

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
September 03, 2013**

A meeting of the Fayetteville City Council will be held on September 03, 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 August 20, 2013 City Council meeting minutes. **APPROVED**
2. **2013 Community Development Block Grant:** A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 182-13

3. **Transportation Department Message Sign:** A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 183-13

4. **What My Eyes Have Seen Photography:** A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 184-13

5. **Planet Footprint Utility Bill Management Software:** A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185-13

6. **Bid #13-36 Mahoney's Equipment, LLC:** A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-13

7. **Ozark Regional Transit Bench and Transit Shelter Pads:** A resolution approving a memorandum of understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration Grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-13

B. Unfinished Business:

1. **RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to NS, Neighborhood Services subject to a Bill of Assurance. ***This ordinance was left on the First Reading at the August 6, 2013 City Council meeting. This ordinance was left on the Second Reading at the August 20, 2013 City Council meeting.***

THIS ITEM FAILED

C. New Business:

1. **§72.73 Regulation of Wheel Clamps or Booting:** An ordinance to enact **§72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone and the Downtown Business Parking District Zone** into the Fayetteville code.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5610

2. **Amend §72.70 Application of the Parking Regulations Chapter:** An ordinance to amend **§72.70 Application of the Parking Regulations Chapter** of the Fayetteville Code to extend the application of Nonconsensual Towing Regulations for Private Pay to Park Lots to the Downtown Business District Parking Zone.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5611

3. **§96.02 Unreasonable or Excessive Noise Prohibited:** An ordinance to amend **§96.02 Unreasonable or Excessive Noise Prohibited; Exceptions** to restrict late night construction activity noises near residences.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5612

4. **§94.06 Flammable and Combustible Liquids:** An ordinance amending **Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5613

5. **Revolving Fund for Interdepartmental Resource Efficiency Loans:** A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-13

6. **Fayetteville Animal Shelter Funding:** A resolution to place within the 2014 Budget \$60,200.00 to provide funding for various improvements to the Fayetteville Animal Shelter.

THIS ITEM WAS TABLED INDEFINITELY

7. **Fayetteville Government Channel's Mission Statement Amendment:** A resolution amending the Fayetteville Government Channel's Mission Statement, Goals Statement and Operating Policies, as approved by Resolution No. 180-10, to prohibit the recording or televising of meetings of the Nominating Committee of the City Council by the Fayetteville Government Channel.

TABLED TO THE OCTOBER 1, 2013 CITY COUNCIL MEETING

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment: 10:03 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.

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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.

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City Council Meeting:

September 3, 2013

Adjourn: 10:03 p.m.

Subject:	Roll				
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	✓			

90

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

Subject:	Consent				
Motion To:					
Motion By:		Approve Tennant			
Seconded:		Long			
Minutes Approved Passed 182-13 thru 187-13	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan				

80

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

Subject:		RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates)			
Motion To:			3rd Read	Pass	
Motion By:			Tennant		
Seconded:			Schoppmeyer		
B. 1 Unfinished Business This ordinance Failed	Kinion	✓	N		
	Petty	✓	✓		
	Tennant	✓	N		
	Schoppmeyer	✓	N		
	Adams	✓	N		
	Long	✓	N		
	Gray	✓	N		
	Marsh	✓	N		
	Mayor Jordan				

8-0

1-7 failed

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

Subject:		§72.73 Regulation of Wheel Clamps or Booting			
Motion To:		Amend to require a background check	Amend to increase to \$60.	2 nd Read	3 rd Read
Motion By:		Long	Kinion	Long	Gray
Seconded:		Marsh	—	Adams	Tennant
C. 1 New Business	Kinion	✓	motion	✓	✓
	Petty	✓	died for	✓	✓
	Tennant	✓	a lack of	✓	✓
	Schoppmeyer	✓	a second	✓	✓
	Adams	✓		✓	✓
	Long	✓		✓	✓
	Gray	✓		✓	✓
	Marsh	✓		✓	✓
	Mayor Jordan				

8-0

8-0

8-0 →

Subject:		Amend §72.70 Application of the Parking Regulations Chapter			
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Tennant	Long		
Seconded:		Schoppmeyer	Gray		
C. 2 New Business	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Passed

5011

This continued from previous page.

Subject:	§72.73 Regulation of Wheel Clamps or Booting				
Motion To:		Pass			
Motion By:					
Seconded:					
C.1 New Business Passed 5/10/10	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Mayor Jordan	8-0			

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

Subject:		§96.02 Unreasonable or Excessive Noise Prohibited			
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Gray	Gray		
Seconded:		Tennant	Long		
C. 3 New Business Passed	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		§94.06 Flammable and Combustible Liquids			
Motion To:		2 nd Read	3 rd Read	Pass	
Motion By:		Adams	Long		
Seconded:		Marsh	Gray		
C. 4 New Business Passed	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Revolving Fund for Interdepartmental Resource Efficiency Loans			
Motion To:			Approve		
Motion By:			Petty		
Seconded:			Adams		
C. 5 New Business Passed 188-13	Kinion		✓		
	Petty		✓		
	Tennant		✓		
	Schoppmeyer		✓		
	Adams		✓		
	Long		✓		
	Gray		✓		
	Marsh		✓		
	Mayor Jordan				

8-D

Subject:		Fayetteville Animal Shelter Funding			
Motion To:			Table Indef.		
Motion By:			Petty		
Seconded:			Adams		
C. 6 New Business Tabled Indef.	Kinion		✓		
	Petty		✓		
	Tennant		✓		
	Schoppmeyer		✓		
	Adams		✓		
	Long		N		
	Gray		✓		
	Marsh		✓		
	Mayor Jordan				

7-1

Subject:	Fayetteville Government Channel's Mission Statement Amendment				
Motion To:		Approve	Table to Oct 1 st City Council Mtg	Table to Oct 1 st CC mtg	
Motion By:		Schoppmeyer	Adams	Adams	
Seconded:		Gray	Long	Tennant	
C. 7 New Business Tabled to Oct 1 st 2013 City Council Mtg.	Kinion			N	
	Petty			N	
	Tennant	A vote	Alderman	✓	
	Schoppmeyer	was not	Long	✓	
	Adams	taken	withdrew	✓	
	Long		his	N	
	Gray		2 nd	✓	
	Marsh			N	
	Mayor Jordan			✓	

5-4

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



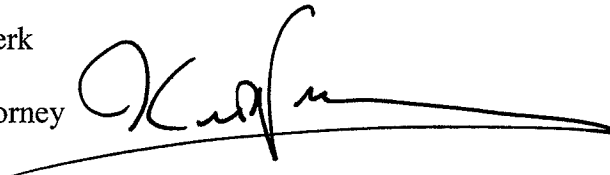
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney



DATE: September 4, 2013

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of September 3, 2013

- 1. 2013 Community Development Block Grant:** A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.
- 2. Transportation Department Message Sign:** A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.
- 3. What My Eyes Have Seen Photography:** A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.
- 4. Planet Footprint Utility Bill Management Software:** A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.
- 5. Bid #13-36 Mahoney's Equipment, LLC:** A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.

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7. **§72.73 Regulation of Wheel Clamps or Booting:** An ordinance to enact **§72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone and the Downtown Business Parking District Zone** into the Fayetteville code.
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9. **§96.02 Unreasonable or Excessive Noise Prohibited:** An ordinance to amend **§96.02 Unreasonable or Excessive Noise Prohibited; Exceptions** to restrict late night construction activity noises near residences.
10. **§94.06 Flammable and Combustible Liquids:** An ordinance amending **Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.
11. **Revolving Fund for Interdepartmental Resource Efficiency Loans:** A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.

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Left on the Second Reading

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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: August 23, 2013

Subject: Revised Request for RZN 13-4410 (2468 N. Crossover/Lynnwood Estates)

The applicant for the subject rezoning has revised their request to rezone to NS, Neighborhood Services. While the NS zoning district would likely result in lower impacts compared with the previous R-O request in terms of building size and scale and the potential for reduced traffic volume, staff still has similar concerns with the current request and recommends denial of the rezoning. Staff's primary concerns with the NS zoning request at this location are as follows:

- The proposal is not consistent with the Future Land Use Plan Map (FLUM) designation of this area of Crossover Road. When staff proposed the FLUM as part of City Plan 2030, which was adopted by City Council in 2011, we anticipated a nodal plan for the build-out of Crossover Road implementing transect planning, an important part of traditional neighborhood development. The Transect is an ordering system, ranging from natural space to the most urban. Along Crossover Road, this plan, as opposed to a continuous corridor build-out, concentrates mixed use and non-residential development primarily at the major intersections of Crossover Road. In particular, the intersections of Huntsville Road, Mission Boulevard, Joyce Boulevard, and Zion Road are all planned with a high potential for mixed use development, redevelopment, and infill. The intent is to maintain the typology of the neighborhoods, with the distinct character of the urban areas at the intersections quickly transitioning into general residential neighborhoods, and the more rural residential and open space character of Crossover Road. The subject property is not in the vicinity of any of these nodes, or 'urban' neighborhoods. The zoning introduces a new non-residential zoning and building type in the middle of an established residential area. This potentially pulls future development, redevelopment, and infill opportunities away from the major intersections, and starts to spread it out along Crossover Road, which then reduces the capacity of these nodes to redevelop more densely over time.
- The proposal would introduce a non-residential zoning into a section of Crossover Road that is predominantly single family and estate lot in nature with deep setbacks, low intensity, and a residential and rural-residential character in certain areas. While staff does not anticipate that all undeveloped areas of Crossover Road will remain rural, the general character of the subject area is anticipated to remain primarily residential, and helps create a certain sense of place, and the unique character to this area of east Fayetteville.
- The NS zoning is not appropriate in this location, being sensitive to the context of the corridor. While non-residential, mixed use and form-based zoning codes are appropriate in many areas of the City, they are not always appropriate in others. Sub-urban and rural environments also exist within cities, and at

times along major thoroughfare corridors. With a high-speed state highway (45-50 mph) being recently redeveloped and widened, traffic speeds and traffic volume will likely increase in this area. The NS zoning has a build-to zone between 10 and 25 feet from the right-of-way. Placing a building in close proximity to Crossover Road may not be appropriate in terms of safety, scale, or use, and would be out of character with the building setbacks of much of this vicinity, without a coordinating plan for a larger area in context with this site. Non-residential form-based zonings are appropriate when attempting to create a pedestrian-friendly, mixed use, and traditional neighborhood environment. This area of Crossover Road does not appear to meet the general criteria for this type of zoning, nor does the context of the environment surrounding it support it at this time.

It should be noted that staff does not share some of the concerns cited by the neighborhood as reasons for denial of the rezoning. The gating of neighborhoods, creating areas of exclusivity or making decisions on land use policy based on home or property value as a primary factor is not something that is supported by City Council policies or general planning policy for connectivity, openness and neighborliness. The traffic generated by this development as proposed is also not a concern, based on the infrastructure in place to accommodate vehicles in the area. In fact, the median that is being constructed will provide safer turning movements and reduce the potential for vehicle crashes, as a proven access management tool.

emailed to Aldermen 8/23/13

2468 N. Crossover Rd.

Fayetteville, AR 72703

August 21, 2013

The Honorable Mayor Lionel Jordan

Members, Fayetteville City Council

City Administration Building

113 West Mountain St.

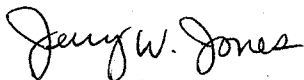
Fayetteville, AR 72701

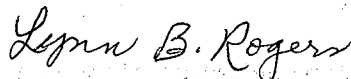
Re: Rezoning of LynnWood Estates at 2468 N. Crossover Rd., Fayetteville, AR 72703

Dear Mayor Jordan and City Council Members:

This letter is to serve as an amendment to our previous zoning request: changing from Zone R-O to Zone NS (Neighborhood Services). Our Bill of Assurances will continue to apply to NS. Thank you for your attention in this matter.

Sincerely,


Jerry W. Jones


Lynn B. Rogers

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
 - a. **Height of any building constructed is not to exceed 40 feet**
 - b. **Materials used will be brick, stone or similar material**
 - c. **Structures must have no less than a 6/12 roof pitch**
 - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
 - a. **No loud or obnoxious noise**
 - b. **No outdoor animals**
 - c. **No bars or alcohol serving businesses including clubs etc.**
 - d. **No late night businesses**
 - e. **No sexual related businesses**
 - f. **No residential rentals**
 - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**

6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) **voluntarily offer** all such assurances and sign our names below.

Jerry W. Jones & Lynn B. Rogers Trustees

Date June 24, 2013

Address

2468 Crossover Road

Fayetteville, AR 72703

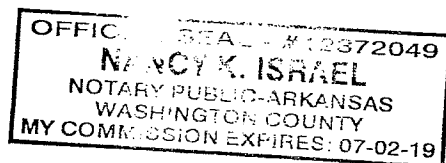
Jerry W. Jones
Lynn B. Rogers

NOTARY OATH

STATE OF ARKANSAS }.ss

COUNTY OF WASHINGTON }

And now on this the 24th day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

NOTARY PUBLIC

My Commission Expires:

July 02, 2019

unmailed to Alderman
8/27/13

City Clerk - Fwd: Rezoning hearing on hwy 265 near Township

From: Andrew Garner
To: City Clerk
Date: 8/27/2013 11:46 AM
Subject: Fwd: Rezoning hearing on hwy 265 near Township

To be added to the packet for this rezoning for the next council meeting.

—
Andrew M. Garner, AICP
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701
Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

Telecommunications Device for the Deaf: (479) 521-1316

>>> Mike Yates <myates@us.ibm.com> 8/27/2013 10:58 AM >>>

We live at 2431 Candlewood Dr
For many reasons I urge you to vote against rezoning the parcel. The area should remain Residential given that the entire area is residential.

Mike and Sandy Yates
Sent from my iPhone

Mike Yates
Sent from my iPhone

Added at Agenda Session
8/27/13

Emailed to Aldermen 8/27/13

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 3, 2013

FROM:
CITY COUNCIL MEMBER ALAN LONG
CITY ATTORNEY KIT WILLIAMS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

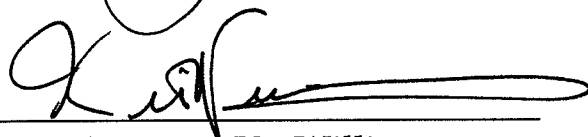
An Ordinance to amend § 72.70 **Application** of the **Parking Regulations** Chapter of the Fayetteville Code to extend the application of nonconsensual towing regulations for private pay to park lots to the Downtown Business District Parking Zone

APPROVED FOR AGENDA:



City Council Member Alan Long

Aug 27, 2013
Date



City Attorney Kit Williams

August 27, 2013
Date



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

FROM: Kit Williams, City Attorney

DATE: August 26, 2013

**RE: Extending towing regulations to all pay to park lots within the
Downtown Business District Parking Zone**

The Fayetteville City Council Ordinance Review Committee and City Staff have recommended that the new Wheel Clamp regulation ordinance be applied not only in the Entertainment District Parking Zone but also to the Downtown Business Development Parking Zone in an effort to reduce complaints generated by a pay to park lot in the Downtown Business District Parking Zone. I have, thus, amended the proposed Wheel Clamp regulation ordinance.

Because of the extension of the Wheel Clamp regulation ordinance, the towing regulation ordinance for private pay to park lots should also be extended to the Downtown Business District Parking Zone so we do not encourage nonconsensual towing at unregulated (and formerly exorbitant rates) for a private pay to park lot whose wheel clamp removal fees will be reduced from \$100.00 to \$40.00. Accordingly, I have drafted and Chairman Alan Long of the Ordinance Review Committee has agreed to sponsor an amendment to § 72.70 **Application of the Parking Regulation** Chapter of the Fayetteville Code to extend the nonconsensual towing regulations for pay to park lots to match the new Wheel Clamp regulations.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 72.70 APPLICATION OF THE PARKING REGULATIONS CHAPTER OF THE FAYETTEVILLE CODE TO EXTEND THE APPLICATION OF NONCONSENSUAL TOWING REGULATIONS FOR PRIVATE PAY TO PARK LOTS TO THE DOWNTOWN BUSINESS DISTRICT PARKING ZONE

WHEREAS, the Wheel Clamp regulations for private pay to park lots should be applicable in both the Entertainment District Parking Zone and the Downtown Business District Parking Zone; and

WHEREAS, the nonconsensual towing regulations and its sign requirement should be extended to the Downtown Business District Parking Zone for private pay to park lots.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.70 **Application** of the **Parking Regulations** Chapter of the Fayetteville Code by placing all existing wording in subsection (A) and enacting subsection (B) as shown below:

*“(B) Private pay to park lots within the Downtown Business District Parking Zone. Owners/managers of private pay to park lots within the Downtown Business District Parking Zone shall follow and obey all requirements set forth in §§ 72.71, 72.72, and 72.73 of the **Parking Regulations** Chapter. These regulations do not apply to removal of vehicles from publically owned or leased property, to police initiated tows, nor to other than private pay to park lots.*

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Current law

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

issued to park in any valid paid parking space in the District, without the requirement of paying any pay station or meter.

72.70 Application

- (2) The annual parking pass shall not be valid for parking in any public gated lots which require payment upon exit.
- (3) The annual parking pass shall not be valid for parking in any residential parking zone.
- (4) The annual parking pass shall not guarantee a parking space to a vehicle with an annual parking pass.
- (5) The annual parking pass shall not be valid for any parking space marked as "No Parking".
- (6) The annual parking pass shall be visible from the exterior of the vehicle while it is parked in the District, and it shall display an identifying number.

(A)

These nonconsensual towing regulations shall apply within the Entertainment District Parking Zone shown on Exhibit A for the nonconsensual towing of a vehicle subject to registration under the laws of Arkansas if it is found abandoned, parked without the consent of the property owner or the owners' agent, parked in violation of the time period or location agreed to by the owner or owner's agent, or for whatever reason the owner or owner's agent believes a vehicle, which is not the property of the owner or owner's agent, should be towed. These regulations do not apply to removal of vehicles from publicly owned or leased property, nor to police initiated tows. The sign requirements do not apply to residential driveways or parking lots designed for four or fewer vehicles. These regulations shall apply city-wide where indicated in §72.72.

(Ord. 5322, 6-1-10)

(B) Issuance, Transfer & Costs

ADO →

(B)

- (1) An annual parking pass, valid from August 1st through July 31st the following year and issued pursuant to this section, shall cost \$600.00. The total cost shall be reduced if purchased after August 1st but before June 1st the following year by an amount equal to the total annual cost divided by the total number of days remaining before the next August 1st. Any annual parking pass purchased on or after June 1st shall only become valid on the following August 1st.
- (2) An annual parking pass is vehicle specific in that it shall be tied to only one vehicle license plate number, and not to any particular person.
- (3) An annual parking pass may be transferred to another vehicle upon payment of a \$25.00 processing fee.
- (4) No refunds shall be issued for any annual parking pass.

(Ord. 5371, 12-7-10)

72.60-72.69 Reserved

**ARTICLE IV
NONCONSENSUAL TOWING
REGULATIONS**

Green Revolving Fund

Local examples

Street lights

- Current cost: \$575,000 annually
- Low bound of savings: 40% or \$230000

Buildings built before 1991

- 45 buildings
- ~340,000 sf
- Some buildings built in the 20's and 30's.
- 10% utility savings is typical (but we can't even find that out right now)

Stats

Medians from university GRF's:

- Project ROI: 32%
 - If city established a \$500k fund, annual ROI would be \$150k/year.
- Project payback period: 4 years

In simple terms

1. GRF tracks savings explicitly
2. spends at least half of savings on new efficiency projects
3. an administrative fee is included in all project cost sheets
4. other half goes to:
 - a. immediate operational needs, or
 - b. loans to employees, or
 - c. new programs, or
 - d. loans to outside institutions

Multiple models

Simple (can be done administratively):

- New line-item on each divisional budget to account for savings
- Commitment to revolve at least 50% of the savings to new energy efficiency projects

More complex, but also more flexible (requires legislative action):

- Establishment of Green Revolving Fund makes interdepartmental loans
- Provides central accounting for efficiency projects
- Ability to charge interest on loans allows us to protect X dollars against inflation

Implementation steps

- Research case studies of the various models
- Perform an energy audit on at least 10% of our air-conditioned square footage
 - Hard to estimate costs at this stage but auditing 10% of our air conditioned space built before 1991 would be ~\$80k.

- Prioritize project proposals according to their ROI and payback period.
- Debate models and pass ordinance

Responses to “accounting gimmick” frame

- It's not a gimmick to set aside \$500,000 in today's dollars for making city operations more efficient and to protect that investment against inflation.
 - Example: If we had a GRF today worth \$500,000 and 2% inflation for the next 10 years, in 2023 the fund portfolio would be worth \$610,000.
- It's not a gimmick to hire new employees when our planning and IT departments are understaffed
- We can't even track our energy use. Managing hundreds of thousands of air conditioned square feet without an energy dashboard in 2013 is like not getting a computerized payroll systems until 2009.

Case studies

Universities

- Harvard
- University of Illinois Urbana-Champaign
- University of Denver
- Iowa State University

Gov

1. Alabama
2. Alaska
3. Connecticut
4. Iowa
5. Kansas
6. Kentucky
7. Maine
8. Maryland
9. Mississippi
10. Missouri
11. Montana
12. Nebraska
13. Nevada
14. New Hampshire
15. New Jersey
16. North Carolina
17. Oklahoma
18. Oregon
19. Pennsylvania
20. Rhode Island
21. South Carolina
22. Texas

- 23. Vermont
- 24. Virginia
- 25. Wisconsin

Industry

- L'Oreal

What kind of city do we want to be?

Project HEAL

- half goes to future projects, like usual
- other half goes to home efficiency loans for employees
- employee loans backed by local institution
- create a HEAL coalition with local industry
- get technical assistance from the Clinton Foundation
- L'Oreal medians: \$416 and 2.2 tons annually
 - If that holds, 1000 employee loans makes for an annual impact of \$416k and 2200 tons of CO2. In real terms it's like each employee cuts his or her driving in almost half.

CLINTON FOUNDATION | UP CLOSE

CASE STUDY: HEAL WORKS WITH L’OREAL TO REDUCE GREENHOUSE GAS EMISSIONS

Posted on May 02, 2013 by Clinton Foundation | Tags: [Climate Change](#), [Clinton Climate Initiative](#), [CCI](#), [Home Energy Affordability Loan Program](#), [HEAL](#), [Arkansas](#), [L’Oreal](#), [Earth Day 2013](#)

Four years ago, L’Oréal, renewed a commitment to adopt a model of sustainable development that was good for the environment, good for people, and good for business. L’Oréal developed a 10-year plan to reduce its environmental impact by engaging in more eco-conscious production, reducing waste, and creating an environmentally sound and healthy work space for employees, and wanted to ensure that its efforts in sustainability had an impact both within and beyond the walls of its facilities.

In May 2009 the L’Oreal Maybelline plant in Little Rock, Arkansas, became the first industry partner to participate in the Clinton Climate Initiative’s Home Energy Affordability Loan (HEAL) program. HEAL provides financially feasible green building retrofits that combat climate change and save money on the corporate and homeowner level. HEAL worked with L’Oreal to conduct a retrofit at its plant, which reduced the plant’s consumption and greenhouse gas emissions, and in turn saved L’Oreal more than \$80,000 a year.

HEAL also worked to help L’Oréal USA expand its mission of sustainable development into the surrounding community. HEAL educated employees and their families about the importance of environmental responsibility in the workplace and helped to put that education into action in their own homes. With the financial savings L’Oreal was experiencing through HEAL L’Oréal was able to provide its employees with home energy assessments and financing or loans to implement energy efficiency retrofits in their homes. Since beginning the partnership, HEAL has completed 90 home energy assessments for L’Oréal USA employees, and over 33 of them have opted to receive free retrofit assistance. As a result, L’Oreal’s employees are saving energy, saving an average of \$416 a year, and reducing greenhouse gas emissions by 2.2 tons a year.

Due to the success of this program in Arkansas, L’Oréal USA has decided to expand the HEAL program in the coming months to additional operating plants. Its goal is to promote their environmental stewardship through consumers and employees. The HEAL program has been an essential tool in those efforts, providing a unique opportunity for L’Oreal to become a model for other businesses in demonstrating that sustainable development is both a responsible and an economically feasible option.

HEAL continues to help L’Oreal expand its sustainability efforts across its operating plants and has also been invited to work across the country with partners in Wisconsin, Vermont, California, Michigan, and Nevada to provide other companies with the same opportunity to reduce their greenhouse gas emissions. HEAL pilots are planned or underway with firms representing nearly 100,000 employees, with further expansion planned for the second half of 2013.

Read more about [HEAL](#) on our blog and [contact us](#) to learn if HEAL a good solution to help your company reduce greenhouse gas emissions.



Published on *GreenBiz.com* (<http://www.greenbiz.com>)

Are green revolving funds the next frontier in corporate energy efficiency?

By *Georges Dyer*

Created 2013-06-07 05:00

Energy efficiency saves money. But, as most sustainability practitioners know, there is the perennial challenge of justifying and securing the upfront capital often needed to implement efficiency projects. The green revolving fund (GRF) model is emerging as an effective solution. The model is increasingly common among higher education institutions and state governments, and it is gaining traction with healthcare facilities, municipalities and businesses.

To create a GRF, organizations typically seed it with their own capital, although they may seek outside money such as donations or grants. The fund then invests in sustainability projects within the organization's operations that generate annual cost savings, a portion of which are repaid back into the fund to recoup the project cost. This creates a sustainable funding cycle in which savings from past projects support future projects while cutting environmental impacts over time.

To learn more, I recently spoke with Joe Indvik, climate and energy consultant at ICF International. Joe was a driving force in establishing Dartmouth College's \$1 million GRF as a student, and he now consults with clients to roll out the model in higher education, local government, healthcare and the private sector.

Georges Dyer: Tell me about your experience advocating for a green revolving fund at Dartmouth.

Joe Indvik: It started in a class aimed at developing practical sustainability solutions on campus. Students, faculty and staff had done some great work in identifying potential energy efficiency projects, but many had not yet come to fruition. We quickly discovered that ease of access to capital was a key barrier. This left many high-payback efficiency projects unfunded, despite the overall wealth of the college and the administration's commitment to sustainability. The idea of setting aside a fund for these projects, and at the same time recapturing the savings so the fund could grow, made great business sense.

Dyer: Was it an easy sell? How did you go about pitching the idea?

Indvik: The idea was easier than expected to sell. We created a proposal and worked our way up through the administration, eventually to the CFO and SVP of facilities. We focused

on building a business case that would be compelling even to those who were not as driven by the social and environmental benefits of efficiency projects.

Surprisingly, the CFO was the loudest voice encouraging us to give greater emphasis to non-financial side of the fund. He saw the benefits a GRF could have in bringing people together to make decisions about investments and in strengthening Dartmouth's standing as a sustainability leader. We had proposed starting small with a fiscally conservative \$10,000 fund, but it was the administrators who put forward the idea of a larger, more ambitious fund of \$1 million.

Dyer: Did you encounter any challenges? How long did it take to set up the fund?

Indvik: The big challenge was determining how money would flow between accounts to support the fund. When we were working on this in 2010, there weren't a lot of resources available to us. We felt like pioneers, and not always in a good way. Now there is a wealth of resources that others can benefit from.

Our proposal took a couple years to be fully implemented, but if we had known then what we know now and had access to today's GRF resources, I think we could have cut that time in half or more.

Next page: Billion-dollar resources

Dyer: Many of the resources you're referring to come from the Billion Dollar Green Challenge (BDGC). You had the opportunity to work on some of those, how did that come about?

Indvik: I first talked to Mark Orlowski (executive director of the Sustainable Endowments Institute, the group behind the BDGC) early in our process at Dartmouth. The BDGC -- a sector-wide initiative promoting GRFs -- was just getting going. Mark encouraged us to follow through on our proposal and helped reassure us that this wasn't a crazy, fringe idea but rather an increasingly common one.

When I joined the climate change and sustainability practice at ICF International, I had the opportunity to support the Challenge. Specifically, my team helped develop the Green Revolving Investment Tracking System as well as a GRF Implementation Guide, which was released in January 2013 and recently presented as a webinar. I think both of these are important resources that are leveraging the experiences from Dartmouth and countless other schools to make GRFs more accessible and powerful.

Dyer: And you've continued to work on GRFs in your professional career? Tell us about that.

Indvik: When I joined ICF, I realized there was a demand for strategic guidance on how to set up a GRF, as well as for all the technical services that make a GRF possible, like energy auditing, investment analysis and measurement and verification of project savings. ICF's expertise in climate, energy and sustainability positioned us well to support the rapid growth

in GRFs. So I put together a team to create a GRF design and implementation offering to help clients make the model work for them.

This led to several contracts, and though we initially focused on higher education, it's becoming clear that the GRF model could work very well in the private sector as well. We're actively talking with several companies about bringing in ICF to help them set up funds. In general, we're trying to help the private sector evaluate and take advantage of GRFs as a new and potentially powerful tool in the energy efficiency toolbox.

Dyer: There are lots of similarities between higher education and business, but also many critical differences. Do you think the GRF business case is as strong for for-profit companies, which often have shorter time horizons than their non-profit counterparts in higher education?

Indvik: If it's done right, yes! McKinsey estimates that there is \$500 (billion) to \$800 billion in untapped but economically viable energy efficiency investments in buildings across the U.S., mostly in the private sector. About 23 percent of building energy use could be cut by 2020 using only investments with a positive net-present value. And companies are often better positioned to take advantage of tax incentives for energy efficiency investments, many of which colleges can't fully capture as non-profits.

While it's possible to realize efficiency savings with one-off capital investments, it's often more effective to do so through a comprehensive strategy that revolves cost-savings to finance future projects. GRFs reframe energy efficiency projects as investments, as opposed to how they're frequently viewed: as costs. Leveraging savings from past projects turns the initial capital allocation into a continuous, targeted program of investment. The cost savings and emissions reductions then pile up higher and higher with each round of projects, with no additional capital infusion necessary.

These days, most companies see the importance of sustainability, but few companies have a cutting edge financial mechanism to drive investment in that area. GRFs can be a key differentiator (see the recent article on Adidas' greenENERGY Fund). The idea is still new and evolving in the private sector. There's a lot of room for innovation and a huge leadership opportunity for early movers to create high-profile, flagship funds.

Dyer: Let's talk about potential challenges in implementing a GRF successfully in the private sector. First, opportunity costs. Can GRFs compete with other opportunities to deploy capital?

Indvik: Companies often have a high opportunity cost of capital because they could put that money into their core business operations rather than investing in efficiency. Compared to higher ed, firms often have higher "hurdle rates" for what they see as an acceptable return on investment, which can limit their portfolio of GRF projects. There's also the perceived risk of efficiency. If firms aren't convinced that the savings will actually materialize or are generally uncomfortable with efficiency, it may lead them to increase the hurdle rate to compensate for that risk.

Next page: Hurdles to overcome

That said, the returns we're seeing in GRFs around the country are usually high enough to exceed even an aggressive hurdle rate. The established higher ed funds have posted a median annual return of 28 percent. I've had conversations with CFOs who think these numbers are simply too good to be true, but that figure is based on hard repayment data from funds that have been operating for years and, in some cases, decades. The potential for energy efficiency to yield returns in that range is also backed up by studies from groups like McKinsey and the Rocky Mountain Institute.

If there is concern about risk, GRFs can be a useful way to manage it. Funds can start small, finance a few select projects and grow over time as confidence in the model grows. They can also provide a standardized process for evaluating and approving projects, so companies can build due diligence and assessment criteria into project selection to minimize risk.

Dyer: What about leased space? If a company doesn't own its buildings, can it still benefit from a GRF?

Indvik: This is a problem with energy efficiency generally: if a company leases space, it can be challenging to deploy efficiency without support from the owner. Even if the owner is on board, the tenant doesn't own the equipment that it purchases and therefore loses the value of the CAPEX (capital expenditure) in exchange for savings. This all adds to the complexity of a GRF, because repayments now involve capturing savings from assets that the tenant company doesn't own.

Fortunately, GRFs can be flexibly structured. They can still be viable if the tenant pays the utility bills and can capture savings, or if an agreement can be struck with the building owner. One idea we are considering is that a GRF could provide a vehicle to track the extent to which the tenant recoups that "lost" asset value through utility bill savings. In other words, a GRF could be used to formally re-assemble the initial capital used for the investment out of the captured savings. Beyond that, even in leased space, there are sometimes opportunities to do limited upgrades over which the tenant has ownership, like vending misers, appliance upgrades or lighting. Still, resolving the split incentive between owners and tenants is an area where innovation is desperately needed.

Dyer: Any other potential challenges you foresee for businesses in applying this model?

Indvik: Companies may be hesitant to "lock up" funds in a GRF, as they often take a shorter-term view compared to universities. But if companies are concerned about cash flows and liquidity, there are a few things they can do. First, projects don't have to repay all of their savings back into the fund. Companies can structure repayment schedules however they choose. Most funds only require the original principal to be repaid, sometimes with a pre-determined level of interest. Second, projects need not even pay all of the savings into the fund each year. Some fund models require that, say, 90 percent or even 50 percent of annual savings go towards paying back the fund, and the rest can be used for other purposes. Third, the fund can "pay out" a portion of its balance to other accounts in the company. The University of Vermont has a model like that. They allocated \$13 million from their cash reserves to seed a GRF, and the fund pays back into cash reserves at 5 percent per year. And

because the returns from efficiency are significantly higher than 5 percent, this still allows the GRF to be replenished at a decent rate.

Dyer: Any final thoughts?

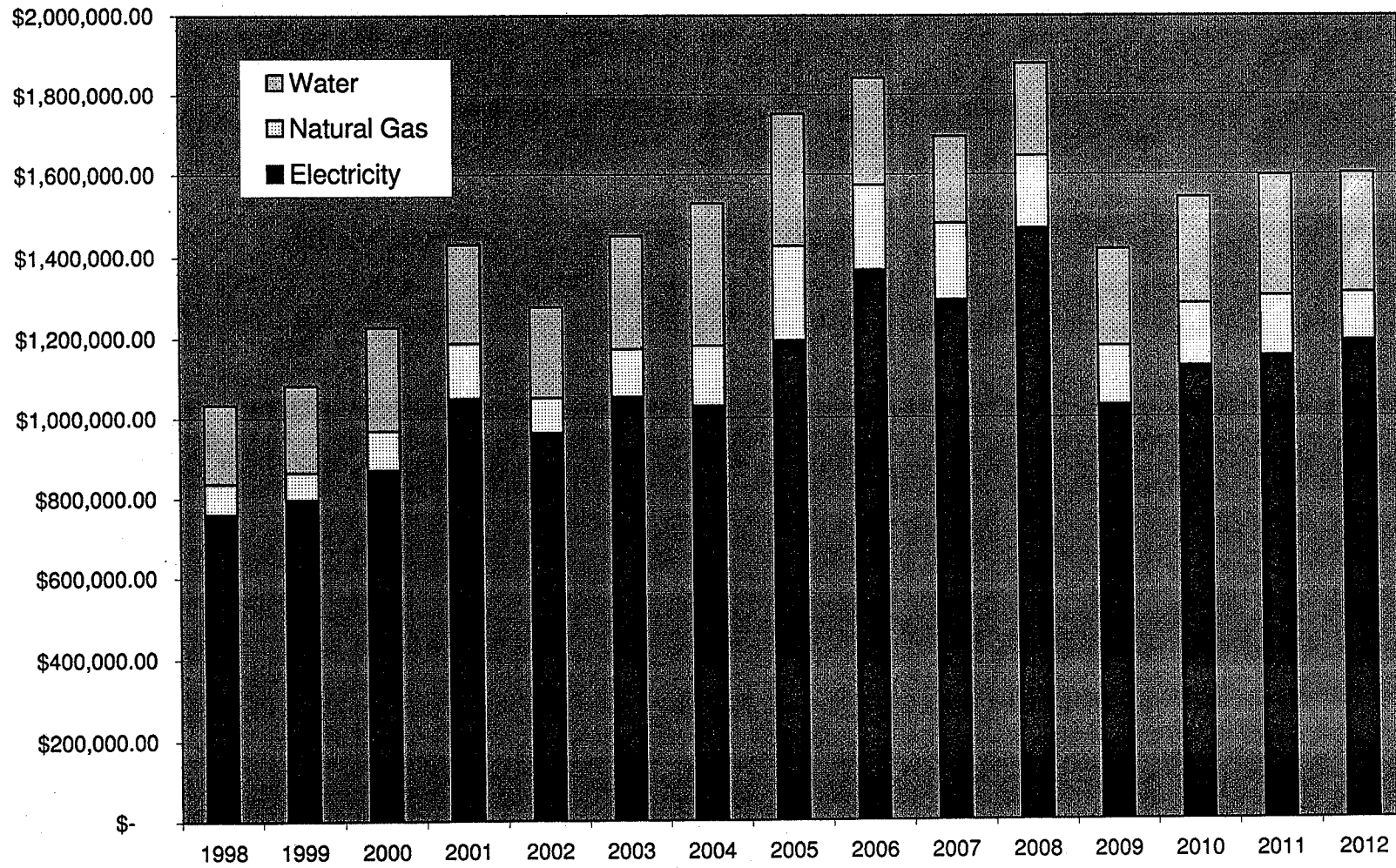
Indvik: I think GRFs have shown themselves to be an effective strategy for making sustainability happen in higher education. I'm excited to see how the private sector leverages that experience in the next few years.

Image credit: CC license by [redjar/Flickr](#)

[Energy Efficiency](#) [Facilities](#) [Financial Models](#) [Funding & Finance](#) [@edu](#) [Energy Efficiency](#)

Source URL: <http://www.greenbiz.com/blog/2013/06/07/are-green-revolving-funds-next-frontier-corporate-energy-efficiency>

Fayetteville Annual Utility Costs



Municipal Energy Fund

[http://www.accessfayetteville.org/government/strategic_planning/Current Projects/Municipal_Energy_Fund.cfm](http://www.accessfayetteville.org/government/strategic_planning/Current%20Projects/Municipal_Energy_Fund.cfm)

June 11, 2013

In 2008, the City of Fayetteville entered into a \$330,000 performance contract with Johnson Controls to provide energy retrofits for City Admin, Airport, Building Services, Fleet & Transportation, and Parks & Recreation facilities. The energy savings from this project will provide a payback of less than seven years. The Municipal Energy Fund from EECBG dollars was developed to retrofit the remaining "primary" buildings owned by the City and then utilize the energy savings for future projects. Engineering Elements was hired to provide energy audit services along with construction and contract documents.

- **Police Department (~\$103,000)** – King Electric and Carrier Corp were awarded bids to retrofit lighting, motion sensors, HVAC replacement, and controls.
- **Water & Sewer Operations (~\$100,000)** – King Electric was awarded the lighting contract for this project including interior lighting, motion sensors, glazing, and exterior LED lighting. Professional Air Systems was awarded the HVAC contract. Water & Sewer has provided \$35,000 in matching funds.
- **Central Fire Station (~\$16,000)** – This facility was not on the original list of six facilities for an audit, but their HVAC system failed in June 2010 which presented an opportunity to install high efficiency equipment.



Community Revolving Loan Fund

[http://www.accessfayetteville.org/government/strategic_planning/Current Projects/Community_Revolving_Loan_Fund.cfm](http://www.accessfayetteville.org/government/strategic_planning/Current%20Projects/Community_Revolving_Loan_Fund.cfm)

June 11, 2013

The City of Fayetteville has earmarked \$235,000 of American Recovery and Reinvestment Act monies to develop a Revolving Loan Fund (RLF) targeting non-profit organizations in the Fayetteville Community. In August 2010, the City of Fayetteville hired the Treadwell Institute to administer this RLF which will fund energy efficiency and renewable energy improvements on buildings owned by non-profit organizations within Fayetteville.

Projects will reduce utility costs and assist the borrower in paying back the loan. This is possible due to the untapped potential of energy efficiency projects on older facilities and low overhead costs of the program.

Non-profits selected will agree to pay off the loan using energy efficiency savings. These loan payments will then ensure other non-profits can participate in later years and thus maximizing the benefits in the Fayetteville community. The three selected non-profits are:

Mt. Sequoyah Retreat & Conference Center

Botanical Garden of the Ozarks

Fayetteville Chamber of Commerce



Added at Agenda Session 8/27/13

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 3, 2013

FROM:
CITY COUNCIL MEMBER ALAN LONG
MAYOR JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

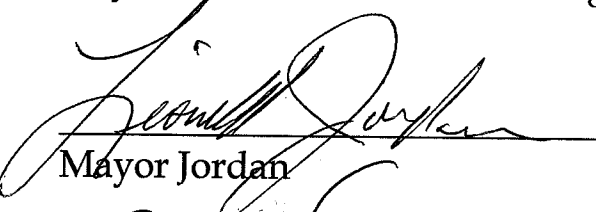
A RESOLUTION TO PLACE WITHIN THE 2014 BUDGET \$60,200.00 TO PROVIDE FUNDING FOR VARIOUS IMPROVEMENTS TO THE FAYETTEVILLE ANIMAL SHELTER

APPROVED FOR AGENDA:



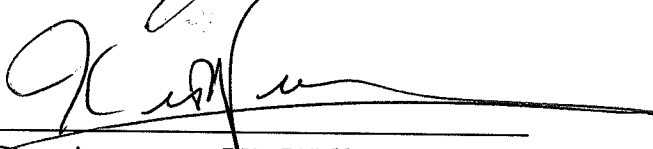
City Council Member Alan Long

08-22-2013
Date



Mayor Jordan

8/22/13
Date



City Attorney Kit Williams
(as to form)

August 22, 2013
Date

RESOLUTION NO. _____

**A RESOLUTION TO PLACE WITHIN THE 2014 BUDGET \$60,200.00 TO
PROVIDE FUNDING FOR VARIOUS IMPROVEMENTS TO THE
FAYETTEVILLE ANIMAL SHELTER**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to place within the 2014 Budget about \$60,200.00 to provide funding for various improvements to the Fayetteville Animal Shelter to include stainless steel counter tops, new kennels, an industrial dishwasher, an industrial clothes washer and dryer, and polished concrete flooring for the front office.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Animal Services Advisory Board

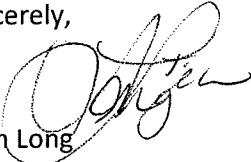
August 21, 2013

RE: Animal Services Improvements

City Council,

Members of the Animal Services Advisory Board have reviewed the proposed Animal Services facilities improvements including stainless steel countertops (\$1,200); demo and replacement of clinic kennels (\$22,000); industrial dish washer (\$8,000); industrial clothes dryer and washer (\$19,000); front office area flooring (\$10,000) for a total of \$60,200. The Animal Services Advisory Board recommends that the City Council approve the budget adjustment for the improvements to the Animal Services facilities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Long', is written over the printed name.

Alan Long
Animal Services Advisory Board, Chair

Animal Services Advisory Board Meeting Minutes

Date: August 12, 2013	Time Initiated: 6:00pm
Reporter: Justine Lentz	Time Concluded: 7:20 pm
Chair: Alan Long	Place: City Hall Room 326
Persons Attending:	
Meredith McKee, Dr. Blomberg, Mary Herrington, Stacey Fraser, Ashley Yayock, Lea Criss, Richard Clehouse, Alan Long, City Council Member/Ward 4 Alderman	
City Personnel in Attendance:	
Justine Lentz, Yolanda Fields, Dr. Staggs, Tony Rankin	

Topic: Clinic Improvements

Alan reported that when he and Sarah Marsh took their city council alderman tour last November they noticed that the clinic was looking a little run down. The clinic building needs certain improvements to help it be more functional, sanitary and presentable.

The Board discussed the necessity of each item. The Board was in consensus that all of the items were highly needed except for the blood work machine. Dr. Blomberg felt that the costs per animal would be too high to rationalize the purchase. Stacey, Lea and Ashley asked questions about how often Dr. Staggs currently sends out blood work and what the turn around time normally is. Dr. Staggs didn't feel that the return on investment would be high enough to rationalize purchasing the blood work machine. Richard asked how the list was made and Alan explained it was started by city council aldermen and staff added input.

Alan summarized and reported that the Board felt that everything but the blood work machine was a high priority. The list contained: stainless steel countertops (\$1,200); demo and replacement of clinic kennels (\$22,000); industrial dish washer (\$8,000); industrial clothes dryer and washer (\$19,000); front office area flooring (\$10,000) for a total of \$60,200. Alan asked if the Board wanted to move forward to endorse these items. Stacey Fraser motioned to approve the list at \$60,200; Lea Criss seconded; the motion passed unanimously; Alan said he bring the list to the council at the next available meeting.

Meeting was adjourned at 7:20 pm

Added at

Agenda Session 8/27/13

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 3, 2013

FROM:

CITY COUNCIL MEMBER ADELLA GRAY

MAYOR JORDAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution amending the Fayetteville Government Channel's mission statement, goals statement and operating policies, as approved by Resolution No. 180-10, to prohibit the recording or televising of meetings of the Nominating Committee of the City Council by the Fayetteville Government Channel

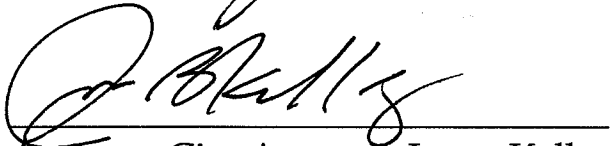
APPROVED FOR AGENDA:


City Council Member Adella Gray

8/27/13
Date


Mayor Jordan

8/27/13
Date


Assistant City Attorney Jason Kelley
(as to form)

8/27/13
Date

RESOLUTION NO. _____

A RESOLUTION AMENDING THE FAYETTEVILLE GOVERNMENT CHANNEL'S MISSION STATEMENT, GOALS STATEMENT AND OPERATING POLICIES, AS APPROVED BY RESOLUTION NO. 180-10, TO PROHIBIT THE RECORDING OR TELEVISIONING OF MEETINGS OF THE NOMINATING COMMITTEE OF THE CITY COUNCIL BY THE FAYETTEVILLE GOVERNMENT CHANNEL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the Fayetteville Government Channel's Mission Statement, Goals Statement and Operating Policies, as approved by Resolution No. 180-10, by inserting at the end of page 11 thereof, the following:

"Notwithstanding any provision herein to the contrary, no meeting of the Nominating Committee of the City Council shall be recorded or televised by the Fayetteville Government Channel."

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 180-10

**A RESOLUTION TO ADOPT A NEW MISSION STATEMENT, GOALS
STATEMENT AND OPERATING POLICIES FOR THE FAYETTEVILLE
GOVERNMENT CHANNEL**

WHEREAS, Government Channel Manager Fritz Gisler was requested by the Fayetteville Government Channel Policy Subcommittee to research best practices of government channel policies; and

WHEREAS, Fritz Gisler conducted such research and drafted a proposed new policy which was approved by the Fayetteville Communications Director and the Fayetteville Telecommunication Board.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Fayetteville Government Channel's **Mission Statement, Goals Statement and Operating Policies** as attached as Exhibit A to replace the existing policy which shall no longer be in effect upon the approval of this replacement policy.

PASSED and APPROVED this 19th day of October, 2010.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

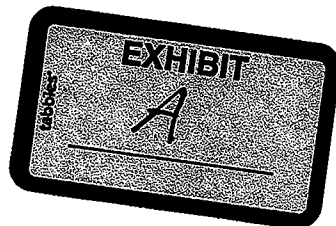
By:


SONDRA E. SMITH, City Clerk/Treasurer



The Fayetteville Government Channel

MISSION STATEMENT, GOALS STATEMENT & OPERATING POLICIES



OPERATING POLICIES

The Fayetteville Government Channel Manager is responsible for generating program ideas, and for implementing and overseeing their production, either directly, or by delegation. The Channel Manager reports directly to the Director of Communication. All operational, production and programming decisions are to be made by the Channel Manager according to these policies and guidelines.

Mission Statement

The mission of The Fayetteville Government Channel is to make Fayetteville government more accessible and understandable to the citizens of Fayetteville; to inform residents on City government, government services, and community life; and to facilitate the exchange of public information.

Goals

The Fayetteville Government Channel will accomplish its mission through the following goals:

1. To increase citizen access to City government meetings through live and recorded gavel-to-gavel televised coverage.
2. To inform citizens on the operations and activities of Fayetteville City government and its agencies.
3. To provide informative television programs of interest and value to residents which are not otherwise available or provided by other sources.
4. To provide programming that is fair, accurate, balanced and without regard to partisanship or ideology.
5. To cover public issues of concern to residents.
6. To develop professional quality programming for telecast on The Fayetteville Government Channel.
7. To provide programming through which the quality of community life may be improved and viewership of The Fayetteville Government Channel may be increased.
8. To provide services within reasonable accommodation to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of The Fayetteville Government Channel.
9. To provide residents a source of direct unfiltered information in emergency situations.
10. To create and maintain a library of programming for historical preservation.
11. To work with the local media to promote accurate, complete coverage of Fayetteville City Government.

Program Requests & Eligibility

1. All department heads, or their designee, and City government officials are eligible to request programs or air time within the scope of services provided by the Fayetteville Government Channel.
2. The Fayetteville Government Channel is not a public access channel provided for residents, organizations or civic groups. These requests will be referred to the public access entity.
3. The Fayetteville Government Channel shall not be used to produce video programming for private or commercial organizations.
4. The Fayetteville Government Channel may collaborate with other public agencies and similar organizations to develop programming that further serves the public interest, as determined by the Channel Manager. These organizations may include, but are not limited to, non-profit organizations, other government agencies and community organizations.
5. Requests for programming must be made in writing. Requests may be made via email. Requests for programming will be responded to within thirty (30) days of the request. Requests for regular meeting coverage only need be renewed once per year. City government departments and agencies requesting a video program must be willing to assist in producing the program if asked to do so. This may include providing financial assistance, furnishing necessary information, gathering together persons and props to be used in the program, and making on-air presentations as deemed necessary by the Channel Manager.

Programming

Production of quality, effective video programming requires experienced technical support. A goal of the Fayetteville Government Channel staff is to serve City of Fayetteville citizens and assist City government employees by producing high-quality, informative video programs about their local government.

- 1) New programming must meet at least one of the following criteria to be eligible for production:
 - a) The programming is about Fayetteville; the City, its residents, its employees, its elected officials, and/or its appointed officials.
 - b) The programming is a non-commercial public service to residents.
 - c) The programming serves to promote Fayetteville as a community.
 - d) The programming serves as communication from Fayetteville City employees to residents.
 - e) The programming helps to further a mission of a Fayetteville City government department or agency.
- 2) Programming will be denied if it does not meet all of the following criteria:
 - a) The programming shall not include slanderous, lewd, obscene, indecent or violent material or language. When questions arise as to the admissibility of material or language in this regard, the material will be reviewed subject to state and/or local law, and the FCC definition of "indecent" as "programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards for a cable medium."
 - b) The programming shall not include any material that the Channel Manager determines to be potentially defamatory or slanderous.
 - c) The programming shall not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which "establishes a [state] religion or religious faith, or tends to do so."

- d) The programming shall not include paid advertising. The Fayetteville Government Channel is a noncommercial channel. Advertising is prohibited. Program underwriters shall only receive credit during the opening and/or closing credits of the program.
- e) The programming shall not include direct appeals to purchase commercial goods or services or promote activities of for-profit, commercial groups or organizations.
- f) The programming shall meet technical quality standards including, but not limited to:
 - i) Master Copies of programs and PSAs must be on one of the following media formats or an equivalent format: DVD, DVCam, or professional DV.
 - ii) Copies of programs or PSAs submitted for telecast on The Fayetteville Government Channel must be on DVD or a professional DV tape format.
 - iii) At the conclusion of each program or PSA there should be at least one (1) second of black.
 - iv) The video and audio levels on the program must meet professional technical standards.
- g) The programming shall be direct, non-editorial information regarding the operation of the City government, the deliberations of City government or events sponsored by City government, either directly or indirectly. The Fayetteville Government Channel shall not serve as a mechanism for building support for a particular policy, program or issue. This exclusion does not apply to the Mayor. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
- h) The programming shall not include declared candidates for elected office within the time frame of ninety (90) days preceding an election, and the period of time between a primary and general election. Candidates for elected office may not use the channel as a part of a campaign effort. This exclusion does not apply to persons who receive air time as part of official City government meeting coverage, special election coverage and coverage of the Mayor performing official duties, which warrant telecasting. The Channel Manager shall decide if equal time for opposing candidates is necessary to balance the coverage of an incumbent candidate's performance of official duties.
 - i) This exclusion shall not apply to candidates appearing within a program as interview sound bites to help explain a topic, as one of several people interviewed. This is considered to be "news coverage".
 - ii) This exclusion shall apply to candidates addressing the television audience directly in a produced segment or program.
 - iii) This exclusion does not apply to candidates speaking as part of a non-campaign press conference. This is considered coverage of a candidate's official duties as an elected official.
- i) The programming shall not include copyrighted materials unless written permission has been obtained from the copyright holder. Copyright permission must be obtained for all programs produced by outside sources that are telecast by The Fayetteville Government Channel.

Programs and Program-Series Content

1) Programming may include:

a) Public Meeting Coverage:

- i) The Fayetteville Government Channel is responsible for providing television coverage of official regularly scheduled City Council meetings held in Council Chambers.
- ii) Live coverage of regularly scheduled and special City Council meetings shall be the production and programming priority of The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
- iii) Coverage of regularly scheduled and special City Council Committee meetings shall be provided by and telecast by The Fayetteville Government Channel. Program schedule adjustments will be made to accommodate irregular starting times and irregular run times of these meetings.
- iv) Coverage of official meetings of other City of Fayetteville government boards, commissions and agencies will be at the discretion of the Channel Manager based upon staff and facility limitations and programming objectives. Regular coverage of these meetings will be established by written request to the Channel Manager by the City staff member who is liaison with each particular government board, commission or agency. Priority of coverage shall be established by the Director of Communication.
- v) Each year the Director of Communication and the Channel Manager shall review the list of coverage of regularly scheduled meetings. Continued coverage of each meeting shall be confirmed with the City staff member who is liaison with each particular government board, commission or agency.
- vi) Coverage of special call meetings shall be based upon staff and facility limitations. Requests for coverage of a special call meeting must be presented in writing to the Channel Manager as early as possible, but no less than 4 hours, before the scheduled meeting.
- vii) To cancel coverage of a regularly scheduled meeting, the cancellation notice must be presented in writing to the Channel Manager as early as possible before the scheduled meeting. The Channel Manager may provide notification on the Channel of the canceled meeting.
- viii) Coverage of public meetings will be gavel-to-gavel. The meetings will be replayed in their entirety. Any editing will only occur for the addition of title and credit graphics for telecasting of taped replay; graphics that are presented as part of the meeting; coverage lost due to technical considerations; and to reduce the length of extended breaks in official proceedings. This provision does not exclude the use of clips from meetings for an informational purpose separate from the meeting coverage. This provision does not exclude the use of clips or graphics presented at meetings for an informational purpose separate from the meeting coverage.
- ix) When a televised meeting goes into "closed session", the Fayetteville Government Channel meeting producer may display a message describing the current status of the meeting, remain on a wide shot of the room with no meeting room audio, or play taped segments during the break. When a televised meeting goes into "recess", the Fayetteville Government Channel meeting producer will follow the above procedure or continue live coverage of the meeting room during the break.
- x) The Fayetteville Government Channel is not required to cover meetings in which no official business may be conducted due to lack of quorum, agenda or any other factor.
- xi) Recordings of meetings are intended for telecasting purposes only and shall not be

considered the official record of the meetings.

(1) Provision of a copy of the meeting recording does not imply reliance on a complete or error-free duplication of the meeting.

(2) Staff shall not be held responsible of accidental erasure or loss of the meeting recordings.

b) Emergency Message Programming

i) The channel may be used to facilitate communications with residents during a declared emergency.

ii) Emergency programming will be subject to staff and facility limitations.

c) News Magazine Programs

i) A magazine-format series shall be produced by Fayetteville Government Channel on a regular basis as a news and information program.

ii) Programs will focus on local issues, special activities, events and City government services.

d) Documentaries

i) Documentary-style programs may be produced by Fayetteville Government Channel.

ii) These programs are to be more in-depth than the magazine-style programming.

e) Special Event Coverage

i) Coverage of special events may be provided based upon staff and facility capabilities.

ii) Special event coverage may include press conferences, special call meetings and other City government sponsored events.

f) News Conferences/Media Briefings

i) Coverage of news conferences and media briefings may be provided by Fayetteville Government Channel, based upon staff and facility capabilities.

ii) The Channel Manager shall work with the Mayor's Director of Communication to determine which mayoral news conferences and media briefings should be covered.

iii) Press conferences/media briefings may be edited for content and replay.

g) Public Service Announcements (PSAs)

i) PSAs for government activities and events may be produced for City government departments and agencies.

ii) PSAs from other agencies or sources, including but not limited to nonprofit agencies and local municipalities, will be considered based upon The Fayetteville Government Channel operating policies and goals.

iii) Requests for announcements should be received in writing at least 2 weeks in advance of the desired start date of airing. Requests may be submitted via electronic mail. Exceptions apply to messages of an emergency nature that affect residents' health and safety.

iv) Efforts will be made to provide voice-over for all public service announcements.

h) Election Coverage

- i) The Fayetteville Government Channel may provide television programming pertaining to elections held in the Fayetteville – Washington County area. The scope and format of such coverage shall be determined by the Channel Manager. Any coverage shall place an emphasis on elections held to fill positions on the Fayetteville City Council and for City-wide elected officials.
- ii) The Channel Manager may work with the County Clerk and Board of Elections to produce material announcing pre-election administration information.
- iii) Election programming may include the following components:
 - (1) An interview program for candidates, including standardized questions and follow-up questions.
 - (2) An opportunity for candidates to make short statements on their candidacy.
 - (3) A debate-style program for candidates, organized by party affiliation and/or desired office.
 - (4) A program to allow residents to ask questions of the candidates.
- iv) For programming featuring registered candidates, all registered candidates for that given office shall be invited to participate in the election coverage.
- v) The Channel Manager shall ensure that any program featuring registered candidates is fairly balanced with programming featuring their opponents. In cases where one or more candidates in a given race choose not to be included, the participating candidates will receive balanced coverage in comparison to a similar race.
- vi) For any programming pertaining to a ballot issue, all sides of the issue must be represented in a fair and equitable manner.

i) Other

- i) Programs may be produced which do not fit into any existing program series. These programs will be considered "specials" and may be of any format. These programs must comply with the requirements for new programming on The Fayetteville Government Channel.

j) Outside programming

- i) Programming may be acquired from organizations or entities other than Fayetteville City government. This programming must meet the following criteria:
 - (1) Meet the appropriate technical standards, as determined by Fayetteville Government Channel staff.
 - (2) Fit within the mission, goals and policies of The Fayetteville Government Channel.
 - (3) Be sponsored by a Fayetteville City official or agency (which may include Fayetteville Government Channel staff).
- ii) Programming available at a cost less than \$500 may be paid for by Fayetteville Government Channel at the discretion of the Channel Manager. The following criteria will be evaluated in making a decision:
 - (1) The relevance of the program content to the overall goals of the City Council and Mayor.

- (2) The relevance of the program content to the mission and goals of The Fayetteville Government Channel.
 - (3) The impact of the program acquisition on the overall Fayetteville Government Channel budget.
 - iii) If The Fayetteville Government Channel decides to not fund a program series, the request for the program will be held for consideration during the next budget cycle.
 - iv) Programming available at a cost of \$500 or more will be considered under a yearly review process established by the Channel Manager and the Director of Communication. Departments may submit requests for programming acquisition at any time. These requests will be held for consideration during the next review period.
 - v) Departments, agencies and elected officials of Fayetteville City government may elect to purchase programming and broadcast rights from their agency budgets to submit for consideration under these policies.
 - vi) The Channel Manager will determine the playback schedule of all acquired programming on The Fayetteville Government Channel in accordance with the playback schedule section of these policies. The replay and scheduling of acquired programming will be a lower priority than programming produced directly by The Fayetteville Government Channel. Programming produced by The Fayetteville Government Channel may preempt these replays at the discretion of the Channel Manager.
- 2) It is the goal of The Fayetteville Government Channel to produce series-type programming.
- a) A program series is a group of television programs produced with the same primary communication objective.
 - b) The programs in a series should be produced on a regular basis.
 - c) The Channel Manager shall decide which programs to produce as a series, and shall supervise their production and regulate their format and frequency.
- 3) Programming is not intended to be used as a mechanism for building exclusive support for a particular person, program or issue. Any topic of debate or controversy will be presented in a fair, balanced and accurate manner without regard to partisanship or ideology.
- a) Coverage of all government meetings shall be telecast in their entirety without a requirement for balancing of an issue presented at that public meeting. Any person requesting for presentation of an opposing viewpoint will be directed to the appropriate meeting chair.
 - b) Coverage of mayoral press conferences and media briefings shall be telecast without a requirement for balancing of an issue presented. As Chief Executive for the City government, the Mayor is exempt from requirements to address all sides of a particular issue.
 - c) Programs covering a local issue or policy may be controversial both to the general public and among elected officials. The Channel Manager shall make every effort to ensure balance within a program.
 - d) Any requests for balancing of a particular program may be made in writing to the Channel Manager within ten (10) business days of its initial telecast. The Channel Manager will determine if balancing is required. An appeal to this decision may be made following the procedure for appeals outlined in these policies.
 - e) The Channel Manager may find it necessary to allow balancing of a particular program by allowing both proponents and opponents an opportunity to present both sides of the issue. Methods to balance an existing program may include, but not be limited to, the following:
 - i) Accepting unsolicited requests for telecast time from Fayetteville citizens or organizations

with opposing viewpoints. The request for presenting an opposing viewpoint must be made in writing to the Channel Manager. Upon affirmative action of the Channel Manager, an appointment time of fifteen (15) minutes or less will be scheduled with the requesting party to record a statement of no greater than two (2) minutes for telecast on The Fayetteville Government Channel.

Written copies of the commentaries must be submitted no later than 24 hours in advance of the recording time. Commentaries are subject to the programming requirements included in these policies. No supporting materials including, but not limited to, full-screen graphics and pre-recorded video will be added to the statement. The statement will be taped in a "head-and-shoulders" format.

- ii) Alternate methods may include, but are not limited to, a documentary program covering the opposing viewpoints, and solicitation of opposing viewpoints at the beginning and end of the program.
- f) The Channel Manager shall determine playtimes for commentaries or other programs designed to provide balance.
- 4) Opinions expressed on the channel may not necessarily reflect those of the City Council, the Mayor or City Government staff. A disclaimer stating such will air at random times on the channel.
- 5) Airtime may be provided to non-profit organizations serving the Fayetteville City area under the following guidelines. The level of service will be at the discretion of the Channel Manager based upon staff and facility limitations.
 - a) The non-profit agency must have current 501(c)3 non-profit status with the Internal Revenue Service.
 - b) The non-profit agency must receive funding from Fayetteville City government.
 - c) If Fayetteville City government funding is directed to a particular project, programming on Fayetteville Government Channel may be limited to that project.
 - d) The programming must meet all other criteria of the Fayetteville Government Channel Operating Policies.
- 6) Any department or agency using Fayetteville Government Channel resources bears sole responsibility for the content and material used in all programs produced by and for them, including but not limited to, obtaining necessary releases, obtaining copyright clearances and complying with Fayetteville Government Channel policies and procedures.
- 7) Programming produced for telecast on The Fayetteville Government Channel shall take precedence over the production of internal communication and training materials. The Fayetteville Government Channel may charge for the production of programming for internal use.

Programming/Telecast Schedule

- 1) The Channel Manager is responsible for determining the Fayetteville Government Channel Program Schedule in accordance with the following guidelines:
 - a) Programming is to be telecast 24-hours per day.
 - b) To maximize viewership of programs, they will be telecast in the following order of priority:
 - i) Announcements or programs concerning emergencies that affect the health or safety of residents of the City of Fayetteville
 - ii) Live coverage of public meetings
 - iii) Pre-recorded coverage of public meetings

- iv) Replayed coverage of public meetings
- v) Reoccurring program series
- vi) Press briefings
- vii) One-time special or non-regular informational programs.
- viii) Public service announcements
- ix) Programs of interest to area residents that are produced by persons, agencies, or groups outside of City government and are submitted by Fayetteville City departments

Program Underwriting

- 1) Underwriting may be obtained to help fund production and operating costs of The Fayetteville Government Channel and to increase the variety of programming provided.
- 2) Coverage of official meetings of Fayetteville City government may not receive corporate underwriting, except for the purpose of funding costs for closed captioning services.
- 3) Acknowledgements for underwriting are not commercial advertising. The acknowledgements shall not include qualitative or comparative language, price information, indications of value or savings, a call to action, or an endorsement or inducement to buy, sell, rent or lease a product or service.
- 4) The acknowledgement may include the name of the business and logo.
- 5) A total of fifteen (15) seconds of audio/video may be tagged at the beginning and end of the program. The voice-over announcement on the tags will contain the following: *"This program was made possible in part through the generous support the following: [company names]."* or equivalent language. The company(s) must have expressed permission for all material used in the acknowledgement.
- 6) Underwriting will not be accepted from any business, organization, or individual whose primary concern is, or is related to, businesses or activities including, but not limited to:
 - a) Promotion of political positions or candidates
 - b) Gambling, lotteries or gaming
 - c) Alcohol and/or tobacco related products
 - d) Adult entertainment or pornography
- 7) Fayetteville City government reserves the right to approve or deny all underwriters.

Program Copyright

- 1) The Fayetteville Government Channel and The Fayetteville City government shall hold the copyright on all programs produced primarily for programming on The Fayetteville Government Channel.
- 2) No programming produced by The Fayetteville Government Channel shall be used for commercial purposes of any kind.
- 3) All media used for production of television programs by the staff of The Fayetteville Government Channel shall remain the property of The Fayetteville Government Channel and The Fayetteville City government.

Duplication/Copy Orders

- 1) The Fayetteville Government Channel will provide copies of meetings aired on the channel pursuant to the Freedom of Information Act.
- 2) The Fayetteville Government Channel may provide copies of other programming aired on the channel upon request.
- 3) The Fayetteville Government Channel will determine legally collectible reproduction charges as allowed by the Arkansas Freedom of Information Act and may require such payment from persons or businesses requesting copies of meetings.
- 4) Copies will be provided on a first-come, first-served basis. Copies will be provided as soon as staff and facility time allows.
- 5) Upon request from local media, The Fayetteville Government Channel will strive to provide copies of meetings and other government events in exchange for a courtesy graphic identifying The Fayetteville Government Channel as the source of the video. The Channel Manager may waive the copy fee for media outlets.

Appeals/Complaints

- 1) The Channel Manager is responsible for all programming and operational decisions in accordance with these policies and mission statement. In the event an applicant or program requestor wishes to appeal the decision of the Channel Manager to deny a program request, a written appeal for review of the request may be made within ten (10) business days after the initial request has been denied to the Director of Communication with a copy to the Channel Manager.

A committee comprised of the Director of Communication, another City Department Director, a selected member of the Telecommunications Advisory Board and a selected member of the City Council will review the appeal. If such committee denies the appeal, further appeal may be made to the City Council as a whole for review. The appeal must be submitted by a member of the City Council selected by the appellant at the next scheduled City Council agenda session.

Amendments to Operating Policies

- 1) These policies may be amended through resolution of the Fayetteville City Council upon recommendation of the Mayor's Director of Communication and the Channel Manager, with input from the Telecommunications Advisory Board.

ADDENDUM A

Extract of

Telecommunications Board Meeting Minutes

September 16, 2010, 5:30pm

Room 219, City Administration

Chairman Aubrey Shepherd called the meeting to order.

Present were Aubrey Shepherd, Fred Cusanelli, and Blake Pennington. Mike Russell came in later. **Not present** were Justin Tennant and Don Bosseau. Also present were Fritz Gisler, the Government Channel Manager; Anne Shelley, Community Access Television Executive Director; Lindsley Smith, City Communications Director; David A. Young, CAT Board secretary; and Jim Bemis, citizen.

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REVIEW OF GOVERNMENT CHANNEL POLICY

Russell and **Shepherd** brought the subject to the floor. **Jim Bemis** spoke his concerns and referenced Marvin Hilton's comments which were in the meeting packet. Bemis stated the following disapproval of the draft policy:

1. That complete discretionary authority to determine programming is given to the City/manager of the television Center.
2. He does not like the City's proposal of how to deal with complaints and appeals.
3. He does not think the draft reflects the intent of the Ordinance which defines the duties of the Telecommunications Board. He mentioned perhaps the Ordinance should be changed.

Bemis added that the policy which was studied in subcommittee for a total of 6 years was his preference.

Smith asked that Chief of Staff Don Marr's earlier testimony, that the law and what the Council has ruled over the years, be considered in this discussion. **Gisler** re-iterated Marr's concerns expressed in the July Telecommunications Board meeting about issues which will be problematic for the staff to support. The main issue was that words/policies which the City Council had removed have been put back in to the proposed policy.

Shepherd responded that the subcommittee desired to include the ability of residents and Council Members to request forums on Government issues. He said he didn't think it was fair to say that a lot of things had been removed and put back. He agreed with Bemis that this new approach strips the Council of any way of overseeing any aspect of the Government Channel operations.

Gisler answered that in the Staff supported policy there are very specific priorities of programming and very specific language of how that is established. He said it does not take any authority from City Council and that the document would have to be approved by City Council. **Gisler** added that in contrast the proposed 2009 policy takes the fiscal authority away from the City Administration and invests it in private citizens. He said programming priorities were vague in that document. **Gisler** re-iterated that Marr had previously pointed out the loss of fiscal control as an issue.

Shepherd, Gisler and Smith discussed the problem with the inclusion in the 2009 proposed policy about the physical performance by camera operators. Non-editorializing, objectivity and the first amendment were also discussed and **Gisler** emphasized that the draft proposal addresses these adequately and thoroughly.

Smith said that she supported the Staff supported policy and complimented **Gisler's** thorough research. **Smith** also stated that the physical camera operation policy was a problem and that she would speak against it at the City Council meeting.

Russell said that the Board should decide to send on to City Council either the current policy or the City's draft policy. He said he thought it best to take the opinion of those closest to the work. He proposed a vote on either of the two.

Shepherd said there was a third possibility. **Russell** said decide.

Pennington asked if the Board has to make a decision tonight or would the City staff move it forward without recommendation of the Board. **Gisler** said they had not discussed that.

Shepherd questioned how to describe the City staff statements of favor for the Draft policy and **Russell** said that they were telling their point of view. **Shepherd** talked about possible subcommittee meetings for considering the content of the draft policy.

Pennington said that City Council may take it up at any time in the future without Telecommunications Board approval or City Administration recommendation.

Russell again said no more debate. **Shepherd** said maybe never mention it again and maybe nothing has to change. **Pennington** added that City Council charged them to change it.

Russell again said the City staff is a competent group of leaders. He said he believes in less command and control but with oversight.

Cusanelli made the motion to approve the City Staff's version. Pennington seconded.

Bemis restated his concerns about the First Amendment and of complete programming discretion in the hands of City staff, without citizen input except in a small group to consider complaints and appeals and without the Telecommunications Board as a buffer. He stated he thinks all operational procedures should be developed from policies developed by this Board.

Russell asked **Gisler** to respond to Bemis. **Gisler** said the First Amendment rights are essential and that the channel strives to support Mayor Jordan's, Senior Staff's and City Council's commitment to make the City Government more open and accessible to the citizens of Fayetteville. **Gisler** said not one thing in the Staff supported document detracts from that. He said the channel wants the Telecommunications Board support in making the channel more forward moving and not mired in micromanaging by an old policy. He said the staff supported policy has a very specific appeals process. **Gisler** stated that he supports the Staff supported document which will need to grow and deal with things as they come along.

Smith stressed that nothing in the draft policy violates the First Amendment or any other law.

Shepherd and **Russell** talked about the public's access to knowing what the draft policy included. **Russell** said discussion in the Telecommunications meetings provided information.

The motion passed. 3 ayes. 1 nay (Shepherd)

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
August 20, 2013**

A meeting of the Fayetteville City Council was held on August 20, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

2nd Quarter Financial Report

Paul Becker, Finance Director gave a brief financial report.

Agenda Additions:

Alderman Adams moved to add the National Endowment of the Arts Grant to the agenda. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

National Endowment of the Arts Grant: An ordinance to accept a grant from the National Endowment of the Arts in the amount of \$100,000.00 for a streetscape design project on School Avenue, to approve a technical assistance agreement with the University of Arkansas to design this project, to approve an agreement with the Walton Arts Center for its contribution of \$40,000.00 in matching revenue, plus personnel services to assist in the project and to approve the attached budget adjustment.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Alderman Petty: You received a letter in your packet detailing my relationship with the project. For full disclosure, I work about ten hours for the University of Arkansas Community Design Center. I was involved in developing and writing this grant application. I will not be paid out of this fund and I am not involved in this project anymore. My role is to write grants and conduct research, it's not to design or manage projects. I will not be paid out of these funds at the Design Center and I don't have to recuse, but I'm choosing to abstain.

Alderman Adams: I would like to thank Alderman Petty and I appreciate you.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty abstained. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty abstained. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance 6-0. Alderman Petty abstained. Alderman Gray was absent.

Ordinance 5606 as recorded in the office of the City Clerk

Consent:

Approval of the August 6, 2013 City Council meeting minutes.

Approved

Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 1: A resolution approving Amendment No. 1 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$15,000.00 for additional legal services related to the White River Water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

Resolution 176-13 as recorded in the office of the City Clerk

Bid #13-41 Jack Tyler Engineering of Arkansas: A resolution awarding Bid #13-41 and authorizing a contract with Jack Tyler Engineering of Arkansas in the total amount of \$58,760.15 for the purchase of four (4) return activated sludge pumps for the Noland Wastewater Treatment Plant.

Resolution 177-13 as recorded in the office of the City Clerk

Bid #13-44 Fiser Kubota: A resolution awarding Bid #13-44 and authorizing a contract with Fiser Kubota in the total amount of \$165,173.75 for the purchase of four (4) irrigation reels for the City biosolids management site.

Resolution 178-13 as recorded in the office of the City Clerk

Bill and Doris Kisor Settlement Agreement: A resolution approving a settlement agreement with Bill and Doris Kisor concerning condemnation litigation filed as part of the N. Crossover Road Utilities Improvement Project in a total amount of \$13,950.00.

Resolution 179-13 as recorded in the office of the City Clerk

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

Unfinished Business:

RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates): An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to R-O, Residential Office, subject to a Bill of Assurance. ***This ordinance was left on the First Reading at the August 6, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner: There was a revised rezoning request submitted. The applicant is proposing to rezone the property to Neighborhood Services which is a little less intense than Residential Office. It is a smaller scale form base zoning code.

Alderman Tennant: Do we have an example of that zoning existing in Fayetteville?

Andrew Garner: We do not have any on the zoning map at all.

Alderman Adams: Do we have a recommendation from the staff on the requested change?

Andrew Garner: We have similar concerns on this application as we did with the Residential Office. The concern we have is not being consistent with the future land use plan map. We are not in favor of this.

Alderman Petty: When did we pass the form base code?

Andrew Garner: About five years ago.

Alderman Petty: Was Neighborhood Services five years ago too?

Andrew Garner: Neighborhood Services was adopted about two years ago.

Alderman Petty stated his opinion why he thought this ordinance should be rezoned to Neighborhood Services.

Alderman Tennant: This particular zoning seems to fit in better in a downtown type area.

Alderman Petty: We want to see these form based codes go in most places. It is not about a downtown style of development. It is about an appropriately scaled style of development and so I think it does work in other neighborhoods. I believe this is the first of many requests that will come through for Crossover Road now that the road has been widened. Planning isn't about today; it is about the future and what we want to see at the Township intersection. We can't segregate land uses and we have to figure out how to mix them in a way that makes sense.

Alderman Tennant: The question is whether it needs to be rezoned or not. Do we have an idea from the Highway Department of when they are going to open the south side lane of traffic on Highway 265?

Chris Brown, City Engineer: The project will not be fully complete until about November, but actually splitting the traffic so it will be flowing on either side of the median is imminent. In order for citizens to access the other side of the road they will have to make u-turns at the median breaks.

Alderman Marsh: Could you tell us what type of services are allowed in Neighborhood Services?

Andrew Garner gave a brief description of Neighborhood Services.

Alderman Petty: It is my understanding that the applicant was keeping their Bill of Assurances in place?

Andrew Garner: I have not discussed that with the applicant.

Ben Israel, Developer: We agreed that with the request for rezoning that we would include the Bill of Assurance.

A discussion followed about amending the ordinance to the zoning of Neighborhood Services.

Fanny Long, Eden Brooke Subdivision spoke in opposition of the ordinance.

City Attorney Kit Williams gave a brief statement on the status of the law about conditional uses.

Ben Israel stated his opinion about the development and the rezoning to Neighborhood Services.

Brian Runnels spoke in opposition of the ordinance.

Jerry Jones, Property Owner stated his opinion and spoke in favor about the proposed change to the rezoning of Neighborhood Services.

Lynn Lorimer spoke in opposition of the ordinance.

City Attorney Kit Williams: I did not see anything in the packet with the request for the applicant to change the zoning. Can we get a formal request in writing with a statement saying the previous Bill of Assurance applies to the current zoning request?

Ben Israel: I sent an email to Mr. Garner.

City Attorney Kit Williams: Can I get a letter from your owner too and give it to Mr. Garner saying this is his request now and that the Bill of Assurance applies to this request.

Ben Israel: Ok.

Alderman Petty moved to amend the ordinance to a Neighborhood Services zoning. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman Schoppmeyer voting no. Alderman Gray was absent.

This ordinance was left on the Second Reading

New Business:

John Bess Claim Settlement: A resolution pursuant to Fayetteville Code of Ordinances subsection 39.10 (C)(4) authorizing the Mayor to pay \$11,000.00 to John Bess in settlement of a damage claim arising at 830 E. Trust Street, and approving a budget adjustment.

Tim Nyander, Water & Sewer Operations Manager gave a brief description of the resolution.

Alderman Kinion: This came before the Water & Sewer Committee and we reviewed the options that were presented on both sides of the argument as well as the compromise. We unanimously agreed that this was a fair settlement.

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

Resolution 180-13 as recorded in the office of the City Clerk.

VAC 13-4428 (4291 Black Canyon St./Hamptons Lot 18): An ordinance approving VAC 13-4428 submitted by Engineering Services, Inc. for property located at 4291 Black Canyon Street, to vacate a portion of a pedestrian access easement, a total of 0.03 acres.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5607 as recorded in the office of the City Clerk

MarshallGIS: An ordinance waiving the requirements of formal competitive bidding and approving a contract with MarshallGIS in the total amount of \$26,975.00 to purchase five (5) software seats of GeoKNX mobile implementation software for usage by the Water and Sewer Division, and approving a project contingency of \$4,000.00.

City Attorney Kit Williams read the ordinance.

Tim Nyander gave a brief description of the ordinance.

Alderman Kinion: This went before the Water & Sewer Committee and there was a concern because there wasn't a competitive bid. Realizing the unique situation we had in front of us for this system to interact with our GIS system, we approved it unanimously to be brought to City Council.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: I would like to thank staff for doing extensive research to make sure that this was truly the only provider. This is another example of how technology can help with productivity with management of our city and we need to do this as much as we can.

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

Ordinance 5608 as recorded in the office of the City Clerk

2014 Employee Benefits Package: A resolution approving a 2014 Employee Benefits package.

Missy Leflar, Human Resources Director gave a brief description of the resolution. The estimate is about \$500,000 additional dollars.

Alderman Long: Will this affect the city employee prescription drug benefits?

Missy Leflar: No, the coverage should be the same as far as medical items that are covered. When an employer changes insurance companies sometimes there will be an item, that there is a change in the amount that is covered, that was not anticipated. The city asked for the same comparable coverage on medical.

On pharmacy items we did not ask for anything to be different and it will be the same co pay on the PPO. On the high deductible plan the employee pays for all of it until they hit their deductible and then the plan will pick up 100% in the coverage next year. There is a video available for employees to view on the city website to answer questions.

Alderman Long: Are we making sure our local pharmacies are included in the insurance plan so that it isn't all national chain accounts so that we are investing in our own economy?

Missy Leflar: We have had Blue Cross at the city for 50 years with an exception of 2006 when the city went with Cigna and the last two years with United Healthcare. Blue Cross has a very extensive network with medical providers and pharmacies in Northwest Arkansas.

Jacob Salinas, Gallagher Benefit Services: Our view with the proposals provided to us by United Healthcare and Blue Cross Blue Shield is that we do not see any significant changes in network. There are some providers, such as the VA that is not contracted with Blue Cross Blue Shield. There are many pharmacies in the network and it would be hard to do a review of each one.

Alderman Long: Are we just covering national chain pharmacies like Walgreens or including local pharmacies?

Jacob Salinas: There are independent and national pharmacies in the network.

Alderman Marsh: Will this require anyone to change doctors?

Missy Leflar: We encourage our employees to make sure and ask their doctors if they are in network. We will call the major hospital and clinics to make sure they are still with Blue Cross. Blue Cross has a very robust network in Northwest Arkansas.

Don Marr, Chief of Staff discussed briefly the differences between United Healthcare and Blue Cross Blue Shield.

Missy Leflar: Both insurance companies have a website where people can type in their doctor and clinic names and see if they are in network.

Don Marr: The medical expense to an employee typically falls around maintenance related drugs where prescriptions have to be rewritten from one company to the other. That is usually the only significant change that we see that is not provider related.

Mayor Jordan: I would like to thank Missy, Pachee, Don and Paul for their work on this. It took several weeks to get us to this point.

Alderman Long: I want to thank the Mayor and staff also. At Agenda Session when I asked about the open enrollment period, it wasn't just for my information. It was for the city employees to make sure they could afford this change. The city went above and beyond the normal 15 days and extended it to 60 days. I think it is extraordinary to work for a place that will do that.

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

Resolution 181-13 as recorded in the office of the City Clerk.

Get Lit LLC – Lights of the Ozarks: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with Get Lit LLC in the amount of \$51,462.00 for the purchase of lights for the expansion of Lights of the Ozarks to Block Street and Dickson Street, and approving a budget adjustment in the amount of \$46,500.00.

The above ordinance description had a scrivener's error in the dollar amount. The actual dollar amount is \$56,500.00, per City Attorney office.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance.

Alderman Long: I would like to hear some discussion about the Razorback themed lighting and the idea behind that.

Don Marr: It is red and could be extended beyond Christmas. The thought process was that they could be maintained at key intersections. There are 72 light poles and last year we received calls asking why the flags on the poles were not taken down immediately and why did we have Christmas themes in January and February.

We tried to select items that might give staff a little more flexibility in terms of getting those items down. We didn't want to go with certain symbols because we wanted to be sensitive to the diversity of our community. We tried to select something that would be more neutral and acceptable to the community.

Alderman Marsh: I have concerns about the Razorback theme. I feel that we have enough Razorback stuff going on in this town and that is the mascot for the University and the city is a separate entity. Maybe if we went with purple like our school or green because we try to be a green community. I would feel better about supporting this if we amended it to remove the Razorback theme from the ordinance.

Alderman Kinion: I believe the Razorback is relevant because this is the gateway into the University from College Avenue. One thing that is unique about the City of Fayetteville is the heritage of the University. I recognize this as a partnership and also allowing this to be utilized not just for a holiday theme.

Alderman Tennant: I agree with Alderman Kinion. The bigger picture of the Razorback theme is the other things it can be used for. I think this will grow tremendously over the years. Let's start with this and see where it takes us.

Alderman Petty: The Block Street bazaar and Dickson Street could benefit from this. The school district is technically a separate entity, but separateness is abstract. We all grew up with this in the community.

Katherine Owen, Fayetteville: Is Get Lit a local company?

Don Marr: I believe they are located in Springdale.

Katherine Owen: So they are sort of local, not a Fayetteville based company.

Don Marr: The city can not discriminate on the location.

Katherine Owen: How much is the University of Arkansas putting into this project?

Mayor Jordan: They are not putting anything in.

Katherine Owen: I think this money should be used for something else or at least part of it. It is too much money when there are so many other projects needing to be done around town.

Mayor Jordan: We view this as an economic driver for the city. Lights of the Ozarks brings in thousands of people every year and people spend their money here in Fayetteville.

Don Marr: The city has a citizen request process for anything needing to be done around the city and that request can be submitted.

Joe Fennel, Dickson Street Merchants Association spoke in favor of the lights and the ordinance and would like to work with the city and the lighting people to stay with the same theme.

Carl Collier, Collier Drug and Dickson Street Merchants Association: The Dickson Street Improvement District has some funds available that we can help the city in off setting some expenses. We are supportive of this and like the idea of the Razorback theme and the fact that it allows the city to be more efficient in taking down and putting up the lighting. The association is forming a nonprofit corporation that would allow for Block Street to join in with us to form a bigger downtown district. This will be very beneficial to our city.

Jeff Erf, Ward 1: Did the city consider asking the A&P Commission for the entire amount? Looking at their latest balance sheet, they have \$2.5 million in assets and \$670,000 in cash.

A discussion followed about the amount of money requested from the A&P Commission for the lights and how it will be dispersed.

Alderman Marsh: What is the reason why we are in a rush to get this approved? Is it because of the specific Razorback theme lighting and that is why we are not able to do the competitive bidding?

Don Marr: I believe Friday was the deadline and it was because of the quantity that we were ordering.

Terry Gulley, Transportation Services Director: It was not because of the Razorback, it was to order any type of fixture we wanted. The company is getting ready for the Christmas season and that is the time frame they gave us. If we ordered by now, we would get them by November 11, 2013. These will go up much quicker than the normal Christmas lights on the Square.

Alderman Marsh moved to amend the ordinance to remove the Razorback lights. Alderman Long seconded the motion. Alderman Long withdrew his second. The motion failed for lack of a second.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: There is a lot of activity on Dickson Street in the summer and in the winter it seems things slow down a little bit. I would think the use of this money will bring more people to the Dickson Street area.

Mayor Jordan: I visited with businesses on Dickson Street about putting lights on Dickson and Block Street and we saw this as an economic driver for the city. The City of Fayetteville is unique and one of the reasons is because of the Lights of the Ozarks. I believe expanding the lights will help our city economically and create a sense of community.

Alderman Marsh: I support this program and the idea. I would like to see us diversify the appeal of our downtown. We have Razorback themed banners on our light post, we have a hog carved into an intersection and every other person is wearing a red Razorback shirt. For those of us who are not sports fans, it can be alienating and Fayetteville has more to offer than a sports team.

Mayor Jordan: That is a good point. I would like to thank Alderman Tennant and Petty for getting the funding from the A&P Commission.

Don Marr: We will pursue the A&P funding if we do not receive funding through the general improvement fund request. It is not our intention to use reserves of the city for this project.

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

Ordinance 5609 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Quarterly Contract Update of Economic Development Services provided by the Fayetteville Chamber of Commerce – Presenters Chung Tan and Steve Clark

"Entertainment District/Spring Street Parking Deck Update" – David Jurgens, Utilities Director

City Council Tour:

August 12, 2013 at 5:00 pm - RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates

Announcements:

Alderman Adams: Ward 4 will meet on Monday night and Dave Johnson from the Fayetteville Public Library will be there to talk about the expansion. We invite friends of Ward 4 too, at 6:00 p.m. Room 111 at City Hall.

Don Marr: The Historic District Commission meeting that was scheduled for this Thursday, August 22, 2013 has been canceled.

The Fayetteville Roots festival which is August 22 through August 25, 2013 is four days of music and food.

The Fayetteville Fall festival is a new festival scheduled to be August 30, 2013 from 5:00 to 9:00 p.m. on the Square.

We want to remind citizens that city offices will be closed Monday, September 2, 2013 for the Labor Day holiday. Our Solid Waste services will run as regularly scheduled.

Adjournment: 8:05 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

UNOFFICIAL

*C.4. Revolving Fund for Interdepartmental
Resource Efficiency Loans
Handled out at Agenda Session*

Green Revolving Fund

Local examples

Street lights

- Current cost: \$575,000 annually
- Low bound of savings: 40% or \$230,000

Buildings built before 1991

- 45 buildings
- ~340,000 sf
- Some buildings built in the 20's and 30's.
- 10% utility savings is typical (but we can't even find that out right now)

Stats

Medians from university GRF's:

- Project ROI: 32%
 - If city established a \$500k fund, annual ROI would be \$150k/year.
- Project payback period: 4 years

In simple terms

1. GRF tracks savings explicitly
2. spends at least half of savings on new efficiency projects
3. an administrative fee is included in all project cost sheets
4. other half goes to:
 - a. immediate operational needs, or
 - b. loans to employees, or
 - c. new programs, or
 - d. loans to outside institutions

Multiple models

Simple (can be done administratively):

- New line-item on each divisional budget to account for savings
- Commitment to revolve at least 50% of the savings to new energy efficiency projects

More complex, but also more flexible (requires legislative action):

- Establishment of Green Revolving Fund makes interdepartmental loans
- Provides central accounting for efficiency projects
- Ability to charge interest on loans allows us to protect X dollars against inflation

Implementation steps

- Research case studies of the various models
- Perform an energy audit on at least 10% of our air-conditioned square footage
 - Hard to estimate costs at this stage but auditing 10% of our air conditioned space built before 1991 would be ~\$80k.

- Prioritize project proposals according to their ROI and payback period.
- Debate models and pass ordinance

Responses to “accounting gimmick” frame

- It's not a gimmick to set aside \$500,000 in today's dollars for making city operations more efficient and to protect that investment against inflation.
 - Example: If we had a GRF today worth \$500,000 and 2% inflation for the next 10 years, in 2023 the fund portfolio would be worth \$610,000.
- It's not a gimmick to hire new employees when our planning and IT departments are understaffed
- We can't even track our energy use. Managing hundreds of thousands of air conditioned square feet without an energy dashboard in 2013 is like not getting a computerized payroll systems until 2009.

Case studies

Universities

- Harvard
- University of Illinois Urbana-Champaign
- University of Denver
- Iowa State University

Gov

1. Alabama
2. Alaska
3. Connecticut
4. Iowa
5. Kansas
6. Kentucky
7. Maine
8. Maryland
9. Mississippi
10. Missouri
11. Montana
12. Nebraska
13. Nevada
14. New Hampshire
15. New Jersey
16. North Carolina
17. Oklahoma
18. Oregon
19. Pennsylvania
20. Rhode Island
21. South Carolina
22. Texas

- 23. Vermont
- 24. Virginia
- 25. Wisconsin

Industry

- L'Oreal

What kind of city do we want to be?

Project HEAL

- half goes to future projects, like usual
- other half goes to home efficiency loans for employees
- employee loans backed by local institution
- create a HEAL coalition with local industry
- get technical assistance from the Clinton Foundation
- L'Oreal medians: \$416 and 2.2 tons annually
 - If that holds, 1000 employee loans makes for an annual impact of \$416k and 2200 tons of CO2. In real terms it's like each employee cuts his or her driving in almost half.

CLINTON FOUNDATION | UP CLOSE

CASE STUDY: HEAL WORKS WITH L'OREAL TO REDUCE GREENHOUSE GAS EMISSIONS

Posted on May 02, 2013 by Clinton Foundation | Tags: [Climate Change](#), [Clinton Climate Initiative](#), [CCI](#), [Home Energy Affordability Loan Program](#), [HEAL](#), [Arkansas](#), [L'Oreal](#), [Earth Day 2013](#)

Four years ago, L'Oréal, renewed a commitment to adopt a model of sustainable development that was good for the environment, good for people, and good for business. L'Oréal developed a 10-year plan to reduce its environmental impact by engaging in more eco-conscious production, reducing waste, and creating an environmentally sound and healthy work space for employees, and wanted to ensure that its efforts in sustainability had an impact both within and beyond the walls of its facilities.

In May 2009 the L'Oreal Maybelline plant in Little Rock, Arkansas, became the first industry partner to participate in the Clinton Climate Initiative's Home Energy Affordability Loan (HEAL) program. HEAL provides financially feasible green building retrofits that combat climate change and save money on the corporate and homeowner level. HEAL worked with L'Oreal to conduct a retrofit at its plant, which reduced the plant's consumption and greenhouse gas emissions, and in turn saved L'Oreal more than \$80,000 a year.

HEAL also worked to help L'Oréal USA expand its mission of sustainable development into the surrounding community. HEAL educated employees and their families about the importance of environmental responsibility in the workplace and helped to put that education into action in their own homes. With the financial savings L'Oreal was experiencing through HEAL L'Oréal was able to provide its employees with home energy assessments and financing or loans to implement energy efficiency retrofits in their homes. Since beginning the partnership, HEAL has completed 90 home energy assessments for L'Oréal USA employees, and over 33 of them have opted to receive free retrofit assistance. As a result, ~~L'Oreal's employees are saving energy, saving an average of \$416 a year, and reducing greenhouse gas emissions by 2.2 tons a year.~~

Due to the success of this program in Arkansas, L'Oréal USA has decided to expand the HEAL program in the coming months to additional operating plants. Its goal is to promote their environmental stewardship through consumers and employees. The HEAL program has been an essential tool in those efforts, providing a unique opportunity for L'Oreal to become a model for other businesses in demonstrating that sustainable development is both a responsible and an economically feasible option.

HEAL continues to help L'Oreal expand its sustainability efforts across its operating plants and has also been invited to work across the country with partners in Wisconsin, Vermont, California, Michigan, and Nevada to provide other companies with the same opportunity to reduce their greenhouse gas emissions. HEAL pilots are planned or underway with firms representing nearly 100,000 employees, with further expansion planned for the second half of 2013.

Read more about [HEAL](#) on our blog and [contact us](#) to learn if HEAL a good solution to help your company reduce greenhouse gas emissions.



Published on *GreenBiz.com* (<http://www.greenbiz.com>)

Are green revolving funds the next frontier in corporate energy efficiency?

By *Georges Dyer*

Created 2013-06-07 05:00

Energy efficiency saves money. But, as most sustainability practitioners know, there is the perennial challenge of justifying and securing the upfront capital often needed to implement efficiency projects. The green revolving fund (GRF) model is emerging as an effective solution. The model is increasingly common among higher education institutions and state governments, and it is gaining traction with healthcare facilities, municipalities and businesses.

To create a GRF, organizations typically seed it with their own capital, although they may seek outside money such as donations or grants. The fund then invests in sustainability projects within the organization's operations that generate annual cost savings, a portion of which are repaid back into the fund to recoup the project cost. This creates a sustainable funding cycle in which savings from past projects support future projects while cutting environmental impacts over time.

To learn more, I recently spoke with Joe Indvik, climate and energy consultant at ICF International. Joe was a driving force in establishing Dartmouth College's \$1 million GRF as a student, and he now consults with clients to roll out the model in higher education, local government, healthcare and the private sector.

Georges Dyer: Tell me about your experience advocating for a green revolving fund at Dartmouth.

Joe Indvik: It started in a class aimed at developing practical sustainability solutions on campus. Students, faculty and staff had done some great work in identifying potential energy efficiency projects, but many had not yet come to fruition. We quickly discovered that ease of access to capital was a key barrier. This left many high-payback efficiency projects unfunded, despite the overall wealth of the college and the administration's commitment to sustainability. The idea of setting aside a fund for these projects, and at the same time recapturing the savings so the fund could grow, made great business sense.

Dyer: Was it an easy sell? How did you go about pitching the idea?

Indvik: The idea was easier than expected to sell. We created a proposal and worked our way up through the administration, eventually to the CFO and SVP of facilities. We focused

on building a business case that would be compelling even to those who were not as driven by the social and environmental benefits of efficiency projects.

Surprisingly, the CFO was the loudest voice encouraging us to give greater emphasis to non-financial side of the fund. He saw the benefits a GRF could have in bringing people together to make decisions about investments and in strengthening Dartmouth's standing as a sustainability leader. We had proposed starting small with a fiscally conservative \$10,000 fund, but it was the administrators who put forward the idea of a larger, more ambitious fund of \$1 million.

Dyer: Did you encounter any challenges? How long did it take to set up the fund?

Indvik: The big challenge was determining how money would flow between accounts to support the fund. When we were working on this in 2010, there weren't a lot of resources available to us. We felt like pioneers, and not always in a good way. Now there is a wealth of resources that others can benefit from.

Our proposal took a couple years to be fully implemented, but if we had known then what we know now and had access to today's GRF resources, I think we could have cut that time in half or more.

Next page: Billion-dollar resources

Dyer: Many of the resources you're referring to come from the Billion Dollar Green Challenge (BDGC). You had the opportunity to work on some of those, how did that come about?

Indvik: I first talked to Mark Orłowski (executive director of the Sustainable Endowments Institute, the group behind the BDGC) early in our process at Dartmouth. The BDGC -- a sector-wide initiative promoting GRFs -- was just getting going. Mark encouraged us to follow through on our proposal and helped reassure us that this wasn't a crazy, fringe idea but rather an increasingly common one.

When I joined the climate change and sustainability practice at ICF International, I had the opportunity to support the Challenge. Specifically, my team helped develop the Green Revolving Investment Tracking System as well as a GRF Implementation Guide, which was released in January 2013 and recently presented as a webinar. I think both of these are important resources that are leveraging the experiences from Dartmouth and countless other schools to make GRFs more accessible and powerful.

Dyer: And you've continued to work on GRFs in your professional career? Tell us about that.

Indvik: When I joined ICF, I realized there was a demand for strategic guidance on how to set up a GRF, as well as for all the technical services that make a GRF possible, like energy auditing, investment analysis and measurement and verification of project savings. ICF's expertise in climate, energy and sustainability positioned us well to support the rapid growth

in GRFs. So I put together a team to create a GRF design and implementation offering to help clients make the model work for them.

This led to several contracts, and though we initially focused on higher education, it's becoming clear that the GRF model could work very well in the private sector as well. We're actively talking with several companies about bringing in ICF to help them set up funds. In general, we're trying to help the private sector evaluate and take advantage of GRFs as a new and potentially powerful tool in the energy efficiency toolbox.

Dyer: There are lots of similarities between higher education and business, but also many critical differences. Do you think the GRF business case is as strong for for-profit companies, which often have shorter time horizons than their non-profit counterparts in higher education?

Indvik: If it's done right, yes! McKinsey estimates that there is \$500 (billion) to \$800 billion in untapped but economically viable energy efficiency investments in buildings across the U.S., mostly in the private sector. About 23 percent of building energy use could be cut by 2020 using only investments with a positive net-present value. And companies are often better positioned to take advantage of tax incentives for energy efficiency investments, many of which colleges can't fully capture as non-profits.

While it's possible to realize efficiency savings with one-off capital investments, it's often more effective to do so through a comprehensive strategy that revolves cost-savings to finance future projects. GRFs reframe energy efficiency projects as investments, as opposed to how they're frequently viewed: as costs. Leveraging savings from past projects turns the initial capital allocation into a continuous, targeted program of investment. The cost savings and emissions reductions then pile up higher and higher with each round of projects, with no additional capital infusion necessary.

These days, most companies see the importance of sustainability, but few companies have a cutting edge financial mechanism to drive investment in that area. GRFs can be a key differentiator (see the recent article on Adidas' greenENERGY Fund). The idea is still new and evolving in the private sector. There's a lot of room for innovation and a huge leadership opportunity for early movers to create high-profile, flagship funds.

Dyer: Let's talk about potential challenges in implementing a GRF successfully in the private sector. First, opportunity costs. Can GRFs compete with other opportunities to deploy capital?

Indvik: Companies often have a high opportunity cost of capital because they could put that money into their core business operations rather than investing in efficiency. Compared to higher ed, firms often have higher "hurdle rates" for what they see as an acceptable return on investment, which can limit their portfolio of GRF projects. There's also the perceived risk of efficiency. If firms aren't convinced that the savings will actually materialize or are generally uncomfortable with efficiency, it may lead them to increase the hurdle rate to compensate for that risk.

Next page: Hurdles to overcome

That said, the returns we're seeing in GRFs around the country are usually high enough to exceed even an aggressive hurdle rate. The established higher ed funds have posted a median annual return of 28 percent. I've had conversations with CFOs who think these numbers are simply too good to be true, but that figure is based on hard repayment data from funds that have been operating for years and, in some cases, decades. The potential for energy efficiency to yield returns in that range is also backed up by studies from groups like McKinsey and the Rocky Mountain Institute.

If there is concern about risk, GRFs can be a useful way to manage it. Funds can start small, finance a few select projects and grow over time as confidence in the model grows. They can also provide a standardized process for evaluating and approving projects, so companies can build due diligence and assessment criteria into project selection to minimize risk.

Dyer: What about leased space? If a company doesn't own its buildings, can it still benefit from a GRF?

Indvik: This is a problem with energy efficiency generally: if a company leases space, it can be challenging to deploy efficiency without support from the owner. Even if the owner is on board, the tenant doesn't own the equipment that it purchases and therefore loses the value of the CAPEX (capital expenditure) in exchange for savings. This all adds to the complexity of a GRF, because repayments now involve capturing savings from assets that the tenant company doesn't own.

Fortunately, GRFs can be flexibly structured. They can still be viable if the tenant pays the utility bills and can capture savings, or if an agreement can be struck with the building owner. One idea we are considering is that a GRF could provide a vehicle to track the extent to which the tenant recoups that "lost" asset value through utility bill savings. In other words, a GRF could be used to formally re-assemble the initial capital used for the investment out of the captured savings. Beyond that, even in leased space, there are sometimes opportunities to do limited upgrades over which the tenant has ownership, like vending misers, appliance upgrades or lighting. Still, resolving the split incentive between owners and tenants is an area where innovation is desperately needed.

Dyer: Any other potential challenges you foresee for businesses in applying this model?

Indvik: Companies may be hesitant to "lock up" funds in a GRF, as they often take a shorter-term view compared to universities. But if companies are concerned about cash flows and liquidity, there are a few things they can do. First, projects don't have to repay all of their savings back into the fund. Companies can structure repayment schedules however they choose. Most funds only require the original principal to be repaid, sometimes with a pre-determined level of interest. Second, projects need not even pay all of the savings into the fund each year. Some fund models require that, say, 90 percent or even 50 percent of annual savings go towards paying back the fund, and the rest can be used for other purposes. Third, the fund can "pay out" a portion of its balance to other accounts in the company. The University of Vermont has a model like that. They allocated \$13 million from their cash reserves to seed a GRF, and the fund pays back into cash reserves at 5 percent per year. And

because the returns from efficiency are significantly higher than 5 percent, this still allows the GRF to be replenished at a decent rate.

Dyer: Any final thoughts?

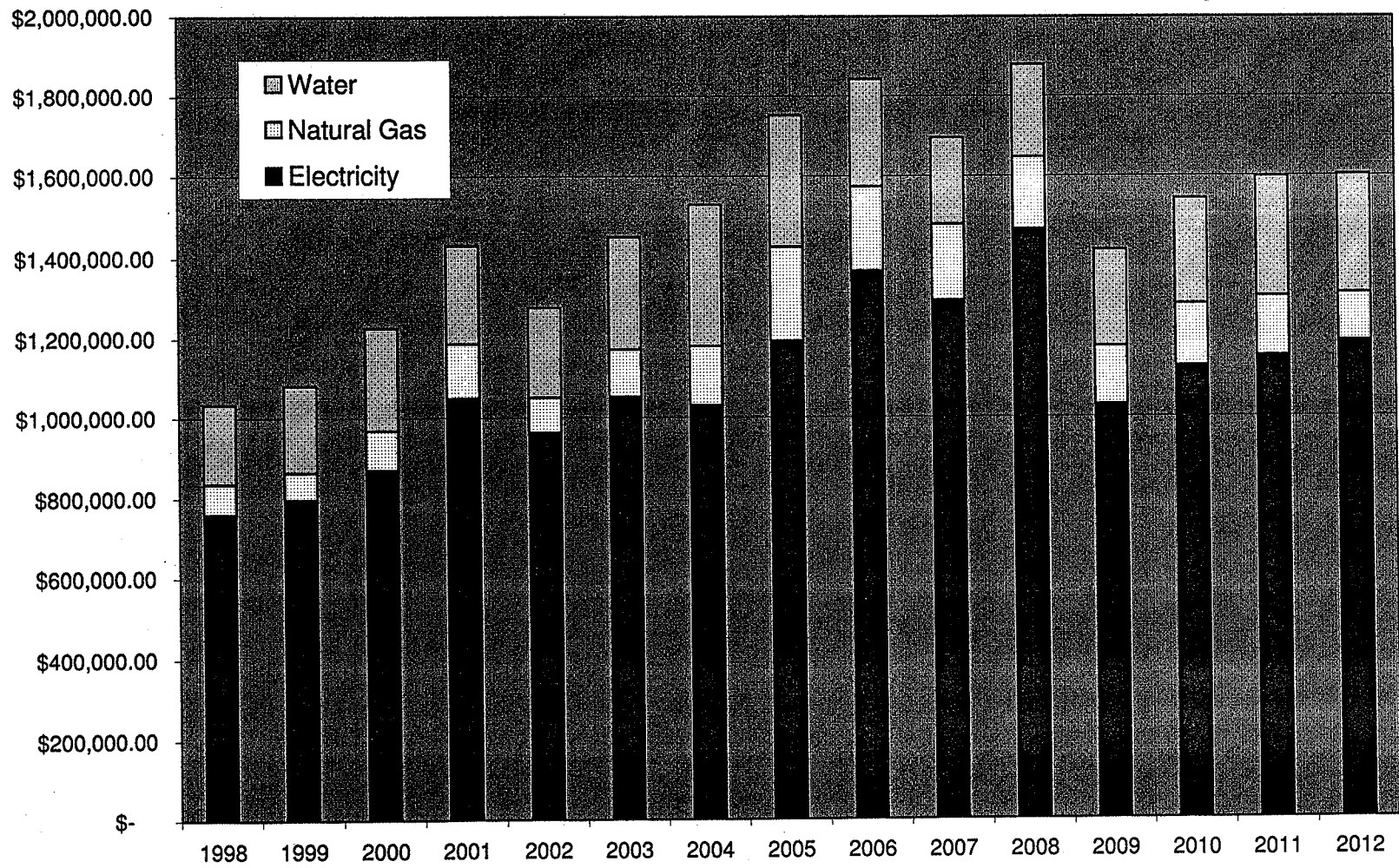
Indvik: I think GRFs have shown themselves to be an effective strategy for making sustainability happen in higher education. I'm excited to see how the private sector leverages that experience in the next few years.

Image credit: CC license by [redjar/Flickr](#)

[Energy Efficiency](#) [Facilities](#) [Financial Models](#) [Funding & Finance](#) [@edu](#) [Energy Efficiency](#)

Source URL: <http://www.greenbiz.com/blog/2013/06/07/are-green-revolving-funds-next-frontier-corporate-energy-efficiency>

Fayetteville Annual Utility Costs



Municipal Energy Fund

[http://www.accessfayetteville.org/government/strategic_planning/Current Projects/Municipal_Energy_Fund.cfm](http://www.accessfayetteville.org/government/strategic_planning/Current%20Projects/Municipal_Energy_Fund.cfm)

June 11, 2013

In 2008, the City of Fayetteville entered into a \$330,000 performance contract with Johnson Controls to provide energy retrofits for City Admin, Airport, Building Services, Fleet & Transportation, and Parks & Recreation facilities. The energy savings from this project will provide a payback of less than seven years. The Municipal Energy Fund from EECBG dollars was developed to retrofit the remaining "primary" buildings owned by the City and then utilize the energy savings for future projects. Engineering Elements was hired to provide energy audit services along with construction and contract documents.

- **Police Department (~\$103,000)** – King Electric and Carrier Corp were awarded bids to retrofit lighting, motion sensors, HVAC replacement, and controls.
- **Water & Sewer Operations (~\$100,000)** – King Electric was awarded the lighting contract for this project including interior lighting, motion sensors, glazing, and exterior LED lighting. Professional Air Systems was awarded the HVAC contract. Water & Sewer has provided \$35,000 in matching funds.
- **Central Fire Station (~\$16,000)** – This facility was not on the original list of six facilities for an audit, but their HVAC system failed in June 2010 which presented an opportunity to install high efficiency equipment.



Community Revolving Loan Fund

http://www.accessfayetteville.org/government/strategic_planning/Current_Projects/Community_Revolving_Loan_Fund.cfm

June 11, 2013

The City of Fayetteville has earmarked \$235,000 of American Recovery and Reinvestment Act monies to develop a Revolving Loan Fund (RLF) targeting non-profit organizations in the Fayetteville Community. In August 2010, the City of Fayetteville hired the Treadwell Institute to administer this RLF which will fund energy efficiency and renewable energy improvements on buildings owned by non-profit organizations within Fayetteville.

Projects will reduce utility costs and assist the borrower in paying back the loan. This is possible due to the untapped potential of energy efficiency projects on older facilities and low overhead costs of the program.

Non-profits selected will agree to pay off the loan using energy efficiency savings. These loan payments will then ensure other non-profits can participate in later years and thus maximizing the benefits in the Fayetteville community. The three selected non-profits are:

Mt. Sequoyah Retreat & Conference Center

Botanical Garden of the Ozarks

Fayetteville Chamber of Commerce



Handed out at
City Council Mtg
9-3-13

Marr, Don

From: Jeremy Pate <jpate@ci.fayetteville.ar.us>
Sent: Tuesday, September 03, 2013 4:22 PM
To: Marr, Don; Marr, Don
Subject: Fwd: complaint regarding Train Depot private parking lot

>>> Andrew Garner 9/3/2013 9:33 AM >>>
Jeremy,

I received a compliant this morning about the Train Depot parking lot. The incident happened on 08-30-2013. A student parked in a parking space in front of Chipotle, went and paid \$2.00 into the machine to pay for a parking spot, went in the restaurant to pick up a carry-out order. She came back to her car a few minutes later with her order and a parking lot attendant was booting her vehicle. The parking attendant indicated to the customer that she was parking in a different spot than she had paid for and booted her vehicle. The customer had to then pay \$100.00 to get her vehicle un-booted. Calls to the phone number for the parking lot have not been returned. The student's father is the one that complained to me and his name is Mark Letbetter from Collinsville, OK (918.853.5433). He was very upset this happened to his daughter and indicated it is unclear what is a city parking lot, what is a private lot, and he will not be going down to Dickson Street because of this type of thing. I told him we would pass on his complaint to the mayor's office.

Thanks,
Andrew

Andrew M. Garner, AICP
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701
Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org (<http://www.accessfayetteville.org/>)

Telecommunications Device for the Deaf: (479) 521-1316

DATE
20-Mar-13

CALL REGISTER

DAY OF WEEK
Wednesday

Msg/In/Out	TIME	NAME / PHONE # / MESSAGE	CALL COMPLETED
In	8:23 AM	daughter got booted last night - did not pay to park - guys with bunch of tatoos - took their \$110 dollars ; went to restaurant to eat	☒

From: Melissa Elmore
To: Waters, Sharon
Date: 3/14/2013 8:08 AM
Subject: Fwd: Re: [Form mail from AccessFayetteville] - Booting of vehicle

>>> Lori Embree <loriembree@ymail.com> 3/13/2013 8:09 PM >>>
Dear Melissa,

Thank you for the clarification. I will follow up with Houses, Inc.

Sincerely,

Lori Embree

From: Melissa Elmore <melmore@ci.fayetteville.ar.us>
To: Lori Embree <loriembree@ymail.com>
Sent: Wednesday, March 13, 2013 12:16 PM
Subject: Re: [Form mail from AccessFayetteville] - Booting of vehicle

Ms. Embree,

The spaces are numbered as you pay for parking using that space number. However, the kiosk for payment is located within the lot and is the property owner's. It is not a part of the City paid parking in the Entertainment District. Private property owners cannot issue parking tickets. Their only manner for enforcing the parking on their lot is to either boot or tow the vehicle.

I believe the owner of this particular lot is Houses Inc. From the phone book, their number is 479-521-9155.

Attached is a map of parking in the Entertainment District. The privately owned lots are shown in pink. Additional information for this area, as well as the Downtown Square area, can be found on our website www.accessfayetteville.org under Parking Management. I will forward your concerns to the Parking Manager as well.

Sincerely,

Melissa Elmore
Parking Management
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

479.575.8280 Phone
479.575.8250 Fax
479.521.1316 TDD (Telecommunications Device for the Deaf)
melmore@ci.fayetteville.ar.us

RECEIVED

JUL 17 2013

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

From: <loriembree@ymail.com>
To: <webmaster@ci.fayetteville.ar.us>
Date: 3/12/2013 10:22 PM
Subject: [Form mail from AccessFayetteville] - Booting of vehicle

From: Lori Embree

Email: loriembree@ymail.com

Subject: Booting of vehicle

Message:

Sirs/Ladies,

A friend of mine went to Chipolte Grill last Tuesday evening for takeout. The reserved spaces for takeout were full. She parked in a numbered spot and went directly into the restaurant without going to a kiosk. She returned 7 minutes later to find a her vehicle ticketed and booted. The person who booted her car was not in a city vehicle, was parked behind The Rowdy Beaver and was booting several other vehicles. He charged her \$101.00 on the spot to unboot her vehicle. My question is who jacked her? The city or some random person? Is this normal operating procedure?

Thank you,
Lori Embree

>>> Lori Embree <loriembree@ymail.com> 3/13/2013 11:20 AM >>>
Dear Melissa,

I am still not understanding this situation. This is a numbered spot that is paid for at the city kiosk, correct? A ticket was absolutely in order, but \$101.00? Is that not extortion? Who is the owner of this lot and who is responsible for this "business" policy. I would like to contact them. In addition, I have notified 40/29 news and the Fayetteville flyer of this situation. It is a shame that visitors to our city are treated this way! She does not live here and in addition is a widow on fixed income so could little afford a \$100 burrito!

Thank you,
Lori Embree

From: Melissa Elmore <melmore@ci.fayetteville.ar.us>
To: loriembree@ymail.com
Sent: Wednesday, March 13, 2013 10:41 AM
Subject: Re: [Form mail from AccessFayetteville] - Booting of vehicle

Ms. Embree,

Thank you for your e-mail. I am sorry that your friend's vehicle was booted. The parking lot she was in is privately owned. Unfortunately, the only means of enforcement the owners have is to boot or tow the vehicles. Payment for parking should always be made immediately upon parking. The City does not boot or tow, but issues parking violations (\$15.00).

Please feel free to contact the Parking Management Office at 479.575.8280 with any questions.

Sincerely,

Melissa Elmore
Parking Management
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

479.575.8280 Phone
479.575.8250 Fax
479.521.1316 TDD (Telecommunications Device for the Deaf)
melmore@ci.fayetteville.ar.us

>>> <loriembree@ymail.com> 3/12/2013 10:21 PM >>>

From: Lori Embree

Email: loriembree@ymail.com

Subject: Booting of vehicle

Message:

Sirs/Ladies,

A friend of mine went to Chipolte Grill last Tuesday evening for takeout. The reserved spaces for takeout were full. She parked in a numbered spot and went directly into the restaurant without going to a kiosk. She returned 7 minutes later to find a her vehicle ticketed and booted. The person who booted her car was not in a city vehicle, was parked behind The Rowdy Beaver and was booting several other vehicles. He charged her \$101.00 on the spot to unboot her vehicle. My question is who jacked her? The city or some random person? Is this normal operating procedure?

Thank you,
Lori Embree

Sharon Waters - Re: planning

From: Tawnya Skokos <tawnyaskokos@aol.com>
To: "Sharon Waters" <swaters@ci.fayetteville.ar.us>
Date: 10/1/2012 9:15 AM
Subject: Re: planning

The problem being the difference in private versus public . And they are not clearly marked . The parking lot at Chipolte has a small sign not even the direction I was parked that is up on a pole that at night you would never see or think to search for. When you drive into the lot it should be Perfectly clear or is it the reason the people have these lots that in less than 10 min. while picking up an order ,had a 102 dollar ticket. The city can do something about this, they control alot of other things in Fay. Recognized this weekend no ticket giving of the bikers on LaFayette as they parked in front of my house, but game weekends have had My friends get a ticket literally within minutes..But I'm sure Fay makes alot of money off that weekend, always gets down to that. Not sure changes are for the people or to make money?? Tawnya

On Sep 28, 2012, at 6:08 PM, Sharon Waters wrote:

Ms. Skokos,

Thank you for your email. We believe that all of our parking lots are clearly marked. If you could be more specific on which parking lot you are referring to, I will be happy to investigate the issue. As far as the cost of a parking fine, the fee is \$15.00 for overtime parking.

Sharon Waters
 Parking and Telecom Manager
 City of Fayetteville
 113 W. Mountain St.
 Fayetteville, AR 72701

Office: 479-575-8277
 Fax: 479-575-8250
 TDD: 479-521-1316 (Telecommunications Device for the Deaf)
swaters@ci.fayetteville.ar.us

>>> On 9/27/2012 at 9:16 PM, in message <3B5EBDB0-12EA-4E4E-9E38-09814FD1879F@aol.com>, Tawnya Skokos <tawnyaskokos@aol.com> wrote:

To whom this concerns, How come you can come to downtown Little Rock and the parking is clearly marked as to what kind of lot you are about to enter or whether it is a pay lot or free lot and where to pay if needed?Also, what is a reasonable ticket price 15, 105 or 550 or more? You would think the city could have some influence over price gouging.. Please respond. Sincerely, Tawnya Skokos

Parking - Hawkeye Parking Problems

From: Noel Ottaviano <noel_ottaviano@yahoo.com>
To: "parking@ci.fayetteville.ar.us" <parking@ci.fayetteville.ar.us>, "mayor@ci.fayetteville.ar.us" <mayor@ci.fayetteville.ar.us>
Date: 8/18/2012 5:03 PM
Subject: Hawkeye Parking Problems
CC: Noel Ottaviano <noel.ottaviano@tyson.com>
Attachments: Photo Looking Out Toward Dickson Street - B.JPG; Photo Looking Out Toward Dickson Street - A.JPG; Hawkeye Sticker - Ticket.JPG

Saturday August 18, 2012

Mayor Jordan,
 Fayetteville Parking Authority,

I had a very poor experience in Fayetteville this past Friday night. After attending an Arkansas Women's soccer game, I took my son and his new wife to the Orange Leaf for frozen yogurt. We parked in the lot across the street at the Campus Bookstore. Also, with us, driving in their own car was my son's wife parents and bother. They also parked their car in this lot.

After 20 minutes we came out to find both our cars booted. We were approached and asked how we wanted to pay to get our cars un-booted. Unfortunately, it didn't seem we had any choice but to pay as our cars were being held hostage. We both paid the attendant, who just happened to conveniently have a credit card machine to take the \$105 fine from us.

Today, I did a little research. First I called the number on the sticker. It goes to a voice mail and no one has called me back after 10 hours. The internet reports several people having problems with this company and they have an "F" rating with the Better Business Bureau. There is also an interesting news report that was on 4029.

I also discovered your ordinance 72.71 relating to private parking lots and the signage required. I have attached some pictures so you can see how poorly signed this was and there is certainly not a 16 square foot sign next to the entrance.

Attached find two pictures of the view from my car which was booted and a picture of the "fine" sticker. Below find a link to the 4029 News report on this subject.

http://nwahomepage.com/fulltext/?nxd_id=200796

I do not have a problem with Fayetteville's parking program and have used it several times while visiting on Dickson Street. What I do have a problem with is how this company is allowed to operate within the city. It appears that they are not following the rules in regards to signage and visibility of signage and put people in a position that there is no choice but to pay them. The fine also appears to be out of compliance with the amount that can be charged per the various city ordinances.

I would encourage the Mayor and Parking Authority to review the actions of this company and develop ordinances that will put their parking on a similar playing field with the City.

This is certainly no way to welcome visitors and local residents to the Dickson Street Entertainment district.

Sincerely,

Noel Ottaviano
1938 Albright Rd
Springdale, AR 72764
479-263-3798

WARNING!

**Do NOT attempt to move this vehicle.
Your vehicle has been IMMOBILIZED**

MANAGEMENT IS NOT RESPONSIBLE FOR ANY DAMAGE CAUSED
BY DEPARTING VEHICLE
YOU ARE FULLY RESPONSIBLE FOR ANY DAMAGE CAUSED
TO THESE IMMOBILIZATION DEVICES

YOUR VEHICLE INFORMATION HAS BEEN RECORDED

**\$100.00 BOOT FINE & UNPAID PARKING MUST
BE PAID BEFORE DEVICE WILL BE REMOVED**

DATE 12/20/10 TIME 12:51

TOTAL AMOUNT DUE \$100.00

**TO ARRANGE FOR REMOVAL
CALL (866) 403-9722**

HAWKEYE PARKING ENFORCEMENT, INC.
2901 COMMERCE ST. DALLAS, TX 75201

From: Melissa Elmore
To: thogs88@yahoo.com
CC: Parking
Date: 6/22/2012 3:15 PM
Subject: Re: [Form mail from AccessFayetteville] - why did I get a boot?
Attachments: Map of Parking in Entertainment District 2011_12_20.pdf

Ms. Hatcher

Thank you for your e-mail. We are sorry that you had an unpleasant experience while in the Entertainment District. However, the lot in which you were parked is a privately owned lot, not one that is owned or monitored by the city. The only method of enforcement the private lot owners have is to either boot or tow the vehicles. The city does not use either of these methods in the enforcement of our parking ordinances. Instead, as you stated in your e-mail, parking citations are issued for those stall numbers that show as expired.

We appreciate you visiting our Entertainment District and hope that you will reconsider and visit the Entertainment District again in the future. Remember, parking in the Entertainment District is FREE until 2:00 PM daily, and parking in the downtown Square area is FREE nights and weekends.

We also have a convenient payment option which is our Pay-by-Phone feature. This allows patrons to call in with their cell phone to pay for their parking in a numbered space, rather than having to go to a pay station. We are very excited about this program and hope you will come and visit us soon to try it out.

Attached, for your convenience, is a map of parking in the Entertainment District. The privately owned lots are shown as pink in color. For additional information, please visit our website at www.accessfayetteville.org (<http://www.accessfayetteville.org/>). If you have any questions, please feel free to contact our office at 479-575-8280.

Sincerely,

Melissa Elmore
Parking Management
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

479.575.8280 Phone
479.575.8250 Fax
479.521.1316 TDD (Telecommunications Device for the Deaf)
melmore@ci.fayetteville.ar.us

>>> <thogs88@yahoo.com> 6/22/2012 11:00 AM >>>

From: Theresa Hatcher

Email: thogs88@yahoo.com

To: parking@ci.fayetteville.ar.us

Sharon Waters - Re: Parking

From: Don Marr
To: kjklarson@mac.com
Date: 5/25/2012 5:01 PM
Subject: Re: Parking
CC: Jordan, Lioneld; Waters, Sharon

Kari - I want to thank you for sending me this email below. We have had numerous complaints recently regarding the "Depot" and "Club Haus" and "The Dickson" privately owned lots that boots and in some cases private lots tow. **The City does not boot or tow**, so we knew instantly from the email that this was a private lot. The City lots are also signed as City Public lots. We encourage all of our businesses to encourage their patrons to park in City Municipal Lots where the rates are lower, no booting or towing (towing only when parked in a fire zone).

We are going to have a discussion with Alderman about the Private Lots and look at possible ways to address this, however it is very limited with private ownership. One of the ideas that was tried by the last two administrations was to have the City Parking Staff monitor and operate these private lots, but the law prohibits the City from writing tickets on private lots. ~~To address that we went to the Attorney General to get an opinion and basically to make along brief short~~ and to the point, the City would have to lease these private lots. If we lease the lots then the City Council sets pricing, and then a revenue sharing situation can take place if it can be negotiated with the Private Lot owners. We have had the council want the rates to all be comparable - and the private owners of parking lots are charging more and some don't have a daily maximum so they have been unwilling to contract with the City and share (because we would need to be paid something for the expense of monitoring the lots, etc.) revenue. We encourage patrons, businesses to forward their complaints on these private lots to the lot owners. If enough people complain or don't park there, or park in the City Public Lots first before paying the higher rates and being booted or towed, then the lower use might create a change also. We appreciate getting these types of information because it will allow us to track these complaints as well, however, we have no jurisdiction over their private lot program.

Thanks for sending it to me Kari.

Don

Don Marr



IN
FAYETTEVILLE

Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330

For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org

>>> Don Marr <dmarr@hr-factor.com> 5/16/2012 6:51 PM >>>

Sent from my iPhone

On May 15, 2012, at 1:20 PM, "Kari J. Larson-Sill" <kjklarson@mac.com> wrote:

Don-

I thought you would want to hear what our customers are saying. This is Diane Knight from Penguin Eds.

Thanks

Kari J. Larson

Hog Haus Brewing Co.

www.hoghaus.com

479.283.3515 (M) 479.443.9777 (O) 479.443.7882 (F)

Common Grounds Gourmet Espresso Bar

www.commongroundsar.com

Begin forwarded message:

From: Cyrus Mosley <cyrus@mosleycpa.com>

From: Diane Knight [mailto:diane.knight@sbcglobal.net]

Sent: 06/22/2011 9:10 AM

To: M CYRUS MOSLEY

Subject: forward to Kari

Hi Cyrus, My old email for Kari Larsen doesn't work anymore.
Could you please forward this to her for me. Thanks so much.

Dear Kari:

I stopped in the other day. I wanted to tell you about a parking incident I had in the ClubHaus/Campus Bookstore parking lot last Friday night. The reason I'm even saying something about it, is because I know how much these things effect the merchants on Dickson St.

I parked there at 7pm and finally figured out the meter didn't come on until 7:30, so I went to George's to hear Earl Cate play and came out right at 7:30 to pay for parking.

It still wouldn't take my debit card and since there were about 10 other people trying to pay I called both numbers listed on the sign, but no one answered. We all kept trying to pay and some of us even took a photo of the error message in case the parking lot people doubted our story.

Then when I came back again at 8:30 there were boots on my car and 4 others. Even though I showed the attendants the several times I had tried to call to report the trouble they insisted that their records showed people paying at 7:30 and 7:32 and they basically gave us no option but to pay \$105.

I went back the next night with my video camera and this time I have a record of trying to pay several times and the machine finally taking my card at 7:38, but my receipt (which I still have) said 7:31. So basically this company is totally scamming people.

I've talked to the City Attorney who advised me to either sue in District Court or Circuit Court if I wanted to get a lawyer. I don't have a problem going to ClubHaus and talking to Stew, but I just think about all the people that the parking lot company has swindled and what a bad name they are giving Dickson St. The company, Hawkeye Parking Enforcement, has an "F" rating by the Better Business Bureau. Personally, I would like to drive them out of town.

I don't know if this is a hot button item for you or not. If not I'll just try to get my money back and the other 2 people I got names and numbers for on Friday. But if it bothers you and any other merchants I'll take it to another level.

Just let me know. I'd be glad to come down and talk too! Thanks

Parking - Re: Misleading signs

From: Sharon Waters
To: Mussino, April; Parking, parking@ci.fayetteville.ar.us
Date: 4/30/2012 3:24 PM
Subject: Re: Misleading signs
Attachments: photo.JPG

Dear Ms. Mussino,

We received your email regarding "misleading signs" with a picture attached. This picture appears to be a sign in the private lot owned by University Baptist Church. Please contact them directly with any concerns or issues you may have experienced while parking in their lot.

We appreciate you visiting our Entertainment District and hope you continue to enjoy the many attractions Downtown Fayetteville has to offer. Remember, parking in the public spaces in the Entertainment District is FREE until 2:00pm daily, and parking in the downtown Square area is FREE nights and weekends.

For more information on our parking programs and a map of the Downtown and Entertainment District areas, please visit our website at www.accessfayetteville.org. Thank you for visiting our Entertainment District and hope you visit us again soon. If you have any questions, please feel free to contact our office at 479-575-8280.

Sincerely,

Sharon Waters
Parking & Telecom Manager

City of Fayetteville Parking Management
113 W. Mountain Street
Fayetteville, Arkansas 72701
(479) 575-8280 Office
(479) 575-8250 Fax
(479) 521-1316 TDD line for the hearing impaired

>>> On 4/26/2012 at 5:51 PM, in message <5BD13AF0-F099-49CE-9A29-BC7557861C79@cox.net>, April Mussino <mussin@cox.net> wrote:

*No message
Just a pic attached*

**VACATE
LOTS
BY 7 AM
SUNDAY**

TOWED AT OWNERS EXPENSE

**TOWING
ENFORCED**

From: Darrin Wright
To: Waters, Sharon
Date: 1/31/2012 7:50 AM
Subject: Fwd: Re: complaint - copy of email sent to parking authority
Attachments: Space 23 (Greg House Lot) 01-30-12.jpg; Map_of_Parking_in_Entertainment_District_2011_12_20.pdf

>>> Don Marr 1/30/2012 7:18 PM >>>
Ms. Cindy Sisemore -

Mayor Jordan forwarded your complaint regarding your payment and parking experience on Dickson Street 1/29/12 when we returned to the office today from the weekend.

First, let me say I am sorry you had this experience. We are trying hard to make sure that the City does everything in our power to have proper operating equipment, considerate enforcement staff and works to help our citizens understand the program, and requirements. When we get a complaint such as the one you shared with the Mayor, we fully investigate the situation and try to resolve any issue if at all possible with the City parking program.

I have investigated your complaint, and I have attached a copy of a picture (see below) showing the parking space in which you reference in your complaint email to the Mayor. It is space 23 in what is referred to as the "Depot Parking Lot" area. This is not a City of Fayetteville owned and operated parking lot. This parking space (number #23) is not a City owned parking space. The parking space you speak of is not owned or operated by the City of Fayetteville, but rather a private individual company - responsible for setting their own parking rates, hours, towing and booting policies. The contact information for this private lot is posted within the lot itself. ~~In order to resolve your un-refunded \$1.00 payment, unfortunately you will need to contact the private company/individual who is responsible for this parking lot operation. The City can not authorize a refund for a non-city owned space/lot.~~

In the future, I want to encourage you to utilize the city parking lots, as our rates, are less expensive (only \$1.00 per hour after 5 pm and a daily maximum of \$5.00 vs. a higher dollar rate per hour and no daily maximum for this lot), and there are call buttons for you to talk with staff if you run into an equipment issue. To help facilitate for you where those City lots exist - I have also attached a parking map to this email which will show you which lots are owned and operated by the City of Fayetteville (gold colored lots) and those lots operated by private companies which are not owned and operated by the City lots (these lots are indicated in pink). The on street parking which is city owned and operated is colored green, and residential only which is colored brown. If a street is green solid line, and dashed brown line, then it is available to both patrons and residents. If it is solid brown marking on the attached map, then parking is only available by permit for residents of that residential area.

All private lots are required to post their contact information, and whether or not they tow or boot - so you should find the private company contact information posted within the lot where you had your bad experience.

Respectfully,

Don Marr
Chief of Staff, City of Fayetteville
479-575-8330

Don Marr

Chief of Staff for Mayor Jordan
113 W Mountain Street
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org (<http://www.accessfayetteville.org/>)

>>> Darrin Wright 1/30/2012 2:35 PM >>>
Mr. Marr,

I wanted to physically go on site to conclude my thoughts. The parking space is on Greg Houses private lot. Attached is a photo to provide you with what I observed. Please let me know if you need me to do anything else on this incident.

Thank You,

Darrin Wright, Operations Supervisor Parking Management & Telecommunications

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

479.575.8246 Phone
479.575.8250 Fax
479.521.1316 TDD (Telecommunications Device for the Deaf)
wright@ci.fayetteville.ar.us

>>> Don Marr 1/30/2012 1:54 PM >>>

Darrin - Per our phone call. Here is the email the Mayor received today.
Thanks,
Don

Don Marr

Chief of Staff for Mayor Jordan
~~113 W Mountain Street~~
Fayetteville, AR 72701
Office: 479-575-8330
For TDD: (Telecommunications Device for the Deaf)
Dial 479-521-1316
Email: dmarr@ci.fayetteville.ar.us
Website: www.accessfayetteville.org/ (<http://www.accessfayetteville.org/>)

>>> <little sisemore@yahoo.com> 1/30/2012 11:39 AM >>>

From: Cindy Sisemore

Email: little sisemore@yahoo.com

To: mayor@ci.fayetteville.ar.us

Subject: copy of email sent to parking authority

Message:

I have sent this to the parking authority but feel the Mayor's office should also be aware of these parking issues.

I have a problem with the meters not accepting cash/coin money. I tried to use the parking meter last night (1/29/12 approximately 10pm) by Rowdy Beaver space #23 and it took my dollar but would not accept my coins then would not return the dollar that I had already entered into the slot and did not give me a receipt. So then I needed to use my debit card to make sure the space was entered into your system so I would not get a parking ticket. I am requesting my dollar back from the city since you are double dipping. And seriously want these concerns looked into, if you are going to make people pay to park, then have your equipment up and running for all types of payment.

Sharon Waters - Fwd: [Form mail from AccessFayetteville] - Rip off in Fayetteville

From: Webmaster
To: Parking
Date: 8/12/2011 8:16 AM
Subject: Fwd: [Form mail from AccessFayetteville] - Rip off in Fayetteville

Webmaster
www.accessfayetteville.org
City of Fayetteville, Arkansas
webmaster@ci.fayetteville.ar.us

>>> <nobody@accessfayetteville.org> 8/11/2011 10:14 PM >>>

From: Visitor

Subject: Rip off in Fayetteville

Message:

I am from out of state and while visiting Fayetteville we stopped to get some yogurt at orange leaf and parked at 7:00 pm in the lot by the book store and was not gone for more than 10 mins when we came back there where two parking boots on our car and the guy in the lot told us that we had to pay him a fine of 105 dollars for the parking fine and while we were there trying to understand what just happen there were two locals that also parked in the same lot and he stopped them and warned them so they could move their car but the out of towners get the fine. I assure we will not visit fayetteville again and we are starting a campain to tell everyone we know and every one we dont know about the treatment we received while in this awful city. We took our vacation dollars to Rodgers and Bentonville

We will never come here again !!!

From: <agneswallace@hotmail.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 1/23/2013 8:02 AM
Subject: [Form mail from AccessFayetteville] - parking enforcement/Boot Question

From: Agnes Wallace

Email: agneswallace@hotmail.com

To: parking@ci.fayetteville.ar.us

Subject: parking enforcement/Boot Question

Message:

my daughter parked in a spot beside Chipolte on Dickson street for 5 minutes and was booted by Hawkeye Towing. I'm perplexed as to why she did not receive a ticket. Is this a City hired tow company, or one hired by Chipolte? She parked in a City lot.

Thank you for the clarification.

From: <nobody@accessfayetteville.org>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 5/20/2012 1:11 AM
Subject: [Form mail from AccessFayetteville] - Hawkeye Parking

From: Chris Sims

To: parking@ci.fayetteville.ar.us

Subject: Hawkeye Parking

Message:

I realize that you will do nothing and simply say that they are not affiliated with the town of Fayetteville and the rules were not followed, but the fees attributed by such a little town are greater than most major metro cities. An hour late a hundred dollars, I should have driven home buzzed it would have been cheaper. Or at least that's what I will think from now on as I tell everyone to stay away from the town of Fayetteville and its parking fees. I mean I was used to getting raped in the city for parking but this town takes it to a whole new level. I would like a name of someone to contact regarding damage to my tire-rim where the boot was put on please.

From: <thogs88@yahoo.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 6/22/2012 11:01 AM
Subject: [Form mail from AccessFayetteville] - why did I get a boot?

From: Theresa Hatcher

Email: thogs88@yahoo.com

To: parking@ci.fayetteville.ar.us

Subject: why did I get a boot?

Message:

June 15, I was parking in the numbered parking. I paid for 2 hours of parking. I realized later than I was 20 minutes over my time limit and went to put more time on my space. I was extremely angry when I found my car had been booted and it would cost \$102 to remove the boot. Having no other choice, I paid the amount. I fully expected a ticket and would have paid it promptly but I never expected a boot for going 20 minutes over the limit, especially with plentiful empty spaces around me. But rest assured, I will never ever pay the city of Fayetteville another penny of my hard earned money for parking or to attend any kind of event. I will find my entertainment elsewhere. You also made quite an unfavorable impression on my friend from Ohio that was here visiting.

From: <ksupurple5@yahoo.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 6/26/2013 3:24 PM
Subject: [Form mail from AccessFayetteville] - Parking

From: Dave and Lori Kohl

Email: ksupurple5@yahoo.com

To: parking@ci.fayetteville.ar.us

Subject: Parking

Message:

We came to Fayetteville last Friday evening for a baseball tournament, our first visit to your City. We parked in a lot that had a machine for payment. It asked for exact change, which we didn't have, so we just put in a \$5 bill for a couple hours. There was no receipt. We were meeting other baseball parents for pizza, didn't think we'd be there long. Turns out, some of the parents who were also first time visitors got lost so were delayed in meeting us. We were served later in a crowded restaurant, and were trying to locate our waitress so we could leave as we knew it was close to our 2 hours parking time limit. As we hurried back to our car, we saw some attendants putting a "boot" on one of our tires. We explained that we were newcomers, got delayed by circumstances beyond our control, asked them to give us a break. They refused until we paid them \$102! I thought this to be excessive with going a short period of time over our limit. This was our first experience with Fayetteville and probably our last. I asked if they could reduce the fee and they said no. We have 3 kids college bound in the next 4 years, kind of left a bad feeling of the entire community over this one. Do we have any options to get our fee reduced? I already called the parking company contracted for this lot and they basically said "too bad so sad". Sincerely, Lori Kohl

From: <nobody@accessfayetteville.org>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 8/11/2011 10:18 PM
Subject: [Form mail from AccessFayetteville] - parking sucks

From: Visitor

To: parking@ci.fayetteville.ar.us

Subject: parking sucks

Message:

WE got fined while visiting from out of state for 10 mins 105 dollars you should be ashamed of your self's
Will never be back again.

From: <campmcculloch@gmail.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <parking@ci.fayetteville.ar.us>
Date: 1/2/2011 3:23 PM
Subject: [Form mail from AccessFayetteville] - Parking complaint

From: Matthew S. Laird

Email: campmcculloch@gmail.com

To: parking@ci.fayetteville.ar.us

Subject: Parking complaint

Message:

I patronized George's Majestic Lounge on New Year's Eve and what was a fine evening was completely ruined by the boot I found on my vehicle immobilizing it when I returned to my parking stall (#29 by the Campus Bookstore). The problem that I had with the episode in it's entirety is the fact that I paid for my parking. The machine malfunctioned while I was putting in the final dollar bill and did not print a receipt. It also did not do what the representative from the company that manages those machines said it would do. It did not automatically return to what I was doing when I touched the keypad. It had completely reset itself and as a large line of other patrons had formed, I had to hope that it recorded the money that I put into the machine. It did not and as a result the very reasonable five dollar parking fee turned into a ridiculous one hundred and ten dollars.

I served in the Marine Corps and I also served Benton County and the City of Rogers as a Police Officer so I am very attuned to the necessity of following the rules. I live by a higher standard of moral and ethical behavior even though I am no longer an active member of law enforcement. I follow the law. I paid for my parking and I was unjustly fined and my vehicle was unnecessarily immobilized which led to further financial hardship at one of the worst times for me. This is not the first time this has occurred as a result of your machines as there have been too many documented complaints about exactly this happening to other people. When I tried to explain my side of the issue I was told that there was nothing that could be done. Even the person who came to remove the boot acted as though she could care less about a report of a malfunctioning machine. Though I was very upset, I maintained my composure and simply tried to alert her of the problem.

This lack of courtesy to visitors of your city in the name of making just a few more dollars for the city's coffers is going to accomplish nothing except generating more negative feelings toward the city of Fayetteville and toward the so named, "Entertainment District," contained therein. This will have the direct result of causing the citizens who are thusly affected to spread the word to their friends and family and the end result will be a loss of revenue that I hope your parking meters will compensate for when we all decide, as I have now, to avoid your businesses for other areas of Northwest Arkansas. The victims of this crime of negligence and lack of due diligence on your part will only be the very valuable small business owners who maintain businesses in the Entertainment District.

DATE
19-Sep-12

CALL REGISTER

DAY OF WEEK
Wednesday

Msg/In/Out	TIME	NAME / PHONE # / MESSAGE	CALL COMPLETED
In	8:32 AM	Lana - someone called Chamber @ 3am - booted in private lot - Sherry Card 479 462 3519 - said also called Police (told could not help/felony to call)	☒
Out	9:08 AM	Sherry Card 479 462 3519 - frustrated - no one answered line - Dickson Street Bookstore lot - vehicle - Mitsubishi - tags say 3 dogs	☒

DATE
21-Sep-12

CALL REGISTER

DAY OF WEEK
Friday

Msg/In/Out	TIME	NAME / PHONE # / MESSAGE	CALL COMPLETED
In	12:38 PM	report a way just treated - parked in Fayetteville Depot - Houses Inc - wrongly booted - paid/put receipt in windshield - paid for 1 hour / in only 30 mins - person cussed at her - argument regarding boot - VERY RUDE!!!	☒

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
September 03, 2013**

A meeting of the Fayetteville City Council will be held on September 03, 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 August 20, 2013 City Council meeting minutes.
2. **2013 Community Development Block Grant:** A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.
3. **Transportation Department Message Sign:** A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

4. **What My Eyes Have Seen Photography:** A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.
5. **Planet Footprint Utility Bill Management Software:** A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.
6. **Bid #13-36 Mahoney's Equipment, LLC:** A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.
7. **Ozark Regional Transit Bench and Transit Shelter Pads:** A resolution approving a memorandum of understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration Grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks, and approving a budget adjustment.

B. Unfinished Business:

1. **RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to NS, Neighborhood Services subject to a Bill of Assurance. ***This ordinance was left on the First Reading at the August 6, 2013 City Council meeting. This ordinance was left on the Second Reading at the August 20, 2013 City Council meeting.***

Left on the Second Reading

C. New Business:

1. **§72.73 Regulation of Wheel Clamps or Booting:** An ordinance to enact **§72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone and the Downtown Business Parking District Zone** into the Fayetteville code.
2. **§96.02 Unreasonable or Excessive Noise Prohibited:** An ordinance to amend **§96.02 Unreasonable or Excessive Noise Prohibited; Exceptions** to restrict late night construction activity noises near residences.
3. **Amend Section 94.06 Flammable and Combustible Liquids:** An ordinance amending **Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.

4. **Revolving Fund for Interdepartmental Resource Efficiency Loans:** A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

A. 2
2013 Community Development
Block Grant
Page 1 of 8

September 3, 2013
City Council Meeting Date
Agenda Items Only

<u>Yolanda Fields</u>	<u>Community Services</u>	<u>Development Services</u>
Submitted By	Division	Department

Action Required:

Approval of budget adjustment to recognize grant revenue increase of \$46,209 to the 2013 Community Development Block Grant.

<u>Cost of this request</u>	<u>Category / Project Budget</u>	<u>Program Category / Project Name</u>
<u>2180.0918.4320.00</u>		
<u>Account Number</u>	<u>Funds Used to Date</u>	<u>Program / Project Category Name</u>
<u>Project Number</u>	<u>Remaining Balance</u>	<u>CDBG</u>
		<u>Fund Name</u>

Budgeted Item ☐ Budget Adjustment Attached ☒

[Signature] 9-15-2013 Previous Ordinance or Resolution # _____
Department Director Date

[Signature] 8-16-13 Original Contract Date: _____
City Attorney Date Original Contract Number: _____

Paul A. Bush 8-20-2013
Finance and Internal Services Director Date

[Signature] 8-21-13
Chief of Staff Date

[Signature] 8/21/13
Mayor Date

Received in City Clerk's Office

Kim J.

Received in Mayor's Office


Comments: Staff recommends approval of the budget adjustment.

CITY COUNCIL AGENDA MEMO

To: Mayor and Council

Thru: Jeremy Pate, Director of Development Services

From: Yolanda Fields, CS Director 

Date: August 14, 2013

Subject: 2013 Community Development Block Grant (CDBG) Increase

PROPOSAL:

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement city since 1975. Funding is based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons, and the number of housing units. This process sets aside CDBG funds for the City of Fayetteville each year that the Community Services Division submits an annual "Action Plan" outlining the proposed use for the funds to the U.S. Department of Housing & Urban Development (HUD). If the Action Plan meets HUD requirements, an agreement is received. This agreement must be executed, returned to the HUD field office in Little Rock and then sent to Washington D.C. for the release of funds.

Grant amounts vary each year dependent upon funding levels authorized by Congress through the annual federal budget process. The estimated award for the 2013 budget was \$540,787. The actual grant amount is \$586,996; an increase of \$46,209. The increase will be added to the Housing Program and Redevelopment Program as noted in the grant funding detail below:

Grant Funding Detail:

Administration	\$107,245	
Housing Rehabilitation	\$348,910	(increase of \$43,209)
Redevelopment	\$ 44,043	(increase of \$ 3,000)
Big Brothers Big Sisters of NWA	\$ 5,000	
CASA of NWA	\$ 10,000	
LifeSource International	\$ 20,000	
Peace at Home Family Shelter	\$ 10,000	
Salvation Army	\$ 5,000	
Transportation	\$ 6,000	
LifeSource International	\$ 27,000	
YRCC	\$ 3,798	
	\$586,996	(increase of \$46,209)

RECOMMENDATION:

Staff recommends approval of the budget adjustment to recognize the grant revenue increase of \$46,209 to the 2013 Community Development Block Grant.

BUDGET IMPACT:

Increase to CDBG Grant Revenue of \$46,209.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL
AMOUNT OF \$46,209.00 RECOGNIZING A 2013 COMMUNITY
DEVELOPMENT BLOCK GRANT REVENUE INCREASE

**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 \$46,209.00
recognizing a 2013 Community Development Block Grant revenue increase.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

V12.0724
A. 2

2013 Community Development
Adjustment Number

Community Development budget needs to be adjusted to reflect the actual 2013 grant amount. Increase Housing Contract Services by \$33,209. Increase Housing Contract Services Minor Rehab by \$10,000. Increase Redevelopment Travel & Training by \$3,000. Increase Grant Funding Revenue by \$46,209.

Prepared By: Kelly Colebar *kcolebar*

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			

EXHIBIT
A



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Little Rock Field Office, Region VI

Office of the Field Office Director

425 West Capitol Avenue, Suite 1000

Little Rock, AR 72201

Phone (501) 918-5700 - Fax (501) 324-6142

www.hud.gov espanol.hud.gov

August 1, 2013

Honorable Lioneld Jordan
Mayor, City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Jordan:

I am pleased to inform you of your community's Fiscal Year (FY) 2013 allocations for the Office of Community Planning and Development's (CPD) formula programs, which provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country. The Program Year for these funds began on January 1, 2013. Your community's FY 2013 available amounts are:

Community Development Block Grant (CDBG)	\$586,996
--	-----------

HUD noted that the Consolidated Plan/Annual Action Plan submitted for the use of these funds, provided a planning estimate of \$540,787 for CDBG. Since the planning estimate is less than the actual funding amounts, please make the necessary corrections in your proposed budget and activities to reflect the actual funding received. Also, if you have not already done so, please provide this office with a copy of your revised budget within 15 days of the date of this letter. Please note that those changes that are considered substantial, or are for new activities, or those that are completely deleted, will require an amendment to your Consolidated Plan or Action Plan.

Enclosed are three copies of the Grant Agreement and Funding Approval form that have been executed by this office. This document constitutes the contract between the U. S. Department of Housing and Urban Development (HUD) and the City of Fayetteville for the CDBG program. Please sign all copies. After execution, please return two copies to this office as soon as possible. The fourth copy should be retained in the City's files.

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures for the Community Development Block Grant Program). Funds for such activities may not be obligated or expended unless HUD has approved a release of funds in writing. A request for release of funds must be accompanied by an environmental certification.

The special condition in your Grant Agreement and Funding Approval concerning the review procedures under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs and HUD's implementing regulations at 24 CFR Part 52, restricts the obligation or expenditure of funds for the planning or construction of water or sewer facilities until the completion of the review process and receipt of written notification of release of funds from HUD. Since you have not submitted your Consolidated Action Plan (CP) for review under E.O. 12372, we assume you do not propose to use funds for activities subject to review. However, the condition requires that in the event you amend or otherwise revise your CP to use funds for the planning or construction of water or sewer facilities, you must receive written release of funds from HUD before obligating or expending funds for such activities.

In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sep. 14, 2010) (to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding and Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).

The FY 2013 Budget may have significantly reduced funding for the CDBG programs compared to the FY 2012 levels. Grantees that have already submitted their annual Action Plan based on an anticipated amount higher than the FY 2012 allocations for these programs must revise their Action Plan consistent with the allocation and applicable amendment requirements. Your local CPD field office is available to provide additional information regarding amendment requirements.

CPD has moved rapidly to implement the OneCPD technical assistance process. Under OneCPD, technical assistance adopts a place-based strategy with the goal of improving the ability of grantees to understand their local market conditions, set goals, and design and effectively carry out their housing and community development programs. This is particularly important as many local governments continue to struggle with budgetary pressures resulting from the economic downturn.

HUD again urges grantees to consider the needs of returning veterans and their families in the design and administration of these formula programs. Our fellow Americans have served our nation on the battlefields of Iraq and Afghanistan and seemingly countless other places around the globe. Many veterans are returning to our communities with wounds and injuries that may make it difficult for them to find housing or support themselves and/or their families. I ask that you consider their sacrifice and ensure that these men and women receive every appropriate consideration in the use of these funds at the local level.

CPD looks forward to working with you in a true partnership to successfully meet the challenges we face in FY 2013. On behalf of the Department, I wish the City of Fayetteville much success in the use of these resources to implement the City's community development initiatives. If you have questions, or if we may be of assistance to the City in the implementation of its CDBG programs, please contact me on (501) 918-5700, or Lisa Spigner, Community Planning and Development Representative, on (501) 918-5734.

Sincerely,



David Blick
Acting Field Office Director

Enclosures

cc:

Ms. Yolanda Fields

City of Fayetteville Staff Review Form

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

A. 3
Transportation Department Message Sign
Page 1 of 4

9/3/2013

City Council Meeting Date
Agenda Items Only

Jesse Beeks / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving a Budget Adjustment to move funds from the Shop Fund to the Fleet expense account for the purchase of a portable changeable message sign for use by Transportation Division in the amount of \$14,500.

\$ 14,500.00

Cost of this request

\$ 829,275.00

Category / Project Budget

Other Vehicles & Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ -

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

020810.2013

Project Number

\$ 829,275.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Terry Z. Gully
Department Director

8-16-13

Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

8-16-13

Date

Original Contract Date:

Original Contract Number:

Paul a. Bush
Finance and Internal Services Director

8-20-2013

Date

Received in City
Clerk's Office



[Signature]
Chief of Staff

8-21-13

Date

Received in
Mayor's Office



[Signature]
Mayor

8/21/13

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Jesse Beeks, Fleet Operations Superintendent

Date: August 15, 2013

Subject: Approval of Budget Adjustment

PROPOSAL: That City Council approve a Budget Adjustment to move funds from the Shop fund to the Fleet expense account for the purchase of a portable changeable message sign for Transportation Division.

RECOMMENDATION: Unit #9051 is a 2003 portable changeable message sign that is used by Transportation Division. It has died and needs to be replaced. Fleet replaced its twin last March – the vendor has agreed to hold his price.

The total cost, including shipping and tax is \$14,475 to purchase a 2013 Silent Messenger III sign. As it is under \$20,000 it will not have to go to Council. However, since Fleet had not budgeted on the capital side to replace this unit until 2014, a Budget Adjustment is needed to move funds out of fund balance and into the Fleet expense account.

BUDGET IMPACT: Sufficient funds are budgeted on the operating side for the new unit.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,500.00 FOR THE PURCHASE OF A PORTABLE CHANGEABLE MESSAGE SIGN FOR THE TRANSPORTATION DEPARMENT

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 \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V12.0724

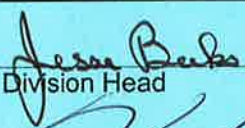
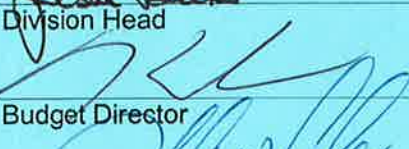
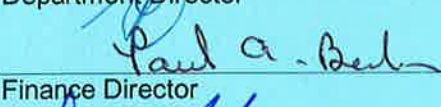
A. 3

Budget Year	Division: Fleet Operations Department: Transportation Services	Request Date	Adjustment Number
2013		7/30/2013	

Page 4 of 4

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Funds are requested to purchase a portable changeable message sign board to replace #9051 (TRAN_F047 - a 2003 Message sign board). Fleet didn't budget to replace it in 2013, but the old unit died.
Sufficient funds are available to meet City objectives.

 Division Head  Budget Director  Department Director  Finance Director  Chief of Staff  Mayor	7/31/13 Date 8/2/13 Date 8/1/13 Date 8-20-2013 Date 8-21-13 Date 8/21/13 Date	Prepared By: <u>Barbara Olsen</u> Reference: _____ Budget & Research Use Only Type: A B C D E P General Ledger Date _____ Posted to General Ledger _____ Checked / Verified _____
---	--	--

TOTAL BUDGET ADJUSTMENT		14,500	14,500		
		Increase / (Decrease)			
Account Name	Account Number	Expense	Revenue	Project.Sub	Number
Vehicles and equipment	9700.1920.5802.00	EX 14,500	-	02080	2013
Use of fund balance	9700.0970.4999.99	RE -	14,500		



City of Fayetteville Staff Review Form

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

A. 4
What My Eyes Have
Seen Photography
Page 1 of 24

9/3/2013

City Council Meeting Date
Agenda Items Only

Alan Spann

Submitted By

Parks and Recreation

Division

Operations

Department

Action Required:

A resolution awarding RFP #13-12 to What My Eyes Have Seen Photography for one (1) year and automatically renew for an additional four (4) single one-year terms.

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

Remaining Balance

N/A

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City
Clerk's Office



Received in
Mayor's Office



Mayor

Date

Comments: not previously budgeted item.

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C-E*

From: Alan Spann, Recreation Superintendent *AS*

Date: August 20, 2013

Subject: Approval of Youth Sports Photography Contract

PROPOSAL:

Parks and Recreation Staff recommends awarding RFP # 13-12 to *What My Eyes Have Seen Photography* for one (1) year and automatically renew for an additional four (4) single one-year terms.

Fayetteville Parks and Recreation offers youth programming for soccer and softball, along with an eight week summer camp series. Approximately 2,500 youth have participated in our programs in 2013. Offering the opportunity for team and individual photographs is an important part of the program experience for families. These photos become cherished reminders of the wonderful experiences their children have had with Parks and Recreation over the years.

Fayetteville Parks and Recreation contracts a photographer for our youth sports. A RFP was released requesting companies to submit photography proposals to be utilized in our recreation programs. Based on the three submissions, the selection committee selected *What My Eyes Have Seen Photography* as offering the most alternatives with the best price options for our youth sport participants. This company was awarded the RFP for the Fall 2011 through Spring 2012. The contract was renewed based on the high level of organization and the positive feedback from participants.

RECOMMENDATION:

A resolution awarding RFP #13-12 to What My Eyes Have Seen Photography for one (1) year and automatically renew for an additional four (4) single one-year terms.

BUDGET IMPACT:

There are no budget costs with this contract. Revenues of 10% of total gross sales will be contributed to Parks and Recreation for each sport. Revenues will depend on the number of participants that purchase photos. Over the past year, the City received \$1,900 in revenue from the program photographer.

Attachments:

What My Eyes Have Seen RFP
Contracts (2)

RESOLUTION NO. _____

A RESOLUTION AWARDING RFP #13-12 AND AUTHORIZING A CONTRACT WITH WHAT MY EYES HAVE SEEN PHOTOGRAPHY FOR THE PROVISION OF PARKS AND RECREATION DEPARTMENT YOUTH SOCCER AND SOFTBALL TEAM AND INDIVIDUAL PHOTOGRAPHS

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 RFP #13-12 and authorizes a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



WHAT MY EYES HAVE SEEN
PHOTOGRAPHY
479.846.8500
115 E. BUCHANAN
PRAIRIE GROVE, AR. 72753
WWW.WHATMYEYESHAVESEEN.COM

Attn: Andrea Foren, CPPB

RFP 13-12 Parks Photographer
Proposal Submission
What My Eyes Have Seen
Photography

Appendix

Information	Pages
Request Information.....	1
Acknowledgement of Addendums.....	2
Work Flow Narrative.....	3-4
History of Experience.....	5-6
Vendor References.....	7
Referrals.....	8-9
Resume.....	10
Photo Menu.....	11
Order Form Sample.....	12
Proposals.....	13
Copy of Insurance.....	14
Draft Contract.....	15-17
Samples Enclosed (7)	



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8220
TDD (Telecommunication Device for the Deaf) 479 521 1316

RFP (REQUEST FOR PROPOSAL)

REQUEST FOR PROPOSAL: RFP 13-12, Parks Program Photographer

DEADLINE: Monday, August 19, 2013 before 10:00:00 AM, local time

****Deadline revised per Addendum 1**

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

PURCHASING AGENT: Andrea Foren, CPPB, CPPO, aforen@ci.fayetteville.ar.us

DATE OF ISSUE AND ADVERTISEMENT: Monday, July 29, 2013

REQUEST FOR PROPOSAL RFP 13-12, Parks Program Photographer

No late proposals shall be accepted. RFP's shall be submitted in sealed envelopes labeled with the project number and name as well as the name and address of the firm

All proposals shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each Proposer is required to fill in every blank and shall supply all information requested, failure to do so may be used as basis of rejection. Any bid, proposal, or statements of qualification will be rejected that violates or conflicts with state, local, or federal laws, ordinances, or policies.

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

Name of Firm: What My Eyes Have Seen Photography

Contact Person: Jenny Stark Title: Owner

E-Mail: jenny@whatmyeyeshaveseen.com Phone: 479-846-8000 / 479-263-4328

Business Address: 115 E. Buchanan St.

City: Prairie Grove State: AR. Zip: 72753

Signature: [Signature] Date: 8/1/13

Acknowledgement of Addendum

We acknowledge we have received Addendum 1 of the RFP 13-12 concerning the due date.

We acknowledge we have received Addendum 2 of the RFP 13-12 concerning the amount of registrants expected to enlist for the upcoming seasons.



WHAT MY EYES HAVE SEEN
PHOTOGRAPHY
479.846.8500
115 E. BUCHANAN
PRAIRIE GROVE, AR. 72753
WWW.WHATMYEYESHAVESEEN.COM

Work Flow Outline

Goal: Keep it clear and simple.

1. Obtain a finalized master schedule for the season.
2. Create a picture schedule that correlates with the game schedule.
The schedule will be made and submitted via e mail for league approval ahead of the season. Any requests for changes / improvements will be made at this time, prior to distributing to coaches and parents through out the league. We are flexible in the schedule creation and will work to accomodate requests by the league.
3. We will distribute the final picture schedule and order form to the coaches via e mail.
This will ensure every coach receives the schedule at the beginning of the season. If the league will provide us with parent e mail addresses, we will distribute the schedule to all. Our goal is for everyone to be well informed with ample notice so families are prepared for picture day.
4. Picture day: We will have a photography station set up, equipped to handle the entire ordering process. Parents will have the choice to prepare their order forms ahead of time or handle it on site. We do not require the parents the burden of remembering to bring paper work to the game. We utilize e mail for the bulk of information distribution which not only ensures proper communication, but offers a zero cost and waste impact of unnecessary paperwork.
5. Parents and coaches are asked to be on time. We will begin taking individual pictures as the players arrive so the process moves quickly. When the last player arrives, we are able to capture the team picture. In the event a player does not show for picture day, the team has the option to proceed with the team picture or schedule an alternate time when all players can attend. We will work to accomodate individual teams as best as we can. Our goal is to capture the entire team, regardless of their choice to order individually, as it corresponds with our proposal to provide every player with a team photo. (Please see proposal for details).

6. Delivery Process: Once the pictures arrive, it is our policy to notify the coaches and parents. We will set up a pick up station where parents can pick up their pictures on a game day(s). (To be determined by the final league game schedule). It is our goal to have open communication with our clients about the status of their order and opportunities to pick up their photography. As a full time studio, parents can easily make special arrangements to pick up pictures at their convenience if need be. We typically have pictures ready two weeks after they are ordered but reserve the right of a 30 day maximum.
7. Retakes and Inclement Weather Issues: In the event games are rescheduled due to weather we will adjust the picture schedule to correlate with the make up game schedule. In the unlikely event a retake is needed, we will make arrangements with the parents to resolve the error.
8. We accept cash, check and credit cards with on site processing. This eliminates the need to expose client credit card information on paperwork. All credit card transactions are performed electronically in front of the client as they are accustomed at all major retailers. Adding to the convenient check out experience, we provide an express lane for clients who bring their forms completed and just need to turn in. They do not have to wait in line behind clients who need help choosing their orders. We have received excellent feedback and find that clients utilize both options.



WHAT MY EYES HAVE SEEN

PHOTOGRAPHY

479.846.8500

115 E. BUCHANAN

PRAIRIE GROVE, AR. 72753

WWW.WHATMYEYESHAVESEEN.COM

Thank you for considering What My Eyes Have Seen Photography as the photography company to serve the Fayetteville Parks Program. We are a locally based company who serves the needs of Northwest Arkansas as well as across the United States. We operate a full time studio located in Prairie Grove which provides our clients the opportunity to conduct business easily in the office as well as on location.

Brian and I opened What My Eyes Have Seen Photography in 2007 with the mission to create technically excellent photography, artistically captured and printed on innovative professional products. The foundation which we have built our business has lead Brian's photography to represent some of the largest companies in the world. We have taken this approach to built up the What My Eyes Have Seen brand in our sports photography. Our clients easily recognize the stand out quality of our work and continue booking us each season because we stay current with the latest products. We take pride in knowing our clients can pick out our photography among a pile of what our competitors offer. While we are inexpensive it has never been our goal to be the "cheapest." We will only display our work with professional grade products and use a certified lab to do so. Our clients deserve to receive the most for their money. We have structured our company to be the best value and set apart from any other photography company available.

As the owners, Brian and I *are* What My Eyes Have Seen Photography. Our clients know they can count on Brian to shoot and myself to handle their transactions. We do have part time and seasonal help who are well trained and qualified to assist us during the process, however we take pride in taking care of our clients personally. We choose to handle our clients with specific accountability, eliminating the burden of the picture process from coaching staffs. No matter how large or small their order, our clients have full access to both Brian and I during the entire photography experience.

What My Eyes Have Seen Photography is an environmentally responsible company. We shoot digitally, process prints via a certified lab, conduct the bulk of our business communications electronically, print low impact forms, offer electronic payments and receipts and recycle within our office when possible. This benefits our environment as well as streamlines the entire process to the ease of our clients. We aim to operate as smoothly as possible and through years of experience, we are a "well oiled machine" from start to finish.

We have experience in shooting multiple teams at large events and keeping a tight schedule. Through our extensive experience of providing league photography, we have learned to work under conditions which require three teams completed every fifteen minutes to stay on schedule. While this is exceptional, we have proved ourselves capable to accomplish the task, maintaining our standard for excellence. Not only have we served Fayetteville Parks and Recreation for the past several years, we service similar leagues such as Upward, Pee Wee, Arkansas Cheer Dynamix, Prairie Grove, Farmington and Lincoln league football, softball, cheer, soccer and dance leagues. Our consistent quality with these city leagues has earned our repeat business year after year. We have served Fayetteville Parks and Recreation the past several years with consistently positive feedback. We have established a transparent relationship with the directors, asking to be informed of any negative feedback through their perspective as well as league participants. This open communication provides a clear assessment of our effectiveness. We are proud to include the current league directors in our referrals due to the enormously positive feedback we've received from all who work with us.

We are happy to answer any questions you may have and look forward to serving your program for many years to come, should we be awarded the opportunity.

Thank you for your time,

Jenny Stark
Owner
What My Eyes Have Seen Photography

City of Fayetteville
RFP 13-12, Parks Program Photographer
SECTION D: Vendor References

The following information is required from all firms so all statements of qualification may be reviewed and properly evaluated.

COMPANY NAME What My Eyes Have Seen Photography
NUMBER OF YEARS IN BUSINESS 8 years HOW LONG IN PRESENT LOCATION 5 years
TOTAL NUMBER OF CURRENT EMPLOYEES 2 FULL TIME 1 PART TIME
NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT 2 FULL TIME 10 PART TIME

PLEASE LIST FOUR (4) REFERENCES WHICH YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed)

1. Fayetteville Parks and Recreation
COMPANY NAME
Fayetteville, AR. 12701
CITY, STATE, ZIP
Alan Spann
CONTACT PERSON
479-515-8369
TELEPHONE

n/a
FAX NUMBER
aspann@ci.fayetteville.ar.us
E-MAIL ADDRESS

3. Prairie Grove Pre Wee Athletics
COMPANY NAME
Prairie Grove, AR. 12753
CITY, STATE, ZIP
Lisa McClellan
CONTACT PERSON
479-236-6483
TELEPHONE

n/a
FAX NUMBER
lmcclellan71@yahoo.com
E-MAIL ADDRESS

2. Fayetteville Parks and Recreation
COMPANY NAME
Fayetteville, AR. 12701
CITY, STATE, ZIP
Julia Roe
CONTACT PERSON
479-444-3474
TELEPHONE

n/a
FAX NUMBER
jroe@ci.fayetteville.ar.us
E-MAIL ADDRESS

4. Prairie Grove Christian Church
COMPANY NAME
Prairie Grove, AR. 12753
CITY, STATE, ZIP
Vance Kubanks
CONTACT PERSON
479-846-4181
TELEPHONE

n/a
FAX NUMBER
v Kubanks@pgtc.com
E-MAIL ADDRESS



Referrals

To whom it may concern:

Let this message reflect the excellent job What My Eyes Have Seen has done with their work photographing our youth sports program participants. They are a highly skilled, highly organized organization who work extremely efficiently and communicate in a highly effective manner. These attributes translated into a highly satisfied customer base for our programs during their time as our contracted photography company. Their staff handles all communication and scheduling, which makes the work on our end minimal.

I highly recommend this company to do the same for your organization.

Please feel free to contact me with any questions or concerns.

Regards,

Alan Spann

Recreation Programs Manager
Fayetteville Parks & Recreation
1455 Happy Hollow Rd
Fayetteville, AR 72701
479-575-8369
www.accessfayetteville.org

Find us on facebook for program announcements, updates, pictures, and game cancellations at:
www.facebook.com/fayparksandrec
and follow us on twitter at:
www.twitter.com/fayparksandrec

TDD (telecommunications device for the deaf) #: 521-1316



WHAT MY EYES HAVE SEEN

PHOTOGRAPHY

479.846.8500

115 E. BUCHANAN

PRAIRIE GROVE, AR. 72753

WWW.WHATMYEYESHAVESEEN.COM

Referrals Page 2

Client Feedback

"I just wanted to let you know that the pictures turned out great!!! These are by far the best ball pictures we have ever had!! Thank you so much!!"

Heather Hughes - Coach and Parent FPR

"I am writing to tell you how very impressed I am with the beauty & quality of your pictures! Thank you for the keepsake and it would be awesome if you did Fay Youth Baseball pics too."

Brandi and Chris Vanamburg - Coach and Parent FPR

I really appreciate the effort you guys have shown this year..in the past it's been very disorganized and more stress than it was worth. I think you guys have done a great job this year and making it go as smooth as possible. It's like wrangling kittens, for most of the age groups, so you only have a short window to get and keep their attention/focus. Thought I'd let you know.

Adam Nickell - Coach and Parent FPR

Brian R. Stark

14855 Prairie Grove Lake Rd
Prairie Grove, AR 72753
brian@whatmyeyeshave.com

Mobile: (479) 844-0946
Office: (479) 846-8500

Owner/Operator/Photographer – What My Eyes Have Seen Photography Studio

Innovative and creative photographer focused on excellence in portrait, commercial, and event photography. Hard working, team builder with over 20 year's business experience. Resourceful and capable of problem solving managerial concerns. Proven sales, customer satisfaction and marketing experience. Maintained an accomplished career based on a history of setting and achieving financial, training and human resource goals while maintaining the highest level of integrity and work ethics. Maintaining good relationships with clients and factory representatives.

Advance Photography Skills
Detail Oriented
Labor/Menu Price Structuring

Customer Focused
Marketing and Sales Strategist
Efficiency/Productivity Analysis

Product Oriented
Staff Technical Training
Time/Speed Focused

Professional Experience

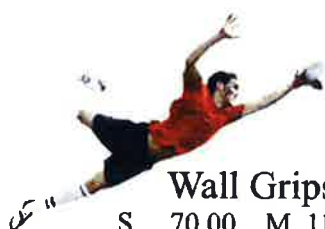
What My Eyes Have Seen Studio/Gallery	October 2007-Present
Owner/Operator	
Best Motor Company	October 1997-2007
Fixed Operations Manager	
Helms Lincoln-Mercury	September 1995-1998
Service Consultant	
Helms Chevrolet	Part Time 1990-1994
Detail Manager	Full Time 1994-1995

October 1998 hired as a Service Consultant. 1999 became GM certified as a Service Consultant and led the department in sales. 2000 promoted to Dispatch and still wrote service while maintaining the role as departmental sales leader. 2001 promoted to Shop Controller and assumed responsibility of the entire department's productivity. 2003 promoted to Service Manager and achieved GM Service Manager Certification. 2004 was awarded top honors in GM Service Guild and GM Mark of Excellence programs for 2003. 2004 promoted to Fixed Operations Manager. Worked as Fixed Operations Manager until resigning in 2007 to open What My Eyes Have Seen Photography Studio. During those years I was responsible for training, facility maintenance, liaison for telecommunications, computer networking, computerized facility HVAC system, web page development and maintenance, marketing strategies, creative director and graphic design. As owner of What My Eyes Have Seen I was granted an exclusive invitation to sell my artwork in the Oh My Geddard Gallery in Branson, MO. I have earned and maintained national clients that use our photography to represent their corporations. We have successfully planned and managed advertising campaigns and editorial shoots for local businesses. We travel worldwide to shoot artwork, portraits and events. We utilize all professional photography equipment and software and are proficient in their applications.

Education Related to Curriculum

2009-2010 New York Institute of Photography
1999-2006 GM Certified Service Advisor
2003-2006 GM Certified Technician
2003-2006 GM Certified Service Manager
2004-2006 GM Certified Fixed Operations Manager

- Certificate of Completion: New York Institute of Photography
- GM Service Manager, Service Advisor and Service Technician Certification
- Attended National Automotive Dealer Associations Meetings and Events
- Participated in the Northwest Arkansas GM Local Marketing Group
- Attended GM Training Seminars and Events



Wall Grips
S 70.00 M 110.00
L 130.00 XL 150.00



WHAT MY EYES HAVE SEEN

PHOTOGRAPHY

479.846.8500

115 E. BUCHANAN

PRAIRIE GROVE, AR. 72753

WWW.WHATMYEYESHAVESEEN.COM

Photo Menu



Wallet Magnets
(2) \$15.00



Dog Tags
\$15.00



Front



Back

Trading Cards
(18) \$17.00



Plaques
8x10 \$35.00



Wallets
(4) \$8.00
(8) \$10.00



Portraits
5x7 \$5.00
8x10 \$12.00
11x14 \$25.00

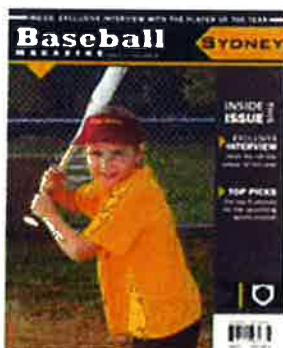


Memory Mate
\$15.00



Posters

11x17 \$20.00 18x24 \$125.00
16x20 \$35.00 24x36 \$250.00



Magazine Cover
\$10.00



Sports Tickets
(5) \$10.00



5x7 Trader Portrait
\$5.00



Clipboards
\$36.00



iPhone & Galaxy
Cases
\$25.00



Bag Tag
\$17.00



TEAM NAME _____

Office Use
INVOICE NUMBER _____

WHAT MY EYES HAVE SEEN
PHOTOGRAPHY
479.846.8500
115 E. BUCHANAN
PRAIRIE GROVE, AR. 72753
WWW.WHATMYEYESHAVESEEN.COM

JERSEY NUMBER _____

IMAGE NUMBER _____

CONTACT INFO

CHILD'S NAME _____ GRADE _____ AGE _____

PARENT CONTACT _____

EMAIL ADDRESS _____

PHONE _____

PACKAGE A
MEMORY MATE 8X10
& 1 IND 5x7 19.99

INDIVIDUAL
PICTURE →

GROUP
PICTURE →

CHILD
NAME
&
GROUP

PACKAGE B
MEMORY MATE
2 5x7'S (SAME IMAGE)
8 WALLETS
29.99

PACKAGE C
MEMORY MATE
2 5x7'S (SAME IMAGE)
8 WALLETS
2 MAGNETS
11x17 POSTER
49.99

ULTIMATE VALUE PACKAGE

MEMORY MATE
2 5x7 TRADER PORTRAITS
16 WALLETS
(12) TRADING CARDS
16x20 POSTER
2 MAGNETS
BAG TAG
99.99

MAGNET SPECIAL
2 MAGNETS
1 5x7 TRADER PORTRAITS
8 WALLETS
11x17 POSTER
1 5x7 TEAM PORTRAIT
39.99

**TRADING CARD
SPECIAL**
TRADING CARDS (12)
1 5x7 TRADER PORTRAIT
SPORTS TICKETS (5)
8 WALLETS
1 5x7 TEAM PORTRAIT
39.99

BIG POSTER SPECIAL
16x20 POSTER
2 5x7 TRADER PORTRAITS
8 WALLETS
SPORTS TICKETS (5)
59.99

ITEMS A LA CARTE

8x10 MEMORY MATE	16.00
16x20 POSTER	37.00
11x17 POSTER	22.00
11x14 PORTRAIT	25.00
8x10 PORTRAIT	12.00
5x7 PORTRAIT	6.00
5x7 TRADER PORTRAIT	6.00
4 WALLETS	8.00
8 WALLETS	10.00
12 TRADER WALLETS	14.00
2 5x7 PORTRAITS	12.00
1 5x7 & 4 WALLETS	12.00
TRADING CARDS (12)	17.00
MAGAZINE COVER	12.00
SPORTS TICKETS (5)	12.00
2 MAGNETS	15.00
BAG TAG	17.00
CLIPBOARD	36.00
DOG TAGS	15.00
8x10 PLAQUE	35.00
WATER BOTTLE PLASTIC	13.00
WATER BOTTLE ALUMINUM	26.00
IPAD CASE MINI	29.00
IPAD CASE 2/3/4	35.00
IPHONE CASE 4/4s /5	25.00
GALAXY SIII CASE	28.00
STAND UP CURVE 5x7L	29.00
WALL GRIPS	
12x18 SMALL	70.00
32x48 LARGE	130.00
SUB TOTAL _____	
TAX 9.5% _____	
TOTAL _____	
PAYMENT METHOD _____	



WHAT MY EYES HAVE SEEN

PHOTOGRAPHY

479.846.8500

115 E. BUCHANAN

PRAIRIE GROVE, AR. 72753

WWW.WHATMYEYESHAVESEEN.COM

Financial Proposals

Proposal 1: We propose to pay the City of Fayetteville 5% of our gross sales and provide each player and their coach with a free team picture. With the economic struggles families are facing, we began providing a free team picture to every player, regardless of their ability to order individual pictures. This program has been well received by coaches, parents and players. Not only does it add value to the league program as a whole, but it encourages all players to show up for picture day. We feel it is an effective way for our company to serve the families in our community and generate revenue for the City of Fayetteville. This proposal offers a responsible alternative to excluding families from participating in picture day, who can not afford the service.

Proposal 2: We propose to pay the City of Fayetteville 10% of our gross sales. We will provide two free team pictures per team for the head and assistant coaches.

Both proposals are revenue generating plans for the City of Fayetteville. Neither will require a cost from the City of Fayetteville. We are available to shoot both fall and spring which will provide the opportunity for increased revenue for the City of Fayetteville, without incurring cost.

As the owners of What My Eyes Have Seen Photography, Brian or Jenny Stark have full authority to conduct all negotiations regarding the business contract details between What My Eyes Have Seen Photography and the City of Fayetteville.

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

Jenny Stark
Owner

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

Brian Stark
Owner



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/13/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Paul E Dunn Insurance Agency Inc. 1722 N Gregg Avenue Fayetteville AR 72703	CONTACT NAME: PHONE (AC, HO, EX): 479-687-0070 FAX (AC, HO): 479-687-0080 EMAIL: pauldunn@ins7.kccoxmail.com INSURER(S) AFFORDING COVERAGE INSURER A: Auto Owners INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 18988
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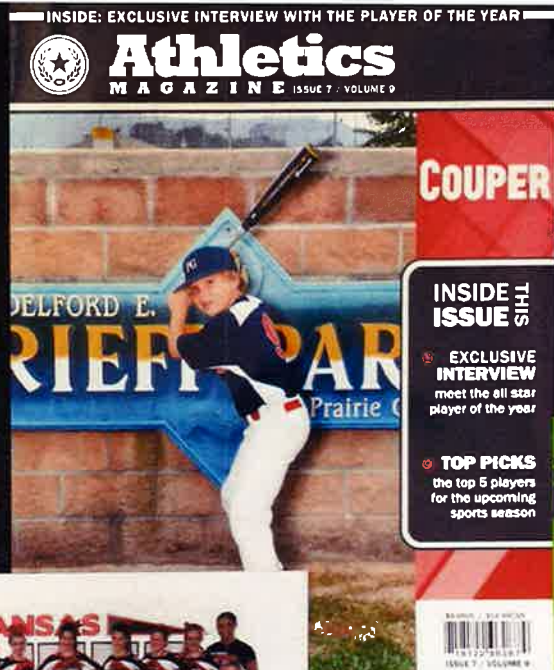
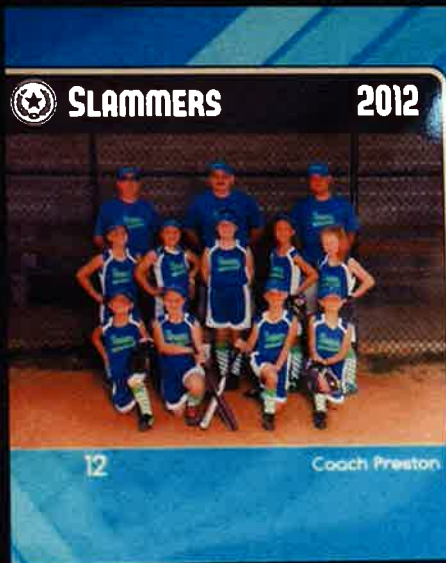
COVERAGES **CERTIFICATE NUMBER:** **70-228883** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIODS INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURER	TYPE OF INSURANCE	ADD'L BODILY INJURY	POLICY NUMBER	POLICY BT (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$500,000
	☒ COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (See endorsement) \$300,000
	☒ CLAIMS MADE		70-228883	11/23/12	11/23/13	VED EXP. Any one person \$10,000
						PERSONAL & ADJ. INJURY \$800,000
						GENERAL AGGREGATE \$500,000
	PRODUCTS - COMMER. AGG.					\$500,000
	GEN'L AGGREGATE LIMIT APPLIES PER POLICY					\$
	AUTOMOBILE LIABILITY					OWNERS SINGLE LIMIT (See endorsement) \$
	☐ ANY AUTO					SINGLE LIMIT (See endorsement) \$
	☐ ALL OWNED AUTOS	☐ SCHEDULED AUTOS				SINGLE LIMIT (See endorsement) \$
	☐ HIRED AUTOS	☐ NON-OWNED AUTOS				PROPERTY DAMAGE (See endorsement) \$
						\$
	UMBRELLA LIAB.	☐ OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB.	☐ CLAIMS-MADE				AGGREGATE \$
	DED. RETENTION					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					WORKERS COMP. - STAT. LIMITS \$
	ANY PROMOTER/EXHIBITOR/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in MD)	☐ Y ☒ N				ALL EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					ALL DISEASE - SA EMPLOYED \$
						ALL DISEASE - POLICY LIMIT \$
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101 Additional Remarks Schedule, if more space is required)						

CERTIFICATE HOLDER 	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CONTRACT

Reference: RFP 13-12, Parks Program Photographer

Contractor: What My Eyes Have Seen Photography

Term: 1 year with 4 automatic renewal options

THIS AGREEMENT, made and entered into this 20th day of August, 2013, by and between the City of Fayetteville for the use and benefit of the Fayetteville Parks and Recreation Division, hereinafter called CITY, and **What My Eyes Have Seen Photography**, hereinafter called PHOTOGRAPHER, Witnesseth:

1. Affected Programs and Responsibilities. This contract shall be effective for the following City recreational programs: girls youth softball, youth fall and spring soccer, and other events as requested by Parks and Recreation Staff. Photographer shall be responsible for all aspects of the process including, but not limited to: A. Contacting Parks and Recreation to obtain schedules and list of teams/coaches for said program. B. Distributing photograph information to every team/coach in the program, including photographer contact information and schedule of team pictures. C. Rescheduling team pictures in the event of inclement weather or insufficient number of team members at scheduled time. D. Handling all exchanges of money in relation to photographs and photograph purchases. E. Delivering all purchased photographs and related items within 30 (thirty) days of customer purchase. All services shall be done in a timely manner to insure all participants are photographed before the conclusion of the season. F. All other responsibilities or tasks that are necessary for program participants who choose to make purchases from photographer.

2. Term. This contract shall commence on the date approved by the Fayetteville City Council and shall extend for a period of twelve (12) months. Upon agreement of both parties, the agreement shall have the option to automatically renew for an additional four (4) single one year terms, resulting in a total possible contract term of five (5) years.

3. Payment/Report. Photographer agrees to pay City an amount equal to TEN (10) percent of all gross sales of photographs (and all items related to photographs, including but not limited to posters, cards, stickers, key chains, etc.) no later than twenty (20) working days following the final day of each program. In addition to the payment, photographer shall include a program report indicating how many participants purchased photos or photo-related items, and which specific packages (in terms of cost) were purchased. The payment and program report shall be delivered to the Parks and Recreation Offices at 1455 Happy Hollow Road, Fayetteville, AR 72701. Any payments to City not made when due, shall bear interest after maturity at the maximum effective agreement rate which may be lawfully charged.

4. Records. The City shall have the right at all times to examine Photographer's books and records to verify correct payment. Any errors or omissions shall be adjusted.

5. Insurance. Photographer shall provide proof of worker's compensation as required by Arkansas Statute and liability insurance with a minimum coverage of:

\$300,000 for one person involved in death or injury

\$500,000 for two or more persons involved in death or injury

6. Bond. Photographer shall provide a \$25,000 bond for performance and payment of items in relation to this contract.

7. Rights and Duties of Photographer. Photographer agrees to:

A. Conduct said business as not to interfere with other uses or activities on the property.

B. Comply with all local, state and federal laws, rules, regulations, orders, guidelines, and/or directions, including, but not limited to, sales tax, and payroll tax.

C. All items as listed in item 1 of this document.

D. Awarded company shall not use pictures taken on behalf of this contract for marketing purposes without prior written consent of the subject or, in case subject is a minor, the legal parental guardians.

8. Rights and Duties of the City. The City shall:

A. Provide schedules, along with a team and coach list for specific program as requested by photographer.

B. Be available for contact from photographer with inquiries relating to program, but not necessarily for customers with inquiries relating to photographs, scheduled photograph times, or purchases made from photographer.

9. Default/Termination.

If the photographer defaults in payment, or if it violates any other covenants of this agreement, the City may terminate this contract. In the event that Photographer should default in the prompt payment or performance of any of its obligations as set forth herein, and in the event that it should become necessary for City to collect any past due payments or to enforce the other obligations of Photographer as set forth herein, by suit or otherwise, City shall be entitled (in addition to all other remedies to which it is entitled) to recover the costs and expenses of litigation. This contract may be canceled by either party with a 30 day written notice. However, cancellation can not be made by Photographer or City within a season, once the process of photographing participants has already begun for that specific season.

10. Miscellaneous.

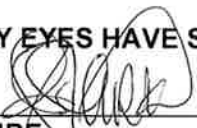
A. All actions, whether sounding in agreement or in tort, relating to the validity, construction, interpretation, and enforcement of this agreement shall be instituted and litigated in the courts of the State of Arkansas.

B. Photographer hereunder shall not sell, sublet or assign this agreement or any portion thereof to any other person or persons.

C. Upon agreement by both parties, any part of this agreement may be changed which will benefit the operation of photographer. This agreement shall be amended only upon mutual written agreement signed by all parties.

IN WITNESS WHEREOF, the Parties, or their duly authorized officers, have executed this agreement the day and date first written above.

WHAT MY EYES HAVE SEEN PHOTOGRAPHY

By: 
SIGNATURE

Jenny Stark
Printed Name & Title

ATTEST:

Company Secretary

Business Address

City, State & Zip Code

Date Signed: _____

CITY OF FAYETTEVILLE, ARKANSAS

LIONELD JORDAN, Mayor

ATTEST:

Sondra Smith, City Clerk

Date Signed: _____

City of Fayetteville Staff Review Form

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

A. 5
Planet Footprint Utility Bill
Management Software
Page 1 of 8

9/3/2013

City Council Meeting Date
Agenda Items Only

Peter Nierengarten *PN*

Submitted By

Division

Sustainability and Strategic Planning

Department

Action Required:

Approval of a budget adjustment to allow for the purchase of Planet Footprint Utility Bill Management Software.

\$9,400

Cost of this request

\$

2,050.00

Category / Project Budget

Materials & Supplies

Program Category / Project Name

1010.6310.5209.00

Account Number

\$

450.00

Funds Used to Date

Sustainability and Strategic Planning

Program / Project Category Name

31305
3105.1301

Project Number

\$

1,600.00

Remaining Balance

N/A

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

[Signature]
Department Director

8/16/13
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

8-16-13
Date

Paul A. Beck
Finance and Internal Services Director

8-20-2013
Date

Received in City
Clerk's Office



[Signature]
Chief of Staff

8-20-13
Date

Received in
Mayor's Office



[Signature]
Mayor

8/21/13
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan

Thru: Don Marr, Chief of Staff

From: Peter Nierengarten, Sustainability & Strategic Planning Director *PN*

Date: August 16, 2013

Subject: Utility Bill Management Software

RECOMMENDATION

Approval of a budget adjustment to allow for the purchase of Planet Footprint Utility Bill Management Software.

BACKGROUND

The City of Fayetteville currently manages over 400 individual monthly utility bills for Water & Sewer, Electricity and Natural Gas service at City-owned buildings and facilities (such as traffic signals, street lights, parks, etc). These utility services are provided by five different utility companies: SWEPCO, Ozark Electric, Source Gas, City of Fayetteville and City of Springdale. Currently the City's Accounting Department manages payment of these utility bills and provides tracking and summary of expenditures with each utility company on an annual basis. In 2012 the City of Fayetteville spent over \$1.6M on utilities.

Beyond the amount of money paid for each bill, management and audit of energy (natural gas and electricity) and water consumed has proved more challenging. Analysis of any individual bill or account can be completed without too much difficulty, but aggregate analysis is difficult due to the large number of bills that come in each month and the fact that bills come in five different formats and measure three different units (kWh, gallons & therms) of consumption. This challenge prevents Sustainability and Strategic Planning Staff from being able to analyze and report total electricity, natural gas and water consumed by City facilities on a monthly or annual basis.

A budget adjustment is necessary to receive a portion of the money for the software purchase from the Home Depot Grant and move the balance from an account budgeted for the City's 2013 Sustainable Communities Network Membership. Grant funds were used to pay for Fayetteville's 2013 Sustainable Communities Network Membership, therefore the budgeted funds were not needed during 2013.

BUDGET IMPACT

The purchase price for the Planet Footprint software is \$9,400 per year; \$1,987 will come from recognizing the remaining revenue in the Home Depot Grant and the balance, \$7,413 will come from unused money that was budgeted for the City's 2013 Sustainable Communities Network Membership. Money to pay for this software in 2014 is requested in the Sustainability and Strategic Planning Department's 2014 budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL
AMOUNT OF \$1,987.00 TO ALLOW PURCHASE OF PLANET FOOTPRINT
UTILITY BILL MANAGEMENT SOFTWARE

**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 \$1,987.00
to allow purchase of Plant Footprint utility management software.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V12.0724 A. 5
Planet Footprint Utility Bill
Management Software
Page 4 of 8

Budget Year 2013	Division: Sustainability & Strategic Planning Department: Chief of Staff	Request Date 8/16/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

\$9,400 is requested in the Software Account for the purchase of Planet Footprint utility bill management software.

\$1,987 is coming from the recognition of grant revenue from the Home Depot Foundation and the remaining \$7,413 is coming from funding in the Publications and Dues account which was not needed to pay dues for the City's 2013 membership in the Sustainable Communities Network.

 Division Head	8/16/13 Date	Prepared By:  prierengarten
 Budget Director	8/20/13 Date	Reference:
 Department Director	8/16/13 Date	Budget & Research Use Only
 Finance Director	8-20-2013 Date	Type: A B C D E P
 Chief of Staff	8/16/13 Date	General Ledger Date
 Mayor	8/21/13 Date	Posted to General Ledger
		Initial Date
		Checked / Verified
		Initial Date

TOTAL BUDGET ADJUSTMENT		1,987	1,987	Project.Sub Number
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	
Software	1010.6310.5209.00	9,400	-	.
Publications & dues	1010.6600.5303.00	(7,413)		.
Commercial grants	1010.0001.4305.00	-	1,987	31305 . 1301
				.
				.





www.planetfootprint.com

August 6, 2013

Peter Nierengarten
Director of Sustainability & Strategic Planning
City of Fayetteville
113 West Mountain Street
Fayetteville, AR, 72701

Dear Peter

UNIQUENESS OF PLANET FOOTPRINT ENERGY AND ENVIRONMENTAL SCOREKEEPING FOR LOCAL GOVERNMENT

We appreciate the City of Fayetteville's consideration of Planet Footprint for ongoing energy and environmental scorekeeping. Our service has a number of unique aspects which aren't offered by other vendors.

Quarterly Performance Reviews. Planet Footprint recognizes that most City and County staff are too busy to remember to download and action the information we make available. For this reason, Planet Footprint delivers Quarterly Performance Reviews to key staff by your dedicated Service Manager, who has years of experience in local government energy and resource management. A Quarterly Performance Review pro-actively notifies you of all the key elements of your performance, guaranteeing engagement and ongoing accountability. In short, we constantly watch your performance and tell you what you need to know.

Local Government Facility Benchmarking. Planet Footprint is the only service that provides benchmarking (comparisons) of energy and water costs, consumption and greenhouse gas emissions between local government facilities both nationally (across the US) and internationally. Our benchmarking system includes categories for Government Administration Buildings, Fire Stations, Libraries and dozens of others. These facility types are unique to the local government sector. Through work with over 225 local governments worldwide, Planet Footprint has built a database of local government-specific facility performance data which no

Planet Footprint Telephone: 1 800 859 3803 Fax: 1 888 808 8096 www.planetfootprint.us

Mailing Address: 548 Market St # 39868 San Francisco, CA 94104-5401

Office: 39555 Orchard Hill Rd, Suite 600, Novi, MI, 48375

other company or government agency has. This benchmarking information can only be accessed by organizations that subscribe to Planet Footprint's service.

Local Government Facility Profiling. The subscribers-only area of Planet Footprint's website provides subscribers with Property Profile web pages, which are unique. Based on the type of facility (property) being profiled, for example, a fire station, the subscriber is shown case studies of how energy and water consumption have been reduced in similar facilities in other local government agencies. These profiles also provide the subscriber with a forum for getting peer recognition for energy and environmental performance improvements to buildings which they operate. The profiles provide a unique network of best practice information for energy and water efficiency in local government operations that is not available elsewhere.

Managed Data Collection. Planet Footprint takes a unique approach to ongoing collection of energy and water data. We collect billing and invoice data either directly from utilities or from the subscriber's finance department in a way that does not disrupt existing accounts payable processes, does not require IT department programming and does not require manual data entry by our clients. All known alternatives involve one or more of:

- Redirecting mailed utility bills to the vendor, which amounts to outsourcing of the client's accounts payable process.
- The client being required to enter data manually into the vendor's software program on a monthly basis.
- The client engaging in an IT project to integrate internal accounting systems with vendor software.

The features outlined above are unique to Planet Footprint's Energy and Environmental Scorekeeping Service. These differences between Planet Footprint and other vendors go beyond reckoning of quality, quantity, vendor experience or cost and they are important factors in the success of our service for our local government clients.

Please feel free to address any enquiries about our service to me on at dean.jackson@planetfootprint.com

Sincerely,



Dean Jackson
President
Planet Footprint LLC

Planet Footprint



Planet Footprint
Accounts Department
548 Market St # 39868
San Francisco, CA 94104-5401

(800)859-3803
accounts@planetfootprint.us
http://planetfootprint.us

Quote

Date	Quote #
07/21/2013	1001
	Exp. Date
	08/31/2013

Address

City of Fayetteville
113 West Mountain Street
Arkansas 72701

[illegible]

This quote should be read in conjunction with our Catalog of Services and Terms & Conditions.

Accepted By

Accepted Date

Fed Tax ID (EIN): 68-0679098

City of Fayetteville Staff Review Form

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

A. 6
Bid #13-36 Mahoney's Equipment, LLC
Page 1 of 6

9/3/2013

City Council Meeting Date
Agenda Items Only

Jesse Beeks / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution awarding Bid #13-36 for one 3T Equipment Prowler easement machine on a Doolittle Trailer from Mahoney's of Arnold, MO in the amount of \$48,536 for use by Water & Sewer division, and approving a Budget Adjustment to move funds to the Fleet expense account.

\$ 48,536.00

Cost of this request

\$ 829,275.00

Category / Project Budget

Other Vehicles & Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 14,475.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02080.2013

Project Number

\$ 814,800.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Terry J. Gully
Department Director

8-16-13
Date

Previous Ordinance or Resolution # _____

Chris Skellzy
City Attorney

8-16-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Babin
Finance and Internal Services Director

8-20-2013
Date

Received in City
Clerk's Office



Ann Han
Chief of Staff

8-20-13
Date

Received in
Mayor's Office



Lionel Jordan
Mayor

8/21/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TGH*

From: Jesse Beeks, Fleet Operations Superintendent

Date: August 15, 2013

Subject: Purchase of Easement Machine for Water & Sewer

PROPOSAL: That City Council approve the purchase of one trailer mounted Sewer Easement Machine from Mahoney's of Arnold, MO in the amount of \$48,536 and approve a Budget Adjustment to move funds to the Fleet expense account.

RECOMMENDATION: Unit #91 is a 2000 trailer mounted sewer easement machine that needs to be replaced. It was due for replacement in 2010 and was pushed back to 2013; now it is worn out. This unit was bid out with the trailer.

Re-bid #13-36 was opened on July 2, 2013, copy attached. One bid was received from Mahoney's Equipment of Arnold, MO. Water and Sewer staff has inspected this unit in the field and feel it will do the job.

Fleet recommends purchasing one 3T Equipment Prowler easement machine on a Doolittle Trailer from Mahoney's of Arnold, MO in the amount of \$48,536 (includes tax on easement machine and on trailer.)

This purchase was approved by the Equipment Committee at the meeting of August 13th, 2013.

BUDGET IMPACT: A budget adjustment is needed on the capital side as the purchase price was underestimated. Sufficient replacement funds have not been collected; however, Fleet owes Water & Sewer replacement funds on a generator which is not being replaced in the motor pool. These funds will be more than sufficient to make up the difference. Operating charges for 2014 will be included in the budget for the replacement.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-36 AND AUTHORIZING THE PURCHASE OF ONE (1) 3T EQUIPMENT PROWLER EASEMENT MACHINE WITH DOOLITTLE TRAILER FROM MAHONEY'S EQUIPMENT, LLC OF ARNOLD, MISSOURI IN THE AMOUNT OF \$48,536.00 FOR USE BY THE WATER AND SEWER DIVISION, AND APPROVING A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #13-36 and authorizes the purchase of one (1) 3T Equipment prowler with Doolittle trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division.

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

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

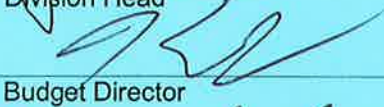
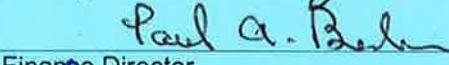
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V12.0724

Budget Year 2013	Division: Fleet Operations Department: Transportation Services	Request Date 7/26/2013	Adjustment Number Bid #13-36 Mahoney's Equipment, LLC Page 4 of 6
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Funds are needed in 02080.2013 for the purchase of one sewer easement machine and trailer as a replacement for #91 (WSEW_F028), a 2000 Seca sewer easement machine. The purchase price was underestimated for this unit so funds are needed from fund balance - \$22,600 for the easement machine and trailer, plus tax.

 Division Head	7/29/13 Date	Prepared By: <u>Barbara Olsen</u> Reference: _____ <i>bolsen</i>
 Budget Director	8/1/13 Date	Budget & Research Use Only Type: A B C D E P
 Department Director	7/29/13 Date	
 Finance Director	8-20-2013 Date	General Ledger Date _____
 Chief of Staff	8-20-13 Date	Posted to General Ledger Initial _____ Date _____
 Mayor	8/21/13 Date	Checked / Verified Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

		22,600		22,600	
		Increase / (Decrease)			
Account Name	Account Number	Expense	Revenue	Project.Sub Number	
Vehicles and equipment	9700.1920.5802.00	22,600	-	02080 . 2013	
Use of fund balance	9700.0970.4999.99	-	22,600	.	
				.	
				.	





BID: 13-36
07/02/13
2:00 PM
CITY OF FAYETTEVILLE

Bid 13-36, Sewer Easement Machine Re-Bid

BIDDER	ITEM #	DESCRIPTION	QUANTITY	MANUFACTURER/MODEL	PRICE EACH	TOTAL BID PRICE
1 Mahoney's Equipment, LLC.	1	Sewer Easement Machine	1	3T Equipment Prowler	\$ 40,148.00	\$ 40,148.00
	2	Trailer	1	Doolittle Trailers - Utility Trailer	\$ 4,076.00	\$ 4,076.00
TOTAL BASE BID						\$ 44,224.00

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

CERTIFIED:


P. VICE, Purchasing MGR


WITNESS


DATE

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)
All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #:						Vendor Name: MAHONEY'S				Requisition No.:		Date: 8/15/2013	
Address:						Fob Point:		P.O Number:		Expected Delivery Date:			
City:						State:		Zip Code:		Ship to code: 50		Mail Yes: ☐ No: ☒	
Requester: BARBARA OLSEN						Requester's Employee #: 1940		Extension: 485		Taxable Yes: ☒ No: ☐		Quotes Attached Yes: ☐ No: ☒	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers		Project/Subproject #		Inventory #		Fixed Asset #	
1	3T EQUIPMENT PROWLER EASEMENT MACHINE	1	EA	44,224.00	\$44,224.00	9700.1920.5802.00		02080.2013					
2	ON A DOOLITTLE TRAILER PER BID SPECS ON				\$0.00								
3	BID #13-36. TO BE UNIT 9175, FA #709175				\$0.00							709175	
4					\$0.00								
5					\$0.00								
6					\$0.00								
7					\$0.00								
8					\$0.00								
9					\$0.00								
10					\$0.00								
*	Shipping/Handling		Lot		\$0.00								
Special Instructions:													
Subtotal: \$44,224.00 Tax: \$4,311.84 Total: \$48,535.84													
Approvals: Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director: _____ Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: _____													

City of Fayetteville Staff Review Form

A. 7
Ozark Regional Transit
Bench and Transit Shelter Pads
Page 1 of 10

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

September 3, 2013
City Council Meeting Date
Agenda Items Only

Terry Gulley
Submitted By

Transportation
Division

Transportation Services
Department

Action Required:

Transportation Division staff recommend approval of a memorandum of understanding with Ozark Regional Transit (ORT) to serve as a sub-grantee for a Federal Transit Administration grant in the amount of \$154,315.08 to provide funds for bench and transit shelter pads and sidewalk construction.

\$ 185,178.10
Cost of this request

\$ 1,103,643.00
Category / Project Budget

Sidewalk Improvements
Program Category / Project Name

4470.9470.5814.00
Account Number

\$ 408,515.04
Funds Used to Date

Transportation Improvements
Program / Project Category Name

02053 / 1301
Project Number

\$ 695,127.96
Remaining Balance

Sales Tax Capital Improvements
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Terry J. Gulley
Department Director

8-16-13
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

8-19-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becher
Finance and Internal Services Director

8-20-2013
Date

Received in City
Clerk's Office

ENTERED
8/14/13
1:57 pm

[Signature]
Chief of Staff

8-21-13
Date

Received in
Mayor's Office

ENTERED
8/20/13 BCP

[Signature]
Mayor

8/21/13
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: September 3, 2013

Subject: Ozark Regional Transit Memorandum of Understanding and Budget Adjustment

PROPOSAL:

Ozark Regional Transit (ORT) received Federal Transit Funds from the Arkansas Highway and Transportation Department to implement New Freedom projects, which benefit individuals with disabilities. New Freedom funds are not part of the Federal stimulus program. Ozark Regional Transit is encouraging Northwest Arkansas cities to leverage planned transit shelter and bus bench installations by using the New Freedom funds to pay for the labor and materials used to install the shelter and bus bench pads as well as associated sidewalk construction.

ORT was awarded shelters and benches through an American Recovery and Reinvestment Act program. New Freedom funds will enable the City to install the necessary concrete pads and construct sidewalks. The ORT projects help build public transit infrastructure that contribute to a livable transportation system.

RECOMMENDATION:

Transportation Division staff recommends approval of a budget adjustment and memorandum of understanding with Ozark Regional Transit (ORT) to serve as a sub-grantee for a Federal Transit Administration grant in the amount of \$154,315.08 to provide funds for sidewalk construction and transit shelter bench pads. The selected project locations are on Front Street and Huntsville Road.

BUDGET IMPACT:

The grant requires a 20% match or \$30,863.02 worth of labor, engineering, administrative services, or construction materials. Funds to cover these items have been budgeted in the Sidewalk Improvements capital project.

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH OZARK REGIONAL TRANSIT AS A SUB-GRANTEE FOR A FEDERAL TRANSIT ADMINISTRATION GRANT IN THE AMOUNT OF \$154,315.08 TO FUND BENCH AND TRANSIT SHELTER PADS AND SIDEWALKS, 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 approves a Memorandum of Understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks.

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 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

V12.0724 A. 7

Ozark Regional Transit

Shelter Pads

Page 4 of 10

Budget Year 2013	Division: Transportation Services Department: Transportation Services	Request Date 9/3/2013	Adjustment Number
--------------------------------	--	-------------------------------------	----------------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

The City of Fayetteville will be a sub-recipient of a grant from the Federal Transit Administration through Ozarks Regional Transit (ORT). The Transportation Division will construct transit shelter and bench pads along with sidewalks on Front Street and Huntsville Road.

This budget adjustment recognizes grant revenue in the amount of \$154,315.00.

<i>Terry 2 Gully</i> Division Head	<i>8-16-13</i> Date	Prepared By: <u>Ginny Gundlach</u>		
<i>[Signature]</i> Budget Director	<i>8-16-13</i> Date	Reference: _____		
<i>Terry 2. Gully</i> Department Director	<i>8-16-13</i> Date	Budget & Research Use Only		
<i>Paul A. Behr</i> Finance Director	<i>8-26-2013</i> Date	Type: A B C D E P		
<i>[Signature]</i> Chief of Staff	<i>8-21-13</i> Date	General Ledger Date _____		
<i>Lionel Jordan</i> Mayor	<i>8/21/13</i> Date	Posted to General Ledger _____	Initial _____	Date _____
		Checked / Verified _____	Initial _____	Date _____

TOTAL BUDGET ADJUSTMENT		154,315	154,315	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Sidewalks	4470.9470.5814.00	EX 154,315		02053 . 1301
Federal Grants-Capital	4470.0947.4309.00	RE	154,315	02053 . 1301
				.
				.
				.



From: Joel Gardner <jgardner@ozark.org>
To: "tgulley@ci.fayetteville.ar.us" <tgulley@ci.fayetteville.ar.us>
Date: 8/15/2013 3:09 PM
Subject: New Freedom Funds

Terry, below is the statement from AHTD on the funds left and the time line... it appears that there is no set date (i.e. October 22nd) but more of a general guideline for when the funds need to be submitted... please remember, that when you submit the funds to me for reimbursement, I still need a few days to get those records to AHTD.. internally, I would like us to shoot for a mid to late October date to have the purchases completed by... this should ensure that ORT receives its reimbursement from the grant line item by the "Oct/Nov 2013" deadline...

According to ORT and AHTD records there is \$154,315.08 Federal remaining. This is an 80/20 match project.

We would like a project to be completed during the 2013 construction season (Oct/Nov 2013). After this time any remaining funds will be revised into an operating project .

Joel Gardner
General Manager
Ozark Regional Transit
479-361-8742 (Office)
479-236-0463 (Cellular)

AGREEMENT OF UNDERSTANDING

BETWEEN

CITY OF FAYETTEVILLE

AND

OZARK REGIONAL TRANSIT

In Cooperation with the
U.S. Department of Transportation

RELATIVE TO

Implementation of Federal Transit Administration (FTA) " New Freedom" Program, (hereinafter called "the Project") .

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users provides Federal Transit funds for New Freedom projects through the Arkansas State Highway and Transportation Department and,

WHEREAS, the City of Fayetteville(hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for an eligible project that benefits persons with disabilities, and

WHEREAS, it is the intent of the Sponsor to utilize New Freedom Federal aid funds to purchase materials for specified projects as agreed upon with Arkansas Highway and Transportation Department and Ozark Regional Transit.

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

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement.

WHEREAS, it is understood that the Sponsor and the Ozark Regional Transit (hereinafter called "ORT") will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) and that, as part of these requirement, ORT desires to set a goal for DBE participation in the project at 4.75% and related to the potential availability of DBEs desired areas of expertise.

IT IS HEREBY AGREED that the Sponsor and ORT will participate in a cooperative program for implementation of the project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. The City of Fayetteville does not waive its sovereign statutory immunity, but acknowledges that the City has full legal responsibility for the proper design, construction and maintenance of all sidewalks and transit shelters constructed by the City of Fayetteville Transportation Division. The City acknowledges that the Highway Department and Highway Commission have no duty or responsibility to users of these facilities, and therefore can have no legality related to the design, construction, maintenance, or operation of these sidewalks and transit shelters. If the Arkansas Claims Commission ever grants a claim against the Highway Department or Highway Commission for any injury or damage to a person using the Huntsville Road and Front Street sidewalks and transit shelters, the City of Fayetteville agrees to pay this claim for the Highway Department or Highway Commission.
2. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, disability, or national origin in compliance with the Civil Rights Act of 1964 (as amended) and 49 CFR Part 21, Nondiscrimination in Federally-Assisted Programs under the US DOT.
3. Ensure that all projects comply with Federal environmental policies and regulations including the determination of a Categorical Exclusion (CE), Finding of No significant Impact (FONSI) or Environmental Impact Statement (EIS).
4. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project.
5. Advertise for bids in accordance with federal procedures. \$1-3,000 verbal/written quotes ; \$3,001-\$25,000 – Three Verbal/Written Quotes, Over \$25,000 – Competitive Sealed Bids. Any Costs incurred by the Sponsor prior to receiving Notice to Proceed from the ORT are not eligible for reimbursement.
6. After bids are opened and reviewed, submit a certification, including all items noted, to the ORT and request concurrence in award of the contract.
7. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of US DOT regulations.
8. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the ORT.
9. "In-Kind" donation by the Sponsor may consist of appropriate salary rates for labor, engineering or administrative services, for the 20% local match requirement.

10. Upon completion of the project, provide proof of expenditures to the ORT for reimbursement.
11. Submit change orders to the contract to the ORT and Arkansas Highway and Transportation Department for review and approval for program eligibility prior to execution.
12. Be responsible for the inspection and certification of all work in accordance with the plans and specifications for the Project and to retain all records relating to such inspections, certifications, and billing statements, and any other files necessary to document the performance and completion of the work. Such records shall be retained in accordance with the requirements of 49 CFR, Subtitle A, Part 18, Subpart C, Section 18.42 – Retention and access requirements for records.
13. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the ORT, AHTD and FTA officials.
14. Be responsible for 100% of all project costs incurred should the project not be completed as specified.
15. Be responsible for 100% of any and all expenditures which are declared non-participating in federal funds, including awards by the State Claims Commission.
16. Repay to the ORT the federal share of the cost of any portion of this project if the AHTD or FTA removes federal participation due to actions of the Sponsor, its agents, its employees, or its assigns, or the Sponsor's consultants or their agents. Such actions shall include, but are not limited to, federal non-participation arising from problems with design plans, construction, change orders, construction inspection, or contractor payment procedures.
17. Retain total, direct control over the project (For 15 years after completion of the project) throughout the life of the improvements and not , without prior approval from the ORT:
 - sell, transfer, or otherwise abandon any portion of the project;
 - change the intended use of the project as stated in the approved project application;
 - make significant alterations to any improvements constructed with Federal funds;
 - or cease maintenance or operation of the project due to the project's obsolescence.
18. Be responsible for satisfactory maintenance (including reasonable snow removal efforts) and operation of all improvements and for adopting regulations, ordinances and procedures as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds.

19. Promptly notify the ORT if the project is rendered unfit for continued use.
20. After the ORT issues a Notice to Proceed, advertise for bids in accordance with federal procedures. (Or Fayetteville's procedures if stricter)
21. Notify the ORT and AHTD of any project adjacent to a State Highway. Obtain a clearance of project construction from the AHTD if project is adjacent to State Highway.

THE ORT WILL:

1. Be responsible for administering Federal funds.
2. Sponsor and provide environmental documentation for the project.
3. Sponsor and provide plans and specifications and bidding documentation for the project.
4. Upon receipt of the Sponsor's certification of right-of-way (property) ownership, provide the appropriate documentation to the file.
5. Issue Notice to Proceed to the Sponsor when to proceed with advertisement of the project for construction bids.
6. Review bid tabulations and concur in award of the construction contract for the project.
7. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
8. Review and approve any necessary change orders for project/program eligibility.
9. Reimburse the Sponsor for all eligible construction costs.

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

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on the

19th day of August 2013.

OZARK REGIONAL TRANSIT

City of Fayetteville



Joel Gardner
Executive Director

Sponsor's Attorney

NOTICE OF NONDISCRIMINATION

The ORT complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as ORT nondiscrimination policies may be directed to Joanna Nelson, Section Head = EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.nelson@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. Free language assistance for Limited English Proficient individuals is available upon request.

City of Fayetteville Staff Review Form

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

B. 1
RZN 13-4410
(2468 N. Crossover Rd./Lynnwood Estates)
Page 1 of 52

8/6/2013

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

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 ☐

James C. Pate
Department Director

8-6-2013
Date

Previous Ordinance or Resolution #

K. Sifer
City Attorney

7-12-13
Date

Original Contract Date:

Original Contract Number:

Paul A. Babin
Finance and Internal Services Director

7-12-2013
Date

Received in City Clerk's Office 07-11-13P12:07 RCVD

Don Man
Chief of Staff

7-15-13
Date

Received in Mayor's Office

Leonard Jordan
Mayor

7/16/13
Date

ENTERED
7/12/13
JAH

Comments:

Amended & left on the 2nd reading 8/20/13 c/c mtg.
left on the first reading at the 8/6/13 CC mtg.

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: July 9, 2013

Subject: RZN 13-4410 (2468 N. Crossover/Lynnwood Estates)

RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the property to R-O, Residential Office, subject to a Bill of Assurance. Planning Division staff recommends denial of the request.

BACKGROUND

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat.

The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached and addresses issues such as land use, building size and appearance, noise, and landscaping. Staff has also included a copy of the R-O zoning code highlighting restrictions offered by the applicant in their Bill of Assurance.

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of this vicinity of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not mid-block at the subject property.

DISCUSSION

On July 8, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-1-0 (Commissioner Honchell voted 'no'). There were three members of the public that spoke against the rezoning at the Planning Commission meeting, discussing issues such as land use compatibility, future commercial uses along the corridor, and traffic issues.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4410, FOR APPROXIMATELY 4.66 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES SUBJECT TO A BILL OF ASSURANCE.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-2, Residential Single-Family, 2 units per acre to NS, Neighborhood Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "B"
RZN 13-4410

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 17
NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON
COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS,

TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT
RUNNING THENCE N90°00'00"E A DISTANCE OF 555.26 FEET, THENCE N03°13'15"E
245.07 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN
ON THE EXISTING RIGHT OF WAY OF ARKANSAS HIGHWAY 265, AND RUNNING
THENCE N03°13'15"E 700.59 FEET, THENCE N74°00'39"E 189.44 FEET, THENCE
S19°46'00"E 49.79 FEET, THENCE S15°11'33"E 31.97 FEET, THENCE S15°14'58"E 92.68
FEET, THENCE S15°30'03"E 121.08 FEET, THENCE S13°21'29"E 22.02 FEET, THENCE
S02°37'00"E 82.44 FEET, THENCE S01°54'36"E 110.11 FEET, THENCE S01°15'39"E 110.06
FEET, THENCE S01°20'29"E 151.20 FEET; THENCE N88°43'45"W 321.99 FEET TO THE
POINT OF BEGINNING CONTAINING 4.66 ACRES MORE OR LESS SUBJECT TO
RIGHT OF WAY ALONG ARKANSAS HIGHWAY 265

VOID

VOID

This Ordinance
was amended.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4410, FOR APPROXIMATELY 4.66 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE, TO R-O, RESIDENTIAL OFFICE, SUBJECT TO A BILL OF ASSURANCE.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RSF-2, Residential Single-Family, 2 units per acre to R-O, Residential Office, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

Section 3: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

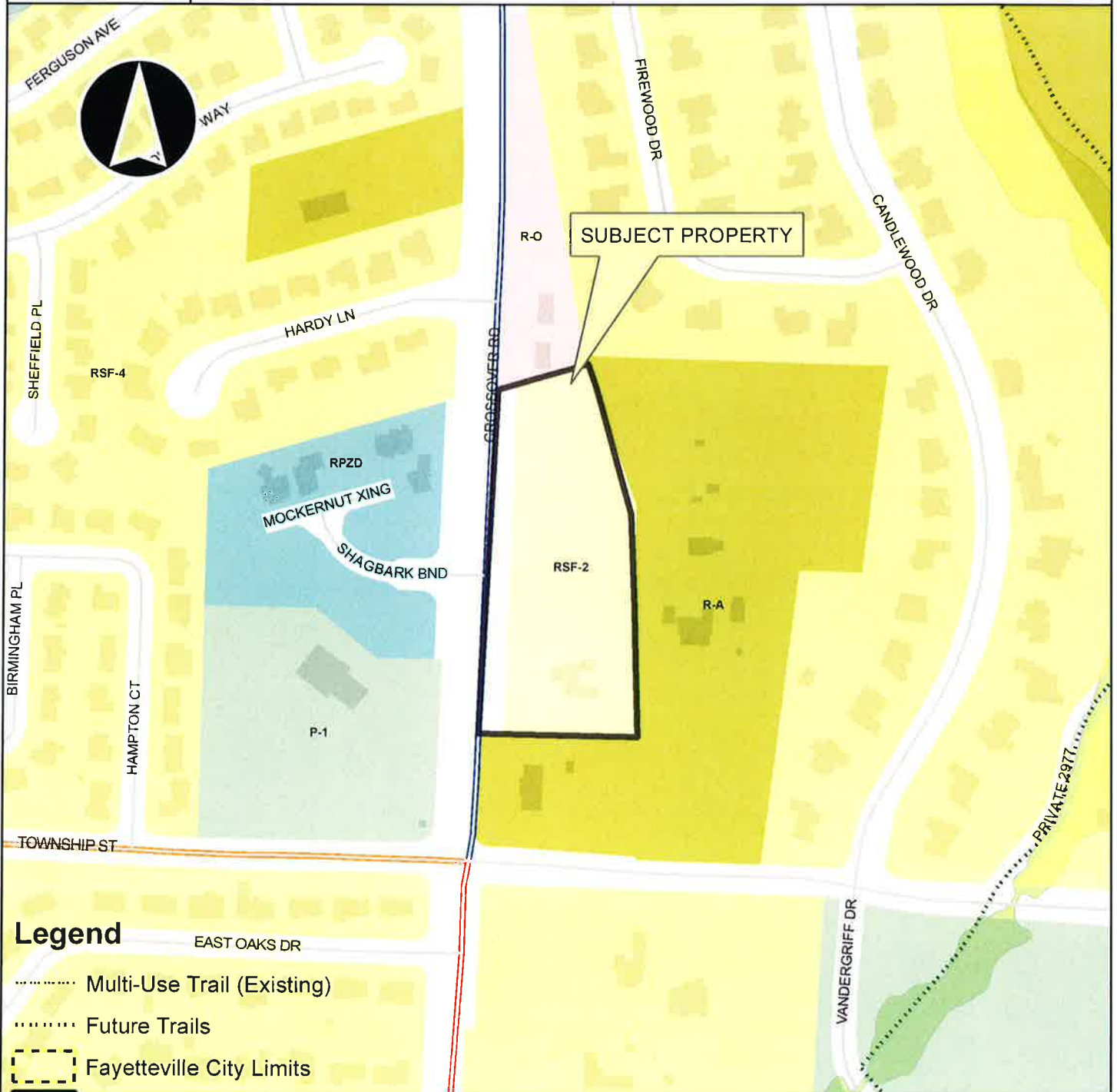
B. 1
RZN 13-4410

(2468 N. Crossover Rd./Lynnwood Estates)
Page 7 of 52

RZN13-4410

LYNNWOOD ESTATES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4410

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

EXHIBIT "B"
RZN 13-4410

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 17
NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON
COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS,

TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT
RUNNING THENCE N90°00'00"E A DISTANCE OF 555.26 FEET, THENCE N03°13'15"E
245.07 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN
ON THE EXISTING RIGHT OF WAY OF ARKANSAS HIGHWAY 265, AND RUNNING
THENCE N03°13'15"E 700.59 FEET, THENCE N74°00'39"E 189.44 FEET, THENCE
S19°46'00"E 49.79 FEET, THENCE S15°11'33"E 31.97 FEET, THENCE S15°14'58"E 92.68
FEET, THENCE S15°30'03"E 121.08 FEET, THENCE S13°21'29"E 22.02 FEET, THENCE
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FEET, THENCE S01°20'29"E 151.20 FEET; THENCE N88°43'45"W 321.99 FEET TO THE
POINT OF BEGINNING CONTAINING 4.66 ACRES MORE OR LESS SUBJECT TO
RIGHT OF WAY ALONG ARKANSAS HIGHWAY 265

EXHIBIT "C"

Page 1 of 2

B. 1
RZN 13-4410
(2468 N. Crossover Rd./Lynnwood Estates)
Page 9 of 52

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
 - a. **Height of any building constructed is not to exceed 40 feet**
 - b. **Materials used will be brick, stone or similar material**
 - c. **Structures must have no less than a 6/12 roof pitch**
 - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
 - a. **No loud or obnoxious noise**
 - b. **No outdoor animals**
 - c. **No bars or alcohol serving businesses including clubs etc.**
 - d. **No late night businesses**
 - e. **No sexual related businesses**
 - f. **No residential rentals**
 - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**

EXHIBIT "C"

Page 2 of 2

B. 1
RZN 13-4410
(2468 N. Crossover Rd./Lynnwood Estates)
Page 10 of 52

6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) **voluntarily offer** all such assurances and sign our names below.

Jerry W. Jones & Lynn B. Rogers Trustees

Date June 24, 2013

Address

2468 Crossover Road

Fayetteville, AR 72703

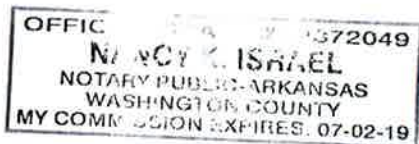
Jerry W. Jones
Lynn B. Rogers

NOTARY OATH

STATE OF ARKANSAS } .ss

COUNTY OF WASHINGTON }

And now on this the 24th day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

NOTARY PUBLIC

My Commission Expires:

July 02, 2019

Bill of Assurance Associated with RZN 13-4410 applied to the R-O zoning district shown in ~~strikeout~~-highlight

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured	4,200 sq. ft.

home park	
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

Maximum building height of 40 feet

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**Bill of Assurance Associated with RZN 13-4410 applied to Use Unit 25
shown in ~~strikeout~~ highlight**

(Y) Unit 25. Offices, studios and related services.

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	• Dental office/clinic • Medical office/clinic
Professional office:	• Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	• Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	• Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	• Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner - Current Planning

FROM: Kit Williams, City Attorney



DATE: July 12, 2013

RE: Bill of Assurance offered by Petitioner seeking rezoning of 4.66 acres at
2468 North Crossover Road

I want to thank Planning for its explanation of all the use units normally allowed for Residential Office which Petitioners are seeking to forfeit through their Bill of Assurance. However, their Bill of Assurance does not appear to allow many of the uses all in *Use Unit 25 Offices, Studios and Related Services*. Attached is a copy of all the uses allowed in Use Unit 25. I believe the Bill of Assurance would allow the uses shown for Medical Clinics, Studios and Professional Office, but not most of those listed for Sale of supplies and equipment nor for Services. Some of those activities I believe would be excluded would be Animal daycare, Bail bonding agency, Funeral home, Office furnishings and supplies, Social and welfare agencies, Photocopying or printing and Veterinary Small Animal out-patient clinic.

The applicant needs to be asked whether the Bill of Assurance is intended to exclude all but the Medical Clinic, Studios and Professional Office uses and, if not, what other uses in Use Unit 25 do they intend to be allowed to exercise. We cannot negotiate or request certain uses be excluded. However, we should understand exactly what the applicant means by his offered Bill of Assurance.

TITLE XV. UNIFIED DEVELOPMENT CODE

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines

(Y) *Unit 25. Offices, studios and related services.*

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	• Dental office/clinic • Medical office/clinic
Professional office:	• Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	• Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	• Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales

	• Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	• Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

(Z) *Unit 26. Multi-family dwellings.*

(1) *Description.* Unit 26 is provided in order that multi-family dwellings and more than three attached units may be located in appropriate residential areas.

(2) *Included areas.*

Apartments
Convalescent home
Dormitory
Fraternity/Sorority houses
Multi-family attached dwellings
Rooming/boarding house
Townhouse, more than three attached units

(AA) *Unit 27. Wholesale bulk petroleum storage facilities with underground storage tanks.*

(1) *Description.* Unit 27 is provided in order that wholesale bulk petroleum storage facilities with underground storage tanks may be located in the appropriate industrial areas.

(2) *Included uses.*

Wholesale bulk petroleum storage facilities with underground storage tanks
--

(BB) *Unit 28. Center for collecting recyclable materials.*

(1) *Description.* Unit 28 is provided in order that centers for collecting recyclable material may be located in appropriate commercial and industrial areas.

(2) *Included uses.*

Center for collecting recyclable materials
--

(CC) *Unit 29. Dance halls. **

(1) *Description.* Unit 29 is provided in order that establishments that provide areas for dancing may be located in an appropriate environment and as not to negatively impact adjacent properties.

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

Andrew Garner, Senior Planner, gave the staff report.

Ben Israel, applicant's representative, discussed the request, that the property to the north was recently zoned R-O. He described the various land uses along Crossover Road from Lake Fayetteville south to Mission Boulevard.

Public Comment:

Brian Runnels, 2396 Crossover Road, adjacent neighbor to the east of the subject property. Discussed that we should preserve the 265 corridor. We should prevent further commercial encroachment into this area between Mission and Joyce/Zion Road. He discussed that because of a lack of a left turn will limit commercial viability.

Lynn Lorrimer, 2320 Crossover Road, lives about one block south. Discussed changes over Crossover Road over the years. The property in question will have a median and not be able to turn left. I bought this land 23 years ago because it was a beautiful area. It is still a quiet, residential area. He is against any kind of commercial or offices in this area. It will increase traffic flow and the noise.

Paul Henry, live on Township just south. Crossover is a double-wide lane now. He is concerned with traffic ingress. The lot on the southern corner is left out. Casey's and Kum and Go may now look at this corner if R-O is approved. The applicant has a nice sized property. He discussed letting commercial use creep into this area, and that C-1 is usually near R-O and that would be the next logical step which would not be appropriate. Change is good, but this type of change in this area of Crossover Road would not be good.

No more public comment was presented.

Commissioner Hoskins asked about the property to the north that was rezoned last year.

Garner discussed the property to the north was a very different situation. He described the state taking a large portion of this property making it not viable with a single family residence. Staff agreed with the applicant that because of the close proximity the state highway close to his house, it would be more viable and appropriate to allow a small office use.

Commissioner Hoskins discussed the limited intensity on that property to the north because of the small triangular shape. This is a different situation than the proposed property that is quite a bit bigger and would allow more development.

Commissioner Winston asked about the Bill of Assurance and about a worst case scenario development.

Garner discussed the applicant's Bill of Assurance limiting the use, the roof height, could potentially be a three-story office building with a pitched roof.

Commissioner Winston asked about the median affecting the use of the property.

Garner discussed that with the improvements to Crossover Road including a median, left turn in or out would not be permitted. Safe access would not be an issue and the road is capable of supporting the traffic. It is a land use plan and compatibility issue from staff's perspective.

Commissioner Winston asked about the median being set in stone, or could it be modified.

Garner indicated that it was set as-is.

Kit Williams, City Attorney, discussed that the City asked the state whether or not they would be willing to look at a change for a new street coming in and the state said 'no'.

Commissioner Cook pointed out that Residential Neighborhood Areas in the Future Land Use Plan does speak about residential, but also encourages non-residential uses along corridors and connecting corridors. He asked for staff's opinion.

Garner responded discussed that the intent it not to segregate residential from non-residential. The big picture of City Plan 2030 it is provide complete communities, where people are not isolated from non-residential. Staff's concern was more looking along the corridor and the opinion that this stretch of Crossover Road was more appropriate for residential land uses.

Commissioner Hoskins asked about utilizing other form-based zoning districts such as Community Services.

Garner discussed potential issues with Community Services because it would allow much more intensive uses and multi-family apartments.

Commissioner Hoskins about other less intensive zoning districts.

Garner discussed the Neighborhood Services zoning district would permit non-residential uses in structures of up to 3,000 square feet, which would be a step below R-O zoning.

Commissioner Hoskins asked the applicant about utilizing the Neighborhood Services zoning district.

Ben Israel, applicant, indicated that 'no' he hadn't considered other zoning districts. He asked what assurances Commissioner Hoskins would want to get the zoning approved. He discussed that the property owners offered these to make the neighbors happy. I think it is an excellent area for a stand-alone office, such as a 3,000 square foot dental office. There is no where else out there to accommodate that in this area of the city.

Commissioner Winston discussed that he felt comfortable with the proposed rezoning with the Bill of Assurance and felt that it met the goals of City Plan 2030.

Motion:

Commissioner Winston made a motion to forward **RZN 13-4410** to the City Council with a recommendation for approval, **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 6-1-1 (Commissioner Honchell voted 'no' and Commissioner Chessier abstained).**



PC Meeting of July 8, 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
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Development Services Director
DATE: July 1, 2013 Updated July 9, 2013

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres, subject to a Bill of Assurance. The request is to rezone the property to R-O, RESIDENTIAL OFFICE. Planner: Andrew Garner

BACKGROUND:

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat. Surrounding land uses are shown in Table 1.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family/ two-family residential	R-O, Residential Office
South	Single family residential	R-A, Residential Agricultural
East	Rural residential	RSF-4, Residential Single Family Four Units Per Acre; R-A, Residential Agricultural
West	Single-family residential; church	R-PZD, Hickory Park; P-1, Institutional

Proposal: The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached to the staff report addressing issues such as land use, building size and appearance, noise, and landscaping.

Public Comment: Staff has not received public comment.

PLANNING COMMISSION ACTION: Required YES

Date: July 8, 2013 ☐ Tabled ☐ Forwarded ☐ Denied

Motion: Winston **Second:** Bunch **Vote:** 6-1-0 (Honchell voted 'no')

CITY COUNCIL ACTION: Required YES

☐ Approved ☐ Denied

Date:

RECOMMENDATION:

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not at the subject property. Staff recommends denial of **RZN 13-4410** based on findings stated herein.

INFRASTRUCTURE:

Streets: The site has access to Crossover Rd. Crossover Rd. is a 3-lane state highway in this location. The AHTD is improving this highway to a 4-lane boulevard section.

Water: Public water is available to the property. There is a 12" public main located along the east side of Crossover Rd. adjacent to this property. Public water main improvements may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is an 8" public main located along the east side of Crossover Rd. adjacent to this property. Public mains may need to be extended through the property to serve any proposed development. The capacity of the existing mains may need to be evaluated with any proposed development.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zone.

Police: The Fayetteville Police Department has not objected to this request.

Fire: This property would be protected by Fire Engine 5 which is one mile from the station with an anticipated response time of two minutes. The Fire Department has not objected to this request

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**, which is almost exclusively residential in*

nature, but incorporates low-intensity non-residential uses primarily at corner location and along connecting corridors.

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 rezoning is not consistent with current land use planning objectives and policies. The property is designated Residential Neighborhood Area on the Future Land Use Plan and is currently zoned RSF-2. The current zoning designation is compatible with the Future Land Use plan. The Future Land Use Plan designates the majority of the Crossover Road corridor as residential, with the more intense and non-residential uses at the busy intersections of Huntsville Road, Mission Boulevard, and Joyce Boulevard and Zion Road. The proposed R-O zoning would introduce a primarily non-residential zoning in the midst of a residential area on this corridor. The types of uses permitted under R-O may not be compatible with the surrounding residential uses and residential character of this stretch of Crossover Road.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The property is zoned RSF-2 and platted for low density single family residential dwellings. The existing zoning is an acceptable zoning that is consistent with the large-lot residential development pattern along much of Crossover Road. There is not adequate justification to rezone this property to R-O at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: It is expected that a rezoning from RSF-2 to R-O could create an increase in traffic compared with that allowed under the existing zoning. The property is adjacent to a Principal Arterial street, State Highway 265/Crossover Road. This road carries high volume and high speed traffic. Development of the property for an office or other nonresidential use permitted under R-O will result in an increase in traffic to this site. Access to and from this site shall be reviewed at the time of development in compliance with the City's Access Management Ordinance to ensure that it will not create or compound a dangerous traffic condition. Access would likely be restricted to one or two access points in compliance with City ordinance. The improvements to Crossover Road would place a median directly in front of this property which would limit this property to right-in, right-out only turning movements. This would reduce potentially

dangerous left turning movements into or out of the property. The increase in turning movements to an office development will increase congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning would not substantially alter the population density in the area. The property is developed for two single family residences. Rezoning the property R-O, with the applicant's Bill of Assurance will allow the development of a single family or office use only. Under the proposed zoning the property could be further subdivided into 60-wide lots resulting in a slight increase in density. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Staff does not anticipate any adverse impacts to provision of public services that would result from this rezoning.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: It is practical to use the land for the permitted under the existing zoning.

- 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: There are not extenuating circumstances that justify the rezoning.

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
----------------	---

(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *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).

(I) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
-------------------------	--------

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
(2468 N. Crossover Rd. / Lynnwood Estates)
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

B. 1

RZN 13-4410

(2468 N. Crossover Rd. / Lynnwood Estates)

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MEMORANDUM

To: Jeremy Pate

From: Captain Kenny Yates

Date: 6/17/13

Subject: RZN 13-4410

This document is in response to the request for comments on proposed RZN 13-4410 (2468 N. Crossover Road / Lynnwood Estates): submitted by Ben Israel, for property located at 2468 N. Crossover Road.

It is the opinion of the Fayetteville Police Department that this RZN (13-4410), will not substantially alter the population density. This RZN 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.

Required Information for Application to the City of Fayetteville Re-Zoning Requirements

The property is currently owned by Jerry W. Jones and Lynn B. Rogers. There are currently 6 Lots zoned RSF-2 in Lynnwood Estates.

With the widening of Highway 265 (Crossover Rd.) the owners decided to re-zone their property to R-O since it is the highest and best use of the property. It will also be the most acceptable and should be welcomed by adjacent property owners and the overall neighborhood. R-O tends to be less noisy with little if any activity before 8:00 AM and after 6:00 PM and mostly closed on the weekend.

The property adjacent to and north of these lots was re-zoned to R-O over the past three years. Directly across the street is a large parcel owned by St. John's Lutheran Church.

There are no pending sales but owner desires to sell the property for residential or office construction. Limitations will be placed on the property as to the architectural approval by the current owners of any and all plans including lighting, materials, height of structure, usage and landscaping. In addition, there will be certain uses that will be banned by covenants of the six (6) lots.

There is not an abundance of R-O zoning within a reasonable distance of the subject property. It is a beautiful setting for physicians, psychologist, other medical professionals, etc.

Residential-Office Zoning should create the lowest concentration of increased traffic. Since the widening of Crossover Rd. is being completed there should be less congestion of traffic instead of increasing traffic congestion or flow.

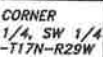
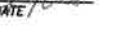
Schools and other services should not be affected by the approval of this tract to R-O

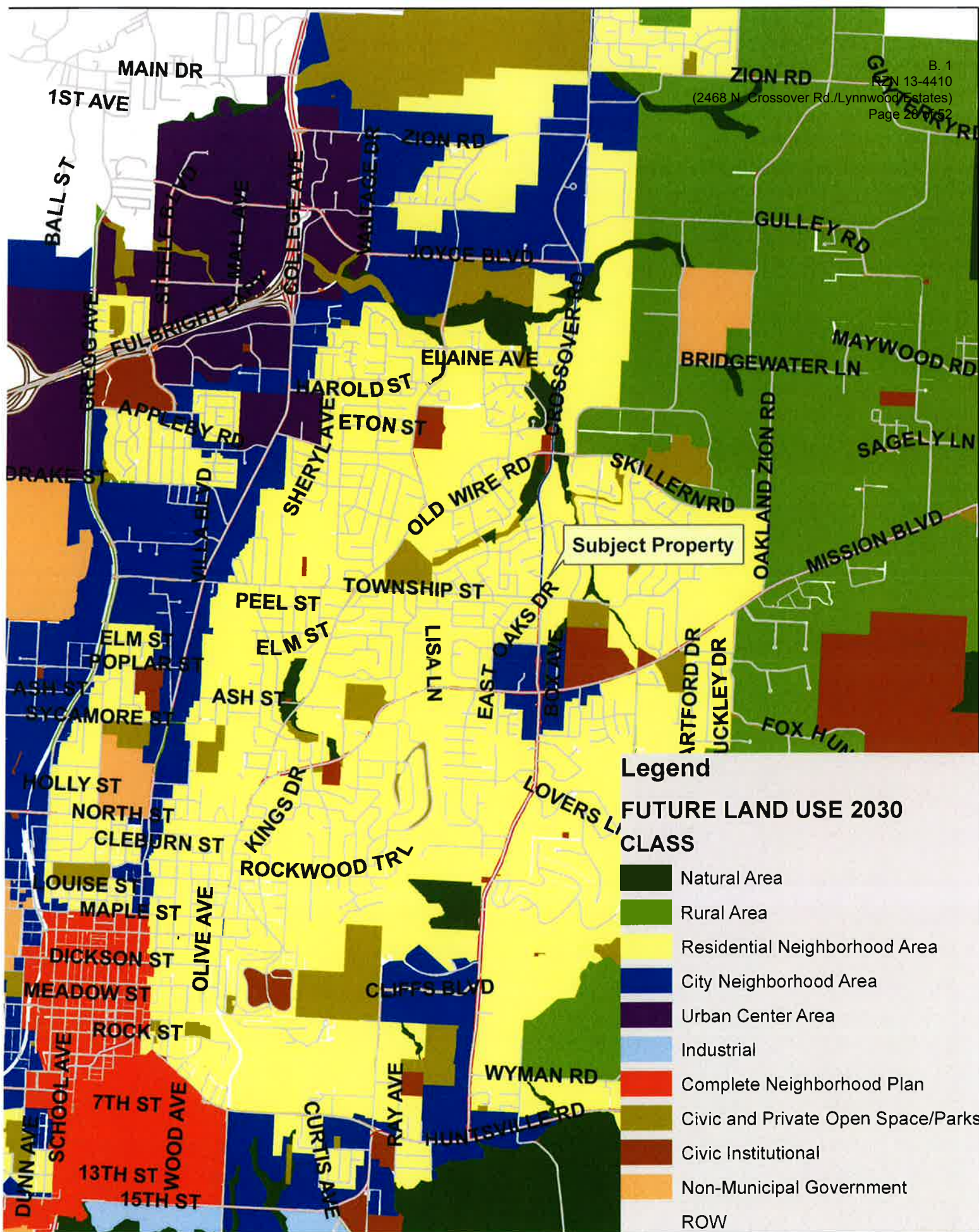
All utilities are at the site with very minor increases caused by these six (6) lots if zoned R-O.

Services for water seems to be supplied by a 24" to 42" main line

Services for Sewer seems to be supplied by a 16" to 32" line

Since R-O allows for office use there is an expectation by the current owners of increased equity realization out of the sale of the property.





RZN13-4410

LYNNWOOD ESTATES

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4410

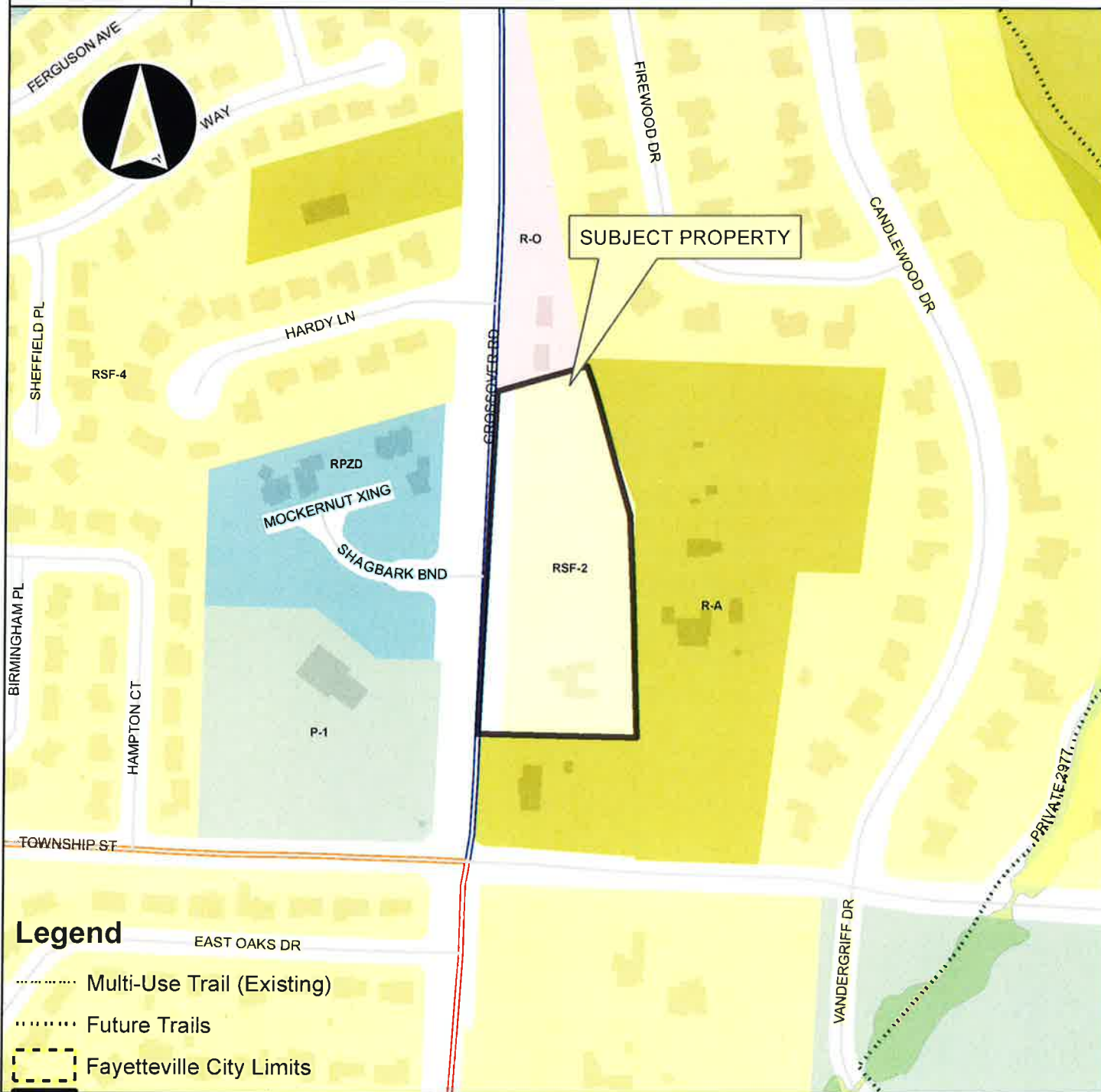
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

RZN13-4410

LYNNWOOD ESTATES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4410

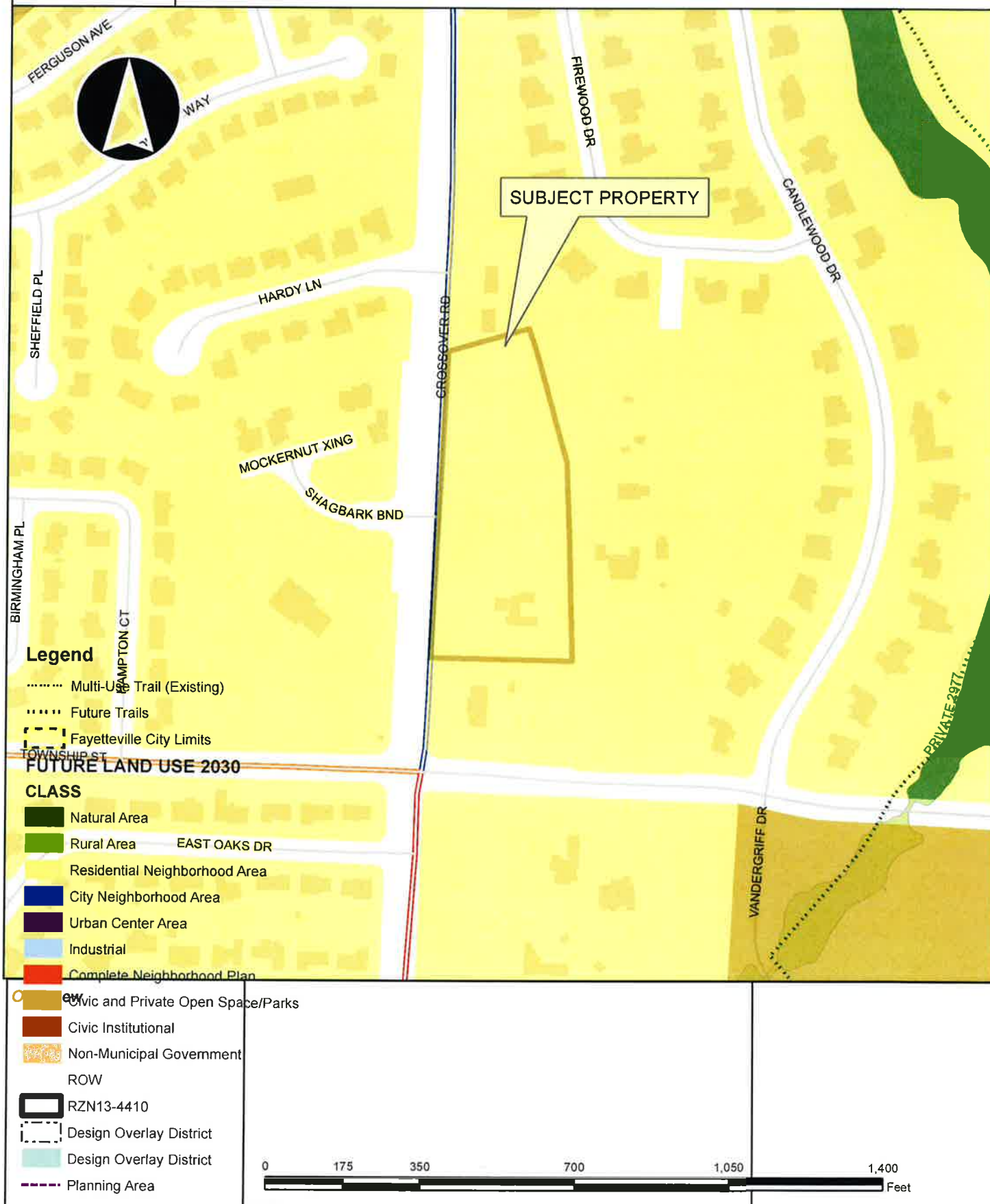
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4410

LYNNWOOD ESTATES

Future Land Use

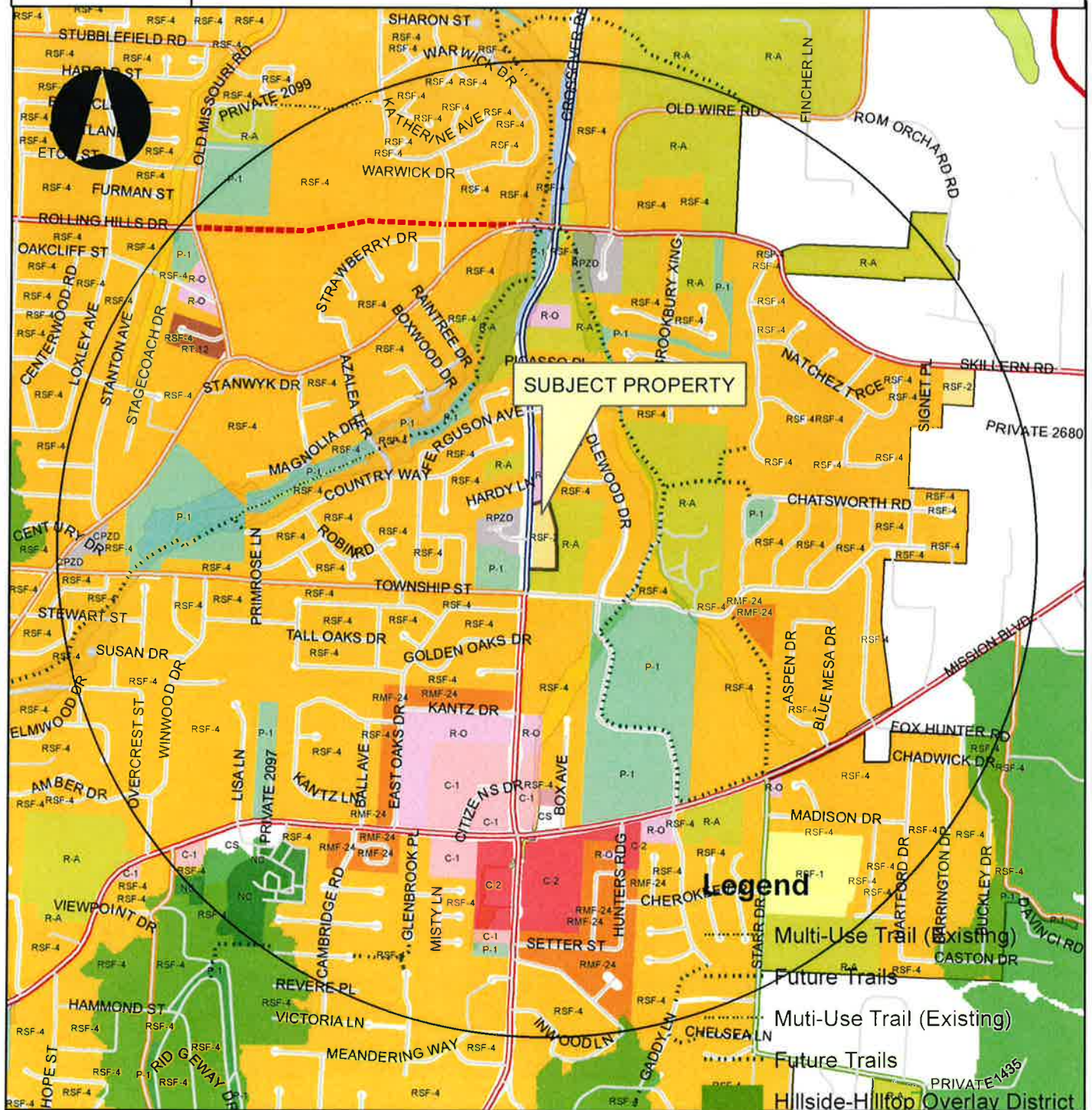


RZN13-4410

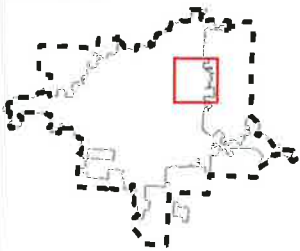
One Mile View

LYNNWOOD ESTATES

(2466 N Crossover Rd./Lynnwood Estates)
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Overview



Legend

Subject Property
RZN13-4410

Boundary

0 0.25 0.5 1 Miles

RZN13-4410
Design Overlay District
Planning Area
Fayetteville

Legend

Multi-Use Trail (Existing)
Future Trails
Multi-Use Trail (Existing)
Future Trails
Hillside-Hilltop Overlay District

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wood Estates)
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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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(2468 N. Crossover Rd./Lynnwood Estates)
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Petition

We the undersigned, willingly sign this petition objecting to the rezoning of the property at 2468 N. Crossover Rd. The property is currently zoned RSF-2 (Residential Single Family, 2 units / acre). Rezoning to RO (Residential Office) would place commercial businesses on this property in the middle of a high end residential neighborhood which would create a very bad mix. The reclassification of this land would decrease the property values of all the surrounding residential land owners. Putting a business on this property would increase the traffic to an intersection (Township/Crossover) that is already too busy. There is only one exit from two schools (Vandergriff and McNair) and it is through this intersection. The speed limit on this state highway 265 is 45 mph and by adding perhaps several hundred more cars per day turning in and out of driveways on this busy highway would certainly create a major safety hazard. To avoid the above problems and more we ask that the Fayetteville City Council reject this request to rezone this property.

Print Name	Signature	Address	Date
V.B. Runnels m.d.	V.B. Runnels	2396 Crossover Rd	7-21-2013
Paul Henry	Paul Henry	2885 E. Township	7/22/13
Mary Jo Henry	Mary Jo Henry	2885 E. Township	7/22/13
BONNIE RUNNELS	Bonnie Runnels	2396 N. Crossover Rd	7/21/13
Nancy E. Bobbas	Nancy E. Bobbas	825 Park Ave	7/25/13
Nancy L. Bobbas	Nancy L. Bobbas	1227 E 1st	7/25/13
MARSHA CRITTENDEN	Marsha Crittenden	1408 Elmwood	7-21-13
MARTHA SUTHERLAND	Martha Sutherland	1928 W. Haskell Hts	7/23/13
Gabriele Schafer	Gabriele Schafer	828 Skypine Dr	7/27/2013
JOAN TRAFFAS	Joan Traffas	117 N. Skyline Dr	7/27/2013
Ceri Wilkin	Ceri Wilkin	318 ICA ST	7/27/2013
Kay DuVal	Kay DuVal	1131 N. Eastwood Dr.	7/27/2013
JUDY BRITTENUM	Judy Brittenum	2208 N. Sunway Terrace	7/27/2013
Joseph Candido	Joseph Candido	15 West Davidson St.	7/27/2013
Anne Marie Candido	Anne Marie Candido	15 West Davidson St.	7/27/2013
Paul LeBlanc	Paul LeBlanc	2842 N. Stanton Ave	7/27/2013
MAXINE LEBLANC	Maxine LeBlanc	2842 N. Stanton Ave.	7/27/2013
Sara Ward	Sara Ward	617 N. Fallon Ave	7/30/2013
Mike Yates	Mike Yates	2431 N. Candlewood	7/31/2013
Sandy Yates	Sandy Yates	2431 N. Candlewood	7/31/2013
Murphy R. Taylor	Murphy R. Taylor	2400 Crossover	7/31/2013
Betty N. Taylor	BETTY N. TAYLOR	2400 CROSSOVER RD.	7/31/2013
TED RUNNELS	Ted Runnels	2396 CROSSOVER Rd	7/31/2013
CASS RUNNELS	Cass Runnels	2396 CROSSOVER Rd	7/31/2013

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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RUNNELS
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2468 N FAYETTEVILLE
CITY CLERK'S OFFICE

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 Duplicate of
from another
page



Bonnie Runnels <bonnierunnels@gmail.com>

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RZN 13-4410

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AUG 05 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Zoning Change on Crossover Rd.

4 messages

Bonnie Runnels <bonnierunnels@gmail.com>

Sat, Aug 3, 2013 at 1:11 PM

To: pherry@nwark.com

Mayor Lionel Jordan and Aldermen

I am writing about my concerns in the attempt for rezoning on Crossover Rd. near the Township intersection. As you are all aware of the traffic problems that exist here with the backed up lanes and turning problems it is a dangerous area now. I feel that putting offices or businesses in this residential area will bring more problems. We hear screeching sounds many times during the day from cars who are speeding and slamming on their brakes to avoid accidents. Of course when school is in session the traffic is more of a problem and the safety issues are increased.

It seems that there are plenty of empty office buildings, restaurants, etc. in this town so this doesn't seem to be a great need in our area. It also is not compatible with neighborhoods who have enough congestion on their streets where many children are walking to and from school. The turning out of businesses with the boulevard involved (turnings lanes) will add to the already heavy congestion.

Another concern of mine is why the planning commission would go against the paid professional planners who suggested this not be approved. I would like to know their reasoning for their decision.

I appreciate the design of the highway to have a boulevard look and some greenspace. It makes a more pleasant look for our town rather than some of our busy thoroughfares where upkeep and empty buildings are not maintained. If you will look at what has happened (see attached photo) where rezoning has already taken place it has turned a once lovely roadway into a used car lot. Possible two or three story businesses with dumpsters, etc. backing up to our homes does not seem compatible with family neighborhoods.

I thank you for listening to my concerns and appreciate the time you put in to help our town and neighborhoods grow into a more pleasant and well thought out community.

Bonnie Runnels

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CITY CLERK'S OFFICE



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From: Jeremy Pate
To: Smith, Sondra
Date: 8/6/2013 8:19 AM
Subject: Fwd: Petition on rezoning acreage on 265

Sondra,
I just wanted to let you know this, since your office received the actual petition.

-Jeremy

>>> John Marinoni <tibbolt@sbcglobal.net> 8/5/2013 7:25 PM >>>

Dear Mr. Pate:

We recently signed a petition opposing the rezoning of acreage on 265. We have since learned more of the facts surrounding the issue and we both want to withdraw our names from that petition. The property in question is the Jerry Jones property. Let us know if you need any more information or if we need to contact someone else about this.
John and Betty Marinoni

Sondra Smith - Convington signatures of petition

From: paul henry <phenry@nwark.com>
To: Justin Tennant <ward3_pos1@ci.fayetteville.ar.us>
Date: 8/19/2013 9:19 PM
Subject: Convington signatures of petition
Attachments: rezonepetition.docx

Mr Tennant

This is an attempt to get the information to you from 44 more of your constituents in your ward regarding the proposed zoning change on crossover.

I have collated the names that were submitted back and copied it to the petition that was sent to them

I am not sure how valid that they are in this digital age but did not feel that any more of their personal info i.e. emails addresses need to go further than my box at this point. I also edited out some personal comments that were included in the responses.

In light of the change in request from RO to neighborhood district, I suspect that we will have to get new signatures because this is protesting RO, but wonder if it does not mean Mr Israel has to go back to the starting point also, back to the planning commission?

Thanks for you time and interest

Petition

We the undersigned, willingly sign this petition objecting to the rezoning of the property at 2468 N. Crossover Rd. The property is currently zoned RSF-2 (Residential Single Family, 2 units / acre). Rezoning to RO (Residential Office) would place commercial businesses on this property in the middle of a high end residential neighborhood which would create a very bad mix. The reclassification of this land would decrease the property values of all the surrounding residential land owners. Putting a business on this property would increase the traffic to an intersection (Township/Crossover) that is already too busy. There is only one exit from two schools (Vandergriff and McNair) and it is through this intersection. The speed limit on this state highway 265 is 45 mph and by adding perhaps several hundred more cars per day turning in and out of driveways on this busy highway would certainly create a major safety hazard. To avoid the above problems and more we ask that the Fayetteville City Council reject this request to rezone this property.

[illegible]

If you and/or your spouse would like to support this petition,

please send a response to this email along with the following info.

1. This statement: Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Your name and/or your spouse's name
3. Your address

Responses below

1,2,

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Matt and Kristen Trantham
3446 N. Sassafras Hill Rd.
Fayetteville, AR 72703

3,4

We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Jerry and Tammy Fussell
2292 Covington Park Blvd
Fayetteville, AR 72703

5,6

Via this email, We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Dan and Misty Halberg
3784 Chatsworth Rd
Fayetteville, AR 72703

7,8

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Kayla and Oscar Mendoza
3582 E. Township St
Fayetteville AR 72703

9,10

We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Mark & Janell Elser
2467 Worthington Way

11,12

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Gerald and Debbie Johnson
3848 E. Chatsworth Rd.
Fayetteville, AR 72703

13

Via this email, I support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Ya-Jane Wang
2490 N. Worthington Way, Fayetteville, AR 72703

14,15

Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

William A. and Elizabeth S. Walker
3372 E Township St.
Fayetteville, AR 72703

16,17

We support the petition objecting to the rezoning of the property at 2468 N Crossover Rd. Fayetteville ,Ar 72703. Timothy G. Stults and Amber Beckham-Stults 2463 Riverwater Lane Fayetteville , Ar 72703

18,19

We, Amy and Mike Driver, support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Our address is 2530 Kittery Lane, Fayetteville, AR 72703.

20,21

Scott and Cathey Roberts 3704 E. Chatsworth Fayetteville AR 72703 We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

22

Proposed zoning change at Township and Crossover

Was just talking to Devin about this! Add my name: Jill Graham, 3741 E Township St.

Jill

23,24

Joe Garrett Whiteside

Carmen Michelle Trumbo

3415 East Township St.

Fayetteville, Ar 72703

25,26

Via this e-mail, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

1. Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Sarah Green & Danny Green
3. 3600 Chatsworth Rd., Fayetteville, AR 72703

27,28

Via this email, we strongly support the petition objecting to the rezoning of the property at 2468 N Crossover Road, Fayetteville, AR 72703.

Edward Gray & Andrea Gray

2517 N Kittery Lane, Covington Park Subdivision
Fayetteville, AR 72703 479-769-0971

29,30

Thx for heads up here
Add me and Swati Sharma to petition list
3388 e chatsworth

31,32

1. Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR
2. Jim & Jennifer Ragsdale
3. 2504 N Middleton Way, Fayetteville, AR 72703

33,34

Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Kent and Amy Keith
2449 Middleton Way
Fayetteville, AR 72703

35,36

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover in Fayetteville, AR. Elisabeth and Chris Schach 3680 Chatsworth Rd. Covington Park

37,38

1. We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Lawton & Amy Garrett
3. 2460 N Fennchurch Way, Fay, 72703

39,40

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Angie and Tim Madigan
2280 Covington Park Blvd
Fayetteville, AR 72703

41,42

My wife, Ann Rose Bailey, and I wish to strongly express our opposition to the rezoning of the property at 2428 N. Crossover Road, and we endorse the petition circulated to oppose rezoning. We live in the Hickory Park neighborhood directly opposite this property on Crossover Road, and consequently, it will directly affect the value of our property and of those about us on Shagbark, Mockernut, and Hardy.

Dennis Lee Bailey
Ann Rose Bailey
2748 E. Mockernut Crossing
Fayetteville, Arkansas 72703

43,44

We support the petition objecting to the rezoning of the property
at 2468 N. Crossover Rd, Fayetteville, AR.

Todd & Laura Marble
2472 N Worthington Way
Fayetteville, AR

City of Fayetteville Staff Review Form

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

C. 1
§72.73 Regulation of Wheel
Clamps or Booting
Page 1 of 16

9/3/2013

City Council Meeting Date
Agenda Items Only

Kit Williams

Submitted By

City Attorney

Division

City Attorney

Department

Action Required:

Enact §72.73 Regulation Of Wheel Clamps or Booting On Private Pay To Park Lots Within The Entertainment District Parking Zone into The Fayetteville Code.

\$0

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 ☐

[Signature]
Department Director

August 15, 2013
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature]
City Attorney

August 15, 2013
Date

Original Contract Number: _____

[Signature]
Finance and Internal Services Director

8/16/13
Date

Received in City
Clerk's Office

[Signature]
Chief of Staff

8/19/13
Date

Received in
Mayor's Office

[Signature]
Mayor

8/21/13
Date

ENTERED
8/15/13
OK

Comments:

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Sharon Waters, Parking & Telecommunications Manager

FROM: Kit Williams, City Attorney



DATE: June 13, 2013

**RE: Regulating "Booting" on Private Pay to Park Lots within the
Dickson Street Entertainment District**

After the Legislature granted (upon our request) cities in Arkansas the power to regulate nonconsensual towing, the City Council passed nonconsensual towing regulations which reduced the over \$100.00 fees and prevented tows to distant storage lots which had plagued visitors to Dickson Street who parked on private pay to park lots. The numerous citizen and tourists complaints about such nonconsensual towing virtually disappeared.

Unfortunately, some private pay to park lots owners (to maintain a large revenue source from these \$100.00 and more penalties for overparking in their lots) began to institute booting of overparked cars. Certainly, the parking lot owners and managers need some way to ensure that owners of vehicles do not overpark and then just drive away without paying for their overparking. Unfortunately, the private pay to park lot owners and managers began to charge over \$100.00 to remove the wheel clamp (also known as "boots") from a vehicle of a driver who may have overparked only a few minutes. Additionally, the signs about booting cars for overparking and the large penalty fees to remove the wheel clamps were not very visible nor clear about the large fee. Some parkers believed that some private parking lots were City public parking lots and thus were shocked to face a demand of an over \$100.00 cash payment to be able to drive

home (instead of a \$15.00 parking ticket that could be paid later). The City began receiving numerous complaints about the booting of cars. Some drivers complained that their cars had been booted even before their paid parking time had expired.

Mayor Jordan and his administration wanted to resolve this problem by regulating such booting companies as the City had regulated the towing companies. We asked our legislative delegation to sponsor a bill that would authorize us to regulate booting. We would like to thank our region's legislative delegation and especially Representative David Whitaker who sponsored Act 1364 which empowered cities to "by ordinance regulate the use of wheel clamps." As with most other Acts, Act 1364 will become effective on August 16, 2013.

I have drafted a proposed new code section in the **Parking** Chapter of the Fayetteville Code which would immediately follow §72.71 and §72.72 which require signage for private pay to park lots that are empowered to nonconsensually tow overparked vehicles and regulate such towing. §72.73 would require a very similar sign (which can be combined into one sign for both towing and booting) which warns parkers that their overparked vehicle may be booted and that the lot's manager may charge up to \$40.00 to remove the boot. §72.73 would also regulate the maximum charge (\$40.00) and how it could be paid.

I am suggesting the \$40.00 maximum fee which is lower than the current \$60.00 maximum fee for nonconsensual towing because of the lower costs to the parking lot management of booting rather than towing a vehicle.

The City could regulate other aspects of companies using a wheel clamp such as requiring clearly visible identification of each worker, uniforms, requiring wheel clamps to be removed within a certain number of minutes of the car owner offering payment, etc., but I did not include such regulations nor other type of regulation that I did not think absolutely necessary at this time. I believe it is better to limit the amount of regulation as much as possible knowing that the City Council can revisit the issue and impose additional regulations in the future if necessary.

The proposed ordinance or any modification thereof cannot be presented for official City Council action before the effective date of Act 1364 (August 16, 2013). However, I suggest we be ready with an ordinance to enact §72.73 in a form agreeable to the City Council at the City Council's meeting of August 20, 2013. It would probably be wise to consider this proposed ordinance at an Ordinance Review Committee in July so that the City's Parking Division and any other City staff can present their comments and suggestions and so the City Council members make any necessary or desirable amendments.

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Sharon Waters, Parking & Telecommunications Manager

FROM: Kit Williams, City Attorney



DATE: June 28, 2013

RE: Two Revisions to proposed Wheel Clamp/Booting Regulations

After speaking with staff at the Municipal League conference, I am suggesting two additions to the Booting/Wheel Clamp ordinance. The first is to require acceptance of cash. (I did not realize this was a problem.) Second, I suggest requiring the removal of the wheel clamp within 15 minutes of the telephone call or the notice to the entity which has installed the wheel clamp or boot if the owner or operator of the vehicle has paid the fee (maximum would be \$40.00).

Attached is the revised proposed omit section which would be Exhibit A to the enacting ordinance. The revisions are in subsections (E) and (F). I still request that the Ordinance Review Committee schedule a meeting in July to consider this wheel clamp/booting regulating ordinance.

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
David Jurgens, Utilities Director
Sharon Waters, Parking & Telecommunications Manager

FROM: Kit Williams, City Attorney

DATE: August 15, 2013

RE: Regulation of Wheel Clamps

I want to thank the Ordinance Review Committee for meeting to discuss the proposed § 72.73 **Regulation of Wheel Clamps or Booting on Private Pay To Park Lots Within the Entertainment District Parking Zone**. I regret that I could not attend because I was out of state. Jason has informed me of your comments and suggestions about this proposed ordinance.

(1) Wheel clamp company employees must wear uniforms and display photo identification

I understand that you want the wheel clamp company employees to be required to wear company uniforms and display photo identifications. I will place these requirements in § 72.73 (F) of the Fayetteville Code of Ordinances pursuant to your requests.

(2) Expand the application of the towing and booting regulations beyond the Entertainment District Parking Zone

I would like to discuss your suggestion to apply these regulations City-wide rather than only applying it within the Entertainment District Parking Zone as has been done successfully for the towing regulations. My understanding is that citizen towing complaints have pretty much disappeared since the enactment of our current towing regulation.

Expanding the application of all of the towing regulations city wide is not needed and could have adverse unintended consequences. In the first place, almost all of nonconsensual towing problems were located within the Entertainment District Parking Zone. We had only had towing problems with one other parking lot outside the Entertainment District and solved that problem by buying that lot for the Fayetteville Police Department use.

There is one private pay to park lot outside the Entertainment District Parking Zone on Mountain Street near College Avenue that boots over parked vehicles. If you wanted to extend the booting regulations to cover this lot, you could extend booting regulations to cover private pay to park lots in this Downtown Business Parking District Zone. We would also then need to extend only the regulation of the towing regulations applicable to private pay top park lots to the Downtown district. I will work on such an amendment, but it is not ready for the Tentative Agenda.

(3) Extensive permitting and criminal background checks for all wheel clamp company employees

I am somewhat concerned that you wish to require the same background checks of all wheel clamp company employees as you did for door-to-door solicitors. Below is the extensive permitting/background checks that you required of door-to-door solicitors to permit them to go up to our citizens' front doors for solicitation purposes.

"(D) Permit for peddlers/solicitors. In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the Planning Department before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$5.00. In applying for the permit, each applicant shall provide the following to the Planning Department:

- (1) The name of the principal applicant for whom they are going to act as a peddler or solicitor;
- (2) The name, address, and telephone number of the person who is going to act as a peddler or solicitor, and in addition, they must also provide photo identification;
- (3) A signed statement under oath that the person applying to be a peddler/solicitor has not been convicted of felonies or any misdemeanors involving theft, sexual offenses, or violence;
- (4) A criminal background check from the Arkansas State Police and from the State Police of the State which issued the Driver's License of the applicant which shows that peddler or solicitor has not, within the preceding five years, been convicted of any felonies, or any misdemeanors involving theft, sexual offense or violence, nor has been incarcerated in prison at any time during the last five years. No person shall be issued a permit as a peddler or solicitor that has been convicted of any of the offenses set out above nor in prison during the last five years."

This very extensive permitting process is now only required for door-to-door solicitors and is justified to protect our residents in their homes from possible criminal acts. We enjoy enhanced rights of security and privacy in our homes which are inherently greater than when we park our car in someone else's private parking lot. Thus, the justification for an extensive criminal background check and permitting process is much

greater for door-to-door solicitors than any other group of workers regulated by the City.

The inherent (although very small) danger of using a taxi is far greater than having an employee remove a wheel clamp and yet our permitting system for taxi drivers, pedicab operators, limo drivers, etc. is much less than proposed for wheel clamp company employees. We do not now require any criminal background check for tow company employees.

To apply the same extensive criminal background check and permitting process for door-to-door solicitors to wheel clamp company employees would be expensive and time consuming for the companies and whatever City division you would decide must administer this program. Is there a true current problem with wheel clamp company employees that justifies this cost and expenditure by the companies and the City? I suggest we not place such extensive permitting process into the law until our Police Department reports about problems that would justify such regulation.

(4) Penalty Provision

Unless the penalty for violating this proposed code section is **not** to be the standard \$500.00 maximum, pursuant to § 72.99, there is no need to state the penalty in the code section. Indeed, it is inadvisable to needlessly lengthen the Fayetteville Code by inserting a penalty provision in a code section that simply repeats the penalty that is already applicable to the violation of this code section and all other code sections that do not have a different express penalty.

(5) Receipt for payment

I assumed the wheel clamp company already provided receipts for payments. If not, they certainly should, and so I have included this requirement in the ordinance in § 72.73 (E) pursuant to your recommendation.

CONCLUSION

I want to thank the Ordinance Review Committee for reviewing the proposed Booting Regulation Ordinance and for your several recommendations. I have incorporated some of those recommendations into the proposed ordinance that I will submit the full City Council for its review and final decision.

I regret that the Ordinance Review Committee meeting could not have been scheduled so I could have attended. If I would have been there, I could have explained the long history of citizen complaints about improper towing actions, our three year efforts to obtain statutory authority to regulate towing and the extensive and thoughtful work of the previous City Council when it enacted the towing regulation ordinance after contentious City Council meetings. I believe this history explains why the City Council applied the regulations only within the Entertainment District.

When wheel clamp companies began giving our City a bad name by overcharging citizens using a private parking lot without adequate warning signs, Mayor Jordan and I sought help from our legislative delegation. Representative David Whitaker sponsored our requested legislation giving cities the authority to regulate wheel clamping activities. This law will soon be in effect so we can enact our booting regulations.

ORDINANCE NO. _____

**AN ORDINANCE TO ENACT §72.73 REGULATION OF WHEEL CLAMPS
OR BOOTING ON PRIVATE PAY TO PARK LOTS WITHIN THE
ENTERTAINMENT DISTRICT PARKING ZONE AND THE
DOWNTOWN BUSINESS PARKING DISTRICT ZONE INTO THE
FAYETTEVILLE CODE**

WHEREAS, numerous Fayetteville citizens and visitors have complained about excessive charges, unprofessional conduct and the lack of adequate signage to warn parkers that their vehicles would be booted if parked overtime in some private pay to park lots within Fayetteville's Entertainment District and Downtown Business Parking District Zone; and

WHEREAS, the excessive booting fees charged with insufficient notice has damaged the Fayetteville's reputation as a fun and welcoming place to visit and enjoy our great restaurants and night life; and

WHEREAS, Mayor Lioneld Jordan and his staff requested State Representative David Whitaker to sponsor an Act to provide the City of Fayetteville the power and authority to regulate the use of wheel clamps (also known as "boots") in order to ensure the use of such wheel clamps would not be oppressive, unfair or surprising to vehicle owners who choose to park in private pay to park lots; and

WHEREAS, the Fayetteville City Council has determined that reasonable regulations of private pay to park lots' use of wheel clamps to necessary to preserve and improve the peace, welfare and safety of its citizens and visitors and the economic well being of Downtown and the Dickson Street Entertainment District.

**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 enacts §72.73 **Regulation Of Wheel Clamps or Booting On Private Pay To Park Lots Within The Entertainment District Parking Zone and the Downtown Business Parking District Zone** into The Fayetteville Code as shown as Exhibit A attached hereto and made a part hereof.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Exhibit A

72.73 Regulation of Wheel Clamps or Booting on Private Pay to Park Lots Within the Entertainment District Parking Zone and the Downtown Business Parking District Zone

- (A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).
- (B) *Location and size of Wheel Clamps/Booting Warning Sign.* Every owner of a private pay to park lot with five or more spaces that desires to use wheel clamps (also known as boots) must have an easily readable Wheel Clamp/Booting Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.
- (C) *Contents of Sign for Private Pay To Park Lots.* The Wheel Clamp/Booting Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.
- (1) "Private Pay To Park Lot."
 - (2) At the option of owner, the sign may identify the lot by name.
 - (3) Either "Pay to park at all hours" or "Pay to park during (posted hours)."
 - (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for the parking lot.
 - (5) "Parking in violation of posted restriction will result in a fee for the booting and overtime parking of the vehicle at owner's expense, up to a maximum total of \$40.00."
 - (6) Name, address and telephone number of firm authorized to boot vehicles on this private pay to park lot.
 - (7) If the private pay to park lot owner wishes to boot and tow overparked vehicles, the sign information required by this section and §72.71 may be combined into a single sign.
- (D) *Allowed maximum charge for placing and removing a wheel clamp or boot upon an overparked vehicle.* Within the Entertainment District Parking Zone and the Downtown Business Parking District Zones, no private pay to park lot owner, manager, company or other entity may charge more than Forty Dollars (\$40) total to place and remove a wheel clamp or boot on a vehicle that has been parked longer than the period for which the vehicle's owner has paid to park. No other fees may be charged. With proper signage required by §72.71, the parking lot owner, manager, company or other entity managing the lot may tow this vehicle pursuant to the Fayetteville Code, but can charge only the nonconsensual towing fee and not add or charge the booting fee allowed in this section.
- (E) *Payment by the owner/operator for the installation and removal fee for Wheel Clamps or Boots.* The parking lot owner, manager, company or other entity which has installed wheel clamps or boots upon overparked vehicles must accept valid credit and debit cards and cash for the payment allowed by (D) at the parking lot and may accept any other form of payment. An accurate and legible receipt for this payment must immediately be provided to the vehicle owner or operator.
- (F) *Company must answer telephone and promptly remove wheel clamp.* The private pay to park lot owner, manager, company or other entity shall immediately answer every telephone call for the number displayed upon the Wheel Clamp/Booting Warning Sign after a vehicle has been booted as long as such vehicle remains in the company's possession. The entity must respond to any telephone call or other notice from the vehicle's owner or operator and remove the wheel clamp within 15 minutes of such call or notice if the owner or operator has paid the allowed fee. All wheel clamp company employees dealing with customers must wear a company uniform and display a company photo ID.
- (G) *No application to University of Arkansas property.* §§72.71-.73 have no limitation, application or effect upon the University of Arkansas's nonconsensual towing or booting powers for vehicles parked on any University of Arkansas lot or parking space.

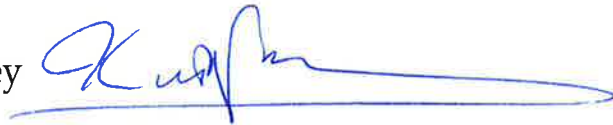
Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Casey Jones, Prosecuting Attorney
Sharon Waters, Parking & Telecommunications Manager

FROM: Kit Williams, City Attorney



DATE: August 21, 2013

RE: Ordinance Review Committee's recommendation for §§ 72.73
Regulation of Wheel Clamps

Although I have previously pointed out where I disagreed with the recommendations of the Ordinance Review Committee made to my proposed Regulation of Wheel Clamps Ordinance, I thought I should draft the committee's proposed ordinance for the City Council's consideration. It is attached to this memo.

Ordinance Review Committee's recommendation

72.73 Regulation of Wheel Clamps or Booting on Private Pay to Park Lots Throughout Fayetteville

(A) *Exemption from the Sign Ordinance.* All signs required by this section shall be exempt from further regulation of the Sign Ordinance pursuant to §174.03(F).

(B) *Location and size of Wheel Clamps/Booting Warning Sign.* Every owner of a private pay to park lot with five or more spaces that desires to use wheel clamps (also known as boots) must have an easily readable Wheel Clamp/Booting Warning Sign that is not more than 16 square feet, devoid of any advertising and prominently placed at each entrance to the parking lot.

(C) *Contents of Sign for Private Pay To Park Lots.* The Wheel Clamp/Booting Warning Sign shall contain only the following information in clearly legible letters at least one inch in height in the following order from the top of the sign for a private parking lot that allows paid parking.

- (1) "Private Pay To Park Lot."
- (2) At the option of owner, the sign may identify the lot by name.
- (3) Either "Pay to park at all hours" or "Pay to park during (posted hours)."
- (4) At the owner's option, the sign may show the hourly rate and any maximum day or evening rate for the parking lot.
- (5) "Parking in violation of posted restriction will result in a fee for the booting and overtime parking of the vehicle at owner's expense, up to a maximum total of \$40.00."
- (6) Name, address and telephone number of firm authorized to boot vehicles on this private pay to park lot.
- (7) If the private pay to park lot owner wishes to boot and tow overparked vehicles, the sign information required by this section and §72.71 may be combined into a single sign.

(D) *Allowed maximum charge for placing and removing a wheel clamp or boot upon an overparked vehicle.* No private pay to park lot owner, manager, company or other entity may charge more than Forty Dollars (\$40) total to place and remove a wheel clamp or boot on a vehicle that has been parked longer than the period for which the vehicle's owner has paid to park. No other fees may be charged. With proper signage required by §72.71, the parking lot owner, manager, company or other entity managing the lot may tow this vehicle pursuant to the Fayetteville Code, but can charge only the nonconsensual towing fee and not add or charge the booting fee allowed in this section.

(E) *Payment by the owner/operator for the installation and removal fee for Wheel Clamps or Boots.* The parking lot owner, manager, company or other entity which has installed wheel clamps or boots upon overparked vehicles must accept valid credit and debit cards and cash for the payment allowed by (D) at the parking lot and may accept any other form of payment. An accurate and legible receipt for this payment must immediately be provided to the vehicle owner or operator.

(F) *Company must answer telephone and promptly remove wheel clamp.* The private pay to park lot owner, manager, company or other entity shall immediately answer every telephone call for the number displayed upon the Wheel Clamp/Booting Warning Sign after a vehicle has been booted as long as such vehicle remains in the company's possession. The entity must respond to any telephone call or other notice from the vehicle's owner or operator and remove the wheel clamp within 15 minutes of such call or notice if the owner or operator has paid the allowed fee. All wheel clamp company employees dealing with customers must wear a company uniform and display a company photo ID.

(G) *Permit for Wheel Clamp Company employees and required criminal background checks.* Every wheel clamp employee who may come into contact with the public shall obtain a permit from the Planning Department before beginning employment with the wheel clamp company. The cost to obtain the wheel clamp company employee permit is \$5.00. In applying for the permit,

each applicant shall provide the following to the Planning Department:

(1) the name of the owner or manager of the wheel clamp company;

(2) the name, address and telephone number of the wheel clamp company employee and his or hers photo identification;

(3) a signed statement under oath that the person applying to be a wheel clamp company employee has not been convicted of felonies or any misdemeanors involving theft, sexual offenses, or violence;

(4) a criminal background check from the Arkansas State Police and from the State Police of the state which issued the Driver's License of the wheel clamp company employee which shows that the employee has not within the preceding five years been convicted of any felonies, or any misdemeanors involving theft, sexual offense or violence, nor has been incarcerated in prison at any time during the last five years.

No person shall be issued a permit as a wheel clamp company employee who has been convicted of any of the offenses set out above or who has been in prison at any time during the last five years.

- (H) *No application to University of Arkansas property.* §§72.71-.73 have no limitation, application or effect upon the University of Arkansas's nonconsensual towing or booting powers for vehicles parked on any University of Arkansas lot or parking space.
- (I) *Penalty.* Any person convicted for violating this section shall be fined up to \$500.00.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

C. 2
\$96.02 Unreasonable or
Excessive Noise Prohibited
Page 1 of 10

9/3/2013

City Council Meeting Date
Agenda Items Only

Jeremy Pate
Submitted By

Planning
Division

Development Services
Department

Action Required:

Approval of an ordinance to limit late night construction noise near residences

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

08.02.2013
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Aug 11, 2013
Date

Original Contract Number:

Finance and Internal Services Director

8/13/13
Date

Received in City -03-13P01:25 RCVD
Clerk's Office

Chief of Staff

8/13/13
Date

Received in
Mayor's Office

Mayor

8/13/13
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff 

From: Jeremy Pate, Development Services Director 

Date: August 08, 2013

Subject: Late Night Construction Noise

RECOMMENDATION

The staff recommends adoption of an ordinance to limit late night private development construction noise near residences to reasonable levels.

BACKGROUND

The City commonly receives citizen complaints related to the noise of private development construction activity near residential areas outside of "normal" working hours of 8:00 a.m. to 5:00 p.m. Most often, these complaints are centered on early morning or weekend activities, which is when homeowners are often present at their residence. While construction is often necessary during evening or early morning hours, and at times on weekends, city staff believes that reasonable limits can be placed upon these activities, without entirely prohibiting them, to limit noisy activities to certain times of the day in an effort to allow residents to peacefully enjoy their property.

City staff has worked with the Mayor and City Attorney's office to add a new subsection to the City's existing noise ordinance that states private development construction activity which produces plainly audible noise within 150 feet of the construction area is prohibited after 11:00 p.m. and prior to 7:00 a.m. on each day of the week except Sunday, when the "quiet" time shall extend to 9:00 a.m. The ordinance also defines a process for allowing for emergency repair work on a development site, and also gives the ability for a variance to be requested and granted for necessary and temporary after-hours construction activities. Public infrastructure development by the city, city contractors, county, state, etc., which are not private development activities and must at times be conducted in off-peak times are not subject to these restrictions.

BUDGET IMPACT

None.

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
David Jurgens, Utilities Director
Chris Brown, City Engineer

FROM: Kit Williams, City Attorney



DATE: July 23, 2013

RE: Revised proposed new section in Noise Chapter of Fayetteville Code

Pursuant to comments from Jeremy Pate and directions from Mayor Jordan, I have revised the ordinance enacting a new subsection "(D) *Late Night Construction Noise Near Residences.*"

Because of Jeremy's report of complaints about early morning construction noise near residences on Sundays, Mayor Jordan decided to recommend to the City Council that the "quiet" time of 11:00 pm until 7:00 a.m. be extended until 9:00 a.m. on Sundays. I have incorporated that into the opening section.

In response to Jeremy's concerns, I have expressly noted in a new (D)(4) that a "variance pursuant to § 96.07 **Permit For Variance** may also be requested and granted for necessary and temporary after-hours construction activities." This should help construction contractors to find the proper variance procedure if late night noisy construction activity such as concrete pours are necessary during hot weather. Subsection (D)(2)

remains as a secondary variance procedure to allow “(e)mergency construction activity to repair or prevent a dangerous condition in order to protect the health, safety and welfare of Fayetteville citizens or the workers on the development project site...”

I would like to see this brought forward for the Agenda by Development Services unless Jeremy has further problems with this proposal. I really do not think this is a difficult or confusing proposal and so I would not start it or send it to the Ordinance Review Committee which should handle the more complex proposed ordinances such as the proposal booting regulation ordinance.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND § 96.02 UNREASONABLE OR EXCESSIVE
NOISE PROHIBITED; EXCEPTIONS TO RESTRICT LATE NIGHT
CONSTRUCTION ACTIVITY NOISES NEAR RESIDENCES**

WHEREAS, the noise from late night and early morning construction of private developments near residences can unreasonably disturb the residents' sleep and the peaceful enjoyment of their homes or apartments; and

WHEREAS, restrictions on such late night construction noise near residences during the period of 11:00 p.m. until 7:00 a.m. is reasonable, proper and necessary to protect the peace, health and safety of Fayetteville citizens.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends § 96.02 **Unreasonable or Excessive Noise Prohibited; Exceptions** by enacting a new subsection (D) *Late Night Construction Noise Near Residences* as shown below:

“(D) Late Night Construction Noise Near Residences.

For the purposes of this section, construction noise from private development construction activity shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound or noise is produced later than 11:00 p.m. everyday and prior to 7:00 a.m. on all days except Sundays when the “quiet” time shall extend until 9:00 a.m. and is plainly audible at or near any residence (apartment, home, condo, etc.) within 150 yards of the construction activity.

- (1) The measurement standard shall be by auditory senses and includes transient construction activity noise sources.
- (2) Emergency construction activity to repair or prevent a dangerous condition in order to protect the health, safety and welfare of Fayetteville citizens or the workers on the development project site is exempt from this provision if authorized in advance or ratified later by the Mayor.

Page 2
Ordinance No.

- (3) This subsection takes precedence over any conflicting and less restrictive noise limitation provisions in § 96.04 **Limitations By Land Use Category** (D) *Transient Source* and (E) *Construction*.
- (4) A variance pursuant to § 96.07 **Permit For Variance** may also be requested and granted for necessary and temporary after-hours construction activities.

PASSED and **APPROVED** this 6th day of August, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 96: NOISE CONTROL

ARTICLE I
GENERAL PROVISIONS

96.01 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Decibel (dB). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the referenced pressure, which is 20 micropascals (20 micronewtons per square meter).

Emergency. Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work. Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR). The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Motor carrier vehicle engaged in interstate commerce. Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (PL92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance. Any sound which:

- (1) Endangers or injures the safety or health of humans or animals;
- (2) Annoys or disturbs a reasonable person of normal sensitivities; or
- (3) Endangers or injures personal or real property.

Public right-of-way. Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is

owned or controlled by a government entity.

Public space. Any real property or structures thereon which are owned or controlled by a governmental entity.

Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the American National Standards Institute's specifications for sound level meters. If the frequency weighing employed is not indicated, the A-weighing shall apply.

Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, or output meter, and weighing network used to measure sound pressure levels.

Sound pressure level. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$).

Transient sound source. Noise, the source of which is lawn equipment, an implement of husbandry, a domestic power tool, or the repairing, rebuilding, modifying or testing of any motor vehicle or motorcycle.

(Code 1965, §13-8.1(j); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.01)

96.02 Unreasonable Or Excessive Noise
Prohibited; Exceptions

(A) Notwithstanding any other provision of this chapter, and in addition thereto, it shall be unlawful for any person to make, or continue or cause or permit to be made or continued, any noise disturbance.

(B) The provisions of this section shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency;
- (2) The emission of sound in the performance of emergency work;
- (3) The movement of aircraft which is in all respects conducted in accordance with, or pursuant to applicable federal laws or regulations;

FAYETTEVILLE CODE OF ORDINANCES
 TITLE IX GENERAL REGULATIONS

- (4) The use of bells or chimes in conjunction with places of religious worship; and
- (5) The intentional sounding or permitting the sounding of any fire, burglar or civil defense alarm, siren, whistle or similar stationary or emergency signaling device, for emergency purposes or for testing, provided such testing uses only the minimum cycle test time.

(C) For the purpose of this section, the use of an amplification devise, radio, television, phonograph, drum, musical instrument or similar devise which produces, reproduces, or amplifies sound shall be deemed annoying or disturbing to a person, reasonably calculated to disturb the peace and unreasonably offensive and injurious to the public if the sound is produced between the hours of 1:00 a.m. and 8:00 a.m., and is plainly audible a distance of 150 feet or more from the source of the sound.

- (1) Plainly audible means any sound produced as set forth above which clearly can be heard at a distance of 150 or more feet. The measurement standard shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernable and bass reverberations are included.

- (2) This provision shall not apply to athletic or school related events.

(Code 1965, §13-8.1(a), (b); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Ord. No. 4052, §1, 9-2-97; Code 1991, §96.02)

Cross reference(s)--Penalty, §96.99.

96.03 Measurements

Sound level measurements shall be made with a sound level meter Type II or better using the A-weighted scale in conformance with the standards promulgated by the American National Standards Institution.

(Code 1965, §13-8.1(k); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.03)

96.04 Limitations By Land Use Category

- (A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on

the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

TABLE 1

Use Districts	Time	Maximum Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

- (B) *District boundaries.* When a noise source can be identified and its noise measured in more than one use district, the noise level limits of the most restrictive use district shall apply at that district boundary.

- (C) *Commercial source.* Notwithstanding the zoning classification of the underlying parcel, restaurants, night clubs, private clubs, auditoriums, dance halls, and rehearsal studios are defined as commercial sound sources existing in commercial zones for the purposes of this chapter.

- (D) *Transient source.* For a transient sound emanating in any land use category, the peak noise level shall not exceed 20 decibels above the limit set in Table 1 above.

- (E) *Construction.* Construction projects shall be subject to the limitations specified for industrial zones for the period of time allowed by the building permit.

(Code 1965, §13-8.1(c); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Ord. No. 3624, §1, 8-4-92; Ord. No. 3724, §1, 9-21-93; Ord. No. 3926, §1, 10-3-95; Ord. No. 4047, 7-15-97; Code 1991, §96.04)

Cross reference(s)--Penalty, §96.99.

(D) Added here →

FAYETTEVILLE CODE OF ORDINANCES
 TITLE IX GENERAL REGULATIONS

**96.05 Motor Vehicle And Motorcycle
 Sound Limit**

- (A) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way or private property at any time and in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table II below.

TABLE II

**MOTOR VEHICLE AND MOTORCYCLE
 SOUND LIMIT**

(Measured at 25 Feet From the Near
 Side of the Nearest Lane Monitored)

Sound Level in dB

Vehicle class	Speed limit 35mph or less	Speed limit over 35mph	Stationary Run-up
Motor vehicle carrier engaged in interstate commerce of GVWR or GCWR of 10,000 lbs. Or more	86	90	88
Any other motor vehicle or any combination of vehicles towed by any such motor vehicles	78	78	78
Motorcycles	78	78	78

- (B) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (C) No person shall sound any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public place, except as a warning of danger.
- (D) Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this chapter.

- (E) No person shall operate or cause to be operated a motor vehicle or motorcycle by rapidly advancing its throttle (revving) such that a noise disturbance occurs.

(Code 1965, §13-8.1(d), (e), (f); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Ord. No. 3926, §2, 10-3-95; Code 1991, §95.05; Ord. 4747, 9-06-05; Ord. 5059, 9-18-07)

Cross reference(s)--Penalty, §96.99.

**96.06 Radios And Loudspeakers Used
 For Certain Purposes Prohibited**

It shall be unlawful for any person to use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets from a point of origin located on private property, for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

(Code 1965, §13-8; Ord. No. 1211, 7-27-59; Code 1991, §96.06)

Cross reference(s)--Penalty, §96.99.

96.07 Permit For Variance

- (A) *Application; issuance.*

- (1) The mayor shall have the authority to issue a permit, upon a showing of undue hardship, for a variance from the provisions of this section upon a showing by the applicant that:
 - (a) Additional time is necessary for the applicant to alter or modify his activity or operations to comply with this section; or
 - (b) The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with this section; and
 - (c) No reasonable alternative is available to the applicant.
- (2) An application for a variance permit shall be in writing on a form prescribed by the mayor. In issuing a variance permit, the mayor may impose reasonable conditions or requirements necessary to minimize adverse effects upon the surrounding neighborhood. For events to be attended by the public, the written application for a variance shall be filed with the

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

mayor a minimum of 14 days prior to the date on which a variance is requested.

- (B) *Denial; appeal.* An applicant who is denied a variance by the mayor may appeal to the Fayetteville City Council by filing written notice of appeal with the city clerk within 10 days from the date of the mayor's decision. The notice of appeal shall specifically state the reasons why the applicant considers the mayor's findings and decision to be in error.

(Code 1965, §13-8.1(g); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.07)

96.08 Order In Lieu Of Notice Of Violation

- (A) In lieu of issuing a notice of violation, a noise control officer responsible for enforcement of any provision of this section may issue an order requiring abatement of any source of sound alleged to be in violation of this section within a reasonable time period. An abatement order shall not be issued when the noise control officer has reason to believe that there will not be compliance with said order.
- (B) A violation of any provision of this section shall be cause for a notice of violation to be issued by the noise control officer.

(Code 1965, §13-8.1(i); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.08)

96.09 Compression Release Engine Brake

- (A) A compression release engine brake, or other hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism with a correspondingly increased amount of noise emission shall not be engaged or used within the city limits of Fayetteville except in the case of failure of the service brake system, adverse weather conditions, or other emergency necessitating the compression release engine brake's use
- (B) Fire trucks, and those municipal vehicles equipped with the Quiet Brake and Silent Partner System are exempted from the requirements of this section.

(Ord. 5132, 4-15-08; Ord. 5228, 3-17-09)

96.10-96.98 Reserved

96.99 Penalty

The violation of any provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such violation. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.

(Code 1965, §13-8.1(h); Ord. No. 2580, 12-4-79; Ord. No. 2873, 11-2-82; Ord. No. 2911, 4-5-83; Ord. No. 2937, 9-6-83; Code 1991, §96.99)

City of Fayetteville Staff Review Form

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

C. 3
Amend Section 94.06
Flammable and Combustible Liquids
Page 1 of 4

9/3/2013

City Council Meeting Date
Agenda Items Only

Jesse Beeks / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

An ordinance amending section 94.06 Flammable and Combustible liquids; liquified petroleum gases of the Code of Fayetteville to permit the installation of above ground propane tank/s for the exclusive purpose of fueling vehicles.

\$ -	-	-
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
Project Number	\$ -	Shop Fund
	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Terry J. Kelly
Department Director

8-16-13

Date

Previous Ordinance or Resolution #

City code
section 94.06

Joe Kelly
City Attorney

8-16-13

Date

Original Contract Date:

Original Contract Number:

Paul A. Beek
Finance and Internal Services Director

8-19-2013

Date

Received in City
Clerk's Office



8/16/13
10:45am

Alm Man
Chief of Staff

8-21-13

Date

Received in
Mayor's Office



Donald Jordan
Mayor

8/21/13

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor/City Council

Thru: Terry Gulley, Director of Transportation *TG*

From: Jesse Beeks, Fleet Operations Superintendent *JB*

Date: August 15, 2013

Subject: Amend section 94.06 Flammable and Combustible Liquids; Liquid Petroleum Gases

PROPOSAL: That City Council amend section 94.06 Flammable and combustible liquids; liquified petroleum gases of the code of Fayetteville to permit the installation of above-ground propane tanks for the exclusive purpose of fueling vehicles.

RECOMMENDATION: Fleet operations began a Propane pilot project in October 2012 – starting with the conversion of two Chevrolet Colorado pickups, then converting two F550 pickups. In the spring of 2013, Fleet purchased 5 replacement mowers that run on propane for Parks Division use.

The pilot project has shown that the City can save considerable funds by converting some vehicles to propane in addition to greatly reducing greenhouse gas emissions.

In order to integrate propane fuel with the fuel management system (Fuelmaster) and with the Fleet Management System (FASTER), Fleet needs to install a propane tank at the Fleet fuel facility. Fleet needs to bid out the purchase of the propane tank and installation. However, the first step is to amend the ordinance so that Fleet may install a propane tank at the fuel site. If the tank is installed and in use before the end of the December, Fleet can apply for a 30% rebate on the cost of the tank.

BUDGET IMPACT: Sufficient funds are available in the Shop fund to purchase a propane tank. After bids come in. Fleet will prepare a Budget Adjustment to move funds to the Fleet expense account.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 94.06 FLAMMABLE AND COMBUSTIBLE LIQUIDS; LIQUEFIED PETROLEUM GASES OF THE CODE OF FAYETTEVILLE TO PERMIT ABOVE-GROUND PROPANE AND NATURAL GAS TANKS FOR THE EXCLUSIVE PURPOSE OF FUELING VEHICLES

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 Section 94.06, subsection (L), so that after amendment the subsection shall read as follows:

“(L) The storage of liquefied petroleum gases in 200 gallon or larger above-ground tanks is prohibited in the city. However, this prohibition shall not apply to tanks existing on May 3, 1989, which are in compliance with the requirements of the *Arkansas Fire Prevention Code* and the Arkansas Code, nor to properly installed propane or natural gas tanks at a fueling station in a commercially or industrially zoned parcel if such tanks are used exclusively for the fueling of vehicles.”

PASSED and APPROVED this _____ day of _____, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGENDA REQUEST

FOR: COUNCIL MEETING OF September 3, 2013

FROM:

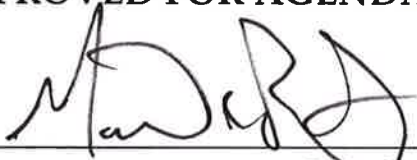
CITY COUNCIL MEMBER MATTHEW PETTY

CITY COUNCIL MEMBER SARAH MARSH

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO REQUEST THE FAYETTEVILLE CITY ADMINISTRATION TO INVESTIGATE THE FEASIBILITY AND POTENTIAL OPERATIONAL BENEFITS OF ESTABLISHING A REVOLVING FUND FOR INTERDEPARTMENTAL RESOURCE EFFICIENCY LOANS

APPROVED FOR AGENDA:



City Council Member Matthew Petty

8-20-2013

Date



City Council Member Sarah Marsh

Aug. 20, 2013

Date



City Attorney Kit Williams
(as to form)

August 20, 2013

Date

RESOLUTION NO.

A RESOLUTION TO REQUEST THE FAYETTEVILLE CITY ADMINISTRATION TO INVESTIGATE THE FEASIBILITY AND POTENTIAL OPERATIONAL BENEFITS OF ESTABLISHING A REVOLVING FUND FOR INTERDEPARTMENTAL RESOURCE EFFICIENCY LOANS

WHEREAS, the City of Fayetteville has been unable to maintain optimum staffing levels for many years; and

WHEREAS, labor costs make up a majority of the operational expenses of the City of Fayetteville's General Fund; and

WHEREAS, a study of so-called Green Revolving Funds at Universities determined these types of funds at universities had median project returns-on-investment of 32% and median project payback periods of four years, which resulted in a near-term reduction in operational expenses; and

WHEREAS, such a reduction in operational expenses may enable the City of Fayetteville to fill frozen positions or add new positions; and

WHEREAS, the City of Fayetteville has sufficient reserve funds to invest \$500,000 in a program which reduces operational expenses.

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

Section 1: That the City Council of the City of Fayetteville hereby requests that the City Administration investigate the feasibility and potential operational benefits of establishing a revolving fund for interdepartmental resource efficiency loans, to enumerate the implementation steps for establishing such a fund, and to create a list of projects which merit a cost-benefits analysis due to their potential to reduce operational expenses.

Section 2: That the City Council of the City of Fayetteville hereby requests that the administration include information about the HEAL program in its feasibility analysis, a program pioneered by the Clinton Foundation and L'Oreal, and ascertain the availability of technical assistance from the Clinton Foundation for planning and implementing such a program.

PASSED and APPROVED this 3rd day of September, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Agenda Session 8/27/13

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
September 03, 2013**

A meeting of the Fayetteville City Council will be held on September 03, 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 August 20, 2013 City Council meeting minutes.
2. ✓ **2013 Community Development Block Grant:** A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.
3. ✓ **Transportation Department Message Sign:** A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

4. **What My Eyes Have Seen Photography:** A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.
5. **Planet Footprint Utility Bill Management Software:** A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.
6. **Bid #13-36 Mahoney's Equipment, LLC:** A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.
7. **Ozark Regional Transit Bench and Transit Shelter Pads:** A resolution approving a memorandum of understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration Grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks, and approving a budget adjustment.

B. Unfinished Business:

1. **RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to NS, Neighborhood Services subject to a Bill of Assurance. *This ordinance was left on the First Reading at the August 6, 2013 City Council meeting. This ordinance was left on the Second Reading at the August 20, 2013 City Council meeting.*

Left on the Second Reading

C. New Business:

1. **§72.73 Regulation of Wheel Clamps or Booting:** An ordinance to enact **§72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone and the Downtown Business Parking District Zone** into the Fayetteville code.
2. **§96.02 Unreasonable or Excessive Noise Prohibited:** An ordinance to amend **§96.02 Unreasonable or Excessive Noise Prohibited; Exceptions** to restrict late night construction activity noises near residences.
3. **Amend Section 94.06 Flammable and Combustible Liquids:** An ordinance amending **Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.

4. **Revolving Fund for Interdepartmental Resource Efficiency Loans:** A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

Agenda Session Add-ons

C. 2. *Amend Section 72.70 Application of Parking Regulations Chapter.*

C. 6. *Fayetteville Animal Shelter Funding*

C. 7. *Fayetteville Government Channels Mission Statement Amendment.*

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.

Date Received	Council Date	Received From	Division	Form Type	Action Requested	Routed to	Date Routed	Date Returned to City Clerk's Office
08/08/13	09/03/13	Pate, Jeremy	Development Services	Agenda	Ord to limit late night construction noise near residences	City Clerk	8/8/13	8/13/13
08/15/13	09/03/13	Williams, Kit	City Attorney	Agenda	Enact 72.73 Regulation of Wheel Clamps or Booting on Private Pay to Park Lots Within the Entertainment District Parking Zone	Mayor's Office	8/15/13	
08/16/13	09/03/13	Fields, Yolanda	Community Services	Agenda	Budget Adjustment to recognize grat revenue increase of \$46,209.00 to the 2013 CDBG.	City Attorney	8/16/13	
08/16/13	09/03/13	Beeks, Jesse/Olsen, Barbara	Fleet Operations	Agenda	Award Bid 13-36 for one 3T Equipment Prowler easement machine on a Doolittle Trailer from Mahoney's of Arnold, MO	City Attorney	8/16/13	
08/16/13	09/03/13	Beeks, Jesse/Olsen, Barbara	Fleet Operations	Agenda	Budget Adjustment to move funds from the Shop Fund to the Fleet Expense account for the purchase of a portable changeable message sign	City Attorney	8/16/13	
08/16/13	09/03/13	Beeks, Jesse/Olsen, Barbara	Fleet Operations	Agenda	Amending 94.06 Flammable and Combustible liquids	City Attorney	8/16/13	
08/16/13	09/03/13	Gulley, Terry	Transportation	Agenda	Approval of memorandum of understanding with Ozark Regional Transit to serve as a sub-grantee for a Federal Transit Admin Grant in the amount of \$154,315.08	City Attorney	8/16/13	
08/16/13	09/03/13	Nierengarten, Peter	Sustainability	Agenda	Budget adjustment to allow for the purchase of Planet Footprint Utility Bill Management Software	City Attorney	8/16/13	
08/20/13	09/03/13	Spann, Alan	Parks & Recreation	Agenda	RFP 13-12 to What My Eyes Have Seen Photography for 1 year and auto renew for 4 additional years.	City Attorney		

Alan Long - Animal Services Resolution

08/20/13	09/03/13	Alderman Matthew Petty and Sarah Marsh	City Council	Agenda	A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benfits of establishing a revolving fund for interdepartmental resource efficiency loans	City Clerk	N/A	8/20/13
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Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 03, 2013**

A meeting of the Fayetteville City Council will be held on September 03, 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 August 20, 2013 City Council meeting minutes.
- 2✓ **2013 Community Development Block Grant:** A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.
- 3✓ **Transportation Department Message Sign:** A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

4. **What My Eyes Have Seen Photography:** A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.
5. **Planet Footprint Utility Bill Management Software:** A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.
6. **Bid #13-36 Mahoney's Equipment, LLC:** A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.
7. **Ozark Regional Transit Bench and Transit Shelter Pads:** A resolution approving a memorandum of understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration Grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks, and approving a budget adjustment.

B. Unfinished Business:

1. **RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates):** An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to R-O, Residential Office, subject to a Bill of Assurance. *This ordinance was left on the First Reading at the August 6, 2013 City Council meeting. This ordinance was left on the Second Reading at the August 20, 2013 City Council meeting.*

Left on the Second Reading

C. New Business:

1. **Revolving Fund for Interdepartmental Resource Efficiency Loans:** A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.
2. **§72.73 Regulation of Wheel Clamps or Booting:** An ordinance to enact §72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone into the Fayetteville code.
3. **§96.02 Unreasonable or Excessive Noise Prohibited:** An ordinance to amend §96.02 Unreasonable or Excessive Noise Prohibited; Exceptions to restrict late night construction activity noises near residences.
4. **Amend Section 94.06 Flammable and Combustible Liquids:** An ordinance amending Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

emailed to Aldermen 8/23/13

2468 N. Crossover Rd.

Fayetteville, AR 72703

August 21, 2013

The Honorable Mayor Lionel Jordan

Members, Fayetteville City Council

City Administration Building

113 West Mountain St.

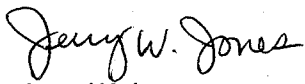
Fayetteville, AR 72701

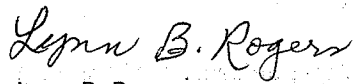
Re: Rezoning of LynnWood Estates at 2468 N. Crossover Rd., Fayetteville, AR 72703

Dear Mayor Jordan and City Council Members:

This letter is to serve as an amendment to our previous zoning request: changing from Zone R-O to Zone NS (Neighborhood Services). Our Bill of Assurances will continue to apply to NS. Thank you for your attention in this matter.

Sincerely,


Jerry W. Jones


Lynn B. Rogers

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
 - a. **Height of any building constructed is not to exceed 40 feet**
 - b. **Materials used will be brick, stone or similar material**
 - c. **Structures must have no less than a 6/12 roof pitch**
 - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
 - a. **No loud or obnoxious noise**
 - b. **No outdoor animals**
 - c. **No bars or alcohol serving businesses including clubs etc.**
 - d. **No late night businesses**
 - e. **No sexual related businesses**
 - f. **No residential rentals**
 - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**

6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) **voluntarily offer** all such assurances and sign our names below.

Jerry W. Jones & Lynn B. Rogers Trustees

Date June 24, 2013

Address

2468 Crossover Road

Fayetteville, AR 72703

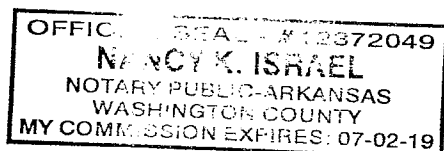
Jerry W. Jones
Lynn B. Rogers

NOTARY OATH

STATE OF ARKANSAS }.ss

COUNTY OF WASHINGTON }

And now on this the 24th day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

NOTARY PUBLIC

My Commission Expires:

July 02, 2019

amouled to Alderman
8/27/13

City Clerk - Fwd: Rezoning hearing on hwy 265 near Township

From: Andrew Garner
To: City Clerk
Date: 8/27/2013 11:46 AM
Subject: Fwd: Rezoning hearing on hwy 265 near Township

To be added to the packet for this rezoning for the next council meeting.

—
Andrew M. Garner, AICP
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701
Tel.479.575.8262
Fax.479.575.8202
agarner@ci.fayetteville.ar.us
www.accessfayetteville.org

Telecommunications Device for the Deaf: (479) 521-1316

>>> Mike Yates <myates@us.ibm.com> 8/27/2013 10:58 AM >>>

We live at 2431 Candlewood Dr

For many reasons I urge you to vote against rezoning the parcel. The area should remain Residential given that the entire area is residential.

Mike and Sandy Yates
Sent from my iPhone

Mike Yates
Sent from my iPhone

RECEIVED

AUG 30 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Petition

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Regardless of the proposed zoning request this would place commercial businesses in the area that is planned residential and supported by the Fayetteville 2030 Plan and we the undersigned have concerns in these areas.

- 1 Increased traffic at the Intersection of Township and Crossover- higher speeds and the likely hood of creating a safety hazard caused by turning into and out of businesses in this unusual location.
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- 3 Decrease in property values.
- 4 Lack of a clear use plan, just a request for change from the adopted city plan of 2030

Name	Address	Signature	Date
Murphy R. Taylor	2468 ^N Crossover Rd	Murphy R. Taylor	8-26-13
Betty N. Taylor	2400 N. Crossover	Betty N. Taylor	8-26-13
Cass Runnels	17803 Campbell Ln	Cass Runnels	8-26-13
Annie Dotson	4255 Marlowe Ln	Annie Dotson	8/26/13
Bonnie Runnels	2396 N. Crossover	Bonnie Runnels	8/27/13
Linda Fritz	1625 Devonshire Pl. Fayetteville	Linda Fritz	8-27-13
Susan Lane	1602 Devonshire Pl Fayetteville	Susan Lane	8-27-13
Anne O'Loughlin	2792 N. Old Wire	Anne O'Loughlin	8-27-13

8/25/13

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Name	Address	Signature	Date
NANCY BORBAS	825 PARK T2701	Nancy L Borbas	8/29/2013
JOHN BORBAS	825 PARK T2701	John L Borbas	8/29/2013

8/25/13

RECEIVED

AUG 30 2013

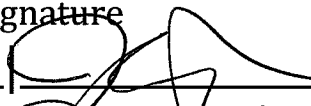
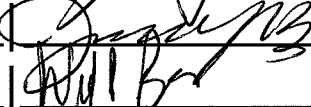
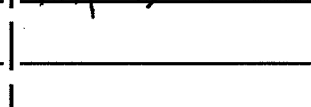
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Name	Address	Signature	Date
Julian Terry	2591 Firewood Dr.		8/25/13
Jenny Brandt	2587 Firewood Dr.		8/25/13
Will Brandt	2587 Firewood Dr.		8/25/13

8/25/13

RECEIVED

AUG 30 2013

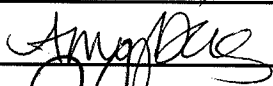
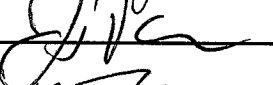
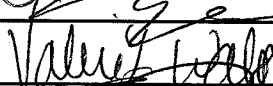
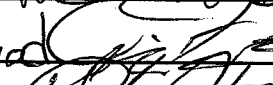
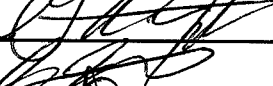
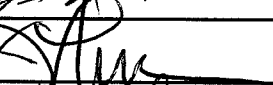
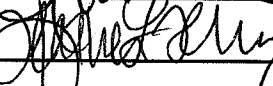
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Name	Address	Signature	Date
Amy Davis	2632 N. Firewood Dr.		8-25-13
Jay Davis	2632 N. Firewood Dr.		8/25/13
Matt Walker	2614 N Firewood		8/25/13
Ellen Walker	2614 N Firewood		8/25/13
Cari Fakhri	2615 N. Firewood		8/25/13
Shawn Fakhri	2615 N. Firewood		8/25/13
Sherwin Fakhri	2615 N. Firewood Dr.		8/25/13
Jason Landers	2599 N. Firewood Dr.		8/25/13
Kather Terry	2591 N. Firewood Dr.		8/25/13

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Name	Address	Signature	Date
Wm B. Meggers	2529 N. Candlewood	W B Meggers	8/25/13
Michelle Meggers	2529 N. Candlewood	MP Meggers	8/25/13
P. VAN Rooij	2545 N Candlewood	P. Van Rooij	8/25/13
Linda A. Osburn	2631 Candlewood	Linda A. Osburn	8-25-13
Robert W. Osburn	2631 Candlewood	Robert W. Osburn	8-25-13
Jenny Campbell	2685 Candlewood Dr.	Jenny Campbell	8/25/13
Lucas Campbell	2685 Candlewood Dr.	Lucas Campbell	8/25/13
Jon Waltz	2694 Firewood Dr.	Jon Waltz	8/25/13
Sarah Hagopian	2682 N. Firewood Dr	Sarah Hagopian	8/25/13
Jacques Hagopian	2682 N. Firewood Dr	Jacques Hagopian	8/25/13

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Name	Address	Signature	Date
Paul Henry	2885 E township	[Signature]	8/28/13
May Jottenny	2885 E. township	[Signature]	8/28/13
Fanny Long	2863 E Township	[Signature]	8/25/13
Stephanie Long	2863 E. Township	[Signature]	8/25/13
Opal Sipes	2416 N Candlewood Dr	[Signature]	8/25/13
Dwight Bibb	2415 N Candlewood Dr	[Signature]	8/25/13
Sandy Yates	2431 N Candlewood Dr.	[Signature]	8/25/13
Alex Bliss	2467 N. Candlewood Dr	[Signature]	8/25/13
Catherine Wilson	2517 N. Candlewood	[Signature]	8/25/13
Bill Wilson	2517 N. Candlewood	[Signature]	8/25/13

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Name	Address	Signature	Date
Jeff Long	2863 E. Township		8/26/13
V.B. Bunnelsmith	2396 Crossover Rd		8-26-13
Chris Arnold	2704 Candlewood		8-27-13
Fanny French	2791 Shagbark Bend		8-26-13
John Mullins	2779 Shagbark Bend		8/27/13
Paul & Robin Killared	2747 Shagbark Bend		08/27/13
Caleb & Lynette Critz	2715 E. Mockernut Xing		8/27/13
Wynlee Critz	2715 E Mockernut Xing		8/27/2013
Matt Romine	2712 Mockernut Xing		8/27/2013
Eric Coleman	2730 mockernut Xing		8/27/2013

8/25/13

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Name	Address	Signature	Date
Rebecca Jackson	1701 N. Lewis St. Apt 25	Rebecca Jackson	5-27-12
Kara Rogers	1723 N. Independence Pl	Kara Rogers	8/28/13
Jeff Lane	2663 Firewood	Jeffrey Lane	8-28-13
W.E. Higginbotham	925 Kings Dr.	W.E. Higginbotham	8/28/13
Chris Dillon	1923 W. Dra Fayetteville, AR	Chris Dillon	8-28-13
Jeremy Mitchell	3747 E. Texas Dr. Fayetteville, AR	Jeremy Mitchell	8/28/13
Don & Wilma	890 S. Washington	Don & Wilma	8/28/13
Paul Wingate	3235 Katherine	Paul Wingate	8/28/13

8/25/13

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AUG 30 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Petition

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- 4 Lack of a clear use plan, just a request for change from the adopted city plan of 2030

Name	Address	Signature	Date
Joe Shrum	2839 E Township	[Signature]	8-25-13
Claudette Shrum	" "	[Signature]	8-25-13
ERROL L. LORINE	2320 N. CROSSOVER	[Signature]	8-25-13
LINDA DOMINICK	2340 N. CROSSOVER	[Signature]	8-25-13
JOHN DOMINICK	2320 N. CROSSOVER	[Signature]	8-25-13
Kelly Stuckey	2454 N. Candlewood	[Signature]	8-25-13
JOHN STUCKEY	2454 N. CANDLEWOOD	[Signature]	8-25-13
Carolyn Rehbock	2502 N. Candlewood Dr.	[Signature]	8/25/13
Dee Harbich	2584 N. Candlewood Dr.	[Signature]	8/25/13
Kristin Hoffman	2652 Candlewood	[Signature]	8/25/13

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Name	Address	Signature	Date
DAVID SEGGMAN	2670 N CANDLEWOOD	David Seggman	8/23/13
Jenette Litaker	2688 Candlewood Dr	Jenette Litaker	8/23/13
Richard Klaus	2649 Firewood Dr.	Richard Klaus	8/25/13
Andrea Klaus	2649 N. Firewood Dr	Andrea Klaus	8/25/13
Kate Carter	2660 N Firewood Dr	Kate Carter	8/25/13
Jason Carter	2660 N Firewood	J Carter	8/25/13
Lori Jones	2663 N. Firewood	Lori Jones	8/25/13
Ben Carter	2631 Firewood Dr	Benjamin K. Carter	8/25/13
Ana Valle	2734 Candlewood	Ana P. Valle	
Fredi Valle	2734 Candlewood	Fredi Valle	

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Name	Address	Signature	Date
<i>Cathy Duck</i>	<i>2302 Wedington</i>	<i>Cathy Duck</i>	<i>8-28-13</i>
<i>Jamie DeMusa</i>	<i>10 W. Prospect St 72701</i>	<i>Jamie DeMusa</i>	<i>8/28/2013</i>

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Name	Address	Signature	Date
David Crittendon	1408 Elmwood		8/29/13
Margo Keingelma	1737 Applebury Dr	Margo Keingelma	8/30/13
Pete Heinzelmann	" "	P. Heinzelmann	8-30-13
James F. Moore	816 Canterbury	James F. Moore	8-30-13
Bambi Hearn	2424 Boston Mt Nw	Bambi Hearn	8/30/2013
Mona Lorimar	2326 N. Crossover	Mona Lorimar	8-30-2013

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Name	Address	Signature	Date
Barb Singleton	1793 Manchester	Barb Singleton	8/29/13
Mary Ellen Moore	816 Centerline	Mary Ellen Moore	8/29/15
MARSHA CRITTENDEN	1408 E. University	Marsha Crittenden	8-29-15
Susie Arnold	856 N. Skyline	Susie Arnold	8-29-13
Linda Latta	3109 Stone Mtn Dr	Linda Latta	8-29-13
Jane Shipley	1132 E. Ridgeway Dr	Jane Shipley	8-29-13
Debbie Murray	2414 Covington Park	Debbie Murray	8-29-13
Debbie Murray	2414 Covington Park	Debbie Murray	8/29/13
Gabriele Schaffer	828 Skyline Fay	Gabriele Schaffer	8/29/2013
LOTHAR SCHAFFER	828 SKYLINE FAY	Lothar Schaffer	8/29/2013

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SEP 03 2013

CITY OF FAYETTEVILLE
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09-03-13 P01:10 R.

Petition

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Name	Address	Signature	Date
John DuVal	1131 Eastwood Dr., Fayetteville	John DuVal	1 September 2013
Kay DuVal	1131 Eastwood Dr. Fayetteville	Kay DuVal	9-1-13

8/25/13

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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SEP 03 2013

To: ktrunn <ktrunn@aol.com>

Subject: Fwd: Rezoning of Crossover Rd.

Date: Tue, Sep 3, 2013 11:39 am

09-03-13 P01:10 RCVD

----- Forwarded message -----

From: **Bonnie Runnels** <bonnierunnels@gmail.com>

Date: Tue, Sep 3, 2013 at 7:34 AM

Subject: Rezoning of Crossover Rd.

To: "mayor@ci.fayetteville.ar.us" <mayor@ci.fayetteville.ar.us>



Mayor Jordan and members of the City Council,

I have turned in new petitions regarding the rezoning issue of the land on Crossover Rd. near the Township intersection. It was impossible to get all of those who signed it the first time due to time and some of the people being out of town. I assume that since these people cared enough to sign it the first time they would have signed again if they were here. We all decided to settle here because of the quiet and family friendly atmosphere. It is convenient to be able to go to the major intersection of Mission and 265 to do business but we would not want our homes to be directly connected to these busy areas.

I feel badly that Mr. Jones is having a problem with selling his property but many of us have difficult issues to deal with. Perhaps a little more time with the housing situation improving he will have success in selling to some families looking for a lovely tree studded setting. If this rezoning is approved three people will be satisfied and whole neighborhoods will be affected in a very negative way. I hope you will consider this when deciding on your vote. Thank you once again for your dedicated service of thoughtful city design.

Bonnie Runnels

Sent from my iPad

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SEP 03 2013

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