
4C Tillamook	5A Indiana	3A Abbeville	3A Spartanburg	5A Jackson
5B Umatilla	5A Jefferson	3A Aiken	3A Sumter	6A Jerauld
5B Union	5A Juniata	3A Allendale*	3A Union	6A Jones
5B Wallowa	5A Lackawanna	3A Anderson	3A Williamsburg	6A Kingsbury
5B Wasco	5A Lancaster	3A Bamberg*	3A York	6A Lake
4C Washington	5A Lawrence	3A Barnwell*	SOUTH DAKOTA	6A Lawrence
5B Wheeler	5A Lebanon	3A Beaufort*		6A Lincoln
4C Yamhill	5A Lehigh	3A Berkeley*	6A Aurora	6A Lyman
PENNSYLVANIA	5A Luzerne	3A Calhoun	6A Beadle	6A Marshall
	5A Lycoming	3A Charleston*	5A Bennett	6A McCook
5A Adams	6A McKean	3A Cherokee	5A Bon Homme	6A McPherson
5A Allegheny	5A Mercer	3A Chester	6A Brookings	6A Meade
5A Armstrong	5A Mifflin	3A Chesterfield	6A Brown	5A Mellette
5A Beaver	5A Monroe	3A Clarendon	6A Brule	6A Miner
5A Bedford	4A Montgomery	3A Colleton*	6A Buffalo	6A Minnehaha
5A Berks	5A Montour	3A Darlington	6A Butte	6A Moody
5A Blair	5A Northampton	3A Dillon	6A Campbell	6A Pennington
5A Bradford	5A Northumberland	3A Dorchester*	5A Charles Mix	6A Perkins
4A Bucks	5A Perry	3A Edgefield	6A Clark	6A Potter
5A Butler	4A Philadelphia	3A Fairfield	5A Clay	6A Roberts
5A Cambria	5A Pike	3A Florence	6A Codington	6A Sanborn
6A Cameron	6A Potter	3A Georgetown*	6A Corson	6A Shannon
5A Carbon	5A Schuylkill	3A Greenville	6A Custer	6A Spink
5A Centre	5A Snyder	3A Greenwood	6A Davison	6A Stanley
4A Chester	5A Somerset	3A Hampton*	6A Day	6A Sully
5A Clarion	5A Sullivan	3A Horry*	6A Deuel	5A Todd
6A Clearfield	6A Susquehanna	3A Jasper*	6A Dewey	5A Tripp
5A Clinton	6A Tioga	3A Kershaw	5A Douglas	6A Turner
5A Columbia	5A Union	3A Lancaster	6A Edmunds	5A Union
5A Crawford	5A Venango	3A Laurens	6A Fall River	6A Walworth

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

5A Yankton	3A Haywood	3A Shelby	4B Briscoe	2B Dimmit*
6A Ziebach	3A Henderson	4A Smith	2A Brooks*	4B Donley
TENNESSEE	4A Henry	4A Stewart	3A Brown*	2A Duval*
4A Anderson	4A Hickman	4A Sullivan	2A Burleson*	3A Eastland
4A Bedford	4A Houston	4A Sumner	3A Burnet*	3B Ector
4A Benton	4A Humphreys	3A Tipton	2A Caldwell*	2B Edwards*
4A Bledsoe	4A Jackson	4A Trousdale	2A Calhoun*	3A Ellis*
4A Blount	4A Jefferson	4A Unicoi	3B Callahan	3B El Paso
4A Bradley	4A Johnson	4A Union	2A Cameron*	3A Erath*
4A Campbell	4A Knox	4A Van Buren	3A Camp*	2A Falls*
4A Cannon	3A Lake	4A Warren	4B Carson	3A Fannin
4A Carroll	3A Lauderdale	4A Washington	3A Cass*	2A Fayette*
4A Carter	4A Lawrence	4A Wayne	4B Castro	3B Fisher
4A Cheatham	4A Lewis	4A Weakley	2A Chambers*	4B Floyd
3A Chester	4A Lincoln	4A White	2A Cherokee*	3B Foard
4A Claiborne	4A Loudon	4A Williamson	3B Childress	2A Fort Bend*
4A Clay	4A Macon	4A Wilson	3A Clay	3A Franklin*
4A Cocke	3A Madison	TEXAS	4B Cochran	2A Freestone*
4A Coffee	4A Marion	2A Anderson*	3B Coke	2B Frio*
3A Crockett	4A Marshall	3B Andrews	3B Coleman	3B Gaines
4A Cumberland	4A Maury	2A Angelina*	3A Collin*	2A Galveston*
4A Davidson	4A McMinn	2A Aransas*	3B Collingsworth	3B Garza
4A Decatur	3A McNairy	3A Archer	2A Colorado*	3A Gillespie*
4A DeKalb	4A Meigs	4B Armstrong	2A Comal*	3B Glasscock
4A Dickson	4A Monroe	2A Atascosa*	3A Comanche*	2A Goliad*
3A Dyer	4A Montgomery	2A Austin*	3B Concho	2A Gonzales*
3A Fayette	4A Moore	4B Bailey	3A Cooke	4B Gray
4A Fentress	4A Morgan	2B Bandera*	2A Coryell*	3A Grayson
4A Franklin	4A Obion	2A Bastrop*	3B Cottle	3A Gregg*
4A Gibson	4A Overton	3B Baylor	3B Crane	2A Grimes*
4A Giles	4A Perry	2A Bee*	3B Crockett	2A Guadalupe*
4A Grainger	4A Pickett	2A Bell*	3B Crosby	4B Hale
4A Greene	4A Polk	2A Bexar*	3B Culberson	3B Hall
4A Grundy	4A Putnam	3A Blanco*	4B Dallam	3A Hamilton*
4A Hamblen	4A Rhea	3B Borden	3A Dallas*	4B Hansford
4A Hamilton	4A Roane	2A Bosque*	3B Dawson	3B Hardeman
4A Hancock	4A Robertson	3A Bowie*	4B Deaf Smith	2A Hardin*
3A Hardeman	4A Rutherford	2A Brazoria*	3A Delta	2A Harris*
3A Hardin	4A Scott	2A Brazos*	3A Denton*	3A Harrison*
4A Hawkins	4A Sequatchie	3B Brewster	2A DeWitt*	4B Hartley
	4A Sevier		3B Dickens	3B Haskell

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

2A Hays*	2A Liberty*	2A Polk*	2A Trinity*	5B Kane
3B Hemphill	2A Limestone*	4B Potter	2A Tyler*	5B Millard
3A Henderson*	4B Lipscomb	3B Presidio	3A Upshur*	6B Morgan
2A Hidalgo*	2A Live Oak*	3A Rains*	3B Upton	5B Piute
2A Hill*	3A Llano*	4B Randall	2B Uvalde*	6B Rich
4B Hockley	3B Loving	3B Reagan	2B Val Verde*	5B Salt Lake
3A Hood*	3B Lubbock	2B Real*	3A Van Zandt*	5B San Juan
3A Hopkins*	3B Lynn	3A Red River*	2A Victoria*	5B Sanpete
2A Houston*	2A Madison*	3B Reeves	2A Walker*	5B Sevier
3B Howard	3A Marion*	2A Refugio*	2A Waller*	6B Summit
3B Hudspeth	3B Martin	4B Roberts	3B Ward	5B Tooele
3A Hunt*	3B Mason	2A Robertson*	2A Washington*	6B Uintah
4B Hutchinson	2A Matagorda*	3A Rockwall*	2B Webb*	5B Utah
3B Irion	2B Maverick*	3B Runnels	2A Wharton*	6B Wasatch
3A Jack	3B McCulloch	3A Rusk*	3B Wheeler	3B Washington
2A Jackson*	2A McLennan*	3A Sabine*	3A Wichita	5B Wayne
2A Jasper*	2A McMullen*	3A San Augustine*	3B Wilbarger	5B Weber
3B Jeff Davis	2B Medina*	2A San Jacinto*	2A Willacy*	VERMONT
2A Jefferson*	3B Menard	2A San Patricio*	2A Williamson*	6A (all)
2A Jim Hogg*	3B Midland	3A San Saba*	2A Wilson*	VIRGINIA
2A Jim Wells*	2A Milam*	3B Schleicher	3B Winkler	4A (all)
3A Johnson*	3A Mills*	3B Scurry	3A Wise	WASHINGTON
3B Jones	3B Mitchell	3B Shackelford	3A Wood*	5B Adams
2A Karnes*	3A Montague	3A Shelby*	4B Yoakum	5B Asotin
3A Kaufman*	2A Montgomery*	4B Sherman	3A Young	5B Benton
3A Kendall*	4B Moore	3A Smith*	2B Zapata*	5B Chelan
2A Kenedy*	3A Morris*	3A Somervell*	2B Zavala*	4C Clallam
3B Kent	3B Motley	2A Starr*	UTAH	4C Clark
3B Kerr	3A Nacogdoches*	3A Stephens	5B Beaver	5B Columbia
3B Kimble	3A Navarro*	3B Sterling	6B Box Elder	4C Cowlitz
3B King	2A Newton*	3B Stonewall	6B Cache	5B Douglas
2B Kinney*	3B Nolan	3B Sutton	6B Carbon	6B Ferry
2A Kleberg*	2A Nueces*	4B Swisher	6B Daggett	5B Franklin
3B Knox	4B Ochiltree	3A Tarrant*	5B Davis	5B Garfield
3A Lamar*	4B Oldham	3B Taylor	6B Duchesne	5B Grant
4B Lamb	2A Orange*	3B Terrell	5B Emery	4C Grays Harbor
3A Lampasas*	3A Palo Pinto*	3B Terry	5B Garfield	4C Island
2B La Salle*	3A Panola*	3B Throckmorton	5B Grand	4C Jefferson
2A Lavaca*	3A Parker*	3A Titus*	5B Iron	4C King
2A Lee*	4B Parmer	3B Tom Green	5B Juab	4C Kitsap
2A Leon*	3B Pecos	2A Travis*		

(continued)

TABLE 301.1—continued
CLIMATE ZONES, MOISTURE REGIMES, AND WARM-HUMID DESIGNATIONS
BY STATE, COUNTY AND TERRITORY

5B Kittitas	4A Kanawha	6A Brown	6A Pepin	6B Park
5B Klickitat	5A Lewis	6A Buffalo	6A Pierce	5B Platte
4C Lewis	4A Lincoln	7 Burnett	6A Polk	6B Sheridan
5B Lincoln	4A Logan	6A Calumet	6A Portage	7 Sublette
4C Mason	5A Marion	6A Chippewa	7 Price	6B Sweetwater
6B Okanogan	5A Marshall	6A Clark	6A Racine	7 Teton
4C Pacific	4A Mason	6A Columbia	6A Richland	6B Uinta
6B Pend Oreille	4A McDowell	6A Crawford	6A Rock	6B Washakie
4C Pierce	4A Mercer	6A Dane	6A Rusk	6B Weston
4C San Juan	5A Mineral	6A Dodge	6A Sauk	US
4C Skagit	4A Mingo	6A Door	7 Sawyer	TERRITORIES
5B Skamania	5A Monongalia	7 Douglas	6A Shawano	AMERICAN
4C Snohomish	4A Monroe	6A Dunn	6A Sheboygan	SAMOA
5B Spokane	4A Morgan	6A Eau Claire	6A St. Croix	1A (all)*
6B Stevens	5A Nicholas	7 Florence	7 Taylor	GUAM
4C Thurston	5A Ohio	6A Fond du Lac	6A Trempealeau	1A (all)*
4C Wahkiakum	5A Pendleton	7 Forest	6A Vernon	NORTHERN
5B Walla Walla	4A Pleasants	6A Grant	7 Vilas	MARIANA
4C Whatcom	5A Pocahontas	6A Green	6A Walworth	ISLANDS
5B Whitman	5A Preston	6A Green Lake	7 Washburn	1A (all)*
5B Yakima	4A Putnam	6A Iowa	6A Washington	PUERTO RICO
WEST VIRGINIA	5A Raleigh	7 Iron	6A Waukesha	1A (all)*
5A Barbour	5A Randolph	6A Jackson	6A Waupaca	VIRGIN ISLANDS
4A Berkeley	4A Ritchie	6A Jefferson	6A Waushara	1A (all)*
4A Boone	4A Roane	6A Juneau	6A Winnebago	
4A Braxton	5A Summers	6A Kenosha	6A Wood	
5A Brooke	5A Taylor	6A Kewaunee	WYOMING	
4A Cabell	5A Tucker	6A La Crosse	6B Albany	
4A Calhoun	4A Tyler	6A Lafayette	6B Big Horn	
4A Clay	5A Upshur	7 Langlade	6B Campbell	
5A Doddridge	4A Wayne	7 Lincoln	6B Carbon	
5A Fayette	5A Webster	6A Manitowoc	6B Converse	
4A Gilmer	5A Wetzel	6A Marathon	6B Crook	
5A Grant	4A Wirt	6A Marinette	6B Fremont	
5A Greenbrier	4A Wood	6A Marquette	5B Goshen	
5A Hampshire	4A Wyoming	6A Menominee	6B Hot Springs	
5A Hancock	WISCONSIN	6A Milwaukee	6B Johnson	
5A Hardy	6A Adams	6A Monroe	6B Laramie	
5A Harrison	7 Ashland	6A Oconto	7 Lincoln	
4A Jackson	6A Barron	7 Oneida	6B Natrona	
4A Jefferson	7 Bayfield	6A Outagamie	6B Niobrara	
		6A Ozaukee		

TABLE 301.3(1)
INTERNATIONAL CLIMATE ZONE DEFINITIONS

MAJOR CLIMATE TYPE DEFINITIONS	
Marine (C) Definition—Locations meeting all four criteria: 1. Mean temperature of coldest month between -3°C (27°F) and 18°C (65°F) 2. Warmest month mean < 22°C (72°F) 3. At least four months with mean temperatures over 10°C (50°F) 4. Dry season in summer. The month with the heaviest precipitation in the cold season has at least three times as much precipitation as the month with the least precipitation in the rest of the year. The cold season is October through March in the Northern Hemisphere and April through September in the Southern Hemisphere.	
Dry (B) Definition—Locations meeting the following criteria: Not marine and $P_{in} < 0.44 \times (T - 19.5) \quad [P_{cm} < 2.0 \times (TC + 7) \text{ in SI units}]$ where: P_{in} = Annual precipitation in inches (cm) T = Annual mean temperature in °F (°C)	
Moist (A) Definition—Locations that are not marine and not dry.	
Warm-humid Definition—Moist (A) locations where either of the following wet-bulb temperature conditions shall occur during the warmest six consecutive months of the year: 1. 67°F (19.4°C) or higher for 3,000 or more hours; or 2. 73°F (22.8°C) or higher for 1,500 or more hours	

For SI: °C = [(°F)-32]/1.8; 1 inch = 2.54 cm.

TABLE 301.3(2)
INTERNATIONAL CLIMATE ZONE DEFINITIONS

ZONE NUMBER	THERMAL CRITERIA	
	IP Units	SI Units
1	9000 < CDD50°F	5000 < CDD10°C
2	6300 < CDD50°F ≤ 9000	3500 < CDD10°C ≤ 5000
3A and 3B	4500 < CDD50°F ≤ 6300 AND HDD65°F ≤ 5400	2500 < CDD10°C ≤ 3500 AND HDD18°C ≤ 3000
4A and 4B	CDD50°F ≤ 4500 AND HDD65°F ≤ 5400	CDD10°C ≤ 2500 AND HDD18°C ≤ 3000
3C	HDD65°F ≤ 3600	HDD18°C ≤ 2000
4C	3600 < HDD65°F ≤ 5400	2000 < HDD18°C ≤ 3000
5	5400 < HDD65°F ≤ 7200	3000 < HDD18°C ≤ 4000
6	7200 < HDD65°F ≤ 9000	4000 < HDD18°C ≤ 5000
7	9000 < HDD65°F ≤ 12600	5000 < HDD18°C ≤ 7000
8	12600 < HDD65°F	7000 < HDD18°C

For SI: °C = [(°F)-32]/1.8

SECTION 302 DESIGN CONDITIONS

302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be a maximum of 72°F (22°C) for heating and minimum of 75°F (24°C) for cooling.

SECTION 303 MATERIALS, SYSTEMS AND EQUIPMENT

303.1 Identification. Materials, systems and equipment shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this code.

303.1.1 Building thermal envelope insulation. An *R*-value identification mark shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or greater in width. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R*-value of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R*-value, installed density, coverage area and number of bags installed shall be *listed* on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the areas covered and *R*-value of installed thickness shall be *listed* on the certification. The insulation installer shall sign, date and post the certification in a conspicuous location on the job site.

303.1.1.1 Blown or sprayed roof/ceiling insulation.

The thickness of blown-in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be written in inches (mm) on markers that are installed at least one for every 300 square feet (28 m²) throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers a minimum of 1 inch (25 mm) in height. Each marker shall face the attic access opening. Spray polyurethane foam thickness and installed *R*-value shall be *listed* on certification provided by the insulation installer.

303.1.2 Insulation mark installation. Insulating materials shall be installed such that the manufacturer's *R*-value mark is readily observable upon inspection.

303.1.3 Fenestration product rating. *U*-factors of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Products lacking such a labeled *U*-factor shall be assigned a default *U*-factor from Table 303.1.3(1) or 303.1.3(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and labeled and certified by the manufacturer. Products lacking such a labeled SHGC shall be assigned a default SHGC from Table 303.1.3(3).

TABLE 303.1.3(1)
DEFAULT GLAZED FENESTRATION *U*-FACTOR

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT	
			Single	Double
Metal	1.20	0.80	2.00	1.30
Metal with Thermal Break	1.10	0.65	1.90	1.10
Nonmetal or Metal Clad	0.95	0.55	1.75	1.05
Glazed Block	0.60			

TABLE 303.1.3(2)
DEFAULT DOOR *U*-FACTORS

DOOR TYPE	<i>U</i> -FACTOR
Uninsulated Metal	1.20
Insulated Metal	0.60
Wood	0.50
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

TABLE 303.1.3(3)
DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

303.1.4 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the U.S. Federal Trade Commission *R*-value rule (CFR Title 16, Part 460, May 31, 2005) in units of $h \times ft^2 \times ^\circ F/Btu$ at a mean temperature of 75°F (24°C).

303.2 Installation. All materials, systems and equipment shall be installed in accordance with the manufacturer's installation instructions and the *International Building Code*.

303.2.1 Protection of exposed foundation insulation.

Insulation applied to the exterior of basement walls, crawl-space walls and the perimeter of slab-on-grade floors shall have a rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of 6 inches (153 mm) below grade.

303.3 Maintenance information. Maintenance instructions shall be furnished for equipment and systems that require preventive maintenance. Required regular maintenance actions shall be clearly stated and incorporated on a readily accessible label. The label shall include the title or publication number for the operation and maintenance manual for that particular model and type of product.

CHAPTER 4
RESIDENTIAL BUILDING DESIGN BY SYSTEMS ANALYSIS AND DESIGN OF
BUILDINGS UTILIZING RENEWABLE ENERGY SOURCES

* Delete Section 402.2.3.1.3 FENESTRATION SYSTEM SOLAR HEAT GAIN
COEFFICIENT, STANDARD DESIGN without substitution.

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficien-

cies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be *listed* for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table 402.1.1 based on the climate zone specified in Chapter 3.

402.1.2 *R*-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

TABLE 402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION <i>U</i> -FACTOR ^b	SKYLIGHT ^b <i>U</i> -FACTOR	GLAZED FENESTRATION SHGC ^{b, c}	CEILING <i>R</i> -VALUE	WOOD FRAME WALL <i>R</i> -VALUE	MASS WALL <i>R</i> -VALUE ⁱ	FLOOR <i>R</i> -VALUE	BASEMENT ^c WALL <i>R</i> -VALUE	SLAB ^d <i>R</i> -VALUE & DEPTH	CRAWL SPACE ^e WALL <i>R</i> -VALUE
1	1.2	0.75	0.30	30	13	3/4	13	0	0	0
2	0.65 ^j	0.75	0.30	30	13	4/6	13	0	0	0
3	0.50 ^j	0.65	0.30	30	13	5/8	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^h	13/17	30 ^g	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^h	15/19	30 ^g	15/19	10, 4 ft	10/13
7 and 8	0.35	0.60	NR	49	21	19/21	38 ^g	15/19	10, 4 ft	10/13

For SI: 1 foot = 304.8 mm.

- R*-values are minimums. *U*-factors and SHGC are maximums. R-19 batts compressed into a nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.
- The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- There are no SHGC requirements in the Marine Zone.
- Basement wall insulation is not required in warm-humid locations as defined by Figure 301.1 and Table 301.1.
- Or insulation sufficient to fill the framing cavity, R-19 minimum.
- "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- The second *R*-value applies when more than half the insulation is on the interior of the mass wall.
- For impact rated fenestration complying with Section R301.2.1.2 of the *International Residential Code* or Section 1609.1.2 of the *International Building Code*, the maximum *U*-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.

TABLE 402.1.3
EQUIVALENT U-FACTORS^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR ^b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR ^c
1	1.20	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.65	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.50	0.65	0.035	0.082	0.141	0.047	0.091 ^c	0.136
4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.028	0.050	0.065

a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.

b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in Zone 1, 0.14 in Zone 2, 0.12 in Zone 3, 0.10 in Zone 4 except Marine, and the same as the frame wall *U*-factor in Marine Zone 4 and Zones 5 through 8.

c. Basement wall *U*-factor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.1.

402.1.3 *U*-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table 402.1.3 shall be permitted as an alternative to the *R*-value in Table 402.1.1.

402.1.4 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table 402.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. The UA calculation shall be done using a method consistent with the *ASHRAE Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. When Section 402.1.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly, R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.2.2 Ceilings without attic spaces. Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Sec-

tion 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the *U*-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.2.3 Access hatches and doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all equipment that prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the attic access is opened, and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

402.2.4 Mass walls. Mass walls for the purposes of this chapter shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

402.2.5 Steel-frame ceilings, walls, and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table 402.2.5 or shall meet the *U*-factor requirements in Table 402.1.3. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In Climate Zones 1 and 2, the continuous insulation requirements in Table 402.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

TABLE 402.2.5
STEEL-FRAME CEILING, WALL AND FLOOR INSULATION
(R-VALUE)

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a
Steel Truss Ceilings^b	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10
Steel-Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 × 6 R-19 + 6 in 2 × 8 or 2 × 10
R-19	R-19 + 6 in 2 × 6 R-19 + 12 in 2 × 8 or 2 × 10

a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.

b. Insulation exceeding the height of the framing shall cover the framing.

402.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

402.2.7 Basement walls. Walls associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections 402.1.1 and 402.2.6.

402.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches (305 mm) below grade shall be insulated in accordance with Table 402.1.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall be extended the distance provided in Table 402.1.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the *code official* as having a very heavy termite infestation.

402.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished grade level and then vertically and/or horizon-

tally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the *International Building Code*. All joints of the vapor retarder shall overlap by 6 inches (153 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (153 mm) up the stem wall and shall be attached to the stem wall.

402.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

402.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation R-values shall be R-19 in Zones 1 through 4 and R-24 in Zones 5 through 8. The minimum wall R-value shall be R-13 in all zones. New wall(s) separating a sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

402.3 Fenestration. (Prescriptive).

402.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the U-factor requirements.

402.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the SHGC requirements.

402.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per dwelling unit shall be permitted to be exempt from U-factor and SHGC requirements in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the Total UA alternative in Section 402.1.4.

402.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m²) in area is exempted from the U-factor requirement in Section 402.1.1. This exemption shall not apply to the U-factor alternative approach in Section 402.1.3 and the total UA alternative in Section 402.1.4.

402.3.5 Thermally isolated sunroom U-factor. For Zones 4 through 8, the maximum fenestration U-factor shall be 0.50 and the maximum skylight U-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

402.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for U-factor and SHGC in Table 402.1.1.

402.4 Air leakage (Mandatory).

402.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material:

1. All joints, seams and penetrations.

2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating a garage from conditioned spaces.
8. Behind tubs and showers on exterior walls.
9. Common walls between dwelling units.
10. Attic access openings.
11. Rim joist junction.
12. Other sources of infiltration.

402.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section 402.4.2.1 or 402.4.2.2:

402.4.2.1 Testing option. Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven air changes per hour (ACH) when tested with a blower door at a pressure of 50 pascals (1 psf). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

402.4.2.2 Visual inspection option. Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.2, applicable to the method of construction, are field verified. Where required by the *code official*, an *approved* party independent from the installer of the insulation shall inspect the air barrier and insulation.

402.4.3 Fireplaces. New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.

402.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no

more than 0.3 cfm per square foot (1.5 L/s/m²), and swinging doors no more than 0.5 cfm per square foot (2.6 L/s/m²), when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and *listed* and *labeled* by the manufacturer.

Exceptions: Site-built windows, skylights and doors.

402.4.5 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

402.5 Maximum fenestration U-factor and SHGC (Mandatory). The area-weighted average maximum fenestration U-factor permitted using trade-offs from Section 402.1.4 or 405 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through 8 for vertical fenestration, and 0.75 in Zones 4 through 8 for skylights. The area-weighted average maximum fenestration SHGC permitted using trade-offs from Section 405 in Zones 1 through 3 shall be 0.50.

SECTION 403 SYSTEMS

403.1 Controls (Mandatory). At least one thermostat shall be provided for each separate heating and cooling system.

403.1.1 Programmable thermostat. Where the primary heating system is a forced-air furnace, at least one thermostat per dwelling unit shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

403.1.2 Heat pump supplementary heat (Mandatory). Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

403.2 Ducts.

403.2.1 Insulation (Prescriptive). Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

403.2.2 Sealing (Mandatory). All ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed.

Joints and seams shall comply with Section M1601.4.1 of the *International Residential Code*.

Duct tightness shall be verified by either of the following:

1. Postconstruction test: Leakage to outdoors shall be less than or equal to 8 cfm (226.5 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* or a total leakage less than or equal to 12 cfm (12 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (169.9 L/min) per 100 ft² (9.29 m²) of *conditioned floor area* when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 ft² (9.29 m²) of *conditioned floor area*.

Exceptions: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

TABLE 402.4.2
AIR BARRIER AND INSULATION INSPECTION COMPONENT CRITERIA

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier. Breaks or joints in the air barrier are filled or repaired. Air-permeable insulation is not used as a sealing material. Air-permeable insulation is inside of an air barrier.
Ceiling/attic	Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed. Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated. Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above-garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of insulation.
Crawl space walls	Insulation is permanently attached to walls. Exposed earth in unvented crawl spaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are air tight, IC rated, and sealed to drywall. Exception—fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior walls	Air barrier extends behind boxes or air sealed-type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

403.2.3 Building cavities (Mandatory). Building framing cavities shall not be used as supply ducts.

403.3 Mechanical system piping insulation (Mandatory). Mechanical system piping capable of carrying fluids above 105°F (41°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

403.4 Circulating hot water systems (Mandatory). All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily *accessible* manual switch that can turn off the hot-water circulating pump when the system is not in use.

403.5 Mechanical ventilation (Mandatory). Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

403.6 Equipment sizing (Mandatory). Heating and cooling equipment shall be sized in accordance with Section M1401.3 of the *International Residential Code*.

403.7 Systems serving multiple dwelling units (Mandatory). Systems serving multiple dwelling units shall comply with Sections 503 and 504 in lieu of Section 403.

403.8 Snow melt system controls (Mandatory). Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F, and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F.

403.9 Pools (Mandatory). Pools shall be provided with energy-conserving measures in accordance with Sections 403.9.1 through 403.9.3.

403.9.1 Pool heaters. All pool heaters shall be equipped with a readily *accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

403.9.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.

403.9.3 Pool covers. Heated pools shall be equipped with a vapor-retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.

SECTION 404 ELECTRICAL POWER AND LIGHTING SYSTEMS

404.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps.

SECTION 405 SIMULATED PERFORMANCE ALTERNATIVE (Performance)

405.1 Scope. This section establishes criteria for compliance using simulated energy performance analysis. Such analysis shall include heating, cooling, and service water heating energy only.

405.2 Mandatory requirements. Compliance with this section requires that the mandatory provisions identified in Section 401.2 be met. All supply and return ducts not completely inside the *building thermal envelope* shall be insulated to a minimum of R-6.

405.3 Performance-based compliance. Compliance based on simulated energy performance requires that a proposed residence (*proposed design*) be shown to have an annual energy cost that is less than or equal to the annual energy cost of the *standard reference design*. Energy prices shall be taken from a source *approved* by the *code official*, such as the Department of Energy, Energy Information Administration's *State Energy Price and Expenditure Report*. *Code officials* shall be permitted to require time-of-use pricing in energy cost calculations.

Exception: The energy use based on source energy expressed in Btu or Btu per square foot of *conditioned floor area* shall be permitted to be substituted for the energy cost. The source energy multiplier for electricity shall be 3.16. The source energy multiplier for fuels other than electricity shall be 1.1.

405.4 Documentation.

405.4.1 Compliance software tools. Documentation verifying that the methods and accuracy of the compliance software tools conform to the provisions of this section shall be provided to the *code official*.

405.4.2 Compliance report. Compliance software tools shall generate a report that documents that the *proposed design* complies with Section 405.3. The compliance documentation shall include the following information:

1. Address or other identification of the residence;
2. An inspection checklist documenting the building component characteristics of the *proposed design* as listed in Table 405.5.2(1). The inspection checklist shall show results for both the *standard reference design* and the *proposed design*, and shall document all inputs entered by the user necessary to reproduce the results;
3. Name of individual completing the compliance report; and

4. Name and version of the compliance software tool.

Exception: Multiple orientations. When an otherwise identical building model is offered in multiple orientations, compliance for any orientation shall be permitted by documenting that the building meets the performance requirements in each of the four cardinal (north, east, south and west) orientations.

405.4.3 Additional documentation. The *code official* shall be permitted to require the following documents:

1. Documentation of the building component characteristics of the *standard reference design*.
2. A certification signed by the builder providing the building component characteristics of the *proposed design* as given in Table 405.5.2(1).
3. Documentation of the actual values used in the software calculations for the *proposed design*.

405.5 Calculation procedure.

405.5.1 General. Except as specified by this section, the *standard reference design* and *proposed design* shall be configured and analyzed using identical methods and techniques.

405.5.2 Residence specifications. The *standard reference design* and *proposed design* shall be configured and analyzed as specified by Table 405.5.2(1). Table 405.5.2(1) shall include by reference all notes contained in Table 402.1.1.

405.6 Calculation software tools.

405.6.1 Minimum capabilities. Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the *standard reference design* and the *proposed design* and shall include the following capabilities:

1. Computer generation of the *standard reference design* using only the input for the *proposed design*. The calculation procedure shall not allow the user to directly modify the building component characteristics of the *standard reference design*.
2. Calculation of whole-building (as a single *zone*) sizing for the heating and cooling equipment in the *standard reference design* residence in accordance with Section M1401.3 of the *International Residential Code*.
3. Calculations that account for the effects of indoor and outdoor temperatures and part-load ratios on the performance of heating, ventilating and air-conditioning equipment based on climate and equipment sizing.
4. Printed *code official* inspection checklist listing each of the *proposed design* component characteristics from Table 405.5.2(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g., *R*-value, *U*-factor, SHGC, HSPF, AFUE, SEER, EF, etc.).

405.6.2 Specific approval. Performance analysis tools meeting the applicable sections of Section 405 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.

405.6.3 Input values. When calculations require input values not specified by Sections 402, 403, 404 and 405, those input values shall be taken from an *approved* source.

TABLE 405.5.2(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Above-grade walls	Type: mass wall if proposed wall is mass; otherwise wood frame. Gross area: same as proposed U-factor: from Table 402.1.3 Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed As proposed
Basement and crawl space walls	Type: same as proposed Gross area: same as proposed U-factor: from Table 402.1.3, with insulation layer on interior side of walls.	As proposed As proposed As proposed
Above-grade floors	Type: wood frame Gross area: same as proposed U-factor: from Table 402.1.3	As proposed As proposed As proposed
Ceilings	Type: wood frame Gross area: same as proposed U-factor: from Table 402.1.3	As proposed As proposed As proposed
Roofs	Type: composition shingle on wood sheathing Gross area: same as proposed Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed
Attics	Type: vented with aperture = 1 ft ² per 300 ft ² ceiling area	As proposed
Foundations	Type: same as proposed foundation wall area above and below grade and soil characteristics: same as proposed.	As proposed As proposed
Doors	Area: 40 ft ² Orientation: North U-factor: same as fenestration from Table 402.1.3.	As proposed As proposed As proposed
Glazing ^a	Total area ^b = (a) The proposed glazing area; where proposed glazing area is less than 15% of the conditioned floor area. (b) 15% of the conditioned floor area; where the proposed glazing area is 15% or more of the conditioned floor area. Orientation: equally distributed to four cardinal compass orientations (N, E, S & W). U-factor: from Table 402.1.3 SHGC: From Table 402.1.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used. Interior shade fraction: Summer (all hours when cooling is required) = 0.70 Winter (all hours when heating is required) = 0.85 ^c External shading: none	As proposed As proposed As proposed As proposed Same as standard reference design As proposed
Skylights	None	As proposed
Thermally isolated sunrooms	None	As proposed

(continued)

TABLE 405.5.2(1)—continued
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Air exchange rate	Specific leakage area (SLA) ^e = 0.00036 assuming no energy recovery	For residences that are not tested, the same as the standard reference design. For residences without mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate ^f but not less than 0.35 ACH For residences with mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate ^e combined with the mechanical ventilation rate, f which shall not be less than $0.01 \times CFA + 7.5 \times (N_{br} + 1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms
Mechanical ventilation	None, except where mechanical ventilation is specified by the proposed design, in which case: Annual vent fan energy use: $kWh/yr = 0.03942 \times CFA + 29.565 \times (N_{br} + 1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms	As proposed
Internal gains	$IGain = 17,900 + 23.8 \times CFA + 4104 \times N_{br}$ (Btu/day per dwelling unit)	Same as standard reference design
Internal mass	An internal mass for furniture and contents of 8 pounds per square foot of floor area.	Same as standard reference design, plus any additional mass specifically designed as a thermal storage element ^g but not integral to the building envelope or structure
Structural mass	For masonry floor slabs, 80% of floor area covered by R-2 carpet and pad, and 20% of floor directly exposed to room air.	As proposed
	For masonry basement walls, as proposed, but with insulation required by Table 402.1.3 located on the interior side of the walls	As proposed
	For other walls, for ceilings, floors, and interior walls, wood frame construction	As proposed
Heating systems ^h	As proposed Capacity: sized in accordance with Section M1401.3 of the <i>International Residential Code</i>	As proposed
Cooling systems ^{h,i}	As proposed Capacity: sized in accordance with Section M1401.3 of the <i>International Residential Code</i>	As proposed
Service H ₂ O heating ^{h, k, i}	As proposed Use: same as proposed design	As proposed $gal/day = 30 + (10 \times N_{br})$
Thermal distribution systems	A thermal distribution system efficiency (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies for all systems other than tested duct systems. Duct insulation: From Section 403.2.1. For tested duct systems, the leakage rate shall be the applicable maximum rate from Section 403.2.2.	As tested or as specified in Table 405.5.2(2) if not tested
Thermostat	Type: Manual, cooling temperature setpoint = 75°F; Heating temperature setpoint = 72°F	Same as standard reference

(continued)

TABLE 405.5.2(1)—continued

For SI: 1 square foot = 0.93 m²; 1 British thermal unit = 1055 J; 1 pound per square foot = 4.88 kg/m²; 1 gallon (U.S.) = 3.785 L; °C = (°F-3)/1.8, 1 degree = 0.79 rad.

- a. Glazing shall be defined as sunlight-transmitting fenestration, including the area of sash, curbing or other framing elements, that enclose conditioned space. Glazing includes the area of sunlight-transmitting fenestration assemblies in walls bounding conditioned basements. For doors where the sunlight-transmitting opening is less than 50 percent of the door area, the glazing area is the sunlight transmitting opening area. For all other doors, the glazing area is the rough frame opening area for the door including the door and the frame.

- b. For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine glazing area:

$$AF = A_s \times FA \times F$$

where:

AF = Total glazing area.

A_s = Standard reference design total glazing area.

FA = (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 × below-grade boundary wall area).

F = (Above-grade thermal boundary wall area)/(above-grade thermal boundary wall area + common wall area) or 0.56, whichever is greater.

and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.

Below-grade boundary wall is any thermal boundary wall in soil contact.

Common wall area is the area of walls shared with an adjoining dwelling unit.

- c. For fenestrations facing within 15 degrees (0.26 rad) of true south that are directly coupled to thermal storage mass, the winter interior shade fraction shall be permitted to be increased to 0.95 in the proposed design.

- d. Where leakage area (L) is defined in accordance with Section 5.1 of ASHRAE 119 and where:

$$SLA = L/CFA$$

where L and CFA are in the same units.

- e. Tested envelope leakage shall be determined and documented by an independent party approved by the code official. Hourly calculations as specified in the 2001 ASHRAE *Handbook of Fundamentals*, Chapter 26, page 26.21, Equation 40 (Sherman-Grimsrud model) or the equivalent shall be used to determine the energy loads resulting from infiltration.

- f. The combined air exchange rate for infiltration and mechanical ventilation shall be determined in accordance with Equation 43 of 2001 ASHRAE *Handbook of Fundamentals*, page 26.24 and the "Whole-house Ventilation" provisions of 2001 ASHRAE *Handbook of Fundamentals*, page 26.19 for intermittent mechanical ventilation.

- g. Thermal storage element shall mean a component not part of the floors, walls or ceilings that is part of a passive solar system, and that provides thermal storage such as enclosed water columns, rock beds, or phase-change containers. A thermal storage element must be in the same room as fenestration that faces within 15 degrees (0.26 rad) of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.

- h. For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loads as calculated by accepted engineering practice for each equipment and fuel type present.

- i. For a proposed design without a proposed heating system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design. For electric heating systems, the prevailing federal minimum efficiency air-source heat pump shall be used for the standard reference design.

- j. For a proposed design home without a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and the proposed design.

- k. For a proposed design with a nonstorage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum energy factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.

TABLE 405.5.2(2)
DEFAULT DISTRIBUTION SYSTEM EFFICIENCIES FOR PROPOSED DESIGNS^a

DISTRIBUTION SYSTEM CONFIGURATION AND CONDITION:	FORCED AIR SYSTEMS	HYDRONIC SYSTEMS ^b
Distribution system components located in unconditioned space	—	0.95
Untested distribution systems entirely located in conditioned space ^c	0.88	1
"Ductless" systems ^d	1	—

For SI: 1 cubic foot per minute = 0.47 L/s; 1 square foot = 0.093 m²; 1 pound per square inch = 6895 Pa; 1 inch water gauge = 1250 Pa.

- a. Default values given by this table are for untested distribution systems, which must still meet minimum requirements for duct system insulation.

- b. Hydronic systems shall mean those systems that distribute heating and cooling energy directly to individual spaces using liquids pumped through closed loop piping and that do not depend on ducted, forced airflow to maintain space temperatures.

- c. Entire system in conditioned space shall mean that no component of the distribution system, including the air handler unit, is located outside of the conditioned space.

- d. Ductless systems shall be allowed to have forced airflow across a coil but shall not have any ducted airflow external to the manufacturer's air handler enclosure.

CHAPTER 8—In effect until 12/31/2012
DESIGN BY ACCEPTABLE PRACTICE FOR COMMERCIAL BUILDINGS

* Replace the *International Mechanical Code* with the *Arkansas Mechanical Code* in Sections 803.2.5 VENTILATION, 803.2.6 COOLING WITH OUTDOOR AIR, 803.2.8.1 DUCT CONSTRUCTION, 803.2.8.1.1 HIGH- AND MEDIUM-PRESSURE DUCT SYSTEMS, 803.2.8.1.2 LOW-PRESSURE DUCT SYSTEMS, 803.3.4 REQUIREMENTS FOR COMPLEX MECHANICAL SYSTEMS SERVING MULTIPLE ZONES, and 803.3.8.1 AIR SYSTEM BALANCING.

* Replace ASHRAE/IESNA 90.1 with ANSI/ASHRAE/IESNA 90.1-2001 in Sections 801.2 APPLICATIONS, SECTION 802 BUILDING ENVELOPE REQUIREMENTS, 802.1 GENERAL, and 802.2 CRITERIA.

Arkansas Commercial Climate Zones
in effect on and after 1/1/2013

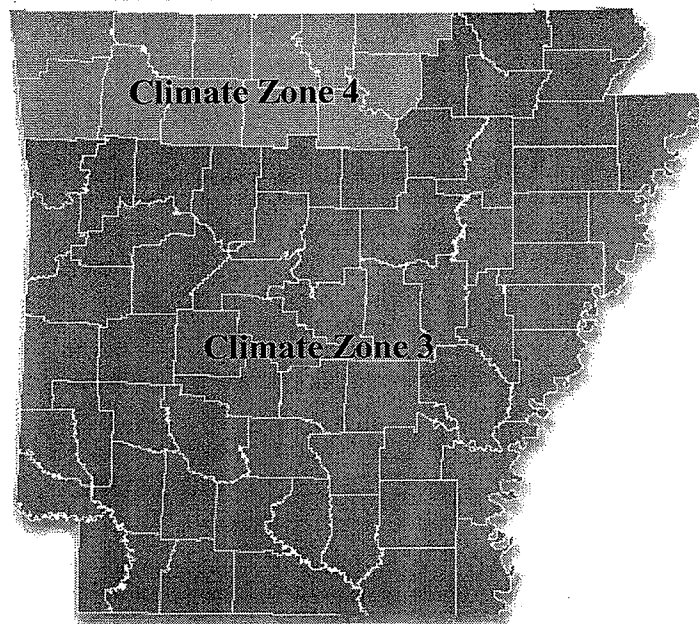


FIGURE 501.3
ARKANSAS COMMERCIAL CLIMATE ZONES

Climate Zones 3 and 4 are referenced in ANSI/ASHRAE/IESNA 90.1-2007 and Chapter 5 of the 2009 International Energy Conservation Code. These codes take effect on and after 1/1/2013.

Climate Zone 4 contains counties of Baxter, Benton, Boone, Carroll, Fulton, Izard, Madison, Marion, Newton, Search, Stone and Washington.

Climate Zone 3 contains counties of Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Dross, Dallas, Desha, Drew, Faulkner, Franklin, Garland, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Jackson, Jefferson, Johnson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Monroe, Montgomery, Nevada, Ouachita, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, Sebastian, Sevier, Sharp, St. Francis, Union, Van Buren, White, Woodruff and Yell.

CHAPTER 5

COMMERCIAL ENERGY EFFICIENCY

SECTION 501 GENERAL

501.1 Scope. The requirements contained in this chapter are applicable to commercial buildings, or portions of commercial buildings. These commercial buildings shall meet either the requirements of ASHRAE/IESNA Standard 90.1, *Energy Standard for Buildings Except for Low-Rise Residential Buildings*, or the requirements contained in this chapter.

501.2 Application. The *commercial building* project shall comply with the requirements in Sections 502 (Building envelope requirements), 503 (Building mechanical systems), 504 (Service water heating) and 505 (Electrical power and lighting systems) in its entirety. As an alternative the *commercial building* project shall comply with the requirements of ASHRAE/IESNA 90.1 in its entirety.

Exception: Buildings conforming to Section 506, provided Sections 502.4, 503.2, 504, 505.2, 505.3, 505.4, 505.6 and 505.7 are each satisfied.

SECTION 502 BUILDING ENVELOPE REQUIREMENTS

502.1 General (Prescriptive).

502.1.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Tables 502.2(1) and 502.3 based on the climate zone specified in Chapter 3. Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *R*-values from the "Group R" column of Table 502.2(1). Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *R*-values from the "All other" column of Table 502.2(1). Buildings with a vertical fenestration area or skylight area that exceeds that allowed in Table 502.3 shall comply with the building envelope provisions of ASHRAE/IESNA 90.1.

502.1.2 *U*-factor alternative. An assembly with a *U*-factor, *C*-factor, or *F*-factor equal or less than that specified in Table 502.1.2 shall be permitted as an alternative to the *R*-value in Table 502.2(1). Commercial buildings or portions of commercial buildings enclosing Group R occupancies shall use the *U*-factor, *C*-factor, or *F*-factor from the "Group R" column of Table 502.1.2. Commercial buildings or portions of commercial buildings enclosing occupancies other than Group R shall use the *U*-factor, *C*-factor or *F*-factor from the "All other" column of Table 502.1.2.

502.2 Specific insulation requirements (Prescriptive). Opaque assemblies shall comply with Table 502.2(1).

502.2.1 Roof assembly. The minimum thermal resistance (*R*-value) of the insulating material installed either between the roof framing or continuously on the roof assembly shall

be as specified in Table 502.2(1), based on construction materials used in the roof assembly.

Exception: Continuously insulated roof assemblies where the thickness of insulation varies 1 inch (25 mm) or less and where the area-weighted *U*-factor is equivalent to the same assembly with the *R*-value specified in Table 502.2(1).

Insulation installed on a suspended ceiling with removable ceiling tiles shall not be considered part of the minimum thermal resistance of the roof insulation.

502.2.2 Classification of walls. Walls associated with the building envelope shall be classified in accordance with Section 502.2.2.1 or 502.2.2.2.

502.2.2.1 Above-grade walls. Above-grade walls are those walls covered by Section 502.2.3 on the exterior of the building and completely above grade or walls that are more than 15 percent above grade.

502.2.2.2 Below-grade walls. Below-grade walls covered by Section 502.2.4 are basement or first-story walls associated with the exterior of the building that are at least 85 percent below grade.

502.2.3 Above-grade walls. The minimum thermal resistance (*R*-value) of the insulating material(s) installed in the wall cavity between the framing members and continuously on the walls shall be as specified in Table 502.2(1), based on framing type and construction materials used in the wall assembly. The *R*-value of integral insulation installed in concrete masonry units (CMU) shall not be used in determining compliance with Table 502.2(1). "Mass walls" shall include walls weighing at least (1) 35 pounds per square foot (170 kg/m²) of wall surface area or (2) 25 pounds per square foot (120 kg/m²) of wall surface area if the material weight is not more than 120 pounds per cubic foot (1900 kg/m³).

502.2.4 Below-grade walls. The minimum thermal resistance (*R*-value) of the insulating material installed in, or continuously on, the below-grade walls shall be as specified in Table 502.2(1), and shall extend to a depth of 10 feet (3048 mm) below the outside finished ground level, or to the level of the floor, whichever is less.

502.2.5 Floors over outdoor air or unconditioned space. The minimum thermal resistance (*R*-value) of the insulating material installed either between the floor framing or continuously on the floor assembly shall be as specified in Table 502.2(1), based on construction materials used in the floor assembly.

"Mass floors" shall include floors weighing at least (1) 35 pounds per square foot (170 kg/m²) of floor surface area or (2) 25 pounds per square foot (120 kg/m²) of floor surface area if the material weight is not more than 12 pounds per cubic foot (1,900 kg/m³).

TABLE 502.1.2
BUILDING ENVELOPE REQUIREMENTS OPAQUE ELEMENT, MAXIMUM U-FACTORS

CLIMATE ZONE	1		2		3		4 EXCEPT MARINE		5 AND MARINE 4		6		7		8	
	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R
Roofs																
Insulation entirely above deck	U-0.063	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.039	U-0.039	U-0.039	U-0.039
Metal buildings	U-0.065	U-0.065	U-0.055	U-0.055	U-0.055	U-0.055	U-0.055	U-0.055	U-0.055	U-0.055	U-0.049	U-0.049	U-0.049	U-0.049	U-0.035	U-0.035
Attic and other	U-0.034	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027
Walls, Above Grade																
Mass	U-0.058	U-0.151	U-0.151	U-0.123	U-0.123	U-0.104	U-0.104	U-0.090	U-0.90	U-0.80	U-0.080	U-0.071	U-0.071	U-0.071	U-0.071	U-0.052
Metal building	U-0.093	U-0.093	U-0.093	U-0.093	U-0.084	U-0.084	U-0.084	U-0.084	U-0.069	U-0.069	U-0.069	U-0.069	U-0.057	U-0.057	U-0.057	U-0.057
Metal framed	U-0.124	U-0.124	U-0.124	U-0.064	U-0.084	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.057	U-0.064	U-0.052	U-0.064	U-0.037
Wood framed and other	U-0.089	U-0.089	U-0.089	U-0.089	U-0.089	U-0.089	U-0.089	U-0.064	U-0.064	U-0.051	U-0.051	U-0.051	U-0.051	U-0.051	U-0.036	U-0.036
Walls, Below Grade																
Below-grade wall ^a	C-1.140	C-1.140	C-1.140	C-1.140	C-1.140	C-1.140	C-1.140	C-0.119	C-0.119	C-0.119	C-0.119	C-0.119	C-0.119	C-0.092	C-0.119	C-0.075
Floors																
Mass	U-0.322	U-0.322	U-0.107	U-0.087	U-0.107	U-0.087	U-0.087	U-0.074	U-0.074	U-0.064	U-0.064	U-0.057	U-0.064	U-0.051	U-0.057	U-0.051
Joist/Framing	U-0.282	U-0.282	U-0.052	U-0.052	—	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033
Slab-on-Grade Floors																
Unheated slabs	F-0.730	F-0.730	F-0.730	F-0.730	F-0.730	F-0.730	F-0.730	F-0.540	F-0.730	F-0.540	F-0.540	F-0.520	F-0.520	F-0.520	F-0.520	F-0.510
Heated slabs	F-1.020	F-1.020	F-1.020	F-1.020	F-0.900	F-0.900	—	F-0.860	F-0.860	F-0.860	F-0.860	F-0.688	F-0.830	F-0.688	F-0.688	F-0.688

a. When heated slabs are placed below-grade, below grade walls must meet the *F*-factor requirements for perimeter insulation according to the heated slab-on-grade construction.

TABLE 502.2(1)
BUILDING ENVELOPE REQUIREMENTS - OPAQUE ASSEMBLIES

CLIMATE ZONE	1		2		3		4 EXCEPT MARINE		5 AND MARINE 4		6		7		8	
	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R	All other	Group R
Roofs																
Insulation entirely above deck	R-15ci	R-20ci	R-20ci	R-20ci	R-20ci	R-20ci	R-20ci ^p	R-20ci	R-20ci	R-20ci	R-20ci	R-20ci	R-25ci	R-25ci	R-25ci	R-25ci
Metal buildings (with R-5 thermal blocks ^{a, b})	R-19	R-19	R-13 + R-13	R-13 + R-13	R-13 + R-13	R-19	R-13 + R-13 ³	R-19	R-13 + R-13	R-19	R-13 + R-19	R-19	R-13 + R-19	R-19 + R-10	R-11 + R-19	R-19 + R-10
Attic and other	R-30	R-38	R-38	R-38	R-38	R-38	R-38 ³	R-38	R-38	R-38	R-38	R-38	R-38	R-38	R-49	R-49
Walls, Above Grade																
Mass	NR	R-5.7ci ^c	R-5.7ci ^c	R-7.6ci	R-7.6ci	R-9.5ci	R-9.5ci ^o	R-11.4ci	R-11.4ci	R-13.3ci	R-13.3ci	R-15.2ci	R-15.2ci	R-15.2ci	R-25ci	R-25ci
Metal building ^b	R-16	R-16	R-16	R-16	R-19	R-19	R-19 ¹	R-19	R-13 + R-5.6ci	R-13 + R-5.6ci	R-13 + R-5.6ci	R-13 + R-5.6ci	R-19 + R-5.6ci	R-19 + R-5.6ci	R-19 + R-5.6ci	R-19 + R-5.6ci
Metal framed	R-13	R-13	R-13	R-13 + 7.5ci	R-13 + R-3.8ci	R-13 + R-7.5ci	R-13 + R-7.5 ¹	R-13 + R-7.5ci	R-13 + R-7.5ci	R-13 + R-7.5ci	R-13 + R-7.5ci	R-13 + R-7.5ci	R-13 + R-7.5ci	R-13 + R-15.6ci	R-13 + R-7.5ci	R-13 + R-18.8ci
Wood framed and other	R-13	R-13	R-13	R-13	R-13	R-13	R-13 ¹	R-13 + R-3.8ci	R-13 + R-3.8ci	R-13 + R-3.8	R-13 + R-7.5	R-13 + R-7.5	R-13 + R-7.5ci	R-13 + 7.5ci	R-13 + R-15.6ci	R-13 + 15.6ci
Walls, Below Grade																
Below grade wall ^d	NR	NR	NR	NR	NR	NR	NR	R-7.5ci	R-7.5ci	R-7.5ci	R-7.5ci	R-7.5ci	R-7.5ci	R-7.5ci	R-10ci	R-7.5ci
Floors																
Mass	NR	NR	R-6.3ci	R-8.3ci	R-6.3ci	R-8.3ci	R-10ci ^o	R-10.4ci	R-10ci	R-12.5ci	R-12.5ci	R-14.6ci	R-15ci	R-16.7ci	R-15ci	R-16.7ci
Joist/Framing (steel/wood)	NR	NR	R-19	R-30	R-19	R-30	R-30 ³	R-30	R-30	R-30	R-30	R-30	R-30 ^e	R-30	R-30 ^e	R-30 ^e
Slab-on-Grade Floors																
Unheated slabs	NR	NR	NR	NR	NR	NR	NR ^o	R-10 for 24 in. below	NR	R-10 for 24 in. below	R-10 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-20 for 24 in. below
Heated slabs	R-7.5 for 12 in. below	R-7.5 for 12 in. below	R-7.5 for 12 in. below	R-7.5 for 12 in. below	R-10 for 24 in. below	R-10 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-15 for 24 in. below	R-20 for 48 in. below	R-20 for 24 in. below	R-20 for 48 in. below	R-20 for 48 in. below	R-20 for 48 in. below
Opaque doors																
Swinging	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.70	U-0.50	U-0.50	U-0.50	U-0.50
Roll-up or sliding	U-1.45	U-1.45	U-1.45	U-1.45	U-1.45	U-1.45	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50	U-0.50

For SI: 1 inch = 25.4 mm.

ci = Continuous insulation. NR = No requirement.

a. When using R-value compliance method, a thermal spacer block is required, otherwise use the U-factor compliance method. [see Tables 502.1.2 and 502.2(2)].

b. Assembly descriptions can be found in Table 502.2(2).

c. R-5.7 ci is allowed to be substituted with concrete block walls complying with ASTM C 90, ungrouted or partially grouted at 32 inches or less on center vertically and 48 inches or less on center horizontally, with ungrouted cores filled with material having a maximum thermal conductivity of 0.44 Btu-in./hr · ft² · °F.

d. When heated slabs are placed below grade, below-grade walls must meet the exterior insulation requirements for perimeter insulation according to the heated slab-on-grade construction.

e. Steel floor joist systems shall to be R-38.

TABLE 502.2(2)
BUILDING ENVELOPE REQUIREMENTS—OPAQUE ASSEMBLIES

ROOFS	DESCRIPTION	REFERENCE
R-19	Standing seam roof with single fiberglass insulation layer. This construction is R-19 faced fiberglass insulation batts draped perpendicular over the purlins. A minimum R-3.5 thermal spacer block is placed above the purlin/batt, and the roof deck is secured to the purlins.	ASHRAE/IESNA 90.1 Table A2.3 including Addendum "G"
R-13 + R-13 R-13 + R-19	Standing seam roof with two fiberglass insulation layers. The first R-value is for faced fiberglass insulation batts draped over purlins. The second R-value is for unfaced fiberglass insulation batts installed parallel to the purlins. A minimum R-3.5 thermal spacer block is placed above the purlin/batt, and the roof deck is secured to the purlins.	ASHRAE/IESNA 90.1 Table A2.3 including Addendum "G"
R-11 + R-19 FC	Filled cavity fiberglass insulation. A continuous vapor barrier is installed below the purlins and uninterrupted by framing members. Both layers of uncompressed, unfaced fiberglass insulation rest on top of the vapor barrier and are installed parallel, between the purlins. A minimum R-3.5 thermal spacer block is placed above the purlin/batt, and the roof deck is secured to the purlins.	ASHRAE/IESNA 90.1 Table A2.3 including Addendum "G"
WALLS		
R-16, R-19	Single fiberglass insulation layer. The construction is faced fiberglass insulation batts installed vertically and compressed between the metal wall panels and the steel framing.	ASHRAE/IESNA 90.1 Table A3.2 including Addendum "G"
R-13 + R-5.6 ci R-19 + R-5.6 ci	The first R-value is for faced fiberglass insulation batts installed perpendicular and compressed between the metal wall panels and the steel framing. The second rated R-value is for continuous rigid insulation installed between the metal wall panel and steel framing, or on the interior of the steel framing.	ASHRAE/IESNA 90.1 Table A3.2 including Addendum "G"

502.2.6 Slabs on grade. The minimum thermal resistance (R-value) of the insulation around the perimeter of unheated or heated slab-on-grade floors shall be as specified in Table 502.2(1). The insulation shall be placed on the outside of the foundation or on the inside of a foundation wall. The insulation shall extend downward from the top of the slab for a minimum distance as shown in the table or to the top of the footing, whichever is less, or downward to at least the bottom of the slab and then horizontally to the interior or exterior for the total distance shown in the table.

502.2.7 Opaque doors. Opaque doors (doors having less than 50 percent glass area) shall meet the applicable requirements for doors as specified in Table 502.2(1) and be considered as part of the gross area of above-grade walls that are part of the building envelope.

502.3 Fenestration (Prescriptive). Fenestration shall comply with Table 502.3.

502.3.1 Maximum area. The vertical fenestration area (not including opaque doors) shall not exceed the percentage of the gross wall area specified in Table 502.3. The skylight area shall not exceed the percentage of the gross roof area specified in Table 502.3.

502.3.2 Maximum U-factor and SHGC. For vertical fenestration, the maximum U-factor and solar heat gain coefficient (SHGC) shall be as specified in Table 502.3, based on the window projection factor. For skylights, the maximum

U-factor and solar heat gain coefficient (SHGC) shall be as specified in Table 502.3.

The window projection factor shall be determined in accordance with Equation 5-1.

$$PF = A/B \quad \text{(Equation 5-1)}$$

where:

PF = Projection factor (decimal).

A = Distance measured horizontally from the furthest continuous extremity of any overhang, eave, or permanently attached shading device to the vertical surface of the glazing.

B = Distance measured vertically from the bottom of the glazing to the underside of the overhang, eave, or permanently attached shading device.

Where different windows or glass doors have different PF values, they shall each be evaluated separately, or an area-weighted PF value shall be calculated and used for all windows and glass doors.

502.4 Air leakage (Mandatory).

502.4.1 Window and door assemblies. The air leakage of window and sliding or swinging door assemblies that are part of the building envelope shall be determined in accordance with AAMA/WDMA/CSA 101/LS.2/A440, or NFRC 400 by an accredited, independent laboratory, and

labeled and certified by the manufacturer and shall not exceed the values in Section 402.4.2.

Exception: Site-constructed windows and doors that are weatherstripped or sealed in accordance with Section 502.4.3.

502.4.2 Curtain wall, storefront glazing and commercial entrance doors. Curtain wall, *storefront* glazing and commercial-glazed swinging entrance doors and revolving doors shall be tested for air leakage at 1.57 pounds per square foot (psf) (75 Pa) in accordance with ASTM E 283. For curtain walls and *storefront* glazing, the maximum air leakage rate shall be 0.3 cubic foot per minute per square foot (cfm/ft²) (5.5 m³/h × m²) of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate shall be 1.00 cfm/ft² (18.3 m³/h × m²) of door area when tested in accordance with ASTM E 283.

502.4.3 Sealing of the building envelope. Openings and penetrations in the building envelope shall be sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams shall be sealed in the same manner or taped or covered with a moisture vapor-permeable wrapping material. Sealing materials spanning joints between construction materials shall allow for expansion and contraction of the construction materials.

502.4.4 Hot gas bypass limitation. Cooling systems shall not use hot gas bypass or other evaporator pressure control systems unless the system is designed with multiple steps of

unloading or continuous capacity modulation. The capacity of the hot gas bypass shall be limited as indicated in Table 502.4.4.

Exception: Unitary packaged systems with cooling capacities not greater than 90,000 Btu/h (26 379 W).

TABLE 502.4.4
MAXIMUM HOT GAS BYPASS CAPACITY

RATED CAPACITY	MAXIMUM HOT GAS BYPASS CAPACITY (% of total capacity)
≤ 240,000 Btu/h	50%
> 240,000 Btu/h	25%

For SI: 1 Btu/h = 0.29 watts.

502.4.5 Outdoor air intakes and exhaust openings. Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot (6.8 L/s · C m²) at 1.0 inch water gauge (w.g.) (1250 Pa) when tested in accordance with AMCA 500D.

Exception: Gravity (nonmotorized) dampers are permitted to be used in buildings less than three stories in height above grade.

502.4.6 Loading dock weatherseals. Cargo doors and loading dock doors shall be equipped with weatherseals to restrict infiltration when vehicles are parked in the doorway.

TABLE 502.3
BUILDING ENVELOPE REQUIREMENTS: FENESTRATION

CLIMATE ZONE	1	2	3	4 EXCEPT MARINE	5 AND MARINE 4	6	7	8
Vertical fenestration (40% maximum of above-grade wall)								
U-factor								
Framing materials other than metal with or without metal reinforcement or cladding								
U-factor	1.20	0.75	0.65	0.40	0.35	0.35	0.35	0.35
Metal framing with or without thermal break								
Curtain wall/storefront U-factor	1.20	0.70	0.60	0.50	0.45	0.45	0.40	0.40
Entrance door U-factor	1.20	1.10	0.90	0.85	0.80	0.80	0.80	0.80
All other U-factor ^a	1.20	0.75	0.65	0.55	0.55	0.55	0.45	0.45
SHGC-all frame types								
SHGC: PF < 0.25	0.25	0.25	0.25	0.40	0.40	0.40	0.45	0.45
SHGC: 0.25 ≤ PF < 0.5	0.33	0.33	0.33	NR	NR	NR	NR	NR
SHGC: PF ≥ 0.5	0.40	0.40	0.40	NR	NR	NR	NR	NR
Skylights (3% maximum)								
U-factor	0.75	0.75	0.65	0.60	0.60	0.60	0.60	0.60
SHGC	0.35	0.35	0.35	0.40	0.40	0.40	NR	NR

NR = No requirement.

PF = Projection factor (see Section 502.3.2).

a. All others includes operable windows, fixed windows and nonentrance doors.

502.4.7 Vestibules. A door that separates *conditioned space* from the exterior shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices. Vestibules shall be designed so that in passing through the vestibule it is not necessary for the interior and exterior doors to open at the same time.

Exceptions:

1. Buildings in climate Zones 1 and 2 as indicated in Figure 301.1 and Table 301.1.
2. Doors not intended to be used as a building *entrance door*, such as doors to mechanical or electrical equipment rooms.
3. Doors opening directly from a *sleeping unit* or dwelling unit.
4. Doors that open directly from a space less than 3,000 square feet (298 m²) in area.
5. Revolving doors.
6. Doors used primarily to facilitate vehicular movement or material handling and adjacent personnel doors.

502.4.8 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and interior wall or ceiling covering.

SECTION 503 BUILDING MECHANICAL SYSTEMS

503.1 General. Mechanical systems and equipment serving the building heating, cooling or ventilating needs shall comply with Section 503.2 (referred to as the mandatory provisions) and either:

1. Section 503.3 (Simple systems), or
2. Section 503.4 (Complex systems).

503.2 Provisions applicable to all mechanical systems (Mandatory).

503.2.1 Calculation of heating and cooling loads. Design loads shall be determined in accordance with the procedures described in the ASHRAE/ACCA Standard 183. Heating and cooling loads shall be adjusted to account for load reductions that are achieved when energy recovery systems are utilized in the HVAC system in accordance with the ASHRAE *HVAC Systems and Equipment Handbook*. Alternatively, design loads shall be determined by an *approved* equivalent computation procedure, using the design parameters specified in Chapter 3.

503.2.2 Equipment and system sizing. Equipment and system sizing. Heating and cooling equipment and systems capacity shall not exceed the loads calculated in accordance

with Section 503.2.1. A single piece of equipment providing both heating and cooling must satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.

Exceptions:

1. Required standby equipment and systems provided with controls and devices that allow such systems or equipment to operate automatically only when the primary equipment is not operating.
2. Multiple units of the same equipment type with combined capacities exceeding the design load and provided with controls that have the capability to sequence the operation of each unit based on load.

503.2.3 HVAC equipment performance requirements.

Equipment shall meet the minimum efficiency requirements of Tables 503.2.3(1), 503.2.3(2), 503.2.3(3), 503.2.3(4), 503.2.3(5), 503.2.3(6) and 503.2.3(7) when tested and rated in accordance with the applicable test procedure. The efficiency shall be verified through certification under an *approved* certification program or, if no certification program exists, the equipment efficiency ratings shall be supported by data furnished by the manufacturer. Where multiple rating conditions or performance requirements are provided, the equipment shall satisfy all stated requirements. Where components, such as indoor or outdoor coils, from different manufacturers are used, calculations and supporting data shall be furnished by the designer that demonstrates that the combined efficiency of the specified components meets the requirements herein.

Exception: Water-cooled centrifugal water-chilling packages listed in Table 503.2.3(7) not designed for operation at ARHI Standard 550/590 test conditions of 44°F (7°C) leaving chilled water temperature and 85°F (29°C) entering condenser water temperature with 3 gpm/ton (0.054 l/s.kW) condenser water flow shall have maximum full load and NPLV ratings adjusted using the following equations:

Adjusted maximum full load kW/ton rating = [full load kW/ton from Table 503.2.3(7)]/ K_{adj}

Adjusted maximum NPLV rating = [IPLV from Table 503.2.3(7)]/ K_{adj}

where:

$$K_{adj} = 6.174722 - 0.303668(X) + 0.00629466(X)^2 - 0.000045780(X)^3$$

$$X = DT_{std} + LIFT$$

$$DT_{std} = \{24 + [\text{full load kW/ton from Table 503.2.3(7)}] \times 6.83\} / \text{Flow}$$

$$\text{Flow} = \text{Condenser water flow (GPM)} / \text{Cooling Full Load Capacity (tons)}$$

$$LIFT = CEWT - CLWT (°F)$$

$$CEWT = \text{Full Load Condenser Entering Water Temperature (°F)}$$

$$CLWT = \text{Full Load Leaving Chilled Water Temperature (°F)}$$

The adjusted full load and NPLV values are only applicable over the following full-load design ranges:

Minimum Leaving Chilled
Water Temperature: 38°F (3.3°C)

Maximum Condenser Entering
Water Temperature: 102°F (38.9°C)

Condensing Water Flow: 1 to 6 gpm/ton 0.018 to 0.1076 1/s · kW) and $X \geq 39$ and ≤ 60

Chillers designed to operate outside of these ranges or applications utilizing fluids or solutions with secondary coolants (e.g., glycol solutions or brines) with a freeze point of 27°F (-2.8°C) or lower for freeze protection are not covered by this code.

TABLE 503.2.3(1)
UNITARY AIR CONDITIONERS AND CONDENSING UNITS, ELECTRICALLY OPERATED, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^b	TEST PROCEDURE ^a
Air conditioners, Air cooled	< 65,000 Btu/h ^d	Split system	13.0 SEER	AHRI 210/240
		Single package	13.0 SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split system and single package	10.3 EER ^c (before Jan 1, 2010) 11.2 EER ^c (as of Jan 1, 2010)	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split system and single package	9.7 EER ^c (before Jan 1, 2010) 11.0 EER ^c (as of Jan 1, 2010)	AHRI 340/360
	≥ 240,000 Btu/h and < 760,000 Btu/h	Split system and single package	9.5 EER ^c 9.7 IPLV ^c (before Jan 1, 2010) 10.0 EER ^c 9.7 IPLV ^c (as of Jan 1, 2010)	
	≥ 760,000 Btu/h	Split system and single package	9.2 EER ^c 9.4 IPLV ^c (before Jan 1, 2010) 9.7 EER ^c 9.4 IPLV ^c (as of Jan 1, 2010)	
Through-the-wall, Air cooled	< 30,000 Btu/h ^d	Split system	10.9 SEER (before Jan 23, 2010) 12.0 SEER (as of Jan 23, 2010)	AHRI 210/240
		Single package	10.6 SEER (before Jan 23, 2010) 12.0 SEER (as of Jan 23, 2010)	
Air conditioners, Water and evaporatively cooled	< 65,000 Btu/h	Split system and single package	12.1 EER	AHRI 210/240
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split system and single package	11.5 EER ^c	
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split system and single package	11.0 EER ^c	AHRI 340/360
	≥ 240,000 Btu/h	Split system and single package	11.5 EER ^c	

For SI: 1 British thermal unit per hour = 0.2931 W.

a. Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.

b. IPLVs are only applicable to equipment with capacity modulation.

c. Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.

d. Single-phase air-cooled air conditioners < 65,000 Btu/h are regulated by the National Appliance Energy Conservation Act of 1987 (NAECA); SEER values are those set by NAECA.

TABLE 503.2.3(2)
UNITARY AIR CONDITIONERS AND CONDENSING UNITS, ELECTRICALLY OPERATED, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^b	TEST PROCEDURE ^a
Air cooled, (Cooling mode)	< 65,000 Btu/h ^d	Split system	13.0 SEER	AHRI 210/240
		Single package	13.0 SEER	
	≥ 65,000 Btu/h and < 135,000 Btu/h	Split system and single package	10.1 EER ^c (before Jan 1, 2010) 11.0 EER ^c (as of Jan 1, 2010)	AHRI 340/360
	≥ 135,000 Btu/h and < 240,000 Btu/h	Split system and single package	9.3 EER ^c (before Jan 1, 2010) 10.6 EER ^c (as of Jan 1, 2010)	
	≥ 240,000 Btu/h	Split system and single package	9.0 EER ^c 9.2 IPLV ^c (before Jan 1, 2010) 9.5 EER ^c 9.2 IPLV ^c (as of Jan 1, 2010)	
Through-the-Wall (Air cooled, cooling mode)	< 30,000 Btu/h ^d	Split system	10.9 SEER (before Jan 23, 2010) 12.0 SEER (as of Jan 23, 2010)	AHRI 210/240
		Single package	10.6 SEER (before Jan 23, 2010) 12.0 SEER (as of Jan 23, 2010)	
Water Source (Cooling mode)	< 17,000 Btu/h	86°F entering water	11.2 EER	AHRI/ASHRAE 13256-1
	≥ 17,000 Btu/h and < 135,000 Btu/h	86°F entering water	12.0 EER	AHRI/ASHRAE 13256-1
Groundwater Source (Cooling mode)	< 135,000 Btu/h	59°F entering water	16.2 EER	AHRI/ASHRAE 13256-1
Ground source (Cooling mode)	< 135,000 Btu/h	77°F entering water	13.4 EER	AHRI/ASHRAE 13256-1
Air cooled (Heating mode)	< 65,000 Btu/h ^d (Cooling capacity)	Split system	7.7 HSPF	AHRI 210/240
		Single package	7.7 HSPF	
	≥ 65,000 Btu/h and < 135,000 Btu/h (Cooling capacity)	47°F db/43°F wb Outdoor air	3.2 COP (before Jan 1, 2010) 3.3 COP (as of Jan 1, 2010)	AHRI 340/360
	≥ 135,000 Btu/h (Cooling capacity)	47°F db/43°F wb Outdoor air	3.1 COP (before Jan 1, 2010) 3.2 COP (as of Jan 1, 2010)	

(continued)

TABLE 503.2.3(2)—continued
UNITARY AIR CONDITIONERS AND CONDENSING UNITS, ELECTRICALLY OPERATED, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^b	TEST PROCEDURE ^a
Through-the-wall (Air cooled, heating mode)	< 30,000 Btu/h	Split System	7.1 HSPE (before Jan 23, 2010) 7.4 HSPF (as of Jan 23, 2010)	AHRI 210/240
		Single package	7.0 HSPF (before Jan 23, 2010) 7.4 HSPF (as of Jan 23, 2010)	
Water source (Heating mode)	< 135,000 Btu/h (Cooling capacity)	68°F entering water	4.2 COP	AHRI/ASHRAE 13256-1
Groundwater source (Heating mode)	< 135,000 Btu/h (Cooling capacity)	50°F entering water	3.6 COP	AHRI/ASHRAE 13256-1
Ground source (Heating mode)	< 135,000 Btu/h (Cooling capacity)	32°F entering water	3.1 COP	AHRI/ASHRAE 13256-1

For SI: °C = [(°F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 W.

db = dry-bulb temperature, °F; wb = wet-bulb temperature, °F.

- Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- IPLVs and Part load rating conditions are only applicable to equipment with capacity modulation.
- Deduct 0.2 from the required EERs and IPLVs for units with a heating section other than electric resistance heat.
- Single-phase air-cooled heat pumps < 65,000 Btu/h are regulated by the National Appliance Energy Conservation Act of 1987 (NAECA), SEER and HSPF values are those set by NAECA.

TABLE 503.2.3(3)
PACKAGED TERMINAL AIR CONDITIONERS AND PACKAGED TERMINAL HEAT PUMPS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^b	TEST PROCEDURE ^a
PTAC (Cooling mode) New construction	All capacities	95°F db outdoor air	12.5 - (0.213 · Cap/1000) EER	AHRI 310/380
PTAC (Cooling mode) Replacements ^c	All capacities	95°F db outdoor air	10.9 - (0.213 · Cap/1000) EER	
PTHP (Cooling mode) New construction	All capacities	95°F db outdoor air	12.3 - (0.213 · Cap/1000) EER	
PTHP (Cooling mode) Replacements ^c	All capacities	95°F db outdoor air	10.8 - (0.213 · Cap/1000) EER	
PTHP (Heating mode) New construction	All capacities	—	3.2 - (0.026 · Cap/1000) COP	
PTHP (Heating mode) Replacements ^c	All capacities	—	2.9 - (0.026 · Cap/1000) COP	

For SI: °C = [(°F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 W.

db = dry-bulb temperature, °F.

wb = wet-bulb temperature, °F.

- Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- Cap means the rated cooling capacity of the product in Btu/h. If the unit's capacity is less than 7,000 Btu/h, use 7,000 Btu/h in the calculation. If the unit's capacity is greater than 15,000 Btu/h, use 15,000 Btu/h in the calculation.
- Replacement units must be factory labeled as follows: "MANUFACTURED FOR REPLACEMENT APPLICATIONS ONLY: NOT TO BE INSTALLED IN NEW CONSTRUCTION PROJECTS." Replacement efficiencies apply only to units with existing sleeves less than 16 inches (406 mm) high and less than 42 inches (1067 mm) wide.

TABLE 503.2.3(4)
WARM AIR FURNACES AND COMBINATION WARM AIR FURNACES/AIR-CONDITIONING UNITS,
WARM AIR DUCT FURNACES AND UNIT HEATERS, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY (INPUT)	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^{d, e}	TEST PROCEDURE ^a
Warm air furnaces, gas fired	< 225,000 Btu/h	—	78% AFUE or 80% E_t^c	DOE 10 CFR Part 430 or ANSI Z21.47
	≥ 225,000 Btu/h	Maximum capacity ^c	80% E_t^f	ANSI Z21.47
Warm air furnaces, oil fired	< 225,000 Btu/h	—	78% AFUE or 80% E_t^c	DOE 10 CFR Part 430 or UL 727
	≥ 225,000 Btu/h	Maximum capacity ^b	81% E_t^g	UL 727
Warm air duct furnaces, gas fired	All capacities	Maximum capacity ^b	80% E_c	ANSI Z83.8
Warm air unit heaters, gas fired	All capacities	Maximum capacity ^b	80% E_c	ANSI Z83.8
Warm air unit heaters, oil fired	All capacities	Maximum capacity ^b	80% E_c	UL 731

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b. Minimum and maximum ratings as provided for and allowed by the unit's controls.
- c. Combination units not covered by the National Appliance Energy Conservation Act of 1987 (NAECA) (3-phase power or cooling capacity greater than or equal to 65,000 Btu/h [19 kW]) shall comply with either rating.
- d. E_t = Thermal efficiency. See test procedure for detailed discussion.
- e. E_c = Combustion efficiency (100% less flue losses). See test procedure for detailed discussion.
- f. E_c = Combustion efficiency. Units must also include an IID, have jackets not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.
- g. E_t = Thermal efficiency. Units must also include an IID, have jacket losses not exceeding 0.75 percent of the input rating, and have either power venting or a flue damper. A vent damper is an acceptable alternative to a flue damper for those furnaces where combustion air is drawn from the conditioned space.

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Fayetteville, AR 72701

TABLE 503.2.3(5)
BOILERS, GAS- AND OIL-FIRED, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE ^f	SIZE CATEGORY	SUBCATEGORY OR RATING CONDITION	MINIMUM EFFICIENCY ^b	TEST PROCEDURE
Boilers, Gas-fired	< 300,000 Btu/h	Hot water	80% AFUE	DOE 10 CFR Part 430
		Steam	75% AFUE	
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Minimum capacity ^b	75% E_t and 80% E_c (See Note c, d)	DOE 10 CFR Part 431
	> 2,500,000 Btu/h ^f	Hot water	80% E_c (See Note c, d)	
		Steam	80% E_c (See Note c, d)	
Boilers, Oil-fired	< 300,000 Btu/h	—	80% AFUE	DOE 10 CFR Part 430
	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Minimum capacity ^b	78% E_t and 83% E_c (See Note c, d)	DOE 10 CFR Part 431
	> 2,500,000 Btu/h ^a	Hot water	83% E_c (See Note c, d)	
		Steam	83% E_c (See Note c, d)	
Boilers, Oil-fired (Residual)	≥ 300,000 Btu/h and ≤ 2,500,000 Btu/h	Minimum capacity ^b	78% E_t and 83% E_c (See Note c, d)	DOE 10 CFR Part 431
	> 2,500,000 Btu/h ^a	Hot water	83% E_c (See Note c, d)	
		Steam	83% E_c (See Note c, d)	

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b. Minimum ratings as provided for and allowed by the unit's controls.
- c. E_c = Combustion efficiency (100 percent less flue losses). See reference document for detailed information.
- d. E_t = Thermal efficiency. See reference document for detailed information.
- e. Alternative test procedures used at the manufacturer's option are ASME PTC-4.1 for units greater than 5,000,000 Btu/h input, or ANSI Z21.13 for units greater than or equal to 300,000 Btu/h and less than or equal to 2,500,000 Btu/h input.
- f. These requirements apply to boilers with rated input of 8,000,000 Btu/h or less that are not packaged boilers, and to all packaged boilers. Minimum efficiency requirements for boilers cover all capacities of packaged boilers.

TABLE 503.2.3(6)
CONDENSING UNITS, ELECTRICALLY OPERATED, MINIMUM EFFICIENCY REQUIREMENTS

EQUIPMENT TYPE	SIZE CATEGORY	MINIMUM EFFICIENCY ^b	TEST PROCEDURE ^a
Condensing units, air cooled	≥ 135,000 Btu/h	10.1 EER 11.2 IPLV	AHRI 365
Condensing units, water or evaporatively cooled	≥ 135,000 Btu/h	13.1 EER 13.1 IPLV	

For SI: 1 British thermal unit per hour = 0.2931 W.

- a. Chapter 6 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- b. IPLVs are only applicable to equipment with capacity modulation.

TABLE 503.2.3(7)
WATER CHILLING PACKAGES, EFFICIENCY REQUIREMENTS^a

EQUIPMENT TYPE	SIZE CATEGORY	UNITS	BEFORE 1/1/2010		AS OF 1/1/2010 ^c				TEST PROCEDURE ^b
					PATH A		PATH B		
			FULL LOAD	IPLV	FULL LOAD	IPLV	FULL LOAD	IPLV	
Air-cooled chillers	< 150 tons	EER	≥ 9.562	≥ 10.416	≥ 9.562	≥ 12.500	NA ^d	NA ^d	AHRI 550/590
	≥ 150 tons	EER			≥ 9.562	≥ 12.750	NA ^d	NA ^d	
Air cooled without condenser, electrical operated	All capacities	EER	≥ 10.586	≥ 11.782	Air-cooled chillers without condensers must be rated with matching condensers and comply with the air-cooled chiller efficiency requirements				
Water cooled, electrically operated, reciprocating	All capacities	kW/ton	≤ 0.837	≤ 0.696	Reciprocating units must comply with water cooled positive displacement efficiency requirements				
Water cooled, electrically operated, positive displacement	< 75 tons	kW/ton	≤ 0.790	≤ 0.676	≤ 0.780	≤ 0.630	≤ 0.800	≤ 0.600	
	≥ 75 tons and < 150 tons	kW/ton			≤ 0.775	≤ 0.615	≤ 0.790	≤ 0.586	
	≥ 150 tons and < 300 tons	kW/ton	≤ 0.717	≤ 0.627	≤ 0.680	≤ 0.580	≤ 0.718	≤ 0.540	
	≥ 300 tons	kW/ton	≤ 0.639	≤ 0.571	≤ 0.620	≤ 0.540	≤ 0.639	≤ 0.490	
Water cooled, electrically operated, centrifugal	< 150 tons	kW/ton	≤ 0.703	≤ 0.669	≤ 0.634	≤ 0.596	≤ 0.639	≤ 0.450	
	≥ 150 tons and < 300 tons	kW/ton	≤ 0.634	≤ 0.596					
	≥ 300 tons and < 600 tons	kW/ton	≤ 0.576	≤ 0.549	≤ 0.576	≤ 0.549	≤ 0.600	≤ 0.400	
	≥ 600 tons	kW/ton	≤ 0.576	≤ 0.549	≤ 0.570	≤ 0.539	≤ 0.590	≤ 0.400	
Air cooled, absorption single effect	All capacities	COP	≥ 0.600	NR ^e	≥ 0.600	NR ^e	NA ^d	NA ^d	AHRI 560
Water-cooled, absorption single effect	All capacities	COP	≥ 0.700	NR ^e	≥ 0.700	NR ^e	NA ^d	NA ^d	
Absorption double effect, indirect-fired	All capacities	COP	≥ 1.000	≥ 1.050	≥ 1.000	≥ 1.050	NA ^d	NA ^d	
Absorption double effect, direct fired	All capacities	COP	≥ 1.000	≥ 1.000	≥ 1.000	≥ 1.000	NA ^d	NA ^d	

For SI: 1 ton = 3517 W, 1 British thermal unit per hour = 0.2931 W.

- a. The chiller equipment requirements do not apply for chillers used in low-temperature applications where the design leaving fluid temperature is < 40°F.
- b. Section 12 contains a complete specification of the referenced test procedure, including the referenced year version of the test procedure.
- c. Compliance with this standard can be obtained by meeting the minimum requirements of Path A or B. However, both the full load and IPLV must be met to fulfill the requirements of Path A or B.
- d. NA means that this requirement is not applicable and cannot be used for compliance.
- e. NR means that there are no minimum requirements for this category.

503.2.4 HVAC system controls. Each heating and cooling system shall be provided with thermostatic controls as required in Section 503.2.4.1, 503.2.4.2, 503.2.4.3, 503.2.4.4, 503.4.1, 503.4.2, 503.4.3 or 503.4.4.

503.2.4.1 Thermostatic controls. The supply of heating and cooling energy to each zone shall be controlled by individual thermostatic controls capable of responding to temperature within the zone. Where humidification or dehumidification or both is provided, at least one humidity control device shall be provided for each humidity control system.

Exception: Independent perimeter systems that are designed to offset only building envelope heat losses or gains or both serving one or more perimeter zones also served by an interior system provided:

1. The perimeter system includes at least one thermostatic control zone for each building exposure having exterior walls facing only one orientation (within ± 45 degrees) (0.8 rad) for more than 50 contiguous feet (15.2 m); and
2. The perimeter system heating and cooling supply is controlled by a thermostat(s) located within the zone(s) served by the system.

503.2.4.1.1 Heat pump supplementary heat. Heat pumps having supplementary electric resistance heat shall have controls that, except during defrost, prevent supplementary heat operation when the heat pump can meet the heating load.

503.2.4.2 Set point overlap restriction. Where used to control both heating and cooling, zone thermostatic controls shall provide a temperature range or deadband of at least 5°F (2.8°C) within which the supply of heating and cooling energy to the zone is capable of being shut off or reduced to a minimum.

Exception: Thermostats requiring manual change-over between heating and cooling modes.

503.2.4.3 Off-hour controls. Each zone shall be provided with thermostatic setback controls that are controlled by either an automatic time clock or programmable control system.

Exceptions:

1. Zones that will be operated continuously.
2. Zones with a full HVAC load demand not exceeding 6,800 Btu/h (2 kW) and having a readily accessible manual shutoff switch.

503.2.4.3.1 Thermostatic setback capabilities. Thermostatic setback controls shall have the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C).

503.2.4.3.2 Automatic setback and shutdown capabilities. Automatic time clock or programmable controls shall be capable of starting and stopping the system for seven different daily schedules per week and retaining their programming and time setting dur-

ing a loss of power for at least 10 hours. Additionally, the controls shall have a manual override that allows temporary operation of the system for up to 2 hours; a manually operated timer capable of being adjusted to operate the system for up to 2 hours; or an occupancy sensor.

503.2.4.4 Shutoff damper controls. Both outdoor air supply and exhaust ducts shall be equipped with motorized dampers that will automatically shut when the systems or spaces served are not in use.

Exceptions:

1. Gravity dampers shall be permitted in buildings less than three stories in height.
2. Gravity dampers shall be permitted for buildings of any height located in Climate Zones 1, 2 and 3.
3. Gravity dampers shall be permitted for outside air intake or exhaust airflows of 300 cfm (0.14 m³/s) or less.

503.2.4.5 Snow melt system controls. Snow- and ice-melting systems, supplied through energy service to the building, shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (4°C) so that the potential for snow or ice accumulation is negligible.

503.2.5 Ventilation. Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the *International Mechanical Code*. Where mechanical ventilation is provided, the system shall provide the capability to reduce the outdoor air supply to the minimum required by Chapter 4 of the *International Mechanical Code*.

503.2.5.1 Demand controlled ventilation. Demand control ventilation (DCV) is required for spaces larger than 500 ft² (50 m²) and with an average occupant load of 40 people per 1000 ft² (93 m²) of floor area (as established in Table 403.3 of the *International Mechanical Code*) and served by systems with one or more of the following:

1. An air-side economizer;
2. Automatic modulating control of the outdoor air damper; or
3. A design outdoor airflow greater than 3,000 cfm (1400 L/s).

Exceptions:

1. Systems with energy recovery complying with Section 503.2.6.
2. Multiple-zone systems without direct digital control of individual zones communicating with a central control panel.
3. System with a design outdoor airflow less than 1,200 cfm (600 L/s).

4. Spaces where the supply airflow rate minus any makeup or outgoing transfer air requirement is less than 1,200 cfm (600 L/s).

503.2.6 Energy recovery ventilation systems. Individual fan systems that have both a design supply air capacity of 5,000 cfm (2.36 m³/s) or greater and a minimum outside air supply of 70 percent or greater of the design supply air quantity shall have an energy recovery system that provides a change in the enthalpy of the outdoor air supply of 50 percent or more of the difference between the outdoor air and return air at design conditions. Provision shall be made to bypass or control the energy recovery system to permit cooling with outdoor air where cooling with outdoor air is required.

Exception: An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are prohibited by the *International Mechanical Code*.
2. Laboratory fume hood systems that include at least one of the following features:
 - 2.1. Variable-air-volume hood exhaust and room supply systems capable of reducing exhaust and makeup air volume to 50 percent or less of design values.
 - 2.2. Direct makeup (auxiliary) air supply equal to at least 75 percent of the exhaust rate, heated no warmer than 2°F (1.1°C) below room setpoint, cooled to no cooler than 3°F (1.7°C) above room setpoint, no humidification added, and no simultaneous heating and cooling used for dehumidification control.
3. Systems serving spaces that are not cooled and are heated to less than 60°F (15.5°C).
4. Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site solar energy.
5. Heating systems in climates with less than 3,600 HDD.
6. Cooling systems in climates with a 1-percent cooling design wet-bulb temperature less than 64°F (18°C).
7. Systems requiring dehumidification that employ series-style energy recovery coils wrapped around the cooling coil.

503.2.7 Duct and plenum insulation and sealing. All supply and return air ducts and plenums shall be insulated with a minimum of R-5 insulation when located in unconditioned spaces and a minimum of R-8 insulation when located outside the building. When located within a building envelope assembly, the duct or plenum shall be separated

from the building exterior or unconditioned or exempt spaces by a minimum of R-8 insulation.

Exceptions:

1. When located within equipment.
2. When the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15°F (8°C).

All ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with Section 603.9 of the *International Mechanical Code*.

503.2.7.1 Duct construction. Ductwork shall be constructed and erected in accordance with the *International Mechanical Code*.

503.2.7.1.1 Low-pressure duct systems. All longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches w.g. (500 Pa) shall be securely fastened and sealed with welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's installation instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

Exception: Continuously welded and locking-type longitudinal joints and seams on ducts operating at static pressures less than 2 inches w.g. (500 Pa) pressure classification.

503.2.7.1.2 Medium-pressure duct systems. All ducts and plenums designed to operate at a static pressure greater than 2 inches w.g. (500 Pa) but less than 3 inches w.g. (750 Pa) shall be insulated and sealed in accordance with Section 503.2.7. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *International Mechanical Code*.

503.2.7.1.3 High-pressure duct systems. Ducts designed to operate at static pressures in excess of 3 inches w.g. (746 Pa) shall be insulated and sealed in accordance with Section 503.2.7. In addition, ducts and plenums shall be leak-tested in accordance with the SMACNA *HVAC Air Duct Leakage Test Manual* with the rate of air leakage (CL) less than or equal to 6.0 as determined in accordance with Equation 5-2.

$$CL = F \times P^{0.65} \quad (\text{Equation 5-2})$$

where:

F = The measured leakage rate in cfm per 100 square feet of duct surface.

P = The static pressure of the test.

Documentation shall be furnished by the designer demonstrating that representative sections totaling at

least 25 percent of the duct area have been tested and that all tested sections meet the requirements of this section.

503.2.8 Piping insulation. All piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Table 503.2.8.

Exceptions:

1. Factory-installed piping within HVAC equipment tested and rated in accordance with a test procedure referenced by this code.
2. Factory-installed piping within room fan-coils and unit ventilators tested and rated according to AHRI 440 (except that the sampling and variation provisions of Section 6.5 shall not apply) and 840, respectively.
3. Piping that conveys fluids that have a design operating temperature range between 55°F (13°C) and 105°F (41°C).
4. Piping that conveys fluids that have not been heated or cooled through the use of fossil fuels or electric power.
5. Runout piping not exceeding 4 feet (1219 mm) in length and 1 inch (25 mm) in diameter between the control valve and HVAC coil.

TABLE 503.2.8
MINIMUM PIPE INSULATION
(thickness in inches)

FLUID	NOMINAL PIPE DIAMETER	
	≤ 1.5"	> 1.5"
Steam	1½	3
Hot water	1½	2
Chilled water, brine or refrigerant	1½	1½

For SI: 1 inch = 25.4 mm.

- a. Based on insulation having a conductivity (*k*) not exceeding 0.27 Btu per inch/h · ft² · °F.
- b. For insulation with a thermal conductivity not equal to 0.27 Btu · inch/h · ft² · °F at a mean temperature of 75°F, the minimum required pipe thickness is adjusted using the following equation;

$$T = r[(1 + tr)^{0.8} - 1]$$

where:

T = Adjusted insulation thickness (in).

r = Actual pipe radius (in).

t = Insulation thickness from applicable cell in table (in).

K = New thermal conductivity at 75°F (Btu · in/hr · ft² · °F).

k = 0.27 Btu · in/hr · ft² · °F.

503.2.9 HVAC system completion. Prior to the issuance of a certificate of occupancy, the design professional shall provide evidence of system completion in accordance with Sections 503.2.9.1 through 503.2.9.3.

503.2.9.1 Air system balancing. Each supply air outlet and zone terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *International Mechanical Code*. Discharge dampers are prohibited on constant volume fans and variable volume fans with motors 10 horsepower (hp) (7.5 kW) and larger.

503.2.9.2 Hydronic system balancing. Individual hydronic heating and cooling coils shall be equipped with means for balancing and pressure test connections.

503.2.9.3 Manuals. The construction documents shall require that an operating and maintenance manual be provided to the building owner by the mechanical contractor. The manual shall include, at least, the following:

1. Equipment capacity (input and output) and required maintenance actions.
2. Equipment operation and maintenance manuals.
3. HVAC system control maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions. Desired or field-determined setpoints shall be permanently recorded on control drawings, at control devices or, for digital control systems, in programming comments.
4. A complete written narrative of how each system is intended to operate.

503.2.10 Air system design and control. Each HVAC system having a total fan system motor nameplate horsepower (hp) exceeding 5 horsepower (hp) (3.7 kW) shall meet the provisions of Sections 503.2.10.1 through 503.2.10.2.

503.2.10.1 Allowable fan floor horsepower. Each HVAC system at fan system design conditions shall not exceed the allowable fan system motor nameplate hp (Option 1) or fan system bhp (Option 2) as shown in Table 503.2.10.1(1). This includes supply fans, return/relief fans, and fan-powered terminal units associated with systems providing heating or cooling capability.

Exceptions:

1. Hospital and laboratory systems that utilize flow control devices on exhaust and/or return to maintain space pressure relationships necessary for occupant health and safety or environmental control shall be permitted to use variable volume fan power limitation.
2. Individual exhaust fans with motor nameplate horsepower of 1 hp (0.7 kW) or less.
3. Fans exhausting air from fume hoods. (Note: If this exception is taken, no related exhaust side credits shall be taken from Table 503.2.10.1(2) and the Fume Exhaust Exception Deduction must be taken from Table 503.2.10.1(2).)

TABLE 503.2.10.1(1)
FAN POWER LIMITATION

	LIMIT	CONSTANT VOLUME	VARIABLE VOLUME
Option 1: Fan system motor nameplate hp	Allowable nameplate motor hp	$hp \leq CFM_s * 0.0011$	$hp \leq CFM_s * 0.0015$
Option 2: Fan system bhp	Allowable fan system bhp	$bhp \leq CFM_s * 0.00094 + A$	$bhp \leq CFM_s * 0.0013 + A$

where:

CFM_s = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute.

hp = The maximum combined motor nameplate horsepower.

Bhp = The maximum combined fan brake horsepower.

A = Sum of $[PD \times CFM_p / 4131]$.

where:

PD = Each applicable pressure drop adjustment from Table 503.2.10.1(2) in. w.c.

TABLE 503.2.10.1(2)
FAN POWER LIMITATION PRESSURE DROP ADJUSTMENT

DEVICE	ADJUSTMENT
Credits	
Fully ducted return and/or exhaust air systems	0.5 in w.c.
Return and/or exhaust airflow control devices	0.5 in w.c.
Exhaust filters, scrubbers or other exhaust treatment.	The pressure drop of device calculated at fan system design condition.
Particulate filtration credit: MERV 9 thru 12	0.5 in w.c.
Particulate filtration credit: MERV 13 thru 15	0.9 in w.c.
Particulate filtration credit: MERV 16 and greater and electronically enhanced filters	Pressure drop calculated at 2x clean filter pressure drop at fan system design condition.
Carbon and other gas-phase air cleaners	Clean filter pressure drop at fan system design condition.
Heat recovery device	Pressure drop of device at fan system design condition.
Evaporative humidifier/cooler in series with another cooling coil	Pressure drop of device at fan system design conditions
Sound attenuation section	0.15 in w.c.
Deductions	
Fume hood exhaust exception (required if Section 503.2.10.1, Exception 3, is taken)	-1.0 in w.c.

503.2.10.2 Motor nameplate horsepower. For each fan, the selected fan motor shall be no larger than the first available motor size greater than the brake horsepower (bhp). The fan brake horsepower (bhp) shall be indicated on the design documents to allow for compliance verification by the *code official*.

Exceptions:

1. For fans less than 6 bhp, where the first available motor larger than the brake horsepower has a nameplate rating within 50 percent of the bhp, selection of the next larger nameplate motor size is allowed.
2. For fans 6 bhp and larger, where the first available motor larger than the bhp has a nameplate rating within 30 percent of the bhp, selection of the next larger nameplate motor size is allowed.

503.2.11 Heating outside a building. Systems installed to provide heat outside a building shall be radiant systems.

Such heating systems shall be controlled by an occupancy sensing device or a timer switch, so that the system is automatically deenergized when no occupants are present.

503.3 Simple HVAC systems and equipment (Prescriptive).

This section applies to buildings served by unitary or packaged HVAC equipment listed in Tables 503.2.3(1) through 503.2.3(5), each serving one zone and controlled by a single thermostat in the zone served. It also applies to two-pipe heating systems serving one or more zones, where no cooling system is installed.

This section does not apply to fan systems serving multiple zones, nonunitary or nonpackaged HVAC equipment and systems or hydronic or steam heating and hydronic cooling equipment and distribution systems that provide cooling or cooling and heating which are covered by Section 503.4.

503.3.1 Economizers. Supply air economizers shall be provided on each cooling system as shown in Table 503.3.1(1).

Economizers shall be capable of providing 100-percent outdoor air, even if additional mechanical cooling is required to meet the cooling load of the building. Systems shall provide a means to relieve excess outdoor air during economizer operation to prevent overpressurizing the building. The relief air outlet shall be located to avoid recirculation into the building. Where a single room or space is supplied by multiple air systems, the aggregate capacity of those systems shall be used in applying this requirement.

Exceptions:

1. Where the cooling equipment is covered by the minimum efficiency requirements of Table 503.2.3(1) or 503.2.3(2) and meets or exceeds the minimum cooling efficiency requirement (EER) by the percentages shown in Table 503.3.1(2).
2. Systems with air or evaporatively cooled condensers and which serve spaces with open case refrigeration or that require filtration equipment in order to meet the minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.

**TABLE 503.3.1(1)
ECONOMIZER REQUIREMENTS**

CLIMATE ZONES	ECONOMIZER REQUIREMENT
1A, 1B, 2A, 7, 8	No requirement
2B, 3A, 3B, 3C, 4A, 4B, 4C, 5A, 5B, 5C, 6A, 6B	Economizers on all cooling systems ≥ 54,000 Btu/h ^a

For SI: 1 British thermal unit per hour = 0.293 W.

- a. The total capacity of all systems without economizers shall not exceed 480,000 Btu/h per building, or 20 percent of its air economizer capacity, whichever is greater.

**TABLE 503.3.1(2)
EQUIPMENT EFFICIENCY PERFORMANCE
EXCEPTION FOR ECONOMIZERS**

CLIMATE ZONES	COOLING EQUIPMENT PERFORMANCE IMPROVEMENT (EER OR IPLV)
2B	10% Efficiency Improvement
3B	15% Efficiency Improvement
4B	20% Efficiency Improvement

503.3.2 Hydronic system controls. Hydronic systems of at least 300,000 Btu/h (87,930 W) design output capacity supplying heated and chilled water to comfort conditioning systems shall include controls that meet the requirements of Section 503.4.3.

503.4 Complex HVAC systems and equipment. (Prescriptive). This section applies to buildings served by HVAC equipment and systems not covered in Section 503.3.

503.4.1 Economizers. Supply air economizers shall be provided on each cooling system according to Table 503.3.1(1). Economizers shall be capable of operating at

100 percent outside air, even if additional mechanical cooling is required to meet the cooling load of the building.

Exceptions:

1. Systems utilizing water economizers that are capable of cooling supply air by direct or indirect evaporation or both and providing 100 percent of the expected system cooling load at outside air temperatures of 50°F (10°C) dry bulb/45°F (7°C) wet bulb and below.
2. Where the cooling equipment is covered by the minimum efficiency requirements of Table 503.2.3(1), 503.2.3(2), or 503.2.3(6) and meets or exceeds the minimum EER by the percentages shown in Table 503.3.1(2).
3. Where the cooling equipment is covered by the minimum efficiency requirements of Table 503.2.3(7) and meets or exceeds the minimum integrated part load value (IPLV) by the percentages shown in Table 503.3.1(2).

503.4.2 Variable air volume (VAV) fan control. Individual VAV fans with motors of 10 horsepower (7.5 kW) or greater shall be:

1. Driven by a mechanical or electrical variable speed drive; or
2. The fan motor shall have controls or devices that will result in fan motor demand of no more than 30 percent of their design wattage at 50 percent of design airflow when static pressure set point equals one-third of the total design static pressure, based on manufacturer's certified fan data.

For systems with direct digital control of individual zone boxes reporting to the central control panel, the static pressure set point shall be reset based on the zone requiring the most pressure, i.e., the set point is reset lower until one zone damper is nearly wide open.

503.4.3 Hydronic systems controls. The heating of fluids that have been previously mechanically cooled and the cooling of fluids that have been previously mechanically heated shall be limited in accordance with Sections 503.4.3.1 through 503.4.3.3. Hydronic heating systems comprised of multiple-packaged boilers and designed to deliver conditioned water or steam into a common distribution system shall include automatic controls capable of sequencing operation of the boilers. Hydronic heating systems comprised of a single boiler and greater than 500,000 Btu/h input design capacity shall include either a multistaged or modulating burner.

503.4.3.1 Three-pipe system. Hydronic systems that use a common return system for both hot water and chilled water are prohibited.

503.4.3.2 Two-pipe changeover system. Systems that use a common distribution system to supply both heated and chilled water shall be designed to allow a dead band between changeover from one mode to the other of at least 15°F (8.3°C) outside air temperatures; be designed to and provided with controls that will allow operation in

one mode for at least 4 hours before changing over to the other mode; and be provided with controls that allow heating and cooling supply temperatures at the change-over point to be no more than 30°F (16.7°C) apart.

503.4.3.3 Hydronic (water loop) heat pump systems. Hydronic heat pump systems shall comply with Sections 503.4.3.3.1 through 503.4.3.3.3.

503.4.3.3.1 Temperature dead band. Hydronic heat pumps connected to a common heat pump water loop with central devices for heat rejection and heat addition shall have controls that are capable of providing a heat pump water supply temperature dead band of at least 20°F (11.1°C) between initiation of heat rejection and heat addition by the central devices.

Exception: Where a system loop temperature optimization controller is installed and can determine the most efficient operating temperature based on realtime conditions of demand and capacity, dead bands of less than 20°F (11°C) shall be permitted.

503.4.3.3.2 Heat rejection. Heat rejection equipment shall comply with Sections 503.4.3.3.2.1 and 503.4.3.3.2.2.

Exception: Where it can be demonstrated that a heat pump system will be required to reject heat throughout the year.

503.4.3.3.2.1 Climate Zones 3 and 4. For Climate Zones 3 and 4 as indicated in Figure 301.1 and Table 301.1:

1. If a closed-circuit cooling tower is used directly in the heat pump loop, either an automatic valve shall be installed to bypass all but a minimal flow of water around the tower, or lower leakage positive closure dampers shall be provided.
2. If an open-circuit tower is used directly in the heat pump loop, an automatic valve shall be installed to bypass all heat pump water flow around the tower.
3. If an open- or closed-circuit cooling tower is used in conjunction with a separate heat exchanger to isolate the cooling tower from the heat pump loop, then heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop.

503.4.3.3.2.2 Climate Zones 5 through 8. For climate Zones 5 through 8 as indicated in Figure 301.1 and Table 301.1, if an open- or closed-circuit cooling tower is used, then a separate heat exchanger shall be required to isolate the cooling tower from the heat pump loop, and heat loss shall be controlled by shutting down the circulation pump on the cooling tower loop and providing an automatic valve to stop the flow of fluid.

503.4.3.3.3 Two position valve. Each hydronic heat pump on the hydronic system having a total pump system power exceeding 10 horsepower (hp) (7.5 kW) shall have a two-position valve.

503.4.3.4 Part load controls. Hydronic systems greater than or equal to 300,000 Btu/h (87 930 W) in design output capacity supplying heated or chilled water to comfort conditioning systems shall include controls that have the capability to:

1. Automatically reset the supply-water temperatures using zone-return water temperature, building-return water temperature, or outside air temperature as an indicator of building heating or cooling demand. The temperature shall be capable of being reset by at least 25 percent of the design supply-to-return water temperature difference; or
2. Reduce system pump flow by at least 50 percent of design flow rate utilizing adjustable speed drive(s) on pump(s), or multiple-staged pumps where at least one-half of the total pump horsepower is capable of being automatically turned off or control valves designed to modulate or step down, and close, as a function of load, or other *approved* means.

503.4.3.5 Pump isolation. Chilled water plants including more than one chiller shall have the capability to reduce flow automatically through the chiller plant when a chiller is shut down. Chillers piped in series for the purpose of increased temperature differential shall be considered as one chiller.

Boiler plants including more than one boiler shall have the capability to reduce flow automatically through the boiler plant when a boiler is shut down.

503.4.4 Heat rejection equipment fan speed control. Each fan powered by a motor of 7.5 hp (5.6 kW) or larger shall have the capability to operate that fan at two-thirds of full speed or less, and shall have controls that automatically change the fan speed to control the leaving fluid temperature or condensing temperature/pressure of the heat rejection device.

Exception: Factory-installed heat rejection devices within HVAC equipment tested and rated in accordance with Tables 503.2.3(6) and 503.2.3(7).

503.4.5 Requirements for complex mechanical systems serving multiple zones. Sections 503.4.5.1 through 503.4.5.3 shall apply to complex mechanical systems serving multiple zones. Supply air systems serving multiple zones shall be VAV systems which, during periods of occupancy, are designed and capable of being controlled to reduce primary air supply to each *zone* to one of the following before reheating, recooling or mixing takes place:

1. Thirty percent of the maximum supply air to each *zone*.

2. Three hundred cfm (142 L/s) or less where the maximum flow rate is less than 10 percent of the total fan system supply airflow rate.
3. The minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.

Exception: The following define when individual zones or when entire air distribution systems are exempted from the requirement for VAV control:

1. Zones where special pressurization relationships or cross-contamination requirements are such that VAV systems are impractical.
2. Zones or supply air systems where at least 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered or site-solar energy source.
3. Zones where special humidity levels are required to satisfy process needs.
4. Zones with a peak supply air quantity of 300 cfm (142 L/s) or less and where the flow rate is less than 10 percent of the total fan system supply airflow rate.
5. Zones where the volume of air to be reheated, recooled or mixed is no greater than the volume of outside air required to meet the minimum ventilation requirements of Chapter 4 of the *International Mechanical Code*.
6. Zones or supply air systems with thermostatic and humidistatic controls capable of operating in sequence the supply of heating and cooling energy to the zone(s) and which are capable of preventing reheating, recoiling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

503.4.5.1 Single duct variable air volume (VAV) systems, terminal devices. Single duct VAV systems shall use terminal devices capable of reducing the supply of primary supply air before reheating or recoiling takes place.

503.4.5.2 Dual duct and mixing VAV systems, terminal devices. Systems that have one warm air duct and one cool air duct shall use terminal devices which are capable of reducing the flow from one duct to a minimum before mixing of air from the other duct takes place.

503.4.5.3 Single fan dual duct and mixing VAV systems, economizers. Individual dual duct or mixing heating and cooling systems with a single fan and with total capacities greater than 90,000 Btu/h [(26 375 W) 7.5 tons] shall not be equipped with air economizers.

503.4.5.4 Supply-air temperature reset controls. Multiple zone HVAC systems shall include controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperature. The controls shall be capable of reset-

ting the supply air temperature at least 25 percent of the difference between the design supply-air temperature and the design room air temperature.

Exceptions:

1. Systems that prevent reheating, recoiling or mixing of heated and cooled supply air.
2. Seventy five percent of the energy for reheating is from site-recovered or site solar energy sources.
3. Zones with peak supply air quantities of 300 cfm (142 L/s) or less.

503.4.6 Heat recovery for service water heating. Condenser heat recovery shall be installed for heating or reheating of service hot water provided the facility operates 24 hours a day, the total installed heat capacity of water-cooled systems exceeds 6,000,000 Btu/hr of heat rejection, and the design service water heating load exceeds 1,000,000 Btu/h.

The required heat recovery system shall have the capacity to provide the smaller of:

1. Sixty percent of the peak heat rejection load at design conditions; or
2. The preheating required to raise the peak service hot water draw to 85°F (29°C).

Exceptions:

1. Facilities that employ condenser heat recovery for space heating or reheat purposes with a heat recovery design exceeding 30 percent of the peak water-cooled condenser load at design conditions.
2. Facilities that provide 60 percent of their service water heating from site solar or site recovered energy or from other sources.

SECTION 504 SERVICE WATER HEATING (Mandatory)

504.1 General. This section covers the minimum efficiency of, and controls for, service water-heating equipment and insulation of service hot water piping.

504.2 Service water-heating equipment performance efficiency. Water-heating equipment and hot water storage tanks shall meet the requirements of Table 504.2. The efficiency shall be verified through data furnished by the manufacturer or through certification under an *approved* certification program.

504.3 Temperature controls. Service water-heating equipment shall be provided with controls to allow a setpoint of 110°F (43°C) for equipment serving dwelling units and 90°F (32°C) for equipment serving other occupancies. The outlet temperature of lavatories in public facility rest rooms shall be limited to 110°F (43°C).

504.4 Heat traps. Water-heating equipment not supplied with integral heat traps and serving noncirculating systems shall be provided with heat traps on the supply and discharge piping associated with the equipment.

TABLE 504.2
MINIMUM PERFORMANCE OF WATER-HEATING EQUIPMENT

EQUIPMENT TYPE	SIZE CATEGORY (input)	SUBCATEGORY OR RATING CONDITION	PERFORMANCE REQUIRED ^{a, b}	TEST PROCEDURE
Water heaters, Electric	≤ 12 kW	Resistance	0.97 - 0.00132V, EF	DOE 10 CFR Part 430
	> 12 kW	Resistance	1.73V + 155 SL, Btu/h	ANSI Z21.10.3
	≤ 24 amps and ≤ 250 volts	Heat pump	0.93 - 0.00132V, EF	DOE 10 CFR Part 430
Storage water heaters, Gas	≤ 75,000 Btu/h	≥ 20 gal	0.67 - 0.0019V, EF	DOE 10 CFR Part 430
	> 75,000 Btu/h and ≤ 155,000 Btu/h	< 4,000 Btu/h/gal	$\frac{80\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	ANSI Z21.10.3
	> 155,000 Btu/h	< 4,000 Btu/h/gal	$\frac{80\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	
Instantaneous water heaters, Gas	> 50,000 Btu/h and < 200,000 Btu/h ^c	≥ 4,000 (Btu/h)/gal and < 2 gal	0.62 - 0.0019V, EF	DOE 10 CFR Part 430
	≥ 200,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E_t	ANSI Z21.10.3
	≥ 200,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	$\frac{80\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	
Storage water heaters, Oil	≤ 105,000 Btu/h	≥ 20 gal	0.59 - 0.0019V, EF	DOE 10 CFR Part 430
	> 105,000 Btu/h	< 4,000 Btu/h/gal	$\frac{78\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	ANSI Z21.10.3
Instantaneous water heaters, Oil	≤ 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 2 gal	0.59 - 0.0019V, EF	DOE 10 CFR Part 430
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E_t	ANSI Z21.10.3
	> 210,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	$\frac{78\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	
Hot water supply boilers, Gas and Oil	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and < 10 gal	80% E_t	ANSI Z21.10.3
Hot water supply boilers, Gas	≥ 300,000 Btu/h and < 12,500,000 Btu/h	≥ 4,000 Btu/h/gal and ≥ 10 gal	$\frac{80\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	
Hot water supply boilers, Oil	> 300,000 Btu/h and < 12,500,000 Btu/h	> 4,000 Btu/h/gal and > 10 gal	$\frac{78\% E_t}{(Q/800 + 110\sqrt{V})}$ SL, Btu/h	
Pool heaters, Gas and Oil	All	—	78% E_t	ASHRAE 146
Heat pump pool heaters	All	—	4.0 COP	AHRI 1160
Unfired storage tanks	All	—	Minimum insulation requirement R-12.5 (h · ft ² · °F)/Btu	(none)

For SI: °C = [(°F) - 32]/1.8, 1 British thermal unit per hour = 0.2931 W, 1 gallon = 3.785 L, 1 British thermal unit per hour per gallon = 0.078 W/L.

a. Energy factor (EF) and thermal efficiency (E_t) are minimum requirements. In the EF equation, V is the rated volume in gallons.

b. Standby loss (SL) is the maximum Btu/h based on a nominal 70°F temperature difference between stored water and ambient requirements. In the SL equation, Q is the nameplate input rate in Btu/h. In the SL equation for electric water heaters, V is the rated volume in gallons. In the SL equation for oil and gas water heaters and boilers, V is the rated volume in gallons.

c. Instantaneous water heaters with input rates below 200,000 Btu/h must comply with these requirements if the water heater is designed to heat water to temperatures 180°F or higher.

504.5 Pipe insulation. For automatic-circulating hot water systems, piping shall be insulated with 1 inch (25 mm) of insulation having a conductivity not exceeding 0.27 Btu per inch/h $\times$ ft² $\times$ °F (1.53 W per 25 mm/m² $\times$ K). The first 8 feet (2438 mm) of piping in noncirculating systems served by equipment without integral heat traps shall be insulated with 0.5 inch (12.7 mm) of material having a conductivity not exceeding 0.27 Btu per inch/h $\times$ ft² $\times$ °F (1.53 W per 25 mm/m² $\times$ K).

504.6 Hot water system controls. Automatic-circulating hot water system pumps or heat trace shall be arranged to be conveniently turned off automatically or manually when the hot water system is not in operation.

504.7 Pools. Pools shall be provided with energy conserving measures in accordance with Sections 504.7.1 through 504.7.3.

504.7.1 Pool heaters. All pool heaters shall be equipped with a readily accessible on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

504.7.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar-and waste-heat-recovery pool heating systems.

504.7.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

Exception: Pools deriving over 60 percent of the energy for heating from site-recovered energy or solar energy source.

SECTION 505 ELECTRICAL POWER AND LIGHTING SYSTEMS (Mandatory)

505.1 General (Mandatory). This section covers lighting system controls, the connection of ballasts, the maximum lighting power for interior applications and minimum acceptable lighting equipment for exterior applications.

Exception: Lighting within dwelling units where 50 percent or more of the permanently installed interior light fixtures are fitted with high-efficacy lamps.

505.2 Lighting controls (Mandatory). Lighting systems shall be provided with controls as required in Sections 505.2.1, 505.2.2, 505.2.3 and 505.2.4.

505.2.1 Interior lighting controls. Each area enclosed by walls or floor-to-ceiling partitions shall have at least one manual control for the lighting serving that area. The required controls shall be located within the area served by

the controls or be a remote switch that identifies the lights served and indicates their status.

Exceptions:

1. Areas designated as security or emergency areas that must be continuously lighted.
2. Lighting in stairways or corridors that are elements of the means of egress.

505.2.2 Additional controls. Each area that is required to have a manual control shall have additional controls that meet the requirements of Sections 505.2.2.1 and 505.2.2.2.

505.2.2.1 Light reduction controls. Each area that is required to have a manual control shall also allow the occupant to reduce the connected lighting load in a reasonably uniform illumination pattern by at least 50 percent. Lighting reduction shall be achieved by one of the following or other approved method:

1. Controlling all lamps or luminaires;
2. Dual switching of alternate rows of luminaires, alternate luminaires or alternate lamps;
3. Switching the middle lamp luminaires independently of the outer lamps; or
4. Switching each luminaire or each lamp.

Exceptions:

1. Areas that have only one luminaire.
2. Areas that are controlled by an occupant-sensing device.
3. Corridors, storerooms, restrooms or public lobbies.
4. *Sleeping unit* (see Section 505.2.3).
5. Spaces that use less than 0.6 watts per square foot (6.5 W/m²).

505.2.2.2 Automatic lighting shutoff. Buildings larger than 5,000 square feet (465 m²) shall be equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either:

1. A scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting in areas that do not exceed 25,000 square feet (2323 m²) and are not more than one floor; or
2. An occupant sensor that shall turn lighting off within 30 minutes of an occupant leaving a space; or
3. A signal from another control or alarm system that indicates the area is unoccupied.

Exception: The following shall not require an automatic control device:

1. *Sleeping unit* (see Section 505.2.3).
2. Lighting in spaces where patient care is directly provided.

3. Spaces where an automatic shutoff would endanger occupant safety or security.

505.2.2.2.1 Occupant override. Where an automatic time switch control device is installed to comply with Section 505.2.2.2, Item 1, it shall incorporate an override switching device that:

1. Is readily *accessible*.
2. Is located so that a person using the device can see the lights or the area controlled by that switch, or so that the area being lit is annunciated.
3. Is manually operated.
4. Allows the lighting to remain on for no more than 2 hours when an override is initiated.
5. Controls an area not exceeding 5,000 square feet (465 m²).

Exceptions:

1. In malls and arcades, auditoriums, single-tenant retail spaces, industrial facilities and arenas, where captive-key override is utilized, override time shall be permitted to exceed 2 hours.
2. In malls and arcades, auditoriums, single-tenant retail spaces, industrial facilities and arenas, the area controlled shall not exceed 20,000 square feet (1860 m²).

505.2.2.2.2 Holiday scheduling. If an automatic time switch control device is installed in accordance with Section 505.2.2.2, Item 1, it shall incorporate an automatic holiday scheduling feature that turns off all loads for at least 24 hours, then resumes the normally scheduled operation.

Exception: Retail stores and associated malls, restaurants, grocery stores, places of religious worship and theaters.

505.2.2.3 Daylight zone control. Daylight zones, as defined by this code, shall be provided with individual controls that control the lights independent of general area lighting. Contiguous daylight zones adjacent to vertical fenestration are allowed to be controlled by a single controlling device provided that they do not include zones facing more than two adjacent cardinal orientations (i.e., north, east, south, west). Daylight zones under skylights more than 15 feet (4572 mm) from the perimeter shall be controlled separately from daylight zones adjacent to vertical fenestration.

Exception: Daylight spaces enclosed by walls or ceiling height partitions and containing two or fewer light fixtures are not required to have a separate switch for general area lighting.

505.2.3 Sleeping unit controls. *Sleeping units* in hotels, motels, boarding houses or similar buildings shall have at least one master switch at the main entry door that controls all permanently wired luminaires and switched receptacles, except those in the bathroom(s). Suites shall have a control

meeting these requirements at the entry to each room or at the primary entry to the suite.

505.2.4 Exterior lighting controls. Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch, or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

505.3 Tandem wiring (Mandatory). The following luminaires located within the same area shall be tandem wired:

1. Fluorescent luminaires equipped with one, three or odd-numbered lamp configurations, that are recess-mounted within 10 feet (3048 mm) center-to-center of each other.
2. Fluorescent luminaires equipped with one, three or any odd-numbered lamp configuration, that are pendant- or surface-mounted within 1 foot (305 mm) edge- to-edge of each other.

Exceptions:

1. Where electronic high-frequency ballasts are used.
2. Luminaires on emergency circuits.
3. Luminaires with no available pair in the same area.

505.4 Exit signs (Mandatory). Internally illuminated exit signs shall not exceed 5 watts per side.

505.5 Interior lighting power requirements (Prescriptive). A building complies with this section if its total connected lighting power calculated under Section 505.5.1 is no greater than the interior lighting power calculated under Section 505.5.2.

505.5.1 Total connected interior lighting power. The total connected interior lighting power (watts) shall be the sum of the watts of all interior lighting equipment as determined in accordance with Sections 505.5.1.1 through 505.5.1.4.

Exceptions:

1. The connected power associated with the following lighting equipment is not included in calculating total connected lighting power.
 - 1.1. Professional sports arena playing field lighting.
 - 1.2. *Sleeping unit* lighting in hotels, motels, boarding houses or similar buildings.
 - 1.3. Emergency lighting automatically off during normal building operation.
 - 1.4. Lighting in spaces specifically designed for use by occupants with special lighting needs including the visually impaired visual impairment and other medical and age-related issues.
 - 1.5. Lighting in interior spaces that have been specifically designated as a registered interior historic landmark.

- 1.6. Casino gaming areas.
2. Lighting equipment used for the following shall be exempt provided that it is in addition to general lighting and is controlled by an independent control device:
 - 2.1. Task lighting for medical and dental purposes.
 - 2.2. Display lighting for exhibits in galleries, museums and monuments.
3. Lighting for theatrical purposes, including performance, stage, film production and video production.
4. Lighting for photographic processes.
5. Lighting integral to equipment or instrumentation and is installed by the manufacturer.
6. Task lighting for plant growth or maintenance.
7. Advertising signage or directional signage.
8. In restaurant buildings and areas, lighting for food warming or integral to food preparation equipment.
9. Lighting equipment that is for sale.
10. Lighting demonstration equipment in lighting education facilities.
11. Lighting *approved* because of safety or emergency considerations, inclusive of exit lights.
12. Lighting integral to both open and glass-enclosed refrigerator and freezer cases.
13. Lighting in retail display windows, provided the display area is enclosed by ceiling-height partitions.
14. Furniture mounted supplemental task lighting that is controlled by automatic shutoff.

505.5.1.1 Screw lamp holders. The wattage shall be the maximum *labeled* wattage of the luminaire.

505.5.1.2 Low-voltage lighting. The wattage shall be the specified wattage of the transformer supplying the system.

505.5.1.3 Other luminaires. The wattage of all other lighting equipment shall be the wattage of the lighting equipment verified through data furnished by the manufacturer or other *approved* sources.

505.5.1.4 Line-voltage lighting track and plug-in busway. The wattage shall be:

1. The specified wattage of the luminaires included in the system with a minimum of 30 W/lin. ft. (98 W/lin. m);
2. The wattage limit of the system's circuit breaker; or
3. The wattage limit of other permanent current limiting device(s) on the system.

505.5.2 Interior lighting power. The total interior lighting power (watts) is the sum of all interior lighting powers for all areas in the building covered in this permit. The interior lighting power is the floor area for each building area type listed in Table 505.5.2 times the value from Table 505.5.2 for that area. For the purposes of this method, an "area" shall be defined as all contiguous spaces that accommodate or are associated with a single building area type as *listed* in Table 505.5.2. When this method is used to calculate the total interior lighting power for an entire building, each building area type shall be treated as a separate area.

TABLE 505.5.2
INTERIOR LIGHTING POWER ALLOWANCES

LIGHTING POWER DENSITY	
Building Area Type ^a	(W/ft ²)
Automotive Facility	0.9
Convention Center	1.2
Court House	1.2
Dining: Bar Lounge/Leisure	1.3
Dining: Cafeteria/Fast Food	1.4
Dining: Family	1.6
Dormitory	1.0
Exercise Center	1.0
Gymnasium	1.1
Healthcare—clinic	1.0
Hospital	1.2
Hotel	1.0
Library	1.3
Manufacturing Facility	1.3
Motel	1.0
Motion Picture Theater	1.2
Multifamily	0.7
Museum	1.1
Office	1.0
Parking Garage	0.3
Penitentiary	1.0
Performing Arts Theater	1.6
Police/Fire Station	1.0
Post Office	1.1
Religious Building	1.3
Retail ^b	1.5
School/University	1.2
Sports Arena	1.1
Town Hall	1.1

(continued)

TABLE 505.5.2—continued
INTERIOR LIGHTING POWER ALLOWANCES

LIGHTING POWER DENSITY	
Building Area Type ^a	(W/ft ²)
Transportation	1.0
Warehouse	0.8
Workshop	1.4

For SI: 1 foot = 304.8 mm, 1 watt per square foot = W/0.0929 m².

- In cases where both a general building area type and a more specific building area type are listed, the more specific building area type shall apply.
- Where lighting equipment is specified to be installed to highlight specific merchandise in addition to lighting equipment specified for general lighting and is switched or dimmed on circuits different from the circuits for general lighting, the smaller of the actual wattage of the lighting equipment installed specifically for merchandise, or additional lighting power as determined below shall be added to the interior lighting power determined in accordance with this line item.

Calculate the additional lighting power as follows:

Additional Interior Lighting Power Allowance = 1000 watts + (Retail Area 1 × 0.6 W/ft²) + (Retail Area 2 × 0.6 W/ft²) + (Retail Area 3 × 1.4 W/ft²) + (Retail Area 4 × 2.5 W/ft²).

where:

Retail Area 1 = The floor area for all products not listed in Retail Area 2, 3 or 4.

Retail Area 2 = The floor area used for the sale of vehicles, sporting goods and small electronics.

Retail Area 3 = The floor area used for the sale of furniture, clothing, cosmetics and artwork.

Retail Area 4 = The floor area used for the sale of jewelry, crystal and china.

Exception: Other merchandise categories are permitted to be included in Retail Areas 2 through 4 above, provided that justification documenting the need for additional lighting power based on visual inspection, contrast, or other critical display is *approved* by the authority having jurisdiction.

505.6 Exterior lighting. (Mandatory). When the power for exterior lighting is supplied through the energy service to the building, all exterior lighting, other than low-voltage landscape lighting, shall comply with Sections 505.6.1 and 505.6.2.

Exception: Where *approved* because of historical, safety, signage or emergency considerations.

505.6.1 Exterior building grounds lighting. All exterior building grounds luminaires that operate at greater than 100 watts shall contain lamps having a minimum efficacy of 60 lumens per watt unless the luminaire is controlled by a motion sensor or qualifies for one of the exceptions under Section 505.6.2.

505.6.2 Exterior building lighting power. The total exterior lighting power allowance for all exterior building applications is the sum of the base site allowance plus the individual allowances for areas that are to be illuminated and are permitted in Table 505.6.2(2) for the applicable lighting zone. Tradeoffs are allowed only among exterior lighting applications listed in Table 505.6.2(2), Tradable Surfaces section. The lighting zone for the building exterior is determined from Table 505.6.2(1) unless otherwise specified by the local jurisdiction. Exterior lighting for all applications (except those included in the exceptions to Section

505.6.2) shall comply with the requirements of Section 505.6.1.

Exceptions: Lighting used for the following exterior applications is exempt when equipped with a control device independent of the control of the nonexempt lighting:

1. Specialized signal, directional and marker lighting associated with transportation;
2. Advertising signage or directional signage;
3. Integral to equipment or instrumentation and is installed by its manufacturer;
4. Theatrical purposes, including performance, stage, film production and video production;
5. Athletic playing areas;
6. Temporary lighting;
7. Industrial production, material handling, transportation sites and associated storage areas;
8. Theme elements in theme/amusement parks; and
9. Used to highlight features of public monuments and registered historic landmark structures or buildings.

TABLE 505.6.2(1)
EXTERIOR LIGHTING ZONES

LIGHTING ZONE	DESCRIPTION
1	Developed areas of national parks, state parks, forest land, and rural areas
2	Areas predominantly consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed use areas
3	All other areas
4	High-activity commercial districts in major metropolitan areas as designated by the local land use planning authority

505.7 Electrical energy consumption. (Mandatory). In buildings having individual dwelling units, provisions shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

SECTION 506

TOTAL BUILDING PERFORMANCE

506.1 Scope. This section establishes criteria for compliance using total building performance. The following systems and loads shall be included in determining the total building performance: heating systems, cooling systems, service water heating, fan systems, lighting power, receptacle loads and process loads.

506.2 Mandatory requirements. Compliance with this section requires that the criteria of Sections 502.4, 503.2, 504 and 505 be met.

TABLE 505.6.2(2)
INDIVIDUAL LIGHTING POWER ALLOWANCES FOR BUILDING EXTERIORS

		Zone 1	Zone 2	Zone 3	Zone 4
Base Site Allowance (Base allowance may be used in tradable or nontradable surfaces.)		500 W	600 W	750 W	1300 W
Tradable Surfaces (Lighting power densities for uncovered parking areas, building grounds, building entrances and exits, canopies and overhangs and outdoor sales areas may be traded.)	Uncovered Parking Areas				
	Parking areas and drives	0.04 W/ft ²	0.06 W/ft ²	0.10 W/ft ²	0.13 W/ft ²
	Building Grounds				
	Walkways less than 10 feet wide	0.7 W/linear foot	0.7 W/linear foot	0.8 W/linear foot	1.0 W/linear foot
	Walkways 10 feet wide or greater, plaza areas special feature areas	0.14 W/ft ²	0.14 W/ft ²	0.16 W/ft ²	0.2 W/ft ²
	Stairways	0.75 W/ft ²	1.0 W/ft ²	1.0 W/ft ²	1.0 W/ft ²
	Pedestrian tunnels	0.15 W/ft ²	0.15 W/ft ²	0.2 W/ft ²	0.3 W/ft ²
	Building Entrances and Exits				
	Main entries	20 W/linear foot of door width	20 W/linear foot of door width	30 W/linear foot of door width	30 W/linear foot of door width
	Other doors	20 W/linear foot of door width	20 W/linear foot of door width	20 W/linear foot of door width	20 W/linear foot of door width
	Entry canopies	0.25 W/ft ²	0.25 W/ft ²	0.4 W/ft ²	0.4 W/ft ²
	Sales Canopies				
	Free-standing and attached	0.6 W/ft ²	0.6 W/ft ²	0.8 W/ft ²	1.0 W/ft ²
	Outdoor Sales				
	Open areas (including vehicle sales lots)	0.25 W/ft ²	0.25 W/ft ²	0.5 W/ft ²	0.7 W/ft ²
	Street frontage for vehicle sales lots in addition to "open area" allowance	No allowance	10 W/linear foot	10 W/linear foot	30 W/linear foot
Nontradable Surfaces (Lighting power density calculations for the following applications can be used only for the specific application and cannot be traded between surfaces or with other exterior lighting. The following allowances are in addition to any allowance otherwise permitted in the "Tradable Surfaces" section of this table.)	Building facades	No allowance	0.1 W/ft ² for each illuminated wall or surface or 2.5 W/linear foot for each illuminated wall or surface length	0.15 W/ft ² for each illuminated wall or surface or 3.75 W/linear foot for each illuminated wall or surface length	0.2 W/ft ² for each illuminated wall or surface or 5.0 W/linear foot for each illuminated wall or surface length
	Automated teller machines and night depositories	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location	270 W per location plus 90 W per additional ATM per location
	Entrances and gatehouse inspection stations at guarded facilities	0.75 W/ft ² of covered and uncovered area	0.75 W/ft ² of covered and uncovered area	0.75 W/ft ² of covered and uncovered area	0.75 W/ft ² of covered and uncovered area
	Loading areas for law enforcement, fire, ambulance and other emergency service vehicles	0.5 W/ft ² of covered and uncovered area	0.5 W/ft ² of covered and uncovered area	0.5 W/ft ² of covered and uncovered area	0.5 W/ft ² of covered and uncovered area
	Drive-up windows/doors	400 W per drive-through	400 W per drive-through	400 W per drive-through	400 W per drive-through
	Parking near 24-hour retail entrances	800 W per main entry	800 W per main entry	800 W per main entry	800 W per main entry

For SI: 1 foot = 304.8 mm, 1 watt per square foot = W/0.0929 m².

506.3 Performance-based compliance. Compliance based on total building performance requires that a proposed building (*proposed design*) be shown to have an annual energy cost that is less than or equal to the annual energy cost of the *standard reference design*. Energy prices shall be taken from a source approved by the *code official*, such as the Department of Energy, Energy Information Administration's *State Energy Price and Expenditure Report*. *Code officials* shall be permitted to require time-of-use pricing in energy cost calculations. Nondepletable energy collected off site shall be treated and priced the same as purchased energy. Energy from nondepletable energy sources collected on site shall be omitted from the annual energy cost of the *proposed design*.

Exception: Jurisdictions that require site energy (1 kWh = 3413 Btu) rather than energy cost as the metric of comparison.

506.4 Documentation. Documentation verifying that the methods and accuracy of compliance software tools conform to the provisions of this section shall be provided to the *code official*.

506.4.1 Compliance report. Compliance software tools shall generate a report that documents that the *proposed design* has annual energy costs less than or equal to the annual energy costs of the *standard reference design*. The compliance documentation shall include the following information:

1. Address of the building;
2. An inspection checklist documenting the building component characteristics of the *proposed design* as listed in Table 506.5.1(1). The inspection checklist shall show the estimated annual energy cost for both the *standard reference design* and the *proposed design*;
3. Name of individual completing the compliance report; and
4. Name and version of the compliance software tool.

506.4.2 Additional documentation. The *code official* shall be permitted to require the following documents:

1. Documentation of the building component characteristics of the *standard reference design*;
2. Thermal zoning diagrams consisting of floor plans showing the thermal zoning scheme for *tandard reference design* and *proposed design*.
3. Input and output report(s) from the energy analysis simulation program containing the complete input and output files, as applicable. The output file shall include energy use totals and energy use by energy source and end-use served, total hours that space conditioning loads are not met and any errors or warning messages generated by the simulation tool as applicable;
4. An explanation of any error or warning messages appearing in the simulation tool output; and

5. A certification signed by the builder providing the building component characteristics of the *proposed design* as given in Table 506.5.1(1).

506.5 Calculation procedure. Except as specified by this section, the *standard reference design* and *proposed design* shall be configured and analyzed using identical methods and techniques.

506.5.1 Building specifications. The *standard reference design* and *proposed design* shall be configured and analyzed as specified by Table 506.5.1(1). Table 506.5.1(1) shall include by reference all notes contained in Table 502.2(1).

506.5.2 Thermal blocks. The *standard reference design* and *proposed design* shall be analyzed using identical thermal blocks as required in Section 506.5.2.1, 506.5.2.2 or 506.5.2.3.

506.5.2.1 HVAC zones designed. Where HVAC zones are defined on HVAC design drawings, each HVAC *zone* shall be modeled as a separate thermal block.

Exception: Different HVAC zones shall be allowed to be combined to create a single thermal block or identical thermal blocks to which multipliers are applied provided:

1. The space use classification is the same throughout the thermal block.
2. All HVAC zones in the thermal block that are adjacent to glazed exterior walls face the same orientation or their orientations are within 45 degrees (0.79 rad) of each other.
3. All of the zones are served by the same HVAC system or by the same kind of HVAC system.

506.5.2.2 HVAC zones not designed. Where HVAC zones have not yet been designed, thermal blocks shall be defined based on similar internal load densities, occupancy, lighting, thermal and temperature schedules, and in combination with the following guidelines:

1. Separate thermal blocks shall be assumed for interior and perimeter spaces. Interior spaces shall be those located more than 15 feet (4572 mm) from an exterior wall. Perimeter spaces shall be those located closer than 15 feet (4572 mm) from an exterior wall.
2. Separate thermal blocks shall be assumed for spaces adjacent to glazed exterior walls: a separate *zone* shall be provided for each orientation, except orientations that differ by no more than 45 degrees (0.79 rad) shall be permitted to be considered to be the same orientation. Each *zone* shall include floor area that is 15 feet (4572 mm) or less from a glazed perimeter wall, except that floor area within 15 feet (4572 mm) of glazed perimeter walls having more than one orientation shall be divided proportionately between zones.
3. Separate thermal blocks shall be assumed for spaces having floors that are in contact with the

ground or exposed to ambient conditions from zones that do not share these features.

4. Separate thermal blocks shall be assumed for spaces having exterior ceiling or roof assemblies from zones that do not share these features.

506.5.2.3 Multifamily residential buildings. Residential spaces shall be modeled using one thermal block per space except that those facing the same orientations are permitted to be combined into one thermal block. Corner units and units with roof or floor loads shall only be combined with units sharing these features.

506.6 Calculation software tools. Calculation procedures used to comply with this section shall be software tools capable of calculating the annual energy consumption of all building elements that differ between the *standard reference design* and the *proposed design* and shall include the following capabilities.

1. Computer generation of the *standard reference design* using only the input for the *proposed design*. The calculation procedure shall not allow the user to directly modify the building component characteristics of the *standard reference design*.
2. Building operation for a full calendar year (8760 hours).
3. Climate data for a full calendar year (8760 hours) and shall reflect *approved* coincident hourly data for temperature, solar radiation, humidity and wind speed for the building location.
4. Ten or more thermal zones.
5. Thermal mass effects.
6. Hourly variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads.
7. Part-load performance curves for mechanical equipment.
8. Capacity and efficiency correction curves for mechanical heating and cooling equipment.
9. Printed *code official* inspection checklist listing each of the *proposed design* component characteristics from Table 506.5.1(1) determined by the analysis to provide compliance, along with their respective performance ratings (e.g., *R*-value, *U*-factor, SHGC, HSPF, AFUE, SEER, EF, etc.).

506.6.1 Specific approval. Performance analysis tools meeting the applicable subsections of Section 506 and tested according to ASHRAE Standard 140 shall be permitted to be *approved*. Tools are permitted to be *approved* based on meeting a specified threshold for a jurisdiction. The *code official* shall be permitted to approve tools for a specified application or limited scope.

506.6.2 Input values. When calculations require input values not specified by Sections 502, 503, 504 and 505, those input values shall be taken from an *approved* source.

TABLE 506.5.1(1)
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT CHARACTERISTICS	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Space use classification	Same as proposed	The space use classification shall be chosen in accordance with Table 505.5.2 for all areas of the building covered by this permit. Where the space use classification for a building is not known, the building shall be categorized as an office building.
Roofs	Type: Insulation entirely above deck Gross area: same as proposed U-factor: from Table 502.1.2 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed As proposed
Walls, above-grade	Type: Mass wall if proposed wall is mass; otherwise steel-framed wall Gross area: same as proposed U-factor: from Table 502.1.2 Solar absorptance: 0.75 Emittance: 0.90	As proposed As proposed As proposed As proposed As proposed
Walls, below-grade	Type: Mass wall Gross area: same as proposed U-Factor: from Table 502.1.2 with insulation layer on interior side of walls	As proposed As proposed As proposed
Floors, above-grade	Type: joist/framed floor Gross area: same as proposed U-factor: from Table 502.1.2	As proposed As proposed As proposed
Floors, slab-on-grade	Type: Unheated F-factor: from Table 502.1.2	As proposed As proposed
Doors	Type: Swinging Area: Same as proposed U-factor: from Table 502.2(1)	As proposed As proposed As proposed
Glazing	Area: (a) The proposed glazing area; where the proposed glazing area is less than 40 percent of above-grade wall area. (b) 40 percent of above-grade wall area; where the proposed glazing area is 40 percent or more of the above-grade wall area. U-factor: from Table 502.3 SHGC: from Table 502.3 except that for climates with no requirement (NR) SHGC = 0.40 shall be used External shading and PF: None	As proposed As proposed As proposed As proposed
Skylights	Area: (a) The proposed skylight area; where the proposed skylight area is less than 3 percent of gross area of roof assembly. (b) 3 percent of gross area of roof assembly; where the proposed skylight area is 3 percent or more of gross area of roof assembly. U-factor: from Table 502.3 SHGC: from Table 502.3 except that for climates with no requirement (NR) SHGC = 0.40 shall be used.	As proposed As proposed As proposed
Lighting, interior	The interior lighting power shall be determined in accordance with Table 505.5.2. Where the occupancy of the building is not known, the lighting power density shall be 1.0 Watt per square foot (10.73 W/m ²) based on the categorization of buildings with unknown space classification as offices.	As proposed
Lighting, exterior	The lighting power shall be determined in accordance with Table 505.6.2(2). Areas and dimensions of tradable and nontradable surfaces shall be the same as proposed.	As proposed

(continued)

TABLE 506.5.1(1)—continued
SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT CHARACTERISTICS	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Internal gains	Same as proposed	Receptacle, motor and process loads shall be modeled and estimated based on the space use classification. All end-use load components within and associated with the building shall be modeled to include, but not be limited to, the following: exhaust fans, parking garage ventilation fans, exterior building lighting, swimming pool heaters and pumps, elevators, escalators, refrigeration equipment and cooking equipment.
Schedules	Same as proposed	Operating schedules shall include hourly profiles for daily operation and shall account for variations between weekdays, weekends, holidays and any seasonal operation. Schedules shall model the time-dependent variations in occupancy, illumination, receptacle loads, thermostat settings, mechanical ventilation, HVAC equipment availability, service hot water usage and any process loads. The schedules shall be typical of the proposed building type as determined by the designer and approved by the jurisdiction.
Mechanical ventilation	Same as proposed	As proposed, in accordance with Section 503.2.5.
Heating systems	Fuel type: same as proposed design Equipment type ^a : from Tables 506.5.1(2) and 506.5.1(3) Efficiency: from Tables 503.2.3(4) and 503.2.3(5) Capacity ^b : sized proportionally to the capacities in the proposed design based on sizing runs, and shall be established such that no smaller number of unmet heating load hours and no larger heating capacity safety factors are provided than in the proposed design.	As proposed As proposed As proposed As proposed
Cooling systems	Fuel type: same as proposed design Equipment type ^c : from Tables 506.5.1(2) and 506.5.1(3) Efficiency: from Tables 503.2.3(1), 503.2.3(2) and 503.2.3(3) Capacity ^b : sized proportionally to the capacities in the proposed design based on sizing runs, and shall be established such that no smaller number of unmet cooling load hours and no larger cooling capacity safety factors are provided than in the proposed design. Economizer ^d : same as proposed, in accordance with Section 503.4.1.	As proposed As proposed As proposed As proposed As proposed
Service water heating	Fuel type: same as proposed Efficiency: from Table 504.2 Capacity: same as proposed. Where no service water hot water system exists or is specified in the proposed design, no service hot water heating shall be modeled.	As proposed As proposed As proposed

- Where no heating system exists or has been specified, the heating system shall be modeled as fossil fuel. The system characteristics shall be identical in both the standard reference design and proposed design.
- The ratio between the capacities used in the annual simulations and the capacities determined by sizing runs shall be the same for both the standard reference design and proposed design.
- Where no cooling system exists or no cooling system has been specified, the cooling system shall be modeled as an air-cooled single-zone system, one unit per thermal zone. The system characteristics shall be identical in both the standard reference design and proposed design.
- If an economizer is required in accordance with Table 503.3.1 (1), and if no economizer exists or is specified in the proposed design, then a supply air economizer shall be provided in accordance with Section 503.4.1.

TABLE 506.5.1(2)
HVAC SYSTEMS MAP

CONDENSER COOLING SOURCE ^a	HEATING SYSTEM CLASSIFICATION ^b	STANDARD REFERENCE DESIGN HVAC SYSTEM TYPE ^c		
		Single-zone Residential System	Single-zone Nonresidential System	All Other
Water/ground	Electric resistance	System 5	System 5	System 1
	Heat pump	System 6	System 6	System 6
	Fossil fuel	System 7	System 7	System 2
Air/none	Electric resistance	System 8	System 9	System 3
	Heat pump	System 8	System 9	System 3
	Fossil fuel	System 10	System 11	System 4

- a. Select "water/ground" if the proposed design system condenser is water or evaporatively cooled; select "air/none" if the condenser is air cooled. Closed-circuit dry coolers shall be considered air cooled. Systems utilizing district cooling shall be treated as if the condenser water type were "water." If no mechanical cooling is specified or the mechanical cooling system in the proposed design does not require heat rejection, the system shall be treated as if the condenser water type were "Air." For proposed designs with ground-source or groundwater-source heat pumps, the standard reference design HVAC system shall be water-source heat pump (System 6).
- b. Select the path that corresponds to the proposed design heat source: electric resistance, heat pump (including air source and water source), or fuel fired. Systems utilizing district heating (steam or hot water) and systems with no heating capability shall be treated as if the heating system type were "fossil fuel." For systems with mixed fuel heating sources, the system or systems that use the secondary heating source type (the one with the smallest total installed output capacity for the spaces served by the system) shall be modeled identically in the standard reference design and the primary heating source type shall be used to determine *standard* reference design HVAC system type.
- c. Select the standard reference design HVAC system category: The system under "single-zone residential system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves a residential space. The system under "single-zone nonresidential system" shall be selected if the HVAC system in the proposed design is a single-zone system and serves other than residential spaces. The system under "all other" shall be selected for all other cases.

TABLE 506.5.1(3)
SPECIFICATIONS FOR THE STANDARD REFERENCE DESIGN HVAC SYSTEM DESCRIPTIONS

SYSTEM NO.	SYSTEM TYPE	FAN CONTROL	COOLING TYPE	HEATING TYPE
1	Variable air volume with parallel fan-powered boxes ^a	VAV ^d	Chilled water ^e	Electric resistance
2	Variable air volume with reheat ^b	VAV ^d	Chilled water ^e	Hot water fossil fuel boiler ^f
3	Packaged variable air volume with parallel fan-powered boxes ^a	VAV ^d	Direct expansion ^c	Electric resistance
4	Packaged variable air volume with reheat ^b	VAV ^d	Direct expansion ^c	Hot water fossil fuel boiler ^f
5	Two-pipe fan coil	Constant volume ⁱ	Chilled water ^e	Electric resistance
6	Water-source heat pump	Constant volume ⁱ	Direct expansion ^c	Electric heat pump and boiler ^g
7	Four-pipe fan coil	Constant volume ⁱ	Chilled water ^e	Hot water fossil fuel boiler ^f
8	Packaged terminal heat pump	Constant volume ⁱ	Direct expansion ^c	Electric heat pump ^h
9	Packaged rooftop heat pump	Constant volume ⁱ	Direct expansion ^c	Electric heat pump ^h
10	Packaged terminal air conditioner	Constant volume ⁱ	Direct expansion	Hot water fossil fuel boiler ^f
11	Packaged rooftop air conditioner	Constant volume ⁱ	Direct expansion	Fossil fuel furnace

For SI: 1 foot = 304.8 mm, 1 cfm/ft² = 0.0004719, 1 Btu/h = 0.293/W, °C = [(°F) - 32]/1.8.

- a. **VAV with parallel boxes:** Fans in parallel VAV fan-powered boxes shall be sized for 50 percent of the peak design flow rate and shall be modeled with 0.35 W/cfm fan power. Minimum volume setpoints for fan-powered boxes shall be equal to the minimum rate for the space required for ventilation consistent with Section 503.4.5, Exception 5. Supply air temperature setpoint shall be constant at the design condition.
- b. **VAV with reheat:** Minimum volume setpoints for VAV reheat boxes shall be 0.4 cfm/ft² of floor area. Supply air temperature shall be reset based on zone demand from the design temperature difference to a 10°F temperature difference under minimum load conditions. Design airflow rates shall be sized for the reset supply air temperature, i.e., a 10°F temperature difference.
- c. **Direct expansion:** The fuel type for the cooling system shall match that of the cooling system in the proposed design.
- d. **VAV:** Constant volume can be modeled if the system qualifies for Exception 1, Section 503.4.5. When the proposed design system has a supply, return or relief fan motor 25 horsepower (hp) or larger, the corresponding fan in the VAV system of the standard reference design shall be modeled assuming a variable speed drive. For smaller fans, a forward-curved centrifugal fan with inlet vanes shall be modeled. If the proposed design's system has a direct digital control system at the zone level, static pressure setpoint reset based on zone requirements in accordance with Section 503.4.2 shall be modeled.
- e. **Chilled water:** For systems using purchased chilled water, the chillers are not explicitly modeled and chilled water costs shall be based as determined in Sections 506.3 and 506.5.2. Otherwise, the standard reference design's chiller plant shall be modeled with chillers having the number as indicated in Table 506.5.1(4) as a function of standard reference building chiller plant load and type as indicated in Table 506.5.1(5) as a function of individual chiller load. Where chiller fuel source is mixed, the system in the standard reference design shall have chillers with the same fuel types and with capacities having the same proportional capacity as the proposed design's chillers for each fuel type. Chilled water supply temperature shall be modeled at 44°F design supply temperature and 56°F return temperature. Piping losses shall not be modeled in either building model. Chilled water supply water temperature shall be reset in accordance with Section 503.4.3.4. Pump system power for each pumping system shall be the same as the proposed design; if the proposed design has no chilled water pumps, the standard reference design pump power shall be 22 W/gpm (equal to a pump operating against a 75-foot head, 65-percent combined impeller and motor efficiency). The chilled water system shall be modeled as primary-only variable flow with flow maintained at the design rate through each chiller using a bypass. Chilled water pumps shall be modeled as riding the pump curve or with variable-speed drives when required in Section 503.4.3.4. The heat rejection device shall be an axial fan cooling tower with two-speed fans if required in Section 503.4.4. Condenser water design supply temperature shall be 85°F or 10°F approach to design wet-bulb temperature, whichever is lower, with a design temperature rise of 10°F. The tower shall be controlled to maintain a 70°F leaving water temperature where weather permits, floating up to leaving water temperature at design conditions. Pump system power for each pumping system shall be the same as the proposed design; if the proposed design has no condenser water pumps, the standard reference design pump power shall be 19 W/gpm (equal to a pump operating against a 60-foot head, 60-percent combined impeller and motor efficiency). Each chiller shall be modeled with separate condenser water and chilled water pumps interlocked to operate with the associated chiller.
- f. **Fossil fuel boiler:** For systems using purchased hot water or steam, the boilers are not explicitly modeled and hot water or steam costs shall be based on actual utility rates. Otherwise, the boiler plant shall use the same fuel as the proposed design and shall be natural draft. The standard reference design boiler plant shall be modeled with a single boiler if the standard reference design plant load is 600,000 Btu/h and less and with two equally sized boilers for plant capacities exceeding 600,000 Btu/h. Boilers shall be staged as required by the load. Hot water supply temperature shall be modeled at 180°F design supply temperature and 130°F return temperature. Piping losses shall not be modeled in either building model. Hot water supply water temperature shall be reset in accordance with Section 503.4.3.4. Pump system power for each pumping system shall be the same as the proposed design; if the proposed design has no hot water pumps, the standard reference design pump power shall be 19 W/gpm (equal to a pump operating against a 60-foot head, 60-percent combined impeller and motor efficiency). The hot water system shall be modeled as primary only with continuous variable flow. Hot water pumps shall be modeled as riding the pump curve or with variable speed drives when required by Section 503.4.3.4.
- g. **Electric heat pump and boiler:** Water-source heat pumps shall be connected to a common heat pump water loop controlled to maintain temperatures between 60°F and 90°F. Heat rejection from the loop shall be provided by an axial fan closed-circuit evaporative fluid cooler with two-speed fans if required in Section 503.4.2. Heat addition to the loop shall be provided by a boiler that uses the same fuel as the proposed design and shall be natural draft. If no boilers exist in the proposed design, the standard reference building boilers shall be fossil fuel. The standard reference design boiler plant shall be modeled with a single boiler if the standard reference design plant load is 600,000 Btu/h or less and with two equally sized boilers for plant capacities exceeding 600,000 Btu/h. Boilers shall be staged as required by the load. Piping losses shall not be modeled in either building model. Pump system power shall be the same as the proposed design; if the proposed design has no pumps, the standard reference design pump power shall be 22 W/gpm, which is equal to a pump operating against a 75-foot head, with a 65-percent combined impeller and motor efficiency. Loop flow shall be variable with flow shutoff at each heat pump when its compressor cycles off as required by Section 503.4.3.3. Loop pumps shall be modeled as riding the pump curve or with variable speed drives when required by Section 503.4.3.4.
- h. **Electric heat pump:** Electric air-source heat pumps shall be modeled with electric auxiliary heat. The system shall be controlled with a multistage space thermostat and an outdoor air thermostat wired to energize auxiliary heat only on the last thermostat stage and when outdoor air temperature is less than 40°F.
- i. **Constant volume:** Fans shall be controlled in the same manner as in the proposed design; i.e., fan operation whenever the space is occupied or fan operation cycled on calls for heating and cooling. If the fan is modeled as cycling and the fan energy is included in the energy efficiency rating of the equipment, fan energy shall not be modeled explicitly.

**TABLE 506.5.1(4)
NUMBER OF CHILLERS**

TOTAL CHILLER PLANT CAPACITY	NUMBER OF CHILLERS
≤ 300 tons	1
> 300 tons, < 600 tons	2, sized equally
≥ 600 tons	2 minimum, with chillers added so that no chiller is larger than 800 tons, all sized equally

For SI: 1 ton = 3517 w.

**TABLE 506.5.1(5)
WATER CHILLER TYPES**

INDIVIDUAL CHILLER PLANT CAPACITY	ELECTRIC CHILLER TYPE	FOSSIL FUEL CHILLER TYPE
≤ 100 tons	Reciprocating	Single-effect absorption, direct fired
> 100 tons, < 300 tons	Screw	Double-effect absorption, direct fired
≥ 300 tons	Centrifugal	Double-effect absorption, direct fired

For SI: 1 ton = 3517 w.

CHAPTER 10 REFERENCED STANDARDS

* Revise Chapter 10 REFERENCED STANDARDS to include the following:

AFC

Arkansas Fire Prevention Code
State Fire Marshal's Office
#1 State Police Plaza Dr
Little Rock, AR 72209
(501) 618-8624
Fax (501) 618-8621

Standard Reference Number	Title	Referenced in Code Section Number
AFC		104.3

AMC

Arkansas Mechanical Code
Department of Health
Division of Protective Health Codes
4815 West Markham Street, Slot 24
Little Rock, AR 72205-3867
(501) 661-2642
Fax (501) 661-2671

<http://www.healthy.arkansas.gov/programsServices/environmentalHealth/ProtectiveHealthCodes/Pages/default.aspx>

Standard Reference Number	Title	Referenced in Code Section Number
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AMC	The following references apply to the residential section of the 2003 IECC: 503.3.3.4, 503.3.3.4.1 and 503.3.3.4.2. The following references apply to the commercial section of the 2003 IECC and will be in effect until 12/31/2012. 803.2.5, 803.2.6, 803.2.8.1, 803.2.8.1.1, 803.2.8.1.2, 803.3.4 803.3.8.1. The following references apply to the commercial section of the 2009 IECC and will be in effect on and after 1/1/2013: 503.2.5, 503.2.5.1, 503.2.6, 503.2.7, 503.2.7.1, 503.2.7.1.1, 503.2.7.1.2, 503.2.9.1, 503.3.1 and 503.4.5.	
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CHAPTER 6

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 107.

AAMA American Architectural Manufacturers Association 1827 Walden Office Square Suite 550 Schaumburg, IL 60173-4268		
Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/I.S.2/A c440—05	Specifications for Windows, Doors and Unit Skylights.	402.4.4, 502.4.1

AHRI Air Conditioning, Heating, and Refrigeration Institute 4100 North Fairfax Drive Suite 200 Arlington, VA 22203		
Standard reference number	Title	Referenced in code section number
210/240—03	Unitary Air-Conditioning and Air-Source Heat Pump Equipment.	Table 503.2.3(1), Table 503.2.3(2)
310/380—93	Standard for Packaged Terminal Air-conditioners and Heat Pumps.	Table 503.2.3(3)
340/360—2000	Commercial and Industrial Unitary Air-conditioning and Heat Pump Equipment.	Table 503.2.3(1), Table 503.2.3(2)
365—02	Commercial and Industrial Unitary Air-conditioning Condensing Units.	Table 503.2.3(6)
440—05	Room Fan-coil.	503.2.8
550/590—98	Water Chilling Packages Using the Vapor Compression Cycle—with Addenda.	Table 503.2.3(7)
560—00	Absorption Water Chilling and Water Heating Packages.	Table 503.2.3(7)
840—1998	Unit Ventilators.	503.2.8
13256-1 (2004)	Water-source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-air and Brine-to-air Heat Pumps.	Table 503.2.3(2)
1160—2004	Performance Rating of Heat Pump Pool Heaters.	Table 504.2

AMCA Air Movement and Control Association International 30 West University Drive Arlington Heights, IL 60004-1806		
Standard reference number	Title	Referenced in code section number
500D—07	Laboratory Methods for Testing Dampers for Rating.	502.4.5

ANSI American National Standards Institute 25 West 43rd Street Fourth Floor New York, NY 10036		
Standard reference number	Title	Referenced in code section number
Z21.10.3—01	Gas Water Heaters, Volume III - Storage Water Heaters with Input Ratings Above 75,000 Btu per Hour, Circulating Tank and Instantaneous—with Addenda Z21.10.3a-2003 and Z21.10.3b-2004.	Table 504.2
Z21.13—04	Gas-fired Low Pressure Steam and Hot Water Boilers.	Table 503.2.3(5)
Z21.47—03	Gas-fired Central Furnaces.	Table 503.2.3(4)
Z83.8—02	Gas Unit Heaters and Gas-Fired Duct Furnaces—with Addendum Z83.8a-2003.	Table 503.2.3(4)

ASHRAE

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329-2305

Standard reference number	Title	Referenced in code section number
119—88 (RA 2004)	Air Leakage Performance for Detached Single-family Residential Buildings	Table 405.5.2(1)
140—2007	Standard Method of Test for the Evaluation of Building Energy Analysis Computer Programs	506.6.1
146—1998	Testing and Rating Pool Heaters	Table 504.2
ANSI/ASHRAE/ACCA Standard 183—2007	Peak Cooling and Heating Load Calculations in Buildings Except Low-rise Residential Buildings	503.2.1
13256-1 (2005)	Water-source Heat Pumps—Testing and Rating for Performance—Part 1: Water-to-air and Brine-to-air Heat Pumps (ANSI/ASHRAE/IESNA 90.1-2004)	Table 503.2.3(2)
90.1—2007	Energy Standard for Buildings Except Low-rise Residential Buildings (ANSI/ASHRAE/IESNA 90.1-2007)	501.1, 501.2, 502.1.1, Table 502.2(2)
ASHRAE—2001, 2005	ASHRAE Handbook of Fundamentals	402.1.4, Table 405.5.2(1)
ASHRAE—2004	ASHRAE HVAC Systems and Equipment Handbook-2004	503.2.1

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
PTC 4.1 - 1964 (Reaffirmed 1991)	Steam Generating Units	Table 503.2.3(5)

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2859

Standard reference number	Title	Referenced in code section number
C 90—06b	Specification for Load-bearing Concrete Masonry Units	Table 502.2(1)
E 283—04	Test Method for Determining the Rate of Air Leakage Through Exterior Windows, Curtain Walls and Doors Under Specified Pressure Differences Across the Specimen	402.4.5, 502.4.2, 502.4.8

CSA

Canadian Standards Association
5060 Spectrum Way
Mississauga, Ontario, Canada L4W 5N6

Standard reference number	Title	Referenced in code section number
101/LS.2/A440—08	Specifications for Windows, Doors and Unit Skylights	402.4.4, 502.4.1

DOE

U.S. Department of Energy
c/o Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402-9325

Standard reference number	Title	Referenced in code section number
10 CFR Part 430, Subpart B, Appendix E (1998)	Uniform Test Method for Measuring the Energy Consumption of Water Heaters	Table 504.2
10 CFR Part 430, Subpart B, Appendix N (1998)	Uniform Test Method for Measuring the Energy Consumption of Furnaces and Boilers	Table 503.2.3(4), Table 503.2.3(5)

DOE—continued

10 CFR Part 431,
 Subpart E 2004
 DOE/EIA—0376
 (Current Edition)

Test Procedures and Efficiency Standards for Commercial Packaged Boilers	Table 503.2.3(6)
State Energy Prices and Expenditure Report	405.3, 506.2

ICC

International Code Council, Inc.
 500 New Jersey Avenue, NW
 6th Floor
 Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—09	International Building Code®	201.3, 303.2, 402.2.9
IFC—09	International Fire Code®	201.3
IFGC—09	International Fuel Gas Code®	201.3
IMC—09	International Mechanical Code®	503.2.5, 503.2.6, 503.2.7.1, 503.2.7.1.1, 503.2.7.1.2, 503.2.9.1, 503.3.1, 503.4.5
IPC—09	International Plumbing Code®	201.3
IRC—09	International Residential Code®	201.3, 403.2.2, 403.6, 405.6.1, Table 405.5.2(1)

IESNA

Illuminating Engineering Society of North America
 120 Wall Street, 17th Floor
 New York, NY 10005-4001

Standard reference number	Title	Referenced in code section number
90.1—2007	Energy Standard for Buildings Except Low-rise Residential Buildings	501.1, 501.2, 502.1.1, Table 502.2(2)

NFRC

National Fenestration Rating Council, Inc.
 6305 Ivy Lane, Suite 140
 Greenbelt, MD 20770

Standard reference number	Title	Referenced in code section number
100—04	Procedure for Determining Fenestration Product U-factors—Second Edition	303.1.3
200—04	Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence—Second Edition	303.1.3
400—04	Procedure for Determining Fenestration Product Air Leakage—Second Edition	402.4.2, 502.4.1

SMACNA

Sheet Metal and Air Conditioning Contractors National Association, Inc.
 4021 Lafayette Center Drive
 Chantilly, VA 20151-1209

Standard reference number	Title	Referenced in code section number
SMACNA—85	HVAC Air Duct Leakage Test Manual	503.2.7.1.3

UL

Underwriters Laboratories Inc.
 333 Pfingsten Road
 Northbrook, IL 60062-2096

Standard reference number	Title	Referenced in code section number
727—06	Oil-fired Central Furnaces	Table 503.2.3(4)
731—95	Oil-fired Unit Heaters—with Revisions through February 2006	Table 503.2.3(4)

US—FTC

United States - Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Standard reference number	Title	Referenced in code section number
CFR Title 16	R-value Rule.	303.1.4

WDMA

Window and Door Manufacturers Association
1400 East Touhy Avenue, Suite 470
Des Plaines, IL 60018

Standard reference number	Title	Referenced in code section number
AAMA/WDMA/CSA 101/I.S.2/A440—08	Specifications for Windows, Doors and Unit Skylights.	402.4.4, 502.4.1

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EDITORIAL CHANGES – SECOND PRINTING

Page 28, Table 402.1.3: Note d has been deleted.
Page 39, Table 502.2(1): column 3, row 8, now reads . . . R-5.7ci°
Page 39, Table 502.2(1): column 4, row 8, now reads . . . R-5.7ci°
Page 39, Table 502.2(1): column 8, row 8, now reads . . . R-9.5ci
Page 39, Table 502.2(1): column 8, row 10, now reads . . . R-13 + R-7.5
Page 39, Table 502.2(1): column 11, row 11, now reads . . . R-13 + R-3.8
Page 39, Table 502.2(1): column 12, row 11, now reads . . . R-13 + R-7.5
Page 39, Table 502.2(1): column 12, row 13, now reads . . . R-7.5c
Page 41, Table 502.3: column 2, row 7, now reads . . . 1.20
Page 73, IESNA: Standard reference number now reads . . . 90.1—2007

EDITORIAL CHANGES – THIRD PRINTING

Page 25, Table 301.3(1): row 2 Warm-humid Definition is moved below row 4 Moist (A) Definition.
Page 25, Table 301.3(1): row 2 now reads . . . Marine (C) Definition—Locations meeting all four criteria:
1. Mean temperature of coldest month between -3°C (27°F) and 18°C (65°F)
2. Warmest month mean < 22°C (72°F)
3. At least four months with mean temperatures over 10°C (50°F)
4. Dry season in summer. The month with the heaviest precipitation in the cold season has at least three times as much precipitation as the month with the least precipitation in the rest of the year. The cold season is October through March in the Northern Hemisphere and April through September in the Southern Hemisphere.
Page 28, Table 402.1.3: Note c now reads . . . c. Basement wall *U*-factor of 0.360 in warm-humid locations as defined by Figure 301.1 and Table 301.1.
Page 28, Section 402.2.5: exception line 2 now reads . . . insulation requirements in Table 402.2.5 shall be permit-
Page 30, Section 402.4.2.1: line 5 now reads . . . of 50 pascals (1 psf). Testing shall occur after rough in
Page 30, Section 402.5: line 4 now reads . . . 405 shall be 0.48 in Zones 4 and 5 and 0.40 in Zones 6 through
Page 32, Section 403.9.1: line 4 now reads . . . heaters fired by natural gas or LPG shall not have continu-
Page 35, Table 405.5.2(1)—continued: column 1, line 9 now reads . . . Service water heating^{h, k}
Page 42, Deletion arrow added below Section 502.4.8
Page 62, Section 506.5.2: line 3 now reads . . . mal blocks as required in Section 506.5.2.1, 506.5.2.2 or
Page 64, Table 506.5.1(1): column 2, row 12, line 2 now reads . . . Table 505.6.2(2). Areas and dimensions of tradable and
Page 76, Index P: line 5 now reads . . . Parallel Path Calculation 402.2.5
Page 77, Index V: line 2 is deleted.

EDITORIAL CHANGES – FOURTH PRINTING

Page 32, Section 404.1: line 1 now reads . . . 404.1 Lighting equipment. A minimum of 50 percent of the
Page 35, TABLE 405.5.2(1)—continued: column 2, row 2 now reads . . . Specific leakage area (SLA)^e = 0.00036 assuming no energy recovery
Page 35, TABLE 405.5.2(1)—continued: column 3, row 2, line 7 now reads . . . rate^f but not less than 0.35 ACH
Page 35, TABLE 405.5.2(1)—continued: column 3, row 5, line 4 now reads . . . element^g but not integral to the
Page 35, TABLE 405.5.2(1)—continued: column 1, row 7, now reads . . . Heating systems^h
Page 35, TABLE 405.5.2(1)—continued: column 1, row 8, now reads . . . Cooling systems^{h, j}
Page 35, TABLE 405.5.2(1)—continued: column 1, row 9, line 2 now reads . . . heating^{h, k}
Page 38, TABLE 502.1.2: column 2, row 8 now reads . . . U-0.58
Page 38, TABLE 502.1.2: column 10, row 8 now reads . . . U-0.090
Page 38, TABLE 502.1.2: column 11, row 8 now reads . . . U-0.080

Page 38; TABLE 502.1.2: column 8, row 19 now reads . . . F-0.860
Page 39, TABLE 502.2(1): column 11, row 11 now reads . . . R-3.8ci
Page 39, TABLE 502.2(1): column 12, row 11 now reads . . . R-7.5ci
Page 39, TABLE 502.2(1): column 13, row 11 now reads . . . R-7.5ci
Page 41, Section 502.4.4 Hot gas bypass limitations: is renumbered, relocated and now reads . . . 503.4.7 Hot gas bypass limitations
Page 55, Section 503.4.7 Hot gas bypass limitations is added
Page 75, Index M, MOISTURE CONTROL is deleted.

EDITORIAL CHANGES – FIFTH PRINTING

Page v, Chapter 4 Residential Energy Efficiency, line 3 now reads . . . is unique for this code. In this code, a *residential building* is an R-2, R-3 or R-4 building three stories or less in height. All other R-1
Page 35, TABLE 405.5.2(1)—continued: column 1, row 9 now reads now reads . . . Service water heating^{h, i}
Page 37, Section 502.2.5: line 10 now reads . . . area if the material weight is not more than 120 pounds per
Page 55, Section 503.4.7: line 6 now reads . . . 503.4.7.
Page 75, Index: new entry added now reads . . . **HOT BYPASS**. 503.4.7

EDITORIAL CHANGES – SIXTH PRINTING

Page 35, TABLE 405.5.2(1)—continued: column 1, row 9 now reads . . . Service H₂O heating^{h, k, i}

EDITORIAL CHANGES – SEVENTH PRINTING

Page 27, TABLE 402.1.1: footnote j now reads . . . For impact rated fenestration complying with Section R301.2.1.2 of the *International Residential Code* or Section 1609.1.2 of the *International Building Code*, the maximum *U*-factor shall be 0.75 in Zone 2 and 0.65 in Zone 3.
Page 39, TABLE 502.2(1): column 8, row 10, line 2 now reads . . . R-7.5ci
Page 42, Section 503.2.3: lines 4 and 5 now reads . . . 503.2.3(4), 503.2.3(5), 503.2.3(6), 503.2.3(7) and 503.2.3(8) when tested and rated in accordance with the
Page 47, TABLE 503.2.3(5): row 1, column 4 now reads . . . MINIMUM EFFICIENCY^{c, d, e}
Page 49, TABLE 503.2.3(8) is added and reads as shown.
Page 51, Section 503.2.7.1.3: Equation 5-2 now reads . . . $CL = F / P^{0.65}$
Page 51, TABLE 503.2.8: footnote b equation now reads . . . $T = r[(1+t/r)^{K/k} - 1]$
Page 55, Section 503.4.5: line 3 now reads . . . 503.4.5.4 shall apply to complex mechanical systems serv-

CHAPTER 5 RESIDENTIAL BUILDING DESIGN BY COMPONENT PERFORMANCE APPROACH

* Revise Exception 2 in Section 502.1.1 MOISTURE CONTROL as follows:

2. Vapor retarders shall not be required where the county in which the building is being constructed is considered a hot and humid climate area and identified as such in Figure 302.1(1).

* Delete Section 502.1.5 FENESTRATION SOLAR HEAT GAIN COEFFICIENT without substitution.

* Revise Table 503.3.3.3 MINIMUM DUCT INSULATION as follows:

**TABLE 503.3.3.3
MINIMUM DUCT INSULATION ^a**

ANNUAL HEATING DEGREE DAYS	Insulation <i>R</i> -value ^d			
	Ducts in unconditioned attics or outside building		Ducts in unconditioned basements, crawl spaces, garages, and other unconditioned spaces ^c	
	Supply	Return	Supply	Return
< 1,500	8	4	4	0
1,500 to 3,500	5.6	5.6	5.6	5.6
3,501 to 7,500	5.6	5.6	5.6	5.6
> 7,500	11	6	11	2

* Delete footnote b in Table 503.3.3.3 without substitution.

SECTION 503 BUILDING MECHANICAL SYSTEMS AND EQUIPMENT

* Replace the *International Mechanical Code* with the *Arkansas Mechanical Code* in Sections 503.3.3.4 DUCT CONSTRUCTION, 503.3.3.4.1 HIGH-AND MEDIUM-PRESSURE DUCT SYSTEMS and 503.3.3.4.2 LOW-PRESSURE DUCT SYSTEMS.

CHAPTER 6 SIMPLIFIED PRESCRIPTIVE REQUIREMENTS FOR DETACHED ONE- AND TWO-FAMILY DWELLINGS AND GROUP R-2, R-4 OR TOWNHOUSE RESIDENTIAL BUILDINGS

* Revise Section 601.2 COMPLIANCE to include deemed to comply tools that are approved by the Arkansas Energy Office.

601.2 Compliance. Compliance shall be demonstrated in accordance with Section 601.2.1 or 601.2.2. Deemed to comply tools that are approved by the Arkansas Energy Office shall be permitted to demonstrate compliance.

* Revise Section 601.3.2.1 DEFAULT FENESTRATION PERFORMANCE as follows:

601.3.2.1 Default fenestration performance. Where a manufacturer has not determined a fenestration product's *U*-factor in accordance with NFRC 100, compliance shall be determined by assigning such products a default *U*-factor from Tables 102.5.2(1) and 102.5.2(2).

* Modify Exception in Section 602.1.6 SLAB-ON-GRADE FLOORS as follows:

Exception: Slab perimeter insulation is not required for unheated slabs in areas of moderate to very heavy termite infestation probability as shown in Figure 502.2(7). Where this exception is used, building envelope compliance shall be demonstrated by using Section 502.2.2 or Chapter 4 with the actual "Slab perimeter *R*-value and depth" in Table 602.1, or by using Section 502.2.4.

* Delete Section 602.2 MAXIMUM SOLAR HEAT GAIN COEFFICIENT FOR FENESTRATION PRODUCTS without substitution.

CHAPTER 7 BUILDING DESIGN FOR ALL COMMERCIAL BUILDINGS

* Chapter 7 will be in effect until 12/31/2012. Revise ASHRAE/IESNA 90.1 to ANSI/ASHRAE/IESNA 90.1-2001 in the following section:

701.1 Scope. Until 12/31/2012 commercial buildings shall meet the requirements of ANSI/ASHRAE/IESNA 90.1-2001. On and after 1/1/2013 commercial buildings shall meet the requirements of ANSI/ASHRAE/IESNA 90.1-2007 with the following exception.

Exception: Commercial buildings that comply with Chapter 5 in the 2009 IECC with its associated definitions, general requirements and reference standards.

Chapter 8 of the 2003 IECC is in effect until 12/31/2012. On and after 1/1/2013 Chapter 8 is removed in its entirety and replaced with Chapter 5 of the 2009 International Energy Conservation Code (2009 IECC) with its associated definitions, general requirements and referenced standards.

**City Council Agenda Items
and
Contracts, Leases or Agreements**

1/15/2013

City Council Meeting Date
Agenda Items Only

Paul A Becker

Submitted By

Finance and Internal Services

Division

Finance and Internal Services

Department

Action Required:

The City has received an offer for the purchase 1.87 acres of City Property known as the old Tyson Property at 1851 E. Huntsville Road. Kum & Go L.C. has made an offer to purchase said property for \$900,000 .They also have agreed to reimburse the City for the costs of demolition of the existing structure including the foundation, footings and pavement removal. Kum & Go L.C. proposes to construct a convenience store that sells petroleum on the property. The City administration recommends acceptance of this offer.

N/A

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

\$

Account Number

Funds Used to Date

Program / Project Category Name

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Paul A. Becker

Department Director

1-2-2012

Date

Previous Ordinance or Resolution #

K. E. E. E.

City Attorney

1-2-13

Date

Original Contract Date:

Original Contract Number:

Paul A. Becker

Finance and Internal Services Director

1-2-2013

Date

Received in City
Clerk's Office

01-02-13 P12:36 RCVD

Kim G.

Dr. Man

Chief of Staff

1-2-13

Date

Received in
Mayor's OfficeENTERED
1/2/13
PH

Lionel Jordan

Mayor

1/2/13

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr Chief of Staff

From: Paul A Becker

Date: January 2, 2013

Subject: Sale of 1.87 acres of the former Tyson Property to Kum & Go L.C.

PROPOSAL: The Tyson Property was purchased by the City in 2004 for \$1.1 million. The total parcel was 11.17 acres. In addition to property required for right of way for Highway 16 widening, the City constructed a fire station on a portion of the property.

The City has received an offer to purchase 1.87 acres of the remaining property from Kum & Go L.C. for \$900,000 and 25% (up to \$100,000) of the costs of demolition of the existing structure including the foundation, footings and pavement removal.

If the City Council chooses to accept this offer, the City would receive enough to tear down and remove a hazardous structure. Still retain in excess of 8 acres of the property and after road improvement costs still have some cash for future appropriation. An additional benefit would be a new business on the tax rolls.

RECOMMENDATION: The City administration recommends the City Council accept the purchase offer from Kum & Go.

BUDGET IMPACT: The City would receive sufficient funds to remove the old Tyson building and hopefully has some left over for future appropriation..

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney



DATE: December 18, 2012

RE: Tyson Property Purchase and Proposed Sale of 2 Acres

On November 16, 2004, Mayor Coody and Finance Director Steve Davis presented an Offer and Acceptance Contract and a Donation Contract to purchase 11.17 acres on Highway 16 East and Happy Hollow Road for \$1,100,000.00 to the Fayetteville City Council. I could find no memo from the administration supporting this purchase in the City Clerk's Agenda packet file, but have attached the City Council minutes in which the purchase was partially justified as a potential savings of \$100,000.00 in right-of-way costs for the widening of Highway 16 East, as well as to eliminate the land costs for a new fire station. There was some talk about being able to use the Tyson Mexican Original taco/corn chip factory building for fire, police or other city services, but that later proved not feasible. I believe that the only thing that factory was put to use for was warehousing of Hurricane Katrina donations.

The City Council voted almost unanimously to purchase this 11 acres and later built Fire Station Five on a western portion of this land. After reductions for the land to build the fire station and right-of-way dedications slightly more than ten acres remains. However, the

Tyson/Mexican Original Factory became an eyesore and has been vandalized and stripped of its valuable metals by thieves. Our police frequently have been called to the site for ongoing problems and safety issues. Mayor Jordan and many aldermen have expressed the need to demolish the building so the site could eventually be attractively developed. Strategic Planning even presented scenarios for site development on this ten acres. One major problem was always money – full building and foundation demolition and all pavement removal cost was roughly estimated at \$475,000.00 by the contractor who built our Courts/Prosecutor building. With the City Budget cut over Two Million Dollars, wages frozen and more than twenty previously budgeted city positions left vacant, there was no extra money for a demolition project.

A few months ago, Kum & Go, L.C. representatives spoke to Mayor Jordan and senior staff about acquiring a building site for one of their convenience store/gas stations on the Tyson Property. Kum & Go, L.C. has rapidly expanded into Washington and Benton Counties opening or constructing more than a dozen new and attractive stores the last few years. Mayor Jordan said he would certainly entertain such proposal which could help Fayetteville demolish the old factory.

Kum & Go, L.C. initially proposed to buy the entire remaining 10 acres for \$985,000.00 which would be reduced by about \$40,000.00 for their realtor's fee. All required rights-of-way, green space, etc. would further reduce the amount paid to the City for all of our property. There were other terms in this initial offer that the City could not accept.

Rather than simply rejecting this first proposal, the Mayor authorized me to develop a counterproposal for his approval. I obtained the actual amounts Kum & Go, L.C. had paid for its many new acquisitions for its new stores in Washington and Benton Counties. I analyzed these acquisition costs on a per square foot, per acre, and per store basis. This data showed that we had been offered much less per acre than what had been paid to every other seller. I do not fault or criticize Kum & Go, L.C. for this. Businesses always seek to get the best deal possible. It is **our** responsibility to ensure our taxpayers get fair value for their assets.

Mayor Jordan, in consultation with Chief of Staff Don Marr and Finance Director Paul Becker then authorized me to convey a counterproposal to Kum & Go, L.C. in which we would sell them either a single two acre lot or both two acre lots (at a less per acre cost) that front Highway 16 East, cost share the demolition expense of the Tyson factory, and cost share a street entry into this 10 acre parcel from the signaled intersection.

Kum & Go, L.C. graciously worked with us and chose to purchase the two acre lot on the East side of the property. After further negotiation, Kum & Go, L.C. agreed to pay \$900,000.00 for this 1.87 acre lot, cost share 50/50 with the City to build the center street from the signaled intersection to the intersection with the street running along the southern portion of this lot to Ray Avenue. We hope these streets when completed will help the neighborhood served by Ray to more easily go East on Martin Luther King or Highway 16 during the morning rush hour.

Kum & Go L.C. also agreed to pay 25% of the costs (to be capped at \$100,000.00) for the demolition of the old Tyson factory, its foundation and footings and all pavement removal. I believe the Mayor and many Aldermen will be glad that we can finally remove the unattractive hulk and return some of this property into productive use.

If the City Council agrees to this sale, then the City will be able to demolish the factory, build needed streets, net several hundred thousand dollars, be able to sell a very commercially viable two acre lot fronting Highway 16 East and keep a 4.7 acre lot on the South side of the lot for City uses (Police, Parks and Recreation HQ, Transportation, etc.).

I want to thank Mayor Jordan for his leadership and determination during this negotiation. He has ensured that our citizens will receive fair value for their property while remaining fair and friendly to Kum & Go.

RESOLUTION NO. 183-04

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND TYSON FOODS, INC. FOR THE PURCHASE OF PROPERTY LOCATED AT 1851 EAST HUNTSVILLE ROAD IN THE AMOUNT OF \$1,100,000.00 AND A DONATION CONTRACT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$4,000.00 TO COVER APPRAISAL AND CLOSING COSTS.

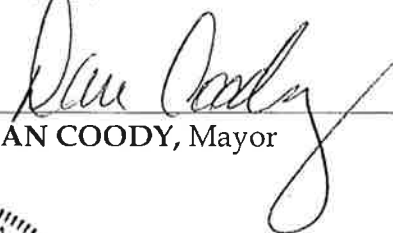
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Offer and Acceptance contract between the City of Fayetteville and Tyson Foods, Inc. for the purchase of property located at 1851 East Huntsville Road in the amount of \$1,100,000.00, and a Donation contract. Copies of the Offer and Acceptance contract marked Exhibit "A," and the Donation contract marked Exhibit "B," are attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$4,000.00 to cover appraisal and closing costs.

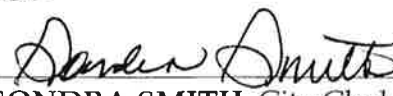
PASSED AND APPROVED this 16th day of November 2004.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SELL ABOUT TWO ACRES OF THE TYSON FACTORY PROPERTY ON HUNTSVILLE ROAD FOR \$900,000.00 TO KUM & GO, L.C., TO AGREE TO COST SHARE WITH KUM & GO ROADS OR DRIVEWAYS WITHIN THE TYSON PROPERTY ADJOINING THIS TWO ACRE PARCEL AND THE DEMOLITION OF THE FACTORY, AND TO RECOMMEND REZONING THIS PARCEL TO NEIGHBORHOOD COMMERCIAL OR OTHER ZONING DISTRICT SATISFACTORY TO KUM & GO, L.C.

WHEREAS, the City of Fayetteville used portions of the Tyson factory's lot obtained in 2004 for Highway 16 East right-of-way needs and for the construction of a new fire station; and

WHEREAS, now Kum & Go, L.C. has offered to purchase about two acres of the remaining ten acres to be used for a Kum & Go gas station/convenience store; and

WHEREAS, the City Administration and Kum & Go, L.C. have worked out a proposed agreement in which Kum & Go, L.C. would pay \$900,000.00 for this two acre parcel and the City and Kum & Go would cost share 50/50 for the streets or driveways within the ten acre parcel on the west and south sides of the two acre parcel, Kum & Go would cost share 25% (up to \$100,000.00) for the demolition of the old factory and both parties would agree to the broad terms of the Concept Plat submitted by Kum & Go, L.C.

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 has determined that for the purposes of this proposed sale to Kum & Go, L.C., the parcel of about two acres should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C. prior to its conveyance.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Land Sale Agreement with Kum & Go, L.C. for the parcel shown on the concept plat (slightly less than two acres) for \$900,000.00 and sign the deed conveying such parcel to Kum & Go, L.C.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees: to cost share 50/50 with Kum & Go, L.C. for streets or driveways running from the intersection of Happy Hollow and Huntsville through the property (on the west side of the two acre lot) and along the southern border of this parcel to Ray Avenue; to cost share 75/25 (up to \$100,000.00)

for the demolition and removal of the Tyson factory; to agree not to sell any other city-owned property within one mile of this parcel for use of another convenience store/gas station, liquor store or tobacco store; and to agree to the development of this parcel in the general form shown in the Concept Plat attached to the Land Sale Agreement.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



REAL ESTATE DEPARTMENT

C. 5
Kum & Go, L.C.
Page 9 of 14

Direct Tel: 515.457.6162

Direct Fax: 515.457.1595

E-mail: REW@kumandgo.com

REVISED LETTER OF INTENT

December 14, 2012

To: City of Fayetteville, Fayetteville AR

In response to the City of Fayetteville's letter, dated December 5, 2012, the purpose of this letter (the "**Letter**") is to set forth certain nonbinding understandings between City of Fayetteville ("**Seller**"), and KUM & GO, L.C., an Iowa limited liability company ("**Buyer**").

This Letter reflects our mutual understanding of the matters described in it, but each party acknowledges that the provisions of this Letter are not intended to create or constitute any legally binding obligation between Seller and Buyer, and neither party shall have any liability to the other party with respect to this Letter unless or until a definitive agreement has been executed and delivered by and between the parties. If a definitive agreement is not executed and delivered by and between the parties for any reason, no party to this Letter shall have any liability to the other based upon, arising from, or relating to the provisions set forth in this Letter.

Premises:	Locally known as 1851 E. Huntsville Rd, Fayetteville, Arkansas. Approximately +/- 81,612 sf (1.87± acres) as shown as Lot 1 on the visual depiction is attached hereto on Exhibit "A." The actual legal description shall be substituted herein following receipt by Buyer of a title commitment for the Premises.
Purchase Price:	The Purchase Price of the Premises shall be <u>\$ \$900,000.</u>
Closing:	One-hundred and eighty (180) days from execution of purchase agreement with Buyer having 3 options to extend the Closing Date by 60 days each, upon the exercise of each such option, 1/3 of the Escrow Deposit shall become non-refundable to Buyer, but shall be applicable to the Purchase Price.
Conveyance:	Seller shall convey marketable and insurable title to the Premises by general warranty deed, free and clear of all liens, restrictions and encumbrances except as provided in the Purchase Agreement.

Buyer's Due Diligence / Inspections:	Buyer shall have until the Closing Date in order to conduct its "due diligence" inspections and to determine the suitability of the Premises for Buyer's intended use and/or development. During such period, Buyer shall be entitled to enter upon the Premises to conduct such testing/inspections as Buyer deems necessary for Buyer's intended use of the Premises. Buyer shall be permitted to terminate the purchase agreement by notice to Seller at any time until the closing, as it may be extended. Further, in the event that more than sixty (60) days have elapsed since the Closing Date and Buyer has not terminated the agreement or otherwise elected to proceed to closing as provided therein, then at any time thereafter Seller may, by written notice to Buyer, cancel and terminate the agreement, unless Buyer within ten (10) days of such notification waives the conditions precedent in writing and elects to proceed with the closing.
Environmental:	Seller warrants to the best of its knowledge and belief that (i) there are no abandoned wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Premises, (ii) the Premises does not contain levels of radon gas, asbestos, or urea-formaldehyde foam insulation which require remediation under current governmental standards, and (iii) Seller has done nothing to contaminate the Premises with hazardous wastes or substances. Seller warrants that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks.
Abstract/Title Insurance:	Seller shall provide Buyer with its most recent abstract and/or title commitment. Buyer shall order a title commitment on the Premises, as soon as practicable following the full execution of the purchase agreement contemplated by this letter of intent, through Escrow Agent for an ALTA Form B owner's policy (2006 version, if available), with extended coverage, or a comparable form, from a title insurance company approved by Buyer in the amount of the purchase price, covering the date of this Agreement, and shall provide to Buyer the basic owner's title insurance commitment within twenty (20) days of the effective date. If the

	report on title, binder or commitment discloses any defects in title (other than liens or encumbrances of a definite or ascertainable amount which may be paid at closing from the proceeds due Seller), Seller shall have thirty (30) days from the date of Buyer's notice of such defects to make a good faith effort to cure such defects and to furnish a report showing the defects cured or removed. If such defects are not cured within thirty (30) days, Buyer may terminate this agreement or may, at its election, take title subject to any such defects. The cost of the title commitment and the cost of the owner's title policy shall be borne by Seller. The cost of any lender's title policy and extended owner's title insurance coverage shall be borne by the Buyer.
Escrow Deposit:	Within ten (10) days after the date of the signature of the full execution of the purchase agreement contemplated by this letter of intent, Buyer shall deposit with the Escrow Agent the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500) ("Escrow Deposit").
Escrow Agent/Title Company:	Waco Title, Fayetteville, Arkansas
Use Restriction:	Seller and its affiliates shall restrict the use of any and all real estate owned or controlled by Seller and its affiliates within one mile of the Premises for a period of twenty (20) years from being used for the following uses: a. A gasoline station, including any type of business that sells diesel fuel, ethanol fuel, bio-fuel or any other type of fuel used to power motorized vehicles designed primarily for use on public streets and highways. b. A convenience store. c. A cigar, tobacco or pipe shop. d. A business that generates more than fifty percent (50%) of its gross revenue from the sale of beer or liquor products for off premise consumption.

Real Estate Brokers/Commissions:	CBRE NW Arkansas, David Erstine, represents Buyer as Buyer's Broker. Buyer's broker commission to be paid by Buyer at closing (or pursuant to a separate agreement).
Seller's Work:	Seller, at Seller's cost and expense not to exceed one-half (50%), shall construct or contribute funds for the construction of adequate streets, per the design standards of the City of Fayetteville, along the western and southern boundaries of Lot 1, including the intersection of the two planned streets, as shown on Exhibit "A". Buyer shall be responsible for the cost and expense of the remaining one-half (50%) of the street construction costs excluding any land cost; Prior to Closing, Seller, at Seller's cost and expense, shall raze any existing building and site improvements on the Premises. At the later of Closing or the completion of such work, Buyer shall reimburse the lesser of twenty-five (25%) or \$100,000 to the City for such work;
Buyer's Work:	Buyer shall, at Buyer's sole cost and expense, complete any such City required street improvements, as typically required, on the eastern boundary of Lot 1 and as shown on Exhibit "A", along Ray Avenue; Buyer shall, at Buyer's sole cost and expense, complete the construction of the Regional Detention Pond ("Pond") as shown on Exhibit "A". Said Pond shall serve Lots 1 & 2 as shown on Exhibit "A". The Pond shall meet City design requirements and include a low impact development design.
Purchase Agreement:	Within ten (10) days of the full execution of this letter of intent, Buyer shall prepare and present to Seller a draft of a binding purchase agreement on a form substantially similar to Exhibit "B" attached hereto, as altered by the terms and conditions set forth herein.

Very truly yours,

KUM & GO, L.C.

By: 
Real Estate Development Rep.

Agreed and accepted this _____ day of _____, 20____.

City of Fayetteville

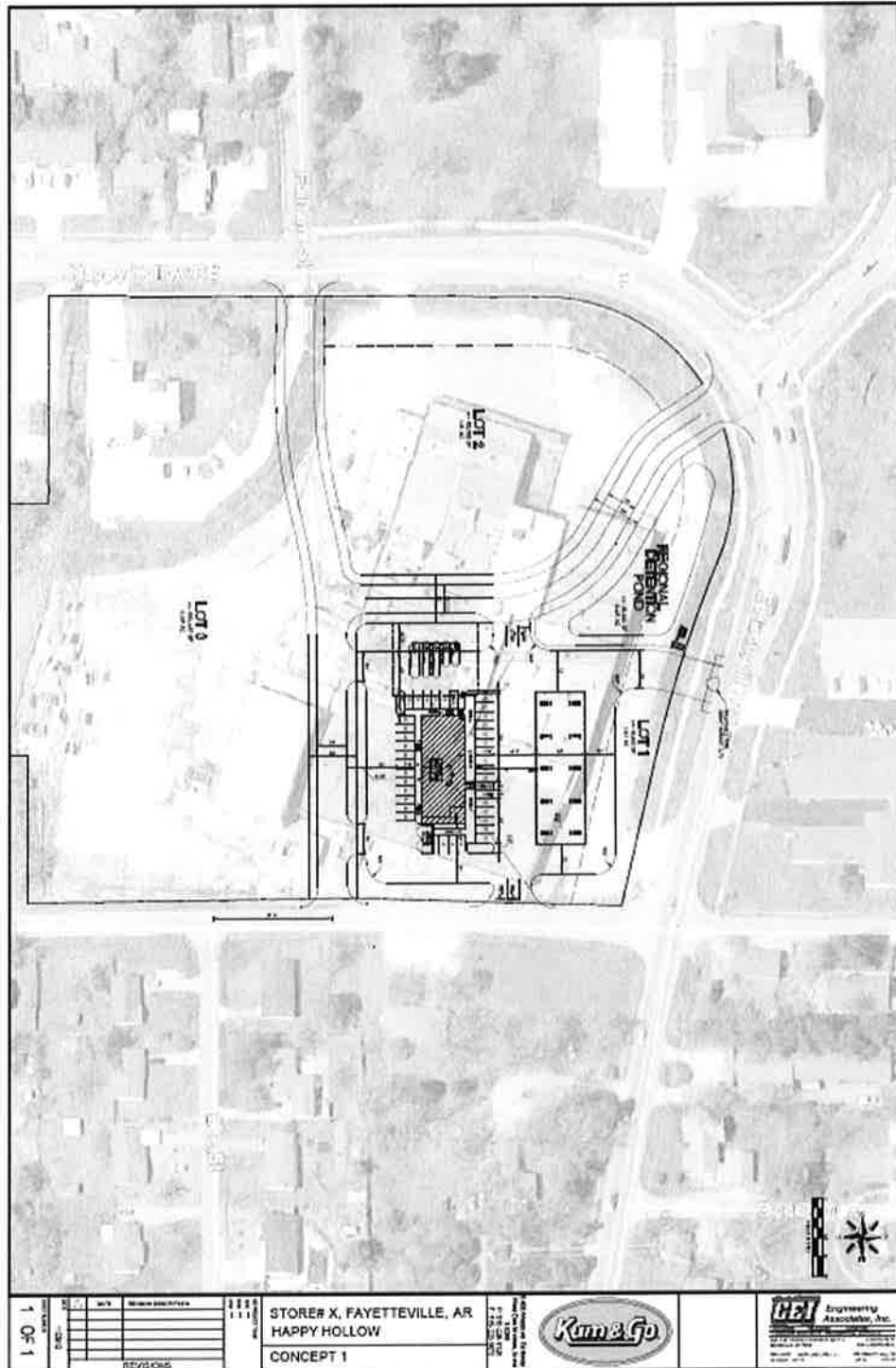
By: _____

Print: _____

Its: _____

EXHIBIT "A"

VISUAL DEPICTION





Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

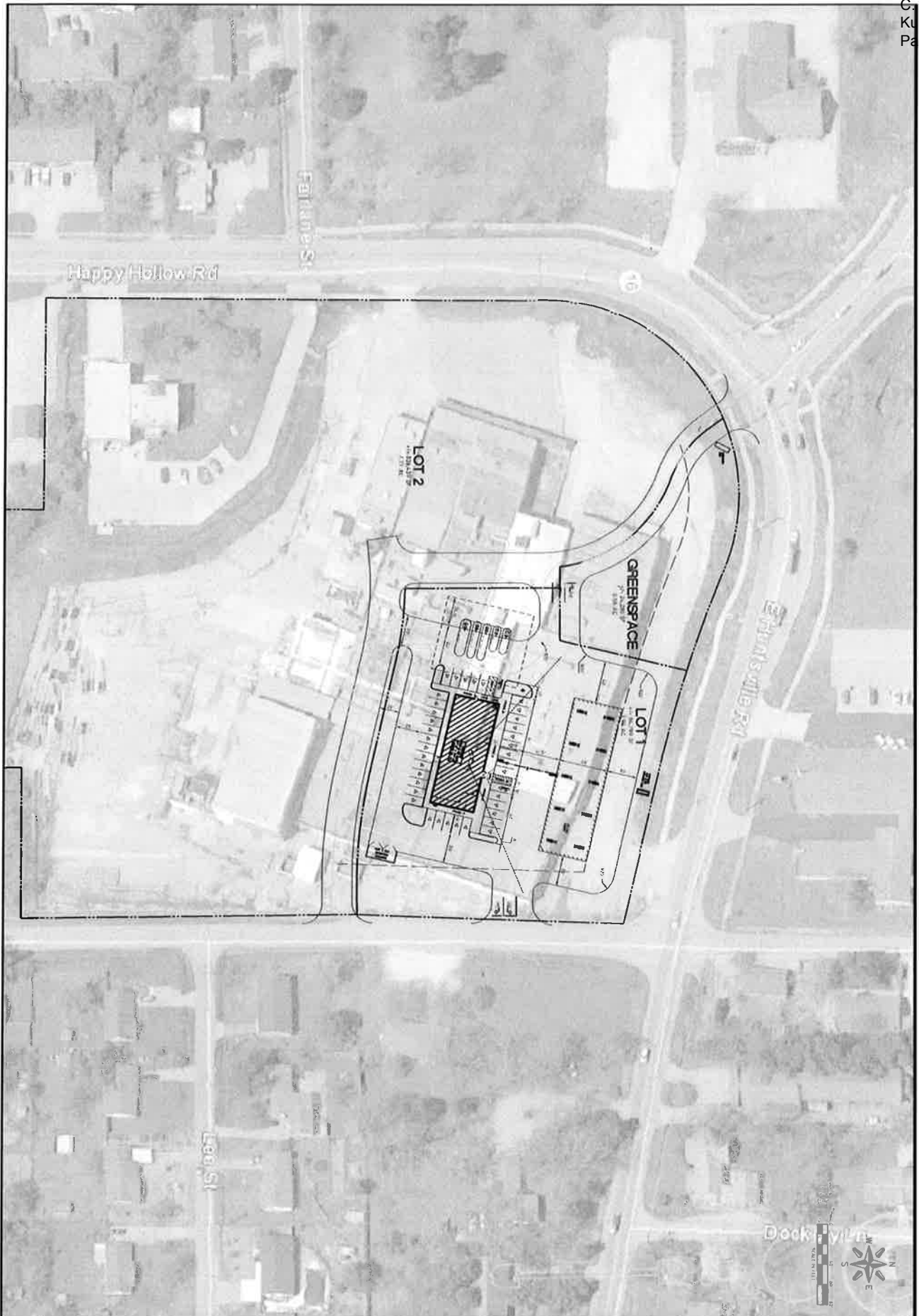


DATE: January 8, 2013

RE: Concept Plat from CEI for Kum & Go

Attached please find "Concept 4" for the Lot proposed to be sold to Kum & Go, L.C. It has agreed to remove the direct driveway access onto Huntsville and eliminate one of the curb cuts onto the southern drive or street. The lot is still less than 2 acres, but is now shown to be about 1.94 acres.

One thing that needs to be clarified is that **only City of Fayetteville owned property** within a mile of this site would be restricted from being sold to be used as a convenience store/gas station. **There would be no such restrictions for privately owned property.** This restriction would primarily affect the other possible commercial lot along Happy Hollow (Highway 16 East) which is part of the 10 acre Tyson factory parcel.



1 OF 1 DATE: 11/28/12 SHEET NUMBER: 1	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	REVISION DESCRIPTION													STORE XXX, FAYETTEVILLE, AR HAPPY HOLLOW CONCEPT 4	 6660 Westwood Parkway West One, Missouri, 64086 P: 816-526-0108 F: 816-526-0812	 CEI Engineering Associates, Inc. 1000 N. 1st St., Suite 100 Fayetteville, AR 72701 P: 479-321-1111 F: 479-321-1112 E: info@cei-ar.com W: www.cei-ar.com
	NO.	DATE	REVISION DESCRIPTION																