

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
December 17, 2013**

A meeting of the Fayetteville City Council will be held on December 17, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. City Board of Health** – Appointments must be made by the mayor and approved by the City Council to serve during the term of the appointing mayor. **APPROVED**
- 2. Public Facilities Board** - Members must be nominated by a majority of the board and appointed by the mayor subject to confirmation of the governing body of the City. **APPROVED**
- 3. Nominating Committee Report: APPROVED**

Agenda Additions:

A. Consent:

1. Approval of the December 03, 2013 City Council meeting minutes. **APPROVED**
2. **Police Department Policy:** A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 249-13

3. **Cruse Uniform and Equipment, Inc.:** A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 250-13

4. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 251-13

5. **Safeware:** A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 252-13

6. **Bid #13-54 College Shoe Shop:** A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 253-13

7. **General Construction Solutions, Inc. Change Order No. 3:** A resolution approving Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approving an additional project contingency in the amount of \$700.00, for the construction of improvements to Mount Sequoyah Gardens.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 254-13

8. **CDBG Public Facility Lease Program:** A resolution approving an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 255-13

9. **A&P Bond Special Election:** A resolution approving a budget adjustment in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P Bond Special Election.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 256-13

B. Public Hearing:

1. **Razing and Removal Costs for 515 E. Township Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 257-13

2. **Razing and Removal Costs for 1717 S. Stirman Avenue:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 258-13

3. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** Public hearing on the petition of the University of Arkansas to vacate Brenda Drive, Court and Walton Street and alley.

THIS WAS A PUBLIC HEARING ONLY, NO VOTE WAS TAKEN

C. Unfinished Business:

1. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance to approve the University of Arkansas' petition to vacate Brenda Drive, Court Street, Walton Street and a thirty foot wide alley all within property owned by the University of Arkansas. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting. This was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.*

TABLED TO THE JANUARY 21, 2014 CITY COUNCIL MEETING

2. **Amend Chapter 178:** An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting.*

TABLED TO THE JANUARY 21, 2014 CITY COUNCIL MEETING

3. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the December 3, 2013 City Council meeting.***

THIS ORDINANCE FAILED

D. New Business:

1. **Bid #13-56 APAC-Central, Inc.:** A resolution awarding Bid #13-56 and approving a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive, approving a ten percent (10%) project contingency, and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 259-13

2. **VAC 13-4533 (2732 & 2734 Wildwood/Legacy):** An ordinance approving VAC 13-4533 submitted by Bates and Associates for property located at 2732 and 2734 Wildwood to vacate a utility and drainage easement.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5643

3. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

LEFT ON THE FIRST READING

4. **Solid Waste Services:** A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 260-13

E. City Council Agenda Session Presentations:

1. **Animal Services Presentation** – Justine Lentz, Animal Services Superintendent

F. City Council Tour:

G. Announcements:

Adjournment: 10:20 pm

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.

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

Subject:	Nominating Committee Report & City Board of Health Public Facilities Board				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Tennant			
<u>Approved</u>	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Tennant			
<u>passed</u> <u>minutes approved</u> 249-13 thru 256-13	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

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

Subject:		Razing and Removal Costs for 515 E. Township Street:			
Motion To:					
Motion By:		Approve Long			
Seconded:		Kinion			
B. 1 Public Hearing <u>passed</u> 257-13	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:		Razing and Removal Costs for 1717 S. Stirman Avenue			
Motion To:					
Motion By:		Approve Schoppmeyer			
Seconded:		Adams			
B. 2 Public Hearing <u>passed</u> 258-13	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:	VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas)				
Motion To:					
Motion By:					
Seconded:		<i>No resolution.</i>			
B. 3 Public Hearing	Marsh	<i>This was a Public</i>			
	Kinion				
	Petty	<i>Hearing only.</i>			
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

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

Subject:		VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas)			
Motion To:		3rd Read	Amend North side no outlet onto Htz	Table to Jan. 21, 2014	Amend left in right out exit
Motion By:		Tennant	Long	Adams	Petty
Seconded:		Gray	Adams	Long	Long
C. 1 Unfinished Business See Additional Sheet	Marsh	✓		✓	NO
	Kinion	✓	(Withdrawn)	N	Vote
	Petty	✓		N	on the
	Tennant	✓		N	Amendment.
	Schoppmeyer	✓		N	Add to
	Adams	✓		✓	Next Agenda.
	Long	✓		✓	
	Gray	✓		N	
	Mayor Jordan				

8-0

Withdrawn

3-5

NO vote

Subject:		Amend Chapter 178			
Motion To:		Table to 01-21-14			
Motion By:		Marsh			
Seconded:		Petty			
C. 2 Unfinished Business Tabled to Jan. 21, 2013	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

City Council Meeting:

Subject:	VAC 13-4516 (Brenda Drive, Court & Walton St. / U of A)				
Motion To:		Table to Jan. 21, 2014			
Motion By:		Adams			
Seconded:		Long			
C.I. <u>Unfinished</u> Labled to Jan. 21, 2014	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

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

Subject:	ADM 13-4450 (Pratt Place Inn)					S-W
Motion To:		3rd Read	Amend hours	Amend to remove 2 yr.	Amend 7-10 (PM) hours of operation 7-12 PM	T-5
Motion By:		Tennant	Long	Gray	Marsh	
Seconded:		Adams	Schoppmeyer		Petty	
C. 3 Unfinished Business	Marsh	✓	N		✓	
	Kinion	✓	✓	No	✓	
	Petty	Absent during the vote	✓	Second	✓	
	Tennant	✓	N		✓	
	Schoppmeyer	✓	✓		✓	
	Adams	✓	N		N	
	Long	✓	✓		✓	
	Gray	✓	N		N	
	Mayor Jordan					

7-0

Failed
4-4

6-2

Subject:	ADM- 13-4450 (Pratt Place Inn)				
Motion To:		Amend to have quarterly reports		Pass	
Motion By:		Adams			
Seconded:		Long			
C. 3. Unfinished Business failed	Marsh	N		N	
	Kinion	N		N	
	Petty	N		N	
	Tennant	N		N	
	Schoppmeyer	N		N	
	Adams	✓		N	
	Long	✓		N	
	Gray	N		N	
	Mayor Jordan				

2-6
failedfailed
0-8

Subject:		Bid #13-56 APAC-Central, Inc.			
Motion To:			Approve		
Motion By:			Long		
Seconded:			Adams		
D. 1 New Business <u>Passed</u> 259-13	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	✓			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

8-0

Subject:		VAC 13-4533 (2732 & 2734 Wildwood/Legacy)			
Motion To:			2nd read	3rd read	Pass
Motion By:			Long	Tennant	
Seconded:			Adams	Schoppmeyer	
D. 2 New Business <u>Passed</u> 51043	Marsh	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Adams	✓	absent during the vote.	✓	
	Long	✓	✓	✓	
	Gray	absent during the vote.	absent during the vote.	✓	
	Mayor Jordan				

7-0

6-0

8-0

Subject:	RZN 13-4538 (Razorback Road/Victory Commons)				
Motion To:					
Motion By:					
Seconded:					
D. 3 New Business <u>Left on</u> <u>the first</u> <u>Reading</u>	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:	Solid Waste Services				
Motion To:		Amend to add Cost benefit anal.	Approve		
Motion By:		Marsh	Marsh		
Seconded:		Kinion	Adams		
D. 4 New Business <u>Passed</u> 260-13	Marsh	✓	✓		
	Kinion	✓	✓		
	Petty	✓	✓		
	Tennant	✓	✓		
	Schoppmeyer	✓	✓		
	Adams	✓	✓		
	Long	✓	✓		
	Gray	✓	✓		
	Mayor Jordan				

8-0

8-0



Kit Williams
City Attorney

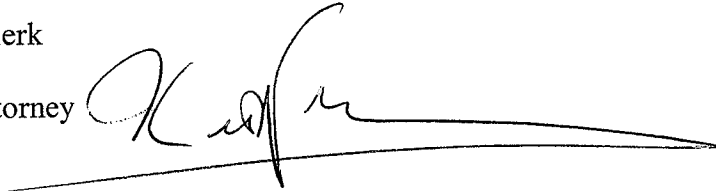
Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: December 18, 2013



RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of December 17, 2013

- 1. Police Department Policy:** A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.
- 2. Cruse Uniform and Equipment, Inc.:** A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.
- 3. Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.
- 4. Safeware:** A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.
- 5. Bid #13-54 College Shoe Shop:** A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.
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12. **Solid Waste Services:** A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

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3. **Nominating Committee Report**

Agenda Additions:

A. Consent:

1. Approval of the December 03, 2013 City Council meeting minutes.

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

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Left on the Second Reading

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F. City Council Tour:

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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.

December 11, 2013

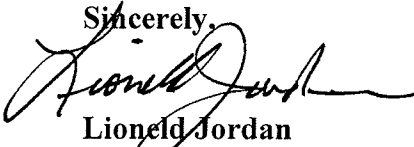
Fayetteville City Council & Nominating Committee Members

Pursuant to City Code of the City Board of Health where it states "*Vacancies on the Board shall be filled by appointment from the Mayor with the approval of the City Council*" I am making the following appointments for consideration of approval by the City Council:

Shana Kasperek - - City Board of Health (Citizen at-large position)

Thank you for your consideration of final approval for this appointment.

Sincerely,



Lioneld Jordan
Mayor

DEC 05 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

JAMES N. McCORD
Attorney at Law
The Fulbright Building
217 E. DICKSON STREET
SUITE #102
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 442-1490
jimmccordlaw@gmail.com

December 5, 2012

Kit Williams
City Attorney
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Public Facilities Board Resolution Nominating Hugh Earnest
for Appointment by Mayor as Successor Member Subject
to Confirmation by City Council

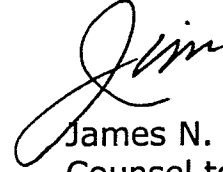
Dear Kit:

The term of Steve Clark on the Fayetteville Public Facilities Board (the "FPF") expires December 18, 2013. Ark. Code Ann. §14-137-108(a)(B)(i)(a) states that successor members shall be nominated by a majority of the board and appointed by the mayor subject to confirmation by the governing body of the municipality (for a term of 5 years). Enclosed is a Resolution passed by the PFB on December 4, 2013, nominating Hugh Earnest to Mayor Lioneld Jordan for appointment as a successor member subject to confirmation by the City Council. I will hand deliver the signed minutes of the PFB meeting when I receive them.

Please present the enclosed Resolution to Mayor Jordan. Assuming the Mayor appoints Hugh Earnest to the PFB, please have confirmation of the appointment placed on the next City Council agenda as an item for consideration by the Council.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim', with a large, stylized initial 'J'.

James N. McCord
Counsel to Public
Facilities Board

pc: Hon Lioneld Jordan (via hand delivery)
Sondra Smith, City Clerk (via hand delivery)
PFB Members (via e-mail)
Hugh Earnest (via e-mail)

FAYETTEVILLE PUBLIC FACILITIES BOARD

A RESOLUTION TO NOMINATE HUGH EARNEST TO MAYOR LIONELD JORDAN FOR APPOINTMENT AS A SUCCESSOR MEMBER OF THE FAYETTEVILLE PUBLIC FACILITIES BOARD SUBJECT TO CONFIRMATION BY THE FAYETTEVILLE CITY COUNCIL

WHEREAS, the term of Steve Clark as a member of the Fayetteville Public Facilities Board will expire December 18, 2013; and,

WHEREAS, the City of Fayetteville has advertised for applicants to serve on the Public Facilities Board, and Hugh Earnest filed the only application; and,

WHEREAS, the Fayetteville Public Facilities Board has determined that Hugh Earnest should be nominated as a successor member of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Fayetteville Public Facilities Board:

Section 1. That Hugh Earnest is hereby nominated to Mayor Lioneld Jordan for appointment as a successor member of the Fayetteville Public Facilities Board subject to confirmation by the Fayetteville City Council.

PASSED by majority vote with a quorum present on December 4, 2013.

Approved: _____

Stephen E. Adams, Chairman

Attest: _____

Steve Cosby, Secretary

Stephen

Amend Chapter 151: Definitions by adding the following definitions.

Food Truck. A motorized and operational self contained vehicle equipped with facilities for cooking and selling food that is removed daily from the property on which it vends food.

Mobile Vending Unit. A commercial establishment designed to be readily moveable.

178.03 Sidewalk Vendors and Food Trucks

(A) *Purpose.*

- (1) *Sidewalk Vendors.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.
- (2) *Food Trucks.* The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) *Sidewalk Vendor and Food Truck Authorization.* The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

- (1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:
 - (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
 - (b) Type of items sold or services rendered.
 - (c) A valid copy of all necessary permits required by State and County health authorities.
 - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
 - (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
 - (f) A site plan indicating the location and dimensions of the proposed vehicle or pushcart.
 - (g) A detailed scale drawing, picture or diagram and material specifications of the vehicle or pushcart to be used.
- (2) The permit issued shall not be transferable in any manner.
- (3) The sidewalk vending or food truck permit is good for one location only.

Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

- (1) *Sidewalk Vendors.* The City of Fayetteville permits the following types of goods for sidewalk vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by sidewalk vendors.

- (2) *Food Trucks.* The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

- (3) All goods being sold from sidewalk vendors and food trucks shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian or vehicular traffic on the sidewalk or street.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Sidewalk Vendor Location Requirements.*

Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where sidewalk vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center

- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Sidewalk Vendor Conditional Use Permit.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).

- (2) The number of permits issued for the sidewalk vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Sidewalk Vendor Operation Requirements.* Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Sidewalk vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall

be removed from the public right-of-way during non-operational hours.

- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
 - (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
 - (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
 - (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
 - (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.
- (H) *Food Truck Location and Operation Requirements.* Food trucks may be permitted administratively on an annual basis for multiple locations subject to the

following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and

approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
- (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) *Signage Requirements.* Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) *Revocation of the Sidewalk Vendor or Food Truck Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

178.04 Outdoor Mobile Vendors Located On Private Property

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor mobile vendors to operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis for a maximum of six months in one location during a calendar year. Outdoor mobile vendors utilizing a temporary permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new outdoor mobile vendor application shall be reviewed and approved by the Planning Division for every new location. All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.

(1) A temporary permit for an outdoor mobile vendor business in a single location may be approved and issued administratively by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent business.

(C) *Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors

may request an annual permit from the Planning Commission to operate for a one year time period in the same location subject to the following standards:

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(2) All of the requirements of 178.04(D) have been met.

(3) In granting an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.

(4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.

(5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.

(D) *Permit Requirements.* All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:

(1) *Permit Application Fee.* Each application to conduct an outdoor mobile vendor business shall be accompanied by a \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.

(2) *Temporary and Annual Permit Application Requirements.* Application for a permit to conduct an outdoor mobile vendor business shall include the

following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
 - (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
 - (4) The permit shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
 - (5) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (6) Outdoor mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed outdoor mobile

vendor business. The number of required parking spaces is determined by the use and size of the proposed outdoor mobile vendor business and by the use and size of the existing business. The property where the outdoor mobile vendor is located should be paved in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
 - (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.
- (E) *Exemptions.* The provisions of the ordinance do not apply to:
- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
 - (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
 - (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
 - (4) Fireworks sales.
 - (5) Children's lemonade stands.
 - (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

TITLE XV UNIFIED DEVELOPMENT CODE

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
 - (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.
- (H) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.03 Sidewalk Vendors and Food Trucks

(A) *Purpose.*

(1) **Sidewalk Vendors.** Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(2) **Food Trucks.** The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) **Sidewalk Vendor and Food Truck Authorization.** The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, or plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities, including any Transient Merchant permit requirements.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.

(3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

(4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) **Permit Application.** Each application for a ~~permit to conduct business on a~~ sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. **Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All** ~~P~~permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

(1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
- (b) Type of items sold or services rendered.
- (c) A valid copy of all necessary permits required by State and County health authorities.
- (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
- (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
- (f) A site plan indicating the location and dimensions of the proposed ~~use and device or pushcart.~~ vehicle or pushcart.
- (g) A detailed scale drawing, picture or diagram and material specifications of the device vehicle or pushcart to be used.

- (2) The permit issued shall not be transferable in any manner.

~~(3) The permit is valid for one sidewalk vending location only.~~

(3) The sidewalk vending or food truck permit is good for one location only. Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

- (1) **Sidewalk Vendors.** The City of Fayetteville permits the following types of goods for **street sidewalk** vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by **street sidewalk** vendors.

(2) Food Trucks. The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

- (3) All goods being sold from sidewalk vendors **and food trucks** shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian **or vehicular** traffic on the sidewalk **or street**.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

- (E) **Sidewalk Vendor Location Requirements.** Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not

permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where **street sidewalk** vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center
- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

- (F) **Sidewalk Vendor Conditional Use Permit.** If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for **street sidewalk** vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the **street sidewalk** vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and

location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) Sidewalk Vendor Operation Requirements.

Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.

(d) Within 15 ft. of an entrance to a building.

- (7) **Street Sidewalk** vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the

purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) Food Truck Location and Operation Requirements. Food trucks may be permitted administratively on an annual basis for multiple locations subject to the following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of

Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
 - (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) **Signage Requirements.** Sidewalk vendors **and food trucks** shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors **and food trucks** are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) **Revocation of the Sidewalk Vendor or Food Truck Permit.** The Zoning and Development Administrator is authorized to revoke a sidewalk vendor **or food truck** permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

178.04 Outdoor Mobile Vendors Located On Private Property

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor **mobile** vendors to **temporarily** operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Requirements. Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis **(90 days) for a maximum of six months** by nature of their temporary occupancy in one location **over a one-year (twelve month) timeframe during a calendar year.** Outdoor mobile vendors **utilizing a temporary permit** may **request to move relocate** to a different **location site** at least one **half quarter mile (1,320 feet)** from the original location after this **90- six month day** period has expired. However, a new outdoor mobile vendor application **will have to shall** be reviewed and approved by the Planning Division for **a every** new location. **All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.**

(1) A **temporary permit for an** outdoor mobile vendor business **in a single location** may be approved **and issued administratively** by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor **will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses,** will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) **The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed**

outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(C) *Variances. Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor **mobile** vendors may request **a variance an annual permit** from the Planning Commission to operate **for a one year time period** ~~for an extended period of time, not to exceed twelve consecutive months~~ in the same location subject to the following standards:

(1) ~~A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.~~

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(3) ~~A variance may be granted by the Planning Commission if the following findings have been met:~~

a) ~~The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses will foster an aesthetically appealing streetscape.~~

b) ~~That the outdoor mobile vendor's presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.~~

(2) **All of the requirements of 178.04(D) have been met.**

(3) In granting **the variance an annual permit**, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, **such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.**

(4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.

(5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.

(D) Permit Requirements. All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:

(1) **Permit Application Fee.** Each application for a permit to conduct an outdoor mobile vendor business shall be accompanied by a \$50 \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.

(2) Temporary and Annual Permit Application Requirements. Application for a permit to conduct an outdoor mobile vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:

(a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.

(b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.

(c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.

(d) Means A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location. including but not limited to a description of any mobile device to be used for transport or to display approved items or services.

(e) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.

(e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.

(f) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.

(3) The permit issued shall not be transferable in any manner.

(4) The permit is valid for one mobile vendor location only shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.

(5) The proposed use must be a permitted use-by-right within the underlying zoning district. in order to be permitted.

(6) Outdoor mobile vendors be-in shall maintain compliance with parking lot requirements for any the existing business and the proposed outdoor mobile vendor business. The number of required parking spaces is determined by the use and size of the proposed transient merchant outdoor mobile vendor business and by the use and size of the existing business. Parking spaces on The property where

the outdoor mobile vendor is located ~~shall~~ **should** be paved ~~and striped~~ in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces ~~necessary below the minimum required~~ for other uses occurring on the property. ~~An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite.~~ The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

(7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(F) *Exemptions.* The provisions of the ordinance do not apply to:

(1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.

(2) The distribution of free samples of goods, wares and merchandise by any individual from his person.

(3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.

(4) Fireworks sales.

(5) Children's lemonade stands.

(6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

(7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.

(8) Non-profit organizations that prepare and donate or give away food for free.

(F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:

(1) Obstruct pedestrian or vehicular traffic flow.

(2) Obstruct traffic signals or regulatory signs.

(3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.

(7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.

(G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:

(1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.

(2) Conducting the business of vending in a manner contrary to the conditions of the permit.

(3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or

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interfere with the rights of abutting property owners.

(4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;

(5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.

(H) Notification of Suspension or Revocation.

The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.05 Transient Merchants

All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services

(Ord. 5185, 10-7-08)

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
December 03, 2013**

A meeting of the Fayetteville City Council was held on December 03, 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Long

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan asked the students from Ms. Shay Hopper's Woodland Junior High School 9th Grade Pre-AP American Government class to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items:

Golden Acorn Award: Fayetteville Natural Heritage Association

Mayor Jordan: Bob Caulk from the Fayetteville Natural Heritage Association is here to present a special award tonight.

Bob Caulk, Fayetteville Natural Heritage Association presented the Golden Acorn Award to the Fayetteville Parks and Recreation team. Connie Edmonston, Alison Jumper and Byron Humphry accepted the award.

Connie Edmonston: This means a lot to us and our whole city. If the Administration and City Council did not support the things we have done we would not be able to accomplish anything. The Fayetteville Natural Heritage group is an awesome partner.

Quarterly Financial Report – 3rd Quarter of 2013, Paul Becker, Finance Director

Paul Becker, Finance Director gave the 3rd Quarter Financial Report for 2013.

Agenda Additions: None

Consent:

Re-approval of the November 5, 2013 City Council meeting minutes and approval of the November 19, 2013 City Council meeting minutes.

Approved

General Construction Solutions, Inc.: A resolution approving Change Order No. 1 to the contract with General Construction Solutions, Inc. in the amount of \$34,037.14 for the completion of construction on FEMA Project, Location 22 Sanitary Sewer near the entrance to the Cliffs Apartments related to Spring 2011 flooding, and approving a budget adjustment.

Resolution 241-13 as recorded in the office of the City Clerk

Grubbs, Hoskyn, Barton & Wyatt, Inc. Amendment No. 1: A resolution approving Amendment No. 1 to the contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for the additional amount of \$8,000.00 for additional geotechnical evaluations of Tract 14 of the Fayetteville Industrial Park, approving a project contingency of \$2,000.00 and approving a budget adjustment.

Resolution 242-13 as recorded in the office of the City Clerk

Continental Flooring Company: A resolution authorizing the purchase and installation of vinyl plank flooring from Continental Flooring Company for the Transportation Division office in the amount of \$38,843.00 plus any applicable bonding fees and tax pursuant to an NJPA cooperative purchasing agreement.

Resolution 243-13 as recorded in the office of the City Clerk

Landers Toyota of Little Rock: A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of \$55,910.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer Division, and approving a budget adjustment in the amount of \$28,500.00.

Resolution 244-13 as recorded in the office of the City Clerk

Bid #13-20 Shipley Motor Company of Lowell: A resolution authorizing the purchase of one (1) Mack LE613 truck with Wayne Titan body in the amount of \$245,060.00, pursuant to Bid #13-20, from Shipley Motor Company of Lowell for use by the Solid Waste Division.

Resolution 245-13 as recorded in the office of the City Clerk

Assistance to Firefighters Grant: A resolution authorizing application for a 90/10 matching Assistance to Firefighters Grant through FEMA in the estimated amount of \$427,500.00 for the purchase of a front line fire pumper apparatus for the Fire Department.

Resolution 246-13 as recorded in the office of the City Clerk

2013 Sales and Use Tax Bond Issue Proceeds: A resolution approving a budget adjustment in the total amount of \$22,750,000.00 to appropriate proceeds from the 2013 Sales and Use Tax Bonds for street projects.

Resolution 247-13 as recorded in the office of the City Clerk

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

Unfinished Business:

Amend UDC Height and Setback Regulations: An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and setbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. ***This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting. This ordinance was left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent the Ordinance Review Committee for review.***

Alderman Marsh: Mr. Mayor, Alan Long was unable to be here tonight and he played a very pivotal role in working this ordinance through our Ordinance Review Committee. I would like to request that we hold this ordinance until he is able to participate in the discussion and vote.

Mayor Jordan: Is that a motion?

Alderman Marsh: Yes, that is a motion.

Alderman Petty: I will second it.

Mayor Jordan: We have a motion and a second to table. What discussion do we have on it?

Alderman Kinion: I feel like we are faced with a moratorium that is ending. There has been a lot of discussion on this. Unfortunately, I was not able to attend the meeting of the Ordinance Review Committee, but I have reviewed it. I have looked extensively at the trail that we have taken from the initial discussion to where we are now. It has gone from something very simple to protect the integrity of neighborhoods and to offer the protection and the availability of fresh air and sunlight to residences that are already established in the Downtown area, to a very broad and all-encompassing ordinance change. I don't feel like we are at the point to move forward in that broad sweep. At the same time since we are faced with the end of the moratorium, I think we should move forward with something. You will find in front of you an amendment that I am going to offer.

Mayor Jordan: We have to vote on the tabling first.

Alderman Kinion: I am getting to that.

Mayor Jordan: Ok, I am sorry.

Alderman Kinion: In an effort to go ahead and move forward I would say that I can't support tabling this.

Mayor Jordan: Any other comments on that?

Alderman Adams: I have a question about the moratorium. It is clear that we set this date so that we would not risk having changes made while this was being considered.

City Attorney Kit Williams: The moratorium will expire before your next meeting. The reason for the moratorium is to give the City Council enough time to act. If you want to act before the moratorium expires and development can occur no matter what, then you would need to make a decision tonight and actually pass some ordinance.

Alderman Adams: Thank you very much.

Alderman Petty: I would like to reiterate how important Alderman Long was to the process at Ordinance Review. He chairs that committee. He also prepared the amendments that came out of the committee which I think were useful and responded to the input that we got from the other council members that were there and from the members of the committee. I think it is vital that he is here to weigh in as chair of that committee.

Alderman Marsh: I am drafting a new much more streamlined ordinance that will address a lot of the comments and concerns that I intend to file tomorrow morning. Hopefully by putting that

in place before the end of the moratorium will help this process along while safeguarding the homeowners.

Mayor Jordan: Mark, you are going to present an amendment after we vote on the tabling?

Alderman Kinion: Yes.

Mayor Jordan: Sarah, you are going to bring an amendment as well?

Alderman Marsh: A new ordinance.

City Attorney Kit Williams: Mayor, if the motion to table passes, then there can be no amendments presented. This item will then be left on the table until the next meeting.

Mayor Jordan: Any other discussion on the motion to table?

Alderman Adams: If we table it someone can come into Planning before our next meeting and all this is for naught. I usually vote to table something when an Alderman can't be here but we have a moratorium and date that was put before us and that is an important consideration. Alderman Marsh you were concerned about that date.

Alderman Marsh: Right. I wish we could move forward, but the reality is this ordinance has mutated significantly and it has gotten really messy. I asked Kit to draft the ordinance and he sent back the initial draft so we could file something to put that moratorium in place. I did not do a good job in editing the ordinance to refine the intent of the ordinance. I would like to go back and clean that up and incorporate a lot of the comments and suggestions that we have received. This is going to affect our community for a long time and it is really important that we get it right. I think it is important that we involve the entire Council in such a large decision. I am prepared to withdraw the ordinance tonight and file a new one tomorrow morning.

City Attorney Kit Williams: The City Council has to vote. You can not withdraw something that is before the City Council.

Alderman Kinion: I endorse the comments that have been made by Alderman Petty and Marsh. The intent was to move forward with this. We will still have the opportunity in the future to revise the elements associated with the discussions that we have had. My concern is with the moratorium. We need to move forward to protect some residential areas downtown. I apologize to Alderman Long, it is tough when you are absent. It is important because of the timeliness of the moratorium that we move forward this evening.

Alderman Marsh: Maybe as a compromise we could vote on the existing ordinance but call it a pilot program and it would expire in one year. That would give us time to hammer out a new improved version and protect us in the interim.

Alderman Adams: Are you meaning a pilot program with the ordinance. You said you did not like some of the things you did in it and you wanted to change it because it is messy now you think it would be okay to try it for a year?

Alderman Marsh: I think it would allow us to put something in place to protect the existing home owners while we figure out a much cleaner version.

Alderman Marsh moved to table the ordinance to the December 17, 2013 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion failed 2-5. Alderman Marsh and Petty voting yes. Alderman Gray, Kinion, Tennant, Schoppmeyer, and Adams voting no. Alderman Long was absent.

Alderman Kinion: There is an amendment in front of you. This amendment recognizes the home owner's rights for adequate sunlight and that room for air and wind should be protected. It also recognizes this is an ordinance that is brief and to the point that handles the situation we are faced with in the core of our city and the downtown area. It recognizes protecting those individuals that are residents of this area.

Alderman Kinion moved to amend the ordinance to the new ordinance that was introduced at the City Council meeting. Alderman Gray seconded the motion.

City Attorney Kit Williams read the ordinance that was introduced at the City Council meeting.

City Attorney Kit Williams: This is similar to the initial ordinance that was presented to you. It has been tightened significantly and improved to make sure it is limited to the Downtown General and Main Street Center zoning districts. This would protect a single family home being used primarily as a single family residence, no other buildings would receive protection. It would not limit single family residents from being constructed within the city. I wrote this ordinance in response to comments from the Aldermen and citizens.

Alderman Kinion: The moratorium will be up before our next meeting. This is an opportunity to have a measure in place that is simple, not complex and offers protection to those individuals that came forward early in the process and asked for protection.

Alderman Gray: I agree with Alderman Kinion. I want to thank our City Attorney for drafting this ordinance for us. At the Ordinance Review Committee meeting we were not offered the opportunity to discuss this ordinance. I feel this is the direction we should go. We may want to make adjustments in the future with lots of citizen input. I support this redrafted ordinance.

Alderman Tennant: I think the best part about government is taking the best ideas and adding other ideas or subtracting things that do not work. This idea in the beginning had very good intentions. I think this is a good compromise. I want to commend Alderman Kinion and City Attorney Kit Williams for bringing this forward. I am in favor of it.

Alderman Petty: I appreciate the view points. I disagree with what has been said. I am a big supporter of this process and getting something out of it. This is absolutely the wrong way to do it. It is prejudicial against anyone that can not afford to live in a single family house. This new ordinance limits practical development. I can not support the ordinance.

Alderman Kinion: I respectfully disagree with Alderman Petty. We still have the opportunity to come back and reevaluate this. We need to protect the neighborhoods and the integrity of the neighborhoods and those that have purchased single family homes in this area. The intent of this legislation is to respect those individuals that are currently in their single family homes. That is what we were asked to do when we started this discussion. I live in this area and it is in the ward that I represent.

Alderman Marsh: I respect and appreciate Alderman Kinion's efforts. I agree with Alderman Petty that this discriminates against people who can not afford to own their homes. I think we need to do something to immediately protect our neighborhoods. I would like to amend this to 39 feet and add a six month expiration date. I would be willing to do this even though I do not think this is in the best long term interest of our community.

Alderman Marsh moved to amend the ordinance to 39 feet. There was no second to the motion.

Tom Overby: I ask that in the future you consider issues other than single family homes. Light and air is important to people besides single family residences.

Todd Jacobs, Jacobs Newell Company: We are one of the few builders that are doing infill development on a small scale. What we see before you tonight scares us deeply. We see no predictability coming from City Administration and the City Council.

Mr. Jacobs asked questions about the proposed ordinance and how the changes would affect his proposed projects.

A discussion followed on the development that would be allowed if the ordinance is approved.

Hathum Alley asked how this ordinance would affect his property.

A discussion followed regarding the setbacks and step backs that could affect Mr. Alley's property.

Aubrey Shepherd voiced his concern about enforcing low impact development. He voiced his concern about building infill development where there is no absorbent soil.

City Attorney Kit Williams: We have a low impact ordinance but it is not mandatory, it is optional.

Steve Clark, President of Chamber of Commerce: The moratorium gives me great concern. If the notion is that one member of this Council can offer an ordinance for debate or discussion

and the net effect is to stop everything until that debate and discussion is resolved then you put your city at a very strong disadvantage. I support the new proposed ordinance. This gets us out of the moratorium. I ask you to not be a part of an effort to use your power, individually as an Alderman, to stop growth. Change is not bad for us and growth is not bad for us.

Bob Estes voiced his support for the new amended ordinance.

Russell Rudzinski asked the Council to not support any ordinance that is before the Council. He stated he thinks the zoning that we have in place is doing an adequate job.

Nina Shirkey stated she was born in a home that was built in 1906 long before this plan was developed.

Alex Blass stated he would implore that this be shut down until we can have more time to look at other cities and have more discussion within the city itself.

Tracy Hoskins: I believe this amendment is an improvement from what was originally before us. I have concern that the 15 foot setback along with a 15 foot step back is going to seriously diminish the usability of some property. I hope the Council would consider adjusting one or the other. I don't think the step back is going to make a lot of difference to a single family residence below.

Alderman Marsh: I agree that these setbacks are extreme. We need retail and restaurants spaces in our downtown area. We need the types of spaces that bring vitality and economic opportunities into our downtown and this really disincentives that. When I envision the future of our community I see a mid-rise walkable community filled with sustainable buildings and that is what I intended to do with my ordinance. While this offers some good protections for single family residences it swings the pendulum too far back against opportunities for good infill development and the diversity of building types in our downtown. I think we need to look at the 15 foot setbacks and step backs because those are development killers.

Alderman Kinion: I don't understand how this inhibits commercial development.

Alderman Marsh: It limits us to one to two story buildings which are not economically viable for commercial projects.

Alderman Marsh moved to amend the ordinance that new multifamily, commercial, office, parking deck or mixed use construction be raised from 24 to 39 feet and amend the maximum building height farther down to 39 feet. There was no second to the motion.

Alderman Petty: Everyone up here wants to support the heritage in Fayetteville. That is the intention of this ordinance. I do not see an emergency or a crisis. I would be in favor of taking no action tonight. I can not vote for a law that I think is bad just to buy us more time.

Alderman Adams: At the Ordinance Review Committee we did not get to talk about the ordinance that was presented at the meeting. We have put a lot of time into this and had some good conversations. I am ready to vote tonight.

Upon roll call the motion to amend the ordinance to the new ordinance that was introduced at the City Council meeting passed 5-2. Alderman Gray, Kinion, Tennant, Schoppmeyer, and Adams voting yes. Alderman Marsh and Petty voting no.

Tracy Hoskins asked for clarification and if the LEED certification, including any type of residential, and shadow studies was removed from the ordinance.

Mayor Jordan: That is correct.

Seth Mims, Specialized Real Estate Group asked for clarification on what ordinance was being voted on.

Mayor Jordan: It is the one City Attorney Kit Williams proposed with the addition of multi family, commercial, office, parking deck for mixed use construction.

City Attorney Kit Williams: This was handed out at the Ordinance Review Committee with multi family, commercial, and mixed use. I have included office buildings and parking decks to the one that was handed out at the Ordinance Review Committee.

Seth Mims: I think a 15 foot setback is extensive and will greatly affect building in downtown. If anyone considers another moratorium you are going to push development out. The danger is there are competing cities looking for development.

Mr. Mims voiced his concern about some projects that might not be built if another moratorium is put in place. He feels the ordinance is over reaching.

Alderman Kinion: You have asked for variances before and received them. You have that opportunity with this. We need to lift the moratorium. We are in an economic advancement stage.

City Attorney Kit Williams: Moratoriums are tricky. They can be legal if they are relatively short, for a determined amount of time, and there is a reason behind it. Repeated moratoriums fall far outside the spirit of the United Development Code. I do not think it was envisioned that there would be repetitive moratoriums. It would not be proper to have a long term moratorium set up without extremely strong grounds of great danger to our citizens. I do not think a new moratorium would be appropriate.

Jeremy Pate: We have not utilized this type of moratorium very often. I think it is used with great care when you are considering any type of stop gap measure or consideration of an ordinance that would cease development for a specific type.

Russell Rudzinski: I am all for preserving heritage. With these restrictions you are preventing the city from growing up to reflect our cities important ranking as the third largest city in the state.

Aubrey Shepherd voiced his concern about people not caring about what is going on. He stated if there is not a wide enough setback construction machinery, gravel and dirt is put out in the street surrounding the property and that should not occur.

Alderman Marsh: When I first proposed this ordinance we had the 15 foot setback and 15 foot step back in it. The intention of that was to do something really extreme so that when we came back with something later everyone would say it was better. My intention with the previous ordinance and the amendments was to find something that was really strategic and context sensitive and not something that was this broad and sweeping. I can not support this. This is a gross distortion of what I had initially intended. I think this is really bad for the livability of our downtown and commercial viability.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Gray, Kinion, Tennant, Schoppmeyer, and Adams voting yes. Alderman Marsh and Petty voting no. Alderman Long was absent.

Ordinance 5636 as recorded in the office of the City Clerk

Resolution Calling for a Public Hearing for VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): A resolution to fix the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council Chambers, Room 219 of the City Administration Building.

City Attorney Kit Williams gave a brief description of the resolution.

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

Resolution 248-13 as recorded in the office of the City Clerk

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): An ordinance approving VAC 13-4516 submitted by Development Consultants, Incorporated for property located west of Razorback Road and north of Center Street to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a thirty foot wide alley off of Hotz Drive. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

Alderman Adams moved to table the ordinance to the December 17, 2013 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent.

This ordinance was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.

ADM 13-4512 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 2): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Two, reducing the number of dwelling units from 100 units to 72 units and removing the requirement for vertical mixed-use buildings. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I ask that you amend this ordinance to add Section 3 and add the conditions of approval that were recommended by the Planning Commission.

Alderman Petty moved to amend the ordinance to add Section 3 and add the conditions of approval that were recommended by the Planning Commission. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent.

Alderman Adams: This is a reduction of the original plan. In the future I would like us to treat PZD's in the same notification way that we treat zoning changes.

Jeremy Pate: There are no requirements to notify whatsoever of zonings or annexations that come before the Council. You have no notification process in our current codes. Interested neighbors generally follow from the Planning Commission meeting and look at the agendas on line or in the paper. There are no signs or notification requirements for the City Council meeting.

City Attorney Kit Williams: There is a single notification by the city and that is at the Planning Commission level.

Alderman Adams: I would like to see us change that in the future.

City Attorney Kit Williams: I am working with Planning on revising the planned zoning district.

A discussion followed on planned zoning districts, when that zoning was incorporated and possible changes to the ordinance in the future.

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

Ordinance 5637 as recorded in the office of the City Clerk

ADM 13-4513 (Wedington Drive and Salem Road/Forest Hills PZD Modification to Planning Area 5): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to revise the concept plan and zoning criteria for Planning Area Five, reducing the number of dwelling units from 60 units to 31 units and amending the housing type from townhouses to detached single-family houses. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I ask that you amend this ordinance to add the conditions of approval that were recommended by the Planning Commission.

Alderman Petty moved to amend the ordinance to add the conditions of approval that were recommended by the Planning Commission. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent.

Alderman Adams: This is a change in a PZD. It is a down size but it is important that the citizens be notified.

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

Ordinance 5638 as recorded in the office of the City Clerk

ADM 13-4450 (Pratt Place Inn): An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: I would like to ask that we hold this on this reading tonight. I know we have people here, but there is no date attached to this and Alderman Long is not here.

Mayor Jordan: You would like to hold it on the second reading?

Alderman Adams: I would request that if you would support that.

Tom Overby, 1855 West Pratt Drive: I am 500 feet from Mr. Archer's property. I have been asked to speak on behalf of several people in the neighborhood. Why are so few complaints noted in the filing of Pratt Place Inn with respect to noise and other activities? An answer is because we neighbors rely on the 10:00 p.m. curfew. If there is noise during the week we know it is going to end at 10:00 p.m. because that is the curfew. Sometimes an event will run over a little bit to 10:15 p.m., but that is far different than events running over to 12:15 a.m. if you move to the midnight curfew during the week. We debate the argument that there have not been many complaints. The request that was filed by the owners of Pratt Place Inn was for midnight Monday through Saturday, 10:00 p.m. on Sunday, plus ten events per year until 2:00 a.m. That is not what City Planning has proposed, but that was the request.

Pratt Place negotiated long and hard with this Council and the neighbors in 2005. They now want to change the deal. It is not just a noise issue. The issue beyond noise is the traffic in a residential neighborhood. It is a beautiful place. It's not what they are doing that we are complaining about, it is extending it two more hours in a residential neighborhood. The Archer's haven't talked to anyone in the neighborhood to our knowledge. They have only talked to you guys.

Lynn Wade, 100 North Sang Avenue: I am surprised that we have to be here. In 2005 we thought this was put to bed in a very amicable way. I appreciate the discussion of the notice. I concur with what Mr. Overby has said and particularly I am glad to hear the discussion tonight about protecting the neighborhood. This is what we ask you to do.

William Feldman, 16 North Sang: The PZD has time requirements, but they aren't always obeyed and that has become a problem. At least they are in place and offer us some protection after 10:00 p.m. and after midnight during the weekends. If we didn't have that protection, I think we would all feel that our situation was compromised in terms of privacy and integrity of the neighborhood and a sense of quiet.

Debra Boddington, Palmer and Hotz in Ward 4: I am a little south of where this particular issue is impacting. Although the integrity of the neighborhood is very important, there are several things that are impacting the neighborhood right now as far as traffic concerns. I concur with my neighbors.

Julian Archer, 2115 West Markham: Are we going to postpone because of Alan's absence?

Alderman Adams: I requested that, but someone could move to go on.

Julian Archer: I can give my remarks, but I would rather hold them until there is actually going to be a vote.

Mayor Jordan: From what I understand we have had a Council member from Ward 4 request that it be held on second reading. Is that correct Rhonda?

Alderman Adams: He didn't ask me specifically. I don't know if he asked one of you all or not. I didn't really know how to handle this.

Don Marr, Chief of Staff: Alderman Long sent an email requesting that this item be considered to be left on the second reading. Staff informed him that is up to the Council.

City Attorney Kit Williams: This is a somewhat different situation in that his vote could be critical on this particular issue. It takes five affirmative votes to pass an ordinance. Every vote would count and in this particular case he might have the critical vote. I think this is a situation where I would hope you all would keep this on the second reading.

Alderman Kinion: We certainly could hear information.

Mayor Jordan: Absolutely.

Alderman Adams: It is not a time sensitive issue.

Mayor Jordan: From what I understand we want to hold on a second reading.

Julian Archer: I should go ahead?

Mayor Jordan: Yes. You can do it now and then you can do it again in two weeks.

Julian Archer: I want to thank the staff for the time in reviewing this and their recommendation. I would like to have an amendment on your part and that is to remove the two year statute of limitations because that simply causes all of us an incredible nuisance. We have been on trial. We have a track record of eight years of the barn being open and functioning. The Inn has a five year track record and I think you can successfully make your determination on the basis of that experience. We have a track record. I ask that you amend the proposal and not include that. I do think you should include, and I would like an amendment coming forth for this, two options in the year to go until 2:00 a.m. We would have to inform the Planning Department and the Police Department a week ahead of time at least. Those events will have off duty policemen, either University or Fayetteville Police.

You have been given the impression that a party ends precisely at one time and 200 cars descend the road. That never happens. If you are attending an event, people come at different times and they depart at different times. There are events which want to go later and I would like to have the opportunity to do that.

There is competition. Fayetteville doesn't exist in isolation. If you want to rent Crystal Bridges, you can go as long as you want. You can have amplified music outside and there is no time limit. Residences are far closer to Crystal Bridges than ours. The City of Bentonville imposes no restrictions. We are competitive. There are choices in Fayetteville, Springdale and Bentonville.

Robert Albertson, Ward 4 resident: I have lived on Markham Hill since 1971. I have seen the changes that has been happening there and the barn doesn't faze me. It is out of sight from my house. Just because it is not in my back yard doesn't mean that I can't appreciate how late night noise would disturb my neighbors. My house is situated where I get the headlights and the noise. There doesn't seem to be a speed sign on Markham and they go fast. I ask you to help me protect the value of my property and the quality of life by not extending anything.

Mayor Jordan: We are going to leave it on the second reading.

This ordinance was left on the Second Reading.

New Business:

Fayetteville Youth Center, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Director of Fayetteville Parks & Recreation gave a brief description of the ordinance.

Eric Schuldt, Executive Director of the Fayetteville Boys and Girls Club: Thank you for the support you have given us in the past and hopefully going forward. Our Board of Directors and staff make every effort to be a good community partner and help add to the quality of life in Fayetteville. We do this in so many ways.

Mayor Jordan: Thank you. You have been a great partner to this city.

Alderman Adams: Ward 4 thanks you for the things we have asked for our ward meetings.

Alderman Tennant: This is a jewel for the city and I thank you for everything you do.

Eric Schuldt: Great and I appreciate it.

Alderman Gray: I want to thank you also. It is a great place to visit and always a pleasant experience.

Eric Schuldt: We are very blessed to be where we are at as an organization, to continue to grow and try to help our kids and families in the community.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5639 as recorded in the office of the City Clerk

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$74,314.00 to provide public recreation services for the senior citizens of Fayetteville for 2014 contingent on approval of the 2014 Annual City Budget and Work Program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Director of Fayetteville Parks & Recreation gave a brief description of the ordinance.

Kayla Irving, Director of Fayetteville Activity & Wellness Center: The Fayetteville Senior Center is a wonderful place to visit. The Fayetteville Senior & Wellness Activity Center provides recreation for 700 plus seniors. We also provide Meals on Wheels and transportation for our seniors in the community. I would like to encourage you all to come out and have lunch with us.

Mayor Jordan: Thank you very much for another great partnership. You all do tremendous work there.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5640 as recorded in the office of the City Clerk

RZN 13-4520 (S. of Martin Luther King Blvd. and East of S. Beechwood/Eaton): An ordinance rezoning that property described in rezoning petition RZN 13-4520, for approximately 16.57 acres located south of Martin Luther King Boulevard and east of South Beechwood from I-1, Heavy Commercial and Light Industrial to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval as well as the Planning Commission.

Blake Jorgensen, Jorgensen & Associates: We did send out notification. There was no public comment. We did a lot of that development a long time ago. Everything that Jeremy has said is the reason we are requesting this rezoning.

Alderman Kinion: Was this part of the Fayette Junction plan whenever we looked at that or was it outside?

Jeremy Pate: It was a little further west. This is a long trail that is actually being constructed right now, a little further east and the west side of Beechwood has already been constructed. This is a gap that we are trying to connect and trying to acquire properties currently between Razorback Road and Beechwood.

Alderman Marsh: Just to clarify. Are multi-family residential uses permitted in Community Services?

Jeremy Pate: They are

Alderman Marsh: Excellent and thank you.

Alderman Adams: We talked a little bit about this the other night at Agenda Session and we talked about my request that we look at the master plan. This isn't in Fayette Junction, it's not in any exact plan so I was talking to Jeremy about trying to make some thoughtful plans in the future here. This is a really important part of town and we have great confidence in those who want to go forward with this. I think it would help us as a Council to have some guidance as we look at the future, if we look at this as part of a master plan.

Jeremy Pate: Correct. The Planning Commission on Monday night will see on page 6 of your map how this property is laid out. The property to the east of this is also up for a rezoning request for a very similar district. It is something we are seeing for possibility of redevelopment in this particular area, which is within walking distance to campus and also a major arterial trail system as well.

Alderman Adams: Thank you.

Alderman Marsh: I have a question for the applicant. Are you the owner of the property or do you actually have development plans for this property?

Blake Jorgensen: We are a civil engineering surveying company. We have done work on and off for the owners for a number of years. .

Alderman Marsh: Even though we are not directly inside the Fayette Junction master plan boundary, I was recently reviewing that plan, and the number one concern of the residents there was the integration of the built and the natural environments. They really wanted an emphasis placed on low impact development because we have such a storm water issue down there. Are there any plans to include low impact development best management practices in the development of the project?

Blake Jorgensen: Right now there is not any developments in the works. I can tell you if we get the opportunity to do some engineering on it that's one of our main priorities. We just got a big U of A parking lot, LID job we are going to start soon. The Hilton Garden Inn is going to have some of the most low impact development features for development in Fayetteville. We are always excited to try to implement those in all our developments. If something comes up and we get the job, that will be one of our checklist items.

Alderman Kinion: You said something that kind of shocked me. You are doing a parking lot?

Blake Jorgensen: A low impact development, specific parking lot.

Alderman Kinion: At the University?

Blake Jorgensen: Yes sir and we are real excited about it.

Alderman Kinion: I am excited to hear that. The velocity of water that runs off parking lots there is a problem with us.

Blake Jorgensen: We were fortunate to be a stakeholder in the LID manual. We went to a lot of the reviews. We worked a lot with the companies that developed the manual for the City of Fayetteville and it is something we embrace and are excited about. You can do it on small or large scale. As far as something for this property, I hope we get the job and hope it is something we can implement for a project. That is always our goal.

Alderman Marsh: Thank you. I am really excited to see this request to move to a form base zone. I want to invite all the developers who are just zoned out of our Downtown area to come to the south side. We have plenty of land available for development. As we move forward with developing down there, I think it is critical that we place an emphasis on low impact development strategies. If there is an opportunity that we could tie that to this rezoning, I know that my neighbors in Fayette Junction would appreciate that. I support this request. I would request that we amend it to include a requirement for low impact development.

Blake Jorgensen: Since the owner is not present, I can't speak on her behalf.

City Attorney Kit Williams: That is an illegal request. For zoning, you can only consider the land use and not put additional conditions upon it for a zoning. That is what they are asking for is a rezoning. We can't ask them to do that.

Alderman Marsh: Ok. Thank you and I hope you get the job.

Blake Jorgensen: Thank you very much.

Mayor Jordan: I live in that area. I think that's a really good development down there. I walk in that area a lot and it will be a nice development.

Alderman Adams 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 Long was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5641 as recorded in the office of the City Clerk

Amend §166.08 Street Design and Access Management Standards: An ordinance to amend §166.08 Street Design and Access Management Standards of the Unified Development Code to clarify or alter several design regulations.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor of this request after two meetings of discussion. Engineering and Planning staff are recommending it to you for consideration.

Alderman Gray 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 Long was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5642 as recorded in the office of the City Clerk

City Council Agenda Session Presentations: None

City Council Tour:

December 2, 2103 – 4:00 PM – Mt. Kessler

Announcements:

Alderman Marsh: On Thursday at 5:00 p.m., the Fayetteville Forward Historic & Heritage Resources group will be meeting at the Shirkey residence on Block Street to discuss Downtown revitalization. Everyone is welcome to attend.

I would like to congratulate the University on the LEED Gold certification of their new Jean Tyson Child Development Study Center. It is nice to see somebody being really serious about sustainability in our community.

Don Marr, Chief of Staff: We participated in a conference call this afternoon, a weather briefing from the National Weather Service of Tulsa. To update the Council, for any scheduled meetings you have out there doesn't look good. We have posted on the city's Facebook page the slides from that presentation that give time frames and weather impact for citizens to look at. They are projecting a significant winter weather event that would encompass freezing rain, sleet

and snow. Temperatures are expected to be extremely cold. For individuals seeking warm locations we will be visiting that with our local shelters.

I want to remind citizens that there will be free parking in the city on December 24th and December 25th in our Downtown Entertainment Districts.

On Thursday, December 5th, Fayetteville Forward Green Economy Group is meeting at 4:00 p.m. at the Fayetteville Chamber of Commerce.

Due to excess supply of mulch, the city is continuing to offer our free mulch giveaway for the month of December to Fayetteville residents.

Alderman Marsh: The Fayetteville Forward Economy Group is not having a December meeting. We will resume our regular meetings in January.

City Attorney Kit Williams: After a little more than four years, Assistant City Attorney Jason Kelley has been stolen away by Bella Vista, who I took him from. They had decided to pay him what he is worth, which we were paying him. He is now going to be the Bella Vista City Attorney and run their legal department. His last day will be December 13, 2013 and I want to wish him well. He's done very well for me and the City Council. He has worked very well with the staff. We are now accepting applications for an Attorney with at least three years of experience. I am very sorry to see him go. He has done a very fine job and I wish him well.

Adjournment: 9:22 pm

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Pratt Place 12-17-13

Smith, Sondra

From: Elaine Wade <ew.buddhabudi@gmail.com>
Sent: Monday, December 16, 2013 9:24 PM
To: Smith, Sondra
Subject: Wade's Letter of Opposition

December 16, 2013

Mayor and Members of Fayetteville City Council

We write to note our strong objections to ADM 13-4450 (Pratt Place Inn and Party Barn), a proposed amendment to C-PZD 05-1670 to extend hours of operation.

The existing C-PZD 05-1670 is the result of extensive negotiation with the Archers, city staff and neighbors. The factors, which resulted in the negotiated conditions attached to the existing C-PZD are still present. Thus the existing C-PZD should not be amended again.

We request you recognize the considerable effort of previous staff, council, petitioner and neighbors to reach an accord and this accord should not be easily revoked or amended.

The City and neighbors have acknowledged Mr. Archer's use of his land. The neighbors' request quite and safe use of our homes in an older established neighborhood.

In reliance, in part, on conditions of the C-PZD, three of the North Sang Avenue neighbors have made or are making substantial improvements to their single family homes. Most of the neighbors can tolerate 10:00 p.m. closing hours, whereas 12:00 a.m. is extremely invasive and disturbing.

Recent city council discussions emphasized protection of occupied single family residences and we request such protection.

The traffic from Pratt Place Inn and Party Barn will travel through out our city and thus all citizens are protected by the present negotiated conditions.

Please consider future provisions for Notice to Neighbors before discussion of amendments to a C-PZD.

Please support our residential neighborhood and vote NO on amendments to Pratt Place Inn and Party Barn C-PZD.

Very truly yours,

Lynn F. Wade
Elaine B. Wade
100 North Sang Ave.
Fayetteville, AR

Smith, Sondra

From: Smith, Lindsley
Sent: Tuesday, December 17, 2013 4:36 PM
To: City_Clerk
Subject: FW: Pratt Place PZD

just as an fyi--here is another message Alan sent to Julian, and I'm forwarding any additional ones that fit the request to Julian. Lindsley

From: Long, Alan
Sent: Tuesday, December 17, 2013 4:00 PM
To: Smith, Lindsley; Julian Archer
Subject: Fwd: Pratt Place PZD

In response to the FOIA request.

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

Begin forwarded message:

From: "Long, Alan"
Date: December 17, 2013 at 3:59:09 PM CST
To: Stacey Park
Subject: Re: Pratt Place PZD

Thank you for writing, Stacey. I will certainly consider your input prior to the meeting.

Best Regards,

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

On Dec 17, 2013, at 3:57 PM, "Stacey Park" wrote:

Hi Rhonda and Alan,

I'm not sure if you will receive this email prior to the council meeting tonight, and I apologize for writing so late. I have been wanting to drop you a line about the Pratt Place PZD change. I have empathy for the Archers and their need to be competitive in today's market. I also greatly appreciate their stewardship of their

Markham Hill property. But I do wish to express that the neighborhood and the neighbors most greatly affected by the Archers' commercial development have been there longer than the Pratt Place business. Fran Alexander's recent letter in the newspaper does a good job of summarizing the history of mistrust and hard feelings that precede this request.

I live at 1636 W. Maple Street, not adjacent to, but within earshot of Pratt Place Barn. We have heard events at the Barn from time to time, but not enough to log complaints. We are not as directly affected as our neighbors on Markham or Sang. I can certainly empathize with the nuisance of parties lasting until late into the night, especially on weeknights.

I wonder if there could be a concession that the Archers could offer the neighborhood, perhaps prohibiting amplified music inside the Barn after 10pm on weeknights or 11pm on weekends (New Years Eve being the exception).

I especially think it's important that all of the other original conditions of approval remain in place, particularly that only 4 events per month shall be permitted, and that amplified music shall never be permitted outside.

Thank you for your time and consideration, and service.

Cordially,

Stacey Park
Park Company Architects

<pastedGraphic.tiff>

www.parkco.net

Smith, Sondra

From: Smith, Lindsley
Sent: Tuesday, December 17, 2013 11:34 AM
To: City_Clerk
Subject: FW: ADM 13-4450 - Pratt Place Inn

FYI Here is the other e-mail Alan forwarded to me and Archer pursuant to that FOIA from last week. Lindsley

From: Long, Alan
Sent: Monday, December 16, 2013 8:04 PM
To: Smith, Lindsley; Julian Archer
Subject: Fwd: ADM 13-4450 - Pratt Place Inn

In response to the FOIA request.

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

Begin forwarded message:

From: "Long, Alan"
Date: December 16, 2013 at 8:03:24 PM CST
To: Tom Overbey
Subject: Re: ADM 13-4450 - Pratt Place Inn

Thank you for writing, Tom. I am continuing to evaluate the input of all citizens in Fayetteville both for and against the proposed changes.

I am concerned that if the Pratt place does not continue to exist, that the property could be taken out of the PZD, the business could be closed and developed into a subdivision with possibly a hundred homes, each of which could emit the same amount of noise that has been generated by the Pratt Place. Also, the noise complaints have all been under the residential noise limits.

This is not to say that events should or should not be allowed to go until 2 am, but it is a consideration that we must all evaluate.

This is a very hard decision and I pledge to listen to all of the concerns prior to making my decision.

Thank you again for reaching out to me and for providing your input.

Sincerely,

Alan T Long
City of Fayetteville, AR
City Council, Alderman- Ward 4
ward4_pos2@fayetteville-ar.gov
479.304.0585

On Dec 16, 2013, at 7:31 PM, "Tom Overbey" wrote:

Tom Overbey

<Mayor & Aldermen.Pratt Place Inn.121313.pdf>

Smith, Sondra

From: Smith, Sondra
Sent: Tuesday, December 17, 2013 1:16 PM
To: 'Adams, Rhonda'; Branson, Lisa; Broyles, Lana; Eads, Gail; 'Gray, Adella'; Johnson, Kimberly; 'Jordan, Lioneld'; Kinion, Mark; 'Long, Alan'; Marr, Don; 'Marsh, Sarah'; 'McCoy, Dee'; Mulford, Patti; 'Petty, Matthew'; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: ADM 13-4450 - Pratt Place Inn
Attachments: Mayor & Aldermen.Pratt Place Inn.121313.pdf

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

From: Tom Overbey [mailto:t2tlo@sbcglobal.net]
Sent: Monday, December 16, 2013 7:31 PM
To: Mayor; Gray, Adella; Long, Alan; Justin Tennant; Mark Kinion; Martin W. Schoppmeyer; Matthew Petty; Adams, Rhonda; Marsh, Sarah
Cc: Smith, Sondra
Subject: ADM 13-4450 - Pratt Place Inn

Tom Overbey
479-442-3554

Pratt Place 12-17-13

TO: Mayor Lioneld Jordan
Adella Gray
Sarah Marsh
Mark Kinion
Matthew Petty
Justin Tennant
Martin W. Schoppmeyer Jr.
Rhonda Adams
Alan Long

RE: ADM 13-4450 - Pratt Place Inn

I wish to note opposition to the proposed amendment of C-PZD 05-1670 for the following reasons:

As previously stated, the noise issue has not been a significant issue up to this point since the PZD requires events to end at 10 PM during the week and midnight on Friday and Saturday. Extending the hours to midnight during the week and allowing 10 events per year until 2 AM is a significant change in the potential noise issue both as to intrusion into sleeping hours and the number of events.

University Heights Neighborhood was established long before modern street, curb, gutter, sidewalk and lighting requirements were in place. The main access to Pratt Place Inn and Barn is along Markham Street which is not up to current standards for the amount of traffic that can be generated by the permitted events at Pratt Place Inn. The traffic problem is even worse when attendees at events turn onto Cross, Halsell and North Sang streets in seeking efficient access to Wedington Road and its access to I-540.

It has been suggested that the neighborhood would be more effective if residents of other wards in Fayetteville would also oppose the PZD changes. Unfortunately, it is difficult to elicit action by persons not as directly affected by the proposed changes. I have discussed this with friends in other parts of Fayetteville. While sympathetic, they are reluctant to take action since it is not their homes and neighborhood facing the issues. It is a reverse of the "not in my back yard" type of issues.

Pratt Place Inn and Barn are very nice facilities and I have been to functions there. It is not the occurrence of events that are the issue; it is the relationship of those events to the residential neighborhood. Because the owners choose to develop Pratt Place Barn as a commercial enterprise at its location, consideration has to be given to the surrounding residential use. Those considerations are embodied in the present PZD provisions. It is inappropriate to make the requested changes. Most of the neighbors choose their homes long before Pratt Place Inn and Barn were developed. It is the commercial enterprise that should accommodate the residential neighborhood, not the other way around.

Finally, the request by Pratt Place Barn should be delayed until the proponent responds to a request by the Planning Department for a list of events held in 2013. That request was sent last week and we are not aware of any

response to this point in time. A response at this point would be impossible to evaluate. It a specific condition of approval of C-PZD 05-1670 that no more than four (4) gatherings/events per month shall be permitted at the Pratt Place Barn, Inn, restaurant or elsewhere on the subject property. The lack of response raises a question of whether or not Pratt Place Barn and Inn are in compliance with the PZD requirements.

Thank you for your consideration.

Tom Overbey
1855 West Pratt Drive
Fayetteville, Arkansas 72701-4874
Telephone 479-442-3554
Email address: t2tlo@sbcglobal.net

Smith, Sondra

From: Smith, Sondra
Sent: Monday, December 16, 2013 12:21 PM
To: Adams, Rhonda; Branson, Lisa; Broyles, Lana; Eads, Gail; Gray, Adella; Johnson, Kimberly; Mayor; Kelley, Jason; Kinion, Mark; Long, Alan; Marr, Don; Marsh, Sarah; McCoy, Dee; Mulford, Patti; Petty, Matthew; Roberts, Gina; Schoppmeyer, Martin; Smith, Lindsley; Smith, Sondra; Tennant, Justin; Williams, Kit
Subject: FW: Rezoning 731 S Razorback

Please see the email below from Tracy Hoskins requesting that you table his rezoning request that is on the City Council agenda for December 17, 2013.

His item is RZN 13-4538 (Razorback Road/Victory Commons) at 731 S Razorback Road. Have a great day! Sondra Smith

From: Tracy Hoskins [mailto:tkhoskins@paradigmnwa.com]
Sent: Monday, December 16, 2013 11:53 AM
To: Smith, Sondra
Subject: FW: Rezoning 731 S Razorback

Sondra -

Please see my message below. Andrew said I needed to send this directly to you. Let me know if there are any problems.

Thanks!



From: Tracy Hoskins [mailto:tkhoskins@paradigmnwa.com]
Sent: Friday, December 13, 2013 5:08 PM
To: 'Jesse Fulcher'

Cc: 'Andrew Garner'

Subject: Rezoning 731 S Razorback

Jesse -

Due to some issues which have recently come up, I would like to table my rezoning RZN 13-4538 (Razorback Road/Victory Commons) at 731 S Razorback Road. Could you please let me know what date the next city council meeting is on?

Thanks!

Tracy K. Hoskins - president

Paradigm
COMPANIES

1007 Best Friend Lane, Fayetteville, Arkansas 72704
(479) 521-7007 office (479) 236-6636 cell



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
December 17, 2013**

A meeting of the Fayetteville City Council will be held on December 17, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. City Board of Health**
- 2. Nominating Committee Report**

Agenda Additions:

A. Consent:

- 1. Approval of the December 03, 2013 City Council meeting minutes.**
- 2. Police Department Policy:** A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.

3. **Cruse Uniform and Equipment, Inc.:** A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.
4. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.
5. **Safeware:** A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.
6. **Bid #13-54 College Shoe Shop:** A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.
7. **General Construction Solutions, Inc. Change Order No. 3:** A resolution approving Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approving an additional project contingency in the amount of \$700.00, for the construction of improvements to Mount Sequoyah Gardens.
8. **CDBG Public Facility Lease Program:** A resolution approving an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.
9. **A&P Bond Special Election:** A resolution approving a budget adjustment in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P Bond Special Election.

B. Public Hearing:

1. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** Public hearing on the petition of the University of Arkansas to vacate Brenda Drive, Court and Walton Street and alley.

C. Unfinished Business:

1. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance to approve the University of Arkansas' petition to vacate Brenda Drive, Court Street, Walton Street and a thirty foot wide alley all within property owned by the University of Arkansas. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting. This was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.*

Left on the Second Reading

2. **Amend Chapter 178:** An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting.***

Left on the First Reading

3. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the December 3, 2013 City Council meeting.***

Left on the Second Reading

D. New Business:

1. **Bid #13-56 APAC-Central, Inc.:** A resolution awarding Bid #13-56 and approving a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive, approving a ten percent (10%) project contingency, and approving a budget adjustment.
2. **VAC 13-4533 (2732 & 2734 Wildwood/Legacy):** An ordinance approving VAC 13-4533 submitted by Bates and Associates for property located at 2732 and 2734 Wildwood to vacate a utility and drainage easement.
3. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.
4. **Razing and Removal Costs for 515 E. Township Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.
5. **Razing and Removal Costs for 1717 S. Stirman Avenue:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas.
6. **Solid Waste Services:** A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

E. City Council Agenda Session Presentations:

- 1. Animal Services Presentation** – Justine Lentz, Animal Services Superintendent

F. City Council Tour:

G. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

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

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

Old business and new business.

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

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

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

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

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

City of Fayetteville Item Review Form

2013-0203

Legistar File Number

December 17, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor, Chief of Police

Submitted By

Police

Department

Action Required:

Staff seeks Council approval to adopt Fayetteville Police Department Policy 41.2.9, Foot Pursuit.

Does this item have a cost? ☐ No ☒

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐ ☒

Budget Adjustment Attached? ☐ ☒

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

11-27-13 A08:32 RCVD

Comments:

[Signature] 11-27-13
Paul A. Becker 11-27-2013

[Signature] 11-27-13

[Signature] 12/2/13

[Signature]





THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: Greg Tabor, Chief of Police *GT by DF*

Date: Wednesday, November 26, 2013

Subject: Police Department Policy

PROPOSAL:

Staff seeks Council approval to adopt Fayetteville Police Department Policy 41.2.9, Foot Pursuit

RECOMMENDATION:

Council approves resolution adopting Fayetteville Police Department Policy 41.2.9, Foot Pursuit.

BUDGET IMPACT:

None

BACKGROUND AND DISCUSSION:

The police department brings forward this new policy to give overall direction and guidance to officers when engaging in foot pursuits.

RESOLUTION NO. _____

**A RESOLUTION APPROVING FAYETTEVILLE POLICE DEPARTMENT
POLICY 41.2.9 FOOT PURSUIT**

**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
Fayetteville Police Department policy 41.2.9 Foot Pursuit.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

FAYETTEVILLE POLICE DEPARTMENT
FAYETTEVILLE, ARKANSAS

POLICIES, PROCEDURES, AND RULES

Subject: 41.2.9 Foot Pursuit	EffectiveDate:
Reference: 41.1.1, 41.2.8	Version: 1
CALEA:	No. Pages: 4

I. PURPOSE:

The purpose of this policy is to establish a balance between protecting the safety of the public and officers of the Fayetteville Police Department (FPD) during police pursuits on foot and law enforcement's duty to enforce the law and apprehend suspects.

II. POLICY

Foot pursuit is defined as an officer chasing (on foot) a person who is evading detention or arrest. Foot pursuits are inherently dangerous police actions. It is the policy of this department that public and officer safety shall be the overriding consideration in determining whether a foot pursuit will be initiated or continued. Officers of the Fayetteville Police Department should conduct a quick and continuous risk assessment whenever engaging in or continuing a foot pursuit. This policy is intended to provide overall direction and guidance to officers when deciding if such foot pursuits are warranted and how they should be conducted.

III. PROCEDURES

A. Authorization

1. Although it is an officer's decision to initiate a stop, it is the suspect or violator who decides to precipitate a foot pursuit by fleeing. An officer's decision to pursue on foot shall be made with an awareness of and appreciation for the risk to which the officer and others may be exposed.
2. No officer or supervisor shall be criticized or disciplined for a decision not to engage in a foot pursuit if, in the officer's assessment, the risk exceeds that

reasonably acceptable under the provisions of this and related department policy and training.

3. When necessary, an officer may pursue persons who he/she reasonably believes has committed an act that would warrant a stop, investigative detention, or arrest.
4. The officer shall not leave a prisoner to pursue any subject.

B. Alternatives to Foot Pursuits

1. In deciding whether or not to initiate or continue a foot pursuit, an officer shall consider the following alternatives to foot pursuit:
 - a. Containment of the area;
 - b. Additional officers to saturate the area;
 - c. Surveillance until other resources become available, and;
 - d. Apprehension at another time and place when the officer knows the identity of the fleeing subject or has other information that would likely allow for later apprehension.
2. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the fleeing subject against the degree of risk to which the officer, the fleeing subject, and the community are exposed to as a result of the pursuit. Risk factors to consider include:
 - a. If the subject is believed to be armed;
 - b. Seriousness of the subject's offense;
 - c. Officer acting alone;
 - d. Backup is not available in a timely manner;
 - e. Officer familiarity with the area;
 - f. Officer is pursuing more than one subject;
 - g. Officer not in physical condition to pursue subject on foot;
 - h. Ability to apprehend at a later time (identity is known);
 - i. Radio operability, and;
 - j. Location:
 - 1) Nature of the area which impacts the safety of all those who may be affected by the pursuit (residential, commercial, freeway);
 - 2) Conditions of structures (abandoned, condemned, etc.);
 - 3) Environmental factors (weather conditions and/or darkness), and;
 - 4) Area of pursuit is hostile to law enforcement personnel.

C. Pursuing Officer Responsibilities

1. Once an officer decides to engage in a foot pursuit, the officer must, as soon as practical, relay the following information to Central Dispatch Center (CDC):
 - a. Officer identifier;
 - b. Location (continuing responsibility);
 - c. Direction of travel (continuing responsibility);
 - d. Number of fleeing subjects;
 - e. Description of fleeing subject(s);
 - f. Whether the subject(s) is believed to be or known to be armed, and;
 - g. Reason for pursuing.
2. The pursuing officer shall coordinate with other officers to establish a perimeter for containment.
3. Based on the officer's risk assessment, and using his/her discretion, he/she should consider the following:
 - a. Maintaining a sufficient tactical gap between him/herself and the fleeing subject to allow time for maintaining cover and allow for the arrival of backup officers before engagement, and;
 - b. Not entering a building, structure or an area of limited or no cover without a backup officer present.
4. When two or more officers are in pursuit, they shall not separate unless they remain in sight of each other and/or maintain continuous communication.

D. Supervisor Responsibilities

Supervisors shall:

1. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the subject;
2. When possible, respond to the scene;
3. Terminate any foot pursuit where the risk to the officer, the public, or the fleeing subject outweighs the need for the foot pursuit, and;
4. Consider and coordinate the use of specialized units/personnel to aid in the apprehension (canine, Emergency Response Team following containment, etc.).

E. Communication Responsibilities (CDC)

Dispatchers shall:

1. Maintain open communications with involved officer(s);
2. Immediately direct the net (10-63) for the involved officer(s);
3. Immediately dispatch backup officers to the pursuit location;
4. Notify a supervisor and provide relevant information, and;
5. If necessary, notify other area public service agencies.

F. Assisting Officers' Responsibility

Assisting officers shall:

1. Minimize radio traffic prior to arrival;
2. Adhere to emergency mode of vehicle operation outlined in FPD 41.1.1, and;
3. Assist other responding officers to set up a perimeter and containment. Generally, the first assisting officer on the scene shall be responsible for this task. The officer who begins to coordinate a perimeter and containment should maintain that function until the foot pursuit has ended or been terminated, or until relieved from that duty by a supervisor.

G. Termination of Foot Pursuits

1. Officers shall terminate a foot pursuit:
 - a. When ordered by a supervisor;
 - b. If the officer believes the danger to the pursuing officer(s), the public, or the fleeing subject outweighs the necessity for the immediate apprehension of the subject;
 - c. If the officer(s) has lost sight of the fleeing subject(s) and all attempts at apprehension have been exhausted;
 - d. If the primary officer loses communication with CDC and backup officers;
 - e. If the officer becomes unsure of his/her own location or direction of travel, or;
 - f. The officer has lost his/her firearm.
2. After termination of a foot pursuit, the involved officer(s) will notify CDC of the last known location of the fleeing subject, or in cases of apprehension, the location of apprehension.

City of Fayetteville Item Review Form

2013-0198
Legistar File Number

12/17/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Greg Tabor

Submitted By

Police

Department

Action Required:

It is recommended the City Council adopt a resolution authorizing Cruse Uniform and Equipment to serve as quartermaster for police officer uniform and equipment needs.

Does this item have a cost? ☒ Yes

\$45,000.00

Cost of this request

1010-2940-5302.00

Account Number

Project Number

Category or Project Budget

\$0.00

Funds Used to Date

-\$45,000.00

Remaining Balance

Patrol

Program or Project Name

Services and Charges

Program or Project Category

General

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

11-25-13 P04:24 RCVD

dm

Comments:

This request is for 2014 budget, which has not been approved.

Paul a. Buhn

11-27-13

11-27-2013

Am. Man

11-22-13

Terrell Jordan

12/2/13



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: November 26, 2013

Subject: RFP 13-17, Police Uniforms, Equipment, & Quartermaster Services

PROPOSAL:

In 2001 all sworn personnel received a uniform allowance check in the amount of \$500.00. In 2002 the police department started an in-house quartermaster system. This system was created to eliminate extensive record keeping as required by the Internal Revenue Service tax code. The quartermaster system was proven to be more cost effective in the replacement and assignment of uniforms and equipment. With insufficient storage space to maintain uniforms and equipment items, an RFP to select a company to serve as the department's quartermaster was completed at the end of 2008. Cruse Uniforms and Equipment Inc. was selected to serve as quartermaster for five (5) years. RFP 13-17 will establish the Fayetteville Police Department's quartermaster for the next five (5) years.

RECOMMENDATION:

By authorizing Cruse Uniforms and Equipment Inc. to serve as the police department's quartermaster, it will be their responsibility to stock inventory to meet the department's needs. Cruse Uniforms and Equipment Inc. will also monitor individual officer accounts and provide monthly statements to ensure compliance with budgeted funds. In 2014 each officer will be allowed to spend up to \$500.00 with written approval from supervisors for items on the department's authorized uniform and equipment list.

It is recommended the City Council approve a contract authorizing Cruse Uniforms and Equipment Inc., to serve as quartermaster for police officers' uniform and equipment needs.

BUDGET IMPACT:

This expense of \$45,000.00 is included in the proposed 2014 budget.

RESOLUTION NO. _____

**A RESOLUTION AWARDING RFP #13-17 AND APPROVING A
CONTRACT WITH CRUSE UNIFORM AND EQUIPMENT, INC. TO SERVE
AS QUARTERMASTER FOR THE POLICE DEPARTMENT**

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards RFP
#13-17 and approves a contract with Cruse Uniform and Equipment, Inc. to serve as
quartermaster for the Police Department.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



THE CITY OF FAYETTEVILLE, ARKANSAS

www.accessfayetteville.org

CONTRACT

Reference: RFP 13-17, Police Uniforms, Equipment, & Quartermaster Services

Contractor: Cruse Uniforms & Equipment, Inc.

Term: 1 year with 4 automatic renewal options

This contract executed this ____ day of _____, 2013, between the City of Fayetteville, Arkansas, and Cruse Uniforms and Equipment, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Cruse Uniforms and Equipment, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per RFP 13-17 as stated in Cruse Uniforms and Equipment, Inc. proposal response, and in accordance with specifications attached hereto and made a part hereof under RFP 13-17, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Cruse Uniforms and Equipment, Inc. based on their bid proposal in an amount not to exceed itemized pricing presented in RFP 13-17. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Cruse Uniforms and Equipment, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Proposal identified as RFP 13-17 with the specifications and conditions typed thereon.
 - B. Cruse Uniforms and Equipment, Inc. submitted proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation, if applicable.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Cruse Uniforms and Equipment, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Cruse Uniforms and Equipment, Inc.
5. Cruse Uniforms and Equipment, Inc. shall not assign its duties under the terms of this agreement.
6. Cruse Uniforms and Equipment, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Cruse Uniforms and Equipment, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Cruse Uniforms and Equipment, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Cruse Uniforms and Equipment, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected. The premiums for

all insurance and bond required herein shall be paid by **Cruse Uniforms and Equipment, Inc.**

Workmen's Compensation

Statutory Amount

**Comprehensive General &
Automobile Insurance**

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

8. **Cruse Uniforms and Equipment, Inc.** to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or **Cruse Uniforms and Equipment, Inc.** with 30 days written notice.
12. **Freedom of Information Act:** City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
13. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2013.

CRUSE UNIFORMS AND EQUIPMENT, INC.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____

Signature

Stephane Dols, Storemanager
Printed Contractor Name & Title

By: _____

LIONELD JORDAN, Mayor

ATTEST (Signature)

ATTEST: (Signature)

Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

City, State & Zip Code

Date Signed:

Date Signed:

CRUSE UNIFORMS AND EQUIPMENT, INC.

13-17 Fayetteville Police Uniforms, Equipment, and Quartermaster System

Bid Proposal

Stephanie Dotts

11/6/2013

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Cruse Uniforms and Equipment, Inc.
5320 West Sunset Ste.184
Springdale, AR 72762

Phone 479-756-8182
Fax 479-756-1225

Monday thru Friday
8:30 to 4:30 p.m.

Executive Summary RFP 13-17 Police Uniforms, Equipment, and Quartermaster System

Cruse Uniforms and Equipment established April 1, 2000, employs 23 people, several of which have over 18 years of experience in the Public Safety Retail market. We provide Public Safety Uniforms statewide, with two locations, one located in Springdale Arkansas and one located in Little Rock Arkansas. We currently supply and service over 700 Public Safety Agencies in the State with their Police, Sheriff, Fire, EMS, and EMT, uniforms and Equipment.

- 1: Cruse Uniforms and Equipment is the Only Authorized Distributer for Blauer uniforms in the state of Arkansas.
- 2: Cruse Uniforms and Equipment located in Springdale Arkansas offers convenient on site measuring and fitting for uniforms.
- 3: Cruse Uniforms and Equipment has two experienced on site seamstresses to hem pants, attach emblems, and alter uniforms.
- 4: Cruse Uniforms and Equipment has provided Fayetteville Police with uniforms and equipment since 2008. We held the last contract for 5 years.
- 5: Stephanie Dotts, Store Manager of the Springdale Location has over 12 years of experience in the Public Safety Industry and would be directly responsible for servicing your needs.
- 6: Cruse Uniforms and Equipment in Springdale Arkansas currently has in place contracts for uniforms with the Springdale Police department, Bentonville Police Department, and the Washington County Sheriff Office.
- 7: Cruse Uniforms and Equipment has a computer system that can track and maintain order status, and keep a history on file for Officers shirt and pant sizes, for future reference.
- 8: Cruse Uniforms and Equipment in Springdale Arkansas maintains a large inventory in stock for the items requested on this RFP.

Cruse Uniforms and Equipment, Inc.
5320 West Sunset
Suite 184
Springdale, AR 72762

Technical Bid Proposal for RFP 13-17 Police Uniforms, Equipment, and Quartermaster System

Cruse Uniforms and Equipment established April 1, 2000, employs 23 people, several of which have over 18 years of experience in the Public Safety Retail market. We provide Public Safety Uniforms statewide, with two locations, one located in Springdale Arkansas and one located in Little Rock Arkansas. We currently supply uniforms and support services to over 700 Public Safety Agencies in the State.

1. Cruse Uniforms and Equipment is the authorized distributor in Arkansas for Blauer, Safariland, Proper, Bianchi, Damascus, Weinbrenner, Danner, Streamlight, Saunders, and Blackinton listed on attachment A. This allows us to maintain volume pricing discounts with the listed manufacturers, which in turn keeps costs down to our customers. To be cost effective we have on site seamstresses who hem, attach patches, and do alterations. All items bid are below retail, see attachment A.
2. Cruse Uniforms and Equipment has a store located in Springdale Arkansas. This location would be directly responsible for servicing the contract. Having the store located in Springdale Arkansas would provide you with a convenient location to measure your personnel for uniforms.

Cruse Uniforms and Equipment, Inc.
5320 West Sunset
Suite 184
Springdale, AR 72762

If you have newly hired Officer they can be sent over to our location, sized, and leave the store with any in stock items not requiring customization. Our store in Springdale maintains 3800 square feet of building space, allowing us ample room to maintain inventory. Our Little Rock location has over 15,000 square feet of space to maintain additional inventory. The two stores work together to provide exceptional service to our customers.

3. Stephanie Dotts, Store Manager has over 12 years of experience and would be directly responsible for your account. She would assign two full-time and one part time employee to manage your account. Stephanie has worked all aspects of the job. She has a good reputation with the surrounding cities for offering friendly and courteous service.
4. We currently have in place a custom software system that allows us to maintain and track a customer's allowance and is designed to track dollars spent, limit items to those the officer is authorized to purchase, and detail your purchase history. A usage report can be generated upon request. We require a valid ID for all new and existing members of the Police Department be presented before any purchase from their allowance account is allowed. An invoice is generated at time of delivery and a receipt is given to the employee to take to the quartermaster as proof of delivery, a statement of your account is generated monthly showing all invoices charged to your account.

- Below are three accounts currently using our allowance system:

North Little Rock Police Department
Chief Mike Davis
200 W. Pershing Blvd.
N.Little Rock, AR 72114
501-758-1234

Cruse Uniforms and Equipment, Inc.
5320 West Sunset
Suite 184
Springdale, AR 72762

Pulaski County Sheriff Office
Chief Mike Lowery
2900 S. Woodrow
Little Rock, AR 72002
501-340-7000

Springdale Police Department
Chief Kathy O'Kelly
North Spring Street
Springdale, AR 72764
479-750-8575

5. Cruse Uniforms and Equipment has two experienced on site seamstresses. Brenda Lafossee has 8 years sewing experience with us and Jennifer Robbins has 3 years sewing experience with our company. Having on site seamstresses allows us to hem pants, attach emblems and alter uniforms.
6. Cruse Uniforms and Equipment in Springdale has been providing Fayetteville Police Department with their uniforms and equipment needs for over 5 years. We were awarded the contract in 2008 and held it for 5 years.
7. Cruse Uniforms and Equipment has numerous contracts in place for uniforms in the state of Arkansas. The Springdale location has contracts currently with the Springdale Police and the Washington County Sheriff Office for their uniforms and equipment. We also provide several of the surrounding agencies with their uniforms and equipment needs.
8. Cruse Uniforms and Equipment has a custom computer system that is designed for the public safety uniform industry. This system will maintain specifications for what uniforms an agency

Cruse Uniforms and Equipment, Inc.
5320 West Sunset
Suite 184
Springdale, AR 72762

wears along with specifications for applying the appropriate patches on those uniforms, this system will track sales, and keep on file an Officers past uniform sizes, which could eliminate the need for resizing when or if a re-order is placed.

9. Cruse Uniforms and Equipment in Little Rock has five additional seamstresses to assist Springdale with their sewing needs.
10. Cruse Uniforms and Equipment has convenient hours of operation but we also have a full time outside sales person, Paul Viner, who could come to the Fayetteville Police Department to measure/fit the Officers for uniforms. Arrangements can be made to schedule the fitting around their schedule. We understand it could take multiple fittings to accommodate your staff.
11. Cruse Uniforms and Equipment located in Springdale has a full time staff to meet your needs. Additional support is available from our Little Rock location if needed.
12. Cruse Uniforms and Equipment located in Little Rock has contracts in place with the Arkansas State Police, Little Rock Police, Pulaski County Sheriff Office, North Little Rock Police, Arkansas Department of Corrections, just to name a few. Additional references can be supplied if requested.
13. Attached are three agency letters of recommendation from:
 1. Washington County Sheriff Office
 2. Pulaski County Sheriff Department
 3. Springdale Police Department

TIM HELDER
SHERIFF



Washington County Sheriff's Office

November 6, 2013

To Whom It May Concern:

I am pleased to write a letter of recommendation for Cruse Uniform and Equipment. The Washington County Sheriff's Office transitioned to new uniforms this year, which was no easy task. The staff with Cruse Uniform worked diligently to help us through the process and I'm confident without their help and expertise the transition to new uniforms would have been a much more challenging undertaking.

On a personal note, Steve and Cindy Cruse run a friendly and professional business. They recognized our needs in northwest Arkansas and invested in opening a new store in Springdale. They do a great job meeting dead lines even better in the area of customer relations.

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

Sincerely,

A handwritten signature in black ink that reads "Helder".

Tim Helder
Washington County Sheriff



Pulaski County

Office of the Sheriff

Doc Holladay, Sheriff

2900 South Woodrow Little Rock, AR 72204
Tel. 501-340-6600

November 7, 2013

To Whom It May Concern:

I take great pleasure in recommending Cruse Uniform and Equipment. I have enjoyed a long relationship with Cruse Uniform while I was employed at the Little Rock Police Department and now with the Pulaski County Sheriff's Office.

Cruse Uniform and Equipment furnishes our uniforms, glock 40. Calibers, AR-15's, and equips our patrol and detention vehicles. Cruse Uniform is a one-stop shop for police equipment. Steve and Cindy Cruse are very honest and dependable people who will go the extra mile to make sure their customers are happy and satisfied.

If I can be of further assistance, feel free to contact me at 501-340-6902.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Lowery".

Mike Lowery
Chief Deputy

ML/dja

6 November 2013

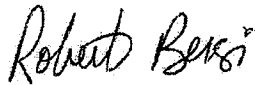
To Whom It May Concern:

Cruse Uniforms has been a valuable asset to the Springdale Police Department in our efforts to procure law enforcement uniforms and related equipment. The staff at Cruse Uniform has gladly researched any request for new equipment and has been very successful at locating said equipment.

Cruse Uniforms stands behind the products they sell and are quick to assist in the replacement or repair of damaged products. It is comforting to have a relationship with a local business that provides quality products at reasonable prices to keep our personnel presenting a professional image and having the equipment to stay safe in their endeavors.

I highly recommend Cruse Uniforms to any law enforcement agency.

Respectfully,

A handwritten signature in black ink that reads "Robert Bersi". The signature is written in a cursive style with a small "r" at the end of the last name.

Captain Robert Bersi
Service Division Commander
Springdale Police Department

Fayetteville Police Department		
RFP 13-17, POLICE UNIFORMS, EQUIPMENT, AND QUARTERMASTER SERVICES		
ATTACHMENT A: AUTHORIZED UNIFORMS AND EQUIPMENT		
AMMO MAGAZINE POUCHES		PRICE
Safariland leather basketweave Magazine Pouch	Model #77-83-4HS	\$29.95
Safariland Web Gear Magazine pouch	Model # 77-83-13PBL	\$29.95
Safariland Double Magazine Pouch	Model #079-83-8	\$25.00
Detective Kydex Double Mag Case "Uncle Mike's"	5136-2	\$21.00
BADGES		
Duty hat badge "OFFICER"	B568CO	\$39.00
BATON & BATON HOLDERS		
ASP 21" black baton w/foam grip	52410	\$85.00
Safariland basketweave Duty Expandable Baton Holder	Model #35-F21-4	\$23.00
Bianchi Web Gear Expandable Baton Case	Model 24016	\$14.95
BELTS		
Safariland basketweave leather duty belt	Model #94-XX-4	\$65.00
Bianchi Web Gear Equipment belt	Model #17380 thru 17383 sizes SM-XL	\$40.00
Safariland basketweave duty underbelt	Model #99-X-4	\$32.00
Bianchi Web Gear Underbelt	Model #17706 thru 17709 sizes SM-XL	\$22.00
BIKE UNIFORMS		
Blauer Streetgear Short Sleeve Dark Navy Knit Shirt	Model #8130	\$54.50
Blauer Streetgear Long Sleeve Dark Navy Knit Shirt	Model #8140	\$64.00
Blauer Dark Navy Stretch Trousers	Model #8822	\$76.00
Blauer Bamboo Dark Navy Shorts	Model #8842	\$64.00

COATS & SWEATERS		
Blauer dark navy blue winter jacket with gold "P" buttons	Model #6110	\$125.00
Detective Wind Breaker Jacket	Dutyman	\$68.00
Blauer Police V-Neck Fleece Lined Sweater	225-ND	\$94.50
Blauer Bike Jacket	Model #4660-NV	\$119.00
5.11 Sabre Jacket Plain Clothes	Model 2.0	\$194.00
COLLAR & POCKET BRASS		
F.P.D. Collar Brass 1/2" gold lettering w/periods	A7325	\$11.95
FTO Pocket Brass - Premier brand or equal style & design	Model #P2435	\$7.50
ERT Pocket Brass - Blackinton brand or equal style & design	A10315	\$10.25
K-9 Pocket Brass - Blackinton brand or equal style & design	A7418	\$10.25
PFC Collar Brass - Premier brand or equal style & design	Model #P600	\$5.75
CPL Collar Brass - Premier brand or equal style & design	Model #P614	\$5.75
SGT Collar Brass - Premier brand or equal style & design	Model #P602	\$5.75
LT Collar Brass - Blackinton brand or equal style & design	Model #P900	\$5.75
Captain Collar Brass - Blackinton brand or equal style & design	Model #J63	\$5.95
Deputy Chief Collar Brass - Blackinton brand or equal style	Model #4486G	\$5.50
Chief Collar Brass - Blackinton brand or equal style & design	Model #J104	\$19.50
EYE PROTECTION		
Edge Eyewear Safety Glasses (3 pr lens)		\$14.95
FLASHLIGHTS & FLASHLIGHT HOLDERS		
Mag-Lite rechargeable flashlight	Model #RX3019	\$89.25
Streamlight Stinger DS LED Flashlight	Model #75810	\$91.00
Streamlight Stinger DS LED basketweave holder	Model 22097	\$13.99
Streamlight Stinger DS LED Nylon Holder	Model 22838	\$11.75
Bianchi Web Gear Mag-Lite Ring	Model #23497	\$9.95
Safariland basketweave leather flashlight ring	Model #730-4	\$11.75
Safariland basketweave Duty Stinger flashlight Holder	Model #306-1-48	\$21.78
Bianchi Web Gear Stinger Flashlight case	Model #19657	\$20.27
FOOTWEAR		

Danner boots black	Model #42985	\$187.00
Danner Boots Black (\$67.00 additional cost to officer)	Model #ACAIDA 21210	\$257.00
Blauer Clash 6" Boot	FW016WP	\$108.00
Blauer Clash 8" Boot	FW028WP	\$131.00
Danner ERT boots OD green	Model #26010	\$163.00
Shoes, Weinbrenner black	Model #8346027	\$96.00
Magnum Stealth Force side zip waterproof men's boot	Model #5870	\$128.00
Magnum Stealth Force side zip waterproof women's boot	Model #5114	\$128.00
Pro Feet Sock (3 pkgs per year)	Model #204/3 black	\$8.95
Under Armour Bike Shoe	Model #1201539-007	\$70.00
GLOVES		
Hatch Gloves	Resistor #RFK300	\$30.00
Hatch Dura Thin motor gloves - W/O Kevlar Lining	SG20P	\$21.84
Hatch Winter Patrol Glove	WPG100	\$31.60
ERT Gloves - Operators Black Tactical	SOG-600	\$53.84
Hatch short finger glove	PC290	\$14.04
Hatch Long Finger Bike Gloves	SGK100	\$32.37
HANDCUFF CASES		
Safariland basketweave leather cuff case	Model #90-4HS	\$26.51
Bianchi Web Gear Cuff case (Hinged Cuffs)	Model #23013 size 2	\$17.80
Bianchi Web Gear Cuff case (Chained Cuffs)	Item #18190 Model #7300	\$17.80
Detective Kydex Molded Cuff Case "Uncle Mike's"	5125-2	\$18.71
HANDCUFFS		
Handcuffs - Smith & Wesson or Peerless	350103	\$26.50
Handcuffs-Peerless	4610	\$26.00
HEADWEAR		
Ball Cap W/Patch	PRO1250A	\$9.95
Bayly Inc. 8 point duty hat w/gold band & buttons	L3	\$55.00
Hat Rain Cover	P9000	\$3.25
Blauer Navy Blue Stocking Cap	160NV	\$19.00
Protech Riot Helmet	906	\$159.00

HOLSTERS		
Safariland leather basketweave duty holster (right hand)	Model #6280-68321-81	\$94.00
Safariland leather basketweave duty holster (left hand)	Model #6280-68321-82	\$94.00
Safariland Web Gear Holster (right hand)	Model #6280-68321-131	\$94.00
Safariland Web Gear Holster (left hand)	Model #6280-68321-132	\$94.00
Safariland Kydex Det. Holster (right hand)	Model #6378-283-411	\$42.95
Safariland Kydex Det. Holster (left hand)	Model #6378-283-412	\$42.95
Blackhawk Serpa Off-Duty Holster	410500BK-R & 410500BK-L	\$45.00
KEEPERS		
Safariland basketweave hidden snap leather keepers	Model #62-4HS	\$23.00
Bianchi Web Gear Keepers (4)	Model #15635	\$10.95
NAMEPLATES		
Name Plates 3/8" by 2.25" first initial & last name	black block style lettering	\$13.99
PEPPER SPRAY HOLDERS		
Safariland basketweave Duty pepper spray holder	Model #38-4-4HS	\$22.72
Bianchi Web Gear Pepper Spray case	Model #18205	\$16.28
RAINGEAR		
Blauer Rain Gear jacket	Model #9691	\$265.00
Blauer Rain Gear pants	Model #9134	\$132.00
Blauer Rain Gear long coat	Model # 9690	\$284.00
Blauer Motor Rain Jacket-Hi-Vis Yellow	26950	\$149.00
Blauer Motor Rain Pant-Hi-Vis Yellow W/Stirrups & Suspenders	134-1	\$69.00
SHIRTS		
Blauer Long sleeve shirt dark navy	Model #8450	\$75.00
Blauer Short sleeve shirt dark navy	Model #8460	\$68.65
Blauer Long Sleeve Super Shirt	Model # 8436-Navy	\$78.00
Blauer Short Sleeve Super Shirt	Model #8446-Navy	\$69.00
Under Armor Cold Gear Tactical Shirt (2 per year)	1244394	\$41.90
Under Armor Warm Gear Tactical Shirt (2 per year)	1216007	\$19.95
BDU gray short sleeve T-shirt 90/10 blend	29M	\$14.95
BDU gray long sleeve T-shirt 90/10 blend	29LS	\$14.95

ERT Olive Drab Short Sleeve Shirt		
ERT Olive Drab Long Sleeve Shirt	F541738330	\$65.62
Blauer Mock Neck Shirt (3 per year)	8110X black	\$25.00
Blauer Crew Neck Shirt (3 per year)	8120X black	\$15.95
TIE		
Blauer dark navy blue Necktie		\$4.95
TROUSERS / BDU PANTS		
Blauer uniform trousers - 4 pocket dark navy	Model #8560	\$68.74
Blauer uniform trousers - 6 pocket dark navy	Model #8565	\$78.00
Men's Propper LAPD lightweight tactical pant	F525250450	\$34.95
Women Propper LAPD lightweight tactical pant	F524950450	\$34.95
ERT Olive Drab Pant TAC U	F521238330	\$37.90
Blauer Long Under Wear (3 per year)	8005-BK	\$20.00
WHISTLE & CHAIN		
Whistle - gold	P4916	\$2.95
Whistle Chain - gold	P4910	\$4.50
Whistle Holder - gold	P4900	\$2.95
MISCELLANEOUS ITEMS		
Shoulder Harness small thru medium	44H001BK	\$72.00
Shoulder Harness large thru Xlarge	44H002DK	\$72.00
Blauer Ear Warmer	128	\$7.50
Tote Bag	PBG-081FPD	\$57.50
ERT Knee Pads Blackhawk	808300	\$20.99
ERT Elbow Pads Blackhawk	802600	\$15.99
ERT-Tactical Eye Protection	85AC00	\$94.00
Holder, Ticket Book Type	10003	\$18.27
Holder, Form & Clipboard	10017	\$25.31
Badge Clip	DK612	\$12.83
Wallet	DK439	\$26.46
ID/Badge Holder	DK211D	\$12.95
Traffic Vest, Yellow	343P	\$59.00

Patrol earpieces	EP4023	\$76.99
Safariland black portable Radio Holder	Model #762-XX-2	\$35.04
Shirt Stay	Model #P10003	\$11.00
Premier Waist Liner Shirt Stay	Model #P10013	\$10.50



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 13-17, Police Uniforms, Equipment & Quartermaster Services

DEADLINE: Thursday, November 21, 2013 before 2:00:00 PM, local time

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

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

DATE OF ISSUE AND ADVERTISEMENT: Saturday, November 02, 2013

REQUEST FOR PROPOSAL

RFP 13-17, Police Uniforms, Equipment & Quartermaster Services

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: Cruse Uniforms and Equipment Inc.

Contact Person: Stephanie Dotts Title: Store Manager

E-Mail: Stephanie@cruseuniforms.com Phone: 501-681-8814

Business Address: 5320 W Sunset Suite 184

City: Springdale State: AR Zip: 72762

Signature: [Signature] Date: 11/18/13

City of Fayetteville
RFP 13-17, Police Uniforms, Equipment & Quartermaster Services
Advertisement

**City of Fayetteville, AR
Request for Proposal
RFP 13-17, Police Uniforms, Equipment, & Quartermaster Services**

The City of Fayetteville, Arkansas is requesting proposals from firms capable of supplying uniforms, equipment, & quartermaster services to the Fayetteville Police Department.

To be considered, proposals shall be received at the City Administration Building, City Hall, Purchasing – Room 306, 113 West Mountain, Fayetteville, Arkansas, by **Thursday, November 21, 2013 before 2:00:00 PM**, local time. No late submittals shall be accepted.

Forms & addendums can be downloaded from the City's web site at <http://www.accessfayetteville.org>. All questions regarding the process should be directed to Andrea Foren, CPPB, CPPO at aforen@ci.fayetteville.ar.us or (479)575-8220.

Proposals submitted shall be qualified to do business and licensed in accordance with all applicable laws of the state and local governments where the project is located.

Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

The City of Fayetteville reserves the right to reject any or all proposals and to waive irregularities therein, and all Proposers shall agree that such rejection shall be without liability on the part of the City of Fayetteville for any damage or claim brought by any Proposer because of such rejections, nor shall the Proposers seek any recourse of any kind against the City of Fayetteville because of such rejections. The filing of any Proposal in response to this invitation shall constitute an agreement of the Proposer to these conditions.

CITY OF FAYETTEVILLE

By: Andrea Foren, CPPO, CPPB
Title: Purchasing Agent
Ad date: 11/02/13

City of Fayetteville
RFP 13-17, Police Uniforms, Equipment & Quartermaster Services
SECTION A: General Terms & Conditions

1. SUBMISSION OF A PROPOSAL SHALL INCLUDE:

- a. A written narrative describing the method or manner in which the Proposer proposes to satisfy requirements of this RFP in the most cost effective manner.
- b. A description of the Proposer's experience in providing the same or similar services as outlined in the RFP. This description should include the names of the person(s) who will provide the services, their qualifications, and the years of experience in performing this type of work. Also, include the reference information requested in this RFP.
- c. Statement should be no more than twenty five (25) pages; single sided, standard, readable, print on standard 8.5x11 papers. Proposers shall also submit a three (3) page (maximum) executive summary. The following items will not count toward the page limitations: appendix, cover sheet, 3-page executive summary, resumes (resumes shall be no more than 1 page per person), and forms provided by the City for completion.
- d. All Proposers shall submit six (6) sets of their proposal as well as one (1) electronic copy on a properly labeled CD or other electronic media device. **The electronic copy submitted should be contained into one (1) file.** The use of Adobe PDF documents is strongly recommended. Files contained on the CD or electronic media shall not be restricted against saving or printing. The electronic copy shall be identical to the original papers submitted. Electronic copies shall not be submitted via e-mail to City employees by the Proposer.
- e. Proposals will be reviewed following the stated deadline, as shown on the cover sheet of this document. Only the names of Proposer's will be available after the deadline until a contract has been awarded by the Fayetteville City Council. All interested parties understand proposal documents will not be available until after a valid contract has been executed.
- f. Proposers shall submit a proposal based on documentation published by the Fayetteville Purchasing Division.
- g. Proposals shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- h. Proposals must follow the format of the RFP. Proposers should structure their responses to follow the sequence of the RFP.
- i. Proposers shall have experience in work of the same or similar nature, and must provide references that will satisfy the City of Fayetteville. Proposer may furnish a reference list of clients for whom they have performed similar services and must provide information as requested in this document.
- j. Proposer is advised that exceptions to any of the terms contained in this RFP or the attached service agreement must be identified in its response to the RFP. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- k. Local time shall be defined as the time in Fayetteville, Arkansas on the due date of the deadline. Documents shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this proposal must be sent in writing via e-mail to the Purchasing Department. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed RFP made or given prior to the award of the contract.

3. RIGHTS OF CITY OF FAYETTEVILLE IN REQUEST FOR PROPOSAL PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to rank firms and negotiate with the highest-ranking firm. Negotiation with an individual Proposer does not require negotiation with others.
- b. The City of Fayetteville reserves the right to select the proposal that it believes will serve the best interest of the City.
- c. The City of Fayetteville reserves the right to accept or reject any or all proposals.
- d. The City of Fayetteville reserves the right to cancel the entire request.
- e. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the request for proposal or in proposals submitted.
- f. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or proposal data without changing the terms of the proposal.
- g. The City of Fayetteville reserves the right to make selection of the Proposer to perform the services required on the basis of the original proposals without negotiation.

4. EVALUATION CRITERIA:

The evaluation criterion defines the factors that will be used by the selection committee to evaluate and score responsive, responsible and qualified proposals. Proposers shall include sufficient information to allow the selection committee to thoroughly evaluate and score proposals. Each proposal submitted shall be evaluated and ranked by a selection committee. The contract will be awarded to the most qualified Proposer, per the evaluation criteria listed in this RFP. Proposers are not guaranteed to be ranked.

5. COSTS INCURRED BY PROPOSERS:

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith, shall be borne solely by the Proposer(s). No payment will be made for any responses received, or for any other effort required of, or made by, the Proposer(s) prior to contract commencement.

6. ORAL PRESENTATION:

An oral presentation and/or interview may be requested of any firm, at the selection committee's discretion.

7. CONFLICT OF INTEREST:

- a. The Proposer represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Limited Authority of City Employee to Provide Services to the City".
- b. The Proposer shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the Proposer's judgment or quality of services being provided. Such

written notification shall identify the prospective business association, interest or circumstance, the nature of which the Proposer may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the Proposer. The City agrees to communicate with the Proposer its opinion via e-mail or first-class mail within thirty days of receipt of notification.

8. WITHDRAWAL OF PROPOSAL:

- a. A proposal may be withdrawn at any time.

9. LATE PROPOSAL OR MODIFICATIONS:

- a. Proposal and modifications received after the time set for the proposal submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Proposers should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.
- b. The time set for the deadline shall be local time for Fayetteville, AR on the date listed. All proposals shall be received in the Purchasing Division BEFORE the deadline stated. The official clock to determine local time shall be the atomic clock located in the Purchasing Division, Room 306 of City Hall, 113 W. Mountain, Fayetteville, AR.

10. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this request for proposal. Proposers shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "Proposer certifies that his proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICTION:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful Proposer(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed

trademark, patent or copyright infringement or litigation based thereon, with respect to the services or any part thereof covered by this order, and such obligation shall survive acceptance of the services and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for proposal apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by Proposers prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PAYMENTS AND INVOICING:

The Proposer must specify in their proposal the exact company name and address which must be the same as invoices submitted for payment as a result of award of this RFP. Further, the successful Proposer is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original RFP. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest or penalty for untimely payments. **Payments can be processed through Proposer's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to allow any increase in hourly rates by the contract without PRIOR Fayetteville City Council approval.

17. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving sixty (60) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City.

18. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a Proposer intends to subcontract a portion of this work, the Proposer shall disclose such intent in the proposal submitted as a result of this RFP.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the RFP, without exception shall constitute approval for purpose of this Agreement.

19. NON-EXCLUSIVE CONTRACT:

Award of this RFP shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-phase contracts, this provision shall apply separately to each item.

20. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this RFP from the Proposer. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

21. SERVICES AGREEMENT:

A written agreement, in substantially the form attached, incorporating the RFP and the successful proposal will be prepared by the City, signed by the successful Proposer and presented to the City of Fayetteville for approval and signature of the Mayor.

22. INTEGRITY OF REQUEST FOR PROPOSAL (RFP) DOCUMENTS:

Proposers shall use the original RFP form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Proposers may use an attachment as an addendum to the RFP form(s) if sufficient space is not available on the original form for the Proposer to enter a complete response. **Any modifications or alterations to the original RFP documents by the Proposer, whether intentional or otherwise, will constitute grounds for rejection of such RFP response.** Any such modifications or alterations a Proposer wishes to propose shall be clearly stated in the Proposer's RFP response and presented in the form of an addendum to the original RFP documents.

23. OTHER GENERAL CONDITIONS:

- a. Proposers must provide the City with their proposals signed by an employee having legal authority to submit proposals on behalf of the Proposer. The entire cost of preparing and providing responses shall be borne by the Proposer.
- b. The City reserves the right to request any additional information it deems necessary from any or all Proposers after the submission deadline.
- c. The request for statement of qualification is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by Proposer in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the Proposer's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- d. If products, components, or services other than those described in this bid document are proposed, the Proposer must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- e. **Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@fayetteville-ar.gov). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all Proposers to be on equal terms.**
- f. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@fayetteville-ar.gov) or telephone (479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be

provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.

- g. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.
 - h. Any information provided herein is intended to assist the Proposer in the preparation of proposals necessary to properly respond to this RFP. The RFP is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a RFP's content or to exclude any relevant or essential data.
 - i. Proposers irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be controlled by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
 - j. The successful Proposer shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful Proposer assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful Proposer shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
 - k. The successful Proposer's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful Proposer shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.
1. The following documents are included with this solicitation:
- a. Attachment A: Approved Uniforms and Equipment

City of Fayetteville
RFP 13-17, Police Uniforms, Equipment & Quartermaster Services
SECTION B: Scope of Services and General Information

1.0 Purpose

The City of Fayetteville, Arkansas, hereinafter referred to as "the City", is seeking proposals for services from experienced and qualified vendors to provide adequate uniforms, equipment & quartermaster services as described herein.

2.0 Current Program

The City of Fayetteville last bid quartermaster services in 2008 resulting in a current contract expiration of December 31, 2013. This RFP shall serve as the future pricing of police department uniforms for as long as a resulting contract is in effect. It is a requirement for all Proposers carry Blauer uniforms in order to standardize the look and appearance of the police department's uniforms. This solicitation has the potential to be a five (5) year contract)

All Proposers shall be able to supply and stock items listed in Attachment A. Proposers shall be aware and informed that a reference to a particular brand, manufacturer, or model is set forth in this RFP to establish an accepted level of quality. Brands, manufacturers, or models that are included with this RFP that are of at least equal quality, size, shape, performance, design, and specification as to what has been established will be acceptable for consideration. The City reserves the right to accept or reject any substitution made by any vendor that is not equal to what was specified in this RFP. In the event the City denies an alternate item, it is the responsibility of the vendor to minimally provide an accepted item at the price for the rejected item. Proposers are encouraged to submit items for approval BEFORE the RFP deadline set forth in these documents.

The anticipated spend for 2014 is estimated at \$45,000 (90 employees at \$500 allowance each). Funds available for uniform spend are subject to budget approval by the Fayetteville City Council.

3.0 Scope of Quartermaster Services

While the exact range and extent of services is subject to negotiation, it is anticipated that the selected consultant shall provide, as a minimum, professional services and dedicated personnel necessary to perform the following:

- 1.) Provide police department uniforms & equipment at a discounted price to the City of Fayetteville for the items listed in Attachment A – Approved Uniforms & Equipment. Vendor shall also offer a percentage off of retail for pricing of all items. Proposers shall provide a summary of how & what discounts will be offered to the City of Fayetteville.
- 2.) The successful Proposer shall provide a local service for measuring officers during the entire contract period. All items listed in Attachment A shall be in stock by the successful Proposer for immediate delivery to the City of Fayetteville.
- 3.) Items listed in Attachment A are anticipated to be picked up by the Fayetteville Police Department authorized representative or delivered to the City of Fayetteville Police Department. Products shall be provided as F.O.B. Destination, freight prepaid to the Fayetteville Police Department. Additional charges such as freight, delivery, oversize charges, or any other not listed charge or additional fee shall NOT be added after Proposal deadline. Any charges, fees, etc. shall be listed with Proposers submittal and shall be on the most favorable terms available.

- 4.) If oversize, delivery charges, etc. are to be applied, the charges shall be declared with the original proposal by the provided deadline. If not such charges are declared or listed, the invoice cost will stand as is and shall not be increased for such charges.
- 5.) Proposers shall provide measurement and delivery within calendar days as outlined below. Measurements shall be made upon request for an officer within 3 calendar days of request. Orders/products, provided in Attachment A, shall be available for pick up or delivery within 2 calendar days from measurement or order. Orders held by the awarded vendor after specified time period are subject to cancellation of contract. The City understands unforeseen delays can occur; however, delays without unforeseen circumstances will not be acceptable or tolerated.
- 6.) All Proposers shall submit samples if requested by the Purchasing Division. Samples will be returned if they are received with a FedEx, DHL or UPS billing account number to be billed to the Proposer. Any Proposer may also choose to pick up samples at the Fayetteville Purchasing Division. Samples left after ninety (90) calendar days become the property of the City of Fayetteville.
- 7.) Items will be purchased on an as needed basis from officers needing uniforms and/or equipment.
- 8.) Proposer shall outline secured process as part of the proposal to present an option of how a current and new officer can be identified before purchasing product. A valid picture ID shall be required by a new or existing member of the Fayetteville Police Department shall be part of the presented secure purchasing process. An authorized officer list will be provided to the awarded Proposer by the Fayetteville Police Department. Awarded Proposer shall check all purchases on provided listing prior to purchase being made.
- 9.) Awarded Proposer shall track each employee's annual use of uniform allowance and provide usage reports upon request. Proposal shall include a description of how company will comply with this requirement.
- 10.) Awarded Proposer (Vendor) selected shall restrict employees use of annual uniform allowance to items on the authorized uniform item list. Vendor shall be required to maintain a current copy of this authorized list for reference. Vendor will be expected to furnish items in accordance with the department's uniform general order.
- 11.) Price Reductions: Prices as presented in proposal are the maximum price the City will pay for items presented for the entire life of the contract. The price presented shall be provided as a percentage off of the manufacturer's suggested retail price (MSRP). Vendor shall be required to pass any price reductions to the City of Fayetteville.
- 12.) Due to the requirement to track uniform allowances, the award will be completed on an all or none basis.
- 13.) Vendor shall provide a local fitting for trousers, shirts, jackets, and any other items bid requiring fitting. Vendors located outside of Washington County will be furnished a room for fitting at the Fayetteville Police Department upon request. Vendors located outside Washington County shall state how often they will be on site to provide a representative for local fitting (ex: weekly, monthly, as needed, etc.).
- 14.) Except for items marked as options, jackets, trousers, shirts, footwear, and leather gear shall be in stock by the vendor for immediate delivery. The City reserves the right to purchase from alternate vendor in emergency situations due to delayed delivery. Any continuance of delayed delivery can subject the contract to termination.

- 15.) Upon sale to City employee, Vendor shall provide the employee with a receipt which displays date of pick up, delivery, charges, and a detailed description of each item. This receipt or combination thereof shall be reflected on the monthly statement.
- 16.) Statements and payments shall be based on a calendar month.
- 17.) Vendor shall provide the City with a monthly statement of all charges, which shall be separated by each employee that purchased items for that month. The City will reconcile the statement against receipts provided by employees. Any discrepancies shall be immediately resolved by all involved parties. The City shall make payment to Vendor within 30 calendar days of accepted reconciled statement or 5 days if payment is allowed via Visa. The City shall incur no additional charges for the use of payments via Visa.

4.0 Term of Contract

The initial term of the uniform, equipment, & quartermaster contract shall be for a period of one (1) year. The contract shall be renewable by mutual consent, at mutually agreed upon terms, for four (4) additional years, for a total contract term of five (5) years. The contract may be terminated by either party by giving the other party written notice of such intent not less than thirty (30) days prior to the effective date of the termination. In the event of termination, claims for compensation owed the vendor by the City shall be limited to products purchased via pick up or delivery at the request of the City.

5.0 Proposal Submittals

a. Overview:

The Proposer is to provide adequate information that will render it qualified and capable of cost effectively accomplishing the scope of services. The proposal will be reviewed by a selection committee who will grade and rank each proposal.

b. Staff:

The Proposer shall provide a description of its staff and work force that will be assigned to effectively facilitate the requirements of this contract. This description will include, at a minimum, the number of permanent employees, part time employees, and an organizational chart reflecting their responsibilities.

c. Approach:

The Proposer shall provide, in this section of its proposal, a description of the method(s) which will be used to successfully accomplish the scope of services.

d. Company Experience:

The Proposer shall provide, in this section of its proposal, a detailed description of similar projects or contracts, on behalf of Cities or Counties within the State of Arkansas, or other public entities, completed and those presently engaged during the past three (3) years. This information shall include names and phone numbers of client references at a minimum of three (3) references.

e. Company Capabilities:

The Proposer shall provide, in this section of its proposal, a description of its limitations relative to facilities, staff personnel, on-going projects/contracts, etc.

6.0 Fee Proposal

a. Reasonableness:

These Fee Proposals will be evaluated for completeness and reasonableness as it relates to the technical proposal.

b. Best Value:

The prices presented are important; however, it will not be the determining factor in the selection process. It is not the intent of the City of Fayetteville to limit innovative solutions by dollar constraints, but rather to determine which proposal has the potential of providing the best value for the services required.

c. Additional fees not relating to product:

It is the desire of the City of Fayetteville to contract with a vendor that does not charge additional fees for quartermaster related services.

7.0 Proposal Evaluation Factors

It is City of Fayetteville's intent to evaluate the proposals based on technical merit and price. The result of this evaluation is to choose the Proposer whose proposal provides the highest value to City of Fayetteville. City of Fayetteville reserves the right to waive any irregularities, reject any and/or all proposals, in whole or in part, when, in City of Fayetteville's opinion, such rejection is in its best interests.

a. Evaluation Method

Each Proposal will be reviewed by a Selection Committee. Their proposal review and evaluation will be subjective; however, the weighting values are established to minimize that subjectivity. The following delineates the value attributed to each section.

1. **10% - Qualifications in Relation to Project:** Information reflecting qualifications of the company. Indicated specialized experience and technical competence of the firm in connection with the type and complexity of the service required. Subcontractors shall not be used for these requested services.
2. **20% - Experience, Competence, and Capacity for Performance:** Information reflecting the names, titles, and qualifications (including experience and technical competence) of the major personnel assigned to this specific project. Provide detailed breakdown of staff to be used and how they are to be used. This includes the proposed firm's business interest and how it relates to the scope of services requested.
3. **25% - Proposed Method of Doing Work (Project Approach and Schedule):** A proposed work plan (description of how the purchasing process would be secure as well as other facts concerning approach to scope you wish to present) indicating methods and schedules for accomplishing the work.
4. **25% - Past Performance:** Previous evaluations shall be considered a significant factor. If previous evaluations with this city are not available, the professional firm's past performance records with others will be used, including quality of work, timely performance, diligence, ability to meet budget, and any other pertinent information. The firm will provide a list of similar jobs performed and the person with that firm from whom the City can obtain information.

5. **20% - Fee Proposal:** Proposed price to perform the details listed in this request for proposal. This evaluation factor shall include the cost allocation presented as the City's share.

NOTE: City of Fayetteville reserves the right to accept a proposal, as submitted, and enter directly into a contractual agreement with that selected Proposer. Accordingly, it is imperative that all Proposers propose their best offer in their initial submission.

8.0 Anticipated Project Timeline: subject to change

Date	Time	Description
Monday, November 04, 2013	N/A	Advertisement for RFP
Thursday, November 21, 2013	Before 2:00 PM	Deadline to submit a Proposal
Tuesday, November 26, 2013	N/A	Contract negotiations finalized and contract signed by Vendor
Wednesday, November 27, 2013	4:00 PM	Internal deadline for packet to be turned into City Clerk's Office for 12/17/13 City Council Meeting
Tuesday, December 10, 2013	4:30 PM	Agenda Session for 12/17/13 City Council Meeting
Tuesday, December 17, 2013	6:00 PM	City Council Meeting to consider contract

City of Fayetteville
RFP 13-17, Police Uniforms, Equipment & Quartermaster Services
SECTION E: Signature Submittal

1. Disclosure Information

Proposer must disclose any possible conflict of interest with the City of Fayetteville, including, but not limited to, any relationship with any City of Fayetteville employee. Proposer response must disclose if a known relationship exists between any principal or employee of your firm and any City of Fayetteville employee or elected City of Fayetteville official.

If, to your knowledge, no relationship exists, this should also be stated in your response. Failure to disclose such a relationship may result in cancellation of a purchase and/or contract as a result of your response. This form must be completed and returned in order for your bid/proposal to be eligible for consideration.

PLEASE CHECK ONE OF THE FOLLOWING TWO OPTIONS, AS IT APPROPRIATELY APPLIES TO YOUR FIRM:

☒ 1) NO KNOWN RELATIONSHIP EXISTS

☐ 2) RELATIONSHIP EXISTS (Please explain): _____

I certify that; as an officer of this organization, or per the attached letter of authorization, am duly authorized to certify the information provided herein are accurate and true; and my organization shall comply with all State and Federal Equal Opportunity and Non-Discrimination requirements and conditions of employment.

2. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews. **NOTE: Each Proposer shall submit to the City a primary contact name, e-mail address, and phone number (preferably a cell phone number) where the City selection committee can call for clarification or interview via telephone.**

Name of Firm: Cruse Uniforms and Equipment Inc.

Name of Primary Contact: Stephanie Dotts

Title of Primary Contact: Cindy Cruse

Phone#1 (cell preferred): 501-681-8814 Phone#2: 501-681-9610

E-Mail Address: Stephanie@cruseuniforms.com

3. Please acknowledge receipt of addenda for this invitation to bid, request for proposal, or request for qualification by signing and dating below. All addendums are hereby made a part of the bid or RFP documents to the same extent as though it were originally included therein. Proposers/Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification.

ADDENDUM NO.	SIGNATURE AND PRINTED NAME	DATE ACKNOWLEDGED

4. PRICE BID: Proposers shall include pricing with proposal as described. Pricing for retail items shall be listed as a percentage off of MSRP. Any additional fees shall be listed separate and shall be included in the Proposal.

5. As an interested party on this project, you are required to provide debarment/suspension certification indicating in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.

6. Signature certifies that neither you nor your principal is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Questions regarding this form should be directed to the City of Fayetteville Purchasing Division.

NAME: Stephanie Dotts

COMPANY: Cruse Uniforms and Equipment Inc

PHYSICAL ADDRESS: 5320 W. Sunset Springdale AR 72762

MAILING ADDRESS: SAME

PHONE: 479-756-8182 FAX: 479-756-1225

E-MAIL: stephanie@cruseuniforms.com

SIGNATURE: [Signature]

TITLE: Store Manager

DATE: 11/18/13

City of Fayetteville
RFP 13-17, Police Uniforms, Equipment & Quartermaster Services
SECTION F: Draft Contract

This contract executed this ____ day of _____, 2013, between the City of Fayetteville, Arkansas, and _____ In consideration of the mutual covenants contained herein, the parties agree as follows:

1. _____ at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per RFP 13-17 as stated in _____ proposal response, and in accordance with specifications attached hereto and made a part hereof under RFP 13-17, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay _____ based on their bid proposal in an amount not to exceed itemized pricing presented in RFP 13-17. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and _____ consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Proposal identified as RFP 13-17 with the specifications and conditions typed thereon.
 - B. _____ submitted proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and _____ and may be modified only by a duly executed written instrument signed by the City of Fayetteville and _____.
5. _____ shall not assign its duties under the terms of this agreement.
6. _____ agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from _____ performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. _____ shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, _____ shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability \$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by _____.

8. _____ to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or _____ with 30 days written notice.
12. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
13. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in **advance** of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2013.

CONTRACTOR NAME

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Signature

By: _____
LIONELD JORDAN, Mayor

Printed Contractor Name & Title

ATTEST (Signature)

ATTEST: (Signature)

Company Secretary (Printed Name)

Sondra Smith, City Clerk

Business Address

City, State & Zip Code

Date Signed: _____

Date Signed: _____

City of Fayetteville Item Review Form

A. 4
Fayetteville Police
Department Donation Revenue
Page 1 of 10

2013-0194

Legistar File Number

12/17/13

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

Greg Tabor

Submitted By

Police

Department

Action Required:

Approval of a budget adjustment in the amount of \$3,050 for the recognition of various donations received by the Fayetteville Police Department during 2013 in support of officer service awards, general recognition, and repair of vandalized monument.

Does this item have a cost? ☒ Yes

\$3,050.00

Cost of this request

\$11,960.00

Category or Project Budget

Police Dept Donations

Program or Project Name

1010-2920-5210/5329.00

Account Number

\$7,746.41

Funds Used to Date

Donations

Program or Project Category

33044-1/6

Project Number

\$1,163.59

Remaining Balance

General

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Buhner 11-26-13

Paul a. Buhner 11-26-2013

Ally Man 11-26-13

Donald Jordan 11/26/13

WJ

11-25-13 A08:58 RCVD



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police 

Date: November 26, 2013

Subject: Recognize Various Donations to Fayetteville Police Department

PROPOSAL:

Periodically, businesses and/or citizens of Fayetteville will make monetary donations to the Police Department to enhance our services or to recognize our personnel. During the fourth quarter of 2013, the Police Department received donations totaling \$3,050.00. The checks were deposited into the City's General Fund and are tracked through the City's Project Accounting System to insure that the donors intended purpose is met. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

RECOMMENDATION:

Staff recommends acceptance of these donations to the Fayetteville Police Department and approval of the attached budget adjustment in the amount of \$3,050.00. If you should have any comments or questions regarding these donations, please contact me at extension 500.

BUDGET IMPACT:

Increase expense budgets to correspond with Police Department donations revenue received during fourth quarter of 2013.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$3,050.00 RECOGNIZING DONATION REVENUE TO THE FAYETTEVILLE POLICE DEPARTMENT IN SUPPORT OF OFFICER SERVICE AWARDS, GENERAL RECOGNITION AND REPAIR OF THE VANDALIZED POLICE MEMORIAL MONUMENT

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 \$3,050.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

V12.0724 A. 4
Fayetteville Police
Donation Revenue
Page 4 of 10



81-883/829

025016 Fayetteville Police
Department Donation Revenue
DATE 10/24/2013 Page 5 of 10P. O. Box 8550
Fayetteville AR 72703-0010
479-684-3724

PAY

\$150.00

DOLLARS

\$ 150.00

TO THE ORDER OF

FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS COMMITTEE
100 A WEST ROCK STREET
FAYETTEVILLE AR 72701

Authorized Signature

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈025016⑈ ⑆082908832⑆

7000103⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER.

THE BANK OF FAYETTEVILLE

MEMBER FDIC

81-161
829

062917

DATE 10/18/13

EXPENSE CHECK

ACCOUNT NUMBER

389

One thousand & 00/100 dollars

AMOUNT

****1,000.00

P
AY
TO
THE
ORDER OFFAYETTEVILLE POLICE DEPARTMENT
100 WEST ROCK STREET
FAYETTEVILLE AR 72701
AUTHORIZED SIGNATURE

THE BACK OF THIS DOCUMENT CONTAINS A WATERMARK - HOLD AT AN ANGLE TO VIEW.

⑈062917⑈ ⑆082901619⑆

70000034⑈

Trinity Property Mgmt Fayetteville
PO Box 11655
Fort Smith, AR 72917

Chambers Bank
1100 S E Walton Blvd
Bentonville, AR 72712

81-7904
Fayetteville Police
Department Donation Revenue
Page 6 of 10

Date
11/1/2013

Check No.
004675

Check Amount
\$100.00

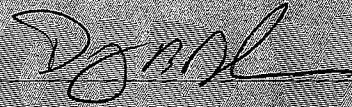
One Hundred AND 00/100 Dollars

Pay to the order of:

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE

Fayetteville Police Department

100 West Rock Street
Fayetteville, AR 72701



⑈004675⑈ ⑆082907008⑆ 4073907⑈

Ent	Name	Acct No	Invoice	Date	P.Q. Num	Reference	Amount	Discount	Net
-----	------	---------	---------	------	----------	-----------	--------	----------	-----

ARVEST

ACCOUNTS PAYABLE
PO BOX 799
LOWELL, AR 72745
1-479-750-6139

Arvest Bank
81-87/829

Check Date
11/06/2013

Number
261595

PAY *Two Hundred and 00/100 Dollars*

Amount
\$ *****200.00

PAY
O THE
ORDER
OF
FAYETTEVILLE POLICE DEPT
100 WEST ROCK ST
FAYETTEVILLE AR 72701

Doug A. Shepard
Authorized Signature

⑈00261595⑈ ⑆082900872⑆ 50159516⑈

LONGER INVESTMENTS INC.

P. O. Box 1269
Fayetteville, AR 72702
(479) 443-5851

THE BANK OF FAYETTEVILLE
Fayetteville, Arkansas
81-161/829

21381
Fayetteville Police
Department Donation Revenue
Page 7 of 10
10/29/2013

PAY TO THE ORDER OF Fayetteville Police Department

\$ **250.00

Two Hundred Fifty and 00/100 ***** DOLLARS

Fayetteville Police Department
Attn: Awards Committee
100-A West Rock St.
Fayetteville, AR 72701

MEMO

021331 082901619

70053510

CROWNE GROUP LLC
519 W DICKSON ST.
FAYETTEVILLE, AR 72701

18290

PAY TO THE ORDER OF

DATE

10/17/13

81-161-829

City of Fayetteville Police Dept. \$ 150.00
One Hundred Fifty and 00/100 DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC

FOR

BANQUET DONATION

B Crowne

018290 082901619

70053782

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES MICROPRINTED ENDORSEMENT LINES AND ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

First State Bank
of Northwest Arkansas

P.O. Box 667 (479) 738-2147
Huntsville, Arkansas 72740

81-174
829

022608

DATE

11/06/13

EXPENSE CHECK

** ONE HUNDRED DOLLARS AND 00/100 **

PAY TO THE ORDER OF FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS COMMITTEE
100 WEST ROCK STREET
FAYETTEVILLE AR 72701

AMOUNT

\$100.00

Deanna Watters, SVP
AUTHORIZED SIGNATURE

Invoice 100913

022608 082901745

20901348

Neal R. Pendergraft

P. O. Box 4245
Fayetteville, AR 72702
479-443-3301

Signature Bank of Arkansas

81-883

829

10/16/2013

6491

Fayetteville Police

Department Donation Revenue

Page 8 of 10

**250.00

PAY **TWO-HUNDRED-FIFTY AND 00/100*******

DOLLARS

TO THE ORDER OF Fayetteville Police Department
100 West Rock Street
Fayetteville, AR 72701

MEMO Contribution - 2014 Awards & Appreciation Banquet

⑈006491⑈ ⑆082908832⑆ 6104096⑈

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING



SMITH TWO-WAY RADIO, INC.
520 NORTH COLLEGE AVE
FAYETTEVILLE, AR 72701-3401
(479) 443-2222 (479) 443-5677 FAX

CHAMBERS BANK
FAYETTEVILLE, AR 72703
81-700/829

41259

10/28/13

PAY TO THE ORDER OF **FAYETTEVILLE POLICE DEPARTMENT**
One Hundred Dollars and 00 Cents

\$ **100.00**

DOLLARS



FAYETTEVILLE POLICE DEPARTMENT
100 WEST ROCK STREET

FAYETTEVILLE, AR 72701

Michael B. Smith



⑈041259⑈ ⑆082907008⑆ ⑈815133⑈

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

LARRY BITTLE INSURANCE AGENCY, INC.
520 NORTH COLLEGE AVE, SUITE 500
FAYETTEVILLE, AR 72703
(479) 221-0505

SIGNATURE BANK OF ARKANSAS
81-883/829

13379

10/29/2013

PAY TO THE ORDER OF **Fayetteville Police Department**

\$ ****100.00**

One Hundred and 00/100***** DOLLARS



Fayetteville Police Department
Awards Committee
100 West Rock Street
Fayetteville, AR 72701

Larry Bittle



⑈013379⑈ ⑆082908832⑆ 2036094⑈

ANDREW LUCAS
SHIRLEY LUCAS
PH. 479-442-4612
2139 W ORA DR.
FAYETTEVILLE, AR 72701-1550

81-87/829

1029

A. 4
Fayetteville Police
Department Donation Revenue
Page 9 of 10

DATE 28 Oct. 2013

PAY TO THE ORDER OF Fayetteville Police Dept \$ 200⁰⁰
Two hundred and 00/100 DOLLARS

ARVEST[®]

BANK

arvest.com

MEMO

Awards Committee

Andrew J. Lucas

MP

⑆082900872⑆ 1029 0025552300⑆

SPECIALTY BLUE

19812

NELSON-BERNA FUNERAL HOME

P.O. BOX 8982
FAYETTEVILLE, AR 72703

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444
81-161-829



EZShield[™] Check Fraud
Protection for Business

10/17/2013

PAY TO THE ORDER OF Fayetteville Police Department

\$ **100.00

One Hundred and 00/100*****

DOLLARS

Fayetteville Police Department
Attention: Awards Committee
100-A West Rock Street
Fayetteville, AR 72701

Sherry Greene
AUTHORIZED SIGNATURE

MEMO

Awards and Appreciation Banquet

⑆019812⑆ ⑆082901619⑆

80045898⑆

SERVICE SUPPLY COMPANY INC

WHOLESALE DISTRIBUTION OF
PLUMBING AND INDUSTRIAL SUPPLIES
P.O. BOX 876
FAYETTEVILLE, AR 72702
(479) 442-2325

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444
81-161-829



EZShield[™] Check Fraud
Protection for Business

26143

00026143

PAY PAY EXACTLY*****100**DOLLARS AND**00**CENTS
1FAYPD

DATE 10/21/13

AMOUNT \$100.00

TO THE ORDER OF

FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS COMMITTEE
100 WEST ROCK STREET
FAYETTEVILLE AR 72701

D. Brown
AUTHORIZED SIGNATURE

⑆026143⑆ ⑆082901619⑆

80044980⑆

ARKANSAS ADULT PROBATION AND PAROLE ASSOCIATION
2679 PIKE AVENUE
NORTH LITTLE ROCK, AR 72114

001937

81-10/820

DATE

10/17/13

PAY TO THE
ORDER OF

Fayetteville Police Dept.
ONE HUNDRED DOLLARS

\$ 100.00

DOLLARS  Security features included. Details on back.

REGIONS

MEMO

Honor Guard

[Signature]

MP

⑈001937⑈ ⑆082000109⑆ 8140285889⑈

JOSEPH K. ROBERTS
6150 GRAYS GAP RD
FAYETTEVILLE, AR 72704

2039

81-883/829

DATE

10/18/13

PAY TO THE
ORDER OF

City of Fayetteville Police Dept.
ONE HUNDRED FIFTY AND 00/100

\$ 150.00

DOLLARS  Security features included. Details on back.

Signature
BANK OF ARKANSAS
www.sbofa.com

FOR

Repairs/Replacement Unaltered Mount *[Signature]*

MP

⑈082908832⑈

6113710⑈ 2039

City of Fayetteville Item Review Form

2013-0200

Legistar File Number

12-17-13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

Submitted By

Fire

Department

Action Required:

A resolution approving the purchase of a hazardous materials decontamination tent from the vendor Safeware through the US Communities Contract #4400001839 in the amount of \$42,060.74 including use tax for the Fayetteville Fire Department.

Does this item have a cost? ☒ Yes

\$42,060.74

Cost of this request

\$87,933.00

Category or Project Budget

Hazmat Equipment/Act 833/46 Misc. Revenue

Program or Project Name

1010.3040.5218.01

Account Number

\$42,031.98

Funds Used to Date

Fire Improvements

Program or Project Category

\$3,840.28

Remaining Balance

General

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

11-27-13 A10:30 RCVD

Original Contract Number:

Comments:

Funds for the purchase of the hazmat decontamination tent have been budgeted in 1010.3040.5218.01 Hazmat Equipment. \$17,104.83 of these funds are from Fire Department Act 833/46/Misc. Revenue (The Act 833 project is funded by the State Fire Protection Services Program —Act 833 of 1991 through a half of 1% premium tax on fire insurance policies.) and the remaining amount of \$24,955.91 is from the 1010.3040.5218.01 general fund account Hazmat Equipment

Paul A. Beckman 11-27-13

Paul A. Beckman 11-27-2013

Jim Man 11-27-13

David Jordan 12/2/13





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: David Dayringer, Fire Chief/Kevin Murray Assistant Chief

Date: November 27, 2013

Subject: A resolution approving the purchase of a hazardous materials decontamination tent from the vendor *Safeware* through the US Communities Contract #4400001839 in the amount of \$42,060.74 including use tax for the Fayetteville Fire Department.

PROPOSAL:

The procurement of this hazardous materials decontamination tent will enable The Fayetteville Fire Department to possess outstanding hazardous materials equipment to aid in responding to hazmat calls and provide for enhanced firefighter and public safety.

RECOMMENDATION:

Staff recommends a resolution for and approving the purchase of a hazardous materials decontamination tent from the vendor *Safeware* through the US Communities Contract #4400001839 in the amount of \$42,060.74 including use tax for the Fayetteville Fire Department.

BUDGET IMPACT:

Funds for the purchase of the hazmat decontamination tent have been budgeted in 1010.3040.5218.01 Hazmat Equipment. \$17,104.83 of these funds are from Fire Department Act 833/46/Misc. Revenue (The Act 833 project is funded by the State Fire Protection Services Program—Act 833 of 1991 through a half of 1% premium tax on fire insurance policies.) and the remaining amount of \$24,955.91 is from the 1010.3040.5218.01 general fund account Hazmat Equipment.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF A HAZARDOUS MATERIALS DECONTAMINATION TENT FROM SAFEWARE THROUGH A COOPERATIVE PURCHASING AGREEMENT, IN THE AMOUNT OF \$42,060.74, 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 the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74.

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 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

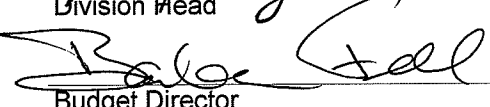
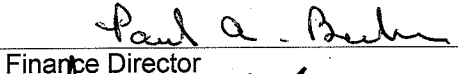
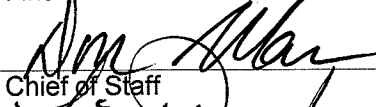
**City of Fayetteville, Arkansas
Budget Adjustment Form**

V12.0724 A. 5
Safeware
Page 4 of 8

Budget Year 2013	Division: Fire Department Department: Fire Department	Request Date 11/27/2013	Adjustment Number
--------------------------------	--	---------------------------------------	--------------------------

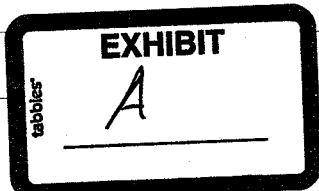
BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

Allocate Act 833 Funds to allow for additional funding for purchase of Hazmat Decontamination Tent. This will allow for \$17,104.83 to be available in 1010.3040.5218.01 Project #33047 Subproject 1 and the remaining funds for the decontamination tent purchase of \$24,955.91 are from the 1010.3040.5218.01 general fund account Hazmat Equipment.

 Division Head	<u>11/26/13</u> Date	Prepared By: <u>Granville Wynn</u> Wynn, Granville
 Budget Director	<u>11/27/13</u> Date	Reference: _____
 Department Director	<u>11/26/13</u> Date	Budget & Research Use Only
 Finance Director	<u>11-27-2013</u> Date	Type: A B C D E P
 Chief of Staff	<u>11-27-13</u> Date	General Ledger Date _____
 Mayor	<u>12/2/13</u> Date	Posted to General Ledger _____ Initial _____ Date _____
		Checked / Verified _____ Initial _____ Date _____

TOTAL BUDGET ADJUSTMENT

Account Name	Account Number	Increase / (Decrease)		Project.Sub Number
		Expense	Revenue	
Contingency/Savings Other	1010.3020.5911.00	33 (5,000)	-	33047 . 1
<i>Hazmat Equipment</i>	1010.3040.5218.01	33 5,000		33047 . 2012



City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

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

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

Requisition No.:	Date: 11/27/2013
P.O Number:	Expected Delivery Date: January, 2014

Vendor #: W-9 Request Sent to Vendor	Vendor Name: Safeware	Mail Yes:____ No: <u>x</u>
Address: 5641 S. Laburnum Avenue		Taxable Yes: <u>x</u> Use Tax No: Yes: <u>x</u> No: _____
City: Richmond	State: Virginia	Zip Code: 23231
Requester: Granville Wynn		Requester's Employee #: 3806
		Divison Head Approval: Kevin Murray
		Extension:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Hazmat Decontamination Tent	1			\$38,324.14	1010.3040.5218.01			
2									
3									
4									
5									
6									
7									
8									
9									
10									
*	Shipping/Handling		Lot						

Special Instructions:

Subject to Use Tax of 9.75% shown in tax area (\$3,736.60): Purchase to be made through US Communities Contract # 4400001839--Hence no quotes listed besides actual vendor being utilized for purchase.

Subtotal:	\$38,324.14
Tax:	\$3,736.60
Total:	\$42,060.74

Approvals:

Mayor: _____

Department Director: 

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____



QUOTATION

5641 S. Laburnum Avenue
Richmond, VA 23231
USA

www.safewareinc.com

Order Number	
1317149	
Order Date	Page
7/15/2013 15:51:21	1 of 3

Quote Expires On 12/6/2013

Bill To: Customer ID: 60046
Fayetteville Fire Department
303 W. Center
Fayetteville, AR 72703

Ship To:
Fayetteville Fire Department
303 W. Center
Fayetteville, AR 72703

479-718-7613

Requested By: Mr. Trent North

PO Number					Taker		Email	
Quote: Zumro, Inc.-7/15/2013 15:51:43					Kim Haller		khaller@safewareinc.com	
Freight Terms					Phone		Fax	
Freight Paid								
Quantities					Item ID		Pricing	Unit
Ordered	Allocated	Remaining	UOM	Unit Size	Item Description	Unit Size	UOM	Price
1.00	0.00	1.00	EA		ZUM 7900		EA	16,935.61
				1.0	AIR-SHELTER MODEL 311		1.0	16,935.61
2.00	0.00	2.00	EA		ZUM 7830		EA	92.54
				1.0	Laundry Port & External Cover (24in dia)		1.0	185.07
1.00	0.00	1.00	EA		ZUM 7923		EA	1,995.84
				1.0	Curtain Set for 311-L3-E Shelter for use with inflatable pool		1.0	1,995.84
6.00	0.00	6.00	EA		ZUM 7916		EA	79.83
				1.0	PRIVACY CURTAIN FOR THREE-LANE SHOWER		1.0	479.00
3.00	0.00	3.00	EA		ZUM 5715		EA	138.80
				1.0	Hose Retainer System for Pre-Plumb Kit		1.0	416.40
1.00	0.00	1.00	EA		ZUM 5748		EA	382.84
				1.0	PRE-PLUMB PACKAGE FOR MODEL 311-3-LANE		1.0	382.84
2.00	0.00	2.00	EA		ZUM 5765		EA	489.89
				1.0	Rapid-Roll Grid 16' x 36" for 311-L3		1.0	979.78
1.00	0.00	1.00	EA		ZUM 7917		EA	1,668.34
				1.0	Inflatable Pool option on Floor for Model311		1.0	1,668.34
4.00	0.00	4.00	EA		ZUM 5746		EA	136.99
				1.0	QUICK CONNECT HAND SHOWER (YELLOW HOSE)		1.0	547.95
2.00	0.00	2.00	EA		ZUM 9920		EA	459.05
				1.0	Sump Pump Kit (110 Volt) with case		1.0	918.09



QUOTATION

5641 S. Laburnum Avenue
Richmond, VA 23231
USA

www.safewareinc.com

Order Number	
1317149	
Order Date	Page
7/15/2013 15:51:21	3 of 3

Quote Expires On 12/6/2013

Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price
Ordered	Allocated	Remaining	UOM Unit Size	Disp.		Unit Size		

Total Lines: 22

SUB-TOTAL: 38,324.14

TAX: 0.00

AMOUNT DUE: 38,324.14

Actual freight added per freight terms

City of Fayetteville Item Review Form

2013-0167

Legistar File Number

12-17-2013

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

David Dayringer

Submitted By

Fire

Department

Action Required:

A resolution awarding Bid 13-54 for and approving the purchase of wildland firefighting boots from the vendor College Shoe Shop, in the amount of \$22,000 for the Fayetteville Fire Department.

Does this item have a cost? ☒ Yes

\$22,000.00

Cost of this request

\$150,920.00

Category or Project Budget

Fire FEMA Grant-Wildland Fire Gear

Program or Project Name

1010.3020.5302.01

Account Number

\$0.00

Funds Used to Date

Fire Operations

Program or Project Category

31303/1

Project Number

\$128,920.00

Remaining Balance

General

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Butler 11-6-13

Paul A. Butler 11-7-2013

Ray M... 11-7-13

Frederick... 11/7/13

11-05-13 P03:55 RC

[Signature]



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan and City Council

From: David Dayringer, Fire Chief *JCP*

Date: November 6, 2013

Subject: A resolution awarding Bid 13-54 for and approving the purchase of wildland firefighting boots from the vendor *College Shoe Shop*, in the amount of \$22,000 for the Fayetteville Fire Department.

PROPOSAL:

The procurement of these wildland fire boots will allow The Fayetteville Fire Department to meet all requirements of the NFPA 1977 Protective Clothing and Equipment for the work of Wildland Fire Fighting. Further, the wildland firefighting boots will enable the Fayetteville Fire Department to possess outstanding personal protective equipment to aid in responding to wildland fire calls.

RECOMMENDATION:

Sealed formal bids for the purchase of the wildland firefighting gear boots were publicly read and the results are attached to this memo.

Staff recommends a resolution awarding Bid 13-54-Fire Department Wildland Fire Boots to the vendor *College Shoe Shop* who were the only vendors to meet the specifications and approving the purchase of wildland gear boots for a total price of \$22,000.

BUDGET IMPACT:

Funds for the purchase of the wildland boots have been budgeted in project #31303/1 as a result of the Federal Emergency Management Agency Assistance to Firefighters Grant Award of \$120,736.00 and matched with \$30,184.00 from Fire Department Act 833/46/Misc. Revenue.

The Act 833 project is funded by the State Fire Protection Services Program—Act 833 of 1991 through a half of 1% premium tax on fire insurance policies. This purchase is part of this FEMA grant and the \$22,000 purchase price will be matched with 20%(\$4,400) of Act 833 money which has been previously approved.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-54 AND APPROVING AN AGREEMENT WITH COLLEGE SHOE SHOP IN THE AMOUNT OF \$22,000.00 FOR THE PURCHASE OF WILDLAND FIREFIGHTING BOOTS FOR THE FIRE DEPARTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #13-54 and approves an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

To: Andrea Foren, Purchasing

From : Kevin Murray, Assistant Chief Fire

Re: Bid 13-54

Date: November 1, 2013

Low Bid # 1: Casco Thorogood model 834-6381 \$155.00

Did not have enough eyelets, did not have steel shank, sizing did not match specs, did not have 30 day unconditional wear guarantee that I could document

Low Bid # 2: Ferrara Thorogood model 834-6371 \$172.00

Did not have steel shank, Did not have 30 day unconditional wear guarantee. Specifically stated "must be unworn"

Low Bid # 3: Nafco Thorogood model 834-6381 \$173.27

Did not have enough eyelets, did not have steel shank, sizing did not match specs, did not have 30 day unconditional wear guarantee that I could document

Low Bid # 4: Casco Thorogood model 834-6371 \$175.00

Did not have steel shank, sizing does not meet specs, Did not have 30 day unconditional wear guarantee that I could document

Low Bid # 5: Casco Thorogood model 834-6373 \$177.00

Did not have lace hooks, (zippers) sizing did not meet specs, did not have 30 day unconditional wear guarantee that I could document

Low Bid # 6: EVS Thorogood model 834-6371 \$179.78

Did not have steel shank, sizing did not meet specs, Did not have 30 day unconditional wear guarantee that I could document

Low Bid # 7: College Shoe Redwing model 218 \$182.23

Met Bid specs. I could document 30 day unconditional wear guarantee

Low Bid # 8: Bob Barker Thorogood model 834-6371 \$201.39

Did not have steel shank, sizing did not meet specs, Did not have 30 day unconditional wear guarantee that I could document

Low Bid #7 differed the least from the bid specifications.



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

INVITATION TO BID

INVITATION TO BID: Bid 13-54, Wildland Fire Boots

DEADLINE: Tuesday, October 29, 2013 before 2:00 PM, Local Time

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

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

DATE OF ISSUE AND ADVERTISEMENT: Monday, October 14, 2013

INVITATION TO BID Bid 13-54, Wildland Fire Boots

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

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

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

Name of Firm: College Shoe Shop

Contact Person: Adam Guess Title: Manager

E-Mail: College shoe repair@shcglobal.net Phone: 479-521-4876

Business Address: 1703 W. Martin Luther King Blvd.

City: Fayetteville State: AR Zip: 72701

Signature: Adam Guess Date: 10/24/13

City of Fayetteville
Bid 13-54, Wildland Fire Boots
Bid Form

DATE REQUIRED AS A COMPLETE UNIT: Delivery shall be made 45 calendar days from date of received Purchase Order

F.O.B. City of Fayetteville Central Fire Station, 303 W Center St., Fayetteville, AR 72701

Item	Description	Estimated Quantity (# of pairs of boots)	Price per Pair	*Total Base Bid
1	Wildland Fire Boot	110	x \$ <u>182.23</u>	= \$ <u>22,000.00</u>

Please Specify for Unit(s) Bid:

*MANUFACTURER: Redwing *MODEL: 218

Bids shall be submitted on this bid form in its entirety AND accompanied by descriptive literature on the products being bid.

NAME OF BIDDER: College Shoe Shop Adam Guess

THIS BID FORM CONTINUES ON THE NEXT PAGE.

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item shall be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

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

X 1.) NO KNOWN RELATIONSHIP EXISTS

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

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

*NAME OF FIRM: College Shoe Shop
Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: 1703 W. Martin Luther King Blvd

*CITY: Fayetteville *STATE: AR *ZIP: 72701

*PHONE: 479-521-4876 FAX: 479-521-1076

*E-MAIL: CollegeShoeRepair@sbglobal.net

*BY: (PRINTED NAME) Adam Guess

*AUTHORIZED SIGNATURE: Adam Guess

*TITLE: Manager

Acknowledge Addendums:

Addendum No. 1 Dated: 10/23/13 Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

Addendum No. _____ Dated: _____ Acknowledged by: _____

City of Fayetteville
Bid 13-54, Wildland Fire Boots
General Terms and Conditions

1. SUBMISSION OF BID & BID EVALUATION:

- a. Bids shall be reviewed following the stated deadline, as shown on the cover sheet of this document.
- b. Bidders shall submit bids based on documentation published by the Fayetteville Purchasing Division.
- c. Bids shall be enclosed in sealed envelopes or packages addressed to the City of Fayetteville, Purchasing Division, Room 306, 113 W. Mountain, Fayetteville, AR 72701. The name, address of the firm and Bid, RFP, or RFQ number shall be on the outside of the packaging as well as on any packages enclosed in shipping containers or boxes.
- d. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at 479.575.8220 to ensure correct receipt of bidding documents prior to opening time and date listed on the bid form.
- e. Bidders must have experience in providing products and/or services of the same or similar nature.
- f. Bidder is advised that exceptions to any of the terms contained in this bid must be identified in its response to the bid. Failure to do so may lead the City to declare any such term non-negotiable. Proposer's desire to take exception to a non-negotiable term will not disqualify it from consideration for award.
- g. Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the time as shown by the atomic clock located in the Purchasing Division Office.
- h. Bids will be evaluated and awarded based on the best interest of the City of Fayetteville. The City reserves the right to award bids in their entirety, none, or by line item.

2. WRITTEN REQUESTS FOR INTERPRETATIONS OR CLARIFICATION:

No oral interpretations will be made to any firms as to the meaning of specifications or any other contract documents. All questions pertaining to the terms and conditions or scope of work of this bid must be sent in writing via e-mail to the Purchasing Agent. Responses to questions may be handled as an addendum if the response would provide clarification to the requirements of the bid. All such addenda shall become part of the contract documents. The City will not be responsible for any other explanation or interpretation of the proposed bid made or given prior to the award of the contract.

3. DESCRIPTION OF SUPPLIES AND SERVICES:

Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project. Brands or manufacturers that are included in bid that are of at least equal quality, size, design, and specification as to what has been specified, will be acceptable for consideration only if approved by the City of Fayetteville Purchasing Division. The City of Fayetteville reserves the right to accept or reject any requested equal.

4. RIGHTS OF CITY OF FAYETTEVILLE BID PROCESS:

In addition to all other rights of the City of Fayetteville, under state law, the City specifically reserves the following:

- a. The City of Fayetteville reserves the right to select the bid that it believes will serve the best interest of the City.
- b. The City of Fayetteville reserves the right to accept or reject any or all bids.
- c. The City of Fayetteville reserves the right to cancel the entire bid.
- d. The City of Fayetteville reserves the right to remedy or waive technical or immaterial errors in the invitation to bid or in bids submitted.

- e. The City of Fayetteville reserves the right to request any necessary clarifications, additional information, or data without changing the terms of the bid.

5. COSTS INCURRED BY BIDDERS:

All expenses involved with the preparation and submission of bids to the City, or any work performed in connection therewith, shall be borne solely by the bidder(s). No payment will be made for any responses received, or for any other effort required of, or made by, the bidder(s) prior to contract commencement.

6. CONFLICT OF INTEREST:

- a. The bidder represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance or services required hereunder, as provided in City of Fayetteville Code Section 34.26 titled "Authority of City Employee to Contract With The City".
- b. All bidders shall promptly notify Andrea Foren, City Purchasing Agent, in writing, of all potential conflicts of interest for any prospective business association, interest, or other circumstance which may influence or appear to influence the bidder's judgment or quality of services being provided. Such written notification shall identify the prospective business association, interest or circumstance, the nature of which the bidder may undertake and request an opinion to the City as to whether the association, interest or circumstance would, in the opinion of the City, constitute a conflict of interest if entered into by the bidder. The City agrees to communicate with the bidder its opinion via e-mail or first-class mail within thirty days of receipt of notification.

7. WITHDRAWAL OF PROPOSAL:

A bid may be withdrawn prior to the time set for the bid submittal, based on a written request from an authorized representative of the firm; however, a bid shall not be withdrawn after the time set for the bid unless approved by the Purchasing Division.

8. LATE PROPOSAL OR MODIFICATIONS:

- 1. Bid modifications received after the time set for the bid submittal shall not be considered. Modifications in writing received prior to the deadline will be accepted. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Division at (479) 575-8220 to insure receipt of their submittal documents prior to opening time and date listed.

9. LOCAL, STATE, AND FEDERAL COMPLIANCE REQUIREMENTS:

- a. The laws of the State of Arkansas apply to any purchase made under this bid. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to this proposal and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Disadvantaged Business Enterprises (DBE), & OSHA as applicable to this contract.
- b. Pursuant to Arkansas Code Annotated §22-9-203 The City of Fayetteville encourages all *qualified* small, minority and women business enterprises to bid on and receive contracts for goods, services, and construction. Also, City of Fayetteville encourages all general contractors to subcontract portions of their contract to *qualified* small, minority and women business enterprises.

10. PROVISION FOR OTHER AGENCIES:

Unless otherwise stipulated by the bidder, the bidder agrees to make available to all Government agencies, departments, municipalities, and counties, the proposal prices submitted in accordance with said proposal terms and conditions therein, should any said governmental entity desire to buy under this proposal. Eligible Users shall mean all state of Arkansas agencies, the legislative and judicial branches, political subdivisions (counties, local district school boards, community colleges, municipalities, counties, or other public agencies or authorities), which may desire to purchase under the terms and conditions of the contract.

11. COLLUSION:

The Proposer, by affixing his or her signature to this proposal, agrees to the following: "bidder certifies that his or her bid is made without previous understanding, agreement, or connection with any person, firm or corporation making a proposal for the same item(s) and/or services and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action."

12. RIGHT TO AUDIT, FOIA, AND JURISDICITON:

- a. The City of Fayetteville reserves the privilege of auditing a vendor's records as such records relate to purchases between the City and said vendor.
- b. Freedom of Information Act: City contracts and documents prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (Contractor) will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.
- c. Legal jurisdiction to resolve any disputes shall be in Washington County, Arkansas with Arkansas law applying to the case.

13. CITY INDEMNIFICATION:

The successful bidder(s) agrees to indemnify the City and hold it harmless from and against all claims, liability, loss, damage or expense, including but not limited to counsel fees, arising from or by reason of any actual or claimed trademark, patent or copyright infringement or litigation based thereon, with respect to the goods or any part thereof covered by this order, and such obligation shall survive acceptance of the goods and payment thereof by the City.

14. VARIANCE FROM STANDARD TERMS & CONDITIONS:

All standard terms and conditions stated in this request for bid apply to this contract except as specifically stated in the subsequent sections of this document, which take precedence, and should be fully understood by bidders prior to submitting a proposal on this requirement.

15. ADA REQUIREMENT FOR PUBLIC NOTICES & TRANSLATION:

Persons with disabilities requiring reasonable accommodation to participate in this proceeding/event, should call 479.521.1316 (telecommunications device for the deaf), not later than seven days prior to the deadline. Persons needing translation of this document shall contact the City of Fayetteville, Purchasing Division, immediately.

16. PROCUREMENT POLICY FOR RECYCLED MATERIALS:

The City of Fayetteville wishes to encourage its bidders to use recycled products in fulfilling contractual obligations to the City and that such practices will serve as a model for other public entities and private sector companies.

17. PAYMENTS AND INVOICING:

The bidder must specify in their bid the exact company name and address which must be the same as invoices submitted for payment as a result of award of this bid. Further, the successful bidder is responsible for immediately notifying the Purchasing Division of any company name change, which would cause invoicing to change from the name used at the time of the original bid. Payment will be made within thirty days of invoice received. The City of Fayetteville is very credit worthy and will not pay any interest, fees, or penalty for untimely payments. **Payments can be processed through bidder's acceptance of Visa at no additional costs to the City for expedited payment processing.** The City will not agree to any nonrefundable deposit or retainer that would remain property of the bidder even if the hourly work actually performed by the bidder would not justify such fee.

The City will pay the awarded bidder based on unit prices provided on invoicing. Progress payments will be made after

approval and acceptance of work and submission of invoice. Payments will be made within 30 days of accepted invoice.

18. CANCELLATION:

- a. The City reserves the right to cancel this contract without cause by giving thirty (30) days prior notice to the Contractor in writing of the intention to cancel or with cause if at any time the Contractor fails to fulfill or abide by any of the terms or conditions specified.
- b. Failure of the contractor to comply with any of the provisions of the contract shall be considered a material breach of contract and shall be cause for immediate termination of the contract at the discretion of the City of Fayetteville.
- c. In addition to all other legal remedies available to the City of Fayetteville, the City reserves the right to cancel and obtain from another source, any items and/or services which have not been delivered within the period of time from the date of order as determined by the City of Fayetteville.
- d. In the event sufficient budgeted funds are not available for a new fiscal period, the City shall notify the vendor of such occurrence and contract shall terminate of the last day of the current fiscal period without penalty or expense to the City

19. ASSIGNMENT, SUBCONTRACTING, CORPORATE ACQUISITIONS AND/OR MERGERS:

- a. The Contractor shall perform this contract. No assignment of subcontracting shall be allowed without prior written consent of the City. If a bidder intends to subcontract a portion of this work, the bidder shall disclose such intent in the bid submitted as a result of this bid.
- b. In the event of a corporate acquisition and/or merger, the Contractor shall provide written notice to the City within thirty (30) calendar days of Contractor's notice of such action or upon the occurrence of said action, whichever occurs first. The right to terminate this contract, which shall not be unreasonably exercised by the City, shall include, but not be limited to, instances in which a corporate acquisition and/or merger represent a conflict of interest or are contrary to any local, state, or federal laws. Action by the City awarding a proposal to a firm that has disclosed its intent to assign or subcontract in its response to the bid, without exception shall constitute approval for purpose of this Agreement.

20. NON-EXCLUSIVE CONTRACT:

Award of this bid shall impose no obligation on the City to utilize the vendor for all work of this type, which may develop during the contract period. This is not an exclusive contract. The City specifically reserves the right to concurrently contract with other companies for similar work if it deems such an action to be in the City's best interest. In the case of multiple-term contracts, this provision shall apply separately to each item.

21. LOBBYING:

Lobbying of selection committee members, City of Fayetteville employees, or elected officials regarding request for proposals, request for qualifications, bids or contracts, during the pendency of bid protest, by the bidder/proposer/protestor or any member of the bidder's/proposer's/protestor's staff, and agent of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing an organization that is responding to the request for proposal, request for qualification, bid or contract, or has a pending bid protest is strictly prohibited either upon advertisement or on a date established by the City of Fayetteville; provided, however, nothing herein shall prohibit a prospective/bidder/proposer from contacting the Purchasing Division to address situations such as clarification and/or questions related to the procurement process. For purposes of this provision lobbying activities shall include but not be limited to, influencing or attempting to influence action or non-action in connection with any request for proposal, request for qualification, bid or contract through direct or indirect oral or written communication or an attempt to obtain goodwill of persons and/or entities specified in this provision. Such actions may cause any request for proposal, request for qualification, bid or contract to be rejected.

22. ADDITIONAL REQUIREMENTS:

The City reserves the right to request additional services relating to this bid from the bidder. When approved by the City as an amendment to the contract and authorized in writing prior to work, the Contractor shall provide such additional requirements as may become necessary.

23. ADD OR DELETE LOCATIONS OR SERVICES:

The City reserves the right to unilaterally add or delete locations and/or services, either collectively or individually, at the City's sole option, at any time after award has been made as may be deemed necessary or in the best interests of the City. In such case, the Contractor(s) will be required to provide services to this contract in accordance with the terms, conditions, and specifications.

24. INTEGRITY OF BID DOCUMENTS:

Bidders shall use the original bid form(s) provided by the Purchasing Division and enter information only in the spaces where a response is requested. Bidders may use an attachment as an addendum to the bid form(s) if sufficient space is not available on the original form for the bidder to enter a complete response. **Any modifications or alterations to the original documents by the bidder, whether intentional or otherwise, will constitute grounds for rejection of such response.** Any such modifications or alterations a bidder wishes to propose shall be clearly stated in the bidder's response and presented in the form of an addendum to the original bid documents.

25. OTHER GENERAL CONDITIONS:

- a) Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Bidder or Proposer will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.
- b) Prices shall include all labor, materials, overhead, profit, insurance, shipping, freight, etc., to cover the products and services presented. **Sales tax shall not to be included in the bid price.** Applicable Arkansas sales tax laws will apply when necessary but will not be considered in award of this project.
- c) Each bidder should state the anticipated number of days from the date of receipt of an order for delivery of services to the City of Fayetteville.
- d) Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
- e) The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
- f) The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation. It shall be clearly understood that any costs incurred by the Proposer in responding to this request for proposal is at the bidder's own risk and expense as a cost of doing business. The City of Fayetteville shall not be liable for reimbursement to the Proposer for any expense so incurred, regardless of whether or not the proposal is accepted.
- g) If products, components, or services other than those described in this bid document are proposed, the bidder must include complete descriptive literature for each. All requests for additional information must be received within five working days following the request.
- h) **NOTE: Any uncertainties shall be brought to the attention to Andrea Foren immediately via telephone (479.575.8220) or e-mail (aforen@ci.fayetteville.ar.us). It is the intent and goal of the City of Fayetteville Purchasing Division to provide documents providing a clear and accurate understanding of the scope of work to be completed and/or goods to be provided. We encourage all interested parties to ask questions to enable all bidders to be on equal bidding terms.**
- i) Any inquiries or requests for explanation in regard to the City's requirements should be made promptly to Andrea Foren, City of Fayetteville, Purchasing Agent via e-mail (aforen@ci.fayetteville.ar.us) or telephone

(479.575.8220). No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms via written addendum. Names of firms submitting any questions, clarifications, or requests will not be disclosed until after a contract is in place.

- j) Any information provided herein is intended to assist the bidder in the preparation of proposals necessary to properly respond to this bid. The bid is designed to provide qualified Proposers with sufficient basic information to submit proposals meeting minimum specifications and/or test requirements, but is not intended to limit a bid's content or to exclude any relevant or essential data.
- k) Bidders irrevocably consent that any legal action or proceeding against it under, arising out of or in any manner relating to this Contract shall be prevailed by Arkansas law. Proposer hereby expressly and irrevocably waives any claim or defense in any said action or proceeding based on any alleged lack of jurisdiction or improper venue or any similar basis.
- l) The successful bidder shall not assign the whole or any part of this Contract or any monies due or to become due hereunder without written consent of City of Fayetteville. In case the successful bidder assigns all or any part of any monies due or to become due under this Contract, the Instrument of assignment shall contain a clause substantially to the effect that is agreed that the right of the assignee in and to any monies due or to become due to the successful bidder shall be subject to prior liens of all persons, firms, and corporations for services rendered or materials supplied for the performance of the services called for in this contract.
- m) The successful bidder's attention is directed to the fact that all applicable Federal and State laws, municipal ordinances, and the rules and regulations of all authorities having jurisdiction over the services shall apply to the contract throughout, and they will be deemed to be included in the contract as though written out in full herein. The successful bidder shall keep himself/herself fully informed of all laws, ordinances and regulations of the Federal, State, and municipal governments or authorities in any manner affecting those engaged or employed in providing these services or in any way affecting the conduct of the services and of all orders and decrees of bodies or tribunals having any jurisdiction or authority over same. If any discrepancy or inconsistency should be discovered in these Contract Documents or in the specifications herein referred to, in relation to any such law, ordinance, regulation, order or decree, s/he shall herewith report the same in writing to City of Fayetteville.

26. **ATTACHMENTS TO BID DOCUMENTS:** N/A

City of Fayetteville
Bid 13-54, Wildland Fire Boots
Detailed Specifications: Wild Land Fire Boots

BIDDING REQUIREMENTS:

- When given a specification option with a blank (example a. _____), bidder shall write a "check mark" or write "yes" indicating yes if the accompanied specification is met. In the event a specification cannot be met, bidder shall indicate so by writing in "no" and writing on the City's bid forms how the specification is not met or how the unit(s) bid differ from what has been specified.
- Bidders shall NOT supply warranty papers for the City to interpret whether a warranty specification is met or not.

1.0 GENERAL –

- 1.1 This specification concerns the purchase of 110 pairs of Wild Land Fire Boots per the following specifications.
- 1.2 All unit(s) bid shall meet or exceed the minimum requirements or they shall be deemed incomplete and will not be considered for bid award.
- 1.3 All specifications written are to minimums, unless otherwise noted.
- 1.4 Wherever used in this bid, the following terms shall be understood to have the following definitions: "Supplier" and "Bidder" shall mean the individual, partnership, or corporation, whose bid to supply the items and work specified herein has been accepted by the City of Fayetteville. "Supplier" shall also encompass any employee, partner, consultant, or subcontractor, to the winning bidder. "Work" shall mean the furnishing of all necessary equipment, labor, ancillary items, and services required herein.
- 1.5 Equipment supplied under this specification shall remain the property of the Bidder until delivery to and accepted by the City of Fayetteville.
- 1.6 Deliveries for the items shall only be accepted during normal business hours between 7:30 AM and 4:00 PM, local time.
- 1.7 Specifications shall be complete and submitted with bid.
- 1.8 In case of conflict between specifications for NFPA 1977 Protective Clothing and Equipment for Wildland for the work of Wildland Fire Fighting 2011 Edition and this bid document, NFPA 1977 shall govern.

2.0 MANUFACTURER / MODEL -

- 2.1 Unit(s) bid shall be new and of the latest standard production model as offered for commercial trade.
- 2.2 Unit(s) bid price shall be valid for the most current model year being sold.

3.0 TECHNICAL SPECIFICATIONS -

3.1 Bidder shall provide and deliver 110 pairs of Wild Land Fire Boots per the specifications listed. The entire quantity of 110 pairs shall be placed and delivered in a single order.

3.2 Wild Land Fire Boots:

- a. ☒ Units bid shall meet all requirements of the NFPA 1977 Protective Clothing and Equipment for Wild Land for the work of Wild Land Fire Fighting 2011 Edition
- b. ☐ UL Certified
- c. ☒ Country of origin shall be United States of America
- d. ☐ Black single piece leather exterior
- e. ☒ 6 eyelets minimum, starting at front of boot, to maximize and secure fit to foot and leg
- f. ☒ 4 lace hooks minimum, beginning after six eyelets
- g. ☒ 1 single eyelet at the top of the boot shaft to maximize fit and tightness of securing boot
- h. ☒ 4 heavy duty boot lacing hooks minimum, placed in between first 6 eyelets and top eyelet
- i. ☒ Storm welt construction or equal
- j. ☒ Flame and cut resistant
- k. ☒ Poron Insole or equal
- l. ☐ Removable footbed insole
- m. ☐ Rubber and leather midsole
- n. ☒ Vibram firefighting outer sole or equal
- o. ☒ Heat and oil resistant sole
- p. ☒ Sole shall have deep channels to **resists heat and oil** and has deep channels that dismiss fluids
- q. ☒ Sole shall have sharp leading edges to insure proper traction during terrain travel
- r. ☒ Sole shall have side outer lugs with patterned shank and defined heel breast to deliver sturdiness on rough dangerous train or ladders
- s. ☒ Lineman Steel Shank for Non-Heat Conductive Construction
- t. ☒ Kevlar Thread, or equal, for fire-resistant effectiveness
- u. ☒ Non-marking sole
- v. ☒ Slip resistant
- w. ☒ Shall include the ability to use care products such as boot oil and leather protector and conditioner
- x. ☒ 90 degree defined heel
- y. ☒ Boots shall be available in the following sizes:
 - ◆ C: 4.5-12.5
 - ◆ D: 7-13, 14, 15
 - ◆ E: 6-13
 - ◆ EEE: 8-11

- z. ☒ Heavy duty waxed tan or black laces with accurate and appropriate length to insure proper fit after boot is tied. Laces shall not be overly long, which could create a safety hazard. Laces shall keep boot fitted properly and securely around the feet.
- aa. ☒ All hardware on the boot shall be non-tarnishable, weather resistant, and rust proof
- bb. ☒ Boot sole shall be heat tested from an accredited testing laboratory in the United States of America. Sole shall be tested with passing results for a minimum of 475 degrees Fahrenheit for a minimum of 40 minutes.

4.0 WARRANTY

4.1 Warranty shall include the following, at minimum. Bidder shall serve as the warranty administrator.

- a. ☒ Warranty date shall start upon the delivery by the manufacturer and completion of the manufactures representative inspection and acceptance of the equipment by the City of Fayetteville.
- b. ☒ All items bid shall have a one (1) year manufactory's warranty against defects in workmanship and materials. Such one (1) year warranty shall include shipping to and from the City of Fayetteville.
- c. ☒ Each pair of boots shall have a thirty (30) calendar day unconditional guarantee for comfort following immediately after purchase. Unconditional guarantee shall include size changes at no additional expense of the City, including but not limited to the City not being responsible for restocking fees, shipping to and from any location, etc.

5.0 DELIVERY / DOCUMENTATION -

5.1 All units shall be delivered in a single shipment F.O.B. to the City of Fayetteville Central Fire Department, located at 303 W Center St, Fayetteville, AR 72701, for compliance review and final acceptance.

5.2 Delivery shall include the following documents as a minimum:

- a. ☒ Dealer invoice
- b. ☒ Listing of sizes and quantities included with delivery

Bid 13-54, Addendum 1



Date: Wednesday, October 23, 2013

To: All Prospective Vendors

From: Andrea Foren, CPPO, CPPB – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: Bid 13-54, Wildland Fire Boots

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Bid Form. Failure to do so may subject bidder to disqualification. Addendum should be attached to the inside cover of the bidding documents.

1. The following modifications are hereby made to Section 3.2 (reference page 11 of 12):

a. 3.2 (b) revised to the following:

i. b. ☒ UL Certified, if available for certification

b. 3.2 (d) revised to the following:

i. d. ☒ Black leather exterior

c. 3.2 (j) revised to the following:

i. j. ☒ Flame and cut resistant; leather shall qualify as cut resistant

d. 3.2 (l) revised to the following:

i. l. ☒ Optional removable footbed insole

e. 3.2 (m) revised to the following:

i. m. ☒ Rubber midsole

City of Fayetteville Item Review Form

2013-0199

Legistar File Number

December 17, 2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Carole Jones

Submitted By

Parks and Recreation

Department

Action Required:

Request for approval of change order #3 to Resolution 145-13 for Bid # 13-31 with General Construction Solutions, Inc. in the amount of \$7,009 and an additional 10% project contingency of \$700 for a total increase of \$7,709 for the Construction of Mt. Sequoyah Gardens Improvements (see attached memo).

Does this item have a cost? ☒ Yes

\$7,709.00

Cost of this request

\$111,790.00

Category or Project Budget

Mt. Sequoyah Gardens Improvements

Program or Project Name

2250.9255.5315.00

Account Number

\$97,598.78

Funds Used to Date

Mt. Sequoyah Gardens Improvements

Program or Project Category

02013.1202

Project Number

\$6,482.22

Remaining Balance

Parks Development

Fund Name

Budgeted Item? ☒ Yes

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution # 145-13

Original Contract Number: _____

Comments:

Paul A. Behn 11-27-13

Paul A. Behn 11-27-2013

Donna 11-27-13
Franklin Jayson 12/2/13



11-27-13 A09:31 RCVD

dm

www.accessfayetteville.org**THE CITY OF FAYETTEVILLE, ARKANSAS**
DEPARTMENT CORRESPONDENCE**CITY COUNCIL AGENDA MEMO**

To: Mayor Lioneld Jordan and City Council

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

From: Carole Jones, Park Planner II

Date: November 27, 2013

Subject: **CO #3 for Construction of Mt. Sequoyah Gardens Improvements
Agenda Request for December 17, 2013 Meeting**

PROPOSAL:

Mount Sequoyah Gardens, consisting of three acres, is classified as a neighborhood park and serves the adjacent neighborhoods. Approximately 900 homes are located in a ½-mile radius of the park ultimately serving an estimated 1,960 Fayetteville residents. The park is located in Fayetteville's southeast quadrant along Summit Avenue. Mount Sequoyah Gardens overlooks the city from the west slope of Mount Sequoyah and offers passive and active recreational activities in an open space with stunning views of the city. The elevation is 1,590 feet at the top of the park property.

The site is the former location of an abandoned water treatment facility and water storage tank. In January 1998, several residents of the Mount Sequoyah area urged the Fayetteville Parks and Recreation Advisory Board to develop a park at the site. At that time, Walker Park, a community park located in south Fayetteville along Arkansas Highway 16, was the closest city park. On August 4, 1998, the City Council passed a resolution establishing and dedicating the site as a city park to preserve and enhance the panoramic views of the City of Fayetteville and the surrounding mountains. Citizens have requested a lookout in addition to accessible parking at Mount Sequoyah Gardens for many years.

On July 2, 2013, the City Council passed Resolution Number 145-13 approving a contract with General Construction Solutions, Inc. for Bid 13-31, Construction of Mt. Sequoyah Gardens Improvements, in the amount of \$71,980 with a 10% project contingency of \$7,198 for a total amount of \$79,178. The project includes the replacement of an existing asphalt roadway/access drive, installation of a pre-engineered arbor, and the construction of a concrete and native stone structure slab, an 18-inch native stone seat wall, a colored concrete apron, ADA accessible parking, connecting sidewalks, tree planting and associated site work.

The original design included approximately 60 square yards of concrete sidewalk which would connect the parking area to the arbor and an existing bench. During excavation for the sidewalk, an existing concrete and steel footing was uncovered (see attached photo). The extents and depth of the footing are unknown. To prevent the potentially costly removal of the footing, Park Planning staff re-designed the layout of the sidewalk to avoid the footing. Attached is a cost estimate for the proposed changes.

Even with the proposed increase, the total cost of the contract (\$86,887) is less than the second low bid of \$89,804 which would also have increased. Additionally, the pre-construction cost estimate of the project was \$88,700, and \$111,000 was approved for the project as part of the 2013 CIP.

The contractor is also requesting 30 additional days for completion of the project. If approved, the construction of the project is anticipated to be completed in February 2014.

RECOMMENDATION:

Parks and Recreation staff recommends approval of change order #3 to Resolution 145-13 for Bid # 13-31 with General Construction Solutions, Inc. in the amount of \$7,009 with an additional 10% project contingency of \$700 resulting in an increase of \$7,709.

BUDGET IMPACT:

This project is funded with Parks Development Funds. The additional cost of \$7,709 is accounted for in project number 02013.1202 - Mt. Sequoyah Gardens Improvements.

Attachments:

Staff Review Form
Resolution No. 145-13
General Construction Solutions, Inc. Change Order No. 3 Cost Estimate
Change Order No. 3



Existing Concrete Footing
Encountered during Sidewalk Construction

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER NO. 3 TO THE CONTRACT WITH GENERAL CONSTRUCTION SOLUTIONS, INC. IN THE AMOUNT OF \$7,009.00, AND APPROVING AN ADDITIONAL PROJECT CONTINGENCY IN THE AMOUNT OF \$700.00, FOR THE CONSTRUCTION OF IMPROVEMENTS TO MOUNT SEQUOYAH GARDENS

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 Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approves an additional project contingency in the amount of \$700.00, for construction of improvements to Mount Sequoyah Gardens.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

RESOLUTION NO. 145-13

A RESOLUTION AWARDING BID #13-31 AND AUTHORIZING A CONTRACT WITH GENERAL CONSTRUCTION SOLUTIONS, INC. IN THE AMOUNT OF \$71,980.00 FOR THE CONSTRUCTION OF IMPROVEMENTS TO MOUNT SEQUOYAH GARDENS, AND APPROVING A PROJECT CONTINGENCY OF \$7,198.00

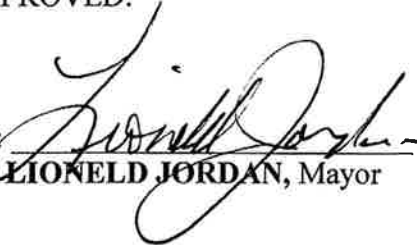
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

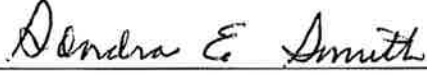
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #13-31 and authorizes a contract with General Construction Solutions, Inc. in the amount of \$71,980.00 for the construction of improvements to Mount Sequoyah Gardens, and additionally approves a project contingency of \$7,198.00.

PASSED and APPROVED this 2nd day of July, 2013.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



**Bid 13-31. Construction - Mt. Sequovah Gardens Improvements
CO #3 Cost Estimate**

ITEM #	DESCRIPTION	UNIT	EST. QTY.	General Construction Solutions, Inc.	
				UNIT PRICE	TOTAL
1	Reduction of 5-foot concrete sidewalk quantity Material, labor and equipment for change of sidewalk layout including grading, fill and compaction of subgrade due to presence of existing underground concrete building footing. Revisions will also include adjusting existing bench area layout and location including grading, fill and compaction of subgrade.	S.Y.	-19	\$57.67	-\$1,095.73
2		L.S.	1	\$3,250.00	\$3,250.00
3	Additional unclassified excavation	C.Y.	115	\$16.25	\$1,868.75
4	Delete site restoration including 4-inch depth topsoil, wildflower seed, straw and water	S.F.	-1,225	\$0.95	-\$1,165.00
5	Delete site restoration including 4-inch depth topsoil, buffalo grass seed, straw and water	S.F.	-1,035	\$1.92	-\$1,990.00
6	Add site restoration including 4-inch depth topsoil, annual wheat grass seed, straw and water	S.F.	6,900	\$0.89	\$6,141.00
TOTAL CO #3 COST ESTIMATE					\$7,009.02

Respectfully submitted,

Firm Name: General Construction Solutions, Inc.

By: P. Doherty

Date: 11/26/13



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THE CITY OF FAYETTEVILLE, ARKANSAS
PARKS AND RECREATION DEPARTMENT
113 West Mountain
Fayetteville, AR 72701
P (479) 444-3471 F (479) 521-7714

CHANGE ORDER NO. 3 Cost Plus X Pre-Agreed Unit Price X

Project Name and Number: Construction of Mt. Sequoyah Gardens Improvements

Name of Contractor: General Construction Solutions, Inc.

Address of Contractor: 1951 Electric Avenue, Springdale, AR 72764

Date of Contract: July 2, 2013

Original Contract Sum:	\$ <u>71,980.00</u>
Total Amount of All Previous Approved Change Orders:	\$ <u>7,110.85</u>
Contract Sum prior to this Change Order:	\$ <u>79,090.85</u>
Contract Sum increase this Change Order:	\$ <u>7,009.02</u>
New Contract Sum including this Change Order:	\$ <u>86,099.87</u>

Subject and Reason for this Change Order: Staff is requesting approval for the following changes: 1) Reduction in the quantity of 5-foot concrete sidewalk of approximately 19 square yards; 2) Material, labor and equipment for change of sidewalk and bench layout including grading, fill and compaction of subgrade; 3) Additional unclassified excavation; and 4) Additional site restoration. The changes are required due to presence of existing underground concrete building footing. The contractor is also requesting 30 additional days for completion of the project.

Additional Time Requested: 30 Calendar Days

Dated this 27 day of November, 2013

CITY OF FAYETTEVILLE

Parks & Recreation Department

By: _____
Carole Jones, Park Planner II

General Construction Solutions, Inc.
Contractor

By: [Signature]
Title: President

ATTEST: [Signature]

CITY OF FAYETTEVILLE

By: _____
Mayor Lioneld Jordan

ATTEST: _____

City of Fayetteville Item Review Form

2013-0192

Legistar File Number

12/17/13

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

Yolanda Fields

Submitted By

Development Services

Department

Action Required:

Approval of an amendment to the lease agreement for 2190 S Razorback Road which is part of the CDBG Public Facility Lease Program.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution # 199-11

Original Contract Number: _____

Comments:

Resolution # 199-11 is the original lease that the amendment being approved applies to. Staff recommends approval of the amendment to the lease agreement for 2190 S Razorback Road.

Paul a. Beahm 11-25-13
11-26-2013
Jim Allen 11-26-13
Frank Jordan 11/26/13

11-25-13 P01:42 RCVD





www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: City Council and Mayor

Thru: Jeremy Pate, Director Development Services

From: Yolanda Fields, Director Community Services

Date: November 25, 2013

Subject: CDBG Public Facility Lease Program – Approval of Lease Amendment 2190 S Razorback Road

PROPOSAL:

The property located at 2190 S Razorback Road was constructed with Community Development Block Grant (CDBG) funds. This property is a part of the CDBG Public Facility Lease Program. Properties constructed with CDBG funds are made available through an application process to non-profits that provide services to low and moderate income residents in the City of Fayetteville. Resolution No. 199-11 was passed November 15, 2011 approving the lease with Prism Education Center. Paragraph 2 of the lease was written with the option to extend the lease past 2013. The attached "Amendment to Lease Agreement 2190 S Razorback Road" amends Paragraph 2 to extend the lease.

Prism Education Center was incorporated as a 501(c)3 in April 2009. Prism Education Center provides preschool, after school and summer school tutoring and enrichment programs that benefit low and moderate income families in Fayetteville and Washington County. Prism Education Center also provides resources for parents, including court mandated parenting classes.

RECOMMENDATION:

Staff recommends the approval of the amendment to the lease agreement with Prism Education Center for the property located at 2190 S Razorback Road.

BUDGET IMPACT:

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT WITH PRISM EDUCATION CENTER FOR 2190 S. RAZORBACK ROAD WHICH IS PART OF THE CDBG PUBLIC FACILITY LEASE PROGRAM

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.

PASSED and **APPROVED** this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AMENDMENT TO LEASE AGREEMENT
2190 S. RAZORBACK ROAD

The Lease agreement executed on the 15th day of November 2011, by and between the City of Fayetteville, Arkansas and Prism Education Center, a non-profit Arkansas corporation, in consideration of the promises, covenants and commitments contained herein, and other good and valuable consideration, is hereby amended as follows:

Paragraph 2 is amended so that after amendment, it shall read as follows:

"2. TERM. The original term of this Lease shall commence on November 15, 2013, and shall extend for a term of one (1) year. This Lease will be automatically extended for successive one (1) year periods unless, within sixty (60) days prior to the end of the Lease term, either the City of Fayetteville or Prism Education Center provide written notice to the other party of its intention to terminate this Lease. This notice shall be effective if mailed or delivered to:

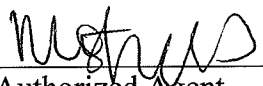
City of Fayetteville
Mayor's Office
113 W. Mountain
Fayetteville, AR 72701

Prism Education Center
Executive Director
2190 S. Razorback Road
Fayetteville, AR 72701"

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease Agreement on the dates subscribed below.

PRISM EDUCATION CENTER

CITY OF FAYETTEVILLE, ARKANSAS



Authorized Agent
Prism Education Center

11/21/13

Date

Mayor Lioneld Jordan

Date

Attest:

City Clerk Sondra Smith

RESOLUTION NO. 199-11

A RESOLUTION APPROVING A LEASE WITH PRISM EDUCATION CENTER FOR PROPERTY LOCATED AT 2190 SOUTH RAZORBACK ROAD PURSUANT TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC FACILITY LEASE PROGRAM

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

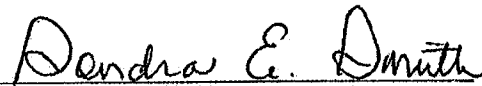
Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a lease with Prism Education Center for property located at 2190 S. Razorback Road pursuant to the Community Development Block Grant Public Facility Lease Program. A copy of the lease is attached as Exhibit "A".

PASSED and APPROVED this 15th day of November, 2011.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer





Community Development Block Grant
Public Facility Lease Program

LEASE AGREEMENT

2190 S Razorback Road

THIS LEASE AGREEMENT executed this 15th day of November 2011, by and between the City of Fayetteville, Arkansas and Prism Education Center, a non-profit Arkansas corporation, hereinafter referred to as "Prism Education Center".

In consideration of the promises, covenants and commitments contained herein, the City of Fayetteville and Prism Education Center hereby agree as follows:

1. **PREMISES.** The City of Fayetteville hereby leases to Prism Education Center and Prism Education Center hereby leases from The City of Fayetteville, the building, parking lot and premises of 2190 S Razorback Road, Fayetteville, AR 72701.
2. **TERM.** The original term of this Lease shall commence on November 15, 2011 and shall terminate on November 1, 2013 at 5:00 p.m. This Lease may be extended past this date, contingent upon the possible sale of the property, unless written notice of termination is given by City of Fayetteville or Prism Education Center to the other party at least thirty (30) days prior to expiration of the original term of this lease. If the lease will be extended, an addendum to the lease agreement will be executed. This notice shall be effective if mailed or delivered to:

City of Fayetteville
Mayor's Office
113 W Mountain
Fayetteville, AR 72701

Prism Education Center
Executive Director
2190 S Razorback Road
Fayetteville, AR 72701

3. **CONSIDERATION.** In consideration for the use of leased premises Prism Education Center agrees to provide its services to the citizens of Fayetteville and Northwest Arkansas with emphasis on low and moderate income children and youth in Fayetteville. Prism Education Center agrees to provide preschool, after school and summer school tutoring and enrichment programs. The project will also provide resources for parents. Prism Education Center shall maintain at all times a current and complete record of all activities conducted on the leased premises in a form specified by the City of Fayetteville. Prism Education Center shall submit a quarterly activity report to the City of Fayetteville Community Services Division on or before the 15th of the month following the end of the quarter. The City of Fayetteville and the United States Department of Housing and Urban Development shall have

Community Development Block Grant
Public Facility Lease Program

complete access to all of Prism Education Center's records during all reasonable hours and shall have the right to inspect and copy said records.

4. **UTILITIES.** Prism Education Center shall be responsible for prompt and complete payment of all utilities including electric bills, natural gas bills, water and sewer bills, sanitation service bills and telephone bills.
5. **IMPROVEMENTS TO PREMISES.** If previously approved in writing by the Community Services Division of the City of Fayetteville, Prism Education Center may make improvements that are necessary to carry out the services they provide. Prism Education Center agrees that it will keep and maintain the leased premises and all improvements thereon in good condition and repair at all times. Prism Education Center agrees to be responsible for yard maintenance and for the maintenance and replacement of all heating, electrical and air conditioning equipment and plumbing on the premises. Prism Education Center, at its own cost and expense, shall maintain and keep premises in as good repair as when the premises were received or in their highest state of repair during the lease term, ordinary wear and tear and casualties beyond Prism Education Center's control alone are exempted. Prism Education Center shall return the leased premise at the expiration or termination of the Lease in good order and condition excepting only ordinary wear and tear and casualties beyond Prism Education Center's control. Design for any such improvements shall be approved in advance by the City of Fayetteville Community Services Division. Upon termination of this lease all improvements shall become the property of the City of Fayetteville.
6. **MAINTENANCE AND REPAIR FUND.** Prism Education Center will establish and maintain a Maintenance and Repair Fund. Prism Education Center shall immediately begin depositing the amount of **\$500.00** per month in a separate savings account in a savings institute acceptable to the City of Fayetteville for the period of time required to establish and maintain a fund total of **\$30,000.00**. These funds may be used only for the maintenance and repair of the premises. At the end of this Lease Agreement, all funds in this account not needed for repair or maintenance to return the premises to good condition and repair shall become the sole property of Prism Education Center.
7. **FACILITY DEPOSIT.** Prism Education Center will provide a **\$5,000.00 Facility Deposit** to the City of Fayetteville prior to move in unless a letter of understanding is attached to this lease agreement. The entire amount will be held by the city for the duration of the lease. Upon notification of intent to vacate the lease the City will inspect location to determine condition. If repairs are needed to return the premises to good condition the Facility Deposit amount will be used to make the repairs. Any remaining balance will be refunded to the Prism Education Center.

Community Development Block Grant
Public Facility Lease Program

- d. Prism Education Center will comply with Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto (24 CFR Part 570.601), which provides that no person in the United States shall, on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds provided under 24 CFR 570.
 - e. Prism Education Center will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing in the area of the project.
12. **PERSONAL GAIN.** Prism Education Center will establish safeguards to prohibit employees from using position for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. **HATCH ACT.** Prism Education Center will comply with applicable provisions of the Hatch Act.
14. **RIGHT TO INSPECT RECORDS.** Prism Education Center will give HUD and the Comptroller General, through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the program.
15. **ENVIRONMENTAL PROTECTION.** Prism Education Center will ensure that the facilities under its lease or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
16. **FLOOD DISASTER PROTECTION ACT.** Prism Education Center shall comply with the Flood Disaster Protection Act of 1973, P.L. 93-234, 87stat. 975, approved December 31, 1973. Section 103(a) required, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area, that



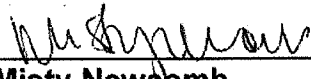
Community Development Block Grant
Public Facility Lease Program

has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phase "Federal financial assistance" shall be included in any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

17. **CURE OR TERMINATION.** If the City of Fayetteville determines that Prism Education Center has violated a duty, term or condition of this Lease Agreement, it shall so notify Prism Education Center in writing at the address listed above in paragraph 2. Prism Education Center shall have thirty (30) days after notification to cure the breach. If Prism Education Center fails to cure the breach to satisfaction of the City of Fayetteville within the allotted period of time, the City of Fayetteville, acting through its Mayor, may declare this Lease Agreement terminated and so notify Prism Education Center which shall immediately vacate the premises.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the date first above written.

PRISM EDUCATION CENTER
d/b/a Prism Education Center



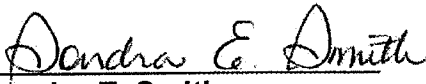
Misty Newcomb
Executive Director

CITY OF FAYETTEVILLE, ARKANSAS

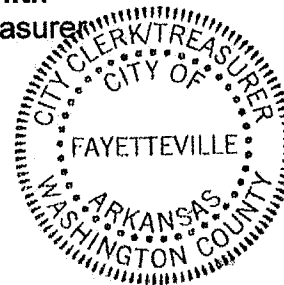


Lioneld Jordan
Mayor

ATTEST:



Sondra E. Smith
City Clerk/Treasurer



City of Fayetteville Item Review Form

A. 9
A&P Bond Special Election
Page 1 of 20**2013-0202**
Legistar File Number**December 17, 2013**
City Council Meeting Date - Agenda Item Only
N/A for Non Agenda Item**Sondra E. Smith**
Submitted By**City Clerk**
Department**Action Required:****Approve a Budget Adjustment in the amount of \$14,000 to pay for the A&P Tax Special Election.**

Does this item have a cost?

☒ XX**\$14,000.00**

Cost of this request

\$

-

Category / Project Budget to
Date Including any Attached BA

Program Category / Project Name

1010-001-4999.99

Account Number

\$

-

Funds Used to Date Before this
Request

Program / Project Category Name

Project Number

Remaining Budget after this
Request

Fund Name

Budgeted Item?

☐ No

Budget Adjustment Attached?

☒ Yes

Previous Ordinance or Resolution #

5605

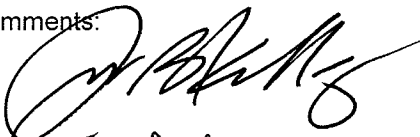
Original Contract Number:

N/A

11-27-13 12:11 RCVD

dm

Comments:


Paul A. Butler 11-27-2013
Don Miller 11-27-13
12/2/13



CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

From: Sondra Smith, City Clerk Treasurer *SS*

Date: November 26, 2013

Subject: A&P Tax Special Election Cost

PROPOSAL:

The City Clerk budget pays for any general, special, and run-off elections. At the time the 2013 budget was completed there were no special or general elections planned for the calendar year.

The City Council approved Ordinance Number 5605 on August 6, 2013 setting a date for a Special Election for a hotel and restaurant gross receipts tax and tourism revenue capital improvement bonds for the purpose of financing certain costs in connection with the renovation and expansion of Walton Arts Center and for the purpose of financing certain costs in connection with a proposed Regional Park. Elections vary in cost therefore the cost for this Special Election was not included in the ordinance. It is necessary to bring forth a budget adjustment ordinance to pay for the A&P Tax Special Election. The budget adjustment was discussed at the August 6, 2013 City Council meeting.

The total cost of the Special Election is \$24,191.55. The City Clerk has some funds available to pay for part of the Special Election cost. I am requesting a budget adjustment in the amount of \$14,000.00 to cover the remaining election cost.

RECOMMENDATION:

The City Clerk recommends the approval of a Budget Adjustment to pay for the A&P Tax Special Election.

BUDGET IMPACT:

\$14,000.00

RESOLUTION NO. _____

**A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$14,000.00 TO PROVIDE FUNDING FOR PAYMENT OF
COSTS RELATED TO THE A&P BOND SPECIAL ELECTION**

**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 amount of \$14,000.00 to provide funding for payment of costs related to the A&P bond special election.

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

A. 9
A&P Bond Special Election
Page 4 of 20

Budget Year 2013	Division: City Clerk/Treasurer Department: Mayors Administration	Request Date 11/26/2013	Adjustment Number
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BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION	
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A&P Tax Special Election

Division Head	<u>Baker Fall</u>	Date	<u>11/26/13</u>
Budget Director	<u>Donda E. Smith</u>	Date	<u>11/26/13</u>
Department Director	<u>Paul A. Becker</u>	Date	<u>11-27-2013</u>
Finance Director	<u>Don Miller</u>	Date	<u>11-27-2013</u>
Chief of Staff	<u>Patricia Miller</u>	Date	<u>11/27/13</u>
Mayor		Date	

Prepared By:	<u>Lisa Branson</u>	#NAME?
Reference:		
Budget & Research Use Only		
Type:	A	B C D E P
General Ledger Date		
Posted to General Ledger	Initial	Date
Checked / Verified	Initial	Date

[illegible]



NOV 26 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

WASHINGTON COUNTY ELECTION COMMISSION
County Courthouse, Suite 140
280 North College Ave.
Fayetteville, AR 72701

November 25, 2013

City Clerk Sondra Smith
City of Fayetteville
113 W. Mountain St, Ste #308
Fayetteville, AR 72701

Dear Clerk Smith:

The Washington County Election Commission is authorized to request reimbursement for the expenses of special elections based as outlined in Arkansas Election Law 7-5-104.

Following is the cost to the Election Commission for the November 12, 2013 Special Election for the City of Fayetteville.

Ballot Stock and printing	\$1663.93
Programming	\$800.00
Audio	\$226.00
Advertisements	\$3938.60
Poll Workers and Supervisor Mileage	\$11,831.09
Pre-election Supplies	\$250
Staff and Staff Mileage 233.20	\$3,135.20
Counting Crew Election Night	\$384
Truck Rental	\$462.73
Election Commission Meetings	\$1500.00
Total	\$24,191.55

Please send a check for the amount of \$24,191.55 to us at the above address.

Call me with any questions on this subject.

Best regards,

A handwritten signature in cursive script that reads "Jennifer B. Price".

Jennifer B. Price
Election Coordinator
479-444-1766
jprice@co.washington.ar.us

24191.55 Election Cost

Election Cost Calculation

\$	1,663.93	Ballots
\$	800.00	Programming and ESS support
\$	226.00	Audio
\$	3,938.60	Advertisements
\$	11,831.09	Poll workers and supervisor mileage
\$	250.00	Absentee ballot canvassers
\$	3,135.20	Election night workers
\$	384.00	Trucks and mileage
\$	462.73	Pre-election supplies
\$	1,500.00	Staff
		Election Commission meetings
\$	24,191.55	Total Cost

Number voting in Fayetteville
Total ballots cast
Fayetteville's percent

24,191.55 Total election cost

Only 50% of the **Total Election Cost** is to be divided between the cities

0.00 50% of the **Total Election Cost**
Fayetteville's percent
City of Fayetteville's General Election Cost

Special Election cost is paid by the city in full.

Peter Nierengarten: We can work with the Parking Division and see if we can come up with something a little clearer.

Alderman Adams: Can a bicycle charge at an electric car charging station?

Peter Nierengarten: The plug is 220 volts and it is only available on electric cars. Electric bicycles use a 110 receptacle.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Gray: I am happy that we have done this and it is a good thing for our progressive city to encourage electric cars. Thank you, Peter.

Mayor Jordan: I too would like to thank Peter for his work on this and the Parking Department.

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

Ordinance 5604 as recorded in the office of the City Clerk

Special Election for HMR Bonds: An ordinance calling and setting a date for a special election on the questions of the issuance by the City of (1) not to exceed \$1,500,000 of Hotel and Restaurant Gross Receipts Tax Refunding Bonds for the purpose of refunding the City's outstanding Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003, (2) not to exceed \$6,900,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with the renovation and expansion of Walton Arts Center, and (3) not to exceed \$3,500,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with a proposed Regional Park; pledging the proceeds from the existing one percent (1.00%) Hotel, Motel and Restaurant Gross Receipts Tax originally levied by Ordinance No. 2310 to the payment of the Refunding Bonds and Capital Improvement Bonds; prescribing other matters pertaining thereto; and declaring an emergency.

Assistant City Attorney Jason Kelley read the ordinance.

Paul Becker, Finance Director gave a brief description of the proposed election.

Don Marr, Chief of Staff: In our staff memo, we have budget impact as none. There is actually a budget impact; it is the cost of the special election which will need to be funded because there is no other scheduled election for November 12, 2013.

Aubrey Shepherd: Mr. Shepherd voiced his opinion about the ordinance.

Greg Harton, NWA Media: In the ordinance when it refers to the Regional Park, does that refer only to the sight at Cato Springs and I-540? Could you detail the use of the \$3.5 million in spending that would take place if the bonds are approved and how that will be divided among the different uses at the park?

Connie Edmonston, Director of Parks and Recreation: The use of the \$3.5 million would help add three baseball fields and accommodate all the parking.

A discussion followed about the use of the money for the Regional Park for the upcoming years.

Terri Trotter, Walton Arts Center: We are thrilled that the A&P brought this forward and that you are considering sending this bond issue to a public election. We have a conceptual plan to add about 30,000 square feet of additional space to WAC. The goal is to connect WAC to the activity happening on Dickson Street to add additional space for events. We believe this will allow us to host more events and bring more people into the city.

Mayor Jordan: How old is the Walton Arts Center?

Terri Trotter: 21 years old. Part of the plan we have is to refurbish some of the equipment.

Mayor Jordan: How long have you needed a renovation?

Terri Trotter: We have not gone through a major renovation ever. There was a surface level renovation about ten years ago, replacing the carpeting, seats in the theatre and wall coverings.

A discussion followed about the use of the money for the Walton Arts Center for the upcoming years.

Steve Clark, Chamber of Commerce President: I would like to compliment Mayor Jordan and members of the council and to thank you. This ordinance that is being considered is best described as an economic development infrastructure ordinance. It is an infrastructure that would be developed as parks, arts, playgrounds and people and is an infrastructure that will flourish and thrive. You have empowered everybody in the City of Fayetteville who is of voting age to decide how they want to play a part in this.

Alderman Long: How did we come up with \$6.9 million for the Walton Arts Center expansion and \$3.5 million for the Regional Park? How did we determine those numbers specifically?

Marilyn Heifner, Executive Director for the A&P Commission: The WAC came to the A&P Commission and asked for \$6.9 million to expand the center and as we looked at a twenty five (25) year issue of new bonds there was fortunately \$3.5 million left over after we paid off the bonds that we had.

Ms. Heifner continued to speak about why the Regional Park would be an advantage.

Alderman Tennant: I would like to thank Marilyn for her work on this.

Alderman Marsh: Does this lock us into a sports megaplex Regional Park or does it leave room to include Kessler Mountain into this plan?

Jason Kelley, Assistant City Attorney: It says it is financing a portion of the cost of constructing and equipping a Regional Park owned and located within the City of Fayetteville which may include baseball fields, soccer fields and related facilities.

Alderman Gray: I like the term economic development infrastructure and that is what I see this ordinance as. It is time that we take care of our young people.

Alderman Long: I would like us to consider making this a more equitable split between the two. I think it would be a good compromise and help us to accomplish more at the Regional Park.

Alderman Tennant: Everyone needs to keep in mind that passing this in its entirety, doesn't pay for all of the Regional Park and certainly doesn't pay for all the Walton Arts Center expansion. The WAC is moving forward with fundraising efforts and I am hoping that the Regional Park can also benefit from fundraising.

Paul Becker gave a brief statement declaring that these are preliminary numbers at this point and time.

Jason Kelley: Kit Williams requested at Agenda Session along with Gordon, our bond counsel that they would be present on August 20, 2013 to be able to address specific legal issues. Our bond counsel is not here tonight, so I would request that we do not complete this tonight.

Mayor Jordan: What is your opinion?

Dennis Hunt, Stephens Inc: Mr. Wilbourn, Mr. Williams, Mr. Becker and I have thoroughly reviewed the ordinance. If you want to delay that is fine, but everybody has had an opportunity to review and comment. The author of the ordinance received our comments and made the modifications.

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan: I have been on this council since 2001 and we have talked about the Regional Park since then. We have talked about renovating the Walton Arts Center and making expansions and we know that this park will help the youth of this city. If we make any kind of investment, it should be in children. It will help drive the economic engine of this city and we need this.

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

Alderman Adams moved to approve an emergency clause. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.

Ordinance 5605 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

2012 Audit Management Letter Report – Tony C. Uth, Jr., Audit Committee Chair
Budget Reserves Discussion – Paul Becker, Finance Director

City Council Tour:

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

Announcements:

Alderman Gray: We have some openings on the Boards and Commissions of the city and we would like for you to go to our website and look at the openings.

Don Marr: This Thursday, August 8, 2013 at 5:30 p.m. to 7:00 p.m., there will be an open house for our Eastgate Master Planning at Happy Hollow Elementary.

Gulley Park will be having their final concert for this season and the group is Uncrowned Kings . It will begin at 7:00 p.m. on August 8, 2013.



Doc ID: 015343970007 Type: REL
Kind: ORDINANCE
Recorded: 08/14/2013 at 10:56:54 AM
Fee Amt: \$45.00 Page 1 of 7
Washington County, AR
Kyle Sylvester Circuit Clerk

File **2013-00027823**

ORDINANCE NO. 5605

AN ORDINANCE CALLING AND SETTING A DATE FOR A SPECIAL
ELECTION ON THE QUESTIONS OF THE ISSUANCE BY THE CITY OF WALTON
NOT TO EXCEED \$1,500,000 OF HOTEL AND RESTAURANT GROSS
RECEIPTS TAX REFUNDING BONDS FOR THE PURPOSE OF
REFUNDING THE CITY'S OUTSTANDING HOTEL AND RESTAURANT
GROSS RECEIPTS TAX REFUNDING BONDS, SERIES 2003, (2) NOT TO
EXCEED \$6,900,000 OF HOTEL AND RESTAURANT GROSS RECEIPTS
TAX AND TOURISM REVENUE CAPITAL IMPROVEMENT BONDS FOR
THE PURPOSE OF FINANCING CERTAIN COSTS IN CONNECTION WITH
THE RENOVATION AND EXPANSION OF WALTON ARTS CENTER, AND
(3) NOT TO EXCEED \$3,500,000 OF HOTEL AND RESTAURANT GROSS
RECEIPTS TAX AND TOURISM REVENUE CAPITAL IMPROVEMENT
BONDS FOR THE PURPOSE OF FINANCING CERTAIN COSTS IN
CONNECTION WITH A PROPOSED REGIONAL PARK; PLEDGING THE
PROCEEDS FROM THE EXISTING ONE PERCENT (1.00%) HOTEL,
MOTEL AND RESTAURANT GROSS RECEIPTS TAX ORIGINALLY
LEVIED BY ORDINANCE NO. 2310 TO THE PAYMENT OF THE
REFUNDING BONDS AND CAPITAL IMPROVEMENT BONDS;
PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND
DECLARING AN EMERGENCY

WHEREAS, under the authority of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act") and pursuant to Ordinance No. 2310 adopted on March 1, 1977, and as subsequently amended (the "Levying Ordinance"), the City has previously levied a one percent (1.00%) tax (the "A&P Tax") upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption; and

FILED

2013 AUG 15 AM 1:10

BECKY LEAL
CLERK
CO. & PROB. CLERK
WASHINGTON COUNTY, AR



Page 2
Ordinance No. 5605

WHEREAS, under the authority of the Advertising and Promotion Commission Act and pursuant to the provisions of Ordinance No. 4488 adopted on May 20, 2003, the City has previously issued and there are presently outstanding \$1,875,000 in aggregate principal amount of the City's Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 (the "Series 2003 Bonds"), which Series 2003 Bonds are secured by the pledge of and lien upon the City's receipts of the A&P Tax; and

WHEREAS, the City's Advertising and Promotion Commission (the "Commission") by resolution adopted on May 13, 2013, has recommended that the City assist in (i) the completion of the proposed Walton Arts Center expansion and renovation (the "Walton Arts Center Improvements") and (ii) the acquisition, construction and equipping of a regional park (the "Park Improvements") through the issuance of its capital improvement bonds; and

WHEREAS, the Commission has determined and the City Council concurs that the Walton Arts Center is a cultural arts and entertainment facility and its expansion and renovation will constitute a "tourism project" within the meaning of Arkansas Code Annotated (1998 Repl.) §14-170-205 which will secure and develop tourism and thereby stimulate and enhance the economic growth and well-being of the City and its people; and

WHEREAS, the Commission has further determined and the City Council concurs that the City's proposed regional park will constitute a "public recreation facility" and "city park" within the meaning of Arkansas Code Annotated (2008 Repl.) § 26-75-606 and a "tourism project" within the meaning of Arkansas Code Annotated (1998 Repl.) § 14-170-205 which will secure and develop tourism and thereby stimulate and enhance the economic growth and well-being of the City and its people; and

WHEREAS, the City Council has determined that there is a critical need for a source of revenue to finance the Walton Arts Center Improvements and the Park Improvements, and that the receipts of the A&P Tax could be so utilized, but only upon refunding or redemption of the Series 2003 Bonds; and

WHEREAS, if approved by the electors of the City, the City has determined to issue (1) its refunding bonds in a principal amount not to exceed \$1,500,000 (the "Refunding Bonds") for the purpose of refunding the Series 2003 Bonds, (2) its capital improvement bonds in principal amount not to exceed \$6,900,000 (the "Walton Arts Center Bonds") for the purpose of financing a portion of the Walton Arts Center Improvements, and (3) its capital improvement revenue bonds in a principal amount not to exceed \$3,500,000 (the "Park Bonds") for the purpose of financing a portion of the Park Improvements, which Refunding Bonds, Walton Arts Center

Page 3
Ordinance No. 5605

Bonds and Park Bonds are to be equally and ratably secured by a pledge of and lien upon the receipts of the A&P Tax; and

WHEREAS, the purpose of this Ordinance is to call a special election on the issuance by the City of the Refunding Bonds, the Walton Arts Center Bonds and the Park Bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, Arkansas:

Section 1: That under the authority of the Constitution and laws of the State of Arkansas, including particularly the Advertising and Promotion Commission Act and Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act"), and subject to approval by the electors of the City as provided in Section 2 below, there is hereby authorized the issuance of (1) the City's Hotel and Restaurant Gross Receipts Tax Refunding Bonds in the aggregate principal amount of not to exceed \$1,500,000 (the "Refunding Bonds") for the purpose of refunding the Series 2003 Bonds, (2) the City's Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds in the aggregate principal amount of not to exceed \$6,900,000 (the "Walton Arts Center Bonds") for the purpose of financing a portion of the Walton Arts Center Improvements, and (3) the City's Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds in the aggregate principal amount of not to exceed \$3,500,000 (the "Park Bonds") for the purpose of financing a portion of the Park Improvements. Any bonds approved by the electors of the City may thereafter be issued in one or more series from time to time in an aggregate principal amount not to exceed the respective principal amount(s) approved by the City's electors. Such bonds as are issued by the City will be secured on a parity basis by a pledge of and a lien upon the receipts of the A&P Tax.

Section 2: That there be, and there is hereby called, a special election to be held on Tuesday, November 12, 2013, at which election there shall be submitted to the electors of the City the questions of the issuance of the Refunding Bonds, the Walton Arts Center Bonds and the Park Bonds.

Section 3: That the questions shall be placed on the ballot for the special election in substantially the following forms:

Question One:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of refunding bonds in a principal amount not to exceed \$1,500,000 (the "Refunding Bonds"), pursuant to Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of refunding the City's outstanding

Page 4
Ordinance No. 5605

Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 (the "Series 2003 Bonds"). If the issuance of the Refunding Bonds is approved, the Refunding Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Refunding Bonds in a principal amount not to exceed \$1,500,000 ☐

AGAINST the issuance of Refunding Bonds in a principal amount not to exceed \$1,500,000 ☐

Question Two:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in a principal amount not to exceed \$6,900,000 (the "Walton Arts Center Bonds"), pursuant to Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act") and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of financing a portion of the costs of the expansion and renovation of the Walton Arts Center located within Fayetteville, (the "Walton Arts Center Improvements"). If the issuance of the Walton Arts Center Bonds is approved, the Walton Arts Center Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

Page 5
Ordinance No.5605

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

FOR the issuance of Walton Arts Center Bonds in a principal amount not to exceed \$6,900,000 for the purpose of financing a portion of the costs of the Walton Arts Center Improvements.....☐

AGAINST the issuance of Walton Arts Center Bonds in a principal amount not to exceed \$6,900,000 for the purpose of financing a portion of the costs of the Walton Arts Center Improvements☐

Question Three:

There is submitted to the qualified electors of the City of Fayetteville, Arkansas, the question of the issuance of capital improvement bonds in principal amount not to exceed \$3,500,000 (the "Park Bonds"), pursuant to Title 14, Chapter 170, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Tourism Revenue Bond Act") and Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Advertising and Promotion Commission Act"), for the purpose of financing a portion of the costs of constructing and equipping a regional park owned by and located within the City of Fayetteville, which may include baseball fields, soccer fields and related facilities (the "Park Project"). If the issuance of the Park Bonds is approved, the Park Bonds shall be secured by a pledge of and lien upon the receipts of an existing one percent (1.00%) tax (the "A&P Tax") levied pursuant to Ordinance No. 2310 upon the gross receipts or gross proceeds (i) derived from renting, leasing or otherwise furnishing hotel or motel accommodations for profit within the boundaries of the City and (ii) of restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses within the boundaries of the City engaged in the business of selling prepared food for on-premises or off-premises consumption.

Vote on the question by placing an "X" in one of the squares following the question, either for or against:

Page 6
Ordinance No. 5605

FOR the issuance of Park Bonds in a principal amount not to exceed \$3,500,000 for the purpose of financing a portion of the costs of constructing and equipping the Park Improvements.....☐

AGAINST the issuance of Park Bonds in a principal amount not to exceed \$3,500,000 for the purpose of financing a portion of the costs of constructing and equipping the Park Improvements☐

Section 4: That the election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for Arkansas municipal elections unless otherwise provided in the Advertising and Promotion Commissions Act or the Tourism Revenue Bond Act, and only qualified voters of the City shall have the right to vote at the election. The City Clerk is hereby directed to give notice of the special election by one advertisement in a newspaper of general circulation within the City, the publication to be not less than ten (10) days prior to the date of the election.

Section 5: That the results of the special election shall be proclaimed by the Mayor, and his proclamation shall be published one time in a newspaper of general circulation within the City. The proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the Circuit Court of Washington County within thirty (30) days after the date of publication of the proclamation.

Section 6: That the Mayor and the City Clerk, for and on behalf of the City, be, and they hereby are authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the issuance of the Refunding Bonds, the Walton Arts Center Bonds and/or the Park Bonds are approved by the electors, to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

Section 7: That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

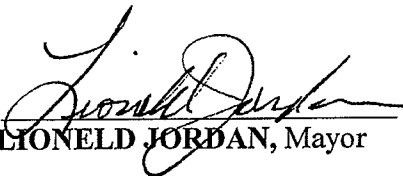
Section 8: That it is hereby ascertained and declared that there is a critical need to obtain an additional source of revenue to finance needed capital improvements, including the Walton Arts Center Project and the Park Project, all in order to promote and protect the peace, health, safety and welfare of the inhabitants of the City. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health and safety shall be in force and effect immediately from and after its passage.

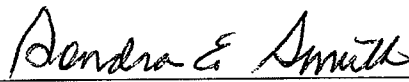
Page 7
Ordinance No. 5605

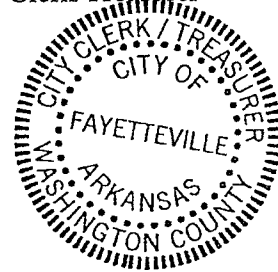
PASSED AND APPROVED this 6th day of August, 2013.

APPROVED:

ATTEST:

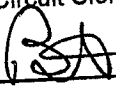
By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Washington County, AR
I certify this instrument was filed on
08/14/2013 10:56:54 AM
and recorded in Real Estate
File Number 2013-00027823
Kyle Sylvester - Circuit Clerk

by

A handwritten signature, likely of Kyle Sylvester, is written over a horizontal line. The signature is stylized, with the first letter being a large 'K' and the last letter being a large 'S'.

City of Fayetteville Staff Review Form

A. 9
A&P Bond Special Election
Page 19 of 20

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

August 6, 1023

City Council Meeting Date
Agenda Items Only

<u>Paul A Becker</u>	<u>Finance and Internal Services</u>	<u>Finance and Internal Services</u>
Submitted By	Division	Department

Action Required:

In May, 2013 the City Advertising and Promotion Commission by resolution requested the City call and set a date for a special election to consider the refinancing of outstanding HMR bonds and the authorization to issue new bonds to fund additional projects. Specifically these projects include a portion of the cost of a expansion of the Walton Arts Center and a portion of the costs of the Regional Park Project. This would extend the current debt service payments for 25 years without increasing taxes. This agenda item is to approve that request.

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

Budgeted Item ☐ Budget Adjustment Attached ☐

<u>Paul A. Becker</u>	<u>7-24-2013</u>	Previous Ordinance or Resolution # <u></u>
Department Director	Date	
<u>[Signature]</u>		Original Contract Date: <u></u>
City Attorney	Date	Original Contract Number: <u></u>

<u>Paul A. Becker</u>	<u>7-24-2013</u>
Finance and Internal Services Director	Date

Received in City Clerk's Office 07-24-13 P02:03
[Signature]

<u>alm</u>	<u>7-24-13</u>
Chief of Staff	Date

Received in Mayor's Office

<u>[Signature]</u>	<u>7/24/13</u>
Mayor	Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff

From: Paul A Becker P.A.S.

Date: July 30, 2013

Subject: Ordinance To Call a Special Election for HMR Bonds

PROPOSAL: In May, 2013 the Advertising and Promotion Commission passed a resolution requesting the City call a special election to consider an extension of the current HMR Bonds. The payment of bonds would be extended for 25 years at the same total principal and interest payment amount as currently made annually. Therefore, the current amounts paid for debt service would remain the same.

To accomplish this, the voters would be asked to approve three questions on the ballot. Question one would request approximately \$1,500,000 in new bonds to refund the current outstanding bonds. Question two would request \$6,900,000 in new bonds to fund a portion of an expansion to the Walton Arts Center. The final request would be to approve \$3,500,000 of new bonds to fund certain improvements to the Regional Park. Specifically, baseball fields, soccer fields and related facilities at the Regional Park would be partially funded. It is important to understand this is not a new tax. It would not cost the taxpayer any more money.

RECOMMENDATION: The administration recommends the approval of this ordinance to call for a special election on November 12, 2013 to decide the above questions.

BUDGET IMPACT: None

City of Fayetteville Item Review Form

2013-0151

Legistar File Number

11-19-2013

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

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

VAC 13-4516: Vacation (BRENDA DRIVE, COURT AND WALTON STREET/UNIVERSITY OF ARKANSAS, 482): Submitted by DEVELOPMENT CONSULTANTS, INC. for property located WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET. The request is to vacate the right-of-way of Brenda Drive, Court and Walton Street, and a 30-foot wide alley off of Hotz Drive.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐ No

Budget Adjustment Attached? ☐ No

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-01-13P03:07 RCVD

Paul A. Berlin 11-1-2013

Don Man 11-1-13

Arnold Jordan 11/2/13

dm
Kt

ENT
11/1/13
pH

This ordinance was Tabled to the 12/17/13 City Council meeting and left on the Second Reading 12/15/13.
This ordinance was left on the Second Reading at the November 19, 2013 City Council Meeting.



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Jeremy Pate, Development Services Director *JP*

From: Jesse Fulcher, Senior Planner

Date: October 31, 2013

Subject: VAC 13-4516 Vacation (BRENDA DRIVE, COURT STREET, WALTON STREET, ALLEY/UNIVERSITY OF ARKANSAS)

RECOMMENDATION

Staff recommends approval of an ordinance to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a 30-foot wide alley off of Hotz Drive.

BACKGROUND

The subject properties consist of three developed public streets and an alley right-of-way that is utilized as a driveway for an adjacent house now owned by the University of Arkansas. All four right-of-ways are located between Razorback Road and Palmer Avenue, and Hotz Drive and Center Street. Every property directly adjacent to the four right-of-ways (23 total properties) is owned by the University. Most of the structures along these streets have already been removed and temporary parking lots have been installed.

The applicant's request is to vacate three developed public streets and an alley right-of-way that has been used as a driveway, as indicated on the depicted exhibit. All four right-of-ways are surrounding by property owned by the University, including the residential driveway.

Pursuant to Arkansas Code (A.C.A.), Title 14, Chapter 301 Municipal Streets Generally, cities and towns of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years *and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding the manner set forth in this subchapter.*

In this particular case, all of the right-of-ways have been used by the public in the last five years, either by the residents who lived in the houses along the streets, or those attending University events. At this time, all of the houses have been removed and the property is used exclusively by the University for parking.

DISCUSSION

On October 28, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4516 SUBMITTED BY DEVELOPMENT CONSULTANTS, INCORPORATED FOR PROPERTY LOCATED WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET TO VACATE THE RIGHT-OF-WAY OF BRENDA DRIVE, COURT STREET, WALTON STREET, AND A THIRTY FOOT WIDE ALLEY OFF OF HOTZ DRIVE.

WHEREAS, the City Council has the authority under A.C.A. § 14-301-301 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portions of the platted right-of-ways and alley are not required for corporate purposes; and

WHEREAS, all property abutting said right-of-ways are owned by the University of Arkansas.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described right-of-ways in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

1. Development of this site shall include the construction and dedication of two public streets as indicated in Exhibit "C" attached hereto.
2. All right-of-ways shall be retained as general utility easements.
3. Any relocation or, or damage to any existing utility facilities shall be repaired at the property owners expense.

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

12-4-13



Departmental Correspondence



**LEGAL
DEPARTMENT**

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal flourish extending to the right.

DATE: December 4, 2013

RE: Possible vacation of Brenda Drive, Court Street, Walton Street and an alley

I needed to redraft the vacation ordinance to bring it more closely into conformity with A.C.A. § 14-301-304 **Ordinance vacating street or alley**. Attached is a newly drafted vacation ordinance which I believe is in substantial compliance with A.C.A. § 14-301-304 (attached).

History, Acts 1945, No. 17, § 4, A.S.A. 1947, § 19-3827.

CASE NOTES

Abutting Property Owners.

In litigation involving the closing of an alley where the procedure was instituted under this section, which necessitated the written consent of the owners of all abutting lots, while the written consent of those owners actually abutting the two ends of the alley had been obtained, from the practical standpoint upon both ends of the alley being closed, the entire alley would become closed, and therefore, all abutting property owners not having given their consent, the petitioners had to fail. *Roberts v. Pace*, 230 Ark. 280, 322 S.W.2d 75 (1959).

This section did not repeal § 14-54-104, and the failure of parties to secure the closing of an alley under the procedure set out in this section, requiring the consent of the abutting property owners, would not be res judicata of any future litigation between the same parties instituted under § 14-54-104, the procedure there involving the closing of an alley in order to better provide for the public welfare of the inhabitants of the city. *Roberts v. Pace*, 230 Ark. 280, 322 S.W.2d 75 (1959).
Cited: *Ellington v. Rummel*, 226 Ark. 569, 293 S.W.2d 452 (1956).

14-301-304. Ordinance vacating street or alley.

(a) If the council shall find by a majority vote of its members that the petition should be granted, either in whole or in part, the decision of the council shall be incorporated in an ordinance to that effect which shall be substantially as follows:

"Whereas, a petition was duly filed with the City (or Town) Council of the City (or Town) of Arkansas, on the day of 19...., asking the City (or Town) Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Addition to the City (or Town) now appearing on record in plat book page in the office of the recorder of County, beginning at and ending at

"Whereas, after due notice as required by law, the council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street (or alley) or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street (or alley) herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street (or alley) to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street (or alley).

"Now, therefore, be it ordained by the City (or Town) Council of the City (or Town) of Arkansas:

"Section 1. The City (or Town) of Arkansas, releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street (or alley) designated as follows:

67 MUNICIPAL STREETS GENERALLY 14-301-305

"(Here will be designated the street or alley to be abandoned by reference to the official plat.)

"Section 2. A copy of the ordinance duly certified by the city clerk or town recorder shall be filed in the office of the recorder of the county and recorded in the deed records of the county.

"Section 3. This ordinance shall take effect and be in force from and after its passage."

History, Acts 1945, No. 17, § 5, A.S.A. 1947, § 19-3828.

CASE NOTES

Cited: *Ellington v. Rummel*, 226 Ark. 569, 293 S.W.2d 452 (1956).

14-301-305. Suit to reject ordinance — Evidence of consent.

(a) The determination, findings, and ordinance of the council shall be conclusive unless, within thirty (30) days after the passage of the ordinance, suit is brought to reject the ordinance in the chancery court of the county where the city or town is located.

(b) In determining whether all abutting property owners have consented to the abandonment, the equity and chancery court shall be limited by the record of deeds in the office of the recorder of the county and shall not consider unrecorded instruments.

History, Acts 1945, No. 17, § 6, A.S.A. 1947, § 19-3829.

CASE NOTES

ANALYSIS

Abutting property owners.

Nonabutting owners.

Ordinances upheld.

Res judicata.

Abutting Property Owners.

In litigation involving the closing of an alley where the procedure was instituted under § 14-301-303, which necessitated the written consent of the owners of all abutting lots, while the written consent of those owners actually abutting the two ends of the alley had been obtained, from the practical standpoint upon both ends of the alley being closed, the entire alley would become closed, and therefore, all abutting property owners not having given their consent, the petitioners had to fail. *Roberts v. Pace*, 230 Ark. 280, 322 S.W.2d 75 (1959).

Nonabutting Owners.

Where nonabutting owners could not show special and peculiar injury suffered in connection with the closing of a street in which city had only an easement, the nonabutting owners did not have standing to challenge city ordinance vacating and abandoning the street. *Freeze v. Jones*, 260 Ark. 193, 539 S.W.2d 425 (1976).

Ordinances Upheld.

Where city board of directors found that traffic on a portion of a street had declined and that closing of this portion of the street would not work a hardship on many people, and where owners of abutting property consented to closing of the street, an ordinance adopted by the board of directors vacating and abandoning the street was not ultra vires. *Freeze v. Jones*, 260 Ark. 193, 539 S.W.2d 425 (1976).

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE THE UNIVERSITY OF ARKANSAS' PETITION TO VACATE BRENDA DRIVE, COURT STREET, WALTON STREET AND A THIRTY FOOT WIDE ALLEY ALL WITHIN PROPERTY OWNED BY THE UNIVERSITY OF ARKANSAS

WHEREAS, the City Council has the authority pursuant to A.C.A. § 14-301-301 et seq. to vacate streets where all property abutting said streets are owned by an educational institution; and

WHEREAS, a petition was duly filed by the University of Arkansas asking that the City vacate Brenda Drive, Court Street, Walton Street and an alley within this property; and

WHEREAS, after a public hearing was scheduled by Resolution, public notice of the public hearing was published for two consecutive weeks, and a public hearing was held on this vacation petition, the City Council has determined from the standpoint of public interest and welfare, the streets and alley should be vacated as proposed by the University of Arkansas subject to the conditions set forth below.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally (subject to the conditions set forth below) in and to Brenda Drive, Court Street, Walton Street and an alley within the University of Arkansas' property as described in Exhibit B (attached).

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby requests that the City Clerk certify this ordinance along with the map attached and labeled Exhibit A and then file these in the office of the recorder of the County and recorded in the deed records of the County.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby determines that this vacation approval is subject to the conditions of approval listed below and shall not be final nor in effect until all of the conditions are met:

1. Development of this University of Arkansas site shall include the construction and dedication of two public streets approximately as shown on Exhibit C (attached).

12-4-13

2. The vacated streets right of way shall be retained as general utility easements and shall be so dedicated to the City.
3. Any relocation or damage to any existing utility facilities shall be repaired at the University of Arkansas' expense.

PASSED and **APPROVED** this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT 'A'

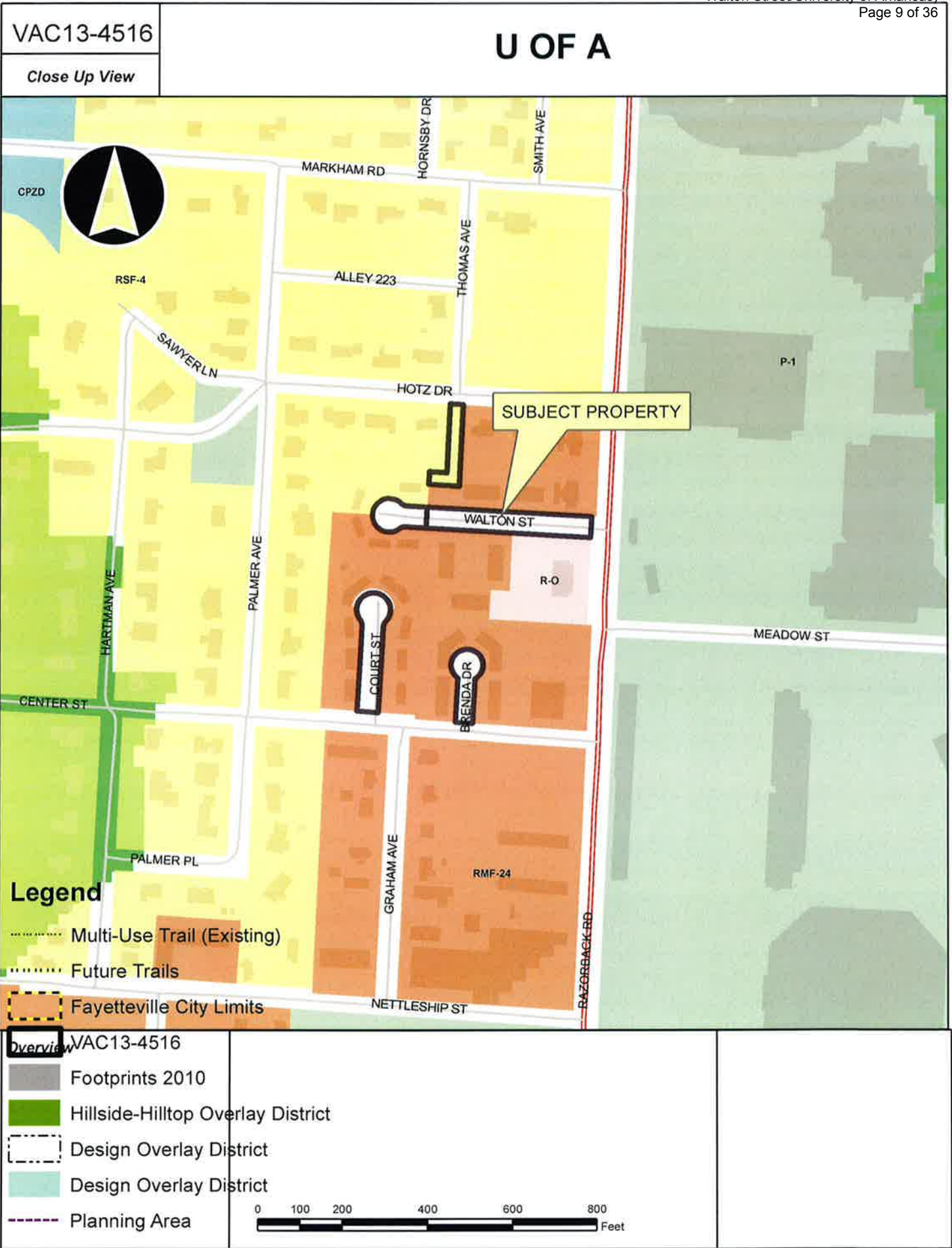


EXHIBIT "B"
VAC 13-4516

BRENDA DRIVE:

BRENDA DRIVE AS SHOWN ON THE OFFICIAL PLAT OF DILL ADDITION FILED FOR RECORD AT PLAT BOOK 1, PAGE 143 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID DILL ADDITION; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 105.2 FEET; THENCE AROUND THE CUL DE SAC ALONG THE EAST LINE OF SAID LOT 1 AND ALONG THE SOUTHEAST LINE OF LOT 2 AND ALONG THE SOUTHWEST LINE OF LOT 3 AND ALONG THE WEST LINE OF LOT 4 OF SAID DILL ADDITION ALONG A 37.5 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 193.4 FEET; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 105.4 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE WESTERLY FOR A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

COURT STREET:

COURT STREET AS SHOWN ON THE OFFICIAL PLAT OF BLOCK 2 OF MCRAE ADDITION FILED FOR RECORD AT PLAT BOOK 3, PAGE 387 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF SAID BLOCK 2; THENCE NORTHERLY ALONG THE EAST LINE OF LOTS 1-3 OF SAID BLOCK 2, A DISTANCE OF 201.68 FEET TO THE POINT OF CURVATURE OF A 22 FEET RADIUS CURVE; THENCE NORTHWESTERLY ALONG THE EAST LINE OF SAID LOT 3 ALONG THE 22 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF REVERSE CURVATURE FOR A 40 FEET RADIUS CURVE; THENCE AROUND THE CUL DE SAC ALONG THE EAST LINE OF SAID LOT 3 AND ALONG THE SOUTHEAST LINE OF LOT 4 AND ALONG THE SOUTH LINE OF LOT 5 AND ALONG THE SOUTHWEST LINE OF LOT 6 AND ALONG THE WEST LINE OF LOT 7 SAID BLOCK 2 ALONG THE 40 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 182.50 FEET TO THE POINT OF REVERSE CURVATURE FOR A 22 FEET RADIUS CURVE; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LOT 7 ALONG THE 22 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTHERLY ALONG THE WEST LINE OF LOTS 7-9 OF SAID BLOCK 2, A DISTANCE OF 201.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE WESTERLY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

30' ALLEY:

THE 30 FEET WIDE ALLEY BETWEEN LOTS 18 AND 19 AND SOUTH OF LOT 19 OF HOTZ REVISED ADDITION AS SHOWN ON THE OFFICIAL PLAT OF HOTZ REVISED ADDITION FILED FOR RECORD AT PLAT BOOK 1, PAGE 213 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 18, A DISTANCE OF 192.68 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE WESTERLY FOR A DISTANCE OF 58.64 FEET TO THE EAST LINE OF LOT 5 OF BLOCK 1 OF MCRAE ADDITION; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 30.00 FEET TO THE SOUTH LINE OF LOT 19 OF HOTZ REVISED ADDITION; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 19, A DISTANCE OF 29.12 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 19, A DISTANCE OF 164.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 19; THENCE EASTERLY FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

WALTON STREET:

1. WALTON STREET AS SHOWN ON THE OFFICIAL PLAT OF BLOCK 1 OF MCRAE ADDITION FILED FOR RECORD AT PLAT BOOK 3, PAGE 305 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 1;
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 48.45 FEET TO THE POINT OF CURVATURE OF A 22 FEET RADIUS CURVE; THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 5 ALONG THE 22 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF REVERSE CURVATURE FOR A 40 FEET RADIUS CURVE; THENCE AROUND THE CUL DE SAC ALONG THE SOUTH LINE OF SAID LOT 5 AND ALONG THE EAST LINES OF LOTS 3 & 4 AND ALONG THE NORTH LINES OF LOTS 1 & 2 OF SAID BLOCK 1 ALONG THE 40 FEET RADIUS CURVE TO THE LEFT FOR A DISTANCE OF 182.50 FEET TO THE POINT OF REVERSE CURVATURE FOR A 22 FEET RADIUS CURVE; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 1 ALONG THE 22 FEET RADIUS CURVE TO THE RIGHT FOR A DISTANCE OF 15.63 FEET TO THE POINT OF TANGENCY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 48.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTHERLY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

2. WALTON STREET AS DESCRIBED IN WARRANTY DEED 526, PAGE 558 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION SEVENTEEN (17) IN TOWNSHIP SIXTEEN (16) NORTH, OF RANGE THIRTY (30) WEST OF THE 5TH P.M., DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS FOUR HUNDRED SEVENTY FIVE AND TWELVE HUNDREDTHS (475.12) FEET NORTH AND TWENTY NINE (29) FEET WEST OF THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE WEST THREE HUNDRED EIGHTY-NINE (389) FEET; THENCE NORTH FIFTY (50) FEET; THENCE EAST THREE HUNDRED EIGHTY-NINE (389) FEET; THENCE SOUTH FIFTY (50) FEET TO THE PLACE OF BEGINNING, CONTAINING ONE-HALF OF AN ACRE, MORE OR LESS

EXHIBIT "C"

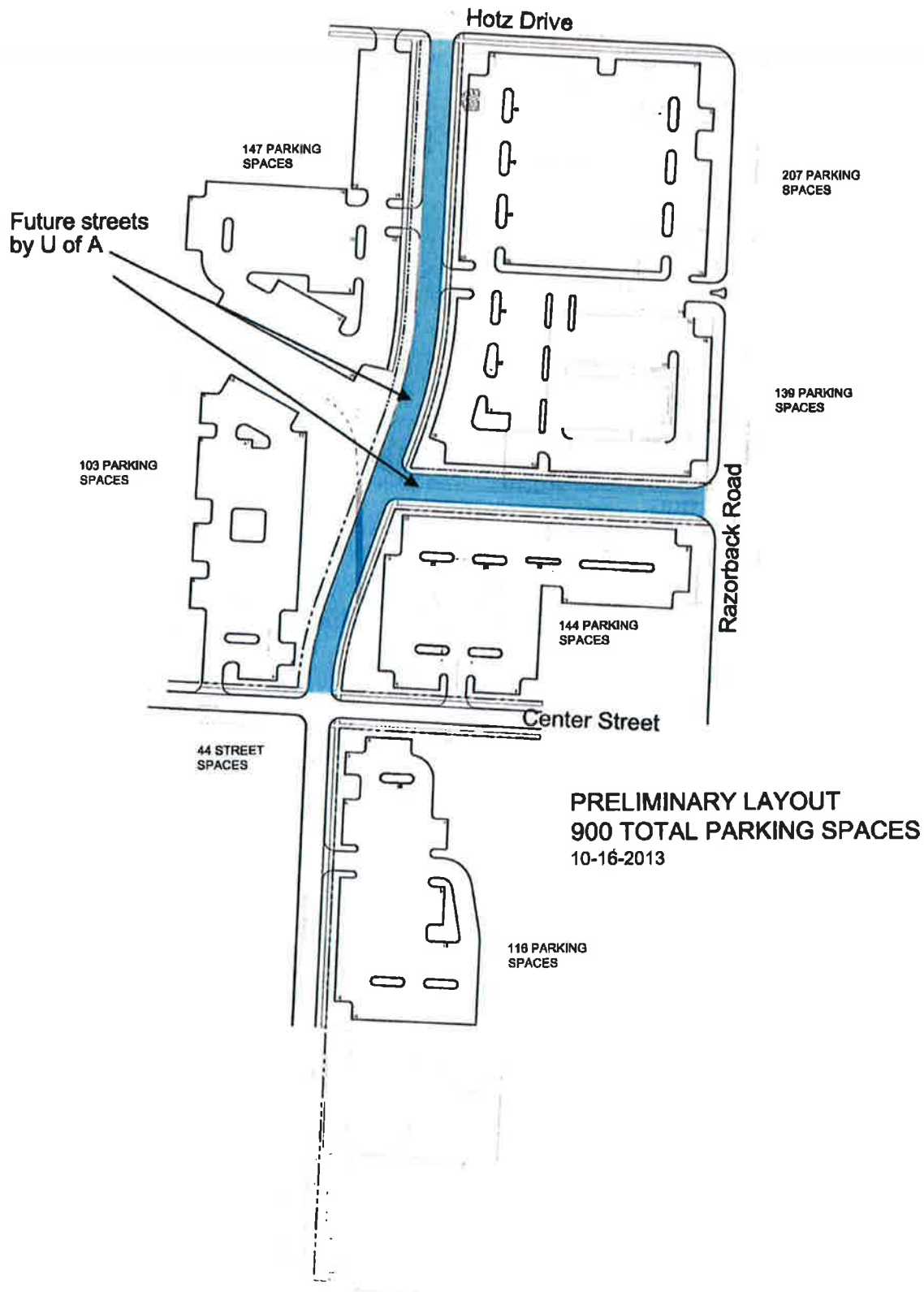
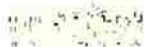
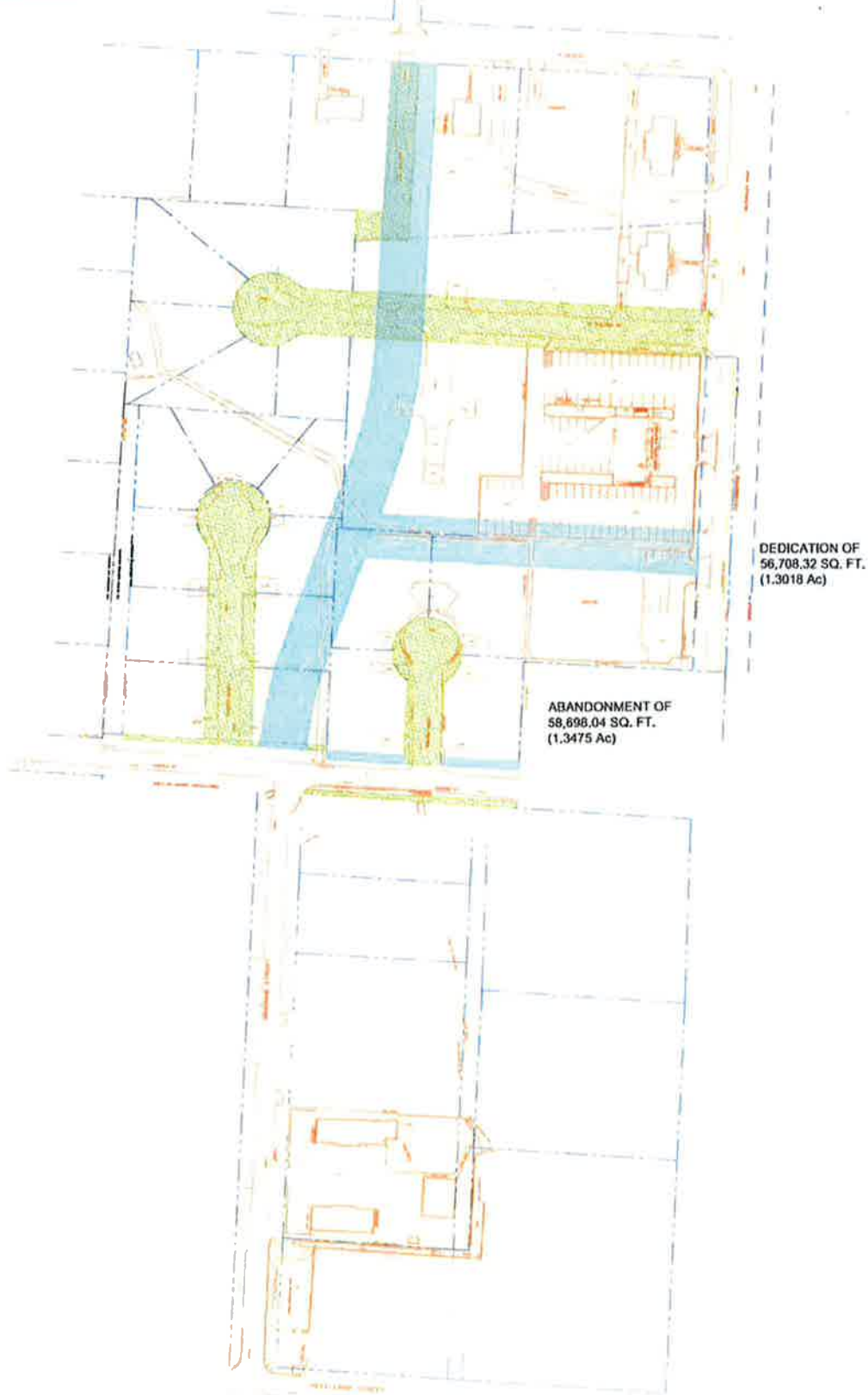


EXHIBIT "C" ROW to be vacated Future streets



PC Meeting of October 28, 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: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~October 22, 2013~~ Updated October 31, 2013

VAC 13-4516: Vacation (BRENDA DRIVE, COURT STREET, WALTON STREET, ALLEY/UNIVERSITY OF ARKANSAS, 482): Submitted by DEVELOPMENT CONSULTANTS, INC. for properties located WEST OF RAZORBACK ROAD AND NORTH OF CENTER STREET. The request is to vacate the right-of-way of Brenda Drive, Court Street, Walton Street, and a 30-foot wide alley off of Hotz Drive.

Planner: Jesse Fulcher

Findings:

Property and Background: The subject properties consist of three developed public streets and an alley right-of-way that is utilized as a driveway for an adjacent house now owned by the University of Arkansas. All four right-of-ways are located between Razorback Road and Palmer Avenue, and Hotz Drive and Center Street. Every property directly adjacent to the four right-of-ways (23 total properties) is owned by the University. Most of the structures along these streets have already been removed and temporary parking lots have been installed. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family on Hotz Drive	RSF-4, Residential Single-Family 4 Units per Acre
South	Single/Multi-family on Center Street	RMF-24, Residential Multi-Family 24 Units per Acre
East	University of Arkansas buildings	RMF-24, Residential Multi-Family 24 Units per Acre
West	Single-family on Palmer Avenue	RSF-4, Residential Single-Family 4 Units per Acre

Request: The applicant's request is to vacate three developed public streets and an alley right-of-way that has been used as a driveway, as indicated on the depicted exhibit. All four right-of-ways are surrounding by property owned by the University, including the residential driveway.

Pursuant to Arkansas Code (A.C.A), Title 14, Chapter 301 Municipal Streets Generally, cities and towns of the first and second class and incorporated towns are given power and authority to vacate public streets and alleys within the cities and towns under the conditions and in the manner herein provided.

In all cases where the owner of property within a city or town shall have dedicated, or may hereafter dedicate, a portion of the property to the public use as streets or alleys by platting the property and causing the plat to be filed for record, as provided by law, and any street or alley, or section thereof, shown on the plat so filed shall not have been actually used by the public as a street or alley for a period of five (5) years *and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five (5) years or not, the city or town council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding the manner set forth in this subchapter.*

In this particular case, all of the right-of-ways have been used by the public in the last five years, either by the residents who lived in the houses along the streets, or those attending University events. At this time, all of the houses have been removed and the property is used exclusively by the University for parking.

Easement Vacation Approval: The applicant has submitted the required right-of-way vacation forms to the City Utilities Departments, franchise utilities, and adjacent property owners (the University of Arkansas) with no objections.

<u>UTILITIES</u>	<u>RESPONSE</u>
Ozarks Electric	No objections
Cox Communications	No objections
AEP/SWEPCO	No objections, but retain right-of-ways as easements.
Source Gas	No objections
AT&T	No objections
<u>CITY OF FAYETTEVILLE:</u>	<u>RESPONSE</u>
Water/Sewer	No objections
Transportation	No objections
Solid Waste	No objections
<u>ADJACENT PROPERTY OWNER:</u>	<u>RESPONSE</u>
University of Arkansas	No objections

Public Comment: No public comment has been received.

Recommendation: This is a unique request, in that the applicant is requesting to vacate public streets that have used by the public for many decades. Removing streets tends to reduce connectivity within a neighborhood, which is contrary to the City's adopted policies. However, in this particular case, all four of the right-of-ways dead-end into University property and provide no connectivity within the neighborhood. Further, it is the University's plan to redevelop this entire area, including constructing two new streets that will increase connectivity in the neighborhood. In staff's opinion, the long-term plan for this block of property will greatly increase connectivity for the neighborhood, University students, and those attending athletic events. Staff recommends forwarding VAC 13-4516 to the City Council with a recommendation for approval with the following conditions:

1. Development of this site shall include the construction and dedication of two public streets as indicated in Exhibit "C" attached hereto.
2. All right-of-ways shall be retained as general utility easements.
3. Any relocation or, or damage to any existing utility facilities shall be repaired at the property owners expense.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: October 28, 2013

Motion: Chesser

Second: Pennington

Vote: 8-0-0

Notes:



1450 E. Zion Road – Suite 7
Fayetteville, AR 72703

File No.: 13-3101

For the use and benefit of: **Development Consultants, Inc**

STATE OF ARKANSAS)
COUNTY OF WASHINGTON)

We the undersigned, being an employee of City Title & Closing LLC, do hereby certify that we have made due and diligent search of the Records in the Assessor's Office within and for Washington County, Arkansas, and find the adjacent owners, which touch the subject property, and addresses as shown in Exhibit "A".

IN-SO-FAR as the same affects the following described property, to-wit:

Brenda Drive, Court Street, West Walton Street and the 30' alley between Lots 18 and 19 and South of Lot 19 of Hotz Addition, in the City of Fayetteville, Washington County, Arkansas..

Dated September 10, 2013

City Title & Closing LLC
1450 E. Zion Road, Suite 7
Fayetteville, AR 72703
479-935-4177

A handwritten signature in black ink, appearing to read 'Jessica L. Wooten', is written over the printed name.

By:
Jessica L. Wooten, Authorized Signatory
Agency License No. 382820
Signing Agent No. 324795

****DISCLAIMER****

This report is being issued from the dates specified above and does not make any representation as to the status or validity of the title and the company assumes no liability by virtue of errors of omission and liability of the company shall not exceed the amount paid for the search.

Exhibit "A"

Parcel Nos.

765-06484-000	765-04742-000
765-06482-000	765-04741-000
765-06483-000	765-04740-000
765-14513-000	765-05219-000
765-08273-000	765-08281-000
765-08272-000	765-08280-000
765-08271-000	765-08279-000
765-08270-000	765-08278-000
765-08269-000	765-08277-000
765-14517-000	765-08276-000
765-14517-001	765-08275-000
765-14508-000	765-08274-000
765-04743-000	

**University of Arkansas
Board of Trustees
316 Administration Bldg
Fayetteville, AR 72701**

**Parcel No. 765-05227-000
Smith Revocable Trust
5835 E Estate View Road
Fayetteville, AR 72703**

****DISCLAIMER****

This report is being issued from the dates specified above and does not make any representation as to the status or validity of the title and the company assumes no liability by virtue of errors of omission and liability of the company shall not exceed the amount paid for the search.

**ADJACENT PROPERTY OWNER WRITTEN CONSENT FORM
FOR STREET AND ALLEY VACATION REQUEST**

Date: September 18, 2013

Location of Vacation: Brenda Drive, Court Street, Walton Street and the 30' Alley between Lots 18 & 19 and south of Lot 19 of Hotz Revised Addition, City of Fayetteville, Arkansas

Adjacent Property Owner: University of Arkansas
Adjacent Property Address: Various along Brenda Dr, Court St, Walton St, Hotz Dr, & Razorback Rd
Property: Lots 1-4 of Dill Addition, Lots 1-5 of Block 1 of McRae Addition, Lots 1-9 of Block 2 of McRae Addition, Lots 18-19 of Hotz Revised Addition and Parts of the SW1/4 NE1/4 Section 17, T16N, R30W all in the City of Fayetteville

REQUESTED VACATION:

I have requested the petition and I consent to vacate the following streets and alley, as described on the attached legal description and as shown on the attached sketch:

In the matter of the vacation of the aforesaid streets and alley, Allen J. Young of Development Consultants, Inc is authorized to process the petition on my behalf.

Printed Name of Adjacent Owner:

Board of Trustees of The University of Arkansas

Signature of Adjacent Owner:



Applicant Name:

The University of Arkansas

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: AEP-SWEPCO

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☒ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley) easement, (right-of-way), described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Horz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
☒ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

Retain all of the right of ways and alleys as
utility easements.

- ☐ No objections provided the following conditions are met:

John Boyer
Signature of Utility Company Representative

Dist. Engineer
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☒ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley) (easement) (right-of-way), described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south From Hotz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:



Signature of Utility Company Representative

Division Manager

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(General location) Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hore Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Maps.]

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Greg McGee

Signature of Utility Company Representative

Lead Staking Tech

Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☒ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following alley, easement, right-of-way, described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at owners/developers expense.

Adrian J. Young
Signature of Utility Company Representative

Construction Planner III NWA
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☒ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following alley easement right-of-way, described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Map.]

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

RELOCATION OF OR DAMAGE TO ANY EXISTING AT/SWMT FACILITIES
AT
WILL BE CARED FOR BY THE PROPERTY OWNER'S EXPENSE

Susan K. Clouser
Signature of Utility Company Representative

OSP DESIGN ENGINEER
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: City of Fayetteville - Water/Sewer

APPLICANT NAME: Allen J. Young, DCI, For UoA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotel Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit maps.]

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Shannon Jones

Signature of Utility Company Representative

Utilities Engineer

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Horz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit 149.]

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

ASSISTANT TRANSPORTATION MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 9-16-2013

UTILITY COMPANY: _____

APPLICANT NAME: Allen J. Young, DCI, For UoFA APPLICANT PHONE: 479-444-7880
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location/ Address (referring to attached document- must be completed**)

** Brenda Drive, Court Street, Walton Street, 30' Alley south from Hotz Dr.

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

[See attached Legal Description, Survey and Exhibit Maps.]

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Brian Paul

Signature of Utility Company Representative

Waste Reduction Coordinator

Title

Street and Alley Vacation Legal Descriptions

Brenda Drive:

Brenda Drive as shown on the official plat of Dill Addition filed for record at Plat Book 1, Page 143 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 1 of said Dill Addition; Thence northerly along the east line of said Lot 1, a distance of 105.2 feet; Thence around the cul de sac along the east line of said Lot 1 and along the southeast line of Lot 2 and along the southwest line of Lot 3 and along the west line of Lot 4 of said Dill Addition along a 37.5 feet radius curve to the right for a distance of 193.4 feet; Thence southerly along the west line of said Lot 4, a distance of 105.4 feet to the southwest corner of said Lot 4; Thence westerly for a distance of 40.00 feet to the Point of Beginning.

Court Street:

Court Street as shown on the official plat of Block 2 of McRae Addition filed for record at Plat Book 3, Page 387 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 1 of said Block 2; Thence northerly along the east line of Lots 1-3 of said Block 2, a distance of 201.68 feet to the point of curvature of a 22 feet radius curve; Thence northwesterly along the east line of said Lot 3 along the 22 feet radius curve to the left for a distance of 15.63 feet to the point of reverse curvature for a 40 feet radius curve; Thence around the cul de sac along the east line of said Lot 3 and along the southeast line of Lot 4 and along the south line of Lot 5 and along the southwest line of Lot 6 and along the west line of Lot 7 said Block 2 along the 40 feet radius curve to the right for a distance of 182.50 feet to the point of reverse curvature for a 22 feet radius curve; Thence southwesterly along the west line of said Lot 7 along the 22 feet radius curve to the left for a distance of 15.63 feet to the point of tangency; Thence southerly along the west line of Lots 7-9 of said Block 2, a distance of 201.68 feet to the southwest corner of said Lot 9; Thence westerly for a distance of 50.00 feet to the Point of Beginning.

30' Alley:

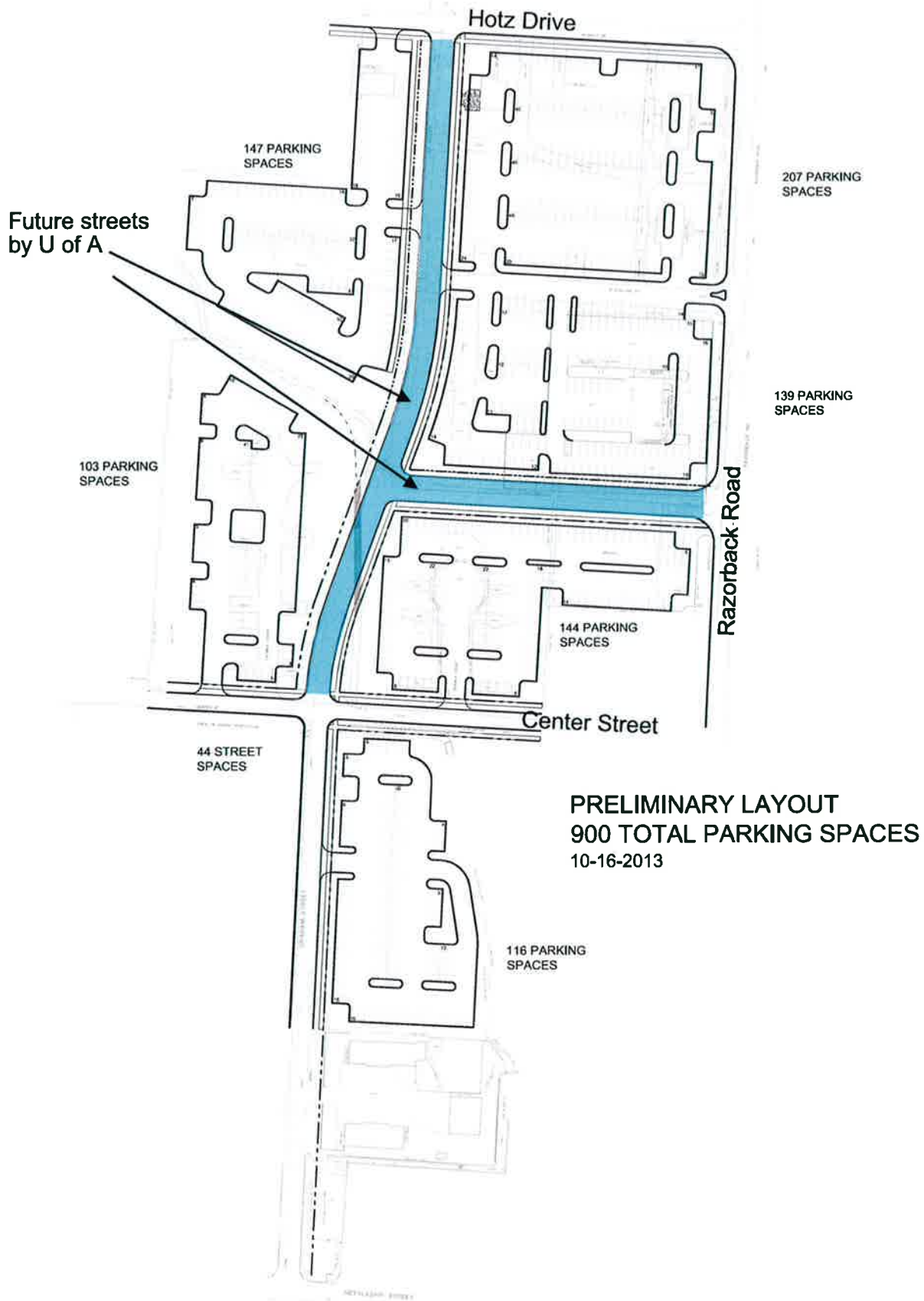
The 30 feet wide Alley between Lots 18 and 19 and south of Lot 19 of Hotz Revised Addition as shown on the official plat of Hotz Revised Addition filed for record at Plat Book 1, Page 213 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the northwest corner of said Lot 18; Thence southerly along the west line of said Lot 18, a distance of 192.68 feet to the southwest corner of said Lot 18; Thence westerly for a distance of 58.64 feet to the east line of Lot 5 of Block 1 of McRae Addition; Thence northerly along the west line of said Lot 5, a distance of 30.00 feet to the south line of Lot 19 of Hotz Revised Addition; Thence easterly along the south line of said Lot 19, a distance of 29.12 feet to the southeast corner of said Lot 19; Thence northerly along the east line of said Lot 19, a distance of 164.68 feet to the northeast corner of said Lot 19; Thence easterly for a distance of 30.00 feet to the Point of Beginning.

Walton Street:

1. Walton Street as shown on the official plat of Block 1 of McRae Addition filed for record at Plat Book 3, Page 305 in the records of Washington County, Arkansas, being more particularly described as follows: Beginning at the southeast corner of Lot 5 of said Block 1;

Thence westerly along the south line of said Lot 5, a distance of 48.45 feet to the point of curvature of a 22 feet radius curve; Thence northwesterly along the south line of said Lot 5 along the 22 feet radius curve to the right for a distance of 15.63 feet to the point of reverse curvature for a 40 feet radius curve; Thence around the cul de sac along the south line of said Lot 5 and along the east lines of Lots 3 & 4 and along the north lines of Lots 1 & 2 of said Block 1 along the 40 feet radius curve to the left for a distance of 182.50 feet to the point of reverse curvature for a 22 feet radius curve; Thence northeasterly along the north line of said Lot 1 along the 22 feet radius curve to the right for a distance of 15.63 feet to the point of tangency; Thence easterly along the north line of said Lot 1, a distance of 48.45 feet to the northeast corner of said Lot 1; Thence northerly for a distance of 50.00 feet to the Point of Beginning.

2. Walton Street as described in Warranty Deed 526, Page 558 in the records of Washington County, Arkansas being a Part of the Southwest quarter of the Northeast quarter of Section seventeen (17) in Township sixteen (16) North, of Range thirty (30) west of the 5th P.M., described as follows, to-wit: Beginning at a point which is four hundred seventy five and twelve hundredths (475.12) feet North and twenty nine (29) feet West of the Southeast corner of said forty acre tract, and running thence West three hundred eighty-nine (389) feet; thence North fifty (50) feet; thence East three hundred eighty-nine (389) feet; thence south fifty (50) feet to the place of beginning, containing one-half of an acre, more or less.

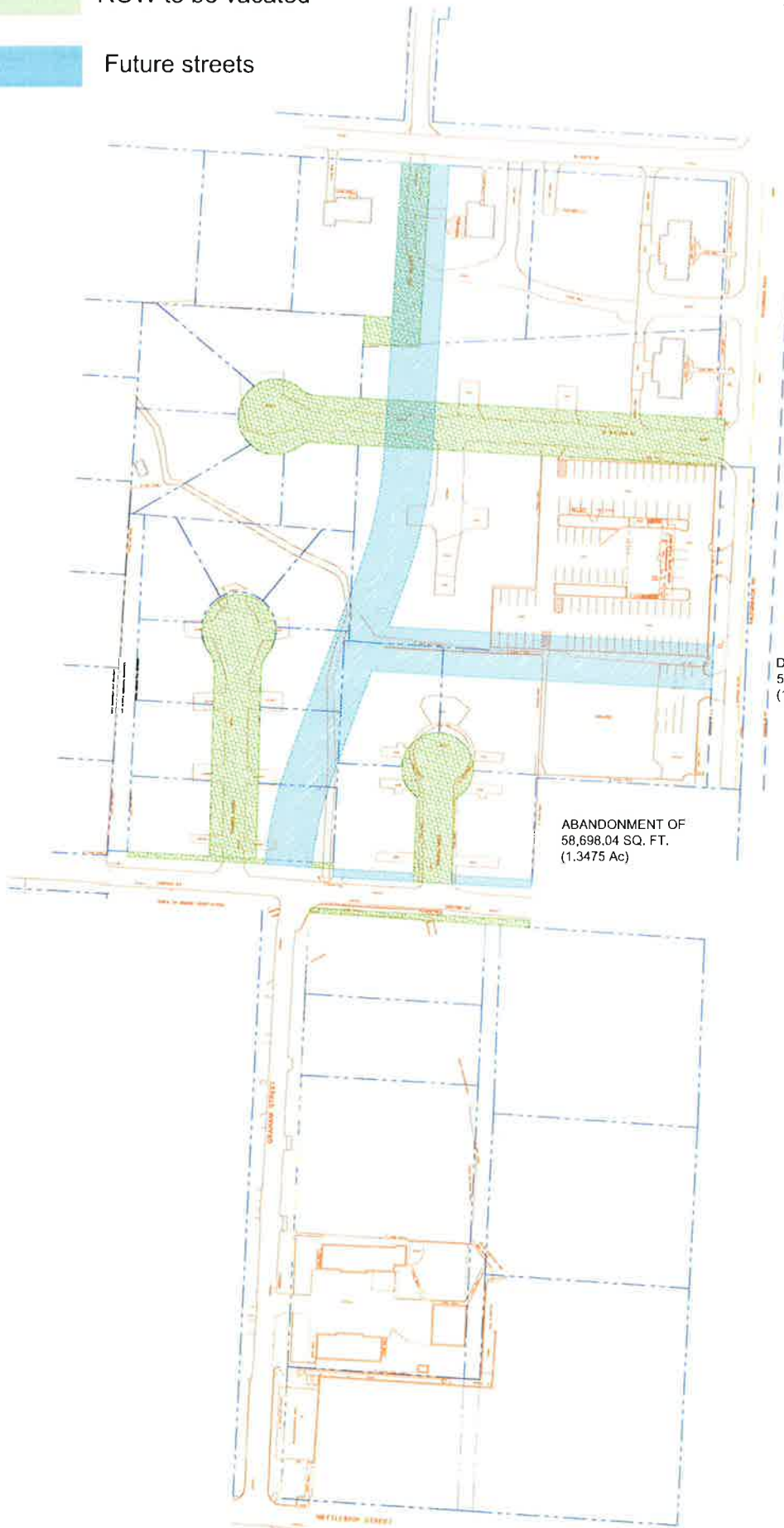




ROW to be vacated

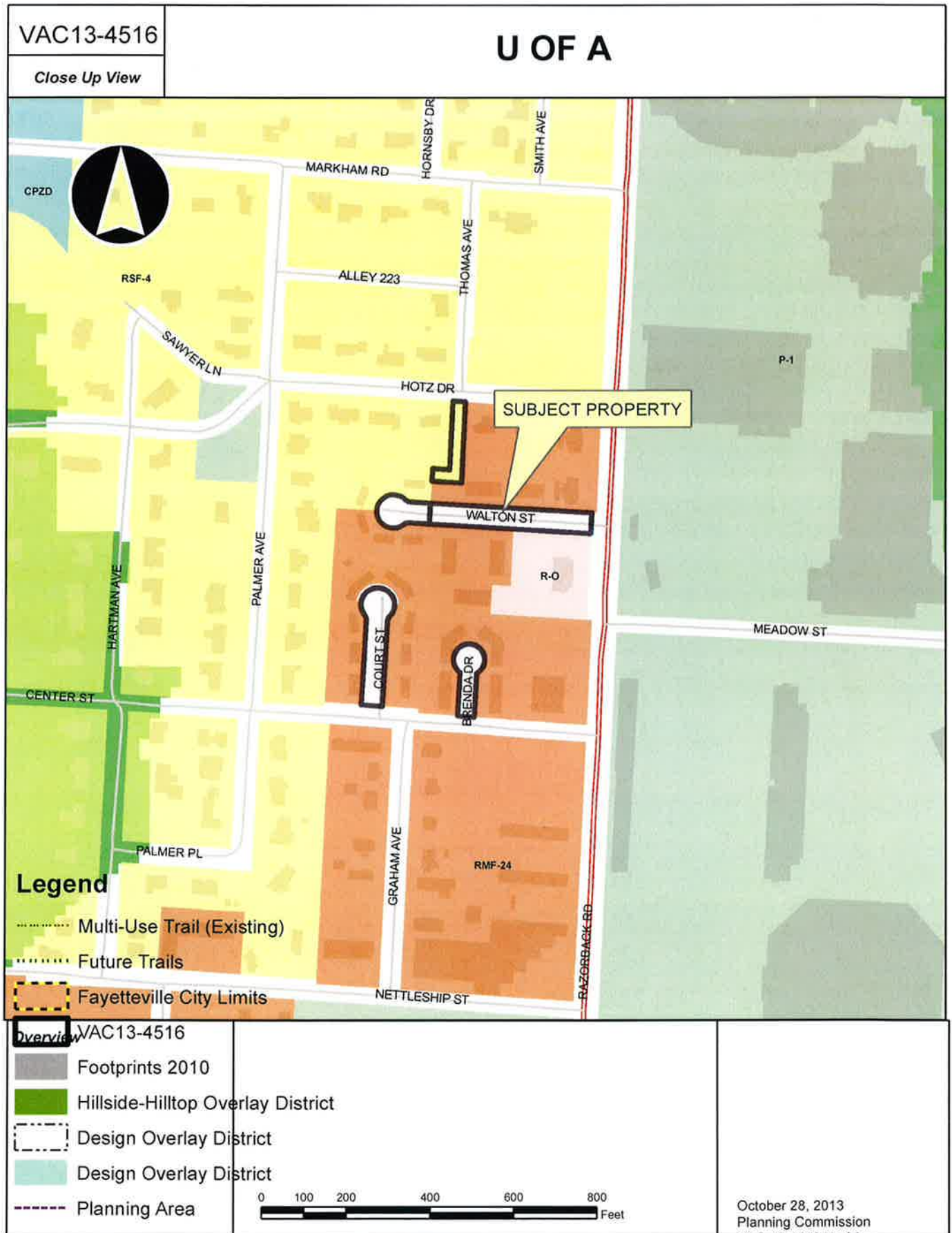


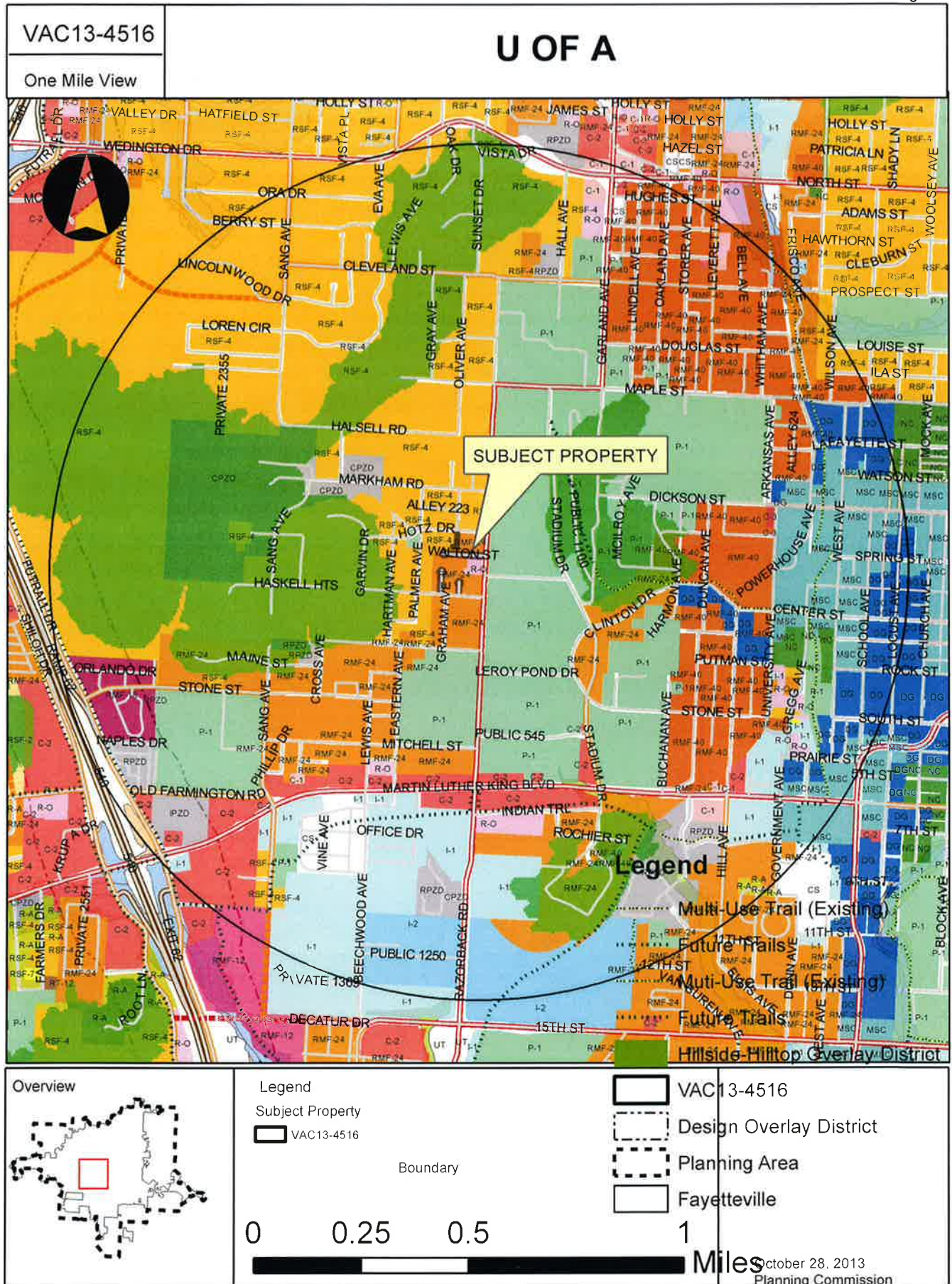
Future streets



DEDICATION OF
56,708.32 SQ. FT.
(1.3018 Ac)

ABANDONMENT OF
58,698.04 SQ. FT.
(1.3475 Ac)







Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
Sondra Smith, City Clerk/Treasurer
Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney

DATE: November 26, 2013

RE: Vacation of street pursuant to A.C.A. § 14-301-301

I think we need to more closely follow the statutory procedures set forth in A.C.A. § 14-301-302 and 303 prior to vacating the streets as requested by the U of A. Our power to vacate streets stated in A.C.A. § 14-301-301 ends: "the city or town council shall have the power to vacate and abandon the street or alley, or any portion thereof, **by proceeding in the manner set forth in this subchapter.**" (emphasis added).

The next section requires the owners of the property abutting to file a petition requesting vacation. I assume our vacation application may suffice for this statutorily required petition. However, the City Council at its next meeting is supposed to "by resolution fix a day for the hearing of the petition" We need to present a Resolution fulfilling this requirement. Then "the city clerk . . . (needs) to give notice of the meeting by publication once a week for two (2) consecutive weeks in some newspaper . . . having a general circulation in the city"

We can still go forward to vacate the streets pursuant to our power in A.C.A. § 14-54-104 although at least our Appellate Court has held that an existing street should be vacated under A.C.A. § 14-301-301 instead of A.C.A. § 14-54-104.

RESOLUTION NO. _____

A RESOLUTION TO FIX THE DATE FOR HEARING THE UNIVERSITY OF ARKANSAS' REQUEST TO VACATE BRENDA DRIVE, COURT STREET AND WALTON STREET ON DECEMBER 17, 2013 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS, ROOM 219 OF THE CITY ADMINISTRATION BUILDING

WHEREAS, City Clerk Sondra Smith is requested to publish notice of the hearing date on the petition of the University of Arkansas to vacate Brenda Drive, Court Street and Walton Street once a week for two weeks pursuant to A.C.A. § 14-301-302.

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 fixes the date for hearing the University of Arkansas' request to vacate Brenda Drive, Court Street and Walton Street on December 17, 2013 at 6:00 p.m. in the City Council chambers, Room 219 of the City Administration building.

PASSED and APPROVED this 3rd day of December 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Item Review Form

2013-0153
Legistar File Number

11/19/13

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

Peter Nierengarten

Submitted By

Sustainability and Strategic Planning

Department

Action Required:

Staff recommends approval of an ordinance amending the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process and to allow for mobile food trucks to operate daily on private property.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution # 5498

Original Contract Number:

Comments:

Paul A. Bisher 11-3-2013

Don Mann 11-4-13

David Jordan 11/4/13

11-01-13 11:42 RCVD

dm

K



this ordinance was left on the first reading and tabled to the December 17, 2013 City Council meeting at the November 19, 2013 City Council meeting.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

CC: Jeremy Pate, Development Services Director

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

Date: October 30, 2013

Subject: ADM 13-4486 Outdoor Mobile Vendor Ordinance Amendments

RECOMMENDATION:

Staff recommends approval of an ordinance amending the Unified Development Code Chapter 178: Outdoor Vendors to clarify existing regulations, create a short and long term permit process and to allow for mobile food trucks to operate daily on private property.

BACKGROUND:

The City Council adopted the Outdoor Vendor Chapter in the Unified Development Code in 2008. Previously, the City administered vendor licensing through a Transient Merchant License. Since 2008 the section of this code that deals with outdoor mobile vendors operating on private property has been amended twice in order to expedite the process and to allow vendors to locate in the same place for time periods longer than the original 90 day limitation.

Recently Planning Staff and Alderman Petty have discussed a number of amendments to this code. The first would be to create an extended permitting process that would allow vendors to get a permit to set up and operate in the same location for a calendar year. Additionally, staff has extended the temporary permit from 90 days to 6 months. And finally, staff is proposing to rename the sidewalk vendor section and add a new section that would permit mobile food trucks to operate on private property on a daily basis. The following bullet points highlight the proposed amendments to the existing Outdoor Mobile Vendor code:

- Mobile vendors shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed mobile vendor location.
- All permits would be granted to the property owner and the outdoor mobile vendor operator jointly. This will place the responsibility of compliance with the ordinance on both the mobile vendor operator and the property owner.
- A temporary permit would be extended from the current 90 days to six months. This will allow for a longer "season" for seasonal operators such as snow cone businesses which typically operate for five months. Staff also feels that six months allows a vendor to adequately test and evaluate their business model at a specific location.
- The temporary permit requirement to move locations after six months would allow for relocation within ¼ mile instead of the current ½ mile.

- The “Variance” section has been renamed as an “Annual Permit” and shall be limited to one year. Annual permits will be granted by the Planning Commission which may impose conditions and restrictions on the mobile vendor business or the property owner such as landscape improvements, parking lot improvements or permanent restroom facilities, etc. The mobile vendor may continue to request extended permits for the same location year after year. Mobile vendor courts will be able to form through the use of the annual permit process.
- Mobile vendors seeking a temporary (6 month) permit are approved administratively after meeting the requirements of the ordinance. Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- A number of existing business operations that are regulated by other codes would be exempted from this chapter including; special events, fireworks sales, etc.
- A list of prohibited conduct is included and a section outlining the process for suspending or revoking the permit is added.
- Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

The following bullet points highlight the proposed amendments to the existing sidewalk vendor ordinance adding a new section regulating food trucks located on private property:

- A food truck is a motorized and operational self contained vehicle equipped with facilities for cooking and selling food that is removed daily from the property on which it vends food. Food trucks may be permitted to locate on private property on an annual basis through and administrative process when all conditions of the ordinance have been met.
- Food truck permits would be granted to the property owner and the outdoor mobile vendor operator jointly.
- The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location.
- Food truck permits are good for only one location, but food trucks may hold permits for multiple locations.

DISCUSSION

The Planning Commission heard this item at their October 15, 2013 meeting and proposed minor changes to the code. The Planning Commission forwarded this item to the City Council with a recommendation of approval for the amended version with a 7-2-0 vote. Staff supports Planning Commission’s amendments and has included their recommended language in the ordinance.

BUDGET IMPACT:

None

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL § 178.03 SIDEWALK VENDORS AND ENACT A REPLACEMENT § 178.03 SIDEWALK VENDORS AND FOOD TRUCKS AND TO REPEAL § 178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY AND ENACT A REPLACEMENT § 178.04 OUTDOOR MOBILE VENDORS LOCATED ON PRIVATE PROPERTY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 178.03 **Sidewalk Vendors** and enacts a replacement § 178.03 **Sidewalk Vendors and Food Trucks** as shown on Exhibit A attached hereto.

Section 2. That the City Council of the City of Fayetteville, Arkansas repeals § 178.04 **Outdoor Mobile Vendors Located on Private Property** and enacts § 178.04 **Outdoor Mobile Vendors Located on Private Property** as shown on Exhibit B attached hereto.

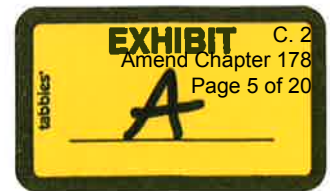
PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

- (1) *Sidewalk Vendors.* Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.
- (2) *Food Trucks.* The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) *Sidewalk Vendor and Food Truck Authorization.* The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities.
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.
- (3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

- (4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) *Permit Application.* Each application for a sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval. All permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

- (1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:
 - (a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.
 - (b) Type of items sold or services rendered.
 - (c) A valid copy of all necessary permits required by State and County health authorities.
 - (d) Proof of application for remittance of HMR tax to the City of Fayetteville.
 - (e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.
 - (f) A site plan indicating the location and dimensions of the proposed vehicle or pushcart.
 - (g) A detailed scale drawing, picture or diagram and material specifications of the vehicle or pushcart to be used.
- (2) The permit issued shall not be transferable in any manner.
- (3) The sidewalk vending or food truck permit is good for one location only.

Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

(1) *Sidewalk Vendors.* The City of Fayetteville permits the following types of goods for sidewalk vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by sidewalk vendors.

(2) *Food Trucks.* The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

(3) All goods being sold from sidewalk vendors and food trucks shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian or vehicular traffic on the sidewalk or street.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) *Sidewalk Vendor Location Requirements.* Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where sidewalk vending is allowed as a permitted use are:

(1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center

(2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) *Sidewalk Vendor Conditional Use Permit.* If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for sidewalk vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

(1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).

(2) The number of permits issued for the sidewalk vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) *Sidewalk Vendor Operation Requirements.*

Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the cart's wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) Sidewalk vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall

be removed from the public right-of-way during non-operational hours.

- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
 - (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
 - (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
 - (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
 - (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.
- (H) *Food Truck Location and Operation Requirements.* Food trucks may be permitted administratively on an annual basis for multiple locations subject to the

following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and

approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
- (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) *Signage Requirements.* Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) *Revocation of the Sidewalk Vendor or Food Truck Permit.* The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.



TITLE XV UNIFIED DEVELOPMENT CODE

178.04 Outdoor Mobile Vendors Located On Private Property

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor mobile vendors to operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis for a maximum of six months in one location during a calendar year. Outdoor mobile vendors utilizing a temporary permit may request to relocate to a different site at least one quarter mile (1,320 feet) from the original location after this six month period has expired. However, a new outdoor mobile vendor application shall be reviewed and approved by the Planning Division for every new location. All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.

(1) A temporary permit for an outdoor mobile vendor business in a single location may be approved and issued administratively by the Planning Division after making the following determinations:

(a) All of the requirements of 178.04(D) have been met.

(b) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent business.

(C) *Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors

may request an annual permit from the Planning Commission to operate for a one year time period in the same location subject to the following standards:

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(2) All of the requirements of 178.04(D) have been met.

(3) In granting an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.

(4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.

(5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.

(D) *Permit Requirements.* All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:

(1) *Permit Application Fee.* Each application to conduct an outdoor mobile vendor business shall be accompanied by a \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.

(2) *Temporary and Annual Permit Application Requirements.* Application for a permit to conduct an outdoor mobile vendor business shall include the

TITLE XV UNIFIED DEVELOPMENT CODE

following items in a format acceptable to the Zoning and Development Administrator:

- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
 - (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
 - (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
 - (d) A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
 - (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
 - (f) Written authorization, signed by the property owner or legal representative of record, stating that the outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
 - (4) The permit shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
 - (5) The proposed use must be a permitted use-by-right within the underlying zoning district.
 - (6) Outdoor mobile vendors shall maintain compliance with parking lot requirements for the existing business and the proposed outdoor mobile

vendor business. The number of required parking spaces is determined by the use and size of the proposed outdoor mobile vendor business and by the use and size of the existing business. The property where the outdoor mobile vendor is located should be paved in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property. The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

- (7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- (8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(E) *Exemptions.* The provisions of the ordinance do not apply to:

- (1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.
- (2) The distribution of free samples of goods, wares and merchandise by any individual from his person.
- (3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.
- (4) Fireworks sales.
- (5) Children's lemonade stands.
- (6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

TITLE XV UNIFIED DEVELOPMENT CODE

- (7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.
 - (8) Non-profit organizations that prepare and donate or give away food for free.
- (F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:
- (1) Obstruct pedestrian or vehicular traffic flow.
 - (2) Obstruct traffic signals or regulatory signs.
 - (3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.
 - (7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.
 - (8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.
- (G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:
- (1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.
 - (2) Conducting the business of vending in a manner contrary to the conditions of the permit.
 - (3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or interfere with the rights of abutting property owners.
- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
 - (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.
- (H) *Notification of Suspension or Revocation.* The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.03 Sidewalk Vendors and Food Trucks

(A) Purpose.

(1) **Sidewalk Vendors.** Public rights-of-way are designed for free and unobstructed travel. However, the City of Fayetteville recognizes that certain development patterns with wide sidewalks are unique and that certain public amenities are not inconsistent with the underlying dedication for the public right-of-way, as long as they do not impede travel or interfere with the public safety. This ordinance is designed to regulate open air vending of goods on public rights-of-way.

(2) **Food Trucks.** The City of Fayetteville encourages a diversity of business opportunities and support entrepreneurship by establishing ordinances designed to allow mobile food trucks to flourish in the city. Food trucks may be permitted to locate on private property on an annual basis through an administrative approval process. Food trucks may also be permitted to operate on public property temporarily if approved through a special event permit process administered by the City. In all cases, food trucks shall be removed daily from the property on which they were vending.

(B) **Sidewalk Vendor and Food Truck Authorization.** The Zoning and Development Administrator may issue a permit for a sidewalk vendor or food truck to use a specific sidewalk, or plaza location or private property for specified hours to sell specified goods for up to a one year period. In addition to the general use requirements, the Zoning and Development Administrator shall ensure that no permit is granted unless:

- (1) The applicant has obtained all necessary permits from State or County authorities. ~~including any Transient Merchant permit requirements.~~
- (2) The applicant has submitted a sales and use tax number, sales tax remittance forms and an affidavit that the applicant has fully paid all sales and use taxes during the previous twelve months, if applicable.

(3) The applicant has filed a HMR tax remittance form with the City of Fayetteville, when applicable.

(4) The applicant has notified all adjacent property owners, by certified mail, of the application.

(C) **Permit Application.** Each application for a ~~permit to conduct business on a~~ sidewalk vendor or food truck permit shall be accompanied by a \$100 application and permit fee. **Food truck permits shall be accompanied by the \$100 permit fee for each location requested for approval.** All ~~Permits~~ permits issued after July 1st shall be accompanied by a \$50 application and permit fee. Each permit will expire at 3 a.m. on January 1st following the year issued. The permit fee shall be collected prior to issuance of the permit.

(1) Application for a sidewalk vendor or food truck permit shall include the following items in a format acceptable to the Zoning and Development Administrator:

(a) Name, address and contact information of the owner and operator of the mobile device as well as the contact information of the property owner if applicable.

(b) Type of items sold or services rendered.

(c) A valid copy of all necessary permits required by State and County health authorities.

(d) Proof of application for remittance of HMR tax to the City of Fayetteville.

(e) Means to be used in conducting business, including but not limited to, a description of any mobile container or device to be used for transport or to display approved items or services.

(f) A site plan indicating the location and dimensions of the proposed ~~use and device or pushcart.~~ vehicle or pushcart.

(g) A detailed scale drawing, picture or diagram and material specifications of the ~~device~~ vehicle or pushcart to be used.

- (2) The permit issued shall not be transferable in any manner.

~~(3) The permit is valid for one sidewalk vending location only.~~

(3) The sidewalk vending or food truck permit is good for one location only. Sidewalk vendors and food trucks may hold permits for multiple locations.

(D) *Permitted Vending Products and Goods.*

- (1) **Sidewalk Vendors.** The City of Fayetteville permits the following types of goods for **street sidewalk** vending in approved locations:

- (a) Cut Flowers
- (b) Food and Beverage
- (c) Arts and Crafts: Only objects of art or craft produced and sold by a local artist or craft person may be sold by **street sidewalk** vendors.

(2) Food Trucks. The City of Fayetteville permits only food and/or beverage items to be sold from food trucks.

- (3) All goods being sold from sidewalk vendors **and food trucks** shall:

- (a) Be located within the permitted area and be attended at all times. Sidewalk vendors shall not conduct transactions with vehicular traffic located in the right-of-way.
- (b) Not lead to or cause congestion or blocking of pedestrian **or vehicular** traffic on the sidewalk **or street**.
- (c) Involve a short transaction period to complete the sale or render the service.
- (d) Not cause undue noise or offensive odors.
- (e) Be easily carried by pedestrians.

(E) **Sidewalk Vendor Location Requirements.**

Sidewalk vendors are permitted in specific locations in Fayetteville as a use by right. These locations have been determined by the City Council to have adequate sidewalk width, pedestrian traffic flow, and they minimize potential conflicts with existing businesses. Sidewalk vendors are not

permitted to operate on days / times associated with special events, unless they have been approved and granted a Special Events Permit from the organization coordinating the special event. Maps of approved locations are available in the Planning Division. The locations where **street sidewalk** vending is allowed as a permitted use are:

- (1) North and West sidewalks in front of the Walton Arts Center. Sidewalk vendors may locate along West Avenue and Dickson St. in front of the Walton Arts Center
- (2) Inside of the Fayetteville Square. Sidewalk vendors may locate along sidewalks on all sides of the interior of the downtown Fayetteville Square. On days / times that the Farmers' Market or other special events operate, sidewalk vendors shall only be permitted if approved through the Farmers' Market or Special Event Permit process.

(F) **Sidewalk Vendor Conditional Use Permit.** If an applicant wishes to operate as a sidewalk vendor in a location other than those specifically approved by the City Council, a conditional use permit must be obtained. Upon receipt of a conditional use permit application, the Planning Commission shall review the proposed permit operating area to determine if the said area is suitable for **street sidewalk** vending in accordance with this chapter. In making this determination, the Planning Commission shall consider the following criteria:

- (1) The application meets all other criteria established herein for a sidewalk vendor, with the exception that the applicant may request that the cart, and/or operating area, may be larger than the dimension required in this chapter. An increase in cart size or operating area may be considered by the Planning Commission as a variance and does not require conditional use permit review. The determination of a larger cart size and/or operation area shall be subject to the variance criteria in Chapter 156.03(C).
- (2) The number of permits issued for the **street sidewalk** vending location shall not exceed the capacity of the area in terms of maintaining the use of the sidewalk as a public right-of-way. The Planning Commission shall consider the width of sidewalk, the proximity and

location of existing street furniture, including, but not limited to: signposts, lamp posts, parking meters, bus shelters, benches, phone booths, street trees and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands to determine whether the proposed use would result in pedestrian or street congestion.

(G) Sidewalk Vendor Operation Requirements.

Sidewalk vendors conducting business on the sidewalks of the City of Fayetteville with a valid permit issued under this Chapter may transport and/or display approved goods upon the approved mobile device or pushcart, under or subject to the following conditions:

- (1) The operating area shall not exceed 40 square feet of sidewalk, which shall include the area of the mobile device, operator and trash receptacle. The Planning Division will provide a map of approved vendor locations.
- (2) The length of the mobile device or cart shall not exceed 7 feet, including the cart's trailer tongue or hitch that is not removed or collapsible, and any propane tanks or other attachments to the mobile device. The width shall not exceed 4 feet, including the carts wheel wells or tires, and any accessory components of the cart such as retractable or collapsible sinks or shelves.
- (3) The height of the mobile device or pushcart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed 5 feet.
- (4) No permanent hardware shall be affixed to the sidewalk or adjacent buildings.
- (5) Mobile generators are prohibited.
- (6) No sidewalk vendor may conduct business on a sidewalk in any of the following places:
 - (a) Within 10 feet of the intersection of the sidewalk with any other sidewalk. Sidewalk intersections shall be kept clear for pedestrian safety.
 - (b) Within 10 feet of any handicapped parking space, or access ramp.
 - (c) Within 15 feet of a fire hydrant.
 - (d) Within 15 ft. of an entrance to a building.
- (7) **Street Sidewalk** vending facilities shall be removed from the public right-of-way when not in use. Sidewalk vendors are only allowed to operate between the hours of 5 a.m. and 3 a.m. All carts shall be removed from the public right-of-way during non-operational hours.
- (8) Prior to final approval, Planning Staff shall inspect the sidewalk vendor set up in the proposed location. The applicant shall make an appointment between the hours of 8 a.m. to 5 p.m. in which Planning Staff will inspect the cart and all proposed accessories such as coolers, trash receptacle, chairs, etc. that the applicant is proposing for the site. Upon approval, sidewalk vendors shall display in a prominent and visible manner the permit issued by the Planning Division.
- (9) The Fire Marshal shall inspect and approve any food and beverage pushcart to assure the conformance of all cooking or heating apparatus with the provisions of the City Fire Code.
- (10) Sidewalk vendors who sell food and beverage are required to be permitted, and receive approval, through the Arkansas Department of Health and Human Services for food related establishments. A copy of the permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied to the Planning Division prior to Planning Division approval.
- (11) Sidewalk vendors are required to provide a trash receptacle for public use located within their permitted operating space. All sidewalk vendors must pick up and properly dispose of all paper, cardboard, metal, plastic or other litter in any form (including cigarette butts) within the sidewalk area assigned to the vendor within thirty minutes of the end of daily operations. Failure to completely remove all such litter from the authorized sidewalk location shall constitute a violation of the permit approval.
- (12) No sidewalk vendor shall solicit, berate or make any noise of any kind by vocalization or otherwise, for the

purpose of advertising or attracting attention to his wares. No audible amplified music shall be permitted.

(H) Food Truck Location and Operation Requirements. Food trucks may be permitted administratively on an annual basis for multiple locations subject to the following determinations made by the Zoning and Development Administrator:

- (1) The property is zoned to allow for food and beverage uses and the location meets all applicable zoning requirements of the underlying zoning district. The property owner for each location must provide a written statement giving the food truck operator permission to operate on the property. A site plan shall be provided by the applicant for each proposed site upon which the food truck would like to temporarily locate.
- (2) The food truck shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street of the proposed food truck location, unless the food truck predates the aforementioned permanent businesses.
- (3) The parking requirement for the food truck and any operating businesses on the property is met.
- (4) The applicant has provided the City with documentation of approval from the Arkansas Department of

Health and Human Services for food related establishments. A copy of this permit issued by the State, and inspected and approved by the Washington County Health Department, shall be supplied annually upon permit renewal.

- (5) Food trucks may operate between the hours of 5 a.m. and 3 a.m. Food trucks shall be removed daily from the property on which they were vending and the applicant shall demonstrate that they have a permanent location to appropriately store their food truck when it is not in operation.
 - (6) Food trucks are required to provide a trash receptacle for public use located adjacent to their operation.
- (I) **Signage Requirements.** Sidewalk vendors and food trucks shall obtain a sign permit from the Planning Division prior to the issuance of a permit to operate. Sidewalk vendors and food trucks are permitted a total of one (1) A-frame sandwich/menu board subject to Ch. 174 Signs regulating these types of signs. The menu board shall list the products and prices for the items being vended. Only products or services available at the vending location shall be displayed.
- (J) **Revocation of the Sidewalk Vendor or Food Truck Permit.** The Zoning and Development Administrator is authorized to revoke a sidewalk vendor or food truck permit if it is determined that a violation of the requirements of the Unified Development Code has occurred.

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**178.04 Outdoor Mobile Vendors
Located On Private Property**

(A) *Purpose.* This section's purpose is to facilitate and control the ability of outdoor mobile vendors to temporarily operate on private property while ensuring such use is compatible with and not detrimental to nearby properties, does not adversely affect nearby businesses, fosters an aesthetically appealing streetscape and does not create or worsen a dangerous traffic condition.

(B) *Requirements. Outdoor Mobile Vendor Temporary Permit for a Single Location.* Outdoor mobile vendors are allowed on a temporary basis (90 days) for a maximum of six months by nature of their temporary occupancy in one location over a one-year (twelve-month) timeframe during a calendar year. Outdoor mobile vendors utilizing a temporary permit may request to move relocate to a different location site at least one half quarter mile (1,320 feet) from the original location after this 90- six month day period has expired. However, a new outdoor mobile vendor application will have to shall be reviewed and approved by the Planning Division for a every new location. All temporary permits shall expire a maximum of six months from the date issued and the mobile vending unit shall be removed from the property.

(1) A temporary permit for an outdoor mobile vendor business in a single location may be approved and issued administratively by the Planning Division after making the following determinations:

- (a) All of the requirements of 178.04(D) have been met.
- (b) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses, will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.

(c) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed

outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(C) *Variances. Outdoor Mobile Vendor Annual Permit for a Single Location.* Outdoor mobile vendors may request a variance an annual permit from the Planning Commission to operate for a one year time period for an extended period of time, not to exceed twelve consecutive months in the same location subject to the following standards:

(1) A vendor may request a variance from the 90 day location requirement to operate for an extended period of time. The maximum time period that the Planning Commission may grant this variance is limited to no more than twelve consecutive months.

(1) The applicant shall comply with the notification requirements of section 157.05 of the Unified Development Code.

(3) A variance may be granted by the Planning Commission if the following findings have been met:

a) The applicant has established that the operation of the outdoor mobile vendor will be compatible with and not detrimental to nearby properties, will not adversely affect nearby businesses will foster an aesthetically appealing streetscape.

b) That the outdoor mobile vendor's presence for an extended period of time at one location will not create an unfair advantage over similar and nearby permanent businesses.

(2) All of the requirements of 178.04(D) have been met.

(3) In granting the variance an annual permit, the Planning Commission may require appropriate conditions and safeguards, including semi-permanent or permanent improvements to the property to secure the substantial objectives of the ordinance, such as; restroom facilities or shared use agreements, landscaping improvements, parking lot improvements, sidewalk improvements, etc.

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- (4) Annual permits shall expire on December 31st. A new permit request shall be submitted to the Planning Commission for each subsequent year that an outdoor mobile vendor wishes to locate on the same property.
- (5) The applicant has established that the operation of the outdoor mobile vendor will foster an aesthetically appealing streetscape and will not create or worsen a dangerous traffic condition.
- (6) Outdoor mobile vendors seeking an annual permit shall provide a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location.
- (D) **Permit Requirements.** All outdoor mobile vendors located on private property shall meet the following requirements and submittals prior to approval:
- (1) **Permit Application Fee.** Each application for a permit to conduct an outdoor mobile vendor business shall be accompanied by a \$50 \$100 permit review and processing fee. Outdoor mobile vendor permits shall be issued to the property owner and the outdoor mobile vendor operator jointly.
- (2) **Temporary and Annual Permit Application Requirements.** Application for a permit to conduct an outdoor mobile vendor business shall include the following items in a format acceptable to the Zoning and Development Administrator:
- (a) Name, address, contact information and signature of both the property owner and the outdoor mobile vendor requesting to locate on private property.
- (b) A valid copy of all necessary permits required by State and County health authorities which shall be conspicuously displayed at all times during the operation of the business.
- (c) Proof of application for remittance of HMR tax to the City of Fayetteville, when applicable.
- (d) Means A written description of the vehicle or structure to be used in conducting business and a list of nearby similar businesses that includes the name, products sold or services rendered and the distance from the proposed mobile vendor location, including but not limited to a description of any mobile device to be used for transport or to display approved items or services.
- (e) A detailed site plan and written description illustrating the type, location, and dimensions of the mobile vendor business including parking.
- (e) A detailed site plan drawn to scale showing the location of the property lines, each outdoor mobile vendor location, building setback lines, vehicle parking spaces, the sidewalk location and any proposed outdoor dining or sitting areas.
- (f) Written authorization, signed by the property owner or legal representative of record, stating that the transient merchant business outdoor mobile vendor is permitted to operate on the subject property for a specified period of time.
- (3) The permit issued shall not be transferable in any manner.
- (4) The permit is valid for one mobile vendor location only shall be conspicuously displayed at all times during the operation of the outdoor mobile vending business.
- (5) The proposed use must be a permitted use-by-right within the underlying zoning district, in order to be permitted.
- (6) Outdoor mobile vendors be in shall maintain compliance with parking lot requirements for any the existing business and the proposed outdoor mobile vendor business. The number of required parking spaces is determined by the use and size of the proposed transient merchant outdoor mobile vendor business and by the use and size of the existing business. Parking spaces on The property where

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the outdoor mobile vendor is located ~~shall~~ **should** be paved and striped in order to be utilized. The use of parking for an outdoor mobile vendor may not reduce the number of spaces necessary ~~below the minimum required~~ for other uses occurring on the property. ~~An adequate number of parking spaces for the existing businesses and the outdoor mobile vendor must be provided onsite.~~ The location of the outdoor mobile vendor shall not impede traffic flow or create a dangerous traffic condition, as determined by Planning Division upon review of the site plan.

(7) Outdoor mobile vendors shall comply with the Federal Americans with Disability Act (ADA) requirements if the public has access to the interior of any mobile vending unit.

(8) The outdoor mobile vendor business shall not match or duplicate the primary food or beverage offerings sold by permanent businesses located upon property immediately adjacent to and on the same side of the street as the proposed outdoor mobile vendor, unless the outdoor mobile vendor predates the aforementioned permanent businesses.

(F) *Exemptions.* The provisions of the ordinance do not apply to:

(1) The placing and maintenance of unattended stands or sales devices for the sale or display of newspapers, magazines, periodicals and paperbound books.

(2) The distribution of free samples of goods, wares and merchandise by any individual from his person.

(3) Special events authorized by a Special Event Permit from the City of Fayetteville Parking Management Division.

(4) Fireworks sales.

(5) Children's lemonade stands.

(6) Temporary tent sales that operate for less than 3 days. A tent permit from the Planning Division and Fire Marshal inspection is required.

(7) Temporary sales for non-profit entities that operate for less than 5 consecutive days.

(8) Non-profit organizations that prepare and donate or give away food for free.

(F) *Prohibited Conduct.* The following conduct is prohibited for outdoor mobile vendors:

(1) Obstruct pedestrian or vehicular traffic flow.

(2) Obstruct traffic signals or regulatory signs.

(3) Use of any device that produces a loud and raucous noise or operate any loudspeaker, light or light system, public address system, radio, sound amplifier, or similar device to attract public attention.

(7) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

(8) Use or display any signage that is not in compliance with the Unified Development Code Chapter 174: Signs.

(G) *Suspension and Revocation of Permit.* Any permit issued under these regulations may be suspended or revoked by the Development Services Director for any of the following reasons:

(1) Fraud, misrepresentation or knowingly false statement contained in the application for the permit or during presentations to the Planning Commission.

(2) Conducting the business of vending in a manner contrary to the conditions of the permit.

(3) Conducting the business of vending in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare or

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interfere with the rights of abutting property owners.

- (4) Cancellation of health department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations, or;
 - (5) Failure of the property owner to implement improvements required by the Planning Commission as conditions of an annual permit approval.
- (H) *Notification of Suspension or Revocation.*
The Development Services Director shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation and notifying the vendor of his/her right to appeal. Such notice shall be personally delivered, posted upon the outdoor mobile vendors' premises or mailed to both the address of the property owner and the address of the outdoor mobile vendor shown on the permit holder's application by certified mail, return receipt requested.

178.05 Transient Merchants

~~All transient merchants are subject to regulations and registration under Arkansas state statutes. Any criteria established herein shall not relieve the applicant from meeting applicable criteria relative to transient merchants. "Transient merchant" means any person, firm, corporation, partnership, or other entity that engages in, does, or transacts any temporary or transient business in the state, either in one (1) locality or in traveling from place to place in the state, offering for sale or selling goods, wares, merchandise, or services~~

(Ord. 5185, 10-7-08)

City of Fayetteville Item Review Form

2013-0160

Legistar File Number

11/19/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Planning

Department

Action Required:

ADM 13-4450: Administrative Item (Pratt Place Inn, 481) Submitted by JULIAN AND JANE ARCHER for property located at 2115 MARKHAM ROAD. The property is zoned Pratt Place Inn C-PZD 05-1670 and contains a total of 72.1 acres. The request is to modify the operating hours of Pratt Place Inn.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Paul A. Boehm 11-4-2013

Amy Mang - 11/5/13

Richard J. ... 11/7/13

11-01-13P03:52 RCVD



Kat

This ordinance was left on the Second Reading at the 12/3/13 CC mtg.
This ordinance was left on the First Reading at the November 19, 2013 City Council Meeting.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: November 1, 2013

Subject: ADM 13-4450 (PRATT PLACE INN C-PZD 05-1670)

RECOMMENDATION

Planning staff recommends approval of an ordinance to modify the hours of operation on a limited basis for Pratt Place Inn C-PZD 05-1670. Staff's recommendation differs from the applicant's request and is on a trial basis. This item has not been heard by the Planning Commission, due to the fact that this particular Planned Zoning District was not ever reviewed by the Planning Commission originally. All conditions relative to the PZD were established by the City Council.

BACKGROUND

In 2005 the City Council approved a Commercial Planned Zoning District (C-PZD 05-1670) for Pratt Place Inn, located on approximately 72 acres at the end of Markham Road, west of the University of Arkansas campus and located within a largely undeveloped area. The PZD granted the owners approval to operate a small inn and restaurant and host special events, such as weddings, receptions and private parties. The event grounds contain a 5,000 square foot inn and restaurant, 5,400 square foot Pratt Place Barn event space, parking lot and small cottage.

Included with the approval of the PZD were restrictions on the hours and days of operation. Specifically, the Pratt Place Inn may operate from 7:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 7:00 a.m. until 12:00 a.m., Friday and Saturday.

In September 2012 a neighbor of the Pratt Place Inn property contacted the City complaining that the facility was being operated in violation of the conditions set by the City Council in 2005, particularly concerned with noise and music. This included allowing outdoor music performances and events to occur past the approved hours of operation (Police incident reports attached). City staff investigated the complaints and determined that while no noise violations were substantiated, there had been instances of events lasting past the permitted hours of operation. City staff mailed violation letters to the property owners and venue management, prompting a meeting with the owners (The Archers) on October 16, 2012. At that meeting the owners were reminded of the conditions of operating the Inn and advised to comply with those conditions or risk further enforcement action. The process to amend the original conditions of approval was discussed, but not explored further. Staff received a letter from the Archers on October 20, 2012, in which they described their efforts to curtail the noise and comply with the original conditions of approval.

On April 1, 2013, the Planning Division received another complaint regarding the operating hours at the Pratt Place Inn and Barn. Staff substantiated the complaint and mailed final notices to the owners and management, which led to another meeting with the Archers and ultimately a request from them to modify the Planned Zoning District.

The Archer's have now submitted a request to modify the allowable operating hours, which in their opinion, put the Pratt Place Barn at a disadvantage vis-à-vis other locales in Fayetteville. The request to amend the PZD is as follows:

- 1) Operating hours from 7:00 a.m. until midnight Monday through Saturday and until 10:00 p.m. on Sunday.
- 2) Allow up to 10 events per calendar year until 2:00 a.m.

The Pratt Place Inn and Barn has been in operation for approximately six years without significant impact to the neighborhood, based on staff's observations and neighbors' input. There have been, as noted herein, some incidents of operating outside the hours of operation. Limiting operating hours to 10:00 p.m. every day during the week may in fact put this facility at a disadvantage to other similar facilities, as suggested by the owners (the applicant has researched similar type facilities in other cities and submitted operating requirements for these facilities, attached). However, operations at the Pratt Place Inn must be balanced with the expectations of residents living nearby, since the presence of music at the facility has, in fact, been a source of some complaints in the past six years.

Police Department incident reports indicate there have been 13 noise complaints since 2008. However, no violations of the noise ordinance have ever been detected. Violations that have been documented were related to operating after the current hours of operation, and not noise. Based on this evidence it appears that the operators are closely monitoring events and activities on the property and managing noise levels in an effort to reduce impacts on the surrounding neighborhoods.

Based on this evidence, staff feels that the owners should be allowed to extend operating hours to a limited extent, on a trial basis. If during this trial period management can continue to operate the facility in compliance with the noise ordinance and with consideration of surrounding property owners, the new operating hours could be approved without limitation. We are recommending a two-year trial period.

Staff's recommendation does not include a provision to operate up to 10 events until 2:00 a.m. as requested by the Archer's. In staff's opinion, these type of events operating regularly throughout a year should be limited to commercial establishments in areas where primarily other commercial, not residential, activities are occurring. Events at this venue bring additional traffic, noise and overall busy-ness to an otherwise residential area. It is our opinion that extending the hours to 2:00 a.m., even if the staff and Police are notified beforehand, will not reduce the impact on neighbors at this hour of the night. Further, if it is communicated up front what the hours are for this venue, we believe that the expectation for the type of events hosted at this location will also be more appropriately planned. In our research into other event venues found outside of commercial areas, hours of operation generally tend to be much more restricted. However, the applicant's point about New Year's Eve parties is valid, and common even in residential areas, so staff is recommending in favor of this 1 event per calendar year extending until 1:00 a.m.

Staff Recommendation:

1) Operating hours for events shall be as follows:

Sunday 7:00 a.m. – 10:00 p.m.

Monday through Saturday 7:00 a.m. – Midnight

2) One New Year's Eve event (December 31) each year may be allowed until 1:00 a.m.

3) These new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 05-1670 PRATT PLACE INN, TO REVISE THE HOURS OF OPERATION AS LISTED IN SECTION 1.

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

Section 1: That the City Council of the City of Fayetteville hereby amends C-PZD 05-1670 Pratt Place Inn is to reflect the following hours of operation:

- 1) Monday through Saturday from 7:00 a.m. until midnight and from 7:00 a.m. until 10:00 p.m. on Sunday; and
- 2) A maximum of 1 event on New Year's Eve each year allowed until 1:00 a.m.

Section 2: That the new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this 19th day of November, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ADDITIONAL INFORMATION FROM APPLICANTS

October 16, 2013

REQUEST FOR CERTAIN MODIFICATIONS TO THE PRATT PLACE INN AND BARN PZD CONDITIONS

It has been almost eight years since the Pratt Place Inn and Barn PZD conditions were adopted (November 1, 2005) by the Fayetteville City Council and, due to changes which have occurred since the PZD was created, we would like to request that certain of the conditions be revised. (For your information, the hours set in the "Additional Conditions of Approval item 1." put the hours as 7:00 a.m. until 10:00 p.m. Sunday through Thursday and from 7:00 a.m. until 12:00 a.m. Friday and Saturday.)

1. Amend the operating times of Pratt Place Inn and Barn as follows:

An event go no later than 12 midnight Monday through Saturday and 10:00 p.m. on Sunday.

There is considerable competition in Fayetteville and Northwest Arkansas for assembly venues and the current time restrictions on Pratt Place Barn put us at a disadvantage vis-a-vis other locales. Most events at Pratt Place Barn, especially the weddings, take place on weekends and wind down between 10 and 11 p.m. or sometimes midnight, but there are occasions when there are weekday weddings or events and the current 10:00 p.m. cut off we now realize is too restrictive.

(For your information, the hours in Fayetteville for the legal service of alcohol is 10:00 a.m. until 2:00 a.m. Monday-Saturday and 12:00 p.m. until 10:00 p.m. Sunday.) This does not mean that we want events that go on as long as is legally allowed for other venues, rather longer than the current PZD provision allows. We should mention, since it may not be obvious, that the barn and inn are not public venues like the ones on Dickson Street where people come to be entertained into the wee hours, but rather venues



rented by families or groups for their own events and their invited guests.

2. Allow for up to ten (10) events per calendar year to go until 2:00 a.m.

This is to permit events where the venue renter wants to go until that time. Such an event would require at least one week's prior notice in writing by Pratt Place Inn to the City of Fayetteville Planning Department. (If you wish, you could also say the Police Department must be copied on that request.)

We have found that there are groups which wish to have their event go until 1 or 2 a.m. and we would like to be able to accommodate, though on a limited basis, such requests. Imagine, for example, a New Year's Eve party when New Year's falls on a Sunday. It fell on a Monday in 2012. Or a Fourth of July Party when the Fourth falls on a Thursday as it did this year. Also, there are young people who like to dance into the wee hours. You must remember such times in your past.

+++++

Observations on concerns about the noise level.

The residential noise decibel level is 60 decibels until 11:00 p.m. and 55 afterward. This is the level "as measured at any point on the boundary of the property from which the sound or noise was emanating."

We are as sensitive to the noise issue as anyone, we observe the RESIDENTIAL decibel level. The noise level is and always has been as much a concern for us as it is for adjacent residents. We always have enforced the City of Fayetteville's noise regulations and actually would appreciate a periodic noise monitoring by whichever city entity is responsible for it. We have asked in writing that the Fayetteville Police, when investigating a noise complaint,

bring a decibel monitor. Because Pratt Place Inn is far closer to the barn than any adjacent residents and because the guests at the inn stay there because of the tranquility of the area, it is as much, or more, our concern that whatever music comes from the barn not be excessive or disturbing. Furthermore, we live on the property, dine outdoors on our porch in good weather, and sleep with our windows open in appropriate weather. Consequently, we have a personal interest in restraining the volume of music, even if it is at the property perimeters of what is permitted by City of Fayetteville sound levels. There is simply not a noise problem emanating from Pratt Place. Anyone who claims there is probably is pursuing some ulterior motive.

+++++

Some may ask why we did not make a case for different hours when the PZD proposal was before the Fayetteville City Council in 2005. The answer is quite simple—we had no idea at that time what the weekly or monthly usage would be for our facilities, and we were thinking in terms of there being mainly weekend events.

We have to point out absolutely vital factors in this revision request. With the current restrictions on the hours for events, we will not be able to survive financially. We have put everything we have into this project. We have taken out an additional loan from Metropolitan Bank apart from the mortgage, have taken out lines of credit and borrowed on them to the maximum on our house in Fayetteville and our residence in Des Moines, and have invested every last penny of my retirement funds in this project. Without the increased income from more flexible PZD requirements we will immediately collapse under the weight of our financial obligations, the operation will go into bankruptcy, and our creditors will seize the property and dispose of it. Since the Pratt Waterman Archer and Markham property has been a part of the Fayetteville scene for as long as anyone living can remember, there is an assumption on the part of others that it can just go on being the way it was if they just insist

on it being that way without any sacrifice to themselves. Others love to have the woods and fields and the sense of being in nature in the midst of the city, but without any understanding of the effort and cost that accompany it.

Some will say that we are chipping away at the “safeguards” and conditions of the PZD, in an effort to weaken them, despite the fact that we agreed to them in 2005. That is not at all the case. What other facility in Fayetteville, indeed, in Northwest Arkansas, carries on completely out of sight of the surrounding neighborhood. Our parking is unseen, the weddings and parties are unseen, and the guests and visitors are unseen. Markham Road is as it was 50 or 75 years ago, only paved. Business, life, and the evolution of a city put forth numerous unanticipated challenges, and zoning inflexibility would paralyze cities. Did the people who bought houses on North Garland know they were going to be living on a four lane divided road? Did the City of Fayetteville, when it supported the building of the Walton Arts Center and the improvement of Dickson Street, know it was going to install a vast area of paid parking? And did it know it was going to build a multilevel parking garage at the corner of School and Spring Streets? Put another way, did the City of Fayetteville deceive citizens by not anticipating or telling what was going to be needed, or is it simply responding to demands and factors that have emerged over time? I believe all reasonable people know it is the latter, and that is, writ very small, what has happened with Pratt Place Inn and Barn which have done nothing but add to the allure of Fayetteville with a magnificent one-of-a-kind inn and venue, and have only enhanced the beauty of the University Heights neighborhood.

Sincerely,

Julian and Jane Archer And their heirs and descendants.

Pratt Place Inn & Barn: Decibal Readings *(During an event)* October 11, 2012

	<u>9pm</u>	<u>10pm</u>	<u>11pm</u>	<u>12am</u>	<u>1am</u>	<u>Baseline</u>
Tower & Sang	<u>47</u>	<u>47</u>	<u>48</u>	<u>46</u>	<u>47</u>	<u>48</u>
Sang & Haskell	<u>51</u>	<u>49</u>	<u>49</u>	<u>47</u>	47 49	<u>48</u>
Dining Room	<u>49</u>	<u>50</u>	<u>51</u>	<u>50</u>	51 52	<u>48</u>

Recorded/Taken by: Andrew Smith

Errors due to road/highway noise: ± 1 decibel
Rain event began to start around 11pm
Sang & Haskell conversation: No sound from inn
noise to the west over
highway noise

Decibel Readings
Pratt Place Inn and Barn
ambient (no event)

Date: 17 Oct. 2012
Notes: No event

Significant temp. drop
between 9pm and 10pm
greatly reduced insect
noise in surrounding
area

	9pm	10pm	11pm	12pm	1am
Markham and Cross	<u>54</u>	<u>49</u>	<u>46</u>	<u>42</u>	<u>42</u>
Water Tower and Sang	<u>55</u>	<u>49</u>	<u>48</u>	<u>48</u>	<u>42</u>
Haskell and Sang	<u>57</u>	<u>48</u>	<u>46</u>	<u>42</u>	<u>46</u>
Dining Room Patio	<u>54</u>	<u>48</u>	<u>47</u>	<u>46</u>	<u>46</u>

Completed by: Andrew Smith

April 23, 2013

LOG OF NOISE COMPLAINTS TO THE FAYETTEVILLE POLICE
DEPARTMENT FOR
PRATT PLACE INN AND BARN

2008

No complaints

2009

One complaint:

Thursday, October 29 10:09 p.m. From William Feldman

2010

Two complaints:

Saturday, March 13 9:10 p.m. From Elaine Wade

Saturday, November 6 9:03 p.m. From William Feldman

2011

One complaint

Thursday, May 26 8:49 p.m. From William Feldman

2012

Four complaints:

Saturday, June 30 8:11 p.m. From William Feldman

Saturday, September 8 10:22 p.m. anonymous

Thursday, October 11 11:30 p.m. From William Feldman

Saturday, December 8 11:13 p.m. From William Feldman*

2013

One complaint

Thursday, February 28 11:49 p.m. From William Feldman

Total police complaints in six years--9--seven of which are from the same person. Please examine the reports filed by the Fayetteville Police Department on these complaints.

One email complaint (2012) Thursday, September 27 1:22 a.m. email from William Feldman to Mayor Jordan. No call to police.

Also, attached is a decibel reading taken October 11, 2012. The level allowed by the City of Fayetteville for a residential area is 60 from 7 a.m. to 11 p.m. and 55 from 11 p.m. until 7 a.m. Furthermore, please note the decibel level recorded in the police report for February 28, 2013. **They all are below the legal maximum for the 11 p.m. to 7 a.m. time period.**

You will find attached an ambient decibel reading to show the normal noise level in this area.

*Despite my letter to Chief Tabor of December 3, 2012, requesting that when the police respond to a noise complaint concerning Pratt Place that they bring a decibel meter, the police did not do so. I should add that they told the Pratt Place person on duty that everything was all right and they did not write a report.

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 device, radio, television, phonograph, drum, musical instrument or similar device 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); 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

C.D.96:4

SIMILAR FACILITIES

Subject: Wilder Mansion

C. 3
ADM 13-4450 (Pratt Place Inn)
Page 17 of 64

From: Dovidio, Meagan (mdovidio@epd.org)

To: profarcher@yahoo.com;

Date: Wednesday, September 25, 2013 11:41 AM

Julian,

The Wilder Mansion remains open to guests until midnight. The decision for our closing time was not based on city ordinance; rather a decision to remain competitive in our market. Most wedding venues in our area (mansions, hotels, country clubs, etc.) are open until midnight. We set our hours based on industry standard.

Attached you'll find a copy of our rental use policies. Please feel free to call or email with any additional questions.

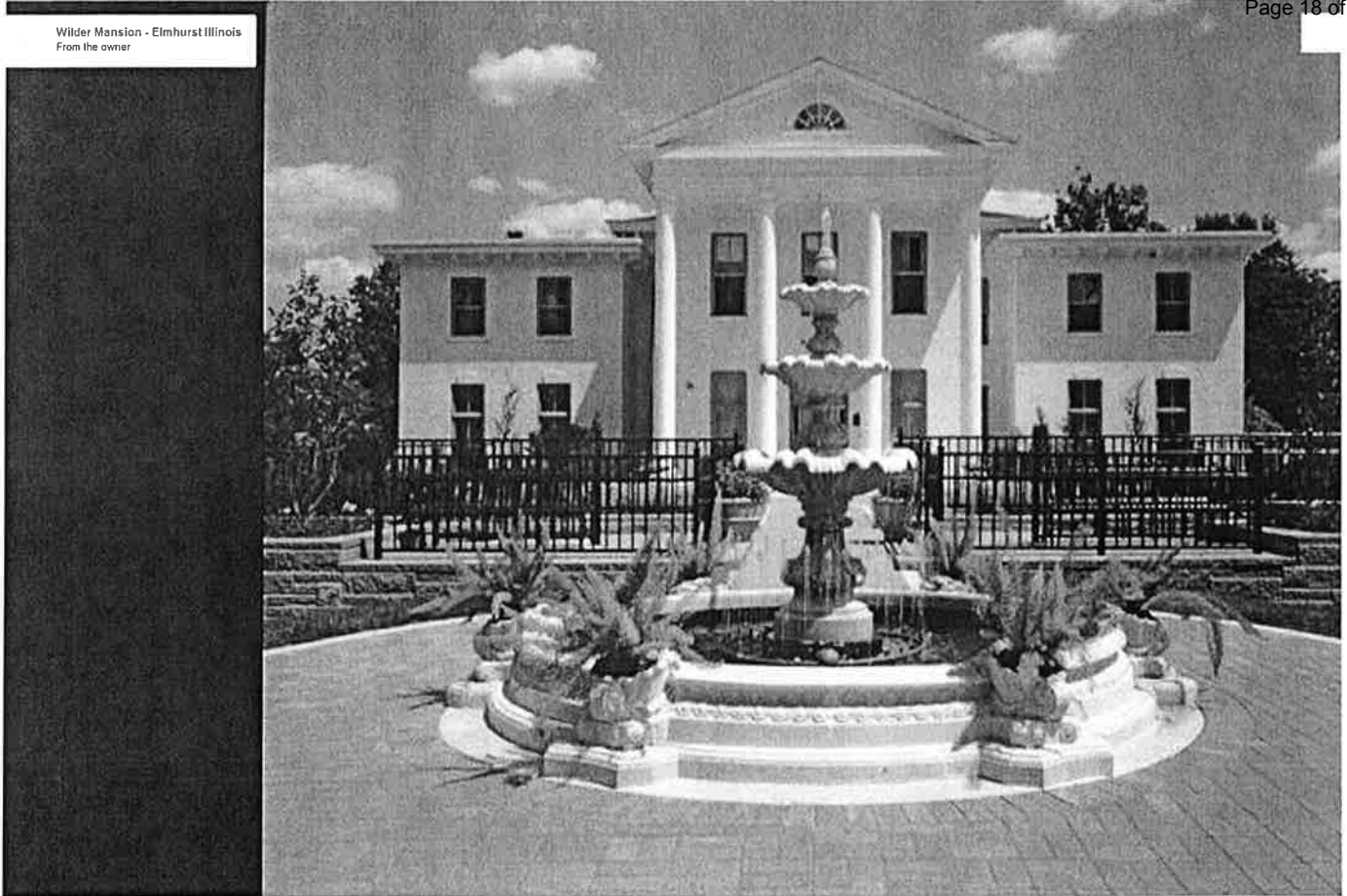
Thanks,
Meagan

Meagan Dovidio
Facility Rental Supervisor
Elmhurst Park District
186 S. West Avenue | Elmhurst, IL | 60126
(630) 993-8186 | Fax: (630) 993-8966 | www.epd.org | www.wildermansion.org

Save a tree. Please consider the environment before printing this e-mail.

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Wilder Mansion - Elmhurst Illinois
From the owner



WILDER MANSION

[HISTORY OF THE MANSION](#)

[PLAN YOUR EVENT](#)

[RENTAL PACKAGE RATES](#)

[PREFERRED PROFESSIONALS](#)

[FLOOR PLANS](#)

[WILDER MANSION RENTAL BROCHURE](#)

[FREQUENTLY ASKED QUESTIONS](#)

[WEDDINGS IN WILDER PARK](#)

[PHOTOS & 360 TOURS](#)

[MAPS & DIRECTIONS](#)

[CONTACT US](#)



[View Larger Map](#)

WILDER MANSION AND FORMAL GARDEN USE POLICY

GROUP SIZE CAPACITY

The Wilder Mansion can hold a maximum of 250 people. The second floor can hold approximately 180 people for a seated event.

HOURS

Event hours are listed on the contract. The Mansion doors will open at the "Starting" time and close at the "Ending" time. All setup and clean up must occur during the listed event hours. Any additional time is subject to an additional fee. Please confirm your event time with your vendors.

Vendors generally require two hours for setup and one hour for breakdown. All event services end one hour prior to the end of the rental period, and all guests are required to vacate the premises at that time. The Mansion will close to all renters, guests and vendors at the "Ending" time stated on the contract. Mansion staff reserves the right to deny changes to event times made on the day of the event. Midnight is the closing time for all guests within the Mansion.

EVENT SPACE

Event space inside Wilder Mansion is limited to the first floor, second floor and front garden (weather permitting). For security and safety, guests may not enter the basement or third floor. The main entrance faces the west and is ADA-accessible. The east doors are an emergency exit only. No alcohol is permitted in Wilder Park or Wilder Formal Gardens. The Mansion is located in DuPage County.

TELEPHONE

The Wilder Mansion is equipped with a direct phone line (630) 993-8674 for incoming and outgoing calls during events. For all rental questions, please call (630) 993-8186.

RESTROOMS

The Wilder Mansion has eight restrooms (four per floor) within the facility that hospitality staff will keep stocked and clean during all events.

MUSIC AND DANCING

Amplified music is allowed on the first and second floors. In consideration of the surrounding residential neighborhood, music is absolutely prohibited outside the Wilder Mansion. The user is responsible for any facility damage caused by musicians during equipment load-in and/or load-out. Dancing must occur in the Wadhams Room. The in-house music system can be used for announcements and background music only. All dancing music must be played on a separate system.

ELECTRICAL

The Wilder Mansion is equipped with 120V/20 amps. Please inform disc jockeys and/or musicians of this prior to the event to avoid any unforeseen electrical problems.

PARKING

Parking is permitted in the Wilder Administrative building parking lot located next to the Mansion. While additional guest parking is available on the street, the Elmhurst Park District asks all guests to please be considerate of neighbors by not blocking driveways and keeping noise to a minimum.

HOUSEKEEPING

Wilder Mansion will be clean and ready for setup prior to all scheduled events. The caterer is responsible for cleaning the food preparation areas and food service cleanup during/after an event.

WILDER MANSION



Google earth

feet
meters

1000'

400

500'





Events Manager <events@prattplaceinn.com>

Mayslake Peabody Estate policies

Janneke Fowers <jfowers@dupageforest.com>

Tue, Oct 1, 2013 at 11:06 AM

To: "events@prattplaceinn.com" <events@prattplaceinn.com>

Morning Julian,

Please find attached the contract that we use including the operational policies and an info sheet we also send out. Below are some comments on things we talked about on the phone yesterday.

We do not use standard event times

Events are 4 hours with the possibility of extending it with one hour

 All events need to end by Midnight. This is a courtesy to our neighbors and to be able to staff events.

Included in the rental is a 2-hour set-up before the start time of the event and a 1-hour clean-up

Caterer is responsible for all set-up and break down

We have several floor plan options the client can choose from.

We do not offer packages. All services (caterer, florist, photographer) are contracted by the client directly.

Please let me know if you have any further questions.

Thank you,

Janneke Fowers

Education Site Manager

Office of Education - Mayslake Peabody Estate

Forest Preserve District of DuPage County

Phone: (630) 206-9567 | Fax: (630) 850-2362

www.mayslakepeabody.com

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2 attachments**RENTAL CONTRACT final.doc**
144K**Info sheet Hall_EH.doc**
28K



Events Manager <events@prattplaceinn.com>

Mayslake Peabody Estate policies

Janneke Fowers <jfowers@dupageforest.com>

Tue, Oct 1, 2013 at 11:06 AM

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2 attachments



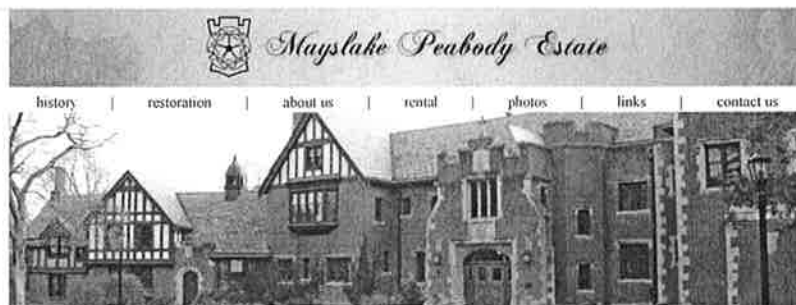
RENTAL CONTRACT final.doc

144K



Info sheet Hall_EH.doc

28K



RENTALS

- Portiuncula Chapel
- Mayslake Hall
- Event Hall
- Floor Plan
- Rental FAQ

Social Events

Given that Mayslake Peabody Estate is both a National Historic Landmark and a venue for public programming, we take pride in protecting this one-of-a-kind property and serving our visitors. We are honored by your interest in hosting an event at Mayslake Peabody Estate and look forward to helping you understand how, as a client, you will be asked to join in our stewardship of this local and national treasure. From weddings and art exhibits to film shoots and theater productions, Mayslake Peabody Estate is committed to ensuring your complete satisfaction.

Meetings/Workshops

Whether you are planning your company meeting, retreat or presentation, Mayslake Hall offers a unique and stimulating environment. We are able to accommodate small groups of 10 or larger groups up to 200. We can also offer additional event services such as coffee and tea breaks for your meetings.

Mon-Fri - < 20 people	\$75 (2 hour rental) / \$150 (4 hour rental)
Non-Profit	\$25 (2 hour rental) / \$50 (4 hour rental)
Mon-Fri - 20-65 people	\$150 (2 hour rental) / \$275 (4 hour rental)
Non-Profit	\$50 (2 hour rental) / \$100 (4 hour rental)
Mon-Fri - 66-200 people	\$500 (4 hour rental)
Non-Profit	\$175 (4 hour rental)

Commemorative Brick

The Mayslake Commemorative Brick Program provides the public with a permanent memento of a special date, event, person or group. A Commemorative Brick makes a wonderful gift, as purchasers of this keepsake are considered donors. Many couples purchase a brick as a remembrance of their wedding day and incorporate the placement of the brick into their wedding ceremony.



Please fill out a Commemorative Brick order form.

Portiuncula Chapel

History

The Portiuncula Chapel was built in 1926, in memory of Francis Stuyvesant Peabody at the request of his widow and son Jack. It was originally located on the spot where Peabody suffered a heart attack and died during a dog hunt. It is a replica of the Portiuncula Chapel in Assisi, Italy, which takes its name from the "little portion" of land where St. Francis received his call to serve the poor. The front features a colorful



stone mosaic of St. Francis receiving the Portiuncula Indulgence. Both F. S. Peabody and his son Jack were interred under the Chapel.

Over the years, nature and vandalism took its toll on the deteriorating structure. After the land the chapel was situated on was sold in 1974, the chapel was moved and rebuilt at its present location. Following the sale of the property to the DuPage County



Forest Preserve District in 1993, the bodies of Francis and Jack Peabody were moved, together with all the friars, to Queen of Heaven Cemetery in Hillside.

Seating Capacity

facebook



TOURS

JOIN US FOR A DOCENT GUIDED "RESTORATION IN PROGRESS" TOUR

WEDNESDAY:
11a.m./12:30p.m.

SATURDAY:
9:30a.m./10a.m./11a.m./11:30a.m.

HAVE A GROUP OF EIGHT OR MORE? CALL FOR A PRIVATE TOUR! 630-206-9588

\$5 PER PERSON

Click here to see who made the solarium restoration possible!

Click here to see who made the library restoration possible!

What's Next?

How about restoring the dining and breakfast room, completing the restoration of the back terrace elevation and restoring one of the servant's rooms? Your help is vital in making this happen! Please become a member of the Restoration Society, and join us in preserving our heritage!

Click here to make a donation.
Thank you.



Rental Contract

Applicant Name(s): Name

Organization Name: Name

Address

City, State Zip code

Event Details

Date: Date	Event: Field
<i>Location I:</i> Location	<i>Location II:</i> Location
<i>Set-up I:</i> Time PM	<i>Set-up II:</i> Time PM
<i>Start I:</i> Time PM	<i>Start II:</i> Time PM
<i>End I:</i> Time PM	<i>End II:</i> Time PM
<i>Clean-up I:</i> by Field PM	<i>Clean-up II:</i> by Time
<i>Rehearsal:</i> TBD	
<i>Guest Count:</i> Amount	<i>Guest Count:</i> Amount

The undersigned has read and agrees to abide by all of Mayslake Peabody Estate policies and the policies of the Forest Preserve District of DuPage County, and will assume responsibility for any damage done to Mayslake Peabody Estate or its contents during the rental period and occurring as a result of using such facilities, including damage done by attendees. In the event that any damage occurs, the Forest Preserve District staff will make arrangements for this to be remedied and the applicant will be responsible for all costs incurred.

Furthermore, the applicant(s), vendors, agents, employees and guests will attend and use the Mayslake Peabody Estate at their own risk. The Forest Preserve District of DuPage County shall not be liable for any damage arising from personal injuries sustained by any such person on the premises of Mayslake Peabody Estate. The applicant(s) assumes full responsibility for such damages. Mayslake Peabody Estate and Forest Preserve District staff shall not be liable for any equipment, property or personal belongings, whether rental or otherwise, which are used or left at Mayslake Peabody Estate in conjunction with an event. In consideration of being granted the right to use Mayslake Peabody Estate, the applicant(s) hereby releases and holds harmless the Forest Preserve District of DuPage County, its Commissioners, employees and agents from any claims, demands or rights of action arising out of such use of Mayslake Peabody Estate and adjacent facilities.

(Please check both boxes)

- ☐ I/We have read and understand the foregoing assumption of risk and release statement.
- ☐ I/We agree to abide by all the Mayslake Peabody Estate Operational Guidelines included with this contract.

Signature of Applicant(s):

Date: _____
Date: _____

MAVS LATE PEARBODY ESTATE



Google earth

feet
meters



5001



Google earth

Call to Book an Event
630-668-5392

Danada House, a Facility of the Forest Preserve District of Dupage County,
Operated by the Friends of Danada, a Not-For-Profit Organization



HOME | ATRIUM | RATES & LAYOUT | MAPS | HOTELS & CATERERS | PORTFOLIO | EQUIPMENT | NEWS | CONTACT | POLICIES



DANADA HOUSE PORTFOLIO - Click to Enlarge



DANADA HOUSE | 3501 NAPERVILLE RD | WHEATON, IL 60189 | 630-668-5392 Located in central DuPage County, we serve Chicago and its suburbs, including Wheaton, Naperville, Lisle, Downers Grove, Glen Ellyn, Schaumburg.

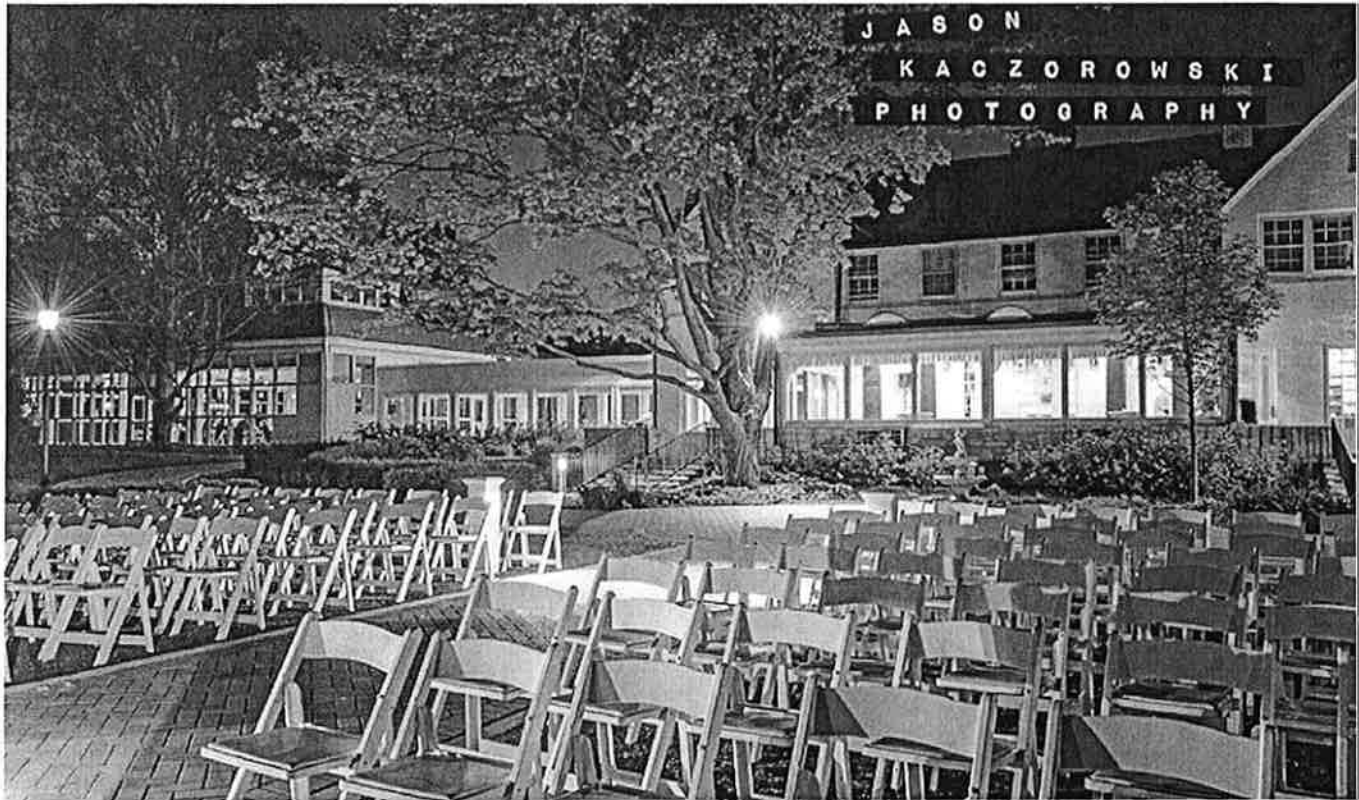
HOME | ALL-SEASON ATRIUM | RATES & LAYOUT | MAPS | HOTELS & CATERERS | PORTFOLIO | EQUIPMENT | NEWS | CONTACT/REQUEST INFO | POLICIES

Call to Book an Event
630-668-5392

Danada House, a Facility of the Forest Preserve District of Dupage County,
Operated by the Friends of Danada, a Not-For-Profit Organization



[HOME](#) | [ATRIUM](#) | [RATES & LAYOUT](#) | [MAPS](#) | [HOTELS & CATERERS](#) | [PORTFOLIO](#) | [EQUIPMENT](#) | [NEWS](#) | [CONTACT](#) | [POLICIES](#)



DANADA HOUSE PORTFOLIO - [Click to Enlarge](#)



DANADA HOUSE | 3501 NAPERVILLE RD | WHEATON, IL 60189 | 630-668-5392 Located in central DuPage County, we serve Chicago and its suburbs, including Wheaton, Naperville, Lisle, Downers Grove, Glen Ellyn, Schaumburg.

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Danada Forest Preserve

ADM 34458 (Print Page Only)
Page 31 of 64

Location

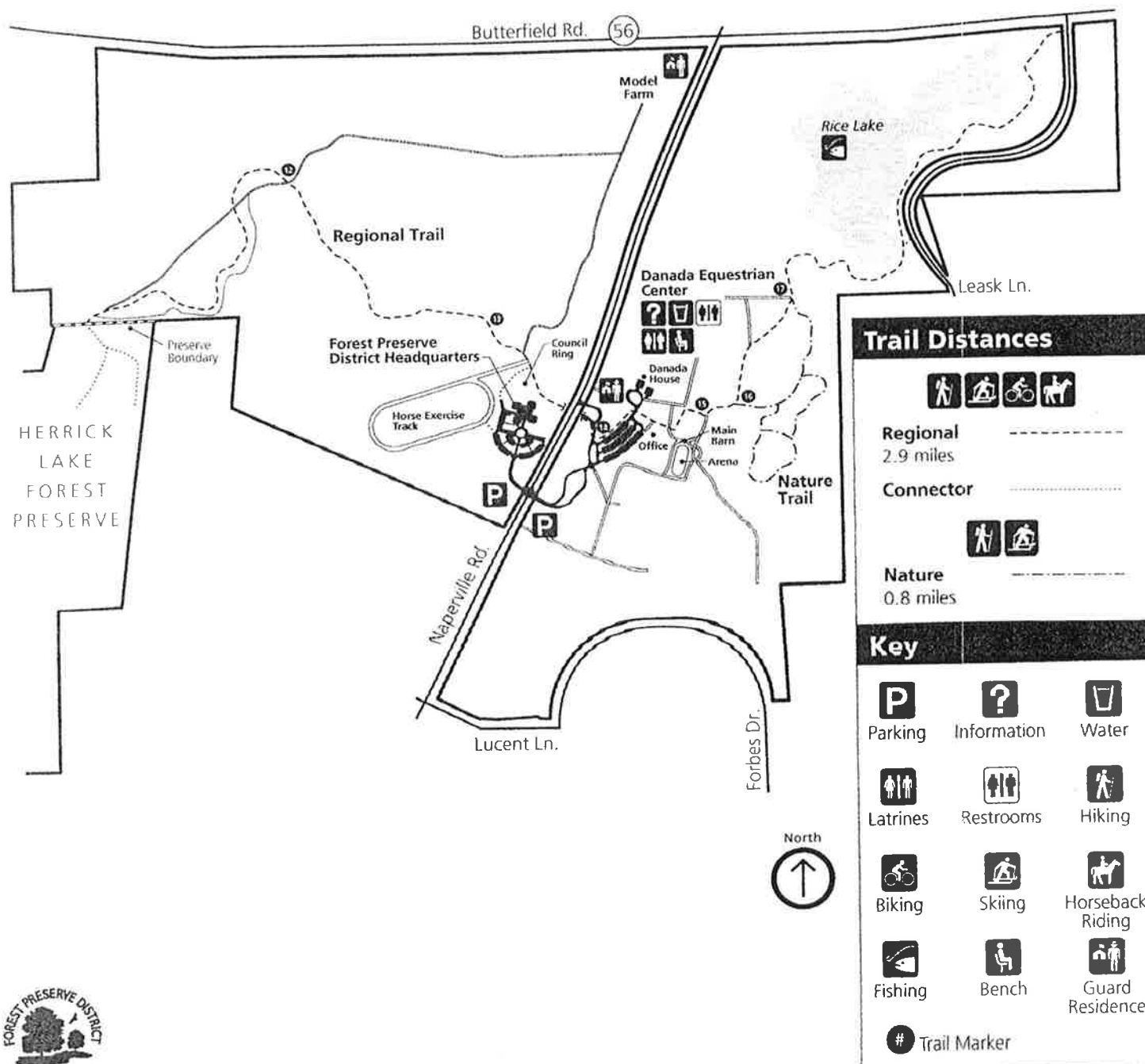
The entrance is located on the east side of Naperville Road 1 mile south of Butterfield Road (Route 56) and 0.75 mile north of I-88.

Preserve Features

- Rolling terrain
- Prairies and woodlands— waterfowl, herons, deer, foxes, coyotes, grassland birds
- Nature Trail — oak savanna, wildflowers and songbirds
- Horses grazing at Danada Equestrian Center
- Danada House, former estate of Dan and Ada Rice
- Prairie-style stone council ring and seating area west of Naperville Road
- Access to fishing along shores of Rice Lake

Please Be Aware

- Horses not allowed on Nature Trail



EMERGENCY — 911

Danada House, a Facility of the Forest Preserve District of Dupage County,
Operated by the Friends of Danada, a Not-For-Profit Organization



[View Larger Map](#)



[Terms](#)

Here is another map courtesy of maps.yahoo.com

[Print our Map](#)

Location

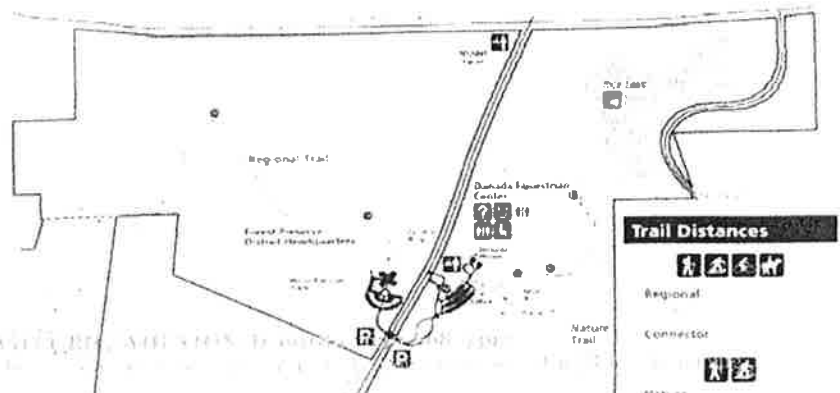
The entrance is located on the east side of Naperville Road 1 mile south of Butterfield Road (Route 56) and 0.75 mile north of I-88.

Preserve Features

- Rolling terrain
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- Nature Trail – oak savanna, wildflowers and songbirds
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Please Be Aware

- Horses not allowed on Nature Trail



Call to Book an Event
630-668-5392

Danada House, a Facility of the Forest Preserve District of Dupage County,
Operated by the Friends of Danada, a Not-For-Profit Organization

House Rates

effective September 1, 2012

Weekends and Holidays

Friday 4pm -- Monday 12am and Most Holidays
8am--4pm (event 10am--3pm)
4pm--12am (event 6pm--11 pm)

Refundable
Security
Deposit

Danada House with Atrium	\$3,200.00	\$1,200.00
Danada House	\$1,000.00	\$500.00
Chairs for Ceremony	\$3 per Person	
12am--1am	\$125.00	

Weekday Evenings: Monday--Thursday

4pm--12am (8 hours)

Danada House with Atrium	1,500.00	\$750.00
Danada House	\$500.00	\$250.00
12am--1am	\$125.00	

Weekdays

8am--4pm (8 hours)

Danada House with Atrium	\$1,000.00	\$500.00
Danada House	\$250.00	\$125.00
12am--1am	\$125.00	

Danada House Services

Morning Coffee Break (for up to 40 guests)

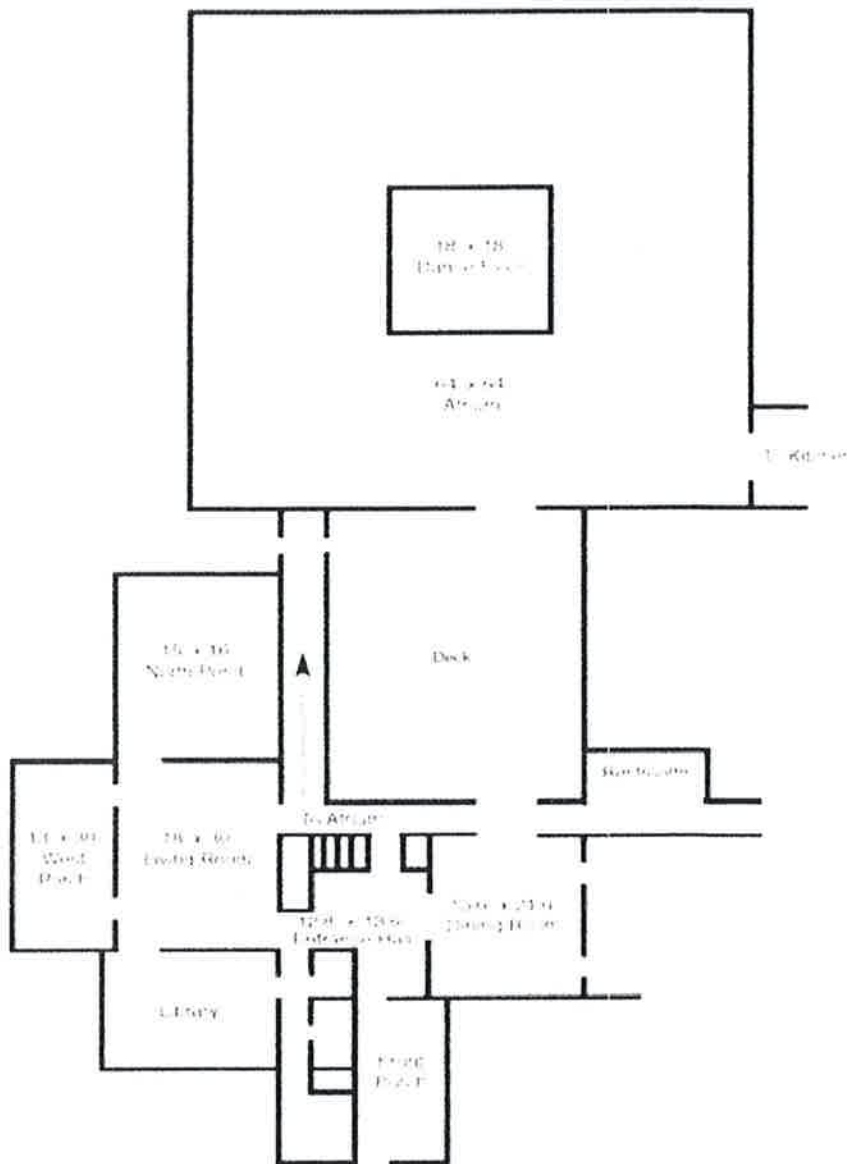
Coffee, Tea, Pastries and Fruit \$9.50 per Person

Afternoon Coffee Break (for up to 40 guests)

Coffee, Soda, Cookies and Fruit \$9.50 per Person

Coat Check Attendant \$100.00

Use of the Fireplace \$25.00

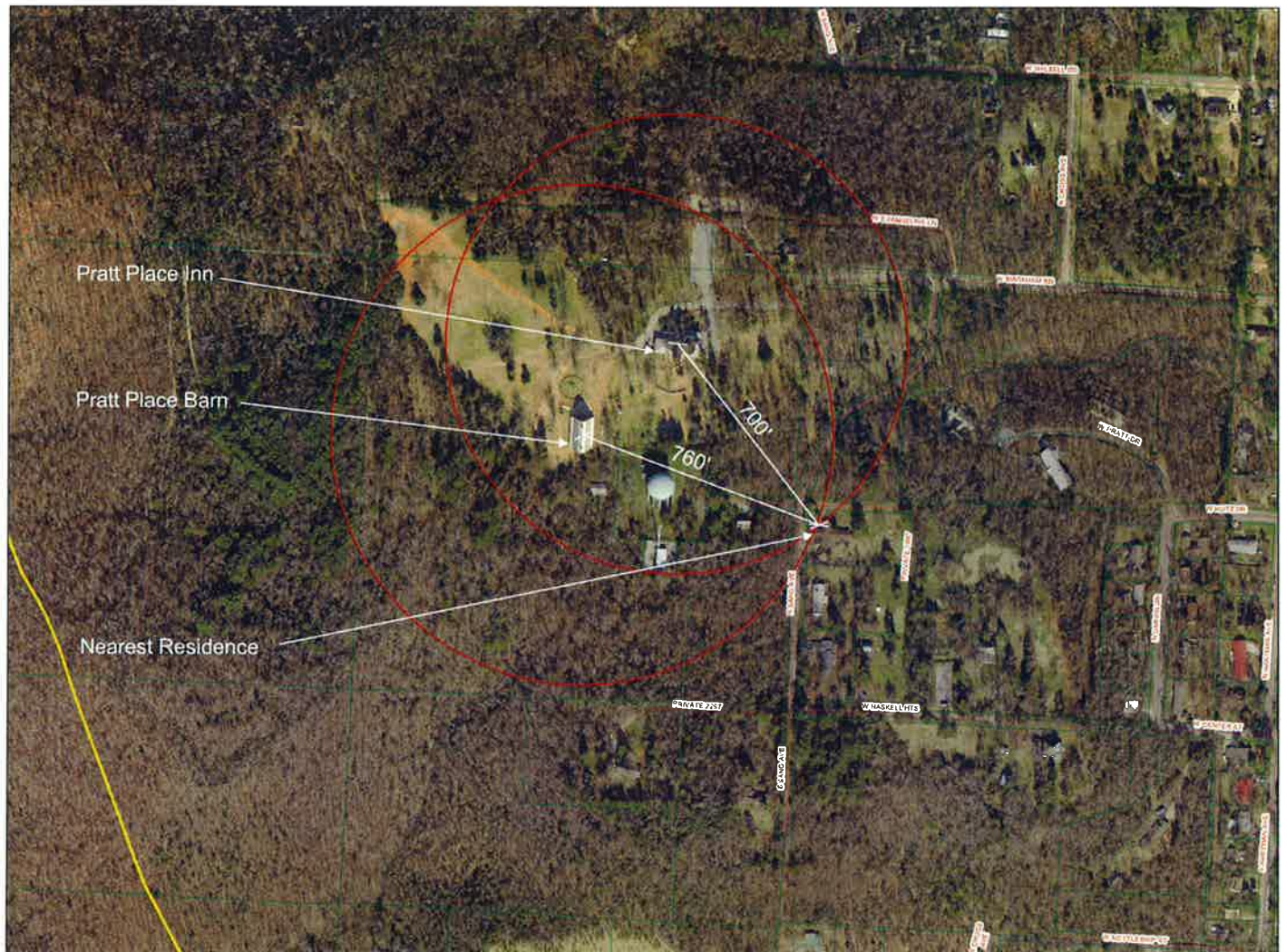


Danada House Floor Plan

A 648 feet - WADE RESIDENCE
B 1002 feet - FELDMAN RESIDENCE



13-4450 PRATT PLACE INN



ORIGINAL PZD DOCUMENTS

ORDINANCE NO. 4786

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 05-1670, PRATT PLACE INN, LOCATED AT THE WEST END OF MARKHAM ROAD, CONTAINING APPROXIMATELY 72 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN



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

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

From RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural, to C-PZD 05-1670 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and conditions of approval as submitted, determined appropriate and approved by the City Council.

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

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

PASSED and APPROVED this 1st day of November, 2005.



By: Sondra Smith
SONDRA SMITH, City Clerk

APPROVED:

By:

Dan Coody
DAN COODY, Mayor



C-PZD 05-1670 Pratt Place Inn

ZONING CRITERIA:

(A) Proposed Uses.

Planning Area 1

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
Unit 2		City-wide uses by conditional use
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture
Unit 7		Animal husbandry
Unit 8		Single Family Dwellings
Unit 13		Eating Places
Unit 14		Hotel, motel & amusement facilities
	Unit 29*	Dance halls*

* Conditional use approval by the Planning Commission required; uses shall be limited to wedding receptions, scheduled private events, etc. that are related to the overall Pratt Place Inn project.

Planning Area 2 & 3

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture

(B) Density/Intensity

Planning Area	Density (dwelling units)	Intensity (square feet nonresidential)
1	Maximum 4 dwelling units Oak Cabin (existing) 2248 W. Markham Tower House (existing) 109 N. Sang Innkeeper House (proposed) 2230 W. Markham Archer Log House (existing) 2115 W. Markham <i>Inn, maximum 4 new rental cabins do not count toward density, as these are not to be utilized as residences</i>	Maximum 33,340 SF Inn: 18,900 SF (proposed) Barn: 6,300 SF (existing) Two-stall barn: 340 SF English Cottage (existing): 1,800 SF Max. 4 cabins: 6,000 SF (1500 SF each proposed, with removal of existing cabins)
2	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)
3	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)

(C) Bulk and area regulations.

Planning Area	Lot width minimum	Lot area minimum	Land area per dwelling unit
1	200 feet (frontage onto a public street)	1 acres	1 acre
2	N/A	3.57 acres	No dwellings permitted
3	N/A	4.18 acres	No dwellings permitted

(D) *Setback requirements.*

Planning Area	Front	Side	Rear
1	50 feet	10 feet	20 feet
2	50 feet	10 feet	20 feet
3	50 feet	10 feet	20 feet

(E) *Height.* Maximum height for all structures.

Planning Area	
1	60 feet
2	50 feet
3	50 feet

(F) *Building area.* In any Planning Area the area occupied by all buildings shall not exceed 25% of the total lot area.

(G) *Signage.* Signage on the property shall be allowed as follows:

Planning Area	Freestanding Signage	Wall Signage
1	2'x3' freestanding sign at Sang and Markham 3'x5' freestanding sign at the end of Markham	As permitted in Commercial zones for the Inn; no other signage permitted
2	None permitted	As permitted in Residential zones
3	2'x3' freestanding sign at Cross and Markham	As permitted in Residential zones

** No pylon/pole signs shall be permitted, only monument signs. Signage location shall be permitted in accordance with setbacks and other criteria in Ch. 174 Signs, unless noted herein.*

Conditions of Approval:

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
2. Pursuant to city ordinance, development of the property shall be approved by the Planning Commission through the large scale development review process. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
3. A final legal description shall be approved by the GIS division prior to recordation of the ordinance, and shall accurately reflect the parcels requested for rezoning.
4. No amplified outdoor music shall be permitted at any point on the property. The property is surrounded by single family residences, and the potential for noise generation from the proposed development has been voiced as a concern.

5. Public water and sewer lines shall be extended as required by city ordinance at the time of development.
6. Street improvements at the time of development shall include the widening and repair or reconstruction of Markham Road to a minimum 20-foot width west of Cross Avenue into the subject property. Dedication of right-of-way to meet Master Street Plan requirements, appropriate drainage, lighting, sidewalk and other surrounding or adjacent street improvements as determined by the Planning Commission to be appropriate in alleviating the impact of the increase in use and traffic generation shall be determined by the Planning Commission.
7. Access to future outlying cabins will need to meet with Fire Department approval prior to building permit in order to provide adequate fire protection and emergency access in time of need. The slope, width and construction of interior drives to access future structures shall be evaluated at the time of development to ensure proper access is achieved.
8. At no time shall the proposed Inn or rental cabins be utilized for semi- or permanent residences, without City Council approval. The existing cabins on the property shall be removed prior to the issuance of building permits for the proposed cabins.
9. A Tree Preservation Plan shall be prepared at the time of development. At all times a significant tree canopy and vegetative buffer (visual and physical) shall be maintained adjacent to surrounding properties in Planning Area 1, where the non-residential activities are to occur. Other tree removal for bona fide agricultural purposes is expected to occur. Trees that meet the significant tree status as determined by the Urban Forester shall remain, unless approved for removal by the Urban Forester.
10. Pursuant to the original Bill of Assurance rezoning a portion of the subject property for agricultural purposes, the following agricultural uses shall not be permitted within the Planning Areas: commercial chicken houses, hog farms or feed lots.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Zoning and development criteria shall be enforced as noted within the staff report "Zoning Criteria" sections A-G, as noted above. Said information shall be included with any submitted development plans.
13. Future non-residential development shall comply with the minimum standards for development in the Unified Development Code. Structures proposed shall be reviewed to ensure appropriate architectural compatibility with adjoining residential uses is maintained, including the incorporation of elements such as materials, roof pitches, porches, patios, etc.

14. Planning Areas 2 & 3 shall not be utilized for permanent or temporary parking, to discourage high volumes of traffic on surrounding substandard streets. Parking shall not be allowed on surrounding substandard public streets during events held on the property, unless and until the streets are improved to a sufficient level so as to allow for on-street parking, as determined by the Transportation Division.
15. ~~Phasing: The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Inn within one year of the approval date of the associated Large Scale Development by the Planning Commission. The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Innkeeper house and cabins within three years of the same approval date. See Additional Condition #8.~~
16. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

Additional Conditions of Approval:

- 1) **Hours of operation:** Pratt Place Inn restaurant and "barn" hours as utilized for private or public events shall be from 7:00 am until 10:00 pm, Sunday through Thursday, and from 7:00 am until 12:00 am, Friday through Saturday.
- 2) **Restaurant capacity:** The proposed restaurant shall have a seating capacity of no more than 60 dining seats, including indoors, the porch and any outdoor patios/decks, as presented in the proposed Planned Zoning District.
- 3) **Number of gatherings/events for assembly:** No more than four (4) gatherings/events per month shall be permitted at the Pratt Place Barn (2255 West Markham Road), Inn, restaurant or elsewhere on the subject property. Noncompliance with this condition shall constitute a violation of the zoning ordinance established with this Planned Zoning District.
- 4) **Barn occupancy and capacity:** The barn shall be inspected by the appropriate City officials and all necessary work (electrical, ingress/egress, structural, etc.) completed to bring it into compliance for the intended assembly occupancy prior to submittal of a large scale development for the Pratt Place Inn. Capacity shall be determined by current city codes. *The applicant at this time indicates an anticipated capacity of 376 persons for the barn, though the current building code will ultimately determine that ratio.*
- 5) **Vehicular ingress/egress:** Access to the Pratt Place Inn, restaurant and barn, including guests, service vehicles, solid waste, etc., shall be from Markham Road, as indicated in the proposed PZD. At this time, access shall be restricted from Sang Avenue.
- 6) **Existing structures:** The following structures shall be demolished/removed prior to issuance of a Certificate of Occupancy for the proposed inn/restaurant:
 - 2154 Evangeline Lane (Walnut House) ...utilizes septic tank
 - 2222 Evangeline Lane (Ravine House)...utilizes septic tank
 - 2371 W. Markham Road...not on septic or sewer

- 2375 W. Markham Road...not on septic or sewer
- 2379 W. Markham Road...not on septic or sewer

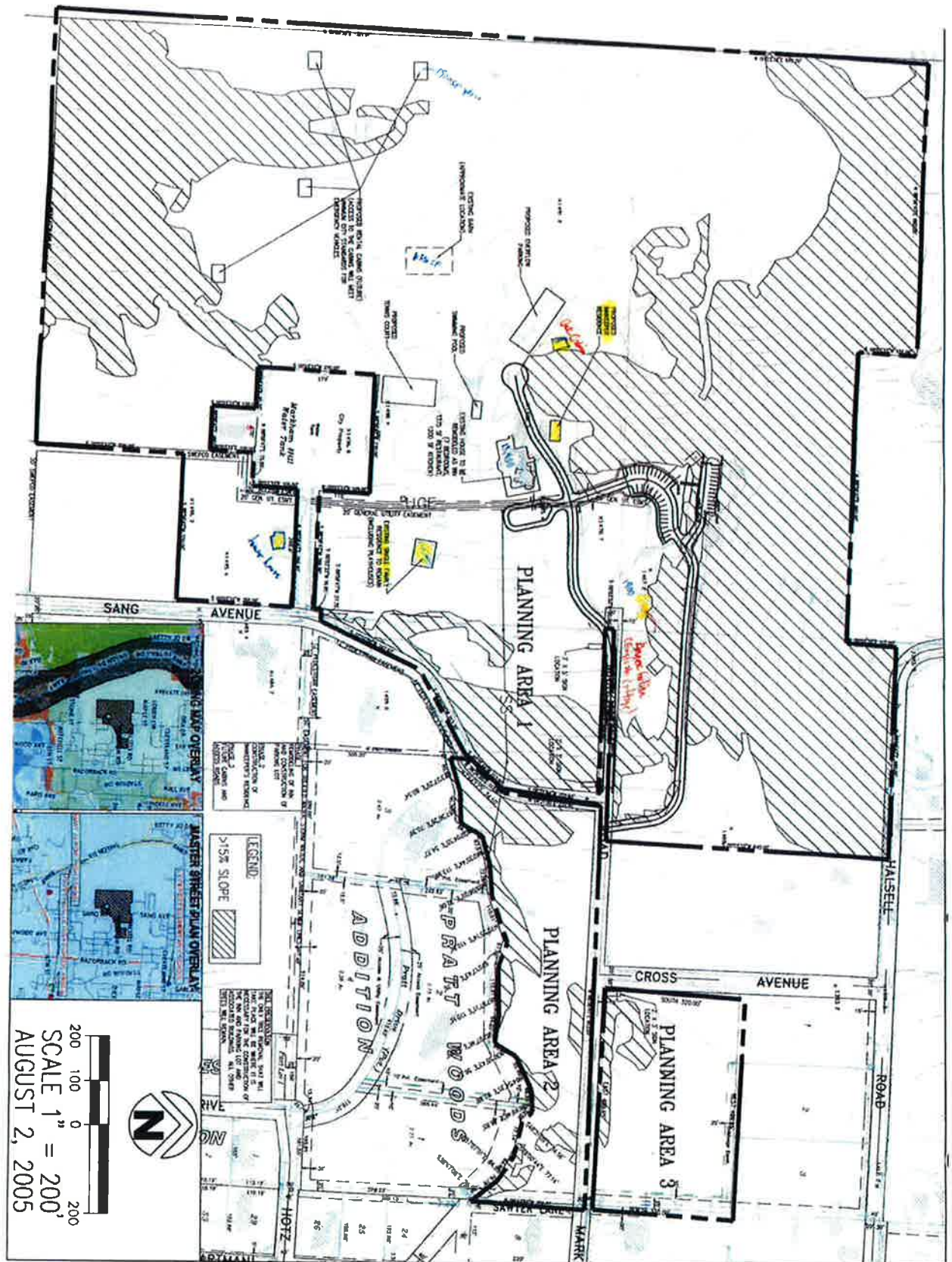
7) **Sewer connections:**

- All new buildings/structures permitted on the property shall connect to public sewer. *This includes the proposed four cabins, Inn/restaurant, pool, innkeeper residence and any other use requiring sewer.*
- Various existing buildings shall connect to public sewer when issued a building permit for expansion or replacement, and/or as required by city ordinance. This includes 2115 W. Markham (Archer log house), 2148 W. Markham (Archer cottage to become rental annex to inn), 2255 W. Markham (existing barn - *The barn shall connect to public sewer with the approval of the Inn/restaurant large scale development, prior to issuance of a certificate of occupancy, as the use of this structure is indicated to be for assembly occupancy and has the potential for large events).*

8) **Phasing: (Replace Condition #15):**

- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Inn within one (1) year of the approval date of the associated Large Scale Development by the Planning Commission.
- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Innkeeper house within three (3) years of the associated Large Scale Development by the Planning Commission.
- The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed log cabins within **fifteen (15)** years of the associated Large Scale Development by the Planning Commission.

- 9) **Street improvements:** Street improvements to Markham Road and any other surrounding streets shall be determined by the Planning Commission. These improvements may include the widening and repair or reconstruction of Markham Road to a minimum 20-foot width into the subject property to allow for emergency access. Dedication of right-of-way to meet Master Street Plan requirements, appropriate storm drainage, lighting, sidewalk/trail and other surrounding or adjacent street improvements as determined by the Planning Commission to be appropriate in alleviating the impact of the increase in use and traffic generation, while minimizing the impact to existing street and neighborhood character and the wooded hillside, shall be determined by the Planning Commission, and constructed at the cost of the developer.



Pratt Place Inn Mixed Use Development Fayetteville, Arkansas	Crafton, Tull & Associates, Inc. 901 N. 47th Street, Suite 200, Fayetteville, AR 72708 479-636-6236 FAX: 479-571-8224 www.craftontull.com Architects, Engineers & Surveyors	CERTIFICATE OF REGISTRATION STATE OF ARKANSAS No. 10000 Exp. 12/31/2006
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**NOISE COMPLAINTS
2008-2013**

Fayetteville Police Department

3/17/13

Jacket Activity

PS1191813
Jacket AD# 13-4400 (Pat Place 1A)
Phone: 479-524-4524
Cell :
Work :
SS# : 000-00-0000

ORI# . . : AR0720100
Name . . : FELDMAN, WILLIAM, ,
Address. : 16 N SANG AVE
Ct/St/Zp : FAYETTEVILLE

AR 72701

Type options, press Enter.

2=Change 5=Display 10=Close 11=Delayed Close 12=Open

Opt	Date	Description	Number	Type
—	06/09/2012	19:58:41 TYPE: 33 Noise Comp CALL	2012-00050067	Caller
—	05/26/2011	20:49:37 TYPE: 33 Noise Comp CALL	2011-00045617	Caller
—	11/06/2010	21:03:17 TYPE: 33 Noise Comp CALL	2010-00101147	Caller
—	08/21/2010	23:03:24 TYPE: 33 Noise Comp CALL	2010-00076037	Caller
—	10/29/2009	22:09:29 TYPE: 33 Noise Comp CALL	2009-00097990	Caller
—	10/02/2009	23:41:11 TYPE: 33 Noise Comp CALL	2009-00089685	Caller
—	08/23/2008	21:26:02 TYPE: 33 Noise Comp CALL	2008-00078924	Caller
—	07/26/2003	09:02:42 TYPE: 16 Burglary CALL	2003-00073115	Caller

More...

F3=Exit F9=Date/Activity Order F12=Cancel F17=Profile Sheet

INCIDENT #: 2013-00017933 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: LOUD MUSIC IN THIS AREA. JLS

VENUE: Fay

CALL . . . : DATE: 02/28/2013 TIME: 23:49:10 Thursday
DISPATCH . . : 02/28/2013 23:58:13
ENROUTE . . : 02/28/2013 23:58:37
ARRIVE 1 . . : 03/01/2013 0:04:56
CLEAR . . . : 03/01/2013 0:36:13

11:49 pm
Hours of operation limited
to 10:00 pm Fri-Thurs.

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 259 ID # 1: CRAFTON, CAMERON, QUINN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD STENGLE, JODI, LYNNE, FIREA_A1
DISPATCH ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_A1
CLEARING ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_A1
DISPATCH SHIFT : Fire Disp
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 259 03/01/2013 36:13 CRAFTON, CAMERON, QUINN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
259	CPL	Dispatch	23:58:13			CRAFTON, CAMERON, QUI
259	CPL	En Route	23:58:37			CRAFTON, CAMERON, QUI
259	CPL	Arrive		0:04:56		CRAFTON, CAMERON, QUI
259	CPL	Check-In		0:18:55		CRAFTON, CAMERON, QUI
259	CPL	Clear Unit			0:36:13	CRAFTON, CAMERON, QUI

DOCUMENTS:

Dispatch Narrative

BEEN GOING ON FOR ABOUT AN HOUR OR TWO. JLS 23:49:26
CALLER JUST HEARS LOUD BASS MUSIC OR A BAND. JLS 23:49:40
DOES NOT HEAR ANY PEOPLE FIGHTING OR ANY OTHER SOUNDS OF 23:51:21
DISTRESS. NO VISIBLE PARTY OR PEOPLE. JLS 23:51:32
CALLER IS TOO FAR AWAY TO KNOW EXACTLY WHERE IT IS BUT 23:51:43
BELIEVES IT'S AT THE PRATT PLACE. JLS 23:51:48
UA FRATERNITY LAMDA CHI ALPHA HAVING A FUNCTION AT PRATT 0:18:47
PLACE BARN. MADE CONTACT WITH REP FROM SECURITY, CHRIS 0:18:47

PLEIMANN. ADVISED HIM OF THE COMPLAINT AND HE ADVISED HE 0:18:47
WOULD MAKE CONTACT WITH SOUND MANAGER AND LOWER THE VOLUME. 0:18:47
OWNER OF PROPERTY CONTACTED ME AND REQUESTED A DECIBEL 0:18:47
LEVEL READING WITH HIS DECIBEL METER. 259 0:18:47
PER PROPERTY OWNER'S REQUEST I WITNESSED HIM TAKING NOISE 0:35:37
METER READINGS AT REAR OF PRATT PLACE INN (54), AT EDGE OF 0:35:37
PROPERTY AT 117 N SANG (45), AND AT EDGE OF PROPERTY AT 15 0:35:37
N SANG (41). 259 0:35:37

NAMES:

Caller : FELDMAN, WILLIAM,,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:37

C. 3
ADM 13-4503 (Pratt Place Inn)
PL111900 Page 48 of 64
KKEY

INCIDENT #: 2012-00108400 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . . : 2231 W MARKHAM RD VENUE: Fay
COMMON NAME . . : PRATT PLACE INN & RE
PHONE NUMBER . . : 479-521-4521
NATURE OF CALL: CALLER ADV THAT A LOT OF MUSIC IS COMING

	DATE:	TIME:
CALL	12/08/2012	0:11:13 Saturday 12:11pm / hrs. of op. limited to 12pm
DISPATCH . . .	12/08/2012	0:11:53
ARRIVE 1 . . .	12/08/2012	0:16:48
CLEAR	12/08/2012	0:20:02

AREA . . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 341 ID # 1: CAUDLE, MICHAEL, ANDREW, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD SANASAC, MIKAEL, WARREN, FIREA_A1
DISPATCH ORI/ID/TERM : FPD DENTON, ELLAURA, LEE, POLICEA_D1
CLEARING ORI/ID/TERM : FPD DENTON, ELLAURA, LEE, POLICEA_D1
DISPATCH SHIFT : Fire Disp
SOURCE : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 341 12/08/2012 20:02 CAUDLE, MICHAEL, ANDREW,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
341	PTL	Dispatch	0:11:53			CAUDLE, MICHAEL, ANDR
#####		Hazards		0:12:07		
UNIT NOTE: Hazards accessed for this Incident by 6077 in AR0720100						
341	PTL	Arrive		0:16:48		CAUDLE, MICHAEL, ANDR
341	PTL	Clear Unit			0:20:02	CAUDLE, MICHAEL, ANDR

DOCUMENTS:

Dispatch Narrative
FROM THIS LOC.MWS 0:11:15
CANT ADV ANYTHING FURTHER.MWS 0:11:18

NAMES:

Caller : FELDMAN, WILLIAM, ,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:25

C. 3
ADM 13-403 (Pratt Place Inn)
PAGE 49 of 64
PL1119
KKEY

INCIDENT #: 2012-00090170 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: LOUD MUSIC...MRS

VENUE: Fay

	DATE:	TIME:	
CALL	10/11/2012	23:30:16	Thursday 11:30pm this stop limited to 10 pm
DISPATCH . .	10/11/2012	23:32:40	
ENROUTE . . .	10/11/2012	23:32:43	
ARRIVE 1 . .	10/11/2012	23:43:17	
CLEAR	10/11/2012	23:55:52	

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 340 ID # 1: MAUTE, KRISTIN, LEE ANN, ID # 2:
UNIT 2 #: 349 ID # 3: TOWNSEND, MATTHEW, CHARL ID # 4:

RECEIVED ORI/ID/TERM : FPD SOTO-MEDINA, MICHELLE, RENEE, FIREA_A1
DISPATCH ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_A1
CLEARING ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE POLICEA_D1
DISPATCH SHIFT : Fire Disp
SOURCE : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : Warning Is PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION:	UNIT:	DATE:	TIME:	ID # 1: / ID # 2:
Warning Is	340	10/11/2012	23:55:52	MAUTE, KRISTIN, LEE ANN,
No Report	349	10/11/2012	23:55:51	TOWNSEND, MATTHEW, CHARLES,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
340	PTL	Dispatch	23:32:40			MAUTE, KRISTIN, LEE A
340	PTL	En Route	23:32:43			MAUTE, KRISTIN, LEE A
340	PTL	Arrive		23:43:17		MAUTE, KRISTIN, LEE A
349	PTL	Arrive		23:51:12		TOWNSEND, MATTHEW, CH
340	PTL	Check-In		23:51:16		MAUTE, KRISTIN, LEE A
349	PTL	Check-In		23:51:16		TOWNSEND, MATTHEW, CH
349	PTL	Clear Unit			23:55:51	TOWNSEND, MATTHEW, CH
340	PTL	Clear Unit			23:55:52	MAUTE, KRISTIN, LEE A

DOCUMENTS:

Dispatch Narrative

POSS A PARTY GOING ON, BUT CALLER ISNT CERTAIN...MRS	23:30:27
THIS HAS BEEN GOING ON FOR OVER AN HOUR...MRS	23:31:01
HE WAS TOLD THERE ARENT ANY EVENTS ALLOWED AT THIS LOC	23:31:27
DURING THE WEEK...MRS	23:31:29

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:25

INCIDENT REPORT

C. 3
ADM 13-4500 (Att Place In)
PL1190 Page 50 of 64
KKEY

HE IS TOO FAR AWAY TO GIVE ANY FURTHER INFO, HE CANT HEAR	23:31:51
TALKING OR YELLING, JUST THE MUSIC...MRS	23:31:56
340 ADV WILL BE BEHIND A BIG RED BARN, APPROX 30 SUBJS.BP	23:44:12

NAMES:

Caller : FELDMAN, WILLIAM, ,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:11

C. 3
ADM 13-4 PAGE 1
Pratt Place Inn)
PL115 Page 51 of 64
KKEY

INCIDENT #: 2012-00079088 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 999-999-9999
NATURE OF CALL: LOUD MUSIC. ES

VENUE: Fay

DATE: TIME:
CALL . . . : 09/08/2012 22:21:28 Saturday 10:24pm
DISPATCH . . : 09/08/2012 22:21:48
ENROUTE . . . : 09/08/2012 22:21:53
ARRIVE 1 . . : 09/08/2012 22:27:07
CLEAR . . . : 09/08/2012 22:30:17

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 313 ID # 1: YOUNKIN, STACY, LEANN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD SHARP, ERIN, LEIGH, FIREB_D1
DISPATCH ORI/ID/TERM : FPD SANASAC, MIKAEL, WARREN, POLICEA_D1
CLEARING ORI/ID/TERM : FPD SANASAC, MIKAEL, WARREN, POLICEA_A1
DISPATCH SHIFT : NS4T
SOURCE . . . : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 2231 W MARKHAM RD VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 313 09/08/2012 22:30:17 YOUNKIN, STACY, LEANN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
313	PTL	Dispatch	22:21:48			YOUNKIN, STACY, LEANN
313	PTL	En Route	22:21:53			YOUNKIN, STACY, LEANN
313	PTL	Arrive		22:27:07		YOUNKIN, STACY, LEANN
313	PTL	Clear Unit			22:30:17	YOUNKIN, STACY, LEANN

DOCUMENTS:

Dispatch Narrative

NO MUSIC IS PLAYING. THERE ARE STILL SEVERAL PEOPLE OUTSIDE 22:29:32
TALKING. WEDDING COORDINATOR STATED WEDDING WILL BE OVER AT 22:29:32
11 P.M. NO NOISE ORDINANCE VIOLATION OBSERVED. SLY 22:29:32

NAMES:

Caller : ANONYMOUS,,,

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013
TIME 15:57:01

C. 3
ADM 13-400 (Pratt Place Inn)
PAGE 52 of 64
PL11190
KKEY

INCIDENT #: 2012-00056945 ORI #: FPD INCIDENT TYPE: 33 P Noise Comp

LOCATION . . : 2231 W MARKHAM RD VENUE: Fay
COMMON NAME . : PRATT PLACE INN & RE
PHONE NUMBER : 479-521-4521
NATURE OF CALL: POSB COMING FROM PRATT PLACE BARN, LOUD MUSIC

	DATE:	TIME:
CALL	06/30/2012	20:11:40 Saturday 2:11 pm
DISPATCH . . .	06/30/2012	20:42:45
ENROUTE	06/30/2012	20:42:54
ARRIVE 1 . . .	06/30/2012	20:58:32
CLEAR	06/30/2012	20:58:53

AREA . : Area 8 SECTION : Section E BEAT: Beat 1
QUADRANT: FD 25 DISTRICT: GRID:

UNIT 1 #: 313 ID # 1: YOUNKIN, STACY, LEANN, ID # 2:
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID/TERM : FPD PERRY-MORGAN, BRITTANEY, NICOLE FIREB_A1
DISPATCH ORI/ID/TERM : FPD BROWN, JESSICA, LYNN, POLICEA_D1
CLEARING ORI/ID/TERM : FPD BROWN, JESSICA, LYNN, POLICEA_D1
DISPATCH SHIFT : AS4T
SOURCE : Telephone REPORT REQUIRED: NO MUTUAL AID:
DISPOSITION . . : No Report PRIORITY . . . : 3

ORIGINAL INFORMATION:

LOCATION : 16 N SANG AVE VENUE: Fay
INCD TYPE: 33 P Noise Comp PRIORITY: 3

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:
No Report 313 06/30/2012 20:58:53 YOUNKIN, STACY, LEANN,

RADIO LOG:

UNIT:	TYPE:	STATUS:	DISPATCH:	ARRIVE:	CLEAR:	ID # 1:
313	PTL	Dispatch	20:42:45			YOUNKIN, STACY, LEANN
313	PTL	En Route	20:42:54			YOUNKIN, STACY, LEANN
313	PTL	Arrive		20:58:32		YOUNKIN, STACY, LEANN
313	PTL	Clear Unit			20:58:53	YOUNKIN, STACY, LEANN

DOCUMENTS:

Dispatch Narrative
PLAYING.BP 20:11:46
UNK C2S.BP 20:11:52
UNK C1S.BP 20:11:55
CALLER DOESNT KNOW WHAT EXACTLY IS GOING ON, BELIEVES ITS A PARTY.BP 20:12:06
UNK HOW MANY PEOPLE THERE ARE.BP 20:12:07
CALLER CANT SEE THEM FROM HIS LOCATION.BP 20:12:44
CALLER WOULD LIKE CONTACT FROM AN OFFICER.BP 20:12:49
THE WEDDING HAS A VARIANCE SIGNED BY THE MAYOR THAT STATES 20:13:00
20:58:40

Fayetteville Police Department AEGIS PUBLIC SAFETY SYSTEM
DATE 03/11/2013 INCIDENT REPORT
TIME 15:57:01

C. 3
PAGE 2
ADM 13-400 (Pratt Place Inn)
PL1150 Page 53 of 64
KKEY

THEY CAN HAVE MUSIC PLAYING UNTIL 11:30 P.M. WITH 60 DB.
THEY ARE NOT IN VIOLATION OF THE VARIANCE. SLY

20:58:40
20:58:40

NAMES:

Caller : FELDMAN, WILLIAM, ,

Fayetteville Police Department

10/16/12

Incident Maintenance

ORI #: AR0720100 FPD

Inquiry
2012-00090170

Call Date/Time . : 10/11/2012 23:30:16 Thursday
Dispatch Date/Time: 10/11/2012 23:32:40
Arrive Date/Time : 10/11/2012 23:43:17
Clear Date Time . : 10/11/2012 23:55:52

Disposition: Warning Is

Location . . : 2231 W MARKHAM RD

Cross Street :

Nature Of Call: LOUD MUSIC...MRS

Caller . . . : FELDMAN, WILLIAM,,

Complainant . : ,,,

Incident Type : 33 P Noise Comp

Report Req'd . : NO

Unit 1 # . . : 340

Unit 2 # . . : 349

Area: 8 Area 8

ID # 1 : MAUTE, KRISTIN, LEE

ID # 3 : TOWNSEND, MATTHEW,

Section: E Section E

Phone Number: 4795214521

Priority . : 3

ID # 2:

ID # 4:

Grid :

Type: S
Venue: 1 Fay

F3=Exit F7=Prior F8=Next F9=Cases F10=FI'S F12=Cancel
F14=Status/Dispos F15=Suspect Vehicles F16=Names F17=Times F18=Radio Log
F19=Dispatch F20=Plates F22=Additional F24=Documents

Fayetteville Police Department

10/16/12

Incident Maintenance

ORI #: AR0720100 FPD

2012-00090170

AU2346S1

-Free Form Document-

C	Dispatch Narrative	20121011.A02	More: +
D	POSS A PARTY GOING ON, BUT CALLER ISNT CERTAIN...MRS		23:30:27
A	THIS HAS BEEN GOING ON FOR OVER AN HOUR...MRS		23:31:01
C	HE WAS TOLD THERE ARENT ANY EVENTS ALLOWED AT THIS LOC		23:31:27
	DURING THE WEEK...MRS		23:31:29
L	HE IS TOO FAR AWAY TO GIVE ANY FURTHER INFO, HE CANT HEAR		23:31:51
C	TALKING OR YELLING, JUST THE MUSIC...MRS		23:31:56
N	340 ADV WILL BE BEHIND A BIG RED BARN, APPROX 30 SUBJS.BP		23:44:12
C			
C			
I			
R			
U			
U			
A			
F			
F			
F			

-F3=Exit F6=Print F12=Cancel-

From: "Harter, James" <jharter@fayetteville-ar.gov>
To: "Fulcher, Jesse" <jfulcher@fayetteville-ar.gov>
Date: 11/1/2013 2:08 PM
Subject: Query UpdatesPratt Place
Attachments: Pratt Place.pdf

Jesse, Courtesy of Sgt. Stout's Cpl. Kevin Phillips below and attached:

From: Phillips, Kevin
Sent: Friday, November 01, 2013 2:06 PM
To: Harter, James
Subject: Pratt Place

Here is what we've had at the Inn and barn since 3/1/13 thru 10/31/13. No loud music calls. Just some PD business, alarms and such. The attachment shows when and why we were there. There were no calls to the barn. Can you forward this on to whoever else needs the information?

Display Report

C. 3
ADM 13-4450 (Pratt Place Inn)
Page 57 of 64

Position to line
Line1.2.3.4.5.6.7.

Incident #	TYPE ABBV	CALL DATE	CALL TIME	STR #	STR .	STR NAM
000001	201300066225	PD BUSN	20130803	22:10:07	2231	W MAR
000002	201300070776	OffDty Asn	20130819	17:12:53	2231	W MAR
000003	201300074809	Parking	20130831	11:15:33	2231	W MAR
000004	201300079112	PD BUSN	20130913	18:02:28	2231	W MAR
000005	201300006002	Alarm	20130920	14:45:43	2231	W MAR
000006						
000007	FINAL TOTALS					
000008	COUNT 5					
***** ***** End of report *****						

F3=Exit

F12=Cancel

F19=Left

F20=Right

F21=Split

Bottom

Select Records

Type comparisons, press Enter. Specify OR to start each new group.

Tests: EQ, NE, LE, GE, LT, GT, RANGE, LIST, LIKE, IS, ISNOT...

AND/OR	Field	Test	Value (Field, Number, 'Characters', or ...)
	GASNAM	EQ	'MARKHAM'
AND	INCALD	RANGE	20130301 20131031
AND	GASDIR	EQ	' W'
AND	GASTR#	EQ	' 2255'

Bottom

Field	Text	Len	Dec
T01.ININC#	Incident #	12	
T02.ITABBV	TYPE ABBV	10	
T01.INCALD	Call Date	8	0
T01.INCALT	Call Time	6	0
T03.GASTR#	Street Number	8	

More...

F3=Exit
F12=Cancel

F5=Report
F13=Layout

F9=Insert
F20=Reorganize

F11=Display names only
F24=More keys

Display Report

ADM 13-4450 (Pratt Place Inn)

Page 59 of 64

Position to line Report width :
 Line 1 2 3 4 5 6 7
 Incident # TYPE ABBV CALL CALL STR STR
 DATE TIME # NAM
 ***** End of report *****

F3=Exit F12=Cancel
 No records in query report.

F19=Left

F20=Right

F21=Split

Bottom

ADM13-4450

Close Up View

PRATT PLACE INN



SUBJECT PROPERTY

Legend

WMA Use (Existing)

Overview

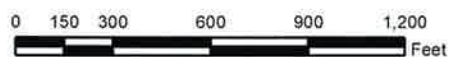
 Fayetteville City Limits

ADM13-4450

Footprints 2010

☐ Design Overlay District

----- Planning Area



ORDINANCE NO.

AN ORDINANCE AMENDING A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 05-1670 PRATT PLACE INN, TO REVISE THE HOURS OF OPERATION AS LISTED IN SECTION 1.

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

Section 1: That the City Council of the City of Fayetteville hereby amends C-PZD 05-1670 Pratt Place Inn is to reflect the following hours of operation:

- 1) Monday through Saturday from 7:00 a.m. until midnight and from 7:00 a.m. until 10:00 p.m. on Sunday; and
- 2) A maximum of 1 event ~~per calendar year~~ allowed until 1:00 a.m. *on New Year's Eve each year*

*Amended in Registrar.
OK*

Section 2: That the new hours are granted for a trial period of two years from the date of City Council approval. One year from this approval date, the City Council shall review any valid complaints and/or violations and determine at that time if the new operating hours should be extended beyond the two year period.

Section 3: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

*Amended by City Attorney
in Registrar.
[Signature]*

December 1, 2013

Fayetteville City Council

We were surprised by the Wednesday, November 26, 2013 article in the NWA Times concerning Julian Archer's request for extended hours of operation for his business Pratt Place Inn and Barn. Our neighborhood has received no official notice of this effort to destroy the PZD. The present situation governed by the PZD was negotiated over a period of time with the neighbors on Sang Avenue and the Archers in 2005.

The residential neighborhood was protected to some degree by the PZD which created buffer zones, regulation of hours, sound, etc.

We have great concern that the Council recently weakened the PZD by removal of the buffer zones lots on Halsell Ave.

The Archer's now seek to further destroy the PZD by major alteration of the hours and days of operation.

We request the laboriously negotiated agreement from 2005 be upheld!
If not, then the city should re exam the meaning of a PZD by agreement!

We are concerned that the requested alteration would create additional noise, traffic, consumption of alcohol at a late hour in a residential neighborhood.

We have frequently been negatively impacted by activities at Pratt Place Inn although we have not notified the city on each occasion. This raises the additional question of enforcement of the provisions of the PZD.

Your vote to uphold and confirm prior agreements is appreciated.

Sincerely,

Lynn F. Wade
Elaine B. Wade

Tired of asking the same questions over and over? Here are the answers to our most common questions.

How long is an event?

2.5 to 3.5 hours.

Can I purchase more time?

Yes.

Is there a curfew?

No.

When can I set up?

9 am in the Great Hall; 3 pm in Eleven.

How long do I have to clean up?

90 minutes.

Local Vendors

Here's a list of our trusted vendors.

 **Eventures Party Rentals**
 (<http://www.eventurespartyrentals.com/>)

 **Flora Flowers** (<http://floranwa.com/>)

 **Bloom Floral and Gifts**
 (<http://www.bloomnwa.com/>)

 **Shirley's Flowers**
 (<http://www.shirleysflowersinc.com/>)

 **Rick's Bakery**
 (<http://www.ricksbakery.com/>)

 **Shelby Lynn's Cake Shop**

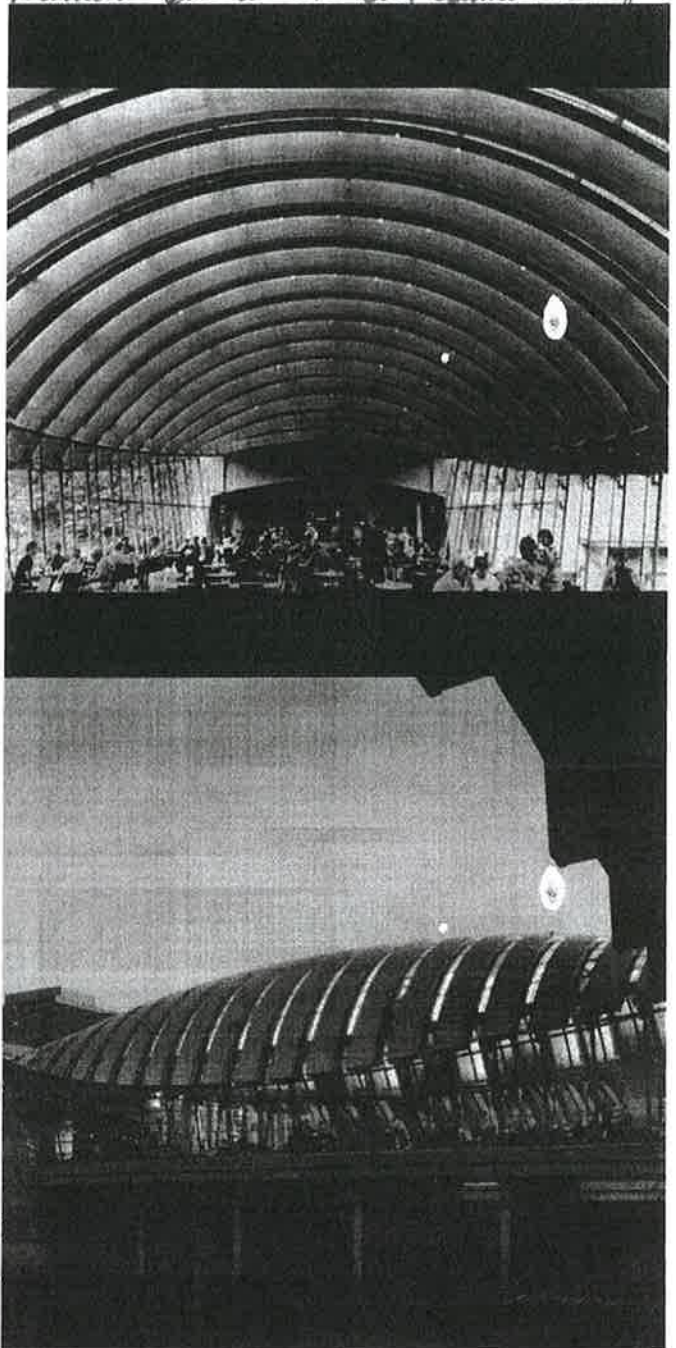
Wedding

Here's a

 **Pinter**

(<http://w>

at-crystal



City of Fayetteville Item Review Form

2013-0193

Legistar File Number

12/17/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

Submitted By

Engineering

Department

Action Required:

Approval of a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Ache Drive and approval of a contingency of \$458,725.00 (10%). The budget adjustment is to recognize interest earnings for 2006A Transportation Bonds in the amount of \$1,717,347 and for the 2009 bond issue in the amount of \$4733.00. There are three general ledger accounts listed in the comments section of this form.

Does this item have a cost? ☒ Yes

\$5,045,975.00

Cost of this request

\$13,570,786.00

Category or Project Budget

Engineering

Program or Project Name

various - see below

Account Number

\$11,616,142.26

Funds Used to Date

Development Services

Program or Project Category

'06035.2500

Project Number

-\$3,091,331.26

Remaining Balance

Transportation Bonds

Fund Name

Budgeted Item? ☒ No

Budget Adjustment Attached? ☒ Yes

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

4520.9520.5809.00 \$1,717,346.00

4520.9540.5809.00 \$1,425,157.00

4520.9555.5809.00 \$1,444,747.00

11-27-13 10:36 RCVD

dm



Paul A. Butler

11-27-13

11-27-2013

Don May
David Dasher

11-27-13

12/2/13



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

Council Meeting of December 17, 2013

To: Mayor and City Council

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

Date: November 26, 2013

Subject: A resolution to award a contract in the amount of \$4,587,250.02 to APAC-Central, Inc. for the construction of the Van Asche Drive, Garland Ave. to Gregg Ave., approve a project contingency of \$458,725.00 (10%), and approve a Budget Adjustment.

PROPOSAL:

On November 26th, the City received four (4) construction bids ranging from a low of \$4,587,250.05 to a high of \$5,106,668.93. APAC Central submitted the low bid which was approximately 25% below the Engineer's Estimate of \$5,740,052.00. Engineering Staff recommend awarding this contract to APAC-Central, Inc. The contract time is 450 days (15 months) for substantial completion.

RECOMMENDATION:

Staff recommends City Council approval awarding a contract in the amount of \$4,587,250.05 to APAC-Central, Inc. for the construction of Van Asche Drive, approval of a project contingency of \$458,725.00 (10%), and approval the attached Budget Adjustment.

BUDGET IMPACT:

This project is funded by the Transportation Bond Program. The attached budget adjustment recognizes interest earning in the Transportation Bond Fund, and places these interest earnings into the Van Asche Project. Funding will be provided from:

Transportation Bond 2006 Issue - \$1,717,347.00
Transportation Bond 2009 Issue - \$1,425,157.00
Transportation Bond 2013 Issue - \$1,444,747.00

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #13-56 AND APPROVING A CONTRACT WITH APAC-CENTRAL, INC. IN THE AMOUNT OF \$4,587,250.02 FOR CONSTRUCTION OF VAN ASCHE DRIVE, APPROVING A TEN PERCENT (10%) PROJECT CONTINGENCY, 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 #13-56 and approves a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive and further approves a ten percent (10%) project contingency.

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 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas
 Budget Adjustment Form

V13.1030
 Legistar

Budget Year 2013	Division: Engineering Department: Development Services	Request Date 12/17/2013	Adjustment Number
----------------------------	---	-----------------------------------	--------------------------

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION

To recognize the proceeds from interest earnings for the 2006A and 2009 Transportation Improvements Bond Issues.

CITYkspringer 11/22/2013 3:57 PM Prepared By  Division Head  Budget Director	Legistar# / Date: 2013-0193 / 12/17/2013 Legistar Title: TRANSPORTATION_BOND_INTEREST Budget & Information Management Use Only Type: A B C D E P General Ledger Date Posted to General Ledger Checked / Verified	Initial Date Initial Date
---	--	------------------------------------

TOTAL BUDGET ADJUSTMENT		1,722,080	1,722,080	Project.Sub Number
		Increase /	(Decrease)	
Account Name	Account Number	Expense	Revenue	
Street improvements	4520.9520.5809.00	1,717,347		06035 . 2500
Street improvements	4520.9540.5809.00	4,733		06035 . 2500
Use of fund balance	4520.0952.4999.99		1,722,080	.
				.
				.



**VAN ASCHE DR.
GARLAND AVE. TO GREGG AVE.**

Nov 26, 2013
Bid #13-

#	Spec #	Description	QTY	UNIT	Engineers Estimate	APAC-Central, Inc.	Dean Crowder Construction, Inc.	Energy Sapp & Sons, Inc.	Sweatser Construction, Inc.
1	111	Roadway Construction Control	1	LS	\$ 75,000.00	\$ 32,000.00	\$ 12,600.00	\$ 40,000.00	\$ -
2	112	Trench and Excavation Safety Systems	1	LS	\$ 10,000.00	\$ 16,500.00	\$ 1,000.00	\$ 70,000.00	\$ -
3	201	Clearing, Grubbing, and Demolition	1	LS	\$ 85,000.00	\$ 42,500.00	\$ 50,350.00	\$ 30,000.00	\$ -
4	202	Undercut and Backfill	12,000	CY	\$ 18.00	\$ 11.55	\$ 13.25	\$ 17.35	\$ 208,200.00
5	202	Rock Excavation	100	CY	\$ 200.00	\$ 100.00	\$ 75.00	\$ 112.69	\$ 11,269.00
6	202	Unclassified Excavation	35,560	CY (Plan Quantity)	\$ 10.00	\$ 4.80	\$ 5.30	\$ 3.43	\$ 121,970.80
7	202	Select Fill	25,875	CY (Plan Quantity)	\$ 12.00	\$ 6.70	\$ 8.15	\$ 17.11	\$ 442,771.25
8	202	Embankment	18,310	CY (Plan Quantity)	\$ 8.00	\$ 3.10	\$ 2.15	\$ 0.63	\$ 11,472.30
9	203	Subgrade Preparation	41,650	SY (Plan Quantity)	\$ 3.00	\$ 0.80	\$ 1.35	\$ 0.53	\$ 22,074.50
10	204	4" Topsoil Placement (Yard Areas)	26,040	SY	\$ 3.00	\$ 1.49	\$ 2.65	\$ 2.05	\$ 53,382.00
11	205	Undercut and Stone Backfill	1,000	Trm	\$ 20.00	\$ 15.23	\$ 16.45	\$ 21.34	\$ 21,340.00
12	301	18" Reinforced Concrete Pipe, Class III Under Pavement	490	LF	\$ 50.00	\$ 26,964.70	\$ 42.00	\$ 20,580.00	\$ 29,032.50
13	301	36" Reinforced Concrete Pipe, Class III Under Pavement	204	LF	\$ 95.00	\$ 21,207.84	\$ 92.95	\$ 18,961.80	\$ 32,670.60
14	301	42" Reinforced Concrete Pipe, Class III Under Pavement	180	LF	\$ 100.00	\$ 21,110.40	\$ 117.00	\$ 21,050.00	\$ 33,649.20
15	301	48" Reinforced Concrete Pipe, Class III Under Pavement	132	LF	\$ 115.00	\$ 17,616.72	\$ 142.00	\$ 18,744.00	\$ 26,484.48
16	301	Pavement	37	LF	\$ 85.00	\$ 3,408.07	\$ 85.25	\$ 3,154.25	\$ 4,688.64
17	301	18" Reinforced Concrete Pipe, Class III	1,533	LF	\$ 35.00	\$ 47,017.11	\$ 36.75	\$ 56,337.75	\$ 44.91
18	301	24" Reinforced Concrete Pipe, Class III	178	LF	\$ 40.00	\$ 7,420.82	\$ 47.25	\$ 8,410.50	\$ 64.33
19	301	30" Reinforced Concrete Pipe, Class III	832	LF	\$ 75.00	\$ 45,037.38	\$ 60.60	\$ 49,813.20	\$ 75.45
20	301	36" Reinforced Concrete Pipe, Class III	1,993	LF	\$ 80.00	\$ 140,805.45	\$ 83.40	\$ 166,216.20	\$ 97.80
21	301	42" Reinforced Concrete Elliptical Pipe, Class III	718	LF	\$ 85.00	\$ 66,117.42	\$ 108.70	\$ 80,220.60	\$ 119.57
22	301	48" Reinforced Concrete Elliptical Pipe, Class III	1,684	LF	\$ 100.00	\$ 178,520.84	\$ 127.85	\$ 215,299.40	\$ 246,419.72
23	301	24"x36" Reinforced Concrete Elliptical Pipe, Class III	46	LF	\$ 95.00	\$ 3,787.64	\$ 88.00	\$ 4,048.00	\$ 4,573.78
24	301	18" Reinforced Concrete PES	11	EA	\$ 1,000.00	\$ 8,441.07	\$ 950.00	\$ 10,450.00	\$ 9,408.08
25	301	24" Reinforced Concrete PES	3	EA	\$ 1,200.00	\$ 1,945.18	\$ 1,058.00	\$ 2,116.00	\$ 2,196.16
26	301	30" Reinforced Concrete PES	3	EA	\$ 1,400.00	\$ 3,690.36	\$ 1,155.00	\$ 3,465.00	\$ 3,810.60
27	301	36" Reinforced Concrete PES	4	EA	\$ 1,600.00	\$ 7,053.52	\$ 1,635.00	\$ 6,540.00	\$ 6,954.72
28	301	48" Reinforced Concrete PES	3	EA	\$ 2,000.00	\$ 8,139.57	\$ 2,340.00	\$ 7,020.00	\$ 7,698.48
29	302	4" Drop Inlet	18	EA	\$ 2,500.00	\$ 40,972.86	\$ 2,958.00	\$ 53,244.00	\$ 60,722.00
30	302	5" Drop Inlet	12	EA	\$ 3,000.00	\$ 46,195.92	\$ 3,204.00	\$ 38,448.00	\$ 47,066.16
31	302	6" Drop Inlet	3	EA	\$ 4,000.00	\$ 15,635.22	\$ 3,450.00	\$ 10,350.00	\$ 15,595.32
32	302	4" Grated Curb Inlet	3	EA	\$ 3,000.00	\$ 12,342.39	\$ 5,010.00	\$ 15,030.00	\$ 17,285.31
33	302	4" Area Inlet	5	EA	\$ 2,500.00	\$ 10,417.15	\$ 2,960.00	\$ 14,800.00	\$ 19,396.10
34	302	4" Junction Box	1	EA	\$ 2,500.00	\$ 2,508.72	\$ 2,742.00	\$ 2,742.00	\$ 3,298.41
35	302	5" Junction Box	6	EA	\$ 3,000.00	\$ 33,714.06	\$ 2,850.00	\$ 17,100.00	\$ 24,968.88
36	302	4" x 10" Inlet	1	EA	\$ 6,000.00	\$ 9,820.64	\$ 4,776.00	\$ 4,776.00	\$ 7,886.61
37	302	4" x 12" Inlet	2	EA	\$ 6,500.00	\$ 18,550.66	\$ 4,884.00	\$ 9,768.00	\$ 17,625.48
38	302	4" x 16" Inlet	2	EA	\$ 7,000.00	\$ 19,087.26	\$ 5,052.00	\$ 10,104.00	\$ 18,330.26
39	302	4" x 10" Inlet	1	EA	\$ 9,000.00	\$ 9,556.74	\$ 5,708.00	\$ 10,100.74	\$ 10,100.74
40	302	5" x 10" Inlet	1	EA	\$ 6,500.00	\$ 9,865.53	\$ 5,100.00	\$ 5,100.00	\$ 8,291.15
41	302	6" x 12" Inlet	1	EA	\$ 8,500.00	\$ 11,484.40	\$ 6,125.00	\$ 6,125.00	\$ 10,203.76
42	302	10" x 10" Inlet	1	EA	\$ 12,000.00	\$ 12,301.52	\$ 8,428.00	\$ 12,967.27	\$ 12,967.27

VAN ASCHE DR.
GARLAND AVE. TO GREGG AVE.

#	Spec #	Description	QTY	UNIT	Engineers Estimate	APAC-Central, Inc.	Dean Crowder Construction, Inc.	Emery Sapp & Sons, Inc.	Sweetser Construction, Inc.
43	302	12" x 12" Inlet	1	EA	\$ 14,000.00	\$ 13,015.28	\$ 9,508.00	\$ 23,005.25	\$ 23,005.25
44	302	Trench Drain (Sta 6+50 LI)	1	LS	\$ 15,000.00	\$ 9,857.93	\$ 11,215.00	\$ 18,500.00	\$ 18,500.00
45	302	4" Drop Inlet Extension	10	EA	\$ 600.00	\$ 554.59	\$ 600.00	\$ 500.00	\$ 500.00
46	302	8" Drop Inlet Extension	11	EA	\$ 1,000.00	\$ 897.29	\$ 9,870.19	\$ 1,100.00	\$ 12,100.00
47	302	12" Drop Inlet Extension	1	EA	\$ 1,200.00	\$ 1,008.11	\$ 1,799.00	\$ 1,800.00	\$ 1,800.00
48	504	Wingwalls & Appurtenances (Sta 48+49.17)	1	LS	\$ 15,000.00	\$ 6,560.15	\$ 8,878.00	\$ 8,886.00	\$ 8,485.00
49	306	Rip Rap with Filter Blanket	100	SY	\$ 50.00	\$ 41.89	\$ 46.00	\$ 49.20	\$ 4,920.00
50	401	6" Class 7 Base Course	1,280	SY (Plan Quantity)	\$ 7.50	\$ 9,574.40	\$ 7.15	\$ 7.48	\$ 9,574.40
51	401	10" Class 7 Base Course	33,170	SY (Plan Quantity)	\$ 10.00	\$ 274,451.00	\$ 9.50	\$ 8.20	\$ 274,451.00
52	403	Asphalt Concrete 2" Surface Course	1,160	SY (Plan Quantity)	\$ 10.00	\$ 11,600.00	\$ 9.36	\$ 12.15	\$ 14,094.00
53	403	Asphalt Concrete 2.5" Surface Course	28,850	SY (Plan Quantity)	\$ 12.50	\$ 360,625.00	\$ 9.88	\$ 11.95	\$ 344,757.50
54	403	Asphalt Concrete 3" Binder Course	1,160	SY (Plan Quantity)	\$ 15.00	\$ 17,400.00	\$ 12.88	\$ 13.65	\$ 15,834.00
55	403	Asphalt Concrete 4" Binder Course	28,850	SY (Plan Quantity)	\$ 19.80	\$ 571,230.00	\$ 15.50	\$ 15.35	\$ 447,175.00
56	405	Asphalt Concrete Patching for Maintenance of Traffic	150	Ton	\$ 100.00	\$ 15,000.00	\$ 122.86	\$ 197.00	\$ 427,847.50
57	501	Concrete Curb and Gutter	17,300	LF	\$ 22.00	\$ 207,600.00	\$ 10.68	\$ 10.40	\$ 179,920.00
58	501	Concrete Cross Pan	160	LF	\$ 20.00	\$ 3,200.00	\$ 21.84	\$ 11.95	\$ 206,735.00
59	502	Concrete Sidewalk	5,260	SY	\$ 40.00	\$ 210,400.00	\$ 23.51	\$ 14.05	\$ 2,245.00
60	502	Concrete Trail	5,800	SY	\$ 40.00	\$ 232,000.00	\$ 26.86	\$ 25.30	\$ 133,078.00
61	503	Concrete Driveway Aprons	570	SY	\$ 45.00	\$ 25,650.00	\$ 34.46	\$ 21.97	\$ 137,426.00
62	503	Concrete Driveway	680	SY	\$ 45.00	\$ 30,600.00	\$ 41.50	\$ 34.05	\$ 19,408.50
63	503	Asphalt Driveway	724	SY	\$ 30.00	\$ 21,720.00	\$ 24.07	\$ 35.30	\$ 24,004.00
64	503	Aggregate Base Course Driveway	239	SY	\$ 10.00	\$ 2,390.00	\$ 8.33	\$ 12.45	\$ 9,013.80
65	505	Seeding and Mulching	5.4	AC	\$ 2,500.00	\$ 13,500.00	\$ 2,317.50	\$ 7.46	\$ 2,781.94
66	506	Remove and Replace Mailboxes	9	EA	\$ 150.00	\$ 1,350.00	\$ 162.25	\$ 1,950.00	\$ 1,575.00
67	507	4" Pavement Marking (Thermoplastic)	11,270	LF	\$ 1.90	\$ 21,413.00	\$ 0.77	\$ 0.65	\$ 7,624.50
68	507	12" Pavement Marking (Thermoplastic)	1,460	LF	\$ 9.00	\$ 13,140.00	\$ 2.32	\$ 6.50	\$ 9,490.00
69	507	Pavement Symbols (Arrows - Thermoplastic)	14	EA	\$ 250.00	\$ 3,500.00	\$ 180.25	\$ 165.00	\$ 2,310.00
70	507	Pavement Symbols (ONLY - Thermoplastic)	9	EA	\$ 250.00	\$ 2,250.00	\$ 190.55	\$ 170.00	\$ 1,710.00
71	508	Street Sign Installation	11	EA	\$ 200.00	\$ 2,200.00	\$ 257.50	\$ 230.00	\$ 2,420.00
72	510	Traffic Control and Maintenance	1	LS	\$ 100,000.00	\$ 100,000.00	\$ 80,069.05	\$ 140,870.00	\$ 35,000.00
73	510	Aggregate Base for Roadway Maintenance	75	Ton	\$ 30.00	\$ 2,250.00	\$ 2,925.00	\$ 40.00	\$ 3,000.00
74	511	Mobilization (shall not exceed 5% of total bid)	1	LS	\$ 150,000.00	\$ 150,000.00	\$ 131,500.00	\$ 85,000.00	\$ 230,000.00
75	512	Barbed Wire Fence	6,680	LF	\$ 11.00	\$ 73,480.00	\$ 4.89	\$ 5.15	\$ 34,402.00
76	512	4" Chain Link Fence	85	LF	\$ 18.00	\$ 1,530.00	\$ 14.42	\$ 15.15	\$ 1,287.75
77	512	6" Chain Link Fence	440	LF	\$ 22.00	\$ 9,680.00	\$ 18.03	\$ 19.00	\$ 8,360.00
78	512	16" Gate	3	EA	\$ 500.00	\$ 1,500.00	\$ 437.75	\$ 425.00	\$ 1,275.00
79	513	Handicap Access Ramp	60	SY	\$ 50.00	\$ 3,000.00	\$ 102.49	\$ 39.00	\$ 2,281.00
80	513	ADA Detectable Warning Panel	180	SF	\$ 35.00	\$ 6,300.00	\$ 17.71	\$ 26.00	\$ 4,680.00
81	514	Project Signs	2	EA	\$ 900.00	\$ 1,800.00	\$ 927.00	\$ 705.00	\$ 900.00
82	517	Tree Protection Fence	700	LF	\$ 5.00	\$ 3,500.00	\$ 3.63	\$ 2.05	\$ 2,500.00
83	SP	Concrete Slope Paving/Removal/Excavation	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 14,644.05	\$ 4,610.00	\$ 7,734.50
84	SP	Concrete Rip Rap (Slope Paving) Under 1.540	90	SY	\$ 80.00	\$ 7,200.00	\$ 221.17	\$ 39.00	\$ 3,510.00
85	504	Cast in Place Retaining Wall	1,240	SF	\$ 35.00	\$ 43,400.00	\$ 105.66	\$ 36.00	\$ 44,640.00
86	SP	Gravity Retaining Wall	3,760	SF	\$ 30.00	\$ 112,800.00	\$ 36.25	\$ 53.80	\$ 202,288.00

**VAN ASCHE DR.
GARLAND AVE. TO GREGG AVE.**

Nov 26, 2013
Bid #13-

#	Spec #	Description	QTY	UNIT	Engineers Estimate	APAC-Central, Inc.	Dean Crowder Construction, Inc.	Emery Sapp & Sons, Inc.	Sweetser Construction, Inc			
87	515	Handrail	348	LF	\$ 50.00 \$	17,400.00	\$ 34,215.36	\$ 35.00 \$	12,180.00	\$ 32.50 \$	11,310.00	
88	SP	Pond Dewatering	1	LS	\$ 2,000.00 \$	2,000.00	\$ 19,127.78	\$ 7,428.00	\$ 7,428.00	\$ 15,000.00	\$	
89	SP	4" Sch 40 Conduit	195	LF	\$ 20.00 \$	7,900.00	\$ 14.97 \$	5,913.15	\$ 8.35	\$ 3,298.25	\$ 13.35 \$	5,273.25
90	305	4" Concrete Ditch Paving	30	SY	\$ 45.00 \$	1,350.00	\$ 56.55	1,696.50	\$ 29.25	\$ 877.50	\$ 24.63	738.90
91	SP	4" Concrete Median Paving	147	SY	\$ 40.00 \$	5,880.00	\$ 25.92 \$	3,810.24	\$ 45.00	\$ 6,615.00	\$ 24.39	3,585.33
92	S09	Erosion Control	1	LS	\$ 40,000.00 \$	40,000.00	\$ 43,919.23	63,335.00	\$ 63,335.00	\$ 28,741.00	\$ 28,741.00	\$
93		Median Curb Openings	56	EA	\$ 1,500.00 \$	84,000.00	\$ 286.14 \$	16,023.84	\$ 460.00	\$ 25,760.00	\$ 898.34	\$
94		Relocate Existing Gate at Sta 10+10 R/L	1	LS	\$ 1,000.00 \$	1,000.00	\$ 437.75	460.00	\$ 460.00	\$ 425.00	\$ 425.00	\$
95		Relocate Existing Gate at Sta 12+00 R/L	1	LS	\$ 1,000.00 \$	1,000.00	\$ 437.75	460.00	\$ 460.00	\$ 425.00	\$ 425.00	\$
96		5" Class 7 Base Course	6,900	SY	\$ 6.25	43,125.00	\$ 3.66	25,254.00	\$ 7.00	48,300.00	\$ 6.36	43,884.00
U1		12" PVC, C-900 Class 200 DR-14 Water Main	2,920	LF	\$ 60.00	175,200.00	\$ 52.02	151,898.40	\$ 67.50	197,100.00	\$ 61.58	179,813.60
U2		8" PVC, C-900 Class 200 DR-14 Water Main	310	LF	\$ 45.00	13,950.00	\$ 45.32	14,049.20	\$ 55.25	17,127.50	\$ 58.85	18,243.50
U3		6" PVC, C-900 Class 200 DR-14 Water Main	80	LF	\$ 40.00	3,200.00	\$ 41.72	3,337.60	\$ 51.00	4,080.00	\$ 36.25	2,900.00
U4		2" Polyethylene Class 200 Water Service Tubing	330	LF	\$ 18.00	5,940.00	\$ 25.75	8,497.50	\$ 27.75	9,157.50	\$ 11.82	3,900.60
U5		1" Polyethylene Class 200 Water Service Tubing	415	LF	\$ 12.00	4,980.00	\$ 13.91	5,772.65	\$ 26.25	10,893.75	\$ 13.14	5,453.10
U6		8"x8" Tapping Sleeve and Valve with Box	3	EA	\$ 4,000.00	8,000.00	\$ 3,834.69	7,669.38	\$ 3,354.00	6,708.00	\$ 3,127.56	6,255.12
U7		6"x6" Tapping Sleeve and Valve with Box	3	EA	\$ 3,000.00	9,000.00	\$ 3,701.82	11,105.46	\$ 2,825.00	8,475.00	\$ 3,014.59	9,043.77
U8		12" Gate Valve with Box	15	EA	\$ 2,000.00	30,000.00	\$ 2,672.85	40,092.75	\$ 2,649.00	39,735.00	\$ 2,268.41	34,026.15
U9		8" Gate Valve with Box	1	EA	\$ 1,500.00	1,500.00	\$ 1,519.16	1,619.16	\$ 1,635.00	1,635.00	\$ 1,382.69	1,382.69
U10		6" Gate Valve with Box	1	EA	\$ 1,200.00	1,200.00	\$ 1,228.79	1,228.79	\$ 1,290.00	1,290.00	\$ 1,039.61	1,039.61
U11		Three-Way Fire Hydrant Assembly with Valve	7	EA	\$ 4,500.00	31,500.00	\$ 4,467.99	31,240.93	\$ 4,367.00	30,569.00	\$ 5,235.09	36,645.63
U12		Remove Existing Fire Hydrant and Deliver to Owner	3	EA	\$ 700.00	2,100.00	\$ 439.30	1,317.90	\$ 110.00	330.00	\$ 366.15	1,098.45
U13		Adjust Existing Fire Hydrant to Grade	1	EA	\$ 1,500.00	1,500.00	\$ 1,389.47	1,389.47	\$ 940.00	940.00	\$ 941.23	941.23
U14		Adjust Existing Water Valve to Finished Grade	3	EA	\$ 300.00	900.00	\$ 601.01	1,903.03	\$ 469.00	1,407.00	\$ 581.83	1,745.49
U15		Abandon Existing Water Valve	10	EA	\$ 200.00	2,000.00	\$ 384.71	3,847.10	\$ 227.00	2,270.00	\$ 253.34	2,553.40
U16		Double Cut and Cap Existing 8" Water Line	3	EA	\$ 1,500.00	4,500.00	\$ 950.69	2,852.07	\$ 1,395.00	4,185.00	\$ 701.78	2,105.34
U17		Double Cut and Cap Existing 6" Water Line	3	EA	\$ 1,400.00	4,200.00	\$ 860.05	2,580.15	\$ 1,315.00	3,945.00	\$ 621.96	1,565.88
U18		24" Steel Encasement by Open Cut for Water Line	646	LF	\$ 150.00	96,900.00	\$ 93.22	60,220.12	\$ 116.00	74,936.00	\$ 165.63	106,996.98
U19		16" Steel Encasement by Open Cut for Water Line	40	LF	\$ 130.00	5,200.00	\$ 68.50	2,740.00	\$ 116.00	4,640.00	\$ 172.40	6,896.00
U20		4" Bored Casing	300	LF	\$ 60.00	18,000.00	\$ 61.29	18,387.00	\$ 36.70	11,010.00	\$ 51.57	15,471.00
U21		2" Bored Casing	85	LF	\$ 45.00	3,825.00	\$ 36.57	3,108.45	\$ 32.70	2,779.50	\$ 31.48	2,675.80
U22		Adjust Air Release Valve to Grade	1	LS	\$ 4,000.00	4,000.00	\$ 2,561.61	2,561.61	\$ 3,305.00	3,305.00	\$ 1,767.16	1,767.16
U23		Single Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	8	EA	\$ 1,000.00	8,000.00	\$ 1,238.06	9,904.48	\$ 1,146.00	9,168.00	\$ 921.00	7,358.00
U24		Single 1" Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	3	EA	\$ 1,500.00	4,500.00	\$ 1,629.46	4,888.38	\$ 1,538.00	4,614.00	\$ 1,266.87	3,800.61
U25		Single 2" Meter Setting, Complete, Including Pressure Reducer and Plumber Connection to Existing Building Service	4	EA	\$ 2,500.00	10,000.00	\$ 4,213.73	16,854.92	\$ 4,287.00	17,128.00	\$ 4,042.69	16,170.76
U26		Remove Existing Meter Setting	14	EA	\$ 300.00	4,200.00	\$ 575.26	8,053.64	\$ 365.00	2,310.00	\$ 252.20	3,530.80
U27		12" Saddle, 2" Corporation Stop and Tap	10	EA	\$ 350.00	3,500.00	\$ 949.15	9,491.50	\$ 835.00	8,350.00	\$ 768.21	7,682.10
U28		12" Saddle, 1" Corporation Stop and Tap	5	EA	\$ 250.00	1,250.00	\$ 450.11	2,250.55	\$ 1,550.00	8,250.00	\$ 329.01	1,645.05
U29		Anchor Block	1	EA	\$ 1,500.00	1,500.00	\$ 1,208.19	1,208.19	\$ 2,350.00	2,350.00	\$ 1,526.24	1,526.24
U30		Epoxy Coated Ductile Iron Flanges	16,000	LBS	\$ 5.00	80,000.00	\$ 8.24	131,840.00	\$ 10.80	172,800.00	\$ 1.82	29,120.00
U31		8" PVC Sewer Main, SDR-26	145	LF	\$ 40.00	5,800.00	\$ 39.14	5,675.30	\$ 57.20	8,294.00	\$ 88.34	12,809.30
U32		6" PVC Sewer Service, SCH 40	170	LF	\$ 25.00	4,250.00	\$ 58.20	9,894.00	\$ 47.20	8,024.00	\$ 56.10	9,537.00

**VAN ASCHE DR.
GARLAND AVE. TO GREGG AVE.**

Nov 26, 2013
Bid #13-

#	Spec #	Description	QTY	UNIT	Engineers Estimate	APAC-Central, Inc.	Dean Crowder Construction, Inc.	Emery Sapp & Sons, Inc.	Sweetser Construction, Inc.
U133		4" Diameter Standard Manhole	2	EA	\$ 4,000.00 \$ 8,000.00	\$ 4,665.90 \$ 9,331.80	\$ 10,154.00 \$ 20,308.00	\$ 3,752.51 \$ 7,505.02	\$ - \$ -
U134		Adjust Existing Manhole to Finish Grade	2	EA	\$ 1,000.00 \$ 2,000.00	\$ 3,028.50 \$ 6,077.00	\$ 1,588.00 \$ 3,176.00	\$ 2,337.19 \$ 4,674.38	\$ - \$ -
U135		6" Manhole Tap for Sewer Service	1	EA	\$ 800.00 \$ 800.00	\$ 918.76 \$ 918.76	\$ 382.00 \$ 382.00	\$ 212.67 \$ 212.67	\$ - \$ -
U136		Site Photographs	1	LS	\$ 2,000.00 \$ 2,000.00	\$ 6,916.45 \$ 6,916.45	\$ 1,372.00 \$ 1,372.00	\$ 19,377.87 \$ 19,377.87	\$ - \$ -
TOTAL BID					\$ 5,740,052.00	\$ 4,587,255.03	\$ 4,971,917.75	\$ 5,106,612.30	Non Responsive

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 #: 7470		Vendor Name: APAC		Requisition No.:		Date: 11/26/2013			
Address:		Fob Point:		P.O Number:		Expected Delivery Date:			
City:		State:		Mail Yes: XX No:		Quoted Attached Yes: No:			
RMT 1		Zip Code:		Taxable Yes: No: XX		Division Head Approval: <i>Ch</i>			
Requester: Matt Casey		Requester's Employee #: 2119		Extension: 3429					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Street Improvements-Van Asche	1		#####	\$1,717,346.00	4520.9520.5809.00	06035.2500		
2	Street Improvements-Van Asche	1		#####	\$1,425,157.00	4520.9540.5809.00	06035.2500		
3	Street Improvements-Van Asche	1		#####	\$1,444,747.00	4520.9555.5809.00	06035.2500		
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:			\$4,587,250.00	
					Tax:				
					Total:			\$4,587,250.00	

Revised 11/22/09

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

DOCUMENT 00500 – AGREEMENT
BETWEEN OWNER AND CONTRACTOR

Contract Name/Title: Van Asche Drive – Garland Ave. to Gregg Ave.

Contract No.: 13-56, Construction

THIS AGREEMENT is dated as of the _____ day of _____ in the year 2013 by and between The City of Fayetteville, Arkansas and _____ (hereinafter called Contractor).

ARTICLE 1 - WORK

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The work under this Contract includes, but is not limited to:

The construction of approximately 5300 LF of Van Asche Drive between Garland Ave. and Gregg Ave. including the associated earthwork, curb and gutter, sidewalk, trail, drainage, driveways, fencing, retaining walls, 12" waterline, 8" sanitary sewer, manholes, services and miscellaneous related items.

The Contract includes work in AHTD Right-of-way, City of Fayetteville Right-of-way and in General Utility Easements.

Refer to Section 00400-Bid Form for quantities:

ARTICLE 2 - ENGINEER

2.01 The Contract Documents have been prepared by the City of Fayetteville Engineering Division. City of Fayetteville Engineering Division assumes all duties and responsibilities, and has the rights and authority assigned to City of Fayetteville Engineering Division in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

ARTICLE 3 - CONTRACT TIME

3.01 **TIME OF THE ESSENCE:**

- A. All time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 **DATES FOR SUBSTANTIAL COMPLETION AND FINAL PAYMENT:**

- A. The Work will be Substantially Completed within **450** calendar days after the date when the Contract Times commence to run as provided in the GENERAL CONDITIONS, and completed and ready for final payment in accordance with the GENERAL CONDITIONS within **480** calendar days after the date when the Contract Times commence to run.

3.03 **LIQUIDATED DAMAGES:**

- A. Owner and Contractor recognize that time is of the essence of this Agreement and that The City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the GENERAL CONDITIONS. The parties also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by The City of Fayetteville if the Work is not Substantially Completed on time. Accordingly, instead of requiring any such proof, The City of Fayetteville and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay The City of Fayetteville Seven Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified above in Paragraph 3.02 for Substantial Completion until the Work is Substantially Complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the time specified in Paragraph 3.02 for completion and readiness for final payment or any proper extension thereof granted by The City of Fayetteville, Contractor shall pay The City of Fayetteville Seven

DOCUMENT 00500 – AGREEMENT (continued)

Hundred Fifty Dollars (\$750.00) for each calendar day that expires after the time specified for completion and readiness for final payment.

ARTICLE 4 - CONTRACT PRICE

- 4.01 The CITY OF FAYETTEVILLE agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the prices bid in the Proposal (BID FORM) which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications.
- 4.02 As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions.
- 4.03 Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

ARTICLE 5 - PAYMENT PROCEDURES

- 5.01 **SUBMITTAL AND PROCESSING OF PAYMENTS:**
- A. Contractor shall submit Applications for Payment in accordance with the GENERAL CONDITIONS. Applications for Payment will be processed by Engineer as provided in the GENERAL CONDITIONS.
- 5.02 **PROGRESS PAYMENTS, RETAINAGE:**
- A. The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer, on or about the 15th day of each month during construction. All such payments will be measured by the schedule of values established in the GENERAL CONDITIONS (and in the case of Unit Price

DOCUMENT 00500 – AGREEMENT (continued)

Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.
 - a. 90% of Work Completed (with the balance being retainage). If Work has been 50% completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to The City of Fayetteville and Engineer, The City of Fayetteville on recommendation of Engineer, may determine that as long as the character and progress of the Work subsequently remain satisfactory to them, there will be no additional retainage on account of Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be an amount equal to 100% of the Work Completed less the aggregate of payments previously made; and
 - b. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the GENERAL CONDITIONS.
2. Upon Substantial Completion, The City of Fayetteville shall pay an amount sufficient to increase total payments to Contractor to 95% of the Contract Price (with the balance being retainage), less such amounts as Engineer shall determine, or The City of Fayetteville may withhold, in accordance with the GENERAL CONDITIONS.

DOCUMENT 00500 – AGREEMENT (continued)

5.03 **FINAL PAYMENT:**

- A. Upon final completion and acceptance of the Work in accordance with the GENERAL CONDITIONS, The City of Fayetteville shall pay the remainder of the Contract Price as recommended by Engineer and as provided in the GENERAL CONDITIONS.

ARTICLE 6 - CONTRACTOR'S REPRESENTATIONS

6.01 In order to induce The City of Fayetteville to enter into this Agreement, Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents including the Addenda and other related data identified in the Bid Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.
- D. Contractor has carefully studied all:
 - (1) Reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site; and
 - (2) Reports and drawings of a Hazardous Environmental Condition, if any, at the Site. Contractor acknowledges that The City of Fayetteville and Engineer do not assume responsibility for the accuracy or completeness of information and data shown or indicated

DOCUMENT 00500 – AGREEMENT (continued)

in the Contract Documents with respect to Underground Facilities at or contiguous to the Site.

- E. Contractor has obtained and carefully studied (or assumes responsibility of having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site or otherwise which may affect cost, progress, performance, and furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- F. Contractor does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performing and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by The City of Fayetteville and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents and the written resolution thereof by Engineer is acceptable to Contractor.

DOCUMENT 00500 – AGREEMENT (continued)

- J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 7 - CONTRACT DOCUMENTS

7.01 CONTENTS:

- A. The Contract Documents which comprise the entire Agreement between The City of Fayetteville and Contractor concerning the Work consist of the following and may only be amended, modified, or supplemented as provided in the GENERAL CONDITIONS:
1. This Agreement.
 2. Exhibits to this Agreement (enumerated as follows):
 - a. Notice to Proceed.
 - b. Contractor's Bid.
 - c. Documentation submitted by Contractor prior to Notice of Award.
 3. Performance, Payment, and other Bonds.
 4. General Conditions.
 5. Supplementary Conditions.
 6. Specifications consisting of divisions and sections as listed in table of contents of Project Manual.
 7. Drawings consisting of a cover sheet and sheets as listed in the table of contents thereof, with each sheet bearing the following general title: Van Asche Drive – Garland Ave. to Greff Ave.
 8. Addenda numbers __, inclusive.

DOCUMENT 00500 – AGREEMENT (continued)

9. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to the GENERAL CONDITIONS.

ARTICLE 8 - MISCELLANEOUS

8.01 **TERMS:**

- A. Terms used in this Agreement which are defined in the GENERAL CONDITIONS shall have the meanings stated in the GENERAL CONDITIONS.

8.02 **ASSIGNMENT OF CONTRACT:**

- A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by Law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.03 **SUCCESSORS AND ASSIGNS:**

- A. The City of Fayetteville and Contractor each binds himself, his partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

DOCUMENT 00500 – AGREEMENT (continued)

8.04 **SEVERABILITY:**

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon The City of Fayetteville and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

8.05 **FREEDOM OF INFORMATION ACT:**

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

8.06 **LIENS:**

- A. **No liens against this construction project are allowed.** Arkansas law (A.C.A. §§18-44-501 through 508) prohibits the filing of any mechanics' of materialmen's liens in relation to this public construction project. Arkansas law requires and the contractor promises to provide and file with the Circuit Clerk of Washington County a bond in a sum equal to the amount of this contract. Any subcontractor or materials supplier may bring an action for non-payment or labor or material on the bond. The contractor promises to notify every subcontractor and materials supplier for this project of this paragraph and obtain their written acknowledgement of such notice prior to commencement of the work of the subcontractor or materials supplier.

DOCUMENT 00500 – AGREEMENT (continued)

IN WITNESS WHEREOF, The City of Fayetteville and Contractor have signed this Agreement in quadruplicate. One counterpart each has been delivered to Contractor and Engineer. Two counterparts each has been delivered to The City of Fayetteville. All portions of the Contract Documents have been signed, initialed, or identified by The City of Fayetteville and Contractor or identified by Engineer on their behalf.

This Agreement will be effective on _____, 20__, which is the Effective Date of the Agreement.

CONTRACTOR: APAC-Central, Inc.

CITY OF FAYETTEVILLE _____

755 E. Millsap Rd, Fayetteville, AR 72703

By: _____

By: Lioneld Jordan

Title: _____

Title: Mayor

(SEAL)

(SEAL)

Attest _____

Attest _____

DOCUMENT 00500 – AGREEMENT (continued)

Address for giving notices

Address for giving notices

113 W. Mountain St.
Fayetteville, AR 72701

License No. _____

(attach evidence of authority to
sign and resolution or other documents
authorizing execution of Agreement)

Agent for Service of process

(If Contractor is a corporation,
attach evidence of authority to
sign.)

Approved As to Form:

By: _____

Attorney For: _____

END OF DOCUMENT 00500

City of Fayetteville Item Review Form

2013-0196

Legistar File Number

12-17-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

VAC 13-4533: Vacation (2732 & 2734 WILDWOOD/LEGACY, 363): Submitted by BATES & ASSOCIATES for property located at the 2732 & 2734 WILDWOOD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.15 acre. The request is to vacate a utility and drainage easement.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-27-13 4:09:18 PM

Nov 27, 2013



Paul A. Baker

Don Ma

11/27/13

Leonell Taylor 12/2/13



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: November 26, 2013

Subject: VAC 13-4533 Vacation (Drainage and General Utility Easement/Wildwood Drive)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to vacate a drainage and general utility easement near Wildwood Drive.

BACKGROUND

The property was originally platted as Lot 6 in the Pine Valley Sub-division. Multiple attempts to develop the property have been abandoned in recent years by different developers, including a multi-family residential project, a replat, a lot split, and a pair of variance requests, since 2000. A lot split was approved earlier this year (PLA_LSP 13-4388,) dividing the property into three building lots. There is an existing 16' drainage and general utility easement platted on the property that remains from a previous attempt to develop the property. The easement is no longer required under the current development proposal.

The applicant requests that this existing 16' drainage and general utility easement be vacated.

DISCUSSION

On November 25, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 13-4533 SUBMITTED
BY BATES AND ASSOCIATES FOR PROPERTY LOCATED
AT 2732 AND 2734 WILDWOOD TO VACATE A UTILITY
AND DRAINAGE EASEMENT.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the platted utility and drainage easement is not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility and drainage easement in Exhibit B (attached).

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached and labeled Exhibit A shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Condition of Approval and shall not be in effect until the condition is met.

“Any relocation of existing utilities shall be at the owner/developer’s expense.”

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

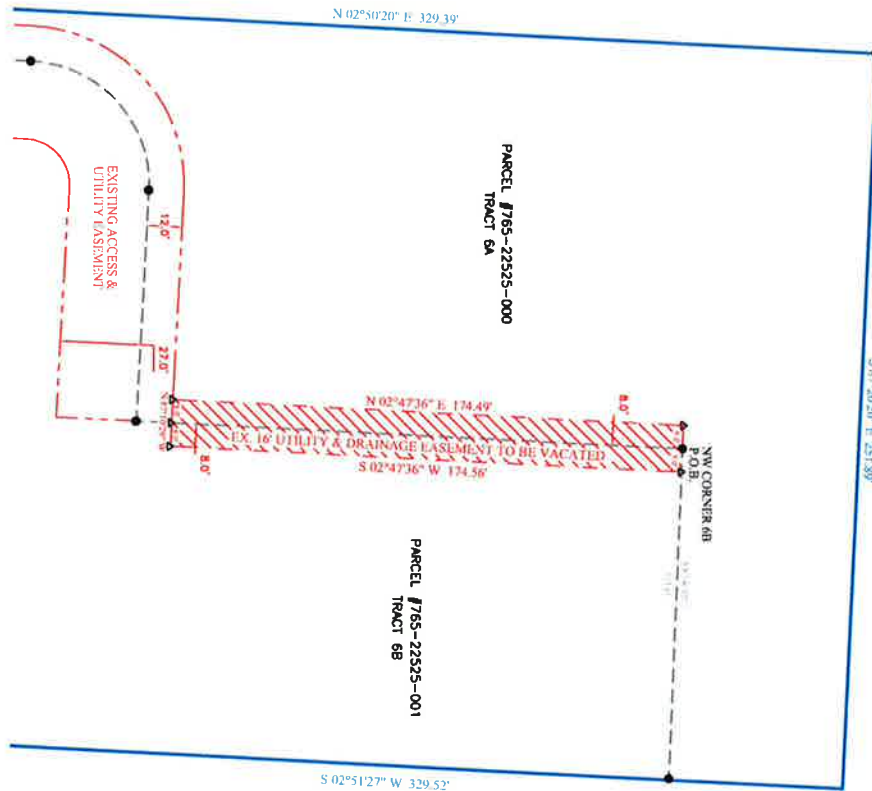
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

D. 2
VAC 13-4533 (2732 & 2734
Wildwood/Legacy)
Page 4 of 20



EASEMENT VACATION EXHIBIT



PORTION TO BE VACATED:
A PART OF LOT 6A AND 6B OF THE REPLAT PLAT BOOK 22 AT PAGE 911 OF LOT 6, PINE VALLEY, PHASE 1, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43"E 8.00'; THENCE S02°47'36"W 174.56'; THENCE N87°10'29"W 16.00'; THENCE N02°47'36"E 174.49'; THENCE S87°41'43"E 8.00' TO THE POINT OF BEGINNING.

DRAWING# 13-095

LEGEND	
	BOUNDARY LINE
	PARCEL LINE (EXISTING)
	UTILITY & DRAINAGE EASEMENT
	ACCESS & UTILITY EASEMENT
	FOUND REBAR
	COMPUTED POINT

FOR USE AND BENEFIT OF:
LEGACY VENTURES

ADDRESS:
**CITY OF FAYETTEVILLE
WASHINGTON COUNTY, ARKANSAS**

DATE: 10/15/13

LOCATION:
PINE VALLEY
ADDITION

SCALE: 1" = 50'

SURVEYED: XX
DRAFTED: DT
REVIEWED: DT



Bates & Associates, Inc.
Civil Engineering • Land Surveying • Landscape Architecture

91 W. Coll Square Dr., Fayetteville, Arkansas 72703 • 479.442.9350 • Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2013
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No use, including the person(s) named, may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation of the accuracy of record, encroachments, restrictive covenants, ownership title, easements, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

EXHIBIT "B"
VAC 13-4533

PORTION TO BE VACATED:

APART OF LOT 6A AND 6B OF THE REPLAT (PLAT BOOK 23 AT PAGE 91) OF LOT 6, PINE VALLEY, PHASE I, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43"E 8.00', THENCE S02°47'36"W 174.56', THENCE N87°10'29"W 16.00', THENCE N02°47'36"E 174.49', THENCE S87°41'43"E 8.00' TO THE POINT OF BEGINNING.



PC Meeting of November 25, 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: Quin Thompson, Current Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~November 19, 2013~~ **UPDATED 11-26-2013**

VAC 13-4533: Vacation (2732 & 2734 WILDWOOD/LEGACY, 363): Submitted by BATES & ASSOCIATES for property located at the 2732 & 2734 WILDWOOD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.9 acres. The request is to vacate a utility and drainage easements.
Planner: Quin Thompson

Findings:

Background: The property was originally platted as Lot 6 in the Pine Valley Sub-division. Multiple attempts to develop the property have been abandoned in recent years by different developers, including a multi-family residential project, a replat, a lot split, and a pair of variance requests, since 2000. A lot split was approved earlier this year (PLA_LSP 13-4388,) dividing the property into three building lots.

Property Description: The subject property is located at 2732 W. Wildwood Drive, is currently zoned RMF-24, Residential Multi-family, and contains approximately 1.9 acres. A substantial amount of the rear of the subject property lies within designated floodplain. The entire build-to-zone (front) of all three lots is encompassed with a 27-foot utility easement adjacent to the street and a substantial portion of two of the lots is protected by an existing tree preservation easement. Surrounding land use is depicted below in Table 1.

Table 1
Surrounding Land Use/Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	RSF-4, Single-Family Residential, 4 Units per Acre
South	Residential	RMF-24, Multi-Family Residential
East	Industrial	I-1, Heavy Commercial-Light Industrial
West	Residential	RMF-24, Multi-Family Residential

Request: The applicant's request is to vacate a general utility and drainage easement as shown in the submitted exhibit.

Easement Vacation Approval: The applicant has submitted the required right-of-way vacation forms to the City Utilities Departments, franchise utilities, and adjacent property owners with no objections., however no response has been provided from AT&T.

Public Comment: No public comment has been received.

Recommendation: The existing easement was made redundant by the lot split approved earlier this year where other easements for development were dedicated. Staff recommends forwarding VAC 13-4533 to the City Council with a recommendation for approval with the following conditions:

1. Any relocation or damage to any existing utility facilities shall be repaired at the property owner's expense.
2. The agenda request for this item will not be submitted until the applicant provides City Planning Staff the written permission form from AT&T.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: November 25, 2013

Motion: COOK

Second: CHESSER

Vote: 8-0-0

Notes: ON CONSENT

LEGACY VENTURES, LLC P.O. BOX 8216 FAYETTEVILLE, AR 72703

City of Fayetteville City Council
City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

October 16, 2013

Fayetteville City Council and Fayetteville Planning Commission:

Please accept this letter as a petition to vacate the existing drainage and utility easement located between lots 6A and 6B in the Pine Valley Addition Phase V to the City of Fayetteville.

We currently own both lots abutting this drainage and utility easement and to my knowledge it is no longer needed with the proposed development strategy. We have received approval for a lot split/lot line adjustment and ultimately the construction of three duplex homes on the subject property of 1.91 acres. I have attached a survey showing the lot boundaries, as well as, our site plan illustrating the location and layout of the future improvements. The engineered site plan/grading plan takes into account all drainage in and around our planned improvements. Furthermore, there are no utilities currently located in this easement. We are proposing to vacate the existing easement; however, are dedicating another such easement approximately twenty feet to the east. The proposed easement is the same width but extends to the north approximately 30 feet further than the existing easement on record. The proposed easement will be dedicated when the lot split/lot line adjustment plat is filed. In the event of any future use or need for an easement in this location it will be available.

The easement we are seeking to be abandoned and vacated is more completely described as follows:

(Legal Description of area to be vacated)

The abutting real estate affected by said abandonment of the drainage and utility easement is limited to lots 6A and 6B in the Pine Valley Addition Phase V to the City of Fayetteville.

We respectfully request that the City of Fayetteville Planning Commission and City Council vacate the above described drainage and utility easement and allow it to be relocated to the east per the attached plat. This will allow us the opportunity to construct improvements consistent with the current development pattern in this area.

Thank you for consideration of our request.

Sincerely,



Tim Brisiel



Petition page 2 of 2

PORTION TO BE VACATED:

A PART OF LOT 6A AND 6B OF THE REPLAT (PLAT BOOK 23 AT PAGE 91) OF LOT 6, PINE VALLEY, PHASE 1, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 12 AT PAGE 88, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 6B AND RUNNING THENCE S87°41'43"E 8.00', THENCE S02°47'36"W 174.56', THENCE N87°10'29"W 16.00', THENCE N02°47'36"E 174.49', THENCE S87°41'43"E 8.00' TO THE POINT OF BEGINNING.

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY:

AEP/SWEPCO

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel

APPLICANT PHONE 479-790-3315

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Joshua Bayne
Signature of Utility Company Representative

Title

Dist. Engineer

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY: Source Gas

APPLICANT NAME: Legacy Ventures, LLC Tim Brisel APPLICANT PHONE: 479-790-3315

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(*ATTACH legal description and graphic representation of what is being vacated-SURVEY*)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Brian A. Oanpa
Signature of Utility Company Representative

SUPERVISOR - FAYETTEVILLE DIVISION
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY: City of Fayetteville - Water and Sewer

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

X

No objections to the vacation(s) described above.

- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Shannon Jones
Signature of Utility Company Representative

Utilities Engineer
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10-16-13

UTILITY COMPANY: Solid waste & Recycling

APPLICANT NAME: _____ APPLICANT PHONE: _____
REQUESTED VACATION (*applicant must check all that apply*):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Brian Rupp
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 10-16-13

UTILITY COMPANY: City of Fayetteville

APPLICANT NAME: _____ APPLICANT PHONE: _____

REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

**

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Terry D. Guller
Signature of Utility Company Representative

Transportation Services Director
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY: Ozark Electric

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE 479-790-3315
REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☐ No objections provided the following conditions are met:

Greg McGee

Signature of Utility Company Representative

Lead Staking Tech.

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY: Cox Communications

APPLICANT NAME: Legacy Ventures, LLC Tim Brisel APPLICANT PHONE 479-790-3315
REQUESTED VACATION (*applicant must check all that apply*):

- ☒ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

Any damage to or relocation of existing facilities will be at the owners/developers request.

Chad H. Zy
Signature of Utility Company Representative

Construction Planner III NWA
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 10/16/2013

UTILITY COMPANY: AT&T

APPLICANT NAME: Legacy Ventures, LLC Tim Brisiel APPLICANT PHONE: 479-790-3315

REQUESTED VACATION (*applicant must check all that apply*):

☒ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address (referring to attached document- must be completed**)

** 2732/2734 Wildwood in the Pine Valley Subdivision Phase V

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

☐ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

ANY NEED TO RELOCATE OR ANY DAMAGE TO EXISTING
ATT/SWBT FACILITIES WILL BE AT THE OWNER/DEVELOPER'S
EXPENSE

Susan K. Clouser

Signature of Utility Company Representative

OSP DESIGN ENGINEER

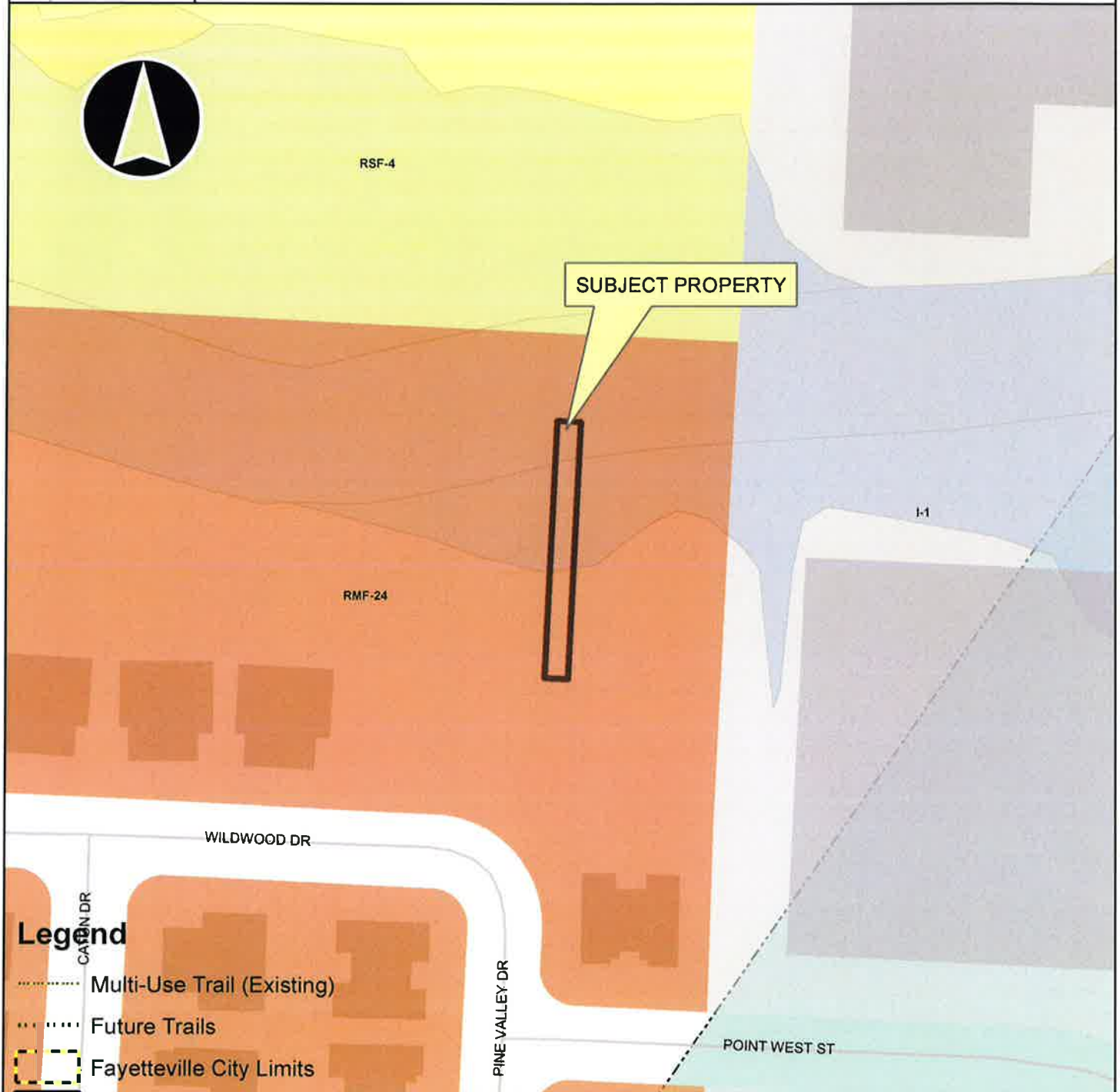
Title

1
Miles

VAC13-4533

LEGACY

Close Up View

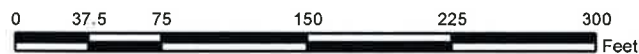


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

- VAC13-4533
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



City of Fayetteville Item Review Form

2013-0197

Legistar File Number

12-17-2013

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

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4538: Rezone (RAZORBACK ROAD/VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at 731 RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.09 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

11-27-13A09:18 RCVD

Nov 27, 2013



Paul A. Buh
Angie Mann
Paula Buh

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Quin Thompson, Current Planner

Date: November 25, 2013

Subject: RZN 13-4538: Rezone (731 S Razorback Road/Victory Commons)

RECOMMENDATION: The Planning Commission and Staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

BACKGROUND: The subject property is located at 731 S Razorback Road. The property is within the I-1, Heavy Commercial and Light Industrial zoning district and contains multiple lots totaling approximately 5.09 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as **Urban Center Area**.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. It is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses and the City Plan 2030 designation as an *Urban Area*.

The UT zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential and commercial development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent properties to the west from I-1 to CS, Community Services, the rail line spur in this immediate vicinity

has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On November 25, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4538, FOR APPROXIMATELY 5.09 ACRES, LOCATED AT 731 S RAZORBACK ROAD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL, TO UT, URBAN THOROUGHFARE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from I-1, Heavy Commercial and Light Industrial to UT, Urban Thoroughfare, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

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

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

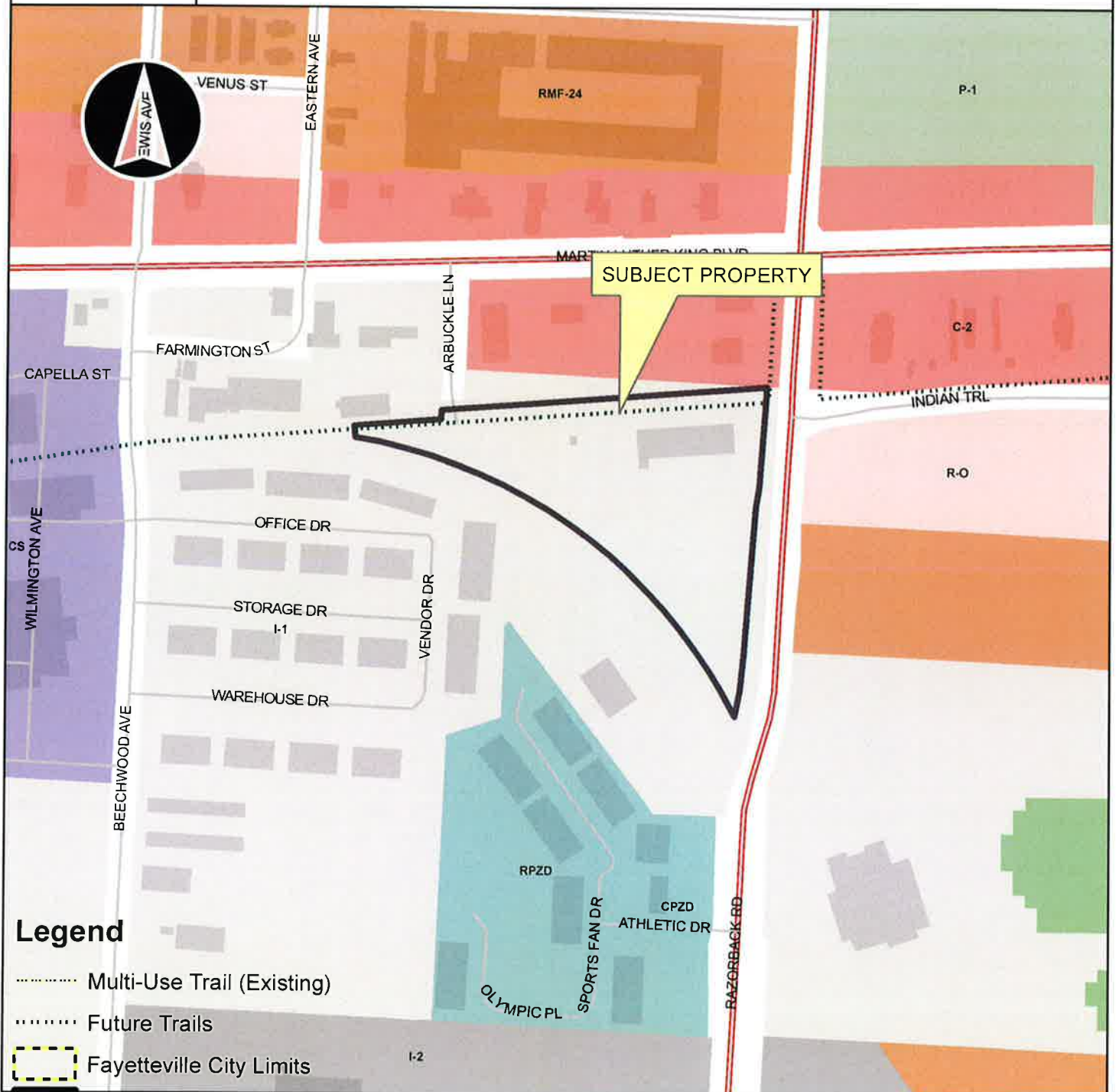
EXHIBIT "A"

D. 3
RZN 13-4538 (Razorback
Road/Victory Commons)
Page 5 of 22

RZN13-4538

VICTORY COMMONS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN13-4538

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

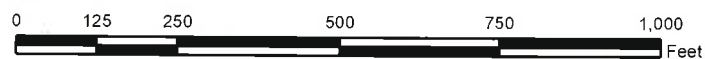


EXHIBIT "B"
RZN 13-4538

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE SOUTH 40.12', THENCE S87°02'22"W 68.57' TO THE RIGHT-OF-WAY OF RAZORBACK ROAD (ARKANSAS STATE HIGHWAY #112) SAID POINT BEING 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK AND THE POINT OF BEGINNING, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S02°31'07"W 160.59', S06°55'32"W 43.15', S02°47'03"W 304.09', S04°08'22"W 68.30', S09°46'05"W 56.53' TO THE INTERSECTION WITH SAID RIGHT-OF-WAY AND A POINT THAT IS 15' NORTH AND EAST OF AND PARALLEL AND OR CONCENTRIC TO THE CENTERLINE OF THE SOUTH LEG OF THE WYE CONNECTING TRACK OF SAID RAILROAD COMPANY'S FORT SMITH, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID CONNECTING TRACK ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1057.14' FOR A CHORD BEARING AND DISTANCE OF N55°34'56"W 959.98' TO A FOUND IRON PIN WITH CAP WHICH IS 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK, THENCE N06°03'38"W 23.64', THENCE N83°27'03"E 176.43' TO AN EXISTING REBAR, THENCE N00°24'08"E 18.62', THENCE N84°00'06"E 666.13' TO THE RIGHT-OF-WAY OF SAID RAZORBACK ROAD, THENCE S02°31'07"W 43.67' ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 5.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND OTHER RESTRICTIONS OF RECORD OR NOT.



PC Meeting of November 25, 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: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~November 18, 2013~~ UPDATED 11-26-2013

RZN 13-4538: Rezone (RAZORBACK RD./VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.17 acres. The request is to rezone the property to UT, Urban Thoroughfare.

Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located west of Razorback Road near Martin Luther King Boulevard. The property is within the I-1 zoning district and contains multiple lots totaling approximately 5.17 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

The north edge of the property shows a multi-use trail according to the Fayetteville Alternative Transportation and Trails (FATT) plan. On the south property line there is an existing rail corridor. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Filling Station, Franchise Restaurants	C-2, Thoroughfare Commercial
South	State of Arkansas(DMV), Rail corridor	I-1, Heavy Commercial and Light Industrial
East	Undeveloped	R-O, Residential Office/RMF-24, Residential Multi-family 24 units per acre
West	Commercial Warehouse	I-1, Heavy Commercial and Light Industrial(to be rezoned CS)

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4538 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>		
Date: <u>November 25, 2013</u>	☐ Tabled	☒ Forwarded ☐ Denied
Motion: CHESSER Second: WINSTON Vote: 8-0-0		
Notes: HOSKINS RECUSED		
CITY COUNCIL ACTION:		
	☐ Approved	Required <u>YES</u> ☐ Denied
Date:		

INFRASTRUCTURE:

- Streets:** The site has access to Razorback Road, a fully improved five lane city street in this location. Street improvements will be evaluated at the time of redevelopment.
- Water:** Public water is available to the property. There is both an 8" main along Razorback Road and a 12" water main within the property boundary.
- Sewer:** Sanitary sewer is available to the site. There is an 8" sewer main along Razorback Road which joins a 24" sewer main along the subject frontage.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Fire:** This development will be protected by Engine 6 located at 900 S. Hollywood Dr. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
- Police:** The Police Department made no comment.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: This property is currently partly developed with a warehouse built in 1972. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be developed with commercial and/or residential uses that are consistent with City policies and goals for the neighborhood. The City Plan 2030 Future Land Use Map designates this area as Urban Center. This designation encourages height, density, and variety of use in order to create compact urban neighborhoods.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed rezoning is justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and commercial uses, which are compatible with the City Plan 2030 Future Land Use Map.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The site access has access to Razorback Road, a fully improved five lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be evaluated at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

A written description of this request addressing the following items:

- a. Current ownership information and any proposed or pending property sales.

The Property to be rezoned is currently owned by Tracy Hoskins, Victory Commons, LLC, and Allied Bank. No sales are pending.

- b. Reason (need) for requesting the zoning change.

Changes due to market conditions and the property is currently zoned I-1 Industrial. The property is better suited for mixed-use commercial/residential – as designated in our CityPlan 2030.

- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

Proposed Zoning will be very compatible to the existing zoning of the surrounding neighborhood in terms of intensity and uses. The immediate area is a redeveloping area of student housing and commercial. The property is located just off of MLK and along the recently widened blvd Razorback Road – two major arterial roads. The requested zoning should not negatively impact existing traffic conditions. This is currently a brown field site. With the appropriate UT zoning, the property can be redeveloped into an attractive and useful enhancement to the community. Signage will be as allowed within the UT regulations.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

The property is currently served by a 12" water main along the street frontage (Razorback Road) and 8" and 24" sewer main also along the street frontage (Razorback Road)

- e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The property will be rezoned from Industrial to formed-based zoning Urban Thoroughfare – consistent with the 2030 Future Land Use designation of Urban Center Area

- f. Whether the proposed zoning is justified and/or needed at the time of the request.

The Proposed Zoning is justified and needed as the property is currently zoned for Industrial use which is not a desirable or practical zoning for the property, nor is it the highest and best use of the property.

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The property is located just off of MLK and along the recently widened blvd Razorback Road. The requested zoning should not negatively impact existing traffic conditions.

- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

We expect that the property will eventually somewhat increase the population density in the immediate area. However, this is the type of land use and density we as a city are trying to promote.

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

Currently, there are no uses permitted other than those relative and permitted un Industrial zoning. While industrial zoning does include some permitted uses such as limited multifamily, eateries, etc.; the zoning also permits undesirable uses as well – by right.





Zoning Review

To: Quin Thompson
From: Harley Hunt
Date: October 30, 2013
Re: RZN 13-4538

This development will be protected by Engine 6 located at 900 S. Hollywood Dr.
It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

One Mile View

The map displays the Hillside-Hilltop Overlay District with various zoning districts color-coded: orange for residential (e.g., R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100), green for commercial (e.g., C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, C-9, C-10, C-11, C-12, C-13, C-14, C-15, C-16, C-17, C-18, C-19, C-20, C-21, C-22, C-23, C-24, C-25, C-26, C-27, C-28, C-29, C-30, C-31, C-32, C-33, C-34, C-35, C-36, C-37, C-38, C-39, C-40, C-41, C-42, C-43, C-44, C-45, C-46, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-54, C-55, C-56, C-57, C-58, C-59, C-60, C-61, C-62, C-63, C-64, C-65, C-66, C-67, C-68, C-69, C-70, C-71, C-72, C-73, C-74, C-75, C-76, C-77, C-78, C-79, C-80, C-81, C-82, C-83, C-84, C-85, C-86, C-87, C-88, C-89, C-90, C-91, C-92, C-93, C-94, C-95, C-96, C-97, C-98, C-99, C-100), blue for industrial (e.g., I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, I-11, I-12, I-13, I-14, I-15, I-16, I-17, I-18, I-19, I-20, I-21, I-22, I-23, I-24, I-25, I-26, I-27, I-28, I-29, I-30, I-31, I-32, I-33, I-34, I-35, I-36, I-37, I-38, I-39, I-40, I-41, I-42, I-43, I-44, I-45, I-46, I-47, I-48, I-49, I-50, I-51, I-52, I-53, I-54, I-55, I-56, I-57, I-58, I-59, I-60, I-61, I-62, I-63, I-64, I-65, I-66, I-67, I-68, I-69, I-70, I-71, I-72, I-73, I-74, I-75, I-76, I-77, I-78, I-79, I-80, I-81, I-82, I-83, I-84, I-85, I-86, I-87, I-88, I-89, I-90, I-91, I-92, I-93, I-94, I-95, I-96, I-97, I-98, I-99, I-100), and purple for public (e.g., P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16, P-17, P-18, P-19, P-20, P-21, P-22, P-23, P-24, P-25, P-26, P-27, P-28, P-29, P-30, P-31, P-32, P-33, P-34, P-35, P-36, P-37, P-38, P-39, P-40, P-41, P-42, P-43, P-44, P-45, P-46, P-47, P-48, P-49, P-50, P-51, P-52, P-53, P-54, P-55, P-56, P-57, P-58, P-59, P-60, P-61, P-62, P-63, P-64, P-65, P-66, P-67, P-68, P-69, P-70, P-71, P-72, P-73, P-74, P-75, P-76, P-77, P-78, P-79, P-80, P-81, P-82, P-83, P-84, P-85, P-86, P-87, P-88, P-89, P-90, P-91, P-92, P-93, P-94, P-95, P-96, P-97, P-98, P-99, P-100). The map also shows streets, a north arrow, and a legend for Multi-Use Trail (Existing), Future Trails, and Hillside-Hilltop Overlay District. A subject property is highlighted in yellow.

Subject Property
☐ RZN13-4538

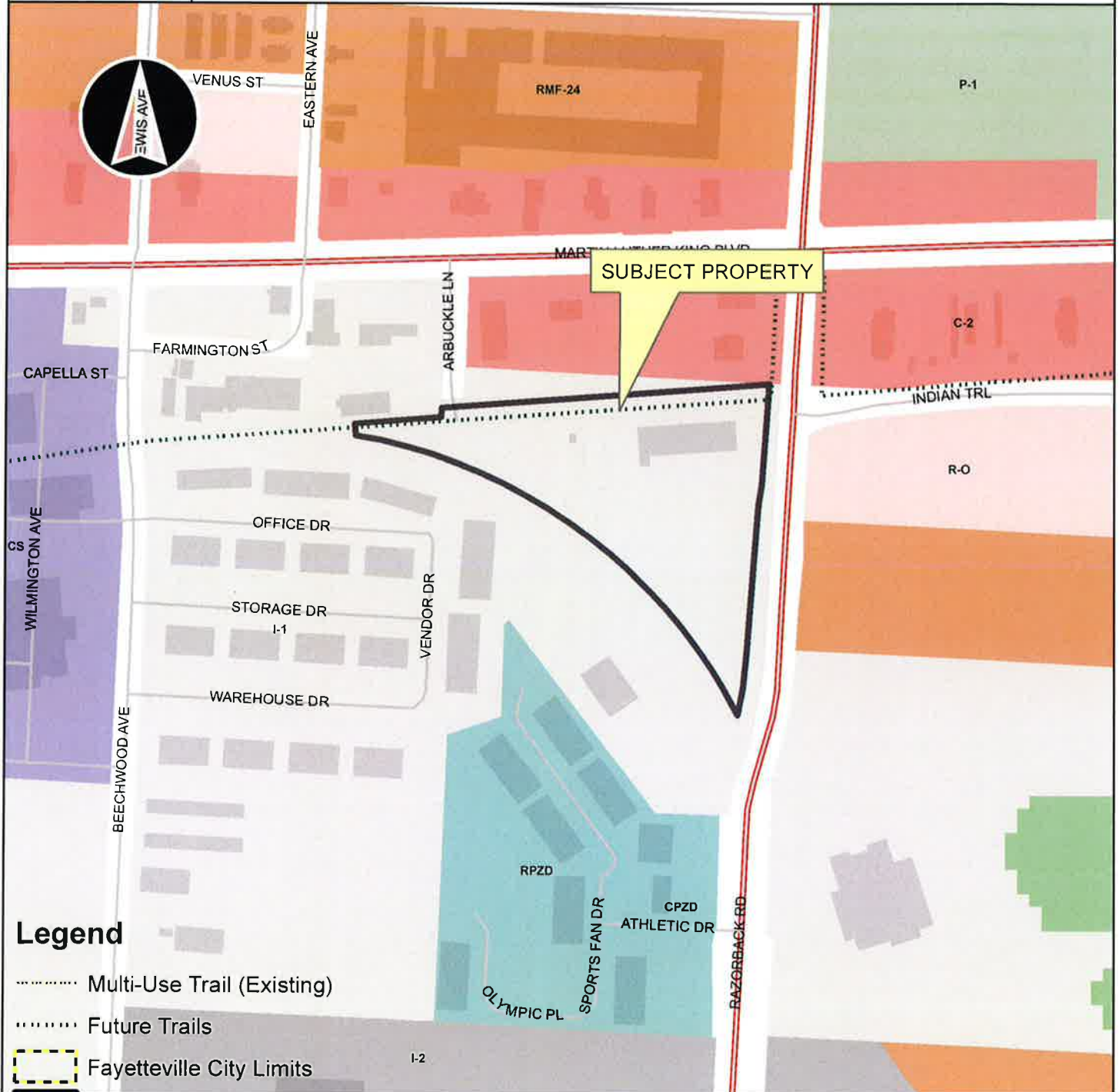
0 0.25 0.5

1 Miles

RZN13-4538

VICTORY COMMONS

Close Up View



Legend

Overview RZN13-4538

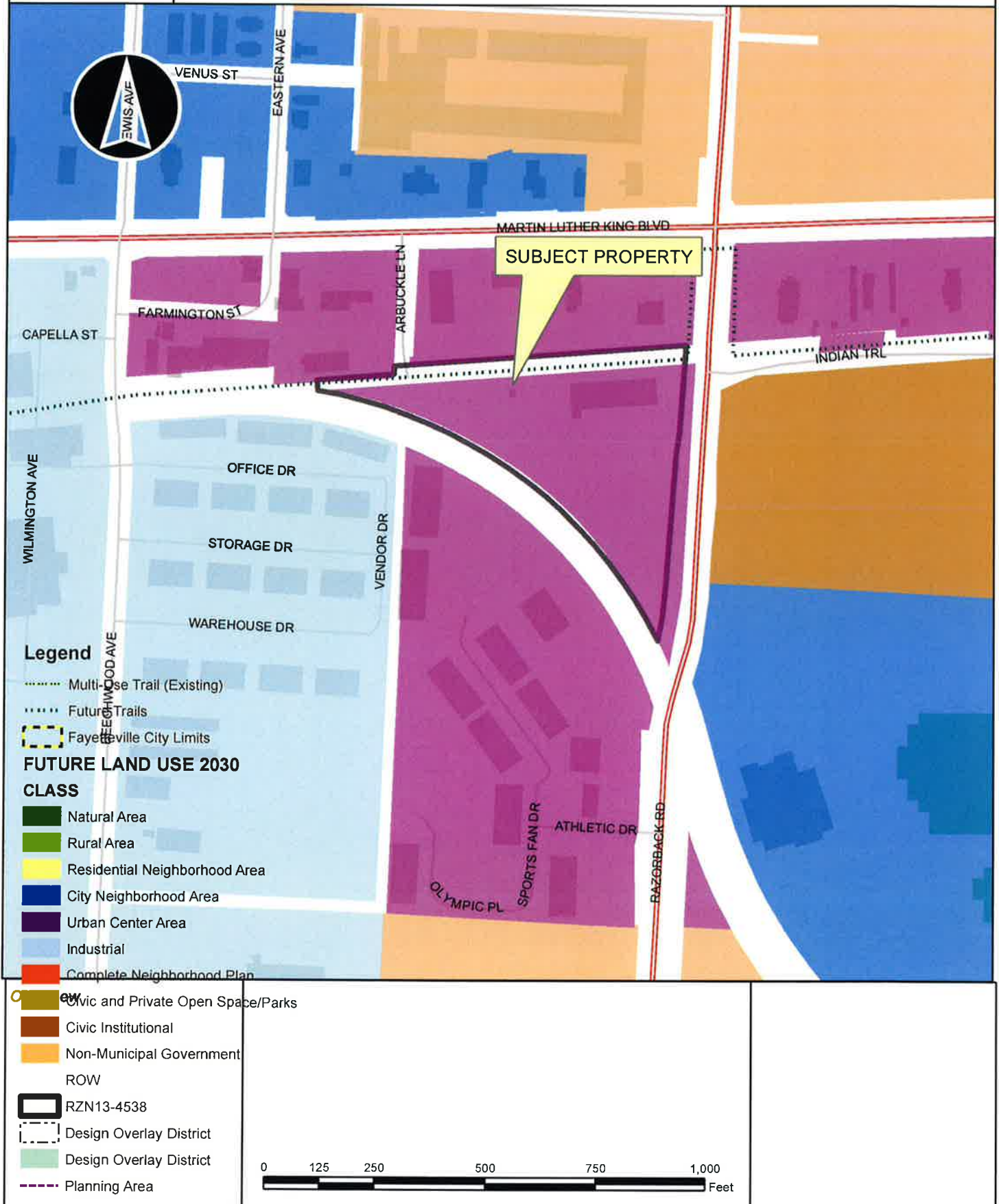
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4538

VICTORY COMMONS

Future Land Use



RZN13-4538

VICTORY COMMONS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN13-4538

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



City of Fayetteville Item Review Form

2013-0186

Legistar File Number

12/17/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Yolanda Fields

Submitted By

Development Services

Department

Action Required:

A Resolution certifying to the Tax Collector of Washington County, Arkansas the costs of Razing and Removal of a dilapidated and unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the city of Fayetteville, Arkansas.

Does this item have a cost? ☐ No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item? ☐

Budget Adjustment Attached? ☐

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Staff recommends approval of the Resolution.

11-27-13 A09:27 RCVD

dm



[Signature] 11-27-13

[Signature]

Paul A. Baker 11-27-2013

[Signature] 11-27-13

[Signature] 12/2/13

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Yolanda Fields, Community Services Director

Date: November 8, 2013

Subject: A Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at 515 E. Township Street (WC Parcel # 765-13391-000)

RECOMMENDATION

Staff recommends imposing a lien against real property for the amount of \$4,398.50, plus a 10% penalty for collection.

BACKGROUND

On August 6, 2013, the City Council of the City of Fayetteville passed Resolution No. 175-13. The resolution ordered the razing and removal of a dilapidated and unsafe structure owned by Marshall Aaron Mahan at 515 E. Township Street, Fayetteville, AR.

On August 21, 2013, the property was posted with a letter stating Resolution 175-13 was passed. The letter also stated that our office would begin the Raze and Removal process on September 16, 2013. On October 25, 2013, the raze and removal process was completed.

On November 7, 2013, the property owners were notified of the Public Hearing to consider this resolution.

DISCUSSION

The total costs incurred include the bid awarded to raze and remove in the amount of \$4,200.00 and administrative/filing costs in the amount of \$198.45.

BUDGET IMPACT

If passed, a lien will be placed on the parcel for the incurred costs, plus a 10% penalty for collection. Once paid, the monies will return to the General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY, ARKANSAS THE COSTS OF RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY MARSHALL AARON MAHAN LOCATED AT 515 E. TOWNSHIP STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, pursuant to the provisions of §§ 95.03 and 173.08 of the Code of Fayetteville, as authorized by Arkansas Code § 14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 515 E. Township Street (Washington County Parcel No. 765-13391-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and

WHEREAS, Marshall Aaron Mahan, record owner of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and

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

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

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

Section 1. That, by the authority granted pursuant to Arkansas Code §§ 14-56-203 & 14-54-901 *et seq.*, and in accordance with the provision of § 173.08 of the Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas hereby determines the appropriate amount of the lien against the property located at 515 E. Township Street (Washington County Parcel No. 765-13391-000) to be \$4,398.50.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby certifies this amount to the Tax Collector of Washington County, Arkansas so that this amount, plus ten percent (10%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 515 E. Township Street (Washington County Parcel No. 765-13391-000).

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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





www.accessfayetteville.org

November 7, 2013

Marshall Aaron Mahan
517 E. Township St.
Fayetteville, AR 72703

RE: Resolution No. 175-13
Enforcement of Fayetteville Code 173.09, and 95.03
Arkansas Code Ann. 14-56-203 , 14-54-901

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. § 14-56-203, § 14-54-901, et seq. and § 173.09 and § 95.03 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a Public Hearing to consider a Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at **515 E. Township Street (Parcel #765-13391-000)**. The amount of the asserted lien is \$4,398.45, plus a 10% penalty for collection.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on December 17, 2013 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

RESOLUTION NO. 175-13

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MARSHALL AARON MAHAN LOCATED AT 515 E. TOWNSHIP STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, Marshall Aaron Mahan is the record owner of the real-property situated at 515 E. Township Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-13391-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, the property owner, having been properly served with a Violation Notice by personal hand-delivery, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Marshall Aaron Mahan is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

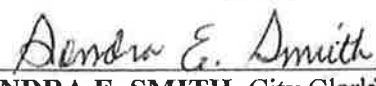
Section 2: That, if Marshall Aaron Mahan does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 6th day of August, 2013.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Parcel: 765-13391-000
Prev. Parcel: 146555-000-00
As of: 11/4/2013

Washington County Report

D. 4
ID: 48685
Razing and Removal Costs
for 515 E. Township Street
Page 8 of 12

Property Owner

Name: MAHAN, AARON

Property Information

Physical Address: 515 E TOWNSHIP ST

Mailing Address: PO BOX 361
FARMINGTON, AR 72730

Subdivision: 3-16-30 FAYETTEVILLE OUTLOTS

Block / Lot:

Type: (RI) - Res. Improv.

S-T-R: 03-16-30

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Size (in Acres): 0.000

Millage Rate: 53.75

Extended Legal: PT E/2 FRL NW .53 A. FURTHER DESCRIBED FROM 2007-42032 AS: A Part of the East half of the fractional Northwest quarter of Section three (3) in Township sixteen (16) North of Range thirty (30) West, being more particularly described as follows: Beginning at a point on the North line of the said East half of the fractional Northwest quarter of said Section three (3) which is four hundred eighty one and one half (481 1/2) feet East of the East line of U.S. Highway No. 71, which point on said highway is eight (8) links East of the North West corner of said East half of the Fractional Northwest quarter of Section three (3), and running, thence East Seventy two (72) feet, thence South three hundred twenty one and one-tenth (321.1) feet; thence West seventy two (72) feet; thence North three hundred twenty one and one-tenth (321.1) feet to the place of beginning, containing fifty three hundredths (.53) of an acre, more or less.

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$35,000	\$7,000	\$7,000
Building:	\$6,700	\$1,340	\$1,340
Total:	\$41,700	\$8,340	\$8,340

Homestead Credit: \$0.00

Status: (N) - No Adj

Note: Tax amounts are estimates only. Contact the county tax collector for exact amounts.

Land:

Land Use	Size	Units
.53 AC	1.000	House Lot

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-13391-000
 Prev. Parcel: 146555-000-00
 As of: 11/4/2013

Washington County Report

D. 4
 ID: 48685
 Razing and Removal Costs
 for 515 E. Township Street
 Page 9 of 12

Tax History:

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	Net Total Tax	Total Tax Paid	Amount Due
2012	\$13,710	\$736.91	\$0.00	\$0.00	\$0.00	\$350.00	\$386.91	\$386.91	\$0.00
2011	\$13,710	\$736.91	\$0.00	\$0.00	\$0.00	\$350.00	\$386.91	\$386.91	\$0.00
2010	\$13,710	\$743.77	\$0.00	\$0.00	\$0.00	\$350.00	\$393.77	\$393.77	\$0.00
2009	\$16,320	\$840.48	\$0.00	\$0.00	\$0.00	\$350.00	\$490.48	\$490.48	\$0.00
2008	\$16,320	\$840.48	\$0.00	\$0.00	\$0.00	\$350.00	\$490.48	\$490.48	\$0.00
2007	\$12,789	\$659.91	\$0.00	\$0.00	\$0.00	\$350.00	\$309.91	\$309.91	\$0.00

Available Tax Payment Receipt(s):

Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty	Payment
2012	77765	10/15/2013	\$386.91	\$0.00	\$0.00	\$0.00	\$0.00	\$386.91
2011	1145311	10/15/2013	\$386.91	\$0.00	\$0.00	\$0.00	\$81.38	\$468.29
2010	1119905	10/2/2012	\$393.77	\$0.00	\$0.00	\$0.00	\$81.46	\$475.23
2009	1097467	11/9/2011	\$490.48	\$0.00	\$0.00	\$0.00	\$106.13	\$596.61
2008	1054519	1/13/2010	\$490.48	\$0.00	\$0.00	\$0.00	\$65.82	\$556.30
2007	1035032	2/27/2009	\$309.91	\$0.00	\$0.00	\$0.00	\$46.88	\$356.79

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
11/7/2007	2007	42032	FidDeed			MAHAN, AARON		
1/1/1985	920	83		0.00	\$0	WAITS, BOBBY		

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Frame Siding Std.	1295	0	1295	5	1950	60	Poor	N/A

Exterior Wall: STANDARD
Foundation: Slab
Floor Struct: ElevSlab
Floor Cover: Carpet & Tile
Insulation: N/A
Roof Cover: Asphalt Shingle
Roof Type: Gable

Plumbing: Full: 1
Fireplace: Type: 1s Sgl.
Heat / Cool: F/W/Furn
Basement: N/A
Basement Area: N/A
Year Remodeled: N/A
Style: N/A

Not a Legal Document.

Subject to terms and conditions.

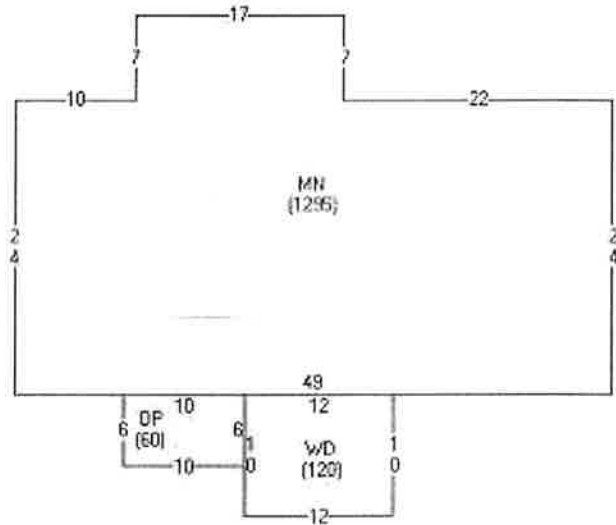
www.actDataScout.com

Parcel: 765-13391-000
Prev. Parcel: 146555-000-00
As of: 11/4/2013

Washington County Report

ID: 48685 D. 4
Razing and Removal Costs
for 515 E. Township Street
Page 10 of 12

DataScout, LLC



Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1295
B	OP	Porch, open	60
C	WD	Wood deck	120

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Gravel Driveway					

Other Adjustments:

Code	Type	Quantity
WC		196

Not a Legal Document.
Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-13391-000
Prev. Parcel: 146555-000-00
As of: 11/4/2013

Washington County Report

D. 4
ID: 48685
Razing and Removal Costs
for 515 E. Township Street
Page 11 of 12

Map:



Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com

City of Fayetteville Item Review Form

2013-0185

Legistar File Number

12/17/13

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Yolanda Fields

Submitted By

Development Services

Department

Action Required:

A Resolution certifying to the Tax Collector of Washington County, Arkansas the costs of Razing and Removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the city of Fayetteville, Arkansas.

Does this item have a cost?

No

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution #

Original Contract Number:

Comments:

Staff recommends approval of the Resolution.

11-27-13 10:27 RCVD

dm



Paul A. Beck 11-27-13
Paul A. Beck 11-27-2013
Don. Mann 11-27-13
Franklin Jordan 12/2/13

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Department Director 

From: Yolanda Fields, Community Services Director

Date: November 8, 2013

Subject: A Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at 1717 S. Stirman Avenue (WC Parcel # 765-09658-000)

RECOMMENDATION

Staff recommends imposing a lien against real property for the amount of \$4,757.90, plus a 10% penalty for collection.

BACKGROUND

On May 7, 2013, the City Council of the City of Fayetteville passed Resolution No. 101-13. The resolution ordered the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery at 1717 S. Stirman Avenue, Fayetteville, AR.

On August 16, 2013, the property was posted with a letter stating Resolution 101-13 was passed. The letter also stated that our office would begin the Raze and Removal process on August 21, 2013. On August 28, 2013, the raze and removal process was completed.

On November 7, 2013, the property owners were notified of the Public Hearing to consider this resolution.

DISCUSSION

The total costs incurred include the bid awarded to raze and remove in the amount of \$4,550.00 and administrative/filing costs in the amount of \$207.90.

BUDGET IMPACT

If passed, a lien will be placed on the parcel for the incurred costs, plus a 10% penalty for collection. Once paid, the monies will return to the General Fund.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY, ARKANSAS THE COSTS OF RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE UPON THE PROPERTY OWNED BY MARY LOU GUTHERY LOCATED AT 1717 S. STIRMAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, pursuant to the provisions of §§ 95.03 and 173.08 of the Code of Fayetteville, as authorized by Arkansas Code § 14-56-203, the City Council of the City of Fayetteville directed the owners of the property located at 1717 S. Stirman Avenue (Washington County Parcel No. 765-09658-000) to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property; and

WHEREAS, Mary Lou Guthery, record owner of the property, failed to raze and remove the dilapidated, unsightly, and unsafe structure on their property; and

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

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

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

Section 1. That, by the authority granted pursuant to Arkansas Code §§ 14-56-203 & 14-54-901 *et seq.*, and in accordance with the provision of § 173.08 of the Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas hereby determines the appropriate amount of the lien against the property located at 1717 S. Stirman Avenue (Washington County Parcel No. 765-09658-000) to be \$4,757.90.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby certifies this amount to the Tax Collector of Washington County, Arkansas so that this amount, plus ten percent (10%) penalty for collection, be placed on the tax books as delinquent taxes against the property located at 1717 S. Stirman Avenue (Washington County Parcel No. 765-09658-000).

PASSED and APPROVED this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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





www.accessfayetteville.org

D. 5
Razing and Removal Costs
THE CITY OF FAYETTEVILLE, ARKANSAS
1017 S. Stirman Avenue
COMMUNITY SERVICES DIVISION
125 West Mountain
Fayetteville, AR 72701
Phone (479) 575-8260

November 7, 2013

Mary Lou Guthery
1717 S. Stirman Ave.
Fayetteville, AR 72701

RE: Resolution No. 101-13
Enforcement of Fayetteville Code 173.09, and 95.03
Arkansas Code Ann. 14-56-203 , 14-54-901

NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. § 14-56-203, § 14-54-901, et seq. and § 173.09 and § 95.03 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a Public Hearing to consider a Resolution certifying to the Tax Collector of Washington County the costs of the Razing and Removal of a dilapidated and unsafe structure located at **1717 S. Stirman Avenue (Parcel #765-09658-000)**. The amount of the asserted lien is \$4,757.90, plus a 10% penalty for collection.

You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 575-8260.

The hearing will be part of a regular City Council meeting on December 17, 2013 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (479-575-8323) for information confirming the date of the public hearing.

Sincerely,

Chad Ball
Code Compliance Administrator

Cc: file

RESOLUTION NO. 101-13

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY MARY LOU GUTHERY LOCATED AT 1717 S. STIRMAN AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND APPROVING A BUDGET ADJUSTMENT

WHEREAS, Mary Lou Guthery is the record owner of the real property situated at 1717 S. Stirman Avenue, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

WC Parcel Number 765-09658-000; and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Mary Lou Guthery, having been properly served with a Violation Notice via Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Mary Lou Guthery is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2: That, if Mary Lou Guthery does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A".

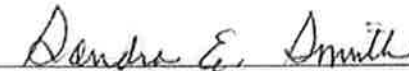
Page 2
Resolution No. 101-13

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

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



Parcel: 765-09658-000
Prev. Parcel: 143029-000-00
As of: 11/4/2013

Washington County Report

D. 5
ID: 44449
Raising and Removal Costs
for 1717 S. Stirman Avenue
Page 9 of 12

Property Owner

Name: GUTHERY, MARY LOU

Property Information

Physical Address: 1717 S STIRMAN AVE

Mailing Address: 1717 STIRMAN
FAYETTEVILLE, AR 72701

Subdivision: PARKSDALE ADD

Block / Lot: 010 / 007

Type: (RI) - Res. Improv.

S-T-R: 21-16-30

Tax Dist: (011) - FAYETTEVILLE SCH, FAY

Size (in Acres): 0.000

Millage Rate: 53.75

Extended Legal: LOTS 7-8 BLOCK 10

Market and Assessed Values:

	Estimated Market Value:	Full Assessed (20% Market Value):	Taxable Value:
Land:	\$15,000	\$3,000	\$3,000
Building:	\$45,200	\$9,040	\$4,737
Total:	\$60,200	\$12,040	\$7,737

Homestead Credit: \$0.00

Status: (N) - No Adj

Note: Tax amounts are estimates only. Contact the county
tax collector for exact amounts.

Land:

Land Use	Size	Units
	1.000	House Lot

Tax History:

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	Net Total Tax	Total Tax Paid	Amount Due
2012	\$7,269	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$390.71	\$0.00	\$0.00
2011	\$6,801	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$365.55	\$0.00	\$0.00
2010	\$6,333	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$343.57	\$0.00	\$0.00
2009	\$4,675	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$240.76	\$0.00	\$0.00
2008	\$4,250	\$0.00	\$0.00	\$0.00	\$0.00	\$218.88	\$0.00	\$0.00	\$0.00
2007	\$4,250	\$0.00	\$0.00	\$0.00	\$0.00	\$219.30	\$0.00	\$0.00	\$0.00

Available Tax Payment Receipt(s):

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-09658-000
 Prev. Parcel: 143029-000-00
 As of: 11/4/2013

Washington County Report

D. 5
 ID: 44449
 Razing and Removal Costs
 for 1717 S. Stirman Avenue
 Page 10 of 12

Deed Transfers:

Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
5/23/1988	1271	757		0.00	\$0	GUTHERY, JOE & MARY LOU		
5/23/1988	1271	757	Warr. Deed			GUTHERY, MARY LOU (SURVIVOR)		
10/13/1972	841	140	Warr. Deed	3.30	\$3,000	GUTHERY, JOE & MARY LOU	Valid	

Details for Residential Card 1:

Occupancy	Story	Finish	1st Liv Area	Other Liv Area	Total Liv Area	Grade	Year Built	Age	Condition	Beds
Single Family	ONE	Frame Siding Std.	1680	0	1680	5	1966	44	Average	N/A

Exterior Wall: SNGL.SIDNG

Plumbing: Full: 1

Foundation: Closed Piers

Fireplace: N/A

Floor Struct: Wood with subfloor

Heat / Cool: None

Floor Cover: Softwood

Basement: N/A

Insulation: N/A

Basement Area: N/A

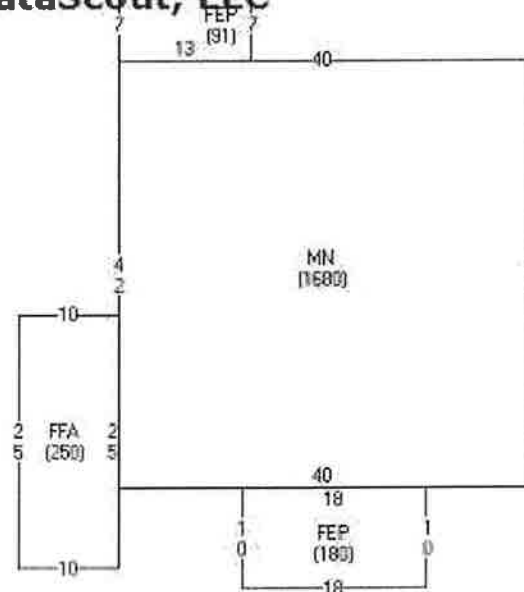
Roof Cover: Asphalt Shingle

Year Remodeled: N/A

Roof Type: Gable

Style: N/A

DataScout, LLC



Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Parcel: 765-09658-000
Prev. Parcel: 143029-000-00
As of: 11/4/2013

Washington County Report

D. 5
ID: 44449
Razing and Removal Costs
for 1717 S. Stirman Avenue
Page 11 of 12

Base Structure:

Item	Label	Description	Area
A	MN	Main Living Area	1680
B	FEP	Frame enclosed porch	180
C	FEP	Frame enclosed porch	91
D	FFA	Garage - frame finished, attac	250

Outbuildings and Yard Improvements:

Item	Type	Size/Dim	Unit Multi.	Quality	Age
Outbuilding, frame		9x12			
Outbuilding, frame		12x18			
Driveway, concrete		10x57			
Driveway, concrete		10x45			

Map:



Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

AGENDA REQUEST

FOR: COUNCIL MEETING OF December 17, 2013

FROM:

**ALDERMAN MATTHEW PETTY
ALDERMAN MARK KINION**

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO DEVELOP A REQUEST FOR QUALIFICATIONS OR PROPOSALS FOR THE PLANNING OF A 10-YEAR EXPANSION OF SOLID WASTE SERVICES TO ATTAIN A DIVERSION RATE OF 80% AND TO DELAY THE SCHEDULED RATE STUDY OF SOLID WASTE SERVICES UNTIL ITS COMPLETION AND ADOPTION OR REJECTION

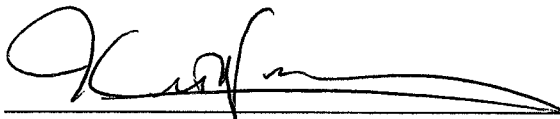
APPROVED FOR AGENDA:

Alderman Matthew Petty

Date

Alderman Mark Kinion

Date



City Attorney Kit Williams
(as to form)

Dec 5, 2013

Date

RESOLUTION NO. _____

A RESOLUTION TO DEVELOP A REQUEST FOR QUALIFICATIONS OR PROPOSALS FOR THE PLANNING OF A 10-YEAR EXPANSION OF SOLID WASTE SERVICES TO ATTAIN A DIVERSION RATE OF 80% AND TO DELAY THE SCHEDULED RATE STUDY OF SOLID WASTE SERVICES UNTIL ITS COMPLETION AND ADOPTION OR REJECTION

WHEREAS, the City of Fayetteville has adequate reserves in the Solid Waste Fund to plan for an expansion of Solid Waste services and to fund a substantial portion of any expansion without negatively impacting current service levels; and

WHEREAS, the City of Fayetteville residents have shown support for an expansion of recycling services to multifamily and commercial properties; and

WHEREAS, other cities have shown that a compostables program can be operated so that it is at least revenue-neutral, if not revenue-positive; and

WHEREAS, an internal report concluded that an increase in recyclables volume would result in an increase in revenue for the city and a reduction in hauling fees; and

WHEREAS, the purity of recyclable commodity products is paramount to ensure high value on commodity markets; and

WHEREAS, any significant expansion of services taking place after the currently scheduled rate study will necessitate a second rate study.

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 sets a goal to achieve an 80% diversion rate of solid waste generated by residents and businesses within the City to be attained by January 1, 2025; and

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby delays the scheduled solid waste rate study until the conclusion of the above plan and its adoption or rejection by the Council and furthermore encumbers the associated funds in order to maintain their availability for a rate study at that time; and

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby asks the administration to advertise a Request for Qualifications or Proposals to develop a 10-year, phased expansion of solid waste services to meet said goal, to be funded from the Solid Waste Fund reserves and to include, but not be limited to, modifications to the existing solid waste ordinance and feasibility analyses of

1. a comprehensive waste reduction education program; and

2. a dual-stream, curb-sort model for single-family and multi-family residential recycling; and
3. a container deposit program for glass containers; and
4. a compostables pick up program with emphasis on commercial customers; and
5. the resale and/or donation of reusable items collected through bulky waste dropoffs; and
6. a city- or sole-source-operated facility for construction and demolition waste recycling.

PASSED and **APPROVED** this 17th day of December, 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Smith, Sondra

From: matt@matthewpetty.org on behalf of Matthew Petty - Fayetteville Ward 2
<citycouncil@matthewpetty.org>
Sent: Wednesday, December 04, 2013 2:33 PM
To: Smith, Sondra
Cc: Mark Kinion; Marr, Don
Subject: Solid Waste resolution for next agenda
Attachments: SolidWasteExpansion.docx

Hi Sondra,

Would you please include this in the next agenda?

Would you also leave an extra space on the agenda request form? Alderman Kinion is just seeing this, but he's considering cosponsoring it so I want to make sure he has the opportunity to sign it after he's seen it.

Thanks,
M

A RESOLUTION TO DEVELOP A REQUEST FOR
QUALIFICATIONS OR PROPOSALS FOR THE
PLANNING OF A 10-YEAR EXPANSION OF
SOLID WASTE SERVICES TO ATTAIN A
DIVERSION RATE OF 80% AND TO DELAY THE
SCHEDULED RATE STUDY OF SOLID WASTE
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WHEREAS, an internal report concluded that an increase in recyclables volume would result in an increase in revenue for the city and a reduction in hauling fees; and

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CITY COUNCIL OF THE CITY OF
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Section 2: the City Council of the City of Fayetteville hereby delays the scheduled solid waste rate study until the conclusion of the above plan and its adoption or rejection by the Council and furthermore encumbers the associated funds in order to maintain their availability for a rate study at that time; and

Section 3: the City Council of the City of Fayetteville hereby asks the administration to advertise a Request for Qualifications or Proposals to develop a 10-year, phased expansion of solid waste services to meet said goal, to be funded from the Solid Waste Fund reserves and to include, but not be limited to, modifications to the existing solid waste ordinance and feasibility analyses of

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5. the resale and/or donation of reusable items collected through bulky waste dropoffs; and
6. a city- or sole-source-operated facility for construction and demolition waste recycling.

Nominating Committee Report

Tuesday, December 10, 2013 and Wednesday, December 11, 2013

Members Present – Adella Gray, Rhonda Adams, Mark Kinion and Justin Tennant

The Nominating Committee recommends the following candidates for appointment:

ACTIVE TRANSPORTATION ADVISORY COMMITTEE

- Johnnie Chamberlin - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Mike Gibbs - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Jared Hintegardt - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Brian Kelly - One Community/Citizen-at-Large Terms Ending 12/31/15
- Clint Thomas - One Community/Citizen-at-Large Terms Ending 12/31/15

AIRPORT BOARD

- Joshua Mahony - One Pilot Term Ending 12/31/18
- Darryl S. Riddell - One Business Term Ending 12/31/18

AUDIT COMMITTEE

- L. Wayne Britt - One Citizen-at-Large Term Ending 12/31/16

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

- Marilyn Shoffit - One Citizen-at-Large Unexpired Term Ending 03/31/14
- No application received - One Citizen-at-Large Unexpired Alternate Member Term Ending 03/31/14

ENERGY IMPROVEMENT DISTRICT NO. 1

- Don Bennett - One Unexpired Electors of the District Terms Ending TBD
- Stanley D. Green- One Unexpired Electors of the District Terms Ending TBD
- Jim Halsell - One Unexpired Electors of the District Terms Ending TBD
- Michael Phipps - One Electors of the District Terms Ending TBD
- Corey Runnells - One Electors of the District Terms Ending TBD
- Julie Trivitt - One Electors of the District Terms Ending TBD

ENVIRONMENTAL ACTION COMMITTEE

- Robert Moore - One Citizen-at-Large Term Ending 12/31/16
- Angela Wisley - One Unexpired Citizen-at-Large Term Ending 12/31/14
- Joanna Pollock - One Unexpired Citizen-at-Large Term Ending 06/30/15
- Garnett Wise - One Unexpired Local Industry Term Ending 12/31/15

PARKS AND RECREATION ADVISORY BOARD

- Wade Colwell - One Citizen-at-Large Terms Ending 12/31/16
- Terry Lawson - One Citizen-at-Large Terms Ending 12/31/16
- David Priest - One Citizen-at-Large Terms Ending 12/31/16

TELECOMMUNICATIONS BOARD

- Cami English - One Citizen-at-Large Unexpired Terms ending 06/30/17
- Wendell R. Huggins - One Citizen-at-Large Unexpired Terms ending 06/30/17
- Madalyn McCormack - One Citizen-at-Large Unexpired Terms ending 06/30/17

URBAN FORESTRY ADVISORY BOARD

- Sarah King - One Land Development Term Ending 12/31/15
- Dr. Donald Steinkraus - One University Representative Term Ending 12/31/15
- Amy Jones - One Unexpired Tree Service Community Term Ending 12/31/14
- Kathy Launder - One Community/Citizen-at-Large Term Ending 12/31/15

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
December 17, 2013**

A meeting of the Fayetteville City Council will be held on December 17, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. City Board of Health
3. ~~X~~ Nominating Committee Report
2. *Public Facilities Board*

Agenda Additions:

A. Consent:

1. Approval of the December 03, 2013 City Council meeting minutes.
2. **Police Department Policy:** A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.

3. **Cruse Uniform and Equipment, Inc.:** A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.
4. **Fayetteville Police Department Donation Revenue:** A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.
5. **Safeware:** A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.
6. **Bid #13-54 College Shoe Shop:** A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.
7. **General Construction Solutions, Inc. Change Order No. 3:** A resolution approving Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approving an additional project contingency in the amount of \$700.00, for the construction of improvements to Mount Sequoyah Gardens.
8. **CDBG Public Facility Lease Program:** A resolution approving an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.
9. **A&P Bond Special Election:** A resolution approving a budget adjustment in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P Bond Special Election.

B. Public Hearing:

3. **X VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** Public hearing on the petition of the University of Arkansas to vacate Brenda Drive, Court and Walton Street and alley.

C. Unfinished Business:

1. **VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas):** An ordinance to approve the University of Arkansas' petition to vacate Brenda Drive, Court Street, Walton Street and a thirty foot wide alley all within property owned by the University of Arkansas. *This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting. This was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.*

Left on the Second Reading

2. **Amend Chapter 178:** An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting.*

Left on the First Reading

3. **ADM 13-4450 (Pratt Place Inn):** An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the December 3, 2013 City Council meeting.*

Left on the Second Reading

D. New Business:

1. **Bid #13-56 APAC-Central, Inc.:** A resolution awarding Bid #13-56 and approving a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive, approving a ten percent (10%) project contingency, and approving a budget adjustment.
2. **VAC 13-4533 (2732 & 2734 Wildwood/Legacy):** An ordinance approving VAC 13-4533 submitted by Bates and Associates for property located at 2732 and 2734 Wildwood to vacate a utility and drainage easement.
3. **RZN 13-4538 (Razorback Road/Victory Commons):** An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

- Public Hearing #1
- ④ **4. Razing and Removal Costs for 515 E. Township Street:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.

- Public Hearing #2
- ⑤ **5. Razing and Removal Costs for 1717 S. Stirman Avenue:** A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas.

6. **Solid Waste Services:** A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

E. City Council Agenda Session Presentations:

- 1. Animal Services Presentation – Justine Lentz, Animal Services Superintendent**

F. City Council Tour:

G. Announcements:

Adjournment:

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Pre-Agenda Meeting 12/4/13

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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Ward 1 Position 2 – Sarah Marsh
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1. **Animal Services Presentation** – Justine Lentz, Animal Services Superintendent

Change title load
in
Ligato

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RECEIVED

DEC 05 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

JAMES N. McCORD
Attorney at Law
The Fulbright Building
217 E. DICKSON STREET
SUITE #102
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 442-1490
jimmccordlaw@gmail.com

December 5, 2012

Kit Williams
City Attorney
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Public Facilities Board Resolution Nominating Hugh Earnest
for Appointment by Mayor as Successor Member Subject
to Confirmation by City Council

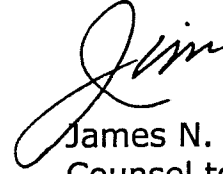
Dear Kit:

The term of Steve Clark on the Fayetteville Public Facilities Board (the "FPF") expires December 18, 2013. Ark. Code Ann. §14-137-108(a)(B)(i)(a) states that successor members shall be nominated by a majority of the board and appointed by the mayor subject to confirmation by the governing body of the municipality (for a term of 5 years). Enclosed is a Resolution passed by the PFB on December 4, 2013, nominating Hugh Earnest to Mayor Lioneld Jordan for appointment as a successor member subject to confirmation by the City Council. I will hand deliver the signed minutes of the PFB meeting when I receive them.

Please present the enclosed Resolution to Mayor Jordan. Assuming the Mayor appoints Hugh Earnest to the PFB, please have confirmation of the appointment placed on the next City Council agenda as an item for consideration by the Council.

Thank you for your assistance.

Sincerely,

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

James N. McCord
Counsel to Public
Facilities Board

pc: Hon Lioneld Jordan (via hand delivery)
Sondra Smith, City Clerk (via hand delivery)
PFB Members (via e-mail)
Hugh Earnest (via e-mail)

FAYETTEVILLE PUBLIC FACILITIES BOARD

A RESOLUTION TO NOMINATE HUGH EARNEST TO MAYOR LIONELD JORDAN FOR APPOINTMENT AS A SUCCESSOR MEMBER OF THE FAYETTEVILLE PUBLIC FACILITIES BOARD SUBJECT TO CONFIRMATION BY THE FAYETTEVILLE CITY COUNCIL

WHEREAS, the term of Steve Clark as a member of the Fayetteville Public Facilities Board will expire December 18, 2013; and,

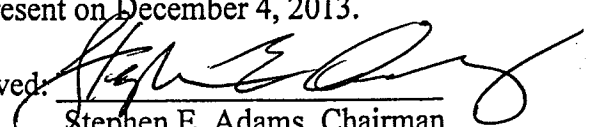
WHEREAS, the City of Fayetteville has advertised for applicants to serve on the Public Facilities Board, and Hugh Earnest filed the only application; and,

WHEREAS, the Fayetteville Public Facilities Board has determined that Hugh Earnest should be nominated as a successor member of the Board.

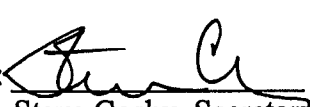
NOW, THEREFORE, BE IT RESOLVED by the Fayetteville Public Facilities Board:

Section 1. That Hugh Earnest is hereby nominated to Mayor Lioneld Jordan for appointment as a successor member of the Fayetteville Public Facilities Board subject to confirmation by the Fayetteville City Council.

PASSED by majority vote with a quorum present on December 4, 2013.

Approved: 

Stephen E. Adams, Chairman

Attest: 

Steve Cosby, Secretary

Stephen

RECEIVED

DEC 19 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FAYETTEVILLE PUBLIC FACILITIES BOARD

OATH OF OFFICE

I, Hugh Earnest, hereby swear to support the Constitution of the United States and the Constitution of the State of Arkansas and to discharge faithfully my duties as a member of the Fayetteville Public Facilities Board in the manner provided by law.



Hugh Earnest

State of Arkansas)
)ss.
County of Washington)

Subscribed and sworn to before me, a Notary Public, this 18 day of December, 2013.



Notary Public

My Commission Expires:

Aug 2 2016

(SEAL)

TANDI L. TAYLOR
Washington County
Notary Public - Arkansas
My Commisison Expires: Aug. 2, 2016

December 11, 2013

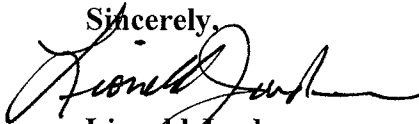
Fayetteville City Council & Nominating Committee Members

Pursuant to City Code of the City Board of Health where it states *"Vacancies on the Board shall be filled by appointment from the Mayor with the approval of the City Council"* I am making the following appointments for consideration of approval by the City Council:

Shana Kasperek - - City Board of Health (Citizen at-large position)

Thank you for your consideration of final approval for this appointment.

Sincerely,



Lioneld Jordan
Mayor