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
May 07, 2013

A meeting of the Fayetteville City Council will be held on May 07, 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:

Agenda Additions:

A. Consent:

1. Approval of the April 16, 2013 City Council meeting minutes. **APPROVED**

2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 91-13**

3. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 92-13**

4. **Community Development Block Grant Housing Program:** A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

   REMOVED FROM CONSENT AND TABLED INDEFINITELY

5. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 93-13**

6. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 94-13**

7. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 95-13**

8. **Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 96-13**

9. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 97-13**

10. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

    P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 98-13**

11. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

    P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 99-13**

12. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

    P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-13**

B. Unfinished Business:

1. **Amend §114.02 Farmers' Market:** An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes**. *This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

   TABLED TO THE MAY 21, 2013 CITY COUNCIL MEETING

2. **R-PZD 12-4284 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5580**

C. Public Hearing:

1. **Raze and Removal 320 W. North Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

   THIS RESOLUTION WAS DENIED

2. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-13**

D. New Business:

1. **RZN 13-4334 (2925 Old Missouri/Good Shepherd:** An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5581**

2. **RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go):** An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5582**

3. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5583**

E. City Council Agenda Session Presentations:

1. **Economic Development 2nd Quarter Contract Update:** Chung Tan and Steve Clark

F. City Council Tours:

1. **May 6, 2013 5:00 PM**
   Woolsey Wet Prairie Wetlands and Broyles Farm

G. Announcements:

Adjournment: 6:50 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 aids in a City Council meeting as part of their presentation.

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

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

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

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

City Council Meeting: May 7, 2013 **Adjourn:** 6:50 p.m.

Subject:	Roll				
Jennart and Schoppmeyer were absent	Kinion	✓			
	Petty	✓			
	Tennant	absent			
	Schoppmeyer	absent			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

7-0

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

City Council Meeting: **May 7, 2013**

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Petty			
Seconded:		Gray			
Minutes Approved — Passed	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	absent			
	Adams	✓			
	Long	✓			
91-13 thru 100-13	**Gray**	✓			
	Marsh	✓			
	Mayor Jordan				

6-0 Removed from the Consent Agenda

Subject:	A.4.	Community Development Block Grant Housing Program			
Motion To:		Table Indef.			
Motion By:		Kinion			
Seconded:		Gray			
Removed from Consent + Table Indef.	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	absent			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

6-0

City Council Meeting: May 7, 2013

Subject:	**Amend §114.02 Farmers' Market**				
Motion To:		Table to 5-21-13			
Motion By:		Gray			
Seconded:		Marsh			
B. 1 Unfinished Business	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	Absent			
Tabled to the 5/21/13 CC mtg.	**Adams**	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				
		6-0			

Subject:	**R-PZD 12-4284 (Park Hill at Mountain Ranch)**				
Motion To:		3rd Read	Pass		
Motion By:		Long			
Seconded:		Gray			
B. 2 Unfinished Business	**Kinion**	✓	✓		
	Petty	✓	✓		
	Tennant	Absent	Absent		
	Schoppmeyer	Absent	Absent		
Passed	**Adams**	✓	✓		
	Long	✓	✓		
	Gray	✓	✓		
	Marsh	✓	✓		
5580	**Mayor Jordan**				
		6-0	6-0		

City Council Meeting: **May 7, 2013**

Subject:	**Raze and Removal – 320 W. Skelton Street**				
Motion To:		Deny Resolution			
Motion By:		Petty			
Seconded:		Adams			
C. 1 Public Hearing	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	absent			
This resolution was denied	**Adams**	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

6-0

Subject:	Raze & Removal 1717 S. Stirman Avenue				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
C. 2.	**Kinion**	✓			
	Petty	✓			
	Tennant	Absent			
passed	**Schoppmeyer**	absent			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
101-13	**Mayor Jordan**				

6-0

City Council Meeting: May 7, 2013

Subject:		RZN 13-4334 (2925 Old Missouri / Good Shepherd			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Kinion	Gray		
Seconded:		Adams	Long		
D.1. New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Schoppmeyer	absent	absent	absent	
	Adams	✓	✓	✓	
passed	**Long**	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
5581	**Mayor Jordan**				
		6-0	6-0	6-0	

Subject:		RZN 13-4359 (1851 E Hunstville Road Kum & Go			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Petty	Adams		
D.2. New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Schoppmeyer	absent	absent	absent	
	Adams	✓	✓	✓	
passed	**Long**	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
5582	**Mayor Jordan**				
		6-0	6-0	6-0	

City Council Meeting: May 7, 2013

Subject:	JWC Environmental				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Kinion	Kinion		
Seconded:		Long	Gray		
D.3. New Business	**Kinion**	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	absent	absent	absent	
	Schoppmeyer	absent	absent	absent	
	Adams	✓	✓	✓	
Passed	**Long**	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
5583	**Mayor Jordan**				
		6-0	6-0	6-0	

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

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

TO: MAYOR LIONELD JORDAN
CITY CLERK SONDRA SMITH

FROM: CITY ATTORNEY KIT WILLIAMS

DATE: MAY 8, 2013

RE: COUNCIL MEETING OF 5/7/2013—ADOPTED ITEMS

The following items, which were prepared by our office, were adopted at the 5/7/2013 City Council meeting:

1. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

2. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

3. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

4. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

5. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

6. **Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

7. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

8. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

9. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

10. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

11. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

12. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

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
May 07, 2013

A meeting of the Fayetteville City Council will be held on May 07, 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:

Agenda Additions:

A. Consent:

1. Approval of the April 16, 2013 City Council meeting minutes.

2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

3. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

4. **Community Development Block Grant Housing Program:** A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

5. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

6. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

7. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

8. **Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

9. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

10. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

11. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

12. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

B. Unfinished Business:

1. **Amend §114.02 Farmers' Market:** An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes**. *This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

   Left on the Third Reading

2. **R-PZD 12-4284 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

   Left on the Second Reading

C. Public Hearing:

1. **Raze and Removal 320 W. North Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

2. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

D. New Business:

1. **RZN 13-4334 (2925 Old Missouri/Good Shepherd:** An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

2. **RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go):** An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

3. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

E. City Council Agenda Session Presentations:

1. **Economic Development 2nd Quarter Contract Update:** Chung Tan and Steve Clark

F. City Council Tours:

1. **May 6, 2013 5:00 PM**
   Woolsey Wet Prairie Wetlands and Broyles Farm

G. 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 aids in a City Council meeting as part of their presentation.
> >
> > **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
>
> **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

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

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Chairman of the Ordinance Review Committee Alan Long**
Council Member Sarah Marsh
Alderman Matthew Petty
Alderman Martin Schoppmeyer

CC: Mayor Lioneld Jordan
Alderman Justin Tennant
Alderman Adella Gray
Alderman Mark Kinion
Alderman Rhonda Adams

FROM: **Kit Williams, City Attorney**

DATE: **May 1, 2013**

RE: Farmers' Market Ordinance as amended by Ordinance Review Committee on April 30, 2013

I want to thank everyone for their long and careful consideration and discussion of the proposed amendment to the Farmers' Market Ordinance last night at the Ordinance Review Committee meeting. I have prepared and attached to this memo what should be the final revisions agreed to last night as well as some minor clarifications such as referring to the Rural Mountain Producers Exchange as a "not for profit" rather than a "nonprofit" organization. Of course the major change agreed to last night was the closure of Block, Mountain and East streets around the Square (but not Center) and the allocation of the outside parking spaces to the Rural Mountain Producers Exchange. All of the ordinance language changes needed to accomplish this are in Section 3.

I also needed to include the closure of the three streets in the title of the ordinance which is slightly longer now. I added ""available" before "plastic bag" in section 5 for clarity.

Please review this possibly final revised ordinance and let me know if any further changes are needed. If I do not hear about needed changes, this will go out in the final Agenda Packet tomorrow.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §114.02 **FARMERS' MARKET** TO AMEND THE USE OF PARKING SPACES ON THE SQUARE ON SATURDAYS, TO CLOSE MOUNTAIN, BLOCK AND EAST STREETS TO VEHICULAR TRAFFIC, TO PERMIT SOUND AMPLIFICATION DURING FARMERS' MARKET WITH SPECIAL EVENTS PERMIT AND TO MAKE OTHER CHANGES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 **Farmers' Market** *(A) Establishment, location and parking restrictions* of the Fayetteville Code by repealing it in its entirety and enacting a replacement (A) as shown below:

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

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby moves and renames Section 114.02 (C) to (D), moves and renames Subsection (D) to (E) and repeals Subsection (E) in its entirety.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts a replacement subsection (B) as follows:

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

(1) Three streets around the Square: East, Mountain and Block shall be closed to vehicular traffic. The exterior parking spaces for these three streets around the Square shall be available for vendors and exhibitors pursuant to subsection (3) below as assigned by the Rural Mountain Producers' Exchange management by closing these streets and parking spaces to non-vendor vehicular traffic. Vendors using large commercial delivery vehicles, such as box trucks, shall either be located on the interior parking spaces around the Old Post Office Building or outside the designated market area to maintain storefront visibility. No vendor parking is allowed on the west side of Block Avenue, except for food trucks which shall be limited to the southernmost and northernmost parking spaces.

(2) Pedestrian aisles. To facilitate the flow of pedestrians between storefront and the streets, midblock pedestrian aisles of at least five feet in width shall be maintained on both aides of each closed street (as further shown on Exhibit A which shall remain attached to this ordinance for future reference, but not codified). On the west side of East Avenue, the Old Post Office access easement shall be such an aisle. On the south side of Mountain Street, the opening into the Town Center Plaza shall be used for the aisle.

(3) Exhibition spaces. A minimum of twenty eight (28) feet on either side of all three closed streets shall be set aside and managed by the Rural Mountain Producers Exchange management as exhibition space for nonprofit entities. The Exchange management shall make available an online form for the reservation of exhibition space on a first-come, first-served basis. No vehicles may be parked within exhibit spaces. Unclaimed exhibition space shall be managed by the Rural Mountain Producers Exchange management and may be used by store owners for sidewalk sales, as temporary seating or by market vendors.

(4) Prepared food vendors. Vendors serving prepared food for consumption at the Farmers' Market shall not be located directly in front of any restaurant storefront without the written permission of the restaurant owner.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends section 114.02 (C) *Articles permitted to be sold* by adding "and have all appropriate permits" to the last sentence.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (H) *Dogs on the Square during the Farmers' Market* as follows:

(H) Dogs on the Square during Farmers' Market. The presence of properly leashed and socialized dogs shall be allowed on the Square during Farmers' Market. Each person with as leashed dog shall have on their person a plastic bag which must be used immediately by the dog's handler or owner to remove any and all feces from their dog. The available plastic bag must be immediately shown to any Fayetteville Animal Control Officer or Police Officer when requested. If a dog damages any vendor's produce or product, the owner or handler shall immediately pay the full value to the vendor for such damaged produce or product. Any unprovoked dog that acts aggressively toward other dogs or provokes other dogs, and any dog that growls or acts aggressively toward any person shall immediately be removed from the entire Square area by its owner or handler and never returned until properly socialized not to be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to $250.00.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (I) *Annual Report to City Council* as follows:

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

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (J) *Vendor fees* as follows:

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

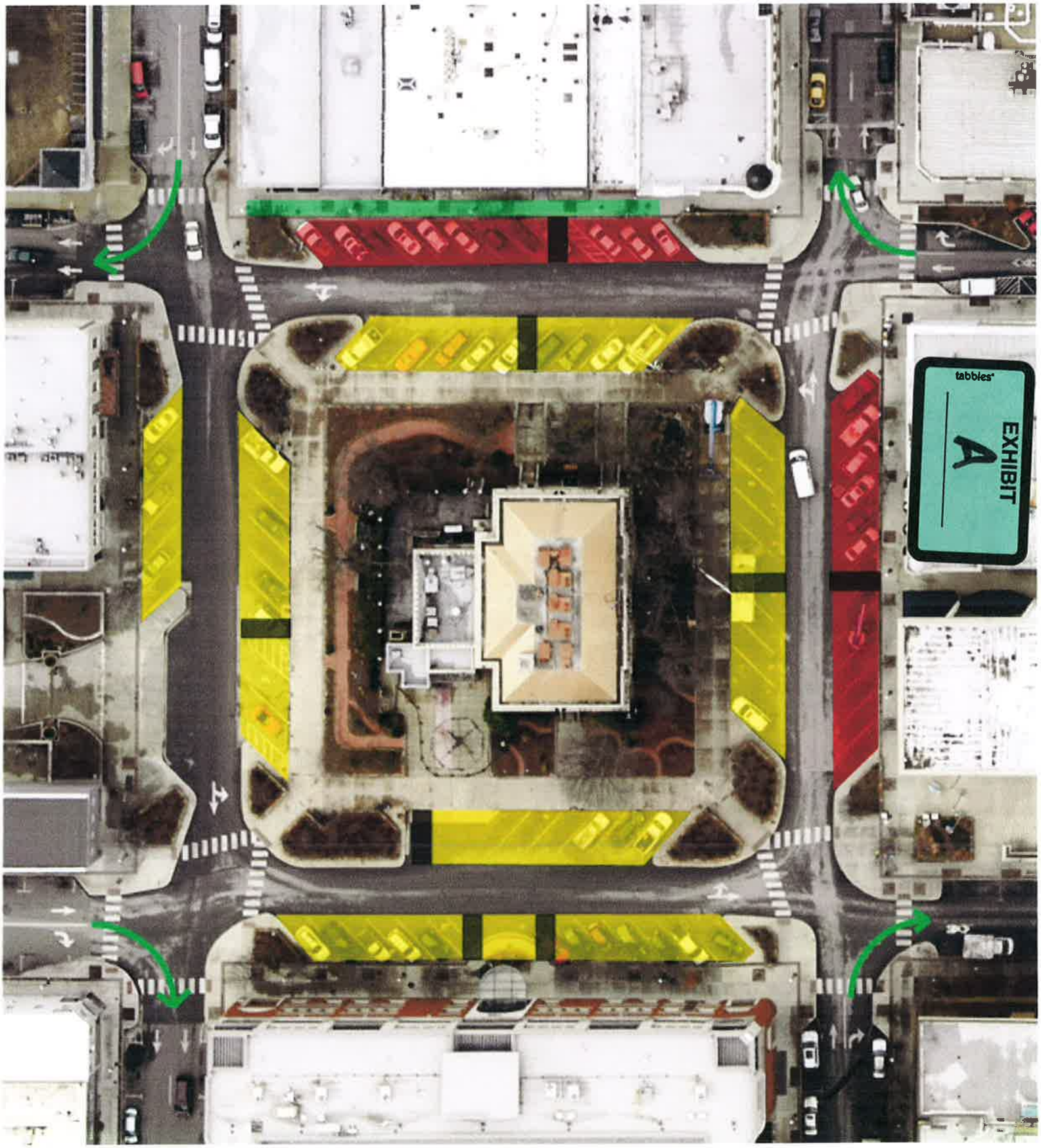
PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

For illustrative purposes only

N



RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY, ARKANSAS THE COSTS OF RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY ROBERT W. WILKES LOCATED AT 320 W. NORTH STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, pursuant to the provisions of §§ 95.03 and 173.08 of the Code of Fayetteville, as authorized by Arkansas Code § 14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and

WHEREAS, Robert W. Wilkes, record owners of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statute, entered upon the property and razed and removed the dilapidated, unsightly, and unsafe structure; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed upon the tax books as delinquent taxes,

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

Section 1. That, by the authority granted pursuant to Arkansas Code §§ 14-56-203 & 14-54-901 *et seq.*, and in accordance with the provision of § 173.08 of the Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas hereby determines the appropriate amount of the lien against the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000) to be $5,358.60.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby certifies this amount to the Tax Collector of Washington County, Arkansas so that this amount, plus ten percent (10%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000).

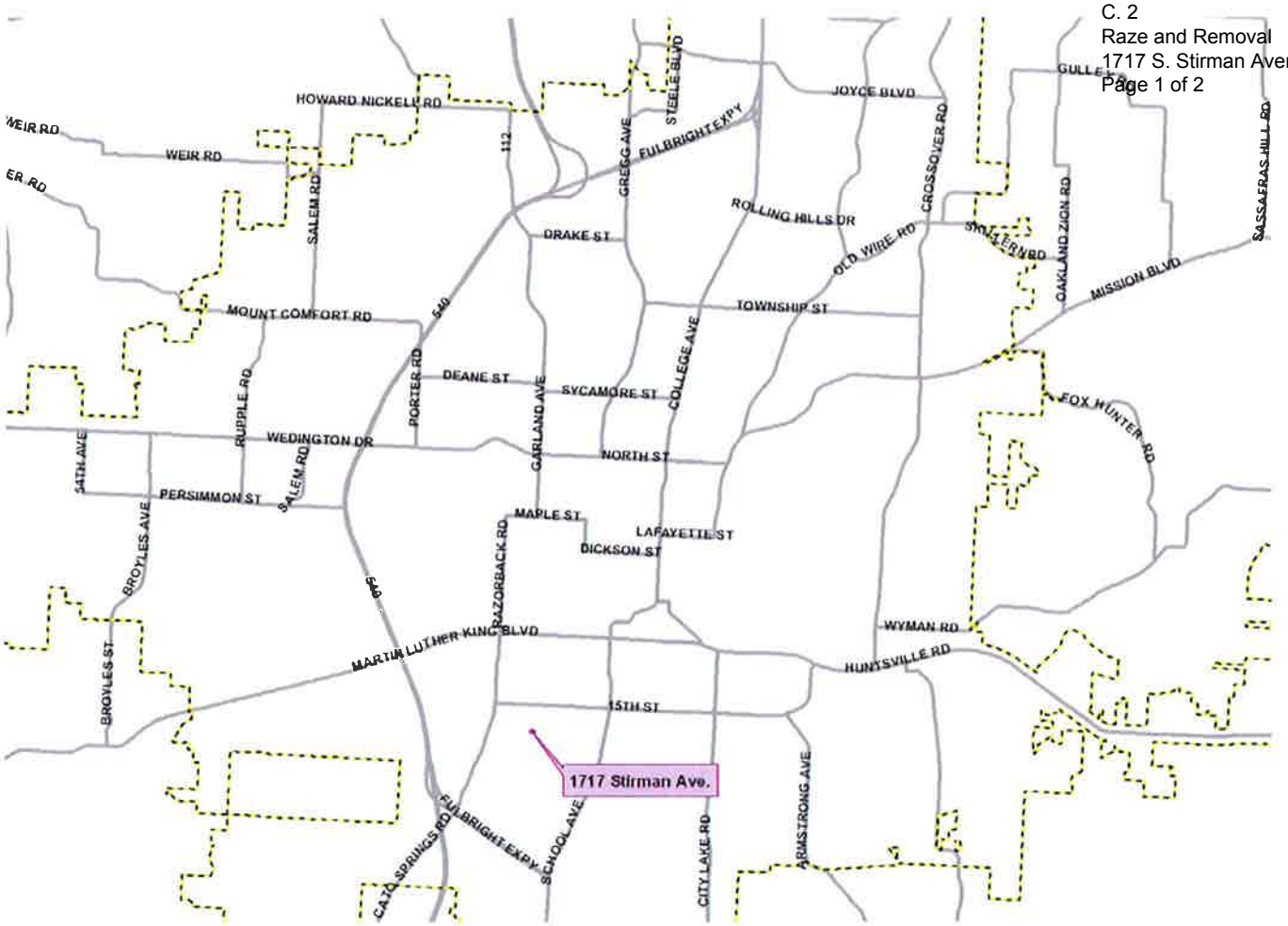
PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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


HOWARD NICKELL RD
WEIR RD
WEIR RD
ER RD
SALEM RD
112
GREGG AVE
STEELE BLVD
FULBRIGHT EXPY
JOYCE BLVD
GULLEY
SASSAFRAS HILL RD
ROLLING HILLS DR
CROSSOVER RD
DRAKE ST
OLD WIRE RD
SKELTERN RD
OAKLAND ZION RD
MISSION BLVD
MOUNT COMFORT RD
540
TOWNSHIP ST
COLLEGE AVE
DEANE ST
SYCAMORE ST
PORTER RD
RUPPLE RD
FOX HUNTER RD
WEDINGTON DR
GARLAND AVE
NORTH ST
54TH AVE
SALEM RD
PERSIMMON ST
MAPLE ST
LAFAYETTE ST
DICKSON ST
BROYLES AVE
RAZORBACK RD
WYMAN RD
MARTIN LUTHER KING BLVD
HUNTSVILLE RD
BROYLES ST
15TH ST
1717 Stirman Ave.
CATO SPRINGS RD
FULBRIGHT EXPY
SCHOOL AVE
CITY LAKE RD
ARMSTRONG AVE

1717 S. Stirman Ave.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

7-May-13
City Council Meeting Date
Agenda Items Only

David Jurgens	Water and Sewer	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of a Bid Waiver with JWC Environmental for current and future repairs of the Channel Monster, an in-line screening and grinding unit at the 36 million gallon per day (mgd) Hamestring Sewer Pump Station, and approval of an emergency repair for $19,824.48 plus tax.

$ 21,658	$ 210,802	WWTP Upgrade/Replace Lift Stations
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5800.~~5861~~5414.00	$ 67,003	Wastewater Treatment
Account Number	Funds Used to Date	Program / Project Category Name
02068.1	$ 143,799	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 22 APR 13 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 4-23-13 — Date

Original Contract Number: _____

Finance and Internal Services Director — 4-23-2013 — Date

Chief of Staff — 4-23-13 — Date

Mayor — Date

Received in City Clerk's Office 04-23-13 A08:18 RCVD

Received in Mayor's Office ENTERED 4/23/13

Comments:

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: 4/16/2013	
P.O Number:		Expected Delivery Date:	
Vendor #: 17296	Vendor Name: JWC Environmental	Mail Yes:__ No:____	
Address: 290 Paularino Ave		Fob Point:	Taxable Yes:__ No:____
City: Costa Mesa	State: CA	Zip Code: 92626	Ship to code:
Requester:		Requester's Employee #: OMI	Extension: 479-443-3292 ext 6782
Divison Head Approval:		Quotes Attached Yes:_____ No:_____	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Channel Monster Repair**	1	JOB	19,824.48	$19,824.48	5400.5800.5414.00	02068.1		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal:	$19,824.48
Tax:	$1,833.76
Total:	$21,658.24

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

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

City of Fayetteville Arkansas
City Council Meeting Minutes
April 16, 2013

A meeting of the Fayetteville City Council was held on April 16, 2013 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville,

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Jason Kelley, City Clerk Treasurer Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Arkansas Recreation & Parks Association Individual Volunteer of the Year Award – Connie Edmonston Parks and Recreation Director:

Connie Edmonston, Parks and Recreation Director presented the Arkansas Recreation & Parks Association Individual Volunteer of the Year Award to Dave Bowman a community volunteer for his participation in the Trail Trekkers program.

Dave Bowman: If you have not been on the trail lately come on out. People come here because they enjoy it. Continuous improvement on that trail is big.

Arkansas Recreation & Parks Association Group Volunteer of the Year Award – Connie Edmonston Parks and Recreation Director

Connie Edmonston presented the Arkansas Recreation & Parks Association Group Volunteer of the Year Award to Nancy Allen, President of the Southeast Fayetteville Community Center. The

UNOFFICIAL

Southeast Fayetteville Community Center Board has a unique partnership with the Yvonne Richardson Community Center (YRCC). The Board serves as an advisory board for the YRCC and also serves as a primary source of funding for the free program at the YRCC.

Nancy Allen: I am honored to be a part of the Yvonne Richardson Community Center. It is with great pleasure that I accept this award.

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report – Advertising and Promotion Commission appointment

Alderman Gray presented the Nominating Committee Report: A copy of the report is attached.

Recommend approval of the following:
Bobby Ferrell – One Public-at-Large Term Ending 03/31/17
Hannah Withers – One Tourism Industry Term Ending 03/31/17

Alderman Gray moved to approve the Nominating Committee Report. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions:

Mayor Jordan: We had a situation occur on Rogers Drive that we need to repair. We need funding to fix that road.

Alderman Petty moved to add the following ordinance to the agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Rogers Drive Repair: An ordinance waiving the requirements of formal competitive bidding and authorizing the Mayor to sign a contract with a contractor providing the lowest price quote for repair to a slope failure on Rogers Drive, and approving a budget adjustment.

Assistant City Attorney Jason Kelley read the ordinance.

Chris Brown, City Engineer: This item is for a repair on Rogers Drive. This was repaired a couple of years ago but with the recent large rains that we have had the slope has failed again. We have an engineer doing a design for a retaining wall system that will repair this. We propose that as soon as the design is complete, we would like to get three quotes from contractors, and take the lowest bid. This ordinance would allow staff to proceed with that.

Don Marr, Chief of Staff: Our Transportation Department has added materials to make the road level. Since then we have had another three foot movement of this slide. One of our concerns is

UNOFFICIAL

this is not sliding at the road level it is sliding all the way to the tower water tank location. This road is a one way in and a one way out. It does not have any other form of connectivity.

Alderman Gray: It seems like it is something that we have to do. We have no choice.

Paul Becker, Finance Director: The funding for this will have to come from Sales Tax Capital reserves. This is an emergency situation and we do not have anything in the budget to address it.

Alderman Petty: Do we maintain an emergency funding level in the Street Fund for things like this?

Paul Becker: We do not. We retain some money in a Replacement and Disaster Fund which is set aside for large scale disasters such as the ice storm.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan: I apologize for having to walk this on but we do not have a lot of options.

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

Ordinance 5578 as Recorded in the office of the City Clerk.

Alderman Long moved to add the following resolution to the agenda. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Fayetteville District Judge Rudy Moore Courtroom: A resolution to thank Fayetteville District Judge Rudy Moore for his long and distinguished service to our city and our citizens and to honor Judge Moore by naming the Fayetteville District Courtroom the Fayetteville District Judge Rudy Moore Courtroom.

Alderman Tennant: Judge Moore was a great judge and a long term family friend. It is an honor for me to vote for this.

Mayor Jordan: I knew Judge Moore for close to 50 years. He was a great judge, family man and person.

UNOFFICIAL

Alderman Tennant moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 73-13 as recorded in the office of the City Clerk.

Consent:

Approval of the April 02, 2013 City Council meeting minutes.

Approved

Bid #10-47 King Electrical Contractors: A resolution authorizing a contract with King Electrical Contractors in the amount of $44,000.00, pursuant to Bid #10-47 for the installation of electrical services for the computer server room at Fayetteville Executive Airport-Drake Field, and approving a project contingency of ten percent (10%).

Resolution 74-13 as recorded in the office of the City Clerk.

Police Department Donation Revenue: A resolution approving a budget adjustment in the total amount of $2,100.00 representing donation revenue to the Police Department during the first quarter of 2013 in support of officer service awards and general recognition.

Resolution 75-13 as recorded in the office of the City Clerk.

Federal and State Law Enforcement Forfeiture Revenue: A resolution approving a budget adjustment in the amount of $31,783.00 representing federal and state law enforcement forfeiture revenue received through March 2013 and authorizing associated expenses.

Resolution 76-13 as recorded in the office of the City Clerk.

Fire Department Polaris Ranger Utility Vehicles: A resolution approving a budget adjustment in the total amount of $7,004.00 to fund Fleet Division purchases of accessory packages for two (2) Fire Department Polaris Ranger utility vehicles.

Resolution 77-13 as recorded in the office of the City Clerk.

Fayetteville Executive Airport-Drake Field FBO Lease Agreement: A resolution approving a fixed-based operations hangar lease agreement form at the current rental rate or as adjusted upward by the Airport Board for fixed-based operations hangar space rented at the Fayetteville Executive Airport-Drake Field.

Resolution 78-13 as recorded in the office of the City Clerk.

UNOFFICIAL

Airport Hay Field Lease Agreement: A resolution approving a two (2) year extension to the airport hay lease with Donnie Sams of West Fork, Arkansas to facilitate participation in a USDA Natural Resource Conservation Service Environmental Quality Incentive Program.

Resolution 79-13 as recorded in the office of the City Clerk.

Amend Resolution 54-13: A resolution amending Resolution No. 54-13 concerning the purchase of one (1) Chevrolet Tahoe, pursuant to a state procurement contract, for use by the Transportation Division.

Resolution 80-13 as recorded in the office of the City Clerk.

Amend Resolution 55-13: A resolution amending Resolution No. 55-13 concerning the purchase of one (1) Chevrolet Tahoe, pursuant to a state procurement contract, for use by the Solid Waste Division.

Resolution 81-13 as recorded in the office of the City Clerk.

Bid #12-38 MHC Kenworth of Springdale: A resolution authorizing the purchase of one (1) Kenworth T800 semi truck tractor pursuant to Bid #12-38 from MHC Kenworth of Springdale in the amount of $114,715.00, and approving a budget adjustment.

Resolution 82-13 as recorded in the office of the City Clerk.

Williams Tractor of Fayetteville S590 Skid Steer Loader: A resolution authorizing the purchase of one (1) Bobcat S590 skid steer loader from Williams Tractor of Fayetteville, pursuant to a National Joint Powers Alliance Cooperative purchasing contract in the amount of $37,505.00.

Resolution 83-13 as recorded in the office of the City Clerk.

Williams Tractor of Fayetteville T590 Skid Steer Track Loader: A resolution authorizing the purchase of one (1) Bobcat T590 skid steer loader from Williams Tractor of Fayetteville, pursuant to a National Joint Powers Alliance Cooperative purchasing contract in the amount of $47,226.00.

Resolution 84-13as recorded in the office of the City Clerk.

Stribling Equipment of Springdale John Deere 750K Dozer: A resolution authorizing the purchase of one (1) 2013 John Deere 750K dozer from Stribling Equipment of Springdale, pursuant to a state procurement contract, in the amount of $230,750.00, and approving a budget adjustment.

Resolution 85-13 as recorded in the office of the City Clerk.

UNOFFICIAL

Bid #13-15 Littlefield Oil Company: A resolution awarding Bid #13-15 and approving a contract with Littlefield Oil Company in an estimated annual amount of $1,764,000.00 to provide gasoline, diesel fuel and bio fuel for vehicles and equipment.

Resolution 86-13 as recorded in the office of the City Clerk.

Baldwin & Shell Construction Company: A resolution authorizing a contract with Baldwin & Shell Construction Company in the amount of $40,000.00 for construction management services, approving a $10,000.00 contingency, and approving a contractor's fee of five and one-half percent (5.5%) for construction phased services all related to construction of the Dickson Street Entertainment District parking facility.

Resolution 87-13 as recorded in the office of the City Clerk.

Alderman Petty moved to approve the Consent Agenda as read. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amend §114.02 Farmers' Market: An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes**. *This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee.***

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Petty: We received a lot of good feedback at the Ordinance Review Committee meeting. I have drafted a new ordinance that has been handed out tonight.

Mayor Jordan: My question would be to the Ordinance Review Committee Chairman, have you reviewed these changes?

Alderman Long: The Ordinance Review Committee has not met to discuss any changes since the meeting.

Alderman Petty: If anyone wants to take this back to the Ordinance Review Committee or needs time to think about these changes I submit to the will of the Council.

UNOFFICIAL

Alderman Petty moved to amend the ordinance to the revision handed out at the City Council meeting. Alderman Adams seconded the motion. This motion was amended.

Assistant City Attorney Jason Kelley read the proposed amendment

Alderman Kinion: We received this at 4:45 p.m. today therefore I would like to table this.

Alderman Kinion moved to table the amendment and consideration of the ordinance until the next City Council meeting. The motion also referred the ordinance to the Ordinance Review Committee. Alderman Gray seconded the motion. Upon roll call the motion to table passed unanimously.

This ordinance was left on the Third Reading, Tabled to the May 7, 2013 City Council meeting and sent to the Ordinance Review Committee for review.

R-PZD 12-4284 (Park Hill at Mountain Ranch): An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting.**

Assistant City Attorney Jason Kelley read the entire ordinance.

Jeremy Pate: I ask that this ordinance be left on the second reading tonight. The applicant can not be present.

This ordinance was left on the Second Reading

Public Hearing:

Raze and Removal – 320 W. Skelton Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Celia Cazort Barton located at 320 W. Skelton Street in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Mayor Jordan opened the Pubic Hearing

Chad Ball, Code Compliance Administrator: The Chief Building Inspector has inspected the property and stated the house is beyond being repaired. The property owner has been sent an unsafe building notice of violation and a notice of the public hearing. Both notices were sent by certified mail and were received. If the property does not comply with this raze and removal order we will use the budget adjustment funds to contract the raze and removal and a lien will be placed on the parcel for the incurred cost. Staff is recommending approval of the resolution and the budget adjustment.

UNOFFICIAL

There was no public comment

Mayor Jordan closed the Public Hearing.

Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 88-13 as recorded in the office of the City Clerk.

New Business:

Transportation Bond Program – New Project Recommendations: A resolution approving a list of additional projects to be funded by the City's Transportation Bond Program.

Chris Brown gave a brief description of the transportation bond program projects. Chris went through a list of projects the Street Committee would like the Council to consider using transportation bond program funds to complete.

Alderman Marsh: My concern is there are not bike lanes planned for Razorback Road.

Chris Brown: We had multiple meetings and the Highway Department did a cross section study of that project, we worked with the University and came up with a cross section that fit. The cross section that was developed was a ten foot wide sidewalk and multi-use path on one side and a typical sidewalk on the other side. We have been talking to the Highway Department about a bicycle priority lane.

Alderman Marsh: I have heard complaints that people have been told they can not ride their bikes on Razorback Road on game days. Will people have the right to ride their bicycles on Razorback Road on game days?

Chris Brown: I can not speak to that.

Alderman Long: We talked about this issue in the Active Transportation Advisory Board meeting and the committee made a recommendation and a letter will be drafted to the Arkansas Highway and Transportation Department for the bicycle lanes. I am excited about the connection of Rupple Road to Mount Comfort.

Mayor Jordan Thanked everyone that was involved in this.

UNOFFICIAL

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 89-13 as recorded in the office of the City Clerk.

Protection of Buffalo National River: A resolution to oppose the permitting and operation of the concentrated hog farm along a major tributary to the Buffalo National River.

Sarah Marsh voiced her concern about this hog farm being on the tributary to the Buffalo National River and the process that was used to permit it. My hope in putting this forward is by passing it we can amplify the citizen's voices and help get their concerns heard. This hog farm is made with a Federal Loan Guarantee so that affects all of us and it was with state regulations which involve all of us. The Buffalo National River is a national river so it belongs to all of us. This is not my resolution this came from the citizens.

Mayor Jordan: I heard from many citizens on this very same issue.

Allen Moore: I am here on behalf of the Arkansas Farm Bureau Federation and Farm Credit Services is also involved. We oppose this resolution against this hog farm or any other hog farm or dairy farm. Farms are very strong in Arkansas. The leading industry in Arkansas is agricultural. The ADEQ and EPA have regulated this. They went through the proper permitting. We can't keep choking back the farmers or we are not going to have any food that we can afford to buy. We have to be firm and support the farms.

Joe Neal: More than 3,000 people live in urban areas of Northwest Arkansas and for most of us the chance to visit a national park involves the Buffalo River. This is our park and our river. What happens to the Buffalo matters to us. The single most important ecological and recreational resource in Northwest Arkansas is placed at risk.

Beau Bishop, Arkansas Farm Bureau: I represent the 2,915 farms of Washington County and the 636 farms of Newton County. This hog farm, these are real people. This is an eighth generation Newton County family. These people are Native Americans in their heritage. They have taken care of this river. All they are guilty of is following the letter of the law. If there is a problem with the process let's address that with ADEQ and with the EPA. They set the guideline and regulations. This is not a factory farm they are family farmers who have a livelihood. The Arkansas swine industry does not have a catastrophic failure or violations.

Helen Mitchell, a realtor in Fayetteville: I think we are all aware of the pollution aspect of this. I have people that choose to relocate here because of job transfers but I have even more people that choose to relocate here because of our environment. They come here because of the trees, rivers, lakes, and how clean it is here. No one is against the family farmer with a reasonable size farm. I think you for doing this.

UNOFFICIAL

Cassie Davis: We have criticized the permitting system. Just to change the name on a permit takes a long time and several hundred dollars. To criticize the process of the permits you really need to look at what the process is and understand that it is a lot of work and money. The permitting process has to be done before funding or building. This hog farm is more than a mile from the Buffalo.

Greg Kinion: Thank you for hearing us this evening. Farmers and agriculturalists are the number one stewards of their land and their neighbors land. We take good care of our property because that is our livelihood. We do not want to have some type of a pollution contaminating a river because that means it has contaminated our land too. That is not going to serve our production and is going to affect our bottom line if we do not do things right. The EPA and ADEQ restrictions that are in place now work. I truly believe that agricultural is restricted as much as any other business nationwide. The typical person has no idea what we have to do to provide food to you. I think we need to have restrictions on the people that are actually using the river.

Dan Coody: This is very important. It is important that Fayetteville step up to the plate and show that we are an environmentally conscience community. All these farmers here are very important to all of us. This is not a family farm we are talking about. This is a much larger farm and a different farm than anything we have in Arkansas at this point. If we have one accidental over flow into the creek or river we will have massive fish kills and the reputation of the Buffalo River will change to the point we will lose a segment of the tourist population in this state.

Aubrey Shepherd voiced his concern about the lagoons leaking and getting into the streams. He stated the pollutions will get into the stream. The Buffalo River preservation honors the way the America Native people lived.

Alderman Marsh: I would like to address the concern that we are anti farm and that this is a family farmer. I grew up on a family farm. I know what a family farm looks like and a confined animal feeding operation is not that. The pregnant sows are often confined in pens and the waste is hosed off into these big lagoons. Ultimately this comes down to keeping our Buffalo River pristine.

Alderman Adams: When we passed the streamside protection ordinance we looked at what we could do in Fayetteville to protect our streams and our water supply. I am proud to have voted for that. I welcome all of you from the Prairie Grove and Lincoln area where I grew up. I have a love in my heart for farmers. I appreciate what you do. I am proud to be on the City Council where we support and protect our water supply.

Alderman Tennant: I feel like if I vote for this I am saying that ADEQ does not know what they are doing. If this thing is obviously this bad and yet they got permitted I think there is a much bigger problem. It sounds like this may get built any way. Where was the failure here? I have not seen the ADEQ report on this farm. I would like to know their justification. I would like to see more information on the North Carolina situation. I have a problem voting against the farmer. I know this is bigger than the family farm but the more farms I talk to the bigger things they have to do to stay alive and make money. The small farms are going away. The numbers

UNOFFICIAL

prove that. Having a farm outside of Lincoln we go to an immense amount of trouble to keep pollutions from the ponds and streams that are there. We do water tests all the time and the well works just as well as it ever did and the stream feeds just as clean as it ever did. An eighth generation farm family has a lot to lose if their farm fails and a lot to lose if the river gets polluted. I would love to see the results of the state action before I vote against any size farmer and before I vote saying ADEQ does not know what they are doing. That is my issue with this, not that I want to pollute rivers.

Mayor Jordan: My family has also lived in Arkansas for six generations and I was raised on a farm. Now we can see the erosion that has been caused because we do not have any trees any more. You can also see the pollutants that have gone into the ponds and streams. There has got to be a better way. I have seen a lot of our streams polluted.

Alderman Petty moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 90-13 as recorded in the office of the City Clerk.

Repeal Ordinance No. 5576 - CI² Aviation, Inc: An ordinance waiving the requirements of formal competitive bidding and approving a contract in the amount of $20,342.00 per month, plus upfront insurance costs, with CI² Aviation, Inc. for the provision of Air Traffic Control Tower Services for Drake Field upon the date of tower closure by the FAA, should such occur; and to repeal Ordinance No. 5576 that approved this contract to begin April 8, 2013.

Assistant City Attorney Jason Kelley read the ordinance.

Ray Boudreaux: We passed the original ordinance in an emergency situation at the last meeting. The FAA decided to stay the closing of the tower until June 15th. The contractor returned the check that we sent to him. We request that you approve this which gives us the opportunity, should the air traffic control tower close, to use this contractor.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Ordinance 5579 as Recorded in the office of the City Clerk.

UNOFFICIAL

City Council Agenda Session Presentations:

"Recycling Economics Update" Presentation: A presentation by Honor students from the University of Arkansas Environmental Economics class.

City Council Tour:

May 6, 2013 5:00 PM
Woolsey Wet Prairie Wetlands

Announcements:

Adjournment: 7:58 p.m.

_____ _____

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**

UNOFFICIAL

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
May 07, 2013

A meeting of the Fayetteville City Council will be held on May 07, 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:

Agenda Additions:

A. Consent:

1. Approval of the April 16, 2013 City Council meeting minutes.

2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

3. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

4. **Community Development Block Grant Housing Program:** A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

5. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

6. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

7. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

8. **Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

9. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

10. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

11. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

12. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

B. Unfinished Business:

1. **Amend §114.02 Farmers' Market:** An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes**. *This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

   Left on the Third Reading

2. **R-PZD 12-4284 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

   Left on the Second Reading

C. Public Hearing:

1. **Raze and Removal 320 W. North Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

2. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

D. New Business:

1. **RZN 13-4334 (2925 Old Missouri/Good Shepherd:** An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

2. **RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go):** An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

3. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

E. City Council Agenda Session Presentations:

1. **Economic Development 2nd Quarter Contract Update:** Chung Tan and Steve Clark

F. City Council Tours:

1. **May 6, 2013 5:00 PM**
   Woolsey Wet Prairie Wetlands

G. 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 aids in a City Council meeting as part of their presentation.
> >
> > **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
>
> **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Justine Lentz	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Recognize donation revenue to Animal Services for the 1st quarter of 2013. Approval of a Budget Adjustment in the total amount of $9392.00.

$9,392	$ -	Animal Services Donations
Cost of this request	Category / Project Budget	Program Category / Project Name
see attached detail	$ -	Animal Services Project
Account Number	Funds Used to Date	Program / Project Category Name
see attached detail	$ -	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [x] **Budget Adjustment Attached** [x]

Department Director — 04.10.2013 Date

City Attorney — 4-12-13 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Finance and Internal Services Director — 4-1 Date

Chief of Staff — 4-12-13 Date

Mayor — 4/19/13 Date

Received in City Clerk's Office 13 APR 12 P01:42 RCVD

Received in Mayor's Office ENTERED 4/12/13

Comments: Staff recommends approval of the budget adjustment in the amount of $9392.00

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Lentz, Animal Services Superintendent

Date: April 8, 2013

Subject: Approval of a Budget Adjustment for Animal Services Division

PROPOSAL:

Animal Services would like to recognize donation revenue from the first quarter of 2013. These funds are donated by private citizens and organizations to benefit the animals cared for by Animal Services.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Animal Services Donation Revenue for the first quarter of 2013.

BUDGET IMPACT:

Recognize Animal Shelter Donations in the amount of $9392.00

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $9,392.00 REPRESENTING DONATION REVENUE TO ANIMAL SERVICES FOR THE FIRST QUARTER OF 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 approves a budget adjustment, a copy of which is attached as Exhibit "A", in the total amount of $9,392.00 representing donation revenue to Animal Services for the First Quarter of 2013.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Animal Services Department: Development Services	Request Date	Adjustment Number
2013		4/8/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Recognize and allocate donation revenue from the first quarter of 2013

Division Head	4/10/13 Date	Prepared By:	Justine Lentz
Budget Director	4-18 Date	Reference:	*kspringer*
Department Director	04-10-2013 Date	Budget & Research Use Only	
Finance Director	4-18-2013 Date	Type: A B C D E P	
Chief of Staff	4-18-13 Date	General Ledger Date	
Mayor	4/18/13 Date	Posted to General Ledger	Initial / Date
		Checked / Verified	Initial / Date

			TOTAL BUDGET ADJUSTMENT	9,392	9,392	
				Increase / (Decrease)		Project.Sub
Account Name	Account Number			Expense	Revenue	Number
Donations-Animal Shelter	1010.0001.4808.00	RI			9,197	03048 . 1
Donations-Animal Shelter	1010.0001.4808.00	RI		-	195	03049 . 1
Building & grounds maint	1010.2740.5400.00	EX		9,197		03048 . 1
Veterinary supplies	1010.2740.5200.03	EX		195		03049 . 1

EXHIBIT
tabbies
A

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of Budget Adjustment recognizing donation revenue received from citizens for the Ranger's Pantry Pet Food Bank in the amount of $385 and donation revenue for the Senior Giving Tree event in the amount of $20.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
2180.4945.5390.01 Account Number	$ - Funds Used to Date	Program / Project Category Name
32003.1201 Project Number	$ - Remaining Balance	Community Services Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 04.05.2013 Date

City Attorney — 4-8-13 Date

Finance and Internal Services Director — 4-9-2013 Date

Chief of Staff — 4-9-13 Date

Mayor — 4/9/13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 04-03-13P03:14 RCVD

Received in Mayor's Office ENTD 4/8/13 PH

Staff recommends approval of the Budget Adjustment.

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Yolanda Fields, Dir. Community Services

Date: April 5, 2013

Subject: Approval of a Budget Adjustment for the Community Services Division

PROPOSAL:

Community Services would like to recognize donation revenue that was received from citizens for the Ranger's Pantry Pet Food Bank and for the Senior Giving Tree event.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the Community Services Donation Revenue for Ranger's Pantry Pet Food Bank and the Senior Giving Tree event.

BUDGET IMPACT:

Increase the Community Outreach Projects account by $385 for Ranger's Pantry Pet Food Bank and $20 for the Senior Giving Tree.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $405.00 REPRESENTING DONATION REVENUE TO THE COMMUNITY SERVICES DIVISION RANGER'S PANTRY PET FOOD BANK AND FOR THE SENIOR GIVING TREE EVENT

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree event.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Community Services Department: Development Services	Request Date	Adjustment Number
2013		4/5/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Increase the Community Outreach Projects account by a total amount of $405 for Ranger's Pantry and the Senior Giving Tree.

Division Head	4/5/13	Date
Budget Director	5-7	Date
Department Director	04-05-2013	Date
Paul A. Becker Finance Director	4-9-2013	Date
Chief of Staff	4-9-13	Date
Mayor	4/9/13	Date

Prepared By: Jackie
rafields

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 405 405

Account Name	Account Number		Increase / (Decrease) Expense	Increase / (Decrease) Revenue	Project.Sub Number
Community Outreach Projs	2180.4945.5390.01	EX	405	-	32003.1201
Donations	2180.0918.4809.00	RE	-	405	32003.1201
					.
					.

EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Approval of Budget Adjustment recognizing CDBG program income received from a Housing Program lien payoff in the amount of $1,195.00.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
2180.4940.5315.00 Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Community Services Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 04-05-2013 Date

City Attorney — 4-8-13 Date

Finance and Internal Services Director — 4-9-2013 Date

Chief of Staff — 4-9-13 Date

Mayor — 4/9/13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 04-03-13 P03:14 RCVD

Received in Mayor's Office ENTERED 4/8/13

Staff recommends approval of the Budget Adjustment.

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Jeremy Pate, Dir. Community Development

From: Yolanda Fields, Dir. Community Services

Date: April 5, 2013

Subject: Approval of a Budget Adjustment for the Community Services Division

PROPOSAL:

The Community Development Block Grant Housing Program assists qualified low-moderate income homeowners in Fayetteville to be able to remain in their homes by providing home rehabilitation such as siding, roofing, doors, windows, electrical and plumbing upgrades. A forgivable lien is placed on rehabilitated homes that reflect the cost of the project. If the home is sold before the forgivable lien period expires, the balance of the lien must be repaid to the CDBG program as Program Income.

Community Services would like to budget the Program Income received from a Housing Program lien payoff in the amount of $1,195.00.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to budget the CDBG Program Income.

BUDGET IMPACT:

Increase the Contract Services account for the CDBG Housing Program by $1,195.00 as listed in the budget adjustment. The Housing Program's Contract Services account is used to pay for housing rehabilitation for qualified low-moderate income homeowners in Fayetteville.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF $1,195.00 RECOGNIZING COMMUNITY DEVELOPMENT BLOCK GRANT INCOME RECEIVED FROM A HOUSING PROGRAM LIEN PAYOFF

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached as Exhibit "A", in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

V12.0724
Community Development Block
Grant Housing Program
Page 1 of 4

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Community Services Department: Development Services	Request Date	Adjustment Number
2013		4/5/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Increase Housing Contract Services by $1,195.00 to recognize CDBG Program Income.

Division Head	4/5/13	Date
Budget Director		Date
Department Director	04.05.2013	Date
Finance Director	4-9-2013	Date
Chief of Staff	4-9-13	Date
Mayor	4/9/13	Date

Prepared By: Jackie *rafields*

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		1,195	1,195	
		Increase / (Decrease)		Project.Sub
Account Name	Account Number	Expense	Revenue	Number
Contract services	2180.4940.5315.00	1,195	-	.
CDBG program income	2180.0918.4910.00	-	1,195	.
				.
				.

EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux	Aviation	Transportation
Submitted By	**Division**	**Department**

Action Required:

Action Required: A Resolution to approve Amendment 1 to Task Order No. 9 with McClelland Consulting Engineers, Inc. for engineering services associated with the Executive Hangar Office Addition project. Contact info: Wayne Jones, P.E., PO Box 1229, Fayetteville AR 72702-1229, 479-443-2377, Fax 479-443-9241, wjones@mcclelland-engrs.com.

$ 7,500.00	$ 354,242.00	Executive Hangar Office Addition
Cost of this request	Category / Project Budget	Program Category / Project Name
5550.3960.5314.00	$ 6,384.00	Airport Improvements
Account Number	Funds Used to Date	Program / Project Category Name
12011 1	$ 347,858.00	Airport
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 4-10-13 Date

City Attorney — 4-11-13 Date

Previous Ordinance or Resolution # 95-12

Original Contract Date: 5/15/2012

Original Contract Number:

Finance and Internal Services Director — 4-15-2013 Date

Chief of Staff — 4-15-2013 Date

Mayor — 4/15/13 Date

Received in City Clerk's Office 04-11-13P12:03 RCVD

Received in Mayor's Office ENTERED 4/11/13

Comments: A Budget Adjustment for this item has been submitted with the construction contract item.

City Council Meeting of: May 7, 2013
Agenda Item Number:

Fayetteville
ARKANSAS

AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director TJG

FROM: Ray M. Boudreaux, Aviation Director

DATE: April 9, 2013

SUBJECT: **Approve Amendment I to Task Order No. 9 with McClelland Consulting Engineers for value engineering, re-bid and revised plans and specs for the Hangar A Renovation Project. Signature of the Mayor and City Clerk.**

RECOMMENDATION: Approve the amendment to the Hangar A renovation Project Task Order with McClelland Consulting Engineers. The amendment covers the cost for the additional work to prepare new construction documents and to re-bid the project following value engineering to reduce total project costs. Signature of the Mayor and City Clerk on the contract amendment with McClelland.

BACKGROUND: This project was designed and bid last year but grant funding to complete the project was denied by Arkansas Aeronautics due to lack of Department revenue. The project was considered and approved by Arkansas Aeronautics this year at their February meeting and bids were received and were within the allowable grant funding. This item approves an amendment to the Task Order No. 9 with McClelland Consulting Engineers to cover the additional costs for preparing new construction documents and re-bidding services.

BUDGET IMPACT: This item requests $7,500.00 additional budget to fund Task Order No. 9 with McClelland Consulting Engineers. This project is funded with an 80/20 grant from the Arkansas Department of Aeronautics.

Attachments: Staff Review
Amendment 1 to Task Order No. 9 with McClelland Consulting Engineers

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 9 OF A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF $7,500.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE EXECUTIVE HANGAR OFFICE ADDITION PROJECT AT FAYETTEVILLE EXECUTIVE AIRPORT-DRAKE FIELD

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
50TH ANNIVERSARY
Integrity. Community. Excellence.

P.O. Box 1229
Fayetteville, AR 72702
P. (479) 443-2377
F. (479) 443-9241
www.mcclelland-engrs.com

March 27, 2013

RECEIVED
MAR 28
RPO

RECEIVED
MAR 27 2013
AIRPORT

Mr. Ray Boudreaux
Airport Manager,
Fayetteville Executive Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Amendment 1 to Task Order 9
Hangar Office Addition
Fayetteville Executive Airport

Dear Mr. Boudreaux:

Please find four (4) copies of our Amendment 1 to Task Order No. 9 for the revised plans and specs and the Re-Bid of the Hangar Office

Please advise if you need further information regarding this Amendment.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.

R. Wayne Jones, P.E.
Vice President

Enclosure: Amendment 1 to Task Order 9 (4 copies)

AMENDMENT NO. 1
TO
TASK ORDER NO. 9
EXECUTIVE HANGAR
4580 South School Avenue
FAYETTEVILLE EXECUTIVE AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The Task Order No. 9 executed on May 17, 2012 for the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 5, 2009 is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Scope of Services, and the Fees and Payments due to the requested change in scope of services at Drake Field. This action is taken at the request of the City of Fayetteville for McCLELLAND to revise the scope of services for the revisions to the Contract Documents and the additional Bidding process to follow the funding from the Arkansas Department of Aeronautics for the year of 2012-13.

The following sections are hereby amended as follows:

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP) for the revised project documents and the additional bidding cycle, McClelland Consulting

Engineers, Inc. will attempt to execute the project within the following time periods. These time periods may be revised due to review time periods by the State and Federal Agencies:

Task	Completion After NTP
A. Prepare Revised Const. Documents:	30 calendar days
B. Bidding Phase	20 calendar days

SECTION III - SCOPE OF SERVICES

The scope of the services shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, the scope of services for this project will include:

A. Revise the Construction Documents to include the Value Engineering Items identified after the initial Bids were received for this project.

B. Meeting with the Airport Management and their Tenants to discuss revised design criteria, desired features, and schedule.

C. Additional Bidding Services to answer Contractor Questions during the second bidding process.

SECTION IV - FEES AND PAYMENTS

The following additional fees are to be paid to McClelland Consulting Engineers, Inc. as compensation for its services:

A. Additional Project Administration (for Revised Plans & Bidding): hourly rates Not to Exceed $ 1,050.

B. Revisions to Construction Documents (Revised Plans): (Architectural ($3,500); (MEP ($ 800) hourly rates Not to Exceed $ 4,450.

C. Additional Bidding (Revised Plans): hourly rates Not to Exceed $ 2,000.

IN WITNESS WHEREOF, the parties hereto have caused this AMENDED AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____ Attest: _____
Mayor

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____ Attest: _____
Vice President

Date: 3-27-13

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux	Aviation	Transportation
Submitted By	**Division**	**Department**

Action Required:

Action Required: A resolution to award a Construction Contract with Center Point Contractors Inc., Contact: Richard Burleigh, 10316 E Hwy 72, Bentonville AR 72712, 479-426-7373, 479-451-8030 fax, for construction of Executive Hangar Office Addition, Bid No.13-23, in the amount of $256,675.

$ 256,675.00	$ 354,242.00	Executive Hangar Office Addition
Cost of this request	Category / Project Budget	Program Category / Project Name
5550.3960.5804.00	$ 6,384.00	Airport Improvements
Account Number	Funds Used to Date	Program / Project Category Name
12011 1	$ 347,858.00	Airport
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [X]

Department Director — 4-10-13 Date

City Attorney — Date

Previous Ordinance or Resolution # 95-12, 207-12

Original Contract Date:

Original Contract Number:

Finance and Internal Services Director — 4-15-2013 Date

Chief of Staff — 4-15-13 Date

Mayor — 4/15/13 Date

04-11-13P12:03 RCVD
Received in City Clerk's Office Kim J.

Received in Mayor's Office 4/11/13

Comments: Bid Deduction #1, Fire Sprinkler Protection System, $33,000, will be purchased by aviation business tenant.

Fayetteville
ARKANSAS

AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director TG

FROM: Ray M. Boudreaux, Aviation Director

DATE: April 9, 2013

SUBJECT: **Approve a contract with Center Point Contractors Inc. for the Hangar A Renovation project to modify the Hangar for NFlight Technology at the Airport. Signature of the mayor and City Clerk.**

RECOMMENDATION: Approve the Contract with Center point Contractors, Inc for the Hangar A Renovation project. Signature of the Mayor and the City Clerk on the Contract.

BACKGROUND: This project was originally designed and bid last year and a request for grant funding to support was submitted to the Department of Aeronautics Commission. The Commission did not approve the project for funding due to the lack of Aeronautics Department revenue. Staff Reapplied and received approval of the grant from the Aeronautics Commission February 13, 2013. Following approval of funding, staff, the customer and the engineer accomplished value engineering to reduce cost. Bids were taken March 28, 2013 and the low bidder was Center Point Contractors, Inc. for $289,675.00.

BUDGET IMPACT: This project is funded through an 80/20 Grant from the Arkansas Department of Aeronautics. Total project cost is $334,028.00 including engineering, advertising and construction. NFlight Technology will pay 33,000.00 for the fire suppression system. Total project cost for the Aeronautics Grant is $301,028. Aeronautics will pay $240,822 and $60,206 will be funded from the Airport Fund.

Attachments: Staff Review
Contract with Center Point Contractors Inc.
Recommendation from Engineer w/ Bid Tab
Budget Adjustment

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-23 AND AUTHORIZING A CONTRACT WITH CENTER POINT CONTRACTORS INC. IN THE AMOUNT OF $256,675.00 FOR CONSTRUCTION OF AN EXECUTIVE HANGAR ADDITION AT FAYETTEVILLE EXECUTIVE AIRPORT-DRAKE FIELD, 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 awards Bid #13-23 and authorizes a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field.

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 16th day of April, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Aviation Department: Transportation Services	Request Date	Adjustment Number
2013		4/16/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To revise the project budget following re-bidding. This revision reflects actual amounts for construction costs, Amendment #1 to the Engineering contract for additional design and re-bidding, and adjustments to anticipated revenue from grants and other sources relative to the project cost. Additional revenue for the project that will be contributed by the business owner to offset costs for a fire protection sprinkler system is also added to the project budget.

Division Head — 4/3/13 Date	Prepared By: James Nicholson *jnicholson*
Budget Director — 4/3/13 Date	Reference:
Department Director — 4/3/13 Date	Budget & Research Use Only
Finance Director — 4-15-2013 Date	Type: A B C D E P
Chief of Staff — 4-18-13 Date	General Ledger Date
Mayor — 4/25/13 Date	Posted to General Ledger — Initial — Date
	Checked / Verified — Initial — Date

			TOTAL BUDGET ADJUSTMENT	(46,687)	(46,687)	
				Increase / (Decrease)		Project.Sub
Account Name	Account Number			Expense	Revenue	Number
Use of fund balance	5550.0955.4999.99	RE			(20,509)	
State grants	5550.0955.6805.00	RE			(59,178)	12011 . 1
Pymts by property owners	5550.0955.4420.00	RE			33,000	12011 . 1
Building costs	5550.3960.5804.00	EX		(46,687)		12011 . 1

EXHIBIT
tabbies
A

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CONTRACT

Reference: Bid 13-23, Construction – Hangar A Renovations Re-Bid
Contractor: Center Point Contractors, Inc.
Term: Single Project

This contract executed this _____ day of _____, 2013, between the City of Fayetteville, Arkansas, and **Center Point Contracting, Inc.** In consideration of the mutual covenants contained herein, the parties agree as follows:

1. **Center Point Contracting, Inc.** at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per Bid 13-23 as stated in **Center Point Contracting, Inc.** bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid 13-23, all included herein as if spelled out word for word.

2. The City of Fayetteville shall pay **Center Point Contracting, Inc.** based on their bid proposal in an amount not to exceed **$289,675.00**. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

3. The Contract documents which comprise the contract between the City of Fayetteville and **Center Point Contracting, Inc.** consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid 13-23 with the specifications and conditions typed thereon.
   B. **Center Point Contracting, Inc.** bid proposal.
   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the City of Fayetteville and **Center Point Contracting, Inc.** and may be modified only by a duly executed written instrument signed by the City of Fayetteville and **Center Point Contracting, Inc.**

5. **Center Point Contracting, Inc.** shall not assign its duties under the terms of this agreement.

6. **Center Point Contracting, Inc.** agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from **Center Point Contracting, Inc.** performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. **Center Point Contracting, Inc.** shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, **Center Point Contracting, Inc.** shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

   Workmen's Compensation Statutory Amount

Comprehensive General & Automobile Insurance	
Bodily Injury Liability	$500,000 for each person injured. $1,000,000 for each accident.
Property Damage Liability	$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by **Center Point Contracting, Inc.**

8. **Center Point Contracting, Inc.** to furnish proof of licensure as required by all local and state agencies.

9. This contract may be terminated by the City of Fayetteville or **Center Point Contracting, Inc.** with 10 days written notice.

10. This project shall be completed within **120 calendar days** from issue date of Notice to Proceed.

11. This contract shall have liquidated damaged assessed in the amount of **$100.00 per calendar day** for each day past the allowed contract time.

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

13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

WITNESS OUR HANDS THIS_____DAY OF _____, 2013.

CENTER POINT CONTRACTING, INC.

By: Richard Burleigh
Signature

Richard Burleigh / Estimator
Printed Contractor Name & Title

Kelli
ATTEST *(Signature)*

Kellia M. Duffy
Company Secretary *(Printed Name)*

Business Address

10316 E. Hwy 72 Bentonville, AR 72712
City, State & Zip Code

Date Signed: 3/29/2013

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
LIONELD JORDAN, Mayor

_____
ATTEST: *(Signature)*

_____
Sondra Smith, City Clerk

Date Signed: _____

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1810 N. College Avenue
P.O. Box 1229
Fayetteville, AR 73703/72702-1229
479-443-2377/Fax 479-443-9241
www.mcclelland-engrs.com

March 28, 2013

Mr. Ray Boudreaux
Airport Department
City of Fayetteville
4500 S. School Ave., Suite F
Fayetteville, AR 72701

Re: Drake Field Hangar A Office Renovation
Fayetteville Executive Airport

Dear Mr. Boudreaux:

Bids were received on the above referenced project on Thursday March 28, 2013, with five Contractors submitting bids for this project. The low bidder for the Basis of Award for the Total Bid is Center Point Contractors, Inc. of Bentonville, Arkansas, in the amount of $289,675.00. A copy of the certified Bid Tabulation is enclosed. The Engineer's estimate of the Construction Cost was in the amount of $ 290,000.00.

We recommend the City accept the low bid submitted Center Point Contractors, Inc. of Bentonville, Arkansas for the Base Bid of in the amount of $ $289,675.00.

If there are any questions regarding this recommendation, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.

R. Wayne Jones, P.E.
Vice President/Project Manager

Enclosure: Bid Tabulation

BID TABULATION
HANGAR "A" OFFICE RENOVATION
FAYETTEVILLE MUNICIPAL AIRPORT
CITY OF FAYETTEVILLE
MARCH 28, 2013; 10:00 am

MCE PROJECT FY122126

BID No. 13-23

CONTRACTOR / LICENSE #		TOTAL BID	FIRE SPRINKLER PROTECTION SYSTEM	TRENCH EXCAVATION & SAFETY SYSTEM
Benchmark Construction of NWA, Inc.	0033500413	$348,000.00	32,500.00	$200.00
Center Point Contractors, Inc.	0199160313	$289,675.00	$33,000.00	$5.00
Heckathorn Construction Co., Inc.	0023780413	$365,963.00	$35,516.00	$250.00
LJB Construction , Inc.	0179360313	$433,000.00	$70,000.00	$1,000.00
Pick-it Construction Co.	0140461213	$304,100.00	$35,000.00	$100.00

Certified:

R. Wayne Jones, P.E. #4632 — 3/28/2013 Date

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Andrea Foren	Purchasing	Finance & Internal Services
Submitted By	**Division**	**Department**

Action Required:

Award a facilities solutions contract with **Cintas Corporation** for the rental of uniforms, mats, mops, and other items on contract based on the cooperative contract through US Communities, Government Purchasing Alliance. The initial contract term will be through March 31, 2015 with automatic renewal options for two additional two year periods, for a total possible contract through March 31, 2019.

N/A	$ 379,103.00	Uniforms / Personal Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
Various Departments - 5302.00	$ 79,477.97	Uniforms / Personal Equipment
Account Number	Funds Used to Date	Program / Project Category Name
N/A	$ 299,625.03	Various Funds
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Paul A. Becker 4-19-2013
Department Director — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

4-22-13
City Attorney — Date

Paul A. Becker 4-22-2013
Finance and Internal Services Director — Date

Received in City Clerk's Office
04-19-13 P04:59 RCVD

4-23-13
Chief of Staff — Date

Received in Mayor's Office
ENTERED 4/22/13

4/23/13
Mayor — Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council and Mayor Lioneld Jordan

Thru: Paul Becker, Finance and Internal Services Director PB

From: Andrea Foren, CPPB, CPPO, Purchasing Agent

Date: Friday, April 19, 2013

Subject: Award of cooperative contract with Cintas Corporation through US Communities

PROPOSAL:

Staff recommends award of a facilities solutions contract with **Cintas Corporation** for the rental of uniforms, mats, mops, and other items on contract based on the cooperative contract through US Communities, Government Purchasing Alliance. The initial contract term will be through March 31, 2015 with automatic renewal options for two additional two year periods, for a total possible contract through March 31, 2019.

RECOMMENDATION:

U.S. Communities Government Purchasing Alliance is a government purchasing cooperative that reduces the cost of goods and services by aggregating the purchasing power of public agencies nationwide. This allows the City of Fayetteville to have access to a broad line of competitively solicited contracts with best in class national suppliers.

Due to the nature of various City jobs, rental uniforms, mats, and mops are provided to various divisions and Departments. The City is exiting from a current contract due to expiration of a five year contract term, ending in July 15, 2013.

Cintas was awarded a facilities solutions contract in April of 2012. This US Communities contract will allow the City access to national pricing which is secured by a high level of customer service, which is an important factor to insure employees have clean, safe, and presentable uniforms on a daily basis. Prices will vary based on uniform selected by each department or division after contract award.

Attached is the Cintas Corporation Master Agreement and Amendment 1 with Harford County Public Schools, Maryland, who served as the lead agency on the master competitive solicitation.

BUDGET IMPACT:

The facility solutions items, such as uniforms, mats, mops, etc. are budgeted within each division of the City.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CONTRACT WITH CINTAS CORPORATION, PURSUANT TO A COOPERATIVE PURCHASING AGREEMENT THROUGH THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, FOR THE RENTAL OF UNIFORMS, MATS, MOPS AND OTHER ITEMS THROUGH MARCH 31, 2015, WITH TWO ADDITIONAL TWO YEAR RENEWAL OPTIONS

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

MASTER AGREEMENT:
By and between:
HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND
102 S. Hickory Avenure
Bel Air, MD 21014
AND
Cintas Corporation
6800 Cintas Blvd.
Mason, OH 45040

Contract #12-JLH-011C

THIS MASTER AGREEMENT made and entered into this 1st day of April, 2012, by and between Harford County Public Schools, Maryland (hereinafter referred to as "School District", "HCPS", or "District"), and Cintas Corporation, a corporation authorized to conduct business in the State of Maryland (hereinafter referred to as "Supplier").

This agreement is made on behalf of Harford County Public Schools, Maryland and other participating governmental agencies, through the U.S. Communities Government Purchasing Alliance.

WITNESSETH:

WHEREAS, pursuant to a request by the District, Supplier has submitted a proposal to provide a master agreement for a National Award covering the following: furnish, supply and deliver facilities solutions including the rental and service of uniforms, mats, mops and towels, and other related products and services in accordance with the scope, terms and conditions of Request for Proposal, RFP #12-JLH-011, addenda, amendments, appendices and related correspondence. The Request for Proposal is incorporated in its entirety and included as part of this agreement.

WHEREAS, HCPS desires to engage Supplier to perform said services; and

WHEREAS, HCPS and Supplier desire to state the terms and conditions under which Supplier will provide said services to Harford County Public Schools (Lead Agency) and participating public agencies who have registered with U.S. Communities.

NOW, THEREFORE, in consideration of the mutual covenants, condition and promises contained herein, the parties hereto agree as follows:

A. **Services:** Supplier will provide Facilities Solutions as detailed in the referenced RFP and related services for HCPS in its response to the heretofore referenced RFP to HCPS, which is attached hereto and incorporated herein as a part of this Master Agreement.

B. **Term:** The initial term of this Master Agreement shall be three (3) years from on or about April 1, 2012. This Master Agreement may then be renewed by mutual written agreement of the parties for two (2) additional, two (2) year periods.

C. **Compensation:** HCPS agrees to pay and Supplier agrees to accept as compensation for the

products provided pursuant to this Master Agreement, the following:

1. The price proposal set forth in the best and final RFP Response, dated March 15, 2012 and marked Amendment 1.

D. **Invoicing:** Supplier agrees to invoice HCPS as deliveries are completed or charge purchases to an authorized HCPS Visa credit card. Invoices shall be delivered to HCPS accounts payable. Each invoice shall include – as applicable – the following data: Item Number, Purchase Order Number, Item Description, Quantity purchased, Unit Price, Extended price and Delivery location. All purchase orders will be invoiced separately. Each invoice submitted by Supplier shall be paid by HCPS within thirty (30) days after approval. The Supplier has agreed to accept payment via a procurement credit card (i.e. Visa, MasterCard, etc.) which is the preferred method of payment.

E. **Insurance:** Supplier shall maintain at its own cost and expense (and shall cause any Subcontractor to maintain) insurance policies in form and substance acceptable to HCPS as detailed in the Request for Proposal.

F. **Termination of Contract:** This contract may be terminated as per the General Information of the RFP, Section 1, K (page 5) and General Requirements, Attachment G, VIII (page 85-86).

G. **Notification:** Notices under this Master Agreement shall be addressed as follows:

Jeffrey LaPorta, Supervisor of Purchasing
Harford County Public Schools
102 S. Hickory Avenue
Bel Air, MD 21014

Supplier:	Cintas Corporation
Attn:	Craig Jackson, Senior Global Account Manager
Address:	6800 Cintas Blvd
	Mason, OH 45040
Phone:	513-459-1200

The effective date of any notice under this Master Agreement shall be the date of receipt by the addressee. The failure of either party to give notice of default, or to strictly enforce or insist upon compliance with any of the terms or conditions of this Master Agreement, the waiver of any term or condition of this Master Agreement, or the granting of an extension of time for performance shall not constitute the permanent waiver of any term or condition of this Master Agreement. This Master Agreement and each of its provisions shall remain at all times in full force and effect until modified by the parties in writing.

H. **Governing Law:** This contract shall be interpreted under and governed by the laws of the State of Maryland. Disputes will be settled as per the stipulations contained within the Request for Proposal.

I. **Incorporation of Appendices:** All provisions of Appendices and Amendments are hereby incorporated herein and made a part of this Master Agreement. In the event of any

apparent conflict between any provisions set forth in the main body of the Master Agreement and any provision set forth in the Appendices and Amendments the provisions shall be interpreted, to the extent possible, as if they do not conflict. In the event that such an interpretation is not possible, the provisions set forth in the main body of this Master Agreement shall control.

J. **Entire Master Agreement:** This Master Agreement including the entire RFP solicitation and the Appendices attached hereto contain all the terms and conditions agreed upon by both parties. No other understandings, oral or otherwise, regarding the subject matter of this Master Agreement shall be deemed to exist or to bind any of the parties hereto. Any agreement not contained herein shall not be binding on either party, nor of any force or effect. The revised Best and Final Offer contained within Amendment 1 is also included and becomes part of the Master Agreement.

K. **Participating Public Agencies:** Supplier agrees to extend the same terms, covenants and conditions available to HCPS under this Master Agreement to other government agencies ("Participating Public Agencies") that, in their discretion, desire to access this Master Agreement in accordance with all terms and conditions contained herein or attached hereto. Each participating Public Agency will be exclusively responsible and deal directly with Supplier on matters relating to ordering, delivery, inspection, acceptance, invoicing, and payment for products and services in accordance with the terms and conditions of this Master Agreement. Any disputes between a Participating Public Agency and Supplier will be resolved directly between them in accordance with and governed by the laws of the State in which the Participating Public Agency exists.

IN WITNESS WHEREOF, THE PARTIES HAVE EXECUTED THIS AGREEMENT IN THE YEAR AND DAY AS NOTED:

HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND

by _____ 4/2/12
Superintendent of Schools **Date**

by _____ 4/10/12
Date

(Signature) President (Date)
Board of Education of Harford County

Attest: Kornisha M. Wilmoth

Cintas Corporation

by _____ 3/23/12
Senior Global Account Manager **Date**

Attest: Sandy Fiedelday 3/23/12

To access pricing information, please use your login at www.uscommunities.org.

HARFORD COUNTY

Robert M. Tomback, Ph.D., Superintendent of Schools
102 S. Hickory Avenue, Bel Air, Maryland 21014
Office: 410-838-7500 • www.hcps.org • fax. 410-893-2478

Purchasing Office

Jeffrey LaPorta, Supervisor of Purchasing
P:410.638.4083

HARFORD COUNTY PUBLIC SCHOOLS
CONTRACT AMENDMENT #1
RFP# 12-JLH-011
FACILITIES SOLUTIONS

This amendment dated November 12, 2012 (hereinafter "Execution Date") is entered into between CINTAS CORP, a corporation organized and existing under the laws of the State of Nevada with its principal office located at 6800 Cintas Boulevard, Cincinnati, Ohio 45262-5737, or any of its subsidiaries, successors and assigns, and Harford County Public Schools, Maryland with its principal office located at 102 South Hickory Avenue, Bel Air, MD 21014 or any of its subsidiaries, successors and assigns. This document amends the Master Agreement #12-JLH-011C signed by the parties April 1, 2012.

The Parties hereby further agree as follows:

CINTAS may provide to Harford County Public Schools and other participating public agencies who have registered with U.S. Communities any product or service in its enterprise not specifically referenced in the RFP # 12-JLH-011. Pricing for such products or services shall be maintained at a discount of no less than 10% on national voluntary book pricing. Where no national voluntary book pricing exists, local book pricing with a discount of no less than 10% shall prevail.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the Execution Date.

CINTAS CORPORATION

By: _____

Title: Sr. Global Acct Mgr

Date: 11/12/12

HARFORD COUNTY PUBLIC SCHOOLS

By: Jeffrey LaPorta

Title: Supervisor of Purchasing

Date: 11/15/12

CINTAS
THE UNIFORM PEOPLE

Location No._____

Contract No._____

FACILITIES SOLUTIONS AGREEMENT

Customer No._____

Date_____

Customer/Participating Agency _____ Phone_____

Address_____ City_____ State_____ Zip_____

UNIFORM PRODUCT RENTAL PRICING:

Item #	Description	Unit Price

- This agreement is effective as of the date of execution of this document through_____. All requests for price changes must be justified and based upon verifiable criteria which may include the Bureau of Labor Statistics Consumer Price Index (CPI-U).
- Name Emblem $_____ea • Company Emblem $_____ea
- Customer Emblem $_____ea • Embroidery $_____ea
- COD Terms $_____per week charge for prior service (if Amount Due is Carried to Following Week)
- Credit Terms – Charge Payments due 10 Days After End of Month
- Automatic Lost Replacement Charge: Item_____ % of Inventory_____ $_____Ea.
- Automatic Lost Replacement Charge: Item_____ % of Inventory_____ $_____Ea.
- Minimum Charge $_____per delivery.
- Make-Up charge $_____per garment.
- Non-Standard/Special Cut Garment (i.e., non-standard, non-stocked unusually small or large sizes, unusually short or long sleeve or length, etc.) premium $_____per garment.
- Seasonal Sleeve Change $_____per garment.
- Under no circumstances will the Company accept textiles bearing free liquid. Shop towels may not be used to clean up oil or solvent spills.
  Shop towel container $_____per week.
- Artwork Charge for Logo Mat $_____
- Uniform Storage Lockers: $_____ea/week, Laundry Lock-up: $_____ea/week Shipping: $_____
- Service Charge $_____per delivery.
  This Service Charge is used to help Company pay various fluctuating current and future costs including, but not limited to, costs directly or indirectly related to the environment, energy issues, service and delivery of goods and services, in addition to other miscellaneous costs incurred or that may be incurred in the future by Company.
- Size Change: Customer agrees to have employees measured by a Cintas representative using garment "size samples". A charge of $_____ per garment will be assessed for employees size changed within 4 weeks of installation.
- Other_____

FACILITY SERVICES PRODUCTS PRICING:

Bundle*	Item #	Description	Rental Freq.	Inventory	Unit Price

*Indicated bundled items/services

__/__ ☐ ____ Initial and check box if Unilease. All Garments will be cleaned by customer
Date

__/__ ☐ ____ Initial and check box if receiving Linen Service. Company will take periodic physical inventories of items in possession or under control
Date customer.

__/__ ☐ ____ Initial and check box if receiving direct embroidery. If service is discontinued for any employee or Customer deletes any of the garments
Date direct embroidery for any reason, or terminates this agreement for any reason or fails to renew this agreement, Customer will purchase all direct embroidered garments at the time they are removed from service at the then current replacement values.

CUSTOMER:

Cintas Loc. No:_____ Please Sign Name_____

By: _____ Please Print Name _____

Title: _____ Please Print Title_____

Accepted-GM: _____ Email_____

(*) This document can be completed after City Council approval and each division/department makes their uniform selection.
A Flores 4/9/13

US Communities Participating Public Agencies Terms

1. Participating Public Agencies: Supplier agrees to extend the same terms, covenants agreed to under the Master Agreement with Lead Public Agency Harford County Public Schools to other government agencies ("Participating Public Agencies") that, in their discretion, desire to access the Master Agreement in accordance with all terms and conditions contained herein or attached hereto. Each participating Public Agency will be exclusively responsible and deal directly with Supplier on matters relating to length of agreement, ordering, delivery, inspection, acceptance, invoicing, and payment for products and services in accordance with the terms and conditions of the Master Agreement. Any disputes between ta Participating Public Agency and Supplier will be resolved directly between them in accordance with and governed by the laws of the State in which the Participating Public Agency exists.
2. Master Agreement available at www.uscommunities.org

Supplier General Service Terms Section

3. **Prices** Customer agrees to rent from Company, and Company agrees to provide to Customer, the Merchandise, inventory and services described on Exhibit A, "Merchandise & Pricing" at the prices set forth in Exhibit A. There will be a minimum charge of thirty-five dollars ($35.00) per week for each Customer location required to purchase its rental services from Company as set forth in this Agreement.
4. **Buyback of Non-Standard Garments** Customer has ordered from Company a garment rental service requiring embroidered garments that may not be standard to Company's normal rental product line. Those non-standard products will be designated as such under Garment Description in Exhibit C. In the event Customer deletes a non-standard product, alters the design of the non-standard product, fails to renew the Agreement, or terminates the Agreement for any reason other than documented quality of service reasons which are not cured, Customer agrees to buy back all remaining non-standard products allocated to Customer that the Company has in service and out of service at the then current Loss/Damage Replacement Values.
5. **Garments' Lack of Flame Retardant Or Acid Resistant Features** Unless specified otherwise in writing by the Company, the garments supplied under this Agreement are not flame retardant or acid resistant and contain no special flame retardant or acid resistant features. They are not designed for use in areas of flammability risk or where contact with hazardous materials is possible. Flame resistant and acid resistant garments are available from Company upon request. Customer warrants that none of the employees for whom garments are supplied pursuant to this Agreement require flame retardant or acid resistant clothing.
6. **Logo Mats** In the event that Customer decides to delete any mat bearing the Customer's logo (Logo Mat) from the rental program, changes the design of the Logo Mats, terminates this agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change or termination, all remaining Logo mats that the Company has in service and out of service held in inventory at the then current Loss/Damage Replacement Value.
7. **Adding Employees** Additional employees and Merchandise may be added to this Agreement at any time upon written or oral request by the Customer to the Company. Any such additional employees or Merchandise shall automatically become a part of and subject to the terms of this Agreement. If such employees are employed at a Customer location that is then participating under this Agreement, the Customer shall pay Company the one-time preparation fee indicated on Exhibit A. Customer shall not pay Company any one-time preparation fee for garments for employees included in the initial installation of a Customer location. There will be a one-time charge for name and/or company emblems when employees are added to the program in garments requiring emblems.
8. **Emblem Guarantee** Customer has requested that Company supply emblems designed exclusively for Customer featuring Customer's logo or other specific identification (hereinafter "Customer Emblems"). Company will maintain a sufficient quantity of Customer Emblems in inventory to provide for Customer's needs and maintain a low cost per emblem through quantity purchases.
9. In the event Customer decides to discontinue the use of Customer Emblems, changes the design of the Customer Emblems, terminates this Agreement for any reason or fails to renew this Agreement, the Customer will purchase at the time of deletion, design change, termination or expiration, all remaining Customer Emblems that the Company allocated to Customer at the price indicated on Exhibit A of this Agreement. In no event shall the number of Customer Emblems allocated to Customer exceed the greater of (a) twelve (12) months' volume for each unique Customer Emblem or (b) a quantity agreed to by Company and Customer and noted on Exhibit A.
10. **Terminating Employees** Subject to the provisions of this Agreement, the weekly rental charge attributable to any individual leaving the employ of the Customer, or on a temporary leave of absence of three (3) weeks or more, shall be terminated upon oral or written notice by the Customer to the Company but only after all garments issued to that individual, or value of same at the then current Loss/Damage Replacement Values, are returned to Company.
11. **Replacement** In the event any Merchandise is lost, stolen or is not returned to Company, or is destroyed or damaged by fire, welding damage, acid, paint, ink, chemicals, neglect or otherwise, the Customer agrees to pay for said Merchandise at the then current Loss/Damage Replacement Values.
12. **Indemnification** To the fullest extent permitted by law, Contractor agrees to defend, indemnify, pay on behalf of and save harmless the Participating Public Agency, its elected and appointed officials, agents, employees and authorized volunteers against any and all claims, liability, demands, suits or loss, including reasonable attorneys' fees and all other costs connected therewith, arising out of or connected to the services provided by Contractor under this Contract, but only to the extent of Contractor's negligence.
13. **Additional Items:** Additional customer employees, products and services may be added to this agreement and shall automatically become a part of and subject to the terms hereof and all of its provisions. If this agreement is terminated early for convenience, the parties agree that the damages sustained by Company will be substantial and difficult to ascertain. Therefore, if this agreement is terminated by Customer prior to the applicable expiration date for any reason other than documented quality of service reasons which are not cured, for non-payment by Customer will pay to Company, as liquidated damages and not as a penalty based upon the following schedule:

    If this agreement is cancelled for convenience in the first twelve months of the term, Customer shall pay as liquidated damages equal to 50 weeks of rental service.

    If this agreement is cancelled for convenience in months thirteen (13) through eighteen (18) of the term, Customer shall pay as liquidated damages equal to 36 weeks of rental service.

If this agreement is cancelled for convenience in months nineteen (19) through twenty-four (24) of the term, Customer shall pay as liquidated damages equal to 23 weeks of rental service.

If this agreement is cancelled after 24 months of service, Customer shall pay as liquidated damages of 10 weeks of rental service.

Customer shall also be responsible to return all of the Merchandise allocated to such Customer locations terminating this Agreement at the then current Loss/Damage Replacement Values and for any unpaid charges on Customer's account prior to termination.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution (rescinding Resolution 51-13) and awarding Bid #13-12 to Terex Equipment Services of North Little Rock in the amount of $127,545 for the purchase of three Ford F550 Service body trucks for use by Water & Sewer.

$ 127,545.00	$ 687,600.00	Light/Medium Utility Vehicles
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 154,427.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.2013	$ 533,173.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 4-19-13 Date

Original Contract Number: _____

Paul A. Brown — 4-22-2013 Date
Finance and Internal Services Director

Received in City Clerk's Office
APR 19-13 P03:09 RCVD
Kim J.

Chief of Staff — 4-22-13 Date

Received in Mayor's Office
ENTERED 4/22/13

Mayor — 4/23/13 Date

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: February 27, 2013

Subject: Purchase of three Service body trucks for Water & Sewer

PROPOSAL: That City Council rescind resolution 51-13 and award Bid 13-12to Terex Equipment Services for the purchase of three Ford F550 service body trucks for use by Water & Sewer in the amount of $127,545.

RECOMMENDATION: Water & Sewer (Sewer Maintenance program) has three service body trucks that need to be replaced. Bid #13-12 was opened January 18th 2013; Fleet recommended that the bid be awarded to North Point Ford. Council approved the purchase on Resolution 51-13.

When Fleet placed the order with North Point Ford, they realized that they had bid on 2x4 trucks, not 4x4 trucks as specified in the bid. They have withdrawn their bid.

Fleet recommends purchasing three service body trucks from Terex Equipment Service of N. Little Rock, the lowest bid that meets specs on bid #13-12, in the amount of $42,515 each for a total of $127,545. The bid tab sheet is attached. The vendor has verified that they will honor their bid for these trucks.

The price difference is less than $6,000 for the three trucks. More than enough replacement funds have been collected, and there are sufficient capital funds in the budget to cover the difference.

This purchase was unanimously approved by the Equipment Committee on February 26, 2013.

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

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 51-13, AWARDING BID #13-12 AND AUTHORIZING THE PURCHASE OF THREE (3) FORD F-550 SERVICE BODY TRUCKS FROM TEREX EQUIPMENT SERVICES OF NORTH LITTLE ROCK IN THE TOTAL AMOUNT OF $127,545.00 FOR USE BY THE WATER AND SEWER DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals Resolution No. 51-13.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #13-12 and authorizes the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

RESOLUTION NO. 51-13

A RESOLUTION AWARDING BID #13-12 AND AUTHORIZING THE PURCHASE OF THREE (3) FORD F-550 SERVICE BODY TRUCKS FROM NORTH POINT FORD OF NORTH LITTLE ROCK IN THE TOTAL AMOUNT OF $121,812.00 FOR USE BY THE WATER AND SEWER DIVISION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #13-12 and authorizes the purchase three (3) Ford F-550 service body trucks from North Point Ford of North Little Rock in the total amount of $121,812.00 for use by the Water and Sewer Division.

PASSED and **APPROVED** this 19th day of March, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

Bid Opening
01/18/13
2:00 PM
CITY OF FAYETTEVILLE

Bid 13-12, Service Body Trucks with HD Chassis

	BIDDER	DESCRIPTION	MANUFACTURER/MODEL	Quantity	Unit Price	TOTAL BID PRICE
1	Bill Knight Ford (truck)/ Caseco Truck Body (bed)					
5	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550	3	$ 33,950.00	$ 101,850.00
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Reading HD108ABDW	3	$ 9,115.00	$ 27,345.00
						$ 129,195.00
2	Country Ford					
3	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550	3	$ 35,338.36	$ 106,015.08
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Dakota CBG11084VHSS BODY DOESN'T MEET SPECS	3	$ 7,000.00	$ 21,000.00
						$ 127,015.08
3	North Point Ford (Option 1)					
1	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550	3	$ 32,959.00	$ 98,877.00
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Dakota CBG11084VHSS	3	$ ~~6,989.00~~ $39,948.	$ 20,967.00
						$ 119,844.00
4	North Point Ford (Option 2)					
2	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550 2x4	3	$ 32,459.	$ 97,377.00
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Reading HD108AB	3	$ 8,145.00 40,604 on	$ 24,435.00
						$ 121,812.00
5	Republic Ford Lincoln, Inc.					
6	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550 Supercab with chassis 4x4 DRW	3	35,017.00	$ 105,051.00
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Knapheide 7108D54J1 108" Service Body	3	9,147.00	$ 27,441.00
						$ 132,492.00
6	The Larson Group					
	Item 1	19,000 GVWR Extended cab and chassis	Ford F-550 4X4 Supercab	3	39,500.00	$ 118,500.00
7	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Reading U108ABHH	3	8,145.00	$ 24,435.00
						$ 142,935.00
7	Terex Equipment Service					
4	Item 1	19,000 GVWR Extended cab and chassis	Ford Super Duty F-550 DRW 4WD	3	$ 34,370.00	$ 103,110.00
	Item 2	9' Utility type truck body installed on above chassis (Item 1)	Reading U108ABHH	3	$ ~~8,145.00~~ 42515 on	$ 24,435.00
						$ 127,545.00

*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 Palakovich DATE 01/22/13

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: 4/18/2013	
P.O Number: #13-12 Tentative		Expected Delivery Date:	
Vendor #: 15379	Vendor Name: TEREX EQUIPMENT SERVICES	Mail Yes:__ No: X	
Address:	Fob Point:	Taxable Yes:___ No: X	Quotes Attached Yes:____ No: x
City:	State:	Zip Code:	Ship to code: 50
Divison Head Approval:			
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 FORD F550 SERVICE BODY TRUCKS PER	3	EA	42,515.00	$127,545.00	9700.1920.5802.00	02078.2013		
2	BID SPECS, BID #13-12, TO BE UNITS:				$0.00				
3	377, FIXED ASSET #700377				$0.00				700377
4	378, FIXED ASSET #700378 AND				$0.00				700378
5	379, FIXED ASSET #700379				$0.00				700379
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
*	Shipping/Handling		Lot		$0.00				

Special Instructions:

_____

Subtotal: $127,545.00

TAX EXEMPT

Total: $127,545.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Revised 1/2/2008

4020

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen	Fleet Operations	Transportation
Submitted By	**Division**	**Department**

Action Required:

A resolution to purchase a 2013 Peterbilt Rear load refuse truck with Wayne body off Bid #12-79 from Peterbilt of Ft. Smith, AR in the amount of $220,995.

$ 220,995.00	$ 426,729.00	Solid Waste Vehicles/Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02082.2011	$ 426,729.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 3-29-13 Date

City Attorney — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 4-22-2013 Date

Chief of Staff — 4-23-13 Date

Mayor — 4/23/13 Date

Received in City Clerk's Office 04-19-13 P03:24 RCVD

Received in Mayor's Office ENTERED 4/22/13

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: **Mayor/City Council**

Thru: **Terry Gulley, Director of Transportation**

From: **Dennis Pratt, Fleet Operations Supt.**

Date: March 28, 2013

Subject: Purchase of one Rear Load Refuse Truck

PROPOSAL: That City Council approve the purchase of one 2013 Rear Load Refuse Truck off Bid #12-79 from Peterbilt of Ft. Smith in the amount of $220,995.

RECOMMENDATION: Unit #462 is a 2002 Mack Rear Load refuse truck that was scheduled for replacement in 2011 but was pushed back to 2013. It is no longer dependable for full time front line service and needs to be replaced.

Fleet recommends purchasing a Peterbilt 320 with Wayne Phoenix body off Bid #12-79; item #4 from Peterbilt of Fort Smith – Option 4 is the lowest bid that meets specs. The only body that meets specs is the Wayne Phoenix 20RL body. A bid tab sheet is attached.

This purchase was unanimously approved by the Equipment Committee on March 26, 2013

BUDGET IMPACT: This unit was budgeted for on both the capital and operating sides.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 2013 PETERBILT REAR LOAD REFUSE TRUCK WITH WAYNE BODY PURSUANT TO BID #12-79 FROM PETERBILT OF FORT SMITH IN THE AMOUNT OF $220,995.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith, in the amount of $220,995.00.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS

BID: 12-79
11/30/12
2:00 PM
CITY OF FAYETTEVILLE

Bid 12-79, Rear Load Solid Waste Truck

BIDDER	Description	MANUFACTURER/MODEL	Quantity	Unit Price	TOTAL BID PRICE
1 Peterbilt of Fort Smith - Option 1					
	Diesel powered cab and chassis	Peterbilt 320	1	$	132,226.00
	Rear load solid waste collection body	Labrie Leach 2R-111	1	$	82,014.00
	BODY DOESN'T MEET SPECS				$ 214,240.00
2 Peterbilt of Fort Smith - Option 2					
	Diesel powered cab and chassis	Peterbilt 320	1	$	132,226.00
	Rear load solid waste collection body	Loadmaster Excel "S" 20 RL	1	$	75,970.00
	BODY DOESN'T MEET SPECS				$ 208,196.00
3 Peterbilt of Fort Smith - Option 3					
	Diesel powered cab and chassis	Peterbilt 320	1	$	132,226.00
	Rear load solid waste collection body	New Way Cobra Magnum 20 RL	1	$	81,372.00
	BODY DOESN'T MEET SPECS				$ 213,598.00
4 Peterbilt of Fort Smith - Option 4					
	Diesel powered cab and chassis	Peterbilt 320	1	$	132,226.00
	Rear load solid waste collection body	Wayne Phoenix 20 RL	1	$	88,729.00
LOWEST PRICE THAT MEETS SPECS					$ 220,955.00
5 Shipley Motor Equipment Company - Option 1					
	Diesel powered cab and chassis	Mack MRU 613	1	$	136,052.20
	Rear load solid waste collection body	Wayne Phoenix 20RL	1	$	88,729.00
					$ 224,781.20
6 Shipley Motor Equipment Company - Option 2					
	Diesel powered cab and chassis	Mack MRU 613	1	$	136,052.00
	Rear load solid waste collection body	Loadmaster Excel "S" 20RL	1	$	75,970.00
	BODY DOESN'T MEET SPECS				$ 212,022.00
7 Shipley Motor Equipment Company - Option 3					
	Diesel powered cab and chassis	Mack MRU 613	1	$	136,052.00
	Rear load solid waste collection body	New Way Cobra Magnum 20RL	1	$	81,372.00
	BODY DOESN'T MEET SPECS				$ 217,424.00

*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 11/30/12

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: 3/28/2013
P.O Number:	Expected Delivery Date:

Vendor #: 19771	Vendor Name: PETERBILT OF FT. SMITH	Mail Yes:__ No: X	
Address:	Fob Point:	Taxable Yes:__ No: X	Quotes Attached Yes:__ No: x
City:	State:	Zip Code:	Ship to code: 50
Divison Head Approval: [signature]			
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 PETERBILT REAR LOAD REFUSE TRUCK	1	EA	220,995.00	$220,995.00	9700.1920.5802.00	02082.2011		704020
2	PER BID SPECS BID 12-79, TO BE UNIT				$0.00				
3	4020, FIXED ASSET 704020				$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: $220,995.00

EXEMPT

Total: $220,995.00

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

City Council Agenda Items and Contracts, Leases or Agreements

May 7th, 2013
City Council Meeting Date
Agenda Items Only

Brian Pugh	Solid Waste and Recycling	Operations
Submitted By	**Division**	**Department**

Action Required:

Resolution Authorizing Application for a 2013 ADEQ E-waste grant for $25,000, through the Boston Mountain Solid Waste District, for an E-waste Coupon Redemption Program.

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 — 4/19/13 Date

City Attorney — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 4-22-2013 Date

Chief of Staff — 4-22-13 Date

Mayor — 4/23/13 Date

Received in City Clerk's Office 04-19-13P03:55 RCVD

Received in Mayor's Office ENTERED 4/24/13

Comments:

To: Fayetteville City Council

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

From: Brian Pugh, Solid Waste and Recycling

Date: April 19th, 2013

Subject: Resolution Authorizing Application for a 2013 ADEQ E-Waste Grant for $25,000 for an E-Waste Coupon Redemption Program.

RECOMMENDATION

Fayetteville City Administration recommends authorizing application for a 2013 Arkansas Department of Environmental Quality (ADEQ) E-waste grant for $25,000 for an E-waste coupon redemption program.

BACKGROUND

The Arkansas Department of Environmental Quality administers the Arkansas Computer and Electronic Recycling Grants Program and utilizes the Regional Solid Waste Management Districts to help administer the grant program. For our region we will be applying through the Boston Mountain Solid Waste District. Municipalities are eligible and encouraged to apply for grants with this program. Applications are now being accepted through Boston Mountain and funds will be eligible to awarded recipients upon written approval through ADEQ. Fayetteville applied for a similar grant at the end of 2012.

DISCUSSION

The program would continue the partnership 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 upon grant money being dispersed 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. Upon approval and award of the grant a budget adjustment will be requested to recognize the grant revenue and a capital project will be created.

RESOLUTION NO. _____

A RESOLUTION APPROVING APPLICATION FOR A 2013 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY E-WASTE GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT 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 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Brian Pugh	Solid Waste	Operations
Submitted By	**Division**	**Department**

Action Required:

Resolution Authorizing Application for a 2013 ADEQ Recycling Grant through the Boston Mountain Solid Waste District for $ 30,000 for Indoor Apartment Recycling Containers.

$ -		
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 — 4/19/13 Date

City Attorney — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul a. Becker — 4.22.2013 Date
Finance and Internal Services Director

Chief of Staff — 4-22-13 Date

Mayor — 4/23/13 Date

Received in City Clerk's Office 04-19-13P03:55 RCVD

Received in Mayor's Office ENTERED 4/22/13

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Terry Gulley, Operations Director

From: Brian Pugh, Waste Reduction Coordinator (BP)

Date: April 19th, 2013

Subject: Resolution Authorizing Application for a 2013 ADEQ Recycling Grant through the Boston Mountain Solid Waste District for $30,000 for Indoor Apartment Recycling Containers.

RECOMMENDATION

Fayetteville City Administration recommends authorizing application for a 2013 Arkansas Department of Environmental Quality (ADEQ) recycling grant though the Boston Mountain Solid Waste District for $30,000 for purchasing indoor apartment recycling containers.

BACKGROUND

Each year the Arkansas Department of Environmental Quality issues recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiles the grant pre applications and submits them to their Grant Committee for review. ADEQ no longer requires a signature from the Mayor for the pre application process.

DISCUSSION

This grant will be used to purchase indoor apartment recycling bins or bags for use in apartment complexes that are participating in the Cities apartment recycling program. The City received grants in 2011 and 2012 for outdoor recycling containers at apartments. Staff is currently engaged in a Solid Waste and Recycling Plan that has a goal of providing 30% of the apartment complexes in Fayetteville with recycling service by 2015. These indoor containers will facilitate the recycling efforts by giving apartment residents containers that can be used to store recycling materials until they are taken to the outside containers on site. This effort will help in the educational process of teaching recycling habits to apartment residents.

Agreements with the Apartment owners and managers will make the replacement of lost or stolen containers the responsibility of the apartment complexes. These costs can be recovered through deposit fees secured through rental agreements. Forty six tons of recyclables were collected through the apartment program in 2012.

BUDGET IMPACT

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

RESOLUTION NO. _____

A RESOLUTION APPROVING APPLICATION FOR A 2013 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT OF $30,000.00 FOR INDOOR APARTMENT RECYCLING CONTAINERS

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 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

David Jurgens	Water/Wastewater	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approving an amendment to the Intergovernmental Agreement with Northwest Arkansas Regional Planning to continue the Intergovernmental Working Group (IWG) cooperative regional efforts relating to the Second Statement of Joint Principles, the Stressor Response Study contained therein, and to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to $40,000 for the agreement and a $5,000 contingency.

$ 45,000.00	$ 69,856.00	Phosphorus Reduction
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5100.5314.00	$ -	Wastewater Treatment
Account Number	Funds Used to Date	Program / Project Category Name
10027-1001	$ 69,856.00	Water and Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director — 17 APR 13 — Date

City Attorney — 4-17-13 — Date

Finance and Internal Services Director — 4-19-2013 — Date

Chief of Staff — 4-19-13 — Date

Mayor — 4/19/13 — Date

Previous Ordinance or Resolution #	73-12 99-10 4/17/2012
Original Resolution Date:	6/1/2010
Original Contract Number:	N/A

Received in City Clerk's Office: 04-17-13 P01:31 RCVD — Kim G.

Received in Mayor's Office: ENTERED 4/18/13

Comments:

A-12
Northwest Arkansas Regional
Planning Commission
Page 2 of 4

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee

Date: April 17, 2013

Subject: Intergovernmental Agreement Amendment with Northwest Arkansas Regional Planning Relating to the Second Statement of Joint Principles, Stressor Response, and Monitoring Evolving Water Quality Issues

RECOMMENDATION

Staff recommends approval of an amendment to the Intergovernmental Agreement with Northwest Arkansas Regional Planning to continue the Intergovernmental Working Group (IWG) cooperative regional efforts relating to the Second Statement of Joint Principles, the Stressor Response Study contained therein, and to monitor, evaluate, and report the likely effects that future proposed changes to stream standards and wastewater discharge requirements may have on Northwest Arkansas, with an authorized expenditure of up to $40,000 for the agreement and a $5,000 contingency.

BACKGROUND

Coordinated through NWARPC, the Cities of Fayetteville, Springdale, Rogers, Bentonville, and Siloam Springs, and Washington and Benton Counties, have been working together in an effort to ensure our interests are fully represented in any future decisions that may be made by the Arkansas Department of Environmental Quality (ADEQ) and EPA Region 6 relating to phosphorus, future proposed changes to stream standards, and wastewater discharge requirements. Using an approved professional selection process, the group has hired several firms to conduct scientific evaluations and to facilitate the group's efforts. Siloam Springs has officially pulled out of the IWG as of September, 2012, but continues to remain active on the subjects involved.

Fayetteville's focus is that we are well into many activities that protect our watersheds generally and reduce nutrients very specifically. The Nutrient Reduction Plan, stream bank protection ordinance, low impact development ordinance, aggressive public education campaigns, evaluation of the stormwater utility, and strict stormwater management are all examples of efforts completed, underway, and programmed in the future. We believe these efforts can produce better results for water quality at significantly reduced cost compared to simply reducing the wastewater treatment permit limits.

DISCUSSION

This amendment updates the agreement and adds in a financial commitment to support the Stressor Response Study which is agreed to within the Second Statement of Joint Principles and Actions between Arkansas and Oklahoma relating to water quality in the Illinois River. This study will produce what Arkansas agencies have been requesting for decades- a scientific based determination of what the water quality standards should be in the Illinois River. This agreement will allow the IWG, through Northwest Arkansas Regional Planning, to provide a portion of the funds needed to fund the study. The study is estimated not to exceed $600,000 total, and will be completed in approximately two years.

BUDGET IMPACT

$69,856 is available in project 10027.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION RELATING TO THE SECOND STATEMENT OF JOINT PRINCIPLES, STRESSOR RESPONSE, AND MONITORING EVOLVING WATER QUALITY ISSUES, AUTHORIZING AN EXPENDITURE OF UP TO $40,000.00 FOR THE AGREEMENT, AND AUTHORIZING A $5,000.00 CONTINGENCY

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 amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the Second Statement of Joint Principles, stressor response, and monitoring evolving water quality issues, authorizes an expenditure of up to $40,000.00 for the Agreement, and authorizes a $5,000.00 contingency.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

AMENDMENT 1 TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

This agreement is made this _____ day of _____, 2013 by and between the City of Fayetteville, Arkansas, hereinafter called City, and the Northwest Arkansas Regional Planning Commission, hereinafter called NWARPC.

WHEREAS, Springdale, Rogers, Fayetteville, Bentonville, Benton County, and Washington County have continued participation in a coordinated, cooperative regional effort to insure that the region's interests are fully represented in any future decisions that may be made regarding water quality matters, particularly as they relate to impending phosphorus standards; and

Whereas, Arkansas and Oklahoma, on February 20, 2013, entered into an agreement entitled "Second Statement of Joint Principles and Actions" conditionally extending for 3 years the original 10-year agreement associated with Oklahoma's phosphorus limits; and

Whereas the Second Statement of Joint Principles and Actions includes a Stressor Response Study to be funded by entities within the State of Arkansas

The City of Fayetteville Agrees To:

Add actions related to the Second Statement of Joint Principles and Actions, including providing an equal share of funding of up to $40,000 per year for up to two years for the Stressor Response Study and other actions, to the scope of this Intergovernmental Agreement.

The Northwest Arkansas Regional Planning Commission Agrees To:

Add actions related to the Second Statement of Joint Principles and Actions, including the Stressor Response Study and other actions, to the scope of this Intergovernmental Agreement.

All elements of the base agreement remain in effect.

IN WITNESS WHEREOF, the City of Fayetteville and the Northwest Arkansas Regional Planning Commission have executed these presents by their respective authorized representatives, having been authorized to do so by appropriate resolution.

Northwest Arkansas Regional Planning Commission

Director

City of Fayetteville

Mayor

Witnessed By:

City Clerk

Added at Agenda Session 3-12-13

AGENDA REQUEST

FOR: COUNCIL MEETING OF ~~APRIL 2, 2013~~ March 19, 2013

FROM:

ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §114.02 **Farmers' Market** To Transfer The Current Free Use Of The South Parking Spaces On Mountain Street To The Control Of The Rural Mountain Producers Exchange Board, To Close Mountain Street To Traffic, To Permit Sound Application During Farmers' Market And To Make Other Changes

APPROVED FOR AGENDA:

Matthew Petty, Alderman — Date: 3-12-13

City Attorney (as to form) — Date: 3-12-13

Left on Third Reading and Tabled to the 5/7/13 CC mtg at the 4/14/13 CC mtg
Left on the Second Reading at the 4/2/13 CC mtg. & Sent to Ordinance Review Committee
Left on the First Reading at the 3/19/13 CC mtg.

Handed out at the 4-16-13 City Council meeting. 4:45 p.m.
amendment at the City Council meeting 4-16-13

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §114.02 **FARMERS' MARKET** TO AMEND THE USE OF PARKING SPACES ON THE SQUARE ON SATURDAYS, TO PERMIT SOUND AMPLIFICATION DURING FARMERS' MARKET WITH A SPECIAL EVENT PERMIT AND TO MAKE OTHER CHANGES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 **Farmers' Market** *(A) Establishment, location and parking restrictions* of the Fayetteville Code by repealing it in its entirety and enacting a replacement (A) as shown below:

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

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby moves and renames Section 114.02 (B) to (C), moves and renames Subsection (C) to (D), moves and renames Subsection (D) to (E), and repeals Subsection (E) in its entirety.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts a replacement subsection (B) as follows:

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

(1) All streets closed. The exterior parking spaces for all streets around the Square: East, Center, Block and Mountain shall be available for vendors as assigned by the Rural Mountain Producers' Exchange management by closing all four streets to non-vendor vehicular traffic. Vendors using large commercial delivery vehicles, such as box trucks, shall either be located on the interior parking spaces around the Old Post Office Building or park their vehicles outside the designated market area to maintain storefront visibility. The Rural Mountain Producers Exchange management may leave Center Street or Block Avenue open to through traffic if there is an insufficient number of vendors to fill the north side parking spaces of Center Street or the west side of Block Avenue. The requirements of this subsection shall not apply to Center Street when it remains open to through traffic. No vendor parking is allowed on the west side of Block Avenue, except for food trucks which shall be limited to the southern most and northern most parking spaces.

(2) Pedestrian aisles. To facilitate the flow of pedestrians between storefronts and the streets, midblock pedestrian aisles of at least five feet in width shall be maintained on both sides of each closed street. On the west side of East Avenue, the Old Post Office access easement shall be such an aisle. On the south side of Mountain Street, the opening into the Town Center Plaza shall be used for the aisle.

(3) Exhibition spaces. A minimum of twenty eight (28) feet on either side of each closed street shall be set aside and managed by the Rural Mountain Producers Exchange management as exhibition space for nonprofit entities. The Exchange management shall make available an online form for the reservation of exhibition space on a first-come, first-served basis. No vehicles may be parked within exhibit spaces. Unclaimed exhibition space shall be managed by the Rural Mountain Producers Exchange management and may be used by store owners for sidewalk sales, as temporary seating or by market vendors.

(4) Prepared food vendors. Vendors serving prepared food for consumption at the Farmers' Market shall not be located directly in front of any restaurant storefront without the written permission of the restaurant owner.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends section 114.02 (C) *Articles permitted to be sold* by adding "and have all appropriate permits" to the last sentence.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (H) *Dogs on the Square during the Farmers' Market* as follows:

> *(H) Dogs on the Square during Farmers' Market.* The presence of properly leashed and socialized dogs shall be allowed on the Square during Farmers' Market. Each person with a leashed dog shall have on their person a plastic bag which must be used immediately by the dog's handler or owner to remove any and all feces from their dog. Such bag must be immediately shown to any Fayetteville Animal Control Officer or Police Officer when requested. If a dog damages any vendor's produce or product, the owner or handler shall immediately pay the full value to the vendor for such damaged produce or product. Any unprovoked dog that acts aggressively toward other dogs or provokes other dogs, and any dog that growls or acts aggressively toward any person shall immediately be removed from the entire Square area by its owner or handler and never returned until properly socialized not to be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to $250.00.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (I) *Annual Report to City Council* as follows:

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

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (J) *Fees* as follows:

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

PASSED and **APPROVED** this 16th day of April, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Handed out at the 4-16-13 City Council meeting

10:00 am

Summary re: Farmers' Market expansion

For safety

- Block Ave will be closed to traffic this season. Center St probably closed in 2014.
    - Right-turns would still be allowed at each corner of the square.
    - When a street closes, the Market can use the parking spaces on both sides of the street.

More space for everyone

- Vendors and nonprofit/social groups both get more space (about 37% more each).
- Today, about 11% of all space is reserved for nonprofits/social groups. That ratio is maintained.
    - I call that space *exhibition space*.
- Exhibition space is allocated equally to each street that is closed to traffic.
- More space for guest vendors (face painting, weaving, etc), musicians, and performance troupes.

For the brick and mortar businesses

- Sidewalk sales are allowed, and the Farmers' Market will do cross-promotion for the businesses.
- Lines of sight from the street to the stores are maintained by limiting vehicle locations. On Block Ave, no vehicles will be parked in front of storefronts.
    - Tents are raised high enough so that passersby can see underneath them from the street and observe the activity on the sidewalk, drawing them closer to storefronts and sidewalk sales.
- Midblock pedestrian aisles facilitate pedestrian flow between sidewalks and the streets.

Dogs

- Dog lovers will have a right to bring their dogs.
- Owners must carry plastic bags and are responsible for their dogs' actions (they have to pay the vendor if their dog damages merchandise).

Annual reporting and other information

- A map shall be published online which shows the location of vendor and exhibition spaces.
- The Farmers' Market will put a form for reserving exhibition spaces on their website.
- The Farmers' Market must give an annual report on changes in revenue/expenses, growth plans, etc to the City Council at their first March meeting of each year, for each of the markets located on City property.

City Council control of vendor fees

- The City Council repeals the government-mandated level of vendor fees but makes it law

that vendor fees can only be adjusted by a membership vote of the Rural Mountain Producers Exchange Board. Note: Any future City Council may reimpose a vendor fee with a new ordinance.

- The annual reports will give the Council an opportunity to review the management practices of the Market, have input on growth plans, and ample time to consider attendant legislation, if any.

For illustrative purposes only

	Current scenario	Proposed scenario	Increase	% Increase
Vendor frontage	666	918	252	37.84%
Exhibition frontage	82	112	30	36.59%

*Units in linear feet.

Percentage of space reserved for exhibitors	10.96%	10.87%

Gross frontage	1060	
Net usable frontage	1030	(Accounts for new pedestrian aisles)
Currently used frontage	748	
Net increase in used frontage	27.38%	

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §114.02 **FARMERS' MARKET** TO AMEND THE USE OF PARKING SPACES ON THE SQUARE ON SATURDAYS, TO PERMIT SOUND AMPLIFICATION DURING FARMERS' MARKET WITH A SPECIAL EVENT PERMIT AND TO MAKE OTHER CHANGES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 **Farmers' Market** *(A) Establishment, location and parking restrictions* of the Fayetteville Code by repealing it in its entirety and enacting a replacement (A) as shown below:

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

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby moves and renames Section 114.02 (B) to (C), moves and renames Subsection (C) to (D), moves and renames Subsection (D) to (E), and repeals Subsection (E) in its entirety.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby enacts a replacement subsection (B) as follows:

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

(1) All streets closed. The exterior parking spaces for all streets around the Square: East, Center, Block and Mountain shall be available for vendors as assigned by the Rural Mountain Producers' Exchange management by closing all four streets to non-vendor vehicular traffic. Vendors using large commercial delivery vehicles, such as box trucks, shall either be located on the interior parking spaces around the Old Post Office Building or park their vehicles outside the designated market area to maintain storefront visibility. The Rural Mountain Producers Exchange management may leave Center Street open to through traffic if there is an insufficient number of vendors to fill the north side parking spaces. The requirements of this subsection shall not apply to Center Street when it remains open to through traffic. No vendor parking is allowed on the west side of Block Avenue, except for food trucks which shall be limited to the southern most and northern most parking spaces.

(2) Pedestrian aisles. To facilitate the flow of pedestrians between storefronts and the streets, midblock pedestrian aisles of at least five feet in width shall be maintained on both sides of each closed street. On the west side of East Avenue, the Old Post Office access easement shall be such an aisle. On the south side of Mountain Street, the opening into the Town Center Plaza shall be used for the aisle.

(3) Exhibition spaces. A minimum of twenty eight (28) feet on either side of each closed street shall be set aside and managed by the Rural Mountain Producers Exchange management as exhibition space for nonprofit entities. The Exchange management shall make available an online form for the reservation of exhibition space on a first-come, first-served basis. No vehicles may be parked within exhibit spaces. Unclaimed exhibition space shall be managed by the Rural Mountain Producers Exchange management and may be used by store owners for sidewalk sales, as temporary seating or by market vendors.

(4) Prepared food vendors. Vendors serving prepared food for consumption at the Farmers' Market shall not be located directly in front of any restaurant storefront without the written permission of the restaurant owner.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends section 114.02 (C) *Articles permitted to be sold* by adding "and have all appropriate permits" to the last sentence.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (H) *Dogs on the Square during the Farmers' Market* as follows:

> *(H) Dogs on the Square during Farmers' Market.* The presence of properly leashed and socialized dogs shall be allowed on the Square during Farmers' Market. Each person with a leashed dog shall have on their person a plastic bag which must be used immediately by the dog's handler or owner to remove any and all feces from their dog. Such bag must be immediately shown to any Fayetteville Animal Control Officer or Police Officer when requested. If a dog damages any vendor's produce or product, the owner or handler shall immediately pay the full value to the vendor for such damaged produce or product. Any unprovoked dog that acts aggressively toward other dogs or provokes other dogs, and any dog that growls or acts aggressively toward any person shall immediately be removed from the entire Square area by its owner or handler and never returned until properly socialized not to be aggressive to humans, dogs or other animals. A Fayetteville Animal Control Officer or Police Officer can order any owner or handler to immediately remove a dog from the Farmers' Market area if in their opinion the dog is not properly socialized or is otherwise a safety or other type of problem. Failure to obey such lawful orders or any other violation of any provision of this subsection can be punished by a fine of up to $250.00.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (I) *Annual Report to City Council* as follows:

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

Section 7: That the City Council of the City of Fayetteville, Arkansas hereby enacts section 114.02 (J) *Fees* as follows:

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

PASSED and **APPROVED** this 16th day of April, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

From: Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org>
To: Kit Williams <kwilliams@ci.fayetteville.ar.us>
Date: 3/7/2013 1:27 PM
Subject: Re: Farmers' Market Ordinance

Good afternoon, I just wanted to follow up on this. I really want the Council to have an opportunity to consider this at the next meeting before the Market season really gets going.

-M

On Mon, Mar 4, 2013 at 11:13 AM, Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org> wrote:

> Good morning, Kit -
>
> I'd like bring forward an ordinance making the following four changes to
> the existing Farmers' Market ordinance. These changes were requested by the
> Market.
>
> Can we work these up in time for inclusion with the next agenda?
>
> Thanks,
> M
> * Farmers' Market Ordinance ChangesCity Ordinance XI Chapter 114.02 (A)
>
> - Add the south side of Mountain St to the space which shall be
> available for vendors by closing the street to through traffic.
> - Append to last sentence such that "No sound amplification devices
> may be used unless aproved by City special event permit issued to the
> Farmers' Market. No other organization or individual may apply for this
> permit during Farmers' Market hours of operations without written approval
> by the Farmers' Market.
>
> (C)
>
> - append "and have all appropriate permits" to the end.
>
> (E)
>
> - Remove this section.
>
> *
>

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

CHAPTER 114: FOOD SALES

114.01 Drive-In Restaurants

(A) A drive-in restaurant, within the meaning of this chapter, shall be deemed to be any restaurant where meals, sandwiches, ice cream, or other food, is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles, or other vehicles parked on the premises.

(B) Prohibited Acts.

(1) It shall be unlawful for any person, while on or adjacent to the premises of a drive-in restaurant, to race the motor of any car, to suddenly start or stop any car, or to make or cause to be made, any other loud or unseemly noise.

(2) It shall also be unlawful for any other person parked on the premises of such restaurant, to blow or cause to be blown any automobile horn or motorcycle horn at any time while so parked.

(3) It shall be unlawful for any patron or other person on the premises of a drive-in restaurant, whether in or out of an automobile, to drink any intoxicating beverage of any nature.

(4) It shall be unlawful for a group of three or more persons to congregate and linger at any location on the premises of a drive-in restaurant. Persons so congregating and lingering shall be deemed guilty of loitering. No person shall drive a motor vehicle on to the premises of a drive-in restaurant and then from said premises without parking such motor vehicle, unless there is no unoccupied parking space available on said premises.

(5) It shall be unlawful for any person to leave any unoccupied motor vehicle on any drive-in restaurant parking lot and to leave the premises thereof, except with the knowledge and consent of the operator of the restaurant.

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

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

114.02 Farmer's Market

(A) *Establishment, location, and parking restrictions.* A farmers' market is hereby established in the city. This marketplace shall be located on the interior parking spaces (those parking spaces adjoining the Old Post Office) of the Downtown Square. In addition, on Saturdays only, parking spaces on the east side of the East Street on the Downtown Square shall be available for vendors by closing the street to through traffic. Vendors shall be permitted to park their vehicles at right angles to street curbs provided that no vehicle shall be permitted to extend into the street in such a manner as to obstruct the free flow of traffic, and no vehicle shall be parked within 15 feet of any fire plug. All public sidewalks around the Square shall remain freely available to the public with the inside two-thirds width of the sidewalks free from any tables, booths or displays. Farmers' Market vendors may occupy no more than one-third of the width of the sidewalk directly in front of their assigned parking space. As long as pedestrian traffic is not obstructed or hindered, the corners of the Square's sidewalks and any unoccupied space around the outside third of the sidewalk can be used during the authorized hours and days of the Farmers' Market for government communication, free speech and acoustic music purposes. No sound amplification devices may be used.

Amended

(B) *Days and hours.* The Farmers' Market may be open and operating Tuesdays and Thursdays from 6:00 a.m. until 1:00 p.m. and on Saturdays from 6:00 a.m. until 2:00 p.m. from April until Thanksgiving.

(C) *Articles permitted to be sold.* The following articles may be sold at the marketplace established hereby: vegetables, honey, raw juices, molasses, fruit, and other produce grown by the vendor thereof, plants, art work, craft work, and other processed farm products produced by the vendor thereof. All products sold at the marketplace must be produced in compliance with all applicable regulations of the State Department of Health.

(D) *Sanitation.* At the close of each market day, each vendor shall be required to leave the marketplace in a clean and sanitary condition, free from debris and insects.

(E) *Fee.* The fee to be paid by each vendor for the use of the marketplace shall be $5.00 per year plus ten percent of gross proceeds realized by the vendor from sales at the marketplace.

(F) *Use of public streets for business prohibited; exception.* It shall be unlawful for any person to use any public street, public parking place, or public

to be removed

sidewalk, as a place of business except as authorized by this section; provided, any merchant whose building is adjacent to a public sidewalk may conduct business thereon if pedestrian traffic is not obstructed thereby; provided further, the City Council may approve temporary use of a public street, place, or sidewalk as a marketplace where such use is part of an event, activity, or celebration of general public interest. The City Council may impose reasonable conditions on such use as are necessary to safeguard the public health, safety, and welfare.

(G) *City laws and regulations prevail over Rural Mountain Producers Exchange Board policies.* If the Mayor determines that a policy of the Rural Mountain Producers Exchange Board concerning its operation of the Farmers' Market on city property violates the law or city regulations, such policy shall be revoked and no longer operative. The Rural Mountain Producers Exchange Board may appeal such revocation of any of its policies to the City Council.

(Code 1965, §13-14; Ord. 2040, 8-20-74; Ord. No. 2846, 8-17-82; Ord. No. 2862, 10-5-82; Ord. No. 2925, 6-7-83; Code 1991, §114.03; Ord. No. 4045, §1, 7-15-97; Ord. No. 4248, 6-6-00; Ord. 5309, 4-6-10)

Cross reference(s)--Penalty, §10.99.

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

114.03 First Thursday Fayetteville

(A) Establishment, hours and dates. First Thursday Fayetteville is hereby established. This monthly event shall run on the first Thursday of every month from April through November during the hours of 4 P.M. through 10 P.M.

(B) *Location, parking restrictions and administration.* First Thursday Fayetteville shall be located and have control over the public parking spaces along both sides of East Avenue between Mountain Street and Center Street, along both sides of Center Street between East Avenue and Block Avenue, along both sides of Block Avenue between Center Street and Mountain Street, and along both sides of Mountain Street between East Avenue and Block Street during its hours of operation. The Fayetteville Convention and Visitors Bureau shall administer First Thursday Fayetteville and is authorized to remove or request the ticketing of vehicles parked within the allocated areas on East Avenue, Center Street, Block Avenue and Mountain Street between 4:00 P.M. and 10:00 P.M. on days of the event. The Bureau is further authorized to close East Avenue between Mountain Street and Center Street, Center Street between East Avenue and Block Avenue, Block Avenue between Center Street and Mountain Street and Mountain Street between East Avenue and Block Street to vehicular traffic during the First Thursday Fayetteville event.

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

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

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

114.04-114.98 Reserved

114.99 Penalty

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

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §114.02 **FARMERS' MARKET** TO TRANSFER THE CURRENT FREE USE OF THE SOUTH PARKING SPACES ON MOUNTAIN STREET TO THE CONTROL OF THE RURAL MOUNTAIN PRODUCERS EXCHANGE BOARD, TO CLOSE MOUNTAIN STREET TO TRAFFIC, TO PERMIT SOUND AMPLIFICATION DURING FARMERS' MARKET AND TO MAKE OTHER CHANGES

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 **Farmers' Market** *(A) Establishment, location and parking restrictions* of the Fayetteville Code by amending the third sentence to include "and on the south side of Mountain Street" and amending the last sentence to allow amplified music by special event permit so that §114.02(A) shall read:

"(A) *Establishment, location and parking restrictions.* A farmers' market is hereby established in the city. This marketplace shall be located on the interior parking spaces (those parking spaces adjoining the Old Post Office) of the Downtown Square. In addition, on Saturdays only, parking spaces on the ease side of East Avenue and on the south side of Mountain Street on the Downtown Square shall be available for vendors by closing the street to through traffic. Vendors shall be permitted to park their vehicles at right angles to street curbs provided that no vehicle shall be permitted to extend into the street in such a manner as to obstruct the free flow of traffic, and no vehicle shall be parked within 15 feet of any fire plug. All public sidewalks around the Square shall remain freely available to the public with the inside two-thirds width of the sidewalks free from any tables, booths or displays. Farmers' Market vendors may occupy no more than one-third of the width of the sidewalk directly in front of their assigned parking space. As long as pedestrian traffic is not obstructed or hindered, the

corners of the Square's sidewalks and any unoccupied space around the outside third of the sidewalk can be used during the authorized hours and days of the Farmers' Market for government communication, free speech and acoustic music purposes. No sound amplification may be used unless approved by the Rural Mountain Producers Exchange Board and City through its Special Event Permit Process.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 (C) *Articles permitted to be sold* by adding "and have all appropriate permits" to the last sentence.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends §114.02 (E) *Fee* by repealing it and relettering subsections (F) & (G) appropriately.

PASSED and **APPROVED** this 19th day of March, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/2/2013
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

R-PZD12-4284: Residential Planned Zoning District (PARK HILL AT MOUNTAIN RANCH, 478): Submitted by JORGENSEN AND ASSOCIATES for property located at THE SOUTHWEST CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD, containing approximately 2.23 acres. The request is for zoning, land use, and preliminary plat approval for a Residential Planned Zoning District with 13 single-family dwellings.

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	03.15.2013 Date	Previous Ordinance or Resolution #
City Attorney	3-15-13 Date	Original Contract Date:
Finance and Internal Services Director	3/18/13 Date	Original Contract Number:
Chief of Staff	3/18/13 Date	
Mayor	3/18/13 Date	

Received in City Clerk's Office: 03-15-13 A10:58 RCVD

Received in Mayor's Office: ENTERED 3/15/13 PH

Comments:

left on the Second Reading at the 4/16/13 CC mtg.
left on the First Reading at the 4/2/13 CC mtg.

Fayetteville ARKANSAS
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
Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: January 18, 2013

Subject: 12-4284 R-PZD (Park Hill at Mountain Ranch)

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance for zoning, land use, and preliminary plat approval of a residential planned zoning district for 13 single family dwellings.

BACKGROUND

The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are four-story apartment buildings. Other developments in the area include the Rupple Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

In 2009 the City Council approved this same Planned Zoning District (R-PZD 09-3253). However, the approval has expired and the applicant is now proposing the same development.

In staff's opinion the requested zoning is compatible with surrounding land use and density and is consistent with the goals of City Plan 2030.

DISCUSSION

This item was heard at the Planning Commission meeting January 14, 2013. No public comment was presented at that meeting. The Planning Commission voted 7-0-0 in favor of this R-PZD request.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 12-4284, PARK HILL AT MOUNTAIN RANCH, LOCATED AT THE SOUTHWEST CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD; CONTAINING APPROXIMATELY 2.23 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-PZD 09-3253 to R-PZD 12-4284 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and **APPROVED** this day of , 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

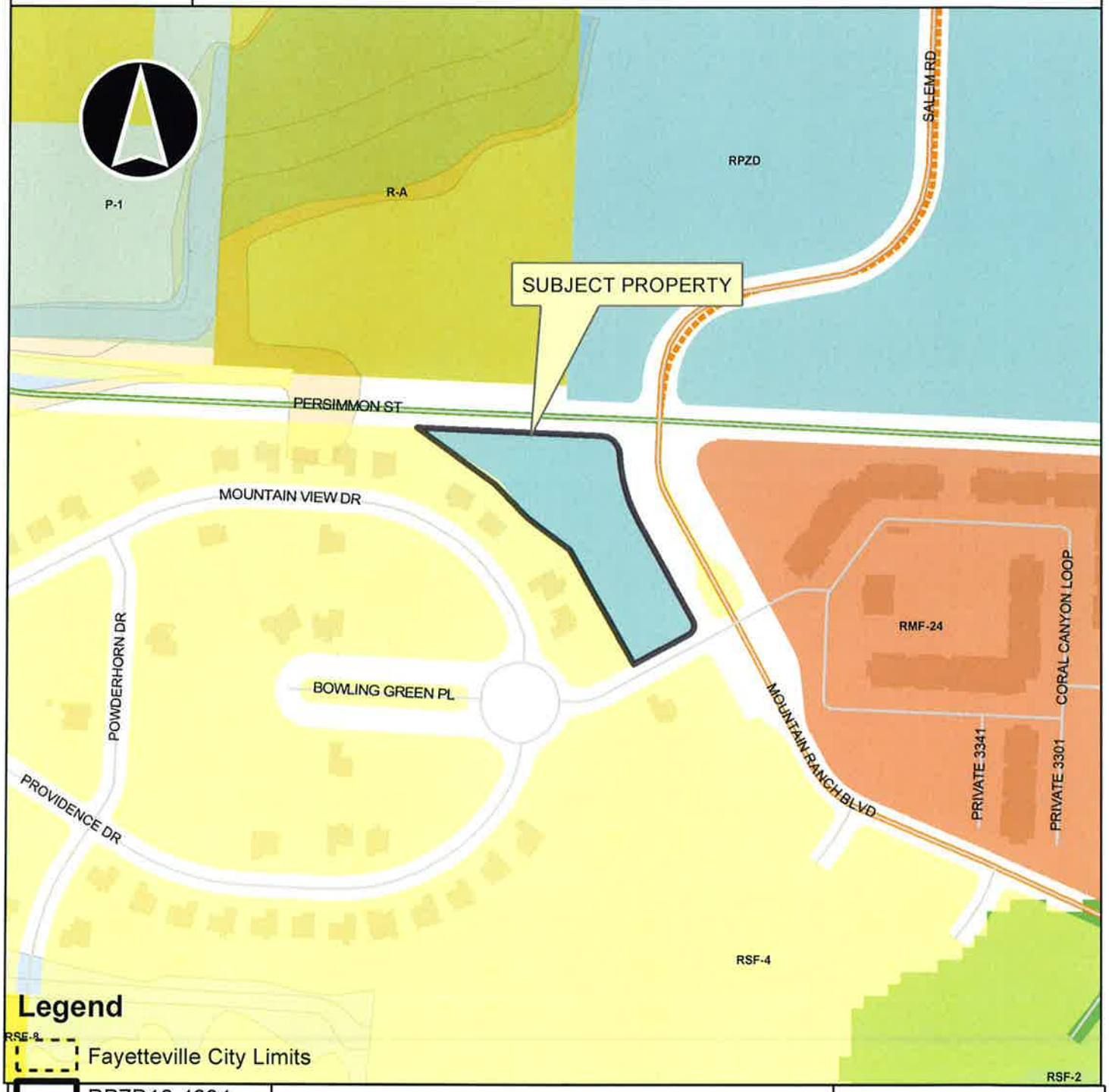
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RPZD12-4284

Close Up View

PARK HILL AT MOUNTAIN RANCH



Legend

- Fayetteville City Limits
- Overview RPZD12-4284
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 125 250 500 750 1,000 Feet

EXHIBIT "B"
R-PZD 12-4284

ALL OF LOTS 94,95,96,97 AND 118 AND A PART OF THE LOTS 87,88,89 AND 90 OF MOUNTAIN RANCH SUBDIVISION PHASE 1 AS PER PLAT OF FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 87 THENCE S87°34'55"E 377.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 59.18 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND CHORD BEARING OF S45°11'51"E 53.93 FEET, THENCE ALONG A CURVE TO THE LEFT 148.16 FEET, SAID CURVE HAVING A RADIUS OF 327.50 FEET AND A CHORD BEARING OF S15°46'23"E 146.90 FEET, THENCE S28°43'59"E 230.79 FEET, THENCE ALONG A CURVE TO THE RIGHT 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND CHORD BEARING OF S16°16'01"W 28.28 FEET, THENCE S61°16'01"W 129.91 FEET, THENCE N28°43'59"W 269.34 FEET, TO THE NE CORNER OF LOT 91, THENCE N52°21'16"W 108.74 FEET, THENCE N37°34'07"W 98.00 FEET, THENCE N57°37'46"W 199.82 FEET TO THE P.O.B.; CONTAINING 2.23 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

CONDITIONS OF APPROVAL:

R-PZD 12-4284

Page 1 of 3

Conditions of Approval:

1. Planning Commission determination of project phasing. The applicant proposes the following phasing:
   - Phase I lots 11 - 13. The lots in this phase currently have access to public water and sewer. No infrastructure improvements would be constructed prior to final plat for this phase. A final plat for Phase I would be processed and recorded immediately after the R-PZD approval. The shared driveway/alley access for the lots in Phase I shall be bonded at 150% the estimated cost prior to the City signing the Final Plat. The alley/driveway shall be constructed with the residences in Phase I. The final Certificate of Occupancy for these homes shall be contingent upon the driveway/alley being completed.
   - Phase II Lots 1 - 10. This second phase would be platted in accordance with the standard timeframe required in the Unified Development Code.

2. The back yards of Lots 87-90 in Mountain Ranch I Final Plat are located within the PZD boundary. Appropriate action need to be completed to create the legal lot for the PZD; this could be either a separate property line adjustment/replat prior to the PZD final plat, or a combined PZD final plat/replat Mountain Ranch Phase I.

3. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet. Building elevations will be reviewed at the time of building permit to ensure compliance. All homes shall be designed with a "front façade" fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.

4. No curb cuts or driveway access shall be allowed other than off of the private alley, as indicated on submitted plans.

5. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.

6. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.

7. The existing 40-foot utility easement crossing Lots 2 and 3 shall be vacated prior to the City signing the final plat for those lots. A separate Vacation application is required to be submitted and processed in the standard process. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.

8. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

CONDITIONS OF APPROVAL:

R-PZD 12-4284

Page 2 of 3

9. On January 7, 2013, the Park and Recreation Advisory Board (PRAB) reviewed the project and recommended accepting money in lieu for 13 single family units to satisfy the park land dedication ordinance due to the development's proximity to Dale Clark Park and Shiloh Trail. Fees have been paid for five single family lots with the Final Plat of Mountain ranch Phase I. Fees in the amount of $7,360 are due for the remaining lots prior to final plat.

10. Conditions of approval from Engineering, Solid Waste, Urban Forestry, and the Parks Departments are included in the official conditions of approval, attached herein.

11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

12. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.

13. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

14. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

15. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

16. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.

17. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    c. Separate easement plat for this project that shall include the tree preservation area.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and

protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Fayetteville
ARKANSAS

PC Meeting January 14, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Glenn Newman, Staff Engineer
THRU: Jeremy Pate, Development Services Director
DATE: ~~January 7, 2013~~ *Updated January 18, 2013*

R-PZD 12-4284: Planned Zoning District (PARK HILL AT MOUNTAIN RANCH, 478): Submitted by JORGENSEN AND ASSOCIATES, INC. for property located at the SOUTHWEST CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD. The property is zoned R-PZD 09-3253 and contains approximately 2.23 acres. The request is for Zoning, Land Use, and Preliminary Plat approval for a Residential Planned Zoning District with 13 single family dwellings. Planner: Andrew Garner

Findings:

Property Description: The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase I Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are four-story apartment buildings. Other developments in the area include the Rupple Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Vacant	R-A, Residential Agricultural, C-PZD (Forest Hills)
South and West	Single family residential	RSF-4, Residential Single Family, 4 units/acre
East	Mountain Ranch Apartments	RMF-24, Residential Multi-Family, 24 units/acre

Background: In 2009 the City Council approved this same Planned Zoning District (R-PZD 09-3253). However, the approval has expired and the applicant is now proposing the same development.

Proposal: The applicant has submitted a request for a Residential Planned Zoning District (R-PZD) for the subject property, proposing 13 single-family lots and one un-developable lot for a park area.

Adjacent Master Street Plan Streets: Persimmon Street (Collector Street), Mountain Ranch Boulevard (Collector Street), and Providence Drive (Local Street).

Access and connectivity: Access to the single-family dwellings is provided by a rear alley accessed from Mountain Ranch Boulevard and Providence Drive.

Right-of-way to be dedicated: All adjacent streets have been improved and meet the Master Street Plan right-of-way requirements.

Phasing: The applicant proposes to plat and develop the subdivision in two phases.

Phase I. The first phase is lots 11 - 13 which currently have access to public water and sewer. A final plat for this first phase would be processed and recorded immediately after the R-PZD approval, with no infrastructure required. The shared driveway/alley access for the lots in Phase I are proposed to be constructed with the homes, with public improvement bonds for the shared alley in place prior to building permit. The final Certificate of Occupancy for these homes shall be contingent upon the driveway/alley being completed.

Phase II. This second phase (lots 1 – 10) would be platted in accordance with the standard timeframe required in the Unified Development Code.

Water & Sewer: The subject property has access to public water and sewer service.

Tree Preservation:	Existing Canopy:	0%
	Preserved Canopy:	0%
	Required Canopy:	25%
	Mitigation:	None

Public Comment: Two members of the public asked questions at the January 3, 2013 Subdivision Committee meeting.

Recommendation: Staff recommends forwarding **R-PZD 12-4284** to the City Council with a recommendation of approval, subject to the following conditions:

Conditions of Approval:

1. Planning Commission determination of project phasing. The applicant proposes the following phasing:
   - Phase I lots 11 - 13. The lots in this phase currently have access to public water and sewer. No infrastructure improvements would be constructed prior to final plat for this phase. A final plat for Phase I would be processed and recorded immediately after the R-PZD approval. The shared driveway/alley access for the lots in Phase I shall be bonded at 150% the estimated cost prior to the City signing the Final Plat. The alley/driveway shall be constructed with the residences in Phase I. The final Certificate of Occupancy for these homes shall be contingent upon the driveway/alley being completed.

- Phase II Lots 1 - 10. This second phase would be platted in accordance with the standard timeframe required in the Unified Development Code.

Staff recommends in favor of the proposed phasing.
THE PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION (01-14-2013).

2. The back yards of Lots 87-90 in Mountain Ranch I Final Plat are located within the PZD boundary. The owners of these lots have signed the PZD application. Appropriate action need to be completed to create the legal lot for the PZD; this could be either a separate property line adjustment/replat prior to the PZD final plat, or a combined PZD final plat/replat Mountain Ranch Phase I.

3. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet. Building elevations will be reviewed at the time of building permit to ensure compliance. All homes shall be designed with a "front façade" fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.

4. No curb cuts or driveway access shall be allowed other than off of the private alley, as indicated on submitted plans.

5. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.

6. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.

7. The existing 40-foot utility easement crossing Lots 2 and 3 shall be vacated prior to the City signing the final plat for those lots. A separate Vacation application is required to be submitted and processed in the standard process. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.

8. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

9. On January 7, 2013, the Park and Recreation Advisory Board (PRAB) reviewed the project and recommended accepting money in lieu for 13 single family units to satisfy the park land dedication ordinance due to the development's proximity to Dale Clark Park and Shiloh Trail. Fees have been paid for five single family lots with the Final Plat of Mountain ranch Phase I. Fees in the amount of $7,360 are due for the

remaining lots prior to final plat.

10. Conditions of approval from Engineering, Solid Waste, Urban Forestry, and the Parks Departments are included in the official conditions of approval, attached herein.

Standard Conditions of Approval:

11. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

12. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.

13. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

14. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

15. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.

16. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.

17. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    c. Separate easement plat for this project that shall include the tree preservation area.
    d. Project Disk with all final revisions
    e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Tabled **X** Forwarded ☐ Denied

Motion: Chesser
Second: Pennington
Vote: 7-0-0

Meeting Date: **January 14, 2013**

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

_____ _____
Signature Date

Findings associated with R-PZD 12-4284 (Park Hill at Mountain Ranch)

Sec. 166.06. Planned Zoning Districts (PZD)

(E) *Approval or Rejection Criteria for Planned Zoning Districts*

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

(1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2030;

FINDING: Staff finds the application to be in compliance with the Master Development Plan-Planned Zoning District criteria established by the City Council. City Plan 2030 designates this site as a Residential Neighborhood Area. The proposed zoning and development criteria encourage a layout that promotes walkability and traditional residential urban design. Rezoning this property to R-PZD 12-4284 with single-family dwelling units at an average density of 6 units per acre is consistent with the land use plan and the surrounding land uses including multi-family to the east and single-family and undeveloped land uses to the west, south, and north.

Goal 2: We will discourage suburban sprawl. **Staff finds that the proposed development is an infill project that promotes walkability in close proximity to a public school, a community center, and future non-residential services and will utilize existing infrastructure and city services that are nearby while protecting the integrity of the predominantly single-family residential neighborhood to the east.**

Goal 3: We will make traditional town form the standard. **Staff finds that the proposed development supports the City's goal to promote traditional town form, contributing to a variety of housing types and lot sizes in close proximity to a future commercial node in a developing neighborhood.**

Goal 6: We will create opportunities for attainable housing. **Staff finds that the proposed development, with smaller lot and home sizes than a typical RSF-4 subdivision, contributes to the City's goal to create opportunities for attainable housing by adding to the variety of housing types that are being constructed in the neighborhood.**

(2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be in compliance with all applicable statutory provisions.

(3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would not adversely impact public services and facilities in the surrounding areas. Sufficient infrastructure has been installed to accommodate the addition of 13 single-family dwellings.

(4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning for detached single family homes is compatible with the surrounding land uses including multi-family to the east and single-family and undeveloped land uses to the west, south, and north.

(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended single family residential use is suitable for the subject property which is flat without tree canopy or significant natural features.

(6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on the adjacent public streets; however, the overall density would not create an appreciable amount of traffic above that which can be managed with the streets in the area.

(7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The project booklet and plans provide for a unified development under a unified development plan.

(8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

Sec. 161.29 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds that the proposed development is compatible with the surrounding and adjacent land uses and will be beneficial to the community. Staff finds this proposal meets the intent of many of the parameters of the City Plan 2030, as well as the above criteria, including flexibility in density, compatibility with surrounding land uses and integration of a varied housing type and lot size. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering detached single-family housing types with reduced setback requirements, recreational green space, a variety of lot dimensions compared with the surrounding neighborhood.

The following guiding policies within Residential Neighborhood Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2030:

Residential Neighborhood Areas:

a. Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.

b. Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

c. Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.

d. Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.

e. Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

(C) *R – PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2030 and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed planned zoning district with smaller single family lots will allow variety in land use in a predominantly RSF-4-zoned residential area consistent with City Plan 2030. It will also promote an effective relationship between different, but compatible land uses including the Mountain Ranch Apartments to the east and suburban single

family homes to the west. The project provides suitable transition between these different land uses. The project will not result in heavy traffic or excessive demands on existing public facilities. This is a flat site with no tree canopy or natural feastures to be preserved.

(2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

(4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) ***Bulk and area regulations***

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;
(b) the densities allowed under the current zoning;
(c) the urban development goals and other policies of the city's General Plan;
(d) the topography and character of the natural environment; and
(e) the impact of a given density on the specific site and adjacent properties.

(2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective

residential, office, commercial or industrial district which most depicts said development scheme.

Required Findings for Rezoning Request.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

FINDING: The proposed R-PZD is consistent with the City's Residential Neighborhood Area land use designation to encourage traditional neighborhood development as these homes will be placed close to the street with a rear-access private alley. Staff finds that the proposal complies with Goal 2 to discourage sprawl with development that utilizes existing city infrastructure. Additionally, staff finds that the proposal supports Goal 3 to make traditional town form the standard by proposing narrow, alley-loaded lots. The proposed zoning district introduces a variety of housing types into the neighborhood as the surrounding Mountain Ranch neighborhood are all front-loaded, standard RSF-4 lots of about 0.25-acres. The site is within walking distance to community services (Boys and Girls Club and Owl Creek School). Finally, staff finds that the proposal complies with Goal 6 to create opportunities for attainable housing. Staff finds that attainable housing can and should be encouraged through the creation of a variety of housing types within a single neighborhood development, rather than concentrating attainable house in a separate development.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

FINDING: Staff finds the proposed zoning is justified and needed. The existing PZD zoning has expired and needs to be re-approved before any development may occur. In this corner location at the intersection of two Collector Streets, a development with a higher density and intensity than the low-density RSF-4 zoning district to the west and south should be encouraged. The proposed PZD and its associated lot layout and development standards ensure the surrounding neighbors, elected and appointed officials that the development will be required to meet the standards proposed. A general rezoning to a higher density residential zoning would also be appropriate in this location, in staff's opinion.

3. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

FINDING: Staff finds this proposal to increase the density from 4 dwelling units/acre to 6 dwelling units/acre for approximately 2.23 acres will not create or appreciably increase traffic danger and congestion. Additionally, staff finds that the proposal to provide only

one curb cut onto Persimmon Street and one curb cut onto Providence Drive, for a total of two curb cuts, significantly decreases potential traffic danger and congestion in comparison to the five curb cuts that are currently allowed for the existing five single-family lots.

4. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

FINDING: Not applicable; staff is recommending approval of the request.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

MEMORANDUM

To: Jeremy Pate

From: Captain Kenny Yates

Date: 1/2/13

Subject: RZN 12-4284

This document is in response to the request for comments on proposed R-PZD (Park Hill at Mountain Ranch, 478) submitted by Jorgensen and Associates, for property located at the SW corner of Persimmon Street and Mountain Ranch Boulevard.

It is the opinion of the Fayetteville Police Department that this R-PZD (12-4284)), will not substantially alter the population density. This R-PZD will not create an appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

TO: Planning Division

FROM: Carole Jones, Park Planner II

DATE: December 27, 2012

SUBJECT: Parks & Recreation Subdivision Committee Review Comments

****

Meeting Date:	January 3, 2013
Item:	PZD 12-4284 (Park Hill at Mountain Ranch, 478)
Park District:	SW
Zoned:	R-PZD
Billing Name & Address:	Cobblestone Homes P.O. Box 180428 Fort Smith, AR 72918

	Current Land Dedication Requirement		***Money in Lieu***	
Single Family	_____ @ 0.023 acre per unit =	_____ acres	8 @ $920 per unit =	$7,360
Multi Family	_____ @ 0.014 acre per unit =	_____ acres	_____ @ $560 per unit =	$_____

COMMENTS:

- On June 1, 2009 PRAB reviewed the project and recommended accepting money in lieu for 13 single family units to satisfy the park land dedication ordinance due to the development's proximity to Dale Clark Park and Shiloh Trail.
- The project is scheduled to be reviewed again by PRAB at the January 7, 2013 meeting.
- Fees have been paid for five single family lots with the Final Plat of Mountain Ranch Phase I.
- Fees in the amount of $7,360 are due for the remaining eight lots.
- The actual amount of fees will be based on the type (single family or multi-family) and number of units. Fees must be paid prior to signing of final plat or issuing of building permits.

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DIVISION
1455 S Happy Hollow Rd
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714
TDD (Telecommunications Device for the Deaf)
(479) 521-1316

URBAN FORESTRY DIVISION

LANDSCAPE REGULATIONS – Chapter 177

To: Jorgensen

From: Megan Dale, Urban Forester/Landscape Administrator

CC: Quin Thompson, Current Planner

Date: 3 January 2013

Subject: PZD 12-4284: Park Hill Subdivision Review Comments

Applicable Requirements:

N/A	**Site Development & Parking Lot Standards**
Y	**Street Tree Planting Standards**
N/A	**Stormwater Facilities**

Plan Checklist:

Y= submitted by applicant
N=required by City Code but not included on submitted plan
NA= not applicable

Tech Plat	SC	PC	
			All Landscape Plans
N	*N*	*NA*	**Irrigation** *notes either automatic or hose bib 100' o.c.* (177.03A.7.g & 177.04.B.3.a)
N	*N*	*NA*	**Species of plant material identified** (177.03.A.7.d & e)
N	*N*	*NA*	**Size of plant material at time of installation indicated** minimum size *2" caliper for trees and 3 gal. shrubs* ([177.03.A.7.b & c)
N	*N*	*NA*	**Soil amendments** *notes include that soil is amended and sod removed* (177.03.C.6.b)
N	*N*	*NA*	**Mulch** *notes indicate organic mulching around trees and within landscape beds* (177.03.C.6.c & d)
N	*N*	*NA*	**LSD and Subdivisions plans stamped by a licensed Landscape Architect, others by Landscape Designer** (177.03.B)
NA	*NA*	*NA*	**Planting bed contained by edging** (177.03.C.6.f)
N	*N*	*NA*	**Planting details according to Fayetteville's Landscape Manual** (177.03.C.6.g)

Tech Plat	SC	PC	
			Site Development & Parking Lot Standards
NA	*NA*	*NA*	**Wheel stops/ curbs** (177.04.B.1)
NA	*NA*	*NA*	**Interior landscaping** (177.04.C) *Narrow tree lawn (8' min width, 37.5' min length/ 1 tree per 12 spaces)* OR *Tree island (8' min. width, 18.7' min. lenght/1 tree per 12 spaces)* *All parking lot trees must be deciduous* (177.04.C.3)
NA	*NA*	*NA*	**Placement of Trees** (177.04.C.2) *Either side at points of access (entrance/exit)*
NA	*NA*	*NA*	**Perimeter landscaping** (177.04.D) *Side and rear property lines (5' wide landscaped)* *Front property line (15' wide landscape)* (177.04.D.2.a) Shade trees planted on south and west sides of parking lots (177.04.D.2.e) *Parking lot adjacent to R.O.W.- continuous row planting of shrubs - 50% evergreen. Remaining landscaping to be ground cover and / or turf.)* (177.04.D.4a) *NOTE: Shade trees are described in street tree planting standards*
			Street Tree Planting Standards *(time of F.P. or permit)* **(177.05)**
Y	*Y*	*NA*	**Residential Subdivisions- 1 large species shade tree/ lot** *tree planted within R.O.W. if possible*
Y	*Y*	*NA*	**Nonresidential Subdivision- 1 large species shade tree/30 L.F.** *tree planted within 15-25' greenspace*
NA	*NA*	*NA*	**Urban Tree Wells-***urban streetscape only- 8' sidewalk* , trees every 30 L.F. (177.05.B.3.a-f)
NA	*NA*	*NA*	**Structural Soil-***if urban wells are used, a note or detail of structural soil must be indicated on the landscape plan*
NA	*NA*	*NA*	**Timing of planting indicated on plans (subdivisions only)** (177.05.A.4)
NA	*NA*	*NA*	**Written description of the method for tracking plantings** (177.05.A.4.e)
N	*N*	*NA*	**Plan contains 3-year Maintenance and Monitoring Agreement. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate.** (177.05.A.2.e)
Tech Plat	**SC**	**PC**	
			Stormwater Facilities *(time of F.P. or permit)* (177.06.A – C)
NA	*NA*	*NA*	**1 deciduous or evergreen tree/ 3000 square feet**
NA	*NA*	*NA*	**4 large shrubs or small trees (3 gal) / 3000 square feet**
NA	*NA*	*NA*	**6 shrubs or grasses (1 gal) / 3000 square feet**
NA	*NA*	*NA*	**Ground cover unless seed or sod is specified**
NA	*NA*	*NA*	**50% of facility planted with grass or grass like plants**

Conditions of Approval:

1. Address items above marked with "N." Add these notes to the plan.
2. Tree Preservation Waiver applies to this site.
3. There are existing trees in ROW along Persimmon. Provide tree preservation fencing on Landscape Plan.
4. Prior to Building Permit approval, all required landscaping will require a performance bond and a completed Landscape Surety Form. Submit a landscape estimate for review at time of construction plan review.

5. Prior to Certificate of Occupancy, a 3-year Maintenance Plan must be submitted with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form.
6. Landscape Architect of record shall inspect site and direct Contractor to make changes to meet Approved plans and details prior to Urban Forester Certificate of Occupancy inspection. No changes to the approved landscape plan may be made without Urban Forester approval.

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS · SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 · FAYETTEVILLE, ARKANSAS 72703 · (479) 442-9127 · FAX (479) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

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

Attn: Development Services
Re: Parkhill @ Mountain Ranch PZD

Dear City;

Included herewith please find a Master Development Plan PZD submittal for Parkhill @ Mountain Ranch. This was a previously approved PZD, including Construction Plans, that never materialized due to a poor economy. A request for an extension was filed in the past but since then no construction was ever started therefore the property has no zoning and this is why the PZD is being submitted again. At this time once the PZD zoning is voted on and construction plans are approved the developer would like to start construction immediately.

Thanks for your time.

Sincerely;

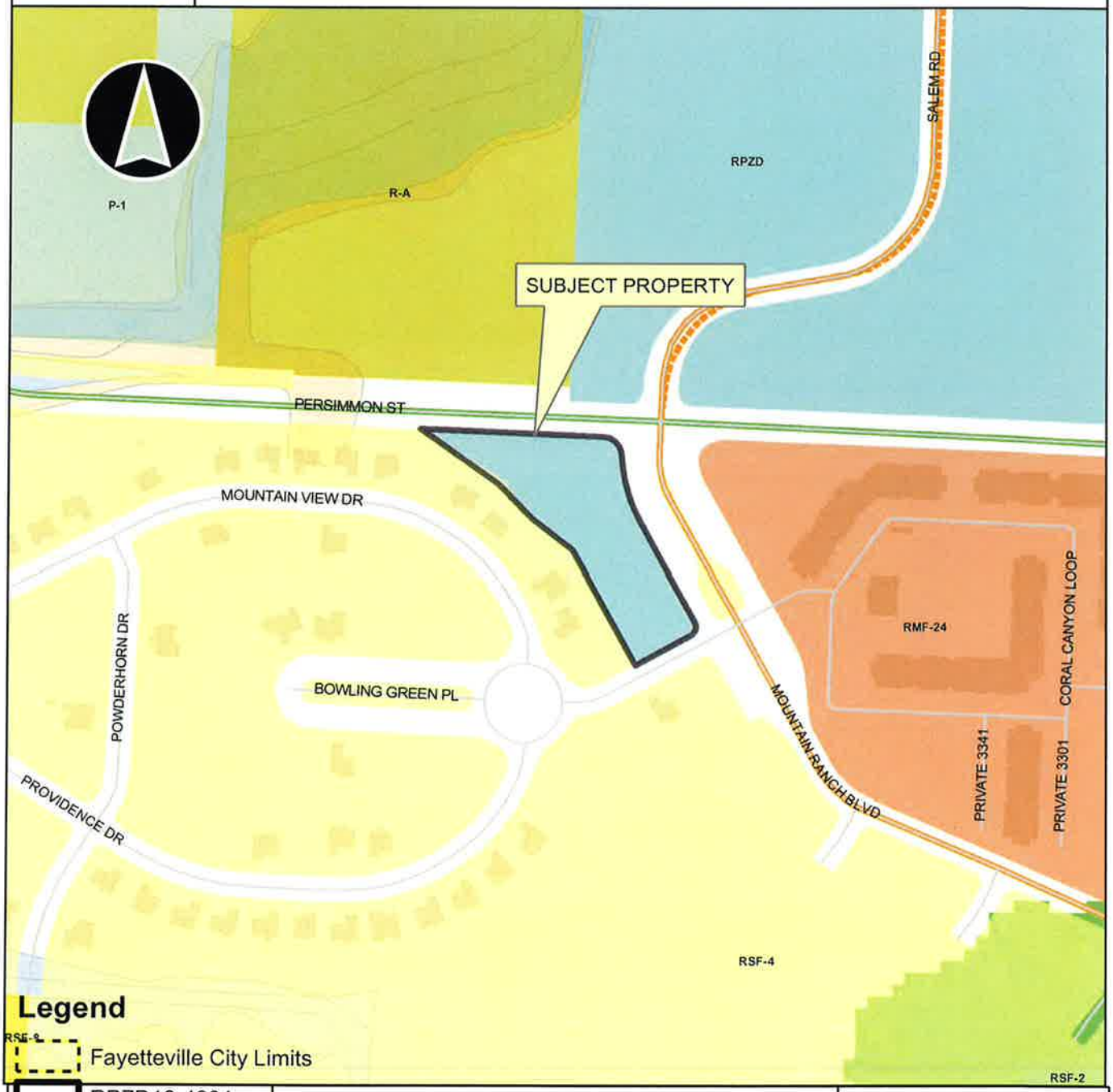
Justin L. Jorgensen, P.E.

SALEM RD
PERSIMMON ST
Lot 87
Lot 88
Lot 89
Lot 90
MOUNTAIN VIEW DR
MOUNTAIN RANCH BLVD
PROVIDENCE DR
NOR
PZD Boundary
1 inch = 100 feet
0 12.5 25 50 75 100
Feet

RPZD12-4284

Close Up View

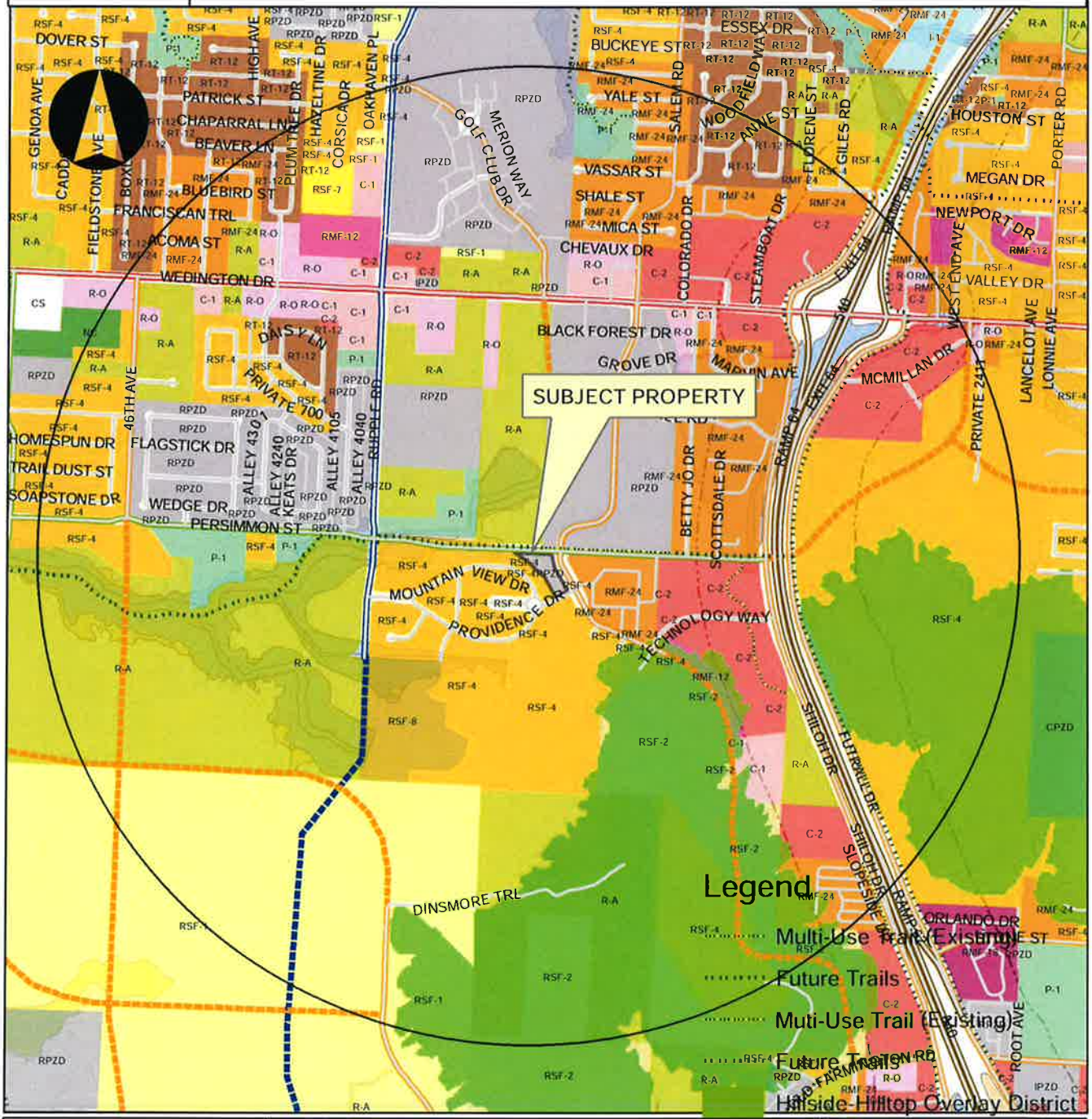
PARK HILL AT MOUNTAIN RANCH



RPZD12-4284

One Mile View

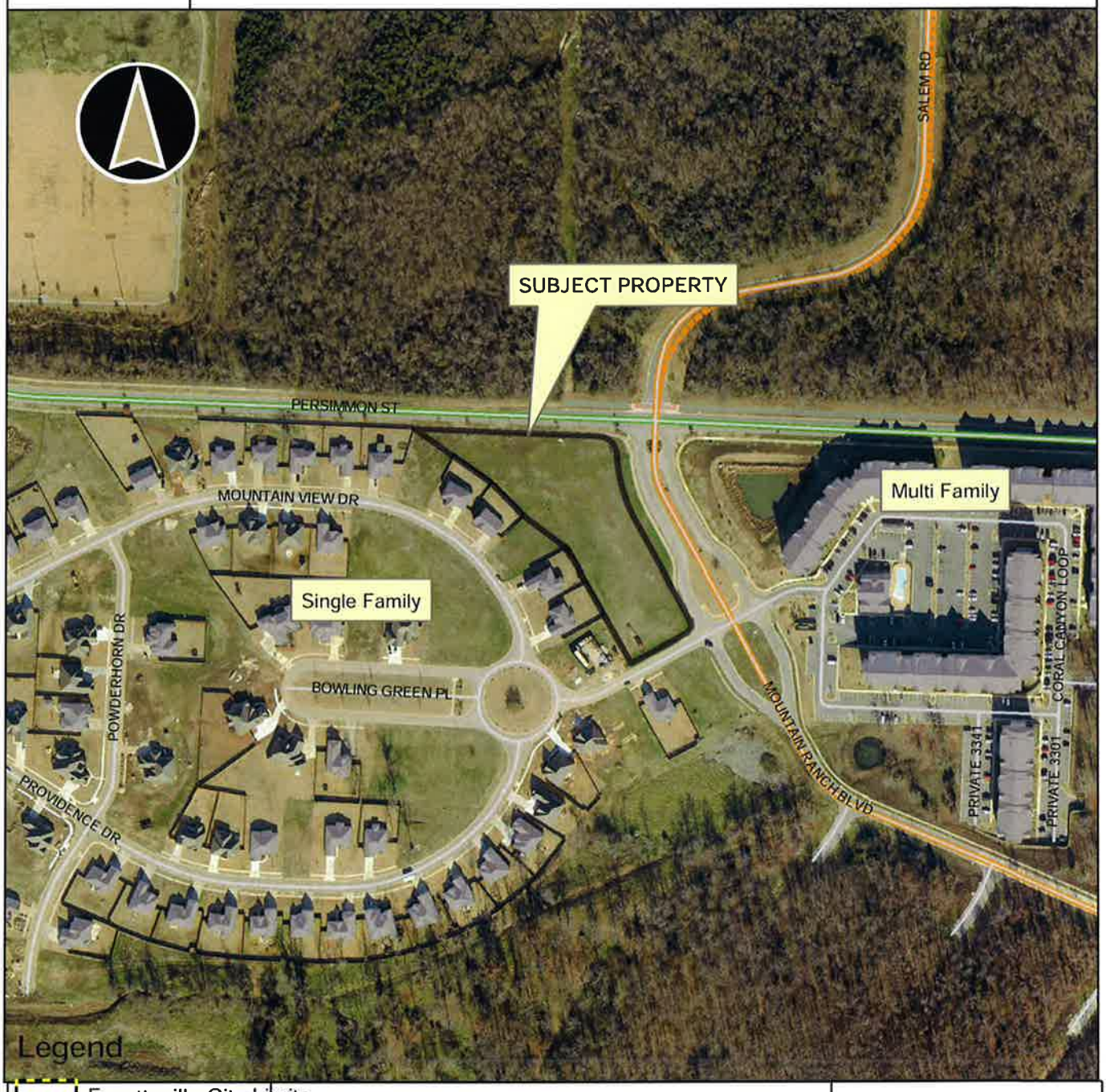
PARK HILL AT MOUNTAIN RANCH



RPZD12-4284

Current Land Use

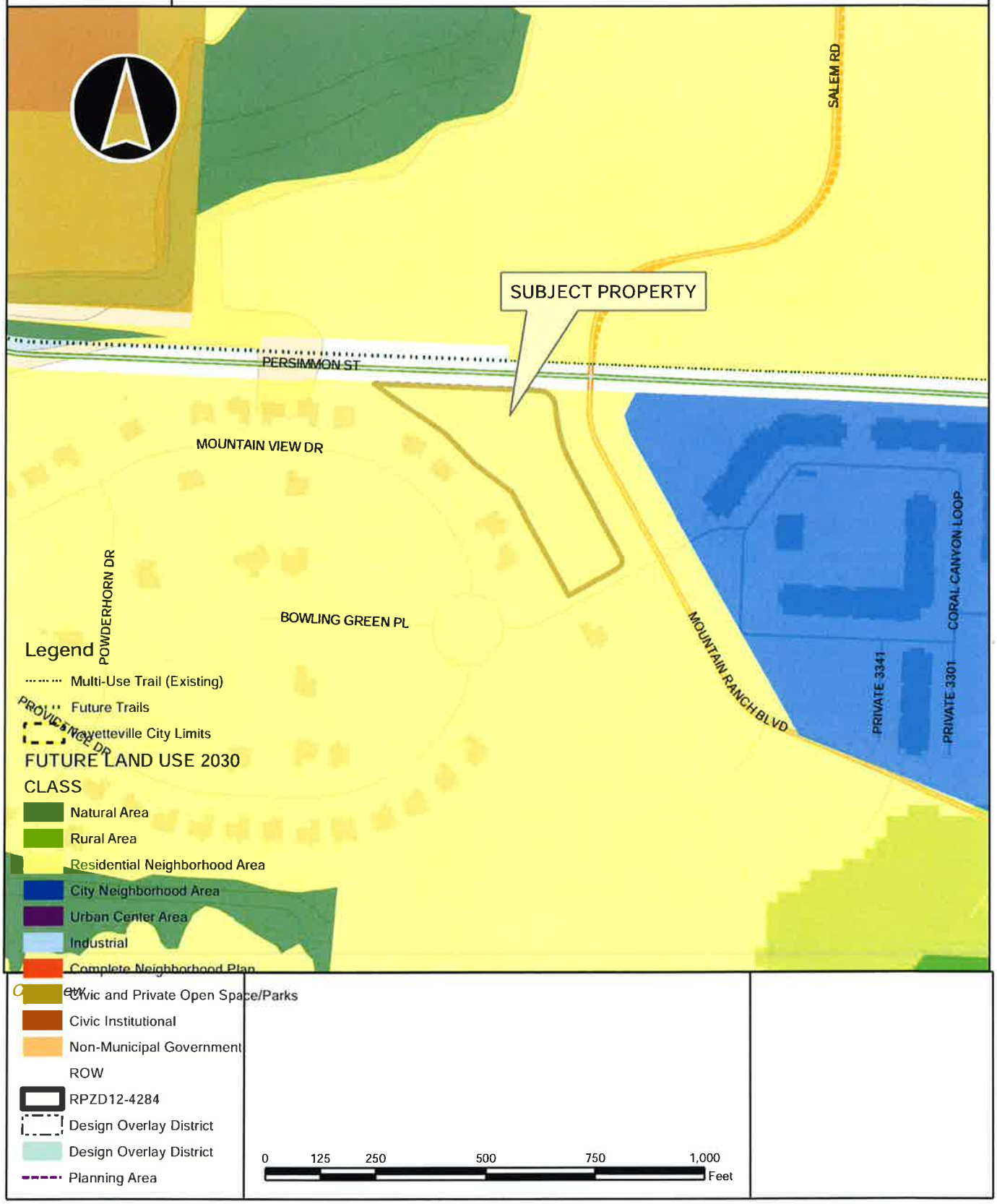
PARK HILL AT MOUNTAIN RANCH



RPZD12-4284

Future Land Use

PARK HILL AT MOUNTAIN RANCH



Park Hill at Mountain Ranch
R-PZD 12-4284

- **PZD Booklet and Plats**

PARK HILL
AT
MOUNTAIN RANCH

LAND USE & ZONING PZD
FAYETTEVILLE, AR.

December 5th, 2012
December 26th, 2012 (Revision Submittal)
January 3rd, 2013 (Revision Submittal)

Owner:
Centennial Bank
8201 Cantrell Road, Suite 140
Little Rock, AR. 72227

Developer:
Cobblestone Homes
PO Box 180428
Fort Smith, AR. 72918

A. CURRENT OWNERSHIP OF PROPERTY AND REPRESENTATIVE

The owner of the majority of the property which is adjacent to Persimmon Street and Mountain Ranch Blvd is Centennial Bank. However there is a small portion of the property along the west side(lot 1 and part of the Park) that is being taken from lots 87-90 of Mountain Ranch Subdivision as shown on the Final Plat. Some of these lots have been sold and built on and the owners are as follows:

- Lot 87: Troy & Angela Walls
- Lot 88: Michael & Jennifer Mallard
- Lot 89: Dick & Holly Johnson
- Lot 90: Cobblestone Homes (The developer of this proposed PZD)

All adjacent property owners are aware of this proposed PZD and have signed a consent form to allow Cobblestone Homes to represent them for this proposal.

The representative for this project is Justin Jorgensen of Jorgensen and Associates.

B. SUMMARY (SCOPE, NATURE, AND INTENT)

Park Hill at Mountain Ranch is being presented as a Master Development Plan PZD. This project is located at the southwest corner of Mountain Ranch Blvd and Persimmon Street, which serves as access for Mountain Ranch Subdivision and Mountain Ranch Apartments. The Park Hill at Mountain Ranch Residential Planned Zoning District will consist of 13 single family houses on 2.27 acres, for an overall density of 5.72 units/acre. The houses will front onto Persimmon and Mountain Ranch Blvd. with rear alley (private) access to the houses. In addition, we have planned for a park area/greenspace for use by these 13 houses.

The lot widths range from 40'-50' wide and the proposed houses will have a zero side setback on one side and a courtyard on the other side as shown in the . The style and exterior appearance will be similar to the houses being built in Mountain Ranch Subdivision-combination brick and rock. Please refer to the appendix in this submittal for details.

The reason for this PZD request is to provide a variety of houses for sale in a neighborhood that is predominantly low-density single family and in a market that indicates an increased demand for smaller dwellings on smaller lots than those platted in the Mountain Ranch neighborhood. The houses will be 1200 SF to 1400 SF and on smaller lots. In addition, these houses will act as a buffer to the apartment complex to the east.

Another reason for this submittal as a PZD is that Forrest Hills is being developed to the north and the new street will connect to Mountain Ranch Blvd. This will make the Persimmon/Mtn. Ranch intersection even busier and the developer, Cobblestone Homes, is finding out that prospective buyers are reluctant to buy/build houses on these lots.

We feel that these 13 single family houses with rear access will provide for a slightly different market than what is currently offered. Please refer to the appendix for pictures.

C. GENERAL PROJECT CONCEPT

1) Street and Lot Layout. Park Hill will have rear access alleys and individual drives. Connectivity is provided by Mountain Ranch Blvd. and also Providence Street.

2) Site Plan. Please refer to the attached plans.

3) Buffer Areas. Park Hill will have a green belt surrounding to the west that will function as a park. There will be a driveway and fence behind the park area.

4) Tree Preservation. There are currently no trees on the property. Trees will be planted per the Mt. Ranch Phase 1 Tree Mitigation Plan.

5) Storm Water Detention Areas. Park Hill at Mt. Ranch will use the existing storm water drain at Mt. Ranch Phase 1.

6) Undisturbed Natural Areas. This entire site has already been developed and no natural area will be disturbed.

7) Existing and Proposed Utility Connection and Extension. This project will connect to an existing waterline and sewer that is already in the development.

8) Development and Architectural Design Standards. Park Hill single family residents will have rear access alleys and individual drives. All houses will have curb appeal similar in nature to Mt. Ranch Phase 1.

9) Building Elevations. Exterior Elevations and site-layout have been included for your review.

D. PROPOSED DEVELOPMENT PHASING AND TIMEFRAME

1) PZD Zoning & Preliminary Plat Approval.....May 2013

Once PZD Zoning and Preliminary Plat are approved the Construction Plans will be submitted for review and construction will commence shortly after approval.
Phase I (lots 11-13):

It is the developers desire to then immediately submit and record a Final Plat, including the necessary alley easement, for lots 11-13 in order to pull a building permit on these lots and commence construction on the houses concurrent with construction of the infrastructure for the subdivision. It is our understanding this is an acceptable procedure due to the way the property is currently platted and the fact that these proposed lots (11-13) are served by existing water and sewer lines negating the need for any new water & sewer installation for service. Final CO for any of the houses in Phase I (lots 11-13) will not be granted until final completion and acceptance by the City of the Private Alley and necessary infrastructure of the proposed subdivision.

Phase II (lots 1-10): These phase will be under construction concurrent with Phase I (lots 11-13) and anticipated to be complete within the next 6 months.

E. PROPOSED PLANNING AREAS

This has only one Planning area and will all be Single Family.

F. PROPOSED ZONING AND DEVELOPMENT STANDARDS

Planning Area #1: Single Family Residential:

Purpose: The purpose of this PZD is to permit and encourage the development of single family dwelling units with a density slightly higher than the current RSF 4 zoning district and with an urban form that includes reduced setbacks and smaller dwelling types. This is for 13 units on 2.23 acres, which will have a density of 5.83 units/acre.

Land Use Designation:

1. Permitted Uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory Dwellings

2. Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 24	Home occupations

3. Density:

Acreage	2.27 acres
Number of Dwelling Units	13 units
Density	5.7 units/acre

4. Bulk and Area Regulations:

	Single Family Dwellings
5. Lot minimum width	40.0feet
6. Lot area minimum	3,500 square feet
7. Land area per dwelling unit	3,500 square feet

8. Setback Requirements:

Front	Side	Rear
5'	0'	20'

8. Setback Requirements: Structures in this district are limited to a building height of 45 feet.

*All lots with a 0 ft side setback on one side must have a 10' side setback on the other side and minimum 10' separation from structures (eave-to-eave) on both sides. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code. In no situation shall a primary dwelling unit be attached to another. All dwellings shall front onto the adjacent public street.

9. Building Area:

Area occupied by all buildings shall not exceed 56% of the total lot area. This is enforced on a lot-by-lot basis, not for the entire subdivision.

Site Planning

10. Screening and Landscaping:

The screening and landscaping will be provided as set forth in the Unified Development Code. The sub-division covenants will require each lot to have at least two trees in addition to the trees and landscaping the developer will provide at the entrances, around the turn-a rounds and in the green spaces. All lots will be required to be sodded.

11. Parking:

All parking shall comply with chapter 172, for single family residential requirements of the Unified Development Code.

12. Architectural Design Standards:

Conceptual architectural renderings have been provided in Appendix A. It is the interest of the developer to obtain approval of the PZD for construction of single family detached houses. All houses will have a combination of brick and siding exterior with composite shingles. The homes shall be constructed consistent with the elevations and renderings provided in Appendix A.

13. Signage: Signs shall be permitted and approved and shall be installed in accordance with the Single-Family regulations of the Unified Development Code.

G. MASTER DEVELOPMENT PLAN AS COMPARED TO CURRENT ZONING REQUIREMENTS

A. PA-1 (Single Family)

Existing Zoning		Proposed Zoning	
RSF-4: Residential Single Family		PZD: PA-1 (Single Family)	
Permitted Uses			
Unit 1	City-wide uses by right	Unit 1	City-wide uses by right
Unit 8	Single-family dwellings	Unit 8	Single-family dwellings
Unit 41	Accessory dwellings	Unit 41	Accessory dwellings
Conditional Uses			
Unit 2	City-wide uses by conditional use permit	Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities		
Unit 4	Cultural and recreational facilities	Unit 3	Public protection and utility facilities
Unit 5	Government facilities		
Unit 9	Two-family dwellings		
Unit 12	Limited business	Unit 24	Home occupations
Unit 24	Home occupations		
Unit 36	Wireless communications facilities		
Density			
Units per acre	4 or less	Acreage	2.23 acres
		Dwelling Units	13 units
		Density	6.0 units/acre
Bulk and Area Regulations			
Lot width minimum	70.0 ft.	40.0 ft	
Lot Area Minimum			
Residential	8,000 sq. ft.	3,500 sq. ft.	
Land area per dwelling unit	8,000 sq. ft	3,500 sq. ft.	
Setback Requirements			
Front	15 ft	5 ft	
Side	5 ft	0 ft (see note on F-9)	
Rear	15 ft	20 ft	
Height Requirements			
Maximum building height of 45 feet.		Maximum building height of 45 feet. The height may be increased over 45 feet by obtaining a variance after hearing by the Planning Commission.	
Building Area			
Building area requirement is 40%.		On any lot, the area occupied by all the buildings shall not exceed 58% of the total area of such lot.	

Analysis of the Site Characteristics:
No environmentally hazardous, sensitive, or natural resources areas have been\ found on this site.

H. RECREATION FACILITIES:

This property is very close to Don Reynolds Boys & Girls Club. Park Hill will include a park area on the West side. In addition, it is anticipated that the single family portion of the PZD will utilize the future Mt. Ranch Subdivision Club House.

I. REASON FOR REZONING REQUEST:

The reason for this Conceptual PZD request is to provide a project that will fit into and compliment the surrounding properties. It will also create a transition from the more dense zoning that is on two sides. We feel there is a need for smaller single family quality homes built in the traditional style.

J. RELATIONSHIP TO THE EXISTING AND ADJACENT LAND USES:

Property to the west is RSF-4. Property to the south is RSF-4. Property to the east is RMF-24. Property to the north is PZD.

K. COMPLIANCE WITH CITY OF FAYETTEVILLE PLAN 2030:

In general, the 2030 plan calls for Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses. This development provides single family that will fit and transition from all the surrounding zoning. This development will provide a traditional neighborhood form in close proximity to non-residential services surrounding the neighborhood.

Goal #1 - Appropriate infill and revitalization the highest priority.

This project will add an alternative single family option in the next twelve months in an area that is currently being developed and being built out with low density single family, high density multi-family and commercial.

Goal #2 - Discourage suburban sprawl.

This area is a perfect fit for a higher density single family in an area still under construction.

Goal #3 - Traditional town from the standard.

This development will promote traditional town form and give residents in this neighborhood a chance to live and work in the same area. The houses will be located close to the street with rear access drives as well as alleys.

Goal #4 - Grow a livable transportation network.

With the locations of the businesses and green spaces in relation to the residences, we feel that this development promotes walkability with the project and could reduce the number of vehicles on the road.

Goal #5 - Assemble and enduring green network.

This development will have greenbelt around the site and also propose numerous landscaping within the project. There will also be a park centrally located within the development.

Goal #6 - Create attainable housing.

This development will promote attainable housing and accommodate "workforce families", who significantly impact the city's growing economy.

L. TRAFFIC STUDY;

We feel that the added traffic with this development is minimal in comparison with current traffic counts. The traffic study for the Forrest Hills project to the north will support this conclusion. A slight increase in density at this location will not create an appreciable or undersirable increase in traffic congestion.

M. IMPACTS ON CITY SERVICES;

There are no significant impacts to city services associated with this project. Water and sewer have been addressed in other areas of the booklet. Waste will be managed by each single family dwelling being assigned a plastic trash container in accordance with the City of Fayetteville waste management practices.

N. STATEMENT OF COMMITMETS:

1) Dedication of Public Facilities

Utility infrastructure will be dedicated to the City of Fayetteville and utility easements will be dedicated by the Final Plat.

2) On or Off-Site Improvements:

The development of on or off-site infrastructure necessary to serve this project shall be completed prior to Final Plat submittal.

3) Natural Resources and Environmentally Sensitive Areas:

There are no known natural resources or environmentally sensitive areas on this site.

Project Phasing Restriction: (see Pg. 3 also)

1) PZD Approval.....March 2013

We will meet the standard times required for final plat approval. The Final Plat will be submitted as soon as possible after the improvements have been completed.

4) Fire Protection:

This project will be served by the Fayetteville Fire Department. The closest station is on Rupple Road.

5) Other Commitments Imposed by the City:

There are currently no other commitments imposed by the City.

6) Parks, trails, and Open Space Commitments:

There are currently no trees on the property to be protected. The property to the west of the housing will be designated as a Park/Open Space and shall be accessible to only residents of Park Hill and maintained by the P.O.A.

7) Proposed Preliminary Building elevations:

Conceptual architectural elevations are provided at the end of this booklet.

O. DEVELOPMENT STANDARDS, CONDITIONS, AND REVIEW GUIDELINES:

1) Screening and Landscaping:
We will retain or improve the greenbelt around the perimeter of the single family area to the west. A privacy fence will be added to the west as well. The individual homes shall be subject to the requirements of Chapter 177: Landscape regulations.

2) Traffic and Circulation:

One curb cut for a "one-way" drive is proposed off of Mtn. Ranch Blvd. and another curb cut for a "Two-way" drive proposed off of Providence Street to the south. This method of access complies with access management standards by the City of Fayetteville. Rear alleys (private) will be installed to access these houses.

3) Parking Standards:

All parking will be in the rear of the units and will be accessed from the rear private alley as shown on the conceptual site plan.

4) Perimeter Treatment:

Perimeter fencing and greenbelt will be provided to the south, west and north along Mt. Ranch Boulevard.

5) Sidewalks:

Sidewalks will be designed and constructed along all adjacent public streets.

6) Street Lights:

No additional street lights will be added

7) Water:

Water lines will be designed and constructed in accordance with the City of Fayetteville Water & Sewer Specifications.

8) Sewer:

Sewer lines will be designed and constructed in accordance with the City of Fayetteville Water & Sewer Specifications.

9) Streets and Drainage:

No new Streets are being proposed and drainage will be handled with the Existing plan for Mt. Ranch Phase 1.

10) Construction of Non-Residential Facilities:

There are no non residential areas directly serving the proposed residents.

11) Tree Preservation:

There are no trees on the property at this time.

12) Architectural Design Standards:

Conceptual architectural pictures are provided at the end of this booklet. Cobblestone Homes has built approximately 30 homes in Mt. Ranch Phase 1 and the construction of Park Hill will be similar in fashion. All

Dwellings shall front onto the adjacent public street.

13) Signage:

Signage typical for Single-Family residential districts for Park Hill.

14) View Protection:

We are not anticipating that any improvements to this property will impact any view of surrounding properties.

15) Revocations:

The developer understands causes for revocation and will take all measures necessary to avoid revocation.

16) Covenants, Trusts and Homeowner Associations:

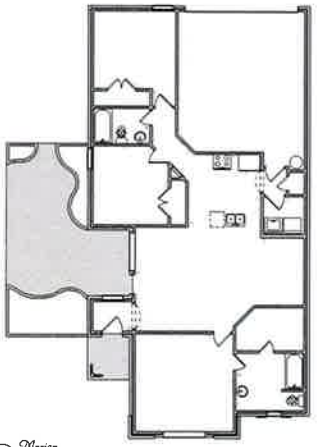
The developer will create a property owners association for the purpose of mowing and maintaining the common landscape areas. The developer will prepare protective covenants to establish home building standards.

17) Intent/Purpose of PZD ordinance:

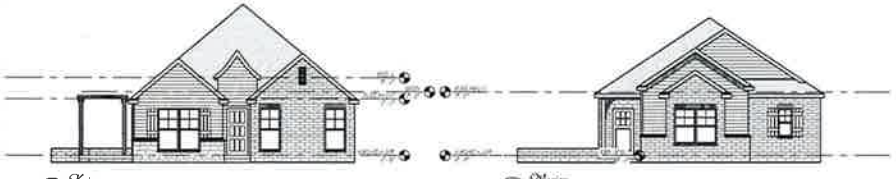
The PZD Ordinance provides this project with the ability to create a planned development. Utilizing PZD allows for slight modifications to traditional setbacks, lot widths, and lot area minimums. The R-PZD Ordinance is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential zone. (City of Fayetteville Zoning Regulations CD161.23(C)). This development encourages a variety and flexibility in land development and land use for predominately residential areas consistent with the city's General Pan and the orderly development of the city. This R-PZD will provide a framework within which an effective relationship of different land uses and activities with surrounding developments.

APPENDIX A

3 Keira
1/8" = 1'-0"



4 Marion
1/8" = 1'-0"



5 Keira
1/8" = 1'-0"

6 Marion
1/8" = 1'-0"

7 Site
1" = 30'-0"

9 3D View

Park Hill

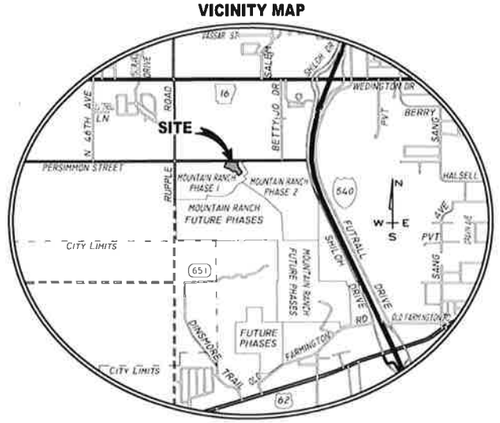
KCP
Kissinger's Custom Plans
www.KCPH.net

Plat and 3D

2010 9 12

MANOR

VICINITY MAP



FAYETTEVILLE, ARKANSAS

Zoning, Land Use, Replat, and Preliminary Plat

for

PARK HILL AT MOUNTAIN RANCH

Residential Planned Zonning District

FAYETTEVILLE, ARKANSAS

January 2013

GENERAL PROVISIONS

AUTHORITY

THIS PZD MASTER DEVELOPMENT PLAN IS AUTHORIZED BY SECTION 161 AND 166 PLANNED ZONING DISTRICTS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE. THE PROVISIONS OF THIS PZD MASTER DEVELOPMENT PLAN SHALL RUN WITH THE LAND. THE LANDOWNERS, THEIR SUCCESSORS, HEIRS, OR ASSIGNS SHALL BE BOUND BY THIS MASTER DEVELOPMENT PLAN, AS AMENDED AND APPROVED BY THE CITY COUNCIL.

ADOPTION

THE ADOPTION OF THE PZD MASTER DEVELOPMENT PLAN SHALL EVIDENCE THE FINDING AND DECISIONS OF THE FAYETTEVILLE CITY COUNCIL THAT THIS PLANNED ZONING DISTRICT, PARK HILL AT MOUNTAIN RANCH IS IN GENERAL CONFORMITY WITH THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE.

THE PROVISIONS OF THE PZD MASTER DEVELOPMENT PLAN SHALL PREVAIL AND GOVERN THE DEVELOPMENT OF THE PARK HILL AT MOUNTAIN RANCH. PROVIDED, HOWEVER, THAT WHERE THE PROVISIONS OF THIS MASTER DEVELOPMENT PLAN DO NOT ADDRESS A PARTICULAR SUBJECT, THE RELEVANT PROVISIONS OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE, AS AMENDED, OR ANY OTHER APPLICABLE RESOLUTIONS OR REGULATION OF THE CITY OF FAYETTEVILLE.

ENFORCEMENT

TO FURTHER THE MUTUAL INTEREST OF THE RESIDENTS, OCCUPANTS, AND OWNERS OF THE PZD MASTER DEVELOPMENT PLAN AND OF THE PUBLIC IN THE PRESERVATION OF THE INTEGRITY OF THE PLAN, THE PROVISIONS OF THIS PLAN RELATING TO THE USE OF LAND, STATEMENT OF COMMITMENTS, DEVELOPMENT AND ARCHITECTURAL STANDARDS, AND THE LOCATION OF COMMON OPEN SPACE SHALL RUN IN FAVOR OF THE CITY OF FAYETTEVILLE AND SHALL BE ENFORCEABLE AT LAW OR IN EQUITY BY THE CITY WITHOUT LIMITATION ON ANY POWER OR REGULATION OTHERWISE GRANTED BY LAW.

CONFLICT

WHERE THERE IS MORE THAN ONE PROVISION WITHIN THE PZD MASTER DEVELOPMENT PLAN THAT COVERS THE SAME SUBJECT MATTER, THE PROVISION WHICH IS MOST RESTRICTIVE OR IMPOSES HIGHER STANDARDS OR REQUIREMENTS SHALL GOVERN UNLESS DETERMINED OTHERWISE BY THE ZONING AND DEVELOPMENT ADMINISTRATOR.

MAXIMUM LEVEL OF DEVELOPMENT

THE TOTAL NUMBER OF DWELLINGS OR THE TOTAL COMMERCIAL, BUSINESS, OR INDUSTRIAL INTENSITY APPROVED FOR DEVELOPMENT WITHIN THE PLANNING AREAS IS THE MAXIMUM DEVELOPMENT REQUESTED FOR PLATTING OR CONSTRUCTION. THE ACTUAL NUMBER OF DWELLINGS OR LEVEL OF DEVELOPMENT FOR COMMERCIAL, BUSINESS, OR INDUSTRIAL PROPERTIES MAY BE LESS DUE TO SUBDIVISION OR SITE IMPROVEMENT PLAN REQUIREMENTS OR OTHER REQUIREMENTS OF THE CITY COUNCIL.

PROJECT TRACKING

AT THE TIME OF SUBDIVISION FINAL PLAT OR LARGE SCALE DEVELOPMENT THE APPLICANT SHALL PROVIDE A SUMMARY OF THE DEVELOPMENT, TO DATE, TO THE PLANNING DIVISION, IN ORDER TO ASSURE MAXIMUM DEVELOPMENT LIMITS ARE NOT EXCEEDED.

LEGAL DESCRIPTION:

ALL OF LOTS 94, 95, 96, 97 AND 118 AND A PART OF LOTS 87, 88, 89 AND 90 OF MOUNTAIN RANCH SUBDIVISION PHASE I AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 87 THENCE S87°34'55"E 377.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 59.18 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND A CHORD BEARING OF S45°11'51"E 53.93 FEET, THENCE ALONG A CURVE TO THE LEFT 148.16 FEET, SAID CURVE HAVING A RADIUS OF 327.50 FEET AND A CHORD BEARING OF S15°46'23"E 146.90 FEET, THENCE S28°43'59"E 230.79 FEET, THENCE ALONG A CURVE TO THE RIGHT 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING OF S16°16'01"W 28.28 FEET, THENCE S61°16'01"W 129.91 FEET, THENCE N28°43'59"W 269.34 FEET TO THE NE CORNER OF LOT 91, THENCE N52°21'16"W 108.74 FEET, THENCE N44°14'55"W 95.50 FEET, THENCE N54°19'02"W 199.30 FEET TO THE P.O.B.; CONTAINING 2.27 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

FLOOD PLAIN NOTE:

THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0205F DATED MAY 16, 2008.

OWNER

CENTENNIAL BANK
8201 Cantrell Road, Suite 140
Little Rock, Arkansas 72227

DEVELOPER

COBBLESTONE HOMES
PO BOX 180428
Fort Smith, Arkansas 72918

PREPARED BY:

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-1507

INDEX OF SHEETS

	COVER SHEET
1	PRELIMINARY PLAT
2	GRADING, TREE & LANDSCAPE PLAN
3	GRADING, TREE & LANDSCAPE NOTES

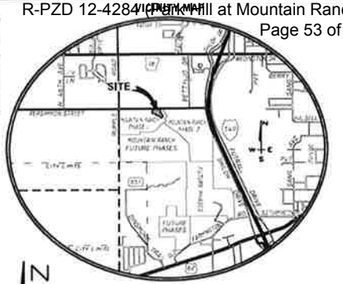
GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft

765-13744-000
OZARKS ELECTRIC COOPERATIVE CORP
P O BOX 848
FAYETTEVILLE, AR 72702-0848
(R-A)

765-13728-000
FOREST HILLS PARTNERS, LLC
P O BOX 10210
FORT SMITH, AR 72917-0210
(RPZD)

LAND USE TABLE FOR PZD PORTION					
SYMBOL	LAND USE	UNITS	ACRES	UNITS/ACRE	% OF TOTAL LAND
SF	SINGLE FAMILY	13	2.27	6.00	75.33
GS	GREEN SPACE		0.56		24.67

* TOTAL UNITS = 13 (5.73 UNITS/ACRE)
ROADS / DRIVEWAYS = 0.35 ACRES



ENGINEER
JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR 72703
(479) 442-9127

OWNER
CENTENNIAL BANK
8201 CANTRELL ROAD, SUITE 104
LITTLE ROCK, AR 72227

DEVELOPER
COBBLESTONE HOMES
PO BOX 180428
FORT SMITH, AR 72918

BUILDING SETBACK TABLE			
ZONING	FRONT	BACK	SIDE
R-PZD	5'	20'	0'

* ALL LOTS WITH A 0 FT SIDE SETBACK ON ONE SIDE MUST HAVE A 10' SIDE SETBACK ON THE OTHER SIDE AND A 10' SEPERATION FROM STRUCTURES (EAVE-TO-EAVE) ON BOTH SIDES.

765-14611-001
MOUNTAIN RANCH APARTMENTS
6610 W. 62ND STREET
INDIANAPOLIS, IN 46278
(RMF-24)

LEGEND
- FOUND IRON PIN
- SET IRON PIN
- FIRE HYDRANT
- D.M.S. DOUBLE METER SET
- S.M.S. SINGLE METER SET
- NEW SEWER MANHOLE
- EXISTING SEWER MANHOLE
- CENTERLINE MARKER
- UTILITY EASEMENT
- FRONT BUILDING SETBACK & U.E.
- STREET CENTERLINE
- EXISTING WATERLINE (SIZE VARIES)
- EXISTING 8" SEWER LINE
- NEW 8" SEWER LINE
- NEW WATER SERVICE W.S.
- NEW SEWER SERVICE S.S.S.
- EXISTING SIDEWALK
- UTILITY CROSSING

PROPOSED ZONING & DEVELOPMENT STANDARDS (FOR PZD PORTION)

PROPOSED ZONING
PA-1 (SINGLE FAMILY)
PERMITTED USES
Unit 1 — City-wide uses by right
Unit 8 — Single-family dwellings
Unit 51 — Accessory Dwellings
CONDITIONAL USES
Unit 2 — City-wide uses by conditional use permit
Unit 3 — Public protection & utility facilities
Unit 24 — Home occupations
DENSITY
Acreage: 2.27 acres
Dwelling Units: 13 units
Density: 6.00 units/acre
BULK & AREA REGULATIONS
Lot width min.: 40 ft
Lot width max.: N/A
Lot area min.: 3,500 SF
SETBACK REQUIREMENTS
Front: 5 ft
Side: 0 ft
Rear: 20 ft
ALL LOTS WITH A 0 FT SIDE SETBACK ON ONE SIDE MUST HAVE A 10' SIDE SETBACK ON THE OTHER SIDE AND A 10' SEPERATION FROM STRUCTURES (EAVE-TO-EAVE) ON BOTH SIDES. BUILDINGS ARE SUBJECT TO MINIMUM BUILDING SEPERATION, FIRE WALL RATINGS, ETC. IN ACCORDANCE WITH CITY BUILDING CODE.
HEIGHT REQUIREMENTS
Maximum Building Height: 45 ft
BUILDING AREA
On any lot, the area occupied by all the buildings shall not exceed 35% of the total lot area. This is enforced on a lot-by-lot basis, not for the entire subd.

NOTES:

1) ALL UTILITY CROSSING SHALL BE 6-4" PVC PIPES BURIED A MINIMUM OF 42" DEEP.
2) ZONING = R-PZD FOR LOTS 1-14 (2.27 ACRES) & RSF-4 FOR LOTS 87-90 OF MOUNTAIN RANCH PHASE I
3) MAXIMUM ALLOWABLE UNITS BY CURRENT ZONING = 13 UNITS (FOR R-PZD PORTION)
PROPOSED DENSITY = 5.73 UNITS/ACRE (13 UNITS) (FOR R-PZD PORTION)
4) INTENDED USE = SINGLE FAMILY
5) TOTAL LOTS IN PZD PORTION = 14 (13 LIVING UNITS)
6) TOTAL BUILDABLE LOTS = 13 (IN R-PZD PORTION)
7) THERE ARE NO LOTS WITH A 15 % OR GREATER SLOPE.
8) THE DRIVEWAYS SHALL BE A MAXIMUM OF 16' WIDE AS MEASURED PER CITY STANDARDS FOR DRIVEWAY WIDTHS.
9) ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12KV SHALL BE RELOCATED UNDERGROUND.
10) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05143C0205F DATED 5-16-2008.
11) ALL PRIVATE DRIVES AND COURTS SHALL BE DEDICATED WITHIN A 20' ACCESS EASEMENT AND ARE FOR PUBLIC USE AND MAINTAINED BY THE CITY OF FAYETTEVILLE
12) REFER TO PAGE 13 OF THE PZD BOOKLET FOR THE MAINTENANCE PLAN ON THE PARK AREAS

LEGAL DESCRIPTION (PARK HILL @ MOUNTAIN RANCH R-PZD)

ALL OF LOTS 94, 95, 96, 97 AND 118 AND A PART OF LOTS 87, 88, 89 AND 90 OF MOUNTAIN RANCH SUBDIVISION PHASE 1 AS PER PLAT ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS BEGINNING AT THE NW CORNER OF SAID LOT 87 THENCE S87°34'55"E 377.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 59.18 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND A CHORD BEARING OF S45°11'51"E 53.93 FEET, THENCE ALONG A CURVE TO THE LEFT 148.16 FEET, SAID CURVE HAVING A RADIUS OF 327.50 FEET AND A CHORD BEARING OF S15°46'23"E 146.90 FEET, THENCE S28°43'59"E 230.79 FEET, THENCE ALONG A CURVE TO THE RIGHT 51.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND A CHORD BEARING OF S16°16'01"W 28.28 FEET, THENCE S61°16'01"W 129.91 FEET, THENCE N28°43'59"W 269.34 FEET TO THE NE CORNER OF LOT 91, THENCE N52°21'16"W 108.74 FEET, THENCE N44°14'55"W 95.50 FEET, THENCE N54°19'02"W 199.30 FEET TO THE P.O.B., CONTAINING 2.27 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LINE TABLE		
LINE	LENGTH	BEARING
L1	112.00'	S02°25'05"W
L2	124.56'	S87°34'55"E
L3	54.36'	S28°43'59"E
L4	41.61'	S40°07'17"E
L5	101.65'	S28°43'59"E

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	39.27'	25.00'	25.00	35.36	S42°34'55"E	90°00'00"
C2	28.84'	22.00'	16.92	26.82	S50°01'17"E	75°07'16"
C3	119.14'	419.50'	59.97	118.74	S20°35'49"E	16°16'20"
C4	39.75'	200.00'	19.94	39.69	S34°25'38"E	11°23'18"
C5	39.75'	200.00'	19.94	39.69	S34°25'38"E	11°23'18"

765-26865-000
RYAN BROWN
3639 W MOUNTAIN VIEW DRIVE
FAYETTEVILLE, AR 72704
(RSF-4)

765-26866-000
WALLS, TROY C. WALLS, ANGELA G.
WALLS, KAITLYN T
5 TERRA COVE
CONWAY AR 72034
(RSF-4)

765-26867-000
MALLARD, JENNIFER S SPERRY, MICHAEL
3674 W MOUNTAIN VIEW DR
FAYETTEVILLE AR 72704
(RSF-4)

765-26868-000
JOHNSON, MOLLY BLAKE
JOHNSON, DICK S
3606 W Mountain View Dr
FAYETTEVILLE AR 72701
(RSF-4)

765-26869-000
ROUSE-WALKER PROPERTIES, INC
P O BOX 180328
FORT SMITH, AR 72918
(RSF-4)

765-26870-000
HECTOR & SAUNDRA PARKERSON
3566 MOUNTAIN VIEW
FAYETTEVILLE, AR 72704
(RSF-4)

765-26871-000
RODRIGUEZ, GERMAN & YIN TAN
3554 W MOUNTAIN VIEW DR
FAYETTEVILLE AR 72704
(RSF-4)

765-26872-000
COCO MOUNTAIN RANCH, LLC
8201 CANTRELL ROAD #315
LITTLE ROCK, AR 72227
(RSF-4)

765-26877-000
ROUSE-WALKER PROPERTIES INC
PO BOX 180328
FORT SMITH AR 72918
(RSF-4)

765-26878-000
KAYLA MILLER & JAMES DICKSON
3503 W. PROVIDENCE DRIVE
FAYETTEVILLE, AR 72704
(RSF-4)

765-26879-000

765-26830-000
ROUSE-WALKER PROPERTY
PO BOX 180328
FORT SMITH, AR 72918
(RSF-4)

765-26831-000
ROUSE-WALKER PROPERTIES INC
PO BOX 180328
FORT SMITH AR 72918
(RSF-4)

765-26832-000
ROUSE-WALKER PROPERTIES INC
PO BOX 180328
FT SMITH AR 72918
(RSF-4)

765-14611-000
CENTENNIAL BANK
8201 CANTRELL RD, SUITE 140
LITTLE ROCK AR 72227
(RSF-4)

PLAT PAGE #478

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 443-0507

SCALE	1"=30'	DRAWN BY	BJR
DATE	29JUN09	CHECKED BY	DLJ
DATE REVISED	28DEC12	1 SUBDIVISION PRELIMINARY PLAT	

PARK HILL AT MOUNTAIN RANCH
A REPLAT OF LOTS 87-90, 94-97 & 118 OF MOUNTAIN RANCH SUBDIVISION PHASE I

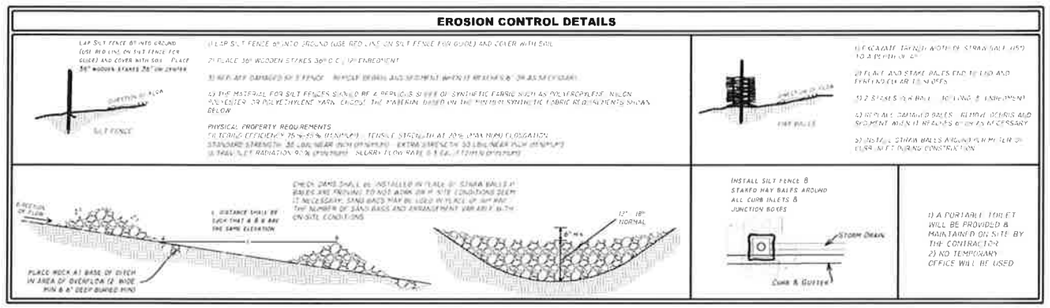
PRELIMINARY PLAT

1 / 3

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft

EROSION CONTROL DETAILS



1) LAY SILT FENCE BY HAND AROUND (USE RED LINE ON SILT FENCE FOR GUIDE) AND COVER WITH SOIL. PLACE 36" WOODEN STAKES 20' ON CENTER

2) PLACE 36" WOODEN STAKES 36#/C.F. (3/4" ENTRENCHMENT

3) REPLACE DAMAGED OR TORN FENCE IMMEDIATELY WHEN IT IS DISCOVERED OR BECOMES EVIDENT

4) THE MATERIAL FOR SILT FENCES SHALL BE A PERVIOUS SHEET OF SYNTHETIC FABRIC SUCH AS POLYPROPYLENE, NYLON, POLYESTER OR POLYETHYLENE YARN. CHOOSE THE FABRIC BASED ON THE MINIMUM SYNTHETIC FABRIC REQUIREMENTS SHOWN BELOW

PHYSICAL PROPERTY REQUIREMENTS
FILTERING EFFICIENCY 75% MIN. (STANDARD) TENSILE STRENGTH AT 20% (MAX) ELONGATION
STANDARD STRENGTH 30 LBS/LINEAR INCH (MINIMUM) EXTRA STRENGTH 50 LBS/LINEAR INCH (MINIMUM)
SLURRY FLOW RATE 0.3 GAL./SQ.FT./MIN (MINIMUM) HI-FLOW FLOW RATE 0.5 GAL./SQ.FT./MIN (MINIMUM)

5) A COMPACTED TRENCH MOTHER STRAW BALE (MS) TO A DEPTH OF 4"

6) PLACE AND STAKE BALES END TO END AND TIGHTLY AGAINST SLOPES

7) 2 STAKES PER BALE - BOTH TWO 3' EMBEDMENT

8) REPLACE DAMAGED BALES. REMOVE DEBRIS AND SEDIMENT WHEN IT REACHES 6" DEPTH AS NECESSARY

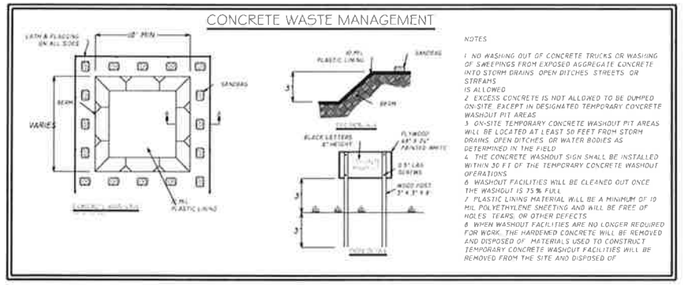
9) INSTALL STRAW BALES AROUND PERIMETER OF CLEARED LIMITS DURING CONSTRUCTION

CHECK DAMS SHALL BE INSTALLED IN TRAIL OF STRAW BALES IF BALES ARE FAILING TO MEET AIM OR IF SITE CONDITIONS SEEM IT NECESSARY. SAND BAGS MAY BE USED IN PLACE OF HAY BALE. THE NUMBER OF SAND BAGS AND ARRANGEMENT VARY ARE BOTH ON-SITE CONDITIONS

INSTALL SILT FENCE & STAKED HAY BALES AROUND ALL CURB INLETS & JUNCTION BOXES

1) A PORTABLE TOILET WILL BE PROVIDED & MAINTAINED ON SITE BY THE CONTRACTOR
2) NO TEMPORARY OFFICE WILL BE USED

CONCRETE WASTE MANAGEMENT



NOTES

1. NO WASHING OUT OF CONCRETE TRUCKS OR WASHING OF SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE INTO STORM DRAINS, OPEN DITCHES, STREETS, OR STREAMS IS ALLOWED.
2. EXCESS CONCRETE IS NOT ALLOWED TO BE DUMPED ON-SITE, EXCEPT IN DESIGNATED TEMPORARY CONCRETE WASHOUT PIT AREAS.
3. ON-SITE TEMPORARY CONCRETE WASHOUT PIT AREAS WILL BE LOCATED AT LEAST 50 FEET FROM STORM DRAINS, OPEN DITCHES, OR WATER BODIES AS DETERMINED IN THE FIELD.
4. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT OF THE TEMPORARY CONCRETE WASHOUT OPERATIONS.
6. WASHOUT FACILITIES WILL BE CLEANED OUT ONCE THE WASHOUT IS 75 % FULL.
7. PLASTIC LINING MATERIAL WILL BE A MINIMUM OF 10 MIL POLYETHYLENE SHEETING AND WILL BE FREE OF HOLES, TEARS, OR OTHER DEFECTS.
8. WHEN WASHOUT FACILITIES ARE NO LONGER REQUIRED FOR WORK, THE HARDENED CONCRETE WILL BE REMOVED AND DISPOSED OF. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES WILL BE REMOVED FROM THE SITE AND DISPOSED OF.

CITY LANDSCAPE REQUIREMENTS

RESIDENTIAL SUBDIVISION LANDSCAPING REQUIREMENTS (CITE 1 SQ.)
REQUIRED: 1 TREE PER LOT

PROVIDED: 15-2" CALIPER, LARGE SPECIES TREES
(THESE TREES ARE NOT COUNTED TOWARD MITIGATION)

STORM WATER FACILITY REQUIREMENTS:
NONE

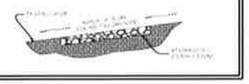
MITIGATION TREES:
REQUIRED: NONE
PROVIDED: NONE

LANDSCAPE NOTES:
ALL PLANT BEDS SHALL BE EDGED AND TREATED WITH A WEED BARRIER AND A MINIMUM OF 3" CYPRESS OR PINE BARK MULCH. TREES NOT LOCATED IN PLANT BEDS SHALL RECEIVE A MULCH SAUCER PER DETAIL.

ALL LAWN AREAS ARE TO RECEIVE 4" OF TOPSOIL (6" IS THE MINIMUM COMPACTED DEPTH). ALL SHRUB AREAS SHALL RECEIVE 12" OF TOPSOIL (10" IS THE MINIMUM COMPACTED DEPTH). SOIL SHALL BE AMENDED TO ENHANCE FAVORABLE GROWING CONDITIONS. ALL EXISTING SOD/WEEDS SHALL BE REMOVED FROM PLANTING BED AREAS.

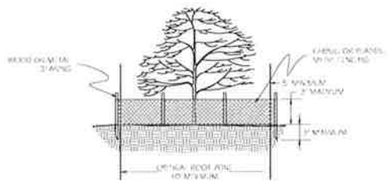
ALL LANDSCAPED AREAS TO BE IRRIGATED WITH AUTOMATIC SPRINKLERS OR WATER SPIGOTS AT MINIMUM 100' RADIUS INTERVALS. MAINS SHALL NOT BE PLACED WITHIN UTILITY EASEMENTS.

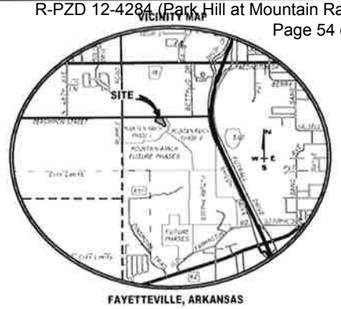
CONSTRUCTION ENTRANCE



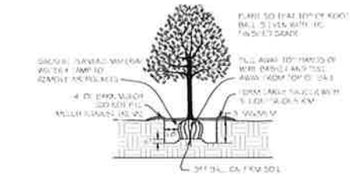
TREE PRESERVATION NOTES: NO TREES EXIST ON THIS SITE

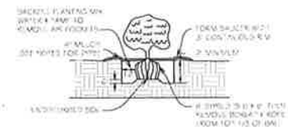
SITE AREA: 98.88 ± 0 FT
TREE CANOPY EXISTING: 0% (0 ± 0 FT)
TREE CANOPY PRESERVED: 0% (0 ± 0 FT)
TREE CANOPY REMOVED: 0% (0 ± 0 FT)
TREE CANOPY REQUIRED: 0% (0 ± 0 FT)
MITIGATION REQUIRED: NONE REQUIRED
MITIGATION PROPOSED: NONE





PLAT PAGE #478





TREE PROTECTION NOTES:

1. ALL TREES SHOWN ON THIS PLAN TO BE RETAINED SHALL BE PROTECTED DURING ALL PHASES OF DEVELOPER/CONTRACTOR'S WITH TEMPORARY FENCING. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH LANDSCAPE CONTRACTOR.
2. TREE PROTECTION FENCES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY SITE PREPARATION WORK, INCLUDING, GRUBBING OR GRADING.
3. FENCING SHALL CONSIST OF 4' HIGH HOG WIRE, CHAIN LINK, OR SNOW FENCE SUPPORTED BY STEEL T-POSTS OR WOOD STAKES. THE FENCING SHALL BE PLACED AT THE OUTERMOST LIMITS OF THE TREE DRIPLINE (DRIP LINE) AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROJECT IN ORDER TO PREVENT THE FOLLOWING:
   A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT OR MATERIALS.
   B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 2 INCHES CUT OR FILL) OR TRENCHING.
   C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
   D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING, AND TRENCH.
4. EXCEPTIONS TO INSTALLING FENCES 5 FROM TREE DRIPLINES MAY BE PERMITTED IN THE FOLLOWING CASES:
   A. WHERE PERMEABLE PAVING IS TO BE INSTALLED, PLACE THE FENCE AT THE OUTER LIMITS OF THE PERIMETER PAVING AREA.
   B. WHERE TREES ARE CLOSE TO THE PROPOSED BUILDINGS, PLACE THE FENCE NO CLOSER THAN 6 FEET TO THE BUILDING.
5. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 6 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH 2" DIAMETER PLANKING TO A HEIGHT OF 8 FEET, OR TO THE LIMITS OF THE BRANCHES IN ADDITION TO THE REQUIRED FENCING PROVIDED.
6. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN AREAS OF UNPROTECTED ROOT ZONES (UNDISTURBED AREA), THOSE AREAS SHALL BE COVERED WITH A 4 INCHES OF ORGANIC MULCH TO PREVENT SOIL COMPACTION.
7. ALL GRADING WITHIN PROTECTED ROOT ZONE AREAS SHALL BE DONE BY HAND OR WITH SMALL EQUIPMENT TO MINIMIZE ROOT DAMAGE. PRIOR TO GRADING, INSTALL PROTECTIVE FENCING 10 ± FEET BEHIND THE GRADE CHANGE AREA.
8. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED WITH A CLEAN CUT FLUSH WITH THE SOIL BACKFILL WITH AREAS WITH GOOD GROWTH TOP SOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS EXPOSURE THEN WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
9. PRIOR TO EXCAVATION OR GRADE CUTTING WITHIN TREE DRIP LINES, MAKE A CLEAN CUT BETWEEN THE DISTURBED AND UNDISTURBED ROOT ZONES WITH A ROCK SAW OR SIMILAR EQUIPMENT TO MINIMIZE DAMAGE TO REMAINING ROOTS.
10. TREES MOST HEAVILY IMPACTED BY CONSTRUCTION ACTIVITY SHOULD BE WATERED DEEPLY ONCE A WEEK DURING PERIODS OF HOT, DRY WEATHER. TREE GROWTH SHOULD BE STIMULATED WITH LIGHT APPLICATIONS OF NITROGEN TO REDUCE DUST ACCUMULATION ON THE LEAVES.
11. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
12. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIP LINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
13. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
14. ALL PRUNING MUST BE DONE IN ACCORDANCE TO NATIONAL STANDARDS ANSI A300 STANDARDS OF THE FORESTRY REFERENCE THE MATERIAL NATIONAL STANDARDS INSTITUTE, PRUNING, ANSI A300 PART 1 (2008) FOR A PACKAGE ON PRUNING CERTIFIED TREE PRUNER/TREE SERVICE LIST.
15. PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF THE CONSTRUCTION PROJECT.
16. EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILDUP WITHIN TREE DRIPLINES.
17. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
18. ANY TRIMMING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
19. DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NON-COMPLIANCE OR IF A TREE SUSTAINS DAMAGE OR IS REMOVED.

LANDSCAPE NOTES

PLANTED TREES TO CONSIST OF
MAPLE OR RED / PIN OAK

ALL TREES SHALL BE 2.5" DBH AT TIME OF PLANTING.

PLANTED SHRUBS TO CONSIST OF
3-GAL BOXWOOD
1-GAL BURFED NANDINE
4" TO 6" EVERGREEN SHRUBS

ALL PLANT BEDS SHALL BE EDGED AND TREATED WITH A WEED BARRIER, AND A MINIMUM OF 4" CYPRESS OR CEDAR BARK. TREES NOT LOCATED IN PLANT BEDS SHALL RECEIVE A MULCH SAUCER PER DETAIL.

NOTE: ALL LANDSCAPED AREAS TO BE IRRIGATED WITH AUTOMATIC SPRINKLERS OR WATER SPIGOTS AT MINIMUM 100' RADIUS INTERVALS

LANDSCAPED STREET TREES LOCATED ON LOTS SHALL BE PLANTED BEFORE FINAL CERTIFICATE OF OCCUPANCY IS ISSUED

ALL LANDSCAPE TREES PLANTED TO MEET STREET TREE MITIGATION TREE OR LANDSCAPE CODE REQUIREMENTS MUST BE SINGLE STEM, MINIMUM 2" CALIPER TREES

GRADING PLAN NOTES

1) ALL GRADES ARE AS INDICATED BY CONTOURS.

2) CUTS AND FILLS ARE AS INDICATED BY FINISHED CONTOURS AND SPOT ELEVATIONS. SLOPES SHALL NOT EXCEED 3:1 UNLESS ADDITIONAL SLOPE TREATMENT IS PROPOSED AND APPROVED BY THE PROJECT ENGINEER AND THE CITY OF FAYETTEVILLE ENGINEERING DEPARTMENT.

3) GRADING WILL BE LIMITED TO THE EXTENTS OF THE PROPOSED CONTOURS.

4) ALL DISTURB AREAS SHALL BE SEEDED.

5) IF EXCESSIVE DUST BECOMES A PROBLEM, A PLAN FOR WATERING HEAVILY TRAVELED AREAS WILL BE SUBMITTED TO THE CITY ENGINEER BY THE CONTRACTOR.

6) ALL FINISHED SLOPES ARE AS SHOWN BY THE FINISHED CONTOURS.

7) ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY GRADING ACTIVITY. DURING CONSTRUCTION SILT FENCE SHALL BE PLACED AROUND ALL INLETS AND JUNCTION BOXES UNTIL LIDS ARE CAST TO PREVENT SILT BUILD UP IN BOXES AND PIPES. ONCE LIDS ARE COMPLETE HAY-BALES ARE TO BE PLACED AROUND ALL INLET OPENINGS UNTIL ALL DISTURBED AREAS ON SITE HAVE BEEN STABILIZED WITH GROUND COVER.

8) THERE ARE NO KNOWN EROSION PROBLEMS ON THIS SITE OR THE PROPERTY DOWNSTREAM.

9) TREE PRESERVATION MEASURES AND EROSION CONTROL MEASURES AS OUTLINED BY THIS PLAN SHALL BE IN PLACE AND INSPECTED BY THE CITY OF FAYETTEVILLE PRIOR TO ANY CONSTRUCTION.

10) ALL AREAS WHICH RECEIVE CONCENTRATED RUNOFF SHALL BE STABILIZED WITH HAY BALES.

11) ALL IMPORTED FILL SHALL BE FREE OF ROCKS GREATER THAN 12 INCHES IN DIAMETER AND ANY DETRIMENTAL ORGANIC MATERIAL OR REFUSE DEBRIS.

12) FILL SHALL NOT BE PLACED ON EXISTING SLOPES WITH A GRADE STEEPER THAN IS % UNLESS KEYED INTO STEPS IN THE EXISTING GRADE AND THOROUGHLY STABILIZED BY MECHANICAL COMPACTION.

13) PLANTING BEDS SHALL HAVE AMENDED SOILS TO INSURE THE HEALTH OF THE PLANT MATERIALS.

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
CENTRAL ARKANSAS OFFICE • 4 RIVERS EAST • LITTLE ROCK, ARKANSAS 72202 • 501.372.1477
NORTHWEST ARKANSAS OFFICE • 1 EAST CENTER • FAYETTEVILLE, ARKANSAS 72701 • 479.443.4506

SCALE: 1"=50'	
DATE: 29JUNE09	DATE REVISED: 28DEC12
CHECKED BY: DLJ	DRAWN BY: BJR
G:\DESIGN\DWG\PARK HILL\GRADING.DWG	

PARK HILL AT MOUNTAIN RANCH — GRADING, TREE AND LANDSCAPE NOTES

3 / 3

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

A Public Hearing and Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at 320 W. North St. (WC Parcel # 765-10576-000)

$ -	$ -	
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 — 04.17.2013 Date

City Attorney — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 4-19-2013 Date

Chief of Staff — 4-19-13 Date

Mayor — 4/22/13 Date

Received in City Clerk's Office 04-13-13 A10:58 RCVD

Received in Mayor's Office ENTERED 4/19/13

Comments: Staff recommends approval of the Resolution

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Director

Date: April 16, 2012

Subject: Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at 320 W. North St. (WC Parcel # 765-10576-000)

RECOMMENDATION

Staff recommends imposing a lien against real property for the amount of $5,358.60, plus a 10% penalty for collection.

BACKGROUND

On May 15, 2012, the City Council of the City of Fayetteville passed Resolution No. 249-12. The resolution ordered the razing and removal of a dilapidated and unsafe structure owned by Robert W. Wilkes at 320 W. North St., Fayetteville, AR.
On February 27, 2013, the property was posted with a letter stating Resolution 249-12 was passed. The letter also stated that our office would begin the Raze and Removal process on March 18, 2013. On March 26, 2013, the raze and removal process was completed.
On March 27, 2013, the property owners were notified of the Public Hearing to consider this resolution.

DISCUSSION

The total costs incurred include the bid awarded to raze and remove in the amount of $4,875.00, administrative costs in the amount of $453.60 and $30.00 in fees to file the lien.

BUDGET IMPACT

If passed, a lien will be placed on the parcel for the incurred costs, plus a 10% penalty for collection. Once paid, the moneys will return to the General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY, ARKANSAS THE COSTS OF RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY ROBERT W. WILKES LOCATED AT 320 W. NORTH STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, pursuant to the provisions of §§ 95.03 and 173.08 of the Code of Fayetteville, as authorized by Arkansas Code § 14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and

WHEREAS, Robert W. Wilkes, record owners of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statute, entered upon the property and razed and removed the dilapidated, unsightly, and unsafe structure; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed upon the tax books as delinquent taxes,

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

Section 1. That, by the authority granted pursuant to Arkansas Code §§ 14-56-203 & 14-54-901 *et seq.*, and in accordance with the provision of § 173.08 of the Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas hereby determines the appropriate amount of the lien against the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000) to be $3,495.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby certifies this amount to the Tax Collector of Washington County, Arkansas so that this amount, plus ten percent (10%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 320 W. North Street (Washington County Parcel No. 765-10576-000).

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
COMMUNITY SERVICES DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 575-8260

March 27, 2013

Robert W. Wilkes
2766 N. Club Drive #4
Fayetteville, AR 72703

RE: Resolution No. 249-12
Enforcement of Fayetteville Code 173.09, and 95.03
Arkansas Code Ann. 14-56-203 , 14-54-901

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. § 14-56-203, § 14-54-901, et seq. and § 173.09 and § 95.03 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to consider a Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at **320 W. North Street (Parcel #765-10576-000)**. The amount of the asserted lien is $5,328.60, plus a 10% penalty for collection.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on May 7, 2013 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

LJB CONSTRUCTION INC.

P.O. Box 705
Rogers, AR 72756
(479) 899-6140 ofc, (479) 899-6141 fax

March 25, 2013

Community Code Enforcement
City of Fayetteville
Attn: Rachael Fields
113 W. Mountain St.
Fayetteville, AR 72701

Re: P.O. # 13-0000124-001
Raze & Remove 320 North St.
Per Res #249-12

Scope of Work:
Demolition of residential building located @ 320 North St., Fayetteville, AR.

Request for Payment

Purchase Order Amount.....$ 4,875.00

Amount Completed To Date.....$ 4,875.00

Retainage.....$ 0

Current Amount Due.....$ 4,875.00

LJB Construction, Inc.

Larry Beck, President

03.18.2013 11:34

03.18.2013 11:48

03.21.2013 14:10

DEERE
120C
03.21.2013 09:10

RESOLUTION NO. 249-12

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY ROBERT W. WILKES LOCATED AT 320 W. NORTH STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, Robert W. Wilkes is the record owner of the real property situated at 320 W. North Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-10576-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Robert W. Wilkes, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Robert W. Wilkes is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Robert W. Wilkes does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: 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".

CITY CLERK / TREASURER'S OFFICE CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

PASSED and **APPROVED** this 18th day of December, 2012.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: Sondra E. Smith
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

February 27, 2013

Robert W. Wilkes
2766 N. Club Drive #4
Fayetteville, AR 72703

RE: Enforcement of Ordinance 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

On December 18, 2012, the Fayetteville City Council passed and approved Resolution No. 249-12. The resolution states that, by the authority granted pursuant to A.C.A. 14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Robert W. Wilkes is hereby ordered to raze and remove the dilapidated, unsightly, and unsafe structure located on 320 W. North Street (Parcel #765-10576-000). The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

The resolution also says that if Robert W. Wilkes does not comply with this order, the Mayor is hereby directed to cause the structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. 14-54-904, for the costs associated therewith.

Our office will begin the Raze and Removal process of the aforementioned real property on March 18, 2013.

If you plan to remove anything from the structure, make arrangements before our process begins. Any vehicles left on the property will be removed for the duration of the Raze and Removal process. Costs associated with the removal and replacement of said vehicles will be added to the lien against the real property.

Please contact the Code Compliance Office at (479) 575-8260 if you have any questions or updates concerning the property.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc:file

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Yolanda Fields	Community Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the unsafe structure located at 1717 S. Stirman Ave. (WC Parcel # 765-09658-000) and approval of a Budget Adjustment in the amount of $4,900.00.

$ 4,900.00	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6420.5315.04	$ -	Raze and Removal
Account Number	Funds Used to Date	Program / Project Category Name
5033.1301	$ -	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 04-17-2013 Date

City Attorney — 4-19-13 Date

Finance and Internal Services Director — 4-24-2013 Date

Chief of Staff — 4-24-13 Date

Mayor — 4/24/13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office 04-13-13A10:53 RCVD Kim G.

Received in Mayor's Office ENTERED 4/19/13

Comments: Staff recommends approval of the Resolution and budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director

From: Yolanda Fields, Community Services Director

Date: April 17, 2013

Subject: Raze and Removal of structure at 1717 S. Stirman Ave.

RECOMMENDATION

Staff recommends approval of the Resolution ordering the Razing and Removal of a dilapidated and unsafe structure located at 1717 S. Stirman Ave. Staff also recommends approval of the budget adjustment in the amount of $4,900.00.

BACKGROUND

Service Request # 127279, Case # 17203: Code Compliance responded to a request from the Fire Marshals Office concerning the structure located at 1717 S. Stirman Ave. The fire damaged structure appeared to be in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. The Chief Building Official inspected the property and determined that the structure was in violation of Subsection 173.09(A), Unsafe Buildings, of the City Code of Ordinances. Specifically, the Chief Building Official observed: *Structure is burned out and has water damage which makes it not repairable.*
On March 14, 2013, an Unsafe Building Notice of Violation was sent to the property owner of record and posted on site. By ordinance, the property owner was given until April 14, 2013 to acquire a building permit or to raze and remove the structure.
On April 16, 2013, a Notice of Public Hearing was sent to the property owner and posted on site informing the owner of record of the May 7, 2013 Public Hearing.

DISCUSSION

The owner of record is the Estate of Mary Lou Guthery, since Mrs. Guthery passed away a few years ago. The property is delinquent on state taxes since 2009. All official Notices have also been sent to the Legal Department of the Commissioner of State Lands since the property has been certified to the Commissioner of State Lands.
This parcel contains a 1,680 square foot single family dwelling. The structure is fire damaged, not secured and has deteriorated to a point where it is no longer safe. There is not a current building permit on this structure. If the property owner does not comply with the Raze and Removal order, the budget adjustment funds will be used to contract the Raze and Removal. A Lien will be placed on the parcel for the incurred costs.

BUDGET IMPACT

A budget adjustment in the amount of $4,900.00

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MARY LOU GUTHERY LOCATED AT 1717 S. STIRMAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, Mary Lou Guthery is the record owner of the real property situated at 1717 S. Stirman Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-09658-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Celia Cazort Barton, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Mary Lou Guthery is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Mary Lou Guthery does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: 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 7th day of May, 2013.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Division: Community Services Department: Development Services	Request Date	Adjustment Number
2013		4/16/2013	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Move $4900 to the Code Raze and Removal account in case of non-compliance to the Raze and Remove request.

Division Head	4/17/13 Date	Prepared By:	Rachel rafields
Budget Director	Date	Reference:	
Department Director	04-17-2013 Date	Budget & Research Use Only	
Finance Director	4-24-2013 Date	Type: A B C D E P	
Chief of Staff	4-24-13 Date	General Ledger Date	
Mayor	4/25/13 Date	Posted to General Ledger	Initial Date
		Checked / Verified	Initial Date

			Increase / (Decrease)		
TOTAL BUDGET ADJUSTMENT			4,900	4,900	
Account Name	Account Number		Expense	Revenue	Project.Sub Number
Raze and Removals	1010.6420.5315.04	EX	4,900	-	10033 . 1301
Use of fund balance	1010.0001.4999.99	RE	-	4,900	.

EXHIBIT
tabbies
A

Code Compliance Program
Unsafe Building Violation Determination

Address / Location: 1717 S. Stirman Ave.

WC Parcel # 765-09658-000

I have determined that the structure above has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

☒ ***I recommend the raze and removal of the structure.***

☐ ***I recommend securing the structure.***

7 mar 13

Building Official

Observations: Structure is burned out and water damage makes it unrepairable.

I have determined that the structure above is not in violation of Subsection 173.09 (A) of the Fayetteville Code Of Ordinances.

Building Official

PLEASE RETURN THIS FORM TO CODE COMPLIANCE

Date Sent: March 6, 2013 *SR#* 127279

Date Received: 3/8/13 *Case#* 17203

Community Services Division Director

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 14, 2013

Owner MARY LOU GUTHERY
1717 S. STIRMAN AVE.

FAYETTEVILLE, AR 72701

RE: Property @ 1717 S STIRMAN AVE, Fayetteville, AR

WC Parcel # 765-09658-000 **Case # 17203**

POSTED 3.14.13

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8260.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No 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.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:
If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8240.

Sincerely,

MATTHEW CHILDERS
Code Compliance Officer

Cc: file

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Office of Code Compliance
Phone 479-575-8260
Fax 479-444-3445

VIOLATION NOTICE

March 08, 2013

Owner COMMISSIONER OF STATE LANDS C/O LEGAL DEPARTMENT
109 STATE CAPITOL BLDG

LITTLE ROCK, AR 72201

RE: Property @ 1717 S STIRMAN AVE, Fayetteville, AR

WC Parcel # 765-09658-000 **Case # 17203**

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. **If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8260.**

Suspected Violation That Needs Correction:

§173.09 Unsafe Buildings. No 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.

How This Violation Can Be Voluntarily Corrected:

By making repairs as needed or razing the structure and remove all debris from the lot. A building permit may be required, based on review of the Building Safety Director.

Potential Penalties:
If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8240.

Sincerely,

MATTHEW CHILDERS
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

COMMISSIONER OF STATE LANDS
C/O LEAGL DEPARTMENT
109 STATE CAPITOL BLDG
LITTLE ROCK , AR 72201

COMPLETE THIS SECTION ON DELIVERY

A. Signature: Kerry Goodson ☐ Agent ☐ Addressee

B. Received by (Printed Name) Kerry Goodson C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
MAR 1 3 2013
CS DIVISION

Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7010 2780 0001 9242 9633

PS Form 3811, February 2004 Domestic Return Receipt 17203 MC 102595-02-M-1540

City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-575-8260

April 16, 2013

Mary Lou Guthery
1717 S. Stirman Ave.
Fayetteville, AR 72701

RE: Enforcement of Fayetteville Code 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at **1717 S. Stirman Ave. (Parcel #765-09658-000)**, should be Razed and Removed.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on May 7, 2013 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

City of Fayetteville
Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-575-8260

April 16, 2013

Commissioner of State Lands
c/o Legal Department
109 State Capitol Bldg
Little Rock, AR 72201

RE: Enforcement of Fayetteville Code 173.09
Arkansas Code Ann. 14-56-203

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. 14-56-203 at 173.09 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at **1717 S. Stirman Ave. (Parcel #765-09658-000)**, should be Razed and Removed.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on May 7, 2013 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

Record **1** of **1** Last Updated 04/15/13

Print Page

Parcel Number: **765-09658-000** Prev. Parcel Number: **143029-000-00** Type: **RI**
Location: **1717 S STIRMAN AVE**
Owner Name: **GUTHERY, MARY LOU**
Mailing Address: **1717 STIRMAN FAYETTEVILLE AR 72701**
Lot: **007** Block: **010** S-T-R: **21-16-30**
Addition: **PARKSDALE ADD**
School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
City: **FAYETTEVILLE**
Legal: **LOTS 7-8 BLOCK 10**
Current Year A79 Credit Status: **N**

Last Appraised: **2010**	**Appraised Value**	**Taxable Value**
Land	**15,000**	**3,000**
Improvement	**45,200**	**4,737**
Total	**60,200**	**7,737**

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2012	**7,269**	**$390.71**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**N**	**$390.71**	**$0.00**	
2011	**DELINQUENT**									
2010	**DELINQUENT**									
2009	**DELINQUENT**									
2008	**4,250**	**$218.88**	**$0.00**	**$0.00**	**$0.00**	**$218.88**	**F**	**$0.00**	**$0.00**	**PAID**
2007	**4,250**	**$219.30**	**$0.00**	**$0.00**	**$0.00**	**$219.30**	**F**	**$0.00**	**$0.00**	**PAID**
2006	**4,250**	**$223.98**	**$0.00**	**$0.00**	**$0.00**	**$223.98**	**F**	**$0.00**	**$0.00**	**PAID**
2005	**4,250**	**$223.98**	**$0.00**	**$0.00**	**$0.00**	**$223.98**	**F**	**$0.00**	**$0.00**	**PAID**
2004	**4,250**	**$220.41**	**$0.00**	**$0.00**	**$0.00**	**$220.41**	**F**	**$0.00**	**$0.00**	**PAID**
2003	**4,250**	**$225.08**	**$0.00**	**$0.00**	**$0.00**	**$225.08**	**F**	**$0.00**	**$0.00**	**PAID**
2002	**4,250**	**$220.83**	**$0.00**	**$0.00**	**$0.00**	**$220.83**	**F**	**$0.00**	**$0.00**	**PAID**
2001	**4,250**	**$220.83**	**$0.00**	**$0.00**	**$0.00**	**$220.83**	**F**	**$0.00**	**$0.00**	**PAID**
2000	**4,250**	**$223.13**	**$0.00**	**$0.00**	**$0.00**	**$223.13**	**F**	**$0.00**	**$0.00**	**PAID**
1999	**4,250**	**$217.60**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$217.60**	**$217.60**	**PAID**
1998	**4,250**	**$218.03**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$218.03**	**$218.03**	**PAID**
1997	**4,250**	**$218.03**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$218.03**	**$218.03**	**PAID**

Available Tax Payment Receipt(s)

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
1999	**9046**	**10/11/2000**	**$217.60**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$217.60**
1998	**6884**	**10/5/1999**	**$218.03**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$218.03**

Deed History

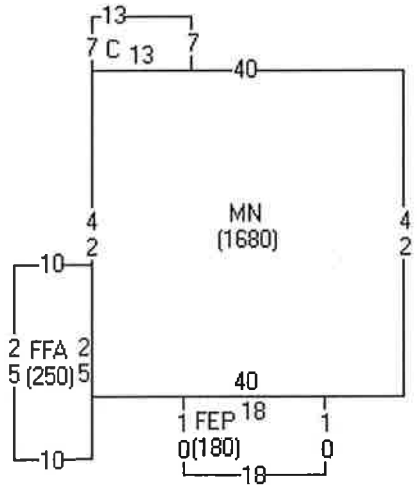
Date	Deed Ref.	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
	1271-	**GUTHERY, JOE &**				

5/23/1988	757	MARY LOU		0	0.00
5/23/1988	1271-757	GUTHERY, MARY LOU (SURVIVOR)	WD	0	
10/13/1972	841-140	GUTHERY, JOE & MARY LOU	WD	3,000	3.30

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Year Constructed	Basement Area
1	SF	FS	1680	1680	1966	

Grade	Condition	Exterior Wall	Fireplace	Year Remodeled	Effective Age
5	A	SNGL.SIDNG			44

Sketch:



Out Buildings and Yard Improvements

Qty	Description	Size	Quality
1	Outbuilding,frame	9x12	
1	Outbuilding,frame	12x18	
1	Driveway, concrete	10x57	
1	Driveway, concrete	10x45	

Next Item | Previous Item | Ledger Card | Prev. Ledger Card | Plat | GIS Parcel Map | Return to Search Results | Modify Search | New Search

CODE COMPLIANCE
04.17.2013 08:59

04.17.2013 08:59

04.17.2013 08:59

04.17.2013 09:00

04.17.2013 09:00

04.17.2013 09:01

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

RZN 13-4334: Rezone (2925 OLD MISSOURI RD./GOOD SHEPHERD, 253): Submitted by DEMX ARCHITECTURE for property located at 2925 OLD MISSOURI ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 3.8 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

	$ -	
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 — Date

(typo in ordinance)

City Attorney — Date 4-12-13

Finance and Internal Services Director — Date 4-15-2013

Chief of Staff — Date 4-15-13

Mayor — Date 4/15/13

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office 04-12-13 A11:29 RCVD

Received in Mayor's Office ENTERED 4/12/13

Comments:

Fayetteville
ARKANSAS
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
Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: April 11, 2013

Subject: RZN 13-4334 (2925 Old Missouri/Good Shepherd Lutheran)

RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single Family Four Units Per Acre, to P-1, Institutional.

BACKGROUND

The subject property contains approximately 3.8 acres at the southwest corner of Old Missouri Road and Rolling Hills Drive. The site is zoned RSF-4 and contains the Good Shepherd Lutheran Church and parking lot. The western portion of the site is bordered by Missouri Creek and its associated riparian area. The site was developed for the church many years ago. The church currently operates under a conditional use permit that was approved on July 23, 2012 that brought the existing church into compliance and allowed for improvements to the site (CUP 12-4165).

Proposal: The applicant requests to rezone the property from RSF-4, Residential Single Family Four Units Per Acre to P-1, Institutional in order to make the zoning map consistent with the existing long-term use of a church on the site, to allow for modification to their monument sign, and to prevent the church from having to go through the conditional use permit every time additions and expansions are desired.

DISCUSSION

On April 11, 2013 the Planning Commission voted 9-0-0 to forward this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4334, FOR APPROXIMATELY 3.8 ACRES, LOCATED AT 2925 OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-4, Residential Single-Family, 4 units per acre to P-1, Institutional, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

EXHIBIT "A"

RZN13-4334

Close Up View

GOOD SHEPHERD

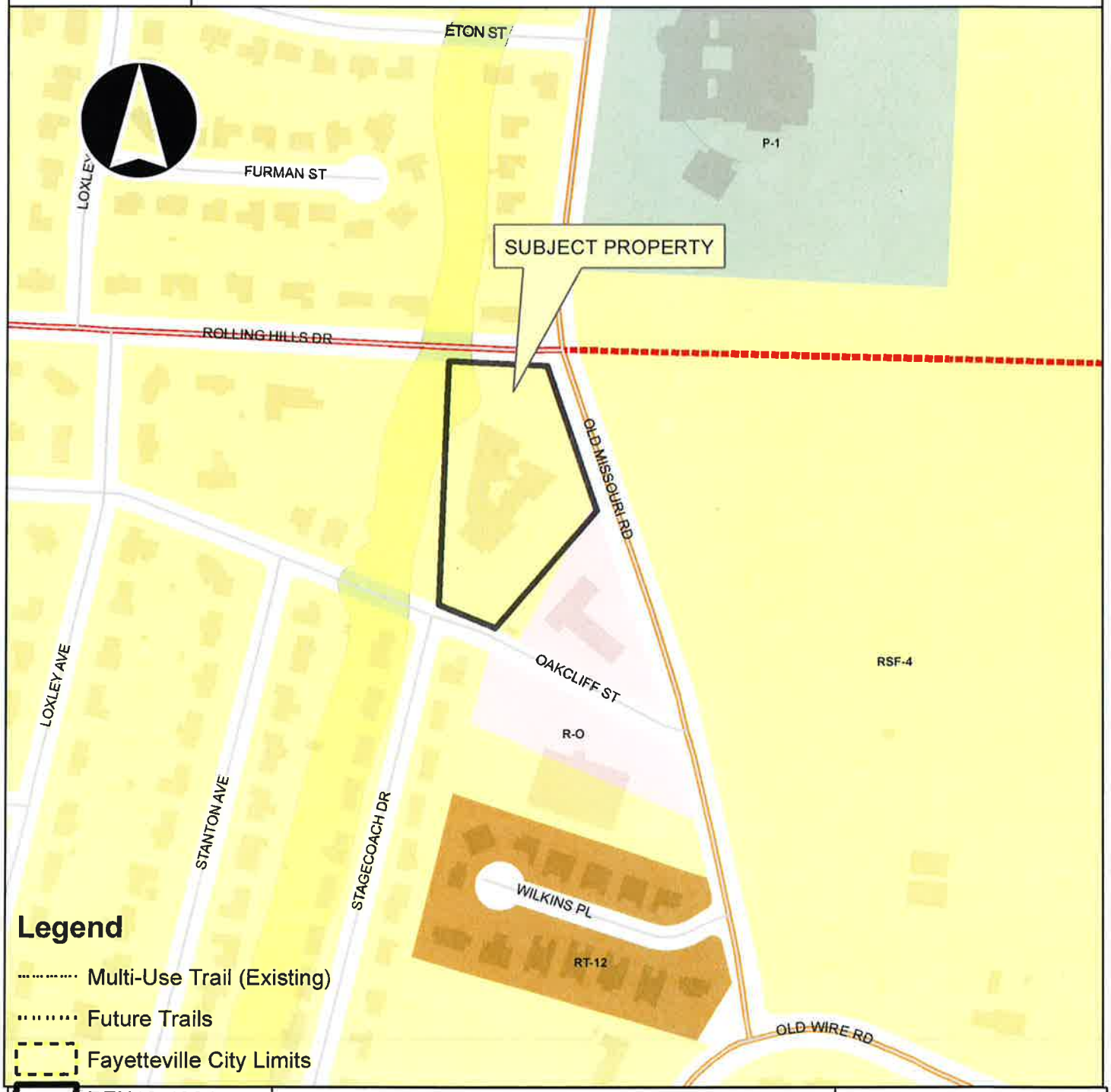


EXHIBIT "B"
RZN 13-4334

PARCEL # 765-09205-000
LOTS NUMBERED EIGHT (8), NINE (9), AND TEN (10) AND A PART OF LOT NUMBERED (7), DESCRIBED AS BEGINNING AT THE COMMON CORNER BETWEEN LOTS 7 AND 8, BEING THE NORTHEAST CORNER OF SAID LOT 7, AT ROLLING HILLS DRIVE, AND RUNNING, THENCE NORTH 89°35' WEST FORTY NINE AND SIX-TENTHS (49.6) FEET WITH THE SOUTH LINE OF SAID ROLLING HILLS DRIVE, THENCE SOUTH FIVE HUNDRED TWENTY EIGHT AND TWENTY NINE HUNDREDTHS (528.29) FEET, THENCE SOUTH 70° EAST ONE HUNDRED NINE AND THREE-TENTHS (109.3) FEET TO THE SOUTH WEST CORNER OF SAID LOT 10, SAME BEING THE SOUTH EAST CORNER OF SAID LOT 7, THENCE NORTH 3°48' WEST FIVE HUNDRED SIXTY EIGHT AND THIRTY SIX HUNDREDTHS (568.36) FEET ALONG THE BOUNDARY LINE BETWEEN SAID LOTS 7 AND LOT 8, 9 AND 10 TO THE POINT OF BEGINNING, ALL IN BLOCK FIVE (5) OF OAKS MANOR ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF COUNTY AND STATE AFORESAID.*
LESS
PART OF LOTS 9 AND 10 BLOCK 5 OF REPLAT OF LOTS 7,8,9, AND 10 BLOCK 5 OAKS MANOR SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT N 21°05'14.4" W 68.76 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 10, THENCE N 21°05'14.4" W 412.91 FEET, THENCE S 38°09'48" W 306.07 FEET, THENCE S 64°05'12" E 364.23 FEET, THENCE N 38°09'48" E 23.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.38 ACRES, MORE OR LESS, SUBJECT TO RIGHT OF WAY AND EASEMENTS OF RECORD.**
*LEGAL DESCRIPTION OF PROPERTY FROM WARRANTY DEED SEALED JULY 31, 1967 AND FILED FOR RECORD NOVEMBER 1, 1967. (SEE ATTACHED WARRANTY DEED)
**LEGAL DESCRIPTION OF PROPERTY DEEDED OUT TO ALBRIGHT, L.L.C. ON DECEMBER 20, 1993, FROM WARRANTY DEED SEALED DECEMBER 29, 1995 AND FILED FOR RECORD FEBRUARY 15, 1996.

Fayetteville
ARKANSAS

PC Meeting of April 8, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Subdivision Committee
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~April 1, 2013~~ *Updated April 11, 2013*

RZN 13-4334: Rezone (2925 OLD MISSOURI RD./GOOD SHEPHERD, 253): Submitted by DEMX ARCHITECTURE for property located at 2925 OLD MISSOURI ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 1.38 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Planner: Andrew Garner

BACKGROUND:

Property and Background: The subject property contains approximately 3.8 acres at the southwest corner of Old Missouri Road and Rolling Hills Drive. The site is zoned RSF-4 and contains the Good Shepherd Lutheran Church and parking lot. The western portion of the site is bordered by Missouri Creek and its associated riparian area. The site was developed for the church many years ago. The church currently operates under a conditional use permit that was approved on July 23, 2012 that brought the existing church into compliance and allowed for improvements to the site (CUP 12-4165). Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family residential	RSF-4, Residential Single Family 4 Units Per Acre
South	Single family residential/Office	RSF-4, Residential Single Family 4 Units Per Acre/ R-O, Residential Office
East	Undeveloped	RSF-4, Residential Single Family 4 Units Per Acre
West	Single family residential/Church of Christ Scientist	RMF-24, Residential Multi-Family 24 Units Per Acre

Request: The applicant requests to rezone the property from RSF-4, Residential Single Family Four Units Per Acre to P-1, Institutional in order to make the zoning map consistent with the existing long-term use of a church on the site, to allow for modification to their monument sign, and to prevent the church from having to go through the conditional use permit every time additions and expansions are desired.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4334 Good Shepherd Lutheran) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: April 8, 2013	**☐ Tabled**	**X Forwarded**	**☐ Denied**
Motion: Cook	**Second: Chesser**	**Vote: 9-0-0**	
CITY COUNCIL ACTION:	**Required**	**YES**	
		☐ Approved	**☐ Denied**
Date:			

INFRASTRUCTURE:

Streets: The site has access to Rolling Hills Drive and Old Missouri Road. Rolling Hills Drive is a fully improved two lane Principal Arterial with bike lanes and sidewalks in this location. Old Missouri Road is a fully improved two lane Collector street with a turn lane in this location. Street improvements within the property will be evaluated at the time of development.

Water: Public water is available to the property. There is a 6" water main along Old Missouri Road in this location. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development.

Sewer: Sanitary sewer is available to the site. There is an 8" collector along the western side of this property.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones associated with Missouri Creek along the western property line.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as* ***Residential Neighborhood Area.***

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The subject property is located at the intersection of a Principal Arterial and Collector streets, in close proximity to an elementary school, a church, an office complex, and a single family neighborhood. Staff finds that the proposed P-1 zoning would be compatible with the surrounding land uses and appropriately regulated. The P-1 zoning would also allow future improvements by right to the existing church on the site that would be beneficial to the community.**

The proposed P-1, Institutional, zoning is consistent with the City's *Residential Area* land use designation that encourages non-residential uses in corner locations at connected corridors.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning to P-1, Institutional is justified in order for the zoning map to be consistent with the existing, long-standing use of a church on this property. If the property is not rezoned, the church must continually come back to the planning commission for conditional use permits for improvements and additions to their property. While that may be appropriate in certain sensitive land use settings and zoning districts, because of the busy corner location and other non-residential use in the vicinity, staff agrees with the applicant that a rezoning is justified at this time.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The existing church has over 700 members and brings in off-peak hour traffic, primarily on Sunday mornings, with various other typical church gatherings during the week. Rezoning from RSF-4 to P-1 would result in the potential for an increase in traffic compared with that allowed under the existing zoning. However, the street system in the surrounding area has been improved and accommodates relatively large volumes of traffic with Rolling Hills being a Principal Arterial and Old Missouri being a Collector Street. The surrounding street system is capable of supporting additional traffic that could be generated by the proposed zoning. Future development on the property would also be evaluated for potential street improvements.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The change in zoning to P-1 would not permit uses that would adversely impact public services.**

Increased load on public services were taken into consideration and recommendations from the Engineering, Police, and Fire Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **Not applicable. Staff recommends in favor of the requested zoning.**

Fayetteville Unified Development Code

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

Fayetteville Unified Development Code

161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

deMx architecture, p.a.

Written Description for Rezoning

Good Shepherd Lutheran Church
2925 Old Missouri Rd
Fayetteville, AR 72703

Good Shepherd Lutheran Church, parcel #765-09205-000, is requesting rezoning to the P-1 (Institutional) classification. The lot is currently zoned RSF-4 (Residential Single Family) and owned by Good Shepherd Lutheran Church, with no pending property sales. The reason for rezoning is because in the past 12 months, Good Shepherd Lutheran Church has had to file for a conditional use permit in order to do minor additions to the property. Rezoning will alleviate the need for having to file for a conditional use permit every time that work is being done on the property. Also, since the property is already developed as a church, the P-1 classification is the most suitable for the existing conditions. The proposed zoning should have no effect upon the surrounding properties in terms land use, traffic, and appearance. Good Shepherd Lutheran Church has plans to construct a new monument sign to replace the existing monument sign. However, the planned new monument sign is not allowed under the current zoning. This sign will be approximately the same size as the existing sign, but it will materially match the existing church. The proposed zoning should not alter population density, increase the load on public services, or appreciably increase traffic danger and congestion, being that the property is already developed. There are existing 8" Sanitary Sewer and 6" CIP Lines on the property. The Church office hours are Monday – Friday 8:00am – 2:50pm and their services take place Sundays between 8:00am and 12:00pm. The church has eight employees and 717 congregation members. The peak hours for the church are during the two Sunday services between 8:00am and 12:00pm with an average of 253 members during this time.

1 East Center St, Suite 290 Fayetteville Arkansas 72701
p 479 966 4871 f 479 966 4872

RZN13-4334

Current Land Use

GOOD SHEPHERD

Overview

RZN13-4334

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

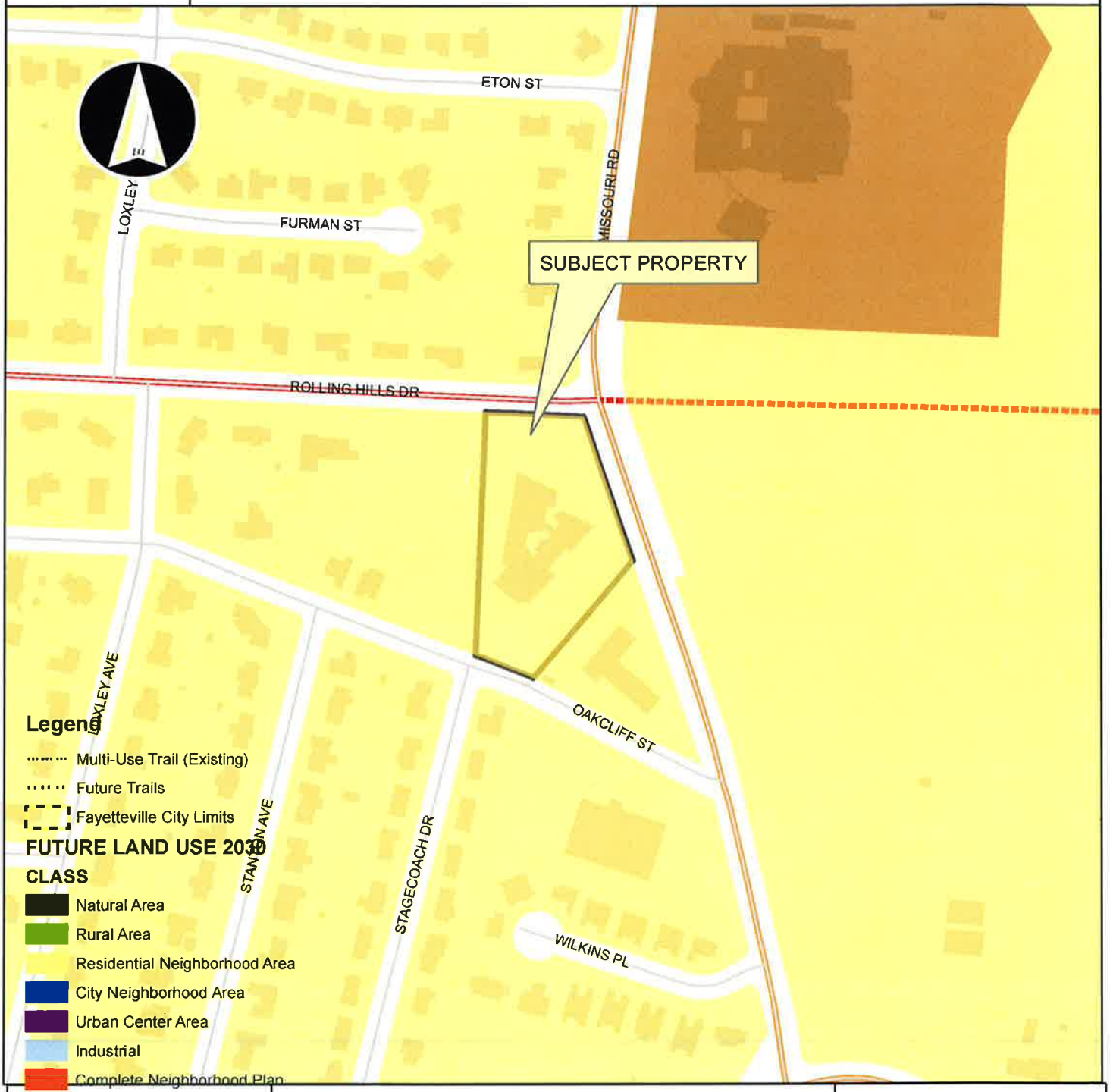
Planning Area

0 125 250 500 750 1,000 Feet

RZN13-4334

Future Land Use

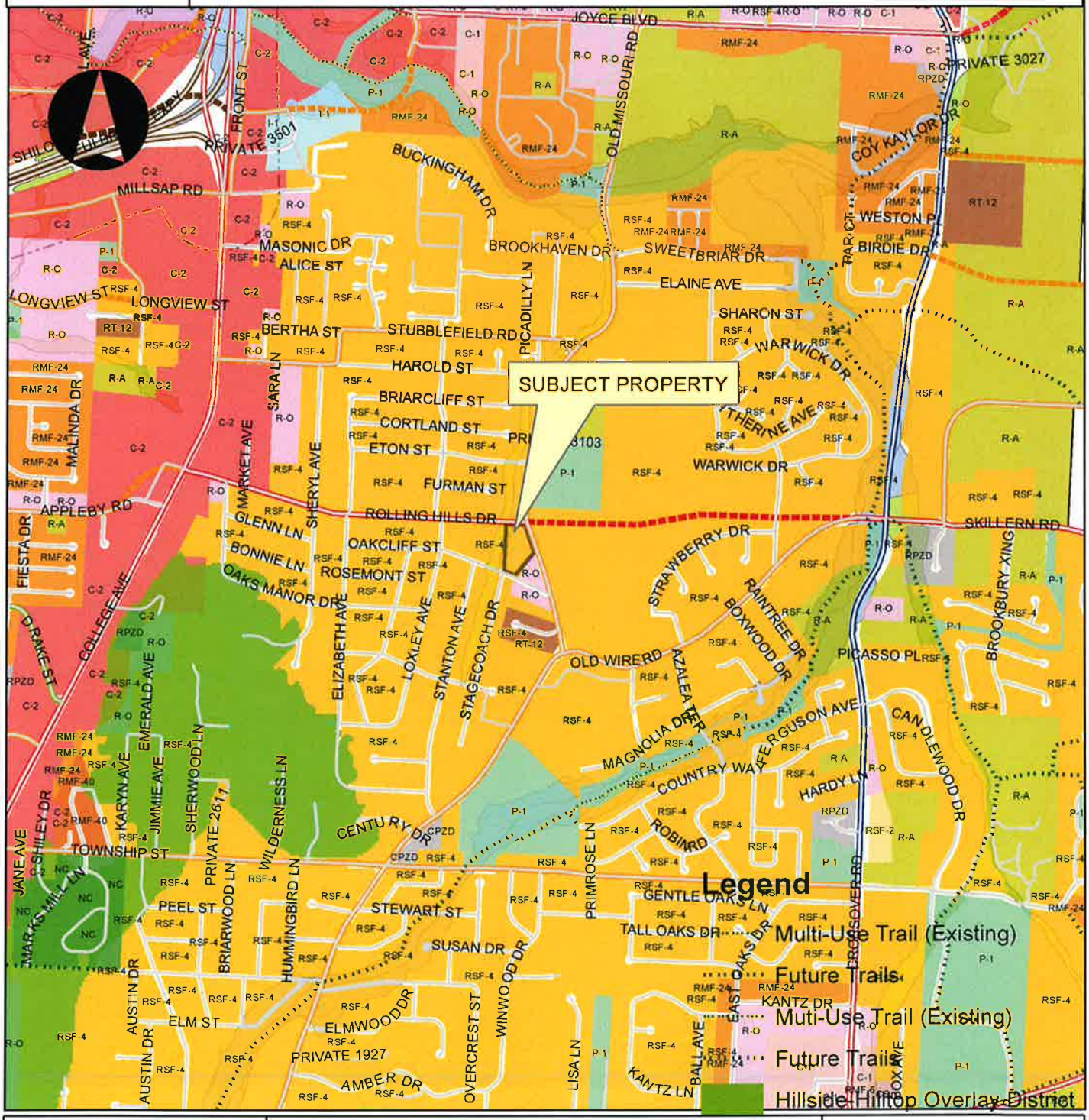
GOOD SHEPHERD



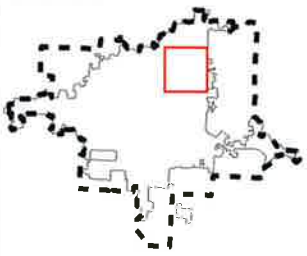
RZN13-4334

One Mile View

GOOD SHEPHERD



Overview



Legend

Subject Property

RZN13-4334

Boundary

RZN13-4334

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

5/7/2013
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

RZN 13-4359: Rezone (1851 E. HUNTSVILLE RD. /KUM & GO, 565): Submitted by CITY STAFF for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned I-2, GENERAL INDUSTRIAL and contains 1.93 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

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 — 04.16.2013 Date

City Attorney — 4-19-13 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 4-19-2013 Date

Chief of Staff — 4-19-13 Date

Mayor — 4/22/13 Date

Received in City Clerk's Office 4-19-13 A09:27 RCVD

Received in Mayor's Office ENTERED 4/19/13

Comments:

Fayetteville ARKANSAS
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
Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: April 16, 2013

Subject: RZN 13-4359 (1851 E. Huntsville Road/Kum & Go)

RECOMMENDATION

Planning staff recommends approval of an ordinance to rezone the subject property from I-2, General Industrial, to C-1, Neighborhood Commercial.

BACKGROUND

The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is zoned I-2, General Industrial. In 2005, the City of Fayetteville acquired approximately 11.5 acres and a 124,000 square foot building formerly used as a Tyson's Mexican Original operation. Since then the City has split off 1.31 acres and constructed a new fire station.

On February 5, 2013, the City Council approved Resolution No. 26-13, authorizing Mayor Jordan to sell approximately two (2) acres of the Tyson property to Kum & Go, L.C. The agreement includes a cost share with the City of Fayetteville for new roads/driveways within the property and the demolition of the factory building. Further, the City Council determined that for the purposes of the proposed sale to Kum & Go, L.C., "the parcel should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C." prior to its conveyance. A representative of Kum and Go has submitted an e-mail stating their desire for the property to be rezoned to C-1, Neighborhood Commercial.

DISCUSSION

The Planning Commission will review the rezoning request on April 22, 2013.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4359, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT 1851 EAST HUNTSVILLE ROAD FROM I-1, GENERAL INDUSTRIAL, TO C-1, NEIGHBORHOOD COMMERCIAL.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-2, General Industrial to C-1, Neighborhood Commercial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2013.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4359

Close Up View

KUM AND GO

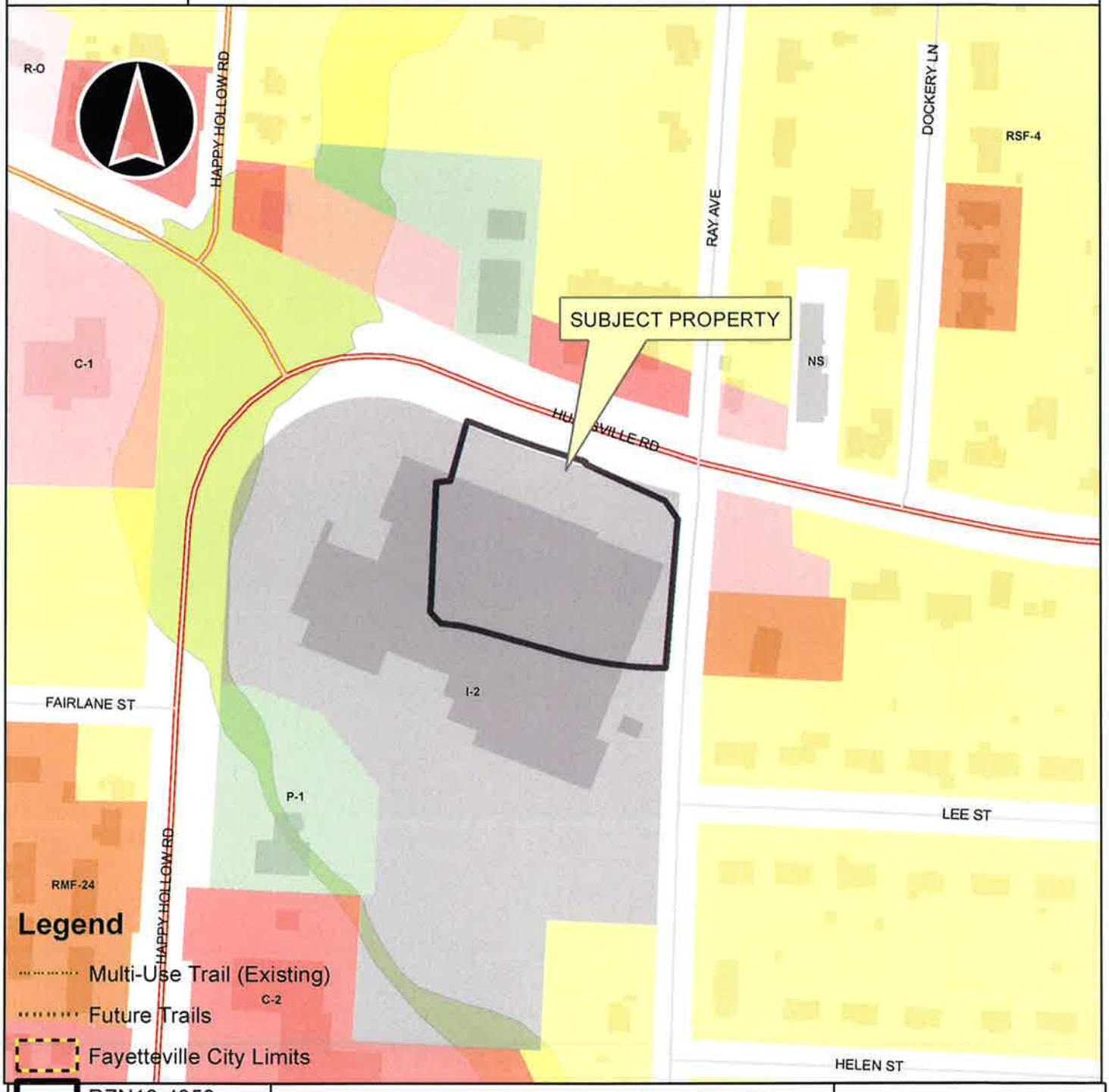


EXHIBIT "B"
RZN 13-4359

Description:

A part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of said forty (40) acre tract; thence South 86°45'55" East 648.72 feet; thence North 03°14'05" East 536.64 feet to the Westerly right-of-way of South Ray Avenue as per Watson Addition filed as Plat Bk. 1, Plat Pg. 221 with the Circuit Clerk of said county, said point being the POINT OF BEGINNING; thence leaving said right-of-way North 88°20'15" West 17.07 feet to the beginning of a curve to the right having a delta angle of 14°10'59" and a radius of 490.00 feet; thence along said curve an arc length of 121.30 feet and a chord bearing and distance North 81°14'46" West 120.99 feet; thence North 74°09'23" West 120.84 feet to the beginning of a curve to the left having a delta angle of 09°53'44" and a radius of 325.92 feet; thence along said curve an arc length of 56.29 feet and a chord bearing and distance of North 79°58'23" West 56.22 feet; thence North 41°12'35" West 20.73 feet; thence North 02°30'04" East 178.54 feet; thence North 84°04'34" East 19.45 feet; thence North 15°50'44" East 85.49 feet to the Southerly right-of-way of Arkansas State Highway Sixteen (16) (Huntsville Road) being the beginning of a curve to the left having a delta angle of 07°02'11" and a radius of 1355.00 feet; thence along said right-of-way an arc length of 166.40 feet and a chord bearing and distance of South 70°51'01" East 166.30 feet; thence continuing along said right-of-way the following courses:
South 74°22'06" East 6.58 feet;
South 15°37'54" West 2.83 feet;
South 64°53'41" East 119.29 feet;
South 34°05'21" East 30.76 feet to said Westerly right-of-way of South Ray Avenue; thence along said right-of-way South 04°36'37" West 205.43 feet to the Point of Beginning, containing 1.933 acres, more or less.

Fayetteville
ARKANSAS

PC Meeting of April 22, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Subdivision Committee
FROM:	Jesse Fulcher, Current Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	April 15, 2013

RZN 13-4359: Rezone (1851 E. HUNTSVILLE RD. /KUM & GO, 565): Submitted by CITY STAFF for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned I-2, GENERAL INDUSTRIAL and contains 1.93 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL. Planner: Jesse Fulcher

BACKGROUND:

Property and Background: The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is zoned I-2, General Industrial. In 2005, the City of Fayetteville acquired approximately 11.5 acres and a dilapidated 124,000 square foot building formerly used as a Tyson's Mexican Original operation. Since then the City has split off 1.31 acres and constructed a new fire station. The building has remained vacant and the condition is continually declining.

On February 5, 2013, the City Council approved Resolution No. 26-13, authorizing Mayor Jordan to sell approximately two (2) acres of the Tyson property to Kum & Go, L.C. The agreement includes a cost share with the City of Fayetteville for new roads/driveways within the property and the demolition of the factory building. Further, the City Council determined that for the purposes of the proposed sale to Kum & Go, L.C., "the parcel should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C." prior to its conveyance. A representative of Kum and Go has submitted an e-mail stating their desire for the property to be rezoned to C-1, Neighborhood Commercial. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Church	C-1, Neighborhood Commercial, C-2, Thoroughfare Commercial and P-1, Institional
South	Fire Station, Warehouse and Single-family home	P-1, Institutional, C-2, Thoroughfare Commercial, RSF-4, Residential Single-family
East	Residential	C-1, Neighborhood Commercial, RMF-24, Residential Multi-family and RSF-4, Residential Single-family
West	Funeral Home	C-1, Neighborhood Commercial and RSF-4

Request: The City of Fayetteville, as owner of the property, requests to rezone the property from I-2, General Industrial to C-1, Neighborhood Commercial. The purpose of the rezoning is to complete a land scale agreement with Kum & Go, L.C.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4359 1851 E. HUNTSVILLE RD. /KUM & GO) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: April 22, 2013	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:	**Second:**	**Vote:**	
CITY COUNCIL ACTION:		**Required**	**YES**
	❒ Approved	**❒ Denied**	
Date:			

INFRASTRUCTURE:

Streets: The site fronts Huntsville Road/Happy Hollow Road, an unimproved two-lane Principal Arterial and state highway. Both streets are currently being widened to a four-lane cross section between Armstrong Avenue and Stonebridge Road. Street improvements within and adjacent to the property will be evaluated at the time of development.

Water: Public water is available to the property. There is a 12", 8" and several 2" mains along and within the property. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development. Older, smaller lines may be removed during development as well.

Sewer: Sanitary sewer is available to the site. There is an 8" and 6" main adjacent to the property. Capacity of each line will be evaluated at the time of development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is noy affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Civic Institutional.** This designation is for buildings/properties generally operated by not-for-profit organizations.*

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Goal 1 of City Plan 2030 is to make infill and revitalization our highest priority. This particular property is to some degree an infill site. However, it is most obviously a redevelopment site. Kum & Go, L.C. has agreed to assist with demolition of the existing building, construction of internal streets and/or driveways that will serve future development lots, and develop approximately 2 acres of the property with a Kum & Go gas station and convenience store. The redevelopment of this site, in any form, will be significant and positive change in this neighborhood.**

The site design typified by recent Kum & Go developments and prescribed by the C-1 zoning district is not the traditional form recommended by Goal 3 of City Plan 2030, which states "we will make traditional town form the standard." The sites tend to have very wide drive aisles, expansive fuel canopies and a pavement to building ratio of approximately 10:1. This is not a compact, pedestrian oriented development form. It is a business for vehicles. The proposed C-1 zoning requires a suburban form and does not allow a traditional town form.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Rezoning the property out of the I-2, General Industrial classification is justified at this time. Though the property was used for many decades as an industrial complex, the predominant land use in this area has remained residential and light commercial. The uses currently allowed in the I-2 zoning district are incompatible with most every nearby property, especially the single-family neighborhood to the east. In addition, rezoning the property as requested by Kum & Go and recommended by the City Council, will allow redevelopment of the property as outlined above.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The site has been vacant for several years, so any redevelopment will increase traffic in the vicinity of the site. The zoning change, as planned, will result in approximately two acres being developed with a convenience store and gas station. Approximately eight acres will be reserved for future development. The site has access to an existing traffic signal and will eventually have three separate accesses distribute traffic loads. In addition, Happy Hollow/Huntsville Roads are being widened to four-lanes along this property, which will increase the road capacity and level of service. In staff's opinion, the increase in traffic will not appreciably increase traffic danger or congestion once the road widening project is completed.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning should not increase population density and thereby undesirably increase the load on public services, in staff's opinion.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **In some recent cases staff has not recommended in favor of conventional zoning districts such as C-1, Neighborhood Commercial. Many times the request has been an up-zone of a property in close proximity to urban and residential land uses, or of rural properties along highway corridors. In staff's opinion, up-zoning property to conventional suburban zoning districts in these types of circumstances may either erode the established fabric of a neighborhood, or introduce high-speed, strip commercial development among rural land uses, neither of which is supported by the City's adopted land use plans or policies. Similar arguments could be made for this property. However, in staff's opinion, rezoning the property to C-1 is justified, even though a conventional zoning district is not completely consistent with adopted land use polices.**

The City of Fayetteville has owned this property for approximately eight years, over which time the former Tyson building has become essentially unusable. Estimates to demolish the building in 2009 were approximately a half a million dollars. The land sale agreement between the City of

Fayetteville and Kum & Go, L.C. will generate over $1.1 million dollars for the City of Fayetteville and provide up to 25% of the demolition costs of the building. The provisions of the land deal are extenuating circumstances and provide an opportunity for a public/private partnership that will remove a 124,000 square foot structure, establish a new commercial business, improve public infrastructure and a introduce a substantial amount of greenspace and landscaping on a site that is predominately hard-scape. Redevelopment will substantially improve the aesthetics of this site and the economic potential of surrounding properties.

RZN13-4359

Current Land Use

KUM AND GO

Overview

RZN13-4359

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

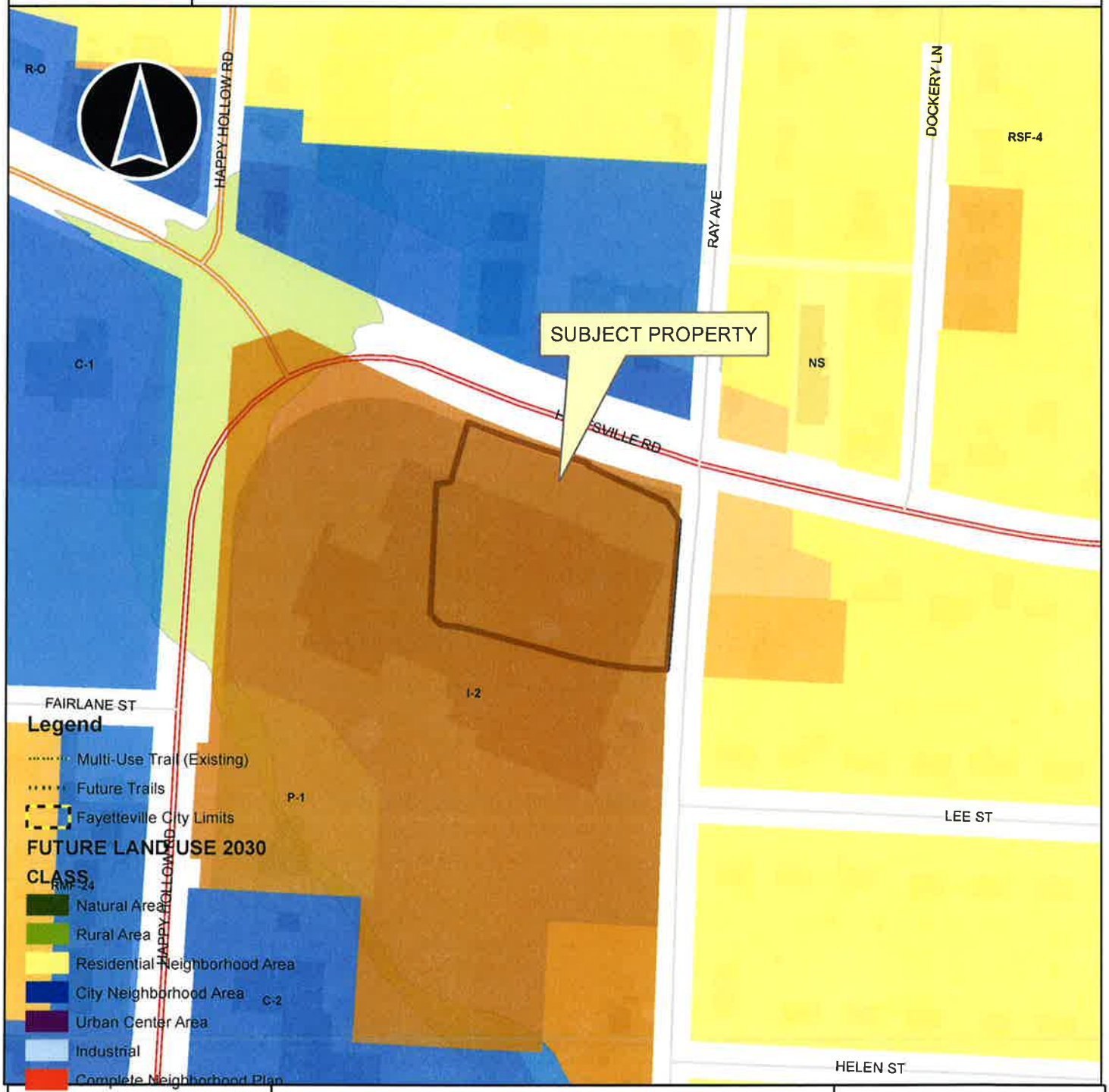
Planning Area

0 75 150 300 450 600 Feet

RZN13-4359

Future Land Use

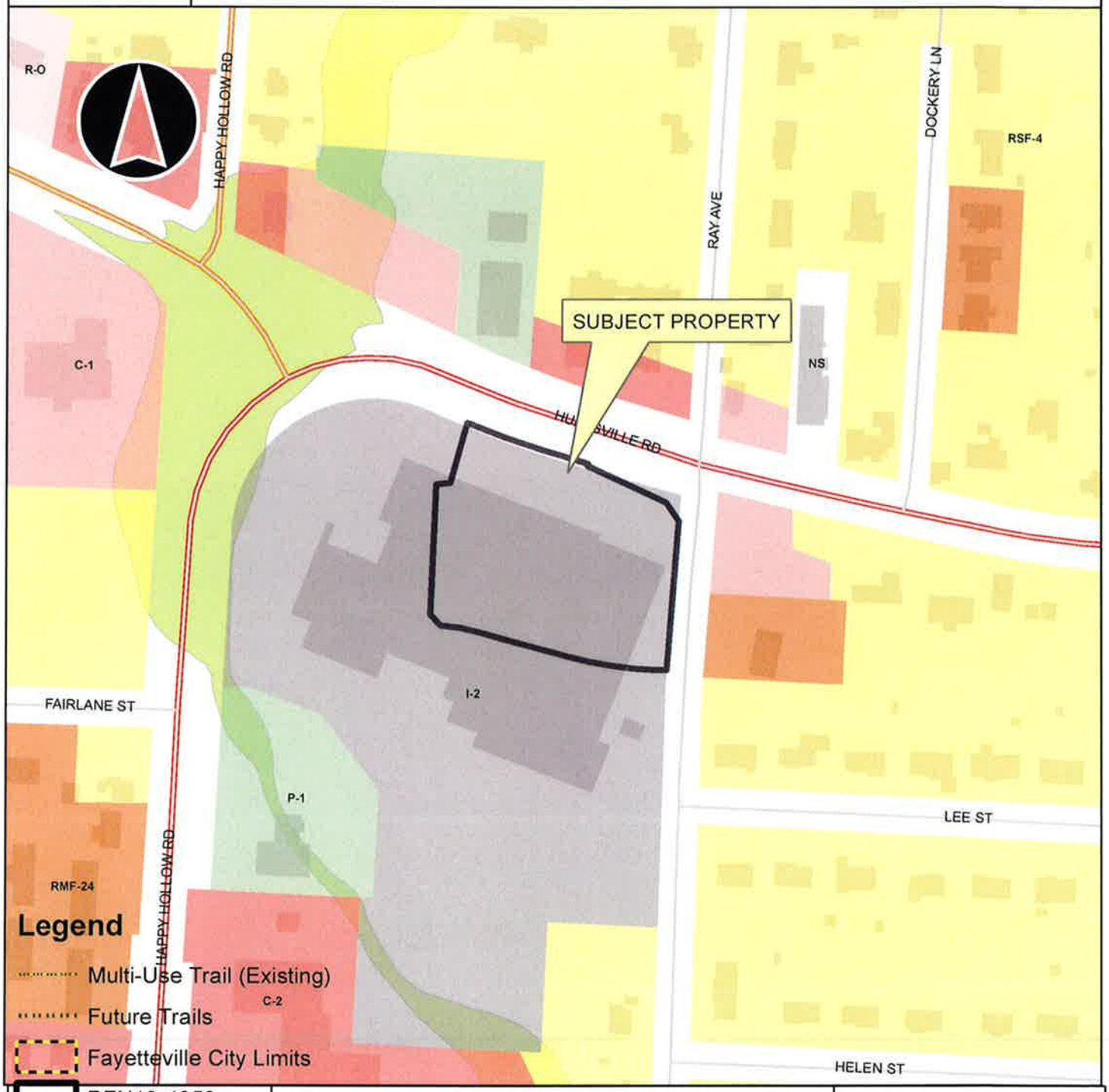
KUM AND GO



RZN13-4359

Close Up View

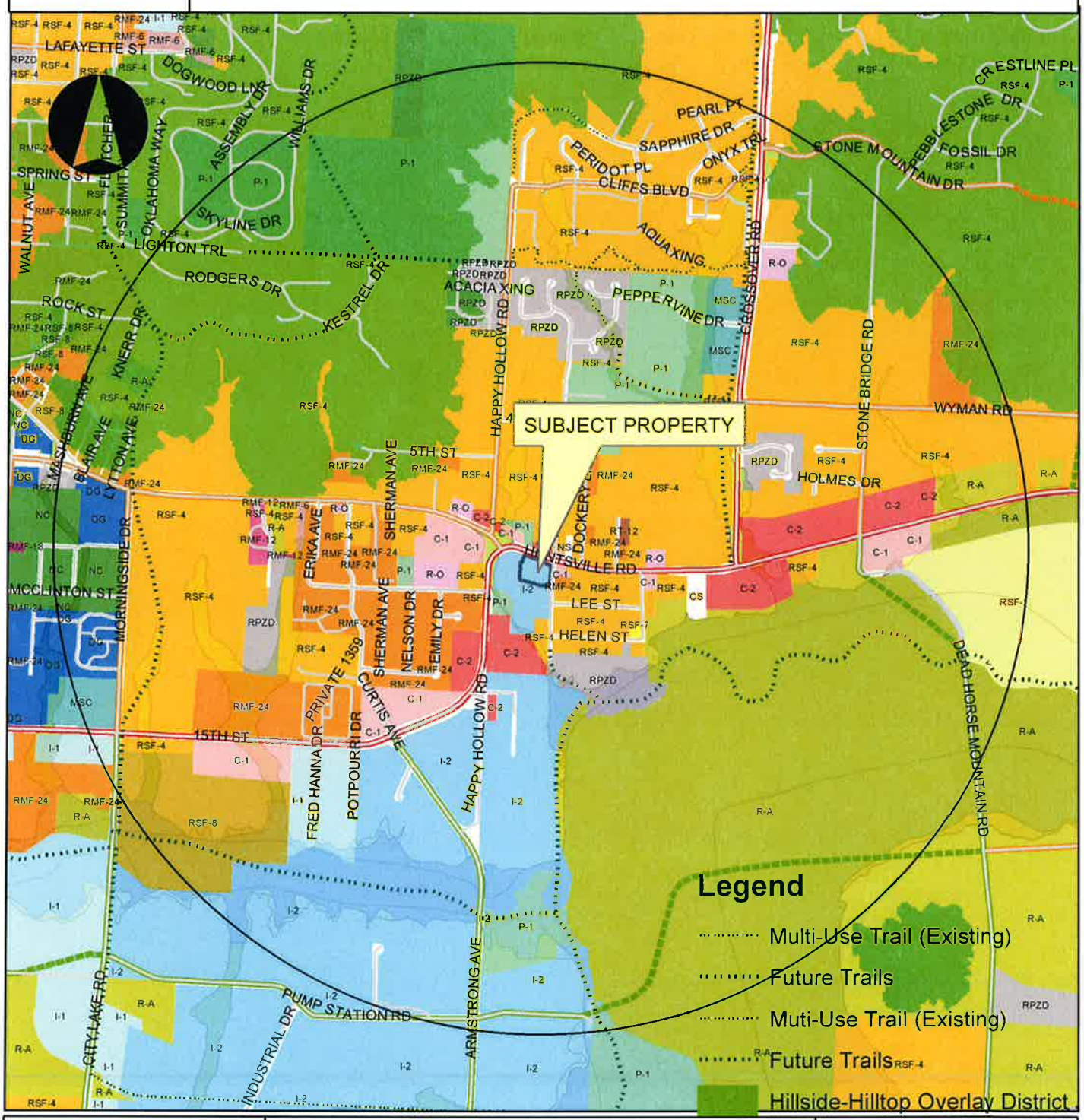
KUM AND GO



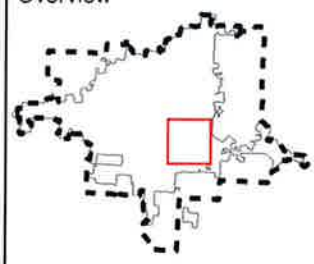
RZN13-4359

One Mile View

KUM AND GO



Overview



Legend

Subject Property

RZN13-4359

Boundary

RZN13-4359

Design Overlay District

Planning Area

Fayetteville

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

7-May-13
City Council Meeting Date
Agenda Items Only

David Jurgens	Water and Sewer	Utilities
Submitted By	**Division**	**Department**

Action Required:

Approval of a Bid Waiver with JWC Environmental for current and future repairs of the Channel Monster, an in-line screening and grinding unit at the 36 million gallon per day (mgd) Hamestring Sewer Pump Station, and approval of an emergency repair for $19,824.48 plus tax.

$ 21,658	$ 210,802	WWTP Upgrade/Replace Lift Stations
Cost of this request	Category / Project Budget	Program Category / Project Name
5400.5800.5801.00	$ 67,003	Wastewater Treatment
Account Number	Funds Used to Date	Program / Project Category Name
02068	$ 143,799	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 22 APR 13 — Date

City Attorney — 4-23-13 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Brehm — 4-23-2013
Finance and Internal Services Director — Date

Chief of Staff — 4-23-13 — Date

Mayor — Date

Received in City Clerk's Office 04-23-13 A08:18 RCVD

Received in Mayor's Office ENTERED 4/23/13

Comments:

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Fayetteville Water and Sewer Committee

From: David Jurgens, Utilities Director

Date: April 22, 2013

Subject: Approval of a Bid Waiver to JWC Environmental for Channel Monster Repairs and Approving an Emergency Repair for $19,824.48 plus tax

RECOMMENDATION

City Administration recommends approval of a Bid Waiver with JWC Environmental for current and future repairs of the Channel Monster, an in-line screening and grinding unit at the 36 million gallon per day (mgd) Hamestring Sewer Pump Station, and approval of an emergency repair for $19,824.48 plus tax.

BACKGROUND

A channel grinder style screening and grinding unit is installed on the front end of the Hamestring Pump Station to protect both the $6.5 million pump station and the Wastewater Treatment Plant (WWTP) from large foreign objects entering the pump station. Examples of objects we have seen in our system which could be transported down the 48" sewer line include bowling balls, children's bicycles, toys, dog leashes, large sticks, oil filters, construction debris, metal pipes, etc. This grinder unit serves both as a screen and grinder, which significantly reduces the risk of catastrophic failure of the pump station as well as long term maintenance costs on all components of the system at and downstream from the grinder.

In the last seven years, there have been two significant failures at the Noland WWTP due to large items entering the influent pump station. Each of these failures resulted in more than $100,000 damages; one resulted in a substantial sewer overflow. This grinder unit prevents this type of failure from occurring on the West Side WWTP and the critical Hamestring Pump Station that pumps over 85% of the flow to the Plant. Replacing a single pump at the Hamestring Station is estimated to cost over $400,000.

DISCUSSION

During a recent heavy rain event, the channel grinder failed resulting in a sewer overflow. After removal and investigation, it was necessary to ship the unit to the manufacturer for inspection and determination of required repairs. The City received a quote for repairs from JWC Environmental (attached) for $19,824.48, plus $1,700.00 freight, plus $1,833.76 tax,, totaling $21,658.24. The manufacturer does not have any authorized service repair agreements with any service providers and is the sole source provider for this type of repair. Therefore, the staff recommends approving a bid waiver in order to allow this as well as future emergency repairs to be executed as quickly as possible. No other provider can execute the repair, and anyone else working on the unit voids any and all warranties.

BUDGET IMPACT

Funds are available in the Wastewater Treatment Plant CIP – Upgrade/Replace Pump Stations project.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING AN AGREEMENT WITH JWC ENVIRONMENTAL IN A CURRENT AMOUNT OF $21,658.24 FOR CHANNEL MONSTER REPAIRS AND APPROVING FUTURE SUCH REPAIRS AS NEEDED AT THE HAMESTRING SEWER PUMP STATION

WHEREAS, the Hamestring Sewer Pump Station has a "Channel Monster" in-line screening and grinding unit which protects it and the Westside Wastewater Treatment Plant from large foreign objects entering the pump station; and

WHEREAS, a failure of the "Channel Monster" could lead to catastrophic failure in an damage amount exceeding $400,000.00 to the Hamestring Sewer Pump Station; and

WHEREAS, JWC Environmental is the sole source provider for repairing a "Channel Monster";

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 an agreement with JWC Environmental in the current amount of $21,658.24 and approving future channel monster repairs by JWC Environmental at the Hamestring Sewer Pump Station.

PASSED and **APPROVED** this 7th day of May, 2013.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

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

JWC Environmental

CUSTOMER ORDER

Order Number: **G008998**
Date: **4/10/2013**
Page: **2**
Order Date: **3/26/2013**

_____Pulled By
_____QC By
_____Packed By

290 Paularino Ave.
Costa Mesa, CA 92626
(949) 833-3888

Detail

Sold To	Ship To
Fayetteville, City of Accounts Payable 113 West Mountain Fayetteville, AR 72701 USA	Fayetteville, City of Accounts Payable 113 West Mountain Fayetteville, AR 72701 USA

CUSTOMER ID	CUSTOMER P.O.	PAYMENT TERMS	FREIGHT TERMS
6007626	Waiting for PO	Net 30 Days	Freight Prepaid

SALES REP ID	SHIPPING METHOD	F.O.B.	SHIP DATE
Instrument & Supply Inc.	Old Dominion Freight Line	Origin	12/31/2013

LI #	QUANTITY ORD	SHP	BCK	PART ID	DESCRIPTION	T X	GROSS PRICE	DISC %	UNIT PRICE	EXTENDED PRICE
1	1	0	0	EVAL_GA	CDD6020-XDM2.5-Repair Evalua Ship Date 12/31/2013 Grinder SN:104831-1-1-02		0.00	0.0	$0.00	$0.00
2	1	0	0	GRINDER	CDD6020-XDM2.5-Repair Ship Date 12/31/2013 11 Tooth Cam Cutters 1:1 Stack 8620 STL Buna N Elastomers Motor Type Electric With 3 Motors SN: SN: SN: With 3 Reducers SN: SN: SN: With 3 Spools Grinder SN:104831-1-1-03		20,138.31	10.0	$18,124.48	$18,124.48
3	1	0	0	RL	Repair Labor Ship Date 12/31/2013 ********** This order qualified for Free Labor **********		0.00	0.0	$0.00	$0.00

Tim
Luther
479-443-3292

SUB TOTAL	$18,124.48
FREIGHT CHARGES	$1,700.00
TOTAL ORDER AMOUNT	$19,824.48
+ TAX (9.25%)	1,833.76
	$21,658.24

JWC Environmental

CUSTOMER ORDER

290 Paularino Ave.
Costa Mesa, CA 92626
(949) 833-3888

Order Number: G008998
Date: 4/10/2013
Page: 1
Order Date: 3/26/2013

_____Pulled By
_____QC By
_____Packed By

Detail

Sold To	Ship To
Fayetteville, City of Accounts Payable 113 West Mountain Fayetteville, AR 72701 USA	Fayetteville, City of Accounts Payable 113 West Mountain Fayetteville, AR 72701 USA

CUSTOMER ID	CUSTOMER P.O.	PAYMENT TERMS	FREIGHT TERMS
6007626	Waiting for PO	Net 30 Days	Freight Prepaid

SALES REP ID	SHIPPING METHOD	F.O.B.	SHIP DATE
Instrument & Supply Inc.	Old Dominion Freight Line	Origin	12/31/2013

QUANTITY						T	GROSS	DISC	UNIT	EXTENDED
LI #	ORD	SHP	BCK	PART ID	DESCRIPTION	X	PRICE	%	PRICE	PRICE
					TW					

Tim Luther
Ph:479-443-3292
Cell:479-790-4747
Email:tim.luther@ch2m.com

1.Please fax a Purchase Order for the "Total Order Amount" to
2.770-925-9406 and we will complete the Repair on your grinder.
3.Please include a correct Bill to Address, Ship to Address and Tax exemption letter if applicable.
4.Please advise on return freight. Freight to JWC was prepaid.
5.Please review description column and make any changes necessary.
6.JWCE's standard one year warranty and free labor included.
7.Please call me @ 1-800-331-8783 if you have any questions or concerns.

Tracy Williams
JWC Environmental

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: **4/16/2013**	
P.O Number:		Expected Delivery Date:	
Vendor #: **17296**	Vendor Name: **JWC Environmental**	Mail Yes:__ No:____	
Address: **290 Paularino Ave**		Fob Point:	Taxable Yes:__ No:____
City: **Costa Mesa**	State: **CA**	Zip Code: **92626**	Ship to code:
Requester:		Requester's Employee #: **OMI**	Divison Head Approval:
			Extension: **479-443-3292 ext 6782**
			Quotes Attached Yes:_____ No:_____

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	**Channel Monster Repair**	**1**	**JOB**	**19,824.48**	**$19,824.48**	**5400.5800.5801.00**	**02068.1**		
2					**$0.00**				
3					**$0.00**				
4					**$0.00**				
5					**$0.00**				
6					**$0.00**				
7					**$0.00**				
8					**$0.00**				
9					**$0.00**				
10					**$0.00**				
*	Shipping/Handling		Lot		**$0.00**				

Special Instructions:

Subtotal:	**$19,824.48**
Tax:	**$1,833.76**
Total:	**$21,658.24**

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

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

Dispatch Manager:_____ Utilities Manager:_____ Other:_____

Revised 1/2/2008

Agenda Session 4/30/13

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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
May 07, 2013

A meeting of the Fayetteville City Council will be held on May 07, 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:

Agenda Additions:

A. Consent:

1. Approval of the April 16, 2013 City Council meeting minutes.

2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

3. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

4. **Community Development Block Grant Housing Program:** A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

5. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

6. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

7. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

8. **Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

9. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

10. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

11. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

12. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

B. Unfinished Business:

1. **Amend §114.02 Farmers' Market:** An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes. ***This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

   Left on the Third Reading

2. **R-PZD 12-4284 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

   Left on the Second Reading

C. Public Hearing:

1. **Raze and Removal 320 W. North Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

2. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

D. New Business:

1. **RZN 13-4334 (2925 Old Missouri/Good Shepherd:** An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

2. **RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go):** An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

3. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

E. City Council Agenda Session Presentations:

1. **Economic Development 2nd Quarter Contract Update:** Chung Tan and Steve Clark

F. City Council Tours:

1. **May 6, 2013 5:00 PM**
   Woolsey Wet Prairie Wetlands

G. 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 aids in a City Council meeting as part of their presentation.
> >
> > **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
>
> **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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

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

Pre Agenda Meeting 4-24-13

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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
May 07, 2013

A meeting of the Fayetteville City Council will be held on May 07, 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:

Agenda Additions:

A. Consent:

1. Approval of the April 16, 2013 City Council meeting minutes.

2. **Animal Services Donation Revenue:** A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

3. **Ranger's Pantry Pet Food Bank:** A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

4. **Community Development Block Grant Housing Program:** A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

5. **McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9:** A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

6. **Center Point Contractors, Inc.:** A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

7. **Cintas Corporation:** A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

8. ~~Rescind~~ Repealing **Resolution No. 51-13 Bid #13-12 Terex Equipment Services:** A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

9. **Bid #12-79 Peterbilt of Fort Smith:** A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

10. **2013 Arkansas Department of Environmental Quality E-Waste Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

11. **2013 Arkansas Department of Environmental Quality Recycling Grant:** A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

12. **Northwest Arkansas Regional Planning Commission:** A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

B. Unfinished Business:

1. **Amend §114.02 Farmers' Market:** An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to

move next pg.

traffic, to permit sound amplification during Farmers' Market and to make other changes. ***This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

Left on the Third Reading

2. **R-PZD 12-4284 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

Left on the Second Reading

C. Public Hearing:

1. **Raze and Removal 320 W. North Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

2. **Raze and Removal 1717 S. Stirman Avenue:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

D. New Business:

1. **RZN 13-4334 (2925 Old Missouri/Good Shepherd:** An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

2. **RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go):** An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

3. **JWC Environmental:** An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

E. City Council Agenda Session Presentations:

1. **Economic Development 2nd Quarter Contract Update:** Chung Tan and Steve Clark

F. City Council Tours:

1. **May 6, 2013 5:00 PM**
   Woolsey Wet Prairie Wetlands

space?

G. 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 aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the

floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

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

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

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

Lisa Branson - Economic Development Update

From: Lisa Branson
To: Marr, Don
Date: 4/23/2013 9:13 AM
Subject: Economic Development Update

Don,

Per our conservation the Economic Development 2nd Quarter Contract Update has been added as a City Council Agenda
Session Presentation for the April 30th Agenda Session meeting.

Have a nice day!
Lisa

Lisa Branson
Deputy City Clerk

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701
(479) 575-8323
lbranson@ci.fayetteville.ar.us

TDD (Telecommunications Device for the Deaf): (479) 521-1316